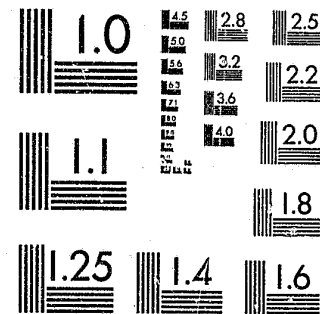


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The Mississippi Court Finance Study

Executive Summary

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Ernest H. Short
& Associates, Inc.

March, 1980

THE MISSISSIPPI COURTS FINANCE STUDY

EXECUTIVE SUMMARY

Prepared for:

The Mississippi Judicial Council

by:

Ernest H. Short & Associates, Inc.

March 1980

NCJRS

AUG 25 1980

ACQUISITIONS

PREFACE

The Mississippi Courts Finance Study was conducted by Ernest H. Short & Associates, Inc. under contract with the Mississippi Judicial Council, with support of funds from the Law Enforcement Assistance Administration of the U.S. Department of Justice. The points of view and opinions in the report series are those of the authors and do not necessarily represent the official position or policies of the Mississippi Judicial Council or the Law Enforcement Assistance Administration.

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I. INTRODUCTION

A. The Mississippi Courts Finance Study

In February of 1979, the Mississippi Judicial Council initiated the Mississippi Courts Finance Study, a project designed to conduct an in-depth examination of several areas in Mississippi's state judicial system.¹ The recommendations emerging from the examination aim toward qualitative progress in the administration of justice and the development of more cost-effective administrative systems. The Study compiled, organized, and analyzed information needed to facilitate management planning for financial, administrative, and operational purposes, encompassing a broad range of subjects, from specific issues of lower court reform to comprehensive questions of total system organization and financing.

A total of six report volumes in addition to this Executive Summary and multiple support data volumes document the results of the study process. They are:

- Volume I: The Mississippi Justice Courts: Management and Financial Analysis
- Volume II: A Proposed Magistrate Division of the Circuit Court for the State of Mississippi
- Volume III: The Mississippi Jury System: Management and Cost Analysis
- Volume IV: Mississippi Courts: Fiscal Analysis
- Volume V: Mississippi Courts: Organizational and Management Analysis
- Volume VI: Mississippi Youth Courts: Caseload and Caseflow Analysis

In most of the reports, emphasis is placed on financial analysis in the operational area or organizational entity being

¹Ernest H. Short and Associates, Inc., a management firm specializing in courts and criminal justice, was selected by competitive bid process to conduct the study. The original full name of the project is the Mississippi Courts Finance, Management, and Personnel Study.

studied, and Volume IV: Mississippi Courts: Fiscal Analysis encompasses revenues and expenditures analysis for the state judicial system in its entirety. The financial analysis in Volume IV is presented by organizational type and programmatic area. The remaining volumes in the report series deal with a specific portion or portions of the judicial system, presenting analysis of both operational effectiveness and financial efficiency.

Two of the reports (Volume I: The Mississippi Justice Courts: Management and Financial Analysis, and Volume II: A Proposed Magistrate Division of the Circuit Court for the State of Mississippi) present alternative organizational structures for Mississippi's lower court system with financial and organizational analysis of present and alternative systems. Lower court reform was viewed as a priority area of study for the Mississippi Courts Finance Study, as evidenced by the highly detailed operational and financial analysis contained in these two volumes.

Two other volumes of the report series examine four operational entities supporting Mississippi's court system. Volume III: The Mississippi Jury System: Management and Cost Analysis looks at jury operations in all trial courts and recommends ways of improving both operational effectiveness and cost efficiency. Volume V: Mississippi Courts Organization and Management Analysis concentrates on the organization and management of three critical support areas: clerks' offices, court reporters, and indigent defense services.

The final volume of the report series (Volume VI: Mississippi Youth Courts: Caseload and Caseflow Analysis) deals with case processing concerns in Mississippi's juvenile justice system. The analysis of this fundamental aspect of court operations focuses on the present diversity in organizational structures presently delivering juvenile justice services and presents

detailed statistical analyses by court type and offense category.

The Mississippi Courts Finance Study was designed to continue with the comprehensive analysis of judicial administration in Mississippi conducted by a previous major study effort, a project producing The Mississippi Courts Master Plan.² In that multiple volume report, upgrading of the minor judiciary, revision of the Youth Court system, improvement in court clerk organizational structures, improved and expanded indigent defense services, and revision in state/local financial responsibility for judicial administration were among the areas identified as high priority for the improvement of the quality of judicial administration in Mississippi. The Mississippi Courts Finance Study encompasses these and selected other subjects, representing a major effort coordinated by the Mississippi Judicial Council to systematically, comprehensively, and rigorously examine Mississippi's judicial system.

B. Inter-Relationship of Study Recommendations

Although the six volumes of the Mississippi Courts Finance Study each deal with distinct subject areas, it should be emphasized that many of the recommendations in the reports are inter-related. The reports' recommendations should be viewed in their totality in discerning a logical and prioritized approach to implementation of court reform. One purpose of this Executive Summary is to explore the inter-relationships of the recommendations and suggest some prioritization in implementation.

Throughout the reports, certain common recommendations and similarity of approach emerge in the many areas of study.

² The Mississippi Courts Master Plan: Courts Strategy, Mississippi Criminal Justice Planning Commission and Resource Planning Corporation (1977).

For example, a shift in financial responsibility from local to state government is recommended or presented as a viable alternative in lower court administration, court clerks offices, and indigent defense services. Standardization of administrative practice in, for example, case recordkeeping and financial accounting is suggested in several areas and is recommended as best accomplished by an increased role for state judicial administration. In many instances, an increased state administrative role and increased state financial responsibility are recommended to accompany each other.

Generally, the direction of reform for Mississippi judicial administration as embodied in the report series is in step with modern precepts of effective court management. However, in no instance was the conventional wisdom of modern judicial administration automatically applied to the situational problems of Mississippi. In each instance, the particularities of Mississippi's organizational structure and administrative practice were carefully assessed in designing appropriate recommendations. In many instances, the conventional approach to reform was deemed inapplicable, partially applicable, or in need of substantial amendment before applicability could be considered appropriate. All analysis and conclusions were based upon thorough investigation of Mississippi's systems, usually involving extensive data collection and analysis. The benefit of close interaction between project staff and personnel at all levels of the court system is reflected in the reports and is in retrospect viewed as an invaluable aspect of the study process.

The remainder of this Executive Summary briefly presents the findings and conclusions of each of the reports. Volumes I and II, which deal with the justice court system and lower court organization, are considered together, as are Volumes III and V which analyze organization, management, and financial administration in several court support areas. Volume IV,

the overview of statewide court finances and Volume VI on youth courts, are discussed separately.

II. MISSISSIPPI JUSTICE COURTS

A. Overview of Volume I and Volume II Report Content

A major component in the history of court reform in this nation has been the reorganization of lower court systems. Accordingly, the lower court system in Mississippi, the primary element of which is the Justice Courts, has been and continues to be a focal subject of the state's judicial system development. Prior to the Mississippi Courts Finance Study, the most recent assessment of Mississippi's lower court system was conducted in the context of a comprehensive study of Mississippi Courts;³ this examination identified weakness in judicial qualifications, subject matter and geographical jurisdiction, the mode of compensation (i.e. the fee system), structural conflict of interest situations, and preliminary criminal procedure -- all common issues in the history of lower court reforms. The two report volumes dealing with this subject in The Mississippi Courts Finance Study continue the examination of these and other aspects of the Justice Court system.

Volume I is organized into five sections and a separate support data volume, which present and analyze information on the Justice Court system and recommend alternative avenues to improving court organization, jurisdiction, procedures, judicial compensation, and financial management (funding and distribution of revenue). Throughout the discussion, reference is made to appendices (some of which are contained in the separate volume) which present the extensive data on which the analyses and recommendations are based. Section II presents the study methodology, lending perspective to Section III, which describes the Justice Court system in Mississippi today. Section IV, "Range of Options and Associated Issues"

³ Courts Strategy, A Master Plan for Courts in Mississippi, prepared by Mississippi Criminal Justice Planning Division and Resource Planning Corporation, (1976).

presents a pro and con discussion of varying issues associated with the range of optional approaches to organizing the Justice Courts. Section V presents a set of alternative scenarios for organizing and funding Justice Courts and makes recommendations concerning other management areas of the Justice Courts.

Volume I^r, proposing a magistrate system to replace the current Justice Courts system, is organized into four sections. The introduction section is followed by consideration of operational factors pertinent to organizational change: organization, qualifications, jurisdiction, facilities and equipment, and caseload/workload. Section III details projections for staffing and costs of a Magistrates Division of the Circuit Court; the final section (Section IV) summarizes the report's recommendations.

The primary issues or themes of Volume I and Volume II speak to the following subjects:

- 1) Justice Court organization, the number needed in each county, their qualifications, location and judicial environment;
- 2) Justice Court jurisdiction, both geographic and subject matter;
- 3) Judicial compensation: salaried vs. fee compensation, and the criteria for determining salary levels;
- 4) Operational information regarding caseload, trial activity, facilities, staffing, and procedures; and
- 5) Justice Court fiscal management, documentation of existing and alternative financial systems, including distribution of revenues (fines and fees), issues of county vs. state support, and other fiscal issues.

These five areas of focus encompass basic elements comprising any court system. A comprehensive approach is taken in the

reports because the institution of Justice Courts in Mississippi is deserving of detailed attention. Justice Courts are the mainstay of Mississippi's lower courts; not only do they possess notable jurisdictional boundaries, but as the receivers of most traffic cases, they reap a sizeable amount of revenue, far in excess of their cost. Financial matters are a major consideration in the study, but while financial management in the administration of justice is important, even more important in the development of Justice Courts are the benefits that accrue from fairer, more consistent interaction between citizens and the judicial process.

Volume I: The Mississippi Justice Courts: Management and Financial Analysis presents in-depth analysis of the present justice court system in Mississippi and presents an alternative structure which retains the same basic organizational structure but recommends changes to address the most pressing problems in the system. Volume II: A Proposed Magistrate Division of the Circuit Court for the State of Mississippi is premised on the alternative view that the present deficiencies in the Justice Court system warrant a total re-organizational effort, recommending that a Magistrate Division of the Circuit Court be created to replace the present Justice Court system.

The analyses and recommendations in the reports are based upon data collected during on-site visits to approximately 25% of the state's 420 Justice Courts. Detailed information on these sample courts, including data obtained in interviews with the judges, interviews with judges' staff, and inspection of dockets and other records, as well as statistical data on all Justice Courts gathered from a variety of sources, provided the data bases for the reports' observations and conclusions.

B. Summary of Volume I Recommendations

In Volume I, The Mississippi Justice Courts: Management and Financial Analysis, careful examination is made of the existing Justice Court system: organization and judge qualifications, jurisdiction, operational information (caseload, facilities and working environment, staffing, practice and procedure), and fiscal management. Before setting forth specific recommendations, numerous issues are discussed in the context of the basic options available to the system, namely, retention of the present system, modification of system, and abolition of the system. Retention of the system as it exists is rejected as ignoring the urgent problems pervading the system. The recommendations in Volume I, listed below, are made under the general approach of modification, while the abolition approach with replacement by a magistrates system is left to thorough examination in Volume II.

Volume I makes several recommendations viewed as minimally necessary if the Justice Court system is to continue under any modification of its present form.

1. Organization

Recommendation: *There should be at least one full-time court office to handle existing justice court jurisdiction at the county seat in each county, with such additional judicial positions as may be needed based on workload.*

The constitutional constraints under which the justice courts in Mississippi currently function require that there be not less than two "justice court judges" in each county. If an alternative system structure were selected, this requirement would have to be amended.

In any event, no one would contend that this requirement means two full-time positions since the entire justice court structure as it currently functions provides few full-time judges. Hence, to comply with the constitutional mandate, the justice court position will need to be shared by two persons in every county where there are fewer than two FTE judicial positions needed to handle workload in that county. Two half-time judges can occupy one position, as indeed, under the current structure, five part-time judges occupy one or less judicial position, based on workload in some counties. Where the local situation warrants more than one position to handle the work of the justice court, the additional assistance can be provided by shared part-time judges or one full-time and one part-time judge.

The number of justice court judges actually needed in a particular county--giving primary consideration to population and caseload volumes, but also considering geography and highway conditions as they relate to the accessibility of the courts--are considerably less than the present five courts. In no case should there be less than two judges (based on constitutional requirements) and provision should be made for the addition of Justice Courts--upon recommendation of the county Board of Supervisors to the state legislature, or other method deemed appropriate--as population, traffic volumes, or caseload increase.

Recommendation: *There should be provided at least one salaried full-time clerk at the county seat in each county to handle the clerical and administrative business of the justice court(s) in that county, and such additional clerical assistance as needed based on workload.*

This recommendation relates directly to the recommendation regarding full-time justice court offices. The overwhelming need of the justice courts in Mississippi

is for trained clerical assistance and modern record-keeping procedures. The Uniform Warrant System and provision for computerized data via a vis drivers' records provides a model for centralized recordkeeping that is marred by archaic, duplicative, and wasteful processing by justice courts. Most of the business of justice courts pertains to collecting fines, creating and maintaining various records, issuance of court process and correspondence. Adjudication is rare, and the opportunity to exercise truly judicial authority seldom presents itself more often than a few times each week or month. This picture suggests the need for clerical rather than adjudicative authority, and it should be provided. The clerk should maintain regular office hours in the courthouse, with facilities provided at public expense. Supplies and equipment also should be provided at public expense, and a telephone with adequate directory lists, should be provided for all justice courts.

Recommendation: *Provide a minimum uniform level of support staff, facilities, equipment, and supplies for all court offices handling existing justice court jurisdiction.*

Gross inequalities currently exist in the level of support provided Justice Court judges by their respective county governments. In the interests of both fairness and increased court efficiency, it is recommended that each court be provided office space, basic equipment and supplies, courtroom facilities, stamps, and stationery. Provision for budgetary allocation and review by county officers and auditors will provide safeguards against extravagance while assuring provision of the basic needs of a functioning court office.

Additionally, each county should provide telephone service at the office location for each of its Justice

Court judges and the telephone number should be listed under both the county listing (sub-listed under "Justice Court") and the judge's name. This would remove the difficulty individuals, particularly motorists, have in contacting a judge who has no telephone or whose listing does not designate that he is a judge.

2. Judge Qualifications

Recommendation: *All candidates for Justice Court judge should be required to prove by examination their basic competence in the law.*

To assure a minimal level of competence in the law and basic attention to the Constitutional rights of parties before the court, it is recommended that Mississippi establish a program for testing and certifying candidates for the office of Justice Court judge. It is recommended that a one-day exam covering the basic principles of civil and criminal laws, principles of adjudication and statutes relating to Justice Court procedures and jurisdiction be administered under the auspices of the Mississippi Judicial Council and that the completion of this examination with a passing score be required of every Justice Court candidate prior to certification of his candidacy. To prevent this qualification from being unduly restrictive, it is recommended that the examination be offered no less than biennially and in a sufficient number of locations throughout the state as to make examination locations reasonably accessible to all potential candidates.

It is further recommended that the Mississippi Judicial Council compile a recommended list of readings or a basic primer textbook, or both, to be made available upon request to anyone planning to seek Justice Court office and preparing to take the qualifying examination.

It may be desirable to separate the examination into subject matter sections, with provision for the substitution of designated junior college courses or educational or experience equivalent for some portions of the examination.

Recommendation: *Expand post-election training and orientation for Justice Court Judges.*

Because the office of the Attorney General will have a tendency toward bias in criminal matters, it is recommended that the responsibility for the post-election orientation required for Justice Court judges be removed from that office and transferred to the Judicial Council. Because all elected judges will have passed the qualifying examination and can therefore be assumed to have a basic understanding of legal principles and practices, the orientation program can be used to provide more specific and detailed training in civil and criminal law, with increased emphasis on manner of adjudication, office administration, and civil procedure. This will increase the level of competence within individual Justice Courts while encouraging increased uniformity in practice statewide. At the present time, judges who assume office mid-term (filling vacancies created by resignation, death, or incapacitation) receive no significant orientation or training until they have won election to a full term. In such circumstances, an individual may have little guidance or assistance from other judges or any state agency and is left to his own devices for up to a year's time. It is recommended that some provision be made for orientation and training of judges who assume office mid-term.

3. Personnel Compensation

Recommendation: *A uniform salary system should replace the present fee system for compensating justice court judges and support personnel should be paid from the same source as the judge and not by the judge.*

The fee system is not incompatible with the continued vitality of the justice courts as an institution in Mississippi; indeed, given the extensive reliance upon the fee structure for remuneration of other public servants in the justice system, and the incentives necessarily engendered by a fee system, the present compensation method might well be continued. On the other hand, the litigation encouraged by a fee structure and the tendency it generates to discourage the use of staff assistance even when needed, suggests the desirability of instituting a salary system of compensation to replace the present fee system. For these reasons, and because of the other benefits which accrue from having salaried judges in county facilities, it is recommended that the mode of judge compensation be salary.

4. Jurisdiction

The jurisdiction of the justice court is not seriously in need of major change; while some reordering might be desirable, no wholesale change is necessary at this time if the Justice Court system is retained.

5. Operational Procedures

Recommendation: *A uniform, efficient recordkeeping system should be established for justice courts and sufficient clerical personnel provided to maintain it.*

At the present time, forms and form letters commonly used by the Justice Courts vary substantially from county

to county. Some county governments balk at providing forms because of the cost involved while in a number of counties greatly outdated forms continue in use to avoid waste. As a means of improving cost-efficiency in the provision of necessary forms, while at the same time promoting uniformity of practice, it is recommended that the Judicial Council standardize those forms commonly used. The standard forms could then be provided to individual courts at state expense, purchased by individual counties from statewide suppliers, or printed by the individual counties.

Toward the same ends of cutting costs, increasing efficiency, and promoting uniformity, it is recommended that the use of docket books be eliminated. While traditionally an element of court administration, the docket book has been replaced in modern usage by carbonless multiple-copy forms, data banks, and a variety of modern innovations. Field visits conducted in this study indicated that docket books were being used for historical purposes only, (i.e. they are end-products rather than a working record system). Huge volumes are utilized for minimal records at tremendous waste of money, space, and time.

Since the uniform citation form used throughout Mississippi includes record of the disposition of the case, that form might be used as the basis of court records by creating an additional copy for retention by the judge. A central depository of information, utilizing modern data storage and processing techniques, might be the ideal means of storing information on completed cases. However, the requirements for keypunching, data retrieval, etc. inherent in such a system probably make it impractical as a statewide system at the present time.

There are a variety of alternatives available, however--including NCR forms, loose-leaf retention of uniform citation forms, file systems already devised by judges in various courts throughout the state--which fill the need for both working files and case history in a far more practical manner than use of the cumbersome docket books.

It is also recommended that increased communication and cooperation among judges within a single county and within regional areas of the state be encouraged as a means of promoting uniformity of practice, utilizing individual innovations, and discovering and benefiting from the experience of others. In at least one county, Justice Court judges already meet informally on a monthly basis, and with the judges from neighboring counties on an annual basis. Such communication and cooperation appears to be the exception rather than the rule at the current time, however.

It is recommended that the Judicial Council encourage improved regional communication, perhaps through sponsorship of regional workshops or conferences which would also serve as a means of providing continuing education for judges in the Justice Courts. The Justice Court Officers' Association might be similarly encouraged to develop regional meetings and conferences on a more frequent basis than their statewide conferences.

In support of this recommendation, there exists an overwhelming need for a more structured clerical operation in the justice courts, a fact repeatedly attested to by conversation with judges and by observation of data collectors. As remarked by more than one judge, the function of the justice court is essentially clerical in nature; adjudication per se occupies very little judicial time.

6. Fiscal Management

Recommendation. *The flow of funds through the justice courts should be made more consolidated and structured.*

Large amounts of money flow through the justice courts daily from and to varying sources with varying degrees of control. This increases the potential for error and appearances of conflict of interest. The money flow should be standardized with proper controls implemented. This issue is discussed extensively under each of the alternative organizational structures presented.

The remainder of Volume I is devoted to presenting the details of an alternative organizational structure embodying the above recommendations. A preliminary allocation of judicial and clerical positions to each county is presented along with a detailing of personnel and operating costs for the alternative system.

C. Summary of Volume II Recommendations

Volume II: A Proposed Magistrate Division of the Circuit Court for the State of Mississippi offers a solution approach to the problems of the Justice Court system which embodies the essence of the approach taken in many other states in this nation's history of lower court reform, i.e. consolidation of trial court functions. The consolidation of trial courts of general and limited jurisdiction has been a topic subject to intense examination since the turn of the century.⁴ Consolidation of trial courts can occur at various court levels on a county, state or regional basis, but the

⁴Pound, Roscoe, The Causes of Popular Dissatisfaction with the Administration of Justice, address delivered at annual convention of ABA, 1906. In this treatise, Pound describes our system of courts as archaic in three areas: (1) in its multiplicity of courts, (2) in preserving concurrent jurisdiction, and (3) in the waste of judicial power.

primary objective of consolidation is to provide a system in which the courts are organized and managed so that a uniform administration of justice is provided throughout a jurisdiction. Proponents of trial court consolidation indicate that various improvements will occur from a thoroughly planned, well-executed consolidation effort. Some advantages of consolidating courts of limited jurisdiction with trial courts of general jurisdiction or consolidating various components of courts of limited jurisdiction are:

- elimination of concurrent jurisdiction with procedural and administrative simplification;
- flexibility in judicial and non-judicial personnel resources;
- flexibility in the use of facilities; and
- economic benefits.

Consolidation tends to promote more efficient use of personnel and facilities, thus producing measurable economic benefits, which translate into a more effective and equitable dispensation of justice. Mississippi has an opportunity to take advantage of the many benefits that would result from the consolidation of the Mississippi Justice Courts into a Magistrate Division of the Circuit Court.

Volume II focuses on a number of issues critical to the consideration of alternative approaches to lower court reform in Mississippi: judge qualifications, salary vs fee compensation, blending of prosecutorial and judicial roles, and operational factors. The more radical reform approach of abolishing the Justice Court system and replacing it with a magistrates system is recommended as appropriate in Mississippi if implemented in conformance with the following guidelines:

1. There should be established a Magistrate Division of the Circuit Court of Mississippi with subject matter jurisdiction at least that of the Mississippi Justice Courts.
2. The number of Magistrates in each county should be determined by formula based primarily on caseload with other pertinent factors being taken into consideration (e.g. population and geography).
3. The magistrates should be salaried state judicial branch employees with salaries set by the Mississippi Judicial Council.
4. The magistrates should be lawyer-trained and members of the Mississippi Bar.
5. The position of magistrate should be a county elective office.
6. A magistrate division clerks' department should be established as a separate department of the Circuit Clerk's Office.
7. The number of clerks to be provided for the Circuit Clerk's Magistrate Department should be determined by formula based primarily on caseload with other pertinent factors being taken into consideration (e.g. population and geography).
8. The clerks provided for the Circuit Clerk's Magistrate Department should be salaried state judicial branch employees with salaries set by the Mississippi Judicial Council.
9. The Mississippi Judicial Council should establish continuing education programs for the Magistrate Division of the Circuit Court.
10. Funding:
 - a. All Magistrate Division salaries and personnel benefits should be paid by the state.
 - b. All Magistrate Division operating expenses, including facilities, should be paid by the counties.
 - c. All revenues generated by the Magistrate Division, including fines, forfeitures, and fees, should flow to the state for dispensation.

- (1) State expenses for salaries, benefits, administration, and education programs should be reimbursed.
- (2) Compensation should be made for counties which provided operating expenses in excess of revenues generated.
- (3) The balance should be distributed proportionally to the counties experiencing a positive funds flow based on caseload.

11. Such staff as deemed necessary by the Mississippi Judicial Council should be added at the state level to adequately administer Magistrate Division programs.
12. Flexibility should be incorporated into the Magistrate Division system to allow those counties which do not obtain magistrate resources through the elective process to contract for such resources from other counties.

Analyses conducted during this study project indicate that if the same volume of cases is processed by the Magistrate Division as is processed currently by the Justice Courts, net revenue to the counties would be increased by approximately one million dollars. This benefit of the recommended Magistrate Division is in addition to the benefits which would result from having lawyer-trained magistrates, such as hearing motions and other activities to help solidify the Circuit Judges' calendars and the improved public perception of the justice system in Mississippi.

D. Summary

Regardless of which structural approach to lower court reform is chosen--the alternative presented in Volume I or that presented in Volume II, certain modification in the basic elements of the justice court system are recommended as a means of constructing a more coherent and competent system. A full-time justice court office (or Magistrate Division) located at the county seat, staffed by at least one full-time clerk and one full or part-time judge, should comprise the core unit of Mississippi's lower court system. The justice court office

should be provided with sufficient staff, equipment, and supplies to maintain continuous operation. Additional justice court judges (minimum two per county) and offices should be provided workload demands, located so as to conform with the needs of the particular county.

The competence of justice court judges to perform their legal functions would be enhanced by a requirement to prove competency by examination and by more extensive orientation and training. If the Justice Court concept is retained it would not be necessary to require formal legal training of the judges; indeed, such a requirement could prove dysfunctional to the ties that bind judge and community and the ability to fill justice court positions with persons wishing to serve the community with reasonable longevity.

Justice courts are predominantly clerical operations, not adjudicative ones. Thus, the recommendation to establish a uniform, efficient recordkeeping system speaks to the heart of justice court needs. The successful maintenance of permanent offices at the county seat, and the ability of judges to demonstrate increased competence, are interdependent with the provision of effective clerical mechanisms. Organized record systems are of special importance to courts, and to justice courts the development of record systems is a way of progressing toward a more coherent system.

The structural alternatives to the present system presented in Volumes I and II of The Mississippi Courts Finance Study offer approaches for implementing those changes deemed most necessary in Mississippi's lower court system. A reduction in the number of justice court judges, and a conversion to a structure whereby salaried judges are housed in county facilities, represent two of the more meaningful steps that could be taken at this time if the Justice Court system is

retained. The annual cost of running such a system is estimated to be from \$500,000-\$1,000,000 less than present system support costs, depending on the level at which judge salary is set. Another alternative structure is the creation of a Magistrates Division of the Circuit Court, an alternative also likely to realize significant cost savings.

Fewer justice courts operating under more uniform procedures are likely to produce a more consistent form of justice. The large amount of interaction between Mississippi citizens and their Justice Courts is ample reason to seek better controls over lower court judicial practices. The implementation of well-considered, democratically derived policy decisions as to Justice Court reform can only result in the betterment of judicial administration in Mississippi.

III. COURT SUPPORT AREAS

A. Overview of Volume III and Volume V Report Content

The study agenda for the Mississippi Courts Finance Study included four areas all of which are critical to the support of trial court operations. Volume III: The Mississippi Jury System: Management and Cost Analysis examines jury activities in all trial courts and Volume V: Mississippi Courts: Organization and Management Analysis examines clerks of court, court reporters, and indigent defense services in Mississippi. In all four areas, the analysis goes beyond fiscal considerations and encompasses a range of issues in organization and administrative practice.

In Volume III, documentation of how the existing jury management system operates is presented with comprehensive reference to statutory guidelines, which play a major role in determining administrative practice. Measures of jury activity volume and jury system costs were taken during data collection for this phase of the study and statistics are presented in aggregate and individual form. The report identifies seven major issues in jury management and organizes analytical discussion and presentation of recommendations around these issues.

Five sections comprise Volume V: Section I--Introduction; Section II--Clerks of Court; Section III--Court Reporters; Section IV--Indigent Defense Services; and Section V--Summary. In each of the middle sections, the existing system is documented and analyzed before recommendations are offered. In the clerks of court section, office organization, financial management, staffing patterns, and the distribution of court and non-court related functions constitute the major areas of discussion. The court reporters section deals with statutory authorization, training, qualification standards, reporting methods, compensation, time allocation, and travel. In the

section on indigent defense services, the major research avenues are organization of services, compensation of assigned counsel, eligibility criteria for indigency, funding of services, and alternative modes of service delivery.

B. Summary of Volume III Recommendations

The analysis of jury management and jury system costs in this report is based on an examination of administrative practices in twelve of Mississippi's 82 counties. The sample courts represent high, medium, and low dollar volumes in reported expenditures related to juries; because the sample includes those few counties in which a disproportionately large percentage of jury activity is concentrated, the total expenditures of the sample courts encompass 44% of statewide jury costs. Furthermore, the counties chosen for study are geographically dispersed throughout the state, and eight of the twelve have County Courts, permitting substantial review of their jury practices as well as of Circuit Court practices in which most of the jury activity occurs.

The goal of jury management in Mississippi is largely one of better administrative procedures in single judge courts, since only occasionally will more than one jury trial be held at any one time. The opportunity for juror pooling exists only in a few of the larger Circuit Courts, and in those counties having both a Circuit and a County Court. Where pooling in these instances is not practiced, it is recommended that it be implemented.

The procedures for juror selection and system administration are prescribed in detail by statute. A high degree of compliance with the law exists among the twelve sample counties and presumably in the entire state. One area of confusion involves use of both a jury wheel and a jury box, the confusion arising out of the duplicative function of the two entities. In follow-

ing statutory directives, most courts have developed regular patterned practices in selection and usage procedures. The result of the patterned behavior is the assurance that sufficient jurors will be available; at the same time, the failure to adjust practices in response to fluctuating needs results in a certain amount of unnecessary cost.

With regard to costs, the primary observation must be that fees for jury service are the predominant expenditure category--92% of the estimated \$1.72 million statewide jury system costs. Thus, the best opportunity for cost savings lies in reducing juror fees, which can only be done by more efficient juror usage. By reducing the number of jurors empaneled to a level near the maximum numbers of persons used in the voir dire process, it is estimated that approximately \$275,000 can be saved out of the \$1.59 million now expended on jury fees.

The issues analyzed in this report have covered a range of juror selection and usage subjects. A reiteration of the conclusions and recommendations is made in the following statements.

- Selection of jurors is properly random in Mississippi, but the selection process can be streamlined by elimination of the "jury box".
- Juror length of service and compensation rates are appropriate and pose no obstacles to administrative efficiency.
- The use of a single source list is not the best way to obtain community representativeness, but the benefits of integrating multiple lists must be weighed against the cost of doing so.
- Telephone alert systems can save juror fee costs and are working well in many Mississippi trial courts; those counties not presently using the system are encouraged to do so.
- Summoning process efficiency is mitigated by outdated voter registration lists; these lists should be constantly updated to avoid issuing an excess number of summons.

- The area offering the greatest opportunity for cost savings is that of size of weekly empanelments. Reductions in panel size could save up to \$275,000 of the estimated \$1.25 million now expended statewide on Circuit Court petit juror fees annually. Pooling Circuit and County Court jurors could also reduce juror fee costs.
- Management information is not being kept on jury activities; statistical recordkeeping on jury trials and juror usage would facilitate the realization of cost savings in juror fees.

The implementation of better jury management practices, as embodied in these recommendations, depends upon the commitment of judges and clerks, the jury managers in Mississippi trial courts. Jury management is an important component in the management of the court's caseload, one that reaches out to demand public participation. Besides affecting the public's perception of courts, the jury system incurs a public expense and therefore deserves management attention. Active jury management, by monitoring and adjusting panel sizes, will result in cost savings and a more meaningful experience for the citizen juror. Striving for more active and effective jury management can only improve the overall operations of Mississippi trial courts.

C. Summary of Volume V Recommendations

1. Clerks of Court

The organizational and financial management issues in Mississippi Clerks' offices are consistent with issues pervading clerks' offices in jurisdictions across the nation. As judicial branches of government develop their management independence and capabilities, issues revolving around clerks' offices commonly are integral to the processes of change. These issues include court control of its support functions, the adequacy of clerks' offices funding, and the challenge of instituting modern, effective

office practices. Clerks' offices are the "hub of the wheel" in judicial administrative support; effectiveness in these operations is of vital interest to the judicial system.

On a general level, the issues associated with clerks' offices fall into the categories of organizational and management structure, financial management, and procedural/technological systems. In the progression of any judicial system, it is logical for the questions of the former two areas to be answered before sophistication is sought in the latter area. The two research avenues pursued in the clerks of court report section, duality in organizational structure and use of fees in the financial structure, are pursued because of the organizational, managerial, and financial needs of clerks offices. As in other areas of the judicial system examined by the report series, these needs are of first priority in the process of change.

The conclusions of the analysis of Mississippi clerks of court are embodied in the following recommendations:

Recommendation. *There should be created in the Mississippi Judicial System an Office of the Court Clerk, such office to provide administrative support to the judicial functions of both the Chancery and Circuit Courts.*

A consolidation of court functions from the Circuit and Chancery Clerks' Offices would create a Court Clerks' Office in which service to the local judicial branch of government is the total concern of the office. Such a structure clearly delineates the separation of powers within the State and would present better opportunity to the local judiciary for enhanced administrative control of clerical support operations.

A consolidated court clerks' office ultimately should be more cost-effective than the present structure due to

efficiencies realized by combining the court-related functions of the Chancery and Circuit Clerks' Offices. These functions are similar in each office and lend themselves to more efficient performance by trained staff of a single court clerks' office.

Recommendation. The proposed Court Clerk should be an appointed official, selected by a majority of the Chancery and Circuit judges serving the county. The proposed County Clerk should continue to be an elected official.

The issue of appointed clerks is a highly visible one in judicial administration debate. The most commonly cited advantage of an elected clerk system is the direct relationship between elected officials and the public both in determination of who occupies the office and in the responsiveness of the office in providing services to the community. The most commonly cited disadvantage of the elected clerk system relates to the fact that the electorate generally is not knowledgeable or is apathetic about the office and is therefore not in the best position to control it. In elected systems, individuals may hold office for long periods of time, being re-elected only because of name recognition and incumbency status. Furthermore, the direct relationship between clerk and the public in elected systems may be viewed as a disadvantage to the extent that the judges are unable to invoke responsive and effective administrative support from the clerk.

The virtues of a direct democratic process (i.e. election of clerks) is best realized when the elected clerk is a county official performing numerous community services. In small counties, these services commonly encompass judicial administrative support with no separation of judicial and executive powers deemed appropriate. In Mississippi, the present Chancery Clerk is predominantly

a county executive official and under the proposed recommendation would continue to be an elected official having numerous executive functions associated with the office. The proposed Court Clerk is recommended as an appointed official in order to structure within the system a selection process maximizing court control of administrative support functions and selection based upon merit qualifications as a manager.

Recommendation. The fee basis in the financial structure of the Chancery and Circuit Clerks' Offices should be replaced by a salary system wherein the Clerk and support staff are compensated by salaries derived from state or local general funds; similarly, all office expenses should be covered by general funds.

As is the characteristic of Mississippi judicial system financial structure as a whole, the chancery and circuit clerks' offices possess a patchwork of revenue and expenditure fund flows.⁵ Fees are received from individuals and corporations and county general funds flow through these operations in proportion to the level of specific functions performed by the clerk. In addition, certain

⁵The Mississippi Courts are funded by a combination of state, local, federal, and private sources. This combination of funding sources places the Mississippi courts in a unique financial management position. The Supreme Court, the Clerk of the Supreme Court, Supreme Court Commissioners, and the State Law Library are, with the exception of small and occasional federal grants, state funded. Another court support agency, the Mississippi Judicial Council, is funded primarily through federal grants. Additionally, the salaries, travel, and office expense allotment of \$4,000 is paid by the State for chancellors and circuit judges. Local government expenditures cover pro-rata county court costs for the chancery court, circuit court, and offices of the chancery and circuit clerk. Statute mandated fees from private individuals also are used to support the operations of the circuit and chancery clerks' offices. The county, with the exception of federal matching funds for certain judicial services, pays all the costs for county and youth courts. The only exception to these is the Harrison County Family Court, which is funded through a federal grant.

operational costs of the offices are funded directly by county general funds. Total operational costs, including the clerks' personal compensation, are supported by the combination of these funds.

The fee-related fund flow makes clerks' offices financial structure similar to a private business model in which revenue is generated for goods and services provided, expenses are paid out of these revenues, and the balance constitutes profit. The incentive in such a system is to maximize revenues and minimize expenditures, thereby maximizing profits. The question properly is raised whether or not chancery and circuit clerks' compensation should be the "profit" of the offices' operations. The far more common method of compensation is that of salary derived from state or local general funds. The salary system divorces operational revenues and expenditures from personal compensation.

Recommendation. *The recommended Office of the Court Clerk should be a priority area for greater assumption of costs by the State.*

A major reason for increased state funding lies in increased opportunity for promotion of uniformity in judicial administration. A consolidated state trial court clerks office in each county presents an excellent organizational vehicle to standardize and upgrade the delivery of judicial administration services. With specific regard to financial management, the state-funded Office of the Court Clerk would operate in a straightforward fund flow system in which fiscal practices are more accountable.

The clerks of court report deals with two fundamental structural aspects of Mississippi clerks' offices -- organizational and financial structure. Major alteration

in these areas are recommended. The ultimate structure in the recommendations envisions an Office of the Court Clerk responsible for administrative support of all trial courts in the county. The Office would be state-funded with all salaries and operating expenses paid for by state general funds. The proposed structure contrasts with the bifurcated court clerks organization (Chancery and Circuit) funded by fees and county general funds.

The above structural recommendations are a necessary forerunner to organizational and managerial improvements in areas of less magnitude. For example, after a consolidated Court Clerk's Office is in place, attention may appropriately be given to records management improvements. "Well-bound books" as prescribed by statute may be replaced with more versatile, less costly record formats. Development in personnel management may ensue by employing personnel administration tools designed specifically for judicial systems. Also, if the clerical support function were court-related only, it would be possible to develop better support mechanisms for caseflow (e.g. calendar management), an area which is court-specific and central to the operation of court systems.

The recommendations for change in the organizational and financial structure of Mississippi clerks' offices must be viewed in the context of progressive change in Mississippi's judicial system as a whole. Clerks' offices are central to local court system operations and change in these organizations must be made in concert with other judicial system changes such as lower court organization, overall judicial system funding patterns, and general jurisdiction trial court organization. No doubt the elements of the recommended structure will undergo thorough debate, and implementation may proceed on a gradual basis with the more urgent needs, such as replacement of the fee basis of

compensation with a salary basis, being implemented first. Regardless of the degree of gradualism chosen by system decision makers, Mississippi should begin now moving down the road to change; the amount of ground to cover is substantial and the rewards of change are plentiful.

2. Court Reporters

Reporting of courtroom proceedings in Mississippi's trial courts of record is the responsibility of official court reporters appointed by Chancery and Circuit Court judges. In the Chancery Court, 39 court reporters presently serve the 20 judicial districts (ranging from one to four per district); in the Circuit Court there are presently 14 court reporters within six of the 20 judicial districts (ranging from one to three per district). Many of the structural characteristics of Mississippi's court reporting system are determined by statute.

Analysis of court reporting generally distinguishes between two major areas of inquiry: the management of court reporters and the technology of court reporting. A progressive, effective court reporting system must practice both sound managerial principles and appropriate technological support. The recommendations in this section of Volume V pertain to both major areas of inquiry.

- Recommendation. Consideration should be given to increasing the salary of court reporters by about 10% to lessen the gap between the present salary level and the national median. The transcript preparation rate should be changed to a per page basis and increased to lessen the gap between the present rate and the national median. Compensation for meals and lodging expenses incurred during court business related travel should be made as approved by the judge.

- Recommendation. Court reporters' salaries should be paid by the State rather than the counties. Furthermore, legislation setting the salary should allow for periodic cost of living increases. In fact, consideration should be given to removing the salary and per page rate setting functions from the legislature to the Judicial Council to allow more frequent and less cumbersome review of these amounts.
- Recommendation. On an as needed, district by district basis, consideration should be given to three alternative methods of service delivery: 1) use of "roving" reporters in rural areas, 2) use of transcribers (typists) to assist in transcript production, and 3) hiring of judge's secretaries to allow reporters to do reporting exclusively.
- Recommendation. Legislation controlling reporting techniques should be amended to permit a range of methods besides stenographic notes.
- Recommendation. The qualification requirements for Mississippi court reporters should include a certification process to insure the competency of court reporters. The certification process should be administered by the Judicial Council.

The recommendations for an improved court reporting system offered in this report are made in light of the particular characteristics of Mississippi's system: shorthand is the predominant method of reporting, the majority of judicial districts (Chancery and Circuit) are one judge/one court reporter districts requiring extensive travel, and many elements of the system (such as salary and transcript rate levels) are set by statute.

The proposed system envisions a more centralized locus of court reporter administrative support by judicial system authorities: state funded court reporter salaries with the salary and transcript rate amount set by the Judicial Council, and creation of a certification program administered by the Judicial Council. At the same time, the recommendations suggest a flexible system able to respond to the individual needs of each county: alterna-

tive means of providing clerical support for judges and for transcript production, and encouragement of reliable, simple reporting techniques as seen fit by the counties (continuance of shorthand, primary reliance on electronic recording, and stenotype reporting).

These recommendations recognize the need to promote and monitor uniformity in the delivery of court reporting services and the need to use cost efficient, reliable methods in that delivery. Effective administration of the court reporting system is properly the jurisdiction of the judicial system; the integrity of the reporting process is an indispensable ingredient to the preservation of justice in the legal system.

3. Indigent Defense Services

The third and final area of the Mississippi judicial system addressed by Volume V is the provision of indigent defense services. The analysis of the organization and the management of indigent defense in Mississippi is presented in three parts. First, an overview of the existing system is offered focusing on organization, appointment and compensation of counsel, eligibility criteria, and funding. Next, a comparative perspective is presented by analysis of alternative methods of providing indigent defense services. In this sub-section, the systems in other jurisdictions are examined and national trends and standards are identified. Finally, recommendations are offered for improved organization and management of the Mississippi indigent defense system.

After extensive discussion of alternative methods for delivering indigent defense services, several recommendations are made for an improved system in Mississippi.

a. Organizational Structure

Recommendation. The ad hoc method of assigning counsel to defend indigents should be eliminated and replaced by public defender offices administered on a local, regional, or statewide basis. The responsibility for administering assigned counsel programs should be delegated to these offices.

The advantages accruing to the State as a whole by organizing indigent defense services as recommended are numerous:

- the quality and availability of counsel for indigents could be increased in both rural and urban areas, closing any service gaps presently existing;
- assurance of compliance with equal protection and due process criteria within the state could be increased;
- uniformity in policies and procedures for providing services could be increased;
- training and continuing education in criminal law for defense attorneys could be provided;
- early representation of counsel could be provided thereby eliminating the problem of lateness of assignments;
- the assignment of counsel is removed from political and judicial influence;
- investigative and other supportive services necessary for adequate defense could be provided;
- more experienced advocacy for appellate defense can be developed; and
- compensation for service provided by assigned counsel could be standardized.

b. Funding of Mississippi Indigent Defense Services

Recommendation. To accrue the advantages listed in the above recommendation the state should move toward sub-

sidizing all indigent defense services provided within the state. Not only will state funding of indigent defense services provide uniformity, equality, and increased availability of defense services, but also economic advantages are possible:

- a flexible and efficient means of allocating resources;
- the ability to realize economic benefits from economies of scale;
- the ability to standardize forms, motions, and jury instructions, saving costly attorney time; and
- use of support services more efficiently.

Another important factor in the issue of funding is that the state has more revenue available as well as more ample means to raise additional revenue than do local governments. In Mississippi, this is particularly important in that a significant geographic area of the state is comprised of counties with very small tax bases. State funding will alleviate the severe economic burden placed on these counties to provide indigent defense services.

c. Eligibility for Determining Indigency

Recommendation. The state should devise realistic and specific criteria for determining financial eligibility for legal representation to be used by all jurisdictions so that the disparities existing in determining indigency are eradicated. Standardizing criteria for indigency should provide the following:

- close service gaps, if present, where those in need of defense services are not provided for due to a lack of criteria to be judged upon; and
- eliminate misinterpretations of the present criteria thereby promoting more equitable application of the criteria.

d. Compensation for Assigned Counsel

Recommendation. The state should standardize compensation levels for assigned counsel to be effective in all jurisdictions. Fee schedules should be developed to provide for adequate compensation for services rendered and should be based on prevailing rates of private counsel.

If the public defender offices are not implemented as recommended, it is imperative that adequate compensation levels be established to insure indigent defendants a competent level of representation. Currently, in Mississippi, the compensation levels for assigned counsel vary radically from \$50/case to an hourly rate up to \$30. Standardizing compensation levels should eliminate this problem.

D. Summary

Volumes III and V analyze the organization and management of four critical components of Mississippi's judicial system: jury management, clerks of court, court reporters, and indigent defense services. In each area, the existing system in Mississippi was examined with emphasis on legal authorization, organizational structure, and financial management. Recommendations are based on appraisal of the Mississippi system and its specific needs. The systems of other states and the fruits of national debate on these subjects are incorporated into the analysis.

Throughout the four areas of inquiry, a common theme is reflected in the recommendations. Greater assumption of responsibility for funding and administrative involvement by the State is encouraged in some manner in the areas of clerks offices, court reporters, and indigent defense. In Mississippi, increased state administration will have to develop in light of the predominantly rural nature of Mississippi.

Local or regional supervision of daily administration will continue regardless of developments in procedural uniformity and centralized fund flows. This balance of state and local roles offers the best opportunity for consistent, fair administration of justice.

In some respects, the reports' recommendations conform to recognized standards and national trends while in other aspects, Mississippi's situation dictates maintenance of existing practices or modified adoption of selected components of conventional wisdom in judicial administration. In totality, the future of organization and management of jury management, clerk's offices, court reporters, and indigent defense services is contingent upon developments in trial court organization and formulation of policy regarding state involvement in judicial administration. As voiced throughout the report series generated by the Mississippi Courts Finance Project, basic organizational reform in specific components of the judicial system must be undertaken in concert with a comprehensive plan for the system as a whole.

IV. FISCAL ANALYSIS OF THE MISSISSIPPI JUDICIAL SYSTEM

A. Expenditures Analysis

The Mississippi judicial system currently is composed of the Supreme Court, circuit courts, chancery courts, county courts in sixteen counties, one family court, justice courts, municipal courts and the various support components. Financial administration in all of these entities is presented in Volume IV: Mississippi Courts: Fiscal Analysis. At present, there is no uniformity in court financing in Mississippi with the several courts being financed by the state, counties, municipalities, and the litigants or combinations thereof. For the courts and support agencies of concern in this report, financing is primarily from the state, counties, and litigants, with expenditures being allocable, generally, to those incurred by either the state or county. Hence, the expenditure analysis section of Volume IV is organized around those court expenditures incurred by the state followed by analysis of those incurred by the county.

In general, the higher the level of court in Mississippi, the greater the percentage of state funding. The Supreme Court and its related support agencies are almost totally state financed, the general jurisdiction trial courts receive state financing for judges salaries and expenses, the county courts are predominantly county funded, and the justice courts are predominantly litigant funded, either directly or indirectly.

The data collected to support the expenditure analysis were from several different time frames covering periods from 1975-1978. Hence, it became necessary to develop a methodology for normalizing the data for comparative purposes. It was decided to project all data to the 1979, 1980, and 1981 time periods and base comparisons on these time periods. For those expenditure components where three consecutive years of data were

available, a linear projection technique was used. For those components for which two or less years of data were available, the projections were made using a constant percentage increase or were held constant, depending on the circumstances surrounding the expenditure component.

Section II presents expenditures information for each of the following organizational components:

- The Supreme Court
- Judicial Council
- Trial Court Costs of the State
- Total State-Level Expenditures for Courts
- The Chancery Court
- The Office of Chancery Clerk
- The Circuit Court
- The Office of Circuit Clerk
- The County Court
- The Youth Court
- The Family Court - Harrison County
- Total Local Expenditures for Courts

Data used included that contained in the State Department of Public Accounts (1976-1978) and Classification of Accounts, County Audit Reports (1975, 1976), and Official Reports to the Secretary of State (1977, 1978); in addition, survey and interview data were also used.

Using this approach, the projected expenditures for Mississippi Courts for the years 1979, 1980 and 1981 are presented in Figure 1 (page 41). The total expenditures are projected to be:

1979	1980	1981
\$ 16,983,896	\$ 19,206,863	\$ 20,815,446

FIGURE 1
TOTAL PROJECTED EXPENDITURES
FOR MISSISSIPPI COURTS

	1979	1980	1981
<u>State Expenditures:</u>			
Supreme Court	\$ 748,410	\$ 804,801	\$ 822,270
Supreme Court Clerk	150,900	166,140	171,498
Supreme Court Commissioners	60,961	60,961	60,961
Supreme Court Advisory Committee on Rules	88,725	93,161	97,819
State Library (Court's Portion)	106,852	111,440	115,338
Judicial Council	127,549	140,304	154,335
Chancery and Circuit Courts	<u>2,552,599</u>	<u>2,640,119</u>	<u>2,684,294</u>
TOTAL STATE EXPENDITURES:	\$3,835,996	\$4,016,926	\$4,106,515
<u>Local Expenditures:</u>			
Chancery Courts	\$ 899,375	\$ 989,313	\$1,088,245
Offices of Chancery Clerks	4,256,440	4,682,084	5,150,292
Circuit Courts	3,886,128	4,416,994	4,858,694
Offices of Circuit Clerks	2,226,462	2,449,108	2,694,019
County Courts	1,294,156	1,423,572	1,565,929
The Youth Courts	585,339	643,873	708,260
The Family Court - Harrison County	<u>531,813</u>	<u>584,993</u>	<u>643,492</u>
TOTAL LOCAL EXPENDITURES:	\$13,147,900	\$15,189,937	\$16,708,931
TOTAL PROJECTED EXPENDITURES:	\$16,983,896	\$19,206,863	\$20,815,446

The percentage breakdown existing between the current state-county funding mix is presented by Figure 2. The data contained in Figure 2 allows comparative analysis of percentages for the projected years indicated. In general, the state funds twenty percent (20%) and the counties fund eighty percent (80%) of the costs of operating Mississippi courts.

FIGURE 2
PROJECTED PERCENTAGE COMPARISONS
OF STATE-COUNTY FUNDING

	1979	1980	1981
State	21%	20%	19%
County	79%	80%	81%

B. Analyses of Court-Generated Revenues

The Circuit and County Courts produce fines and forfeitures which generally can be referred to as revenues generated by the courts. However, it is important to note that the purpose of fines and forfeitures imposed through judicial proceedings is to enforce the law and not to provide financial support for the courts or agencies of government. Thus, the lack of comparative magnitude between "revenues" and expenditures in the court system should not necessarily be viewed negatively as it would in the case of typical private business financing.

The total fines and forfeitures produced by the circuit and county courts are presented in Appendix A, Volume IV. This appendix includes by county the revenues collected by the circuit clerk for the Circuit and County Courts for fiscal years ending September 30, 1975 and 1976.

The data in Figure 3 presents projections for total revenue to be produced by the Circuit and County Courts for the years indicated.

FIGURE 3

1979	1980	1981
\$1,016,793	\$1,118,472	\$1,230,319

C. Functional Expenditures Analysis

This portion of the report presents the functional expenditure components for the courts of Mississippi. These expenditures include indigent defense, jury costs, including room and board, witness and juror fees, court reporters, county law library, travel, operating costs, capital outlays, and facilities expenses. The most recent fiscal years available for the functional expenditures were the fiscal years ending September 30, 1975 and 1976. The fiscal data were extracted from the Consolidated Statements of Revenues and Disbursements for the years previously mentioned. Appendices B, C, D and E of Volume IV reflect the functional expenditures by chancery, circuit, county and youth courts respectively, by county for the years 1975 and 1976.

Figure 4 (page 44) is a compilation of these appendices and presents the total expenditures by function and court.

As depicted in Figure 5 below, the total functional expenditures for the chancery, circuit, county and youth courts are:

FIGURE 5

1975	1976
\$4,272,046	\$4,834,990

FIGURE 1-4

TOTAL OF EXPENDITURES BY FUNCTIONS AND COURT

	1975				1976			
Functional Expenditures	Chancery Court	Circuit Court	County Court	Youth Court (Harrison County)	Chancery Court	Circuit Court	County	Youth Court (Harrison County)
Indigent Defense	\$ 10,393	\$ 541,298	\$ 56,672	\$ 71,941	\$ 13,950	\$ 580,342	\$ 69,847	\$ 86,641
Jury Costs Room & Board		2,718		18		36,699		
Witness/Juror Fees	6,291	1,220,965	214,738	7,711	1,868	1,519,588	142,065	
Court Reporter	311,975	322,925	140,865	576	371,511	358,402	127,220	19,978
County Law Library					3,939			
Travel Expenses	14,610	22,624	2,791	1,741	18,758	24,565	2,874	6,015
Operating Costs*	107,926	210,302	454,308*	145,790*	114,897	224,194	363,941*	213,310*
Capital Outlay*	3,102	3,406	470	321,859*	21,556	11,246	3,499	308,676*
Facilities Expenses	20,973	28,229	14,949	9,880	16,147	16,053	5,557	102,282
TOTALS	\$475,270	\$2,352,467	\$884,793	\$559,516	\$562,626	\$2,771,089	\$715,003	\$736,902

*For Harrison County Youth Court and the county courts, the expenditure category "Operating Costs" includes judges salaries and for the category "Capital Outlay" includes LEAA grants.

The total functional expenditures by court are shown in Figure 6:

FIGURE 6

	<u>1975</u>	<u>1976</u>
Chancery	\$ 475,816	\$ 562,626
Circuit	\$2,352,467	\$2,771,089
County	\$ 884,793	\$ 714,943
Youth/Family	\$ 559,516	\$ 786,332

The total expenditures by function for all courts are depicted below in Figure 7:

FIGURE 7

	<u>1975</u>	<u>1976</u>
Indigent Defense	\$ 680,304	\$ 750,780
Jury Costs	2,736	36,699
Witness/Juror Fees	\$1,449,703	\$1,663,521
Court Reporters	\$ 776,341	\$ 877,111
County Law Library	-0-	\$ 3,939
Travel Expenses	\$ 41,766	\$ 52,186
Operating Costs	\$ 918,326	\$ 916,342
Capital Outlay	\$ 328,837	\$ 344,977
Facilities Expense	\$ 74,031	\$ 140,045

Based on the data in Figure 8, the total functional expenditures are projected to be:

FIGURE 8

<u>1979</u>	<u>1980</u>	<u>1981</u>
\$6,369,633	\$7,006,596	\$7,707,755

As shown in Figure 9, the projected total functional expenditures by court are projected to be:

FIGURE 9

	<u>1979</u>	<u>1980</u>	<u>1981</u>
Chancery	\$ 748,855	\$ 823,740	\$ 906,114
Circuit	\$3,688,319	\$4,057,151	\$4,462,866
County	\$ 951,708	\$1,046,879	\$1,151,567
Youth	\$1,046,607	\$1,151,268	\$1,266,395

Projected from the data contained in Figure 7, the expenditures by specific functional components are depicted in Figure 10:

FIGURE 10

	<u>1979</u>	<u>1980</u>	<u>1981</u>
Indigent Defense	\$ 999,288	\$1,099,216	\$1,209,138
Jury Costs	\$ 48,846	\$ 53,731	\$ 59,104
Witness/Juror Fees	\$2,214,146	\$2,435,561	\$2,679,117
Court Reporters	\$1,167,434	\$1,284,178	\$1,412,596
County Law Library	\$ 5,242	\$ 5,767	\$ 6,343
Travel Expenses	\$ 69,494	\$ 76,443	\$ 84,087
Operating Costs	\$1,219,651	\$1,341,616	\$1,475,777
Capital Outlay	\$ 459,164	\$ 505,080	\$ 555,588
Facilities Expense	\$ 186,399	\$ 205,039	\$ 225,543

D. Observations and Recommendations

1. Overview of Revenues and Expenditures

The fiscal analyses presented in Volume IV are based on a compendium of data collected from a multitude of sources. To obtain comparability between these data, they were all projected to common time frames (i.e. 1979, 1980, and 1981.) Based on these projections, the Mississippi court system is estimated to cost approximately \$19,202,863 in 1980 and will generate \$1,118,472 in fines and forfeitures during that same year. Of the estimated expenditures for courts in 1980, the state will incur \$4,016,926 (19.8 percent of total expenditures) and local expenditures will account for \$15,189,937 (80.2 percent of total expenditures.) Based on the estimated total disbursements from the state general fund for 1980 (\$976,989,649), the state expends less than one-half of one percent (0.437 percent) of its budget on courts.⁶

2. Fiscal and Personnel Information

Currently, the Mississippi courts have no mechanism to collect and assimilate fiscal and personnel information to be used for judicial decision making and planning. Personnel information is almost non-existent⁷ and fiscal information, although available, exist in a multitude of

⁶It is again noted that the projected expenditures contained in this report attempt to isolate on courts expenditures. For example, the Mississippi Annual State Financial Report includes in its disbursement category "Judiciary and Justice" those expenditures for the functions of District Attorneys, Attorney General, and all of the State Law Library. This is not the case with the expenditure projections contained in this report.

⁷The personnel related data collected during this project is presented and analyzed in Appendix F of Volume IV.

places in a variety of forms. These fiscal reports include those from the State Auditor's Office and from the Secretary of State. The fiscal information from the State Auditor's Office include the Annual State Financial Reports based on fiscal years ending June 30 which contain state level court fiscal data and the County Audit Reports based on fiscal years ending September 30 which contain county fiscal data for courts. The other fiscal data source are the reports filed by the Offices of Chancery and Circuit Clerks to the Secretary of State which are based on calendar years. Court workload information is available and is provided by the Judicial Council's "Courts Information System."

The form of the fiscal information available through the State Auditor's Office is intended for audit and budget planning purposes and not for fiscal decision-making by individual departments and agencies; in addition, the state and local information cover different time frames. The reports filed by the circuit and chancery clerks with the Secretary of State appear to be designed to determine the net income to the specific clerks. These reports contain fiscal data for both court and non-court related functions and cover a time frame different from either of the data sources from the State Auditor's Office. In addition, there appears to be little consistency in the methods used to complete the Secretary of State reports. For instance some clerks include income taxes paid under "Other Expenses Paid" which results in the "Net Amount Received as Compensation" being the net after tax income to the clerk while others do not. Also, it is not clear that all clerks interpret in the same way the expenses to be included under "Other Expenses Paid". The form to be filed contains the caption "Statement of Gross Receipts from All Sources Accruing as Compensation to the Office and Disbursements Occurring as Necessary Expenditures Involved

Solely in Complying with Laws Governing the Office". Given this clear instruction, some of the expense categories included under "Other Expenses Paid" which vary amongst the clerks include: public relations, entertainment, donations, contributions, bad debts-employee loans, deferred compensation, church contributions, gifts and promotion, doctor, drug and medical bills, etc. These difficulties with existing fiscal data sources for courts make them minimally useful for continuous sources for decision-making data.

Mississippi courts are in need of a central repository for fiscal and personnel data; ultimately, this repository would build an historical information base which would be extremely useful for fiscal and personnel planning and decision-making purposes.

Recommendation. The Mississippi Judicial Council should establish within its operational structure and responsibility a mechanism for collection and assimilation of courts fiscal and personnel information. The major advantages to placement of this function within the Judicial Council include the fact that it is an in-place organizational structure whose staff interact with all levels of Mississippi courts on a daily basis and in all likelihood, it will be the agency which will make most use of the information. In addition, the Council currently maintains the "Courts Information System" for the collection and analysis of courts workload information and with a modest increase in staff could increase its courts information clearinghouse functions to include the much needed fiscal and personnel areas.

3. Alternative Funding Approaches for the Courts

a. Mississippi Fund Flows

The Mississippi Courts are funded by a combination of state, local, federal, and private sources. This combination of funding sources places the Mississippi courts in a unique financial management position.

The Supreme Court, the Clerk of the Supreme Court, Supreme Court Commissioners, and the State Law Library are, with the exception of small and occasional federal grants, state funded. Another court support agency, the Mississippi Judicial Council, is funded primarily through federal grants. Additionally, the salaries, travel, and office expense allotment of \$4,000 is paid by the state for chancellors and circuit judges.

Local government expenditures cover pro-rata county court costs for the chancery court, circuit court, and offices of the chancery and circuit clerk. Statute mandated fees from private individuals also are used to support the operations of the circuit and chancery clerks' offices.

The county, with the exception of federal matching funds for certain judicial services, pays all the costs for county and youth courts. The only exception to these is the Harrison County Family Court, which is funded through a federal grant.

b. Fund Flows in Other States

To enhance an understanding of the funding mechanisms for the Mississippi courts, and to lend perspective in developing recommendations for funding, a discussion of court system funding in other states follows.

Recent studies of court funding mechanisms present a picture of diversity and individualized approaches. Alaska, Connecticut, Delaware, Hawaii, Kentucky, and Rhode Island use state funds to fund all trial court expenses. Maine and New Mexico fund all trial court expenses, except for facilities for the trial court of general jurisdiction. Colorado funds everything

except facilities. South Dakota funds seventy-five (75) percent of all costs except facilities, witness and jury fees, court-appointed counsel, and indigent transcripts.⁸ The diversity of funding approaches is one side of the coin; the other side of the coin is the diversity of court services offered. Colorado, Connecticut, Hawaii, Kansas, Nebraska, South Dakota, and West Virginia fund adult and juvenile probation as part of the judicial system. Rhode Island funds domestic relations counselors, while Kentucky funds pre-trial services as part of the judicial system.⁹

c. Funding Sources

Traditionally, general jurisdiction trial courts have been part of the fabric of local government and have received their basic funding from county and, occasionally, from municipal governments. In recent years, a trend has developed to make states legally responsible for some or all of the costs of trial court operations.¹⁰

The implications of state funding go beyond funding mechanisms alone into the very structure of financial management. Generally, the government which supplies the money also controls the managerial, budgetary, and administrative policy. In states where there is very little commonality in the sources of funds, equally

⁸ Harry O. Lawson, State Funding of Court Systems, An Initial Examination, The American University Law Institute, June 1979, p. 10.

⁹ *ibid.* p. 11.

¹⁰ Robert Tobin, Trial Court Management Series, Institute for Advanced Studies in Justice, The American University Law School. February 1979, p. 5.

there is very little commonality of budget and financial management techniques. This tendency leads to a diversity in court budgets leading to a mixture of services provided to the community. Often fragmented sources and budget processes lead to a situation where it is impossible to determine a true cost practice for the entire court structure.

To properly frame recommendations for Mississippi court funding it is important to understand the combination of funds sources and standard budgeting approaches. Funding sources for the judicial system include:

- state general funds;
- state special funds;
- county general funds;
- county special funds;
- capital funds;
- federal grant funds;
- federal revenue-sharing funds; and
- fees.

State general funds are generally a primary source for state expenditures for the courts. State special funds are funds earmarked for some court purposes and fed by some fee or cost. County general funds are used for primary funding of trial courts and are generated mostly by local property taxes. County special funds are earmarked county funds for a supplement beyond the general funds for courts.

Capital funds are those created by special issuances of bond money for capital expenditures. Federal grant funds for the courts are primarily LEAA monies, but in

certain situations other agencies do provide funds. Federal revenue-sharing produces funds are used to support some aspects of court operations. Fees, particularly in Mississippi, contribute to the funding of the office of clerks and justice courts.

d. Budgetary Procedures

The impact of funding sources on financial management must be understood in light of the types of budgeting tools used to request these funds. The types of budgetary tools employed include a unified state budget, a centralized local budget, a partially centralized local budget, and a decentralized local budget.

A unified state budget is prepared by a state court administrator using local and state level financial information. A centralized local budget is prepared by a court administrator and is generally reviewed by the entire court.

The partially centralized local budget is prepared at the divisional or regional level of the courts and reviewed by one or more administrators in the region, with various methods of court review. The decentralized local budget is prepared at the local level by individual divisions of government and passed on to external agencies with no review by the courts.¹¹

e. Recommendation: Progression Toward State Funding

Mississippi should increase progressively the level of state funding of its court system. One objective

¹¹ABA Standards Relating to Court Organization, p. 99.

to be sought in the redistribution of fund flows is a clearer delineation of court revenues and expenditures leading to more accurate information for use in the budgetary process. Underscoring the improvements in financial information management is the most basic reason for state funding of courts, the promotion of statewide uniformity in the administration of justice. A gradual, progressive approach to state funding is recommended for Mississippi so that the re-distribution of fund flows may keep pace and conform with the organizational changes that logically accompany and precipitate the move to state funding.

Mississippi has followed a pattern of mixed funding sources and fragmented budgetary approaches, making it difficult to secure adequate levels of financial support. The capacity of the judicial system to perform its functions is determined largely by the financial resources available to it.¹² Sufficient funds are required to attract and retain competent judges and auxiliary court personnel.¹³

Whatever the extent of state funding of the judicial system, a constant and continuing effort should be made to review and revise the overall level of financial support given to the courts. To make this possible, a regular comprehensive review of court finances should be conducted. Such a review is best supported by a unified court budget. This singular approach places within the administrative control of the courts, all the necessary financial information to make informed fiscal management decisions. A unified court budget is a fiscal administration tool, a vehicle to promul-

¹²ibid.

¹³ibid.

gate and monitor fiscal rules, standards, and procedures of effective courts financial management.

The phased-in approach to state funding and a unified budgetary procedure is likely to be more successful if the process begins by assumption of clearly identifiable judicial components first, progressing ultimately to those components having a more ancillary relationship with the courts. For example, if the organizational structure of clerks' offices develops along the lines suggested in Volume V of this report series, then the newly defined Court Clerk's Office would be a logical locus for assumption of costs by the state.

Throughout the course toward state funding, decision-making regarding realignment of revenue flows, management procedures, and administrative authority will have to be made. Given the disparate pattern of revenue sources and expenditure categories, it should be possible to progress at each juncture towards a more manageable system while maintaining a balance of authority in the relationship of governmental levels and factions.

Once a policy direction is set, it is possible to begin effectuating it in small yet concrete ways. For example, changes in the disbursement regulations for the \$4,000 judge's operating expense fund could be made. Presently, only a few judges utilize the maximum allotment, resulting in a surplus at the end of the year. If the Judicial Council were empowered to review and approve/disapprove requests by a judge for funds which would exceed the maximum, greater utilization of those state monies could be made. Regardless of the distribution of state and local funds, it is recommended that this procedure be enacted.

Another logical area for increased state funding of the judicial system is the Judicial Council and its staff. This state level agency no doubt would be central in promoting uniformity in financial management and should itself be controlled at the state level.

Local governments rightly view the Justice Courts of their county as revenue producing entities; however, the totality of local government involvement in courts results in a net loss to counties. A system in which all revenues and expenditures flowed through the state would result in a net benefit to local governments. At the same time, such a shift would create the potential for allowing the state government to administer a court system with a more favorable revenues/expenditures ratio. Changes likely to accompany the financial shift could effect significant cost savings. Projected savings for an alternative Magistrate Division of the Circuit Court could save up to one million dollars, jury management improvements could save up to two hundred seventy-five thousand dollars, clerks offices management improvements could save a sizable sum, and basic economies of scale (e.g. bulk purchasing) would contribute further to cost savings. The overall result is a more cost effective system in which more uniform administrative policies benefit state and local administration of justice.

V. YOUTH COURTS CASELOAD AND CASEFLOW ANALYSIS

A. Overview of Caseload and Caseflow Analysis

As noted in Volume V: Mississippi Youth Courts: Caseload and Caseflow Analysis, Youth Courts have existed in Mississippi in some form since 1916.¹⁴ The Youth Courts of Mississippi were created as a part of the County Court of each county, having a County Court, and as a division of the Chancery Court for each county not having a County Court.¹⁵ Unless it is otherwise provided in the statutes, the Youth Court shall have exclusive original jurisdiction in all proceedings concerning any delinquent, neglected, or battered child residing or being in the county.¹⁶

Recently, Mississippi has enacted a new Youth Court Act which resulted from a comprehensive study by many experts. The Act (commonly denominated Senate Bill 2364) was signed by the Governor and is current law in Youth Court matters, superceding any conflicting laws appearing in the Mississippi Code, Annotated, 1972. In summary, the Youth Court Act establishes Youth Courts; sets forth their jurisdiction, procedures, personnel, powers and duties; creates a Council of Youth Court Judges; establishes a State Central Registry and a statewide incoming telephone service for the reporting of suspected cases of child abuse; establishes a system of individual plans for annual reviews of children adjudged to be neglected or abused; provides criminal penalties for contributing to the delinquency or neglect of a child; and provides criminal penalties for felonious abuse and/or battery of a child.¹⁷

¹⁴Mississippi Courts Master Plan: Courts Strategy, Resource Planning Corporation, Volume II, Chapter 6, p. 1.

¹⁵Mississippi Code, Annotated 1972, §43-21-3.

¹⁶Mississippi Code, Annotated 1972, §43-21-7.

¹⁷Preamble, Senate Bill 2364.

Currently, the Mississippi Youth Courts are structured in one of two ways. In some counties, the Youth Court is created as part of a County Court; in others the Youth Court is a division of the Chancery Court, if a County Court does not exist for the county.¹⁸ The caseload analysis in Volume VI encompasses all youth court organizations and therefore includes both structural modes. The caseload analysis is based on data from a combination of sources. These include the Consolidated Statement of Revenues and Disbursements - Audited for Fiscal Years Ending September 30, 1975 and 1976 and all Youth Court Caseload Statistics through the Mississippi Department of Youth Services for Calendar Years 1977 and 1978.

The Youth Court data are analyzed around a combination of approaches including: 1) offense categories; 2) types of hearings; 3) filings and dispositions; 4) court locations; and, 5) caseload-personnel ratios.

B. Observations and Recommendations

The juvenile justice system in Mississippi is a combination of adjudicative services lodged with several court types and social services provided by judicial and executive agencies at both the state and local levels. Because the system is fundamentally different from the adult criminal justice system, its needs do not parallel those of court administration in the adult system. There is less need to focus on efficiency of managing judicial business and more emphasis on quality in the delivery of justice system services. Issues of caseload volume and delay in adjudication are overshadowed by the question of effectively treating the needs of juveniles coming into contact with the system.

¹⁸Mississippi Code, Annotated 1972, §43-21-3.

In examining this mechanism for providing juvenile justice system services, the Mississippi Courts Master Plan criticized present organizational structure:

Youth Courts in Mississippi are characterized by great disparity in organizational structure, operations, judicial hearing officers, utilization of jail detention, adherence to constitutional and legal requirements, extent of prosecution and defense counsel representation, processing time, adequacy of records, and availability of social service rehabilitation programs.¹⁹

As documented in Volume VI, the youth court system in each county is comprised of one of several organizational options--part of the Chancery Court, part of the County Court, a Family Court in Harrison County, and a Youth Court division in the Municipal Court of the City of Pearl. The hearing officer can be a Chancery Court judge, a County Court judge, or a referee. This organizational diversity raises the question of consistency in service delivery. The equitable, effective treatment of juveniles is dependent upon consistently fair administrative mechanisms and procedures.

It is premature to consider alternative methods for creating a consistent youth court organizational structure in Mississippi until fundamental questions of trial court organization in Mississippi are answered. The bifurcated general jurisdiction trial court system (Chancery and Circuit Courts) supplemented by County Courts, Justice Courts, and Municipal Courts logically should develop into a more consolidated trial court system before major restructuring of the youth court system is undertaken. For example, if a Magistrate Division of the Circuit Court is created to replace Justice Courts, as recommended in Volume II of this report series, the opportunity would become available to use the Magistrate as a referee of the youth court. The issue of whether the youth court system

¹⁹Mississippi Courts Master Plan, Statement of Needs, Resource Planning Corporation, Volume II, page 12.

should be segregated from other trial courts or whether it should be a division of a reorganized trial court must be deferred until major trial court organizational questions are answered.

Major steps towards solution of the substantive problems of Mississippi's juvenile justice system as documented in the Master Plan²⁰ have been taken by the passage of the Youth Court Act. Operating within the existing organizational structure, the Act embodies a policy direction consistent with many generally accepted trends in juvenile justice: protection of juveniles' due process (in fact, most proceedings are considered civil as opposed to criminal actions) involvement of state and local social service personnel, and distinction between delinquent and status offenses. The extent to which the Youth Court Act will be successful in overcoming organizational diversity and combatting the recognized problems of the system is unknown. Therefore, an evaluation of the impact of the Youth Court Act should be conducted.

Recommendation. An evaluation of the Mississippi Youth Court Act should be conducted to determine the impact on service delivery in the juvenile justice system. The evaluation should identify those substantive and procedural areas affected by the present diversity in organizational structure.

The caseload and caseflow analysis presented in Volume VI represents an initial effort to organize data in a form useful to system managers and decision-makers. Eventually, the youth court system should develop a regular information system to aid in the analysis and management of the juvenile justice system.

The Mississippi Department of Public Welfare has statutory authority to collect and report statistical information of

²⁰ *ibid.*

Mississippi Youth Courts. The statistical information is collected on Youth Court statistical cards which are sent to each county for completion through a coordinated effort of the Research and Statistics Section and Division of Social Services of the State Department of Public Welfare, working through the Mississippi Department of Youth Services. The statistical information is collected in each county by the clerks of the court, or by other designated persons, and is a record of each case disposed of during the calendar year. The completed cards are edited in the Research and Statistical Section and those cards which cannot be reconstructed or corrected are returned to the appropriate counties for resubmittal.²¹

The information collected on the Juvenile Court statistical card may be analyzed with respect to the type and time orientation of the information. The information collected is of a type to be used for the development of a measure for the characteristics of present youth court statistical cards, rather than for an accounting of total cases handled by the courts. The Juvenile Court Statistical Card, developed by the National Center for Juvenile Justice, is depicted in Appendix B of Volume VI and represents a form leading to better management information.²² The information requested is divided evenly between dispositional and supplementary socio-economic information. All information is coded and restricted to present categories.

Another informational characteristic is that all the data collected is usually developed after the disposition of the case. The problem of pending cases is not addressed. The

²¹ It should be noted that if data fields containing reasons for referral, disposition, age, and race of child are not completed, the Juvenile Court statistical card cannot be processed and thus the case reported on the card is not entered into the total case count.

²² *Mississippi Youth Court Statistics*, State Department of Public Welfare, Mississippi Department of Youth Services.

overall characteristics of the present Juvenile Court Statistical Card have emerged from a historical perspective oriented towards dispositions only, thereby furnishing limited information for caseload management.

Recommendation. The Mississippi Judicial Council should establish within its operational structure and responsibility a mechanism for collection and assimilation of youth court caseload information.

The major advantages of placement of this function within the Judicial Council include the fact that it is an in-place organization where staff interact with all levels of Mississippi courts on a daily basis. In all likelihood, the Judicial Council will be the agency which will make most use of the information. Additionally, the Council currently maintains the "Courts Information System" for the collection and analysis of courts workload information and with a modest increase in staff could expand its courts information clearinghouse functions to include the needed Youth Court caseload information. The Council could interact with the Mississippi Department of Youth Services, utilizing the existing youth court analyses being performed and helping develop additional techniques for the collection of caseload data.

VI. CONCLUSION

The Mississippi Courts Finance Study was a one-year research project in which numerous specified areas in the Mississippi judicial system were subjected to intensive analysis. In each area of study, the resultant recommendations speak to basic questions of structural organization, financial management, and administrative practice. In many instances, recommendations are made with one or more alternatives, providing options for the decision-making and implementation efforts of Mississippi judicial system managers.

A high priority in future court reform efforts in Mississippi is that of lower court organization and administrative procedure. The present justice court system is a carry-over from the typical justice of the peace system, a type of system which has been abolished or radically reformed in most states of this nation. The options presented in Volumes I and II of the report series should continue to be considered by the State of Mississippi as the deficiencies of the present justice court system become increasingly apparent.

An equally high priority in the restructuring of Mississippi judicial organizations is that of clerks' offices. The present bifurcated system, which parallels the bifurcated general jurisdiction trial court system, invites duplication and waste in administrative practice. A unique and undesirable feature in Circuit and Chancery Clerks' Offices is inclusion of the fee basis of compensation, a system contradicting prevailing norms in the fund flow of most court clerks operations. The creation of an Office of the Court Clerk, serving both the Circuit and Chancery Courts and having an appointed, salaried clerk is recommended as an urgent need for the system.

In the remaining subject areas of the Mississippi Courts Finance Study, the recommendations offered may be viewed as of equal priority among themselves and of secondary priority to reform in lower court and clerks' office organization. Improvements in the youth court system and in indigent defense services are central to continued progress in the quality of criminal justice in Mississippi. Support of trial court operations may be bettered by implementation of the study's recommendations for jury management and court reporters.

Comprehensive analysis of financial administration is set forth in Volume IV of the report series, and in that report, the basic recommendation is made that an increased state financial responsibility is preferable to the current system in which local government carries the preponderance of the burden. This shift in the financial burden should be accompanied by an increased administrative role for the State in support services, recordkeeping, financial accounting, and designation of administrative procedures. For example, the recommended Office of the Court Clerk could be state funded as could the proposed Magistrates Division of the Circuit Court, court reporters' salaries, and alternative methods of providing indigent defense services. An enhanced role in recordkeeping for the State could be created in jury management, financial administration, and juvenile justice.

Increased state funding, accompanied by a more active state role in judicial administration, is a central and critical theme embodied in recommendations throughout the report series. It is the contention of the Mississippi Courts Finance Project that a serious effort to improve the quality of judicial administration in Mississippi must take an approach designed to increase uniformity, accountability, and effectiveness.

END