

CHAMPAIGN COUNTY COURTWATCHING PROJECT HIGHLIGHTS
THIRD ANNUAL REPORT—2006-2007
LEAGUE OF WOMEN VOTERS/COLLEGE OF LAW

Introduction

Our system of justice is part of what characterizes our democracy and us as Americans: over 95% of the world's jury trials are conducted in the United States of America. The League of Women Voters and the Trial Advocacy Program of the College of Law at the University of Illinois have been collaborating for many years to provide a coordinated courtwatching effort in Champaign County. Three years ago, we reorganized our longstanding informal efforts and began to collect and analyze data on the functioning of the local courts from structured observations that were then analyzed for statistical significance. This year, we have added organized coverage of the federal courts operating in Champaign County.

Court watching 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, it provides citizen observation 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, 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 well.

Our courtwatching is concentrated in the autumn, when the Fall semester of law school's Trial Advocacy course averages more than 100 students each spending at least 12 hours observing courtroom proceedings from September-December. Augmented by the League's courtwatching corps, our extensive courtroom observations are then aggregated and analyzed for statistical significance.

A Brief History of our Reports

In 20004-05, 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.

This year's report again demonstrates variances in the demographic composition of juries in the state courts, though not in the federal courts.

Third Year Summary Report

Courtwatching observations presented in this report were recorded by more than 100 law student observers and the League's standing corps of observers. This report is based on 829.6 hours of observation or the equivalent of 103.7 work days. The average time per visit was 1.4 hours. The state court observations comprise 483.5 hours of observation, or the equivalent of 60.4 workdays; the average length of observation time was 1.12 hours. The federal court observations represent an additional 346.1 hours or 43.3 workdays of observations; the average length of visits to federal courts was 2.34 hours. Defendant characteristics were recorded in only about half of the 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 eighty percent of the observations, defendants appeared to understand 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 African-American and Asian males. Caucasian females were significantly overrepresented.

Citizens in Illinois are called for jury duty based on random selections from lists compiled by combing 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. We did learn from the County Clerk that 52.3% of the registered voters in Champaign County are female.

Because the jury pool is selected by random sampling, the statistically significant observed differences for African-American males, 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 being registered to vote; (2) differences by race and/or sex in the likelihood of having a valid current address to which the summons can be delivered; (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:

76.5% of observed defendants were male, and 23.5% female
70% were African American,
27.7% Caucasian, and
2% were Hispanic/Latino.

75.5% of observations were felonies
10% were misdemeanors, and
14.6% were traffic/petty offenses.

A comparison of the observations from this year and last 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
Male	93%	76.5%
Female	7%	23.5%
African-American	73%	70%
Caucasian	25%	27.7%
Hispanic/Latino	2%	2%
Felonies	86%	75.5%
Misdemeanors	12%	10%
Traffic/petty	2%	14.6%

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 83% of the observations, the defendant appeared to understand most or all of the proceedings; in 14% of the observations, the defendant appeared to understand about half of the proceedings; in 3% of the observations, the defendant appeared to understand very little or none of the proceedings

In contrast, observers reported that in 98% of the observations, the defendant appeared to understand his/her rights and options fully, very well, or reasonably well; in 2% of the observations, the defendant appeared to understand his/her rights and options very little or not at all.

Overall, the level of respect observed by judges to defendants was high. No judges were observed to be not at all respectful.

Compared between this year and last:

Characteristic	year two	year three
Somewhat disrespectful	2.5%	1.4%
Neutral	15%	12%
Somewhat respectful	20%	24%

Very respectful	63%	62%
-----------------	-----	-----

Summary of State Court Jury Pool and Jury Seating Analysis, Fall 2006

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. This year, we are again reporting variations in the composition of jury pools and the demographics of the county. Specifically: 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.

No other demographic groups (specifically: African-American females, Asian females, Caucasian males, Hispanic males, and Hispanic females) were significantly underrepresented or overrepresented in the jury pool relative to the percentages for these groups in the population of Champaign County.

As has been the case in all three 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.

SPECIFIC FINDINGS, FEDERAL COURT

Defendant Characteristics

Virtually all defendants in observed proceedings in federal court were male: 99.2%.

99.2% of observed defendants were male, and 0.8% female
86.5% were African American,
11.3% Caucasian,
1.5% were Hispanic/Latino, and
0.8% were Asian.

98.5% of observations were felonies, and
1.5% were traffic/petty offenses.

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

In 93% 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 about 89% of the observations, the judge was reported as being very respectful or somewhat respectful; in about 8% of the observations, the judge was reported as being neutral in terms of respect; in about 3% of the observations, the judge was reported as being somewhat disrespectful.

In 100% of the observations, court personnel were reported to be very respectful.

Analysis of Jury Pool and Jury Seating, Federal Court, Fall 2006

We observed no discrepancies between the demographics of the eleven counties comprising the Urbana Division of this federal circuit and the numbers that would be expected in a random sample of residents from the Urbana Division.

According to statistical analyses applied, the chance of being seated does not depend on the race or sex of the juror; it also does not depend on the combination of race and sex.

Conclusion

Our studies continue to take a snapshot of our court system in operation. We will continue with this annual endeavor and expect that the picture will sharpen over time.

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 originally created the website for data input and continues to assist on an on-call basis.

Shomari Dailey served as the College of Law internal project expert, coordinating student observation times and took responsibility for the many details required to collect and collate the large quantity of data involved in this project. **Leslie A. Dempsey** completed the process of preparing the data for statistical analysis.

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.

Guixian Lin, of the Illinois Statistics Office, served as Project Statistical Consultant, under the supervision of **Adam Martinsek**, Professor of Statistics in the Department of Statistics at the University of Illinois.

This project's feasibility rested upon the full and willing participation of the **100+ law students** enrolled in Law 695, Fundamentals of Trial Practice, in the Fall 2006 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 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.