



**THE AMERICAN UNIVERSITY**

**CRIMINAL COURTS TECHNICAL ASSISTANCE PROJECT**  
Institute for Advanced Studies in Justice  
The American University Law School  
Washington, D.C.

A Program of the  
Adjudication Division  
Office of Criminal Justice Programs  
Law Enforcement Assistance Administration  
U.S. Department of Justice

65548

**THE AMERICAN UNIVERSITY**  
Joseph J. Sisco, President  
Richard Berendzen, Provost  
Robert K. Goldman, Acting Dean, Law School



**INSTITUTE FOR ADVANCED STUDIES IN JUSTICE**

Harold C. Petrowitz, Acting Director  
Joseph A. Trotter, Jr., Executive Associate Director  
David J. Saari, Associate Director

**CRIMINAL COURTS TECHNICAL ASSISTANCE PROJECT**

Joseph A. Trotter, Jr., Director  
Caroline S. Cooper, Deputy Director  
R. William Linden, Jr., Director of Field Services  
Dixie Knoebel, Technical Assistance Specialist  
Sara Travis, Administrative Assistant  
Sue Ann Krinsky, Secretary

**LEAA PROJECT MONITOR - GREGORY C. BRADY**

**OTHER INSTITUTE PROJECTS**

NATIONAL ADVISORY COMMITTEE TASK FORCE ON DISORDERS AND TERRORISM

WAR ON CRIME IN THE DISTRICT OF COLUMBIA 1955-1975

ASSESSMENT OF THE CRITICAL ISSUES IN ADULT PROBATION SERVICES

THE IMPACT OF DECRIMINALIZATION ON THE INTAKE PROCESS FOR PUBLIC INEBRIATES  
EMPLOYMENT AND CRIME PROJECT

COURT MANAGEMENT PROJECT

~~X~~ASSESSMENT OF THE FEASIBILITY OF  
ESTABLISHING A TRIAL COURT ADMINISTRATIVE  
OFFICE FOR THE COURTS IN ~~X~~MECKLENBURG  
COUNTY, (CHARLOTTE), NORTH CAROLINA

June 1979

**NCJRS**

JAN 15 1980

**ACQUISITIONS**

CONSULTANTS:

Hon. Henry V. Pennington  
Gordon W. Allison

CRIMINAL COURTS TECHNICAL ASSISTANCE PROJECT  
The American University Law Institute  
4900 Massachusetts Avenue, N.W.  
Washington, D.C. 20016

**This report was prepared in conjunction with The American University Law School Criminal Courts Technical Assistance Project, under a contract with the Law Enforcement Assistance Administration of the U. S. Department of Justice.**

**Organizations undertaking such projects under Federal Government sponsorship are encouraged to express their own judgment freely. Therefore, points of view or opinions stated in this report do not necessarily represent the official position of the Department of Justice. The American University is solely responsible for the factual accuracy of all material presented in this publication.**

**The Law Enforcement Assistance Administration reserves the right to reproduce, publish, translate, or otherwise use, and to authorize others to publish and use all or any part of the copyrighted material contained in this publication.**

**Copyright @ 1978 by The American University, Washington, D. C. 20016**

## TABLE OF CONTENTS

	<u>Page</u>
I. INTRODUCTION.....	1
II. ANALYSIS.....	4
A. Background.....	4
B. Summary of Interview Observations.....	5
III. RECOMMENDATIONS.....	9
IV. SUMMARY.....	10

## I. INTRODUCTION

The Senior Resident Superior Court Judge in Mecklenburg County, North Carolina, the Honorable Frank W. Snepp, requested technical assistance, through the State Division of Crime Control, from LEAA's Criminal Courts Technical Assistance Project at American University to examine the feasibility of establishing a trial court administrative office to assist the judges in administering the Superior and District Courts in the county.

Mecklenburg County encompasses Charlotte, North Carolina and is the largest metropolitan area in the state, with a population of approximately 374,600. Five Superior Court judges and eight District Court judges serve this population. The Superior Court exercises general jurisdiction over felonies, domestic relations matters and civil cases, while the District Court serves as the court of limited jurisdiction for the county.

This request was prompted primarily by a concern on the part of the Mecklenburg County judges that the workload of the courts and the complexity of the administrative demands on the system were such that instituting a trial court administrative office to handle certain of the non-judicial aspects of the courts' workload was a concept deserving further exploration. Concurrently with the submission of this request for assistance, the Superior Court also asked for expert consultation in examining the operations of the juror system. This component of the request was referred by LEAA to the Center for Jury Studies in McLean, Virginia which worked in close coordination with the Courts Technical

Assistance Project (CCTAP) staff. In April, under the Center's auspices, Henry Campen, Trial Court Administrator in Buncombe County, North Carolina conducted an analysis of juror operations in Mecklenburg County and prepared a report outlining a juror management improvement program.

To provide the requested assistance regarding the feasibility of the court administrative position, the CCTAP selected two consultants: Judge Henry V. Pennington and Mr. Gordon W. Allison. Judge Pennington is the Chief Judge of the Fiftieth Judicial Circuit Court of Kentucky and has been instrumental in developing the position of trial court administrator in Kentucky. Mr. Allison is the court administrator of the Maricopa County Superior Court in Phoenix, Arizona and possesses broad experience in the area of court administration and in the application of modern management techniques to court operations.

Consultant Allison spent two days on-site in Charlotte, May 2-3; Consultant Pennington spent all day on May 2 and part of the morning on May 3 on site. During this time they met with the following local officials:

Judge Snapp  
Judge Chase B. Saunders (District Court)  
Peter S. Gilchrist III (District Attorney)  
R. Max Blackburn (Superior Court Clerk)  
Fritz Merce (County Public Defender)

The consultants also had an opportunity to observe the Superior and District Courts in operation.

Presently, there is only one other trial court administrator in the North Carolina trial court system: Mr. Campen of the 28th District in Buncombe County (Asheville). Prior to the site meetings in Charlotte,

the consultant met with Mr. Campen to discuss with him the range of functions he performs, the specific relationship which the trial court administrator position in Buncombe County has had with other components of the justice system, and his specific observations relating to the jury study he conducted for Mecklenburg County.

The following report documents the major issues addressed by the consultants during their site work and their resultant recommendations.



## II. ANALYSIS

The purpose of this report is to provide a framework for considering the potential role which a trial court administrator can serve for the courts of Mecklenburg County. No attempt has been made to specifically define the responsibilities and duties of a Court Administrator. The focus has been, rather, on developing a conceptual idea or plan as to how an administrator might fit into the local judicial system, with the anticipation that local officials can then define specific responsibilities, as appropriate.

### A. Background

Interviews with each person developed certain issues which would definitely have an influence in making the determination as to whether a court administrator should be hired and/or, if hired, what such an official should become involved with. To a large degree, typical court administrator's duties would not be appropriate in Mecklenburg County because of the nature of the court system and the laws of the state. Responsibility for functions of the court have been placed, primarily by statute, in certain departments and agencies, and these appear from outward appearance to be functioning fairly well the way they are.

These functions are located as follows:

- The criminal calendar is set by the District Attorney's office.
- Civil cases are set through a committee of the county bar association, and the trial calendar is prepared in that manner. Periodically the trial judge does have a calendar call and may also have pre-trial conferences to make a determination as to what cases are really going to go to trial in the succeeding week.
- The police department has considerable influence in the

scheduling of cases in the district court. It insures that their cases are set on their court days which are regular working days, and that, whenever possible, their court appearances do not occur on their off days.

- The Clerk of the Superior Court is a quasi-judicial position, handling adoptions, probate, mental health matters and executions. As new functions have been created by the state legislature, the tendency has been to place these with the Clerk of the Superior Court for lack of anywhere else to put them.

- The jury operation is supervised by an employee of the Clerk's Office who coordinates his activities with the Senior Resident Judge.

- A computer system is available to the court. This is overseen by the clerk who uses it as a records system (presently in parallel with a hand record system).

- The budget and all personnel matters are handled by the Clerk of the Courts staff. This also includes ordering of supplies and capital equipment.

Though these functions are fixed in the hands of various people, this does not preclude the fact that an administrative position is needed in the Superior and District Courts.

#### B. Summary of Interview Observations

In the interviews, the consultants asked the question, "How do you perceive the need for an administrative official in the court and what would you envision his/her duties to be?"

The Clerk of the Superior Court, R. Max Blackburn, bears the largest court administrative responsibility and is reluctant to give up any functions (statutory or not) to another administrative court employee. By reason of constitutional and statutory duties, the Clerk of Courts has perhaps

one of the most exhaustive and exhausting positions in the court system. His various offices, which are housed throughout the most attractive but functionally deprived courts building, swiftly direct attention to the fact the Clerk is at a disadvantage in having quasi-judicial, non-court related clerical duties, and other functions which allow little opportunity for the type of court administration needed in Charlotte. The Clerk does perceive a need for an individual to serve as liaison with his office to help solve common problems and work on improvements in the system. Mr. Blackburn emphasized the need for training and this same attitude prevailed among everyone interviewed.

The training needs most often referred to were not as much in reference to job or desk training, but training employees as to how they functioned within the entire organization: how their job relates to the total system and how important it is to the effectiveness of that system. To address this concern, adequate procedures should be developed which also assure continuity when a procedure crosses departmental lines.

The jury study prepared by the Center for Jury Studies through Mr. Campen's services points out many changes which the court can make to improve the present jury operation. It is felt that a considerable dollar savings can be realized, and that a system for providing better service for the courts can be provided which will also be more expedient for the public who sit on juries.

The need for a case tracking system was pointed out by several people (primarily civil and domestic). If the court is to take an aggressive role in moving cases, such a system is needed and should be developed to also provide management information.

Several individuals also felt there was a need for liaison with ju-

ditional and justice agencies, such as pretrial release, the probation department, the Department of Social Services, and with civic groups. The judges expressed a difficulty in having time to conduct good public relations on a local level.

The Public Defender, Fritz Mercer, expressed several concerns he had relating to problems which his office has had with the court system. These concerns include: a large number of cases which are set for trial each week and not all disposed of; indefinite trial dates which waste witness time; a feeling that the District Attorney is selective in choosing which of his cases go to trial; juggling of cases by types before different judges; problems with adding matters to calendars; deputies having to cover several divisions at the same time; lateness in bringing their Public Defender clients to court; and, the need for an ombudsman-type official to whom questions can be raised and answers found with respect to their clients' problems.

The District Attorney, Peter Gilchrist, feels there is much to be done in the civil area, more than in the criminal area. Again, as with the Clerk of the Superior Court, the District Attorney has statutory responsibility over court matters and he is reluctant to relinquish any authority his office now has. Mr Gilchrist is extremely positive and forward looking and would like to see better machinery to handle the work of the system. He would like to have someone in the court who would work on planning, develop problem solving procedures for the court, and coordinate with involved agencies. Mr. Gilchrist is a strong advocate of conceptual training and would be willing to participate in such a program. He stresses the need for consistency and uniformity in judicial procedures to assure continuity despite the changing of

Superior court judges. He perceives interaction among agencies on procedural changes as a vital ingredient to successful procedure. He sees the need for policies on time allowance to pay fines, sentencing and other guidelines. He has a fear that an administrative official in the courts could become an "errand boy" if this position were not properly handled and put in the proper perspective. Mr. Gilchrist has been a driving force behind the existing computer system and he foresees the need for an administrative official to coordinate the computer system among the user agencies. This would not be a court official but someone independent of any particular agency.

Those interviewed pointed out the existence of a Criminal Justice Coordinating Council which consists of department heads and staff members of all criminal justice, judicial and law enforcement agencies. This group meets once a month and discusses mutual problems. Even though this group exists, those interviewed felt it did not provide the necessary vehicle for coordinating the types of problems they encountered.

Mr. Gilchrist pointed out, as did others, that a new criminal code is to be forthcoming and administrative and procedural changes, along with training, are matters which will need to be planned for.

### III. RECOMMENDATIONS

It is impossible to say whether Mecklenburg County does or does not need a court administrator and what the responsibilities and duties of such a position might be. Based on the site study, it appears to the consultant that there is a need for someone in the court system to work on administrative matters with the two administrative judges. Due to the rotation system for Superior court judges, administrative consistency is difficult. The Senior Resident Judge of the Superior Court should spend more time in his home county. An alternative method for assignment (such as having the judge out of town every other month) should be developed to insure administrative consistency on the judicial level.

Many of those interviewed stressed the need for liaison and coordination between the court and other justice agencies. This function could be the nucleus of an administrative job and could also allow the administrative judges to have more "judicial" time.

The consultants conclude that it would be worthwhile to employ an administrative person to begin, on a limited basis, working on those problems acceptable to all agencies, and those which will allow the individual to develop credibility among both the judges and external agencies.

The courts have inherently been in an independent and impartial role in litigation. This position should also be taken administratively since other elected officials (Clerk of the Superior Court, District Attorney, Sheriff, etc.) usually have their own strong political interests which are not necessarily shared fully in the judicial branch.

#### IV. SUMMARY

The courts in Mecklenburg County can utilize a court administrator. The individual who fills this position should be carefully selected so as to fit into the "personality" of the court. Preferably, the individual should be a southerner and, ideally, a North Carolinian. The position does not need to be filled by an attorney but it should be filled by someone with court experience and a strong management background if possible. The court administrator should work directly for the Senior Resident Judge, and also for the Presiding Judge of the District Court as long as there is no conflict. Any conflict should be resolved by the Senior Resident Judge.

The administrator should become familiar with the court and the system first, then handle daily problems that arise. He/she should not get involved with problems of other agencies until he/she develops credibility with them and they desire the assistance. Liaison and coordination are the initial priority objectives, with training work a very close second.

New judges are coming on to the District Court and help is needed there. Familiarization with the computer system is necessary so that a person can be a resource on the issues between the "state computer" and the "county computer".:

The obvious high competence of Superior Court Judge Snapp and District Judge Saunders, makes the consultants confident that, with administrative assistance, they can not only solve the administrative problems in the courts of Mecklenburg County but can also establish a court operation which can serve as a model for other urban areas of the state.

**END**