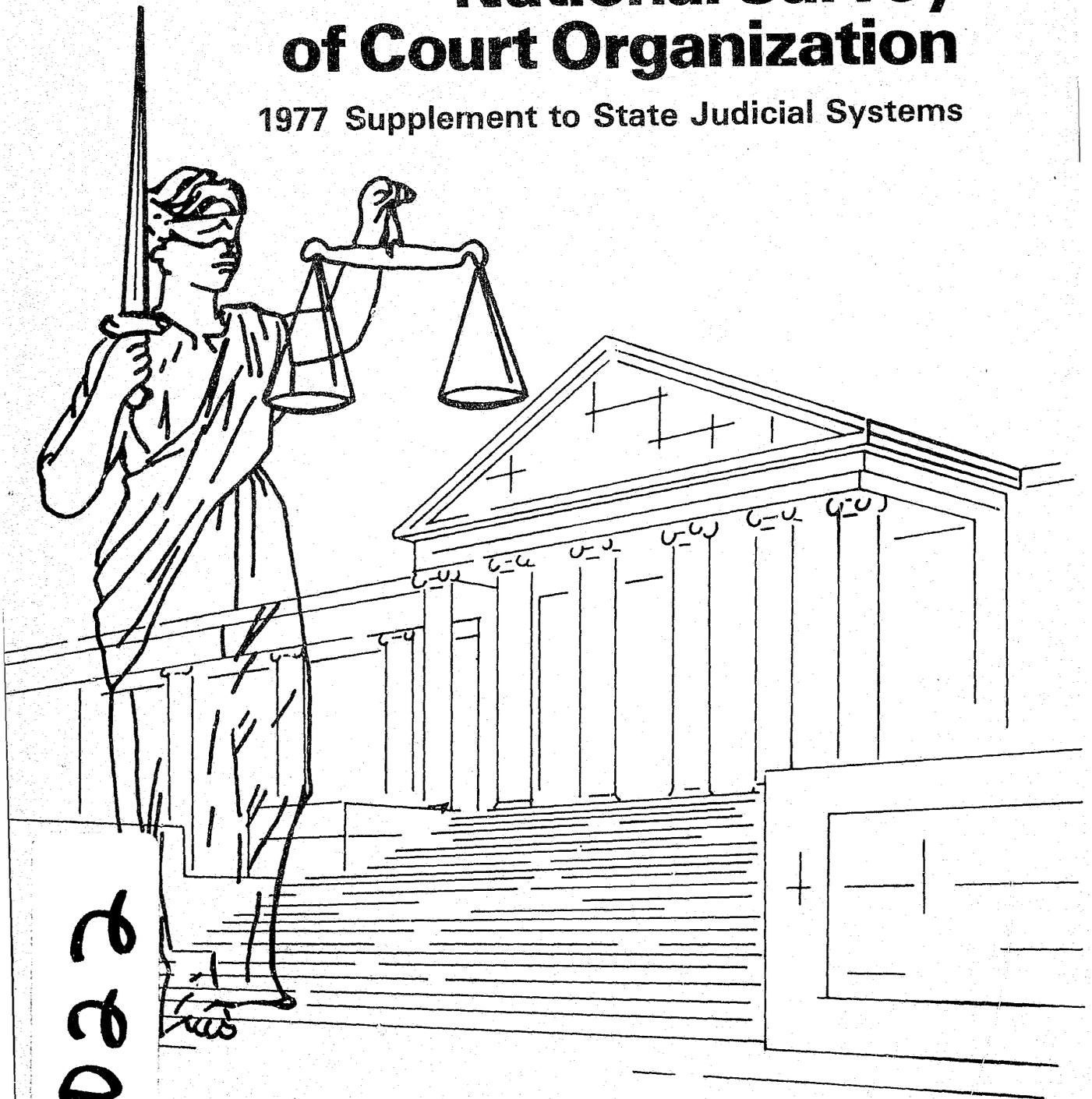


National Survey of Court Organization

1977 Supplement to State Judicial Systems



U.S. DEPARTMENT OF JUSTICE
Law Enforcement Assistance Administration
National Criminal Justice Information & Statistics Service

National Criminal Justice Information and Statistics Service Reports

National Survey of Court Organization:

1971

1975 Supplement to State Judicial Systems

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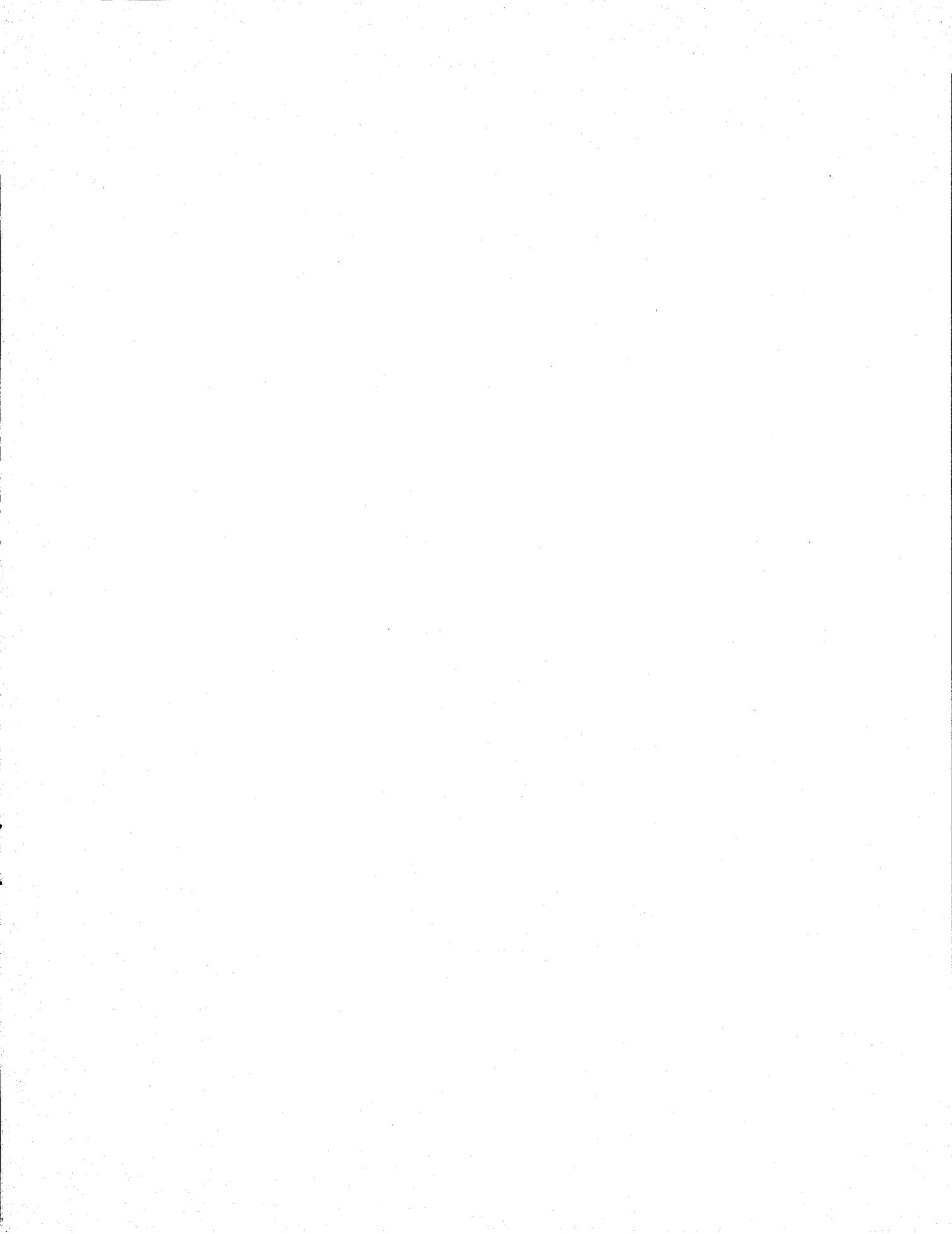
Sentencing of California Felony Offenders

The Judicial Processing of Assault and Burglary Offenders in Selected California Counties

Pre-Adjudicatory Detention in Three Juvenile Courts

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Note: Single copies available from the National Criminal Justice Reference Service, P.O. Box 24036, Southwest Station, Washington, D.C. 20024. Multiple copies available from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C.



National Survey of Court Organization

1977 Supplement to State Judicial Systems

Issued May 1977

U.S. DEPARTMENT OF JUSTICE
Law Enforcement Assistance Administration
National Criminal Justice Information and Statistics Service

SD-C-3

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ACKNOWLEDGMENTS

This report was prepared for the Law Enforcement Assistance Administration, by the Governments Division of the Bureau of the Census under the direction of **Sherman Landau**, Chief. In the National Criminal Justice Information and Statistics Service of LEAA, general direction was provided by **Charles R. Kindermann**, Statistics Division, **Sue A. Lindgren**, and **Marilyn Marbrook**. In the Bureau of the Census, Governments Division, general supervision was provided by **Alan R. Jones** and **Diana M. Cull**. **David A. Schaitberger** directed the project. Significant contributions were made by **James G. Ennis**, **Ruth E. Gibson**, **Charlene M. Rhodes**, and **Betty P. Stark**. Preparation of publication copy was supervised by **Helen Files**.

The generous assistance of the court officials who reviewed the revised individual State descriptions for this report is gratefully acknowledged. These officials are listed in the appendix.

Library of Congress Cataloging in Publication Data

United States. Bureau of the Census.
National survey of court organization.
"SD-C-3."

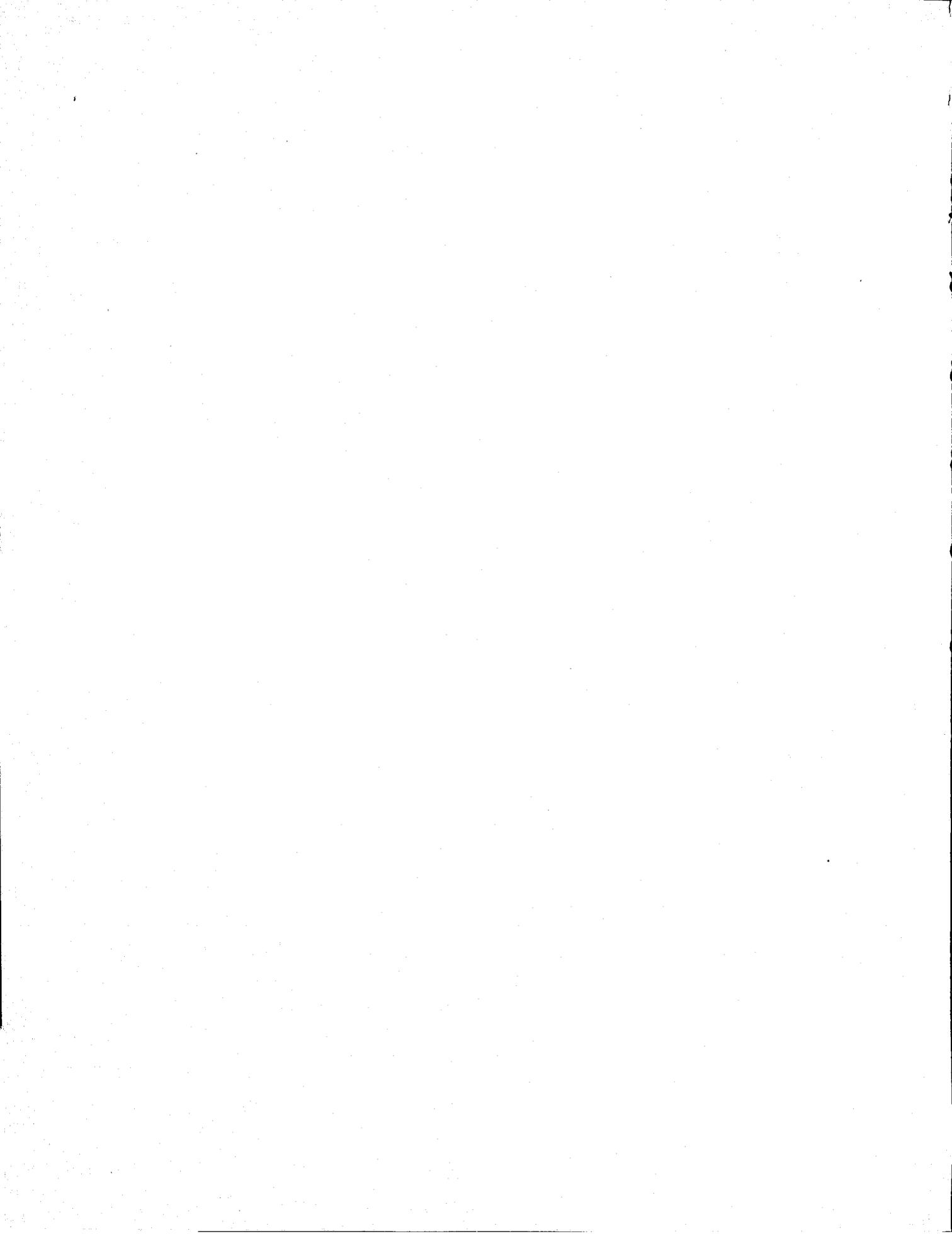
1. Courts—United States. I. United States. Law Enforcement Assistance Administration. II. United States. National Criminal Justice Information and Statistics Service. III. Title.
KF8719.A32 Suppl 2 347'.73'1 77-608003

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402

Stock No. 027-000-00523-3

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INTRODUCTION

BACKGROUND

The National Survey of Court Organization was conducted by the Bureau of the Census in late 1971 for the Law Enforcement Assistance Administration of the U.S. Department of Justice as a preliminary step to establishing a national program of judicial statistics. The purpose of the survey was to document the existing organization of courts in the 50 States and the District of Columbia. To this end, the survey was primarily designed to identify State and local courts and their major subdivisions and the location of court records. In the course of this effort, supplemental data were collected on the legal and geographic jurisdiction of the courts and the number and type of court personnel. The results of the survey were published in a report issued in October 1973.

The results of the survey confirmed that there is no pattern of court organization that is common throughout the country. The organization of courts not only differs from State to State but may also differ among counties within the same State. For this reason, individual descriptions of each State's judicial system were included in the report that set forth briefly the legal authorization, organization, jurisdiction, judges, other judicial personnel, support personnel, and other pertinent information for each type of court within a State.

In September 1975, a supplement to the original report was issued. The purpose of the supplement was to update the judicial descriptions of those States that had major court reorganizations between January 1, 1972, the reference date of the original survey, and January 31, 1975. Nine States (Connecticut, Florida, Iowa, Massachusetts, Minnesota, Nebraska, South Dakota, Virginia, and West Virginia) were covered in that supplement.

One State, Ohio, which established a new Court of Claims during the reference period of the 1975 Supplement, was inadvertently omitted from that report but has been included in this supplement.

This second supplement updates the descriptions of those States that have had major reorganizations between February 1, 1975 and January 31, 1977. The effect of these reorganizations on the names and number of court systems and courts is reflected in three tables that comprise the first section of this report. The organizational changes are then described in detail in the "Individual State Descriptions" section that follows.

SUMMARY OF MAJOR ORGANIZATIONAL CHANGES SINCE JANUARY 31, 1975

During the 2-year period from February 1, 1975, to January 31, 1977, five States (Alabama, Indiana, Iowa, Kansas, and Kentucky) reorganized their court systems. The reorganizations were accomplished by legislation in three of these States and by constitutional amendment in two States. In four of the five States (Alabama, Indiana, Kansas, and Kentucky), the objective of the reorganization was to streamline the judicial system, primarily by the elimination of all or some of the limited and special jurisdiction courts.

In an extensive reorganization, Kansas abolished all of its limited and special jurisdiction courts with the exception of municipal courts. The jurisdiction of the former probate, county, juvenile, inagistrate, common pleas, and city courts was assumed by the district courts.

In three States (Alabama, Kentucky, and Indiana), the reorganizations are not yet complete. Alabama created a new district court system that replaced its county and juvenile courts and will complete its reorganization December 27, 1977, by replacing existing recorders' courts with municipal courts. Kentucky will abolish all of its limited and special jurisdiction courts on January 1, 1978, and replace them with a new district court system. Indiana abolished all justice of the peace courts, replacing them with county courts in 62 counties, misdemeanor and small claims divisions of circuit or superior courts in 29 counties, and the newly established Small Claims Courts in Marion County. On December 31, 1979, Indiana will also abolish all town courts and most city courts.

In addition, Kansas and Kentucky established intermediate appellate courts. Iowa, the fifth State, which abolished all of its limited and special jurisdiction courts in 1973 (see 1975 Supplement), also created an intermediate appellate court, bringing the total number of States with such courts to 27.

HOW TO USE THE SUPPLEMENT

In the "Individual State Descriptions" section of this supplement, changes in the organization of the judicial systems in the six States are printed in italic type. Courts that have been abolished are listed and accompanied by notes in italics stating the means by which they were abolished (e.g., constitutional amendment) and the effective date.

Some information that did not appear in the original publication was added based on court officials' comments. This additional information does not represent a change but was added to clarify the original description and, therefore, is not italicized.

METHODOLOGY: SOURCES AND LIMITATIONS OF DATA

In connection with the National Survey of Court Organization conducted in 1971, a detailed analysis was made of the legal provisions governing the existence or establishment of court systems in each State. The results of that research, along with information from the survey returns, were used to develop descriptions of each State's judicial system. After being reviewed for completeness and accuracy by a State judicial official and the LEAA State planning agencies, these descriptions were presented in the survey's final report under "Individual State Descriptions." A supplement to the original report was issued in 1975 and contained revised descriptions of nine States that changed their court structure between January 1, 1972, and January 31, 1975.

State legislation effective between February 1, 1975, and January 31, 1977, was subsequently reviewed to identify the States that had undergone major court reorganizations during

that time. The individual descriptions for these States were revised and appear in this supplement to the original report. The revised descriptions were reviewed by State judicial officials who are listed, by State, in the appendix.

The reference date for information on judicial personnel is January 1, 1977, unless otherwise noted in the State description.

Limitations

Only the States that changed the structure of their State's court system by the establishment of a new type of court or the abolishment of an existing court type are included in the supplement. A number of other States that made minor changes to their court systems, such as increasing or decreasing the number of existing court systems or courts, changing the manner in which judges are selected, changing the legal jurisdiction, etc., are excluded because they did not meet this criterion.

Reorganizations with an effective date falling after January 31, 1977, are not included in this report but will be covered in the next court organization report.

DEFINITIONS

Appeal. A request by either the defense or the prosecution that a case be removed from a lower court to a higher court in order for a completed trial to be reviewed by the higher court.

Appeals may be either heard *de novo* or on the record. Appeals heard *de novo* involve a completely new trial as if no trial had been conducted in the original court. These appeals are commonly referred to as trials *de novo* and matters of fact as well as law may be reviewed. Appeals heard on the record are those in which the transcript of the original trial is reviewed for errors of law by a court with appellate jurisdiction.

Chancery/Equity courts. A court that has jurisdiction in equity, administers justice, and decides controversies in accordance with the rules, principles, and precedents of equity; as distinguished from a court having the jurisdiction, rules, principles, and practice of the common law.

Civil jurisdiction. Includes both actions at law and pleadings in equity; also probate (wills and estates), mental competence, guardianship, and domestic relations proceedings.

Court. Each geographically separate locality at which a court system holds sessions (sits) and operates independently.

Court of appellate jurisdiction. A court having jurisdiction over appeal and review, with original jurisdiction conferred only in special cases; includes both courts of last resort and intermediate appellate courts.

Court of general jurisdiction. A trial court of unlimited original jurisdiction in civil and/or criminal cases, also called "major trial court."

Court of intermediate appeals. An appellate court that is limited in its appellate jurisdiction by State law or at the discretion of the court of last resort in the State.

Court of last resort. An appellate court that has jurisdiction over final appeals in a State.

Court of limited or special jurisdiction. A trial court with legal jurisdiction covering only a particular class of cases, such as probate, juvenile, or traffic cases; cases where the amount in controversy is below a prescribed sum; or cases subject to specific exceptions, e.g., courts limited to hearing civil cases with a maximum of \$500 in controversy or criminal cases with a maximum penalty of \$500 fine or 6-month sentence.

Court of original jurisdiction. A court having jurisdiction in the first instance to try a case and pass judgment upon the law and facts, as distinguished from a court of appellate jurisdiction; includes both courts of general jurisdiction and courts of limited or special jurisdiction; also referred to as "trial court."

Court system. A judicial agency established or authorized by constitutional or statutory law. A court system may consist of a single court or a group of two or more courts in the same judicial district.

Criminal jurisdiction. Includes jurisdiction over criminal felonies, felony preliminary hearings, misdemeanors, traffic, and municipal or county ordinance violations.

De Novo. See Appeal.

Extraordinary Writs. See Writ.

Judicial district, circuit, or precinct. One of the geographic areas into which a State is commonly divided for judicial purposes. A district may include two or more counties having separate court locations and presided over by the same judge or judges.

Jurisdiction. In this report, refers to legal jurisdiction, i.e., the authority of courts or judicial officers over a particular class of cases.

Juvenile jurisdiction. Refers to special jurisdiction over delinquent and neglected children (minors).

Number of authorized judgeship positions. Number of judges authorized by law for a court as of January 1, 1977, except where noted.

On the record. See Appeal.

Other judicial personnel. Personnel, other than judges, who participate in the "judging process," such as commissioners, masters, referees, etc. These personnel usually hear only certain types of cases or carry proceedings to a certain point. Does not include judges *pro tem*, visiting judges, or any type of reserve judges. Also known as "parajudicial" personnel.

Probate court. A court that has jurisdiction over the following civil matters:

- a. Administering estates of deceased persons, minor children of deceased persons, and incompetents.
- b. Administering trusts.
- c. Administering the affairs or determining the guardians of orphans, mental defectives, and incompetents.
- d. Settling disputes over wills.

State court. A court established or authorized under the constitution or laws of a State and concerned primarily with the judicial administration of State and local government laws; viz., all courts other than Federal courts.

Support personnel. In this report, refers only to court clerks, law clerks, and court administrators. Other personnel such as bailiffs, secretaries, probation staff, marshals, and court reporters are not included.

Trial de novo. See Appeal.

Writ. A written court order directed to a specific person requiring that person to perform or refrain from performing a specific act. In State statutes and constitutions, writs are sometimes referred to as "extraordinary writs" or "extraordinary remedies". Some examples of writs are the writ of habeas corpus, the writ of mandamus, and the writ of certiorari.

Table 1. Courts of Appellate Jurisdiction, With Number of Court Systems and Courts, by State,
January 31, 1977

State	Courts of last resort			Courts of intermediate appeals		
	Name	Number of court systems	Number of courts	Name	Number of court systems	Number of courts
Total.....		53	55		73	156
Alabama.....	Supreme Court.....	1	1	Court of Civil Appeals.....	1	1
				Court of Criminal Appeals.....	1	1
Alaska.....	Supreme Court.....	1	1	None at this level.....	-	-
Arizona.....	Supreme Court.....	1	1	Court of Appeals.....	1	2
Arkansas.....	Supreme Court.....	1	1	None at this level.....	-	-
California.....	Supreme Court.....	1	1	Courts of Appeal.....	5	5
Colorado.....	Supreme Court.....	1	1	Court of Appeals.....	1	1
Connecticut.....	Supreme Court.....	1	1	None at this level.....	-	-
Delaware.....	Supreme Court.....	1	1	None at this level.....	-	-
District of Columbia.....	Court of Appeals.....	1	1	None at this level.....	-	-
Florida.....	Supreme Court.....	1	1	Courts of Appeal.....	4	4
Georgia.....	Supreme Court.....	1	1	Court of Appeals.....	1	1
Hawaii.....	Supreme Court.....	1	1	None at this level.....	-	-
Idaho.....	Supreme Court.....	1	1	None at this level.....	-	-
Illinois.....	Supreme Court.....	1	1	Appellate Courts.....	5	5
Indiana.....	Supreme Court.....	1	1	Court of Appeals.....	1	1
Iowa.....	Supreme Court.....	1	1	Court of Appeals.....	1	1
Kansas.....	Supreme Court.....	1	1	Court of Appeals.....	1	1
Kentucky.....	Supreme Court.....	1	1	Court of Appeals.....	1	1
Louisiana.....	Supreme Court.....	1	1	Courts of Appeal.....	4	4
Maine.....	Supreme Judicial Court.....	1	1	None at this level.....	-	-
Maryland.....	Court of Appeals.....	1	1	Court of Special Appeals.....	1	1
Massachusetts.....	Supreme Judicial Court.....	1	1	Appeals Court.....	1	1
Michigan.....	Supreme Court.....	1	1	Court of Appeals.....	1	1
Minnesota.....	Supreme Court.....	1	1	None at this level.....	-	-
Mississippi.....	Supreme Court.....	1	1	None at this level.....	-	-
Missouri.....	Supreme Court.....	1	1	Court of Appeals.....	1	3
Montana.....	Supreme Court.....	1	1	None at this level.....	-	-
Nebraska.....	Supreme Court.....	1	1	None at this level.....	-	-
Nevada.....	Supreme Court.....	1	1	None at this level.....	-	-
New Hampshire.....	Supreme Court.....	1	1	None at this level.....	-	-
New Jersey.....	Supreme Court.....	1	1	Appellate Division of Superior Court.....	1	1
New Mexico.....	Supreme Court.....	1	1	Court of Appeals.....	1	1
New York.....	Court of Appeals.....	1	1	Appellate Division of Supreme Court.....	4	4
				Appellate Terms of Supreme Court..	3	3
North Carolina.....	Supreme Court.....	1	1	Court of Appeals.....	1	1
North Dakota.....	Supreme Court.....	1	1	None at this level.....	-	-
Ohio.....	Supreme Court.....	1	1	Courts of Appeals.....	11	88
Oklahoma.....	Supreme Court.....	1	1	Court of Appeals.....	1	12
	Court of Criminal Appeals.....	1	3			
Oregon.....	Supreme Court.....	1	1	Court of Appeals.....	1	1
Pennsylvania.....	Supreme Court.....	1	1	Superior Court.....	1	1
				Commonwealth Court.....	1	1
Rhode Island.....	Supreme Court.....	1	1	None at this level.....	-	-
South Carolina.....	Supreme Court.....	1	1	None at this level.....	-	-
South Dakota.....	Supreme Court.....	1	1	None at this level.....	-	-
Tennessee.....	Supreme Court.....	1	1	Court of Appeals.....	1	1
				Court of Criminal Appeals.....	1	1
Texas.....	Supreme Court.....	1	1	Courts of Civil Appeals.....	14	14
	Court of Criminal Appeals.....	1	1			
Utah.....	Supreme Court.....	1	1	None at this level.....	-	-
Vermont.....	Supreme Court.....	1	1	None at this level.....	-	-
Virginia.....	Supreme Court.....	1	1	None at this level.....	-	-
Washington.....	Supreme Court.....	1	1	Court of Appeals.....	1	3
West Virginia.....	Supreme Court of Appeals.....	1	1	None at this level.....	-	-
Wisconsin.....	Supreme Court.....	1	1	None at this level.....	-	-
Wyoming.....	Supreme Court.....	1	1	None at this level.....	-	-

¹Number of intermediate appellate courts for Oklahoma has been revised to correct error in 1973 publication.

Table 2. Courts of General Jurisdiction, With Number of Court Systems and Courts, by State,
January 31, 1977

State	Name	Number of court systems	Number of courts
Total.....		1,552	3,588
Alabama.....	Circuit courts.....	38	73
Alaska.....	Superior courts.....	4	4
Arizona.....	Superior courts.....	1	14
Arkansas.....	Chancery courts.....	18	86
	Circuit courts.....	19	86
California.....	Superior courts.....	58	58
Colorado.....	District courts.....	22	83
Connecticut.....	Superior courts.....	1	14
Delaware.....	Chancery courts.....	1	3
	Superior courts.....	1	3
District of Columbia.....	Superior Court.....	1	1
Florida.....	Circuit courts.....	20	67
Georgia.....	Superior courts.....	42	159
Hawaii.....	Circuit courts.....	4	4
Idaho.....	District courts.....	7	44
Illinois.....	Circuit courts.....	21	102
Indiana.....	Circuit courts.....	88	92
	Criminal Court (Indianapolis-Marion).....	1	1
	Superior courts.....	37	37
Iowa.....	District courts.....	8	99
Kansas.....	District courts.....	29	105
Kentucky.....	Circuit courts.....	56	120
Louisiana.....	District courts.....	35	65
Maine.....	Superior courts.....	1	16
Maryland.....	Circuit courts.....	8	24
Massachusetts.....	Superior courts.....	1	14
Michigan.....	Circuit courts.....	50	83
	Detroit Recorders' Court.....	1	1
Minnesota.....	District courts.....	10	87
Mississippi.....	Chancery courts.....	19	92
	Circuit courts.....	20	92
Missouri.....	Circuit courts.....	43	116
	Hannibal Court of Common Pleas.....	1	1
Montana.....	District courts.....	18	56
Nebraska.....	District courts.....	21	93
Nevada.....	District courts.....	9	17
New Hampshire.....	Superior courts.....	1	10
New Jersey.....	County courts.....	21	21
	Superior courts.....	1	21
New Mexico.....	District courts.....	13	19
New York.....	County courts.....	57	57
	Supreme courts.....	11	62
North Carolina.....	Superior courts.....	30	100
North Dakota.....	District courts.....	6	53
Ohio.....	Common pleas courts.....	88	88
Oklahoma.....	District courts.....	24	77
Oregon.....	Circuit courts.....	20	36
Pennsylvania.....	Common pleas courts.....	59	67
Rhode Island.....	Superior courts.....	1	4
South Carolina.....	Circuit courts.....	16	46
South Dakota.....	Circuit courts.....	9	64
Tennessee.....	Chancery courts.....	17	83
	Circuit courts.....	28	102
	Dyer County Common Law Court.....	1	1
	Law and equity courts.....	4	4
Texas.....	District courts.....	230	254
Utah.....	District courts.....	7	29
Vermont.....	County (Superior) courts.....	1	14
Virginia.....	Circuit courts.....	30	122
Washington.....	Superior courts.....	28	39
West Virginia.....	Circuit courts.....	31	58
Wisconsin.....	Circuit courts.....	26	71
	County courts.....	71	71
Wyoming.....	District courts.....	7	23

Table 3. Courts of Limited and Special Jurisdiction, by Level of Organization, by State,
January 31, 1977

State	Statewide and district	County	Municipal and township
Alabama.....	District courts.....	Family Court (Jefferson County) Probate courts	Municipal courts Recorder's courts
Alaska.....	District courts.....	None at this level.....	Magistrate courts
Arizona.....	Justice courts.....	None at this level.....	Magistrate and police courts
Arkansas.....	Justice of the peace courts.....	County courts..... Courts of common pleas	City courts (formerly called mayors' courts) Municipal or municipal criminal courts Police courts
California.....	Justice courts..... Municipal courts	None at this level.....	None at this level
Colorado.....	None at this level.....	County courts.....	Denver Juvenile Court Denver Probate Court Denver Superior Court Municipal courts also known as: City courts Magistrate courts Police magistrate courts Town courts
Connecticut.....	Juvenile courts.....	Courts of common pleas.....	Probate courts
Delaware.....	None at this level.....	Courts of common pleas..... Family courts Registers' courts	Aldermen's courts Justice courts Municipal Court (Wilmington)
District of Columbia.....	(¹)	(¹)	(¹)
Florida.....	None at this level.....	County courts.....	None at this level
Georgia.....	Justice of the peace courts (fee).	County courts also known as: City courts (Dougherty and Washington Counties) County Recorder's Court (DeKalb County) Criminal Court (Fulton County) Probate Courts also known as: Courts of Ordinary Traffic courts Juvenile or juvenile and domestic relations courts Magistrates' courts (Clarke and Glynn Counties) Municipal and civil courts Small claim courts State courts	Recorders' courts also known as: City courts Mayors' courts Municipal courts Police courts
Hawaii.....	District courts.....	None at this level.....	None at this level
Idaho.....	(¹)	(¹)	(¹)
Illinois.....	(¹)	(¹)	(¹)
Indiana.....	None at this level.....	County courts Juvenile Court (Indianapolis-Marion) Probate courts (St. Joseph County and Indianapolis-Marion)	City courts Municipal Court (Indianapolis-Marion) Town courts
Iowa.....	(¹)	(¹)	(¹)
Kansas.....	None at this level.....	None at this level.....	Municipal or police courts
Kentucky.....	None at this level.....	County courts..... Justice of the peace courts (magistrates) Quarterly courts	Police courts also known as: City courts Municipal courts
Louisiana.....	Justice of the peace courts	Family Court (East Baton Rouge Parish).... Juvenile courts (Caddo, Jefferson, and Orleans Parishes) Parish courts (Jefferson Parish)	City courts Mayors' or municipal courts Municipal Court of New Orleans Traffic Court of New Orleans
Maine.....	District courts.....	None at this level.....	Probate courts
Maryland.....	District courts.....	Orphans' court.....	None at this level
Massachusetts.....	District courts.....	Courts of probate and insolvency..... Juvenile courts	Housing courts (Boston and Hampden County) Municipal Court (Boston)

See footnotes at end of table.

Table 3. Courts of Limited and Special Jurisdiction, by Level of Organization, by State, January 31, 1977--Continued

State	Statewide and district	County	Municipal and township
Michigan.....	Court of Claims..... District courts	Probate courts.....	Common Pleas Court of Detroit Municipal courts
Minnesota.....	County courts.....	Conciliation courts } Municipal courts } Probate courts } (Hennepin and Ramsey Counties)	Justice courts
Mississippi.....	Justice of the peace courts (fee).	County courts..... Family Court (Harrison County)	Municipal courts also known as: City courts Mayors' courts Police or police justice courts
Missouri.....	None at this level.....	Cape Girardeau Court of Common Pleas..... Magistrate courts Probate courts	Municipal or police courts St. Louis Court of Criminal Correction
Montana.....	None at this level.....	Justice courts.....	City courts Municipal courts
Nebraska.....	None at this level.....	County courts..... Juvenile courts (Douglas, Lancaster and Sarpy Counties)	Municipal courts (Lincoln and Omaha)
Nevada.....	None at this level.....	Justice courts.....	Municipal courts also known as police courts
New Hampshire.....	District courts.....	Probate courts.....	Municipal courts
New Jersey.....	None at this level.....	County district courts..... Juvenile and domestic relations courts Surrogate courts	Municipal courts
New Mexico.....	None at this level.....	Magistrate courts..... Probate courts Small Claims Court (Albuquerque)	Municipal courts
New York.....	Court of Claims.....	District courts (Nassau and Suffolk Counties) Family courts Surrogates courts	City courts City justice courts City police courts Civil Court of New York City Criminal Court of New York City Recorders' courts Town and village justice courts
North Carolina.....	District courts.....	None at this level.....	None at this level
North Dakota.....	None at this level.....	County courts (including those with increased jurisdiction)..... County justice courts	Municipal and police courts
Ohio.....	None at this level.....	County courts.....	Municipal courts Mayors' courts
Oklahoma.....	None at this level.....	None at this level.....	Municipal courts not of record also known as: City courts Police courts Municipal criminal courts of record (Oklahoma City and Tulsa)
Oregon.....	District courts.....	County courts..... Justice courts	City or municipal courts
Pennsylvania.....	Community courts ² Justice of the peace courts	None at this level.....	City Court of Pittsburgh Housing Court of Pittsburgh Municipal Court of Philadelphia Traffic Court of Philadelphia Traffic Court of Pittsburgh
Rhode Island.....	District courts.....	Family courts.....	Municipal courts (Pawtucket, Providence and Johnston) Probate courts
South Carolina.....	Magistrate courts.....	Civil and criminal courts..... County courts Family courts Probate courts	Municipal courts also known as: Mayors' courts Police courts Recorders' courts
South Dakota.....	(¹)	(¹)	(¹)
Tennessee.....	None at this level	County courts..... General sessions courts Justice of the peace courts Juvenile courts Probate courts (Davidson and Shelby Counties)	City courts also known as: Mayors' courts Municipal courts Recorders' courts

See footnotes at end of table.

Table 3. Courts of Limited and Special Jurisdiction, by Level of Organization, by State,
January 31, 1977--Continued

State	Statewide and district	County	Municipal and township
Texas.....	None at this level.....	Constitutional county courts (civil and criminal)..... Justice courts Juvenile and domestic relations courts Special county courts	Municipal courts (formerly called corporation courts)
Utah.....	Juvenile courts.....	Justice courts.....	City courts also known as: Corporation, municipal or town courts
Vermont.....	District courts.....	None at this level.....	Justice courts (fee) Probate courts
Virginia.....	District courts.....	None at this level.....	None at this level
Washington.....	District courts.....	Justice courts.....	Municipal and police courts
West Virginia.....	Justice courts.....	County commissions (formerly called county courts).....	Municipal courts also known as: City courts Mayors' courts Police courts Town courts
Wisconsin.....	None at this level.....	None at this level.....	Municipal courts
Wyoming.....	None at this level.....	County courts ² Justice courts	Municipal and police courts

Note: Fee-paid justices of the peace appear in this listing with the designation (fee).

¹These States have no courts below the level of general jurisdiction.

²These courts are authorized but none had been established as of January 31, 1977.

STATE JUDICIAL SYSTEMS

INDIVIDUAL STATE DESCRIPTIONS

ALABAMA

In 1975 the Alabama Legislature established a new system of district courts that replaces the county and juvenile courts effective January 16, 1977. In addition, on December 27, 1977, a new system of municipal courts will replace the recorders' courts.

COURTS OF APPELLATE JURISDICTION

SUPREME COURT (1)

Legal Authorization. The Supreme Court is established by the Alabama Constitution, Article 6, Section 139.

Organization. The court sits in Montgomery and has statewide jurisdiction.

Legal Jurisdiction. The Supreme Court has exclusive appellate jurisdiction over actions involving title to or possession of land, over civil law cases in which the amount involved exceeds \$10,000, and over equity cases. The court has jurisdiction to issue writs as necessary to exercise its jurisdiction and to exercise its supervisory authority over lower courts. In addition, the Supreme Court may review a decision of the Court of Civil Appeals or of the Court of Criminal Appeals.

Judges. One chief justice and eight associate justices are elected in a partisan election by the people of the State and serve 6-year terms. A justice of the Supreme Court must be licensed to practice law in the State and may not engage in the private practice of law.

Other Judicial Personnel. None.

Support Personnel. The clerk of the Supreme Court is appointed by the justices and serves at their pleasure. Each justice may also employ a law clerk.

Other:

Administrative Authority. The Supreme Court has general supervision over and responsibility for the lower courts of the State, including authority to obtain statistics from court officials. The Supreme Court has rule-making authority for trial procedure and appellate procedure. The Department of Court Management operates under the chief justice with an administrative director of courts and staff.

Assignment of Judges. The chief justice may transfer appellate justices and judges to any of the appellate courts for temporary service. Trial court judges and retired justices and judges may also be assigned by the chief justice for temporary service in any court.

COURT OF CIVIL APPEALS (1)

Legal Authorization. The Court of Civil Appeals is established by the Alabama Constitution, Article 6, Section 139, and the Code of Alabama, Title 13, Section 111 (1).

Organization. The court has statewide jurisdiction and sits in Montgomery.

Legal Jurisdiction. The Court of Civil Appeals has exclusive appellate jurisdiction over all suits at law in which the amount involved does not exceed \$10,000; over all appeals from administrative agencies other than the Alabama Public Service Commission; over all appeals in workmen's compensation cases; and over all appeals in domestic relations cases, including annulment, divorce, adoption, and child custody cases and all writs arising from such cases. Review of the decisions of the Court of Civil Appeals is by petition to the Supreme Court.

Judges. Three judges are elected in a partisan election and serve 6-year terms. The judge who has served the longest on the court is presiding judge. Judges must be licensed to practice law in the State and may not engage in the private practice of law.

Other Judicial Personnel. None.

Support Personnel. *The judges of the Court of Civil Appeals are authorized to appoint a clerk.*

COURT OF CRIMINAL APPEALS (1)

Legal Authorization. The Court of Criminal Appeals is established by the Alabama Constitution, Article 6, Section 139, and the Code of Alabama, Title 13, Section 111 (1).

Organization. The Court of Criminal Appeals has statewide jurisdiction and sits at Montgomery. The Court may sit in panels of three. In cases heard by a panel, all three judges must concur for a decision to be made.

Legal Jurisdiction. The Court of Criminal Appeals has exclusive jurisdiction over all criminal appeals. Review of the decisions of the Court of Criminal Appeals is by petition, except that in cases where the death penalty was imposed it is a matter of right.

Judges. There are five judges of the Court of Criminal Appeals, including one presiding judge. They are elected in partisan elections and serve 6-year terms. A judge of the Court of Criminal Appeals must be licensed to practice law in the State and may not engage in the private practice of law.

Other Judicial Personnel. None.

Support Personnel. The court has a clerk appointed by the judges; each judge also appoints one law clerk.

COURTS OF GENERAL JURISDICTION

CIRCUIT COURTS (38 systems, 73 locations)

Legal Authorization. Circuit courts are established by the Alabama Constitution, Article 6, Section 139, and the Code of Alabama, Title 13, Section 112(1).

Organization. The State is divided into 38 circuits, each consisting of one to five counties. The court sits in each county seat; in six counties, Barbour, Coffee, Jefferson, Marshall, St. Clair, and Tallapoosa, the court sits at a second location.

Legal Jurisdiction. Circuit courts have exclusive original jurisdiction over all civil actions in which the matter in controversy exceeds \$5,000 and concurrent original jurisdiction with the district court over civil actions in which the matter in controversy exceeds \$500. They have exclusive original criminal jurisdiction over all felonies and misdemeanors, except that this jurisdiction is concurrent with the district court in noncapital cases in which the defendant pleads guilty. In some counties circuit courts have jurisdiction over juvenile cases. Jury trials are available in civil and criminal cases. *These courts have appellate jurisdiction over civil, criminal, and juvenile cases from the district courts and over prosecutions for ordinance violations from municipal courts. Appeals from the circuit courts are heard on the record in the appellate courts.*

Judges. There are 106 judgeship positions authorized for the circuit courts, with at least one judge assigned to each circuit. They are elected in a partisan election and serve 6-year terms. The judges must be licensed to practice law in the State and may not engage in the private practice of law.

Other Judicial Personnel. None.

Support Personnel. A clerk of the circuit court is elected in each county and is responsible for all criminal and civil law proceedings.

Other:

Administrative Authority. The circuit courts have authority to exercise general supervision over all courts of limited jurisdiction.

COURTS OF LIMITED AND SPECIAL JURISDICTION

DISTRICT COURTS (66 systems, 73 locations)

Legal Authorization. *District courts are established by Acts of 1975, No. 1205, Section 4-101, effective January 16, 1977.*

Organization. *Sessions of the district courts are held in each county seat, in each municipality containing a population of 1,000 or more where no municipal court exists and at additional court sites as may be designated by the administrative director of courts.*

Legal Jurisdiction. *District courts have criminal jurisdiction over misdemeanors and traffic cases. These courts may receive guilty pleas in noncapital cases (concurrent with circuit courts). They have exclusive jurisdiction over preliminary hearings in felony cases. District courts have original civil jurisdiction concurrent with circuit courts where the amount in controversy does not exceed \$5,000 and exclusive original civil jurisdiction where the amount in controversy does not exceed \$500. In all districts having only one district court judge, the district court handles juvenile cases. In those districts having more than one district court judge, the presiding judge of the circuit court designates either a circuit court judge or a district court judge to hear juvenile cases. Jury trials are not available in district courts. Appeals are heard de novo by circuit courts, except that appeals may be taken directly to the Court of Civil Appeals if only questions of law are involved or if the facts are clear and jury trial is waived by the parties.*

Judges. *District courts have both elected and commissioned judges. In most counties one district judge is elected in a partisan countywide election to serve that county. However, nine counties elect more than one district judge (Jefferson County elects 12) and in three instances two counties share a judge or judges. These elected judges serve a 6-year term. A candidate for the position of district judge must be licensed to practice law in Alabama. In addition to the elected judges, judges may be appointed by the Governor until the total number of judges in each county, elected and appointed, equals the number of judges authorized by the Constitution. These commissioned judges are appointed for 3-year terms.*

Other Judicial Personnel.

Magistrates. *Magistrates are designated by the judge (or judges) and the clerk of the district court. Magistrates have judicial power to issue arrest warrants, issue search warrants (if licensed to practice law in Alabama), and grant bail and receive guilty pleas in minor misdemeanors. Judges of county and juvenile courts whose courts were replaced by district courts and who do not qualify to be district court judges may automatically become magistrates for the duration of their unexpired terms.*

Referees. *The judge of the juvenile division may appoint one or more persons to serve as referees in juvenile cases on a full- or part-time basis. Referees must be licensed to practice law in Alabama.*

Support Personnel. *The clerk of the circuit court is ex officio clerk of the district court in the circuit, although the Supreme Court may authorize a separate clerk for the district court who is appointed by the administrative director of courts with the advice and consent of the presiding judge of the circuit court and a majority of the district court judges.*

PROBATE COURTS (68)

Legal Authorization. Probate courts are established by the Alabama Constitution, Article 6, Section 139.

Organization. There is a probate court with countywide jurisdiction in each county, except in Jefferson County where there are two probate courts, one in Birmingham and one in Bessemer.

Legal Jurisdiction. The probate courts have jurisdiction over the probate of wills, guardianship, and disputes in relation to executorship. The judge may issue writs of habeas corpus in certain cases. *The probate courts no longer have jurisdiction over juveniles; however, they now have jurisdiction over adoption proceedings.* Probate courts in counties of more than 400,000 population have general equity jurisdiction concurrent with that of the circuit court in the administration of estates. Jury trials are available in probate courts. Appeals of adoption decisions are heard on the record by the Supreme Court. Other appeals are heard on the record by the circuit court.

Judges. There is at least one judge for each probate court who is elected in a partisan election by the voters of the county and serves a 6-year term. There is no statutory requirement for legal training.

Other Judicial Personnel. The chief clerk may perform all duties of the judge where there is no contest, except the issuance of writs of habeas corpus and certiorari.

Support Personnel. The probate judge may appoint a clerk of the court. In smaller counties the clerk of the circuit court may serve as clerk of the probate court.

COUNTY COURTS

Abolished by the Alabama Legislature effective January 16, 1977.

JUVENILE COURTS

Abolished by the Alabama Legislature effective January 16, 1977.

FAMILY COURT OF JEFFERSON COUNTY (1)

Legal Authorization. The family court is established by the Code of Alabama, Title 13, Section 125 (47m).

Organization. The family court has countywide jurisdiction and sits at two locations within the county.

Legal Jurisdiction. The family court exercises juvenile jurisdiction including determination of the delinquency, dependency, or neglect of any child and the settlement of any questions involving the custody, supervision and guardianship of a child. The court normally hears cases involving children under 16, but has discretion to consider youths between 16 and 18. The court may transfer a youth over 14 to another court with jurisdiction over the offense for which the youth is charged. The family court may issue writs as necessary to exercise its jurisdiction. Appeals are heard on the record by the circuit court.

Judges. The presiding judge of the circuit court appoints one circuit court judge to hear family court cases.

Other Judicial Personnel. The judge of the family court may appoint a referee to hear any case within the court's jurisdiction.

Support Personnel. The judge of the family court may appoint a clerk.

RECORDERS' COURTS (328)

Note: Recorders' courts will be replaced by a new system of municipal courts effective December 27, 1977.

Legal Authorization. The Code of Alabama, Title 37, Section 583, authorizes the city council to establish a recorder's court.

Organization. Recorders' courts are referred to by various names including the following: City courts, mayor's courts, municipal courts, and town courts. Except where the geographic jurisdiction of a recorder's court has been subdivided among two or more recorders, the recorders' courts have jurisdiction throughout the city.

Legal Jurisdiction. The recorders' courts have jurisdiction over all violations of city ordinances and bylaws, including violations of State misdemeanor statutes if the city's ordinance so provides. There are no jury trials. Appeals are heard de novo in the circuit court.

Judges. There is at least one judge (or recorder) for each municipal or recorder's court who is elected by the city council or the board of commissioners of the city and serves at their pleasure. There are no statutory requirements of legal training for recorders.

Other Judicial Personnel. None.

Support Personnel. The city clerk may serve as clerk of the recorder's court.

JUSTICE COURTS

Abolished by the Alabama Legislature effective January 16, 1977.

JUDICIAL COUNCILS, CONFERENCES, AND ORGANIZATIONS**JUDICIAL CONFERENCE**

Legal Authorization. The Judicial Conference is authorized by the Code of Alabama, Title 13, Section 9(2).

Duties. The conference meets at least annually, is charged with the continuous study of the judicial system, and reports regularly to the legislature, making recommendations for the improvement of the administration of justice, particularly for expediting the business of the courts.

Membership. The conference is composed of the chief justice and two associate justices of the Supreme Court, a member of the Court of Criminal Appeals, a member of the Court of Civil Appeals, three circuit judges, three lawyers who are members of the Alabama State Bar, one probate judge, two district court judges, and two municipal (recorders') court judges.

JUDICIAL INQUIRY COMMISSION

Legal Authorization. The Judicial Inquiry Commission is established by the Alabama Constitution, Article 6, Section 17 (a).

Duties. The Judicial Inquiry Commission is authorized to investigate, conduct hearings on the qualifications of judges, and make recommendations to the Supreme Court on the retirement, censure, suspension, or removal of judges.

Membership. The commission consists of one judge of the courts of appeal appointed by the Supreme Court, two judges of circuit courts appointed by the Circuit Judges' Association, one probate judge appointed by the Probate Judges' Association, one judge of a municipal court appointed by the Supreme Court, two practicing attorneys who are members of the State bar and have practiced law in Alabama for at least 10 years appointed by the commissioners of the State bar, and two citizens neither of whom has been a judge or a member of the bar, who are appointed by the Governor with the approval of the Senate. The members are appointed for a term of 6 years.

INDIANA

Legislation was passed in 1975, which replaced the justice of the peace courts with a system of county courts as of January 1, 1976. Most city and town courts are scheduled to go out of existence by December 31, 1979.

COURTS OF APPELLATE JURISDICTION

SUPREME COURT (1)

Legal Authorization. The Supreme Court is established as the court of last resort by the Indiana Constitution, Article 7, Section 1.

Organization. The Supreme Court sits in Indianapolis and has statewide jurisdiction.

Legal Jurisdiction. The Supreme Court has jurisdiction over appeals from all courts in the State for criminal cases in which the minimum penalty is greater than 10 years (appeals of criminal cases in which the minimum penalty is less than 10 years are heard by the Court of Appeals). In civil cases the court may hear appeals when the amount in controversy is \$50 or more. The Supreme Court may delegate jurisdiction over civil and criminal appeals to the Court of Appeals. The Supreme Court has original jurisdiction to issue extraordinary writs.

Judges. The Supreme Court consists of a chief justice and four associate justices. Justices are appointed by the Governor from names submitted by the Judicial Nominating Commission and serve an initial term of 2 years. Following the initial term, a justice runs for retention on a statewide ballot and if retained serves a 10-year term. A justice must have practiced law in the State for 10 years before appointment.

Other Judicial Personnel. None.

Support Personnel. The Supreme Court has a court administrator, law clerks, and an elected clerk of court.

COURT OF APPEALS (1)

Legal Authorization. The Court of Appeals is established by the Indiana Constitution, Article 7, Section 1.

Organization. The Court of Appeals consists of three divisions of three judges each, sitting at Indianapolis. The three divisions serve different districts of the State. The districts are of roughly equal population.

Legal Jurisdiction. The Court of Appeals has jurisdiction over civil and criminal appeals as specified by the Supreme Court. The court also has original jurisdiction to issue extraordinary writs.

Judges. There are nine Court of Appeals judges, one of whom is selected as chief judge. Court of Appeals judges are appointed by the Governor from names submitted by the Judicial Nominating Commission and serve an initial term of 2 years. After the initial term, a justice runs for retention on a districtwide ballot and if retained serves a 10-year term. Judges must have practiced law in the State for at least 10 years or served as a judge of a circuit, superior, or criminal court for 5 years before appointment.

Other Judicial Personnel. None.

Support Personnel. The Clerk of the Supreme Court serves as clerk of the Court of Appeals. The court also has law clerks and a court administrator.

COURTS OF GENERAL JURISDICTION

CIRCUIT COURTS (88 systems, 92 locations)

Legal Authorization. Circuit courts are established by the Indiana Constitution, Article 7, Section 1.

Organization. There are 88 circuits in Indiana. *Eighty-four* circuits contain only one county each; the other *four* each contain two counties. Court is held in each county.

Legal Jurisdiction. If a superior court has been created in the same county, the circuit court may not exercise all of the jurisdiction granted it. Circuit courts have original criminal jurisdiction of felonies, preliminary hearings, and some minor criminal matters. These courts have original jurisdiction over all civil cases at law or in equity. Circuit courts have exclusive original jurisdiction over domestic relations and probate cases except in Marion and St. Joseph Counties where separate probate courts have been created. *Circuit courts handle small claims and misdemeanors on a special docket in 25 counties where there is no county court. The 25 counties are: Benton, Blackford, Brown, Carroll, Daviess, Fountain, Franklin, Fulton, Jennings, Newton, Orange, Owen, Parke, Perry, Pike, Pulaski, Ripley, Scott, Spencer, Starke, Tipton, Union, Vermillion, Warren, and Washington.* In addition, circuit courts have original jurisdiction over all juvenile matters except in Marion County where a separate juvenile court has been established. Jury trials are available in criminal and civil cases. Circuit courts may hear appeals de novo from city or town courts. Appeals from the circuit courts are to the Court of Appeals or the Supreme Court.

Judges. Each circuit has one judge, for a total of 88. Judges are elected in a circuitwide election on a partisan ballot to serve 6-year terms. A circuit judge must be admitted to practice law by the Supreme Court of Indiana.

Other Judicial Personnel. Circuit courts may appoint referees to hear juvenile matters and commissioners to hear a variety of cases, including probate and domestic relations.

Support Personnel. Each county elects a circuit court clerk to serve 4 years.

SUPERIOR COURTS (37)

Legal Authorization. Superior courts are individually created by special legislative acts, Indiana Statutes Annotated, Title 33-5-5.1-1 to 33-5-47-1.

Organization. There are superior courts in 31 counties. Six counties have two superior courts and the remaining 25 counties each have one superior court. Superior courts have countywide jurisdiction.

Legal Jurisdiction. Superior courts have general original jurisdiction over civil and criminal cases concurrent with the circuit courts. Superior courts have jurisdiction over traffic matters concurrent with the Municipal Court of Marion County, county courts, city courts, and town courts when a city ordinance is involved and concurrent with circuit courts when State law is involved. These courts do not conduct felony preliminary hearings. In other matters, the specific jurisdiction of a superior court varies with its creating legislation. Some superior courts may have jurisdiction over probate or juvenile matters; and some may hear appeals de novo from city or town courts.

The superior courts in Warrick, Allen, St. Joseph and Vanderburgh counties have small claims and misdemeanor divisions.

Accordingly, there is no county court in these counties. The small claims and misdemeanor divisions have original jurisdiction to hear small claims up to \$1,500, concurrent with the other superior court divisions and the circuit court. Parties may opt to file such matters as regular proceedings in the circuit or superior court.

Jury trials are available in civil, criminal, and juvenile cases. Appeals from the superior court are heard on the record by the Court of Appeals or the Supreme Court.

Judges. As of January 1, 1977, there were 77 superior court judgeship positions authorized, including judgeships specially authorized for the misdemeanor and small claims divisions. Twenty-seven positions were in single-judge superior courts.

Most superior court judges are elected on a countywide partisan ballot and serve 6-year terms. Superior court judges of Allen, Lake, St. Joseph and Vanderburgh counties are initially appointed by the Governor from names submitted by judicial nominating commissions and must be admitted to the State bar.

Other Judicial Personnel. Superior courts may appoint juvenile referees and probate commissioners.

Support Personnel. Each superior court has a court clerk who may be shared with a circuit court or another superior court. The Allen, Lake, Monroe, Marion, and Vanderburgh superior courts have court administrators.

CRIMINAL COURT (1)

The Criminal Court of Lake County was abolished by the State Legislature in 1973.

Legal Authorization. The Criminal Court of Marion County is authorized by the Indiana Constitution and is established by State Statutes, Title 33-9-1-7.

Organization. The Criminal Court of Marion County has jurisdiction over the consolidated city-county of Indianapolis-Marion.

Legal Jurisdiction. The criminal court has exclusive original jurisdiction over all felonies and misdemeanors. Jury trials are available in the court. The court hears appeals on the record from the Marion County Municipal Court and appeals de novo from town and city courts. Appeals from the criminal court are heard on the record by the Supreme Court or Court of Appeals.

Judges. There are four judges on the criminal court. Criminal court judges are elected on a partisan ballot by the voters of Marion County for 4-year terms. A criminal court judge must be admitted to practice law by the Supreme Court of Indiana.

Other Judicial Personnel. None.

Support Personnel. The chief judge of the criminal court may appoint a chief clerk.

COURTS OF LIMITED AND SPECIAL JURISDICTION

COUNTY COURTS (62)

Legal Authorization. County courts are established by State Statutes, Title 33-10.5-2-1. On January 1, 1976, the Hancock and Hendricks county courts became a part of a statewide system of county courts.

Organization. County courts have been established in 62 counties. Those counties without county courts are the 29 counties having misdemeanor and small claims divisions in their circuit or superior courts, and Indianapolis-Marion, which has a separate small claims court.

The geographic jurisdiction of the county court is the county in which the court sits. Each judge of a county court is considered to represent a division of the court.

Legal Jurisdiction. County courts have original criminal jurisdiction over city ordinance violations, traffic violations and other criminal offenses punishable by a fine of \$1,000 or less and/or a sentence of 12 months or less. In civil matters, these courts have original jurisdiction concurrent with circuit courts over contract cases, tort cases, and actions for the recovery or possession of property in which the amount involved is \$3,000 or less and over landlord-tenant cases in which the rent involved is \$500 or less. Jury trials are available in all cases. Appeals are heard on the record by the Supreme Court or Court of Appeals.

Judges. There are 60 authorized judgeship positions for the county courts in Indiana. Most counties have one county court judge; but some have two or three and some share a judge with another county. County court judges are elected in partisan elections to 4-year terms. To qualify for the office, a candidate must have been admitted to practice law in the State.

Other Judicial Personnel. None.

Support Personnel. The county clerk is clerk of the county court.

MUNICIPAL COURT OF MARION COUNTY (1)

Legal Authorization. The Municipal Court of Marion County is established by State Statute, Title 33-6-1-1.

Organization. The geographic jurisdiction of this court extends to the boundaries of the consolidated city-county of Indianapolis-Marion.

Legal Jurisdiction. In criminal cases, the court has jurisdiction over misdemeanors, city ordinances, and traffic violations that are punishable by a fine of \$1,000 or less and/or a sentence of 12 months or less; they also hold preliminary hearings in felonies. The court has original civil jurisdiction, concurrent with superior and circuit courts, over cases at law in which the amount in controversy does not exceed \$10,000. In juvenile matters, the court has jurisdiction over dependency and neglect cases and juvenile traffic cases. Jury trials are available. Criminal appeals are heard on the record by the Criminal Court of Marion County and civil appeals are heard on the record by the Supreme Court or Court of Appeals.

Judges. There are 11 full-time judges, including a presiding judge, and four part-time judges in the court. Judges are appointed by the Governor to serve 4-year terms and must have been practicing attorneys or judges in the State for 5 years at the time of appointment.

Other Judicial Personnel. None.

Support Personnel. The court has a court administrator, who is selected by the presiding judge. The clerk of the circuit court serves as clerk of the court.

PROBATE COURTS (2)

Note: The Marion County Probate Court is to be abolished on December 31, 1978.

Legal Authorization. There are at present two probate courts, the Marion County Probate Court in the consolidated city-county of Indianapolis-Marion, established by State Statute, Title 33-8-1-1; and the St. Joseph County Probate Court, established by State Statute, Title 33-8-2-1.

Organization. Each probate court has countywide jurisdiction, one serving St. Joseph County and one the consolidated city-county of Indianapolis-Marion.

Legal Jurisdiction. These courts have original exclusive jurisdiction over all probate matters, including adoptions and guardianships. The Probate Court of St. Joseph County also has exclusive jurisdiction over all juvenile matters in the county. Jury trials are available. Appeals are heard on the record by the Supreme Court or Court of Appeals.

Judges. Each of the two probate courts has one judge elected in a countywide, partisan election. In Marion County the judge serves a 4-year term; in St. Joseph County the judge serves a 6-year term. To qualify for the office, a candidate must be admitted to practice law in the State.

Other Judicial Personnel. The Marion County Probate Court has three full-time commissioners and one hearing judge in addition to the probate judge.

Support Personnel. The clerk of the circuit court serves as clerk of the probate court.

JUVENILE COURT (1)

The Lake County Juvenile Court was abolished by the State Legislature in 1973.

Note: The Juvenile Court of Marion County is to be abolished on December 31, 1978.

Legal Authorization. The Juvenile Court of Marion County is established by State Statute, Title 33-12-2-1.

Organization. The geographic jurisdiction of this court is the consolidated city-county of Indianapolis-Marion.

Legal Jurisdiction. The court has exclusive original jurisdiction over all juvenile matters and may also exercise jurisdiction over paternity and over criminal misdemeanors committed against juveniles by adults.

Judges. There is one judge in the court who is elected in a countywide partisan election and serves a 4-year term. To qualify for office the judge must have been a practicing attorney or judge in the State for at least 5 years.

Other Judicial Personnel. The court has full-time and part-time referees.

Support Personnel. The clerk of the circuit court serves as clerk of the juvenile court.

SMALL CLAIMS COURT OF MARION COUNTY (1)

Legal Authorization. *The Small Claims Court of Marion County is established by State Statute, Title 33-11.6-1-3, January 1, 1976.*

Organization. *Each township in Marion County has one small claims court division, which sits in the township, except that the two smallest townships (Franklin and Pike) may reject having a small claims court division. Each township has the option of*

deciding whether its division should be staffed by a full-time or part-time judge. The jurisdiction of each division of the small claims court extends throughout the county.

Legal Jurisdiction. *The small claims court handles contract, tort, property rights, and landlord-tenant cases in which the amount involved is less than \$1,500. It also handles surety of the peace requests and marriage contracts. There are no jury trials in the small claims court. Appeals from the small claims court are heard de novo by the circuit or superior court or the Criminal Court of Marion County.*

Judges. *Each township elects the judge of its division. To be a small claims judge, a candidate must either be a member of the Indiana bar or have been a justice of the peace with 1 year experience on December 31, 1975.*

A judge may be full-time or part-time as decided by the township advisory board. Full-time judges may also practice law provided that it does not conflict with their judicial duties. Part-time judges may hold another job provided that it does not conflict with their judicial duties.

Other Judicial Personnel. *None.*

Support Personnel. *Each township provides sufficient clerks to operate its division of the small claims court.*

CITY COURTS (87)

Note: All city courts will be abolished on December 31, 1979, except in cities in Marion and Lake Counties that have a population between 35,000 and 250,000.

Legal Authorization. City courts are authorized by State Statute, Title 33-10.5-1-3a, and may be established by the city council in any city having a population under 250,000.

Organization. City courts have countywide jurisdiction.

Legal Jurisdiction. City courts have exclusive criminal jurisdiction over all violations of city ordinances. In cities where there is no city court, the circuit court or superior court enforces the ordinances. City courts also have original criminal jurisdiction, concurrent with circuit and superior courts and the Criminal Court of Marion County, over misdemeanors punishable by a fine of \$1,000 or less and/or a sentence of 12 months or less. City courts also have general civil jurisdiction over small claims and landlord-tenant cases in which the amount in controversy does not exceed \$2,500. Most city courts, however, do not exercise civil jurisdiction. Jury trials are available in city courts. Appeals are heard de novo by the circuit or superior courts or the Criminal Court of Marion County.

Judges. City courts have one part-time judge who is elected in a citywide partisan election for a term of 4 years. There are no State requirements for legal training of city court judges.

Other Judicial Personnel. *None.*

Support Personnel. Most city courts have a clerk of court appointed by the city court judge.

TOWN COURTS (10)

Note: All town courts will be abolished on December 31, 1979.

Legal Authorization. Town courts are authorized by State Statute, Title 33-10.5-1-3a, and may be established by ordinance of the town board of trustees in counties having less than 200,000 population.

Organization. Town courts have countywide jurisdiction.

Legal Jurisdiction. Town courts have exclusive original criminal jurisdiction over town ordinances and traffic violations. A few town courts have general civil jurisdiction over cases in which the amount in controversy is \$500 or less. Most town courts, however, do not exercise civil jurisdiction. Jury trials are available; appeals are heard de novo by the circuit or superior court or the Criminal Court of Marion County.

Judges. Town courts have one judge, who serves on a part-time basis and is elected in a townwide partisan election for a term of 4 years. There are no requirements for legal training of town judges.

Other Judicial Personnel. None.

Support Personnel. Town courts have a clerk of court.

JUSTICE OF THE PEACE COURTS

Abolished by Acts of 1975, Public Law 305, Section 54, effective December 31, 1976.

JUDICIAL COUNCILS, CONFERENCES, AND ORGANIZATIONS

JUDICIAL CONFERENCE

Legal Authorization. The Judicial Conference is created by State Statute, Indiana Statutes Annotated, Title 33-13-14-1.

Duties. The conference meets to promote: (1) an exchange of experience and suggestions regarding the operation of Indiana's judicial system; (2) the continuing education of judges; (3) a better understanding of the judiciary; and (4) simplicity in procedure, fairness in administration, just determination in litigation, and elimination of unjustifiable expense and delay in the courts of the State.

Membership. The conference consists of all judges of the Supreme Court, the Court of Appeals, circuit courts, superior courts, probate courts and the criminal and juvenile courts of Marion County.

JUDICIAL NOMINATING COMMISSION

Legal Authorization. The Judicial Nominating Commission was created by the Indiana Constitution, Article 7, Section 9.

Duties. The commission submits to the Governor the names of three candidates for any vacancy in the Supreme Court or the Court of Appeals.

The Judicial Nominating Commission also makes recommendations to the Supreme Court on the suspension, retirement, censure, or removal of all judges in the State.

Membership. The Judicial Nominating Commission consists of the following members: The chief justice of the Supreme Court or the chief justice's designee from among the members of that court, who chairs the commission; three attorneys elected by the State bar; and three nonattorneys appointed by the Governor. All members serve a term of 6 years.

JUDICIAL STUDY COMMISSION

Legal Authorization. The Judicial Study Commission is established by State Statute, Title 33-2.1-4-12.

Duties. The commission studies on a continuing basis the structure, operation, and administration of the State's judicial system and recommends to the Governor and the Legislative Council needed changes in the judicial structure and judicial procedures.

Until May 1, 1975, the Judicial Study Commission had only two divisions: the court division and the code study division. Added as the result of 1975 legislative action was the juvenile justice division which is to terminate January 1, 1978. This temporary division is mandated to study the needs of the State for improvements of administration of juvenile justice and to make recommendations for changes in the juvenile code in the State.

Membership. Each of the two permanent divisions is a 12-member bipartisan body consisting of four members appointed by the Governor, two State senators appointed by the president pro tempore of the Senate, two State representatives appointed by the speaker of the House, and four members appointed by the justices of the State Supreme Court. Of the Governor's appointments to each division, not less than two must be members of the State bar. All appointees of the Supreme Court justices must be lawyers and two appointed to each division by the justices must be incumbent judges of trial courts of general jurisdiction. Legislative members serve 2-year terms. Appointees of the Governor and of the Supreme Court justices serve 4-year terms. The Governor's appointments are made on a staggered basis.

The temporary juvenile justice division is a bipartisan 24-member body which includes legislators, judges, prosecutors and specialists in probation, correction, mental health, education, and child welfare.

COUNTY JUDICIAL NOMINATING COMMISSIONS (ALLEN, LAKE, VANDERBURGH, AND ST. JOSEPH SUPERIOR COURTS)

Legal Authorization. There are at present four superior court judicial nominating commissions, the Allen County Superior Court Judicial Nominating Commission, established by State Statute, Title 33-5.5.1-29; the Lake County Superior Court Judicial Nominating Commission, established by State Statute, Title 33-5-29.5-28; the St. Joseph County Superior Court Judicial Nominating Commission, established by State Statute, Title 33-5-40-33; and the Vanderburgh County Superior Court Judicial Nominating Commission, established by State Statute, Title 33-5-43.5-3.

Duties. Each commission submits to the Governor the names of three candidates for any vacancy in the superior court.

Membership. Each superior court judicial nominating commission consists of seven members. The chief justice of the Supreme Court or the chief justice's designee from among the members of the Supreme Court or Court of Appeals chairs each commission. There are three attorneys and nonattorneys on each commission. Attorney members are elected by attorneys of their respective counties. In Allen, Lake, and Vanderburgh counties nonattorney members are appointed by the Governor from residents of the county where the commission is located. In St. Joseph County, the three nonattorney members are elected by a majority vote of a selection committee consisting of the judge of the St. Joseph County Circuit Court, the president of the Board of the St. Joseph County Commissioners, and mayors from each of the second-class cities (cities having 35,000 to 250,000 inhabitants) in the county. All members serve 4-year staggered terms.

IOWA

An intermediate appellate court, the Court of Appeals, was created by the 1976 Session Laws of the 66th General Assembly.¹

COURTS OF APPELLATE JURISDICTION

SUPREME COURT (1)

Legal Authorization. The Supreme Court is established as the court of last resort by the Iowa Constitution, Article V, Section 1.

Organization. The Supreme Court has statewide geographic jurisdiction and sits at Des Moines.

Legal Jurisdiction. The Supreme Court must hear or transfer to the Court of Appeals for hearing all cases appealed from district courts. As a practical matter, however, the court exercises only discretionary review of civil cases not involving an interest in real estate in which the amount in controversy is less than \$1,000 and of small claims cases of \$1,000 or less. The court also exercises discretionary review over any matters transferred to the Court of Appeals for decision. The Supreme Court may issue writs necessary to exercise its jurisdiction.

Judges. The court has eight associate justices and a chief justice, appointed initially by the Governor from lists submitted by the State Judicial Nominating Commission. After their initial term, justices stand for retention in a statewide election. They serve a term of 8 years and must be licensed to practice law in Iowa. Panels of three justices may hear cases.

Other Judicial Personnel. None.

Support Personnel. Support personnel, who are appointed by the court, include a State court administrator, law clerks, and a clerk of court.

Other:

Administrative Authority. The Supreme Court is charged with exercising supervisory and administrative control over all other courts in the State.

COURT OF APPEALS (1)

Legal Authorization. The Court of Appeals is authorized by the Iowa Constitution, Article V, Section 1, and is established by the provisions of the Iowa Code Annotated, originally enacted by Senate File 1092, 66th General Assembly, Session 1976, effective January 1, 1977.

Organization. The Court of Appeals has statewide geographic jurisdiction and sits at Des Moines.

Legal Jurisdiction. The Court of Appeals only takes cases that are appealed to the Supreme Court and that the Supreme Court refers to it. The Court of Appeals may issue writs necessary to exercise its jurisdiction.

Equity actions are tried anew in the appellate court, other actions are limited to a review of questions of law. The decision of the Court of Appeals is final unless the Supreme Court grants application for further review.

¹See 1975 Supplement for a description of the 1973 reorganization.

Judges. The court has four associate judges and a chief judge, who initially are appointed by the Governor from lists submitted by the State Judicial Nominating Commission. After their initial term, judges stand for retention in a statewide election. They serve a term of 6 years and must be licensed to practice law in Iowa.

Other Judicial Personnel. None.

Support Personnel. The clerk of the Supreme Court acts as clerk of the Court of Appeals. The clerk may employ a deputy clerk. Each judge of the Court of Appeals is entitled to a law clerk.

Other:

Administrative Authority. The Court of Appeals, subject to the approval of the Supreme Court, may prescribe rules of appellate procedure governing cases before the court.

COURTS OF GENERAL JURISDICTION

DISTRICT COURTS (8 systems, 99 locations)

Legal Authorization. The district courts are authorized by the Iowa Constitution, Article V, Section 1, and are established by the provisions of Iowa Code Annotated, Chapter 502, originally enacted by Senate File 428, 64th General Assembly, Second Session, effective July 1, 1973.

Organization. For the purposes of determining the number of district court judges, the removal of judicial magistrates, and the nomination, appointment, and retention of district court judges, the State is divided into 13 judicial election districts containing from 4 to 13 counties.

For administration of judicial business, the State is divided into eight judicial districts, each having a chief judge appointed by the Supreme Court. The number of counties in a judicial district ranges from 5 to 22.

Legal Jurisdiction. The district courts have general and original jurisdiction in all civil and criminal actions and proceedings, including probate and juvenile matters. This jurisdiction is divided among district judges, district associate judges, and judicial magistrates as follows:

District judges possess the full jurisdiction of the trial court. Jury trials are available in criminal and civil cases. Appeals are to the Supreme Court.

District associate judges have the same jurisdiction granted to part-time magistrates, but also hear indictable misdemeanors, civil actions for money judgments in which the amount in controversy does not exceed \$3,000, and juvenile cases (if the chief judge of the judicial district has designated the associate judge as a judge of the juvenile court). Jury trials are available in nonindictable misdemeanor cases. Appeals are heard de novo by district court judges.

Judicial magistrates can be either substitute or regular, full-time or part-time. Substitute and regular full-time judicial magistrates have concurrent jurisdiction with that of district associate judges, except that district associate judges may exercise the full jurisdiction of a district judge if the district judge is temporarily incapacitated. Part-time judicial magistrates hear indictable offense preliminaries, nonindictable misdemeanors punishable by a fine of \$100 or less or imprisonment of 30 days or less, search warrant proceedings,

small claims in which the amount in controversy is \$1,000 or less, and actions for forcible entry or for detainer of real estate where no question of title is involved. Jury trials are available except in small claims cases. Appeals are heard de novo by district court judges.

Judges. As of January 1, 1977, there were 89 district court judges, 16 district associate court judges, 14 regular full-time judicial magistrates, 8 substitute judicial magistrates, and 170 part-time judicial magistrates serving in the State.

The number of district court judges is determined by a judgeship formula based equally on caseload and population in each judicial election district; in addition, there is one judge for the seat of State government. Judicial districts have from 6 to 20 judges and judicial election districts have from 3 to 17 judges. District court judges are nominated by district judicial nominating commissions and are appointed by the Governor. One year after their appointment they stand for retention at the general election in their judicial election district; if retained, they serve 6-year terms. A district court judge must be a member of the State bar.

District associate judges are those municipal court judges who were in office on June 30, 1973, and were less than 72 years of age on July 1, 1973. These judges stand for retention in office within the county of their residence every 4 years. If an associate judge is not retained or a vacancy in the office occurs, no new district associate judge is appointed; rather, the vacancy is filled by a full-time judicial magistrate. District associate judges must be licensed to practice law in Iowa.

Part-time judicial magistrates are appointed by county judicial magistrate appointing commissions. Substitute and full-time magistrates are appointed by the district judges within the judicial election district from three nominees selected by the county judicial magistrate appointing commission. In counties having three or more part-time magistrates, the district judge within that judicial election district may elect to have a substitute magistrate replace three part-time magistrates. Substitute and regular full-time magistrates serve 4-year terms and must be licensed to practice law in Iowa. Part-time magistrates serve 2-year terms and need not be licensed to practice law.

Other Judicial Personnel. None.

Support Personnel. The chief judge of each district may appoint a district court administrator. There is an elected clerk of district court in each county.

JUDICIAL COUNCILS, CONFERENCES, AND ORGANIZATIONS

JUDICIAL COUNCIL

Legal Authorization. A Judicial Council is established under the Rules of Civil Procedure, Section 380, adopted in 1969 pursuant to the provisions of State Statute, Iowa Code Annotated, Chapter 684, Section 21.

Duties. The Judicial Council convenes at least twice annually to consider all court administrative rules, directives, and regulations that provide for the administration of justice in an orderly,

efficient, and effective manner. The Judicial Council may propose to the Supreme Court such rules as are deemed appropriate.

Membership. The Judicial Council is composed of the chief judges of the district courts and the chief justice of the Iowa Supreme Court.

JUDICIAL CONFERENCE

Legal Authorization. A Judicial Conference is established by State Statute, Iowa Code Annotated, Chapter 684, Section 20.

Duties. The Judicial Conference meets biennially to study matters relating to the administration of justice.

Membership. The Judicial Conference is composed of all full-time magistrates, judges, and justices in Iowa.

STATE JUDICIAL NOMINATING COMMISSION

Legal Authorization. A State Judicial Nominating Commission is established by the State Constitution, Article V, Section 16.

Duties. The State Judicial Nominating Commission makes nominations to fill vacancies in the Supreme Court and Court of Appeals.

Membership. The State Judicial Nominating Commission is composed of seven members appointed by the Governor and an equal number of members elected by resident members of the bar of the State. The chairman of the commission is the senior Supreme Court judge, other than the chief justice. Members may serve only one 6-year term on the commission.

DISTRICT JUDICIAL NOMINATING COMMISSIONS

Legal Authorization. District judicial nominating commissions are established in each of 13 judicial election districts by State Statute, Iowa Code Annotated, Chapter 46.

Duties. The duty of each commission is to nominate qualified persons for appointment to the office of district court judge.

Membership. Each commission consists of five members appointed by the governor and an equal number of members elected by resident members of the bar of the State. Members may serve only one 6-year term on the commission.

COUNTY JUDICIAL MAGISTRATE APPOINTING COMMISSIONS

Legal Authorization. County judicial magistrate appointing commissions are established by State Statute, Iowa Code Annotated, Chapter 602.

Duties. The duties of each commission are to appoint part-time judicial magistrates and to nominate candidates for appointment as substitute and full-time magistrates.

Membership. Each commission consists of a district court judge, designated by the chief judge of the district, one to three members appointed by the county board of supervisors, and two attorneys elected by the county bar.

KANSAS

In 1976, the Kansas legislature mandated the consolidation of all county level courts into the existing 29 judicial district courts effective January 10, 1977. The magistrate, probate, and juvenile jurisdiction of county courts was assumed by the district courts. All judges of the county level courts became either associate district court judges or district court magistrate judges. In addition, a new intermediate appellate court, the Court of Appeals, was created by this reorganization effective January 10, 1977.

As of July 10, 1974, the State formally abolished its justice of the peace courts.

COURTS OF APPELLATE JURISDICTION

SUPREME COURT (1)

Legal Authorization. The Supreme Court is established by the Kansas Constitution as the court of last resort, Article III, Section I, *as amended*.

Organization. The Supreme Court has statewide jurisdiction and sits in Topeka.

Legal Jurisdiction. The Supreme Court has discretionary appellate jurisdiction over cases appealed or referred from the Court of Appeals in all criminal matters and civil matters that exceed \$500. The court has original jurisdiction to issue extraordinary writs.

Judges. The Supreme Court consists of seven justices. The justice who is senior in continuous term of service is chief justice. A justice is appointed by the Governor from a list of three names submitted by the Supreme Court Nominating Commission. If the Governor fails to fill a vacancy within 60 days, the chief justice makes an appointment from the nominees. At the first general election after a judge has served 1 full year, the judge's name is submitted on a nonpartisan ballot and the voters indicate whether the justice should be retained. A justice, if retained after an initial term of 1 year, serves a 6-year term. A justice must have 10 years of legal practice, which may include service as a full-time teacher of law, or service as a judge of a court of record in the State.

Other Judicial Personnel. None.

Support Personnel. Support personnel are appointed by the court and include a clerk of the court, law clerks, and a court administrator.

Other:

Administrative Authority. The Supreme Court has general administrative authority over all courts in the State.

COURT OF APPEALS (1)

Legal Authorization. The Court of Appeals is established by Kansas Statutes Annotated, Chapter 20, Section 3001, effective January 10, 1977.

Organization. The Court of Appeals sits in Topeka and maintains its principal offices there, although hearing panels may hear oral argument in any county.

Legal Jurisdiction. The Court of Appeals has jurisdiction over appeals in civil and criminal cases and from administrative bodies and officers of the State as may be prescribed by law and such original jurisdiction as necessary to the complete determination of any cause on review. Appeal is to the Supreme Court, but not as a matter of right.

Judges. The Court of Appeals consists of seven judges initially appointed by the Governor from names submitted by the Supreme Court Nominating Commission. Vacancies are filled by the Governor from names submitted by the Supreme Court Nominating Commission. If the Governor fails to fill a vacancy within 60 days, the chief justice of the Supreme Court makes the appointment from the nominees. At the end of a 4-year term, the judge's name will be submitted to the voters at a general election for retention for another term or dismissal. The Supreme Court designates a judge of the Court of Appeals as chief judge. Judges of the Court of Appeals must possess the qualifications prescribed by law for justices of the Supreme Court.

Other Judicial Personnel. None.

Support Personnel. The clerk of the Supreme Court is ex officio clerk of the Court of Appeals. Each Court of Appeals judge may appoint a law clerk.

COURTS OF GENERAL JURISDICTION

DISTRICT COURTS (29 systems, 105 locations)

Legal Authorization. The district courts are established by the Kansas Constitution, Article III, Section 6, *as amended*, effective January 10, 1977.

Organization. The State is divided into 29 judicial districts composed of from one to seven counties. In multicounty districts, court is held in each county.

Legal Jurisdiction. The district courts have original civil, criminal, and juvenile jurisdiction over all cases except prosecution of municipal ordinance violations. This jurisdiction is divided among district judges, associate district judges, and district magistrate judges as follows:

District judges possess the full jurisdiction of the trial court. These judges have concurrent jurisdiction with the Supreme Court to issue extraordinary writs. Jury trials are available. District judges hear appeals from municipal courts. Appeals of district judges decisions are usually to the Court of Appeals.

Associate district judges have concurrent jurisdiction with district judges in all matters except class actions or actions in quo warranto or mandamus. Jury trials are available. Associate district judges hear appeals from municipal courts. Appeals of associate district judges are usually to the Court of Appeals.

District magistrate judges have jurisdiction over felony preliminary examinations, misdemeanors, and any action pursuant to the probate and juvenile codes. In civil matters, these judges have concurrent jurisdiction with district and associate district judges, with the following exceptions: 1) in general, these judges have jurisdiction over civil actions in which the amount in controversy does not exceed \$2,000, and 2) they do not have jurisdiction over actions for divorce, separate maintenance, or custody of minor children; over writs of habeas corpus, injunctions, or class actions; or over certain actions relating to real estate. Appeals from district magistrate judges are heard de novo (except where a record was made of the action or proceeding) by district judges or associate district judges.

Judges. As of January 1, 1977, there were 69 district court judges, 61 associate district court judges, and 80 district magistrate judges. The voters in some judicial districts have voted to adopt a nonpartisan method of selecting judges in their district. Under the nonpartisan method, a judicial district nominating commission nominates qualified persons for the position, and the Governor appoints one of the nominees to a 4-year term. At the expiration of the first term, the voters decide at a general election whether to retain the appointee for another term. In other judicial districts the judges are elected in partisan elections and serve a 4-year term.

Effective January 10, 1977, district and associate district judges must have been regularly admitted to practice law in the State of Kansas and for at least 5 years prior to selection must have engaged in the active practice of law. District magistrate judges must either be in the active practice of law or certified by the Supreme Court as qualified to discharge certain limited judicial functions.

Other Judicial Personnel. None.

Support Personnel. Each district court has a clerk of court. The larger district courts may have a court administrator.

COURTS OF LIMITED AND SPECIAL JURISDICTION

PROBATE COURTS

Abolished by Kansas Statutes Annotated, Chapter 20, Section 335, effective January 10, 1977.

COUNTY COURTS

Abolished by Kansas Statutes Annotated, Chapter 20, Section 335, effective January 10, 1977.

JUVENILE COURTS

Abolished by Kansas Statutes Annotated, Chapter 20, Section 335, effective January 10, 1977.

MAGISTRATE COURTS

Abolished by Kansas Statutes Annotated, Chapter 20, Section 335, effective January 10, 1977.

CITY COURTS

Abolished by Kansas Statutes Annotated, Chapter 20, Section 335, effective January 10, 1977.

COMMON PLEAS COURT OF SEDGWICK COUNTY

Abolished by Kansas Statutes Annotated, Chapter 20, Section 335, effective January 10, 1977.

MUNICIPAL/POLICE COURTS (192)

Legal Authorization. Municipal courts are authorized under various Kansas State statutes and may be established in any city by ordinance.

Organization. A municipal court's territorial jurisdiction encompasses the boundaries of the municipality.

Legal Jurisdiction. Municipal courts have original jurisdiction in criminal cases involving misdemeanors (concurrent with district courts), city ordinances, and traffic violations; however, the jurisdiction is limited to offenses punishable by not more than a \$499 fine or 1-year imprisonment. These courts have no civil jurisdiction. Jury trials are not available. Appeals from these courts are heard in the district courts de novo.

Judges. Municipal courts have from one to four judges who are appointed by the governing body of the city. Terms of judges are set by the establishing ordinance. In cities having a population of 15,000 or more a judge must be admitted to practice law.

Other Judicial Personnel. None.

Support Personnel. None.

JUSTICE OF THE PEACE COURTS

Abolished by Kansas Statutes Annotated, Chapter 80, Section 605, effective July 10, 1974.

JUDICIAL COUNCILS, CONFERENCES, AND ORGANIZATIONS

JUDICIAL COUNCIL

Legal Authorization. A Judicial Council is established by Kansas Statutes Annotated, Chapter 20, Section 2201.

Duties. The Judicial Council is primarily responsible for the research and development of the probate, civil, criminal, and juvenile codes. The council makes suggestions for changes in rules and methods of civil and criminal procedure.

Membership. The Judicial Council is chaired by a justice of the Supreme Court and its membership includes two district judges, four practicing lawyers, and the two legislators who chair the House and Senate Judiciary Committees.

SUPREME COURT NOMINATING COMMISSION

Legal Authorization. The Supreme Court Nominating Commission is established by the Kansas Constitution, Article III, Section 5.

Duties. The Supreme Court Nominating Commission develops lists of qualified persons from which the Governor makes appointments to fill vacancies on the Supreme Court and the Court of Appeals.

Membership. The Supreme Court Nominating Commission consists of a chairman selected by the members of the Kansas Bar and two members, a lawyer and a citizen who is not a lawyer, from each congressional district.

JUDICIAL DISTRICT NOMINATING COMMISSIONS

Legal Authorization. Judicial district nominating commissions are established by Kansas Statutes Annotated, Chapter 20, Section 2903, effective January 10, 1977.

Duties. The duty of each commission is to nominate qualified persons for appointment to the office of district court judge.

Membership. Each commission consists of an equal number of lawyers and nonlawyers chaired by a judge or justice.

COMMISSION ON JUDICIAL QUALIFICATIONS

Legal Authorization. *The Judicial Qualifications Commission is established by rule number 602 of the Supreme Court Rules, effective January 1, 1974.*

Duties. *To assist the Supreme Court in exercising its responsibility under Article 3, Section 15, of the Constitution of*

Kansas, it may recommend to the Supreme Court the discipline, suspension, removal, or compulsory retirement of any judge.

Membership. *The commission consists of nine members appointed by the Supreme Court: four active or retired judges, three lawyers, and two nonlawyers.*

KENTUCKY

In November 1975, the voters of Kentucky approved a judicial reform amendment to the Kentucky Constitution. Under the amendment, the former court of last resort, known as the Court of Appeals, was re-established as the Supreme Court and a new intermediate appellate court, the Court of Appeals, was created effective January 1, 1976.

The amendment also established a new system of district courts of limited jurisdiction that will replace the existing county, quarterly, police, and justice courts effective January 1, 1978.

COURTS OF APPELLATE JURISDICTION

SUPREME COURT (1)

Legal Authorization. *The Supreme Court is established by the Constitution of Kentucky, Section 109, as amended, effective January 1, 1976.*

Organization. *The court has statewide jurisdiction and sits at Frankfort. A majority of the seven judges constitutes a quorum for the transaction of business.*

Legal Jurisdiction. *The Supreme Court has appellate jurisdiction over civil and criminal cases and the power to issue writs necessary for the exercise of its jurisdiction and for administrative purposes. It has no other original jurisdiction. The Constitution gives the court the power to determine its appellate jurisdiction, except that appeals from a death sentence or from a sentence of 20 years or more or of life imprisonment must come directly from the circuit courts to the Supreme Court.*

Judges. *There are seven justices on the Supreme Court. The justices of the old Court of Appeals became Supreme Court justices when the Supreme Court was established. New justices are elected on a nonpartisan basis from each of seven Supreme Court election districts. A candidate must have been a licensed attorney in the State for 8 years. A justice serves a term of 8 years. The justices elect a chief justice every 4 years.*

Other Judicial Personnel. *None.*

Support Personnel. *The administrative director of courts and the clerk of the Supreme Court are appointed by the court.*

Other:

Administrative Authority. *The Supreme Court has general administrative authority over all courts.*

COURT OF APPEALS (1)

Legal Authorization. *The Court of Appeals is established by the Constitution of Kentucky, Section 109, as amended, effective January 1, 1976.*

Organization. *The Court of Appeals has statewide jurisdiction and sits in panels of not less than three judges. The Court of Appeals prescribes the times and places in the Commonwealth at which each panel shall sit.*

Legal Jurisdiction. *The Court of Appeals has appellate jurisdiction and the Supreme Court may give it the power of direct review of decisions of administrative agencies. The court hears*

appeals in any case heard originally in circuit courts, except divorce cases and those that go directly to the Supreme Court. The court may issue writs in support of its appellate jurisdiction.

Judges. *The Court of Appeals consists of 14 judges, with two judges from each of seven Court of Appeals election districts, which are the same as the Supreme Court election districts. Judges are elected on a nonpartisan basis at large from their district. A candidate must have been a licensed attorney for 8 years. Judges serve 8-year terms. The judges elect a chief judge, who serves for 4 years.*

Other Judicial Personnel. *None.*

Support Personnel. *A clerk of the Court of Appeals is appointed by the court.*

COURTS OF GENERAL JURISDICTION

CIRCUIT COURTS (56 systems, 120 locations)

Legal Authorization. *The circuit courts are established by the Constitution of Kentucky, Section 109, as amended, effective January 1, 1976.*

Organization. *The State is divided into 56 judicial circuits consisting of one or more counties. In multicounty circuits, sessions of court are held in each county of the circuit.*

Legal Jurisdiction. *The circuit courts have unlimited original criminal and civil jurisdiction. The circuit courts hear criminal cases decided in the lower courts that involve a fine and/or confinement, civil cases appealed from the quarterly court involving \$25 or more, and civil cases appealed from the county courts involving \$50 or more. This appellate jurisdiction now covers some juvenile cases heard in the county court. Appeals from these lower courts are tried de novo. Jury trials are available. Appeals from decisions of the circuit courts are to the Court of Appeals, except for appeals from a death sentence or a sentence of 20 years or more or of life imprisonment, which are appealed directly to the Supreme Court.*

Judges. *There were 87 circuit judges as of January 1, 1977. Each multicounty circuit has one judge; single-county circuits may have additional judges as determined by the legislature upon certification of necessity by the Supreme Court. Circuit court judges are elected on a nonpartisan basis from their circuits at large and serve 8-year terms. A candidate must have been a licensed attorney for 8 years.*

Other Judicial Personnel. *Each circuit court may appoint a master commissioner to hear cases as assigned by the circuit judges (primarily domestic relations cases).*

Support Personnel. *A circuit court clerk is elected in each county for a term of 6 years.*

COURTS OF LIMITED AND SPECIAL JURISDICTION

COUNTY COURTS (120)

Note: *County courts will be replaced by a system of district courts on January 1, 1978.*

Legal Authorization. *County courts are established by the Constitution of Kentucky, Section 140.*

Organization. There is a county court in each of the 120 counties in the State.

Legal Jurisdiction. County courts have exclusive jurisdiction over probate matters, juvenile delinquency and dependency and neglect cases. They also handle marriages and paternity suits. By law, the county courts have original criminal jurisdiction concurrent (in part) with circuit, quarterly, and justice courts; however, in practice, county judges try their criminal cases in the quarterly courts. Jury trials are available in county courts. Appeals from the county courts are to the circuit court and are heard de novo.

Judges. There is a single judge in each county who also serves as judge of the quarterly court. The county judge is elected on a countywide partisan ballot for a term of 4 years. There are no requirements for legal training of county court judges.

Other Judicial Personnel. When authorized by the county administrative body, the county judge appoints as many trial commissioners as are deemed necessary to operate the county court. The trial commissioners discharge the judicial duties as are assigned to them by the judge. The commissioners must possess the qualifications of a judge of the county court.

Support Personnel. A county court clerk is elected in each county for a 4-year term.

QUARTERLY COURTS (120)

Note: Quarterly courts will be replaced by a system of district courts on January 1, 1978.

Legal Authorization. Quarterly courts are established by the Constitution of Kentucky, Section 139.

Organization. There is a quarterly court in each county in the State.

Legal Jurisdiction. Quarterly courts have original criminal jurisdiction concurrent with county and justice courts over cases punishable by a fine of not more than \$20; and concurrent with the circuit, county, and justice courts over cases punishable by a fine between \$20 and \$500 and/or a 12-month sentence or less. These courts have original civil jurisdiction at law where the amount in demand does not exceed \$500. The civil jurisdiction of quarterly courts is concurrent with the justice and police courts in all cases and concurrent with the circuit courts in cases involving between \$20 and \$500 in controversy. Jury trials are available in quarterly courts. Quarterly courts have appellate jurisdiction from justice and police courts in civil cases. Appeals in quarterly courts are heard de novo. Appeals from the quarterly courts are to the circuit courts.

Judges. The county judge serves as judge of the quarterly court and is not required to have a legal education.

Other Judicial Personnel. Trial commissioners may be appointed to serve in some quarterly courts by the county judge.

Support Personnel. In counties having an urban county form of government and in counties having a population of 250,000 or more, the county judge may appoint for 4-year terms a clerk of the quarterly court, a chief deputy clerk, and such other clerks as necessary.

POLICE COURTS

Note: Current figures on the number of police courts are not available. Police courts will be replaced by a system of district courts on January 1, 1978.

Provisions for legal jurisdiction and court personnel vary according to the class of city in which the court is established. Cities are classified by number of inhabitants as follows:

First class	100,000 inhabitants or more
Second class	20,000 to 100,000 inhabitants
Third class	8,000 to 20,000 inhabitants
Fourth class	3,000 to 8,000 inhabitants
Fifth class	1,000 to 3,000 inhabitants
Sixth class	Less than 1,000 inhabitants

No city can be changed from one class to another except by legislative action.

Legal Authorization. Police courts are authorized by the Constitution of Kentucky, Section 143. They may be established by any city or town. (Police courts are also referred to as municipal or city courts.)

Organization. The jurisdiction of police courts extends to the corporate limits of the city or town.

Legal Jurisdiction. Police courts have original criminal jurisdiction over misdemeanors and traffic cases punishable by a fine of \$500 or less or a 12-month sentence or less. Police courts have exclusive jurisdiction over municipal ordinance violations and may hold preliminary hearings in felonies (except homicide in other than first-class cities). Police courts in cities of the fourth and fifth class and in cities of the sixth class with a population of 250 or more have original civil jurisdiction at law where the amount in controversy does not exceed \$500. In other civil matters, police court jurisdiction is concurrent with that of quarterly, circuit, and justice courts. Jury trials may be held in police courts. Appeals in criminal cases are to the circuit courts; in civil cases, to the quarterly courts.

Judges. There is one police judge for each court. Police judges are elected by the voters for a term of 4 years, except that in cities of the fourth, fifth, and sixth classes, they may be appointed. Police judges in cities of the first class must have the same qualifications as circuit judges, i.e., have practiced law for 8 years. In second-class cities, judges must be attorneys. There are no requirements for legal training of police judges in other than first- and second-class cities.

Other Judicial Personnel. Police judges in first- and second-class cities may appoint trial commissioners.

Support Personnel. A clerk of the police court may be appointed in first- and second-class cities.

JUSTICE COURTS

Note: Current figures on the number of justice courts are not available. Justice courts will be replaced by a system of district courts on January 1, 1978.

Legal Authorization. Justice courts are established by the Constitution of Kentucky, Section 142.

Organization. Each county is divided by the legislature into not less than three nor more than eight justice court districts. Justice court jurisdiction is coextensive with the county.

Legal Jurisdiction. Justice courts have original criminal jurisdiction concurrent in part with circuit, county, and quarterly courts. Only salaried justices of the peace may try criminal cases. Justice courts have original civil jurisdiction over cases at law when the amount in controversy is \$500 or less (concurrent with circuit, quarterly, and police courts when the amount is more than \$50). Appeals in criminal cases are to the circuit courts and in civil cases to the quarterly courts. All appeals are heard de novo.

Judges. There is one justice of the peace per district. Justices are elected by voters of their district on a partisan ballot for a term of 4 years. There are no requirements for legal training of justices of the peace.

Other Judicial Personnel. None.

Support Personnel. In each justice court district of a county having a population of over 250,000, the justice may appoint a clerical assistant.

JUDICIAL COUNCILS, CONFERENCES AND ORGANIZATIONS

Note: The former Judicial Council and Judicial Conference were abolished on June 19, 1976, and a new Judicial Council was created.

JUDICIAL COUNCIL

Legal Authorization. *The Judicial Council is established by Kentucky Revised Statutes, Chapter 27A, Section 100, effective June 19, 1976.*

Duties. *The Judicial Council serves in an advisory capacity only. It gives continuing consideration to the administration of justice in the courts of the Commonwealth. It submits from time to time such recommendations as it may deem advisable for changes in rules, practice, procedure, and other matters pertaining to the judicial system.*

Membership. *The Judicial Council is composed of the following members: the chief justice of the Supreme Court or the chief justice's designee from among the members of that court; the chief judge of the Court of Appeals or the chief justice's designee from among the members of that court; four circuit judges; one county judge, and one police court judge, all of whom are appointed by the chief justice; the president of the Kentucky Association of Circuit Court Clerks; three members of the State Bar of Kentucky; and the persons who chair the judiciary committees of the House of Representatives and of the Senate.*

The appointed members serve 4-year terms. Meetings are held at least twice each year. The council is chaired by the chief justice or the chief justice's designee. The administrative director of the courts serves as secretary of the council.

JUDICIAL CONFERENCE

Abolished by State statute, effective June 19, 1976.

OHIO

In 1974 the Ohio Legislature established the Court of Claims. This Court began operating January 1, 1975. In 1972, the independent Cuyahoga County Juvenile Court became a division of the Common Pleas Court, and in 1975, the Police Court of Ottawa Hills was abolished.

COURTS OF APPELLATE JURISDICTION

SUPREME COURT (1)

Legal Authorization. The Supreme Court is established by the Ohio Constitution as the court of last resort, Article 4, Section 1.

Organization. The Supreme Court has statewide jurisdiction and sits at Columbus.

Legal Jurisdiction. The Supreme Court has final appellate jurisdiction from all lower courts in the State. The court has original jurisdiction to issue extraordinary writs.

Judges. The Supreme Court consists of a chief justice and six associate justices who are nominated in a partisan primary but run on a separate nonpartisan judicial ballot. Supreme Court justices must have been licensed to practice law in the State for 6 years preceding their election. Justices serve 6-year terms.

Other Judicial Personnel. There are *four* master commissioners in the Supreme Court who hear motions, including those for appeal.

Support Personnel. The justices of the Supreme Court appoint a clerk, an administrative director, and other personnel as necessary to conduct the various activities of the court.

Other:

Administrative Authority. The Supreme Court exercises procedural rulemaking power. Procedural rules are promulgated by the court and become effective unless both houses of the legislature adopt a concurrent resolution of disapproval. The chief justice, in accordance with rules adopted by the court, exercises general supervision over all courts of the State.

COURTS OF APPEALS (11 systems, 88 locations)

Legal Authorization. The Ohio Courts of Appeals are established by the State Constitution, Article 4, Section 1.

Organization. The State is divided into 11 appellate districts. The Eighth District serves Cuyahoga County and the Tenth District serves Franklin County; each of the remaining nine districts serves 4 to 16 counties. Sessions of the courts of appeals are held in each county in a district.

Legal Jurisdiction. The courts of appeals function as intermediate appellate courts, hearing appeals from the common pleas courts, county courts, municipal courts, and the *Court of Claims*.

Judges. There are 44 judges in the courts of appeals. Each district elects three judges except the First District which has six judges; the Eighth District (Cuyahoga County), which has nine judges; and the Tenth District (Franklin County), which has five judges. All judges are nominated in partisan primaries but run on a separate, nonpartisan judicial ballot in their district. Court of appeals judges serve 6-year terms. A judge must have been licensed to practice law in the State for 6 years.

Other Judicial Personnel. None.

Support Personnel. The common pleas court clerk is also clerk of the court of appeals in each county.

COURTS OF GENERAL JURISDICTION

COURTS OF COMMON PLEAS (88)

Legal Authorization. Courts of common pleas are established by the State Constitution, Article 4, Section 1 and by the Ohio Revised Code, Section 2301.01.

Organization. There is a common pleas court in each of the counties of the State. The activities of the common pleas court are functionally divided into the following four areas: general, domestic, probate, and juvenile. Judges of the common pleas court may exercise jurisdiction in more than one of these functional areas. In *four* counties there are four separate divisions, each exercising jurisdiction in one of the functional areas. *Ten* counties use a three-division plan in which one division exercises only general jurisdiction, one division exercises domestic relations and juvenile jurisdiction, and one exercises probate jurisdiction. *Sixty-seven* counties use a two-division plan with one division exercising general and domestic relations jurisdiction and one division exercising probate and juvenile jurisdiction. *Seven* counties have only one division, in which a single judge has jurisdiction over all four functional areas. Judges who normally sit in one division may be temporarily assigned to another by the county presiding judge, if assignment is in the same county, or by the chief justice of the Supreme Court, if the assignment is in another county.

Legal Jurisdiction. The courts of common pleas have exclusive original criminal jurisdiction of felonies and most serious criminal offenses. These courts have original jurisdiction in all civil cases in which the amount in controversy is greater than \$500. Juvenile divisions of the common pleas courts have exclusive original jurisdiction over any child under 18, including juvenile delinquency and dependency and neglect cases. Appeals are heard on the record by the courts of appeals.

Judges. As of *January 1, 1977*, there were 315 judges of the common pleas courts. Judges are nominated in a partisan primary but run on a separate nonpartisan judicial ballot in each county. They are elected for 6-year terms. A judge of the common pleas court must have practiced law in the State or served as a judge of a court of record in any jurisdiction in the United States for 6 years.

Other Judicial Personnel. Some common pleas courts have referees or commissioners who hear domestic relations and juvenile cases.

Support Personnel. A clerk of the court is elected in each county. An administrative assistant is appointed in any county having a population greater than 300,000.

COURTS OF LIMITED AND SPECIAL JURISDICTION

COURT OF CLAIMS (1)

Legal Authorization. The *Court of Claims* is established by *State Statute, Ohio Revised Code, Chapter 2743.03, effective January 1, 1975*.

Organization. The *Court of Claims* has statewide jurisdiction and sits at *Franklin*.

Legal Jurisdiction. *The Court of Claims has (1) exclusive original jurisdiction over all civil actions against the State; (2) jurisdiction over all civil cases that are initiated in other courts and removed to the Court of Claims and; (3) exclusive original and appellate jurisdiction to determine compensation for victims of violent crime. In civil actions appeals are to the courts of appeals. In victim compensation proceedings, appeals are to a single judge of the Court of Claims. Jury trials are not available in civil actions against the State.*

Judges. *A civil action is usually heard by one judge, sitting by temporary assignment of the chief justice and drawn from one of the following groups: incumbent judges of the Supreme Court, courts of appeals, or courts of common pleas; or retired judges of these courts. Claims presenting novel or complex issues of law or fact may be heard by a panel of three judges upon application by the claimant.*

Other Judicial Personnel. *The clerk of the court hears claims against the State for less than \$100 and may, upon consent of the claimant, hear claims for more than \$100 but less than \$1,000. Upon motion of either party, the clerk's determination may be reviewed by the Court of Claims.*

Support Personnel. *The Supreme Court appoints the clerk and deputy clerks of the Court of Claims; they must be licensed to practice law in the State.*

MUNICIPAL COURTS (112)

Legal Authorization. Individual municipal courts are established by State Statute, Ohio Revised Code, Section 1901.01.

Organization. A municipal court's territorial jurisdiction may encompass the boundaries of one municipality, several municipalities, a whole county, or two or more counties.

Legal Jurisdiction. Municipal courts have original jurisdiction in criminal cases involving misdemeanors (both violations of State statutes and municipal ordinances) punishable by a fine of \$1,000 or less or imprisonment of 1 year or less. These courts have original jurisdiction in civil cases in which the amount in dispute does not exceed \$10,000. Jury trials are available in municipal courts. Appeals are heard on the record by the court of appeals.

Judges. *As of January 1, 1977, there were 183 municipal court judges. The number of judges in the municipal court varies depending upon the size of the county in which the court is located. Municipal court judges are nominated in a partisan primary and run on a separate nonpartisan judicial ballot in each county. They are elected for 6-year terms. Municipal court judges, for 6 years preceding the commencement of terms, must have been engaged in the practice of law in the State or served as judge of a court of record in any jurisdiction in the State, or a combination of both.*

Other Judicial Personnel. None.

Support Personnel. A clerk of court is elected in counties having a population greater than 100,000 and is appointed by the court in all other counties.

COUNTY COURTS (59)

Legal Authorization. County courts are established by State Statute, Ohio Revised Code, Section 1907.011.

Organization. County courts are established in 39 counties in geographic areas outside the jurisdiction of municipal courts. A number of counties are divided into separate districts and areas, each with its own territorial jurisdiction.

Legal Jurisdiction. Like the municipal courts, county courts have original jurisdiction in criminal matters punishable by a fine of \$1,000 or less or imprisonment of 1 year or less and in civil matters involving claims of \$500 or less. Appeals are heard on the record by the courts of appeals.

Judges. As of January 1, 1977, there were 65 judges of the county courts. Judges are nominated in a partisan primary and run on a separate nonpartisan judicial ballot in each county. Judges serve 4-year terms. Judges of county courts must be admitted to practice law in the State and must have been engaged in the practice of law at least 1 year prior to their election.

Other Judicial Personnel. None.

Support Personnel. The county clerk serves as clerk of the county court as well as the court of appeals and common pleas courts.

JUVENILE COURT OF CUYAHOGA COUNTY

Abolished by the Ohio State Legislature effective June 1972.

POLICE COURT OF OTTAWA HILLS

Abolished by Ohio State Legislature effective August 1975.

MAYOR'S COURTS (690)

Legal Authorization. Mayor's courts are authorized by State Statute, Ohio Revised Code, Section 1905.01.

Organization. A mayor's court may be created by any municipality that does not have a municipal court.

Legal Jurisdiction. Mayor's courts have original jurisdiction over minor criminal cases, mainly traffic violations. Mayor's courts are not authorized to hold jury trials, and appeals are heard de novo by the common pleas court.

Judges. Mayor's courts have one judge, who is also mayor.

Other Judicial Personnel. None.

Support Personnel. None.

JUDICIAL COUNCILS, CONFERENCES AND ORGANIZATIONS

JUDICIAL CONFERENCE

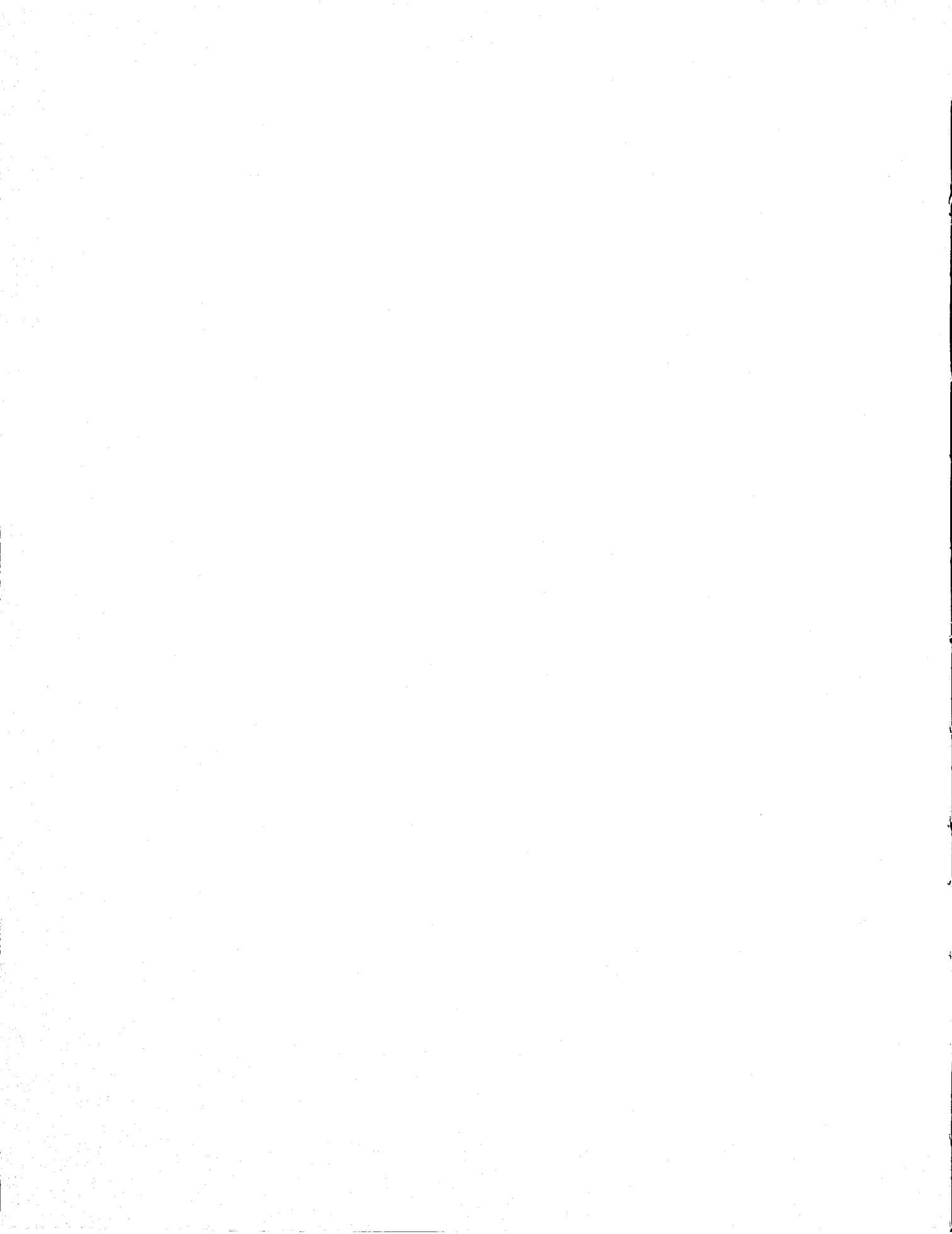
Legal Authorization. A Judicial Conference is established by State Statute, Ohio Revised Code, Section 105.91.

Duties. The Judicial Conference considers the business and problems pertaining to the administration of justice and makes recommendations for its improvement.

Membership. The Judicial Conference is composed of judges of the Supreme Court, courts of appeals, common pleas courts, probate divisions of the common pleas courts, municipal courts, and county courts.

JUDICIAL COUNCIL

Legal Authorization. A Judicial Council is established by State Statute, Ohio Revised Code, Section 105.51. However, all duties of the Judicial Council have been transferred to other organizations.



APPENDIX

The following persons were consulted by the Bureau of the Census concerning the completeness and accuracy of the revised individual State judicial descriptions included in this report.

ALABAMA

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Following is an updated listing of court administrative officials in the remaining States and the District of Columbia.

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CONNECTICUT

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 Chief Court Administrator
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Siegbert Kaufmann
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DISTRICT OF COLUMBIA

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WEST VIRGINIA

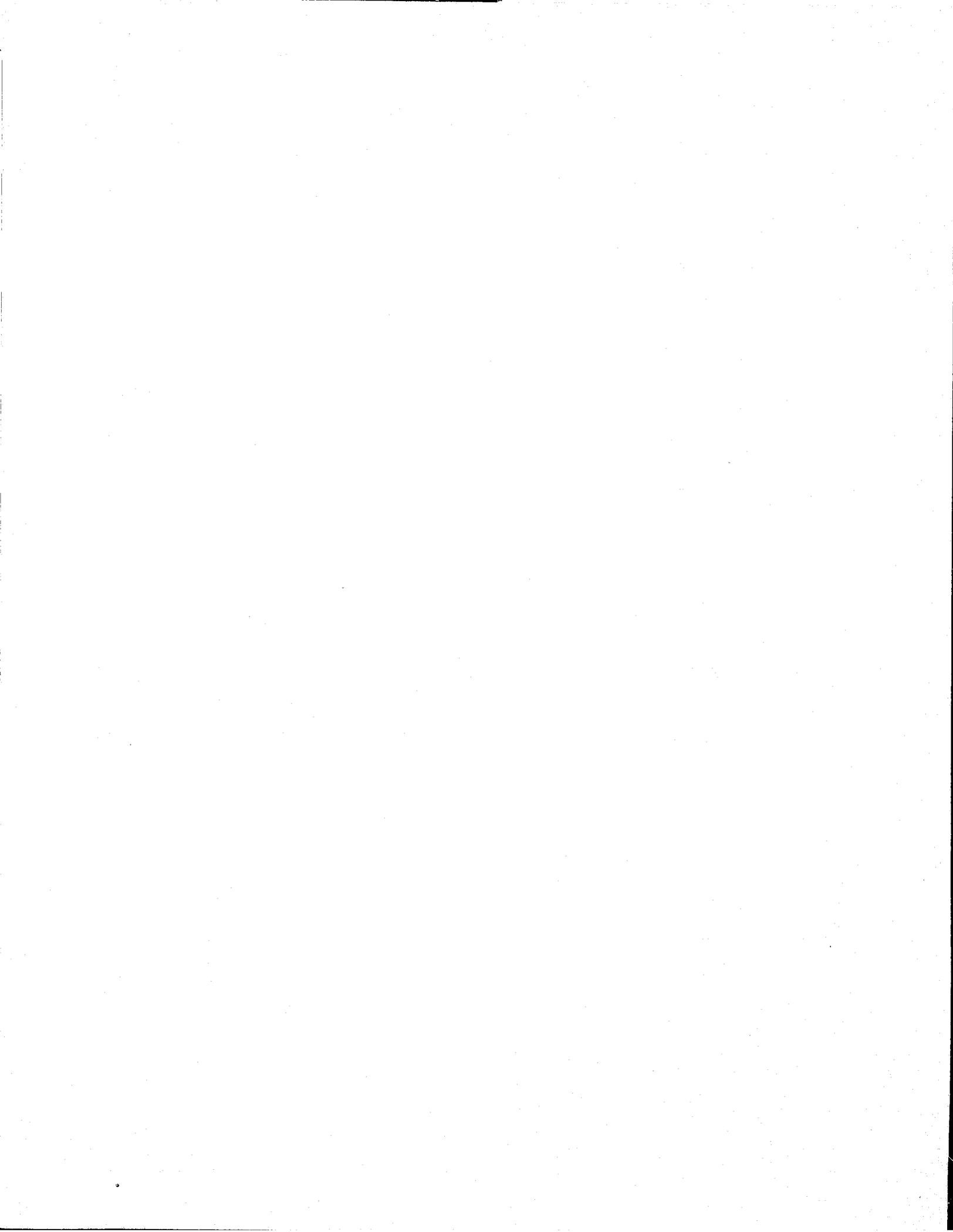
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END