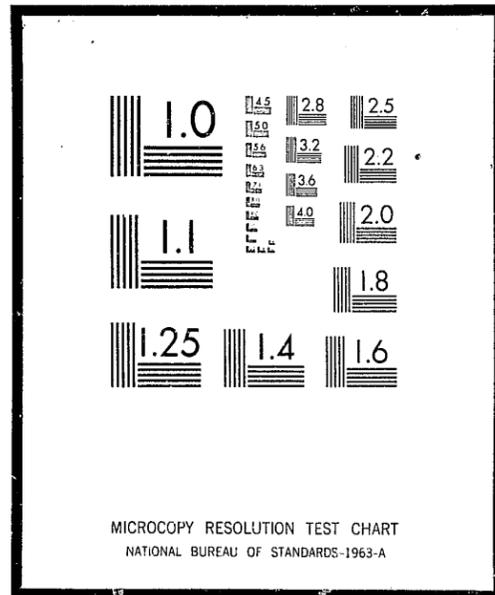


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Research Project*

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MODERNIZATION OF LOUISIANA'S COURTS OF LIMITED JURISDICTION

AMERICAN JUDICATURE SOCIETY

TO PROMOTE THE EFFICIENT ADMINISTRATION OF JUSTICE

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May 7, 1973

Eugene J. Murret, Esquire
Judicial Administrator
Supreme Court
New Orleans, Louisiana 70112

Dear Mr. Murret:

The attached report is the final report of the Society's study of the courts of limited jurisdiction in the state of Louisiana, pursuant to project number 82-3530 of the Louisiana Commission on Law Enforcement and the Administration of Criminal Justice.

The recommendations and conclusions in this report have been carefully dovetailed with those of the earlier study of Louisiana's court system done by the Institute of Judicial Administration. Our recommendations have been presented to the constitutional convention in Baton Rouge through the testimony of the project supervisor.

Our report recommends a court organization which we feel is the best system for the state of Louisiana. We have not attempted to recommend a specific timetable for adoption of the system we suggest, nor to set out preliminary or intermediate steps which should be taken in transition from the existing system to the recommended one. There are many different approaches which could be taken to put the recommendations of the report into effect, and many specific problems which will have to be solved in order to do so. Which approach is chosen and how the problems are resolved will depend on many political factors in the state unrelated to the purposes of this study. As a result, we have not attempted to draft specific proposed constitutional or legislative provisions for the implementation of our recommendations.

We recognize that the recommendations we have made call for substantial changes in Louisiana's present court structure, but we offer them in the sincere belief that they present the best hope for effective modernization and improved administration of Louisiana's trial courts.

Respectfully submitted,

Allan Ashman

Allan Ashman
Project Supervisor

v1

A Research Project of the American Judicature Society
in conjunction with
The Judicial Administrator of the Supreme Court of Louisiana

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C O N T E N T S

Letter of Transmittal	i
Project Staff	vii
Project Advisory Committee	ix
Acknowledgments	xi
Preface	xiii
PART A - Operation of the Courts of Limited Jurisdiction	1
Introduction	3
Chapter 1 - Justice of the Peace History and Jurisdiction	5
Operation and Administration	9
Salaries and Resources	14
Self-Appraisal	16
Chapter 2 - Mayor's Courts History and Jurisdiction	19
Operation and Administration	21
Facilities and Resources	25
Self-Appraisal	25
Chapter 3 - City Courts History and Jurisdiction	29
Operation of City Courts	35
Administration of City Courts	50
Facilities and Resources	54
Self-Appraisal	57

PART B - The Traffic Court Function	63
Chapter 4 - Traffic Cases in the Courts of Limited Jurisdiction	65
Current Practice in Traffic Cases	65
Appearance in Court	67
Court Schedules	68
Juvenile Traffic Trials	69
Sentencing	69
Traffic Workload	70
Appeals	71
Ticket Audits	72
New Orleans Traffic Court	72
PART C - Defense and Prosecution in the Limited Jurisdiction Courts	77
Introduction	79
Chapter 5 - The Prosecution Function	81
City Attorneys and City Prosecutors	81
Police as Prosecutors	89
Other Prosecutors	93
Chapter 6 - The Defense Function	95
Availability of Defense Counsel	95
PART D - Juvenile Justice	101
Chapter 7 - Juvenile Jurisdiction, Probation and Detention	103
PART E - Recommendations and Conclusions	111
Chapter 8 - Recommendations and Conclusions	113

Organization and Operation	113
Traffic Court Function	131
Prosecution Function	135
Defense Function	138
Juvenile Justice	139
Conclusions	147
APPENDICES	151
Introduction	153
Questionnaire Instructions	155
Appendix A - Justice of the Peace Questionnaire	157
Appendix B - Mayor's Court Questionnaire	173
Appendix C - City Court Judge Questionnaire	191
Appendix D - City Attorney Questionnaire	227
Appendix E - Police Chief Questionnaire	241
Appendix F - Highway Safety Program Standards	251
Appendix G - Model Traffic Procedure Rules	265
Appendix H - Financing Unified Trial Courts	281

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Acknowledgments

The project staff acknowledges the cooperation of the many individuals whose help was essential to the preparation of this report, and to completion of the project within the short time available. Without the help of each of the judges and other officials who completed questionnaires and granted interviews, the information and conclusions in the report could not have been made available to the constitutional convention as early as it was.

We particularly acknowledge the valuable insights and assistance provided by the members of the project advisory committee, whose suggestions regarding the early drafts of the questionnaires made it possible for us to use them to best advantage. We also acknowledge the help in all stages of the project which was given by ICM Interns, Jim Laird, Elwood Sartain and Dave Sherwood.

The spirit of cooperation with the project staff by everyone involved, and the many helpful suggestions offered during the course of the study indicate that the climate in Louisiana for improvement of its limited jurisdiction courts is excellent.

PREFACE

In August, 1972, the American Judicature Society entered into a contract with the Judicial Administrator of Louisiana's Supreme Court to conduct a study of the courts of limited jurisdiction in Louisiana. The study was to be a follow-up of an earlier study by the Institute of Judicial Administration which covered the appellate and general trial courts of the state. The purpose of the Society's study was to suggest the best way for Louisiana to integrate its limited jurisdiction courts into the state court system, and to make the processing of cases handled in limited jurisdiction courts more efficient.

The project staff gathered basic information on the existing jurisdiction and operation of Louisiana's limited jurisdiction courts, and prepared detailed questionnaires which were mailed to every justice of the peace, mayor's court, and city court in the state, and to the city attorneys and chiefs of police in communities served by limited jurisdiction courts. Field visits by experienced consultants were scheduled, through the judicial administrator's office, in communities throughout the state where limited jurisdiction courts sit. The responses to the questionnaires were tabulated, and analyzed in terms of the findings and conclusions of the consultants.

Based on the conclusions drawn from the questionnaire responses and field visits, the Society has developed comprehensive recommendations for improving the organization, operation and administration of the courts of limited jurisdiction in Louisiana.

It should be noted that references to percentages of judges or other officials in the report have a specialized meaning. A statement that "65% of the justices of the peace stated that they prepared complaints in criminal cases" means that 65% of the J.P.'s responding to the question on criminal complaints answered that they do prepare such complaints. The number of J.P.'s answering this particular question may be different from the number of J.P.'s who returned questionnaires, since not all J.P.'s answered every question. In addition, many J.P.'s did not return questionnaires, although the number of questionnaires in each category which were returned is sufficient to make up a valid sampling of all the judges, mayors, city attorneys or police chiefs to whom questionnaires were sent.

Operation of the Courts of Limited Jurisdiction

P A R T A

MODERNIZING LOUISIANA'S COURTS OF LIMITED JURISDICTION

Introduction

In general, courts of limited jurisdiction not only process a heavy volume of legal business, but they represent, for the most part, the major and perhaps only contact point for most citizens who become involved in the judicial process. In particular, the significance of the lower criminal courts to the administration of justice lies not only in the large volume of defendants who pass through them but also in their jurisdiction over many of the offenses that are most visible to the public, primarily traffic cases. It is in the courts of limited jurisdiction that the great bulk of the population receives its impressions regarding the speed, certainty, fairness, and incorruptibility of justice. Yet, it is these courts that often operate with the most meager facilities, the least trained personnel, and the most oppressive workload.

Our study of Louisiana's courts of limited jurisdiction focused upon the city courts, justice of the peace courts and mayor's courts. The city courts are Louisiana's principal courts of limited original jurisdiction for civil, criminal and juvenile matters. There are 45 courts of this nature, including two civil city courts, a criminal court and a traffic court in New Orleans. Nearly all of these courts are single-judge courts with part-time judges.

There are approximately 450 justices of the peace in Louisiana. They have limited civil jurisdiction and also serve as committing magistrates in criminal matters. Also, in the towns and villages throughout the state, there are about 252 mayors who preside in mayor's courts. Their jurisdiction is limited to violations of their respective municipal ordinances. We also studied the Parish Courts. However, the First and Second Parish Courts of Jefferson Parish are the only parish courts in Louisiana. They have three judges with civil and criminal jurisdiction throughout the parish, except with respect to municipal ordinance violations.

Our primary objective in this portion of the study was to determine and evaluate the organization, administration and operation of these courts of limited jurisdiction in Louisiana. In doing so we sought to evaluate their ability to handle their current judicial business, to identify and assess resources available to them, and to evaluate their relationship to the existing state court system. Basic to our efforts was our desire to determine whether Louisiana's courts of limited jurisdiction serve the best interests of the people and the state from the standpoints of efficient and effective operation, competent and qualified judicial personnel, and insuring equal justice for all citizens.

Chapter 1

Justices of the Peace

History and Jurisdiction

The first Louisiana Constitution, written in 1812, created only a Supreme Court. But it authorized the legislature to establish inferior courts. Subsequent legislative enactments created the office of justice of the peace, authorizing at least one justice of the peace for each parish. The position was to be filled by appointment by the Governor.

The Constitution of 1845 provided that the justices of the peace be elected by the people for two-year terms. It further provided for civil jurisdiction up to \$100 and authorized such criminal jurisdiction as might be provided by statute. The legislature then provided for justices of the peace to act as examining and committing magistrates and gave them criminal jurisdiction over all violations of municipal and parish ordinances where penalties did not exceed \$100.

The provision for criminal jurisdiction over ordinance violations was removed by the Constitution of 1879, which provided for exclusive civil jurisdiction up to \$50 and civil jurisdiction between \$50 and \$100 concurrent with

the district court. This constitution again empowered the legislature to pass laws conferring criminal trial jurisdiction over misdemeanors on justices of the peace, with trial by a jury of three to five persons, and with appeal to the district court. Apparently this latter provision was never implemented.

The Constitution of 1898 was the first to set forth constitutional requirements providing for qualifications for the office of justice of the peace. This probably was a result of reconstruction and post-reconstruction experiences. In any case, the Constitution of 1898 provided for justices of the peace to be "freeholders and qualified electors and possess such other qualifications as may be prescribed by law."¹ That same year the legislature also added the requirement that the justice of the peace should be able to read and write the English language. The legislature directed that no commission should thereafter be issued to a justice of the peace until he filed a certificate signed by the Board of School Examiners of the parish showing that he possessed all of the qualifications prescribed by law. In 1904, the legislature further provided that, if a justice of the peace failed to furnish such a certificate within sixty (60) days after the election, the

office "shall be deemed vacant," with the Governor empowered to fill the vacancy by appointment. In practice, this provision was never enforced.

The present Constitution of 1921 provides:

"Justices of the Peace shall be of good moral character, freeholders and qualified electors, able to read and write the English language correctly, and shall possess such other qualifications as may be prescribed by law."² The justices of the peace have concurrent jurisdiction with the district courts, Louisiana's trial courts of general jurisdiction, in all civil matters when the amount in dispute does not exceed \$100. This includes suits for the possession or ownership of movable property not exceeding \$100, and suits by landlords for the possession of leased premises where the rent on the unexpired term of the lease does not exceed \$100.

The justices of the peace have criminal jurisdiction only as committing magistrates.³ They have the power to bail or discharge in non-capital cases or cases not necessarily punishable at hard labor, and may require bonds to keep the peace. In his capacity as committing magistrate, the justice of the peace is authorized to issue warrants for the apprehension and arrest of all persons charged with the commission

of offenses in violation of state and parish law. Complaints concerning alleged violations are filed with the justice of the peace in affidavit form. Later, these affidavits are presented to the district attorney for prosecution in the district court.

Justices of the peace also have authority to "parole" violators⁴ by releasing them to the custody of an elected official, if the offense is not major. In addition, justices of the peace may issue search warrants, when specifically authorized by law, e.g., shrimp and wildlife cases. Finally, a justice of the peace may perform marriages within his territorial jurisdiction.

Territorial jurisdiction varies depending upon the plan devised by the police jury of each parish for subdividing the parish into wards. The Louisiana Constitution provides that any parish of the state, with the exception of Orleans Parish, may be divided by the parish police jury into not more than six nor fewer than three justice of the peace wards.⁵ As a matter of fact some parishes have more than six justices of the peace. For example, St. Tammany Parish has fourteen justices of the peace. This is a result of the fact that many justices of the peace were continued in office upon adoption of the Constitution of 1921, and

that the legislature never abolished their courts.

One justice is to be elected from each ward. However, the legislature is authorized to reduce the number of justice of the peace wards or to abolish the office throughout the state.⁶ While differences between parishes makes it difficult to generalize about the size of the population served by any justice of the peace, most of the approximately 450 justices of the peace hold office in wards of less than five thousand population.

A justice of the peace may receive court fees as set by the legislature in civil matters for performing various services⁷, ranging from making copies of documents (15¢ per page) to writing bonds (\$1.00).⁸ In criminal matters the justice of the peace can receive no fee.⁹ In lieu of a fee the parish police jury is required to fix and pay a justice of the peace a salary of not less than \$30 per month.¹⁰ In practice these salaries range between \$30 and \$400 per month.¹¹

Operation and Administration

There is no trial by jury in a justice of the peace court. The court can demand that the plaintiff furnish security for costs upon the filing of a civil suit. If the costs are not paid, the court can seize and sell the plain-

tiff's property to satisfy the indebtedness. An appeal lies from the justice of the peace court to the district court in civil matters and in cases involving peace bonds. Since a justice of the peace court is not a court of record, appeal is by trial de novo without a jury.¹² An appeal from a judgment of a justice of the peace court can be taken only within ten days from the date of judgment or of service of notice of judgment when required.¹³ A justice of the peace may cite for contempt of court, with a maximum penalty of \$10 and/or 24 hours imprisonment in civil proceedings and \$10 in criminal proceedings.¹⁴

Based upon our field visits and the data gathered from our Justice of the Peace Questionnaire (see Appendix A), we conclude that most justices of the peace have little or no work to do. For example, 70% of the justices of the peace spend only 1-20 hours per week on their judicial duties, while 15% spend 20-25 hours. Thus, 85% of the justices of the peace who responded reported that they devote 25 hours or less, per week, to all their judicial duties. Also, 64% of the justices of the peace engage in other work in addition to their judicial duties.

Eighty-seven percent of the justices of the peace responding to a question on their monthly civil caseload

indicated that they handle only 0-20 civil matters, including rent matters, per month. Fifty-eight percent responded that they hold no peace bond hearings in an average month, and 32% reported that they hold 1-5. Thus, 90% of the justices hold 0-5 peace bond hearings per month. Sixty-four percent of the justices of the peace set no peace bonds in an average month.

Most of the justices of the peace who were interviewed indicated that a substantial part of their workload involved the settlement of domestic quarrels, collection of bad checks, evictions, marriages, criminal affidavits and warrants. Yet, 93% of the justices of the peace perform 0-10 marriages per month; 76% handle 0-10 criminal matters, including NSF checks, per month; and 81% indicated that they receive 0-10 requests per month to issue arrest warrants.

Because of the light workload most justices of the peace handle each case as it arises. For example, 89% of the justices indicated that court sessions are not regularly scheduled, but held whenever needed. The justices of the peace prefer to work informally and whenever possible try to avoid issuing peace bonds and arrest warrants. One justice of the peace revealed that he effectively utilized a "dummy" warrant to collect bad checks. If this warrant

failed to result in payment, a genuine warrant would be issued and an arrest made.

The method of disposition of cases by justices of the peace indicates that their primary role within the community, particularly in the rural areas of the state, is to arbitrate disputes that do not necessarily lend themselves to formal adjudication. For example, justices of the peace in rural areas indicated that they often serve as arbitrators in livestock disputes.¹⁵ Disputes are handled informally, as they arise. There is no docket problem because most justices of the peace keep no docket.

The governing rule that seems to be employed by most justices of the peace in settling disputes is to "do equity." None of the justices of the peace who answered our questionnaire are law school graduates or licensed to practice law in Louisiana. In addition, the field visits indicated that many justices of the peace had not attended college. Therefore, it is not surprising that many justices of the peace readily admit a lack of knowledge of statutory law and express a conviction that the disputes that come before them most often can be resolved with common sense rather than a law book. When a question of law does present itself, the justice of the peace usually consults the district attorney,

who serves as the state's advisor for justices of the peace in his jurisdiction, or a local attorney, if one happens to be available. Finding an attorney may prove more difficult than it appears for some justices of the peace. Fifty-six percent of the justices indicated that they sit in a ward where there is not a single attorney.

While 93% of the justices of the peace indicated that they advise defendants brought before them of their constitutional rights, 3% indicated that they never have occasion to determine whether a defendant is entitled to court-appointed counsel because he is unable to afford his own. Only one justice of the peace who responded had ever actually appointed counsel to represent an indigent defendant.

Informality also characterizes the way in which a justice of the peace administers his office. Generally, a justice of the peace serves as his own clerk and secretary. For example, only 8% of the justices indicated that they have another person to assist them in keeping court records. Only 61% of the justices of the peace indicated that they keep written records of the cases they handle. Similarly, less than 50% of the justices of the peace keep or compile statistical data on the number and nature of civil cases

they handle. Only 16% submit monthly statistical reports to the district attorney's office as to the number and nature of their criminal cases. Many of the justices of the peace visited acknowledged their aversion to recordkeeping. They tend to view any such requirement as an intrusion by the state. Others felt that many of the matters they resolved were not for public record.

Salaries and Resources

The salaries of the justices of the peace vary according to the determinations of the respective parish police juries. Sixty percent of the justices of the peace receive a salary of only \$30 per month. Twenty-one percent receive a salary of \$31-50 per month. While these salaries obviously are low, many retired justices of the peace view their salary as a form of pension. However, a justice's salary and the fees he collects serve to finance his court. Justices of the peace generally are not allocated money for offices or staff.

The statutory civil fee schedule is quite low and often disregarded. For example, statutory fees are \$1.00 or less, with many fees set at 50¢ and 25¢.¹⁶ Since there is no statutory provision for marriage fees, they fluctuate

widely, with many justices of the peace charging as much as \$20. Eighty-seven percent of the justices of the peace reported that they collected \$50 or less per month in filing fees, marriage fees, costs and other charges. Seventy-four percent indicated that their fees and costs cover their operating expenses. Some justices of the peace justified their failure to keep records on the grounds that they received no monies for that purpose. They refused to pay for office supplies out of their own pockets.

Because of the lack of financial resources it is not surprising that, for the most part, separate facilities and legal reference resources for justices of the peace do not exist. Seventy-four percent of the justices of the peace hold court in their own homes. What equipment they have they buy themselves. Eighty-nine percent of the justices of the peace have no access in the building where they hold court to a law library containing the Louisiana state statutes and the latest acts of the Legislature. In fact, 49% of the justices of the peace with no law library in the building are at least ten miles from a law library containing these materials.

Money also plays an important role in in-service training for justices of the peace. For example, approximately 41% of the justices indicated that they had attended

at least one Justice of Peace and Constable Training course conducted through the office of Louisiana's Attorney General. Of the 59% who indicated that they had not attended at least one such session, more than one-half responded that a major consideration was the lack of money for expenses. Almost 55% of the justices of the peace who had attended the training course indicated that the parish governing body paid their expenses. Interestingly, 89% of the justices of the peace evidenced an interest in a continuing program for training. Of those who attended the training course only 2% indicated that it was not helpful.

A Self-Appraisal

Many of the justices of the peace interviewed thought that there were too many justices of the peace with too little to do. They suggested substantial reductions in their ranks to "get rid of the dead wood." They also recommended an upgrading of their office by requiring attendance at the Attorney General's in-service training program as a prerequisite for exercising their judicial duties.

The justices of the peace who responded to a question inviting their views as to the major problems con-

fronting them cited inadequate pay, lack of training, and lack of sufficient jurisdiction as their three most urgent problems. They emphasized that inadequate pay not only resulted in the least qualified persons seeking office, but necessitated that the individual elected find gainful employment in addition to his official duties.

In addition to more local training, many justices recommended that training be compulsory. The justices sought means to narrow their own sense of isolation and expressed a need to be kept apprised of current information affecting their duties, and to be provided with manuals of procedures and laws, and uniform forms that would assist them in carrying out their judicial responsibilities.

The justices thought that their civil jurisdiction should be raised from \$100 to \$250 or \$500. Some also expressed a desire to have criminal jurisdiction over game and traffic violations and to have authority to issue search warrants restored to them. Their rationale behind such jurisdictional expansion was to relieve the district courts from minor civil and criminal matters and to be able to afford low-cost local courts to the public in these minor matters.

Chapter 2

Mayor's Courts

History and Jurisdiction

The Constitution of 1898 allowed for the conferring of judicial powers on the mayors of towns and cities as committing magistrates.¹⁷ In that same year, the legislature created mayor's courts in every municipality in which a city court was not created, and gave the mayor's court jurisdiction over all violations of municipal ordinances, with power to impose fines not to exceed \$100, or imprisonment not exceeding thirty days, or both.¹⁸ In 1902 all mayors actually were given the power of committing magistrates. In 1972 the legislature raised the maximum fine in all criminal cases from \$100 to \$200.

Today, there are approximately 252 Mayor's Courts. Their jurisdiction is restricted to the geographic boundaries of municipalities with less than five thousand population. However, there are a few mayor's courts that have assumed jurisdiction beyond the boundaries of their particular municipality into surrounding wards and unincorporated areas. A mayor's jurisdiction is limited to traffic and non-traffic ordinance violations.¹⁹ He may conduct court and impose penalties. However, a mayor does not

possess injunctive powers.

The mayor's courts have original jurisdiction over all city ordinances unless there is a city court. A 1970 legislative enactment specifically removed the mayors' jurisdiction over DWI cases.²⁰ Otherwise, mayor's courts have concurrent jurisdiction with the district courts in traffic offenses. A mayor is required to keep a regular docket on which he must enter the cases arising under the ordinances to be tried by him. He is required to keep a "perfect" record of all cases tried.²¹

A mayor may hold court at any time.²² He has authority to fix bail in criminal cases within his trial jurisdiction.²³ He may remit fines and forfeitures and annul penalties for offenses against the ordinances of the municipality, with the consent of the board of aldermen, provided the reason for doing so is entered on the minutes by the clerk as part of the order. All appeals from sentences imposing a fine or imprisonment by a mayor's court must be taken to the district court. Since a mayor's court is not a court of record, the appeal is by trial de novo without a jury.²⁴

A recent decision by the United States Supreme Court would seem to limit, if not extinguish, the power of Louisiana's mayors to double as judges. In Ward v. Village

of Monroeville²⁵ the Court held that a citizen is denied a trial before a disinterested and impartial judicial officer, as guaranteed by the due process clause of the Fourteenth Amendment, where he is compelled to stand trial for traffic offenses before a mayor who is responsible for municipal finances and whose court provides a substantial portion of municipal revenue through fines, forfeitures, costs and fees. Since a person is entitled to an impartial judge in the first place, the Court thought it constitutionally irrelevant that the defendant could have a trial de novo in another court.

Operation and Administration

The field visits and the data gathered from our Mayor's Court Questionnaire (see Appendix B) indicate that most mayors have a light caseload and devote little time to their judicial duties. Fifty-five percent of the mayors handle 0-10 traffic cases per month. Twenty-one percent of the mayors handle 10-20 traffic cases per month. Fifty-six percent of the mayors handle 0-5 non-traffic violations per month, 23% 5-10 violations per month and 11% 10-20 violations per month. This means that 79% of the mayors handle 10 or fewer non-traffic violations per month and 90% handle 20 or fewer. Eighty-eight percent of the mayors do not set peace bonds. Another 8% set between 1-5 per

month. Thirty-five percent of the mayors issue no arrest warrants at all, while 49% issue 1-5 arrest warrants per month. This means that 84% of the mayors issue 0-5 arrest warrants in an average month. Seven percent of the mayors indicated that they issue search warrants, even though they have no authority to do so.

Given the comparatively light workload, it comes as no surprise that 58% of the mayors devote 0-5 hours per month to their judicial duties, while 26% devote between 5-10 hours per month. Thus, 84% of the mayors who responded to our questionnaire on this particular point devote 0-10 hours per month to their judicial duties.

Few mayor's courts adhere to any formal procedures. Over 90% of the mayors have no written rules for the conduct of cases in their court and 74% use no manual of procedure. A typical mayor's court scene finds the mayor sitting behind a desk in a meeting room of the city hall, facing the defendants. A deputy marshal standing beside the mayor calls each defendant by name and asks him to come before the mayor. Often no formal complaint or charge is presented. At trial, the arresting officer, or the mayor himself, may present the charge and evidence since there is usually no prosecuting attorney present. After reading the police report, and perhaps offering a few perfunctory comments, the

mayor levies a fine. There usually is no questioning of the defendant with regard to the facts of his case.

Functioning in this manner, the mayor's court is efficient, if not constitutional. The mayor tends to view his judicial role as an inconvenience and moves through the violations as quickly as possible. If confronted with a case involving difficult legal or factual issues the mayor is most likely to defer action until he has had an opportunity to consult with the city attorney.

Data obtained from our Mayor's Court Questionnaire supports this view of a mayor's court operation. Over 70% of the mayors indicated that no prosecuting attorney is required to be present when a defendant enters a plea of not guilty and the case proceeds to trial. When no prosecuting attorney is present the arresting officer presents the case for the prosecution in about 70% of the mayor's courts. In about 20% of the courts the mayor himself will present the case for the prosecution.

An accused rarely is represented by counsel in a mayor's court. Where defense counsel appears it is usually an attorney privately retained by the defendant, rather than appointed counsel or a legal aid lawyer. Seventy-seven percent of the mayors indicated that they have no plans to implement the right to counsel in cases which might result

in imprisonment pursuant to Argersinger v. Hamlin.²⁶ Several mayors asserted that there was no need to obtain counsel in cases involving indigent defendants. Since most mayor's courts usually do not imprison defendants, the Argersinger mandate may not be as compelling as it is in other courts. However, it is clear that, for the most part, the right of counsel is not considered relevant in mayor's courts. Also there is substantial evidence gathered from both the field visits and the questionnaire that the mayors do not really understand the requirements of Argersinger, and Tate v. Short.²⁷

Eighty-one percent of the mayors have at least one other person to assist them with clerical and administrative matters of the court. When court is in session 76% of the mayors reported that they have a clerk present to assist in recordkeeping. Most mayor's courts keep a written docket of all cases that are pending. Their docket usually is kept by the city clerk, police department or the mayor himself. Although there are some city clerks who maintain workload statistics, the practice is uneven. For example, although 97% of the mayors keep a written record of the disposition of each case heard in their court, 47% keep no statistical records of the nature of the cases that come before them.

Facilities and Resources

Nearly 90% of the mayors hold court in city hall and believe that their facilities have adequate seating for parties, counsel, witnesses and spectators. However, 6% of the mayors reported that they have no space for records or a library, and 20% indicated that they have "inadequate" space. Eighteen percent do not have a safe with a lock for keeping money in their court facility. Forty-three percent have no copying equipment for reproducing needed court records. However, nearly every mayor who responded to our questionnaire indicated that he has a complete set of the ordinances he enforces available to him in the building where he holds court.

Mayors do not receive any additional compensation for holding court although court costs may be applied to aid the financing of a court's operation. Generally, municipalities impose strict auditing procedures over fines that are imposed and collected. Fines are turned over to the municipality.²⁸

A Self-Appraisal

While it does not appear that the judicial responsibilities of mayors are burdensome, 63% of the mayors indicated that they would favor relinquishing their jurisdiction to a legally trained judicial officer. Ninety-five

percent of the mayors have not graduated from law school. Consequently, many mayors indicated that because of their limited knowledge of the law, they often would transfer a case in which a defendant was represented by counsel to the district court. Other mayors indicated that they would hear such cases themselves, but would specifically request the presence of the city attorney both to prosecute the case and to offer them legal advice. In a few situations it was found that difficult cases involving violations of municipal ordinances were charged by police under state law and prosecuted in the district court in order to avoid burdening the mayor.

The mayors themselves indicate that their major problem is lack of training. Most mayors seem to be keenly aware that they are ill equipped to serve as judges in matters requiring legal insight and knowledge. Equally as important to many mayors is the inherent personal conflict of having to judge and govern at the same time. Many mayors call for the abolition of their judicial duties simply to avoid the dilemma of having to sit in judgment over constituents with whom they must deal in their capacity as chief executive of their municipality.

The mayors also cited as an important problem their dealings with the police. Most mayors favor an appointed chief of police. The elected chief is a problem in

that he may be on the opposite side of the political fence. If this is the case, the chief might, according to some mayors, try to foster good political relationships by not enforcing the law or choosing not to prosecute cases. Also, the mayors complained about the fact that the police need additional training in how to make valid arrests and present cases in court.

Finally, the mayors expressed concern about the prosecution of cases in their courts. Generally, no prosecuting attorney is present in a mayor's court when a case proceeds to trial. The mayors see a need for an official prosecutor and for adequate funds to provide for such an officer.

Chapter 3

City Courts

History and Jurisdiction

The Constitution of 1898 first gave the legislature the power to abolish justice of the peace courts in wards containing cities of more than five thousand inhabitants and to create in their place courts with the same civil jurisdiction as that of justice of the peace courts. These new courts were to have criminal jurisdiction to try state offenses not punishable by imprisonment at hard labor and violations of municipal and parish ordinances, and were authorized to hold preliminary examinations in non-capital cases. The compensation of the judges of these courts was to be paid proportionately by the parishes and the cities in which they were established.²⁹

The Constitution of 1921 additionally empowered the legislature to create such courts in wards embracing the parish seat³⁰, and additionally empowered the judges of city courts to impose peace bonds and to perform marriages.³¹ The term of office for city court judge was set at six years.³² Further, in city courts where the combined population of the city and ward(s) was between ten thousand and twenty thousand, civil jurisdiction was raised to \$500 and was made concurrent with that of the district court. Where the

combined population was twenty thousand or more, civil jurisdiction was raised to \$1,000 and also was made concurrent with the district court. In cases over \$100 appeals went directly to the Circuit Court of Appeal. In cases under \$100 the appeal went to the district court.³³

A 1968 amendment bestowed concurrent jurisdiction in civil cases up to \$500 on city courts where the population was between five thousand and ten thousand.³⁴ A 1936 constitutional amendment conferred concurrent juvenile jurisdiction on judges of city courts, for which they now receive \$6,000 annually from the state, where no separate juvenile and family court is established.³⁵

The structure of the courts of limited jurisdiction in the city of New Orleans is different from the rest of the state. For example, the First and Second City Courts of New Orleans have civil jurisdiction only.³⁶ The Traffic Court of New Orleans has jurisdiction only over city traffic offenses and the Municipal Court of New Orleans has jurisdiction over criminal non-traffic ordinance violations.³⁷ The civil, traffic and criminal non-traffic jurisdiction of these courts taken together is equivalent to the jurisdiction of city courts elsewhere in the state. It should be noted that while the statistics in this chapter include data from the City, Municipal and Traffic Courts in New

Orleans, the description of the operation and administration of city courts refers generally to city courts outside New Orleans.

The statutory designation "City Court" is really a misnomer. While all city courts have jurisdiction over the territory within city limits, the territorial jurisdiction of city courts often extends to wards outside of the city limits.

Only 12% of the city courts have jurisdictions limited to territory within the city limits. Seventy-one percent have jurisdiction in the city and one ward, and 18% have jurisdiction in the city and two wards. There is great diversity among the city courts with regard to the size of the population they serve. Excluding the New Orleans courts, there are five city courts serving areas with populations greater than 50,000, six city courts serving populations between 20,000 and 50,000, eighteen city courts serving populations between 10,000 and 20,000, and twelve city courts serving populations between 5,000 and 10,000.

While there are specific constitutional and statutory provisions authorizing and compelling the creation of city courts in cities with populations of more than 5,000, there is no comparable authority either for determining a

required ratio of city judges to population, nor for converting city courts into parish or district courts. The size of the population served clearly is a critical factor in determining the current organization and operation of city courts in Louisiana and, in great measure, is responsible for the many organizational and operational variations among city courts.

The subject matter jurisdiction of city courts also varies. Some variations are statutory, as in the case of the Shreveport City Court and the Jefferson Parish Courts which do not have the usual juvenile jurisdiction because of the existence of special juvenile courts.³⁸ Other variations are based upon local practice. For example, the Lake Charles City Court has concurrent jurisdiction over certain state misdemeanors in the 3rd ward. However, as a practical matter these state cases always are prosecuted in the district court and never in the city court.

Generally, city courts today have exclusive jurisdiction over violations of all city criminal and traffic ordinances and parochial ordinances within their territorial jurisdiction.³⁹ City courts have concurrent jurisdiction with the district court over certain misdemeanor cases⁴⁰; civil claims of up to \$500 in cities where the

population is 20,000 or less⁴¹; and civil claims of up to \$1,000 in cities where the population is over 20,000.⁴² City courts have original jurisdiction in juvenile cases along with district courts and special family and juvenile courts.⁴³ (See Chapter 7 infra for a full discussion of juvenile court jurisdiction.) Whenever a city court proceeds upon oral pleadings and is not a court of record, as in civil cases under \$100, or tries violations of municipal or parochial ordinances or violations of state law, appeal is by trial de novo in the district court.⁴⁴ In other cases appeal is to Louisiana's Courts of Appeal⁴⁵ or to the state Supreme Court.⁴⁶

Those who seek the position of city court judges must be admitted to the state bar for five years.⁴⁷ This is the same qualification for those who seek to be district court judges. However, in the absence of special legislation prohibiting private practice, most city court judges operate as part-time judges. Louisiana's Constitution of 1921 allows city court judges to practice law.⁴⁸ Approximately 90% of the city court judges answering our questionnaire indicated that they are not full-time judges and that they maintain private law practices.

Where the population of the territorial jurisdiction is less than one hundred thousand, city court judges receive,

in addition to their salaries, the same fees as justices of the peace in civil cases under \$100, and the same fees as clerks of district courts in cases over \$100. Where the population is over one hundred thousand, city court judges receive from the city the same salary as district judges, and civil filing fees are paid into the city treasury.⁵⁰ Costs of court, not to exceed \$5.00 in criminal cases, may be imposed and are used for the operational expenses of the court.⁵¹ Jury trials are prohibited in city court.⁵² With minor exceptions, the procedure in civil matters over \$300 is the same as the procedure in district court. In cases under \$300 pleadings may be made orally to the clerk of the court.⁵³

Every city court is required to have a marshal or constable, who is elected for a six-year term.⁵⁴ The marshal is the executive officer of the court. He serves process and executes the orders of the court, and can make arrests. In many respects, he has the same power and authority as a sheriff. In addition to receiving salaries fixed and paid by the local governing authorities, marshals also receive the same fees as are payable to constables of justice of the peace courts. Further, the city court judge may impose, in addition to \$5.00 costs in criminal matters, for operating his court, an additional \$5.00 costs in

criminal matters to be used for operating expenses of the marshal's office.⁵⁵

Where the population of the territorial jurisdiction of the court is ten thousand or less, a city court judge is his own clerk.⁵⁶ Otherwise, the judge appoints the clerk, who serves at the pleasure of the judge.⁵⁷ The clerk keeps the minute entries and the docket, may sign and seal all process, including citations and subpoenas, may make and take affidavits for issuance of arrest warrants and peace bonds, and may sign all orders that the judge himself may sign in both civil and criminal cases.⁵⁸

Operation of City Courts

Caseload

City courts are characterized by moderate to heavy caseloads and their rapid turnover. Traffic cases comprise the bulk of all city court dockets. City court judges estimate that traffic cases make up 50% to 70% of their total caseload. Nearly 85% of the city court judges reported spending anywhere from 10% to 50% of their judicial time on traffic cases. Similarly, city court judges appear to spend a large percentage of their time on non-traffic criminal and juvenile cases. The courts seem to spend relatively little time on civil cases, with 76% of the judges indicating that they spend 0 to 20% of their time in this area.

Six courts present the following caseload statistics from the period from October 1, 1971 - September 30, 1972:

Court	Civil		Criminal		Traffic		Juvenile	
	Filed	Term.	Filed	Term.	Filed	Term.	Filed	Term.
Baton Rouge	2,239	912	2,616	1,281	33,020	33,214	1,237	345
Crowley	115	62	780	706	2,002	1,937	156	130
Jefferson Parish 1st Parish Ct.	2,931	2,435	2,228	1,394	21,380	19,327	--	--
Jennings	42	53	121	133	527	516	112	115
Lafayette	1,097	985	1,597	1,607	7,480	7,503	839	821
Lake Charles	1,356	21	2,108	1,359	13,678	8,481	531	531

Perhaps even more revealing are statistics indicating that 475,625 cases were filed in Louisiana's city courts from October 1, 1971 through September 30, 1972 with 367,935 cases terminated during that period. However, these figures can be misleading. With the bulk of the cases in city courts being traffic cases, many courts have established traffic violations bureaus whereby court personnel accept guilty pleas and payment of fines without the need for judicial intervention in individual cases. For example, in one city court during December 1972, 762 traffic cases were disposed of as follows:

	<u>City</u>	<u>State</u>
Traffic Violations Bureau	434	67
Judge	226	35
	660	102

Furthermore, although specific data are not available, our questionnaires indicate that the vast majority of traffic and criminal cases are disposed of by guilty pleas. For example, 77% of the city court judges indicated that 50% to 100% of criminal non-traffic cases are terminated in their court by pleas of guilty. Thirty-nine percent of the judges responded that approximately 40% to 100% of traffic cases are terminated by guilty pleas. On the civil side, 72% of the judges indicated that 50% to 100% of their civil cases are terminated without opposition on judgments of default.

Ninety percent of the city court judges receive 0-200 arrest warrant applications per month. Ninety-seven percent issue warrants on 70% to 100% of these applications. Few search warrants are applied for in city courts. Eighty-five percent of the city court judges reported that they receive approximately 0-10 search warrant applications per month. While the number of bail settings per month is significant, it does not appear to be overwhelming. Approximately 83% of the city court judges make 1-200 bail settings per month. Bail schedules are used extensively with 50% of the judges reporting that 70% to 100% of their bail settings are determined according to a bail schedule.

Release on a personal bond undertaking or upon surrender of a driver's license is used extensively by city court judges. However, there are exceptions. Some judges use P.B.U. only in very minor cases involving a local resident who may be permitted to sign the citation. Generally, Louisiana and, in some courts, Texas residents may post their driver's licenses as security in traffic cases. Yet, in some non-traffic criminal cases and in cases involving out-of-state drivers arrested over weekends, accused persons may have to spend a few days in jail until their cases are disposed of. The delay apparently is not in setting bond, because this is invariably done by schedule, but in actually bringing the person in custody before the court for disposition. City court judges emphasized that jail cases receive priority in disposition.

The practice with respect to peace bonds varies. At one extreme 15% of the city court judges reported that they are never requested to set a peace bond. Three percent of the judges report 40-50 requests per month to set peace bonds. However, most city court judges either set no peace bonds, or set them infrequently. For example, 50% of the city court judges set no peace bonds, and another 24% set only 1-5 peace bonds per month.

With respect to traffic cases most judges have specific criteria as to those cases that may be disposed of by resort to the traffic violations bureau and those that require a court appearance. Generally, the more serious offenses, such as D.W.I., reckless driving, excessive speeding and cases involving accidents, require court appearance. Some city court judges routinely require all young and very old persons to appear in court for any moving violation.

Despite the size of some city court caseloads, most city court judges do not appear to be overburdened. For example, 33% of the judges devote only 10-20 hours per week to all of their judicial duties. Twenty-five percent spend 20-30 hours per week. Twenty-eight percent reported spending 30-40 hours per week on all their judicial duties and only 14% spend 40 or more hours per week so occupied.

Time-Lapse Information

One important factor in assessing the efficiency of city courts is the amount of time that passes from the commencement of an action to its termination. Responses to our questionnaire reveal that in general cases are disposed of rapidly. For example, all the city court judges reported that traffic cases are disposed of within two months.

Sixty-four percent stated that the average time was between 0-14 days and 21% between 14-21 days. In non-traffic criminal cases 91% of the judges reported that the average time elapsed between arrest and final disposition is less than one month. Eighty-five percent of the judges reported that less than 12 hours elapse between arrest and bail setting, with the remaining 15% reporting that 12-24 hours pass. Sixty-four percent indicated that 0-7 days pass between arrest and arraignment and 27% reported the elapsed time to be between 7-14 days. In civil cases 79% of the judges reported that the average amount of time that passes between filing and final judgment is 0-1 month. Twenty-one percent stated that it takes them approximately 1-2 months to dispose of a civil case.

It should be noted that in seeking to elicit time lapse information, our questionnaire did not differentiate between those civil and criminal cases terminated following a trial and those cases handled by the traffic violations bureaus and where guilty pleas and default judgments are entered. While no accurate figures are available it appears that the vast majority of cases in city courts do not proceed to trial. However, it is important in evaluating overall efficiency to gauge the speed with which contested cases are terminated. Based upon field

observations, most contested cases ready for trial probably are disposed of anywhere from two weeks to three months from the request for trial.

Scheduling

The organization of court schedules and the utilization of administrative personnel is another factor in assessing the efficiency and effectiveness of city courts. For example, in one court cases resulting from arrests on Wednesday through Friday are set for arraignment one week after the next Monday. This is because the docket for the Monday court is made up the preceding Wednesday morning. In contested criminal cases trials would be set about two weeks from arraignment. Thus, in this particular court, city and state traffic and criminal cases which proceed to trial usually are disposed of within four weeks from arrest. The court schedules about five traffic trials for one afternoon. The same is true for contested civil cases. If a criminal or civil case appears particularly difficult only two cases are scheduled for one trial session. Arraignments for about 90 to 150 persons at one session are routine. This figure was subsequently increased to about 200 persons per session because of a stepped up

traffic campaign.

Contested civil cases are scheduled for trial anywhere from two to four weeks after request from counsel to set the case. However, it is not extraordinary to see a case being set for trial that was filed six months or a year ago. In these cases counsel most likely did not request the case to be set until a few weeks before the trial date. In this respect, most city court judges do not control their trial dockets, but relegate to counsel the responsibility for requesting a trial date. Many judges stated or implied that their dockets were sufficiently flexible to set a case for trial within two weeks if counsel requested an immediate setting. Some judges have adopted a strict policy with regard to continuances, granting one continuance automatically but others only upon a showing of exceptional circumstances.

Almost all of the city courts observed have a regular schedule for holding court. In most cases this schedule has been refined to the point where certain cases, or particular types of hearings, e.g., arraignments, are heard at set times on specific days. For example, one court in a populous jurisdiction employs the following schedule: Monday - City Traffic and State Criminal - Arraignments and Trials; On the 2nd and 4th Thursdays of

every month criminal matters are not heard. Instead juvenile and non-support cases are scheduled. On Wednesdays and Fridays civil cases, if any are heard.

The First Parish Court of Jefferson has recently instituted the following schedule:

1. The first full week of each month is reserved for traffic cases only.
 - a. Arraignments. Traffic arraignments are conducted during this week.
 - b. Trials. Traffic trials are conducted where only the testimony of the officer is necessary and the defendant is ready for trial.
2. The second week of each month is reserved for the trial of traffic cases where the testimony of other witnesses is necessary.
3. The third week of each month is reserved for all non-traffic misdemeanors.
 - a. Arraignments. Arraignments can be conducted on the third Monday of each month.
 - b. Trials. Trials are conducted Tuesdays through Fridays.
4. The fourth week of each month is reserved for trials of civil matters.

- a. Judgment debtor rules, evictions, defaults and other preliminary matters are taken up on any day of the month.

Ninety-four percent of the city court judges indicated that court is held regularly at least once a week. Sixty-six percent of the judges indicated that specific court days are reserved for certain kinds of cases. While 34% indicated no such practice, this may be explained by the fact that some city courts in less populated areas hold court only once a week, at which time all cases are heard.

Clearly, certain city courts have been able to organize their schedules to facilitate the best possible utilization of judicial time by delegating responsibilities to other court personnel. These schedules are of critical importance if a judge is to allocate his time sensibly between judicial duties and private practice.

In the more heavily populated areas city court judges generally tend to hold court on certain days and at certain times anywhere from 3 to 5 days a week. These judges usually have several clerks who staff the court facility during regular business hours. Consequently, the

public has ready access to the city court even if they do not always have access to the judge. The judges who sit in these courts tend to devote more time to their judicial business than to private practice. City courts in less populous areas tend to hold formal court sessions less frequently, usually one or two days a week. However, these city court judges often are available to receive people and to handle official court business in their private law offices.

In almost every instance a judge's private law office is in a different location from his courtroom and court office. Judges who spend most of their time in their private law offices noted that many of the people who come to their private offices come on court business. One city court judge who holds court during parts of several days estimated that 70% of the people who see him in his private law office seek him as "counselor and a judge." He also estimates that 60-70% of his normal work week is spent on court matters while 30-40% is spent on his private practice. "I'm a judge first, and a private practitioner incidentally," he emphasized. In short, time actually spent in the court house by city court judges should not be the only indicator of their accessibility to the public.

Prosecuting and Defending Cases in City Court

Seventy-four percent of the city court judges indicated that a city attorney is required to be present at the trial of both traffic and non-traffic criminal offenses. When the presence of a city attorney is not required, either the arresting officer or the judge usually presents the case for the prosecution. Fifty-six percent of the judges indicated that a city attorney is required to be present at arraignment and 53% responded that a prosecutor is required to be present at sentencing in non-traffic cases. Again, in the absence of a city attorney, the judge, arresting officer or other court personnel handle the prosecution's cases at sentencing. Only 10% of the city judges reported that a city attorney is required to be present at juvenile delinquency adjudications. In his absence various people, including assistant district attorneys and juvenile probation officers, assume that role.

Representation of the accused by counsel in non-traffic misdemeanors is by far the exception rather than the rule in city courts. From arraignment through trial to sentencing, 62-82% of the responding judges characterize representation by counsel as "infrequent." As for juvenile delinquency adjudication hearings, 93% of the judges indicate that defense counsel is employed infrequently.

Seven percent characterize such appearances as "infrequent." In addition, defense counsel is employed infrequently at other juvenile hearings.

In cases where the accused is represented by counsel, it is usually by court appointment of attorneys from private practice. Most city courts do not have legal aid or public defender attorneys available to them. Eighty-two percent of the judges indicated that in cases where the accused is represented by counsel, counsel is "never" or "infrequently" a public defender, an indigent defender board attorney, or legal aid attorney. Based upon field observations, the appointment of counsel usually is an informal process dependent upon the degree of cooperation between younger members of the local bar and the individual city judge. Most judges appoint counsel when they believe it to be necessary and not as a matter of routine. City court judges were asked specifically how they are implementing Argersinger v. Hamlin,⁵⁹ which held that counsel is required in all cases which result in imprisonment. Forty-one percent of the judges indicated that they have no particular plan in effect at all. Of these city court judges, 43% never appoint private counsel and 57% do so only "infrequently." One judge seems to have summed the situation

up when asked what he was doing about the Argersinger mandate. He replied, "I ignore it flatly." Other judges, while not quite as direct, expressed similar feelings.

City court judges also were asked how they are implementing In re Gault⁶⁰, requiring counsel in juvenile delinquency adjudications. As in the case of Argersinger most city court judges indicated that they either have no particular plan in effect or appoint attorneys in private practice. One judge in a large city court employs two lawyers part-time at \$200 per month to serve as defense counsel. One attorney handles juvenile cases and the other is used in criminal cases.

Seventy-one percent of the city court judges indicated that they do not have money to compensate appointed counsel. There was less dissatisfaction with existing lawyer resources. Almost 62% of the judges indicated that existing lawyer resources in their jurisdiction are sufficient to implement the existing requirements for appointment of counsel. Sixty-six percent of the judges estimated that ten or more attorneys have offices within their jurisdiction. Twenty-three percent estimated that there are over 35 lawyers who have offices within their jurisdiction.

Finally, it should be noted that several judges revealed that it was common knowledge within their jurisdiction that a defendant would fare better if he were not represented by counsel. These judges regard the Argersinger and Gault decisions as impositions. Consequently, by treating unrepresented defendants more favorably than those who are represented by counsel, some judges effectively discourage requests for court-appointed counsel.

Ancillary Services

An increasing problem area for the city courts is the availability of ancillary services. Many city court judges cannot provide all of the services which are needed. To be sure some judges have access to services such as non-psychiatric counseling, psychiatric counseling, medical treatment, alcohol or drug rehabilitation and treatment, adult probation, juvenile probation and remedial driver education.

However, 39% of the city court judges have no non-psychiatric counseling service available for referrals and 34% have no psychiatric counseling. Twenty-nine percent have no medical services available for referrals and 32% have no alcohol rehabilitation program. Fifty percent have no drug rehabilitation program; 24% have no adult probation

program; and 26% have no traffic education and rehabilitation program. In addition, 69% of the city court judges have no pre-adjudication detention facilities for juveniles. Even where such a facility exists, it usually consists of no more than one cell which has been set aside for juveniles in the local jail.

Some ancillary services are available to some city courts, but not all courts have sufficient ancillary services available. Most judges interviewed appear to be well informed about available community resources and not at all reluctant to use what they have.

Administration of City Courts

Since city courts do not have judicial administrators, city court judges have the responsibility for administering their courts. This includes not only the actual conduct of cases, but the duty to prepare budgets and supervise administrative personnel, including law enforcement officers, clerical staff and persons providing social and counseling services. Almost all city court judges have at least one marshal, constable or police officer on duty when court is in session. Many courts have more than one of these officers serving their court.

Perhaps most vital to the administration of city courts are the clerical personnel. A city court's clerical staff may range from a single clerk to several clerks. In many of the larger city courts, the city court judge has a clerk to handle the traffic violations bureau, and a clerk for his traffic, criminal and civil dockets. City courts generate a great deal of paperwork which, in turn, requires efficient recordkeeping. This is so not only because of the volume of cases in city courts, but because so many of the cases involve fines and costs which must be collected by the courts and allocated to the proper governmental authority. There is little question but that city courts in populous communities would be paralyzed without adequate clerical staff.

Thirty-four percent of the judges have only one clerk. However, 31% of the judges have two clerks, 20% have three clerks, and 14% have five or more clerks. Ninety-four percent of the judges have a clerk in attendance while court is in session. Salaries for clerical employees vary with most courts paying between \$4,000 to \$7,500. Some city court judges noted that they have insufficient funds budgeted for clerks and must use their accumulated court costs to supplement clerks' salaries.

City court judges felt strongly that all court personnel should be responsible to the judge. Generally, where this was the case judges were satisfied with the performance of their staff. But in courts where clerks were not clearly responsible to the judge, judges seem to be less satisfied, and even dissatisfied, with staff performance. In most city courts visited, the courts' clerical employees appear competent, efficient and knowledgeable. Some judges believe that their clerical staff should be brought within the state civil service system in order to make their positions secure and create a "career" outlook.

Along with law enforcement officers and the clerical staff, courts have access to persons who supply the courts and the people who pass through them with social, medical and psychiatric counseling. Strictly speaking, these people should not be considered court personnel. For the most part, they are employed by, and under the authority of, other governmental bodies or community non-profit service programs who volunteer or contract their services out to the courts.

Most city courts turn all fines and forfeitures over to the appropriate governing authority (usually the city treasury) and retain all, or part of court costs for their judicial expense fund. Thus, a primary responsibility

facing city courts is fiscal accountability. Ninety-four percent of the judges reported that they keep accounts of all monies collected and 56% of the judges indicated that the accounts of these monies are posted daily. However, 36% reported that these accounts are never audited.

Most judges appear to have accurate and complete warrant, arrest, and conviction records. This was dramatically demonstrated during one court observation of a pre-sentence investigation where the judge had a complete criminal record of a defendant dating back to 1923 in California.

State law places the responsibility for the disposition of all issued traffic tickets on the courts. This is the so-called "no ticket-fixing" law. In response to this, one city court judge maintains his own personal set of records on all traffic citations despite the fact that they duplicate the records of the elected clerk of court. Another city court has computerized its records. Perhaps the one generalization that can be made is that recordkeeping methods of traffic offenses vary widely among city courts.

The records of civil litigation also appear to be kept carefully. Usually a file is printed with a history that allows any action that is taken on the case to be

marked for easy reference. Conventional methods are employed, with each case assigned a folder, and the number of the file indexed.

Though administration of court records in city courts is fairly orderly in comparison with other limited courts, conduct of cases in the court often is handled very informally. For example, 66% of the city court judges report that they do not have written rules for the conduct of cases in their courts.

Facilities and Resources

Although the methods of financing city courts vary, there are four principal sources of money always available to the courts: state, parish and city funds and income generated by the court primarily from fines and forfeitures. Usually the state will remit its funds directly to the individual in the court, e.g., the state's portion of a city judge's salary check. City or parish salary allotments generally are made to the court itself, pursuant to budgets which each of these local governments adopts for the court. For the most part the state contributes more than one-third, but less than one half of a judge's total salary with the remainder coming from parish and city allocations. For example, 59% of the judges reported a state salary contribution of \$5,000 to \$7,500 while

approximately the same percentage reported separate parish and city allocations of \$1,000 to \$5,000.

Most city courts collect more revenue from costs, fines and forfeitures than the actual amount budgeted for the court's operation. For example, one small rural city court budgeted \$10,200 for the year and generated revenue of \$15,227. Two suburban courts budgeted \$25,000 and \$37,000 and generated \$44,000 and \$63,000 respectively. One large urban court budgeted \$206,500 and generated \$233,000 in revenue. Although the majority of city court judges resent the implication that one of the tasks of a city court is to produce revenue for local government, others in state and local government do not necessarily share their view. Most of the income generated by city courts rarely stays in the court despite the fact that some courts are understaffed, personnel are underpaid, and facilities and equipment are non-existent or improperly maintained.

The fact that nearly 71% of the judges indicated that the total funds available to them is "inadequate" to pay the operating expenses of their courts without cutting back on essential court services does not seem to present a totally accurate representation of the situation. Other sections of the questionnaire indicate that city courts

lack adequate funds to compensate counsel appointed to represent indigents; provide social and psychiatric counseling; provide medical services; provide alcohol and drug rehabilitation services; buy and maintain essential supplies and equipment; meet increasing recordkeeping and statistical demands, etc. In addition, many city court judges interviewed complained of insufficient funds to carry on the work of their courts. Perhaps this apparent inconsistency can be attributed to imprecise wording in the question itself and to different interpretations of the meaning of "essential court services." In response to the above question, 71% of the judges may really have been saying only that they have enough money to get by without cutting back on what they already have. This does not necessarily mean that what they already have is sufficient.

Many judges expressed dissatisfaction with their own compensation and stated that since they were as qualified as district judges, their salaries should be comparable. However, this must be viewed against the fact that 91% of the city court judges serve part-time and have private law practices, and 56% of the judges indicated that their judicial salary is not their principal source of income. Presumably, part-time judges who are practicing law are dissatisfied with their comparatively low salaries.

Budgeted salaries for non-judicial court personnel also are generally considered to be inadequate. Many judges indicated that salaries for support staff are supplemented by drawing upon accumulated court costs retained in the court's general fund.

In addition to salaries, city courts must maintain court facilities and equipment. Twenty-two percent of the city courts have no court reporter or sound recording equipment to make a record of court proceedings. Fifty-four percent of the judges indicated that they had no law library available to them in the building where they hold court. Forty-two percent described their clerk's office as "inadequate" or nonexistent and 29% described their copying equipment as "inadequate" or nonexistent. Fifty-two percent of the judges described their existing "space for records, library, etc." as "inadequate" or "none" and 46% described separate areas for counsel and court personnel as "inadequate" or nonexistent. Many judges expressed a desire to provide a modern court house which could comfortably accommodate attorneys, staff, witnesses and spectators.

A Self-Appraisal

Most city court judges indicate that trials de novo should be abolished. The judges feel that it is an unneces-

sary device, constitutes a waste of judicial time and basically is demeaning to the stature of city court judges. In addition, some judges see an urgent need for indigent defender and prosecutorial services and the resources to support them in each court. Certain judges emphasize the lack of separate pre-adjudication juvenile detention facilities and juvenile personnel.

Many city court judges suggest that the territorial jurisdiction of the court should be expanded to cover either an entire parish or an entire judicial district, with divisions of the court created to sit in different places in the parish or district in order to "remain close to the people." Financing of city courts should be taken over by the state and city court budgets increased substantially to permit the courts either to discontinue assessing court costs and fees, remit those funds directly to the city treasury, or retain them to increase city court services and upgrade court facilities. Many judges emphasize the need for better court reporting services and equipment.

There appears to be a difference of opinion among city court judges as to whether it would be best to have two part-time judges or one full-time judge where the situation seems to demand more than one part-time judge. Arguments favoring part-time judges in these situations stress the

expense involved in retaining one full-time judge, the desirability of having a judge remain aware of the problems and needs of the private practitioner, and the ability of a city to attract more competent men to the bench if private practice is permitted. Arguments against part-time judges underscore potential conflicts of interest between the judge acting in his capacity as judge and the judge acting as a private practitioner and the demands upon a judge's time if he should happen to have a busy and lucrative private practice.

Most city court judges believe that their compensation and the compensation for their staffs is inadequate. They suggest compensation for city court judges should be equivalent to that of district court judges. The judges also express the view that court personnel should be accountable to them and under their immediate direction.

NOTES

1. La. Rev. Stat. Ann. Const. art. 126 (1898).
2. La. Rev. Stat. Ann. Const. art VII §47.
3. Id. §48.
4. Id.
5. Id. §46.
6. Id.
7. Id. §50.
8. La. Rev. Stat. Ann. §13:2586 (1968).
9. La. Rev. Stat. Ann. Const. art. VII §50.
10. La. Rev. Stat. Ann. §33:1702 (1968).
11. No justice of the peace responding to the questionnaire indicated a salary in excess of \$400 per month.
12. La. Rev. Stat. Ann. Const. art. VII §36.
13. La. Code Civ. Pro. Ann. art. 4942 (1961).
14. Id. art. 4838 (1961); La. Code Crim. Pro. Ann. art. 25 (1966).
15. La. Rev. Stat. Ann. §3:3004 (1958).
16. Id. §13:2586 (1960).
17. La. Rev. Stat. Ann. Const. art. 96 (1898).
18. La. Rev. Stat. Ann. §33:321 (1951).
19. Id. §33:441 (1951).
20. Id. §13:1894.1 (1970).
21. Id. §33:442 (1951).
22. Id.

23. La. Code Crim. Pro. Ann. art. 315 (1966).
24. La. Rev. Stat. Ann. Const. art. VII §36.
25. 409 U.S. 57 (1972).
26. 407 U.S. 25 (1972).
27. 401 U.S. 395 (1971). Tate held that an indigent cannot be incarcerated immediately for the non-willful failure to pay a fine.
28. La. Rev. Stat. Ann. §33:422 (1951).
29. La. Rev. Stat. Ann. Const. art. 96 (1898).
30. La. Rev. Stat. Ann. Const. art. VII §51A.
31. Id.
32. Id. §51D.
33. Id. §51B.
34. Id. §51A.
35. La. Rev. Stat. Ann. §13:1874 (1971).
36. La. Rev. Stat. Ann. Const. art. VII §§91A, 92; La. Code Civ. Pro. Ann. arts. 4835,6 (1961).
37. La. Rev. Stat. Ann. Const. art. VII §§94I(e), 94II (j); La. Rev. Stat. Ann. §13:2491-3 (1968).
38. La. Rev. Stat. Ann. §§13:1596, 2561.4, 2562.4, 2564-5 (1968).
39. La. Rev. Stat. Ann. Const. art. VII §51A.
40. La. Rev. Stat. Ann. §13:1894.1 (1970).
41. La. Rev. Stat. Ann. Const. art. VII §51B.
42. Id.
43. Id. §52.
44. Id. §36.

45. Id. §51B.
46. Id. §52; La. Rev. Stat. Ann. §13:2488.35 (1970).
47. La. Rev. Stat. Ann. §13:;873 (1968).
48. La. Rev. Stat. Ann. Const. art. VII §3.
49. La. Rev. Stat. Ann. §13:1874A (1968).
50. Id. §13:1874B (1968).
51. Id. §§13:1893,1898,1899,2159 (1968).
52. La. Code Civ. Pro. Ann. art. 4840 (1961).
53. Id. art. 4891 (1961).
54. La. Rev. Stat. Ann. §13:1879A (1968).
55. Id. §13:1899C (1968).
56. Id. §13:1884 (1968).
57. Id.
58. Id. §13:1885 (1968).
59. 407 U.S. 25 (1972).
60. 387 U.S. 1 (1967).

P A R T B
The Traffic Court Function

Chapter 4

Traffic Cases in the Courts of Limited Jurisdiction

The criteria used in evaluating traffic case processing in the limited courts are based on the "National Standards for Improving the Administration of Justice in Traffic Courts," reproduced as Appendix F of this study, and a report on the traffic function of Louisiana's district and city courts, prepared in 1955 by the American Bar Association and the Northwestern University Traffic Institute.¹

While considerable progress has been achieved since 1955, the efforts of individual city court judges still are hampered by a lack of coherence in the court structure. Most problematic is the confusion imposed upon the motoring public by local officials with conflicting approaches toward processing traffic cases. In addition to the courts, Louisiana's motorists and pedestrians would be the immediate beneficiaries of modernizing courts trying traffic cases.

Current Practice in Traffic Cases

District Courts

The district courts hear traffic cases in the first instance,² and also hear appeals by trial de novo from the courts of limited jurisdiction.³ Traffic and juvenile traffic offenses comprise a substantial part of the district

court caseload. Traffic violations which are felonies, and other cases where jury trial is demanded, are heard in the district courts. In areas served by mayor's courts, DWI violations and juvenile traffic violations are also tried in the district courts.⁴

Much of the district court traffic caseload originates in outlying areas of the district which lack city or mayor's courts. This situation undermines objections to court unification by those who claim mayor's courts or J.P.'s are necessary for the convenience of the public. Rural police officers who are required to appear in court would be served best by a centrally located court. Most rural areas already are patrolled by the State Police, either directly or under contract. Court centralization would not impose a significant travel burden on rural residents, since they must come to town for shopping and entertainment. In any event, most people rarely are required to make a court appearance.

Mayor's Courts

Mayor's courts try violations of municipal ordinances, and may impose fines or imprisonment, or both.⁵ It appears that mayor's courts handle few traffic cases, with only a small portion of these cases actually contested.

Fifty-five percent of the mayors reported handling 0-10 traffic ordinance violations in an average month, and only 8% reported handling over 50 per month. Only a small number of these cases actually go to trial.

Approximately 47% of the mayors keep no statistical records of the cases heard, and 24% keep no docket of pending cases. Fifty-nine percent of the mayors report that they still impose jail terms on defendants who are unable to pay fines, contrary to Tate v. Short.⁶

City Courts

Some of Louisiana's city courts have been the recipients of several awards. Some city courts have been innovative and have led their communities in traffic safety efforts. On the whole, city courts view their traffic adjudication function as important and deserving of their best efforts.

Appearance in Court

Various methods are used to insure that a ticketed motorist will answer to the charges against him. These include having the motorist sign a promise to appear, post cash bond, or post a valid Louisiana driver's license. Pre-trial incarceration is rare, and is reserved primarily for cases involving DWI or multiple charges.

Some courts encourage defendants to post bond and then to forfeit it by failing to appear. Such action is construed as a plea of guilty and ends the case. This practice confuses the motoring public because other courts regard bond forfeiture as seriously improper behavior, and sanction it as they would in non-traffic cases. The court may send a warning letter, issue a bench warrant, or swear out a contempt citation. Public confusion is compounded where city courts maintain both a bond forfeiture system and a traffic violations bureau. Sixty-eight percent of the city court judges report that fewer than 50% of their traffic cases are terminated by a traffic violation bureau, and 75% report that fewer than 50% are terminated by bond forfeiture.

Court Schedules

Arraignment generally is held at a date written on the ticket, and trial for those who plead not guilty is set for a later date. Some courts require the policeman to be present at the arraignment, and, on the request of the defendant will hold the trial at that time. Since it is desirable to minimize time spent in court by police officers, and since defendants are first advised of their rights at arraignment, greater effort needs to be made to resolve all matters at one court appearance.

Traffic sessions usually are held separately from the other business of the city courts. One city court deliberately mixes its sessions to insure the presence of a prosecutor. Another court holds daily arraignments, so that persons unable to post bond, or some alternative, are released promptly.

Juvenile Traffic Trials

Although most city courts try juvenile traffic cases in camera, at least one court, relying upon a statutory change that removes secrecy from juvenile traffic convictions,⁷ is hearing these cases at special sessions in open court. The presence of a parent or guardian is required. Another court is considering adopting a like procedure. Both courts feel that the change would be beneficial in educating 15 to 17 year olds about the seriousness of traffic offenses. Although experiments in several courts with student juries have been abandoned as unsuccessful, many courts are making particular efforts to influence youth relying heavily on sanctions such as traffic school and driver's license revocation.

Sentencing

Limited court judges are handicapped by not having the power to suspend or revoke adult driver's licenses,⁸

since license revocation may be a more effective means of modifying the conduct of errant drivers than fines. City court judges may, and occasionally do, revoke the driver's licenses of juvenile traffic offenders. Fifty-eight percent of the city court judges stated that this sanction is imposed in fewer than 10% of traffic convictions. The complete dependence in most of the state upon motor vehicle transportation renders total revocation or suspension a harsh penalty to the driver and his dependants. Thus, any grant of such power should be refined so that a driver's license could be restricted for a limited period of time, to occupational or other specified purposes.

Louisiana law calls for mandatory jail sentences in certain traffic cases,⁹ and some judges readily impose jail sentences for serious traffic offenses. Jail sentences may be tempered in some areas by provision for work release or incarceration on weekends. Ninety-seven percent of the city court judges responded that less than 10% of the traffic convictions in their courts result in incarceration.

Traffic Workload

Only one city court visited was not completely current in its traffic cases, and that court was scheduling trials a month or two ahead. Eighty-five percent of the city

court judges responded that the average amount of time between arrest and final disposition is less than 21 days. Sixty-four percent stated the average is less than 14 days.

Some courts feel that an increasing number of persons charged with serious traffic offenses are contesting their cases, because of the serious consequences of convictions, and that fewer people are contesting minor cases. If these assumptions are correct, traffic cases may consume an increasing amount of the city courts' bench time. Thus, some part-time courts may be required to operate full-time.

Appeals

Although most city courts have sound recording equipment or court reporters to provide records for appeal in non-traffic cases, most appeals in traffic cases are by trial de novo in the district court.¹⁰ Where a traffic fine exceeds \$300, appeal is to the Supreme Court.¹¹

Few appeals by trial de novo actually are heard in the district courts. The reason for this is serious neglect of the responsibility for prosecution of the appeal. After a defendant files a notice of appeal, his sentence is automatically suspended pending the appellate decision. It is the prosecution's responsibility to calendar the appeal.

Often neither the city nor district attorney does so. The city and district courts do not monitor the progress of the case. In many parts of Louisiana the case disappears into limbo, and the appeal rarely is heard of again.

Where city attorneys have adopted a policy of consistently docketing trials de novo, the number of appeals has dropped, indicating that many appeals are being taken because defense attorneys know they will not be prosecuted. This emphasizes both the advantage of representation by defense counsel and the need for the court system to control its own calendar.

Ticket Audits

One of the advantages of the uniform traffic ticket required in Louisiana¹² is that, through accountability of multiple copies, there are checks and balances to insure the proper disposition of each ticket. However, some city courts do not audit all tickets and do not call on police officers to account for missing tickets. This destroys the total accountability which the ticket system is suppose to require.

New Orleans Traffic Court

The New Orleans Traffic Court is Louisiana's only court devoted entirely to traffic cases.¹³ Although the court

is open full-time and has daily arraignments, the judges serve part-time. Four judges share two courtrooms, and each judge sits during a half-day. The court hears only municipal traffic ordinance violations, including DWI cases.¹⁴

Electronic data processing equipment, designed for the court but located in City Hall, is used extensively, as is photographic miniaturization of court records. Data processing equipment prepares dockets, lists previous local violations, identifies persons who fail to appear, and issues notices of conviction or non-appearance notices.

Identification of parking violators is hindered by Louisiana law requiring license plates to remain with a vehicle when sold.¹⁵ A person may be called upon to explain tickets issued to plates registered in his name after he has sold the car.

Disposition of outstanding parking tickets is required by the court before a driver's license posted as bond for a moving violation is returned, and before required inspection stickers are issued. In 1971, only 30% of the parking tickets issued in New Orleans were issued to Orleans Parish residents, but 71% of the tickets issued were collected. This relative success is attributed to the inspection sticker and license holding policy.

The traffic court's facilities, located in the same building with other New Orleans courts, are relatively new, but most unpleasant. Court personnel stationed in front of the bench form a distracting and dehumanizing barrier between judge and defendant, and the areas where convicted defendants pay fines are in full view through plate glass walls at the rear of both courtrooms. Plastic seats, poor lighting, and an absence of appropriate decor add to the depressing tone. A relatively minor restyling, including shielding the fine payment areas from view, removal of attendants in front of the bench, use of warmer fluorescent lights, and updating the public information currently posted outside the courtrooms should greatly improve the appearance of this court.

N O T E S

1. American Bar Association and Northwestern University, A Report to the State of Louisiana Regarding the Prosecution of Traffic Cases in the District and City Courts (1955).
2. La. Rev. Stat. Ann. Const. art. VII §35.
3. Id. §36.
4. La. Rev. Stat. Ann. §§13:1570A(5) and 13:1894.1 (1970).
5. La. Rev. Stat. Ann. §§33:401, 441 (1970).
6. 401 U.S. 395 (1971).
7. La. Rev. Stat. Ann. §13:1580.1C (1968).
8. La. Rev. Stat. Ann. §32:414 (1968).
9. La. Rev. Stat. Ann. §14:98C, D, E (1968).
10. La. Rev. Stat. Ann. Const. art. VII §36.
11. Id. §10.
12. La. Rev. Stat. Ann. §32:398.1 (1968).
13. La. Rev. Stat. Ann. §13:2493 (1968).
14. La. Rev. Stat. Ann. §13:1894.1 (1970).
15. La. Rev. Stat. Ann. §47:509 (1970).

P A R T C

Defense and Prosecution in the Limited Jurisdiction Courts

Introduction

The majority of Louisiana criminal proceedings occur in the courts of limited jurisdiction. Although they deal exclusively with minor criminal offenses, the manner in which these courts adjudicate cases is a major element in the formation of community attitudes toward the entire legal system. The actions of counsel during any criminal proceeding not only affect the justice and efficiency of that proceeding, but also serve either to encourage or discourage public respect for the courts and for the laws.

In Louisiana's courts of limited jurisdiction today, there are a number of government officers who may perform the prosecutorial function. In many instances, the prosecutor is the city attorney or his assistant. The arresting police officer also often pleads the government's case against the accused. There are even times when the judge himself presents the charges against the defendant. ~~The~~ responsibility for prosecuting a case may depend on the nature of the offense alleged, the stage of the criminal proceeding, the court in which the case is to be decided, or the local custom of the court which decides the case.

Participation of defense counsel in the courts of limited jurisdiction is rare. Many times the alleged crimes

are of such a minor nature that defendants voluntarily proceed without counsel. Even when counsel may be desired or requested, there often is no lawyer available to serve as defense counsel.

Chapter 5

The Prosecution Function

City Attorneys and City Prosecutors

The duty of prosecuting cases in the courts of limited jurisdiction often rests upon the city attorney, the assistant city attorney, or the city prosecutor. In some of the large municipalities, such as Lafayette and Baton Rouge, there are city prosecutors whose job is to prosecute municipal ordinance violations. Several of these city prosecutors are actually assistant city attorneys who have been given the title of city prosecutor. However, other city prosecutors with similar duties have no connection with the city attorney's office, and maintain their own separate offices.

In other large municipalities assistant city attorneys prosecute cases in the city courts, but are never referred to as city prosecutors. In smaller municipalities, the city attorney usually serves as prosecutor, although he has no special designation. Almost all prosecutors, whatever their title, are appointed by the governing authority and the mayor of the municipality in which they serve. Ninety-eight percent of the city attorneys are appointed with the joint consent of the mayor and the city's govern-

ing authority.

While the titles of the various prosecutors may differ, their prosecutorial duties are quite similar. All municipal prosecutors are responsible for municipal ordinance violations which consist primarily of traffic offenses and misdemeanors such as disturbing the peace, disorderly conduct, and public drunkenness. Prosecutors in large metropolitan areas also may be responsible for drunken driving violations,¹ for shoplifting offenses where the merchandise is valued at under \$100 and where the offense was committed within city limits,² or for housing, plumbing, and electrical code violations.³

Staff and Salaries

Most city attorneys work with little or no staff assistance and receive only small compensation for their work. The city attorneys serving city courts appear to have more help and larger salaries than the mayor's courts' city attorneys.

Ninety-one percent of the city attorneys serving in areas with mayor's courts do not have assistants.⁴ Eighty-two percent of these city attorneys have no investigators, or police officers, available to do investigative work for them on a full-time basis. Fifty-four percent do not even have part-time investigators, or police officers, available to them. Finally, 96% of these city attorneys have no secretarial help other than their own private law office secretaries.

The average annual salary of 67% of the city attorneys serving in jurisdictions with mayor's courts is under \$1,000. Only 4% of these city attorneys have average annual earnings of over \$2,500. The average annual salary of the few assistant city attorneys is less than \$500. The average annual salary of most city-provided secretaries and of all investigators, other than police officers, is also less than \$500.

Only 20% of the city attorneys serving in jurisdictions with city courts have an assistant city attorney in their office. All of these city attorneys indicated that they have a full-time investigator, or police officer and 38% said they also have at least one investigator available to them on a part-time basis. Only 21% of these city

attorneys have secretarial help provided by the city.

The average annual salary of 80% of the city attorneys serving jurisdictions with city courts is less than \$7,000, and 50% averaged less than \$4,000 a year. The average annual salary range of 50% of the assistant city attorneys is less than \$2,000, while the other 50% average more than \$5,000 a year.

Workload Information

Although city attorneys sometimes are responsible for prosecuting cases in the courts of limited jurisdiction, city attorneys generally do not prosecute many cases in these courts. While city attorneys are more likely to have prosecutorial duties in city courts than in other limited jurisdiction courts, the amount of time actually spent by city attorneys prosecuting cases in all courts is very low.

Only 17% of the J.P.'s require that city attorneys be present at bond hearings. The lack of J.P. jurisdiction over other forms of criminal proceedings seems to preclude other city attorney involvement with the justices.

A city attorney is required to be present in only 29% of the mayor's courts for the trial of traffic cases where a plea of not guilty is entered. City attorneys are required to be present in only 28% of the mayor's courts when a plea of not guilty in a non-traffic case is followed

by a trial.

Approximately 31% of the city attorneys serving mayor's courts responded that they are responsible for prosecuting municipal traffic ordinance violations while 32% said they prosecute other municipal ordinance violations. Only 7% said they prosecute parish traffic ordinance violations committed within their jurisdiction, while no city attorney claimed to be responsible for prosecuting other parish ordinance violations committed within his jurisdiction. Only 13% of the city attorneys serving mayor's courts prosecute state traffic violations committed within their jurisdiction, while 4% said they prosecute other state misdemeanors.

Even when city attorneys have prosecutorial duties in the mayor's courts, the amount of time actually spent by city attorneys in prosecutorial tasks is small. Ninety percent of the city attorneys serving mayor's courts reported that they and their assistants devoted less than five hours in an average month to prosecution, including preparation and court appearances. Ninety-nine percent devote less than ten total hours to prosecution. Ninety-six percent of the city attorneys serving mayor's court indicated that they spend less than five hours a month in court prosecuting misdemeanors and ordinance violations..

City attorneys represent their municipalities more often in the district courts than in the mayor's courts. Sixty-four percent of the city attorneys serving mayor's courts stated that they represent their municipalities in appeals to the district court involving trials de novo, while 53% answered that they appear in appeals on the record to the district court. The number of trials de novo and appeals on the record handled by city attorneys from the mayor's court is small.

The city attorney who serves the city court appears to have wider prosecutorial responsibilities than the city attorney who serves a mayor's court. For example, 74% of the city court judges responded that they require a city attorney's presence in traffic cases, and 74% also require a city attorney to be present at trial in non-traffic cases. Fifty-three percent of the city court judges require a city attorney's presence during sentencing in non-traffic cases. Only ten percent require the presence of a city attorney at juvenile delinquency adjudications.

Although the city attorney has various powers of prosecution in most city courts, the city court judges indicated that the role of the city attorney in the performance of his prosecutorial duties is somewhat limited. Only 31% of the city court judges responded that the city attorney

usually authorizes subpoenas for prosecution witnesses. Also, only 22% of the city court judges stated that their city attorneys decided whether a person who is arrested for a non-traffic offense will be charged with violating a municipal ordinance or a state law.

Seventy-five percent of the city attorneys who serve in jurisdictions with a city court indicated they prosecute municipal traffic ordinance violations, while 80% said they prosecute other municipal ordinance violations. Thirty-five percent of this same group stated they prosecute parish traffic ordinance violations committed within their jurisdiction, while 25% prosecute non-traffic parish ordinance violations committed within their jurisdiction. Fifty percent indicated they prosecute state traffic violations committed within their jurisdiction, while 45% said they handle juvenile cases within their jurisdiction. Seventy-five percent of the city attorneys serving city courts said they have the power to nol pros cases for which they are responsible.

Although many city attorneys are responsible for prosecuting most cases in the city courts, the amount of time they actually spend on the prosecution function is small. Seventy-one percent of the city attorneys working in city

courts reported that they and their assistants together devote under 25 total hours in an average month to prosecution, including preparation and court appearances. Fifty-nine percent of these attorneys also reported that they and their assistants together spend less than ten hours in court in an average month prosecuting misdemeanors and ordinance violations, while only 21% reported spending over twenty-five hours per month in this task.

Self-Appraisal

City attorneys are concerned with the inadequate police training programs of many municipalities. Cases are said to be lost because of police mistakes. Many city attorneys cite instances of improper police searches and seizures and of untimely notification of constitutional rights. Some city attorneys suggest that police be denied state salary supplements until they attend some special training program.

City attorneys responsible for prosecuting cases in city courts stress the need for salary increases and for additional staff assistance. Most of the prosecutors feel they should have at least one investigator to ease the workload and to help in trial preparation and that their secretarial staff should be expanded. Many express doubts

that effective prosecution of cases in the courts of limited jurisdiction could be attained under current conditions.

The city attorneys generally feel that the criminal ordinances and procedures of smaller cities are inadequate. Very few of these cities have codified ordinances or written rules of criminal procedure. Thus when a local nuisance arrest is made where state law does not apply, the police must devise a charge on which the arrest can be based. When the accused is brought to court a problem arises because the judge usually is the mayor of a rural community, and has no formal legal training. This untrained mayor must decide the guilt or innocence of a defendant charged with violating an unwritten law. Even in municipalities with proper sets of written ordinances, doubts as to the effectiveness of mayor's courts are raised. Many city attorneys serving mayor's courts question the competency of the mayors as judges. The city attorneys stated that many mayors are in a quandry over the effect of Ward v. Monroeville,⁵ while other mayors are unaware of the decision.

Police as Prosecutors

Often responsibility of prosecuting cases in Louisiana's courts of limited jurisdiction rests with a police officer. Usually the policeman-prosecutor is the arresting

officer, and he serves in cases where no city prosecutor is present. At times, the police officer acts as prosecutor in both city courts and mayor's courts. Generally he will present cases of municipal ordinance violations, but often he presents cases of state law violations. The police officer not only prosecutes cases where not guilty pleas are entered and trial is had, but cases where guilty pleas are made. The police officer appears to have greater responsibility for prosecuting cases in mayor's courts than in city courts.

Eighty-eight percent of the police chiefs responded that a police officer, rather than a prosecuting attorney, commonly presents cases of traffic ordinance violations. Eighty-three percent answered that police officers commonly present non-traffic ordinance violation cases. Forty-nine percent responded that the police commonly prosecute state traffic violators, and 48% stated that the police usually prosecute state misdemeanors. Forty-seven percent of the police chiefs indicated that police officers rather than prosecuting attorneys present the prosecution's case at bail settings.

Seventy-two percent of the mayors stated that the arresting police officer presents the case for the prosecution in traffic cases when no prosecutor is present. Three

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percent indicated some other police officer is responsible for prosecuting such cases.

Although city attorneys have greater prosecutorial duties in city courts than in mayor's courts, city attorneys frequently are absent from city court criminal proceedings. At least 25% of the city court judges indicated that city attorneys are not required to be present at arraignment in non-traffic cases, trial in non-traffic cases, sentencing in non-traffic cases, and juvenile delinquency adjudications.

When the city attorney does not prosecute in the city courts, the city court judges indicated that police officers often assume the role of prosecutor. Police officers have certain discretionary powers in some city courts. Twenty-three percent of the city court judges responded that the police department usually authorizes subpoenas for prosecution witnesses. Fifty-one percent indicated that police officers usually determine whether a person arrested for a non-traffic offense will be charged with violating a municipal ordinance or state law.

Like the city attorneys, police officers who have prosecutorial duties appear to spend relatively little time in court. Eighty-four percent of the police chiefs stated that officers in their departments spend less than ten hours each month testifying, or waiting to testify in city courts.

Ninety-two percent said that the average officer within their department spends under ten hours a month testifying, or waiting to testify, in mayor's courts.

All the police chiefs responded that less than 10% of all arrest warrant applications to city court judges and justices of the peace are denied. Forty-three percent of the police chiefs indicated that applications for arrest warrants are never reviewed by an attorney before being presented to a judge. Twenty-five percent stated that applications for arrest warrants are reviewed infrequently by an attorney prior to submission.

All of the police chiefs questioned said that under 10% of all search warrant applications are denied by city court judges. Over 97% of the police chiefs indicated that justices of the peace deny less than 10% of all search warrant applications. Forty percent of the police chiefs noted that applications for search warrants are never reviewed by an attorney before they are presented to a judge, and 21% indicated that prior review of search warrant applications by an attorney occurs only infrequently.

The city court judges also indicated that they generally approve applications for warrants. Seventy percent of the city judges indicated that 80% or more of arrest warrant applications are granted. Sixty-five percent of the

city judges responded that they grant over 80% of search warrant applications. While city court judges do not indicate that they follow the wishes of the police regarding warrants as often as the police chiefs believe they do, the judges do grant police requests in the majority of cases.

Other Prosecutors

Along with city attorneys and police officers, other persons sometimes perform the task of prosecuting cases in Louisiana's courts of limited jurisdiction. For example, in mayor's courts the mayor may serve as prosecutor and judge. Twenty percent of the mayors indicated that they usually present the case for the prosecution in traffic cases where no city prosecutor is present. Also, 17% responded that they usually present the case for the prosecution in non-traffic cases, when no prosecuting attorney appears.

Complaining witnesses or victims may prosecute non-traffic cases in mayor's courts if no city prosecutor is present.

Forty-seven percent of the city court judges responded that they usually present the prosecution's case themselves in traffic violations when no city attorney is present.

Thirty-six percent of the judges indicated that they usually prosecute non-traffic cases when no city attorney is present.

Nineteen percent said they prosecute juvenile delinquency

adjudications in the absence of a city attorney. Sixty percent of the city court judges usually present the charges at arraignments in non-traffic cases when no city attorney is present.

Ten percent of the city court judges indicated that in juvenile delinquency adjudications if no city attorney is present the complaining witness or victim usually prosecutes the case. Sixteen percent of the judges stated that in the absence of a city attorney, no one presents the prosecution's case in sentencing hearings for non-traffic cases.

Chapter 6

The Defense Function

Availability of Defense Counsel

There are a number of sources which supply counsel to the accused in Louisiana's courts of limited jurisdiction. The accused may hire an attorney to represent him during the various stages of his case. But defendants often forego counsel in limited jurisdiction courts because of the minor nature of the alleged criminal offense, because of confidence in self-representation, or because of pressure from the judge in the form of harsher penalties for defendants with lawyers.

Where the accused is an indigent and the right to counsel is not waived, there are several sources of attorneys which might provide the requisite legal assistance. If the accused is being tried within certain judicial districts, an indigent defender board may help the accused indigent.⁷ Also the courts of limited jurisdiction may provide legal assistance to indigents by appointing lawyers from private practice.

The presence of counsel in the courts of limited jurisdiction is very rare. Even when the charges are of a more serious nature, the accused often are without counsel. Thirty-four percent of the mayors indicated that the accused in their courts never are represented by counsel in traffic cases, while only 5% stated that counsel either is always

present or is usually present. Where defense attorneys do appear, all of the mayors indicated that private counsel most often represents the accused. Twenty-four percent of the mayors noted that the accused in non-traffic cases never is represented by counsel, while only 2% indicated that the accused always is represented in such cases. When there is representation for the accused in non-traffic cases, 99% of the mayors indicated it is most often by private counsel.

Lack of defense counsel also appears to be the rule rather than the exception in the city courts. Eighty-two percent of the city court judges indicated that defendants are represented infrequently by counsel at arraignment in non-traffic criminal cases. Sixty-eight percent responded that representation at sentencing was infrequent.

Sixty-two percent indicated that the presence of counsel was infrequent during the trial of non-traffic cases. Ninety-three percent of the city court judges responded that counsel is present infrequently at juvenile delinquency adjudication hearings, while 97% indicated that counsel either is never present or is present infrequently at other juvenile hearings.

Defense counsel in city courts are generally private attorneys retained by the accused. Thirty-eight percent of the city court judges indicated that in cases where

an accused is represented by counsel, a privately retained attorney frequently is present. Only 18% of the judges indicated a public defender, legal aid attorney or indigent defender board attorney is present frequently when an accused is represented. Six percent stated that the attorney present frequently is appointed from private practice by the court. Over 50% of the city court judges indicated that an accused never is represented in their courts by a public defender, a legal aid attorney, or indigent defender board attorney, while approximately 20% stated that they never appoint counsel for indigents from among local private attorneys.

Many of Louisiana's mayors and city court judges currently are unable to meet recent Supreme Court standards on the right to counsel. The difficulty faced by most limited jurisdiction judges does not arise because of their lack of knowledge or understanding of the constitutional rights of the accused. Rather, problems such as cost and availability of attorneys often hamper judicial response to these rights.

In the mayor's court survey, 77% of the respondents indicated that they have no plans to implement the accused's constitutional right to counsel in every case which might

result in imprisonment.⁸ However, 45% of the mayors indicated that there are no practicing attorneys with offices within the jurisdiction of their courts. For many mayors, to obtain counsel for defendants is difficult at best.

Forty-one percent of the city court judges indicated that they have no particular plan in effect to implement the constitutional right to counsel pursuant to Argersinger v. Hamlin.⁹ Seventy-one percent of the city court judges responded that they have no source of money to pay for court appointed counsel, and 69% of those with a source of money to pay appointed counsel indicated that their source is inadequate.

Thirty-eight percent of city court judges stated that they have no particular plan in effect to implement the constitutional right to counsel in juvenile delinquency adjudications¹⁰ and 67% of those with a source of funds indicated that their source is inadequate. Thirty-eight percent said that existing lawyer resources in their jurisdiction are insufficient to implement present requirements for the appointment of counsel.

NOTES

1. La. Rev. Stat. Ann. §13:1894.1 (1970).
2. La. Rev. Stat. Ann. Const. art. VII §51A;
La. Rev. Stat. Ann. §14:67 (1972).
3. La. Rev. Stat. Ann. Const. art. VII §51A;
La. Rev. Stat. Ann. §33:1368 (1950).
4. The percentages in this part of the report are based on the correlations from the city attorney questionnaire which can be found at the end of Appendix D.
5. 409 U.S. 57 (1972).
6. La. Rev. Stat. Ann. §15:142 (1972).
7. La. Rev. Stat. Ann. §15:141 (1972).
8. Argersinger v. Hamlin, 407 U.S. 25 (1972).
9. Id.
10. In re Gault, 387 U.S. 1 (1967).

P A R T D
Juvenile Justice

Juvenile Jurisdiction, Probation and Detention

Juvenile jurisdiction in Louisiana is exercised by four different types of courts, including the district courts.¹ In most areas of the state, juvenile cases are handled either by a district court or a city court. In a few densely populated areas, specialized juvenile or family courts have been established.² Louisiana's patchwork system of juvenile jurisdiction was described in a 1972 study of Louisiana's court system by the Institute of Judicial Administration:

"Juvenile cases are handled in ninety-three courts in Louisiana. District courts, parish courts, and city courts have original jurisdiction. In addition, there are three special juvenile courts and one family court. Mayor's courts hear juvenile cases involving violations of municipal ordinances. Original jurisdiction in juvenile matters is exercised in cases involving neglect and delinquency of children under seventeen years of age (except for capital crimes and attempted aggravated rape by children over fifteen years of age); crimes by adults against children unless punishable by death or hard labor; desertion, non-support, and adoption of children under seventeen."³

Two earlier studies of juvenile justice in Louisiana also cited the splintered nature of the state's juvenile jurisdiction:

"The excessive number of courts with juvenile jurisdiction, part-time judges, the absence of rules of court, and local autonomy makes uniformity of justice a virtual impossibility."⁴

"Some parishes have as many as three juvenile courts; one or more city courts taking jurisdiction of juvenile cases in their respective wards and the district court taking jurisdiction in the rest of the parish..."⁵

The most frequently used arrangement is an agreement that the city courts will handle all juvenile cases within their geographic jurisdiction and the district court will handle juvenile cases arising in the remaining areas of the district. Aside from the specialized family and juvenile courts which were not within the direct scope of this study, city courts are the principal courts of limited jurisdiction which exercise juvenile jurisdiction.⁶

Juvenile cases comprise a substantial part of the city court caseload. Seventy-four percent of the city court judges indicate that 20 to 50% of their judicial time is devoted to juvenile cases, with 45% of the judges devoting 20 to 30% of court time to juvenile matters. Only 3% of the courts indicated that less than 10% of their time is devoted to juvenile work. Reliable statistics on which to base a comparison of the juvenile caseloads of city courts and district courts are not available. Some conflicting data on juvenile caseloads of city courts have been published,⁷ which

indicate that the city courts handle a large volume of juvenile work, and that most of it is handled on an unofficial basis.

Social services for juveniles are available to the city courts on the basis of willingness and ability of local government to provide them. There is no uniform program for providing juvenile social services to the city courts. As a result, distribution of these services is spotty. Ninety-seven percent of the city court judges indicated that juvenile probation services are available to them. These services are provided variously by the state welfare agency, parish police juries, local police departments or the courts themselves. Twenty-nine percent of the city courts have no medical services available to the court for referral in appropriate cases. Thirty-two percent have no alcohol rehabilitation program, 34% have no psychiatric counseling service, and 39% have no non-psychiatric counseling available; 50% of the city courts indicated that they have no access to a drug rehabilitation program. In addition to these deficiencies, city courts judges expressed a need for full-time, fully trained juvenile police officers, local

representation. Seven percent report that juveniles are never represented at other hearings in their courts.

Seventy-three percent of the city courts have no source of money to provide counsel for indigent juvenile defendants. While 18% have some money, but not enough. Only 9% of the city court judges reported availability of sufficient money to provide counsel for indigent juveniles.

Facilities for detention of juvenile offenders are woefully inadequate. Although provision of juvenile detention facilities is a parish responsibility, many parishes have no such facilities. As a result, juvenile detainees must be locked up in parish jails or transported long distances to facilities in neighboring parishes. Wider availability of temporary foster homes, shelter homes and half-way houses could help eliminate the need for pre-hearing detention of juvenile offenders. However, the most important consideration is that juvenile detainees be held in separate juvenile facilities, rather than in jails or in juvenile sections of jails.

A more systematic approach to juvenile jurisdiction and juvenile social services is necessary before Louisiana

will be able to deliver the uniform high quality of juvenile care contemplated by its juvenile code.

NOTES

1. La. Const. art. 7 §§52, 53; La. Rev. Stat. §§13:1561 through 1568 (1950).
2. La. Rev. Stat. §§13:1563 through 1568 (1950).
3. Institute for Judicial Administration, A Study of the Louisiana Court System 240 (1972).
4. Louisiana Commission on Law Enforcement and Administration of Criminal Justice, Juvenile Delinquency Control and Prevention -- New Directions 31 (1970).
5. National Council on Crime and Delinquency, A System of Family Courts for Louisiana (1961).
6. The Louisiana Youth Commission reports caseloads of 5,556 for the Orleans Parish Juvenile Court, and 2,156 for East Baton Rouge Family Court in calendar 1971, while the Judicial Administrator reports annual caseloads of 11,743 and 8,507 cases terminated in these courts respectively in fiscal 1971. Both reports indicate incomplete figures for city court caseloads in juvenile matters. The Judicial Administrator is currently revising the state's statistical information gathering procedures.
8. These figures are based on the responses written in the "other" blank of question 85 on the City Court Judge Questionnaire, which were tabulated by hand. As a result, the figures do not agree with those shown in Appendix C.

P A R T E

Recommendations and Conclusions

Chapter 8

Recommendations and Conclusions

Organization and Operation of Louisiana's Courts of Limited Jurisdiction

1. All of Louisiana's courts of limited and special jurisdiction should be abolished.
2. Louisiana should create a unified trial court of unlimited original jurisdiction with the power to establish specialized divisions by court rule.
3. The state of Louisiana should assume full responsibility for funding and administering its unified trial court.

The data collected from questionnaire responses and from field visits point up many serious deficiencies in the current structure and operation of Louisiana's courts of limited jurisdiction. The findings clearly indicate a need for change in these courts in order to serve the interests of the people and the state in efficient and effective court operation, competent and qualified judicial and non-judicial personnel, and insuring equal justice for all citizens.

We do not recommend that justice of the peace courts, mayor's courts and city courts be abolished simply because it is in vogue to adopt this position. Nor does our recommendation imply that all justices of the peace,

mayor's courts and city courts are ineffective, inefficient, and unjust. For example, several justices of the peace, particularly in rural areas, impressed us with the size of their workload and the quality of the services they perform. Also, many city courts demonstrate an ability to dispose of large numbers of minor cases in relatively short periods of time. We are recommending the abolition of these courts because it would, on balance, strengthen and upgrade Louisiana's entire judicial system and permit it to serve the people better.

Our findings indicate that a great majority of justices of the peace do very little. They generally have limited educations and are inadequately compensated, poorly trained and almost totally lacking in resources. Mayor's courts are constitutionally questionable, and the quality of service they render is inadequate. Even if there was no Supreme Court decision¹ requiring that Louisiana's mayor's courts be altered or abolished, the inherent conflicts of interest and numerous inadequacies that characterize almost every mayor's court would seem to dictate their abolition. Mayors who serve as chief executive officers of their municipalities, and who ultimately are accountable for law enforcement and fiscal matters in

their communities, cannot be expected to sit as impartial judges and should not be required to judge the very citizens they must govern. Nor should mayors serve as judge, prosecutor and defense counsel as they now do. Prosecution and defense services in mayor's courts either are completely lacking or inadequate. In addition, mayors lack legal training, adequate physical facilities, and resources such as manuals of procedure, to conduct their judicial business.

City courts perform a vital function, but there are essential deficiencies in the quality of service rendered. Currently, the principal criteria for assessing the effectiveness and efficiency of city courts appears to be whether a judge is moving his cases quickly. A city court characterized by delay or inaccessibility is a court that is not considered to be functioning well. Judged against this criterion most city courts are performing well. Many city court judges stated that cases could be set for trial within 30 to 90 days, or less, from request for trial. All city court judges indicated that the time lapse in civil cases between filing and final disposition did not exceed 60 days on the average.

However, justice must not be sacrificed in the name of efficiency. Often it is not, but clearly, in some

cases it is. For example, prosecutorial services are inadequate. Many city courts do not require that a city attorney be present at the trial of traffic and non-traffic criminal offenses. City attorneys often are not present at the time of arraignment or sentencing and they hardly ever are required to be present at juvenile delinquency adjudications.

For the most part, the city courts evidence little desire to implement Argersinger² and Gault,³ perhaps in part because they lack the resources to do so. To be sure most traffic and criminal convictions in city courts result in fines and not incarceration, and any non-observance of Argersinger and Gault may not result in wholesale injustice. Nevertheless, such non-observance results in many selected injustices. Although 97% of the city court judges reported that they use incarceration in 0 to 10% of traffic convictions, 62% of the judges use it in 0 to 10% of criminal convictions and 26% use it in 10 to 20% of criminal convictions. One judge reported that 60 to 70% of criminal convictions in his court result in incarceration. Although defendants who are incarcerated may be represented in some cases by privately retained or appointed counsel, there should be some systematic procedure to assure that counsel is available to represent every defendant who faces

a possibility of imprisonment.

Many city courts lack adequate physical facilities, financial resources and important ancillary services like probation (including pre-sentence and diagnostic aids), driver improvement courses, and alcohol and drug rehabilitation programs. Because city courts are funded by city, parish and state government,⁴ city court judges usually must convince three separate legislative bodies that essential court expenditures include more than salaries and equipment. In many city courts, court personnel are not subject to the direct supervision of the city court judge.

City court judges are predominantly part-time judges, devoting the bulk of their non-judicial time to the private practice of law. There is little consistency in operation, funding, resources, facilities, personnel and administration among city courts. Because of local control, the courts are fragmented and differ greatly. Perhaps the most serious deficiencies stem from the fragmentation of jurisdiction among city courts, mayor's courts and justice of the peace courts, and from the fact that all of these courts fall outside the administrative structure of the state court system.

Essentially four alternative approaches to cure the deficiencies existing in Louisiana's courts of limited

jurisdiction were considered. These included:

1. Improving the present system of city, mayor's and justice of the peace courts;
2. Replacing mayor's and justice of the peace courts with a system of magistrate courts;
3. Creating a system of parish-wide courts of limited jurisdiction; and
4. Creating one unified trial court with unlimited original jurisdiction.

While these alternatives all have advantages, alternatives 3 and 4 represent the only viable recommendations. Alternatives 1 and 2 would serve to perpetuate the fragmented and overlapping jurisdiction that exists currently at the trial and limited court level. This would be true particularly with regard to alternative 1 which simply involves trying to improve the current system without making any basic changes in it. Since the greatest deficiency in the current system is its lack of organization, this alternative, while easy to implement, would not represent a significant advance.

Alternative 2 could be considered an improvement since it would replace the mayor's and justice of the peace courts with trained judicial officers who would have limited civil and criminal jurisdiction. By requiring the magis-

trates to be legally trained and by placing them only in areas where they are needed, some of the deficiencies in the current system would be eliminated. However, fragmentation of the system would remain since the city courts would be unaffected under this approach. More important, there still would be no focus for administrative control in the limited jurisdiction courts. Such control is needed if other existing deficiencies such as lack of defense counsel, prosecutors, facilities, etc., are to be remedied. Therefore, alternatives 3 and 4 are the only logical approaches for solving most of the problems of the existing system.

However, neither approach would be totally effective unless reorganization of Louisiana's courts of limited jurisdiction included a strong administrative and management structure. Clarifying and simplifying jurisdictional lines while useful and necessary, would not necessarily promote the solution to some of the basic problems of the system; lack of resources; lack of prosecution and defense services; lack of trained personnel; lack of rules, procedures and space for records; lack of social services; etc.

Vital ingredients in any contemplated administrative structure are the positions of chief judge and court admin-

istrator, assuming multi-judge court units would be created. A chief judge and court administrator are necessary to focus the administrative energies of the court and to develop, in consultation with the judges, court policies which the court administrator would be responsible for implementing. The court administrator would serve as the coordinator and liaison between the court, its staff, and the various agencies involved in the administration of justice.

While creating a system of parish-wide courts of limited jurisdiction might be effective in attacking the problems of the current system, alternative 4 - establishing a unified trial court of unlimited original jurisdiction - is preferable. There are two general reasons why it is preferable:

1. It is consistent with the long-stated goals of the court reform movement as enunciated, most recently, by the National Conference on the Judiciary (March, 1971) which adopted the following consensus statement on court structure:

There should be only one level of trial court, divided into districts of manageable size. It should possess general jurisdiction, but be organized into specialized departments for the handling of particular kinds of litigation. Separate specialized courts should be abolished.

2. It is consistent with, and would build upon, the management structure recommended in the study of the Louisiana court system completed by the Institute of Judicial Administration in March, 1972.

From theoretical and practical standpoints, the simplest jurisdictional and administrative arrangement for trial courts is one consisting of a single unified court of original jurisdiction, including petty offenses and small civil claims, felonies, and general civil litigation. Such a system would also include jurisdiction of the specialized cases usually handled by family courts, juvenile courts, and probate courts. While these courts may have certain functional advantages, particularly in recruiting judges with specialized backgrounds and in managing supportive services such as juvenile departments and court-related counseling services, experience in court systems where these specialized courts are divisions of the trial court of general jurisdiction suggests that these same advantages can be secured substantially without establishing a jurisdictional separation for the specialized court.

Thus, a unified trial court can have specialized divisions to handle family, juvenile and probate matters as well as small claims and traffic cases. It can also have

special means for selecting and training judges assigned to special divisions. At the same time, a unified trial court with specialized divisions can provide for periodic rotation of judges between divisions. Such rotation helps to assure that members of the court are familiar with the entire range of the court's functions and to prevent specialized divisions from becoming the preserve of individual judges.

Provision for specialized divisions could be used to retain the existing structure in some courts, for example, the New Orleans Civil and Criminal District Courts, while allowing for transfer of judges between the divisions when necessary to relieve backlogs or to avoid delays due to illness or other absence of judges and others. Thus, administrative arrangements for division of labor which have proven successful in the past can be retained, while additional flexibility is added to help the courts deal with their workload efficiently.

There are also adverse consequences in maintaining a two-tier trial court, as in a system of parish-wide courts, with jurisdiction over minor criminal and civil matters. They include reduced flexibility in assigning judges or other court personnel in response to shifts in

workload; maintenance of separate and largely duplicative systems, clerical staffs, records and facilities; increased complexity and conflict in processing cases between courts, particularly between preliminary and trial stages of felony cases; and undue emphasis on hierarchical rank among judges and other court personnel.

Perhaps the most adverse effect of having two tiers of trial courts is the psychological impact of separating out the "inferior" jurisdiction. This connotes an implicit differentiation in the quality of justice to be administered. It induces a sense of isolation and inferiority among judges and court personnel who are called upon to perform one of the judiciary's most difficult and frustrating tasks: individualizing justice in the face of a constant stream of undramatic cases that constitute the bulk of the court system's work.

In existing systems having two tiers of trial courts, one of the greatest obstacles to consolidation is the reluctance of the judges on the higher tier to face the prospect of being assigned to divisions hearing traffic, misdemeanor or small claims cases. However, the utilization of parajudicial officers such as magistrates or commissioners, who are hired by and responsible to the

court, can provide integrated policy in administration, and still recognize differences in the judicial and administrative techniques required to deal with various types and stages of criminal and civil litigation. For example, a magistrate could handle preliminary proceedings in criminal and civil cases. He could also be authorized to try petty offenses and small claims matters.

Another important reason for recommending a single trial court with unlimited original jurisdiction is that such a court would fit perfectly into the recommended court structure contained in the 1972 IJA report.⁵ That report recommended creation of from 6 to 12 court services regions to provide for the management of Louisiana's trial courts of general jurisdiction, the district courts.⁶ Each region would be large enough to require a full-time professional staff responsible to the region's chief judge to assist in the administration of the region. The operation of a limited jurisdiction division of the district court could be integrated easily into the IJA's proposed administrative structure.

In recommending a single trial court in Louisiana with unlimited original jurisdiction we contemplate that city court judges will be transferred to this court with the full status of district court judges. The same might be true with regard to

judges who are now sitting in special juvenile and family courts. The new trial court might have specialized divisions such as criminal, civil, juvenile, family, probate, and traffic. The manner of creating divisions, and rotating judges and/or having specialized judges could be established by rules of the Supreme Court on recommendation of the Judicial Council and should be based on the quantity and composition of the caseload of each individual court. Judges would serve primarily in their own districts but they should be subject to temporary assignment by the Supreme Court to a court in any district in the state where they are needed.

Each new trial court might have a presiding judge, selected pursuant to rules promulgated by the Supreme Court on recommendation of the Judicial Council, who is empowered with administrative authority over his court, a power which the present presiding judges do not have. Court related services for judges who sit in the traffic, criminal juvenile and family divisions of the court should be centrally administered on a state-wide basis pursuant to whatever administrative organization ultimately is adopted for the management of Louisiana's trial courts. For example, under the IJA's recommendation to create court service regions, a judge within a particular region would be serviced by and

be able to draw upon, all services provided for the region.

The role of justices of the peace in the recommended unified system presents a particularly difficult problem. The findings do not demonstrate conclusively that all justices of the peace should be eliminated. There is strong sentiment from some quarters that the number of J.P.'s be reduced substantially, and that those who are retained be given adequate training so that they can better fulfill their function. Those who advocate reducing the number of J.P.'s oppose their elimination on the grounds that, in some areas, justices of the peace provide a needed service. For example, they cite the fact that J.P.'s act as arbitrators in squabbles between neighbors and thus reduce the incidence of self-help. In addition, they argue that in rural areas J.P.'s are needed to sign arrest warrants for the police. To substitute a legally-trained judge for a justice of the peace is seen as a way of removing justice from being close to the people. Also, if people are forced to travel excessive distances to court, it makes justice less convenient.

However, it would seem that a unified trial court of unlimited original jurisdiction along the lines recommended by the IJA in their study would be able to offer

the services currently performed by the J.P.'s in terms of convenience and accessibility, while at the same time provide a higher quality service. Toward this end, the presiding judge of the unified trial court should be empowered to retain parajudicial officials designated as commissioners or magistrates to assume the duties performed by the J.P.'s. If these officials do not perform properly the court should have the authority to replace them.

The IJA report indicated that commissioners or magistrates may be needed to insure that defendants are brought before a judicial officer within 72 hours of arrest.⁷ If properly trained and supervised, these same parajudicial officials also could process petty criminal and civil matters. Each region would decide how many parajudicial officials are needed, and place them in areas that would make them accessible to the public. While some of these judicial officers may by necessity have to be non-lawyers in certain areas, the objective should be to see to it that most, if not all, actually are lawyers. Those who are not lawyers should be given adequate training to enable them to handle the limited functions that they will have to perform.

A properly trained judicial officer would help economize the time of regular judges by being able to conduct

preliminary and interlocutory hearings in criminal and civil cases and to dispose of some cases. The use of such persons recognizes the fact that smaller civil and criminal cases ordinarily do require limited legal skills, experience and authority. At the same time, it brings the trial of smaller cases within the ambit of the unified trial court and makes them subject to the supervision of its judiciary. The utilization of parajudicial officials with legal training in a unified system can also serve as a training ground for judicial advancement.

A unified trial court along the lines recommended herein, and as suggested by the IJA report, would permit the establishment of a much closer working relationship between the courts, prosecution and defense. Regional and district court administrators would be the focus for coordinating with the court needed prosecution and defense services. If a statewide public defender organization is created, as recommended, the court administration unit could work with that state agency in seeing to it that public defenders are provided within a particular region wherever they are needed. On the other hand, the difficulties in coordinating defense services would be compounded if separate courts of limited jurisdiction were perpetuated.

Unifying the courts would also have the advantage of eliminating trials de novo since all trials would be in the district court in the first instance. Appeals from specialized divisions would be processed like any other appeal from the general trial court.

Funding for an expanded and enhanced court of general jurisdiction could present a problem. As noted in the IJA report, it is not realistic to assume that the parishes would be willing to pay for the cost of a reorganized court system.⁸ Consequently, the financial responsibility for funding a unified trial court will probably fall upon the state. Undoubtedly, most communities would welcome this approach. However, they will probably oppose the loss of revenues currently generated by city and mayor's courts. Therefore, some method of apportioning revenues must be developed as part of any reorganization plan.

It should be emphasized that unifying a trial court does not mean that all cases must be tried or processed in the same way. Clearly, certain types of cases, like products liability suits, cannot be tried and prepared according to rules that are appropriate for a small claims case in which the parties are not even represented by counsel. However, a unified trial court does permit the

adoption of different procedural formats for different types of cases. On the other hand, a bifurcated system not only lacks flexibility as to administration but serves to perpetuate the notion of second-class justice that is associated with courts of "inferior jurisdiction."

In summary, then, we recommend that the jurisdiction of the district courts be expanded to include all the matters currently heard in the city, mayor's, justice of the peace, juvenile and family courts. All of these courts of limited and special jurisdiction should be abolished. The district court should be reorganized in accordance with the management framework recommended in the 1972 IJA report on the Louisiana court system. Special and limited jurisdiction matters could be handled by creating special divisions of the district court. In other words, divisions or calendars could be organized by case type or special characteristics. The entire reorganized court system would be the financial responsibility of the state.

The recommended approach would eliminate fragmented and overlapping jurisdictions. It would extricate the present courts of limited jurisdiction from local autonomy and control. The city courts would be integrated into the administrative structure of the state court system and would be able to receive assistance from, and draw upon the

resources of, that system. At the same time integration of the city courts into the state trial court system would bolster that system by making the transferred city court judges available to it for service, if needed, anywhere in the state. Finally, the creation of new trial courts of unlimited jurisdiction would eliminate existing and wasteful duplication of services and facilities, dual recordkeeping, dual clerks of court and their staff and dual law enforcement officers serving the courts.

The Traffic Court Function

4. All traffic jurisdiction should be vested in the district courts. Special traffic divisions should be created pursuant to court rule, based upon caseload and any other relevant considerations.

One unified trial court of unlimited original jurisdiction would facilitate an overall upgrading in handling traffic cases. For example, placing all traffic jurisdiction in this court would eliminate the problem of having traffic courts that often are little more than appendages of city government, preoccupied with the revenues derived from fines and penalties. By making traffic and other specialized forms of litigation the concern of the trial bench as a whole, the quality of justice rendered should be improved. The courts that currently exercise this

jurisdiction would be extricated from a position of dependence on local government. Thus, a basic weakness in the current system could be remedied.

Special traffic divisions, hearing only traffic cases, should be created pursuant to court rule, based upon the size of the caseload in a judicial district. Such a division would occupy its own courtroom, or courtrooms. In some districts the caseload may not justify a special division. In that event special traffic sessions, limited to hearing only traffic cases, should be scheduled. Traffic cases should be tried in separate courts or sessions, complete with opening ceremonies, opening remarks and other practices proven effective in focusing attention on the importance of these cases. Each division or session should have a regularly assigned judge, who has received special training in handling these kinds of cases.

In order to achieve maximum benefit from integration of the traffic court function into the unified district court, the court reorganization should be accompanied by several other changes in Louisiana's traffic enforcement program.

A state-wide, uniform traffic law should be adopted, and local traffic ordinances should be eliminated. Statutes

and court sentencing procedures should be changed to eliminate mandatory jail sentences in traffic cases.

Statutes should be changed to de-criminalize ordinary traffic offenses by eliminating the possibility of a jail sentence for all but the most serious offenses, such as driving while intoxicated or driving with a revoked driver's license; eliminating the criminal law terminology from the statute; and replacing the arrest and bail process, when used for ordinary traffic offenses, with a citation as the standard means to insure a traffic court appearance.

Courts trying traffic cases should be empowered to restrict, conditionally restrict, or revoke driving privileges in cases of aggravated, serious, or multiple moving violations. Wider use should be made of traffic schools for defendants who volunteer to attend classes in lieu of a fine, license revocation or restriction. Efforts to develop drunk driver rehabilitation programs should be continued and expanded.

All convictions for moving traffic violations and all failures to appear and answer citations should be reported to Louisiana's driver's licensing authority and to the particular state that licensed an out-of-state defendant. The Louisiana habitual traffic offender statute should be

revised so that only convictions occurring after the date of full state-wide implementation of the court reorganization proposals contained herein would be counted toward habitual offender status.

With regard to trial procedure we suggest that the Louisiana Supreme Court should adopt the Model Rules Governing Procedure in Traffic Cases for all courts in the state with traffic jurisdiction. These rules, set forth in Appendix G, would establish minimum standards in cases in which defendants are required to appear in court and would govern the establishment and operation of traffic violation bureaus. Law should be enacted eliminating bail forfeiture as an acceptable means of pleading guilty to a traffic offense. The state-wide driving record of each person ticketed should be consulted before a plea of guilty is accepted in court or in a violations bureau, or before a sentence is imposed. The police department issuing the ticket should be required to provide the record to the court within a limited period of time, since police departments now have better access to such communications than the courts.

Juvenile traffic cases should be tried in special sessions in open court.

Where there is no pretrial incarceration, separate arraignment and trial of routine traffic cases should be eliminated. In order to ascertain the trial caseload for the appearance date written by the officer on the traffic ticket, a mailed confirmation should be substituted for personal appearance. Each court should have complete control of its docket, and should provide the police officer with his assigned court day through liaison with the police department.

Traffic cases should be heard at a separate session of court. Pleas of guilty accompanied by fines should be accepted by mail in cases where the defendant would be allowed to plead guilty at the traffic violations bureau under the Model Rules. Traffic tickets returned to courts and violation bureaus should be audited. The audits should be compared with audits of the police department's copies of the Uniform Ticket, and any missing tickets should be explained in open court.

The Prosecution Function

5. The task of prosecuting all cases in the unified trial court should be assumed by district attorneys' offices, fully staffed with full-time prosecutors.

Our findings reveal the general inadequacies of current prosecution services in Louisiana's courts of

limited jurisdiction. This does not mean that the attorneys currently performing these services are incompetent, lazy or unqualified. Rather, the lack of adequate staff and salaries as well as the confusion over applicable law and proper court procedures has made it difficult for many prosecutors to perform effectively. Also, many individuals, including police officers and limited jurisdiction court judges, are now assuming prosecution roles which are inappropriate for them, and which they often dislike.

This diversity of prosecutors in the courts of limited jurisdiction results in a lack of uniformity in the handling of traffic and other minor offenses. In many instances this has, in turn, led to a lack of citizen respect for these courts. A uniform procedure of prosecution would not only serve to equalize treatment afforded alleged minor offenders, but also would serve to improve the quality of prosecutorial work and perhaps to lower the costs of prosecution.

The district attorneys' assumption of prosecutorial duties in the new unified trial court would promote this uniformity. This does not mean that all district attorneys would have similar staffs, divisions of labor, resources, and procedures. Rather, their assumption of responsibility would simply negate much of the current confusion as to the

identification of the prosecutor and the mode of prosecution.

Upon a unified trial court's exercise of its discretionary power to establish specialized divisions, the district attorney in that court's jurisdiction would be able to adjust his staff, resources and procedures accordingly. Just as unified trial courts may differ from one jurisdiction to another, so the offices of the district attorneys might also differ. The functioning of any trial court and its district attorney might vary because of factors such as the size of the population or the area of territorial jurisdiction.

Improvement in prosecutorial services would come about both because one government office would have the duty of prosecuting and because responsibility could be centralized. Consequently, adequate funding could be made available by the state, prosecutorial procedure could be adjusted to local rules of the trial court, and experiences of any one district attorney's office could serve as a model for progress in other district attorneys' offices.

Under a unified trial court system there will be an urgent need for qualified personnel to supplement the existing staffs of district attorneys' offices. City attorneys and city prosecutors would be a natural source of employees for these expanded offices.

The Defense Function

6. Louisiana should establish a statewide system of public defender offices, fully staffed with full-time attorneys, to assure that indigent defendants are afforded their constitutional right to counsel.

The establishment of a statewide public defender system along with unified trial courts would eliminate the current difficulty of providing indigents accused of misdemeanors with counsel. Although defendants may now hire their own attorneys or counsel may be provided by the courts with the help of volunteers, the source of counsel to service the needy should be centralized. Also, the funding of the program should be centralized. While the state might decide to recoup certain costs from communities using the public defender program, ultimate responsibility for the maintenance of the program should rest on the state.

There are many advantages of a statewide public defender system. Efficient use of personnel would be promoted. The lack of lawyers in one community would no longer serve to deny defendants within that community their right to counsel. Public defenders in one area could be provided, when needed, to a court in another area which may have no available practicing lawyers. Centralization of responsibility in one state office would reduce overall costs, yet centralization would not deter flexible responses of

local public defender offices to the unique circumstances of their particular jurisdictions or courts. Unequal treatment of defendants accused of the same crimes in different jurisdictions also would be reduced. An individual no longer would be denied the assistance of counsel simply because he is being tried in one court rather than another. Undoubtedly, under such a system public respect for the judicial process will rise. Counsel will be provided at an early enough stage in the criminal process so that a complete defense is possible, and the earliest possible termination of a case is encouraged.

The establishment of a statewide defender system in a unified trial court not only would eliminate many of the injustices now suffered by defendants in misdemeanor cases, but also would coincide with the recommendations of the Institute for Judicial Administration in their study of the Louisiana court system.⁹

Juvenile Justice

7. All juvenile jurisdiction should be vested in the district courts, and all special courts with juvenile jurisdiction should be abolished.

In areas of the state where juvenile caseloads are not large enough to warrant assignment of a full-time judge to the juvenile division, the district judges would be

responsible for hearing all juvenile cases. In districts with sufficient juvenile caseloads to warrant assignment of a full-time juvenile judge or judges, these judges could be assigned to a juvenile division of the district court on a permanent or rotating basis.

Such an arrangement would facilitate central record-keeping and filing, so that a juvenile's entire case history could readily be made available from one set of court records in the district. Also, it would be possible for each district to create a juvenile division by court rule, as required, without the need for special legislation.

Abolition of specialized juvenile courts does not mean that the experience and expertise of the judges of those courts must be sacrificed, since those judges could be elevated to the district court bench and assigned to a juvenile division.

Assignment of juvenile jurisdiction to a branch or division of the trial court of general jurisdiction is the arrangement preferred by both the Uniform Juvenile Court Act,¹⁰ and the Children's Bureau.¹¹ Such an arrangement facilitates economical provision of prosecution, defense and social services to the juvenile court.

8. Juvenile probation and other social services should be provided on a statewide basis under centralized administration.

Statewide administration of social services is the only way to provide efficient social programs of uniformly high quality. Juvenile probation and other juvenile social services, when administered by the same agency, hold the potential of maximum coordination of probation services with all other available social service programs. Florida's Department of Youth Services is a good example of this approach to providing juvenile social services programs.

Whether the centralized administration of juvenile services should be a function of the judicial branch or of the executive branch is open to debate. Traditionally, the dominant pattern for administration of probation services has been a function of the courts, even though some authorities feel probation services are more analogous to corrections than to a judicial function. It is argued that administration of probation services within the judicial branch gives judges a greater opportunity to insure that their orders are carried out, since the authority accompanies the responsibility for effective administration. Nevertheless, adult probation in Louisiana is administered on a statewide basis by the executive branch, as it is in several other states. The Children's Bureau advocates administration of

juvenile probation by the executive branch.¹² Since other social services currently are provided by the executive, it would seem more efficient for the executive to assume the responsibility for probation than for the courts to assume responsibility for all the other juvenile social services.

Whichever branch of government is responsible for juvenile social services, all such services, including probation, should be administered by a single statewide agency organized parallel to the administrative organization of the state court system.

If juvenile social services are administered by the executive branch, there should be some formalized system for judicial participation in policy decisions. Since juvenile judges are close to the children with problems, they have important insight into the need for particular social service programs, and into the success or failure of existing programs. The experience and insight of juvenile judges must be taken into consideration in formulating a systematic policy for the provision of social service to juveniles. A joint policy council of judicial and executive representatives is a promising vehicle for the development of policy regarding probation and social service personnel and procedures.

9. The use of local police officers as part-time juvenile probation officers should be discontinued.

Every probation officer should devote full-time to supervision of the juvenile probationers assigned to him. Twenty-seven percent of the city court judges indicated that juvenile probation services are provided to their courts by local police officers who serve part-time as juvenile probation officers. This mixed law enforcement and supervision function creates role conflicts both for the officer and for the juvenile probationer. These role conflicts make it difficult, if not impossible, to render successful probation services to juvenile offenders. The recommendation that police work and probation services in Louisiana be divorced has been made before.¹³ Centralized administration of juvenile probation and social services should enable juvenile courts to end the practice of using local police officers to supervise juvenile probationers.

10. The use of juvenile probation officers to present delinquency petitions to the court must be discontinued. Adequate prosecutorial service must be provided to each juvenile judge.

Forty percent of the city court judges indicated that juvenile delinquency petitions are prosecuted either by juvenile probation officers or by police officers with juvenile probation duties. The use of probation officers to

prosecute delinquency petitions makes successful supervision of juveniles committed to their care difficult. Juvenile offenders are less likely to be persuaded to develop positive relationships with probation officers who have served as their prosecutors.

Bringing juvenile jurisdiction within the district court should mean that all delinquency prosecutions will be presented by the district attorney's office. Each district attorney should be given adequate staff to prosecute delinquency petitions, and no such petition should be presented by a probation officer.

11. Juvenile detention services and shelter care facilities should be provided on a statewide basis under centralized administration.

The most logical arrangement would be to assign responsibility for juvenile detention to the same agency responsible for juvenile probation and social services. Such an arrangement would help promote maximum efficiency in utilizing juvenile care resources, and in coordinating programs for helping juvenile offenders. Whatever arrangement is adopted, centralized statewide administration of juvenile detention is essential.

The 1970 report of the Louisiana Commission on Law Enforcement and Administration of Criminal Justice reported that there were 157 juvenile detention beds in the six

parishes of Caddo (22), Calcasieu (20), East Baton Rouge (26), Jefferson (20), Orleans (50), and Ouachita (19). The Commission found that in 1968 the average daily population in these centers was 125 children, but this included a "substantial amount of unnecessary detention...the valid average daily detention population of the state should have been, at the most, 91 children."¹⁴ While detention is a parish responsibility, the Commission recommended that the facilities be used on a multi-parish basis.

A judge in Orleans Parish recently complained that there were too few detention beds available for the use of his court. One city court judge described the irony that since the local jail is essentially his only secure custody resource, local runaways often are detained in the jail while juveniles accused of serious offenses are released. This is attributed to parental lack of interest or inability to control their child.

In Slidell, the city judge has the occasional use of a welfare agency foster home. On a few occasions police have kept youngsters in their homes to avoid the use of the local jail. But jail still is used, infrequently, for others.

St. Bernard Parish, with a population of about 70,000 persons, has no juvenile detention facility. Several courts seek to borrow or rent space in either the Jefferson Parish or East Baton Rouge detention facilities. Sixty-nine

percent of the city court judges reported that they have no separate pre-adjudication detention facilities for juveniles within their jurisdiction.

As long as detention is legally a parish responsibility, the facilities will remain seriously uneven unless legislation mandates each parish to provide detention resources, and there is official promulgation of minimum standards for detention services which each parish must maintain.

Some states, like Georgia, have moved toward the concept of regional detention, dividing their states into geographic regions and insuring that a specialized juvenile detention facility is available to each region. Such a plan can build on the limited parish-level detention facilities that Louisiana now maintains. The parish center can serve as a regional center with arrangements for the purchase of care by other parishes.

However, it is realistic to expect that, faced with a 50 or 100 mile journey to a regional detention center, a law enforcement official would prefer to make some other disposition without making the trip.

Since shelter care facilities provide temporary custody of children in physically non-restrictive settings, while detention provides temporary custody in physically

restrictive settings, subsidization of a number of shelter care homes is a partial answer to both the transportation problem and the overcrowding problem in densely populated areas.

Conclusions

The recommendations presented in this report represent the American Judicature Society's best judgment as to the approach which will be most effective in improving the situation in Louisiana's limited jurisdiction courts, and in integrating these courts into the state court system. The Society recognizes that its recommendations require extensive constitutional, statutory and administrative revision. Because such revision usually takes considerable time, and often is never fully completed, the following steps should be taken now to improve the operation of Louisiana's limited jurisdiction courts in their present form, regardless of what the future might bring.

Judges, prosecutors, defenders and others concerned with court operations should meet periodically to resolve differences and to discuss their related responsibilities for case management. Court costs should be abolished, and state or local appropriations should be substituted for revenues formerly generated by collecting court costs.

Each court should prepare an annual expense budget to submit along with its request for appropriations from the supporting unit of government. Court budgets should not be dependent on revenue collected through fees, fines or forfeitures, and should not contain projections of future revenues from these sources.

Every court should be required to file with the judicial administrator an annual report containing detailed information about court expenses, workload, case dispositions, working time of judges and other court personnel, appeals taken, and any other information which the judicial administrator may require.

Every court should adopt internal procedures for handling money and records which minimize the possibility of irregularities. No fines or other monies should be collected inside any courtroom. Separate space for a cashier should be provided in every court.

A set of standards defining court personnel requirements should be developed, and effort should be made to staff every court with the personnel it requires according to the standards.

Judges in all courts should be required to wear robes at all times when court is in session, and at all hearings or conferences in chambers. A standard statement

of defendant's rights should be prepared, to be made by the judge at the commencement of every criminal proceeding, including preliminary hearings and bail bond hearings. Daily arraignment sessions should be held whenever a defendant is incarcerated prior to trial. If a defendant for whom bond has been set is unable to post the required bond within 24 hours, a hearing should be held to determine whether bond can be reduced or alternative terms of release made available. Judges should keep records of all jail sentences imposed, and should check to make sure convicted offenders are released on time.

In the event that the major recommendations of this report are not adopted the implementation of these concluding suggestions will go far toward assuring a uniform high quality of justice in Louisiana's courts of limited jurisdiction.

NOTES

1. Ward v. Village of Monroeville, 409 U.S. 57 (1972).
2. Argersinger v. Hamlin, 407 U.S. 25 (1972).
3. In re Gault, 387 U.S. 1 (1967).
4. La. Rev. Stat. Ann. §§13:1874, 1889 (1968).
5. Institute of Judicial Administration, A Study of the Louisiana Court System 21 (1972).
6. Id. at 45.
7. Id. at 144.
8. Id. at 334.
9. Id. at 114.
10. Uniform Juvenile Court Act §2(9)(comment).
11. Children's Bureau, U. S. Dept. Health, Education and Welfare, Legislative Guide for Drafting Family and Juvenile Court Acts 6 (1969).
12. Id. at 8.
13. Louisiana Commission on Law Enforcement and Administration of Justice, Juvenile Delinquency Control and Prevention - New Directions 53 (1970).
14. Id. at 38.

A P P E N D I C E S

APPENDICES

Introduction

The questionnaires in appendices A through E were developed specifically for this study to gather basic data on the organization, operation, administration and financing of Louisiana's courts of limited jurisdiction. The information gathered by the questionnaires, together with the field visits of project consultants, permitted the project staff to form a complete picture of the courts under study.

A total of 1,395 questionnaires were mailed, and a total of 465 were returned. Questionnaires mailed and returned in each category are shown below:

<u>Questionnaire</u>	<u>Number Mailed</u>	<u>Number Returned</u>
Justice of the Peace	465	110
Mayor's Court	270	113
City Court Judge	60	36
City Attorney	300	98
Police Chief	<u>300</u>	<u>108</u>
TOTAL	1,395	465

The numbers in parentheses on the questionnaires show the percentage of respondents answering the particular question who marked each specific answer. The table following each questionnaire shows the number of respondents who did not answer each particular question.

The questionnaire instructions on the following page were included with each questionnaire which was mailed out. The answers to the questionnaires which were returned were punched on cards, and the results were tabulated by computer.

QUESTIONNAIRE INSTRUCTIONS

The attached questionnaire contains two types of questions. Most of the questions are to be answered by making an X mark in the space next to the appropriate answer, but a few require you to write in a short answer in your own words. The questions which call for you to mark one of several alternative answers will be tabulated by computer. In order to insure accurate results of this survey we ask that you follow these instructions carefully.

The sample question below is to be answered by marking the ONE suggested response which best describes your situation:

SAMPLE QUESTION

1. This survey includes what courts?

- 1/11 [1] () all Louisiana courts
- [2] () all Louisiana trial courts
- [3] () all Louisiana appellate courts
- [4] (x) all trial courts of limited jurisdiction in Louisiana

Since this survey is only about trial courts of limited jurisdiction, the appropriate answer, number [4], has been marked. Please be sure to mark ONLY ONE ANSWER for each question. The number 1/11 and the numbers in square brackets are for use in computer tabulation, and you may ignore them. Simply mark an X in the space next to the one answer which applies to you. Remember, mark ONLY ONE ANSWER to each question. If the question does not apply to you, leave all the answers blank.

The second kind of question might be one like this:

SAMPLE QUESTION

2. If someone were replacing you in your job tomorrow, what are the three most important things you would tell him?

This question call for you to supply an answer in your own words. If the space provided is insufficient, use the back of the page on which the question appears.

Remember, for the multiple choice questions, MARK ONLY ONE ANSWER for each question.

We appreciate your cooperation in responding to this questionnaire.

Appendix A

Justice of the Peace Questionnaire

Although we know that a large volume of judicial business is handled each year by Justices of the Peace, we do not have sufficient detailed information about the workload of Justices of the Peace. Your answers to the following questions will help us to better understand the nature and extent of this workload:

[My court is located in the municipality of _____]

Civil

1. Approximately how many total civil matters, including rent matters, are handled both formally and informally in your court in an average month?

- | | |
|--------------------|-------------------|
| 1/11 [1] (87) 0-20 | [6] (0) 100-120 |
| [2] (6) 20-40 | [7] (0) 120-150 |
| [3] (4) 40-60 | [8] (2) 150-200 |
| [4] (0) 60-80 | [9] (0) over 200* |
| [5] (1) 80-100 | |

*if over 200, indicate here _____

2. Of the above civil matters, what percentage are terminated totally informally?

- | | |
|---------------------|-----------------|
| 1/12 [1] (43) 0-10% | [6] (3) 50-60% |
| [2] (6) 10-20% | [7] (3) 60-70% |
| [3] (8) 20-30% | [8] (9) 70-80% |
| [4] (1) 30-40% | [9] (7) 80-100% |
| [5] (9) 40-50% | |

3. Of those civil matters in Question #1 that have become formal law suits, what percentage are terminated formally by:

a. Default judgment?

- | | |
|---------------------|-----------------|
| 1/13 [1] (54) 0-10% | [6] (4) 50-60% |
| [2] (5) 10-20% | [7] (1) 60-70% |
| [3] (1) 20-30% | [8] (4) 70-80% |
| [4] (3) 30-40% | [9] (9) 80-100% |
| [5] (10) 40-50% | |

b. Agreement of parties before trial?

- | | |
|---------------------|-----------------|
| 1/14 [1] (43) 0-10% | [6] (2) 50-60% |
| [2] (13) 10-20% | [7] (2) 60-70% |
| [3] (11) 20-30% | [8] (6) 70-80% |
| [4] (4) 40-50% | [9] (7) 80-100% |
| [5] (2) 50-60% | |

c. Judgment of court after trial?

- | | |
|---------------------|-----------------|
| 1/15 [1] (63) 0-10% | [6] (5) 50-60% |
| [2] (10) 10-20% | [7] (4) 60-70% |
| [3] (8) 20-30% | [8] (4) 70-80% |
| [4] (1) 30-40% | [9] (1) 80-100% |
| [5] (4) 40-50% | |

4. When judgment is entered for plaintiff in a civil case, the defendant either pays the judgment voluntarily, or plaintiff must execute against (seize or garnish) his movable property. In what percentage of civil cases which you decide does a Writ of Execution (seizure or garnishment) issue?

- | | |
|---------------------|-----------------|
| 1/16 [1] (73) 0-10% | [6] (2) 50-60% |
| [2] (9) 10-20% | [7] (1) 60-70% |
| [3] (5) 20-30% | [8] (2) 70-80% |
| [4] (2) 30-40% | [9] (1) 80-100% |
| [5] (4) 40-50% | |

5. Approximately how many marriages do you perform in an average month?

- | | |
|--------------------|-------------------|
| 1/17 [1] (14) none | [6] (0) 40-50 |
| [2] (79) 1-10 | [7] (0) 50-75 |
| [3] (4) 10-20 | [8] (0) 75-100 |
| [4] (3) 20-30 | [9] (0) over 100* |
| [5] (0) 30-40 | |

*if over 100, indicate here _____.

Peace Bonds

6. How many peace bond hearings do you hold in an average month?

- | | |
|--------------------|------------------|
| 1/18 [1] (58) none | [6] (0) 30-40 |
| [2] (32) 1-5 | [7] (0) 40-50 |
| [3] (7) 5-10 | [8] (0) 50-60 |
| [4] (2) 10-20 | [9] (1) over 60* |
| [5] (0) 20-30 | |

*if over 60, indicate here _____.

7. Approximately how many peace bonds do you actually set in an average month?

- | | |
|--------------------|------------------|
| 1/19 [1] (64) none | [6] (0) 30-40 |
| [2] (33) 1-5 | [7] (0) 40-50 |
| [3] (2) 5-10 | [8] (0) 50-60 |
| [4] (1) 10-20 | [9] (0) over 60* |
| [5] (0) 20-30 | |

*if over 60, indicate here _____.

Criminal (Committing Magistrate)

8. Approximately how many total criminal matters, formal and informal, (including NSF checks but not including peace bonds) are handled by you per month?

- | | |
|--------------------|-------------------|
| 1/20 [1] (31) none | [6] (3) 40-60 |
| [2] (45) 1-10 | [7] (3) 60-80 |
| [3] (9) 10-20 | [8] (0) 80-100 |
| [4] (2) 20-30 | [9] (2) over 100* |
| [5] (5) 30-40 | |

*if over 100, indicate here _____.

9. Of these, how many arrest warrants are you requested to issue per month?

- | | |
|--------------------|------------------|
| 1/21 [1] (25) none | [6] (4) 20-30 |
| [2] (43) 1-5 | [7] (3) 30-50 |
| [3] (3) 5-10 | [8] (3) 50-75 |
| [4] (5) 10-15 | [9] (1) over 75* |
| [5] (3) 15-20 | |

*if over 75, indicate here _____.

10. Approximately how many arrest warrants do you sign in an average month for violation of local ordinances?

- | | |
|--------------------|------------------|
| 1/22 [1] (39) none | [6] (2) 20-30 |
| [2] (37) 1-5 | [7] (2) 30-50 |
| [3] (10) 5-10 | [8] (2) 50-75 |
| [4] (6) 10-15 | [9] (2) over 75* |
| [5] (3) 15-20 | |

*if over 75, indicate here _____.

11. Approximately how many arrest warrants do you sign in an average month for violations of state law?

- | | |
|--------------------|------------------|
| 1/23 [1] (35) none | [6] (0) 20-30 |
| [2] (38) 1-5 | [7] (4) 30-50 |
| [3] (11) 5-10 | [8] (2) 50-75 |
| [4] (6) 10-15 | [9] (1) over 75* |
| [5] (3) 15-20 | |

*if over 75, indicate here _____.

12. Do you hold hearings to determine if probable cause exists for the issuance of arrest warrants signed by yourself?

- | | |
|-------------------|-------------|
| 1/24 [1] (40) Yes | [2] (60) No |
|-------------------|-------------|

13. Do you hold hearings to determine if probable cause exists for the issuance of arrest warrants signed by a magistrate other than yourself?

1/25 [1] (10) Yes [2] (60) No

14. If you answered Questions #12 and/or #13, "yes", approximately how many probable cause hearings do you hold in an average month?

1/26 [1] (74) 1-5 [6] (5) 25-30
[2] (8) 5-10 [7] (0) 30-40
[3] (10) 10-15 [8] (3) 40-50
[4] (0) 15-20 [9] (0) over 50*
[5] (0) 20-25

*if over 50, indicate here _____.

15. In what percentage of cases in which you sign arrest warrants is the defendant:

a. Released on his own recognizance?

1/27 [1] (62) 0-10% [6] (9) 50-60%
[2] (12) 10-20% [7] (1) 60-70%
[3] (3) 20-30% [8] (6) 70-80%
[4] (1) 30-40% [9] (1) 80-100%
[5] (4) 40-50%

b. "Paroled" to an elected official, including yourself?

1/28 [1] (96) 0-10% [6] (0) 50-60%
[2] (2) 10-20% [7] (0) 60-70%
[3] (2) 20-30% [8] (0) 70-80%
[4] (0) 30-40% [9] (0) 80-100%
[5] (0) 40-50%

c. Released on bail (property or money bond)?

1/29 [1] (98) 0-10% [6] (3) 50-60%
[2] (7) 10-20% [7] (1) 60-70%
[3] (4) 20-30% [8] (0) 70-80%
[4] (7) 30-40% [9] (20) 80-100%
[5] (10) 40-50%

d. Imprisoned pending the posting of money or property bond?

1/30 [1] (75) 0-10% [6] (0) 50-60%
[2] (13) 10-20% [7] (0) 60-70%
[3] (2) 20-30% [8] (2) 70-80%
[4] (2) 30-40% [9] (2) 80-100%
[5] (6) 40-50%

16. Approximately how many bonds do you set in an average month in non-traffic offenses for violations of parish or municipal ordinances?

1/31 [1] (83) 0-5 [6] (1) 60-80
[2] (5) 5-10 [7] (0) 80-100
[3] (8) 10-20 [8] (0) 100-125
[4] (0) 20-40 [9] (0) over 125*
[5] (3) 40-60

*if over 125, indicate here _____.

17. Approximately how many bonds do you set in an average month in non-traffic offenses for violation of state law?

1/32 [1] (80) 0-5 [6] (1) 60-80
[2] (7) 5-10 [7] (0) 80-100
[3] (7) 10-20 [8] (0) 100-125
[4] (1) 20-40 [9] (0) over 125*
[5] (4) 40-60

*if over 125, indicate here _____.

18. Approximately how many bonds do you set in an average month for violation of parish or municipal traffic ordinances?

1/33 [1] (99) 0-5 [6] (0) 60-80
[2] (4) 5-10 [7] (0) 80-100
[3] (4) 10-20 [8] (0) 100-125
[4] (1) 20-40 [9] (0) over 125*
[5] (1) 40-60

*if over 125, indicate here _____.

19. Approximately how many bonds do you set in an average month for violation of state traffic law?

1/34 [1] (93) 0-5 [6] (0) 60-80
[2] (4) 5-10 [7] (0) 80-100
[3] (1) 10-20 [8] (0) 100-125
[4] (1) 20-40 [9] (0) over 125*
[5] (0) 40-60

*if over 125, indicate here _____.

20. In setting bond, do you use a standard schedule of bonds for the more common offenses?

1/35 [1] (29) Yes* [2] (75) No

*if Yes, please attach a copy of the schedule to this questionnaire.

21. If you use a bond schedule, was it prepared by you?

1/36 [1] (28) Yes [2] (72) No*

*if No, by whom was it prepared? _____

22. Approximately what percentage of bonds that you set are determined according to a standard bond schedule?

1/37 [1] (75) 0-10% [6] (0) 50-60%
[2] (4) 10-20% [7] (2) 60-70%
[3] (0) 20-30% [8] (2) 70-80%
[4] (2) 30-40% [9] (1) 80-100%
[5] (5) 40-50%

23. Is a prosecuting attorney required to be present at bond hearings?

1/38 [1] (17) Yes [2] (83) No

24. If no prosecuting attorney is present at a bond hearing, who presents the case for the prosecution?

1/39 [1] (47) Arresting officer
[2] (4) Other police officer
[3] (16) Complaining witness or victim
[4] (21) Yourself as Justice of the Peace
[5] (12) No one

25. Do you prepare complaints (affidavits) in criminal cases?

1/40 [1] (65) Yes [2] (35) No

General Workload Information

26. How would you characterize the distribution of your caseload throughout the year? (check only one response)

1/41 [1] (67) relatively even
[2] (31) moderate variation between heavy and light periods
[3] (2) extreme variation between heavy and light periods

27. The heaviest civil workload occurs in:

1/42 [1] (69) relatively even
[2] (9) January - March
[3] (6) April - June
[4] (3) July - September
[5] (13) October - December

28. The heaviest criminal workload occurs in:

1/43 [1] (74) relatively even
[2] (5) January - March
[3] (5) April - June
[4] (8) July - September
[5] (8) October - December

There are several ways in which a Justice of the Peace may operate. The following questions seek to discover the extent to which some of these operating procedures are being used:

29. How often do you hold court?

1/44 [1] (89) court not regularly scheduled, but held whenever needed. [5] (0) two days per week
[2] (0) one day per month [6] (1) three days per week
[3] (1) one day every other week [7] (0) four days per week
[4] (2) one day per week [8] (3) five days per week
[9] (3) other (describe) _____

30. Approximately how many hours per week do you devote to all your judicial duties, including hearings and trials, informal conferences, etc.?

1/45 [1] (70) 1-20 [6] (3) 40-50
[2] (5) 20-25 [7] (1) 50-60
[3] (2) 25-30 [8] (1) 60-70
[4] (1) 30-35 [9] (2) over 70*
[5] (3) 35-40

*if over 70, indicate here _____

31. Approximately how many hours per week do you devote to work only on civil law suits in which formal oral or written pleadings are presented?

1/46 [1] (75) 1-5 [6] (1) 25-30
[2] (6) 5-10 [7] (0) 30-35
[3] (5) 10-15 [8] (0) 35-40
[4] (1) 15-20 [9] (0) over 40*
[5] (0) 20-25

*if over 40, indicate here _____

32. Approximately how many hours per week do you devote to work in your capacity as committing magistrate?

1/47 [1] (64) 1-5 [6] (3) 25-30
[2] (4) 5-10 [7] (1) 30-35
[3] (8) 10-15 [8] (1) 35-40
[4] (1) 15-20 [9] (3) over 40*
[5] (4) 20-25

*if over 40, indicate here _____

A major portion of the workload of most Justices of the Peace consists of informal and personal dispute settlement, outside the context of any formal judicial proceedings:

33. Approximately what percentage of your time is spent handling disputes informally (without oral or written pleadings)?

- | | |
|--------------------|-----------------|
| 1/48 [1] (4) 0-10% | [6] (4) 50-60% |
| [2] (19) 10-20% | [7] (2) 60-70% |
| [3] (2) 20-30% | [8] (4) 70-80% |
| [4] (9) 30-40% | [9] (7) 80-100% |
| [5] (11) 40-50% | |

34. Do you use a handbook of procedure?

- 1/49 [1] (7) Yes [2] (2) No

35. If Question #34 is "yes", please indicate the handbook you usually use:

- 1/50 [1] (7) Louisiana Justice of the Peace and Constable Guide, by James D. Johnson (1963 ed.)
 [2] (19) The Louisiana Justices Manual and Parish Officers Guide, by A. F. Knobloch (1924 ed.)
 [3] (5) The Louisiana Justices Manual and Parish Officers Guide, by A. F. Knobloch (revised and annotated by Theodore Roehl in 1956)
 [4] (3) Other (specify) _____

Record Keeping

36. Do you have a person who assists you in keeping records for your court?

- 1/51 [1] (8) Yes [2] (2) No

37. Do you keep a written record book of all cases handled by you?

- 1/52 [1] (6) Yes [2] (9) No

38. Do you keep statistical records of the number of civil cases you handle?

- 1/53 [1] (4) Yes [2] (5) No

39. Do you keep statistical records of the nature of civil cases you handle?

- 1/54 [1] (2) Yes [2] (5) No

40. If you do keep such statistical civil records, how often do you compile them?

- 1/55 [1] (15) Annually
 [2] (2) Semi-annually
 [3] (2) Quarterly
 [4] (15) Monthly
 [5] (11) Weekly
 [6] (13) Other (specify) _____
 [7] (4) Never

41. Do you submit monthly statistical reports to the district attorney's office and/or parish governing authority as to the number of criminal cases you handle?

- 1/56 [1] (16) Yes [2] (4) No

42. Do you submit monthly statistical reports to the district attorney's office and/or the parish governing authority as to the nature of criminal cases you handle?

- 1/57 [1] (17) Yes [2] (3) No

43. Do you keep any additional statistics on your own on the nature and number of criminal cases you handle?

- 1/58 [1] (40) Yes [2] (6) No

Continuances

44. When you continue a case to another date, how far ahead do you schedule the next appearance?

- | | |
|------------------------|----------------------|
| 1/59 [1] (18) 0-3 days | [5] (3) 15-21 days |
| [2] (18) 3-7 days | [6] (1) 21-30 days |
| [3] (43) 7-10 days | [7] (3) over 30 days |
| [4] (13) 10-15 days | |

45. In what manner are continuances usually requested?

- 1/60 [1] (16) by mail
 [2] (15) by telephone
 [3] (53) orally by personal appearance
 [4] (16) in writing by personal appearance

46. If a continuance is granted prior to a scheduled hearing in a case, how are opposing counsel and parties usually notified?

- 1/61 [1] (42) By the justice by mail
- [2] (48) By the justice by telephone
- [3] (5) By counsel by mail
- [4] (0) By counsel by telephone
- [5] (0) By clerk by mail
- [6] (0) By clerk by telephone
- [7] (6) No notice is given

Defense Function

47. Do you advise a defendant who is brought before you of his right to counsel, his right to remain silent, etc.

- 1/62 [1] (3) Yes [2] (7) No

48. Do you ever have occasion to determine whether a defendant is entitled to court appointed counsel because he is unable to afford his own?

- 1/63 [1] (3) Yes* [2] (97) No

*if "yes", please describe _____

49. Do you ever actually appoint counsel to represent defendants unable to afford their own?

- 1/64 [1] (1) Yes* [2] (99) No

*if "yes", please describe the circumstances under which you actually appoint counsel _____

Resources and Facilities

50. How many Mayor's Courts are within the territorial jurisdiction of your court?

- 1/65 [1] (31) none [6] (0) five
- [2] (54) one [7] (0) six
- [3] (8) two [8] (0) seven
- [4] (7) three [9] (0) eight or more*
- [5] (0) four

*if more than eight, indicate here _____

51. Approximately how many attorneys are there within your ward?

- 1/66 [1] (52) none [6] (1) 20-40
- [2] (29) 1-5 [7] (2) 40-60
- [3] (1) 5-10 [8] (0) 60-80
- [4] (2) 10-15 [9] (0) over 80
- [5] (2) 15-20

52. Approximately how many miles is it between yourself and the district court in your parish?

- 1/67 [1] (13) 1-3 [6] (7) 12-15
- [2] (4) 3-5 [7] (2) 15-17
- [3] (7) 5-8 [8] (0) 17-20
- [4] (3) 8-10 [9] (4) 20 or more
- [5] (1) 10-12

53. In what type of building do you usually hold court?

- 1/68 [1] (0) police station [5] (4) private home
- [2] (7) city hall [6] (3) storefront
- [3] (2) public office building [7] (4) courthouse
- [4] (6) other office building [8] (3) other (describe) _____

54. In the room where you hold court, is there adequate seating for:

a. Parties and counsel?

- 1/69 [1] (5) Yes [2] (5) No

b. Spectators?

- 1/70 [1] (9) Yes [2] (1) No

c. Witnesses?

- 1/71 [1] (1) Yes [2] (9) No

55. In the building where you hold court, is there a law library available to you containing the Louisiana state statutes and the latest acts of the Legislature?

- 1/72 [1] (1) Yes [2] (8) No

56. If Question #55 is "no", how far away is the nearest law library containing the Louisiana state statutes and the latest acts of the Legislature?

- | | |
|-------------------------|----------------------|
| 1/73 [1] (11) 0-1 miles | [6] (15) 15-20 miles |
| [2] (8) 1-3 miles | [7] (13) 20-30 miles |
| [3] (3) 3-5 miles | [8] (4) 30-40 miles |
| [4] (27) 5-10 miles | [9] (2) 40-50 miles |
| [5] (47) 10-15 miles | |

Biographical Information

The following personal questions are designed to give more accurate and complete information about the judges who preside in Louisiana's courts of limited jurisdiction:

57. How long have you served as a Justice of the Peace?

- | | |
|-------------------------------|------------------------|
| 1/74 [1] (5) less than 1 year | [6] (9) 12 to 15 years |
| [2] (3) 1 to 3 years | [7] (5) 15 to 20 years |
| [3] (23) 3 to 6 years | [8] (5) 20 to 25 years |
| [4] (6) 6 to 9 years | [9] (5) over 25* |
| [5] (40) 9 to 12 years | |

*if over 25 years, indicate here _____.

58. Do you work in addition to your judicial duties?

- | | |
|------------------|------------|
| 1/75 [1] (4) Yes | [2] (6) No |
|------------------|------------|

59. Are you a law school graduate?

- | | |
|------------------|--------------|
| 1/76 [1] (0) Yes | [2] (100) No |
|------------------|--------------|

60. Are you admitted to the Bar in Louisiana?

- | | |
|------------------|--------------|
| 1/77 [1] (0) Yes | [2] (100) No |
|------------------|--------------|

61. What salary do you receive monthly from the parish government?

- | | |
|---------------------|----------------------|
| 1/78 [1] (60) \$30 | [5] (0) \$200-\$250 |
| [2] (2) \$31-\$50 | [6] (0) \$250-\$300 |
| [3] (1) \$50-\$100 | [7] (0) \$300-\$350 |
| [4] (4) \$100-\$200 | [8] (4) \$350-\$400* |

*if over \$400, indicate here _____.

51. Approximately how many attorneys are there within your ward?

- | | |
|--------------------|-----------------|
| 1/66 [1] (50) none | [6] (1) 20-40 |
| [2] (20) 1-5 | [7] (2) 40-60 |
| [3] (1) 5-10 | [8] (0) 60-80 |
| [4] (2) 10-15 | [9] (0) over 80 |
| [5] (2) 15-20 | |

52. Approximately how many miles is it between yourself and the district court in your parish?

- | | |
|-------------------|--------------------|
| 1/67 [1] (13) 1-3 | [6] (7) 12-15 |
| [2] (4) 3-5 | [7] (2) 15-17 |
| [3] (7) 5-8 | [8] (0) 17-20 |
| [4] (3) 8-10 | [9] (4) 20 or more |
| [5] (1) 10-12 | |

53. In what type of building do you usually hold court?

- | | |
|--------------------------------|--------------------------------|
| 1/68 [1] (0) police station | [5] (4) private home |
| [2] (7) city hall | [6] (3) storefront |
| [3] (2) public office building | [7] (4) courthouse |
| [4] (6) other office building | [8] (3) other (describe) _____ |

54. In the room where you hold court, is there adequate seating for:

a. Parties and counsel?

- | | |
|------------------|------------|
| 1/69 [1] (5) Yes | [2] (5) No |
|------------------|------------|

b. Spectators?

- | | |
|------------------|------------|
| 1/70 [1] (9) Yes | [2] (1) No |
|------------------|------------|

c. Witnesses?

- | | |
|------------------|------------|
| 1/71 [1] (1) Yes | [2] (9) No |
|------------------|------------|

55. In the building where you hold court, is there a law library available to you containing the Louisiana state statutes and the latest acts of the Legislature?

- | | |
|------------------|------------|
| 1/72 [1] (1) Yes | [2] (8) No |
|------------------|------------|

Justice of the Peace Questionnaire

Question No.	No. of N/A	Question No.	No. of N/A	Question No.	No. of N/A
1	8	28	34	58	7
2	11	29	18	59	8
3a	30	30	19	60	11
3b	16	31	37	61	8
3c	32	32	38	62	16
4	25	33	12	63	17
5	9	34	17	64	6
6	10	35	30	65	52
7	11	36	3	66	55
8	10	37	11	67	16
9	10	38	18	68	65
10	10	39	19	69	0
11	10	40	55		
12	59	41	16		
13	10	42	15		
14	71	43	19		
15a	42	44	43		
15b	56	45	42		
15c	39	46	45		
15d	46	47	27		
16	33	48	31		
17	35	49	29		
18	35	50	10		
19	36	51	6		
20	38	52	6		
21	64	53	14		
22	53	54a	12		
23	50	54b	25		
24	53	54c	21		
25	24	55	10		
26	17	56	17		
27	24	57	9		

Appendix B

Mayor's Court Questionnaire

Your answers to the following questions will help us put together a detailed picture of the workload of Mayor's Courts in Louisiana.

[My court is located in the municipality of _____.]

Traffic Ordinance Violations

1. Approximately how many traffic ordinance violations are handled under your jurisdiction in an average month?

1/11 [1] (5)	0-10	[6] (1)	200-300
[2] (1)	10-20	[7] (0)	300-400
[3] (7)	20-50	[8] (0)	400-500
[4] (3)	50-100	[9] (0)	over 500*
[5] (4)	100-200		

*if over 500, indicate here _____.

2. Approximately what percentage of traffic cases are terminated by:

a. Traffic violations bureau?

1/12 [1] (8)	0-10%	[6] (0)	50-60%
[2] (0)	10-20%	[7] (2)	60-70%
[3] (0)	20-30%	[8] (2)	70-80%
[4] (3)	30-40%	[9] (3)	80-100%
[5] (3)	40-50%		

b. Forfeiture of bond?

1/13 [1] (4)	0-10%	[6] (7)	50-60%
[2] (3)	10-20%	[7] (1)	60-70%
[3] (2)	20-30%	[8] (6)	70-80%
[4] (4)	30-40%	[9] (25)	80-100%
[5] (0)	40-50%		

c. Dismissal by prosecutor or police?

1/14 [1] (8)	0-10%	[6] (0)	50-60%
[2] (5)	10-20%	[7] (1)	60-70%
[3] (3)	20-30%	[8] (0)	70-80%
[4] (1)	30-40%	[9] (1)	80-100%
[5] (1)	40-50%		

d. Dismissal before trial on motion of defendant?

1/15	[1]	(6)	0-10%	[6]	(1)	50-60%
	[2]	(4)	10-20%	[7]	(0)	60-70%
	[3]	(0)	20-30%	[8]	(1)	70-80%
	[4]	(1)	30-40%	[9]	(4)	80-100%
	[5]	(1)	40-50%			

e. Plea of guilty in court?

1/16	[1]	(8)	0-10%	[6]	(4)	50-60%
	[2]	(6)	10-20%	[7]	(0)	60-70%
	[3]	(4)	20-30%	[8]	(8)	70-80%
	[4]	(2)	30-40%	[9]	(4)	80-100%
	[5]	(3)	40-50%			

f. Not guilty after trial?

1/17	[1]	(4)	0-10%	[6]	(0)	50-60%
	[2]	(5)	10-20%	[7]	(0)	60-70%
	[3]	(1)	20-30%	[8]	(0)	70-80%
	[4]	(0)	30-40%	[9]	(0)	80-100%
	[5]	(0)	40-50%			

g. Conviction after trial?

1/18	[1]	(5)	0-10%	[6]	(2)	50-60%
	[2]	(9)	10-20%	[7]	(0)	60-70%
	[3]	(1)	20-30%	[8]	(8)	70-80%
	[4]	(1)	30-40%	[9]	(7)	80-100%
	[5]	(0)	40-50%			

Non-Traffic Cases

3. Approximately how many non-traffic violations are handled under your jurisdiction in an average month?

1/19	[1]	(5)	0-5	[6]	(0)	50-100
	[2]	(2)	5-10	[7]	(1)	100-200
	[3]	(1)	10-20	[8]	(0)	200-300
	[4]	(5)	20-30	[9]	(0)	over 300*
	[5]	(4)	30-50			

*if over 300, indicate here _____

4. Approximately what percentage of non-traffic cases are terminated by:

a. Dismissal by prosecutor or police?

1/20	[1]	(2)	0-10%	[6]	(4)	50-60%
	[2]	(9)	10-20%	[7]	(0)	60-70%
	[3]	(1)	20-30%	[8]	(0)	70-80%
	[4]	(1)	30-40%	[9]	(3)	80-100%
	[5]	(0)	40-50%			

b. Dismissal before trial on motion of defendant?

1/21	[1]	(5)	0-10%	[6]	(1)	50-60%
	[2]	(7)	10-20%	[7]	(0)	60-70%
	[3]	(0)	20-30%	[8]	(0)	70-80%
	[4]	(1)	30-40%	[9]	(3)	80-100%
	[5]	(3)	40-50%			

c. Plea of guilty?

1/22	[1]	(4)	0-10%	[6]	(9)	50-60%
	[2]	(3)	10-20%	[7]	(1)	60-70%
	[3]	(1)	20-30%	[8]	(7)	70-80%
	[4]	(5)	30-40%	[9]	(0)	80-100%
	[5]	(0)	40-50%			

d. Not guilty after trial?

1/23	[1]	(7)	0-10%	[6]	(0)	50-60%
	[2]	(9)	10-20%	[7]	(0)	60-70%
	[3]	(1)	20-30%	[8]	(0)	70-80%
	[4]	(1)	30-40%	[9]	(0)	80-100%
	[5]	(1)	40-50%			

e. Conviction after trial?

1/24	[1]	(3)	0-10%	[6]	(0)	50-60%
	[2]	(7)	10-20%	[7]	(2)	60-70%
	[3]	(3)	20-30%	[8]	(0)	70-80%
	[4]	(4)	30-40%	[9]	(6)	80-100%
	[5]	(4)	40-50%			

5. How many peace bonds do you set in an average month?

1/25	[1]	(8)	None	[6]	(0)	20-25
	[2]	(8)	1-5	[7]	(0)	25-30
	[3]	(2)	5-10	[8]	(0)	30-35
	[4]	(1)	10-15	[9]	(0)	over 35*
	[5]	(1)	15-20			

*if over 35, indicate here _____

6. How many arrest warrants do you issue in an average month?

- | | | |
|------|---------------|------------------|
| 1/26 | [1] (35) None | [6] (2) 20-30 |
| | [2] (49) 1-5 | [7] (0) 30-40 |
| | [3] (6) 5-10 | [8] (1) 40-50 |
| | [4] (4) 10-15 | [9] (1) over 50* |
| | [5] (2) 15-20 | |

*if over 50, indicate here _____

7. How many search warrants do you issue in an average month?

- | | | |
|------|---------------|------------------|
| 1/27 | [1] (3) None | [6] (0) 20-30 |
| | [2] (7) 1-5 | [7] (0) 30-40 |
| | [3] (0) 5-10 | [8] (0) 40-50 |
| | [4] (0) 10-15 | [9] (0) over 50* |
| | [5] (0) 15-20 | |

*if over 50, indicate here _____

8. How would you characterize the distribution of your caseload throughout the year? (check only one response):

- | | |
|------|---|
| 1/28 | [1] (0) relatively even |
| | [2] (6) moderate variation between heavy and light periods. |
| | [3] (4) extreme variation between heavy and light periods. |

9. The heaviest caseload of the year occurs in:

- | | |
|------|-----------------------------|
| 1/29 | [1] (3) relatively even |
| | [2] (4) January - March |
| | [3] (8) April - June |
| | [4] (13) July - September |
| | [5] (13) October - December |

Operations

There are many ways in which a Mayor's Court may operate, and many helpful devices by which the Mayor can increase the efficiency of his court's operation. The following questions seek to discover the extent to which some of these operational devices are being used.

10. How often do you hold court?

- | | |
|------|---|
| 1/30 | [1] (7) no regularly scheduled court days |
| | [2] (2) one day per month |
| | [3] (19) one day every other week |
| | [4] (32) one day every week |
| | [5] (3) two days per week |
| | [6] (0) three days per week |
| | [7] (0) four days per week |
| | [8] (0) five days per week |
| | [9] (6) other (explain) _____ |

11. Approximately how many hours per month do you devote to your duties as judge of Mayor's Court?

- | | | |
|------|----------------|------------------|
| 1/31 | [1] (58) 0-5 | [6] (0) 30-40 |
| | [2] (26) 5-10 | [7] (1) 40-50 |
| | [3] (10) 10-15 | [8] (0) 50-75 |
| | [4] (5) 15-20 | [9] (0) over 75* |
| | [5] (0) 20-30 | |

*if over 75 hours per month, indicate here _____

12. Do you have a constable or marshal or other law enforcement office in attendance to maintain order at all times when your court is in session?

- | | | |
|------|-------------|------------|
| 1/32 | [1] (9) yes | [2] (2) no |
|------|-------------|------------|

13. What kind of law enforcement officers usually keep order in your court?

- | | |
|------|-------------------------------|
| 1/33 | [1] (1) None |
| | [2] (7) Marshal |
| | [3] (0) Constable |
| | [4] (9) Police Officer |
| | [5] (1) Deputy Sheriff |
| | [6] (2) Other (specify) _____ |

14. How many of these officers serve your court?

- | | |
|------|-----------------------|
| 1/34 | [1] (9) one |
| | [2] (5) two |
| | [3] (1) three |
| | [4] (2) four |
| | [5] (4) five or more* |

*if more than five, indicate here _____

Prosecution Function

15. In traffic cases, is a city attorney required to be present when a plea of not guilty is entered and a trial is had?

- | | | |
|------|-------------|------------|
| 1/35 | [1] (9) yes | [2] (1) no |
|------|-------------|------------|

16. If no prosecutor is present in traffic cases, who usually presents the case for the prosecution?

- | | |
|------|-------------------------------|
| 1/36 | [1] (7) arresting officer |
| | [2] (3) other police officer |
| | [3] (2) yourself as Mayor |
| | [4] (2) no one |
| | [5] (3) other (explain) _____ |

17. In non-traffic cases, is a city attorney required to be present when a plea of not guilty is entered and a trial is had?
- 1/37 [1] (28) yes [2] (72) no
18. If no prosecutor is present in non-traffic cases, who usually presents the case for the prosecution?
- 1/38 [1] (68) arresting officer
 [2] (3) other police officer
 [3] (8) complaining witness or victim
 [4] (0) attorney hired by complaining witness or victim
 [5] (17) yourself as Mayor
 [6] (4) other (explain) _____
- Defense Function
19. Is the accused represented by counsel in traffic cases?
- 1/39 [1] (2) always
 [2] (3) usually
 [3] (61) sometimes
 [4] (34) never
20. Is the accused represented by counsel in non-traffic cases?
- 1/40 [1] (2) always
 [2] (4) usually
 [3] (70) sometimes
 [4] (24) never
21. If the accused is represented by counsel in traffic cases, by whom is he most often represented?
- 1/41 [1] (100) private counsel
 [2] (0) appointed counsel
 [3] (0) public defender or indigent defender board
22. If the accused is represented by counsel in non-traffic cases, by whom is he most often represented?
- 1/42 [1] (99) private counsel
 [2] (0) appointed counsel
 [3] (1) public defender or indigent defender board
23. How are you implementing the constitutional right to counsel in every case which might result in imprisonment?
- 1/43 [1] (0) indigent defender board
 [2] (5) public defender
 [3] (9) court appointment of attorneys from private practice
 [4] (9) other (describe) _____
 [5] (77) no plans in effect

24. At what stage of the court proceedings is the defendant offered the use of a court-appointed attorney?
- 1/44 [1] (27) arrest
 [2] (3) Bail setting
 [3] (22) arraignment
 [4] (28) after arraignment, but before trial
 [5] (19) at trial
25. What amount of time passes between arrest and the time the defendant is offered the use of a court-appointed attorney?
- 1/45 [1] (25) 0-1 day [6] (5) 1-2 months
 [2] (25) 1-5 days [7] (0) 2-3 months
 [3] (15) 5-10 days [8] (0) 3-4 months
 [4] (15) 10-15 days [9] (0) over 4 months
 [5] (14) 15-30 days
26. What criteria do you use to determine whether a defendant can afford his own counsel?
- _____
- _____
- _____
- _____
27. When you accept a plea of guilty from a defendant, is a written record made of the rights which the court advises the defendant he is entitled to, and his responses thereto?
- 1/46 [1] (1) yes [2] (69) no
28. If a defendant is unable to pay a fine at the time it is imposed, is he given time to raise the money?
- 1/47 [1] (97) yes [2] (3) no
29. If a defendant is unable to pay a fine when it is imposed, is he permitted to pay it in installments?
- 1/48 [1] (83) yes [2] (17) no
30. If a defendant is unable to pay a fine is he sentenced to jail for failure to pay?
- 1/49 [1] (59) yes [2] (41) no

Time Lapse Information

31. What is the average length of time from arrest to arraignment in non-traffic cases?

1/50	[1] (1) less than 1 day	[6] (1) 10-15 days
	[2] (7) 1-3 days	[7] (3) 15-20 days
	[3] (12) 3-5 days	[8] (6) 20-25 days
	[4] (30) 5-7 days	[9] (2) over 25 days*
	[5] (14) 7-10 days	

*if over 25 days, indicate here _____.

32. What is the average length of time from arrest to final disposition in non-traffic cases?

1/51	[1] (40) 0-7 days	[6] (0) 60-90 days
	[2] (30) 7-14 days	[7] (0) 90-120 days
	[3] (15) 14-21 days	[8] (0) 120-150 days
	[4] (8) 21-30 days	[9] (0) over 150 days*
	[5] (8) 30-60 days	

*if over 150 days, indicate here _____.

33. What is the average length of time from arrest to final disposition in traffic cases?

1/52	[1] (40) 0-7 days	[6] (0) 60-90 days
	[2] (29) 7-14 days	[7] (0) 90-120 days
	[3] (16) 14-21 days	[8] (0) 120-150 days
	[4] (11) 21-30 days	[9] (0) over 150 days*
	[5] (4) 30-60 days	

*if over 150 days, indicate here _____.

Continuances

34. When you continue a hearing or trial to another date, how far ahead do you schedule the next appearance:

a. In traffic cases?

1/53	[1] (5) 0-3 days	[5] (3) 15-21 days
	[2] (22) 3-7 days	[6] (25) 21-30 days
	[3] (22) 7-10 days	[7] (0) over 30 days
	[4] (24) 10-15 days	

b. In non-traffic cases?

1/14	[1] (4) 0-3 days	[5] (2) 15-21 days
	[2] (23) 3-7 days	[6] (23) 21-30 days
	[3] (20) 7-10 days	[7] (2) over 30 days
	[4] (24) 10-15 days	

35. In what manner are continuances usually requested?

1/55	[1] (7) by mail
	[2] (10) by telephone
	[3] (67) orally by personal appearance
	[4] (7) in writing by personal appearance

36. If a continuance is granted prior to a scheduled hearing in a case, how are opposing counsel and parties usually notified?

1/56	[1] (31) by the Judge by telephone
	[2] (5) by the Judge by mail
	[3] (6) by counsel by telephone
	[4] (1) by counsel by mail
	[5] (26) by Clerk by telephone
	[6] (24) by Clerk by mail
	[7] (6) no notice is given

Records and Statistics

37. Is there a person who assists you with clerical and administrative matters of the court?

1/57	[1] (31) yes	[2] (19) no
------	--------------	-------------

38. Do you have a person in attendance at all times to assist you when your court is in session?

1/58	[1] (76) yes	[2] (24) no
------	--------------	-------------

39. Is there a written docket (list) of all cases pending in your court?

1/59	[1] (76) yes	[2] (24) no
------	--------------	-------------

40. By whom is this docket (list) kept?

1/60	[1] (18) Mayor
	[2] (41) City Clerk
	[3] (5) Secretary
	[4] (35) Police department
	[5] (1) Other (specify) _____

41. Is a written record kept of the disposition of each case heard in your court?
 1/61 [1] (67) yes [2] (3) no
42. Do you prepare complaints (affidavits) in non-traffic cases?
 1/62 [1] (57) yes [2] (43) no
43. Are periodic statistical records kept of the cases you hear?
 1/63 [1] (53) yes [2] (47) no
44. By whom are these records kept?
 1/64 [1] (18) Mayor
 [2] (62) City Clerk
 [3] (0) Court Clerk
 [4] (15) Police department
 [5] (4) Other (specify) _____
45. How often are these records compiled?
 1/65 [1] (16) never
 [2] (25) weekly
 [3] (41) monthly
 [4] (6) quarterly
 [5] (3) semi-annually
 [6] (10) other (explain) _____

Facilities and Resources

Since the type of facilities available to a court often affects the speed and effectiveness of the operation, we seek the following information about the facilities available to your court.

46. In what type of building do you hold court?
 1/66 [1] (4) Police station
 [2] (89) City hall
 [3] (2) Other municipal building
 [4] (2) Other office building
 [5] (2) Courthouse
 [6] (2) Other (describe) _____
47. How would you describe the following physical characteristics of your court facilities:
 a. Separate areas for lawyers and court personnel?
 1/67 [1] (29) good
 [2] (36) adequate
 [3] (12) inadequate
 [4] (22) none

- b. Heating, cooling and lighting?
 1/68 [1] (57) good
 [2] (29) adequate
 [3] (4) inadequate
 [4] (0) none
- c. Space for records, library, etc.?
 1/69 [1] (34) good
 [2] (40) adequate
 [3] (20) inadequate
 [4] (6) none
- d. Safe with lock for keeping money?
 1/70 [1] (52) good
 [2] (23) adequate
 [3] (7) inadequate
 [4] (18) none
- e. Copying equipment for reproducing needed court records?
 1/71 [1] (33) good
 [2] (19) adequate
 [3] (6) inadequate
 [4] (43) none
- f. Physical access from courtroom to detention facility?
 1/72 [1] (27) good
 [2] (31) adequate
 [3] (9) inadequate
 [4] (32) none
48. In your courtroom is there adequate seating:
 a. For parties and counsel?
 1/73 [1] (88) yes [2] (12) no
 b. For witnesses?
 1/74 [1] (86) yes [2] (14) no
 c. For spectators?
 1/75 [1] (76) yes [2] (24) no

49. Do you have a set of written rules for the conduct of cases in your court?

1/76 [1] (9) yes* [2] (91) no

*if yes, please attach a copy of the rules to this questionnaire.

50. If you have written rules, were they prepared by you?

1/77 [1] (21) yes [2] (79) no*

*if no, by whom were they prepared? _____

51. Do you have a complete set of the ordinances you enforce available to you in the building where you hold court?

1/78 [1] (66) yes [2] (4) no

52. If a complete set of ordinances is not available in the building where you hold court, where is such a set available?

53. Are the ordinances you enforce published and available to the public at a reasonable cost?

1/79 [1] (76) yes [2] (24) no

54. If the ordinances are published, who is responsible for their publication and distribution?

55. What is the distance in miles between your court and the nearest Justice of the Peace in your ward?

2/11 [1] (87) 0-5 [6] (0) 25-30
[2] (8) 5-10 [7] (0) 30-35
[3] (5) 10-15 [8] (0) 35-40
[4] (1) 15-20 [9] (0) over 40 miles
[5] (0) 20-25

56. If there is a City Court in your parish, what is the distance in miles between your court and the nearest City Court?

2/12 [1] (14) 0-5 [6] (5) 25-30
[2] (26) 5-10 [7] (7) 30-35
[3] (26) 10-15 [8] (0) 35-40
[4] (12) 15-20 [9] (0) over 40 miles
[5] (9) 20-25

57. What is the distance in miles between your court and the nearest District Court in your parish?

2/13 [1] (22) 0-5 [6] (3) 25-30
[2] (20) 5-10 [7] (3) 30-35
[3] (28) 10-15 [8] (0) 35-40
[4] (13) 15-20 [9] (1) over 40 miles
[5] (11) 20-25

58. Approximately how many practicing attorneys have offices within the jurisdiction of your court?

2/14 [1] (45) none [6] (5) five
[2] (9) one [7] (12) 6-10
[3] (11) two [8] (3) 10-15
[4] (3) three [9] (3) over 15*
[5] (9) four

*if over 15, indicate here _____

Biographical Information

The following questions are designed to give us more accurate and complete information about the judges who preside in Louisiana's courts of limited jurisdiction.

59. How long have you been Mayor?

2/15 [1] (17) less than 1 year [5] (12) 16-20 years
[2] (21) 1-3 years [6] (5) over 20 years*
[3] (25) 4-8 years
[4] (21) 9-15 years

*if over 20 years, indicate here _____

60. Are you a law school graduate?

2/16 [1] (5) yes [2] (95) no

61. Are you admitted to the Bar in Louisiana?

2/17 [1] (3) yes [2] (97) no

62. Do you practice law at the present time?

2/18 [1] (3) yes [2] (97) no

63. What annual salary do you receive as Mayor?

- | | | | | |
|------|----------|-----------------|---------|-----------------|
| 2/19 | [1] (43) | \$0-\$500 | [6] (1) | \$4,000-\$5,000 |
| | [2] (12) | \$500-\$1,000 | [7] (0) | \$5,000-\$6,000 |
| | [3] (26) | \$1,000-\$2,000 | [8] (1) | \$6,000-\$7,000 |
| | [4] (7) | \$2,000-\$3,000 | [9] (5) | over \$7,000* |
| | [5] (6) | \$3,000-\$4,000 | | |

*if over \$7,000, indicate here _____

Court Financing

The cost of providing courts and court services is one of the most ignored areas of local and state government expenditure. Considering the large volume of judicial business handled by courts, and especially by courts of limited jurisdiction, court services probably give the citizen more value per dollar than any other government service. Your answers to the following questions will provide us with a more complete and detailed picture of the financing of Louisiana's courts of limited jurisdiction.

64. How much money did your court collect in fees, fines, costs, forfeitures and other charges in 1971?

65. To whom are these fees paid out, and how much was paid to each recipient?

66. What kinds of records are kept of fees and charges collected and paid out by your court? (describe)

(use back of sheet if necessary)

67. Is an audit conducted of your financial records?

- 2/20 [1] (64) yes* [2] (6) no

*if yes, who conducts the audit? _____

68. Do you use a manual of procedure in your court?

- 2/21 [1] (25) yes* [2] (75) no

*if yes, please give the title, author and date of publication here _____

69. Would you be in favor of relinquishing your jurisdiction to a legally trained magistrate?

- 2/22 [1] (63) yes* [2] (37) no

*if yes, how strongly are you in favor of such a move?

70. What do you believe to be the most urgent problems facing Mayor's Courts today? How do you suggest they be resolved?

Mayor's Court Questionnaire

Question No.	No. of N/A	Question No.	No. of N/A	Question No.	No. of N/A
1	6	23	25	48b	7
2a	48	24	46	48c	7
2b	9	25	54	49	9
2c	33	26	0	50	89
2d	40	27	13	51	4
2e	16	28	6	52	0
2f	31	29	6	53	8
2g	28	30	16	54	0
3	6	31	14	55	7
4a	37	32	12	56	37
4b	42	33	8	57	4
4c	13	34a	16	58	3
4d	28	34b	19	59	3
4e	22	35	18	60	2
5	9	36	35	61	5
6	5	37	4	62	7
7	6	38	5	63	8
8	9	39	5	64	0
9	9	40	28	65	0
10	4	41	6	66	0
11	5	42	10	67	4
12	5	43	8	68	10
13	4	44	42	69	9
14	4	45	44	70	0
15	6	46	4		
16	9	47a	6		
17	6	47b	5		
18	14	47c	5		
19	11	47d	6		
20	13	47e	6		
21	39	47f	11		
22	34	48a	5		

Appendix C

City Court Judge Questionnaire

Your answers to the following set of questions will help us to better understand the nature and extent of the workload and operations of Louisiana's City Courts.

General Information

[My court is located in the City of _____]

1. What territory is included within the jurisdiction of your court?

- 1/11 [1] (2) City limits only
[2] (1) City and one ward
[3] (8) City and two wards
[4] (0) City and three or more wards*

*if more than three wards, indicate here _____

2. What is the approximate population of the area subject to your jurisdiction?

- 1/12 [1] (3) 5,000-7,500 [6] (9) 20,000-30,000
[2] (2) 7,500-10,000 [7] (6) 30,000-40,000
[3] (9) 10,000-12,500 [8] (2) 40,000-50,000
[4] (2) 12,500-15,000 [9] (5) over 50,000*
[5] (1) 15,000-20,000

*if over 50,000, indicate here _____

3. How many municipalities other than your city, are within the territorial jurisdiction of your court?

- 1/13 [1] (0) none [6] (0) five
[2] (14) one [7] (0) six
[3] (3) two [8] (0) seven
[4] (3) three [9] (0) eight or more*
[5] (0) four

*if more than eight, indicate here _____

4. How many Mayor's Courts are within the territorial jurisdiction of your court?

- 1/14 [1] (3) none [6] (0) five
[2] (1) one [7] (0) six
[3] (3) two [8] (0) seven
[4] (3) three [9] (0) eight or more*
[5] (0) four

*if more than eight, indicate here _____

5. Special Characteristics: If you have the usual civil, criminal, juvenile and traffic jurisdiction, mark box one below. If you do not have the usual jurisdiction in each of these areas, mark box two below and briefly explain your jurisdiction and the source and nature of any special jurisdictional limitations or extensions:

- 1/15 [1] (89) I have the usual civil, criminal, juvenile and traffic jurisdiction.
[2] (11) I have the special jurisdiction described below:

6. Approximately how many marriages do you perform in an average month?

- 1/16 [1] (26) none [6] (0) 40-50
[2] (60) 1-10 [7] (0) 50-75
[3] (6) 10-20 [8] (0) 75-100
[4] (0) 20-30 [9] (0) over 100*
[5] (0) 30-40

*if over 100, indicate here _____

Criminal Workload

7. Approximately how many arrest warrant applications, excluding bench warrants, are made to you in an average month?

- 1/17 [1] (6) 0-10 [6] (6) 200-300
[2] (48) 10-20 [7] (3) 300-400
[3] (21) 20-50 [8] (0) 400-500
[4] (24) 50-100 [9] (0) over 500*
[5] (21) 100-200

*if over 500, indicate here _____

8. Approximately what percentage of these warrants are issued?

- 1/18 [1] (0) 0-10% [6] (0) 50-60%
[2] (0) 10-20% [7] (0) 60-70%
[3] (3) 20-30% [8] (27) 70-80%
[4] (0) 30-40% [9] (70) 80-100%
[5] (0) 40-50%

9. Approximately how many bench warrants, (capias, fugitive, attachment, or other warrants) are issued by your court in an average month?

1/19	[1]	(26)	0-10	[6]	(0)	200-300
	[2]	(2)	10-20	[7]	(0)	300-400
	[3]	(4)	20-50	[8]	(3)	400-500
	[4]	(3)	50-100	[9]	(0)	over 500*
	[5]	(2)	100-200			

*if over 500, indicate here _____.

10. Approximately how many search warrants are applied for in your court in an average month?

1/20	[1]	(5)	0-10	[6]	(0)	50-100
	[2]	(2)	10-20	[7]	(0)	100-200
	[3]	(3)	20-30	[8]	(0)	200-300
	[4]	(0)	30-40	[9]	(0)	over 300*
	[5]	(0)	40-50			

*if over 300, indicate here _____.

11. Approximately what percentage of these search warrants are issued?

1/21	[1]	(9)	0-10%	[6]	(0)	50-60%
	[2]	(0)	10-20%	[7]	(0)	60-70%
	[3]	(0)	20-30%	[8]	(6)	70-80%
	[4]	(0)	30-40%	[9]	(65)	80-100%
	[5]	(0)	40-50%			

12. Approximately how many bail settings do you make in an average month?

1/22	[1]	(9)	1-10	[6]	(9)	200-300
	[2]	(5)	10-20	[7]	(3)	300-400
	[3]	(6)	20-50	[8]	(3)	400-500
	[4]	(1)	50-100	[9]	(3)	over 500*
	[5]	(1)	100-200			

*if over 500, indicate here _____.

13. Approximately what percentage of these bail settings are determined according to a bail schedule?

1/23	[1]	(15)	0-10%	[6]	(15)	50-60%
	[2]	(0)	10-20%	[7]	(12)	60-70%
	[3]	(0)	20-30%	[8]	(6)	70-80%
	[4]	(0)	30-40%	[9]	(4)	80-100%
	[5]	(9)	40-50%			

14. Approximately how many times per month are you requested to set a peace bond?

1/24	[1]	(15)	None	[6]	(0)	30-40
	[2]	(3)	1-5	[7]	(3)	40-50
	[3]	(1)	5-10	[8]	(0)	50-60
	[4]	(1)	10-20	[9]	(0)	over 60*
	[5]	(12)	20-30			

*if over 60, indicate here _____.

15. In what percentage of the cases in which a peace bond is requested do you actually hold a hearing on the request?

1/25	[1]	(48)	0-10%	[6]	(2)	50-60%
	[2]	(2)	10-20%	[7]	(0)	60-70%
	[3]	(0)	20-30%	[8]	(3)	70-80%
	[4]	(3)	30-40%	[9]	(1)	80-100%
	[5]	(0)	40-50%			

16. How many peace bonds do you set in an average month?

1/26	[1]	(50)	None	[6]	(0)	30-40
	[2]	(4)	1-5	[7]	(3)	40-50
	[3]	(9)	5-10	[8]	(0)	50-60
	[4]	(9)	10-20	[9]	(0)	over 60*
	[5]	(6)	20-30			

*if over 60, indicate here _____.

17. Approximately what percentage of criminal (non-traffic) cases are terminated in your court by:

a. Nolle prosequi?

1/27	[1]	(76)	0-10%	[6]	(0)	50-60%
	[2]	(8)	10-20%	[7]	(0)	60-70%
	[3]	(6)	20-30%	[8]	(0)	70-80%
	[4]	(0)	30-40%	[9]	(0)	80-100%
	[5]	(0)	40-50%			

b. Dismissal before trial on motion of defendant?

1/28	[1]	(97)	0-10%	[6]	(0)	50-60%
	[2]	(3)	10-20%	[7]	(0)	60-70%
	[3]	(0)	20-30%	[8]	(0)	70-80%
	[4]	(0)	30-40%	[9]	(0)	80-100%
	[5]	(0)	40-50%			

c. Plea of guilty?

1/29	[1]	(6)	0-10%	[6]	(18)	50-60%
	[2]	(3)	10-20%	[7]	(12)	60-70%
	[3]	(0)	20-30%	[8]	(38)	70-80%
	[4]	(3)	30-40%	[9]	(9)	80-100%
	[5]	(12)	40-50%			

d. Acquittal after trial?

1/30	[1]	(47)	0-10%	[6]	(3)	50-60%
	[2]	(32)	10-20%	[7]	(0)	60-70%
	[3]	(12)	20-30%	[8]	(0)	70-80%
	[4]	(3)	30-40%	[9]	(0)	80-100%
	[5]	(3)	40-50%			

e. Conviction after trial?

1/31	[1]	(12)	0-10%	[6]	(3)	50-60%
	[2]	(15)	10-20%	[7]	(15)	60-70%
	[3]	(9)	20-30%	[8]	(18)	70-80%
	[4]	(9)	30-40%	[9]	(18)	80-100%
	[5]	(3)	40-50%			

18. Approximately what percentage of traffic cases in your court are terminated by:

a. Traffic violation bureau?

1/32	[1]	(32)	0-10%	[6]	(7)	50-60%
	[2]	(0)	10-20%	[7]	(7)	60-70%
	[3]	(7)	20-30%	[8]	(11)	70-80%
	[4]	(11)	30-40%	[9]	(7)	80-100%
	[5]	(18)	40-50%			

b. Bond forfeiture?

1/33	[1]	(45)	0-10%	[6]	(9)	50-60%
	[2]	(9)	10-20%	[7]	(0)	60-70%
	[3]	(3)	20-30%	[8]	(9)	70-80%
	[4]	(12)	30-40%	[9]	(6)	80-100%
	[5]	(6)	40-50%			

c. Nolle prosequi?

1/34	[1]	(74)	0-10%	[6]	(0)	50-60%
	[2]	(15)	10-20%	[7]	(0)	60-70%
	[3]	(12)	20-30%	[8]	(0)	70-80%
	[4]	(0)	30-40%	[9]	(0)	80-100%
	[5]	(0)	40-50%			

d. Dismissal before trial on motion of defendant?

1/35	[1]	(97)	0-10%	[6]	(0)	50-60%
	[2]	(3)	10-20%	[7]	(0)	60-70%
	[3]	(0)	20-30%	[8]	(0)	70-80%
	[4]	(0)	30-40%	[9]	(0)	80-100%
	[5]	(0)	40-50%			

e. Plea of guilty in court?

1/36	[1]	(9)	0-10%	[6]	(3)	50-60%
	[2]	(15)	10-20%	[7]	(15)	60-70%
	[3]	(18)	20-30%	[8]	(3)	70-80%
	[4]	(11)	30-40%	[9]	(9)	80-100%
	[5]	(9)	40-50%			

CONTINUED

2 OF 3

f. Acquittal after trial?

1/37	[1]	(65)	0-10%	[6]	(0)	50-60%
	[2]	(24)	10-20%	[7]	(0)	60-70%
	[3]	(12)	20-30%	[8]	(0)	70-80%
	[4]	(0)	30-40%	[9]	(0)	80-100%
	[5]	(0)	40-50%			

g. Conviction after trial?

1/38	[1]	(26)	0-10%	[6]	(0)	50-60%
	[2]	(24)	10-20%	[7]	(3)	60-70%
	[3]	(3)	20-30%	[8]	(18)	70-80%
	[4]	(3)	30-40%	[9]	(18)	80-100%
	[5]	(6)	40-50%			

19. Approximately what percentage of cases in which you set bond are disposed of by:

a. Imprisonment of defendant pending posting of money or property bond?

1/39	[1]	(7)	0-10%	[6]	(0)	50-60%
	[2]	(12)	10-20%	[7]	(0)	60-70%
	[3]	(12)	20-30%	[8]	(3)	70-80%
	[4]	(0)	30-40%	[9]	(3)	80-100%
	[5]	(0)	40-50%			

b. Release of defendant on posting of property bond?

1/40	[1]	(30)	0-10%	[6]	(15)	50-60%
	[2]	(9)	10-20%	[7]	(0)	60-70%
	[3]	(9)	20-30%	[8]	(6)	70-80%
	[4]	(9)	30-40%	[9]	(6)	80-100%
	[5]	(8)	40-50%			

c. Release of defendant on posting of cash bond?

1/41	[1]	(24)	0-10%	[6]	(15)	50-60%
	[2]	(12)	10-20%	[7]	(3)	60-70%
	[3]	(12)	20-30%	[8]	(0)	70-80%
	[4]	(12)	30-40%	[9]	(6)	80-100%
	[5]	(15)	40-50%			

d. Release of defendant on posting of driver's license in lieu of bond?

1/42	[1]	(58)	0-10%	[6]	(3)	50-60%
	[2]	(16)	10-20%	[7]	(3)	60-70%
	[3]	(10)	20-30%	[8]	(0)	70-80%
	[4]	(0)	30-40%	[9]	(6)	80-100%
	[5]	(3)	40-50%			

e. Release of defendant on own recognizance?

1/43	[1]	(47)	0-10%	[6]	(3)	50-60%
	[2]	(29)	10-20%	[7]	(0)	60-70%
	[3]	(3)	20-30%	[8]	(6)	70-80%
	[4]	(6)	30-40%	[9]	(0)	80-100%
	[5]	(6)	40-50%			

Civil Workload

20. Approximately what percentage of civil cases in your court are terminated by:

a. Dismissal before trial on motion of plaintiff?

1/44	[1]	(24)	0-10%	[6]	(3)	50-60%
	[2]	(24)	10-20%	[7]	(6)	60-70%
	[3]	(18)	20-30%	[8]	(0)	70-80%
	[4]	(1)	30-40%	[9]	(0)	80-100%
	[5]	(3)	40-50%			

b. Dismissal before trial on motion of defendant?

1/45	[1]	(94)	0-10%	[6]	(0)	50-60%
	[2]	(6)	10-20%	[7]	(0)	60-70%
	[3]	(0)	20-30%	[8]	(0)	70-80%
	[4]	(0)	30-40%	[9]	(0)	80-100%
	[5]	(0)	40-50%			

c. Agreement of parties before trial?

1/46	[1]	(15)	0-10%	[6]	(3)	50-60%
	[2]	(24)	10-20%	[7]	(0)	60-70%
	[3]	(18)	20-30%	[8]	(0)	70-80%
	[4]	(6)	30-40%	[9]	(0)	80-100%
	[5]	(3)	40-50%			

d. Agreement of parties after commencement of trial but before judgment?

1/47	[1]	(5)	0-10%	[6]	(0)	50-60%
	[2]	(9)	10-20%	[7]	(0)	60-70%
	[3]	(3)	20-30%	[8]	(0)	70-80%
	[4]	(3)	30-40%	[9]	(0)	80-100%
	[5]	(0)	40-50%			

e. Judgment of default?

1/48	[1]	(0)	0-10%	[6]	(9)	50-60%
	[2]	(0)	10-20%	[7]	(1)	60-70%
	[3]	(6)	20-30%	[8]	(0)	70-80%
	[4]	(9)	30-40%	[9]	(2)	80-100%
	[5]	(2)	40-50%			

f. Judgment of court after trial?

1/49	[1]	(45)	0-10%	[6]	(3)	50-60%
	[2]	(33)	10-20%	[7]	(0)	60-70%
	[3]	(9)	20-30%	[8]	(0)	70-80%
	[4]	(6)	30-40%	[9]	(3)	80-100%
	[5]	(0)	40-50%			

21. When judgment is entered for plaintiff in a civil case, the defendant either pays the judgment voluntarily, or plaintiff must execute against his property. Approximately in what percentage of civil cases which you decide for the plaintiff does a Writ of Execution issue?

1/50	[1]	(27)	0-10%	[6]	(0)	50-60%
	[2]	(30)	10-20%	[7]	(0)	60-70%
	[3]	(18)	20-30%	[8]	(6)	70-80%
	[4]	(6)	30-40%	[9]	(0)	80-100%
	[5]	(2)	40-50%			

22. Approximately what percentage of these executions are against real property?

1/51	[1]	(84)	0-10%	[6]	(0)	50-60%
	[2]	(9)	10-20%	[7]	(0)	60-70%
	[3]	(3)	20-30%	[8]	(0)	70-80%
	[4]	(0)	30-40%	[9]	(0)	80-100%
	[5]	(3)	40-50%			

23. Approximately how many judgment debtor petitions are filed in your court in an average month?

1/52	[1]	(8)	None	[6]	(6)	50-60%
	[2]	(48)	1-10	[7]	(0)	60-70%
	[3]	(2)	10-20	[8]	(3)	70-80%
	[4]	(9)	20-30	[9]	(0)	over 80*
	[5]	(3)	30-50			

*if over 80, indicate here _____

24. In approximately what percentage of the judgment debtor petitions filed do you hold a hearing on the petition?

1/53	[1]	(45)	0-10%	[6]	(6)	50-60%
	[2]	(3)	10-20%	[7]	(0)	60-70%
	[3]	(10)	20-30%	[8]	(6)	70-80%
	[4]	(3)	30-40%	[9]	(3)	80-100%
	[5]	(3)	40-50%			

25. Approximately how many non-support cases are heard in your court in an average month?

1/54	[1]	(48)	0-5	[6]	(0)	25-30
	[2]	(22)	5-10	[7]	(0)	30-35
	[3]	(19)	10-15	[8]	(0)	35-40
	[4]	(4)	15-20	[9]	(4)	over 40*
	[5]	(4)	20-25			

*if over 40, indicate here _____

26. Approximately how would you characterize the distribution of your caseload throughout the year? (check only one response):

1/55	[1]	(61)	relatively even
	[2]	(36)	moderate variation between heavy and light periods
	[3]	(3)	extreme variation between heavy and light periods

27. The heaviest civil workload of the year occurs in:

1/56	[1]	(61)	relatively even
	[2]	(21)	January-March
	[3]	(9)	April-June
	[4]	(0)	July-September
	[5]	(9)	October-December

28. The heaviest criminal workload occurs in:

1/57	[1]	(65)	relatively even
	[2]	(2)	January-March
	[3]	(0)	April-June
	[4]	(2)	July-September
	[5]	(2)	October-December

Juvenile Workload

29. Approximately what percentage of all juvenile matters heard in court are terminated after:

a. Informal hearing(s) only?

1/58	[1]	(33)	0-10%	[6]	(3)	50-60%
	[2]	(13)	10-20%	[7]	(0)	60-70%
	[3]	(3)	20-30%	[8]	(0)	70-80%
	[4]	(6)	30-40%	[9]	(3)	80-100%
	[5]	(6)	40-50%			

b. One formal hearing?

1/59	[1]	(7)	0-10%	[6]	(3)	50-60%
	[2]	(17)	10-20%	[7]	(3)	60-70%
	[3]	(10)	20-30%	[8]	(4)	70-80%
	[4]	(14)	30-40%	[9]	(0)	80-100%
	[5]	(21)	40-50%			

c. Two formal hearings?

1/60	[1]	(58)	0-10%	[6]	(0)	50-60%
	[2]	(12)	10-20%	[7]	(0)	60-70%
	[3]	(19)	20-30%	[8]	(0)	70-80%
	[4]	(8)	30-40%	[9]	(4)	80-100%
	[5]	(0)	40-50%			

d. Three or more formal hearings?

1/61	[1]	(83)	0-10%	[6]	(0)	50-60%
	[2]	(4)	10-20%	[7]	(0)	60-70%
	[3]	(9)	20-30%	[8]	(0)	70-80%
	[4]	(4)	30-40%	[9]	(0)	80-100%
	[5]	(0)	40-50%			

Time Lapse Information

30. What is the average amount of time that passes in each of the following:

a. In traffic cases between arrest and final disposition?

1/62	[1]	(26)	0-7 days	[6]	(0)	2-3 months
	[2]	(38)	7-14 days	[7]	(0)	3-4 months
	[3]	(21)	14-21 days	[8]	(0)	4-6 months
	[4]	(3)	21 days-1 month	[9]	(0)	over 6 months
	[5]	(12)	1-2 months			

b. In civil cases between filing and final judgment?

1/63	[1]	(79)	0-1 month	[6]	(0)	6-8 months
	[2]	(21)	1-2 months	[7]	(0)	8 months-1 year
	[3]	(0)	2-3 months	[8]	(0)	1 year-1-1/2 year
	[4]	(0)	3-4 months	[9]	(0)	over 1-1/2 year
	[5]	(0)	4-6 months			

c. In juvenile delinquency cases between filing and final disposition?

1/64	[1]	(14)	0-1 week	[6]	(0)	3-6 months
	[2]	(45)	1-2 weeks	[7]	(0)	6-12 months
	[3]	(38)	2-4 weeks	[8]	(0)	12-18 months
	[4]	(3)	1-2 months	[9]	(0)	over 18 months
	[5]	(0)	2-3 months			

d. In juvenile neglect cases between filing and final disposition?

1/65	[1]	(22)	0-1 week	[6]	(0)	3-6 months
	[2]	(41)	1-2 weeks	[7]	(0)	6-12 months
	[3]	(37)	2-4 weeks	[8]	(0)	12-18 months
	[4]	(0)	1-2 months	[9]	(0)	over 18 months
	[5]	(0)	2-3 months			

e. In criminal cases between arrest and bail setting?

1/66	[1]	(85)	less than 12 hours	[6]	(0)	4-5 days
	[2]	(15)	12-24 hours	[7]	(0)	5-10 days
	[3]	(0)	1-2 days	[8]	(0)	10-15 days
	[4]	(0)	2-3 days	[9]	(0)	over 15 days
	[5]	(0)	3-4 days			

f. In criminal cases between arrest and arraignment?

1/67	[1]	(64)	0-7 days	[6]	(0)	2-3 months
	[2]	(27)	7-14 days	[7]	(0)	3-4 months
	[3]	(3)	14-21 days	[8]	(0)	4-6 months
	[4]	(3)	21 days-1 month	[9]	(0)	over 6 months
	[5]	(3)	1-2 months			

g. In criminal cases between arrest and final disposition?

1/68	[1]	(91)	0-1 month	[6]	(0)	5-6 months
	[2]	(6)	1-2 months	[7]	(0)	6-12 months
	[3]	(3)	2-3 months	[8]	(0)	12-18 months
	[4]	(0)	3-4 months	[9]	(0)	over 18 months
	[5]	(0)	4-5 months			

Sentencing Alternatives

31. Approximately what percentage of traffic convictions in your court result in fines?

1/69	[1]	(0)	0-10%	[6]	(0)	50-60%
	[2]	(0)	10-20%	[7]	(3)	60-70%
	[3]	(0)	20-30%	[8]	(7)	70-80%
	[4]	(0)	30-40%	[9]	(7)	80-100%
	[5]	(0)	40-50%			

32. Approximately what percentage of traffic convictions result in license suspension or revocation?

1/70	[1]	(6)	0-10%	[6]	(0)	50-60%
	[2]	(26)	10-20%	[7]	(0)	60-70%
	[3]	(3)	20-30%	[8]	(0)	70-80%
	[4]	(3)	30-40%	[9]	(0)	80-100%
	[5]	(0)	40-50%			

33. Approximately what percentage of traffic convictions result in incarceration?

1/71	[1]	(7)	0-10%	[6]	(0)	50-60%
	[2]	(3)	10-20%	[7]	(0)	60-70%
	[3]	(0)	20-30%	[8]	(0)	70-80%
	[4]	(0)	30-40%	[9]	(0)	80-100%
	[5]	(0)	40-50%			

34. Approximately what percentage of criminal convictions in your court result in fines?

1/72	[1]	(3)	0-10%	[6]	(6)	50-60%
	[2]	(0)	10-20%	[7]	(12)	60-70%
	[3]	(0)	20-30%	[8]	(29)	70-80%
	[4]	(3)	30-40%	[9]	(44)	80-100%
	[5]	(3)	40-50%			

35. Approximately what percentage of criminal convictions result in probation?

1/73	[1]	(50)	0-10%	[6]	(0)	50-60%
	[2]	(35)	10-20%	[7]	(0)	60-70%
	[3]	(0)	20-30%	[8]	(3)	70-80%
	[4]	(9)	30-40%	[9]	(0)	80-100%
	[5]	(3)	40-50%			

36. Approximately what percentage of criminal convictions result in incarceration?

1/74	[1]	(62)	0-10%	[6]	(0)	50-60%
	[2]	(26)	10-20%	[7]	(3)	60-70%
	[3]	(9)	20-30%	[8]	(0)	70-80%
	[4]	(0)	30-40%	[9]	(0)	80-100%
	[5]	(0)	40-50%			

37. Approximately what percentage of juvenile dispositions in your court result in release under court ordered supervision?

1/75	[1]	(6)	0-10%	[6]	(10)	50-60%
	[2]	(10)	10-20%	[7]	(10)	60-70%
	[3]	(6)	20-30%	[8]	(26)	70-80%
	[4]	(0)	30-40%	[9]	(23)	80-100%
	[5]	(10)	40-50%			

38. Approximately what percentage of juvenile dispositions in your court result in detention?

1/76	[1]	(53)	0-10%	[6]	(0)	50-60%
	[2]	(37)	10-20%	[7]	(0)	60-70%
	[3]	(7)	20-30%	[8]	(0)	70-80%
	[4]	(0)	30-40%	[9]	(0)	80-100%
	[5]	(3)	40-50%			

Biographical and Financial Information

The following questions are designed to give more accurate and complete information about the judges who preside in Louisiana's courts of limited jurisdiction:

39. How long have you served as a City Court Judge?

1/77	[1]	(6)	less than 1 year	[6]	(31)	15-20 years
	[2]	(11)	1-3 years	[7]	(3)	20-25 years
	[3]	(17)	3-6 years	[8]	(6)	25-30 years
	[4]	(14)	6-9 years	[9]	(0)	over 30 years
	[5]	(11)	9-15 years			

40. Are you a law school graduate?

1/78	[1]	(4)	yes	[2]	(6)	no
------	-----	-----	-----	-----	-----	----

41. If no, did you attend law school?

1/79	[1]	(80)	yes	[2]	(20)	no
------	-----	------	-----	-----	------	----

42. Did you practice law before becoming a City Court Judge?

2/11	[1]	(100)	yes	[2]	(0)	no
------	-----	-------	-----	-----	-----	----

43. If yes to #42, for how many years did you actively practice law before becoming a City Court Judge?

2/12	[1]	(0)	1-3	[6]	(9)	11-13
	[2]	(14)	3-5	[7]	(9)	13-15
	[3]	(17)	5-7	[8]	(11)	15-20
	[4]	(20)	7-9	[9]	(6)	20 or more years
	[5]	(14)	9-11			

44. Do you practice law now in addition to your judicial duties?
 2/13 [1] (9) yes [2] (9) no
45. Do you do other work in addition to your judicial duties?
 2/14 [1] (30) yes [2] (70) no
46. What salary do you receive annually for your judicial work from each of the following sources:
- a. State of Louisiana?
- | | | | |
|---------------|------------------|---------|-------------------|
| 2/15 [1] (24) | \$0-\$500 | [6] (3) | \$10,000-\$12,500 |
| [2] (0) | \$500-\$1,000 | [7] (0) | \$12,500-\$15,000 |
| [3] (12) | \$1,000-\$5,000 | [8] (0) | \$15,000-\$20,000 |
| [4] (59) | \$5,000-\$7,500 | [9] (0) | over \$20,000 |
| [5] (3) | \$7,500-\$10,000 | | |
- b. Your Parish?
- | | | | |
|---------------|------------------|---------|-------------------|
| 2/16 [1] (24) | \$0-\$500 | [6] (0) | \$10,000-\$12,500 |
| [2] (0) | \$500-\$1,000 | [7] (3) | \$12,500-\$15,000 |
| [3] (59) | \$1,000-\$5,000 | [8] (0) | \$15,000-\$20,000 |
| [4] (12) | \$5,000-\$7,500 | [9] (3) | over \$20,000 |
| [5] (0) | \$7,500-\$10,000 | | |
- c. Your City?
- | | | | |
|---------------|------------------|---------|-------------------|
| 2/17 [1] (23) | \$0-\$500 | [6] (0) | \$10,000-\$12,500 |
| [2] (3) | \$500-\$1,000 | [7] (0) | \$12,500-\$15,000 |
| [3] (57) | \$1,000-\$5,000 | [8] (3) | \$15,000-\$20,000 |
| [4] (3) | \$5,000-\$7,500 | [9] (6) | over \$20,000 |
| [5] (6) | \$7,500-\$10,000 | | |
- d. Fees or other charges collected in your court?
- | | | | |
|---------------|------------------|---------|-------------------|
| 2/18 [1] (47) | \$0-\$500 | [6] (0) | \$10,000-\$12,500 |
| [2] (23) | \$500-\$1,000 | [7] (0) | \$12,500-\$15,000 |
| [3] (23) | \$1,000-\$5,000 | [8] (0) | \$15,000-\$20,000 |
| [4] (3) | \$5,000-\$7,500 | [9] (0) | over \$20,000 |
| [5] (3) | \$7,500-\$10,000 | | |
47. Does your judicial salary constitute your principal source of income? (excluding income from investments)
- 2/19 [1] (44) yes [2] (55) no

Court Revenue

48. What is the disposition of each of the following categories of money collected by your court:
- a. Fines?
- | | |
|---------------|-------------------------------------|
| 2/20 [1] (82) | paid to City treasury |
| [2] (3) | paid to Parish treasury |
| [3] (0) | paid to State treasury |
| [4] (0) | retained by court to cover expenses |
| [5] (15) | other (specify) _____ |
- b. Forfeited bonds?
- | | |
|---------------|-------------------------------------|
| 2/21 [1] (82) | paid to City treasury |
| [2] (3) | paid to Parish treasury |
| [3] (0) | paid to State treasury |
| [4] (0) | retained by court to cover expenses |
| [5] (15) | other (specify) _____ |
- c. Costs assessed in criminal cases and traffic cases?
- | | |
|---------------|-------------------------------------|
| 2/22 [1] (19) | paid to City treasury |
| [2] (3) | paid to Parish treasury |
| [3] (0) | paid to State treasury |
| [4] (69) | retained by court to cover expenses |
| [5] (9) | other (specify) _____ |
- d. Costs assessed in civil cases?
- | | |
|--------------|-------------------------------------|
| 2/23 [1] (3) | paid to City treasury |
| [2] (0) | paid to Parish treasury |
| [3] (0) | paid to State treasury |
| [4] (47) | retained by court to cover expenses |
| [5] (60) | other (specify) _____ |
- e. Other charges? (please describe)
- | | |
|---------------|-------------------------------------|
| 2/24 [1] (62) | paid to City treasury |
| [2] (0) | paid to Parish treasury |
| [3] (0) | paid to State treasury |
| [4] (0) | retained by court to cover expenses |
| [5] (38) | other (specify) _____ |
49. Are accounts of these monies kept by your court?
- 2/25 [1] (64) yes [2] (6) no

50. How often are accounts of these monies posted?
 2/26 [1] (56) daily
 [2] (15) weekly
 [3] (6) every two weeks
 [4] (21) monthly
 [5] (3) other (specify) _____
51. Are these accounts audited?
 2/27 [1] (64) yes* [2] (6) no
 *if yes, please attach a copy of last audit to this questionnaire.
52. By whom are these accounts audited? _____
53. How often are audits conducted?
 2/28 [1] (14) monthly
 [2] (0) semi-annually
 [3] (71) annually
 [4] (4) other (specify) _____
54. Do you receive money to defray the operating expenses of your court from any source other than fines, fees, forfeitures, costs and other charges?
 2/29 [1] (38) yes [2] (62) no
55. If no to #54, are monies collected by your court adequate to cover operating expenses?
 2/30 [1] (74) yes [2] (26) no
56. If yes to #54, from whom are these additional funds received?
 2/31 [1] (79) City
 [2] (0) Parish
 [3] (7) State
 [4] (4) Other (specify) _____
57. Are the total funds available to you adequate to pay the operating expenses of your court without cutting back on essential court services?
 2/32 [1] (71) yes [2] (29) no

There are several ways in which a City Court may operate. The following questions seek to discover the extent to which some of these operating procedures are being used:

Allocation of Work Time

58. How often do you hold court?
 2/33 [1] (0) Not regularly scheduled
 [2] (0) One day per month
 [3] (0) One day every other week
 [4] (14) One day per week
 [5] (43) Two days per week
 [6] (6) Three days per week
 [7] (3) Four days per week
 [8] (29) Five days per week
 [9] (6) Other (describe) _____
59. Do you reserve specific court days for certain kinds of cases?
 2/34 [1] (66) yes* [2] (34) no
 *if yes, describe here _____
60. Approximately how many hours per week do you devote to all your judicial duties, including hearings and trials, informal conferences, etc.?
 2/35 [1] (0) 0-10 [6] (28) 30-40
 [2] (1) 10-15 [7] (1) 40-50
 [3] (2) 15-20 [8] (0) 50-60
 [4] (1) 20-25 [9] (3) over 60*
 [5] (14) 25-30
 *if over 60, indicate here _____
61. Approximately how many hours per week do you devote to work only on those cases in which formal written or oral pleadings are presented?
 2/36 [1] (47) 0-5 [6] (3) 25-30
 [2] (25) 5-10 [7] (0) 30-40
 [3] (14) 10-15 [8] (3) 40-50
 [4] (0) 15-20 [9] (0) over 50*
 [5] (8) 20-25
 *if over 50, indicate here _____

62. Approximately what percentage of your judicial time is spent on:

a. civil cases?

2/37	[1]	(5)	0-10%	[6]	(0)	50-60%
	[2]	(41)	10-20%	[7]	(0)	60-70%
	[3]	(8)	20-30%	[8]	(0)	70-80%
	[4]	(0)	30-40%	[9]	(3)	80-100%
	[5]	(3)	40-50%			

b. juvenile cases?

2/38	[1]	(3)	0-10%	[6]	(0)	50-60%
	[2]	(23)	10-20%	[7]	(0)	60-70%
	[3]	(45)	20-30%	[8]	(0)	70-80%
	[4]	(13)	30-40%	[9]	(0)	80-100%
	[5]	(16)	40-50%			

c. traffic cases?

2/39	[1]	(9)	0-10%	[6]	(3)	50-60%
	[2]	(30)	10-20%	[7]	(0)	60-70%
	[3]	(21)	20-30%	[8]	(0)	70-80%
	[4]	(15)	30-40%	[9]	(3)	80-100%
	[5]	(18)	40-50%			

d. criminal (non-traffic) cases?

2/40	[1]	(6)	0-10%	[6]	(6)	50-60%
	[2]	(21)	10-20%	[7]	(3)	60-70%
	[3]	(37)	20-30%	[8]	(0)	70-80%
	[4]	(18)	30-40%	[9]	(0)	80-100%
	[5]	(9)	40-50%			

e. drug and alcohol treatment programs, or other court related programs used in lieu of sentencing?

2/41	[1]	(77)	0-10%	[6]	(0)	50-60%
	[2]	(23)	10-20%	[7]	(0)	60-70%
	[3]	(0)	20-30%	[8]	(0)	70-80%
	[4]	(0)	30-40%	[9]	(0)	80-100%
	[5]	(0)	40-50%			

f. court administration (e.g., hiring, dockets, budget and financing)?

2/42	[1]	(71)	0-10%	[6]	(0)	50-60%
	[2]	(23)	10-20%	[7]	(0)	60-70%
	[3]	(6)	20-30%	[8]	(0)	70-80%
	[4]	(0)	30-40%	[9]	(0)	80-100%
	[5]	(0)	40-50%			

g. informal duties such as counseling, public speaking, education, etc.?

2/43	[1]	(4)	0-10%	[6]	(0)	50-60%
	[2]	(53)	10-20%	[7]	(0)	60-70%
	[3]	(3)	20-30%	[8]	(0)	70-80%
	[4]	(0)	30-40%	[9]	(0)	80-100%
	[5]	(0)	40-50%			

Support Staff

63. Do you have a constable or marshal or other law enforcement officer in attendance at all times when your court is in session?

2/44	[1]	(7)	yes	[2]	(3)	no
------	-----	-----	-----	-----	-----	----

64. Generally, what kind of law enforcement officers are attached to your court on a regular basis?

2/45	[1]	(86)	Marshal
	[2]	(3)	Constable
	[3]	(8)	Police Officer
	[4]	(3)	Deputy Sheriff
	[5]	(0)	Other (specify) _____

65. How many of these officers serve your court?

2/46	[1]	(49)	one
	[2]	(29)	two
	[3]	(14)	three
	[4]	(0)	four
	[5]	(9)	five or more*

*if more than five, indicate here _____

66. What is the annual salary range of these officers?

2/47	[1]	(0)	\$0-\$500	[6]	(15)	\$3,000-\$4,000
	[2]	(6)	\$500-\$750	[7]	(18)	\$4,000-\$5,000
	[3]	(0)	\$750-\$1,000	[8]	(35)	\$5,000-\$7,000
	[4]	(3)	\$1,000-\$2,000	[9]	(24)	\$7,500 or more*
	[5]	(0)	\$2,000-\$3,000			

*if more than \$7,500 per year, indicate here \$ _____

67. What is the source of funds from which the salaries of these officers are paid?

- 2/48 [1] (28) fees and costs collected by court
- [2] (0) fines collected by court
- [3] (59) City treasury
- [4] (3) Parish treasury
- [5] (21) other (specify) _____

68. Do you have a clerk or deputy clerk in attendance at all times when your court is in session?

- 2/49 [1] (64) yes [2] (6) no

69. How many clerks and deputy clerks serve in your court?

- 2/50 [1] (0) none [4] (20) three
- [2] (34) one [5] (0) four
- [3] (31) two [6] (14) five or more*

*if more than five, indicate here _____

70. If your court is served by a clerk, what is his (or her) annual salary?

- 2/51 [1] (3) \$0-\$500 [6] (13) \$3,000-\$4,000
- [2] (0) \$500-\$750 [7] (29) \$4,000-\$5,000
- [3] (0) \$750-\$1,000 [8] (29) \$5,000-\$7,500
- [4] (0) \$1,000-\$2,000 [9] (16) over \$7,500*
- [5] (10) \$2,000-\$3,000

*if over \$7,500, indicate here \$ _____

71. If your court is served by a deputy clerk, what is his (or her) annual salary?

- 2/52 [1] (4) \$0-\$500 [6] (25) \$3,000-\$4,000
- [2] (0) \$500-\$750 [7] (28) \$4,000-\$5,000
- [3] (0) \$750-\$1,000 [8] (17) \$5,000-\$7,500
- [4] (13) \$1,000-\$2,000 [9] (0) over \$7,500*
- [5] (4) \$2,000-\$3,000

*if over \$7,500, indicate here \$ _____

Setting Bail and Drafting Complaints

72. In setting bail in criminal cases, do you use a standard schedule of bonds for the more common offenses?

- 2/53 [1] (79) yes* [2] (21) no

*if yes, please attach a copy of the schedule to this questionnaire.

73. If you use a bail schedule, was it prepared by you?

- 2/54 [1] (85) yes [2] (15) no*

*if no, by whom was it prepared? _____

74. Do you prepare complaints in criminal cases?

- 2/55 [1] (41) yes [2] (59) no

75. Does your clerk prepare complaints in criminal cases?

- 2/56 [1] (74) yes [2] (26) no

Prosecution Function

76. Is a city attorney required to be present to prosecute traffic cases?

- 2/57 [1] (74) yes [2] (26) no

77. If no city attorney is present to prosecute traffic cases, who usually presents the case for the prosecution?

- 2/58 [1] (40) arresting officer
- [2] (7) other police officer
- [3] (0) complaining witness
- [4] (47) judge
- [5] (0) no one
- [6] (7) other (explain) _____

78. Is a city attorney required to be present at arraignment in non-traffic cases?

- 2/59 [1] (56) yes [2] (44) no

79. If no city attorney is present at arraignment in non-traffic cases, who usually presents the charge?

- 2/60 [1] (25) arresting officer
- [2] (5) other police officer
- [3] (0) complaining witness or victim
- [4] (60) judge
- [5] (10) other (explain) _____

80. Is a city attorney required to be present at trial in non-traffic cases?

2/61 [1] (4) yes [2] (6) no

81. If no city attorney is present at trial in non-traffic cases, who usually presents the case for the prosecution?

2/62 [1] (36) arresting officer
[2] (7) other police officer
[3] (0) complaining witness or victim
[4] (0) private attorney retained by victim
[5] (36) judge
[6] (21) other (explain) _____

82. Is a city attorney required to be present at sentencing in non-traffic cases?

2/63 [1] (53) yes [2] (47) no

83. If no city attorney is present at sentencing in non-traffic cases, who usually presents the case for the prosecution?

2/64 [1] (42) arresting officer
[2] (11) other police officer
[3] (0) complaining witness or victim
[4] (0) private attorney retained by victim
[5] (46) no one
[6] (32) other (explain) _____

84. Is a city attorney required to be present at juvenile delinquency adjudications?

2/65 [1] (10) yes [2] (90) no

85. If no city attorney is present at juvenile delinquency adjudications, who usually presents the case for the prosecution?

2/66 [1] (40) arresting officer
[2] (40) other police officer
[3] (40) complaining witness or victim
[4] (0) private attorney retained by victim
[5] (49) judge
[6] (52) other(explain) _____

86. Who usually authorizes subpoenas for prosecution witnesses?

2/67 [1] (23) police department
[2] (31) city attorney
[3] (31) court clerk
[4] (9) judge
[5] (6) other (specify) _____

87. Who usually serves subpoenas for prosecution witnesses?

2/68 [1] (51) police department
[2] (0) city attorney
[3] (3) constable
[4] (40) marshal
[5] (6) other (specify) _____

88. When a person is arrested for a non-traffic offense, who determines whether he will be charged with violating a municipal ordinance or state law?

2/69 [1] (38) arresting officer
[2] (13) other police officer
[3] (22) city attorney
[4] (19) judge
[5] (9) other (explain) _____

Defense Function

89. How frequently is the accused represented by counsel in criminal (non-traffic) cases:

a. at arraignment?

2/70 [1] (82) never
[2] (18) infrequently
[3] (0) frequently
[4] (0) always

b. at trial?

2/71 [1] (0) never
[2] (62) infrequently
[3] (38) frequently
[4] (0) always

c. at sentencing?

2/72 [1] (0) never
[2] (68) infrequently
[3] (30) frequently
[4] (3) always

d. at juvenile delinquency adjudication hearings?

2/73 [1] (0) never
[2] (93) infrequently
[3] (7) frequently
[4] (0) always

e. at other juvenile hearings?

- 2/74 [1] (7) never
- [2] (9) infrequently
- [3] (3) frequently
- [4] (0) always

90. In cases where the accused is represented by counsel:

a. How often is counsel a public defender or member of an indigent defender board or legal aid attorney?

- 2/75 [1] (5) never
- [2] (9) infrequently
- [3] (4) frequently
- [4] (0) always

b. How often is counsel (other than a public defender, defender board member or legal aid attorney) appointed by the court?

- 2/76 [1] (1) never
- [2] (7) infrequently
- [3] (6) frequently
- [4] (0) always

c. How often is private counsel retained:

- 2/77 [1] (0) never
- [2] (5) infrequently
- [3] (8) frequently
- [4] (3) always

91. How are you implementing the constitutional right to counsel in all cases which might result in imprisonment [Argersinger v. Hamlin, 407 U.S. 25(1972)]?

- 2/78 [1] (4) indigent defender board
- [2] (9) public defender
- [3] (8) court appointment of attorneys from private practice
- [4] (0) other (describe) _____
- [5] (1) no particular plan in effect

92. Do you presently have a source of money to pay appointed counsel?

- 2/79 [1] (9) yes*
- [2] (1) no

*if yes, describe source here _____

93. If you have a source of money to pay appointed counsel, is that source adequate?

- 3/11 [1] (1) yes
- [2] (9) no

94. How are you implementing the constitutional right to counsel in juvenile delinquency adjudications [In re Gault, 387 U.S. 1(1967)]?

- 3/12 [1] (7) indigent defender board
- [2] (0) public defender
- [3] (1) court appointment of attorneys from private practice
- [4] (3) other (describe) _____
- [5] (8) no particular plan in effect

95. Do you presently have a source of money to pay for appointed counsel in juvenile delinquency adjudications?

- 3/13 [1] (7) yes*
- [2] (3) no

*if yes, describe source here _____

96. If you have a source of money to pay for appointed counsel in juvenile delinquency adjudications, is that source adequate?

- 3/14 [1] (3) yes
- [2] (7) no

97. Are existing lawyer resources in your jurisdiction sufficient to implement present requirements for appointment of counsel?

- 3/15 [1] (2) yes
- [2] (8) no

98. Approximately how many attorneys in private practice have offices within the jurisdiction of your court?

- 3/16 [1] (0) none
- [2] (0) 1-5
- [3] (4) 5-10
- [4] (7) 10-15
- [5] (1) 15-20
- [6] (6) 20-25
- [7] (0) 25-30
- [8] (9) 30-35
- [9] (3) over 35*

*if over 35, indicate number here _____

99. If you accept a plea of guilty from a defendant, do you make a record of the rights of which the court advises the defendant, and of his responses thereto?

- 3/17 [1] (8) yes
- [2] (2) no

100. If a defendant is unable to pay a fine at the time it is imposed, is he given time to raise the money?

3/18 [1] (97) yes [2] (3) no

101. If a defendant is unable to pay a fine when it is imposed, is he permitted to pay it in installments?

3/19 [1] (43) yes [2] (57) no

102. If a defendant is unable to pay a fine, is he sentenced to jail for failure to pay?

3/20 [1] (57) yes [2] (43) no

103. Are the municipal ordinances which you enforce published and available at a reasonable cost?

3/21 [1] (68) yes [2] (32) no

104. Who is responsible for publication of these ordinances?

105. At what stage of the proceedings is the defendant first offered the use of a free court-appointed attorney?

3/22 [1] (7) arrest
[2] (0) magistrate's hearing
[3] (68) arraignment
[4] (15) before trial
[5] (0) at commencement of trial

106. Approximately how much time passes, in an average case, between arrest and the time the defendant is advised by a judge that he may have a court-appointed attorney?

3/23 [1] (4) one day or less [6] (0) 1-2 months
[2] (65) 1-5 days [7] (0) 2-3 months
[3] (23) 5-10 days [8] (0) 3-4 months
[4] (4) 10-15 days [9] (0) over 4 months
[5] (4) 15-30 days

107. When a defendant indicates he cannot afford to hire his own lawyer, what criteria do you use to determine whether he is indigent?

Continuances

108. When you continue a hearing or trial to another date, how far ahead do you schedule the next appearance:

a. In traffic cases?

3/24 [1] (0) 0-3 days [5] (12) 15-21 days
[2] (26) 3-7 days [6] (6) 21-30 days
[3] (21) 7-10 days [7] (9) over 30 days
[4] (26) 10-15 days

b. In criminal non-traffic cases?

3/25 [1] (0) 0-3 days [5] (12) 15-21 days
[2] (21) 3-7 days [6] (9) 21-30 days
[3] (29) 7-10 days [7] (6) over 30 days
[4] (24) 10-15 days

c. In civil motions?

3/26 [1] (3) 0-3 days [5] (9) 15-21 days
[2] (19) 3-7 days [6] (3) 21-30 days
[3] (34) 7-10 days [7] (3) over 30 days
[4] (28) 10-15 days

d. In civil trials?

3/27 [1] (0) 0-3 days [5] (15) 15-21 days
[2] (12) 3-7 days [6] (12) 21-30 days
[3] (24) 7-10 days [7] (6) over 30 days
[4] (30) 10-15 days

109. In what manner are continuances usually requested?

3/28 [1] (21) by mail
[2] (38) by telephone
[3] (38) orally by personal appearance
[4] (3) in writing by personal appearance

110. If a continuance is granted prior to a scheduled hearing in a case, how are opposing counsel and parties usually notified?

3/29 [1] (9) by the Judge by telephone
[2] (12) by the Judge by mail
[3] (6) by counsel by telephone
[4] (6) by counsel by mail
[5] (31) by Clerk by telephone
[6] (34) by Clerk by mail
[7] (0) no notice is given

Rules, Facilities and Resources

111. Do you have a set of written rules for the conduct of cases in your court?

3/30 [1] (31) yes* [2] (69) no

*if yes, please attach a copy of the rules to this questionnaire.

112. If you have written rules, were they prepared by you?

3/31 [1] (89) yes [2] (11) no*

*if no, by whom were they prepared? _____

113. In what type of building do you hold court?

3/32 [1] (3) police station
[2] (57) city hall
[3] (0) public office building
[4] (0) other office building
[5] (31) courthouse
[6] (9) other (describe) _____

114. How would you describe the following physical characteristics of your court facilities:

a. Separate areas for lawyers and court personnel?

3/33 [1] (31) good
[2] (23) adequate
[3] (29) inadequate
[4] (17) none

b. Heating, cooling and lighting?

3/34 [1] (61) good
[2] (28) adequate
[3] (11) inadequate
[4] (0) none

c. Space for records, library, etc.?

3/35 [1] (22) good
[2] (28) adequate
[3] (49) inadequate
[4] (3) none

d. Physical access from courtroom to judge's chambers and clerk's office?

3/36 [1] (36) good
[2] (31) adequate
[3] (28) inadequate
[4] (6) none

e. Physical access from courtroom to detention facility?

3/37 [1] (26) good
[2] (26) adequate
[3] (22) inadequate
[4] (26) none

f. Facilities for waiting jurors and for jury deliberation?

3/38 [1] (20) good
[2] (5) adequate
[3] (20) inadequate
[4] (26) none

g. Judge's chambers?

3/39 [1] (28) good
[2] (31) adequate
[3] (25) inadequate
[4] (17) none

h. Clerk's office?

3/40 [1] (26) good
[2] (22) adequate
[3] (21) inadequate
[4] (11) none

i. Safe with lock for keeping money?

3/41 [1] (28) good
[2] (22) adequate
[3] (8) inadequate
[4] (22) none

j. Courtroom furnishings and decorations?

3/42 [1] (26) good
[2] (22) adequate
[3] (22) inadequate
[4] (0) none

k. Copying equipment for reproducing needed court records?

3/43 [1] (29) good
[2] (43) adequate
[3] (9) inadequate
[4] (20) none

115. Are court reporters available to make a record of court proceedings?

3/44 [1] (71) yes [2] (29) no

116. Is sound recording equipment available to make a record of court proceedings?

3/45 [1] (58) yes [2] (42) no

117. Do you wear a judicial robe at all times during court proceedings, including conferences in chambers?

3/46 [1] (39) yes [2] (61) no

118. Do you wear a judicial robe at all hearings and trials?

3/47 [1] (58) yes [2] (42) no

119. In your courtroom, is there adequate seating:

a. For parties and counsel?

3/48 [1] (83) yes [2] (17) no

b. For witnesses?

3/49 [1] (86) yes [2] (14) no

c. For spectators?

3/50 [1] (81) yes [2] (19) no

120. In your courtroom, is there a raised area for the judge's bench?

3/51 [1] (84) yes [2] (16) no

121. When you open each daily session of your court, is there a brief ceremonial opening conducted by you or someone in attendance?

3/52 [1] (89) yes [2] (11) no

122. Do you have a law library available to you in the building where you hold court?

3/53 [1] (46) yes [2] (54) no

123. Does the law library contain a complete set of Louisiana appellate court decisions?

3/54 [1] (64) yes [2] (36) no

124. Does the law library contain a complete set of Louisiana state statutes?

3/55 [1] (68) yes [2] (32) no

125. If there is no law library available to you in the building where you hold court, how far away is the nearest law library containing complete sets of Louisiana state statutes and appellate court decisions?

3/56 [1] (95) 0-1 mile [5] (0) 10-20 miles
[2] (5) 1-3 miles [6] (0) 20-35 miles
[3] (0) 3-5 miles [7] (0) 35-50 miles
[4] (0) 5-10 miles [8] (0) over 50 miles

126. Are any of the following social services available to your court for referral of parties in appropriate cases:

a. Non-psychiatric counseling?

3/57 [1] (61) yes [2] (39) no

b. Psychiatric counseling?

3/58 [1] (66) yes [2] (34) no

c. Medical attention?

3/59 [1] (71) yes [2] (29) no

d. Alcohol rehabilitation program?

3/60 [1] (68) yes [2] (32) no

e. Drug rehabilitation program?

3/61 [1] (50) yes [2] (50) no

f. Adult probation?

3/62 [1] (76) yes [2] (24) no

g. Juvenile probation?

3/63 [1] (7) yes [2] (3) no

h. Traffic violators education and rehabilitation program?

3/64 [1] (7) yes [2] (6) no

127. Are any other social services available to your court?

3/65 [1] (9) yes [2] (1) no

128. If other services are available, including volunteer programs, please describe them briefly here:

129. What other social services do you desire?

130. Are there separate pre-adjudication detention facilities for juveniles?

3/66 [1] (1) yes [2] (9) no

131. What is the distance in miles between your court and the nearest Justice of the Peace?

3/67	[1]	(9)	0-5	[6]	(0)	25-30
	[2]	(4)	5-10	[7]	(0)	30-35
	[3]	(4)	10-15	[8]	(0)	35-40
	[4]	(6)	15-20	[9]	(0)	over 40 miles
	[5]	(0)	20-25			

132. What is the distance in miles between your court and the nearest Mayor's Court?

3/68	[1]	(2)	0-5	[6]	(0)	25-30
	[2]	(3)	5-10	[7]	(0)	30-35
	[3]	(2)	10-15	[8]	(0)	35-40
	[4]	(1)	15-20	[9]	(6)	over 40 miles
	[5]	(0)	20-25			

133. What is the distance in miles between your court and the nearest District Court in your parish?

3/69	[1]	(6)	0-5	[6]	(3)	25-30
	[2]	(8)	5-10	[7]	(3)	30-35
	[3]	(1)	10-15	[8]	(0)	35-40
	[4]	(1)	15-20	[9]	(0)	over 40 miles
	[5]	(0)	20-25			

134. What do you believe to be the most urgent problems facing City Courts today? How would you suggest they be resolved?

City Court Judge Questionnaire

Question No.	No. of N/A						
1	2	20a	3	39	1	62d	3
2	3	20b	3	40	1	62e	6
3	1	20c	3	41	31	62f	1
4	1	20d	3	42	1	62g	0
5	1	20e	3	43	1	63	0
6	2	20f	3	44	1	64	0
7	3	21	3	45	6	65	1
8	3	22	4	46a	2	66	2
9	2	23	3	46b	2	67	2
10	2	24	5	46c	1	68	0
11	2	25	9	46d	6	69	0
12	2	26	0	47	0	70	5
13	2	27	3	48a	3	71	12
14	2	28	2	48b	2	72	2
15	3	29a	6	48c	4	73	9
16	2	29b	7	48d	6	74	2
17a	2	29c	10	48e	27	75	2
17b	5	29d	13	49	2	76	2
17c	2	30a	2	50	2	77	21
17d	2	30b	3	51	3	78	2
17e	2	30c	7	52	0	79	16
18a	8	30d	9	53	15	80	2
18b	3	30e	2	54	2	81	22
18c	2	30f	3	55	13	82	2
18d	4	30g	3	56	22	83	17
18e	2	31	3	57	1	84	6
18f	2	32	2	58	1	85	15
18g	2	33	3	59	1	86	1
19a	2	34	2	60	0	87	1
19b	2	35	2	61	0	88	4
19c	3	36	2	62a	2	89a	2
19d	5	37	5	62b	5	89b	2
19e	2	38	6	62c	3	89c	2

City Court Judge Questionnaire

Question No.	No. of N/A	Question No.	No. of N/A	Question No.	No. of N/A
89d	7	114c	0	130	7
89e	7	114d	0	131	2
90a	2	114e	1	132	3
90b	3	114f	15	133	0
90c	2	114g	0	134	0
91	1	114h	0		
92	1	114i	0		
93	23	114j	0		
94	7	114k	1		
95	6	115	2		
96	27	116	0		
97	2	117	0		
98	1	118	0		
99	2	119a	0		
100	1	119b	0		
101	1	119c	0		
102	1	120	0		
103	2	121	1		
104	0	122	1		
105	9	123	11		
106	10	124	8		
107	0	125	14		
108a	2	126a	3		
108b	2	126b	1		
108c	4	126c	2		
108d	3	126d	2		
109	2	126e	4		
110	4	126f	2		
111	0	126g	5		
112	27	126h	2		
113	1	127	8		
114a	1	128	0		
114b	0	129	0		

Appendix D

City Attorney Questionnaire

Louisiana's courts of limited jurisdiction handle many cases involving municipal and parish governments. In order to determine the impact of this caseload on these courts, we ask you to answer the following questions.

General Information

[Name of municipality in which you serve _____]

- My municipality is served by a:
 - 1/11 [1] (79) Mayor's Court [2] (21) City Court
- Do you prosecute municipal traffic ordinance violations?
 - 1/12 [1] (40) Yes [2] (60) No
- Do you prosecute other municipal ordinance violations?
 - 1/13 [1] (44) Yes [2] (59) No
- Do you prosecute parish traffic ordinance violations committed within your jurisdiction?
 - 1/14 [1] (13) Yes [2] (87) No
- Do you prosecute other parish ordinance violations committed within your jurisdiction?
 - 1/15 [1] (5) Yes [2] (95) No
- Do you prosecute state traffic violations committed within your jurisdiction?
 - 1/16 [1] (29) Yes [2] (80) No
- Do you prosecute other state misdemeanors committed within your jurisdiction?
 - 1/17 [1] (13) Yes [2] (88) No
- Do you handle juvenile cases within your jurisdiction?
 - 1/18 [1] (7) Yes [2] (93) No
- Do you have power to nolle pros. cases?
 - 1/19 [1] (33) Yes [2] (67) No

10. Who usually keeps the files and records you use in preparing and trying cases as city attorney?

- 1/20 [1] (45) City clerk
- [2] (14) Court clerk
- [3] (14) City attorney
- [4] (13) Police department
- [5] (13) Other (specify) _____

11. Who usually determines the date on which cases prosecuted by your offices are heard?

- 1/21 [1] (10) City attorney
- [2] (0) Police department
- [3] (32) Judge
- [4] (42) Other (specify) _____

12. Does your office review applications for arrest warrants by local police before they are presented to a judicial officer?

- 1/22 [1] (60) never
- [2] (29) infrequently
- [3] (0) frequently
- [4] (0) always

13. By whom were you appointed to the office of city attorney?

- 1/23 [1] (31) Mayor with consent of governing authority of the city
- [2] (19) Governing authority of city with consent of the mayor
- [3] (48) Mayor and governing authority
- [4] (0) City Court Judge
- [5] (0) District Court Judge
- [6] (0) Elected
- [7] (2) Other (specify) _____

Workload Information

14. How many total hours do you and your assistants together (if you have any) devote to prosecution, including preparation and court appearances, in an average month?

- 1/24 [1] (77) 0-5
- [2] (0) 5-10
- [3] (2) 10-15
- [4] (5) 15-20
- [5] (2) 20-25
- [6] (0) 25-30
- [7] (1) 30-35
- [8] (2) 35-40
- [9] (2) 40 or more*

*if more than 40, indicate here _____

15. How many total hours do you and your assistants together spend in court prosecuting misdemeanors and ordinance violations in an average month?

- 1/25 [1] (83) 0-5
- [2] (8) 5-10
- [3] (3) 10-15
- [4] (2) 15-20
- [5] (1) 20-25
- [6] (0) 25-30
- [7] (0) 30-35
- [8] (0) 35-40
- [9] (2) 40 or more*

*if more than 40, indicate here _____

16. How many total hours do you and your assistants together spend on municipal work other than prosecution in an average month?

- 1/26 [1] (29) 0-5
- [2] (8) 5-10
- [3] (2) 10-15
- [4] (7) 15-20
- [5] (2) 20-25
- [6] (3) 25-30
- [7] (1) 30-35
- [8] (1) 35-40
- [9] (7) 40 or more*

*if more than 40, indicate here _____

17. Approximately what percentage of your total time (in and out of court) is devoted to the following types of matters:

a. Family disputes?

- 1/27 [1] (87) 0-10%
- [2] (7) 10-20%
- [3] (4) 20-30%
- [4] (1) 30-40%
- [5] (0) 40-50%
- [6] (1) 50-60%
- [7] (0) 60-70%
- [8] (0) 70-80%
- [9] (0) 80-100%

b. Traffic cases?

- 1/28 [1] (69) 0-10%
- [2] (5) 10-20%
- [3] (2) 20-30%
- [4] (10) 30-40%
- [5] (5) 40-50%
- [6] (4) 50-60%
- [7] (1) 60-70%
- [8] (2) 70-80%
- [9] (2) 80-100%

c. Housing cases?

- 1/29 [1] (96) 0-10%
- [2] (4) 10-20%
- [3] (0) 20-30%
- [4] (0) 30-40%
- [5] (0) 40-50%
- [6] (0) 50-60%
- [7] (0) 60-70%
- [8] (0) 70-80%
- [9] (0) 80-100%

d. Juvenile cases?

1/30	[1] (97) 0-10%	[6] (0) 50-60%
	[2] (3) 10-20%	[7] (0) 60-70%
	[3] (0) 20-30%	[8] (0) 70-80%
	[4] (0) 30-40%	[9] (0) 80-100%
	[5] (0) 40-50%	

e. Non-traffic offenses against property?

1/31	[1] (82) 0-10%	[6] (0) 50-60%
	[2] (12) 10-20%	[7] (0) 60-70%
	[3] (4) 20-30%	[8] (0) 70-80%
	[4] (1) 30-40%	[9] (0) 80-100%
	[5] (1) 40-50%	

f. Non-traffic offenses against persons?

1/32	[1] (73) 0-10%	[6] (0) 50-60%
	[2] (14) 10-20%	[7] (0) 60-70%
	[3] (8) 20-30%	[8] (0) 70-80%
	[4] (2) 30-40%	[9] (0) 80-100%
	[5] (2) 40-50%	

18. Approximately what percentage of your in court time is devoted to the following types of cases:

a. Family Disputes?

1/33	[1] (93) 0-10%	[6] (1) 50-60%
	[2] (4) 10-20%	[7] (0) 60-70%
	[3] (3) 20-30%	[8] (0) 70-80%
	[4] (0) 30-40%	[9] (0) 80-100%
	[5] (0) 40-50%	

b. Traffic cases?

1/34	[1] (64) 0-10%	[6] (2) 50-60%
	[2] (4) 10-20%	[7] (0) 60-70%
	[3] (2) 20-30%	[8] (2) 70-80%
	[4] (19) 30-40%	[9] (9) 80-100%
	[5] (2) 40-50%	

c. Housing cases?

1/35	[1] (97) 0-10%	[6] (0) 50-60%
	[2] (3) 10-20%	[7] (0) 60-70%
	[3] (0) 20-30%	[8] (0) 70-80%
	[4] (0) 30-40%	[9] (0) 80-100%
	[5] (0) 40-50%	

d. Juvenile cases?

1/36	[1] (97) 0-10%	[6] (0) 50-60%
	[2] (3) 10-20%	[7] (0) 60-70%
	[3] (0) 20-30%	[8] (0) 70-80%
	[4] (0) 30-40%	[9] (0) 80-100%
	[5] (0) 40-50%	

e. Non-traffic offenses against property?

1/37	[1] (84) 0-10%	[6] (0) 50-60%
	[2] (11) 10-20%	[7] (0) 60-70%
	[3] (5) 20-30%	[8] (0) 70-80%
	[4] (0) 30-40%	[9] (0) 80-100%
	[5] (0) 40-50%	

f. Non-traffic offenses against persons?

1/38	[1] (73) 0-10%	[6] (0) 50-60%
	[2] (13) 10-20%	[7] (0) 60-70%
	[3] (8) 20-30%	[8] (0) 70-80%
	[4] (6) 30-40%	[9] (0) 80-100%
	[5] (1) 40-50%	

19. What is the average number of arraignments handled by one attorney in your office in one court day on which arraignments are heard?

1/39	[1] (79) 0-5	[6] (4) 25-30
	[2] (3) 5-10	[7] (3) 30-40
	[3] (5) 10-15	[8] (3) 40-50
	[4] (1) 15-20	[9] (3) over 50*
	[5] (1) 20-25	

*if over 50, indicate average arraignments here _____

20. What is the average number of trials handled by one attorney in your office in one court day on which trials are heard?

1/40	[1] (89) 0-5	[6] (0) 25-30
	[2] (5) 5-10	[7] (0) 30-35
	[3] (2) 10-15	[8] (0) 35-40
	[4] (4) 15-20	[9] (0) over 50*
	[5] (0) 20-25	

*if over 50, indicate average here _____

Appeals

21. Do you represent your municipality in appeals to the district court involving trials de novo?

1/41	[1] (64) Yes	[2] (34) No
------	--------------	-------------

22. Do you represent your municipality in appeals on the record to the district court?

1/42 [1] (55) Yes [2] (45) No

23. How many appeals involving trials de novo were handled by your office in each of the following categories in 1971:

a. Housing cases?

1/43 [1] (100) 0-10 [6] (0) 50-100
[2] (0) 10-20 [7] (0) 100-200
[3] (0) 20-30 [8] (0) 200-300
[4] (0) 30-40 [9] (0) over 300*
[5] (0) 40-50

*if over 300, indicate actual total here _____.

b. Civil cases other than housing?

1/44 [1] (98) 0-10 [6] (0) 50-100
[2] (1) 10-20 [7] (0) 100-200
[3] (1) 20-30 [8] (0) 200-300
[4] (0) 30-40 [9] (0) over 300*
[5] (0) 40-50

*if over 300, indicate the actual total here _____.

c. Traffic cases?

1/45 [1] (4) 0-10 [6] (1) 50-100
[2] (1) 10-20 [7] (0) 100-200
[3] (0) 20-30 [8] (0) 200-300
[4] (1) 30-40 [9] (0) over 300*
[5] (2) 40-50

*if over 300, indicate actual total here _____.

d. Criminal non-traffic cases?

1/46 [1] (3) 0-10 [6] (0) 50-100
[2] (5) 10-20 [7] (0) 100-200
[3] (1) 20-30 [8] (0) 200-300
[4] (1) 30-40 [9] (0) over 300*
[5] (0) 40-50

*if over 300, indicate actual total here _____.

21. How many appeals ~~on the record~~ were handled by your office in each of the following categories in 1971:

a. Housing cases?

1/47 [1] (100) 0-10 [6] (0) 50-100
[2] (0) 10-20 [7] (0) 100-200
[3] (0) 20-30 [8] (0) 200-300
[4] (0) 30-40 [9] (0) over 300*
[5] (0) 40-50

*if over 300, indicate actual total here _____.

b. Civil cases other than housing?

1/48 [1] (100) 0-10 [6] (0) 50-100
[2] (0) 10-20 [7] (0) 100-200
[3] (0) 20-30 [8] (0) 200-300
[4] (0) 30-40 [9] (0) over 300*
[5] (0) 40-50

*if over 300, indicate actual total here _____.

c. Traffic cases?

1/49 [1] (99) 0-10 [6] (1) 50-100
[2] (0) 10-20 [7] (0) 100-200
[3] (0) 20-30 [8] (0) 200-300
[4] (0) 30-40 [9] (0) over 300*
[5] (0) 40-50

*if over 300, indicate actual total here _____.

d. Criminal non-traffic cases?

1/50 [1] (99) 0-10 [6] (0) 50-100
[2] (0) 10-20 [7] (0) 100-200
[3] (0) 20-30 [8] (0) 200-300
[4] (1) 30-40 [9] (0) over 300*
[5] (0) 40-50

*if over 300, indicate actual total here _____.

Staff Information

25. How many investigators, including police officers, are available to do work for you as city attorney on a full-time basis?

1/51 [1] (80) 0 [6] (0) 5
[2] (0) 1 [7] (0) 6
[3] (0) 2 [8] (0) 7
[4] (0) 3 [9] (0) 8 or more*
[5] (0) 4

*if more than 8, indicate total here _____.

26. How many investigators, including police officers, are available to you on a part-time basis?

1/52	[1] (56) 0	[6] (3) 5
	[2] (24) 1	[7] (0) 6
	[3] (6) 2	[8] (0) 7
	[4] (6) 3	[9] (3) 8 or more*
	[5] (2) 4	

*if more than 8, indicate total here _____.

27. How many officers are there in your local police department?

1/53	[1] (37) 0-2	[6] (3) 15-20
	[2] (29) 2-5	[7] (2) 20-25
	[3] (20) 5-8	[8] (0) 25-30
	[4] (7) 8-10	[9] (4) 30 or more*
	[5] (7) 10-15	

*if more than 30, indicate number here _____.

28. As city attorney, do you employ any investigators other than police officers on assignment to you?

1/54 [1] (1) Yes [2] (9) No

29. Who usually issues subpoenas for witnesses in cases where witnesses other than police officers are required in cases prosecuted by your office?

1/55 [1] (0) city attorney's office
 [2] (16) police department
 [3] (32) mayor
 [4] (2) city court judge
 [5] (25) city clerk
 [6] (13) city court clerk
 [7] (12) other (explain) _____

30. Who usually serves the subpoenas for prosecution witnesses who are not police officers?

1/56 [1] (51) police department
 [2] (2) marshal
 [3] (1) constable
 [4] (6) other (specify) _____

31. As city attorney, what kind of secretarial help is available to you?

1/57 [1] (93) my own law office secretary, only
 [2] (6) part-time secretarial help provided by city
 [3] (1) full-time secretarial help provided by the city.

32. Do you consider your current secretarial help adequate to meet your needs as city attorney?

1/58 [1] (9) Yes [2] (1) No

33. What is your average annual salary range as city attorney?

1/59	[1] (5) \$0-\$1000	[6] (0) \$7,000-\$8,500
	[2] (6) \$1000-\$2,500	[7] (0) \$8,500-\$10,000
	[3] (7) \$2,500-\$4,000	[8] (3) \$10,000-\$12,000
	[4] (5) \$4,000-\$5,500	[9] (1) over \$12,000*
	[5] (2) \$5,500-\$7,000	

*if over \$12,000, indicate here _____.

34. Do you have any attorneys who serve as assistant city attorneys in your office?

1/60 [1] (1) Yes [2] (9) No

35. If you have assistants, what is their average annual salary range?

1/61	[1] (7) \$0-\$500	[6] (0) \$3,000-\$4,000
	[2] (0) \$500-\$1000	[7] (0) \$4,000-\$5,000
	[3] (0) \$1000-\$1,500	[8] (6) \$5,000-\$6,000
	[4] (6) \$1,500-\$2,000	[9] (6) Over \$6,000*
	[5] (0) \$2,000-\$3,000	

*if over \$6,000, indicate here _____.

36. If you have investigators, other than police officers who are assigned to you, what is their average annual salary range?

1/62	[1] (100) \$0-\$500	[6] (0) \$3,000-\$4,000
	[2] (0) \$500-\$1000	[7] (0) \$4,000-\$5,000
	[3] (0) \$1000-\$1,500	[8] (0) \$5,000-\$6,000
	[4] (0) \$1,500-\$2,000	[9] (0) over \$6,000*
	[5] (0) \$2,000-\$3,000	

*if over \$6,000, indicate here _____.

CORRELATIONS - CITY ATTORNEYS SERVING CITY COURTS

CC	NO	ANS	INV.	-0-	-1-	-2-	-3-	-4-	-5-	-6-	-7-	-8-	-9-
11	0	0	0	0	20	0	0	0	0	0	0	0	0
12	0	0	0	15	5	0	0	0	0	0	0	0	0
13	0	0	0	16	4	0	0	0	0	0	0	0	0
14	0	0	0	7	14	0	0	0	0	0	0	0	0
15	0	0	0	5	15	0	0	0	0	0	0	0	0
16	0	0	0	10	10	0	0	0	0	0	0	0	0
17	0	0	0	9	11	0	0	0	0	0	0	0	0
18	0	0	0	6	14	0	0	0	0	0	0	0	0
19	0	0	0	15	5	0	0	0	0	0	0	0	0
20	2	0	0	3	8	2	4	1	0	0	0	0	0
21	1	0	0	5	1	11	2	0	0	0	0	0	0
22	0	0	0	9	8	3	0	0	0	0	0	0	0
23	0	0	0	9	3	7	0	0	0	1	0	0	0
24	3	0	0	4	1	2	3	2	0	1	2	2	2
25	3	0	0	5	5	2	2	1	0	0	0	0	2
26	1	0	0	1	3	4	1	1	3	1	0	5	5
27	1	0	0	12	3	3	0	0	1	0	0	0	0
28	1	0	0	6	3	2	5	1	1	0	1	0	0
29	3	0	0	17	0	0	0	0	0	0	0	0	0
30	3	0	0	15	2	0	0	0	0	0	0	0	0
31	1	0	0	10	7	2	0	0	0	0	0	0	0
32	1	0	0	5	7	5	1	1	0	0	0	0	0
33	2	0	0	14	2	1	0	0	1	0	0	0	0
34	2	0	0	3	3	2	5	3	1	0	1	0	0
35	4	0	0	15	1	0	0	0	0	0	0	0	0
36	4	0	0	14	2	0	0	0	0	0	0	0	0
37	2	0	0	10	6	2	0	0	0	0	0	0	0
38	2	0	0	4	7	2	5	0	0	0	0	0	0
39	5	0	0	4	1	4	1	0	1	2	1	1	1
40	2	0	0	12	4	0	2	0	0	0	0	0	0
41	1	0	0	14	5	0	0	0	0	0	0	0	0
42	2	0	0	12	6	0	0	0	0	0	0	0	0
43	4	0	0	16	0	0	0	0	0	0	0	0	0
44	4	0	0	16	0	0	0	0	0	0	0	0	0
45	2	0	0	15	0	0	0	2	1	0	0	0	0
46	2	0	0	15	2	0	1	0	0	0	0	0	0
47	4	0	0	16	0	0	0	0	0	0	0	0	0
48	4	0	0	16	0	0	0	0	0	0	0	0	0
49	4	0	0	15	0	0	0	0	1	0	0	0	0
50	4	0	0	15	0	0	1	0	0	0	0	0	0
51	4	0	0	16	0	0	0	0	0	0	0	0	0
52	4	0	0	10	3	1	0	0	1	0	0	1	1
53	5	0	0	1	0	1	1	3	3	2	0	4	4
54	1	0	0	1	18	0	0	0	0	0	0	0	0
55	1	0	0	0	2	0	2	5	10	0	0	0	0
56	2	0	0	8	9	1	0	0	0	0	0	0	0
57	1	0	0	15	3	1	0	0	0	0	0	0	0
58	2	0	0	13	5	0	0	0	0	0	0	0	0
59	0	0	0	2	3	5	4	2	0	0	3	1	1
60	0	0	0	4	16	0	0	0	0	0	0	0	0
61	16	0	0	0	1	0	1	0	0	0	1	1	1
62	18	0	0	2	0	0	0	0	0	0	0	0	0
63	17	0	0	1	0	0	0	0	0	0	2	0	0

CORRELATIONS - CITY ATTORNEYS SERVING MAYOR'S COURTS

CC	NO	ANS	INV.	-0-	-1-	-2-	-3-	-4-	-5-	-6-	-7-	-8-	-9-
11	0	0	0	77	0	0	0	0	0	0	0	0	0
12	0	0	0	24	53	0	0	0	0	0	0	0	0
13	1	0	0	24	52	0	0	0	0	0	0	0	0
14	0	0	0	6	71	0	0	0	0	0	0	0	0
15	0	0	0	0	77	0	0	0	0	0	0	0	0
16	0	0	0	10	67	0	0	0	0	0	0	0	0
17	0	0	0	3	74	0	0	0	0	0	0	0	0
18	0	0	0	1	76	0	0	0	0	0	0	0	0
19	1	0	0	17	59	0	0	0	0	0	0	0	0
20	18	0	0	32	3	9	6	9	0	0	0	0	0
21	23	0	0	8	5	12	29	0	0	0	0	0	0
22	4	0	0	52	19	2	0	0	0	0	0	0	0
23	4	0	0	19	15	38	0	0	0	1	0	0	0
24	8	0	0	62	6	0	1	0	0	0	0	0	0
25	9	0	0	65	2	1	0	0	0	0	0	0	0
26	5	0	0	25	32	7	5	1	0	0	1	1	1
27	14	0	0	59	3	0	1	0	0	0	0	0	0
28	12	0	0	52	1	0	3	3	2	1	1	2	2
29	16	0	0	58	3	0	0	0	0	0	0	0	0
30	15	0	0	62	0	0	0	0	0	0	0	0	0
31	12	0	0	59	3	1	1	1	0	0	0	0	0
32	12	0	0	56	5	2	1	1	0	0	0	0	0
33	15	0	0	60	1	1	0	0	0	0	0	0	0
34	14	0	0	49	0	0	3	3	0	0	1	7	7
35	16	0	0	60	1	0	0	0	0	0	0	0	0
36	17	0	0	60	0	0	0	0	0	0	0	0	0
37	15	0	0	57	3	2	0	0	0	0	0	0	0
38	15	0	0	54	3	4	0	1	0	0	0	0	0
39	12	0	0	59	1	0	0	1	2	0	1	1	1
40	12	0	0	62	0	2	1	0	0	0	0	0	0
41	3	0	0	47	27	0	0	0	0	0	0	0	0
42	4	0	0	38	35	0	0	0	0	0	0	0	0
43	11	0	0	66	0	0	0	0	0	0	0	0	0
44	11	0	0	64	1	1	0	0	0	0	0	0	0
45	10	0	0	65	1	0	1	0	0	0	0	0	0
46	8	0	0	66	2	1	0	0	0	0	0	0	0
47	11	0	0	66	0	0	0	0	0	0	0	0	0
48	11	0	0	66	0	0	0	0	0	0	0	0	0
49	11	0	0	66	0	0	0	0	0	0	0	0	0
50	9	0	0	68	0	0	0	0	0	0	0	0	0
51	4	0	0	60	6	3	2	2	0	0	0	0	0
52	6	0	0	38	18	4	5	2	2	0	0	2	2
53	4	0	0	31	26	8	5	3	0	0	0	0	0
54	3	0	0	0	74	0	0	0	0	0	0	0	0
55	11	0	0	0	12	27	0	16	1	10	0	0	0
56	12	0	0	34	26	0	5	0	0	0	0	0	0
57	3	0	0	71	3	0	0	0	0	0	0	0	0
58	5	0	0	67	5	0	0	0	0	0	0	0	0
59	2	0	0	50	22	2	1	0	0	0	0	0	0
60	2	0	0	7	68	0	0	0	0	0	0	0	0
61	65	0	0	12	0	0	0	0	0	0	0	0	0
62	69	0	0	8	0	0	0	0	0	0	0	0	0
63	66	0	0	9	0	0	1	0	1	0	0	0	0

Appendix E

Police Chief Questionnaire

A large part of the work of police departments involves traffic violations and other offenses which are processed in courts of limited jurisdiction. Because of this, our study of Louisiana's courts of limited jurisdiction would not be complete unless it examined the relationship of police departments throughout the state to these courts. In order to help us discover how police departments and courts of limited jurisdiction work together, we ask that you answer the following questions.

[Name of municipality in which you serve _____]

Arrest and Search

Sometimes a warrant is required before a police officer can make a valid arrest. Under a variety of circumstances, however, an arrest can properly be made without a warrant. The following questions are intended to provide us with more precise information on the nature and extent of the issuance of arrest warrants:

1. How many total arrests are made by your department for non-traffic ordinance violations in an average month?

- 1/11 [1] (6) 0-10 [6] (1) 500-1000
[2] (5) 10-20 [7] (0) 1000-2,500
[3] (9) 20-50 [8] (1) 2,500-5,000
[4] (5) 50-100 [9] (0) over 5,000*
[5] (9) 100-500

*if over 5,000, indicate here _____.

2. Of above arrests, how many arrests with warrants are made by your department for non-traffic ordinance violations in an average month?

- 1/12 [1] (6) 0-10 [6] (0) 500-1000
[2] (2) 10-20 [7] (0) 1000-2,500
[3] (7) 20-50 [8] (0) 2,500-5,000
[4] (3) 50-100 [9] (0) over 5,000*
[5] (3) 100-500

*if over 5,000, indicate here _____.

3. How many total arrests are made by your department for non-traffic state misdemeanors in an average month?

- 1/13 [1] (4) 0-10 [6] (0) 500-1000
[2] (8) 10-20 [7] (0) 1000-2,500
[3] (9) 20-50 [8] (0) 2,500-5,000
[4] (5) 50-100 [9] (0) over 5,000*
[5] (5) 100-500

*if over 5,000, indicate here _____.

4. Of the above arrests, how many arrests with warrants are made by your department for non-traffic state misdemeanors in an average month?

- 1/14 [1] (8) 0-10 [6] (0) 500-1000
[2] (9) 10-20 [7] (0) 1000-2,500
[3] (6) 20-50 [8] (0) 2,500-5,000
[4] (3) 50-100 [9] (0) over 5,000*
[5] (1) 100-500

*if over 5,000, indicate here _____.

5. In an average month, how many applications for arrest warrants are made by your department to each of the following:

a. District Court Judges?

- 1/15 [1] (9) 0-10 [6] (0) 200-300
[2] (4) 10-20 [7] (0) 300-400
[3] (3) 20-50 [8] (0) 400-500
[4] (0) 50-100 [9] (0) over 500
[5] (1) 100-200

b. City Court Judges?

- 1/16 [1] (7) 0-10 [6] (2) 200-300
[2] (13) 10-20 [7] (0) 300-400
[3] (7) 20-50 [8] (0) 400-500
[4] (5) 50-100 [9] (0) over 500
[5] (2) 100-200

c. Mayor's Court Judges?

- 1/17 [1] (9) 0-10 [6] (0) 200-300
[2] (8) 10-20 [7] (0) 300-400
[3] (1) 20-50 [8] (0) 400-500
[4] (1) 50-100 [9] (0) over 500
[5] (0) 100-200

d. Justices of the Peace?

- 1/18 [1] (5) 0-10 [6] (0) 200-300
[2] (5) 10-20 [7] (0) 300-400
[3] (0) 20-50 [8] (0) 400-500
[4] (0) 50-100 [9] (0) over 500
[5] (0) 100-200

6. Are these applications for arrest warrants reviewed by an attorney before they are presented to a judge?

- 1/19 [1] (4) never
[2] (25) infrequently
[3] (9) frequently
[4] (4) always

7. If arrest warrant applications are reviewed by an attorney, by whom are they reviewed?

- 1/20 [1] (60) city attorney
- [2] (17) police legal advisor
- [3] (24) other (explain) _____

8. What percentage of arrest warrant applications are denied by each of the following:

a. District Court Judges?

- | | |
|----------------------|-----------------|
| 1/21 [1] (100) 0-10% | [6] (0) 50-60% |
| [2] (0) 10-20% | [7] (0) 60-70% |
| [3] (0) 20-30% | [8] (0) 70-80% |
| [4] (0) 30-40% | [9] (0) 80-100% |
| [5] (0) 40-50% | |

b. City Court Judges?

- | | |
|----------------------|-----------------|
| 1/22 [1] (100) 0-10% | [6] (0) 50-60% |
| [2] (0) 10-20% | [7] (0) 60-70% |
| [3] (0) 20-30% | [8] (0) 70-80% |
| [4] (0) 30-40% | [9] (0) 80-100% |
| [5] (0) 40-50% | |

c. Mayor's Court Judges?

- | | |
|----------------------|-----------------|
| 1/23 [1] (100) 0-10% | [6] (0) 50-60% |
| [2] (0) 10-20% | [7] (0) 60-70% |
| [3] (0) 20-30% | [8] (0) 70-80% |
| [4] (0) 30-40% | [9] (0) 80-100% |
| [5] (0) 40-50% | |

d. Justices of the Peace?

- | | |
|----------------------|-----------------|
| 1/24 [1] (100) 0-10% | [6] (0) 50-60% |
| [2] (0) 10-20% | [7] (0) 60-70% |
| [3] (0) 20-30% | [8] (0) 70-80% |
| [4] (0) 30-40% | [9] (0) 80-100% |
| [5] (0) 40-50% | |

Sometimes a warrant is required before a police officer can make a valid search. Under a variety of circumstances, however, a search can properly be made without a warrant. The following questions are intended to provide us with more precise information on the nature and extent of the issuance of search warrants:

9. Approximately how many searches of buildings, homes and vehicles are conducted by your department in an average month?

- | | |
|--------------------|---------------------|
| 1/25 [1] (94) 0-10 | [6] (0) 500-1000 |
| [2] (4) 10-20 | [7] (0) 1000-2,500 |
| [3] (0) 20-50 | [8] (0) 2,500-5,000 |
| [4] (2) 50-100 | [9] (0) over 5,000* |
| [5] (0) 100-500 | |

*if over 5,000, indicate here _____.

10. Of the above searches, how many searches are conducted by your department with warrants in an average month?

- | | |
|--------------------|---------------------|
| 1/26 [1] (97) 0-10 | [6] (0) 500-1000 |
| [2] (2) 10-20 | [7] (0) 1000-2,500 |
| [3] (0) 20-50 | [8] (0) 2,500-5,000 |
| [4] (1) 50-100 | [9] (0) over 5,000* |
| [5] (0) 100-500 | |

*if over 5,000, indicate here _____.

11. In an average year, how many applications for search warrants are made by your department to each of the following:

a. District Court Judges?

- | | |
|--------------------|------------------|
| 1/27 [1] (79) 0-10 | [6] (0) 200-300 |
| [2] (1) 10-20 | [7] (0) 300-400 |
| [3] (4) 20-50 | [8] (0) 400-500 |
| [4] (1) 50-100 | [9] (0) over 500 |
| [5] (4) 100-200 | |

b. City Court Judges?

- | | |
|--------------------|------------------|
| 1/28 [1] (73) 0-10 | [6] (0) 200-300 |
| [2] (13) 10-20 | [7] (0) 300-400 |
| [3] (6) 20-50 | [8] (0) 400-500 |
| [4] (6) 50-100 | [9] (2) over 500 |
| [5] (0) 100-200 | |

c. Mayor's Court Judges?

- | | |
|--------------------|------------------|
| 1/29 [1] (97) 0-10 | [6] (0) 200-300 |
| [2] (2) 10-20 | [7] (0) 300-400 |
| [3] (0) 20-50 | [8] (0) 400-500 |
| [4] (2) 50-100 | [9] (0) over 500 |
| [5] (0) 100-200 | |

d. Justices of the Peace?

1/30 [1] (95) 0-10	[6] (0) 200-300
[2] (3) 10-20	[7] (0) 300-400
[3] (3) 20-50	[8] (0) 400-500
[4] (0) 50-100	[9] (0) over 500
[5] (0) 100-200	

12. Are these applications for search warrants reviewed by an attorney before they are presented to a judge?

1/31 [1] (40) never
 [2] (2) infrequently
 [3] (15) frequently
 [4] (24) always

13. If search warrant applications are reviewed by an attorney, by whom are they reviewed?

1/32 [1] (54) city attorney
 [2] (15) police legal advisor
 [3] (3) other (explain) _____

14. What percentage of search warrant applications are denied by each of the following?

a. District Court Judges?

1/33 [1] (95) 0-10%	[6] (0) 50-60%
[2] (0) 10-20%	[7] (0) 60-70%
[3] (2) 20-30%	[8] (0) 70-80%
[4] (2) 30-40%	[9] (1) 80-100%
[5] (0) 40-50%	

b. City Court Judges?

1/34 [1] (100) 0-10%	[6] (0) 50-60%
[2] (0) 10-20%	[7] (0) 60-70%
[3] (0) 20-30%	[8] (0) 70-80%
[4] (0) 30-40%	[9] (0) 80-100%
[5] (0) 40-50%	

c. Mayor's Court Judges?

1/35 [1] (100) 0-10%	[6] (0) 50-60%
[2] (0) 10-20%	[7] (0) 60-70%
[3] (0) 20-30%	[8] (0) 70-80%
[4] (0) 30-40%	[9] (0) 80-100%
[5] (0) 40-50%	

d. Justices of the Peace?

1/36 [1] (97) 0-10%	[6] (0) 50-60%
[2] (0) 10-20%	[7] (0) 60-70%
[3] (0) 20-30%	[8] (0) 70-80%
[4] (0) 30-40%	[9] (3) 80-100%
[5] (0) 40-50%	

Bail

Many jurisdictions have bail schedules so that an accused person may post the amount of bail listed for his offense and be released by police without going before a judge.

15. Is such a bail schedule used by your department?

1/37 [1] (90) Yes [2] (10) No

16. Are traffic offenses included in the schedule?

1/38 [1] (93) Yes [2] (7) No

17. Are non-traffic city ordinance violations included in the schedule?

1/39 [1] (85) Yes [2] (15) No

18. Are non-traffic parish ordinance violations included?

1/40 [1] (39) Yes [2] (61) No

19. Are state misdemeanors included?

1/41 [1] (63) Yes [2] (37) No

20. Are felonies included?

1/42 [1] (19) Yes [2] (81) No

21. By whom was the schedule prepared?

1/43 [1] (12) more than one agency (explain) _____
 [2] (19) police department
 [3] (7) city attorney
 [4] (21) city court judge
 [5] (30) mayor
 [6] (0) justice of the peace
 [7] (5) district court judge
 [8] (6) other (explain) _____

Prosecution

22. In some types of judicial hearings, a police officer may have to present the case against the defendant by himself since no prosecuting attorney is present. Please indicate in which of the following instances the case for the prosecution commonly is presented by the police officer and not by a prosecuting attorney:

- a. Traffic ordinance violations?
1/44 [1] (88) Yes [2] (12) No
- b. Non-traffic ordinance violations?
1/45 [1] (83) Yes [2] (17) No
- c. State traffic violations?
1/46 [1] (49) Yes [2] (51) No
- d. State misdemeanors?
1/47 [1] (48) Yes [2] (52) No
- e. Bail settings?
1/48 [1] (47) Yes [2] (53) No

Court Appearances

23. When a witness other than a police officer is required to appear in court, who generally authorizes the subpoena to require his appearance?

- 1/49 [1] (25) police department
- [2] (3) city attorney
- [3] (10) city court judge
- [4] (12) city court clerk
- [5] (44) mayor
- [6] (3) city clerk
- [7] (4) other (explain) _____

24. Who usually serves these subpoenas?

- 1/50 [1] (52) police
- [2] (42) marshal
- [3] (2) constable
- [4] (4) other (explain) _____

25. How many hours per month, on the average, does an officer in your department spend in each of following ways:

a. Testifying, or waiting to testify, in District Court?

- | | |
|-------------------|---------------------|
| 1/51 [1] (69) 0-5 | [6] (0) 25-30 |
| [2] (19) 5-10 | [7] (0) 30-35 |
| [3] (6) 10-15 | [8] (0) 35-40 |
| [4] (3) 15-20 | [9] (0) 40 or more* |
| [5] (2) 20-25 | |

*if more than 40, indicate here _____.

b. Testifying, or waiting to testify, in City Court?

- | | |
|-------------------|---------------------|
| 1/52 [1] (64) 0-5 | [6] (0) 25-30 |
| [2] (20) 5-10 | [7] (1) 30-35 |
| [3] (7) 10-15 | [8] (0) 35-40 |
| [4] (4) 15-20 | [9] (0) 40 or more* |
| [5] (0) 20-25 | |

*if more than 40, indicate here _____.

c. Testifying, or waiting to testify, in Mayor's Court?

- | | |
|-------------------|---------------------|
| 1/53 [1] (49) 0-5 | [6] (0) 25-30 |
| [2] (13) 5-10 | [7] (0) 30-35 |
| [3] (6) 10-15 | [8] (0) 35-40 |
| [4] (1) 15-20 | [9] (0) 40 or more* |
| [5] (0) 20-25 | |

*if more than 40, indicate here _____.

26. When a case has been continued or postponed in a City Court, is your department notified in advance that an officer need not appear?

- 1/54 [1] (20) never
- [2] (9) infrequently
- [3] (20) frequently
- [4] (51) always

27. When a case has been continued or postponed in a Mayor's Court, is your department notified in advance that an officer need not appear?

- 1/55 [1] (18) never
- [2] (6) infrequently
- [3] (4) frequently
- [4] (72) always

28. Does the size of your department's budget depend in any way on the amount of money collected as fines, forfeitures, costs and any other charges for offenses committed within your municipality?

1/56 [1] (16) Yes

[2] (84) No

29. What do you believe are the most urgent problems in relation to local courts confronting your department? How would you suggest they be resolved?

Handwritten response area for question 29, consisting of multiple horizontal lines for text entry.

Police Chief Questionnaire

Question No.	No. of N/A	Question No.	No. of N/A
1	5	22a	10
2	4	22b	15
3	5	22c	27
4	7	22d	28
5a	33	22e	20
5b	53	23	6
5c	35	24	8
5d	49	25a	13
6	5	25b	39
7	36	25c	30
8a	52	26	39
8b	60	27	31
8c	40	28	7
8d	62	29	0
9	8		
10	10		
11a	35		
11b	0		
11c	49		
11d	70		
12	17		
13	41		
14a	44		
14b	63		
14c	57		
14d	73		
15	3		
16	7		
17	7		
18	14		
19	11		
20	12		
21	11		

Appendix F

- U.S. Department of Transportation Highway Safety Program Standard 4.4.7—Traffic Courts
- National Standards for Improving the Administration of Justice in Traffic Courts
 - Fifty-seven Recommendations—Warren Report, 1940
 - Sixteen Resolutions of Chief Justices—1951
 - Thirty-three Immediate and Long Range Needs—Public Officials' Traffic Safety Conference, 1957
 - 1961 Action Program for Traffic Courts—President's Committee for Traffic Safety

HIGHWAY SAFETY PROGRAM STANDARD 4.4.7

TRAFFIC COURTS

INTRODUCTION

Traffic court records should be a part of each central traffic records system, particularly for the driver records.

BACKGROUND

The States must reappraise and review their traffic court systems. Traffic courts should be a regularly established part of the State judicial system, with full-time judges and staffs, assigned quarters, and operating

procedures which insure reasonable availability of court services for alleged offenders. No traffic court or any of its personnel should be financially dependent upon any fee system, fines, costs, or other revenues resulting from processing violations of motor vehicle laws, and strict accounting procedures regarding collection of fees, fines, and costs should be instituted.

Report No. 1700, House of Representatives 89th Congress, 2d Session, July 15, 1966, p. 19.

PURPOSE

To provide prompt impartial adjudication of proceedings involving motor vehicle laws.

STANDARD

Each State in cooperation with its political subdivisions shall have a program to assure that all traffic courts in it complement and support local and Statewide traffic safety objectives. The program shall provide at least that:

I. All convictions for moving traffic violations shall be reported to the State traffic records system.

II. *Program Recommendations*

In addition the State should take appropriate steps to meet the following recommended conditions:

A. All individuals charged with moving hazardous traffic violations are required to appear in court.

B. Traffic courts are financially independent of any fee system, fines, costs, or other revenue such as posting or forfeiture of bail or other collateral resulting from processing violations of motor-vehicle laws.

C. Operating procedures, assignment of judges, staff and quarters insure reasonable availability of court services for alleged traffic offenders.

D. There is a uniform accounting system regarding traffic violation notices, collection of fines, fees and costs.

E. There are uniform rules governing court procedures in traffic cases.

F. There are current manuals and guides for administration, court procedures, and accounting.

NATIONAL STANDARDS FOR IMPROVING
THE ADMINISTRATION OF JUSTICE
IN TRAFFIC COURTS

57 RECOMMENDATIONS

In 1938, the National Conference of Judicial Councils and the National Committee on Traffic Laws Enforcement authorized a study of the nation's traffic courts. Fifty-seven recommendations for improvement of these courts resulted from this study. These recommendations were approved on September 10-12, 1940 by the National Conference of Judicial Councils; and the American Bar Association House of Delegates, Section on Judicial Administration, Criminal Law Section, Junior Bar Conference. Later the Committee on Judges and Prosecutors of the Street and Highway Section of the National Safety Council (October 9, 1940); and the International Association of Chiefs of Police (April 10, 1942) also approved them. They have become a part of the Action Program of The President's Committee for Traffic Safety.

The summary of The 57 recommendations follow:

TRAFFIC LAWS

1. Traffic laws with inherent defects should be revised and those which are unenforceable or unnecessary should be repealed.
2. Traffic statutes should be founded upon the "Uniform Vehicle Code" and the "Model Traffic Ordinances" with only regulations purely local in nature left to local ordinance. However, an exception should be made where this would result in ousting local courts from jurisdiction to try traffic violations.

TRAFFIC COURTS

3. All courts should treat traffic cases apart from their other business.
4. Special courts for traffic cases are necessary when the number of cases reach 7,500 per year with a violations bureau in operation, and 15,000 cases per year when there is no bureau.
5. The ideal traffic court organization would be on a state basis with various district courts, and with circuits operating from each district.
6. Physical courtroom conditions should be improved as to facilities, arrangements, cleanliness, and appearance.
7. The taxing of court costs as a separate penalty should be eliminated, and the fine assessed in one sum. If costs are included, they should be in a reasonable amount.

VIOLATIONS BUREAUS

8. Violations bureaus are to be used only when the number of traffic cases make it impossible for the court to properly dispose of them.
9. The basis for all violations bureaus should be a signed plea of guilty and waiver of trial.
10. Schedules of fines charged at the violations bureau are not to be alterable.
11. The bureau should handle the least hazardous violations and should deal

with moving offenses only when they respond to treatment outside the courtroom. Major traffic law violations should never be handled in a violations bureau.

12. Assuming conformity with the recommended basis for violations bureau jurisdiction, the payment of fines by mail, properly safeguarded, is recommended.
13. Fines assessed at the violations bureau should be in average amounts used by the judge for the same offenses, and should be scaled higher for repeaters.

TRAFFIC JUDGES

14. Traffic judges should recognize the fact that a knowledge of traffic laws, traffic policing and engineering is necessary in addition to a legal background and should aim to obtain an understanding of these factors.
15. Traffic judges should not be selected by local authority or on a localized basis where appointment or election on a wider scale is possible.
16. The selection of alternates for traffic judges should be safeguarded.
17. Where more than one magistrate is available for the traffic bench, it is recommended that one judge be assigned to that post permanently or for a long period, rather than the use of a system of rotation of judges.
18. Traffic judges should be under the supervision of a chief magistrate who should be given regulatory powers.

PROSECUTORS

19. It is recommended that the title "Prosecutor" be eliminated in favor of "Public Attorney" or "Public Solicitor" or a similar term.
20. "Prosecutors" should be assigned to traffic courts for aid in the disposition of cases.
21. Where the information on the ticket or complaint does not afford the prosecutor sufficient detail, the arresting officer should be required to furnish him with an additional report.
22. Prosecutors should not be used for the purpose of deciding whether a traffic violation should be brought to trial.

DEFENSE COUNSEL

23. Bar associations should interest themselves in ascertaining what the function of a lawyer in the traffic courts should be, and in encouraging the maintenance of that standard.

TRAFFIC COURT
PROCEDURE

24. Preliminary hearings in minor traffic cases should be eliminated.
25. Summonses and tickets should be returnable on particular days assigned to officers.
26. Where the volume of cases is large the time of appearance should be staggered according to the type of offense.
27. Complaints other than tickets are unnecessary and should not be used in traffic cases where the officer witnessed the violation.

- 28. Dockets should be kept by the court clerk's office and traffic cases should be kept in a separate docket.
- 29. Dockets should be in duplicate, the disposition to be marked on the original by the judge at the time of trial.
- 30. Each defendant should be treated as a single case regardless of the number of charges against him.
- 31. Appearances should be enforced by the service of warrants through the police department and by additional fines.
- 32. The traffic court judge should be made solely responsible for the granting and use of continuances.
- 33. Continuances should not be used for the purpose of allowing violators an opportunity to obtain the money needed for the fine. Instead, surrender of the offender's license until payment is made is recommended.

THE JURY

- 34. The use of juries in trials for summary or minor traffic offenses should be eliminated.

APPEALS

- 35. There is need for the study and revision of the appellate procedure available to persons convicted of traffic offenses.

TRAFFIC COURT ADMINISTRATION
CONDUCT OF A TRAFFIC COURT

- 36. There is a general need for higher standards of decorum and courtroom procedure in traffic cases.

PUNISHING THE TRAFFIC VIOLATOR

- 37. Juvenile traffic violators should be treated by traffic courts except where a behavior problem is involved.
- 38. Rigid and set fines (as distinguished from flexible standards) for the various traffic violations are to be discouraged.
- 39. The utilization of effective methods other than fines and sentences for the punishment and treatment of traffic violators, should be encouraged.
- 40. The primary aim of the traffic court should be to impress defendants with the need for traffic law observance rather than to penalize.

THE FIX

- 41. Reduction of charges in traffic cases should be a judicial power and exercisable only by the judge.
- 42. Judges should hold police officer, prosecutor, or both, strictly accountable for deliberate attempts to weaken the case against the defendant.
- 43. Clerical procedure should be revised for the purpose of permitting audits, allocating responsibility and providing checks on the handling of cases before they are tried.

RECORDS

- 44. Traffic Judges should be furnished with the traffic record of the defendant by the police department, to be used only after deciding guilt in the present case, for the purpose of assessing the punishment.

- 45. Drivers' records should be state-wide for maximum effectiveness and made available through police departments to traffic courts throughout the state.
- 46. Traffic courts should keep daily cumulative records, broken-down by division into the common offenses, and published at least annually.

CONVICTION REPORTING

- 47. Bar associations and other interested groups should interest themselves, where necessary, in the problem of the failure of judges in traffic courts to report convictions as required by state law.

THE JUSTICE OF THE PEACE COURT

- 48. The justice of the peace system is outmoded and its plan of organization ineffective for good traffic law enforcement. It is recommended that the justice of the peace should be replaced for the trial of traffic cases by a state-wide system of regular courts with trained personnel functioning on a circuit basis from centrally located seats and under the supervision of a chief judge.

QUALIFICATIONS AND SUPERVISION

- 49. *Minimum qualifications should be prescribed for candidates for the office of justice of the peace.
- 50. The basis governing the number and location of justices of the peace should be revised to allow the existence of a reasonable number of officers and an efficient distribution.
- 51. Adequate supervision should be provided, and regular inspections made of all functioning justice courts.

THE FEE SYSTEM AND SALARIES

- 52. The present fee system in use in most states as a method of remuneration for justices of the peace, should be abolished and replaced by a means of compensation not dependent in any manner upon the decision in the case.
- 53. Where practical, fair and adequate salaries should be given justices of the peace.

THE ADMINISTRATION OF JUSTICE IN THE JUSTICE COURT

- 54. Courtrooms should be furnished to justices in the various localities.
- 55. The choice or selection of a particular justice court by the arresting officer should not be permitted if the practical necessity therefor is removed.
- 56. The practice of taxing cost should be eliminated.
- 57. All justices should be furnished with, and required to keep, satisfactory dockets, financial and other records, and should be obliged to report to a county or state office at least monthly.

*Recommendations numbers 49 to 57 are subject to recommendation number 48.

THE CHIEF JUSTICES' RESOLUTIONS

In 1951, the Conference of Chief Justices of the State Supreme Courts reviewed the progress made in the improvement of traffic courts and found that much remained to be accomplished.

The late Chief Justice Arthur T. Vanderbilt has outlined the problem in the following manner:

"As the country became motorized it became increasingly apparent that the local criminal courts of first instance—the justice of the peace in the county and the police court in the city—were not adequately equipped to meet the situation. It is one thing for a lay judge to handle the local judicial difficulties of a sparsely settled countryside where he has known everyone in every family personally, but it is quite a different thing to administer justice locally in the same locality with a super highway running through it used by thousands unknown to him. The temptations of the fee system of paying justices of the peace and constables were bad enough before the coming of the automobile, but with its advent another racket came into existence. In the cities the police courts had sufficed in a way to dispose of the drunks and unfortunates who were caught in the talons of the law, but they create a very bad impression on the otherwise respectable citizens who are hailed into court on motor vehicle offenses. What they see and hear—and sometimes smell—in these courts does not tend to create respect for law or for the judges and lawyers administering law. And people are coming to these courts by millions each year as defendants or as witnesses in traffic matters—15,400,000 as defendants in 1951—in comparison with the relatively small number who experience justice from the courts of last resort in the state house. These local tribunals collectively can do more to undermine respect for law than the appellate courts can possibly overcome, try as they will. From the judicial point of view this aspect of the work of the traffic courts is quite as significant as the necessity of curbing the constantly growing loss of life and property. Thoughtful judges and lawyers do not need to be told that our kind of government cannot exist long once respect for law is destroyed.

"It was discontent with the relatively slow pace of progress in this vital field that led the Conference of Chief Justices in 1951 to adopt unanimously sixteen resolutions concerning traffic courts. Later in the same year they were likewise approved by the Conference of Governors."

THE 16 RESOLUTIONS

1. RESOLVED that the local courts of first instance have greater opportunities and therefore greater responsibilities than any other courts for (1) safeguarding life and limb from automobile accidents and (2) promoting respect for law on which free government necessarily depends.
2. RESOLVED that all trial courts of first instance in the state should be fully integrated into the judicial system of the state and that wherever necessary a reorganization of the statewide system of courts should be undertaken to accomplish this objective.

3. RESOLVED that uniform procedure regulating civil and criminal practice in all trial courts of first instance within a state should be promulgated by the agency charged with the responsibility for preparing rules of procedure.
4. RESOLVED that in each state where the Chief Justice or some administrative official designated by him should be authorized to supervise the work of the trial courts of first instance, he should be authorized to collect, collate, and publish judicial statistics relating to the work of such courts and to obtain efficiency, uniformity, and simplicity of procedure therein.
5. RESOLVED that suitable courtrooms are essential to the dignity and effectiveness of local courts of first instance as they are to all other courts; that each state should by statute require suitable courtrooms of every court; that it should be the duty of an administrative judge or official in each state to supervise the work of complying with such requirements.
6. RESOLVED that trial courts of first instance having traffic and other jurisdiction should arrange so far as feasible separate sessions for the handling of traffic cases and dispose of them at a different time than other criminal business.
7. RESOLVED that each state should require the attendance of all judges of trial courts of first instance and of public prosecutors assigned to such courts at an annual judicial conference of such courts for the purpose of discussing their current problems and of being instructed with respect thereto.
8. RESOLVED that the evil of traffic ticket "fixing" should be eradicated and that a nonfixable uniform traffic violations ticket similar to those used in Michigan and New Jersey should be adopted by each state and the police be required to use it.
9. RESOLVED that it is improper for either a police officer testifying in a case or the judge hearing the case to act as prosecutor in any contested case and that in all such cases it is advisable that there should be a public prosecutor to represent the state.
10. RESOLVED that because of the increasing toll of highway accidents, trial courts of first instance should require all persons charged with moving violations to appear in court in person and the traffic judges should increase the amount of individual attention given to each case of such nature for the purpose of assessing adequate corrective penalties, and that, if necessary, steps be taken to add additional judges and prosecutors to accomplish this end.
11. RESOLVED that the police appearing as witnesses in traffic cases should receive especial training for their important task.
12. RESOLVED that the judges of local courts of first instance should be members of the bar especially trained in traffic matters.
13. RESOLVED that the judges of local courts should be selected on a non-partisan basis.

- 14. RESOLVED that there should be a violations bureau in every traffic court under the supervision of the judge to handle non-moving traffic offenses in order that the judge may have time to deal adequately with more serious offenses.
- 15. RESOLVED that fines and penalties for each offense, insofar as possible, should be uniform throughout a state and should be in proportion to the grade of the offense. Consideration should, of course, be given to the number of offenses committed by a particular defendant. In flagrant cases, or for repeated offenses, a driver's license should be suspended temporarily or revoked permanently.
- 16. RESOLVED that the judges of local courts of first instance have especial opportunities and therefore especial responsibilities not only in traffic cases but in the exercise of their general jurisdiction to educate the citizens in their respective jurisdictions in the necessity of respect for law and with regard to the safety and welfare of others.

IMMEDIATE AND LONG RANGE NEEDS
FOR TRAFFIC COURT IMPROVEMENT

REPORT ON ENFORCEMENTS - COURTS

On December 9 and 10, 1957, under the sponsorship of the President's Committee for Traffic Safety, the Public Officials Traffic Safety Conference met in Washington, D. C. State, county and municipal judges and prosecutors and other public officials comprising the workshop on enforcement-courts drafted a list of immediate and long-range needs for the improvement of traffic courts. This statement, approved by the conference in general assembly, was ratified in 1958 by the American Bar Association and by the Conference of Chief Justices of State Supreme Courts,

IMMEDIATE NEEDS

It is very difficult to make a choice between the "immediate" and "long range needs" to achieve a desirable administration of traffic court justice. The areas selected below for consideration as immediate needs include many which may require considerable time lapse before ultimate realizations. Following are the immediate needs:

- 1. Recognition of the independence of the judicial branch of government by the executive and legislative branches of state, county, municipal and other local governments.
- 2. All traffic courts should be integral units of the state court system and, wherever necessary, a reorganization of courts for that purpose be undertaken.
- 3. An administrator of state courts should be appointed by the highest judi-

- cial authority in the state for the purpose of supervising and administering all traffic courts in the state.
- 4. Immediate implementation of the needs herein described, irrespective of the cost required to firmly establish the traffic court in the judicial branch in the governmental framework.
- 5. Elimination of politics from any and all activities of the judicial department.
- 6. Abolish court costs as an item separate and apart from fines so as to eliminate apparent revenue aspects of penalties.
- 7. Improvement of all court facilities including courtrooms, judges' chambers, clerical facilities and other office requirements for efficient operation of a dignified and impressive traffic court.
- 8. Judges should be selected on a basis which shall insure high judicial qualifications and shall, where practicable, serve on a full time basis.
- 9. Judicial salaries and prosecutors' salaries in traffic courts should be sufficient to attract competent and qualified persons; and the fee system should be abolished.
- 10. There should be mandatory annual judicial conferences for all traffic court judges and prosecutors and provisions should be made for the payment of all expenses incurred in connection therewith.
- 11. All courts should be fully staffed with adequate judicial, clerical and administrative personnel.
- 12. The recently approved uniform rules of procedure for traffic cases should be made applicable in all traffic courts, preferably by the highest judicial authority in the state.
- 13. The uniform traffic ticket and complaint should be adopted on a statewide basis, and that one copy thereof serve as a report of conviction or disposition.
- 14. More offenders charged with moving traffic violations should be required to appear in court.
- 15. Bail schedules should be uniform among courts in the same county or over any larger judicial district.
- 16. Provisions should be made in bail schedules for use of drivers license in lieu of cash bail at the violator's option, the receipt issued therefor to indicate the date set for court appearance and to act as evidence of the existence of a valid driver's license.
- 17. Greater attention should be given to maintaining a high standard of decorum in all traffic courts.
- 18. The judges of all traffic courts should adopt a method of informing defendants of their rights in court and the procedure to be followed through opening remarks in court, individual instructions to defendants, or the printing and distribution of a pamphlet on this subject.
- 19. That legislation be enacted, wherever necessary, permitting the trial in the traffic court of all juveniles possessing a drivers license without interfering with any jurisdiction of existing juvenile traffic courts.

- 20. Failure to answer or appear in traffic court should be grounds for suspension of drivers license until such time as a response is made in court for such default.
- 21. That legislation providing for suspension of drivers license be incorporated as an additional remedy available to traffic courts for traffic violations other than non-hazardous violations.
- 22. That all traffic violations bureaus established under authority other than the traffic court judge's be abolished and re-established under the exclusive jurisdiction of the traffic court judge.
- 23. Each city and state should utilize technical assistance and guidance in their effort to improve traffic courts.

LONG RANGE NEEDS

- 1. That the highest judicial authority in every state should deliver an address, similar to the Governor's message, to each legislature in joint session on the "State of the Courts and the Administration of Justice."
- 2. That a similar opportunity be given to the highest judicial authority in every county and in every municipality to appear before the appropriate legislative body and present the needs of their particular courts.
- 3. Increasing the jurisdiction of all traffic courts, wherever necessary, so as to consolidate the trial of all traffic cases in one court for both state and local offenses.
- 4. The elimination of overlapping jurisdiction of traffic courts as to traffic offenses by granting a "court of record" status to all traffic courts.
- 5. Creation of a statewide system of traffic court schools which will be readily available to every traffic court judge within each county or other subdivision of the state.
- 6. Proper corrective penalization requires the ready availability of records of prior convictions, both on a local and on a statewide basis.
- 7. Modern business machines and methods should be utilized wherever practicable by all traffic courts, with careful consideration being given to the preservation of adequate original court records.
- 8. That fact finding studies be undertaken on the effectiveness of present fines and penalties as to their corrective value, the proper use of probation, court supervision, and handling of repeater violators.
- 9. That surveys be made as to relative costs of operation of traffic courts serving similar population and areas so that they may be readily compared.
- 10. Minimum and maximum penalties should be established for all traffic violations and legislation establishing mandatory rigid, fixed fines or penalties should be repealed.
- 11. Every session of all state, county, and municipal legislative bodies, aided by interim study commissions or committees, should consider traffic court and highway safety problems.

Many of the aforesaid can be quickly incorporated into present traffic courts through administrative acceptance. The few requiring legislative action are non-controversial in most instances. Sympathetic citizen support for these immediate needs would greatly accelerate their adoption.

PRESIDENT'S COMMITTEE FOR TRAFFIC SAFETY

ACTION PROGRAM 1961

TRAFFIC COURTS SECTION

APPROVED DECEMBER 14, 1960, WASHINGTON, D.C.*

RECOMMENDATIONS

It is recommended that:

- 1. The National Standards for Improving the Administration of Justice in Traffic Courts should be applied by every state and municipality.
- 2. All traffic courts should be integral units of the judicial system of each state and, wherever necessary, a constitutional or legislative reorganization of courts for that purpose be undertaken.
- 3. The judges of traffic courts should be selected on a non-partisan basis under a method which should ensure high judicial qualifications, and the judges should serve full time, with adequate security as to tenure.
- 4. The highest judicial authority in each state should appoint an administrator of state courts with duties specifically including supervision and administration of all courts trying traffic cases in that state. The Model Act for a State Court Administrator should be used as a guide.
- 5. Each state should adopt, preferably through the highest judicial authority in the state, uniform rules governing procedure in traffic cases which should apply to all courts trying traffic cases.
- 6. The Model Uniform Traffic Ticket and Complaint should be adopted on a statewide basis, and one copy should serve as a report of conviction or disposition. All enforcement agencies within the state should be required to use the model form.
- 7. The salaries paid to traffic court judges and prosecutors should be equal to those of trial courts of general jurisdiction.
- 8. The fee system for compensating judges and justices of the peace should be eliminated and, in its place, a salary system should be provided.
- 9. All judges, whether lawyer or laymen, should be subject to the Canons of Judicial Ethics and adequate provisions should be made for disciplinary action against judges where justified; and the removal and retirement provisions of trial courts of general jurisdiction should be made applicable to traffic courts.

*The recommendations were approved by the ABA House of Delegates, February 20, 1961.

- 10. Courts of Record status should be provided for all traffic courts.
- 11. It should be mandatory for all traffic court judges and prosecutors to attend annual judicial conferences, and adequate provision should be made for the payment by local, county and state governments of all expenses incurred in connection therewith.
- 12. Each state should staff all courts fully with adequate judicial, prosecution, clerical, and administrative personnel.
- 13. All offenders charged with moving hazardous traffic violations should be required to appear in court and answer the charge in person.
- 14. All state, county and local governments should eliminate budgetary practices calling for an estimate of anticipated revenue from the handling of traffic cases. The actual revenue derived from traffic fines and forfeitures for the prior fiscal year should take the place of such estimates.
- 15. The American Bar Association should continue to assume major responsibility for the national program to improve traffic courts and accelerate its activity in this behalf.

Appendix G

MODEL RULES GOVERNING PROCEDURE IN TRAFFIC CASES

PREFATORY NOTE

Pursuant to action of the Executive Committee of the National Conference of Commissioners on Uniform State Laws, the efforts of the Special Committee on Rules for Traffic Court Procedure have been expressed in the form of model rules.

Due to the interstate character of the operation of buses, trucks, and passenger cars for pleasure as well as for business, uniformity of traffic violations procedure not only is essential for orderly and fair government intra-state, but interstate as well. These rules represent a new technique which, if adopted with a minimum of variations at the state level, automatically become uniform.

There is a division among the several states as to whether the judicial or legislative branch of government has the power to enact rules or laws which govern civil and criminal procedure.

In statutory procedure states, however, these rules may be readily adapted as sections of an independent act. An illustration of style is as follows:

"An Act Prescribing Procedure in Traffic Violations Cases.

"Be It Enacted.....

"Section 1. [*Scope, Purpose and Construction.*] This law governs the procedure * * *"

This Committee considered the resolutions on traffic violations procedure adopted by the Conference of Chief Justices at its Third Annual Meeting in New York City, September 13-16, 1951, in the preparation of these rules.

These rules are taken in substance, for the most part, from the proposed rules of Missouri for the Trial Courts of Limited Jurisdiction. The proposed rules of Missouri are taken in substance from those of New Jersey.

MODEL RULES GOVERNING PROCEDURE IN TRAFFIC CASES *

RULE 1:1. [SCOPE, PURPOSE, CONSTRUCTION, DEFINITIONS.]

1 1:1-1. [Scope, Purpose and Construction.] These rules govern
2 the procedure in courts with jurisdiction to hear and determine
3 cases involving traffic offenses. They are intended to provide for
4 the just determination of these cases and to that effect shall be
5 construed to secure simplicity and uniformity in procedure, fair-
6 ness in administration and the elimination of unjustifiable expense
7 and delay.

COMMENT

Source—N.J. Rule 8:1-1, 2.

1 1:1-2. [Definitions.] As used in these rules, unless the context
2 clearly requires otherwise:

3 (1) "Traffic Offense" means any violation of a statute, ordi-
4 nance or regulation relating to the operation or use of motor
5 vehicles and any violation of a statute, ordinance or regulation
6 relating to the use of streets and highways by pedestrians or by the
7 operation of any other vehicle.

8 (2) "Court" means any tribunal with jurisdiction to hear and
9 determine traffic violation cases and the magistrate, judge, or other
10 presiding officer thereof sitting as a court.

11 (3) "Magistrate" or "Judge" includes any officer authorized
12 by law to sit as a court to which these rules apply.

13 (4) "Oaths" include affirmations.

14 (5) "Non-Moving Traffic Offense" means any parking or stand-
15 ing of vehicles in violation of a statute, ordinance or regulation
16 and any violation of a statute, ordinance or regulation while the
17 vehicle is not in operation.

COMMENT

Source—N.J. Rule 8:1-3.

* The National Conference of Commissioners on Uniform State Laws in the
promulgation of its Uniform Acts urges, with the endorsement of the American
Bar Association, their enactment in each jurisdiction. Where there is a demand
for an Act covering the subject matter in a substantial number of the states, but
where in the judgment of the National Conference of Commissioners on Uniform
State Laws it is not a subject upon which uniformity between the states is neces-
sary or desirable, but where it would be helpful to have legislation which would
tend toward uniformity where enacted, Acts on such subjects are promulgated
as Model Acts.

RULE 1:2. [RULES GOVERNING CRIMINAL PROCEDURE.]

1 1:2-1. Other rules and laws which govern crimina] procedure
2 shall, in so far as they are applicable, implement the rules pre-
3 scribed by this [Rule] [Act] [Article].

RULE 1:3. [TRAFFIC CASES.]

1 1:3-1. [Complaint—Information and Summons; Form.]

2 (a) [Form.] In traffic cases the complaint or information and
3 summons shall be in the form known as the "Uniform Traffic
4 Ticket and Complaint," substantially the same as set out in the
5 appendix of forms hereto.¹ The Uniform Traffic Ticket and Com-
6 plaint shall consist of four parts [separated by carbon paper]:²

7 (1) the complaint or information, printed on white paper;

8 (2) the abstract of court record for the state licensing au-
9 thority which shall be a copy of the complaint or information,
10 printed on yellow paper;

11 (3) the police record, which shall be a copy of the complaint
12 or information, printed on pink paper; and

13 (4) the summons, printed on white stock.³

14 Their reverse sides shall be as set out in the form, with such
15 additions or deletions as are necessary to adapt the Uniform
16 Traffic Ticket and Complaint to the court involved. The notice
17 and appearance, plea of guilty and waiver shall be printed on the
18 summons.

19 (b) [When Used.] The complaint or information form shall
20 be used in traffic cases, whether the complaint is made by a peace
21 officer or by any other person, or the information is made by the
22 prosecutor.

23 (c) [Records and Reports.] Each magistrate or judge, or pre-
24 siding judge of a court having a presiding judge, [Superintendent
25 of State Police]⁴ [Motor Vehicle Administrator]⁵ shall be re-
26 sponsible for all Uniform Traffic Tickets and Complaints issued
27 to law enforcement officers or others in his jurisdiction and for

¹ This form should be checked carefully and made applicable to and in accord
with the law of the particular jurisdiction.

² The words within the brackets may be omitted. This is to permit recognition
of a new process which sensitizes paper so that copies may be made without the
use of carbon paper.

³ The different colors are to facilitate handling.

⁴ Here insert appropriate name of state enforcement agency and title of the
officer in charge.

⁵ Here insert name of the agency and the title of the officer in charge in those
states where additional enforcement authority is provided for administration of
the motor vehicle. Also insert name of any other state agency and title of its
officer empowered to issue traffic tickets.

28 their proper disposition, and shall prepare or cause to be prepared
29 the records and reports relating to the Uniform Traffic Tickets and
30 Complaints in the manner and at the time as shall be prescribed
31 by [Insert appropriate state agency].

COMMENT

Source—N.J. Rule 8:10-1(c); Missouri Rule 42(c).

1 1:3-2. [*Improper Disposition of Traffic Tickets; Contempt of*
2 *Court.*] Any person who solicits or aids in the disposition, or at-
3 tempted disposition, of a traffic ticket or summons in any un-
4 authorized manner is in criminal contempt of the court.

COMMENT

Source—N.J. Rule 8:10-2; Missouri Rule 43.

1 1:3-3. [*Procedure on Failure to Appear; Warrant; Notice.*]
2 (a) [*Residents.*] The court shall issue a warrant for the arrest
3 of any defendant who is a resident of this state and who fails to
4 appear or answer a traffic ticket or summons served upon him and
5 upon which a complaint has been filed. If the warrant is not
6 executed within 30 days after issue, the court shall promptly re-
7 port the name of the defendant, the date and nature of the traffic
8 offense charged, the license number of the motor vehicle involved
9 in the offense, and all other pertinent facts to the [Motor Vehicle
10 Administrator].⁶ A copy of the report shall be filed with the com-
11 plaint. The court shall then mark the case as closed on its records,
12 subject to being reopened if the appearance of the defendant is
13 thereafter obtained.

14 (b) [*Non-Residents.*] If a defendant not a resident of this
15 state fails to appear or answer a traffic ticket or summons served
16 upon him and upon which a complaint has been filed within 30
17 days after the return date of the ticket or summons, the court
18 shall mail a notice to the defendant at the address stated in the
19 complaint in the form prescribed by the [Insert appropriate state
20 agency] sending a copy of the notice to the [State Motor
21 Vehicle Administrator]⁶ and filing a copy with the complaint.
22 The mailing of the notice in parking cases shall be discretionary
23 with the court. If the defendant fails to appear or otherwise
24 answer within 30 days after the mailing of the notice, or in park-
25 ing cases if no notice is mailed within 60 days after the return date
26 of the ticket or summons the court shall mark the case as closed

⁶ Here insert name of agency and title of officer in charge of motor vehicle administration.

27 on its records, subject to being reopened if the defendant there-
28 after appears or otherwise answers.

COMMENT

Source—N.J. Rule 8:10-3(a) and (b) as amended; Missouri Rule 44.

1 1:3-4. [*Separation of Traffic Cases.*]
2 (a) [*Separate Trial.*] In so far as practicable, traffic cases shall
3 be tried separate and apart from other cases, and may be desig-
4 nated as the "Traffic" session or division.

5 (b) [*Trial by Traffic Division.*] If a court sits in divisions
6 and one division sitting in daily session has been designated as a
7 traffic court, traffic cases shall be tried in that division only.

8 (c) [*Trial by Traffic Session.*] If a court has designated a par-
9 ticular session as a traffic session, traffic cases shall be tried only in
10 that session, except for good cause shown.

11 (d) [*Other Cases; Designation of Particular Time.*] In all
12 other cases, the court shall designate a particular day or days, or
13 a particular hour daily on certain days, for the trial of traffic
14 cases.⁷

15 (e) [*Adjournment; Bond for Release.*] When a hearing is
16 adjourned, the court may detain the defendant in safe custody
17 until the defendant is admitted to bail.

18 (f) [*Objections Before Trial; Waiver.*] An objection to the
19 validity or regularity of the complaint or process issued there-
20 under shall be made by the defendant before trial.

COMMENT

Source—N.J. Rule 8:10-6(a)-(d); (f)-(h); Missouri Rule 45(a)-(f).

1 1:3-5 [*Presence of Defendant.*] The defendant shall be present
2 at the imposition of sentence in all traffic cases, except in cases
3 involving parking, standing or non-moving traffic offenses and
4 cases in which a plea of guilty may be accepted by the violations
5 clerk.

COMMENT

Source—N.J. Rule 8:10-7.

1 1:3-6. [*Plea of Guilty; Procedure.*]
2 (a) [*Rights of Defendant.*] Before accepting a plea of guilty
3 to a traffic offense other than parking, standing, or non-moving,

⁷ New Jersey's Rule goes on to provide that: "As nearly as may be practicable, the magistrates shall cause the return days of traffic offenses founded on complaints by law enforcement officers to be fixed on one court day; and preferably at sessions during the on-duty periods of said officers."

4 the court shall inform the defendant of his rights, which shall in-
5 clude, but not be limited to, the right:

- 6 (1) to engage counsel;
- 7 (2) to a reasonable continuance to engage counsel;
- 8 (3) to have process issued by the court, without expense to
- 9 him, to compel the attendance of witnesses in his behalf;
- 10 (4) to testify or not to testify in his own behalf;
- 11 (5) to a trial by jury, if such is available; and
- 12 (6) to appeal.

13 The court shall inform the defendant that a record of the con-
14 viction will be sent to the [Motor Vehicle Administrator]⁸ of this
15 state or of the state where defendant received his license to drive,
16 to become a part of his driving record.

17 (b) [*Hearing Witnesses.*] In all cases, except those where a
18 plea of guilty has been entered, the court shall hear all of the
19 witnesses prior to judgment and sentence.

COMMENT

Source—N.J. Rule 8:10-9.

1 1:3-7. [*Traffic Court Violations Bureau; Violations Clerk.*]
2 (a) [*Appointment and Functions.*] Any court, when it de-
3 termines that the efficient disposition of its business and the con-
4 venience of persons charged so requires, may establish a Traffic
5 Court Violations Bureau and constitute the clerk or deputy clerk
6 of the court or any other appropriate official within the jurisd-
7 iction in which the court is held as a violations clerk for the
8 Traffic Court Violations Bureau.⁹

9 The violations clerk shall accept written appearance, waiver of
10 trial, plea of guilty and payment of fine and costs in traffic offense
11 cases, subject to the limitations hereinafter prescribed. The viola-
12 tions clerk shall serve under the direction and control of the court
13 appointing him.

COMMENT

Source—N.J. Rule 8:10(a); Missouri Rule 46(a)

14 (b) [*Offenses Within The Authority of Violations Clerk;*
15 *Schedule of Fines.*] The court shall by order, which may from

⁸ Here insert name of agency and title of officer in charge of motor vehicle administration.

⁹ In New Jersey, Rule 8:10-10(a) also includes the following: "The judge or presiding judge of a county district court may under similar circumstances, designate the officers in charge of the State Police sub-station serving the area in which the court is located, as violations clerks."

16 time to time be amended, supplemented or repealed, designate the
17 traffic offenses within the authority of the violations clerk. Such
18 offenses shall not include:¹⁰

- 19 (1) indictable offenses;
- 20 (2) offenses resulting in an accident;
- 21 (3) operation of a motor vehicle while under the influence of
- 22 intoxicating liquor or a narcotic or habit-producing drug, or per-
23 mitting another person, who is under the influence of intoxicating
- 24 liquor or a narcotic or habit-producing drug, to operate a motor
25 vehicle owned by the defendant or in his custody or control;
- 26 (4) reckless driving;
- 27 (5) leaving the scene of an accident;
- 28 (6) driving while under suspension or revocation of driver's
- 29 license;
- 30 (7) driving without being licensed to drive;
- 31 (8) exceeding the speed limit by more than [15] miles per
- 32 hour; or
- 33 (9) a second moving traffic offense within a twelve month's
- 34 period.

35 The court shall establish schedules, within the limits prescribed
36 by law, of the amounts of fines to be imposed for first, second and
37 subsequent offenses, designating each offense specifically. The
38 order of the court establishing the schedules shall be prominently
39 posted in the place where the fines are paid. Fines and costs shall
40 be paid to, receipted by and accounted for by the violations clerk
41 in accordance with these Rules.

COMMENT

Source—N.J. Rule 8:10-10(b); Missouri Rule 46(b).

42 (c) [*Plea and Payment of Fines and Costs.*]

43 (1) [*Parking and Non-Moving Offenses.*] Any person
44 charged with a parking, standing or a non-moving offense may
45 mail or deliver the amount of the fine and costs indicated on the
46 ticket for the violation, together with a signed plea of guilty and
47 a waiver of trial, to the violations clerk.

48 (2) [*Other Offenses.*] Any person charged with any traffic
49 offense, other than a parking, non-moving, or standing offense,
50 within the authority of the violations clerk, may appear before
51 the violations clerk and, upon signing an appearance, plea of
52 guilty and waiver of trial, pay the fine established for the offense
53 charged, and costs. He shall, prior to the plea, waiver and pay-

¹⁰ Add, modify or subtract from the enumerated offenses in accordance with the policy of the particular jurisdiction.

54 ment, be informed of his right to stand trial, that his signature
55 to a plea of guilty will have the same force and effect as a judg-
56 ment of court, and that the record of conviction will be sent to
57 the [Motor Vehicle Administrator]¹¹ of this state or the appropri-
58 ate officers of the state where he received his license to drive.

COMMENT

Source—N.J. Rule 8:10-10(c); Missouri Rule 46(c).

59 (d) [*Procedure After One or More Convictions.*] Any person
60 who has been found guilty of or who has signed a plea of guilty
61 to one or more previous moving traffic offenses in the preceding
62 twelve months within the jurisdiction of the court shall not be
63 permitted to appear before the violations clerk unless the court
64 shall, by general order applying to certain specified offenses, per-
65 mit such appearance.¹²

COMMENT

Source—N.J. Rule 8:10-10(d); Missouri Rule 46(d).

RULE 1:4. [GENERAL PROVISIONS.]

1 [1:4-1. [*Canons of Judicial Ethics.*] Every magistrate or judge
2 shall conduct his court and his professional and personal relation-
3 ships in accordance with the Canons of Judicial Ethics adopted
4 by the American Bar Association.]

COMMENT

Source—N.J. Rule 8:13-7.

1 1:4-2. [*Local Rules.*] Any magistrate or judge may make rules
2 for the orderly conduct of the proceedings of his court, not incon-
3 sistent with these rules.

COMMENT

Source—N.J. Rule 8:12-2.

1 1:4-3. [*Amendment.*] The court may amend or permit to be
2 amended any process or pleading for any omission or defect

¹¹ See Footnote 8.

¹² In Missouri Rule 46(d) includes other actions which prevent payment of the fine by a voluntary plea of guilty: "Any person who has been found guilty in any court having jurisdiction of traffic cases or who has signed a plea of guilty to two previous moving traffic offenses in the preceding two year period or shall have been charged with such offenses without either paying a satisfactory fine or posting an appearance bond within the time required by law, or has forfeited bonds for such offenses, shall not be permitted to appear before the violations clerk but shall be required to appear in court for trial on third and subsequent offenses within said preceding two year period."

3 therein, or for any variance between the complaint and the evi-
4 dence adduced at the trial. If the defendant is substantially
5 prejudiced in the presentation of his case as a result of the amend-
6 ment, the court shall adjourn the hearing to some future time,
7 upon such terms as he shall think proper.

1 1:4-4. [*Time of Taking Effect.*] These rules shall take effect..

UNIFORM TRAFFIC TICKET AND COMPLAINT

CASE No. _____ DOCKET No. _____ PAGE No. _____

STATE OF _____ }
COUNTY OF _____ } SS. No. _____
CITY OF _____ } COMPLAINT

IN THE _____ COURT OF _____
THE UNDERSIGNED, BEING DULY SWORN, UPON HIS OATH DEPOSES AND SAYS:

ON THE _____ DAY OF _____, 19____, AT _____ M.,

NAME _____ (Please Print)

STREET _____

CITY - STATE _____

BIRTH DATE _____ RACE _____ SEX _____ WT. _____ HT. _____

OP. LIC. NO. _____ DID UNLAWFULLY (PARK) (OPERATE)

VEH. LIC. NO. _____ STATE _____ YEAR _____

MAKE _____ BODY TYPE _____ COLOR _____

UPON A PUBLIC HIGHWAY, NAMELY AT (LOCATION) _____

LOCATED IN THE CITY, COUNTY AND STATE AFORESAID AND DID THEN
AND THERE COMMIT THE FOLLOWING OFFENSE:

Six Principal Causes of Accidents	SPEEDING (over limit) <input type="checkbox"/> 5-10 m.p.h. <input type="checkbox"/> 11-15 m.p.h. <input type="checkbox"/> over 15 m.p.h. (_____ m.p.h. in _____ m.p.h. zone)
	Improper LEFT TURN <input type="checkbox"/> No signal <input type="checkbox"/> Cut corner <input type="checkbox"/> From wrong lane
	Improper RIGHT TURN <input type="checkbox"/> No signal <input type="checkbox"/> Into wrong lane <input type="checkbox"/> From wrong lane
	Disobeyed TRAFFIC SIGNAL (When light turned red) <input type="checkbox"/> Past middle intersection <input type="checkbox"/> Middle of intersection <input type="checkbox"/> Not reached intersection
	Disobeyed STOP SIGN <input type="checkbox"/> Wrong place <input type="checkbox"/> Walk speed <input type="checkbox"/> Faster
	Improper PASSING AND LANE USAGE <input type="checkbox"/> At intersection <input type="checkbox"/> Cut in <input type="checkbox"/> Wrong side of pavement <input type="checkbox"/> Between Traffic <input type="checkbox"/> On right <input type="checkbox"/> On hill <input type="checkbox"/> Lane Straddling <input type="checkbox"/> Wrong lane <input type="checkbox"/> On curve
OTHER VIOLATIONS (describe) _____	
IN VIOLATION OF the (statute) (ordinance) in such case made and provided.	

PARKING: Meter No. _____ Overtime Prohibited area Double parking

Other parking violation (describe) _____

Conditions that Increased Seriousness of Violation	SLIPPERY PAVEMENT <input type="checkbox"/> Rain <input type="checkbox"/> Snow <input type="checkbox"/> Ice	CAUSED PERSON TO DODGE <input type="checkbox"/> Pedestrian <input type="checkbox"/> Driver	IN ACCIDENT <input type="checkbox"/> Ped. <input type="checkbox"/> Vehicle <input type="checkbox"/> Intersection <input type="checkbox"/> Right Angle <input type="checkbox"/> Head on <input type="checkbox"/> Sideswipe <input type="checkbox"/> Rear end <input type="checkbox"/> Ran off Roadway <input type="checkbox"/> Hit Fixed Object
	DARKNESS <input type="checkbox"/> Night <input type="checkbox"/> Fog <input type="checkbox"/> Snow	JUST MISSED ACCIDENT <input type="checkbox"/> one foot	
	OTHER TRAFFIC PRESENT <input type="checkbox"/> Cross <input type="checkbox"/> Oncoming <input type="checkbox"/> Pedestrian <input type="checkbox"/> Same Direction		
	AREA: <input type="checkbox"/> Business <input type="checkbox"/> Industrial <input type="checkbox"/> School <input type="checkbox"/> Residential <input type="checkbox"/> Rural	HIGHWAY TYPE: <input type="checkbox"/> 2 lane <input type="checkbox"/> 3 lane <input type="checkbox"/> 4 lane <input type="checkbox"/> 4 lane divided	

THE UNDERSIGNED FURTHER STATES THAT HE HAS JUST AND REASONABLE
GROUNDS TO BELIEVE, AND DOES BELIEVE, THAT THE PERSON NAMED
ABOVE COMMITTED THE OFFENSE HEREIN SET FORTH, CONTRARY TO LAW.

SWORN TO AND SUBSCRIBED BEFORE ME

THIS _____ DAY OF _____, 19____, AT _____ M.,

(Name and Title) (Signature and identification of officer or other complainant.)

COURT APPEARANCE: _____ DAY OF _____, 19____, AT _____ M.,

ADDRESS OF COURT _____

Prepared by American Bar Association Traffic Court Program

Case No. _____ Docket No. _____ Page No. _____

Date	COURT ACTION AND OTHER ORDERS
	The within complaint has been examined and there is probable cause for filing the same. Leave is hereby granted to file the complaint. Complaint Filed.
	Bail fixed at \$ _____ or cash deposit of \$ _____ _____ Signature of person giving bail _____ Signature of person taking bail
	Fine in the amount of \$ _____ received as required by court schedule. _____ Signature of Clerk
	Continuance to _____ Reason _____
	Continuance to _____ Reason _____
	Warrant issued _____
	Warrant served _____
	Trial by Court (Jury) Plea _____ Defendant Arraigned _____ Waives Trial by Jury _____ Finding by Court _____ Finding by Jury _____ The Court, therefore, enters following order: Fined \$ _____ Jailed _____ days in _____ Probation First Offense Written Warning Traffic School Driver License suspended for _____ days _____ Signature of Judge
	Testimony -- Judges Notes: (or other Court Orders):
	Appeal Bond of \$ _____ Filed for _____ Appeal to _____ Court

UNIFORM TRAFFIC TICKET AND COMPLAINT

CASE No. _____ DOCKET No. _____ PAGE No. _____

STATE OF _____
COUNTY OF _____ } SS. No.
CITY OF _____

Abstract of Court Record for
State Licensing Authority

IN THE _____ COURT OF _____
THE UNDERSIGNED, BEING DULY SWORN, UPON HIS OATH DEPOSES AND SAYS:

ON THE _____ DAY OF _____, 19____, AT _____ M.

NAME _____
(Please Print)

STREET _____

CITY - STATE _____

BIRTH DATE _____ RACE _____ SEX _____ WT _____ HT _____

OP. LIC. NO. _____ DID UNLAWFULLY (PARK) (OPERATE)

VEH. LIC. NO. _____ STATE _____ YEAR _____

MAKE _____ BODY TYPE _____ COLOR _____

UPON A PUBLIC HIGHWAY, NAMELY AT (LOCATION) _____

LOCATED IN THE CITY, COUNTY AND STATE AFORESAID AND DID THEN
AND THERE COMMIT THE FOLLOWING OFFENSE:

Six Principal Causes of Accidents	SPEEDING (over limit) <input type="checkbox"/> 5-10 m.p.h. <input type="checkbox"/> 11-15 m.p.h. <input type="checkbox"/> over 15 m.p.h. (_____ m.p.h. in _____ m.p.h. zone)		
	Improper LEFT TURN <input type="checkbox"/> No signal <input type="checkbox"/> Cut corner <input type="checkbox"/> From wrong lane		
	Improper RIGHT TURN <input type="checkbox"/> No signal <input type="checkbox"/> Into wrong lane <input type="checkbox"/> From wrong lane		
	Disobeyed TRAFFIC SIGNAL (When light turned red) <input type="checkbox"/> Past middle intersection <input type="checkbox"/> Middle of intersection <input type="checkbox"/> Not reached intersection		
	Disobeyed STOP SIGN <input type="checkbox"/> Wrong place <input type="checkbox"/> Walk speed <input type="checkbox"/> Faster		
	Improper PASSING AND LANE USAGE <input type="checkbox"/> At intersection <input type="checkbox"/> Cut in <input type="checkbox"/> Wrong side of pavement <input type="checkbox"/> Between Traffic <input type="checkbox"/> On right <input type="checkbox"/> On hill <input type="checkbox"/> Lane <input type="checkbox"/> Straddling <input type="checkbox"/> Wrong lane <input type="checkbox"/> On curve		

OTHER VIOLATIONS (describe) _____

IN VIOLATION OF the (statute) (ordinance) in such case made and provided.

PARKING: Meter No. _____ Overtime Prohibited area Double parking

Other parking violation (describe) _____

Conditions that Increased Seriousness of Violation	SLIPPERY PAVEMENT	<input type="checkbox"/> Rain <input type="checkbox"/> Snow <input type="checkbox"/> Ice	CAUSED PERSON TO DODGE	<input type="checkbox"/> Pedestrian <input type="checkbox"/> Driver	IN ACCIDENT	<input type="checkbox"/> Ped. <input type="checkbox"/> Vehicle <input type="checkbox"/> Intersection <input type="checkbox"/> Right Angle <input type="checkbox"/> Head on <input type="checkbox"/> Sideswipe <input type="checkbox"/> Rear end <input type="checkbox"/> Ran off Roadway <input type="checkbox"/> Hit Fixed Object
	DARKNESS	<input type="checkbox"/> Night <input type="checkbox"/> Fog <input type="checkbox"/> Snow	JUST MISSED ACCIDENT	<input type="checkbox"/> one foot		
	OTHER TRAFFIC PRESENT	<input type="checkbox"/> Cross <input type="checkbox"/> Oncoming <input type="checkbox"/> Pedestrian <input type="checkbox"/> Same Direction				
	AREA:	<input type="checkbox"/> Business <input type="checkbox"/> Industrial <input type="checkbox"/> School <input type="checkbox"/> Residential <input type="checkbox"/> Rural				

HIGHWAY TYPE: 2 lane 3 lane 4 lane 4 lane divided

THE UNDERSIGNED FURTHER STATES THAT HE HAS JUST AND REASONABLE
GROUNDS TO BELIEVE, AND DOES BELIEVE, THAT THE PERSON NAMED
ABOVE COMMITTED THE OFFENSE HEREIN SET FORTH, CONTRARY TO LAW.

SWORN TO AND SUBSCRIBED BEFORE ME
THIS _____ DAY OF _____, 19____

(Name and Title)

(Signature and identification of
officer or other complainant.)

COURT APPEARANCE: _____ DAY OF _____, 19____, AT _____ M.

ADDRESS OF COURT _____

"ABSTRACT OF COURT RECORD FOR STATE LICENSING AUTHORITY"

Case No. _____ Docket No. _____ Page No. _____

Date	COURT ACTION AND OTHER ORDERS
	The within complaint has been examined and there is probable cause for filing the same. Leave is hereby granted to file the complaint. Complaint Filed.
	Bail fixed at \$ _____ or cash deposit of \$ _____ Signature of person giving bail _____ Signature of person taking bail _____
	Fine or bail, bond forfeited in the amount of \$ _____ received as required by court schedule. Signature of Clerk _____
	Continuance to _____ Reason _____
	Continuance to _____ Reason _____
	Warrant issued _____
	Warrant issued _____
	Trial by Court (Jury) Plea _____ Defendant Arraigned _____ Waives Trial by Jury _____ Finding by Court _____ Finding by Jury _____ The Court, therefore, enters following order: Fined \$ _____ Jailed _____ days in _____ Probation First Offense Written Warning Traffic School Driver License suspended for _____ days As provided by Law, I hereby certify that the information on this ticket is a true abstract of the record of this court or bureau in this case. Signature of Judge or Clerk _____
	Appeal Bond of \$ _____ Filed for _____
	Appeal to _____ Court _____

UNIFORM TRAFFIC TICKET AND COMPLAINT

CASE No. DOCKET No. PAGE No. STATE OF COUNTY OF CITY OF } SI. No. POLICE RECORD

IN THE COURT OF THE UNDERSIGNED, BEING DULY SWORN, UPON HIS OATH DEPOSES AND SAYS:

ON THE DAY OF 19 AT M.

NAME (Please Print)

STREET

CITY - STATE

BIRTH DATE RACE SEX WT. HT.

OP. LIC. NO. DID UNLAWFULLY (PARK) (OPERATE)

VEH. LIC. NO. STATE YEAR

MAKE BODY TYPE COLOR

UPON A PUBLIC HIGHWAY, NAMELY AT (LOCATION)

LOCATED IN THE CITY, COUNTY AND STATE AFORESAID AND DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE:

Box containing traffic violation options: SPEEDING (over limit), Improper LEFT TURN, Improper RIGHT TURN, Disobeyed TRAFFIC SIGNAL, Disobeyed STOP SIGN, Improper PASSING AND LANE USAGE, OTHER VIOLATIONS (describe).

PARKING: Meter No. Overtime Prohibited area Double parking

Box containing conditions that increased or caused violation: SLIPPERY PAVEMENT, DARKNESS, OTHER TRAFFIC PRESENT, AREA, HIGHWAY TYPE, CAUSED PERSON TO DODGE, JUST MISSED ACCIDENT, IN ACCIDENT.

THE UNDERSIGNED FURTHER STATES THAT HE HAS JUST AND REASONABLE GROUNDS TO BELIEVE, AND DOES BELIEVE, THAT THE PERSON NAMED ABOVE COMMITTED THE OFFENSE HEREIN SET FORTH, CONTRARY TO LAW.

SWORN TO AND SUBSCRIBED BEFORE ME

THIS DAY OF 19 (Signature and identification of officer or other complainant)

COURT APPEARANCE: DAY OF 19 AT M.

ADDRESS OF COURT

Prepared by American Bar Association Traffic Court Program

REPORT OF ACTION ON CASE

FIRST MINOR OFFENSE WRITTEN WARNING

VIOLATIONS BUREAU:

Date Amt. of Fine Paid \$ Costs \$

COURT ACTION:

Date Plea Disposition

Amt. of Fine Paid \$ Costs \$

License Action

OFFICER'S NOTES FOR TESTIFYING IN COURT

Please note facts and circumstances in addition to those checked on face of complaint.

Blank lines for officer's notes.

VEHICLE DEFECTS

- Service Brake
Parking Brake
Headlights
Tail Lights
Stop Lights
Windshield Wiper
Horn
Tires
Other

UNIFORM TRAFFIC TICKET AND COMPLAINT

CASE No. _____ DOCKET No. _____ PAGE No. _____

STATE OF _____ }
COUNTY OF _____ } ss. No. _____
CITY OF _____ }

SUMMONS

IN THE _____ COURT OF _____
YOU ARE HEREBY SUMMONED TO APPEAR PERSONALLY BEFORE THIS
COURT TO ANSWER FOR THE FOLLOWING OFFENSE:

ON THE _____ DAY OF _____ 19____ AT _____ M.

NAME _____

(Please Print)

STREET _____

CITY - STATE _____

BIRTH DATE _____ RACE _____ SEX _____ WT _____ HT _____

OP. LIC. NO. _____ DID UNLAWFULLY (PARK) (OPERATE)

VEH. LIC. NO. _____ STATE _____ YEAR _____

MAKE _____ BODY TYPE _____ COLOR _____

UPON A PUBLIC HIGHWAY, NAMELY AT (LOCATION) _____

LOCATED IN THE CITY, COUNTY AND STATE AFORESAID AND DID THEN
AND THERE COMMIT THE FOLLOWING OFFENSE:

Six Principal Causes of Accidents	SPEEDING (over limit) <input type="checkbox"/> 5-10 m.p.h. <input type="checkbox"/> 11-15 m.p.h. <input type="checkbox"/> over 15 m.p.h. (_____ m.p.h. in _____ m.p.h. zone)		
	Improper LEFT TURN <input type="checkbox"/> No signal	<input type="checkbox"/> Cut corner	<input type="checkbox"/> From wrong lane
	Improper RIGHT TURN <input type="checkbox"/> No signal	<input type="checkbox"/> Into wrong lane	<input type="checkbox"/> From wrong lane
	Disobeyed TRAFFIC SIGNAL (When light turned red) <input type="checkbox"/> Past middle intersection	<input type="checkbox"/> Middle of intersection	<input type="checkbox"/> Not reached intersection
	Disobeyed STOP SIGN <input type="checkbox"/> Wrong place	<input type="checkbox"/> Walk speed	<input type="checkbox"/> Faster
	Improper PASSING AND LANE USAGE <input type="checkbox"/> At intersection <input type="checkbox"/> Between Traffic Lane <input type="checkbox"/> Straddling	<input type="checkbox"/> Cut in <input type="checkbox"/> On right <input type="checkbox"/> Wrong side of pavement	<input type="checkbox"/> On hill
	OTHER VIOLATIONS (describe) _____		
	IN VIOLATION OF the (statute) (ordinance) in such case made and provided.		

PARKING: Meter No. _____ Overtime Prohibited area Double parking

Other parking violation (describe) _____

Conditions that Increased Severity of Violation	SLIPPERY PAVEMENT <input type="checkbox"/> Rain <input type="checkbox"/> Snow <input type="checkbox"/> Ice	CAUSED PERSON TO DODGE <input type="checkbox"/> Pedestrian <input type="checkbox"/> Driver	IN ACCIDENT <input type="checkbox"/> Ped. <input type="checkbox"/> Vehicle <input type="checkbox"/> Intersection <input type="checkbox"/> Right Angle <input type="checkbox"/> Head on <input type="checkbox"/> Sideswipe <input type="checkbox"/> Rear end <input type="checkbox"/> Ran off Roadway <input type="checkbox"/> Hit Fixed Object
	DARKNESS <input type="checkbox"/> Night <input type="checkbox"/> Fog <input type="checkbox"/> Snow	JUST MISSED ACCIDENT <input type="checkbox"/> one foot	
	OTHER TRAFFIC PRESENT <input type="checkbox"/> Cross <input type="checkbox"/> Oncoming <input type="checkbox"/> Pedestrian <input type="checkbox"/> Same Direction		
	AREA: <input type="checkbox"/> Business <input type="checkbox"/> Industrial <input type="checkbox"/> School <input type="checkbox"/> Residential <input type="checkbox"/> Rural		
	HIGHWAY TYPE: <input type="checkbox"/> 2 lane <input type="checkbox"/> 3 lane <input type="checkbox"/> 4 lane <input type="checkbox"/> 4 lane divided		

YOU ARE NOTIFIED THAT THE OFFICER WHOSE SIGNATURE APPEARS BELOW WILL FILE A SWORN COMPLAINT IN THIS COURT CHARGING YOU WITH THE OFFENSE SET FORTH ABOVE.

(Signature and Identification of officer)

NOTICE TO VIOLATOR: READ BACK OF THIS SUMMONS CAREFULLY. BRING SUMMONS WITH YOU.

COURT APPEARANCE: _____ DAY OF _____ 19____ AT _____ M.

ADDRESS OF COURT _____

Prepared by American Bar Association Traffic Court Program

READ CAREFULLY

(Note: In the space below insert information which will inform the violator of his rights as a defendant or the procedure to be followed with respect to payment of fines in those instances where a plea of guilty may be entered without personal appearance in court.)

NOTICE

THE COURT WILL ISSUE A WARRANT FOR THE ARREST OF ANY DEFENDANT WHO IS A RESIDENT OF THIS STATE AND WHO HAS FAILED TO APPEAR TO ANSWER A TRAFFIC SUMMONS DULY SERVED UPON HIM AND UPON WHICH A COMPLAINT HAS BEEN FILED.

THE LICENSING AUTHORITY WILL REVOKE THE DRIVING PRIVILEGE IN THIS STATE OF ALL OUT-OF-STATE DEFENDANTS WHO FAIL TO APPEAR WHEN DULY SUMMONED, AND WILL ALSO REQUEST THE LICENSING AUTHORITY OF THE STATE WHERE THE DEFENDANT RECEIVED HIS LICENSE TO DRIVE, TO REVOKE DEFENDANT'S LICENSE.

APPEARANCE, PLEA OF GUILTY AND WAIVER

I, the undersigned, do hereby enter my appearance on the complaint of the offense charged on other side of this summons. I have been informed of my right to a trial, that my signature to this plea of guilty will have the same force and effect as a judgment of court, and that this record will be sent to the Licensing Authority of this State (or of the State where I received my license to drive). I do hereby PLEAD GUILTY to said offense as charged, WAIVE my right to a HEARING by the court, and agree to pay the penalty prescribed for my offense.

(Defendant's name)

(Address)

(Driver's License No.)

Appendix H

Financing Unified Trial Courts

Change from a court system with several different kinds of limited and special jurisdiction courts to a system with a single- or two-tiered unified trial court presents two separate questions involving court financing. The first question is how the costs of operating the new system are to be divided among state, county and local government units. The other question is how the revenues generated by these courts is to be distributed among the same units of government.

Often a major source of opposition to court unification is local officials who fear loss of substantial portions of their revenue as a result of the abolition of local courts, and the resulting loss of costs, fines and forfeitures. This is especially true where the local government will be expected to continue its support of court operations.

Several states have recently changed to unified court systems, other states have operated unified systems for considerable lengths of time. The charts on the following pages represent the approaches of selected states to the problem of financing unified trial courts.

KEY:

S: paid by state government

C: paid by county government

M: paid by municipal government

/: shared expense e.g., S/C indicates an expense shared by state and county government

TRIAL COURT OPERATING EXPENSES

STATE	COURT	Court Space	Supplies	Judges' Salaries	Clerks' Salaries	Bailiffs' Salaries	Court Reporters
Alaska	Superior Court	S	S	S	S	S	S
	District Court	S	S	S	S	S	S
Hawaii	Circuit Court	S	S	S	S	S	S
	District Court	S	S	S	S	S	S
Illinois	Cook County Circuit	C	C	S/C	C	C	S
	Other Courts	C	C	S	C	C	S
Idaho	County Court	C	C	S	C	C	C
	Magistrates Court	C	C	S	C	C	C
Iowa	District Court	C/M	C	S	C	C	C
Kansas	District Court	C	C	S	C	C	C
	County Court	C	C	C	C	C	C
North Carolina	Superior Court	C	S	S	S	S	S
	District Court	C	S	S	S	S	S
Colorado	Denver - County Court	C	C	C	C	C	C
	Superior Court	C	S	S	S	S	S
	Probate Court	C	S	S	S	S	S
	Juvenile Court	C	S	S	S	S	S
	Other County Courts	C	S	S	S	S	S
	District Courts	C	S	S	S	S	S
	Municipal Courts	M	M	M	M	M	M

DISPOSITION OF TRIAL COURT REVENUES

ALASKA:

Fines for local law violations go to the local government whose law is violated. All other revenue goes to the state general fund.

HAWAII:

All revenue goes to the state general fund.

ILLINOIS:

Fines go to pay the salaries of prosecuting attorneys, all other revenues go to the county general fund.

IDAHO:

Fines for municipal ordinance violations are paid 10% to the state general fund and 90% to the municipal general fund. Fines for traffic violations are paid 10% to the state general fund, 45% to the state highway fund, 22.5% to the county school fund and 22.5% to the county general fund. Fines for fish and game law violations are paid 10% to the state general fund, 45% to the state school fund, 22.5% to the county school fund, and 22.5% to the county general fund.

Fines for other state law violations and all county ordinance violations are paid 10% to the state general fund and 90% to the county general fund.

IOWA:

Fines and forfeitures are paid to the county school fund.

Other revenues are divided between the county school fund, court administrator's fund, and state, county and local general funds.

KANSAS:

All revenues go to the county general fund.

NORTH CAROLINA:

All revenues go to the county school fund.

COLORADO:

Revenue from all county courts goes to the county general fund. Revenue from municipal courts goes to the municipal general fund. All other revenues go to the state general fund.

END