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Popular Government

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The Parole Dilemma

ALSO

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Court-Ordered Arbitration

Agency for Public Telecommunications

Siting Controversial Facilities

Teacher Education

On the Cover

Designed for 37 inmates, this dormitory at Raleigh's Central Prison has housed up to 117 prisoners at a time. Photograph by Bob Donnan.

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Institute of Government

The University of North Carolina at Chapel Hill

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On most days at 831 West Morgan Street in Raleigh, five people can be found poring over dozens of cases and making decisions with far-reaching consequences. Their deliberations and decisions probably generate more intense feelings than those of almost any other public official. They are exposed to heinous crime stories, the continuing anguish of victims and their families, and the desperation of imprisoned men and women. In this emotionally charged environment, they analyze vast amounts of information in deciding whether incarcerated criminals can safely be allowed to reenter society. While decisions with tragic consequences are highly publicized, much less is known about the Parole Commission's decision-making process and about the individuals who serve as commissioners. The five commissioners (Samuel A. Wilson III, Wanda Garrett, Jeffrey Ledbetter, Katrena Horton, and Louis R. Colombo)[1] and the parole commission administrator (Sam Boyd) were kind enough to share their knowledge, candid perceptions, and feelings about the parole process and about their jobs.

Surprises

Most incoming commissioners embark on their new job with limited knowledge of the internal workings of the Parole Commission and the criminal justice system. While they recognize that their primary responsibility is the identification of inmates who can safely be released, they may be only superficially familiar with the types of crimes people commit, the type of people who tend to commit crimes, and the limits imposed by the criminal justice system in regard to punishment. Within a short period of time, new commissioners are frequently surprised, and at times shocked, by certain realities.

Wilson: I was surprised by how quickly the inmates come back. About forty-five days after I started the job, I had a case that I had signed off on soon after I arrived. The inmate had gotten out, been arrested, prosecuted, convicted, sentenced, and was back up for parole within forty-five days.

Horton: I wasn't prepared for the age of the inmates. I did not expect so many children to be incarcerated as youthful offenders, and I was appalled at the lengthy sentences for these very, very young people. I'm amazed that we have them in a controlled setting and yet are doing so little with them. When I leave the commission, I plan to spend a great deal of time trying to persuade people to develop programs, especially for incarcerated youth. While an adult inmate may be pretty much settled into a mold, the younger ones may still have a future. However, it appears to me that our system assumes that they, too, are set in a mold and should be imprisoned for long periods of time to protect the public. We seem to feel that the answer is to keep them behind bars for a certain number of years. I say "hog wash" because they eventually get out, and the crimes they commit the next time are more serious. We need to work on preparing them for life on the outside.

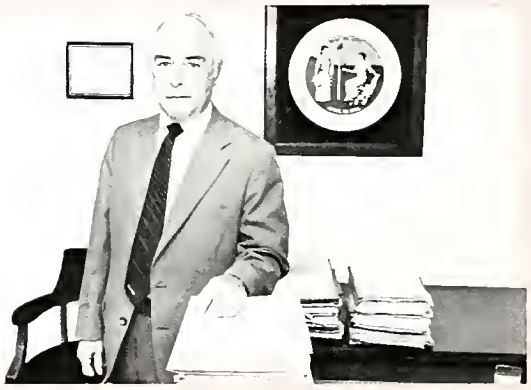
Garrett: Even though I had studied law and knew something about sentencing, I was not prepared for

The author is a psychologist who works for the Parole Commission.

Photographs by Bob Donnan

The Speakers

Samuel A. Wilson III (chair of the Parole Commission)
Received a B.A. in political science and a J.D. from The University of North Carolina at Chapel Hill; practiced law for ten years in Charlotte; served as the governor's legal counsel.



Louis R. Colombo
Received an A.B. in history and political science from Muhlenberg College in Allentown, Pennsylvania; attended George Washington University Law School; retired from the United States Department of State, where he was a security officer; has eight years' experience at an adult handicapped training center.

Wanda Garrett
Received a B.A. in speech, drama, and English from the University of Arkansas–Pine Bluff and an M.A. in speech communications from The University of North Carolina at Chapel Hill; produced a television documentary on jails and prisons; taught at university, high school, and junior high school levels; graduated from North Carolina Central University Law School.

Katrena Horton
Received a B.A. in early childhood education from Winston-Salem State University and an M.S.W. from The University of North Carolina at Chapel Hill; worked as a social worker in a variety of settings; taught at college and primary school levels; held a position in admissions and recruitment at the college level.

good time [days granted for not breaking prison rules, which advance an inmate's release date] and gain time [days earned for work, which reduce an inmate's sentence]. My immediate response was that somebody's perpetrating a fraud on the public by not really educating the public about what prison time means. Most people—and I used to be among them—think that a ten-year sentence really means

Jeffrey Ledbetter
Received a B.A. in political science from The University of North Carolina at Asheville; served for eleven years as a parole and probation officer.

Sam Boyd
Received a B.A. in criminal justice from East Carolina University; worked as a parole officer and parole case analyst for ten years before becoming parole administrator in 1985.

ten years. Such discrepancies made me realize that sometimes we don't do enough to allow the public to have faith and trust in the criminal justice process. That was probably the biggest shock.

Colombo: With very little indoctrination, we had to make decisions, reviewing decisions made by the preceding commission as well as deciding new cases, to remain current with the work load. The stress and pressure created by that situation probably was the most unexpected thing I experienced. It was on-the-job training in the most intense manner possible, and—let's face it—being human, you just can't absorb overnight all the criteria and the various laws that a decision must be based on. I'm sure I made mistakes that I probably would not have made if I had been instructed prior to coming in here.

To Parole or Not to Parole

After settling into the job, the commissioners begin developing a comfortable approach to reviewing cases. They become familiar with factors that researchers have identified as associated with future criminal behavior. While each case is judged individually and has its own set of unique circumstances, there is a core of information and material that is relied upon by each commissioner. Each is responsible for considering and weighing the data to produce the best possible decision, protecting society while not needlessly and perhaps harmfully detaining an inmate. The assessment of the same material can easily yield divergent conclusions, but there is consensus among the present commissioners that this disagreement is constructive, reflecting the diverse backgrounds and experiences of the commissioners. There is a strong belief that better decisions result from commissioners having varying perspectives. The commissioners addressed the factors they consider in deciding a typical case.

Wilson: The first factor is the risk—that is, is he going to commit another crime? And that gets difficult because I know that it's likely he's going to commit another crime in the overwhelming majority of the cases we see. The second question regarding risk is, What is the crime he's likely to

commit? A recent study by the United States Department of Justice indicates that some criminals tend to stay in the same area of crime. Some misdemeanant thieves continue to commit misdemeanors rather than felonies because they recognize that they're not going to be in prison very long. Another consideration is, Has he been punished enough? What's going to be the public's perception of our criminal justice system if we let this man out at this time?

Ledbetter: Of course, there are certain things that just cry out to be looked at: what the man is in here for, when he came in, what he's done since he's been here, what his prior record is, what he has as far as assets—by that I mean education, or vocational training, or job skills. Another factor is what he has on the outside in terms of community or family support. I consider all these things, but I don't think any one plays any bigger part than another. It just depends on the individual case. I do try to judge each case on its own merits, rather than treating all cases alike, because all cases are not alike.

Horton: I first look at the age of the inmate. I am concerned that youthful offenders are receiving some type of program that might better their lives, because if they're young, they're going to get out. A twenty-five-year-old is going to be young enough to rape, murder, maim, steal—whatever he did to get in here—when he gets out. And for that reason, I feel obligated to see what I can do to prepare him for the outside. For the older offender, I look at the crime. If it's a very serious assaultive crime, I lean toward incarceration for a longer period of time. If the case analyst's review suggests extenuating circumstances, I will dig deeper into the case before I make a decision to delay parole. On other cases, it's a matter of the age, sentence, and length of time

The Commission's Duties and Responsibilities

The Parole Commission consists of five commissioners appointed by the governor to serve four-year terms. The law specifies that a person must have recognized ability, training, and experience in order to be appointed as a parole commissioner. The governor designates one commissioner to serve as chairman of the commission.

The commission is assisted in its work by a parole commission administrator, cases analysts, a psychologist, and secretarial staff. The case analysts calculate a parole eligibility date for each inmate and provide a comprehensive review of and recommendation for cases considered by the commission. The psychologist provides psychological evaluations and consults on inmates referred by the commission.

When an inmate becomes eligible for parole, the case is reviewed at least once each year. The law authorizes the commission to deny parole for a variety of reasons. For example, parole may be denied if the inmate's release would show disrespect for the law and minimize the severity of his or her crime. The commission also may deny parole when continued correctional treatment will make the inmate more likely to lead a law-abiding life after release. In addition, the statute indicates that parole may be denied if it is probable that the inmate will fail to comply with requirements imposed as conditions for parole. In determining whether these reasons apply, the commissioners consider the inmate's history of crime and of violent behavior while in prison as well as before coming to prison and the environment into which the inmate will be released. The commission has considerable discretion in setting conditions. Some of the most common ones require inmates to participate in substance abuse counseling, mental health treatment, or random drug tests. Inmates may also be required to observe a curfew and to avoid associating with convicted felons.

In the case of an inmate who has been sentenced to imprisonment for life, the parole decision is made by a majority of the commissioners. In other cases, panels of two commissioners make parole decisions, and when the commissioners cannot agree, the chairman appoints a third commissioner to cast the

served. I have a built-in clock as to the minimum time I think someone should serve for certain types of crimes. If they have spent that time and are eligible for parole, then I look at the inmate in terms of why he or she has not been paroled. What factors have presented this inmate in such a poor light that he has not attracted the positive attention of the Parole Commission? Based on my findings, I go on from there.

Individual commissioners may find a case difficult to decide for a variety of reasons. The circumstances surrounding the crime may arouse strong emotions. Prison records may contain conflicting or insufficient information. The parole decision may also be complicated by concerns about the inmate's degree of culpability and the need to weigh legitimate societal concerns against the good of the individual inmate.

Garrett: Cases in which a child has been abused are very difficult for me. I try to be objective, but I think about the damage—particularly the psychological damage—that has been done to a child, and much of it cannot be undone. So I really have to weigh things very carefully so that I don't just automatically shut down on the prisoner. I think, too, about the severity of the crime. If a person has taken another person's life, I feel that's absolutely the worst crime. Despite the criminal's motivation, despite any mitigating factors—the victim of homicide will never have the opportunity to be healed or restored. Death is unrelenting: it is final.

Colombo: The last statistics I heard indicate that approximately 70 percent of all the crimes committed in this state have an alcohol-related factor, and anywhere from 25 percent to 30 percent have drug-related factors. So when we see a crime, we may not know how much of a problem the inmate

deciding vote. In all cases, the majority vote rules.

In addition to making parole decisions, the commissioners serve as hearing officers when revocation of parole is being considered. Parole may be revoked, and the inmate returned to prison, because of technical violations of parole conditions or as a result of additional criminal charges.

The parole commission also conducts hearings requested by concerned citizens or public officials in regard to individual cases. Friends and family members of victims as well as advocates for the inmate directly address the commission, presenting information about the case and expressing their personal point of view about the possibility of parole. When requested by a district attorney, the commission holds a public hearing, during which the district attorney may present any information about the case.

A final duty of the commission is to assist the governor in responding to applications for pardons and commutations of sentences. The commission investigates these cases thoroughly before making its report and recommendation to the governor.

has with drug or alcohol abuse. We don't know to what degree that caused the crime, and this is where it becomes difficult. You just have to do the best you can. Oftentimes, it's not good enough, but you're required to make a decision.

Ledbetter: The most difficult ones are probably the ones that involve what society considers, and what I consider, a heinous crime—a really bad assault or homicide, or something that's really terrible—but in prison the person has demonstrated that he's turned himself around, rehabilitated himself. You're torn between whether the person has been punished enough and whether, because of his rehabilitation, he deserves consideration for release.

Wilson: The cases that cause me the most difficulty are what I call "message cases"—cases that send a message to the public. The commission may refuse parole if it believes that the inmate's release at that time would promote disrespect for the law. I believe that this is intended to be objective. That is, if the public knew all the information that we have as a commission in a particular case, would parole promote disrespect for the law? Unfortunately, there is at times a conflict between what may be good for all the individuals involved in a particular case, including the victim's family, and the community's respect for law as affected by the message they receive. The public and public officials only see the final decision. They are not privy to confidential information and investigations that are considered by the commission. As a result, a sound decision for all the individuals involved may communicate the wrong message to the public. An example might be a domestic murder or manslaughter case. Based on his history, investigations, and psychological evaluations, an offender may appear to be of little or no continuing threat. His children might be suffering significantly, and it might be best for everyone immediately involved in the case for him to be granted an early release. Parole might be of assistance in deterring any socially undesirable behavior on the part of his children as well as easing the financial burden on his family. Yet early release might make it seem like we are not appreciating the tremendously serious nature of the crime. Because I believe that the primary purpose of our criminal justice institutions is to punish bad conduct, I weigh very heavily the message we may be sending. This can make a decision very difficult.

Prison Population Control

Nationally, as well as in North Carolina, prison overcrowding has become a major issue. Class action suits filed by prisoners in a number of states have resulted in the appointment of federal masters to oversee prison conditions and to order improvements, so that incarceration does not constitute cruel and inhumane punishment. North Carolina has reached court settlements with inmates, agreeing to improve conditions, including reductions in the prison population and more space per inmate. In response to the threat of a federal take-over and the appointment of a federal master, the legislature has passed laws limiting the prison population and ordering the Parole Commission to release inmates when the prison population exceeds 17,640 for fifteen consecutive days. When the population exceeds this limit, the commission is required to parole inmates to reduce the population to 17,460 within ninety days. During this period, criminals continue to be admitted to prison. The rate of admission for the first five months of 1989 reflects an approximate 14 percent increase over the first five months of 1988. Recent legislation also has targeted less serious offenders, misdemeanants, for early release when the population exceeds the legal limit. As a result, the Parole Commission's role and function has changed. Sam Boyd, the commission administrator, has witnessed this change.

Boyd: Up until two or three years ago, the commissioners made decisions based on threat and potential so far as a person adjusting in the community. No consideration was given to prison bed space. We had crowded prisons, as we do now, but we were not involved in controlling population and thus didn't have to concern ourselves with bed space. With the new law requiring the commission to parole a sufficient number of people to control the prison population, we have a third factor involved. . . . This has affected parole decisions and,

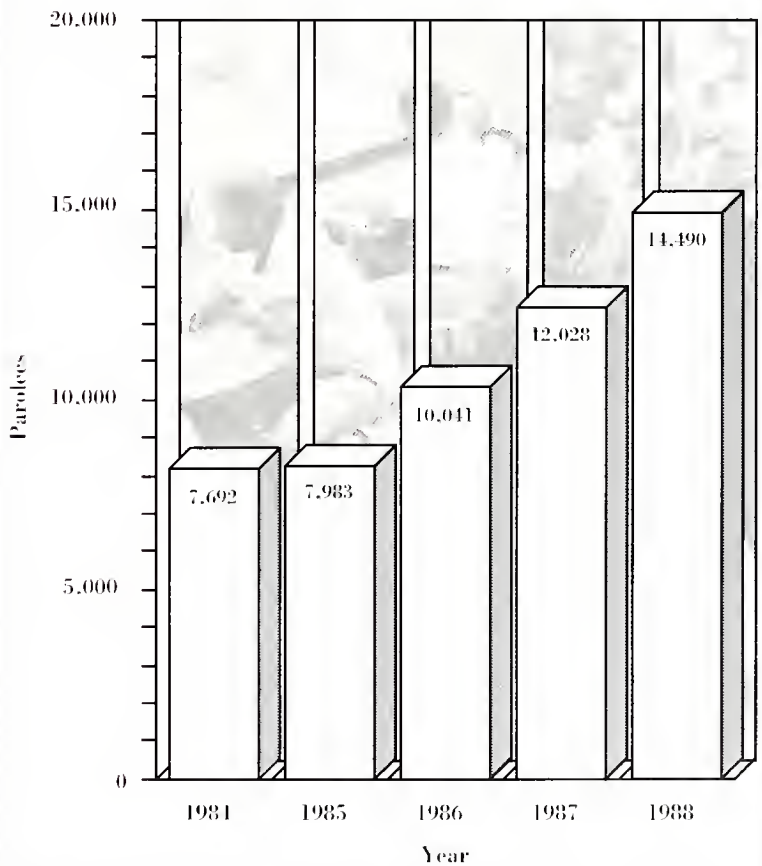
I think, has changed our mission in the last couple of years. We are paroling many, many more people today than we did previously—people that would not have been paroled a couple of years ago. It is not uncommon for us to parole individuals with no job and no real means of support—basically paroling people who we don't expect to make it on the street. The present commissioners had to parole people the first day they were here. The other commissioners that I've been associated with were able to come in, meet each other, meet the staff, be briefed and learn a little bit about their new job before they actually had to act.

In its capacity as an agent for prison population control, the Parole Commission has been seen by some as thwarting the community's need to incarcerate misdemeanants who have repeatedly violated the law. Usually, only offenders who have committed multiple misdemeanors are incarcerated, with less frequent offenders being placed on probation or in other community-based programs. Frequently, as a last resort, misdemeanants have been sentenced to prison only to be paroled after serving a small percentage of their sentence. The commissioners release misdemeanants more quickly because, by definition, they are less serious offenders than felons. The parole commissioners recognize the frustration this provokes in district court judges and prosecutors and were appreciative of an opportunity to address their concerns.

Colombo: I sincerely sympathize with their plight. Unfortunately, we are sitting in a state in a very precarious situation right now, in that we're being pressured by the federal government to make extensive changes in the prison system, and there is a deadline. Now, we have very few options as parole commissioners. We must move misdemeanants, rather than felons, out of the system as quickly as possible. Unless we do that, the prison population is going to reach a point at which the federal government is going to step in and create what I would consider a horrendous situation, from a taxpayer's standpoint. In addition we would lose control of actually administering our prison system. So while I sympathize with the judges, we are between a rock

Commissioner Colombo, consulting with Horton here, estimates that each commissioner must review an average of 235 cases per day.

Figure 1
Number of Inmates Paroled, 1984–1988



Note: A law limiting the prison population, G.S. 148-4.1(d) and (e), became effective March 11, 1987.

and a hard place, and there's not really much we can do about it.

Ledbetter: Well, that is a major concern of mine. Sometimes I feel like I have to get up every morning, come to work, and violate my conscience. That's not a good feeling. Unfortunately, what we're having to do now is, in essence, destroying the district court system. People who, as a last resort, have been sent to prison with a two-, three-, or four-year sentence[2] are being paroled after they've been here two or three months. It doesn't take long for criminals to realize that they're going to be able to do whatever they want to do without having to pay a penalty for it. But, for every misdemeanant we don't release, that means we've got to find a felon to release. So I'd ask the disgruntled judge to go find me a rapist or armed robber or murderer that he would rather be released than a check writer or a shoplifter. He might be hard-pressed to do that.

Wilson: I understand where a district court judge is coming from. I also think that those district court judges are familiar with what's going on. They know that the prison system is overcrowded and that when they send someone in on a misdemeanor, they're not going to stay very long, except in the rarest of cases. Some of the drunk drivers that come in with multiple DWIs—those guys are going to stay for awhile. I guess the only comment is we are going to increase the alternatives, and I'd like to put the more serious misdemeanants out on supervised parole, and if it doesn't work, bring them back. We just don't have enough room for all the misdemeanants. If we're going to have to control prison population by releasing people, it seems to me that we have to start with the least serious.

The daily paper reflects the public's concern about the parole of serious offenders, some of whom have committed violent crimes. The commissioners treat these offenders more cautiously, retaining them in prison for longer periods of time in order to ensure the community's safety. Nevertheless, as pressure to reduce the prison population increases and the availability of low-risk parole candidates dwindles, the "measuring stick" with regard to who is suitable for parole can be expected to change. Decisions will be made in which the commissioners have less confidence. At times their decisions have been construed as reflecting a lack of sympathy for victims and potential victims. The commissioners welcomed the opportunity to respond to these perceptions.

Horton: Each of us has a personal story to tell. My house has been broken into twice, my grandmother's silver—true heirlooms—were destroyed by three teenagers high on drugs. They were apprehended. The silver had been melted. I have strong feelings about the violation that one feels when robbers enter your home. I'm part of the public. My car has been broken into twice in shopping center parking lots before nine o'clock in the evening. You think you're safe. You are not. I have had to go with my young sons into the public restroom to protect them. I'm part of the public, and I am sensitive to the needs of the public. Being a woman, I am fearful of rapes. I have worked with rape victims as a social worker, and I know the trauma that results from a rape. I know how it affects the whole family. Most of the commissioners have personal experiences where crimes have been perpetrated on them or members of their family, and these are the same commissioners who have to decide to let people who have committed similar crimes back out on the street. So it's not that we don't know. It's that we have to deal with the large picture the best that we can. We have an overcrowded prison system, and every time you let someone in, someone has to come out. Those are the cold and cruel facts. These are the facts that we deal with every day that we're here, and it's just part of the job that we're being asked to do. So we do it.

Ledbetter: Well, first of all, we don't turn [felons] around and send them back out as quickly as we do the misdemeanants. There are some cases in which the chance of parole is very slim. For example, we've paroled very few child molesters or serious sex offenders until we were required to, or until, at least, we had put them through such psychological screening and community-based programs that we felt they were no longer a danger.

Garrett: I feel we have great understanding for what is involved in catching and convicting a criminal. And I know that in many cases an officer has

put his life on the line, and I do understand and appreciate the danger. Our function, though, has to go beyond that. When a prisoner becomes parole eligible, it is our duty to try to determine whether this person is too big a risk for the community, whether this person has shown some signs of rehabilitation, and certainly whether or not he has been punished enough. Those are the primary considerations after incarceration. The legislature and the judicial branch have the opportunity to make laws and then to mete out what they consider appropriate sentences. When a person is given a certain sentence, the judge has had his say about it, and the legislature has had its say in passing the laws with the terms that they assign for particular crimes. Thereafter, it becomes the executive branch's responsibility to weigh the total situation and to have its say.

How Long Is Ten Years?

John Doe was sentenced to serve ten years in prison for assault with a deadly weapon with intent to kill. (Ten years is the usual sentence for this offense.) When Doe first enters prison, he is automatically given five years "good time," reducing his sentence to five years. Good time in the amount of one half the inmate's sentence is awarded at the outset of the sentence. Doe can lose this good time credit only if he is found guilty by a committee of prison personnel of having violated a prison regulation. He may lose a maximum of thirty days for each infraction, but he will not necessarily lose any good time for any particular infraction. His penalty is determined by the Division of Prisons committee. Lost good time can be won back at a later date if approved by prison personnel.

In addition to credit for good time, inmates also earn "gain time" for work done within the prison system. Once gain time is earned, it cannot be taken from the inmate. There are three levels of gain time jobs based on the skills required to perform the job, each earning different amounts of credit.

If Doe is placed on a "number one gain time job" when he enters prison, loses no good time, and remains on his job throughout his incarceration, his original ten-year sentence will be reduced to four years and eight months. A number two gain time job would produce a further reduction of four months. A number three gain time job would yield an additional four month reduction, so that Doe would be entitled to release after serving four years.

In addition to gain time credit, some inmates earn "emergency gain time" for working in excess of forty hours per week or working on holidays, weekends, or during inclement weather. Participation in some special programs also provides emergency gain time credit. The amount of credit varies with the type of work or activity involved. An individual in a highly skilled job who works seven days a week and on holidays (for example, a baker who works in the kitchen) would earn an additional ten days emergency gain time per month. While the number of such jobs is limited, some inmates use them to reduce their sentences substantially. If Doe were fortunate enough to secure the baker's job described above when he entered prison, his ten-year sentence could be further reduced to approximately three years.

A final factor in determining time ultimately served by an inmate is "mandatory ninety-day parole." The law requires that the Parole Commission parole all inmates ninety days before their sentences expire unless an inmate refuses parole. Although called parole, this early release is actually mandatory—the commission has no authority to deny it.

When mandatory ninety-day parole is factored in, Doe may be released from his ten-year prison sentence as early as two years and nine months after first entering prison, without benefit of discretionary parole by the Parole Commission. Even if Doe earns no gain time during his prison stay, he will be entitled to release after four years and nine months, assuming that he does not lose good time credit because of misbehavior.

Job Stress

Many factors may make the parole commissioner's job stressful. Informing inmates or their families of negative decisions, wondering whether a particularly difficult decision will result in tragedy, receiving threats or harassing correspondence, and witnessing the anguish of victims and their families are only a few of the sources of stress.

Colombo: Very few cases are cut and dried. There is a big gray area in most cases. In many cases, we must make a decision without having all the hard information we'd like to have. There are internal pressures all the time. I haven't gotten to the point where I worry that if I make a bad decision I'll be in the headlines, but I do think about it. You can't control the human mind. You can't know exactly what an inmate's going to do when you parole him and, therefore, have a black-and-white situation. So the possibility always exists that your decision will not be the right one. But if I can justify a decision on the basis of the information I have, even though it may not be as detailed as I would like, I have peace of mind even though the decision may wrap around my neck later on. I have a responsibility to the community, but I also have a responsibility to the individual inmate. My hope is that both things will jibe, so that everything will be OK. You make a decision for a parole, and the guy works out well—he reintegrates himself into the community, he doesn't commit any more crimes, and everybody is happy. Good decision. If I decide against parole and it is a wrong decision, I have taken away days of freedom from that individual that he can never recover. I think about that.

Horton: There are times when we are forced to make decisions that we know are going to evoke strong feelings on the part of the inmate. We have to do this. I'm normally a gentle person, and for me it takes quite a bit of courage . . . to sit there and tell the inmate that we have decided that he is not suitable for early release or suitable to have his parole reinstated. At these times, it does bother me to have to say no. There are times when you must say no for good reasons, and you just have to do it, so I do it.

Garrett: I guess the one thing that really triggers my emotions is if we have to disappoint someone—if, for some reason, we cannot follow through on what we have said we will do. I have very, very strong feelings about that because, while these are criminals, they are still human beings who many times have lost their faith in society and the system. I like to feel that they can look someplace and say, "That person or that entity is one that you can rely on." I know of one case where we approved someone for parole, but the law changed before the person was paroled, so that person was no longer eligible for parole. There's something incongruous about that to me. I really felt bad about that.

The Future

The parole commissioners point to a variety of answers to the dilemma facing North Carolina and its prison system. Existing resources are clearly insufficient to permit continued incarceration of offenders at the current rate, and vast expenditures would be required for the construction of new prisons. Accordingly, community-based alternatives to incarceration have recently received increased attention. As with the general public, there are diverse opinions among the commissioners.

Colombo: As I have been preaching for the past year and a half, resources should be allocated to have custody levels short of incarceration—such as house arrest, intensive parole, halfway houses, shock incarceration[3]—to which we would be able to parole. The courts and the probation people would have access to these programs, as would the Parole Commission. With these additional options, a parole commissioner could move the person out of prison. These additional resources would help the decision making of the Parole Commission and the criminal justice system. Under the present system, a person may be in for seven or eight years and lose touch with this fast-moving world, and we allow him to serve very close to his maximum sentence. The transition is not there. We're pushing him out into an environment about which he has very little knowledge. If we had additional custody levels on

the outside to which we could assign him, integrating him into society with proper support and supervision, it certainly would be a lot better than what we have today.

Ledbetter: The long-term answer is probably for the counties to deal with misdemeanants in the county. Apparently, the legislature has decided that the state can't afford to continue to house misdemeanants in the prison system. Alternative programs are fine. Some of them are effective, but most of the people coming to prison have been through community-based programs in the past. They have been tried on various things. That's not to say that other things shouldn't be tried, but I don't see alternatives as being the sole answer. I do see them as being part of the answer. It's often been said that we can't build ourselves out of this problem, but I think we have to try to build ourselves out of this problem. The prison system has added 4,500 beds in the past two years but, in effect, hasn't increased capacity at all. Twice that many should have been added.

Wilson: I think everybody involved in the chain of criminal justice—from arrest to prosecution to sentencing to parole—should be responsive to the problem. We've all got to keep in mind the total system, and how each part affects the system. Every unit in the chain has an effect on every other unit, and it's important that judges and commissioners recognize that. It weighs on me that we're having a negative impact on the criminal justice system, but with limited resources, I don't know what else we can do. I think we need to build more prisons, but one study indicated that only 3 to 5 percent of the arrests are people who have been in prison. So even if we kept all of them, I'm not sure we're going to make much of a dent in criminal conduct. I feel that we have changed the law, so that I think we can control prison population for some period of time—a year and a half or two years. But new prisons will need to be built. ❖

Notes

1. Jeffrey Ledbetter was replaced by Arlene Pulley on June 1, 1989.

2. The maximum sentence that may be imposed for a misdemeanor is two years. In many cases, however, defendants are charged with and convicted of several misdemeanor offenses. In these cases a judge may impose consecutive sentences, with a total length of time to be served thus exceeding two years.

3. Shock incarceration is a very short period of incarceration—thirty days, for example—to help the individual realize what consequences will result from continued illegal behavior.

Controlling Liability Risks

The author is an Associate Governing Faculty member who specializes in the law of health care.

in Voluntary Workplace Health Promotion Programs

Jeffrey S. Koeze

In the last decade many employers have set up health promotion or "wellness" programs for their employees. About two thirds of private employers with fifty or more employees conduct some kind of health promotion program for their workforce.[1] Many public employers began health promotion activities with fitness programs for police and fire departments, which they expanded to other employees who sought the opportunity to improve their health.[2] These programs range in sophistication from simple health education to those that integrate health education, health screening, exercise, recreation, and classes on changing diet and smoking habits.

Unfortunately, health promotion programs expose employers to the risk that a participant will get hurt and file a lawsuit or workers' compensation claim. Liability risks can, however, be controlled. This article will discuss four ways in which an employer can protect itself from legal liability arising out of health promotion activities: hiring good staff, warning participants of danger, reducing the risk of injury, and obtaining waivers.

These methods are not a prescription, and employers should adapt them to suit their own needs. Employers sponsoring low- or no-risk health education classes need give little attention to liability risks. Programs involving potentially dangerous activities, such as canoeing or rock-climbing, demand a great deal of attention to liability concerns. Most health promotion programs fall between these extremes. Depending on the nature of the program, the risks involved, the age and health of the participants, and the employers' ability to accept risk, those designing a program should pick and choose among these methods to arrive at a suitable balance of risk, safety, expense, and administrative convenience.

Grounds for Liability

The liability risks arising out of voluntary health promotion programs are the same basic risks that a city or county faces in its other activities—the risk of a negligence action or of a workers' compensation claim.[3] (Mandatory health promotion programs raise special concerns that are beyond the scope of this article.) Negligence is the failure to use reasonable care under the circumstances. For example, an employer might be negligent by hiring unqualified staff, by providing unsafe equipment, or by failing to warn employees of danger. However, even if an employee can prove that the employer was negligent, the governmental employer can win a lawsuit by proving contributory negligence by the employee, waiver or release of liability, or sovereign immunity.[4]

An injured employee need not show negligence or fault to be compensated under the workers' compensation statutes. Instead, the employee must show (1) that an injury occurred by accident, (2) that the injury arose out of employment, and (3) that the injury was sustained in the course of employment.[5] An "accident" is an unexpected or unusual result of an activity. An injury "arises out of" employment if the person's employment is the cause or origin of the activity. And an injury occurs "in the course of" employment if the time, place, and circumstances of the injury are connected to employment.[6]

If the plaintiff can prove these three things, the employer has no defense. But proving them could be difficult. For example, some injuries may not be accidental: shin splints are a common and ordinary result of running. A voluntary program held after work and for which no incentives are offered might

not be considered as occurring in the course of employment.[7]

Because workers' compensation claims do not involve fault and are not subject to ordinary negligence defenses, not all of the suggestions that follow will reduce employers' exposure to those claims. However, to the extent that these steps reduce injuries during health promotion activities, both negligence and workers' compensation claims will be reduced.

Reducing Liability Risks

Hire good staff

The health of program participants and the control of liability risks depend primarily on proper supervision and instruction. Instructors and program managers should be trained and competent to design and conduct the activity and to respond in the event of injury or other emergency.[8] In addition, the program should hire enough instructors to ensure the safety of participants.[9]

Unfortunately, there are no clear legal standards for which activities must be supervised or for how or by whom they must be supervised. This uncertainty places a premium on having program personnel who will reduce the risk of liability by operating the program in a safe and professional fashion. The problem is finding such personnel. Most instructors and supervisors do not have formal education or training in health or exercise,[10] and assessing their competence is difficult.

Recognizing this problem, organizations are beginning to offer certification programs for those working in health promotion.[11] These programs seek to ensure that instructors and program administrators have the basic level of skills and knowledge necessary to perform effectively. For example, the American College of Sports Medicine certifies individuals working in programs at three progressive levels: (1) fitness leader/specialty, (2) health fitness instructor, and (3) health fitness director.[12] Of course, all certifications are not the same, and not all are appropriate for every program. For instance, certification as a lifeguard is necessary for a lifeguard but not worth much (apart from cardiopulmonary resuscitation and first aid training) in an aerobic dance program. The best way to check on the appropriateness and quality of the certification is to request a copy of the certification requirements from the certifying organization.

If you cannot find or cannot afford an instructor or program supervisor who is qualified by education, training, or certification, try to hire such a person as a consultant to help design the program and to hire and train the staff. You can also seek help from local physicians, businesses with successful programs, schools, the county health department, or community organizations such as the YMCA or YWCA.

Regardless of the staff's qualifications, you should not simply assume that all is well. A successful health promotion program will include an evaluation, and that evaluation should include an assessment of the instructor's skill and attention to safety. A consultant also can be helpful at this stage, particularly if the program has been operating for a while without any evaluation.

When in doubt, warn

Next to competent supervision and instruction, the best defense against liability is a warning. An expert recently estimated that 80 to 90 percent of sports- and recreation-related lawsuits contained a claim that the defendant failed to give proper warnings of danger.[13] Warnings guard against these claims. They also help establish the defense of contributory negligence. A person who is aware of and understands the risk of participation in an activity and who negligently decides to participate in spite of those risks is contributorily negligent and is barred from recovering for the resulting injuries.[14]

Warnings should be given in such a way that people will be likely to notice and understand them.[15] They should grab attention, be easy to read, and be easy to understand. Warnings that do not warn at all ("Dive at Your Own Risk"), that give a general indication of danger ("Danger"), or that simply prohibit certain activities ("No Diving") do not offer the same legal protection as warnings that give specific information about the nature of the danger ("No Diving—Rocks Right under Surface").[16]

Participants need not be warned of obvious risks.[17] For example, softball players should understand without a warning the risk of slipping on a wet field[18] or of getting hit by a ball during warm-ups.[19] Unfortunately, some obvious risks may not be so obvious to judges and juries. A recent decision held that it was not obvious to a high school student that playing tackle football without wearing equipment could result in a shoulder injury.[20] When in doubt, warn.

As a general rule, all participants in an exercise program should be warned that exercise can be dangerous and result in injury. They also should be warned to see a doctor before beginning the program. In addition, specific warnings may be necessary for activities that involve known risks of which some participants might not be aware. For instance, inexperienced runners in a program probably should be warned that running in high temperatures and humidities carries risks including heat stroke and death.[21]

Reduce the risk of injury

Several other preventive measures can be combined under the heading of reducing the risk of injury. The first is systematic inspection of the equipment and premises used in the program. Inspections should be conducted on a regular basis, and a detailed report of each inspection should be prepared. In addition, participants should be encouraged to report any problems. All problems reported by your staff or participants must be fixed immediately.

Second, many programs require participants to obtain a physical examination and permission from a physician before participating. Health screenings for cholesterol, high blood pressure, and other chronic health problems are not a substitute for a physical. Participants should be told that the purpose of such a screening is not to check to see if they are fit to participate but to obtain health information needed to design a wellness program for them, to measure their progress, or to detect health problems that require referral to a physician.

Last, the health promotion program should have clearly stated safety rules for participants and staff. Rules should be posted (and some made into warning signs), and each participant should agree in writing to follow them. Once established, these rules can be used in court by an injured participant as evidence of how the program should be properly conducted. Therefore they must be followed strictly.[22]

If in spite of these efforts an injury does occur, activity supervisors should be able to follow an established plan for handling it. The plan should specify who is responsible for responding to emergencies, necessary phone numbers, and the location and use of emergency equipment.[23] It ought to require the preparation of an accident report immediately after the event. This report should contain a detailed description of how the event happened, the identity of witnesses, and any violations of program rules or unsafe behavior on the part of the injured person.

Obtain a waiver

A final strategy to avoid liability is to ask participants to sign a waiver form voluntarily surrendering the right to seek compensation for injuries suffered in the program. Although widely used, this strategy has several drawbacks.[24] First, some rights cannot be waived. An employee cannot surrender the right to recover under the workers' compensation statutes. In addition, a person cannot waive the right to sue for injuries caused by gross negligence or intentional misconduct. Second, these waivers are viewed with great suspicion by the courts in this and every other state. Courts go out of their way to invalidate liability waivers, holding them to be vague and therefore unfair to the signer or to be against public policy and therefore entirely void.

In North Carolina "a party *cannot* protect himself by contract against liability for negligence in the performance of a duty of public service, or where a public duty is owed, or public interest involved, or where public interest requires the performance of a private duty"[25] (emphasis added). Under this rule, courts have invalidated waivers involving doctors,[26] cosmetologists,[27] and public-parking facilities.[28]

It is unclear whether public policy would permit an employee of a North Carolina local government

This is a sample form only. It should not be used without the advice of an attorney.

Warning, Liability Release, and Acknowledgement and Assumption of Risks

I understand that participation in an exercise program involves risk of injury. This risk includes abnormal blood pressure, fainting, disorders of the heart beat, bone and joint injury, muscle injury, heart attack, and even death. I further understand that before participating in an exercise program, I should consult a physician for advice.

Apart from the risk of injury inherent in any exercise program, I know that I could be injured by the carelessness or negligence of the employees or agents of the City during my participation in this program. I might also be harmed, through negligence or otherwise, by the conduct of others in the program, by the equipment used in the program, or by the facilities used in the program.

By signing this form, I acknowledge all of these risks of injury and death and affirm that I am willing to assume responsibility should injury or death result from them. I also agree to follow all rules and procedures of the program and to follow the reasonable instructions of the teachers and supervisors of the program.

Furthermore, in return for the opportunity to participate in this program, I agree for myself, and for my heirs, assigns, executors, and administrators, to waive any legal rights I may have to seek payment of any kind from the City, its employees, or its agents for bodily injury or death resulting from this program, and to release those parties from any liability for damages resulting from my injuries or death. This waiver and release applies to injuries from all causes and includes all payments or legal remedies I might be entitled to, even if my injury or death were to be caused by the negligence of the City, its employees, or its agents.

to waive the right to seek compensation for injuries sustained in an employer-sponsored health promotion program. At one time employers frequently required employees to waive the right to sue for workplace injuries. Those waivers were often invalidated as against public policy because they helped to perpetuate unsafe workplaces.[29] With respect to on-the-job injuries not covered by workers' compensation, these cases strongly support invalidating employee waivers. But with respect to voluntary health and recreation activities provided for employees, it can be argued that an employer should not be exposed to more liability than the owner of a health club that the employee chooses to join.

Courts are split over whether health clubs can enforce waivers. The Minnesota Supreme Court argues that providing gymnasium or health spa facilities is not of "great public importance or practical necessity."[30] A Pennsylvania court, however, found that at least when a person joins on a doctor's advice, the operation of a health club "clearly concern[s] health and safety."[31] Although many lawyers think that it is unlikely, North Carolina courts could find waivers used in health promotion programs to be consistent with public policy.

In addition to meeting the public policy requirement, waivers must be clear and unambiguous. The person signing must be told as precisely as possible which legal remedies are being given up.[32] Because language is inherently imprecise, drafting an unambiguous waiver is all but impossible. The sample waiver and warning form on page 16 meets an informal definition of a good waiver—that is, one that you would never sign yourself. (Do not use the waiver without consulting an attorney.)

Finally, even assuming that waivers are not enforceable in a court, some attorneys suggest using waivers because they may lead an injured individual to believe that he or she cannot sue. A similar approach that some find more palatable is to require participants to carry medical insurance. The idea behind this requirement is that individuals will be less likely to sue if they have insurance to cover the out-of-pocket costs of their injury.

Conclusion

The danger of a detailed discussion of liability is that fear of liability will discourage employers from instituting programs to help employees improve their health and productivity. This article is

not intended to instill fear of lawsuits; instead, it should demonstrate that a wide variety of simple measures are available to control liability risks. The tremendous popularity of health promotion programs and the lack of reported lawsuits (note that most of the cases discussed involved recreation, not wellness programs) indicate that these activities can be run safely and with acceptable risk of liability. ❖

Notes

1. Jonathan Fielding and Philip Piserchia, "Frequency of Worksite Health Promotion Activities," *American Journal of Public Health* 79 (January 1989): 16.

2. Kristine Schirack, *Wellness Programs in Local Government*, MIS Report, vol. 20, no. 9 (Washington D.C.: Management Information Service, International City Management Association, 1988). This monograph contains a brief introduction to health promotion programs for local governments and case studies of several existing programs, including one in Morganton, North Carolina.

3. If a person injured in a health promotion activity were injured by a defect in the premises—say a hole in the outfield of a ball park—he might sue the owner of the park, alleging a breach of the legal duty that the ballpark owner acquires by virtue of ownership and control of the property. As a matter of legal doctrine, this duty is distinct from the negligence duty to exercise reasonable care. However, participants in recreation and health promotion activities are almost always "invitees," who may collect damages from a landowner only for failure to use reasonable care. *See* Treps v. City of Racine, 73 Wis. 2d 611, 243 N.W.2d 520 (1976); Yaser v. City of Charlotte, 265 N.C. 191, 198, 141 S.E.2d 610, 614 (1965). Because under the circumstances discussed in this article the duty of care owed by a landowner to an invitee is the same as the negligence duty of care, the legal distinction between them will be ignored.

4. A discussion of the sovereign immunity defense is beyond the scope of this article. Governmental entities that have not waived sovereign immunity by the purchase of liability insurance may claim immunity from suits for governmental, as opposed to proprietary, activities. For cases bearing on how to classify health promotion activities, see Sides v. Cabarrus Memorial Hosp., 287 N.C. 11, 213 S.E.2d 297 (1975); Rich v. City of Goldsboro, 282 N.C. 383, 192 S.E.2d 824 (1972); Koontz v. City of Winston-Salem, 280 N.C. 513, 186 S.E.2d 897 (1972); Glenn v. City of Raleigh, 248 N.C. 378, 103 S.E.2d 482 (1958). *See also* Austin v. City of Baltimore, 286 Md. 51, 405 A.2d 255 (1979).

5. Leonard Jernigan, Jr., *North Carolina Workers' Compensation: Law and Practice*, 5th ed. (Norcross, Ga.: Harrison Co. 1988), 29.

6. *North Carolina Workers' Compensation*, 29.

7. There are no North Carolina cases directly addressing whether an employee may recover workers' compensation benefits for participation in health promotion activities. The best case for the employee would involve an accidental injury during a mandatory program conducted on the employers' time. For insight into whether nonmandatory or after-hours programs might generate a successful claim, *compare* Spratt v. Duke Power Co., 65 N.C. App. 157, 310 S.E.2d 38 (1983) (injury during activities undertaken for the personal health and comfort of employees may result in benefits) *and* Martin v. Mars Mfg. Co., 58 N.C. App. 577, 293 S.E.2d 816, *rev. denied*, 306 N.C. 742, 295 S.E.2d 759 (1982) (injury during social event for which employee is paid and from which employer derives benefit results in compensation) *with* Barber v. Minges, 223 N.C. 213, 25 S.E.2d 837 (1943) (no benefits for injury arising from voluntary social event); Chilton v. Bowman Gray School of Medicine, 45 N.C. App. 13, 262 S.E.2d 347 (1980) (same); *and* Berry v. Colonial Furniture Co., 232 N.C. 303, 60 S.E.2d 97 (1950) (compensation denied for injury arising from pleasure trip paid for and for benefit of company). *See also*, Roberts v. Department of Public Safety, 654 P.2d 1088 (Okla. Ct. App. 1982) (compensation denied under similar statute for state trooper's injury sustained while playing racquetball at lunch).

8. *See* Restatement (Second) of Torts, §§ 314A and 314B.

9. *Compare* Kreiner v. Yezbick, 22 Mich. App. 581, 177 N.W.2d 629 (1970) (failure to place lifeguard at swimming area on lake may be negligent) *with* Dillon v. Keatington Racquetball Club, 115 Mich. App. 138, 390 N.W. 2d 212 (1986) (failure to supervise adults playing "Walleyball" is not negligent).

10. William J. Stone, *Adult Fitness Programs: Planning, Designing, Managing, and Improving Fitness Programs* (Glenview, Ill.: Scott, Foresman and Co., 1987), 53.

11. For a discussion of some of these programs, see *Adult Fitness Programs*, 52–54.

12. American College of Sports Medicine, *Guidelines for Exercise Testing and Prescription*, 3d ed. (Philadelphia: Lea & Febiger, 1986), 112–14.

13. "Risk Management: The Defensive Game Plan," *Parks and Recreation* 23 (September 1988): 54.

14. In other jurisdictions this type of contributory negligence is often called assumption of the risk. In North Carolina, that phrase refers to contractual assumptions of risks only. *See* McWilliams v. Parham, 269 N.C. 162, 166, 152 S.E.2d 117, 120 (1967). For an extensive discussion of the complexities of assumption of the risk doc-

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trine, see Rutter v. Northeastern Beaver County School Dist., 496 Pa. 590, 437 A.2d 1198 (1981).

15. James Kozolowski, "In Search of the Adequate Warning Sign: Communication is the Key," *Parks and Recreation* 23 (October 1988): 20.

16. *See, e.g.*, Davis v. United States, 716 F.2d 418, 423–24 (7th Cir. 1983) (applying Illinois law).

17. *See* Bruce v. O'Neal Flying Service, 231 N.C. 181, 56 S.E.2d 560 (1949); Shaw v. City of Lipscomb, 380 So.2d 812 (Ala. 1980).

18. Perretti v. City of New York, 132 A.D.2d 537, 517 N.Y.S.2d 272 (N.Y. App. Div. 1987).

19. O'Neill v. Daniels, 135 A.D.2d 1076, 1077 523 N.Y.S.2d 264, 265 (N.Y. App. Div. 1987), *appeal denied*, 71 N.Y.2d 802, 522 N.E.2d 1066, 527 N.Y.S.2d 768 (1988).

20. Locilento v. John A. Coleman Catholic High School, 134 A.D.2d 39, 523 N.Y.S.2d 198 (N.Y. App. Div. 1987). Note, however, that in this case the jury found that the plaintiff was 40 percent negligent, a finding that would bar recovery under North Carolina law.

21. *See* Williams v. Cox Enterprises, Inc., 159 Ga. App. 333, 335, 283 S.E.2d 367, 369 (1981).

22. *See, e.g.*, Brahatcek v. Millard School Dist., 202 Neb. 86, 273 N.W.2d 680 (1979) (liability imposed for instructor's failure to follow written safety procedures in golf instruction).

23. *Adult Fitness Programs*, 56.

24. *See generally*, Annotation, *Validity of Contractual Provision by One Other than Carrier or Employer for Exemption from Liability, or Indemnification, for Consequences of Own Negligence*, 175 A.L.R. 9 (1948); Annotation, *Validity, Construction, and Effect of Agreement Exempting Operator of Amusement Facility from Liability for Personal Injury or Death of Patron*, 8 A.L.R.3d 1393 (1966).

25. Millers' Mutual Fire Ins. Ass'n of Alton, Ill. v. Parker, 231 N.C. 20, 22, 65 S.E. 2d 341, 343 (1951); *see also* Hall v. Sinclair Refining Co., 242 N.C. 707, 710, 89 S.E. 2d 396, 398 (1955).

26. Tatham v. Hoke, 469 F. Supp. 914 (W.D.N.C. 1979), *aff'd*, 622 F.2d 581, 587 (4th Cir. 1980).

27. Alston v. Monk, 92 N.C. App. 59, 63–64, 373 S.E.2d 463, 466–67 (1988).

28. *Millers' Mutual Fire Ins.*, 234 N.C. at 24, 65 S.E.2d at 344.

29. *See, e.g.*, Campbell v. Chicago, R.I. & Pa. Ry. Co., 213 Ill. 620, 90 N.E. 1106 (1910); Tarbell v. Rutland R.R. Co., 73 Vt. 347, 51 A. 6 (1901).

30. Schlobohm v. Spa Petite, Inc., 326 N.W.2d 920, 926 (Minn. 1982); *see also* Ciofalo v. Vic Tanny Gyms, Inc., 10 N.Y.2d 294, 220 N.Y.S.2d 962, 177 N.E.2d 925 (1966).

31. Leidy v. Deseret Enterprises, Inc., 252 Pa Super. 162, 170, 381 A.2d 161, 168 (1977).

32. *Cf.* Gibbs v. Carolina Power & Light Co., 265 N.C. 459, 466, 144 S.E.2d 393, 399 (1965) (construing an indemnification agreement).

The North Carolina Agency for Public Telecommunications

Ben Kittner

Technological advances made during the past few decades have been staggering. The long-range goal of this technological growth is the improvement of the quality of human life, but it is easy to lose sight of this goal amid the complexities of the latest technology. Government officials in particular have the difficult task of deciding how to invest taxpayers' money in technology that will directly improve individuals' lives and help solve specific human problems.

Helping solve people's problems through technology, particularly through telecommunications, is the goal of the North Carolina Agency for Public Telecommunications (APT) in Raleigh. APT was created by the General Assembly in 1979 to centralize media production services in state government and seek innovative applications of new telecommunications technologies, such as cable television and satellites. This agency assists government offices in providing services and information in a more efficient and cost-effective manner through modern telecommunications technology.

The author is the former director of development and planning with the Agency for Public Telecommunications.

APT is the central media production facility for public agencies in North Carolina. It produces television and radio public service announcements carried regularly on commercial stations throughout the state, as well as training videotapes, satellite programs for cable television, and satellite video- and audio-teleconferences for public institutions. In addition, APT assists and develops public radio stations by offering training and advice, and it provides telecommunications policy advice to state agencies. APT has developed a number of unique ways to deliver state government information and services to North Carolinians, including the Open Public Events Network, the State Services Network, and other media services.

Open Public Events Network

The Open Public Events Network is a cable television public affairs network that delivers live programs by satellite to more than two million North Carolinians. The network brings home information about state government and its services to more than one third of North Carolina's people during prime-time hours. Hundreds of hours of live programs have been distributed on subjects such as

Courtesy Agency for Public Telecommunications

Rep. Bruce Ethridge (D-Carteret) and Sen. Henson Barnes (D-Wayne) discuss the General Assembly's study commissions with OPEN/net host Leila Tvedt and North Carolina callers.

hazardous waste, illiteracy, taxes, and day care. And the most unique feature of the network is that viewers have the opportunity to participate in the discussions by calling on the telephone, live during each program.

For more than five years, from 8 until 10 P.M. every Tuesday evening, the network has distributed its longest-running series, "OPEN/net." An APT crew videotapes a state meeting (such as a legislative committee meeting), and then one hour of the heart of the meeting appears on cable television. The second hour of the show is live in the studio, where a panel of experts on the subject of the meeting discusses that subject and answers calls from viewers.

"OPEN/net" broke new ground in what is sometimes referred to as involvement television, by merging television with the telephone, an intensely intimate medium. It is sometimes easier for people to say what they really think on the telephone than in person. "OPEN/net" callers are, in fact, very open. For example, during a program on drug-counseling services, a nineteen-year-old called. He said that he had been out of a treatment center for two hours and was already back on cocaine. The director of a drug rehabilitation center counseled him that another kind of help program might work and that he should try it and not give up.

On another show a pregnant woman called a panel of experts discussing the effects of drinking alcohol during pregnancy. She asked whether drinking beer could hurt her baby. One of the panelists asked her how much beer she drank, and she answered, "Two six-packs a day." A physician on the panel arranged for the young woman to call her first thing in the morning.

On Thursday evenings, additional programs that expand the involvement-television techniques appear. "Do You Read Me?" links nonreaders in the audience to literacy-training experts in the television studio. The experts span the state's diverse literacy-training resources, from community colleges to universities and prison literacy programs. "Washington Connection" gives citizens a chance to talk directly with their elected federal government officials in Washington, D.C.

State Services Network

In addition to direct prime-time delivery of services and information via satellite and cable television to citizens in their own homes, APT has created the North Carolina State Services Network. Through this service public institutions throughout the state are set up as *receive sites* where participants can view video-conferences delivered by satellite.

The network provides video-conferences for people gathered at public institutions, such as community colleges, public schools, libraries, and prisons. People who might be interested in participating are informed ahead of time as to the time and place of the teleconference viewing. Viewers may also have the opportunity to call in and talk to conference panelists. Subjects of the conferences include job skills training, briefings on new laws, specialized educational opportunities, statewide meetings, and in-service training. Today nearly one hundred and seventy schools, all fifty-eight community colleges, and five medical centers in North Carolina are set up as receive sites for satellite video-conferences.

An example is a video-conference on sickle-cell disease held in October, 1988. The purpose of the teleconference was to bridge the gap between public

and private resources for sickle-cell patients. This conference received forty-two calls from physicians and public health professionals at five medical centers and twenty community colleges across the state. The conference was sponsored by the Division of Health Services for the North Carolina Department of Human Resources. Panelists included a variety of private physicians, state government officials, sickle-cell disease educators, state government officials, and patients.

Another example is the Distance Learning by Satellite Project of the North Carolina Department of Public Instruction (DPI), which began in September of 1988. Every Thursday from 3:30 to 4:30 P.M., DPI originates programs for staff development to 169 school sites across the state. Program topics include social studies curricula, use of computers in the classroom, and other subjects. One hour of a DPI teleconference, even if it reaches only one staff member at each of the local viewing sites, costs less than sending ten employees for training from Asheville to Raleigh or sending a trainer to visit ten sites. In the spring of 1989, North Carolina's DPI originated a special series of six programs on teaching foreign language skills to elementary school children. Participants in these programs came not only from North Carolina but from Michigan, Oregon, Illinois, and Iowa.

Mobil Oil Company's plan to set up exploratory drilling for oil and natural gas off the coast of North Carolina was the subject of a satellite video-conference in October, 1988. Officials from the North Carolina Office of Marine Affairs briefed and took calls from state legislators, mayors, county commissioners, and other local officials at four coastal viewing sites. The teleconference briefing and local response provided current information and the chance for input from local officials.

Other Media Services

In 1988 APT moved into a new studio facility on the ground floor of the Administration Building in Raleigh. Capital acquisition included $350,000 in new media equipment to offer centralized video- and audio-production capabilities to public agencies. These improvements allowed APT to expand its use of media productions, such as public service announcements and videotape presentations by state agencies.

Some examples of these productions include a public service television and radio campaign sponsored by the Governor's Highway Safety Program and a public service television campaign sponsored by the North Carolina Division of Wildlife Resources to promote wildlife tax-checkoff contributions. APT also produced a marketing videotape on a prize-winning North Carolina pig for the North Carolina Department of Agriculture. The videotape helped draw a record out-of-state bid for North Carolina–grown swine. APT produced an instructional videotape for the North Carolina Institute for Transportation Research and Education on the proper repair of potholes. The mother of a two-week-old infant was able to recognize her baby's hearing problem after seeing an APT-produced public service announcement on the subject. The announcement was sponsored by "Beginnings for Parents of Hearing-Impaired Children," a statewide program that provides parents of hearing-impaired children with information, skills, and support. Previously, children were usually four months old or older before hearing disabilities were detected.

APT on a National Level

Demand for services from public agencies new to APT, as well as repeat requests from agencies using the services in previous years, shows that APT programs are reaching their audience. APT has also received requests for information on its activities from state officials and telecommunications executives in forty-four other states. An outgrowth of this national interest is the cosponsorship by the Council of State Governments of a national call-in cable television program produced by APT, called "State to State." This program is distributed nationally every Thursday night at 9:00 P.M. on The Learning Channel, a cable television network reaching a potential audience of forty million viewers. Panels of experts from several different states answer questions from viewers across the country about the state issues they are facing.

APT has been recognized nationally for its achievements through a number of awards, including the 1986 Charles McCarthy Award from the Council of State Governments for Outstanding Information Program, Project, or Service. In 1987 APT received the Innovations in State and Local Government Award from the Ford Foundation and the John F. Kennedy School of Government at Harvard University.

APT has also been set up as an example for other states. Pat Murphy, publisher of the *Arizona Republic*, wrote in one of his weekly columns:

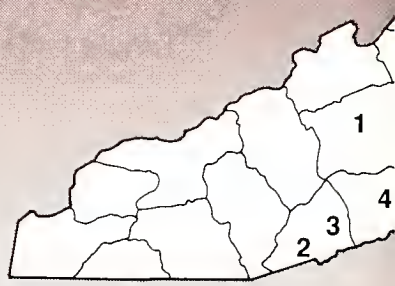
> Try as they might, Arizona's legislators and agency executives simply can't possibly submit their programs to the public in ways that allow for grassroots cross-examination.
>
> But North Carolina's OPEN/net, on the other hand, does just that, by taking government issues into the living rooms of more than 100 communities and providing the right for viewers to call government officials and discuss issues touching the lives of Tarheels.

As other states begin to create satellite telecommunications systems similar to those in North Carolina, APT foresees the establishment of a compact of states, called STATE/net, that would schedule and share the cost of satellite time to reduce the financial burdens on each state that uses satellite technology for one-way video, two-way voice communications.

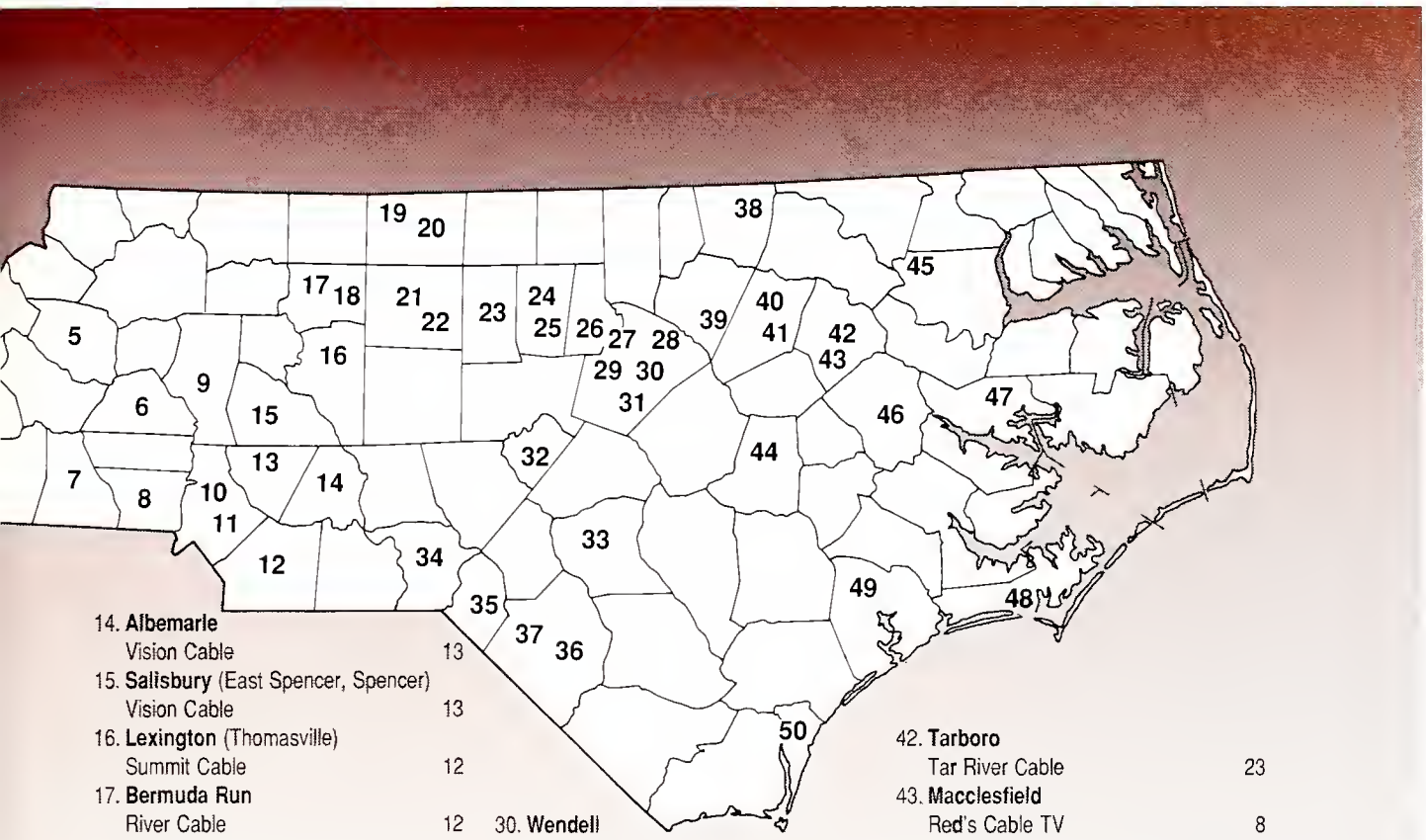
Conclusion

A small (fifteen employees), entrepreneurial state agency with less than $1 million in state funds is using telecommunications technology to improve the quality of life in North Carolina. By piecing together state appropriations with private foundation grants and cooperation from privately owned communications systems, by seeking the crucial cooperation of state officials and private sector telecommunications executives, and by putting service to citizens ahead of a love affair with technology, APT is helping state agencies serve their constituents better and is giving North Carolinians a closer connection with and a bigger stake in their state government. ❖

OPEN/net Cable System Participants



1. **Asheville** (Biltmore Forest)
   Asheville Cablevision 2
2. **Lake Toxaway**
   Sylvan Valley Cable TV 4
3. **Brevard**
   Sylvan Valley Cable TV 16
4. **Hendersonville** (Laurel Park, Henderson County)
   Essex Cable TV 9
5. **Lenoir**
   Caldwell Cable TV 20
6. **Hickory** (Brookford, Claremont, Conover, Granite Falls, Hildebran, Longview, Newton, Rhodhiss, Catawba County)
   Catawba Valley Cable 8
7. **Shelby** (Boiling Springs, Earl, Fallston, Grover, Lawndale, Patterson Springs, Polkville)
   Vision Cable 22
8. **Gastonia** (Bessemer City)
   Cablevision of Gastonia 30
9. **Statesville** (Troutman)
   Summit Cable 2
10. **Mecklenburg County** (Matthews, Mint Hill, Pineville—also serves Lancaster and Weddington)
    Vision Cable of North Carolina 13
11. **Charlotte**
    Cablevision of Charlotte 32
12. **Monroe**
    Cablevision of Monroe 31
13. **Kannapolis** (China Grove, Concord, Harrisburg, Landis, Mount Pleasant, Cabarrus County)
    Vision Cable 13



14. **Albemarle**
Vision Cable 13
15. **Salisbury** (East Spencer, Spencer)
Vision Cable 13
16. **Lexington** (Thomasville)
Summit Cable 12
17. **Bermuda Run**
River Cable 12
18. **Winston-Salem** (Kernersville, Pfafftown, Rural Hall, Forsyth County)
Summit Cable of Forsyth County 2
19. **Stoneville**
Alert Cable TV 3
20. **Reidsville**
Alert Cable 3
21. **Greensboro**
Cablevision of Greensboro 8
22. **Guilford County** (Browns Summit, High Point, Jamestown, McLeansville, Oak Ridge, Sedgefield, Stokesdale)
Alert Cable TV 8
23. **Burlington** (Elon College, Haw River, Gibsonville, Graham)
Cablevision of Alamance 32
24. **Carrboro** (Hillsborough)
Alert Cable TV 4
25. **Chapel Hill** (Pittsboro)
Carolina Cable 14
26. **Durham**
Cablevision of Durham 4
27. **Cary**
Alert Cable 34
28. **Raleigh**
Cablevision of Raleigh 13
29. **Knightdale** (Zebulon)
Channel Master 34
30. **Wendell**
Alert Cable 32
31. **Fuquay-Varina**
Alert Cable 34
32. **Sanford**
Freedom Cablevision 13
33. **Fayetteville** (Fort Bragg, Hope Mills, Pope Air Force Base, Spring Lake, Stedman)
Cablevision of Fayetteville 13
34. **Rockingham**
Cablevision of Rockingham 27
35. **Laurinburg** (East Laurinburg, Maxton, Robeson County, Scotland County)
Community Antenna 2
36. **Lumberton** (Chadbourn, Whiteville)
Cablevision of Lumberton 6
37. **Pembroke**
Pembroke State University/Alert Cable TV 3
38. **Littleton** (Lake Gaston)
React Cable 28
39. **Bunn** (Pilot, Lake Royal)
React Cable 27
40. **Nash County** (Dortches, Red Oak)
React Cable 27
41. **Rocky Mount** (Battleboro, Nashville, Princeville, Sharpsburg)
Tar River Cable TV 13
42. **Tarboro**
Tar River Cable 23
43. **Macclesfield**
Red's Cable TV 8
44. **Goldsboro** (Fremont, Mount Olive, Pikeville, Seymour Johnson Air Force Base, Wayne County)
Alert Cable TV 10
45. **Aulander**
Red's Cable TV 3
46. **Grimesland**
Red's Cable TV 9
47. **Belhaven**
Belhaven Cable TV 4
48. **Morehead City** (Atlantic Beach, Beaufort, Cape Carteret, Emerald Isle, Havelock, Newport, Pine Knoll Shores, Swansboro, Carteret County, Craven County)
Vision Cable 36
49. **Jacksonville**
Vision Cable 11
50. **Wilmington** (Castle Hayne, Ogden, Wrightsboro, Wrightsville Beach)
Vision Cable 23

OPEN/net also can be picked up by home satellite-dish owners on Westar V, transponder 12X (known as Channel 24). Public radio stations WFSS–Fayetteville (89.1 FM) and WRVS–Elizabeth City (90.7 FM) broadcast the audio portion of OPEN/net.

Court-Ordered Arbitration in North Carolina: An Evaluation of Its Effects

Stevens H. Clarke, Laura F. Donnelly, and Sara A. Grove

North Carolina's pilot program of court-ordered arbitration, which began in January, 1987, substitutes an informal hearing before an arbitrator (a specially trained attorney) for standard procedure in certain civil cases. The standard procedure leads to a judge or jury trial in a few cases but usually ends in out-of-court negotiation and settlement or in dismissal of the claim. Following a recommendation by the North Carolina Bar Association, the General Assembly authorized the privately funded pilot program, subject to rules issued by the North Carolina Supreme Court. The Administrative Office of the Courts (AOC) planned and carried out the administration of the program, and the Institute of Government evaluated it at the bar association's request. This article summarizes the results of that evaluation.[1]

Background

The arbitration program was preceded by several years of intensive planning. From 1983 to 1985, a task force of the North Carolina Bar Association studied various forms of disposing of civil disputes that were alternatives to standard civil litigation procedures, including court-ordered arbitration, appellate settlement conferences, mini-trials, summary jury trials, arbitration by consent, court-based mediation, and others. The task force concluded that "of all these techniques, court-ordered arbitration is the procedure with the greatest potential for North Carolina."[2] As the association's 1985 report explained, this type of arbitration was not the type that most lawyers had encountered. They were familiar with a voluntary process with a binding outcome. Court-ordered arbitration, however, is a *compulsory* process with a *nonbinding* result. If either party is dissatisfied with the arbitrator's award, a request for trial de novo by a judge or jury must be granted.

On the basis of the task force's study, the association recommended that North Carolina establish a pilot program of court-ordered arbitration to resolve civil disputes involving $15,000 or less. The General Assembly, by legislation, was to authorize the North Carolina Supreme Court to issue rules creating the pilot program. The association's report made a number of specific recommendations about these rules, most of which were adopted. Also, members of the task force, working with the supreme court, drafted proposed rules for the program that eventually were issued by the court.[3]

The association recommended the evaluation as part of the pilot program: "Court-ordered arbitration in North Carolina should be evaluated by collecting information to determine (1) cost/benefit success, (2) litigants' satisfaction, (3) attorney satisfaction, and (4) overall public satisfaction. . . . [Here the report cited published evaluations of

Mr. Clarke is an Institute of Government faculty member whose specialties include evaluation of programs affecting courts, criminal justice, and corrections. Dr. Donnelly, who served as research coordinator for the study, is an industrial and organizational psychologist currently working on a project with Duke University School of Law. Ms. Grove, who served as research assistant, is an instructor of political science at Frostburg State University in Maryland.

court-ordered arbitration in other jurisdictions.] . . . Careful evaluation under the supervision of the Supreme Court will be the basis for intelligent decisions about the future of court-ordered arbitration for North Carolina."[4]

Furthermore, the program was to be conducted in three judicial districts—one urban, one semi-urban, and one rural: "The different districts will have different needs and different resources available. Evaluation of the program in the different areas will give the evaluators a sense of what does and does not work in each area. Planning for possible statewide implementation will be improved."[5]

The General Assembly adopted the association's recommendations. Chapter 698 of the 1985 Session Laws authorized court-ordered arbitration on an experimental basis and specified that no state funds could be expended (therefore the program has been conducted with private grants obtained by the bar association). The legislation also limited the program to claims for money damages of $15,000 or less and required that any party dissatisfied with the arbitrator's decision could receive a trial de novo. By its order issued August 28, 1986, the Supreme Court chose the Third, Fourteenth, and Twenty-ninth districts for the experiment. The Third comprises Pitt, Craven, Pamlico, and Carteret counties in the eastern part of the state; the Fourteenth com-

Study Results in Brief

Overall Assessment

- The arbitration program disposed of eligible civil cases faster than standard procedure. It reduced trials and out-of-court settlements, replacing them with promptly scheduled adversarial hearings in a courtroom before specially trained arbitrators.
- The program improved litigants' satisfaction with the outcome and procedure used in their cases.
- Attorneys were satisfied with the program and, in a survey, voted strongly in favor of continuing it.

Implementation of the Program

- Fifty-two percent of contested cases went to hearings.
- Seventy-two percent of cases that went to hearings ended in judgment on arbitrator's award. In 19 percent, demand for trial de novo was made, but trial de novo actually occurred in only 9 percent. Nine percent ended in dismissal or other nontrial disposition.

Effect on Dispositions and Disposition Times

- The program had no effect on the percentage of cases contested (it remained 25 percent).
- The program did not change the fraction of plaintiffs' claims recovered in contested cases, which remained about two thirds.
- Median disposition time in contested cases was reduced by 33 to 45 percent.
- Trial rates in contested cases were reduced by more than two thirds (20 percent to 7 percent).
- Dismissals in contested cases were reduced by 31 percent.
- Arbitration hearings and awards were substituted for settlement more often than for trial.
- The program had the same type of effects in urban, rural, and semi-urban judicial districts, but the strength of effects varied.

Effect on Litigant Satisfaction

- Litigants in contested cases generally were more satisfied with the arbitration program than with standard procedure.
- The program increased satisfaction of litigants who lost or settled but had no effect on winners.
- Litigants who won generally were satisfied with both arbitration and the standard procedure.

Survey of Attorneys in Pilot Districts

- Attorneys were asked whether the program should be continued. Their responses were:
  - 70 percent—continue in present districts and expand to other districts
  - 8 percent—continue in present districts
  - 6 percent—move to other districts
  - 11 percent—discontinue program
  - 5 percent—undecided
- Attorneys reported working less time and billing less on cases in the arbitration program than in comparable cases in standard litigation.

prises Durham County in the central part of the state; and the Twenty-ninth comprises Henderson, Polk, Rutherford, McDowell, and Transylvania counties in the western part of the state.[6]

In 1986 the bar association asked the Institute of Government to conduct an evaluation of the pilot program. The Institute submitted a proposed evaluation design, which was accepted by the association. The objectives of our study were (1) to describe the court-ordered arbitration program and (2) to determine its effects on cases eligible for the program, including effects on type of disposition, disposition time, and participant satisfaction. We also solicited attorneys' and arbitrators' suggestions for ways in which the program could be improved.

In calling for evaluation of the "cost/benefit success" of the program, the bar association evidently meant to raise the question of whether the expenditure on the program yielded a net benefit in terms of savings in court costs. It is easy to describe the costs of the pilot program, but we did not try to estimate cost savings.[7] Measurement of possible cost savings, in our opinion, should be done in the context of the needs and resources of the entire court system.

The bar association also recommended assessing litigants', attorneys', and the public's satisfaction with the pilot program. Our study dealt with the satisfaction of litigants and attorneys—in fact, to our knowledge, it is the first such study involving North Carolina civil courts. We did not attempt to measure public satisfaction with the program.[8]

Procedures and Participants

The supreme court's rules provide that, to be eligible for the program, a case must involve a damage claim not exceeding $15,000. Cases are excluded if they involve injunctions, family matters, real estate, wills and decedents' estates, or ejectment of tenants. About 30 percent of eligible cases during the study period involved actions on credit cards or bank loans, and 30 percent involved collection of money owed on wholesale goods and services and contracts not involving professional services. About 22 percent concerned health care or professional services, and 8 percent concerned retail sales. Only about 5 percent were negligence claims. Most (89 percent) of the eligible cases were regular district court cases; about 8 percent involved magistrate appeals (demands for a new trial [trial de novo] in district court following a small claims judgment in magistrate's court); and about 3 percent were in the superior court's jurisdiction.

All eligible cases must be scheduled for arbitration hearings within sixty days of (1) the last "responsive pleading" filed, which usually is the defendant's "answer" (response contesting the plaintiff's claim) or (2) the filing of an appeal from magistrate's court. In standard civil procedure, there is no such deadline or hearing. The arbitration hearing, which is mandatory, is less formal than a trial and usually lasts no more than an hour. Normally held in a courtroom, the hearing ends in an arbitrator's "award" (decision), which is usually issued at the close of the hearing and explained by the arbitrator to the parties. If the award is not challenged within thirty days, it becomes a judgment of the court. But either party may demand a trial de novo (complete new trial) by a judge or jury upon paying a $75.00 fee that is returned if the trial judgment is more favorable to the demanding party than the arbitrator's award.

The AOC devoted considerable effort to planning the administration of the program. A full-time arbitration coordinator in each district, under the supervision of the local trial court administrator and the AOC, monitors cases assigned to the program and facilitates disposition—for example, by notifying attorneys and parties of the dates of hearings and other required actions in their cases and by placing uncontested cases, cases in which no service has been made, and inactive contested cases on a "cleanup" calendar for early court attention. Although in standard litigation the trial court administrator performs some similar functions, the coordinators are able to give more individual attention to cases in the arbitration program and to reinforce the program's deadlines.

During the program, especially in its first year, troubleshooters from both the bar association and the AOC have been available to deal with problems of administration and interpretation of the rules.

Evaluation Design

The Institute's evaluation dealt primarily with the program's effects on eligible cases filed from January through June, 1987. During that time, half of the eligible cases were assigned at random to the program (these were called the arbitration group). The rest were assigned to a control group, in which standard procedures were followed. Effects on case disposition were estimated by comparing court records of the arbitration group with records of the control group and records of a "preprogram group"—a sample of cases filed in 1985 that would have been eligible for the program if it had existed at that time. Using these two comparison groups provided minimum and maximum estimates of some of the program's effects.

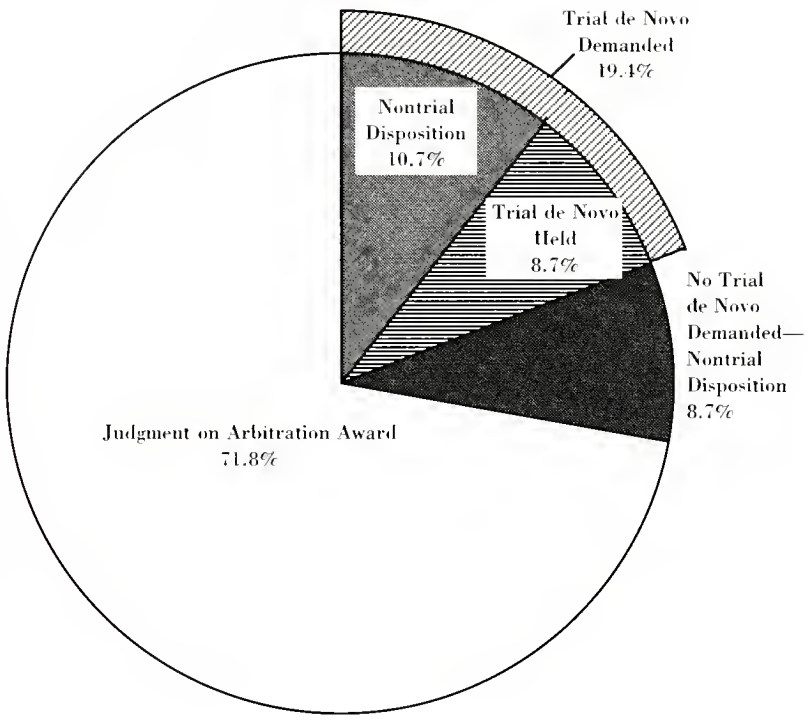
The satisfaction of litigants and attorneys with the program was measured by comparing interview results. For interviews, evaluators selected one sample of contested cases from the arbitration group and one from comparable contested cases filed before the program began that reached disposition in January or February, 1987 (the latter was called the comparison group). Cases dismissed or discontinued by the court were excluded. In each court case in both samples, evaluators sought to interview litigants and attorneys by telephone concerning their experience with that particular case. Evaluators succeeded in interviewing about half of the litigants and 95 percent of the attorneys; few refused to respond.

The evaluation also used data from surveys mailed to attorneys and arbitrators in the three judicial districts, data on arbitration hearings during the first thirteen months of the program, and caseflow data provided by arbitration coordinators and the AOC.

Results

Hearings. Three fourths of the 798 cases in the arbitration group required no hearing because they were "uncontested"—that is, the defendant did not file a formal answer to the complaint. The uncontested percentages were the same in the control and preprogram groups. Evidently the program had no effect on defendants' willingness to contest plaintiffs' claims. Half (51.8 percent) of the 199 contested arbitration group cases actually received arbitration hearings. With the exception of five cases that went to trial for complex procedural reasons, the rest of the contested arbitration group cases ended in nontrial dispositions such as voluntary dismissal by the plaintiff.

Figure 1
Disposition of Arbitration Group Cases That Went to Hearings



Sixty percent of arbitration hearings were within the limit of one hour (which the arbitrator may increase), but some were as long as 190 minutes. Both parties attended most hearings, and the majority of parties were represented by counsel at the hearing.

Of the 103 arbitration group cases that had hearings, 72 percent ended in judgment on the arbitrator's award (see Figure 1); demands for trial de novo were made in 19 percent; and the rest ended in dismissal (often with settlement). Of the twenty cases in which trial de novo was demanded, only nine actually went to trial (or were likely to go

Figure 2
Cumulative Percentage of Contested Cases Disposed of, by Month, Compared for Arbitration, Control, and Preprogram Groups

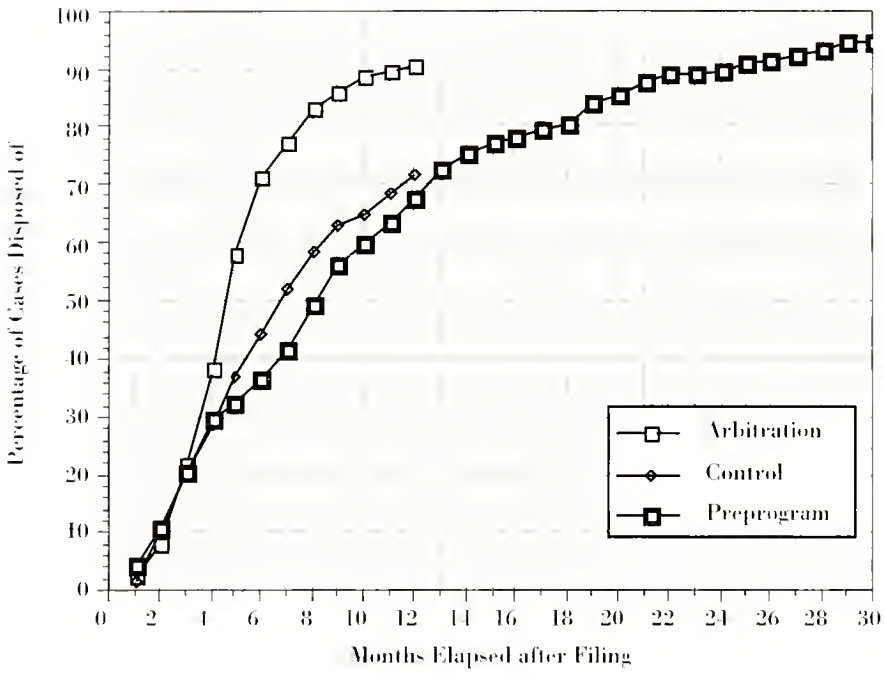
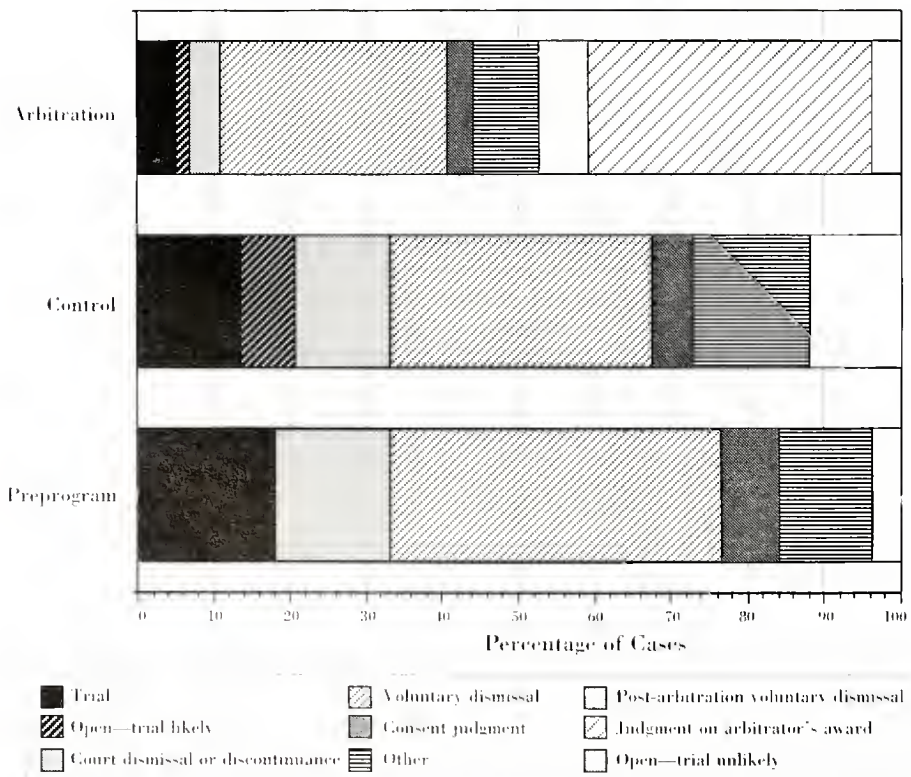


Figure 3
Proportion of Contested Cases Receiving Various Types of Dispositions



to trial after data collection ended), and the remainder reached nontrial dispositions. Thus, only 9 percent of all the hearings held in the arbitration group were followed by trial de novo. In twenty-two months of program operation (January, 1987, through October, 1988), only twenty-one trials de novo were held. There are several possible reasons why trial de novo did not become an attractive option. Trials involve considerable delay, personal time, and attorney fees. The arbitration process is faster and costs less than standard procedure, including trials. And arbitration hearings may have used up litigants' resources for further litigation.

Disposition time. The program resolved eligible cases faster than did standard procedure. In contested cases the program reduced the median disposition time (time from filing to disposition) of cases assigned to it by 33 to 45 percent. The median disposition time in contested cases was 4.6 months in the arbitration group, compared with 6.9 months in the control group and 8.4 in the preprogram group. Within about seventy-five days after filing, the percentage disposed of in the arbitration group began to exceed the percentages for the other groups (see Figure 2). By twelve months after filing, 89 percent of the contested arbitration group cases had reached disposition, compared with 70 percent of the control group and 66 percent of the preprogram group. The program also apparently reduced disposition time slightly in uncontested cases.

Type of disposition in contested cases. The program reduced the trial rate in contested cases by about two thirds. Including the few cases likely to go to trial after data collection ended, only 7 percent of contested arbitration group cases went to trial, compared with 21 percent of the control group and 18 percent of the preprogram group (see Figure 3). This meant a considerable saving of judges' and court clerks' time for cases assigned to the program. About half of contested arbitration group cases went to arbitration hearings, and 37 percent ended with judgment on the arbitrator's award. Some of these cases would have gone to trial in the absence of the program. But about twice as many would have received a nontrial disposition, usually dismissal, and most of these probably would have involved out-of-court settlement. *Thus arbitration hearings probably replaced out-of-court negotiation more often than they replaced trials.*

Comparison of the three judicial districts. The program was effective in hastening disposition and reducing trials in all three judicial districts, but its effects differed in strength. In the Twenty-ninth Judicial District, whose preprogram disposition time had been the longest, the program achieved its greatest acceleration: the median times were 3.5 months for the arbitration group, 13.1 for the control group, and 13.1 for the preprogram group, indicating a reduction of 73 percent. Reductions were also substantial in the other districts: between 22 and 36 percent in the Third District, and between 37 and 53 percent in the Fourteenth District. There are several possible explanations for the program's different effects in the three districts. One is that the program tended to bring the pace of disposition up to a common standard. Thus the district with the longest disposition times (the Twenty-ninth) saw the most improvement. Another explanation is the number and dispersion of cases relative to staff. The Twenty-ninth District had the same staff (one arbitration coordinator) as the other two districts but 60 percent fewer cases. The Third and the Fourteenth districts had approximately equal case loads, but in the Third District, cases were dispersed over four counties, while in the Fourteenth, they were concentrated in one county.

Trial rates in contested cases also were affected differently in the three districts. The greatest reduction was in the Fourteenth District (16 to 19 percentage points), but the rate also was reduced in the Twenty-ninth District (12 to 17 percentage points) and in the Third (8 percentage points). In the Fourteenth District none of the arbitration group cases went to trial.

Magistrate appeals. The program achieved about the same percentage reduction in disposition time in magistrate appeals as in regular district court cases, but it reduced the trial rate more: about 20 percent of magistrate appeals were diverted from trial, compared with 9 percent of regular district court cases. The trial rate before the program began had been twice as high in magistrate appeals as in contested regular district court cases. One reason for the program's greater effect on magistrate appeals is that arbitration hearings may have satisfied the appellants' desire for a formal readjudication after a decision in small claims court.

Representation by counsel. The program reduced disposition times and trial rates regardless of whether the parties had lawyers, but the amount of reduction varied with their representation. In cases where both sides had attorneys, the median time was 5.5 months in the arbitration group, compared with ten to eleven months in the control and preprogram groups. Where only the plaintiff was represented by counsel, the median time was 4.4 months in the arbitration group, compared with six to seven months in the control and preprogram groups. In cases with both parties represented by counsel, the program reduced the trial rate from the 14- to 16-percent range to 7.8 percent, and in cases with only the plaintiff represented, from the 10- to 19-percent range to zero.

Percentage recovered by the plaintiff. The program evidently had no effect on the percentage of their claims that plaintiffs recovered in judgments recorded in court. In contested cases the mean percentage recovered was 68.8 in the arbitration group, 66.9 in the control group, and 65.4 in the preprogram group. There also were virtually no differences when magistrate appeals and regular district court cases were considered separately. The study did not investigate possible changes in recovery in out-of-court settlements.

Interviews of Litigants

Satisfaction with procedure and outcome. Interviewed litigants were more satisfied with arbitration than with standard litigation. For example, 77 percent of arbitration group litigants were satisfied with the procedures used in their cases, compared with 18 percent of comparison group litigants. The percentages of those "very dissatisfied" were 12 percent for the arbitration group and 33 percent for the comparison group. In the arbitration group 71 percent considered the outcome of their case "fair to everyone involved," compared with 55 percent of the comparison group. Similar differences between the two groups were found in responses to questions concerning opportunity to be heard, ease of understanding procedure, getting the dispute out in the open, getting at the facts in the case, resolving the dispute quickly, keeping down costs of litigation, and avoiding disruption of one's daily affairs.

Litigants' experience with arbitration hearings. Fifty-four of the interviewed litigants went to arbitration hearings, and most rated them favorably in terms of information provided to them, fairness of procedure, opportunity to be heard and to hear their opponent's side, and time allowed for the hearing. Most also spoke favorably of arbitrators' preparation and impartiality.

Winners, losers, and others. In cases ending in court judgments, "winners" were defined to include (1) plaintiffs who recovered at least half of their claims and (2) defendants who lost less than half of the plaintiff's claim; others were considered "losers." Litigants whose cases did not end in a court judgment constituted a third category; most such cases ended in voluntary dismissal and probably in out-of-court settlement.

Winning litigants were quite satisfied with the arbitration program, but they were equally satisfied with standard litigation. The program evidently improved the satisfaction of losing litigants and those in the "no-judgment" category (most of whom obtained settlements). The "overall satisfaction score" (which ranged from 4 to 16 points) averaged 12.9 for winners in the arbitration group and 12.3 for winners in the comparison group. Among losers, the mean score was 8.6 in the arbitration group—34 percent higher than the mean for the comparison group (6.4). In the no-judgment category, the mean score was 19 percent higher for the arbitration group than for the comparison group. Similar results were obtained comparing responses to eight specific evaluative questions.

***Pro se* litigants.** Litigants who were *pro se* (unrepresented by counsel) in the arbitration group reported having less difficulty and needing less help in preparing and presenting their cases than did those in the comparison group.

Interviews and Survey of Attorneys

Attorneys, when interviewed about their experiences in specific cases, were equally satisfied with the arbitration program and standard litigation. For example, 95 percent of the arbitration group attorneys rated the procedures used in their cases as fair, compared with 92 percent of the comparison group attorneys.

In addition to the interviews of participating attorneys, all attorneys (a total of 614) currently practicing civil law in the three pilot judicial districts were mailed a survey concerning the arbitration program. Half (310) responded. Of those, 97 percent were familiar with the program, and 61 percent had been involved as counsel in at least one arbitration hearing. The responding attorneys were favorable toward the program: 70 percent thought the program should be extended to other districts as well as continued in the present districts; 14 percent favored either keeping it in the present districts or moving it to other districts. Only 11 percent wanted the program to be discontinued (5 percent were undecided).

The survey asked attorneys about specific features of the program. Most (77 percent) favored including magistrate appeals in the program. Seventy-three percent approved of the one-hour limit on arbitration hearings. Regarding the damage limit, 65 percent felt it should remain at $15,000, 21 percent wanted to increase it, and 14 percent wanted to decrease it. While 53 percent favored keeping the restriction limiting the program to simple damage

claims, 43 percent wanted to add new types of claims to the program (the type most often suggested for program expansion was domestic relations matters). Sixty percent thought that the $75.00 arbitrator's fee was too low. A majority (62 percent) said that the amount of time they worked on a case was less in the arbitration program than for comparable cases in standard practice, and 59 percent said that they billed less for such cases.

Conclusion

The court-ordered arbitration program sharply reduced court disposition time and reduced trials in cases eligible for the program. In many cases it substituted hearings before an arbitrator for long periods of inactivity or protracted out-of-court negotiation. These effects occurred in all three pilot districts, which were chosen for their diversity, but the effects varied in degree. Litigants who lost or settled were considerably more satisfied with the arbitration program than with standard procedure. Litigants who won—unsurprisingly—were satisfied with both the program and standard procedure. Attorneys were quite satisfied with the program in specific cases but were also satisfied with standard procedure. Surveys of attorneys and arbitrators in the three districts indicated a large majority favoring continuation and expansion of the program. ❖

Acknowledgement. The research on which this article was based was partially supported by grants from the following sponsors, none of whom is responsible for the contents of this article: IOLTA Board of Trustees; R. J. Reynolds Tobacco Company; Janirve Foundation; State Justice Institute; National Institute for Dispute Resolution; Z. Smith Reynolds Foundation; North Carolina Bar Association Foundation Endowment; James G. Hanes Memorial Fund/Foundation; North Carolina Bar Association Foundation; Broyhill Family Foundation; Carolina Power and Light Company; and John Wesley and Anna Hodgin Hanes Foundation.

Notes

1. For a full discussion of the results, see Stevens H. Clarke, Laura F. Donnelly, and Sara A. Grove, *Court-Ordered Arbitration in North Carolina: An Evaluation of Its Effects* (Chapel Hill, N.C.: Institute of Government, 1989).

2. North Carolina Bar Association, *Dispute Resolution* (Raleigh, 1985), 19.

3. The legal and policy reasons for the rules, in many instances, are explained in the published commentary. The rules, commentary, and a recent history of legal developments in the area can be found in an article by one of the draftsmen: George K. Walker, "Court-Ordered Arbitration Comes to North Carolina and the Nation," *Wake Forest Law Review* 21 (1986): 901–56.

4. *Dispute Resolution*, 22.

5. *Dispute Resolution*, 20.

6. Following the bar association's recommendations, the Fourteenth Judicial District (Durham) is urban, the Third could be characterized as semi-urban (because of the two larger cities of Greenville and New Bern), and the Twenty-ninth is rural.

7. The actual cost of the program during its first year was atypical because (1) it only accepted half of eligible cases and (2) there was a considerable time lag before cases began to generate hearings. The Administrative Office of the Courts estimates the annual operating cost at $130,000 for the three pilot judicial districts when the program is "up to speed." This amount includes salaries of arbitration coordinators, arbitrators' fees, and travel costs and other expenses of coordinators and arbitrators. It does not include the time spent by the staff of the Administrative Office of the Courts in administering the program.

8. Public satisfaction with the program would be difficult to measure. It would have to be placed in a wider context of how the public feels about the court system in general. Most citizens are unlikely to be aware of a program like court-ordered arbitration or, for that matter, of how the courts operate, except for the infrequent cases in which they may be involved personally.

Siting Controversial Facilities

Kathryn Visocki

Dr. Larry Susskind, a professional mediator with EnDispute, a Massachusetts dispute resolution center, calls siting a controversial facility "putting one of *those* over there." Whether "one of those" is a new wastewater treatment plant, a county landfill, a half-way house, a new road or school, a hazardous waste incinerator, or a low-level radioactive waste disposal facility, it presents local and state decision makers with difficult, controversial choices. At some point, many public officials must make those decisions.

North Carolinians have had ample opportunity to see such controversy in action. The establishment of the polychlorinated biphenyl (PCB) landfill in Warren County, the defeat of a proposal to put a hazardous waste treatment plant in Scotland County, and the 1988 moratorium on the state's search for an appropriate site for a hazardous waste treatment plant all have made headlines. One public meeting held in Lexington by the North Carolina Hazardous Waste Treatment Commission to discuss the possible siting of a hazardous waste treatment plant there attracted 15,000 angry citizens. It is thought to be the largest public hearing ever held in the United States. Citizens also vigorously opposed the proposed site for the Superconducting Super Collider.

But siting controversy is by no means a thing of the past. In North Carolina, more than thirty counties have solid-waste landfills with fewer than five years' capacity left. These counties are facing hard decisions about how to manage that waste; those decisions will involve the siting of additional landfills and incinerators. Almost daily, North Carolina newspapers tell of public officials facing strong opposition in their efforts to locate new airport runways, schools, reservoirs, and industrial parks.

One such case involves a radioactive waste disposal facility. The North Carolina Low-Level Radioactive Waste Management Authority is in the process of selecting a suitable site for the construction of a facility that will handle the low-level radioactive waste for North Carolina and the seven other states that are members of the Southeast Compact Commission for Low-Level Radioactive Waste Management. North Carolina is the second host state for the region. The eight states' waste currently is being sent to a facility in Barnwell, South Carolina, which will close on December 31, 1992.

Siting controversy is not unique to North Carolina. Across the nation, public officials are asking the same questions: What can local and state officials and project sponsors do to make decisions about such facilities less controversial? And, more important, what can they do to help achieve public acceptance, or at least public tolerance, of such facilities?

The European Experience

To help answer these questions, I looked at similar experiences in Western Europe to determine whether strategies used there could be applied to similar situations in the United States. In 1987 and 1988 I participated in the European Environmental Fellowship Program for United States Environmen-

The author is executive director of the Southeast Compact Commission for Low-Level Radioactive Waste Management.

talists, sponsored by the German Marshall Fund of the United States, and collected case studies relating to the siting of controversial facilities. The primary purpose of the study was to identify policies and procedures that 1) could assist public officials in gaining public acceptance for siting controversial facilities and 2) should be avoided in siting processes.

Although I focused on Great Britain, France, and the Federal Republic of Germany, I also collected limited information from Switzerland and the European community. These countries were selected for their similarity to the United States, on the assumption that this would aid in any cross-cultural transfer of information.

Most of the information was gathered through informal interviews with forty-three people representing a wide range of roles in siting. The interviewees included public officials, managers of waste-management firms, directors of government agencies responsible for the siting of waste-management facilities, engineers, public relations specialists, protesters, environmentalists, journalists, and academicians. They were involved in such controversial issues as siting nuclear power plants, additional runways at existing airports, chemical waste disposal facilities, and a Mercedes-Benz testing course. Documents, such as government reports and newspaper clippings, also were collected.

Twenty-seven case studies were reported. Of these siting attempts, four were successful—that is, the projects were completed, licensed, and opened for operation. Seventeen facilities were either still in the process of siting, construction, and application for licensure or had not been officially abandoned. Six of the siting efforts had been officially abandoned by their sponsors.

Lessons Learned

The four successful siting efforts had two obvious factors in common: the process lasted at least ten years and included some form of litigation.

The six abandoned siting attempts also had some common traits. They all appeared to have strong political elements at work. In several cases, the failure of the siting effort was linked directly to an upcoming election. The perception of fairness (or lack thereof) also played a part in the abandonment of several projects.

Of the seventeen cases still under way, four are expected to succeed eventually. Common factors leading to success appear to be that people in the local area were familiar with similar projects and that incentives and compensation were available.

From a review of all case studies, several factors were identified as affecting public acceptance of controversial facilities. Those factors can be grouped in the following categories: technical credibility, dissemination of information, incentives and compensation, sensitivity to cultural differences, sensitivity to political leaders, and time and patience.

Technical credibility. Interviewees often noted that the degree of faith the public had in the individuals and the organization making the technical decisions was a key factor influencing the public's attitude toward a proposed facility. Other important factors affecting the degree of public acceptance for a proposed facility were the reputation of a profession in general, the integrity of an individual, the intentional use of dishonest or misleading information, the acceptability of a specific technical policy or approach, the line of reasoning leading to the selection of that approach, and the perceived fairness of the approach.

For example, in one case study, the collapse of a mining shaft was cited as decreasing the project's technical credibility, thus decreasing public acceptance of the proposed facility. Repeated change in technological approach was also noted as decreasing public acceptance.

Dissemination of information. Activities conducted by the sponsor of a proposed facility to inform people about the facility often had a positive or negative impact on public acceptance. These included development and dissemination of written materials, public meetings, press conferences, and tours of drilling sites, research facilities, and visitors' centers. The credibility of the person or organization presenting the information was closely related to the effectiveness of the activity. For example, answers to questions about geology were believed and trusted when presented by a highly trained geologist, but the same answers were not be-

Successful Siting Projects

Facility	Location	Reasons Cited for Success
Airport runway	Frankfurt, Germany	1. Time frame was long (24 years) 2. Violence of outside protesters led local opposition to withdraw 3. After lengthy litigation, court ordered the runway to be built 4. Sponsors made substantial compromise in project design
Mercedes-Benz test site	Boxburg, Germany	1. Time frame was long (10 years) 2. Protesters were mostly from outside the region 3. Area had a high unemployment rate 4. Environmental concerns were mitigated
Airport runway	Hanover, Germany	1. Recreational interest in the site was lacking
Nuclear power plant	Brokdorf, Germany	1. Time frame was long (10 years) 2. Protesters were mostly from outside the region 3. Similar industries were located nearby 4. Political climate was favorable

lieved when presented by public relations staff. In general, there appeared to be a positive correlation between the degree to which the activity was tailored to a particular audience and the effectiveness of that activity.

Incentives and compensation. Incentives and compensation influenced public tolerance both positively and negatively. A high unemployment rate often was the initial reason for local officials to consider a proposed facility. Conversely, communities with low unemployment seemed less receptive to a controversial facility. The prospect of creating new jobs seems to have had more tangible influence on public tolerance than any other incentive or compensatory measure.

In two of the unsuccessful siting efforts, including an attempt to locate a community willing to host the site, the perception of incentives and compensation was affected by a combination of other factors, especially technical credibility and fairness. Even if the community was suffering economically, incentives and compensation were mistrusted when the sponsor's technical credibility was low or when the sponsor's policies were considered unfair or unsafe. In other cases, preventive compensation, such as measures to reduce environmental impact, and positive public perception of compensation and mitigation helped gain public acceptance.

Sensitivity to cultural differences. Cultural differences were often cited as the reason that a proposed facility would be well-received in one community and strongly opposed in another. Similar, yet separate, from this factor was the degree to which the sponsors of the proposed facility made efforts to become aware of the cultural uniqueness of a community and the degree to which they used this awareness to foster public acceptance of the project.

Several interviewees suggested that it is important to understand the cultural or historical significance of the site being considered for a proposed facility. Other interviewees credited the history of employment in the local communities for public acceptance of a proposed facility. For example, people with a history of mining or heavy industry were accustomed to shift work and the risks associated with such employment. To maximize the benefits of this familiarity, the sponsors of proposed waste-disposal facilities in two German mining towns are publicly exhibiting the types of heavy equipment and mine-shaft technology that would be used. In contrast, an industrial installation proposed for a farming community may pose a major threat to the residents' lifestyle.

Unsuccessful Siting Projects

Facility	Location	Reasons for Failure
Nuclear waste reprocessing plant	Gorlenben, Germany	1. Site is a popular resort area 2. Residents were concerned that the region would be seen as the "nation's dump" because of existing facilities 3. "Nation's dump" concern made the project politically unfeasible
Nuclear waste reprocessing plant	Dragon, Germany	1. Powerful political leaders intervened
Nuclear power plant	Whyl, Baden-Wurttenberg, Germany	1. Site is close to international border 2. Residents were concerned about the effects on crops and the perceived dangers of nuclear power 3. Local culture has a long history of resistance 4. Political timing was unfavorable (upcoming election)
Radioactive waste disposal site (series of attempts)	Great Britain	1. Sudden announcement of site embarrassed and angered local officials 2. Project sponsor lacked credibility 3. Highly trained outside protesters helped local protesters

Sensitivity to public officials and other political leaders. The degree to which the sponsors of a proposed facility catered to the needs of an individual political leader often was mentioned as a crucial factor in determining the level of support provided by the individual. And when local officials expressed support for the project, the attitude of local citizens toward the project tended to be much more favorable.

Factors that increased sensitivity to the officials' needs were a general awareness of the political process and the distribution of power, an awareness of the timing of upcoming political events, and an awareness of the current issues on the local, regional, and national level. Other factors mentioned were the importance of providing information needed by an official to "sell" or justify support for the proposed facility and the opportunity for the official to negotiate for items of local interest, such as aesthetics, traffic routing, or local tax distribution. Officials interviewed stressed the importance of being informed about the siting plans well in advance of the official announcement.

Time and patience. The amount of time the sponsor allowed for project development often was noted as affecting the degree of public acceptance. In several cases, sponsors were criticized for moving too quickly, announcing their plans too early, and regarding their project as a *fait accompli*. The politicians and local citizens reacted with resentment when they felt that they had been taken by surprise and had not been consulted or allowed time to adjust and adapt to the idea of the proposed facility.

Recommendations

On the basis of these observations, public officials and project sponsors should institute the following policies and practices for improving public tolerance for the siting of any controversial facility.

1. Build and nurture technical credibility. Assign only the most highly qualified personnel to each task of the siting process, especially the tasks with high visibility. Publicize the qualifications of each individual on the team. Use a logical and defensible line of reasoning for all policy and technical decisions, and stand consistently by those decisions. Most important of all, tell the truth.

2. Recognize that understanding human behavior is as important as understanding technology. Employ individuals who are trained and experienced in the social sciences, such as sociology, anthropology, demography, political science,

and geography. Be sure to include people who are familiar with the history, politics, and culture of the region. Personnel with skills and experience in negotiation may be extremely useful.

3. Make every effort to understand the needs of public officials and political leaders, and provide them with the information they need in order to support your project. Get to know the local politics and, more important, the local public officials. Public officials must respond to their constituents, and they raise issues to protect certain local interests, which may be economic, social, cultural, or otherwise. These issues are often masked in discussions with project sponsors. Try to read between the lines. Do not assume that all officials have the same interests. Understand and respect them as individuals. Learn what the current issues and underlying interests are for each official and his or her constituents. Find out what you can do to help the official comfortably support the project without asking him or her to compromise a position, which inevitably would damage credibility. This may include speeding up or delaying certain steps in the process so as not to interfere with elections or other local political activities.

4. Tailor educational activities to specific audiences. All populations are made up of many different subgroups of people with different educational backgrounds, values, interests, and needs. Maximize the flexibility of educational materials and activities to target different population segments.

5. Above all, go slowly and exercise patience. Human beings are slow to accept change. Give people time to get to know and accept you and your ideas. Recognize and accept the fact that people may never welcome the project enthusiastically. Look forward, instead, to the day when affected local people are willing to tolerate the changes you advocate.

In observing this last recommendation, sponsors and officials can benefit from two specific actions. First, despite eagerness to meet tight deadlines, resist the temptation to shortcut the public-involvement process. Citizens must have ample opportunity to gather information and participate in the decision-making process well in advance of the actual site selection.

Second, rather than eliminating certain steps of the public-involvement process, explore ways to complete the same activities or achieve the same results in a shorter period of time. One approach might be to plan and conduct those activities earlier than originally anticipated. If the county landfill will run out of space in five years, start now to involve local citizens in the decisions that will confront local officials. This is not to suggest that local officials avoid or delegate their legal responsibilities. It simply means that beginning the public-involvement process earlier may avoid problems down the road. Also, question assumptions about the timing of activities. For example, must you wait for the results of a countywide screening for suitable areas before organizing a local advisory committee?

Another approach might be to allow a longer period of time for people to become accustomed to the idea of the proposed facility. The European case studies indicate that as time passes, people do become more accustomed to an idea and, consequently, more likely to tolerate it. If we were to examine more closely the process people go through to adjust to a new and controversial idea, we might discover new ways to activate and assist this process. Research on how consumers make choices and react to new products and ideas may provide useful data in understanding how people respond to controversial proposals.

Conclusion

It is clear that public officials and project sponsors are right to place a high priority on activities that build public acceptance. While no one has found a "magic formula" that guarantees the successful siting of a controversial facility, we do know that the public perception of such a facility can have a significant effect on whether the facility is accepted, permitted, or licensed. Public officials and sponsors of a controversial facility must develop and implement a siting process that respects local culture, politics, and government and that provides the affected public with information and understanding. ❖

Teacher Education: A History of Reform in North Carolina

Donald J. Stedman

In April, 1901, at a conference in Winston-Salem, educators adopted a resolution forming the Southern Education Board. Its purpose was to promote public education, to strengthen the public schools, and to improve the training of teachers. The new board members included Dr. C. D. McIver, then president of the North Carolina State Normal and Industrial College for Women (now The University of North Carolina at Greensboro), and George Foster Peabody, a New York businessman whose encouragement and philanthropy spurred the educational and economic growth of the South throughout the first half of this century. A significant part of their work established, in 1914, George Peabody College for Teachers in Nashville, Tennessee (which was then and is now, again, a part of Vanderbilt University).[1]

Since then the southern states have made the improvement of public education a central and frequent activity, and highly organized efforts to strengthen economic, social, and cultural aspects of the South have emerged. The Southern Regional Education Board, established in 1948, and the Southern Growth Policies Board, established in 1972, are two examples of agencies created to sustain educational improvement policies and strategies in the latter half of the 1900s. And vigorous state-level activities have accompanied regional development. This has been especially true in North Carolina, particularly with respect to preparing students to be teachers.

Early Efforts

In a letter to North Carolina State Superintendent J. Y. Joyner (dated July 20, 1915), Dr. S. P. Capen, a higher education specialist in the United States Bureau of Education, commented on the matter of quality and institutional commitment among colleges in North Carolina: "If the bachelor's degree is to have any value, institutions which grant it for less than the generally accepted amount of work and attainment should be induced to forego the custom." As the first review of colleges in North Carolina, Capen's letter constituted the first formal review of teacher education programs in the state, which set the pattern for regular and periodic reviews and reforms from then on.

As early as 1938, the Governor's Commission on Education in North Carolina, appointed by Governor Hoey after a review of public school issues, recommended that the education profession itself

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take more responsibility for developing and promoting any improvements.[2] The report also asserted that educators should establish adequate and appropriate barriers to prevent individuals with inadequate aptitude and training from entering the profession. Thus the concepts of a professional practices board and of the need for increasing the prestige of teaching and the profession are not new in North Carolina. The commission's report called for a revision in certification programs to require a period of probation prior to granting continuing certification and to establish a Master Certificate to be awarded for "meritorious service." The commission also recommended that for the 1939–40 school year, the salaries of all teachers holding the "highest certificates" be increased $5.00, to $128.75 per month, and that an additional $5.00 be added in the 1940–41 school year.

In September, 1948, the North Carolina Education Commission, authorized by the General Assembly of 1947, submitted a comprehensive report to Governor R. Gregg Cherry with twenty-seven recommendations to improve teacher education.[3] The report's recommendations ranged from accreditation issues to specific curriculum reforms at certain institutions. Among other changes, it called for "a vigorous program of recruitment of teachers," "increased salaries for teachers," "a system of competitive scholarships for persons preparing to teach," and the creation of "a State Advisory Council on Teacher Education" to improve cooperation among schools and colleges, to establish statewide planning, and to "advise the State Department of Public Instruction on teacher education problems." Many of the issues identified and solutions proposed are still before us today.

In 1961 the North Carolina Board of Higher Education issued a report on teacher education that recommended (1) a permanent statewide college organization to improve coordination among institutions and (2) campuswide committees on teacher education at each institution to ensure interdisciplinary planning and instruction and to guarantee continuous review of teacher education programs.[4] The report included an exhaustive analysis of the teacher education curriculum at each institution but concluded mainly that improvement was possible only if there also was improvement in each institution preparing teachers.

In 1969 Governor Dan K. Moore's Study Commission on the Public School System of North Carolina presented a comprehensive report to the General Assembly on the state's public schools.[5] The report's far-reaching recommendations focused clearly on teacher preparation. The report argued for "flexibility" in the education and training of teachers and for a studied avoidance of the assumption that there was "one best method" of preparing teachers. It also showed a sensitivity to the need to include teachers in the planning and conduct of teacher education programs and strongly recommended more "field experience" for teachers and closer ties between the public schools and University programs and faculty. Prophetic in its emphasis on the uses of television and computers, the report indicated a need for more organization and better financing for in-service education for teachers. And it identified the importance of "leadership training" and of the principal in attracting and keeping good teachers.

The report's impact was lost in the turmoil in the schools during the late 1960s and early 1970s. Although its message was heard in many areas of the state, it failed to galvanize the legislature, the governing boards, or the teachers into asserting the need to improve education and to increase the prestige of teaching. Nevertheless, the report was an important milestone and a key part of the long history of strengthening the central role of education and the schools in North Carolina.

Soon after the Board of Governors of The University of North Carolina was established in 1972, it initiated a comprehensive review of teacher education programs in the University system. The report of the Teacher Education Review Program (TERP), issued in October, 1977, included several major recommendations and reforms.[6] General recommendations called for improved coordination between the public schools and the University: establishment of a University Council on Teacher Education; strengthened admissions, retention, and exit standards for teacher education programs; improved

access to critical graduate programs; the discontinuation of a significant number of inadequate education degree programs; national accreditation of the University's teacher education programs; and requirements for improvement in 115 education degree programs in need of strengthening. The TERP report alerted the education community that program improvement was in order and that teacher education and strong public schools were high priorities of the Board of Governors.

Joint Committee on Teacher Education

Name	Affiliation
Ms. Geneva J. Bowe	UNC Board of Governors
Dr. James B. Chavis	State Board of Education
Dr. J. Earl Danieley	UNC Board of Governors
Mr. Charles Z. Flack, Jr.	UNC Board of Governors
Ms. Cary C. Owen	State Board of Education
Dr. Prezell R. Robinson	State Board of Education
Ms. Norma Turnage, Cochair	State Board of Education
Mr. David J. Whichard II, Cochair	UNC Board of Governors
Dr. Edwin G. Wilson	Wake Forest University

One of the state's more significant statewide reform activities, a detailed plan for teacher education, emerged in 1981 as the report of the Liaison Committee on the Quality Assurance Program (QAP), established for that task by the State Board of Education and the Board of Governors of The University of North Carolina.[7] The QAP was initiated in 1978 by a resolution adopted jointly by the two boards, which called for a "systematic, continuous, and extended approach to quality assurance in North Carolina." Much of the impetus for that activity came from the late Elizabeth D. Koontz, then assistant state superintendent of public instruction and former president of the National Education Association.

While not specifically a review of education programs alone, the 1983 landmark report of the Commission on the Future of North Carolina, spearheaded by William C. Friday, identified education as first on the minds of most North Carolinians as they registered their hopes for the future of our state.[8] "Basic education for all" became a central theme of the commission's report, and "teacher quality" became its main concern. The report asked for expansion of the QAP, more emphasis on academic disciplines in teacher-training programs, and better salaries for teachers.

Close upon the heels of these two reports came the 1984 report and recommendations of the North Carolina Commission on Education for Economic Growth.[9] Under the leadership of Governor James B. Hunt, Jr., and following the work of the Task Force on Education for Economic Growth of the Education Commission of the States, the report sparked new interest in public school reform in North Carolina and continued the reform of teacher education as well. Building upon the QAP, the commission's report (and the state legislation it triggered) focused on improving the prestige and attractiveness of teaching as a profession, improving the conditions of teaching, and initiating special new programs to strengthen the teacher and administrator corps—including a network of ten Mathematics and Science Education centers to provide in-service education and professional development for math and science teachers; a North Carolina Center for the Advancement of Teaching to offer academic and intellectual renewal to career teachers and to increase their prestige; a Principals' Executive Program at The University of North Carolina at Chapel Hill to ensure intensive management training for principals and senior school administrators; two Rural Education institutes to assist rural schools in improving their operations, curriculum, and personnel development activities; and sixteen pilot programs for the career development of teachers. Few reports in twentieth-

century North Carolina produced as many new ideas and resources for the education profession as did this one.

Recent Efforts

In the aftermath of the Elementary and Secondary School Reform Act of the 1984 General Assembly (which included several major reforms, the principal one being the Basic Education Program adopted by the General Assembly in 1985), a new interest in further improvement of teacher education programs emerged. The General Assembly once again called upon the Board of Governors of The University of North Carolina to form a task force to conduct a comprehensive study of current standards and practices related to the preparation of teachers in North Carolina and to recommend needed revisions "to make the course of study more rigorous and more effective."[10]

The task force's report, *The Education of North Carolina's Teachers*, was adopted by the Board of Governors in November, 1986, and by the North Carolina General Assembly in its 1987 session.[11] Over $2.6 million was appropriated to the State Board of Education and the Board of Governors for the 1987–89 biennium to begin a six-year implementation plan. In February, 1989, a joint committee of the two boards reported on progress in putting the task force report to work during the first two years.[12]

The State Board of Education has established a Professional Practices Commission, initiated a validation study of the National Teacher Examination (NTE), revised its policies and procedures for reviewing and approving teacher education programs, established a process for national accreditation of institutional programs, expanded school-college partnership activities, and taken steps to improve the administration of certification procedures and the NTE.

The Board of Governors has established nine model clinical-teaching programs, four summer student-teaching demonstration programs, a statewide program of school-based research, a distinguished-visiting-scholar program, and five training conferences to prepare institutions for accreditation by the National Council for the Accreditation of Teacher Education. In addition, the University's president has completed a special study of doctoral programs in education for senior school administrators, and two additional studies have been initiated—one of techniques for assessing aptitude for teaching and another of techniques for motivating students to achieve and to learn. Admissions standards for teacher education programs have been strengthened and by July, 1990, a second major in a basic academic discipline will be required of all education majors enrolled in The University of North Carolina.

The plans for the third and fourth years of implementation are fairly straightforward: (1) to complete initial steps taken toward strengthening the academic component of undergraduate education degree programs in the University; (2) to continue preparations and institutional self-studies required for all colleges and universities to achieve national accreditation for their teacher education programs; (3) to set the agenda for the new Professional Practices Commission; (4) to establish a network of model teaching programs; (5) to continue to build and strengthen the Teaching Fellows Program (a program of $5,000 annual scholarships to attract outstanding high school graduates into teacher education and into teaching careers) under the supervision of the Public School Forum of North Carolina; (6) to establish new professional doctoral programs for senior school administrators (including an essential fellowship program for public school personnel); (7) to expand the Distinguished Visiting Scholars, the School-Based Research, and the School-College Partnership programs initiated in 1987; and (8) to improve coordination among the several initiatives taken since 1982 toward strengthening in-service education for teachers and administrators.

Of course, resources are needed to sustain these initiatives and to begin implementation of a few new recommendations. The joint committee continues to seek support for Board of Governors and State Board of Education activities from the North Carolina General Assembly.

Conclusion

The Joint Committee on Teacher Education has proved to be a very effective mechanism for facilitating the collaborative work of the UNC Board of Governors and the State Board of Education. Indeed, the sustained effort to improve teacher education in North Carolina has pulled the two boards together as no other issue has. The intense interest of the members of each board has made policy and procedural change less difficult, more timely, and more cost effective.

Clearly, North Carolina has had teacher education on its mind for nearly a century. But never before have the revisions been so significant, the reforms more effective, or the involvement of the academic, governmental, business, and educational special interest communities so deep and abiding. It is important that their interest and support do not flag. It is essential that the legislature and the public continue to support the resources needed and the constructive change that is now in progress. In the long pull of history, educational change appears incremental. And within this gradual process North Carolina continues to be a beacon of educational leadership in the South—from the early meetings in Winston-Salem to the current debates on educational reform in the 1989 General Assembly. ❖

Notes

1. The involvement of the business and corporate community in public education is not a recent phenomenon, as some might think. The first conference of business and education leaders to address education and work force issues was held in June, 1901, in the private offices of Robert Curtis Ogden, managing partner of the old Wanamaker store in New York City. Attending that meeting were George Foster Peabody, Albert Shaw, Walter Hines Page, William H. Baldwin, Jr., and Charles William Dabney.

2. Governor's Commission on Education, *Report of the Governor's Commission on Education* (Raleigh, N.C.: 1938).

3. North Carolina Education Commission, *Today and Tomorrow—Education in North Carolina* (Raleigh, N.C.: 1948).

4. North Carolina Board of Higher Education, *Report of the North Carolina Board of Higher Education* (Raleigh, N.C.: 1961).

5. Study Commission on the Public School System of North Carolina, *A Child Well Taught* (Raleigh, N.C.: 1969).

6. Teacher Education Review Program, *The Education and Training of Teachers and Other Educational Personnel in The University of North Carolina* (Chapel Hill, N.C.: UNC, 1977).

7. Liaison Committee, *Quality Assurance Program, Liaison Committee Report* (Chapel Hill, N.C.: 1981).

8. Commission on the Future of North Carolina, *Report of the Commission on the Future of North Carolina: Goals and Recommendations for the Year 2000, Citizen Summary* (Raleigh, N.C.: N.C. Dept. of Administration, 1983).

9. North Carolina Commission on Education for Economic Growth, *Education for Economic Growth: An Action Plan for North Carolina* (Raleigh, N.C.: 1984).

10. 1985 N.C. Sess. Laws 479, § 72.

11. Task Force on the Preparation of Teachers, *The Education of North Carolina's Teachers: A Report to the 1987 North Carolina General Assembly* (Chapel Hill, N.C.: UNC Board of Governors, 1986).

12. Joint Committee on Teacher Education, *Second Annual Report of the Joint Committee on Teacher Education of the Board of Governors of The University of North Carolina and the State Board of Education* (Chapel Hill, N.C.: 1989).

The Institute's First Faculty Member:

Henry Brandis, Jr. (1909–1989)

Henry Brandis, Jr., died February 22, 1989, at the age of eighty—fifty-six years after Albert Coates hired him in 1933 as the first full-time faculty member of the Institute of Government. He had graduated from The University of North Carolina at Chapel Hill in 1928, had studied law there and at Columbia University (where he received an LL.B. in 1931), and had practiced law in New York. In the year that Brandis came to the Institute, he was married to Martha Louise Miller. He remained at the Institute until 1937, when he became executive secretary of the North Carolina Tax Classification Commission. Two years later he was named chief of the Research Division of the North Carolina Department of Revenue. In 1940 he joined the faculty of The University of North Carolina at Chapel Hill School of Law for a long and distinguished career. He served as dean of that school from 1949 until 1964. From 1965 until his retirement in 1972, Brandis was Graham Kenan Professor of Law. To the bar he is well known for three important editions of *Brandis on North Carolina Evidence*. Not long after returning to Chapel Hill from World War II service in the United States Navy, Brandis served as special assistant to Frank P. Graham, United States representative on the United Nations Committee on Good Offices to Indonesia.

The importance of Brandis's role as the first faculty member of the Institute of Government was described by Albert Coates in *The Story of the Institute of Government*:

> Ben Cone's gift of $5,000 a year for three years brought Henry Brandis on the staff, and for a year he was the one and only full-time staff member. He put to the test the working pattern which had evolved out of my own experience. He started studying the property tax which was, at that time, the source of around two-thirds of the supporting revenues of counties, cities, and towns.
>
> First, he went to the books. There he studied the tax provisions of the Constitution and the statutes passed by the General Assembly to lay down the guidelines for the administration of the property tax. He went through the court reports to find all of the decisions handed down by the Supreme Court of North Carolina, interpreting the Constitution and the statutes and settling the questions that had been raised.
>
> Against this background of the law in books, he started studying the law in action, to find out what officials had learned from working on the job first in Guilford County and in its cities of Greensboro, High Point, and Gibsonville, and thereafter in a dozen or more counties, cities, and towns, in the eastern, piedmont, and western sections of the state. He worked with the tax supervisors, tax listers, tax assessors, tax leviers, tax collectors, tax attorneys, boards of equalization and review, and city and county governing boards as he went through every step in the process from the discovery of property and putting it on the books to the collection of taxes, and through all the problems involved in those procedures.
>
> He set forth the results of these studies in a series of guidebooks on: *The Listing and Assessing of Property for County and City Taxes*, *The Collection and Foreclosure of County and City Property Taxes*, *The Levy and Collection of Ad Valorem Taxes*. He then conducted schools for tax officials in eight districts of the state. He followed up these district schools with a statewide school of tax supervisors, lasting for two days and held in the House of Representatives of the General Assembly in Raleigh. In those guidebooks and district and statewide schools, the fate and fortune of the Institute of Government was riding on the shoulders of a twenty-four-year-old boy. I knew it. He knew it. The attending officials knew it.
>
> As a backstop for the proceedings and an insurance policy for the success of the school, the first in the state's history, we invited the Attorney General, a fine lawyer of great experience who had for years as a county attorney been the loyal advisor of the tax supervisors in his home county.
>
> As Director of the Institute of Government, I opened the meeting, told what had been done by way of preparation, and Henry began outlining the topics that would be discussed. As the meeting got

under way, the tax supervisors began putting the tough questions to the Attorney General, but they soon found that he had not made the detailed studies Henry had made, and gave them general answers such as: "Use sound judgment," when what they wanted was specific answers to technical questions. Before the morning session was over the questions were all going to Henry, who was answering them with chapter and verse from the Constitution, statutes, and court decisions. The Attorney General did not come back for the afternoon or for the next day's sessions. Henry Brandis had become the answer to their prayers, and he remained so as long as he was on the staff. Henry had won his spurs, and the Institute of Government was on its way. (pp. 47–48)

—Henry W. Lewis, former director of the Institute of Government, 1973–1979

Stipe Receives Award for Historic Preservation

Robert E. Stipe, a principal leader in the organization and development of historic preservation law and practice, received the 1989 Louise duPont Crowninshield Award from the National Trust for Historic Preservation. This award, the greatest honor presented by the National Trust, goes to individuals who have demonstrated lifetime achievement in the field of historic preservation.

Stipe, professor of design emeritus at the North Carolina State University School of Design, former director of the North Carolina Division of Archives and History, and a former professor of public law and government at the Institute of Government from 1957 through 1974, began to hone his interest in historic preservation in 1963. He worked both with state and national leaders to initiate and develop the growth of historic preservation legislation and organizations. In 1968 Stipe combined his knowledge of law, planning, and design into a short course on historic preservation taught at the Institute of Government and cosponsored by what was then the North Carolina Department of Archives and History. This course, open to participants from across the United States, proved pivotal in establishing a professional basis in North Carolina and across the nation for the study of historic preservation law and practice.

Stipe left the Institute of Government in 1974 to become director of the North Carolina Division of Archives and History. Stipe's specialized knowledge of the legal intricacies involved with the establishment of government ordinances regulating historic preservation had proved invaluable to the division for several years as the state began to enact historic preservation laws. Stipe wrote extensive portions of the state historic preservation plan, and these laws served as examples for other states developing similar plans. John L. Sanders, current director of the Institute of Government, has noted that "their quality made these acts patterns from which the Advisory Council for Historic Preservation developed its Model Laws for State Historic Preservation."

Forced to step down as director of the Division of Archives and History in 1975 because of ill health, Stipe turned in a new direction to answer his unflagging interest in teaching and helping preserve his state's and nation's cultural heritage. From 1976 until his retirement in 1989, Stipe taught in the Landscape Architecture Program at North Carolina State University's School of Design. He emphasized community design policy, preservation law and practice, and landscape and townscape conservation.

Stipe continues to teach one class at the School of Design, and he also coteaches a course in The University of North Carolina at Chapel Hill's Department of City and Regional Planning. In addition to his teaching, Stipe has written over 150 published works related to national and international aspects of historic preservation, including editorship of Volume 1 of *Historic Preservation in Foreign Countries: England, France, The Netherlands, Denmark, Republic of Ireland*, published in 1982, and *The American Mosaic: Preserving a Nation's Heritage*, coedited in 1987 with Antoinette J. Lee.

—Terrell Armistead Crow

AROUND THE STATE

Problems in Social Services Staffing

Joe H. Raymond

The North Carolina Association of County Directors of Social Services released a report in the spring of 1989 that identified serious personnel problems in their departments. The report stated that the departments "are now facing critical shortages of credentialed social work staff, widespread salary disparity, recruitment problems, and inconsistent staff training opportunities." The members of the association, who believe that these problems are inhibiting their ability to provide services mandated by law, concluded in their report that "failure to resolve these issues could lead to serious risks for North Carolina's children and elderly." This article describes the problems identified in the report and summarizes the recommendations the association's executive board made to deal with them.

The State's System

North Carolina's social services system, like that in about sixteen other states, is administered by counties under state supervision. County social services departments are required by law to provide a wide range of social work and economic support services to North Carolina's people. Their basic mission is to help families become stronger and more independent by assisting the abused, disabled, dependent, and poor. Their services include intervention and treatment in cases involving child and adult abuse and neglect, foster care, adoptions, day care, and a variety of services for the elderly. They also administer the Medicaid, Aid to Families with Dependent Children, and Food Stamp programs as well as other economic support services (many also participate in the child-support enforcement program).

The state's role is to develop and regulate programs, to provide consultation and technical assistance, and to supervise the quality of the county departments. The county departments must administer the programs the state requires them to provide, which are paid for by a combination of state, federal, and local funds. Employees are hired by local departments, subject to minimum education and experience requirements set by the Office of State Personnel. Salaries are set by the county board of commissioners.

Social services programs have become vastly more complicated in the past decade. The need for social work intervention has increased dramatically, as has the types and severity of the cases. As one example, child abuse reports in the state rose 209 percent between 1974 and 1987. Cases of severe sexual and physical abuse are now commonplace.

This increase in need for and complexity of social services programs has increased the importance of hiring and retaining qualified staff members. The high level of training and skills required is illustrated by the state's written job requirements. For example, social worker IIIs must be able to make an "in-depth assessment of family dynamics" and, in complex cases, "a psychological evaluation of emotional disorders." Their work requires "an understanding of social work assessment techniques and treatment approaches." They must have knowledge of "medical diagnoses and treatment alternatives"; "social work principles, techniques, and practices, and their application to complete case work, group work, and community problems"; and "family and group dynamics." And they must have skill in "establishing rapport with a client and applying techniques of assessing psychosocial, behavioral, and psychological aspects of clients' problems."

It is obvious from these requirements that effective social services work requires substantial specialized training. Indeed, social services directors consider

The author is the former director of the Onslow County Department of Social Services. The opinions expressed are his alone.

that at a minimum social workers should have a bachelor's degree in social work.

The Survey

For several years, many county social services directors have believed that most departments were having difficulty recruiting qualified staff members and providing adequate salaries. However, no statewide data had been available to support this belief until the association surveyed the one hundred departments during the fall of 1988. Following are some of the salient findings from the responses of the eighty-one counties that participated:

1. Seventy-nine percent of social workers (905 out of 1,140) did not hold a degree in social work. Only 12 percent of those who held social worker I, II, and III positions had a bachelor's degree in social work, and only 7 percent had a master's degree in social work.

2. Sixty-six percent of social work supervisors did not have a degree in social work.

3. Salaries for equivalent positions varied widely across the state. For example, the lowest starting salary for the social worker III position was $15,840, while the highest was $24,902, a difference of 57 percent.

4. Many departments reported having difficulty recruiting social workers with the bachelor's or master's degree in social work. Seventy-five percent reported difficulty in filling child protective services positions, which are considered the most stressful positions and the ones with highest risks of legal liability.

5. Between July 1 and October 1 of 1988, four out of every ten social work positions were filled by individuals who did not have the education or experience to qualify fully for the positions.

6. About 50 percent of the departments had no merit program for their employees. About 66 percent had no regular raise or career-ladder program, and about 50 percent had no longevity pay plans.

7. About 70 percent of all social work employees with multistep salary schedules were at a relatively low step (step three or lower).

8. In 1987, as a result of long-awaited classification studies, the state had recommended that grade classifications for certain social work and income-maintenance positions be raised. However, the survey found that salary levels had increased only modestly. For example, the average starting salary for the social worker II position increased only 2.9 percent between 1987 and 1988. In fact, about 25 percent of the departments had lowered some salary grades in response to the state's recommended reclassification. (Apparently some counties chose to lower certain grades to minimize the effect of the reclassification of other grades on their total costs.)

Implications of Findings

Overall the survey suggests that social services departments are having great difficulty hiring and retaining qualified employees at a time when having trained, skilled employees is becoming ever more important. Low salaries in some counties and disparities in salaries between counties in the same area make it likely that the effectiveness of departments is in jeopardy. Some counties do not have effective career-path plans, new employees are being hired near or at the same salaries as experienced employees, and in some counties that do have multistep pay plans, the higher steps are not being used to provide higher salaries for experienced staff members. Even more disturbing is the finding that some counties actually lowered their classification grades in response to the state reclassification of some positions. Such responses undermine the intent of the recommendations and will make it more difficult to attract and keep qualified staff members.

Two additional factors are affecting the situation. First, counties are being asked to do more each year. It is difficult for comties to make social services salaries more competitive when they are being asked, or required, to expand social services and other programs. Federal funds available to social services departments (particularly Title XX block grant funds) have declined during the past decade. Counties are being forced to provide more money for administration of programs, while state funds have remained essentially unchanged. A director's association survey conducted in 1987 found that county expenditures for man-

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dated services rose 51 percent between 1982 and 1986, while in the same period state funds increased only 8.9 percent. Counties may be less inclined to offer competitive salaries and benefits when they have to struggle just to pay for increased program costs. It may be time to examine the basic state-county funding relationship for state-mandated services.

Second, social services departments remain the most misunderstood and least appreciated of the county departments. Misconceptions and myths about welfare, welfare fraud, and poverty are still prevalent. Too often, the public and even commissioners do not have basic knowledge about the role of social services departments: about the important local issues that affect families, children, the elderly, and the services provided for them; or about the fiscal, legal liability, and personnel problems the departments face. Most people do not appreciate the importance of the services provided by social services departments—their role in protecting and serving children and the elderly (over 90 percent of the budgeted services for the elderly are provided through social services departments), and their role in administering federal funds provided for Medicaid, child-support, and other economic services. The failure in some counties to provide the competitive salaries needed to attract qualified employees may possibly result from this lack of understanding and appreciation of the work of social services departments.

The Association's Recommendations

The association has made the following recommendations for alleviating the problems documented in its survey:

1. The association and the Division of Social Services of the Department of Human Resources should immediately establish a permanent association with the state's schools of social work with the purpose of examining issues of mutual concern related to recruitment of students, scholarships, development of educational programs, and other matters.

2. The association and the Department of Human Resources should develop staff recruitment and scholarship programs.

3. The state should implement the statewide training program recommended by the Social Services Study Commission. The program was designed to provide uniform training to new employees, but additional resources are needed to make the program fully operational.

4. The Department of Human Resources should develop a mandatory social work certification or registration program for county department staff members. Certification should be based on successful completion of training programs. Social work certification for child and adult protective services should be given the top priority because of liability risks and current needs for these services.

5. The association and the Department of Human Resources should recommend solutions aimed at reducing or eliminating salary disparities between counties. Top priority should be given to establishing a minimum statewide salary for social services positions. The concept of a career-ladder plan should also be adopted.

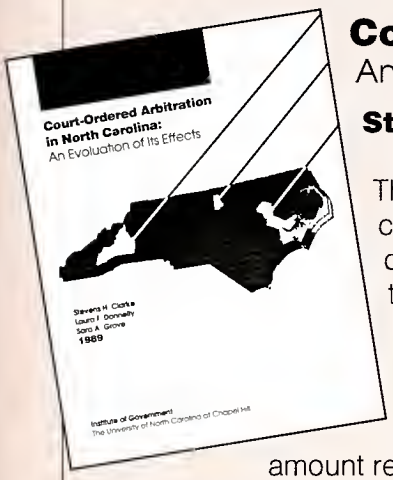
Summary

County social services departments must be able to hire staff members who are qualified to perform their jobs as the law requires and the public deserves. The association's survey shows that many county departments are having difficulty hiring qualified employees.

The main strength of our state-supervised, county-administered social services system lies in local administration, for only at the local level can social services employees effectively provide services to the people who need them. Individual social services departments are part of a statewide system whose effectiveness requires that all county departments function effectively. They cannot function effectively if they cannot hire and retain qualified employees.

Potential solutions to these problems exist. But if real progress is to be achieved, county and state officials must do more to understand the nature and importance of the work of social services departments, and they must understand the costs and risks inherent in not enabling those departments to attract and keep qualified employees. ❖

Off the Press



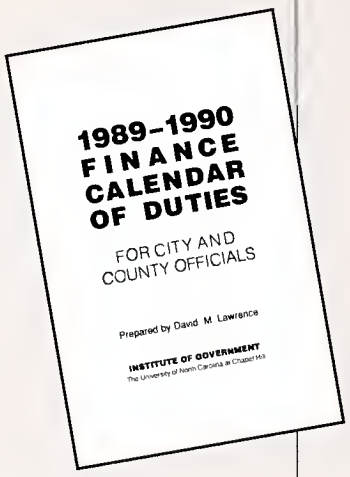
Court-Ordered Arbitration in North Carolina:
An Evaluation of Its Effects

Stevens H. Clarke, Laura F. Donnelly, and Sara A. Grove

This publication reports an evaluation of North Carolina's pilot program of court-ordered arbitration. The program, which has been operating in three diverse judicial districts, substitutes an informal hearing before an arbitrator (a specially trained attorney) for standard procedure in certain types of civil cases. The arbitrator's decision is nonbinding in that after the award is announced, litigants have the opportunity to request a new, formal trial. The evaluation was designed to assess the program's effect on the percentage of cases contested, disposition time, type of disposition, the amount recovered by the plaintiff, and litigants' and attorneys' satisfaction with procedure and outcome. The publication discusses these and related issues in detail. [89.13]

1989–1990 Finance Calendar of Duties
for City and County Officials

Prepared by David M. Lawrence



The *Finance Calendar of Duties* sets out the principal duties of city and county officials in preparing and adopting the budget and in financial reporting. It shows duties required by the General Statutes or by state agency regulation and the dates by which they are to be performed. Generally it does not include duties created by local act, those performed on a continuing basis, or those that have no specified date. $3.50 [89.07]

Index of Legislation: 1989 General Assembly of North Carolina

Compiled by Joseph S. Ferrell

The index contains several computer-based indexes of bills considered in this year's session, including (1) public bills indexed by General Statutes chapter number, giving the last action taken on each bill and, if applicable, its ratified chapter number; (2) local bills indexed by county; and (3) for ratified bills only, an index by General Statutes chapter number. $15.00 [89.09]

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Compiled by Joseph S. Ferrell

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