

THE PENNSYLVANIA STATE UNIVERSITY
SCHREYER HONORS COLLEGE

DEPARTMENT OF SOCIOLOGY AND CRIMINOLOGY

MAGISTERIAL DISTRICT COURTS AND THEIR COMMUNITIES: AN
EXPLORATORY APPROACH

STEPHANIE JEAN LAPPLE
SPRING 2014

A thesis
submitted in partial fulfillment
of the requirements
for baccalaureate degrees
in Sociology and Criminology
with honors in Criminology

Reviewed and approved* by the following:

John Kramer
Professor of Sociology and Criminology
Thesis Supervisor

Stacy Silver
Professor of Sociology and Human Development
Honors Adviser

* Signatures are on file in the Schreyer Honors College.

ABSTRACT

Courts of limited jurisdiction process over sixty five percent of all the cases that come before courts in the United States. Typically these courts are located within smaller geographical venues and process narrow case issues regarding local ordinances, summary offenses, family matters, and cases involving maximum amounts of money or value. Existing literature on all courts rarely focuses on courts of limited jurisdiction. Rather, research focuses on the more visible courts of general jurisdiction where the most serious offenses are processed. This oversight of the lower courts has left an unfortunate vacuum of our knowledge regarding how these courts of limited jurisdiction process cases. These courts are important because all criminal cases begin before this court and they are courts where most defendants' cases end. This thesis begins to correct this oversight by studying Pennsylvania's Magisterial District Courts which serve as the courts of limited jurisdiction. To help frame the substantive nature of lower courts, Eisenstein et al.'s (1999) work on communities and function of the court within the community context is used as well as Malcomb Feeley's (1979) study of Hartford, Connecticut lower courts where he characterized the court procedures requiring defendants to appear in court as "the process is the punishment." This study uses two exploratory approaches to help to understand courts of limited jurisdiction. Court processing was observed in each of five Magisterial District Courts. Then, six Magisterial District Judges who presided over these courts were interviewed. It was found that many implications of the Magisterial District Courts such as their predictability, the political impact on the processes of courts of limited jurisdiction, and the intricate relations that develop among legal actors distinguish courts of limited jurisdiction from higher courts. The conclusions about courts of limited jurisdiction are then considered within existing theoretical framework. Ultimately, courts of limited jurisdiction are analyzed for how defendants perceive and administer justice when they encounter courts of limited jurisdiction.

TABLE OF CONTENTS

List of Figures	iii
List of Tables	iv
Acknowledgements.....	v
Chapter 1 Introduction to Courts of Limited Jurisdiction.....	1
Review of the Literature.....	2
The Court Community	3
The Process is the Punishment	4
The Current Study	6
Chapter 2 Methodology	8
Magisterial District Courts	8
Magisterial District Judges.....	10
Approaches and Limitations of Studying Magisterial District Courts	12
The Sample.....	13
Centre County, PA	14
Chapter 3 Results: The Observations.....	19
General Observations	19
Implications of the General Observations	21
The Magisterial District Judges.....	22
Implications from Observing Magisterial District Judges.....	24
Observations of Police Officers and Implications.....	25
Observations of Defense Attorneys and Implications	26
Conclusions	27
Chapter 4 Themes Derived from Interview Responses.....	29
Becoming a Judge	29
Court Staff and External Relations to the Public	31
Community Context	32
Political Implications of Being a Judge.....	33
Relations to Other Legal Professionals	35
Conclusions	39
Chapter 5 Analysis of the Magisterial District Courts and Their Communities	41
Conclusions: Observations and Interviews	41
General Observations: Predictability.....	42

The Political Impact on the Process	43
Intricate Relationships among Legal Actors	44
Conclusions: Courts of Limited Jurisdiction and Higher Courts	45
The Theoretical Framework	47
Limits of the Research and Future Research Needs.....	49
Appendix A Interview Questions.....	51
BIBLIOGRAPHY	53

LIST OF FIGURES

Figure 1: Hierarchy of the Unified Pennsylvania Judicial System	9
Figure 2: Centre County Townships	17
Figure 3: Magisterial District Boundaries.....	17

LIST OF TABLES

Table 1: Geographical Jurisdiction of Magisterial District Courts in Centre County..... 18

ACKNOWLEDGEMENTS

I would like to thank my honors adviser, Dr. Kramer, for his guidance and support throughout my college career. He has exposed me to many local courts and has given me the agency to explore my own interests through his classwork and this honors thesis. In addition, I would never have had the opportunity to conduct an honors thesis if it were not for the support of my parents, Bill and Angela, and my brother, John. Thank you for teaching me by your example. You have shown me that there are no limits to what you can achieve through faith, hard work, and dedication.

Chapter 1

Introduction to Courts of Limited Jurisdiction

Courts of limited jurisdiction process over sixty five percent of all the cases that come before courts in the United States. The National Center for State Courts (NCSC) Court Statistics Project found that in 2009, 70 million of the 106 million cases in state court trials were processed in courts of limited jurisdiction (Schauffer et al. 2011). These courts deal with narrow case issues and receive almost no media interest or recognition for their placement in the community. Courts of limited jurisdiction may be smaller and isolated in rural or suburban areas, many of which become second in interest to larger metropolitan courts. But as busy small geographical courts, courts of limited jurisdiction serve as a “platform” to demonstrate what Cornell (2012) determined “court performance excellence and innovations.” By their very nature, courts of limited jurisdiction embody the special interest to serve their surrounding communities, and this creates a problem as it potentially threatens the independence and objectivity of those who serve in these courts.

An entry level court is the broad term for what some states have named “courts of limited jurisdiction.” These courts are organized in the state court system according to legal and geographical jurisdiction. Courts of limited jurisdiction are the lowest courts and have limited power according to their hierarchical jurisdiction or their responsibilities and functions at different levels within the state judiciary. “Limited jurisdiction” or “special jurisdiction” permits courts to have legal authority over only certain types of cases such as local ordinances, summary offenses, bankruptcy, family matters, and cases involving maximum amounts of money or value. Thus, the NCSC has defined a court of limited jurisdiction as, “a trial court having legal

jurisdiction over only the specific subject matter or persons assigned by law or statute to that court” (Schauffer et al. 2011). Courts of limited jurisdiction differ from higher courts of general jurisdiction which are granted the authority to hear all types of cases that occur in their geographical jurisdiction.

All courts within the American court system apply the rule of the law and administer justice through common procedures. Courts of limited jurisdiction have selective characteristics and provide a limited experience compared to larger trial courts of general jurisdiction. For example, while there is an adversarial process, there is no jury in courts of limited jurisdiction. However, there are many substantive differences between lower courts and larger trial courts (Feeley 1979), and courts of limited jurisdiction should not be generalized with all larger courts. The existing literature presents the substantive nature of lower courts, including the notion of the “court community” and the notion of how “the process is the punishment” to explain how defendants experience lower courts.

Review of the Literature

The literature on all courts rarely focuses on courts of limited jurisdiction. Most scholars have studied courts of general jurisdiction which have the authority to hear all misdemeanors and felony cases that occur within their geographical jurisdiction. These courts encounter a wide range of trials, defendants, and sentencing outcomes. In social science, these factors provide the data necessary to focus on greater social issues in society. These topics include disparity in sentencing or differences among gender experiences within the criminal justice system.

It is important to study courts of limited jurisdiction because courts of general jurisdiction do not typically see matters that come before entry level courts such as summary offenses or violations against local town ordinances. Courts of general jurisdiction technically have

jurisdiction over these less serious cases only if the defendant appeals their case from a court of limited jurisdiction to have a trial de novo. There is no current understanding of how entry level courts deal with these types of cases, and if a court of limited jurisdiction's location within smaller communities affects what normative processes occur. This information could be particularly important to Magisterial District Judges of Pennsylvania who are elected; the information could be meaningful to the retention of their seat in office. The current theoretical frameworks shape how lower courts are understood for their substantial differences and what factors are considered when distinguishing courts.

The Court Community

Eisenstein, Flemming, and Nardulli (1999) studied nine middle sized jurisdictions in Illinois, Pennsylvania, and Michigan to apply the concept of "community" to criminal courts by analyzing the courts' interdependencies and common attributes that exist among the courtroom workgroup. Their "community metaphor" targets how criminal courts function as political institutions according to "their county legal culture, the beliefs of core members of the court community about how things ought to work and how they do their work, (...) the structure and status of power around them," and how these members enforce office policies and perform other tasks that shape behavior (53). The locations of these criminal courts were also studied, and it was implied that while courts can be viewed as communities, their surrounding communities and contributions impact the court as well.

This metaphor is an alternative viewpoint from what Eisenstein et al. (1999) refers to as society's preconceived "highly symbolic views" of all courts in general. These views are a "powerful set of beliefs" that see courts as traditional upholders of the basic values of democratic society. This "legal metaphor" presents the traditional notion that all courts act as "forces" which

throw criminals in jail or limit governmental control. Using the community metaphor, the authors found that these three “matching” wealthy, Republican suburban counties contained a broad range of individual, environmental, and organizational factors that successfully relate the courts’ nature to the function of a community. Specific examples such as the county legal culture, the physical layout of the courthouse, the interaction through the “grapevine” and the structure and strength of political culture intersect with how legal actors such as judges and attorneys perform duties in the courtroom. Ultimately these findings demonstrate that the application of “courts as communities” is a useful approach to understanding the complex reality of criminal courts’ function (1999).

Eisenstein et al. (1999) suggest that viewing courts as communities reveals the psychological and symbolic functions of criminal courts which are often ignored. Because the authors only applied their community metaphor to courts of general jurisdiction, it remains in question whether or not courts of limited jurisdiction may be susceptible to Eisenstein et al.’s (1999) theoretical framework. However, the notion of the court community might be considered among courts of limited jurisdiction because the role of the community may be more powerful within smaller geographical jurisdictions that locate courts more closely to the public. It is suggested that courtroom actors of limited jurisdictions would be more likely to develop interdependencies and share common attributes because these courts are located in smaller communities.

The Process is the Punishment

Feeley (1979) developed a theoretical framework that suggests “the process is the punishment” for defendants of a lower trial court of New Haven, Connecticut. He broadly investigated how lower courts function, how they are organized, and how they relate to their

larger environment. Feeley (1979) emphasized that lower criminal courts are a ‘world apart’ from popular trial courts largely because they deal mostly with “routine problems.” To make this distinction, he observed and interviewed judges, attorneys, defendants, and other legal actors within a specific geographical jurisdiction in close proximity to him.

Like Eisenstein et al. (1999), Feeley (1979) discussed that our notion of courts is often mislead and linked to our daily realities and practices. For example, what we see on “Judge Judy” or media coverage detailing popular criminal cases reinforces an image in our minds of trial procedure, defendants, and the adversarial system. His work suggests that we should view lower courts for how they maintain interdependencies and a “collective relationship with the larger environment [that] has important effects on how justice is perceived and administered” (xxx). Thus, Feeley (1979) further considered the relationships of lower court actors within their internal organization and the outside environment by analyzing the background of court officials. Important features such as how court officials collaborate, the structure of how their tasks are administered, and their combined effects together institute the substantive nature of lower courts.

Feeley’s (1979) research concluded that in a single New Haven trial court, the pretrial process, including long and sometimes counterproductive procedures, becomes the punishment in itself for offenders. Specifically, the pretrial process was the punishment for offenders who experienced several costs including the following consequences: pretrial detention and problems securing pretrial release, the high costs of attorneys, and the problem of continuances and delays in court (199). These findings suggest that the nature of lower courts may affect how offenders ultimately experience courts and that court actors have an established role in creating this experience. It is implied that when we distinguish a court for its substantive factors and its geographical jurisdiction, we may understand how a court’s external environment affects how justice is perceived.

The Current Study

The recent literature suggests that courts are generally misperceived through their distorting lens of traditional beliefs about their functions and procedures, but can be more accurately distinguished thanks to what Feeley (1979) refers to as the substantive components that more closely define the nature of the court. Concepts of community, interdependency, and the political functions of the courts in the literature stem from identifying courts in specific locations and jurisdictions. In addition, the literature implies that how justice is perceived and administered is important to describing the nature of lower courts.

Thus it is maintained we can better understand the substantial nature of lower courts when their geographical jurisdiction is defined and when court actors and processes become the foci within these jurisdictions. Courts of limited jurisdiction are defined quite specifically as courts that serve the smallest geographical venues, thereby emphasizing their close contact with the near public. It seems likely that notions such as the “court community” could be applied to courts of limited jurisdiction because of their smaller geographical jurisdiction; but it remains in question how limited jurisdiction affects the development of individual, environmental, and organizational factors. Feeley’s (1979) notion of “the process is the punishment” would be applicable to courts of limited jurisdiction if the processes of these lower courts ultimately determine how defendants experience the criminal justice system. In addition, judges are elected to courts of limited jurisdiction and it is presumed that these judges would subjectively contribute to how these courts administer justice. However, because the trial court Feeley (1979) observed was a court of general rather than one of limited jurisdiction, it is in question whether courts of limited jurisdiction would render a similar punitive experience.

The focus turns to courts of limited jurisdiction and what suggestions can be made about their nature, processes, and legal actors when justice is perceived and administered within small

venues and far closer geographical proximity. This thesis studies courts of limited jurisdiction through the strategies of existing literature to ask how more than half of the defendants that come through these courts will experience the criminal justice system. It is suggested that because these courts are limited by their jurisdiction and serve very small geographical areas, they are likely to be connected to and influenced by their communities.

Chapter 2

Methodology

The method by which we understand courts of limited jurisdiction and the implications for how they perceive and administer justice in their communities is exploratory. The exploratory research method is applied because of the absence of research regarding courts of limited jurisdiction, and so that we can begin to understand who the individuals and their inherent qualities are that dispense justice. The specific courts of limited jurisdiction used in this study are the entry level courts of the Unified Pennsylvania Judicial System known as the Magisterial District Court. Magisterial District Court Judges are key respondents in this study to understand the nature of courts of limited jurisdiction. To test the current theoretical frameworks on courts of limited jurisdiction, the Magisterial District Courts that were in close proximity to the researcher in Centre County, Pennsylvania, were selected because of their accessibility and the constraints placed on the researcher.

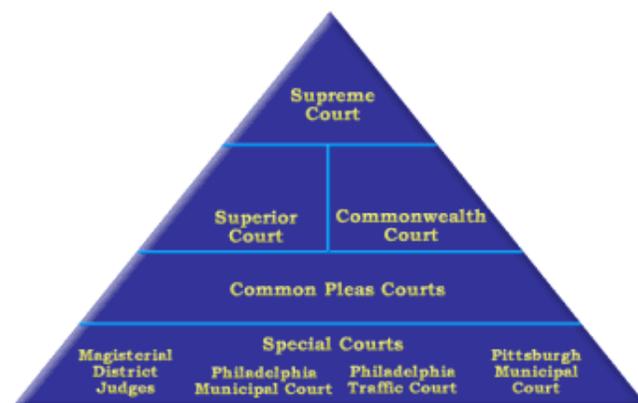
Magisterial District Courts

The courts of limited jurisdiction that have been selected for this study are Magisterial District Courts. Magisterial District Courts are categorized as minor courts and/or special courts in the hierarchy of the Unified Pennsylvania Judicial System. The Unified Pennsylvania Judicial System is structured like the pyramid shown in Figure 1. The Pennsylvania Supreme Court is the highest court in the Pennsylvania commonwealth. The Pennsylvania Supreme Court reviews and requests discretionary appeals from the Commonwealth Court and Superior Court, directs appeals from lower courts' decisions, and requests to intervene in lower courts' proceedings. Below the

Pennsylvania Supreme Court are two intermediate appellate courts: the Commonwealth Court and Superior Court. The Superior Court is the general intermediate appellate court and takes appeals of criminal and most civil cases from the Courts of Common Pleas or lower trial courts. Some of these appeals involve matters regarding children and families. The Commonwealth Court is responsible for hearing original civil actions brought by and against the commonwealth and appeals from decisions regarding state agencies (The Unified Judicial System of Pennsylvania).

Underneath the intermediate appellate courts lie the Courts of Common Pleas which are the general trial courts of Pennsylvania. These courts are responsible for appeals from minor courts and appeals not exclusively assigned to another court. Courts of Common Pleas can contain anywhere from 1-93 judges. These courts contain a President Judge and a court administrator. Lastly, special courts or courts of limited jurisdiction such as Magisterial District Courts, the Philadelphia Municipal Court and Traffic Court, and the Pittsburgh Municipal Court hold preliminary arraignments and hearings, set and accept bail in most cases, and decide whether serious criminal cases should be heard by the Courts of Common Pleas (The Unified Judicial System of Pennsylvania).

Figure 1: Hierarchy of the Unified Pennsylvania Judicial System



(Image: Penn State University Libraries)

Magisterial District Judges

In Pennsylvania, there are currently 527 Magisterial District Judges. Under Title 42 of the Pennsylvania Judicial Code, Magisterial District Judges run in competitive elections and serve six year terms. Candidates must meet basic requirements of citizenship and residency before they can run. Specifically, candidates must be citizens of the commonwealth for one year preceding their election or appointment and be at least 21 years of age. They must also become a member of the Bar of the Pennsylvania Supreme Court (The Unified Judicial System of Pennsylvania).

Once in office, every Magisterial District Judge will complete a continuing education program of no less than 32 hours per year. They may serve an unlimited number of terms until they reach the mandatory retirement age of 70, but some judges, if approved by the Pennsylvania Supreme Court, continue to serve as senior judges within the commonwealth. Vacant Magisterial Districts may be filled by gubernatorial appointment before an election. Magisterial District Judges may be removed from office, suspended or disciplined from misconduct. Their standards are specified “in the Pennsylvania Constitution, the Code of Judicial Conduct in the Pennsylvania Rules of Court, the "Rules Governing Standards of Conduct of Magisterial District Judges," and other court rules and orders set by Pennsylvania's Supreme Court (The Unified Judicial System of Pennsylvania).

Title 42 of the Pennsylvania Judicial Code defines the legal jurisdiction of Magisterial District Judges. Their legal jurisdiction broadly includes summary offenses, “except those arising out of the same episode or transaction involving a delinquent action for which a petition alleging delinquency is filed under Chapter 63 (relating to juvenile matters)”; matters which arise under The Landlord Tenant Act of 1951; civil claims; “except claims against a Commonwealth party (...) wherein the sum demanded does not exceed \$12,000, exclusive of interest in costs; in assumpsit, “except cases of real contract where the title to real estate may be in question”; in

transit, and fines and penalties by any government agency. Magisterial District Judges act as commissioners to preside at arraignments, fix and accept bail, “except for offenses (...) (relating to voluntary manslaughter) for which the fixing and accepting of bail shall be performed by any judge of any Court of Common Pleas” (Pennsylvania General Assembly). Lastly, Magisterial District Judges issue search warrants if there is probable cause. Additional jurisdiction is granted specifically to Magisterial District Judges under Title 42 in areas related to driving under the influence of alcohol or a controlled substance and the illegal operation of a motor vehicle not equipped with ignition interlock (Pennsylvania General Assembly).

In addition to what is prescribed in Title 42, Magisterial District Judges maintain a wide range of responsibility within their court and court office. As judges, they accept guilty pleas and determine if a defendant is guilty or not guilty through summary hearings that address traffic and non-traffic citations which may include, but are not limited to, harassment, underage drinking, disorderly conduct or trespass. Magisterial District Judges can issue jail time that is typically 90 days or less and fines that are usually a few hundred dollars; some can be much higher. They also notarize documents, perform weddings, and issue emergency protection from abuse orders when the Court of Common Pleas is unavailable. Lastly, in addition to knowing and being current with the law, Magisterial District Judges act as officer managers who run their office staff, monitor bank reconciliation, sign deposit slips, and deal with the public, local police officers, and attorneys who come through their court. Magisterial District Judges oversee these matters that occur within their specified geographical venue called “Magisterial Districts.” Magisterial Districts are divided according to their caseload size. Because caseloads and populations often change over time, district boundaries are subject to re-alignment after a new census is published.

Since Magisterial District Judges come into contact with all potential defendants who enter the Unified Pennsylvania Judicial System, they are quite significant. As judges within these courts of limited jurisdiction, they also have final jurisdiction on small civil suits. Criminal

charges are also more likely to begin the pretrial stages in Magisterial District Courts before reaching larger trial courts. This contact and the decisions Magisterial District Judges make are equally important to how defendants experience and understand the criminal justice system.

Approaches and Limitations of Studying Magisterial District Courts

The methodological approach of this study was narrowed so that I, as the researcher, could organize the nature and processes of courts of limited jurisdiction from firsthand experience and personal interaction with them. The researcher did not attempt to understand courts of limited jurisdiction through statewide data and statistical analyses because quantitative results would not reveal how court actors within these courts (such as judges) interact and maintain their responsibility to the community. Thus the researcher observed and interviewed local courts of limited jurisdiction that are located in the same county as the researcher. This approach closely mimics that of Feeley (1979) who defined the lower trial court within the specified jurisdiction of New Haven, Connecticut, from whence he drew his conclusions. This research was approved by the Institutional Review Board of the Office for Research Protections of The Pennsylvania State University.

The researcher could not study a larger sample of courts because of the courts' accessibility and the time and resources required to gain firsthand experience within each court. The courts that were studied in the county required traveling by car, and therefore the time and the expenses of traveling prevented the researcher from studying courts outside the county. Lastly, the researcher was limited to collect data during approximately five months.

The Sample

The courts of limited jurisdiction that were studied are five Magisterial District Courts of Centre County, Pennsylvania. The data was collected in two parts; first the researcher observed a small number of summary offense cases in each Magisterial District Court. Subsequently each Magisterial District Judge was interviewed for one hour. The observations consisted of 34 summary offense hearings. Among the Magisterial District Judges that were interviewed, one judge was recently elected to a vacant court where a senior judge was serving temporarily. In all, six judges were interviewed. For the purposes of confidentiality, the judges that were interviewed will be referred to as all male in this study. The words “Magisterial District Judge,” “District Judge,” and “judge” are interchangeable throughout this paper unless otherwise indicated.

The researcher began the data collection process by contacting the courts to obtain the courts’ hearing schedules from week to week. At least two hearings were observed in each district. The researcher observed the summary offense hearings for characteristics of the hearing process and the people present in the courtroom. It was assumed that for each hearing, the judge, plaintiff, and defendant would be present. When an attorney, witness, or other public viewers were observed their presence was noted. Those present for any given hearing were “unofficial” participants because the observations did not purposely identify individuals in the community. Those present were observed strictly for their roles during the process of each hearing.

Specifically, the researcher noted the defendant’s age, gender, ethnicity, current residence, case and charges at the hearing, and whether or not the defendant pleaded guilty or not guilty with the intent to have an adversarial hearing. The judge, plaintiff, defendant, and attorney (if present) were commonly observed for their “demeanor” which included their appearances, conduct, articulation, and whether they had a positive or negative attitude. It is important to note

that during the observation period, criminal summary offense hearings occurred infrequently and irregularly. Therefore the limitations of using a few observations are recognized in the study.

The second part of the sample includes six Magisterial District Judges of Centre County, Pennsylvania, who were interviewed. Four judges were currently serving a six year term in office, one senior judge was temporarily assigned to a district, and one judge had been elected to replace the senior judge beginning in January 2014. All the Magisterial District Judges are residents of Centre County, Caucasian males or females, and range from approximately 45 to 70 years of age. The average time spent in office for five judges, excluding the newly elected judge, is 12.8 years. These five Magisterial District Judges were all born and raised in Pennsylvania and received their entire education (from elementary school to college, graduate or law school) from Pennsylvania. There was, however, an exception: a judge who grew up in New York and attended college and law school in various other states. Two of six Magisterial District Judges have a law degree and four Magisterial District Judges were employed by the criminal justice system prior to becoming a Magisterial District Judge. Their careers were generally rooted in law enforcement. All of the Magisterial District Judges were interviewed for one hour and were asked to answer the same questions (see Appendix A).

Centre County, PA

Centre County is a rural county located in the heart of Pennsylvania and borders Blair County, Clearfield County, Clinton County, Union County, and Huntingdon County. As of 2012, there were 155,171 people in Centre County (12,764,475 total people in Pennsylvania) of which 89.6% were white, 3.2% black, .1% American Indian, 5.4% Asian, and 2.6% Hispanic/Latino. Of these people, 93.0% were high school graduates or higher (state average is 88.3%), 39.9% have bachelor degrees or higher (state average is 27.0%), and the median household income from

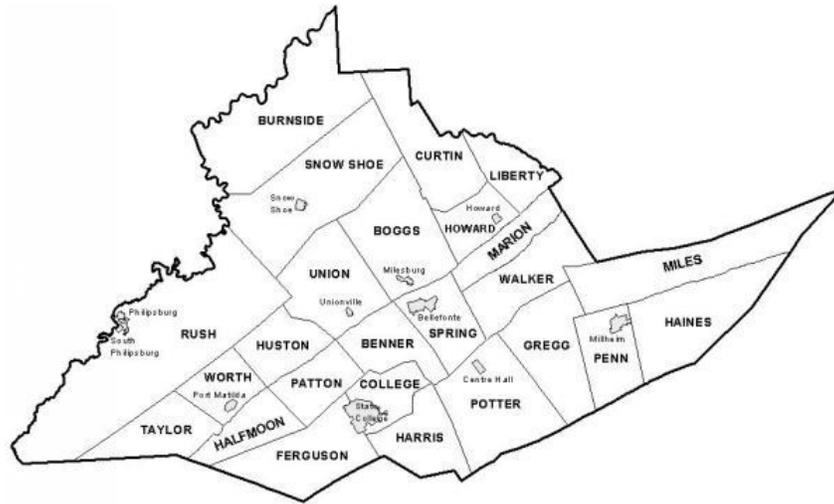
2008-2012 was \$49,706 (state average is \$52,267) (U.S. Department of Commerce: United States Census Bureau). The top employer in Centre County is The Pennsylvania State University, followed by the State Government, State College Area School District, and Mount Nittany Medical Center. Centre County contains six Magisterial Districts. These individual districts are divided among 24 townships and nine boroughs. The Magisterial District Courts expect to receive on average 6,500-8,500 cases per year, and this is higher than the average caseload of approximately 4,500 in other Magisterial Districts across Pennsylvania.

The townships of Centre County are shown in Figure 2. The geographical jurisdiction of each district is provided in Table 1. Figure 3 shows approximate borders of each district. Magisterial Districts 49-1-01 and 49-3-05 border the campus of The Pennsylvania State University and divide the State College Borough that contains an estimated population of 42,304. District 49-2-01 is located in close proximity to these two districts and serves Ferguson Township (population of 17,690), Patton Township (population of 15,311), and Halfmoon Township (population of 2,667) in addition to half of College Township (population of 4,761). These three districts combined serve an estimated 77,972 people of the greater State College area. The remaining districts occupy more rural areas of the county compared to this more densely populated region (U.S. Department of Commerce: United States Census Bureau).

District 49-3-02 of the greater Bellefonte area serves approximately 30,617. The largest townships of this district are Bellefonte Township and Benner Township which contain populations of 6,187 and 6,188, respectively. Some townships such as Union or Curtain serve less than 550 people each. Spring Township (population of 7,470) is divided among the greater Bellefonte District and District 49-3-04 known as the Centre Hall District. The Centre Hall District serves approximately 25,092 people. Lastly, District 49-3-03 of Philipsburg serves approximately 10,904 people (U.S. Department of Commerce: United States Census Bureau). Magisterial District 49-3-02 of Bellefonte did not consent to participating in this study.

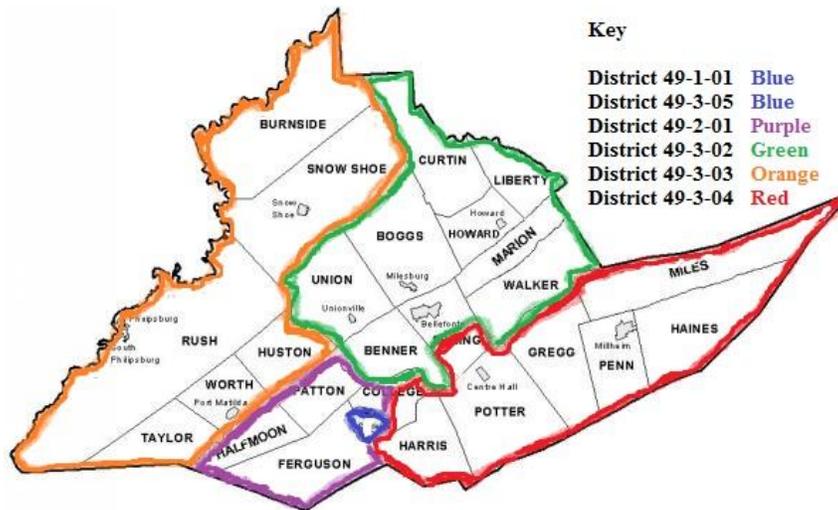
The facts about Centre County show that generally small populations exist within each Magisterial District. The majority of the people of Centre County contain similar demographic characteristics. The top employer of Centre County is a university and the most populated districts are in close proximity to the university. This suggests that in many ways the communities of Centre County may be connected to the university. Lastly, the large caseload of the Magisterial District Courts suggests that the courts may frequently come into contact with many locals. This could mean that the courts encounter many local defendants and/or the courts work collectively with local employees to process the large caseloads each year.

Figure 2: Centre County Townships



(Image: Centre County Genealogy Society)

Figure 3: Magisterial District Boundaries



Note: These borders are NOT exact and have been drawn for demonstrative purposes only.

Table 1: Geographical Jurisdiction of Magisterial District Courts in Centre County

Magisterial District 49-1-01: Serves State College Borough Voting Districts East 2, East 3, and East 4, East Central 2 & 3, South 2, South Central 1 & 2, Southeast, and West Central 2
Magisterial District 49-2-01: Serves College Township Voting Districts North and West, Ferguson Township, Halfmoon Township, and Patton Township
Magisterial District 49-3-02: Serves Bellefonte Borough, Howard Borough, Milesburg Borough, Unionville Borough, Benner Township, Boggs Township, Curtin Township, Howard Township, Liberty Township, Marion Township, Spring Township North, West, and East, Union Township, and Walker Township
Magisterial District 49-3-03: Serves the Philipsburg Borough, Port Matilda Borough, Snow Shoe Borough, South Philipsburg Borough, Burnside Township, Huston Township, Rush Township, Taylor Township, and Worth Township
Magisterial District 49-3-04: Serves Centre Hall Borough, Millheim Borough, College Township Voting Districts South and East, Gregg Township, Haines Township, Harris Township, Miles Township, Penn Township, Potter Township, and Spring Township Voting Districts South and Southwest
Magisterial District 49-3-05: Serves State College Borough Voting Districts East 1, East Central 1, North, Northeast, Northwest, South 1, West 1, West 2, and West Central 1

(Table Information: Centre County, Pennsylvania)

Chapter 3

Results: The Observations

General Observations

The summary offense hearings that were observed were conducted within the jurisdiction where the corresponding summary offense was committed. The physical orientations of all the Magisterial District Court rooms appeared similar; each contained a higher bench the judge sits on, a witness stand, tables and chairs for the defendant and plaintiff, and benches or individual chairs for public viewing. There were no jury benches. Some courtrooms contained the judges' own personal memorabilia, such as a veteran's certificate or an award of excellence for serving in law enforcement that hung on the wall.

General statistics include the following: 24 defendants were male, 8 were female, and two defendants did not show up to their hearing. Of the defendants observed, 29 were Caucasian, two were Asian, and one was African American. The average age when the age of the defendant was known was 19.5 years old. Two defendants were estimated to be outliers over age 40 and were not calculated in this average. For those defendants whose age was unknown, seven were determined to be "College Age" meaning they could have been older or younger than 21 years old. Four defendants were determined "Under 21" because the citations they received indicated they could not legally consume or purchase alcohol. The majority of the defendants currently reside in the near vicinity to the District Courts. Common residencies included on campus housing of The Pennsylvania State University, suburbs of State College, Pennsylvania, and the town of Phillipsburg, Pennsylvania. The residences recorded outside of Centre County include Bucks County, Pennsylvania and the city of Altoona located in Blair County, Pennsylvania.

The summary offense hearings lasted approximately 5 to 10 minutes. Some outliers lasted 15 to 20 minutes. Cases were scheduled typically on a weekday that was set aside explicitly for hearings. For example, in one Magisterial District Court, all the summary offense cases were scheduled on Thursdays. The number of hearings observed from week to week was low; hearing schedules depend on how much crime activity occurs in the area at any given time. Civil hearings were sometimes conducted in between criminal hearings. On many days, there were more civil hearings than criminal hearings.

The summary offenses observed included underage drinking, disorderly conduct, minor's violations, assaulting an officer, public urination, criminal mischief, harassment, public drunkenness, and minor traffic violations. Each case was prosecuted by a police officer who was present at the hearing. District attorneys or assistant district attorneys were never present nor did they present any cases. Defense attorneys were present for 13 hearings. There were 30 defendants who pleaded guilty or were determined guilty and two defendants that were determined not guilty. For the remaining two defendants, the judge dropped the charges of one and the latter appeared for an arraignment, so there were no decisions regarding the defendant's guilt. Defendants within the ages 18 to 21 were observed at least once in all the Magisterial District Courts except District 49-3-03 which serves the rural district of Phillipsburg, Pennsylvania. Because two defendants did not show up to their hearing in Phillipsburg, their ages are unknown.

Ten first time offenders received community service in exchange for their guilty plea and were granted the Youth Offender Program, which is an alcohol and drug education program in Centre County for people cited for underage drinking and similar offenses. Second and third time offenders using alcohol and drugs were denied the Youth Offender Program. Two defendants were found not guilty due to errors in the police officer's testimony. In the first instance, the judge ruled not guilty because the police officer failed to give enough evidence that the female defendant appeared publically drunk. In the second instance, the defendant's attorney found an

error in the police officer's testimony. Specifically, the police officer failed to mention the defendant's legal date of birth when testifying that the defendant possessed alcohol under the legal age, and as a result the defendant was determined not guilty.

The Magisterial District Judges, police officers, defendants, and defense attorneys were observed for their procedural contributions to each case, attitudes, and any noticeable interactions that occurred. To uphold formal standards of the adversarial process, the Magisterial District Judges were always dressed in robe attire and greeted with respect by the standing of those present in the courtroom. Police officers had to often remind defendants who were not represented by an attorney to stand before the judge entered the room. The police officers were always dressed in uniform or business attire. Defense attorneys and their clients were always dressed in business attire. Unrepresented defendants typically dressed in their everyday plain clothes, with the exception of some defendants who pleaded not guilty and intended to have a hearing. These defendants were more likely to be dressed in casual business attire. These defendants also appeared to be better prepared and more knowledgeable about the hearing process. This was observed through the thoughtfulness of these particular defendants' testimony, and suggests these defendants prepared their defense ahead of time.

Implications of the General Observations

These general observations imply that a certain degree of informality exists within the Magisterial District Courts. Court actors were respectful and arose for the judge who was dressed in robe attire. On the other hand, the judges' memorabilia on the walls presented a more casual, business office feel, and these pictures would not be hung in a larger trial court. The average time per each hearing suggests that the Magisterial District Courts are also efficient and use means to

dispose of cases rather quickly, and this would be expected due to the large number of cases they have to process.

The Magisterial District Courts encounter a specific clientele of college students. The common offenses that college students commit are violations against public ordinances such as public urination and other drinking offenses. This suggests that the judges are going to have to be consistent within their decision making when facing this clientele and these offenses on a daily basis. Perhaps this further suggests that prior to becoming a judge; a candidate for the Magisterial District Judgeship may consider his or her goals toward this particular clientele, such as being “tough on crime” or lenient because of the pettiness of their crimes.

Finally, the defendants’ conduct suggests that this particular clientele may be unaware of the general adversarial process. Many defendants’ appearance in plain clothes and their requiring reminders to stand before the judge presents the defendants as either unaware or not serious. Because many of the cases resulted in guilty pleas, the defendants may have already expected what their decision was going to be or already consented to an implicit plea negotiation in which they would be found guilty with no leniency. Thus the defendant’s conduct could stem from their expectations. These defendants stand in sharp contrast with the select defendants who were prepared to present their case via their testimony and showed respect through their appearance in more formal attire.

The Magisterial District Judges

The Magisterial District Judges engaged in friendly conversations with the police officers and sometimes with defense attorneys before each hearing began. During each hearing and in the presence of the defendant, the judges stopped any small talk with their counterparts. There did not appear to be any favoritism towards the plaintiff nor defendant from case to case. Thus the

judges' attitudes were deemed to be "neutral" during the hearings. When the defendant was present, any conversation between judge, police officer, and attorney was limited to matters of the hearing. Many times the police officer and attorney explained to the defendant his or her options and the consequences of pleading guilty before the judge entered. If the defendant did not wish to plead guilty, the judge explained to the defendant the hearing process that includes testimony by both the plaintiff and defendant and ultimately a decision by the judge.

More often than not, all of the judges had to explain the hearing processes thoroughly to the defendants. Often the judge would ask the defendant if he or she was ready to proceed with the hearing, and the defendant responded "yes." However, once the judge began to swear in the police officer, the defendant sometimes interrupted the judge and admitted he or she did not know what to do. First time offenders appeared especially confused. In one hearing, an 18 year old student charged with harassment interrupted the judge to present written statements about his character that would have been necessary for a sentencing hearing. The judge explained to the defendant that these statements were not considered during a Magisterial District Court hearing. In addition to explaining processes to defendants, the Magisterial District Judges were consistently asked about the appeal process, the service that accompanies the Youth Offender Program, and the process for having a record expunged. It was observed that the defendants, which are mostly college students, were most concerned about how their offense would affect their future career.

Other noticeable observations include authoritative or constructive comments the judges made to either a guilty defendant or the defendant's parents. One judge in particular was noted for his persistent constructive comments towards student defendants found guilty of underage drinking. This particular judge often made remarks such as, "wake up!"; "you need to quit drinking!"; "what's your major, it is sure not helping you wake up!" These comments suggest that this Magisterial District Judge attempted to deter his clientele from engaging in future petty

actions. Because the judges frequently encountered these types of cases, they are familiar with the alcohol and substance abuse culture prevalent in their particular clientele.

Further observations reveal the judges' efforts to comfort adults in the courtroom who accompanied their children (the defendant) to the hearing. Parents attended more than half the cases observed. Almost always the judges would ask the parents if they had any questions during and after the hearing. In one case, a judge acknowledged the parents by saying, 'I am honored you are here with your son, I would have done the same thing' to ease their anxiety. By going out of their way to speak with the defendant's parents and by disciplining the defendants, the judges present a brighter side to the outcome of a hearing.

Implications from Observing Magisterial District Judges

From these observations, we see that the Magisterial District Judges respond in specific ways to their clientele in the courtroom. In the presence of the defendant, the judges make efforts to remain impartial by refraining from small talk. Many times both the judges and legal counsel can expect that the defendant will be unaware of the hearing process. In some instances, they will have to be coached through the hearing processes. This adds to the degree of informality that exists during a hearing.

The Magisterial District Judges are noted for the freedom they have to make constructive comments to their clientele and visitors of the court. It is suggested that because of their familiarity with this clientele, the judges have developed specific responses to the defendants and their counterparts in the courtroom. These judges must be able to tell how defendants will respond to authoritative remarks which are used to deter them from future crime. In addition, the judges must be able to sense the underlying fear and anxiety that exists in parents who often

travel from outside the county to accompany their child to the hearing. Such instances imply that the specific nature of the judges' position would allow them to have such agency.

Observations of Police Officers and Implications

The police officers were observed to act as prosecutors in the Magisterial District Courts. They came prepared with appropriate paperwork and documentation to present cases in an efficient manner before each judge. The police officers' testimonies were consistently thorough and the Magisterial District Judges never questioned them. This conduct appeared as a normal and expected standard of all police officers in the courtroom. While many police officers were observed, it was not uncommon for the same police officer to present three to four hearings in a row. Police officers with multiple hearings in one day were scheduled back to back for convenience. Beyond engaging in small talk, the police officers were eager to receive feedback from the judge regarding the judge's decision.

The police officers were cautious during their testimonies and carefully reported their legal documents and evidence to the judge. Some police officers apologized to the judge immediately following the hearing for any testimony that might have seemed argumentative. As mentioned previously, one officer lost a case because he forgot to testify to the legal birth date of the defendant. After losing the hearing, the officer apologized to the judge numerous times and was positively reinforced by the judge that he would have won the case if he remembered that detail.

These observations suggest that an underlying standard of professionalism and levels of mutual respect typically subsist between the Magisterial District Judges and police officers. Perhaps the relationships between judges and police officers develop through the police officers' frequent contact with the court, or through some of the judges' previous background in law

enforcement. The police officers appear personally connected to the judges via their careful testimonies and apologies. This has the implication of affecting how judges remain neutral in their decision making if such relationships exist.

Observations of Defense Attorneys and Implications

Defense attorneys were present for less than half of the hearings (13). There appeared to be no extra benefit of hiring an attorney. Of the defendants who had attorneys, four were granted the Youth Offender Program, two received implicit plea bargains, two received reduced pleas, four were found guilty with no reduction, and one was judged to be not guilty. Therefore, the aid of an attorney did not guarantee that a defendant would have his charged reduced or dropped. Overall, defense attorneys, like police officers, maintained standards of professionalism through their conduct towards the judges and other legal actors present. When the attorneys negotiated a plea bargain with the police officer, both the attorney and police officer worked together and subsequently entered their guilty plea at the judges' bench. After this occurred, there was no hearing and the judge honored their agreement.

The defense attorneys were less interactive with the judges prior to and at the conclusion of each hearing than police officers. They did not engage in as much small talk as did the judges and police officers. Usually they would remain with their clients and keep their conversations private. In addition, attorneys never asked to receive any feedback after a judge made his decision. The judges would occasionally ask some attorneys about their schedules or cases, but never any personal matter such as their children or spouses.

The defense attorneys were observed to be more confident than the police officers through the delivery of their testimonies. Specifically, the attorneys appeared sharper during their cross examinations when pointing out errors in police officers' testimony and their conduct at the

time of the offense. This is an observation we would expect because of the attorney's education and access to legal research. However, it should not be forgotten that only one defendant was found not guilty and two defendants received reduced pleas when accompanied by an attorney; thus having an attorney did not appear as an advantage in court.

Simply, the defense attorneys appeared as though they just wanted to do their job. The observations imply that the attorneys do not maintain the closer relationships to judges that police officers with whom they frequently interact with do. It is suggested that the attorneys embody the formal adversarial process within the Magisterial District Courtroom through their private interactions, their concise testimony, and the neutrality they demonstrate toward the judge.

Conclusions

These observations suggest broader implications surrounding the role of the Magisterial District Judge, how these judges approach their specific clientele, and their relationships to local police officers and attorneys. It is inferred that the judges' position gives them the agency to respond to their clientele and courtroom actors in specific ways. This is demonstrated through the judges' constructive comments to defendants and their parents, as well as how the judges decide in each instance when small talk is appropriate. The specific clientele of defendants suggests that the judges will have to make similar decisions on a frequent basis and should therefore be consistent in their decision making.

The informal nature of the hearing process provides time for the judges and court actors to interact. The observed relations between judges and police officers or attorneys imply that judges are more connected to police officers than attorneys. It is further asked what it is about the nature of the judge that would allow this connection. In addition, questions regarding the judges' impartiality towards defendants and court actors become valid if we consider the judges' position.

Finally, it is questioned what other consequences result when the judges interact with others inside and outside of the court. It is presumed that the people who make up these courts of smaller communities collaborate to uphold common practices. Through the interview process, these implications and questions are further investigated.

Chapter 4

Themes Derived from Interview Responses

Becoming a Judge

Specific themes regarding the Magisterial District Judges surface from the interviews. General responses about becoming a judge begin with the judges' personal campaigns. The judges indicated that they felt rewarded by the support they received from their campaign, yet noted feeling stressed and overly exerted by the campaigning process. Some judges reported that they "hated" the demands that accompany being politically active. However, the judges did elaborate on those who had influenced them to run, how they created personal memorabilia, and the positive reactions they received from going door to door in the local communities. One judge described his excitement: "I used to look at campaign signs and think about what my logo might be." Although, another judge commented that he had no intentions of advancing in his judicial career at the end of his first term because of the demands of the campaign process.

How the judges ran their campaigns presents an interesting dynamic because one need not be a lawyer under Title 42 to be elected. Four judges promoted their connections to the community as their main qualification. These judges had not gone to law school and emphasized their upbringing in the community and their previous service in local law enforcement. Their qualifications demonstrated that their past interactions with the public made them suitable to serve the local district. One judge encountered a familiar citizen during his campaign, who said,

"I remember you, you were the policeman who responded to me and you were really nice to me, tell me why I should vote for you..."

Remarks from citizens such as these positively reinforced the judges' qualifications. Two judges were exceptions and emphasized their legal expertise during their campaign. They felt that having a law degree should be prioritized among the voters. One judge explained how this qualification was the reason he pursued the office in the local district.

“When this job opened up, you know that you don't have to be a lawyer [to be a district judge], I looked at the people who were running and there were no other people that had the same qualifications as me, and I knew what I wanted in a judge, someone that had practiced law, been out in courts and knew what they were doing when they got there, and I thought I had the best qualifications of all the candidates, and there were no other people I wanted to vote for that I felt were qualified...”

These comments reveal that candidates commonly do not have law degrees. It suggests that voters of the community may prioritize the qualifications that connect one to the community more so than legal expertise.

The judges' campaigns introduce the political nature of their position which stems from an integral although exhausting process and demonstrates their qualifications to be the judge. “Becoming a judge” means that the judges learn to be public figures and well acquainted with local supporters. The judges have attempted to gain support through two distinct approaches. The majority of the judges demonstrated their direct connections to the public and service via their past careers were optimal reasons for becoming a public figure in the community. The former attorneys look passed being the “Average Joe” of the community to distinguish themselves as leaders through their expertise. With this in mind, we analyze how these particular connections and qualifications have been distinguishing features for the judges while in office. Thus it is necessary to evaluate how this political dimension of their holding office influences relations inside and outside the courtroom.

Court Staff and External Relations to the Public

Judges interact with a variety of local people inside and outside the courtroom. These people are court staff, offenders who are family or friends, and the general public who approach the judges in the community. First, the district judges spoke enthusiastically about their position not only as a judge, but as a boss to their court staff. Every Magisterial District Judge has a court staff of about two to three individuals who are responsible for all scheduling, office, and monetary concerns. The Magisterial District Judges are just as much office managers as they are judges, and the interviews suggest that they care equally about both positions. The judges commonly glorified their staff and their efforts for being the ‘backbone’ of the District Court. In one example, the judge reported that every day he looks most forward to being with his staff. When asked about his responsibilities as District Judge, he responded solely to his position as an office manager,

“[In] the office, I am responsible for all that goes on during that time, if there’s something going on I take care of it, whether it be money wise, I do bank reconciliation, I sign deposit slips, I talk to people who are upset and who think that something is wrong without having a hearing. I do a lot for the staff, I know they are my backbone so I treat them highly, I always come in with a good attitude, I always want to be known as the best boss...”

The judges also reported commonly defending their staff when their staff is rudely spoken to by the public. Two of the judges explained they answer the office phone disguised as a staff member to listen for callers who are argumentative and lecture them about their behavior. This type of behavior towards the staff often results when the public is upset for having to pay a fine or are unhappy with the court’s decision. One judge reported how everyday his staff experiences problems with the public,

“...after the staff tells the public what they need to do, most of them will say, “I need to talk to the judge.” I will come out and tell them the exact same thing my staff told me and *then* the defendant will understand, and we all just shake our heads.”

The judges' efforts to be good bosses ultimately show they embrace noncompetitive relations among their office and good teamwork as well. Instead of promoting the traditional hierarchical status that would accompany the judge's title, the judges prioritize their relations to staff members in order to promote a positive working environment.

Community Context

The community context of these courts is best exemplified by examples of what judges would do when they encounter people they know. Having lived in the community for many years, the district judges may come in contact with friends or relatives who are charged with summary offenses and processed in their court. Given the small geographical area each District Court jurisdiction covers in Centre County, it is likely the judges will know the offenders who stand before them. It is reiterated that on average, the Magisterial District Courts hold about 6,500-8,500 cases per year, and this is higher than the state average, standing at approximately 4,500 for Magisterial District Judges. In some of the districts that cover large yet unpopulated rural areas, such as Magisterial District 49-3-03 in Phillipsburg, this means that some district judges could theoretically see everyone that lives in the near vicinity to them during their six year term.

Generally if the judges decided they could not be fair and impartial in their decision making, they would recuse themselves and the case would be re-assigned by a higher president judge. One response indicated that the act of recusing oneself will depend on the nature of the case.

“Well it depends if you have to make a decision, like if it's a traffic ticket, you can look at it and think that the defendant is probably going to get a deal and that you are not going to have to make a decision in this case, you just let it go and let them work out their own plea agreement.”

The community context also presents that defendants of smaller town communities may be embarrassed to stand before a judge they recognize from the community. These circumstances would not necessarily mean the judge would recuse himself. It was suggested that in these situations, the judges would remain fair and impartial by their indifference to the large majority of cases they see each year.

“It’s more embarrassing for them because the people don’t realize how many people I know or recognize from the community that come through the doors, if it’s someone who has to have an arraignment here, it’s embarrassing for them and I feel bad because I know it is, but you know so much [as a judge] that you pretty much forget about it.”

Other responses indicated that a gray area sometimes exists when making this decision. This indeterminacy arises because each judge has many acquaintances due to the political nature of their judgeship. Specifically, these judges have many acquaintances outside close friends and family due to their greater campaign efforts. The judges reported that this aspect of their office affects how the public interprets their relationship with the judge, who further considers whether such relationships are “worthy” of the recusal process. In other words, local people will misinterpret themselves to be a personal friend of the judges’ because they have supported their campaign. One judge demonstrated this by describing an instance when an acquaintance met the judge “at dinner somewhere for one time,” and that person expected the judge to be extra cautious when they appeared in court. In most of these situations, the judges also consider the recusal process unnecessary because they are indifferent to the large number of cases they hear annually.

Political Implications of Being a Judge

The discussion of the judges’ election process accentuates the political nature of their position and indicates the quality and type of relations they will maintain as a result. It is concluded from the community context that the judges are challenged to remain impartial because

of their political status and location in smaller communities. Judges remain impartial to their local friends and acquaintances through their indifference to the large majority of cases they see each year. The challenge of remaining balanced and impartial is further expressed when the judges respond to local people in public and outside of the courtroom. The judges described how the public will frequently interpret the political nature of their position to mean that the judge is personally available to them outside of the courtroom. Voters or previous defendants will interrupt the judges to ask various questions about legal matters or situations outside of the courtroom. To one of the judges, this can be something to frown about.

“Sometimes I am having dinner with my wife and people will say, “I hate to bother you...” and you want to say, “Well then don’t,” but you end up saying, “No it’s ok.” That is probably the hardest thing to get used to, but it lends support to the position too.”

These comments suggest how these judges feel obligated to answer the public because of the “support” they receive for their positions.

Ultimately, the Magisterial District Judges want to be well respected as a boss and as a political figure who is engaged in the community. Because local courts are embedded within their communities and therefore parts of a larger social network, the judges must be equipped with strategies for remaining impartial in order to be perceived as neutral triers of fact within the courtroom. Although the judges recognize that the public sometimes misinterprets their relationship to the judge and overestimate the judges’ availability, the judges accept these misconceptions come from the political nature of their positions. Next, it is considered how the nature of the Magisterial District Judge position affects relations to other legal professionals in the county.

Relations to Other Legal Professionals

Our observations have provided an initial framework within which to understand how the judges interact with local legal professionals in the county. In addition to Courts of Common Pleas Judges, local police officers, and defendant attorneys in Centre County, the Magisterial District Judges frequently cooperate with each other. The judges will see many of these legal professionals through their participation in Central Court. The Central Court in Centre County is a centralized system that schedules all recent preliminary hearings in the main court house of Bellefonte, Pennsylvania, every Wednesday. In Centre County, preliminary hearings are not conducted within each individual District Court. The Magisterial District Judges rotate on the Central Court bench each week and follow a schedule made by the local President of the Judges Association, a judge who is participating in this study. All legal personnel including the district attorney's office, the public defender, other private defense attorneys, and police officers are present to conduct as many cases as possible each Wednesday in this centralized system.

The judges have indicated that their relations to all types of legal professionals in the county are quite good. The Magisterial District Judges described that they maintain a mutual respect amongst themselves. As District Judges, they are united and willing to assist each other whenever possible. For example, the judges cover for each other in the Central Court rotation when judges have conferences to attend or continuing education to pursue. In addition, the Magisterial District Judges reported having "excellent" relationships with their higher ups, the Court of Common Pleas Judges. In the Unified Pennsylvania Judicial System, the Court of Common Pleas Judges receive cases that are appealed from the Magisterial District Courts. In Centre County, the President Judge and Court of Common Pleas Judges are supportive of the Magisterial District Judges' decisions and promote an environment where both types of judges

work positively to achieve common goals. Some of these goals target county concerns such as the re-alignment of the Magisterial Districts based on increasing caseloads.

The judges suggest that they maintain these positive relations with the Court of Common Pleas Judges because their counterparts were once Magisterial District Judges. Through their past careers in law enforcement and/or practicing law, the current Magisterial District Judges presented cases and worked with these higher judges who were former Magisterial District Judges. This relationship introduces another political component that suggests that, over and above any aspiring or incumbent judges' already established qualifications and relationships to the public, such prior intra-judicial relations may also influence the election to the Magisterial District Judge position. This relationship is further elaborated on because it is described as unique to Centre County.

“I can tell you that in other parts of the commonwealth, I know the president judge won't speak to the Magisterial District Judge and the relationships are strained at best, probably much worse than that.”

What then, about Centre County and the surrounding local communities calls for such relations between the Magisterial District Judges and the Court of Common Pleas judges? It is suggested that within these small town communities where fewer legal actors are present, these relations are more likely to exist. The Central Court also provides additional opportunity for frequent interaction among these legal professionals. It is also inferred that these connections and the political nature of the judges' position may provide opportunities for career advancement. This is supported by responses that indicated some Magisterial District Judges would aspire to a position as a judge in a Court of Common Pleas. It must be remembered, though, that to become a Court of Common Pleas Judge, a Magisterial District Judge must have a law degree. This opportunity would pertain more to the Magisterial District Judges that have law degrees in this study.

Next, it was observed that differences between the judges' relations to local police officers and defense attorneys are evident in the courtroom. The judges reported that they

frequently encounter the local police because the police almost always present their cases in court. While the court works closely with the police, the judges implement strategies to maintain impartiality to the police inside and outside of the courtroom so that defendants do not feel disadvantaged. In one example, the judge said that he would “never go to an officer’s Christmas party.” Another judge has implemented an unofficial policy regarding police’s behavior to maintain impartiality.

“I have a rule in my court; you didn’t see any of those cops out there come into my door to socialize in the office. If you have a hearing, you stay out there, I do not need a defendant coming in and seeing them (the police officer) ask me questions that have nothing to do with the case, if they are talking about hunting or something (...) you stay out there, it is professional.”

The relationship between police officers and judges is further explored through the judges who have backgrounds in law enforcement. These particular judges reported that they hold the police officers to high standards because they themselves have been former police officers in the community. However, there are sacrifices that accompany this relationship. As former law enforcement officers, four of the Magisterial District Judges must try hard to distance themselves from their counterparts in law enforcement.

“We try to be professional, since I was with the State College Police, I can’t be seen out socializing with these guys, and that was a big change for me, everyone wants to be your friend when you are a judge, and I have to be fair and impartial, I had some very good friends there and unfortunately we don’t socialize frequently together.”

Questions arise regarding the relationship between a police officer and a judge who was not a former police officer or who has a background in local law enforcement. A judge who is also an attorney complained during the interview that recently a state trooper called to ask questions about a search warrant. The judge explained that the state trooper knew better than to try to bend the rules of search warrant approval. The judge ultimately turned the state trooper away until he had a final product for the judge to review. In this instance, the state trooper did not feel inclined to respect the rules of search warrants and tested the judge who did not appear to

connect with police officers from a previous career. There are advantages and disadvantages to both relationships. Judges who were police officers previously are able to hold current police officers to higher standards, yet have sacrificed their past relations to them for their position. The judges with backgrounds as attorneys may know the law extensively, but have to fight harder for the support of local police departments with whom they have no previous connection.

The observations suggested that the judges have different interactions with police officers than they do with defense attorneys in their court. The judges' responses describe reasons why they may give different feedback to police officers rather than defense attorneys. The judges appear and respond to be more cautious when making comments to defense attorneys because of the "slippery slope" or possibility that a judge may insult the attorney's strategies. Magisterial District Judges are not allowed to give legal advice to anyone in the courtroom. However, the judges admit to being more willing to give police officers feedback than defense attorneys after the hearings to help educate them. This is because defense attorneys have been trained to interpret the law. The judges reported that they would be more likely to make comments to ensure defense attorneys remain professional in the courtroom. The following comment further illustrates the distinction between police officers and defense attorneys.

"I try to tell everyone what I base my decision on, so I will tell them my interpretation of the law, and if an officer has any questions I will tell him, other times I will tell the officers in terms of educating them, and if they went up against an attorney and lost, I would also answer their questions. (...) The only time I would ever say something to an attorney is if he was late for a hearing or became aggressive to a witness or court, they have the obligation to respect the court; I would expect them to abide by that obligation..."

This comment suggests that because defense attorneys have more legal expertise, the judge acts more sympathetic towards police officers while still maintaining impartiality. Although this distinction is perhaps predictable enough, it is an important one because courts of limited jurisdiction would be among the only courts that elicit this type of response from judges. In a larger trial court setting, the police officer will not present the case nor have any responsibility to

present arguments against other legal counsel. Ultimately, the informal nature of these Magisterial District Courts presents an environment where we realize that these intricate relationships exist and impact the judicial process.

Conclusions

From the interviews we conclude that the political impact on the processes of the Magisterial District Courts affects the judges' term in many ways. Beginning with the campaign process, the judges present the qualifications that make them electable within their particular community, and that seems to suit them better than their political competitors to apply the law to a familiar clientele. As political figures, the judges create a foundation through which they maintain excellent relations with their court staff, and the positive working environment they promote could ultimately justify the voters' decision. The judges also exemplify their political nature of their office when they balance their impartiality and their availability to the public, as well as how fairly they respond to other legal actors they interact with in their courtroom.

The informal nature of the Magisterial District Court is further illustrated through the intricate relationships that exist between the judges and their counterparts. The judges are challenged to structure their relationships as professionally as possible despite that some of their former careers and relations are what qualify them to be judge, e.g., being a former police officer. It is suggested that the judges ultimately maintain professional relationships to all legal actors in the county not only to secure their tenure in that judicial office, but to create opportunities for further career advancement.

These conclusions provide a better understanding of what was observed within the Magisterial District Courts. The political nature of the judges' position illustrates how the judges

come to view their clientele, interact with legal actors, as well and other people outside of the courtroom. The final implications from these results are discussed in the next chapter.

Chapter 5

Analysis of the Magisterial District Courts and Their Communities

The results support many observations regarding courts of limited jurisdiction and their communities. To illustrate these observations, the implications from the conclusions of the empirical observations and the interviews are reiterated and connected. The findings suggest that general observations regarding predictability, the political impact on the process, and intricate relations among legal actors are evident in these courts of limited jurisdiction. The Magisterial District Courts overall are considered for their distinction from higher courts, as well as their place within the theoretical framework that has been illustrated by the existing literature. Finally, limitations of the study are considered and suggestions for future research are offered.

Conclusions: Observations and Interviews

The observations above imply that the nature of the judges' position results in a very specific kind of agency in response to a particular clientele. The interview process supports this observation through the judges' own assessment of the underlying political dynamics and protocols of their office, and one that precisely determines its nature. Through this nature, the judges become public figures and present their qualifications to the community to be given such agency. During their terms, the judges come to understand their familiar clientele and respond to the offenses they commit.

The observations suggest that the informal nature of the courtroom provides for various relationships among legal actors. In dealing with police officers and defense attorneys, the judges have created strategies for remaining fair and impartial during court hearings and in the presence

of defendants. Through the interviews, it is implied that relations also exist between the judges and the general public. The community context frames how the judges present themselves in the community as bosses and co-workers. The judges are also challenged to remain impartial, yet available to the people they encounter inside and outside of the courtroom.

Finally, the observations led to questions regarding what other consequences would result from these various relationships. The interview responses indicated that the judges' careers may stem from their relations and connections to these particular communities. This is demonstrated by the plight of the judge who as former police officer became the Magisterial District Judge. The specific examples of how the judges respond to a particular clientele, their interactions with police officers or defense attorneys, their strategies for remaining impartial, and their connections in the community are impacted by the political process that surrounds these courts of limited jurisdiction. The implications finally demonstrate that the local actors of these communities adopt specific practices because of the structure of the court.

General Observations: Predictability

General observations and larger conclusions are made regarding these courts of limited jurisdiction and their communities. The first major conclusion is that a certain degree of predictability exists among these courts. From the observations, we can anticipate that the judges of these particular communities will rule mostly on minor summary offenses such as underage drinking or disorderly conduct because of the student clientele of defendants. The predictable outcomes and decisions the judges make are comparable to "going rates" whereby we are able to predict outcomes for commonly occurring offenses the judges have self-developed or based on local lower court judges' norms or sanction guidelines. One example of a "going rate" in these courts would be the first time offenders' guilty plea in exchange for the Youth Offender Program.

The observations further suggest that judges will many times assist first time offenders and their families who may need extra guidance and explanation to understand the hearing process. Aside from college students, the judges' political nature predicts that they will have many acquaintances throughout their term and the judges will have to decide how they respond to the people they come in contact with. This relates to remaining impartial in decision making inside the court and in public. Finally, we could explore how the predictable circumstances surrounding these courts affect disparity in decision making if defendants are not from the community and live outside the jurisdiction of the county. Considering the political nature of these judges and their responsibility to serve the public, the judges may be less lenient towards defendants who harm locals or violate local ordinances in the community.

The Political Impact on the Process

The political impact on the processes of courts of limited jurisdiction is another major conclusion. First the political impact on the process is introduced through the judges' campaigns. When candidates run for the Magisterial District Judgeship, they need to take into account their future clientele and what qualities make them suitable to serve the specific cohort. Many of the current judges stressed which qualifications present them as not only experienced, but knowledgeable of an array of details and mores at work within their local communities. For four judges, their background in law enforcement qualifies them as people who are familiar with local legal systems, legal actors, and many civilians. Two judges claim that an emphasis on legal education is necessary to accommodate the smaller geographical area. What is important is that all of the judges had some underlying awareness of their communities through their past interactions with some members of the community or legal professionals which could include the Court of Common Pleas Judges. This component is a key aspect of the political process of

becoming a judge. The political impact on the process of being a judge is transferred to the courtroom where the judges form their own responses to their predictable clientele, as demonstrated by the judge who scolded his defendants to deter crime.

The political impact on the process further affects how the judges balance impartiality within their relations. Once in office, the judges analyze their relationships to strategize how they are going to be fair and impartial throughout their term. This includes the process of withdrawing socially from former counterparts in past careers, as well as understanding when to recuse oneself in court. However, judicial impartiality scarcely annuls the political nature of their position. These judges have accepted the greater obligation to serve their community through what is interpreted by local friends and acquaintances as their availability outside of the court. As public figures, the judges recognize that their availability outside of the court preserves their positive standing within the community of voters. The political nature of the judges' position is further reinforced by the positive work environment they create for their staff. These judges are not figures of hierarchical power; therefore their good standing in the community will be reinforced by how well they work with others at every social and political level. These are all ultimately determining factors for any judges' re-election, and one, if not the only, ultimate goal that emerges from the political process.

Intricate Relationships among Legal Actors

The final major conclusion is that intricate relationships between judges and police officers or defense attorneys are present both within the court and within these particular communities. Police officers are associated with their frequent presence in the courts and the interactions that result from prosecuting cases. The judges who previously served the community via law enforcement delicately deal with police officers inside the court by implementing

unofficial policies. Outside of the court, judges and police officers do not engage in social settings. Thus the judges modify their relationships so with police officers so the court can ensure impartiality to defendants. Judges and defense attorneys appear to have more professional relationships that embody the formal nature of the adversarial system. This affects the likelihood the judges and defense attorneys will engage in small talk or collaborate over the results of the case.

Finally, there appears to be a connection between the judges and the communities they serve. It was not mentioned previously that many of these judges enjoy teaching in the local university and police officer academies. This suggests that these judges' backgrounds and interests as police officers or attorneys are still exemplified throughout their judgeship. As teachers, the judges become more connected to the public to render support for their political position, all while enjoying their service to others. In addition, some judges' history of being raised within the same community they serve has fostered an association with legal counterparts that, in turn, may affect future career advancement. In Centre County, it is suggested that the judges' roots as legal actors within the community helps them aspire to be a Court of Common Pleas Judge. Therefore, intricate relationships can influence the course of a judges' career in these small and similarly structured communities.

Conclusions: Courts of Limited Jurisdiction and Higher Courts

The courts of limited jurisdiction in this study have been analyzed for their substantial components and legal actors which are at least ingredient if they do not also constitute the courts' specific nature. As lower courts, the courts of limited jurisdiction are recognized for their predictability, the impact of the political process on the courts, and the intricate relations that stem from the courts' close location to their particular communities. This distinguish is made

because these courts differ from higher courts inasmuch as all their most salient characteristics result solely from the essential aspects of limited jurisdiction. For example, the smaller geographical venues these courts serve in close proximity to a large university makes it predictable what clientele and offenses are going to be most common. In a larger court, general jurisdiction will extend over a larger geographical area and will make courts less familiar to their surrounding communities and the local public.

The impact of the political process on courts of limited jurisdiction is distinguished through the implications surrounding how judges are elected and how they interact with other legal professionals. In higher courts, there are heightened standards for judges to be elected and a certain level of legal expertise is required. Qualifications regarding one's connection to the community alone are thus characteristics that are specific to courts of limited jurisdiction. In courts of general jurisdiction, the qualification of being connected to the community as a former police officer, rather than an attorney, would be insufficient for dealing with the large variety of cases that are prosecuted in the court.

The informal nature of these courts of limited jurisdiction reveals that intricate relationships among court actors exist within smaller geographical venues. The role of the police officer and his or her relationship to the judge is an important distinction that follows because in courts of general jurisdiction, police officers do not ever prosecute the cases before the judge. Thus in courts of general jurisdiction, judges and police officers would not have an intricate or in any way intimate relationship. Ultimately, the fact that a prosecutor does not prosecute cases in courts of limited jurisdiction has a pervasive effect on how the judge and police officer relationship is formed and maintained in courts that serve smaller communities.

The Theoretical Framework

The existing theoretical frameworks on “the court community” and “the process is the punishment” apply in various ways. As political institutions, the courts of limited jurisdiction are accurately defined by the community metaphor according to the common attributes that exist among the county and legal actors, the political nature of the court presented by the judges’ role and relationships to members of the public, and how judges enforce office policies as well as carry out their tasks to present themselves positively and optimally in the community. The courtroom actors also reflect the qualities of a community when they collaborate during the hearing to explain processes to defendants.

Thus the conclusion is warranted that the role of the community is indeed quite powerful within these courts of limited jurisdiction. The surrounding communities which are closely located to a university present the specific clientele of college student defendants. The smaller communities allow people to be more familiar with each other, and the judges are well known as public figures. This affects how the judges interact with the public in various situations. The legal community also appears to be closely connected within these smaller communities. This is supported through judges’ and police officers’ relationships. The police officers must develop strong interdependencies before the judge is elected because the judges consequently create strategies to be impartial among police officers and defendants in court and in the community. The legal actors appear to be connected through their interactions in Magisterial District Courts, the Central Court, and in some instances when Magisterial District Judges have advanced to the Court of Common Pleas. This connection stems from their close proximity to each other as legal professionals in small communities.

The community metaphor should not be totally applied to these courts of limited jurisdiction because the legal actors in this study were not equally studied to investigate the

internal nature of the courtroom workgroup. While there is solid evidence that courts can be viewed aptly as communities, the metaphor should not be extended to say that all the legal actors and their functions completely structure and predict the processes of the court. Many of the processes such as the hearing process occur as they were observed simply because the court hears certain cases and is limited in its function because of its jurisdiction.

Feeley's (1979) notion of "the process is the punishment" would be demonstrated through how defendants that encounter courts of limited jurisdiction sometimes appear to be unaware of the court process and fearful of possibly negative ramifications on their future careers. In these particular courts, the process becomes the punishment for a particular clientele of student defendants who are instructed on court procedures and receive constructive comments that the judges may make.

The learning process for defendants in these courts appears to outweigh the punishing process. This particular clientele learns much from their court experience when they are taught how to appear in court, explained the nature of the hearing process, and the consequences of their actions. This is determined because the pettiness of the offenses that were observed in these courts does not require the longer pretrial process of detention, securing bail and the delays that Feeley (1979) observed. There were opportunities for defendants to pay defense attorneys for their trial costs; however, the efficiency of these courts suggests an attorney's preparation to negotiate summary offenses requires far less time than a jury trial. These courts of limited jurisdiction are thus going to present a different pretrial experience than the court of general jurisdiction in New Haven, Connecticut which Feeley (1979) studied.

The learning process within these courts of limited jurisdiction does ultimately suggest that defendants in fact become more informed about the general adversarial processes. Their experience in court is the lens through which we understand that justice is perceived and administered through the various relations that exist and the political nature surrounding the court

community. The reality is that these features are probably less apparent to defendants, though, who focus this attention on understanding the court's processes and how their offenses will affect their futures. To see how justice is perceived and administered in courts of limited jurisdiction ultimately requires an understanding of how court actors in the community are integrated through their careers and how they approach their predictable clientele. It is my final intent that the implications and conclusions of this study have developed this understanding.

Limits of the Research and Future Research Needs

Questions surrounding generalizability follow from the conclusions that have been made in this study. This research presents the findings of a group of courts of limited jurisdiction in a small, rural county of Pennsylvania. The findings should be considered generalizable to understanding how courts of limited jurisdiction are basically structured when they serve smaller geographical areas that are made up of smaller towns. These courts of limited jurisdiction should be distinguished for their placement in rural small towns as opposed to more metropolitan and urban areas throughout the country. In addition, it must be remembered that these courts have been characterized according to the outcomes that by and large result from the local presence of a large university, which ensures the predictability of the courts' student clientele. This factor may also not make these courts generalizable to all courts of limited jurisdiction.

These courts of limited jurisdiction suggest how a particular clientele will view their court experience. It is suggested for future research to investigate whether these results could be generalized to courts of limited jurisdiction that are embedded in more urban areas, and whether the processes and nature of all entry level courts are similar. Then it could be determined if the court experience of this particular clientele is generalizable to all people who come through courts of limited jurisdiction. This study is limited because of the small number of observations that

have been used and the small sample of only 6 respondents. To improve this study, future researchers may find more generalizable results if they observe more diverse courts of limited jurisdiction, and if they interview more judges of courts of limited jurisdiction, police officers, and attorneys to better understand what the implications are for the existing theoretical framework when applied to a greater regional diversity of courts of limited jurisdiction.

Appendix A

Interview Questions

1. Tell me about yourself and upbringing.
2. Where did you grow up?
3. What made you decide to run for district judge?
4. Did you enjoy running for election?
5. How many years have you been a judge since your first election?
6. Have you had any jobs associated with the criminal justice system prior to being a judge?
7. What is your legal jurisdiction?
8. What are your responsibilities as district judge?
9. What is a typical day like for you?
10. Are there tasks you enjoy doing or look forward to doing each day?
11. Is there anything you dread doing?
12. What challenges do you face?
13. What pressures do you face?
14. How are cases scheduled in your court?
15. How many cases do you typically see in a day/session?
16. How has your caseload developed over the years?
17. Does the district court process its cases in an efficient manner?
18. Can you describe the 'typical' defendant in this district?
19. What charges do you find the most difficult to deal with?
20. If someone doesn't like a judgment from your court, what options do they have?
21. What is your relationship to the Court of Common Pleas?
22. What do you do with these cases in which you come in contact with parties that are friends or relatives?
23. Who else is presently on staff with you?
24. What are their responsibilities?
25. Are local police commonly present in your court?
26. If so, would you say that the court works closely with the local police?
27. What police department(s)?

28. How would you describe the court's relationship to the police departments?
29. Do local defense attorneys typically appear in court?
30. Do you help inexperienced attorneys find their way in the criminal justice system?
31. Does the district attorney's office in Centre County work well with the defense bar?
32. Does the district attorney's office work well with the public defender?
33. Do you feel the district court has any type of duty to the surrounding community?
34. Do you feel a connection to the community as the district judge?
35. What do you hope for your legacy to be?

BIBLIOGRAPHY

1. Centre County Genealogy Society. 2014. "Centre County Maps." Retrieved August 10 2014. (<http://centrecountygenealogy.org/county-maps>).
2. Centre County Pennsylvania. 2014. "District Judges." Retrieved August 10 2013. (<http://centrecountypa.gov/index.aspx?NID=358>).
3. Cornell, Janet G. 2012. "Limited Jurisdiction Courts- Challenges, Opportunities, and Strategies for Action." Retrieved March 14 2014. (<http://www.ncsc.org/sitecore/content/microsites/future-trends-2012/home/Courts-and-the-Community/3-6-Limited-Jurisdiction-Courts.aspx>).
4. Eisenstein, James, Roy B. Flemming, and Peter F. Nardulli. 1999. *The Contours of Justice, Communities and Their Courts*. Lanham, MD: University Press of America.
5. Feeley, Malcom M. 1979. *The Process if the Punishment, Handling Cases in a Lower Criminal Court*. New York: Russell Sage Foundation.
6. Penn State University Libraries. 2014. "Law: Pennsylvania Courts." Retrieved February 6 2014. (<http://www.libraries.psu.edu/psul/researchguides/socialsciences/pacourts.html>).
7. Pennsylvania General Assembly. 2014. "Title 42." Retrieved August 7 2013. (<http://www.legis.state.pa.us/WU01/LI/LI/CT/HTM/42/42.HTM>).
8. Schauffler, Richard Y., Robert C. LaFountain, Shauna M. Strickland, and Kathryn A. Holt. 2011. "Examining the Work of State Courts: An Analysis of 2009 State Court Caseloads." Williamsburg, VA: National Center for State Courts.

(http://www.courtstatistics.org/otherpages/~media/microsites/files/csp/data%20pdf/csp_dec.ashx).

9. The Unified Judicial System of Pennsylvania. 2014. "Learn." Retrieved September 3, 2013. (<http://www.pacourts.us/learn>).
10. U.S. Department of Commerce: United States Census Bureau. 2014. "State and County Quick Facts, Centre County Pennsylvania." Retrieved January 5 2014. (<http://quickfacts.census.gov/qfd/states/42/42027.html>).

ACADEMIC VITA

Stephanie Jean Lapple

226 Highland Ave, Apartment #302, State College, PA 16801 • slapple492@gmail.com

EDUCATION

The Pennsylvania State University, University Park Expected Graduation: Spring 2014
Schreyer Honors College
Bachelor of Science in Criminology, Legal Studies Option
Bachelor of Arts in Sociology

National University of Ireland: Galway Spring 2013
Study Abroad Program

AWARDS

Undergraduate Summer Discovery Grant for Honors Thesis Research Spring 2013
Liberal Arts Enrichment Fund for Study Abroad Experience Fall 2012
Dean's List all semesters

PROFESSIONAL EXPERIENCE AND LEADERSHIP

The Association of Religion Data Archives – Research Assistant University Park, PA
Spring 2013 - Present

- Aid research team that collects survey data on religion
- Create label files using SPSS software and monitor the ARDA website

Teacher Assistant – The Pennsylvania State University University Park, PA
Fall 2012

- Facilitated critical thinking of students, graded reaction papers, and gave feedback to students in 400 level class “The Sociology of Deviance”

Geoblogger Galway, Ireland
Spring 2013

- Chosen to represent Penn State Global Affairs by blogging about study abroad experience
- Recognized by *The Global Lion* newsletter and published blog, ‘Final Reflection of Ireland’

Penn State IFC/Panhellenic Dance Marathon (THON) University Park, PA
Fall 2011 - Spring 2014

- Enforced policies as security on Rules and Regulations Committee
- Collaborated with a small group to organize fundraising year round for pediatric cancer research

Junior Golf Instructor of Caledonia Country Club Caledonia, NY
Fall 2010 - Fall 2013

- Coached junior golfers the fundamentals and mechanics of golf
- Prepared weekly lessons, assessed group progress, and provided an example of course etiquette

Alpha Chi Omega: Beta Mu Chapter

- Represented chapter by writing an article for *The Odyssey*: National Greek Life Newspaper Fall 2011