

**Report on the 2004-2005 Pilot Phase of the  
Champaign County Courtwatching Project:  
A Collaboration of  
The League of Women Voters of Champaign County  
and  
The University of Illinois College of Law**

There was a time in our country when “going courting” meant being at the courthouse to watch local courtroom drama unfold. Citizens kept track of the judges and lawyers, observed all the important civil and criminal trials and often were entertained by the persuasive advocacy presented in the local courtrooms.

Unfortunately, those are times gone by. It is now clear that unwatched courts can lead to poor advocacy, poor decisions and even at the worst, corruption. For many years the League of Women Voters of Champaign County (LWVCC) has organized a courtwatching program to assure the citizenry that its courts are functioning properly and with all necessary resources. For over 15 years, the LWVCC has partnered with the University of Illinois College of Law to provide a constant presence in the state and federal courts in Champaign County. Each of the students enrolled in the Trial Advocacy course at the College of Law (approximately 130 students in the Fall 2004 semester) is required to spend 12 hours courtwatching for educational purposes related to their enrollment in the course, with the League providing training for the law students.

During the fall of 2004, this collaboration was formalized and expanded to include more rigorous data collection and analysis. The report that follows summarizes this significant analytical event.

The League’s observers and the law student observers use a unified reporting instrument. For the pilot phase of the expanded collaboration, the courtwatching instrument used to record observations was redesigned and improved with advice from experts at the University of Illinois. Observers used this revised data collection instrument to record observations about the fairness of proceedings and the conduct and demeanor of the court’s participants, as well as characteristics specific to criminal defendants and potential jurors.

Law students were assigned to specific courtrooms and observation periods to assure evenness of coverage. Observation reports were compiled through a website created by the project for data input; observers entered their data directly into the site. Students also submitted their paper observation report forms, which were then used to crosscheck data entered through the electronic interface. A team of statistical consultants from the University conducted an analysis of the data collected during the Fall 2004 semester, and produced a comprehensive report at the conclusion of the Spring 2005 semester.

This *Report on the 2004-2005 Pilot Phase of the Champaign County Courtwatching Project* summarizes the primary findings of the pilot phase of this initiative. We intend to continue this collaboration with the aim of collecting a larger sample of data and conducting a longitudinal study.

This *Report* summarizes analysis of a total of 1,657 hours (more than 69 days) of structured courtwatching data. Each courtroom observation averaged approximately one and one-half hours.

Month	Minutes	Days, Hours, Min	Avg/Visit
September	19,722 minutes	328 hours, 42 minutes	87.27 min./visit
October	33,003 minutes	550 hours, 03 minutes.	97.07 min./visit
November	37,100 minutes	618 hours, 20 minutes.	75.10 min./visit
December	9,618 minutes	160 hours, 18 minutes.	92.48 min./visit
<b>Total</b>	<b>99,443 minutes</b>	<b>69 days, 1 hour, 13 minutes</b>	<b>85.43 min./visit</b>

The primary findings of significance from the pilot project are:

1. In the sample size observed during the pilot project, the statistical analysis shows no evidence of bias in the selection of jurors from among those available in the jury pool.
2. In the overwhelming majority of observations, our courtrooms were perceived as places where judges and other participants in proceedings observed decorum and treated one another with respect.
3. There is a significant discrepancy between the demographics of Champaign County and the demographics of those citizens reporting for jury service.

For example, while census data indicate an 11% African-American population for Champaign County, and a 15% African-American population for the cities of Champaign and Urbana, the observed African-American representation in the jury pools at the Champaign County Courthouse is about 6%.

This means, for example, of 17 observed jury trials in the pilot observation period in which the defendants were African-American men, only 4 African-American men and 10 African-American women jurors (out of 252 jurors and alternates for each jury) were seated. Nine other African-American potential jurors were excused in the jury selection of those trials.

**Classification of Jurors**

Defendant	Cases	Juror												Avg. in Pool	Avg. Seated
		White				Black				Other					
		Male		Female		Male		Female		Male		Female			
Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N		
Black-Male	17	84	61	95	49	4	3	10	6	2	1	1	2	18.7	11.5
Black-Female	2	9	5	16	4	0	1	0	0	0	0	0	0	17.5	12.5
White-Male	4	24	9	19	6	0	0	3	1	1	0	1	0	16.0	12.0
Asian-Male	1	7	1	5	2	0	0	0	0	0	0	0	0	15.0	12.0
<b>TOTAL</b>	<b>24</b>	<b>124</b>	<b>76</b>	<b>135</b>	<b>61</b>	<b>4</b>	<b>4</b>	<b>13</b>	<b>7</b>	<b>3</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>18.0</b>	<b>11.7</b>

The procedure used to summon jurors to service is to select from among those registered to vote, those with drivers' licenses and those who have received identification cards from the Secretary of State.

4. Observers reported instances of perceived unfairness in our courts on matters that some procedural adjustments could address and correct.

For example:

- Many observers reported instances when it was questionable whether the criminal defendants could hear, understand and participate meaningfully in their proceedings via the video arraignment system currently in use in Champaign County. Observers noted circumstances in which these defendants could not hear proceedings and did not understand remarks addressed to them. In addition, the defendants sometimes had not met their attorneys before arraignment and did not appear to understand the proceedings or the ramifications of their participation.
- Observers reported many instances when, after being asked "Do you understand?" by the judges, defendants would answer in the negative without any follow-up by the judges to ensure the defendants' understanding. In other words, proceedings continued under these circumstances on several occasions regardless of the defendants' responses.
- Observers noted occasions when court proceedings were interrupted and continued to a later date to obtain the presence of an interpreter.

The collaborators wish to have a constructive effect on the administration of justice in Champaign County. To that end, the collaborators plan to continue the structured observation of courtroom proceedings. In addition, they propose that interested groups should consider whether steps could be taken to accomplish the following:

1. Examine and possibly revise the procedures used for summoning and excusing jurors from jury service to make the jury pool more representative of the County's actual population demographics, including finding ways to encourage jury service among groups currently underrepresented in the jury pool.
2. Examine and possibly revise current procedures to seek simple, cost-effective changes that would increase the perceived fairness of judicial proceedings in the County, such as the presence of a "stand by" interpreter on high-volume court appearance days where the need for such services may be accurately predicted (e.g., a Spanish interpreter at Monday arraignment court appearances, etc.) and improvements to the technology or procedures used for televised arraignment proceedings.
3. Continue the Courtwatching Project, institutionalizing it, improving courtroom coverage, and securing funding for on-going statistical analysis and support for the Project.

## **The Champaign County Courtwatching Pilot Project 2004-2005**

**Joan Miller**, Chair of the Justice Committee of the League of Women Voters of Champaign County (LWVCC), coordinated this project for LWVCC. She organizes the League courtwatchers and is herself a veteran courtwatcher with many years of experience. Ms. Miller provided training for the Trial Advocacy students who participated in the pilot project and leads the League's courtwatchers.

**J. Steven Beckett**, Professor and Director of the Trial Advocacy Program at the College of Law at the University of Illinois College of Law, taught the Trial Advocacy course that assigns students to do "real life" courtwatching. Professor Beckett oversaw all of the law-related aspects of the Project, including compilation of this *Report*.

**Scott Kording** served as the College of Law's internal project expert. His responsibilities included coordinating student observation times, creating the website interface for electronic data input, working directly with the Statistical Consultants to facilitate rigorous data analysis, and managing the many details required to collect and collate the large quantity of data involved in this Project.

**C. K. Gunsalus**, President of LWVCC and Adjunct Professor at the College of Law, served as liaison among all the Project's participants, bringing parties together, finding and recruiting resources, and spearheading development of this *Report*.

**Mike Salwan, Yuan Yang and Xiangkui Yu** served as the Project's Statistical Consultants, under the supervision of **Adam Martinsek**, Professor of Statistics in the University of Illinois Department of Statistics. The Statistical Consultants enthusiastically took charge of the rigorous statistical analysis underlying this *Report*.

**Mark Aber**, Professor in the University of Illinois' Department of Psychology, lent his expertise and advice to the Project, including the development of the unified data collection instrument. Additional assistance came from the insightful anecdotal feedback provided by a focus group consisting of previous generations of student courtwatchers and interested members of the local community who attended an initial meeting to discuss project feasibility and goals. **Richard McAdams and Tom Ulen**, both distinguished professors at the College of Law, generously provided some timely advice and guidance on interpreting the Project's data.

The Project's feasibility rested upon the full and willing participation of the **130+ law students** enrolled in Fundamentals of Trial Practice (Law 695), during the Fall 2004 Semester at the College of Law. Their time, energy and careful recordkeeping were essential, for this Project would remain merely an idea without their service.

Finally, a study such as this is simply not possible without the cooperation and educational approach of the **judges and staff** of the two courts with which Champaign County is blessed—namely, **the Circuit Court for the Sixth Judicial Circuit of Illinois**, and **the United States District Court for the Central District of Illinois**. Under the leadership of Presiding Circuit Judge Thomas Difanis and Chief U.S. District Judge Michael P. McCuskey, the judges of Champaign County have offered guidance and support for the countless courtwatchers frequenting their courtrooms, and we are grateful to them.