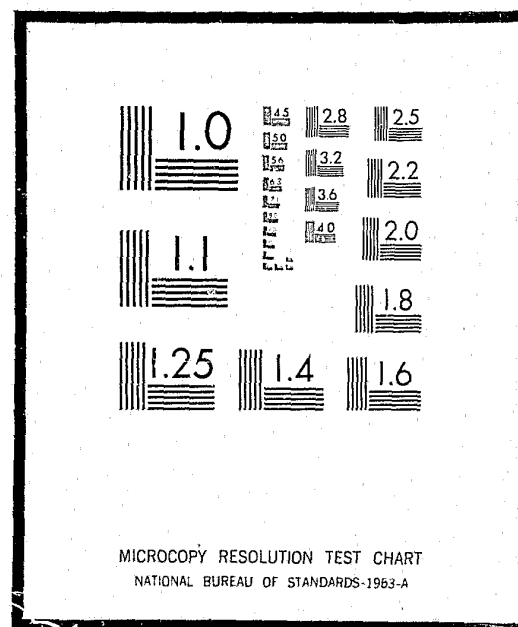


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REPORT OF COOK COUNTY COURT WATCHING PROJECT  
TO  
ILLINOIS LAW ENFORCEMENT COMMISSION  
1974 - 1975

ILLINOIS LAW ENFORCEMENT COMMISSION  
TECHNICAL ASSISTANCE UNIT  
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August 1975

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REPORT OF COOK COUNTY COURT WATCHING PROJECT

TO

ILLINOIS LAW ENFORCEMENT COMMISSION

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## PREFACE

It is important for the reader to understand what the purposes of the Illinois Court Watching Project were and what they were not.

The purposes were not:

- To conduct a public opinion survey to reveal that most judges or bailiffs or clerks were courteous or discourteous, that most defendants were treated with or without prejudice, that most courts seemed just or unjust.
- To single out and publicly confront judges or other personnel for their apparent shortcomings.
- To conduct a massive public education campaign.

The purpose was simply to identify, through the eyes of trained citizens, problems in the lower criminal courts that might be alleviated or solved through systemic change.

It is not necessary for a problem to exist in 50 or even in 10 per cent of the courts for it to be a problem. When it exists in even one court, it is a problem -- particularly to the hundreds of persons appearing before that court and expecting justice.

Reports of the findings for each individual courtroom observed in Cook County, including names of individuals criticized, have been submitted to the presiding judges of the Cook County Circuit Court's Municipal Districts and are being sent to the Illinois Law Enforcement Commission, League of Women Voters of Illinois, Illinois Judicial Inquiry Board, Administrative Office of the Illinois Courts, Chicago Bar Association and Chicago Council of Lawyers.

It should be noted that this project would not have been possible without the patient cooperation of the six presiding judges and the judges whose courts were monitored. They afforded monitors special seating arrangements so that proceedings could be heard and recorded and often answered their questions. The Circuit Clerk's Office assisted immeasurably by providing daily call sheets and other information to the monitors. Appreciation is also due members of the project's Cook County Steering Committee who contributed many volunteer hours training monitors, solving problems and assessing results. Their three part-time employees -- Ann Chernow, Sue Geringer and Pat Ceperich -- worked far beyond their paid hours and deserve many thanks.

Last but not least, the project owes a large debt of gratitude to the 150 monitors. They logged thousands of volunteer hours in court, often without lunch breaks, and occasionally were called upon to stay at their posts until 8 at night. They paid their own postage for returning report forms and their own transportation. They were dedicated and phenomenal. Their enthusiasm made the project possible.

Barbara Fenoglio  
Project Director  
August, 1975

## I. INTRODUCTION

Courts exist to promote justice, and thus to serve the public interest.

-- from Illinois Supreme Court Rule 61

Justice and the courts are not necessarily related.

-- Chicago Court Watcher

From February through June of this year, some 130 trained volunteers monitored 16 lower criminal courts in Chicago and Cook County suburbs to identify problems affecting the quality of justice.

The program in Cook County was one of four in the state established by the Illinois Court Watching Project under a \$ 50,000 grant by the Illinois Law Enforcement Commission to the League of Women Voters of Illinois.

Data on more than 26,000 proceedings, collected between March 3 and May 16, provide the basis for this report on the Cook County project. The following courts were observed:

Chicago: Branch 27 (Gun Court), 1121 S. State St.  
Branch 40 (Women's Court), 1121 S. State St.  
Branch 42 (Youth Court East), 113 W. Chicago Ave.  
Branch 46 (Criminal Jury Court), 321 N. La Salle St.  
Branch 65 (Shoplifting Court), 1121 S. State St.

Suburbs: District 2, Branch 15 in Skokie  
District 3, Branch 3 in Niles  
Branch 12 in Des Plaines  
District 4, Branch 1 in Oak Park  
Branch 3 in Bellwood  
Branch 5 in Berwyn  
Branch 11 in Maywood  
District 5, Branch 16 in Evergreen Park  
District 6, Branch 2 in Chicago Heights  
Branch 16 in Harvey  
Branch 22 in Midlothian

The Chicago courts were observed daily, the suburban branches as often as they were in session. Niles was monitored three times a week, Midlothian twice and the others once weekly.

The court watchers recorded information on continuances, victimless crime and physical facilities as well as on the conduct of judges and other court personnel. Usually, each monitor served a full day twice a month in the same courtroom. During the five months of the project, they viewed a total of 43 different judges in the 16 courtrooms, enabling them to contrast different styles of judicial behavior.

How did they see the courts? On the credit side, monitors found that all the courts started within a few minutes of the scheduled time; that in most courts there was little evidence of prejudice against minorities; that clerks were

nearly always polite and hardworking; that suburban bailiffs were usually polite and helpful to the public; that most judges were consistently courteous to persons appearing before them and hardworking. In fact, several judges were clearly outstanding in monitors' eyes for the consideration they showed to defendants and for their ability to maintain a businesslike atmosphere in very crowded courtrooms.

But the court watchers also found real problems. In Chicago, slightly more than half the monitor responses were "no" to the following question:

Put yourself in the place of a defendant, complainant or witness in the courtroom you have just observed. Taking everything into account -- actions and attitudes of judge, bailiffs, clerks; behavior of prosecutor and defense attorney; the general feeling of the place -- would you have left with the feeling that justice was being fairly administered?

The 11 suburban courts scored a great deal better with only 12 per cent "no" answers. This figure closely parallels the "justice rating" given by monitors in DuPage County (14 per cent "no"), but contrasts unfavorably with the ratings in downstate Champaign County (5 per cent "no") and Warren County (3 per cent "no").

Court watchers clearly identified a number of specific problems that made the administration of justice not so just in their eyes. It is reasonable to assume that these same problems have a part in alienating witnesses and complainants from a court system designed to protect them and in obviating the beneficial effects a court appearance should have on the accused. Monitors saw:

Confusion on the assembly line -- hundreds of people were processed like so many cans of peas through the crowded courts. Defendants, complainants and witnesses alike were moved along, many of them with little or no understanding of what was happening to them because no one explained.

Continuances on demand -- In most courts, judges granted continuances freely; less than two per cent of the 8,845 requests were denied. In Chicago, much of the delay was caused by overburdened prosecutors.

Some injudicious judges -- Most of the judges appeared as courteous, patient and unprejudiced, but the exceptions made their courts look bad.

Rude bailiffs -- In four of the five Chicago courts, bailiffs were treating the public poorly and making a lot of noise.

Overburdened public defenders -- They had little or no time to confer with the many defendants assigned to them, seemed anxious for them to plead guilty to more quickly dispose of the cases.

Physical facilities of the courts were also of concern to the project. Many were found wanting, but no special section about them is included in Part II because it appears that the improvement program currently underway in the Circuit Court of Cook County will solve many of the problems noted by monitors within a two or three years.

Monitors' reports were assessed by the project's Cook County Steering Committee whose recommendations for improving the courts are contained in Part III of this report.

## A. CONFUSION ON THE ASSEMBLY LINE

### The Problem

The most frequent criticism voiced by monitors was that citizens were moved through the misdemeanor courts like so many objects on a continuous -- if sometimes halting -- assembly line. They seemed almost incidental to the proceedings. A great many defendants appeared not to understand the charges against them, their rights and responsibilities, the disposition of their cases or what they were required to do next. Too often, no one explained.

### Analysis of Monitors' Findings

Monitors were shocked by the assembly-line procedures that took place in the crowded, busy courtrooms. They were shocked to see people "processed" through without understanding what was happening to them, even when their cases were dismissed. Lack of adequate explanation by some judges, use of court jargon and haste of proceedings shared the blame.

Most judges did observe the statutory requirement that before accepting a guilty plea, they explain the nature of the charge, maximum and minimum penalties, the right to plead guilty or not guilty and the consequences. Only seven per cent of the city observations found judges neglectful of this duty. In suburban courts, 32 per cent said judges were remiss at times. (This figure is not particularly alarming, however, when one considers the nature of the call -- largely traffic -- in some of these courts, and that sometimes blanket admonishments were given at the beginning of the session.)

However, the judge is also required by law to determine that the defendant understand the admonishments, and many monitors faulted judges for their failure to do so. They praised those who took pains to explain.

There is no statutory insistence that other steps in the court procedure be explained, and they often weren't. People simply didn't know what was happening to them. The following comments represent a small sample of the dozens submitted on this subject.

#### Chicago, Branch 40

- This judge gives the admonishments, but it seems to be just something he has to say. I think the language used could be simpler.
- More time needs to be taken to explain things to defendants. Cases can be dismissed by SOL, DWP, etc. Defendants appear unaware of what is happening, the looks on their faces blank or confused.

#### Chicago, Branch 40 (A different judge)

- Judge \_\_\_\_ is more thorough in admonishments. It was quite a contrast to the other judge. He listens attentively to defendants....
- The judge went to great lengths to make sure defendants understand.

#### Chicago, Branch 65

- Language used by judges is too hard to understand for uneducated defendants. Judges do not seem to notice this.
- Justice should be more personalized so it doesn't look like the court is just processing people on an assembly line. Some explanation of court procedures is needed. Most people seem confused.

#### Chicago, Branch 42

- Especially when a case is dismissed, the bailiffs just say to the defendant, "Go home." He leaves not knowing if he has a record or what happened, especially regarding those abbreviations (SOL, DWP, LFD, etc.) which is often all he hears. The word "dismissed" is often not used. On occasion an SOL is reinstated and the defendant doesn't show, thinking the rescheduling a mistake, and before he knows what's happening he is re-arrested.
- Young man was brought into court on a charge of loitering in a school building. He pleaded not guilty. The arresting officer testified that he had arrested the defendant outside the main office, the location the young man was at the entire time he was in the building. The policeman had been summoned by a security officer who said he had told the young man only students were permitted in the building and that the defendant had explained he was waiting for his girl friend. The judge asked the defendant if he had anything to say. With the same bewildered expression on his face that had been there when the policeman spoke, he answered, "I no do nothing. I wait for my girl friend." After a pause, the judge asked him why he did not leave when the security officer told him to go. He responded, "He no tell me to go. He tell me I no go to school." The judge gave that a few seconds' thought and then gave him two months' supervision.

So a young man, who has difficulty with the language and did not understand he had committed a crime, was arrested without knowing why, brought to court and given supervision for something he still did not comprehend, and then was told to come back for a reason still unexplained to him.

- Judge gave a deaf mute one year probation but it was apparent that the defendant had little understanding of the language.

#### Chicago, Branch 46

- Judge is careful to give admonishments. However, I wonder sometimes if the defendants really understand what it is all about. Some of them look blank.

#### Chicago Heights

- Judge \_\_\_\_ did not give facts of peoples' rights at the beginning of court, even when reminded of it by clerk. Did not cite charges for some cases. Two defendants did not know what they were charged with -- for one, clerk tossed papers in defendant's general direction. Judge told clerk to hand each defendant charges. Judge was discussing personal business on the bench with state's attorney about going to dinner with Judge \_\_\_\_.

### Chicago Heights (A different judge)

- This judge announced all charges, gave admonishments when proper and took time to seek public defender for defendant in courteous way. Defendant would say he didn't want lawyer (didn't want to admit he needed public defender), but judge would have clerk run a check and appoint a public defender if necessary.

### Bellwood

- Judge \_\_\_\_ impressed me because he took great pains to assist defendants without lawyers in asking questions, etc.

### Des Plaines

- Several people stood before the judge and were unaware that their cases had been processed. The bailiff had to tell them to step down. People don't understand legal jargon.
- If I were a defendant or witness, I would feel quite incidental to the proceedings. I would feel as though I was not really aware of what was happening and would be confused by the legal jargon of attorney, judge, clerks. It is cold and impersonal.

### Midlothian

- This monitor couldn't help wishing for Judge \_\_\_\_ who tried so hard to get through to the bewildered defendants.

### Berwyn

- Judge \_\_\_\_ gave extensive introduction to traffic court, explaining all defendants' rights and options in clear language. He explained "expungement" to one defendant.

### Evergreen Park

- Judge \_\_\_\_ did not want to handle shoplifting cases and used legal terms the defendants didn't understand. He did not explain.

### Evergreen Park (A different judge)

- Judge \_\_\_\_ makes sure defendant understands judgment.

### Maywood

- Judge \_\_\_\_ does not tell each defendant what he is charged with,...feels it is up to ASA to tell defendant charge....

## B. LACK OF INTERPRETERS

### The Problem

State law to the contrary, interpreters are often not provided to defendants who do not understand English and when they are, they are sometimes not qualified.

### Analysis of Monitors' Findings

A non-English speaking defendant or witness in most of the courts watched had even less chance of understanding the charge, admonishments and verdict because interpreters usually were not used.

City monitors recorded a total of 115 defendants or witnesses needing interpreters; none was available or provided for 73. In some courts a judge or other personnel was able to speak some Spanish, but that is not the only foreign language needed. For example, in Shoplifting Court (Branch 65, Chicago) the observer was disturbed about the handling of an "older lady who spoke only Polish." She was allowed to enter a guilty plea through the public defender without an interpreter, and none of the admonishments required by law were given before her plea was accepted.

Suburban monitors saw 42 non-English speaking persons appear before the bench; 31 were not afforded interpreters.

This does not seem to be a massive problem, but current practice does result in unjust and un-understood "justice". It is also in disregard of Illinois law\* which requires the court to appoint and to swear in an interpreter for anyone accused of a misdemeanor or felony who cannot understand and speak English.

Total lack of interpreters is not the only problem. In a number of instances in which court personnel were pressed into service as interpreters, monitors felt they were not entirely qualified. A Youth Court (Branch 42, Chicago) court watcher, for instance, reported that interpreter was a Spanish-speaking clerk but noted, "He needs a lesson in translating...I heard him translate and he is too conversational, giving too much legal advice and personal interpretation of events to be strictly legal."

In several suburban courts, defendants brought their own interpreters or did without; in Maywood a local volunteer helped. A court watcher in Des Plaines saw a police officer (who had arrested the defendant and was the complaining witness) allowed to serve as the defendant's interpreter. The observer questioned the propriety of this practice.

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\*Illinois Revised Statutes, Chapter 38, Section 165-11-13.



### C. CONTINUANCES ON DEMAND

#### The Problem

In most of the courts observed, judges granted continuances freely and on demand; less than two per cent of the 8,845 requests were denied. In Chicago, the prosecution was responsible for an inordinate share of the continuances indicating, perhaps, an insufficient number of assistant state's attorneys and/or inadequate support facilities.

#### Analysis of Monitors' Findings

Statistical information collected by monitors reveals that proceedings in the five city courts resulted in continuances 40 per cent of the time; in the 11 suburban courts, 23 per cent of the time.

|                    | # of Cases on Calendar | # Continuances Granted | % of Proceedings Continued |
|--------------------|------------------------|------------------------|----------------------------|
| 5 Chicago courts   | 15,084                 | 6,037                  | 40%                        |
| 11 Suburban courts | 11,522                 | 2,666                  | 23%                        |

(In viewing the two, it should be pointed out that they are not entirely comparable. Most of the suburban courts had mixed "calls," consisting of a large number of quickly-disposed-of traffic cases in addition to the ordinance violations, misdemeanors and felony preliminary hearings. The five city courts heard no traffic cases, as such. The two suburban branches which concentrated on criminal matters had the highest suburban continuance rates -- 32 per cent in Harvey and 54 per cent in Midlothian.)

Folk knowledge has it that defense lawyers are responsible for most continuances because delay usually is to the defendant's advantage. Monitors found, however, that in three of the five city courts the prosecution was responsible for most continuances. Suburban statistics (and incidentally those from all downstate courts watched) were completely the reverse, with defense motions much higher than prosecution's. The data from Chicago courts cataloging the reasons given for continuances (See chart) and the monitors' narrative comments suggest that the prosecution needs beefing up -- more assistant state's attorneys, better preparation, better support services.

|                                     | Defense     | Prosecution | Agreement | Order of Court | Not recorded by monitor |
|-------------------------------------|-------------|-------------|-----------|----------------|-------------------------|
| 5 Chicago courts (6,142 requests)   | 2,171 (35%) | 2,705 (44%) | 125 (2%)  | 1,094 (18%)    | 47 (1%)                 |
| 11 Suburban courts (2,703 requests) | 1,496 (55%) | 545 (20%)   | 250 (9%)  | 373 (14%)      | 39 (2%)                 |

\*This number represents all the proceedings seen -- first appearances (usually calling for automatic continuances) plus bond forfeiture cases, LFD's and non-suits, SOL's, trials, etc.. However, monitors were instructed not to record as continuances those instances in which the defendant was assigned supervision and the case continued for that reason. It was felt that this was not a delay.

The foregoing data does not answer the important question: Are the courts granting too many continuances? One clue may be found by looking at the number of continuances denied:

|                    | Total Requests for Continuances | Granted | %     | Denied | %    |
|--------------------|---------------------------------|---------|-------|--------|------|
| 5 Chicago courts   | 6,142                           | 6,037   | 98.3% | 105    | 1.7% |
| 11 Suburban courts | 2,703                           | 2,666   | 98.6% | 37     | 1.4% |

The low denial rates could mean that 98 per cent of the time lawyers presented valid and compelling reasons for delay. Or it could mean that some judges are lax in granting continuances. Narrative comments by the court watchers seem to indicate that the latter is often the case. Many of them were disturbed by the picture of "justice delayed" and said so. Also, after observing different judges on the same bench, they were able to make critical comparisons in regard to handling of continuances.

Some of their comments follow:

#### Chicago, Branch 40

- For the third time, he (the judge) has granted a continuance, thereby keeping the defendant in jail. The prosecution is not ready, but how can the defendant get out of jail?
- Judge grants continuances without questioning and usually follows the recommendations of the prosecutors.
- Same defendant as two weeks ago. She pleaded to have a public defender appointed or to have bond set so she could get out of jail. The judge refused. The case was continued by prosecution -- reason unknown.

#### Chicago, Branch 40 (A different judge)

- This judge has a feeling for the people. He is more careful in granting continuances than his predecessor.
- When complaining witness is not present, the judge will not allow a second continuance by prosecution if defendant is incarcerated.

#### Chicago, Branch 65

- In one case, all the witnesses, public defender and assistant state's attorney were ready for trial. It was 4 p.m. -- the judge called for a continuance by order of the court. Everyone was amazed. No reason was stated. This was the only case today where all parties were ready for trial.
- If you are able to raise bond you get all the continuances you can, one way or another. If you are in jail, you plead guilty and hope to get out on probation. I think we should eliminate continuances except for good cause.

- The ASA is ill-prepared and his witnesses were not in court today. Many times defendants were given continuances when they would rather have gone to trial.

#### Chicago, Branch 65 (A different judge)

- Today was the first day I've heard a judge refuse a continuance in this court.

#### Chicago, Branch 46

- I have the growing impression that this court is not being used to "gain" justice but rather as a delaying tactic by attorneys which eventually obstructs justice. I have seen too many police and witnesses waste hours here, only to be given another continuance.

#### Chicago, Branch 42

- If I were a complaining witness, I would feel justice had not been served when I had to take time off work three or four times and still have case continued.

Monitors watching suburban courts commented less frequently on the continuances although the problem was noted:

#### Harvey

- Judge very abrupt, granted many continuances. Last case two years old and four witnesses were present. Judge continued it; showed little concern.
- It was evident that some cases were continued three times due to the fact that complaining witnesses were not notified.

#### Midlothian

- This judge seldom asked "why" on requests for continuances. Other judges asked.
- Judge \_\_\_ was always declaring recesses so the assistant state's attorneys could get their cases ready or occasionally the PD's. I felt the state's attorneys were setting the pace of the court and the judge was impatient with them. He said, "Don't we ever settle anything?" Still, he did not insist on good reasons for continuances.

#### Maywood

- Too many continuances allowing cases to drag on for months until complaining witnesses get tired of appearing, allowing criminals to go free. Victims receive no justice.



## CONTINUANCES

Percent distribution of the responses from the individual courts watched in all of the categories tabulated

|                                                  | COOK COUNTY BRANCH COURTS<br>City of Chicago |      |      |      |      | COOK COUNTY SUBURBAN COURTS<br>by district/branch |      |      |      |      |      |      |      |      |      |      | CI |
|--------------------------------------------------|----------------------------------------------|------|------|------|------|---------------------------------------------------|------|------|------|------|------|------|------|------|------|------|----|
|                                                  | 27                                           | 40   | 42   | 46   | 65   | 2/15                                              | 3/3  | 3/12 | 4/1  | 4/3  | 4/5  | 4/11 | 5/16 | 6/2  | 6/16 | 6/22 |    |
| Number of cases observed                         | 2704                                         | 3751 | 3560 | 2879 | 2190 | 679                                               | 1868 | 558  | 1174 | 1141 | 1450 | 1317 | 392  | 1289 | 597  | 1057 |    |
| Number of continuances granted                   | 1439                                         | 1092 | 1181 | 1302 | 1023 | 283                                               | 318  | 172  | 409  | 68   | 89   | 248  | 95   | 217  | 192  | 575  |    |
| Number of continuances denied                    | 23                                           | 14   | 4    | 27   | 37   | 8                                                 | 3    | 1    | 6    | none | 4    | 5    | 1    | 3    | 2    | 4    |    |
| Percent of proceedings resulting in continuances | 53.2                                         | 29.1 | 33.2 | 45.2 | 46.7 | 41.7                                              | 17.0 | 30.8 | 34.8 | 6.0  | 6.1  | 18.8 | 24.2 | 16.8 | 32.2 | 54.4 |    |
| Percent of continuance requests by:              |                                              |      |      |      |      |                                                   |      |      |      |      |      |      |      |      |      |      |    |
| Defense                                          | 43.4                                         | 32.0 | 22.1 | 49.3 | 25.1 | 71.1                                              | 65.1 | 57.8 | 54.0 | 80.9 | 61.3 | 58.9 | 65.6 | 53.6 | 49.5 | 37.7 |    |
| Prosecution                                      | 32.4                                         | 41.9 | 65.9 | 26.5 | 59.9 | 10.7                                              | 14.0 | 13.9 | 20.7 | 1.5  | 15.1 | 21.7 | 11.5 | 12.3 | 32.0 | 32.6 |    |
| Agreement                                        | 1.4                                          | 1.1  | 1.4  | 5.4  | .5   | 8.6                                               | 3.4  | 8.1  | 12.8 | 4.4  | 9.7  | 2.0  | 5.2  | 9.1  | 3.6  | 16.9 |    |
| Order of court                                   | 22.8                                         | 24.2 | 10.7 | 16.1 | 14.3 | 9.6                                               | 16.2 | 16.8 | 11.6 | 13.2 | 12.9 | 17.0 | 16.7 | 24.5 | 13.4 | 9.7  |    |
| Not recorded                                     | none                                         | .8   | none | 2.7  | .2   | none                                              | 1.2  | 3.4  | .9   | none | 1.1  | .4   | 1.0  | .5   | 1.5  | 3.1  |    |
| Percent of continuances as to reason given:      |                                              |      |      |      |      |                                                   |      |      |      |      |      |      |      |      |      |      |    |
| Jury demand                                      | 5.6                                          | 19.4 | 5.7  | 4.7  | 10.7 | 5.8                                               | 1.2  | 2.3  | 5.1  | 4.4  | 2.2  | 2.8  | 8.3  | .9   | 7.2  | 1.7  |    |
| Defense not ready                                | 27.9                                         | 24.6 | 13.8 | 27.7 | 16.0 | 35.7                                              | 16.5 | 11.6 | 41.7 | 55.9 | 29.0 | 24.5 | 35.4 | 14.1 | 26.8 | 18.5 |    |
| Prosecution not ready                            | 21.5                                         | 26.1 | 24.9 | 10.1 | 39.4 | 5.5                                               | 8.1  | 2.3  | 7.5  | 1.5  | 3.2  | 2.8  | 5.2  | 2.3  | 9.8  | 6.0  |    |
| Defense lawyer busy                              | 5.7                                          | 2.5  | 5.3  | 9.3  | 4.8  | 13.1                                              | 10.3 | 12.1 | 6.5  | 11.8 | 16.1 | 4.7  | 6.3  | 4.1  | 8.2  | 4.8  |    |
| Complainant/witness not present                  | 10.8                                         | 6.1  | 21.0 | 14.5 | 11.0 | 1.4                                               | 7.2  | 5.2  | 6.9  | 4.4  | 7.5  | 20.9 | 2.1  | 7.3  | 24.2 | 12.1 |    |
| Negotiations underway                            | .3                                           | 2.3  | .6   | 1.1  | .7   | 2.1                                               | 1.2  | .6   | 9.8  | none | 1.1  | .4   | 4.2  | 1.4  | 1.0  | 2.6  |    |
| New charge filed                                 | 1.0                                          | .6   | .9   | 1.3  | .3   | 3.1                                               | .9   | 3.5  | none | none | 1.1  | .8   | none | .5   | .5   | 1.6  |    |
| Court scheduling                                 | 5.2                                          | 1.1  | 2.9  | 2.3  | .8   | 3.8                                               | .3   | none | 2.2  | 1.5  | none | 8.3  | none | .5   | 3.1  | 3.3  |    |
| Other                                            | 9.0                                          | 7.1  | 16.3 | 16.6 | 5.5  | 18.9                                              | 43.3 | 34.1 | 14.9 | 20.6 | 24.7 | 26.9 | 27.1 | 35.9 | 18.0 | 18.5 |    |
| None                                             | 2.9                                          | 4.9  | 8.0  | 5.5  | 8.4  | 4.1                                               | 2.8  | 7.5  | .5   | none | 5.4  | 5.1  | 6.3  | 11.8 | 1.0  | 8.1  |    |
| Not recorded                                     | 10.0                                         | 5.2  | .6   | 7.0  | 4.4  | 6.5                                               | 8.1  | 20.8 | 4.8  | none | 9.7  | 2.8  | 5.2  | 21.4 | none | 22.8 |    |

#### D. NEED FOR ONGOING EVALUATION OF JUDGES

##### The Problem

Monitor reports demonstrate the need for a practical, ongoing system to evaluate and improve the performance of judges during their term on the bench. Judges exhibiting substandard behavior could be identified by such a process and their performance improved by an in-service training program. At the same time, judges who are doing a really commendable job -- as many are -- could be singled out and encouraged.

The performance of the judge affects the appearance of justice in the courtroom more than anything else. It is not enough that his rulings be technically fair. Both he and they must appear to be fair, or people are turned off -- defendants, witnesses, complainants alike. They lose respect for the courts and the law when a judge seems flippant, prejudiced, rude or inattentive.

The Illinois Supreme Court recognizes the importance of a judge's behavior in its Rule 61, "Standards of Judicial Conduct". In 25 separate sections, this rule sets forth requirements to be followed by judges on and off the bench. While lay volunteers are not prepared to assess a judge's legal actions, they are particularly qualified to observe whether a judge is complying with Rule 61 as regards demeanor and whether his actions appear fair. That is what the court watchers were asked to do.

How did the Cook County judges stack up? Most of the 43 observed during the project appeared impartial, attentive and polite. (See chart on page 20 .) There were, however, some exceptions -- judges obviously violating Rule 61. These are noted later in this section. The exceptions are troublesome because the present system lacks adequate means for identifying and correcting such problems.

The means currently available for evaluating judges are:

The Judicial Inquiry Board -- Since its inception with the 1970 Constitution, has been active in investigating charges against judges and, when warranted, filing complaints with the Illinois Courts Commission. As a result, 10 judges have been disciplined and two removed. However, it is highly unlikely that most persons appearing before the courts -- particularly the poor and the uneducated -- know about the Board or Rule 61 so that they could file complaints. Although the Board may initiate its own investigations, it appears that its small staff (an executive director, two investigators, and one full and one part-time secretary) would not be able to monitor adequately the performance of some 260 trial judges in Cook County, not to mention the 350 or so in the rest of the state.

In addition, using such an elaborate system to correct numerous relatively minor infractions would be wasteful.

Chief Judge John Boyle's Investigators -- Judge Boyle employs some investigators to note whether judges are prompt, courteous and so forth. The number of investigators may be insufficient, or they may not be viewing situations with a "citizen's eye". Whatever the reason, it would seem from monitor reports that this system is not

entirely adequate.

The Bar Associations -- Before a retention election for circuit judges or before reappointment of associate judges, the Chicago Bar Association polls its members to determine what judges to recommend as qualified for retention. The Chicago Council of Lawyers consults attorneys who have practiced before those judges and reports its recommendations. These are much needed services but coming as they do, at the end of a judicial term, they do not serve to modify judges' behavior during the term.

It is gratifying that several of the Municipal District presiding judges have said they would discuss our monitors' criticisms with the judges involved. But this does not represent a final answer to the real need, as demonstrated by the project, for ongoing evaluation of judges.

Monitors' findings concerning judicial control of the courtroom, control of unprofessional conduct of attorneys, and judicial demeanor follow.

#### 1. KEEPING ORDER IN THE COURT

Supreme Court Rule 61-9: "In courts having a large volume of cases, tending to crowd the courtrooms, the judge should give serious and careful attention to all decisions, and should take special care to enforce reasonable order and decorum."

Supreme Court Rule 61-25: "Proceedings in court should be conducted as to reflect their importance and seriousness..."

##### Analysis of Monitors' Findings

Monitors were explicit in their disapproval of noisy, disorderly courtrooms when they saw them. They said that the disorganization and "circus" atmosphere in some courts seemed to further confuse the already confused public and felt that it made people apprehensive about the kind of justice administered there.

There is no question but that the judge holds the key to the problem. The observers were quick to note bad situations brought under control when a "new" judge took the bench. Some of the anecdotal material below documents this.

They also saw able judges manage to keep proceedings reasonably orderly and businesslike in an outrageously bad facility -- Chicago's Branch 27 (Gun Court). Located in an old courtroom at Central Police Headquarters, 1121 S. State St., Branch 27 shared a room with Branch 26, a bail-bond court. Both were in session at the same time, and most times during the day the room was packed to capacity with 125-150 people seated and others standing along the walls. That court is now located at the Kedzie and Harrison Police Building.

Yet monitors were nearly unanimous in praising the performance of three successive judges seen there. As one monitor wrote, "Judge \_\_\_\_\_ was in complete charge." Another judge was characterized as "as concise and businesslike as possible". "This was a court....to be proud of," another monitor concluded.

The following are examples of monitor comment on order and disorder in the courts:

#### Chicago, Branch 40

- One (prostitution) trial today was really ludicrous. The judge allowed several bailiffs and a clerk to lean on the bench during the testimony. They were making comments and gestures enhancing the police officer's description of how the defendant had beckoned to him. This entertained the audience, which was snickering and smiling. Some got up and moved closer to the bench for a better view.

#### Chicago, Branch 40 (a different judge)

- Compassionate, kind and decisive, this judge runs a quiet and dignified courtroom, and for the first time Women's Court has lost some of its circus atmosphere.
- This new judge really runs a tight ship. This affects the court personnel, who, in addition to maintaining order in the court, must keep themselves in order.

#### Midlothian

- Judge or clerk apparently have very little system for calling cases efficiently. Total confusion reigned between 9:30 and 11:15 a.m. -- only one case heard. All the rest were passed due to absence of police officer or non-preparedness of state's attorney. There were 100 witnesses, defendants, lawyers and spectators waiting in courtroom during that time..... Judge \_\_\_\_\_ started hollering at witnesses at 1 p.m. He said he wanted lunch.

#### Midlothian (a different judge)

- Judge \_\_\_\_\_ demands perfection of clerks, bailiffs, attorneys, defendants and gets it.

#### Chicago Heights (same judge)

- Superbly run court and a pleasure to observe. Because of respect for Judge \_\_\_\_\_, all the court personnel and the police were very quiet.

#### Evergreen Park

- Courtroom lacked dignity...long recesses due to large number of defendants seeking public defenders, also waiting for private attorneys. Personnel talked among themselves, laughed, took away serious decorum. Lawyers and PDs roamed in and out. Nothing seemed organized. Defendants are confused when they walk into courtroom, and it is so disorganized that they must be more confused. They were told to sit and wait for their case to be called whenever they had a question. Some came in a.m. and waited until p.m. Mostly shoplifting cases. I have not seen a court reporter in court yet (April).

## 2. CONTROLLING UNPROFESSIONAL CONDUCT OF ATTORNEYS

Supreme Court Rule 61-10: A judge should criticize or discipline with prudence unprofessional conduct of attorneys in matters pending before him, and if such action is not a sufficient corrective, should refer the matter to the proper authorities.

### Analysis of Monitors' Findings

Although no special question was asked concerning conduct of attorneys, a number of monitors pointed to instances of misconduct and its adverse effect on the appearance of justice. They were particularly critical of an assistant corporation counsel who appeared intoxicated on several occasions and of attorneys who made racial slurs or other degrading remarks about defendants. Only one monitor mentioned that a judge corrected an attorney, and that was after another attorney complained. The kinds of conduct monitors found objectionable are described below:

#### Chicago, Branch 40

- City corporation counsel appeared to be under influence of alcohol.
- Today the city counsel apparently was drunk in court. During an incident where the defendant was declared too drunk to stand trial, the judge said he smelled liquor on the breath of his co-defendant. The court personnel said it was probably on the breath of the city attorney. (Same as above.)
- This city corporation counsel is not doing well, as was earlier noted; he appears less than sober and has a difficult time speaking.
- A prosecuting attorney directed attention of clerk to the dress of a defendant, "Someone cut off her dress". Both laughed.
- The assistant state's attorney said during a trial, "Why else would a black girl get into a white man's car if not for prostitution?" He specified that this should be in the court's transcript.

#### Chicago, Branch 65

- The city prosecutor appeared to be under the influence of alcohol.

#### Chicago, Branch 27

- The assistant state's attorney exhibits a very punitive attitude and raises such issues as race, nationality, etc.
- Prosecutor is nasty to defendants without reason.
- Judge \_\_\_\_\_ allowed prosecutor to badger. Another lawyer complained to the judge and then he reprimanded the prosecutor.
- One private attorney, \_\_\_\_\_, is "available if needed". It appears he comes as close to soliciting business in the courtroom as possible.

### Chicago, Branch 46

- The full-bearded assistant state's attorney with his dishevelled hair, belly protruding over beige canvas trousers, may offer some reassurance to the hippy element, but not to this court watcher.
- On this visit to court, I was struck by the unprofessional conduct of one of the prosecuting attorneys. He frequently made comments to me while a case was in progress about whether a witness was telling the truth or who was going to win the case.

### Harvey

- Judge \_\_\_\_ showed special attention to one defense lawyer; he is a sharp lawyer and the judge made it known to the court. He is also the police commissioner of the City of \_\_\_\_\_ and was serving as defense counsel in cases his own police department was prosecuting -- possible conflict of interests?

### Des Plaines

- A lawyer was joking with the judge about how it cost a friend of his extra money to pay off an alderman so that his friend could get a gun permit.

## 3. APPEARANCE OF PREJUDICE

Supreme Court Rule 61-5: A judge should be temperate, patient, impartial, studious of the principles of the law and diligent in endeavoring to ascertain the facts.....

### Analysis of Monitors' Findings

Both Chicago and suburban monitors reported that most judges observed appeared not to discriminate in two important respects: 1) in favor of either defense or prosecution or 2) against particular kinds of defendants. (See chart on page 20.) The exceptions, however, are troublesome and in direct disregard of Rule 61's dictum of impartiality.

To the question, "Did the judge consistently appear to favor the defense, prosecution or neither?" 14 per cent of the city responses and 7 per cent of the suburban ones indicated favoritism was evidenced. In the five Chicago courts, Branch 40 appeared the worst in this respect with 18 per cent of responses noting preferential treatment for the prosecution, all on the part of one judge. For example:

- Judge \_\_\_\_ is at the mercy of the assistant state's attorney and corporation counsel -- whatever they wish is his decree.
- Judge takes his instructions from the ASA.
- The judge barely listened to defendant before finding her guilty. He doesn't give the defense a chance to tell their side.
- The more time I spend in this courtroom, the less respect I have for Judge \_\_\_\_\_. He is not thorough and always relies on recommendations of the prosecutor.

Similar comments about the same judge were made by monitors who saw him sitting in two other branches. After criticizing him, one monitor added, "He's really a nice guy personally; he's just a bad judge."

At the same time, monitors praised judges who displayed evenhandedness, e.g., this quote from a Chicago Branch 46 watcher: "Judge \_\_\_\_ does not play God. He accepts suggestions from both lawyers and will take time to look at legal decisions from other cases if the lawyers cite them."

Judges as a group scored well in monitor responses to the question, "Did the judge appear to discriminate against certain groups, e.g. minorities, 'long hairs', ethnic groups?" In the city only 2 per cent of the responses indicated discrimination; in the suburbs, 6 per cent. But, again, the exceptions are noteworthy:

### Harvey

- Judge \_\_\_\_ makes so many racist, sexist remarks it's hard to keep track of them all. Blacks are 'colored folks' who participate in 'jungle fights' in forest preserves. Other times he asks black defendants, 'Are you married or living together, working or on welfare?'

### Evergreen Park

- Judge and other personnel reflected superior attitude toward defendants (90 percent black); resentment toward type of cases (shoplifting), as if this court shouldn't be handling them.

### Chicago Heights

- The judge seems to make fun of black defendants who are involved in family arguments. He belittles them and makes snide comments about their defense in court.

### Niles

- Judge \_\_\_\_ doesn't like people under 30 and shows it.

Most other comments on the subject, however, were favorable. Examples are:

### Oak Park

- Have seen hardly any discrimination shown by judges. In fact, an effort seems to be made to go overboard in many minority cases in the area of defendants' rights.

### Chicago, Branch 42

- Judge \_\_\_\_ leans over backwards to give the unfortunate a break.....

### Des Plaines

- Judge \_\_\_\_ seemed to be fair....does not discriminate against any minority group.

1:

#### 4. OTHER ASPECTS OF JUDICIAL DEMEANOR

##### Analysis of Monitors' Findings

The attentiveness, patience and courtesy shown by individual judges had an important effect on monitors' views of whether or not justice was being fairly dealt. Composite ratings of judicial demeanor for each of the 16 courtrooms observed show a substantial correlation with monitors' final impressions of the quality of justice. (See chart on page 20 .) The correlation was particularly high for the five city courts, which were observed many more times because they were in daily session.

On the whole, judges were rated as patient and attentive, as well as adequately courteous to both defense and prosecution, with a slight edge for the latter. However, the exceptions must be pointed out because the poor demeanor of some judges seriously affects the parties appearing before them.

Behavior viewed as objectionable is exemplified in these comments from monitors:

##### Chicago, Branch 40

- The judge ignored a defendant's request to speak to him.
- The judge appeared to pass sentence before closing arguments.

##### Chicago, Branch 65 (The same judge as above)

- He seems impatient with defendants. He lets them tell their stories but is not attentive.

##### Chicago, Branch 42 (Still the same judge)

- Judge \_\_\_ did not take time to listen to defendants or explain anything.

##### Chicago, Branch 42 (A different judge)

- This judge was loud, argumentative, impatient, hostile to state's attorney.
- He cuts off people without explanation.

##### Skokie

- Judge \_\_\_ was extremely irritable. No one escaped his wrath. He was trying to speed up the call but antagonized everyone in courtroom in the process. Sitting in this courtroom would make any defendant apprehensive about the quality of justice he was to receive.

##### Des Plaines

- Judge \_\_\_ started a.m. session by reading obituary of friend and commenting on nice wording. At one point he yelled at an attorney who was walking away. Openly told state's attorney he ~~was~~ handling cases poorly and yelled at clerk.... Called people 'pal', 'good fellow',

and 'lad'. Told a defendant that a few well-placed questions and his case could be thrown out...everyone was on edge.

##### Berwyn

- Judge \_\_\_ did something I thought very demeaning to one of the court clerks. First he spoke very softly in the a.m. All of a sudden he raised his voice and roared at the clerks accusing them of making too much noise in their paper shuffling. A little later one of the clerks went over to the audience and called someone's name. The judge stopped his case and yelled at the clerk and told him to go to his room and stay there. He also called him by his first name.

##### Midlothian

- Following a finding of 'no probable cause', Judge \_\_\_ commented loudly that there was no deception involved and that the passing of a bad check was due to 'the stupidity of that girl' -- a prosecutor's witness and in court.

Monitors were free in their praise of numerous other judges for their adeptness at putting defendants at ease, patience with angry people, courtesy and even-handedness.

KEY TO CHART  
(see next page)

NOTE: All tabulations regarding behavior of judges are combined totals of monitor reports and represent a composite view of the judges in that courtroom from March 3 through May 16, 1975. The tabulations do not reflect findings in regard to any individual; such information is reported separately.

Questions asked of monitors:

GENERAL IMPRESSION OF JUSTICE

Put yourself in the place of a defendant, complainant or witness in the courtroom you have just observed. Taking everything into account -- actions and attitudes of judge, bailiffs, clerks; behavior of prosecutor and defense attorney; the general feeling of the place -- would you have left the court with the feeling that justice was being fairly administered? If not, explain on back.

Yes \_\_\_\_\_ No \_\_\_\_\_

DEMEANOR

Does the judge use language most defendants appear to understand?

Yes \_\_\_\_\_ Sometimes \_\_\_\_\_ No \_\_\_\_\_

Is he patient when someone does not fully understand or is not satisfied?

Yes \_\_\_\_\_ Sometimes \_\_\_\_\_ No \_\_\_\_\_

Is he attentive when someone speaks to him?

Yes \_\_\_\_\_ Sometimes \_\_\_\_\_ No \_\_\_\_\_

EXPLAINING

Does the judge usually give the defendant a chance to explain his side of the story?

Yes \_\_\_\_\_ No \_\_\_\_\_

Does he usually attempt to explain the sentence to the defendant?

Yes \_\_\_\_\_ No \_\_\_\_\_

DISCRIMINATION

Does the judge consistently appear to favor:

Defense \_\_\_\_\_ Prosecution \_\_\_\_\_ Neither \_\_\_\_\_

(In the tabulation, a response to either "Defense" or "Prosecution" was considered a "yes". Response to "neither" was a "no".)

Does he consistently appear to discriminate against certain people or groups? (e.g. minorities, "long hairs", ethnic groups.) Yes \_\_\_\_\_ No \_\_\_\_\_

# COMPOSITE VIEW OF JUSTICE AND JUDGES' BEHAVIOR

|                 | GENERAL IMPRESSIONS OF JUSTICE |          | DEMEANOR<br>(Language, patience, attentiveness) |                        | EXPLAINING<br>(Explaining sentence; letting<br>defendant tell his side) |          | APPEARANCE OF DISCRIMINATION |          |
|-----------------|--------------------------------|----------|-------------------------------------------------|------------------------|-------------------------------------------------------------------------|----------|------------------------------|----------|
|                 | Total Yes                      | Total No | Total<br>Yes, Adequate                          | Total<br>Sometimes, No | Total Yes                                                               | Total No | Total Yes                    | Total No |
| BRANCH 27       | 25                             | 14 (36%) | 100                                             | 19 (16%)               | 62                                                                      | 15 (19%) | 5 ( 8%)                      | 74       |
| BRANCH 40       | 12                             | 22 (65%) | 83                                              | 43 (34%)               | 53                                                                      | 24 (31%) | 9 (12%)                      | 67       |
| BRANCH 42       | 14                             | 20 (59%) | 96                                              | 24 (20%)               | 60                                                                      | 13 (18%) | 5 ( 6%)                      | 73       |
| BRANCH 46       | 29                             | 10 (26%) | 112                                             | 9 ( 7%)                | 82                                                                      | 2 ( 2%)  | 3 ( 4%)                      | 80       |
| BRANCH 65       | 7                              | 22 (76%) | 53                                              | 39 (42%)               | 37                                                                      | 22 (37%) | 5 ( 8%)                      | 54       |
| SKOKIE          | 7                              | 1 (12%)  | 20                                              | 4 (17%)                | 12                                                                      | 0 ( 0%)  | 0 ( 0%)                      | 16       |
| NILES           | 22                             | 1 ( 4%)  | 68                                              | 9 (12%)                | 40                                                                      | 4 ( 9%)  | 5 (10%)                      | 43       |
| DES PLAINES     | 3                              | 2 (40%)  | 14                                              | 9 (39%)                | 13                                                                      | 1 ( 7%)  | 1 ( 6%)                      | 15       |
| OAK PARK        | 10                             | 2 (17%)  | 30                                              | 1 ( 3%)                | 19                                                                      | 0 ( 0%)  | 0 ( 0%)                      | 20       |
| BELLWOOD        | 5                              | 0 ( 0%)  | 13                                              | 1 ( 7%)                | 11                                                                      | 0 ( 0%)  | 1 ( 9%)                      | 10       |
| BERWYN          | 8                              | 0 ( 0%)  | 21                                              | 6 (22%)                | 16                                                                      | 2 (11%)  | 2 (11%)                      | 17       |
| MAYWOOD         | 8                              | 1 (11%)  | 26                                              | 1 ( 4%)                | 17                                                                      | 0 ( 0%)  | 0 ( 0%)                      | 18       |
| EVERGREEN PARK  | 6                              | 0 ( 0%)  | 16                                              | 7 (30%)                | 11                                                                      | 0 ( 0%)  | 0 ( 0%)                      | 14       |
| CHICAGO HEIGHTS | 8                              | 1 (11%)  | 30                                              | 3 ( 9%)                | 21                                                                      | 0 ( 0%)  | 3 (25%)                      | 9        |
| HARVEY          | 4                              | 3 (43%)  | 14                                              | 6 (30%)                | 11                                                                      | 1 ( 8%)  | 1 ( 7%)                      | 13       |
| MIDLOTHIAN      | 18                             | 4 (18%)  | 72                                              | 2 ( 3%)                | 38                                                                      | 1 ( 3%)  | 0 ( 0%)                      | 50       |



## E. BAILIFF BEHAVIOR

### The Problem

Behavior of bailiffs in four of the five city courts watched was often found badly wanting by monitors who objected to the way many bailiffs were treating the public, to the disturbance they created and to their apparent lack of duties.

### Analysis of Monitors' Findings

Monitors were asked to note the way bailiffs treated persons appearing before the court because an unfortunate experience at the hands of a bailiff can detract from a citizen's respect for the court.

On the whole, persons appearing before the Chicago courts were not treated nearly so well by bailiffs as those in the suburban courts. "Rude" and "disruptive" were words frequently used by observers to describe city bailiffs. In the suburbs, the key words were "helpful" and "courteous". Two other aspects troubled the city monitors: the bailiffs didn't seem to have enough to do, and they were responsible (with the clerks) for much of the noise in the courtroom.

At the end of each day, monitors recorded their opinions as to 1) whether bailiffs adequately explained to people where to stand, when to exit, etc. 2) whether they were courteous in doing so and 3) whether they were patient polite and dignified in keeping order and answering questions. The answers were:

|                    | Total Responses to<br>3 Questions | Yes | Sometimes or No |
|--------------------|-----------------------------------|-----|-----------------|
| 5 Chicago Courts   | 580                               | 334 | 246 (42%)       |
| 11 Suburban Courts | 354                               | 283 | 71 (20%)        |

However, there were significant differences among the various crews of bailiffs in both city and suburbs. Data from individual courtrooms spotlight where problems are the greatest, and narrative comment from monitors details what the problems are.

| Chicago Courts | Total Responses to<br>3 Questions | Yes | Sometimes or No |
|----------------|-----------------------------------|-----|-----------------|
| Branch 27      | 118                               | 72  | 46 (39%)        |
| Branch 40      | 126                               | 46  | 80 (63%)        |
| Branch 42      | 118                               | 66  | 52 (44%)        |
| Branch 46      | 121                               | 106 | 15 (12%)        |
| Branch 65      | 97                                | 44  | 53 (55%)        |
| TOTALS         | 580                               | 334 | 246 (42%)       |

(It should be noted that the two courts with the worst bailiff-behavior ratings are conducted in the same courtroom, Branch 40 in the morning and Branch 65 in the afternoon. The judge and the head bailiff remain the same, but other bailiffs are different. Another variable is the type of case heard. In Branch 40, Women's most of the proceedings involve prostitution or related offenses; Branch 65, Shoplifting Court, hears what the name implies.)

City monitors were explicit in describing the objectionable behavior of some bailiffs:

### Chicago, Branch 40

- Male bailiffs exhibit lewd behavior toward women from lockup, i.e., long, outright stares at breasts, etc.
- One bailiff is disgusting. He talks about how awful the prisoners are and yet he is constantly gaping down their dresses.
- A bailiff is continually being rude to defendants -- he treats them as less than human, yet when a dress is low-cut, he is the first to stare right down.
- Bailiffs spend a considerable amount of time standing around and chewing gum, being generally rude and disruptive. Some even smoke while standing in front of the court. This is after telling the audience that gum, smoking and talking are not allowed.

### Chicago, Branch 65

- Bailiff commented to (new) judge about a defendant, "He's a regular."

### Chicago, Branch 27

- Bailiffs are very disruptive and noisy, even while cases are being heard.
- There is a small army of them. They sit around reading, smoking etc. most of the day.
- Bailiffs scream at people in the audience, "Take off your hat," or they pound on the railing to announce "Quiet!"
- Bailiff yells, "No smoking, talking or chewing gum," then proceeds to smoke and chew gum.

### Chicago, Branch 42

- One bailiff is a big woman who wears bedroom slippers and seems to do very little except send out for food and talk to clerks.
- I have yet to figure out what they do for the entire day. One bailiff brings defendants from the lockup which does not account for a very large percentage of his time. The others take turns telling the audience to be quiet when, actually, they help create the most noticeable disturbance with their constant moving about and talking to each other.

- One of the bailiffs brought in a cooler and a bottle of liquor.
- Bailiff was rattling his keys during court so loudly the defendant could not hear the judge. When asked to stop, he just smirked and continued the rattling.

Suburban court watchers rated bailiffs as follows:

| Suburban        | Total Responses to<br>3 Questions | Yes | Sometimes or No |
|-----------------|-----------------------------------|-----|-----------------|
| Skokie          | 23                                | 14  | 9 (39%)         |
| Niles           | 74                                | 60  | 14 (19%)        |
| Des Plaines     | 25                                | 18  | 7 (28%)         |
| Oak Park        | 32                                | 31  | 1 (3%)          |
| Bellwood        | 21                                | 19  | 2 (9%)          |
| Berwyn          | 9                                 | 9   | 0 (0%)          |
| Maywood         | 26                                | 25  | 1 (4%)          |
| Evergreen Park  | 20                                | 14  | 6 (30%)         |
| Chicago Heights | 29                                | 20  | 9 (31%)         |
| Harvey          | 19                                | 14  | 5 (26%)         |
| Midlothian      | 76                                | 59  | 17 (22%)        |
| TOTALS          | 354                               | 283 | 71 (20%)        |

There was little narrative comment on bailiffs in these courts, and most of it lauded them for performing their tasks efficiently and pleasantly, sometimes very adeptly. For example, a Niles monitor noted that a bailiff was "tender with a boy whose father wanted to put him in a mental institution." In Harvey, another observer commented on how accommodating a bailiff was in finding seats for the public and silencing talking lawyers.

## F. OVERBURDENED PUBLIC DEFENDERS

### The Problem

It appeared to monitors, particularly in the five Chicago courts, that many of the public defenders were so overburdened that they could not adequately represent their clients.

### Analysis of Monitors' Findings

No specific question regarding public defenders was asked of monitors, but references to the need for more PD's kept cropping up in explanations of what was clouding the picture of justice. Court watchers felt that persons defended by PD's were apt to be shortchanged in two respects: 1) there was little, if any, time for the PD and client to confer and usually no place other than the courtroom itself or the hallway; 2) some public defenders seemed anxious for their clients to agree to plead guilty so that the case could be plea-bargained (and thus more quickly disposed of).

Observers questioned the fairness of this procedure, both to the defendant and to society. One Gun Court monitor despaired, "I am beginning to lose sight of what justice is. I don't believe it exists anymore in our system. It is too crowded, too antiquated to deal with justice. The system deals with expediency and efficiency. The ASA and police get a conviction on the record but the defendant doesn't go to jail -- all are happy!"

The following are some of the monitor comments about public defenders and their problems:

### Chicago, Branch 42

- All PD cases were pleaded guilty today. Each PD used plea bargaining. I wonder is it was to the defendant's best advantage.
- I feel the public defender system is inadequate to give indigent defendants good quality counsel...
- Yesterday I observed a PD in his "office" -- the public corridor outside the courtroom.-- with the PD and the defendant standing against the wall, surrounded by dozens of people and the accompanying noise...The defendant was maintaining his innocence and the PD kept repeating they had a good case against him. He was trying to convince him to take a 30-day sentence and two years parole. The defendant kept saying, "What for? I didn't do it."....

### Chicago, Branch 46

- Judge \_\_\_ gave the PD no time to confer with his clients. As soon as he was assigned, they went to trial.
- Defendants requiring public defenders have very little opportunity to talk and plan defense. In general, they trust the PD to do a good job but don't really know whether they got a good deal or a bad one.

Chicago, Branch 65

- The public defender's caseload is extremely heavy. I am amazed at the percentage of cases turned over to him.
- At least two PD's are needed to handle the caseload in this court.

Chicago, Branch 27

- PD has too much to do. Private attorneys get up to a month to prepare a case, PD gets five minutes.
- Court waits for PD. He had a rash of cases. Only one PD today.
- Different PD today, seems quite good...when police have conducted search without good reason, he presses the point very hard. Also, there were three PD's in court today.

Midlothian

- So many defendants needed public defenders. Great deal of time spent to determine eligibility and to confer.

G. PROSECUTION OF VICTIMLESS CRIMEThe Problem

Victimless crime proved to be a major cause of congestion and delay in only one court observed, Chicago's Branch 40 (Women's Court) where 64 per cent of the cases on the calendar involved prostitution or related offenses. In many instances this court was being used not as an adjudicatory agency but for a penal or regulatory function.

Analysis of Monitors' Findings

Determining the percentage of victimless crimes in the courts was one of the objectives of the project because many criminologists have faulted prosecution of such crimes for diverting police attention from serious crimes and contributing substantially to the courts' overload\*. While there was no way court watchers could estimate the amount of police time spent, they could and did catalog the number of cases representing victimless crime in the misdemeanor courts observed.

For purposes of the project the following offenses were classified victimless:

Prostitution (including charges of loitering, patronizing a prostitute, soliciting, pandering, pimping and in Chicago, assembling of infamous people.)

Gambling (any kind)

Possession of marijuana under 50 grams

Public drunkenness

Possession of obscene material

Vagrancy

Contrary to expectation, monitors found that prosecution of victimless crime did not play a large role in 14 of the 15 courts observed. (See Chart-next page.) However, it is likely that the incidence would have been greater had "disorderly conduct" (a catch-all charge) been included in the category. Disorderly conduct covers a multitude of sins, some victimless and some not.

Only Women's Court showed a high percentage of victimless crimes with prostitution and related offenses accounting for 64 per cent of the caseload, but this was to be expected. What was not expected was the revelation by monitors that a great deal of time was spent in not prosecuting cases but in perfunctorily dismissing them.

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\*The President's Commission on Law Enforcement and the Administration of Justice estimated that victimless crimes accounted for as much as 50 per cent of the caseload. (The Challenge of Crime in a Free Society)

Every day 25 to 30 women who had been arrested the night before for "assembling of infamous people," an ordinance violation,\* were brought from the lockup and hailed individually before the court. But there was obviously no intention to prosecute. The cases were immediately "non-suited" and the defendants dismissed. It seems that the court appearance itself -- plus a night in the lockup -- were the penalties. At best, this practice does not appear calculated to induce respect for the criminal justice system or the law.

#### INCIDENCE OF VICTIMLESS CRIME

| Court              | Total # Cases on Calendar | Total # Victimless Crime Cases** | %   |
|--------------------|---------------------------|----------------------------------|-----|
| Chicago, Branch 27 | 2704                      | 217                              | 8%  |
| Chicago, Branch 40 | 3751                      | 2402                             | 64% |
| Chicago, Branch 42 | 3560                      | 269                              | 8%  |
| Chicago, Branch 46 | 2879                      | 337                              | 12% |
| Chicago, Branch 65 | 2190                      | 23                               | 1%  |
| <hr/>              |                           |                                  |     |
| Harvey             | 597                       | 14                               | 2%  |
| Midlothian         | 1057                      | 99                               | 9%  |
| Evergreen Park     | 392                       | 28                               | 7%  |
| Chicago Heights    | 1289                      | 96                               | 7%  |
| Bellwood           | 1141                      | 1                                | -   |
| Oak Park           | 1174                      | 45                               | 4%  |
| Maywood            | 1317                      | 9                                | 1%  |
| Berwyn             | 1450                      | 4                                | -   |
| Des Plaines        | 558                       | 10                               | 2%  |
| Niles              | 1868                      | 22                               | 1%  |
| Skokie             | 679                       | 38                               | 7%  |

\*Municipal Code of Chicago, Chap. 192:6

\*\*In Branch 27 most such crimes involved gambling; in Branch 40, prostitution. In suburban courts, the charge was most often possession of marijuana.

### III. RECOMMENDATIONS BY STEERING COMMITTEE OF COOK COUNTY COURT WATCHING PROJECT AND COMMENTS FROM PRESIDING JUDGES AND CIRCUIT CLERK OF COOK COUNTY

#### CHICAGO COURTS

##### ASSEMBLY-LINE TREATMENT

##### Committee Recommendations:

1. The judge should announce at the beginning of each session the procedures to be followed in regard to business before the court and in refunding bail bond money, etc.; an instruction sheet outlining these procedures should be made available.
2. Judges should adhere to the law that requires them to admonish a defendant and determine that he understand before accepting a guilty plea.
3. The judge should clearly and explicitly inform all parties of the nature of the disposition and of any actions that must be taken as a result of that disposition; legal jargon should be avoided.
4. The defendant should be provided with a pamphlet detailing his rights and explaining the steps from arrest through trial and sentencing. This pamphlet should be provided by the police at booking. The pamphlet should be published not only in English but also in other languages commonly spoken by members of the community. It should be drafted in language readily understood by those to whom it is directed.
5. Notices of defendants' rights should be posted in each courtroom as required by law. They should be in a prominent place and in the languages spoken in the community.
6. The Circuit Court of Cook County should establish uniform rules relating to procedures and conduct not otherwise provided by Illinois Supreme Court Rule and statute.

##### Comments by the Honorable Eugene L. Wachowski, Presiding Judge of the First Municipal District:

We encourage and will continue to insist that the judges presiding explain the procedures prior to the calling of cases before each court session.

The feasibility of such a plan [pamphlets] has been studied and a "flyer" is under discussion for distribution to interested parties. Social Service also services Court Branches 38, 41, 43 and 48.

The pamphlet suggested is being prepared for printing and will be distributed to all defendants at the earliest opportunity. It will be printed in English and Spanish. Likewise this subject has been discussed with the Police Department officials.

Jurors are furnished pamphlets concerning their duties at the time of induction. [pamphlet was attached with comments]

[Notice of defendants' rights] This will be provided for in every courtroom hearing Criminal and Quasi-Criminal cases. It will be provided in an area in the courtroom viewable by the public, including defendants, and will be in English. The Police Department and the Sheriff will be advised of this responsibility as set for in the Statutes. The feasibility of publication in foreign languages is to be studied.

Comments by Morgan Finley, Clerk of the Circuit Court of Cook County:

...may I suggest that the confusion of witnesses and defendants leaving the courtroom is not the result of any deficiencies on the part of the Clerk's Office. A great deal of the confusion could be eliminated if judges were to take a few seconds to explain to defendants what happens next.

LACK OF INTERPRETERS

Committee Recommendations:

1. The court should maintain a roster of official, qualified interpreters available in or near the court building to be appointed at no cost to the parties requiring them.

Comments by Judge Wachowski:

Two Official Interpreters have been provided for by the County and are now located at the Criminal Court Building and the Traffic Court. The Governor has a bill on his desk providing for four more Official Interpreters. They will be employed as soon as the money is available.

CONTINUANCES

Committee Recommendations:

1. In regard to continuances because of jury demand, all courts should use the procedure, currently used in some courts, namely: When a defendant asks for a jury in a branch court, the clerk immediately calls the Civic Center and makes an appointment for that day and the defendant goes to trial. The alternative procedure, used in other courts, in which defendant is sent to Branch 46 where he can have a bench trial or be given a date for a jury trial at the Civic Center, should be eliminated.

Comments by Judge Wachowski:

[The first mentioned procedure] Procedure B has been in effect for about 1 year, particularly as to Branches 26 and 27. It has worked very successfully, and will be expanded as more courtrooms are made available.

CONDUCT OF JUDGES

Committee Recommendations:

1. Judges should take more care in controlling the atmosphere of the courtroom and behavior of its personnel.

Comments by Judge Wachowski:

None

INADEQUATE FACILITIES

Committee Recommendations for Better Use of Existing Facilities:

1. Better use should be made of available space by more effective staggering of calendars and by notifying participants of their scheduled appearances; participants should be asked not to be early. Notification should be uniform for every court listing time, date and place.
2. The day's court calendar should be posted outside each courtroom to alleviate congestion and noise.
3. A specific clerk or bailiff should be assigned as an "information officer" and stationed outside each courtroom. This person should have a copy of the day's calendar and a list of witnesses and parties. All persons with business before the court should be required to check in with the information officer, and all persons having questions regarding procedure and other matters should be instructed to seek that information from this officer. The information officer should inform the judge or call clerk when all persons necessary for the hearing of a case have arrived.
4. Cases should be called, with the exception of those in which defendant is in lockup, in the order in which all necessary participants have reported to the information officer.

Comments by Judge Wachowski:

Defendants receiving a Summons, Warrant or Notice to Appear, are directed to appear in a certain court at a described location and at a specific court call time.

In the event the defendant is on bond, this too has all the information as to court location and time.

The court sheets will be posted outside the courtroom in proximity to the courtroom. Defendant's sign-in-sheet is not practical. We do have an attorneys' sign-in-sheet.

[Revision of court calendars to include the charge written out] ...is now being accomplished by the Clerk of the Court for all the courts on their print-out sheets under data processing.

...The staggered court call now in effect for the past 2 years has alleviated the crowded court to some extent. Your report indicates that this procedure is not being diligently complied with. We will endeavor to tighten up this process. The problem of the Clerks and Sheriffs giving information will be reviewed with the administrators of these offices.

Staggered courtroom hours have been in effect throughout the court system for almost 2 years. Chief Judge John S. Boyle has several proposals under way to provide for expansion, relieve congestion and to limit the time spent in court by witnesses. [Report to the Chicago Cook County Criminal Justice Commission from John S. Boyle was attached]

The judge must assume responsibility for the operation of the court. A lawyer's sign-in-sheet is now provided, which should control the operation of the court, as follows; 1. Continuances, 2. Cases in which lawyers including Public Defenders represent defendants, 3. Night Officers when ready for trial.

#### Comments by Mr. Finley:

Court calls are called on a staggered basis as a result of a cooperative arrangement between the Judiciary, Police Department, State's Attorney, Clerk's Office and other agencies. By order of court there is a priority for the sequence in which cases are called that begins with prisoners followed by midnight officers then attorneys and finally the remainder of the cases.

Daily court sheets already are posted outside in most instances and, where space is available, we will expand this practice to cover each courtroom.

We wholeheartedly agree that an information officer would be a useful addition to the staff of courtrooms. It would certainly remove a burden from the backs of the clerks in the courtrooms. The appointment of an information clerk, however, should most properly be by the Chief Judge of the Circuit Court inasmuch as the questions that would be presented to an information clerk would involve all agencies in the system not just the Clerk's Office. If I might suggest, space is at such a premium at some locations such as 1121 S. State Street that it might be best to establish an information desk at the lobby of the building rather than outside each branch courtroom.

#### Committee Recommendations for Additional Facilities:

(The Committee did not make any specific recommendations regarding improvement of facilities in the courtrooms watched but endorsed the following standards as set forth in the Report on Courts of the National Advisory Commission on Criminal Justice Standards and Goals, 1973):

1. Adequate facilities should be provided including air conditioning, law libraries, lawyer/client conference rooms, witness waiting room with access to washrooms and telephones, child-care rooms, drinking

fountains and small food service in each courthouse; private chambers for judge. A directory of services should be posted.

#### Comments by Judge Wachowski:

We have been striving for years to get more and better court facilities. Happy to have your support in this project. The County Board has launched an extensive building program which will hopefully remedy the inadequacies mentioned.

#### BEHAVIOR OF BAILIFFS

##### Committee Recommendations:

Noting that the judge is primarily responsible for maintaining order and decorum through his bailiffs, the committee made the following recommendations:

1. Bailiffs should be thoroughly trained and instructed to maintain a proper, polite and reasonable attitude toward persons in court.
2. Bailiffs who fail to do so should be disciplined or removed.
3. A study should be made to find more duties for bailiffs to perform and to determine ways in which they could work more harmoniously with clerks.

#### Comments by Judge Wachowski:

None

#### Comments by Cook County Sheriff Richard Elrod:

None

#### Comments by Mr. Finley:

We wholeheartedly support the suggestion that relations between courtroom personnel could be improved especially as they relate to the clear delineation of the official responsibilities of each person in the courtroom. To that end we have discussed with the Sheriff's Office a cooperative venture to set up seminars for clerks and bailiffs on this subject.

#### BEHAVIOR OF CLERKS

##### Committee Recommendations:

1. Clerks who do not perform their duties as quickly and quietly as possible should be disciplined.

(The Committee suggested that clerks should be rotated among various courtrooms and judges to decrease the possibility of a clerk's obtaining undue influence on the court.)



Comments by Judge Wachowski:

None

Comments by Mr. Finley:

The court clerks in all branches are routinely transferred on a staggered basis every six months.

SUBURBAN COURTSASSEMBLY-LINE TREATMENTCommittee Recommendations:

1. The judge should announce, prior to hearing the first case, the procedures he intends to follow during the day; judges should give special attention to giving proper admonishments before accepting guilty pleas and to using language lay persons can understand.
2. The defendant, in addition to being told of his rights, should be provided with a pamphlet detailing his rights and the steps from arrest through trial and sentencing. This pamphlet should be provided to the accused by the police at booking. Where necessary, the pamphlet should be published not only in English but also in other languages spoken in the community; it should be drafted in language readily understood by those to whom it is directed.
3. Notices of defendant's rights should be posted in each courtroom and lockup as required by law. Notices should be in English as well as other languages commonly spoken in the community.

Comments by Judges:The Honorable Anton Smigiel, Presiding Judge, Third Municipal District:

Recommendation of the Steering Committee that a pamphlet be prepared explaining in detail the defendant's rights from arrest to trial is a most noteworthy suggestion. This recommendation, I feel, should be pursued most strenuously.

The Honorable Paul F. Gerrity, Presiding Judge, Sixth Municipal District:

I would agree with your recommendation that some type of pamphlet, readily understood, should be prepared for defendants, explaining the steps from arrest through trial. This of course should be uniform and should cover the entire Cook County area. The ideal location for this pamphlet to be distributed would be the police agency at the time the individual is charged with an offense.

Periodically I and the other judges in the Sixth District hold meetings to discuss various problems which face the judiciary in our district. Your statements in regard to specific judges will be brought to their attention. It will also be brought to their attention again regarding the requirements of the rules of the Supreme Court on pleas of guilty. The intent of the Supreme Court Rules is that the average laymen understand the court proceedings.

Effective October 1, 1975, we are establishing a new court calendar, which may facilitate your project in the future. Specific court calls will be established where only State cases will be heard, eliminating traffic cases except for the most serious traffic violations.



LACK OF INTERPRETERSCommittee Recommendations:

1. In courts where the need for interpreters is frequent a roster of officially, qualified interpreters available in or near the court building should be maintained. These interpreters should be appointed by the court at no cost to the parties needing them.

Judges' Comments:Judge Gerrity:

When we have our new court location we will be in a position to better accomplish your recommendation of having an official interpreter available.

CONDUCT OF JUDGES: CONTROLLING UNPROFESSIONAL CONDUCT OF ATTORNEYSCommittee Recommendations:

(The committee cited two situations noted by monitors of which it disapproved: "Use of a complainant/witness (police officer) as interpreter for defendant in District 3, Branch 12". "Participation as defense counsel by a suburban municipal police commissioner in which his own police department was a party to the prosecution in District 6, Branch 16."

1. Both situations described above disclose an apparent conflict of interest which should not be permitted by the courts.

Judges' Comments:Judge Gerrity:

I will bring to the attention of the attorney involved, your suggestion that his appearance in these types of cases may be a conflict of interest.

BEHAVIOR OF BAILIFFSCommittee Recommendations:

1. Bailiffs should be thoroughly instructed as to their duties; a study should be made to find more duties for bailiffs to perform.

Judges' Comments:Judge Smigiel:

Presently in our District the Bailiffs check in all of the defendants on Traffic calls and transmit the duplicate copy of the traffic ticket to the Court Clerk, indicating thereon whether there will be a plea of guilty or a plea of not guilty or a request for a continuance.

This system is not followed in the Felony and Misdemeanor courts because most of the defendants are represented by lawyers. However, the Bailiffs do perform an excellent service for the Court system, and the Clerks in

particular, in interviewing defendants and answering many questions.

Comments by Cook County Sheriff Richard J. Elrod:

None

INADEQUATE FACILITIESCommittee Recommendation for Better Use of Existing Facilities:

1. Signs directing people to courtrooms in each facility should be strategically placed. Where feasible, an information desk should be established or a police officer stationed to provide necessary information.
2. The day's court calendar should be posted outside each courtroom to alleviate congestion and noise within the courtroom.
3. A check-in procedure should be established whereby all persons having business in the court would report to a single clerk or officer of the court. That officer should report to the calling clerk when all persons necessary for the hearing of a case have arrived and the case is ready for a hearing. The officer could also serve as an information officer from whom defendants and witnesses could obtain information concerning procedures.
4. Cases should be called in the order in which participants arrived and reported to information officer.
5. Courtrooms should be modified, where feasible, to provide proper acoustics. Provision of child-care facilities in court buildings should be considered.

Judges' Comments:Judge Smigiel:

I totally agree with the fact that there is a need for an information Desk or a Court Officer as a central point of information for each courtroom. This, of course, will require a capable individual and proper space, both of which will have to be provided for by the Cook County Commissioners.

Some of the objections to the disturbances in the courtroom will be eliminated when the new Mini Civic Centers are constructed. I anticipate that special provisions will be made for payment of fines outside of the courtroom and perhaps this may even serve as an Information Booth to answer questions of defendants who are unfamiliar with procedure.

With the imminent construction of Mini Civic Centers in the suburbs, many of the objections concerning space, facilities, and criticism of the turmoil in some courts will undoubtedly be eliminated. We must remember that the suburban portion of the court system has had to rely on the good graces of the municipalities to obtain needed improvements and proper facilities.

Judge Gerrity:

Cook County is currently involved in a building program to provide court facilities in each of the suburban municipal districts. At the present time the construction plans for the facilities in the Sixth District at Markham, Illinois, are being prepared. We would anticipate occupancy of this building in the spring of 1978. At that time many of the problems your report covers will be taken care of, to wit: Information center, directions to courtrooms, posting of court dockets, posting of defendant's rights, etc. All of our current facilities are owned by the local municipalities and this limits us to a great extent in regard to our use of these facilities. Generally all locations have only one room that is used as an actual court — this with the exception of Harvey, Illinois. I find it difficult to understand how people who must appear in court are unable to locate the courtroom simply on the basis of the address they are given.

Again, the anticipated new court facilities in the Sixth District should accomplish your recommendations set out under No. 3. [Recommendations concerning sign-in procedure] All of our court locations do have a sign notifying defendants to sign in with the court clerk or their case will not be called. I will attempt to make arrangements for the posting of court dockets and more explicit signs in regard to signing in with the clerk by all parties involved in any case.

Most of our courts have a "court officer". His main function is to supervise police officers of the community involved in regard to their presence in court and effectiveness of their testimony. This individual of course would be an adversary in favor of the Department he represents. I presume in most courts, however, he attempts to be helpful in answering inquiries by citizens. We would contemplate having some information center available in our new facilities. A pamphlet would be helpful, but this would have to be designed to serve all of the courts in Cook County.

Your recommendations will be considered in planning our new building in Markham. The existing facilities could not be modified without substantial expense involved.

Your recommendations will be considered in the construction of our new facilities.

## CASE OBSERVATION REPORT

Code #        /        -        -         
(Date) (Room #) (Monitor #)

[illegible]

## DAILY SUMMARY SHEET

(one a day per courtroom)

County: \_\_\_\_\_ Name of judge: \_\_\_\_\_  
Location of courtroom: \_\_\_\_\_ Type of proceedings being heard today: \_\_\_\_\_  
Name of monitor: \_\_\_\_\_

## MORNING

Time court scheduled to start \_\_\_\_\_  
Time 1st case called \_\_\_\_\_ Total # a.m. hours actually in session \_\_\_\_\_ If late start, how late? A  mins.  
Time adjourned for lunch \_\_\_\_\_

## AFTERNOON

Time court scheduled to start \_\_\_\_\_  
Time 1st case called \_\_\_\_\_ Total # p.m. hours actually in session \_\_\_\_\_ If late start, how late? B  mins.  
Time adjourned \_\_\_\_\_

TOTAL TIME COURT IN SESSION (Add a.m. and p.m. hours above.) C  hrs.RECESSES (Approximate time spent in recesses not including lunch.) D  mins.TOTAL # CASES ON CALENDAR E TOTAL # CASES REPRESENTING VICTIMLESS CRIMES F 

## TOTAL # REQUESTED BY:

Defense G   
Prosecution H   
Agreement I   
Order of the Court J

TOTAL # CONTINUANCES GRANTED K TOTAL # CONTINUANCES REFUSED L 

## REASONS GIVEN:

# Jury demanded M   
# Defense not ready N   
# Prosecution not ready O   
# Defense lawyer busy P   
# Complainant/witnesses not present Q   
# Negotiations underway R   
# New charge filed S   
# Court scheduling T   
# Other U   
# None V

CONTINUANCES

## EVALUATION OF FACILITIES AND PERSONNEL

FACILITIES

10. Are there adequate information facilities to answer questions from public, direct people to the proper courtroom, etc.? ☐ Yes ☐ No
11. Is current day's calendar posted just outside the door to the courtroom? ☐ Yes ☐ No
12. Is notice of defendant's rights posted in the courtroom? ☐ Yes ☐ No
13. Seating space in courtroom usually is: ☐ Adequate ☐ Somewhat Inadequate ☐ Very Inadequate
14. Cleanliness, orderliness in courtroom are: ☐ Adequate ☐ Somewhat Inadequate ☐ Very Inadequate
15. Is an interpreter ordinarily available for non-English speaking D's and witnesses? ☐ Yes ☐ No ☐ Observed no such D's or witnesses
16. Did you observe any special service provided by the court? (e.g., pamphlets explaining defendant's rights, court procedures, juror's duties) If so, explain: \_\_\_\_\_

AUDIBILITY

17. How much of the proceedings could you hear? ☐ Nearly all ☐ Some ☐ Almost none
18. How much of the proceedings do you think the audience could hear? ☐ Nearly all ☐ Some ☐ Almost none
19. How much of what the judge says can be heard by the audience? ☐ Nearly all ☐ Some ☐ Almost none
20. Did any of the following interfere with the audience's ability to hear? ☐ Yes ☐ No
- a. Talking among audience ..... ☐ ☐
- b. Talking among court personnel ..... ☐ ☐  
(other than judge, lawyers on case)
- c. Noise of audience entering, leaving, moving about ..... ☐ ☐
- d. Noise of court personnel entering, leaving, moving about ..... ☐ ☐
- e. Heating or cooling systems ..... ☐ ☐
- f. Sounds from outside courtroom ..... ☐ ☐
- g. Other: \_\_\_\_\_
21. Do you think there should be public address system in the courtroom? ☐ Yes ☐ No

BEHAVIOR OF BAILIFFS

22. Do bailiffs adequately explain to people when to step forward, where to stand, when to exit? ☐ Yes ☐ Sometimes ☐ No
23. Are they courteous when doing so? ☐ Yes ☐ Sometimes ☐ No
24. Are they patient, polite and dignified in keeping order and answering questions? ☐ Yes ☐ Sometimes ☐ No

EVALUATION (CONTINUED)

BEHAVIOR  
OF CLERKS

INFORMING  
THE PUBLIC

25. Is the clerk polite in calling cases and answering questions?

[ ]

[ ]

Yes

No
26. Does the clerk appear to accord special treatment to certain individuals? If yes, explain on back page.

[ ]

[ ]

Yes

No
27. With what questions and problems do people most often turn to bailiffs and clerks? What are typical responses? If you can answer this, please do so on back page.

[ ]

Check here if answered on reverse side.
28. When a defendant pleads guilty, does the judge always give the proper admonishments before accepting the plea? (Refer to Column 9 on CASE OBSERVATION REPORT.) If not, cite cases and explain circumstances on back page.

[ ]

[ ]

Yes

No
29. Does the judge use language that most defendants appear to understand?

[ ]

[ ]

[ ]

Yes

Sometimes

No
30. Did you understand the judge?

[ ]

[ ]

Yes

Sometimes

No
31. Is he patient when someone does not fully understand or is not satisfied?

[ ]

[ ]

[ ]

Yes

Sometimes

No
32. Is he attentive when someone speaks to him?

[ ]

[ ]

[ ]

Yes

Sometimes

No
33. Does he consistently appear to favor:

[ ]

[ ]

[ ]

Def.

Pros.

Neither
34. Does he consistently appear to discriminate against certain people or groups? (e.g., minorities, "long hairs," ethnic groups.) If yes, explain on back page.

[ ]

[ ]

Yes

No
35. Before granting a continuance, does he usually make an effort to find out why it is necessary?

[ ]

[ ]

Yes

No
36. Does he usually attempt to explain the sentence to the defendant?

[ ]

[ ]

Yes

No

No sentences today
37. Does the judge usually give the defendant a chance to explain his side of the story?

[ ]

[ ]

Yes

No
38. Is there anything about the judge's conduct on the bench that gives the appearance of impropriety? If yes, explain on back page.

[ ]

[ ]

Yes

No
39. In general, which of these best describes the courtesy and respect the judge shows to:

Excellent

Adequate

Sometimes inadequate

Often inadequate

a. Defendants

[ ]

[ ]

[ ]

[ ]

b. Defendants' witnesses

[ ]

[ ]

[ ]

[ ]

c. Defendants' lawyers

[ ]

[ ]

[ ]

[ ]

d. State's witnesses, complainants

[ ]

[ ]

[ ]

[ ]

e. Prosecutors

[ ]

[ ]

[ ]

[ ]
40. If you wish, describe on back any other noteworthy aspects--good or bad--of the judge's performance, such as: decisiveness, legal ability, dignity, competence, diligence in trying to ascertain the facts.

[ ]

Check here if described.

BEHAVIOR OF JUDGE

IMPRESSIONS

41. Put yourself in the place of a defendant, complainant or witness in the courtroom you have just observed. Taking everything into account--actions and attitudes of judge, bailiffs, clerks; behavior of prosecutor and defense attorney; the general feeling of the place -- would you have left the court with the feeling that justice was being fairly administered? If not, explain on back.

[ ]

[ ]

Yes

No

EXPLANATIONS (IF NEEDED)

26. Clerks --

27. Informing public --

28. Admonishments --

34. Discrimination? --

38. Appearance of Impropriety --

40. Noteworthy aspects --

41. General impressions --

# PROFILES OF MONITORS

(Based on information available April 1, 1975)

## CITY OF CHICAGO VOLUNTEERS:

Total number assigned as regulars or substitutes: 70

| <u>Age (estimate)</u> | <u>Sex</u>       |
|-----------------------|------------------|
| Under 30 <u>20</u>    |                  |
| 30 to 60 <u>29</u>    | Male <u>17</u>   |
| 60+ <u>21</u>         | Female <u>53</u> |

## Racial/ethnic background

Black 12 Latino 1 White 57 Other 0

## Occupational background

Housewives 34

Retirees 16 (List previous occupation or profession if known:  
(2) semi-retired professor-lecturer  
retired surgeon )

Employed persons 8 (List occupation or profession if known:  
Salesman, plant engineer, managing editor of  
Judicature, prison chaplain, librarian, secretary,  
substitute teacher )

Students 12 \* (List colleges or universities giving course credit to student participants:  
Northeastern University - 3 U of I Circle - 1 not-for-credit student  
Loyola University - 1  
Northwestern University - 3  
Chicago State College - 1 )  
Governors State University - 5

Organizational affiliation -- List any group contributing 2 or more members and approximate number of monitors:

League of Women Voters - 18  
 Junior League of Evanston and Chicago - 15  
 American Association of Retired Persons/National Association of Retired Teachers - 2  
 ACLU - 3  
 Church groups - 8

\* Several students did not observe on a regular basis and were not included in the total number of monitors.

# PROFILES OF MONITORS (cont.)

## COOK COUNTY SUBURBAN VOLUNTEERS:

Total number assigned as regulars or substitutes: 63

| <u>Age (estimate)</u> | <u>Sex</u>       |
|-----------------------|------------------|
| Under 30 <u>14</u>    |                  |
| 30 to 60 <u>42</u>    | Male <u>8</u>    |
| 60+ <u>7</u>          | Female <u>55</u> |

## Racial/ethnic background

Black 4 Latino 1 White 58 Other 0

## Occupational background

Housewives 38

Retirees 7 (List previous occupation or profession if known:  
Attorney (1) )

Employed persons 8 (List occupation or profession if known:  
Teacher (1)  
Real Estate )

Students 10 (List colleges or universities giving course credit to student participants:

Governors State University - 7

Organizational affiliation -- List any group contributing 2 or more members and approximate number of monitors:

Junior League - 5  
 League of Women Voters - 28

COOK COUNTY STEERING COMMITTEE

Chairman: Alex Elson  
Attorney at Law

Members:

The Honorable Marvin E. Aspen  
Circuit Court of Cook County

Mrs. Paul J. Basinger  
National Council of Jewish Women

Dr. Gad J. Bensinger, Director  
Criminal Justice Training and  
Leadership Development Program

The Honorable Irving W. Eiserman  
Circuit Court of Cook County

James Bronner  
Chicago Council of Lawyers

Lionel Campos  
Association of Latin American Prisoners

Milton Cohen  
Alliance to End Repression

Professor Fred DuBow  
Northwestern University

Mrs. Robert Edler  
League of Women Voters of Cook County

Mrs. Jeffrey L. Gottloeb  
League of Women Voters of Cook County

Mrs. Claire Hansen, Corrections Chairman  
League of Women Voters of Cook County

Mrs. Robert Jones  
Junior League of Chicago and Evanston

Mrs. Robert Knuti  
Chicago Bar Association - Young Lawyer's  
Section

Robert Neal  
Chicago Urban League

Dr. Stephen Schiller, Executive Director  
Chicago Crime Commission

Ira Schwartz, Executive Director  
John Howard Association

Mrs. Lester Senechalle  
Church Women United

Mrs. Arnold Sirk  
National Council of Jewish Women

Sherwin Willens  
Chicago Bar Association

Daniel Winograd  
Attorney at Law

Dr. Paula Wolff  
Governor's State University

Warren D. Wolfson  
Attorney at Law

END