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*Research  
in Action*

James K. Stewart, Director

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## *Judges and trial court administrators assess Nation's criminal justice needs*

by Hugh Nugent and J. Thomas McEwen

A national survey on the needs and problems of courts shows that many old problems and needs continue to exist and that a few new areas have emerged. Respondents included 164 judges and 135 trial court administrators (TCA's) across the country.

Continuing problems include overall court management (compounded by increasing numbers of motions and continuances), inadequate physical facilities and related security problems (including the lack of secure areas for victims and witnesses), and an inadequate number of judgeships. In addition, the court officials call for more micro-computer applications in their courts and for more training in nonlegal areas such as information management and people management.

Finally, the judges and administrators are greatly concerned with the impact of prison and jail crowding on the criminal justice system.

This *Research in Action* provides details on these and other findings from the survey, conducted under the National Assessment Program (NAP), sponsored by the National Institute of Justice (NIJ). The primary aim of the NAP survey is to identify key needs and problems in local and State criminal

justice systems. To accomplish this, the Institute for Law and Justice, Inc., conducted a survey of approximately 2,500 practitioners from a sample of 375 counties across the country.

Included were all 175 counties having populations greater than 250,000 and a sample of 200 less populated counties. Persons receiving surveys in each sampled county included the police chief of the largest city, sheriff, jail administrator, prosecutor, chief judge, trial court administrator (where applicable), and probation and parole agency heads.

The questionnaires addressed five general areas:

- **Background characteristics**—descriptive data including staff size, budget totals, and caseloads.
- **Criminal justice system problems**—rank order of previously identified problems in the system as a whole.
- **Workload**—factors contributing to workload increases.
- **Staffing**—staff size, recruitment, retention, and training.
- **Operations and procedures**—management, management information, and the specific operations in which the respondents are involved.

Judges completed 164 surveys for a return rate of 44 percent, and trial court administrators completed 135 surveys for a return rate of 57 percent.

### **Background characteristics**

Courts whose answers were submitted by trial court administrators were significantly larger than those whose responses were submitted by judges. Sixty-one percent of the TCA courts, compared to 45 percent of the judges' courts, operated in counties with at least 250,000 residents. Other differences are shown in Exhibit 1.

Exhibit 1  
**Background characteristics  
of court respondents**

	Judges' courts	TCA courts
Median annual operating budget (1986)	\$1.2 million	\$3.0 million
Median number full-time administrative staff	8	31
Median felony caseload (1985)	950	1,540
Percent holding preliminary hearings for felony cases	51%	72%
Percent with speedy trials	51%	69%
Percent using master calendars	36%	52%
Percent who consider financial resources adequate	63%	64%

This report, written by Hugh Nugent and J. Thomas McEwen of the Institute for Law and Justice, Inc., Alexandria, Virginia, is a part of the 1986 National Assessment Program, conducted by that Institute for the National Institute of Justice.

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Sources of financial support differ between the two sets of courts. In both kinds, approximately two-thirds of judicial salaries are paid by the State, with the remainder a mix of State and local funds. TCA courts, however, rely on local funds for a larger proportion of clerical and administrative salaries and for facility operations, as shown in Exhibit 2.

### Criminal justice system problems

Respondents were asked to rank order a series of criminal justice system problems identified in 1983 in the previous National Assessment survey.<sup>1</sup> The inquiry was addressed to the system as a whole, not just to problems within the courts. The results are presented in Exhibit 3.

The judges' courts and TCA courts show general agreement in their perceptions, with one important exception. A significantly higher number of judges' courts (nearly 36 percent) than TCA courts (approximately 19 percent) consider prison crowding the most significant problem. TCA courts, on the other hand, consider jail crowding the most serious local problem (almost 34 percent), contrasted to more than 26 percent of the judges' courts.

This difference in perception probably stems directly from differences in the kinds of problems confronting the two groups. Trial court administrators deal with the movement of prisoners out of their courts and into the local jails. They have relatively little direct contact with prisons, but cope continually with crowded jails.

Judges are more sensitive to prison crowding problems because they send convicted offenders to prison. Judges, however, are aware of jail crowding problems as evidenced by their ranking the problem as the second most serious.

### Workload

**Workload contributors.** Exhibit 4 shows the percentage of respondents rating various factors as significant contributors to court workloads. The judges' courts and the TCA courts agree that the two principal contributors to workloads are an increasing number of motion hearings per case and the increasing complexity of felony cases.

Several interesting findings emerged when the responses were analyzed by size of jurisdiction and region.

- TCA courts in the West and Southwest cite increased felony case complexity much more frequently than TCA courts in other parts of the country.

- Judges in larger counties are far more likely than other judges to report processing delays as a problem.

- Most of the TCA courts that note the failure of judgeship positions to keep

Exhibit 2  
Court funding sources

Funded items	Judges' courts		
	State	Local	Mixed
Judges' salaries	66.0%	0.0%	34.0%
Clerical staff	35.2	56.2	8.6
Administrative staff	38.6	48.1	13.3
Facility operations	12.6	72.9	14.6
Funded items	TCA courts		
	State	Local	Mixed
Judges' salaries	64.2%	0.0%	35.8%
Clerical staff	20.3	68.4	11.3
Administrative staff	22.4	55.2	22.4
Facility operations	3.8	85.0	11.3

Exhibit 3  
Criminal justice problem rankings

	Judges' courts	TCA courts
	Most serious	Most serious
	1	1
	.	.
	.	.
	2	2
	.	.
Prison crowding/jail crowding >	.	< Jail crowding
	3	3
	.	.
Public's lack of understanding/ >	.	< Prison crowding
Staff shortages	.	.
	4	4
	.	.
Agency coordination >	.	< Staff shortages and agency coordination
	.	.
	.	< Public's lack of understanding
Agency management >	.	.
	.	< Agency management
Lack of staff skills >	.	< Lack of staff skills
	6	6
	Least serious	Least serious

pace with the number of new cases are in the Southwest and Far West.

The failure of judgeships to keep pace is not the same problem as unfilled judge positions, reported as no problem by about 80 percent of all respondents. If a judgeship exists, the appointing authority apparently fills it.

As shown in Exhibit 4, an increase in the percentage of cases going to trial inflates workloads for 47 percent of the TCA courts and 39 percent of the judges. Part of this difference may be due to prosecutor policies. The TCA courts report that 21 percent of their court prosecutors have no plea-bargaining policies, while only 12 percent of the judges' courts report this situation.

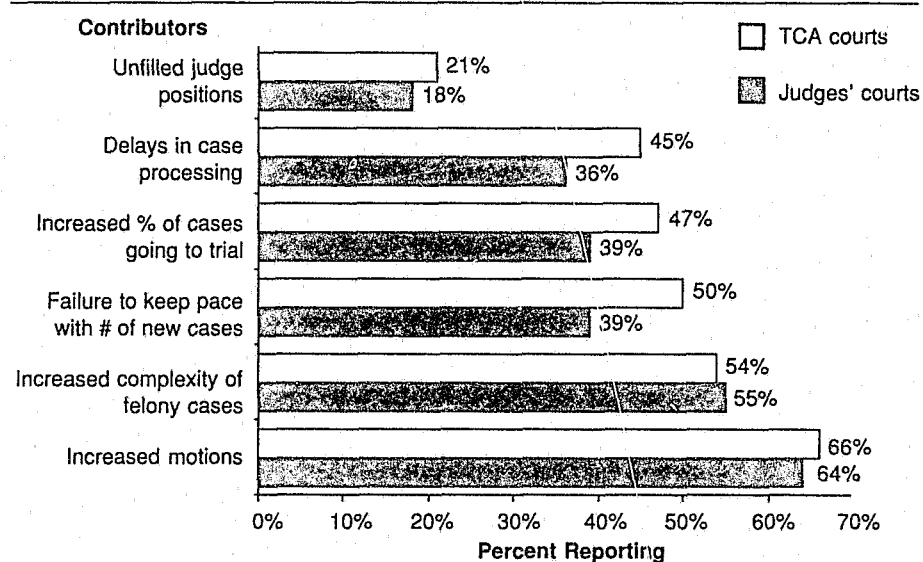
**Court delays.** Exhibit 5 shows major reasons cited for court delays, indicating that 66 percent of the TCA courts and 53 percent of the judges' courts cite an excessive number of continuances. This is by far the most significant factor for both groups.

Differences in management perspective may explain the differences in problems with computer systems. Trial court administrators probably have direct management responsibility for making computer systems work; judges are users, rather than managers, of computer systems. On the other hand, judges have direct authority over discovery processes.

For both the TCA courts and the judges' courts, the data on abuse of discovery shows a striking difference in counties of 500,000 to 750,000 residents. Seventy-seven percent of the judges' courts in these counties list it as a problem, compared to 36 percent for judges' courts overall. TCA courts from 46 percent of the largest counties list abuse of discovery as a problem, compared to 34 percent of the TCA courts overall.

**Training.** The courts were asked the degree to which *nonjudicial* staff training needs improvement in seven

Exhibit 4  
Workload contributors



different areas. As shown in Exhibit 6, nearly half the TCA and judges' courts indicated that training is needed on most of the topics in the questionnaire. Both respondent groups (62 percent of the TCA courts and 54 percent of the judges' courts) indicated that the area of greatest need is computer training. More than 53 percent of the TCA courts, but only 39 percent of the judges, indicated a need for stress management training.

A similar but not identical set of topics was listed in a question about training needed by *judges*. As shown in Exhibit 7, the judges' courts cite training in computer access to legal resources as their most important training need (58 percent). While approximately 53 percent of the TCA courts also cite a need for computer training, they equally identify the need for judge training in stress management, management skills, and time management. In contrast, only 40 to 45 percent of the judges' courts cite these as training needs.

In the other major difference, approximately half the TCA courts think new-judge training is needed, compared to only 35 percent of the judges' courts.

Exhibit 5  
Contributors to court delays

Percent rating factors significant

	Judges' courts	TCA courts
Excessive number of continuances	53%	66%
Abuse of discovery	36%	34%
Inadequate computer information system	30%	43%
Poor case scheduling	21%	23%

**Special Projects.** Respondents were asked to list any specific projects they believe have successfully addressed training needs.

Both groups of courts emphasized successful training programs for judges. Several referred to State-sponsored judicial training programs, although one response was flatly negative about one such program. Several mentioned the National College of the State Judiciary in Reno, Nevada. An important recommendation was that judges not be charged vacation time for attending such

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programs. One jurisdiction requires judges to have 16 continuing legal education units (presumably 16 hours) per year.

Management programs for both judges and staff were mentioned, including programs run by the Institute for Court Management and by the National Center for State Courts.

The wide variety of approaches to training needs produced the following list:

- "Cross-training for civil and criminal courtroom clerks."
- "Tuition reimbursement for college courses in job-related subjects."
- "Computer and word processing training."
- "Stress management training for judges."
- "Policy and procedure manual training."
- "Training in how to deal with the public."

• "Wellness programs."

• "Allowing one professional trip per year."

A recurring theme is that attendance at training programs should be encouraged and recognized, with personnel allowed time to attend. The old standby, on-the-job training, was mentioned only three times.

### Operations and procedures

**Court facility and equipment.** As shown in Exhibit 8, the most common facility problem for both judges' and TCA courts is the lack of a secure waiting area for witnesses and victims. A related problem is the lack of secure areas for counsel-defendant consultations. Nearly two-thirds of the respondents report significant problems maintaining these secure areas.

Almost as serious is the problem of inadequate metal detection at courtroom entrances, mentioned by 55 percent of the TCA and 57 percent of the judges' courts.

More than half the TCA courts and nearly half the judges cite lack of microcomputers as the most significant equipment problem. Deficiencies in audiotape equipment are also noted by 38 percent of both judges' and TCA courts. Courts may be turning more and more to technology as an alternative to traditional court reporters.

Courtroom design is another area of concern for both groups. Inadequate courtroom ventilation may be one manifestation. Ventilation is a problem for nearly 48 percent of the TCA and 41 percent of the judges' courts.

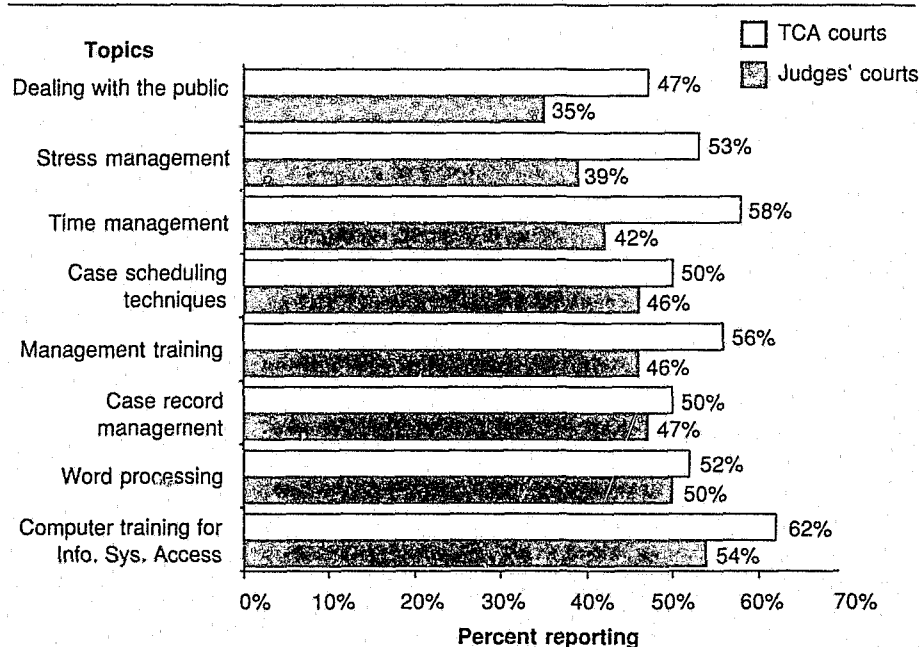
**Sentencing alternatives.** Exhibit 9 summarizes the courts' needs regarding sentencing alternatives. Among TCA courts, intensive probation is voted the most significant needed sentencing alternative. Half the judges' courts also list this, along with short-term community incarceration and drug diversion programs. Both groups see a need for alcohol diversion programs.

Mid-Atlantic TCA courts are notably different in their responses on drug and alcohol diversion programs, reporting less need than other regions. On alcohol diversion programs, 59 percent of the counties with 500,000 to 750,000 residents want such programs, while only 35 percent of counties over 750,000 indicate such a need. No county with over 750,000 population lists diversion programs. This may mean they *have* such programs.

TCA courts express a somewhat greater need (48 percent) for pretrial diversion programs than judges' courts (37 percent). In the Southeast, slightly over half (52 percent) view the lack of pretrial diversion programs as no problem.

One difference between the judges and the TCA's is on restitution. More than 45 percent of the TCA courts say restitution is needed as a sentencing alternative compared to 36 percent of the judges' courts. Judges' courts may be referring in these responses to their power to order restitution under State

Exhibit 6  
Nonjudicial staff training needs



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law, while the TCA courts may be referring to the availability of work placement programs. Over 40 percent of both express needs for additional community service and work release programs.

**Court management needs.** Consistent with their earlier responses, the TCA courts (62 percent) and the judges' courts (42 percent) both report that the most significant management issue is trial continuance procedures. Both also agree that probation monitoring procedures represent the second most serious problem (43 percent TCA and 41 percent judges).

Administrative judge workload and calendar systems are problems for more than 40 percent of TCA courts and approximately 36 percent of the judges. Consistent with the TCA courts' greater concern for management issues, 35 percent consider both voir dire and motions procedures as needing improvement, compared to only 25 percent of the judges' courts. Assignment of counsel systems are not seen as a significant problem for either group.

**Court management information systems.** Improvement in case scheduling information is needed by both the judges' and TCA courts. However, the TCA courts appear to be somewhat more concerned about specific management information system problems. This is consistent with the TCA courts' greater concern for the impact of computer problems on court delay.

Improvements in the area of attorney schedule conflicts are cited as a need by 68 percent of the TCA courts and 61 percent of the judges' courts. Continuance information is a need for nearly 57 percent of the TCA courts and 45 percent of the judges' courts. Similarly, 42 percent of TCA courts, but 30 percent of judges' courts, report charge reduction information as a need. The TCA courts (45 percent) and judges' courts (47 percent) agree that information about fines and other fee payment is also needed.

Exhibit 7  
Judicial training needs

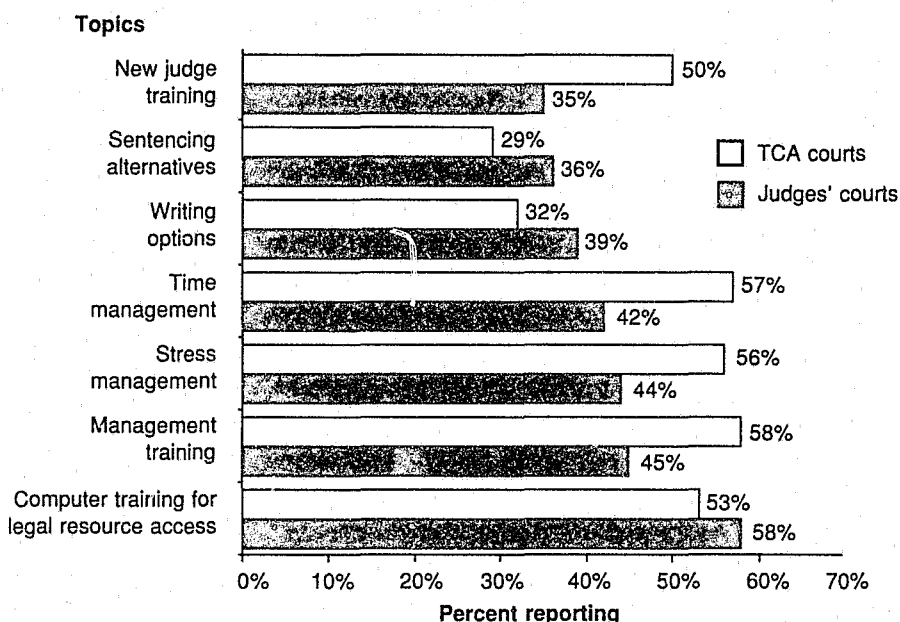
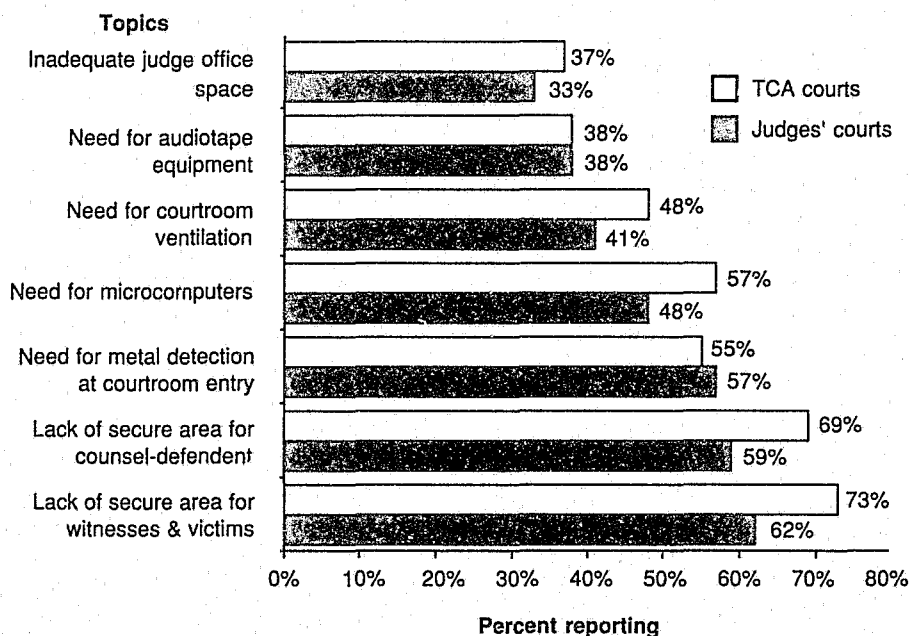


Exhibit 8  
Court facility and equipment problems



## Summary

The responses of the judges and trial court administrators point to the continuation of some long-recognized problems. Among the most significant items of "old business" are:

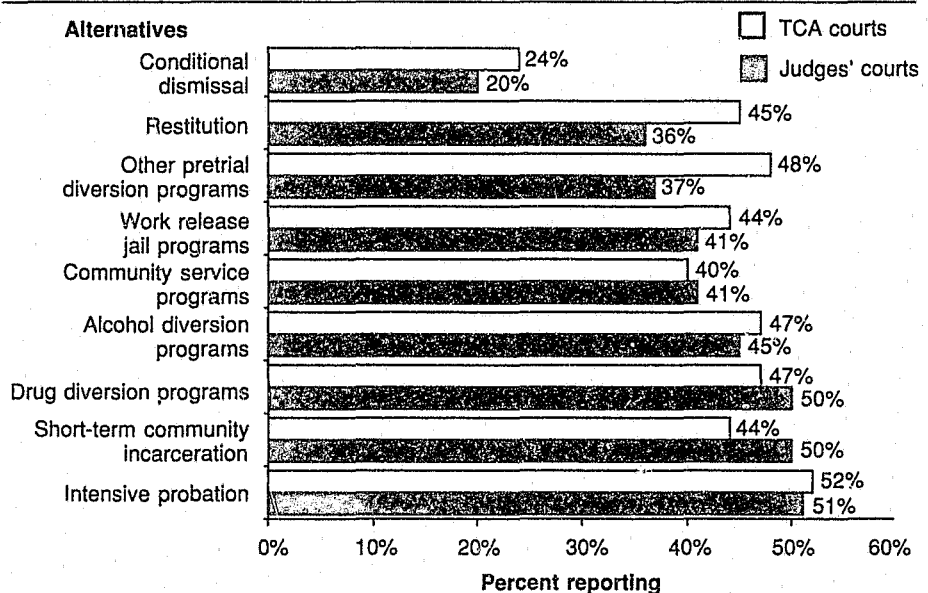
- Court management problems compounded by increasing numbers of motions and continuances.
- Inadequate physical facilities and related security problems, including the lack of secure areas for victims and witnesses.
- An inadequate number of judgeships.

Several other needs identified through the survey might be considered "new business" by comparison. These include the need for more microcomputers in over half the courts and the concerns expressed for more training on information and people management, rather than on traditional legal topics.

Finally, when asked to consider criminal justice system problems beyond their own areas of direct responsibility, judges and trial court administrators were primarily concerned with prison and jail crowding. More than half the respondents wanted sentencing alternatives, particularly intensive probation and community incarceration options, and alcohol and drug diversion programs.

Exhibit 9

### Sentencing alternatives



### Note

1. The 1983 National Assessment Program Survey was conducted for the National Institute of Justice by Abt Associates, Inc., Cambridge, Massachusetts.

*Points of view or opinions expressed in this publication are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.*

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