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AMERICAN TRIAL JUDGES. By *John Paul Ryan, Allan Ashman, Bruce D. Sales, and Sandra Shane-DuBow*. New York: MacMillan Publishing Co. 1980. Pp. xvi, 295. \$19.95.

Despite the importance of trial courts in the American judicial system, little is known about the characteristics and work habits of trial judges. Aside from autobiographical accounts,¹ the literature on trial judges remains sparse.² In *American Trial Judges*, four American Judicature Society researchers attempt to fill at least some of the gaps in our knowledge. Relying on their observations of the courtrooms and chambers of forty judges in eight states, and on the survey response of over 3000 trial judges nationwide, the authors attempt to answer two questions: What are the characteristics of trial judges? and, What influences their work? This research should not only undermine common stereotypes by showing the diversity in the backgrounds and work of trial judges, but it should also provide a basis for devising reforms to improve the efficiency of trial courts.

The authors devote most of the book to explaining varying "styles and patterns of judicial work" (p. 9). As one might expect, the characteristics of judges themselves greatly influence both the kind of work performed and overall effectiveness. Minority judges, for example, tend to be more committed to their jobs³ and become more involved in community relations than white males. Age is also

1. See B. BOTEIN, TRIAL JUDGE (1952); Gignoux, *A Trial Judge's View*, 50 MASS. L.Q. 100 (1965).

2. *But see* H. JACOB, JUSTICE IN AMERICA (1965); H. JACOB, URBAN JUSTICE (1973).

3. Commitment was measured by the number of hours worked on the average day. P. 130.

a powerful explanatory factor. As judges grow older, they devote less time to research and community relations. Older judges also tend to be less effective in their use of law clerks. Most courts, the authors find, attempt to keep older judges away from nonjury trials, which are considered more demanding than jury trials, and to assign them less administrative work.

Judicial morale also affects efficiency. The surveys and observations revealed a strong correlation between job satisfaction and "hardworkingness."⁴ The authors' examination of factors contributing to judicial morale produced several surprises. Because judges expect low salaries, their satisfaction with salary levels affects morale negligibly.⁵ The survey answers indicate that effective skills utilization is the most influential determinant of judicial morale. The amount of control that judges can exert over their work time is also important. This control can be reduced by an unproductive staff, inefficient attorneys, use of a master calendar, and heavy caseloads. Poor attorneys, the authors report, are one of the greatest sources of job dissatisfaction, causing judges to think that their own skills are being poorly utilized, that they have little control over their time, that their caseloads are too high, and that their staffs are inefficient.⁶ The second major source of dissatisfaction is court politics, which can be especially demoralizing if judges feel that case assignments are made for political reasons.

The effects of the court's organization on work patterns are considered at great length. Size, the authors conclude, is the most important aspect of court structure. As the size of a court increases, it must specialize by creating divisions to reduce the amount of administrative work. The resulting lack of variety in the work causes judges to work less efficiently. This problem is compounded in most large courts by the absence of a regular rotation of assignments (p. 52). Large courts also lack administrative flexibility. Their formal and rigid organization results in more waiting or "dead" time than is found in small courts. If courts grow too large, therefore, judges are likely to be both unhappy and inefficient.

The attorneys practicing before a court, of course, also affect the judges' work. The time that judges spend performing particular tasks, as well as their morale, often depends on the skill of the attorneys. Highly skilled attorneys increase the time that judges spend presiding over trials and participating in settlement discussions.

4. Hardworkingness was measured by the number of hours worked, involvement in community activities, and teaching. P. 161.

5. Most states pay between \$30,000 and \$45,000 per year to trial judges in courts of general jurisdiction. P. 154.

6. The authors speculate that this is due to the failure of many judges to distinguish in their minds between attorneys and their courthouse staff. P. 158.

Good attorneys also reduce the amount of time that judges must spend doing administrative work or simply waiting. If the attorneys are incompetent, judges will generally have to work longer hours. The familiarity that judges share with attorneys also dictates the extent to which judges will undertake certain judicial duties. For example, low familiarity will result in more jury trials and in less plea bargaining in criminal cases. Familiarity is achieved through a stable attorney workgroup associated with a particular judge. The American Judicature Society researchers found that stability depends on the number of attorneys in the community, the method of assignment of prosecutors in criminal cases, and the type of calendar used by the court. If a master calendar is used, different stages of the same case may be assigned to different judges and familiarity is difficult to achieve.⁷

The efficiency of a court also varies with the level of resources available to it. Many judges reported that law clerks were their most important resource, but most trial judges do not have clerks. Although the effect of law clerks on efficiency depends on the size of the court (pp. 109-10), most judges seem satisfied with their support staff. Clerks were rated most highly when they were assigned to one courtroom and one judge on a permanent basis. In this situation, judges can rely on their staffs, and each individual is aware of his particular responsibility.

The final factor that the authors consider is the effect of the community on judges' work. Their comparison of Chicago and Los Angeles is particularly striking. Chicago has a powerful, centralized city government. Judges are elected on a partisan ballot and most are drawn from public-political sectors; affiliations with the Democratic party are preferred. By contrast, the political power in Los Angeles is decentralized. Judges are elected on a nonpartisan ballot and most of them come from the lower bench. Cases are assigned on the basis of judicial expertise and the speed of disposition of cases. In Chicago, court management is considered less important and political considerations have the greatest effect on case assignments.

Although *American Trial Judges* thoroughly discusses the elements that affect judicial performance, it does not, in most cases, provide solutions to the inefficiency in our courts. The authors admit that many of the variables influencing trial judges' work are difficult, if not impossible, to control. The information presented, moreover, is detailed and is not designed for casual reading. But the book is valuable nevertheless because it allows the reader to appreciate the diverse nature of trial judges and their broad range of needs

7. Under a master calendar system of assignment, a case is returned to a central pool for subsequent assignment at the conclusion of one or more stages. P. 56.

and values, and provides information that should greatly assist in the development of efficient trial court management techniques.