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LEADERSHIP COMPETITION IN JUDICIAL MANAGEMENT AT THE STATE LEVEL

JAMES A. GAZELL*

INTRODUCTION

SPECIALISTS in public administration have tended to neglect a sector of a discipline which is becoming increasingly significant: judicial management. Public administration analysts have usually focused their interest on four aspects of this discipline, namely, administrative law; fiscal administration; organizational theory; and personnel administration. Such specialists have continued to ignore judicial management in spite of its growing significance.¹ During the last four years, the large-scale prosecution of civil rights demonstrators,² the mass prosecutions of university demonstrators,³ the report of the National Advisory Commission on Civil Disorders,⁴ the report of the President's Commission on Law Enforcement and the Administration of Justice,⁵ the Skolnik Report to the National Commission on the Causes and Prevention of Violence,⁶ and the final report of the last-named commission⁷ have publicized numerous, serious shortcomings in judicial organizations, especially in the

* MR. GAZELL received his Ph.D from Southern Illinois University and is currently an assistant professor of Public Administration and Urban Studies at San Diego State College. His publications include a book, *THE POLITICS OF JUDICIAL REFORM*, and numerous articles in political science, business management, and law journals.

1. For example, the only article in a public administration journal centering on judicial management is Schaeffer, *Management in the Judiciary*, *PUB. ADMIN. REV.*, 89-96 (1953).

2. BARRETT, *CRIMINAL JUSTICE: THE PROBLEM OF MASS PRODUCTION IN THE COURT, THE PUBLIC, AND THE LAW EXPLOSION*, 110-11 (H.W. Jones ed. 1965).

3. See Davies, *Berkeley Rally Denounces Judge*, *N.Y. Times*, July 30, 1965, at 54, col. 4; Davies, *Trial Starts for 55 in Berkeley Sit-In*, *N.Y. Times*, April 2, 1965, at 71, col. 1; Turner, *Berkeley Groups Report on Fight*, *N.Y. Times*, Jan. 6, 1965, at 29, col. 4; Turner, *Many at Berkeley Sit-In Trial Spurn Probation Bed*, *N.Y. Times*, July 20, 1965, at 13, col. 1. See also *N.Y. Times*, Mar. 3, 1965, at 13, col. 3.

4. NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS, *THE REPORT OF THE NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS*, 340-44 (1968).

5. PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND THE ADMINISTRATION OF JUSTICE, *THE CHALLENGE OF CRIME IN A FREE SOCIETY*, 379-80 (1968).

6. SKOLNIK, *THE POLITICS OF PROTEST*, 293-326 (1969).

7. NATIONAL COMMISSION ON THE CAUSES AND PREVENTION OF VIOLENCE, *TO ESTABLISH JUSTICE, TO INSURE DOMESTIC TRANQUILITY*, 128, 130, 137-38 (1970).

state trial courts. Such weaknesses include a growing backlog of cases, a lack of trial court consolidation, a failure to abolish fee offices, a need for more non-partisan methods of judicial selection, a growing demand for more judicial staff officers, and a need for judicial leadership. Even though these problems are deeply intertwined, a researcher may still validly factor out one of them for separate analysis. Therefore, let us examine one salient problem in judicial management: leadership competition between the formal line authorities and their expert staff aides at the state level.

FORMAL JUDICIAL LEADERSHIP: ITS FUNCTIONS,
PROBLEMS, AND POWERS

An analysis of formal judicial leadership centers on two lines of authority: the chief justice at the state level and the chief judges at the local level. Scholars have tended to focus most of their attention on executive leadership in the public and private sectors and have virtually ignored judicial leadership.⁸ Perhaps the main reason for this neglect is that, until the states began to consolidate their judicial bureaucracies, the multiplicity of independent trial courts made opportunities for such leadership rare. However, because of such consolidations, judicial executives have been created at the supreme court and trial court levels.⁹ These executives are beginning to operate judicial organizations as if they were bureaucracies because the former are becoming increasingly analogous to the latter.¹⁰ The state supreme court is assuming the role of top management, with the chief justice as chairman of the board and the court administrator's office as the staff arm of the board. The appellate courts are beginning to resemble middle management. The chief judges of the trial courts are starting to constitute supervisory management over a

8. See BARNARD, *THE FUNCTIONS OF THE EXECUTIVE*, 216-17 (1938); DRUCKER, *THE EFFECTIVE EXECUTIVE*, 9-24 (1967); NEUSTADT, *PRESIDENTIAL POWER*, 22 (1964); SAYLES, *MANAGERIAL BEHAVIOR: ADMINISTRATION IN COMPLEX ORGANIZATIONS*, 33-45 (1964); SELZNICK, *LEADERSHIP IN ADMINISTRATION*, 22-26 (1957); See also Golembiewski, *Three Styles of Leadership and Their Uses*, 38 *PERSONNEL* 13 (1961).

9. Frederick, *The Judiciary*, *THE BOOK OF THE STATES 1968-1969*, at 103 (1968).

10. GALBRAITH, *THE NEW INDUSTRIAL STATE*, 159-68, 176-88 (1967). See also POUND, *ORGANIZATION OF COURTS*, 78 (1940); PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND THE ADMINISTRATION OF JUSTICE, *supra* note 5, at 380; Vanderbilt, *The Essentials of a Sound Judicial System*, 48 *NW. U.L. REV.* 13 (1953).

labor force of judges, associate judges, magistrates, clerks, attorneys, and litigants.

In this new ambience, both kinds of judicial executives have started to confront the leadership functions, problems, and powers that their counterparts in other public, as well as private, organizations had exercised for many years. Like Barnard's industrial executives, judicial leaders are beginning to perform such functions as setting output goals, facilitating communications throughout the judicial bureaucracy, motivating other justices and judges, and serving as a power broker among competing factions.¹¹ Moreover, judicial executives face the broad range of managerial problems that confront other corporate leaders—specializing effectively; delegating authority wisely; maintaining unity of command; narrowing the span of control; avoiding excessive layering; deciding whether to establish and organize departments, divisions, or districts on the basis of purpose, process, place, or clientele; using their staff members advantageously; emphasizing the judicial budget as an instrument of coordination, control, and planning; measuring output; using computers for retrieving information, for case scheduling, and for maintaining records and striking a balance between the scientific management and the human relations approaches to the treatment of subordinates.¹² Finally, judicial executives have gained some of the powers wielded by their industrial counterparts, such as the power to transfer judicial personnel to divisions or districts where a backlog is forming or worsening, and the power to discipline judges for handling cases too quickly, too slowly, or too incompetently by shifting them from one section of the judicial bureaucracy to another.¹³ Even though such executives cannot dismiss their elected line subordinates, they can often force them to resign as a consequence of an adverse transfer, temporary suspension, or unfavorable publicity resulting from investigations by their staff agency or the state or local court administrator's office.

11. BARNARD, *THE FUNCTIONS OF THE EXECUTIVE*, 216-17 (1938).

12. BARNARD, *supra* note 11, at 119, 122; FOLLETT, *THE NEW STATE*, 5 (1918); GIVEN, *BOTTOM-UP MANAGEMENT: PEOPLE WORKING TOGETHER*, 3-4, 10-12 (1949); HEROH, *WHY MEN WORK*, 22, 61 (1948); INSTITUTE OF PUBLIC ADMINISTRATION, *PAPERS ON THE SCIENCE OF ADMINISTRATION*, 1-45 (Gulick & Urwick ed. 1937); SIMON, *ADMINISTRATIVE BEHAVIOR*, 20-44 (1957); TAYLOR, *THE PRINCIPLES OF SCIENTIFIC MANAGEMENT*, 10 (1942).

13. PRESIDENT'S COMMISSION ON LAW ENFORCEMENT, *supra* note 5.

One may cite at least five recent episodes in Illinois to illustrate the overall, but uneven, growth of judicial leadership in that state: First, in 1965, the Illinois General Assembly provided for the compulsory retirement of all justices and judges at age seventy.¹⁴ It was unclear, however, whether this law also included magistrates. In early August, 1967, John S. Boyle (Chief Judge of the Circuit Court of Cook County, a consolidated trial court) appointed three magistrates, two of whom were seventy and one of whom was seventy-one.¹⁵ On August 11, 1967, Chief Justice Roy J. Sofisburg, Jr., exercising managerial authority over the entire state judiciary,¹⁶ ordered Boyle to remove these men from office and to replace them with persons who had not reached the mandatory retirement age. Sofisburg issued this order even though he publicly conceded that there was no direct prohibition in the law against Boyle's action.¹⁷

Second, the unity of command in the Illinois judicial bureaucracy, although substantial, is not absolute, for not only all subordinates (except magistrates and staff officers) have the tenure of elective office,¹⁸ but also all assignments of judges by the chief justice have to be approved by the chief judge of the circuit to which the assignments are made.¹⁹ Both restrictions illustrate the delegation of judicial power which has been constitutionally built into this bureaucracy.

Third, in 1967, Boyle temporarily suspended two associate judges. One was suspended for setting a large number of unusually low bonds for persons charged with felonies, the other for setting an extraordinarily high number of bonds. The resulting adverse publicity induced both men to resign.²⁰

14. I LAWS OF THE STATE OF ILLINOIS ENACTED BY THE SEVENTY-FOURTH GENERAL ASSEMBLY AT THE REGULAR BIENNIAL SESSION 1965, 1792 (1965).

15. Chicago Tribune, Aug. 11, 1967, § 1 at 1, col. 3, at 2, col. 5; Chicago's American, Aug. 11, 1967, at 7, col. 1.

16. ILL. CONST. art. 6, § 2 (1870).

17. *Supra* note 15. See *Appendixes A & B*.

18. ILL. CONST. art. 6, §§ 2, 4, 6, 8, 10, 11 (1870).

19. ILL. CONST. art. 6 § 2 (1870).

20. See Golden, *Murphy Accused of Leaving Duties to Sign Bail Bonds*, Chicago Sun-Times, Nov. 21, 1967, at 8, col. 1; Koziol & Oswald, *Judge Ordered Off Bench*, Chicago Tribune, May 12, 1967, § 1, at 1, col. 8; Koziol & Oswald, *Take Murphy Off Bench in Probe of Bail*, Chicago Tribune, May 26, 1967, § 1 at 1, col. 1, at 9, col. 1. See also Chicago Tribune, Sept. 15, 1967, § 1 at 1, col. 8.

Fourth, in the author's interviews²¹ of Boyle and of Benjamin S. Mackoff, Administrative Director of the Circuit Court of Cook County, the author uncovered at least six specific examples of Boyle's judicial leadership: (a) In 1964, he lengthened the work year for all judges and magistrates in the court. All were allowed a vacation period of five weeks a year, which could be taken at one time or in staggered segments during the year. Before the consolidation of the circuit court, many Cook County judges took vacations for an indefinite time because there was no central authority, such as a chief judge, to compel them to work more. (b) In 1964, Boyle adopted the central assignment system as a device for reducing the backlog of cases. Under this system, the presiding judge of each division distributes the cases ready for hearing or trial among the judges and magistrates in his division as they are prepared to handle such cases. The presiding judge, if he is not lazy or tolerant of indolence by other judges or magistrates, might control the work day of his subordinates through this reporting system. Mackoff added that he preferred the assignment system to the calendar system because, under the latter, cases in each division were heard according to their position on the court calendar. Therefore, if one case was being slowly handled—for example, because a key witness was absent at a trial—no other cases in that division could be handled until the case at bar was finished, and the judges and magistrates had no work to do until the case had been concluded. Under the assignment system, according to Boyle, such a case might be put aside while other cases are adjudicated. Consequently, judges are never idled by obstructing cases.

Mackoff conceded that the assignment system does not assure judicial diligence, because the hard work of judges and magistrates depends, to a great extent, on the stringency of supervision exercised by the chief judge and the presiding judges. However, under the new Illinois judicial article, one might argue that the administrative authority of the chief judge can be undercut because the circuit and associate judges choose the chief judge and can remove him if they disapprove of his policies.²² Both officials implied that a prerequisite

21. The author interviewed both officials at the Chicago Civic Center, Room 2600, Randolph and Dearborn Streets, Chicago, Illinois 60605. The date of the Boyle interview was February 6, 1969; the date of the Mackoff interview, February 7, 1969.

22. ILL. CONST. art. 6, § 8 (1870).

to the establishment of the assignment system is the creation of a layer of seven presiding judges between the chief judge and the circuit judges. The presiding judges operate in seven divisions: law, criminal, divorce, chancery, county, probate, and family.²³ This additional lawyer reduced Boyle's span of control from 240 to 13 and enabled him to strengthen his leadership over the court.²⁴ (c) In 1964, Boyle eliminated the professional bondsmen because they charged exorbitant fees and manhandled arrestees. He instituted a system permitting a deposit of ten percent of bail as security for the release of an arrestee.²⁵ (d) In 1966, Boyle started what was to become an annual pre-trial program in which each circuit and associate judge in the law division (where personal injury cases are handled) was assigned an insurance company whose cases he was to review. (e) In 1967, Boyle supplemented this program by requiring circuit and associate judges to hold jury trials during the summer. Previously, such trials had been conducted only during ten months of the year. (f) In 1967, Boyle supervised the computerization of the court. As a result of this change, the court now keeps accurate, up-to-date records on the cases filed, the dates of filing, the scheduled trial dates, and the attorneys handling the cases. According to both officials, the lawyers' knowledge that this court had such records induced many of them to settle their cases quickly and to reduce the backlog.

Fifth, finally, in 1970, pressure from the Chicago Bar Association, the Administrative Office of Illinois Courts, and adverse newspaper publicity induced Judge Boyle to announce a series of additional devices for alleviating the congestion: the empowering of circuit court magistrates to hear personal injury claims up to \$15,000, superseding the previous \$10,000 limit; the granting of authority to magistrates to hear uncontested divorce claims; the requirement of mandatory negotiations by attorneys to settle potential lawsuits; the establishment of a pre-trial section in the law division to narrow, accelerate, or eliminate cases; the placement of new judges in the law divi-

23. ESTABLISH JUSTICE: ANNUAL REPORT OF THE CIRCUIT COURT OF COOK COUNTY, ILL. (1964).

24. For a discussion of span of control and layering, see SIMON, *supra* note 12, at 26-28; Urwick, *Scientific Principles and Organization*, 19 AM. MGT. ASS'N., INST. OF MGT. 8 (1938); Urwick, *The Manager's Span of Control*, 34 HARV. BUS. REV. 39 (1956). See also Appendix B.

25. ILL. REV. STAT. ANN. ch. 38, §§ 110-17 (Smith-Hurd 1964).

sion; the assignment of five judges to hear cases filed by attorneys who are handling fewer than ten cases at a time in the law division; and the assignment of more downstate judges to Cook County to maintain a minimum of thirty-eight judges in the law division.²⁶

JUDICIAL STAFF: COMPETITOR FOR LEADERSHIP?

Of increasing importance is the role of the staff as a facilitator of, or competitor for, judicial leadership. Staffs, commonly called court administrator's offices, were created to facilitate judicial management. Such offices were established by constitutional provisions or by legislation to furnish the judicial bureaucracy with the expertise that other large organizations, public and private, had found necessary because of their growth.²⁷

Such staffs perform numerous functions that are prerequisites for efficient judicial leadership, whether exercised mainly by line or staff. The duties entrusted to such offices include evaluating the organization, practices, and procedures of the state courts; keeping records and compiling data on the cases handled by all state courts; preparing periodic reports on the disposition of cases by all such courts; making recommendations about the assignment of judges to backlog-ridden courts; preparing and submitting estimates of future judicial expenditures to the proper budgetary agency of the state government; publishing and distributing copies of rules and orders to judges and clerks; supervising clerical personnel and their work; and securing the facilities and equipment needed by the courts. The functions performed by such officers help to provide the information necessary for the unified direction of the entire state judicial bureaucracy by the state supreme court, or its chief justice, and for the improved supervision of the consolidated trial courts by each chief judge.²⁸ However, the operation of such staffs at the trial court level may furnish chief judges with the information needed to resist the overall direction of the state court system by the staff agency of the highest state court, or its chief justice.

26. Green, *Court Changes on the Way*, Chicago Daily News, May 27, 1970, at 4 col. 1; See also *Suburban Economist* (Chicago), July 1, 1970, at 8.

27. *Supra* note 9, at 103; GALBRAITH, *supra* note 10, at 159-68, 176-88.

28. *Court Administrators: Their Functions, Qualifications and Salaries*, 34 A.J.S. INFORMATION SHEET 2-4 (1966); *Selected Readings on Administration of Justice and Its Improvement* at 71, 83-84 (1966); GALBRAITH, *supra* note 10, at 71-82.

According to the eminent jurist, Arthur T. Vanderbilt, the numerous staff duties have enabled judicial executives to compare the output of all judges; to determine whether a judge's work falls above or below the mean for his court, division, or district; to assign judges where they are most or least needed and where their specialized abilities can be most effectively used; and to accelerate the output of all trial courts.²⁹ Although Vanderbilt implies a high positive correlation between an increased quantity of judicial decisions and their quality,³⁰ one is skeptical, for speedy decisions are not necessarily fair decisions.

The states have witnessed a rapid increase in the number of court administrator's offices created at the supreme court and trial court levels. These offices have, so far, been established at one level or the other in thirty-five states. In all but three of those states, these offices have been founded since 1948.³¹

Although Vanderbilt viewed these staff officials as specialists who augmented the managerial effectiveness of judicial executives,³² this assessment may no longer be valid. Such officials may have become staff competitors for judicial leadership nominally exercised by the two primary line officials: the chief justice and the chief judge. Such staff officials may be slowly forming what, according to economist John Kenneth Galbraith, is a "technostructure"³³—a body of experts whose knowledge makes their titular superiors in the hierarchy dependent on them and, hence, subordinate to them in fact.³⁴ He stresses that technostructures arise in all large public and corporate organizations because the specialized knowledge needed to run them successfully varies directly with their size.³⁵

Because court administrators are experts, they may be gaining de facto control of state judicial bureaucracies just as the technostructures dominate other organizations. Chief justices and chief judges may be experiencing what their counterparts in other bureaucracies

29. Vanderbilt, *supra* note 10, at 13-14.

30. Vanderbilt, *supra* note 10, at 8.

31. Frederick, *supra* note 9, at 118. See *Appendix C*.

32. Vanderbilt, *supra* note 10, at 13-14.

33. GALBRAITH, *supra* note 10, at 71.

34. GALBRAITH, *supra* note 10, at 71-82.

35. GALBRAITH, *supra* note 10, at 81-82.

have encountered: a widening gulf between their authority and their power.³⁶ Such judicial executives may become increasingly like corporation presidents who find themselves simply ratifying decisions reached in the lower echelons by experts, or striking compromises when the experts disagree among themselves.³⁷ Judicial executives may become relegated to this figurehead position because they need the specialized knowledge of their staff officials for intelligent policy-making and because these officials determine the range of decisional choices open to such executives. Thus, court administrators may be acquiring more line functions, may be reversing the downward flow of authority, may be providing judicial leadership themselves instead of merely facilitating it for their titular superiors, may be assuming more significant decisionmaking, and may be turning into enclaves accountable, in fact, to no one but themselves. Such changes may be the inevitable concomitants of organizational growth rather than a conscious conspiracy by a power elite.³⁸

To date, there is little empirical evidence to support the hypothesis that court administrators have begun to assume de facto leadership of judicial bureaucracies and to relegate the formal judicial executives to a nominal role. However, there is such evidence that this hypothesis may be valid in describing the role of the Administrative Office of the Illinois Courts. In the author's interviews with two high-ranking members of this office, they challenged, in at least three significant respects, Chief Judge Boyle's claims to effective judicial leadership.³⁹

First, one official questioned the efficacy of the central assignment system and of shortened judicial vacations as instruments for reduc-

36. THOMPSON, *MODERN ORGANIZATION* 4-6 (1961).

37. GALBRAITH, *supra* note 10, at 100-03. For an example of a company president (Henry Ford) who refused to accept relegation to a titular role, see FORTUNE, *THE EXECUTIVE LIFE* 192 (1956); GALBRAITH, *THE LIBERAL HOUR* 141-44 (1960); Harris, *Ford's Fight for First*, FORTUNE 123, 126 (Sept. 1954); Roberts, *Ford's Reorganization: The Management Story*, 19 *ADVANCED MANAGEMENT* 9-12 (May, 1954).

38. GALBRAITH, *supra* note 10, at 80-81. See also MILLS, *THE POWER ELITE* 3-4, 228-31 (1956); ROSE, *THE POWER STRUCTURE: POLITICAL PROCESS IN AMERICAN SOCIETY* 41-42 (1967).

39. The author conducted the interviews of both officials at the Administrative Office of the Illinois Courts, Suite 2010, 30 North Michigan Avenue, Chicago, Illinois 60602. One interview was given on January 24, 1969; the other, on January 28, 1969.

ing the congestion in the Circuit Court of Cook County. He argued that the presiding judge of each division faced the inability to assign cases to judges and magistrates in order to have them working during most of the regular court hours.⁴⁰ He contended that this inability resulted from lawyers not being ready to present their cases at the scheduled trials. Consequently, some judges had no work to do during part of a regular court day. Moreover, since many attorneys were unprepared to argue their cases in court, it made little difference whether the divisions of this circuit court used a central assignment or a calendar system or whether judges and magistrates took shorter vacations. Because there was often little work for judges and magistrates to do, there has been no opportunity to ascertain the existence of judicial indolence and its impact on the backlog of civil cases in this court.

Second, the other official doubted the usefulness of the pre-trial conference as a congestion-cutting device because, in his view, judges and magistrates, faced with a large backlog of personal injury cases, could not threaten an early subsequent trial if the parties failed to settle their case at this conference. Without such a threat, at least one party to such a conference usually will not feel any urgency about settling the case at hand. Moreover, he contended that the backlog itself was the greatest contributor to its own perpetuation because it encouraged among lawyers and their clients an expectation of delay in the disposition of their cases. For example, according to this official, Albert E. Hallet, a circuit judge in the law division, customarily granted at least three continuances in all cases that he handled.

Third, the second official questioned Boyle's wisdom in the selection of presiding judges to help reduce the congestion in this court. He argued that a turnover of presiding judges might be necessary in this court before it could expect to eliminate its congestion and prevent such a recurrence. According to this source, the presiding judges to whom he referred as "kings" had successfully resisted Boyle's efforts to assert his authority over the entire court. These officials contended that, although Boyle could *theoretically* reassign these presiding judges, he could not *in fact* do so, mainly for three reasons: (1) The presiding judges were accustomed to operating

40. See Appendix B.

their divisions as if they were still independent courts. Three divisions, criminal, probate, and family, had been independent courts⁴¹ before the new Illinois Judicial Article became effective on January 1, 1964.⁴² He stated that some of the presiding judges still referred to their divisions as if they were independent courts. (2) Some of the presiding judges tended to resist orders or suggestions from Boyle, who lacked their managerial experience. According to this informant, the presiding judges used their claim to expertise in handling a particular kind of litigation as a device for resisting attempts by the Chief Judge to assert his managerial authority over them. (3) Boyle might be reluctant to try such an assertion in deference to the expertise and experience of, and his friendship with, the presiding judges.⁴³ This official concluded that the Chief Judge would probably be unable to exert effective leadership over the entire Cook County judicial organization until the "kings" leave their positions. Then Boyle or his successor could appoint presiding judges who had not acquired the independent outlooks, prerogatives, and habits accruing from working under the Cook County court system which had existed before the operation of the new Illinois Judicial Article. However, a turnover in presiding judges may be imminent because the mean age of these judges is sixty-six.⁴⁴ However, because Boyle is sixty-eight,⁴⁵ he may not remain Chief Judge long enough to witness such a turnover.

AN AGENDA FOR FURTHER RESEARCH

An analysis of the competition for judicial leadership rests on an assumption permeating judicial management—that judicial organi-

41. ILL. STAT. ANN. ch. 37, §§ 164, 299 (Smith-Hurd 1935); ILL. REV. STAT. ANN. ch. 23, § 204 (Smith-Hurd 1968).

42. ILL. CONST. art. 6, § 1 (1870).

43. *Supra* note 23, at 5-22.

44. WHO'S WHO IN THE MIDWEST (10th ed. 1966) at 23 (Thaddeus V. Adesko, Presiding Judge of the County Division, age 67), at 120 (Cornelius J. Harrington, Presiding Judge of the Chancery Division, age 72), at 289 (Robert Jerome Dunne, Presiding Judge of the Probate Division, age 70), at 486 (Robert L. Hunter, Presiding Judge of the Divorce Division, age 71), at 654 (Daniel J. McNamara, Presiding Judge of the Family Division, age 48), and at 763 (Joseph A. Power, Presiding Judge of the Criminal Division, age 53); MARTINDALE-HUBBELL LAW DIRECTORY 1969, LAWYERS: ILLINOIS—MISSOURI (1970), at 123 (Harold G. Ward, Presiding Judge of the Law Division, age 80).

45. WHO'S WHO IN AMERICA 1968-1969, 268 (1969).

zations are essentially like all other forms of bureaucracy and are merely another species of the same genus. Therefore, judicial organizations encounter the same kinds of interrelated problems facing other public, as well as corporate, organizations, such as specialization, delegation, unity of command, span of control, layering, different bases of organization (purpose, process, place, and clientele), budgeting, work measurement, data processing, personnel selection, human relations, judicial leadership, and staff functions.

Because specialists in public administration have neglected judicial management, the research agenda is extensive not only for this sector but also for the facets of this sector, such as judicial leadership and functions. In the area of judicial leadership, public administration scholars confront at least six main research problems: (1) to delineate empirically the functions of the judicial executive; (2) to compare his functions with those of other executives; (3) to determine leadership styles; (4) to analyze the efficacy of various managerial strategies; (5) to explore further the nature of judicial decision making in the handling of cases and managerial problems; and (6) to compare the decisionmaking processes of judges with those of other executives.⁴⁶ Among the methodologies applicable to this area are survey research, factor analysis, Guttman scaling, correlations, simulations, the participant-observer technique, and case studies.⁴⁷

In the area of staff functions, the primary task of public administration specialists is to examine the interactions of the formal judicial leadership and court administrators in order to ascertain whether the latter is assuming *de facto* leadership because of expertise and indispensability. If a judicial technostructure exists, a second task will result: to compare it with other technostructures. In this area, the most helpful research techniques may be simulations and case studies.⁴⁸

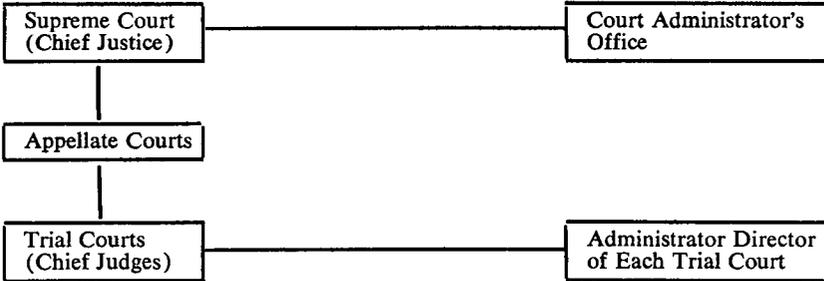
46. See Lindblom, *The Science of Muddling Through*, PUB. ADMIN. REV. 79-88 (1959).

47. SKOLNICK, *JUSTICE WITHOUT TRIAL: LAW ENFORCEMENT IN A DEMOCRATIC SOCIETY* (1967); Tanenhaus, *Supreme Court Attitudes toward Federal Administrative Agencies, 1947-1956—An Application of Social Science Methods to the Study of the Judicial Process*, 14 VAND. L. REV. 473-502 (1961).

48. Tanenhaus, *supra* note 47, at 473-75.

APPENDIX A

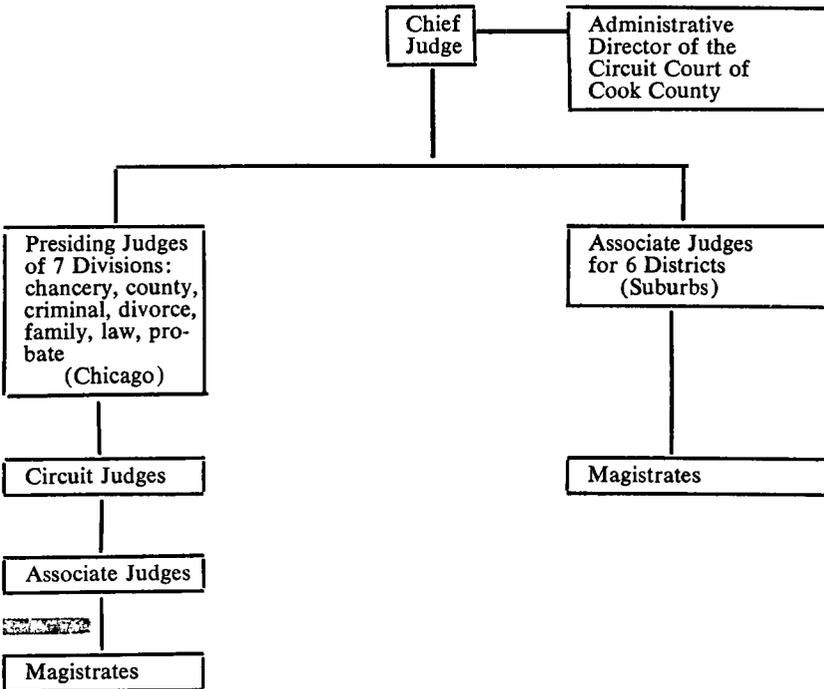
A TYPICAL CONSOLIDATED STATE COURT SYSTEM*



* Derived from ILL. CONST. Art. 6, §§ 1, 2, 4, 6, 8 (1870).

APPENDIX B

THE CONSOLIDATED CIRCUIT COURT OF
COOK COUNTY*



* Derived from ESTABLISH JUSTICE: ANNUAL REPORT OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS, 5-22 (1964).

APPENDIX C

STEPS TOWARD JUDICIAL CONSOLIDATION
IN THE STATES: 1970*

Year	Step 1: States with Court Admini- strator's Offices	Step 2: Abolition of Justices of the Peace or their Judi- cial Functions	Step 3: Consoli- dation of Trial Courts per se	Step 4: Inclusion of Consoli- dated Trial Courts into Statewide Unified Court System
1925-1929	1	0	0	0
1930-1934	0	0	0	0
1935-1939	1	1	0	0
1940-1944	1	0	0	0
1945-1949	1	2	1	1
1950-1954	6	1	1	1
1955-1959	11	8	5	3
1960-1964	5	10	9	7
1965-1969	9	6	4	3
Totals	35	28	20	14

* Derived from "The Judiciary," *The Book of the States 1970-1971*, 117-118, (1970).

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