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NEW ORLEANS MUNICIPAL COURT
" MANAGEMENT AUDIT
FINAL REPORT

NCRO-056

≈ 1982

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EXHIBITS

- 1 "Forms Design" Report: February, 1979
- 2 Sample Form: Summons/Return of Service
- 3 Criminal Case Control Record
- 4 Computer Output Microfilm (COM)
- 5 Table of Contents, Manual for Clerks, Maine District Courts
- 6 Color Coded File Folder
- 7 See-Through Case Jacket
- 8 Color Coded Out Folder
- 9 "Records Retention" Report: August, 1979
- 10 "Pegboard Accounting" Report: March, 1980

RECOMMENDATIONS SUMMARY

1.12 CASEFLOW MANAGEMENT

- 1.121 ESTABLISH A SEPARATE ARRAIGNMENT COURT STAFFED EITHER BY (A) EACH OF THE FOUR MUNICIPAL JUDGES SERVING IN ROTATION; OR (B) A FULL TIME MAGISTRATE ON AN EXPERIMENTAL BASIS. (p. 9)
- 1.122 THE COURT SHOULD HEAR SET CASES IN TWO CONCURRENT SESSIONS FROM 9:00 A.M. TO NOON AND FROM 2:00 P.M. TO 5:00 P.M. DAILY. (p. 9)
- 1.123 ALL SET CASES SHOULD BE ASSIGNED EQUALLY AND AT RANDOM AMONG ALL JUDGES OF THE COURT, RATHER THAN BY DIVISION. (p. 10)
- 1.124 THE COURT SHOULD CONDUCT A COST BENEFIT ANALYSIS OF ANY AND ALL CASEFLOW MANAGEMENT CHANGES ADOPTED. (pp. 10-11)

1.22 MANAGEMENT INFORMATION

- 1.221 CONDUCT A COMPLETE INVENTORY OF THE COURT'S CURRENT DOCKET TO REMOVE INACTIVE CASES AND TO DETERMINE ACTUAL NUMBER OF PENDING CASES. (p. 15)
- 1.222 UNIFORM DEFINITIONS SHOULD BE ESTABLISHED FOR FILINGS, DISPOSITIONS AND PENDING CASES. (p. 15)
- 1.223 THE COURT SHOULD ESTABLISH A CASE MANAGEMENT INFORMATION SYSTEM IN WHICH ALL ESSENTIAL DATA ARE COLLECTED ON A SINGLE RECORD FOR EVERY CASE. (p. 15)
- 1.224 DATA COLLECTED FOR ARRAIGNED CASES SHOULD INCLUDE: DEFENDANT NAME; NUMBER AND TYPES OF CHARGES; COMPLAINT TYPE; COMPLAINING AGENCY; CASE NUMBER; DATE OF OFFENSE; DATE OF FIRST SCHEDULED APPEARANCE; BOND DATA; AND DISPOSITION DATA. FOR ALL SET CASES, ADDITIONAL DATA TO BE COLLECTED SHOULD INCLUDE: NEXT ACTION DATE; CONTINUANCES; JUDGE ASSIGNED; DISPOSITION TYPE BY CHARGE; AND SENTENCE. (pp. 15-17)

- 1.225 MANAGEMENT REPORTS GENERATED BY THE SYSTEM SHOULD INCLUDE: FILINGS, DISPOSITIONS, PENDING, CASE AGING, BACKLOG ANALYSIS, MEDIAN DISPOSITION AGE, NO FUTURE ACTION DATE SET, DISPOSITION BY EVENT, SPEEDY TRIAL CASE EXCEPTION REPORT, AND CONTINUANCES. REPORTS SHOULD BE PREPARED BY JUDGE AND FOR THE COURT AS A WHOLE, AND SHOULD INCLUDE COMPARATIVE STATISTICS TO PREVIOUS MONTH AND TO SAME MONTH PREVIOUS YEAR.
(pp. 17-18)

1.32 JUDICIAL RESOURCES

- 1.321 BUDGET FOR AND MONITOR AD HOC JUDGE EXPENDITURES;
- 1.322 REQUIRE CITY ATTORNEY TO SCREEN ALL SET CASES IMMEDIATELY FOLLOWING ARRAIGNMENT;
- 1.323 SET ALL CASES FOR A DATE CERTAIN. USING AN OVERSET RATE OF 3:1; AND
- 1.324 MONITOR ALL CONTINUANCES GRANTED IN ANY MATTER AND THE REASONS THEREFOR. (p. 24)

2.0 JURISDICTIONAL ISSUES

- 2.10 REQUIRE THAT ALL OFFICE CASES BE INITIALLY SCREENED BY THE CITY ATTORNEY BEFORE AN AFFIDAVIT IS PERMITTED TO BE FILED. (p. 26)
- 2.20 ELIMINATE THE COURT'S CONCURRENT JURISDICTION WITH THE DISTRICT COURT OVER STATE MISDEMEANORS (IN THE ALTERNATIVE, REQUIRE THAT THE DISTRICT ATTORNEY PROVIDE ADEQUATE PERSONNEL TO PROSECUTE ANY AND ALL STATE CASES FILED IN THE MUNICIPAL COURT.)
(pp. 27-28)

3.10 PRESIDING JUDGE RULE

- 3.12 THE COURT SHOULD ESTABLISH A PRESIDING JUDGE RULE VESTING AUTHORITY IN THE PRESIDING JUDGE FOR OVERALL MANAGEMENT, ADMINISTRATION AND SUPERVISION OF THE RESOURCES AND PROCESSES OF THE MUNICIPAL COURT.
(pp. 30-31)
- 3.13 THE COURT SHOULD ESTABLISH THE POSITION OF COURT ADMINISTRATOR TO ASSIST THE PRESIDING JUDGE IN MANAGING THE ADMINISTRATIVE AFFAIRS OF THE COURT.
(p. 31)

4.12 RECORDS MANAGEMENT

- 4.121 STANDARD FORMS DESIGN TECHNIQUES SHOULD BE ADOPTED FOR ALL FORMS USED WITHIN THE COURT. MANY FORMS CURRENTLY USED IN THE COURT, WHILE CONTAINING THE NECESSARY INFORMATION, ARE DIFFICULT TO COMPLETE. ALL FORMS PRESENTLY BEING USED SHOULD BE REVIEWED AS PART OF A COMPREHENSIVE PAPERFLOW ANALYSIS. (p. 34)
- 4.122 ALL COURT CASE FILE RECORDS SHOULD BE PREPARED ON LETTER SIZE (8 1/2 x 11) PAPER, OR OTHER STANDARD SIZED SMALLER THAN LETTER SIZE (SUCH AS 8 1/2 x 5 1/2 OR 8 1/2 x 7). (p. 35)
- 4.123 A FORMS MANAGEMENT SYSTEM SHOULD BE DEVELOPED FOR THE PROPER MANAGEMENT OF FORMS INVENTORY, ORDERING AND PRINTING. (p. 35)
- 4.124 THE USE OF BOUND AND POST-BOUND BOOKS FOR COURT RECORDKEEPING SHOULD BE ELIMINATED. (p. 35)
- 4.125 MULTI-PART CASE ACTION SUMMARY FORMS SHOULD BE DEVELOPED AND IMPLEMENTED FOR RECORDING AND MAINTAINING CASE RELATED INFORMATION FOR CONTESTED CASES. AT THE TIME THE CASE ACTION SUMMARY IS PREPARED, ATTACHED INDEX AND CALENDAR CARDS CAN BE CREATED SIMULTANEOUSLY. (p. 36)
- 4.126 A DEFENDANT INDEX CARD SHOULD BE CREATED AS A PART OF THE CASE ACTION SUMMARY FORM (SEE EXHIBIT 3). THE INDEX CARD WHICH IS CREATED SIMULTANEOUSLY WITH THE CASE ACTION SUMMARY FORMS SHOULD BE A STANDARD SIZE, 3" x 5" or 4" x 6". THE INDEX CARDS SHOULD BE FILED IN TRUE ALPHABETICAL ORDER BY THE DEFENDANT'S SURNAME. IN THE FUTURE, THE INDEX INFORMATION COULD BE KEYED INTO A COMPUTER FOR THE PRODUCTION OF A CONSOLIDATED INDEX TO BE PRINTED ON PAPER VIA COMPUTER OUTPUT MICROFICHE (COM). EXHIBIT 4 EXPLAINS COM (SEE ALSO RECOMMENDATION 8). (p. 37)
- 4.127 A CASE NUMBERING SYSTEM SHOULD BE DEvised WHICH IS EASY TO USE AND ALSO PROVIDES RELEVANT CASE INFORMATION TO THE COURT. (p. 37)
- 4.128 A CUMULATIVE INDEX OF ALL CASES SHOULD BE DEVELOPED TO MEET THE COURT'S LONG TERM INFORMATION STORAGE AND RETRIEVAL REQUIREMENTS. THIS CUMULATIVE INDEX SHOULD BE IN TRUE ALPHABETICAL ORDER AND COULD BE PREPARED THROUGH THE COMPUTER AND PRODUCED ON COMPUTER OUTPUT MICROFILM (COM) BY A SERVICE BUREAU. (p. 39)
- 4.129 A PROCEDURES MANUAL SHOULD BE CREATED TO DOCUMENT THE CASE PROCESSING SYSTEM. (p. 40)

- 4.130 LABOR AND TIME CURRENTLY SPENT IN REPETITIVE PROCESSING PROCEDURES SHOULD BE ELIMINATED. EFFICIENT RECORDKEEPING PROCEDURES SHOULD BE ESTABLISHED WHICH ENSURE PRESERVATION OF VALUABLE INFORMATION WITHOUT DUPLICATION. (p. 41)
- 4.131 THE CURRENT FILING SYSTEM SHOULD BE REVIEWED CAREFULLY TO IDENTIFY MORE EFFICIENT AND COST EFFECTIVE ALTERNATIVES. (p. 42)
- 4.132 THE USE OF OUT-CARDS OR OUT-FOLDERS SHOULD BE ENFORCED TO MAINTAIN CONTROL AND SECURITY OVER COURT CASE FILES. (p. 43)
- 4.133 RECORDS RETENTION AND DISPOSITION SCHEDULES AUTHORIZED BY STATUTE SHOULD BE ADHERED TO BY THE NEW ORLEANS MUNICIPAL COURT. (p. 43)
- 4.134 CAREFULLY CONSIDER THE COST OF POTENTIAL BENEFITS OF THE PROPOSED MICROFILM PROGRAM. (p. 44)
- 4.135 CONTINUE DISPOSITION OF OLD EVIDENCE AND EXHIBITS WHICH HAVE ALREADY BEEN INVENTORIED AND CONTINUE TO KEEP THE VAULT CONTAINING EVIDENCE FOR ACTIVE CASES WELL ORGANIZED. (p. 44)
- 4.136 DEVELOP A "ONE-WRITE" OR PEGBOARD ACCOUNTING SYSTEM. (p. 45)

5.12 JUDICIAL FUND

- 5.121 ESTABLISH SPECIFIC GUIDELINES FOR JUDICIAL FUND EXPENDITURES.
- 5.122 PREPARE AN ANNUAL BUDGET FOR JUDICIAL FUND EXPENDITURES AND MONITOR EXPENDITURES AGAINST SUCH BUDGET TARGETS.
- 5.123 ESTABLISH SPECIFIC RECORDKEEPING REQUIREMENTS FOR ALL PERSONS AUTHORIZED TO REQUEST APPROPRIATIONS FROM THE FUND AND REQUIRE MAINTENANCE OF SUCH RECORDS TO ENSURE FUND INTEGRITY.
- 5.124 INITIATE, COOPERATE IN, AND DISSEMINATE PUBLICLY THE RESULTS OF PERIODIC AND/OR ANNUAL AUDITS OF SUCH FUND.
(pp. 47-48)

NEW ORLEANS MUNICIPAL COURT

MANAGEMENT AUDIT

FINAL REPORT

Introduction/Methodology

At the request of the New Orleans Municipal Court, staff of the National Center for State Courts conducted an on-site management audit of court operations in November, 1980. The primary purposes of the study were to review overall caseflow management practices; to identify potential management problems; and to recommend solutions to the court to assist it in improving its overall management system.

Center staff interviewed the four judges, clerk's staff, city attorney, probate and supreme court staff; documented operating procedures; reviewed existing system documentation, including the November 1979 report of the Mayor's Council on Criminal Justice, Analysis of the Structure and Operation of the New Orleans Municipal Court; collected all rules, statutes and ordinances relating to the operation of the court; and assembled copies of all caseload and financial statistical reports and audits, as well as internal administrative manuals, organization charts and forms.

Following this on-site review, Center staff collected daily judicial workload data for the months of December, 1980 and February, 1981 for two of the four judges. During the first half of 1981, however, data analysis was deferred pending approval of the study contract.

In June, 1981, following approval of the contract, analysis of judge reported data and data collected on site was undertaken. It became immediately apparent that additional on-site analysis would be required to accurately assess operational requirements, particularly in the clerk's office. Thus, project staff conducted a second on-site visit in September, 1981, to review clerical operations and records management requirements. The results of this second on-site visit were documented in a preliminary records management report submitted to the Clerk of the court in November, 1981, and appearing herein as Section 4.0, below.

In November, 1981, Center staff were asked by the court to re-analyze the original data within the context of the court's interest in exploring the possibility of creating a new division and/or seeking authorization for the establishment of an additional judgeship. Staff returned to the data originally collected to determine whether or not such assessment could be made based on such data. It was determined that any assessment of the need for additional judicial manpower based on data in hand would be highly speculative; however, an attempt was made to evaluate this proposition within the limitations of existing data, and a series of workload-related recommendations was subsequently developed (see below, p. 24).

In the interim, however, the court did request an additional judgeship. In response to this request, an independent analysis of court workload and operational requirements was conducted by Lansing Mitchell, Deputy Judicial

Administrator, in April, 1982, which review resulted in a series of recommendations similar to those contained herein regarding reorganization of existing judicial manpower to address the court's workload demands. In April, 1982, the court announced a plan for implementation of Mr. Mitchell's recommendations, effective June 1, 1982.

Despite such intervening circumstances and the court's prior implementation of many of the caseflow management-oriented recommendations contained herein, the problem analysis and solutions proposed by the National Center based on its two prior site visits will hopefully still be of some validity, both in support of reorganization efforts already undertaken by the Court and as they may serve to augment such recommendations in other management areas. While the primary focus of analysis is on caseflow management (Section 1) including assignment, management information, and judicial resources; the report which follows also addresses related issues such as jurisdiction (Section 2); overall management and organization of the court (Section 3); records management (Section 4); and management of the court's judicial fund (Section 5).

1.0 CASEFLOW MANAGEMENT

1.10 CASE SCHEDULING AND ASSIGNMENT. The court assigns cases as follows:

- Cases are initially assigned to the section of court which corresponds to a given police officer shift, i.e., arrests made or citations issued between 6:00 a.m. and noon are assigned to Section A, which convenes at 10:00 a.m.; arrests from noon to 6:00 p.m. are assigned to Section B, which convenes at noon; arrests made from 6:00 p.m. to midnight are assigned to Section C, which convenes at 4:00 p.m.; and arrests made from midnight to 6:00 a.m. are assigned to Section D, which convenes at 10:00 p.m. (The system remains unchanged, except that on June 1, 1982, Section D was permanently re-set from 10:00 p.m. to 6:00 p.m.)
- Cases which are not disposed at first appearance became "set" cases in the sense that they are then assigned by the setting clerk to the calendar of either Judge A, B or C , more or less in rotation, to assure equal distribution. The principal exceptions to this assignment procedure are that all housing, enviromental, Vieux Carre, and certain other ordinances are assigned to Judge A for Wednesday hearing only. In addition, "walk-in" cases are also typically assigned to the docket of Court A. Public

service, shoplifting and certain other more serious matters are generally assigned to Judge B.

- No "set" cases are assigned to Section D, which essentially serves as a night arraignment court, although summary trials are expressly authorized, and police frequently appear at Section D arraignments to testify if necessary in such summary proceedings. (Police do not typically appear at Section A, B, or C arraignments.). (On June 1, 1982, this scheduling practice was revised to include Section D as a court appropriate for regular assignment and resolution of "set" cases.)

1.11 Analysis. The principal issue raised by the court's scheduling system was the uneven distribution of "set" case workload in the face of an apparently increasing caseload, which resulted from assignment of such cases to only three of the four sitting judges. As indicated above, this problem has been largely addressed by the court's assignment to Section D of "set" cases, effective June 1, 1982.

There are, however, some further issues in the court's scheduling/assignment system which need to be considered, including: court hours; randomness of assignment; and specialization by division.

1.111 Court Hours. The staggered hours of the court were apparently decided upon when the court was established, based presumably upon the city council's perception that such staggered sessions offered a

necessary convenience both to the public and the police. For the police, court times were set shortly after police shifts ended, to facilitate police officer appearance; however, as noted above, police are rarely required to appear at arraignments other than in Section D. The convenience to the public rationale assumes that persons arrested at a particular time of day are more likely to be available to appear in court at the same time on another day, corresponding to their non-working hours.¹ It is the prerogative of the court to schedule court hours to accommodate the convenience of police officers and citizens; however, it should be observed that staggered court times require from 50-100% more staff and facilities support than would concurrent court sessions, since all such courts and clerk's offices must be staffed from several hours prior to the opening of court to several hours after the close of the last session.

¹The public convenience rationale does, in fact, appear to be of considerable vitality in the court. Staff were advised that individuals arrested who so requested could have their arraignment time changed to a more convenient court session. In addition, Deputy Judicial Administrator Lansing Mitchell, Jr., in announcing the rescheduling of Section D to 6:00 p.m. indicated that the plan was expected "to accommodate citizens who get off work about 5.00 p.m. . . . and who won't have to make a special trip back into town for the 10:00 p.m. setting." (See Appendix A).

1.112 Randomness of assignment. Although the clerk is authorized to assign cases to the general docket "by daily lot"², it was observed during the on-site visit as noted above that set cases are assigned to the judges in rotation, rather than "by lot". "By lot", when used within the context of case assignment systems, generally refers to a process whereby cases are assigned to judges or courts on a random basis. While assignment by rotation (A, B, C, D) assures relative equality in total workload, it eschews the principle of randomness and potentially permits judge shopping.³

1.113 Specialization. The court has informally developed a system whereby certain types of serious criminal matters are assigned to Section B, and certain types of technical housing and other ordinance violations are assigned to Judge A. Although presently contrary to the court's own rules of allotment, designation of assignment of certain matters to particular judges or divisions is clearly within the province of any court

²Municipal Court for the City of New Orleans, Parish of New Orleans, State of Louisiana, Rules of the Court, Rule VIII, Sec. 1, eff. December 31, 1976.

³Judge shopping was not observed to be a problem in our review of the clerk's allotment process; however, the potential for manipulation does exist.

which seeks to most effectively manage its own docket. The obvious advantage to the court and the public is that the individual judge or division assigned to hear such matters can and does develop particular expertise in the substantive and procedural aspects of certain types of highly technical or otherwise difficult matters. A specialized assignment, on the other hand, further complicates the equal distribution process as well as the potential for randomness, and limits the court's ability to manage its overall caseload by restricting maximum flexibility in the use of judicial resources.

In summary, the court is faced with an apparently increasing caseload and backlog⁴; recognizes that distribution of workload among the four judges is unequal; is not assigning cases equally or by lot; and perceives the need for increased judicial resources and/or specialization as the solution to its increasing workload.

1.12 Recommendations: Case Scheduling and Assignment.

Although much better caseload data is needed to support the approach proposed herein, it is recommended that the court consider reorganization of its existing assignment and calendaring system as follows:

⁴But see below, pp. 13-14.

- Establish a single arraignment court which would sit from 9:00 a.m. to such time as all prior day arrests and other scheduled arraignments have been processed. Two options should be considered for implementation of this recommendation: (A) arraignment court could be staffed by one of the four judges (each of whom would rotate through arraignment court periodically); or (B) a full time magistrate would be assigned to hear arraignments on a one-year experimental basis, during which period all four judges would try set cases, and a statistical assessment of backlog reduction would be undertaken. At the same time, such magistrate would be called upon, as time permits, to serve in an ad hoc judge capacity, particularly during afternoon sessions. While option A could be conducted in existing facilities, option B would require establishment of a third courtroom facility.
- Under option A, one court would hear set cases from 9:00-noon⁵, while another court held arraignments; both courts would hear set cases from 2:00-5:00 p.m. Under option B, two concurrent trial sessions would be held from 9:00-noon and two sessions from 2:00-5:00 p.m.

⁵Arraignment court could run to 2:00 p.m., if necessary. Five hours per day for arraignments is equal to the maximum amount of time presently required for all four sections combined.

- Although it is an extremely "close call", we would not recommend the establishment of a separate housing court division at this time, despite the obvious merit of developing technical expertise in a particular judge/court. Instead, under either option A or B, we would encourage the court to allocate all cases equally and at random among all (three or four) judges, as currently envisioned in the rule. Our recommendation is based on the resource management benefits which would result from this type of system: the fact that housing ordinance expertise ought not be confined to only one of the four judges (particularly under option A if rotation of all judges through arraignment court is to be tried); the fact that the current arrangement requires that such cases be set by the judge as long as two-three months in advance (although such time could, of course, be reduced by increasing the number of court days for such cases, which are currently heard in only one court one day per week); and the fact that, with the addition of a fourth trial calendar on June 1, 1982, the court now has an opportunity to more effectively operate on a collegial basis, sharing expertise on particularly technical problems on an on-going basis.
- The court should document and evaluate the costs and benefits of whichever option is adopted. With regard to the recommended change in court hours, compare

total cost to the city for staff support throughout the court business day with current court staff and facilities costs, as well as the degree of inconvenience caused by such change to the public, police, judges, and court staff. For option B, assess cost of facility and staff in terms of case processing time reduction, satisfaction of system personnel and public, as well as ad hoc judge and support staff cost savings.

1.20 MANAGEMENT INFORMATION. Some daily statistics are maintained for each court⁶ (totals of arrests, set cases, trials, terminations and continuances) and summary data⁷ (filings, terminations and pending) are compiled monthly for each section and reported for the full court to the Supreme Court, which reports such monthly summary data in its Annual Report. The court does not routinely maintain data by case type or by type of disposition nor by case processing time or by interval time between events.⁸

⁶Appendix B-1.

⁷Appendix B-2.

⁸Although the vast majority of cases are quickly terminated, the court apparently does not maintain disposition time on set cases, although one judge interviewed indicated that trials are always set within 10 days following arraignment for defendants who do not make bond and 30 days for defendants released on bond.

1.21 Analysis

1.211 Summary Data. Daily activity data does not clearly correspond to monthly activity reported. In addition, the court's monthly activity reports do not balance from month to month. For example, the monthly summary report for Section B in January 1981 indicated the following:

<u>Pending</u>	8,848
<u>Filed</u>	3,908
<u>Terminations</u>	2,969

If transaction definitions were consistent, the number of cases pending at the end of January 1981 for Section B should be 9,787; however, the number of cases reported pending on February 1 was 9,670, a difference of 117 cases. A comparison of the same data from February to March likewise shows a disparity of from 1,050 to 1,267 cases (depending upon how the 117 case differential is resolved). See below, Appendix B-3.

Unfortunately, this disparity cannot easily be resolved, since the daily statistical reports track arrest and set cases only, and do not clearly correlate to the court's monthly statistics. For example, Judge B's daily statistical report for January, 1981 (Appendix B-1), reports the following:

<u>Arrests</u>	<u>Disposed</u>	<u>Continued</u>
546	264	282
<u>Set Cases</u>	<u>Tried</u>	<u>Continued</u>
692	352	340

These 546 arrest cases account for only 14% of the total 3908 case filings reported. Obviously, the 3362 other cases equal the total number of non-arrest cases processed at arraignment. What is not clear is how this total is determined, i.e., how many of these cases were prior cases continued (and therefore counted twice); or represented multiple charges against individual defendants (we were advised that the 45,000 annual filings corresponded to 30,000 defendants, but found no statistics to support this observation). Nor is it clear whether dispositions are counted by case, defendant or charge, or if non-arrest terminations are treated the same as arrest and/or trial terminations.⁹

Perhaps of most concern is the implications which such data collection and reporting systems have for understanding the court's pending caseload as reported. Over each of the past five years, the number of cases reported as pending in the New Orleans Municipal Court has continued to escalate.¹⁰ At the same time, daily activity reviews suggest that the court seems to be terminating more arrest cases than are being filed (at least as to the sample court and time periods reviewed; see

⁹One clerk observed that, in at least one section, multiple charges against the same defendant were counted as one case for filing purposes, but as multiple cases for disposition purposes.

¹⁰Source: 1976-1980 Annual Reports, The Judicial Council of the Supreme Court of Louisiana.

Appendix B-1). The most reliable explanation for the pending caseload increase is the fact that inactive cases continue to be carried as active, i.e., that affidavits filed on defendants not yet served, combined with attachments issued on defendants who skip, never go into an inactive status; furthermore, because forfeitures are reported as dispositions, the court's information system may report a second disposition of the same case following arrest. Without additional data and further analysis, it is not possible to accurately determine how many active cases are actually pending or how many case dispositions in fact occur. As a result, it is not possible to accurately assess the current dimensions of the court's caseload, the court's judicial workload or productivity, or any trend in total numbers of filings, dispositions or pending cases necessary to justify or negate requests for additional judicial resources.

1.212 Case Management Data

While summary disposition data may be of value to the court in determining its need for judicial resources, such data will not provide the court with the information needed to more effectively manage its docket. Case tracking data, including time data between events, time standard monitoring, backlog analysis, continuance data, and disposition data by case type and disposition type are needed to enable the court to effectively manage its overall caseload.

1.22 Recommendations: Management Information System. The court needs to conduct a complete inventory of its current docket to remove inactive cases from its pending case count. Agreed upon definitions for cases filed, disposed and pending need to be established. A case management information system should be developed in which certain data are routinely collected on a single record for every case, and in which more extensive data are collected for set cases, out of which system are generated management reports needed by the court, as well as such statistical reports as are required by the Supreme Court. The following sections contain descriptions both of the data elements required to support this system as well as the kinds of management reports which should be generated.

1.221 Data Elements

Most of the data elements listed below are currently being collected; however, such data are to be found in a variety of sources, including docket books, index books, court minutes, etc. and are not easily assembled in one place for management analysis purposes. (Indeed, such statistical reports as are generated require redundant counting of multiple records for compilation purposes.) Furthermore, more data than is needed for record-keeping and management information purposes is routinely collected. A simplified manual or automated docketing, indexing and calendar control system (as described in further detail in Section 4, below, "Records Management") would provide for the collection of all required data on a

single document, which document would in turn generate all the information needed for internal operational as well as caseflow management purposes.

Only such data as is essential for operational and caseflow management purposes should be collected. The following is a suggested list of data elements¹¹ considered essential for the court's operational and management purposes:

- defendant name (as well as alias, date of birth, or other identifier if required);
- number and types of charges (most serious listed first, followed by others in descending order);
- complaint type (arrest, summons/citation, "walk-in");
- complaining agency (possibly including officer, prosecution and defense counsel name, although probably not required);
- case/docket/file number (one number/defendant);
- date of offense;
- date of first scheduled appearance (date of filing or failure to appear);
- bond data (amount, return date; forfeiture date);
- disposition data (failure to appear/bench warrant issued/bond forfeited; guilty, not guilty, nolle; jail term/fine amount; suspended).

The data elements described above would be sufficient to provide all management information and statistical report

¹¹Data elements and suggested management reports adapted from Misdemeanor Courts: Designs for Change, "Case Management and Information System", American Judicature Society and Institute for Court Management, National Institute of Justice, Washington, D. C., July, 1981.

requirements of the court and the Supreme Court for approximately 80% of the cases processed in the New Orleans Municipal Court. For all other matters, in order to meet the court's case management requirements and objectives, the following additional data would need to be collected:

- next action dates (arraignment continued; counsel appointed; trial date set; trial date; pre-sentence investigation report; sentence date; speedy trial date/waived; other);
- continuances (one, two, three, four, more than four);
- judge (section) assigned (A, B, C, D);
- disposition type by charge (without appearance; arraignment; between arraignment and trial; guilty plea at trial; trial held guilty; trial held not guilty; trial held other; nolle/dismissed; bond forfeiture/warrant issued):
- sentence (jail/suspended; fine/suspended; jail and fine; stay imposed; probation/completed; drug/social service agency referral/completed; consecutive; concurrent).

1.222 Management Reports

Centralized and coordinated collection of such data on an individual card or docket sheet per defendant would simplify and facilitate preparation of the following management reports, both by individual section/judge and by court:

- number of filings per month by case type;
- number of dispositions per month by case type;
- number of pending cases by case type;
- age of pending cases by case type;
- backlog analysis¹²;

¹²To determine current backlog, utilize the following formula: $\text{Backlog} = \text{Pending} - (\text{Disposition rate} \times \text{time standard})$, where Pending = number of active set cases currently on the docket; Disposition rate = 3,500 cases per year; and Time standard = 1/12 (30 days = 1/12 of a year). Thus, if the full court currently has 500 active set cases pending, its Backlog would be 208 cases, or 52 cases per judge which the court is unable to process within the speedy trial time standard. This calculation is a useful indicator of judicial workload requirements.

- median age of disposed cases;
- number of cases pending with no future action date set;
- number of dispositions without court appearance by case type;
- number of dispositions at arraignment and at various dispositional points after arraignment, by case type;
- number of pending cases which exceed court's speedy trial standard (i.e., 10 days for jail cases, 30 days for non-jail cases);
- number of continuances per case by case type; and
- comparisons of monthly statistics to prior month and to same month previous year.

1.30 JUDICIAL RESOURCES

As part of our overall management review, National Center staff were asked to evaluate the court's judicial workload to assist the court in determining whether or not additional judicial resources might be required. The principal justifications given for the need for such possible increase in judicial resources were the steadily increasing number of pending cases in the court's caseload and the increasing bench time requirements of the judges. However, as indicated in Section 1.21 above, the monthly inconsistencies in the court's pending caseload statistics as well as the large number of inactive cases carried over precluded the use of such summary data as reliable indicators of workload trends. In addition, while the timesheets completed for the judicial workload analysis portion of the study were useful for computing average bench and related judicial time for the two reporting judges, this data could not be utilized for productivity analysis

purposes given the questionable validity of the other summary case data.

What is known about the court's judicial workload, however, lends considerable support to the proposition that additional assistance in some form is likely justified. The four judges of the New Orleans Municipal Court process some 48,000 cases¹³ annually, of which it is estimated that some 35,000 are disposed at arraignment by plea of guilty or failure to appear and bond forfeiture.¹⁴ In Section D (at the time of the initial on-site visit), summary trials could be conducted where a defendant wished to plead not guilty and proceed immediately, although typically such matters were allocated to the other three sections. The total number of these summary dispositions is unavailable, but it is presumed to be fairly small. (Again,

¹³Source: 1980 Annual Report, the Judicial Council of the Supreme Court of Louisiana.

¹⁴Although it was not possible to accurately compare the municipal court's caseload to caseloads of other courts (no other metropolitan courts surveyed have both part-time judges and jurisdiction limited to non-traffic ordinances and misdemeanors), National Center staff did conduct a limited analysis of comparable courts to attempt to develop some comparative data (See Appendix C). The municipal court's caseload of 12,000 cases per part-time judge per year, while falling squarely within the 10-20,000 case range for limited jurisdiction criminal court judges, could well be considered to be relatively more substantial than the caseload of limited jurisdiction criminal court judges in other metropolitan areas, not only because that 10-20,000 caseload range is for full-time judges, but particularly because traffic matters in other limited jurisdiction courts account for 88% of their total criminal caseload, and because a substantial percentage of that traffic caseload is presumed to be amenable to disposition without the need for judicial appearance. See, 1978 Annual Report, National Court Statistics Project, National Center for State Courts, Table 16, Pages 60-61.

the Section D summary trial issue was rendered moot by the court's recent establishment of Section D as a court assigned to hear set cases.)

In any event, three judges (prior to June, 1982) were collectively required to hear approximately 13,000 set cases per year, or an average of some three to five set cases per judge per court day (out of an average daily setting of some 30 to 50 set cases per section).

The limited data available from the judges' timesheets provides further data on the demands of their workload. As indicated in Appendix D, the judges reported that they were in court an average of 3.3 hours per day while the amount of time devoted to work in chambers, library or other judicial functions ranged from an average of 2.3 hours per day to about 4 hours per day. Thus, the amount of time devoted to judicial business during the test period for each of two part-time judges reporting averaged between 5.6 and 7.25 hours per day. Perhaps the only conclusion that can be drawn from this data is that these "part-time" judges spend very nearly the equivalent of a full time day on the job. At the same time, municipal court judges are compensated at approximately 85% of the salary of full time district court judges, so that an average judicial work day of 7+ hours (or 87.5% of an eight hour day) would seem to be roughly in accord with the judicial workload demands of the respective courts (assuming an eight hour day for district court judges).

1.31 Analysis

In summary, judicial workload demands could not be assessed with any degree of reliability, since the actual number of cases filed, disposed and terminated and the median age of cases pending was not really known. Unquestionably, the judges interviewed work extremely hard to process the cases on their daily dockets and clearly perceive that they are falling behind. (Regardless of how cases are counted, the total number of cases processed has tripled over the past 18 years.)

Until a better statistical picture of the court's workload can be developed, however, a variety of measures can be considered to facilitate the processing of the court's current caseload. The use of a magistrate for arraignments has already been mentioned (above, p. 9), and the court's establishment of Section D as a section for trial settings is clearly an important first step in more equitably distributing the court's workload. However, analysis of the use of ad hoc judges, and of case screening practices may offer some further solutions.

1.311 Ad Hoc Judges

To assist the judges in performing their judicial duties during periods of vacation, illness, absence for education seminars and other authorized leave time, the judges are authorized by law and court rule to appoint ad hoc judges, acting en banc, although as a practical matter appointments are made at the request of individual judges. An analysis of ad hoc judge usage was conducted by Center staff for the limited purpose of providing the court with management information on

the utilization of such ad hoc judge resources (see below, Appendix E). The results, however, have some further implications for evaluating the question of judicial workload.

Essentially, this study indicated that of the total amount of ad hoc judge resources utilized during 1980, approximately 38%, 29%, 8%, and 25% were utilized in Sections A, B, C, and D, respectively. Other than indicating that Judge A's utilization was higher than the average and that Judge C's utilization was lower, the data also suggest that the judges may be taking less leave than planned¹⁵, presumably because of their commitment to the business of the court, implying thereby a strain on judicial resources. Assuming, for example, that ad hoc judge day usage for judge A reflects the maximum amount of leave available, the data suggest that the bench as a whole is working more days than required by the system as reflected in its leave policy and that, if Section A's utilization is not exceptional, additional resources would likely be required, either in the form of increased status from part-time to full time; additional para-judicial support (such as magistrates and/or referees); or additional judicial positions.

¹⁵Indeed, total expenditures for ad hoc judicial resources during 1980 accounted for only 4.7% of the court's total judicial fund expenditures, or about one-half of the total amount which should be budgeted to accommodate 30 vacation days of leave per judge [four judges x 300 work days per year = 1,200 days ÷ (four judges x 30 vacation days = 120 vacation days) = 10%].

1.312 Case Screening

A key factor in any assessment of judicial workload is the extent to which judicial resources are effectively utilized. Indications of effectiveness in the use of judge time were seen in the long waiting periods for defendants who wished to plead guilty at arraignment as well as in the high number of cases which "fell out" on the day set for trial.

Although statistics on fall-out were not readily available, it was generally the perception of the judges and city attorneys interviewed that an average of 30 to 50 case settings per day was not uncommon (see above, p. 20), and that a judge was realistically able to try some three to five cases per day. Occasionally, however, a court's entire set docket would fall out on a given day. Cases typically fall out because of plea bargaining on the day of trial or because cases are not reached and therefore continued. When continuances are freely given, fall out can become the norm, and the judge may find he has no cases to try¹⁶, thereby diluting the effectiveness of the utilization of the court's judicial resources.

Because considerable judicial time can be wasted at arraignments for defendants who wish to plead guilty as well as on days when entire trial dockets fall out, two types of

¹⁶After the first continuance in a set case, the case is always set for a date certain. However, this practice simply allows more time for plea negotiation, and most continued cases ultimately plead out.

solutions suggest themselves. We have previously discussed the use of a para-judicial officer, such as a magistrate, to conduct all arraignments (see above, p. 9). In addition, it is believed that adoption by the city attorney of a careful set case screening program combined with a no continuance, date certain trial setting policy by the judges will result in more realistic trial setting rate,¹⁷ based on an improved process for generating and therefore predicting guilty pleas.

1.32 Recommendations: Judicial Resources

It is therefore recommended that the following actions be undertaken by the court:

- maintain accurate records of vacation, illness, judicial assignment and related judicial absences in order to budget for ad hoc judge resources;
- appoint all ad hoc judge resources en banc;
- require city attorney to screen all set cases immediately following arraignment;
- set all cases for a date certain, using an experimental over-setting rate of approximately three to one (i.e., 10 cases per court session);
- keep track of all continuances granted in any matter and the reasons therefor.

¹⁷Rather than a 10 or 15 to 1 ratio for trials set to trials heard, the National Center's Pre-Trial Delay research has concluded that a ratio of 2-3 to 1 is both desirable and achievable.

2.0 LEGAL/JURISDICTIONAL ISSUES

Two other issues which were addressed during the course of the Center's review were the court's processing of "office cases" or "walk-ins"; and the court's concurrent jurisdiction with the district court. While neither is strictly an internal management issue, both situations impact on the court's control of its own caseload.

2.10 OFFICE CASES

By law, the court is authorized to process citizen complaint cases "initiated by affidavit." This process typically does not involve a police officer and occurs when a private citizen files a complaint with the court on an approved form. Such complaints are filed with the clerk of court, who subsequently arranges with the city attorney and/or the police for proper service, arrest and/or summons. Approximately 300 such walk-ins are filed in the New Orleans Municipal Court each month.

While the provision of a mechanism for processing citizen criminal complaints is desirable, there is some question as to whether or not an official other than the city or state's lawful representative should be permitted to accept and process such criminal actions. The clerk's office is well equipped to provide this service, and we saw no indication that the process had been abused in any way. (Indeed, in the event any question about the appropriateness of a complaint or authority to issue arises, the clerk can and does consult with the city attorney.)

Despite the obvious need for a prosecutorial review of all such complaints, inadequate resources of the city attorney's office available to the court do not permit the city attorney to dedicate a full time attorney to this function. Nonetheless, it is suggested that the determination of the authority of the city or state to file a criminal complaint is peculiarly within the province of the city, parish, or state official elected or appointed to conduct such function, and that, in our view, all walk-in cases should be initially screened by the city attorney before an affidavit is permitted to be filed.

2.2 CONCURRENT JURISDICTION

The jurisdiction of the New Orleans Municipal Court is limited to violations of ordinances of the City of New Orleans, excluding traffic matters. In addition, the municipal court has concurrent jurisdiction with the New Orleans Parish criminal district court for violations of state statutes not triable by a jury. At one time, this concurrent jurisdiction facilitated temporary assignment of municipal judges to district court to hear misdemeanors. With the addition of five magistrates to the district court bench in recent years, however, the need for municipal judge assistance has declined, and the only effect of such concurrent jurisdiction is to permit forum shopping between the two courts by prosecutor and police. As a result, the seriousness of the offenses referred to municipal court has allegedly increased since some more serious criminal offenses are being referred to the municipal court on a lesser charge. A

variety of theories are advanced for this phenomenon, including the belief by the police that justice in the municipal court is swifter and tougher; or that this referral process for troublesome cases enables the district attorney to maintain a high conviction rate in the district court. No evidence to support either of these theories was found. Whether or not the court's perception mirrors reality, the overlap in jurisdiction does create an anomalous situation in which gross misdemeanors (up to \$100 fine) which could be filed and easily processed in the municipal court are not being filed there, while rape charges can and are being referred to the court on a lessor included (non-jury triable) offense basis. Processing of such cases in the municipal court is further complicated by the fact that only state's attorneys may prosecute state cases and the district attorney lacks the resources to permanently assign staff to the municipal court's four sections. (The city attorney has offered to be authorized to try such matters, but present law apparently precludes such delegation of authority.) The lack of available state's attorneys complicates scheduling and further limits the municipal court's control over its docket.

There seems to be little justification for the concurrent jurisdiction provision, given the currently adequate resources of the district court. If the statistical analysis recommended earlier is undertaken, and if referrals of potentially serious charges turn out to represent a significant portion of the

municipal court caseload, the court might wish to consider proposing that its jurisdiction over state misdemeanor cases be eliminated. In the alternative, the court should call upon the district attorney to provide adequate personnel to prosecute any and all state cases filed in the municipal court¹⁸, including designation of the city attorney as acting district attorney (may require statutory change).

3.0 ORGANIZATION, MANAGEMENT AND CONTROL

3.10 PRESIDING JUDGE RULE

Responsibility for management and administration of the New Orleans Municipal Court is individually vested in each of the four judges, who are responsible for control of cases and personnel assigned to their respective sections. Overall coordination of the court's management is the responsibility of the presiding judge, who is so designated by virtue of seniority and service. The presiding judge is responsible for the guiding of all administrative matters; matters of policy requiring court rule changes require a majority vote of the judges.

¹⁸Adoption by the court of recommendations in Section 1.12, changing the hours of court to correspond to the district attorney's business day, could go a long way toward overcoming the prosecutor's resistance to permanently assigning staff to the court.

3.11 Analysis

In a recent study of the management requirements of misdemeanor courts conducted by the American Judicature Society and the Institute for Court Management, the authors offered their observations on the management perspective which they found to be common to a number of urban misdemeanor courts:

"These courts, for the most part, do not operate under a comprehensive management plan. Although urban courts tend to be better managed than their rural counterparts, a reactive mode of operation is prevalent in both types of locales. Operational practices designed to remedy an immediate problem evolve into standard operating procedures. The efforts of court personnel are apt to be uncoordinated, and sometimes duplicative.

This lack of coordination persists because misdemeanor court judges, like their general jurisdiction counterparts, are reluctant to assume case progress management responsibility. This judicial disinterest in management generally inhibits court administrative personnel from initiating more effective operating procedures. Even though administrative personnel may see the need for adopting more efficient practices, they generally are unwilling to do so in the absence of specific directives from the judge. These directives are seldom forthcoming because the nature of the judge's work causes him to focus on the individual case rather than the aggregate caseload. The judge often does not realize the condition of the court's caseload as a whole since he does not have timely and useful management information at his disposal."

The lack of an overall management perspective of the court's operation due to unreliable or unavailable management information and an organizational structure which vests management control in individual judges rather than in a central administrative judge with overall management authority combine to limit the court's potential to develop, implement

and monitor an overall management plan. It is incumbent upon a court committed to attaining a goal of improved judicial administration to adopt a presiding judge rule which can facilitate the implementation of the court's objectives while respecting the individual judges independence¹⁹ and integrity.

3.12 Recommendations: Organization and Management

It is therefore recommended that the New Orleans Municipal Court prepare a rule vesting authority in the presiding judge for overall management, administration and supervision of the resources and processes of the municipal court. Provisions of such a rule should include:

- the presiding judge should be elected by all the judges of the court for a fixed term (for example, two years), and should be selected principally because of his or her interest in and commitment to judicial administration;
- The presiding judge should represent the court in all matters of judicial and executive branch liaison and in such ceremonial and public relations matters and functions as may be appropriate, except that any other judge of the court may be delegated to represent the presiding judge in such functions;
- The presiding judge shall call and preside over periodic (weekly, bi-weekly) meetings of all the judges to discuss matters of administrative policy;

¹⁹"Judicial independence" as used herein refers to the court's insulation from control or interference by an executive or legislative branch agency; within the context of judicial administration, judicial independence does not and should not be suggested to mean a rationale for operating one's court in a manner inconsistent with overall court system policies.

- The presiding judge shall be responsible for the development, promulgation and enforcement of all administrative policy matters relating to the court, including matters of personnel, financial, facilities, caseflow and records management.

Attached as Appendix F are copies of several presiding/ chief judge standards and rules adopted in other jurisdictions, both by general and limited jurisdiction courts. These rules should be referred to in the court's development of its own rule.

3.13 Recommendation: Court Administrative Position

It is also recommended that the New Orleans Municipal Court create the position of court administrator to assist the court in implementing the recommendations contained in this report and to facilitate modern and professional practices of court management within the court. Working under direct supervision of the presiding judge, the administrator would be responsible for personnel, fiscal, caseflow and calendar, information and data processing, and space and equipment management. The administrator would also assist in maintaining liaison with the judicial, executive and legislative branches of state and local government, keeping the court informed as to changes in policies emanating from such areas and could serve the court in matters relating to public relations. The court administrator should be appointed by the presiding judge, with approval of the other judges, and should serve at the pleasure of the presiding judge.

NEW ORLEANS MUNICIPAL COURT

4.0 RECORDS MANAGEMENT REVIEW AND RECOMMENDATIONS

4.10 Background:

The New Orleans Municipal Court currently lacks a comprehensive records management program. Similiar to other courts all across the country, the New Orleans Municipal Court has been locked into an archaic, inefficient and expensive (both in terms of material and labor) record-keeping system since the inception of the court. The system does and has worked to achieve the goals of court record-keeping, but only through the sheer force of hard work by the staff. Due to the apparently increasing caseload and press of day-to-day business in the New Orleans Municipal Court, there has never been an opportunity to plan or design a modern record-keeping system.

4.11 Recent Improvements: During the past few months, a few critical problems were identified and dealt with which have improved the overall atmosphere and operation of the clerk's office.

A. Inactive Records: A dozen or so file cabinets were moved from the clerk's office to the basement storage area. This has freed up some space in the clerk's office and allowed installation of a public service counter.

B. Installation of counter in the clerk's office: The clerk's staff may now deal with the public across a counter. This has improved the traffic pattern within the office and record security, since the public no longer has to deal with the staff directly at their desks.

C. Evidence Inventory and Disposition: Evidence for closed cases has been inventoried and disposition plans are now underway (some exhibits had been stored for over 10 years). Under current statutes, they only needed to be kept for six (6) months.

These actions have addressed some serious problems and have given some relief to office congestion and to the crowded and disorganized exhibits room. It is important that the momentum for improvement be capitalized upon and continued while additional problem areas are addressed. This report is not intended to provide a comprehensive record system design, but rather will suggest short term improvements and suggest a long range planning process that should ultimately lead to effective use of modern technology in the record-keeping of the New Orleans Municipal Court.

An improved manual system is urgently needed at the present time with a view toward possible future automation and a greater degree of inter-agency cooperation among the courts, police department, city attorney, probation department, public defender and sheriff. The overall direction for the New Orleans Municipal

Court should be to move towards the use of an on-line computer system. As an intermediate step, redundant record-keeping practices, poorly designed forms, book indexes, and four autonomous court operations are problem areas which should be addressed. The report which follows provides recommended approaches to the solution of these problems.

4.12 RECOMMENDATIONS

4.121 FORMS REVIEW AND RE-DESIGN

STANDARD FORMS DESIGN TECHNIQUES SHOULD BE ADOPTED FOR ALL FORMS USED WITHIN THE COURT. MANY FORMS CURRENTLY USED IN THE COURT, WHILE CONTAINING THE NECESSARY INFORMATION, ARE DIFFICULT TO COMPLETE. ALL FORMS PRESENTLY BEING USED SHOULD BE REVIEWED AS PART OF A COMPREHENSIVE PAPERFLOW ANALYSIS.

Discussion

An analysis of the information flow should result in the consolidation and elimination of some existing forms. Exhibit 1 contains a checklist of techniques which are recommended in order to ensure economical and effective court form design, including placement of case numbers, form numbers, titles, etc. Exhibit 2 is a sample of a proposed design for a notice form to illustrate some of the techniques outlined in Exhibit 1. This form, entitled "Order to Appear in Court" illustrates consolidation of the Subpoena, Notice of Trial and Notice of Arraignment forms which are currently used by the court. Simplified forms design techniques should make this form simpler to fill out and usable in a window envelope. The proposed notice form includes the Return of Service Form on the front in a simplified format. Other opportunities for forms design improvement include the affidavit which is filled out by walk-in complainants and the

various bond forms which are used for peace bond, surety bond, and cash bond. The bond should be reviewed for consolidation and simplified wording.

4.122 LETTER SIZE FORMS

ALL COURT CASE FILE RECORDS SHOULD BE PREPARED ON LETTER SIZE (8 1/2 x 11) PAPER, OR OTHER STANDARD SIZES SMALLER THAN LETTER SIZE, (such as 8 1/2 x 5 1/2 or 8 1/2 x 7).

Discussion

Various form sizes were observed in the New Orleans Municipal Court, particularly several legal size (8 1/2 x 14) documents. Letter size documents are easier to handle, more economical to procure, and photocopy costs are also reduced. (See Exhibit 1)

4.123 FORMS MANAGEMENT SYSTEM

A FORMS MANAGEMENT SYSTEM SHOULD BE DEVELOPED FOR THE PROPER MANAGEMENT OF FORMS INVENTORY, ORDERING AND PRINTING.

Discussion

Every form used by the court should be assigned a control number. This number can be constructed as a code to indicate consecutively assigned numbers and the date the form was last revised (i.e., Form Number NMC 8, 12/81). Specific court personnel should be assigned responsibility for maintaining a sufficient stock of all forms, coordinating revision efforts when necessary, and placing printing orders to replenish stock. Prior to ordering new forms, the forms supervisor should review the form to see if any revisions or corrections are needed. Since the New Orleans Municipal Court uses a large number of forms, appropriate attention to improved forms management will be time well spent.

4.124 THE USE OF BOUND AND POST-BOUND BOOKS FOR COURT RECORD-KEEPING SHOULD BE ELIMINATED.

Discussion

Books have traditionally been used to preserve the integrity of court records. Information is either handwritten directly into the book or typed on a page to be inserted into a post binder. Book indexes are maintained in a semi-alphabetical order rather than true alphabetical order and require some degree of random scanning to find particular case entries. It is common to find case-related information separated into a variety of books--docket, index, judgment, minute, fee, etc. Books are expensive, cumbersome, difficult to handle, difficult to complete and occupy a great amount of space. Manual record-keeping systems now exist which are far more cost effective and efficient. See, below, Recommendations 5 and 6.

4.125 MULTI-PART FORMS

MULTI-PART CASE ACTION SUMMARY FORMS SHOULD BE DEVELOPED AND IMPLEMENTED FOR RECORDING AND MAINTAINING CASE RELATED INFORMATION FOR CONTESTED CASES. AT THE TIME THE CASE ACTION SUMMARY IS PREPARED, ATTACHED INDEX AND CALENDAR CARDS CAN BE CREATED SIMULTANEOUSLY.

Discussion

A sample of the Minnesota case control records is attached to demonstrate this concept (see Exhibit 3). This case action summary is letter size (8 1/2 x 11) and pre-formatted with the initial steps involved in each case and common case activities, so that when a check mark is entered it can be ascertained that actions occurred in the particular case. Subsequent to disposition, the case action summary can either be stored separately from the case files in numerical order or within the related case file. It is estimated that elimination of the docket book, index book, and allotment book could potentially

save 47% of forms procurement cost. Currently, the docket index and allotment books are purchased together for a total cost of approximately \$1350. One set of books will record information on 12,000 cases. It is estimated that the multi-part form referred to in this recommendation should cost approximately 6-7¢ each or about \$720. The real savings, however, will be in improved efficiency in preparing case documentation and subsequent retrieval of that information. These intangible costs are difficult to measure until the system is actually tested, but the overall impact of a modern record-keeping system as opposed to a book system can be substantial.

4.126 INDEX CARDS

A DEFENDANT INDEX CARD SHOULD BE CREATED AS A PART OF THE CASE ACTION SUMMARY FORM (SEE EXHIBIT 3). THE INDEX CARD WHICH IS CREATED SIMULTANEOUSLY WITH THE CASE ACTION SUMMARY FORM SHOULD BE A STANDARD SIZE, 3" x 5" or 4" x 6". THE INDEX CARDS SHOULD BE FILED IN TRUE ALPHABETICAL ORDER BY THE DEFENDANT'S SURNAME. IN THE FUTURE, THE INDEX INFORMATION COULD BE KEYED INTO A COMPUTER FOR THE PRODUCTION OF A CONSOLIDATED INDEX TO BE PRINTED ON PAPER VIA COMPUTER OUTPUT MICROFICHE (COM). EXHIBIT 4 EXPLAINS COM (SEE ALSO RECOMMENDATION 8, BELOW).

Discussion

The present book indexes are in only semi-alphabetical order requiring searching within the letter category when a name is to be located. The first step is to locate the proper index book; to do that the researcher must know the time period in which the defendant appeared in court, which information may or may not be available, but always requires an additional search.

4.127 CASE NUMBERING SYSTEM

A CASE NUMBERING SYSTEM SHOULD BE DEvised WHICH IS EASY TO USE AND ALSO PROVIDES RELEVANT CASE INFORMATION TO THE COURT.

Discussion

The case number should include: the year; type of case; and consecutive number. For example, a recommended case number may read 80PR123. The elements in this number show the case was filed in 1980, and was the 123rd prostitution case to be filed in the designated year. By using the numeric-alphabetic-numeric format for designing the case number, no hyphens or spaces are required when writing the case number. In the New Orleans Municipal Court, this concept could be tailored to meet the Court's other management needs. For example, the following designations could be used for the originating agency or type of offense:

<u>Agency</u>	<u>Offense</u>
PD - Police Department	BT - Battery
SO - Sheriff	DR - Drunk and Disorderly
VC - Vieux Carre Commission	PR - Prostitution
HO - Housing Department	OC - Open Container
- etc.	- etc.

The secret to an effective case numbering system is to make it relevant and meaningful, but not overly complicated.

This format for case numbering can also be used to provide some statistical information for the courts, particularly if the court wishes to analyze caseload by casetype such as by battery, theft, drunkenness, prostitution, etc. The present case numbering system which currently runs into the hundred of thousands, not only fails to provide any relevant management information, but is prone to errors in transposition of numbers. The cases which

come before the court and which are terminated at the initial appearance do not receive case numbers and are not indexed, but rather they are filed by the citation number and reference to them merely appears on the daily sheet received from the police department. While this simplifies recordkeeping for the clerk, it precludes the possibility of accessing the conviction record on a particular defendant and makes it difficult to monitor increases in caseload volume. The present practice of filing these one appearance cases by citation number should be reviewed and a system developed to improve accessibility of the information without having to rely on the "hit or miss" method now used. We are not recommending that a case number necessarily needs to be assigned to every matter appearing before the court, since this could complicate the allotment system which evenly assigns cases with more than one appearance among the judges. However, a simple index card with the defendant's name and citation number could be integrated into the suggested index card system. On the other hand, a new set of records would not be worth-while if information in the "citation only" files is accessed very infrequently.

4.128 CUMULATIVE INDEX

A CUMULATIVE INDEX OF ALL CASES SHOULD BE DEVELOPED TO MEET THE COURT'S LONG TERM INFORMATION STORAGE AND RETRIEVAL REQUIREMENTS. THIS CUMULATIVE INDEX SHOULD BE IN TRUE ALPHABETICAL ORDER AND COULD BE PREPARED THROUGH THE COMPUTER AND PRODUCED ON COMPUTER OUTPUT MICROFILM (COM) BY A SERVICE BUREAU.

Discussion

Once the data entry is complete, the computer program would sort and merge the index entries into true alphabetical order,

forming a cumulative index according to the criteria determined by the court. This information could then be formatted for the eventual production of microfiche through COM. No intermediate paper print-out is required. This entire process can be completed by a service bureau if the required equipment is not readily available to the court. Once the index entries have been keyed and sorted, one 4" x 6" microfiche card at 48x reduction could contain over 10,000 names and cost less than \$5.00 to produce. Copies can be obtained for less than \$1.00 (see exhibit 4 for brief explanation of the operation of computer output microfiche system). The index could then be read on a microfiche reader costing about \$250. The index cards which are produced simultaneously with the case action summary could be computerized on an annual basis. Once data entry is verified, the index can be produced in two or more copies and the cards can be destroyed.

4.129 PROCEDURES MANUAL

A PROCEDURES MANUAL SHOULD BE CREATED TO DOCUMENT THE CASE PROCESSING SYSTEM.

Discussion

The New Orleans Municipal Court has five independent operating divisions, the four branches of court and the central clerk's office. These branches all interact with each other and with outside agencies. Very little is documented on the procedures used in the complex business of the court, and it was observed that each branch of court has distinct and unique methods of operation. As new systems and procedures are developed, they should be documented and detailed in the recommended procedures

manual. The procedures manual should include step by step instructions on case processing, samples of forms, and uses of related information. These manuals can be used to speed up the learning process of new staff and answer questions for existing staff. Portions of the manual could be completed as new procedures are implemented or updated. Pages could be recompiled as necessary at the end of the development process providing a comprehensive description of the Court's activities. Word processing equipment is particularly useful in developing procedures manuals. In conjunction with development of procedures manuals, the court should conduct ongoing training and orientation programs to keep staff abreast of changes in procedures and provide an opportunity for staff input to further the system. Exhibit 5 is a table of contents from one procedures manual to illustrate the types of topics covered.

4.130 REDUNDANT OPERATIONS

LABOR AND TIME CURRENTLY SPENT IN REPETITIVE PROCESSING PROCEDURES SHOULD BE ELIMINATED. EFFICIENT RECORD-KEEPING PROCEDURES SHOULD BE ESTABLISHED WHICH ENSURE PRESERVATION OF VALUABLE INFORMATION WITHOUT DUPLICATION.

Discussion

The in-court docketing procedure and subsequent documentation in the general docket of the clerk's office are duplicative procedures. The implementation of a case action summary form which simultaneously produces index and calendar cards (see, above, Recommendations 5-6) should enable the Court to reduce redundancy. The case action summary follows the case and all annotations on that case are recorded thereon. One comprehensive record could be maintained for each case. The calendar cards for

scheduling cases with subsequent appearances can be managed from day to day much easier than case files or lists. When the calendar is prepared, it can be prepared from the calendar cards. A sample calendar card is included in Exhibit 3.

4.131 ACTIVE FILING SYSTEM

THE CURRENT FILING SYSTEM SHOULD BE REVIEWED CAREFULLY TO IDENTIFY MORE EFFICIENT AND COST EFFECTIVE ALTERNATIVES.

Discussion

The current filing system is designed to accommodate the basic law enforcement citation. The case file envelope requires that all documents, besides the citation, be folded for insertion and that the entire contents of the file be extracted for subsequent review. The documents are then unfolded for review and re-folded and re-inserted in the envelope for filing. Two alternatives to this method should be considered and further evaluated: 1) As illustrated in Exhibit 6, a letter size side-tab color-coded file folder could be used for all cases which receive a court case number. The use of this type of file prevents the need for folding documents, and the color-coding allows for easy filing and retrieval without the problem of mis-filing. 2) Some courts with a citation type filing system use a clear plastic sleeve so that no information needs to be written on the outside of the file jacket. This way, the citation with the case number stamped on it becomes the top document in each case file, and the defendant's name and case number can be easily read through the clear plastic polyethylene envelope. (See Exhibit 7)

Both of these alternatives offer potential savings of efficiency and economy over standard window envelopes, which also need to be written upon by the clerk's staff.

4.132 FILE SECURITY

THE USE OF OUT-CARDS OR OUT-FOLDERS SHOULD BE ENFORCED TO MAINTAIN CONTROL AND SECURITY OVER COURT CASE FILES.

Discussion

Presently, out-cards are available to insert where case files have been removed. The system works well when it is enforced; however, enforcement is inconsistent. One alternative to the out-card is an out-folder, which can be put in the place of the case file with the name of the person checking out the file and the case number written on a card in a special pocket in the out-folder. When documents arrive in the clerk's office to be filed in a case that is checked out, they can be placed in the out-folder and filed in the case file when it is returned to the file. Temporary filing of documents is a considerable problem for court staff currently. A sample of an out-folder is included as Exhibit 8. This type of folder may be color-coded for specific borrowers such as judges or clerks, or the time period during which the folder was removed (i.e., the color can change each week of the month). While the file size used in the New Orleans Municipal Court is not a standard size, this out-folder concept could be modified to accommodate the citation size filing system. (Modification of the file size to a letter size side-tab folder would eliminate the need for such modification.)

4.133 RECORDS RETENTION AND DISPOSITION SCHEDULES AUTHORIZED BY STATUTE SHOULD BE ADHERED TO BY THE NEW ORLEANS MUNICIPAL COURT.

Discussion

The clerk's office is aware of which records are not permanent and are eligible for destruction. However, no ongoing program of destruction currently exists. A program for elimination of the accumulation of old records should move forward as soon as possible, along with the continued movement of inactive records out of the office to the basement storage area. The basement storage room should be arranged so that records can be located more easily. The use of warehouse-type shelving in one cubic foot storage boxes could maximize the use of the space available in the basement. Additional information on inactive record storage is attached as Exhibit 9.

4.134 MICROFILM

CAREFULLY CONSIDER THE COST OF POTENTIAL BENEFITS OF THE PROPOSED MICROFILM PROGRAM.

Discussion

During our visit to the New Orleans Municipal Court, it was indicated that a considerable amount of money is being allocated for the purchase of microfilm equipment. Any records which are not deemed to be permanent records should not be microfilmed, since the most cost effective method of dealing with non-permanent records is to destroy them when authorized by statute. Since the New Orleans Municipal Court has adequate space for storage of hard copy, microfilm may not be a cost-effective alternative.

4.135 EVIDENCE; EXHIBITS

CONTINUE DISPOSITION OF OLD EVIDENCE AND EXHIBITS WHICH HAVE ALREADY BEEN INVENTORIED AND CONTINUE TO KEEP THE VAULT CONTAINING EVIDENCE FOR ACTIVE CASES WELL ORGANIZED.

Discussion

The basement storage area contains many years' accumulation of case exhibits. All of these items have been indexed and inventoried. Arrangements were underway to transfer some of this property to City Finance for further disposition and to destroy other items of evidence. It was indicated that under current statutes, evidence in municipal courts can be destroyed six months after case disposition.

4.136 MANUAL ACCOUNTING SYSTEM

DEVELOP A "ONE-WRITE" OR PEGBOARD ACCOUNTING SYSTEM.

Discussion

Exhibit 10 is a special report on pegboard accounting systems. It is apparent from a brief review of the receipting procedure and cash accounting system that improved efficiency, security and cash control could readily be realized from adoption of a one-write or pegboard accounting system.

Conclusion: Staff of the clerk's office are working extremely hard to keep up with an increasing volume of cases. Adoption of some improved record-keeping techniques could simplify their work and save money. A modern streamlined manual recordkeeping system could benefit the court by offering opportunities for improved efficiency, and reduction in the cost of labor and supplies. Once such a system is developed, the court could begin to move toward the introduction of an on-line computer system.

5.0 JUDICIAL FUND

In addition to our review of the court's overall organization, and of its caseflow and records management practices and procedures, we also examined the court's most highly publicized activity--expenditures from the judicial fund.

During the course of this review, significant media attention was brought to bear on expenditures from the court's judicial fund. Creation of the judicial fund was specially authorized by an ordinance of the New Orleans City Council in 1974. Revenues to the fund consist entirely of bond forfeitures. Expenditures from the fund are made for supplies, materials and other expenses deemed necessary for judicial purposes.

Examples of judicial fund expenditures include ad hoc judge expenses; automobile expenses; clerk's office supplies; employee parking; courtroom and chambers furniture; telephone; and summer intern compensation. Certain expenditures, including professional association memberships and gifts, such as flowers, have been expressly prohibited. Any judge can authorize a valid expenditure out of the fund up to \$200; expenditures over that amount theoretically require a majority vote of the judges. Judicial fund expenditures during 1980 were \$141,121.

5.11 Analysis. Because of the high visibility of the judges as elected officials, and because of the potential for criticism of such officials for potentially inappropriate expenditures from a public fund, we believe it is in the

court's best interest to articulate and enforce extremely specific policy guidelines with regard to all expenditures from the judicial fund; to support such guidelines with detailed individual records distinguishing personal from business expenditures; to provide such records and documentation to the city and the Supreme Court in the course of periodic audits; and to make such audit information readily available to such agencies as may have a legitimate interest in reviewing such records, including the media.

5.12 Recommendations: Judicial Fund. Recognizing the court's public accountability for expenditure of judicial funds, it is therefore recommended that the following be undertaken:

- Develop specific, articulated guidelines for allowable expenditures from the fund and promulgate such guidelines;
- Prepare an annual budget for expenditures of judicial budget funds, and monitor expenditures monthly against such budget targets; separate line item accounts should be maintained for each of the following items:
 1. Personnel
 2. Office Supplies
 3. Consultants
 4. Equipment
 5. Contractual
 - Books
 - Repairs
 - Telephone
 - Automobiles
 - Carpenter
 - Parking
 - Ad hoc judges
 6. Travel

- Require that all requests for judicial fund expenditures be approved by the presiding judge;
- Require all officials (judges, clerk) authorized to request appropriations from the fund to maintain a daily log of personal and business-related expenses for telephone calls, automobile usage, etc., and specify that such persons request reimbursement for the judicial business portion only of such expenditures;
- Establish a petty cash accounting system to be reviewed by the presiding judge and to be summarized monthly;
- Initiate, cooperate in, and disseminate the results of periodic and/or annual judicial fund audits.

APPENDIXES

APPENDIX A

"TIME SHIFT PLANNED FOR NIGHT COURT"

Time shift planned for night court

The 10 p.m. court session presided over by Judge James Glancey will be moved to 6 p.m. beginning June 1, to ease overcrowded trial dockets in Orleans Parish Municipal Court.

The plan was announced Wednesday by Louisiana Supreme Court Deputy Judicial Administrator Lansing Mitchell Jr., whose office coordinated the plan with the Municipal Court judges and the City Council.

Though trials have been held by Glancey, Mitchell said, the so-called night court traditionally has been used for arraignment of persons charged with violations of either city ordinances or state misdemeanors.

After arraignment, Mitchell said, trials usually were held before one of the other three Municipal Court judges.

But with the other judges of the Municipal Court sometimes setting as many as 70 trials on a given day, Mitchell said, it was thought that a fourth trial docket would alleviate some of the workload.

The plan is expected to accommodate citizens who get off work about 5 p.m., Mitchell said, and who won't have to make a special trip back into town for the 10 p.m. setting.

And the plan for a fourth trial docket also renders moot an expensive proposal to create a fifth judgeship on the Municipal Court, Mitchell said.

Finally, Mitchell said, the new plan is expected to make it easier for more New Orleans police officers to come to court in connection with cases in which their testimony is crucial and still have time to get back on the streets during high-arrest hours of the night.

APPENDIX B

- B-1: DAILY STATISTICAL WORKSHEETS, JAN-FEB 1981, COURT B
- B-2: MONTHLY STATISTICAL REPORT FORM, JAN-MAR 1981
- B-3: COMPARISON OF SECTION B DAILY AND MONTHLY STATISTICS,
JAN-MAR 1981

PLEASE RETURN TO:

Judicial administrator, Supreme Court
of Louisiana, 109 Supreme Court Building.
301 Loyola Avenue, New Orleans, Louisiana.

To be submitted by _____

REPORT OF CASES FILED AND TERMINATEDJan. 1981Judge See below

Municipal _____ City Court

	<u>Pending</u> (from prior months)	<u>Filed</u>	<u>Terminated</u>
--	--	--------------	-------------------

TOTAL

Civil:

Criminal:

State misdemeanors (non-traffic)

8,848	3,908	2,964
-------	-------	-------

Ordinance violations (non-traffic)

_____	_____	_____
-------	-------	-------

CRIMINAL TOTAL

_____	_____	_____
-------	-------	-------

JUVENILE TOTAL

_____	_____	_____
-------	-------	-------

GRAND TOTAL

8,848	3,908	2,964
-------	-------	-------

"A" Judge Eddie L. Sapir
"B" Judge Joseph R. Bossetta
"C" Judge John Shea
"D" Judge James C. Glancey, Jr.

[Signature]
Signature

Clerk of Municipal Court

PLEASE RETURN TO:

Judicial Administrator, Supreme Court
of Louisiana, 109 Supreme Court Building.
301 Loyola Avenue, New Orleans, Louisiana.

751

To be submitted by _____

REPORT OF CASES FILED AND TERMINATED

Feb 1981

Judge See below Municipal _____ City Court _____

	<u>Pending</u> (from prior months)	<u>Filed</u>	<u>Terminated</u>
--	--	--------------	-------------------

TOTAL	<u>1,600</u>	<u>4,947</u>	<u>2,519</u>
-------	--------------	--------------	--------------

CIVIL:

Criminal:

Ordinance violations (non-traffic)	<u>1,600</u>	<u>4,947</u>	<u>2,519</u>
------------------------------------	--------------	--------------	--------------

Ordinance violations (non-traffic)	_____	_____	_____
------------------------------------	-------	-------	-------

CRIMINAL TOTAL

JUVENILE TOTAL

GRAND TOTAL

	<u>1,600</u>	<u>4,947</u>	<u>2,519</u>
--	--------------	--------------	--------------

"A" Judge Ed Hecht, Supir
"B" Judge Joseph R. Rossetta
"C" Judge John Shea
"D" Judge James A. Blancey, Jr.

[Signature]
Clerk of Municipal Court

PLEASE RETURN TO:

Judicial administrator, Supreme Court
of Louisiana, 109 Supreme Court Building.
301 Loyola Avenue, New Orleans, Louisiana.

To be submitted by _____

REPORT OF CASES FILED AND TERMINATED

March 1981

Judge See below

Municipal _____ City Court

	<u>Pending</u> (from prior months)	<u>Filed</u>	<u>Terminated</u>
--	--	--------------	-------------------

TOTAL	<u>9,948</u>	<u>5,192</u>	<u>4,123</u>
-------	--------------	--------------	--------------

Civil:

Criminal:

State misdemeanors (non-traffic)	<u>9,948</u>	<u>5,192</u>	<u>4,123</u>
----------------------------------	--------------	--------------	--------------

Ordinance violations (non-traffic)	<u> </u>	<u> </u>	<u> </u>
------------------------------------	-------------------	-------------------	-------------------

CRIMINAL TOTAL

JUVENILE TOTAL

GRAND TOTAL

	<u>9,948</u>	<u>5,192</u>	<u>4,123</u>
--	--------------	--------------	--------------

"A"	Judge Eddie L. Sapir
"B"	Judge Joseph R. Bossetta
"C"	Judge John Shea
"D"	Judge James C. Glancey, Jr.

Signature

Clerk of Municipal Court

Comparison of Section B Daily and
Monthly Statistics
 (January - March 1981)

		<u>Supreme Court Reports</u>	<u>Jan - Mar 1981</u>			<u>Section B</u>
		<u>Pending.</u>	<u>Filed</u>	<u>Terminations</u>	<u>Should be Pending</u>	
	1/81	8848	3908	2969	9787	
<u>Lost Cases</u>						
117	2/81	9670	4947	3519	11,098 or 11,215	
1150-1267	3/81	9948	5192	4123	11,017-12,284	

APPENDIX C

FILING IN LIMITED JURISDICTION COURTS FOR THE
35 LARGEST COUNTIES

Fillings in Limited Jurisdiction Courts for the 35 Largest Counties

<u>County and State</u> <u>(1980 population)</u>	<u>Year</u>	<u>Court</u>	<u># of</u> <u>judges</u>	<u># of cases</u> <u>filed</u>	<u>Filings/</u> <u>judge</u>	<u>Court</u> <u>jurisdiction</u>
1. Los Angeles County, CA (7,477,657)	1980	Municipal	147	2,338,187	15,905	CV CR TR*
2. Cook County, IL (5,253,190)	1979	(no limited jurisdiction court) (Circuit	302	6,594,719	21,937	CV CR TR JU)
3. Harris County, TX (2,409,544)	1980	Justice of the Peace Municipal	16 42 58	277,533 534,680 812,213	17,346 12,730 14,004	CV CR TR CR TR*
4. Wayne County, MI (2,337,240)	1979	Probate District Common Pleas	8 32 13	20,203 276,047 (unknown)	2,525 8,626	CV JU
5. Kings County, NY (2,230,936)	1980	Criminal Civil Family Surrogate's	15 17 8 1	44,462 ^b 48,014 (unknown) 7,417	2,964 ^b 2,824 7,417	CR(TR) CV CR JU CV
6. Orange County, CA (1,931,570)	1980	Municipal	43	613,808	14,275	CV CR TR*
7. Queens County, NY (1,891,325)	1980	Criminal Civil Family Surrogate's	13 13 7 1	32,644 ^b 21,983 (unknown) 6,554	2,511 ^b 1,691 6,554	CR(TR) CV CR JU CV
8. San Diego County, CA (1,861,846)	1980	Municipal	42	631,154	15,027	CV CR TR*
9. Philadelphia County, PA (1,688,210)	1980	Municipal Traffic	22 6 28	145,367 561,199 ^d 706,566	6,608 93,533 25,234	CV CR TR

10. Dade County, FL (1,625,979)	1979	County	29	525,956	18,136	CV CR TR
11. Dallas County, TX (1,556,549)	1980	Municipal Justice of the Peace	19 <u>12</u> 31	339,992 <u>80,443</u> 420,435	17,894 6,704 13,562	CR TR* CV CR TR
12. Maricopa County, AZ (1,508,030)	1980	Municipal Justice of the Peace	26 FT 27 PT <u>18</u> 71	572,548 <u>159,569</u> 732,117	10,802 8,865 10,312	CR TR CV CR TR
13. Cuyahoga County, OH (1,498,295)	1980	Municipal	23	265,252	11,533	CV CR TR
14. Allegheny County, PA (1,450,085)	1980	District Magistrate	50 <u>6</u> 56	201,657 <u>62,497</u> 264,154	4,033 10,416 5,283	CV CR TR CV CR TR
15. New York County, NY (1,427,533)	1980	Criminal Civil Family Surrogate's	22 23 9 <u>2</u> 56	67,365 ^b 44,621 3,302 <u>7,860</u> 123,178	3,052 ^b 1,940 366 3,930 2,210	CR (TR) CV CR CV
16. Middlesex County, MA (1,367,034)	1979	District Probate	(c) (c)	405,222 22,660		CV CR TR JU CV
17. Nassau County, NY (1,321,582)	1980	District Family Surrogate's Town Village	26 12 1 ? ?	(unknown) (unknown) 8,899 (unknown) (unknown)		CV CR TR CR CV CV CR TR CV CR TR
18. Santa Clara County, CA (1,295,071)	1980	Municipal	22	352,725	16,033	CV CR TR*

19. Suffolk County, NY (1,284,231)	1980	District Family Surrogate's Town Village	23 8 1 ? ?	(unknown) (unknown) 4,386 (unknown) (unknown)	4,386	CV CR TR CR JU CV CV CR TR CV CR TR
20. King County, WA (1,269,749)	1980	District Municipal	33	400,737	12,144	CV CR TR
21. Bronx County, NY (1,169,115)	1980	Criminal Civil Family Surrogate's	12 5 7 1	34,033 ^b 32,018 (unknown) 4,135	2,836 ^b 6,404 432 4,135	CR (TR) CV CR JU CV
22. Alameda County, CA (1,105,379)	1980	Municipal	31	400,149	12,908	CV CR TR*
23. Erie County, NY (1,015,472)	1980	City Family Surrogate's Town Village	14 6 1 ? ?	(unknown) (unknown) 8,345 (unknown) (unknown)	8,345	CV CR TR CR JU CV CV CR TR CV CR TR
24. Broward County, FL (1,014,043)	1979	County	13	254,845	19,603	CV CR TR
25. Oakland County, MI (1,011,793)	1979	District Probate	30 4 34	316,054 4,684 320,738	10,535 1,171 9,433	CV CR TR CV CV CR TR
26. Bexar County, TX (988,800)	1980	Municipal Justice of the Peace	21 6 27	235,181 9,613 244,794	11,199 1,602 9,066	CR TR* CV CR TR
27. Milwaukee County, WI (974,988)	(Wisconsin has not produced an Annual Report since 1977)					
28. St. Louis County, MO (974,815)	1981	(no limited jurisdiction courts ^a) (circuit (Assc. Cir.	24 7 31	36,668 124,009 160,677	1,528 17,716 5,183	CV CR JU CV CR TR

29. Hennepin County, MN (941,411)	1980	Municipal Probate	17 <u>1</u> 18	712,012	39,555	CV CR TR CV
30. Hamilton County, OH (873,136)	1980	Municipal	10	229,591	22,959	CV CR TR
31. Franklin County, OH (869,109)	1980	Municipal	13	281,649	21,565	CV CR TR
32. Westchester County, NY (866,599)	1980	City Family Surrogate's Town Village	9 5 1 ? ?	(unknown) (unknown) 3,812 (unknown) (unknown)	CV CR TR CR CV CV CR TR CV CR TR	
33. Essex County, NJ (850,451)	1980	District Juvenile & Dom. Relat. Municipal Surrogate's	6 6 29 ?	73,818 20,683 142,054 (unknown)	12,303 3,447 4,898	CR TR*
34. Bergen County, NJ (845,385)	1980	District Juvenile & Dom. Relat. Municipal Surrogate's	6 4 60 ?	31,725 3,988 156,506	5,288 997 2,608	CR TR*
35. Baltimore City, MD (786,775)	1981	District	22	278,134	12,542	CV CR TR

PT = part time
 FT = full time
 CV = civil
 CR = criminal
 TR = traffic
 JU = juvenile

*These traffic cases do not include parking cases.

aThese states have unified court systems with no courts of limited jurisdiction. For comparison, data from the unified court are given in parentheses.

bAlthough traffic cases are heard by judges in the Criminal Court in the City of New York, data for these cases were not available by county. The actual filings/judge figure is therefore higher than reported here.

cJudges in the courts in Massachusetts rotate across the entire state. As a result it is not possible to specify the number of judges sitting in any particular court location.

dThis is the number of cases disposed by the court. Approximately five times this number of tickets were given, but most of these cases have not been handled by the court. Dispositions more accurately reflect the true workload of the court.

APPENDIX D: JUDICIAL WORKLOAD ANALYSIS

D-1: SAMPLE DAILY WORKLOAD TIMESHEET

D-2A: WORKLOAD SUMMARY AND ANALYSIS: SEC. A




D-2B: WORKLOAD SUMMARY AND ANALYSIS: SEC. B

Appendix D

Two the the court's four judges kept track of bench time, chambers time and other judicial time for a one-month period (Jan 15-Feb 14, 1981). Time sheets were completed each day by the participating judges (See example, Appendix D-1). A summary of their times reported is attached herewith as Appendix D-2A (Judge Sapir) and Appendix D-2B (Judge Bossetta). No attempt was made to correlate numbers of dispositions to either bench time or overall judicial time, or to compare disposition rates between judges; however, this kind of analysis would be possible if the court were to report total daily dispositions for all cases.

NEW ORLEANS MUNICIPAL COURT STUDY
JUDGE DAILY TIME SHEET


NAME Judge Eddie L. Sapir DAY Thursday DATE: 2 / 5 / 81

	:15	:30	:45
9:00 a.m.			
10:00 a.m.	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
11:00 a.m.	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
12:00 p.m.	//////////	//////////	
1:00 p.m.			
2:00 p.m.			
3:00 p.m.			

Legend:

Bench time XXXXXXXXXX

Chambers Time //////////

Other Judicial Business (luncheons, meetings
speaking engagements, etc.) 

				D-2A
<u>Judge Sapir</u>	<u>Other Judicial</u>	<u>Chambers</u>	<u>Bench</u>	<u>Total</u>
1/15	.25	2.75	4.0	7.0
1/16		2.0	2.0	4.0
1/17 (lock up)	2.0			(2.0)
1/18 (lock up)	2.0			(2.0)
1/19 Holiday				(---)
1/20		1.0	3.0	4.0
1/21		2.0	3.75	5.75
1/22		2.0	2.75	4.75
1/23		1.75	2.75	4.5
1/26		2.0	3.75	5.75
1/27		3.5	2.75	6.25
1/28	2.0	1.5	2.75	6.25
1/29	9.0	2.75	2.0	13.25
1/30		1.5	2.5	4.0
2/2	2.0 (Jdgs)	.25	3.5	5.75
2/3		2.75	2.75	5.5
2/4		2.0	2.0	4.0
2/5	1.0	.75	2.0	3.75
2/6		1.5	2.0	3.5
2/9		2.5	2.75	5.25
2/10 Vacation (Ad Hoc)		(.5)	(2.5)	(3.0)
2/11 Vacation (Ad Hoc)		(.5)	(1.5)	(2.0)
2/12		1.5	3.5	5.0
2/13		<u>1.75</u>	<u>2.75</u>	<u>4.5</u>
	18.25	35.75	53.25/57.25	103.25/108.25

Analysis

1. Courtroom Utilization = Average 2.8 Hours/Day (Range: 2-4 Hours/Day)
2. Average Hours/Day = 5.43
3. Ratio Other/Chambers to Bench Time = $54.0/53.25 = 1:1$

Judge Bosetta

D-2B

<u>Break</u>		<u>Other Judicial</u>	<u>Chambers</u>	<u>Bench</u>	<u>Total</u>
.25	Th 1/15	1.75	1.75	4.0	7.25
	F 1/16	.75 (Libr.)	1.0	2.75	4.50
	S 1/17				----
	S 1/18				----
	M 1/19 (Holiday)	2.25 (cv. srv hrng.)	1.0 (Mtg)		(3.25)
	T 1/20		1.75	3.5	5.25
.25	W 1/21	.50 (Libr.)	.75	4.75	6.25
		1.0 (.5 Libr)	1.50		
	Th 1/22	(.5 police)		3.25	5.75
	F 1/23 (illness)				----
	S 1/24 (lock up)	1.0			(1.0)
	S 1/25 (lock up)	.5			(.5)
	M 1/26	2.25 (1.75 Police)	.50	2.75	5.5
	1/27-1/30 (illness)				----
	S 1/31				----
	S 2/1				----
	M 2/2	2.25 (Judge Mtg)	.75	2.75	5.75
.25	T 2/3	1.25 (.75 other; .5 Libr)	1.0	3.25	5.75
.50	W 2/4		.75	4.25	5.75
.50	Th 2/5	1.75	.75	3.75	6.75
.25	F 2/6	1.25	1.5	4.25	7.25
	S 2/7				----
	S 2/8				----
	M 2/9	.50	1.00	2.5	4.0
.25	T 2/10	2.50 (Mtg. Mayor)	1.50	2.75	7.0
.50	W 2/11		1.0	3.0	4.5
	Th 2/12		1.75	2.0	3.75
.50	F 2/13		.75	3.25	4.5
	S 2/14				----
3.25		19.50	19.	52.25	89.50

Analysis

1. Courtroom Utilization = Average 3.3 Hours/Days (Range: 3.25-7.25 Hrs/Day)
2. Average Hours/Days = 5.6
3. Ratio Other/Chambers to Bench time = $41.25/52.25 = 4:5$

APPENDIX E

AD HOC JUDGE USE ANALYSIS

AD HOC JUDGE USE
ANALYSIS

Appendix E

	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
Jan	380.70 (WK) 211.50 (WK)	126.90 (LG)		42.30 (JL)
Feb	42.90 (B) 126.90 (WK)			
Apr	211.50 (WK) 161.20 (WK)		42.00 (GH) 120.96 (GH)	
May	148.05 (WK) 50.22 (WK)			211.50 (GH) 148.05 (WK) 126.90 (GH)
June	211.50 (WK)			
July	169.20 (WK) 338.40 (WK)	634.50 (BB) 42.30 (BB) 63.45 (BB)	126.90 (GH)	63.45 (GH)
Aug	211.50 (WK)	211.50 (DM) 211.50 (DJ)	296.10 (GH)	211.50 (GH)
Sept	296.00 (WK)	211.50 (DJ) 84.60 (DM) 211.50 (WK)		211.50 (GH) 380.70 (NP)
TOTAL	2559.56	1797.75	585.96	1395.90

<u>WK</u>	<u>GH</u>	<u>Others</u>	<u>Total</u>
2876.22	1410.81	2052.15	6339.17

<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>Total</u>
2559.56	1797.75	585.96	1395.90	6339.17

Judge A used about 38% of all ad hoc judges expenses, Judge B about 39%; Judge C about 8%, and Judge D about 25%.

2.33 Responsibilities of the Presiding Judge. The presiding judge of the trial court, in accordance with Section 1.33, Standards Relating to Court Organization, should provide leadership for the court, supervise and direct its administration, and be the intermediary between the court over which he presides and the judicial system of which it is a part.

(a) In his capacity as the presiding officer of the court, the presiding judge should:

(1) Set an example in performance of his judicial and administrative functions;

(2) Call and preside over meetings of the court;

(3) Appoint committees of the court;

(4) Initiate policy concerning the court's internal operations and its position on external matters affecting the court;

(5) Represent the court in its relations with other agencies of the government, the bar, the general public, the news media, and in ceremonial functions;

(6) Counsel and assist other judges in the performance of their responsibilities in the administration of the court.

(b) In his capacity as director of the court's administration, the presiding judge should:

(1) Supervise caseload management in accordance with Sections 2.50-2.56;

(2) Assign judges to specialized departments and geographical divisions;

(3) Appoint divisional presiding judges and, where necessary, an associate presiding judge;

(4) Implement initial orientation and continuing education and training programs for members of the court;

(5) Administer regulations concerning such matters as hours of court, the timely disposition of matters under submission, leaves of absence, attendance of meetings and conferences, and vacations;

(6) Supervise court finances, including financial planning, the preparation of budgets, and financial reporting;

(7) Supervise performance of the court's administrative office.

(c) In performing his functions the presiding judge should act in conformity with policies adopted by the court as a whole and should freely solicit the advice and suggestions of his fellow judges.

(d) In dealing with the court's staff, the presiding judge should act through the court executive, provided for in Section 1.41(b), *Standards Relating to Court Organization*.

Each multi-judge trial court should have a presiding judge who is selected as provided in Section 1.33, *Standards Relating to Court Organization*, and who serves subject to the general direction of the chief justice, as provided in Section 1.11, *Standards Relating to Court Organization*.

As leader of his court, the presiding judge (who may be titled "chief judge") is first among equals, being spokesman and representative for his fellow judges. Effective leadership depends especially on tact, the ability to listen, attention to the interests of others, and persuasiveness. As administrative director of his court, the presiding judge must have, in addition, aptitude for planning and coordinating complex series of events and the ability to make prompt and firm decisions. As intermediary between the court system and his own court, he must implement system-wide policy and present the needs and concerns of his court in the development of that policy.

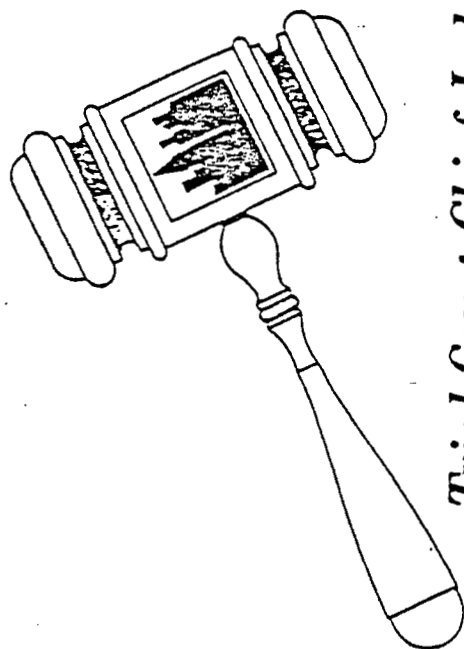
The authority of the presiding judge should extend to all aspects of the trial court's administration, but he should not try to administer the court by himself. He should faithfully adhere to court policy as expressed in the regulations governing the court, engage in continuing consultation with his fellow judges, and delegate authority to other judges and to court staff where doing so facilitates effective administration. In supervising the court's administrative office, he should act through the court executive, who should be responsible for management of the office and the work of its staff.

The presiding judge's exercise of administrative authority should not infringe on the judicial authority and responsibility of the judges of his court. Because a distinct line cannot always be drawn between administrative responsibilities and adjudicative authority, the proper sphere of the presiding judge's responsibility is most effectively maintained by coupling formal definition of his authority with observance of mutual respect and cooperation between the presiding judge and his fellow judges.

Reference:

NATIONAL CONFERENCE OF METROPOLITAN COURTS, STANDARDS RELATING TO THE OFFICE OF CHIEF JUDGE (1973).

STANDARDS RELATING TO THE OFFICE OF



Trial Court Chief Judge

National Conference of Metropolitan Courts

1973

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Preface

The Standards contained herein have been prepared under auspices of the National Conference of Metropolitan Courts, which is composed of chief judges (sometimes also called assignment judges), administrative or president judges) from the 50 largest cities in the United States. Its aim is the development and exchange of ideas for improving the trial courts in our metropolitan centers. Although prepared in response to the need for guidelines in administering large, multi-judge trial courts, these Standards are considered applicable to and are suggested for use by all trial courts of either general or special jurisdiction.

Reference is made to the tentative Standards Relating to Court Organization (1973), recently prepared by the American Bar Association Commission on Standards of Judicial Administration. The Standards (hereinafter referred to as ABA Standards) address the problem of the organization and administration of court systems generally. The Standards recommended herein supplement and are considered consistent with the ABA Standards, focusing only on matters dealing with *trial* court administration. They can be adopted and implemented separately from the many recommendations of a larger scope contained in the ABA Standards which, within the overall subject of court administration, deal with such issues as statewide unified court systems, selection and retirement of judges, revenues from fines, etc.

The invaluable assistance of many people in preparing the Standards has been deeply appreciated. The advice and comments of the entire Advisory Committee have provided knowledge and

expertise that could not have been extracted from a thousand books. The leadership and guidance of Advisory Committee Chairman Joseph A. Sullivan and of Judge Kenneth N. Chantry, who did much of the initial planning for this project, merit special praise. Finally, the continuing, tireless cooperation of L.M. "Pat" Jacobs, IV, Administrator for the Wayne County Circuit Court in Detroit, made the task of the Reporter both easier and more pleasant.

This project has been made possible by a grant from the Law Enforcement Assistance Administration of the United States Department of Justice.

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Introduction

It has been nearly 70 years since Dean Roscoe Pound called for modern management techniques in our courts.

Two years ago, in assessing the "colossal and immediate" challenges to our system of justice, Chief Justice Burger asserted that he would give priority to "... methods and machinery, to procedures and techniques, to management and administration of judicial resources even over the much needed reexamination of substantive legal institutions that are out of date."¹

Over the years other voices have proclaimed the need for efficient judicial administration. For example, under the leadership of Chief Judge Parker and Chief Justice Vanderbilt, the American Bar Association adopted guidelines on judicial administration in 1938. These have been followed by many subsequent standards and recommendations, culminating in the most recent ABA Standards referred to in the Preface, which were published this year.

Nevertheless, judicial administration at the trial court level has been the neglected stepchild of the Twentieth Century's great advances in organizational and technological efficiency. A few states have formal rules for judicial management of trial courts. (See, e.g., Appendices B and C for examples of rules in two leading jurisdictions, the State of New Jersey and the County of Los Angeles, California.) On the other hand, U.S. District Court chief judges have practically no written standards or authority to follow in administering their courts. In many states or local jurisdictions, the chief judicial

administrator has nothing to rely on except varying and often conflicting own personality, or a somewhat vague recognition by the other judges that *someone* has to run things.

One reason for this lack of administrative organization is the great tradition of the independence of our judiciary in *judicial* matters. But the need for a judge to be independent and impartial in his judicial role does not mean that, in the words of Chief Justice Taft, each judge must paddle his own canoe when it comes to administration in the courts. This is especially true in our large metropolitan trial courts where the bulk of judicial action occurs and where many as hundreds of judges may preside over systems involving thousands of other court-related employees, all seeking to handle seemingly unmanageable caseloads.

A recent study conducted by the National Conference of Metropolitan Courts presents a graphic picture of the primitive state of trial court administration throughout our country (see Appendix A). It demonstrates that chief judges are selected in a variety of ways. This is often done on the basis of popularity or seniority, usually for short (one-year) terms. Chief Judges have very important responsibilities for assigning other judges, scheduling and controlling calendars, monitoring court finances and supervising employees (including many who are not even under their control). Such responsibilities clearly carry with them the implied authority to enforce the many administrative decisions chief judges must make. Yet, in only rare instances do they have the express authority to do so. Furthermore, the instances are equally rare in which they receive any management training before assuming such difficult jobs. It is surprising, given the heavy responsibilities and meager grants of authority under which most chief judges operate, that they administer their courts as well as they do.

These Standards are aimed at establishing guidelines for the selection, term of office, responsibilities and authority of the trial court chief judge, who must make the judicial machinery function. They may be implemented by court rule or by legislation. In some states even constitutional changes may be necessary. But the Standards should be written, should be supported by appropriate legis-

¹ Burger, *Deferred Maintenance, JUSTICE IN THE STATES* p. 13, 1971.

authority, and should clearly spell out the powers as well as the duties of this chief judicial administrator.

There are many problems to be solved in improving our court system, including such matters as consideration of the desirability of unified court systems, the selection and tenure of judges, and better organization of often independent, court-related agencies such as court clerks, probation officers and court security officers. However, other organizations are working on solutions to these problems. It was considered better to restrict these Standards to the functions of the trial court chief judge in order to avoid the delays inherent in seeking to revise such other major aspects of the judicial system. The goal of the National Conference of Metropolitan Courts in this project will be achieved if the Standards provide a useful tool in improving the administration of our trial courts.

Standards

1. Title and rank of Chief Judge. Each multi-judge trial court should have a designated judge who is responsible for the administration of that court, including its personnel and its fiscal management. This judge should be a member of the court he administers. The title Chief Judge is used in these Standards.

1.1 Deputy Chief Judge. A deputy chief judge may be selected to serve under the administrative supervision of the chief judge whenever the nature and scope of the chief judge's duties are such that he cannot adequately perform them without additional administrative judicial assistance.

1.2 Division Presiding Judge. Where a trial court is subdivided into separate geographic or functional multi-judge units, a division presiding judge may be selected to administer each such subunit, subject to the general supervision of the chief judge.

Commentary

General

It is essential that responsibility and authority for judicial administration vest in one office. It is generally agreed that the final administrative authority in each court should be a judge, assisted by a professional administrator and such additional administrative personnel as may be required.

At present, nearly every multi-judge court has some type of administrative-judicial chief but his title, as well as the authority and responsibility he exercises, vary widely from state to state and among cities within the same states. Administration in some courts is

governed by legislation; in some by court rule; in others by custom or verbal agreement among the judges. The only common factor in courts across the country seems to be that chief judicial administrators do not have sufficient authority to manage their courts effectively.

1. Chief Judge

Under existing practices, the administrative judicial head is often called Chief, Presiding, President, Assignment or Administrative Judge. Although it may not be of crucial importance, a standardized title which implies certain general functions is considered desirable. The term Chief Judge is thought to be the most descriptive. It also coincides with the title given by statute to the principal administrative judge for each United States District Court.

It is noted that ABA Standards 1.12(d) and 1.33(b)² have adopted the title Presiding Judge for the chief executive judge in trial courts of original jurisdiction. It is the view of the National Conference of Metropolitan Courts that the term Presiding Judge connotes less authority than that of Chief Judge, and that the latter title is preferred.

One problem commonly encountered is the difficulty chief judges have in exercising authority over associates who serve on the same bench. The judges in any given court all have equal *judicial* authority with the chief judge, and are not beholden to him for their positions. Thus, they tend to feel that they are not necessarily bound by his administrative edicts. It has been suggested that the trial court chief judge be a member of a higher court (e.g., intermediate appeal court or supreme court), in order to assure greater respect for his position among the other judges. The proposal has not been adopted in this Standard, in part because of the incongruity of a judge from a higher court sitting permanently at a lower level court, and in part because of the need for a close working relationship between the chief judge and his fellow members on the bench. Placing a judge of a

senior court "over" the court he administers could well set the judge too far apart from the others and reduce the support he have from fellow judges if he is to be a successful administrator. Accordingly, the Standard provides that the chief judge should be a member of the court which he administers.³ His duties and authority are discussed in Standards 4 and 5.

Trial courts vary in size, function, and jurisdictional area to almost unlimited degree. The duties and authority of the judge will necessarily also vary widely. Nevertheless, each trial judge having more than one judge should have a chief judge, whose authority and principal duties are spelled out in subsequent sections. The question of whether and when courts having only one or a few judges should be consolidated is not addressed in these Standards.

1.1 Deputy Chief Judge

A deputy chief judge is recommended for large metropolitan courts. Administrative functions can usually be carried out under the chief judge's supervision by nonjudicial administrative officers. However, a *judicial* deputy chief is desirable to aid the chief judge in the size of the court makes it impractical for him to maintain contact with other judges in such matters as their committee work, planning for judicial manpower, judicial rule making and the like. The deputy chief judge would also represent the chief judge in ceremonial functions or other events the chief cannot attend, would serve as chief judge pro tem when the chief is away or incapacitated. The duties of the deputy are further discussed in Standard 7.

1.2 Division Presiding Judge

Many trial courts are subdivided into specified geographic areas (e.g., Los Angeles County Superior Court). Others have different functional departments (e.g., probate, criminal, juvenile, family relationships, small claims). Wherever such subdivisions exist,

³It has also been suggested that appellate judges should supervise all trial courts assigned regions or districts within a state. These Standards take no position on this suggestion.

²*Tentative Standards Relating to Court Organization. ABA COMMISSION ON STANDARDS OF JUDICIAL ADMINISTRATION, 1973.*

more than one judge, efficiency will be improved by the designation of a division presiding judge who supervises the administrative functions of that subdivision. Designation of such division presiding judge also eases the administrative burdens of the chief judge.

Attention is invited to ABA Standards 1.12(d) (ii) and 1.33(c), which designate the administrative judge of divisions within the trial court as Associate Presiding Judge. The term Division Presiding Judge has been selected here to describe the administrative judge in charge of either geographic or functional multi-judge divisions. The duties of the division presiding judge are discussed in Standard 8.

2. Selection of trial court chief judge, deputy chief judge and division presiding judge. The chief judge should be selected by vote of his fellow judges,⁴ with emphasis on his administrative and leadership ability rather than his seniority, political strength or legal scholarship.

The deputy chief judge should also be selected by vote of his fellow judges. The division presiding judge should be appointed by the chief judge.

The criteria for selection of the deputy chief judge and the division presiding judge should be the same as for the chief judge.

Commentary

Qualities to be considered in selection

The most important considerations in the selection of a chief judge are his administrative or executive abilities and his leadership. The qualities that make a person a good judge do not necessarily insure that he will be a good administrator. Furthermore, executive ability alone is not sufficient for a chief judge. Because of the "separate but equal" relationship among his fellow judges, he must also be able to gain support for his decisions and his administration

⁴In some jurisdictions the chief judge is selected by the chief justice of the state or by the governor. The desirability of these methods is discussed in the Commentary to this Standard. See also Appendix A.

without undue friction or resentment among them.

Although seniority is the basis of selection in the federal system and in some states, it is considered to be inappropriate for two qualities other than experience on the bench. Long judicial experience, which emphasizes the importance of judicial independence may actually decrease a judge's ability to plan and make sound administrative decisions for the entire court which must be viewed as a unit, or system, and not as a collection of independent individuals who coincidentally operate their courts in the same complex.

The other objection to seniority as the basis for selection is that the duties imposed on the chief judge may be enormously burdensome, especially in large courts. It is neither fair nor wise to impose such burdens on judges who in all probability will be among the most elderly members of the court. The chief judge should be a person who retains his vigor and is not likely to be incapacitated by poor health.

Methods of selection

In addition to automatic accession on the basis of seniority, chief judges now may be elected by the fellow members of their court or by appointment. Some are appointed by the chief justice of the state; some by the governor. Panels consisting of judges, of judges and lawyers, or of judges, lawyers, and laymen are also utilized to make recommendations for appointment of the chief judge. Still another method requires approval of the selections by the county or city governing body.

The method of selecting the chief judge is one of the most controversial subjects in judicial administration. It has been suggested that he should be selected by the chief justice of the state. Such a selection system is designed to establish a chain of command fixing all responsibility in the hands of the chief justice. But since a multi-judge trial court is an aggregation of professionals seeking to perform well, the autocratic arrangement is less likely to be effective than locally made policy administered through a locally chosen chief judge. While there needs to be statewide coordination and some

central administrative authority, not all authority should be put in the hands of the state's high appellate court or its chief judge. A majority of the Advisory Committee favor election of the chief judge by members of metropolitan courts. Adopting that view, this Standard recommends that the judges making up the trial court select their presiding judge and fix their administrative policies within the framework of statewide judicial policy. However, this selection system may not be practical when there are only a few judges on the court. In such cases, appointment by the chief justice may be appropriate. Appointment by the governor or other political officials is not considered desirable, since those officials are too far removed from the administration of the court, and would have less knowledge on which to base their selection.

The deputy chief judge serves as chief judge if the chief is absent or incapacitated. He may also succeed to the position of chief judge at some later time. (Such succession is customary in some jurisdictions.) Accordingly, the Standard recommends that the deputy chief be selected by the same method as the chief judge. This should not lessen the authority of the chief judge to require adherence to his policies, and failure of the deputy properly to assist the chief judge should be considered in evaluating his continued service.

The division presiding judge normally executes the chief judge's policies for a division of the court. His term is often for a shorter period. Therefore, he should be appointed by the chief judge.

By and large, the criteria for the selection of the deputy chief judge and division presiding judge should be the same as for the chief judge. They will be performing duties generally similar to those of the chief judge.

3. Term of office, reelection, or reappointment. The term of office of the chief judge should be for a specified period of time, not less than two years. He should be eligible to succeed himself.

The term for the deputy chief should also be for a period of not less than two years. The division presiding judge should serve at the pleasure of the chief judge. The deputy chief judge and division presiding judge should both be eligible for re-selection.

The chief judge and deputy chief judge should be subject to removal before the end of their terms by a vote of not less than two-thirds of their fellow judges. The division presiding judge should serve at the pleasure of the chief judge and should be subject to removal at any time by the chief judge.⁵

Commentary

Chief Judge

Under federal law the chief judge of each United States District Court serves until he resigns or reaches the age of 70. Chief judges of state and local courts serve for varying periods of from as low as a month to five years. Such service is often on a basis of rotation, the chief judge being ineligible to succeed himself. Because of its relation to ability or performance, rotation is not a satisfactory method for selecting or setting the term of the chief judge.

Nor is it desirable that his tenure be indefinite. Time and conditions on the court will normally be such that his service should be subject to periodic review. This can be accomplished most readily by assigning a definite period to his tenure. The Standard proposes that he is eligible to succeed himself, permitting retention of a capable chief judge who wishes to continue his service.

At the same time, the position is of such importance that neither the court nor the chief judge should be subjected to the burden and inefficiency of rapid turnover or frequent reelection. A term of two years or more with the opportunity for reelection is considered the most satisfactory arrangement from the standpoint of providing continuity and stability of court policies. (Strong arguments can be made for a minimum term of at least three years.) A fixed term of substantial length also tends to minimize court "politicking" or searching for a new chief judge because of temporary dissatisfaction flowing from necessary unpopular administrative decisions.

⁵The provisions for removal of administrative judges refers only to removal from administrative positions. These Standards do not address the issue of removal of judges from their *judicial* positions.

Deputy Chief Judge and Division Presiding Judges

As pointed out earlier the deputy chief judge, if elected by his fellow judges, should also have a definite term which is of the same length as that of the chief judge (two years or more). The division presiding judge must work closely with and implement decisions of the chief judge. Thus, his term should be determined by the chief judge. It often may be shorter than the term of the chief judge. Eligibility of either the deputy chief judge or division presiding judges for reappointment is obviously desirable.

Removal

Where the terms of administrative judges are a year or less (see Appendix A, p. A-1), provisions for removal from their administrative positions are not of critical importance. However if terms are for longer periods, as recommended herein, procedures should be established to remove judges who are unfit for their administrative responsibilities.

Generally, the power to select should include the power to remove. Thus, where the chief and deputy chief judge are chosen by their fellow judges they should be subject to removal in the same manner. A requirement of a two-thirds majority for removal is recommended to guard against temporary unfavorable changes in opinion among judges that might unduly affect stability in the court's administration.

If the chief judge is selected by the chief justice of the state, that official should have power to remove him. The same principle would authorize the trial court chief judge to remove the deputy chief judge or division presiding judge if he has the power to appoint them.

It should again be emphasized that the Standard refers only to removal of judges from their administrative or executive responsibilities. Removal from *judicial* status is not within the scope of these Standards. (See footnote 5, *supra*.)

Age restriction

Many states require retirement of judges at age 70. Some impose retirement penalties on continued service beyond that age. These

Standards presuppose a maximum age of 70 for chief judges. If such maximum age is required by statute of court it is recommended that the term of any chief executive or administrative judge be limited to a maximum age limitation of 70.

4. Responsibilities and duties of the chief judge. The general responsibility of the chief judge is to supervise and direct administration of the court. In order to carry out this responsibility successfully, it is important that both his duties and his authority be clearly delineated. General policies for court administration should be established by court rules. Committees of judges should be utilized to evaluate recommendations for policy changes in areas such as planning, personnel, court rules, legislation, court financial matters, public relations and building proposals.

In exercising his administrative authority the chief judge also has the obligation to serve as a leader of the court and the other judges. He should set an example for the court to follow in his executive and administrative actions.

Whereas the chief judge is responsible for administration of the entire court, each individual judge has the responsibility for proper administration of his own particular court in accordance with standards established by the court; for cooperating with the chief judge in the overall administrative process; and for keeping the chief judge informed as to developments in his court.

In carrying out his administrative duties the chief judge should be assisted by the court administrator, who reports directly to him. Supervision over nonjudicial court employees is exercised by the court administrator who, subject to the general direction of the chief judge, is responsible for nonjudicial aspects of court administration. In the exercise of his general responsibility the chief judge should normally have the following duties:

- (a) Assignment of judges to geographically separate divisions to functionally specialized departments.
- (b) Maintenance of the court calendar, court records and other data, and an effective system of case flow management.
- (c) Regulating and enforcing hours for court operation.

(d) Appointment of court committees.

(e) Preparation of recommended policies and plans and submission of such recommendations to the entire court or to other authorities as appropriate.

(f) Representation of the court in ceremonial functions and in its relations with other branches of the government, or with other courts, and with the news media.

(g) Calling and presiding over meetings of the entire court.

(h) Supervising vacation schedules for judges.⁶

(i) Approval of attendance by judges and other court personnel at conferences which require absence from the court during working hours.

(j) Direct supervision over the court administrator's performance of duties.

(k) General supervision over court programs and employees through the court administrator. Such supervision should include the appointment, compensation, performance of duties and discharge of court employees.⁷

(l) Supervision of court finances, including financial planning, the preparation of budgets and fiscal reporting.

(m) Reviewing and taking appropriate steps to correct, when necessary, participation in judicial and nonjudicial activities by judges and employees of the court.⁸

⁶ Vacations for other court personnel should be supervised by the court administrator.

⁷ See, *infra*, Standard 5 regarding the authority of the chief judge over court-related employees.

⁸ Standard 5 discusses the authority of the chief judge in this area.

Commentary

General

Clear delineation of responsibility and authority is important to the efficient management of any organization. Although in a serial trial court is a collection of individual judges trying independent usually unrelated cases, in another very real sense it is an integral system. It can only operate properly if all parts successfully perform their assigned duties. Therefore, the chief executive of such a system must not only control the administration of all its parts; he or she must know the boundaries of his own authority and responsibilities. At the present time these boundaries are defined with precision in a few courts; in others they are expressed in sketchy terms or are not set out at all (see Appendix A). Where rules are not clear, the various segments of the court function according to custom or the personalities of the individual officials who comprise it.

An ideal court organization would probably require external changes in rules, statutes, and even many state constitutions. Recommendations for such major revisions might not be followed, at least for many years in the future. Recognizing this, the Standard sets a number of duties which should normally be within the province of the chief judge. On the other hand, these duties may be varied or deleted if in the particular jurisdiction other arrangements are required by statute.

Appendix A contains summaries of responsibilities now exercised by chief judges in most of our metropolitan courts. Appendices B and C contain rules for administration of trial courts by chief judges (also called assignment judges or presiding judges) and their assistants in New Jersey and Los Angeles County. The duties listed in subparagraphs (a) through (k) of this Standard are in large part self-explanatory. In-depth analysis of court administrative problems is contained in the authorities listed in the bibliography. Specific

comment is considered appropriate here with respect to the use of committees, subparagraph (d) and court finance, subparagraph (f). Corrective action by the chief judge regarding other judges, subparagraph (m), is discussed in Standard 6, Authority of the Chief Judge.

It is important to note that the duties as well as the authority of the chief judge contained in these Standards are not subject to the principle *inclusio unius est exclusio alterius*. Other duties than those listed herein may be assigned or additional authority granted, as appropriate. It is also important that the chief judge have some flexibility in handling special problems involving such matters as case flow management and regulating court hours.

Court committees

One aspect of court administration on which there is variety of viewpoint involves the use of court committees. Widespread *administrative* activity by committees tends to weaken the authority and reduce the efficiency of the chief judge. Thus committee implementation of policy decisions should be avoided. On the other hand committee recommendations to the chief judge can provide valuable support for his administrative actions. In order to avoid the centrifugal power tendencies of strong, semi-independent committees some courts utilize only an executive committee to advise and assist the chief judge; another approach is the use of an executive committee to coordinate recommendations and activities of other committees. These Standards do not attempt to evaluate the single best system for committee operation, since solutions will vary according to the circumstances of individual courts. In any event committee members should be appointed by the chief judge.

Court finance

Under existing practices many courts do not even prepare their own budgets but must go, hat in hand, to legislative or executive

officials for that function. Whether under the "inherent power doctrine" courts should direct legislatures to provide them with necessary funds as determined by the court itself, or whether the court should utilize unitary budgeting concepts through a single unified court system is a matter not within the scope of these Standards (See, e.g., *Court Finance and Unitary Budgeting*, ABA Commission on Standards of Judicial Administration, 1973.) However, the Standard does provide that at a minimum the court, under the chief judge, should participate in its own financial planning, should prepare its own budget, and should monitor its own fiscal expenditures.

5. Authority of the chief judge. In order to discharge his responsibility successfully, the chief judge must have authority to see that his directives and policies are carried out. This authority should be clearly defined. It should include necessary sanctions over judges and over all nonjudicial personnel attached to the court.

Administrative corrective action should be exercised sparingly with regard to other members of the bench and should not infringe upon another judge's *judicial* responsibility. However, appropriate corrective action by the chief judge can include the evaluation of the administrative performance of other judges; reassignment of judges; and referral to a court committee, judicial tenure committee or the supreme court, as appropriate, of more serious disciplinary or removal matters. In addition, recommendations by the chief judge may be considered when a member of the court is evaluated for promotion to a higher judicial position.

The chief judge should have control over all court-related personnel, including court clerks, records clerks, reporters, court security officers, and probation officers. These employees should be attached to the court, under its direct control. Even when they are attached to agencies other than the court, the chief judge and court administrator should be consulted on matters such as setting of working hours, vacations, selection, promotion and discharge of such employees.

As pointed out in the Standard, the chief judge certainly should have no authority to control or influence the judicial functions of other judges. Various combinations of sanctions can be reasonably urged, however, for use by the chief judge in supervising the *nonjudicial* performance of his brethren. These might include formal evaluations which are used in considering assignments and promotions; reassignment of judges; and recommendation to the appropriate authority that the offending judge be removed from office or otherwise disciplined.

The granting of authority to take such actions against fellow judges is a particularly touchy matter that should be considered carefully by each jurisdiction. The Standard recommends that the chief judge have authority to impose some type of sanction and lists the above as appropriate ones, but makes no recommendation as to which should be within his province, or how they should be imposed. It should be noted that the reassignment of judges is usually an administrative function, having no relation to corrective sanctions. The express recognition or withholding of authority to take such corrective action should not be considered a restriction on the administrative authority of the chief judge.

Authority of the chief judge and court administrator over non-judicial personnel is also of critical importance. With regard to employees attached to the court, this presents no unusual problems. However, many court-related employees, such as court clerks, reporters, records and file clerks, probation and security officers and various investigators and counselors often are hired by and responsible to agencies other than the court (see e.g., Appendix A, pp. 42-43). As a result, the authority of the chief judge over them has been less than complete. Thus, the Standard requires that his authority be established over all court personnel, preferably by investing him with direct administrative control over them. If such

direct control is not feasible the chief judge, through the administrator, should participate in decisions involving the selection, discharge and promotion of all persons whose duties are related to court functions, as well as approving their working and coordinating vacations, and reviewing pay scales.

6. Functions of the deputy chief judge. The function of deputy chief judge is to provide assistance to the chief judge in administrative areas requiring participation by a judicial officer and authority should be those delegated by the chief judge acting for the chief judge in his absence; and representing the judge at official functions or in his dealings with other agencies. deputy chief judge should not be delegated nonjudicial administrative duties which are normally performed by the court administrator. The relationship and lines of authority between the deputy judge and division presiding judges should be as directed by the chief judge.

Commentary

The deputy chief judge acts for the chief judge in his absence in the event of his incapacity, and represents him, where so required by the chief judge, at official functions. His other responsibilities should be as delegated by the chief judge. They could include matters as liaison with division presiding judges and judicial committees; planning for judicial manpower and necessary court facilities; and supervising the development of new court rules.

7. Functions of the division presiding judge. The division presiding judge serves as administrative head of a separate multi-judge department or division of the court. This status may arise because

geographic distances which require separate court branches, or because the court has been divided into different functional subdivisions. In either event, the duty of the division presiding judge is to act as supervisor of that particular subdivision of the court.

The division presiding judge administers his subdivision of the court in accordance with policies established for the entire court, and under the general supervision of the chief judge. His authority stems from the chief judge, and is therefore limited to such matters as may be delegated to him by the chief judge. His normal duties could vary according to the particular circumstances under which his branch operates. They can include such specific duties as are set out in Standards 5(a)-(1), so long as they are consistent with the guidelines established for his subdivision by the chief judge.

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Juvenile referees	17	1	Civil service	1
Legal staff (researchers)	19	3	Civil service	1
Investigator-domestic relations	17	5	Civil service	1
Investigator-O.R. program	11	9	Bar Association	2
			Civil service	1
Investigator-adoptions	11	10	State civil service	6
Counselor-mental health	8	6	Civil service	1
Counselor-juvenile	11	9	Probation office	3
			Civil service	1
Counselor-marriage	17	8	Civil service	1
Probation officers	14	16	State and probation office	10

Nonjury Trials

43. Please indicate which of the following actions, if any, are not triable by jury in your state:

Divorce	21	Libel and slander	0
Will contest	7	Juvenile	19
Child custody	25	Declaratory relief	18
Condemnation	4	Contest re insanity	
Paternity	9	determination (non-criminal)	10

APPENDIX B

SELECTED EXCERPTS from the RULES GOVERNING THE COURTS of the STATE OF NEW JERSEY¹

RULES OF GENERAL APPLICATION

CHAPTER IV. ADMINISTRATION RULE 1:30. COURT SCHEDULES

1:30-1 Courts Always Open

The courts shall be deemed always open for filing any proper paper, the issuance and return of process, the making of motions, the entering of order and judgments, and the transaction of all judicial business.

1:30-2 Terms of Court: Stated Sessions of Superior and County Court

(a) *Terms.* All courts shall hold one term annually, commencing on such date as shall be fixed by the Chief Justice. Matters not concluded in a term shall be carried to the succeeding term, but the continued existence or expiration of a term of court in no way affects the power of the court to do any act or take any proceeding in any action which has been pending before it.

(b) *Sessions.* Within each term of the Superior Court, Law Division and of the county courts there shall be 3 stated sessions commencing at times fixed by the Chief Justice.

¹ 1969, Revised with Amendments to Sept. 10, 1973.

(a) *Court Hours.* Court hours for all trial courts, except the municipal courts, shall be fixed by the Chief Justice. Court hours for each municipal court shall be fixed by the judge or presiding judge thereof, subject to the approval of the Administrative Director of the Courts.

(b) *Court Days.* When not in recess, all courts shall sit Monday to Friday, inclusive; except that the appellate courts shall sit on days fixed by the Chief Justice and municipal courts shall sit on days fixed by the judge or presiding judge thereof, subject to the approval of the Administrative Director of the Courts.

(c) *Motion Days.* Motions shall be heard in all trial courts as scheduled from time to time by the Chief Justice.

(d) *Court Recesses.* All courts shall be in recess on Saturdays, Sundays, legal holidays and such other days as the Chief Justice shall order.

(e) *Specialittings.* Nothing in this rule shall preclude the Chief Justice, the presiding judge of an appellate court, the Assignment Judge, or the judge presiding in any court from directing that any matter be heard at such other hours or on such other days as he may deem necessary or appropriate.

1-30-4 *Clerks' Offices*

The office of the clerk of every court, except the municipal courts, shall be open to the public for the transaction of all business of the court for such hours and on such days as shall be fixed by the Chief Justice. The office of the clerk of every municipal court shall be open to the public for the transaction of all business of the court on days and during hours fixed by the judge or presiding judge thereof, subject to the approval of the Administrative Director of the Courts.

1-30-5 *Vacations*

(a) *Judges.* Vacations of judges of all appellate courts shall be scheduled by the Chief Justice. Vacations of judges of all trial courts, except the municipal courts, shall be scheduled by the Assignment Judge, subject to the approval of the Chief Justice. Judges of the municipal courts shall schedule their own vacations, subject to the approval of the Administrative Director of the Courts, but

shall make provision where necessary for other judges to sit in their stead.

(b) *Supporting Personnel.* Vacations of persons in the judicial branch of government shall be scheduled insofar as practicable during times when the courts are in recess or at such other times as shall least inconvenience the work of the courts. The amount of vacation time allowed shall be commensurate with that allowed other public employees holding comparable positions. The vacations of all persons assigned to or employed by a judge shall be subject to the approval of such judge and the Assignment Judge.

RULE 1-33. ADMINISTRATIVE RESPONSIBILITY

1-33-1 *The Chief Justice of the Supreme Court*

The Chief Justice of the Supreme Court shall be responsible for the administration of all courts in the State. He shall appoint an Administrative Director of the Courts [,] to serve at his pleasure. A full-time judge of any court of this State may be designated to serve temporarily as Acting Administrative Director, in which event such judge shall continue to hold, and shall only be paid the salary of such judicial office. [, and] He shall designate a judge of the Superior Court as Assignment Judge for each county, to serve at his pleasure, and a judge of each multiple-judge county district court and juvenile and domestic relations court as presiding judge of such court, to serve at his pleasure.

1-33-2 *The Administrative Director of the Courts*

The Administrative Director of the Courts shall be generally responsible for the enforcement of the rules, policies and directives of the Supreme Court and the Chief Justice relating to matters of administration and shall perform such other functions and duties as may be assigned him by the Chief Justice or by rule of the Supreme Court.

1-33-3 *Assignment Judges*

(a) *Duties.* The Assignment Judge shall, subject to the direction of the Chief Justice or rule of the Supreme Court, be responsible for the administration of civil and criminal justice and for the administration of all courts in the county for which he is the Assignment Judge. His duties shall include the following:

- (1) The supervision of all trial judges sitting in the county and of all

court clerks and other officers and employees of or serving the trial courts in the county.

- (2) The supervision of the jury commissioners, the selection of all grand and petit jurors, and the organization and operation of the grand jury in the county.
- (3) The supervision and expeditious movement of the civil and criminal trial calendars of the Superior and county courts and, through the judge or presiding judge thereof, of the juvenile and domestic relations court, the county district court and the municipal courts in the county.
- (4) The implementation and enforcement in the county of all administrative rules, policies and directives of the Supreme Court, the Chief Justice, and the Administrative Director of the Courts.
- (5) The representation of the judicial branch of government in the county in all matters pertaining to the budgets, personnel and facilities of the trial courts in the county.
- (6) The performance of such other functions and duties as may be assigned him by the Chief Justice or by rule of the Supreme Court.

(b) *Power to Delegate.* The Assignment Judge, subject to the approval of the Chief Justice, may delegate to any trial judge sitting in the county or to any officer or employee of the courts of the county such of the responsibilities, duties and functions imposed upon him by this rule as, in his discretion, he shall consider necessary or desirable. To assist him, he may designate, to serve at his pleasure, from among the court clerks and other employees of the courts in the county such assignment clerks and other assistants as he may deem necessary or desirable.

1:33-4 Judges; Presiding Judges

Each judge, or the presiding judge, if one has been designated, shall be responsible for the orderly administration of his court. His duties shall include the following:

- (1) The supervision of all the judges of the court of which he is presiding judge.
- (2) The appointment of such personnel required to be made by court of which he is the presiding judge.
- (3) The supervision of the clerk of the court and all other officers, employees of or serving the court.
- (4) The supervision of the calendars of the court.
- (5) The implementation and enforcement in his court of all administrative rules, policies and directives of the Supreme Court, the Chief Justice, the Administrative Director of the Courts, and the Assignment Judge of the county.
- (6) The performance of such other functions and duties as may be assigned him by the Chief Justice, by rule of the Supreme Court or by statute.

RULE 1:34. SUPPORTING PERSONNEL OF THE COURTS

1:34-1 Standing Masters of the Supreme Court

The Supreme Court may appoint standing masters who shall not engage in the practice of law or other gainful pursuit. In the performance of judicial functions assigned them by the Supreme Court, the standing masters shall be responsible to and under the supervision of the Superior Court judge assigned to the Chancery Division to hear general equity matters for Mercer County. In all other matters the standing masters, and all employees assigned to assist them shall be responsible to and under the supervision of the Administrative Director of the Courts and the Chief Justice.

1:34-2 Clerks of Court

The clerk of every court, except the Supreme Court and the Superior Court, shall be responsible to and under the supervision of the judge or presiding judge of the court of which he is the clerk, the Assignment Judge of the county and the Administrative Director of the Courts. The clerks of the Supreme and Superior Courts shall be responsible to and under the supervision of the

Administrative Director of the courts and the Chief Justice of the county court shall be the deputy clerk of the Superior Court with respect to Superior Court matters pending in his county and may issue writs out of the Superior Court. Deputy clerks in the juvenile and domestic relations courts and the county district courts and all other employees of such courts shall be responsible to and under the supervision of the clerk of the court.

1:34-3 Jury Commissioners

Jury commissioners shall be responsible to and under the supervision of the Assignment Judge of the county.

1:34-4 Probation Officers

Probation officers shall be appointed in accordance with standards fixed by the Supreme Court. All probation officers shall be responsible to and under the supervision of the Chief Probation Officer of the county who shall be responsible to and under the supervision of the judge of the county court or, in counties having more than one judge of the county court, the county court judge designated by the Assignment Judge to be responsible for the administration of the probation department in the county in accordance with applicable statutes, rules of the Supreme Court, and directives of the Chief Justice, the Administrative Director of the Courts, and the Assignment Judge of the county.

1:34-5 Court Reporters

Court reporters shall be appointed by the Supreme Court or the Administrative Director of the Courts as provided by law and shall be subject to assignment by the Administrative Director of the Courts. They shall be responsible to and under the supervision of the reporter supervisor of the county, the judge of the court to which assigned, the Assignment Judge of the county, and the Administrative Director of the Courts. The Administrative Director of the Courts shall promulgate regulations which shall govern all court reporters and the preparation and filing of transcripts of all court and related proceedings, including depositions in pending actions.

RULE 2:13 ADMINISTRATION

2:13-1 Presiding Justice or Judge

(a) *Supreme Court.* The Chief Justice shall preside over sessions and conferences of the court and shall sign all orders and other papers on behalf of the court. If he is absent or unable to serve, the senior justice shall serve temporarily as presiding justice. Seniority shall be determined by order of appointment to the court.

(b) *Appellate Division.* The presiding judge of each part, designated by the Chief Justice, shall preside over its sessions and conferences and shall sign all orders and other papers on behalf of the part. If he is absent or unable to serve or if no presiding judge has been designated, the senior judge attending shall serve temporarily as presiding judge. Seniority shall be determined by length of service on the Appellate Division. The Chief Justice shall designate one presiding judge to be responsible for the administration of the Appellate Division pursuant to R. 1:33-4.

RULE 2:14 REMOVAL OF JUDGES

2:14-1 Institution of Proceedings

A proceeding for the removal of a judge may be instituted before the Supreme Court of New Jersey pursuant to N.J.S. 2A:1B-1 to 2A:1B-11, by the filing of a complaint with the Clerk of the Supreme Court. A complaint may be filed only by the Governor, or by either House of the Legislature acting by a majority of all its members, or by the Supreme Court on its own motion.

2:14-2 Order to Show Cause

On the filing of a complaint, the Supreme Court shall order the judge to show cause, as provided in the order, why he should not be removed from office as a judge and require him to file an answer with the Clerk of the Supreme Court within 30 days after service upon him of a copy of the order and complaint. Service of the order and complaint shall be made upon the judge in such manner as directed by the Supreme Court. The proceedings shall be prosecuted by the Attorney General of New Jersey or his representative or by an attorney specially designated by the Supreme Court.

CHAPTER IV. RULES OF ADMINISTRATION

RULE 5:10. RULES OF ADMINISTRATION

5:10-1 *Designation of Judge*

(a) *Where No Judge Specially Appointed.* In any county in which no juvenile and domestic relations court judge is specially appointed, the judges of the county court, if there is more than one, shall designate one of them to preside over the juvenile and domestic relations court, and shall file with the Chief Justice written notice of their designation. If no designation is filed, the Chief Justice shall make the designation from among them.

(b) *Divisions.* If there is more than one judge of any county juvenile and domestic relations court, such court shall sit in 2 divisions, the juvenile division and the domestic relations division, and the judges of the court shall determine which of them shall preside over each division and for what periods of time during their terms of office, and, if they do not do so, the Chief Justice shall determine the matter.

APPENDIX C

SELECTED RULES

of the

SUPERIOR COURT

OF LOS ANGELES COUNTY¹

RULE 1. PRESIDING JUDGE, ASSISTANT AND ACTING PRESIDING JUDGE.

Section 1. Presiding Judge. The business of the court shall be supervised by one of the judges, to be known as the Presiding Judge. He shall be a member and chairman of the Executive Committee. He shall assign judges to sit in the districts and departments, other than the Appellate Department, enumerated hereinafter. He may designate for the Criminal Division, for each district and for the family law, juvenile, law and probate departments one judge to be known as the Supervising Judge.

Section 2. Assistant Presiding Judge. In the absence of the Presiding Judge, his powers shall be exercised by the Assistant Presiding Judge, who shall be a member and vice-chairman of the Executive Committee.

Section 3. Acting Presiding Judge. In the absence of both the Presiding Judge and Assistant Presiding Judge, the powers of the Presiding Judge shall be exercised by a judge designated by the Presiding Judge to be the Acting Presiding Judge.

Section 4. Supervising Judge, Criminal Division. The Supervising Judge of the Criminal Division shall be appointed by the Presiding Judge and

¹Revised edition, March 4, 1972.

shall reside in the judicial district of the Central District of California. The Presiding Judge shall be a member and chairman of the Committee on Criminal Court Matters. Subject to the approval of the Committee on Criminal Court Matters, the Executive Committee and the Presiding Judge, the Supervising Judge of the Criminal Division shall be responsible for the establishment of uniform procedures and court policy relative to criminal matters which shall be applicable to all departments hearing criminal matters.

RULE 2. DISTRICT SESSIONS, FILING AND TRANSFER OF ACTIONS.

* * *

Section 5. Transfer, Congested Calendar. Whenever, in the opinion of the Presiding Judge, the calendar in any district including the Central District, has become so congested as to jeopardize the right of a party to a speedy trial or to materially interfere with the proper handling of the judicial business in the district, he may order the transfer of one or more cases pending in that district to another district for trial or may order, for a limited period, that cases which may be filed in that district shall be filed in a different district.

Section 6. Convenience - Promotion of Justice. For the convenience of witnesses or to promote the ends of justice, an action or proceeding may be transferred by or with the consent of the Presiding Judge from one district to another. Also, a civil action may be so transferred by the judge presiding in the Civil Master Calendar Department in the Central District. After prior approval by the transferee judge and the judge presiding in the Criminal Master Calendar Department in the Central District, a criminal action may be transferred from one district to another.

RULE 3. SESSION HOURS AND OPENING OF SESSION.

Section 1. Hours. Sessions of departments shall be held from 9:00 a.m. to 12:00 p.m. and from 1:30 p.m. to 4:00 p.m. The Presiding Judge, by written order, may provide for a variance therefrom. Default proceedings in family law and pretrial hearings assigned to civil trial departments shall be set for 9:00 a.m. and civil trials shall commence at 9:30 a.m.

Section 2. Opening of Sessions. Morning and afternoon sessions shall be opened by the bailiff calling for all to rise. After a recess during a session, he shall call for order and state that the court is again in session.

All departments in the Central District designated by the Presiding Judge to hear criminal cases, and all departments in any other district designated by the Supervising Judge of that district to hear criminal cases, shall be designated as the Criminal Division of the Los Angeles Superior Court.

RULE 4. CENTRAL DISTRICT DEPARTMENTS.

The Presiding Judge shall designate the location of one or more departments in the Central District to be known as:

- Appellate Department,
- Civil Jury Trial Department,
- Civil Law and Discovery Department,
- Civil Master Calendar Department,
- Civil Nonjury Trial Department,
- Civil Pretrial Department,
- Conciliation Department,
- Criminal Master Calendar Department,
- Criminal Short Cause Department,
- Criminal Trial Department,
- Default and Supplementary Department,
- Eminent Domain Department,
- Family Law Department,
- Juvenile Department,
- Mental Health Department,
- Probate Department and
- Writs and Receivers Department.

RULE 5. DISTRICT DEPARTMENTS.

The Presiding Judge may designate for a district other than the Central District, one or more departments similar to the foregoing departments, other than an appellate department. Departments in districts other than the Central District shall be designated by letters.

* * *

RULE 11. ASSIGNMENT OF A CASE FOR ALL PURPOSES.

The Presiding Judge or a judge presiding in a civil master calendar department may assign any civil action or proceeding to a trial judge as to all

matters therein subsequent to such assignment.

* * *

RULE 20. COURT COMMISSIONERS.

Section 1. Eligibility. An applicant for appointment as a court commissioner must have been admitted to practice before the Supreme Court of California for at least five years.

Section 2. Application Form. The Committee on Personnel and Budget shall prescribe, from time to time, the form of written application for appointment as a court commissioner.

Section 3. Interview. The Presiding Judge shall appoint a committee of five judges to interview each applicant. The committee shall designate which applicants it finds to be qualified and shall rank them in the order of preference.

Section 4. Vacancy. When a vacancy in the office of court commissioner is to be filled, the Presiding Judge shall designate the date by which all judges must cast their votes. Not less than ten days prior thereto, a copy of the application of each approved applicant, the order in which the applicants have been ranked, and a ballot containing the names of all approved applicants shall be delivered to each judge of the court.

Section 5. Optional Procedure. After distribution of the copies of the applications and prior to the last day for casting ballots, the Presiding Judge may call a special meeting of the judges at which the approved applicants are introduced.

Section 6. Voting. Each judge voting to fill a vacancy in the office of court commissioner shall cause his secret ballot to be delivered to the chairman of the Committee on Personnel and Budget not later than 4:00 p.m. on the date theretofore designated by the Presiding Judge. The Committee on Personnel and Budget privately shall canvass the ballots cast and certify to the Presiding Judge the name of the applicant or applicants, not exceeding the number of vacancies to be filled, who received the highest vote; provided, however, the name of an applicant shall not be certified unless he received the vote of a majority of all the judges of the court.

Section 7. Order of Appointment. The Presiding Judge shall cause a written order to be made appointing each applicant so certified to be a court commissioner.

Section 8. Vote Less than Majority. If a vacancy is not filled because no applicant received the vote of a majority of all the judges of the court, the Presiding Judge may designate a date, not less than seven or more than ten days thereafter, for the casting of second ballots. If one vacancy is to be filled, the second ballot shall contain the names of the three applicants who received the highest number of votes less than a majority and if more than one vacancy is to be filled, the names of the five applicants who received the highest number of votes less than a majority.

Section 9. Expiration of List. Whenever the list of approved applicants shall consist of less than three names or a majority of all the judges of the court shall so order, the list of approved applicants shall expire and a call for applicants shall be made.

* * *

Section 12. Illness. If a commissioner is absent because of illness for sixty calendar days in a twelve-month period, the Committee on Personnel and Budget shall make its written report and recommendation thereon to the Presiding Judge for consideration by the Executive Committee.

Section 13. Disability. If a commissioner suffers a mental or physical condition which prevents him from performing his duties in an acceptable manner, the Committee on Personnel and Budget shall make its written report and recommendation thereon to the Presiding Judge for consideration by the Executive Committee. Any order by the Executive Committee terminating the employment of the disabled commissioner shall be final.

Section 14. Disciplinary Proceedings. Proceedings for the suspension or termination of services of a commissioner shall be initiated by the Presiding Judge. He may suspend a commissioner and advise him of the reason. Within five days thereafter, the Presiding Judge shall restore the commissioner to office or serve him with a written order of suspension without pay or termination of his services, stating the reason thereof. A copy of the order shall be filed with the Committee on Personnel and Budget. The commissioner may file with the committee, within ten days after service or filing (whichever is later), his written answer and request for a hearing before the committee. The hearing shall be held within ten days after the request. The commissioner shall be entitled to be present and represented by counsel, to call and cross-examine witnesses and present documentary evidence. Within five days after the completion of the hearing, the committee shall report to the Presiding Judge.

Section 5. *Majority Vote.* If any nominee for either office shall receive a number of votes equal to a majority of the judges eligible to vote, shall be elected thereto and the committee shall so certify to the judges of the court.

Section 6. *Less than Majority Vote.* If an office is not filled by such majority vote, the committee shall certify to the Presiding Judge the names of judges receiving the highest and second highest number of votes without specification of the number of votes received and on or before the second Friday in November the Presiding Judge shall cause a ballot containing the names in alphabetical order so certified to be distributed to the judges eligible to vote.

Section 7. *Second Ballot.* Each eligible judge shall vote, enclose his ballot as provided above and send it to the senior judge of the court so as to be received by him not later than 4:00 p.m. on the third Friday in November.

Section 8. *Canvass of Second Ballot.* A committee, comprised of those judges above provided, shall meet at 4:30 p.m. on the third Friday in November and canvass the second ballots. The judge receiving the highest number of votes, or in case of a tie vote the judge having the greater seniority, shall be elected to the particular office for which he was a nominee. The committee shall certify his election to the judges of the court.

Section 9. *Term of Office.* The term of office of the Presiding Judge and Assistant Presiding Judge so elected shall be for one year commencing on the following first day of January.

Section 10. *Vacancy.* If, for any cause, the office of Presiding Judge or Assistant Presiding Judge becomes unoccupied during any year it shall be filled by election in the manner provided above, except that nominations shall be filed not later than 4:30 p.m. on the fifth day thereafter. The several steps provided above shall then be taken at the time intervals there prescribed. A judge so elected shall serve for the remainder of the calendar year.

Section 1. *Nomination.* A judge is nominated for election as either Presiding Judge or Assistant Presiding Judge when the following form is completed, signed by not less than eight or more than ten judges of the court and filed with the Presiding Judge by 4:00 p.m., not more than twenty-one days or less than fourteen days prior to the last Friday in October. The nominee shall designate his acceptance of nomination for one office only.

RULE 21. ELECTION OF PRESIDING, ASSISTANT PRESIDING JUDGE.

Section 1. *Nomination.* A judge is nominated for election as either Presiding Judge or Assistant Presiding Judge when the following form is completed, signed by not less than eight or more than ten judges of the court and filed with the Presiding Judge by 4:00 p.m., not more than twenty-one days or less than fourteen days prior to the last Friday in October. The nominee shall designate his acceptance of nomination for one office only.

NOMINATION

We, the undersigned, nominate
Judge for election as Presiding
Judge-Assistant Presiding Judge.

(strike one)

DESIGNATION

I accept nomination for the office
of (strike one) Presiding Judge-
Assistant Presiding Judge only.

Section 2. *Distribution of Ballots.* On or before the last Friday in October, the Presiding Judge shall cause a ballot containing the names in alphabetical order of the judges who have been nominated respectively for election as Presiding Judge and Assistant Presiding Judge, to be distributed to each judge who will be in office on the ninth day of the ensuing year.

Section 3. *Voting.* Each judge so eligible shall vote for one nominee for Presiding Judge and one nominee for Assistant Presiding Judge, place the ballot in a blank envelope, place the envelope in a second envelope, sign his name on the outer envelope and send it to the senior judge of the court so as to be received by him not later than 4:00 p.m. on the first Friday in November.

RULE 22. INTERNAL ORGANIZATION.

Section 1. Removal of Presiding Judge or Assistant Presiding Judge.

A majority of the judges of the court at any time may, by written order, call a meeting of the judges at the time and place specified therein for the purpose of considering whether the Presiding Judge or Assistant Presiding Judge shall be removed from such office. A copy of the order shall be sent to each judge not a signatory thereon at least five days prior to the date of the meeting. An affirmative vote equal in number to the majority of the judges of the court shall remove the incumbent from such office.

Section 2. Assignment of Judges to Departments and Courtrooms.

Special departments as referred to in this Rule are those departments described in Rule 4, and for limited periods, any of the civil trial departments as needed. Every assignment to one of the special departments of this court, and every assignment to a department temporarily vacant because of the temporary absence therefrom of the judge permanently assigned thereto, shall be deemed temporary. All other assignments to departments shall be deemed permanent. Whenever a permanent assignment to any department is to be made, the Presiding Judge shall consult the judges of the court in order of seniority until he finds a judge desiring that assignment, and shall thereupon assign that judge to that department, and such assignment shall be deemed permanent. Whenever it appears that a temporary vacancy in a department, caused by the temporary absence of the judge permanently assigned thereto, is likely to continue for a period of more than two months, the Presiding Judge shall make the temporary assignment to fill such temporary vacancy in the same manner herein provided for making permanent assignments. A judge holding a permanent assignment to a department shall not lose it by reason of temporary assignment to another department, or other temporary absence, but may return at the end of such temporary assignment or other temporary absence, unless then assigned elsewhere by the Presiding Judge.

Section 3. Meeting of Judges; Call and Notice. Meetings of the judges other than for the removal of a Presiding Judge shall be held at the call of the Presiding Judge and he shall call a meeting of the judges at the written request of ten judges. The time and place of all such meetings shall be designated by the Presiding Judge and he shall cause notice thereof to be given each judge either by mailing a notice to the judge or by leaving it at the courtroom where he is sitting. Except for a meeting called to elect or to remove a Presiding Judge, such notice of the meeting must be given at least three days before the day of the meeting. Notice of the meeting of the judges for any purpose is waived by a

judge who attends the meeting. A majority of all the judges of the Court constitute a quorum at any meeting of judges.

Section 4. Procedural Regulations for Special Departments for special departments as proposed by the judges and thereto shall become effective upon approval by the Presiding Judge and by committee to which the Presiding Judge may assign such regulations for and approval.

RULE 23. EXECUTIVE COMMITTEE.

Section 1. Powers. There shall be an Executive Committee of judges of the court. Except as otherwise ordered by the judges or otherwise provided by law, the California Rules of Court, or the Rules of the Supreme Court of Los Angeles County, the Executive Committee is vested with authority to act for and on behalf of the judges with respect to any matters affecting the court as to which the judges have the power to act, other than the adoption of an amendment of these rules.

Section 2. Meetings. The committee shall meet at least once each calendar month and a majority of the members of the committee shall constitute a quorum. The Presiding Judge shall act as chairman and have a vote in case of a tie vote. Meetings shall be open to any judge of the court, except that the unanimous vote of the members present, but a nonmember of the committee may be heard only by the consent of the committee.

Section 3. Minutes. Minutes of each meeting shall be kept and a copy thereof distributed to each judge of the court within seven days after the meeting.

Section 4. Submission by Nonmember. Any judge not a member of the committee, who desires the consideration of the committee on any matter may submit such matter in writing by filing the written request with the chairman not less than one day prior to the meeting of the committee.

Section 5. Eligibility. Only a judge who will be in office on the ninth day of the ensuing year shall be eligible to vote or to be elected a member of the Executive Committee. A judge who has been an elected member of the Executive Committee during any two of the three years preceding the election shall not be eligible for election by his group.

Section 6. Grouping Judges. In the month of May or November, the Presiding Judge shall divide the judges of the court who are eligible to vote into groups of twelve, starting with the judge having the least seniority. He shall distribute to the members of each group a ballot containing the names of the judges in the group, with an indication of any judge thereon who is ineligible for election because of previous service.

Section 7. Voting. Each judge eligible to vote shall place a mark opposite the name of his choice, place the ballot in a blank envelope, place this envelope in another on which he shall sign his name and transmit it to the judge having the greatest seniority on the court so that it shall reach the latter not later than 4:00 p.m. on the first Friday in December.

Section 8. Canvass of Ballots. A committee of the three judges available who have the greatest seniority on the court shall meet at 4:30 p.m. on the first Friday in December, remove all blank envelopes from the outer envelopes, remove all ballots from the blank envelopes and tabulate the ballots of each group.

Section 9. Majority Vote. Any judge who receives a majority of the votes cast by a group shall be elected the representative of that group on the Executive Committee.

Section 10. Failure to Elect. If any group shall fail to elect a representative, the canvassing committee shall give the Presiding Judge the names of the judges who received the highest and second highest number of votes from the group.

Section 11. Second Ballot. On or before the second Friday in December, the Presiding Judge shall distribute to the members of such group a second ballot containing only the names of the judges who received the highest and second highest number of votes from the group. The judges of the group eligible to vote shall mark and transmit their ballots to the judge having the greatest seniority on the court on or before 4:00 p.m. on the third Friday in December, at which time the three senior judges available shall canvass the vote. The judge receiving the highest vote shall be elected and in case of a tie vote, the judge having the greatest seniority shall be elected.

RULE 24. COMMITTEES.

At the beginning of each year the Presiding Judge shall appoint the

follows: standing committees, composed of members of the judiciary

- Committee on Bench and Bar,
- Committee on the Courthouse,
- Committee on Criminal Departments,
- Committee on District Sessions,
- Committee on Family Law,
- Committee on Grand and Trial Jurors,
- Committee on Continuing Education,
- Committee on Juvenile Departments,
- Committee on Legislation,
- Committee on Mental Health,
- Committee on Personnel and Budget,
- Committee on Probate Departments,
- Committee on Rules.
- Committee on Standardized Instructions-Civil,
- Committee on Standardized Instructions-Criminal.

RULE 27. EXECUTIVE OFFICER.

Section 1. Selection.

(a) Should the position of Executive Officer, authorized under the provisions of Section 69892.1 of the Government Code, become vacant, the Presiding Judge shall call a meeting of the Personnel and Budget Committee for the purpose of taking such procedural steps as it may deem best to find the most qualified applicant.

(b) The committee shall recommend to the Judges not less than three applicants whom it finds to be best qualified for the position.

(c) The Presiding Judge shall then call a meeting of the judges of the court for the purpose of selecting an applicant to fill the vacancy. The names of the applicants recommended shall be placed on a ballot in alphabetical order. The judges present at the meeting shall vote by secret ballot. A majority vote of the judges of the court will be required to elect the Executive Officer, and upon an applicant receiving such a majority of the votes of the judges of the court, he shall be elected Executive Officer.

Section 2. Qualifications.

(a) The Executive Officer shall be a citizen of the United States and not less than thirty years of age. Upon appointment he shall be or become a resident of Los Angeles County.

(b) It is desirable that he shall have had experience in an administrative capacity either in private or public employment, and experience in office management and in personnel management either in private or public employment.

(c) It is also desirable that he shall have substantial knowledge of government, of judicial administration, and of the legislative process, a working knowledge of sound budgetary practices, substantial training and experience in the field of public relations, either in private or public employment, and the ability to work with others.

Section 3. Powers and Duties. Pursuant to Section 69892.1 of the Government Code, the Superior Court declares that the powers and duties of the Executive Officer shall be:

(a) To execute, on behalf of the court and subject to the supervision and direction of the Presiding Judge, the administrative supervision and control of the nonjudicial activities of the court.

(b) To establish such divisions in the executive office as may be deemed advisable.

(c) To delegate his duties where necessary, and to assign or supervise and direct the work of all officers and employees of the court, except commissioners.

(d) To administer a system of personnel administration in accordance with written policies approved by the Executive Committee.

(e) To prepare and administer the budget of the Superior Court and to represent the court in any matters pertaining to the budget which may be under consideration by the Board of Supervisors.

(f) To maintain all accounting and property control records, including payroll records of the court, and records with respect to compensation of assigned judges.

(g) To purchase law libraries, supplies, and equipment for the judge and for supporting court personnel, and to control their storage and distribution.

(h) To represent the court in its negotiations relative to the establishment and maintenance of courtrooms, chambers and offices.

(i) To initiate studies and prepare appropriate recommendations and reports to the Presiding Judge, to committees of the court and to the court relating to the business of the court and its administration, including studies relating to the operations of special departments and branches.

(j) To collect, compile and analyze statistical data on a continuing basis concerning the status of judicial and nonjudicial business of the court, and the preparation of periodic reports based on such data.

(k) To serve in a liaison capacity for the court with the Judicial Council, committees of the Legislature, the Board of Supervisors and County Administrative Officer, County Clerk, as ex-officio clerk of the Court, the Sheriff, State Bar of California, Bar Associations and civic groups, with reference to matters relating to the administration of the court.

(l) To make arrangements for, and to attend, all meetings of the Judges of the Court, assist the Presiding Judge in the preparation of agenda, act as Secretary of the Court to prepare minutes of all meetings of the judges. The Executive Officer shall also attend meetings of committees of the Court upon request of the committee chairman or the Presiding Judge.

(m) To exercise administrative and supervisory control over the Jury Commissioner of the Court.

(n) To prepare an annual report concerning the operations of the office during the preceding calendar year, together with his recommendations to improve the administration of the court and the more expeditious disposition of its business.

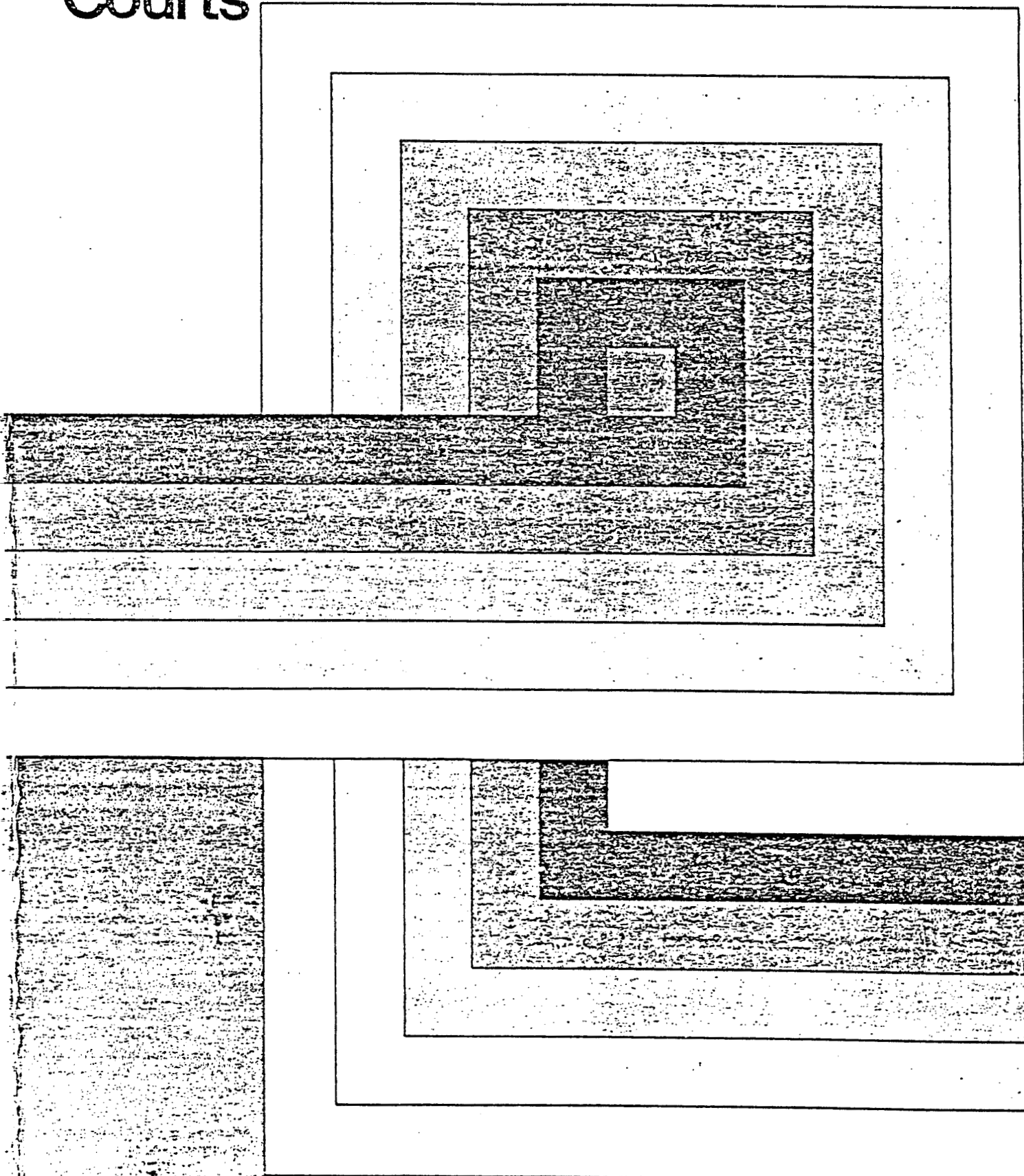
(o) To employ and assign officers or attaches to perform the duties outlined in Section 26806 of the Government Code pertaining to interpreters.

Section 4. Directives to the Executive Officer. Except as otherwise authorized by the Presiding Judge, all orders and directives of the Court to the Executive Officer shall be transmitted by the Presiding Judge. All requests by

the several judges or by committees of the court for the assistance of the Executive Officer or his staff shall be directed to the Presiding Judge.

Section 5. Executive Officer Pro Tempore. In the temporary absence of the Executive Officer, he may, with the approval of the Presiding Judge, designate one of his principal subordinates as Executive Officer pro tempore. In the event of a vacancy in the office, or the temporary absence of the Executive Officer without having designated a subordinate to act in his place, the Presiding Judge may temporarily designate an Executive Officer pro tempore, who shall have all the powers and duties of the Executive Officer.

Courts



Standard 9.2

Presiding Judge and Administrative Policy of the Trial Court

Local administrative policy for the operation of each trial court should be set out, within guidelines established by the State's highest appellate court, by the judge or judges making up that court. Each trial court consisting of more than one judge should meet, on a regular schedule with an agenda, to consider and resolve problems facing the court and to set policy for the operation of the court.

Ultimate local administrative judicial authority in each trial jurisdiction should be vested in a presiding judge for a substantial fixed term. The presiding judge should be selected on the basis of administrative ability rather than seniority.

The functions of the presiding judge should be consistent with the statewide guidelines and should include the following:

1. Personnel matters. The presiding judge should have control over recruitment, removal, compensation, and training of nonjudicial employees of the court. He should prepare and submit to the court for approval rules and regulations governing personnel matters to insure that employees are recruited, selected, promoted, disciplined, removed, and retired appropriately.

2. Trial court case assignment. Cases should be assigned under the supervision of the presiding judge. He should apportion the business of the

court among the trial judges as equally as possible and he should reassign cases as convenience or necessity requires. In addition, he should require that a judge to whom a case is assigned accept that case unless he is disqualified or the interests of justice require that the case not be heard by that judge. He also should require that when a judge has finished or continued a matter that the judge immediately notify the presiding judge of that fact.

3. Judge assignments. The presiding judge should prepare an orderly plan for judicial vacation, attendance at educational programs, and similar matters. The plan should be approved by the judges of the court and should be consistent with the statewide guidelines. The presiding judge also should require any judge who intends to be absent from his court one-half day or more to notify the presiding judge well in advance of his contemplated absence. The presiding judge should have the power to assign judges to the various branches within the trial court.

4. Information compilation. The presiding judge should have responsibility for development and coordination of statistical and management information schemes.

5. Fiscal matters. The presiding judge should have responsibility for accounts and auditing as well as

procurement and disbursing. He also should prepare the court's proposed annual budget.

6. Court policy decisions. The presiding judge should appoint the standing and special committees of judges of the court necessary for the proper performance of the duties of the court. He also should call meetings of all the judges as needed, and designate one of the other judges as acting presiding judge in his absence or inability to act.

7. Rulemaking and enforcement. The presiding judge should, with the assistance of appropriate committees, propose local rules for the conduct of the court's business. These rules should include such matters as the times for convening regular sessions of the court and should be submitted to the judges for their approval. The presiding judge should have authority to enforce these rules.

8. Liaison and public relations. The presiding judge should have responsibility for liaison with other court systems, and other governmental and civic agencies. He should represent the court in business, administrative, or public relations matters. When appropriate, he should meet with (or designate other judges to meet with) committees of the bench, bar, and news media to review problems and promote understanding.

9. Improvement in the functioning of the court. The presiding judge should continually evaluate the effectiveness of the court in administering justice. He should recommend changes in the organization, jurisdiction, operation, or procedures of the court when he believes these would increase the effectiveness of the court.

Commentary

Responsibility for local leadership historically has been diffused by multijudge trial courts acting administratively en banc. This is undesirable.

Courts should operate under policies adopted by the judges acting as a policy board. A modern court is a company of equals operating under customs developed within the legal community over a period of several hundred years. Each judge is in many respects independent. But as a member of a larger organization, he is expected to relinquish some of his autonomy to the needs of the organization. The preservation of his necessary independence within a system requiring some relinquishment of autonomy can best be accomplished in a participatory process through electing and serving on a board of judges or as presiding judge.

The basic unit of local organization envisioned by this chapter is the trial court jurisdiction. Depending upon the form of trial court organization, this may

consist of all trial court judges of each county, or it may mean all such judges within a multicounty district. But these standards contemplate that, subject to the coordinating authority of the highest appellate court of the State, policy be set and administration be performed within each trial court. In some cases, this will mean that a court with a single judge will be a distinct entity for policymaking and administrative purposes. In other situations, the court will consist of more than a single judge. The standard stresses the need for judges in a multijudge trial court to meet regularly to establish policy for the operation and administration of their court.

To operate as a unit, the judges must coordinate their activities. Vacation policies must be prescribed, working hours determined, specialized functions assigned, and responsibility defined. In the past these issues rarely have been faced. The judges sitting in concert can reach basic policy decisions about the operations of the court that should not be imposed from the outside.

Undesirable judicial autonomy tends to disappear when the judges of a court meet to resolve policy questions. With a competent court administrator, the judges, acting as a policy board, can efficiently make management decisions, which in the past have not been made.

Judges participating in the decisions about their operations understand the purposes behind the decisions and usually are committed to them. When the decisionmaking process is made formal and continuous, all the judges involved will tend to support these decisions.

There is some dispute concerning the most appropriate method of selecting the presiding judge. Many people believe that he should be selected by the chief justice or judge of the jurisdiction's highest appellate court. Such a method of selection is designed to establish a chain of command tending to centralize administrative authority in the hands of the chief justice or judge. Others believe that a presiding judge elected by the judges of the trial court is more likely to receive the full cooperation of all the judges; thus, that presiding judge will be able to discharge his administrative duties more effectively than will a presiding judge appointed by an authority external to the court. The Commission concluded that it did not have sufficient information on which to base a preference. Therefore the standard is silent on this matter.

The presiding or managing judge of the court should be selected on the basis of his administrative ability. This means that seniority should not be determinative, although experience on the court is a relevant consideration.

The presiding judge's function in a large court is a

full-time job. In smaller courts the job can be accomplished by reducing the case-related work of the judge selected for the position.

Almost every trial court already has a chief, president, presiding, assignment, or administrative judge of some sort. But efficient administration requires more than the formal appointment of such a functionary. It is necessary to get the best qualified person for the job—a judge with some tenure who has the support of his fellow judges. Recognition of the need for continuity in office and for a person with an aptitude for the job is essential to the accomplishment of this standard. Judicial understanding of the importance of the position and the breadth of its problems is the only way to get it established.

The duties of the presiding judge, because the position is the highest administrative position in a jurisdiction, have been itemized in the standard. They are self-explanatory; the important thing is that these duties be centralized and responsibility for them placed in one position.

Placing responsibility in a central position will not necessarily insure their performance. The presiding judge must be given proper management support. Standard 9.3 is addressed to the court administrator to whom a presiding judge can delegate many of these functions. The presiding judge and the trial judges as a unit still retain the decisionmaking power,

but the court administrator provides the management support to carry out these decisions.

References

1. Brownell, Herbert. "A Development Program for Court Administration," *Judicature*, Vol. 54 (October 1970).
2. Burger, Warren E. "Deferred Maintenance of Judicial Machinery," *Judicature*, Vol. 54 (May 1971).
3. Chandler, Henry P. "Direction of the Administration of Trial Courts," in *Federal Rules Decisions*, Vol. 21 (1957).
4. Friesen, Ernest; Edward C. Gallas; and Nesta M. Gallas. *Managing the Courts*. Indianapolis: Bobbs Merrill Company, 1971.
5. Navarro, Joseph A., and Jean G. Taylor. "Application of Systems Analysis to Aid in the Efficient Administration of Justice," *Judicature*, Vol. 51 (August–September 1967).

Related Standards

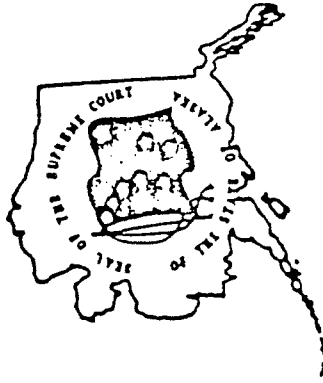
The following standard may be applicable in implementing Standard 9.2:

- 9.3 Local and Regional Trial Court Administrators

ALASKA RULES
OF
COURT PROCEDURE
AND
ADMINISTRATION

VOLUME I

Alaska Courts.



PREPARED AND PROMULGATED BY ORDER OF THE
SUPREME COURT OF THE STATE OF ALASKA

1963

WITH CHANGES TO SEPTEMBER, 1980

Alaska R of C 7/80

Rule 27. Presiding Judge.

(a) The chief justice shall designate one judge from each judicial district to be presiding judge of that district. A judge designated as presiding judge shall hold office as such for a term of one year and shall be eligible to succeed himself thereafter.

(b) In addition to regular judicial duties a presiding judge shall, within his or her judicial district:

- (1) Supervise the assignment of cases pending to the judges;
- (2) Supervise the administrative actions of judges and court personnel;
- (3) Expedite and keep current the business of the courts;
- (4) Review and recommend budgets; and
- (5) Review the operations of all trial courts to assure adherence to statewide court objectives and policies.

(c) A presiding judge may:

- (1) Assign judges and magistrates to locations within their district of residence as necessary to maintain balanced workloads or to expedite the business of those courts;
- (2) Appoint a classified or partially exempt employee as acting magistrate to perform the duties of magistrate when the magistrate is unavailable;
- (3) Perform any other duties and exercise any other powers as may be provided by law or by these rules.

Rule 1 SUPERIOR COURT

Rule

- XII. Duties of Counsel.
 - (a) Responsibility to Court.
 - (b) Notice of settlement.
 - (c) Withdrawal and substitution.
 - (d) Classification of civil actions.
- XIII. Decision of Matters.
- XIV. Local Rules.
- XV. Effective Date.
- XVI. Rules Relating to Maricopa County.
 - (a) Divisions.
 - (b) Setting of Cases.
 - (c) Pretrial Statements and Conferences.
 - (d) Assignment and Trial of Civil Cases.
 - (e) Handling and Disposition of Criminal Cases.
 - (f) Juvenile Court Divisions.
 - (g) Handling and Disposition of Domestic Relations Cases.
 - (h) Deleted.
- XVII. Interrogatories.
 - (a) Spacing.
 - (b) Service.
 - (c) Nonuniform Interrogatories.
 - (d) Uniform Interrogatories.

Appendix to Rule XVII, Interrogatories, Uniform Rules of Practice of the Superior Court of Arizona.

Instructions for Use

Uniform Interrogatories

General Background and Identification	501 through 513
Automobile Accidents: Vehicles and Drivers	521 through 528
Description of Accident and Investigation	531 through 541
Injuries and Damages	551 through 557
Pre-existing and Aggravated Injuries	561 through 565
Impairment to Employment and Activities	571 through 579
Prior and Subsequent Accidents	581 through 584
Permanency of Injuries and Future Damages	591 through 593

XVIII. Uniform Size of Pages of Transcripts.

Pursuant to Article VI, Section 5 of the Arizona Constitution, the Supreme Court of Arizona adopts the following rules to be known as the Uniform Rules of Practice of the Superior Court:

I. Presiding Judge, Associate Presiding Judge

- (a) The presiding judge in each county, in addition to exercising general administrative supervision over the court and the judges thereof, shall:

(1) Make regular and special assignments of all judges, except as otherwise provided by Arizona Revised Statutes Section 8-202(B), and, unless otherwise directed by the Chief Justice, assign judges within the county to other counties;

(2) Exercise general supervision over all court personnel;

(3) Prescribe the powers and duties of the clerk of the court, in addition to those prescribed by law and the Supreme Court;

(4) Appoint with the approval of the Supreme Court an associate presiding judge to act in his place during his absence or unavailability as presiding judge;

(5) Promulgate such local rules as a majority of the judges of the county may approve or as the Supreme Court shall direct;

(6) Determine the need for and approve (i) the allocation of space and furnishings in the court building; (ii) the construction of new court buildings, courtrooms and related physical facilities; and (iii) the modification of existing court buildings, courtrooms and related physical facilities.

In order to facilitate the business of the court the presiding judge or associate presiding judge may delegate the duties prescribed in these rules to other judges.

(b) The associate presiding judge shall serve at the pleasure of the presiding judge and shall exercise and discharge all powers and duties of the presiding judge, except he may not appoint court commissioners or appoint judges permanently to special assignments.

Amended Jan. 22, 1971, effective Feb. 1, 1971; amended March 22, 1972, effective April 1, 1972.

II. Court Administrator

The court administrator appointed in any county shall, under the direction of the presiding judge, exercise the following powers and duties:

(a) Compile and maintain records and statistics of pending cases and other business of the court;

(b) Assign all motions, pretrials, trials and other matters for disposition, and maintain and publish all assignments and calendars;

(c) Advise the parties or their attorneys of the status of the various calendars;

(d) Coordinate with the clerk of court to accomplish the prompt and orderly disposition of the business of the court;

(e) When so designated by the presiding judge, act as a court commissioner;

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STATE
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See back cover for
Summary of Features



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continues in office. All books, papers, and the seal of the court shall be kept in the office of the clerk and in his absence the clerk shall not allow any book, paper, or file to be taken from his office or room, except by a judge of the court or a member of the court.

Records of Proceedings. The clerk shall keep such records as the court may from time to time order or direct. The clerk shall keep a docket and an electronic record of all cases that are brought for review to, or that originate in, the court. Each case shall be numbered in the order of the notice, petition, or other initial pleading causing the proceeding to be filed in the court.

Filing Fee. In all cases filed in the court, the clerk shall require the payment of a fee as prescribed by law at the time the notice, petition, or other initial pleading is filed. The payment shall be exacted in advance in appeals in which a party has been adjudicated insolvent for the purpose of an appeal or in appeals in which the state is the real party in interest as the moving party. The payment of the fee shall not be required in habeas corpus proceedings, or appeals therefrom, arising out of or in connection with criminal actions.

(4) Issuance of Mandate; Recordation and Notification. The clerk shall issue such mandates or process as may be directed by the court. If the court directs that a mandate record shall be maintained, then upon the issuance of any mandate the clerk shall record the issuance in a book or equivalent electronic record kept for that purpose, in which he shall note the date of issuance and the manner of transmittal of the process. In proceedings in which no mandate is issued, upon final adjudication of the pending cause the clerk shall transmit to the party affected thereby a copy of the court's order or judgment. The clerk shall notify the attorneys of record of the issuance of any mandate or the rendition of any final judgment. The clerk shall furnish without charge to all attorneys of record in any cause a copy of any order or written opinion rendered in such action.

(5) Return of Original Papers. The clerk shall retain all original papers, files, and exhibits transmitted to the court for a period of not less than thirty days after rendition of the opinion or order denying petition for rehearing, whichever is later. If no petition for certiorari or appeal has been filed in the Supreme Court for review of the court's decision within thirty days, the clerk shall transmit to the clerk of the trial court the original papers, files, and exhibits. If a petition for certiorari or appeal has been filed in the Supreme Court to review the court's decision, the original papers, files, and exhibits shall be retained by the clerk until transmitted to the Supreme Court or, if not

so transmitted, until final disposition by the Supreme Court and final disposition by the court pursuant to the mandate issued by the Supreme Court.

(c) Marshal.

(1) Appointment. The court shall appoint a marshal who shall hold office at the pleasure of the court and perform such duties as the court directs. His compensation shall be fixed by law.

(2) Duties. The marshal shall have power to execute process of the court throughout the district, and in any county therein he may deputize the sheriff or a deputy sheriff for such purpose. The marshal shall perform such clerical or ministerial duties as the court may direct or as are required by law. The marshal shall be custodian of the headquarters occupied by the court, whether the headquarters is an entire building or a part of a building.

(d) Open Sessions. All sessions of the court shall be open to the public, except conference sessions held for the discussion and consideration of pending cases, for the formulation of opinions by the court, and for the discussion or resolution of other matters related to the administration of the court.

(e) Designation of Assigned Judges. When any justice or judge of another court is assigned for temporary service on a district court of appeal, he shall be designated, as author or participant, by his name and initials followed by the words "Associate Judge."

Amended June 14, 1979, effective July 1, 1979 (372 So.2d 449).

Rule 2.050. Trial Court Administration

(a) Purpose. The purpose of this rule is to fix administrative responsibility in the chief judges of the circuit courts and the other judges that he may designate. When these rules refer to the court, they shall be construed to apply to a judge of the court when the context requires or permits.

(b) Chief Judge.

(1) The chief judge shall be a circuit judge who possesses administrative ability.

(2) The chief judge shall exercise administrative supervision over all courts within the judicial circuit in the exercise of judicial powers and over the judges and officers of the courts. He shall be responsible to the Chief Justice of the Supreme Court. The chief judge may enter administrative orders over his signature, except as otherwise provided by this rule.

(3) The chief judge shall be the chief judicial officer of the circuit and shall maintain liaison in all judicial administrative matters with the Chief Justice of the Supreme Court. He shall develop an administrative plan for the efficient and proper administration of all courts within his circuit.

The plan shall include an administrative organization capable of effecting the prompt disposition of cases; assignment of judges, other court officers, and executive assistants; control of dockets; regulation and use of courtrooms; and mandatory periodic review of the status of the inmates of the county jail. The plan shall be compatible with the development of the capabilities of the judges in such a manner that each judge will be qualified to serve in any division, thereby creating a judicial pool from which judges may be assigned to various courts throughout the state. The administrative plan shall include a consideration of the statistical data developed by the case reporting system. Questions concerning the administration or management of the courts of the circuit shall be directed to the Chief Justice of the Supreme Court through the state courts administrator.

(4) The chief judge shall assign judges to the courts and divisions, and shall determine the length of each assignment. All judges shall inform the chief judge of any contemplated absences that will affect the progress of the court's business. If a judge is temporarily absent, is disqualified in an action, or is unable to perform his duties, the chief judge or his designee may assign a proceeding pending before the judge to any other judge or any additional assigned judge of the same court. The chief judge may assign any judge to temporary service for which the judge is qualified in any court in the same circuit. If it appears to the chief judge that the speedy, efficient, and proper administration of justice so requires, he shall request the Chief Justice of the Supreme Court to assign temporarily an additional judge or judges from outside the circuit to duty in the court requiring assistance, and shall advise the Chief Justice whether or not he has the approval of the chief judge of the circuit from which the assignment is to be made. The assigned judges shall be subject to administrative supervision of the chief judge for all purposes of this rule. Nothing in this rule shall restrict the constitutional powers of the Chief Justice of the Supreme Court to make such assignments as he shall deem appropriate.

(5) The chief judge may designate a judge in any court or court division of circuit or county courts as "Administrative Judge" of any court or division to assist with the administrative supervision of the court or division. The designee shall be responsible to the chief judge, shall have the power and duty to carry out the responsibilities assigned to him by the chief judge, and shall serve at the pleasure of the chief judge.

(6) The chief judge may require the attendance of prosecutors, public defenders, clerks, bailiffs, and other officers of the courts, and may require

from the clerks of the courts, sheriffs, or other officers of the courts periodic reports that he deems necessary.

(7) The chief judge shall regulate the use of courtrooms, regularly examine the dockets of the courts under his administrative supervision, and require a report on the status of the actions on the dockets. He may take such action as may be necessary to cause the dockets to be made current.

(8) The chief judge or his designee shall regularly examine the status of every inmate of the county jail.

(9) The chief judge may authorize the clerks of courts to maintain branch county court facilities. When so authorized, clerks of court shall be permitted to retain in such branch court facilities all county court permanent records of pending cases, and may retain and destroy these records in the manner provided by law.

(c) Selection. The chief judge shall be chosen by a majority of the circuit and county court judges within the circuit, or if there is no majority, by the Chief Justice, for a term of two years. A chief judge may be removed as chief judge by the Supreme Court, acting as the administrative supervisory body of all courts. The purpose of this rule is to fix a two-year cycle for the selection of the chief judge in each circuit. A chief judge may serve for successive terms. If a chief judge is to be temporarily absent, he shall select an acting chief judge from among the circuit judges. If a chief judge dies, retires, fails to appoint an acting chief judge during an absence, or is unable to perform his duties, the Chief Justice of the Supreme Court shall appoint a circuit judge to act as chief judge during the absence or disability, or until a successor chief judge is elected to serve the unexpired term. When the office of chief judge is temporarily vacant pending action within the scope of this paragraph, the duties of court administration shall be performed by the circuit judge having the longest continuous service as a judge or by another circuit judge designated by him.

(d) Executive Assistant. An executive assistant may be selected by a majority of the circuit judges and shall perform such duties as the chief judge may direct.

(e) Local Rules and Administrative Orders.

(1) Local court rules as defined in Rule 2.020 may be proposed by a majority of the circuit and county judges in the circuit. The judges shall notify the local bar within the circuit of the proposal, after which they shall permit a representative of the local bar, and may permit any other interested person, to be heard orally or in writing on the proposal before submitting it to the Supreme Court for approval. When a proposed local

RULE 377. DUTIES AND POWERS OF CHIEF JUDGES

In addition to their ordinary duties, chief judges shall exercise continuing administrative supervision within their respective districts over all district courts, judges, magistrates, officials and employees thereof for the purposes stated in rule 373. They shall by order fix times and places of holding court and designate the respective presiding judges and magistrates; they shall supervise and direct the performance of all administrative business of their district courts; they may conduct judicial conferences of their district judges, district associate judges, and magistrates to consider, study and plan for improvement of the administration of justice; and may make such administrative orders as necessary. No chief judge shall at any time direct or influence any judge or magistrate in any ruling or decision in any proceeding or matter whatsoever.

The chief judge of a judicial district may appoint from the other district judges an assistant or assistants to serve on a judicial district-wide basis and at his pleasure. When so acting, such an assistant shall have those powers and duties given to the chief judge by statute or rule of court which are specified in the order of his appointment. Such appointment shall by general order be made a matter of record in each county in the judicial district.

Amended by Acts 1972 (64 G.A.) ch. 1144, effective March 24, 1972; Acts 1979 (68 G.A.) ch. 173, effective July 1, 1979.

RULE 378. COURT AND TRIAL SESSIONS

Chief judges shall by order provide for:

(a) A court session by a district judge at least once each week in each county of the district, announced in advance in the form of a written or printed schedule, provided that, if in the opinion of the chief judge more efficient operations in the district will result, such court sessions may be at different intervals than once each week.

(b) Additional sessions in each county for the trial of cases, and other judicial matters, of such duration and frequency as will best serve to expeditiously dispose of pending cases ready for trial, and other pending judicial matters.

Added by Acts 1969 (63 G.A.) ch. 335, effective July 1, 1969.

RULES RELATING TO
SUPREME COURT,
COURT OF APPEALS AND
APPELLATE PRACTICE



Approved by the Kansas Supreme Court July 9, 1976,
effective January 10, 1977.

Includes amendments effective March 15, May 18, July 15,
September 1, December 21, 23, 1977; January 1, March 6, July 1,
September 14, 1978; January 8, 30, 1979. *Sept. 14, 1979*

REPORTER'S NOTE: Rules current through January 31, 1979, incorporating
all reported amendments through 225 Kan., Advance Sheet No. 3. *4*

the signed receipt of an attorney or of an abstractor whose place of business is within the county, and subject to being returned immediately upon request. No file or record shall be taken outside of the county of the clerk's office except with the knowledge and consent of the clerk or by order of the judge.

Rule No. 107

DUTIES OF ADMINISTRATIVE JUDGE. In every judicial district the Supreme Court shall designate an administrative judge who shall have general control over the assignment of cases within said district under supervision of the Supreme Court. Assignment of cases shall be designed to distribute as equally as is reasonably possible the judicial work of the district. The administrative judge of each district shall be responsible for and have general supervisory authority over the clerical and administrative functions of the court.

At least once a month in single-county districts and at least once every three months in multiple-county districts the administrative judge shall call a meeting of all judges within the district for the purpose of reviewing the state of the dockets within the district and to discuss such other business as may affect the efficient operation of the court. Within guidelines established by the Supreme Court, by the judges of the judicial district, or by statute, the administrative judge shall have the following responsibilities:

(a) *Personnel Matters.* The administrative judge shall have supervision over recruitment, removal, compensation, and training of nonjudicial employees of the court. He shall prepare and submit to the judges for approval rules and regulations governing personnel matters to ensure that employees are recruited, selected, promoted, disciplined, removed, and retired appropriately.

(b) *Trial Court Case Assignment.* Cases shall be assigned under the supervision of the administrative judge. Under his supervision, the business of the court shall be apportioned among the trial judges as equally as possible and he shall reassign cases as necessity requires. He shall provide for the assignment of cases to any special division established in the court. A judge to whom a case is assigned shall accept that case unless he is disqualified or the interests of justice require that the case not be heard by that judge.

(c) *Judge Assignments.* The administrative judge, with the approval of the other judges, shall provide for the assignment and reassignment of judges to any specialized division of the court. The administrative judge shall prepare an orderly plan for vacations. The plan shall be approved by the judges of the court and shall be consistent with statewide guidelines.

(d) *Information Compilation.* The administrative judge shall have responsibility for development and coordination of statistical and management information.

(e) *Fiscal Matters.* The administrative judge shall supervise the fiscal affairs of the court.

(f) *Committees.* The administrative judge may appoint standing and special committees necessary for the proper performance of the duties of the court.

(g) *Liaison and Public Relations.* The administrative judge shall represent the court in business, administrative or public relations matters. When appropriate, he shall meet with (or designate other judges to meet with) committees of the bench, bar, and news media to review problems and promote understanding.

(h) *Improvement in the Functioning of the Court.* The administrative judge shall evaluate the effectiveness of the court in administering justice and recommend changes.

Rule No. 108

REPRODUCTION AND DISPOSITION OF ORIGINAL COURT RECORDS

(a) The administrative judge of a judicial district is hereby authorized to photograph, microphotograph, or reproduce or to have photographed, microphotographed, or reproduced on film, any of the court records, papers, or documents which are by law placed in the courts of that judicial district. The administrative

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Rule 1

SUPREME COURT RULES

(C) Citation. These rules shall be known as the Rules of Superintendence for Courts of Common Pleas and shall be cited as "C. P. Sup. R."

Amended August 13, 1979.

Rule 2

PRESIDING JUDGES

In counties having more than one common pleas judge, the judges thereof shall, pursuant to the Constitution, select one of their number to act as presiding judge to serve at their pleasure. The selection of the presiding judge shall be by majority vote of all the judges of all the divisions of the court, i. e., general, domestic relations, probate and juvenile.

If the judges are unable for any reason to make such selection, the judge having the longest total service on the court of common pleas in any division thereof, or service as a probate judge prior to May 7, 1968, shall serve as presiding judge until selection is made by vote.

The judges of all multi-judge courts of common pleas shall meet at the call of the presiding judge, and at least once each term of court, for the purpose of discussing and resolving administrative problems common to all divisions of the court. The presiding judge shall chair all such meetings and shall assign judges from one division of the court to serve another division as the business of the court may require.

Nothing in these superintendence rules prevents a presiding judge from serving simultaneously as an administrative judge of a division pursuant to C. P. Sup. R. 3.

Amended August 13, 1979.

Rule 3

ADMINISTRATIVE JUDGE

(A) Selection and Term; Notifications. The judges of each multi-judge division of the court of common pleas shall, by majority vote of all judges of the division, select one of their number to act as administrative judge. The administrative judge shall serve for an annual term and may be reelected.

If the judges, for any reason, are unable to elect an administrative judge, the judge having the longest total service on the court shall serve as the administrative judge for one term. If two judges have equal periods of service, the holder of the office shall be determined by lot. In the event of continued failure to elect an administrative judge,

RULES OF SUPERINTENDENCE

Rule 4

the judges shall, in turn, serve in the order of seniority as determined by total length of service on the court.

The administrative judge shall promptly notify the Office of the Administrative Director of his selection and term.

(B) Powers. The administrative judge shall be the presiding officer of his division and shall have full responsibility for and control over the administration, docket and calendar of the division which he serves. He shall cause cases to be assigned to the judges within the division and shall require such reports from each judge concerning the status of assigned cases as he may require to assist him in discharging his overall responsibility for the observance of these superintendence rules and for the termination of cases in his division without undue delay.

The administrative judge shall maintain records indicating the number of pending cases which each attorney is to try. In civil cases the attorney who is to try the case shall be designated as trial attorney on all pleadings filed therein. At the time of arraignment in criminal cases, the attorney who is to try the case shall be stated in writing by such attorney.

The administrative judge shall formulate such accounting and audit procedures within his division and the office of the clerk of courts as will insure the accuracy of all reports required by these rules.

(C) Relief from Trial Duties. It is permissible to relieve, by local rule, the administrative judge from part of his trial duties to permit him to utilize his time to manage the calendar and docket of the court.

Amended August 13, 1979.

Rule 4

ASSIGNMENT SYSTEM

For the purpose of these rules, the individual assignment system is that system whereby, upon the filing in, or transfer to, a division of the court of a civil case, or upon arraignment in a criminal case, a case is immediately assigned by lot to a judge thereof, who thus becomes primarily responsible for the determination of every issue and proceeding in the case until its termination. Under such system, all preliminary matters, including requests for continuances, must be submitted for disposition to the judge to whom the case has been assigned, or if he is unavailable to the administrative judge.

Each multi-judge general division of each court of common pleas shall adopt the individual assignment system as defined herein for the assignment of all cases to judges of the division for disposition.

Amended August 13, 1979.

Rule 925 Chief Judge Rule.

.1 Applicability. This rule applies to all trial courts: that is the judicial circuits of the circuit court, the districts of the district court, the probate court in each county or a probate district established by law, the municipal courts, Detroit Recorder's Court, and Detroit Common Pleas Court.

.2 Chief Judge, Chief Judge Pro Tempore. A trial court with two or more judges must have a chief judge and a chief judge pro tempore. The chief judge shall serve a term of two years beginning as of January 1 of each even-numbered year. Those presently serving as chief judge shall continue to serve in that office until December 31, 1981.

.3 Selection of Chief Judge, Chief Judge Pro Tempore, and Presiding Judges of Divisions.

- (a) A chief judge, chief judge pro tempore, and presiding judge of a division must be selected for administrative experience and ability.
- (b) The judges of a trial court shall select a chief judge by a majority vote of the judges of that court subject to approval by the chief justice.
- (c) If, by the 60th day before the end of the term of a chief judge, the judges have not selected a successor, then the chief justice shall appoint one.
- (d) If the office of chief judge is vacated, the chief judge pro tempore shall become the chief judge for the remainder of the term unless the judges of the court select a successor by (b) of this subrule within 30 days after the date the vacancy occurs.
- (e) The chief judge shall appoint a chief judge pro tempore.
- (f) The chief judge may appoint presiding judges of divisions of the court with the powers and duties the chief judge delegates.
- (g) The names, titles, and dates of selection of chief judges, chief judges pro tempore, and presiding judges must be filed with the state court administrative office immediately on selection.

.4 Removal of Chief Judge, Chief Judge Pro Tempore, Presiding Judge of a Division.

- (a) A chief judge may be removed by the chief justice.
- (b) A chief judge pro tempore and a presiding judge of a division serve at the pleasure of the chief judge.

Rule 926 Assignment of Cases.

.1 Application. This rule applies to all trial courts defined in subrule 925.1.

.2 Assignment of Cases. All cases must be assigned by lot, unless a different system has been adopted by local court administrative order under the provisions of subrule 927. Assignment will occur at the time the case is filed or before a contested hearing or uncontested dispositional hearing in the case, as the chief judge directs. Civil cases must be assigned within appropriate categories determined by the chief judge. The chief judge may receive fewer assignments in order to perform the duties of chief judge.

.3 Reassignment. If a judge is disqualified or for other good cause cannot undertake an assigned case, the chief judge may reassign it to another judge by a written order stating the reasons. To the extent feasible, the alternate judge should be selected by lot. The chief judge shall file the order with the trial court clerk and have the clerk notify the attorneys of record. The chief judge may also designate a judge to act temporarily until a case is reassigned or during a temporary absence of a judge to whom a case has been assigned.

.4 Actions Arising Out of the Same Transaction or Occurrence. Subject to subrule 925.5,

- (a) if one of two or more actions growing out of the same transaction or occurrence has been assigned to a judge, the other action or actions must be assigned to the same judge;
- (b) if an action arises out of the same transaction or occurrence as a civil action previously dismissed, the action must be assigned to the judge to whom the dismissed action was assigned;
- (c) the attorney for the party bringing the other action under subrule 926.4(a) or the new action under subrule 926.4(b) shall notify the clerk of that fact in writing. An attorney who knowingly fails to do so is subject to disciplinary action.

Levin and Moody, Jr., JJ., dissent as follows:

We dissent to rule 925.5(c)(4) as approved. The language of this section should be amended to provide that the chief judge has the authority and responsibility to "supervise the performance of all court personnel, with the authority to hire, discipline, or discharge such personnel, with the exception of a judge's secretary, law clerk, and court reporter-recorder, if any."

[Added April 20, 1976; amended July 19, 1976; March 27, 1980, effective May 1, 1980.]

5 Duties and Powers of Chief Judge.

- (a) A chief judge shall act in conformity with the general court rules, administrative orders of the supreme court, and local court rules, and should freely solicit the advice and suggestions of the other judges.
- (b) As the presiding officer of the court, a chief judge shall:
 - (1) call and preside over meetings of the court;
 - (2) appoint committees of the court;
 - (3) initiate policies concerning the court's internal operations and its position on external matters affecting the court;
 - (4) represent the court in its relations with the supreme court, other courts, other agencies of government, the bar, the general public, and the news media, and in ceremonial functions; and
 - (5) counsel and assist other judges in the performance of their responsibilities.
- (c) As director of the administration of the court, a chief judge shall have administrative superintending power and control over the judges of the court and all court personnel with authority and responsibility to:
 - (1) supervise caseload management and monitor disposition of the judicial work of the court;
 - (2) direct the apportionment and assignment of business of the court, subject to the provisions of GCR 1963, 926;
 - (3) determine the hours of the court and the judges; coordinate and determine the number of judges and court personnel required to be present at any one time to perform necessary judicial and administrative work of the court, and require their presence to perform that work;
 - (4) supervise the performance of all court personnel, with authority to hire, discipline, or discharge such personnel, with the exception of a judge's secretary and law clerk, if any;
 - (5) coordinate judicial and personnel vacations and absences, subject to the provisions of subrule 925.6;
 - (6) supervise court finances, including financial planning, the preparation and presentation of budgets, and financial reporting;
 - (7) request assignments of visiting judges and direct the assignment of matters to the visiting judges;
 - (8) effect compliance by the court with all applicable court rules and provisions of the law; and
 - (9) perform any act or duty or enter any order necessarily incidental to carrying out the purposes of this rule.
- (d) If a judge does not timely dispose of his assigned judicial work or fails or refuses to comply with an order or directive from the chief judge made under this rule, the chief judge shall report the facts to the state court administrator who will, under the supreme court's direction, initiate whatever corrective action is necessary.
- (e) A chief judge may delegate administrative duties to a trial court administrator or others.

.6 Court Hours; Court Holidays; Judicial Absences.

- (a) The chief judge shall enter an administrative order under subrule 927.2 establishing the court's hours.
- (b) Court holidays shall be in accordance with Administrative Order 1978-1 of the supreme court, unless modified by administrative order of the trial court under the provisions of subrule 927.2. Courts are encouraged to promulgate a modifying administrative order if appropriate to accommodate or achieve uniformity with the holiday practices of local governmental units regarding local public employees.
- (c) A judge is entitled to vacation each calendar year. Vacation days do not include:
 - (1) attendance at Michigan judicial conferences;
 - (2) attendance, with the chief judge's approval, at educational meetings or seminars;
 - (3) attendance, with the chief judge's approval, at meetings of judicial committees or committees substantially related to judicial administration of justice;
 - (4) absence due to illness; or
 - (5) administrative leave, approved by the chief judge.
- (d) A judge may not be absent from the court without the chief judge's prior approval, except for personal illness. In making the decision on a request to approve a vacation or other absence, the chief judge may consider, among other factors, the pending caseload of the judge involved, including the judge's latest report under GCR 1963, 910, the number of cases ready for trial and awaiting trial, and the length of time the cases have been pending. The chief judge shall maintain records of absences to be available at the request of the supreme court.

[Amended July 1, 1964; Sept. 14, 1967; April 20, 1976; July 19, 1976; Oct. 11, 1977; March 27, 1980, effective May 1, 1980.]

Amendment to GCR 925

On order of the Court, the need for immediate action having been found, the notice requirements of GCR 1963, 933 were dispensed with and the following amendment to GCR 1963, 925 was adopted August 17, 1981, to be effective September 1, 1981:

[The present language is repealed and replaced by the following language unless otherwise indicated below:]

Rule 925 Chief Judge Rule

.1 Applicability. Except as provided in subrule 925.7, this rule applies to all trial courts: that is the judicial circuits of the circuit court, the districts of the district court, the probate court in each county or a probate district established by law, the municipal courts, and the recorder's court of the city of Detroit.

.2 - .6 [Unchanged.]

.7 Executive Chief Judge. [Applicable only in the third judicial circuit and recorder's court of the city of Detroit.]

- (a) (1) In the circuit court in the third judicial circuit and the recorder's court of the city of Detroit, an executive chief judge shall be chosen by a majority vote of the joint executive committee created under subrule 925.8(a). The first executive chief judge selected shall serve until January 1, 1982. Beginning January 1, 1982, the executive chief judge shall serve a term of two years.
- (2) If the joint executive committee has not selected an executive chief judge by January 1 of an even-numbered year, the chief justice shall appoint one.
- (3) The executive chief judge shall select a member of the joint executive committee to serve as executive chief judge pro tempore. The executive chief judge may remove the executive chief judge pro tempore.
- (4) If the office of executive chief judge is vacated, the executive chief judge pro tempore shall become the executive chief judge for the remainder of the term unless the joint executive committee selects a successor under subsection .7(a)(1) within 30 days after the vacancy occurs.
- (5) The names, titles, and dates of selection of the executive chief judge and executive chief judge pro tempore must be filed with the state court administrator immediately on selection.
- (6) The executive chief judge may be removed by the chief justice.
- (b) The executive chief judge shall have the authority and duties of a chief judge as provided by this rule with respect to both courts. In addition, the executive chief judge shall have the following authority and duties:
 - (1) to fix the compensation of the employees of the state judicial council who serve in the circuit court in the third judicial circuit and the recorder's court within appropriations provided by the state, except as otherwise provided by law;
 - (2) to prepare and forward to the chief justice and the state court administrator monthly reports on case flow in the courts;
 - (3) to contract for space, equipment, and services, except as otherwise provided by law;
 - (4) to create or merge divisions of the courts with the approval of the joint executive committee; and
 - (5) to consolidate departments or functions of the courts with the approval of the joint executive committee.

- (c) The executive chief judge may not direct a judge of the third judicial circuit to serve as a judge in the recorder's court or a judge of the recorder's court to serve as a judge in the third judicial circuit.
- (d) The exercise of the authority to hire and set the compensation of employees, to set the hours of court, and to determine the number of employees required to be present to perform administrative work is subject to the personnel policies and procedures established by the state judicial council and to MCL 600.593; MSA 27A.593.
- (e) Insofar as practicable, the executive chief judge shall delegate the authority and duties that relate only to the internal operation of the individual courts to the respective chief judges of the third circuit and the recorder's court.

Joint Executive Committee. [Applicable only in the third judicial circuit and recorder's court of the city of Detroit.]

- (a) The circuit court in the third judicial circuit and the recorder's court of the city of Detroit shall have a joint executive committee composed of
 - (1) the chief judge of the recorder's court;
 - (2) the chief judge of the circuit court in the third judicial circuit;
 - (3) two judges of the circuit court in the third judicial circuit appointed by the chief judge of that circuit;
 - (4) two judges of the recorder's court appointed by the chief judge of the recorder's court; and
 - (5) a judge of either the circuit court in the third judicial circuit or the recorder's court selected by a majority vote of the judges of those combined courts.
- (b) Each member of the joint executive committee serving on September 1, 1981, shall serve until January 1, 1982. Beginning January 1, 1982, each member of the joint executive committee shall serve for a term of two years. However, the member selected under subsection .8(a)(5) serving from September 1, 1981, to January 1, 1982, shall also serve a full two-year term beginning January 1, 1982.
- (c) (1) The chief judges elect (see rule 925.3) shall announce their joint executive committee appointments 30 days before the terms of appointees are to begin.
- (2) The election of the member under subsection .8(a)(5) must be held 30 days before the member's term is to begin.
- (d) The names and dates of selection of the members of the joint executive committee must be filed with the state court administrator immediately on selection.
- (e) The judges selected as members of the joint executive committee may meet before the beginning of their terms for the sole purpose of choosing one of the members to serve as executive chief judge.
- (f) The joint executive committee shall advise and assist the executive chief judge in establishing the policies to be executed by the executive chief judge.

EXHIBITS

EXHIBIT 1

"FORMS DESIGN" REPORT: FEBRUARY, 1979

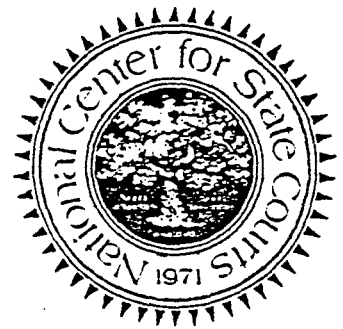
National Center for State Courts

REPORT

Court Improvement Through Applied Technology

A TECHNICAL ASSISTANCE PROJECT

FEBRUARY 1979



Old docket books

Effective forms design programs save courts time and money

Courts have experienced substantial savings in both personnel time and money through an effective forms design program. The State of Alabama, for example, reduced form costs for courts statewide from \$3 million to \$800,000 annually through the development of a comprehensive statewide forms design program. Courts elsewhere could experience comparable savings resulting from the consolidation and elimination of forms (designing one form to replace several others), improved forms design, and bulk purchasing.

The following techniques are recommended in order to ensure an economical and effective court forms design program:

- ☐ Case number should appear in one unique location (generally upper corner) on all forms.

- ☐ Form numbers, date of issue, and issuing agency should appear on all forms in the same location.
- ☐ Form titles should appear on top of all forms and uniquely define the form's purpose.
- ☐ Forms should be written in plain English; Latin, foreign terms, and legal terminology should not be used.
- ☐ Forms should be printed on letter-size paper; legal-size paper should not be used.
- ☐ Information on the forms should flow in a logical sequence.
- ☐ Forms should be simple to understand; if necessary, instructions regarding how to fill out the form should be printed on the back of the form.
- ☐ Space should be provided to insert variable (fill-in) information using the box design; space allocated should conform to the amount of information required to be inserted.
- ☐ Titles describing the variable (fill-in) information should be printed in small letters in the upper left-hand corner of each box.
- ☐ Variable (fill-in) information should generally be aligned to the left-hand margin to facilitate typing; other variable (fill-in) information should be located at a few predetermined (3 or 4) tab stops; small vertical bars should be printed along the top of the form to indicate the location of tab stops.
- ☐ Line spacing on the form should be designed to correspond to typewriter spacing.
- ☐ Distribution information for multipart forms should be printed clearly on each part of the form.
- ☐ Forms should be consolidated whenever possible.

Multipart forms replace docket

Courts in Colorado and Alabama and a few other states have developed alternative manual systems for smaller courts to replace the hard bound books, commonly called a Docket or Register of Actions, for listing case-related actions. These courts now use a multipart form system similar to the one shown below. The system consists of a Register of Actions sheet and two or more index cards forming the multipart form. When the basic case information such as case number, style, and attorney names are typed on the top of the form, the index cards are also produced at the same time through the use of carbon interleaves or carbonless paper. The Register of Actions sheet can then be maintained in a tub file or loose

Continued on next page

Alabama civil case action summary multipart form

EXHIBIT 2

SAMPLE FORM: SUMMONS/RETURN OF SERVICE

Parish of Orleans
City of New Orleans
Municipal Court

ORDER TO APPEAR IN COURT

Case Number
EXHIBIT 2

Defendant Name

TO ADDRESSEE: You are hereby commanded to
appear before the:

MUNICIPAL COURT
727 South Broad Street
New Orleans, Louisiana

at the time and date indicated
under penalty of \$50.00 to:

☐ GIVE TESTIMONY

☐ BE ARRAIGNED

☐ STAND TRIAL

Charge: _____
☐ Send names of your witnesses

TO: (Name & Address)

Date to Appear

Time

☐ A.M.
☐ P.M.

Division

A B C

Date Issued

Deputy Clerk-By Order of the Court

Signature

RETURN OF SERVICE

Date Received

Date Served

Type of Service:

☐ Served on Addressee

☐ Addressee Not Located

☐ Domiciliary Served (See Note)

Note on Domiciliary Service: Since Addressee could
not be located, a copy of this order was left with
the below named person, over the age of 16 years,
at the address indicated.

Name

Address

Name of Officer Making Service

EXHIBIT 3

CRIMINAL CASE CONTROL RECORD

STATE OF MINNESOTA

CRIMINAL
CASE CONTROL RECORD

Trial Court Information System

STATE OF MINNESOTA -VS- LAST NAME, First, Middle, Suffix		SJIS/COMPLAINT NUMBER		CASE NUMBER	REMARKS																								
		DATE OF BIRTH	CASE TYPE AT FILING	DATE FILED																									
		DATE OF OFFENSE	<input type="checkbox"/> FEL = Felony <input type="checkbox"/> GMD = Gross Misdemeanor <input type="checkbox"/> PMD = Petty Misdemeanor <input type="checkbox"/> MSD = Misdemeanor <input type="checkbox"/> OTR = Other	OFFENSE																									
ALIAS		ULTIMATE JURISDICTION																											
DEFENDANTS ATTORNEY/PHONE		<input type="checkbox"/> COUNTY <input type="checkbox"/> DISTRICT ATTORNEY CODE <input type="checkbox"/>	PROSECUTING MUNICIPALITY LOCATION																										
ATTORNEY'S ID NUMBER		DEFENDANT STATUS																											
WARRANT STATUS		<table border="1"> <tr> <th>CODE</th> <th>DATE</th> <th></th> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>BAL = On Bail</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>BND = On Bond</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>DET = Detention</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>FUG = Fugitive</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>JAL = Jail</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>OTR = Other</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>ROF = Own Recognizance</td> </tr> </table>				CODE	DATE		<input type="checkbox"/>	<input type="checkbox"/>	BAL = On Bail	<input type="checkbox"/>	<input type="checkbox"/>	BND = On Bond	<input type="checkbox"/>	<input type="checkbox"/>	DET = Detention	<input type="checkbox"/>	<input type="checkbox"/>	FUG = Fugitive	<input type="checkbox"/>	<input type="checkbox"/>	JAL = Jail	<input type="checkbox"/>	<input type="checkbox"/>	OTR = Other	<input type="checkbox"/>	<input type="checkbox"/>	ROF = Own Recognizance
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<input type="checkbox"/>	<input type="checkbox"/>	ROF = Own Recognizance																											
DATE ISSUED		C = Court Appointed																											
DATE SATISFIED		P = Public Defender																											
OUTSTANDING WARRANT OTHER CASE NO.		R = Retained Own																											
		S = Defending Self																											
		O = Other																											
		DATE CLOSED																											
		_____ AMOUNT POSTED _____ DATE POSTED																											

TRANS ACTION NO.	DATE	ACTION SUMMARY
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STATE OF MINNESOTA -VS- LAST NAME, First, Middle, Suffix		SUIS/COMPLAINT NUMBER		CASE NUMBER	
		DATE OF BIRTH	CASE TYPE AT FILING	DATE FILED	
		DATE OF OFFENSE	<input type="checkbox"/> FEL = Felony <input type="checkbox"/> GMD = Gross Misdemeanor <input type="checkbox"/> PMD = Petty Misdemeanor <input type="checkbox"/> MSD = Misdemeanor <input type="checkbox"/> OTR = Other	OFFENSE	
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ATTORNEY'S ID NUMBER		C = Court Appointed P = Public Defender R = Retained Own S = Defending Self O = Other		DEFENDANT STATUS	
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DATE ISSUED				BAL = On Bail BND = On Bond DET = Detention FUG = Fugitive JAL = Jail OTR = Other ROR = Own Recognizance	
DATE SATISFIED		DATE CLOSED		_____ AMOUNT POSTED _____ DATE POSTED	
OUTSTANDING WARRANT OTHER CASE NO.					

STATE OF MINNESOTA -VS- LAST NAME, First, Middle, Suffix		SJIS/COMPLAINT NUMBER		CASE NUMBER	
		DATE OF BIRTH	CASE TYPE AT FILING	DATE FILED	
		DATE OF OFFENSE	<input type="checkbox"/> FEL =Felony <input type="checkbox"/> GMD=Gross Misdemeanor <input type="checkbox"/> PMD =Petty Misdemeanor <input type="checkbox"/> MSD =Misdemeanor OTR =Other	OFFENSE	
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DATE SATISFIED					
OUTSTANDING WARRANT OTHER CASE NO.		DATE CLOSED		_____ AMOUNT POSTED _____ DATE POSTED	

EXHIBIT 4

COMPUTER OUTPUT MICROFILM (COM)

COMPUTER OUTPUT MICROFILM (COM)

COM is the microfilm industry's name for translating computer-generated information into eye readable form and recording it on microfilm. COM makes information more manageable by introducing economical handling and storage of current computer-generated documents and reports. The material copied can be reduced up to 80 percent with the use of microfilm. A 100 foot roll of microfilm, finished and processed, is equivalent to approximately 2,600 feet of margin-punched carbon and paper continuous forms. Paper and a single carbon copy record can cost up to five times more than a 100 foot roll of microfilm (with a duplicate roll).

There is enough space in a file drawer to store almost 50 miles of continuous computer-generated forms after their conversion to microfilm. In addition, a large savings in shipping costs can be realized. For example, a 100 foot roll of microfilm can be mailed from coast to coast for approximately 50 cents, compared to a cost of approximately \$20 for mailing the paper equivalent. Efficiency is improved because the need to burst, decollate and bind copies is eliminated. Additional microfilm copies are easily produced as needed at a much reduced cost. The advantages of COM are:

1. Better use of the computer/printer

- speed of operation
- fast turnaround (solves critical updating cycles)
- computer made available for additional processing
- elimination of multiple passes on computer for widespread distribution requirements

2. Elimination of paper handling bottlenecks

- material handling
- decollating
- bursting
- binding
- file integrity assured

3. Less production and materials cost

4. Easier and less expensive distribution

5. Faster information retrieval

6. Saving of storage space

HOW A COM MICROFILM SYSTEM WORKS

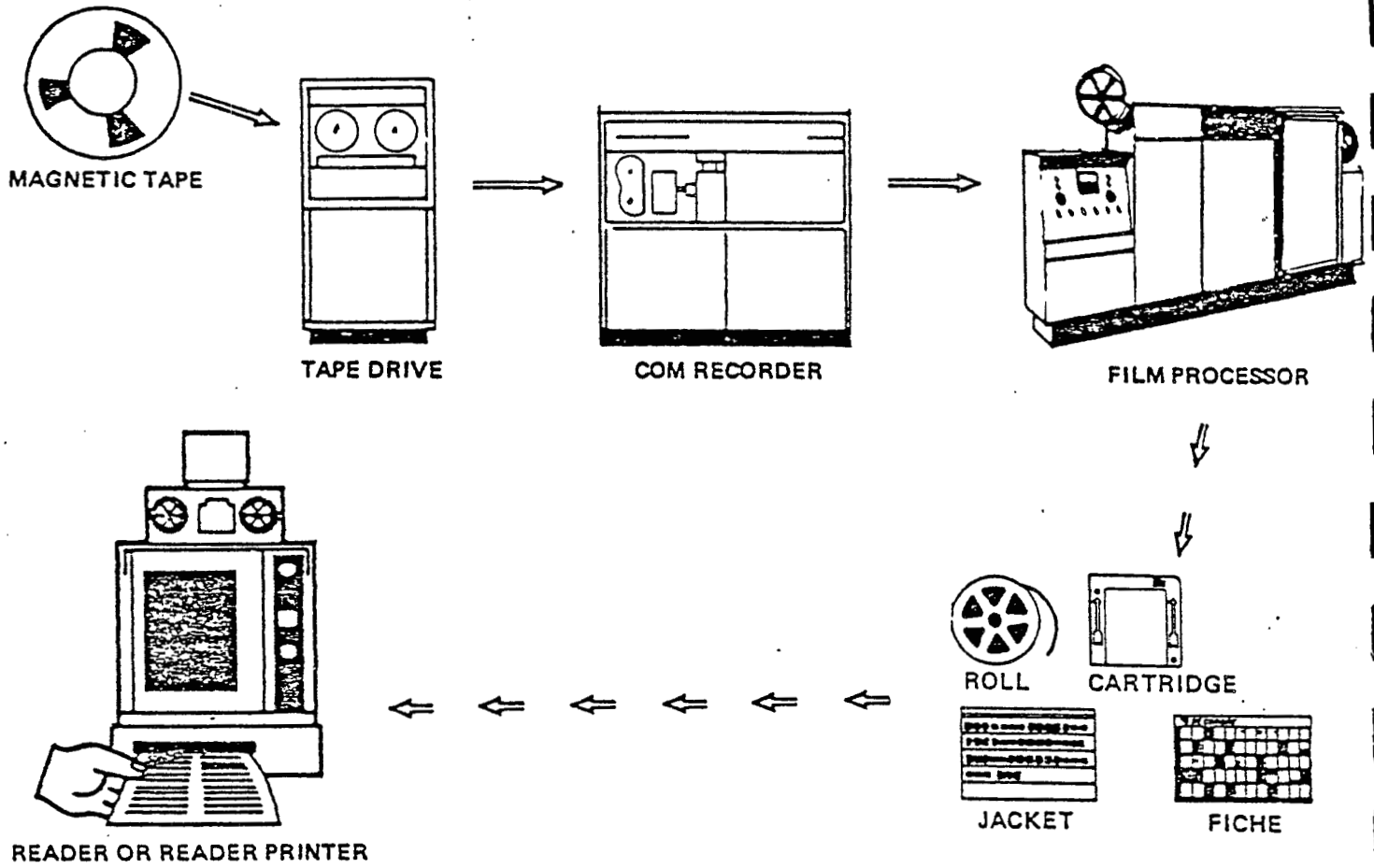
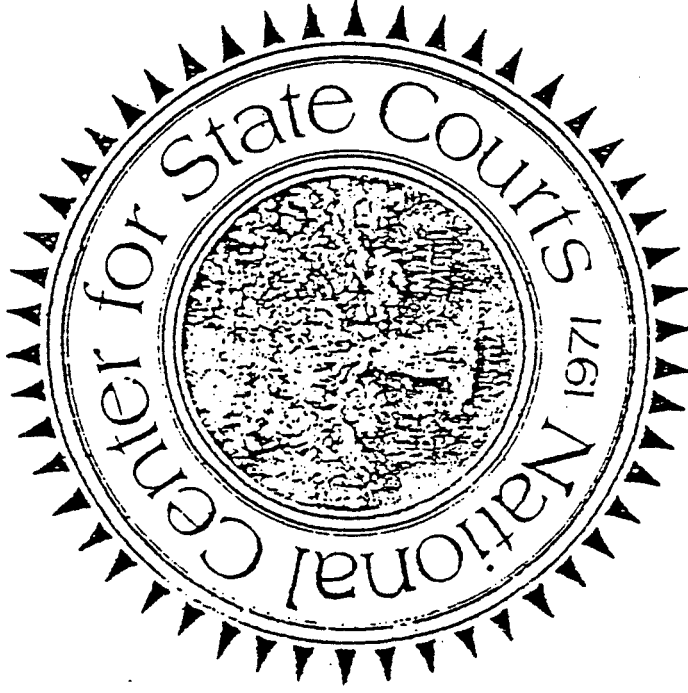


EXHIBIT 5

TABLE OF CONTENTS, MANUAL FOR CLERKS,
MAINE DISTRICT COURTS

National Center for State Courts

NORTHEASTERN REGIONAL OFFICE
209 Bay State Road
Boston, Massachusetts 02215
(617) 247-2102



A MANUAL FOR CLERKS

MAINE DISTRICT COURTS

The preparation of this Manual was funded by a grant from the Law Enforcement Assistance Administration, U.S. Department of Justice, through the Maine Law Enforcement Planning and Assistance Agency by Grant #200170/6042 to the Maine Supreme Judicial Court.

March 31, 1975

FOREWORD

This is an in-office operations manual for District Court clerks. It is a composite of procedures currently in use and it encompasses those procedures most frequently used by clerks. It should serve as a handy reference document for the inexperienced as well as the experienced clerk and should be particularly useful for training new clerical personnel.

This manual is a first step toward achieving uniform practices in the clerks' offices. It can be adapted to the users needs and space has been provided for additional notations.

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EXHIBIT 6

COLOR CODED FILE FOLDER

7

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EXHIBIT 6

EXHIBIT 7

SEE-THROUGH CASE JACKET

EXHIBIT 7

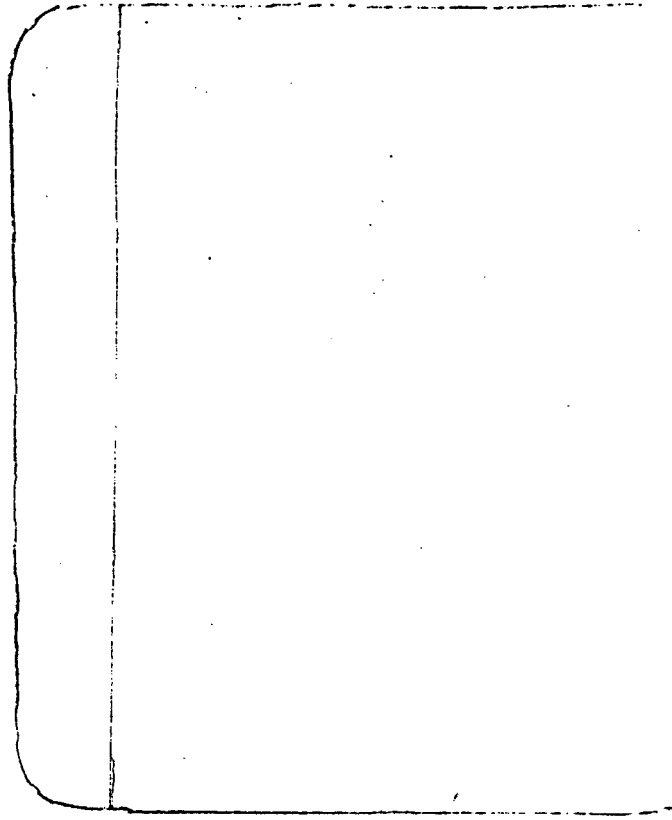


EXHIBIT 8

COLOR CODED OUT FOLDER

UNCLASSIFIED FOLIO ACHIEVED: L
RECORDS REMOVED (DECLASSIFIED):

TAB PRODUCTS CO.—"REQUEST—CHARGE—FOLLOW-UP" FORM NO. 4368

EXHIBIT 8

OUT

EXHIBIT 9

"RECORDS RETENTION" REPORT: AUGUST, 1979



De facto destruction

National Center for State Courts REPORT

Court Improvement Through Applied Technology (CITAT)

INACTIVE RECORDS: RETENTION AND DISPOSITION

August 1979

Retention and disposition schedule aids effective records management

Unlike wine and cheese, court records do not improve with age. A comprehensive records-retention and -disposition schedule facilitates the preservation of valuable records and the destruction of valueless records.

The development of an effective retention and disposition schedule begins with a complete list of all record types currently being maintained by the court. The legal, administrative, fiscal, or historical value of each record must then be determined. A retention period is then assigned, according to this value. This generally reflects the period during which the record may be required for a court proceeding or to verify an individual right. During the retention period, the record must be retained in some form (either on paper or microfilm), either in the court facilities or in some remote location.

At the conclusion of the retention period, the records should be destroyed or eliminated from the jurisdiction of the court according to the predetermined schedule. It is vital that destruction be not only allowed, but *required* if the records-management program is to be successful. The major reasons for developing a strong retention and destruction schedule are cost, space, and time savings, and these savings can only be realized if valueless records are regularly purged.

It is recommended that the records-retention and -destruction schedule be implemented and enforced through the use of court rule. It is important that court rule rather than statutes be developed, for statutes are far more difficult and time consuming to enact and revise. The Supreme Court, by exercising its statewide authority in this area, will be able to develop the records-management program faster and more uniformly, while



*Warehouse open steel shelving
and record center boxes*

still allowing for future changes if necessary.

Once a records-retention and -disposition schedule has been established, inactive records can be effectively managed. Generally, records will be handled in one of the following three ways:

(1) **Destroy Valueless Records:** Destruction of records is the recommended way to eliminate records whose retention has expired. The cost is minimal, and the benefit in space savings and improved operation could be substantial. Some records may even be sold for recycling with the revenue used to help finance the records-management program.

(2) **Store Inactive Records in Low-Cost Storage Facility:** Records that are no longer needed for daily court operation but cannot be destroyed may be relegated to a remote, less accessible, low-cost records storage area.

(3) **Destroy Inactive Records After Microfilming:** Inactive records should be microfilmed only if the retention period is more than 10 years and if the paper records will be destroyed after the microfilm has been verified.

Inactive records present problems for courts

Courts throughout the country are experiencing difficulty with the management and maintenance of inactive records. Court space is expensive and often limited—especially easily accessible office space. With the increases in new cases and documents, retrieval time increases, and misfiling becomes more frequent. In order to free court space and alleviate filing congestion, closed or inactive case files should be removed from the main filing area and filed separately. Most courts, however, do not have adequate storage space or expertise in long-term records maintenance. As a result, many valuable court records may be damaged or destroyed through improper storage.

Courts records storage areas often have the following characteristics:

- Records are stored without any systematic control as to storage location or record content.
- Records are often maintained in a disorderly manner, with records lying loose on the floor or spilling off shelves.
- Records are stored under water pipes or in basements subject to flooding.
- Rats and other pests are often found in the records area.
- Unauthorized persons are given access to the records room, and valuable records are sometimes damaged or stolen.
- Records are deteriorating because of the passage of time, improper usage, or climate.

If these problems describe your inactive records storage, the development of a records retention or efficient inactive records storage program is needed immediately.

Guidelines given for inactive records storage

Warehouse Open Steel Shelving

□ **Height:** Warehouse steel shelving should extend as high as the facilities permit or to a maximum height of 12 to 14 boxes. A clearance of 18 to 24 inches from the ceiling is generally required for lighting fixtures and water sprinklers.

□ **Width:** Shelving units should be as wide as possible, because wider shelves provide the best cost-to-filing inches ratio and require fewer units to fill a given size records room. Generally a 42- to 48-inch shelf is recommended. Sufficient space (two to three inches per shelf) should be provided to insert and remove storage boxes.

□ **Depth:** Warehouse shelving should be sufficiently deep to accommodate two boxes back-to-back on the shelf. Most storage boxes will be adequately supported two deep by a 30-inch shelf.

□ **Number of Shelves:** Two storage boxes may be stacked on top of each other on each shelf, generally requiring a 23-inch separation between individual shelves. Boxes may also be placed on individual shelves (11 inches apart) without stacking to facilitate retrieval; this approach, however, is more costly in terms of equipment, since more shelves are required.

□ **Side and End Panels:** No side or end panels should be used with warehouse

steel shelving.

□ **Support Design:** "T"-shaped upright supports are preferred, since one support can be used to connect two units of shelving. These supports are recommended when the shelving unit will remain stationary. If the units will be moved, "L"-shaped supports that attach to all four corners of the shelving will be required.

□ **Assembly:** Units should be acquired that require minimal assembly but provide the requisite strength and support.

□ **Aisles:** Warehouse shelving requires only a 30-inch aisle between the units. Shelving rows should not extend more than 30 feet without an access aisle to facilitate movement within the files.

□ **Accessories:** A mobile steel ladder will facilitate access to the higher levels of the filing tier, and movable carts are recommended to aid in the transfer and retrieval of the storage boxes.

Storage Boxes

□ **Size:** A standard-size storage box measures 15" x 12" x 10". These boxes are designed to hold legal-size folders in one direction and letter-size folders in the other.

□ **Material:** Boxes should be made from heavy-duty corrugated cardboard.

□ **Strength:** The double wall 175#

strength is preferred, although a single wall 200# strength is acceptable.

□ **Opening:** Top-opening storage boxes provide dense record storage at the lowest cost. When boxes are stacked on top of each other, it will be necessary to remove the top box in order to gain access to the lower one. Since these boxes will weigh 30 to 50 pounds when full, moving them can be difficult.

Front-opening storage boxes are designed to store side-tab file folders. Even when boxes are stacked on top of each other, records can still be accessed without the need to remove or relocate any box. Front-opening storage boxes, however, cost five to ten times more than the equivalent standard top-opening storage box and provide less protection for the records.

□ **Acid Content:** For long-term records storage (100 years or more) acid-free boxes are recommended.

□ **Hand hold:** Hand holds should be provided on two sides of the box. The cut-outs for the hand holds should swing down to enclose and protect the records when not in use.

□ **Assembly:** Boxes should be easy to assemble, with instructions clearly marked on the box.

□ **Construction:** No staples should be used on the boxes as they may injure users and rust with time. Seams should be glued with non-water-soluble glue.

Proper storage protects records from damage by fire and water

When adequate space is available within or near the court, the court-operated records center will generally prove to be the least expensive and most convenient means to store inactive court records. All records will remain under court control and can easily and inexpensively be retrieved.

Protection from fire is a primary concern when storing paper documents. Tests have shown that records packed tightly in corrugated cardboard storage boxes will not burn easily. A water sprinkler system should be installed equipped with sprinkler heads that will discharge independently to extinguish a localized fire without discharging the whole sprinkler system. A smoke detector should be installed in conjunction with the water sprinkler to give early warning of fire to enable the staff to extinguish the flames with fire extinguishers; the smoke detectors can be hooked directly to the fire department or to an alarm in the clerk's office. Fires can therefore be extinguished early, before the heat discharges the water sprinkler and possibly damages the records. Fire extinguishers

should be readily available and all staff trained in their use. A Halon gas system, which will automatically extinguish fires with minimal damage to the records, should also be considered by courts. Of course, the best way to combat fires is to prevent them. Smoking prohibitions should be enforced in the records area and in the surrounding areas.

Court records could also be damaged from water pipes or flooding. The storage facilities should never be located in a room that has water pipes overhead. In addition, the lowest shelf on the filing unit should be elevated at least four inches to allow for potential flooding.

Inactive records are best maintained at a temperature below 70° F and a low humidity (50-60 percent). Records should not be stored near a heat source, such as a furnace or hot-air vent.

Inactive records rooms should have lighting, preferably fluorescent, located over aisles. This is especially important for inactive records, since high filing equipment is used, which might obstruct the light.

COURT IMPROVEMENT THROUGH APPLIED TECHNOLOGY PROJECT of the NATIONAL CENTER FOR STATE COURTS

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This project was supported by Grant Number 79-SS-AX-0007, awarded by the Law Enforcement Assistance Administration, United States Department of Justice. Points of view or opinions stated in this publication do not necessarily represent the official position or policies of the U.S. Department of Justice.

EXHIBIT 10

"PEGBOARD ACCOUNTING" REPORT: MARCH, 1980

Accounting poses problems for courts

All courts handle money for one purpose or another. As such, they are required to maintain accounting systems to manage the receipt and disbursement of funds for a variety of different accounts. All courts receive payment for filing fees, court costs, and fines, and some may receive child support and installment judgment payments. The filing fee will generally constitute one lump sum per case, although many states still require separate payment for individual transactions relating to a case. In terms of disbursement, the courts may expend money for operating expenses, juror and witness fees, child support, and, perhaps, payroll. In each case the court is responsible for maintaining accounting records that can be reviewed by an independent auditor.

The integrity of the accounting records in many courts depends primarily on the use of traditional bound record books and on procedures that require accounting data to be posted in multiple locations. Most courts typically maintain the following types of records: receipt book or multipart receipt forms, cash book or journal, account books or ledger cards, deposit records, check-books, cash disbursement book or journal, payroll, court budget, and reports.

With the increase in court workloads and the demand for additional information and services by the public, courts are hard pressed to maintain their current accounting systems accurately and up-to-date without increasing personnel requirements. Alternative accounting systems are therefore needed to enable courts to continue operating effectively. Three alternative systems are discussed in this report: pegboard accounting systems (for small courts), intelligent or programmable cash registers (for small to medium courts), and computers (for medium to large courts).

National Center for State Courts

REPORT

Court Improvement Through Applied Technology (CITAT)

ACCOUNTING SYSTEMS IN THE COURTS

MARCH 1980

Pegboard accounting systems offer solutions for small courts

Most small courts throughout the country continue to use traditional accounting books and procedures since many believe that these approaches are the only economical way for them to maintain accurate accounting records. This belief, however, is often incorrect since modern manual accounting systems can offer substantial improvements and solutions at a minimal cost. The pegboard accounting system, in particular, responds to the needs of small courts through a forms system that generally costs less than current accounting books, reduces personnel time required for accounting functions, and provides even greater accuracy than traditional accounting methods.

The pegboard accounting system utilizes a board with pegs along the left side as the sole piece of equipment. Forms such as general ledger sheets (such as receipt or disbursement journals), individual account ledger cards (for cases or individual accounts), receipts, checks, deposit slips, and others are

specially designed as part of the system to meet the needs of the court. The unique part of the pegboard accounting system is that multiple forms relating to the same transaction (such as receipts, deposit slips, and the cash receipts journal) are designed so that corresponding columns of information are securely aligned by the pegs when these records are placed on the pegboard. For example, in a cash receipt system, when the appropriate information is written on the receipt, the impression is simultaneously recorded on the deposit slip and the cash receipt journal through the use of carbon backing (on the top of the receipt) and carbon paper (between the deposit slip and cash receipt journal). Similarly, in a child support system, information is also transcribed on the individual account records while producing a receipt to be given to the individual, an entry for the daily deposit slip, and a chronological entry in the cash receipt journal.

Pegboard accounting systems can be customized to meet the individual needs of courts. For example, if the court is required to divide filing fees among the court fund, sheriff's fund, and library fund, appropriate columns could be provided on the cash journal sheet for that purpose; after the receipt is prepared, these additional columns are completed indicating portions of the filing fee to be allocated to each account. Each column can then be tallied at the bottom to determine the total amounts to be transferred to each of these different accounts.

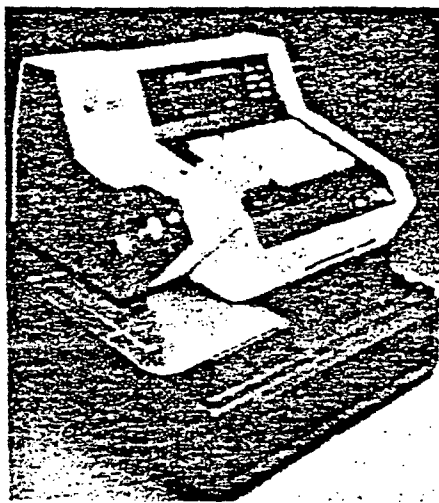
The court could also design a combined cash receipt and disbursement accounting system for child support (or installment payments for judgments). The child support system consists of specially designed cash receipt and disbursement journal sheets, individual account cards, and a receipt/check form that runs the entire width of the cash receipt and journal sheet. Similarly, many other systems could be designed that would enable the court to record information on several different records with one impression.

Pegboard accounting system, combining receipts, cash receipt journal, and deposit slip.

Automation streamlines accounting in large courts

While the pegboard accounting system offers tremendous advantages over traditional accounting book systems, it is still totally manual and becomes cumbersome for a large number of transactions. Larger courts should therefore explore three automated alternatives: intelligent or programmable cash registers, computer-based accounting systems, and computer-based accounting systems with point-of-sale terminals.

Several different manufacturers now produce "intelligent" cash registers with capabilities to provide receipts, validate court records, and automatically divide money received into the appropriate accounts. Although some standard cash register systems are appropriate for court use, it is generally desirable to obtain one that can be programmed with specific codes to meet court needs. For example, special keys could be coded to indicate the type of payment (e.g., filing fee, misdemeanor fine, traffic ticket), the case number, the department of the court, and the individual handling the transaction. The system could also be programmed to calculate automatically a fixed dollar amount or percentage of the payment to be allocated to different funds such as the court fund, sheriff's account, and library fund. The cash register system automatically maintains data on all transactions (on a printed tape or magnetic media) and provides totals for each account on request. This system thus saves substantial personnel time in balancing and



"Intelligent" cash register

reconciling cash receipts for various accounts.

The intelligent cash register system, however, will not prepare checks or manage accounts. The court should therefore consider using the pegboard accounting system for preparing checks and for recording information for individual accounts and for the cash disbursement journal.

Courts may also want to use computer equipment to perform accounting functions. For smaller volume users, microcomputer systems are now available (for less than \$5,000) with accounting software for main-

taining cash disbursement journals and individual accounts, for preparing disbursements and printing reports, and for performing other court applications. With these less sophisticated computer systems, the court generally uses the cash register as indicated above and then rekeys the receipt information into the microcomputer for processing. The advantages offered by a low-cost computer system include personnel cost savings (especially in preparing reports), accuracy, speed, and space savings.

The larger courts should obtain more sophisticated minicomputer or large-scale computer equipment. The increased storage capacity and processing power of these systems will enable larger courts to operate the system interactively and to manage a larger number of transactions and accounts. Under ideal circumstances the computer system is linked with the intelligent cash register so that, once the information is recorded at the cash register, no additional keying is needed to update the computer accounts. This type of configuration is called "point-of-sale" and reflects the concept being used in many retail stores to capture important sales and inventory data at the cash register where the sale occurs. The data from the intelligent cash register can be transmitted to the computer through telecommunications or by manually transporting a magnetic media (generally a cassette tape) from the intelligent cash register to the computer.

COURT IMPROVEMENT THROUGH APPLIED TECHNOLOGY PROJECT of the NATIONAL CENTER FOR STATE COURTS

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This project was supported by Grant Number 79-SS-AX-0007, awarded by the Law Enforcement Assistance Administration, United States Department of Justice. Points of view or opinions stated in this publication do not necessarily represent the official position or policies of the U.S. Department of Justice.

Pegboard system pluses given

The pegboard accounting system offers courts the following advantages:

- ☐ **Reduces personnel time.** The pegboard accounting system may save up to 75% of clerical time compared with that for maintaining traditional accounting books. Time savings generally result because an entry can be made on multiple records with only one impression and because all records are in close proximity and easy to handle.
- ☐ **Reduces or eliminates transcription errors.** Traditional court accounting systems require that one record be created from another. Even when the original receipt is used to create all other records, there is still some potential for error when the information is transcribed. With a pegboard accounting system, the information transcribed onto subsequent records is exactly the same as the information written on the original receipt, check, or other record.
- ☐ **Reduces costs.** The pegboard accounting system costs approximately \$100 for the pegboard and approximately \$300 to \$500 for an annual supply of forms (depending on volume); the annual cost is, therefore, often less than the cost for traditional accounting books. The greatest cost savings, however,

will be achieved through a substantial reduction (up to 75%) in clerical time required to maintain accounting records.

- ☐ **Reduces training time.** The pegboard accounting system is easy to learn and operate. No extensive bookkeeping experience is needed by individuals who record most information in the system. (One person, however, should be experienced in the policies governing the court accounting system and the methods for managing various accounts.)
- ☐ **Produces up-to-date records.** With traditional accounting systems, the receipts may not be posted to the individual accounts or cash journal until later in the day or week. With a pegboard accounting system, all records are updated immediately, and their current status can be accurately determined.
- ☐ **Reduces auditing time.** Since the pegboard accounting system enables the court to transcribe information to multiple records with one impression, an auditor need not trace each location where information was transcribed to insure that the transcription was accurate. As a result, most auditors will endorse the use of the pegboard accounting system.