

*Court Administration—A New Profession:  
A Role for Universities*

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THE PURPOSE OF this paper is to: (1) briefly review the history of judicial administration and court management since 1906; (2) examine some recent events which signal the emergence of a new, embryo profession—court administration; (3) investigate the professional status of court administration and some of the programs presently available or planned for the education and training of court administrators;<sup>1</sup> (4) relate court administration to university programs both undergraduate and graduate.

*History*

Dean Roscoe Pound of the Harvard Law School is generally given the credit for being the man who fathered the idea that reform of the judicial system was needed in the United States. In an address before the American Bar Association on August 29, 1906, Dean Pound (at that time a Nebraska attorney) suggested that our court system was archaic and inefficient. He discussed the complaint that "there is one law for the rich and another for the poor." He urged the courts and practicing attorneys to adopt organizational reforms which would reduce the "causes of popular dissatisfaction with the

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<sup>1</sup> In this paper the terms "court administrator," "court executive," and "court manager" are used interchangeably.

administration of justice.”<sup>2</sup> In the 1920’s, Chief Justice William Howard Taft pressed for reform in judicial administration and met with some success.<sup>3</sup>

In 1937, Mr. Arthur T. Vanderbilt as President of the American Bar Association picked up the torch of judicial reform. Later, while serving as Chief Justice of the New Jersey Supreme Court, he was able to effect great progress in the direction of order and efficiency in New Jersey’s unique, unified court system. Recently, Colorado, under the leadership of Chief Justice Edward Pringle, has traveled a long way toward actualizing Dean Pound’s model for a unified, centrally administered state court system.<sup>4</sup>

On various occasions during his tenure, Chief Justice Earl Warren publicly called for reform and more enlightened management of the courts. Some progress was made in systems development and modern management methods during his tenure. History, however, will remember the Warren Court era for the landmark cases that were handed down in the areas of civil rights, desegregation, re-apportionment and criminal procedure.

The emergence of professional management experts within the judicial bureaucracy as staff to chief justices, chief judges and courts as a body is a response that other large organizations, public and private, have found necessary because of increasing growth and the complexity of their operations.<sup>5</sup> Under the authority of titular superiors (chief justices and chief judges) professional court administrative personnel evaluate and maintain the organization, practices and procedures of their employer courts; keep records and compile data; plan, obtain and monitor the allocation of resources; manage the court’s personnel system; and design, implement, and operate management systems (including information systems). Court executives and their staff provides the specialized knowledge and skills which all large, complex organizations need to operate successfully. The recent emergence of a new technostructure along with increased demand for efficiency of operations within court systems signals the beginning of a new era in judicial administration.

<sup>2</sup> Dean Pound’s now famous and oft-quoted address was reprinted in full in 20 J. AM. JUD. Soc’y 177 (1937). In his introduction to the reprint of the address in JUDICATURE, Dean John H. Wigmore called the address “the spark that kindled the white flame of high endeavor now spreading throughout the entire legal profession and radiating the spirit of resolute progress in the administration of justice.”

<sup>3</sup> See A. Bickel, *The Courts: The Need for Change*, THE THIRD BRANCH, December, 1970, p. 5.

<sup>4</sup> See E. FRIESEN, E. GALLAS and N. GALLAS, *MANAGING THE COURTS* 31 (1971).

<sup>5</sup> J. K. GALBRAITH, *THE NEW INDUSTRIAL STATE* 159 (1967). The implications of the emergent technostructure on the operation of judicial systems are thoroughly discussed in J. Gazell, *Leadership Competition in Judicial Management at the State Level*, 19 DE PAUL L. REV. 737, (1970) and J. Gazell, *State Trial Courts: An Odessey Into Faltering Bureaucracies*, 8 SAN DIEGO L. REV. 175 (1971).

## *Institutional Developments*

The American Judicature Society, an international organization of almost 50,000 lawyers, judges and laymen, was founded in 1913 to promote efficient administration of justice. The Society publishes books and literature, conducts meetings, institutes, conferences and seminars, maintaining an information and consultation service with respect to all aspects of the administration of justice and its improvement. A significant function is the publication of *Judicature*, the journal of the American Judicature Society.

The Institute for Judicial Administration, organized in 1952 under the leadership of Chief Justice Arthur T. Vanderbilt of New Jersey, is affiliated with the New York University School of Law.<sup>6</sup> It has conducted numerous significant studies of state court systems.<sup>7</sup> In June, 1970 The Institute began publishing the *Criminal Justice Newsletter*, a bi-weekly publication carrying news and items of interest from every sector of the criminal justice system.

The National College of the State Judiciary (formerly called the National College of State Trial Judges) was established in 1963. From the original one month session of ninety-two judges at the University of Colorado at Boulder, in 1964, the College now accepts three hundred judges each summer for a month-long resident program. In September, 1965, the College established a permanent academic base at the University of Nevada. In 1971, another milestone was reached when the College moved into a new million dollar building. The College now offers a graduate program for its alumni and a National Study and Service Center to assist the courts in bringing modern management techniques to their aid. The College has undertaken a nationwide series of court management studies which are oriented toward solving court problems. The National College should be an important resource center for those interested in court management training.

In 1967, Congress established the Federal Judicial Center.<sup>8</sup> Its purpose is the furthering of the development and adoption of improved judicial administration in the federal courts of the United States. Justice Tom C. Clark was appointed the first director. Judge Alfred Murrah, present Director of the Center, and his staff are pursuing a vigorous program of education, research, and study aimed at the improvement of the administration and management of federal courts.

In 1968 Congress created the Law Enforcement Assistance Administration

<sup>6</sup> See S. Elliott, *Judicial Administration's New Institute*, 37 J. AM. JUD. Soc'y 38, (1953).

<sup>7</sup> Two very recent studies are representative: THE SUPREME COURT OF IOWA, January, 1971, pp. 1-97 and the SUPREME JUDICIAL COURT AND THE SUPERIOR COURT OF THE STATE OF MAINE, January, 1971, pp. 1-73.

<sup>8</sup> 28 U.S.C. §620.

(LEAA) under Title I of the Omnibus Crime Control and Safe Streets Act.<sup>9</sup> "Congress finds," Title I began, "that the high incidence of crime in the United States threatens the peace, security and general welfare of the nation and its citizens."

The purpose of LEAA is to give large scale financial and technical aid to strengthen criminal justice at every level throughout the nation. One of the areas of interest to LEAA is court administration. Indeed, the courts are a good place to start if one desires to prevent crime. In his first *State of the Federal Judiciary* address on August 10, 1970, Chief Justice Warren E. Burger said:

If ever the law is to have genuine deterrent effect on the criminal conduct giving us immediate concern, we must make some drastic changes. The most simple and obvious remedy is to give the courts the manpower and tools—including the prosecutors and defense lawyers—to try criminal cases within 60 days after indictment and let us see what happens. I predict it would sharply reduce the crime rate.<sup>10</sup>

Later President Richard M. Nixon specifically endorsed the above statement of Chief Justice Burger and then went ahead to say: "Justice delayed is not only justice denied—it is also justice circumvented, justice mocked, and the system of justice undermined."<sup>11</sup>

An important arm of LEAA, is the Law Enforcement Education Program (LEEP). LEEP provides funds and loans for the continuing education of existing and potential criminal justice personnel, and the development of criminal justice related curriculum.<sup>12</sup>

Space does not permit a discussion of all the major developments that occurred prior to 1969 in the field of judicial administration. The above, however, presents a summary of some of the important programs and institutions which have emerged.

<sup>9</sup> 42 U.S.C. §620.

<sup>10</sup> 56 A.B.A.J. 929 (1970).

<sup>11</sup> In an address to the First National Conference on the Judiciary on March 11, 1971, in Williamsburg, Virginia. 54 J. AM. JUD. Soc'y 406 (1971).

<sup>12</sup> LEEP provides financial aid for college studies by police, courts, and correction employees. Two types of financial assistance are offered under the LEEP program: loans up to \$1800 per academic year; and grants up to \$200 per academic quarter, or \$300 per semester. If the student, upon completion of his work, goes into full-time court administrative work, his loan is cancelled at the rate of 25% per year of service. It has been estimated that in fiscal 1970, the second year of the academic assistance efforts, some 50,000 students received aid. The number of participating institutions was more than 725 during the 1969-70 academic year. For fiscal 1971 an estimated \$21 million will be available for LEEP (estimate based on House-approved FU 1971 appropriation (House Report No. 91-1072)).

Within a few hours after Judge Warren E. Burger was sworn in as Chief Justice of the United States in July of 1969, he called together Mr. George Graham, the Executive Director of the National Academy of Public Administration, the Honorable Harry A. Blackmun, at that time a federal appeals judge of the eighth circuit, and Mr. Justice Tom G. Clark, Director of the Federal Judicial Center.<sup>13</sup> The topic for discussion was judicial administration, judicial reform, congested dockets and court delay.

A month later on August 11, 1969, Chief Justice Burger addressed the annual meeting of the American Bar Association. On this momentous occasion, the Chief Justice made his first public statement on the subject that had been discussed at the afternoon meeting held on the day of his entrance into office.

In his address, he echoed the complaint of millions of his fellow Americans when he asked the question, "Why does American justice take so long?" He answered his own question by stating that we suffer from a "lack of up-to-date procedures and standards for administration or management and especially the lack of trained administrators." He also stated that:

Only by the adoption of sound administrative practices will the courts be able to meet the increased burdens placed on them. The time has passed when the court system will carry its load if each judge does his job. There must also be organization and system in order to leave the judge to his job of judging.

One year later Chief Justice Burger again addressed the American Bar Association and recalled Dean Roscoe Pound's famous speech in which Dean Pound reminded his audience that the administration of the courts in the 20th century could not be carried on with the methods and machinery of the 19th century. Chief Justice Burger observed that we had not heeded the warning of Dean Pound and that we continue to operate the courts with the same procedures and machinery Dean Pound described in 1906. Chief Justice Burger's concluding comment was: "In the Supermarket Age we are trying to operate the courts with crackerbarrel corner grocer methods and equipment; vintage 1900".

### *First National Conference on the Judiciary*

Historic Williamsburg, Virginia, was the site for the First National Conference on the Judiciary. The four day conference (March 11-14, 1971) was

<sup>13</sup> The episode is fully described in a paper entitled *History, Formation and Funding of the Institute for Court Management* in GALLAS, GEOFF, COURT EXECUTIVE TRAINING PROGRAM DOCUMENTATION OF FIRST DEVELOPMENT EFFORT 1970: Institute for Court Management, Denver Colorado, 1970, pp. 1-2. (Mimeographed.)

the first of its kind.<sup>14</sup> Mr. Justice Tom C. Clark served as conference chairman. Since his retirement from the U.S. Supreme Court, Mr. Justice Clark has worked incessantly to improve and modernize judicial administration.

President Richard M. Nixon addressed the conference on March 11, 1971 and called for a series of judicial reforms. During the latter part of his address, President Nixon said, "Today I am endorsing the concept of a suggestion that I understand Chief Justice Burger will make to you tomorrow: The establishment of a National Center for the State Courts."

The following day, Chief Justice Burger made a notable address before the conference. He recommended the establishment of a National Center for the State Courts. He spoke in strong and positive terms and said that the need for such a Center was so compelling that immediate action was demanded. Before the conference ended, a resolution calling for the appointment of a planning committee for the Center was passed unanimously.

Thus we see that during his first two years in office almost every speech and public statement made by Chief Justice Burger<sup>15</sup> has made reference to the rising need for reform in our system of judicial administration. Chief Justice Burger has reported that he has been spending approximately one third of his time with the problems of managing and administering the federal courts. If Chief Justice Burger is successful in revolutionizing this phase of our judicial system, his position in history is assured.

The National Center for State Courts was founded officially and formally on June 15, 1971.<sup>16</sup> The Honorable Winslow Christian, formerly of the Court of Appeals in California, was recently appointed as the first director. The Center was established to serve as a nation-wide clearing house for judicial programs and ideas propounded by and on behalf of the courts of the 50 states. The Center will have a 12-member board of directors—all active state court judges—and a headquarters operation that will work in cooperation with judicial and judicially-related organizations functioning in the field of court reform and administration.

The current enthusiasm over the Center is indicated by the fact that it became a reality approximately three months from the time President Richard M. Nixon and Chief Justice Warren E. Burger endorsed its formation at the National Conference on the Judiciary in Williamsburg, Virginia.

### *The Need for Trained Court Executives*

As we have noted, Chief Justice Burger has directed his attention and the

<sup>14</sup> For a full report on this historic conference see *President, Chief Justice Address National Conference on the Judiciary*, THE THIRD BRANCH, March, 1971, pp. 1-2.

<sup>15</sup> See also W. Burger, *Agenda for Change*, 54 J. AM. JUD. Soc'y 232 (1971).

<sup>16</sup> For further details see *State Court Center Founded, Plans Moving Ahead*, THE THIRD BRANCH, July, 1971, p. 1.

prestige of his office to promoting the application of modern management methods and techniques to the courts. The Chief Justice is aware, however, that the installation of computers and other hardware in the courts without competent managers to make use of these management tools will lead nowhere. It is clear as well that the people system—effective human interrelationships, personnel selection and in-service training are just as much a part of modern management as are computers and management information systems.

For the most part, both federal and state courts have not been administered and managed by trained professional executives. Typically, courts have been managed by a presiding judge and a clerk. Normally the judge has had neither training nor special interest in management and administration.<sup>17</sup> The interest and training of a chief judge, and rightfully so, are usually in being a judge, i.e., hearing and deciding cases. Chief Justice Warren E. Burger would undoubtedly agree that ideally he should not be spending anywhere near one-third of his time on the administration of the federal court system. Most judges look upon administration and the accompanying paper work as necessary evils. Nevertheless, many judges have been unwilling to delegate their administrative authority. In most cases, this results because there is no qualified person to whom the authority can be delegated. The clerk is often a man who has had little, if any, formal management training. He may be a political “hack” who has been appointed or elected to his position. In some cases the pay is quite low and capable persons cannot be attracted. Some clerks have worked their way up through the ranks and occupy their position mainly on the basis of seniority, not ability.

When courts were moving at a leisurely pace, management teams headed by a disinterested judge and an inadequately trained clerk were able to “muddle through”. Today, we have a different situation. Many courts are overwhelmed with filings. Both civil and criminal cases have increased dramatically—especially in metropolitan areas. New methods and new management must be introduced or the justice system will crumble. When it takes four and five years to get a trial in a civil court and as much as six months to a year in a criminal case, the system is obviously in deep trouble. One large metropolitan court system recently had to admit that it really could not ac-

<sup>17</sup> There are a few notable exceptions to the above statement. New Jersey under the leadership of Chief Justice Arthur T. Vanderbilt and his successor Chief Justice Joseph Weintraub developed a unified court system—starting in the 1950's—which has been outstanding. Mr. Edward B. McConnell, a law school graduate with an M.B.A. from Harvard University has had a distinguished career as Administrative Director of New Jersey's courts. Another example of good management over the years is the large multi-judge Superior Court of Los Angeles County. Mr. Edward C. Gallas, a well-known authority on court management, served for a number of years as the Chief Executive Officer of this court. Mr. Frank Zolin is presently in charge.

curately report who was in jail and who wasn't at any given time.<sup>18</sup> The goal is not to develop production line procedures, but to improve the quality of justice.

The multi-judge courts in our metropolitan centers have become huge, complex institutions.<sup>19</sup> The total cost of the American court system has been estimated to be in excess of one billion dollars per year. Such a large, intricate organization needs all of the professional management expertise available. Such expertise has been in very short supply. It has been noted that America has more qualified, trained astronauts than court executives.

Evidence of the recognition now being given to the court administrator is reflected by the following development. On January 5, 1971, Congress amended Section 332 of Title 28 of the United States Code by enacting Public Law 91-647. This law provides that the Judicial Council of each federal circuit may appoint a Circuit Executive from among persons who shall be certified by the Board of Certification. The Circuit Executives' salary will be approximately \$36,000 per year. The passage of a law providing for these positions has aroused widespread interest. It is expected that the courts, Congress and various state legislatures will soon create additional well-paying court management positions.

Specialized court management training which differs from traditional M.B.A. or M.P.A. programs seems imperative because of the uniqueness and complexity of the culture surrounding the judiciary. For example, the selection, orientation and handling of juries (a daily task faced by a court manager) is not directly paralleled in the business world, but constitutes a unique and important aspect of court management. Focused training for court managers is warranted by the same kinds of reasoning that led to special training programs for hospital administrators and city managers. The analogy between hospital administration training and court administration training seems valid and will be discussed in more detail later in this paper.

Although the following list is not conclusive, it does indicate some rationale for the thesis that the court environment is unusual and therefore presents uncommon management problems.<sup>20</sup>

1. The all-pervading and over-riding objective of the judicial process is *JUSTICE*.

<sup>18</sup> For a good discussion of this entire problem see E. Friesen, *supra* note 4, chapter 1. For those desiring an over-all look at court management and the problems involved, *MANAGING THE COURTS* is required reading. In fact, it represents the only systematic textbook available.

<sup>19</sup> For example, the Superior Court in Los Angeles has over 150 judges under one management.

<sup>20</sup> For further discussion of the uncommon management environment of the courts, see E. Friesen, *Constraints and Conflicts in Court Administration in Symposium—Judicial Administration*, 31 PUB. ADMIN. REV. 120 (1971).



There is no profit motive, and efficiency itself must be subordinated if it interferes with justice and the constitutional guarantees of due process .

2. The court cannot appropriate its own funds. The court must rely on another independent branch, the legislature, often in combination with state and federal (for example, LEAA) funds, and county executive units of government, as well as local or county legislative bodies. Subsistence and not infrequently personnel and/or other management services (for example, computer time) cannot be requested and allocated independently. For historical and cultural reasons many courts resist becoming aggressively immersed in these various budgetary management and negotiation processes.
3. A multi-judge court is not an entity. It is an aggregate of independent sovereigns. Judges are either appointed for life or elected or appointed for long terms. Their independence is traditional and, in regard to the decisional processes affecting individual cases, essential. Judges and their often individually and independently appointed court teams (i.e., bailiffs, court reporters, courtroom clerks) are difficult to weld into a court-wide, smooth-functioning team. Judges like lawyers are soloists by training and tradition.
4. The trial of a law suit is an adversary process with the proceedings governed by constitutional guarantees and procedural requirements. A trial simply doesn't lend itself to managerial efficiency. Lawyers, who in most jurisdictions provide the impetus to cases and caseflow, have conflicting objectives. Like jurors, lawyers are crucial elements in the court's workflow but are not employed by the court.
5. The court cannot and probably should not exercise complete control over its workload.
6. The division of labor among various levels of court systems result more from historical antecedents than the nature of the work assigned to the systems as a whole. Handling of interrelated matters by a court is frequently fragmented with no interrelated staff or authority except appellate procedures. This fragmentation is deeply rooted and difficult to overcome.

### *The Institute for Court Management*

In September of 1969, Chief Justice Warren E. Burger, Mr. Bernard Segal, the President of the American Bar Association and Mr. Ernest C. Friesen, Jr., then the Administrative Director of the United States Courts, sat down together to discuss the creation of a development program for court executive officers. These men were aware that the time for speechmaking was over. As a result of this gathering, a series of meetings was initiated in October of 1969 by a small task force. Additional men were added to the original group and by November a prospectus had been drafted concerning the development of court executives.

A Board of Trustees was selected and on February 8, 1970, the Board held its first meeting and announced that the Ford Foundation had made a grant of \$750,000 to a new organization—The Institute for Court Management.

Mr. Herbert Brownell,<sup>21</sup> former Attorney General of the United States, was elected Chairman of the Board of Trustees and Mr. Ernest C. Friesen, Jr., was elected Executive Director. The University of Denver College of Law was selected as the base of operations for the Institute. The American Judicature Society, The Institute of Judicial Administration and the American Bar Association agreed to jointly sponsor the Institute. In addition to the Ford Foundation, the Johnson Foundation of Racine, Wisconsin, and the Federal Law Enforcement Assistance Administration provided additional funding,<sup>22</sup>

The Institute was formed with the following goals in mind: (1) to train and develop managers capable of coordinating and servicing the complex operations of a multi-judge court; (2) to conduct studies and research; (3) to develop educational materials, problems, manuals, films, seminar courses, etc.; (4) to participate in the efforts of other groups in the field and provide service to these organizations.<sup>23</sup> In short, the Institute initiated a program to develop court managers, conduct research and mobilize the collective will of the judiciary.

### *The Institute's Training Program*

Thirty-one Fellows were chosen for the first Institute Class. Their ages ranged from twenty four to fifty. Approximately one half of the class had law degrees. Two Fellows had Ph.D.'s and several had Master's degrees in Public Administration and related fields. Over one half of the class had some experience in court administration or allied fields such as probation work, law enforcement or corrections. The class began in June of 1970 and continued for twenty-six weeks.

The schedule called for: Court Orientation—Immersion (2 weeks), Systematic Instruction—Classwork (9 weeks), Internship (13 weeks) and Final Seminar (2 weeks). Of the thirty-one graduates in the first class, twenty-eight have accepted positions as Court Administrators or in work which is directly supportive of court administration and court administrators. Two men are engaged in teaching and research at the university level. One graduate is presently employed outside the field of court administration. Salaries for the positions filled by the graduates range from \$15,000 to \$36,000.

During 1971, two additional classes consisting of fifty-seven individuals were trained. With a fourth class of thirty-five to forty Fellows beginning in mid 1972, over one hundred twenty will be available to fill high-level court

<sup>21</sup> Mr. Brownell has authored an article which describes the organizational period of the Institute for Court Management. *A Development Program for Court Administrators*, 54 J. AM. JUD. SOC'Y 99 (1970).

<sup>22</sup> G. Gallas, *supra* note 13 at 2.

<sup>23</sup> G. Gallas, *supra* note 13 at 6.

administration posts by late 1972. These men will be virtually the only men in the United States who have been thoroughly and specifically developed for executive positions in the courts. This does not mean that there are not other competent executives in the field; but, they are men who are largely self-trained rather than formally developed. The Institute for Court Managements' present plans are to continue its formal development program through 1974 gradually placing the emphasis on the development of active practitioners.

### *University Training Programs*

It is believed that by 1972 or 1973, university and college training programs will be able to play an important role in the development of court administration. Only four universities presently have programs in effect. These institutions are: The University of Denver College of Law and School of Public Administration; the University of Southern California, School of Public Administration; The American University Center for the Administration of Justice, and the Colorado State University College of Business.

There are quite a number of universities with programs in law enforcement, corrections and criminal justice. The University of Omaha; Wichita State University; Michigan State University; and the John Jay College of Criminal Justice, City University of New York, are representative of this group. There are indications, however, that some of the schools offering law enforcement programs may start including court management as an important phase of their curriculum. The modern trend is to look at law enforcement as only one part of the total criminal justice system. An indication of the new thinking is the fact that Michigan State University on July 1, 1970, changed the name of its well known School of Police Administration to the School of Criminal Justice.<sup>24</sup>

Law schools would seem to be a good place to teach court administration. Dean Dorothy Nelson has been teaching a course in this area at the University of Southern California Law School. She is also writing a casebook on judicial administration. However, some courses being offered in law schools today seem to deal with judicial administration in terms of criminal procedure, administrative law, judicial ethics and responsibilities, rather than the real problems of court management, i.e., calendaring, jury management, budgeting, personnel, and information systems. A number of prominent law

<sup>24</sup> Professor Carl Baar of Cornell University has suggested that such departments may not be the best place for court management training. In a personal letter to the writers, Professor Baar points out that the problems of the court are general and widespread. They involve both the civil and criminal docket. There is an unfortunate tendency, because of the current crime crisis, to assume that the criminal courts present all the problems.

schools either have or are seeking grants from government agencies or private foundations to conduct studies in the criminal justice field. Harvard Law School and the University of California Davis Law School, for example, have major studies underway in this area. A long list of universities and colleges are reported to be interested in establishment of a court management program.<sup>25</sup>

### *The University of Denver Program*

The University of Denver College of Law has recently announced a new master's degree program in Judicial Administration. Forty-five quarter hours including a 2-4 hour internship are required for the degree. The Denver University program features interdisciplinary courses in law, management, administration and public finance. Six quarter hours are devoted to empirical research methodology. It is now possible at Denver University to pursue a four year program of study leading to a J.D. in law and a M.S. in Judicial Administration concurrently. A few students will have a J.D. degree in law before entering the M.S. program. Mr. Harry Lawson, the State Court Administrator for Colorado, will be in charge of an eight credit hour judicial administration seminar. Mr. Lawson, a consultant and lecturer for the Institute for Court Management, is well qualified for his role in the D.U. program.

### *The University of Southern California Program*

The University of Southern California very recently announced a program in judicial administration. Dr. Peter Haynes will serve as the first Director. Dr. Haynes has been affiliated with the Institute for Court Management for a year and was a Fellow in the second class. The U.S.C. program will be administered by the School of Public Administration; however, the School of Law will also be involved. The U.S.C. program has been funded by the California Council on Criminal Justice. During the next two years, U.S.C. will be attempting to design a computer simulation game concerned with court management as well as programmed instruction.

<sup>25</sup> The list includes University of Maryland, Florida Atlantic University, Georgia State University, Florida State University, Long Island University, The University of New York at Albany, Southern Illinois University, San Diego State, Central Michigan University, West Virginia University, Duquesne University, University of Tulsa, Washington University (St. Louis), Temple University, Indiana University, Michigan State University, Sam Houston University, University of Miami, St. John's University (Jamaica, New York), University of Arkansas and the University of Houston. Some of the above are definitely planning programs, others are only in the early discussion state. Some are merely universities in which a professor has expressed an interest in further investigation of the matter.

### *The American University Program*

The Center for the Administration of Justice at American University was formed by a merger of the Law Enforcement and the Correctional Administration Programs. Courses in court administration are offered but the catalog offerings suggest that law enforcement and corrections continue to be the major emphasis. The Center offers programs for both part-time and full-time students. One program leads to a Certificate in the Administration of Justice and it is designed primarily for part-time, non-degree students employed by governmental agencies involved in the administration of justice, civil and criminal. Another program requiring the completion of 16 courses leads to an Associate Degree in the Administration of Justice. This program is designed for part-time, undergraduate students employed by government agencies involved in the administration of justice, civil and criminal. The Bachelor of Science Degree in the Administration of Justice, is designed both for students preparing for careers in the administration of justice and for students already actively engaged in such careers. For those desiring graduate work, the Center offers a Master of Science in the Administration of Justice. David Saari is the recently appointed Director of the Center.

### *The Colorado State University Program*

The Administrative Management area of the College of Business at Colorado State University will offer an option in Judicial Administration beginning in 1972—Winter Quarter. The program will be an undergraduate one and will include courses in judicial administration, records management and an internship in a trial court of general jurisdiction. Dr. John Staples will coordinate the program at Colorado State University.

### *Hospital Administration as a Model*

It is interesting to note that until 1970 there was not a single university program specifically focused on training court administrators. At the same point in time hospital administration had reached considerable sophistication and maturity.

In 1924, Marquette University established a College of Hospital Administration.<sup>26</sup> Marquette's program was dropped in 1928 because there was not sufficient enrollment. In 1934, the University of Chicago initiated a program and Northwestern University followed in 1943. In 1945 Columbia University established its now-famous school. Minnesota, another leader in the field, organized a school in 1946. Today hospital administration programs are offered

<sup>26</sup> See L. Jackson, HOSPITAL AND COMMUNITY 581 (1964) for a discussion of the development period for hospital administration.

at more than a score of leading colleges and universities. Best known are two year graduate level programs. One year is devoted to academic training and one year is spent in an internship program. As a result of the various programs across the United States, hospitals and clinics are largely administered by professionally trained administrators rather than medically trained doctors. After a long period of scientific training, the medical doctor can normally serve best by devoting his time to the area of his expertise, i.e., the operating room, laboratory or clinic office, not in administration and management. The same reasoning applies to a judge. After long training in law and legal problems, it is wasteful for a judge to spend his time in an area for which he has neither training nor interest. It is our prediction that the development of court administration will follow the same pattern as hospital administration. Court administration, at the moment, is 25 years behind hospital administration. It is estimated that it will not require more than seven years for court administration to close the gap.

### *Levels of Court Administration*

The "blue ribbon" classes being trained by the Institute for Court Management should provide candidates for top positions available in the \$15,000 to \$40,000 salary range. The top court administrator in a court should receive a salary nearly equivalent to the judges of the court. Salaries today for judges in courts of general jurisdiction and above are usually in excess of \$20,000 per year; \$30,000 per year is not uncommon. Those trained in the master's programs at Denver University, University of Southern California, and American University and similar universities should be able to handle second-level positions in the \$12,000 to \$20,000 category. There are, however, great numbers of third level positions in the court administration field which will be in the \$6,000 to \$12,500 range. It is suggested that individual's with Bachelor's degrees with a focus in court administration, such as the program at Colorado State University, will be well qualified to move into these positions.

### *A Place for Colleges of Business*

It is the writers' thesis that Colleges of Business are eminently qualified to offer programs in court administration. Court administrative staff personnel need relevant learning experiences in management, political science, human relations, accounting, economics, public finance, budgeting, systems analysis, management information systems, personnel management, records management and law. They also need training in speech, psychology and sociology.

A college of business with a strong business law faculty may be especially well suited to administer such a program. Business law faculty with both a

J.D. and an M.B.A. have excellent qualifications for teaching and research in this area. Those who are eager to obtain research grants will find that LEAA and various private foundations are anxious to receive proposals in the area of court management and allied fields.

To be truly successful, any program conducted by universities whether on the graduate or bachelor's level must be conceived, planned, operated and continuously evolved in collaboration with the target court systems. The development of people should carry to and from the work situation. If programs are operating with insufficient cognizance of the actual and future needs of court systems, little will be accomplished. University degrees and courses are one aspect of a total program which should be designed both to update the skills of present court personnel and to develop new blood for emerging professional roles. A comprehensive approach which includes a strong linkage of universities and courts to provide formalized courses and degrees, short-term workshops and seminars and job enrichment is the modern concept which ought to be applied. A secondary benefit should be the development of knowledge in the field.

### *Plans for the Future*

It is predicted that perhaps eight or ten universities will have initiated court management education programs by late 1972. The Institute for Court Management, under the direction of one of the authors, plans to organize a conference to consider the proper role for colleges and universities in the court management field. One conference, or perhaps a series of conferences, should assemble a large group of professors and university administrators interested in developing research and curricula in court administration. There is a need for the development of courses and university programs which effectively relate to the real needs in the field and to one another. The seminar planned by the Institute will be designed to facilitate such an occurrence.

In conclusion, it is our belief that universities can devote more emphasis to judicial administration and the problems of our courts. This is a subject of great interest to students. Quite a number of them have lost confidence in our judicial system. It is not our obligation to defend or cover up the shortcomings of our courts. It is our duty, however, to deal with the courts and their problems. In some cases, our students are grossly misinformed and badly in need of the understanding we can provide.

Nothing can be more important in maintaining our civilization and our economy than respect for law, and that means, in the last analysis, respect for law as administered in the courts.

—Arthur T. Vanderbilt