

# CHAMPAIGN COUNTY COURTWATCHING PROGRAM HIGHLIGHTS

## SECOND ANNUAL REPORT—2005-2006

### LEAGUE OF WOMEN VOTERS/COLLEGE OF LAW

In a unique town-gown cooperative effort, a university program and a civic collaborate to provide a coordinated courtwatching effort in Champaign County. With the second annual community report, the League of Women Voters of Champaign County and the Trial Advocacy Program of the College of Law at the University of Illinois collect and analyze data on the functioning of the local courts. Our courtwatching is concentrated in the autumn, when the Fall semester of Trial Advocacy averages more than 100 students each spending at least 12 hours watching courtroom proceedings from September-December. Augmented by the League's courtwatching corps, our extensive courtroom observations are then aggregated and analyzed for statistical significance.

Court watching is an important program with many benefits. For the law students who participate, it provides exposure to the courtroom with real people, real lawyers and real problems (crimes and claims) in real cases, and as such, is an important learning tool. For the court system, it provides citizen observation of the system and its strengths and weaknesses. Unwatched courts are a danger because so many decisions within the system (jury selection being one of them) reflect society's values for the system of justice. For the parties in the cases (including the government), court watching assures that "fairness is on the table" as an issue to be observed and commented upon. These parties can have increased confidence that the cases will be handled and decided properly. For the lawyers participating in trials, court watching keeps them on their toes giving them more incentive to be prepared to do their work within the system.

In our first report, observers collectively found Champaign County's courts to be respectful places where the formal proceedings were generally perceived to be fair and appropriate. At the same time, the report raised concerns about how representative juries were in Champaign county, as the 2005 findings demonstrated a significant discrepancy between the demographics of adults in Champaign County and those in jury pools at the courthouse. Our observations raised some other issues about perceived fairness as well.<sup>1</sup> Members of the judiciary and administrative officials responsible for the functioning of the courts responded promptly with several initiatives examining possible explanations for the observed discrepancies and implementing improvements to assure more representative juries in our county. We applaud their collective responses as we continue to watch and collect data on their results.

This second annual report has two major findings:

1. Our observations are making a difference: the local studies of the jury system can be directly attributed to our efforts. Organized courtwatching can have a significant impact.
2. The problems in demographic representation seen last year, demonstrating differences between the population of the county and the composition of juries, are not repeated in this year's study.

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<sup>1</sup> (See 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](http://www.law.uiuc.edu/academics/courtwatching/index.asp)  
<http://www.law.uiuc.edu/academics/courtwatching/index.asp>)

Our second year's collaboration was based on the equivalent of 153 workdays, performed by 95 law student observers and the League's standing corps of observers. The average length of observation was between 1.5 and 2 hours.

There was no difference observed this year in the composition of juries versus the demographics of the county other than expected statistical variations. That is, there was a good correlation between the pool from which jurors are called for service and those seated on juries. The importance of a properly functioning system for calling representative juries has increased significance because Champaign County is embarking upon "continuous jury terms", where jurors will serve only one week and there will be four weeks of jury trials per month. This means a substantial increase in the number of citizens being summoned for jury duty and ultimately participating in the trial process. The full participation of all elements of our community is essential to the "fair trial" all citizens are entitled to and expect.

Statistically, a snapshot of our observations shows that:

93% of observed defendants were male, and 7% female.

73% were African American,

25% Caucasian, and

2% were Hispanic/Latino.

One defendant was Asian.

86% of observations were felonies

12% were misdemeanors, and

2% were traffic/petty offenses.

Our first report highlighted instances where some defendants did not appear to fully comprehend all of the proceedings. It appears to us that local judges have taken this to heart, as our observations this year showed improvement in this area: 90% of the observations noted that the defendant appeared to understand most or all of the proceedings. Broken down by responses,

51 % appeared to understand most of the proceedings, and

39% appeared to understand all of them.

0.7% appeared to understand none of the proceedings (this represented 3 defendants)

2% appeared to understand very little, and

7% appeared to understand approximately half of the proceedings.

Overall, the level of respect observed by judges to defendants was high.

No judges were observed to be not at all respectful.

2.5% were considered somewhat disrespectful,

15% neutral,

20% were Somewhat respectful,

63% were seen as Very respectful.

Again, court observers experienced the vast majority of courtroom proceedings as fair: 95% reported experiencing the proceedings as fair, while 5% reported experiencing the proceedings as not fair. One particular case was responsible for six of the observations of unfairness, and some observers noted that the case was later declared a mistrial, which would presumably remove the concern for fairness. (In this case, an expert witness for the prosecution aided a juror who had fainted, and then the case was allowed to continue.)

We continue to have concerns about all-white juries judging African-American defendants, as well as having concerns with defendants understanding court complexities, and with some of the structural issues related to court proceedings (i.e., “cattle call” hearings and unrepresented defendants).

**Background:**

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 and 95 in the Fall 2005) 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.

This collaboration was formalized and expanded in the Fall 2004 to include more rigorous data collection and analysis. Since then, our reports summarize the statistical analysis of these aggregated observations.

The League’s observers and the law student observers use a unified reporting instrument. For our 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. The data analysis for the second report was performed by Nicole K. Roberts, Ph.D., a member of the board of the League of Women Voters of Champaign County.

**The Champaign County Courtwatching Project  
2005-2006**

**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**, Director of the Trial Advocacy Program at the College of Law at the University of Illinois, taught the Trial Advocacy course that assigns students to do "real life" courtwatching and oversaw all legal aspects of the project including this final report.

**Scott Kording and Eric Schacht** served as the College of Law internal project experts, coordinating student observation times, creating the website for data input, working directly with the Statistical Analyst to facilitate a rigorous data analysis, and taking responsibility for the many details required to collect and collate the large quantity of data involved in this project.

**C. K. Gunsalus**, Adjunct Professor at the College of Law and President of LWVCC, served as liaison among all the project participants, bringing parties together, working on the final report and finding resources.

**Nicole K. Roberts, Ph.D.**, served as the Project Statistical Analyst, performing all the data analysis.

This project's feasibility rested upon the full and willing participation of the **95+ law students** enrolled in Law 695, Fundamentals of Trial Practice, in the Fall 2005 Semester at the College of Law at the University of Illinois. Their time, energy and careful recordkeeping were essential.

**Diana Marshall**, the Trial Advocacy faculty assistant at the law school, assisted with data entry and project coordination and we owe much to her service and dedication.

Finally, a study such as this is simply not possible without the cooperation and educational approach of the **judges and staff of the courts of Champaign County**. The judges here have offered guidance and support for the students and we are grateful to them.