

CHAMPAIGN COUNTY COURTWATCHING PROJECT HIGHLIGHTS

FOURTH ANNUAL REPORT—2007-2008

LEAGUE OF WOMEN VOTERS/COLLEGE OF LAW

Introduction

Abraham Lincoln often rode the old 8th Judicial Circuit on the old Springfield Road. Then, as now, there were many farmsteads along the path to Urbana, the county seat of Champaign County. When he arrived in town, Lincoln often jokingly recounted an experience he'd had along the open stretch of prairie he had passed through:

“I saw a farmer and his wife toiling in the field and stopped to exchange greetings with them. They seemed to welcome the break from their labors, but the nice lady looked at me and remarked that I was the ugliest human being she had ever seen. I responded with the apology that there was nothing I really could do about my God-given looks. Her response, to my surprise, was that I could stay home!”

Each fall for many years, Trial Advocacy students and volunteers from the League of Women Voters have traveled the halls and courtrooms of the Champaign County Courthouse to observe proceedings in one of the oldest continuous courtwatching programs in the state, if not the nation. Courtwatching is a systematic review of court proceedings and personnel, done with a view to reporting on the operation of our justice system. What courtwatchers see may not always be pretty, but the exercise is an important one for the students and for the court system alike. Simply stated, watched courts are not ugly, they are better courts.

League observers and law students provide a presence in our courtrooms throughout the year, with a concentration of students each fall semester fulfilling a course requirement for each to observe twelve hours of court proceedings. In recent years, we have formalized the collaboration between the League and the College of Law; this is our fourth annual report to the community based upon systematic collection and analysis of our observations to provide a statistically meaningful report.

Courtwatching is an important program with many benefits. For the law students who participate, it is an important learning tool as it provides exposure to the courtroom with real people, real lawyers and real problems. For the courts, our structured observations provide citizen scrutiny of the system and its strengths and weaknesses: unwatched courts are a danger because so many decisions within them reflect society's values for the system of justice. For the parties in the cases, courtwatching assures that there are external observers to monitor the fairness of local proceedings. These litigants can have increased confidence that their cases will be handled and decided properly. For the lawyers participating in trials, courtwatching keeps them on their toes, giving them more incentive to be prepared to do their work well.

A Brief History of our Reports

In 2004-05, our 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 the County and those in jury pools at the courthouse. Our observations raised some other issues

about perceived fairness as well. 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 aimed at producing more representative juries.

In the second year, our findings with respect to demographic variances between the population of the county and the composition of juries were not repeated. Proceedings in Champaign County's courts continued to be perceived as respectful in the large majority of cases.

Our third report again demonstrated variances in the demographic composition of juries in the state courts, though not in the federal courts.

This year's report finds statistically significant over-representation of Caucasian females in our jury pools with under-representation of Asian males. The over-representation of Caucasian females in our jury pools has been a continuing feature since our first report. While our observations document other differences between the composition of jury pools with the demographics of the Champaign County population, this year they are not statistically significant.

Fourth Year Summary Report

Courtwatching observations presented in this report were recorded by more than 90 law student observers and the League's standing corps of observers. This report is based on 1,229.3 hours of observation or the equivalent of 153.7 work days. The average time per visit was 1.54 hours. The state court observations comprise 857.5 hours of observation, or the equivalent of 107.2 workdays; the average length of observation time was 1.33 hours. The federal court observations represent an additional 371.8 hours or 46.5 workdays of observations; the average length of visits to federal courts was 2.53 hours. Defendant characteristics were recorded in only about half of the observations.

We do not report on federal court jury pool or jury selections this year, as the number of selections observed was too small to make statistically reliable observations.

STATE COURT REPORT

Defendants in these observations are overwhelmingly male, African-American, young and charged with felonies. (Students appropriately observe the most serious of criminal cases.) In more than 85% of the observations, defendants appeared to understand the proceedings in which they were involved. At the same time, 11% of defendants appeared to understand half or less of the proceedings in which they were involved.

There was a significant deviation in the composition of the jury pools relative to the population of the County with respect to Caucasian females and Asian males. Caucasian females were significantly overrepresented. The number of Asian males in observed jurors differs significantly from what would be expected in a random sample of the County's residents. Unlike previous years, we did not observe a statistically significant deviation in the representation of

African-American males. Jury composition did not achieve exact parity with the Census reports of population distribution in Champaign County, but the variation this year did not achieve statistical significance.

Citizens in Illinois are called for jury duty based on random selections from lists compiled by combining lists of 1) registered voters in the County; 2) those with driver's licenses age-eligible to serve on juries; and 3) those who have obtained State identification cards. These lists are obtained from the relevant record custodians (respectively, the County Clerk for voter registrations and the Secretary of State for driver's licenses and identification cards), combined by the Circuit Clerk's office, and then random selections are made from those lists by a computer program. We sought information on the demographic composition of the lists from which jury pools are assembled and learned that neither the County Clerk nor the Secretary of State collects or records racial identification information. Of the registered voters in Champaign County, 52.3% are female.

Because the jury pool is selected by random sampling, the statistically significant observed differences for Asian males and Caucasian females could be due to any of the following, either singly or in combination: (1) differences by race and/or sex in the likelihood of having a driver's license or state identification card, or being registered to vote; (2) differences by race and/or sex in the likelihood of having a valid current address to which the jury summons can be delivered; and/or (3) differences by race and/or sex in the likelihood of responding to the summons. The limitation on this demographic data undermines efforts at definitive explanations for our findings.

Specific Findings, State Court

Our combined observation reports continue to find Champaign County's courtrooms to be respectful places: in 97.5% of the observations, court personnel were reported to be very or somewhat respectful; in 2.5% of the observations, court personnel were reported to be somewhat disrespectful.

Defendant Characteristics

As to the persons involved in proceedings, a snapshot of our observations shows that:

85.2% of observed defendants were male, and 14.8% female

56% were African-American,
41.0% Caucasian, and
2.7% were Hispanic/Latino.

80.8% of observations were felonies
16% were misdemeanors, and
3.1% were traffic/petty offenses.

A comparison of the observations from previous years shows some changes from one year to the next. For example comparing the last two years of data points on defendant characteristics shows:

Characteristic	year two	year three	year four
Male	93%	76.5%	85.2%
Female	7%	23.5%	14.8%
African-American	73%	70%	56.3%
Caucasian	25%	27.7%	41.0%
Hispanic/Latino	2%	2%	2.5%
Felonies	86%	75.5%	80.8%
Misdemeanors	12%	10%	16%
Traffic/petty	2%	14.6%	3.1%

Defendant’s Understanding of Proceedings, Rights, and Options; Respect

Our first report highlighted instances where some defendants did not appear to fully comprehend all of the proceedings. We continue to have concerns about the perception that defendants are not understanding proceedings. This year, in 89% of the observations, the defendant appeared to understand most or all of the proceedings; in 7% of the observations, the defendant appeared to understand about half of the proceedings; in 3.62% of the observations, the defendant appeared to understand very little or none of the proceedings.

Observers reported that in 94.44% of the observations, the defendant appeared to understand his/her rights and options fully, very well, or reasonably well; in 6.56% of the observations, the defendant appeared to understand his/her rights and options very little or not at all.

Overall, the level of respect demonstrated by judges to defendants was seen by observers as high. There were two observations, 0.32% of all observations, in which judges were assessed as not at all respectful to defendants.

Compared across years:

Characteristic	year two	year three	year four
Not at all respectful	0%	0%	0.32%
Somewhat disrespectful	2.5%	1.4%	1.11%
Neutral	15%	12%	21.17%
Somewhat respectful	20%	24%	21.48%
Very respectful	63%	62%	55.92%

Summary of State Court Jury Pool and Jury Seating Analysis, Fall 2007

In the first year of observations, we saw a significant discrepancy between the demographics of the County and citizens reporting for jury duty at the Champaign County Courthouse: while census data indicated 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 was about 6%.

The second year’s report did not observe variances other than statistically-expected ones. In the third year, we reported variations in the composition of jury pools and the demographics of the county: African-American males and Asian males were significantly underrepresented in the jury pool relative to the percentages for these two groups in the population of Champaign County; Caucasian females were significantly overrepresented.

This year, Caucasian females were again significantly overrepresented and Asian males significantly underrepresented. The observed differences for African-American females, African-American males, Asian females, Caucasian males, Hispanic males, and Hispanic females were not statistically significant. The observed percentages of seating for Asian female and Hispanic male jurors were lower than the percentages for other groups, but the numbers of jurors in these two categories were too small for the results to be statistically significant.

According to the 2000 census, 78% of the population of Champaign County is Caucasian non-Hispanic, 11% is African-American, 7% is Asian, and 3% is Hispanic. Women account for 49.7% of the population. Assuming independence of race and sex, one can calculate expected numbers for each category of race and sex in the jury pool if the pool were selected by random sampling of the County’s population (this is of course not the method that is actually used—see above).

The following table gives the actual and expected numbers of jurors.

Table 1: Numbers and Expected Numbers of Jurors

Race and Sex of Juror	year two number in pool	year two expected number in pool	year three number in pool	year three expected number in pool	year four number in pool	year four expected number in pool
African-American Male	6	6	3	15	7	14
African-American Female	12	6	8	14	12	14
Asian Male			0	9	0	9
Asian Female			3	9	3	9
Caucasian Male	27	43	121	103	92	96
Caucasian Female	52	43	126	102	132	96
Hispanic Male			0	4	1	4
Hispanic Female			1	4	0	4

The observed differences for African-American females, African-American males, Asian females, Caucasian males, Hispanic males, and Hispanic females are not statistically significant. The observed percentages for seating of jurors by race and sex are given below. According to the results of Fisher’s exact test and the chi-square test, there is no statistically significant effect of race, sex, or the combination of race and sex, on the chance of being seated ($P=0.4880$,

P=0.9605, and P=0.6856, respectively). Note that the percentages for Asian females and Hispanic males are lower than the percentages for the other groups, but the numbers of jurors in these two categories are too small for the results to be statistically significant.

Table 2: Seating of Jurors by Race and Sex

Race and Sex of Juror	Number Seated	Number Not Seated	Percent Seated
African-American Male	5	2	71.4%
African-American Female	8	4	66.7%
Asian Female	1	2	33.3%
Caucasian Male	60	32	65.2%
Caucasian Female	87	45	65.9%
Hispanic Male	0	1	0%
Total	161	86	65.2%

As has been the case in all four of our reports, the chance of a member of the jury pool being seated as a juror or alternate juror did not depend on the race or sex of the person. It also did not depend on the combination of race and sex of the person.

Conclusion

The Illinois Constitution provides that the accused in a criminal prosecution has a right to a “speedy public trial by an impartial jury of the county in which the offense is alleged to have been committed.” We continue to be concerned about the issue of representative juries in Champaign County on the basis of race and gender. We believe that continued observations and public discussion of the issue will be beneficial.

Our studies take a snapshot of our court system in operation. We will continue to this annual endeavor. We believe that knowledge of how our court and jury system, including community representation, is valuable information for our community to have. Questions or feedback about our courtwatching program should be referred to Ms. Miller, the Chair of the Champaign County League of Women Voters Justice Committee or to Professors Beckett and Gunsalus at the University of Illinois College of Law.

The Champaign County Courtwatching Project

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, Adjunct Professor at the College of Law, originally created the website for data input and continues to assist on an on-call basis.

Leslie A. Dempsey served as the College of Law internal project expert, coordinated student observation times, and took 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, served as liaison among all the project participants, bringing parties together, working on the final report and finding resources.

Adam Martinsek, Professor of Statistics at the University of Illinois, performed the statistical analysis.

This project's feasibility rested upon the full and willing participation of the **law students** enrolled in Law 695, Fundamentals of Trial Practice, in the Fall 2007 semester at the College of Law at the University of Illinois. Their time, energy and careful recordkeeping were essential.

Julie Campbell, 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 and the federal District Court in Urbana, Illinois**. The judges here have offered guidance and support for the students and we are grateful to them.