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A LOOK INSIDE

A PILOT PROJECT IN
CITIZEN INVOLVEMENT
WITH THE JUSTICE SYSTEM

ALASKA JUDICIAL COUNCIL
OCTOBER, 1978

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72305
project was supported by Grant No. 77-A-003, awarded
aska Judicial Council, 420 L Street, Suite 502,
, Alaska, by the Law Enforcement Assistance
ation, U.S. Dept. of Justice.

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ACKNOWLEDGMENTS

The staff of the Alaska Judicial Council wishes to express its gratitude and appreciation to the following persons who devoted their time and energy to this project. First, the members of the project's Advisory Board who devised an innovative approach to citizen participation in the justice system: Ms. Jean Abbott, Mr. Alexander Bryner, Mr. Robert Ely, Dr. Lewis Haines, Ms. Karen Hedland, Mr. Robert Kemp, Hon. Ralph Moody, Ms. Jeanne Sawyer, Mr. Peter Ring, and Mr. Eric Sanders. Second, the judges, attorneys, and court personnel too numerous to name, who gave of their time and knowledge to provide information and training to volunteers. Third, the handful of citizens in Anchorage who maintained their interest in the justice system and provided good examples of citizenship to all of us. Invaluable assistance in working with many of the citizen volunteers was provided by Robin Binder. Finally, we thank the people who had the incredible burden of typing and processing the paperwork, letters and reports required in running a volunteer project: Martha Bender, Pepper Shaykin, and Donna Caron.

[The title of this report "A Look Inside" is adopted from an Anchorage Daily News editorial discussing the project idea, September 26, 1977. The cover, the illustrations and the publication were designed by Patricia Middleton.]

FOREWARD

"He's in prison now being punished," said the White Queen, "and the trial doesn't begin till next Wednesday; and of course, the crime comes last of all."

"Suppose he never commits the crime?" said Alice.

"That would be all the better, wouldn't it?" the Queen said.

Through the Looking Glass
and What Alice Found There
by Lewis Carroll

There is concern in the legal community that the public feels alienated from its institutions of law. From Roscoe Pound's address to the American Bar Association in 1906, to Chief Justice Burger's address to the same body in 1970, leaders in the American legal profession have warned of the dangers of public alienation and loss of confidence. Every presidential commission formed to study crime, law and society in the past ten years has called for more involvement of the community in its courts. However, like Alice in Wonderland, the private citizen may find the maze of the legal process to be incomprehensible, mystifying, or simply remote from his or her daily concerns.

For the past year, the Alaska Judicial Council through the Citizen Action Project has conducted a pilot program to increase citizen knowledge and awareness of the justice system. The Citizen Action Project was designed as a "window," not a "looking glass;" a program to provide members of the Anchorage community with an opportunity to take an informed "look inside" their justice system. This report will discuss and evaluate the project's accomplishment in its one year of operation.

I. Introduction

A retired school teacher, a student at the University of Alaska, a member of Alaska League of Women Voters and other lay volunteers confront the problems of dealing with children in trouble. They meet with practitioners of the system: police, juvenile in-take officers, children's court master and juvenile probation officers. They visit state facilities for child detention and treatment; they talk to kids living in these institutions.

A second group of citizens, (students, an engineer and an art dealer), view adult correctional institutions in the Anchorage area. They comment on the ironic duality of response in the criminal justice system to its "wards." On the one hand, they visit an overcrowded jail in downtown Anchorage with cigarette butts, candy wrappers and paper cups strewn about the floors. One citizen noted, "At noon most were still asleep wrapped in sheet and blanket. Jail time was dead time." Then, ten miles away, they tour a "model" correctional facility set in the mountains outside of Anchorage. The architects of this jail had won awards; the atmosphere is spacious with lots of wood, glass and light--a lodge with a barbed-wire fence. One citizen remarked that it had "more pool tables and color TV's per square foot . . . than anywhere else in the country."

With the education process of the volunteers came a loss of awe for the "elite corps" of professionals in our law institutions; the law and the justice system were found to be comprehensible, and sometimes all too human in their fallibility. But most of all, there came the realization that no one in the system had produced solutions; mainly there were just questions. With only minimal editorial rewrite and supplement, this report records the impressions, questions and reflections of approximately fifty Anchorage residents on their tour through the Alaska justice system.

A. History of Project Development

Prior to the November 1976 elections, the Alaska Judicial Council conducted opinion surveys on the performance of state judges then running for retention. The opinions of members of the Alaska Bar Association and the Alaska Peace Officers' Association, along with a sampling of juror opinions, were solicited by mailed questionnaires.¹ This was the first "noble experiment" by the Judicial Council into the vagaries of judicial evaluation pursuant to state law.²

One of the notable outcomes of the evaluation was that jurors gave an overwhelmingly high vote of approval to almost all the judges running in the election. These high marks sometimes stood in sharp contrast to the ratings given

¹ See M. Rubinstein, "Alaska's Judicial Evaluation Program: A Poll the Voters Rejected." 60 Judicature 478 (May 1977). The article describes the design and implementation of this evaluation survey and the subsequent re-election of a judge who had received the lowest rating in the poll.

² Alaska's judges are selected under a two-tier merit plan system. The Judicial Council evaluates all candidates for judicial positions and recommends at least two qualified candidates per position vacancy; the Governor must make his selection from among the Council's nominees. Seven persons serve on the Judicial Council: Kenneth L. Brady, Robert H. Moss, Sr., John E. Longworth, Michael M. Holmes, Michael A. Stepovich, Joseph L. Young, and Chief Justice Robert Boochever. On September 6, 1978 Marcus R. Clapp was appointed to the Council by the Alaska Bar Association to fill the vacancy created by the resignation of Michael A. Stepovich. Hon. Jay A. Rabinowitz took office as Chief Justice of the Supreme Court and ex officio chairman of the Judicial Council on October 1, 1978.

to the same judges by police and attorneys.³ So glowing were the juror evaluations that they were viewed with a measure of distrust. The political scientist who served as consultant to the Council suggested a "halo effect" might have accounted for the jurors' enthusiastic vote; they might have stood too much in awe of the black robes and the magisterial aura of the proceedings. We wondered whether a more intensive form of citizen evaluation, one performed by people with greater exposure to the process, would have produced a more down-to-earth appraisal.

The Executive Director of the Judicial Council and his staff designed and implemented this pilot project involving citizen evaluation of judges. We hoped to get the opinions of an informed group of citizens, people whose knowledge of and exposure to the courts might dissipate the excessive awe and reverence which may have affected the jurors. At first we modeled our project along the lines of "court watcher" programs run in New York, Boston, and Illinois; the Judicial Council staff submitted a proposal for federal funding.⁴ Early in 1977, a Law Enforcement Assistance

³ M. Traugott, Report of the Results of the Alaska Judicial Survey, Center for Political Studies, Institute for Social Research, The University of Michigan, pp.1-10 (1976).

⁴ See generally, Citizen Court Watching: The Consumer's Perspective, Abt Associates, Inc., a report prepared for National Institute of Law Enforcement and Criminal Justice, October 1977.

Administration (LEAA) grant of \$33,000 was awarded to the Judicial Council to conduct this project and prepare the present report.

B. The Advisory Board

Our first task was to recruit an Advisory Board for the project. Reports of other court watcher groups claimed that selection of a conscientious and "working" Advisory Board representing as many aspects of community life as possible was essential to a successful project.

The Judicial Council was fortunate to have been able to meet all of its requirements in the recruitment of an Advisory Board. On our board we had the presiding judge of the Anchorage superior court, an Anchorage district court judge, the president of the Anchorage Chapter of the League of Women Voters, the Director of the University Year for Action program at the University of Alaska, an Assistant Director of the Human Rights Commission, who is also President of the Anchorage chapter of the NAACP, a committee chairperson from the Anchorage Chamber of Commerce, an editor of the Anchorage Daily News, and the President of the Anchorage Bar Association.

C. Tedium--Special Interest Groups--Judicial Independence

At the first meeting of the Advisory Board the judge-members emphasized the need to make sure that volun-

teers not become too bored. They observed that proceedings in court were frequently tedious to an outsider; the only persons apt to survive such tedium might be those with "axes to grind," whose fervor for their special interests would defeat the soporific effects of the proceedings.

The Board recognized that although the public has rightfully become more concerned with the accountability of its governmental officials, judges included, judicial officers have an equally compelling duty to be accountable to the law, regardless of public opinion.⁵ In a recent article, "Courts and the Community," Professor Earl Johnson discusses the problem of balancing the sometimes conflicting goals of judicial independence and democratic participation in the task of selection and discipline of judges.⁶ Participation by the governed in the choice and exercise of power by those who govern is primary to the American system. However, judges who are viewed as subservient to identifiable persons

⁵ Canons of Judicial Ethics, American Bar Association. Canon 20: "A judge should be mindful that his duty is the application of general law to particular instances He should administer his office with due regard to the integrity of the system of law itself, remembering that he is not a repository of arbitrary power, but a judge under the sanction of law." Also, see generally, P. Nejelski, "Tension of Popular Participation," 1 State Court Journal 9, 31 (1977).

⁶ E. Johnson, "Courts and the Community," preface for "The Public Image of the Courts", State Courts: A Blueprint for the Future, prepared for The National Center for State Courts by Yankelovich, Skelley and White, Inc. (1978).

or groups of persons, even if these constitute a majority, are not serving the law.

It is fairly clear that we want the official decisions of governors and legislators to respond to popular will, so these public servants are kept on a tight electoral tether. It is not at all obvious we want judges to be servile to majority preferences. The legislative and executive branch are forums of power, while the judiciary is, by design, the forum of reason. State senators and governors violate their pledge to constituents unless they weigh voter support on an issue; judges would violate their oath if they did the same.⁷

D. How The Advisory Board Modified The Project

The members of the Advisory Board did not believe the scope of this project should be constrained by the traditional "court watcher" concept. It was decided to expand citizen observation to as many aspects of the justice system as possible, and to include non-judicial agencies as well--district attorneys, public defenders, police and correctional officers, to name but a few.

The Advisory Board concluded that the events in a courtroom were only "a tip of the iceberg," and that a broader and deeper perspective was necessary to gain real understanding. District Court Judge (now U. S. Attorney) Alexander O. Bryner suggested that the monitor-volunteers be

⁷ Id. at 18.

allowed a degree of autonomy in developing their own programs. Under this plan, while the Advisory Board and the Judicial Council would specify several broad areas for citizen investigation, the citizens would be able to design their own programs within this framework, and with the help of the project staff. Greater scope and more autonomy for volunteers constituted innovations over other court watcher programs and were seen as basic improvements. It was thought that this "self-starting" approach would be better than feeding a "packaged" program to the volunteers, who were, after all, responsible adults. We thought volunteers would be pleased to take control of their own projects and thus would work more enthusiastically toward their goals.

E. The Role of the Judicial Council and Project Goals

The Judicial Council's role in the project was conceived as that of a catalyst. The project director and the Executive Director of the Judicial Council would act as facilitators and organizers of volunteer groups. Also, with the Advisory Board's cooperation, the Judicial Council would be in a position to insure that the results of the project were effectively disseminated. Finally, the project's findings might assist the Judicial Council in its recommendations for retention election evaluations of judges in 1978.

Many projects reach their ends without their creators' having any clear ideas of what they were supposed to

have accomplished. The Advisory Board proposed an innovative and experimental project to facilitate citizen participation in the justice system. The Board was adamant about the need to be aware of where the project was going and what the end-product would be.

Three broad categories of project goals were identified: evaluation, investigation and education. Within the first general category, one of the major goals was the evaluation of judicial conduct and demeanor. For example, did certain judges display partiality or favoritism towards certain attorneys, litigants or types of cases? Was there any evidence of discrimination on the basis of sex, race, socio-economic class, etc.? Did judges explain their rulings and make them understandable to the parties, witnesses and jurors? Did judges display a generally courteous and dignified attitude; did they treat litigants, witnesses and attorneys with due respect?

An evaluation of the performance of prosecutors, defense attorneys and private counsel was also included as a goal within this first category. The judicial members of the Advisory Board noted that there were from time to time instances of incompetence and unpreparedness of attorneys, and some of these might be as readily observable by court watchers as any form of judicial misconduct. Another kind of citizen evaluation might concern the general efficiency of the judicial process. Within this category of evalua-

tion, any citizen group which spent time observing or talking with agents of justice administration might be able to make some pertinent assessments of efficiency and effectiveness.

The second general category of goals and objectives was investigation. This would include follow-up by citizens of any report or complaint of wrongdoing brought to the attention of the project staff or to the volunteers by third parties. The investigation of specific questions about the courts would fit under this category as well. For example: Are judges strict enough in denying frivolous requests for delay? What is the experience of the "draftee" (juror, witness or victim) in the criminal justice process? Is the present bail system providing an effective and fair procedure of pre-trial release? Is there any evidence of discrimination on the basis of race, sex, religion or national origin? All of these issues were deemed suitable for citizen investigation.

The third general category of project goal was identified as education of the public with respect to the judicial process to help demystify it, and to increase understanding. Reciprocally, members of the legal community would be given an opportunity to be educated by concerned citizens. By exposure to "outsiders" from other sectors of society it was hoped that the courts and the criminal justice agencies would benefit from fresh perspectives.

Finally, it was conceived that the mere presence of impartial citizen observers in courts, jails or police stations could be valuable in itself, tending to have a beneficial "spinoff" effect on the performance of those officials being observed. The visible presence of a serious citizen participation program might reassure litigants and others caught up in the justice machinery that outsiders were concerned with their treatment in the arms of the law.

To recapitulate, the broad goals of the project were to evaluate, investigate and educate. The method, in general, was to allow each volunteer to find out about any aspect of justice administration of interest to him or her personally. Each would then join a volunteer group which shared his or her interest or subject area. As a result, five citizen groups of varying size were formed covering five areas of the justice system.

The Judicial Council and Advisory Board would serve as catalysts and facilitate entree by the groups into the justice machinery. Thus endowed with new comprehension, citizen volunteers with fresh perspectives might initiate a valuable dialogue with the hitherto isolated justice professionals, to the benefit of everyone concerned. These were our plans and ideals for this project.

II. Summary of Volunteer Group Findings

A. Findings of the Court Observer Group

1. There is a significant amount of "dead time" involved in commencing courtroom proceedings. The chances of court starting on time were found to be slim, for numerous reasons.
2. Unprepared public prosecutors significantly contribute to delay in court proceedings.
3. For the most part Anchorage judges appeared attentive, courteous, competent, and properly concerned for the witnesses, jurors and parties. There was no discrimination or impropriety observed.
4. Many judges should learn to speak more clearly and more forcefully.
5. Most court facilities are adequate. Some district courtrooms have space problems during the crush of arraignments. Some serious ventilation problems were noted in superior courtrooms. Lack of adequate ventilation in these rooms induces drowsiness and makes it difficult to concentrate on the proceedings.
6. All observers remarked upon the lack of parking space for the public.
7. A few non-English-speaking people were observed experiencing difficulty in Anchorage courtrooms.
8. Anchorage courts appear to be administering justice fairly.

B. Findings of the Corrections Group

1. The State Correctional Annex at Sixth Avenue and C Street, intended as a pre-trial detention facility, is overcrowded and cluttered. It contains too many already-sentenced prisoners, and provides no opportunity for physical activity. These conditions and general atmosphere appear to produce a listless and dispirited condition in all of the inmates observed.

2. a) The detention units at McLaughlin Youth Center are badly in need of facilities for physical activities for the children confined there.

b) The elaborate and pervasive system of "points" for behavior modification at McLaughlin, as well as the psychological "labeling" of children, were viewed as questionable by some volunteers.

3. The Eagle River Correctional Center is bright, spacious and well-equipped, providing extensive recreational facilities for prisoners. Inmates are markedly more alert and active than those at the other institutions.

4. The correctional facility at Third Avenue is old and grim. Emphasizing security rather than rehabilitation, it provides few programs and functions mainly as a warehouse for prisoners.

5. Conclusion: General problems include overcrowded conditions and inactivity of prisoners. Many more programs for education, physical activity, and, most especially,

constructive employment or job training of prisoners are necessary, as are more alternatives to incarceration.

C. Findings of the Juvenile Justice Group

1. a) There is some lack of agreement and understanding among the various agencies working with children; this sometimes leads to inter-agency conflict over particular cases.

b) Professionals within the agencies, though occasionally open and frank, too often gave "packaged" information to the volunteers.

2. a) At McLaughlin Youth Center, particularly in the detention units, there is a need for more recreational facilities.

b) The mixing of "first-timer" children with runaways from the cottage program, and the elaborate "interpersonal maturity level classification system" caused concern among some volunteers.

3. a) Foster homes deserve greater backup services so that they may be utilized as alternatives to institutionalization in a greater number of cases.

b) Group homes provide valuable alternatives for children in trouble and these programs should be expanded.

4. There was no finding of police mistreatment of juveniles; rather, there appeared to be a distinct police preference for keeping juveniles out of the system.

D. Findings of the Jury Selection Group

1. Almost all jurors surveyed (92%) believed that the law of the case and the nature of the proceedings were explained to them adequately by the judges and lawyers.

2. A large majority of jurors surveyed (90%) said that the personalities of the actors in the courtroom had no effect on their evaluation of the evidence in the cases before them.

3. A large majority of jurors surveyed (83%) said they would not have decided their case differently had they been allowed to ignore fine points of law and to reach a verdict based purely on common sense. There was no perceived tension between law and reason.

4. Many jurors spontaneously volunteered that their experiences in the courtroom had been enjoyable, educational, valuable, and that the jury system "seemed to work." Less frequent juror observations centered on the problem of wasted time.

III. Report of the Court Observer Group

It is not enough for worried Americans to lock their doors, buy guns, complain about Supreme Court decisions, or conversely, to criticize those who do. It is not enough to complain that the law is wrong, the courts are unresponsive, the judges lazy and lawyers greedy.

It is time instead for citizens to go down to the local courthouse, look around, and learn to understand what happens there

*--Leonard Downie, Jr.,
Justice Denied: The
Case for Reform of the
Courts.*

A. The Group

By far the largest group of volunteers was the court observer group. Contrary to all expectations of the Advisory Board, there were a number of citizens who apparently did manage to stay awake in court without the stimulant of having an axe to grind. Given the option to investigate and evaluate any area of the justice system they wished, most of our volunteers chose traditional court watching.

Although twenty people were first assigned to the court observer group, they were encouraged to recruit friends as court watchers as a result, this group's size increased to twenty-nine. The new observers were trained by the "buddy system." This form of orientation replaced the formal presentations provided for the original court observers. Also, a court observer manual was prepared by the Judicial Council staff to provide the volunteers with information about the Alaska Court system and the criminal justice

system from arrest through arraignment, trial and sentencing.

The court observers were not a representative cross-section of the Anchorage community: most were housewives and retired seniors. No blacks or Natives were represented. In this respect our program resembled all the others across the nation. Court observers with full-time jobs or classes to attend were never able to watch court on a consistent basis. Thus, only some twelve to fifteen individuals were able to watch courts for a sufficient number of times to learn how to use the forms and make recordable observations.

The court observer group conducted observations of Anchorage judges for a six-month period from December 1977 to the end of May 1978. An observation might consist of a single proceeding handled by a particular judge on the day the observer was present. Alternatively, an observation might cover two or three separate proceedings conducted by a single judge, where an observer remained in the courtroom for either a half or a whole day. Observers would not file an observation form for observations shorter than fifteen minutes in duration.

B. The Situation

Events in a courtroom can be complex. There may be much for even the legally-trained mind to assimilate. What valid conclusions and inferences would lay observers be

able to draw from the diverse communications and interactions likely to occur in a typical courtroom? To a layman, the legal procedures and professional jargon alone could obfuscate much of the rationale for and significance of courtroom behavior. Without knowing the factual and legal context of each individual case observed, it may be difficult to make valid judgments. These are intrinsic limitations upon the whole concept of using lay observers to watch courts.

Observation research has gained a measure of respectability as a mode of investigating interactions and communications among people. Anthropological observation techniques have been widely used to interpret social mechanisms of various cultures and have gained acceptance as proper scientific inquiry. Also, observation methodology has played a respectable, though minor, role in child psychology, analyses of classroom behavior, and investigation of parent-child interactions.⁸

Recognizing the limitations of untrained lay observers, it is also true that courts exist to serve the community. Among their functions is to provide a reasonably accessible forum for resolution of disputes.⁹ Lay observers

⁸ G. Patterson and A. Harris, "Some Methodological Considerations for Observation Procedures," Oregon Research Institute, University of Oregon, (1968). (hereinafter cited as Patterson and Harris.)

⁹ See generally, M. Rubinstein, E. Andrews and W. Fisher, The Anchorage Citizen Dispute Center: A Needs Assessment and Feasibility Study, Alaska Judicial Council, (1977).

represent the client community; their perceptions and the inferences that can be drawn from those perceptions should be of concern to the legal profession. Finally, American courtrooms are by law "public;"¹⁰ lay observers, if nothing else, made Anchorage courtrooms public in fact, for the six months in which they observed courts.

C. The Problems--Observer Bias, Reliability
and Presence

Any observation by a human being will always include a degree of subjectivity. It was our intention to place reasonable limits on the subjective element, but still to design a program that would go beyond the merely trivial. For example, an observer who limited his recorded observations to the number of times a judge blinked or nodded his head during the proceedings might attain a high degree of "value-free" objectivity; but this observer's findings would

¹⁰ The public nature of criminal trials at least has constitutional protection. The Sixth Amendment to the U.S. Constitution provides in part: "In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial . . ." In re Oliver, 333 US 257, 92 L.Ed. 682 (1948) held that the right to public trial was applicable to state proceedings. The opinion states in part:

This nation's accepted practice of guaranteeing a public trial to an accused has its roots in our English common law heritage. The exact date of its origin is obscure, but it likely evolved long before the settlement of our land as an accompaniment of the ancient institution of jury trial. 333 U.S. at 266.

be trivial and useless to anyone who wished to employ them, say, to evaluate the fairness of the judge. On the other hand, observers who commented impressionistically on the "vibes" or "aura" of the judge might indeed produce important results, but the reader could not know whether the observers' antennae were tuned to the same frequency as his own. We sought to strike a balance between trivial objectivity and purely subjective impressions, however "significant."

Observation technique must also include a systematic method of sampling and recording behavior: time sampling and event sampling. For example, to determine the purity of water in a lake, a microbiologist will make sure to draw samples of water at different times, and from many different parts of the lake. Our court observers took samples of courtroom activity occurring in numerous kinds of proceedings various times of the day in different courtrooms over a six-month period.

Obviously, some caution should be exercised in trying to generalize from a limited sample. If behavior happens only on rare occasions, it should not be represented as an indication of an overall behavior pattern. As classroom observers have noted, "anecdotal information cannot be given much weight unless a record of the frequency of the behavior in question has been kept, as well as its frequency

relative to other behaviors for that individual and a broader sample of individuals."¹¹

The next issue concerning reliability of observation data is how many observations are required to support our inferences. How often would a judge have to be observed yelling at witnesses, attorneys or jurors before we could reasonably conclude that he has a bad temper, or an "intemperate demeanor"? Clearly, there is no one number which will hold for all cases. It was decided by the Judicial Council staff to require a minimum of ten separate observations of any judge before a comment would be made about his or her performance.

Finally, there is the issue of whether the observers' being present at the interaction will in itself change behavior. We decided it probably would. However, since our courtrooms are public by law, and since they may not have been enjoying much of an audience, judging from the remarks of the judges on the Advisory Board, we decided that if the observers' presence altered the behavior of a judge this would probably be a positive thing.¹²

¹¹ A. Boehm and R. Weinberg, The Classroom Observer: A Guide for Developing Observation Skills, Teachers College Press, Columbia University, New York (1977).

¹² One court watcher said that one judge's clerk had told him that the judge had modified his behavior since finding out that court watchers were in the building. Also, one attorney remarked to the project director that he had noted a change in the "chemistry" of courtrooms since the project had been instituted.

D. The Findings

1. There is a significant amount of "dead time" involved in commencing courtroom proceedings. The chances of court starting on time were found to be slim, for numerous reasons.

The problem of wasted time was remarked upon by all observers. One volunteer stated, "It seems to me that before there are more judges appointed or more lawyers needed, somehow the process must be streamlined to eliminate the great waste of time. . . ." In general, observers concluded that better attorney preparation would accomplish the most in making the courts more efficient.

We have again an indication of waste of time. The jury selection was to have taken place one week ago but because the assistant D.A. had not done his paper work it had been continued a whole week--everyone waiting to serve on jury duty had had to be paid for that day, all because someone hadn't done their job.

Of the over 160 discrete recorded observations, approximately 60% (96) of them note whether court began on schedule or started late. (The remaining 40% of the observations were of cases in which observers arrived while a matter was already in progress and no note could be made of whether it had started on time.) These court observations indicate a problem with starting cases on time in Anchorage. Court proceedings started late in 92% of the cases where a court start was observed. Most delays were for no longer than fifteen minutes (69%). However, when explanations were given by a judge (32% of the cases), delays were not always

attributable to one person or one office. In most cases no explanation was given, so that it was not possible to allocate the responsibility.

One observer recounted a particularly egregious case. A litigant in a small claims matter was the only person to show up for his scheduled court date.

The (small claims) case I planned to observe was seriously delayed. The scheduled time (on the court calendar) was 10:00 a.m.; I left at 10:30. At that time only the plaintiff and myself were present. The plaintiff arrived at 10:00; was properly seated by a court administrator (clerk) at 10:15 and was still alone at the time I left. The plaintiff asked to see my court schedule to be certain he was in the correct courtroom. [He told me that] the case had been in litigation since July 1977 and that both [!] parties had won through default on prior sessions. [At those prior sessions] apparently both parties had been in the [court] building, but had been directed to different courtrooms. He felt there was a need for improved communication from the court system to the litigants.

Court observers noted recurring problems which impaired efficiency of courtroom procedure. Faulty or last-minute preparation of necessary documents was common. Depositions were handed to the judge just before a trial was scheduled to start; a psychiatric report was handed to the judge and the public defender just before a proceeding started; or a judge was asked to sentence a defendant on three counts when "paperwork" on only two counts had been

given to him. Other problems were the result of attorney time being improperly allocated: motion hearings which consisted of argument and discussion of matters which should have been disposed of by earlier legal research, according to the judge's comments. Many observers noted that assistant district attorneys were often detained in one courtroom on one case when another of their assigned cases was scheduled to start simultaneously in another courtroom.

Finally, some delays seemed to have been unavoidable. Either they were endemic to any system which requires the coming together of disparate individuals or agencies in one place at one time, or they were simply due to unforeseeable circumstances. Prisoners from Eagle River, ten miles away, came late for hearings or trials; a witness discovered a flat tire only minutes before trial; an avalanche on the Seward Highway prevented the appearance of attorneys, witnesses or parties.

In any event, the citizen-court observers reaffirmed the existence of a problem of which lawyers, judges and court personnel have long been aware--the significant amount of "dead time" involved in most court proceedings. The fact that this waste was so readily apparent to impartial outsiders only highlights the extent of the problem.

2. Unprepared public prosecutors significantly contribute to delay in court proceedings.

Since space was provided at the back of the observation forms for narrative evaluation, many volunteers took the opportunity to comment freely on the proceedings they observed. Court observers were frequently critical of prosecutors for what the volunteers perceived as a recurring problem of unpreparedness. The observers commented that well-prepared prosecutors could have added much to efficient performance by judges. As one observer noted, impressions were gained of "all the actors in the courtroom" and not just of the judge, "who for the most part is a listener."

There seems to be a great waste of time in our courtrooms. Attorneys do not seem to be well prepared--paper work is lost--time is spent on apparently senseless arguments. . . . To an outsider it appears that many of the lawyers are not properly prepared and so must ask for continuances. The time and the client's money seems to be greatly wasted.

Although the remarks above pertain to attorneys in general, the bulk of citizen criticism was directed at assistant district attorneys and city prosecutors.

Usually can't hear the city and state lawyers at arraignments. They don't always have their paper work ready either.

What a waste of time on part of attorneys. The arguments [pre-trial] were lengthy and I felt could have been avoided altogether if the D.A. had been completely on top of the case.

It is my impression that the district attorney has openly disobeyed orders and instructions from the judge and rules set out in pre-trial proceedings.

I thought the state and city attorneys were ill-prepared--too many cases where the complaint not filed.

Criticisms leveled at assistant public defenders did not relate to unpreparedness, but to a different form of delaying behavior. For example:

In selecting a jury . . . the public defender asked same questions over and over, after explaining at length reasons for a question to one juror . . . as a person in the courtroom observed, they asked everything but the kind of deodorant they used.

3. For the most part Anchorage judges appeared attentive, courteous, competent, and properly concerned for the witnesses, jurors and parties. There was no discrimination or impropriety observed.

In general, citizen observation of 14 judges indicated that these officials were, by all appearances, providing attentive, thoughtful and courteous service. In over 160 observations there was not one recorded instance in which a judge appeared to discriminate against any minority or identifiable group of people. Also, there were only two instances where observers thought they detected a judicial preference for one side over the other--a pro-prosecution bias in both cases. Finally, there were only four instances where observers noted what could be termed a degree of impropriety in judicial conduct on the bench. These cases

involved some appearance of favoritism, blatant and visible boredom, or off-handedness in the judge's attitude.

4. Many judges should learn to speak more clearly and more forcefully.

The single consistent criticism of judges in Anchorage was in their manner of speaking from the bench. As one observer said, "Most judges observed could benefit from in-service speech instruction." Judges sometimes mumbled unintelligibly or spoke so softly as to be heard only in part. Also, jury instructions sometimes were droned in a sing-song manner that defeated comprehension.

Observers concluded that almost every judge could improve his or her courtroom performance. Some, more than others suffered from speech difficulties, and some were less patient than others in dealing with courtroom interaction of attorneys and parties. On a positive note, all observers said that they had seen instances of judges handling a wide range of problems and personalities in a sensitive and thoughtful manner. (The observers' comments on individual judges are set out in full in the appendix.)

5. Most court facilities are adequate. Some district courtrooms have space problems during the crush of arraignments. Some serious ventilation problems were noted in superior courtrooms. Lack of adequate ventilation in these rooms induces drowsiness and makes it difficult to concentrate on the proceedings.

The court observation forms asked a series of questions related to physical aspects of the courtrooms: space, cleanliness, acoustics, ventilation, etc. In general, court facilities seemed to be perfectly adequate. The only instances where space was found to be a problem was in district court. Specifically, during arraignments--when a large number of people accused of minor offenses all appear at once to be advised of their rights and enter their pleas--space in some district courtrooms became a problem. Also, noise levels there tended to become distracting when many people were arraigned together.

In the newer Anchorage superior courtrooms inadequate ventilation was noted as an occasional problem. Stiffness and bad odors were reported by some observers; this had a soporific effect on judges and jurors and made it difficult for everyone to pay attention to the proceedings.

6. All observers remarked upon the lack of parking space for the public.

The only consistent exasperation experienced by court watchers concerned the difficulty in finding a place to park. As one observer noted in her form: "Where do

people who have to appear in court at 9:00 a.m. and are not members of the judiciary find a place to park?"

7. A few non-English-speaking people were observed experiencing difficulty in Anchorage courtrooms.

The number of observations involving a need for interpreters in the courtroom were few. However, those few instances gave some reason for concern. In one case a deaf defendant was not cooperative; she refused to communicate with her attorney or the court and there was no one in the courtroom who could use sign language. In another case time was wasted because the interpreter turned out to be of the wrong nationality. (The interpreter was Chinese for a woman who spoke only Japanese and Korean.) The case was postponed until another interpreter was found. Finally, one observer saw some Alaska Native defendants experiencing apparent difficulties understanding the charges read to them at arraignment. The judge recessed the proceedings to allow the assistant district attorney to try to explain the charges.

8. Anchorage courtrooms appear to be administering justice fairly.

As a final comment on the operation of courts in Anchorage, the results of observer responses to question number 30 is worth noting. The question asked the observer to:

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

The responses of 15 Anchorage residents to this question in 160 separate courtroom observations give an indication of the quality of justice administered in Anchorage superior and district courts. In 84% of the observations, observers unequivocally checked yes; they would have left court feeling justice had been done. In 3% of the cases, they had some questions about the fairness of the procedure. Finally, in the remaining 14% of the cases observers (for whatever reason) could not check either "yes" or "no."

E. Evaluation and Reflections on the Court Observer Group and Suggested Reforms

First, the 15 observers who watched courts were sensitive, perceptive and judicious people. Their observations were conducted with discretion. They were concerned that judges, lawyers and court personnel saw them as serving a constructive role in the courts; if anything, they could be faulted only for an excess of deference.

Second, the observers were as free from bias or "special interest" as could have been desired. They were

not representative of all segments of the Anchorage community, but neither were they proponents of a single cause.

Third, the observer evaluations tend to inspire confidence because narrative qualifications and comments establish consistent patterns of observation. From these patterns inferences can be drawn.

The general evaluations made by the observers identify three major problems. Attorney unpreparedness was remarked upon by almost everyone at least once during the observation period. Also, many observers said that most judges needed to "speak up," and speak more clearly. There were many reports of the apparent confusion of defendants in the legal process which could have been obviated by clear judicial instructions. Individuals appearing for arraignments asked court watchers where they should go and what they should do. One observer suggested that a brief written explanation of the rights of a defendant should be provided.

Finally, the court observers became very comfortable about their courts. Courtrooms, unlike other government offices, do not have receptionists to approach and question; there is just a door in a corridor with a judge's name and room number. Court observers at the end of their experience were able to read court calendars and hop from courtroom to courtroom as well as any attorney in town. They knew their courts, they knew their judges, and they were beginning to comprehend the capabilities and limita-

tions of the justice system. Some sophistication in their observations was evident:

While this defendant was judged competent to stand trial (psychiatric report), she is deaf and has emotional problems and was uncooperative. . . . She had [allegedly] broken into a building . . . and was found there eating potato chips. Due to the above it is my feeling she is a social problem--not a criminal one and there is question as to harm done by taking her into the criminal justice system.

* * *

Defendant will need extensive counseling--job training and reading skills--but I really don't believe he will turn his life around. --has been in trouble from time of 9 years of age until present age of 19.

* * *

Much of the problem with regard to continuances, delays and cases running over scheduled time is a lack of preparation. In so many cases the attorneys and D.A.'s has "just come on the case" or "just received such and such report," etc. How about seminars for lawyers in how to prepare for court? Is it possible for a judge to require better preparation?

The individuals in this group learned much and in general were pleased to have had the opportunity to watch courts. Many asked that our program continue; they decided on their own time to introduce their children or friends to the courtroom. For those persons who had the time, court watching was a positive experience.

Finally, observers were properly cautious to avoid drawing sweeping conclusions from their observations. Such a circumspect attitude, common to all, was expressed by one observer who noted on her form:

Sometimes we see the judge and attorneys for only part of the day. We may get a false impression at times because of circumstances or long-winded testimony, warm rooms, etc.

A second observer expressed this reserve in another way:

Sometimes we have felt a judge is "easy" or "firm," now we find each day is different. We find them to be "human beings" after all--listening carefully, going over rules, consulting books for rulings.

Such attitudes speak highly of the quality of volunteers the project attracted.

IV. Report of the Corrections Group

While society in the United States gives the example of the most extended liberty, the prisons of the same country offer the spectacle of the most complete despotism.

--A. de Tocqueville, 1833.

Under Alaska's Constitution, the principles of reformation and necessity of protecting the public constitute the touchstones of penal administration Within the ambit of this constitutional phraseology are found the objectives of rehabilitation of the offender into a non-criminal member of society, isolation of the offender from society to prevent criminal conduct during the period of confinement, deterrence of the offender himself after his release from confinement or other penological treatment, as well as deterrence of the other members of the community who might possess tendencies toward criminal conduct similar to that of the offender, and community condemnation of the individual offender

*--Supreme Court of Alaska
(Rabinowitz, Ch. J.)
State v. Chaney (1970).*

A. The Group

There were seven people assigned to the corrections citizen work group: five women and two men ranging in age from 21 to 50. Five members attended more than two group sessions or activities.

This group included a more diverse cross-section of the community than did the court watchers. Although there were no natives represented in the group, there was one black person. Two persons were members of the Anchorage Women's Club; another member was a student at the Criminal Justice

Center of the University of Alaska; one was an engineer with Exxon Corporation; one was an Army sergeant from Fort Richardson; one a worker with Alaska Youth Advocates; and finally, a housewife active in the Alaska Mental Health Association and the Association for Retarded Citizens.

The general goal the members set for themselves was to investigate and become informed about the realities of corrections in Alaska. They were aware of newspaper accounts and other publicity advocating the need for more correctional facilities; in the months before the commencement of the project, the State Legislature and the Division of Corrections debated broad issues concerning future directions for the state correctional system. The volunteers were particularly interested in examining the arguments for and against building more jail facilities, and the impact of this choice on the reformation and rehabilitation of persons convicted of crimes, as well as the need to protect the public.

The primary activity of this group, in addition to a program of readings in the field, was to tour the correctional facilities in the Anchorage area. In this way they were able to get a limited overview of the responses available for the punishment, detention and rehabilitation of prisoners in Alaskan institutions. This report will describe each facility as the corrections group saw it.

Other scheduled group activities included a meeting with Robert Erwin, a former Associate Justice of the

Alaska Supreme Court, for an informal discussion of the legal and constitutional objectives of sentencing in Alaska, an "eggnog seminar" at the project director's house to meet with district court Judge John Mason concerning pre-trial detention at Sixth Avenue and C Street, and finally, the student member of the group interviewed Mr. Ed Coleman, South-Central Regional Administrator for Probation and Parole Services.

B. The Findings

1. The State Correctional Annex at Sixth Avenue and C Street, intended as a pre-trial detention facility, is overcrowded and cluttered. It contains too many already-sentenced prisoners, and provides no opportunity for physical activity. These conditions and general atmosphere appeared to produce a listless and dispirited condition in all of the inmates observed.

The first facility the group toured, with the cooperation of Assistant Superintendent Phillip Briggs, was the State Correctional Annex at Sixth Avenue and C Street in downtown Anchorage. The Annex is part of the City of Anchorage Public Safety building and is adjacent to the Anchorage Police Department headquarters. The Division of Corrections contracted with the City of Anchorage in early 1973 to use and operate this facility.¹³

The Annex is intended to operate as an intake facility and temporary detention or pretrial holding center

¹³ As reported in the Alaska Criminal Justice Plan, 1978, Criminal Justice Planning Agency, Juneau, Alaska.

for men and women on a maximum or minimum security basis. (Women inmates have recently been reassigned to Ridgeview.) Although the Annex is supposed to operate for temporary detention only, the group found that there were a number of inmates who had been housed there for more than a year, reportedly because they were awaiting final disposition of their cases on appeal.

It was the nearly unanimous conclusion of the volunteers that the Sixth and C facility was overcrowded and cluttered. The group was struck by the total absence of any opportunity for physical activity by the prisoners. Citizen reports also noted that prisoners were lying on the floor in many cells. Although there were mattresses, sheets and blankets for these inmates, the conditions were clearly crowded and substandard. Hygiene was also below acceptable standards: inmates and volunteers waded through cigarette butts, candy wrappers and paper cups.

One citizen observed that the prisoners seemed to sleep much of the time. Though the group toured the jail at about noon, many inmates were still asleep. The attitude of the staff was described by one group member as one of resignation: "Yes, it's overcrowded and understaffed; yes, there are too many already-sentenced prisoners housed here, but what can we do?"

In summary, although the citizens reported that the tour was informative and well-conducted, the general re-

action was that this kind of correctional facility neither made acceptable use of inmate time nor advanced in any way the constitutional objective of rehabilitation. The group noted the irony in the circumstance that these oppressive quarters were intended to hold persons who had not been found guilty of any crime, and were therefore still presumed innocent.

2. a) The detention units at McLaughlin Youth Center are badly in need of facilities for physical activities for the children confined there.
- b) The elaborate and pervasive system of "points" for behavior modification at McLaughlin, as well as the psychological "labeling" of children, were seen as questionable by some volunteers.

The corrections group visited the McLaughlin Youth Center, touring the Boys' Detention Facility, the Closed Treatment Unit, and one of the cottages. The tour was conducted by Tom Finnegan and other McLaughlin personnel.

Boys' Detention is a confinement facility for newly admitted juveniles remanded there by the court. It is the children's analog to the Sixth and C Street jail in the sense that many of the children are awaiting disposition of their cases and have not been adjudicated as delinquents. The facility consists of individual and dormitory lockups. In contrast, the Cottage program is the final goal for children committed to McLaughlin on a long-term basis. It is a more open living environment with more home-like facilities.

The Closed Treatment Unit is a very secure confinement facility for children who have problems in coping with the relative freedom of the cottage program. In Closed Treatment there are more counselors per inmate and greater controls on inmate liberty.

It was observed that opportunity for physical activities in the Boys' Detention Unit was quite limited. In this respect the Unit resembled the adult detention facility at Sixth and C. The citizen observers were told that the facility lacked an indoor gymnasium. One group member remarked that given the extended winters in Alaska, a gym could be seen as a necessity in any institution for children.

One member of the group expressed some concern about a criterion used to measure a child's progress in the program unit--an elaborate "point system" applicable to almost every aspect of life at McLaughlin. Points are earned for every conceivable activity or function--from how the child eats to whether his language is deemed offensive. Although this system may be an effective tool for behavior modification therapy--apparently an underlying psychological principle guiding the McLaughlin administration--volunteers differed as to whether this was a desirable way to deal with children.

Concern was expressed about McLaughlin's system of psychological labeling. A child is given a "maturity

level classification" of "NA" or "NX" on a scale of one to four. NA personalities are considered more active and "acting out;" NX personalities are deemed more "self-reflecting" and "self-accusatory." (A more complete description of the classification system is discussed in another part of this report.) Some of the children had become fluent in the psychological jargon that accompanies such labels. One observer noted that a boy who conducted a tour of his cottage proudly announced that he was an NA--a rather aggressive type. This volunteer wondered whether the boy might not be bound and determined to live up to his psychological "handle."

Notwithstanding some of the volunteers' concerns and doubts, the consensus of opinion was that the personnel at McLaughlin were well-intentioned and highly motivated toward increasing the chances of a child's success in making a healthy and happy adjustment to society.

3. The Eagle River Correctional Center is bright, spacious and well-equipped, providing extensive recreational facilities for prisoners. Inmates are markedly more alert and active than those at the other institutions.

The group next made a tour of the Eagle River Correctional Center, escorted by Mr. Bob Wells, Phase Program Director. Eagle River consists of a large, modern building complex, surrounded by attractively wooded court yards and connected by covered walkways. This rather elaborate facility for adult male prisoners has a capacity of only 80. Recreational facilities include a large gymnasium, a library, a

music room, and an arts and crafts center. Instruction is given in basic education for persons without high school diplomas, and there are courses for college credit; special programs are said to exist for those with alcohol and drug problems. Family counseling is also available at Eagle River.

A four-phase program was recently initiated at Eagle River to re-orient individual offenders to the rules and regulations of society, thereby to "reorder asocial behavior patterns." Before commencement of the program an evaluation is made of each man's particular problems and "treatment needs." The four phases are styled "orientation," "life-basics," "program implementation," and "pre-release orientation."

In each of the four phases there are established routines and objectives which an inmate must meet and follow in order to progress to the next phase. In the Orientation Phase inmates are introduced to the privileges and responsibilities of their stay at Eagle River. They live in the orientation wing of the facility and do everything as an orientation group. This is the most highly controlled and structured phase. In the Life-Basics Phase, an inmate is reassigned to another room and wing separate from the orientation wing. Inmates in this phase are allowed to wear clothing of their own choosing (within guidelines) and are not required to remain in their own wing when not engaged in

some institutional activity. A set number of group counseling sessions and courses in "life-basics" are mandatory; however, unstructured leisure time is also provided.

In the Program Implementation Phase inmates live in the least restrictive atmosphere with incentives to develop new life-styles through a variety of therapy groups and educational classes. The inmate once again will be reassigned to another wing and room in the facility. Increased mandatory group counseling and individual counseling are added to the daily routine. Special therapy groups on alcohol or drugs may be part of the program. Also, general education courses are mandatory for inmates lacking high school diplomas. Some kind of institutional employment may be included as part of the routine.

Finally, the Pre-Release Phase is an orientation to eventual release of the inmate back into society. Counseling and instruction in "lifestyle adjustment" is directed at ensuring a smooth transition from the institution to society.

The group was allowed to talk with several inmates who had just entered the institution and were in their orientation phase. They told the volunteers that Eagle River was a different kind of prison experience. They had all recently transferred from other, rougher places: Juneau, Sixth Avenue and McNeal Island. They were happy to be where they were now.

The general impression of all members of the work group was that Eagle River was a superior facility and that it should be fully utilized. Citizens remarked upon the contrast between Eagle River and the Sixth Avenue Annex only ten miles away. Eagle River was "bright, spacious and lavishly equipped. . . . [with] more pool tables and color TV's per square foot than anywhere else in the country." But all members of the group were impressed by the alertness, activity and apparent good morale of the prisoners in contrast to what they had observed elsewhere. These inmates seemed to have gained some purpose and direction to their lives in prison and the prospects for their eventual reformation appeared more likely here than elsewhere in the system.

4. The correctional facility at Third Avenue is old and grim. Emphasizing security rather than rehabilitation, it provides few programs and functions mainly as a warehouse for prisoners.

The group next toured the correctional facility at Third Avenue, escorted by Superintendent Kaukins. Third Avenue is one of the older facilities in Alaska, and certainly the oldest toured by the corrections group. Built in 1953, it adjoins the old Federal Building and U.S. Courthouse in downtown Anchorage. The adjective most frequently used by all to describe this two-story jail was "grim."

As with Sixth Avenue, the visitors were struck by the complete absence of any space provided for inmate physical

activity. The facility appeared clean, but was described as "block-like," "all cement" and very old. One citizen noted that "the facility has little or no programs and functions merely to warehouse prisoners." Another person was disturbed by staff attitude at Third Avenue: "They seemed fixated . . . on security and kept using the escapes that happened in '75-'76 as justification for not changing."

On the day of the group's visit, 53 men were incarcerated there. Mr. Kaukins told the group that only 12 jobs were available to inmates, but he thought most of the prisoners didn't want to work anyway. (One citizen found this hard to believe, since it was not true of prisoners at other institutions the group had visited.)

In summary, the general impression of the group was that Third Avenue was "grim," with a capital G. One citizen said that "Third Avenue raised some serious questions in [her] mind as to its purpose, and whether it may be creating more and costlier problems than it is solving."

5. Conclusion: General problems include overcrowded conditions and inactivity of prisoners. Many more programs for education, physical activity, and, most especially, constructive employment or job training of prisoners are necessary, as are more alternatives to incarceration.

The volunteer group on corrections made an oral report to the Advisory Board after the completion of all of their tours and discussions. The report stressed a general problem of overcrowded conditions, exemplified most clearly

by the Sixth and C facility. Second, the citizens recommended strongly that all judges attempt to make periodic inspections or tours of correctional facilities. (They had been surprised to learn from Judge Mason that judges were not necessarily aware of the conditions in the jails to which they daily consigned other human beings.) Third, the report recommended that many more programs for re-entry and employment of ex-prisoners be developed, and that more resources be devoted to providing opportunities for physical activity. One citizen criticized the low level of training or education required of beginning corrections officers. (He had gained the impression that "there were a couple of instances of inmate unrest that had happened because of inexperienced correction officers.")

One suggested solution to the acute problem of overcrowding was the construction of more facilities for short-term incarceration. The volunteers were informed that Third Avenue was going to be reclassified as a maximum security jail for long-term inmates, and that this reclassification would leave only Sixth and C for both short-term sentences and pre-trial detention making the space problem even more acute. Nevertheless, one individual in the group did not believe there was a need to build more facilities.

Citizen: I would like to disagree again. I would think that we don't need any more new facilities. And I think that the lesson I learned from all of these tours was not to build--that the answer is not to

increase sentences, and that with some refurbishing and revamping of what we have and some reclassifying and some different philosophies behind sentences that what you need are not facilities but programs, a whole range of alternative programs-- and that we don't need to do much in the way of building at all--that when you build prisons you fill them. We could have a bunch of junior Eagle Rivers and junior Sixth and Third Avenues throughout the whole state and it would cost us a fortune and I think people come out worse than when they came in.

Citizen: But we're talking about inadequate facilities. We may not need to fill them but we need to do something in their behalf.

Citizen: Well, Third Avenue isn't as crowded as Sixth. Third was just very old, just grim. It's zilch in recreational facilities--they just don't have any place where a person can even walk. They're all in a dorm. Well they live in a city dorm 24 hours a day.

The group's discussion with former Associate Supreme Court Justice Robert Erwin was described by one member.

Citizen: I'm really sorry that not more of us were able to hear Judge Erwin. He talked about the process of sentence reviews and how important he felt it was as a former judge to demystify the whole decision-making process by which you sit there and you say "that's worth six years and that's worth eight." He said it was just impossible to say what makes a sentence a six-year sentence or a crime a six-year crime versus a seven-year crime and that I guess he thought he was pretty different in that he was up-front about that. When he said that

those kinds of decisions were often made pretty whimsically and that the process by which the supreme court reviewed sentences for being excessive was to try to sift through some of the criteria by which judges make their sentencing decisions. He also said that the trend seems to be toward shorter term sentences; he quoted someone who had reported that after five years whatever good that sentence had had then started to be outweighed by the bad.

The group discussed possible alternatives to pre-trial detention at Sixth and C. One suggestion was a pre-trial diversion program. They were informed that a program in which certain non-dangerous offenders might be diverted from the formal criminal process had recently begun in Anchorage. Conditions of "diversion" would be set by the District Attorney and, where appropriate, tied to a plan for restitution to the crime victim. Other measures considered by the volunteers were the expanded use of work-release and the development of a prison industry program. The underlying goal stressed by the citizens was to keep people productive and able to continue employment if at all possible.

The group was asked by an Advisory Board member whether they received any answers to the question of why, in a state in which there is a clear statutory preference that a person charged with a crime be released on his own recognizance without monetary bail, there should be overcrowded pre-trial detention facilities. The question was not answered directly.

Citizen: I think that question was brought up and one reason that some of the personnel gave was that inmates could not get bail--that's why they were still in jail . . . they forget about you. They leave you there 'til someone can make bail or he goes to trial . . .

The Advisory Board asked whether after tours of all these facilities, the group had the impression that the system provided true deterrence?

Citizen: I don't know, I'm still in a real dilemma about corrections because obviously you have to do something, a person has to be protected, and it seems to me from all we heard that as far as rehabilitation nothing has been accomplished. I mean even your experts can't give you an answer.

Citizen: No, I think it's grim. I wasn't in Sixth, but Third. I did see that. It was grim. The men were doing nothing. I really think man was meant to be productive and certainly there's surroundings in Eagle River that are much better, and you can see where they have some sort of a program going. But then still you didn't get the feeling of really accomplishing anything. At McLaughlin the kids were going to school, so I felt there was a much better atmosphere there.

The group was asked whether there were any facilities equipped to deal with maximum security, long-term convicts.

Citizen: No. Not here. I don't see how except just in the extreme cases where you have the violent crimes where you have to protect society where the warehousing concept can do any good whatsoever. We don't have an alternative for that either.

Citizen: I got the impression that even if we did build a place, there isn't enough long-term people up here to worry about it. That's why they send them out now.

Advisory Board: I mean could Eagle River not handle people for 20 years?

Citizen: Of course they could.

Citizen: Well that wasn't their function.

Advisory Board: We're talking about long-term people. We're talking about a small class of long-term people, those who not only have long sentences to serve but also must be considered extremely dangerous individuals, as opposed to perhaps a wife who murders her husband.

Citizen: Well the purpose of Eagle River wasn't to be for this sort of person as I understand.

Advisory Board: Oh I understand that, I'm just simply saying was there anything about Eagle River on the other hand that made you feel it couldn't handle long term prisoners, assuming you wanted Eagle River to do something other than what it was designed for initially.

Citizen: I think Eagle River could handle non-dangerous long term prisoners. I think they have the facilities to do so.

Citizen: As long as they weren't security problems.

The question was asked whether it was the group's recommendation that another facility be built, or whether the ones we now have should instead be upgraded? There was some difference of opinion.

Citizen: I really think that you do not need any more facilities, certainly not now. I would have to be convinced of what specific purpose is sought. Because my fear is that a new facility encourages longer sentences and more warehousing. Probably not everybody agrees with me.

Citizen: Eagle River is not warehousing.

The Advisory Board wondered why more persons were not classified for Eagle River.

Citizen: Yeh, we asked them. They said it was designed for one purpose and then they sent prisoners who should not have been there and they had an unfortunate incident. So that kind of blew the whole program. So they're just getting the program started again.

Advisory Board: An escape from Eagle River?

Citizen: Yeh. It was an escaped murderer or something to that effect.

Citizen: And they're just now restarting a, it's called a phase program.

Advisory Board: But there seems to be among the staff at Eagle River an interest in running the kinds of alternative programs . . .

Citizen: Yes, definitely. It seems to be very well thought out. And I might say as far as this big building they were gonna use, that could be used to train men for, if it was every equipped, more to train them for a trade or whatever, they could do it and also hobbies. Now if you go back to men who have a very long term sentence, that could be something that would be productive for them, and industry that would be for them. [S]omehow they would be earning their way.

Advisory Board: You've given us a real negative attitude about Third Avenue. And even though you may not think that we need to build great big huge things everybody seems to think Third Avenue needs to be practically scrapped if not . . .

Citizen: It's cement, you can't see out of it, it's all cement, cement floors, cement walls.

The discussion next turned to funding. Did Alaska correctional facilities need more money?

Citizen: The folks at Sixth and C and Third Avenue and to some extent Eagle River, all gave us the impression that they were in desperate need of money and really what they wanted was the money and they'll take care of the details for us. They were the experts, by God, and look, this building is crumbling, and all they wanna give me is another \$500,000, that won't even fix my leaky roof, I need 2.5 million, 3.5 million, as much as you'll give me I'll spend. . . . That concerns me, it seems to be really self-perpetuating. One of the things that we didn't do as a group but I heard about was a conference on corrections. At one of the workshops Bill Green from Ridgeview spoke and he flat out said, "I don't need citizen participation, I need money." To some extent he's right because his guards are working 14-hour shifts. But on the other hand, . . . there's a real danger in leaving prisons to the experts I think.

Citizen: I didn't get the idea they were asking for a gross amount of money, a no-ceiling amount of money. I think they've had real problems with their budgets over the years and that like Third Street (Avenue), it doesn't appear like they've had hardly anything for I don't know how many years.

The group was asked whether the description of Eagle River as a country club or a Captain Cook Hotel was a fair characterization of the facility. The response was that such a description was not a fair assessment of what Eagle River is, or of what it is trying to do; though it is obviously a "real livable facility," "nicely designed" and "set in the mountains."

The Advisory Board wanted to know whether facilities like Eagle River were accomplishing what they were designed to do. In other words, were these places helping to rehabilitate?

Citizen: The majority of the inmates I think were very thankful to be there and especially to be out of the warehouse condition they described in Juneau or Sixth and C. But one fellow that irritated me, he was the exception, said "you did this to us, now you owe it to us." "Society put me here now."

Citizen: In his mind the reason he was in there was because society put him in there.

Citizen: I got that he meant that he shouldn't have been there and if we had cared for him sometime when he was six years old . . .

Citizen: But they felt it was a real injustice to be warehoused without any chance to get any psychological help or talk to anyone. You're just, you can go on for months, like in Juneau without anyone really caring. And they felt that the top rate they could get was to get Eagle River.

Citizen: I think stemming from that corrections conference and from some of the encounters we had with prisoners

what struck me is that jobs are very important and anything we can do in the way of getting people marketable and certifiable skills so that when they get out they can get a job it would be something that I would recommend.

The discussion turned to the difficulties of prisoner release and re-entry into society--problems of merely getting around, getting a driver's license, a job, finding friends, and of having been "out of contact." The Advisory Board asked whether there were any halfway houses to ease the adjustment.

Citizen: My impression of halfway houses is that they're kind of in disrepute among correctional people--that their response to one failure is to shut down the program and that's real unfortunate. All the prisoners that I've spoken with and ex-offenders at these conferences said that jobs were absolutely crucial in terms of self-respect and in terms of support. If you happen to have a family left, you know if they've happened to have waited around three or five or seven years for you, they're already on welfare. Getting a job is just absolutely crucial.

V. Report of the Juvenile Justice Group

The juvenile court movement began in this country at the end of the last century. From the Juvenile Court statute adopted in Illinois in 1899, the system has spread to every State in the Union, the District of Columbia, and Puerto Rico. The constitutionality of Juvenile Court laws has been sustained in over 40 jurisdictions against a variety of attacks.

The early reformers were appalled by adult procedures and penalties, and by the fact that children could be given long prison sentences and mixed in jails with hardened criminals. They were profoundly convinced that society's duty to the child could not be confined by the concept of justice alone. They believed that society's role was not to ascertain whether the child was "guilty" or "innocent," but "What is he, how has he become what he is, and what had best be done in his interest and in the interest of the state to save him from a downward career."

*--U.S. Supreme Court,
(Justice Fortas)
In re Gault (1967).*

A. The Group

Eight volunteers were assigned to this group; but the number who actually participated in more than two functions or group activities was six. All were very motivated individuals; some had worked with children as teachers, some said they felt a commitment to work for better conditions for children in trouble. The group also had a good diversity of viewpoint, including two members of the League of Women Voters Juvenile Needs Committee, an Alaska Native who was a Criminal Justice Center student planning to seek

employment with the Alaska State Troopers, a retired elementary school teacher, and two students of the University of Alaska, one working with the University Year for Action and a second seeking her B.A. in sociology. The two members of the group who were unable to continue volunteer work were a student from Service High School and a junior high school teacher. Ages in this group ranged from 23 to 57; there was only one male participant and no blacks.

The primary objective the group chose for itself was to give each of its members an introduction to the entire juvenile justice system. The approach was to be based upon that of the National Council of Jewish Women's Project on Juvenile Justice. Each individual would read, visit, consult, observe and "brainstorm" on the topic of justice for children. Finally, it was hoped that the group might be able to suggest ways and means by which the community could benefit from improvements to the system of juvenile justice.

Specific group questions identified for investigation were 1) What kinds of offenses bring children into the juvenile system? 2) Does discretion vested in officials of the juvenile system foster unequal treatment? 3) What are the legal rights of children and how should they be safeguarded? 4) How, if at all, are juvenile records used or misused? 5) Why are children in institutions, and can these institutions meet their needs? What alternatives exist? 6) As citizens, what are our responsibilities?

The official response to the desire of these volunteers to inform themselves about the juvenile system was largely favorable. Professionals in the field were eager to have citizens understand their work and to receive questions from the volunteers. The group first met with Sgt. Wade Lacey of the Anchorage Police Department's juvenile bureau; later they toured McLaughlin Youth Center. They next had a meeting with Mr. Jay Warner, head of Juvenile Intake in Anchorage superior court, and Mr. Bob Frenz, standing master of the children's court at Anchorage. Other discussions were arranged with the director and staff of Youth Advocates, and with Ms. Sue Grisham, a juvenile probation officer. An eggnog seminar was held in the living room of the project director. In attendance at the seminar were Ms. Diane Webb, another juvenile probation officer; Mr. Max Gruenberg, a private attorney with experience in juvenile matters; Mr. Mark Tobin, a counselor at Short House, Alaska Children's Services; and Mr. Norman Besman, an assistant public defender who works with juveniles. The group also toured Hilltop Group Home, managed by Mr. and Mrs. Bud Allison.

Some of the citizens prepared written reports on their impressions of specific areas of the juvenile system. Others attended an evaluation meeting with the Advisory Board for the project. At this meeting they reported their opinions and tentative findings and impressions of the group accomplishments.

B. The Findings

1. a) There is some lack of agreement and understanding among the various agencies working with children; this sometimes leads to inter-agency conflict over particular cases.
- b) Professionals within the agencies, though occasionally open and frank, too often gave "packaged" information to the volunteers.

There was concern on the part of the members of the group for what they perceived to be a lack of mutual respect among the various agencies working with juveniles. It often seemed that one agency would not have a clear conception of the role or functions of a parallel agency or organization in the same field. All of the agencies were seen as working for the same goal--to find an environment in which a troubled child would have the best chance of making a successful adjustment. However, perhaps because of overlapping jurisdictions, agencies appeared sometimes to be in competition over the disposition of individual cases. This competition occasionally took on the aspect of a "war between the social workers."

When the citizen group interviewed people working in the agencies, the volunteers always asked for staff opinions on the new children's code. One response was that the "agencies" had brought it into being. Another person responded that the code was a "sham," and it had been brought into being by the "uninformed public." There were other comments to the effect that the children's code was written

by "non-professionals" who didn't know anything about the realities of the field. There seemed to be a lack of understanding of the genesis of the code, and much suspicion and resentment, although little was offered by way of specific criticism on any particular section or provision. In short, it seemed the code was a product of "outside interference," would bring on unwelcome changes, and was therefore suspect.

The citizens all agreed that they were impressed with the sincerity and motivation of the people they met. Everyone working with children seemed genuinely interested in the welfare of their charges and in our project; they were eager to explain their specific roles in the system. However, the group felt there was occasionally a need to go behind the standard "packaged" information given to "concerned citizens." Sometimes observers thought they were being "talked down" to or humored. There is no implication that false information was intentionally given, only the perception that each agency or faction tended to explain matters from its own special point of view.

2. a) At McLaughlin Youth Center, particularly in the detention units, there is a need for more recreational facilities.
- b) The mixing of "first-timer" children with runaways from the cottage program, and the elaborate "interpersonal maturity level classification system" caused concern among some volunteers.

The group, after touring McLaughlin Youth Center, was critical of the forced idleness which results from

absence of programs and facilities in the detention unit; there is no gymnasium to provide an outlet for youthful energies. Some volunteers empathized with the children, realizing how heavily the idle time must weigh on them.

Another concern raised about McLaughlin Youth Center involved the practice of mixing "first-timer" children with runaways from the cottage program. When a child left the cottages or ran away, on his return he would be sent back to "square one": the detention unit. Treatment immediately stopped until a vacancy could be found either in a cottage or in a closed treatment unit. How did this intermingling affect the "green" child in detention who had no previous institutional experience?

A final note on the cottage program at McLaughlin was that one child with whom the volunteers spoke apparently didn't want to leave the institution. (It was learned that he was one of the children who had committed a relatively serious offense.) Is this positive; or is it evidence of a budding "institutionalization syndrome" developing early among children who enter the juvenile justice system?

One UAA student-volunteer prepared a report describing the interpersonal maturity level classification system used at McLaughlin to categorize residents. This so-called "I-Level system" is based on Dr. Marguerite Warren's Interpersonal Maturity Level Developmental Theory. The theory explains development or the process of growing up as

a series of stages of maturity, positing different behavioral responses within each stage. The I-Level theory defines behavior primarily in terms of interpersonal relationships or interactions of the individual with others in his environment.

The student questioned the appropriateness of the classification system, fearing that it might lead to a self-fulfilling prophecy? (The same fear was expressed by a member of the corrections group, as reported in a previous section.)

For example, NX cottages are said to have a totally different atmosphere than NA cottages. (I only visited one NA cottage.) The NX cottage is generally quiet, not much activity going on. Supposedly that is the way they want it. On the other hand, the NA cottage is very lively, lots of activity reflecting their energy level. The NA's are believed to need more structure, more activity than the NX's. I wonder if some of the resident's feelings and behaviors are created after they are diagnosed NA or NX, instead of all of them existing previously.

3. a) Foster homes deserve greater backup services so that they may be utilized as alternatives to institutionalization in a greater number of cases.
- b) Group homes provide valuable alternatives for children in trouble and these programs should be expanded.

The volunteer group praised foster home programs as providing a maximum in individual, personal attention to

the child. Creating a "feeling of family" was considered vital. However, it was learned that foster homes were not as widely used as they could be, reportedly because private citizens and families simply lacked the expertise or ability to cope with the problems of many potential foster children. This was brought out in a meeting with the Advisory Board.

Citizen: I think what it's all about is that there aren't any backup services for these foster parents. Let's say you have a [foster] kid and then you find out that you're working with a kid who really has a lot of problems. The Department of Social Services doesn't have the workers available to give you any assistance in how to cope with a kid who may be trying to get involved sexually with another member of your family or who won't follow rules or uses drugs or anything. I guess what it's all about is, and I think we all know it, that services to children just as far as funding have a very low priority in the State.

Citizen: We heard one suggestion, I think, perhaps she was kind of joking, from a probation officer. She would like to see the amount paid to foster parents raised. I think it's \$320 or something a foster parent gets. She suggested it be raised so that a person like herself would be able to take in a couple of children. She was a professional and could give them help, whereas she couldn't afford to do it now. She would quit her job and take in several kids.

It was also observed that various group homes also provided valuable alternatives for children in trouble. It appeared to the citizens that the kind of child who went to Hilltop Group Home, for example, was just right for what Bud

Allison had to offer at Hilltop. It was a program that was meeting the needs of certain children who were apparently carefully selected on the basis of compatability with the specific programs offered. This kind of careful matching and individual treatment was not possible in the larger, more institutional setting exemplified by McLaughlin.

4. There was no finding of police mistreatment of juveniles; rather, there appeared to be a distinct police preference for keeping juveniles out of the system.

The Advisory Board asked whether the group had any evidence as to how Anchorage police dealt with juveniles, referring to occasional newspaper articles carrying complaints of alleged police mistreatment. The group concluded that they had neither seen nor heard of any police brutality to minors. Their impressions had been that there was a definite preference by the police for keeping juveniles out of the system. According to police sources it was usual to give the child a warning rather than arrest him or her. This policy of discretionary enforcement then raised the further question of how the police distinguished the child to "pull in" from the child to warn. Presumably this is done on the basis of offense seriousness or previous involvement with the law, but this was never made explicit.

The Advisory Board next questioned whether the group believed children in the juvenile justice system were aware of their rights to legal representation. One citizen

expressed concern over this matter. She had asked a police officer whether children were advised that they had a right to an attorney. The answer given was that "every one of them" (the children) "knew" that they were entitled to have legal representation. The volunteer was somewhat disturbed by the ambiguity of the response, or by its non-responsiveness to the question she had asked--whether children were informed of their rights.

VI. Report of the Jury Selection Group

We have a criminal jury system which is superior to any in the world and its efficiency is marred only by the difficulty of finding twelve men every day who don't know anything and can't read.

--Mark Twain

A. The Group

Four individuals were assigned to the jury selection group on the basis of their own expressed desires. One was a student from the University Of Alaska Criminal Justice Center and the other three were women from the Anchorage Womens Club. Ages ranged from 26 to 45.

Each volunteer was interested in learning more about the jury system--how juries were formed and how they worked in practice. The criminal justice student was particularly interested in studying the empanelling of a jury through the process of voir dire examination. Only one member of the group had ever served on a jury herself.

The group was given a basic orientation to jury selection and the process of voir dire examination; there was also a general discussion of the history of the jury system. Several law review articles on the jury selection process and the consitutional requirements of a representative jury pool were distributed. The Alaska Supreme Court decision in Alvarado v. State, 486 P.2d 891 (1970), and its requirement for the representation of Alaska Natives in the

jury selection process was discussed. The student member of the group did more extensive individual research, focusing on the voir dire examination.

The jury group met for informal talks with an Anchorage superior court trial judge, an assistant public defender, and an assistant district attorney. These officials were questioned about the jury selection process and the criminal justice system in general. The group interviewed Linda Resor, the jury clerk for Anchorage; they also attended a standard orientation seminar held for new jurors in the Anchorage court building. Finally, the group observed several voir dire examinations of jury panels in actual litigation.

The jury volunteers designed a survey questionnaire to find out how ex-jurors conceived of their past jury experiences. The emphasis of the survey was to determine how well the jury system served the needs of the judicial process. It was hoped that the information from the survey would provide a measure of the extent of juror comprehension of the judicial process and of juror effectiveness. This survey was intended to cover only selected aspects of jury service of particular interest to the volunteer group. Questions were sent to three hundred jurors who had been called for jury duty within the preceding three-month period (January 1978 to mid-April 1978). The group tried to address survey instruments only to those jurors actually selected to

hear a trial, in other words, to those who had survived the voir dire examination.

Of the three hundred questionnaires mailed, one hundred and fifty were completed and returned to the Judicial Council offices. Approximately ten questionnaires were returned undelivered.

This questionnaire was designed to prob some of the problem areas in the jury system identified by I. G. Shuman and J. Mowen in their paper, "The Jury System: Old Problems and a New Alternative."¹⁴ The specific questions dealt with juror comprehension of the law and the trial process, self-reported juror prejudice or bias, and juror perceptions of the roles of legal reasoning versus common sense as applied to actual cases.

B. The Findings

1. Almost all jurors surveyed (92%) believed that the law and the nature of the proceedings were explained to them adequately by the judges and lawyers.

Commentators have argued that jurors are often baffled by the trial process and unable to make informed, reasoned decisions. In sum, one must draw a picture of twelve out-of-place individuals who attempt simultaneously to understand the foreign legal terminology, follow and remember a case without notes, adapt to the unfamiliar atmosphere of the courtroom and arrive at a just decision without having

¹⁴ Collected in R. Gerber, Contemporary Issues in Criminal Justice, Kennikat Press, 1976.

their individual questions asked or answered.¹⁵

The first questions of the juror survey dealt with juror comprehension and familiarity with the process. The group members learned from their survey that almost all jurors (92%) believed that all the matters they needed to know were explained well to them by the judge and the lawyers in the case. Also, most jurors (79.3%) understood the reasons for their being excused from the courtroom while legal points were argued. A majority of jurors (59%) believed that they were presented with sufficient evidence upon which to base a fair decision and had no need for more information. Thus, the general belief of the jurors who responded to the survey was that their comprehension of the process was good.

High marks for comprehension are offset somewhat by responses to the question of whether jurors would have asked the judge, attorneys or witnesses a question about the case had there been an opportunity to do so. Half of those jurors responding said they wanted to ask a question about the trial. The volunteers observed that jurors most often wanted to question witnesses; and most of these questions were concerned with clarification of testimony or other evidence presented in the case. Thus, though jurors believed

¹⁵ Id. at p.62.

their general comprehension to have been adequate, they did have specific questions that were not answered. (Whether answers to those questions, if supplied, would have affected their verdicts, they didn't say.) Two jurors suggested they should have been allowed to take notes during the trial.

2. A large majority of jurors surveyed (90%) said that the personalities of the actors in the courtroom had no effect on their evaluation of the evidence in the cases before them.

Jurors were asked whether the personalities of judges or attorneys influenced them or the other jurors' verdicts, and whether any bias, pro or con, was held by any juror. A large majority (90%) of those responding said that the personalities of the actors in the courtroom did not affect their verdict. Seventy-eight per cent of jurors responding said that there was "no bias" held by them or other jurors. Those biases most often noted by the minority of respondents were juror identification with a prior, similar personal experience, and juror distrust of authority figures in general. Another frequent qualification to an admission of bias was that a completely unbiased jury was impossible, but that jurors did the best they could. (The volunteers believed this latter response was an honest, and probably accurate assessment of the jury system.) Perhaps it is too much to expect of any mail survey that a juror would admit that his verdict was influenced by personal bias, or that he was swayed by the "personality" of a party or his attorney.

3. A large majority of jurors surveyed (83%) said they would not have decided their case differently had they been allowed to ignore fine points of law and to reach a verdict based purely on common sense. There was no perceived tension between law and reason.

Jurors were asked whether they would have decided the case differently had they been allowed to ignore "fine points" of law and to base their verdicts purely on common sense. A large majority (83%) said the case would have been decided the same way. For those jurors who elaborated on their responses (both yes and no) the most common explanation was that common sense was required and effectively used in the case, as well as law.

4. Many jurors spontaneously volunteered that their experiences in the courtroom had been enjoyable, educational, valuable, and that the jury system "seemed to work." Less frequent juror observations centered on the problem of wasted time.

The final question on the survey was an open-ended solicitation for juror opinions designed to capture any comment the respondent wished to make. The most frequent responses (over 20) were that jury experience had been enjoyable, educational and valuable, and that the system seemed to work. The next most frequent response (9) was dissatisfaction with the amount of wasted time involved in court proceedings. Other responses were quite varied--from distress at cigarette smoking in the jury room, to a need for more parking spaces for jurors.

The general impression of the jury selection volunteer group based on the answers of the 150 jurors who responded was one of satisfaction with the justice system and with the role of the trial jury within that system. The jurors claimed they had understood their duties adequately, though they had some questions. The jurors mostly disclaimed any biases and said that personalities had not influenced the decision-making process. Finally, the jurors seemed to affirm that their verdicts were grounded equally in common sense and fairness, as well as in the law.

C. Evaluation of the Jury Selection Group

The group was made up of one male student and three housewives, one of whom also runs a health food store. The student had taken classes in criminal justice, but the women had had no prior knowledge of the court system. Their comprehension of the system increased measurably with their experience in our program. Their survey, though not definitive of juror experience, disclosed some interesting and reassuring information about jurors' perceptions of the trial process. Also, their survey sample happened to coincide with the institution of a shortened "on call" period for jurors in Anchorage. The overall positive juror response may in part be attributable to the success of this new policy.

VII. Report of the Plea Bargaining Group

A. The Group

There were two persons assigned to this group, both Criminal Justice Center students who expressed an interest in finding out about the plea bargaining process. The predisposition which they brought with them at the outset was that plea bargaining was not an appropriate means for resolution of criminal charges: they were against the practice. They were interested in finding out what results had been achieved through the ban on plea bargaining announced by Attorney General Avrum Gross, effective August 15, 1975.

Both students hoped to be able to submit a report on their investigations; however, neither did so.

The two students were given articles by Professor Albert Alschuler on his views of the roles of trial judge, prosecuting attorney and defense attorney in plea bargaining. Interviews were also arranged between the students and two public defenders in Anchorage handling city misdemeanor cases. (City attorneys still plea bargain their cases.) Interviews were also arranged for them with members of the district attorney's office in Anchorage, forbidden from bargaining by the Attorney General. Later, they met with a private defense attorney.

B. Evaluation of the Plea Bargaining Group

One possible explanation for the lack of output from this group is that it was limited by individual student

research work. The students were interested in informing themselves about an aspect of the criminal justice system on which they had already developed certain opinions. Although they said they intended to make reports for the project, such reports were not necessary for their own college courses. In every group all project work was fully voluntary. The citizen-volunteer groups with a mixture of age, sex, and interest or motivation led to better results.

VIII. Overall Evaluation of the Pilot Project

People in the community say they want to know more about their courts and the justice system; they want a greater degree of accountability and public participation. There is much evidence for this statement of what the people want. The mobilization of forces to "democratize" the system of selection of judges in Alaska comprises one of the more vociferous aspects of this trend toward public involvement. The attractiveness of our project to many citizens who wanted to improve their knowledge of the system can be seen as another manifestation of this desire. Finally, a recently conducted survey of public opinion by Yankelovich, Skelley, and White, Inc. reports that the public ranks the performance of courts below that of many other institutions of government. At the same time this survey also shows that the general public's knowledge about its courts and their functions is almost unbelievably low.¹⁶ All of this evidences

¹⁶ Yankelovich, Skelley and White, Inc., "The Public Image of the Courts", State Courts: A Blueprint for the Future, prepared for the National Center for State Courts (1978). A large portion (74% and 77%) of the interview sample confessed to little or no familiarity with state and federal courts respectively. Although actual court experience in the sample was not uncommon (43%), more than half of these incidents were with traffic court only. When the figures are projected out to all Americans with and without experience, approximately 17% have been defendants, approximately 10% have been plaintiffs or victims, approximately 2% have been jurors, and 0% and 4% observers and witnesses. The greatest public misconceptions noted in the survey were that 72% believed that the U.S. Supreme Court could review and reverse any state court decision, 37% thought that the accused

a need for greater discourse between the justice professionals and the public.

In this project the Judicial Council sought to bring about a cooperative effort on the part of all the agencies of the justice system in Anchorage (the courts, the police, corrections and probation officers, attorneys and social workers) to involve the public and to permit a "look inside." The project attracted some of the more committed members of the community. These people want good courts, good judges, a good correctional system, as much as do any of the vocal "special interest groups" who usually get more press coverage. These citizens had an approach which was more thoughtful than vocal, and which actually required them to invest some of their own time and energy.

Too often members of the legal profession (or any profession, for that matter), will say or imply: "We know what we're doing, we're trained to do this job, it is highly specialized; the public is incapable of understanding our work." Such an attitude among public service professionals, if it was ever acceptable, must now be rejected. In the flush of Watergate, taxpayer revolts, and other forms of populist revival, it behooves professionals to respond to legitimate demands to make the justice system more compre-

had the responsibility to prove his or her innocence, and 30% understood that it was the district attorney's job to defend indigents ("accused criminals who cannot afford lawyers").

hensible and more accessible to those whom it is intended to serve.

And why regret or resist this? Public involvement is something that the justice system always should have encouraged and maintained. Judges should welcome a chance for neutral evaluation of their courtrooms and use this "feedback" to improve their performances. Probation officers and corrections people can use the reality check and new perspectives provided by persons from outside the justice system. Legislators can more confidently allocate funds when the electorate is informed and understands the facts behind proposed reforms and other programs.

Real citizen participation is always difficult to sustain. It is usually a volunteer effort and requires a certain level of commitment on the part of each individual. It also requires that the lawyer, judge or other public servant take time and give open and frank answers. But this project showed that there are such persons in the justice system and among the general public.

As a result of our project the Anchorage Women's Club would like to continue the court observation program next year. Such public efforts to find out about the courts and the justice system should continue with or without assistance from the Judicial Council or federal funds.

This project has identified basic steps to follow in any citizen participation project. It would be better

for the citizens and for the courts if it is a cooperative effort. As much diversity as possible in the make-up of individual citizen work groups should be maintained. A project supervisor is needed to direct and coordinate citizen work group efforts. Completely autonomous citizen work groups are a fantasy; the courts and the justice system are too large and imposing to expect volunteers to work out their own methodology and objectives. The process of citizen participation in the courts will require joint commitment and responsibility.

IX. Recommendations of Project Advisory Board

A. Reforms Suggested by Findings of the Court
Observer Group

1. There is a need to explore ways to insure that court proceedings will start on time more often. Many reasonable excuses may exist for why court is delayed, but the poor record reported by our volunteers suggests that there is room for improvement. This is particularly so in the area of better preparedness by prosecutors. Improvement might be accomplished, where appropriate, through stricter demands by judges coupled with tighter administrative controls by supervisory personnel in the city attorney's office and in the office of the state district attorney.

2. An information booth or receptionist located in a prominent position in the courthouse would help parties and witnesses find out where to go for their court appearances. Also, a pamphlet with a brief description of a defendant's rights and the stages in the criminal process should be made available to those appearing for arraignments.

B. Reforms Suggested by Findings of the Corrections
Group

1. Overcrowded and substandard conditions should not be allowed to prevail in any jail, and particularly not in pre-trial detention facilities.

2. There should be a closer working relationship between the judiciary and the Division of Corrections. Judges should become more familiar with programs and facilities for education, physical activity and job training which are or are not available at each institution.

3. Legislative or judicial investigation should be conducted on the appropriateness of the greater use of pre-trial release on terms other than monetary bail to alleviate problems of overcrowded conditions in pre-trial detention facilities.

C. Reforms Suggested by Findings of the Juvenile Justice Group

1. There is a clear and evident need for a gymnasium at McLaughlin Youth Center. (By the time of this report's publication, funds were allocated by the Legislature for constuction of the gymnasium.)

2. Foster and group homes need to receive greater back-up services and additional resources should be allocated to these forms of alternative placement for children.

3. Flexibility and variety in alternatives for the treatment of children should be retained, but more cooperation among agencies working with youths would be beneficial.

D. Reforms Suggested by Findings of Jury Selection
Group

1. In general, jury service seems to be a valuable and worthwhile experience in Anchorage. The new shortened period of jury service with daily notification has been favorably received. Jurors and court observers suggested that there is a need for more parking space near the courthouse; a need experienced by everyone in the community with business to conduct in Anchorage courts.

APPENDIX A

JUDGE EVALUATIONS OF
COURT OBSERVER GROUP

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Superior Court (Anchorage)

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8.	Judge James Singleton	A-27

District Court (Anchorage)

1.	Judge Beverly W. Cutler	A-30
2.	Judge Joseph Brewer*	A-33
3.	Judge John Mason.	A-37
4.	Judge Laurel Peterson	A-40
5.	Judge Warren Tucker	A-44
6.	Judge Virgil Vochoska	A-47

*

Only seven separate observations were made of Judge Brewer. This is the only judge reported on with less than ten minimum observations desired by Judicial Council to make any significant comment. However, there were five separate observers who observed in Judge Brewer's courtroom.

Judge: Ralph E. Moody

I. Observation Distribution:

A. Number of Distinct Observations:

Total: 15
Under 15 mins: 0
15-30 mins: 0
30-1 hr.: 5
Over 1 hr.: 8
Unknown: 2

B. Number of Different Observers: 6

C. Type of Proceedings:

Trial	7	Omnibus Hrg.	1
Motions	5	Petition Hrg.	2
Jury Selection	3		
Arraignment	1		
Bail Hrg.	1		

II. Yes/No Response Distribution:

<u>Question</u>	<u>Yes</u>	<u>No</u>	<u>No Response or Not Applicable</u>
10. Did the judge usually speak loudly and distinctly enough to be heard by the spectators? 10		5	0
17. Did the judge seem to exert proper control over attorneys and court personnel to give the courtroom a business-like atmosphere? 14	14	1	0
18. Was the judge "autocratic" or overly "dictatorial" or "arrogant" in his attitude? 1	1	14	0
19. Did the judge appear to discriminate against certain groups or kinds of people (e.g. minorities, "longhairs," ethnic groups)? If yes, explain below. 0	0	15	0
20. Did the judge give the appearance of favoring either defense or prosecution? 0	0	15	0

<u>Question</u>	<u>Yes</u>	<u>No</u>	<u>No Response or Not Applicable</u>	
21. Did the judge explain reasons for his sentence or decisions? 12		0	3	
22. Was the judge clear and understandable in his choice of words and manner of delivery? 10		5	0	
23. Was he attentive when someone spoke to him? 15		0	0	
24. Was he patient? 11		4	0	
26. Was there anything about the judge's conduct on the bench that gave the appearance of impropriety? If yes, explain below. 0	15		0	
28. In general, which of these best describe the courtesy and respect the judge showed to:				
	<u>Excellent</u>	<u>Adequate</u>	<u>Sometimes Inadequate</u>	<u>Often Inadequate</u>
a) Defendants 4		6		
b) Defense attorneys 4		10		
c) State's witnesses/ complainants 4		2		
d) Prosecutors 4		14		

III. Narrative Comments:

(each paragraph and line separation marks a separate comment from an observation incident.)

28. Noteworthy Aspects

1. The judge appeared to be rather impatient with lack of material to act on in brief motions hearings, which I feel he deserved to be; maybe more severity would cause better preparation.
2. Judge M. was attentive and listened carefully to the facts.
3. Judge M. listened to both sides. Gave each a chance to explain their position--but--once he makes a ruling, he is quick. He seems fair--but firm.

27/28/29. General Impressions

1. At times Judge M. seemed impatient with assistant district attorney. Judge M. couldn't be heard part of the time.
2. Did not feel judge was patient with attorneys or defendant; not blatantly but still impatient without obvious justification.
3. Judge M. appeared to be competent and attentive. He seemed to be considerate of jurors' feelings during proceedings. He gave adequate explanations for his actions and decisions.
4. Judge M. was very self-effaced, soft-spoken, not very imposing. . . His demeanor and disposition were not abused by counsel who seemed to observe a mutual respect for the judge's age and dignity.
5. Judge appeared to be attentive to trial testimony. There were few objections to be ruled on, so that not much was required of the judge except attentiveness.
6. Judge M. has an understanding of legal procedures, statutes and the case. He pursues discussions for clarity and is emphatically clear about his rulings. He appears to know what he is doing. He seems to be attentive and fair to both sides. While he is lenient and patient to a certain extent about letting attorneys talk things out, he does not let issues drag on and on. Attorneys seem to respect him with correct courtroom decorum. Judge has sense of humor too.
7. While in Judge M.'s courtroom, I got the feeling he is in complete control--the rules are followed as prescribed.
8. When judge read instructions to the jury, he mumbled some and also read in rather fast and "sing songy" voice. No doubt this was a rather longish and tedious thing to read. However, jury instructions appear to be very important. They cannot be heard or keep one's attention when they are droned on so monotonously.
9. Judge M. handled the problems in Pfeil Estate case very well. It was sort of a free for all, but he controlled it very well. He allowed questions, suggestions and discussion quite patiently . . . controlled wide array of attorneys admirably.

10. This was an interesting observation of different lawyers. It was my impression that the Judge was patient up to the point where the lawyers challenged him. He gave all attorneys a chance to present their sides, and although he threatened to fine one, I think he was fully justified; . . . He appears a little gruff and "crochety" at times; yet I think he is fair.

Judge S. J. Buckalew

I. Observation Distribution:

A. Number of Distinct Observations:

Total: 10
Under 15 mins: 0
15-30 mins: 3
30-1 hr.: 3
Over 1 hr.: 2
Unknown: 2

B. Number of Different Observers: 5

C. Type of Proceedings:

Sentencing: 6 Motions: 2
Trial: 4 Bail Hrg.: 1

II. Yes/No Response Distribution:

<u>Question</u>	<u>Yes</u>	<u>No</u>	<u>No Response or Not Applicable</u>
10. Did the judge usually speak loudly and distinctly enough to be heard by the spectators?	10	0	0
17. Did the judge seem to exert proper control over attorneys and court personnel to give the courtroom a business-like atmosphere?	10	0	0
18. Was the judge "autocratic" or overly "dictatorial" or "arrogant" in his attitude?	0	10	0
19. Did the judge appear to discriminate against certain groups or kinds of people (e.g. minorities, "longhairs," ethnic groups)? If yes, explain below.	0	10	0
20. Did the judge give the appearance of favoring either defense or prosecution?	0	10	0

<u>Question</u>	<u>Yes</u>	<u>No</u>	<u>No Response or Not Applicable</u>	
21. Did the judge explain reasons for his sentence or decisions?	7	0	3	
22. Was the judge clear and understandable in his choice of words and manner of delivery?	10	0	0	
23. Was he attentive when someone spoke to him?	10	0	0	
24. Was he patient?	10	0	0	
26. Was there anything about the judge's conduct on the bench that gave the appearance of impropriety? If yes, explain below.	0	10	0	
28. In general, which of these best describe the courtesy and respect the judge showed to:				
	<u>Excellent</u>	<u>Adequate</u>	<u>Sometimes Inadequate</u>	<u>Often Inadequate</u>
a) Defendants	4	5		
b) Defense attorneys	4	6		
c) State's witnesses/ complainants	3	4		
d) Prosecutors	3	5		

III. Narrative Comments:
(each paragraph and line separation marks a separate comment from an observation incident)

28. Noteworthy Aspects

- Do feel it would be an advantage if this judge could speak more clearly (perhaps there is a reason he is not able to). He appeared to be aware of the facts in the case--had done his homework, listened attentively and did not have a lenient attitude toward early release for criminals nor complete excuse for first offenders.

27/28/29. General Impressions:

- The judge seemed to be well prepared for the sentencing.

2. I was impressed with the judge's decisions. I had a little difficulty hearing the judge at the beginning The judge made very clear to her [defendant] all the details of probation in a firm but kindly way. I felt good about the way these two cases were handled.
3. Judge was not familiar with the case--as if he had just come in on the case. Another case relating to this one had been appealed to the Supreme Court [Alaska]. He wanted to read over all the papers filed and get back to it.
4. Judge B. seemed to be interested in the rehabilitation for Ms. S. and gave her a chance to prove it.

Judge: Victor D. Carlson

I. Observation Distribution:

A. Number of Distinct Observations:

Total: 10
Under 15 mins: 0
15-30 mins: 0
30-1 hr.: 4
Over 1 hr.: 5
Unknown: 1

B. Number of Different Observers: 6

C. Type of Proceedings:

Trial 7
Motions 4
Jury Selection 1

II. Yes/No Response Distribution:

<u>Question</u>	<u>Yes</u>	<u>No</u>	<u>No Response or Not Applicable</u>
10. Did the judge usually speak loudly and distinctly enough to be heard by the spectators?	10	0	0
17. Did the judge seem to exert proper control over attorneys and court personnel to give the courtroom a business-like atmosphere?	10	0	0
18. Was the judge "autocratic" or overly "dictatorial" or "arrogant" in his attitude?	0	10	0
19. Did the judge appear to discriminate against certain groups or kinds of people (e.g. minorities, "longhairs," ethnic groups)? If yes, explain below.	0	10	0
20. Did the judge give the appearance of favoring either defense or prosecution?	0	10	0

Question	<u>Yes</u>	<u>No</u>	<u>No Response or Not Applicable</u>	
21. Did the judge explain reasons for his sentence or decisions?	8	0	2	
22. Was the judge clear and understandable in his choice of words and manner of delivery?	10	0	0	
23. Was he attentive when someone spoke to him?	9	0	1	
24. Was he patient?	10	0	0	
26. Was there anything about the judge's conduct on the bench that gave the appearance of impropriety? If yes, explain below.	0	10	0	
28. In general, which of these best describe the courtesy and respect the judge showed to:				
	<u>Excellent</u>	<u>Adequate</u>	<u>Sometimes Inadequate</u>	<u>Often Inadequate</u>
a) Defendants	5	4		
b) Defense attorneys	6	4		
c) State's witnesses/ complainants	5	3		
d) Prosecutors	6	4		

III. Narrative Comments:
(each paragraph and line separation marks a separate comment from an observation incident.)

28. Noteworthy Aspects

- Judge C. seems pleasant and attentive. He appeared to me to be very sharp in connection with this case. He followed the information closely and caught important omissions. In one instance, he noted certain information was lacking in Exhibit 3. He also suggested a witness he recalled to clarify some information.
- Extremely courteous, attentive and alert. Seemed extremely knowledgeable about business terminology and made sure that witness understood questions.

3. It's always a pleasure to go into Judge C.'s court--he is so patient and polite. It seems to rub off onto the attorneys too.
4. Judge C. was well prepared for this case. He is very alert and has a good grasp of essential information.

27/28/29. General Impressions

1. The judge was very stern; tolerated no nonsense. He was very attentive to testimony and did not hesitate to expedite the proceedings when counsel's examination was dilatory or superfluous.
2. Was very impressed with attentiveness of judge--gave appearance of not wishing to miss a single word. I liked honesty in admitting in--case that he had not had time to study entire file due to being involved in murder case on docket next and asked for clarification from attorney. Was dignified and thoroughly in control. I did think that in instructions to jury, the legal language and rapidity with which they were read might have made understanding them difficult for some jurors. Perhaps pertinent aspects had been brought out during trial.
3. Judge C. denied motion after carefully explaining why.
4. Judge C. was patient and diligent in listening and trying to ascertain facts. He was careful he understood both sides. He seemed very knowledgeable of the law . . . I was impressed with his courtroom.
5. I really enjoyed watching and listening to Judge C. today. He appeared to be very attentive and knowledgeable on the two cases we watched. He very carefully explained things when there was a question. He was congenial to both sides and patient.
6. Judge C. is always very careful to explain his reasons and decisions--very kind--knowledgeable in any explanation of business, etc. Very attentive.
7. Judge C. is courteous and considerate, but also direct. He seems to be "on top" of a case at all times. He does not listen passively but involves his thinking in a case. His comments and questions serve to clarify information, keep the action moving, note omissions in information and he doesn't miss a cue! It is a refreshing experience compared with some who allow what seems to be irrelevant and repetitious verbiage ad infinitum!

30. Any special comments or observations you wish to add:

1. The air in this superior courtroom was the freshest and most pleasant of any other superior courtroom I've been in. Also, the first art I've seen in a courtroom--an attractive fabric hanging and a picture! Great!

CONTINUED

1 OF 2

Judge: Peter J. Kalamarides

I. Observation Distribution:

A. Number of Distinct Observations:

Total: 15
Under 15 mins: 0
15-30 mins: 2
30-1 hr.: 1
Over 1 hr.: 11
Unknown: 1

B. Number of Different Observers: 6

C. Type of Proceedings Observed:

Trial	10	Motions	2
Omnibus Hrg.	2	Sentencing	2
Change of Plea	1		

II. Yes/No Response Distribution:

<u>Question</u>	<u>Yes</u>	<u>No</u>	<u>No Response or Not Applicable</u>
10. Did the judge usually speak loudly and distinctly enough to be heard by the spectators?	9	6	0
17. Did the judge seem to exert proper control over attorneys and court personnel to give the courtroom a business-like atmosphere?	15	0	0
18. Was the judge "autocratic" or overly "dictatorial" or "arrogant" in his attitude?	0	14	1
19. Did the judge appear to discriminate against certain groups or kinds of people (e.g. minorities, "longhairs," ethnic groups)? If yes, explain below.	0	15	0
20. Did the judge give the appearance of favoring either defense or prosecution? Def: Pros; (1)	1	14	0

<u>Question</u>	<u>Yes</u>	<u>No</u>	<u>No Response or Not Applicable</u>	
21. Did the judge explain reasons for his sentence or decisions?	13	0	2	
22. Was the judge clear and understandable in his choice of words and manner of delivery?	9	4	2	
23. Was he attentive when someone spoke to him?	15	0	0	
24. Was he patient?	11	3	1	
26. Was there anything about the judge's conduct on the bench that gave the appearance of impropriety? If yes, explain below.	2	13	0	
28. In general, which of these best describe the courtesy and respect the judge showed to:				
	<u>Excellent</u>	<u>Adequate</u>	<u>Sometimes Inadequate</u>	<u>Often Inadequate</u>
a) Defendants	4	9		
b) Defense attorneys	4	8	1	
c) State's witnesses/ complainants	4	8		
d) Prosecutors	4	10		

III. Narrative Comments:

(each paragraph and line separation marks separate comment from an observation incident.)

20. Favoritism

- Judge K. on two occasions shouted at defense lawyer . . . this shouting by judge in courtroom could prejudice the jury against the defendant.
- The only indications of unfairness I observed were what seemed to me to be rather loose, impressionistic, unsubstantiated statements in D.A.'s closing argument. Maybe this is okay as there were no objections from the judge.

26. Appearance of Impropriety

1. During evidentiary hearing when conclusion was reached to impeach a witness--there was a conflict of view points on the judge's ruling between defense attorney and judge. Twice during this episode the judge was short-tempered with the attorney and impatiently raised his voice. The judge is only human and can't help losing control at times, but in the courtroom when the defendant is "innocent until proven guilty" it is very unseemly to show impatience or bias or dislike for defendant's attorney. In other more subtle ways I got the impression the judge doesn't like that attorney. The attorney was not belligerent to the judge--just eager beaver personality and seems dedicated to his client.

28. Noteworthy Aspects

1. This judge is attentive, knowledgeable, business-like for the most part and appears competent. He would be a better judge if he could control his temper. Could someone advise him? If this problem is personality conflict with this particular defense attorney, then Judge K. should disqualify himself from working with this attorney. If temper displays are common occurrence then he needs some help to keep control of his strong emotions.
2. Judge K. is very firm about both sides sticking to the rules.
3. Judge K. could improve on speaking loudly and distinctly.
4. Judge K. is very attentive and competent in legal procedure.

27/28/29. General Impressions

1. Judge K. doesn't stand for much "fooling around." He insists on facts--not hearsay. He was very strict that lawyers had facts straight and clarified things.
2. Although I might have thought this judge autocratic and abrupt at the beginning of court watching, my impression now is that he runs "a tight ship." I think there would be very little wasted in his courtroom and attorneys would not be allowed to continually make the same delay tactics. This is good.

3. Difficult to hear judge at times.
4. Judge K. always seems prepared and keeps good order.
5. Judge K. sometimes mumbles.
6. Decisive, attentive. Has complete control of courtroom. Judge K. mumbles a little, is somewhat dour, but it is my impression that he is in complete control and that lawyers know this. Efficiently run trial.
7. Could speak up better at times. Speaks too low on occasion.
8. He is decisive, well prepared, knowledgeable and very competent and attentive. . . inserting opinions and advice at proper time to keep the trial proceeding smoothly and accurately.
9. Does mumble some.
10. A no-nonsense judge--firm with decisions.
11. Judge is decisive, appears diligent in trying to ascertain facts, very attentive. He has a tendency to mumble but appears to formulate replies well. Seems to be in complete control of courtroom, which after several weeks of court watching impresses me. Not too much wasted time. Judge K. is very business-like, alert and attentive. He doesn't seem to miss a thing during a procedure.

Judge Eben Lewis

I. Observation Distribution:

A. Number of Distinct Observations:

Total:	11
Under 15 mins:	0
15-30 mins:	0
30-1 hr.:	4
Over 1 hr.:	5
Unknown:	2

B. Number of Different Observers: 8

C. Type of Proceedings Observed:

Trial	8
Motions	4
TRO	2

II. Yes/No Response Distribution:

<u>Question</u>	<u>Yes</u>	<u>No</u>	<u>No Response or Not Applicable</u>
10. Did the judge usually speak loudly and distinctly enough to be heard by the spectators?	8	3	0
17. Did the judge seem to exert proper control over attorneys and court personnel to give the courtroom a business-like atmosphere?	11	0	0
18. Was the judge "autocratic" or overly "dictatorial" or "arrogant" in his attitude?	0	11	0
19. Did the judge appear to discriminate against certain groups or kinds of people (e.g. minorities, "longhairs," ethnic groups)? If yes, explain below.	0	11	0
20. Did the judge give the appearance of favoring either defense or prosecution?	0	11	0
21. Did the judge explain reasons for his sentence or decisions?	4	0	7

<u>Question</u>	<u>Yes</u>	<u>No</u>	<u>No Response or Not Applicable</u>	
22. Was the judge clear and understandable in his choice of words and manner of delivery?	7	4	0	
23. Was he attentive when someone spoke to him?	11	0	0	
24. Was he patient?	11	0	0	
26. Was there anything about the judge's conduct on the bench that gave the appearance of impropriety? If yes, explain below.	0	10	1	
28. In general, which of these best describe the courtesy and respect the judge showed to:				
	<u>Excellent</u>	<u>Adequate</u>	<u>Sometimes Inadequate</u>	<u>Often Inadequate</u>
a) Defendants	3	6		
b) Defense attorneys	3	7		
c) State's witnesses/ complainants	3	7		
d) Prosecutors	3	7		

III. Narrative Comments:

(each paragraph and line separation marks a separate comment from an observation incident)

28. Noteworthy Aspects

1. It was very warm in the courtroom--a few heads were nodding including the judge.
2. Not much action by the judge appeared to be required during the brief time I was in the courtroom. I note that Judge L. listens with his eyes closed much of the time.
3. Judge L. listened attentively and interrupted technical testimony to obtain clear understanding of terms. He probed for information from professional witness with insight for facts as to suitability of persons as parents.

27/28/29 General Impressions

1. The judge appeared to be napping at times during the proceeding. It was very warm and even the jury was twisting and turning. Judge L. did not speak loudly enough or clearly enough to be heard by anyone but attorneys.
2. I thought the judge appeared a little unattentive today and certainly sleepy at times.
3. The judge's conduct seemed efficient.
4. The judge allowed a witness to "speak off the cuff," i.e. to give additional information not definitely asked for--as he felt that sometimes the truth is more apt to be revealed in this manner.
5. Judge was alert today--appeared to be thorough and analytical.

Judge J. Justin Ripley

I. Observation Distribution:

A. Number of Distinct Observations:

Total: 12
Under 15 mins: 0
15-30 mins: 1
30-1 hr.: 5
Over 1 hr.: 5
Unknown: 1

B. Number of Different Observers: 4

C. Type of Proceedings Observed:

Trial: 7
Sentencing: 6
Motions: 3

II. Yes/No Response Distribution:

<u>Question</u>	<u>Yes</u>	<u>No</u>	<u>No Response or Not Applicable</u>
10. Did the judge usually speak loudly and distinctly enough to be heard by the spectators?	12	0	0
17. Did the judge seem to exert proper control over attorneys and court personnel to give the courtroom a business-like atmosphere?	11	0	1
18. Was the judge "autocratic" or overly "dictatorial" or "arrogant" in his attitude?	0	12	0
19. Did the judge appear to discriminate against certain groups or kinds of people (e.g. minorities, "longhairs," ethnic groups)? If yes, explain below.	0	12	0
20. Did the judge give the appearance of favoring either defense or prosecution?	0	11	1

<u>Question</u>	<u>Yes</u>	<u>No</u>	<u>No Response or Not Applicable</u>	
21. Did the judge explain reasons for his sentence or decisions?	10	0	2	
22. Was the judge clear and understandable in his choice of words and manner of delivery?	12	0	0	
23. Was he attentive when someone spoke to him?	12	0	0	
24. Was he patient?	12	0	0	
26. Was there anything about the judge's conduct on the bench that gave the appearance of impropriety? If yes, explain below.	1	11	0	
28. In general, which of these best describe the courtesy and respect the judge showed to:				
	<u>Excellent</u>	<u>Adequate</u>	<u>Sometimes Inadequate</u>	<u>Often Inadequate</u>
a) Defendants	6	4		
b) Defense attorneys	4	7		
c) State's witnesses/ complainants	4	3		
d) Prosecutors	4	7		

III. Narrative Comments:

(each paragraph and line separation marks a separate comment from an observation incident)

26. Appearance of Impropriety

1. Casual approach to protocol. The judge came down into the room from the bench to have a chat with someone in the courtroom. It was such a surprise to observe casual behavior on part of judge. Maybe it's okay, but was not as dignified as other courtroom protocol (or is it possible that strict protocol makes judges seem to be much more respectable, wise and omnipotent, therefore almost untouchable?)

28. Noteworthy Aspects

1. Judge R. listened attentively and explained his decisions carefully.
2. Judge well informed about technical terms. He kept harmony between attorneys with logic. Showed exceptional patience.
3. Judge R. appears to be attentive, courteous even gracious but unwilling to impose sanctions if attorneys not in order. He is interested in obtaining full information before making decision on sentencing. He also took pains to warn jury of their duty each time they were dismissed.
4. Judge R. showed a lot of patience--the whole day!
5. Judge came out of chambers to explain to defendant that an attorney was late. In finally re-setting date for sentencing, inquired of defendant if she was getting along all right. . . . Showed concern and very considerate in handling this case.
6. Judge showed patience: made sure Mrs. P. (foreign language speaker) understood. Difficult case to try because of language barrier. Judge appeared diligent in trying to ascertain facts, very attentive.

27/28/29 General Impressions

1. The judge appeared to be diligent, attentive and have knowledge of the case He was conscientious in digging out the best solution for the benefit of defendant and patient about getting her views about the sentence.
2. This judge appears to be attentive, concerned and courteous. However, he is not as "formidable" as another judge so his profile comes across as being more relaxed and not as business-like. Example: I noticed that one attorney remained seated while talking to the judge. In all other instances in other courtrooms visited, the attorneys stood when addressing the bench. This attorney also interrupted frequently. The judge was patient about this but eventually stopped it, but gently.
3. Judge R. is very conscious of time element. He is anxious to have cases start on time. On two separate occasions when visiting his courtroom he has mentioned to attorneys the need to expedite their cases as other cases were coming up. This is only courtroom this special concern with promptness was noted.

4. Judge R. overly lenient with attorney, allowing interruptions too often and from his seat.
5. Judge R. appears to be very conscious of time.
6. Judge R. appears to be courteous and attentive.
7. Judge R. was very careful that the defendant understood proceedings and questions. Showed patience and understanding.
8. Judge R. visited with the defendant at length--explaining court's position and the expectations for her--very fair--in his judgment. I felt that Judge R. was very compassionate with all aspects of the case. He gave the defendant the impression that she was capable of handling his sentence and a belief in her integrity. Gave her hope. Explained his reason for the sentence.
9. My general impression in this sentencing was all favorable. The judge was very attentive, patient, understanding. He explained carefully and thoroughly to the defendant what his options for sentencing were, what the conditions were. . . . This was a relaxed atmosphere, with both attorneys and judge seeming to strive for the best solution, yet they were aware that someone had been wronged and some restitution should be made. I would give this a "gold star" rating for the justice system.

Judge: Mark C. Rowland

I. Observation Distribution:

A. Number of Distinct Observations:

Total: 16
Under 15 mins: 0
15-30 mins: 3
30-1 hr.: 5
Over 1 hr.: 4
Unknown: 4

B. Number of Different Observers: 7

C. Type of Proceedings Observed:

Trial	9	Motions	4
Sentencing	4	Jury Selection	2

II. Yes/No Response Distribution:

<u>Question</u>	<u>Yes</u>	<u>No</u>	<u>No Response or Not Applicable</u>
10. Did the judge usually speak loudly and distinctly enough to be heard by the spectators?	16	0	0
17. Did the judge seem to exert proper control over attorneys and court personnel to give the courtroom a business-like atmosphere?	13	2	1
18. Was the judge "autocratic" or overly "dictatorial" or "arrogant" in his attitude?	0	15	1
19. Did the judge appear to discriminate against certain groups or kinds of people (e.g. minorities, "longhairs," ethnic groups)? If yes, explain below.	0	16	0
20. Did the judge give the appearance of favoring either defense or prosecution?	0	15	1

<u>Question</u>	<u>Yes</u>	<u>No</u>	<u>No Response or Not Applicable</u>	
21. Did the judge explain reasons for his sentence or decisions?	12	0	4	
22. Was the judge clear and understandable in his choice of words and manner of delivery?	15	0	1	
23. Was he attentive when someone spoke to him?	15	1	0	
24. Was he patient?	16	0	0	
26. Was there anything about the judge's conduct on the bench that gave the appearance of impropriety? If yes, explain below.	1	15	0	
28. In general, which of these best describe the courtesy and respect the judge showed to:				
	<u>Excellent</u>	<u>Adequate</u>	<u>Sometimes Inadequate</u>	<u>Often Inadequate</u>
a) Defendants	8	5		
b) Defense attorneys	9	6	1	
c) State's witnesses/ complainants	6	3		
d) Prosecutors	8	6	1	

III. Narrative Comments:

(each paragraph and line separation marks a separate comment from an observation incident.)

28. Noteworthy Aspects

- I thought Judge R. showed infinite patience in dealing with attorneys, both state and defense . . . admired his determination to get jury selected and to avoid delay even though he was going to rule on a motion after jury was dismissed for the day--all this despite an obvious cold and cough.
- Patience.

3. Judge R. was prepared with information on this case [sentencing]. He considered all aspects of the case and evaluated the facts with considerable insight. He made certain defendant understood the terms of the sentence. He considered the "Chaney" guidelines and made a balanced decision.
4. Judge's sentencing stressed vocational training during incarceration to become an asset to society.
5. Judge decision, analytical, firm-well formulated decision.
6. The judge seemed to be dozing from time to time--not just closed eyes but seemed to have dropped off. He had to ask defense counsel to repeat questions once. So much time was wasted. I felt Judge R was unattentive at times--also too lenient with attorneys--he let them go on and on.
7. The judge explained things well to the defendant [sentencing]--took considerable time making defendant see he should make something of his life.
8. Judge R. made defendant's rights and waivers very clear and questioned her to be sure she completely understood. He also interrupted defense attorney questioning when it was getting too far afield. (This should be a more common practice among judges.)

27/28/29. General Impressions

1. I was impressed with Judge R.'s handling of the cases. He seemed well in command of the situation and treated the defendants with courtesy. He asked questions directly and appeared to understand the background of the cases. He did not rush the proceedings yet kept them moving.
2. Judge R. was not feeling well--however he was very careful to understand what each side said. He tried to clarify a point when the two attorneys were at each other.
3. Judge R. seemed lenient in keeping the attorneys in line.
4. I do not think other judges would have been as indulgent as the judge in this case has been.
5. Judge showed good humor.

6. Good insight . . . an explanation to the defendant [at sentencing] that the future can be rewarding regardless of his 19 years background in an alcoholic parent's home.
7. This was a chance to see Judge R. on a civil case (usually observed on criminal case in past)--was a nice change--his face expresses his feelings--very human and interested in the welfare of "family." Although he can be firm--it's always with a sense of humor--the "patience of Job."
8. Exercised patience although I do not think defense attorney would agree . . . thought judge was fair in all aspects of trial.

Judge: James Singleton

I. Observation Distribution:

A. Number of Distinct Observations:

Total: 11
Under 15 mins: 0
15-30 mins: 2
30-1 hr.: 3
Over 1 hr.: 0
Unknown: 6

B. Number of Different Observers: 7

C. Type of Proceedings Observed:

Motions	12	Trial	2
Sentencing	5	Jury Selection	1
Bail Hrg.	1		

II. Yes/No Response Distribution:

<u>Question</u>	<u>Yes</u>	<u>No</u>	<u>No Response or Not Applicable</u>
10. Did the judge usually speak loudly and distinctly enough to be heard by the spectators?	11	0	0
17. Did the judge seem to exert proper control over attorneys and court personnel to give the courtroom a business-like atmosphere?	11	0	0
18. Was the judge "autocratic" or overly "dictatorial" or "arrogant" in his attitude?	1	10	0
19. Did the judge appear to discriminate against certain groups or kinds of people (e.g. minorities, "longhairs," ethnic groups)? If yes, explain below.	0	11	0
20. Did the judge give the appearance of favoring either defense or prosecution? Def: Pros: (1)	1	10	0

<u>Question</u>	<u>Yes</u>	<u>No</u>	<u>No Response or Not Applicable</u>	
21. Did the judge explain reasons for his sentence or decisions?	8	1	2	
22. Was the judge clear and understandable in his choice of words and manner of delivery?	11	0	0	
23. Was he attentive when someone spoke to him?	11	0	0	
24. Was he patient?	10	1	0	
26. Was there anything about the judge's conduct on the bench that gave the appearance of impropriety? If yes, explain below.	0	11	0	
28. In general, which of these best describe the courtesy and respect the judge showed to:				
	<u>Excellent</u>	<u>Adequate</u>	<u>Sometimes Inadequate</u>	<u>Often Inadequate</u>
a) Defendants	8	1		
b) Defense attorneys	9	2		
c) State's witnesses/ complainants	4	1		
d) Prosecutors	8	1		

III. Narrative Comments:

(each paragraph and line separation marks a separate comment from an observation incident.)

20. Favoritism

1. My impression that he [judge] was lenient with assistant D.A. for not being ready for trial (with jury waiting). He was impatient with defense attorney for wanting to question police officer--allowed him to question one witness but not the other. Couldn't see the difference and I agreed with defense attorney that it would save time or avoid a continuance later in trial.

28. Noteworthy Aspects

1. Judge patient, explained everything; seemed well prepared-- very impressed with him. He sounded fair and reasonable. Judge was decisive, thoroughly prepared, thoroughly competent. Appeared to have done a great deal of research. Very impressive as a judge.
2. Impressed with judge's preparation of his information on the cases. He appeared very fair and desired to interpret the law as if was intended. If I were innocent or guilty I would be treated fairly. I felt he conducted a very good courtroom and ran a "tight ship."

27/28/29. General Impressions

1. Judge is decisive; has control over parties and attorneys. Attentive; dignified.
2. Was impressed with courtesy and consideration [for] prospective jurors.
3. Judge S. repeated his instructions [to jury] very carefully and again and again--perhaps this is necessary--it did seem he was overcautious however it would have reassured me if I had been the defendant.
4. I am again impressed with Judge S. He was pleasant, kind and understanding with jurors and did his best to put them at ease and questioned them closely to be sure they had no hidden prejudices which could keep the defendant from getting a fair trial. He spoke clearly and distinctly.
5. Judge S. seems to be well prepared on his cases and very decisive. He is dignified and competent and has seemed fair.
6. Judge S. seemed courteous and attentive.

Judge: Beverly W. Cutler

I. Observation Distribution:

A. Number of Distinct Observations:

Total: 11
Under 15 mins: 0
15-30 mins: 2
30-1 hr.: 3
Over 1 hr.: 3
Unknown: 3

B. Number of Different Observers: 8

C. Type of Proceedings Observed:

Arraignments	7	Change of Plea	2
Sentencing	2	Trial	1
Small Claims	1		

II. Yes/No Response Distribution:

<u>Question</u>	<u>Yes</u>	<u>No</u>	<u>No Response or Not Applicable</u>
10. Did the judge usually speak loudly and distinctly enough to be heard by the spectators?	11	0	0
17. Did the judge seem to exert proper control over attorneys and court personnel to give the courtroom a business-like atmosphere?	11	0	0
18. Was the judge "autocratic" or overly "dictatorial" or "arrogant" in his attitude?	0	11	0
19. Did the judge appear to discriminate against certain groups or kinds of people (e.g. minorities, "longhairs," ethnic groups)? If yes, explain below.	0	11	0
20. Did the judge give the appearance of favoring either defense or prosecution?	0	11	0

<u>Question</u>	<u>Yes</u>	<u>No</u>	<u>No Response or Not Applicable</u>	
21. Did the judge explain reasons for her sentence or decisions?	11	0	0	
22. Was the judge clear and understandable in her choice of words and manner of delivery?	11	0	0	
23. Was she attentive when someone spoke to him?	11	0	0	
24. Was she patient?	11	0	0	
26. Was there anything about the judge's conduct on the bench that gave the appearance of impropriety? If yes, explain below.	0	11	0	
28. In general, which of these best describe the courtesy and respect the judge showed to:				
	<u>Excellent</u>	<u>Adequate</u>	<u>Sometimes Inadequate</u>	<u>Often Inadequate</u>
a) Defendants	11			
b) Defense attorneys	9			
c) State's witnesses/ complainants	8			
d) Prosecutors	8			

III. Narrative Comments:

(each paragraph and line separation marks a separate comment from an observation incident.)

28. Noteworthy Aspects

1. I thought the judge was explicit in her explanations and took time to explain choices thoroughly. She could be heard by everyone in the courtroom.
2. Judge patient with unbelievable ignorance of defendants about rights, procedures.

27/28/29. General Impressions

1. Judge C. was very careful that defendant understood sentencing and what would happen if he didn't do as ordered.

2. Judge C. is clear, concise in speaking to defendants. Spoke in language and terminology he could understand.
3. Judge C. was always very patient and explained all phases to defendant. She spoke clearly and was sure defendant understood.
4. Judge was decisive, aware and fair.
5. I thought Judge C. explained everything very carefully and almost "leaned over backwards" to be sure the defendant understood his/her rights.
6. Patient and helpful in drawing pertinent information.
7. Explanations are too lengthy--if I were a defendant I'd lose track.
8. The judge spoke clearly and distinctly . . . I was impressed with this judge's comments and instructions regarding rights. It was time consuming though.
9. Feel Judge C. was fair and understanding.

Judge Joseph Brewer

I. Observation Distribution:

A. Number of Distinct Observations:

Total: 7
Under 15 mins: 0
15-30 mins: 0
30-1 hr.: 1
Over 1 hr.: 5
Unknown: 1

B. Number of Different Observers: 5

C. Type of Proceedings Observed:

Arraignment:	3	Motions	2
Trial:	3	Small Claims:	1
Jury Selection:	1		

II. Yes/No Response Distribution:

<u>Question</u>	<u>Yes</u>	<u>No</u>	<u>No Response or Not Applicable</u>
10. Did the judge usually speak loudly and distinctly enough to be heard by the spectators?	4	3	0
17. Did the judge seem to exert proper control over attorneys and court personnel to give the courtroom a business-like atmosphere?	6	0	1
18. Was the judge "autocratic" or overly "dictatorial" or "arrogant" in his attitude?	0	6	1
19. Did the judge appear to discriminate against certain groups or kinds of people (e.g. minorities, "longhairs," ethnic groups)? If yes, explain below.	0	6	1
20. Did the judge give the appearance of favoring either defense or prosecution?	0	7	0

<u>Question</u>	<u>Yes</u>	<u>No</u>	<u>No Response or Not Applicable</u>	
21. Did the judge explain reasons for his sentence or decisions?	5	0	2	
22. Was the judge clear and understandable in his choice of words and manner of delivery?	4	3	0	
23. Was he attentive when someone spoke to him?	6	1	0	
24. Was he patient?	6	0	1	
26. Was there anything about the judge's conduct on the bench that gave the appearance of impropriety? If yes, explain below.	0	6	1	
28. In general, which of these best describe the courtesy and respect the judge showed to:				
	<u>Excellent</u>	<u>Adequate</u>	<u>Sometimes Inadequate</u>	<u>Often Inadequate</u>
a) Defendants	2	5		
b) Defense attorneys		3		
c) State's witnesses/ complainants		3		
d) Prosecutors		5		

III. Narrative Comments:

(each paragraph and line separation marks a separate comment from an observation incident.)

28. Noteworthy Aspects

- Judge B. speaks very clearly. He zeros in on facts and pins witnesses down for accuracy. Explains thoroughly his reasons for judgment. Is very courteous to persons waiting for their cases to come up when one case runs overtime [small claims]. He was very decisive about not letting party argue about settlement after judgment was made.
- Judge at first seemed to mumble--seemed uninterested and was bored in reading to court [arraignments]. When one pleaded guilty, the judge took extra pains to have

him think it over to plead not guilty and get a P.D.
. . . He more than once stressed availability of P.D.
for defendants.

3. Judge B. in dealing with defendant. . . was very kind and very patient, explained fully all the information in his case. . . . This defendant was irked that he had wasted his time coming to court, etc. However, the judge was continuously patient and courteous.
4. Judge B. mumbles at times and seemed rather bored but was respectful and attentive nevertheless.

27/28/29 General Impressions

1. The judge did not focus on activities of attorney or testimony; seemed to be staring or concentrating on immediate desk area. Indifference bordering on boredom characterizes judge's demeanor for most part.
2. On two occasions this judge talked to a clerk once and another person (court worker) while a claimant (small claims) was giving testimony. The interruption was brief but was disconcerting to the claimant. (Maybe it could not be avoided--hope it is not a habit.) In the case involving motion to reduce sentence, Judge B. had a very understanding and helpful attitude toward defendant.
3. Judge B. gave clear instructions [admonishments] in all cases and made sure they were understood by defendants. He is very attentive . . . he is pleasant and has a sense of humor. He could speak more clearly though, especially when reading the counts.
4. As arraignments progressed he seemed to take more interest --became more patient as he went along.
5. During jury trial, the judge instructed the attorneys, witnesses and others to speak very clearly and loudly enough to be heard by one juror who had a hearing problem. He was also vigilant about the printing on diagrams being large enough for the jury to see. He was very accommodating to all parties involved in the trial.
6. Judge B. mumbles a great deal and speaks very low and lawyers quite often had to strain to hear and occasionally asked for him to repeat . . . but I think his decisions were sound.

7. Judge B. tried to talk defendant--into pleading not guilty when he wanted to plead guilty to a charge. . . . He finally allowed him to plead guilty.

Judge: John Mason

I. Observation Distribution:

A. Number of Distinct Observations:

Total: 11
Under 15 mins: 0
15-30 mins: 2
30-1 hr.: 3
Over 1 hr.: 2
Unknown: 4

B. Number of Different Observers: 8

C. Type of Proceedings Observed:

Arraignments	5	Trial	5
Sentencing	1	Jury Selection	1

II. Yes/No Response Distribution:

<u>Question</u>	<u>Yes</u>	<u>No</u>	<u>No Response or Not Applicable</u>
10. Did the judge usually speak loudly and distinctly enough to be heard by the spectators?	11	0	0
17. Did the judge seem to exert proper control over attorneys and court personnel to give the courtroom a business-like atmosphere?	11	0	0
18. Was the judge "autocratic" or overly "dictatorial" or "arrogant" in his attitude?	0	11	0
19. Did the judge appear to discriminate against certain groups or kinds of people (e.g. minorities, "longhairs," ethnic groups)? If yes, explain below.	0	11	0
20. Did the judge give the appearance of favoring either defense or prosecution?	0	10	1

<u>Question</u>	<u>Yes</u>	<u>No</u>	<u>No Response or Not Applicable</u>	
21. Did the judge explain reasons for his sentence or decisions?	9	0	2	
22. Was the judge clear and understandable in his choice of words and manner of delivery?	11	0	0	
23. Was he attentive when someone spoke to him?	11	0	0	
24. Was he patient?	9	2	0	
26. Was there anything about the judge's conduct on the bench that gave the appearance of impropriety? If yes, explain below.	0	11	0	
28. In general, which of these best describe the courtesy and respect the judge showed to:				
	<u>Excellent</u>	<u>Adequate</u>	<u>Sometimes Inadequate</u>	<u>Often Inadequate</u>
a) Defendants	7	4		
b) Defense attorneys	5	4		
c) State's witnesses/ complainants	4	3		
d) Prosecutors	5	4		

III. Narrative Comments:

(each paragraph and line separation marks a separate comment from an observation incident.)

28. Noteworthy Aspects

- Judge M. was very patient with defendants--was very careful that defendant understood what would happen if they pleaded guilty. He explained things several times.
- Judge appeared competent. Kept cases moving at fast pace, yet was careful to explain rights and choices to each defendant [arraignments] . . . appeared a little disorganized on one case.

3. Judge appeared well versed, serious, alert and attentive, articulate--human.
4. Was impressed in short observation period. Polite and kept proceeding moving [trial]. . . and seemed to have a sense of humor.
5. Judge M. is another judge who seems fair and understanding--but doesn't stand for a lot of wasted time.

27/28/29. General Impressions

1. Judge M. showed concern and dismay that papers were not filed properly and on time. Judge M. was courteous and patient thoughtful with defendants but seemed disgusted about incorrectly filed papers.
2. I thought Judge M. was very fair in his decisions--explained well the defendant's rights. He was patient and considerate and attentive to personal problems--at one point he wasn't sure of something so he looked it up.
3. Judge seemed bored-but the lawyer was a bore.
4. Judge M.'s decisions sounded fair and knowledgeable. He quoted the law where needed and he reminded the attorneys when he felt they were wasting time. He had a sense of humor--was attentive and was soft spoken--but firm.
5. It's refreshing to be in a courtroom and see the judge demand time limits on certain questions and tell attorneys what he expects and then keeps to it. Judge M. would make sure questions were understood by him and the witness.

30. Special Comments

1. In giving his decisions, Judge M. explained very carefully why he made the decision.

Judge Laurel Peterson

I. Observation Distribution:

A. Number of Distinct Observations:

Total: 12
Under 15 mins: 0
15-30 mins: 3
30-1 hr.: 1
Over 1 hr.: 5
Unknown: 3

B. Number of Different Observers: 7

C. Type of Proceedings Observed:

Arraignments: 6 Motions: 2
Change of Plea: 4 Sentencing: 2
Trial: 1 Jury Selection: 1

II. Yes/No Response Distribution:

<u>Question</u>	<u>Yes</u>	<u>No</u>	<u>No Response or Not Applicable</u>
10. Did the judge usually speak loudly and distinctly enough to be heard by the spectators?	11	1	0
17. Did the judge seem to exert proper control over attorneys and court personnel to give the courtroom a business-like atmosphere?	12	0	0
18. Was the judge "autocratic" or overly "dictatorial" or "arrogant" in his attitude?	0	12	0
19. Did the judge appear to discriminate against certain groups or kinds of people (e.g. minorities, "longhairs," ethnic groups)? If yes, explain below.	0	12	0
20. Did the judge give the appearance of favoring either defense or prosecution?	0	11	1

<u>Question</u>	<u>Yes</u>	<u>No</u>	<u>No Response or Not Applicable</u>	
21. Did the judge explain reasons for his sentence or decisions?	11	0	1	
22. Was the judge clear and understandable in his choice of words and manner of delivery?	12	0	0	
23. Was he attentive when someone spoke to him?	12	0	0	
24. Was he patient?	11	1	0	
26. Was there anything about the judge's conduct on the bench that gave the appearance of impropriety? If yes, explain below.	0	12	0	
28. In general, which of these best describe the courtesy and respect the judge showed to:				
	<u>Excellent</u>	<u>Adequate</u>	<u>Sometimes Inadequate</u>	<u>Often Inadequate</u>
a) Defendants	9	3		
b) Defense attorneys	6	4		
c) State's witnesses/ complainants	6	3		
d) Prosecutors	7	5		

III. Narrative Comments:
(each paragraph and line separation marks a separate comment from an observation incident.)

28. Noteworthy Aspects

1. In spite of the number of cases which were handled in a relatively short period of time, one did not have the feeling that defendants were being rushed through. Each case was attentively heard, understandingly dealt with and wisely ruled on. In my opinion Judge P. is a very fine judge and seems to be a nice person.
2. The judge is very firm (but pleasant) about participating attorneys being prepared for court presentation when scheduled. But he was also lenient in allowing recess to read reports received that were necessary for prompt

and proper disposition of a case that had been unduly prolonged. He is flexible in adapting procedures that best meet needs for a case.

3. This judge is to be highly recommended for the sensitive and friendly--yet firm--manner he uses when dealing with each defendant--especially when there are so many in such a limited amount of time. He goes to great lengths to be helpful. He is also very reassuring to defendant's feelings of anxiety by explaining situation fully.
4. Candid, factual, kept cases moving, yet was very attentive. Considerate of persons being arraigned. Refused to allow one to plead guilty since he did not feel evidence presented warranted it.
5. Judge P. was polite and understanding in his decisions, always explaining why.
6. Judge P. was not sitting on the bench, but sitting "one to one" at table with defendant. I've never seen this done, very interesting. Judge P. sounded as if he was going the extra mile for the man. . . Judge P. had a very warm, human, caring concern for the defendant.
7. Attentive--diligent in ascertaining facts, appears thoroughly competent and expressed genuine concern for defendant.

27/28/29 General Impressions

1. Judge P. speaks very softly when speaking to the defendant and attorneys.
2. He has a soft voice which can be heard very clearly throughout the courtroom. He does not talk down to defendants of any type. He was especially courteous and kind to a native defendant. Very conscientious about defendants understanding their rights as well as their obligations. Also very prompt about release from custody of those entitled to it.
3. Judge P. applied psychology in the various cases--remarkable. Most accused, those that pleaded guilty, practically set their own sentences. His indulgence with youth, no hurrying over their case, each was made to realize their punishment was in part due to physical danger to citizens, themselves, extra cost to city, law enforcement, etc.
4. Humor, kept harmony in court between questions pro and con attorneys.

5. Judge P. was apologetic about the delays to the people concerned. He was also sensitive and considerate in discussing the psychiatric report with defendant. He was also very helpful in assisting D.A. in questioning a witness to elicit needed information when defense attorney continually objected to type of questions D.A. was asking. This contributed to education of D.A. to help him in future cases.
6. He appeared to be very competent, yet this is the first judge I have observed who repeatedly asked attorneys what maximum penalty was for the particular charge. This may have been for expediency. . . He explained their rights to each being arraigned, yet did not stress that they could have a public defender as has been the case in some courtrooms. This, I think, may be good . . .
7. We enjoyed Judge P.'s courtroom. He gave definite decisions and explanations to each and everyone. He made sure each defendant understood the case. He seemed disgusted that papers could be lost or charge misfiled--if city or state attorneys were not prepared with the correct charge--he dismissed the case. When Judge P. dismissed the cases--at first it seemed unusual--but maybe the attorneys (prosecuting) will be prepared when they appear in his courtroom.
8. Judge P. is most impressive--has my vote.

30. Any special comments or observations

1. This form asks us "would you have left the court with the feeling that justice was being fairly accomplished?" --A big yes! I heard and saw justice meted [out] with wisdom; several youths, their first mistakes anti-society, spoken to in their own lingo, made to realize consequences if continued. Exceptional judicial effort.
2. If I have to have a trial--I'd feel confident in Judge P.'s court.

Judge: Warren Tucker

I. Observation Distribution:

A. Number of Distinct Observations:

Total: 13
Under 15 mins: 0
15-30 mins: 4
30-1 hr.: 4
Over 1 hr.: 3
Unknown: 2

B. Number of Different Observers: 8

C. Type of Proceedings Observed:

Trial	3	Arraignments	2
Motions	2	Jury Selection	2
Change of Plea	1	Small Claims	1
Competency Hrg.	1	Call of Calendar	1

II. Yes/No Response Distribution:

<u>Question</u>	<u>Yes</u>	<u>No</u>	<u>No Response or Not Applicable</u>
10. Did the judge usually speak loudly and distinctly enough to be heard by the spectators?	12	1	0
17. Did the judge seem to exert proper control over attorneys and court personnel to give the courtroom a business-like atmosphere?	13	0	0
18. Was the judge "autocratic" or overly "dictatorial" or "arrogant" in his attitude?	3	10	0
19. Did the judge appear to discriminate against certain groups or kinds of people (e.g. minorities, "longhairs," ethnic groups)? If yes, explain below.	0	13	0
20. Did the judge give the appearance of favoring either defense or prosecution?	0	13	0

<u>Question</u>	<u>Yes</u>	<u>No</u>	<u>No Response or Not Applicable</u>	
21. Did the judge explain reasons for his sentence or decisions?	9	0	4	
22. Was the judge clear and understandable in his choice of words and manner of delivery?	11	2	0	
23. Was he attentive when someone spoke to him?	13	0	0	
24. Was he patient?	7	6	0	
26. Was there anything about the judge's conduct on the bench that gave the appearance of impropriety? If yes, explain below.	0	13	0	
28. In general, which of these best describe the courtesy and respect the judge showed to:				
	<u>Excellent</u>	<u>Adequate</u>	<u>Sometimes Inadequate</u>	<u>Often Inadequate</u>
a) Defendants		9	1	
b) Defense attorneys		8	2	
c) State's witnesses/ complainants		6		
d) Prosecutors		8		

III. Narrative Comments:

(each paragraph and line separation marks a separate comment from an observation incident.)

28. Noteworthy Aspects

1. Explained carefully to at least one defendant, the importance of having lawyer to represent him.

27/28/29. General Impressions

1. The judge seemed to be very impatient with everyone! He spoke sharply to both the defendant and plaintiff's attorney. I felt he outwardly showed disgust at this man who was defending himself. He did explain to him

what the proceedings were like but gave me the distinct impression that he thought he was foolish not to have a lawyer doing this for him. Perhaps Judge T. has every right to feel this way but I am critical of him for being so obvious about it. The proceedings did not follow a logical manner although the judge did try to keep it going in an orderly way. My criticism is of his impatience.

2. Judge was at times impatient but seemingly with desire to expedite proceedings.
3. Judge T. seemed impatient at times. Judge T. was very alert and attentive . . . handled the hearing with firmness and dispatch.
4. Judge T. was very abrupt and short--as he was before when we saw him.
5. This is one case where "I'm on the fence" as far as rating. Although I can't rate the judge as arrogant, he seems to be a little arrogant; although not impatient, he doesn't appear to be patient. He appears to handle court competently, but my impression is that he isn't thoroughly interested in the proceedings, almost as if he doesn't like his job. This was a brief case, although we have watched him on another case. I would like to observe again before casting my vote. Was chewing something all during proceedings.
6. Judge T. speaks clearly. He is attentive and makes an effort to obtain accurate information. His settlement of the case appeared reasonable [small claims case]. He did show some impatience which seemed unnecessary.
7. This judge appears to be efficient and capable. However, he seems to be rather impatient at times, and one gets the feeling he is not especially satisfied with his work. He does not seem to exhibit as warm an attitude toward people as some other judges. No definite proof of this--only a "feeling." Maybe it's just a personality trait.
8. Although calendar assignment does not particularly give a good basis for rating, I do feel this judge is a little too impatient.
9. The lawyers are not always prepared, Judge T. seemed impatient at times. I couldn't hear all of his reasons for continuances today--the lawyers seemed to understand him however. Although I still think he is abrupt and impatient at times, he makes sure the defendant understands the charges and is polite to defendants.

Judge Virgil Vochoska

I. Observation Distribution:

A. Number of Distinct Observations:

Total: 12
Under 15 mins: 0
15-30 mins: 0
30-1 hr.: 5
Over 1 hr.: 6
Unknown: 1

B. Number of Different Observers: 5

C. Type of Proceedings Observed:

Arraignments: 6 Motions: 2
Trial: 4 Jury Selection: 1

II. Yes/No Response Distribution:

<u>Question</u>	<u>Yes</u>	<u>No</u>	<u>No Response or Not Applicable</u>
10. Did the judge usually speak loudly and distinctly enough to be heard by the spectators?	11	1	0
17. Did the judge seem to exert proper control over attorneys and court personnel to give the courtroom a business-like atmosphere?	12	0	0
18. Was the judge "autocratic" or overly "dictatorial" or "arrogant" in his attitude?	0	12	0
19. Did the judge appear to discriminate against certain groups or kinds of people (e.g. minorities, "longhairs," ethnic groups)? If yes, explain below.	0	12	0
20. Did the judge give the appearance of favoring either defense or prosecution?	0	12	0

<u>Question</u>	<u>Yes</u>	<u>No</u>	<u>No Response or Not Applicable</u>	
21. Did the judge explain reasons for his sentence or decisions?	10	0	2	
22. Was the judge clear and understandable in his choice of words and manner of delivery?	12	0	0	
23. Was he attentive when someone spoke to him?	12	0	0	
24. Was he patient?	12	0	0	
26. Was there anything about the judge's conduct on the bench that gave the appearance of impropriety? If yes, explain below.	0	12	0	
28. In general, which of these best describe the courtesy and respect the judge showed to:				
	<u>Excellent</u>	<u>Adequate</u>	<u>Sometimes Inadequate</u>	<u>Often Inadequate</u>
a) Defendants	6	5		
b) Defense attorneys	6	4		
c) State's witnesses/ complainants	6	4		
d) Prosecutors	6	4		

III. Narrative Comments:

(each paragraph and line separation marks a separate comment from an observation incident.)

28. Noteworthy Aspects

1. Very thorough, patient.
2. Judge V. makes certain he has all the facts and seems concerned with each defendant's rights, if they understand same.

27/28/29 General Impressions

1. Judge V. was compassionate in his attitude towards them [defendants at arraignment], and his sentencing casual

enough to not work a hardship or cause antagonism but a firm but gentle reprimand and sample of what could be the result of future offenses. . . . even though his contact with each offender was brief, he appeared to be sincerely interested in that particular person when dealing with them. He spoke clearly and was well understood and explained his decisions and reasons for them. Made very clear what offender's rights were.

2. Judge V. was very careful to explain rights, law and maximum sentence to accused. He was sincere in trying to find out facts and why they did the crime if they pleaded guilty.
3. Judge was attentive, decisive, diligent in ascertaining facts.
4. [In] spite of some very difficult incidents, Judge V. appeared to remain fair and impartial and in control. His voice is very soft but well heard as he does not mumble. One has the impression of a sense of humility rather than annoyance in this judge. He is unassuming in demeanor, but is firm in his decisions.
5. Judge V. was very attentive and fair. He explained his decisions and the law or reasoning behind his decisions. Judge V. is firm but fair. Has a good sense of humor at times when needed, and patient.
6. Very attentive, diligent in trying to ascertain facts. Not too forceful.
7. To be commended for planning ahead so as not to delay jury deliberations.
8. Protected rights of each individual, very careful if defendant wanted to plead guilty that he understood what he was giving up what maximum sentence could be. Diction not too clear.
9. Hard to hear--but he knew procedure and said the law.
10. Judge V. seemed concerned when someone wanted to plead guilty. He questioned them carefully about giving up their rights, etc. Judge V. was not really "uniform" in his sentencing today.
11. I thought Judge V. conducted a very business-like courtroom. He was dignified, decisive in his rulings and gave every idea he was competent in hearing the case. He was very attentive.

END