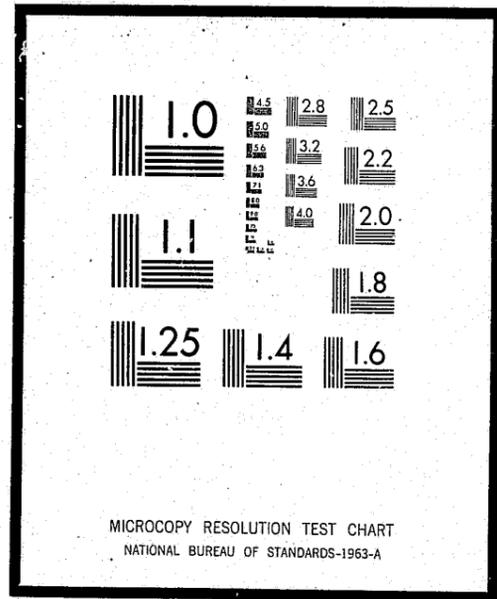


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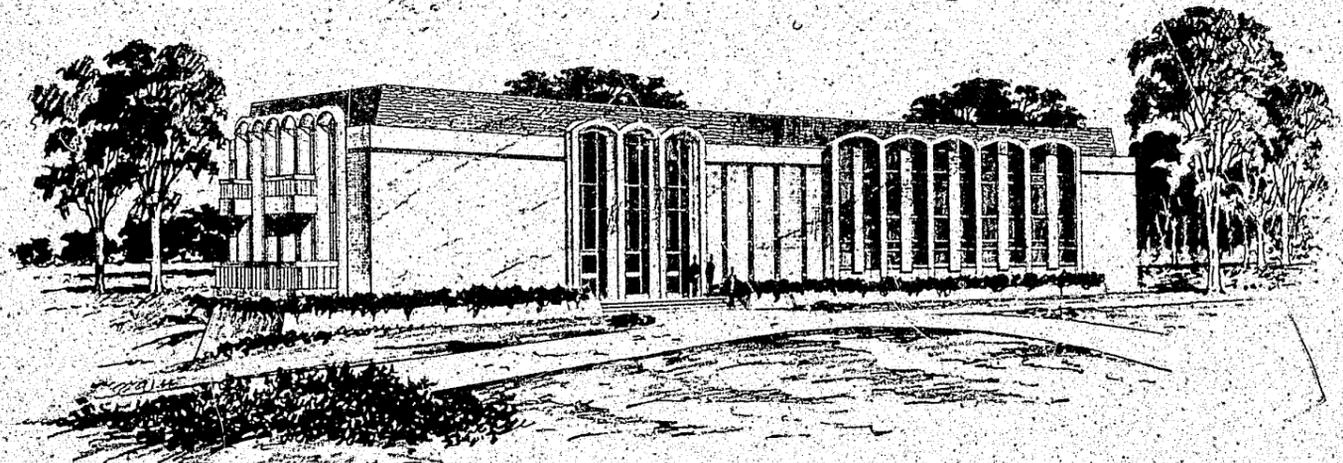
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Date filmed 5/29/75

## National Center for State Courts Annual Report 1973



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Director

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In order to advance and modernize the workings of justice at the state level, the charter of the National Center for State Courts sets forth the following five goals and guidelines for its work:

**First**, to help state courts set and observe satisfactory standards of judicial administration;

**Second**, to support and coordinate, but not supplant, the efforts of all organizations active in the field of court improvement;

**Third**, to act as a clearinghouse for information concerning state courts;

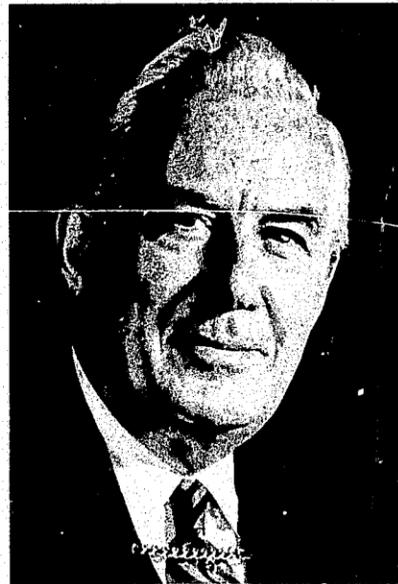
**Fourth**, to initiate and support research into problems of courts and to help states consider and implement recommended solutions;

**Fifth**, to work with the Federal Judicial Center to coordinate research into problems common to both federal and state courts.



Shown on the cover is the architect's preliminary rendering of the planned headquarters building of the National Center for State Courts, to be located in Williamsburg, Virginia. For more information, please see page 10.

## Letter from the President of the National Center



Chief Justice Warren E. Burger

In March of 1971, Chief Justice of the United States Warren E. Burger, with the active support of the President, convened the first National Conference on the Judiciary in Williamsburg, Virginia. He spoke of a "great ferment for court improvement" in the nation and warned that "no state is without grave problems in the administration of justice."

At the conference's end, the Chief Justice proposed the formation of a National Center for State Courts patterned after the Federal Judicial Center, which for three years had been most successfully guiding the movement for improving the courts at the federal level. The leaders of the bench and bar attending the conference unanimously endorsed the Chief Justice's proposal. Significantly, so did all of the 16 national organizations working in the area of judicial administration represented at the Conference. These included groups such as the Division of Judicial Administration of the American Bar Association, the American Judicature Society and the Institute of Judicial Administration. Within a few months the National Center for State Courts was a reality.

The time was indeed ripe for such a development. The public was becoming increasingly critical of the courts because of mounting backlogs and delays and frequently archaic practices. The legal profession had vocally awakened to the deficiencies in the judicial system and indicated a willingness to support needed reforms. Most important, the judges themselves had come to recognize the necessity to modernize the operation of their courts and were receptive to suggestions for improvement. The National Center was conceived as the best means for coordinating reform efforts and providing the impetus and expertise theretofore lacking. All were eager for it to begin work.

The National Center is truly a grass-roots organization of the state court systems. Voting control is vested in a Council of State Court Representatives, whose members are designated by the Supreme Court of each state. The Council in turn elects the Board of Directors, each of whom must be an active judge. The Board is so constituted as to require inclusion of judges of appellate as well as trial courts of general and special jurisdiction.

Historic Williamsburg, birthplace of the National Center, was selected to be its permanent headquarters after a careful study of alternate sites offered by other states in various parts of the country. The Virginia proposal, made under the auspices of then Governor Linwood Holton, included the offer of an attractive site on the campus of the venerable College of William and Mary, adjacent to the proposed new location of its Marshall-Wythe School of Law.

Now, after almost three years, the National Center can point to the establishment of six offices serving state courts in every section of the nation. The following report of its activities and accomplishments demonstrates the dynamic leadership it has received from such persons as Justice Paul C. Reardon of the Supreme Judicial Court of Massachusetts, one of its founders and its first president; Orison S. Marden, Esq., of New York, first chairman of its Advisory Council on which are represented all the major national organizations interested in the development of state courts; Justice Winslow Christian, who served as the National Center's first full-time director while on leave from the Court of Appeal of California; and its present director, Edward B. McConnell, for 20 years Administrative Director of New Jersey's outstanding court system.

The National Center has indeed made an excellent start in its essential mission.



Justice Louis H. Burke

Louis H. Burke, President  
National Center for State Courts

March 30, 1974

## Report from the Director of the National Center

The National Center for State Courts, as noted by President Burke, was established by the judicial and legal leaders of the nation in response to a long-felt need for a vehicle to assist in the improvement of judicial administration.

At the time, a variety of factors had contributed to the general malaise, indeed the critical situation, in the state courts. Among these factors were:

The litigation explosion reflected both in the number of both civil and criminal cases being brought to court and in the complexity of the average case;

The political fragmentation of the court system in most states, with separate courts maintained at the city, county and state level—each almost totally independent of any centralized control;

The absence of adequate authority on the part of those responsible for the administration of the courts, with most court support personnel being either elected, or appointed by and responsible to officials outside the judicial branch of government;

The tradition of judicial independence which, however essential in purely legal matters, has tended over the years to impede efforts to enlist the support of judges in efforts to improve the overall administration of their courts;

The lack of requisite resources, both financial and in terms of personnel, to enable the courts to keep pace with the rapidly increasing volume of judicial business;

The almost total absence, until recent years, of qualified managers and modern management tools essential to extricate the courts from all-too-prevalent 19th century methods of operation;

The general reluctance of judges, as well as legislative and executive officials, to recognize the need for administrative modernization and to delegate to trained managers responsibility for all non-judicial operations;

The conflicting objectives of the participants in the litigation process, with many if not most of them working at cross-purposes because of their differing individual interests in the outcome; and

The increasing resort to the courts by those seeking resolution of political and social problems, with which the courts admittedly are ill-equipped to deal.

In accordance with the goals and guidelines of its charter, reiterated on page one of this report, the National Center has set about to improve the judicial situation that resulted from these factors. The National Center was organized with these challenges specifically in mind. It is the first and only organization in the field of judicial administration controlled by and responsible to the state courts themselves. It is national in scope and thus in a position to collect and disseminate information on innovative practices and procedures proven productive in one state and relevant to others' needs. It is sufficiently staffed, at both headquarters and regional offices, with persons experienced enough in the various disciplines pertinent to court operations to be able to provide assistance and practical advice to state judicial systems and courts of all sizes, whatever their problems. Finally, with the combined experience and resources of its Board of Directors, its Council of State Court Representatives and its Advisory Council, the National Center is broadly enough structured to be able to coordinate truly national efforts in court modernization.

In its three short years of existence, the National Center has already become a potent force for judicial improvement. The nature and variety of the many projects in which its headquarters and regional offices are engaged, detailed later in this report, illustrate the multitude of ways in which the National Center can assist the state judiciaries. I should like to highlight just a few examples.

Under the auspices of the National Center and the Federal Judicial Center, a prestigious Advisory Council for Appellate Justice, composed of state and federal judges, practicing attorneys and law school professors and aided by

National Center staff engaged in substantial research and demonstration projects, is re-examining the entire appellate process and suggesting means for its improvement. More significantly, the Council is recommending ways in which the existing system itself might be altered to improve the quality and timeliness of the process or to reduce its cost to the parties and the public.

The National Center is seeking to harness hitherto ignored technology in the reform effort. For example, a comprehensive examination and report has been made by National Center staff as to the applications of video technology to the adjudicatory process. Practical insights have been provided on how modern communications methods might expedite, if not revolutionize, traditional court processes.

Major studies have been completed or are well underway in such diverse jurisdictions as Alabama, California, Massachusetts and Minnesota. The reports on these studies will not end up gathering dust on some library shelf, for in each instance the projects were undertaken at the behest and with the full cooperation of the judicial leadership of the state. That leadership is intent on implementing the resulting recommendations.

It is neither desirable nor intended that the National Center develop a large, unwieldy staff in danger of losing touch with the practical realities of court problems. On the contrary, the intention is to develop, both at headquarters and in the regional offices, a staff that is relatively small but experienced and highly skilled, with diverse backgrounds and qualifications that will complement and not merely duplicate the supporting personnel which state courts themselves can assemble locally. In this way, the National Center can be of maximum utility to states and courts of all sizes, with widely diverse problems and desires. Good progress has been made to this end and more is in prospect. In that the National Center is in its relative infancy, however, it is fair to predict that as the size, experience and competence of its staff increases, it will be able to increase materially its impact upon the administration of justice in the courts of the several states.

It should be emphasized at this point that, as it helps the state courts improve their operations, the National Center does not purport to offer patented prescriptions or standardized solutions. It is committed to the proposition that one of the beauties of our federal system of government is the opportunity it affords the states to design and implement their own solutions to meet their own special problems. It is therefore essential that the National Center's efforts be both flexible and innovative, and that solutions be tailored to fit local problems as they are identified. It is essential to avoid any temptation to peddle stereotyped programs designed to be uniformly implemented in each state regardless of its individual characteristics. Justice, after all, is not a fungible commodity that can be mass-produced wherever a courthouse may be located; on the contrary, it is a fragile, evolutionary concept with as many connotations, mutations and variations as the minds of men.

In my short tenure as Director of the National Center, I have found the judges and other court personnel in the states eager to call upon the National Center, once they are acquainted with its capabilities. I am confident that the future role of the National Center will be limited only by the sum capability of its staff, by its vision and ability to translate theory into practice, and by the availability of funding. The National Center must maintain and further develop its depth and variety of expertise if it is to assist in a meaningful way courts throughout the country in their efforts to propel the administration of justice into the second half of the 20th century. Continually increasing demands are being levied, quite legitimately, on the judicial branch of state government. American citizens have a more vital stake than ever in the courts' ability to respond effectively to those demands.



Edward B. McConnell

Quite obviously, the ability of the National Center to meet its share of this challenge requires that it be adequately funded. To date the National Center has had to rely in large measure upon federal funding made available through the Law Enforcement Assistance Administration of the United States Department of Justice, supplemented by warmly welcomed support from a handful of private foundations. Indeed, it would have been impossible for the National Center to carry on its important work without an especially generous grant from the Edna McConnell Clark Foundation, as well as key support from the Ford, Hill Family, Bush and Alfred P. Sloan foundations.

Continuation of the present funding pattern, however, is neither desirable nor realistic. Within the next few years, the National Center must increase the operating support which it receives from the states it was created to serve. It must also establish a firm basis of private fund support from foundation and business sources so essential for the innovative elements which governments, federal or state, somehow find particularly difficult to finance.

Based on a conservative forecast of the demand for the National Center's services, over the next several years it will require at least \$3,000,000 annually to support the operations of its headquarters and regional offices. This amount is exclusive of the cost of constructing and equipping the new Williamsburg headquarters building referred to by President Burke.

The National Center must move toward reducing its present dependence on Law Enforcement Assistance Administration support, whether it is given directly from the federal government via national discretionary grants or indirectly via state block grants. It must put increasing emphasis on direct support by the states through regularly appropriated funds. In short, it is anticipated that the National Center will require public funding at the level of \$2,000,000 annually and, in addition, approximately \$1,000,000 annually from private sources.

Such a shift in the source of basic operating funds, combined with a reasonable amount of special contract funding, will place the National Center on the firm financial basis essential to maintain the continuity of experienced staff and the vitality of specific assistance programs.

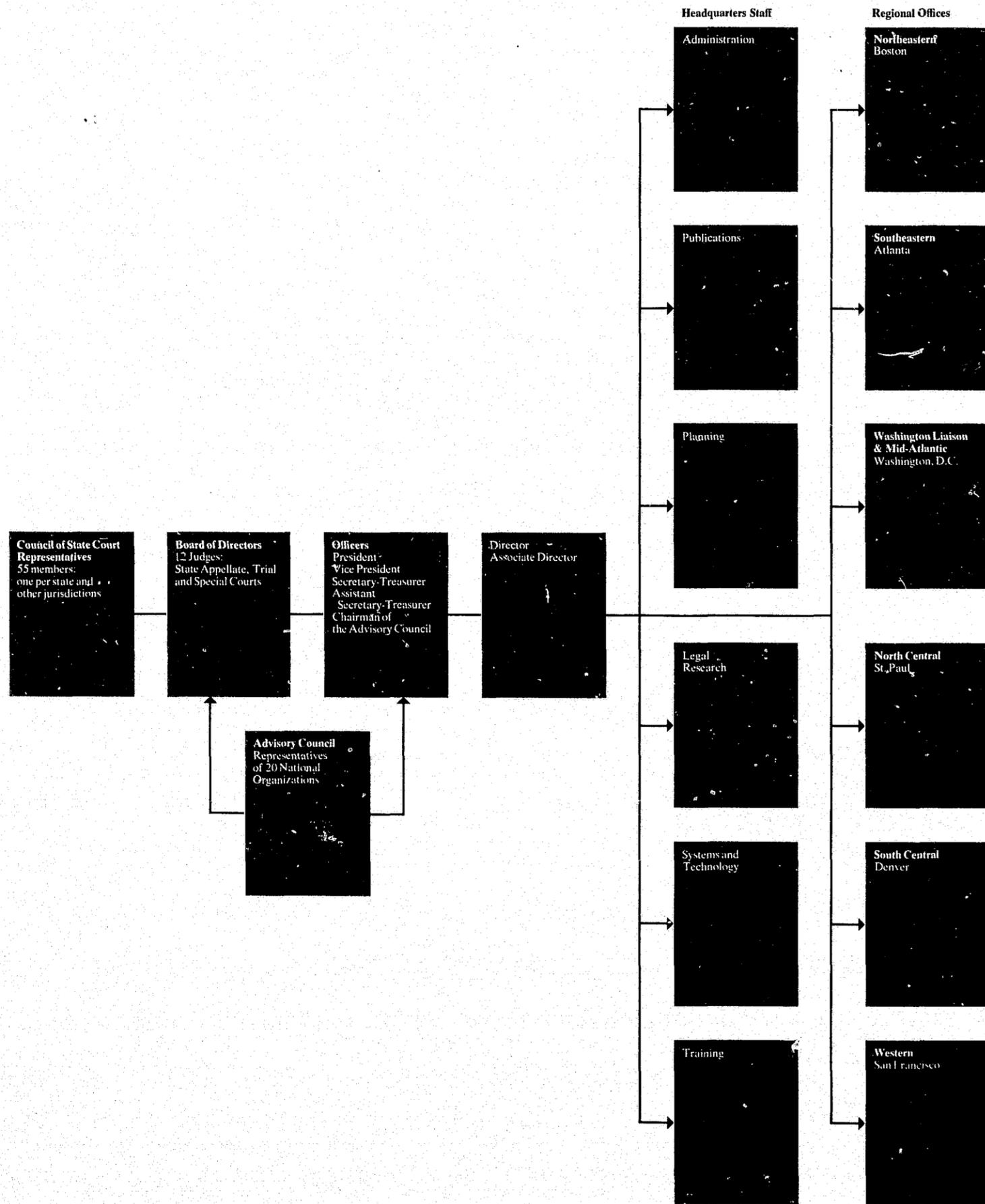
The activities and programs as well as the organization of the National Center are described in greater detail in the main body of the report which follows.

In its less than three years of life, the National Center for State Courts has had truly heartening success. I am confident it will build upon this record in the future.

A handwritten signature in cursive script that reads "Edward B. McConnell". The signature is written in dark ink on a light background.

Edward B. McConnell, Director  
National Center for State Courts

# National Center for State Courts



# Organization of the National Center

The National Center for State Courts was incorporated as a non-profit organization in the District of Columbia in June 1971.

The Center's policies and activities are governed by a Board of Directors consisting of 12 members who must be active judges from state appellate courts and trial courts of general and special jurisdiction. At each annual election, one director is chosen from each of the three categories to serve for a three-year term. A fourth Board member is elected as a "director at large," chosen from any of the three foregoing categories, also to serve a three-year term. All Board members are elected by a vote of the National Center's Council of State Court Representatives. The Board elects its own officers. Justice Louis H. Burke of the California Supreme Court currently serves as President of the Board and Justice James A. Finch, Jr. of the Missouri Supreme Court as Vice President.

The Council of State Court Representatives, which also assists the Board, is composed of one member from each state as well as from the District of Columbia, Puerto Rico, American Samoa, the Virgin Islands and Guam. State representatives are chosen by the state supreme court or other judicial entity with statewide rule-making authority. The Council elects members of the Board, acts as a national forum for the state judiciary, and provides liaison between the state judicial systems and the National Center. Thus, through this Council, control of the National Center resides in the hands of the state court systems it is designed to serve.

Twenty major judicial and judicially related institutions are associated with the National Center as cooperating organizations. The National Center's Advisory Council is composed of representatives selected by each of these organizations. Close consultation with the Advisory Council enables the National Center to maintain strong ties with these cooperating organizations and to carry out its avowed purpose of supplementing but not supplanting the efforts of others active in the field of court improvement. Orison S. Marden of New York, representing the Institute of Judicial Administration, served as the first Chairman of the Advisory Council. C. A. Carson III, of Phoenix, Arizona, representing the National College of the State Judiciary, serves as its present Chairman.

The National Center fulfills its commitments to the states through a full-time, professional staff headed by Edward B. McConnell. In its headquarters and regional offices, the National Center has balanced staffs of professionals with backgrounds in law, court administration, data processing, communications, management and systems analysis, the behavioral sciences, training and education, legal and empirical research, public administration and library science. In total, there are some 50 professionals supplemented by clerical and secretarial help.

The headquarters office is temporarily located in Denver, Colorado, until a new permanent headquarters is constructed in Williamsburg, Virginia. Regional offices are located in San Francisco, California; St. Paul, Minnesota; Atlanta, Georgia; and Boston, Massachusetts. A fifth regional office is temporarily in Denver until a permanent site is chosen to serve the South Central region. A Washington Liaison Office maintains contact with federal agencies and also acts as a sixth regional office, serving five states and jurisdictions in the Mid-Atlantic region.

Law School affiliations include Boston University with the Northeastern Regional Office, Emory University with the Southeastern Regional Office and the University of California, Hastings College of Law with the Western Regional Office. The Washington Liaison and Mid-Atlantic Regional Office is located in and works closely with the Federal Judicial Center.

## **Staff of the National Center**

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### **Headquarters Office**

Denver, Colorado

Director of the National Center

Edward B. McConnell

A.B., University of Nebraska

M.B.A., Harvard University, Graduate School of Business Administration

LL.B., University of Nebraska Law School

Chief, Legal Research

John C. Ruhnka

B.A., Swarthmore College

M.B.A., University of Pennsylvania

J.D., Yale Law School

Acting Chief, Systems and Technology

J. Michael Greenwood

B.A., Union College

M.A., Ph.D., Columbia University

Acting Chief, Training

D. Jene Whitecotton

B.A., M.S., University of Southern Mississippi

J.D., University of Mississippi School of Law

Chief, Publications

Robert H. Weber

B.A., Xavier University

M.A., Marquette University

Counsel

Don F. Bell

B.A., University of Oklahoma

LL.B., Harvard Law School

Comptroller

Richard L. Cattanach

B.B.A., University of Wisconsin

M.S.B.A., University of Denver

D.B.A., Arizona State University

### **Washington Liaison and Mid-Atlantic Regional Office**

Washington, D.C.

Associate Director of the National Center

Arne L. Schoeller

A.B., Harvard University

LL.B., Harvard Law School

Chief, Washington Liaison Office

James E. Hagerty

B.S., Siena College

M.P.A., American University

### **Northeastern Regional Office**

Boston, Massachusetts

Acting Director

Samuel D. Conti

B.A., Seton Hall University

J.D., Seton Hall Law School

### **Southeastern Regional Office**

Atlanta, Georgia

Director

David J. Halperin

B.S., Illinois Institute of Technology

M.S., Columbia University, Graduate School of Business

J.D., Kent College of Law

LL.M., Yale Law School

### **North Central Regional Office**

St. Paul, Minnesota

Acting Director

R. Hanson Lawton

B.A., University of Iowa

J.D., University of Iowa Law School

### **South Central Regional Office**

Denver, Colorado

Acting Director

Grant Davis

B.A., University of Nevada

J.D., Gonzaga University Law School

### **Western Regional Office**

San Francisco, California

Director

Larry L. Sipes

B.A., University of Southern California

J.D., New York University School of Law

## Williamsburg Headquarters

In August 1973, the Board of Directors selected Williamsburg, Virginia, as the permanent headquarters for the National Center. After reviewing several other possible locations, the Board concluded Williamsburg has a number of unique attributes that will make it an outstanding location for the National Center. Williamsburg was not only a crucible of our nation and its legal system; it was also the site of the National Conference on the Judiciary that led to the founding of the National Center. It is near enough to Washington to facilitate liaison with the Law Enforcement Assistance Administration and the other myriad activities in the nation's capital, yet far enough to maintain the appearance as well as the fact of state independence from federal judicial control.

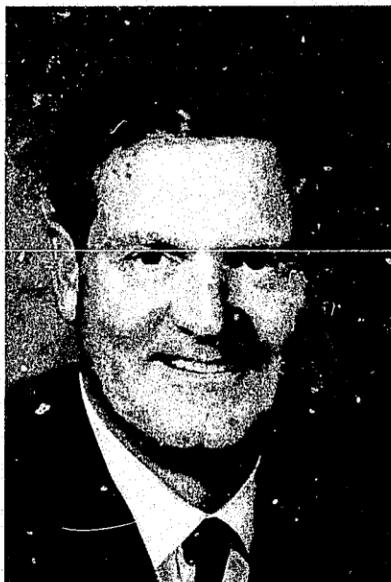
The Williamsburg site has other special advantages. The headquarters building will be next to the law library and other facilities of the Marshall-Wythe School of Law at the College of William and Mary. Moreover, the Center is favored by an extremely gracious and receptive attitude on the part of Virginia officials, who made it very clear the state wanted the National Center to locate there. This attitude was manifested not only by the judiciary but also by business and other state leaders. A key role was played by then Governor Linwood Holton, who personally pledged to raise one million dollars toward the construction cost of the headquarters building.

A committee headed by Justice Paul C. Reardon of the Supreme Judicial Court of Massachusetts is coordinating the planning of the Board of Directors for the new headquarters. The site will be a seven-acre tract near both Colonial Williamsburg and the College of William and Mary. During its 1973 session the Virginia General Assembly approved the leasing of this land to the National Center, and architectural planning is proceeding under the direction of Hubert L. Jones, A.I.A., of the Richmond architectural firm of Wright, Jones and Wilkerson. Mr. Jones is also serving as the architect for the design of a new campus for the Marshall-Wythe School of Law to be constructed adjacent to the National Center's headquarters.

A two-story, 32,000 square-foot National Center headquarters building is being planned to accommodate a staff of 60, together with library and conference room facilities. The design provides for modest expansion through the conversion of conference room and similar space to office use. Further expansion, not now anticipated, can be provided by the addition of one or more wings to the building without destroying its architectural integrity.

Acting upon the recommendation of Justice Reardon's committee, the Board has approved a transitional style of architecture that combines contemporary design with traditional motifs and materials. Thus the building will blend harmoniously with both its attractively landscaped site and also with the buildings of the College of William and Mary and nearby Colonial Williamsburg. A preliminary rendering of the proposed building appears on the cover of this report.

It is anticipated that the overall cost of the new headquarters, including site development and landscaping, architectural and other fees, furnishings and equipment, and other miscellaneous necessary expenditures, will be approximately \$2,750,000. Substantial progress has already been made toward raising the required capital funds.



Governor Linwood Holton



Justice Paul C. Reardon

## Work of the National Center

The real mission of the National Center for State Courts, of course, is to assist state courts to modernize the machinery of justice in as wise and timely a fashion as possible. The real measure of the National Center's contribution, therefore, lies in the specific work accomplished and underway.

Most of the National Center's work is accomplished on a project basis. Specific projects may be proposed by diverse elements within a state's judicial system, or one of the cooperating organizations represented on the National Center's Advisory Council, or by one of the National Center's own offices. Regardless of origin, each proposed project is carefully analyzed by the National Center's staff in regard to scope as well as methodology of execution. When approved, projects are usually funded through grants and contracts from such government agencies as the Law Enforcement Assistance Administration, and from private foundations as well. The results of projects with multi-state application are published and widely distributed so that they may be of broadest possible use. The following summary briefly describes the major projects completed or initiated since the National Center's last annual report.

### Appellate Justice Research and Demonstrations

Next only to pretrial delay, the problem of interminable time taken to process appeals *after* trial is a key manifestation of the crisis in the courts.

The National Center's activities concerning the administration of appellate justice involve national projects as well as research and demonstrations requested by individual states. The National Center and the Advisory Council for Appellate Justice (which the National Center co-sponsors) will convene a National Conference on Appellate Justice in January 1975 in San Diego. It will be attended by national leaders from the state and federal judiciaries and legislatures, leading lawyers and legal educators, members of the press, and representatives of law enforcement agencies. Results of the National Center and Advisory Council's two-year Appellate Justice Program will be disseminated and plans made to implement procedural and structural reform recommendations in state and also in the federal court systems.

**Advisory Council for Appellate Justice:** The Advisory Council for Appellate Justice is composed of 33 outstanding members of state and federal appellate courts, law faculty, and attorneys specializing in appellate practice. It is jointly sponsored by the National Center and the Federal Judicial Center and chaired by Professor Maurice Rosenberg of Columbia University Law School. The Council has made far-reaching recommendations in the area of federal court appellate structure and procedures, some of which have already been endorsed in principle by the American Bar Association. The Council has produced publications on expediting criminal appeals and on standards for publication of judicial opinions. Completed: *Expediting Review of Felony Convictions after Trial* (Publication No. W0003) and *Standards for Publication of Judicial Opinions* (Publication No. W0004), both published jointly with the Federal Judicial Center.

**Demonstrations in Appellate Courts in Four States:** The use of central legal staff for screening and memorandum writing in order to expedite the processing of routine appeals is undergoing a two-year test in appellate courts of Illinois, Nebraska, New Jersey and Virginia. Professor Daniel J. Meador of the University of Virginia Law School, the Project Director, is preparing a detailed report on the encouraging results of the first year's operations.

**Standards for Appellate Court Statistics:** A committee of the American Bar Association's Appellate Judges Conference aided by staff of the National Center for State Courts published proposed standards for appellate courts to use in

establishing statistical systems. Completed: *Proposed Standards for Appellate Court Statistics* (Publication No. W0006).

Studies were also accomplished for individual states at their request. Three examples follow:

**Alabama Appellate Project:** This study involved complete analysis of all elements of the appellate process in Alabama and it resulted in recommendations for improvements which are now being implemented. Completed: *Report on the Appellate Process in Alabama* (Publication No. R0006, full text; and R0006a, summary).

**Minnesota Supreme Court Study:** The system and procedures of the Minnesota Supreme Court were analyzed. Included were an overall view of the appellate process; ways and means of expediting the submission of appeals; and an examination of internal procedures of the court. The report is in the final review process.

**California Appellate Court Study:** This is a comprehensive review of the Courts of Appeal, the intermediate appellate court in California, and will provide the Judicial Council with recommendations for improvement in organization, procedures, judicial and non-judicial personnel levels, and processing of the court's business.

Modern technology has revolutionized business practices and been successfully applied in many areas of government. Yet, although courts are seriously encumbered by old-fashioned record-keeping systems that are overwhelmed by today's volumes of litigation, this technology is only now beginning to be used in the judicial branch. The application of electronic data processing equipment, new audio-visual techniques, and other technological advances to case processing is the subject of several major National Center studies and demonstrations. The results of work already completed prove that application of the new technology can dramatically improve both the speed and quality of court performance.

**Videotaping of Court Procedures:** A four-volume report covers the results of a nationwide study on the applications of videotaping in court proceedings. Video recordings were conducted in eight state court systems covering 25 instances of utilization for pre-recording depositions and testimony, pre-recording evidence, pre-recording trial for presentation to jury, and the official recording of trial proceedings. Completed: An Executive Summary will be issued soon, (Publication No. R0008).

**Multi-Track Voice Writing:** A project dealing with this new court reporting technique demonstrated and evaluated the feasibility of multi-track voice writing as a court reporting system to alleviate the shortage of court reporters and reduce delays in production of case records. This has been an important factor in appellate delay. Voice writers were professionally trained to dictate in court on magnetic tape the official verbatim record of proceedings—including non-verbal behavior and identification of speakers—while the voices of the trial participants were simultaneously recorded on the same tape. The study concluded that multi-track voice writing is a practical alternative to traditional methods for use as a court reporting system. Completed: *Multi-Track Voice Writing: An Evaluation of a New Court Reporting Technique*, (Publication No. R0007).

**Computer Preparation of Court Transcripts:** The technical and economic viability of computer-aided transcription was evaluated in this study. Conclusions were that, while the state of the art is rapidly changing, there are vendors with a demonstrated capability to produce computer-aided transcription, given current pricing; however, this technique is not economically competitive with alternative transcription forms unless subsidized or operated by a court. The National Center is now examining alternatives to establish and evaluate a computer-aided transcription system under court auspices, and to develop a handbook on guiding courts in evaluating and using computer-aided transcription. Completed (first phase): *Technology and Management in Court Reporting Systems* (Publication No. W0005).

**Court Equipment Analysis:** Court equipment is being analyzed to determine the costs and capabilities of automated data processing and other like equipment for current and potential court applications. Equipment being evaluated includes microfilm and microfiche, computer applications, audio and video recording equipment, and other business machines. A reference catalog will be developed to delineate commercial equipment and services for various court operations. Guidelines will be developed from which court systems can diagnose their equipment needs and the costs involved.

**Reporting of Proceedings in the District Courts of Oregon:** This National Center study documents an examination of reporting requirements of the Oregon District Courts and recommends an electronic reporting system which lends itself to uniformity of application. Completed: *Selection of a Court Reporting Method for the Oregon District Courts* (Publication No. R0003).

**Sound Recording in the Courts of Alaska and Australia:** A study of electronic court reporting in Alaska and Australia, where this method has been pioneered, was undertaken for the National Center by Delmar Karlen of the Institute of Judicial Administration. Lessons learned there may be applicable in other courts. Completed: *Court Reporting: Lessons from Alaska and Australia* (Publication No. R00010).

The movement to modernize and reorganize structures and procedures in state courts is accelerating nationwide. The courts themselves, often in cooperation with state legislative bodies, are asking the National Center to undertake a wide variety of major court studies at all judicial levels.

**Massachusetts Court Study:** A comprehensive survey of the entire Massachusetts Court System is in progress. It covers judicial organization, administrative structure, budgeting, caseload analysis, management information systems, jury management, and facilities. As part of this project, a study report on the Boston Housing Court has already been submitted.

**Minnesota County and District Court Surveys:** The County Court survey included identification of the formal and informal personnel structure and productivity, and the relationship of the new statewide county court system to the District and Supreme Courts and the State Court Administrator. It involved court management policies in regard to planning, criteria used to determine judge requirements, utilization of supporting personnel, and in-service education of court personnel. The report will be published in May. Together with a survey of the Minnesota District Court System, to be completed in August, the former survey will form the basis for a two-year \$500,000 statewide trial court reform effort to be carried on under the auspices of a blue-ribbon committee

## Technology in the Courts

## State, Local and Special Court Studies

of Minnesota citizens, judges and lawyers. The committee will be staffed by the National Center and will work in close cooperation with the Minnesota State Legislature.

**Maine Trial Court Revision:** The National Center is acting as Chief Counsel to the Maine Trial Court Revision Commission. In that capacity, the National Center is working in association with the Institute of Judicial Administration to prepare proposed legislation for the improvement of the Maine trial court system.

**Alabama Trial Court Study:** A detailed analysis was made of eight judicial circuits in Alabama to determine the factors and characteristics of those circuits and their relationship to the quality and quantity of judicial performance. The project report is now in the review draft stage.

**New Hampshire Superior Court:** A study was made of the impact on the case load of the New Hampshire Superior Court of matrimonial non-support and juvenile matters and civil and criminal contempt proceedings related to such matters. A report was submitted to the Superior Court for appropriate action.

**California Court Support Services Consolidation Project:** This project involves development and demonstration of a model system for consolidation in a single California county (Ventura) of all non-judicial functions of the trial courts within that county.

Development of standards for court performance, management techniques, new court procedures and technology cannot be translated into action unless ongoing training capabilities of high quality are developed and augmented at both the state and national levels. The pace of change in the law has accelerated to such an extent that a judge who does not return to school on a regular basis cannot hope to keep current with new decisions and statutory changes.

**National Training Institutions:** This project involves the administration of a training package for the allocation of Law Enforcement Assistance Administration funds through the National Center to six major national training organizations engaged in the continuing education of judges and court support personnel. The six organizations are: the National College of the State Judiciary, the National Council of Juvenile Court Judges, the Institute of Judicial Administration, the American Academy of Judicial Education, Louisiana State University (the training arm of the National Conference of Appellate Court Judges), and the Institute for Court Management. Having no direct responsibility or authority over the programs or operations of the participating training institutions, the National Center's Training Division serves in the capacity of grant administrator, i.e., it collects and submits reports, dispenses funds, seeks solutions to common financial and program problems, and evaluates the training programs conducted. The following four programs funded under the training package are, however, being carried on as the direct responsibility of the National Center.

**Computer Education Model Curriculum Training:** A workshop seminar was held February 27-March 2, 1974 to assist the National Center in the development of a model curriculum for the education of court personnel in the use and application of computers in court operations. A draft curriculum has been submitted to a national advisory council for review.

## Training of Judges and Judicial Personnel

**Legal Scholars Visitation:** Under this project judges will visit eight representative law schools to observe teaching techniques and to discuss inclusion of judicial administration subjects in law school curricula. The major goal is to modernize legal training by attempting to provide law students with some understanding of the court environment and of desirable standards for judicial administration.

**Training Bail and Pre-Trial Release Administrators:** Staff of the National Center and of the National Council on Crime and Delinquency (selected by the National Center to manage this project) consulted with leaders in the field to develop a national training curriculum for personnel working for bail and pre-trial release agencies. Training conferences will be conducted on the East and West Coasts in May and June 1974.

**Model State Judicial Training Programs:** The National Center in cooperation with other training organizations will develop model in-state training programs for judges and for court support personnel. The National Center's staff is already providing information and technical assistance to state court systems and to state planning agencies which allocate Law Enforcement Assistance Administration funds to judicial training activities in the states.

**Judicial Educators Conference:** The National Center has planned a national conference to be held at the University of Mississippi Continuing Education Center, April 28-May 1, 1974. The first of its kind, this national conference will attract more than 100 judicial educators and has as its mission the development of model state judicial training programs and techniques. The conference is funded under a separate grant from the Law Enforcement Assistance Administration.

## Other Major Projects

Other major current projects which do not fall under the areas of appellate, technology, state court studies or training are outlined below. These are under the direction of the National Center's Legal Research and Publications units in the headquarters office.

**State Court Financing:** A national survey has been made of trends in state court financing and of correlation between financing methods used and the levels of financial support achieved by court systems in various states. The final report will discuss the application of modern fiscal techniques to state court budgeting. This study, nearing completion, has been conducted by Dr. Carl Baar of the University of Michigan.

**Federal Funding Assistance for State Courts:** The recent history and present status of federal funding assistance to state court systems is summarized in this report, which focuses on programs under which federal funds are either received or administered directly by the judiciary. Completed: *Federal Funding Assistance for State Courts* (Publication No. W0007).

**State Judicial Salaries:** The National Center is preparing the first of a series of periodic surveys of salaries of all state appellate and general trial court judges and court administrators. Information on judicial salaries which vary with cost-of-living indexes and/or according to federal wage guidelines will also be included.

**Implementation of *Argersinger v. Hamlin*:** This study resulted in a guidebook for jurisdictions in expanding defense services in response to *Argersinger v.*

*Hamlin*, the Supreme Court decision which extended the right to publicly supplied counsel in all misdemeanor and petty offense cases that carry a possible jail sentence. The project examined nine states that provided for indigent defense in misdemeanor and petty offense cases prior to *Argersinger* and also studied other areas of the country that had innovative programs. Completed: *Implementation of Argersinger v. Hamlin: A Prescriptive Program Package* (Publication No. R0009).

**Pre-Trial Release Programs:** Under a grant from the National Science Foundation, the National Center is evaluating existing policy-related research on pre-trial release and diversion programs. An intensive analysis is being made of 15 recent evaluation studies, ten dealing with pre-trial release programs and five with diversion programs.

**The Death Penalty after *Furman v. Georgia*:** Some of the problems faced by state courts after the U.S. Supreme Court decision which struck down the death penalty are addressed in this monograph. At the time of the decision, there were more than 600 persons in death rows awaiting execution. The National Center did not develop a policy position on any of the problems discussed but attempted to facilitate, through the discussion in this paper, an informed choice by state authorities. Completed: *State Courts and the Death Penalty after Furman v. Georgia* (Publication No. R0004).

**Causes of Delay in Celebrated Cases:** This detailed analysis of several highly publicized criminal trials is designed to identify potential points of delay and dysfunction and to recommend contingency plans to ensure firm judicial control of highly publicized trials. The project is being conducted by Professor John Poulos of the University of California Law School at Davis.

**Diversion of Litigation in Civil Cases:** This is a study of new methods being developed to divert litigation in civil cases to more efficient forms of disposition. The project is being conducted by Professor Earl Johnson of the University of Southern California Law Center at Los Angeles.

**National Center "Report":** This monthly publication on the National Center's activities currently has a circulation of about 2,000. It is being sent to judges, court administrators, law schools, state and federal officials, judicial reform groups and foundation officials. Anticipated increased funding will allow for expanded circulation particularly in judicial circles.

In addition to the foregoing list of major projects, the National Center gives a range of other assistance to various jurisdictions in a large number of states. Many of these projects involve short-term technical assistance on a particular problem; others involve limited research. When appropriate, the National Center assembles a team of qualified specialists who visit the jurisdiction, provide on-the-spot consultation and then follow that up with a written report and recommendations. Some of the technical assistance projects have been funded by Law Enforcement Assistance Administration technical assistance funds administered through American University in Washington, D.C. Research and information requests are handled by the National Center's Legal Research unit and librarian in the headquarters or, when possible, by the regional offices.

Hundreds of requests for information or assistance have been handled by the National Center in the last year. These requests have come from court administrators, judges, state criminal justice planning agencies, Law Enforce-

ment Assistance Administration regional and national offices and state legislative bodies.

There has been a heavy demand for information on, or demonstrations of, new videotaping and court reporting techniques, and for information in myriad and diverse areas including: court calendaring, juror utilization, juvenile, family and traffic courts, grand juries, bail, pre-trial release, defense services, citizens court conferences, constitutional revision, court facilities, foreign language interpretation, judicial discipline, court personnel, computers, manual and automated judicial information systems, judicial salaries and pensions, appellate proceedings and court benchbooks.

Some examples of specific assistance provided follow:

A technical assistance effort by the National Center evaluated Idaho's statewide judicial information system and recommended revisions in that system. Idaho was only one of several states which requested and received assistance in this area. In a particularly effective undertaking, an action planning team, experienced in automated systems, was assembled to help design an automated information system for the 21st and 22nd circuits of Missouri. Over a two-week period, the team made a study of the local information needs and the local, regional and statewide automation background. The study provided the basis for an action plan outlining a course for the courts to follow in establishing an automated information system (Publication No. R0001).

The National Center consulted with the judicial leadership in Mississippi regarding the development of a statewide judicial information system, and provided technical assistance to the Chief Justice's State Courts Data Processing Committee in determining present and future goals for a statewide information system. National Center personnel carried out a preliminary study of Virginia's new District Court system and submitted recommendations for a major study leading to the development of a complete statistical system for the Virginia District Courts.

Assistance was given to Passaic County, New Jersey, in improving its automated criminal case processing system, particularly the calendaring capability of that system. Assistance was rendered Hudson County, New Jersey, in development of an automated criminal court information system operating with a mini-computer. The National Center also analyzed and provided comment on a court personnel study in New Jersey.

Another analysis was made of ways in which additional research assistants could be most effectively utilized in the Supreme Court of Florida to relieve judicial workload and reduce delay. This led to a similar study for the Second District Court of Appeals in Lakeland, Florida.

Assistance was given to the staff of the Georgia Governor's Commission on Judicial Process in their analysis and presentation of statistical information concerning the Georgia appellate courts. In all, 12 states received assistance last year concerning the operations of their appellate courts.

At the same time, the National Center provided extended technical assistance to Ramsey County (St. Paul, Minnesota) aiding the county in making the transition from a municipal court to a county court system. And for the Rhode Island court system, the National Center is translating various court forms into Spanish and Portuguese.

National Center consultants worked with the West Virginia Supreme Court concerning the improvement of its State Law Library. Similar assistance was also provided to Hawaii.

A National Center technician has been working with the Office of the Executive Secretary of the Tennessee Supreme Court in arranging for a courtroom video installation in Chattanooga. The National Center is also engaged in a research project considering all aspects of Tennessee law bearing upon the

## Technical and Information Assistance

proposed use of videotape as the record on appeal in criminal cases.

In an example of long-term planning assistance, the National Center provided aid to the judicial leadership in North Dakota in the form of recommendations for the development and implementation of North Dakota's overall court improvement program. The National Center also participated in advising the South Dakota Supreme Court on implementation of a new Judicial Article recently approved by that state's voters. The National Center provided assistance to the Wyoming Supreme Court in responding to a legislative mandate to exercise supervision of the justice courts. It assisted the Alaska courts in developing a uniform statewide bail schedule for traffic offenses and a system for administering such a program. In Connecticut assistance has been given regarding records retention and standards for microfilming.

The following are examples of major projects the National Center has in the development stage or for which grant applications have been prepared or in some cases approved. These projects, however, have not reached the point of implementation.

**Standards of Indigency:** This project will identify and evaluate methods for determining indigency and assigning counsel to indigent defendants in various jurisdictions. State judges are urgently requesting information and guidance in this area.

**Automated State Court Profiles:** Comprehensive information on three state court systems, including local courts, will be compiled for automated retrieval. The project will serve as a model for future expansion to include all 55 state and territorial court systems. Information filed will cover court structure, operations, administration, rules, jurisdiction, finance, certain state law, and other economic and statistical data, all susceptible to periodic updating. The data base will provide needed but heretofore unavailable information for operations, planning and research for the state courts and for the National Center. This is a key long-term project.

**Small Claims Courts Shortcomings:** This project will recommend methods of improving the accessibility, usefulness and responsiveness of the small claims courts from the standpoint of the individual citizen. An application for a grant has been submitted to the federal Office of Economic Opportunity.

**Fiduciary Accounting Standards:** This study will develop standardized accounting practices, procedures and forms so as to encourage uniformity in probate courts and to better protect beneficiaries.

**Pre-Trial Delay:** Bottlenecks causing pre-trial delay in criminal cases will be identified in this 18-month study, through development of meaningful and comparable data in 15-to-20 key, primarily urban, court jurisdictions. Remedial measures necessary to reduce such delay will also be evaluated. A demonstration project to materially reduce delay will be developed under the initial grant.

**Public Attitudes toward Courts:** In this study, initiated by a committee of the American Bar Association's Division of Judicial Administration, a professional in-depth public opinion survey of a number of representative jurisdictions nationwide will pinpoint the extent, dimensions and areas of current public dissatisfaction with the courts.

## Future Projects

**Arizona Appeals Experiment:** In an attempt to shortcut the traditional lengthy process of printed transcripts, printed briefs and formal arguments by counsel, this project will try to determine whether appeals can be handled effectively shortly after the trial verdict through the use of memoranda identifying all appealable issues, brief excerpts from the trial transcript, and brief oral arguments by counsel.

**California Judicial Data Review:** This project will examine and evaluate the statewide system of judicial statistics in California to develop recommendations for improving the quality and accuracy of the system.

**Delaware Studies:** A study will be made of the Supreme Court of Delaware and the Office of the State Administrator. In addition, a comprehensive study will be undertaken of the entire state judicial system.

**Massachusetts Appellate Study:** This will be an in-depth study of the Appellate Courts of Massachusetts, including the Supreme Judicial Court and the Court of Appeals, and of the operation of the Office of the Executive Secretary.

**Minnesota Facilities:** This project will inventory all court facilities within the state and make recommendations to the State Court Administrator.

**New Hampshire:** A comprehensive study of the New Hampshire court system will be initiated. Another related project will study defender services in the state.

**North Dakota Judicial System:** A study of the North Dakota judicial system will include establishing a data base, developing recommendations for a uniform financial system, developing a judicial education program, and making a court facilities inventory.

**Oklahoma Court Standards:** This project will determine how the Oklahoma courts conform with the standards and goals established by the National Advisory Commission on Criminal Justice Standards and Goals and make recommendations in the areas of difference.

**Vermont:** Two projects are planned in Vermont. One will involve preparation of an automated court statistics system for the state; the other will consist of drafting legislation for implementation of a newly passed Judicial Article of the Vermont Constitution.

## Finances of the National Center

To date, funds for the National Center for State Courts have come primarily through grants from the Law Enforcement Assistance Administration of the U.S. Department of Justice (LEAA). At the state level, the National Center received grants in 1973 from the criminal justice planning agencies of the states of Alabama, California, Massachusetts, Minnesota and New Hampshire. These state agencies are responsible for planning and distribution of LEAA funds in their own states for purposes such as police, corrections and prosecution improvement and for juvenile, drug and other crime prevention programs, as well as for criminal court reform. The National Center has also received private fund support from the Edna McConnell Clark Foundation and the Ford, Hill Family, Bush and Alfred P. Sloan foundations.

During its first two full calendar years, 1972 and 1973, the National Center took in \$3,714,806 and expended or disbursed to other court improvement organizations \$3,484,013. These other organizations received almost half of the \$3,484,013 under terms of LEAA grants to the National Center. In general, these were grants for training, research and appellate screening demonstrations within state appellate courts.

At both national and state levels most LEAA grants require cash matching funds that, as a practical matter, approximate 20 percent of total project cost. Ten percent represents the cash matching contribution required by statute; the other ten percent is required for unavoidable expenditures, such as wage and price increases and certain other contingencies that are not allowable under federal guidelines. All LEAA grants require detailed, line-item budgets; no provision for contingencies or reserves is permitted. Limited budget revisions are allowed while a project is in progress, but no cost overruns are permitted and no new grant can be made to cover cost overruns on a project conducted under a previous grant. On the other hand, in any project where savings below budget are achieved, the money must be returned to the government.

Nationally, LEAA has made generous grants covering many aspects of the National Center's operations. Indeed, the National Center would not have been able to function without this support, the continuation of which is absolutely indispensable.

At the same time, LEAA funding does *not* provide for many essential activities and provides only partially for others. For example, LEAA support does *not* provide for the cost of meetings of the National Center's ultimate governing body, the Council of State Court Representatives, or for certain required staff positions and functions such as internal audit, planning and development, and the publication cost of many project reports. In addition, all LEAA grants restrict reimbursement for travel expenses (meals and lodging) to \$25 per day, significantly below actual costs incurred as personnel move about the country performing their work.

To date, the National Center has had to rely largely on private funding and LEAA specific-project grants for the general support services—information, technical assistance, and the like—the National Center provides the various state judiciaries. Finally, neither national nor state LEAA funds are intended to be utilized for civil, as contrasted with criminal, court improvement efforts. Thus, many high priority state court reform programs do not qualify for any federal funding at all.

Without for a moment minimizing the necessity for continuing LEAA support, it is manifest that the National Center for State Courts cannot continue to rely so heavily on LEAA in the future. For its effectiveness to continue to grow, the National Center must develop a broader and more diverse base of funding support.

As the National Center's capability to perform its mission increases, it is anticipated the states will assume a major role in providing for the National Center's basic operating costs. This basis of state support is being developed, but no one familiar with state legislatures could predict prudently that it will be developed easily or quickly. Therefore, the National Center must also develop a sound base of private funding support, and considerably more expeditiously. Such support is required for civil court improvement projects, to meet matching fund requirements of federal and state LEAA grants, and also for other essential operating support requirements.

In 1972 and 1973 the National Center was the recipient of \$514,451 in private operating support funds, primarily from a major 1972 grant of \$369,000 from the Edna McConnell Clark Foundation. This contribution was particularly important in the National Center's early development. However, the National Center has now expended or obligated all private funds contributed to date. Only \$120,451 was raised from private sources in 1973, far below the amount needed even to provide the required match for most national and state LEAA grants. In part to make up for this shortfall, but more importantly to complete the work planned for 1974, the National Center requires an additional \$1,100,000 of private funds before the end of the current year.

With the rapidly increasing demand on the National Center for services, a conservative projection of its minimum need for private operating funds by 1975 is \$1,000,000 annually. After it moves to the new Williamsburg headquarters, annual operating costs of the National Center are estimated at \$3,000,000 based on 1973 prices. Half this amount will be for the operations of the headquarters, half for the regional offices. This \$3,000,000 basic operating budget is expected to be augmented by up to \$1,500,000 annually in special contract work.

Efforts for funding the new \$2,750,000 headquarters building are proceeding satisfactorily with substantial commitments from private sources, mostly in Virginia, having been received in recent months. The National Center is hopeful that full funding for headquarters construction can be secured by the end of 1974.

The modernization of justice is an urgent national task. The National Center for State Courts is charged with a vital role in this effort. The National Center has progressed rapidly in the performance of its mission. Given proper support, significantly greater contributions are in prospect for the years ahead.

## Council of State Court Representatives

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Arkansas Supreme Court

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\*Also on Board

\*\*Also on Advisory Council

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# END