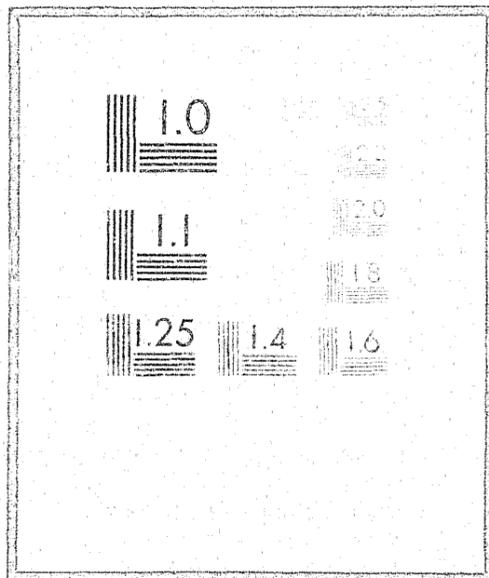


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RECOMMENDATIONS FOR
ADMINISTRATIVE/LEGISLATIVE AND OTHER ACTIONS
NECESSARY TO IMPLEMENT ALABAMA'S
NEW JUDICIAL ARTICLE



THE AMERICAN UNIVERSITY

Criminal Courts Technical Assistance Project
Institute for Advanced Studies in Justice
The American University Law School
Washington, D.C.

RECOMMENDATIONS FOR
ADMINISTRATIVE/LEGISLATIVE AND OTHER ACTIONS
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I. INTRODUCTION

In October of 1975, the Alabama legislature passed and the governor approved the Judicial Article Implementation Bill (Act 1205) setting up the statutory framework for implementing the recent constitutional amendment which restructured the Alabama Court system. Act 1205 contained eighteen articles which required the enactment of further legislation and the promulgation of extensive court rules and administrative policy guidelines and procedures.

Mr. Charles Y. Cameron, Director of the Alabama Department for Court Management, requested technical assistance in developing a coordinated and comprehensive program of implementation and reviewing present and future planning efforts of the Department. The request identified twelve areas of concern relating to property acquisition, statistical requirements, budget preparation, juvenile court procedures, small claims procedures, Rules of Judicial Administration, creation of a uniform traffic citation system, judicial manpower needs, magisterial duties, clerical procedures, appellate court operations, and a management overview. To meet this request, the Criminal Courts Technical Assistance Project at The American University enlisted the aid of five consultants whose experience in statewide judicial operation, and constitutional reorganization was deemed relevant to the changes presently facing Alabama and to the specific areas identified by Mr. Cameron in his request. This group consisted of Mr. Allan Ashman, Director of Research for the American Judicature Society; Dr. Carl Baar, Professor of Politics, Brock University, Ontario; and author of Separate But Subservient: Court Budgeting in the American States; Mr. Robert Harrall, Deputy Court Administrator for Rhode Island; Mr. Bert Montague, Administrative Director of the Courts of North Carolina; and Mr. Ellis Pettigrew, former State Court Administrator in North Dakota. During site work on June 2-4, 1976, the consultants

met with Mr. Cameron, members of his staff and Chief Justice Howell Heflin. During these discussions, the consultants addressed the various topics relating to implementation identified by them and Alabama officials as well as advised on the priority of each of these matters in relation to the implementation program and suggested areas where further assistance might be beneficial.

This report documents the results of this discussion and analysis and comprises the first phase of an extended technical assistance effort. Other areas pertaining to implementation which will be addressed in a separate report of this project are juvenile, appellate and trial court administrative rules revision and developments; court operations and needs in the 10th Judicial District (Birmingham); and development of appropriate computer applications to aid in statewide court resource/property management.

An overview of the site sessions has been prepared by Mr. Harrall in Section II of this report. In summarizing the general consensus reached on the various issues addressed, Mr. Harrall has also included, where appropriate, his own comments as they relate to these matters. Each of the other consultants was also asked to prepare specific comments relating to his particular area of expertise and experience. These comments are included in Section III. It should be noted that these individual commentaries reflect the diverse viewpoints of their authors which at times are at variance on specific topic areas. In preparing this report, no attempt has been made to meld these various viewpoints other than in the general summary provided in Section II. Rather, it is hoped that the Department will consider the various options suggested with a view to formulating an appropriate course of action which will accommodate the needs of Alabama's courts and the constitutional requirements of the new Judicial Article.

II. GENERAL SUMMARY OF OBSERVATIONS AND RECOMMENDATIONS

The Technical Assistance team and Alabama court staff addressed two basic types of questions pertaining to the implementation effort: 1) general administrative organization, staffing requirements, budgetary issues, and establishment of planning priorities; and 2) specific program areas including the establishment of a uniform traffic summons procedure, small claims court operations, conduct of a property inventory and training and education needs of judicial and support staffs. In addressing these issues, the team met in both general sessions with Alabama officials as well as in smaller subgroups focussing on specific program areas. The majority of these discussions were taped by Alabama staff for future reference.

During the course of these meetings, a number of observations and recommendations were provided by the consultants for immediate consideration by the Department and other attendees. A summary of the principle issues raised with the recommendations developed by the consultants is presented below.

A. General Administrative Organization

The consultants and the Alabama officials developed an organization plan which the team felt would better meet the short-term goals of court administration in Alabama. The proposed organization is charted in attachment #1 (page 8). This proposal is based on two prime assumptions.

- Court management in Alabama must become significantly centralized in the "service areas" of finance, personnel, technical, and system-wide legal services in order for the reorganization to be truly effective.
- The number of individuals reporting directly to the Court Administrator must be reduced as much as possible. Those individuals who do report directly must have clearly defined responsibilities and concomitant resources and authority within their areas of responsibility.

To implement this proposed organization, the following recommendations are suggested:

(1) The Court Administrator should meet on a regular basis with his section chiefs as delineated on the enclosed organization chart.

(2) All court personnel throughout the state should be notified as quickly as possible of the court's administrative organization structure and function. The meaning of that organization to local court officials and employees, particularly as it alters the traditional local role, should be emphasized.

(3) Basic administrative decisions should be made at the beginning of the transition to more centralized control. Nothing is gained by allowing serious ineffectiveness in the name of facing problems at "a better time" and major system changes are generally more acceptable as part of a total administrative revision presented as an initial package. (Examples of this would be #5 below and the general area of court financing.)

(4) The concept of a separate "Department of Court Management" and an "Administrative Office of the Courts" must be abandoned or neutralized. There can be only one directing force in the reorganized system. Anything else will raise almost insurmountable barriers to the development of an effective system.

(5) The Administrative Office must decide the level of involvement and control it expects to exercise vis-a-vis the courts within the system. This question is basic to all administrative decisions. In the near term, it is most significant in the areas of fiscal and personnel management and the acquisition and management of property and equipment. The consensus of the Technical Assistance team is that a fairly high degree of control should be centralized in the Administrative Office. This will be conditioned by the facts that there are limitations of Administrative Office resources and that the long-term success of the reorganization will be heavily dependent on the degree of "participation" of the component courts in the overall administrative process.

B. Staffing

The proposed organization chart presents estimated staffing requirements. While these are admittedly estimates, the Technical Assistance team agrees that the Administrative Office of the Courts must make a commitment to the acquisition of increased resources. The numbers and sectional allocation of this staff will vary depending upon basic decisions made concerning centralization-decentralization and automatic data processing vs. manual processing in certain service areas (fiscal, purchasing, personnel). However, the team estimates that a 40-50 staff component is realistic.

There may be some immediate personnel needs most appropriately met by the temporary or part-time employment of individuals with specific skills available locally. This is particularly true in the ADP Records Management and Personnel areas. If the commitment to a degree of automation in basic systems is made, certain areas (such as accounting, personnel, purchasing, and inventory) are easily adaptable to computer applications. Much of the development of computer programs in those areas is "gut work" programming which could be done by part-time programmers apparently available in the Montgomery area (military, etc.). In the records and personnel areas, temporary employees might be used for inventory and classification studies as well as the initial development of indexes and personnel history files.

C. Budgetary Issues

As usual in a major effort to implement a reorganization, the most pressing problem is money. Each of the attached consultants' report deals with this concern. The commitment thus far from the Alabama executive and legislature is not encouraging. Although efforts are underway in the state senate to restore some of the funding cut from the court budget, the long-term concern is very real. The team is convinced that this is a conflict that must be resolved at the beginning of the reorganization. The language on submission of the court budget is

clear and gives the courts more freedom than they appear to have exercised. Obviously, the courts (judges and administrators) must decide the best way to resolve this conflict (politically, legally, or both), but it must be done soon.

D. Establishment of Priorities -- Work Plan

Significant work has been done by the Alabama courts in the establishment of priorities. Many of the benchmarks are established by the Judicial Article Implementation Act (October, 1975) and reflected in the skeletal Master Plan (March, 1976). However, the Administrative Office must now establish a more detailed work plan showing level of priorities, largely internal to that office, which will bring the proper resources to bear at the proper time on previously defined priorities. Put simply, the Administrative Office must decide now what areas must be dealt with first and at what level of detail. It must develop a firm schedule supporting those decisions, and must make firm commitments of resources to that schedule.

E. Specific Program Areas

During the site visit, the Technical Assistance team discussed a number of very specific activity areas with Alabama Court staff, usually in small groups charged with one of the individual problems. Much of that material is repeated in the attached reports. (See summary below)

F. Summary

The real value of this technical assistance assignment undoubtedly lies in the extended personal contact between the team and Alabama court staff. A wide variety of topics and techniques were discussed prior to, during, and after the visit at a level of detail which is neither possible nor appropriate to include in this report. Based on this experience, coupled with our more formal study and review of the Alabama situation, the following two observations are presented regarding the future use of technical assistance for the Alabama

Administrative Office.

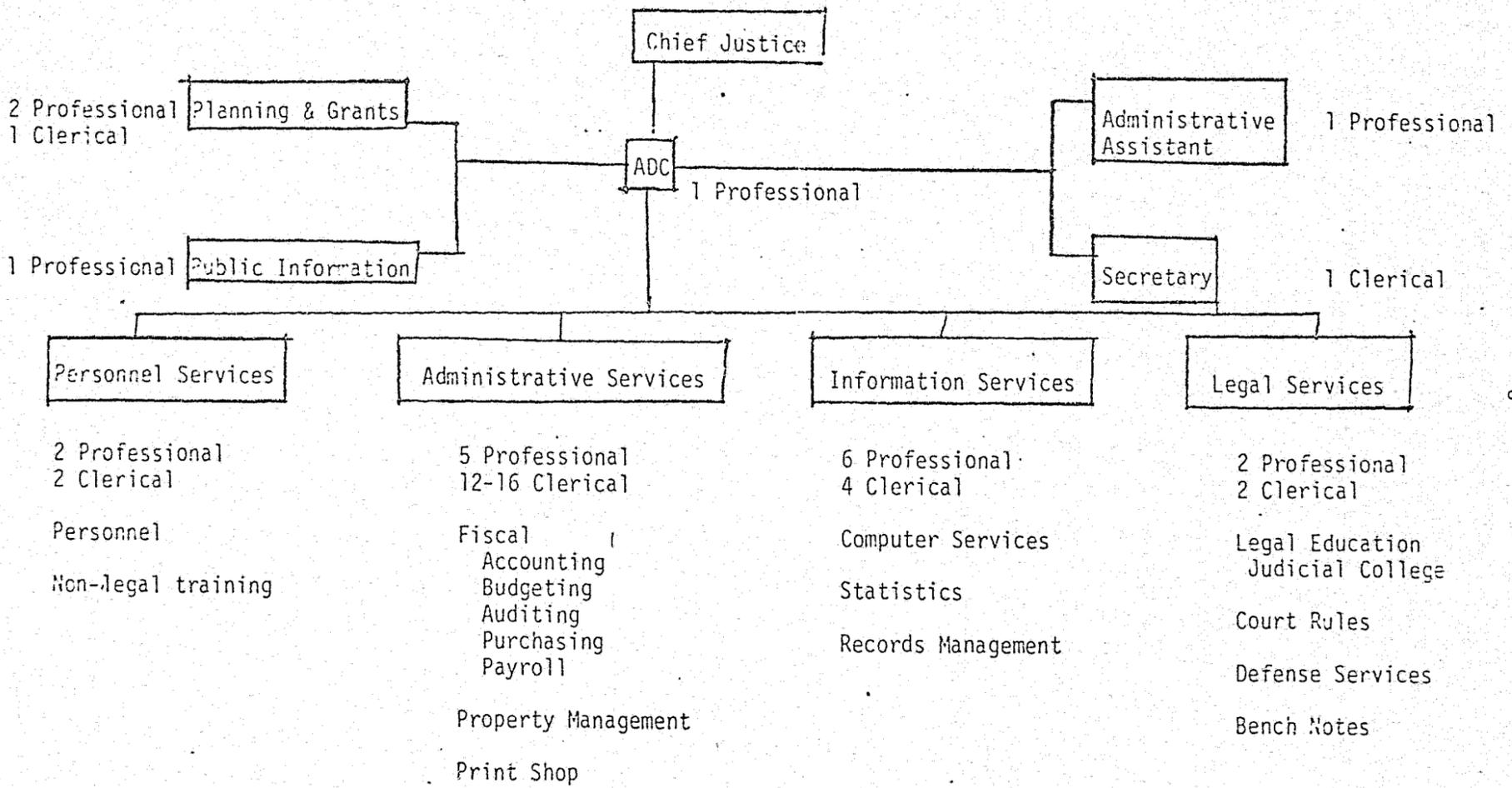
(1) There has been enough discussion of "cosmic" or "big picture" concerns (organization, staffing, financing, etc). There should be little doubt in anyone's mind that the appropriate people in Alabama know what should be done in those areas and what the strengths and weaknesses are in their present situation vis-a-vis those problems. It is now the problem of management in Alabama.

(2) Alabama can still constructively use technical assistance in specific project areas. The kinds of things they are confronting (traffic summons, education programs, accounting and budgetary systems, records system designs, small claims, court rules, caseload and caseflow analysis, jury usage, etc.) have all been developed in other areas. Many of these topics were addressed by the Technical Assistance team and continue to be addressed on an informal basis with Alabama staff. It is the team's recommendation that this type of assistance be continued (drawing upon people outside the original Technical Assistance team, as well). The specific needs must be defined by Charles Cameron and staff, and they are well qualified to provide that definition.

In addition to bringing in consultants from outside the state, it is recommended that some days be allocated to the procurement of technical assistance at the strictly local level. The Administrative Office has some specific and definable short-term, immediate needs which could be met by local assistance, if funding were provided. Automated data processing tasks are the most immediate*, but there may well be others. (See attachment III). Obviously, such assistance would have to be qualified for the task, but it seems a logical way to obtain skilled assistance on a short-term, readily available basis which would be of immeasurable help to the Alabama courts.

* To implement this recommendation, two local systems analysts were assigned by the Technical Assistance Project during July and August to develop several computer applications to assist the Department in exercising its statewide administrative responsibility for judicial property and other resources.

PROPOSED ORGANIZATION CHART



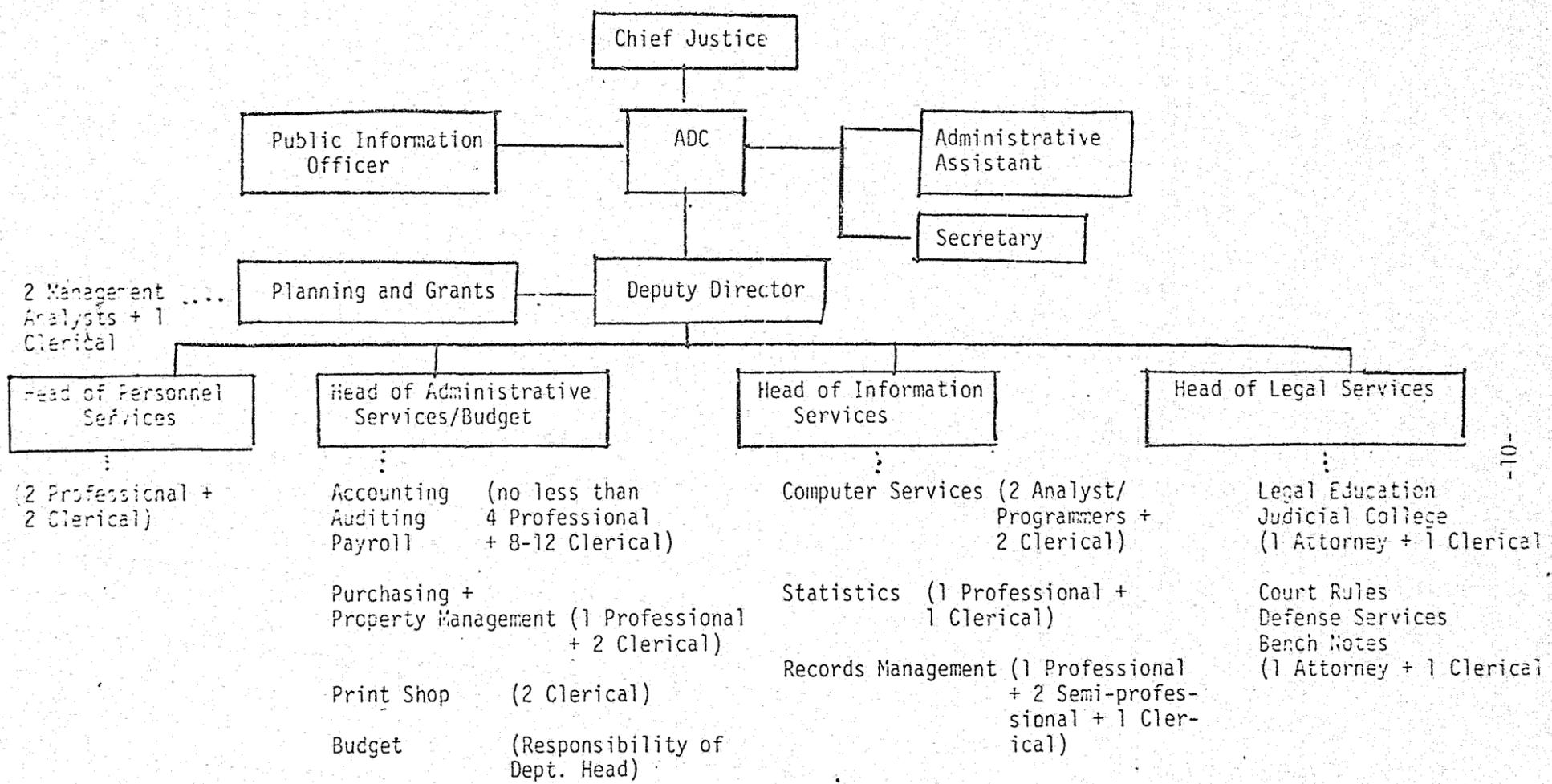
III. SPECIFIC COMMENTS PROVIDED BY PARTICIPANTS

A. Mr. Alan Ashman

1. Staffing the Department of Court Management

The Department of Court Management faces a monumental task in gathering data that will facilitate unified and coherent budget preparation, in developing uniform personnel policies and procedures, in conducting an inventory of all court facilities and physical resources, and in implementing uniform rules of administration. Unless the Department is properly staffed and organized, it will be frustrated in its effort to carry out its duties in a responsible and effective manner. Therefore, it is a matter of the highest priority for the Department to develop a sufficient staff capability to fulfill its statutory responsibilities for managing and administering the newly restructured Alabama court system. This will amount to a staffing commitment of some magnitude, with a staff of approximately 50 persons, clerical and professional.

The organization chart developed by the consultants during the site visit may retain too many individuals reporting directly to the Administrative Director of the Courts. While the Director should not be insulated from his staff or the daily decisions with respect to administering his Department, he should be sufficiently free of day-to-day administrative tasks to permit him to serve as an active liaison with the other branches of state government and with the entire court system. Toward this, it is recommended that there be a Deputy Director to whom the "Department Heads" report and who would be responsible for the coordination and execution of Department policy. Below is the organization chart I would recommend, with a requisite core staff ranging from 46 to 50 persons.



2. Budget preparation

The responsibility for budget preparation should reside with the head of the Administrative Services Department. Preparation of the initial budget should be approached with great care since it could establish precedent for succeeding years. Consequently, the draft budget should be prepared initially by the DCM. This draft should then be distributed to the presiding circuit court judges for their reaction and input. The draft should represent a reasonable approximation of total court needs based upon data compiled from the current fiscal year. The presiding judge should study the draft budget carefully and submit to the DCM suggestions with respect to potential errors or omissions. In addition, the presiding circuit court judges should project future court needs and set priorities with respect to funding. The DCM should then be able to project a reasonably accurate core budget for the entire court system. Additional programs and staff can be included in supplementary or alternative budgets.

Steps should be taken immediately to collate the information which will facilitate the preparation of the draft budgets. The process suggested herein should not only allow the DCM to begin to assert its primary responsibility in budget formulation, it should also prove to be a valuable source of information about the entire system, giving the courts themselves an opportunity to express their needs and to set priorities.

3. Property inventory

Communication will be vital not only in collecting necessary budget information, but crucial in guaranteeing the success of the property inventory. The property inventory should be the initial step in the DCM's active management of the system's physical resources. The inventory must document what currently exists, define ownership and determine what must be replaced. Every

be made by staff to visit a representative number of courts in order to identify existing equipment. Based upon these limited visits, an appropriate set of forms can be designed to facilitate the system-wide collection and coding of information.

The inventory should attempt, wherever possible, to establish the age of each particular item. Where dates certain cannot be provided, approximate age should be requested. If this proves to be impossible in certain circumstances, the item should be so designated. Items should be catalogued by class and type. It would be useful for the DCM to receive further technical assistance in this particular area. Three or four days of such assistance would alleviate existing staff uncertainty in conducting such an inventory. A consultant skilled in this area should be able to assist the staff in setting up initial procedures, designing forms, establishing proper records and filing systems, and generally ensuring that most of the physical property is inventoried. The consultants on this particular assignment were not particularly responsive to the specific concerns of the staff in this area and further technical assistance emphasis would be welcomed by the DCM.

4. Judicial Education

There is an urgent need to broaden educational activities throughout the state for both judicial and non-judicial personnel. At present, in-state judicial education programs are for all practical purposes non-existent. The new non-lawyer magistrates will require extensive substantive training in law related areas. Similarly, the new district court clerks will need substantial training and orientation. This training should also be available for all judicial and non-judicial personnel at every level in the system. If the new court system is to fulfill its avowed objectives of delivering more effective justice to more people, those who bear the responsibility for making the system work must understand it thoroughly and communicate that knowledge through

competent execution.

5. Small Claims Courts

In particular, there are great expectations and concerns with respect to the state's new small claims procedure. If the small claims system is to work as it should, a manual of operations and procedures should be prepared for all clerks and appropriately tailored for public consumption. Only through citizen education and the training of court personnel will the small claims system work in the manner originally contemplated by the legislature. A need exists for more technical assistance in the training and education area. Persons such as Arlen Coyle of the Mississippi Judicial College should be called upon to help Alabama develop and refine programs in this area.

6. Uniform Traffic Citation

In this area, a great deal of assistance has already been rendered to the DCM. However, it is felt that further input is needed, the State of Alabama should look to the states of Arizona and Idaho, both of which have promulgated extensive rules of procedure in the area of traffic cases. For example, the rules adopted by the Supreme Court of Arizona in 1963 define and describe in detail their Traffic Ticket and Complaint, the responsibilities of the arresting officer, procedures for forwarding papers to the court with jurisdiction, duties of the judge, and procedures on failure to appear, pleas of guilty, trial of traffic offenses, etc.

Similarly, the Idaho Rules adopted in 1970 provide, among other details, that the Uniform Traffic Ticket and Complaint must consist of at least four parts. Additional parts can be inserted by law enforcement agencies for administrative uses. The required parts are: (a) the complaint; (b) the abstract of record; (c) the police record; and (d) the copy of complaint and summons.

The Rules indicate that the various parts of the ticket must be assembled so that entries on the complaint must reproduce on the other parts by carbon paper or other means. The reverse sides of the ticket must also conform substantially to the forms as prescribed by the Idaho commissioner of law enforcement. The complaint form is to be used in traffic cases when the complaint is made by a police officer. If a person other than a police officer desires to sign a complaint involving an offense coming within the rules pertaining to traffic offenses, or if the offense charged cannot be shown on the ticket, the matter must be referred to the prosecuting attorney or municipal attorney for assistance. The Rules specify procedures with respect to the appearance of defendants, procedures following pleas of guilty, arrest after failure to appear, duties of court before accepting pleas of guilty, disposition of traffic cases by written waiver and plea, etc.

B. Dr. Carl Baar

1. Budget and Fiscal Matters

The key problem in the initial phases of developing a unified judicial budget is obtaining adequate and comprehensive fiscal data. Even if it is preferable for the budget to be centrally prepared (in the DCM), it appears that local court officials (presiding judges, clerks, and registers) will be the key sources of information. Therefore, one of the crucial techniques by which the DCM can exert some control over the overall budget will be by developing guidelines for the preparation of recommendations by individual circuits.

Steps in the process would be as follows:

- o Data on previous expenditures must be obtained. It is not clear why the Department of Examiners of Public Accounts cannot be used as one source, but presumable clerks and court administrators will be used.

- o The format and guidelines for obtaining budget requests from presiding circuit judges should be prepared. This follows Rule 14(B). That rule does not prevent the DCM from including on the forms available data on previous expenditures or even proposed budget projections. Since the necessary data may not be available at the time forms are distributed, general guidelines should be used. The local units should differentiate their maintenance budget (needed to continue existing services) from their new requests (any additional manpower or equipment or other requests). New requests should require separate justification on the basis of additional workload, etc. The guidelines should indicate that more precise and pertinent data will increase the ability of the DCM to make a case for the court. This encourages local circuits to analyze and document their needs. The guidelines should also include a category for previous expenditures no longer needed or of low priority (the "X" budget, as

opposed to the A and B budgets). Obviously, few courts are likely to come forward with suggestions for cutting, but presenting this alternative will (a) suggest to legislature that this is one of the ADC's concerns and (b) suggest to courts making new requests that they may be more successful adding in one part of the budget if they can cut in another.

If expenditure data are available, or if DCM can make an overall projection of the total budget, the guidelines could also advise circuits of what they can expect to obtain from the DCM and the legislature (e.g., no increase, an increase of less than 5%, etc.). Then the "X" budget can be used by the circuits to suggest their lowest priorities, so that central office (DCM) cuts will be in areas that are of lowest priority.

Other units of DCM (personnel, data systems, records) may have policies which can be translated into budgetary guidelines. These units should be consulted before distribution of guidelines to presiding circuit judges.

o Budget requests should be obtained from presiding circuit judge, pursuant to Rule 14(a). Presumably, these requests will not be analyzed by the presiding judge, but will contain individual budgets prepared by each clerk, register, and judge. It would not seem necessary to give the presiding judge any larger role if the DCM plans to prepare future budgets centrally.

o An overall budget should be prepared for submission to the Governor and Legislature. If DCM cuts local requests, further discussion with those circuits would be necessary. (Colorado's unified court system has budget hearings, in which the state court administrator's staff travels to various circuits to meet with local officials. Colorado has a unified centrally-prepared budget, and hearings are necessary to provide input from local courts. This should not be necessary in Alabama at this time.) If DCM is able to prepare future budgets centrally, hearings would then be appropriate.

To the extent that DCM develops workload data, it could better justify central budget alterations (for example, in the name of equalized court services). Therefore, DCM will need to analyze, rather than merely collate, local budgets. In this analysis process, officers in other units (personnel, information systems) should work with the department budget officer.

Most states with unitary budgeting fall in the category of central preparation. However, the Alabama system, at least initially, will fit into the category of central review and submission. Within that category, states vary in the amount of budget analysis developed in the central court administrator's office. If the DCM wishes to develop a system of central preparation in the future, it should take an active role in the "central review and submission" process in the coming year.*

Other points on budgeting:

Every effort should be made to satisfy district court budget requests in the first year, to decrease likelihood of localities opting for separate municipal courts.

According to budget theory, the three major functions of budgets are control, management and planning. Initially, the DCM seems to be focusing on the first function. It is preparing a budget so that it can implement central fiscal controls. At the same time, the other two goals should be kept in mind. Thus, the guidelines sent to each circuit can encourage local officials to develop management skills by requiring concrete justification for new requests and rewarding courts which provide such. In future, the planning function of the budget process should be developed, for example, by obtaining five-year projections.

*Carl Baar, Separate But Subservient: Court Budgeting in the American States (1975), Chapter 1.

While the group meeting did not recommend additional personnel for the budgeting phase of the fiscal cycle, it may be necessary for the fiscal officer/ Director of Administrative Services to have at least one person with the title of Budget Analyst to help process the materials submitted by the circuits and obtain comments from officials in Information Services and Personnel Services.

The executive-centered budget process in Alabama will require the DCM to develop close working relationships with executive budget officials. In most states, executive budget officers recognize that their relationship to the courts is different from their relationship to executive departments. If the judicial branch both presses this argument and prepares a well-documented budget, it can maintain that the executive should play a reduced role. If such cooperation is not forthcoming, the judicial branch should consider sponsoring legislation which prohibits the executive branch from revising judicial budget requests before submission to the legislature. (For an example of such statutes, see Baar, Chapter 2 and Appendix. The Appendix of the book also contains a new comprehensive Hawaiian statute, which limits executive fiscal authority over both judicial and legislative branches.)

Since none of these statutes limits legislative power, it will still be necessary to work with the legislature. Analysis of other state courts suggests that legislative-judicial relations follow some half-dozen patterns, depending upon the legislature's willingness to commit funds, the legislature's power in the budget process, and the level of information possessed by the legislature (see Baar, pp. 61-77). Since the Alabama legislature apparently has little staff expertise, the DCM is not likely to be more successful simply by providing more information and justification (contrast with California or Colorado). A great deal will depend upon developing close working relationships

and mutual trust (as in North Carolina). Emphasis must therefore be placed upon traditional ways of doing this. The officials in DCM who have responsibility for legislative relations must, however, work closely with DCM fiscal staff to ensure that court budget requests are understood and given high priority in the judicial branch's legislative program.

While a major problem in court administration is the need to work with independent, locally-elected court clerks, this problem may be manageable in Alabama because the clerks' budgets will be part of the state judicial budget. Therefore, it may be possible to bring direct pressure on the clerks' offices, rather than appointing local/regional court administrators to compete with the clerks. It is essential that the DCM monitor the initial budget cycle to assess the effectiveness of the county clerks, and assess how they can be best integrated into the state court system.

A review of the budgets of the Courts of Appeal and the Supreme Court suggests that the separation of trial and appellate court administration under the new Judicial Article and Implementation Statute has worked to the detriment of the trial courts. The pending state budget includes five non-judicial officers for the three appeals courts earning salaries of \$27,170, while no official of the DCM earns in excess of \$21,000. As unification is implemented, the role of the DCM will expand, making the gap between appellate and trial court salaries of non-judicial personnel even more inappropriate.

(For further technical assistance and materials on budgeting, those states with most-developed court budget systems should be consulted. [Chapter 1 of Baar's book suggests some of these.] Colorado has an especially elaborate system, which was directed in its developing years by James Ayres. The California system, while largely locally-funded, has developed more complete guidelines for preparation of budgets by the state-funded appellate courts and judicial

agencies. Ralph Kleps should be able to provide these. Alaska has made great progress in effectively presenting its unified judicial budget. State court administrator Art Snowden or his Budget Officer, Richard Barrier, could provide additional information.)

The fact that the DCM will handle fiscal administration for the unified judicial branch will increase the likelihood that local court budget requests can be satisfied. The DCM should be in a position to transfer funds from some accounts to others in which the demand is greater. Therefore, a local court would be likely to receive funds (e.g., for equipment) even if its specific requests are not included in the budget. If the state places limitations on transfers across-line-items, certain budget requests should be lumped together, so that DCM can distribute funds to individual circuits as needed. This year's precedent of a lump-sum budget could provide the DCM with useful flexibility in fiscal administration for the future.

2. Property Inventory

While initial inventory of property can involve many details and questions, the best approach is to obtain information necessary for internal management and to develop standards that complement the budget guidelines. Ownership should be defined in terms of responsibility for replacements. If local officials expect DCM to have the responsibility, replacement costs will be in state judicial budget, and ownership in the hands of the state court system. Whether property is the judge's or the court's could also be based upon distinctions in the judicial budget. Initially, these guidelines could reduce the degree of uniformity statewide. However, as long as the lack of uniformity across circuits does not result in an inflated court budget, DCM should not worry. If some counties claim wider ownership of "court property," they will have to

retain an obligation to supply new equipment, and their obligation is enforceable by mandamus served upon the county treasury under the inherent powers of the courts. It is likely that under these conditions local differences will quickly decline over time.

Certain property may not be identifiable as to date of purchase. If so, an approximation of age adequate for DCM purposes should suffice. Present state requirements may be more detailed, but auditors/examiners will have to be satisfied with what is obtainable. Only that data which facilitates the property management functions of the DCM should be gathered. That is a large enough task.

3. Caseload Projections

The Federal Judicial Center (1520 H Street, N.W., Washington, D.C. 20005) has been conducting research for some years in an effort to project future caseload and estimate needs for additional judgeships. This research has been under the supervision of William Eldridge. Professor Jerry Goldman, now in the Department of Political Science, Northwestern University, Evanston, Illinois, worked with Eldridge on that study for about two years. Eldridge's work is somewhat general and theoretical, but may provide useful background for the DCM.

C. Mr. Bert M. Montague

1. Administration of the Unified System

The matter of a separate Administrative Office of the Courts and Department of Court Management is crucial to the survival of the court management movement in Alabama. If there is to be any semblance of administration or management in the judicial department in Alabama the concept of a separate department to manage the trial courts must be abandoned. The ideal solution would be abolition of the Department of Court Management and use of the Administrative Office of the Courts, under the direction of the State Court Administrator or Administrative Director of the Courts, to provide management for the so-called unified court system. If this solution is not politically possible, the Chief Justice should relegate the "Department of Court Management" to divisional status in the Administrative Office of the Courts. This would be a clumsy operation. However, a small technical assistance staff in this division could be involved in coordinating operational problems peculiar to the trial courts (such as calendar and jury management) without involving the functional areas (such as personnel and fiscal management). Regardless of departmental status, it is imperative that one person, the State Court Administrator, have direction and control of both the Administrative Office of the Courts and the Department of Court Management.

2. Staffing Requirements

The next crucial point of concern is the matter of staffing of the Administrative Office. Few states have moved into management of a unified, state funded court system with adequate staffing, and Alabama will probably not be an exception.

For illustrative purposes, an organizational chart should be drawn. Any number of many other varieties are appropriate as the make-up will be constantly

changing. However, for the purposes of tying together and justifying the number of personnel, a good picture is needed. Although there was some disagreement with respect to the exact number of personnel proposed, it is not particularly significant. Twenty-two professionals and twenty-three clerical personnel are recommended. This appears to be rather heavily weighted in favor of the professionals but this could result from improper classification or loose interpretation of the word "professional" rather than from an imbalanced organizational structure. Generally, the professionals would be as follows:

- Administrative Director of the Courts -- one professional
- Planning and Grants -- two professionals
- Public Information -- one professional
- Director of Administrative Services -- one professional
- Director of Information Services -- one professional
- Director of Legal Services -- one professional
- Personnel Services -- two professionals
- Fiscal Management -- four professionals
- Property Management -- one professional
- Statistics -- one professional
- Records Management -- one professional
- Computer Services -- four professionals (two temporary)
- Legal Education -- one professional
- Court Rules, Defense Services, and Bench Notes -- one professional

If there is to be a separate head of Administrative and Legal Services, two additional clerical positions for secretaries would be needed. Perhaps the solution would be to eliminate the Assistant Directors for Administrative

Services and Legal Services and simply let the direction of those two divisions be under the Chief Fiscal Officer and the Legal Services Officer. The latter could be responsible for Legal Education in addition to Management of that division. In the area of information services management, a separate Systems Manager and another secretarial position will be needed. By eliminating the separate heads of Administrative Services and Legal Services, the number of professionals could be reduced to 20. A staff of 44 should be adequate to handle the operation at least through October 1, 1977, when the implementation of the entire system is to be complete except for the in and out movement of Municipal Courts. Presumably, a staff, which gradually had been built up to sufficient strength to operate the AOC, would have solved a great many development and implementation problems by that time and would have more time to devote to the particular problem of the Municipal Courts.

3. Automated Data Processing

It was recommended that some initial outside assistance with programming be obtained to allow a small permanent computer staff.

4. Accounting System

The accounting system should be a manual, double-entry bookkeeping system of the simplest possible design. Although there may be automation in the Administrative Office, this will not be available in the multitude of clerk's offices. In the Birmingham circuit there will undoubtedly be accounting machines in use and that circuit might also have access to a computer. However, this should be used as a place for storage of data and for the production of reports, not as a bookkeeping tool at the outset. It is important to retain simplicity because the salaries paid in the clerk's offices will not justify the employment of any CPAs. Instead, reliance will have to be placed upon persons with minimal training in bookkeeping or accounting.

5. Budget Preparation

With respect to budget preparation, a hard decision needs to be made now. The Statutes gives the Administrative Director of the Courts budget making authority and he should exercise it with minimal input from judges and other court personnel. Apparently, the Alabama AOC anticipates permitting each circuit, through the Senior Judge, to tender a budget request for the circuit. This could be a dangerous precedent. The Administrative Director should accept input from the circuits only with respect to recommended expansion programs and the local personnel should not be involved in estimating costs for these items. It would seem an impossible task to permit 38 presiding circuit judges to make separate budgets for their circuits and then bring this together as one unified budget. A fair budget could never be produced in that manner.

The Fiscal Manager is concerned about determining specific amounts for the budget request. Since the personnel structure and salary scales are generally fixed, a major portion of the budget preparation will be mechanical. With respect to supplies, equipment, travel, telephone, postage, jury expenses, and other operating expenses, a combination of reports from the circuit clerks and county auditors or accountants should produce an accurate reflection of expenses under the present system. A combined total of these disbursements would give a figure with a built-in cushion since there will be economies of scale realized in supplies, equipment, and forms purchases under the unified system.

6. Funds Disbursement

The disbursement of appropriated funds could be handled two ways. One would be to allocate certain funds to each of the circuits and permit disbursements on a local basis. It would be far preferable to have all disbursements made in the Administrative Office and, if the concept of unification is to be

established, it must be done in this manner. The disbursement of all appropriated funds in the central office does not mean that there will not be a huge flow of cash through the local clerk's offices. The major clerk's offices will be handling far greater sums of money than the Administrative Office because the judgments, support payments, fees and costs for local services, jury and witness expenses, and a multitude of other transactions will be handled exclusively on the local level. This massive flow of money will require at least one bookkeeper in each circuit and will also require a field audit staff in the Administrative Office of the Courts.

7. Purchasing and Personnel

With respect to purchasing, it is recommended that the AOC utilize already established and operating executive department contracting and purchasing procedures and personnel. Procurement is a complicated procedure and there is no philosophical problem in utilizing the Executive Department resources for this particular function. There is also no reason why the AOC Personnel Division cannot utilize already established job descriptions, classifications and pay plans if the Judicial Department maintains a separate personnel management system and its independent operation. The same may be said about current Executive Department bookkeeping and budget reporting formats insofar as they are adaptable to court uses.

The above listed areas constitute the major problems faced by the AOC. If the Fiscal and Personnel management challenges can be met by proper staffing and procedures, a great many of the other "problems" will fall into place. For example, the court management staff is greatly concerned about the "juvenile process." This is largely a matter of substantive law to be established by the Alabama legislature and the AOC will probably have minimal input into the process. As far as the rules of administration and procedure for juvenile

justice are concerned, there are numerous states, including North Carolina, which have gone through this process and the group working on the rules in Alabama has access to the work of the other states. The same might be said with respect to small claims and the uniform traffic citation. All varieties of systems for handling these problems can be found in the various states. As in all other things these vary from adequate to terrible. The Alabama office has already been given copies of forms and procedures which apply in these areas and they should have materials from many other states. By careful study of these examples, the AOC should be able to make workable recommendations in these areas.

D. Mr. Ellis D. Pettigrew

Following initial review of the exhaustive "skeleton master plan..." and supplemental supportive legislation, Act 1205, these comments are presented, not to be taken as inclusive but in the context of forming a frame of reference for future AOC planning.

1. General Overview and Observations

Significant changes which will impact upon virtually every one of Alabama's citizens are presently either being undertaken or receiving firm planning. It is readily apparent that the parties responsible did not intend to merely streamline the courts. Indeed, by taking these actions, Alabama joins a small number of states that have moved toward an independently coordinated and well administered judiciary. Since the "die" has been cast in reams of legal authorization, the stated goals must now be fulfilled and this effort may well be more difficult than any previously undertaken. The theoretically stated end, a unified and independent judiciary, must be effectuated pursuing the most complex and obscure philosophical goals. Improvement in the administration of the judiciary must bring about an equal improvement in the quality of justice.

Traditionally, the courts have maintained a low profile, neither making tremendous displays of accomplishments nor making exorbitant requests for support. In the past, courts have been a basically local affair, with funding and staffing provided by counties and larger municipalities from locally generated revenues. Perhaps articulation of the ultimate goal of court unification, or at least what some observers have viewed as the ultimate goal, will allow a better perspective on subsequent comments. This goal includes several basic presumptions. The restructured system will facilitate statewide court planning, reduce inefficient allocation of judicial resources, enhance accountability, and permit the judiciary a degree of fiscal independence. Certainly,

without fiscal independence there is a serious question about even partially attaining the goal of an independent judiciary. The independence and proper separation of the judiciary from other branches of government implies that the judiciary, through its superintending authority, the Supreme Court, is responsible for exercising control and administration of its own operations. Funds made available to the judiciary must be free of executive limitations which restrict the performance of the judiciary's primary function, the dispensation of justice. Thus, any system of funding which relies on political interrelationships or fosters attitudes adversely affecting the court's objectivity should be avoided. Alabama has wisely taken steps to eliminate the possibility of these occurrences. The Supreme Court should prepare a consolidated budget for the entire court system, eliminating the predominately local based funding system. (Municipalities are the exception, although it is believed that they will eventually opt into the restructured system.) Regarding fiscal independence and practical administrative practices, all resources should be provided according to determined needs established by Supreme Court through its Administrative Director. This does not obviate the need for accountability to the legislature but it does require that sources of funding should not dictate the manner of operation of the Courts.

Experience has exhibited that the above indicated philosophical purposes of unification and the day to day administrative activities are inexorably linked. Judicial administration involves planning, the allocation and utilization of resources, and the provision of services for which funding has been made available. The unification of a court system and the shift of the funding burden to the state level will not of itself accomplish much. Within such a system there must be the capacity to administer all operations, including a centralized personnel function, the preparation and execution of

a consolidated budget, and the evaluation of operational performance.

What then are the short and long range demands now being placed upon the Administrative Office of the Courts? In some respects, the tasks now before the Alabama judiciary, and particularly the Supreme Court are almost inconceivably complex. Statutes have been constructed and passed after years of careful analysis and planning. However, the legal authorization is, as appropriately defined by the Director of the Administrative Office, a skeletal framework. What occurs over the next three years within the confines of present legal authorization will determine the extent of Alabama's judicial "reform." As one seasoned administrator remarked following a sweeping State level reorganization, "We changed the titles of employees and the source of paychecks, but we have the same old people doing the same old thing." Such a pitfall must be categorically avoided in Alabama.

What should be the initial effort in fulfilling the clear mandate for reform of Alabama's judiciary? Perhaps the easiest and most plausible would be to immediately develop the obvious administrative requirements of personnel, finance, and information systems. These, as well as others, need immediate attention and should be regarded as priority matters only after the "organizational tone" for the new court system has been firmly set. Organizational tone should not be viewed as an esoteric, academic catch-all concept, but as a key ingredient in providing a solid foundation for subsequent administration of Alabama's courts. It is a non-tangible quality which can provide the connection for the various elements of Alabama's judicial system. It is set by the ranking officials of the judiciary as an approach to policy formulation and execution. Organizational tone instills a necessary sense of stability, adaptability, openness, and confidence and a recognition that the judicial system is made up of a diverse pool of invaluable personnel resources,

from judges to bailiffs, which is prone to accept responsibility and react in a constructive manner. It further allows for clear definition of lines of responsibility and channels of communication. The organizational tone provides a means by which judicial employees, both state and local, can more readily identify with the new judicial system.

How can organizational tone be practically applied? As presently viewed the Administrative Office of the Courts will be the focal point for an enormous amount of administrative responsibility. Budgeting, personnel, and procurement are but three illustrations. This system may be described as highly centralized and, via practical application, the administrative office may wish to diffuse administrative procedures by allowing appropriate exercise of responsibility at the trial court level. Instead of having a quagmire of paper shuffling within the AOC, a significant amount of ministerial work could be placed with designated Circuit level aides. Organizational tone is the means by which this end, as illustration, can be accomplished. Decentralization, which is more than likely inevitable, will allow for involvement of Circuit personnel while appropriate controls are maintained at the state level. To further illustrate, the following procedure in developing organizational tone could be considered.

A) The Supreme Court appoints a presiding judge's council. The council meets initially on a monthly basis and the AOC director serves as executive secretary.

B) The presiding judges receive briefings at their meetings from the Chief Justice on overall policy. The AOC director and staff explain procedural and administrative matters, solicit views from the judges, consensus opinions are reached, and policy formulation is developed from the discussion stages to formalization. Initially, council meetings would be closed affairs allowing

for a maximum of discussion and input. Following these meetings, the AOC director and staff would coordinate developed policy on a statewide basis.

By sponsoring this type of meeting, the administrative director, acting in behalf of the Supreme Court, can establish the presiding judges as a policy formulation-execution focal point. Clear lines of communication which are the first steps to bringing about meaningful acceptance of administrative responsibility are established. The majority of presiding judges will identify with such responsibility and ensure compliance with administrative policies, although the degree of compliance will vary widely. At this point, the organization has moved beyond formal, legal definitions of what should or should not be done, into the all important realm of informal acceptance and personal identification with the unified judicial system. As one observer aptly stated, regarding acceptance by trial level judges and other personnel, "Once they identify with whatever idea is proposed (in this case, a unified judicial system), point them in the right direction and then get out of the way." Then, the one-time leader becomes a grateful follower. The critical aspect of such identification is the desired situation where Circuit Presiding Judges return to their Circuits and become leaders. In this role, they become an invaluable extension of the AOC. If they perform as a Circuit level liaison in this matter, subsequent meetings with them would in effect be held with all Circuit Judges, District Judges, and all other Circuit court employees. From this illustration several other positive administrative ramifications can be seen. One concerns the matter of State-local communications and administrative policy. If policy formations and execution are decentralized, the burden of communication placed upon the AOC will decrease dramatically. It is much more feasible to communicate policy to individual circuits represented by a presiding judge

than to individual judges and other court employees. The latter option would more than likely overwhelm the AOC. This would also improve the degree of uniformity which can be attained by involving trial level personnel in policy formulation and subsequent execution.

Demonstrated establishment of clear lines of communication; clear delineation of responsibility allowing for transitional stability, adaptability and flexibility in policy formation and execution, and the allowance of employee feedback (through Circuit employee meetings) are further key considerations. Also crucial is the assumption that the involvement and participation of Circuit personnel is the very backbone of Alabama's judicial system. It must be realized that there exists among judicial employees a resource that, if tapped in the appropriate manner and allowed to participate in the system, is a virtually inexhaustible source of both energy and creative ideas. The judiciary is a people system and the Alabama judiciary will be no better than the quality of people composing it.

In summation, there is little doubt that with central appropriations, central personnel systems, information systems, facilities management, procurement, etc., a strong central administration can be established. The proposed question is whether or not the established degree of centralization will be beneficial to the judiciary. Central administration is in some respects an illusion. However, the degree to which judicial employees identify with the unified concept is not an illusion.

One concept, which should continually serve as a guide for AOC personnel regarding their relationship with the trial courts, is that administrative procedures are not ends in themselves and that support of trial courts in the adjudication of cases is of utmost importance. The AOC should not allow administrative procedures to obscure this fundamental precept. The

AOC cannot solve the multitude of local problems or even adequately address trial court uniquenesses. By allowing local attention to local situations, analysis and study of daily operations can be applied. The role of the AOC is to provide adequate resource assistance, technical aid, planning and other peripheral staff supportive functions. Thus, the effort should not be to supplant but to support. This further illustrates the importance of setting the organizational tone of Alabama's judiciary. This is a tremendous responsibility, particularly if history correctly indicates the critical nature of creating initial administrative procedures and practices. Once the organizational tone and structure have been established, subsequent changes may come about only after great anguish.

2. Establishing Administrative Priorities

The extent to which the Supreme Court and AOC establish tight central administrative control, will dictate much of the development of necessary administrative functions. However, it will still be necessary to establish priorities and implementation policies even though they will be so directly affected by this basic decision. Although the implementing legislation dictates transitional administrative applications, several questions remain amid the multitude of listed requirements.

1) How should each requirement be addressed and which requirement should be addressed first?

2) To what extent should resources be expended in accomplishing each task and how should such resources be obtained?

3) What structure should the AOC administrative staff adopt in meeting stated requirements? In response to these questions, several comments follow.

a. The suggestion has already been made that whatever transitional developments occur during implementation, full and total communication should be given to the presiding circuit judges, preferably in person, via meetings. That communication should subsequently be related to all other court employees. This is particularly applicable when a personnel system is being developed. Experience with similar situations in diverse settings has shown that such developments create a sense of frustration, anxiety, and threat among judicial employees. Such feelings must be dealt with and can best be reduced to a working level by increased communication and an open approach.

b. Recognition of the "initial impact" phenomenon by AOC staff personnel should allow greater understanding of developmental frustrations which will arise in that office. Development demands will always be more than can be handled by existing staff. However, it should also be recognized that each functional administrative area: personnel, budget, information systems, EDP applications, etc., will need additional initial staff assistance. This situation is a natural outgrowth of the great amount of development work which besets any new organization. Such needs will eventually decline as the system is institutionalized. For example, to create a completely new position classification system with salary grids, approximately four times as many personnel specialists will be needed for development as for subsequent maintenance. The exact additional number will vary, depending upon time constraints. This concept applies to EDP operations personnel and other functional staff specialists as well.

c. Flexibility in applying relatively new administrative applications seems highly desirable. Budget flexibility would also be highly desirable

because of the potential number of unknown variables requiring financial attention. Prototypes for personnel and information systems are particularly worthwhile if time allows. Academic trial and error is much less constraining than "real life" trial and error. In any case, responsible administrative staff specialists should be given a wide latitude of development flexibility.

d. A management team which is not an integral, permanent component of the AOC, would be helpful in transition development. The team could lend staff support to the AOC director in coordinating implementation of administrative decisions. The management team coordinator should have the flexibility needed to ensure that the varied administrative tasks are coordinated and constantly working toward a common goal. Even with the firm planning accomplished thus far by the AOC, crisis management situations will appear on a continuing basis. The AOC management team should be in a position to assist in handling such administrative problems and, perhaps most importantly, to serve as a buffer between the AOC and Circuit personnel. The AOC Director would have short-term, in-house management assistance which would terminate following initial development.

e. The AOC should, if it is not already doing so, hold regular staff sessions in which all staff members present status reports. Such meetings would assist in developing the common purpose, aid in preventing overlap, and ensure understanding of difficulties encountered by various staff.

3. Developing Other Priorities

a. Meeting financial obligations

Although establishment of priorities is difficult, particularly where so much is to be accomplished, several conceptual guidelines should be considered.

One of the most destructive events which can occur in the development of a new administrative system is the failure to meet payrolls as anticipated by employees. Thus, the establishment of payroll and related personnel work-ups (position classifications, salary grids, establishment of personnel rules, etc.) is essential. The development of classification and pay plans is not only time consuming but can be a source of continual management-employee conflict.

There may be no one best way to ease the burden of personnel system development. From initial appearances the AOC has chosen to develop job classifications based upon a combination questionnaire analysis and on-site job audit. Development of the eventual pay plan will rely heavily on the current state executive branch pay plan. If this were not the case, even more time would be needed to conduct a pay or salary survey. Although such an effort would be more apt to create an equitable pay scale as pertains to judicial employees, such surveys are very time consuming and often prove controversial, particularly where the judicial pay scales are higher or of a different nature than existing executive branch plans.

A pay plan is a means for providing employees with equitable compensation for work of a similar nature. Variance from this overriding principle will cause never-ending anguish. In any case, following such development, the AOC should set as a priority and ensure that, when payday arrives, each and every employee receives a check. As simple as this effort may seem, experience has shown that state officers responsible for issuing checks are rarely equipped to handle a large one time increase in payroll volume. Not only must the AOC meet new administrative demands but other necessary state officials, such as the State Auditor, will be in a like position. To avert delay full communication on anticipated administrative impact must be provided to all agencies which may

be affected. The same applies to issuance of State checks for procurement of court supplies and materials. Assuming that responsibility has shifted from local to state procurement, a State official may be totally unprepared to handle a large volume of unexpected vouchers.

In meeting financial obligations, the AOC director could give firm direction to each responsible staff member, fiscal officer, payroll clerk, personnel officer, or computer applications staff member to develop, among themselves, a plan for accomplishing stated ends. They should formalize this plan, and report back when the program is ready for implementation. Since these are the individuals who will be responsible for ensuring payroll and personnel operations, they should therefore be involved in the preparation and subsequent development of the new system.

b. Maintenance of Accounting System

Within the guidelines set by the Supreme Court and Legislature, the AOC should be responsible for establishing and coordinating the operation of the accounting system for the entire judicial system. Each presiding judge should be responsible for the operation of the system in his particular circuit. The presiding judge should be able to delegate this responsibility and related work procedures to the local administrative assistant or court administrator. All accounting and bookkeeping functions (the processing of financial transactions rather than the processing of legal paper work or legal transactions) would be developed by the administrative office personnel. When there is realization that literally hundreds of thousands of dollars are constantly being processed by court agencies now responsible to the new unified system, the need for expeditious development of these functions is apparent. Although not inclusive the following are several general categories existing at the local level which involve substantial financial transactions:

- o Accounting for civil fees and other payments to the court arising from civil or other small claims cases,
- o Accounting for criminal (including traffic) fines, forfeitures and other costs,
- o Accounting for non-traffic cash appearance bonds, and
- o Fees assessed for judicial administration.

Section 16-132, judicial article implementation act, underscores the significance of developing a statewide accounting system. "The administrative director of courts shall prescribe procedures for the collection and distribution of court fees."

Although specific enumeration is made in sections 16-109 through 16-133 regarding cost breakdown distributions for specific financial amounts, several procedural areas remain undefined. Assuming standardization of reporting format, what type of accounting system will be utilized, and how will reports be completed? To achieve a uniform accounting and financial integrity, any officer or employee of the state judiciary who receives any money by virtue of official duties, should complete a prenumbered receipt in duplicate showing the amount of funds received, the purpose, the date of receipt, and the person or source from whom received. The original of each receipt shall be delivered to the payee, the duplicate should be retained by such officer in the office. This procedure illustrates only one small facet of the overall accounting system. What is needed is an immediate development of accounting policy which generally relates to the following areas:

(1) Cash receipts. All cash receipts should be properly accounted for in the records of each location receiving money. A receipt, as illustrated above, should be issued. All cash receipts should be deposited promptly in the appropriate governmental office. Loose cash should not be maintained in any office over an extended period of time.

(2) Cash disbursements. All cash disbursements of fees, fines, etc. should be made and appropriately recorded on uniform accounting forms.

(3) Financial records, Accounts and Audit Trail. Adequate records should be kept at each location to insure the accurate reporting of all financial transactions to designated authorities and to provide sufficient documentation for audit purposes. These records should identify transactions by type (such as cash receipts, cash disbursements, refunds, etc.) and should provide proper reference to documents supporting the transaction. The financial records and accounts should be maintained at each location reflecting a coding structure and retention schedule established by the AOC, and prescribed by administrative rule.

(4) Security and Internal Control of Funds. Proper internal control and security should be maintained at all times over all cash, checks, money orders and other cash items. Receipts kept overnight should be secured, preferably in a vault. Each account should be reconciled at least once a month and reviewed and approved by an individual other than the one preparing the reconciliation. All duties and responsibilities for performing step-by-step procedures should be segregated and described in a formally written accounting manual, which should be distributed with appropriate training sessions.

(5) Balancing and Reporting of All Transactions. Daily balancing should be required to verify that all cash received including cash deposits, is properly reflected in the accounting records and source documents of the particular location. A month end report should be prepared at each location summarizing all transactions for the month.

As can be readily seen, the development of an accounting system which meets the needs of the new system will be both time consuming and somewhat

complex. The court must decide upon either manual development, automated compilation or a combination of both. In Alabama, with a heterogeneous mixture of rural and urban, a mixture may be appropriate. In any case a simplified one-write-accounting system with self correcting features is advisable. This will entail an initial development phase requiring approximately two to three months for identification of specific receipts and disbursements along with written standard procedures and the forms themselves. The overall development will take approximately eight months and require a full time CPA or equivalent, a full time EDP systems analyst and a part time forms specialist. A contractual arrangement with an Alabama CPA firm for basic accounting formulation design may be appropriate. The overall development will take approximately \$8,000.00 to \$10,000.00 for accounting development, \$15,000.00 for total forms and guideline procurement, and approximately \$3,000.00 for initial computer applications. These estimates should only be taken as guidelines.

c. Procurement by AOC

In the development of procurement criteria and the subsequent day to day administrative procedures which evolve around such procurement, a paradox experienced in similar court system developments should be considered. With central purchasing of supplies, equipment, etc., the AOC will gain a high degree of purchase control. However, along with central procurement comes an increased and often unanticipated volume of paper work. The control gained by the AOC via central procurement may be an administrative disadvantage, for local court operations, resulting in delays in ordering and subsequent delivery of materials. Where procurement was formerly handled on a local basis, cost reduction and quality may not have been primary considerations. While central procurement can undoubtedly bring about cost savings as well as enhanced budget expenditure controls, an increased staff will be

needed to handle procurement orders, to stock and ship, and to keep track of specific funding category finances. The alternative is to centralize procurement by authorizing individual circuits to expend budgeted amounts. Purchases put on bid will still require AOC time and effort and the accounting procedures will still flow through the AOC. The decision on whether or not a judge in County "X" needs a new typewriter, desk, etc., if made on an individual basis, can be an endless plethora of administrative headaches. Likewise, giving local authorities a free rein in expenditure authorization will be wrought with problems. One solution may be to balance local purchasing ability with fairly rigid AOC procurement rules. Regardless of the AOC approach several consequences can be expected. Paper work associated with procurement will develop in an exponential manner related to available procurement funds. If the AOC currently has two individuals processing procurement vouchers and, for example, the AOC supply and materials budget is increased tenfold, there will be an increase or demand placed upon AOC personnel to a disproportionately increasing degree. For every two vouchers submitted, two will be returned for correction or other rejection purposes. The pool of vouchers will show more than a straight line increase. The obvious consequence of such increases is the need for additional clerical personnel. One means by which the AOC can document this development is to record present vouchers or similar paperflow workloads and maintain such records during the development period. A simple chart compiled at day's end can be constructed with little staff time. The results may prove astonishing and very useful. Often in the development of new systems, administrative demands which are not readily visible are difficult to validate before policy authorities. The chart described above is one method where documentation of need can easily be exhibited.

During administrative development the AOC must always be cognizant that administrative activities which were formerly handled in 604 different local government units (usually in 604 different fashions) will now be focused at one specific location, the AOC. Even with a high degree of decentralization available to the AOC in the statutes, a tremendous increase in administrative activity will be required. No one should believe that the AOC operations will be anything similar to past or perhaps even contemplated operations.

d. Automated data processing

In regard to the application of computer programs to budget, personnel payroll, procurement, and other key administrative office functions, the rule of thumb is that a computer should be used whenever volumes of data storage and subsequent utilization outdistance any practical means of manual operation. From initial observations it appears that the AOC should move in the direction of an automated personnel system; budget, including budget planning, financial accounting and reporting; and information systems pertaining to work volumes. Such applications will necessitate additional personnel for short-term development. The AOC may wish to consider short-term contracts with other State agencies or the private sector. It is estimated that at least four programmer/analysts will be needed to develop the management applications discussed above.

e. Court budgeting

Budgeting for any governmental organization serves several purposes. Among the more important are: 1) a method of informing the public and those involved in resource allocation of the progress, accomplishments, and problems confronting the organization preparing the budget; 2) a method of stating policies, goals and objectives; 3) informing the allocators of resources of the organization's needs relative to those of other organizations; 4) providing a format within which public decisions can be made; and 5) establishing a

framework within which public officials can be held accountable for the use of public resources.

Historically, public budgeting has not served these purposes. Scant attention has been given the critical questions of rational resource allocation. Indeed, traditional budgeting practices have been far more concerned with the obtainable items than with determining how their purchase contributes to the stated goals and objectives.

Alabama, like other states making or having made substantial changes in the judiciary, has extremes of population and court activity which must be approached within their geographical setting. These factors raise the question basic to the administrative operation of the judiciary, centralization vs. decentralization. The respective roles of the state office and those of the Circuits should receive careful attention. Resolution of this operating question will determine several of the remaining procedures required for budget preparation and execution. Responsible budgeting should maximize the participation of those responsible for budgeting and the use of resources. The authority to make budget decisions must be matched by the responsibility for those decisions and with centralized management and operation, correlation is far greater. However, this fiscal and program advantage must be examined in terms of the important, but less tangible, factor of circuit identification with and support of the central office authority. It must be determined whether or not the AOC has sufficient knowledge of conditions and circumstances in the state to facilitate intelligent decisions at that level. In any event, the AOC and the Supreme Court are almost certain to be considered responsible by the legislature when it debates fiscal and program matters. Not only is this acceptable, but it is also consistent with the objectives of judicial unification and cohesion.

Assuming an unavoidable degree of administrative decentralization, the budget process should also be decentralized. If the circuit presiding judges are held accountable for the operation of their circuits, they must also have a vital role in budgeting. Their role should be constructive to the extent that they not only decide the content of their circuit budget but the subsequent use of resources allocated.

The level of budgeting within the judicial branch is a further consideration. The alternatives are: 1) state level budgeting without regard for geographical or organizational units; 2) budgeting by circuits; 3) budgeting by circuits and organizational units within the circuits; or 4) a combination of the smaller units with emphasis on program, summarized to the state level.

State level budgeting provides little decentralization. Some of the aspects of this alternative would be the same as those already mentioned regarding centralized operation. Following this alternative, most budget preparation and execution would occur in the central office; 2) the central office staffing requirements would be the greatest; 3) the central office would have a higher degree of fiscal control of the system; 4) information and data could still be requested of chief judges as participants in the process; 5) allocation of resources after legislative appropriation would be less difficult; 6) program budgeting would likely be easier; 7) the obligation of resources would be more controlled; 8) fiscal reporting would be more uniform and timely; and 9) procedural rules and guidelines would be more effective and require interpretation by fewer individuals.

If circuit budgeting and allocation were used, the presiding judges would have a far greater role in the entire process. This tends to detract from the central office authority and reduce its staff requirements. However, it requires more of scarce judicial time, even where the circuit has an administrator. The most important factor of this alternative, however, is

that the presiding judge must make decisions for each of the units in the circuit. In many respects, he would have the same role for the circuit that the state court administrator and chief justice would have with central budgeting. This factor is particularly significant in the allocation/spending approval cycle of budgeting.

Budgeting by circuit and units within the circuit produces the maximum participation in the budget process. It pre-supposes that each unit in the circuit is a part of the process. While the widespread participation is desirable, it has the disadvantages of: 1) weakening both the central office and chief judge's authority; 2) increasing dissatisfaction with the resource allocation process and the possibility of uneven allocation; 3) multiplying often conflicting interpretations of operating rules/guidelines; 4) creating conflict between the central office and the presiding judges relating to the units in their districts; 5) diminishing effective communication within the circuits; and 6) lengthening the time period for budget preparation.

By combining several parts of these alternatives and adding program emphasis, a fourth alternative is created. This approach is recommended for the Alabama judiciary. This alternative allows phased implementation to the extent that the basic program budget concept can begin and be refined as the level of data and understanding of the concept increases. The circuits are recognized as operating entities within the judicial system while the budgeting-by-unit approach is avoided. However, this approach does not prohibit the participation of these units in the process. With circuit level budgets concerned with the needs of the circuit as a whole, the presiding judge must have the authority to allocate and re-allocate within the circuit to make this alternative viable. However, it must be recognized that this

alternative or any other, except complete centralization, creates potential internal conflicts which may be most visible in terms of state level responsibility vs. circuit level authority. Finally, this alternative will still require state level preparation of a consolidated budget for the total judiciary.

The procedural aspects of this suggested budgeting system would not present formidable problems and the actual roles of the presiding judges could vary. Those judges with administrators should delegate most budgeting responsibilities. Circuits without administrators would depend more heavily on central office staff, particularly in the preparation phase of budgeting. By present appearances budget preparation would require one or several of the following:

- 1) That the presiding judges should solicit budget items from the lower level organizational units and act on them in preparing the circuit budget;
- 2) That the central office staff should hold hearings with the presiding judges at their requests; and
- 3) The timely completion of the formal budget by the central office staff after revision and compilation of the several circuit budgets.

Two key elements involved in the budget preparation process should be emphasized: 1) staff in the central office must train circuit level personnel for preparation of their budgets; and 2) the state level office must develop procedures and forms for in-system use. From the working documents produced, the formal consolidated budget can subsequently be prepared. In any event, the formal construction of a budgetary manual for the judiciary is of utmost importance. The manual can follow the basic guidelines of executive branch budgeting cycle but should specify in detail all relevant aspects and details of the budget cycle. The document is an absolute must and should be given developmental priority by the AOC.