The Governance of Trial Judges

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The role of the bench as the sponsoring organization of trial judges largely remains a mystery to political science. Borrowing from organizational theory the metaphor of loose coupling, a characteristic of many American political institutions, this article explores the tension between elements of loose and tight coupling within the sponsoring organization of judges (the bench) and the consequences of that tension for the distribution of services to clients of trial courts. The article identifies three sets of consequences: (1) The locus and style of innovation is acutely circumscribed by these tensions; in the court that is studied, assertive leadership and punctuated change are less likely than conciliar leadership and incremental change. (2) The juxtaposition of loosely and tightly coupled elements promote responsiveness to powerful clientele interests. (3) Responsiveness to powerful clientele interests leads to a distribution of resources that short-changes less influential clients of the court.

The delivery of justice occurs in thousands of trial courts intermittently illumined by media attention and scholarly examination. A key actor in this fundamental governmental function is the trial judge, an official who distinctively combines obscurity with power. This article examines some of the informal constraints curbing judges' authority that emanate from the judges' own sponsoring organization in the setting that confronts most Americans who seek justice in trial courts—multijudge courts in large urban areas.

Trial judges like to think of themselves as autonomous decisionmakers whom nobody bosses around. Many outsiders consider them autocrats, that is, persons who behave in an authoritarian or domineering manner. Social scientists, however, have long observed of criminal courts that judges, prosecutors, and defense counsel are interdependent and form workgroups that often remain stable over considerable periods of time (Eisenstein & Jacob 1977). In turn, prosecutors and defense attorneys are constrained by their "sponsoring organizations"—the District At-

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torney's Office, the Public Defender's Office, and the workplace setting of private attorneys. However, with one exception (Flemming, Nardulli, & Eisenstein 1992), no one has examined the constraints placed on judges by *their* sponsoring organization, which we will call the bench.[1]

This article examines the ways in which the sponsoring organization of trial judges affects their work and constrains their activities. I show that the constraints flowing from the organizational context in which trial judges work affect not only their personal careers but also the distribution of services by trial courts. In addition, I show that such distributional effects flow not simply from organizational forms but from the opportunities created by those forms for interest and clientele groups to penetrate the court organization and to obtain favored status. Those opportunities are more consequential than the effects of elections in establishing differential services for various segments of the population served by a trial court.

Here I view the organizational structure of trial judges through two prisms. One is that of a very large court I have studied in considerable detail. The second is the body of organizational theory that focuses on the manner in which segments of an organization are coupled (Weick 1976; Orton & Weick 1990; Spender & Grinyer 1995). I explore what segments of the judges' sponsoring organization are tightly coupled so that what occurs in or is proclaimed by one segment directly affects the others, how tight coupling comes to exist, and what its consequences are. I also examine which segments of the sponsoring organization are loosely coupled so that they operate as almost autonomous entities, why they maintain their independence, and what consequences flow from that arrangement.

My focus on the degree of coupling among trial judges is intended to highlight relationships among judges and illuminate the ways in which they collaborate with one another or stand in one another's way. Conventional legal and political science scholarship on trial judges has typically employed three other frameworks because the focus of the research differed.

One research perspective has looked at the dominance of the judge in the courtroom. The judge is portrayed as sovereign in the courtroom. This is the explicit perspective of many judges and other courthouse participants, but it is also implicit in a great deal of political science research premised on the judge being an autonomous individual who acts as if unimpeded by his or her organizational context. Thus, the large body of research on judges' background traits which seeks to link the gender, race, education, and legal and political background of trial

[1] Courthouse regulars or many other observers use the term "the court" when referring to the judges; see, e.g., Flemming et al. 1992:79–81.

judges to their decisions is founded on the assumption that judges are autonomous (Wice 1995; Martin 1993; Goldman & Saronson 1994; Goldman 1987, 1993; Spohn 1990; Rowland, Songer, & Carp 1988; Welch, Combs, & Gruhl 1988; Kritzer 1978; Uhlman 1978; Vines 1964).

A quite different perspective has gained acceptance by other scholars who have focused on the *inter*dependence of judges, prosecutors, and defense counsel created by the social settings of criminal courtrooms. That social setting has sometimes been described as a bureaucracy; Abraham Blumberg (1967), one of the first to emphasize those interdependencies, devoted a chapter of his book to the "Judge as Bureaucrat" (pp. 117–42). Blumberg and others who have used the terms "bureaucrat" or "bureaucracy" in referring to courts have generally pointed to the routinization of the courts' work, increasing division of labor and specialization, and the perceived transformation of judges from professionals to "technocrats" (Heydebrand & Seron 1990). Heydebrand and Seron write: "Rather than serving as guardians of cherished values and as interpreters of legal principles, judges may be called upon to make common cause with the expediency of managerial innovations and the simplification and routinization of procedures" (pp. 12–13). A variant of this organizational perspective has viewed individual courtrooms as the key unit of analysis and focused on interactions between attorneys, judges, and others within courtroom workgroups (Eisenstein & Jacob 1977). More recently, however, researchers have favored viewing courts metaphorically as communities and concentrated on their social organization (Eisenstein, Flemming, & Nardulli 1988; Nardulli, Eisenstein, & Flemming 1988; Flemming et al. 1992). The study of courts as workgroups or courthouse communities seeks principally to explain aggregated case outcomes in terms of the relationships within individual courtrooms; it has also has concentrated entirely on criminal proceedings.

A third perspective sometimes employed in exploring organizational change of trial courts (Heydebrand & Seron 1990; Berkson, Carbon, & Rosenbaum 1978; Barrow, Johnson, & Montjoy 1988) is to view them as ensconced in an ecological context. They exist as part of a larger institutional evironment (Zucker 1987; Meyer & Scott 1983; DiMaggio & Powell 1983; Meyer & Rowan 1977). This perspective sees courts as engaged in exchange relationships with other organizations such as prisons, police, legislatures, governors, and the like. In addition, the ecological perspective focuses on the task environment of organizations, the goals to which they are committed. Every organization has a core technology for achieving these goals (Scott 1981); for trial courts they include, among many others, plea bargaining, civil settlement conferences, and trials. Almost every organization is committed to protecting those technologies from external

assault. The ecological perspective is useful for looking at the *inter*organizational politics of court organizations, but it is not appropriate to my task of understanding the organizational constraints impinging on trial judges from their own sponsoring organization, the bench.

I employ a somewhat different perspective. The organizational theory on which I draw is that of organizations as loosely coupled systems (Glassman 1973; March & Olsen 1976; Weick 1976; Spender & Grinyer 1995). "Coupling" in this framework refers to the degree to which actions of one participant have predictable consequences for another. When activities are tightly coupled, the consequences are quite predictable. Thus, in a court where all matters on the calendar on one day must be processed on that day, if a judge calls in sick, others must take up the slack. Likewise, in a court where one judge has been given the power to assign others, an order from the assignment judge predictably leads the affected judge to pack her belongings and move to another courtroom or docket. When activities are loosely coupled, the consequences of one person's actions may be indiscernible or unpredictable. When a judge fails to honor the going rate in sentencing offenders, the impact on other judges is unclear. They may ignore the dissenter's sentencing norm, or they may conform to it. Further, one cannot predict whether such actions will provoke a flood of motions to substitute and what sentence will be given to defendants who move to another courtroom because of such a motion. Most organizations experience thrusts to increase predictability, which leads to the imposition of standardized procedures on its members. For instance, the judges' sponsoring organization may impose uniform scheduling procedures in order to produce a more predictable workload. On the other hand, organizations also experience impulses to couple many activities loosely, uncoupling the activities of its members from those of others in the same organization. That drive is particularly strong among judges who hold independent commissions to their office and who tend to consider the judges' sponsoring organization (the bench) as a shadowy, mythic group rather than as an organization with real consequences, for the sponsoring organization neither recruited them nor can it promote, demote, or dismiss them. Weick (1976) and Spender and Grinyer (1995) point out that organizations are rarely if ever fully loosely coupled or completely tightly coupled. Typically, organizations like schools (Weick 1976) or commercial enterprises (Spender & Grinyer 1995) contain elements of both tight and loose coupling. There is a constant tension between the desire to couple more tightly and to couple more loosely. The outcome of that tension at any point in time is the organizational form that is visible to the observer. The political processes that create the structural mix of tight and loose coupling are not

readily observable, but they are important because they produce structures that have substantial distributional consequences.

Unlike the dimension ranging from centralization to decentralization, the dimension running from tight to loose coupling does not focus on the location of authority. Rather it calls attention to the consequences of relationships within organizations. It is important to differentiate between the centralization/decentralization dimension and the dimension that runs from tight coupling to loose coupling. The two are not isomorphic. Centralization/decentralization refers to the locus of authority or where decisions are made. Tight and loose coupling refers to the *effects* of decisions. Where there is tight coupling, decisions made in one unit or level of an organization have predictable consequences in other levels or units. Tight coupling *may* be accompanied by centralization, but not necessarily so. A highly centralized organization may be loosely coupled and may find that the decisions made by central managers are ignored in the field. One often finds police departments where general policy is made by the commanders and everyone in the department is supposed to be bound by the volumes of manuals each officer receives, but, in fact, what officers do deviates from those commands. Many studies of police departments show that centralized decisions often are evaded in the field (e.g., Rubenstein 1973; Brown 1981). Indeed Lipsky (1980) coined the term "street level bureaucracy" for that phenomenon. Likewise, a decentralized organization may be tightly coupled in some aspects of its operation. For instance, state governments in the United States are almost entirely disconnected from each other, yet tax decisions and many other policy issues are tightly coupled among neighboring states. Nor are centralization/decentralization or tight and loose coupling uniform throughout organizations. A mix of each exists and creates considerable tension within them.

Flemming et al. (1992:82–100) portray these tensions as rooted in personalities and existing group norms. They examine the dominant posture of judges in their interactions and portray the benches of their courts as being *either* collegial, competitive, or conflictual, but they say little about the organizational structure in which these postures are taken. An emphasis on the degree to which organizational elements are coupled shifts the focus from the posture of relationships to the organizational context of those postures. It makes room for conceding that organizational actors like judges may work collegially on some matters and be in conflict over others. However, the consequences of getting along, competing, or fighting vary with the setting. In tightly coupled elements of organizations, for instance, conflict predictably spreads to other elements of the organization, whereas when elements of an organization are loosely coupled, conflict in one unit or over a single issue remains isolated or

pops up elsewhere in unpredictable patterns. Likewise, collegiality in a tightly coupled organization spreads throughout the organization; in loosely coupled settings, collegiality remains isolated.

Both tight and loose coupling provide benefits and costs to organizations (Weick 1976:6–8; Orton & Weick 1990:216–19; Spender & Grinyer 1995:909). The autonomy of loose coupling insulates segments of the court from troubles or problems experienced elsewhere in the system and may allow local discretion, reinforce the pride of professionalism, and permit variation in the structure and process used by different units of the court. At the same time, loose coupling makes leadership more difficult, promotes gradual rather than decisive change, and obscures responsibility for mistakes.

The remainder of this article examines the juxtaposition of tight and loose coupling of the bench of a single court. It identifies the segments of the system that are loosely coupled and those that are tightly knit and the apparent roots of this division; it examines the ways in which the tension between these two tendencies are exhibited; and it analyzes some of the consequences that flow from them.

The Setting

The Circuit Court of Cook County, Illinois, is the setting for this study. The court is the single trial court for the county and hears all cases except those going to the Federal District Court of Northern Illinois. Its jurisdiction encompasses the city of Chicago and its inner ring of suburbs. It serves a population, of 5.1 million of which 54% reside in the Chicago. In 1990 whites constituted 38% of the city's population; 39% were African American and 20% were Latino. In the Cook County suburbs, 80% of the population was white. It is the largest unified court in the nation with 400 judges[2] (Los Angeles is second with 239 judges). However, the organizational issues the Cook county court system faces are not unique. Its total size is not unlike that of some state court systems which operate under a considerable degree of central supervision such as New Jersey's Superior Court with 350 judges, and the divisions of the Cook County Circuit Court are the size of many large urban courts.

The court is headed by a chief judge who is elected by majority vote of the circuit judges for a term of three years. A presiding judge, named by the chief judge, leads each of the major divi-

[2] Of the judges, 40% were associate judges. Circuit judges are elected for their first six-year term of office; the associate judges are appointed by the circuit judges for four years; circuit judges receive a salary of $107,000, and associate judges are paid about $6,500 less. However, most associate judges have the same authority and power as circuit judges in the courtroom, and they sit in almost every section of the court.

sions, which specialize either in a particular set of cases (e.g., felony, misdemeanor; domestic relations; or major civil) or cases arising in a particular portion of the county. Presiding judges serve at the chief judge's pleasure. The congregation of judges—which meets in various forums as noted below—constitutes the judges' sponsoring organization (or as we are calling it, the bench).

The data for this article come from several sources. The chief judge and all divisional presiding judges were interviewed; ordinary judges without administrative responsibilities were also interviewed. The interviews took place between May 1994 and May 1995. Those interviewed do not represent a statistically random sample. My aim was to interview as many judges with administrative responsibilities as possible and as many others as I needed until I no longer learned new information about their section of the court. A total of 54 judges from all the divisions were interviewed; each interview lasted from 45 minutes to an hour and a half. I took extensive notes during the interviews and then transcribed and expanded them immediately afterwards. The judges were not promised anonymity, and all the interviews were "on the record," except for occasional brief interludes when a judge asked to go off the record. The interviews followed roughly the same pattern of questions, but they were intended to permit probes whenever those seemed fruitful. Each interview was adapted to the informant's position and situation. Consequently, I do not present counts of responses, since questions were not asked in identical sequences or even in quite the same manner to each respondent; moreover, the sample was a purposive one intended to elicit information about court practices rather than one intended to provide a statistical estimate of attitudes. In addition, I collected biographical information on all judges and circulated a questionnaire seeking career data; 70% of the judges returned the questionnaire. Finally, I utilized a number of reports and public records about the court and its work.

Organizational Design

The tightly and loosely coupled elements of the bench originate from different features of the court's structure. The most strategic element of tight coupling in this bench comes from the statutory authority of the chief judge to assign judges to particular tasks. This creates the potential for coupling performance with rewards or punishment despite the absence of pay differentials and promotions.

Tight Coupling and the Assignment Process

The chief judge's assignment powers create a considerable degree of tight coupling in the bench. Implicit in his assignment powers is also the power to divide the workload of the court. In Cook County as in many other large courts, civil cases are separated from criminal, juvenile from adult, misdemeanors from felonies, small claims from disputes with large sums at risk, domestic relations and probate from other civil cases. In addition to these conventional specializations, in Cook County geographic divisions also have existed since the establishment of the unified Cook County Circuit Court in 1962, with each area of the county possessing its own courthouse. This division of the court into specialized branches is not easily changed because of constraints imposed by the availability of physical facilities such as the proximity of jails, holding rooms for prisoners, jury boxes in courtrooms, and political pressures generated by attorneys who do not want the courts in which they practice distanced from their offices. Within these constraints, however, the chief judge assigns judges to courtrooms and dockets with the entirely predictable result that a particular set of cases is heard by designated judges.

Much else flows from the power to assign judges. The structure of the court into functional and geographic sections permits a wide array of assignments that vary considerably in prestige and desirability. The prestige of the courtrooms, according to judges' interviews, is the product of three factors: the nature of the cases, the quality of the attorneys, and the caseload volume. Courts with significant cases are more desirable than those that handle "junk," "trash," or "trivial" matters. The size of the claim in civil cases and the seriousness of the consequences in criminal matters measure significance. Large claims spell prestige; that makes law division courtrooms that only adjudicate claims exceeding $30,000 more desirable than the civil dockets of the municipal districts that adjudicate smaller claims. Likewise, it makes criminal division courtrooms hearing felony charges that may yield long prison terms or even the death penalty more desirable than misdemeanor courtrooms in the municipal districts where the typical outcome is a probation, a fine, or a brief jail sentence.

Second, the quality of counsel appearing in the various courtrooms bestows greater prestige on some than others. A law division judge pointed out that in his courtroom law firm partners, not junior associates, try cases (Judge E-1). Attorneys working the law division (large civil cases) and the chancery division (significant political disputes) courtrooms are much more likely to come from elite law firms than are those appearing in the courtrooms hearing small civil claims. At the other end of the desira-

bility scale, domestic relations lawyers stand at the very bottom of the prestige ladder of the Chicago bar (Schnorr et al. 1995).

Third, high-volume courts are less desirable than low-volume courts. The difference between them is enormous. In traffic court, domestic violence court, misdemeanor court, juvenile court, and in small nonjury civil claims courtrooms, a judge confronts a courtroom packed with litigants or defendants every morning. Each day such a judge must dispose of 20 to 60 cases after brief hearings. Most of these cases are routine. As one judge told me about his service on traffic court, "One hears DUI [driving under the influence] after DUI after DUI" (Judge E-2 interview). Similarly, in domestic violence court, judges must process 50 or more complaints every day and each presents only a slight variant of the preceding case's depressing situation. By contrast, in the law division's jury trial section, a judge is likely to process only a handful of cases a week, negotiating a settlement in some and holding a trial in one or two others. Even in the jury section handling minor civil cases, judges typically handle only 15 to 20 cases a week. Whereas the high-volume courtrooms resemble bedlam, the low-volume courtrooms call to mind the quiet of a church.

The three circumstances tend to cluster. Minor cases attract low-prestige counsel in high-volume courtrooms; important cases attract elite attorneys in low-volume courtrooms. Arraying the various sections of the court along these dimensions, one begins at the top in the chancery and law divisions, descends to the criminal division, to the jury courtrooms in the municipal districts, descending further still to domestic relations and juvenile court, and finally lands at the bottom in traffic court. The probate and county divisions are intermediate as are the municipal districts that constitute the divisions hearing criminal and minor civil cases arising in their part of the county.

The organizational structure thus provides assignments of varying desirability for judges, thus permitting the chief judge to couple perceived performance with desirable or undesirable assignments. This is reflected in the initial assignments of judges entering the court. Most judges (72%) enter the court system with an assignment to the First Municipal District, a very large section with 87 judges.[3] Of those originally assigned to the First Municipal District, 73% began in traffic court, an assignment that is by all accounts the lowest prestige assignment in the circuit court. The relatively small number (8.4%) of judges who began their work in one of the other municipal districts also is usually first assigned to traffic court in those courthouses. A lucky 20% started out in other assignments, although most of them

[3] All the following statistics come from questionnaire returns.

began in the next lowest prestige courts—domestic relations (8.5%) and juvenile (3.3%).

Every judge I interviewed acknowledged that he or she served in their post at the pleasure of the chief judge. Even presiding judges with long tenure did not believe that they could count on remaining in their positions. Many younger judges who were serving in the less desirable positions mentioned that they hoped that their good performance would be rewarded with a posting to a better courtroom. Associate judges worried about being closed out of desirable assignments because of their associate status. When asked what might happen if their performance was perceived to be subpar, judges in good assignments said they thought they would be transferred elsewhere. This view was held even though few judges are reassigned because of outstanding or subpar performance.

The questionnaire returns indicated that the mean number of cross-divisional transfers per judge was only two and that even judges with more than the median tenure of 9.5 years had only a mean of 2.6 cross-divisional assignments. Thus, after an initial assignment in the First Municipal District, judges usually make only one or two more major moves from one division to another. Shifts within that division may occur as we shall see below, but very few shifts occur during the tenure of a judge from a low-prestige division to a high-prestige one; almost three-fifths of the 75 judges who ultimately won an assignment to the law or chancery divisions did so by their second assignment. Thus it appears that the *hope* of a better assignment is promoted by occasional shifts of judges from less desired posts to the law or chancery divisions. However, few judges in fact win those assignments because vacancies in those divisions do not often occur. Likewise, fear of transfer *out* of chancery or law is not fueled by its frequent occurrence. Of the 75 judges ultimately assigned to chancery or law, only 9 were subsequently transferred to less prestigious divisions (and some of them left to become a presiding judge in another division). Judges were able to cite only 2 instances of such a transfer (although the questionnaires indicated 9!), but these were perceived as widely known among the judges of those divisions. On the other hand, there is considerable shifting of assignments *within* many of the larger divisions. For instance, in the First Municipal District, which handles all minor cases in Chicago, judges typically move out of traffic court to one of the high-volume civil or criminal courtrooms and from there to jury calls. Even within the law division, jury calls are more prestigious than motion calls. How rapidly a judge moves out of traffic court and from a high-volume court depends entirely on the discretion of the presiding judge and/or the chief judge. Moreover, some of the suburban district courts are particularly sought after because they are located near a judge's residence; in a county where the

commute from residence to courthouse may take an hour or more, this is no trivial matter. All the judges who spoke to this question thought that good work was rewarded with more rapid movement and by implication that poor work could retard it. Thus, assignments are a much more powerful incentive for compliance with hierarchically determined standards than the movement between divisions suggests.

Loose Coupling and the Assignment Process

Yet the chief judge's authority is constrained by significant elements of loose coupling. The first of these stems from the manner in which judges arrive at and remain on the bench. While all must be elected to their first full term, many are initially appointed by the Illinois Supreme Court to fill a vacancy until the next election. Although the chief judge may seek to influence such appointments, many candidates obtain appointment through sponsorship by their own political allies; however they obtain appointment, such judges must win an election when their appointive term expires. Elections for circuit court judges occur in a variety of constituencies. Some judges run for at-large county seats; some compete for citywide seats; others run for all-suburban seats; and still others run in 15 subdistricts. The latter were designed by the state legislature in 1991 to produce a larger number of Republican and minority judges, with 4 subdistricts having a majority of African Americans and 2 a majority of Latinos. It is estimated that this will eventually reduce the proportion of white judges from 85% in 1991 to 59% when all of the subdistricts' allotted judges will have come on the bench (Chicago Urban League 1994:86). All these elections are partisan elections in which judges run either as Republicans or Democrats. Most judges running in the suburbs must win a place on the Republican ballot to succeed, but it is almost impossible for a Republican to win in citywide contests. Countywide seats are the only partisanly competitive ones. The consequence of this electoral structure is that the chief judge can occasionally help someone become a judge on the court but has relatively little influence on whether they win election to a full term.

After having won their office in a partisan election, circuit judges stand for retention in noncompetitive elections every six years. The voters are asked whether "Judge XX shall be retained in office." A judge must obtain a 60% favorable vote to remain on the bench. Every judge runs countywide for retention, irrespective of the constituency in which the judge was initially elected. Since 1974, 14 judges have been rejected and an additional 20 have barely won retention;[4] while the threat of losing

[4] Based on published election returns. "Barely winning retention" is defined as winning less than 65% of the vote.

office is small (affecting fewer than 10% of the judges on the ballot), it is large enough to be on a judge's attention horizon as the retention election approaches. Once again, the chief judge has little effect on the outcome.

Thus circuit court judges arrive at and remain on the bench mostly on the basis of their own political prowess rather than as a result of any evaluation of their performance that may be made by the chief judge. At best, the chief may indirectly influence bar association ratings, but these themselves do not have a clear effect on election outcomes. Consequently, circuit judges enjoy considerable autonomy; they can often resist tight coupling with impunity.

The situation is somewhat different for the associate judges of the court. They are elected by the circuit judges for four-year terms. To be considered initially, candidates must pass a screening committee appointed by the chief; that gives the chief a considerable voice in who is placed on the ballot. The election, however, is by ballot rather than at a meeting where the chief's opinion can be articulated. Candidates for election or reelection often make the rounds of the court to solicit support from the circuit judges. Poor evaluations by the chief may influence the outcome but do not determine it. Although associate judges have less autonomy than circuit judges, they too can resist tight coupling with considerable success.

Other elements of loose coupling also constrain the chief judge. Individual divisions run their own shows. There are no uniform policies governing assignment of judges within divisions, and internal procedures vary in each division. Thus, what happens in one division has almost no effect on the others. Most of the presiding judges enjoy de facto authority to assign judges in their division to any of their courtrooms, which again produces tight coupling between the presiding judge's decisions and the assignment of cases to judges. Thus the assignment process produces a pattern of tight coupling within units and loose coupling between units. The chief judge strains to penetrate the autonomy of the branches, and his assignment powers give him some leverage to do so.

The chief judge's ability to create a predictable linkage between his office and the operating courts is constrained by many other organizational features. One is the role that judges themselves play in the assignment process. A judge who wishes to move to another post is likely to scout the possibilities by talking to the presiding judge of the division where she wants to go, discussing the transfer with her current presiding judge, and scheduling an interview with the chief. All this appears to be done very discretely so that assignments won by a judge appear to be the result of the chief's discretion when in fact they are the product of considerable maneuvering and manipulation by the judge be-

ing transferred. Resentment would build if the chief consistently refused requested transfers. In addition, presiding judges often seek to recruit particular judges to their division. Presiding judges are among the first to learn of vacancies. They constantly lobby with the chief to maintain their roster at full strength. Often they simply take whoever the chief sends them, but some of the presiding judges take a much more active role by contacting presiding judges in less prestigious divisions (such as the First Municipal District) about judges who might wish to transfer or plucking out promising judges from their contacts with newer judges in training sessions or from news on their grapevines. Presiding judges get around much more than ordinary judges and have many more opportunities to learn about promising judges (as well as about problem judges).

One consequence of the clash between the push for the tight coupling of assignments and the thrust for loose coupling by autonomous judges lobbying for their own assignment preferences is that the chief judge's power to assign judges is in fact constrained. A result is that there is not a very tight coupling between assignments and quality of performance. Desirable assignments seem to be used much more often as a reward for good work than are undesirable ones as punishment for inadequate performance. Except in extreme cases, punishment is more likely to be expressed in the form of a denial of a transfer request than a reassignment to lesser division.

Tight Coupling and Perquisites

Discretionary perquisites ("perks") constitute a second avenue for coupling performance with rewards. In the private sector, bigger offices, better equipment, tickets to entertainment events, and trips to exotic locations are among the many perks that are dispensed to favored subordinates. In the Cook County court, however, few of these are available. Except for the chambers of the chief judge (an entire suite) and those of most presiding judges, chambers are standard; given a judge's assignment to a particular courthouse—which is associated with his or her divisional assignment—little discretion remains in the assignment of chambers. Similarly, there seem to be few differences in the furnishing of the chambers or the equipment at the disposal of judges. Computers, for instance, were in most chambers I visited, although very few of the judges made much use of them. Even the assignment of favorite clerks is beyond the reach of the chief because in Cook County as in many other jurisdictions, clerks are assigned by an independently elected Clerk of the Circuit Court. That leaves two other resources that might be potential perks: trips to exotic locations and the scheduling of vacation days.

Permission to attend judicial conferences and reimbursement for them is the most obvious perk available to the chief. The National Judicial College is in Reno, Nevada, and other conferences often take place in resort locations. Unless a judge uses vacation days to attend, he or she must get permission since it often involves assigning another judge to the call during the absence. In addition, since travel funds are limited, reimbursement requires endorsement from the chief. These circumstances would seem to make conference attendance a natural candidate for a link between performance and favor. However, that does not appear to be the case. Many judges have no interest in going to conferences. Those who do are often already the most promising, eager, and compliant judges of the bench. Even though my respondents usually denied emphatically that conferences were a discretionary perk used to bolster compliance, judges readily recognized the discretionary nature of conference attendance. A judge in the chief's doghouse ordinarily might not get reimbursement, but such a judge would also probably not apply. Thus this perk serves in subtle ways as a resource in the chief's storehouse, even though it is not explicitly put to that use.

The assignment of vacation days rests in the hands of presiding judges who have to make sure that only a small fraction of the judges in their division are on vacation at any given time. The assignment of desirable vacation dates, however, is not coupled to performance. Most divisions have a first-come, first-served rule, and most presiding judges encourage negotiation among those whose preferences overlap. Perhaps because intervention by the presiding judge is fraught with opportunity to engender ill-will, the matter is left to impersonal rules and individual negotiation.

Other perks are used by presiding judges and the chief to elicit loyalty and collaboration, but they are also not tightly linked to the judges' doing their work as their "superiors" might wish. For instance, one presiding judge told me of her effort to improve the parking lot for judges and to provide judges with name plates for their courtrooms (Judge S-1 interview). Another spoke of working to increase the number of judges in her division (Judge M-2 interview). A third described his struggle to get court reporters assigned to courtrooms (Judge M-1 interview). Still another procured case coordinators for his judges (Judge F-1 interview). One of the principal responsibilities of the chief is to seek additional resources from the County Board and the state legislature. The judges who elect the chief pay attention to his record of success or failure in doing so. These efforts for the common good were often mentioned by courtroom judges as factors making their work more pleasant or easier and were in fact designed by supervising judges to garner the gratitude and respect of their subordinates. But they result in collective goods

which all judges enjoy regardless of their compliance with the administrative efforts of their presiding or chief judge.

Tight Coupling and Collective Reputation

One collective good—the reputation of the bench as a whole—however, produces an inclination by judges to accept some degree of tight coupling between the desires of supervisors and performance of judges. Without exception, the judges I interviewed were strongly committed to the bench. They were proud to be associated with it, derived their status from it, and were concerned that its image not be sullied. They expressed considerable shame about the corruption charges that had blemished the bench during the 1980s (Special Commission on the Administration of Justice in Cook County 1988). They perceived those charges as an assault on their own identities as well as a possible threat to their retention in office. Many recognized the need to submit to the leadership of the chief judge as a necessary concession in order to protect their institution. Also, almost without exception, judges expressed concern about docket backlogs and emphasized the efforts of their supervisors and themselves in reducing delay in terms of institutional reputation. The necessity to sanction those who caused trouble for the bench as a whole was accepted in the abstract, although many denied that they knew any judges who needed to be punished. Such attitudes bolster the efforts of the chief judge to link rewards with performance.

The Dialectic between Tight and Loose Coupling

Assignments, perquisites, and collective goods provide the chief with the potential for close supervision over the bench. These resources, however, are too limited to produce a tightly coupled organization. Instead, the bench has pockets of tight coupling amid many areas of loose ties.

Sources of Loose Coupling

Many circumstances of the bench in this court produce loose coupling. The judges of the five municipal districts outside the city of Chicago work in courthouses that are miles from each other. Similarly, the courtrooms of the First Municipal District are scattered throughout the city. Within each of these courthouses, judges who have chambers near each other may meet informally with some frequency, but they do not have a common lunch room or coffee pot around which they might gather. Judges in the criminal division work in a courthouse several miles from the central business district, as do judges in the juvenile divisions; only those in the criminal division have a lunch room

(in the Cook County Jail!). Sixteen floors of the Daley Center in the central business district have courtrooms, but many of the floors house courtrooms from different divisions and the judges' chambers sit on the north and south ends of each floor. The building has no facility where judges might congregate informally. Each judge's calendar produces slightly different schedules for when court is in session and when the judge is in chambers. Reinforcing the physical isolation of the judges in this court is the absence of a newsletter or other common communication. Undoubtedly telephone gossip networks exist, but they are not reinforced by frequent face-to-face contact. For many judges, their principal contacts are with the few peers they occasionally see at work and with the novice judges whom they got to know when they attended judge's school during their first week in office. In addition, a handful of social organizations exist for judges, but they do not play a large role in maintaining social relations among the judges. Formal meetings of all the judges in the court occur only at the election of a new chief judge; regular divisional meetings of all judges occur in some divisions but not more than once a month. As a consequence, it was not uncommon for judges to tell me about the loneliness of their job and their isolation from peers. As many of them were gregarious, politicking lawyers before coming to the bench, the insular character of their judicial careers is particularly striking for them.

Limited information also helps produce loose coupling of judges in court divisions and individual judges to the chief judge. Unlike administrative agencies or congressional committees, the Cook County court, like many trial courts, produces little information about its work. That not only keeps the public in the dark, but the chief judge and presiding judges also know little about what is going on in individual courtrooms. Presiding judges theoretically provide the chief judge with information about the operation of the court, but, in fact, they do so only sporadically. Moreover, the information they pass on is quite impressionistic. Presiding judges do not regularly observe courtrooms in their division; their supervisory judges do not watch the courtrooms of the judges under their charge and are likely to hear of difficulties only when a problem has become acute. Presiding judges rely principally on information from such informants as disgruntled attorneys, trusted court staff, and, in some divisions, citizen court watchers. Thus their information is often difficult to evaluate, and they are inclined to discount rumors of problems with a particular judge until the difficulty becomes too obvious to ignore. When presiding judges discover a problem, they are likely to attempt to deal with it themselves rather than informing the chief judge because they do not desire his intervention and do not wish to be seen as ineffectual leaders. Thus, reliance by the chief judge on subordinates for information

about compliance to bench standards is as likely to keep him at bay as it is to provide information for timely action.

Moreover, on this bench as in some other trial courts (cf. Policy Studies Inc. 1994:I-18), no procedure exists to provide the chief judge with independent and trustworthy case-flow statistics. The court does not possess a strong administrative office which in some other courts collects such information. Instead, this information is collected by the clerk's office, an agency independent of the court in Illinois; the data are perceived by most judges I interviewed as quite unreliable, since many judges find that their own count of dispositions differs substantially from that produced by the clerk's office. Thus neither the chief judge nor others in supervisory positions have statistical data they feel they can rely on to evaluate the performance of individual judges.

The lack of such information and the distrust with which the numbers that exist are perceived means that performance data cannot be used to develop informal norms of how much work a judge might be expected to do. I asked most of my informants how they knew that they were working hard enough. None of them pulled out the statistical reports and pointed out their position in them. Indeed, in many parts of the court the statistics are not distributed. Instead, judges referred to vague personal standards such as, "I know I am working hard enough when I come home at night satisfied with what I have done." Thus individual judges have only a vague idea of how well they are performing either relative to their peers or relative to a performance standard establish by the chief or their more immediate supervisors.

The Interaction between Tight and Loose Coupling

Paradoxically, loose coupling of many elements of the bench has resulted in long tenure for the chief judges of this court. Each of the two chief judges prior to the one elected in 1995 served more than a decade before his retirement, even though chief judges are elected only for three-year terms; neither faced a close election when he sought reelection; indeed, the norm is for the chief to be unopposed. It appears risky for those who openly support an opposition candidate should the incumbent decide to penalize such supporters with poor assignments. Thus unlike some small courts where the position of chief rotates among all judges (or among all senior judges), the chief judge's position is semipermanent in Cook County, even though the formal term is only for three years. Judges widely acknowledge that they will have to accommodate the chief for a very large portion of their judicial career. Thus loose coupling of units within the court produces a chief whose role it is to link the units more tightly to one another.

The juxtaposition of tight and loose coupling is evident in other ways as well, particularly in efforts to get the business of the court done in a timely fashion, which means staying at least even with the influx of cases and, if possible, reducing the backlog which in some divisions stretches to several years. It also visible in measures intended to keep the bench clear of trouble resulting from misbehavior by judges, mistaken or disputed rulings, and criticism by the media, other public officials, or the citizenry. These concerns lead to a wide array of directives and supervisory measures.

Docket management embodies the chief judge's effort to keep the court afloat by satisfying its constituencies—the attorneys who practice before it, the business community that depends on it, public officials such as the state's attorney and police who interact with it, and whatever other litigants or interest groups elbow their way into the chief's field of vision. In practical terms, that means getting cases through the court in a way that meets the expectations of those constituencies.

Moving cases through the court is the most urgent imperative for the chief. Long case delays invite criticism from important constituencies, which may be fanned by the media, which otherwise pay very little attention to court management. Moving cases protects the bench's reputation; ordinary judges have an incentive to heed the chief's directives, but they also are invested in habits that impede his thrust. Thus the chief seeks to tightly couple his judges to the bench in promoting his case management measures in order to improve the performance of the court predictably. But this quest for tight coupling is muted by the reality of much loose coupling within the bench. Consequently, no specific targets have been specified in efforts to speed case flow by the chief judge because this trial court, like all trial courts, handles a diverse caseload for which it is impossible to establish a single standard across all civil and criminal cases. Clearly, small claims cases should proceed much more rapidly than claims resulting from airplane crashes. A standard that might fit felonies does not necessarily fit divorces or juvenile abuse and neglect cases. As different branches of the court handle each of these kinds of cases, the need for distinctive standards promotes loose coupling.

The limited degree to which the chief has achieved a tight coupling of divisions and courtrooms to his office is also illustrated in attempts to implement case management procedures. The alternatives are an individual calendar (with the cases being heard from beginning to end by a single judge), a master calendar (with each segment of the judicial process handled by a different judge), or some hybrid. If a master calendar is used, some judges specialize in motions, other in settlement conferences, and still others in trials, thereby extending the career ladder with

rungs for specific kinds of cases and additional rungs for each stage of the proceedings a judge may handle. If an individual calendar is chosen, each judge handles all segments of each case, flattening the career ladder to the kinds of cases that may be assigned. The two may be combined in a variety of hybrid forms; for instance, misdemeanor judges hold preliminary hearings for felony cases, but when a felony indictment has been returned, a single judge hears all proceedings for each case. The chief has not imposed a uniform calendaring system for the court; each division employs its own variation. Whenever a change in the calendaring system has been proposed, action proceeded with great caution. Such changes have never simply been mandated. Moving from one calendar system to another fundamentally alters the everyday work of judges and requires alterations in the daily work habits of attorneys. Both resist major change. Thus whenever the chief or a presiding judge contemplates such a change, a considerable period of consultation ensues in which both judges and attorneys are coopted for the change. In some instances, demonstration projects precede more widespread adoption of the change.

The effort to impose tight coupling is illustrated in another element of caseload management: the direct control of each judge's docket. One alternative is to give each judge the same number of incoming cases, and some divisions attempt to follow that rule. Another is to send *particular* cases to individual judges. However, to do so invites perceptions that cases are fixed; abuse of case assignment was one of the problems unearthed in the corruption investigations of the 1980s. Consequently, many of the divisions use random assignment of cases. However, that presumes that every case is equally difficult, that every judge has equal skills, and that each docket is equally long. None of those conditions normally exist. There is much more variation in difficulty of cases in the law division and the municipal districts than in traffic court or in the domestic relations division. Some cases require particular skills or legal knowledge that only a few judges possess. Some judges have fuller dockets than others because they work more slowly, because they have just completed a lengthy trial, or because of illness. Consequently, the authority to make case assignments has remained the domain of the presiding judges with little interference exercised by the chief judge.

A second set of demands from the chief concerns the public behavior of judges. Unlike many government officials, judges work in open spaces. The public reputation of the bench hinges on what members of the public and media observe. The chief may therefore be concerned about the hour when courtrooms begin their calls, how long they are empty, how clearly the judge explains courtroom procedures to those who sit awaiting their cases, how polite the judge is to staff and to the public, and the

degree of care that judges take in avoiding offensive language. Some of these concerns have been translated into quite specific mandates; for instance, there is an expectation in many divisions that courtroom sessions will begin at specific posted times which in some divisions is 9:00 A.M., in others 9:30, and in still others, 10:00. In some divisions, judges have been instructed to explain their procedures at the beginning of each session and told how to behave in the presence of jurors. While there is no official lexicon of prohibited words or phrases, judges who publicly offend significant groups by use of sexist or racist language reputedly get transferred; consequently, the grapevine instructs judges about what language to avoid. However, once again, no uniform standard exists across divisions. What occurs in one division has little or no impact on the others; indeed most judges are not even be aware of what is happening elsewhere.

The limited extent to which the chief judge has been able to penetrate deeply into the operation of the court is evident in many ways. It is striking that few innovations were ascribed to the chief judge's office by my informants. At the height of the corruption scandal in the 1980s, coupling became tighter as the chief mandated frequent rotation of assignments and judges' concurrence was secured by their fear of the corruption's taint. But as the memory of those scandals has faded, the coupling once again loosened, and the desires of judges in the trial courtrooms for more stable assignments has overriden chief judges' preference for frequent rotation. The rotation program quietly died. As I spoke to judges in other divisions, most were hard pressed to point to actions the chief had taken that had affected their work.

Each division is largely autonomous. As long as the judges assigned to them do their work and no trouble percolates to the chief judge's office, presiding judges have the freedom to run their divisions as they see fit. Each division is organized in its own manner; the chief has not imposed a common pattern on them. Thus the domestic relations division was organized into teams of judges with each team collectively handling a subset of the division's cases. The law division was divided into a motions section and a trial section. Each municipal district employed its own procedure for assigning judges to particular courtrooms.

Although most divisions hold monthly meetings for their judges to disseminate information and policy directives, these remain crude devices to supervise individual judges; few presiding judges use them to single out individual judges for their good or bad performance. Indeed, as we have stated, presiding judges do not have much concrete information about their judges' performance. The courtroom judges are so sensitive about supervision of their daily activity that they have successfully insulated themselves from an evaluation scheme that the previous chief

judge initiated. The scheme involves evaluations of judges via an elaborate questionnaire administered to attorneys, clients, and, where appropriate, jurors who have appeared in their courtrooms. The results, however, are considered confidential and are never shown to supervisory judges or to the public; they are revealed only to the target judge in a private mentoring session between the judge and the "mentor" he or she has chosen.

The result is spotty compliance. For instance, one judge told me that his presiding judge did not want judges in that section to hold settlement conferences because the cases had already gone through a settlement procedure and mandatory arbitration (Judge E-1). Nevertheless, this judge held a settlement conference on every case and told me proudly that he thought they were quite productive of settlements. Likewise, a stroll down courthouse hallways shows that judges vary considerably in the time that they convene their courts despite concern from supervisory judges that the time be uniform and earlier rather than later in the morning. The granting of continuances, another matter of concern to supervisors, remains highly discretionary and variable, with some judges being soft touches while others on another floor of the courthouse are notoriously tough. The lack of central control over these elements of a judge's work is not a reflection of supervisors' lack of interest; they recognize that such practices have a significant impact on the productivity of their section. However, given the limited information they have available, such practices are difficult to monitor and resistant to change. Altering them would require a considerable expenditure of supervisory resources that, as we have shown, the chief and presiding judges often do not possess.

Thus individual judges retain considerable discretion in running their courtrooms. That does not mean, however, that the courtrooms themselves are pockets of tight coupling. As earlier studies have shown (Eisenstein & Jacob 1977; Eisenstein et al. 1988), criminal courtrooms are themselves the locus of competing players who are loosely coupled together. In civil courts, considerable variation may be found. Trial courtrooms may resemble the loose coupling of criminal courts; motion courtrooms find the players more tightly coupled to the judge.

Consequently, we see both pockets of tight coupling and segments of loose coupling within judges' sponsoring organization. The power of the chief judge to assign judges to a particular section of the court and the authority of presiding judges to direct cases to specific courtrooms is the ultimate sanction that binds the judges together together as a bench with some common goals. They are buttressed by the provision of collective goods and by the perception that chief judges are likely to remain in office for many years. These produce occasional direct compliance with the chief judge's directives. However, the strength of

the sponsoring organization is constrained by what supervisors can know about the operations of individual courtrooms, by their respect for the autonomy of their colleagues with regard to courtroom procedures, and by the chief judge's desire to be reelected. Thus, many of the initiatives originating from the chief judge's office become effective only after considerable negotiation and discussion, are fundamentally altered, or are ignored. Much of what happens within divisions is the product of the dynamics within those divisions, and a very large amount of what occurs within courtrooms is primarily the result of the dynamics of those individual courtrooms.

Consequences of Tight and Loose Coupling in a Judges' Sponsoring Organization

Important consequences flow from the location of pockets of loose coupling and tight coupling and the tensions between them. These consequences occur in three areas: (1) the locus and style of administrative innovation in the court; (2) the responsiveness of the bench to its constituencies; and (3) the allocation of resources and services.

The Locus and Style of Innovation

Outsiders look to the chief judge to make whatever changes are necessary in the court, be it to become more efficient, less corrupt, more expert, or speedier. However, the chief judge is not tightly linked to judges within the individual divisions. It is very difficult for the chief to make change happen. The most likely locus of innovation and change lies in the divisions where the presiding judges can develop working relationships with courtroom judges and to some extent oversee the implementation of new procedures. Even at the division level, changes tend to be negotiated rather than mandated. The walls surrounding each courtroom are sufficiently opaque that presiding judges cannot effectively monitor the implementation of their alterations. Moreover, while presiding judges can reassign courtroom judges to less desirable posts within the division or as a last resort ask the chief to reassign a balky judge to another division, that ultimate sanction cannot be employed often without undermining the authority and respect of the presiding (and chief) judge. Even presiding judges build winning coalitions among their courtroom judges before instituting change; dissenters are thereby isolated and slowly converted or often tolerated until they leave. Within individual courtrooms, innovation is also constrained but for different reasons. The courtroom judge has substantial leeway in setting procedures within his or her courtroom but will meet considerable resistance from attorneys who also

practice in other courtrooms if the new procedure is very different. Their complaints eventually will carry to the presiding judge who may then intervene on their behalf.

Thus the process of change is very much slowed by the persistence of many pockets of loose coupling. Dramatic shakeups such as a fundamental rearrangement of the jurisdiction of the divisions or the institution of a regular rotation of judges across divisions are unlikely to be adopted given the loose coupling of various elements of the bench. In their place, more modest changes occur and they result from negotiation rather than proclamation.

Responsiveness of the Bench to Constituencies

The fragmentation of the bench into loosely coupled units also plays an important role in developing and maintaining close links between their constituencies and the units. Each division of the court has its own clientele and has developed connections with organizations representing it. For instance, the domestic relations division's principal clientele is the family bar committee of the Chicago Bar Association; the presiding judge of the division meets regularly with representatives of that group to discuss "common problems" (Judge M-1). Similarly, the law division has close ties with the commercial bar, the criminal division is in constant liaison with the state's attorney's office, traffic court has close links with the Chicago Police Department over scheduling the appearance of police officers as witnesses, and each of the suburban district court presiding judges meets regularly with the regional bar association that represents attorneys working in their area. These links enable attorneys (and occasional commercial interests) to make suggestions about court rules and to lobby for procedures that will benefit them or at least not harm them. One example of such lobbying was a committee composed of suburban lawyers seeking the transfer of more jurisdiction from the courts located in the central downtown district to the suburban courthouses. When cases have to go to the central courthouse, suburban lawyers either spend much time commuting between their offices and the courthouse or lose the case to a downtown lawyer. It is obviously advantageous to them to transfer as much jurisdiction to their local courthouses as possible. However, downtown lawyers vigorously oppose such a change. Another example of responsiveness to clientele concerns was the initiation of a special calendar for commercial cases in the law division. The new calendar permitted cases from the business community to avoid waiting in the same queue as personal injury cases and enabled business interests to get their cases heard more rapidly (Judges O-1, S-1). However, it is also important to note which clientele groups are not represented. No group rep-

resents children or their parents appearing in the juvenile divisions; they are far more responsive to the state's attorney's office, the state Department of Children and Family Services, and the Public Guardian's office. Likewise, there is no group representing the concerns of clients and their children (as distinct from the interests of their lawyers) in the domestic relations division. Throughout the court, lawyers and other professionals have created links to the judges' sponsoring organization; few groups exist to build such links for litigants who use the courts.

Allocation of Resources and Services

Responsiveness to clientele groups creates distinctive allocations of resources in the courts that have serious consequences for the delivery of justice to various segments of the population. These include the segregation of litigants, the allocation of judicial talent, the rationing of court time, and the mobilization of political support for the judiciary.

The division of labor among various segments of the court segregates litigants in significant ways. The clearest examples are the division of labor which separates juvenile, adult felony, and civil cases in the city of Chicago. Each of these sets of cases, as we have seen, is handled by a separate division of the court. Moreover, each has been assigned to a distinctive location. Juvenile cases involving both crimes and allegations of abuse and neglect have been sent to a set of buildings on the Near West Side, several miles from the business center of the city. The court has pushed adult felony cases even further away from the Loop, locating them in a building adjacent to the county jail in a neighborhood surrounded by industrial properties and a Hispanic community. Thus the gang members, the working poor, and the minorities who appear in these courts as defendants are kept out of the central business district. On the other hand, major and minor civil cases that mostly attract a middle-class clientele are processed in the heart of the city at the Daley Civic Center. One encounters entirely different worlds in visiting those three courthouses. The mayhem (and implicit threat of violence) attached to the juvenile and criminal courts buildings contrasts sharply with the businesslike decor and atmosphere of the courts in the Daley Center.

The assignment of judges has a similar consequence. The least-experienced and least-qualified judges work in high-volume courts that predominantly service the poor. These are clients represented by low-status attorneys who do not bring much clout to the table if they seek better judges, better facilities, or more thorough consideration. The chief judge tries to send the best-qualified and most-experienced judges to handle big civil cases and other high-profile cases that more often involve middle-class and

business clients who are represented by middle- and upper-status law firms. Thus allegations of spouse abuse, assigned to special courtrooms hearing nothing but such cases, go before judges who often view their service there as an experience to be endured before being liberated with an assignment to "more important" criminal cases or to a civil docket. Likewise, many judges in the juvenile divisions view their assignment as paying their dues before escaping to a better assignment.

A consequence of the tensions between loosely and tightly coupled elements of the bench may be seen in the rationing of court resources among various sections of the court. The chief judge allocates judges to each section; his decisions are motivated in part by the need to maintain a level of political support for the court that will produce adequate public resources to it. In Cook County the chief judge needs to win backing among members of the County Board to obtain budgetary allotments for buildings and staff; he solicits aid from the state legislature for additional judgeships; he lobbies the state Supreme Court for help in getting a larger share of the state's judicial budget. In all these efforts, it is not surprising that he is particularly attentive to influential political constituencies that can be mobilized in support or opposition to the court's interests. The business community and middle-class voters are more likely than the working poor to complain. The more successful a chief judge is in rallying support, the more resources he can garner for the court. The more resources he collects, the greater his leverage in asserting tight coupling of the bench. And this tighter coupling can in turn be used to satisfy the constituencies which promise increased resources in the future.

However, a consequence of resource allocation based on this political calculus is unequal rationing of court time. High-volume courts are not a fortuitous result or a natural phenomenon; they are a product of a conscious decision to assign them relatively few judges per thousand cases while more judges per thousand cases are provided for large civil cases. That means that working-class litigants pursuing justice in a dispute over a debt of $1,000 may have only 20 minutes of court time; if the claim were for $30,000, they might be able to command several days. It is not true that small claims arise from simple situations and the large claims are inherently complex; some of each are in turn simple and complex. Litigants with lesser claims, however, can expect less attention from the court.

It is noteworthy that elections play almost no role in the allocation of resources within the court. Judicial elections focus entirely on individual candidacies that are completely devoid of programmatic platforms. Allocation of resources flows from successful efforts of professional groups and party factions to win a hearing from the chief judge or from a segment of the bench

because their support is helpful in the ongoing contest to bind segments of the bench more tightly and the struggle to maintain or increase loose coupling. It is that contest, rather than elections, which provides the opportunities for interest groups to influence resource allocation in the court.

Conclusion

The prism of the Cook County Circuit Court is that of a large and complex organization. One may ask whether similar considerations apply to many smaller courts in less densely populated urban and rural areas. Such courts have been described by Flemming et al. (1992) as "collectively administered" (p. 79) and in terms of "centrifugal and centripetal forces" (p. 81). Such terms are analogues of the tight and loose coupling that Weick (1976), Orton and Weick (1990), and Spender and Grinyer (1995) elaborate more fully and that we have used to describe the Cook County court. As Orton and Weick and Spender and Grinyer suggest, organizations experience a continuous dialectic between the two tendencies. Within trial courts, the forces of autonomy stress the professional training of judges and their claim to judicial independence. Individual judges emphasize their need to exercise discretion in order to do justice. The court setting permits them to give free reign to their individual traits and invites them to render their own reading of the law; their rulings have slight if any impact on other courtrooms. At the same time, other elements of their work setting are tightly coupled to produce more predictable consequences that emanate through the entire court. Courtroom assignment, case assignment, and docket management mandates are among the more tightly coupled elements of many multijudge trial courts.

A reader may still be skeptical about the generality of the conclusions drawn here. While the organizational theory applied is quite general, the details of court structure and process are distinctive to Cook County. However, while the exact locus of loose and tight coupling undoubtedly varies among multijudge trial courts and the precise balance between loose and tight coupling may differ, the dynamic remains essentially the same. The prism of coupling theory allows the observer to distance herself from the idiosyncracies of court organization in one place or another and sensitizes her to the broader set of consequences that flow from the organizational design of trial benches. Every trial court in the United States is likely to have large pockets of loosely coupled groupings as well as elements of tight coupling because American trial judges enjoy considerable statutory and constitutional autonomy and because all trial courts are the object of efforts to streamline procedures under more forceful administrative leadership. Nor are the high-volume courts we have

described peculiar to Cook County; they exist in every large jurisdiction and are especially favored in low-status cases. Moreover, looking at the benches of trial courts through the prism of the strength of coupling among their judges brings to mind parallels with many other political institutions. Congress has long been understood as characterized by loose coupling between committees and the tension between that loose coupling and its formal leadership. The federal structure of American government is the apotheosis of loose coupling among states and between states and the national government, with recurrent stresses produced by the desire for tighter coupling by the presidency. The analysis of trial courts produced here is not an aberrant story; it is a variation on a very familiar theme.

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