ECONOMETRIC ANALYSIS OF STATE COURT CRIMINAL CASE DELAY AND TRIAL RATES

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TABLE OF CONTENTS

Tables

CHAPTER 1 INTRODUCTION

1.1 Research Goals.

The purpose of this research is to apply the time series-cross section research design to several long standing, important questions concerning court operations in criminal cases, primarily felony cases. The questions are 1) whether adding more judges reduces delay, 2) whether more trials, and fewer guilty pleas, increase delay, 3) whether delay reduction programs, such as speedy trial laws, are effective, and 4) whether higher conviction rates at trial lead to fewer trials and more guilty pleas.

The research involves difficult causation problems. The number of judges and the trial rate may be affected by, as well as effect, delay. There may be reciprocal causation between trial rates and conviction rates. We endeavor to overcome these problems by using the time series-cross section research design, probably the only suitable design in this situation, and the Granger-Sims test for causal direction.

The study includes twelve states: Arizona, California, Connecticut, Iowa, Idaho, Illinois, Kansas, Michigan, North Carolina, Ohio, Oregon, and Pennsylvania. The states were selected because the courts compile data suitable for the analyses conducted here. They appear to be a fairly representative cross-section of the country, including states of varying sizes and states from all parts of the country.

1.2 Outline of Issues.

1.2.1. Impact of adding judges. Because additional judges should increase the volume of dispositions, one might expect that adding judges will lead to lower backlogs. Dominant thinking on the topic, however, is that adding judges has little impact on delay because, for example, the processes that control the flow of cases to judges are the main causes of delay. The issue is clouded because the amount of delay can also affect the number of judges: delay problems may prompt courts and legislatures to add more judges. That is, more judges may cause less delay, but more delay may cause more judges. Cross-section studies have concluded that there is no relationship between delay and the number of judges, but these findings are not evidence that adding judges has no effect because the impact may be negated by a tendency to add judges to courts having more delay. These two causal forces can be distinguished, however, through temporal differences. Any impact from adding judges occurs in the current and later years; whereas the impact in the other direction should

be delayed, since the courts and legislature cannot be expected to react immediately to reports of delay. Therefore, we can determine whether adding judges affects delay by distinguishing between the various temporal relationships.

1.2.2 Impact of trials on delay. Similar problems arise when exploring the relationship between trials and delay. The competing hypotheses are complex. One might argue that more trials lead to more delay because they can overextend the available court resources - such as judges, defense attorneys, prosecutors, and courtrooms. But if resources are added to the criminal courts or if existing resources are used more efficiently - for example, judges work harder - more trials may not cause delay. An increased in trials may even accompany delay reduction efforts as the court schedules more trials to accelerate dispositions.

On the other hand, causation is likely to be reciprocal, since more delay can lead judges and prosecutors to encourage pleas, thus reducing the volume of trials. Here again, the causal factors operate with different time lags. Any impact trial volume has on delay should occur largely in later years, whereas the impact of delay on the number of trials should occur in prior years.

1.2.3 Delay reduction efforts. The third general topic is the evaluation of the delay reduction innovations that occurred during the periods under study in the states selected. Examples are adoption of speedy trial laws (which state that criminal cases should go to trial within, for example, six months), case-flow monitoring procedures, and programs to limit continuances requested by attorneys. Traditionally, the major problem with evaluating such programs is that researchers cannot differentiate their impact from other, contemporaneous changes in the courts. In the present study, this problem is mitigated by using the time series-cross section design, which provides a large sample size and allows us to enter many control variables.

1.2.4 The impact of conviction rates on trial rates. Conviction rates and trial rates are also reciprocally related. If a higher percent of trials result in convictions, more defendants may plead guilty to avoid trial and, perhaps, to avoid harsher sentences given after a guilty verdict at trial. Plea negotiation practices, on the other hand, may affect the conviction rate. If the prosecution encourages pleas by offering more lenient dispositions when the evidence is weak, the conviction rate should increase because, indirectly, trial rates decrease. The impact of conviction rates on trial rates is lagged because information about convictions is based on past practices, but the impact of plea negotiations policies is immediate. Again, the impact of the competing causal factors can

be differentiated introducing a time dimension.

1.3 Summary of the Results.

The research analyzed statistics from the individual courts in the twelve states, over a period of 9 to 17 years. The amount of delay, on the average, has not changed appreciably, although several of the states have suffered large increases and one, Kansas, greatly reduced delay. The trial rate (the percent of cases going to trial) has plummeted, a trend found in nine of the states. Most courts experienced declines of 30 to 50 percent during the past eight to ten years. Conviction rates (the percent of trials resulting in convictions) changed little in the four states that compile such data.

A clear finding is that the number of judges has little or no impact on criminal delay, either immediately or in later years. This result was obtained in all twelve states. The same pattern was also found for the other side of the coin: more criminal delay does not prompt courts to add judges.

A second clear finding is that increases in trials and trial rates do not cause more delay, a result that was almost uniform among the states. There is strong evidence in two states that more trials reduce delay, which offers limited support for those advocating delay reduction through scheduling more trials. We found more widespread evidence for the opposite causal direction: the analyses in five states produced highly significant findings that more delay leads to more trials (although not necessarily to higher trial rates). Apparently delay prompts some courts to accelerate the dispositions.

The evidence is strong that the North Carolina speedy trial law reduced delay, but that the Connecticut law did not. Time standards had a noticeable impact in Kansas, but not in Idaho, Oregon and, probably, Iowa. Most of the numerous other delay reduction efforts in the twelve states produced no significant results; among the exceptions are 1) Connecticut and Illinois procedures to relieve caseload pressure on felony judges, and 2) case management programs in Arizona, Pennsylvania and, perhaps, California.

Criminal delay is little affected by the volume of either civil or criminal filings. Also, in California there is strong evidence that higher conviction rates lead to lower trial rates, but the findings do not replicate in the other three states with conviction data, Arizona, Illinois, and Kansas.

The most pronounced and consistent finding is the impact of criminal filings, not on delay but on the number of pending cases

and dispositions. As might be expected, more filings lead to more pending cases in the current year, because more cases are placed in the pipeline, and to more dispositions that year and the next, because there are more cases to decide. These are rather mundane findings. But the strength of the relationships are astounding. The significance levels are far beyond that found in other court research, and the coefficients for the impact of filings on dispositions are very close to one, suggesting that cases filed end up as decisions with extreme regularity. The slight impact of other factors studied, therefore, may be explained by the fact that there is a regular route, or pipeline, through which the cases are routinely processed, and the courts apparently supply their criminal functions with whatever resources, including judge time, that are needed to process the cases.

1.4 Report Outline.

The next chapter outlines the prior research on court delay, stressing the problems of research design encountered in most studies. Chapter 3 describes the specification problems involved in the current research, that is, the problems of determining what might cause what in the analysis of criminal court delay and procedures. Chapter 4 describes the data used in this research and the particular variables used. Chapter 5 describes the research design used to analyze this data, emphasizing how the research addresses the problems of causal interpretation described in the second and third chapters. The most important procedures used are the fixed effect regression model and the Granger-Sims test for causal direction. The final three chapters present the results concerning trends in delay and trial rates, the analysis of delay, and the impact of conviction rates. Most of the report consists of lengthy appendices that contain the results for the analyses in each state (Appendices A, B, and C) and detailed descriptions of the courts studied, statistics compiled, and variables used in the analyses (Appendices D and E). The appendices are intended to serve as background documentation of the research, supporting shorter published accounts.

CHAPTER 2 RESEARCH ON COURT DELAY

A decade ago, Luskin's (1978) review of research on court delay found problems of measurement, sample size and selection, model specification, and statistical estimation. Three general problems plagued this research: 1) too few degrees of freedom for valid statistical inference, 2) failure to control for the effects of other variables, and 3) inability to determine causal direction. These were especially acute in the study of variables which vary not across individual cases, but within courts and over time. Luskin concluded that, as a result, the literature could say little with certainty about the determination of backlogs and processing times. She called for comprehensive theory translated into well-specified models and estimated on appropriate data.

An ensuing decade of research has shown progress, but a reading of the current literature reveals that many of the same substantive and methodological issues remain. In this chapter we review the state of our understanding of the causes of backlogs and processing times. Because so much of what can be concluded from a piece of research depends on its design and because studies with similar designs tend to have similar strengths and weaknesses, we group studies reviewed by their research designs. Substantively, because of their policy importance, we pay special attention to findings on the impacts of caseloads, judicial and other resources, trial rates, speedy trial rules, and administrative and structural variables intended to reduce delay.

Studies of court delay differ from one another in the units on which observations are made--individual cases or courts--and on whether measurements are taken on the units at one or more than one point in time. Designs differ as well in the means by which, when attributing an effect to one variable, they control for the effects of others. These differences define experimental, before-and-after, time-series, cross-sectional, and time-series cross-sectional designs in the study of processing times and court caseloads, congestion, and delay.

2.1 Field Experiments

Connoly and Planet (1982) utilized an experimental design to evaluate a delay reduction program in a Kentucky court. For a one year period, regular civil cases were randomly assigned to an experimental "special rules" docket or to the "regular" docket. The "special rules" docket established a case-track which specified time limits for the completion of various events in the life of a case, monitored adherence to the track, and established

special rules regarding motions, discovery and the use of depositions.

Connoly and Planet (1982) compared two random samples of cases initiated in the same time period on processing time and events. They found a reduction in mean case processing time for every phase of litigation, but no differences in outcomes or modes of disposition (p.54). The difficulty with this field experiment was in keeping the control and experimental groups separate. According to the authors, "special rules" cases were not given scheduling priority at trial, although it is not clear whether they were given priority at earlier stages. In addition, since the judges were aware necessarily of which cases were proceeding under which program, such priority is hard to control. It is also difficult in experiments like this one to eliminate the effects of enthusiasm and support for the program. True experimental designs are difficult to implement in courts where issues of fairness arise and were the participants in the experiment know which cases are part of the experiment and which are not. Also, there is no indication of what happened to criminal cases over this time period.

Similar problems exist in several more-or-less experimental evaluations of calendars reported by Nimmer (1978). In a Los Angeles evaluation, for example, beginning in April, 1973, the court assigned six judges to a master calendar and six to individual calendars. After six months, the assignments were reversed. Because the judges knew that they are part of an experiment, the possibility exists that their performance will be affected by that knowledge. Experimental evaluations, like other evaluations, are often under to pressure to produce answers about the effectiveness of the innovation as soon as possible. Unless effects occur immediately, the innovation is likely to be seen as having no effect. (Short term effects that disappear with time, on the other hand, may be misperceived as lasting). Nimmer also reports the results of a Rand study of a docketing experiment in Manhattan. Here the study period was only five months long, and eight of the ten judges participated in both systems during the five months. Under these conditions it is unlikely either that a sense of accountability under the individual calendar or expertise under the master calendar had time to develop.

2.2 Before-and-After Studies

Before-and-after designs take measurements on the same units (courts) at one or a few points before and one or a few points after the occurrence of some event of interest. These designs have been popular for determining the success of delay reduction innovations. (Mahoney and Sipes (1985), in fact, recommend the design to courts for this purpose. Langdon (1983), Connolly and Smith (1984), Guynes and Miller (1988), and Note (1971) all use

this design to evaluate the impact of delay reduction innovations. Rubenstein and White (1979) and Meeker and Pontell (1985) use essentially before-and-after designs to examine the relationship between caseloads and plea bargaining.

A 1971 study (Note, 1971) evaluated a change in calendaring system in the lower criminal courts of Queens, New York. The study used random samples of 500 cases, stratified by seriousness, of arraignments under the last year of operation of the old calendar and 500 from the first year of operation of the new system.[1] The author concluded that the new calendar reduced backlogs, speeded processing of jail cases, and increased the numbers of dispositions per judge day (p. 1654, 1657). While the study does observe actual change, its N of 2 does not allow for the control of the many other variables besides the calendaring change which might have produced the decreases in delay. Nor can the design eliminate the possibility that a secular change toward shorter processing times would have produced these changes with or without a calendar change. In addition, because many cases in the post-innovation sample were not disposed, the estimate of processing time based on cases disposed in this period is biased downward. Thus problems inherent in the before-and-after design and problems specific to this application prevent our concluding that these changes were the result of the calendar reform.

Connolly and Smith (1984) also use a before-and-after design to evaluate backlog reduction and caseflow management programs in two Vermont courts. They conclude that the programs' continuance control and over-scheduling features increased judicial productivity and that the caseflow management shortened case duration (p. 39). This conclusion is hazardous, however, since there were no controls for the effects of other variables. Because "currency program" cases were given scheduling priority at the expense of the old program cases, the problem is especially troublesome. Another problem has to do with the effects of selection bias in the estimation of processing times before and after the innovation. It is unclear from the reporting whether the processing times the authors estimate are calculated from samples of cases initiated or cases disposed and whether <u>all</u> or only some cases filed after a specific date were part of the "currency program." If the samples are of "old program" cases disposed in the post-program period and of "currency program" cases filed and disposed in the post-program period, any effects of the currency program will be exaggerated. In addition, if only some cases filed in a particular time period were part of the currency program, how they were assigned to the program--randomly, by attorneys' requests, or by some other

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[1] Ten days from each year were also selected at random, and all non-youth appearances on these days were examined.

means--will affect the results. The lack of control and the possible bias in the samples of cases chosen prevent us from concluding that the programs had their desired effects.

Langdon (1983) documents the implementation of a statewide delay reduction effort in the New Jersey criminal courts. The account covers the planning period and the first eighteen months of the operation of the program. This research uses median times to disposition, pending caseloads, and age of pending cases as measures of delay. Langdon finds a positive bivariate association between percentage of cases disposed by trial and case processing times, but without controls for other variables we can conclude nothing from this association.

Guynes and Miller (1988) use samples of cases drawn from before and after the implementation of early screening and settlement programs for minor felonies in two New Jersey courts. They found processing times and backlogs decreased after the introduction of the innovations. In one court, backlog was reduced despite a reduction in the number of judges assigned to criminal cases. Since other factors were not controlled, however, no conclusions should be drawn.

Meeker and Pontell (1985) study the effect of case pressure on guilty pleas by examining the impact of a legislative change in California. Section 17 of the California Penal Code, effective in 1970, was intended to reduce trial court criminal caseloads. Meeker and Pontell (1985) compare the values on several dependent variables before and after the adoption of Section 17. They test whether the observed frequencies on the dependent variables are better accounted for by an assumption of a constant rate of occurrence or by an assumption of different rates before and after the legislative change. They supplement statistical tests with visual inspection to judge whether the slopes of the distributions before and after 1970 are in the direction that would be predicted if caseload pressure had declined.

Meeker and Pontell (1985, p. 138) conclude that while caseload pressure may not affect rates of plea bargaining, it may, nevertheless, affect the timing of guilty pleas and the severity of sentences meted out.1 But the relationships among caseload pressure, plea rates, the timing of pleas, and severity are not well explicated in their analysis. At different points in the article, they seem to imply different effects and different causal mechanisms. For example, though they argue initially that caseload pressure should not effect rates of pleas, they later cite an increase in the ratio of trials to pleas in homicide cases in support of their hypotheses about the effects of caseload. And if caseload pressure affects sentence severity because courts must offer larger sentence discounts so

as to obtain more pleas, caseload pressure should affect the rate of pleas as well as their timing. Further, the authors ignore dismissals, which are also a means of responding to caseload pressure.

There are also methodological problems. The authors note that different results are obtained depending on the operationalization of caseload pressure. Nevertheless, with little indication that they have changed definitions, the authors use the term "caseload" to refer dispositions relative to the number of court personnel (p.129), total dispositions (p.130), and total filings (p.137). In addition, although dispositions relative to court personnel does take account of resources, it makes a file clerk the equivalent of a judge. The measure also ignores the civil caseload of these general jurisdiction courts.

Moreover, there are simply too few data points. Because of the small number of data points, the authors can neither estimate the effects of their primary independent variable, caseload pressure, nor can they rule out competing explanations. Although Meeker and Pontell draw conclusions about the impact of case pressure on the timing of plea bargaining and sentence severity, this crucial independent variable never appears directly in any of the formal analysis. The small number of time points also means that the authors cannot rule out the alternative hypotheses. The most plausible of these is that the change in the timing of pleas the authors observe is an artifact of a change in caseload composition following the implementation of Section 17--a highly plausible alternative, since Section 17 was intended to move minor felonies to the municipal courts.

Finally, although Meeker's and Pontell's analysis of homicide cases is not subject to the caseload mix criticism, it is based on even fewer data points. (The authors, in fact, characterize two data points as a "pre-intervention trend.") In addition, the authors shift their argument in the analysis of homicide cases from the timing to the overall frequency of pleas. One suspects that the reason is that there were no early pleas among the homicide cases. Such a result for homicide cases would be consistent with a case mix rather than a case pressure explanation of any changes in the timing of pleas and in the severity of sentences meted out.

A study of the 1975 Alaska plea bargaining ban (Rubenstein and White, 1979; Rubenstein et al., 1980) found that disposition times in criminal cases declined after the ban in three courts studied, even though the number of trials increased. The authors attribute the delay reduction to coincidental state-wide and local efforts to reduce delay, not to the ban, but they claimed that the ban did not hinder this trend. Because this study involved only four time periods in only three courts, the number

of observations was not sufficient to distinguish the effect of the experiment from secular trends. Also, as usual, no attention was paid to the civil caseloads or the possible increases in judicial capacity.

A before-and-after study of a delay reduction effort in a New Jersey court found that the guilty plea rate rose dramatically, but the authors speculated that the chance may have been caused by a new criminal code (Ross et al., 1981). Grau and Sheskin (1982) also found that guilty pleas rose moderately in two of the three Ohio courts they studied following delay reduction efforts. Like the Alaska study, the number of observations in these two studies is far too small to permit conclusions.[2]

2.3 Time-series Studies

Studies that observe and try to explain variation in the behavior of the same units over time constitute a small portion of this literature. Some are historical, taking a long-term and, generally, qualitative view of change (Feeley, 1979; Alschuler, 1979; and Langbein, 1979; for example). Although this research on the use of jury trials and the rise of plea bargaining has not had court congestion or delay as its primary focus, assumptions about congestion and its effects are implicit in the arguments.

Other longitudinal research has tried to make use of more quantitative information on caseloads, court congestion, and disposition modes (Feeley, 1980; Daniels, 1985; Heumann, 1975, 1978; Jones, 1979; Clark, 1979; Bridges, 1982; Selvin and Ebener, 1984; and Garner, 1987). These studies differ in questions asked, variables employed, measurement, units of analysis, sampling, length of the time period examined (a few years to three-quarters of a century), number of data points (two to 150), and statistical rigor.

Feeley (1980), Daniels (1985), Heumann (1975;1978), Jones (1979), and Clark (1979) all address the caseload controversy. Feeley (1980), for example, pieces together cross-sectional studies from the 1920's through 1970's, a longitudinal study of Connecticut courts from the 1880's to the 1950's, and new information on New York City criminal courts in the 1970's[3] to

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[2] Grau and Sheskin (1982) is considered in greater detail below.

[3] Feeley's citation of Clark and Shulman (1937) is confusing. His n. 20 on p. 263 refers to a study by these authors published in 1923. On p.264, he refers to an unnamed study on the Connecticut courts published in 1937. This reference appears to be to Clark and Shulman (1937).

argue that dispositional practices have remained constant despite changes in workload (Pound and Frankfurter, 1922; Clark and Shulman, 1937; Illinois Crime Survey, 1928; Dash, 1951; and Heumann, 1975;1978).[4] Although Feeley acknowledges "...a host of intervening and confounding conditions..." affecting the relationships between caseloads and processing across the time periods and courts in the studies he compares, he concludes that the use of trials and other adversary procedures has remained at "...more or less a constant level despite changes and variations in the magnitude of the workload."

Even ignoring such omitted influences, the evidence is not unequivocal. At different points, Feeley argues that caseload does not affect backlog and delay; that because caseloads were also heavy in the past, processing styles have not changed; and that changes in caseloads have occurred, but have not affected processing. Despite Feeley's contention that caseloads were heavy in earlier times (i.e., that caseload pressure was high), the studies Feeley uses do not measure caseload pressure. Except for a single reference to the caseload to judgeship ration in Cleveland in the 1920's, the inferences about congestion are based on caseload volume. Nor do the studies demonstrate continuity in adversary practices. In fact, there are hints of changes in procedures associated with changes in workload. Feeley cites the addition of courtrooms in New York City in the 1970's, for example, as evidence that changes in caseload pressure do not affect processing styles. Yet Feeley also quotes a report from the New York Commissioner of Criminal Justice Services to the effect that guilty pleas declined and trials and dismissals increased when more courtrooms were added (p.266). Finally, most of the evidence comes from misdemeanor courts. Since trials are almost unheard of in these courts, it is not clear that these courts are the best place to test the relationship between caseload pressure and disposition practice. Although Feeley cautions that his arguments apply best to misdemeanor courts, frequently this caution has been ignored.

Daniels (1985) studied courts in two rural Illinois counties over the 90 years from 1870 to 1960. The measurement interval is 5 years, but because Daniels collapses these into 20 year intervals, for much of the analysis there are only 4 time points. From his examination of the courts' business, Daniels concludes that there has been no change in case handling in response to

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[4] Feeley's (1980) approach is twofold. In addition to this informal meta-analysis of previous studies, Feeley also compares two more or less matched courts and a time series on Connecticut courts. These are considered below with quasi-experimental designs.

case pressure. What changes have occurred result instead, from changes in the mix of court business (Daniels, 1985, p. 417).

Although Daniels addresses the caseload controversy, his data are not especially appropriate to do so. Daniels argues that these counties have experienced neither urbanization nor case pressure -- although his measure of caseload is not very precise. How does one test the effect of caseload, if it has not changed? If trial use decreases, nothing can be said about the effect of caseload pressure. And if trial use does not find change, one explanation is that caseload pressure has not changed.

Daniels argues that, since these courts did not experience a growth in caseload pressure, we should expect the frequent use of trials, if the caseload argument is correct. Daniels sets difficult criteria for the "fundamental change" hypothesis to be upheld, and conversely lenient ones for the concluding no effect. Although trials did decrease as a percentage of all dispositions, Daniels requires instead that the decrease in trials be matched by a corresponding increase in guilty pleas.

Daniels makes the useful point that although the caseload arguments are usually made with reference to the handling of felony cases, usually these are not the only cases heard by trial courts and the trial courts are themselves only part of a court system. But considering case processing across all courts, years, and case types, calls for a multivariate model. Daniels does not present such a model conceptually, nor would his data support its estimation empirically. Rather, his conclusions are based on bivariate analyses of court business in one court on the criminal side.

Heumann (1975; 1978) has also used longitudinal data to examine the relationship between case pressure and plea bargaining. Heumann (1978: 26-30) found that the proportion of criminal cases going to trial remained roughly the same since 1880. Haney and Lowy (1979, p.633) argue that this finding is irrelevant to the issue because it does not show that caseloads rose (Haney and Lowy, 1979, p.638). Nor, it should be added did Heumann present any evidence that the courts became more or less congested.

In another analysis, Heumann (1978: 28-30) compared the portion of cases going to trial in high and low volume courts since 1880, using case volume as a surrogate for case pressure. Three low volume courts tried only a slightly larger percentage of cases than three high volume courts (out of nine courts in the state); so Heumann concluded that caseload pressure is not a major factor in guilty plea rates. Haney and Lowy (1979; 638-639) and Nardulli (1979:92) contend that this is no test of the

relationship because it does not take into account the number of judges working in these courts. Heumann answered that case pressures must be minimal in low volume courts because of low caseloads (Heumann, 1979: 651), but he did not take into account civil caseloads or the fluid assignment of judges in Connecticut. (Failure to consider civil caseload pressure is a common problem, which is discussed later in more detail). This analysis, it should be added, is really a cross section analysis and is subject to the causal problem discussed below.

Heumann's last argument (1978: 30-31, 168) is that the trial rate did not increase in most of the courts when a jurisdiction change reduced the criminal caseload. A major problem here again is the failure to consider the impact of the civil backlog. Haney and Lowy (1979: 639) also question Heumann's conclusion on the grounds that: 1) the plea bargaining patterns probably persist because of short term inertia, and 2) caseload reduction may not have reduced caseload pressure beyond a threshold, at which guilty plea patterns might change. Finally, this before-and-after study is subject to the problems common to that research design, discussed before.

Jones (1979, pp. 74-85) also questions the relationship between guilty pleas and court congestion. He found that the proportion of cases going to trial has not changed greatly over the part four or five decades in federal courts and in state courts with available statistics. For state courts, however, Jones provided no direct or indirect evidence of congestion. For federal courts, Jones (1979: 74-75, 194-195) presented criminal caseload data and contended that there was no relationship between criminal caseloads and the guilty plea rate during the part 40 years. However, again, bare caseload figures are not evidence of congestion.

Jones (1979), however, did find that the guilty plea rate in federal courts increased greatly in the early 1920's, which he associated with the large caseload increase that began in 1918 and accelerated in 1920 when Prohibition went into effect. But lack of data concerning judgeships or delay makes any connection between the guilty plea rates and congestion uncertain. That connection, however, is supplied by Clark (1981: 113-117). His "duration of litigation index" increased dramatically in both civil and criminal cases int he early 1920's, and then declined equally dramatically in the mid and late 1920's. Clark (1979: 117) attributed this decline largely to the greater use of guilty pleas, which rose from 75 percent of convictions in 1917 to 92 percent in 1932. This is a rough study, and other factors may have accounted for the change in the guilty plea rate of the reduction in delay. Nevertheless, it is the only time series study of the relationship between guilty pleas and congestion that actually attempts to measure congestion.

Bridges (1982), uses longitudinal data to examine the impact of the Speedy Trial Act of 1974 on case processing times in the federal District courts. He begins by pointing out that the compliance with the Act's requirements found by Ames, Carlson, Hammett, and Kennington (1980) is not necessarily evidence that the Act reduced processing times. Such compliance could have been achieved through liberal application of the Act's excludable time provisions.[5] And after inspecting the frequency of use and median lengths of exclusions between 1977 and 1981, Bridges does conclude that the overall amount of time excluded among cases increased over the period.

To determine whether the act had any impact on actual processing times, Bridges examines an annual time-series of dispositions from 1971 to 1981. He compares the median and tenth, twenty-fifth, seventy-fifth, and ninetieth percentiles processing times and cumulative distributions of days to case termination for each of the years in the series. From this he concludes that the Speedy Trial Act of 1974 had little impact on the time taken to process most criminal cases.

Bridges makes use of samples of cases terminated to assess the effects of the Act. As Garner (1987) points out, since cases terminated in any time period reflect past processing behaviors, they are not the appropriate units for the assessment of the impact of a new policy on newly filed cases (see also, Neubauer et al., 1981). Even if little or no effect on processing times for cases disposed after the policy went into effect, it remains quite possible that there has been an impact on cases filed after the Act went into effect.

In addition, Garner argues that when assessing the impact of policies of maximum time limits, which by their nature are directed to cases with especially long processing times, focus on the median, can be misleading, since it is relatively insensitive to the extreme values. Bridge's data show a 38% decrease in time to disposition for the 90th percentile between 1971 and 1981 (Garner, 1987, p.235). And the proportions of cases terminated between 90 and 300 days decreases in the years following the Act (Bridges, 1982, p.68).[6]

Although Bridges considers the possibility that changing caseloads may have produced the decrease in processing time,

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[5] For a listing and discussion of these see Bridges (1982).

[6] Even the average median for the years following the Act is 13% lower than that for the years preceding the Act (calculated from Figure 1, p.67).

problems in measurement and analysis prevent the conclusion that changes in this variable did not produce the decrease in processing times. As in many other studies, the measure of caseload ignores civil caseload and does not include a measure of resources. Most importantly, Bridges can attribute what change he does observe neither to the Act nor to changes in caseload and complexity, which also occurred during the period. The series is simply too short. Eleven data points are too few to support formal statistical analysis. Visual comparison of univariate distributions of case type changes and numbers of filings with the processing time distribution are no substitute for a multivariate estimation including compositional variables and case pressure. And this is not possible without a much longer series.

Garner's (1987) analysis of the impact of the Federal Speedy Trial Act of 1974 is one of the few time-series studies in this area with a sufficient time points to allow the specification and estimation of a model. The question Garner (1987) addresses is the impact of Rule 50(b) and the Federal Speedy Trial Act of 1974 on case processing times. He used processing time information on all cases filed in the federal courts between 1971 and 1981 to construct a 150 month series of mean, median, and ninetieth percentile disposition times. His main dependent variable is the mean processing time of cases initiated in each month. Three policy intervention variables are represented in the model: the implementation of Rule 50(b), the implementation of the Speedy Trial Act, and the implementation of the dismissal sanction provision of the Speedy Trial Act. Each is operationalized with a dummy variable scored "1" for the month in which it was implemented and each succeeding month. A variable which increases by one for each month subsequent to implementation is also included.

Thus Garner's basic model has a time trend variable and six policy variables representing the immediate and longer term effects of the three interventions. He adds resource and caseload compositional variables to control for rival hypotheses. Each equation is tested and corrected for autocorrelation.

Garner finds that all three policy initiatives reduced mean processing times. This was also true when the dependent variable was the processing time of the ninetieth percentile case, except that the sanctions policy variables, although negative, did not reach statistical significance. The estimated effects of the policy variables on median processing times, also are in the expected direction, although only the effects of the Speedy Trial Act are statistically significant. Although Garner does not explicitly make this point from his results, the Speedy trial Act had an immediate impact which was maintained over the study period, while Rule 50(b) and the sanctions policy not only

reduced processing times immediately, but had an increasingly negative impact as time passed. Because of individual level data limitations, Garner tests these the effects of caseload compositional variables by estimating the basic equation on subsets of cases that exclude cases with specific characteristics.[7] Although he is not very clear on this point, some of the composition variables were entered because, presumably, they, rather than the policy innovations could have produced the observed processing time reductions. Others were introduced not because they were expected to have produced the reductions, but to answer the question whether the effect of the policy variables depended on the kind of case.

The findings of the basic model held when compositional controls were entered. A minor exception was that the sanctions variable apparently had an effect for cases with private attorneys but not for cases with public defenders. Garner speculates that the policy had a smaller impact on public defender cases, because these cases were processed rapidly by the courts even before the sanctions policy went into effect. But the analysis cannot tell us what it is about these cases that made them progress more rapidly. Attorney type may well be a surrogate for other differences (jailed defendants, for example). The awkwardness and explanatory limitations of the subset analysis become apparent in the remaining uncertainties of interpretation of the differences of effects when private attorney cases are removed. The effects of attorney type could be estimated with a disaggregated model which included the policy variables, a variable for whether the case was disposed by private attorney, and, if one believes that the sanction policy affected public defenders and private attorneys differently, a multiplicative term to capture the interaction.

Finally, Garner assesses the impact of changes in caseload and in judicial resources, the two most likely challenges to the conclusion that the speedy trial rules and law had an effect. Caseload is measured by the number of criminal cases filed in the month. While the priority given criminal cases argues for using a measure of criminal caseload, Garner does not make the rationale here explicit. Although both the Rule and the Act mandated priority for criminal cases, it is unlikely that civil caseloads of these courts had no effect on processing times. Nor does he give a justification of including only the cases filed. One would expect that pending caseload should be important to

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[7] Garner's preferred strategy was to estimate a disaggregated time-series (Garner, 1987). He performs subset analyses for selective service, bank robbery, and drug charges, dismissals, trial dispositions, cases with privately retained attorneys, and Second and Ninth Circuits cases.

processing. The specification which presumes an immediate effect of caseload is not justified. In addition, reduction of pending caseload--through dismissals, for example--could affect processing time in current and future months.

Judicial resources are measured by the available judgeships for the fiscal year in which the case was filed. Again, although there is reason to anticipate lagged effects, these are not considered in the model. The causal direction is not certain here. Increasing available judges should reduce processing times in the current year. But if judgeships are added to courts with more delay, the effect in the current year may be negated. Such affects should be expected to appear only in later time periods. The lack of precision in the measurement of judgeships in these data make these relationships difficult to sort out.

Garner's conclusions are that the reductions in processing times in federal district courts seen over the period 1970 to 1982 were the result of Rule 50(b) and the Speedy Trial Act of 1974. Garner found minuscule, nonsignificant effects for case filings and judicial resources. Contrary to Selvin and Ebener (1984), Garner did not find that compositional changes were important. The strengths of Garner's study are its sample of cases filed rather than disposed, its lengthy time series, and its sound estimation of a well-specified model. Although the subset analysis for controlling for variables other than the policy variables is awkward and less than satisfying theoretically, this study provides strong evidence on the effects of the Speedy Trial Act. And the contrast of Garner's results with those of previous, less rigorous analyses of the Speedy Trial Act drives home the point that methodological inadequacies can have consequences for substantive interpretation.

Selvin and Ebener (1984) studied the effects of the volume of filings, judgeships, dispositions per judge, caseload composition, and several delay reduction efforts on the median time from request for trial to trial in an annual time series constructed from a sample of 1400 civil cases filed in Los Angeles between 1915 and 1979. The sample was a random sample stratified by year of filing. Because no samples were drawn from 1941-1949, the series has 56 time points. To the quantitative data, Selvin and Ebener add a qualitative narrative of the delay problem in Los Angeles over the period studied.[8] Although they have a sufficiently long time series to permit more formal

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[8] Selvin and Ebener's (1984) careful data collection efforts, their sensitivity to problems in statistical data collected over long periods of time, and their clarity and thoroughness in reporting how the data was collected and problems in it should serve as models for other researchers.

assessment, Selvin and Ebener (1984) rely on visual inspection to tell them whether times to trial changes and what caused these changes.

They find that median time to trial has fluctuated over the 65 year period, but has generally increased, especially since World War II (Selvin and Ebener, 1984, p. 26). To account for this growth, Selvin and Ebener visually compare the univariate distributions over time of the dependent variables with those of potential causes. They conclude that the increase in delay is due in large part to a more complex caseload, that is, to more cases with multiple defendants, more events in the life of cases, longer trials, and longer overall times to disposition is weak. More judges have some impact on time to trial, but that jurisdictional changes, continuance restrictions, a switch to master calendaring, mandatory pretrial conferences, and other delay reduction attempts were temporary or minimal in their impact on delay. In contrast, the number of filings per authorized judgeship (Figure 2.8, p.40) is not especially important in explaining delay (p.38). Given the multitude of other factors which may have affected time to trial, conclusions based on such, imprecise, informal, and bivariate analyses can tell us little about the relationships. They may suggest hypotheses, but once again, conclusions are hazardous.

2.4 Cross-Section Designs with Case as Unit of Analysis

Several studies of processing times and congestion are cross-sectional taking the case as the unit of analysis. Hagan and Zatz (1985), Zatz and Lizotte (1985), Forst and Brosi (1977), Bureau of Justice Statistics (1986), Swigert and Farrell (1980), and Jacobs and Chayet (1986) address the variation in processing times across individual cases. Flemming, Nardulli, and Eisenstein (1987) and Luskin and Dixon (1986) also take the case as the unit of analysis, but include variation in court-level variables as well.

Swigert and Farrell (1980) use a sample of 444 homicide cases filed between 1955 and 1973 to determine whether processing times affect outcomes for defendants. The authors treat the cases drawn from this twenty year interval as a cross-section. Yet it is unlikely that all relevant factors will have remained constant over this long a period of time. In addition, although it appears that this sample is from a state trial court (the authors are not clear on this point), Swigert and Farrell generalize to the impact of the Federal Speedy Trial Act of 1974.

In their model, defendant's legal and personal characteristics cause processing times and these variables together with the time it takes to process the case affect outcomes. As a first step in the analysis, they regress

processing time on six dichotomous legal and personal characteristics of defendants. Swigert and Farrell conclude that bail status and race affect processing times, but it is difficult to draw any conclusion from a model which omits obvious variables (e.g., disposition mode) and relies on stepwise regression for the selection and interpretation of the model. (See King, 1986, on this atheoretical and statistically dubious practice).

In contrast to Swigert and Farrell's lack of attention to model development, Forst and Brosi (1977) present a formal model in which processing time and the probability of conviction are reciprocally related. The authors' theoretical interest, however, is not in processing time, but in the prosecutor's investment of resources in a case. Processing time only serves, in the empirical portion of their study, as a surrogate for resources invested. But its use in this way assumes that only prosecutors make decisions affecting processing time. Thus as a model of processing time, theirs is mis-specified. And their conclusions about the impact of prosecutors' investments of resources are tainted by their poor measure of a central variable in the model.

Hagan and Zatz (1985) and Zatz and Lizotte (1985) differ from the other research reported here in that they model not length of time, but the probability of disposition at a particular time as a function of a set of defendants' legal and "extra-legal" characteristics and length of time in the system. Data for both studies is a sample of cases disposed in California between 1977 and 1979. The sample is stratified by number of prior arrests. Cases from all years and all courts are treated as a single cross-section. This means that the model almost certainly omits variables that at the court level. And if, as the results from Luskin and Luskin (1986;1987) suggest, the effects of case-level variables depend on structural arrangements, the results will be biased in unknown ways (Kmenta, 1986). Hagan and Zatz (1985) addresses this problem with separate analyses within categories of city size.

A major strength of these studies is that their design and method allow them to observe directly differences in the processing of the same defendants on sequential passes through the system. In addition, they correct for the sampling bias that results from case attrition at earlier stages of the process. The survival model they use takes advantage of information not just from those cases that reach a particular stage, but from cases that dropped out (e.g., through prosecutor dismissal) at earlier stages as well (see Schmidt and Witte, 1984, on censored data).

The statistical models employed in both studies are highly nonlinear in functional form. In choosing for the sake of

brevity and simplicity to report the proportionate increase or decrease in rate attributable to an independent variable, they disguise that nonlinearity and make no use of it. Nor does either article offer any justification for or reassurance about the consequences of the nonlinearities the statistical model imposes. One reason may be that the nonlinearity is inherent in the method and not in the authors' theoretical models. Since the authors pay little attention to the meaning of particular dependencies, they are not interested nor can they interpret the statistical interactions in their results.

Hagan and Zatz (1985) model the effects of defendant characteristics on the rates of transition from active to disposed at police, prosecutor, and court stages of processing. Since all court stage dispositions--convictions, acquittals, and dismissals--are combined, it is not surprising that only offense seriousness seems to result in slower processing at the court stage.

Zatz and Lizotte (1985) focuses on the court stage. In this model, the exogenous variables affect the rates at which cases are disposed by trial or plea. Thus the research tests whether processing time affects the mode of disposition (plea or trial). Zatz and Lizotte (1985) do not specify the mechanisms by which longer time in the system should increase the probability of trial. And their model does not allow for the effects of trial on duration, even though cases which go to trial require time for preparation and scheduling. Zatz and Hagan treat dismissals as censoring events independent of disposition by plea or trial. This assumption is not likely to be met, since decisions to dismiss are frequently the result of negotiations and conditioned on what is likely to happen with respect to plea or trial. In addition, bench and jury trials are mixed in the trial category, even though these may have quite different meanings in the court.

The exogenous variables are race, sex, age, offense type, firearm possession and use, offense severity, and time in the system. The choice of variables seems to have been dictated by what was available. There is no discussion of why particular variables are included or excluded (e.g., bail)? Although the authors write about modeling case processing, the model does not include processing variables.

Zatz and Lizotte (1985) find that defendants who are young, Chicano, charged with a less serious assault, theft, or burglary, and possess and use a weapon are processed faster. For first arrests and for all subsequent transits through the court, more serious offenses are processed more slowly. Overall, pleas are faster than trials, and the longer a case has been in the system, the less likely it is to plead (p.324). They find some

differences in timing by whether the case a first or later arrest. Although different dependent variables and very different models make precise comparisons impossible, these findings generally consistent with the individual-level results from structural models (Flemming, Nardulli, and Eisenstein, 1987; and Luskin and Luskin 1986;1987). As with most case-level studies, the policy relevance of these results is unclear, since the variables in the model are not ones courts can or are willing to manipulate.

Jacobs and Chayet (1986) take an ethnographic approach to the explanation of court delay in the pre-trial courtrooms of two New York City boroughs. This is a purely descriptive study. The authors reconstruct the history of case appearances for a sample of serious felony cases and seek to identify the sources of non-productive appearances in the behavior of judges, prosecutors, and defense attorneys. In particular, they focus on judges' responses to events that are potential sources of delay.

Jacobs and Chayet conclude that even the most "managerially sensitive" (p. 33) judges inconsistently supervised the progress of cases. They also find that events affect processing times. Although they do not undertake an explanation of why the patterns they find occur, their results are consistent with Luskin and Luskin's (1986) argument that incentives to participants affect processing times.

2.5 Cross-section Designs with Court as the Unit of Analysis

A second group of cross-sectional studies takes the court as the unit of analysis. Although these studies are more likely than the case-level studies to consider policy relevant variables, they are likely also to have insufficient sample sizes. As a result the effects of other variables are not controlled and generalization is risky. These studies are also subject to the ambiguities of causal direction that plague cross-section designs in general.

Small N's are problems for both Church, Carlson, Lee, and Tan (1978) and Flanders (1977), studies of court delay in the state and federal trial courts, respectively, which initiated recent research on court delay and shaped much of the debate over the explanation of the pace of litigation and the efficacy of structural and administrative efforts to speed it. Church et al. studied 21 state courts; Flanders (1977), ten federal courts. The analysis consisted of mostly bivariate comparisons of median processing times across courts. From these Church et al. concluded that neither caseloads nor the proportion of trials have much impact on processing times; that criminal cases move faster in courts that do not use grand jury indictments and in courts with strong case management practices; and that, on the

civil side, individual calendars are faster. Overall, they concluded that jurisdictional differences in processing times were better accounted for by local systems of expectations, norms, and incentives than by the particular mix of caseload, resources, or structural arrangements that characterized the court. Flanders (1977) on the basis of similar analyses finds generally similar results. And Boyum (1980) concludes from a comparison of three courts that judicial attitudes are important to the pace of civil cases. Although such explanations became popular, (Church, 1982, labeled them the "new conventional wisdom," the research on which they are based with its small number of courts and lack of control cannot support them.

Feeley (1980) explores the "caseload hypothesis" by comparing processing in New Haven with a suburban court which had lower ratio of cases (filings?) to judge-days and a much lower ratio of cases to prosecutors. The measure of caseload pressure does not take civil caseload into account. Since no attempt was made to match the courts on other characteristics, the design is not quasi-experimental, but a cross-section with an n of 2. The small sample makes it impossible to control for the effects of multiple causes statistically. The presumed causal direction in this study is that caseload affects processing. Since it is likely that causation flows in the other direction as well, the model Feeley tests (implicit and informal as it is) is misspecified.

Feeley concludes that differences in caseload pressure did not produce differences in processing between the two courts: virtually none of the defendants in either court went to trial and motion rates were similar. Feeley does acknowledge that the heavier caseload court was much more willing to reduce charges. Actually, on three important measures of processing, the expected differences do appear. In the high volume court, not only were pleas to reduced charges more frequent, the proportion of cases nolled was much higher (p.249) and, as Nardulli (1979) noted in his review of an earlier version of this research, the low volume court had a much higher conviction rate. Whether or not one agrees with Feeley's interpretations, however, methodological problems make any conclusions problematic.

A Bureau of Justice Statistics (1986) study compares processing times in 12 state courts for cases initiated in 1980 (for two jurisdictions) and 1981 (ten jurisdictions). The analysis compares average median times to disposition for different disposition types and for types of charges. The authors find bivariate associations between various case characteristics and processing time (e.g., trials, more serious charges), but since other characteristics (including the court in which the case was filed) are not controlled, nothing can be concluded about the effects of these variables on processing

times. In addition, as Luskin and Luskin (1987) and Flemming, Nardulli, and Eisenstein (1987) have shown, the size of these effects is dependent on the jurisdiction and on the administrative characteristics of the jurisdiction.

The Report (1986, p.3) also informally compares jurisdictions to draw causal conclusions about the impact of some administrative practices and delay reduction policies. For example the relatively short median time from arrest to plea in Manhattan is said to be "...the result of the district attorney's practice of obtaining guilty pleas to misdemeanor charges for a number of less serious felony crimes at the time of the initial lower court arraignment...." Since there are no controls for other differences between the jurisdictions, such conclusions cannot be supported.

Flemming, Nardulli, and Eisenstein (1987) and Luskin and Dixon (1986) take the case as the unit of analysis, but add information on court-level variables. Luskin and Dixon (1986) study the impact of court organization on processing times in Minnesota's district courts. Their analysis is based on 5567 felony cases initiated in these courts in the first six months of 1983. Drawing a sample of cases initiated rather than disposed obviates the problem of "left censoring," and the proportion of "right censored" cases (i.e., cases not disposed and thus missing from the analysis) is less than ten percent. To the case-level information they add data on courts' organization, caseloads, staffing, and calendaring practices for the 87 Minnesota counties in which the cases were filed. Thus while the unit of analysis is the individual case, the effects of court-level variables are estimated also.

With respect to case-level variables, Luskin and Dixon (1986) find that trial dispositions, number of hearings, dormant status, retained attorney, and the number of different judges hearing the case have substantial consequences for processing times. At the court-level, they find that courts with more individualized calendars, greater specialization, and greater defense attorney influence on scheduling had shorter processing times. On the other hand, more centralized control over scheduling resulted in longer processing times. They found no effect for caseload. (Their measure included civil as well as criminal cases). Since Minnesota allocates judges on the basis of a weighted caseload system, however, this relationship cannot be adequately tested in a cross-sectional study.

Some cross-sectional designs introduce the element of time, as well. Neubauer and Ryan (1983) examine the effects of offense, processing resource, and defendant characteristics before and after the implementation of delay reduction programs in the Dayton, Providence, and Las Vegas courts. The case is the

unit of analysis, and the samples are of cases initiated in each of the cities over a two to three year period.[9] Neubauer and Ryan divide their samples into pre- and post-innovation groups and estimate the effects of case level variables on each. They find that trials and motions lengthen processing times. But these and other variables have smaller effects after the innovations. They conclude that the innovations affected processing times. One problem with this analysis is that the division into pre- and post-innovation phases is not straightforward, since the delay reduction program in each of the cities included more than one change with more than one implementation date. Moreover, before and after estimations give us no estimates of the effects of the innovations themselves. Even the estimates of the case-level variables are suspect, however, since the authors relied on stepwise regression to make the final selection of variables and do not report non-significant coefficients.

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[9] The data are those from the American Judicature Society's evaluation of LEAA's court delay reduction program (Neubauer, Lipetz, Luskin, and Ryan, 1981).

CHAPTER 3 SPECIFICATION PROBLEMS

This chapter summarizes and organizes the problem of causal interpretation encountered in court research, with special reference to the specific issues here: the impact of more trial and more judges on court delay, the effectiveness of court delay reduction measures, and the relationship between conviction rates and trial rates. As discussed in Chapter 2, research has failed to overcome the causal uncertainties resulting from the possibility of reciprocal causation. Delay can lead to more judges; more judges can reduce delay. More trials can affect delay; more delay can cause the courts to change trial practices. Higher conviction rates can encourage or limit trials; more trials can affect conviction rates. Above all, each of these possibilities can be supported by numerous theoretical - put unproved - arguments.

3.1 Types of Causal Arrangements.

To simplify matters, we start by developing a typology of causal factors, braking the problem down into four dimensions:

1) Causal Direction. Causation can flow either way, called "forward" and "backward" to denote whether the causation goes in the primary direction of interest. Here the forward causation is number of judges affecting delay, trial rates affecting delay, and conviction rates affecting trial rates. Backward causation occurs when delay affects the number of judges, and so on. For any pair of variables, there may be forward causation, backward causation, forward and backward at the same time, and no causation either way. As a practical matter the combined forward and backward causal situation is not distinguishable from the other three; either one causal direction dominates or the two cancel each other out. So we are we have three causal possibilities: forward, backward, and none.

2) Impact Direction. Any forward or backward causation can be either positive or negative. For example, a positive relationship between trials and delay is that more trials cause more delay. A negative relationship is that more trials reduce delay. Again there are three possible situations: positive, negative, none. A combined positive and negative is possible, but not discernable.

3) Timing. Any impact, in any direction, can be immediate or can operate with a lagged impact. More trials might immediately reduce delay (because, for example, more trial prompt more dispositions) but increase delay in the long run (because, for example, more trials overstretch the resources of the court).

For each pair of variables, there can be current or lagged causal impacts, or both, or neither (leaving aside the possibility of variations between different lengths of lags). These four situations, when combined with the three causal directions and three impact directions lead to an enormous number of possible causal situations. With respect to any two variables, the maximum number of possibilities is 13 (=2x2x3+1), if one excludes the redundant no-causation situations.

4) Substance of the Causation. An important issue, too often ignored, is whether any causation discerned has what we call "substantive merit," or whether it is an identity or an artifact of the variable forms used. All causation posited in social science writings on the court (see Chapter 2) have substantive merit. Causation without substance derives from the particular variable forms used, and may be either spurious or non-spurious (but uninteresting):

a) Spurious relationships resulting from variable form. This occurs when the dependent and independent variables are ratio variables containing the same or similar terms. Large, uneven variations in the common term can cause spurious correlation. A major example in criminology research occurs when researching the impact of prison rates (persons incarcerated divided by the number of crimes) on crime rates (crimes per capita). The result is usually a negative relationship, probably caused by the fact that swings in the number of crimes cause the crime rate to rise and the prison rate to decline simply because the number of crimes is an element of both variables (see e.g., Blumstein 1978). An example of spurious relationships in the current research occurred when dispositions are the dependent variable and the trial rate (trials divided by dispositions) is entered as an independent variable. The result is a current year negative relationship, almost surely due to the fact that swings in dispositions tend to cause trial rates to decline. Clearly this is a problem to be avoided.

b) Non-spurious relationships resulting from variable form. The second type of non-substantive result is due to underlying relationships that are obvious, either an identity or close to it. For example, in regressions with the number of dispositions as dependent variables and the number of trials as independent variables, the result is usually a positive current year relationship (see Table T-5). But the relationship is probably due to the simple fact that trials are a part of dispositions and, thus, increase when dispositions increase unless there is a major change in the trial rate. Such variable construction problems are extremely common and greatly hinder the meaningful interpretation of data.

The spurious relationships are largely current year relationships, and the problems are greatly mitigated when using lagged variables. This assertion is based partly on our experience with the data; the effects usually disappeared in lags. Also, conceptually it is unlikely that the effect has a lagged impact. Wild swings in a common term would only cause lagged spurious correlations only if the swings are closely correlated from one year to the next, an unlikely situation.

Some non-spurious relationships also have little or no lagged impact, except in the unlikely situation where successive year values are highly correlated. An example is that the relationships between trials and dispositions disappears for lagged variables (Table T-5). But many other non-spurious, non-substantive relationships do have lagged impacts. An example is the impact of filings on delay as measured by the percent of cases pending over 6 months. For the current year, more filings mean less "delay" because the there are more newly filed cases awaiting court processing. In the next year, "delay" rises because there are comparatively fewer newly filed cases, and more of the prior year's cases are in the latter stages of the caseload stream.

3.2 Outline of Relationships

The fact that these numerous relationships may exist, of course does not mean that they actually do, and the purpose of this research is to discern when they do exist. We start with the assumption that researchers cannot limit research to one or a few of the possible causal situations, for example by using a theoretical framework to focus on specific relationships only. This approach has been thoroughly discredited (Leamer 1983). But one can explore issues that have theoretical interest, while keeping in mind the large number of other possible relationships, including the non-substantive relationships.

The following paragraphs describe the major substantive issues of importance, drawing primarily in the research discussed in Chapter 2, and then it will use a schematic form to summarize the relationships.

3.2.1 Substantive relationships between trials and delay.

There are two main, contrasting theories concerning the relationship between trials and delay. One suggests that more trials lead to more delay, and the other that more trials reduce delay. The first theory, which has received the most attention from researchers, is that more trials consume more resources, preventing courts from dealing with caseloads. Most research exploring this hypothesis (e.g., Einstein and Jacob 1977; Feeley 1982; Heumann 1977; Nardulli 1979; Rubenstein and White 1979; and Meeker and Pontell 1985) has found no relationships; although as

discussed in Chapter 2, the results may be due to poor research designs. The second theory, here called the court administration approach, views trials as a means to move cases forward. Delay is reduced by establishing more and earlier firm trial dates, which implicitly leads to more trials (e.g., Solomon and Somerlot 1987).

These theories must be placed in the overall scheme of causal possibilities. It is easiest to present these complexities in an outline form. Paragraph "i" presents arguments that apply primarily to the impact of the absolute number of trials on delay, and paragraph "ii" presents arguments that apply primarily to the trial rate (trials divided by dispositions). The outline is limited to causal direction and sign; considerations of timing further complicates the picture.

1) Forward causation.

   a) MORE TRIALS = MORE DELAY

      i - More trials suggest that the court has received a higher criminal caseload generally, thus increasing congestion on the court.

      ii - If a higher percent of the cases are tried, this stretches the resources of the courts and prosecutors' office, leading to a backlog of cases that cannot be disposed expeditiously.

   b) MORE TRIALS = LESS DELAY

      i - More trials signal the fact that the courts are moving to get the cases out - e.g., adding resources to the criminal court.

      ii - Under the court management argument, a higher portion of cases scheduled for realistic trial means more prompt disposition of cases.

2) Backward causation.

   a) MORE DELAY = MORE TRIALS

      i - More delay indicates that the court needs to address the delay problems by getting more cases out; this will lead to more trials if trials maintain the same proportion of dispositions.

      ii - If court officials believe in the court management argument (above), they will address delay by increasing the proportion of cases tried.

b) MORE DELAY = FEWER TRIALS

i - no argument apart from ii.

ii - court and prosecution officials attempt to reduce the backlog by greater attempts to achieve pleas, so that fewer cases go to trial.

3.2.2 Relationships derived from the delay measure used. Such problems are likely to arise in the following situations: 1) More trials suggest that the court has disposed of more cases, affecting delay measures that contain an element of dispositions, such as the backlog index or the percent of cases disposed over six months. 2) More trials, or a higher trial rate, may suggest that the court is reducing the backlog of cases awaiting trial, implying that a higher portion of the cases disposed have been pending for a long time. This, even though, the court has embarked on a on delay reduction effort, several delay measures will show an increase, particularly the average age of cases disposed, the average of cases tried, and the percent of cases disposed over six months. Likewise, if the court becomes less productive, allowing a backlog of cases to build up, these measures may give a misleading indication that delay is being reduced.

3.2.3 Spurious Relationships. The spurious relationships are result from the use of ratio variables. For example, the two most common ratio variables used are:

Delay Measure	Trial Rate
$\frac{\text{pending}}{\text{dispositions}}$	$\frac{\text{trials}}{\text{dispositions}}$

Unusual increases or decreases in dispositions (e.g., because of statistical error) probably cause positive correlations between these two measures in both the forward and backward analysis.

Another example occures in the analysis of dispositions:

$\frac{\text{dispositions}}{\text{population}}$	$\frac{\text{trials}}{\text{dispositions}}$

Here the spurious relationship produces negative results.

With respect to conviction rates and trial rates, as best we can determine, the relationships are only for ratio variables-trial rate and conviction rate. There are bound to be

relationships between absolute numbers of convictions and trials, but this is trivial.

3.3 Summary Tables.

The overall scope of these problems are best seen in the following tables, which attempt to summarize our best estimates about the likely causal situations here.

A plus means that more filings, dispositions, or trials will cause the trial measure to increase. A minus sign means that more filings, etc., will ordinarily reduce the delay measure. "Current" is the impact in the immediate year, "lagged" is the impact of more filings, etc., in the prior and, possibly, earlier years. A double plus or double minus means that the effect is that the arguments for the effect suggest that it is especially large. An increase in dispositions assumes a disproportionate increase in dispositions of long pending cases. The definitions of the various dependent variables are give in Chapter 4.

Dependent Variables	More Filings		More Dispositions		More Trials	
	Current	Lagged	Current	Lagged	Current	Lagged
Backlog Index	+	-	--	-	0	0
Dispositions						
1) Per Capita	++	++			0	0
2) Mean time	0	0	+	-	+	0
3) Median time	0	0	0	0	0	0
4) Percent over X months	-	+	+	-	+	-
Pending						
1) Per Capita	++	+	--	-	0	0
2) Mean time	-	+	-	-	-	-
3) Median time	-	+	-	-	0	0
4) Percent over X months	--	++	-	-	-	-

The next chart presents similar hypotheses concerning spurious relationships, limited to the most common situation where dispositions are common terms. The plus or minus signs indicate whether the delay measure increases or decreases substantially when there is an unusual jump in dispositions.

Dependent Variables	Higher Trial Rate
Backlog Index	+
Dispositions	
1) Per Capita	-
2) Mean time	0
3) Median time	0
4) Percent over X months	+
Pending	
1) Per Capita	0
1) Mean time	0
2) Median time	0
3) Percent over X months	0

3.4 Conclusion.

In view of the complexities involved, we can only surmise that the causal possibilities posited above are incomplete, and we are essentially left with the possibility that all causal arraignment may exist. There is no reason to believe that such complexities are unique to court research; for example, they are common in deterrence research (see especially Blumstein et al 1978). Such complexities are particularly likely in organizational settings where most variables are under the control of decision-makers in and outside the organization. That is any one causal mechanism may be addressed by, or may trigger further action by, the decision-makers.

The implication is that researchers must use research designs that can distinguish between the numerous causal possibilities. This is the topic of Chapter 5.

CHAPTER 4 DATA SOURCES AND VARIABLE DESCRIPTION

4.1 Courts Selected and Data Quality.

This study is based on statistics generated by the state courts, and it encompasses the states that have statistics adequate for the purposes of the research. In the first stages of the project, we reviewed the statistics of all states and tentatively selected twenty states with statistics that, on the surface, seemed appropriate. Then the major task of the project was to scrutinize court procedures and statistical systems in the states selected, searching for problems with the data. This involved research at the state court administrative offices and in individual courts. One-third of the states selected were deleted from the research, either because the quality of the data is inadequate or because definition of data categories changed substantially, preventing a time series analysis.

The twelve states finally use in the study are Arizona, California, Connecticut, Iowa, Idaho, Illinois, Kansas, Michigan, North Carolina, Ohio, Oregon, and Pennsylvania.

The site research at the courts revealed, as expected, that data quality is uncertain. The major problem is that the state court administrative offices, which compile the data from individual courts, often have weak quality control procedures- for example, minimum training for data clerks in local courts and minimum auditing of data submitted. For several states the severity of the problems did not become evident until the data were entered and preliminary analysis conducted; this was usually because the pending figures varied wildly since, it was found on further investigation, courts went through phases of cleaning out dead wood from their dockets.

The states selected for study were those that either 1) have strong quality control procedures or 2) provide alternate measures of delay such that the results could be replicated (the delay measures are described later). In almost all states, one or more court units were deleted from the analysis because we uncovered problems with the local data; often these were metropolitan courts with computer systems that did not provide statistics compatible to those from the rest of the state. Also, to mitigate the problems of data quality, we relied heavily on, first, the use of influence analysis to locate extreme values that overly influence the results and, second, replication within and between states.

The specific source of data for each variable is given in the state reports (Appendix E). With few exceptions the data use is that published by the courts in the annual courts of the state court administrative office. Most states also compiled unpublished data, but they were seldom usable either because they were not prepared consistently over the year or because their was little effort to check the statistics (presumably because they were not to be published).

4.2 General Background.

The following pages describe the variables used in the analysis, and Tables 0-1 through 0-3 provides a state-by-state account of the availability of data for the variables. Appendices D and E contain more detailed information about the form of the variables in each state. The data are always annual data, for either the calender year or the fiscal year ending in June. The variables pertain only to general jurisdiction courts, and cases in lower courts are not included.

4.2.1 Outline of court procedure. Court statistics are based on the particular court structure and procedure in a state; so it is helpful to outline the court systems for the states studied. All but a few states have a two-tiered system for processing felony cases. The prosecution (or, occasionally, police) initially files a complaint in a lower trial court, which sets bail and conducts a preliminary hearing to determine whether there is probable cause to proceed with the prosecution. The felony preliminary court is usually a separate limited jurisdiction court, but in states with unified court systems, it is a lower division in the single trial court. The latter situation occurs in Connecticut, Idaho, Iowa, and Kansas among the states included in this analysis. Felony filings are counted only when the case is transferred to the felony court, which is the general jurisdiction court or upper court division of a unified court.

A few states, only Illinois among those studied here, do not have separate lower courts or court division for felony preliminary; so cases are filed initially in the general jurisdiction court. Also, prosecutors in most states can initiate felony cases by submitting them to a grand jury and obtaining indictments, bypassing the lower courts. This procedure is seldom common, however, because through law or custom the preliminary hearing process has been substituted for the grand jury or the state requires preliminary hearing even when the grand jury is used.

After an information (following a preliminary examination) or a grand jury indictment, the initial proceeding in the general

jurisdiction court is typically a short hearing, called an arraignment or first appearance, at which the defendant enters a plea and the court schedules further proceedings. In most courts, the vast majority of defendants plead guilty, although typically well after the arraignment. Docket management is often complicated by the fact that trial dates are regularly scheduled and then continued several times while plea negotiations progress. After the defendant pleads guilty or is convicted at trial, the judge orders a presentence report and then, several days to weeks later, sentences the defendant. At any stage in this processing, the case can be delayed by intervening factors, such as failure of the defendant to appear, evidentiary hearings, and hospitalization of the defendant.

4.2.2 Case unit. Courts use varying units when counting criminal cases. Some count felony and misdemeanor cases separately, while others combine the two categories. When possible, we studied felony cases only, but we used the combined felony and misdemeanor caseload when separate statistics are not available (see Tables 0-1 to 0-3). In the present study, caseloads in Kansas, Iowa, and Pennsylvania are largely misdemeanor cases. A small percent of the Idaho filings are misdemeanor.

Courts count criminal cases by either the number of defendants or the number of cases.[1] The latter, based on the number of informations/indictments, combines all defendants contained in a single charging instrument; it is typically 10 to 20 percent below the number of defendants. Finally, the unit of count is affected by prosecutors' charging practices. When a defendant is accused of similar, but separate, crimes, the prosecutor may file a single document or several documents. A defendant charged with a five burglaries, for example, may be entered as five cases or as a single case; in the latter, each burglary is a separate count within the information or indictment. The states have great difficulty in establishing uniform charging practices, and criminal caseload statistics are always subject to irregularities due to varying practices in different counties, and between successive prosecutors in any given county.

4.2.3 Court unit. We analyze the data in at the court unit level. Some states organize courts by county; each county has a separate court with one or more assigned judges. Other states using larger units, called districts or circuits, that contain one large county or several small ones. Judges in multi-county

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[1]We exclude states where cases are counted by the "count," which includes each separate charge listed by the prosecutor. Felony complaints frequently contain several counts.

districts travel from county to county. There is, of course, much less variation in court size when states are organized by district.

The analysis in each state is unique, and many variables are not strictly comparable from state to state. The content of the specific variables in each states are fully explained in the state reports (Appendix E) and research plans (Appendix D). The following discussion summarizes the information there, and outlines of merits and drawbacks of the various variable forms available.

4.3 Delay measures.

4.3.1 Backlog index. The backlog index, the most frequently available delay measure, is the number of pending cases at the end of the year divided by the number of dispositions (and multiplied by 100 to obtain a more convenient measure). It approximates how long it would take the court to dispose of the current case inventory at the current disposition rate.

The backlog index is not consistent from state to state because procedures for calculating the number of pending and disposed cases differ. As seen in Tables O-1 to O-3, the point at which cases are first counted (and thus included in pending figures) vary from the initial filing of the complaint (before the preliminary hearing) to the first appearance in the felony court. A key difference is between the filing of the information or indictment and the first appearance; the latter does not include the sizeable number of cases in which the defendant's presence cannot be obtained at the first appearance.

There are two major variations in the states' definitions of criminal case dispositions (and thus the point at which the case is no longer pending. The first is when the guilty determination is made - i.e., the defendant pleas guilty, the trial verdict is entered, or the case is dismissed. The second is when the defendant, found guilty, is sentenced and final order is entered. States using the latter definition, all else being equal, have higher numbers of pending cases.

States also differ concerning whether inactive cases are included in the count of pending cases. By far the most common reason for classifying a case as inactive is that the defendant cannot be located. Courts, to varying degrees, may also classify as inactive cases those where the defendant is awaiting mental examination, is in the armed services, is awaiting trial in another jurisdiction, or is imprisoned elsewhere. Inactive cases often remain on the court's records for a year or more until the

defendant is available for trial or until the prosecutor moves to dismiss the case. Therefore, a backlog index based on all pending cases produces a much higher figure than one based only on active pending cases.

4.3.2 Total pending cases per capita. A similar measure is the number of pending cases, divided by population in the court's district. This is not a usable measure when comparing courts because population is not a good indicator of caseload volume (urban areas usually have more cases per capita than rural areas). But it is adequate when comparing delay over time, as the present study does. Like filings and other similar variables that depend on state size, per capita figures are used so that the coefficients of variables not related to court size are similar from state to state (see Section 5.2.3 below). Compared to the backlog index, pending per capita has the advantage that it does not depend on the number of dispositions, which can vary widely and thus cause spurious correlations with other variables, such as trial rates, that are include dispositions (see Section 3.1). But pending cases are greatly affected by filing, and it is necessary to include filings as an independent variable.

4.3.3 Time Lapse Measure. Another common delay measure is the time from filing to disposition. States use three types of statistical estimates: mean, median, and percent of cases disposed over certain time frame. The latter, for criminal cases, is usually the percent of cases disposed after 90, 120, or 180 days. Time lapse figures, like other court statistics, are usually not comparable from state to state. The filing and disposition events vary, and the court may or may not include inactive case time (e.g., the time between the defendant fails to appear and finally appears in court).

Time lapse measures also differ concerning the end point; figures for time to disposition are obviously greater when dispositions are counted at sentencing rather than at adjudication. Also, the types of cases included in the measure can vary wildly. The major difference is between time to disposition for all cases or just for cases going to trial. The latter figure is typically much greater.

4.3.4 Age of pending cases. The age of pending cases (taken at the end of the year) is, again, commonly measured by mean, median, or percentile figures. This measure also varies between states for all the reasons discussed above.

4.4. Measures of Trials.

States count trials either by the number started or the number of cases disposed by trial. These measures differ because

approximately 5 to 10 percent of trials are terminated when the defendant plead guilty or, less often, the prosecutor dismisses all charges. Also, the timing of the measures differ; trials counted at the start of trial are counted sooner than trials counted when concluded (the latter are commonly counted only after the case is disposed and sentencing complete). Finally, like filings trials can be counted by the number of defendants involved or by the case, and the trial count may differ from the procedure for counting filings. All these differences make comparisons between states difficult, but they do not hinder the analysis of trends as long as counting procedures do not change.[2] Finally, most states in the analysis count jury and nonjury trials separately. We use the jury trial figures primarily, because a few courts in several states counted hearings (such as hearings on motions or guilty plea proceedings) as nonjury trials. Also, jury trials are far more time consuming than nonjury trials. In any event, jury trials comprise the vast bulk of all criminal trials in nearly all the courts studied, and when adequate data are available for total trials, the analysis results were similar to those when using jury trials.

A major issue is how to operationalize trials. There are three major options: 1) trials per capita, 2) trials divided by total dispositions, and 3) trials divided by merit dispositions (trials plus guilty pleas). We concentrate on the first because using ratio variables with dispositions as denominators runs the risk of spurious correlations with other variables containing dispositions (see Section 3.1). Trials divided by merit dispositions is probably the best estimate of the trial rate because total dispositions sometimes include a large number of dismissals, a factor that can varying according to prosecution policies concerning, for example, when to dismiss inactive cases and whether to drop charges in related cases.

4.5 The Number of Judges.

The measure for the number of judges also varies between states, depending mainly on how detailed the available data are. The most common measure is authorized judgeships - that is, the number of judgeship positions created by the legislature, prorated whenever judgeships were created in mid-year. This measure may be incomplete for several reasons. Judgeship positions can be vacant, although most states manage to appoint new judges quickly. Courts can receive judicial resources in numerous forms not measured by judgeships: 1) temporary transfer of judges from one court unit to another, 2) temporary assignment

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[2]They did changes in two states, Arizona and Michigan, and dummy variables were used to control for the changes.

of limited jurisdiction court judges to the upper courts, 3) temporary assignment of lawyers as judges, and 4) temporary assignment of retired judges. Among the states studied, those that make extensive use of these mechanisms compile statistics on the extent of the use.

In several states - Connecticut and North Carolina among those in the present research - judges do not have fixed assignments to specific counties or court districts. In this situation, the only available judge variable is the total number for the state (or, in North Carolina, multi-court divisions in which the judges rotate).

4.6 Delay Reduction Efforts.

The delay reduction efforts, usually entered as dummy variables, include a wide variety of programs that were initiated during the period encompassed by the research. Probably the most important are the speedy trial laws. They dictate that cases must go to trial within a specified period, although the time limit is tolled when, for example, the defendant is not available or, in some states, when he prosecution persuades the judge that more time is necessary to prepare for trial.

Other delay reduction programs are outlined in Tables O-1 to O-3 and are described further in the state reports (Appendix E). Note that some occurred throughout the state, whereas others occurred in only one or a few courts. As seen later, one problem is distinguishing the impacts of such changes from the year effects in the regression analysis.

4.7. Conviction Rate.

The conviction rate is the percent of defendants tried who are found guilty, which typically varies between 60 and 95 percent. The number found guilty includes those acquitted of felony charges, but convicted of misdemeanors.

4.8 Control Variables.

The analysis also includes several variables that control for factors that might have major impacts on criminal case delay. The major such variable is filings, both criminal and civil. There are two competing hypotheses concerning the impact of the number of filings. More filings may increase delay because they enlarge the queue of cases awaiting trial or other hearing, but they may also reduce delay because the judges might work harder to get their backlogs under control when threatened by a influx

of new cases. Both criminal and civil filings are entered into the analysis. The measure of civil filings is, when available, the number of "regular civil cases," the major civil cases excluding domestic relations cases. Some states, however, provide only a broad measure of civil filings that includes domestic relations cases, and that measure is used when necessary.

Additional control variables are particular to individual states and are explained in Appendices D and E. They usually control for changes in the definitions of statistical measures used by the courts.

Table 0-1 Outline of Data in Arizona, California, Connecticut, and Idaho

	Arizona	California	Connecticut	Idaho
Research Topics Available				
Judge impact	yes	yes	yes	yes
Trial rate	yes	yes	yes	no
Delay reduction efforts	yes	yes	yes	yes
Conviction rate	yes	yes	yes	no
Courts and Unit				
Court	Superior	Superior	Superior	District
Unit	county	county	district	district
Number of units	15	58	12	7
Number in analysis	14	16 to 38	12	7
Statistics				
Years	79-87	75-86	79-87	75-87
Fiscal year	Cal.	June 30	June 30	Calendar
Statistical changes	1977&84	1976	1979	none
Data gathering method	monthly reports	quarterly reports	monthly reports	daily case reports
Inventory	1978, later in some cts.	no requirement	monthly	no
Auditing	no	none	no	no

Table 0-1 (page 2)

	Arizona	California	Connecticut	Idaho
Delay Measures				
Backlog index	yes	yes	yes	yes
Time lapse	no	no	yes	no
Percentile	yes	yes	yes	no
Other	no	no	yes	no
Criminal Case Categories				
Unit	defendant	defendant	case	case
Case types	felony	felony	felony	felony[1]
Stage	indictment	indictment information	bind over	bind over
Criminal Disposition Measures				
Stage	sentence	trial/GP	sentence	sentence
Inactive cases	included	included	included	none
Other dispos-ition measures	none	merit	none	none
Criminal Pending Measures				
Inactive cases	separate since 1980	excluded[2]	separate	included

[1]Includes approximately 5 percent misdemeanor appeals.

[2]Cases awaiting trial

Table O-1 (page 3)

	Arizona	California	Connecticut	Idaho
Criminal Trial Measures				
Jury and judge trials	separate	separate	not separate	NA
Unit	starts (before 84 def. tried)	starts	jury or 1st wit.	NA
Guilty Pleas				
Unit	NA	before trial	NA	NA
Conviction rate				
Jury and judge trials	joined	separate	NA	NA
Guilty plea at trial	NA	included	NA	NA
Judges				
Categories	Superior	Superior	Superior all in st.	district
Number	95	687	134	33
Assignments	fixed	perm.	rotate	fixed
Transfers	occas-ionally	slight	-	some
Extra	referrees, commiss-ioners, pro tem.	retired, comm., referees, pro tem.	retired	-

Table 0-1 (page 4)

	Arizona	California	Connecticut	Idaho
Civil Cases				
Case types	regular, dom. rel.	regular civil	regular civil	regular civ. (tort and other civ.)
Backlog index	yes	yes	yes	yes
Delay measure	yes	yes	no	no
Speedy Trial Law				
Enacted	early	1959	7/1/83	early
Major changes during study	no	none	7/1/85	1980

Other Innovation and Changes

Arizona:
1) Maricopa - municipal court judges as pro tem judges (in 1981)
2) Maricopa - delay reduction program, with among other things firm control of calendars and prohibiting plea trial negotiations after pretrial conference. (started July 1981)
3) Maricopa - use of volunteer attorney pro tem judges in criminal cases (late 1984).
4) Case Processing Assistance Fund - moneys distributed by the Supreme Court to six courts, used for hiring lawyers as temporary judges, starting in 1985.

California:
1) Trial Court Management rules - January 1985
2) Use of municipal courts judges to accept pleas and sentence defendants. San Diego, April 1978; state-wide, January 1983.

Connecticut:
1) Routing less serious felony cases to Geographical Areas (lower court division), starting in the fall of 1981.

Idaho:
1) Time standards, October 3, 1984.

Table 0-2 Outline of Data in Illinois, Iowa, Kansas, and Michigan

	Illinois	Iowa	Kansas	Michigan
Research Topics Available				
Judge impact	yes	yes	yes	yes
Trial rate	yes	yes	yes	yes
Delay reduction efforts	yes	yes	yes	no
Conviction rate	yes	no	yes	no
Courts and Unit				
Court	Circuit	District	District	Circuit
Unit	district	district	district	district
Number of units	21	8	31	55
Number in analysis	20	8	30	37
Statistics				
Years	77-84	74-87	79-87	78-86
Fiscal year	Cal.	Cal.	6/30	Cal.
Statistical changes	none	1981	1982	FY6 to 83 1983
Data gathering method	monthly reports	monthly reports	case reports	quarterly reports
Inventory	semi-annual	none	not required	yes
Auditing	scattered	none	no	until 1981

Table O-2 (page 2)

	Illinois	Iowa	Kansas	Michigan
Delay Measures				
Backlog index	yes	yes	yes	yes
Time lapse	no	no	no	no
Percentile	no	no	yes	no
Other	no	no	no	no
Criminal Case Categories				
Unit	case[3]	Defendant	defendant	defendant
Case types	felony	Felony & major misd.	felony & misd.	felonies
Stage	complaint	information	first appearance	bound over
Criminal Disposition Measures				
Stage	sentence	Tr. jdgmt	sentence	sentence
Inactive cases	included	included	counted as disposition	none
Other disposition measures	no	merits	merits	merits
Criminal Pending Measures				
Inactive cases	included[4]	included	excluded	no

[3]Disposition types are by defendant.

[4]Excluded for some years, as indicated by a control variable.

Table O-2 (page 3)

	Illinois	Iowa	Kansas	Michigan
Criminal Trial Measures				
Jury and judge trials	separate	separate	separated	separated
Unit	starts & completed	starts	starts	completed trial[5]
Guilty Pleas				
Unit	all pleas	na	before trial	defendant
Conviction rate				
Jury and judge trials	separate	na	yes	na
Guilty plea at trial	no	na	no	na
Judges				
Categories	two	district & assoc.	District, Ass. & Mag	circuit
Number	705	99 & 39	141, plus Mag.	167
Assignments	fixed	fixed	fixed	fixed
Transfers	slight[6]	rare	rare	few
Extra	retired	moderate	retired, infrequent	slight use

[5]Trial start until 1983.

[6]Judges transferred to appellate courts are deleted from number of judges; Cook county, not included in the study, receives frequent assignments.

Table 0-2 (page 4)

	Illinois	Iowa	Kansas	Michigan
Civil Cases				
Case types	regular civil	civil wit dom. rel.	regular civil	na
Backlog index	yes	yes	yes	-
Delay measure	yes	no	age of pending	-
Speedy Trial Law				
Enacted	early	early	1970	none
Major changes during study	1977,84[7]	1978	1977	none

Other Innovation and Changes

Illinois:
1) Law requiring dismissal of year-old cases if the state has not proceeded with due diligence, January 1, 1980.
2) Law tightening continuance policies, December 15, 1982.

Iowa:
1) Time standards, October 1985 .
2) Control of scheduling given to court administrators, at various times for different courts.

Kansas:
1) Time standards, December, 1981.
2) Productivity audits, various times in the courts.

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[7]March 1, 1977 - events, such as continuances requested by the defendant, toll the time limits, rather than begin the limits anew. January 1, 1984 - preliminary hearing or indictment required within 30 days of arrest if the defendant is in custody, 90 days otherwise.

Table O-3 Outline of Data in North Carolina, Ohio, Oregon, and Pennsylvania

	North Carolina	Ohio	Oregon	Pennsylvania
Research Topics Available				
Judge impact	yes[8]	yes	yes	yes
Trial rate	yes	yes	yes	yes
Delay reduction efforts	yes	no	yes	yes
Conviction rate	no	no	no	na
Courts and Unit				
Court	Superior	Common Pleas	Circuit	Common Pleas
Unit	district	County	district	county
Number of units	34	88	20	60
Number in analysis	30 to 32	86	15 to 17	57
Statistics				
Years	76-87	73-86	74-87	75-86
Fiscal year	June 30[9]	Cal.	Cal.	Cal.
Statistical changes	1976,80,84	none	1978,86	1984
Data gathering method	reports for each case	monthly reports	quarterly reports	monthly reports
Inventory	semi-annual	suggested	no requirement	some
Auditing	scattered	none	none	periodic

[8]Number in the four multi-district divisions.

[9]Calendar before 1979.

Table O-3 (page 2)

	North Carolina	Ohio	Oregon	Pennsylvania
Delay Measures				
Backlog index	yes	yes	yes	yes
Time lapse	yes	no	yes	no
Percentile	yes	no	yes	no
Other	yes	no	no	no
Criminal Case Categories				
Unit	case	defendant	case	defendant
Case types	felony	felonies	felony	felony & misdemeanor
Stage	indictment information	arraign-ment	arraign-ment	bound over
Criminal Disposition Measures				
Stage	trial/GP	verdict	sentence	sentence
Inactive cases	included	excluded	included	warrants
Other dispos-ition measures	merits	merits	none	merits
Criminal Pending Measures				
Inactive cases	included	excluded	included[10]	excluded

[10]Excluded for some years as indicated by a control variable.

Table O-3 (page 3)

	North Carolina	Ohio	Oregon	Pennsylvania
Criminal Trial Measures				
Jury and judge trials	jury only[11]	separated	separate	separate
Unit	starts	starts	starts	starts
Guilty Pleas				
Unit	all pleas	before trial	no data	excludes some lower court pleas
Conviction rate				
Jury and judge trials	no	no	no	no
Guilty plea at trial	no	no	no	no
Judges				
Categories	one	one	one	one
Number	72	329	85	329
Assignments	rotate	fixed	perm.	fixed
Transfers	regular	some	slight	some
Extra	retired	retired	lower ct. & pro tem.	retired

[11]There are no judge trials.

Table O-3 (page 4)

	North Carolina	Ohio	Oregon	Pennsylvania
Civil Cases				
Case types	regular civil	regular civil	regular civil	NA
Backlog index	yes	yes	yes	NA
Delay measure	yes	no	yes	NA
Speedy Trial Law				
Enacted	1978	1974	none	1974
Major changes during study	none	no	na	no

Other Innovation and Changes

Ohio:
1) reports required for cases pending 90 days, 1980

Oregon:
1) Multnomah County delay reduction program, mainly caseflow monitoring, September 1984.
2) Fast track procedures, mainly case monitoring, in mid-1985.
3) Time standards, January 1986.

Pennsylvania:
1) Abolishing the grand jury, different times for different courts.
2) Case monitoring in Bradford and Chester Counties, 1984.
3) Case conferencing, Lackawanna County, 1982.
4) Adopting the individual calender, Allegheny 1982; Delaware, 1980; Philadelphia, 1983.

CHAPTER 5 ANALYSIS DESIGN

The study uses the time series-cross section design, which has long been considered one of the best designs to study causation (see especially, Campbell and Stanley 1967; Lempert 1966; Marvell 1986). It is probably the best feasible design when studying factors that influence court delay. The model combines data from several units over several years, and the total number of observations (sample size) is the product of the number of units and the number of years. In the present research, the units vary from 7 to 88 court units (counties or multi-county districts), and there are 7 to 16 years. The overall number of observations varies from 86 to 1031; only two are less than 100.

5.1 The Fixed Effects Model.

We use the fixed effects model, the standard econometric regression procedure for analyzing time series-cross section data (Pindyck and Rubinfeld 1981; Mundlak 1978). This model, which is an analysis of covariance, creates a dummy variable for court unit in the analysis, and the coefficient associated with the variable is an estimate of the influence of specific factors ("fixed effects") unique to a court unit. Omission of these fixed effects, if they are significant, causes the estimates of the other variables to be biased. The fixed effects, of course, reduce the degrees of freedom by the number of court units included (and an additional degree of freedom for each court unit is lost when correction for autocorrelation is required). Finally, as discussed later, the fixed effect model permits controlling for year effects by entering dummy variables for each year in the analysis.

Specifically, the form of the fixed effect model is as follows:

$$Y_{it} = a + bX_{it} + cY_{it} + g_2W_{2t} + g_3W_{3t} + \ldots + g_NW_{Nt} + d_2Z_{i2} + d_3Z_{i3} + \ldots + d_TZ_{it} + e_{it}$$

where X_{it} and Y_{it} represent the continuous variables (e.g., number of judges in the district that year) and dummy variables (e.g., whether a speedy trial law is operating in the district that year), and the court unit and year dummy variables are:

$W_{it} = 1$ for the i'th court, $i = 2, \ldots, N$; otherwise $W_{it} = 0$, and

$Z_{it} = 1$ for the t'th year, $t = 2, \ldots, T$; otherwise $Z_{it} = 0$.

And e_{it} is the error term.

Court unit dummies can be omitted if not significant as a group (see Pindyck and Rubinfeld 1981:255 for the test of significance). This occurred in most of the analysis with dispositions as the dependent variable.

The use of court unit dummies has several practical results. The variables in the analysis are transformed into the difference from the mean for the particular court. As a result, the fixed effect model produces a time-series analysis only; it combines the time series data from the several court units into one regression, but ignores within-year, across-court variations.

The use of court unit dummies permits one to combine courts into a single analysis even though individual courts have their own particular characteristics, such as different caseload mixes. This can be done because the dummy variables representing court units control for the differences. The year dummy does not control for differences that change substantially from year to year (in which case they would be controlled by the year dummies, if the trends are state-wide).

Hence, the court unit dummies control for any variable that does not change significantly over time in any court district. A dummy variable signifying whether a court uses a particular case management technique would, in effect, be deleted from the analysis if that management technique is used during all years in the analysis. A delay reduction innovation, therefore, can be evaluated with the fixed effect model only if it was adopted or abandoned during the time frame of the analysis. When evaluating an innovation, moreover, the analysis is much more powerful if adopted by several courts during the period of the study.

Likewise, a variable signifying a state-wide change (such as the adoption of a speedy trial law) cannot be used if year dummies are entered in the analysis. Like state dummies, they can readily be deleted from the regression if they are not significant. Even if they are significant, many researchers exclude them because it is difficult to determine whether they actually signify effects separate from the continuous variables in the model, especially when independent and dependent variables have similar long range trends.

As a practical matter, for the present research the major difficulty with year dummies is their interference with the state-level changes. We can readily conclude that changes have little or no impact if the dummy coefficients are low and not significant and, if as was ordinarily the case, the year dummies as a group are not significant according to the F test.

But it is difficult to conclude definitely that a state-wide innovation does have an impact. Any such impact is very likely

to cause year dummies to be significant. In the present research, whenever the year dummies are significant and we wish to evaluate a state-wide innovation, we present both alternatives: 1) the regression with the year dummies and without the innovation dummy, and 2) without the year dummies, with the innovation dummy, and with a year counter. The year counter controls for any linear trends. We concluded that the state-wide change probably had an impact only if the coefficients of the year dummies changed substantially at the time of the innovation; the change, then, is probably the result of the innovation.

5.2 Statistical Problems.

5.2.1 Autocorrelation. Because it contains a time series element, the pooled time series-cross section design frequently encounters autocorrelation problems. The Durbin-Watson test can be used in the fixed effect model as long as there are gaps of missing values between the court units in the time series, such that error terms for the first year in court i are not compared to the last year for court i-1. The Durbin-Watson statistic occasionally indicated autocorrelation in the regressions here. When it did we corrected for it by calculating a separate autocorrelation coefficients for each court unit, the standard procedure in the time series-cross section analysis (Pindyck & Rubinfeld 1982:258-59). The correction has the drawback of deleting one year from the analysis, reducing the degrees of freedom. As a general rule, corrections were made when the Durbin-Watson statistic was below 1.70 (figures below 1.57 and above 1.78 indicate the presence and absence of autocorrelation at the five percent significance level), although the point at which corrections were made depended on whether the analysis could easily afford to drop a year. The tables presenting the regressions in Appendices B and C give the Durbin-Watson statistic and indicate whether auto-correlation corrections were used. Corrections were not made in the Granger-Sims analysis (which enter lagged values of the dependent variable as independent variables) because the Durbin-Watson statistics were rarely below 1.9.

5.2.2 Heteroscedasticity. Heteroscedasticity is a likely problem in this research because many of the variables have more year-to-year variance in the small court districts. For example, since both the number pending and disposed have greater proportionate variation in small courts, the backlog index (pending divided by disposed) has much greater variation in small courts. The same problem applies to other ratio variables such as the portion of cases going to trial and the portion of trials ending in convictions. Therefore, error variance is greater in small courts; unless corrected, this problem would cause the results to be dominated by the small courts.

Using the Breush-Pagan test, we often discovered heteroscedasticity problems in states where the county is the court unit, but seldom in states with multi-county court districts. Heteroscedasticity was corrected by using weighted regressions; the weights were population, the square root of population, or the fourth root of population, which ever eliminated heteroscedasticity under the Breusch-Pagan test.

5.2.3 Coefficient Disparity. A similar problem is that variables that are not ratio variables have much greater variation in larger court units. For example, the year-to-year changes in number of judges is much greater in large counties, leading to greater variation (in the fixed effects model the variables are differences from their means). The same problems arise when using the number of filings or the number of trials as independent variables. The large courts, therefore, would dominate the results with respect to such variables; so variables that are absolute numbers are expressed in per capita terms.

5.2.4 Collinearity. Collinearity tests[1] were conducted in all analyses, and there were no problems except when entering successive lags of variables that changed little from year to year. There are two classes of such variables: 1) dummy variables, especially those applicable to only a few courts, and 2) the number of judges, which change little from year to year in most courts, particularly in states with counties as court units. The regressions therefore do not include only one year for these variables (whereas other independent variables are entered in two or more lagged versions).

5.2.5 Influence. We used influence analysis (Belsely, Kuh, and Welsh, 1980) to locate observations that have extreme impacts on the regression results. There were a few such observations in nearly all regressions. We assumed that these problems were probably caused by bad data and, thus, opted to delete the observations when feasible. The procedure used was 1) to delete the observation if it was in the first or last year of the court unit time series, 2) delete the court unit from the analysis if three or more observations for the court showed excessive influence (under the assumption that the data were probably bad for the court unit), or 3) otherwise, retain the observation in the analysis, but conduct a separate analysis without the court unit to determine if the regression results change (it never did). For most analyses one or two courts were dropped, along with a similar number of individual observations in courts

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[1]We use the no intercept option for the collinearity test because there is high, spurious collinearity between the intercept and the court unit dummy variables.

otherwise included. A list of the observations deleted because of influence (and other data) problems is in the individual state research plans (Appendix D). Two whole analyses were dropped because the existence of numerous influence problems suggested that the delay meausure is bad. These measures are the number of juries swarn in more than 60 days from indictment in California and the number of cases pending over 6 months in Arizona.

5.3 Variable Lags and the Granger-Sims Test.

As stressed earlier, the research encounters severe specification problems because the dependent variables, delay and trial rate, may affect some of the independent variables. If the regression with delay as the dependent variable and the trial rate as an independent variable found that the latter has a significant coefficient, one cannot conclude that trial rates affect delay; the result may be due to the impact of delay on trial rates. Initially, we should stress, it is not enough to assume that by lagging independent variables, any causal relationship must go from the right to left side of the equation. The lagged version of the independent variable is likely to be correlated with the current year version of that variable, causing a spurious relationship with the dependant variable. The fixed effect model mitigates this problem because the variables are transformed to differences from their means and, thus, are less likely to be correlated from year to year than the variables in their absolute form. Nevertheless, we must control for the possible impact of the other values of the independent variable.

We are aware of three ways to determine causal direction. The first is using simultaneous equations with two stage least square regressions, which involves the use of identifying variables that affect only one of the variables being explored. We do not use this technique because, to the best of our knowledge, there are no such variables with available data. For example, there is no variable that, we can state with reasonable certainty, affects court delay but does not affect the trial rate (and additionally, is not affected by changes in delay or trial rate).

The analysis here uses two other means of determining causal direction. The first is to use successive lags of independent variables whenever they may be affected by the dependent variable. If both the current and lagged versions of the independent variable are included in the regression, any "backward" causation is probably controlled by the current year version, such that the results with respect to the lagged version indicate one way "forward" causation, from the left to right hand side of the equation. This, however, suffers from two drawbacks. 1) Any large current year impact may bias the results, because in my be in the reverse direction. 2) The analysis is limited to

determining lagged impacts, since the coefficient for the current year value is not interpretable (unless, as discussed above, the Granger-Sims test indicates the absence of reverse causation). The results for the regressions using current and lagged versions are in Appendices B and C, and they are summarized in Tables T-2 through T-5, Tables F-1 through F-3, and Table C-2.

The second approach is the Granger-Sims test, the standard econometric technique for determining causal direction. Separate tests were developed by Granger in 1969 and Sims in 1972 and then shown to be theoretically equivalent by Boussiou in 1986. We use the more common Granger version (Granger 1969). The test works as follows: Suppose we have reason to believe that two variables, y and x, are simultaneously determined. If this were true, a regression of y on lagged y and lagged x would reveal significance with respect to lagged x variables. That is, in the regression

$$y_t = a_1 y_{t-1} + \ldots + a_n y_{t-n} + b_1 x_{t-1} + \ldots + b_n x_{t-n} + u_t$$

the coefficient $b_1, \ldots, b_n$ can be expected to be jointly significant using an F test. If not, then x does not cause y. Similarly, if we regress x on itself lagged and lagged values of y, the coefficients on the lagged y will be significant if y causes x. Otherwise y does not cause x.

In the present research we use two lags (t-1 and t-2). More lags reduce the number of years in the time series, and adding preliminary exploration adding a third year did not produce different results. To give an example of the application of the Granger-Sims to a key issue in the present research, the relationship between delay and trials, two regressions were conducted: 1) with delay as the dependent variable, and with the prior year and two year's prior variables for both delay and trials, and 2) the same regression with current year trials as the dependent variable.

The Granger-Sims test, however, may not locate causal effects if there is no significant lagged component and if there is little correlation between the current year and prior year versions of the independent variable. Such situations are unlikely here with respect to causal relationships that are not artifacts of variable measurement (see Chapter 4). Thus, in the absence of such measurement problems, rely on the results of the regular regressions when the Granger-Sims test suggests no backward causation.

The Granger-Sims results for each state are given in the first several tables for each state in Appendices B and C, and they are summarized in Tables T-1, J-1, and C-1.

5.5 Selection of Variables.

One of the most difficult tasks in this research is selecting which particular dependant and independent variables to focus on. State court statistics usually provided several measures of delay, trial rates, judges, and other variables. There is seldom any overwhelming theoretical or common sense reasons to prefer one measure over the others. Also, as a general rule, it is dangerous to establish a specific model, based on theory or otherwise, without checking the robustness of the results because the assumptions behind the model, which may be incorrect, can influence the results (Leamer 1983). In fact, strong point of the research presented here is the ability to provide numerous robustness checks, employing the great variety of variables.

But the robustness checks cannot be limitless. In the states with the most copious statistics, analyzing each variation of the dependent variable with each variation of the independent variables amounts to an enormous number of regressions. Also, full scale treatment is only feasible for a few regressions in each state because the process of checking each regression is laborious and requires considerable computer use.[2]

Thus, our strategy is to select one or two basic models, which are subjected to the full checking, and the robustness checks are conducted by, first, substituting the alternate dependant variables and, second (using the original dependant variable or variables) with alternate versions of the independent variables. This leaves the very difficult problem of selecting the basic models out of numerous other possible models for the state. We have not been able to derive a simple criterion; rather we have made our selection by balancing several factors:

1) The first is to select variables that do not lead to spurious or uninteresting correlations (as described in Chapter 4). For example, the analysis of the backlog index cannot use the current year trial rate as an independent variable.

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[2]These steps (listed at the end of the state research plans in Appendix E) are determining whether to delete year effects; checking for, and if necessary correcting for, autocorrelation and heteroscedasticity; conducting influence analysis and determining whether to delete observations; checking for reciprocal causation; checking for multicollinearity; checking for lagged effects greater than two years; and if the state is large enough, conducting separate analyses for random samples of one-half of the courts.

2) We favored variations that are common to a large portion of the 12 states studied, to facilitate comparisions between states.

3) Next is the theoretical or common sense importance of the various versions. There are a few exceptions to the general rule that a priori reasons for selecting one variable over others are absent. For example, the trial rate with the number of trials plus pleas in the denominator is preferred over the trial rate with all dispositions as the denominator because the latter figure includes dismissals (which are not involved in the defendant's selection of whether to go to trial). Also, quite often some variable versions appear to have slightly more theoretical merit or conform slightly more to common sense than others, and this judgment becomes one factor in the selection.

4) We favored variables with more observations - that is, variables that have data for more court units and more years.

5) We favored "middle of the road" variations, those that were more like the others in that they were more closely correlated with others and that the results of the regression produced less extreme variables. On a few occasions, this factor led us to change the model well after the regression started.

6) We favored variables that resulted in fewer statistical problems, especially autocorrelation and presence of year effects.

CHAPTER 6 TRENDS IN PROCESSING CRIMINAL CASES.

5.1 Introduction.

Before exploring the regression results, we first describe the gross trends in court delay, trial rates, and conviction rates. Tables A-1 to A-3 present eight, nine, or ten year trends for the twelve states studied. To quickly summarize, delay trends have been erratic, with a possible upward movement; trial rates have declined drastically; and conviction rates appear quite stable.

The purpose of this introduction is to outline the procedures for determining the trends. The time period was largely determined by the availability of data. A ten-year change is the preferred measure because it is an even decade and is roughly the time span covered by the research. We have ten-year trends (11 years of data) for six states. Arizona, Illinois, and North Carolina have nine years (Table A-1). Connecticut, Kansas, and Michigan have only eight years. The latest year with available data is 1987 for seven states, 1986 for four states, and 1984 for Illinois.

There are several ways to measure delay, trial rates, and conviction rates, and the different measures often lead to quite different trend estimates. Tables A-1 to A-3 condense the full results presented in Appendix A in a manner that permits quick comprehension of the trends. That is, it summarizes the large number of trends, in different states and based on different measures, while trying to avoid an undue impression of preciseness.

When compiling trend data, we deleted one or a few court units from the analysis in most states because of changes in jurisdiction or statistical systems. These deletions are described in the state research plans in Appendix D (and usually, but not always, noted in the tables).

Next, there are several ways to calculate trends. We chose two for the tables:

1) Change in the average - the percent change in the state-wide means for the first and last years; e.g., calculating the average backlog index in 1977 and 1987, and then calculating the percent change in this average.

2) Change in state total - the percent change in state total from the first to last year; e.g., calculating a backlog index for 1977 by dividing the number of state-wide pending cases by the number of state-wide dispositions (and

Table A-1 Trends in Delay

	years	# of delay measures	Changes in Delay Measures: Backlog Index	Median	Range
Arizona	78-87	4	28%	38%	28% to 80%
California	76-86	2	-2%	7%	-2% to 16%
Connecticut	79-87	6	-1%	-6%	-27% to 53%
Idaho	77-87	2	10%	5%	0% to 10%
Iowa	77-87	2	7%	9%	7% to 11%
Kansas*	79-87	4	-23%	-76%	-89% to -23%
Michigan	78-86	2	22%	24%	22% to 25%
N. Carolina	78-87	18	-10%	-4%	-43% to 31%
Ohio	76-86	2	5%	20%	5% to 34%
Oregon	77-87	4	58%	38%	21% to 58%
Pennsylvania	76-86	2	45%	36%	26% to 45%

* Felony cases. The results for all criminal are similar.

The backlog index is the total state backlog index (total pending divided by total disposition in the state). When the state has two delay measures, the second is the average backlog index for the courts in the state (which weights small courts equally with large courts). Cases pending per capita are not included as a delay measure because they increase naturally with filing growth. Other Delay measures are described in State Tables 2. There is no apparent difference in trends between different delay measures and between delay measured at the total state level (dominated by large courts) and delay measured by state average.

Illinois is excluded because changes in handling inactive cases render earlier delay data not comparable to that in later years.

multiplying by 100), making the same calculation for 1987, and finally calculating the percent change between the figures for the two years.

The second measure tends to be dominated by the few largest courts in the state, whereas the first weights each court equally. These two measures occasionally resulted in quite different trend measures, but there is no overall tendency for one or the other to produce greater or smaller changes.

We also explored a third measure, the mean of the percent changes (during the 8 to 10 years) in the various court units in the state; e.g., calculating the percent change in backlog index in each court unit, and then taking the mean of these percentages. This was abandoned, however, because it was often excessively affected by extreme changes in one or a few courts (usually small courts, since they have greater variability in the measures used here). It was not practical to use median figures.

6.2 Delay Trends.

Table A-1 summarizes the delay trends for the eleven states with data (the complete data are presented in Appendix A). It gives the number of delay measures used to calculated trends (with the state average and state total counting as separate measures). The change in the backlog index (state total) is given because that measure is available in all the states. Perhaps a more usable measure is the median figure for all the delay measures used, in the next column of Table A-1. The uncertainty in measuring delay trends is shown in the last column, which gives the range for all delay measures.[1]

Even with these uncertainties, it is clear that criminal case delay increased more often than it declined. Arizona, Michigan, Ohio, Oregon, and Pennsylvania suffered moderate to large increases. There is little evidence of upward or downward movement in California, Connecticut, Idaho, Iowa, and North Carolina. Only Kansas evidences a large drop in delay.

In contrast to criminal delay, civil delay appears to be on the decline, although the civil delay data gathered is far less complete than criminal data. The tables in Appendix A suggest substantial delay reductions in Connecticut, Iowa, Kansas, and North Carolina. There was little change in Arizona and Ohio, and

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[1]The variation in delay measures is overstated in Connecticut, Kansas, and North Carolina because the measures include the percent of cases pending over 6 months (12 months in Kansas). These are small percentages, and a minor change in delay can cause large percentage changes.

Table A-2 Trends in Trial Rates

	years	# of trial meas-ures	Changes for Different Trial Measures Jury Trial Rate	Median	Range
Arizona	78-87	4	-39%*	-40%	-43% to -36%
California	76-86	8	-51%	-46%	-51% to -35%
Connecticut	79-87	2	12%*#	13%	12% to 13%
Illinois	75-84	8	-45%	-35%	-48% to -15%
Iowa	77-87	2	-53%*	-52%	-53% to -50%
Kansas@	79-87	4	0%	2%	-2% to 5%
Michigan	78-86	4	-34%	-34%	-34% to -31%
N. Carolina	78-87	4	-48%	-44%	-48% to -40%
Ohio	76-86	8	-34%	-31%	-41% to -18%
Oregon	77-87	4	-42%*	-43%	-44% to -38%
Pennsylvania	76-86	8	-20%	-27%	-41% to -14%

Unless otherwise noted, the jury trial rate is the number of jury trials in the state divided by the number of merit dispositions (trials plus guilty pleas). Another jury trial rate measure is the average of the jury trial rates for the courts in a state. The trial rate measures also include rates for total trials and trial rates based on total dispositions rather than merit dispositions. There is no obvious tendency for the amount of change to vary with the measure; in particular total trial rates are changing about the same rate as trial rates. Data are not available for trial rates in Idaho

* The trial rate is based on total dispositions, rather than merit dispositions.

Total trial rate is used instead of jury trial rate.

@ The Kansas figures are for felony cases. The analysis concentrated mainly on all criminal cases (which includes misdemeanors), and here the trial rate increased, 34% for the jury trial rate.

civil delay in Oregon increased.

In all, however, this mixed bag of results from eleven states does not enable us to suggest that there actually is a broad trend towards more delay in state courts.

6.3 Trends in Trial Rates.

The trial rate trends are more evident. Table A-2 gives the changes in trial rates for the eleven states with data (Idaho trial data are not consistent during the period of the study). The primary trial rate measure is the number of jury trials divided by merit dispositions (trials plus guilty pleas), although three states have only data for the broader measures, jury trials divided by total dispositions or, in Connecticut, total trials divided by total dispositions. At any rate, there is no evidence that different measures of trial rate produced different trends, and jury rate trends are very similar to the median trends (Table A-2).

The results are startling. Nine of the eleven states experienced large and consistent reductions in trial rate, generally in the 30% to 50% range. Only in Connecticut did trial rates increase, although only slightly and probably because in later years the felony court transferred many minor felonies to the lower court division. The trial rate for felony cases in Kansas remained steady (but increased if one includes misdemeanor cases).

Trial rates in civil cases have undergone a similar trend (Appendix A): jury trial rates declined drastically in seven of the eight states with data. The seven are Arizona, California, Connecticut, Iowa, Kansas, Ohio, and Oregon. Trials rates rose slightly in North Carolina.

Because the decline in trial rates is so widespread and so large, we feel justified in suggesting that the country is undergoing a major change here.

6.4 Trends in Conviction Rates.

Conviction rate data are available in only four of the states studies, Arizona, California, Illinois, and Kansas (Table A-3). There is no evident trend, and the changes are rather small.[2]

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[2]The changes would appear larger if Table A-3 were expressed in terms of acquittal rates, since they are far smaller numbers than conviction rates and the absolute change is the same for both. Even then, however, the changes are small when compared to

Table A-3 Trends in Conviction Rates

	Years	# of Conviction Rate Meas.	Conviction Rate	Changes for Different Measures Total Trial Conviction Rate	Median	Range
Arizona	78-87	2	78	-5%	2%	-5% to 8%
California	76-86	4	85	0	-2%	-2% to 0%
Illinois	75-84	4	70	3%	4%	2% to 6%
Kansas	79-87	3	70	-7%	-3%	-7% to -1%

The total trial conviction rate is the number of convictions in the state divided by the number of trials. The conviction rate, in the third column, is the total trial conviction rate for the latest year. Other conviction rate measures are the average conviction rate for the courts in the state and the rate for jury trials.

CHAPTER 7. RESULTS OF THE DELAY ANALYSIS

7.1 Introduction.

The research found that criminal case processing is dominated by the volume of filings, and most other factors studied have little or no impact. Regressions with dispositions as dependent variables, and filings for the current and prior years among dependent variables, found that the latter usually have combined coefficients of almost one, with extremely high significance levels. Criminal case flow, therefore, acts almost as though cases were funneled through a rigid pipeline: cases come into the system, are processed, and depart on such a regular basis that other factors appear to have little impact. When trying to explain delay, most regressions had only modest R Squares, and most of the variance explained is probably due to the impact of court unit effects (dummy variables representing differences between courts) rather than the variables of interest.

Before discussing the results in more detail, we stress again that the analysis strategy is to conduct as many robustness checks and replications as possible. This often leads to conflicting results, rendering some conclusions very uncertain. But when results are consistent, we have more confidence in our findings than we if we limited the analysis to one or a few a priori models.

The tables in this section summarize the findings presented in the state-by-state tables in Appendix B. Also, the research plans in Appendix D show the additional robustness checks conducted in each state. The results of these checks are not presented in the tables unless they qualify the findings presented there.

The numerous analyses, with varying measures for the dependent variable and various independent variables, present a difficult problem when summarizing the findings. This is especially true of the Granger-Sims test, which is used to determine causal direction and is the topic of the first several tables for each state in Appendix B. The tables in this section improvise several mechanisms for condensing the results into a form that allows a quick overview of the results. Because the

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both. Even then, however, the changes are small when compared to the changes in delay and trial rates.

table formats are unlike those used on social science research, we ask the reader to take time to understand the labels and definitions used.

The large number of analyses makes significance tests harder than usual to interpret. With numerous analyses, the odds are that some will produce significant coefficients just by chance, even though there is no real causal connection. This, of course, is less likely if the level of significance is high, for example under .001. On the other hand, the numerous replications-numerous analyses addressing the same topic - mean that small effects, which are not statistically significant (i.e., significant to the .05 level), can indicate a relationship if all or nearly all the replications produce the same results.[1] Furthermore, these points are confounded by the fact that relationship are more likely to produce significant coefficients when the sample is large; lack of results with small sample sizes (e.g., less than 100) are difficult to interpret. One answer to these problems is the presentation in Table T-1, designed to summarize the results of numerous regressions in a way that shows the extent of consistency in results. Note especially that whenever the results for one or more regressions are shown as being significant (or nearly so), the results for other similar analyses are in the same direction - thus confirm the significant results - unless noted otherwise.

The significance levels associated with the F and T Ratios given in the tables here and in the Appendices are as follows.

			F	T
n	.15	probability	1.46	1.91
m	.10	probability	1.65	2.40
N	.05	probability	1.97	3.02
M	.01	probability	2.66	4.90
X	.001	probability	3.30	7.10

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[1]These two problems - significant results by chance and the fact that non-significant results may be meaningful if found in several similar analyses - are not unique to the approach (multiple replication) taken here. They are encountered in all social science research if one views it as a body of research. There is a tendency to consider significance tests within the confines of individual research project, but in the real world there are numerous scholars addressing the same or similar issues. Some of the many studies on a topic are likely to reach significant results as a matter of chance, even in the absence of any relationship; and several studies may find that a particular variable is not significant, but the cumulative effect of the research may indicate a relationship.

Table T-1 Delay and Trial Rates - Granger-Sims Test
(causal direction between trials and delay)

	Degrees of Freedom	# of Delay Measures	Forward Analysis Trials Affecting Delay: Jury trials per capita[1]	Forward Analysis Trials Affecting Delay: Jury trial rate[2]	Backward Analysis Delay Affecting Trials: Jury trials per capita[1]	Backward Analysis Delay Affecting Trials: Jury trial rate[2]
Arizona	94	2	-	-	.	+nn*
Calif.	319	2	-nnmm	-MMMM	+NNMM	-NN
Conn.	71	8	-mN	-NMM	+nnNM	.
Illinois	121	2	.	.	-	.
Iowa	69	2	+	+mm	+NNNN	+MMMM
Kansas	183	5	.	.	+	.
Michigan	243	2	+mm	.	+	.
N. Car.	263	10	.	.	.	.
Ohio	837	2	.	.	+XXXX	-
Oregon	180	4	-NN*	-n	.	.
Penn.	551	2	-	-	+MMMM	+

1. Total trials in Connecticut
2. Trials divided by merit dispositions (trials plus pleas) except that it is trials divided by all dispositions in Arizona, Connecticut, Iowa, and Oregon.

Key:

No letter - 20% or less of delay measures	n -- Prob. = less than .15
One letter - over 20% of delay measures	m -- Prob. = less than .10
Two letters - over 40% of delay measures	N -- Prob. = less than .05
Three letters - over 60% of delay measures	M -- Prob. = less than .01
Four letters - over 80% of delay measures	X -- Prob. = less than .001

In the Granger-Sims test, independent variables include the "causing" variable lagged one and two years. The probabilities are for the two lags combined, as determined by an F test. The plus or minus sign is that for the larger coefficient for the two variables. Where a letter and sign are given, the sign applies to all analyses, not just those with a letter indicating a significance level, except that there is a very slight, far from significant result in the instances marketed by an asterisk (*). Where there is only a sign, without a letter, the analysis only hints a result in that direction (this judgment is based on all analyses, with different delay and trial measures). Dots indicate no sign of causal connection.

Table T-2 Delay and Number of Trials

	DV = Backlog Index			DV = Number of Pending		
	Total of Coeff-icients	T Ratios		Total of Coeff-icients	T Ratios	
		Current Year Trials	Prior Year Trials		Current Year Trials	Prior Year Trials
Arizona	-.28	-1.2	-.6	-.79	-1.4	-.3
California#	-.13*	-1.9	-1.2	-.20*	-.4	-1.7
Connecticut	-.83*	1.2	-2.1	-1.93*	.7	-2.4
Illinois	-.36	-.4	-.6	-.54	.4	-.9
Iowa	.27*	1.2	.0	2.99*	1.0	.4
Kansas	.01	-.4	.7	.31	.0	.8
Michigan	-.25^{N}	-3.0	1.2	-.50^{M}	-3.1	1.5
N. Carolina	-.11^{N}	-2.9	.8	-.13	-1.7	1.0
Ohio	-.10*	-2.5	.7	-.41*	-3.3	-0.7
Oregon	-.11	-.8	-.6	-1.91^{X}	-.7	-4.1
Pennsylvania	-.31*	-3.3	-1.2	-1.94*	-4.4	-3.1

Pending cases are cases pending trial.

* The Granger-Sims test indicates backward causation, making the current year results and the T Ratios difficult to interpret.

The backlog index and number pending per capita are dependent variables, and the results presented are for the number of jury trials per capita (all trials in Connecticut). The total of the coefficients is the sum of the coefficients for the current and prior year. The superscripts indicate whether the F ratios was significant (see Table T-1 for the key).

Table T-3 Impact of Jury Trial Rate on Pending Cases

	T Ratio for Jury Trial Rate current year	prior year
Arizona	.73	-.13
California	-.21	-3.09^{M}
Connecticut	-.42	-2.71
Illinois	.52	-1.58^{n}
Iowa	2.62^{N}	1.01
Michigan	-2.61^{N}	.20
Ohio	1.85^{m}	-1.02
Oregon	2.50^{N}	-1.88^{m}
Pennsylvania	.84	-1.08

The results here are for regressions with the number of pending (per 100,000 population) as dependant variables and the jury trial rate (jury trials divided by dispositions or merit dispositions) as independent variables. The significance levels of the T Ratios is according to the definitions in Table T-1.

Table T-4 Trials and Other Measures of Delay

Delay Measures (dependant variable) and States	Jury Trials T Ratios Current Year	Prior Year	Jury Trial Rate T Ratios Current Year	Prior Year
Percent pending over specific period				
Connecticut (6 mo.)	-.74	.32		
Kansas (12 mo.)	.57	.88		
N. Carolina (4 mo.)	.26	-.80		
N. Carolina (6 mo.)	-1.23	-.91		
Oregon (6 mo.)	-1.05	-1.67^{m}		
Pending, median time				
Connecticut	-.76	-.23		
N. Carolina	.14	-.58		
Pending, mean time				
N. Carolina	-1.78	-2.38^{N}		
Percent disposed over a specific period				
N. Carolina (4 mo.)	.21	.38	-.45	1.90^{n}
N. Carolina (6 mo.)	.55	.54	.60	1.81^{n}
Disposition, median time				
N. Carolina	.78	.52	.90	2.73^{M}
Disposition, mean time				
N. Carolina	1.37	-.45	1.63	1.15^{m}
Time to trial, mean time				
Oregon	1.29	-3.34^{M}	-.16	-1.50

This table presents the results for the analyses similar to those in the prior tables, using other available measures of delay. The delay measures are dependent variables, and the T Ratios are for independent variable jury trials per capita (all trials in Connecticut). The superscripts (as defined in Table T-1) indicate the significance of the F test for the current and prior year variables (not for the prior year only). Results are not given for trial rates (trials divided by dispositions) in the analysis involving pending cases because spurious relationships are possible.

Table T-5 Dispositions and Trials

	DV = Total Dispositions			DV = Merit Dispositions		
	Total of Coeff-icients	T Ratios Current Year Trials	T Ratios Prior Year Trials	Total of Coeff-icients	T Ratios Current Year Trials	T Ratios Prior Year Trials
Arizona	.3	1.02	-.43			
California	1.2^{X}	5.18	.37	1.0^{X}	4.98	-.16
Connecticut	.3	.29	.08			
Illinois	1.0	.84	.61	2.5^{X}	4.00	1.59
Iowa	.2	-.59	.84			
Kansas	.6	.95	.11	3.3*	4.86	.08
Michigan	1.5^{X}	4.03	-.84	1.9^{X}	6.14	.26
N. Carolina	.2^{M}	3.56	-2.61	.1	.60	-.13
Ohio	.1^{X}	4.70	-4.07	.3^{X}	4.53	-2.02
Oregon	.3	1.48	-.65			
Pennsylvania	.4*	5.03	-3.40	1.6^{X}	6.51	.48

The dependent variables are the total number of dispositions and the number of merit dispositions (trials plus guilty pleas). The coefficients and T Ratios are for the number jury trials per capita (total trials in Connecticut) entered as separate independent variables for the current and prior years. The total of the coefficients is the sum of the coefficients for the two years. The superscripts indicate whether the F ratio is significant (see Table T-1 for the key). The asterisk (*) indicates that the Granger-Sims test shows backwards causation, rendering the results for the current year difficult to interpret.

That is, the F Ratio has a probability of .15 of it has a value of 1.46 to 1.65, and so on. The F and T Ratio levels are slightly higher in the states with fewer degrees of freedom (the number of observations, courts times years, less one more than the number independent variables, including the court and year dummies when entered). The T Ratio probability is that for a test of two variables (e.g., the current and lagged versions of a variable). When there are more variables, such as in the tests for year and state dummies, the probabilities for the T values are similar to those for the F values.

Only the capital letters (N, M, and X) represent results that are commonly considered statistically significant. But the lower level results may be important, especially if they are achieved in several analyses with different dependent variables.

Because analyses with larger sample sizes are more likely to find significant results when relationships exist, Table T-1 gives the degree of freedom. This information should also be used when interpreting results presented in later tables.

7.2 Trial Rate and Delay.

The research found an uneven and differing relationship between delay and trials. Table T-1 gives an abbreviated summary of the myriad of findings resulting from the Granger-Sims test (presented fully in Appendix B). As described earlier, in the forward analysis the dependent variable is delay, and independent variables include trials lagged one and two years, as well as delay lagged one and two years. The backward analysis is the same except that current year trials is the dependent variable.

In the forward analyses, there are suggestions in about half the states that more trials lead to less delay, although the relationships are week, except for trial rates in California and Connecticut. Possible contrary findings, again week, occurred in Iowa and Michigan. The relationships do not appear to depend on whether trials are operationalized as trials per capita or as trial rates (usually trials divided by merit dispositions). Although the analysis emphasizes jury trials (because jury trial data are more accurate than nonjury trial data and because jury trials are more time consuming), the results are substantially the same when total trials are used (see Appendix B).

The backward analyses, as summarized in Table T-1, shows stronger indications of a relationship: more delay seems to cause more trials, with very significant results in California, Connecticut, Iowa, Ohio, and Pennsylvania. But there is scant evidence of a similar relationship with respect to the trial rate, with only Iowa showing a significant relationship.

The results from the Granger-Sims test, in summary, provide strong evidence against the contention that more trials increase delay because they overburden the court. On the other hand, they provide only scant support for the theory that more trials reduce delay, either because they signal that the court is striving to dispose of more cases or because the court has improved caseflow procedures. Generally, the impact of trials or trial rates on delay is not substantial.

Since more delay quite often causes more trials, but seldom a higher trial rates, the results support the contention that congestion prompts some courts to increase efforts to dispose of cases (a portion of which will be by trial). But the results do not support the contention that courts try to reduce delay by increasing the portion of cases going to trial, through caseflow management. Most important, there is virtually no support for the argument that courts respond to delay by reducing trials, emphasizing guilty pleas.

Table T-2 presents the results of "regular" regressions, a term used here to denote the regressions other than Granger-Sims tests. Delay is the dependent variable, and the number of trials per capita, current and prior year, are among the independent variables (Table T-2 is taken from Tables 5.x in Appendix B).[2] The results for trials lagged are roughly consistent with the Granger-Sims tests, with Table T-2 presenting results for both the backlog index and the number of pending cases as dependent variables. The current year relationships are sometimes significantly negative even when the Granger-Sims test indicates no causal relationship (especially in Michigan, North Carolina, Ohio, and Pennsylvania). These results, we believe, arise from a combination of two factors: 1) when dispositions increase, reducing the backlog index and pending cases, trials will also increase (unless the trial rate is reduced), and 2) the states with significant results here are those with large sample sizes and, thus, the analysis is sufficiently powerful to capture small impacts. Table T-5 shows that the number of trials is closely associated with the number of dispositions, both total dispositions and merit dispositions (trials plus guilty pleas). That relationship, however, applies only to current year trials; prior year trials have, if anything, a negative relationship with dispositions.

Tables T-3 and T-4 summarize the results of the "regular" regressions, with delay as dependent variables and current and

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[2]Trial rates (trials divided by dispositions) are not used because of spurious relationships caused by the fact that the denominator of this measure is similar to the denominator of the backlog index.

prior year trials among the independent variables (these regressions are in the Tables 4.x in Appendix B). These two tables support the general conclusions resulting from the prior tables. Table T-3 concerns the impact of jury trial rates (trials divided by dispositions) on pending per capita.[3] The negative current year relationship seen in Table T-2 largely disappears, although the negative lagged relationship remains for states where it was found in the Granger Sims test. The analyses of numerous other delay measures (Table T-4) show little indication that trials affect delay; several results are significant, or marginally so, but there is no consistency in the direction.

7.3 Adding Judges.

The next issue addressed is whether adding judges reduces delay. Here again we conducted Granger-Sims tests, summarized in Table J-1. Overall, there is little evidence that additional judges reduce criminal delay or that criminal delay leads courts to add more judges. The Granger-Sims found little or no relationship between judges and delay, except possibly in Illinois. Elsewhere, there were several marginally significant relationships, but most are positive associations, whereas a negative association would be expected if adding judges reduce delay. In Illinois, the exception, more associate judges are strongly related to less delay, while no such connection was found for circuit judges. As described in the Illinois Report (Appendix E), associate judges were limited jurisdiction judges before court unification, and they accounted for virtually all the judgeship growth during the period of the research. Also, as discussed in Section 7.7 below, we found a strong association between delay reduction and the number of associate judges authorized to sit in felony cases.

In the regular regressions, the number of judges was entered for the current year,[4] and the results were very similar to those for the Granger-Sims test: only Illinois's associate judges showed a significant relationship with delay (Table J-2). Also, whenever data permitted, the analysis included measures of

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[3]Because the dependent variable does not have dispositions in the denominator, the spurious relationships described in the above footnote are not likely.

[4]The number of judges in the prior year were not entered because they cause collinearity problems between the current and prior year values. This occurred for the judge variables, but not other variables, because the number of judges is fairly stable from year to year.

Table J-1 Delay and Number of Judges - Granger-Sims Test
(causal direction between delay and number of judges)

	Number of Delay Measures	Forward Analysis: Number of Judges Affecting Delay	Backward Analysis: Delay Affecting Number of Judges
Arizona	2	+nnmm	.
California	2	.	.
Idaho	2	.	.
Illinois[1]			
Cir. judges	2	.	.
Ass. judges	2	-NNMM	-
Iowa[1]			
Dist. judges	2	+	.
Ass. judges	2	.	
Kansas	5	.	.
Michigan	2	+mmmm	.
Ohio	2	.	+
Oregon	4	+n -m	+n*
Pennsylvania	2	-nn	.

1. Associate judges in Illinois are also regularly assigned felony cases; those in Iowa are more similar to limited jurisdiction judges.

In addition there is no relationship between judges and delay in Connecticut and North Carolina, where judges are not assigned to specific courts, which makes the Granger-Sims test difficult.

See Table T-1 for the key to the letter codes and a description of the analysis. The forward analyses include only the one year lagged value of judges because two lags leads to collinearity problems.

Table J-2 Impact of the Number of Judges on Delay

	T Ratio for Judges as Independent Variables	
	Backlog Ratio as Dependent Variable	Number Pending as Dependent Variable
Arizona	1.74	.90
California	-.01	.87
Idaho	-1.22	-1.79
Illinois		
Cir. Judges	.83	.89
Ass. Judges	-3.00	-3.07
Iowa		
Cir. Judges	-.96	.43
Ass. Judges	1.78	1.15
Kansas	-.77	.31
Michigan	1.52	1.18
Ohio	-.26	.26
Oregon	.37	1.32
Pennsylvania	-.99	-.56

Each entry is the T Ratio for current year number of judges as independent variable. Except for associate judges in Illinois, none are significant to the .05 level. Additional delay measures in Kansas produced T Ratios of .05, -.55, and .26 for the judge variable coefficient; additional delay measures in Oregon produced T Ratios of -.07 and -.67.

Table J-3 Dispositions and Judges

	DV = Total Dispositions				DV = Merit Dispositions			
	Granger-Sims		Regression		Granger Sims		Regression	
	For-ward	Back-ward	Coef. Trails	T Ratio Trials	For-ward	Back-ward	Coef. Trials	T Ratio Trials
Arizona	.	.	-.5	-.24				
California	.	.	2.9	.40	.	.	4.6	.67
Idaho	.	.	.8	.14				
Illinois								
Cir. Judge	.	.	2.7	.91	.	.	13.2	1.59
Ass. Judge	.	.	-3.6	-.61	-M	.	-25.0	-2.84
Iowa								
Dist. Judge	.	.	57.8	1.62	.	.	53.2	2.38
Ass. Judge	+n		-41.2	-.7	+n		-12.5	-.36
Kansas	+m	.	36.1	2.64	.	.	-32.2	-1.49
Michigan	-m	.	-9.4	-.40	.	.	-8.8	-.59
Ohio	.	.	-.1	-.16	.	.	9.2	1.84
Oregon	.	.	2.9	.43				
Pennsylvania	.	.	4.7	.97	+X	+n	14.2	1.15

Merit dispositions are trials plus guilty pleas. The Granger-Sims test results are given according to the significance levels indicated in Table T-1. The forward analysis includes only one year lag for judges; the backward analysis includes lags of one and two years for dispositions. The regression results are for the current year judges, as independent variables, with total dispositions and merit dispositions as dependent variables.

supplementary judicial resources, such as temporarily assigned judges and commissioners. These uniformly produced no relationship with delay (see Appendices B and D). Finally, we explored the relationship between judges and the number of dispositions, and again found very little (Table J-3). The only exceptions were Illinois, Iowa, and Kansas, and Pennsylvania, mostly for the number of merit dispositions rather than total dispositions. In most of these exceptions more judges mean more dispositions, but in Illinois more associate judges leads to fewer such dispositions, implying that the delay reduction impact of such judges (Tables J-1 and J-2) comes from more dismissals or transfers to the misdemeanor court (the Illinois felony case data includes cases from the time of complaint, not after the probable cause determination).

Why, contrary to common sense expectations, are delay and court output in criminal cases generally unaffected by adding judges? There are several possible expectations. First, case processing may be thoroughly restrained by factors other than the number of judges, such as the lawyers' activities and need for courtroom space. Second, judges may do whatever work is necessary to process the cases received, and adding judges simply leads the incumbent judges to work less. Third, criminal cases may be given whatever judicial resources are necessary, drawing from the civil calendars. Courts that have separate criminal divisions may always assign enough judges to those divisions to handle the criminal cases presented. Where judges hear both civil and criminal cases, they may apportion their time to criminal cases as needed, drawing from their civil work. The latter theory leads to a prediction that the civil delay is reduced by adding new judges, a topic for future research.

7.4 Adding Judges - Appellate Courts.

The same issues can be addressed at the appellate level, and in separate research effort we explored the impact of adding judges to appellate courts on delay as measured by the backlog index (appeals pending divided by appeals disposed). The result was a significant negative association between judges and delay; delay went down when more judges were added. In most states the major addition of judgeships occur when intermediate appellate courts are created or are given additional jurisdiction. When the existence and size of the intermediate court is entered as a control variable, it was significant and the relationship between delay and judges is no longer significant.[5] Intermediate court

[5]This analysis, which involved 30 states, uses the same data, variables, and analysis methods explained in Moody and Marvell (1987) and Marvell et al. (1985). The unit of analysis is the state appellate system, including the supreme court and, if any, the intermediate court. The intermediate court variable

Table F-1 Impact of Civil Filings on Criminal Delay

State	Total Coefficient	T Ratios for Civil Filings Current Year	Prior Year	F Ratio
Arizona	.013	-.36	1.06	.57
California	.002	.07	.55	.25
Connecticut	.087	3.08[M]	1.32	4.79[M]
Idaho*	-.013	-.74	.02	.28
Iowa	.019	.51	2.08[N]	3.64[N]
Illinois	-.006	1.17	-1.46	1.28
Kansas*	.004	.99	.01	.61
N. Carolina	-.037	.55	-1.88[m]	1.86
Ohio	.002	.77	-.31	.32
Oregon	.080	.99	3.22[M]	12.19[X]

This table summarizes the results concerning the impact of civil filings on criminal delay. Civil filing data were not available in Michigan and Pennsylvania. The dependent variable in each analysis is the criminal backlog index. Civil filings are those for regular civil cases (except that in Iowa they are regular civil plus domestic relations). The civil filings are entered as two independent variables, one for the current year and one for the prior year, the latter indicating a lagged impact of civil filings on delay. The letter superscripts indicate level of significance, as defined in Table T-1. The results for other delay analyses, using other measures of criminal delay for dependent variables, are similar to those for the backlog index, except as indicated in the footnote.

* For Idaho and Kansas, when delay is represented by the number of pending cases per capita, civil filings show significant positive relationships with delay.

procedure is often more streamlined and abbreviated - e.g., cases are decided without oral argument or published opinion - which may account for the delay reduction, rather than the additional judges. Thus, we cannot differentiate the impact of these two factors, and we cannot say definitely that judges reduce delay.

7.5 The Impact of Civil Filings.

Whenever data permitted, the analysis included the number of civil filings for the current and prior years.[6] Table F-1 summarizes the results from the separate state regressions in Appendix B. Three of the ten states - Connecticut, Iowa, and Oregon - show significant positive relationships; civil congestion seems to lead to more criminal delay, especially in later years. But for the remaining seven states the civil filing coefficients are either in the opposite direction or far from significant, suggesting that most courts do not draw from the criminal side to address civil backlog problems.

7.6 Impact of Criminal Filings.

The number of criminal filings probably does not appreciably affect the amount of delay, but a clear and consistent finding is that more filings lead to more dispositions and more pending cases. The latter relationships, summarized in Tables F-2 and F-3, are expected, and perhaps mundane, but their magnitude and significance levels are startling. This is especially true in the analysis of dispositions, where the combined coefficient for current year and prior year filings is close to one. It varies

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is the percent of total appeals in the state that are filed in the intermediate court. The results of the regression (with the backlog index as the dependent variable) are:

independent variable	parameter	T
Intermediate court percent	-.0043	-3.02
Appellate judges	-.017	-1.36
Appeals filed	.0002	3.12

(D.F. = 309; F = 14.8; Adj. R-Sq. = .58; DW = 1.75 (1.01 before correction.)

[6]Granger-Sims tests were not conducted because there is no reason to believe that delay in criminal cases affects the number of civil filings. A separate topic, left for a further project, is the impact of civil delay on criminal delay; here the Granger-Sims test would be vital because criminal delay may well affect civil delay by causing the court to draw resources from the civil side to address the criminal backlog.

Table F-2 Impact of Criminal Filings on Delay

	Backlog Index			Number of Pending Cases		
	Total of Coeff-icients	T Ratios Current Year Filings	T Ratios Prior Year Filings	Total of Coeff-icients	T Ratios Current Year Filings	T Ratios Prior Year Filings
Arizona	-.04[N]	.4	-2.6	.51[X] (73)	9.8	1.4
California	-.01[N]	1.6	-2.5	.09[X] (14)	7.0	-2.2
Connecticut	-.08	.2	-1.3	.37[X] (67)	4.4	.4
Idaho	-.02	-.2	-1.2	.39[X] (40)	6.8	1.7
Illinois	-.02	-.7	.2	.34[X] (62)	3.2	1.8
Iowa	-.01[N]	-2.5	1.3	.30[M] (46)	2.0	2.1
Kansas	.00	-.4	1.2	.14[X] (16)	4.4	1.7
Michigan	.06[X]	4.6	-1.1	.49[X] (42)	11.3	-.7
N. Carolina	.00[N]	2.7	-1.9	.38[X] (36)	11.1	.9
Ohio	-.01[X]	5.7	-7.1	.23[X] (27)	20.1	-4.1
Oregon	.00	.7	-1.1	.39[X] (40)	8.7	2.3
Pennsylvania	.01[X]	4.0	-2.1	.46[X] (47)	15.7	2.2

The results presented here are for two sets of analyses, one with the backlog index (pending divided by dispositions, times 100) as the dependent variable, and the other with the number of pending cases (which like filings is divided by 100,000 population). The total of the coefficients is the sum of the coefficients for the current and prior year. The number in parentheses is the backlog index, given to show its similarity with the total coefficients. The superscripts indicate whether the F ratios was significant (see Table T-1 for the key).

* In California the cases pending are those pending trial, rather than total pending.

In Illinois the filings are at the time of original complaint, rather than after finding of probably cause.

Table F-3 Impact of Filings on Criminal Dispositions

	Total Dispositions			Merit Dispositions		
	Total of Coeff-icients	T Ratios		Total of Coeff-icients	T Ratios	
		Current Year Filings	Prior Year Filings		Current Year Filings	Prior Year Filings
Arizona	.93	13.3	8.2	na		
California	.97	15.8	6.9	.93	15.5	7.2
Connecticut	.97	12.8	3.1	na		
Idaho	.99	16.0	2.5	na		
Illinois*	.89	11.2	5.6	.12	2.2	1.6
Iowa	1.00	13.2	1.3	na		
Kansas	.98	26.2	.8	.51	11.5	.5
Michigan#	.83	8.8	4.9	.58	9.4	4.8
N. Carolina	.97	23.3	9.2	.65	12.6	5.5
Ohio	1.00	46.1	21.1	.80	31.1	14.2
Oregon	.97	20.2	6.1	na		
Pennsylvania	.98	14.3	12.2	.39	11.8	6.1

The results presented here are for two sets of analyses, one with total dispositions as the dependent variable, and the other with merit dispositions (trials plus guilty pleas). The total of the coefficients is the sum of the coefficients for the current and prior year. The F tests indicate that the combined effect of the two variables is significant to at least the .0001 level in all cases except for merit dispositions in Illinois, where is significant to the .01 level.

* In Illinois the filings are at the time of complaint; whereas in other states it is after a finding of probable cause.

In Michigan filings exclude, but dispositions include, cases refiled after returning from inactive status.

between .97 and 1.00 in nine of the twelve states, and the levels of significance are astronomical.[7] The current year coefficients are usually two or ten times as large as the prior year coefficients (see Appendix B), suggesting that by and large the cases are processed fairly routinely. The only states with coefficients below .90, Illinois and Michigan, have complications that explain the comparatively low numbers (see the note in Table F-3). In the seven states with data on merit dispositions, filings also have a very strong impact, although the sum of the coefficients is much smaller.

Pending cases, likewise, are greatly affected by filings (Table F-2), with highly significant and consistent results. Obviously, more filings lead to more cases in the pipeline. It is interesting that the size of the coefficient is usually very similar to the backlog index (see Table F-2).[8] The coefficient is increase in the number of cases pending for each filing added, whereas the backlog index is the number pending per cases disposed (times 100).

The impact of filings on pending cases, however, does not imply that more filings lead to more delay. As seen in Table F-2, the impact is largely limited to the current year; that is, more filings lead to a bulge in the number of cases being processed, and fewer filings lead to a trough, all without necessarily affecting the time to decision.

In fact, we found in most states that filing volume has virtually no impact on delay.[9] This is even true of the backlog index: even through pending and disposition statistics are hugely affected by filings, their ratio is not (Table F-2). There is a tendency for the backlog ratio to increase in the same

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[7]The F Ratios for the current and prior year variables are not given because they are obviously significant; they range from 200 to 1000 in most states; the high is 7085 in Ohio and 66 in Michigan.

[8]As discussed earlier, one cannot compare backlog indices from different states, especially because of differences in when cases are first counted as pending and in whether inactive cases are included,

[9]There are obvious impacts on time frame statistics, such as the percent of cases pending over six months. More filings in the current year reduce the delay measure because there is a bulge of new cases, but more filings in the prior year cause the delay measure to increase because the bulge has progressed to the over-six-month category. See especially the North Carolina and Oregon analyses in Appendix B.

year that filings increase, but that is probably due to the bulge in short-term pending cases. Likewise, there is a tendency for the backlog ratio to decline the year after filing increase, due to the increased number of dispositions resulting from the prior year filings. Overall, these two factors tend to balance out, and the sum of the coefficients for current and prior year filings is very small, and often in a negative direction (Table F-2, first column).

7.7 Delay Reduction Programs.

7.7.1 Introduction. One of the major purposes of the research is to evaluate changes that the courts have made to address delay problems. There were a wide variety of changes, described in the state reports (Appendix E), and listed in Tables D-1 through D-5. Unlike other variables studies here, these changes are usually represented by dummy variables (given a value of 0 before the change and 1 afterwards).[10] When changes take place in during a court year, the variable is the portion of the year in which the change was in operation, to the nearest one decimal place. As a practical matter, changes usually occurred at the beginning of a court year, when such adjustments were not required, or in the middle of the year, when the variable is given a value of one half. Innovations are included in the study only if data exist for two years before and after the change.

A major problem is that state-wide changes cannot be entered in the analysis along with the year dummies, since the dummy indicating the change is perfectly collinear with the year dummies. An example is speedy trial laws, which typically operate uniformly throughout the state. In most analyses the year dummies are not significant and, thus, are be deleted (as described in Chapter 5). But if the state-wide delay program achieved the desired goal, the year dummy is significant almost by definition. Hence, the time series-cross section analysis can readily determine whether a delay reduction program does not work, but the year dummies hinder determinations that they do work. The year dummy problem can be mitigated in two ways. First, one can view the coefficients for the year dummies to determine if they changed greatly soon after the change, and relatively little in other years. Second, the year dummies can be replaced by a year counter, which controls for linear trends over the years; this procedure assumes that the major year effects are a constant increase or decrease in delay, and that any departures from that when the innovation was adopted were caused by the change. We used both procedures; only the second is reported here, but the results are always consistent with our

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[10] In the few instances were data exist for continuous variables, they are marked with a "C" in Tables D-1 to D-5.

Table D-1 Impact of Speedy Trial Laws

Connecticut

Delay measure	T Ratios 1984 law	1986 change
Backlog index	1.35	-.05
Backlog index, based on active pending	.61	-.15
Backlog index, based on cases pending trial	.66	-.51
Pending per capita	.46	.69
Active pending per capita	-.26	.37
Percent pending over 6 months	-1.29	2.34[N]
Median age of pending	-.19	-.31
Defendants in jail for more than 6 months	-.61	-.41

North Carolina

Delay Measure	T Ratio
Backlog index	-2.69[M]
Pending per capita	-5.62[X]
Mean time to disposition	-3.53[X]
Median time to disposition	-3.44[X]
Mean age of pending*	-3.43[X]
Median age of pending*	-1.28
Percent disposed over 4 months	-2.69[M]
Percent disposed over 6 months	-2.75[M]
Percent pending over 4 months	-2.43[N]
Percent pending over 6 months	-4.52[X]

Speedy trial law changes

States and changes	T. Ratios Backlog Index	Pending per Cap.
Idaho - relaxed time requirements for filing motions, 1980	1.36	.68
Illinois - 30 days to indictment, 1984	.49	.26
Iowa - 6 months to trial (changed from one court term), 1980	-.34	.15

The Connecticut law went into effect on July 1983, at the beginning of the 1984 court year. A second law, effective, July 1985, reduced the time limits from 18 to 12 months, and from 12 to 8 months for defendants in custody. The North Carolina, with a limit of 120 days, went into effect in October 1978. Except for the two analyses marked with asterisks (*), the year dummies were significant in the analysis, and the results reported here are for an analysis using a year counter instead of year dummies.

impressions from viewing the year dummy coefficients. Nevertheless, when the delay reduction is state-wide, the analysis can only determine that delay was reduced (or changed little) after the delay reduction program was initiated; it cannot definitely determine that the program was the causal factor, because there may have been other state-wide changes that interfered with the results. We thoroughly searched for such other factors and found none, but of course we cannot rule out the possibility of their existence.

Tables D-1 through D-5 summarize the results from these evaluations. The dates given are the court years in which the change went into effect. The analysis concentrates on the backlog index and cases pending per capita, the most widely available delay measures. The tables note whenever analyses with other independent variables produces results that differ from these.

The various changes have been organized into five topics: speedy trial laws, time standards, programs that add judicial resources, case management programs, and other miscellaneous changes.

7.7.2 Speedy Trial Laws. Two of the states adopted speedy trial laws during the period studied, and three others modified existing laws. The results are startling in their consistency within states and lack of consistency between states.

We are fortunate in that the two states with new laws have numerous delay measures and, thus, provide robust results. The Connecticut law was adopted in two stages, the initial law went into effect in court year 1984, and the time limits were reduced in 1986 (see Table D-1 and the description of the Connecticut speedy trial law in Appendix E). There is no sign that either law reduced delay. Only one coefficient was significant, the percent pending over 6 months increased (as opposed to the expected decrease) after the 1986 change (see Table D-1), but this is not important since the odds are that one of the numerous results would be significant.

The evidence is very strong that speedy trial laws reduced delay in North Carolina. Analysis with all of the state's ten delay measures produced results in that direction, nine significant to the .05 level and eight to the .01 level. The results, however, are subject to the qualifications discussed above concerning the impact of year effects. There is some evidence that the impact of the speedy trial law is limited to longer delayed cases, as one would expect. The only non-significant result is the median age of pending, and the impact is relatively weak for the percent of cases pending and disposed over 4 months.

Table D-2 The Impact of Time Standards

State and year	Backlog Index T. Ratio	Pending per Capita T. Ratio
Idaho 1984	.71	.67
Iowa 1986	-1.20	-1.73[m]
Kansas 1982*	-7.68[X]	--
Oregon 1986	.85	2.19

* In Kansas the year dummies are significant and the results reported here are for are for an analysis with a year counter substituted for the year dummy. The analysis with pending data was not conducted.

A possible explanation for why the speedy trial law was apparently effective in North Carolina and not in Connecticut is that the former law mandated a much shorter time then the latter (see Table D-1). However, the laws also differed in numerous other ways (see appendix E) and their implementation may have differed. Reasons for the different results must await in-depth studies of the two court systems.

Finally, speedy trial law changes in three states - Idaho, Illinois, and Iowa - produced no apparent effect on delay.

7.7.3 Time Standards. Time standards, which have been adopted by many states in the 1980's, provide guidelines for the time within which cases must be decided, usually stated in terms such as 95 percent of criminal cases decided within 120 days. They differ from speedy trial laws in that they usually give shorter time limits, do not have the numerous exceptions found in speedy trial laws, but do not have strict enforcement mechanisms, such as the dismissal required in speedy trial laws. Four of the states studied adopted such guidelines; as with the speedy trial law, the results differ considerably. There was a huge delay reduction impact in Kansas and clearly no such impact in Idaho and Oregon. The Iowa standards may have had an impact, but the significance level is very low. A possible reason for the greater impact in Kansas is that this state was the first to adopt time standards, and pioneer spirit may have prompted judges, lawyers, and court staff to implement them effectively.

7.7.4 Adding Judicial Resources. Several courts and states attempted to reduce criminal delay through innovative increases in judicial resources Table D-3). These programs vary greatly, as described in the state reports in Appendix E, and again the results differ. The only clear gain was achieved in Connecticut and Illinois, whose programs are similar in substance. The Illinois Supreme Court is authorized to permit associate judges to hear felony cases (in addition to their regular fare of misdemeanors and violations). There is a tendency for delay to be reduced when a court receives more such authorizations.

Instead of moving judges to cases, the Connecticut procedure moves cases to judges. During the course of the study, the courts to varying degrees transferred less serious felonies to the "Geographical Area" courts, which are comparable in function to limited jurisdiction courts in less unified systems. Such transfers had a major impact on delay, which showed up in almost all of the numerous delay measures available in Connecticut.

The only other program with a indication of an impact is the Arizona Case Processing Assistance Fund, which is money distributed by the state supreme court to selected courts for the

Table D-3 Adding Judicial Resources

State and program	Backlog Ratio T Ratio	Pending Per Capita T Ratio
Arizona		
Case processing assistance fund (C)	-1.35	-1.82[m]
Use of municipal court judges (Maricopa 1981 only)*	-.86	
Use of volunteer lawyers (Maricopa 1985 on)	.13	.68
California		
Municipal judges authorized to sentence		
1) experimental program in San Diego (1979)	-.25	-.18
2) state-wide rule (1984)	1.78[m]	.12
Connecticut		
Transferring felony cases to lower court division (C)	-3.72[X]	-2.80[M]
Illinois		
Associate judges permitted to hear felony cases (C)	-2.62[N]	-2.04[N]
Iowa		
Percent of cases disposed by associate judges (C)	.82	.91

An asterisk (*) indicates that a year counter was substituted for year dummies (which are significant). A "C" indicates that the variable is a continuous variable.

purpose of reducing criminal delay. The courts used in almost exclusively to hire temporary judges.

7.7.5 Case Control Procedures. The states adopted a rather large number of programs designed to prompt the courts and lawyers to move cases faster. The programs vary from complex caseflow monitoring procedures to simple requirements that the judges report cases pending over a certain length of time. By and large the more complex monitoring programs (in Arizona, California, and Pennsylvania) showed definite delay reduction impacts, whereas other programs did not.

7.7.6 Other Changes. Table D-5 presents the results of several other changes, not designed primarily to reduce delay but for which the impact on delay is a concern, typically a secondary concern. The only changes that show any hint of an impact on delay are sentencing reforms in California and North Carolina. Both may increase delay, but the significance level in California is low, and the impact in North Carolina shows up in only one of the ten delay measures there.

7.8 Conclusion.

The analogy, given earlier, of a pipeline is certainly overdrawn. The operations of human organizations are never that determined. The tremendous impact of filings on dispositions and pending caseloads, of course, does not rule out other factors. But it does help explain our findings that the factors studied-adding more judges, changing the portion of cases going to trial, and adopting programs designed to reduce delay - usually have little impact.

The strong relationship between filings and dispositions is not an obvious, natural occurrence: it must be maintained by the court officials and lawyers. They must make constant adjustments to meet the greatly varying case demands; when filings rise, case-processing effort must expand or the attention to the average case must be reduced. These mechanisms are topics for further exploration.

Table D-4 Case Control Procedures

State and program	Backlog Ratio T Ratio	Pending per Capita T Ratio
Arizona		
Case control program in Maricopa County (1981)	-3.16[M]	-4.92[X]
California		
Trial court management rules (1985)	-1.86[m]	-2.31[N]
Illinois		
Restrictions on prosecution continuances (1983)	-.29	-.12
Report of cases pending 6 months	1.18	.69
Iowa		
Case scheduling control obtained by court administrators	.90	1.00
Ohio		
Requiring reports of cases pending 90 days (1980)*	1.33	
Oregon		
Fast track programs in Districts 2 and 16 (1986)#	-.47	-1.60[n]
Pennsylvania		
Case monitoring in two counties (1984)	-2.13[N]	-4.06[X]
Adopting individual calendar in two counties	-.24	-.12
Case conferencing in Lackawanna County (1982)	-2.27[N]	-.91

* This result is obtained from an analysis that substitutes a year counter for year dummies, which are significant.

When the average time to trial is the dependent variable, the Oregon fast track coefficient is in the opposite direction (T = 1.12). Another program in Oregon is the Multnomah 1985 delay reduction program, which had a negligible impact on average time to trial (the court was not included in the backlog or pending analyses because its definition of pending cases changed).

Table D-5 Other Programs

State and Program	Backlog Index	Pending per Capita
California		
Determinant sentencing (1978)	1.71[m]	1.63[n]
Plea bargaining restrictions (1983)	-2.01[N]	-1.10
Kansas		
Productivity reviews of individual courts	-.33	.00
North Carolina		
Presumptive sentencing (1982)*#	2.02[N]	1.10
Increasing district attorney staff	-.51	.82
Pennsylvania		
Eliminating grand jury indictment	-.86	.04
Ohio		
Pre-trial diversion (C)	.64	-.74
Plea bargaining ban lifted, 1981*	-.15	

* These analyses were conducted with year counters instead of year dummies, which were significant.

The presumptive sentencing variable is far from significant in all 10 of the additional analyses, using alternate measures of delay.

CHAPTER 8. RESULTS OF THE CONVICTION RATE ANALYSIS

The final research topic is the impact of conviction rates on trial rates. This is a very different issue from those in Chapter 7, but the method of analysis is the same.

The competing hypotheses here are that defendants are more likely to plead guilty when conviction rates rise, whereas prosecutors are less likely to offer reduced charges or recommend lesser sentences if they believe that juries or judges are prone to reach guilty verdicts. Both calculations are probably based on information about conviction rates during prior years, as well as current practices. Reciprocal causation is possible because higher trial rates may lead judges and prosecutions to reduce trial burdens by fostering more pleas in marginal cases, so that the cases tried are more likely to have stronger evidence against the defendant.

The analysis of conviction rates is necessarily limited to states having conviction data, Arizona, California, Illinois, and Kansas among the twelve states studied here. We found that conviction rates have little if any impact on trial rates. Since the trial rate decreased steadily during the period of the research, there are strong year effects and the regressions usually included year dummies.

As seen in Table C-1, the Granger-Sims test produced a mixed bag of results. No causal relationships were found in Arizona and Kansas. The California analysis found significant negative relationships in both the forward and backward analyses, and the Illinois study found only a negative backward relationship. Thus, there is some limited evidence that higher conviction rates reduce trial rates (in California) and that higher conviction rates stimulate more pleas (in California and Illinois). These conclusions, however, are clouded by the results from the regular regressions (Table C-2) which show marginally significant positive relationships between current conviction rates and trials in Arizona and California. Because of these uncertainties, and because the results differed between states, we are conclude only that there are no clear cut relationships; the research does not definitely establish or disprove relationships between trial rates and conviction rates.

Table C-1 Trial Rates and Conviction Rates - Granger-Sims Test
(tests for causal relationships between conviction rates and trial rates)

	Forward Analyses: Conviction Rates Affecting Trial Rates		Backward Analyses: Trial Rates Affecting Conviction Rates	
	Total trial rate T Ratio	Jury trial rate T Ratio	Total trial rate T Ratio	Jury trial rate T Ratio
Arizona	.93	na	.45	na
California				
contested[1]	-3.65^{N}	-3.01^{N}	-3.33^{N}	-4.36^{N}
all trials	-1.52	-2.85^{m}	+.23	-3.65^{N}
Illinois	$-.54^{*}$	$-.59^{*}$	-1.08^{*}	-3.02^{N}
Kansas	.91	.42	.79	.19

1. In California the measure is based on the number of "contested" trials, those in which both sides present evidence. "Uncontested" trials, however, are generally adversary proceedings and have the same reversal rates as "contested" trials.

The trial rates are the number of trials divided by the number of trials plus guilty pleas, except in Arizona where the divisor is all dispositions. The results in California and Illinois change little when trial rates based on total dispositions are used.

The F test is for the current and prior year values. An asterisk (*) indicates that the coefficients have different signs, and sign presented indicates the larger coefficient. The letter superscripts indicate the level of significance, as defined in Table T-1.

Table C-2 Trial Rates and Conviction Rates - Regression Results

	Total Trial Conviction Rate as Independent Variable		Jury Trial Conviction Rate as Independent Variable	
	Current year T Ratio	Prior year T Ratio	Current year T Ratio	Prior year T Ratio
Arizona	1.81	1.80[m]		
California*	1.95	.86m	.22	.01
Illinois	.64	-.24		
Kansas	-.51	-.18		

* The California measure is based on the number of total trials.

The results are for regressions with trial rates (trials divided by dispositions) as dependent variables and conviction rates as independent variables. The subscripts are significant levels for the current and prior year conviction rates (not just the prior year) according to the F test and using the definitions in Table T-1. The F test is for the current and prior year values. The letter superscripts indicate the level of significance, as defined in Table T-1.

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APPENDIX A

TREND TABLES
BY STATE

Table AZ 1.1 Delay Trends - Arizona

	Percent Change in 9 Years					
	state average			total state		
	1978	1987	percent	1978	1987	percent
Criminal Cases						
Backlog index (based on total pending)	42.9	77.1	80%	52.7	67.5	28%
Civil cases						
Backlog index	122.0	127.1*	4%	100.1	79.4	-21%

* Excludes Greenlee County

Table AZ 1.2 Trial Rate Trends - Arizona
(Changes in percent of cases going to trial)

	percent change in 9 years					
	state average			total state		
	1978	1987	percent	1978	1987	percent
Criminal Cases*						
Trial rate (based on total disp.)	9.8	5.6	-43%	9.1	5.4	-41%
Jury trial rate (based on total disp.)	7.2	4.6	-36%	8.0	4.9	-39%
Civil Cases						
Jury trial rate	2.5	1.2	-52%	1.9	1.3	-32%

* The decline may be slightly exaggeraged because in 1984 the definition of a trial changed from defendants tried to trials started (and trials with more than one defendant were counted as only one trial), but there was no noticable change in trial rate that year.

Table AZ 1.3 Conviction Rate Trends - Arizona
(Changes in percent of trials resulting in convictions)

	percent change in 9 years					
	state average			total state		
	1978	1987	percent	1978	1987	percent
Conviction rate*						
All trials	74.8	81.1	8%	82.2	78.3	-5%

* The portion of convictions in the later year may be overstated because in 1984 the definition of a trial changed from defendants tried to trials started (and trials with more than one defendant were counted as only one trial), but there was no noticable change in conviction rate that year.

Table CA 1.1 Delay Trends - California

	Percent Change in 10 Years					
	state average			total state		
	1976	1986	percent	1976	1986	percent
Criminal Cases						
Backlog index (based on cases awaiting trial)	11.8	13.7	16%	11.8	11.6	-2%

Table CA 1.2 Trial Rate Trends - California
(Changes in percent of cases going to trial)

	percent change in 10 years					
	state average			total state		
	1976	1986	percent	1976	1986	percent
Criminal Cases						
Trial rate (based on all disp.)	19.4	12.6	-35%	16.5	8.8	-47%
Trial rate (based on merit disp.)	23.4	14.1	-40%	19.1	9.5	-50%
Jury rate (based on all disp.)	14.8	8.7	-41%	11.7	6.1	-48%
Jury trials (based on merit disp.)	17.8	9.9	-44%	13.6	6.6	-51%
Civil Cases						
Trial rate	10.6	8.1	-24%	8.5	5.1	-40%

Table CA 1.2 Conviction Rate Trends - California
(Changes in percent of trials resulting in convictions)

	percent change in 10 years					
	state average			total state		
	1976	1986	percent	1976	1986	percent
Conviction rate						
Total Trials	84.7	82.9	-2%	84.5	84.7	0%
Jury Trials	85.9	83.9	-2%	86.5	84.9	-2%

Table CT 1.1 Delay Trends - Connecticut

	Percent Change in 8 Years					
	state average			total state		
	1979	1987	percent	1979	1987	percent
Criminal Cases						
Backlog index (based on active pending)	45.5	37.3	-17%	56.9	51.9	-9%
Backlog index (based on total pending)	58.7	57.1	-3%	75.9	74.9	-1%
Cases pending over 6 months	23.5*	35.9	53%	47.8	35.1	-27%
Civil cases						
Backlog index	129.4	102.9	-21%	144.3	103.7	-28%

* Small districts had almost no cases pending over 6 months.

Table CT 1.2 Trial Rate Trends - Connecticut
(Changes in percent of cases going to trial)

	Percent change in 8 years					
	state average			total state		
	1979	1987	percent	1979	1987	percent
Criminal Cases						
Total Trials (divided by all disppositions)	3.9%	4.4%	13%	4.1%	4.6%	12%
Civil Cases						
Total Trials	7.7%	3.7%	-52%	6.2%	3.3%	-47%

Table ID 1.1 Delay Trends - Idaho

	Percent Change in 10 Years					
	state average			total state		
	1977	1987	percent	1977	1987	percent
Criminal Cases						
Backlog index (based on total pending)	40.2	40.2	0%	37.0	40.7	10%
Civil cases						
Backlog index	113.0	99.3	-12%	114.4	98.3	-14%

Table IL 1.1 Delay Trends - Illinois

[There are not usable criminal delay trend data because procedures for counting inactive cases changed.]

Table IL 1.2 Trial Rate Trends - Illinois
(Changes in percent of cases going to trial)

	percent change in 9 years					
	state average			total state		
	1975	1984	percent	1975	1984	percent
Criminal Cases						
Trial rate	6.6	5.0	-24%	6.2	5.3	-15%
Trial rate (based on merit disp.)	17.0	10.6	-38%	16.8	11.6	-31%
Jury trial rate	4.0	2.5	-37%	3.7	2.5	-32%
Jury trial rate (based on merit disp.)	10.1	5.3	-48%	10.2	5.6	-45%

Table IL 1.2 Conviction Rate Trends - Illinois
(Changes in percent of trials resulting in convictions)

	percent change in 9 years					
	state average			total state		
	1975	1984	percent	1975	1984	percent
Conviction rate						
All trials	66.8	70.9	6%	66.8	68.9	3%
Jury trials	67.5	70.5	4%	68.6	70.0	2%

Note - These tables do not include Chicago.

Table IA 1.1 Delay Trends - Iowa

	Percent Change in 10 Years					
	state average*			total state		
	1977	1987	percent	1977	1987	percent
Criminal Cases						
Backlog index (based on total pending)	41.1	45.8	11%	41.9	45.0	7%
Civil cases						
Backlog index	102.5	79.1	-23%	108.1	78.7	-27%

* excludes District 4.

Table IA 1.2 Trial Rate Trends - IOWA
(Changes in percent of cases going to trial)

	percent change in 10 years					
	state average*			total state		
	1977	1987	percent	1977	1987	percent
Criminal Cases						
Jury trial rate	3.4	1.7	-50%	3.6	1.7	-53%
Civil Cases						
Jury trial rate	1.1	.8	-27%	1.2	.9	-25%

* excludes District 4.

Table KA 1.1 Delay Trends - Kansas

	Percent Change in 8 Years					
	state average			total state		
	1979	1987	percent	1979	1987	percent
Criminal Cases*						
Backlog index	26.3	16.8	-36%	24.6	18.6	-24%
Cases pending over 6 months	-	-	-	38.5	12.9	-66%
Cases pending over 12 months	21.4	2.7	-87%	20.6	2.7	-87%
Felony Cases						
Backlog index	-	-	-	36.1	27.7	-23%
Cases pending over 6 months	-	-	-	33.8	12.4	-63%
Cases pending over 12 months	19.4	2.2	-89%	16.1	1.9	-88%
Civil Cases						
Backlog index	84.9	46.8	-45%	90.2	49.8	-45%
Cases pending over 6 months	-	-	-	57.2	38.8	-32%
Cases pending over 12 months	-	-	-	34.2	16.6	-51%

* Approximately half misdemeanor cases.

Table KA 1.2 Trial Rate Trends - Kansas
(Changes in percent of cases going to trial)

	Percent change in 8 years					
	state average			total state		
	1979	1987	percent	1979	1987	percent
Criminal Cases						
Trial rate	4.5	6.0	33%	4.6	5.7	24%
Trial rate (based on merit disp.)	8.0	9.6	20%	8.0	9.8	23%
Jury trial rate	1.8	2.4	33%	2.0	2.8	40%
Jury trial rate (based on merit disp.)	3.3	4.0	21%	3.5	4.7	34%
Felonies						
Trial rate	-	-	-	5.8	6.1	5%
Trial rate (based on merit disp.)	-	-	-	11.1	10.9	-2%
Jury trial rate	-	-	-	4.5	4.7	4%
Jury trial rate (based on merit disp.)	-	-	-	8.6	8.6	0%
Civil Cases						
Trial rate	15.5	13.2	-15%	16.7	12.1	-28%
Jury trial rate	2.5	1.4	-44%	2.3	1.7	-26%

Table KA 1.3 Conviction Rate Trends - Kansas
(Changes in percent of trials resulting in convictions)

	percent change in 8 years					
	state average			total state		
	1979	1987	percent	1979	1987	percent
Criminal cases	75.2	74.3	-1%	73.6	71.5	-3%
Felonies	-	-	-	74.5	69.5	-7%

Table MI 1.1 Delay Trends - Michigan

	Percent Change in 8 Years					
	state average			total state		
	1978	1986	percent	1978	1986	percent
Criminal Cases						
Backlog index (based on active pending and merit dispositions)	36.7	46.0	25%	35.6	43.6	22%

Note - the increase in the backlog index is probably slightly exaggerated because it included violation of probation cases in 1978 but not in 1986.

Table MI 1.2 Trial Rate Trends - Michigan
(Changes in percent of cases going to trial)

	percent change in 8 years					
	state average			total state		
	1978	1986	percent	1978	1986	percent
Criminal Cases						
Trial rate (based on merit disp.)	15.4	10.7	-31%	14.3	9.5	-34%
Jury trial rate (based on merit disp.)	12.2	8.1	-34%	12.0	7.9	-34%

Note - The trial rate decline is slightly exaggerated because the definition of trials change in 1984 from trial starts to cases terminated by trial. Approximately 7 percent of the trial starts to not result in trial verdicts, because defendants plead guilty or their cases are dismissed after the trial starts.

Table NC 1.1 Delay Trends - North Carolina

	Percent Change in 9 Years					
	state average			total state		
	1978	1987	percent	1978	1987	percent
Criminal Cases						
Backlog Index (based on total pending)	41.9	38.6	-8%	41.8	37.7	-10%
Mean Time (days) to Disposition	133.0	125.4	-6%	128.3	129.9	1%
Median Time (days) to Disposition*	72.1	92.4	28%	69.3	91.0	31%
Mean Age (days) of Pending Cases	193.4	133.6	-31%	208.8	146.0	-30%
Median Age (days) of Pending Cases*	71.2	83.0	17%	88.6	88.0	-1%
Percent of Dispositions over 4 Mo.	31.4	34.4	10%	30.3	35.4	17%
Percent of Dispositions over 6 Mo.	20.0	19.7	-1%	19.0	20.3	7%
Percent Pending over 4 Months	43.0	30.8	-28%	45.1	35.0	-22%
Percent Pending over 6 Months	33.3	19.0	-43%	35.4	22.4	-37%
Civil cases						
Backlog index	146.3	100.2	-32%	140.0	99.5	-29%
Mean Time (days) to Disposition	526.1	363.9	-31%	516.2	355.5	-31%
Median Time (days) to Disposition*	321.8	313.7	-3%	336.5	299.0	-11%
Mean Age (days) of Pending Cases	492.1	292.6	-41%	494.4	298.7	-40%
Median Age (days) of Pending Cases*	298.6	222.0	-26%	306.1	224.0	-27%

* Eight year trends, 1979-87.

Table NC 1.2 Trial Rate Trends - North Carolina
(Changes in percent of cases going to trial)

	percent change in 9 years					
	state average			total state		
	1978	1987	percent	1978	1987	percent
Criminal Cases						
Jury trial rate	7.5	4.5	-40%	7.0	4.0	-43%
Jury trial rate (based on merit disp.)	12.6	6.9	-45%	11.5	6.0	-48%
Civil Cases						
Jury trial rate	6.1	6.5	7%	5.6	6.3	13%

Table OH 1.1 Delay Trends - Ohio

	Percent Change in 10 Years					
	state average			total state		
	1976	1986	percent change	1976	1986	percent change
Criminal Cases						
Backlog index	23.1	31.0	34%	22.1	23.3	5%
Civil cases						
Backlog index	81.0	85.2	5%	87.7	82.7	-6%

Table OH 1.2 Trial Rate Trends - Ohio
(Changes in percent of cases going to trial)

	percent change in 10 years					
	state average			total state		
	1976	1986	percent change	1976	1986	percent change
Criminal Cases						
Trial rate*	13.9	9.9	-29%	12.9	9.0	-30%
Trial rate* (based on merit disp.)	17.8	12.3	-31%	19.1	11.2	-41%
Jury trial rate	7.2	5.8	-19%	7.0	4.8	-31%
Jury trial rate (based on merit disp.)	8.8	7.2	-18%	8.8	5.8	-34%
Civil Cases						
Trial rate	22.4	16.4	-27%	20.6	15.5	-25%
Jury trial rate	2.8	2.0	-29%	2.6	1.8	-31%

* Excludes 17 counties that counted some pleas as nonjury trials in the 1970s.

Table OR 1.1 Delay Trends - Oregon

	Percent Change in 10 Years					
	state average			total state		
	1977	1987	percent	1977	1987	percent
Criminal Cases						
Backlog index	36.2	50.5	40%	33.8	53.5	58%
Mean Time to Trial (days)	100.8	121.7	21%	86.4	116.3	35%
Civil cases						
Mean Time to Trial (days)	323.6	445.9	38%	361.1	487.2	35%

Table OR 1.2 Trial Rate Trends - Oregon
(Changes in percent of cases going to trial)

	percent change in 10 years					
	state average			total state		
	1977	1987	percent	1977	1987	percent
Criminal Cases						
Trial rate	10.7	6.1	-43%	10.9	6.1	-44%
Jury trial rate	6.6	4.1	-38%	6.4	3.7	-42%
Civil Cases						
Jury trial rate	6.1	2.5	-59%	6.0	2.6	-57%

Except for the backlog index, Tables 1.1 and 1.2 do not include District 20, for which 1987 trial data are not available.

Table PA 1.1 Delay Trends - Pennsylvania

	Percent Change in 10 Years					
	state average			total state		
	1976	1986	percent	1976	1986	percent
Criminal Cases						
Backlog index* (based on active pending)	38.9	49.2	26%	34.1	49.3	45%

* Nearly all the increase in delay took place before 1980.

Table PA 1.2 Trial Rate Trends - Pennsylvania
(Changes in percent of cases going to trial)

	Percent change in 10 years					
	state average			total state		
	1976	1986	percent	1976	1986	percent
Criminal Cases						
Trial rate	10.0	5.9	-41%	14.6	9.1	-38%
Trial rate (based on merit disp.)	17.1	10.6	-29%	25.7	16.7	-35%
Jury trial rate	5.6	4.3	-23%	4.7	3.6	-24%
Jury trial rate (based on merit disp.)	9.2	7.9	-14%	8.2	6.6	-20%

note - This table is based on all counties except Blair County.

APPENDIX B

DELAY ANALYSIS TABLES
BY STATE

Table AZ 2 Variable Means - Arizona

Dependent Variables	Means
1) Backlog Index (pending divided by dispositions, times 100) BKLOG	72.58
2) Pending Per Capita DPTP	382.74
3) Dispositions Per Capita DDTP	521.78
Independent Variables	
Trials	
Jury Trials Per Capita DJUP	26.35
Jury Trial Rate (trials divided by total dispositions, times 100) JURATE	5.44
Total Trials Per Capita DTRP	32.42
Trial Rate (trials divided by total dispositions, times 100) TRRATE	6.80
Judges Per Capita JDP	3.79
Judge Turnover (percent of judges taking office that year) JDNEWP	9.30
Felony Filings Per Capita DFIP	566.03
Civil Filings Per Capita CRFIP	717.12
Delay Reduction Efforts	
Case Processing Assistance Fund (dollars per capita) JDZP	16.42
Use of Municipal Court Judges (Maricopa 1981) QJA	.01
Volunteer Lawyers (Maricopa after 1984) QJA	.02
Case Control Program (Maricopa after 1980) QCFM	.05

Per capita figures are per 100,000 population.

Table AZ 3.1 Delay and Trial Rates - Arizona
(Granger-Sims test for causal relationship between delay and trial rates)

	Coefficient	T Ratio	F Ratio
I. Forward Analyses			
A. With Jury Trials Per Capita			
1) Dependent Var. = Backlog Ratio			
Jury Trials (Ind. Vars.)			.63
one year lag DJUP1	-.15	-.90	
two year lag DJUP2	-.06	-.39	
2) Dependent Var. = Pending Cases			
Jury Trials (Ind. Vars.)*			1.94
one year lag DJUP1	.06	.13	
two year lag DJUP2	-.94	-1.94[m]	
3) Dependent Var. = Dispositions			
Jury Trials (Ind. Vars.)			.62
one year lag DJUP1	-.02	-.03	
two year lag DJUP2	.42	.91	
B. With Jury Trial Rate			
1) Dependent Var. = Backlog Ratio			
Jury Trial Rate (Ind. Vars.)			.45
one year lag JURATEX1	-.51	-.71	
two year lag JURATEX2	-.26	-.38	
2) Dependent Var. = Pending Cases			
Jury Trial Rate (Ind. Vars.)			.62
one year lag JURATEX1	.54	.25	
two year lag JURATEX2	-2.33	-1.12	
3) Dependent Var. = Dispositions			
Jury Trial Rate (Ind. Vars.)			.60
one year lag JURATEX1	.62	.30	
two year lag JURATEX2	1.40	.72	

Table AZ 3.1 Cont.

		Coefficient	T Ratio	F Ratio
II. Backward Analyses				
A. With Trials Per Capita as Dependent Variables.				
1) Backlog Ratio (Ind. Vars.)				.73
one year lag	BKLOG1	.00	-.01	
two year lag	BKLOG2	.06	1.10	
2) Pending Cases (Ind. Vars.)				.89
one year lag	DPTP1	.03	1.22	
two year lag	DPTP2	-.02	-1.29	
3) Disposition (Ind. Vars.)				2.26[n]
one year lag	DDTP1	-.008	.37	
two year lag	DDTP2	-.020	-1.67[m]	
B. With Jury Trial Rate as Dependent Variables.				
1) Backlog Ratio (Ind. Vars.)				2.33[n]
one year lag	BKLOG1	-.014	-.95	
two year lag	BKLOG2	.027	2.16[N]	
2) Pending Cases (Ind. Vars.)				.25
one year lag	DPTP1	.003	.54	
two year lag	DPTP2	-.003	-.71	
3) Disposition (Ind. Vars.)				1.89
one year lag	DDTP1	.002	.36	
two year lag	DDTP2	-.005	-1.86[m]	

Each section (1, 2, and 3) represents a separate regression. The forward analyses are the same as the regressions in Tables 4.1 to 4.3, except that there are additional independent variables: the trial rate variables and the dependent variables lagged one and two years. The results in the above regressions for the other independent variables are similar to the results in Tables 4.1 to 4.3. The backward analyses also include the variables in these tables, as well as lagged values of the dependent variable. Year dummies are not significant and not entered, except in the analysis marked with an asterisk (*).

Table AZ 3.1a Delay and Trial Rates - Arizona
(Granger-Sims test for causal relationship between the backlog index and various measures of trials)

	Coefficient	T Ratio	F Ratio
I. Forward Analyses (the dependent variable is the backlog index, BKLOG)			
1) Ind. Var. = Trials per capita (trials divided by 100,000 population)			.53
one year lag DTRP1	.05	.48	
two year lag DTRP2	-.07	-.86	
2) Ind. Var. = Trial rate (trials divided by dispositions, times 100)			1.00
one year lag TRRATE1	.32	.74	
two year lag TRRATE2	-.51	-1.24	
II. Backward Analyses (various trial measures are the dependent variables, and lagged values of the backlog index are independent variables)			
1) Trials per capita (DTRP) as D.V.			.84
one year lag BKLOG1	.08	.69	
two year lag BKLOG2	.07	.67	
2) Trial rate (TRRATE) as D.V.			1.98[n]
one year lag BKLOG1	.02	.71	
two year lag BKLOG2	.03	1.38	

Each section (1 and 2) represents a separate regression, the same as those in Table 3.1 for the backlog index, except that different measures of trials are used. Year dummies were not significant and not entered.

Table AZ 3.2 Delay and Judges - Arizona
(Granger-Sims test for causal relationship between delay and judges)

	Coefficient	T Ratio	F Ratio
I. Forward Analysis (Judges are independent variables)			
1) Dependent Var. = Backlog Ratio			
Judges per capita (Ind. Vars.)			
one year lag JDP1	15.44	1.89[m]	
2) Dependent Var. = Pending Cases			
Judges per capita (Ind. Vars.)			
one year lag JDP1	36.93	1.49[n]	
3) Dependent Var. = Dispositions			
Judges per capita (Ind. Vars.)			
one year lag JDP1	-1.92	-.80	
II. Backward Analysis (judges per capita, JDP, are dependent variables)			
1) Backlog Ratio (Ind. Vars.)			.36
one year lag BKLOG1	.000	.01	
two year lag BKLOG2	.001	.77	
2) Pending Cases (Ind. Vars.)			.65
one year lag DPTP1	.000	.39	
two year lag DPTP2	.000	.37	
3) Disposition (Ind. Vars.)			.02
one year lag DDTP1	.000	.18	
two year lag DDTP2	.000	-.01	

Each section (1, 2, and 3) represents a separate regression. The forward analyses are the same as those in Tables 4.1 to 4.3, except that the judge variable is lagged one year, and the dependent variables lagged one and two years are entered as independent variables. The results in the above regressions for the other independent variables are similar to the results in Tables 4.1 to 4.3. The backward analyses also include the variables in these tables, as well as the dependent variable lagged one year. Year dummies are not significant and are not included.

Table AZ 4.1 Delay Analysis - Arizona (1979-87)
(dependent variable - backlog index)

Independent Variables	Coefficient	T Ratio	F Ratio
Jury Trials			1.33
Current year DJUP	-.18	-1.21	
Prior year DJUP1	-.10	-.59	
Judges JDP	13.09	1.74[m]	
Felony Filings			4.36[N]
Current year DFIP	.005	.37	
Prior year DFIP1	-.040	-2.57[N]	
Civil filings			.57
Current year CRFIP	-.007	-.36	
Prior year CRFIP1	.020	1.06	
Case Processing Assistance Fund JDZP	-.05	-1.35	
Maricopa Delay Reduction			
Use of volunteer lawyers QJA	2.02	.13	
Case control program QCFM	-50.46	-3.16[M]	

DF = 94; F Ratio = 8.0; Adj. R-Sq. = .63; D.W. = 1.73. The F statistic for the district dummies is 9.8 and the F statistic for the year dummies is 4.7. The dependent variable (BKLOG) is the number of cases pending divided by the number disposed, times 100. The impact of criminal filings is probably artificial; more filings mean more short-term pending cases in the current year and more dispositions in the next year, not necessarily more or less delay in processing cases.

Table AZ 4.1a Delay Analysis - Arizona (1979-87)
(dependent variable - backlog index)

Independent Variables	Coefficient	T Ratio	F Ratio
Jury Trials			1.10
Current year DJUP	-.17	-1.15	
Prior year DJUP1	-.07	-.47	
Judges JDP	13.92	1.85[m]	
Felony Filings			3.46[N]
Current year DFIP	.006	.38	
Prior year DFIP1	-.036	-2.36[N]	
Civil filings			.21
Current year CRFIP	-.010	-.55	
Prior year CRFIP1	.010	.54	
Case Processing Assistance Fund JDZP	-.06	-1.86[m]	
Maricopa Delay Reduction Programs*			
Use of municipal court judges QJL	-15.43	-.86	
Use of volunteer lawyers QJA	1.35	.09	
Case control program QCFM	-41.99	-2.69[M]	
Year Counter YEAR	4.65	5.26[X]	

DF = 100; F Ratio = 9.3; Adj. R-Sq. = .62; D.W. = 1.73. The F statistic for the district dummies is 9.4. The analysis is the same as that in Table AZ 4.1 except that: 1) a year counter (YEAR) is substituted for the year dummies, and 2) the three Maricopa Delay reduction dummies are included.

* In a separate analysis using the dependent variable lagged (BKLOG1) instead of the year counter (the year dummies are not significant and deleted), the results for QJL are stronger (Coef. = -22.70; T = -1.24), and the results for QCFM are not as strong (Coef. = -19.23; T = -1.19)

Table AZ 4.2 Delay Analysis - Arizona (1979-87)
(dependent variable - pending cases)

Independent Variables	Coefficient	T Ratio	F Ratio
Jury Trials			1.07
Current year DJUP	-.64	-1.41	
Prior year DJUP1	-.15	-.31	
Judges JDP	27.24	.90	
Felony Filings			57.33[X]
Current year DFIP	.445	9.84[X]	
Prior year DFIP1	.065	1.44	
Civil filings			3.54[N]
Current year CRFIP	-.100	-1.56[n]	
Prior year CRFIP1	.121	2.17[N]	
Case Processing Assistance Fund JDZP	-.22	-1.82[m]	
Maricopa Delay Reduction			
Use of volunteer lawyers QJA	-30.83	.68	
Case control program QCFM	-207.04	-4.92[X]	

DF = 81; F Ratio = 51.0; Adj. R-Sq. = .93; D.W. = 1.95 (1.14 before correction). The F statistic for the district dummies is 13.1 and for the year dummies is 6.4. The dependent variable (DPTP) is the number pending per 100,000 population. The impact of criminal filings is probably artificial; more filings mean more short-term pending cases, not necessarily more delay in processing cases.

* When the jury trial rate (JURATE) is substituted for DJUP the results are similar (current year: Coef. = 1.55; T = .73; prior year: Coef. = -.26; T = -.13; F = .29).

Table AZ 4.3 Delay Analysis - Arizona (1979-87)
(dependent variable - dispositions)

Independent Variables	Coefficient	T Ratio	F Ratio
Jury Trials			.56
Current year DJUP	.45	1.02	
Prior year DJUP1	-.18	-.43	
Judges JDP	-.54	-.24	
Felony Filings			890.45[x]
Current year DFIP	.563	13.25[x]	
Prior year DFIP1	.369	8.24[x]	
Civil filings			.72
Current year CRFIP	.027	.58	
Prior year CRFIP1	-.049	-.98	
Case Processing Assistance Fund JDZP	.08	.89	
Maricopa Delay Reduction Programs			
Use of municipal court judges QJL	107.13	1.92[m]	
Use of volunteer lawyers QJA	-6.82	-.15	
Case control program QCFM	43.20	1.16	

DF = 113; F Ratio = 196.4; Adj. R-Sq. = .95; D.W. = 1.72. The year dummies are not included (when they are the F statistic is 1.23). The dependent variable (DDTP) is the number of dispositions, per 100,000 population.

Table CA 2 Variable Means - California

Dependent Variables	Means
Backlog Index (pending cases set for trial divided by dispositions, times 100) BKLOG	13.50
Pending Per Capita DPYP	33.86
Dispositions Per Capita DDTP	262.34
Merit Dispositions Per Capita (jury and nonjury trials, and guilty pleas) DDTXP	231.41
Independent Variables	
Trial measures	
Jury Trials Per Capita DJUP	29.53
Jury Trials, Contested, Per Capita DJUZP	26.88
Jury Trial Rate (trials divided by total dispositions, times 100) JURATE	11.78
Jury Trial Rate, Contested (contested jury trials divided by dispositions, times 100) JURATEW	10.75
Jury Trial Rate (trials divided by merit dispositions, times 100) JURATEX	13.73
Jury Trial Rate, Contested, (contested trials divided by total dispositions, times 100) JURATEZ	12.54
Trials Per Capita DTRP	40.42
Trials, Contested, Per Capita DTRZP	32.35
Trial Rate (trials divided by total dispositions, times 100) TRRATE	15.83
Trial Rate, Contested (contested jury trials divided by dispositions, times 100) TRRATEW	12.79

Table 2 Cont.

	Means
Trial Rate (trials divided by merit dispositions, times 100) TRRATEX	18.37
Trial Rate, Contested, (contested trials divided by total dispositions, times 100) TRRATEZ	14.87
Judges Per Capita JDP	2.84
Felony Filings Per Capita DFIP	296.38
Civil Filings Per Capita CRFIP	751.19
Innovations and Changes (dummy variables)	
Trial Court Management Rules (mid-1985) QCFM	.15
Municipal judges authorized to sentence (mid-1983) QMUNJ	.35
Municipal judge sentencing, experimental use in San Diego (1979) QMUNJSD	.02
Determinant sentencing (1978) QDETSEN	.90
Plea Bargaining restrictions (1983) QPB	.40

Per capita figures are per 100,000 population.

Table CA 3.1 Delay and Trial Rates - California
(Granger-Sims test for causal relationship between delay and trial rates)

	Coefficient	T Ratio	F Ratio
I. Forward Analyses			
A. With Jury Trial Per Capita.			
1) Dependent Var. = Backlog Ratio			
Jury Trials (Ind. Vars.)			1.95[n]
one year lag DJUP1	-.08	-1.97[N]	
two year lag DJUP2	.02	.51	
2) Dependent Var. = Pending Cases			
Jury Trials (Ind. Vars.)			2.62[m]
one year lag DJUP1	-.22	-2.13[N]	
two year lag DJUP2	-.02	-.25	
3) Dependent Var. = Dispositions			
Jury Trials (Ind. Vars.)			.77
one year lag DJUP1	.27	1.20	
two year lag DJUP2	-.15	-.64	
4) Dependent Var. = Merit Dispositions			
Jury Trials (Ind. Vars.)			.59
one year lag DJUP1	.16	.74	
two year lag DJUP2	-.19	-.86	
B. With Jury Trials Divided by Merit Dispositions.			
1) Dependent Var. = Backlog Ratio			
Jury Trials (Ind. Vars.)			5.83[M]
one year lag JURATEX1	-.27	-3.16[M]	
two year lag JURATEX2	-.01	-.13	
2) Dependent Var. = Pending Cases			
Jury Trials (Ind. Vars.)			5.25[M]
one year lag JURATEX1	-.62	-3.00[M]	
two year lag JURATEX2	-.03	-.15	
3) Dependent Var. = Dispositions			
Jury Trials (Ind. Vars.)			2.26[n]
one year lag JURATEX1	.91	2.01[N]	
two year lag JURATEX2	-.05	-.11	
4) Dependent Var. = Merit Dispositions			
Jury Trials (Ind. Vars.)			1.77
one year lag JURATEX1	.79	1.84[m]	
two year lag JURATEX2	-.15	-.35	

Table CA 3.1 Cont.

	Coefficient	T Ratio	F Ratio
II. Backward Analyses			
A. With Jury Trials Per Capita			
1) Backlog Ratio (Ind. Vars.)			4.17[N]
one year lag BKLOG1	.218	2.80[M]	
two year lag BKLOG2	-.069	-.88	
2) Pending Cases (Ind. Vars.)			6.98[M]
one year lag DPYP1	.125	3.73[X]	
two year lag DPYP2	-.015	-.44	
3) Disposition (Ind. Vars.)			.02
one year lag DDTP1	-.001	-.07	
two year lag DDTP2	-.002	-.15	
4) Merit Dispositions (Ind. Vars.)			.01
one year lag DDTXP1	-.002	-.12	
two year lag DDTXP2	.001	.08	
B. With Jury Trials Divided by Merit Dispositions			
1) Backlog Ratio (Ind. Vars.)			3.10[N]
one year lag BKLOG1	-.038	-1.01	
two year lag BKLOG2	-.082	-2.19[N]	
2) Pending Cases (Ind. Vars.)			.17
one year lag DPYP1	-.001	-.06	
two year lag DPYP2	-.010	-.58	
3) Disposition (Ind. Vars.)			5.19[M]
one year lag DDTP1	.016	2.14[N]	
two year lag DDTP2	.008	1.35	
4) Merit Dispositions (Ind. Vars.)			6.85[M]
one year lag DDTXP1	.019	2.37[N]	
two year lag DDTXP2	.010	1.53[n]	

Each section (1, 2, etc.) represents a separate regression. The forward analyses are the same as the regressions in Tables 4.1 to 4.4, except that there are additional independent variables: the trial rate variables and the dependent variables lagged one and two years. The results in the above regressions for the other independent variables are similar to the results in Tables 4.1 to 4.4. The backward analyses also include the variables in these tables, as well as lagged values of the dependent variable. The analyses do not include year dummies.

Table CA 3.1a Delay and Trial Rates - California
(Granger-Sims test for causal relationship between the backlog index and various measures of trials)

	Coefficient	T Ratio	F Ratio
I. Forward Analyses (the dependent variable is the backlog index, BKLOG)			
1) Ind. Var. = Jury trials, contested, per capita (contested trials divided by 100,000 population)			1.48
one year lag DJUZP1	-.08	-1.70[m]	
two year lag DJUZP2	.03	.67	
2) Ind. Var. = Jury trial rate (trials divided by dispositions, times 100)			5.65[M]
one year lag JURATE1	-.31	-3.11[M]	
two year lag JURATE2	-.02	-.18	
3) Ind. Var. = Jury trial rate, contested (contested trials divided by dispositions, times 100)			3.40[N]
one year lag JURATEW1	-.27	-2.49[N]	
two year lag JURATEW2	-.01	-.10	
4) Ind. Var. = Jury trial rate (trials divided by merit dispositions, times 100)			5.83[M]
one year lag JURATEX1	-.27	-3.16[M]	
two year lag JURATEX2	-.01	-.13	
5) Ind. Var. = Jury trial rate, contested (contested trials divided by merit disp., times 100)			3.47[N]
one year lag JURATEZ1	-.23	-2.50[N]	
two year lag JURATEZ2	-.01	-.09	
6) Ind. Var. = Total trials per capita (trials divided by 100,000 population)			.67
one year lag DTRP1	-.02	-.63	
two year lag DTRP2	.03	1.14	

	Coefficient	T Ratio	F Ratio
I. Forward Analyses (cont.)			
7) Ind. Var. = Total trials, contested, per capita (contested trials divided by 100,000 population)			.84
one year lag DTRZP1	-.05	-1.29	
two year lag DTRZP2	.01	.38	
8) Ind. Var. = Trial rate (trials divided by dispositions, times 100)			1.99[n]
one year lag TRRATE1	-.14	-1.97[N]	
two year lag TRRATE2	.03	.48	
9) Ind. Var. = Trial rate, contested (contested trials divided by dispositions, times 100)			2.35m
one year lag TRRATEW1	-.18	-1.95[m]	
two year lag TRRATEW2	-.02	-.28	
10) Ind. Var. = Trial rate (trials divided by merit dispositions, times 100)			2.49[m]
one year lag TRRATEX1	-.13	-2.13[N]	
two year lag TRRATEX2	.01	.21	
11) Ind. Var. = Trial rate, contested (contested trials divided by merit disp., times 100)			2.47[m]
one year lag TRRATEZ1	-.15	-1.97[N]	
two year lag TRRATEZ2	-.03	-.34	
II. Backward Analyses (various trial measures are the dependent variables, and lagged values of the backlog index are independent variables)			
1) Jury trials, contested (DJUZP) as D.V.			4.83[M]
one year lag BKLOG1	.207	2.87[M]	
two year lag BKLOG2	-.100	-1.38	
2) Jury trial rate (JURATE) as D.V.			3.17[N]
one year lag BKLOG1	-.033	-1.04	
two year lag BKLOG2	-.070	-2.21[N]	
3) Jury trial rate, contested (JURATEW) as D.V.			4.40[N]
one year lag BKLOG1	-.014	-.45	
two year lag BKLOG2	-.088	-2.89[M]	

		Coefficient	T Ratio	F Ratio
II.	Backward Analyses (cont.)			
4)	Jury trial rate, based on merit dispositions (JURATEX) as D.V.			3.10^{N}
	one year lag BKLOG1	-.038	-1.01	
	two year lag BKLOG2	-.082	-2.19^{N}	
5)	Jury trial rate, contested, based on merit disp. (JURATEZ) as D.V.			4.24^{N}
	one year lag BKLOG1	-.015	-.41	
	two year lag BKLOG2	-.101	-2.84^{M}	
6)	Trials per capita (DTRP) as D.V.			5.13^{M}
	one year lag BKLOG1	.404	3.20^{M}	
	two year lag BKLOG2	-.031	-.24	
7)	Trials, contested, per capita (DTRZP) as D.V.			6.11^{M}
	one year lag BKLOG1	.309	3.35^{X}	
	two year lag BKLOG2	-.114	-1.23	
8)	Trial rate (TRRATE) as D.V.			.06
	one year lag BKLOG1	.011	.26	
	two year lag BKLOG2	-.011	-.25	
9)	Trial rate, contested, (TRRATEW) as D.V.			2.03^{n}
	one year lag BKLOG1	.000	.01	
	two year lag BKLOG2	-.072	-2.01^{N}	
10)	Trial rate, based on merit dispositions (TRRATEX) as D.V.			.05
	one year lag BKLOG1	.009	.18	
	two year lag BKLOG2	-.013	-.25	
11)	Trial rate, contested, based on merit disp. (TRRATE) as D.V.			2.03^{n}
	one year lag BKLOG1	.005	.11	
	two year lag BKLOG2	-.083	-2.02^{N}	

Each section (1, 2, etc.) represents a separate regression, the same those Table 3.1 for the backlog index, except that different measures of trials are used. Year dummies were not entered.

Table CA 3.2 Delay and Judges - California
(Granger-Sims test for causal relationship between delay and judges)

	Coefficient	T Ratio	F Ratio
I. Forward Analysis (Judges are independent variables)			
1) Dependent Var. = Backlog Ratio			
Judges per capita (Ind. Vars.)			
one year lag JDP1	-.67	-.44	
2) Dependent Var. = Pending Cases			
Judges per capita (Ind. Vars.)			
one year lag JDP1	.12	.03	
3) Dependent Var. = Dispositions			
Judges per capita (Ind. Vars.)			
one year lag JDP1	4.70	.61	
4) Dependent Var. = Merit Dispositions			
Judges per capita (Ind. Vars.)			
one year lag JDP1	8.18	1.11	
II. Backward Analysis (judges per capita, JDP, are dependent variables)			
1) Backlog Ratio (Ind. Vars.)			.47
one year lag BKLOG1	.0012	.85	
two year lag BKLOG2	.0005	.40	
2) Pending Cases (Ind. Vars.)			.15
one year lag DPYP1	.0001	.21	
two year lag DPYP2	.0003	.50	
3) Disposition (Ind. Vars.)			1.63
one year lag DDTP1	-.0004	-1.32	
two year lag DDTP2	-.0002	-.72	
4) Merit Dispositions (Ind. Vars.)			1.90
one year lag DDTXP1	-.0004	-1.49[n]	
two year lag DDTXP2	-.0001	-.60	

Each section (1, 2 etc.) represents a separate regression. The forward analyses are those in Tables 4.1 to 4.4, except that the judge variable is lagged one year, and the dependent variables lagged one and two years are entered as independent variables. The results in the above regressions for the other independent variables are similar to the results in Tables 4.1 to 4.4. The backward analyses also include the variables in these tables, as well as the dependent variable lagged one year. The analyses do not include year dummies. "Contested trials" are those in which both sides present evidence; the remaining trials are generally adversary proceedings, as well.

Table CA 4.1 Delay Analysis - California (1977-86)
(dependent variable - backlog index)

Independent Variables	Coefficient	T Ratio	F Ratio
Jury Trials			
Current year DJUP*	-.08	-1.93[m]	
Prior year DJUP	-.05	-1.15	
Judges JDP	-.02	-.01	
Felony Filings			3.21[N]
Current year DFIP	.013	1.59[n]	
Prior year DFIP1	-.021	-2.53[N]	
Civil filings			.25
Current year CRFIP	.000	.07	
Prior year CRFIP1	.002	.55	
Delay Reduction Efforts (dummies)			
Management Rules (1985) QCFM	-2.65	-1.86[m]	
Municipal Judge Sentencing (1983) QMUNJ	2.79	1.78[m]	
Municipal Judge Sentencing in San Diego (1979) QMUNJSD	-.92	-.25	
Other Changes (dummies)			
Determinant Sentencing (1979) QDETSEN	1.92	1.71[m]	
Plea Bargaining Restrictions (1983) QPB	-3.95	-2.01[N]	

DF = 319; F Ratio = 4.4; Adj. R-Sq. = .31; D.W. = 1.80. The F statistic for the county dummies is 3.90. The regression is weighed by the square root of population. The dependent variable (BKLOG) is the number of cases awaiting trial divided by the number of dispositions. The impact of criminal filings is probably artificial; more filings mean more short-term pending cases that year and fewer the next year, not necessarily more or less delay in processing cases.

* The results for current trials are likely to be misleading because there is probably a reciprocal causal relationship between trials and the backlog ratio (more backlog leads to more trials). See Table 3.1(B). Therefore, the negative coefficient is probably even greater.

Table CA 4.2 Delay Analysis - California (1977-86)
(dependent variable - cases pending trail)

Independent Variables	Coefficient	T Ratio	F Ratio
Jury Trials			
Current year DJUP*	-.04	-.37	
Prior year DJUP	-.16	-1.68[m]	
Judges JDP	2.91	.87	
Felony Filings			26.82[X]
Current year DFIP	.134	6.98[X]	
Prior year DFIP1	-.045	-2.22[N]	
Civil filings			1.03
Current year CRFIP	.004	.49	
Prior year CRFIP1	.006	.86	
Delay Reduction Efforts (dummies)			
Management Rules (1985) QCFM	-7.91	-2.31[N]	
Municipal Judge Sentencing (1983) QMUNJ	.69	.12	
Municipal Judge Sentencing in San Diego (1979) QMUNJSD	-1.53	-.18	
Other changes (dummies)			
Determinant Sentencing (1979) QDETSEN	4.40	1.63[n]	
Plea Bargaining Restrictions (1983) QPB	-5.22	-1.10	

DF = 319; F Ratio = 8.2; Adj. R-Sq. = .48; D.W. = 1.77. The F statistic for the county dummies 4.2. The regression is weighed by the square root of population. The dependent variable (DPYP) is the number of cases awaiting trial (that is, the number of active pending), divided by 100,000 population. The impact of criminal filings is probably artificial; more filings mean more short-term pending cases, not necessarily more delay in processing cases.

* The results for current trials are likely to be misleading because there is probably a reciprocal causal relationship between trials and the backlog ratio (more backlog leads to more trials). See Table CA 3.1. Therefore, the negative coefficient is probably even greater. When the jury trial rate based on merit dispositions (JURATEX) is substituted for DJUP the negative relationship is stronger (current year: coef. = -.04, T = -.21; prior year: coef. = -.61, T = -3.09).

Table CA 4.3 Delay Analysis - California (1977-86)
(dependent variable - dispositions)

Independent Variables	Coefficient	T Ratio	F Ratio
Jury Trials			15.48[X]
Current year DJUP*	1.10	5.18[X]	
Prior year DJUP	.08	.37	
Judges JDP	2.87	.40	
Felony Filings			338.82[X]
Current year DFIP	.660	15.82[X]	
Prior year DFIP1	.308	6.94[X]	
Civil filings			.03
Current year CRFIP	.001	.04	
Prior year CRFIP1	.003	.18	
Delay Reduction Programs			
Management Rules (1985) QCFM	6.64	1.09	
Municipal Judge Sentencing (1983) QMUNJ	-11.97	-2.10[N]	
Municipal Judge Sentencing in San Diego (1979) QMUNJSD	33.47	1.80[m]	
Other Changes			
Determinant Sentencing (1979) QDETSEN	.76	.13	
Plea Bargaining Restrictions (1983) QPB	15.06	2.80[M]	

DF = 310; F Ratio = 116.4; Adj. R-Sq. = .94; D.W. = 1.72. The F statistic for the county dummies 8.1. The regression is weighed by the square root of population. The dependent variable (DDTP) is the number of dispositions, divided by 100,000 population.

* This relationship is probably simply an identity, growing out of the fact that trials are a part of dispositions. Note that the Granger-Sims test in Table CA 3.1 suggests the absence of causal relationship between trials and dispositions.

Table CA 4.4 Delay Analysis - California (1977-86)
(dependent variable - merit dispositions)

Independent Variables	Coefficient	T Ratio	F Ratio
Jury Trials			13.38[X]
Current year DJUP*	1.02	4.98[X]	
Prior year DJUP	-.03	-.16	
Judges JDP	4.63	.67	
Felony Filings			336.67[X]
Current year DFIP	.62	15.52[X]	
Prior year DFIP1	.31	7.22[X]	
Civil filings			.48
Current year CRFIP	.014	.94	
Prior year CRFIP1	-.004	-.29	
Delay Reduction Programs			
Management Rules (1985) QCFM	5.91	1.00	
Municipal Judge Sentencing (1983) QMUNJ	-9.93	-1.80[m]	
Municipal Judge Sentencing in San Diego (1979) QMUNJSD	25.99	1.45[m]	
Other Changes			
Determinant Sentencing (1979) QDETSEN	-2.71	-.49	
Plea Bargaining Restrictions (1983) QPB	16.08	3.09[M]	

DF = 310; F Ratio = 113.4; Adj. R-Sq. = .94; D.W. = 1.71. The F statistic for the county dummy is 10.5. The regression is weighed by the square root of population. The dependent variable (DDTXP) is the number of merit dispositions (trials plus guilty pleas), divided by 100,000 population.

* This relationship is probably simply an identity, growing out of the fact that trials are a part of dispositions. Note that the Granger-Sims test in Table CA 3.1 suggests the absence of causal relationship between trials and dispositions.

Table CT 2 Variable Means - Connecticut

Dependent Variables	Means
1. Backlog Index (pending divided by dispositions, times 100) BKLOG	66.64
2. Backlog Index based on active pending (active pending divided by dispositions, times 100) BKLOGX	49.26
3. Backlog Index based on active pending before trial (active pending, excluding cases waiting trial, divided by dispositions, times 100) BKLOGY	42.54
4. Percent active pending over 6 months FPA06	30.72
5. Median Age (months) active pending cases FPAME	4.19
6. Pending in jail for 6 months, per capita FPAPXP	5.82
7. Pending cases per capita FPTP	98.62
8. Active pending cases per capita FPAP	73.15
9. Dispositions per capita FDTP	150.85
Independent Variables	
Total Trials Per Capita FTRP	5.97
Trial Rate (trials divided by total dispositions, times 100) TRRATE	4.25
Judges state-wide JD	123.27
Felony Filings Per Capita FFIP	150.55
Civil Filings Per Capita CRFIP	1257.65
Speedy trial law (FY 1984) QSPT84	.51
Speedy trial law (FY 1986) QSPT86	.25
Percent of felonies filed in lower division FFIWX	20.99

Per capita figures are per 100,000 population.

Table CT 3.1 Delay and Trial Rates - Connecticut
(Granger-Sims test for causal relationship between delay and trial rates)

I. Forward Analyses	Coefficient	T Ratio	F Ratio
A. With Trials Per Capita			
1) Dependent Var. = Backlog ratio			
Total Trials (Ind. Vars.)			1.66
one year lag FTRP1	-1.66	-1.68[m]	
two year lag FTRP2	-.20	-.20	
2) Dependent Var. = Backlog ratio based on active pending			
Total Trials (Ind. Vars.)			1.99[n]
one year lag FTRP1	-1.56	-1.73[m]	
two year lag FTRP2	-.44	-.47	
3) Dependent Var. = Backlog ratio, excluding awaiting sentencing.			
Total Trials (Ind. Vars.)			1.60
one year lag FTRP1	-1.28	-1.48[n]	
two year lag FTRP2	-.52	-.58	
4) Dependent Var. = 6 mo. pending			
Total Trials (Ind. Vars.)			2.65[m]
one year lag FTRP1	.47	.84	
two year lag FTRP2	-1.28	-2.29[N]	
5) Dependent Var. = Median Pending			
Total Trials (Ind. Vars.)			1.67
one year lag FTRP1	.02	.29	
two year lag FTRP2	-.12	-1.81[m]	
6) Dependent Var. = In Jail 6 Mo.			
Total Trials (Ind. Vars.)			3.25[N]
one year lag FTRP1	.27	1.18	
two year lag FTRP2	-.55	-2.52[N]	
7) Dependent Var. = Pending Cases			
Total Trials (Ind. Vars.)			2.46[m]
one year lag FTRP1	-2.10	-2.19[N]	
two year lag FTRP2	.24	.25	
8) Dependent Var. = Active Pending			
Total Trials (Ind. Vars.)			1.51
one year lag FTRP1	-1.49	-1.57[n]	
two year lag FTRP2	-.29	-.31	
9) Dependent Var. = Dispositions			
Total Trials (Ind. Vars.)			.26
one year lag FTRP1	.68	.69	
two year lag FTRP2	-.49	-.48	

	Coefficient	T Ratio	F Ratio
I. Forward Analysis (cont.)			
B. With Trials Divided by Dispositions.			
1) Dependent Var. = Backlog ratio			
Total Trials (Ind. Vars.)			6.23[M]
one year lag FTRP1	-3.80	-3.23[M]	
two year lag FTRP2	-2.11	-1.84[m]	
2) Dependent Var. = Backlog ratio based on active pending			
Total Trials (Ind. Vars.)			5.44[M]
one year lag FTRP1	-3.38	-3.09[M]	
two year lag FTRP2	-1.62	-1.53[n]	
3) Dependent Var. = Backlog ratio, excluding awaiting sentencing.			
Total Trials (Ind. Vars.)			4.81[N]
one year lag FTRP1	-3.08	-2.94M	
two year lag FTRP2	-1.42	-1.38	
4) Dependent Var. = 6 mo. pending			
Total Trials (Ind. Vars.)			.94
one year lag FTRP1	.44	.62	
two year lag FTRP2	-.76	-1.07	
5) Dependent Var. = Median Pending			
Total Trials (Ind. Vars.)			1.05
one year lag FTRP1	-.03	-.35	
two year lag FTRP2	-.11	-1.45	
6) Dependent Var. = Pending In Jail for 6 months (Ind. Vars.)			.84
one year lag FTRP1	-.04	-.14	
two year lag FTRP2	-.35	-1.29	
7) Dependent Var. = Pending Cases			
Total Trials (Ind. Vars.)			5.62[M]
one year lag FTRP1	-3.72	-3.30[M]	
two year lag FTRP2	-1.40	-1.25	
8) Dependent Var. = Active Pending			
Total Trials (Ind. Vars.)			4.11[N]
one year lag FTRP1	-3.15	-2.78[M]	
two year lag FTRP2	-1.40	-1.26	
9) Dependent Var. = Dispositions			
Total Trials (Ind. Vars.)			.49
one year lag FTRP1	1.14	.96	
two year lag FTRP2	.17	.15	

	Coefficient	T Ratio	F Ratio
II. Backward Analyses			
A. With Trials Per Capita.			
1) Backlog Index (Ind. Vars.)			3.81^{N}
one year lag BKLOG1	.028	1.74^{m}	
two year lag BKLOG2	.029	2.00^{N}	
2) Backlog Index, based on active pending (Ind. Vars.)			2.34^{n}
one year lag BKLOGX1	.022	1.23	
two year lag BKLOGX2	.028	1.69^{m}	
3) Backlog Index, without cases awaiting sentencing (Ind. Vars.)			2.39^{n}
one year lag BKLOGY1	.023	1.23	
two year lag BKLOGY2	.028	1.68^{m}	
4) Percent Pending 6 Mo. (Ind. Vars.)			1.05
one year lag FPAO61	.031	1.06	
two year lag FPAO62	.022	.75	
5) Median Age Pending (Ind. Vars.)			2.15^{n}
one year lag FPAME1	.470	1.79^{m}	
two year lag FPAME2	.147	.56	
6) Defendants in Jail 6 Mo. (Ind. Vars.)			6.09^{M}
one year lag FPAXP1	.145	1.99^{N}	
two year lag FPAXP2	.168	2.13^{N}	
7) Pending Cases (Ind. Vars.)			5.12^{M}
one year lag FPTP1	.021	1.34	
two year lag FPTP2	.020	1.52^{n}	
8) Active Pending Cases (Ind. Vars.)			4.39^{N}
one year lag FPAP1	.022	1.35	
two year lag FPAP2	.024	1.78^{m}	
9) Disposition (Ind. Vars.)			1.27
one year lag FDTP1	.019	1.57^{n}	
two year lag FDTP2	-.005	-.65	

		Coefficient	T Ratio	F Ratio
II. Backward (cont.)				
B. With Trials Divided by Dispositions.				
1) Backlog Index (Ind. Vars.)				.62
one year lag	BKLOG1	.006	.45	
two year lag	BKLOG2	.011	.91	
2) Backlog Index, based on active pending (Ind. Vars.)				.19
one year lag	BKLOGX1	.000	-.01	
two year lag	BKLOGX2	.008	.60	
3) Backlog Index, without cases awaiting sentencing (Ind. Vars.)				.06
one year lag	BKLOGY1	.002	.15	
two year lag	BKLOGY2	.004	.27	
4) Percent Pending 6 Mo. (Ind. Vars.)				.04
one year lag	FPA061	-.001	-.03	
two year lag	FPA062	-.006	-.28	
5) Median Age Pending (Ind. Vars.)				.38
one year lag	FPAME1	.171	.83	
two year lag	FPAME2	-.099	-.51	
6) Defendants in Jail 6 Mo. (Ind. Vars.)				.87
one year lag	FPAME1	-.012	-.20	
two year lag	FPAME2	-.081	-1.31	
7) Pending Cases (Ind. Vars.)				1.26
one year lag	FPTP1	-.002	-.17	
two year lag	FPTP2	.015	1.37	
8) Active Pending Cases (Ind. Vars.)				.58
one year lag	FPAP1	-.001	-.11	
two year lag	FPAP2	.011	1.00	
9) Disposition (Ind. Vars.)				2.16[n]
one year lag	FDTP1	.018	1.86[m]	
two year lag	FDTP2	.002	.40	

Each section (1, 2, etc.) represents a separate regression. The forward analyses are the same as the regressions in Tables 4.1 to 4.9, except that there are additional independent variables: the trial rate variables and the dependent variables lagged one and two years. The results in the above regressions for the other independent variables are similar to the results in Tables 4.1 to 4.9. The backward analyses also include the variables in these tables, as well as lagged values of the dependent variable. Year dummies are not significant throughout.

Table CT 3.2 Impact of Judgeships - Connecticut

Dependent Variable	Statewide number of judges Coefficient	T Ratio
1) Backlog index (active cases)	.06	.15
2) Backlog index (all cases)	.47	.99
3) Backlog index (cases awaiting trial or plea)	-.03	-.08
4) % pending over 6 months	.38	1.35
5) Median age of Pending	-.02	-.62
6) pending in jail for 6 months	-.02	-.15
7) all pending	.96	1.58[n]
8) active pending	.22	.44
9) dispositions	-.33	-.72

These regressions were conducted with the following independent variables: number of judges (JD), criminal filings (FFIP), civil filings (CRFIP), proportion of cases in the lower division (FFIWX), and district dummy variables. Lagged variables and speedy trial variables were deleted because of collinearity problems.

Table CT 4.1 Analysis of Delay - Connecticut
(dependent variable - backlog index, all pending)

	Coefficient	T Ratio	F Ratio
Trials			
Current year FTRP*	1.03	1.22	
Prior year FTRP1	-1.86	-2.12[N]	
Criminal filings			.98
Current year FFIP	.009	.15	
Prior year FFIP1	-.087	-1.34	
Civil Filings			4.79[N]
Current year CRFIP	.127	3.08[M]	
Prior year CRFIP1	-.040	-1.32	
Speedy Trial Law			1.27
Began QSPT84	10.53	1.35	
Time reduced QSPT86	-.38	-.05	
Class B & C Felonies in Lower Division FFIWX	-.60	-3.72[X]	

DF = 71; F Ratio = 7.22; Adjusted R-Sq. = .58; D.W. = 1.96; F test for the district dummies = 4.4. The dependent variable, BKLOG, is the total pending divided by dispositions, times 100.

* The results for the current year trial variable are probably misleading because there is a strong indication of reciprocal causation, whereby more delay causes more trials (see Table 3.1). Thus more trials might cause less delay in the current year. In a regression without the trial variables, the results are similar for the other variables.

Table CT 4.2 Analysis of Delay - Connecticut
(dependent variable - backlog index, active pending)

	Coefficient	T Ratio	F Ratio
Trials			
Current year FTRP*	.69	.89	
Prior year FTRP1	-1.73	-2.15[N]	
Criminal filings			.98
Current year FFIP	.035	.67	
Prior year FFIP1	-.082	-1.39	
Civil Filings			4.32[N]
Current year CRFIP	.11	2.91[M]	
Prior year CRFIP1	-.04	-1.30	
Speedy Trial Law			.21
Began QSPT84	4.31	.61	
Time reduced QSPT86	-1.01	-.15	
Class B & C Felonies in Lower Division FFIWX	-.54	-3.66[X]	

DF = 71; F Ratio = 6.2; Adjusted R-Sq. = .53; D.W. = 2.02; F test for the district dummies = 3.3. The dependent variable, BKLOGX, is the number of active pending cases (including cases awaiting sentencing) divided by the number of dispositions, times 100.

* The results for the current year trial variable are probably misleading because there is a strong indication of reciprocal causation, whereby more delay causes more trials (see Table 3.1). Thus more trials might cause less delay in the current year. In a regression without the trial variables, the results are similar for the other variables.

Table CT 4.3 Analysis of Delay - Connecticut
(dependent variable - backlog index, cases awaiting plea or trial)

	Coefficient	T Ratio	F Ratio
Trials			
Current year FTRP*	.40	.53	
Prior year FTRP1	-1.49	-1.92[m]	
Criminal filings			.64
Current year FFIP	.020	.40	
Prior year FFIP1	-.065	-1.13	
Civil Filings			3.31[N]
Current year CRFIP	.094	2.56[N]	
Prior year CRFIP1	-.029	-1.07	
Speedy Trial Law			.23
Began QSPT84	4.53	.66	
Time reduced QSPT86	-3.24	-.51	
Class B & C Felonies in Lower Division FFIWX	-.58	-4.07[X]	

DF = 71; F Ratio = 6.1; Adjusted R-Sq. = .53; D.W. = 2.07; F test for the district dummies = 3.4. The dependent variable, BKLOGY, is the number of active pending cases (excluding cases awaiting sentencing) divided by the number of dispositions, times 100.

* The results for the current year trial variable are probably misleading because there is a strong indication of reciprocal causation, whereby more delay causes more trials (see Table 3.1). Thus more trials might cause less delay in the current year. In a regression without the trial variables, the results are similar for the other variables.

Table CT 4.4 Analysis of Delay - Connecticut
(dependent variable - pending over 6 months)

	Coefficient	T Ratio	F Ratio
Trials			
Current year FTRP*	-.39	-.74	
Prior year FTRP	.17	.32	
Criminal filings			4.20[N]
Current year FFIP	-.076	-2.12[N]	
Prior year FFIP1	-.040	-1.00	
Civil Filings			1.83
Current year CRFIP	-.012	-.46	
Prior year CRFIP1	.035	1.90[m]	
Speedy Trial Law			2.75[m]
Began QSPT84	-6.16	-1.29	
Time reduced QSPT86	10.43	2.34[N]	
Class B & C Felonies in Lower Division FFIWX	-.20	-2.05[N]	

DF = 71; F Ratio = 4.8; Adjusted R-Sq. = .46; D.W. = 1.58; F test for the district dummies = 2.7. The dependent variable, FPA06, is the percent of active cases pending over 6 months.

* The results for the current year trial variable are probably misleading because there is a strong indication of reciprocal causation, whereby more delay causes more trials (see Table 3.1). Thus more trials might cause less delay in the current year. In a regression without the trial variables, the results are similar for the other variables. When the trial rate, trials divided by dispositions (TRRATE), is substituted for FTRP the results change little.

Table CT 4.5 Analysis of Delay - Connecticut
(dependent variable - median age of pending cases)

	Coefficient	T Ratio	F Ratio
Trials			
Current year FTRP*	-.04	-.76	
Prior year FTRP1	-.01	-.23	
Criminal filings			1.41
Current year FFIP	-.006	-1.57[n]	
Prior year FFIP1	.000	.07	
Civil Filings			.65
Current year CRFIP	.001	.50	
Prior year CRFIP1	.002	.81	
Speedy Trial Law			.14
Began QSPT84	-.10	-.19	
Time reduced QSPT86	-.15	-.31	
Class B & C Felonies in Lower Division FFIWX	-.02	-1.67[m]	

DF = 71; F Ratio = 5.0; Adjusted R-Sq. = .47; D.W. = 1.64; F test for the district dummies = 2.03. The dependent variable, FPAME, is the median number of months pending for active pending cases. (Beginning in 1985 the definition of active pending cases was changed to exclude cases awaiting sentencing, which comprise 15% to 20% of active cases.)

* The results for the current year trial variable are probably misleading because there is a strong indication of reciprocal causation, whereby more delay causes more trials (see Table 3.1). Thus more trials might cause less delay in the current year. In a regression without the trial variables, the results are similar for the other variables. When the trial rate, trials divided by dispositions (TRRATE), is substituted for FTRP the results change little.

Table CT 4.6 Analysis of Delay - Connecticut
(dependent variable - defendants in jail 6 months)

	Coefficient	T Ratio	F Ratio
Trials			
Current year FTRP*	-.29	-1.45	
Prior year FTRP1	.08	.41	
Criminal filings			.19
Current year FFIP	.008	.62	
Prior year FFIP1	-.004	-.24	
Civil Filings			3.88[N]
Current year CRFIP	.001	.06	
Prior year CRFIP1	.019	2.61[N]	
Speedy Trial Law			.61
Began QSPT84	-1.12	-.61	
Time reduced QSPT86	-.71	-.41	
Class B & C Felonies in Lower Division FFIWX	-.03	-.73	

DF = 71; F Ratio = 6.3; Adjusted R-Sq. = .64; D.W. = 1.74; F test for the district dummies = 1.71. The dependent variable, FPAXP, is the number of active cases with defendants in jail for six months or more, divided by 100,000 population.

* The results for the current year trial variable are probably misleading because there is a strong indication of reciprocal causation, whereby more delay causes more trials (see Table 3.1). Thus more trials might cause less delay in the current year. In a regression without the trial variables, the results are similar for the other variables. When the trial rate, trials divided by dispositions (TRRATE), is substituted for FTRP the results change little.

Table CT 4.7 Analysis of Delay - Connecticut
(dependent variable - pending cases)

	Coefficient	T Ratio	F Ratio
Trials			
Current year FTRP*	.76	.69	
Prior year FTRP1	-2.69	-2.35[N]	
Criminal filings			12.22[X]
Current year FFIP	.331	4.38[X]	
Prior year FFIP1	.034	.40	
Civil Filings			4.34[N]
Current year CRFIP	.085	1.57[n]	
Prior year CRFIP1	.073	1.84[m]	
Speedy Trial Law			.76
Began QSPT84	4.66	.46	
Time reduced QSPT86	6.51	.69	
Class B & C Felonies in Lower Division FFIWX	-.59	-2.80[M]	

DF = 71; F Ratio = 20.5; Adjusted R-Sq. = .81; D.W. = 1.28; F test for the district dummies = 4.72. The dependent variable, FPAP, is the number of active pending cases (including cases awaiting sentencing) divided by 100,000 population.

* The results for the current year trial variable are probably misleading because there is a strong indication of reciprocal causation, whereby more delay causes more trials (see Table 3.1). Thus more trials might cause less delay in the current year. In a regression without the trial variables, the results are similar for the other variables. When the trial rate, trials divided by dispositions (TRRATE), is substituted for FTRP the results change little.

Table CT 4.8 Analysis of Delay - Connecticut
(dependent variable - active pending cases)

	Coefficient	T Ratio	F Ratio
Trials			
Current year FTRP*	.25	.27	
Prior year FTRP1	-1.82	-1.87[m]	
Criminal filings			9.24[X]
Current year FFIP	.261	4.07[X]	
Prior year FFIP1	.022	-.31	
Civil Filings			5.10[M]
Current year CRFIP	.090	1.97[N]	
Prior year CRFIP1	.058	1.74[m]	
Speedy Trial Law			.07
Began QSPT84	-2.20	-.26	
Time reduced QSPT86	2.94	.37	
Class B & C Felonies in Lower Division FFIWX	-.58	-3.23[M]	

DF = 71; F Ratio = 17.8; Adjusted R-Sq. = .79; D.W. = 1.55; F test for the district dummies = 3.7. The dependent variable, FPAP, is the number of cases pending divided by 100,000 populations.

* The results for the current year trial variable are probably misleading because there is a strong indication of reciprocal causation, whereby more delay causes more trials (see Table 3.1). Thus more trials might cause less delay in the current year. In a regression without the trial variables, the results are similar for the other variables. When the trial rate, trials divided by dispositions (TRRATE), is substituted for FTRP the impact is more substantial (current year: coef. = -.41, T = -.42; prior year: coef. = -2.75, T = 2.71; F = 3.80).

Table CT 4.9 Analysis of Delay - Connecticut
(dependent variable - dispositions)

	Coefficient	T Ratio	F Ratio
Trials			.08
Current year FTRP	.25	.29	
Prior year FTRP1	.07	.08	
Criminal filings			195.74[X]
Current year FFIP	.767	12.76[X]	
Prior year FFIP1	.198	3.09[M]	
Civil Filings			12.56[X]
Current year CRFIP	-.142	-4.49[X]	
Prior year CRFIP1	.155	4.97[X]	
Speedy Trial Law			1.10
Began QSPT84	-6.77	-.92	
Time reduced QSPT86	-3.89	-.49	
Class B & C Felonies in Lower Division FFIWX	.27	2.15[N]	

DF = 82; F Ratio = 80.2; Adjusted R-Sq. = .89; D.W. = 2.33; The district dummies are not included (the F test for the district dummies when included is = 1.1). The dependent variable, FDTP, is the number of dispositions, divided by 100,000 population.

Table ID 2 Variable Means - Idaho

Dependent Variables	Means
Backlog Index (pending divided by dispositions, times 100) BKLOG	39.66
Pending Per Capita FPTP	152.46
Dispositions Per Capita FDTP	395.93
Independent Variables	
Judges Per Capita JDP	3.31
Felony Filings Per Capita FFIP	405.74
Civil Filings Per Capita CRFIP	550.55
Speedy Trial Law Change (1 after 1980) QSPTX	.70
Time Standards (1 after 1984) QPBTSTD	.35

Per capita figures are per 100,000 population.

Table ID 3.2 Delay and Judges - Idaho
(Granger-Sims test for causal relationship between delay and judges)

	Coefficient	T Ratio	F Ratio
I. Forward Analyses (Judges are independent variables)			
1) Dependent Var. = Backlog Index			
Judges per capita (Ind. Vars.)			
one year lag JDP1	2.11	.50	
2) Dependent Var. = Pending Cases			
Judges per capita (Ind. Vars.)			
one year lag JDP1	1.96	.16	
3) Dependent Var. = Dispositions			
Judges per capita (Ind. Vars.)			
one year lag JDP1	-1.11	-.19	
II. Backward Analyses (judges per capita, JDP, are dependent variables)			
1) Backlog Ratio (Ind. Vars.)			.16
one year lag BKLOG1	.000	.04	
two year lag BKLOG2	.001	.54	
2) Pending Cases (Ind. Vars.)			.35
one year lag FPTP1	.001	.81	
two year lag FPTP2	.000	-.18	
3) Disposition (Ind. Vars.)			.98
one year lag FDTP1	.001	-1.07	
two year lag FDTP2	.000	-.71	

Each section (1, 2, and 3) representes a separate regression. The forward analyses are the same as those in Tables 4.1 to 4.3, except that the judge variable is lagged one year, and the dependent variables lagged one and two years are entered as independent variables. The results in the above regressions for the other independent variables are similar to the results in Tables 4.1 to 4.3. The backward analysis also includes the variables in these tables, as well as the dependent variable lagged one year. Corrections for autocorrelation were not needed.

Table ID 4.1 Delay Analysis - Idaho
(dependent variable - backlog index)

Independent Variables	Coefficient	T Ratio	F Ratio
Judges JDP	-5.71	-1.22	
Felony Filings			.75
Current year FFIP	-.003	-.15	
Prior year FFIP1	-.020	-1.19	
Civil filings			.28
Current year CRFIP	-.013	-.74	
Prior year CRFIP1	.000	-.02	
Speedy trial law change QSPTX	5.18	1.36	
Time standards QPBTSTD	2.28	.71	

DF = 58; F Ratio = 16.8; Adj. R-Sq. = .74; D.W. = 1.99 (1.42 before correction). The F statistic for the district dummies is 8.0. The dependent variable (BKLOG) is the number pending divided by the number disposed, times 100.

Table ID 4.2 Delay Analysis - Idaho
(dependent variable - pending cases)

Independent Variables	Coefficient	T Ratio	F Ratio
Judges JDP	-17.22	-1.79[m]	
Felony Filings			36.23[X]
Current year FFIP	.312	6.80[X]	
Prior year FFIP1	.075	1.65[n]	
Civil filings			3.11[N]
Current year CRFIP	.073	1.75[m]	
Prior year CRFIP1	.043	.91	
Speedy trial law change QSPTX	7.40	.68	
Time standards QPBTSTD	5.84	.67	

DF = 64; F Ratio = 54.0; Adj. R-Sq. = .84; D.W. = 1.70 (1.12 before correction). The district dummies are not included (when they are, their F statistic is 1.36). The dependent variable (FPTP) is the number of cases pending per 100,000 population.

Table ID 4.3 Delay Analysis - Idaho
(dependent variable - dispositions)

Independent Variables	Coefficient	T Ratio	F Ratio
Judges JDP	.79	.14	
Felony Filings			443.10[X]
Current year FFIP	.847	15.97[X]	
Prior year FFIP1	.139	2.47[N]	
Civil filings			.13
Current year CRFIP	.006	.12	
Prior year CRFIP1	.018	.32	
Speedy trial law change QSPTX	1.80	.19	
Time standards QPBTSTD	-1.68	-.21	

DF = 71; F Ratio = 165.42; Adj. R-Sq. = .94; D.W. = 2.24. The district dummies are not included (when they are, their F statistic is .82). The dependent variable (FDTP) is the number of cases disposed per 100,000 population.

Table IL 2 Variable Means - Illinois

Dependent Variables	Means
Backlog Index (pending divided by dispositions, times 100) BKLOG	61.52
Pending Per Capita FPTP	199.39
Dispositions Per Capita FDTP	331.97
Merit Dispositions Per Capita (jury and nonjury trials, and guilty pleas) DDTXP	184.67
Independent Variables	
Jury Trials Per Capita DJUP	14.15
Jury Trial Rate (trials divided by merit dispositions, times 100) JURATEX	7.46
Jury Trial Rate (trials divided by total dispositions, times 100) JURATE	3.46
Total Trials Per Capita DTRP	25.89
Trial Rate, based on merit disp. TRRATEX	13.69
Trial Rate, based on total disp. TRRATE	6.33
Circuit Judges Per Capita JDCIRP	3.70
Associate Judges Per Capita JDASSP	2.59
Associate Judges Permitted to Hear Felony Cases Per Capita JDASSXP	.80
Felony Filings Per Capita FFIP	329.58
Civil Filings Per Capita CRFIP	945.62
Percent of courts (weighed by caseload) in district that include inactive cases in pending DPIX	53.32
Prosection continuances restricted (1983) QCON	.25
Reporting of cases pending over six months (mid-1979) QRPTCFM	.69
Indictment required within 30 days (1984) QSPTX	.13

Per capita figures are per 100,000 population.

Table IL 3.1 Delay and Trial Rates - Illinois
(Granger-Sims test for causal relationship between delay and trial rates)

	Coefficient	T Ratio	F Ratio
I. Forward Analysis.			
A) Jury Trials Per Capita as Independent Variables			
1) Dependent Var. = Backlog Ratio			
Jury Trials (Ind. Vars.)			.18
one year lag DJUP1	.19	.48	
two year lag DJUP2	-.16	-.39	
2) Dependent Var. = Pending Cases			
Jury Trials (Ind. Vars.)			.36
one year lag DJUP1	.51	.53	
two year lag DJUP2	-.69	-.68	
3) Dependent Var. = Dispositions			
Jury Trials (Ind. Vars.)			.72
one year lag DJUP1	.48	.69	
two year lag DJUP2	.16	.24	
4) Dependent Var. = Merit Dispositions			
Jury Trials (Ind. Vars.)			1.60
one year lag DJUP1	.63	1.24	
two year lag DJUP2	-.66	-1.35	
B) Jury Trials Divided by Merit Dispositions as Ind. Var.			
1) Dependent Var. = Backlog Ratio			
Jury Trials (Ind. Vars.)			.18
one year lag JURATEX1	.48	.53	
two year lag JURATEX2	.26	.31	
2) Dependent Var. = Pending Cases			
Jury Trials (Ind. Vars.)			.18
one year lag JURATEX1	1.24	.56	
two year lag JURATEX2	.58	.28	
3) Dependent Var. = Dispositions			
Jury Trials (Ind. Vars.)			.51
one year lag JURATEX1	.99	.72	
two year lag JURATEX2	.09	.07	
4) Dependent Var. = Merit Dispositions			
Jury Trials (Ind. Vars.)			.87
one year lag JURATEX1	1.13	1.21	
two year lag JURATEX2	-.57	-.68	

Table IL 3.1 Cont.

	Coefficient	T Ratio	F Ratio
II. Backward Analysis.			
A) Jury Trials (DJUP) are Dependent Variables			
1) Backlog Ratio (Ind. Vars.)			.85
one year lag BKLOG1	-.028	-1.11	
two year lag BKLOG2	-.017	-.83	
2) Pending Cases (Ind. Vars.)			.64
one year lag FPTP1	-.010	-1.03	
two year lag FPTP2	-.003	-.34	
3) Disposition (Ind. Vars.)			.11
one year lag FDTP1	-.005	-.46	
two year lag FDTP2	.001	.17	
4) Merit Dispositions (Ind. Vars.)			.15
one year lag DDTXP1	.010	.54	
two year lag DDTXP2	-.003	-.19	
B) Jury Trial Rates (JURATEX) are Dependent Variables			
1) Backlog Ratio (Ind. Vars.)			1.21
one year lag BKLOG1	-.017	-1.00	
two year lag BKLOG2	.005	.54	
2) Pending Cases (Ind. Vars.)			1.14
one year lag FPTP1	-.005	-1.02	
two year lag FPTP2	.005	1.24	
3) Disposition (Ind. Vars.)			1.17
one year lag FDTP1	.007	1.41	
two year lag FDTP2	.001	.16	
4) Merit Dispositions (Ind. Vars.)			.50
one year lag DDTXP1	.003	.33	
two year lag DDTXP2	-.008	-1.00	

Each section (1, 2, etc.) represents a separate regression. The forward analyses are the same as the regressions in Tables 4.1 to 4.4, except that there are additional independent variables: the trial rate variables and the dependent variables lagged one and two years. The results in the above regressions for the other independent variables are similar to the results in Tables 4.1 to 4.4. The backward analyses also include the variables in these tables, as well as lagged values of the dependent variable. The backward, but not forward, analyses include year dummies.

Table IL 3.1a Delay and Trial Rates - Illinois
(Granger-Sims test for causal relationship between the backlog index and various measures of trials)

	Coefficient	T Ratio	F Ratio
I. Forward Analysis (the dependent variable is the backlog index, BKLOG)			
1) Ind. Var. = Jury trial rate (trials divided by dispositions, times 100)			.23
one year lag JURATE1	.16	.10	
two year lag JURATE2	1.01	.67	
2) Ind. Var. = Jury trial rate based on merit dispositions (trials divided by merit dispositions, times 100)			.18
one year lag JURATEX1	.48	.53	
two year lag JURATEX2	.26	.31	
3) Ind. Var. = Trials per capita (trials divided by 100,000 population)			.15
one year lag DTRP1	-.05	-.21	
two year lag DTRP2	-.10	-.47	
4) Ind. Var. = Trial rate (trials divided by dispositions, times 100)			.42
one year lag TRRATE1	-.79	-.88	
two year lag TRRATE2	.35	.44	
5) Ind. Var. = Trial rate based on merit dispositions (trials divided by merit dispositions, times 100)			.19
one year lag TRRATEX1	-.24	-.50	
two year lag TRRATEX2	-.14	-.33	

Table IL 3.1a cont.

	Coefficient	T Ratio	F Ratio
II. Backward Analysis (various trial measures are the dependent variables, and lagged values of the backlog index are independent variables)			
1) Jury trial rate (JURATE) as D.V.			.52
one year lag BKLOG1	-.007	-1.00	
two year lag BKLOG2	.001	.13	
2) Jury trial rate, based on merit disp. (JURATEX) as D.V.			1.21
one year lag BKLOG1	-.017	-1.39	
two year lag BKLOG2	.005	.54	
3) Trials per capita (DTRP) as D.V.			1.94[n]
one year lag BKLOG1	-.034	-.79	
two year lag BKLOG2	-.067	-1.88[m]	
4) Trial rate (TRRATE) as D.V.			.90
one year lag BKLOG1	-.015	-1.31	
two year lag BKLOG2	-.003	-.30	
5) Trial rate, based on merit dispositions (TRRATEX) as D.V.			.61
one year lag BKLOG1	-.021	-1.09	
two year lag BKLOG2	.004	-.28	

Each section (1, 2, etc.) represents a separate regression, the same those Table 3.1 for the backlog index, except that different measures of trials are used. Year dummies were included in the backward, but not forward, analysis.

Table IL 3.2 Delay and Circuit Judges - Illinois
(Granger-Sims test for causal relationship between delay and circuit judges)

	Coefficient	T Ratio	F Ratio
I. Forward Analysis (Judges are independent variables)			
1) Dependent Var. = Backlog Ratio			
Judges per capita (Ind. Vars.)			
one year lag JDCIRP1	11.41	1.01	
2) Dependent Var. = Pending Cases			
Judges per capita (Ind. Vars.)			
one year lag JDCIRP1	38.94	1.40	
3) Dependent Var. = Dispositions			
Judges per capita (Ind. Vars.)			
one year lag JDCIRP1	1.73	.58	
4) Dependent Var. = Merit Dispositions			
Judges per capita (Ind. Vars.)			
one year lag JDCIRP1	-3.40	-.39	
II. Backward Analysis (circuit judges per capita, JDCIRP, are dependent variables)			
1) Backlog Ratio (Ind. Vars.)			.03
one year lag BKLOG1	.0002	.22	
two year lag BKLOG2	.0000	.01	
2) Pending Cases (Ind. Vars.)			.13
one year lag FPTP1	-.0001	-.17	
two year lag FPTP2	-.0001	-.45	
3) Disposition (Ind. Vars.)			.21
one year lag FDTP1	-.0002	-.52	
two year lag FDTP2	-.0001	-.24	
4) Merit Dispositions (Ind. Vars.)			.41
one year lag DDTXP1	.0003	.41	
two year lag DDTXP2	.0005	.69	

Each section (1, 2, etc.) represents a separate regression. The forward analyses are the same as those in Tables 4.1 to 4.4, except that the judge variable is lagged one year, and the dependent variables lagged one and two years are entered as independent variables. The results in the above regressions for the other independent variables are similar to the results in Tables 4.1 to 4.4. The backward analyses also include the variables in these tables, as well as the dependent variable lagged one year. The backward, but not the forward, analyses include year dummies.

Table IL 3.2a Delay and Associate Judges - Illinois
(Granger-Sims test for causal relationship between delay and associate judges)

	Coefficient	T Ratio	F Ratio
I. Forward Analysis (Judges are independent variables)			
1) Dependent Var. = Backlog Ratio			
Judges per capita (Ind. Vars.)			
one year lag JDASSP1	-18.08	-2.25[N]	
2) Dependent Var. = Pending Cases			
Judges per capita (Ind. Vars.)			
one year lag JDASSP1	-53.30	-2.79[M]	
3) Dependent Var. = Dispositions			
Judges per capita (Ind. Vars.)			
one year lag JDASSP1	-6.71	-1.06	
4) Dependent Var. = Merit Dispositions			
Judges per capita (Ind. Vars.)			
one year lag JDASSP1	-28.65	-2.86[M]	
II. Backward Analysis (associate judges per capita, JDASSP, are dependent variables)			
1) Backlog Ratio (Ind. Vars.)			1.60
one year lag BKLOG1	-.0015	-1.66[m]	
two year lag BKLOG2	.0003	.44	
2) Pending Cases (Ind. Vars.)			1.32
one year lag FPTP1	-.0006	-1.58[n]	
two year lag FPTP2	.0002	.57	
3) Disposition (Ind. Vars.)			.93
one year lag FDTP1	.0004	1.16	
two year lag FDTP2	.0001	.43	
4) Merit Dispositions (Ind. Vars.)			.82
one year lag DDTXP1	.0006	.88	
two year lag DDTXP2	.0005	.70	

Each section (1, 2, etc.) represents a separate regression. The forward analyses are the same as those in Tables 4.1 to 4.4, except that the judge variable is lagged one year, and the dependent variables lagged one and two years are entered as independent variables. The results in the above regressions for the other independent variables are similar to the results in Tables 4.1 to 4.4. The backward analyses also include the variables in these tables, as well as the dependent variable lagged one year. The backward analysis includes year dummies.

Table IL 4.1 Delay Analysis - Illinois (1977-84)
(dependent variable - Backlog Index)

Independent variable	Coefficient	T Ratio	F Ratio
Jury Trials			.26
Current year DJUP	-.15	-.39	
Prior year DJUP1	-.21	-.57	
Judges			
Circuit JDCIRP	6.83	.83	
Associate JDASSP	-21.34	-3.00[M]	
Associate judges available for felony cases (JDASSPX)	-12.59	-2.62[N]	
Felony Filings			.27
Current year FFIP	-.020	-.73	
Prior year FFIP1	.004	.17	
Civil Filings			1.28
Current year CRFIP	.016	1.17	
Prior year CRFIP1	-.022	-1.46[n]	
Delay Reduction Programs (dummies)			
Continuance restrictions (1983) QCON	-1.50	-.29	
Reports for delay monitoring (1980) QRPTCFM	8.32	1.18	
Indictment in 30 days (1984) QSPTX	2.73	.49	
Statistical Controls			
Percent of courts that include inactive cases DPIX	.19	3.44[X]	

DF = 121; F Ratio = 4.9; Adj. R-Sq = .45; D.W. = 2.03; the F statistic for the district dummies is 1.95. The dependent variable (BKLOG) is pending cases divided by dispositions, times 100. Many courts changed from including to excluding inactive cases in the pending figures; this is controlled for by using the variable DPIX.

Table IL 4.2 Delay Analysis - Illinois (1977-84)
(dependent variable - pending cases)

Independent variable	Coefficient	T Ratio	F Ratio
Jury Trials*			.46
Current year DJUP	.33	.35	
Prior year DJUP1 [JURATEX1]	-.87	-.92	
Judges			
Circuit JDCIRP	18.51	.89	
Associate JDASSP	-56.58	-3.07[M]	
Associate judges available for felony cases (JDASSPX)	-24.43	-2.04[N]	
Felony Filings			9.52[X]
Current year FFIP	.225	3.16[M]	
Prior year FFIP1	.115	1.75[m]	
Civil Filings			1.61
Current year CRFIP	.041	1.13	
Prior year CRFIP1	.018	.49	
Delay Reduction Programs (dummies)			
Continuance restrictions (1983) QCON	-1.66	-.12	
Reports for delay monitoring (1980) QRPTCFM	8.39	.69	
Indictment in 30 days (1984) QSPTX	3.79	.26	
Statistical Controls			
Percent of courts that include inactive cases DPIX	.35	2.69[M]	

DF = 121; F Ratio = 6.8; Adj. R-Sq = .55; D.W. = 1.74; the F statistic for the district dummies is 4.76. The year dummies are not included; if included, their F = 2.22, but the results do not change. The dependent variable (FPTP) is pending cases divided 100,000 population. Many courts changed from including to excluding inactive cases in the pending figures; this is controlled for by using the variable DPIX. The impact of criminal filings is probably artificial; more filings mean more short-term pending cases, not necessarily more delay in processing cases.

* In a separate analysis with jury trial rate based on merit dispositions (JURATEX) the results are very similar, with T Ratios of .52 and -1.58 for the current and prior years.

Table IL 4.3 Delay Analysis - Illinois (1976-84)
(dependent variable - dispositions)

Independent variable	Coefficient	T Ratio	F Ratio
Jury Trials			1.85
Current year DJUP	.56	.84	
Prior year DJUP1	.40	.61	
Judges			
Circuit JDCIRP	2.66	.91	
Associate JDASSP	-3.64	-.61	
Associate judges available for felony cases (JDASSPX)	10.56	2.30[N]	
Felony Filings			233.85[X]
Current year FFIP	.598	11.18[X]	
Prior year FFIP1	.296	5.64[X]	
Civil Filings			1.69
Current year CRFIP	-.047	-1.67[m]	
Prior year CRFIP1	.054	1.79[m]	
Delay Reduction Programs (dummies)			
Continuance restrictions (1983) QCON	6.46	.58	
Reports for delay monitoring (1980) QRPTCFM	-1.90	-.16	
Indictment in 30 days (1984) QSPTX	-2.21	-.17	
Statistical Controls			
Percent of courts that include inactive cases DPIX	-.32	-3.09[M]	

DF = 157; F Ratio = 64.1; Adj. R-Sq = .83; D.W. = 1.83; the district dummies are not included (when included their F statistic is 1.54. The dependent variable (FDTP) is dispositions divided by dispositions, times 100. Criminal filings are counted at the time of the initial complaint, rather than (as in other states) after determination of probable cause.

Table IL 4.4 Delay Analysis - Illinois (1976-84)
(dependent variable - merit dispositions)

Independent variable	Coefficient	T Ratio	F Ratio
Jury Trials			9.92[X]
Current year DJUP	1.80	4.00[X]	
Prior year DJUP1	.69	1.59[n]	
Judges			
Circuit JDCIRP	13.20	1.59[n]	
Associate JDASSP	-24.95	-2.84[M]	
Associate judges available for felony cases (JDASSPX)	13.62	2.45[N]	
Felony Filings			6.87[M]
Current year FFIP	.072	2.24[N]	
Prior year FFIP1	.048	1.59[n]	
Civil Filings			.64
Current year CRFIP	-.015	-.70	
Prior year CRFIP1	.024	1.12	
Statistical Controls			
Percent of courts that include inactive cases DPIX	.12	1.64[n]	

DF = 133; F Ratio = 26.4; Adj. R-Sq = .85; D.W. = 1.77; the F statistics for the district and year dummies are 9.1 and 5.4. The dependent variable (DDTXP) is the number of defendants tried or entering guilty pleas, divided by 100,000 population (note that filings are the number of cases, not defendants).

Table IA 2 Variable Means - Iowa

Dependent Variables	Mean
Backlog Index (pending divided by dispositions, times 100) BKLOG	45.91
Pending per Capita KPTP	546.71
Dispositions per Capita KDTP	1186.13
District Judge Dispositions per Capita KDTYP	588.00
Independent Variables	
Trial Rates	
Associate Judge Jury Trials Per Capita KJUXP	7.48
District Judge Jury Trials Per Capita KJUYP	19.29
Associate Judge Jury Trial Rate (associate judge jury trials divided by associate judge dispositions) JURATEX	1.54
District Judge Jury Trial Rate (district judge jury trials divided by district judge dispositions) JURATEY	3.39
Judges	
District Judges per Capita JDP	3.19
Associate Judges per Capita JDXP	1.36
Criminal Filings per Capita KFIP	1220.42
Civil Filings per Capita CCFIP	1690.74
Percent of Cases Disposed by Associate Judges KDXPCT	47.26
Dummy Variables	
Court Administrators Control Scheduling QCFM	.84
Speedy Trial Law Change (1978) QSPTX	.74
Time Standards (1986) QTSTD	.15

Note - Per capita data are per 100,000 population

Table IA 3.1 Delay Analysis - Iowa
(Granger-Sims test for relationship between delay and trial rates)

	Coefficient	T Ratio	F Ratio
I. Forward Analyses			
A. With Trials Per Capita as Independent Variables			
1) Dependent Var. = Backlog Ratio			
Independent Vars.:			
Ass. Judge Jury Trials			.44
one year lag KJUXP1	-.33	-.87	
two year lag KJUXP2	.22	.62	
Dist. Judge Jury Trials			1.27
one year lag KJUYP1	-.07	-.35	
two year lag KJUYP2	.30	1.57[n]	
2) Dependent Var. = Pending Cases			
Independent Vars.:			
Ass. Judge Jury Trials			1.30
one year lag KJUXP1	-5.35	-1.54[n]	
two year lag KJUXP2	3.21	.96	
Dist. Judge Jury Trials			1.53
one year lag KJUYP1	.02	.01	
two year lag KJUYP2	2.93	1.67[m]	
3) Dependent Var. = Dispositions			
Independent Vars.:			
Ass. Judge Jury Trials			1.88
one year lag KJUXP1	.63	.20	
two year lag KJUXP2	-5.35	-1.68[m]	
Dist. Judge Jury Trials			.88
one year lag KJUYP1	2.15	1.21	
two year lag KJUYP2	-2.03	-1.19	
4) Dependent Var. = District Judge Dispositions			
Independent Vars.:			
Ass. Judge Jury Trials			2.47[m]
one year lag KJUXP1	-1.65	-.80	
two year lag KJUXP2	-2.54	-1.25	
Dist. Judge Jury Trials			1.74
one year lag KJUYP1	-.13	-.12	
two year lag KJUYP2	-1.43	-1.35	

Table 3.1 (page 2)

	Coefficient	T Ratio	F Ratio
I. Forward Analyses (cont.)			
B. With Trial Rate as Independent Variable.			
1) Dependent Var. = Backlog Ratio			
Independent Vars.:			
Associate judge jury trial rate			.45
one year lag JURATEX1	-.11	-.08	
two year lag JURATEX2	1.12	.94	
District judge jury trial rate			1.25
one year lag JURATEY1	-.30	-.23	
two year lag JURATEY2	1.74	1.57[n]	
2) Dependent Var. = Pending Cases			
Independent Vars.:			
Ass. Judge Jury Trials			.30
one year lag JURATEX1	-5.41	-.45	
two year lag JURATEX2	8.09	.74	
Dist. Judge Jury Trials			2.47[m]
one year lag JURATEY1	3.58	.30	
two year lag JURATEY2	21.68	2.19[N]	
3) Dependent Var. = Dispositions			
Independent Vars.:			
Ass. Judge Jury Trials			1.66
one year lag JURATEX1	-2.92	-.25	
two year lag JURATEX2	-13.53	-1.38	
Dist. Judge Jury Trials			1.05
one year lag JURATEY1	13.03	1.40	
two year lag JURATEY2	-10.61	-1.17	
4) Dependent Var. = District Judge Dispositions			
Independent Vars.:			
Ass. Judge Jury Trials			9.20[X]
one year lag JURATEX1	-13.84	-2.01[N]	
two year lag JURATEX2	-13.14	-2.37[N]	
Dist. Judge Jury Trials			1.53
one year lag JURATEY1	2.65	.49	
two year lag JURATEY2	-8.58	-1.64[n]	

Table 3.1 (page 3)

	Coefficient	T Ratio	F Ratio
II. Backward Analyses			
A. With District Trials Per Capita as Dependent Variables			
1) Backlog Index (Ind. Vars·)*			4.41^{N}
one year lag BKLOG1	.175	2.61^{N}	
two year lag BKLOG2	.021	-.31	
2) Pending Cases (Ind. Vars·)			4.13^{N}
one year lag KPTP1	.019	2.87^{M}	
two year lag KPTP2	.014	-2.29^{N}	
3) Total Disposition (Ind. Vars·)*			3.99^{N}
one year lag KDTP1	-.016	-2.15^{N}	
two year lag KDTP2	-.007	-1.48^{n}	
4) District Dispositions (Ind. Vars·)			3.03^{m}
one year lag KDTYP1	-.021	-1.97^{m}	
two year lag KDTYP2	-.006	-.99	
B. With District Trial Rate as the Dependent Variable			
1) Backlog Index (Ind. Vars·)*			4.84^{M}
one year lag BKLOG1	.031	2.29^{N}	
two year lag BKLOG2	.010	.78	
2) Pending Cases (Ind. Vars·)*			5.05^{M}
one year lag KPTP1	.004	2.79^{M}	
two year lag KPTP2	-.001	-.89	
3) Total Dispositions (Ind. Vars·)*			1.84
one year lag KDTP1	-.002	-1.65^{n}	
two year lag KDTP2	-.001	-.60	
4) District Dispositions (Ind. Vars·)			.30
one year lag KDTYP1	-.001	-.53	
two year lag KDTYP2	.001	.69	

The forward analyses are similar to those in 4.1 to 4.4, except that there are additional independent variables: the trial rate variables and the independent variables lagged one and two years. Also, corrections for autocorrelation were not needed. The results in the above regressions for the other independent variables are similar to the results in Tables 4.1 to 4.4. The backward analyses also include variables in these tables, as well as lagged values of the dependent variable. Asterisks (*) indicate that year dummies were significant and included.

Table IA 3.2 Delay and Judges - Iowa
(Granger-Sims test for causal relationship between delay and judges)

		Coefficient	T Ratio	F Ratio
I. Forward Analyses (trials are independent variables)				
1) Dependent Var. = Backlog Index				
Judges lagged (Ind. Vars.)				
associate judges	JDYP1	-1.24	-.14	
district judges	JDXP1	14.91	1.13	
2) Dependent Var. = Pending Cases				
Judges lagged (Ind. Vars.)				
associate judges	JDYP1	43.37	.50	
district judges	JDXP1	118.26	.99	
3) Dependent Var. = Dispositions				
Judges lagged (Ind. Vars.)				
associate judges	JDYP1	61.66	1.62[n]	
district judges	JDXP1	-8.94	-.15	
4) Dependent Var. = Merit Dispositions				
Judges lagged (Ind. Vars.)				
associate judges	JDYP1	38.58	1.56[n]	
district judges	JDXP1	-8.31	-.22	
II. Backward Analyses (district judges per capita, JDP, are dependent variables)				
1) Backlog Index (Ind. Vars.)				.25
one year lag	BKLOG1	-.0005	-.52	
two year lag	BKLOG2	.0007	.71	
2) Pending Cases (Ind. Vars.)				.10
one year lag	DPTP1	.0000	-.40	
two year lag	DPTP2	.0000	-.46	
3) Disposition (Ind. Vars.)				1.01
one year lag	DDTP1	-.0001	-.38	
two year lag	DDTP2	-.0001	-1.28	
4) Merit Dispositions (Ind. Vars.)				.14
one year lag	DDTXP1	-.0001	.53	
two year lag	DDTXP2	.0000	.09	

The forward analyses are the same as those in Tables 4.1 to 4.4, except that the judge variables are lagged one year, and the dependent variables lagged one and two years are entered as independent variables. Also, corrections for autocorrelation were not needed. The results in the above regressions for the other independent variables are similar to the results in Tables 4.1 to 4.4. The backward analyses also includes the variables in these tables, plus the lagged dependent variable.

Table IA 4.1 Delay Analysis - Iowa
(dependent variable - backlog index)

Independent Variables	Coefficient	T Ratio	F Ratio
Ass. Judge Jury Trials			.51
Current year KJUXP	-.20	-.56	
Prior year KJUXP1	-.32	-.88	
Dist. Judge Jury Trials			.79
Current year KJUYP	.26	1.26	
Prior year KJUYP1	.01	.04	
Judges			
District judges JDP	-9.21	-.96	
Associate judges JDXP	26.63	1.78[m]	
Criminal Filings			3.17[N]
Current year KFIP	-.019	-2.51[N]	
Prior year KFIP1	.009	1.25	
Civil Filings			3.64[N]
Current year CCFIP	.004	.51	
Prior year CCFIP1	.015	2.08[N]	
Percent of Cases Disposed by Associate Judges KDXPCT	.14	.82	
Court Administrators Control Scheduling QCFM	4.85	.90	
Speedy Trial Law Change (1978) QSPTX	-1.44	-.34	
Time Standards (1986) QTSTD	-4.16	-1.20	

DF = 69; F Ratio = 8.8; Adj. R-Sq. = .65; D.W. = 1.96 (1.26 before correction). The F statistic for the district dummies is 3.2. The dependent variable (BKLOG) is the number pending divided by the number disposed, times 100. The impact of criminal filings is probably artificial; more filings mean more short-term pending cases, not necessarily more delay in processing cases.

Table IA 4.2 Delay Analysis - Iowa
(dependent variable - number pending)

Independent Variables	Coefficient	T Ratio	F Ratio
Ass. Judge Jury Trials*			1.76
Current year KJUXP	-4.27	-1.20	
Prior year KJUXP1	-5.74	-1.63[n]	
Dist. Judge Jury Trials*			.56
Current year KJUYP	2.18	1.04	
Prior year KJUYP1	.81	.42	
Judges			
District judges JDP	43.67	.43	
Associate judges JDXP	179.44	1.15	
Criminal Filings			6.11[M]
Current year KFIP	.155	1.98[m]	
Prior year KFIP1	.147	2.13[N]	
Civil Filings			1.97[n]
Current year CCFIP	.030	.39	
Prior year CCFIP1	.122	1.65[n]	
Percent of Cases Disposed by Associate Judges KDXPCT	1.68	.91	
Court Administrators Control Scheduling QCFM	58.29	1.00	
Speedy Trial Law Change (1978) QSPTX	6.61	.15	
Time Standards (1986) QTSTD	-60.05	-1.73[m]	

DF = 69; F Ratio = 11.5; Adj. R-Sq. = .71; D.W. = 1.71 (.83 before correction). The F statistic for the district dummies is 4.4. The dependent variable (KPTP) is the number of cases pending divided by 100,000 population. The impact of criminal filings is probably artificial; more filings mean more short-term pending cases, not necessarily more delay in processing cases.

* When the jury trial rate (associate and district jury trials divided by dispositions, JURATEX and JURATEY) are substituted for KJUXP and KJUYP, the results are slightly different (For JURATEX, current year: Coef. = 1.57, T = .10; prior year: Coef. = -20.33, T = -1.55; F = 1.22. For JURATEY, current year: Coef. = 29.39, T = 2.62; prior year: Coef. = 10.83, T = 1.01; F = 3.50.)

Table IA 4.3 Delay Analysis - Iowa
(dependent variable - dispositions)

Independent Variables	Coefficient	T Ratio	F Ratio
Ass. Judge Jury Trials			.50
Current year KJUXP	1.91	.61	
Prior year KJUXP1	-3.02	-1.00	
Dist. Judge Jury Trials			.36
Current year KJUYP	-1.05	-.59	
Prior year KJUYP1	1.29	.84	
Judges			
District judges JDP	57.78	1.62[n]	
Associate judges JDXP	-41.20	-.74	
Criminal Filings			291.20[X]
Current year KFIP	.904	13.22[X]	
Prior year KFIP1	.093	1.33	
Civil Filings			.17
Current year CCFIP	-.030	-.43	
Prior year CCFIP1	.003	.05	
Percent of Cases Disposed by Associate Judges KDXPCT	.43	.42	
Court Administrators Control Scheduling QCFM	-12.80	-.36	
Speedy Trial Law Change (1978) QSPTX	-1.42	-.04	
Time Standards (1986) QTSTD	23.74	.90	

DF = 84; F Ratio = 127.4; Adj. R-Sq. = .95; D.W. = 1.88. The District dummies were not included (when included their F value is 1.3). The dependent variable (KDTP) is the number of dispositions divided by 100,000 population.

Table IA 4.4 Delay Analysis - Iowa
(dependent variable - dispositions by district judges)

Independent Variables	Coefficient	T Ratio	F Ratio
Ass. Judge Jury Trials			2.71[m]
Current year KJUXP	-2.28	-1.17	
Prior year KJUXP1	-1.82	-.96	
Dist. Judge Jury Trials			2.66[m]
Current year KJUYP	-1.90	-1.75[m]	
Prior year KJUYP1	-.19	-.20	
Judges			
District judges JDP	53.18	2.38[N]	
Associate judges JDXP	-12.45	-.36	
Associate Criminal Filings			6.54[M]
Current year KFIXP	.255	3.62[X]	
Prior year KFIXP	-.108	-1.47[n]	
District Criminal Filings			67.60[X]
Current year KFIYP	.644	9.06[X]	
Prior year KFIYP1	.108	1.92[m]	
Civil Filings			.05
Current year CCFIP	.003	.07	
Prior year CCFIP1	.007	.16	
Percent of Cases Disposed by Associate Judges KDXPCT	-5.83	-4.44[X]	
Court Administrators Control Scheduling QCFM	2.31	.10	
Speedy Trial Law Change (1978) QSPTX	-13.29	-.59	
Time Standards (1986) QTSTD	-.83	-.05	

DF = 82; F Ratio = 41.9; Adj. R-Sq. = .87; D.W. = 1.56. The district dummies are not included; when included their F statistic is 1.13. The dependent variable (KDTYP) is the number of cases disposed by district judges divided by 100,000 population.

Table KA 2 Variable Means - Kansas

Dependent Variables	Means
1) Backlog Index (pending divided by dispositions, times 100) BKLOG	16.45
2) Criminal pending over one year FPT12UP	4.85
3) Felony pending over one year FPT12UP	5.48
4) Pending Per Capita KPTP	190.56
5) Felony Pending Per Capita FPTP	116.36
6) Dispositions Per Capita KDTP	1293.35
7) Merit Dispositions Per Capita (jury and nonjury trials, and guilty pleas) KDTXP	770.51
Independent Variables	
Jury Trials Per Capita KJUP	25.81
Jury Trial Rate (trials divided by merit dispositions, times 100) JURATEX	3.97
Jury Trial Rate (trials divided by total dispositions, times 100) JURATE	2.33
Total Trials Per Capita KTRP	65.25
Trial Rate (trials divided by merit dispositions, times 100) TRRATEX	9.16
Trial Rate (trials divided by total dispositions, times 100) TRRATE	5.48
Judges Per Capita JDP	5.51
Magistrates Per Capita JDZP	5.48
Criminal Filings Per Capita KFIP	1168.95
Civil Filings Per Capita CRFIP	835.32
Misdemeanor Percent MPCT	56.51
Productivity Review QPROD	.24
Time Standards (1982) QTSTD	.74

Per capita figures are per 100,000 population.

Table KA 3.1 Delay and Trial Rates - Kansas
(Granger-Sims test for causal relationship between delay and trial rates)

	Coefficient	T Ratio	F Ratio
I. Forward Analyses			
A. With Jury Trials Per Capita as Independent Variables			
1) Dependent Var. = Backlog Index			
Jury Trials (Ind. Vars.)*			.12
one year lag KJUP1	.01	.45	
two year lag KJUP2	.00	.10	
2) Dependent Var. = Criminal Pending 1 Year			
Jury Trials (Ind. Vars.)*			.03
one year lag KJUP1	-.01	-.20	
two year lag KJUP2	-.05	-.10	
3) Dependent Var. = Felony Pending 1 Year			
Jury Trials (Ind. Vars.)*			.16
one year lag KJUP1	-.01	-.53	
two year lag KJUP2	-.00	-.09	
4) Dependent Var. = Pending Cases			
Jury Trials (Ind. Vars.)*			.02
one year lag KJUP1	.01	.02	
two year lag KJUP2	.05	.17	
5) Dependent Var. = Felony Pending			
Jury Trials (Ind. Vars.)*			.08
one year lag KJUP1	-.04	-.19	
two year lag KJUP2	-.07	-.32	
6) Dependent Var. = Dispositions			
Jury Trials (Ind. Vars.)*			.05
one year lag KJUP1	-.03	-.05	
two year lag KJUP2	-.17	-.30	
7) Dependent Var. = Merit Dispositions			
Jury Trials (Ind. Vars.)			.08
one year lag KJUP1	-.28	-.36	
two year lag KJUP2	.18	.23	

Table KA 3.1 (page 2)

	Coefficient	T Ratio	F Ratio
I. Forward Analysis (cont.)			
B. With Jury Trial Rate as an Independent Variable			
1) Dependent Var. = Backlog Index			
Jury Trials (Ind. Vars.)*			.25
one year lag JURATEX1	.15	.69	
two year lag JURATEX2	.02	.09	
2) Dependent Var. = Criminal Pending 1 Year			
Jury Trials (Ind. Vars.)*			.14
one year lag JURATEX1	-.02	-.10	
two year lag JURATEX2	-.10	-.51	
3) Dependent Var. = Felony Pending 1 Year			
Jury Trials (Ind. Vars.)*			.15
one year lag JURATEX1	.09	.54	
two year lag JURATEX2	-.02	-.11	
4) Dependent Var. = Pending Cases			
Jury Trials (Ind. Vars.)*			.18
one year lag JURATEX1	1.15	.56	
two year lag JURATEX2	.32	.16	
5) Dependent Var. = Felony Pending			
Jury Trials (Ind. Vars.)*			1.02
one year lag JURATEX1	.83	.58	
two year lag JURATEX2	-.59	-.43	
6) Dependent Var. = Dispositions			
Jury Trials (Ind. Vars.)*			.76
one year lag JURATEX1	.84	.23	
two year lag JURATEX2	-4.46	-1.23	
7) Dependent Var. = Merit Dispositions			
Jury Trials (Ind. Vars.)			.04
one year lag JURATEX1	-1.39	-.28	
two year lag JURATEX2	.20	.04	

Table KA 3.1 (page 3)

		Coefficient	T Ratio	F Ratio
II. Backward Analyses				
A. With Jury Trials Per Capita as the Dependent Variable				
1) Backlog Index (Ind. Vars.)				.88
one year lag	BKLOG1	.181	1.24	
two year lag	BKLOG2	.003	.02	
2) Criminal Pending 1 year (Ind. Vars.)				.51
one year lag	KPT12UP1	-.115	-.80	
two year lag	KPT12UP2	-.021	-.21	
3) Felony Pending 1 year (Ind. Vars.)				.07
one year lag	FPT12UP1	-.005	-.04	
two year lag	FPT12UP2	-.037	-.35	
4) Pending Cases (Ind. Vars.)				1.13
one year lag	KPTP1	.021	1.45	
two year lag	KPTP2	-.003	-.31	
5) Pending Felony Cases (Ind. Vars.)				1.19
one year lag	FPTP1	.027	1.19	
two year lag	FPTP2	.010	.53	
6) Disposition (Ind. Vars.)				.11
one year lag	KDTP1	-.003	-.35	
two year lag	KDTP2	.001	.36	
7) Merit Dispositions (Ind. Vars.)				3.72^{M}
one year lag	KDTXP1	.021	2.72^{M}	
two year lag	KDTXP2	-.005	-.92	

Table KA 3.1 (page 4)

		Coefficient	T Ratio	F Ratio
II. Backward Analyses (cont.)				
B. With Jury Trial Rate as the Dependent Variable				
1) Backlog Index (Ind. Vars.)				1.64
one year lag	BKLOG1	.02	1.06	
two year lag	BKLOG2	.02	1.03	
2) Criminal Pending 1 year (Ind. Vars.)				.11
one year lag	KPT12UP1	.00	.15	
two year lag	KPT12UP2	-.01	-.46	
3) Felony Pending 1 year (Ind. Vars.)				.49
one year lag	FPT12UP1	.02	.95	
two year lag	FPT12UP2	-.01	-.66	
4) Pending Cases (Ind. Vars.)				1.07
one year lag	KPTP1	.002	1.08	
two year lag	KPTP2	.001	.41	
5) Pending Felony Cases (Ind. Vars.)				1.46
one year lag	FPTP1	.002	.57	
two year lag	FPTP2	.004	1.34	
6) Disposition (Ind. Vars.)				.08
one year lag	KDTP1	.000	-.04	
two year lag	KDTP2	.000	-.39	
7) Merit Dispositions (Ind. Vars.)				1.27
one year lag	KDTXP1	.002	1.55[n]	
two year lag	KDTXP2	-.001	-1.03	

Each section (1, 2, etc.) represents a separate regression. The forward analyses are similar to those in Tables 4.1 to 4.7, except that independent variables include the dependent variables lagged one and two years. The results in the above regressions for the other independent variables are similar to the results in Tables 4.1 to 4.7. The backward analyses also include the variables in these tables, as well as lagged values of the dependent variable. The backward analyses does not include year dummies, because the F test indicated that they are not significant.

Table KA 3.1a Delay and Trial Rates - Kansas
(Granger-Sims test for causal relationship between the backlog index and various measures of trials)

	Coefficient	T Ratio	F Ratio
I. Forward Analyses (the dependent variable is the backlog index, BKLOG)			
1) Ind. Var. = Jury trial rate (trials divided by dispositions, times 100)			.22
one year lag JURATE1	.14	.44	
two year lag JURATE2	.14	.43	
2) Ind. Var. = Trials per capita (trials divided by 100,000 population)			.78
one year lag KTRP1	.01	.83	
two year lag KTRP2	.01	.79	
3) Ind. Var. = Trial rate (trials divided by dispositions, times 100)			.92
one year lag TRRATE1	.12	.67	
two year lag TRRATE2	.18	.98	
4) Ind. Var. = Trial rate based on merit dispositions (trials divided by merit dispositions, times 100)			2.37[n]
one year lag TRRATEX1	.19	1.55[n]	
two year lag TRRATEX2	.16	1.24	

Table KA 3.1a cont.

		Coefficient	T Ratio	F Ratio
II. Backward Analyses (various trial measures are the dependent variables, and lagged values of the backlog index are independent variables)				
1) Jury trial rate (JURATE) as D.V.				1.53
one year lag	BKLOG1	.01	.85	
two year lag	BKLOG2	.01	1.15	
2) Trials per capita (KTRP) as D.V.				1.27
one year lag	BKLOG1	-.32	-1.05	
two year lag	BKLOG2	-.18	-.77	
3) Trial rate (TRRATE) as D.V.				1.28
one year lag	BKLOG1	-.04	-1.53[n]	
two year lag	BKLOG2	.00	.10	
4) Trial rate, based on merit dispositions (TRRATEX) as D.V.				1.71
one year lag	BKLOG1	-.06	-1.61[n]	
two year lag	BKLOG2	-.01	-.30	

These eight regressions are similar to those Table 3.1 for the backlog index, except that different measures of trials are used.

Table KA 3.2 Delay and Judges - Kansas
(Granger-Sims test for causal relationship between delay and judges)

	Coefficient	T Ratio
I. Forward Analyses (Judges are independent variables)		
1) Dependent Var. = Backlog Index Judges per capita (Ind. Vars.) one year lag JDP1	.46	.69
2) Dependent Var. = Criminal Pending 1 Year Judges per capita (Ind. Vars.) one year lag JDP1	.03	.05
3) Dependent Var. = Felony Pending 1 Year Judges per capita (Ind. Vars.) one year lag JDP1	-.10	-.19
4) Dependent Var. = Pending Cases Judges per capita (Ind. Vars.) one year lag JDP1	6.91	1.08
5) Dependent Var. = Pending Felony Judges per capita (Ind. Vars.) one year lag JDP1	1.50	.34
6) Dependent Var. = Dispositions Judges per capita (Ind. Vars.) one year lag JDP1	21.93	1.83[m]
7) Dependent Var. = Merit Disp. Judges per capita (Ind. Vars.) one year lag JDP1	-5.89	-.35

Table KA 3.2 Cont.

		Coefficient	T Ratio	F Ratio
II. Backward Analyses (judges per capita, JDP, are the dependent variables)				
1) Backlog Index (Ind. Vars.)				.26
one year lag	BKLOG1	-.0029	-.70	
two year lag	BKLOG2	.0004	.13	
2) Criminal Cases Pending 1 Year (Ind. Vars.)				1.98[n]
one year lag	FPT12UP1	.0013	.33	
two year lag	FPT12UP2	-.0052	-1.91[m]	
3) Felony Cases Pending 1 Year (Ind. Vars.)				1.86
one year lag	FPT12UP1	.0024	.59	
two year lag	FPT12UP2	-.0056	-1.92[m]	
4) Pending Cases (Ind. Vars.)				.09
one year lag	KPTP1	-.0001	-.31	
two year lag	KPTP2	.0001	.40	
5) Pending Felony Cases (Ind. Vars.)				.71
one year lag	FPTP1	-.0003	-.51	
two year lag	FPTP2	.0007	1.19	
6) Disposition (Ind. Vars.)				.28
one year lag	KDTP1	-.0002	-.62	
two year lag	KDTP2	.0001	.52	
7) Merit Dispositions (Ind. Vars.)				.65
one year lag	KDTXP1	-.0002	-.81	
two year lag	KDTXP2	.0000	-.07	

The forward analyses are similar to those in Tables 4.1 to 4.4, except that the judge variable is lagged one year, and the dependent variables lagged one and two years are entered as independent variables. The results in the above regressions for the other independent variables are similar to the results in Tables 4.1 to 4.4. The backward analyses also include the variables in these tables, as well as the dependent variable lagged one year. The backward analyses does not include year dummies, because a T test indicated that they are not significant.

Table KA 4.1 Delay Analysis - Kansas
(dependent variable - backlog index)

Independent Variables	Coefficient	T Ratio	F Ratio
Jury Trials			.51
Current year KJUP	-.02	-.43	
Prior year KJUP1	.03	.73	
Judges JDP	-.62	-.77	
Magistrates JDZP	-.03	-.07	
Criminal Filings			.78
Current year KFIP	-.001	-.41	
Prior year KFIP1	.003	1.24	
Civil filings			.61
Current year CRFIP	.004	.99	
Prior year CRFIP1	.000	-.01	
Misdemeanor Percent			15.34[X]
Current year MPCT	-.28	-3.32[M]	
Prior year MPCT1	-.22	-2.94[M]	
Productivity Reviews QPROD	-.40	-.33	

DF = 183; F Ratio = 13.9; Adj. R-Sq. = .72; D.W. = 1.87. The F statistics for the district and year dummies are 4.9 and 10.5 respectively. The dependent variable (BKLOG) is the number pending, divided by dispositions, times 100.

Table KA 4.1a Delay Analysis - Kansas
(dependent variable - backlog index)

Independent Variables	Coefficient	T Ratio	F Ratio
Jury Trials			.14
Current year KJUP	-.02	-.44	
Prior year KJUP1	.01	.37	
Judges JDP	-.63	-.79	
Magistrates JDZP	-.09	-.20	
Criminal Filings			.65
Current year KFIP	.000	-.08	
Prior year KFIP1	.002	1.06	
Civil filings			1.85
Current year CRFIP	.006	1.80[m]	
Prior year CRFIP1	.000	-.13	
Misdemeanor Percent			14.10[X]
Current year MPCT	-.28	-3.72[X]	
Prior year MPCT1	-.19	-2.76[M]	
Productivity Reviews QPROD	-.70	-.59	
Year Counter YEAR	.80	2.32[N]	
Time Standards QTSTD	-13.49	-7.68[X]	

DF = 188; F Ratio = 15.5; Adj. R-Sq. = .72; D.W. = 1.88. The F statistic for the district dummies 4.9. The analysis is the same as that in Table 4.1 except that variables YEAR (which captures linear trends) and QTSTD (time standards, initiated in December 1980; coded 0 before 1981, .5 for 1981, and 1 after 1981) are added and the year dummies are not included. The results are that there is a slight upward trend in the backlog index, except for a drop in FY 1981 and 1982, right after the time standards were adopted. The impact of the time standards is shown by the coefficients for the year dummies, calculated from an analysis similar to Table 4.1, but including lagged variables for 1978. They are:

1979	6.06	1982	-3.91	1985	-1.15
1980	5.75	1983	-3.12	1986	-.55
1981	.61	1984	-3.87		

Table KA 4.2 Delay Analysis - Kansas
(dependent variable - cases pending over one year)

Independent Variables	Coefficient	T Ratio	F Ratio
Jury Trials			.72
Current year KJUP	.02	.46	
Prior year KJUP1	.04	1.00	
Judges JDP	.04	.05	
Magistrates JDZP	.60	1.36	
Criminal Filings			2.44[m]
Current year KFIP	-.005	-2.20[N]	
Prior year KFIP1	.003	1.15	
Civil filings			1.55
Current year CRFIP	-.004	-1.06	
Prior year CRFIP	-.004	-.78	
Misdemeanor Percent			2.45[m]
Current year MPCT	.19	2.16[N]	
Prior year MPCT1	-.03	-.33	
Productivity Reviews QPROD	.00	.00	

DF = 183; F Ratio = 5.1; Adj. R-Sq. = .45; D.W. = 1.98. The F statistic for the district and year dummies are 1.9 and 7.0 respectively. The dependent variable (KPT12UP) is the percent of all criminal cases pending over one year. The impact of filings is artificial: more filings in a year mean more cases in the pipeline pending less than a year, and in following year there are more in the pipeline pending more than a year.

Table KA 4.3 Delay Analysis - Kansas
(dependent variable - felony pending over one year)

Independent Variables	Coefficient	T Ratio	F Ratio
Jury Trials			.68
Current year KJUP	.02	.57	
Prior year KJUP1	.03	.88	
Judges JDP	-.45	-.55	
Magistrates JDZP	.43	.98	
Felony Filings			4.84[M]
Current year KFIP	-.017	-3.00[M]	
Prior year KFIP1	.012	2.10[N]	
Civil filings			1.00
Current year CRFIP	-.005	-1.38	
Prior year CRFIP1	.002	.38	
Misdemeanor Percent			.26
Current year MPCT	.06	.67	
Prior year MPCT1	-.01	-.16	
Productivity Reviews QPROD	-.66	-.55	

DF = 183; F Ratio = 5.1; Adj. R-Sq. = .45; D.W. = 1.95. The F statistic for the district and year dummies are 2.1 and 7.9 respectively. The dependent variable (FPT12UP) is the number of felony cases pending over one year. The impact of filings is probably artificial; more filings mean more short-term pending cases, not necessarily more delay in processing cases. The impact of filings is artificial: more filings in a year means more cases in the pipeline pending less than a year, and in following year there are more in the pipeline pending more than a year.

Table KA 4.4 Delay Analysis - Kansas
(dependent variable - Pending cases)

Independent Variables	Coefficient	T Ratio	F Ratio
Jury Trials			.30
Current year KJUP	.00	.01	
Prior year KJUP1	.31	.75	
Judges JDP	2.68	.31	
Magistrates JDZP	2.39	.52	
Criminal Filings			17.49[X]
Current year KFIP	.104	4.43[X]	
Prior year KFIP1	.037	1.69[n]	
Civil filings			.66
Current year CRFIP	.039	.96	
Prior year CRFIP1	.006	.12	
Misdemeanor Percent			6.04[M]
Current year MPCT	-1.81	-2.00[N]	
Prior year MPCT1	-1.56	-1.94[m]	
Productivity Reviews QPROD	-6.49	-.50	

DF = 183; F Ratio = 10.5; Adj. R-Sq. = .66; D.W. = 1.74. The F statistic for the district and year dummies are 5.8 and 9.2 respectively. The dependent variable (KPTP) is the number of criminal pending, divided by 100,000 population. The impact of criminal filings is probably artificial; more filings mean more short-term pending cases, not necessarily more delay in processing cases.

Table KA 4.5 Delay Analysis - Kansas
(dependent variable - Felony pending)

Independent Variables	Coefficient	T Ratio	F Ratio
Jury Trials			.02
Current year KJUP	-.03	-.14	
Prior year KJUP1	.05	.19	
Judges JDP	1.40	.26	
Magistrates JDZP	.33	.11	
Felony Filings			17.99[X]
Current year KFIP	.162	4.43[X]	
Prior year KFIP1	.061	1.63[n]	
Civil filings			2.03[n]
Current year CRFIP	.031	1.23	
Prior year CRFIP1	.026	.90	
Misdemeanor Percent			1.96[n]
Current year MPCT	-.90	-1.63[n]	
Prior year MPCT1	-.05	-.09	
Productivity Reviews QPROD	-6.29	-.79	

DF = 180; F Ratio = 13.5; Adj. R-Sq. = .72; D.W. = 1.77. The F statistic for the district and year dummies are 4.0 and 6.7 respectively. The dependent variable (FPTP) is the number of felony pending cases, divided by 100,000 population. The impact of felony filings is probably artificial; more filings mean more short-term pending cases, not necessarily more delay in processing cases.

Table KA 4.6 Delay Analysis - Kansas
(dependent variable - Dispositions)

Independent Variables	Coefficient	T Ratio	F Ratio
Jury Trials			.49
Current year KJUP	.56	.95	
Prior year KJUP1	.07	.11	
Judges JDP	36.12	2.64[M]	
Magistrates JDZP	6.59	.93	
Dispositions Filings			451.10[X]
Current year KFIP	.953	26.19[X]	
Prior year KFIP1	.029	.79	
Civil filings			.21
Current year CRFIP	.033	.52	
Prior year CRFIP1	.009	.12	
Misdemeanor Percent			14.02[X]
Current year MPCT	5.48	3.93[X]	
Prior year MPCT1	2.27	1.85[m]	
Productivity Reviews QPROD	45.08	2.30[N]	

DF = 181; F Ratio = 211.9; Adj. R-Sq. = .98; D.W. = 2.31. The F statistic for the district and year dummies are 3.6 and 2.8 respectively. The dependent variable (KDTP) is the number of criminal dispositions, divided by 100,000 population.

Table KA 4.7 Delay Analysis - Kansas
(dependent variable - Merit dispositions)

Independent Variables	Coefficient	T Ratio	F Ratio
Jury Trials			
Current year KJUP*	3.27	4.86[X]	
Prior year KJUP1	.05	.08	
Judges JDP	-32.19	-1.49[n]	
Magistrates JDZP	-12.71	-1.27	
Criminal Filings			72.56[X]
Current year KFIP	.491	11.45[X]	
Prior year KFIP1	.019	.48	
Civil filings			3.13[N]
Current year CRFIP	-.121	-2.01[N]	
Prior year CRFIP1	.150	2.23[N]	
Misdemeanor Percent			.44
Current year MPCT	.03	.02	
Prior year MPCT1	1.20	.94	
Productivity Reviews QPROD	-1.83	-.08	

DF = 159; F Ratio = 70.8; Adj. R-Sq. = .93; D.W. = 2.11 (1.26 before correction). The F statistic for the district dummies is 3.7. The dependent variable (KDTXP) is the number of merit dispositions (trials and guilty pleas) divided by 100,000 population.

* Some or all of this relationship may be spurious, and the result of the fact that more merit dispositions cause more trials (see Table 3.1 II).

Table MI 2 Variable Means - Michigan

Dependent Variables	Means
Backlog Ratio (pending divided by dispositions, times 100) BKLOG	42.1
Pending (Active) Per Capita DPAP	150.0
Dispositions Per Capita DDTP	370.7
Merit Dispositions Per Capita (jury and nonjury trials, guilty pleas) DDTXP	235.3
Independent Variables	
Jury Trials Per Capita DJUP	20.4
Jury Trial Rate (trials divided by merit dispositions, times 100) JURATEX	9.4
Jury Trial Rate (trials divided by total dispositions, times 100) JURATE	5.8
Total Trials Per Capita DTRP	26.0
Trial Rate (trials divided by merit dispositions, times 100) TRRATEX	12.4
Trial Rate (trials divided by total dispositions, times 100) TRRATE	7.5
Judges Per Capita JDP	2.1
Felony Filings Per Capita (does not include refilings) DFIP	332.5
Statistical System Change (1983) QSTATS	.38

Per capita figures are per 100,000 population.

Table MI 3.1 Delay and Trial Rates - Michigan
(Granger-Sims test for causal relationship between delay and trial rates)

	Coefficient	T Ratio	F Ratio
I. Forward Analyses			
A. With Jury Trials Per Capita as Independent Variables			
1) Dependent Var. = Backlog Index			
Jury Trials (Ind. Vars.)			1.43
one year lag DJUP1	.20	1.19	
two year lag DJUP2	.20	1.16	
2 Dependent Var. = Pending Cases			
Jury Trials (Ind. Vars.)*			2.59[m]
one year lag DJUP1	.83	1.70[m]	
two year lag DJUP2	.73	1.50[n]	
3) Dependent Var. = Dispositions			
Jury Trials (Ind. Vars.)*			.24
one year lag DJUP1	-.35	-.58	
two year lag DJUP2	-.22	-.36	
4) Dependent Var. = Merit Dispositions			
Jury Trials (Ind. Vars.)*			.10
one year lag DJUP1	-.13	-.33	
two year lag DJUP2	.12	.30	
B. With Jury Trial Rate Based on Merit Dispositions			
1) Dependent Var. = Backlog Index			
Jury Trials (Ind. Vars.)			.41
one year lag JURATEX1	.27	.88	
two year lag JURATEX2	.06	.19	
2) Dependent Var. = Pending Cases			
Jury Trials (Ind. Vars.)*			.52
one year lag JURATEX1	.66	.80	
two year lag JURATEX2	.57	.67	
3) Dependent Var. = Dispositions			
Jury Trials (Ind. Vars.)			.13
one year lag JURATEX1	.51	.52	
two year lag JURATEX2	.03	.03	
4) Dependent Var. = Merit Dispositions			
Jury Trials (Ind. Vars.)*			2.65[m]
one year lag JURATEX1	.51	.76	
two year lag JURATEX2	1.51	2.22[N]	

Table MI 3.1 Cont.

	Coefficient	T Ratio	F Ratio
II. Backward Analyses			
A. With Jury Trials Per Capita as Dependent Variables			
1) Backlog Index (Ind. Vars.)*			1.78
one year lag BKLOG1	.043	1.42	
two year lag BKLOG2	.038	1.28	
2) Pending Cases (Ind. Vars.)*			1.61
one year lag DPTP1	.015	.38	
two year lag DPTP2	.011	1.19	
3) Disposition (Ind. Vars.)*			5.38[M]
one year lag DDTP1	.001	.17	
two year lag DDTP2	-.022	-3.28[M]	
4) Merit Dispositions (Ind. Vars.)*			1.52
one year lag DDTXP1	.018	1.28	
two year lag DDTXP2	-.018	-1.63[n]	
B. With Jury Trial Rate Based on Merit Dispositions.			
1) Backlog Index (Ind. Vars.)			.10
one year lag BKLOG1	.008	.45	
two year lag BKLOG2	-.001	-.07	
2) Pending Cases (Ind. Vars.)			.26
one year lag DPTP1	.003	.59	
two year lag DPTP2	.002	.35	
3) Disposition (Ind. Vars.)			1.05
one year lag DDTP1	-.002	-.35	
two year lag DDTP2	-.005	-1.39	
4) Merit Dispositions (Ind. Vars.)			.28
one year lag DDTXP1	-.005	-.74	
two year lag DDTXP2	-.001	-.19	

The forward analyses are the same as those in Tables 4.1 to 4.4, except that there are additional independent variables: the trial rate variables and the dependent variables lagged one and two years. The results in the above regressions for the other independent variables are similar to the results in Tables 4.1 to 4.4. The backward analyses also includes the variables in these tables, as well as lagged values of the dependent variable. Askerisks (*) indicate that year dummies were significant and included in the analysis.

Table MI 3.1a Delay and Trial Rates - Michigan
(Granger-Sims test for causal relationship between the backlog index and various measures of trials)

	Coefficient	T Ratio	F Ratio
I. Forward Analyses (the dependent variable is the backlog index, BKLOG)			
1) Ind. Var. = Jury trial rate (trials divided by dispositions, times 100)			.47
one year lag JURATE1	.54	.89	
two year lag JURATE2	.26	.44	
2) Ind. Var. = Trials per capita (trials divided by 100,000 population)			1.56
one year lag DTRP1	.02	.39	
two year lag DTRP2	.07	1.72[m]	
3) Ind. Var. = Trial rate (trials divided by dispositions, times 100)			.79
one year lag TRRATE1	-.30	-.83	
two year lag TRRATE2	-.28	-.83	
4) Ind. Var. = Trial rate based on merit dispositions (trials divided by merit dispositions, times 100)			.35
one year lag TRRATEX1	-.07	-.39	
two year lag TRRATEX2	-.14	-.70	

Table MI 3.1a cont.

II. Backward Analyses (various trial measures are the dependent variables, and lagged values of the backlog index are independent variables)

1) Jury trial rate (JURATE) as D.V.				.31
one year lag	BKLOG1	-.007	-.78	
two year lag	BKLOG2	.001	.12	
2) Trials per capita (DTRP) as D.V.				.03
one year lag	BKLOG1	.001	.00	
two year lag	BKLOG2	-.030	-.23	
3) Trial rate (TRRATE) as D.V.				1.86
one year lag	BKLOG1	-.026	-1.93[m]	
two year lag	BKLOG2	-.000	-.01	
4) Trial rate, based on merit dispositions (TRRATEX) as D.V.				.35
one year lag	BKLOG1	-.020	-.79	
two year lag	BKLOG2	.007	.27	

These analyses are the same as those Table 3.1 for the backlog index, except that different measures of trials are used. The measures JURATE and TRRATE are less accurate then other measures because they are based on total dispositions, which changed definition in 1984 to exclude violation of probation cases.

Table MI 3.2 Delay and Judges - Michigan
(Granger-Sims test for causal relationship between delay and judges)

	Coefficient	T Ratio	F Ratio
I. Forward Analyses (Judges are independent variables)			
1) Dependent Var. = Backlog Index			
Judges per capita (Ind. Vars.)			
one year lag JDP1	13.34	1.69[m]	
2) Dependent Var. = Pending Cases			
Judges per capita (Ind. Vars.)			
one year lag JDP1	44.11	1.87[m]	
3) Dependent Var. = Dispositions			
Judges per capita (Ind. Vars.)			
one year lag JDP1	-52.55	-1.94[m]	
4) Dependent Var. = Merit Disp.			
Judges per capita (Ind. Vars.)			
one year lag JDP1	-15.16	-.80	
II. Backward Analyses (judges per capita, JDP, are dependent variables)			
1) Backlog Index (Ind. Vars.)			.76
one year lag BKLOG1	.0001	.20	
two year lag BKLOG2	-.0002	-.33	
2) Pending Cases (Ind. Vars.)			.11
one year lag DPTP1	.0000	.09	
two year lag DPTP2	-.0001	-.46	
3) Disposition (Ind. Vars.)			.02
one year lag DDTP1	.0000	-.22	
two year lag DDTP2	.0000	.01	
4) Merit Dispositions (Ind. Vars.)			1.03
one year lag DDTXP1	.0001	.59	
two year lag DDTXP2	-.0003	-1.42	

The forward analyses are the same as those in Tables 4.1 to 4.4, except that the judge variable is lagged one year, and the dependent variables lagged one and two years are entered as independent variables. The results in the above regressions for the other independent variables are similar to the results in Tables 4.1 to 4.4. The backward analyses also includes the variables in these tables, as well as the dependent variable lagged one year.

Table MI 4.1 Delay Analysis - Michigan
(dependent variable - backlog index)

Independent Variables	Coefficient	T Ratio	F Ratio
Jury Trials Per Capita			4.63[N]
Current year DJUP	-.43	-2.95[M]	
Prior year DJUP1	.18	1.17	
Judges JDP	10.29	1.52[n]	
Felony Filings			10.59[X]
Current year FFIP	.079	4.56[X]	
Prior year FFIP1	-.018	-1.05	
Statistical system change (1984) QSTATS	.06	.03	

DF = 243; F Ratio = 8.3; Adj. R-Sq. = .52; D.W. = 1.82. The F statistic for the district dummies is 8.7. The regression is weighted by the square root of population. The dependent variable (BKLOG) is the number of active pending divided by the number disposed. The variable QSTATS represents changes in definition of trials, from trial starts to trial verdicts, and in the content of dispositions and pending cases, which include violation of probation cases before 1984. The impact of criminal filings is probably artificial; more filings mean more short-term pending cases, not necessarily more delay in processing cases.

Table MI 4.2 Delay Analysis - Michigan
(dependent variable - pending cases)

Independent Variables	Coefficient	T Ratio	F Ratio
Jury Trials Per Capita*			5.76[M]
Current year DJUP	-.94	-3.13[M]	
Prior year DJUP1	.44	1.46[n]	
Judges JDP	21.29	1.18	
Felony Filings			65.82[X]
Current year FFIP	.52	11.28[X]	
Prior year FFIP1	-.03	-.65	

DF = 242; F Ratio = 22.6; Adj. R-Sq. = .78; D.W. = 1.66. The F statistics for the district and year dummies are 13.0 and 2.1. The regression is weighted by the fourth root of population. The dependent variable (DPAP) is the number of active pending cases divided by 100,000 population. Pending cases include violation of probation cases before 1984 but not afterwards, a change that was controlled for by the year dummies. The impact of criminal filings is probably artificial; more filings mean more short-term pending cases, not necessarily more delay in processing cases.

* When the jury trial rate (jury trials divided by merit dispositions, JURATEX) is substituted for DJUP the results are similar (current year: Coef. = -.97; T = -2.61; prior year: Coef. = .08; T = .20; F = 3.44).

Table MI 4.3 Delay Analysis - Michigan
(dependent variable - dispositions)

Independent Variables	Coefficient	T Ratio	F Ratio
Jury Trials Per Capita			8.20[X]
Current year DJUP	1.89	4.03[X]	
Prior year DJUP1	-.41	-.84	
Judges JDP	-9.35	-.40	
Felony Filings			65.73[X]
Current year FFIP	.530	8.84[X]	
Prior year FFIP1	.298	4.91[X]	

DF = 235; F Ratio = 42.6; Adj. R-Sq. = .88; D.W. = 2.27. The F statistics for the district and year dummies are 3.3 and 4.2. The regression is weighted by the fourth root of population. The dependent variable (DDTP) is the number of cases disposed divided by 100,000 population (dispositions includes dispositions of inactive cases refiled, whereas filings do not include refilings). The dispositions include violation of probation cases before 1983, but not afterwards, a change that was contolled for by the year dummies.

Table MI 4.4 Delay Analysis - Michigan
(dependent variable - merit dispositions)

Independent Variables	Coefficient	T Ratio	F Ratio
Jury Trials Per Capita			19.19[X]
Current year DJUP	1.84	6.14[X]	
Prior year DJUP1	.08	.26	
Judges JDP	-8.82	-.59	
Felony Filings			78.54[X]
Current year FFIP	.362	9.44[X]	
Prior year FFIP1	.221	4.81[X]	

DF = 235; F Ratio = 56.0; Adj. R-Sq. = .90; D.W. = 1.83. The F statistics for the district and year dummies are 7.8 and 5.0. The regression is weighted by the fourth root of population. The dependent variable (DDTXP) is the number of cases disposed by trial or guilty plea, divided by 100,000 population.

Table NC 2 Variable Means - North Carolina

Dependent Variables	Means
1. Backlog Index (pending divided by dispositions, times 100) BKLOG	36.29
2. Mean Time (days) Disposition FTDTAV	119.97
3. Median Time (days) to Disposition FTDTME	83.77
4. Mean Age (days) of Pending Cases FTPTAV	152.38
5. Median Age (days) of Pending Cases FTPTME	84.14
6. Percent of Dispositions over 4 Mo. FDTO4	31.42
7. Percent of Dispositions over 6 Mo. FDTO6	17.53
8. Percent of Cases Pending over 4 Mo. FPTO4	34.54
9. Percent of Cases Pending over 6 Mo. FPTO6	22.21
10. Pending Per Capita FPTP	229.06
11. Dispositions Per Capita FDTP	662.91
12. Merit Dispositions Per Capita (jury trials, and guilty pleas) FDTXP	431.23

Table NC 2 Cont.

Independent Variables	Means
Trials	
Jury Trials Per Capita FJUP	42.10
Jury Trial Rate (trials divided by merit dispositions, times 100) JURATEX	10.48
Jury Trial Rate (trials divided by total dispositions, times 100) JURATE	6.63
Judges	
Judges in Court Divisions JDZ	15.06
Judges Statewide JDTOT	68.15
District Attorneys Per Capita DAP	3.43
Felony Filings Per Capita FFIP	682.79
Civil Filings Per Capita CRFIP	215.66
Speedy Trial Law	
Speedy trial law dummy variable, 1979 QSPT	.85
Portion of cases in district covered by the speedy trial law QSPTZ	.69
Presumptive Sentencing Law (dummy variable, 1982) QXSENT	.60

Per capita figures are per 100,000 population.

Table NC 3.1 Delay and Trial Rates - North Carolina
(Granger-Sims test for causal relationship between delay and trial rates)

	Coefficient	T Ratio	F Ratio
I. Forward Analyses			
A. With Jury Trials Per Capata			
1) Dependent Var. = Backlog Index*			
Jury Trials (Ind. Vars.)			.22
one year lag FJUP1	.00	.00	
two year lag FJUP2	-.04	-.65	
2) Dependent Var. = Mean Time to Disp.			
Jury Trials (Ind. Vars.)			.79
one year lag FJUP1	-.09	-.91	
two year lag FJUP2	-.07	-.65	
3) Dependent Var. = Median Time to Disp			
Jury Trials (Ind. Vars.)			.13
one year lag FJUP1	-.04	-.44	
two year lag FJUP2	.02	.29	
4) Dependent Var. = Mean Pending Age			
Jury Trials (Ind. Vars.)			2.81[m]
one year lag FJUP1	-.42	-2.35[N]	
two year lag FJUP2	.14	.76	
5) Dependent Var. = Median Pending Age			
Jury Trials (Ind. Vars.)			1.01
one year lag FJUP1	-.20	-1.42	
two year lag FJUP2	.04	.27	
6) Dependent Var. = Disp. over 4 Months*			
Jury Trials (Ind. Vars.)			.17
one year lag FJUP1	.01	.29	
two year lag FJUP2	-.02	-.56	
7) Dependent Var. = Disp. over 6 Months*			
Jury Trials (Ind. Vars.)			.99
one year lag FJUP1	.01	.23	
two year lag FJUP2	-.04	-1.41	
8) Dependent Var. = Pending over 4 Months			
Jury Trials (Ind. Vars.)			2.72[m]
one year lag FJUP1	-.03	-.58	
two year lag FJUP2	.12	2.33[N]	

Table NC 3.1 (page 2)

	Coefficient	T Ratio	F Ratio
I. Forward Analyses (cont.)			
A. Jury Trials per Capita (cont.)			
9) Dependent Var. = Pending over 6 Months			
Jury Trials (Ind. Vars.)			.32
one year lag FJUP1	-.04	-.37	
two year lag FJUP2	-.06	-.62	
10) Dependent Var. = Pending Cases*			
Jury Trials (Ind. Vars.)			.16
one year lag FJUP1	.16	.57	
two year lag FJUP2	-.04	-.19	
11) Dependent Var. = Dispositions			
Jury Trials (Ind. Vars.)			.02
one year lag FJUP1	.02	.02	
two year lag FJUP2	-.06	-.19	
12) Dependent Var. = Merit Dispositions*			
Jury Trials (Ind. Vars.)			.06
one year lag FJUP1	.02	.08	
two year lag FJUP2	-.10	-.34	
B. With Jury Trials Divided by Merit Dispositions			
1) Dependent Var. = Backlog Index*			
Jury Trials (Ind. Vars.)			.09
one year lag JURATEX1	.09	.42	
two year lag JURATEX2	-.04	-.22	
2) Dependent Var. = Mean Time to Disp.			
Jury Trials (Ind. Vars.)			.88
one year lag JURATEX1	.57	1.32	
two year lag JURATEX2	-.10	-.25	
3) Dependent Var. = Median Time to Disp			
Jury Trials (Ind. Vars.)			-2.06[n]
one year lag JURATEX1	.76	2.02[N]	
two year lag JURATEX2	-.04	-.11	
4) Dependent Var. = Mean Pending Age			
Jury Trials (Ind. Vars.)			2.22[n]
one year lag JURATEX1	-1.55	-2.03[N]	
two year lag JURATEX2	.91	1.24	
5) Dependent Var. = Median Pending Age			
Jury Trials (Ind. Vars.)			.48
one year lag JURATEX1	-.61	-.98	
two year lag JURATEX2	.15	.27	

Table NC 3.1 (page 3)

	Coefficient	T Ratio	F Ratio
I. Forward Analyses (cont.)			
B. With Jury Trial Rate (cont.)			
6) Dependent Var. = Disp. over 4 Months*			
Jury Trials (Ind. Vars.)			1.83
one year lag JURATEX1	.25	1.81[m]	
two year lag JURATEX2	.01	.04	
7) Dependent Var. = Disp. over 6 Months*			
Jury Trials (Ind. Vars.)			.76
one year lag JURATEX1	.14	1.24	
two year lag JURATEX2	-.03	-.31	
8) Dependent Var. = Pending over 4 Months			
Jury Trials (Ind. Vars.)			1.58
one year lag JURATEX1	-.07	-.35	
two year lag JURATEX2	.36	1.76[m]	
9) Dependent Var. = Pending over 6 Months			
Jury Trials (Ind. Vars.)			.42
one year lag JURATEX1	-.09	-.59	
two year lag JURATEX2	.12	.83	
10) Dependent Var. = Pending Cases*			
Jury Trials (Ind. Vars.)			.61
one year lag JURATEX1	.84	.82	
two year lag JURATEX2	.42	.45	
11) Dependent Var. = Dispositions			
Jury Trials (Ind. Vars.)			.58
one year lag JURATEX1	-1.28	-1.07	
two year lag JURATEX2	.49	.45	
12) Dependent Var. = Merit Dispositions*			
Jury Trials (Ind. Vars.)			.96
one year lag JURATEX1	-1.54	-1.31	
two year lag JURATEX2	-.01	-.01	

Table NC 3.1 (page 4)

		Coefficient	T Ratio	F Ratio
II. Backward Analyses				
A. With Jury Trials Per Capita				
1) Backlog Index (Ind. Vars.)				1.89
one year lag	BKLOG1	.132	1.70[m]	
two year lag	BKLOG2	-.056	-.74	
2) Mean Time to Disposition (Ind. Vars.)				.31
one year lag	FTDTAV1	-.027	-.69	
two year lag	FTDTAV2	-.007	-.19	
3) Median Time to Disposition (Ind. Vars.)				.19
one year lag	FTDTME1	.004	.07	
two year lag	FTDTME2	-.039	-.62	
4) Mean Age of Pending (Ind. Vars.)				.10
one year lag	FTPTAV1	.000	.02	
two year lag	FTPTAV2	-.010	-.44	
5) Median Age of Pending (Ind. Vars.)				.94
one year lag	FTPTME1	.047	1.26	
two year lag	FTPTME2	-.020	-.53	
6) % of Disp. over 4 mo. (Ind. Vars.)				.41
one year lag	FDTO41	.015	.13	
two year lag	FDTO42	-.107	-.89	
7) % of Disp. over 6 mo. (Ind. Vars.)				.32
one year lag	FDTO61	.037	.27	
two year lag	FDTO62	-.101	-.79	
8) % Pending over 4 mo. (Ind. Vars.)				.19
one year lag	FPTO41	-.006	-.07	
two year lag	FPTO42	-.052	-.60	
9) % Pending over 6 mo.(Ind. Vars.)				.52
one year lag	FPTO61	.029	.28	
two year lag	FPTO62	-.096	-1.02	
10) Pending Cases (Ind. Vars.)				1.41
one year lag	FPTP1	.028	1.56[n]	
two year lag	FPTP2	-.011	-.73	
11) Disposition (Ind. Vars.)				3.04[N]
one year lag	FDTP1	-.025	-1.99[N]	
two year lag	FDTP2	-.012	-1.39	
12) Merit Dispositions (Ind. Vars.)				1.72
one year lag	FDTXP1	-.021	-1.29	
two year lag	FDTXP2	-.011	-.90	

Table NC 3.1 (page 5)

		Coefficient	T Ratio	F Ratio
II. Backward Analyses (cont.)				
B. With Jury Trials Divided by Merit Dispositions.				
1) Backlog Index (Ind. Vars.)				.83
one year lag	BKLOG1	-.021	-1.11	
two year lag	BKLOG2	-.014	-.79	
2) Mean Time to Disposition (Ind. Vars.)				.18
one year lag	FTDTAV1	-.004	-.46	
two year lag	FTDTAV2	-.002	-.26	
3) Median Time to Disposition (Ind. Vars.)				.13
one year lag	FTDTME1	-.007	-.47	
two year lag	FTDTME2	.004	.24	
4) Mean Age of Pending (Ind. Vars.)				.34
one year lag	FTPTAV1	.004	.77	
two year lag	FTPTAV2	-.003	-.50	
5) Median Age of Pending (Ind. Vars.)				1.29
one year lag	FTPTME1	.014	1.59[n]	
two year lag	FTPTME2	-.001	-.17	
6) % of Disp. over 4 mo. (Ind. Vars.)				.71
one year lag	FDTO41	.007	.27	
two year lag	FDTO42	-.033	-1.19	
7) % of Disp. over 6 mo. (Ind. Vars.)				.45
one year lag	FDTO61	.013	.39	
two year lag	FDTO62	-.029	-.94	
8) % Pending over 4 mo. (Ind. Vars.)				.05
one year lag	FPTO41	-.003	-.16	
two year lag	FPTO42	-.005	-.26	
9) % Pending over 6 mo.(Ind. Vars.)				.75
one year lag	FPTO61	.026	1.07	
two year lag	FPTO62	-.017	-.76	
10) Pending Cases (Ind. Vars.)				.86
one year lag	FPTP1	-.006	-1.30	
two year lag	FPTP2	.000	-.09	
11) Disposition (Ind. Vars.)				.39
one year lag	FDTP1	.003	.88	
two year lag	FDTP2	.000	-.10	
12) Merit Dispositions (Ind. Vars.)				.03
one year lag	FDTXP1	-.001	-.23	
two year lag	FDTXP2	.000	.06	

Each section (1, 2, etc.) represents a separate regression. The forward analyses are the same as the regressions in Tables 4.1 to 4.12, except that there are additional independent variables: the trial rate variables and the dependent variables lagged one and two years. Asterisks (*) in the forward analyses indicate regressions in which year dummies were included; elsewhere, they were not significant. The results in the above regressions for the other independent variables are similar to the results in Tables 4.1 to 4.12. The backward analyses also include the variables in these tables, as well as lagged values of the dependent variable. Year dummies are included in all backwards analyses.

Table NC 3.1a Delay and Trial Rates - North Carolina
(Granger-Sims test for causal relationship between the backlog index and other measures of trials)

	Coefficient	T Ratio	F Ratio
I. Forward Analyses (the dependent variable is the backlog index, BKLOG)			
1) Ind. Var. = Jury trial rate (trials divided by dispositions, times 100)			.27
one year lag JURATE1	.04	.11	
two year lag JURATE2	-.23	-.74	
II. Backward Analyses (various trial measures are the dependent variables, and lagged values of the backlog index are independent variables)			
1) Jury trial rate (JURATE) as D.V.			2.33[m]
one year lag BKLOG1	-.022	-1.98[N]	
two year lag BKLOG2	-.011	-1.00	

Each section represents a separate regression, the same those Table 3.1 for the backlog index, except that JURATE is used as the measure of trials. The analyses include year dummies.

Table NC 4.1 Delay Analysis - North Carolina (1978-87)
(dependent variable - backlog index)

Independent Variables	Coefficient	T Ratio	F Ratio
Jury Trials			4.23[N]
Current year FJUP	-.15	-2.91[M]	
Prior year FJUP1	.04	.83	
District Attorneys DAP	-1.17	-.51	
Felony Filings			4.57[N]
Current year FFIP	.017	2.68	
Prior year FFIP1	-.013	-1.90	
Civil Filings			1.86
Current year CRFIP	.015	.55	
Prior year CRFIP1	-.052	-1.88[m]	

DF = 263; F Ratio = 7.8; Adj. R-Sq. = .51; D.W. = 2.11. The F statistic for the district and year dummies are 9.1 and 2.6. The dependent variable (BKLOG) is number of pending cases divided by the number of dispositions, times 100. The impact of criminal filings is probably artificial; more filings mean more short-term pending cases, not necessarily more delay in processing cases. In a separate analysis (1977-87) without the year dummies and without FJUP1, and including year related variables, the following results were obtained for these variables (the results for the remaining variables are similar to those in the above table):

Year Counter YEAR	-.41	-.70
Judges in Court Divisions JDZ	2.22	1.79[m]
Speedy Trial Law (1979) QSPTZ	-8.39	-2.69[M]
Presumptive Sentencing (1982) QXSENT	5.13	2.02[N]

Table NC 4.2 Delay Analysis - North Carolina (1979-87)
(dependent variable - mean time to disposition)

Independent Variables	Coefficient	T Ratio	F Ratio
Jury Trials*			1.08
Current year FJUP	.12	1.37	
Prior year FJUP1	-.04	-.45	
District Attorneys DAP	1.82	.33	
Felony Filings			16.40[X]
Current year FFIP	-.061	-5.21[X]	
Prior year FFIP1	.018	1.41	
Civil Filings			.30
Current year CRFIP	-.040	-.77	
Prior year CRFIP1	.007	.14	

DF = 230; F Ratio = 40.2; Adj. R-Sq. = .87; D.W. = 2.14 (1.37 before correction). The F statistic for the district and year dummies are 26.2 and 6.5. The dependent variable (FTDTAV) is the mean time to disposition. The impact of criminal filings may be artificial; more filings mean more cases that can be dismissed quickly (whereas more filings do not affect the number of long-time pending cases to be disposed). In a separate analysis (1979-87) without year dummies, and including year related variables, the following results were obtained for these variables (the results for the remaining variables are similar to those in the above table):

Year Counter YEAR	2.82	2.11[N]
Judges in Court Divisions JDZ	6.33	1.07
Speedy Trial Law (1979) QSPTZ	-46.92	-3.53[X]
Presumptive Sentencing (1982) QXSENT	-1.09	-.25

* When the jury trial rate (JURATEX) is substituted for FJUP, there is a stronger relationship (current year: Coef. = .72, T = 1.63; prior year: Coef. = .48, T = 1.15; F = 2.87).

Table NC 4.3 Delay Analysis - North Carolina (1979-87)
(dependent variable - median time to disposition)

Independent Variables	Coefficient	T Ratio	F Ratio
Jury Trials*			.51
Current year FJUP	.07	.78	
Prior year FJUP1	.04	.52	
District Attorneys DAP	2.74	.70	
Felony Filings			7.59[X]
Current year FFIP	-.011	-1.12	
Prior year FFIP1	.043	3.87[X]	
Civil Filings			.12
Current year CRFIP	.019	.42	
Prior year CRFIP1	.002	.04	

DF = 231; F Ratio = 12.0; Adj. R-Sq. = .64; D.W. = 1.63. The F statistic for the district and year dummies are 14.5 and 3.5. The dependent variable (FTDTME) is median time to disposition for cases disposed in the year. In a separate analysis (1979-87) without the year dummies and without FJUP1, and including year related variables, the following results were obtained for these variables (the results for the remaining variables are similar to those in the above table):

Year Counter YEAR	2.24	2.26[N]
Judges in Court Divisions JDZ	2.90	1.17
Speedy Trial Law (1979) QSPTZ	-33.10	-3.44[X]
Presumptive Sentencing (1982) QXSENT	-3.92	-1.01

* When the jury trial rate (JURATEX) is substitued for FJUP, the results are much stronger (current year: Coef. = .31, T = .90; prior year: Coef. = .88, T = 2.73; F = 5.15).

Table NC 4.4 Delay Analysis - North Carolina (1979-87)
(dependent variable - mean age of pending cases)

Independent Variables	Coefficient	T Ratio	F Ratio
Jury Trials*			4.51[N]
Current year FJUP	-.29	-1.78[m]	
Prior year FJUP1	-.38	-2.38[N]	
Judges in Court Divisions JDZ	8.67	1.45	
District Attorneys DAP	25.09	2.90[M]	
Felony Filings			7.43[X]
Current year FFIP	-.047	-2.48[N]	
Prior year FFIP1	.065	3.12[M]	
Civil Filings			1.19
Current year CRFIP	-.107	-1.36	
Prior year CRFIP1	-.020	-.25	
Year Counter YEAR	-4.95	-2.21[N]	
Speedy Trial Law (1979) QSPTZ	-70.99	-3.43[X]	
Presumptive Sentencing (1982) QXSENT	2.56	.32	

DF = 231; F Ratio = 25.0; Adj. R-Sq. = .78; D.W. = 1.91 (1.42 before correction). The F statistic for the district dummies is 7.89; the year dummy dummies are not significant and not included. The dependent variable (FTPTAV) is the mean length of time cases have been pending at the end of the year. The impact of criminal filings is probably artificial; more filings mean more short-term pending cases, not necessarily more delay in processing cases.

* The results are similar when jury trial rate (JURATEX) is substituted for FJUP (current year: Coef. = -.96, T = -1.48; prior year: Coef. = -1.11, T = -1.79; F = 3.19).

Table NC 4.5 Delay Analysis - North Carolina (1979-87)
(dependent variable - median age of pending cases)

Independent Variables	Coefficient	T Ratio	
Jury Trials*			.17
Current year FJUP	.018	.14	
Prior year FJUP1	-.073	-.58	
Judges JDZ	3.44	.88	
District Attorneys DAP	-6.08	-1.03	
Felony Filings			.72
Current year FFIP	-.004	-.29	
Prior year	.020	1.20	
Civil Filings			.55
Current year CRFIP	-.059	-.95	
Prior year CRFIP1	.052	.81	
Year Counter YEAR	-.71	-.45	
Discrete Changes			
Speedy trial law (1979) QSPTZ	-19.42	-1.28	
Presumptive sentencing (1982) QXSENT	6.24	1.01	

DF = 235; F Ratio = 4.6; Adj. R-Sq. = 3.5.; D.W. = 2.01. The F statistic for the district dummies is 4.4. The year dummies are not included. The dependent variable (FTPTME) is the median pending time for cases pending at the end of the year.

* When jury trial rate (JURATEX) is substituted for DJUP, the results are far from significant.

Table NC 4.6 Delay Analysis - North Carolina (1979-87)
(dependent variable - dispositions over 4 months)

Independent Variables	Coefficient	T Ratio	F Ratio
Jury Trials*			.08
Current year FJUP	.01	.21	
Prior year FJUP1	.01	.38	
District Attorneys DAP	.40	.21	
Felony Filings			21.93[X]
Current year FFIP	-.021	-5.52[X]	
Prior year FFIP1	.011	2.56[N]	
Civil Filings			1.10
Current year CRFIP	-.005	-.30	
Prior year CRFIP1	.025	1.48	

DF = 235; F Ratio = 18.3; Adj. R-Sq. = .74; D.W. = 2.05 (1.30 before correction). The F statistic for the district and year dummies are 14.9 and 6.0. The dependent variable (FDT04) is the percent of cases four months or more old when disposed. The impact of criminal filings is probably artificial; more filings mean that a higher percentage of the cases are newly filed, and there may be no difference in processing time. In a separate analysis (1979-87) without the year dummies and without FJUP1, and including year related variables, the following results were obtained for these variables (the results for the remaining variables are similar to those in the above table):

Year Counter YEAR	1.42	3.24[M]
Judges in Court Divisions JDZ	1.93	1.59[n]
Speedy Trial Law (1979) QSPTZ	-12.23	-2.69[M]
Presumptive Sentencing (1982) QXSENT	-1.40	-.93

* When jury trial rate (JURATEX) is substituted for FJUP, the results are somewhat stronger (current year: Coef. = -.06, T = -.45; prior year: Coef. = .23, T = 1.90; F = 1.93).

Table NC 4.7 Delay Analysis - North Carolina (1978-87)
(dependent variable - dispositions over 6 months)

Independent Variables	Coefficient	T Ratio	F Ratio
Jury Trials*			.29
Current year FJUP	.014	.55	
Prior year FJUP1	.013	.54	
District Attorneys DAP	.78	.51	
Felony Filings			11.76[X]
Current year FFIP	-.014	-4.29[X]	
Prior year FFIP1	.006	1.79[m]	
Civil Filings			.24
Current year CRFIP	-.004	-.30	
Prior year CRFIP1	.009	.67	

DF = 235; F Ratio = 15.5; Adj. R-Sq. = .70; D.W. = 2.20 (1.38 before correction). The F statistic for the district and year dummies are 14.1 and 6.0. The dependent variable (FDT06) is the percent of cases more than six months old when disposed. The impact of criminal filings is probably artificial; more filings mean more short-term pending cases, not necessarily more delay in processing cases. In a separate analysis (1977-87) without the year dummies and without FJUP1, and including year related variables, the following results were obtained for these variables (the results for the remaining variables are similar to those in the above table):

Year Counter YEAR	.96	2.93[M]
Judges in Court Divisions JDZ	1.30	1.74[m]
Speedy Trial Law (1979) QSPTZ	-5.85	-2.75[M]
Presumptive Sentencing (1982) QXSENT	-.33	-.26

* When the jury trial rate (JURATEX) is substituted for FJUP the results are somewhat stronger (current year: Coef. = .06, T = .60; prior year: Coef. = .17, T = 1.81; F = 1.96).

Table NC 4.8 Delay Analysis - North Carolina (1978-87)
(dependent variable - cases pending over 4 months)

Independent Variables	Coefficient	T Ratio	F Ratio
Jury Trials*			.33
Current year FJUP	.01	.26	
Prior year FJUP1	.04	-.80	
District Attorneys DAP	3.02	1.33	
Felony Filings			.50
Current year FFIP	-.004	-.65	
Prior year FFIP1	.006	.87	
Civil Filings			.17
Current year CRFIP	-.014	-.51	
Prior year CRFIP1	.014	.51	

DF = 266; F Ratio = 6.2; Adj. R-Sq. = .44; D.W. = 1.67. The F statistic for the district and year dummies are 7.8 and 2.7. The dependent variable (FPT04) is the cases pending over 4 months at the end of the year. In a separate analysis (1978-87) without the year dummies and without FJUP1, and including year related variables, the following results were obtained for these variables (the results for the remaining variables are similar to those in the above table):

Year Counter YEAR	-.53	-.91
Judges in Court Divisions JDZ	1.42	.89
Speedy Trial Law (1979) QSPTZ	-13.42	-2.43[N]
Presumptive Sentencing (1982) QXSENT	2.24	1.03

* When jury trial rate (JURATEX) is substituted for DJUP, the results are also far from significant.

Table NC 4.9 Delay Analysis - North Carolina (1978-87)
(dependent variable - cases pending over 6 months)

Independent Variables	Coefficient	T Ratio	F Ratio
Jury Trials*			1.42
Current year FJUP	-.05	-1.23	
Prior year FJUP1	-.04	-.91	
District Attorneys DAP	4.16	2.26[N]	
Felony Filings			3.05[N]
Current year FFIP	-.010	-1.91[m]	
Prior year FFIP1	.011	1.91[m]	
Civil Filings			1.23
Current year CRFIP	-.033	-1.51	
Prior year CRFIP1	.008	.35	

DF = 257; F Ratio = 836; Adj. R-Sq. = .53; D.W. = 1.66. The F statistic for the district and year dummies are 9.0 and 4.2. The dependent variable (FPT06) is the percent of cases pending over 6 months. The impact of criminal filings is probably artificial; more filings mean a higher portion of short term pending cases that year, and more longer term pending the next year. In a separate analysis (1977-87) without the year dummies and without lagged variables, and including year related variables, the following results were obtained for these variables (the results for the remaining variables are similar to those in the above table):

Year Counter YEAR	-.16	-.33
Judges in Court Divisions JDZ	-.06	-.06
Speedy Trial Law (1979) QSPTZ	-10.87	-4.52[X]
Presumptive Sentencing (1982) QXSENT	2.31	1.14

* When jury trial rate (JURATEX) is subatituted for FJUP the results are similar and not significant.

Table NC 4.10 Delay Analysis - North Carolina (1978-87)
(dependent variable - pending cases)

Independent Variables	Coefficient	T Ratio	F Ratio
Jury Trials*			1.66
Current year FJUP	-.43	-1.66[m]	
Prior year FJUP1	.26	1.04	
District Attorneys DAP	9.28	.82	
Felony Filings			65.20[X]
Current year FFIP	.346	11.06[X]	
Prior year FFIP1	.030	.86	
Civil Filings			2.78[m]
Current year CRFIP	-.055	-.38	
Prior year CRFIP1	-.271	-1.86[m]	

DF = 248; F Ratio = 18.8; Adj. R-Sq. = .73; D.W. = 1.82. The F statistic for the district and year dummies are 14.0 and 3.7. The dependent variable (FPTP) is the number of pending cases divided by 100,000 population. The impact of criminal filings is probably artificial; more filings mean more short-term pending cases, not necessarily more delay in processing cases. In a separate analysis (1976-87) without the year dummies and without lagged variables, and including year related variables, the following results were obtained for these variables (the results for the remaining variables are similar to those in the above table):

Year Counter YEAR	2.87	1.02
Judges in Court Divisions JDZ	9.23	1.63[n]
Speedy Trial Law (1979) QSPTZ	-78.82	-5.62[X]
Presumptive Sentencing (1982) QXSENT	12.82	1.10

* When the jury trial rate (JURATEX) is substituted for FJUP the results are far from significant.

Table NC 4.11 Delay Analysis - North Carolina (1978-87)
(dependent variable - dispositions)

Independent Variables	Coefficient	T Ratio	F Ratio
Jury Trials*			
Current year FJUP	.88	3.56[X]	
Prior year FJUP1	-.65	-2.61[M]	
Judges JDZ	.58	.19	
District Attorneys DAP	3.48	.65	
Felony Filings			1026.27[X]
Current year FFIP	.667	23.34[X]	
Prior year FFIP1	.298	9.21[X]	
Civil Filings			.20
Current year CRFIP	-.076	-.62	
Prior year CRFIP1	.068	.54	
Discrete Changes			
Speedy trial law (1979) QSPTZ	14.36	1.19	
Presumptive sentencing (1982) QXSENT	-9.05	-1.02	

DF = 301; F Ratio = 443.2; Adj. R-Sq. = .93; D.W. = 2.53. The district dummies are not included because they are not significant (F = .46). The dependent variable (FDTP) is number of cases disposed divided by 100,000 population.

* Note that there is a marginally significant negative reverse relationship, whereby more dispositions may lead to fewer trials [Table 3.1(B)(11)].

Table NC 4.12 Delay Analysis - North Carolina (1978-87)
(dependent variable - merit dispositions)

Independent Variables	Coefficient	T Ratio	F Ratio
Jury Trials			.17
Current year FJUP	.17	.60	
Prior year FJUP1	-.04	-.13	
District Attorneys DAP	-.04	-.13	
Felony Filings			111.47[X]
Current year FFIP	.440	12.55[X]	
Prior year FFIP1	.213	5.52[X]	
Civil Filings			.23
Current year CRFIP	.070	.45	
Prior year CRFIP1	-.102	-.67	

DF = 261; F Ratio = 58.7; Adj. R-Sq. = .90; D.W. = 2.01. The F statistic for the district and year dummies are 7.6 and 2.4. The dependent variable (FDTXP) is the number if merit dispositions (trials plus guilty pleas) divided by 100,000 population. In a separate analysis (1978-87) without the year dummies and without FJUP1, and including year related variables, the following results were obtained for these variables (the results for the remaining variables are similar to those in the above table):

Year Counter YEAR	12.76	3.92[X]
Judges in Court Divisions JDZ	-14.09	-2.10[N]
Speedy Trial Law (1979) QSPTZ	19.49	1.16
Presumptive Sentencing (1982) QXSENT	-33.59	-2.43[N]

Table OH 2 Variable Means - Ohio

Dependent Variables	Means
Backlog Index (pending divided by dispositions, times 100) BKLOG	27.1
Pending Per Capita DPTP	60.2
Dispositions Per Capita DDTP	234.0
Merit Dispositions Per Capita (jury and nonjury trials, guilty pleas, and pre-trial dispositions) DDTXP	189.1
Independent Variables	
Jury Trials Per Capita DJUP	15.0
Jury Trial Rate (trials divided by merit dispositions, times 100) JURATEX	8.6
Jury Trial Rate (trials divided by total dispositions, times 100) JURATE	6.7
Total Trials Per Capita DTRP	32.7
Trial Rate (trials divided by merit dispositions, times 100) TRRATEX	19.0
Trial Rate (trials divided by total dispositions, times 100) TRRATE	15.3
Judges Per Capita JDP	2.7
Felony Filings Per Capita DFIP	235.3
Civil Filings Per Capita CRFIP	581.9
Pre-trial Diversion (percent of dispositions) DDDIV	1.0

Per capita figures are per 100,000 population.

Table OH 3.1 Delay Analysis - Ohio
(Granger-Sims test for relationship between delay and trial rates)

	Coefficient	T Ratio	F Ratio
1) Forward Analyses.			
A) With Jury Trials Per Capita as Independent Variables.			
1) Dependent Var. = Backlog Index			
Jury Trials (Ind. Vars.)*			.01
one year lag DJUP1	-.01	-.11	
two year lag DJUP2	-.01	-.09	
2) Dependent Var. = Pending Cases			
Jury Trials (Ind. Vars.)*			.47
one year lag DJUP1	-.08	-.72	
two year lag DJUP2	-.06	-.51	
3) Dependent Var. = Dispositions			
Jury Trials (Ind. Vars.)*			.14
one year lag DJUP1	.02	.16	
two year lag DJUP2	-.05	-.48	
4) Dependent Var. = Merit Dispositions			
Jury Trials (Ind. Vars.)*			.58
one year lag DJUP1	-.07	-.55	
two year lag DJUP2	-.10	-.76	
B) With Jury Trials Divided by Merit Dispositions			
1) Dependent Var. = Backlog Index			
Jury Trial Rate (Ind. Vars.)*			1.86
one year lag JURATEX1	-.17	-1.56[n]	
two year lag JURATEX2	.15	1.46[n]	
2) Dependent Var. = Pending Cases			
Jury Trial Rate (Ind. Vars.)*			1.39
one year lag JURATEX1	-.28	-1.59[n]	
two year lag JURATEX2	.14	.79	
3) Dependent Var. = Dispositions			
Jury Trial Rate (Ind. Vars.)*			1.51
one year lag JURATEX1	.26	1.49[n]	
two year lag JURATEX2	-.28	-1.62[n]	
4) Dependent Var. = Merit Dispositions			
Jury Trial Rate (Ind. Vars.)*			.62
one year lag JURATEX1	.15	.69	
two year lag JURATEX2	-.22	-1.00	

Table OH 3.1 (cont.)

		Coefficient	T Ratio	F Ratio
II. Backward Analyses.				
A) With Jury Trials per Capita as Dependent Variables.				
1) Backlog Index (Ind. Vars.)*				9.01[X]
one year lag	BKLOG1	.069	4.14[X]	
two year lag	BKLOG2	-.012	-.75	
2) Pending Cases (Ind. Vars.)*				11.58[X]
one year lag	DPTP1	.042	4.05[X]	
two year lag	DPTP2	-.027	-3.06[M]	
3) Dispositions (Ind. Vars.)*				12.06[X]
one year lag	DDTP1	-.030	-4.05[X]	
two year lag	DDTP2	-.009	-1.83[m]	
4) Merit Dispositions (Ind. Vars.)*				8·03[X]
one year lag	DDTXP1	-.027	-3.29[M]	
two year lag	DDTXP2	-.007	-1.23	
B) With Jury Trial Rate.				
1) Backlog Index (Ind. Vars.)				1.20
one year lag	BKLOG1	-.015	-1.54[n]	
two year lag	BKLOG2	-.003	-.28	
2) Pending Cases (Ind. Vars.)				1.59
one year lag	DPTP1	-.006	-.99	
two year lag	DPTP2	-.007	-1.38	
3) Dispositions (Ind. Vars.)				2.19[n]
one year lag	DDTP1	.001	.25	
two year lag	DDTP2	-.006	-2.08[N]	
4) Merit Dispositions (Ind. Vars.)				.96
one year lag	DDTXP1	.001	.20	
two year lag	DDTXP2	-.004	-1.36	

The forward analyses are similar to those in Tables 4.1 to 4.4, except that there are additional independent variables: the trial rate variables and the independent variables lagged one and two years. The results in the above regressions for the other independent variables are similar to the results in Tables 4.1 to 4.4. The backward analyses also includes the variables in these tables, as well as lagged values of the dependent variable. The analyses marked with an asterisk (*) include year dummies.

Table OH 3.1a Delay and Trial Rates - Ohio
(Granger-Sims test for causal relationship between the backlog index and various measures of trials)

	Coefficient	T Ratio	F Ratio
I. Forward Analyses (the dependent variable is the backlog index, BKLOG)			
1) Ind. Var. = Jury trial rate (trials divided by dispositions, times 100)			1.83
one year lag JURATE1	-.21	-1.60[n]	
two year lag JURATE2	.18	1.39	
2) Ind. Var. = Trials per capita (trials divided by 100,000 population)			.16
one year lag DTRP1	-.001	-.03	
two year lag DTRP2	.020	.53	
3) Ind. Var. = Trial rate (trials divided by dispositions, times 100)			1.11
one year lag TRRATE1	-.11	-1.14	
two year lag TRRATE2	.12	1.30	
4) Ind. Var. = Trial rate (trials divided by dispositions, times 100)			1.72
one year lag TRRATEX1	-.07	-.98	
two year lag TRRATEX2	.14	1.83[m]	

Table OH 3.1a Cont.

		Coefficient	T Ratio	F Ratio
II. Backward Analyses (various trial measures are the dependent variables, and lagged values of the backlog index are independent variables)				
1) Jury trial rate (JURATE) as D.V.				3.17^{N}
one year lag	BKLOG1	-.020	-2.47^{N}	
two year lag	BKLOG2	-.005	-.62	
2) Trials per capita (DTRP) as D.V.				2.49^{m}
one year lag	BKLOG1	.068	2.15^{N}	
two year lag	BKLOG2	-.016	-.52	
3) Trial rate (TRRATE) as D.V.				6.32^{M}
one year lag	BKLOG1	-.048	-3.51^{X}	
two year lag	BKLOG2	.006	.45	
4) Trial rate based on merit dispositions (TRRATEX) as D.V.				4.62^{N}
one year lag	BKLOG1	-.046	-2.77^{M}	
two year lag	BKLOG2	.019	1.57^{n}	

These analyses are the same as those Table 3.1 for the backlog index, except that different measures of trials are used. The analyses involving total trials excludes seventeen counties that apparently counted guilty pleas as nonjury trials.

Table OH 3.2 Delay and Judges - Ohio
(Granger-Sims test for causal relationship between delay and judges)

	Coefficient	T Ratio	F Ratio
1) Forward Analyses (Judges are independent variables)			
1) Dependent Var. = Backlog Index			
Judges per capita (Ind. Vars.)			
one year lag JDP1	-1.50	-.65	
2) Dependent Var. = Pending Cases			
Judges per capita (Ind. Vars.)			
one year lag JDP1	-3.89	-.88	
3) Dependent Var. = Dispositions			
Judges per capita (Ind. Vars.)			
one year lag JDP1	-.11	-.15	
4) Dependent Var. = Merit Dispositions			
Judges per capita (Ind. Vars.)			
one year lag JDP1	6.56	1.26	
2) Backward Analyses (judges per capita, JDP, are dependent variables)			
1) Backlog Index (Ind. Vars.)			.40
one year lag BKLOG1	.0001	.35	
two year lag BKLOG2	.0003	.85	
2) Pending Cases (Ind. Vars.)			1.54
one year lag DPTP1	.0001	.59	
two year lag DPTP2	.0002	1.58[n]	
3) Disposition (Ind. Vars.)			.27
one year lag DDTP1	.0001	.51	
two year lag DDTP2	-.0001	-.64	
4) Merit Dispositions (Ind. Vars.)			.22
one year lag DDTXP1	.0000	.34	
two year lag DDTXP2	-.0001	-.65	

The forward analyses are the same as those in Tables 4.1 to 4.4, except that the judge variable is lagged one year, and the dependent variables lagged one and two years are entered as independent variables. The results in the above regressions for the other independent variables are similar to the results in Tables 4.1 to 4.4. The backward analyses also includes the variables in these tables, as well as the dependent variable lagged one year.

Table OH 4.1 Delay Analysis - Ohio
(dependent variable - backlog index)

Independent Variables	Coefficient	T Ratio	F Ratio
Jury Trials Per Capita*			
Current year DJUP	-.14	-2.46[N]	
Prior year DJUP1	.04	.65	
Judges JDP	-.57	-.26	
Felony Filings			27.67[X]
Current year DFIP	.046	5.73[X]	
Prior year DFIP1	-.057	-7.11[X]	
Civil filings			.32
Current year CRFIP	.004	.77	
Prior year CRFIP1	-.002	-.31	
Diversion DDDIV	.09	.64	

DF = 922; F Ratio = 6.4; Adj. R-Sq. = .35; D.W. = 1.98. The F statistic for the county dummies is 6.1 and for the year dummies is 3.0. The regression is weighted by population. The dependent variable (BKLOG) is the number of pending cases divided by the number disposed (excluding transferred cases) times 100. The large impact of felony filings on the backlog index is almost surely a statistical artifact: When there is a bulge in filings, the number of pending cases rises (see Table 4.2), while the number disposed does not increase until after the cases are processed. This lowers the backlog ratio. In the next year, the bulge causes more dispositions, thus lowering the ratio.

* The results shown here probably understate the negative relationship between trials and pending cases because there is a significant backward effect of delay on trials (see Table OH 3.1 II).

Table OH 4.1a Delay Analysis - Ohio
(includes discrete changes; without year dummies)
(dependent variable - backlog index)

Independent Variables	Coefficient	T Ratio
Plea bargain ban (before 1981) QPB	-.19	-.15
Requiring reports of cases pending 90 days (after 1979) QRPT	1.69	1.33

These results are based on two analyses that are the same as that in Table OH 4.1 except that 1) QPB or QRPT are included, 2) year dummies and trials are not included, and 3) a year counter is included.

Table OH 4.2 Delay Analysis - Ohio
(dependent variable - pending cases)

Independent Variables	Coefficient	T Ratio	F Ratio
Jury Trials Per Capita*			
Current year DJUP	-.34	-3.31[X]	
Prior year DJUP1	-.07	-.68	
Judges JDP	1.21	.26	
Felony Filings			209.73[X]
Current year DFIP	.284	20.08[X]	
Prior year DFIP1	-.056	-4.05[X]	
Civil filings			.65
Current year CRFIP	-.003	-.34	
Prior year CRFIP1	-.009	-.98	
Diversion DDDIV	-.22	-.74	

DF = 837; F Ratio = 58.5; Adj. R-Sq. = .86; D.W. = 2.01 (1.57 before correction). The F statistic for the county dummies is 8.1 and for the year dummies is 6.1. The regression is weighed by the square root of population. The dependent variable (DPTP) is the number of pending cases divided by 100,000 population. The impact of criminal filings on pending cases is for reasons given in the notes to Table OH 4.1.

* The results shown here probably understate the negative relationship between trials and pending cases because there is a significant backward effect of the number of pending cases on trials (see Table OH 3.1 II).

When the jury trial rate (jury trials divided by merit dispositions, JURATEX) is substituted for DJUP the results suggest little impact (current year: Coef. = .33, T = 1.85; prior year: Coef. = -.18, T = -1.02; F = 2.21).

Table OH 4.3 Delay Analysis - Ohio
(dependent variable - dispositions)

Independent Variables	Coefficient	T Ratio	F Ratio
Jury Trials Per Capita			11.87[X]
Current year DJUP	.50	4.70[X]	
Prior year DJUP1	-.42	-4.07[X]	
Judges JDP	-.11	-.16	
Felony Filings			7084.95[X]
Current year DFIP	.682	46.07[X]	
Prior year DFIP1	.322	21.10[X]	
Civil filings			.84
Current year CRFIP	-.009	-.95	
Prior year CRFIP1	.012	1.26	
Diversion DDDIV	.02	.10	

DF = 1011; F Ratio = 1347.5; Adj. R-Sq. = .96; D.W. = 2.71. The F statistic for the year dummies is 3.5. The county dummies are not included (their F statistic is .25). The regression is weighed by the square root of population. The dependent variable (DDTP) is the number of dispositions per 100,000 population.

* The results shown here probably understate the positive relationship between trials and dispositions cases because there is a significant negative backward effect of dispositions on trials (see Table OH 3.1 II).

Table OH 4.4 Delay Analysis - Ohio
(dependent variable - merit dispositions)

Independent Variables	Coefficient	T Ratio	F Ratio
Jury Trials Per Capita			15.71[X]
Current year DJUP	.57	4.53[X]	
Prior year DJUP1	-.25	-2.02[N]	
Judges JDP	9.24	1.84[m]	
Felony Filings			996.89[X]
Current year DFIP	.548	31.07[X]	
Prior year DFIP1	.252	14.20[X]	
Civil filings			.45
Current year CRFIP	-.001	-.10	
Prior year CRFIP1	.011	.89	
Diversion DDDIV	-2.01	-6.22[X]	

DF = 926; F Ratio = 152.7; Adj. R-Sq. = .94; D.W. = 2.15 The F statistic for the county dummies is 5.2 and for the year dummies is 2.5. The regression is weighed by the square root of population. The dependent variable (DDTXP) is the number of merit dispositions (jury and nonjury trials, guilty pleas, and pre-trial dispositions) divided by 100,000 population.

* The results shown here probably understate the positive relationship between trials and merit dispositions because there is a significant negative backward effect of dispositions on trials (see Table OH 3.1 II).

Table OR 2 Variable Means - Oregon

Dependent Variables	Means
1. Backlog Index (pending divided by dispositions, times 100) BKLOG	39.53
2. Pending Per Capita FPTP	261.65
3. Time to Trial (mean # days) FTTRAV	116.80
4. Percent of Pending Cases Over Six Months FPA06	21.85
5. Dispositions Per Capita FDTP	617.74

Independent Variables	
Trials	
Jury Trials Per Capita FJUP	40.51
Jury Trial Rate (trials divided by total dispositions, times 100) JURATE	6.73
Total Trials Per Capita FTRP	60.38
Trial Rate (trials divided by total dispositions, times 100) TRRATE	10.57
Judges Per Capita JDP	2.92
Felony Filings Per Capita FFIP	633.45
Civil Filings Per Capita CRFIP	846.89

Table OR 2 (cont.)

Dichotomous Variables

Court courts inactive cases separately (starts in 1979 or later) QIAPEN	.49
Inactive cases are only those that have been inactive for 90 days (1979 to 1985) QIAPENX	.42
Courts exclude inactive time for mean time to trial data (after 1985) QIAPENY	.09
Filings counted at service of warrant, rather than at arraignment (before 1976) QFI	.31
District court appeals go to appellate courts (after 1976) QMFI	.63
Time standards (after 1985; same as QIAPENY) QTSTD	.09
Fast track programs (after 1985 for Districts 2 and 16) QCFM	.02
Multnomah program (District 4, after 1984) QCFMX	.02

Per capita figures are per 100,000 population.

Table OR 3.1 Delay and Trial Rates - Oregon
(Granger-Sims test for causal relationship between delay and trial rates)

	Coefficient	T Ratio	F Ratio
I. Forward Analyses			
A. With Jury Trials Per Capita			
1) Dependent Var. = Backlog Ratio			
Jury Trials (Ind. Vars.)			.62
one year lag FJUP1	-.08	-.85	
two year lag FJUP2	.09	.95	
2) Dependent Var. = Pending Cases			
Jury Trials (Ind. Vars.)			3.53[N]
one year lag FJUP1	-1.29	-2.58[N]	
two year lag FJUP2	.58	1.27	
3) Dependent Var. = Time to Trial			
Jury Trials (Ind. Vars.)			3.36[N]
one year lag FJUP1	-.43	-2.56[N]	
two year lag FJUP2	.07	.41	
4) Dependent Var. = Percent Active Pending over 6 months			
Jury Trials (Ind. Vars.)			.55
one year lag FJUP1	-.06	-.90	
two year lag FJUP2	-.02	-.23	
5) Dependent Var. = Dispositions			
Jury Trials (Ind. Vars.)			1.60
one year lag FJUP1	.69	1.61[n]	
two year lag FJUP2	-.31	-.71	
B. With Jury Trial Rate			
1) Dependent Var. = Backlog Ratio			
Jury Trials (Ind. Vars.)			.33
one year lag JURATE1	-.52	-.76	
two year lag JURATE2	.24	.42	
2) Dependent Var. = Pending Cases			
Jury Trials (Ind. Vars.)			2.29[n]
one year lag JURATE1	-7.23	-2.10[N]	
two year lag JURATE2	1.99	.69	

Table OR 3.1 (page 2)

	Coefficient	T Ratio	F Ratio
I Forward Analyses (cont.)			
B. With Jury Trial Rate (cont.)			
3) Dependent Var. = Time to Trial			
Jury Trials (Ind. Vars.)			.41
one year lag JURATE1	-1.05	-.91	
two year lag JURATE2	.13	.13	
4) Dependent Var. = Percent Active Pending over 6 months			
Jury Trials (Ind. Vars.)			.09
one year lag JURATE1	-.20	-.43	
two year lag JURATE2	.02	.04	
5) Dependent Var. = Dispositions			
Jury Trials (Ind. Vars.)			.91
one year lag JURATE1	3.02	1.14	
two year lag JURATE2	-.95	-.38	
II. Backward Analyses			
A. With Trials Per Capita as Dependent Variables.			
1) Backlog Ratio (Ind. Vars.)*			.38
one year lag BKLOG1	.05	.69	
two year lag BKLOG2	-.04	-.61	
2) Pending Cases (Ind. Vars.)*			.58
one year lag FPTP1	.02	1.04	
two year lag FPTP2	-.01	-.82	
3) Mean Time to Trial (Ind. Vars.)*			.20
one year lag FTTRAV1	-.02	-.44	
two year lag FTTRAV2	-.01	-.34	
4) Percent of Active Pending over Six Months (Ind Vars.)*			.08
one year lag FPA061	-.02	-.17	
two year lag FPA062	-.03	-.30	
5) Disposition (Ind. Vars.)*			.52
one year lag FDTP1	-.01	-.99	
two year lag FDTP2	.00	.03	

Table OR 3.1 (page 3)

		Coefficient	T Ratio	F Ratio
II. Backward Analyses (cont.)				
B. With Jury Trial Rate as Dependent Variables.				
1) Backlog Ratio (Ind. Vars.)*				.46
one year lag	BKLOG1	-.011	-.93	
two year lag	BKLOG2	-.001	-.09	
2) Pending Cases (Ind. Vars.)				.07
one year lag	FPTP1	.000	.09	
two year lag	FPTP2	-.001	-.36	
3) Mean Time to Trial (Ind. Vars.)				.03
one year lag	FTTRAV1	.000	.02	
two year lag	FTTRAV2	.001	.22	
4) Percent of Active Pending over Six Months (Ind Vars.)				.28
one year lag	FPA061	.005	.39	
two year lag	FPA062	.007	.51	
5) Disposition (Ind. Vars.)				.41
one year lag	FDTP1	.001	.78	
two year lag	FDTP2	-.001	-.71	

Each section (1, 2, etc.) represents a separate regression. The forward analyses are the same as the regressions in Tables 4.1 to 4.5, except that there are additional independent variables: the trial rate variables and the dependent variables lagged one and two years. Also dummy variables, other than fixed effects, are not included. The results in the above regressions for the other independent variables are similar to the results in Tables 4.1 to 4.5. The backward analyses also include the continuous variables in these tables, as well as lagged values of the dependent variable. Asterisks (*) indicate that year dummies are significant and are entered in the analysis.

Table OR 3.1a Delay and Trial Rates - Oregon
(Granger-Sims test for causal relationship between the backlog index and various measures of trials)

	Coefficient	T Ratio	F Ratio
I. Forward Analyses (the dependent variable is the backlog index, BKLOG)			
1) Ind. Var. = Trials per capita (trials divided by 100,000 population)			.48
one year lag FTRP1	-.06	-.94	
two year lag FTRP2	.04	.58	
2) Ind. Var. = Trial rate (trials divided by dispositions, times 100)			.40
one year lag TRRATE1	-.43	-1.00	
two year lag TRRATE2	.08	.21	
II. Backward Analysis (various trial measures are the dependent variables, and lagged values of the backlog index are independent variables)			
1) Trials per capita (FTRP) as D.V.			.84
one year lag BKLOG1	.13	1.25	
two year lag BKLOG2	-.05	-.52	
2) Trial rate (TRRATE) as D.V.			1.38
one year lag BKLOG1	-.024	-1.53[n]	
two year lag BKLOG2	-.006	-.38	

Each section (1, 2, etc.) represents a separate regression, the same those Table 3.1 for the backlog index, except that total trial rates are substituted for jury trial rates. Year dummies are not significant, and not included.

Table OR 3.2 Delay and Judges - Oregon
(Granger-Sims test for causal relationship between delay and judges)

	Coefficient	T Ratio	F Ratio
I. Forward Analysis (Judges are independent variables)			
1) Dependent Var. = Backlog Ratio			
Judges per capita (Ind. Vars.)			
one year lag JDP1	.21	.06	
2) Dependent Var. = Pending Cases			
Judges per capita (Ind. Vars.)			
one year lag JDP1	-.23	-.01	
3) Dependent Var. = Mean Time to Trial			
Judges per capita (Ind. Vars.)			
one year lag JDP1	10.60	1.52[n]	
4) Dependent Var. = Percent Active Pending over 6 Months.			
Judges per capita (Ind. Vars.)			
one year lag JDP1	-5.30	-1.96[m]	
5) Dependent Var. = Dispositions			
Judges per capita (Ind. Vars.)			
one year lag JDP1	8.37	1.17	
II. Backward Analysis (judges per capita, JDP, are dependent variables)			
1) Backlog Ratio (Ind. Vars.)			.44
one year lag BKLOG1	.0005	.48	
two year lag BKLOG2	.0008	.73	
2) Pending Cases (Ind. Vars.)			.65
one year lag FPTP1	.0001	.58	
two year lag FPTP2	.0001	.45	
3) Mean Time To Trial (Ind. Vars.)			2.24[n]
one year lag FTTRAV1	.0008	1.60[n]	
two year lag FTTRAV2	.0004	.79	
4) Pending over 6 mo. (Ind. Vars.)			.15
one year lag FPAO61	-.0006	-.48	
two year lag FPAO62	-.0001	-.11	
5) Disposition (Ind. Vars.)			.08
one year lag FDTP1	.0001	.37	
two year lag FDTP2	.0000	-.23	

Each section (1, 2, etc.) represents a separate regression. The forward analyses are the same as those in Tables 4.1 to 4.5, except that the judge variable is lagged one year, and the dependent variables lagged one and two years are entered as independent variables. The results in the above regressions for the other independent variables are similar to the results in Tables 4.1 to 4.4. The backward analyses also include the variables in these tables, as well as the dependent variable lagged one year. Year dummies are not significant throughout.

Table OR 4.1 Delay Analysis - Oregon (1974-87)
(dependent variable - backlog index)

Independent Variables	Coefficient	T Ratio	F Ratio
Jury Trials			.73
Current year FJUP	-.06	-.80	
Prior year FJUP1	-.05	-.59	
Judges JDP	1.27	.37	
Felony Filings			.67
Current year FFIP	.005	.69	
Prior year FFIP1	-.008	-1.14	
Civil filings			12.19[X]
Current year CRFIP	.006	.99	
Prior year CRFIP1	.020	3.22[N]	
Delay Reduction Programs			
Fast Track QCFM	-3.40	-.47	
Time Standards QTSTD	2.90	.85	
Statistical Controls			
Whether cases are filed at arraignment QFI	4.37	1.14	
Whether District Court appeals to the Appellate Court QMFI	5.26	1.45	

DF = 180; F Ratio = 10.7; Adj. R-Sq. = .55; D.W. = 1.88. The F statistic for the district dummies is 13.8. The dependent variable (BKLOG) is the number of pending cases divided by dispositions, times 100.

Table OR 4.2 Delay Analysis - Oregon (1975-87)
(dependent variable - pending cases)

Independent Variables	Coefficient	T Ratio	F Ratio
Jury Trials per Capita*			8.65[X]
Current year FJUP	-.28	-.73	
Prior year FJUP1	-1.63	-4.08[X]	
Judges JDP	24.61	1.32	
Felony Filings			48.25[X]
Current year FFIP	.312	8.71[X]	
Prior year FFIP1	.080	2.25[N]	
Civil filings			18.11[X]
Current year CRFIP	-.018	-.61	
Prior year CRFIP1	.164	5.60[X]	
Delay Reduction Programs			
Fast Track QCFM	-57.15	-1.60[n]	
Time Standards QTSTD	77.00	2.19[N]	
Statistical Controls			
Whether cases are filed at arraignment QFI	19.26	1.11	
Whether District Court appeals to the Appellate Court QMFI	34.30	2.20[N]	

DF = 155; F Ratio = 63.2; Adj. R-Sq. = .90; D.W. = 1.85 (1.24 before correction). The F statistic for the district dummies is 13.7. The dependent variable (FPTP) is the number of pending cases divided by 100,000 population. The impact of criminal filings is probably artificial; more filings mean more short-term pending cases, not necessarily more delay in processing cases.

* When the jury trial rate, trials divided by dispositions (JURATE), is substituted for FJUP the results are substantially different (current year: Coef. = 7.07; T = 2.50; prior year: Coef. = -4.91; T = -1.88; F = 5.60).

Table OR 4.3 Delay Analysis - Oregon (1975-87)
(dependent variable - Time to trial)

Independent Variables	Coefficient	T Ratio	F Ratio
Jury Trials per Capita*			5.73[M]
Current year FJUP	.21	1.29	
Prior year FJUP1	-.57	-3.34[M]	
Judges JDP	-.64	-.07	
Felony Filings			.47
Current year FFIP	-.012	-.83	
Prior year FFIP1	.010	.71	
Civil filings			1.63
Current year CRFIP	.000	.00	
Prior year CRFIP1	.021	1.61[n]	
Delay Reduction Programs			
Fast Track QCFM	16.52	1.12	
Mulnomah Program QCFMX	-3.52	-.25	
Statistical Controls			
Whether cases are filed at arraignment QFI	3.16	.43	
Whether District Court appeals go to the Appellate Court QMFI	-4.91	-.75	
Whether the court separates out inactive cases QIAPEN	7.92	1.14	
Whether time to trial calculations exclude inactive pending QIAPENY	14.19	1.39	

DF = 152; F Ratio = 10.2; Adj. R-Sq. = .59; D.W. = 1.96 (1.54 before correction). The F statistic for the district dummies is 11.6. The dependent variable (FTTRAV) is the mean time to trial, in days.

* When the jury trial rate, trials divided by dispositions (JURATE), is used instead of FJUP, the results are not significant (current year: Coef. = -.19; T = -.16; prior year: Coef. = -1.64; T = -1.50; F = 1.14).

Table OR 4.4 Delay Analysis - Oregon (1974-87)
(dependent variable - pending over 6 months)

Independent Variables	Coefficient	T Ratio	F Ratio
Jury Trials			2.90[m]
Current year FJUP	-.07	-1.05	
Prior year FJUP1	-.10	-1.67[m]	
Judges JDP	-1.84	-.67	
Felony Filings			14.28[X]
Current year FFIP	-.018	-3.26[M]	
Prior year FFIP1	.030	5.26[X]	
Civil filings			5.73[M]
Current year CRFIP	.010	1.90[m]	
Prior year CRFIP1	.007	1.39	
Delay Reduction Programs			
Fast Track QCFM	-4.16	-.73	
Multnomah Program QCFMX	5.93	.93	
Time Standards QTSTD	.31	.07	
Statistical Controls			
Whether cases are filed at arraignment QFI	8.29	2.87[M]	
Whether District Court appeals go to the Appellate Court QMFI	4.69	1.62[n]	
Whether pending include only active cases QIAPEN	-10.98	-3.76[X]	
Whether inactive cases include only those 90 cays inactive QIAPENX	4.77	1.48[n]	

DF = 187; F Ratio = 12.4; Adj. R-Sq. = .61; D.W. = 1.62. The F statistic for the district dummies is 15.3. The dependent variable (FPA06) is the percent of cases pending over six months. For most districts the measure was changed from all pending to active pending after 1978, and a variable (QIAPEN) is entered to control for this change. The impact of criminal filings is probably artificial; more filings mean more short-term pending cases, not necessarily less delay in processing cases.

Table OR 4.5 Delay Analysis - Oregon (1974-87)
(dependent variable - dispositions)

Independent Variables	Coefficient	T Ratio	F Ratio
Jury Trials			1.35
Current year FJUP	.59	1.48[n]	
Prior year FJUP1	-.26	-.65	
Judges JDP	2.94	.43	
Felony Filings			731.49[X]
Current year FFIP	.738	20.15[X]	
Prior year FFIP1	.231	6.10[X]	
Civil filings			1.34
Current year CRFIP	-.050	-1.47[n]	
Prior year CRFIP1	.048	1.41	
Delay Reduction Programs			
Fast Track QCFM	-19.64	-.59	
Multnomah Program QCFMX	-39.95	-1.40	
Time Standards QTSTD	2.99	.17	
Statistical Controls			
Whether cases are filed at arraignment QFI	-10.93	-.57	
Whether District Court appeals to the Appellate Court QMFI	-21.35	-1.27	

DF = 203; F Ratio = 251.2; Adj. R-Sq. = .93; D.W. = 2.41. The district dummies are not included (when they are, their F statistic = .56). The regression is weighted by the square root of population. The dependent variable (FDTP) is the number of cases disposed divided by 100,000 population.

Table PA 2 Variable Means - Pennsylvania

Dependent Variables	Means
Backlog Index (pending divided by dispositions, times 100) BKLOG	47.20
Pending Per Capita DPTP	259.14
Dispositions Per Capita DDTP	578.55
Merit Dispositions Per Capita (jury and nonjury trials, and guilty pleas) DDTXP	321.30
Independent Variables	
Trials	
Jury Trials Per Capita DJUP	27.61
Jury Trial Rate (trials divided by merit dispositions, times 100) JURATEX	9.09
Jury Trial Rate (trials divided by total dispositions, times 100) JURATE	5.13
Total Trials Per Capita DTRP	43.02
Trial Rate (trials divided by merit dispositions, times 100) TRRATEX	13.73
Trial Rate (trials divided by total dispositions, times 100) TRRATE	7.87
Judges Per Capita JDP	2.17
Felony Filings Per Capita DFIP	592.09
Discrete changes	
Grand Jury QGJ	.29
Case monitoring (Brad. & Ches. 1984) QCFM	.01
Case conferencing (Lack. 1982) QCFMX	.01
Individual calendar (All. 1982, Del. 1980, Phil. 1983) QCAL	.02

Per capita figures are per 100,000 population.

Table PA 3.1 Delay and Trial Rates - Pennsylvania
(Granger-Sims test for causal relationship between delay and trial rates)

	Coefficient	T Ratio	F Ratio
I. Forward Analyses.			
A. With Jury Trials Per Capita.			
1) Dependent Var. = Backlog Ratio			1.41
Jury Trials (Ind. Vars.)			
one year lag DJUP1	-.12	-1.66[m]	
two year lag DJUP2	.05	.63	
2) Dependent Var. = Pending Cases			
Jury Trials (Ind. Vars.)			.91
one year lag DJUP1	-.34	-1.11	
two year lag DJUP2	.29	.98	
3) Dependent Var. = Dispositions			
Jury Trials (Ind. Vars.)			1.53
one year lag DJUP1	.48	1.74[m]	
two year lag DJUP2	-.34	-1.27	
4) Dependent Var. = Merit Dispositions			
Jury Trials (Ind. Vars.)			.56
one year lag DJUP1	-.25	-.93	
two year lag DJUP2	-.08	-.30	
B. With Jury Trial Rate Based on Merit Dispositions			
1) Dependent Var. = Backlog Ratio			
Jury Trials (Ind. Vars.)			1.04
one year lag JURATEX1	-.27	-1.22	
two year lag JURATEX2	.21	.97	
2) Dependent Var. = Pending Cases			
Jury Trials (Ind. Vars.)			1.13
one year lag JURATEX1	-.87	-.99	
two year lag JURATEX2	1.13	1.29	
3) Dependent Var. = Dispositions			
Jury Trials (Ind. Vars.)			.68
one year lag JURATEX1	.92	1.14	
two year lag JURATEX2	-.73	-.94	
4) Dependent Var. = Merit Dispositions			
Jury Trials (Ind. Vars.)			.53
one year lag JURATEX1	-.37	-.48	
two year lag JURATEX2	-.64	-.81	

Table 3.1 (cont.)

		Coefficient	T Ratio	F Ratio
II. Backward Analyses.				
A. With Jury Trial Per Capital.				
1) Backlog Ratio (Ind. Vars.)				5.99[M]
one year lag	BKLOG1	.058	2.05[N]	
two year lag	BKLOG2	.059	2.14[N]	
2) Pending Cases (Ind. Vars.)				5.23[M]
one year lag	DPTP1	.018	2.65[M]	
two year lag	DPTP2	.004	.65	
3) Disposition (Ind. Vars.)				3.24[N]
one year lag	DDTP1	-.006	-1.04	
two year lag	DDTP2	-.009	-2.02[N]	
4) Merit Dispositions (Ind. Vars.)				.16
one year lag	DDTXP1	-.003	-.39	
two year lag	DDTXP2	-.002	-.23	
B. With Jury Trial Rate Based on Merit Dispositions				
1) Backlog Ratio (Ind. Vars.)				.39
one year lag	BKLOG1	.001	.15	
two year lag	BKLOG2	.007	.81	
2) Pending Cases (Ind. Vars.)				.61
one year lag	DPTP1	.002	.76	
two year lag	DPTP2	.001	.47	
3) Disposition (Ind. Vars.)				1.40
one year lag	DDTP1	.000	-.21	
two year lag	DDTP2	-.002	-1.58[n]	
4) Merit Dispositions (Ind. Vars.)				.64
one year lag	DDTXP1	-.003	-1.23	
two year lag	DDTXP2	.001	.40	

The forward analyses are the same as those in Tables 4.1 to 4.4, except that there are additional independent variables: the trial rate variables and the dependent variables lagged one and two years. Autocorrelation corrections were not needed in these regressions. The results in the above regressions for the other independent variables are similar to the results in Tables 4.1 to 4.4. The backward analyses also include the variables in these tables, as well as lagged values of the dependent variable. Year dummies were not significant, and not included, in all analyses.

Table PA 3.1a Delay and Trial Rates - Pennsylvania
(Granger-Sims test for causal relationship between the backlog index and various measures of trials)

	Coefficient	T Ratio	F Ratio
I. Forward Analysis (the dependent variable is the backlog index, BKLOG)			
1) Ind. Var. = Jury trial rate (trials divided by dispositions, times 100)			.69
one year lag JURATE1	-.42	-1.10	
two year lag JURATE2	-.06	-.13	
2) Ind. Var. = Trials per capita (trials divided by 100,000 population)			2.29[n]
one year lag DTRP1	-.07	-1.75[m]	
two year lag DTRP2	-.01	-.39	
3) Ind. Var. = Trial rate (trials divided by dispositions, times 100)			2.09[n]
one year lag TRRATE1	-.27	-1.35	
two year lag TRRATE2	-.16	-.86	
4) Ind. Var. = Trial rate based on merit dispositions (trials divided by merit dispositions, times 100)			1.99[n]
one year lag TRRATEX1	-.25	-1.89[m]	
two year lag TRRATEX2	.02	.16	

Table IL 3.1a (cont.)

		Coefficient	T Ratio	F Ratio
II. Backward Analysis (various trial measures are the dependent variables, and lagged values of the backlog index are independent variables)				
1) Jury trial rate (JURATE) as D.V.				.49
one year lag	BKLOG1	.000	.04	
two year lag	BKLOG2	.005	.95	
2) Trials per capita (DTRP) as D.V.*				5.54[M]
one year lag	BKLOG1	.127	2.26[N]	
two year lag	BKLOG2	.106	1.79[m]	
3) Trial rate (TRRATE) as D.V.*				2.58[m]
one year lag	BKLOG1	-.001	-.09	
two year lag	BKLOG2	.021	2.22[N]	
4) Trial rate, based on merit dispositions (TRRATEX) as D.V.*				2.52[m]
one year lag	BKLOG1	-.003	-.23	
two year lag	BKLOG2	.032	2.22[N]	

These analyses are the same as those Table 3.1 for the backlog index, except that different measures of trials are used. Analyses marked with an asterisk (*) include year dummies; elsewhere, the year dummies are not significant.

Table PA 3.2 Delay and Judges - Pennsylvania
(Granger-Sims test for causal relationship between delay and judges)

	Coefficient	T Ratio	F Ratio
I. Forward Analyses (Judges are independent variables)			
1) Dependent Var. = Backlog Ratio			
Judges per capita (Ind. Vars.)			
one year lag JDP1	-7.83	-1.64[n]	
2) Dependent Var. = Pending Cases			
Judges per capita (Ind. Vars.)			
one year lag JDP1	-19.70	-1.03	
3) Dependent Var. = Dispositions			
Judges per capita (Ind. Vars.)			
one year lag JDP1	.73	.14	
4) Dependent Var. = Merit Dispositions			
Judges per capita (Ind. Vars.)			
one year lag JDP1	57.32	3.43[X]	
II. Backward Analyses (judges per capita, JDP, are dependent variables)			
1) Backlog Ratio (Ind. Vars.)			.07
one year lag BKLOG1	-.0000	-.05	
two year lag BKLOG2	.0000	.37	
2) Pending Cases (Ind. Vars.)			.30
one year lag DPTP1	.0000	.24	
two year lag DPTP2	.0001	.58	
3) Disposition (Ind. Vars.)			.35
one year lag DDTP1	.0000	.09	
two year lag DDTP2	.0001	.80	
4) Merit Dispositions (Ind. Vars.)			2.03[n]
one year lag DDTXP1	-.0001	-.83	
two year lag DDTXP2	.0002	2.01[N]	

The forward analyses are similar to those 4.1 to 4.4, except that the judge variable is lagged one year, and the dependent variables lagged one and two years are entered as independent variables. The results in the above regressions for the other independent variables are similar to the results in Tables 4.1 to 4.4. The backward analyses also include the variables in these tables, as well as the dependent variable lagged one year. Year dummies are significant, and included, in the backward analyses, but not in the forward analyses.

Table PA 4.1 Delay Analysis - Pennsylvania
(dependent variable - backlog index)

Independent Variables	Coefficient	T Ratio	F Ratio
Jury Trials Per Capita			
Current year DJUP*	-.23	-3.25[M]	
Prior year DJUP1	-.08	-1.15	
Judges JDP	-3.65	-.99	
Criminal Filings			8.03[X]
Current year DFIP	.029	3.96[X]	
Prior year DFIP1	-.016	-2.10[N]	
Discrete changes			
Grand Jury QGJ	-3.41	-.86	
Case monitoring QCFM	-17.32	-2.13[N]	
Case conferencing QCFMX	-22.09	-2.27[N]	
Individual calendar QCAL	-1.47	-.24	

DF = 551; F Ratio = 8.4; Adj. R-Sq. = .44; D.W. = 1.63 (the results do not change appreciably if corrections are made for autocorrelation). The F statistic for the district dummies is 8.8. The regression is weighted by the fourth root of population. The dependent variable (BKLOG) is the number of active pending cases divided by dispositions, times 100. The impact of criminal filings is probably artificial; more filings mean more short-term pending cases, not necessarily more delay in processing cases. The impact of the number of trials is probably simply because additional trials indicate that there are more dispositions, thus decreasing the denominator of the backlog index.

* The results here are probably understated. Because a higher backlog index leads to more trials (see Table IL 3.1), there is a reverse positive relationship between trials and the backlog index. Without this, the negative coefficient for the impact of trials on the backlog index would be larger.

Table PA 4.2 Delay Analysis - Pennsylvania
(dependent variable - pending cases)

Independent Variables	Coefficient	T Ratio	F Ratio
Jury Trials Per Capita#			
Current year DJUP*	-1.13	-4.36[X]	
Prior year DJUP1	-.81	-3.08[M]	
Judges JDP	-8.60	-.56	
Criminal Filings			164.02[X]
Current year DFIP	.404	15.70[X]	
Prior year DFIP1	.058	2.20[N]	
Discrete changes			
Grand Jury QGJ	.70	.04	
Case monitoring QCFM	-122.76	-4.06[X]	
Case conferencing QCFMX	-39.81	-.91	
Individual calendar QCAL	-4.23	-.12	

DF = 495; F Ratio = 20.4; Adj. R-Sq. = .69; D.W. = 1.88 (1.22 before correction). The F statistic for the district dummies is 4.8. The regression is weighted by the fourth root of population. The dependent variable (DPTP) is number of active pending cases, divided 100,000 population. The impacts of criminal filings is probably artificial; more filings mean more short-term pending cases, not necessarily more delay in processing cases. The impact of the number of trials is probably simply because additional trials indicate that there are more dispositions, thus decreasing the number of cases left pending.

When the jury trial rate (JURATEX) is substituted for DJUP, the results are not significant (current year: Coef. = .67, T = .84; prior year: Coef. = -.86, T = -1.08; F = 1.06)

* The results are probably understated. Because a higher number pending leads to more trials (see Table IL 3.1), there is a reverse positive relationship between trials and the number pending. Without this the negative coefficient for the impact of trials on the number pending would be larger.

Table PA 4.3 Delay Analysis - Pennsylvania
(dependent variable - dispositions)

Independent Variables	Coefficient	T Ratio	F Ratio
Jury Trials Per Capita			
Current year DJUP*	1.21	5.03[X]	
Prior year DJUP1	-.80	-3.40[X]	
Judges JDP	4.70	.97	
Criminal Filings			2128.21[X]
Current year DFIP	.637	14.31[X]	
Prior year DFIP1	.338	12.17[X]	
Discrete changes			
Grand Jury QGJ	-13.91	-1.43	
Case monitoring QCFM	67.07	2.41[N]	
Case conferencing QCFMX	-5.41	-.18	
Individual calendar QCAL	.91	.06	

DF = 617; F Ratio = 554.7; Adj. R-Sq. = .89; D.W. = 2.19. Year dummies are not included (when included their F statistic is .68). The regression is weighted by the fourth root of population. The dependent variable (DDTP) is the number of dispositions divided by 100,000 population.

* The relationship between trials and dispositions is probably simply an identity, since more dispositions in a year imply more trials. This relationship is probably even greater than suggested here because there is a backward negative relationship between dispositions and trials, more dispositions leading to more trials (Table 3.1).

Table PA 4.4 Delay Analysis - Pennsylvania
(dependent variable - merit dispositions)

Independent Variables	Coefficient	T Ratio	F Ratio
Jury Trials Per Capita			21.25[X]
Current year DJUP	1.46	6.51[X]	
Prior year DJUP1	.11	.48	
Judges JDP	14.21	1.15	
Criminal Filings			167.71[X]
Current year DFIP	.256	11.79[X]	
Prior year DFIP1	.136	6.05[X]	
Discrete changes			
Grand Jury QGJ	-37.07	-1.78[m]	
Case monitoring QCFM	28.45	.74	
Case conferencing QCFMX	-7.32	-.16	
Individual calendar QCAL	46.74	1.84[m]	

DF = 504; F Ratio = 48.4; Adj. R-Sq. = .84; D.W. = 2.05 (1.41 before correction). The F statistic for the district dummies is 5.2. The regression is weighted by the fourth root of population. The dependent variable (DDTXP) is the number of merit dispositions (trials plus guilty pleas) divided by 100,000 population.

APPENDIX C

CONVICTION RATE ANALYSES BY STATE

Table AZ 5.1 Trial Rates and Conviction Rates - Arizona
(Granger-Sims test for causal relationship between trial rates and conviction rates)

	Coefficient	T Ratio	F Ratio
I) Forward Analysis (conviction rates are independent variables)			
Dependent Var. = Trial rate based on total dispositions			
Conviction Rate (Ind. Vars.)			.93
one year lag CRATE1	.04	1.30	
two year lag CRATE2	-.01	-.26	
II. Backward Analysis (conviction rates, CRATE, are dependent variables)			
Trial rate (all disp.) (Ind. Vars.)			.45
one year lag TRRATE1	-.42	-.95	
two year lag TRRATE2	.07	.16	

The forward analysis is the same as that in Table 5.2 except that there are additional independent variables: the conviction rate and trial rate variables are lagged one and two years. The results in the above regressions for the other independent variables are similar to the results in Tables 5.2. The backward analyses also include the variables in these tables, as well as lagged values of the dependent variable. Year dummies are not significant and not included.

Table AZ 5.2 Conviction Rate Analysis - Arizona
(dependent variable - trial rate)

Independent Variables	Coefficient	T Ratio	F Ratio
Conviction Rate			2.93[m]
Current year CRATE	.047	1.81[m]	
Prior year CRATE1	.046	1.80[m]	
Judges JDP	-.95	-.63	
Felony Filings			3.75[N]
Current year FFIP	-.004	-1.23	
Prior year FFIP1	-.004	-1.49[n]	
Change in Procedure for Counting Trials QSTATS	-.11	-.16	

DF = 77; F Ratio = 10.2; Adj. R-Sq. = .62; D.W. = 2.22 (1.57 before correction). The F statistic for the district dummies is 4.6. The analysis is weighed by the square root of population. The dependent variable (TRRATE) is the number of trials divided by total dispositions, times 100. The mean for conviction rate (CRATE) is 81.42. Means for the remaining variables can be found in Table AZ 2.1.

Table CA 5.1 Trial Rates and Conviction Rates - California
(Granger-Sims test for causal relationship between trial rates and conviction rates)

	Coefficient	T Ratio	F Ratio
I. Forward Analysis (conviction rates are independent variables)			
1) Dep. Var. = Trial rate, trials divided by merit disp., times 100)			1.52
one year lag CRATE1	-.018	-.43	
two year lag CRATE2	-.069	-1.66[m]	
2) Dep. Var. = Trial rate, contested (contested trials divided by merit disp., times 100)			3.65[N]
one year lag CRATEZ1	-.016	-.49	
two year lag CRATEZ2	-.083	-2.56[N]	
3) Dep. Var. = Trial rate (trials divided by all dispositions, times 100)			1.80
one year lag CRATE1	-.007	-.20	
two year lag CRATE2	-.069	-1.87[m]	
4) Dep. Var. = Trial rate, contested (contested trials divided by dispositions, times 100)			3.81[N]
one year lag CRATEZ1	-.011	-.41	
two year lag CRATEZ2	-.075	-2.65[M]	
5) Dep. Var. = Jury trial rate (trials divided by merit dispositions, times 100)			2.85[m]
one year lag CRJU1	-.031	-1.07	
two year lag CRJU2	-.055	-1.98[N]	
6) Dep. Var. = Jury trial rate, contested (contested trials divided by merit disp., times 100)			3.01[m]
one year lag CRJUZ1	-.039	-1.49[n]	
two year lag CRJUZ2	-.044	-1.72[m]	

	Coefficient	T Ratio	F Ratio
I. Forward Analysis (cont.)			
7) Dep. Var. = Jury trial rate (trials divided by dispositions, times 100)			3.50[N]
one year lag CRJU1	-.022	-.87	
two year lag CRJU2	-.057	-2.37[N]	
8) Dep. Var. = Jury trial rate, contested (contested trials divided by dispositions, times 100)			3.22[N]
one year lag CRJUZ1	-.031	-1.33	
two year lag CRJUZ2	-.044	-1.95[m]	
II. Backward Analysis (conviction rates, CRATE, etc., are dependent variables)			
1) Ind. Var. = Trial rate (trials divided by merit disp., times 100)			.23
one year lag TRRATEX1	.05	.53	
two year lag TRRATEX2	.02	.21	
2) Ind. Var. = Trial rate, contested (contested trials divided by merit disp., times 100)			2.78[m]
one year lag TRRATEZ1	-.16	-1.56[n]	
two year lag TRRATEZ2	-.11	-1.26	
3) Ind. Var. = Trial rate (trials divided by all dispositions, times 100)			.38
one year lag TRRATE1	.07	.79	
two year lag TRRATE2	.00	-.03	
4) Ind. Var. = Trial rate, contested (contested trials divided by dispositions, times 100)			3.33[N]
one year lag TRRATEW1	-.16	-1.41	
two year lag TRRATEW2	-.18	-1.73[m]	
5) Ind. Var. = Jury trial rate (trials divided by merit dispositions, times 100)			3.60[N]
one year lag JURATEX1	-.12	-1.06	
two year lag JURATEX2	-.22	-1.96[m]	

	Coefficient	T Ratio	F Ratio
II. Backward Analysis (cont.			
6) Ind. Var. = Jury trial rate, contested (contested trials divided by merit disp., times 100)			4.36[N]
one year lag JURATEZ1	-.20	-1.59[n]	
two year lag JURATEZ2	-.22	-1.91[m]	
7) Ind. Var. = Jury trial rate (trials divided by dispositions, times 100)			5.15[M]
one year lag JURATE1	-.12	-.89	
two year lag JURATE2	-.34	-2.66[M]	
8) Ind. Var. = Jury trial rate, contested (contested trials divided by dispositions, times 100)			5.62[M]
one year lag JURATEW1	-.22	-1.51	
two year lag JURATEW2	-.33	-2.50[N]	

The conviction rate measures used are comparable to the trial rate measures (see Table CA 2 for definitions of the trial rate measures). They are:

CRATE = convictions divided by trials, times 100 (mean = 83).

CRATEZ = convictions in "contested" trials divided by the number of contested trials, times 100 (mean = 84). Contested trials are those in which both sides present evidence, although "noncontested" trials are also generally adversary proceedings.

CRJU = convictions in jury trials divided by the number of jury trials, times 100 (mean = 83).

CRJUZ = convictions in "contested" jury trials divided by the number of contested jury trials, times 100 (mean = 83).

The forward analyses are the same as those in Table 5.2 except that the conviction rate is lagged one and two years and independent variables include lagged values of the dependent variable. The results in the above regressions for the other independent variables are similar to the results in Tables 5.2. The forward analysis includes year dummies. The backward analyses also include the variables in the Table 5.2, as well as lagged values of the dependent variable. The backward analysis does not include year dummies, which are not significant.

Table CA 5.2 Conviction Rate Analysis - California (1977-86)
(dependent variable - trial rate)

Independent Variables	Coefficient	T Ratio	F Ratio
Conviction Rate*			1.98[n]
Current year CRATE	.068	1.95[m]	
Prior year CRATE1	.032	.86	
Judges JDP	.002	.10	
Felony Filings			1.48
Current year FFIP	-.0001	-1.59[n]	
Prior year FFIP1	.0000	.08	

DF = 289; F Ratio = 22.1; Adj. R-Sq. = .76; D.W. = 2.03 (1.35 before correction). The F statistics for the district and year dummies are 11.9 and 3.6. The regression is weighed by population. The dependent variable (TRRATEX) is the number of trials divided by merit dispositions (trials plus guilty pleas), times 100.

* In a separate analysis with jury trial rate (JURATEX) as the dependent variable and jury trial conviction rate (CRJU) used instead of CRATE, the latter is not significant (current year: Coef. = .006, T = .22; prior year: Coef. = .000, T = .01; F = .02). The current year impact of CRJU, however, is probably similar to that for CRATE in Table CA 5.1 because there is a large backward negative impact of jury trial rates on convictions (Table 5.1 II).

Table IL 5.1 Trial Rates and Conviction Rates - Illinois
(Granger-Sims test for causal relationship between trial rates and conviction rates)

	Coefficient	T Ratio	F Ratio
I. Forward Analyses (conviction rates are independent variables)			
1) Dependent Var. = Trial rate based on merit dispositions			
Conviction Rate (Ind. Vars.)			.54
one year lag CRATE1	.005	.13	
two year lag CRATE2	-.037	-1.04	
2) Dependent Var. = Trial rate based on total dispositions			
Conviction Rate (Ind. Vars.)			.48
one year lag CRATE1	.015	.71	
two year lag CRATE2	-.017	-.81	
3) Dependent Var. = Jury trial rate based on merit dispositions			
Conviction Rate (Ind. Vars.)			.59
one year lag CRATEJU1	-.016	-.82	
two year lag CRATEJU2	.015	.81	
4) Dependent Var. = Jury trial rate based on total dispositions			
Conviction Rate (Ind. Vars.)			.59
one year lag CRATEJU1	.001	.10	
two year lag CRATEJU2	.011	1.06	

Table 5.1 (cont.)

		Coefficient	T Ratio	F Ratio
II. <u>Backward Analyses</u> (conviction rates, - CRATE for all trials, and CRATEJU for jury trials - are dependent variables)				
1) Trial rate (merit disp.) (Ind. Vars.)				1.08
one year lag	TRRATEX1	.08	.35	
two year lag	TRRATEX2	-.27	-1.47[n]	
2) Trial rate (all disp.) (Ind. Vars.)				.36
one year lag	TRRATE1	-.02	-.06	
two year lag	TRRATE2	-.29	-.82	
3) Jury trial rate (merit disp.) (Ind. Vars.)				3.02[N]
one year lag	JURATEX1	-.53	-1.35	
two year lag	JURATEX2	-.63	-1.76[m]	
4) Jury trial rate (all disp.) (Ind. Vars.)				2.23[n]
one year lag	JURATE1	-1.13	-1.55[n]	
two year lag	JURATE2	-.94	-1.36	

The forward analyses are the same as those in Table 5.2 except that there are additional independent variables: the conviction rate and trial rate variables are lagged one and two years. The results in the above regressions for the other independent variables are similar to the results in Tables 5.2. The backward analyses also include the variables in these tables, as well as lagged values of the dependent variable. The forward, but not the backward, analysis includes year dummies.

Table IL 5.2 Conviction Rate Analysis - Illinois (1976-84)
(dependent variable - trial rate)

Independent Variables	Coefficient	T Ratio	F Ratio
Conviction Rate			.21
Current year CRATE	.02	.64	
Prior year CRATE1	-.01	-.24	
Judges			
Circuit Judges JDCIRP	-1.98	-1.49[n]	
Associate Judges JDASSP	.02	.01	
Associate Judges Assigned to Felony Cases JDASSXP	-1.02	-1.11	
Felony Filings			.60
Current year FFIP	-.003	-.57	
Prior year FFIP1	-.003	-.57	

DF = 135; F Ratio = 13.0; Adj. R-Sq. = .70; D.W. = 1.76. The F statistics for the district and year dummies are 17.7 and 2.02. The regression is weighed by the inverse of the square root of population. The dependent variable (TRRATEX) is the number of trials divided by merit dispositions (trials and guilty pleas), times 100. The mean for conviction rate (CRATE) is 69.2. Means for the remaining variables can be found in Table IL 2.

The results are nearly the same when the dependent variable is the jury trial rate and the conviction rate is the percent of convictions at jury trial.

Table KA 5.1 Trial Rates and Conviction Rates - Kansas
(Granger-Sims test for causal relationship between trial rates and conviction rates)

	Coefficient	T Ratio	F Ratio
I. Forward Analysis (conviction rates are independent variables)			
1) Dependent Var. = Trial rate based on merit dispositions			
Conviction Rate (Ind. Vars.)			.91
one year lag CRATE1	-.013	-.65	
two year lag CRATE2	.024	1.25	
2) Dependent Var. = Trial rate based on total dispositions			
Conviction Rate (Ind. Vars.)			.90
one year lag CRATE1	-.006	-.47	
two year lag CRATE2	.016	1.30	
3) Dependent Var. = Jury trial rate based on merit dispositions			
Conviction Rate (Ind. Vars.)			.42
one year lag CRATE1	-.002	-.13	
two year lag CRATE2	-.010	-.88	
4) Dependent Var. = Jury trial rate based on total dispositions			
Conviction Rate (Ind. Vars.)			.14
one year lag CRATE1	.002	.20	
two year lag CRATE2	-.004	-.52	

Table KA 5.1 Cont.

		Coefficient	T Ratio	F Ratio
II. Backward Analysis (conviction rates, CRATE, are the dependent variables)				
1) Trial rate (merit disp.) (Ind. Vars.)				.79
one year lag	TRRATEX1	-.18	-.68	
two year lag	TRRATEX2	-.21	-.88	
2) Trial rate (all disp.) (Ind. Vars.)				.17
one year lag	TRRATE1	.00	.01	
two year lag	TRRATE2	-.20	-.57	
3) Jury trial rate (merit disp.) (Ind. Vars.)				.19
one year lag	JURATEX1	-.10	-.21	
two year lag	JURATEX2	-.24	-.54	
4) Jury trial rate (all disp.) (Ind. Vars.)				.05
one year lag	JURATE1	.17	.23	
two year lag	JURATE2	-.15	-.23	

Each section (1, 2, etc.) represents a separate regression. The forward analyses are the same as those in Table 5.2 except that there are additional independent variables: the conviction rate and trial rate variables are lagged one and two years. The results in the above regressions for the other independent variables are similar to the results in Tables 5.2. The backward analyses also include the variables in these tables, as well as lagged values of the dependent variable.

Table KA 5.2 Conviction Rate Analysis - Kansas
(dependent variable - trial rate)

Independent Variables	Coefficient	T Ratio	F Ratio
Conviction Rate			.16
Current year CRATE	-.010	-.51	
Prior year CRATE1	-.003	-.18	
Judges JDP	.25	.60	
Magistrates JDZP	.03	.13	
Criminal Filings			2.19
Current year FFIP	-.002	-2.09	
Prior year FFIP1	.001	.88	
Misdemeanors as Percent of Cases Filed			8.85
Current year MPCT	-.061	-1.74	
Prior year MPCT1	-.085	-2.64	

DF = 194; F Ratio = 12.3; Adj. R-Sq. = .64; D.W. = 1.78. The F statistic for the district dummies is 8.4. The dependent variable (TRRATEX) is the number of trials divided by merit dispositions, times 100. The mean for conviction rate (CRATE) is 75.1. Means for the remaining variables can be found in Table KA 2.1.

APPENDIX D

RESEARCH PLANS AND VARIABLE DESCRIPTIONS BY STATE

ANALYSIS PLAN - ARIZONA

A. INTRODUCTION

Court - Superior

Years - 1978-87

Court units - Counties - 15 counties (there were 14 before 1983. La Paz County was part of Yuma County)

Statistical system changes - 1977 (major), 1984 (minor)

Forms and manual - Manual

Statistical gathering method - monthly reports from courts

Criminal Counting Mechanism

Unit - defendant

Case types - 1) felony 2) all criminal (which includes misdemeanor and unclassified cases but is more than 95% felony).

B. DEPENDANT VARIABLES FOR THE DELAY STUDY

Note - population is per 100,000 persons.

The symbol # indicates that 1987 data are not available.

1) Backlog indices

a) regular BKLOG [DPT/DDT*100]

b) active pending BKIOGX# (available from 1980 to 1986, all criminal) [(KPT-KPI)/KDT*100] (not used)

2) Time frames for pending

a) percent of felony defendants pending over 150 days DPTO5# [(DPT-DPTOT5)/DPT*100] (not used)

3) Number pending

a) all cases DPTP [DPT/POP]

b) defendants awaiting trial KPZP# [KPZ/POP] (not used)

c) active pending KPAP# (starts in 1980) [(KPT-KPI)/POP] (not used)

4) Dispositions DDTP [DDT/POP]

C) INDEPENDENT VARIABLES IN THE DELAY STUDY

1) Trials

a) Trial rate TRRATE [(DNJ + DJU)/DDT*100]

b) Jury trial rate JURATE [DJU/DDT*100]

c) Number of trials DTRP [DTR/POP]

d) Number of jury trials DJUP [DJU/POP]

Note - the definition of trials changed in 1984 from defendants tried (including guilty pleas as trial) to number of trials commenced; thus later years have a lower count become some defendants are joint for a single trial. This change will be controlled by adding interaction variables TRRATEV, JURATEV, DTRPV, DJUPV. These are 0 before 1984 and TRRATE, etc., afterwards. These proved to be not significant, and were then deleted from the analysis.

2) Judges

a) judges per capita JDP [JD/POP]

b) judges pro tem (criminal)

1) Municipal court judges QJL [=1 if CONAME = MARI and YEAR = 81]

2) Volunteer lawyers QJA [=1 if CONAME = MARI and YEAR greater than 1984]

3) Case Processing Assistance Fund (used for visiting judges starting in 1985; variable is the amount of money authorized, in thousands. The 1987 figure is twice that authorized for the first half of that year) JDZP [JDZ/POP]

c) Judge turnover - percent of judges that take office that year. JDNEWP# [JDNEW/JD*100]

3) Filings

a) Felony filings DFIP [DFI/POP]

b) Civil

1 - regular civil CRFIP [CRFI/POP]

2 - all civil CCFIP [(CRFI+CDFI)/POP]

4) Civil Delay

a) backlog index, regular civil CRBKLOG [CRPT/CRDT*100]

b) Time frame - percent regular civil pending over 18 months CRPTO18# [CRP18UP/CRPT*100]

5) Delay reduction initiatives

a) See Section C (2) above on judges.

b) Maricopa criminal delay reduction program, Starting in July 1, 1981. QCFM [Coded 0 before 1981, .5 in 1981, and 1 after 1981.]

D. DEPENDENT VARIABLE - CONVICTION RATE ANALYSIS

1) Trial rate TRRATE [as above]

E. INDEPENDENT VARIABLE - CONVICTION RATE ANALYSIS

1) Conviction rate CRATE [(DTR-DATR)/DTR*100]

2) Number of judges JDP [as above]

3) Statistical system change, from counting the number of defendants tried to the number of trials commenced. QSTATS

Observation Deletions and Corrections

For all analysis: La Paz County (county number 7) was deleted because it was only created in 1984. The number pending in Apache County in 1983 was changed from 101 to 65, conforming with a data correction made in 1984.

For specific delay analysis, the following were deleted because of influence problems: With the backlog index, Graham County (number 5) for 1978; with pending cases, Gila County (number 4) for 1978; with dispositions Graham County (number 5) for 1987.

For the conviction rate analysis, Apache and Greenlee Counties (numbers 1 and 6) are deleted because there were no trials in some years (and thus missing data that interrupted the time series).

ANALYSIS CHECKLIST

dependent variable table number	BKLOG 4.1	FPTP 4.2	FDTP 4.3	TRRATE 5.2
A) Statistical checks				
1) Durbin Watson statistic	1.73	1.95[c]	1.72	2.22
2) Breusch Pagan sum of sq.	.0			4.7[c]
3) influence analysis	X	X	X	X
4) year effects F statistic	3.7[c]	5.1[c]	.86	1.37
5) collinearity condition index	40			
6) year counter	X	X		
7) random 1/2				
B) Lags				
1) 2 year lag	X	X	X	X
2) Granger-Sims test - trials	X	X	X	X
3) Granger-Sims test - judges	X	X	X	
C) Alternate ind. vars.				
1) trial rate (merit disp.)				
2) trial rate (total disp.)	X			X
3) trials per capita	X			
4) jury trial rate (merit disp.)				
5) jury trial rate (total disp.)	X	X	X	
6) jury trials per capita	X	X	X	
7) alternate judge measures				
9) extra judges	X			

ANALYSIS PLAN - CALIFORNIA

Introduction

Court - Superior

Years - 1975-86 (unless otherwise stated). Most analyses begin in 1976 or 1977.

Court units - 58 counties, used 38 largest in most analysis

Statistical system changes - 1976

Forms and manual - "Regulations on Superior Court Reports" and three monthly forms: calendar report, summary report, and report of assistance.

Statistical gathering method - monthly reports.

Criminal Counting Mechanism

Unit - defendant

Case types - felony - all criminal filings in the Superior Court.

Per capita variables (those ending in a "P" are per 100,000 population.

DELAY ANALYSIS DEPENDENT VARIABLES

Delay Measures

1) backlog ratio (pending cases are the number set for trial) [BKLOG = DPY/DDT]

2) Percentage of criminal juries sworn in more than 60 days from indictment or information (available for only 21 large courts) [DJUWPCT = DJUW2/DJUW1] (1976)

Note - this measure was not used in the final analysis because influence analysis found numerous irregular data elements.

Criminal Disposition Measure.

Number of cases disposed DDTP

Criminal Pending Measure

Cases set for trial DPYP

DELAY ANALYSIS - INDEPENDENT VARIABLES

Criminal Trial Measures

1) measures based on jury and court trials totalled :
   a) percent of cases disposed by all trials, "contested" and "uncontested;" in the latter only one party presents evidence. [TRRATE = (DTRY + DTRZ)/DDT] (note - for 1975, DTRZ is the same as DTRY + DTRZ for later years).
   b) percent disposed by "contested trial" [TRRATEW = DTRZ/DDT] (1976)
   c) trials as percent of guilty pleas plus trials [TRRATEX = (DTRY + DTRZ)/(DGPX + DTRY + DTRZ)] (1976)
   d) contested trials as percent of guilty pleas plus trials, "contested cases" only [TRRATEZ = DTRZ/(DGPX + DTRY + DTRZ)] (1976)
   e) trials per capita DTRP

2) measures based on jury trials: the same four categories as above (1976)
   a) [JURATE = (DJUY + DJUZ)/DDT]
   b) [JURATEW = DJUZ/DDT]
   c) [JURATEX = (DJUY + DJUZ)/(DGPX + DTRY + DTRZ)]
   d) [JURATEZ = DJUZ/(DGPX + DTRY + DTRZ)]
   e) [DJUP = DJU/POP]

3) juries sworn in as portion of dispositions [JURATES = DJUW1/DDT] (for 21 counties only) [not used]

Civil Cases.

Filings. Regular civil (motor vehicle tort, other tort, eminent domain, and other civil complaints) [CRFIP]

Judges

Number.

1) Number of authorized judgeships [JDP]

2) Judicial positions [JWP] (judges plus referees and commissioners)

3) Judaical position equivalent [JYP] (JW adjusted to reflect vacancies and net assistance from extra judges, below) (1981)

Extra judges.

1) Superior court judge assignments, in net days [JZP] (transfers and use of retired judges)

2) Commissioners, referees, and attorneys acting as temporary judges, in days [JZ] (JZ1 = commissioners, JZ2 = referees, JZ3 = lawyers)

Transfers. See extra judges, assignments

Innovations and Changes

1) Time standards (7/1/86) [QTSTD] (not included in the analysis)
2) Trial court management rules (1/1/85) [QCFM] [coded 0 less than 85; .5 in 85, and 1 after 85]
3) Authorizing municipal court judges to sentence, statewide (1/1/83) [QMUNJ] [coded 1 before 83, .5 in 83 and 1 after 83]
4) Same, experimental use in San Diego (approximately 4/1/78) [QMUNJSD] [coded 1 after 78]
5) Determinant sentencing (7/1/77) [QDETSEN] [coded 1 after 77]
6) Plea bargaining restrictions (6/8/82) [QPB] [coded 1 after 82]

CONVICTION RATE ANALYSIS

Conviction Rate Variables

1) portion convicted, all trials (1976) [CRATE = (DCNJY + DCJUY + DCNJZ + DCJUZ)/(DTRY + DTRZ)]

2) portion convicted, contested trials (1976) [CRATEZ = (DCNJZ + DCJUZ)/DTRZ]

3) portion convicted, jury trials [CRJU = (DCJUY + DCJUZ)/(DJUY+DJUZ)]

4) portion convicted, contested trials [CRJUZ = DCJUZ/DJUZ]

Note - other variables for the conviction rate analysis are described in the delay analysis section.

OBSERVATION DELETIONS - CALIFORNIA

1) All regression analyses. Alameda, Fresno, Humbolt, Nevada, San Joaquin, and San Luis Obispo Counties (numbers 1, 10, 12, 29, 39, 40) are deleted because guilty pleas tentatively accepted in the Municipal Court are not included, in some years in the analysis, in the guilty pleas for the superior court. For the first three, they are also not counted as filings in some years.

Thirteen counties with a median of 10 or fewer trials: Alpine, Amador, Calaveras, Colusa, Glenn, Inyo, Mariposa, Modoc, Mono, San Benito, Sierra, Tehema, and Trinity (numbers 2, 3, 5, 6, 11, 14, 22, 25, 26, 35, 46, 52, and 53) because the trial rate and conviction rate variables are every erratic and often are missing variables.

Los Angeles and San Diego Counties (numbers 19 and 37): the trial rate data for 1976 are deleted because the courts did not adjust to the 1976 statistical changes until 1977.

The number of nonjury trials for Solano County in 1979 was adjust downward, and the number of dismissals adjusted upward, by 100, to adjust for an apparent mistake in data collection.

2) Delay analysis with backlog index. Contra Costa and Plumas Counties (numbers 7 and 32) were deleted because influence analysis found many values out of line.

3) Delay analysis with percent of juries sworn in after 60 days. Contra Nostra and Orange Counties (numbers 7 and 30), influence analysis. San Bernardino County (number 36) for 1985 and 1986 because data for the dependant variable is missing for 1985.

4) Conviction rate analysis. Contra Nostra County (number 7), influence analysis.

5) 10 year trend data The six counties listed in Section 1.

The 14 small counties, listed in Section 1, except when using statistics for the state sum, where the small counties would have negligible impact.

Los Angeles and San Diego Counties (numbers 19 and 37) in 1976, for reasons given in paragraph 1.

ANALYSIS CHECKLIST - CALIFORNIA

dependent variable	BKLOG	DJUWPCT	DPYP	DDTP	DDTXP	TRRATE
table number	4.1	--	4.2	4.3	4.4	5.1
A) Statistical checks						
1) Durbin Watson statistic	1.80	--	1.77	1.72	1.71	2.03[c]
2) Breusch Pagan sum of sq.	3.09[c]			3.37[c]		
3) influence analysis	x	x	x			x
4) year effects F statistic	1.58		1.68	1.09	1.21	3.64[c]
5) collinearity condition index	17					
6) year counter	x		x	x	x	
7) small counties	x					
B) Lags						
1) 2 year lags	x	x	x	x	x	x
2) Granger-Sims test - trials	x		x	x	x	x
3) Grangr-Sims test - Judges	x		x	x	x	
C) Alternate ind. vars.						
1) trial rate (merit disp.)	x		x	x	x	
2) trial rate (total disp.)	x					
3) trials per capita	x		x	x	x	
4) jury trial rate (merit disp.)	x		x	x	x	
5) jury trial rate (total disp.)	x					
6) jury trials per capita	x		x	x	x	
7) alternate judge measures	x					
8) extra judges	x					

ANALYSIS PLAN - CONNECTICUT

Introduction

Court - Superior Court Criminal Division, Judicial District Locations

Year - 1979 - 1987

Court units - 12 Districts ("Locations")

Statistical system changes - 1979

Forms and manual - Form with instructions

Statistical gathering method - clerks send in monthly reports.

Criminal Counting Mechanism

Unit - case

Case types - felonies in the Criminal Division (major felonies)

Per capita figures are per 100,000 population

DEPENDENT VARIABLES - DELAY MEASURES

A) backlog indices

1) all cases BKLOG [FPT/FDT*100]

2) based on active pending BKLOGX [FPA/FDT*100]

3) based on active pending without cases awaiting sentencing BKLOGY [(FPA-FPAW3)/FDT*100]

B) age of pending

4) percent active pending over 6 months FPA06 [(FPA-FPA0T6)/FPA*100]
(adjustments were made to control for 1985 change that excluded cases awaiting sentencing)

C) average time pending

5) median age of active pending cases FPAME
(changed in 1985 to exclude cases awaiting sentencing, and no adjustment is available)

D) age of cases for confined defendants

6) active cases over 6 months for confined defendants FPAPXP [(FPAX6T12+FPAX12UP)/POP].
(changed in 1985 to exclude cases awaiting sentencing, an no adjustment is available)

E) number of pending cases

7) total pending per capita FPTP [FPT/POP]

8) active pending per capita FPAP [FPA/POP]

F) number of dispositions

9) dispositions per capita FDTP [FDT/POP]

INDEPENDENT VARIABLES

A) Criminal Trial Measures

1) trials per capita FRTP [FTR/POP]

2) trial rate TRRATE [FTR/FDT*100]

B) Judges

1) number statewide JD

C) Criminal Filing Measures

1) filings FFIP [FFI/POP]

D) Civil Cases

1) Filing measure - CRFIP [CRFI/POP]

E) Innovations and Changes

1) Speedy trial law

A) 1984 on - court regulations effective 7/83 required trials within 18 months (12 for incarcerated defendants) QSPT84

b) 1986 on - statute effective 7/85 required trials within 12 months (8 months for incarcerated defendants) QSPT86

2) Part B and C felonies filed in geographic area courts instead of judicial district locations. FFIW [FFIW/(FFI+FFIW)*100]

Data Adjustments - Connecticut

When the state added new court (Stamford), pending cases were tansferred from Bridgeport and counted as dispositions. The disposition figures have been adjusted by substractiong the transfers.

The first year of data for the new court (Stamford) were deleted from the analysis because influence analysis suggested anomolies.

ANALYSIS CHECKLIST - CONNECTICUT

dependent variable table number	BKLOGX 4.1	BKLOG 4.2	BKLOGY 4.3	FPOT6 4.4	FPME 4.5	FPAXP 4.6	FPTP 4.7	FPAP 4.8	FDTP 4.9
A) Statistical checks									
1) Durbin Watson statistic	2.02	1.96	2.07	1.58	1.64	1.74	1.28	1.55	2.33
2) Breusch Pagan[1] sum of sq.	19.9	30.1	27.9	2.3					5.8
3) influence analysis	x	x	x	x	x	x	x	x	x
4) year effects F statistic	.78	1.44	.64		.48				
5) collinearity cond. index	.55	.55	.55	.55	.55	.55			
B) Lags									
1) 2 year lag	x	x							
2) Granger-Sims test - Trials	x	x	x	x	x	x	x	x	x
3) Granger-Sims test - judges									
4) speedy trial lag[2]	x	x	x	x	x	x	x	x	x
C) Alternate ind. vars.									
1) trials per capita	x	x	x	x	x	x	x	x	x
2) trial rate	x	x	x	x	x	x	x	x	x
3) judges[3]	x	x	x	x	x	x	x	x	x

[1] The high figures are caused by the fact that Hartford, the largest district by far, has two outlier observations.

[2] The lagged variables of speedy trials laws never showed a significant delay reduction impact.

[3] The number of judges was not included because of collinearlity problems. When included it never approached a significant negative relationship with delay.

ANALYSIS PLAN - IDAHO

Introduction

Court - District

Years - 1975 to 1987

Court units - 7 districts

Statistical system changes - 1974

Forms and manual - Caseload Analysis Support System

Statistical gathering method - Daily activity reports sent AOC and information is entered onto AOC computer

Criminal Counting Mechanism

Unit - case

Case types - felony (plus approximately 5 percent appeals)

note - population figures are per 100,000 population

DEPENDENT VARIABLES

1) Backlog index BKLOG [FPT/FDT*100]

2) Pending per capita FPTP [FPT/POP]

3) Dispositions per capita FDTP [FDT/POP]

INDEPENDENT VARIABLES

1) Trials (data not available).

2) Number of judges per capita JDP [JD/POP]

3) Filings

   a) Criminal filings per capita FFIP [FFI/POP]

   b) Civil filings per capita CRFIP [CRFI/POP]

4) Delay reduction efforts

   a) Changing the speedy trial time limit from the "next term" to six months, July 1, 1980. QSPTX [code 0 before 1981 and 1 after 1980]

   b) Time standards, start October 3, 1984 (also plea bargaining procedures started in 1984) QPBTSTD [code 0 before 1985 and 1 after 1984]

Observations Deleted

Data for District 7, prior to 1981, were deleted because they influence analysis indicated that the data were highly unusual.

ANALYSIS CHECKLIST

dependent variable	BKLOG	FPTP	FDTP
table number	4.1	4.2	4.3
A) Statistical checks			
1) Durbin Watson statistic	1.99	1.70[C]	2.24
2) Breusch Pagan sum of sq.	4.3		
3) influence analysis	X	X	X
4) year effects F statistic	.95	1.69	.77
5) collinearity condition index			
6) year counter			
7) random 1/2			
B) Lags			
1) 2 year lag	X		
2) Granger-Sims test - trials			
3) Granger-Sims test - judges	X	X	X
C) Alternate ind. vars.			
none			

ANALYSIS PLAN - ILLINOIS

Introduction

Court - Circuit

Years - 1975 or 1977 to 1984.

Court units - 20 districts (excluding Cook County).

Statistical system changes - none

Forms and manual - "Record Keeping in the Circuit Courts of Illinois" (1972); "Circuit Court Criminal Procedures Manual" (revised draft 1983) and "Circuit Court Coding Manual" (revised in 1983)

Statistical gathering method - monthly reports

Criminal counting mechanism

Unit - Case, counted at time of complaint. Disposition type data are counted by defendant.

Case types - Felonies and Misdemeanors given separately.

Note - all non-ratio variables are operationalized as per capita variables (per 100,000 population).

DELAY ANALYSIS

1) Dependent Variables

Backlog index. Pending divided by dispositions (with DPIX as a control variable for use of warrant calender, as described below) [BKLOG = FPT/FDT*100]

Time of pending. Percent of cases pending over 6 months (Available from 1980 only; use DPIX) [FPT12UP]

Pending. Number of pending [FPT]

Dispositions.

1) Total dispositions [DDT]

2) Merit dispositions, convictions (trial and guilty pleas) plus acquittals [DDX = DCX + DANJ + DAJU]

2) Independent Variables

Trial measures

1) Trial rate, percent of dispositions (number of defendants) going to trial. [TRRATE = (DCTR + DAY + DANJ + DAJU) / DDT * 100]

2) Trial rate, trials a percent of cases disposed of with guilty plea or trial [TRRATEX = (DCTR + DAY + DANJ + DAJU) / (DCTR + DAY + DANJ + DAJU + DGP) * 100]

3) Jury rate, jury trials as percent of all dispositions [JURATE = (DCJU + DAJU) / DDT * 100]

4) Jury rate, jury trials as a percent of cases disposed of with guilty plea or trial [JURATEX = (DCJU + DAJU) / (DCTR + DAY + DANJ + DAJU + DGP) * 100]

Judges

1) number of circuit judges, average of number at end and beginning of year [JDCIR = (JDX + LAG(JDX)) / 2-JDXW]

2) number of associate judges, average of number at end and beginning of year [JDASS = (JDY + LAG(JDY)) / 2]

3) number of associate judges permitted to hear felony cases. [JDASSX = JDYW/12]

Extra judges. Variable not used: retired judges and transfer of judges to Cook County are not a major factor downstate.

Filings.

1) criminal filings, net added (number filed, less transfers to misdemeanor category, plus transfers in) [FFI]

2) regular civil filings, sum of a) law over 15,000, jury, b) law over 15,000, non-jury, c) law under 15,000 jury, d) law under 15,000 non-jury, e) chancery, f) miscellaneous remedies, g) eminent domain. [CRFI]

3) domestic relations filings [CDFI]

Civil Delay.

1) Backlog index, regular civil pending divided by dispositions [CRBKLOG = CRPT / CRDT * 100]

2) Average number of months to jury verdict, law cases (available since 1977) [CTJAUV]

3) percent of jury verdicts after 12 months of filing, law cases (available since 1977) [CTJU012 = 100-CTJUU12]. The same variables for over 18, 24, 30, and 36 months.

4) Regular civil cases, percent pending over one year, based on the seven categories of cases listed above. (available since 1980 only) [CRPT12]

5) All civil cases (regular civil plus domestic relations), percent pending over one year (available since 1980) [CCPT12]

Innovations and changes

1) statute that tightens up on prosecution continuances, started December 15, 1982, and is coded for 1983 and later years [QCON]

2) rule requiring judges to report cases pending over 180 days, started June 30, 1979, coded .5 for 1979 and 1 for 1980 and later years [QRPTCFM]

3) statute requiring indictment within 30 days, started January 1, 1984 [QSPTX]

Procedural control.

Warrant calendar, weighted percent of courts in the circuit that do not use warrant calendar (cases in such courts are counted as disposed when warrant is issued) [DPIX]

CONVICTION RATE ANALYSIS

1) Trial conviction rate, convictions, divided by sum of number of convictions and acquittals (excludes cases

where the defendant is convicted of a misdemeanor at trial). [CRATE = (DCJU + DCNJ) / (DCJU + DCNJ + DAJU + DANJ)*100]

2) Jury trial conviction rate [CRATEJU = DCJU / (DCJU + DAJU)*100]

3) Trial conviction rate - same as CRATE except that cases where the defendant is convicted of a misdemeanor are included. [CRATEX = (DCJU + DCNJ + DAY)/ (DCJU + DCNJ + DANJ + DAJU + DAY)*100]

OBSERVATIONS DELETED FROM ANALYSIS

Delay Regressions

District 6 before 1980, District 10 before 1979, and District 14 before 1978, all because of problems uncovered in influence analysis.

Conviction Rate Analysis.

District 13 for all years and District 16 before 1978 were deleted because of influence analysis.

Published statistics for guilty plea and court trial convictions in District 18 for 1977 are clearly misprints. The data was adjusted to be the average of 1976 and 1978 data.

ANALYSIS CHECKLIST

dependent variable table number	BKLOG 4.1	FPTP 4.2	FDTP 4.3	DDTXP 4.4	TRRATE 5.2
A) Statistical checks					
1) Durbin Watson statistic	2.03	1.74	1.83	1.77	1.76
2) Breusch Pagan sum of sq.	.64	5.10	1.57	.12	1.38[c]
3) influence analysis	x	x	x	x	x
4) year effects F statistic	1.06	2.16	1.26	.72	2.02[c]
5) collinearity condition index	42		53		21
B) Lags					
1) 2 year lag	x	x	x	x	x
2) Granger-Sims test - trials	x	x	x	x	x
3) Granter-Sims test - judges	x	x	x	x	
C) Alternate Variables					
1) trial rate (merit disp.)	x	x	x	x	x
2) trial rate (total disp.)	x				x
3) trials per capita	x				
4) jury trial rate (merit disp.)	x	x	x	x	x
5) jury trial rate (total disp.)	x				
6) jury trials per capita	x	x	x	x	
7) conviction rate without misd. convictions					x

c - after correction

ANALYSIS PLAN - IOWA

Introduction

Court - District

Years - 1974 to 1987

Court units - 8 Districts

Statistical system changes - 1981

Forms and manual - yes

Statistical gathering method - monthly reports

Criminal Counting Mechanism

Unit - defendant

Case types - felony and indictable felony

Dependent variables.

1) Backlog index BKLOG [KPT/KDT*100]

2) Pending per capita KPTP [KPT/POP]

3) Disposed per capita KDTP [KDT/POP]

4) Disposed by district judges per capita KDTYP [KDTY/POP]

Independent variables

1) Trials.

a) Jury trial rate, separated out for district and associate judges.

Jury trial rate for district judges JURATEY [KJUY/KDTY*100]

Jury trial rate for associate judges JURATEX [KJUX/KDTX*100]

b) Number of jury trials per capita

For district judges KJUYP [KJUY/POP]

For associate judges KJUXP [KJUX/POP]

The jury trials per capita are used in the main analysis.

2) Judges.

a) District judges per capita JDP [JD/POP]

b) Associate judges per capita JDXP [JDX/POP]

3) Filings

a) Criminal

Filings per capita KFIP [KFI/POP]

Percent of cases disposed by associate judges KDXPCT [KDX/KDT*100]

b) Civil CCFIP [CCFI/POP]

4) Discrete changes.

a) Speedy trial. Change of speedy trial by Rule 27, January 1, 1978. QSPTX [one starting in 1978].

b) Time standards, effective for cases filed starting in October 1, 1985. QTSTD [one starting in 1986]

c) District administrator control of case scheduling. QCFM [One in years when the district court administrator conducted over case scheduling, which start as follows:

1	1974
2	1975
3	1975
4	1975
5	1974
6	1974
7	1978
8	1978

Data Deletions

Observations for District 4 before 1980 are deleted, because the number of filings and number of cases assigned to associate judges were extremely low. Influence analysis showed irregular results.

ANALYSIS CHECKLIST

dependent variable table number	BKLOG 4.1	KPTP 4.2	KDTP 4.3	KDTYP 4.4
A) Statistical checks				
1) Durbin Watson statistic	2.18[c]	1.83[c]	1.82	1.49
2) Breusch Pagan sum of sq.	0			
3) influence analysis	X		X	
4) year effects F statistic	1.88	1.92	.31	
5) collinearity condition index 74		10		
6) year counter	X			
B) Lags				
1) 2 year lag	X			
2) Granger-Sims test - trial rate	X	X	X	X
3) Granger-Sims test - judges	X	X	X	X
C) Alternate ind. vars.				
1) trial rate (merit disp.)				
2) trial rate (total disp.)				
3) trials per capita				
4) jury trial rate (merit disp.)				
5) jury trial rate (total disp.)	X			
6) jury trials per capita	X	X	X	X
7) alternate judge measures	X	X	X	X
8) extra judges				

ANALYSIS PLAN - KANSAS

Introduction

Court - District

Years - 1979-87

Court units - 31 Districts

Statistical system changes - 1982

Forms and manual - docket forms; clerks manual

Statistical gathering method - individual case forms sent to AOC, and data compiled at AOC

Criminal Counting Mechanism

Unit - defendant

Case types - All criminal (approx. 50% felony)

note - population (POP) is per 100,000 persons.

DELAY ANALYSIS - DEPENDENT VARIABLES

1) Backlog index measures

   a) basic BKLOG [KPT/KDT*100]

   b) based on following year pending (used with lagged independent variables) BKLOGB1
   [KPTB1/KDTB1*100 see below for these variables]

2) Pending time frames

   a) all criminal, percent pending over 12 months KPT12UP

   b) felony, percent pending over 12 months FPT12UP

3) Pending

   a) pending cases per capita KPTP [KPT/POP]

   b) pending based on succeeding year pending figures (used with lagged independent variables) KPTBP1
   [KPTB1/POP where KPTB1 = KPT+KDT-KFIP]

4) Dispositions

a) dispositions per capita KDTP [KDT/POP]

b) dispositions based on succeeding year pending figures (used with lagged independent variables) KDTBP1 [KDTB1/POP where KDTB1 = lag(KDT)-KPTB1+lag(KPT)]

c) merit dispositions per capita KDTXP [(KNJ+KJU+KGP)/POP]

DELAY ANALYSIS - INDEPENDENT VARIABLES

1) Trial rate variables

a) Ordinary trial rate TRRATE [(KNJ+KJU)/KDT*100]

b) Trial rate based on merit dispositions TRRATEX [(KNJ+KJU)/(KNJ+KJU+KGP)*100]

c) Trials per capita KTRP [(KNJ+KJU)/POP]

d) Jury trial rate JURATE [KJU/KDT*100]

e) Jury trial rate based on merit dispositionS JURATEX [KJU/(KNJ+KJU+KGP)*100]

f) Jury trials per capita KJUP [KJU/POP]

2) Judges

a) District and associate district judges JDP [JD/POP]

b) District magistrates JDZP [JDZ/POP]

3) Filings

a) Criminal filings KFIP [KFI/POP]

b) Percent misdemeanor and municipal appeals MPCT [(MXFI+MYFI)/KFI*100]

c) Civil filings (regular civil) CRFIP [CRFI/POP]

4) Delay reduction efforts (dummy variables)

a) Time standards (December 1981) QTSTD [0 to 1981 and 1 after]

b) Productivity reviews (in 16 districts) QPROD [0, then 1 after a productivity review; dates vary from 1982 to 1985]

CONVICTION RATE ANALYSIS DEPENDENT VARIABLES

Trial rate variables: TRRATE, TRRATEX, KTRP, JURATE, JURATEX, KJUP [as defined above]

Conviction Rate Analysis Independent Variables

1) Conviction rate CRATE [KCTR/(KCTR+KATR)*100; after 1984 KCTR/(KCTR+KATR+KMTTR)]

2) Judges JDP [as defined above]

3) Criminal filings KFIP [as defined above]

Observervations Deleted

Districts 30 and 31 were deleted from all analysis because they were new in 1982 and 1984 and, thus, had too few observations.

Deleted because of influence analysis:
1) Regressions with backlog ratio, per capita pending, and pending over 12 months: District 5, before 1981.
2) Regression with backlog based on next year pending: Districts 1, 16, and 24 before 1981, District 9 before 1982, and District 27 for 1987.
3) Analysis of dispositions: District 24 before 1981; District 25 after 1984.
4) Analysis of convictions: District 5 before 1980 and District 17 for 1987.

ANALYSIS CHECKLIST - KANSAS

dependent variable table number	BKLOG 4.1	BKLOGB1	KPT12UP 4.2	FPT12UP 4.3	KPTP 4.4	KPTPB
A) Statistical checks						
1) Durbin Watson statistic	1.87	1.98	1.95	1.73	1.77	
2) Breusch Pagan sum of sq.	1.1					
3) influence analysis	X	X	X	X	X	
4) year effects F statistic	11.1[C]	C	6.9[C]	7.6[C]	9.4[C]	C
5) collinearity condition index	13					
6) year counter	X					
7) random 1/2	X					
B) Lags						
1) 2 year lag	X					
2) Granger-Sims test - trials	X		X	X	X	
3) Granger-Sims test - judges	X		X	X	X	
C) Alternate ind. vars.						
1) trial rate (merit disp.)	X					
2) trial rate (total disp.)	X				X	
3) trials per capita	X				X	
4) jury trial rate (merit disp.)	X					
5) jury trial rate (total disp.)	X					
6) jury trials per capita	X					
7) alternate judge measures	X					
8) extra judges						

ANALYSIS CHECKLIST

dependent variable table number	FPTP 4.5	KDPT 4.6	KDTBP1	KDTPX 4.7	(CONV. ANAL.) 5.2
A) Statistical checks					
1) Durbin Watson statistic	1.77	2.31		2.09[C]	1.78
2) Breusch Pagan sum of sq.					.41
3) influence analysis	X	X	X		X
4) year effects F statistic	7.1[C]	3.1[C]	C	1.12	.96
5) collinearity condition index					
6) year counter					
7) random 1/2					
B) Lags					
1) 2 year lag					
2) Granger-Sims test - trials	X	X		X	X
3) Granger-Sims test - judges	X	X		X	
C) Alternate ind. vars.					

none

ANALYSIS PLAN - MICHIGAN

Introduction

Court - Circuit

Years - 1978-86

Court units

Circuits. The effective number of circuits for analysis is about 35. There are 55 circuits. Only those with data from 1981 are included. Those deleted are 1, 3, 7, 19, 21, 23, 26, 39, 40, 46, 47, 49, 53, 54, 55. Also, data for several circuits are not used for earlier years. Before 1980: 24, 51, 52. Before 1981: 4, 34. The circuits that split are 51, from 19 in 1980; 52, from 24 in 1980; 53, from 26 in 1981; 54, from 40 in 1981; and 55 from 21 in 1981.

Statistical system changes - New forms, with new data categories, were first used in 1978 and 1984.

Forms and manual - Circuit Court Caseload and Trial Activity Report: Preparer's Manual (1983); Tracking Sheets. The Manual includes Sup. Ct. Ad. Order 1983-5 (June 1983) on Case Information Control System, which establishes case categories. The prior manual was the Circuit Court Instructions for Quarterly Statistics Report (Revised August 1977).

Statistical gathering method - Quarterly reports sent from courts to AOC.

Criminal counting mechanism

Unit - defendant

Case type - felony

INDEPENDENT VARIABLES

1) Backlog index BKLOG [DPA/DDT*100]

2) Pending (active) per capita DPAP [DPA/POP]
(note - pending cases declined artifically in 1984 because violation of probation cases were no longer included in the definition of refilings and, thus, were not counted as pending cases.)

3) Dispositions per capita DDTP [DDT/POP]
(note - dispositions declined artifically in 1984 when violation of probation cases were no longer included in the definition of refilings.)

4) Merit dispositions per capita DDTXP
[(DJU+DNJ+DGP)/POP*100]

DEPENDENT VARIABLES

1) Trials

a) Trial rate TRRATE [(DJU+DNJ)/DDT*100]
(this variable rose artificially in 1984 because of the change in definition of dispostions)

b) Jury trial rate JURATE [DJU/DDT*100]
(this variable rose artificially in 1984 because of the change in definition of dispostions)

c) Trial rate based on merit dispositions TRRATEX
[(DJU + DNJ)/(DJU + DNJ + DGP)*100]

d) Jury trial rate based on merit dispositions JURATEX
[DJU/(DJU+DNJ+DGP)]

e) Trials per capita DTRP [(DJU+DNJ)/POP*100]

f) Jury trials per capita DJUP [DJU/POP*100]

(note - the definition of trials changed in 1984 from trial starts to trial verdicts)

2) Judges

Circuit judges per capita JDP [JD/POP]

3) Filings

a) Criminal filings per capita DFIP [DFI/POP]

b) Civil filings per capita CRFIP [CRFI/POP]
(if year lt 84 then CRFI = CRXFI
if year gt 83 then CRFI = CRWFI)
(These variables are not used because the two measures are not compatible.)

4) Discrete changes.

a) change of statistical system in 1984, including change of trial definition (to cases where trial was completed from when trial started) and change in definition of refiling to include violation of probation cases. QSTATS

Observations Delete

1) Several circuits were deleted because data were missing for at least one year during the period of the study (see the analysis plan).

2) Influence analysis lead to the deletion of a few more circuits in each analysis: Circuits 24, 37, and 51 for the analysis with the backlog index as the dependent variable; circuits 14 and 15 for the pending analysis; and circuits 14, 24, 37, 40, and 46 for the disposition analysis.

ANALYSIS CHECKLIST

dependent variable table number	BKLOG 4.1	DPAP 4.2	DDTP 4.3	DDTXP 4.4
A) Statistical checks				
1) Durbin Watson statistic	1.82	1.66	2.27	1.83
2) Breusch Pagan sum of sq.	1.0[C]	7.1[C]	.8[C]	C
3) influence analysis	X	X	X	
4) year effects F statistic	1.06	2.05[C]	4.20[C]	5.00[C]
5) collinearity condition index 13				
6) year counter	X			
7) random 1/2				
B) Lags				
1) 2 year lag	X			
2) Granger-Sims test - trials	X	X	X	X
3) Granger-Sims test - judges	X	X	X	X
C) Alternate ind. vars.				
1) trial rate (merit disp.)	X			
2) trial rate (total disp.)	X			
3) trials per capita	X			
4) jury trial rate (merit disp.)	X	X		
5) jury trial rate (total disp.)	X			
6) jury trials per capita	X	X	X	X
7) alternate judge measures	na			
9) extra judges	na			

ANALYSIS PLAN - NORTH CAROLINA

Introduction

Court - Superior Court

Years - begin in 1976 to 1979; end in 1987.

Court units - 34 Districts (28 used)

Statistical system changes - 1976, 1980, 1984

Forms and manual - manual revised in 1984.

Statistical gathering method - case reports sent to AOC

Criminal Counting Mechanism

Unit - Case

Case types - felony

Criminal Filing Measures - filings in Superior court after felony preliminary (usually indictments).

Population figures are per 100,000 population.

DEPENDENT VARIABLES

Criminal Delay Measures (year when first available)

1) Backlog index (pending divided by disposed times 100).
   a) based on end pending figures (1977) BKLOG = FPT/FDT*100
   b) based on beginning pending for next year (1979-85) BKLOGX = FPBT/(FDTX)*100 [using lagged values of independent variables]

2) Age of cases disposed
   a) mean (1978) FTDTAV
   b) median (1979) FTDTME

3) Age of pending cases
   a) mean (1978) FTPTAV
   b) median (1979) FTPTME

4) Time frames, disposed cases
   a) percent disposed over 4 months (1978) FDT04 = 100-FDTU4
   b) percent disposed over 6 months (1977) FDT06 = 100-FDTU6

5) Time frames, pending cases
   a) percent pending over 4 months (1978) FPTO4 = 100-FPTU4
   b) percent pending over 6 months (1976) FPTO6 = 100-FPTU6

Criminal Disposition Measure

1) Total cases disposed (1977) FDTP = FDT/POP

2) Dispositions, adjusting for disposition notices arriving late (1977-85) FDTZ = LAG(FDT) - FPBT + LAG(FPT) [using lagged values of independent variables]

3) Merit dispositions per capita FDTXP = (FJU+FGP)/POP.

Criminal Pending Measure

1) Total cases pending at end of year (1976) FPTP =FPT/POP

2) Pending using next year's beginning pending (1976-85) FPTZ = FPBT [using lagged versions of all other variables]

INDEPENDENT VARIABLES

Criminal Trial Measures (Jury trials; there are no judge trials in felony cases)
1) Jury trial rate, based on merit dispositions (1977) JURATEX = FJU/(FJU + FGP)*100
2) Jury trial rate (1977) JURATE = FJU/FDT*100
3) Total jury trials (1977) FJUP=FJU/POP

Judge measure.

1) Number of judgeships - total number in the state (since the judges rotate) (1976) JDTOT
2) Number of judgeships, excluding special judges, in the division (the state has four grand divisions for the circuit courts) (1976) JDZ

Attorneys - number of assistant district attorneys (1976)
DAP = DA/POP.

Criminal Filings - number of filings (1976) FFIP = FFI/POP.

Civil Cases

Filing measure

a) regular civil cases (1976) CRFIP = CRFI/POP.

Delay measures

a) backlog index (1976) CRBKLOG = CRPT/CRDT*100
b) mean time to disposition (1978) CRTDTAV
c) median time to disposition (1979) CRTDTME
d) mean age of pending cases (1978) CRTPTAV
e) median age of pending cases (1979) CRTPTME

Trials

a) jury trial rate (1976) CRJURATE = CRJU/CRDT*100
b) total jury trials (1976) CRJU

Innovations and Changes

1) Speedy trial law (effective for cases filed 10/1/78)
   a) Coded as 0 before 1978, .5 in 1979, and 1 thereafter [the court year changed from calendar in 1978 to fiscal in 1979] QSPT
   b) Adjusted for extent of operation: QSPT times the fraction of criminal caseload not in small courts where the speedy trial laws are not applicable (based on variable Z, the percent of caseload in small courts) QSPTZ

2) Determinant sentencing law, effective for felonies committed after June 1981 (dummy, coded 1 for 1982 and after) QXSENT

3) Beginning of the District Attorneys' association and its delay reduction program, starting in early 1984 (dummy, coded 1 for 1984 and after) QXDAASS

OBSERVATIONS DELETED - NORTH CAROLINA

1) General Deletions.

Districts that are divided into two districts are deleted unless there are 6 years of data for a separate entity. District 15 is excluded but Districts 15A and 15B are included; Districts 17, 17A, and 17B are all excluded; and District 19 is excluded, but District 19A is included. District 19B is taken out because influence problems were found in most analyses.

2) Deletions in Specific Regressions.

1. Backlog index (BKLOG) - starts in 1977 - District 11, years 1977-78; District 13, 1986; District 16, 1977.

2. Backlog index, revised (BKLOGX) - 1979 to 1985- District 24, all years; District 30, before 1979.

3. Mean time to disposition (FTDTAV) - starts in 1978- District 1, 1986; District 15A, 1978; District 16, 1978; District 24, 1978; District 29, 1978.

4. Median time to disposition (FTDTME) - starts in 1979- District 30, all years.

5. Mean age of pending cases (FTPTAV) - starts in 1978- District 7, all years.

6. Median age of pending cases (FTPTME) - starts in 1979- District 30, all years.

7. Percent disposed over 4 months (FDT04) - starts in 1978 - none

8. Percent disposed over 6 months (FDT06) - starts in 1977 - none

9. Percent pending over 4 months (FPT04) - starts in 1978 - none

10. Percent pending over 6 months (FPT06) - starts in 1976- District 6, all.

11. Number of pending cases (FPT) - starts in 1976- District 10, all years; District 16, all years;

12. Number of pending cases, based on beginning pending for the next year (FPTX) - 1976 to 1985 - none

13. Dispositions (FDT) - starts in 1977 - District 4, 1986.

14. Dispositions, adjusted for the difference between the difference in end pending and beginning pending for the next year (FDTX) - 1977-85 - none.

15. Merit dispositions: guilty plea plus trials (MERIT)- starts in 1978 - District 15B after 1984; District 28 after 1982.

ANALYSIS CHECKLIST - NORTH CAROLINA

dependent variable	BKLOG	FTDTAV	FTDTME	FTPTAV	FTPTME
table number	4.1	4.2	4.3	4.4	4.5
A) Statistical checks					
1) Durbin Watson statistic	2.11	2.14[C]	1.63	1.91[C]	1.99
2) Breusch Pagan sum of sq.	(done early in analysis)				
3) influence analysis	x		x		x
4) year effects F statistic	2.6[C]	6.5[C]	3.5[C]	1.6	.54
5) collinearity condition index		22			
6) year counter	x	x	x	x	x
B) Lags					
1) 2 year lag	x	x	x	x	x
2) Granger-Sims test - trials	x	x	x	x	x
3) Granger-Sims test - judges					
C) Alternate ind. vars.					
1) jury trial rate (merit disp.)	x	x	x	x	x
2) jury trial rate (total disp.)	x	x	x	x	x
3) jury trials per capita	x	x	x	x	x
4) alternate judge measure	x	x		x	
5) alternate speedy trial measure	x	x		x	

ANALYSIS CHECKLIST - NORTH CAROLINA
(page 2)

dependent variable	FDTO4	FDTO6	FPTO4	FPTO6	FPTP	FDTP	FDTXP
table number	4.6	4.7	4.8	4.9	4.10	4.11	4.12
A) Statistical checks							
1) Durbin Watson statistic	2.05[C]	2.20[C]	1.67	1.66	1.82	2.53	2.01
2) Breusch Pagan sum of sq.	(done early in the analysis)						
3) influence analysis	x				x	x	x
4) year effects F statistic	6.0[C]	6.0[C]	2.7[C]	4.2[C]	3.7[C]	1.2	2.4[C]
5) collinearity condition index				14		25	
6) year counter	x	x	x	x	x	x	x
B) Lags							
1) 2 year lag	x	x	x	x	x	x	x
2) Granger-Sims test - trials	x	x	x	x	x	x	x
3) Granger-Sims test - judges							
C) Alternate ind. vars.							
1) jury trial rate (merit disp.)	x	x	x	x	x	x	x
2) jury trial rate (total disp.)	x	x	x	x	x	x	x
3) jury trials per capita	x	x	x	x	x	x	x
4) alternate judge measures			x	x	x		

ANALYSIS PLAN - OHIO

Introduction

Court - Common Pleas

Years - 1974-1986

Court units - Counties

Statistical system changes - 1984 (minor)

Forms and manual - Rules of Superintendence

Statistical gathering method - monthly reports

Criminal Counting Mechanism

Unit - Defendant, counted at the time of arraignment.

Case types - Felony

DEPENDENT VARIABLES

Backlog index.

The number of cases pending, divided by the number disposed (excluding cases transferred from one judge to another). BKLOG [DPT/(DDT-DDW4)*100]

Number pending

Pending per capita DPTP [DPT/POP]

Dispositions

1) Total dispositions, less transfers, per capita DDTP [(DDT-DDW4)/POP]

2) Merit dispositions (trials, guilty pleas, and disposition by pretrial) per capita DDTXP [(DNJ+DJU+DGP+DDW3)/POP]

INDEPENDENT VARIABLES

Trial Rate

1) total trial rate TRRATE [(DNJ+DJU)/(DDT-DDW4)*100]

2) jury trial rate JURATE [DJU/(DDT-DDW4)*100)

3) trial rate based on merit dispositions TRRATEX [(DNJ+DJU)/(DNJ+DJU+DGP+DDW3)*100]

4) jury trial rate based on merit dispositions JURATEX [DJU/(DNJ+DJU+DGP+DDW3)*100]

5) trials per capita DTRP [(DNJ+DJU)/POP]

6) jury trials per capita DJUP [DJU/POP]

The basis analysis used DJUP, jury trials per capita because 1) the total trial figures are bad for some counties because guilty pleas are counted as filings, and 2) the trial rate measures using dispositions in the denominator may cause spurious relationships with the dependent variables, BKLOG, DDTP, and DDTXP, have dispositions in either the denominator or numerator.

Number of Judges JDP [JD/POP]

Filings

1) Criminal filings DFIP [(DFI-DDW4)/POP]

2) Civil filings CRFIP [(CRPIFI+CROTFI)/POP]

Innovations and changes

1) pre-trial diversion, percent of cases disposed by pretrial diversion DDDIV [DDY1/(DDT-DDW4)*100, equal 0 before 1980]

2) Ban on judicial plea bargaining, initiated in 1974 and loosened in 1980 (not included if year dummies are significant) QPB [1 for years 1974-80].

3) Amendments to time standards, requiring that all cases and motions pending for over 90 days be reported to the Supreme Court (not included if year dummies are significant). QRPT [1 for years after 1979]

OBSERVATIONS DELETED

1) Adjustments were made when courts had an abnormally high number of dismissals because the defendant was unavailable - that is when the court cleaned out deadwood of inactive cases. The adjustments were made whenever the number of such dismissals, less the average number of dismissals for the court, accounted for at least ten percent of the dispositions that year. This occurred in six counties, one year each: Carroll (1983), Darke (1981), Gallia (1980), Huron (1979), Preble (1974), and Vinton (1980). The adjustment made was to apportion the dismissals for unavailability to the year in question and the prior year, resulting adjustments of pending cases and dispositions for the prior year, and dispositions for the year in question.

2) Several counties showed sizeable reductions in non-jury trials and increases in guilty pleas, generally about 1980 when more detail about guilty pleas was required. Apparently these counties had been counting guilty pleas as nonjury cases. These counties, therefore, were deleted when studying the trial rate (but not the jury trial rate). The counties are (and the years of change): 8 Brown (1980), 9 Butler (1980), 14 Clinton (1978), 16 Coshocton (1980), 17 Crawford (1985), 29 Green (1978), 46 Logan (1979), 52 Medina (1979), 53 Meigs (1978), 54 Mercer (all years except 1976-7), 56 Monroe (1981), 64 Perry (1980), 70 Richland (1979), 78 Trumbull (1977), 82 Vinto (1980), and 88 Wyandot (1979).

3) Lawrence County (number 44) was deleted because the number of pending cases was persistently reduced by dismissals due to unavailability of defendants and transfers of cases between judges. And Van Wert County (number 81) was deleted because an extreme increase in pending between 1981 and 1982 suggested that pending and dispositions figures in the state are faulty.

4) Influence analysis lead to the following additional deletions:
a) With the dependent variable the backlog ratio: deletion of 1986 for Clermont and Fayette Counties (13 and 24) and 1975 for Green, Harrison, and Wyandatte Counties (29, 34, and 88). b) deletion of Ross County (71), 1986 for Clermont, Clinton, and Lawrence Counties (13, 14, and 44), and for 1974 Franklin County (25). c) With the dependent variable the number disposed, 1986 for Clermont County (13).

ANALYSIS CHECKLIST

dependent variable	BKLOG	DPTP	DDTP	DDTXP
table number	2.1	2.2	2.3	2.4
A) Statistical checks				
1) Durbin Watson statistic	2.0	1.6	2.7	2.2
2) Breusch Pagan sum of sq.	1.0[C]	.2[C]	.7[C]	
3) influence analysis	X	X	X	X
4) year effects F	3.3[C]	2.8[C]	3.8[C]	2.5[C]
5) collinearity condition index	57			
6) year counter	na	na	na	na
7) random 1/2	X			
8) analysis of large counties only	X			
B) Lags				
1) 2 year lag	X			
2) Granger-Sims test - trials	X	X	X	X
3) Granger-Sims test - judges	X	X	X	X
C) Alternate ind. vars.				
1) trial rate (merit disp.)	X			
2) trial rate (total disp.)	X			
3) trials per capita	X			
4) jury trial rate (merit disp.)	X	X	X	X
5) jury trial rate (total disp.)	X			
6) jury trials per capita	X	X	X	X
7) alternate judge measures				
8) first difference (for filings and trial rate)	X			
9) plea bargaining and delay reporting	X			

ANALYSIS PLAN - OREGON

Introduction

Court - Circuit court

Years - 1974-87

Court units - In 1987 there were 20 judicial districts, but the district alignments shift somewhat: In 1981 the number of districts went from 20 to 19 when the 14th was abolished because its sole county, Lake, joined Klamath in the 13th. Then in 1985 the number of districts became 20 again as Josephine County left the 1st District to become the 14th. Also in 1985 Gilliam and Wheeler counties left the 11th District for the 7th, and Grant left the 11th for the 8th. These counties, however, are small, and the 7th, 8th, and 11th Districts are continued in the analysis.

Statistical system changes - minor changes in 1977, 1978, 1979, and 1981.

Forms and manual - Forms SCA-1 (cases filed, terminated, and pending) and SCA-3 (cases tried), and instruction manuals for each.

Statistical gathering method - Quarterly reports from courts.

Criminal counting mechanism

Unit - accusatory instrument (indictment or information)

Case types - felony (all criminal in the Circuit Court); before 1977 it included appeals from the district court.

Criminal Filing Measures - cases are counted at first arraignment in the Circuit Court.

Criminal Delay Measures

1) backlog index (pending divided by disposed) measures
   a) regular backlog index (1974)
   b) based in next year beginning pending (1975)
   c) based on active pending (1979)
2) number pending
   a) total pending (1974)
   a) total pending per capita (1974)
   c) active pending (1979, for most districts; later for some)
   d) active pending per capita (1979)
3) mean time to trial (1974)

4) length of time pending
   a) percent of active cases pending under 6 mo. (1979) [for 1974-78 (and later years for some districts) data are for percent of active cases.]
   b) percent of active cases pending under one year (1980)

Criminal disposition measure - Cases disposed, counted at the time of sentencing or dismissal.

Criminal pending measure - Total pending is available from 1974, active pending is available from 1979, although some counties did not separate out active pending.

Criminal trial measures - 1) total trials, 2) jury trials.

Plea or trial rate measures - percent of dispositions by trial.

Civil Cases.

Filing measure - 1) regular civil, 2) dissolution.

Delay measure - same as for criminal.

Other civil variables - Trials

Judges

Number (given in AR)

Extra and transfers - judge days added to circuit.

Conviction rate - not available

Innovations and changes

Speedy trial law - none

Other 1) Fast track procedures in three districts
2) time guidelines, start in Jan. 1986.
3) Multnomah program, 1985

VARIABLE DESCRIPTION

DEPENDENT VARIABLES - DELAY MEASURES FOR CRIMINAL CASES

1) Backlog index (pending divided by disposed) measures

a) regular backlog index, BKLOG = FDT/FPT [1974]

b) based in next year beginning pending, lagFDT/FPT with all other variables lagged [1975] [not used]

c) based on active pending, (FDT-FDI)/FPT if FDI is not zero [1979] [not used]

2) Number pending (per capita)

a) total pending, FPTP = FPT/POP [1974]

b) active pending, PTA [1979] [not used]

3) Time to trial

a) mean number of days to trial, FTTRAV [1974]

4) Length of time pending

a) percent of active cases pending over 6 months, FPA06 = 100 - FPAU6 [1979]. Also, the percent of all pending in other years, back to 1974, using a dummy variable, QIAPEN, to indicate a shift from including to excluding inactive cases.

b) percent of active cases pending under one year, FPAU12 [1980] [not used]

INDEPENDENT VARIABLES

1) Trial rate

a) Total trials

i) trial rate, percent of cases disposed by trial, TRRATE = FTR/FDT*100 [1972]

ii) number of trials per capita, FTRP [1972]

b) Jury trials

i) trial rate, JURATE = FJU/FDT*100 [1973]

ii) number of trials per capita, FJUP [1973]

2) Judges

a) Authorized judgeships

i) number of judgeships, JD [1971]

b) Extra judges

i) net judge equivalent added, JADD [1971-84]

ii) types of extra judges, in judge equivalents [1977 to 1984] [not used]
- net circuit judges, (JT-JO)/250
- district court judges, JL/250
- attorneys assigned, JA/250

3) Input measures (filings)

a) Felony filings [1972]

- filings per capita FFIP = FFI/POP*1000

b) Regular civil filings [1972]

- regular civil per capita CRFIP = CRFI/POP*1000

c) Divorce [1972 to 1985, 1986 data not comparable to earlier years]

d) Total civil, regular civil plus divorce [1972-85]

4) Civil delay

a) backlog index (pending divided by disposed) measures

i) all civil, CCDT/CCPT [1974-85]

ii) regular civil, CRDT/CRPT [1980]

iii) divorce, CDDT/CDPT [1980-85]

b) Number pending

i) total civil pending CCPT [1974-85]

ii) regular civil CRPT [1980]

iii) divorce CDPT [1980-85]

c) Time to trial (mean number of days to trial)

i) regular civil, CRTTRAV [1975]

ii) divorce, CDTTRAV [1975]

d) Length of time pending

i) regular civil [1980]
- percent pending under 6 mo., CRPTU6
- percent pending under 12 mo., CRPTU12
- percent pending under 24 mo., CRPTU24

ii) divorce
- percent pending under 6 mo., CDPTU6
- percent pending under 12 mo., CRDTU12
- percent pending under 24 mo., CRDTU24

iii) all civil [1974, 1975 and 1980 missing]
- percent pending under 6 mo., CCPTU6

5) Civil trials

a) Regular civil, total trials [1972]

i) trial rate, CRTR/CRDT*100

ii) number of trials, CRTRP = CRTRP/POP

b) Regular civil, jury trials [1972]

i) trial rate, CRJU/CRDT*100

ii) number of trials, CRJUP = CRJU/POP

a) Divorce, total trials (court trials) [1972]

i) trial rate, CDTR/CRDT*100

ii) number of trials, CDTRP = CDTR/POP

6) Dichotomous variables

a) QIAPEN, 1 = court counts inactive pending cases (for nearly all courts, after 1978)

b) QIAPENX, 1 = (used for pending over 6 mo.) includes periods of inactivity; previously cases on inactive status for more than 90 days were supposed to be excluded (after 1979 - 1985 [same as QTSTD])

c) QIAPENY, 1 = requirement that time to disposition

calculations exclude inactive pending time (after 1985).

d) QFI, 1 = cases counted at service of warrant, rather than at arraignment (before 1976).

e) QMFI, 1 = district court appeals go to appellate courts instead of the circuit courts (after 1976)

f) QTSTD, 1 = after time standards adopted (after 1985 [same as QIAPENX and QIAPENY])

g) QCFM, 1 = fast track programs (after 1985 for Districts 2, 16, and 17 [but District 17 is excluded from the analysis])

h) QCFMX, 1 = Multnomah delay reduction effort (after 1984 in District 4)

OBSERVATIONS DELETED

1) In General

Districts 13 and 14 were deleted because they received and lost counties twice during the period studied. Districts 1, 7, 8 and 11 were deleted for 1985 and later years because their county composition changed that year. There is no District 19, since it was merged out of existence before the time of the research. District 17 was deleted for all years and District 9 before 1976, because of influence analysis.

2) Regressions with the Backlog Index and Number Pending as Dependent Variables.

District 4 was left out because the pending data are not consistent from year to year. District 5, year 74, and District, year 87, were deleted due to influence problems. For the analysis of pending cases, all of District 8 was deleted.

3) Regression with Average Time to Trial as Dependent Variable.

District 18 was deleted because of influence analysis. Also, Districts 1, 7,and 11 were deleted starting in 1983 (not just 1985, discussed above) because of influence problems, and District 8 was deleted after 1981.

4) Regression with Cases Pending Over 6 Months.

District 10, years 1974 and 1987, and District 8 after 1981 were deleted because of influence problems.

5) Regression with Cases Disposed.

District 6 in 1986-87 and District 3 in 1984-87 were deleted because of influence problems.

ANALYSIS CHECKLIST

dependent variable table number	FTTRAV 2.3	BKLOG 2.1	FPA06 2.4	PENDING 2.2	DISPOSED 2.5
A) Statistical Checks					
1) Durbin Watson statistic	1.96[c]	1.88	1.62	1.85[c]	2.41
2) Breusch Pagan sum of sq.	.03	.07	7.92	22.43	2.97[c]
3) influence analysis	x	x	x		x
4) year effects F statistic	2.02	.93	1.44		.56
5) collinearity condition index	24	34			14
B) Lags for Ind. Vars.					
1) 2 year lag	x	x	x	x	x
2) Granger Sims test - trials	x	x	x	x	x
3) Granger Sims test - judges	x	x	x	x	x
C) Alternate ind. vars.					
1) trial rate (merit disp.)	na				
2) trial rate (total disp.)	x	x	x	x	x
3) trials per capita	x				
4) jury trial rate (merit disp.)	na				
5) jury trial rate (total disp.)	x				
6) jury trials per capita	x	x			
7) alternate judge measures	na				
8) extra judges (assignments)	x				
9) mean time to trial in regular civil cases	x	x	x		x

ANALYSIS PLAN - PENNSYLVANIA

Introduction

Court - Common Pleas

Years - 1975-86

Court units - Counties (except for 6 districts having 2 counties).

Statistical system changes - 1984

Manual - Pennsylvania Court Statistics Manual

Statistical gathering method - Monthly reports

Criminal Counting Mechanism

Unit - Defendant

Case types - Felony and Misdemeanor

Note - Per capita figures are per 100,000 population.

DEPENDENT VARIABLES

1) Backlog index BKLOG [DPT/DDT*100]

2) Number active pending DPTP [DPT/POP]

3) Dispositions

   a) total dispositions DDTP [DDT/POP]

   b) merit dispositions DDTXP [(DGP+DJU+DNJ)/POP]

INDEPENDENT VARIABLES

1) Trial rates

   a) total trial rate TRRATE [(DJU+DNJ)/DDT*100]

   b) trial rate based on merit dispositions TRRATEX [(DJU+DNJ)/(DJU+DNJ+DGP)*100]

   c) total trials DTRP [(DJU+DNJ)/POP]

d) jury trial rate JURATE [DJU/DDT*100]

e) jury trial rate based on merit dispositions JURATEX [DJU/(DJU+DNU+DGP)]

f) total jury trials DJUP [DJU/POP]

2) Number of judges JDP [JD/POP]

3) Filings DFIP [DFI/POP]

4) Discrete changes

a) Grand jury use QGJ [1 when grand jury is used; 0 otherwise]

b) Caseflow monitoring QCFM [counties 8 and 15, starting in 1984]

c) Conferencing to control cases QCFMX [county 33 starting in 1982]

d) Individual Calendar QCAL [county 2, starting in 1982; county 23, starting in 1980; county 47 starting in 1983]

Observations Deleted

Philadelphia (county code 47) was not included in the analysis because Common Pleas jursdiction there differs considerably from that in other counties. Pike County (county code 48) was not included because it became a separate district in 1982, not long enough to be used in the analysis. Blair County (county code 7) was deleted because influence analysis indicated that its statistics are substantially out of line with the rest of the state. For the same reason, Lancaster (county code 34) was deleted from the analysis of pending and backlog ratios. Pending data in Allegheny County (1985) and Schuykill (1980) were adjusted (to 5856 and 109) to correct errors noted in the annual reports.

ANALYSIS CHECKLIST - PENNSYLVANIA

dependent variable table number	BKLOG	DPTP	DDTP	DDTXP
A) Statistical checks				
1) Durbin Watson statistic	1.63	1.88[C]	2.19	2.05[C]
2) Breusch Pagan sum of sq.	4.3[C]	C	.1[C]	C
3) influence analysis	X		X	
4) year effects F statistic	1.36		2.51	
5) collinearity condition index	20			
6) year counter			X	
7)	X			
B) Lags				
1) 2 year lag	X			
2) Granger-Sims test - trials	X	X	X	X
3) Granger-Sims test - judges	X	X	X	X
C) Alternate ind. vars.				
1) trial rate (merit disp.)	X	X	X	X
2) trial rate (total disp.)	X	X	X	X
3) trials per capita	X	X	X	X
4) jury trial rate (merit disp.)	X	X	X	X
5) jury trial rate (total disp.)	X	X	X	X
6) jury trials per capita	X	X	X	X
7) alternate judge measures				
8) extra judges				

APPENDIX E

STATE REPORTS

ARIZONA REPORT[1]

1.1 OUTLINE OF COURT STRUCTURE AND PROCEDURE.

1.1 Courts and Jurisdiction.

The Superior Court is the general jurisdiction court of Arizona, and the Justice of the Peace Court is the major limited jurisdiction court. JP's have jurisdiction over misdemeanors, felony preliminary, and civil cases involving less than $2,500. Appeals are to the Superior Court. The Superior Court has jurisdiction over domestic relations, probate, and juvenile cases.

In 1986 the Superior Court criminal caseload consisted of 20,653 felony cases, 55 misdemeanor, 287 unclassified, and 2,189 appeals. The discussion below is limited to felony cases.

There is a separate Superior Court for each of the fifteen counties. Counties vary greatly in population and caseload; the two largest - Maricopa (Pheonix) and Pima (Tuson) - have more than 70 percent of the criminal filings. The geographic size of many counties is very large. La Paz County was created out of Yuma County on January 1, 1983.

1.2 Procedures in Felony Cases.

Felony preliminary is conducted by Justices of the Peace. In 1986 the J.P.s received 21,035 felony preliminary filings (12,856 in Maricopa). There were 2,630 preliminary hearings (2,113 in Maricopa), out of 19,413 dispositions (86R27-30). There were 20,653 felony filings in the Superior Court (86R19); therefore, nearly all felony preliminary dispositions end up as felony filings in the Superior Court.

At arraignment in Superior Court, the defendant enters a plea; the great majority plead not guilty and are considered awaiting trial (in 1987, for example, 21,070 defendants were placed in the category "defendants awaiting trial," and there were 21,899 total filings).

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[1]The references are given as follows: Articles and books are referred to by author and are found in the bibliography at the end of the report. References to the court annual reports give the year, the letter R, and the page (e.g., 85R32 is page 32 of the 1985 annual report).

2. JUDGES.

2.1 Regular Judges.

In 1986 there were 95 Superior Court Judges, with 51 in Maricopa and 19 in Pima. Seven counties had two or three judges, and five had one judge. The judges are elected to four year terms, although the initial appointment to fill vacancies is by the governor. The presiding judge is appointed by the Supreme Court (86R6).

According to the statutes, the number of judges is determined by a formula, basically, one judge per so many population. When the population increases enough to justify another judge under the formula, the county government (in practice, at the request of the court) can petition the governor for the creation of a new judgeship. The governor in practice always complies, and the legislature appropriates sufficient funds. This process has generally occurred each time a counties population has increased enough to justify a new judge in a county, except that Maricopa county has not requested all judgeships it is entitled to (according to the formula, in 1986 it was entitled to 63 judgeships, 12 more than it had).

2.2 Extra Judges.

Transfers. Superior Court judges occasionally are assigned to other counties, e.g., to cover for recused or ill judges, but never for lengthy periods (never as long as a month, and seldom longer than a week).

Commissioners and referees. In counties with more than three superior court judges (i.e., Maricopa and Pima), the chief judge may appoint commissioners. Their duties are determined by court rule, and usually consist of 1) disposing of cases where a default has been entered and 2) hearing initial appearances in criminal cases. The commissioners (as well as juvenile referees) are regularly made judges pro tem, mainly limited to taking pleas in misdemeanor cases and hearing extradition matters. They do not hear regular criminal cases.

Volunteer judges pro tem. The Arizona Supreme Court, in an order effective March 19, 1979, gave the Maricopa Superior Court permission to appoint lawyers as voluntary pro tem judges for civil cases, and this permission has been renewed approximately every six months since (the orders are on file in the Supreme Court clerk office). The initial order listed 22 lawyers eligible to sit as judges pro tem, and the number increases to 40 by the end of 1980, 50 in the following year, and approximately 85 in recent years. An additional list was prepared in later years for domestic relations cases.

The Pima Superior Court also initiated a volunteer lawyer pro tem program for civil cases, and on December 1, 1982, received permission to use 21 lawyers. The number increased to 56 in mid-1983 and to 85 in mid-1985 and later.

The use of pro tem judges for criminal cases began in Maricopa County, where four Municipal Court judges were designated pro tem judges to the Superior Court criminal division from May 6 to October 31, 1981. There is no record of this reoccurring.

On July 1, 1984, the Maricopa court received permission to use 17 lawyers for pro tem judges in criminal cases. The Supreme court order appointing the judges said that CJEF funds were to be used (see section 3.2 below).

3. DELAY REDUCTION EFFORTS AND OTHER CHANGES AFFECTING DELAY.

3.1 Speedy Trial Law.

The speedy trial provisions were created long before the period covered by this analysis. Defendants must be tried within 150 days of service of summons and 120 days of indictment or information (or 90 days of arraignment if less). A.R.Cr.P 8.2.

3.2 Civil Delay Reduction.

Arizona has been noted for its civil delay reduction programs, which emphasize firm scheduling of trials and the use of lawyers as volunteer pro tem judges (Bloomfield 1984; Dicus 1984; Sipes 1980).

3.3 Case Processing Assistance Fund (Pro Tem Judges).

The CPAF contains moneys distributed to the Supreme Court from the Criminal Justice Enhancement Fund, which receives money from fines and fees collected in criminal cases (Sec 41-2401). The money is to be used for "enhancing . . the ability of the courts to process criminal cases," in the trial courts. Most CJEF money goes to other criminal justice agencies, such as the police. On April 23, 1985, the Supreme Court issued an order adopting administrative requirements for administering the funds. Priority for funding is to go to courts with congested criminal calendars and to areas of the state with economic problems. In FY 1985-86, $1,489,312 was awarded to various courts. The share going to Superior court criminal programs (excluding funds going to lower courts and juvenile programs) was approximately $887,000. That funding level was continued for FY 1986-87. The

funds were given to six of the 15 counties: Gila, Greenlee, Maricopa, Mohave, Pima, and Santa Cruz.

The funds were used exclusively for pro tem judges and their staff. These pro tem judges, unlike the voluntary pro tem judges used in civil cases, sat for lengthy periods and were, of course, compensated.

The Supreme Court first mentioned CJEF money in orders appointing lawyers as temporary pro tem judges for the Maricopa Superior Court criminal division in July 1, 1984. Although the order said CJEF money would be used, it apparently was not because the Supreme Court did not prepare to disburse funds until April 1985. The orders providing for CJEF moneys for Superior Court criminal cases after that month are:

Gila, providing for one judge, starting July 3, 1985.
Maricopa, two judges, starting Sept. 16 and Oct. 16, 1985.
Pima, two judges, starting April 25 and May 1, 1985, then three more starting July 8, 1985.
Santa Cruz, one judge, starting July 15, 1985.
Mohave, one judge, starting Dec. 1, 1985.
Greenlee, visiting judges

In the following year Maricopa was permitted two or three pro tem judges, Pima four, and the remaining courts one. Some pro tem judges worked full time and some were used to fill in for vacationing judges.

3.4 Maricopa Criminal Delay Reduction Plan.

Beginning in July 1981 the Maricopa Superior Court adopted a delay reduction program for criminal cases. It included time limits for JP case processing and a series of management steps in the Superior Court (see Miller, 1984):

1) Continuation of prosecuting attorney and public defender from the JP court to the Superior Court.

2) Pretrial conferences set 30 days from arraignment and trial dates 21 days.

3) Both attorneys must be present at pre-trial conference.

4) When applicable, attorneys are to file notices of complex litigation with the judge.

5) Four "special assignment judges," without calendars of their own are to be used for overflow cases.

6) Prosecuting attorneys are to present plea bargains to the

defense before pretrial conference, and no negotiation is permitted after the conference

7) Judges can sanction attorneys not ready to proceed.

8) Judges are to implement calendar calls promptly.

4. DATA GATHERING.

4.1 Procedures for Gathering.

The AOC has been collecting data since at least the early 1960's, but no annual reports were prepared between 1963 and 1977. In 1977 a substantial effort was made to improve the quality of data gathered. The data forms were revised, and the Supreme Court ordered all Superior Courts to count their inventory of pending cases. The forms were revised again in 1984.

The AOC receives monthly reports from the courts. The reports are compiled by the AOC staff, except that they are compiled by trial court administrators in the two counties where TCAs exist - Maricopa and Pima. The data are tabulated manually in most counties. The Maricopa and Pima courts have long had computers, which are used to generate some, but not all, caseload information. The Maricopa criminal side is automated.

4.2 Procedures for Checking.

The AOC has not audited or otherwise conducted on site studies of the Superior Court data (although it has for the lower trial courts, whose data are considered far less accurate). The data are checked for consistency by a data clerk in the AOC office, and she calls the courts if problems are found. The consistency check includes making sure that sums total where they should and that related measures produce similar figures.

In 1978 the Supreme Court issued an order requiring each court to take and inventory of pending cases. There have been no further requirements for inventory counts, but the AOC encourages courts to do so and believes that most courts, except in the large counties, regularly do so.

The AOC staff conducted training sessions with the clerks when new forms were instituted in 1978 and 1984.

The 1984 forms contain an entry for statistical corrections, and the corrections that have been entered are vary small. The pre 1984 instructions state that the adjustments are to be made in the column for "transfers and cases added in"; hence

corrections then would not be apparent from the statistics submitted.

4.3 Problems with Data.

The AOC staff consider the Superior Court data from 1978 to be of good quality, and the data before then to be suspicious. The Supreme Court forms were revised effective January 1978 to, among other reasons, "establish greater uniformity in the manner caseload statistics are reported." 78R23. (Data from the lower trial courts are considered much less reliable because the figures often look suspicious and because the staff turnover there is higher.)

The Pima court data is considered comparatively poor until a few years ago. Examples of problems are that until recently dispositions were taken at the time of trial or plea, instead of at sentencing, which the instructions specify. Also, the data there sometimes look suspicious - e.g., a large number of dispositions by transfer out in one year. AOC staff also mentioned that Navaho, Mohave, and Maricopa (civil) data are sometimes of lower quality than other data submitted.

The definitions of data elements sometimes changed over the years. The two most important changes for this study are the expansion of the inactive pending category and the change in the definition of trial from the number of defendants tried to the number of trials. These are discussed below.

5. DATA ELEMENTS.

5.1 Criminal Filings.

The criminal statistics are based on the number of defendants. Filing figures for felonies are given separately. Other types of criminal filings are misdemeanors and "unclassified" cases, which together constitute only a very small portion of the Superior Court criminal filings. The final category of criminal cases is appeals.

The filing figures do not include post conviction relief and violation of probation cases, which are counted separately (VOP statistics have not been gathered since 1983). Refilings are also counted separately, as cases "added on." The latter, however, are counted as pending and disposed cases.

Criminal filings are counted at the time of the information or indictment. Appeals are counted at time of filing.

5.2 Criminal Dispositions.

Criminal cases are counted as disposed when a convicted defendant is sentenced or when all charges are dismissed (as discussed later, Pima County is an exception). A case is not counted as disposed until all charges are disposed. The case types for dispositions are the type at time of filing - i.e., if a case is filed as a felony but the defendant is convicted of a misdemeanor, then the disposition is counted as a felony disposition. The unit of count is the defendant.

Deferred Prosecution. Cases on deferred prosecution (under Rule 38.3(b) are counted as dispositions only after dismissed upon motion of the prosecution. Rule 38, which provides for deferred prosecution, became effective October 1, 1978. In January 1980 the AOC directed that cases under deferred prosecution are to be counted as inactive cases and not finally disposed until dismissed.

Warrants. Disposition of cases on warrant requires, according to the AOC staff, a request by the prosecution, but judges sometimes try to clear the docket by asking the prosecution to request dismissal.

5.3 Pending.

The number of total pending cases are determined by the rules defining dispositions. The courts report three breakdowns for pending cases:

1) Cases pending over 150 days. The court reports give the number of cases pending over and under 150 days for the first and last day of the reporting period. Statistics are given separately for the four types of criminal filings (felony, misdemeanor, unclassified cases, and appeals). Analysis of this data indicate that they is subject to wide variations, and the courts apparently are far from uniform in their counting of the data.

2) Cases pending trial. The courts report the total number of criminal cases (including appeals) awaiting trial. Separate figures for felony cases are not available. According to the instructions, these are cases awaiting trial in which the defendant entered a not guilty plea at arraignment (appeals are added to this list when filed). Cases are no longer considered awaiting trial when the defendant pleads guilty, the case is tried, or the cases is "otherwise not awaiting trial." It is not clear whether cases placed in the inactive category are automatically removed from the list of cases awaiting trial. Review of these data indicate that the courts do not interpret this category uniformly. For approximately a third of the

courts, the number pending trial are the same as the total number pending. At other courts the number is far smaller.

3) Active pending. The monthly reports also give the number of inactive cases. Before 1978 several courts voluntarily reported the number of cases with warrant, and in 1977 the instructions were amended to call for that information. Beginning with the 1980 reports, the definition of inactive cases was expanded to include:

- cases with warrants issued
- defendants in mental hospitals
- cases with unopenned grand jury indictments
- defendants with deferred prosecutions
- defendants who otherwise are unable to be tried.

The number increased greatly in 1980, suggesting that the definitions changed.

5.4 Trials.

Since 1984, the courts have reported the number of jury and nonjury trials commenced for felony and the other types of criminal cases. Before 1984, trials were counted at the time of disposition (statistics were given separated for completed trials and trials started by dismissed or plead before completion), and the unit of count was the defendant. That is, after 1983 the trial figures are probably lower than earlier figures because they exclude defendants joined for trial. However the number of trials did not decline much after the change: the 1982-5 trends are 849, 808 764, and 879

The pre-1983 figures breakdown dispositions after trial starts. In 1978 (78R36), the figures are as follows for felony cases:

	total trials	to verdict	pleas	other
nonjury	108	98	9	1
jury	800	730	37	33

The "other" category includes directed verdicts and dismissals.

Guilty pleas. The number of guilty pleas given before trial starts was reported until 1984. The revision that year dropped this data category.

5.5 Time Lapse Data.

Arizona does not collect time lapse data.

5.6 Judge Data.

There is information for both the number of judges and the actual dates of appointments to new judgeships. There are no data concerning the amount of time spent by temporarily assigned judges.

5.7 Convictions.

The number of defendants acquitted is collected for felony, misdemeanor, and unclassified cases separately. The number convicted can be obtained before 1984 by subtracting the number acquitted from the total number tried (excluding pleas after trial). After 1984, the only trial measure is the number of trials started (see section 5.4). The number of convictions can be estimated crudely by using that figure to represent the number of trials held.

5.8 Other Criminal - Sentencing.

Since 1978, the courts have submitted statistics on the sentence given defendants using the following categories: prison, jail, probation with prison, probation without prison, and fine. The courts are instructed to give the highest sentence for each defendant, with decreasing severity as in the above list. The new 1984 forms expanded the lists by adding, for example, death sentences.

The sentencing data are presented according to the type of crime convicted of (felony, misdemeanor, and unclassified), rather than according to the type of crime charged.

5.9 Civil.

Data, similar to that gathered for criminal cases, are available for regular and for domestic relations cases. Before 1978 post judgment petitions were included in civil filings, and afterwards they are stated separately.

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CALIFORNIA[1]

1. OUTLINE OF COURT STRUCTURE AND PROCEDURES

1.1 Courts and Jurisdiction

The Superior Courts, as general jurisdiction courts, have exclusive jurisdiction over felonies. There is a Superior Court for each county. The Municipal and Justice Courts are the limited jurisdiction courts for judicial districts with over and under 40,000 population, respectively. The two have the same jurisdiction, which includes misdemeanor cases and civil cases involving less than $25,000.

1.2 General Procedures in Felony Cases.

Police and then prosecutor screening is common (Boland and Sones, 111, 125); so a large portion of the arrests do not become court filings or are screened out in the early stages.

Criminal cases are filed initially in the Municipal Court, and all offenses triable in the Superior Court -- i.e., felonies -- must be brought there by indictment or information (PenC. Sec. 737), although as a practical matter indictments are seldom used. A preliminary examination is required in the Municipal Court before bindover, unless waived (PenC. Sec. 738). Typically, there are extensive plea negotiations in the Municipal Court prior to the preliminary hearing stage, and plea agreements are reached in many, of not most, felonies (see Boland and Sones pp. 112, 125). If the plea is to a misdemeanor, it can be taken in the Municipal Court; if to a felony, only the Superior court can accept the plea and the case is certified to the Superior Court for taking the plea and sentencing. Beginning January 1, 1983, Municipal court judges, designated as Superior Court judges by the Chief Justice, have been taking pleas and sentencing in felony cases if the parties consent (see Section 3.2 below).

Approximately half of the felony filings in the Municipal court are disposed of there by dismissal or conviction of a misdemeanor. The state-wide proportion has changed little in

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[1] Citations to articles and books, listed in the bibliography, give the authors' names and the page. Citations to the Reports of the Judicial Council of California are in the form 85R73, where the first two digits are the year covered by the report (i.e., it is 85 for the 1986 Annual Report), and the number at the end if the page number. References with persons' names are to the bibliography at the end of the report. The Table numbers refer to the 1986 Annual Report.

recent years, and does not vary greatly between counties, except that it is lower in Los Angeles (85R146; 75R122).

Section 1192.5, enacted in 1970, mandates judicial involvement in the plea bargaining process (Ackley p. 40). The pleas specify a punishment, and the defendant cannot be given a greater punishment if the judge accepts the plea.

Plea bargaining takes place in both the Municipal and Superior Courts. Final acceptance of bargains reached in the Municipal court rests with the Superior Court (See Ackley p. 44), but pleas are often entered in the Municipal Court. The Municipal court may "accept" the plea, and the preliminary hearing is not held. The municipal judge typically does not closely review the merits of the plea, especially since the probation report usually does not arrive until the case is in the Superior court. If the Superior Court does not accept the plea arrived at below, the case must be sent back to the Municipal Court for a preliminary hearing (Ackley p. 46).

In Santa Clara, Superior Court judges review municipal court cases before reaching preliminary hearing and try to arrange a settlement making the preliminary hearing unnecessary. Here the Superior court judges take pleas and sentence in the Municipal Court.

Various district attorneys have discouraged or banned plea bargaining, e.g. Fresno in 1974 or 1975 (75R12).

Proposition 8, approved June 8, 1982, provides that plea bargaining is prohibited in serious felony cases, as well as driving under the influence cases, unless there is insufficient evidence to prove the people's case, testimony of a material witness cannot be obtained, or the reduction would not result in a substantial change in sentence. The measure lists 25 felonies that are serious felonies (PenC. Sec. 1192.7). The law also permits "enhancements" for prior convictions - five years for each "prior." This, it has been alleged, gives the prosecutor more power in plea bargaining, because he can agree to drop one or more "priors" in return for a guilty plea. (Brown p. 14).

Proposition 8 applies only to cases in Superior Court, thus prompting more pleas before the preliminary hearing. (Brown p. 14).

When scheduling cases for trial, priority is given to prisoners in custody (PenC. Sec. 1048).

2. JUDGES

In 1986 there were 687 Superior Court judgeships, varying between one judge in 17 small counties and 224 in Los Angles. The judges are elected for eight year terms.

The chief justice is authorized to assign judges from court to court (Const, Art VI, Sec. 6), and such assignments, as well as use of retired judges, are common. Rule 245.5 (effective January 1, 1983). Several of the larger courts make extensive use of referees and commissioners, and there is limited use of lawyers as temporary judges (see Table T-57).

3. DELAY REDUCTION EFFORTS AND OTHER CHANGES AFFECTING DELAY

3.1 Speedy Trial Law.

The California speedy trial law was enacted in 1959 and has not been substantially changed since 1970. PenC Sec 1382. Legislation in 1982 extended the time that the defendant must be brought to trial anew, from 10 to 60 days, when the defendant fails to appear for trial. The action is dismissed if the case is not tried within 60 days of the indictment or information. There is an exception if the case is sent for trial beyond the 60 days with the defendants express or implied consent. Dismissal of a case is a bar to further prosecution (PenC. Sec 1387; George, p. 120).

The time limit can be extended beyond 60 days if good the defendant agrees or if good cause is shown by the prosecutor. According to AOC officials trial courts often give preference to cases approaching the 60 day limit. But the defendants frequently waive the requirement. The good cause exception is rather strictly applied (George, p. 123 ff.). Court congestion, for example, is not considered good cause.

In 1980, the Supreme Court in Owens v. Superior Court, 28 Cal.3rd 238, 248-52 (1980) said that delays caused by the defendant are not to be deducted from the 60 day computation period (George 122).

3.2 Other Delay Reduction Efforts.

Trial Court Management Rules. Effective 1/1/85 the Judicial Council adopted trial court management rules for both criminal and civil cases. For criminal cases, Rules 227.1 to 227.10:

1) permits courts with three or more judges to establish a criminal division and to designate a supervision judge for the division,

2) specify the duties of the supervising judge of the criminal division,

3) specify time limits for criminal proceedings; trials must be set within 60 days after the information is filed,

4) require setting dates for trial, readiness conferences, and pretrial motion hearings at the time of arraignment,

5) require that pretrial motions be filed at least 10 day before the pre-trial motion hearing,

6) require that the readiness conference be held within 14 days before the trial date,

7) permit continuances only if the party gives an affirmative proof that "the ends of justice" require them,

8) require regular meetings between judges and others about the criminal court system,

9) direct magistrates to set sentencing date in Superior Court when a guilty plea is entered in the Municipal court.

10) direct that courts (with over three judges) adopt procedures for facilitate disposition of cases before preliminary hearings; these procedures may include using superior court judges as magistrates to conduct readiness conferences before the preliminary hearings.

Also, the new Rule 10 of the Standards of Judicial Administration recommend that courts use the master calendar system and that they dispose of pretrial motions before the readiness conference. (Court with three or more judges must use the master calendar for civil cases. Rule 224.)

The rules also contain many provisions for civil cases.

Continuance Policy. Effective January 1, 1986, PenC. Sec. 1050 was substantially amended to tighten continuance policy. The rule required that notice of a continuance be filed with all parties, and the DA and defense attorney must notify the witnesses. The change also specified that stipulation of the parties does not constitute the "good cause" required for granting a continuance (see George, pp. 112.3 ff)

Also Sec. 1050.5 permits the court to fine attorneys up to $1,000 for not complying with Sec. 1050 or to file a disciplinary report.

Master and Individual Calendar. There may have been changes between master and individual calendar. A 1970 survey (Fall p. 193) of the 26 courts with at least three judges found that the master calender was nearly always used for civil cases, and usually for criminal cases. When not used for criminal cases it was usually a hybrid master calender (using individual calendar until trial date set, then master calender thereafter).
Only the Los Angles court used an individual calendar system for criminal cases, and that was an experiment apparently not continued. Three courts had hybrid: San Luis Obispo, Contra Costa, Orange, and Sacramento (Fall p. 197).

Using Municipal Court Judges. In what is called the "El Cajon" experiment, the Chief Justice authorized judges of the El Cajon Municipal court to sit as judges of the San Diego Superior Court starting in September 1977. The experiment was extended to the South Bay and San Diego Municipal Courts in April 1978 and to North County Municipal Court in 1979. These are the four Municipal Courts feeding the San Diego Superior Court; in 1983 they had 8, 7, 22, and 10 judges respectively. Therefore, for practical purposes the experiment started mainly in April 1978. For use as a variable in the analysis, the variable should start in FY 1978, since only 8 percent of the felony cases were part of the experiment in the first have of 1978, whereas 26 and 36 percent were in the first and second half of FY 1978 (Green and Cass)

As described by a judicial council report (82R29) the Superior Court authority was used mainly to accept pleas in felony cases and sentence. The judges presided over a very few felony trials. The experiment was favorably reviewed. The Municipal court judges disposed of 2,053 Superior court criminal cases in 1981, or 44 percent of the Superior court caseload. It is estimated that the Municipal Court judges provided about three to four judge equivalents to the Superior court. The number of cases calendared for trial went down sharply, but not until 1981.

An evaluation by Green and Cass found that the experiment probably did not result in reducing case-processing time for the cases subject to the experiment, but plea taking and sentencing by the municipal court judges freed Superior court judges to do other work.

Effective January 1, 1983, the procedure was permitted in all courts (Court Rule 245.5). There is no information, however, concerning how many other courts have used the procedure.

Early Screening. The 1985 trial court management rules (above) encourage judges to screen cases before the preliminary hearing, including screening by Superior Court judges. This program is used Santa Clara, where Superior Court judges have commenced reviewing cases before the preliminary examination in Municipal Court to try to affect settlements and to save the time and expense of a preliminary hearing. If a plea is agreed upon, the Superior Court judge will take the plea and sentence with little delay. (This delay reduction effort is not appropriate for evaluation here because it takes place in the Municipal court.)

Time Standards. The Trial Court Delay Reduction Act of 1986 requires that, by July 1987, the Judicial Council adopt standards of timely disposition for both civil and criminal cases (GovC Sec. 68603).

3.3 Other Changes That Can Affect Delay.

See discussion of Proposition 8, above.

Determinant sentencing. A determinant sentencing law was effective for crimes committed after June 30, 1977. The law changed sentencing from extreme indeterminacy to set sentences (but with time off for good behavior) with enhancements, such as for use of firearms and for prior convictions. The statute took effect gradually in FY 1978 as more defendants processed had committed crimes after the effective date of the law. In practice in FY about half the convictions fell under the law (78R4). The law was amended, applying to crimes committed after January 1, 1979, to increase the sentences for many types of crime (80R6).

The Judicial Counsel is required to report each year on the impact of the sentencing law, and it has claimed that the sentencing law is related to a decline in the trial rate to an increase in guilty pleas; and this in turn is credited with reducing delay in criminal cases (85R55). Since the law, trial dispositions have declined from 17 to 8 percent of total dispositions. The annual report states that, although the new law may increase time to disposition somewhat because sentencing procedures take longer, the increase in guilty pleas has had the overall effect of reducing time (85R55). The overall conviction rate - guilty pleas plus trial convictions - has increased, but the percent convicted at trial has not changed much (85R55). The percentage of convictions resulting in imprisonment has increased substantially, but the average sentence length for various crimes has remained rather steady (85R57).

Before the determinant sentencing law, there was a low minimum and very high maximum prison term; and plea bargaining was largely aimed at determining whether or not the defendant would be committed to prison (Utz p. xiii). The determinant sentencing law broadens the scope of plea negotiations by permitting more specific agreements affecting the length of sentence.

4. DATA GATHERING

4.1 Procedures for Gathering.

Data are obtained from three monthly reports sent in by each county. 1) The Calendar report gives information about pending cases and about some aspects of delay. 2) The Summary Report gives the number of filings, trials, and dispositions. 3) The Report of Assistance gives information about extra judges,

commissioners, and referees serving. The Calendar report has not changed since 1968, and the AOC staff said there were no changes of any importance to the other reports since July 1975. FY 1976 is the first year for data on guilty pleas, trial outcome, and for all practical purposes the number of trials. Most courts compile the data manually; approximately a dozen have computers.

The data published in the annual report are the only data that can be practically gathered. The old monthly summary reports are on microfiche, and the calendar reports are in storage; the data not published has not been compiled into annual data.

Besides the annual report, the AOC also prepares a report that gives five year trends in major data categories for each court. This is sent to the presiding judges of each court.

The AOC is planning to revise its data gathering system, using optical scanning.

4.2 Procedures for Checking.

The AOC does not independently check the data obtained, except through consistency checks. Every six months a computer program compares dispositions to filings and lists courts were the ratio is far out if line (by a set number of standard deviations), and the AOC asks courts where they occur to check their numbers. Each month the computer looks at the two year monthly average, and if the figure is way out of line, the AOC will ask the court to check.

Also, each year the AOC publishes a report showing five year trends for each county. The judges are asked to check the data for their courts, and they sometimes notice mistakes.

The AOC also compares Municipal and Justice statistics to Superior court figures. The number of cases bound over plus guilty plea (to felony) in the Municipal and Justice Courts should equal the number of filings in the Superior Court (except for the small number of grand jury cases). The Annual Reports (Table A-33) give this disposition data for Municipal Courts, but not Justice Courts (which received 7 percent of the felony filings in 1985). The number of Superior Court criminal filings are in Table A-24.

The AOC does not require that pending plus filing less disposition equal end pending.

Statistics on convictions are checked against data

independently obtained by the Judicial Council on sentencing practices, and they match very closely.

The AOC used to hold data collection workshops every two years for the clerks, but the workshops have not been held since 1982 because the AOC expects to revise its data collection procedures.

If a court requests help filling out data reports, the AOC will arrange to have a clerk from a nearby county visit and explain case counting procedures. This happens two or three times a year, according to AOC staff.

4.3 Problems with Data.

The most important problem with the criminal data is that a few courts did not report guilty pleas entered in the Municipal Court and certified to the Superior court (see section 5.4 below). When these cases are included, the courts greatly undercount the number of dispositions and guilty pleas, and some courts, filings. Alamada, Fresno, Humbolt, Nevada, San Joaquin, and San Luis Obispo counties are deleted from the analysis for this reason. Also, Humbolt county reported only 6 months data in 1986.

The major problems have been in the Municipal court. Often the number of filings is much higher than dispositions because cases placed on inactive status are not counted as dispositions, but cases reinstated are counted as filings.

5. DATA ELEMENTS

5.1 Criminal Filings.

Criminal filings are the number of defendants against whom an indictment, information, or certification was filed (Regulations on Superior Court Reports, p. 10).. Separate counts in an accusatory pleading are not counted separately. Filings included transfers from other courts; these are apparently changes of venue, of which there are extremely few (e.g., 26 in 1984, 84R79).

According to the AOC staff, prosecution practices determine whether there is one or two cases when a defendant is charged with committing two separate, but similar crimes. In other areas too, prosecutors affect filing volume. They may screen cases before filing for sufficient evidence, they may decided to charge cases as misdemeanors rather than felonies, and they may accept pleas to misdemeanors in cases originally filed in the Municipal courts as felonies (see especially Utz).

In the early 1970's the number of filings was greatly affected by prosecutorial practices. When new legislation permitted Municipal courts to hear felony filings reduced to misdemeanors, felony filings were reduced greatly (see 85R123).

Filing data includes felony cases were a guilty plea was entered in the Municipal Court and then transferred to the Superior Court for sentencing. In Alameda, Fresno and Humbolt Counties the filing figures for some years did not include these cases.

5.2 Criminal Dispositions.

Dispositions includes all cases, and inactive cases are not counted as dispositions until dismissed or decided. According to the AOC, there are few cases on prosecution diversion and there is no provision for suspended sentencing.

Disposition data are broken down into several categories: The dispositions after trial are discussed below in Section 5.4 The Regulation on Superior Court Reports state that the categories of disposition before trial are:

a. Dismissed
   Defendants against whom criminal proceedings were dismissed.
b. Transferred to another court
   Defendants transferred for trial in another court.
c. Convicted after plea of guilty
   Guilty pleas before trial starts.

The statistics on dispositions (Table A-24) combine (a) and (b) into an "other" category. Disposition before trial are before the start of jury selection (or for non-jury cases, before opening statement or introduction of evidence).

In a few counties the guilty plea (and disposition) figures do not include cases where guilty pleas were taken in the Municipal Court.

5.3 Criminal Pending.

The only published pending data are the number of criminal cases set for trial as of the end of the fiscal year (Table T-35 and A-31). The AOC also collects data on the total number pending and the number set for trial in the next 30 days, but these data are not published and, therefore, not available.

The total filings, and thus the total pending, data include many cases in which a plea has been tentatively agreed upon in

the Municipal Courts. These cases are excluded from the number of cases set for trial. Cases set for trial are those in which the defendant pleads not guilty at the time of arraignment.

Inactive cases are removed from the number of cases calendared for trial, according to AOC staff, but the Regulations on Superior Court Reports are silent on this matter. In Santa Clara inactive cases are removed.

The pending and disposition figures do not match: pending is in terms of cases calendared for trial and dispositions are in terms of all cases. Therefore, the backlog ratio differs from that for other states.

5.4 Trials and Guilty Pleas.

Information is given for both jury and non-jury trials (Tables A-25, A-26). A jury trial starts when jury selection starts, and a court trial starts when testimony or an opening statement is begun. Also, Table A-30 gives the number of dispositions by jury trial (this duplicates the data in Tables A-25 and A-26)

Statistics are given for contested and uncontested trials. Contested trials are those where both parties have introduced evidence, and uncontested trials are those in which only one side presents evidence (85R135). The reason for collecting separate statistics, according to the AOC staff, is that it was believed that "uncontested" trials took less time. But the "uncontested" trials are probably real, contested trials. They include trials where the witness is cross examined, and the acquittal rate is about the same for the two types of trials (See Tables A-25 and A-26). Also, the staff at the Santa Clara court said that it was very hard to distinguish between contested and noncontested trials.

Prior to FY 1976, the "uncontested trial" category was cases disposed on the record of the preliminary hearing, and "contested trials" included cases in which only one party introduced evidence. Starting in 1976, the present system was put in place, and the cases disposed of on the record of the preliminary hearing presumably became guilty pleas.

A second measure of the number of trials is the number of criminal juries sworn, given for Superior courts with 6 or more judges (Table T-42). This is not the same as the number of jury trials, but can be used to check the figure.

5.4 Guilty Plea.

Guilty plea statistics are available from Table A-24, beginning in 1976. Guilty pleas recorded after a trial starts are counted as trials, not guilty pleas. A major problem with the statistics is that a few courts did not record cases in which a plea was entered and accepted in the Municipal court, and certified to the Superior Court. According to the AOC Alameda and Fresno Counties did not record such cases as filings (and thus as guilty pleas) until recent years. Also, statistical trends suggest that Humbolt county has not counted such cases since the early 1980s.

The statistical reports, and the annual reports of past years, have a category of disposition after a trial "on the transcript of the preliminary hearing." This procedure was abolished, according to the AOC.

5.5 Time Lapse Measures.

Trials over 60 days. Table T-42 of the annual report gives figures for the number and percent of criminal juries sworn in more than 60 days from indictment or information (but only for Superior Courts with six or more judges). These data are available from 1976. For 1985, Table 29 (at 85R147) has a footnote explaining the that the San Bernadino statistics are inconsistent (more juries sworn in over 60 days than total juries sworn in).

5.6 Judge Data.

The Annual Report gives information on the number of authorized judgeships at the end of the year (Table A-12), the judicial assistance (Table T-55), and the number of commissioners and referees (Table T-57, A-32).

Judgeships. The exact number of judgeships in each county each year can be obtained from the notes to Table A-12 and A-32, and these notes should be used to adjust the figures in A-12. But the adjustment should only be made after using the judgeship position data to estimate the number of commissioners and referees, as described below.

Extra judges. The use of retired and temporarily transferred judges is indicated in the judicial assistance figures (Table T-55). The Chief Justice has authority to transfer judges between districts temporarily and to assign retired judges. The assignments are done by the Judicial Assignments Unit of the AOC (see 85R83), and they can be done to fill in for a vacancy or indisposed judge or to help the receiving court deal with its caseload. Table T41 gives the number of days of assistance received and given by each court, as well as the net number of days (number received less the number

given) given to each court. Tables T-53 and T-54 give the source of the assignments, which is primarily retired judges. It also gives the assistance given as a percentage of net days (the net day are the number of days times the number of judge positions which are not vacant; net days are not given in the annual report and cannot be calculated from it). The definition of the number of days of assistance was changed in Jan. 1, 1983. Earlier, if a judge worked three hours or less, a half day was recorded, and more than three hours was a full day. From 1983 the calculation is as follows: over 6 hours is counted as a full day; over 4 up to 6 as three fourths of a day; over 2 up to 4 as a half day; 2 and under as a fourth of a day (86R173).

The amount of judicial assistance is given in the number of days. To determine the number of judge equivalents, a 245 day year is assumed, since this seems to be the number of "days the court is open" for purpose of calculations.

Commissioners and referees. Table A-32 contains the number of commissioners and juvenile referees. and Table T-57 gives the days of assistance given by commissioners, referees, and lawyers acting as temporary judges. The annual reports count commissioners and referees as judge equivalents because in almost all cases they preform functions that would otherwise require a judge. For example, they can try cases as temporary judges (but only if the parties agree). A study of the commissioners' and referees' duties (83R35) found that they operate approximately 70 to 80 percent of the time in the capacity of temporary judges, and they sit mainly in the area of family and juvenile law, but in some courts they regularly sit as temporary judges in civil and criminal cases.

The amount of such service is given in two sources. 1) The first is the "report of assistance" form submitted monthly by the courts, and the number of days assistance is given in Table T-56 (Table XLII before 1982, where data are not given for courts that make little use of commissioner, etc.). The number of judge equivalents can be obtained by dividing the days assistance by 245. 2) The actual number of commissioners and referees (but not the numbers of lawyers used as temporary judges) is available by subtracting the total judicial positions (Table A-32) from the number of judgeships in Table A12 (before adjusting for when judgeships were created). This is the figure for the end of the FY, however, and the number of positions during the year would have to be the average of that for the end of the year and the end of the prior year.

Judicial position equivalents. Beginning with 1981 (in 82R) the Annual Report (Tables T-16 and T-26A) published the number of "judicial position equivalents," which is the number of persons actually available and present in the courts. It is determined

by adjusting the authorized number of judges to reflect vacancies, assistance from other courts, from full-time and part-time commissioners and referees, and from temporary judges sitting by stipulation of the parties. (85R119, 148,173) This can be used to test the accuracy of measures used by 1) comparing the number, less the number of referees and commissioners, to the number of judgeships, and 2) by comparing the number to the number of total judicial positions used here.

Summary. The research should use two measures of judge resources: 1) the total number of judgeships, adjusted for when the judgeships were created, adjusted by adding net days of judicial assistance (divided by 245), and 2) the total judicial positions, adjusted for when judgeships were created, adding the among of assistance (number of days divided by 245) given by commissioners, referees, and lawyers as temporary judges.

5.7 Conviction Data.

Data concerning the outcome of trials was first collected in FY 1976, and it is presented in Tables A-26 and A-27. The conviction data are broken down into "contested" and "uncontested" trials, which as discussed above are probably not meaningful distinctions. The analysis can be run with both as independent variables. The data are also broken down into jury and non-jury data.

5.8 Other Criminal.

5.9 Civil Data

In general, the civil case categories closely parallel the criminal categories.

Filings. Civil filings are presented separately for many categories. The major civil cases can be determined by the case weighting system (85R38). These are personal injury and property damage (81), eminent domain (120), and other civil complaints (117). Also family law (61) might be included. The data for these types of filings are found in Tables A-13 to A-17.

Disposition. Total disposition figures are given for all these types of cases.

Pending. The data for pending is the number awaiting trial (Table A-31). It includes all civil cases, not just the categories here. Case awaiting trial are cases in which the attorneys have filed at-issue memos, stating that the case is

ready for the setting of a trial date; they are considered to be on the "civil active list" (see 83R7).

This is not a very useful measure of backlog. Attorneys file at issue memos in many cases that are not ready for trial for which an earl trial is neither desired nor anticipated. (75R116). Also, the at issue memo has different meanings from court to court in terms of trial readiness; so attorneys time their filings based on their knowledge of the time frame the court follows in processing the filing. (75R116)

Before 1968, cases were not considered awaiting trial until the court gave a certificate of readiness stating that cases with at issue memos can be placed on the trial list. (75R111). San Francisco did not change to counting active pending at the time of the at issue memo until 1980 (85R140), and other courts may well vary.

The number on the active list went way down after 1980. This may be caused partly by the fact that the arbitration program in larger courts (see below) took cases off of the active pending list into a list of cases awaiting arbitration.

Trial. Tables A-13 to A-19 give the number of contested and uncontested trials. Here contested trials are probably the better measure of trials, and that is the measure used by at least one judicial council study (83R7). This information is not broken down into jury and judge trial.

Table A-30 gives the number of dispositions by jury trial. (broken down into personal injury/property damage and all other proceedings). This information goes back to 1976; 1975 data are entered, but it is the number of juries sworn in.

Delay measures. The annual report (Table T-37) has figures for the median time from at-issue to trial in civil jury cases for the 21 courts with six or more judges. (This information is collected for other counties, but not published and therefore not readily available for earlier years; also, it is less reliable for smaller courts since it is based on fewer cases.) The measure, however, is based only on cases tried in June of each year, and it suffers from small sample sizes. Occasionally, the court tried no civil cases in June, resulting in missing data.

A second measure of delay is civil cases is the portion of cases pending trial in which at-issue memoranda were filed over a year ago. It is available for Superior Courts with 6 or more judges (Table T-35). This measure was greatly affected by the fact that an arbitration program was begun in the large courts in July 1, 1979, and cases were taken off the list of cases pending trial pending the arbitration proceedings.

The times from at-issue to trial can be affected by the calendaring practices of the court. The Santa Clara court will take a case off the at-issue list of the judge does not grant a continuance to the attorney and the attorney is not ready. It is then placed back on the list when the attorney requests. Other courts that less freely take case off the at-issue list would show longer times for cases on the at-issue list. Also, the court may determine what cases get on the trial pending list. According to Santa Clara officials, the Los Angles court does not put cases on the trial list when attorneys file at-issue statements, but rather asks for a certificate of readiness when the court wants to add cases to the list. Finally, the median time to trial "historically lags behind other measurements in reflecting existing calendar conditions" (83R7).

The Calendar Report form collects data on the time between complaint and trial and at issue memo to trial in cases tried (separated out for jury and non jury). But this information is not published, except for the median figure discussed above.

In sum, there does not appear to be a usable measure of delay for civil cases.

Delay Reduction efforts.

Amendments to the trial court management rules, effective January 1, 1985, added many provisions strengthening trial court management (see 85R17, 73).

Effective July 1, 1979, courts with 10 or more judges must establish arbitration programs for cases involving $15,000 or less, and $25,000 or less in four counties starting in 1982 (see 83R5). The arbitration occurs within 90 days of filing the at-issue memo. A study by the Judicial Council found that the arbitration program reduced delay in that cases pending arbitration are not on the list of cases pending trial, and therefore non-arbitration cases reach trial earlier (83R7). Also, some cases going to arbitration are settled and do not return to the trial list. The median time to trial, however, did not decrease by the time of the Judicial Council 1983 report, which was attributed to the fact that this delay measure "historically lags" behind other measures. The latest figures (86R123) do not show a noticeable drop in median time from at issue memorandum to trial over the next three years. The study also found a drop in the proportion of disposition by trial, but concluded that this may be due to a long term trends towards fewer trial dispositions.

The economical litigation project, which started in January 1, 1978 and ended July 1, 1983 (83R85), provided for simpler

procedures in cases involving $25,000 or less. Pleading were made simpler, discovery was restricted, and trial procedures were simplified. The Judicial Council (82R15) concluded that the project did not work (and did not reduce delay), with the exception of the discovery restrictions and permitting written testimony by experts.

The Trial Court Delay Reduction Act of 1986 contains, among other provisions, a requirement that the Judicial Council adapt standards of timely disposition (GovC. 68603), collect statistics concerning these standards (GovC. 68604), and establish "exemplary delay reduction programs" (GovC. 68606 -68614).

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CONNECTICUT REPORT[1]

1. OUTLINE OF COURT STRUCTURE AND PROCEDURES

Connecticut established a unified court system on July 1, 1978. All courts, except probate courts, were consolidated into the Superior Court. The court is divided into four divisions: criminal, civil, housing, and family.

Major felony cases are tried primarily in Judicial District Locations, and misdemeanors and some felony cases are tried in the Geographical Area Locations. Both locations are subdivisions of the Superior Court, and preform functions similar to those of general and limited jurisdiction courts, respectively. The Geographical Area locations conduct felony preliminary. From court year 1979 to 1981 all Class A to Class C felony cases (punishable by sentences of more than five years) were tried in the Judicial Districts, while Class D felonies and other crimes were tried in the Geographical Areas. Starting in 1982, some Class B and C felonies were filed in the Geographical Areas in some parts of the state, greatly reducing the criminal caseloads in the Judicial Districts involved. All Class A felonies, punishable by sentences of over 20 years, remain in the Judicial Districts.

Civil cases above the small claims limit ($1,500, up from $1,000 in 1985) are filed in the Civil Division of the Superior Court. About ten percent of the civil cases are filed in Geographical Areas. In addition, the large districts have housing courts.

The state is divided into 12 districts for felony cases; the twelfth district, Stamford-Norwalk, was permitted to hear felony cases starting in 1982.

2. JUDGES

2.1 Introduction.

In 1987 there were 134 judges in the Superior Court (excluding appellate judges, who are technically members of the Superior Court). They are assigned to the different locations for six month rotations. The state court administrator assigns the judges to the districts and to the divisions within the courts.

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[1]The references are given as follows: Articles and books are referred to by author and are found in the bibliography at the end of the report. References to the court annual reports give the year, the letter R, and the page (e.g., 85R32 is page 32 of the 1985 annual report).

2.2 Extra Judges.

The Superior Court uses retired judges as trial referees, who can trial civil non-jury cases and (beginning in 1982) can try civil jury cases with the consent of the parties (84R20). Beginning in early 1984 the Superior Court also has been using attorneys as trial referees, as discussed below.

In 1983 the state initiated a program to have attorney magistrates hear motor vehicle infractions and violations. This freed up some judge time for civil and criminal cases.

3. DELAY REDUCTION EFFORTS AND OTHER CHANGES AFFECTING DELAY

3.1 Speedy Trial Law.

The Connecticut speedy trial law, effective July 1, 1983, was established by statute, and revised by a law effective July 1, 1985. The legislation directed the Superior Court to make rules. Earlier, the only speedy trial law required that imprisoned defendants, against whom there are charged for another crime, be tried for that other crime within 120 days (Gen.Stat. Sec. 54-82c)

For defendants charged between July 1, 1983 and June 30, 1985, trials must begin within 18 months of the date of information, or data of arrest, whichever is later. Gen.Stat. Sec. 54-821 C. Rules 956B. The time limit is 12 months for defendants in pretrial custody. The time periods were reduced to 12 and 8 months respectively for defendants charged after June 30, 1985. C. Rules 956B; Gen.Stat. Sec 54-82m.

Excludable periods, listed in Rule 956B, include:
1) delay resulting from other proceedings, including mental health proceedings, trials on other charges, and appeals; 2) delay resulting from unavailability of the defendant or essential prosecutor witnesses; 3) delay due to defendants inability to stand trial; 4) delay when the case is joined with another defendant whose time has not run; 5) time between entering a pleas of guilty and withdrawal of the plea; 6) delay due to continuances granted at the request of the defendant; 7) delay due to continuances requested by the prosecution if because of unavailability of material evidence, or if because the prosecution needs additional time to prepare the case and "additional time is justified because of the exceptional circumstances of the case."

The defendant may waive speedy trial rights in writing or in open court (Rule 956F), and waives them if a motion is not filed

before the start of trial. There is a 30 day period between filing of a motion for dismissal and the actual dismissal (apparently if the motion is not filed 30 days before the end of the time period, the time period is in effect extended). C. Rule 956D. The dismissal is with prejudice (C. Rule 956D).

3.2 Other Delay Reduction Efforts.

The state initiated a major delay reduction effort in the Fall of 1981 (82R15;84R13). The major feature of this effort was to route many of the Class B and C felony cases to the Geographic Areas, as described in Section 1 above. Also additional judges were assigned to the criminal division.

Time Standards. In the late 1970's the courts established time standards for Judicial District locations: one year for the urban courts (Bridgeport, Hartford, New Haven, and Waterbury), and six months for the remaining districts. (86R37;84R15) According to court administration staff, these standards have not been changed. They are used routinely to monitor the progress of courts; a report is issued each month showing the number of cases pending for periods longer then the time limit allows. Because the time limits went into effect before the time covered by the present research, they cannot be evaluated here.

Civil Programs. The state started an attorney trial referee program in February 1984, such that attorneys tried civil nonjury cases (there was no limit on the amount in controversy). Previously only retired judges were referees. (84R17;86R46)

In the mid-1980's the Superior Court also initiated a case management program, which consisted of many elements used in varying districts. Examples are a fast-track program for cases involving lesser amounts, summary jury trials, and use of caseflow coordinators.

3.3 Other Changes That Can Affect Delay.

4. DATA GATHERING

4.1 Procedures for Gathering.

Criminal caseload statistics are gathered locally and sent to the state court administrative office in monthly reports.

4.2 Procedures for Checking.

The state court administrator does not audit the data. The courts are required to count pending cases each month.

4.3 Problems with Data.

The major problem with the data is the change in definition of active pending cases, discussed below. There have been no other changes.

5. DATA ELEMENTS

5.1 Criminal Filings.

The unit of count is the case; several defendants combined under one docket number are counted as one case. AOC staff said there was no problem of inconsistent counting between districts. The cases are counted when bound over from the Geographic Area location.

5.2 Criminal Dispositions.

Cases are counted as disposed when sentenced.

5.3 Criminal Pending.

The court statistics include the number pending and the number of active cases pending. Approximately 65 to 70 percent of the pending cases are active. According to the data forms, the inactive cases are: 1. bond forfeiture, fugitive, 2. transferred to other Judicial District, and 3. other (including appeals). Also, active cases do not include diversionary cases, which are 1. committed (54-56d, 21a-284, 19a-386) and 2. other (accelerated rehabilitation). According to AOC staff there are very few diversionary cases in the Judicial District courts (but many in the Geographical Area courts).

Statistics are presented for three types of active pending cases: those awaiting plea, those awaiting trial, and those awaiting sentencing. The vast majority are awaiting trial. In 1984 the statistics for total pending cases no longer included those awaiting sentencing (which account for 15 to 20 percent of the cases), but statistics for these cases are available, permitting consistent trend statistics for two types of active pending: including and not including cases awaiting sentencing.

5.4 Criminal Trials and Guilty Pleas.

Statistics are available for the number of cases disposed with trial. A non-jury trial occurs of a witness is sworn; a jury trial occurs when a jury is impaneled. Guilty plea statistics are not available.

5.5 Time Lapse Measures.

Median age of active pending cases. The mean number of months that active cases have been pending is available. But, as discussed above, the definition of active pending case changed in 1984, excluding cases awaiting sentencing. Thus 15 to 20 percent of the cases, nearly all the longest pending, are not included in the measure. The impact on the median figure is uncertain, but it is certainly less than if it had been the mean.

Age periods of active cases. Statistics are given for the number of active cases that have been pending 1) under 6 months, 2) 6 to 12 months, and 3) over 12 months. The initial point for counting time is the arraignment (in the Geographic Area Locations). Data are available for the number pending at the beginning and end of the year. These figures were affected by the change in definition in pending cases in 1984, but relatively few of the cases awaiting sentencing are in the under 6 month category. The under 6 month category for 1984 and later years is adjusted by adding the number deleted in 1984 when the change was made (this is the number pending less than 6 months at the end of 1983 less the number pending at the beginning of 1984).

Age periods of active cases for confined defendants. Statistics, comparable to those for age periods of active cases, are available for confined defendants. However, because the beginning pending figures are not published, no adjustment could be made for the change in definition of active pending cases in 1984.

5.6 Judge Data.

Because judges rotate, the only available judge data is the state-wide number. It is the number of actual judgeships, based on the effective data of statutes creating the judgeships.

5.7 Conviction Data.

There is no data concerning convictions.

5.8 Other Criminal.

There are no other relevant criminal case data.

5.9 Civil Data

Data are published for "civil cases" beginning pending, filed, disposed, pending, and disposed by trial.

IDAHO REPORT[1]

1. OUTLINE OF COURT STRUCTURE AND PROCEDURES

1.1 Courts and Jurisdiction

The District Court is a unified court system, which includes the District Court itself and the magistrate division. The latter is the equivalent of a limited jurisdiction court. The district court receives felony cases and appeals in other criminal cases from the magistrate division. The appeals comprise only about 5 percent of the criminal caseload. The magistrate division has jurisdiction over civil cases involving $10,000 or less and over domestic relation cases. Over the past two decades domestic relations cases have shifted from the district courts to the magistrate courts.

1.2 General Procedures in Felony Cases.

Felony cases are initiated with a felony complaint in the Magistrate Division Court, which holds a preliminary hearing unless waived. (The statutes contain a provision for indictment by grand jury, but this is not common.) If the magistrate finds that the evidence is sufficient (or if preliminary hearing is waived), the defendant is bound over to the District Court. In the District Court an arraignment is held, where the defendant is informed of the charges against him, and a lawyer is appointed for indigent defendants if not previous done (Rule 10). The defendant must appear at the arraignment. When all motion hearings and other interim matters are completed, the case is ready for trial and is considered to be "at issue." If the charges are reduced to a nonfelony, the case is transferred back to the magistrate division for processing.

A new Rule 11, effective July 1, 1984, established new plea agreement procedures. The prior rule was largely limited to provisions concerning whether the plea is voluntary. The new rule provides for a plea agreement procedure, in which the judge is permitted to participate. Under these procedures, the defendant pleads guilty (to the offense charged or to a lesser included charge), and the prosecutor may agree to 1) dismiss other charges, 2) recommend a sentence that is not binding on the court, 3) recommend a specific sentence that is binding, or 4) agree to any other disposition of the case. The plea agreement becomes part of the court record. The judge then accepts or

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[1]Citations to statutes and court rules give the section or rule numbers only. References to annual reports are given in the form of year, the letter "R", and the page (e.g., 85R2, is page 2 of the Idaho Courts Annual Report for 1985).

rejects the agreement. If the judge does not agree with a recommended sentence (under 2), the defendant cannot withdraw the plea. Otherwise the defendant can withdraw the plea, including the situation where the judge did not agree to the specific sentence recommendation (under 3).

The new rule also provides for conditional pleas, which are approved by the court and prosecuting attorney, which can be withdrawn after an appellate court decision.

2. JUDGES

The seven districts have four to seven judges, and the district administrative judge is elected by the judges. Each district has a trial court administrator, who also operate as magistrates. District court judges are appointed by merit selection. The governor appoints them from several names submitted by the Judicial Council, and later they face non-partisan, but contested, elections.

District judges can be transferred upon the request of the administrative judge and approval of the Supreme Court (Sec. 1-704)

3. DELAY REDUCTION EFFORTS AND OTHER CHANGES AFFECTING DELAY

3.1 Speedy Trial Law.

The Idaho speedy trial law provides that the prosecution is dismissed if the trial was not held within 6 months of indictment or information, unless the defendant has asked for postponement and unless the court finds good cause for the case not being brought to trial within 6 months (Sec 19-3501). Dismissal is not a bar to further prosecution if a felony is involved (Sec. 19-3506).

The law was changed, effective July 1, 1980, to substitute the 6 month provision for one that specified that the case must go to trial in the next term. The courts abolished terms in that year. The impact of the law is uncertain, since under the prior provision the time period varied from case to case, depending on the length of terms and when during the term the case was bound over.

3.2 Other Delay Reduction Efforts.

On October 3, 1984, Idaho adopted time standards for cases. For criminal cases, the time is 150 days from first appearance in the district court to disposition (or 180 from first appearance

in the magistrate court, with 30 days allowed in that court). The courts have met the standards when applied to the average case, and the emphasis is reducing the percent of cases that exceed the standards (85R5).

3.3 Other Changes That Can Affect Delay.

See the discussion of plea bargaining in Section 1.2. The change, like the time standards, occurred in late 1984.

The Unified Sentencing Act, effective February 1, 1987, completely changed the sentencing law. Among other things, it permits judges to set mandatory minimum terms for felons.

4. DATA GATHERING

4.1 Procedures for Gathering.

Idaho uses a centralized data system, called CLASS (for Caseload Analysis Support System), established in 1973, although the first year with usable data is 1975. The basic information about the system is in the manual, "CLASS Coding Instructions." Trial court deputy clerks transmit information about selected court activities every few days, and the state administrative office in the Supreme Court reviews and edits the information and then enters it into a computer. The trial courts are not computerized, but at the state level, the Information Systems Office has been computerized since 1974. The CLASS system produces monthly reports containing, for example, lists of pending cases and degree of compliance with time standards. These reports are sent to the Administrative Judges of the district courts, trial court administrators, and court clerks.

The information sent to the central office is contained in Daily Report, Form CL-1, which logs specified events in cases during the day. The form was last revised in May 1984. Each line in the form contains, initially, 1) the code for the clerk entering the information, 2) the code for the type of case (the back of the form contains the case type code; criminal cases, for example, are felonies, traffic other than DWI and parking, misdemeanors, and traffic infractions), 3) whether the case is a drug, DUI, DWP, or FTA case, 4) the docket number, and 5) the defendant code. The latter is the letters A, B, C, and so on, when the case involves more than one defendant. Items 6 through 8 are codes for the court, activity judge, and whether a court appointed attorney is involved.

Items 9 through 15 are case activity codes:

1) filing (with codes for four different types of filings: original, transfers, appeals, and reopenings)

2) before disposition (for criminal cases there are nine codes, including preliminary hearing, arraignment, failure to appear, jury or judge trial start)
3) disposition without trial (there are eleven codes, including inactivity dismissal, and guilty plea)
4) disposition with trial (there are six codes, including change to plea during trial, acquittal, and guilty verdict)
5) judgment (there are three codes, including withheld judgment entered and final order).
6) sentence (there are four codes, prison sentence, fine, fine plus imprisonment, and other).
7) whether probation is given (no codes)

The remaining items, 16 through 20, give the assigned judge, the date of the activity if it did not occur on the report's day (i.e., if the activity was discovered some time after it occurred), any earlier number the case had (in the lower court), remarks, and the trial date.

4.2 Procedures for Checking.

The Information Systems Office staff "audit" the data, looking for inconsistent figures. The large number of category codes in the Class system is beneficial because it provides for consistency checks - e.g., searching for cases coded guilty plea and trial acquittal. Also, the reports go to the judges who use the information and, thus, want it to be correct.

Trial court staff call constantly for answers to questions, and the AOC staff very frequently call the courts. When there is turnover at the courts, which is frequent, the OAC staff sends a copy of the manual, and they call whenever there are errors. Also they go out and train the clerks, visiting roughly four courts a year.

4.3 Problems with Data.

The major problem is that the annual report contains only a small portion of the data gathered. Especially, the trial measure has changed, and included guilty pleas in 1977-82. Also time lapse and conviction data are not published. The AOC does not provide aggregate beyond that published.

The pending data has problems because in recent years the courts have cleared deadwood out of the dockets and because inactive cases are not differentiated.

5. DATA ELEMENTS

5.1 Criminal Filings.

The CLASS system first enters felony cases when initially filed (bound over) in the District Court. Thus it is counted before the arraignment, which is noted later as a separate event in the case history.

The CLASS data system categorizes criminal cases as felonies, traffic other than DWI and parking, misdemeanors, and traffic infractions. Only felonies will be studied here. In addition the clerks are instructed to note of the cases are 1) drug use or sale, 2) DUI, 3) DWP - driving without privileges, 4) FTA - failure to appear, or 5) FTP - failure to pay fine.

The cases are also categorized according to whether they are new cases filed, transferred in from another court (including felony cases bound over from the magistrate division), appeals, and reopen cases (for cases previously closed - includes probation violations). The filings also include extradition proceedings.

A new drunk driving law, effective July 1, 1983, has reduced the number of DUI cases that are felonies, from 422 and 515 in 1982 and 1983 to 90 and 94 in the next two years.

The cases are entered both by cases and by defendant. Each case has a separate docket number, and cases with more than one defendant have separate letter codes for the different defendants.

5.2 Criminal Dispositions.

The CLASS data system collects information about detailed categories of dispositions, which are classified into two major categories, those with and those without trial. The published data contain only these two categories of dispositions. The categories for dispositions without trial include inactivity dismissal, other dismissals, guilty pleas, and transfers.

The Daily Report also contains sections on judgment and sentences. The categories of judgment are: 1) 120-day jurisdiction retained, under Idaho Code Sec. 19-2601. 2) judgment is withheld (which closes out a case), and 3) final judgment. The sentence section of the Daily Report gives information about whether the defendant is fined, incarcerated, or placed on probation.

The disposition figures in the annual report are for cases with final judgment, which occurs after sentencing. The dispositions, however, include the Sec. 19-2601 cases and cases where judgment is withheld.

Inactive cases are counted as disposed when one of the disposition events occur, not when first entering inactive status.

5.3 Criminal Pending.

The Daily Report indicates when the defendant is fugitive, and an arrest warrant is pending (code 31), and the CLASS system counts this as an inactive case. It remains on the list of pending cases, but with a special subcode, such that these cases are not entered into lists of pending cases unless specifically requested. It remains on inactive status until a Daily Report indicates some other activity in the case.

The pending figures in the annual report include inactive pending. Since 1983 the Supreme Court has been enforcing a program to remove deadwood from the docket, first targeting cases pending over 4 years old, then 3 years. By 1986 the courts were moving to dismiss cases pending over one year, and starting in late 1987 the time moved down to six months.

5.4 Criminal Trials and Guilty Pleas.

The published statistics contain figures for dispositions with and without trial. The former includes guilty pleas and dismissals after trial starts, and it includes extradition hearings.

The CLASS system, however, collects much more information. The Daily Reports indicate when 1) the trial starts and 2) when there is a trial disposition. The start is the first day of the trial (the instructions do not state what triggers the start of a trial), and the information is broken down into jury and nonjury trials. The trial disposition part of the Daily Reports includes information about: 1) guilty pleas during trial, 2) dismissal during trial, 3) acquittal, 4) guilty verdict, and 5) disposition with hearing.

The Daily report also indicates, for dispositions without trial, whether there was a guilty plea (see section 5.2). For the years 1977-82 the annual report data for trial disposition included guilty pleas.

5.5 Time Lapse Measures.

No time measures are published in the annual reports. The CLASS program, however, computes average times between events in cases and issues reports with these statistics.

5.6 Judge Data.

The number of judgeships is given in the Idaho code.

5.7 Conviction Data.

The Daily Report indicates whether the defendant was find guilty or acquitted at trial. These data, however, are not published.

5.8 Other Criminal.

None.

5.9 Civil Data

The CLASS data system categorizes civil cases according to the following categories: domestic relations (divorce, separations, and custody), personal injury and property damage, support, other, and small claims. The system also distinguished between original filings, transfers, and reopened cases. Filings are counted at the time of the original complaint. The published data for civil cases, and the data collected by the CLASS system, are similar to that collected for criminal cases.

The time standards, adopted in 1984, call for 540 days from filing to disposition in civil cases. The courts have met the standards when applied to the average case, and the emphasis is reducing the percent of cases that exceed the standards.

ILLINOIS REPORT[1]

1. OUTLINE OF COURT STRUCTURE AND PROCEDURE

1.1 Courts and Jurisdiction.

The Illinois Circuit Court is a single unified trial court. The 102 counties are divided into 21 Circuits, including one for Cook County. All downstate circuits, except the 18th, have two or more counties. The county composition of the circuits has not changed since at least 1970.

The Circuit Court receives both felony and misdemeanor cases, although separate statistics are gathered for each. Appeals from all cases go to the appellate courts. There are no appeals do novo.

Circuit Courts have two types of judges, circuit and associate judges. Circuit judges are elected (either county or circuit wide elections). Associate judges, who are appointed to four year terms by the circuit judges, can hear any type of case, but in some courts are limited to minor cases.

Counties with population of 35,000 or over must establish public defender programs. Smaller counties can choose either public defender or assigned counsel, and most chose the latter.

1.2 Felony Case Procedures.

Felony cases are commenced with indictment or information, and minor cases with complaint. Felony prosecutions were commenced only by indictment after grand jury (unless waived) until October 1, 1975. A preliminary examination for the purposes of determining probable cause, was given (or waived) before the information (Comments to Stat. Ch. 38 Sec. 111-2: Kavanaugh & Jesser, p. 283). For crimes occurring on or after October 1, 1975, information was permitted if preliminary hearing was held or waived (Ch. 38, Sec. 111-2). The information is filed after the finding of probable cause at a preliminary hearing (Kavanaugh & Jesser). The 1975 change was made at about the same time that the speedy trial law was tightened (see Section 3.1 below), and the two changes are probably related

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[1] References to the Annual Report of the Administrative Office of the Courts are given in the form 84R100, where the first number the year and the last is the page. References to published materials, listed at the end, are to the name of the authors. References to Illinois criminal procedure statutes are to section only.

because the new speedy trial requirements would not be feasible given the delay caused by the grand jury proceedings (Kavanaugh & Jesser).

In most courts, criminal cases are processed initially in the preliminary hearing division of the court (Moran, p. 50). At first appearance, defendants are informed of the charges against them and are advised of their rights; also, pretrial release status is determined. If a felony is charged, the case proceeds to preliminary examination (unless probable cause was found by means of a grand jury indictment). The defendant may waive preliminary examination. At arraignment (or second appearance) defendants enter pleas and may waive jury trial, and counsel is appointed. When guilty pleas are entered, sentencing can proceed immediately. Otherwise the case proceeds to preliminary hearing (unless waived, which often occurs). The informations are filed in the preliminary hearing court, and the majority of criminal cases are terminated there when the defendant pleads guilty (Moran, p. 51).

If the defendant pleads not guilty at the early stages of the case processing, the court typically holds one or more status or pretrial conferences. Judges cannot initiate plea bargaining, but may discuss a tentative agreement and may concur (or conditionally concur) in a proposed disposition (Rule 402(d)).

After guilty plea or trial conviction, a presentence report is prepared and a sentencing hearing his held. When judges desire more information than is contained in the presentence report, they may commit defendants to the Department of Corrections for up to 60 days after conviction for pre-sentence evaluation. Apparently, this is not done often (see 77R29).

2. JUDGES AND ATTORNEYS

2.2 Introduction

In 1984 Illinois had 384 Circuit judges and 321 Associate judges, with 202 and 173 respectively outside of Cook County. The ratio of Circuit to Associate judges varies greatly from circuit to circuit; associate judges vary from 18 to 61 percent of the judges.

The statistics for the number of judges given in the annual reports is considerably below the number of authorized judgeships. The judge statistics are for December 31 of each year since 1978, for May 1 in 1974 to 1977, April 1 in 1973, and June 30 in 1971 to 1973. Therefore, the figures need to be weighed to obtain consistent figures from year to year.

Before 1973 the Circuit Court judges were called circuit judges, associate judges, and magistrates. The circuit and associate judges become "Circuit Judges" and the magistrates became associate judges. The figures for judges before 1973 include all three categories of judges, but the breakdown between circuit and associate judges is not comparable to that for later years.

The circuit judges are elected to 6 year terms by the electorate, and the associate judges are elected to 4 year terms by the circuit judges in the circuit. The associate judgeships are created by the Supreme Court. There is one associate judgeship per 35,000 population, and additional associate judgeships are created by the Supreme Court upon a showing of need by the Circuit chief judge.

The duties of associate judges vary greatly from circuit to circuit; overall they are generally assigned to lesser cases, both civil and criminal. Matters that can be assigned to associate judges are determined by court rule (Con. Art IV sec. 8; Rule 295). Supreme Court Rule 295 states that the Circuit chief judges assigns associate judges; hence, the chief judges determine the type of case associate judges hear. Originally, chief judges were not allowed to assign associate judges to felony trials, but Rule 295 was amended, effective May 28, 1975, to permit the Supreme Court, after a showing of need by the chief judge, to authorize individual associate judges to hear felony cases. The Supreme Court has limited these authorizations to six months (84R35) and has increased the number of assignments over the years (76R41, 77R64, 78R58, 79R56, 80R53, 81R47, 82R48, 83R48, 84R35). In 1984 the AOC granted 156 requests from downstate chief judges for permission to assign associate judges to felony cases. In recent years, there have been assignments in all Circuits except the 6th Circuit. The 19th and 20th Circuits have had the most assignments. The fact that associate judges are permitted to hear felony cases, however, does not mean that the chief judge actually assigns them many such cases. They could be a reserve judges, seldom if ever needed; or their felony duties could be limited to felony preliminary. On the other hand, some associate judges regularly trial felony cases. A review of the assignment requests submitted by the chief judges in 1984 and 1985 reveled that the reasons given for assignment requests were usually that the associate judges are needed to fill in for circuit judges when the latter are unavailable or are assigned to another county. Quite a few requests, however, specifically state that the associate judges will be assigned to try felony cases. The AOC does not maintain information about the actual use of associated judges in felony cases.

In all, although Circuit judges handle the great bulk of felony work, their number is not a good measure of the judicial

manpower. The major assignments are to the appellate court and to Cook County.

2.2 Extra Judges.

The Supreme Court has authority to transfer judges from one court to another and to recall retired judges. It regularly exercises this authority. The transfers require several adjustments to the statistics on the number of judges.

Assignments to Appellate Courts. Each year four to seven circuit judges (and also a few retired circuit judges) are assigned to the Appellate Court. In fact, a few Circuit judges are so assigned year after year and, thus, are actually appellate court judges. These judges must be subtracted from the number of judges on the circuit courts.

Assignments to Cook. The Supreme Court regularly assigns downstate judges to Cook County. In 1984 thee were 324 such assignments, typically for one or two weeks. This amounted to an additional 434 judge work weeks, or about 9.4 additional judges, using the 46 week work year standard that the AOC uses. The total number of judge weeks assigned to Cook County is given in the annual reports.

In 1976 the AOC established a formula for assigning judges to Cook County (76R41), and according to AOC staff the formula has been used ever since. The formula first calculates the "excess" judge manpower in each district and the extra judges needed in Cook County, and than requires assignments from the downstate counties roughly in proportion to the amount of excess manpower. The excess manpower is the caseload per judge (number pending and filed divided by number of judges) times the average per judge case output in the state (with small adjustments for geographic area and size of backlog). The resulting estimates for 1976 and 1986 show that the assignments vary from 3 to 52 judge weeks, with the upper limit constituting about 7 percent of the judicial manpower of the down state counties. The size of the down state circuits' contributions were roughly the same for 1976 and 1986. It would be possible to use the formula to calculate roughly proportional contribution (and to estimate the actual contribution by using the total judge weeks of assignments, information in the annual reports) for each court in each year for the intervening years, 1977-85, but this is not necessary because the adjustments are quite small and do not vary much from year to year.

Downstate Assignments. There are also a few assignments between down state circuits (41 in 1984, for example). According to AOC staff these are nearly all short assignments, for such

purposes as filling in for recused judges. They do not significantly affect judicial manpower.

Retired Judges. The use of retired judges is almost totally limited to Cook County. For example in 1984 (84R18) thirteen judges were assigned, for periods varying from two weeks to a full year, and all but one two-week assignment were to Cook County.

3. DELAY REDUCTION EFFORTS AND COURT CHANGES AFFECTING DELAY

3.1 Speedy trial law.

Defendants in custody must be tried within 120 days from when taken into custody (Ch. 38, Sec. 103-5(a)). Defendants not in custody must be tried within 160 days from when they demand trial (Sec. 103-5(b)). Before March 1, 1977 a new period began when delay was caused by: 1) the defendant, 2) an examination for competency, 3) a competency hearing, 4) the defendant's physical incapacity for trial, or 5) an interlocutory appeal (Note; Rudstein; 77R22). Since March 1977 delay caused by these events only tolls the time period (Sec. 103-5(f)). Delay caused by court congestion is charged against the state (People v. Macklin, 7 Ill.App.3rd 713, 288 N.E.2d 503 (1972)). Speedy trial dismissals are with prejudice (notes to Sec. 103-5).

Since 1979, judges have been required to report semi-annually to the AOC the number of dispositions under the speedy trial law, but that information has not been compiled.

Indictment within 30 Days. A law applicable to crimes committed after January 1, 1984, requires that there must be either a preliminary examination or indictment within 30 days of arrest for defendants charged with a felony if in custody, and within 60 days if not in custody, except when the delay was caused by the defendant (Sec. 109-3.1). The Supreme Court had been urging such a new law since 1976. Dismissals under Sec 109-3.1, however, do not bar refiling the charges (Sec. 114-1(a)(11)).

In 1977 the Cook County court issued several rules to speed up criminal cases, including a requirement that preliminary hearings be held within 30 days.

3.2 Other Delay Reduction Efforts.

Dismissing one-year-old cases. Effective for cases in which the indictment or information occurred after January 1, 1980, trial judges are authorized to dismiss cases over one year old if the state has not exercised due diligence in bringing to trial (Sec. 114-4(e)). The judge must hold a hearing to determine if

the state exercised due diligence and, if lack of due diligence is found, give the state one more trial date between 14 and 30 days from the data of hearing. If state is not ready on this court date, the judge may dismiss the case.

Continuance policies. Section 114-4 requires that motions for continuance made more than 30 days after arraignment "may be granted" in several specific circumstances, such as where the attorney is ill. But Section 114-4(d) said that the upon the courts own motion, or motion of the parties, a judge may grant a continuance for grounds not specified in the statute if the judge "finds that the interests of justice so require." Section 114-4 said that the judge may require that the motion be in writing. Effective December 15, 1982, motions must be in writing and supported by affidavit (Sec. 114-4(a)). (Several commentators, e.g, Bonaguro, had claimed that liberal granting of continuances by trial judges was a cause of delay.)

Circuit Court Administrators. In an experimental project, funded by the LEAA, the 3rd and 19th circuits received court administrators (74R57, 75R71, 76R69, and 77R84). The project began June 30, 1974; the administrator of the 3rd Circuit began Sept 1, 1975, and in the 19th Circuit on November 1, 1974 (75R71), and the initial three year pilot project ended in 1977, but it was continued for another year (77R84), and the AOC recommended that all circuits receive court administrators by upgrading the position of "administrative secretary to the Chief Circuit Judge" to that of Circuit Court Administrator.

Age of Pending Case Reports. Starting June 30, 1979, every six months the circuit chief judges are required to report on the number of cases pending 180 days or more and to explain what measures are taken to reduce the number of pending cases. The same was done for civil law jury cases over $15,000 pending two years or more. Also, they are required to report the number of cases dismissed under the speedy trial statute. Also, court clerks are required to report the "composite age" of pending case, separately for all major categories of cases. (83R47)

Abolishing the Grand Jury Requirement. As discussed in section 1.2, a requirement of grand jury indictment was removed effective October 1, 1975, and this may have speeded the early processing of criminal cases.

4. DATA GATHERING

4.1 Procedures for Gathering.

The court sends the AOC statistical reports, including the following:

Report 1 - Trend of Cases and Post-termination Proceedings (monthly).

Report 2 - Disposition of Law Jury Cases Terminate by Verdict (monthly).

Report 3 - Semi-annual Report of Age of Pending Law Cases.

Report 4 - Disposition of Defendants Charged with Felonies or Misdemeanors Punishable by Imprisonment in Penitentiary and Penalty Imposed (monthly).

Chief Judges's Report on the Age of Pending Cases (every six months; started in June, 30, 1979).

Except the last, these reports have been compiled since at least 1970. They have been revised slightly over the years, especially to take into account statutory changes in criminal cases. The changes, however, are not relevant to this study. The AOC compiled the reports manually until 1987.

The AOC issues a manual, periodically revised, that details the procedures for record keeping and data gathering. In the 1960s the Supreme Court established the "Supreme Court Committee on Record Keeping in the Circuit Courts." In 1966 the Committee issued draft instructions for maintaining case records, financial records, and statistical records. The statistical reports were tied into the record keeping systems. The report was approved by the Supreme Court in 1968. New manuals were issue in 1972 and 1983. The 1983 manual has two parts, the Criminal Procedures Manual and the Coding Manual. The Coding Manual (for automated data systems) was prepared by SEARCH with LEAA funds; the criminal part was completed in 1980 and the civil part in 1981 (81R72).

Circuit Courts, it appears, keep two or three separate files, for pending cases and dispositions, and in some courts for inactive pending. All files are kept in sequential case number order (the case number is given when filed) (Manual B-5, B-16).

Copies of the disposition reports (Form 5) go to the state's attorney and to the Department of Law Enforcement.

The circuits send in monthly reports, to Springfield from downstate and to Chicago from Cook. These reports "are analyzed for correctness and tabulated," in the respective offices (76R69)

By 1981 more than 20 counties established automated data processing systems using LEAA funds. The systems differed, and in 1978 the Supreme Court adopted Judicial Management Information

System Standards that require, among other things, new systems or modifications must be approved by the AOC. A major aim is to foster uniformity. (81R71)

According to the AOC staff, the person compiling the data is usually a staff person in the clerk's office, not the clerk; although procedures differ between courts. The clerks offices also must file reports in criminal cases to other branches of government.

4.2 Procedures for Checking.

The courts are required to conduct audits of pending cases twice a year and to submit the reports to the chief judge of the circuit. (The audit requirements are described below in Section 5.3.) From 1979 to 1985 a staff member of the AOC frequently visited to court to render technical assistance with the statistics and to conduct spot checks to see that the data were gathered correctly, including whether the audits were preformed correctly. However, this function ended when the staff who preformed it left the AOC.

The AOC traditionally has not conducted training sessions on data gathering. In 1986, however, there was a seminar concerning reports to be filed with the state police. In a questionnaire poll of the clerks, they recommended statistics more often than any other topic for future training programs. According to an AOC staff member, the major reason for this request is that newer staff need instructions concerning the data.

The clerks office staff call the AOC staff about ten to fifteen times a month with questions about the statistics.

4.3 Problems With the Data.

The AOC staff believe that the clerks' office staff are often overworked and give statistical work low priority. They believe, however, that the felony statistics are among the most accurate received. The least accurate tend to be in high volume areas, such as probate and misdemeanor. The filings statistics are considered the most accurate because the record keeping involved is simple. The disposition statistics are less accurate, because it is harder for the clerks to keep track of terminations day by day (although errors here should be found in the audits). The trial data does not match the filings and pending data because it is calculated by defendant (see Section 5.4).

The AOC staff said there were no circuits in which the data appeared particularly bad. Cook county filing data are not comparable to that for the rest of the state (see Section 5.1).

Also Page County at one time tried to require the states attorneys to have separate filings for each defendant.

5. DATA ELEMENTS

5.1 Filings.

Felony filings downstate, according to footnotes in the annual reports (eg. 84R142) include "felony complaints, preliminary hearings, indictments and informations." The cases, therefore, are counted at the initial filings, before findings of probable cause. Felonies for Cook County do not include preliminary hearings; cases are not counted until a finding of probable cause, and they are not strictly comparable to downstate totals. Filings are roughly 80 percent informations and 20 percent indictments; the proportion used to be the other way around, with indictments more common before a statutory change (see Section 1.2).

The filings statistics are by the case, rather than by defendant. As mentioned earlier, the Page County court attempted to require the state attorneys (S.A.) to include only a single defendant in each instrument.

The filings counted are the number of filing documents submitted by the S.A. The S.A., therefore, determines what a filing is for the case - whether to join different defendants and whether to file separate cases for separate crimes or counts. The joinder of defendants and charges is governed by statute. When there is more than one offense involved in a criminal conduct, they must be joined in a single prosecution (Ch. 38 Sec. 3-3). The prosecutor may join several offenses in the same charge (Ch 38. sec 111-4). These provisions allow considerable discretion for prosecutors to join different defendants, and practices probably vary among prosecutors. to read 111-4, to copy comments for 3-3.

A statutory change, effective January 1, 1973, changed the definition of felony filings (Ch. 38 Sec 1005-1-9). Previously, there was a separate crime category of "misdemeanors punishable by imprisonment", and in 1973 this was merged into the felony category. Filing figures before 1973, therefore, should include these misdemeanors.

Record keeping instructions, in effect since 1972, state that felony cases are to be given a case number starting with "CF" (and misdemeanors, "CM"). Statistics are maintained separately for reinstated and transferred cases, and they are not included in the basic filings figures.

Reinstatements numbered 1,729 in 1984 (excluding Cook County). According to 1972 instructions for statistical reports, the reinstatements are 1) cases returned from the appellate court, 2) new trial orders, 3) post-conviction proceedings, or 4) resumption of prosecution following termination because of the defendant's incompetence or because of an order in arrest of judgment.

Cases transferred are cases where the charge was reduced to a misdemeanor; that is, they are transferred to the misdemeanor category. Transferred cases do not include changes in venue, which are counted as regular filings. A transferred case is considered "terminated" as a felony case, but it is not counted as a disposition. They are then counted as misdemeanor cases transferred in. There were 3,285 criminal transfers in 1984 (excluding Cook County) or 14% of the total filings. There were equal numbers of felony cases transferred out as misdemeanor cases transferred in.

5.2 Dispositions.

There are two sets of criminal disposition statistics, gross statistics counted by case and detailed statistics counted by defendant. Both count dispositions at sentencing for convicted defendants.

The gross disposition statistics count the total number of terminations, which occur when all "orders amounting to termination" are entered to all charges and all defendants. File folders remain in the pending file until case is terminated for all defendants (Manual B-16). When there is a conviction, dispositions take place after sentencing. Cases are recorded as dispositions when there is an order for probation (Ch. 56.5, par 705 or 1410), or upon entry of an order for supervision (ch. 91.5, par. 120.9). The latter is prosecution diversion, and apparently not used in felony cases. A termination is not recorded when the cases is later dismissed (Manual B-17). If these cases are later reactivated, they are counted as reinstated cases.

Data, calculated by defendant, are obtained for detailed types of dispositions. The types of dispositions are:

Not convicted
- Reduced or dismissed
  - Discharged at preliminary hearing
  - Dismissed on Motion of Defendant
  - Motion
  - Transfer to Warrant Calendar, etc.
  - Reduced to Misdemeanor

Tried but not convicted
Acquitted by court
Acquitted by jury
Convicted of an included misdemeanor
Convicted
Plea of Guilty (for each class of crime)
Convicted by court (for each class of crime)
Convicted by jury (for each class of crime)
Found unfit to stand trial

5.3 Pending.

Pending statistics have been published since 1977. The data were collected earlier, but not published and not otherwise available.

The court clerks are required to do semi-annual inventory checks of pending cases as of June 30 and December 31. The pending figures are adjusted according to these counts. The adjustments, however, might not be made until the next monthly report. But the AOC used the pending figures given in the January report for the year end pending figures in the annual report.

Before June 1, 1979, the data forms stated that the clerks were "encouraged" to make inventory counts, explaining any resulting discrepancies in a footnote to the statistical report. A table in 77R129 lists the counties making physical inventories of various types of cases. Ten counties are listed for felony cases and 13 for misdemeanor.

The inventory counts do not often result in major changes in the pending figures, according to AOC staff.

Inactive cases are excluded from pending cases. Local court rules may provide for a "warrant calendar" or other similar calendar, to which a case is transferred if there is a failure to appear within the "recommended time". This transfers the case to inactive status. (Manual B-12). According to the AOC staff, these cases are counted as terminated when placed in inactive status and than reinstated if the defendant is later brought before the court. The practice of setting up inactive categories started with one court, the 11th Circuit, in the 1970's, and the AOC encouraged courts to do it in the late 1970's, and in the 1980's the great majority of courts do it. The annual reports, however, note that not all courts follow the procedures of putting inactive cases in a pending calendar (e.g. 84R148). In 1984 all counties, except three in the 14th District, transferred some cases to the inactive calendar (84R148-9). The annual

report first reports cases transferred to the warrant calendar in 1980. About half the counties had established a warrant calendar. For only 7 circuits did all counties (or almost all, with the exceptions being small counties) used a warrant calendar; they are Circuits 1, 8, 11, 12, 16, 17, and 18. (80R168).

The chief judges must send to the Supreme Court a report, every six months, on the number of cases pending over 180 days and the number of speedy trial dismissals. Also, the courts compile the number of cases filed in that calendar year, the previous year, and in each year back about 6 years.

5.4 Trial and Guilty Pleas.

Trial and guilty plea statistics are by defendant, and the data are broken down into type of crime. The trial data are separated into court and jury trial convictions and acquittals; however in order to get the conviction data, it is necessary to add convictions for all six classes of crimes. A single trial involving several defendants is counted as a trial for each defendant.

Trials are counted at the time of disposition. If a plea is entered after the trial starts, it is counted as a plea disposition.

5.5 Time Lapse Measures

Age of pending cases. The courts have published information on age of pending cases since 1980 (it was compiled earlier, but not published). These were collected at the request of the supreme court. The data available, published in the annual report, are the number pending over one year.

5.7 Conviction Data.

Data are available by defendant for the number of trial convictions and acquittals.

5.8 Other Criminal Data.

The annual reports publish statistics on the type of sentence: imprisonment, jail, fine, etc. These statistics, as well as conviction statistics, are broken down into six classifications of crimes.

The annual reports have many statistical tables for Cook County, including detailed data on the crimes charged, both by case and by defendant (14,565 cases and 17,898 defendants in 1984).

5.9 Civil.

Civil actions are commenced by filing a complaint (Ch 110, Sec 2-201). Filing data are available for a dozen categories of civil cases. Regular civil consist of main of "law" cases, which are broken down into four categories, over and under $15,000, and jury and nonjury. The $15,000 division is used because it was the limit for magistrates, and some Circuit Courts still maintain that division internally, and associate judges hear cases under that amount (e.g. Springfield County). Other cases in the civil case category are chancery, miscellaneous remedies, eminent domain, and municipal corporations. Divorce statistics are stated separately. The counting of tax cases may not be accurate because some counties - but increasingly few - count separate objections to taxes as separate cases. Therefore, tax cases should be left out of the measure of civil cases.

There are also disposition and pending statistics for each type of case, as well as the percent of cases pending more than 12 months (published since 1980). The jury trial statistics are limited to the number of law cases terminated by verdict.

There are also statistics on the time frames for law cases disposed of by verdict (under 1 year, 1 to 1.5 years, 1.5 to 2 years, and so on). And there are data for the average time lapse for law jury cases disposed of by verdict.

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IOWA REPORT[1]

1. OUTLINE OF COURT STRUCTURE AND PROCEDURES

1.1 Courts and Jurisdiction

Iowa has a unified trial court. Legislation effective July 1, 1973, abolished all courts of limited jurisdiction and established the "Iowa District Court," a system of single-tier, general jurisdiction trial courts (Iowa Code Annotated, ICA, 602.1, 602.36, 603.1, repealed, July 1, 1973).[2] District courts have jurisdiction in all civil, criminal and probate matters. The state is divided into eight judicial districts composed of several counties each. The general and limited jurisdiction functions of the District Court are preformed by various classifications of judges, as described in Section 2.

1.2 Criminal Procedure.

Since 1978, criminal procedure in indictable offenses has been governed by Iowa's Rules of Criminal Procedure. Before 1978, procedure was governed by statute (ICA 748.1-795.5).

Defendants are entitled to a preliminary hearing before a judicial magistrate (R. Cr. P. 2(4)(a)). The preliminary hearing, unless waived, must be held within a "reasonable time." If the defendant is in custody, it must be held within ten days of the initial appearance. If probable cause is found, the defendant is "held to answer" in the District Court. All offenses may proceed by either indictment or information, the latter of which must be approved by a judge with jurisdiction over the offense (R. Cr. P. 4,5). The prosecutor, however, may submit disapproved informations to the grand jury.

Arraignment in the District Court on the indictment or information must be "as soon as is practicable." Defendants plead at arraignment or by written form (R. Cr. P. 8(1)). Since July 1, 1984, the court has been allowed to waive guilty plea procedures with the defendant's approval in serious misdemeanor cases (Acts 1984, Ch. 1321,s.1). Pretrial conferences may be ordered by the court. Trial must commence within 90 days of the

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[1]The references are given as follows: Articles and books are referred to by author and are found in the bibliography at the end of the report. References to the court annual reports give the year, the letter R, and the page (e.g., 85R32 is page 32 of the 1985 annual report).

[2] Chapter 602 of the Iowa Code, "The Courts," was rewritten and renumbered effective July 1, 1983.

arraignment; failure to do so may result in a dismissal with prejudice (Rule 27; Hackett v. State, App. 1984, 354 N. W. 2nd 247; see also discussion of speedy trial requirements, below)

Plea bargaining. The prosecutor and the defense attorney may engage in negotiations over charges and sentences (R. Cr. P. 9(1),(2)). Agreements must be disclosed and charging or sentencing concessions must be approved by the court. Since July 1, 1979, the presentence report may be waived if the court accepts the agreement (R. Cr. P. 9(3); Acts 1979, Ch. 174). There have been no bans or other restrictions enacted on plea bargaining. The 1978 Rule was the first explicit statutory acknowledgement of the practice.

2. JUDGES

District courts have three categories of judges: magistrates, district associate judges, and district judges. Magistrates (formerly called "part-time magistrates") have jurisdiction over 1) non-indictable misdemeanors, 2) preliminary hearings, 3) search warrant proceedings, and 4) small claims (ICA 602.6405).[3] From July 1, 1983 to July 1, 1984, magistrates had authority to accept guilty pleas in first offense driving while intoxicated cases (Acts 1982, Chap. 1167, s.26; Acts 1984, Chap. 1275, s.7; 84R27). Appeals from magistrates or from district associate judges who are acting as magistrates are heard de novo in district court.

District associate judges (formerly, "full-time magistrates") have the same jurisdiction as magistrates plus jurisdiction over 1) civil cases when the amount is less than $3,000, 2) indictable misdemeanors, and 3) some juvenile cases (ICA 602.6306). From 1974 to 1981, full-time magistrates had concurrent jurisdiction with district associate judges (Acts, 1980, Chap. 1022, s.18; 74R26). Associate district judges were appointed to take the place of retiring full-time magistrates, and in 1981, all remaining full-time magistrates were renamed associate district judges (80R36). Part-time magistrates continue to hold the jurisdiction described above for magistrates.

District judges have jurisdiction over all civil and criminal actions and proceedings (ICA 602.6202). Therefore, felonies and general civil matters in amounts over $3000 are heard by District judges.

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[3] Small claims jurisdiction extends to matters in which the amount is less than $2000 (ICA 631.1). This was raised from $1000 in 1983 (Marvell, 1986).

Transfers of judges and the use of retired judges are described in Section 5.6 below.

3. DELAY REDUCTION EFFORTS AND OTHER CHANGES AFFECTING DELAY

3.1 Speedy Trial Law.

Until January 1, 1978, speedy trial was governed by statute (ICA 795.1, 795.2, repealed January 1, 1987). Defendants had to be indicted within 30 days of being held to answer and tried within 60 days of indictment. According to Donahoo and Sullins (1973), dismissals were difficult to obtain under these provisions. Although chronic court congestion did not constitute "good cause" for extension of a time limit (State v. Leonard, 240 N.W. 2nd 690,692 (Iowa, 1976); Note, 1976-77) court congestion produced by exceptional circumstances could constitute "good cause."

Since January 1, 1978, by court rule, a defendant must be indicted within 45 days of arrest and, unless the right to a speedy trial is waived, brought to trial within 90 days of indictment and one year of the initial arraignment (R. Cr. P. 27). Cases not brought to trial within 90 days of indictment are to be dismissed unless the defendant has waived the right to a speedy trial, or unless the delay is attributable to the defendant or results from good cause (State v. Petersen, 228 N.W.2nd 332 (Iowa 1980)).

A 1980 change relaxed the time requirement on filing pretrial motions from within 30 days of arraignment to 40 days of arraignment (Acts 1980, Ch. 1208).

3.2 Time Standards.

The Iowa Supreme Court ordered a new set of non-mandatory time standards for the District Courts effective for all cases filed on or before October 1, 1985 (Iowa Judicial Department, 1985). The standards for criminal cases are 6 months from arrest to trial in felony cases and 4 months from arrest to trial in misdemeanor cases. Time from filing to disposition in civil jury cases and non-jury cases are 18 and 12 months respectively. The standards for contested and uncontested domestic relations cases are 8 and 4 months.

3.3 District Court Administrators and Central Control of Case Scheduling.

Following court unification in 1973, the judicial districts began to employ district court administrators (DCAs). The first

were hired under LEAA grants, and in 1976 DCAs were formally authorized by statute. With the arrival of DCAs control over case scheduling shifted from judges to administrators. In most of the districts, the shift accompanied the arrival of the DCAs, but in some the shift was not made until a year or two later. Districts still differ slightly in the degree of influence over scheduling retained by judges and in whether the District Administrator or the judges control the assignment of judges to counties.

The dates when DCAs gained scheduling control were obtained by telephone from the DCAs. They are:

District	Year DCA Gained Scheduling Control
1	1974
2	1975
3	1975
4	1975
5	1974
6	1974
7	1978
8	1978

4. DATA GATHERING

Iowa reports statistics for the eight District Courts on a calendar year basis. Statistics for 1973 span the court unification, which occurred mid-year. Thus, the study period will be the years 1974 through 1987.

4.1 Procedures for Gathering.

The County Clerk of Court is responsible for the local collection of caseload statistics. The Clerk or someone designated by the Clerk compiles monthly reports in all the categories described below. The Clerk prepares the reports in triplicate. One copy is kept in the Clerk's Office. The other two are sent to the District Court Administrator.[4] The District Court Administrator is responsible for monitoring the collection and reporting of the statistics at the local level and compiling and reporting the statistics for the District as a whole. The District Administrator makes any necessary corrections to the

[4] Prior to 1978, before which not all districts had administrators, the reports were sent directly to the Chief Judge of the District in those districts without administrators.

reports sent by the Clerks of Court, retains one copy, and forwards the other to the State Court Administrator. The State Court Administrator's Office verifies the arithmetic accuracy of the statistics and compiles and analyzes them for the annual report.

The work of District Judges is reported on Form DC. Since 1974 Form DC has undergone several revisions the most significant which was in 1980. From 1974 to 1979, the reports were compiled quarterly rather than monthly, only two categories of age of pending cases were reported, and no subtypes of civil and criminal cases were reported. The 1983 and 1985 revisions of Form DC further differentiated among case types (e.g., separating OWI cases from other indictable misdemeanors). None of the revisions have changed the mix of cases included in the general categories reported in the annual reports, and all the revisions have been to add more refined distinctions to sub-categories within existing categories. The fact that felonies and misdemeanors were not separately recorded until the 1980 version of Form DC, however, means that these will have to be combined in the analysis.

Computerization. Some but not all districts use computerized systems to schedule cases, monitor caseloads, and produce statistical reports. The 2nd District began computerizing in 1981 and completed the transition in 1983, District 7 made the transition in 1983, and Districts 6 and 8 have just begun the transfer of some functions to computer. The transition periods should be watched for problems. The districts which do use computers, however, report somewhat higher levels of statistical monitoring.

4.2 Quality Control.

Instructions to clerks of court. The State Court Administrator provides a detailed and clearly written manual of instructions for the local clerk's of courts (Manual, 1979; 1985). The manual describes the kinds of cases to be included in various statistical categories and instructs clerks on checking the consistency of statistics both within particular reporting forms and on across reporting forms. (Manual, 1985, 11-2). The current Clerk's Manual was first written in 1979, updated in 1981, and revised in 1985. Statistical reporting instructions, however, existed and were provided to the clerks prior to 1979. The sections of the manual dealing with instructions on the compilation of caseload statistics and definitions of statistical categories have not significantly changed in the revisions of the manual.

Training. There is occasional training for the Clerks of Court, in the reporting process, definitions of categories, etc.

In most counties, however, subordinates, not the Clerk, compile caseload statistics. Their training has varied by county and with the turnover in clerk's employees.

Consistency checking and auditing. District Court Administrators are to "monitor the collection and reporting" of local statistics (Manual, 1985, 11-1). Other than this general charge, district administrators are not instructed as to how they are to assure the accuracy of the reports from the counties in their districts. The nature and intensity of supervision of the statistical effort varies from district to district.

The internal consistency of the reports from the counties is checked both at the district level and at the state level. Anomalous figures are checked with the county clerks of court. Neither the state nor the district administrators have systematically audited the figures reported by the counties. Each of the district administrators and the state court administrator's office report that they have instructed the clerks to take inventories of their caseloads yearly. This instruction comes at training sessions for clerks of court, but there is no effort to determine whether the local clerks are in fact conforming. The district administrators reported that some clerks in their districts do perform yearly inventories, but not all. Inventories are most likely to occur when a new clerk takes over the position.

4.3 Problems With Data.

The general categories have not been much affected by changes in statutory definitions. On the criminal side, the single major definition change was a 1978 change in the definition of a felony. Prior to 1978, a felony was defined as an offense for which a prison term could be imposed (687.4, repealed, effective January 1, 1978). Since then, felonies have been defined as offenses in which the punishment exceeds a fine of $5,000 or exceeds imprisonment of two years (ICA 903.1(2)). Since this change affected only the boundary between felonies and indictable (serious or aggravated) misdemeanors, and this study does not separate these cases in any event, it has no direct consequences for the definitions of the statistical categories used. There is the slight possibility that this change could have had an impact on processing times and caseloads by decreasing the stakes in a conviction for offenses formerly defined as felonies.

The criminal jurisdiction of magistrates has undergone some change. From July 1, 1974, until January 1, 1981, full-time magistrates had concurrent jurisdiction with district associate judges (Acts 1980, Ch. 1022, s. 18). This change had no consequences for the statistical reporting categories, since

indictable misdemeanors assigned to "full-time" magistrates as well as those assigned to district associate judges are accounted for in the version of Form DC (See Appendix A) in use from 1974 to 1980.

From July 1, 1983 to July 1, 1984, magistrates had authority to accept guilty pleas in first offense drunk driving cases. Therefore the 1983 and 1984 figures have fewer than normal indictable misdemeanors filed in the District Court.

Further problem with the data are described in the discussions below concerning specific data elements.

5. DATA ELEMENTS

The general categories of statistics reported are filings, dispositions, and pending cases for regular civil and regular criminal categories. Since 1981, information has been kept within these categories on the type of civil (e.g., dissolution, other equity and law, etc) or criminal (e.g., felony, OWI, other indictable misdemeanor, etc.) case. In addition, the numbers of indictable misdemeanors and more minor civil cases assigned to district associate judges are distinguished.

5.1 Criminal Filings.

Definition of a criminal filing. A felony or indictable misdemeanor criminal case begins when the defendant is "held to answer" in trial proceedings (R. Cr. P. 2(4)(b)). For statistical purposes, an indictable criminal case is counted as filed when an information or indictment is filed (Manual, 1985, 11-3). A case reopened by, for example, the grant of a new trial or an application for revocation of probation is counted as a new filing at the time that the order or application is filed. Cases transferred from another district or county are counted as new filings in the court to which they are transferred.

Regular criminal cases. The definition of a criminal case in the Iowa statistics is based on defendants. If multiple defendants are charged in the same information or indictment, they are counted as multiple filings; multiple charges in a single information or indictment, however, are counted as one filing (Manual, 1985, 11-4).

Cases included in the definition of regular criminal cases are felonies, indictable misdemeanors, and simple misdemeanors appealed to the District Court (85R40; Manual, 1985, 11-4). Felonies are generally offenses in which the punishment exceeds a

fine of $5000 or a term of imprisonment of two years.[5] Indictable misdemeanors--also referred to as serious or aggravated misdemeanors--are offenses in which the maximum punishment exceeds 30 days imprisonment or a fine of $100. Non-indictable or simple misdemeanors are those with maximum punishments of less than 30 days or $100.

Types of cases reported. Before 1980, only a category of general criminal cases was reported. Since 1980, general criminal cases have been divided into five groups for reporting by the Clerks of Court: first and second offense operating while intoxicated, other indictable misdemeanors, felonies, and appeals of simple misdemeanors. As with the groupings of civil cases, filings and dispositions are reported by district for each of the categories, but pending cases and mode of disposition are reported only for the overall category of "regular criminal cases." (85R55,56).

Statewide in 1985, about 80% of the regular criminal filings were indictable misdemeanors and about half of these were drunk driving cases (85R42,60). This percentage has remained relatively constant over the five years in which these cases have been separately reported. Across the districts, the percentage of operating while intoxicated cases varied from 36% to 43% of the total criminal filings. This percentage varies across the state. Polk County, for example, has a deferred prosecution program for OWI cases, substantially decreasing the numbers of informations filed on these cases. As a result, OWI cases constitute a smaller percentage of the 5th District caseload than that of most other districts.[6]

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[5] Until January 1, 1978, felonies were defined as offenses which were punishable by imprisonment in the penitentiary (ICA 687.4, repealed effective January 1, 1978).

[6] Under the Polk County deferred prosecution program for OWI cases, a complaint is filed in the case. A waiver of speedy indictment is obtained from the defendant, and a motion to enlarge the time to file and information is made to the court. Since the District Court's case count begins with the filing of the information or indictment, these cases do not at this time become part of the court's caseload. Evaluation and treatment under the program are conducted by independent agencies. Successful completion of the year long program results in dismissal of charges. According to the Polk County Attorney's Office, prosecution is deferred in about 40% of all OWI cases. Of these approximately two-thirds successfully complete the program. For those defendants who fail, informations are filed in the District Court. Thus the potential OWI District Court filings for Polk County are reduced by about a quarter.

Discussion. Felonies are heard by district judges. All criminal cases reported as assigned to district associate judges are indictable misdemeanors, but since not every indictable misdemeanor is assigned to a district associate judge, district judges do not hear only felony criminal cases. Furthermore, before 1980, no distinction was made among the various categories of criminal cases that make up the regular criminal cases category.

Because of the relatively low definition in terms of seriousness of what constitutes an indictable misdemeanor, the regular criminal category is composed of cases that differ widely in seriousness. This characteristic of the Iowa reporting system could perhaps best be addressed by including a variable for the percentage of misdemeanors in the regular criminal caseload. The percentages in 1985 varied from 15% felonies to 26% felonies in the total criminal caseload. The problem is that only since 1980 have misdemeanors and felonies been separated in the caseload statistics. These differences should remain fairly constant across counties over the years and cross district differences will be absorbed by the District dummies.

The number of filings depend on the screening and charging practices of the local county attorneys. The State Court Administrator's Office believe that such practices do vary across counties and have varied across time for individual counties. Some county attorneys file separate informations for what would be separate counts in a single information in other counties. Since the choice of how to file is made at the county level and each District Court is composed of multiple counties, the sense, at least, of the State Court Administrator's Office is that the counts of filings at the District Court level are relatively comparable. There is, however, no way to verify this since no statistical data exist on the frequency of multiple count versus multiple information charges against defendants in the eight districts.

There is also a sense that less serious cases are more frequently screened out in Polk County (Des Moines). Polk County has a strong screening policy (Interview, Polk County Attorney's Office). Again, Polk County is only one of sixteen counties, albeit the largest, in a multi-county District.

Although the annual reports distinguish cases assigned to and disposed by district associate judges from those disposed by district judges, this distinction does not reliably separate misdemeanors and minor civil cases in the general caseload. While all cases disposed by the district associate judges must be within their jurisdiction limits, district judges may also hear these cases. The proportions of cases assigned to associate

judges have varied across districts and over time. In past years, there may have been some reluctance to assign cases to district associate judges because these filings would not count in the judgeship formula as district court filings. This tendency has diminished since application of the judgeship formula now entitles districts to more judges than the statutes allow (ICA 602.6201) in any event. Overall, the general trend since 1974 has been to assign a higher percentage of cases to associate judges.

The percent of cases assigned to associate judges also varies greatly, in recent years between approximately a half to three-fourths of filings. The number of cases assigned to associate judges in District 4 (and the number of overall filings) were unusually small prior to 1980, and these observations were deleted from the analysis.

A more bothersome problem had to do with double counting of cases assigned to associate district judges in the largest county of one district over a four year period. These cases were appropriately recorded on both the forms for district judge activity (Form DC) and associate judge activity (Form AJ/PC), but were added together to arrive at the total indictable misdemeanors reported on Form DC.

5.2 Dispositions.

A case is defined as disposed for record-keeping purposes when the judgment is entered (Manual, 1985,11-5). A deferred judgment in a criminal cases is counted as disposed at eh time the judge issues the order deferring judgement (Manual, 1985, 11-5). For statistical purposes, dispositions are grouped into three categories: jury trial, court trial, and "disposed without contested trial."

Disposition types given are jury trials, nonjury trials and cases disposed without contested trial. The latter category includes all other dispositions: cases dismissed, withdrawn, settled, and transferred to other counties or districts, as well as guilty pleas in criminal cases and default judgments in civil cases (Manual, 1985, 11-5). There are no data for guilty pleas.

5.3 Pending Cases.

The annual reports record cases pending at the beginning and end of each year. Pending cases are all those cases which have been filed before the district court which have not been disposed at the time the statistical report is completed. The Clerk's Manual defines pending cases operationally as the number of cases pending at the beginning of the reporting period (month) plus the number of filings minus the number of dispositions (Manual, 1985,

11-2). Analysis of the pending figures showed that beginning pending often differed from the prior year end pending, but rarely by substantial amounts.

5.4 Criminal Trials

Jury trials. For both civil and criminal cases, jury trial dispositions are those in which a final judgment is reached after a jury has been sworn. The jury trial category includes not only cases in which a final verdict is entered by a jury but also those disposed by any other method once a jury has been sworn (Manual, 1985, 11-4). Since a case is defined by a single defendant, a single jury which returns verdicts on two defendants counts not as one trial but as two trials.

Bench trials. A disposition by trial to the court includes final verdicts by the judge in contested trials and dispositions by any other method which occur after the first witness has been sworn in a contested trial before the court (Manual, 1985, 11-4). In criminal cases, these dispositions include guilty pleas and dismissals which occur after the first witness was sworn. Simple misdemeanors appealed to the District Court on the record are counted as having been disposed by "contested trials to the court."

Discussion. Difficulty in distinguishing court trials from dispositions without trial seems to have been one of the most common problems in the collection of the statistics. One response to this problem was to ask judges to fill out a form at the conclusion of an event which disposed of a case categorizing the disposition. This practice fell by the wayside, however, because judges often did not take the time to fill out the form. Another response has been to try to spell out the circumstances under which a disposition should be categorized as one or the other very carefully in the clerk's manual and to urge clerks to ask the judge if they are unsure of the nature of the disposition. There is no clear notion among administrative personnel that this problem is centered in particular districts or counties or years. The nonjury trial data, therefore, are not used in the analysis.

There have also been other isolated problems. One district administrator reported that the district's count of jury trials made over the course of the year did not square with the county's totals. A possible reason is that the county based the count of jury trials on the number of juries sworn, even though the unit of count is the defendant and each verdict for a defendant from a jury should count as a separate jury trial. The district administrator accepted the county's count in the report to the state court administrator.

5.5 Processing Time Measures.

Iowa reports the age of the pending caseload by district for both general civil and regular criminal cases. Percents of the criminal and civil caseloads pending for 90 days or less, 3 to 18 months, and over 18 months are reported by district. Before 1979, age of pending cases was divided into two categories, cases pending less than one year and those pending more than one year. This change precludes using age of pending caseload as an alternate measure of backlog and delay.

5.6 Judgeships.

Since 1974, three categories of regular judicial officers have had jurisdiction over portions of the caseloads that are to be analyzed in this study. These are district court judges, associate district court judges, and full-time magistrates (1974 to 1984).[7]

There are currently 100 district judges and 42 associate judges. A judgeship formula based on population and filings (see 86R37) allocates considerably more district judges, but the state legislature has complied with the formula. The allocation of district and associate judges is given in the annual reports. The numbers of authorized district and district associate judges appear to be good measures of the number of sitting district and district associate judges. For the most part, a district's judges serve in that district. Cross district assignments by the Supreme Court are possible, but are not common.

There is no perfect answer to the question of how to count the manpower contributions of district associate judges, because the work of district court judges cannot be separated reliably from that of district associate judges (or from that of full-time magistrates for the years 1974 through 1980).[8]

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[7] From 1974 to 1981, the jurisdiction of full-time magistrates and associate judges was equivalent (ICA 602.60, amended by Acts, 1973, Ch. 282, s.45). In 1981, all full-time magistrates were made associate district judges (Acts 1980, Ch. 1022, s.18, Annual Report, 1985).

[8] The workload of district judges includes felonies and some indictable misdemeanors. The percent of the indictable misdemeanors filed varies across the districts and has probably varied over time as well. The cases assigned to associate district judges as a percent of filings ranged from 41% of district criminal filings to 70% of district criminal filings in 1985 (Compare Tables 3 and 5 85R55,60). Not all of the cases which could be assigned to associate judges are necessarily

Ignoring associate judges underestimates the number of judges working on the caseload we are studying. But counting them as full-time judges assigned to disposition of the caseload reported in the annual statistics overestimates judicial strength, because the mix of "regular" criminal and civil cases and magistrate's work on associate judges' dockets varies. Therefore, the analysis includes both the number of district and associate judges.

Other judges. The Supreme Court can call back retired judges to serve, but this is rarely done. The only major source of additional judges for a district is the Senior Judge Program, which began operation on July 1, 1979 (86R34). Under this program retired judges agree to serve a minimum of 13 weeks per year. While on assignment, they receive no salary, but are given an increase in judicial annuity whenever judicial salaries are raised.

Quantifying the service of senior judges is difficult. The numbers who served each year are reported in the annual reports; for example, there were 11 and 13 retired district judges in 1985 and 1986 (85R33; 86R34) But their districts and the actual days served are not reported. Information on how many judges served in each district is available from the Judicial District Administrators, but the districts do not keep track of days served. Senior judges vary considerably in the amounts of work they do. Most probably work approximately the 13 required weeks, but at least one judge has worked nearly full-time.

5.7 Conviction Rates.

The State Court Administrator does not collect information on conviction rates. The state's Statistical Analysis Center, however, has begun to collect conviction rates from the District Courts for all felonies and indictable misdemeanors. These are available only since 1984 (Davis, 1985, p.4).

5.8 Civil Statistics.

Filings. For statistical purposes, on original proceedings a civil case is counted as filed when the petition is filed. At that time the Clerk is to docket it and to assign it a case number. A civil case that is re-opened (e.g., an application for the modification of an existing decree) is counted as filed at the time the application or order is filed with the court

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assigned to them, so it is not possible to arrive at the number of felonies in the district court in earlier years by subtracting out the cases assigned to associate judges.

(Manual, 1985, 11-3).[9] A civil case is defined as a single petition. Petitions involving multiple parties are counted as one filing. (Manual, 1985, 11-4).

In Iowa's statistical reporting, the category "regular civil filing" includes contracts, torts, property, and domestic relations cases. In addition, regular civil cases also include such matters as paternity suits, adoptions, contempt actions, habeas corpus, small claims transferred or appealed to the district court, and post conviction relief in criminal matters. Thus the regular civil category reported in Iowa includes a broad range of cases some of which would, in other states, be classified as criminal matters.

Civil cases are divided into five groups--dissolutions, uniform support (I.C. Ch. 252A), domestic abuse, other equity and law, and small claims on appeal--which are reported separately by the Clerks of Court and are reported for the state as a whole (e.g., 85R59). Although filings and dispositions are currently reported in the annual reports by civil case type for the individual districts, the case type distinctions are not maintained with respect to pending cases nor disposition method, nor are they reported in the 1970's.

As to the relative frequency of these case types in the regular civil category, aside from ordinary civil matters (i.e., contracts, torts, property, etc.) most are accounted for by cases related to domestic relations. In 1985, such cases accounted for 47% of all the civil cases filed before the district court (85R41). In the same year, appeals from small claims accounted for only 1.3% of the regular civil filings. Examination of civil filings and dispositions by case type for each of the districts reveals some variation in the statewide and district proportions. In 1985, for example, the percentage of filings accounted for by dissolutions was 31% statewide and ranged from 25% in the 1st District to 36% in the 8th (85R59).

Civil cases over the small claims limit are heard primarily by District Judges. The totals will also include, however, cases heard by District Associate Judges when the amount is between the small claims maximum and $3000. With the narrowing of the dollar range between the small claims maximum and the District Court judges exclusive jurisdiction of cases over $3000 in 1983, the proportion of regular civil cases heard by District Associate Judges decreased.

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[9] When cases are re-opened, the Clerk uses the existing case number, but changes the last four digits of the number to identify the age of the new proceeding. Such reopened cases are new cases for statistical purposes (Manual 1985, 11-4).

Another problem reported was that on the civil side, clerks had not always counted the reopening of matters in dissolution cases as new filings. Again, this seems to be an isolated problem with a particular clerks' office employee in a particular county.

Disposition data. Dispositions for civil cases, like criminal cases, occur when judgment is entered. Exceptions occur when there is a special verdict or when the case is reserved for future arguments (R. Cr. P., 205 and 223).

Trial data. The definition of civil trials is the same as that for criminal trials. A few additional details are: court trials do not include cases in which testimony is taken solely to establish the right to or amount of relief, and small claims appealed to the District Court on the record are counted as having been disposed by "contested trials to the court."

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KANSAS REPORT[1]

1. OUTLINE OF COURT STRUCTURE AND PROCEDURES

1.1 Courts and Jurisdiction.

Kansas unified its courts effective January 10, 1977 (KSA 20-335(a)(1976 Supp)). Unification abolished a number of limited jurisdiction courts and replaced them with a single district court in each county, with jurisdiction in all civil and criminal matters (KSA 20-301(1981)). The state was divided into 29 districts in 1977. Since then district boundaries have been changed slightly, and two additional districts were created.[2]

Court unification created three divisions of judges: district judges, associate district judges, and district magistrate judges. District judges have jurisdiction in all criminal and civil matters. Between 1977 and June 30, 1982, associate district judges held concurrent jurisdiction with district judges except for class action, mandamus, and quo warranto matters (KSA 20-302(a)(1981)). After July 1, 1982, their jurisdiction was concurrent with district judges for all actions (KSA 20-302(a)(1985 Supp)). On January 12, 1987, all associate district judges became district judges.

District magistrate judges hold criminal jurisdiction for misdemeanors and preliminary matters in felony charges. With a few specific exceptions (e.g., actions against state officials), they hold concurrent civil jurisdiction with district judges for all actions less than $5000 in controversy (KSA 20-302(b)(1981)). Appeals from district magistrate judges and from municipal courts

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[1] The references are given as follows: Articles and books are referred to by author and are found in the bibliography at the end of the report. References to the court annual reports give the year, the letter R, and the page (e.g., 85R32 is page 32 of the 1985 annual report).

[2] The changes were: 1) Effective February 25, 1982, a new District 30 was created out of District 19, Taking Barber, Harper, Kingman, Pratt, and Sumner Counties (leaving 19 with only Cowley), Graham was transferred from District 15 to District 17, and Cheyenne and Rawlins Counties were transferred from District 17 to District 15. 2) in 1983 Chautaugua County was transferred from District 13 to District 14. 3) Effective July 1, 1984, District 31 was created with Allen and Woodson Counties from District 4, and Neosho and Wilson Counties from District 11.

are heard de novo by district or associate district judges (KSA 20-302b(c)(1976 Supp)).[3]

1.2 General Procedure in Felony Cases.

Criminal prosecutions may be initiated by complaint, indictment, or information (K.R.C.P. 22-3201). At any time following the filing, the court may, on the motion of any party or its own motion, order a pretrial conference (KSA 20-3217 (1981)).

Persons charged and held in jail must be brought to trial within 90 days of arraignment; those free on bond, within 180 days (KSA 20-3402 (1981)). A failure to meet the limits entitles the defendant to a dismissal of charges, unless the failure is due to the defendant's own request or fault or unless the court orders an extension of the limits. Extensions may be granted when the defendant is incompetent to stand trial, when time is needed to determine competency or to procure material evidence, or when the press of other court business prevents the commencement of trial within the allotted time period. The number and length of continuances allowed under these provisions are limited (KSA 20-3402(2)(3) (1981)).

There are no bans or other statutory restrictions on plea bargaining other than that diversion agreements shall not be conditioned on the requirement that a defendant enter a plea to a criminal charge (KSA 22-2910 (1985 Supp)). After a formal complaint has been filed, except in specified circumstances, district attorneys may consider offering defendants diversion (K.R.C.P. 22-2907 et. seq. (1986)).

2. JUDGES

As of the beginning of 1987 there were 141 District Judges and 68 District Magistrate Judges. The location of judgeships is listed in the annual reports (86R122). There has been a gain of nine District judgeships over the period of the study. On July 1, 1987, Johnson and Sedgwick counties will gain two new judgeships and Shawnee will gain one new judgeship. A decision to convert 1st District Magistrate Judges to District Judges is pending.

Within districts, transfers of judges from county to county can be made by the district's administrative judge. Transfers of judges between districts are made by the Office of Judicial

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[3] If there is a record from the district magistrate or municipal court, the case is decided on the record.

Administration. These are "special assignments," which transfer judges between districts to hear particular cases, and "general assignments," which transfer judges between districts for a specified time period. Records of both types of transfers appear in the annual reports (86R132). The number of case and days involved in the assignments is small.

Extra judges. Kansas also makes use of retired judges. The dates these judges were assigned and the districts to which they are assigned appear in the annual reports (86R133). Pro tem judges may be appointed in districts for limited purposes, but their use is discouraged by the Office of Judicial Administration. The published court statistics to not provide data on the use of retired judges, other than the number of assignments outside of their districts, which number much less than assignments of regular judges.

3. DELAY REDUCTION EFFORTS AND OTHER CHANGES AFFECTING DELAY

3.1 Speedy Trial

There have been no major changes in law or rules governing the provision of a speedy trial over the study period.

3.2 Time Standards.

Effective December 11, 1980, the Supreme Court ordered a set of "general principles and time standards to be used as guidelines" for the processing of civil and criminal cases ("General Principles and Guidelines for the District Courts," S.C.(1980)). The principles assert judicial responsibility for case management and the pace of litigation, with the purpose of a case management system being to modify a "local legal culture" which fosters delay (S.C.(8)(1980)).

On the civil side, the standards call for a median age at disposition of 180 days for general civil cases, 120 days for domestic relations cases, and 60 days for limited civil actions, and one year for uncontested probate cases. For criminal cases, the median age of disposed cases should be less than 120 days from first appearance for felony cases, 60 days for general misdemeanors, and 30 days from filing for traffic cases.

In addition, the standards suggest that for general civil cases, an initial conference for discovery and to explore prospects for settlement should be set not later than 60 days after the petition is filed. Civil cases pending for longer than 180 days should ordinarily be given priority in scheduling and, if any civil case is pending for over two years, the administrative judge must report the reason for the delay to the

Supreme Court Justice with supervisory responsibility for that district (S.C.(1)(4)(1980)).

3.3 Performance Monitoring and Incentives.

The Office of Judicial Administration monitors adherence to the time standards and provides feedback to the courts on performance with a number of statistical and other reports. District judges receive quarterly reports by case type on numbers of cases pending and terminated in the district and reports by judge and case number on the age of cases pending. After each quarterly report, congratulatory letters and press releases are sent to districts which have done well in the previous quarter. Twice a year, the Administrator sends a report to the Supreme Court listing the 25 oldest general civil cases in the state. The Justices responsible for the districts in which these cases are pending contact the district courts about progress on those cases.

In general, through reports, judges meetings, an executive summary of the annual report, and a judicial employee newsletter, the intent of the Judicial Administrator has been to keep the issue of delay reduction before the judges. According to the Case Management Officer the effort has sought to increase the clarity and salience of the goal of delay reduction, to provide incentives to meet the goal, and, if help is needed in meeting the goal, to provide it (see also, Schwartz and Broomfield, 1984). Internally, the incentives focus on the comparative standing of the districts, while externally, the focus is on creating a constituency with expectations about the quality and speed of justice and which will provide positive reinforcement for success in meeting these expectations (Schwartz and Broomfield, 1984).

Although this effort followed the adoption of time standards, it will be difficult to date its implementation separately from that of the time standards. Formal statistical tracking of performance with respect to the time standards began July 1, 1981. Other features of the monitoring and incentives program evolved over time, but the program as it stands now was in place by the end of 1983.

3.4 Productivity Reviews.

Since 1981, the Office of Judicial Administration has made a number of reviews of the administrative operations of district courts. These reviews are confidential and are undertaken at the request of specific counties or districts. When a review is requested, a team composed of individuals from the Administrator's office and of Clerks of the District, District Court Administrators, and Chief Court Services Officers from other courts in the state is formed to conduct the review. The team examines all aspects of the operation of the clerk's office (or, depending on the request, court services or other specific programs), evaluates them, and makes recommendations for improvements. The reviews were at the county, not district, level; but most courts reviewed were the largest in their districts. The following table gives the dates of the reviews, and indicates whether the court reviewed accounted for more than half the caseload in the district:

Productivity Reviews

District	Date of Review	Account for 50% of Caseload
3	May, 1983	yes
4	February, 1983/ February, 1986	yes
5	May, 1981	yes
6	December, 1983	yes
7	December, 1981	yes
8	March, 1982	yes
11	August, 1983	yes
13	August, 1981	yes
14	January, 1982	yes
18	November, 1983/ April, 1987	yes
20	October, 1981/ October, 1982	yes
21	February, 1982	no
22	July, 1982	yes
27	March, 1981	yes
30	November, 1982	no
31	September, 1984	no

4. DATA GATHERING

Kansas has reported statistics for its courts since the early 1970s. The multiplicity of courts before unification, however, make the concordance of statistical units before and after unification extremely difficult. The fiscal year ending June 30, 1979 provides the first full year of statistical data collected under the new, unified court system. Thus the study period for Kansas will run from July 1, 1978 through June 30, 1987.

The general categories of statistics reported are filings, dispositions, and pending cases within categories of case types (e.g., contract, domestic relations, felony). In the annual reports caseload statistics are reported by district and by county within district. Kansas reports pending cases within categories of case types by percentage pending over 24 months for civil cases and over 12 months for criminal cases as well(84R15,47). Disposition types are reported by district and county by general case type for civil cases and by county and district for criminal cases (84R15,47). Conviction rates are reported for trial dispositions in criminal cases (84R47).[4]

4.1 Procedure for Gathering.

The compilation of caseload statistics for most categories of cases is centralized in the Judicial Administrator's office. Records of case filings and terminations are mailed weekly by the county clerks to the Administrator's office, where statistics are compiled on a monthly basis. Beginning with fiscal 1981, new reporting forms were introduced. Reporting categories, however, have not been changed.

Court clerks record case filings on color-coded, multi-part forms which serve both as docket sheets for the District Court's use and as forms for filing statistical information with the Office of Judicial Administration. The forms are color-coded by case type (e.g., Criminal Appearance Docket, Civil Appearance Docket, or Domestic Relations Appearance Docket) and the pages are color-coded by use. Each form has two full-length sheets and two half-length sheets, joined at the top and separated by carbon paper. When a criminal case is filed, a clerk records case identification information (case number, district, county, date filed, and judge), categorize the case by whether it is an original filing, retrial, etc., and indicate the numbers of defendants and charges, whether it is a misdemeanor or felony, and the date of the first appearance. The clerk's office mails

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[4] Misdemeanors and felony trials are not distinguished in the reporting of convictions or acquittals either.

the white "Criminal Statistical Filing Information" half-sheet to the Office of Judicial Administration. When the case is terminated, a clerk completes the remainder of the pink "Criminal Statistical Termination Information" sheet and sends it to the Office of Judicial Administration. The termination reporting sheet indicates bond status, plea, disposition type, trial verdict, judge, and dates of the preliminary hearing, trial start, termination, and sentence.[5]

Counties with computerized systems report filings and terminations in the same categories but submit magnetic tapes rather than paper forms to the Office of Judicial Administration. Thus the local courts do not compile statistical reports; they simply report case filings and terminations within specified categories.[6]

This reporting system has been in effect since January 1, 1982, when the current reporting forms were introduced. Prior to that, clerks had to complete separate forms for statistical reporting to the Office of Judicial Administration and for local docketing purposes. The reporting categories, however, have remained the same, and local clerks have never compiled the statistical reports published by the Office of Judicial Administration.

Computerization. The larger districts use computers to monitor their own caseloads and to report information on filings and terminations to the Office of Judicial Administration. State administrators report that they had not detected any large changes in numbers of cases reported or other anomalies when local courts converted to computerized record-keeping. The Office of Judicial Administration has kept records of when particular courts transferred their record-keeping to computers.

The Office of Judicial Administration provides a loose-leaf manual for clerks which contains instructions on completing and filing the multi-part appearance docket and statistical forms. These instructions are brief and clerks are instructed to call the Office of Judicial Administration with any questions. The

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[5]Local clerks also file a form with the Office of Judicial Administration when a case is transferred from one judge to another. The form records the district, county, case number, date filed, general case type, judges involved, date of transfer, and reason for transfer.

[6]The exceptions are traffic cases and fish and game cases. Statistics on these categories of cases are compiled by the clerks in the local courts and reported to the Judicial Administrator quarterly.

manual was compiled by the Office of Judicial Administration with the assistance of a clerks' statistical committee.

Training. Clerks are trained at regional clerks' meetings. Since the positions of clerk of courts, court administrator, and deputy clerk are all part of the state civil service system, there is low turnover. Training of the deputies who actually fill out the reporting forms depends on the efforts of the local clerk.

Stability has also been the rule among the personnel with responsibility for the compilation of caseload statistics and production of statistical reports in the Office of Judicial Administration. The tenure of the current case management officer for the Office of Judicial Administration dates from November, 1979, so that there has been a single case management officer over virtually all of our study period. (Prior to November, 1979, the position was held by at least two other individuals). The current case management officer is the designer of the state's data collection system and caseload monitoring system. His assistant who is responsible for checking the forms which come form the local courts and the actual compilation of the caseload statistics has been in that position since 1981, the date of the adoption of the current reporting system. She was trained by and works closely with the case management officer.

Consistency checking and auditing. The weekly batches of filing and termination forms from the local courts are checked for clarity of entries and consistency of dates and other information by the assistant to the caseload management officer in the Administrator's office. If she finds any recurring problem from a particular court, she calls the local clerk. After checking the forms, she sends them to data processing to be entered into the computer. After entry, they are checked by a "pre-audit" program for consistency and an "edit-failure report" is produced. Corrections are made from it.

No statewide audit of the accuracy of the caseload statistics produced has been made. Productivity reviews do look into the court's system for completing statistical information forms and the court's own tracking of its cases. According to the case management officer, these have not uncovered any major problems. The Office of Judicial Administration has been content to rely on the system of data collection and statistical compilation and the reliance of the local courts on the statistical reports produced to assure accuracy.

4.3 Problems with Data.

Although consistency checking of the reports from local courts was also done under the data collection system in place prior to 1982, the belief of administrative officials is that there was more error in the data at that time. For one thing, the courts had little investment in the accuracy of the data reported. The reporting forms were separate from their own and required a duplication of effort. There were complaints from the clerks that the reporting was tedious and laborious, that the information was never used, and that statistical information that was returned to the local courts was sent too late to be of use and was inaccurate anyway. These complaints came from Johnson County in particular. It was in response to such criticism that the data reporting forms were redesigned. In addition, local courts were informed that all that the Office of Judicial Administration knew about the performance of their courts was the information sent in the reports and that, if that information was inaccurate, it was up to the local courts to correct the problems, because the Office of Judicial Administration would act on the basis of this information. Since 1982, complaints about the accuracy of the data reported back to the courts have virtually disappeared. Courts rely on the statistical reports, especially those on pending cases.

There are some inconsistencies in the reporting of trial verdicts and trial dispositions in the annual reports. In both the fiscal 1984 and fiscal 1986 annual reports, trial verdicts for felony cases at the state-level do not match total number of felony trials (84R8;86R8). The Administrator's Office said that they had a problem with their computer program in computing statistics on verdicts.

Other problems are discussed below, particularly the lack of felony/misdemeanor breakdown for all kinds of dispositions.

5. DATA ELEMENTS

5.1 Filings.

Definition of a criminal filing. A criminal case is initiated by a complaint, information, or indictment containing one or more criminal charges against one or more defendants. For statistical purposes, a criminal case is counted as commencing at the date of the defendant's first appearance in the district court. (A separate appearance form is prepared for each defendant on a case, so each defendant is counted as a new filing.) Criminal filings include original actions, retrials and reinstatements, and appeals from municipal courts and the decisions of district magistrates (84R9,78). Retrials and reinstatements and appeals accounted for about 5% of criminal filings in fiscal 1984 (84R9).

Types of cases reported. Criminal case filings are reported by district and county for felonies, misdemeanors, and appeals. Statewide, felonies account for just over half (52%) of all criminal filings (84R8,9).

5.2 Dispositions.

A case is terminated when the judgment is entered. Civil dispositions are categorized as dismissal, contested - no trial, jury trial, bench trial, uncontested, and other. The "other" classification for civil cases includes change of venue, bankruptcy stays, and other miscellaneous dispositions.

Criminal case dispositions are grouped into jury trials, bench trials, dismissals, guilty pleas, guilty pleas to lesser charges, and other dispositions. The "other" category for criminal cases includes entries to diversion, change of venue, and cases closed because of outstanding warrants for failures to appear. If these cases are reopened (e.g., defendant appears or diversion fails), they are reinstatements and appear as new filings. Felonies and misdemeanors are not reported separately for disposition categories within districts and counties, although they are so reported in the statewide totals (84R8,47). Breakdowns of dispositions into felonies and misdemeanors for counties and districts are produced internally, but are not published in the annual reports and the data are not available.

5.3 Pending Cases.

All cases which have not been disposed as of June 30 of the fiscal year are counted as pending. Operationally, this includes pending cases from the previous year which still have not been disposed and new filings, reinstated cases, and appeals from the current which are not disposed.

The number of pending cases published for the end of the year often deviates from pending for the prior year (that is pending plus disposition less filing often does not equal prior year filing). This suggest that the courts regularly correct their pending figures.

5.4 Trial and Guilty Pleas.

For both civil and criminal cases, a termination is counted as a jury trial if the case is disposed by any means after a jury has been sworn. Thus settlements or plea agreements reached after the trial has begun are counted as jury trials. Because separate appearance and disposition records are made for each defendant, a trial with two defendants may appear as two trials.

In a trial before the judge alone, cases disposed after the first witness has been sworn are counted as having been disposed by a bench trial. Beginning with fiscal 1979, bench trials in civil cases were distinguished from contested cases which did not result in a trial (84R46).

Published district-level data give the number of trials for all criminal cases. Although the courts submit separate data for felonies and misdemeanors, extraction of that data is not feasible. State-level data that give the number of misdemeanor and felony trials indicate that each account for about half the trials in the state (e.g., 84R8,9;86R8,9). The trial rate is similar for each.

5.5 Processing Time Measures.

Criminal cases are reported by number and percent over 12 months old, broken down into misdemeanors and felonies.

5.6 Judges.

The number of judgeships is best measures by the number of District judges (before 1987, the total of District and Associate judges). The number of magistrates, who sometimes handle misdemeanor cases, can be entered as a separate variable.

5.7 Conviction Rates.

Trial verdicts (by defendant) are reported by district and county. For the state as a whole, trial convictions and acquittals are reported separately for felonies and misdemeanors (and for classes of seriousness within each category), but they are combined in the reports for individual districts and counties (84R8,9,47). Statewide conviction rates for felonies and misdemeanors are very similar -- for example, 70% and 71%, respectively, in fiscal 1984 (84R8,9).

Before 1984 statistics are for acquittals and conviction, and afterwards for convictions, acquittals, and mistrials. According to administrative office staff, mistrials before 1985 were counted as acquittals. For years in which data are available, 1985-7, 2.5% of the trials result in mistrials.

In 1980, and to a lesser extent in 1981, the number of convictions and acquittals were often more than the total number of trials, by 5% using the state total in 1980. The AOC staff said that the trial numbers are correct, and the conviction and acquittal numbers were off because of computer problems. We assume that the errors were random. The conviction rate for 1980 and 1981 were similar to those for earlier and later years, both statewide and in individual districts.

5.9 Civil Cases

Civil Filings. Civil cases are counted as filed when the petition is filed. Petitions involving multiple parties are counted as one filing. A civil case that is reinstated is counted as filed at the time the application or order is filed with the court. Civil filings also include appeals from district magistrate judges and municipal courts. Reinstatements and appeals account for about 2% each of civil filings (84R3).

Regular civil cases. In Kansas's statistical reporting system, "regular actions" include contract, tort, real property, and other matters. "Other" includes personal property suits, small claims and tax appeals, workmen's compensation, habeas corpus, and actions under KSA 60-1507 (84R46). In fiscal 1984, the "other" category accounted for about 28% of regular civil filings (84R3). Domestic relations cases are not included in "regular actions," but are reported separately.

Case types reported. Within "regular actions," case filings are reported by district and county separately for contract, tort, real property and other case categories. Dispositions and pending cases are reported by district and county for the category "regular actions," but are not broken down into types within that category (84R15).

Dispositions. The larger counties run "dismissal dockets" twice a year to clear the dockets of inactive civil cases. Smaller counties also dismiss cases which have seen no action, but do so on a less systematic basis. Cases disposed in this way appear in the dismissal category.

Time lapse measures. Civil cases pending as of June 30 each fiscal year are reported by totals and by percent pending for over 24 months.

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MICHIGAN REPORT

1 OUTLINE OF COURT STRUCTURE AND PROCEDURES

1.1 Courts and Jurisdiction.

The Circuit Court is the general jurisdiction court, with civil jurisdiction over all matters exceeding $1,000, and criminal jurisdiction over felony cases and appeals from the district court. The District Court has jurisdiction over civil cases involving $10,000 or less. It has criminal jurisdiction over misdemeanor cases and preliminary hearings in felony cases. The Probate Court jurisdiction includes juvenile cases, adoptions, trusts and estates, and civil commitment.

The Circuit courts are divided into 55 Circuits, each containing one to four counties. The Recorder's Court has exclusive jurisdiction of all felonies in the City of Detroit. Criminal cases from Wayne County outside Detroit are heard in the Third Circuit.

1.2 General procedures in felony cases

Preliminary hearings are required, unless waived, even if there is a grand jury indictment (MCLA 767.41; Rule 6.108). Preliminary hearings are held in District Court (MCLA 600.8311). If probably cause is found, the defendant is bound over to the Circuit Court. Sometimes, if a defendant not represented by counsel waives preliminary hearing and, then, in the Circuit court is appointed counsel, who then requests a preliminary hearing, here the judge may remand the case to the district court for preliminary hearing (MCLA 767.42).

Two arraignments are held in felony cases. At the first, the complaint or warrant arraignment in District Court, defendants are advised of their rights to counsel and an attorney is appointed for indigent defendants (Rule 6.101(C)). At the second, the indictment or information arraignment upon first appearing in the Circuit Court, defendants are called on to plea (Rule 6.101(D)). The Circuit Court arraignment is generally profunctionary, and dates are set for motions and pretrial conferences.

After a conviction, the court usually orders a presentence report. Sentencing typically occures several weeks after the guilty determination.

Criminal cases take precedence over other cases (MCLA 768.2; Rule 6.109). Continuances are to be granted only for good cause, grounded on strict necessity (MCLA 768.2).

Diversion. Michigan has a variety of pre-trial intervention/deferred prosecution programs, but they operate before cases are filed in the Circuit Court (Goetsch; Office of Criminal Justice)

Plea bargaining. The District Court is not authorized to accept pleas in felony cases. However, in some counties plea bargaining occurs in the Distruct Court; if a plea is struck, the the defendent waives preliminary hearing, and the plea is taken soon ofter the bindover to the Circuit Court. Trial judges are not allowed to initiate or participate in plea negotiations (MCLA 768 anno. 136). Prosecutors are no longer allowed to leave charges, which are being dismissed in return for a guilty plea to another charge, pending for the 60 day appeal period (Note 1975).

2. JUDGES

2.1 Number of Judges.

The number of judges for each Circuit is given in the annual reports, and the creation of additional judgeships is given in at least some reports (see 71R9). Circuit judges are elected for terms of six years in non-partisan elections. In circuits with more than one county, the Circuit judge (or judges) must hold court in each county at least four times a year.

2.2 Temporary Judge Assignments.

The SCA or Supreme court is authorized to assign judges from one court to another (Const. Art. VI, Sec 23; MCLA 600.225, 600.226, 600.306, 600.829, 600.8212). Assignments are made to fill vacancies, when there are disqualifications, to relieve a court with a sudden fncrease in trials, or when a court is behind in its work (85R57). Assignments can be made from probate or district court to Circuit court, or from one district court to another. Assignments are mainly active judges, but can be retired judges.

The number of assignments is very large; for example, there were 1046 assignments (127 retired judges and 937 active judges) to the district courts in 1985 (85R57). The AOC keeps records of the purpose of each assignment and the number of days assigned (these reports are typically returned by retired judges for pay purposes, but frequently not by active judges). The records were compiled in a manner that could be reviewed for only one year, 1983, in which the annual report stated there were 863 assignments. Review of the 1983 records revealed that nearly all assignments were for short times, one or two days, and primarily to fill in when Circuit judges are disqualified or are away from

the bench, for example, to attend judicial conferences. Exceptions were: Circuit 7, where the extent of help is not clear; Circuit 9 with approximately 170 days of help [a former clerk of that court said that a retired judge sat full time there; this continued through at least 1985 judging by the trial activity reports submitted by the county]; Circuits 10, 16 and 20 with approximately 40 days help each; Circuit 36 with approximately 100 days; Circuit 41 with approximately 80 days help from District judges (Circuit 41 got a second judge in 1985); and Circuit 43 with approximately 70 days help.

This use of extra judges in 1983 is probably typical of the period under study. The annual reports showed that the number of assignments varied in 1978-85 within the fairly narrow range of 801 (in 1979) and 1014 (in 1978). Staff in Lansing familiar with present and past practices stated that the use has not change much, except more retired judges were used in later years and many judges were assigned to Wayne County (which is not part of this study) during delay reduction efforts.

In general the use of retired judges has been minimal over the years, and the use of lower court judges has been for only very short term assignments.

3. DELAY REDUCTION EFFORTS AND COURT CHANGES AFFECTING DELAY

3.1 Speedy Trial Law.

Michigan does not have a true speedy trial law. The speedy trial statute (MCLA 768.1) simply states that the cases must be brought to trial without unnecessary delay. The courts have applied a balancing test, looking at the length of delay, reason for delay, whether the defendant asserted the right, and prejudice to the defendant. By court decision, prejudice is presumed after 18 months.

There are specific time limits within which defendants may remain in pretrial custody. In felony cases, the defendant must be released if trial is not brought within six months (Rule 6.109(B), effective in 1973). The time limit is tolled for various events, such as hearing pretrial motions, continuances requested by the defendant, and continuances requested by the prosecutor for certain reasons such as unavailable witnesses.

Inmates in state prisons must be tried within 180 days after the prosecutor knows, or should know, that there is an untried accusatory instrument pending against the inmate (MCLA 780.131). Failure to comply with this provision results in dismissal with prejudice (Volzg).

3.2 Other Delay Reduction Efforts.

In general, the delay reduction efforts in Michigan are not amenable to evaluation in this research because 1) they occurred too near the beginning or end of the research period (1977-86), or because the data from the circuit are incomplete.

Washtenaw County. Washtenaw County began a crash program (for civil and criminal cases) in November 1978, using a $280,000 state/federal grant. A calendar control judge, originally Chief Circuit Judge William F. Ager, received regular reports on the status of each case. Cases with unusual or unwarranted delay were given immediate attention to move them along. The court claimed that the program enabled the court to try criminal cases within 65 days of arraignment, and most civil cases tried within a year after the final legal answer (Note 1980a).

Kalamazoo County. A program was initiated in Kalamazoo in June 1, 1980 under which the court administrator's office, rather than the judges' offices, set hearings for civil and criminal cases. The purpose is to permit more flexibility. (The program was modeled after a central scheduling used in Grand Rapids.) The program is credited with increasing dispositions by 9 percent in the "first three reporting periods" of 1980. (Note 1980b)

Detroit. The Wayne County and Detroit courts have conducted several "pushes" since 1970, usually in the early 1970s. Wayne County, in January 1981, also initiated a new system of plea bargaining, under a NIJ program. Two judges are assigned to the plea bargaining process. In randomly selected cases, the prosecutor and defense attorney will negotiate a plea, with a judge serving as mediator. If the plea is not guilty, the case is assigned to another judge. (Note 1980c)

3.3 Delay Initiative.

The Supreme Court recently initiated a delay reduction effort, with the help of federal funds. The initiative has three main goals (85R3):

i) Time standards. A committee was appointed to establish guidelines for time to disposition. It submitted guidelines to the Supreme Court, which has publish them for comments. The felony guidelines are that 90 percent of cases be disposed within 91 days of bindover, 98 percent within 154 days, and 100 percent in 10 months.

ii) Improve data systems. The Judicial Data Center (in the AOC) is setting up computer systems, "automated on-line record keeping and case processing systems. About five Circuit courts are expected to start up soon (85R4,42). The Circuit Court

System User Planner Committee, consisting of court clerks and administrators, was established to advise the Judicial Data Center in this (85R42)

iii) Case management systems. The Supreme Court is pushing to improve case management information systems (85R9). The Michigan Justice Institute, a judicial education program, is training judges in case management techniques (85R4). The AOC provided information to the courts about a Manual Case Tracking System in 1983 (Preparer's Manual page 50).

There is a court Statistics Steering Committee established "to explore means for providing judges with current case inventory information." It "tested a batch reporting system in two Circuit courts." (85R44).

3.4 Reports of Delayed Cases.

Chief judges must make monthly reports to the SCA giving reasons for delay in the following cases: 1) felonies where (a) there has been a delay of 28 days between preliminary hearing (or waiver) and arraignment; (b) there has been a delay of 6 months between arraignment and trial; (c) the defendant is incarcerated longer than six months. (Rule 6.109(C)), which went into effect in January 1974). There are similar rules for misdemeanors. The SCA must investigate all reported cases to determine the causes for delay and recommend actions to eliminate the delay (Rule 6.109(d)).

3.5 Civil Delay Reduction Efforts.

Several counties, in addition, have conducted delay reduction efforts in civil cases, especially attempts to take calendar control away from the lawyers.

Circuit courts were given authority to establish mediation dockets are require pre-trial mediation. This authority was given effective April 15, 1971. Detroit conducted a "crash" mediation program in 1971 (70R13) .

In 1986 the Saganaw Circuit court established a crash program (for April, July, and November). It includes only civil cases, except that the November crash was one-third criminal cases. The program schedules more cases for trial, and switches some cases from one judge to another (i.e., departs from the individual calendar).

On December 30, 1985, the Ingham Circuit Court issue a "Court Delay Reduction Plan" for civil cases. It requires judges to pay special attention to cases pending over two years, requires scheduling conferences 90-120 days after filings,

permits continuances only for good cause, and calls for tighter control of discovery.

4. DATA GATHERING

4.1 Procedures for Gathering

Michigan has long required quarterly reports from Circuit Courts. A 1952 law requires all courts to submit statistical reports to the state court administrator. The statistical system was revised in 1962, as part of judicial reorganization that took effect in January, 1963. Later revisions took effect in 1977 and 1982. The data was collected by the Supreme Court Finance Office (the court auditors) until 1981, and then it was transferred to the AOC. The present AOC staff member doing this work state that there are many inconsistencies, although mostly in the District Courts, and the Circuit Courts are not that much of a problem.

Until 1983 data are for the fiscal year ending in June. Now they are for the calendar year.

The courts send quarterly reports, which the AOC requires to be filed within a month of the end of the quarter (Preparer's Manual p. 3). The report must name the preparer and be signed by the chief judge or court administrator (id.). Since 1983 there have been two reports, for caseload and trial activity.

Several Circuit Courts have computerized statistical systems, but there is no uniformity. Computer programs in some courts are not compatible with the reporting format required by the AOC. At the state level, the data has been placed on computer for many years at Judicial Data System, and since 1983 in the AOC. The second report, on trials, however, is no longer placed on the computer.

The caseload reports are in the same format as the reports in the Circuit Court Supplements, but it appears that they were retyped for insertion in the Supplement. (The courts, however, are required to type the Caseload reports. Preparer's Manual p. 4)

5.2 Quality Control.

When the data system changed in 1983, the AOC did considerable training: seminars, audio and video tapes, and visits by AOC staff to the courts. Often, however, the clerks themselves received the training, not the deputies who actually compiled the data. Also, AOC staff are available to answer questions and staff there spend a large amount of time on the telephone explaining the data requirements.

The state audit office audited the data from 1977 to 1981, as part of the regular audit. The auditor in charge said that the audits found that the courts were doing a "pretty good job," with a few exceptions, such as Wayne County (not included in this study).

The AOC staff, and previously the state court audit office, check the quarterly reports for consistency, although the checking was incomplete in the early 1980s.

Auditing. In 1955 the State Court Administrator sent the trial courts memoranda urging annual inventory counts, and in a 1962 Supreme Court order directed year-end inventory counts, stressing that pending figures derived from filings and dispositions may be inaccurate (62R55). The current Preparer's Manual (page 9) continues the requirement for the year-end physical inventory.

Although information is incomplete, it appears that nearly all courts clerks make inventory counts. The AOC does not check to make sure that the counts are made. But the inventory requirement has long existed, and in most years under study the Supreme Court audit office sent court clerks reminders just before the inventory was due. Most of the staff involved with court statistics said they believed they were, although one said he did not know. There is skepticism among staff not involved in data collection, primarily because the inventory counts are not audited.

Review of the annual reports indicates that most courts make inventory counts. The inventory count is reflected in the beginning pending for the first quarter. Ending inventory in each quarterly report is beginning pending, plus filings, less cases disposed. The 1984 end pending differed from the 1985 beginning pending in 32 of the 50 Circuits with information for the two years, a finding consistent with the requirement for inventory counts. (The changes in criminal pending cases were usually negligible, but 10 Circuits had changes of over 10 percent.)

Major problems The AOC, and before 1981 the state audit office, has long had difficulty in persuading all courts to file statistical reports. In all about a dozen counties failed to submit reports for at least one year during the past decade. In 1986, however, the annual statistical report includes all courts. Regional court administrators, rather than court clerks, prepared the reports for a few small counties.

Most of the problems described by AOC and court staff are in the District Courts and in civil cases. For civil cases, the

definition of non-jury trials are a major problem. In the felony area, the biggest problem is the definition of disposed cases, as described in section 5.2 below.

The Oakland and Kalamazoo Courts were often mentioned as having special data problems.

5 DATA ELEMENTS

5.1 Criminal Filings.

Case categories. Circuit court criminal filings consist of felony filings and district court appeals. The statistical reports separate these two categories, and only felony cases are included in this research. (After 1982 criminal filings are broken down into capital and noncapital. Capital are cases "where life sentence is possible and a larger number of preemptory jury challenges is available," and noncapital are "noncapital felony cases" Sup. Ct. Ad. Order 83-5.)

Counting Cases. Filings are counted by the number of defendants bound over, and are counted at the time of the bind over. The Circuit Courts are instructed to establish separate case numbers and separate case files for each defendant appearing in a complaint (Preparer's Manual, page 11). Multiple charges are not counted as separate cases (Id.). However, there are no guidelines concerning how to count cases when a defendant is charged with separate crimes, e.g. when charged with burglaries committed on different nights. Several AOC staff interviewed felt that filings may increase or decrease according to whether prosecutors use one or two complaints in such situations.

Reopened Cases. Filings do not include reopened cases, which are separate matters in the statistical reports. After the 1983 revision of the statistical forms, criminal reopened cases include those remanded by an appellate court, defendants arraigned on bench warrants issued prior to sentencing, defendants returned from the Department of Mental Health, defendants returned to the Circuit Court after being remanded to the district court for preliminary examination, and defendants apprehended on a bench warrant after failing to appear for trial last year. (Preparer's Manual, page 13). The statistical system used in 1978-82 also included post judgment proceedings and probation violations in the reopened case category. This change had a substantial impact. The number of reopened cases was 9 percent of all filings in 1986 and 13 percent in 1981; the difference was accounted for by two categories deleted, mainly probation violations, which accounted for 5 percent of the overall filings. (For 42 circuits in the analysis reopenned cases declined from 3698 in 1983 to 734 in 1984, and the

constituted 5 and 18 percent of combined filings in 1981 and 1986. Also total dispositions declined from 20,065 in 1983 to 18,157 in 1984, for a 10 percent decline in 1984, whereas filings declined only 2 percent.)

Summary. The initial criminal filing category considered very accurate by court staff, and definitions have not changed for many years. Consequently, that will be the measure of filings used. The number reopened is probably not reliable because of the changes in definition and because of the complexities involved in its computation.

5.2 Criminal Dispositions.

Dispositions are counted at the time of final disposition, when the disposition papers are filed in the clerk's office. Hence, disposition is after the defendant is sentenced or discharged - except that when there is delayed sentencing, the disposition is counted at the time of the original sentencing, not at the expiration of delayed sentence (Preparer's Manual page 17).

Cases are also counted as disposed when the case becomes inactive or is transferred. For example, if the case is transferred to the District court for a preliminary hearing (which was waived below), it is a disposition. Also, cases are disposed when bench warrants are issued. (Cases coming back to the Circuit Court after these dismissals are reopened cases, not counted as filings but included as pendings and subject to being disposed again later.)

The disposition figures have several major problems. First, they include reopenned cases, which as described in Section 5.1 changed definition in 1984. Second, according to AOC staff, court clerks sometimes have difficulty in accurately reporting dispositions, especially after the 1983 statistical change. Third, a few courts count cases disposed at an earlier stage than dictated by the AOC statistical instructions; in particular, the Pontiac Court counts dispositions at the time of verdict, not sentencing, and Oakland Circuit Court may do the same. Therefore, disposition figures are not a reliable guide to trends.

Disposition types. Dispositions are broken down into 1) jury verdicts, (2) non-jury verdicts, (3) guilty pleas, (4) removal/transfers, (5) dismissals, (6) other dispositions.

Removal/transfers include 1) change of venue due, e.g., do to pretrial publicity, and 2) cases where the defendant is bound over to the Circuit Court after waiving preliminary exam and at arraignment requests counsel in Circuit court, and then counsel

petitions for remand to so that a preliminary hearing can be held (Preparer's Manual page 23). Removal/transfers are less than 4 percent of dispositions (85R2).

Dismissals include non pros (Preparer's Manual page 29).

The category, "other dispositions" includes 1) bench warrants issued, 2) defendants placed on Youthful Trainee Status, and 3) defendants sent to the Department of Mental Health because incompetent to stand trial (Preparer's Manual page 31). This category, according to AOC staff, is likely to be inaccurate because it requires considerable effort on the part of court clerks to keep it straight. In 1985 the "other dispositions" were 13 percent of all dispositions; in 1981 they accounted for 15 percent.

Statistics on the number of bench warrants ceased in 1983. In that year they comprised only 4 percent of all dispositions.

5.3 Criminal Pending.

The number of end pending is calculated from the beginning pending, filings, and dispositions. As discussed above concerning disposition statistics, the pending cases include those awaiting sentencing. By deleting some types of cases from refilings, the 1984 change in statistical system affected the content of pending statistics in the manner as dispositions. (Hence, the backlog index, pending divided by disposed, may be changed slightly because the cases excluded after the change- about 15 percent of the cases - may require less or more time to decide than regular felony cases.)

Pending data are not comparable before and after the 1977 change in statistical system.

The best pending data are the number at the beginning of the year, which is supposed to be based on an inventory count. For the fiscal year data (i.e., before 1983), neither the beginning nor end pending are based on inventory counts.

The 1983 statistical revision eliminated the category of inactive pending cases (they were considered disposed). Before 1983 "inactive bench warrants" were stated, as well as "active pending." Pending bench warrants are a very small percent (under 5 percent) of the total pending.

5.4 Criminal Trials.

The trial data published are for dispositions by trial, jury or nonjury, and they are counted by defendant. A trial disposition requires an actual verdict, and it is not counted

until the final disposition, sentencing or discharge (see Section 5.2). Since 1983 hung juries and guilty pleas or dismissals during trial have not been counted as trials.

The statistical reporting system in effect between 1978 and 1982 counted the number of trial starts (defined as when the jury or first witness is sworn in). Hence, the data included guilty pleas and dismissals after the trial started. A review of reports sent by the courts (described below) showed that in 1985 guilty pleas accounted for only 6 percent of dispositions after trial started, and dismissals one percent, for a total of 7 percent. This change, however, must be controlled for by entering a dummy variable for 1983 and afterwards.

Since 1984 the courts are required to submit quarterly Trial Activity Report, which gives the number of trials started. The reports give the type of trial, jury or nonjury, and give the disposition of the trials - e.g., guilty verdict, not guilty verdict, guilty plea (during trial), dismissed (during trial), and mistrial. Some of the AOC staff suspect that these reports may be unreliable, and the AOC has ceased to enter the data into computers.

The trial activity report differs from the regular case reports in three respects: 1) trials are included even if verdicts do not result (i.e., they are counted when the first witness or jury is sworn in), 2) trials are counted when they are finished, not when the case is terminated - e.g., after sentencing, and 3) the count is by trial, not defendant; trials with more than one defendant are counted only once.

The trial activity report, therefore, is not a suitable source of information for analysis, but it does provide a partial quality check for the case report data. The AOC does not compile data from the trial activity reports, so I went through the 1985 reports and tabulated the number of criminal trials (the number of verdicts, the number of other dispositions, and the number of jury and nonjury trials). Wayne County and Detroit were not included because they are not part of the present study, and data were incomplete for four counties. Also, for another four the trial activity report was obviously invalid because pre-trial proceedings (guilty pleas or evidentiary hearings) were included.[1] After accounting for these problems, the trial

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[1] Baraga (12) Iron (41), and Kalamazoo (9) counties seemed to count some guilty pleas hearings as trials; Baraga and Huron (52) counted hearings on motions as trials. Genessee (7) double counted cases when the defendant plead guilty to some charges during trial and was convicted for the rest. These problems did not occur in the published data (based on caseload reports) for

activity report and case report seemed very consistent. The number of convictions in the trial activity report would not be the same as the number of trial dispositions in the caseload report because the latter is counted later (after sentencing) and is counted by defendant.

A summary of the findings are as follows: For 52 counties that reported under 10 trials in the trial activity report, 36 reported the same number of trials in both reports, 10 reported numbers that differed by one, and 6 that differed by two (the differences were equally divided between those reporting more in each report. For the 18 counties reporting between 11 and 25 trials, 5 gave the same figures in both reports, 4 gave differences of one (3 higher in the case report), 5 gave differences of two (three higher in the case report), and 3 gave differences of three (two higher in the case report). The one large difference was found in Livingston (8) which reported 8 trials in the caseload report and 16 in the trial activity report. Of the remaining 14 larger counties, 2 reported the same figures, 4 reported differences of less than ten percent (all higher in the case report), 7 reported differences of 10 to 20 percent (three higher in the case report), and one each (Muskegon and Jackson) in the 20-30 and 30-40 percent brackets, both lower in the case reports. In sum, the figures are fairly close, and the differences are about what one would expect given the different definitions of cases. The fairly large differences in a few counties are consistent with the different measurement unit - that is, the case reports, based on defendants, give higher figures than the trial reports.

5.5 Guilty Pleas.

Guilty plea dispositions, like all dispositions, are counted at the time of sentencing or discharge and are counted by defendant. Guilty pleas include defendants placed on Youthful Trainee Status.

5.6 Time Lapse Measures.

The courts report data to the AOC from which the AOC could c calculate the time to trial (Preparer's Manual page 40), but this is not done.

Since at least 1962 the trial courts have been required to report the number of criminal and civil cases pending more than two years (62R57).

1985, nor apparently for earlier years.

5.7 Judges.

The number of judges is available from the annual reports and from the statutes. There are no usable Circuit statistics on the number of extra judges.

5.8 Convictions.

The trial activity reports contain conviction statistics (Preparer's Manual page 40), but these data are not published or otherwise available.

5.9 Civil.

Filings. Each complaint is a filing, regardless of the number of parties in the complaint (Preparer's Manual, page 11).

Civil cases are broken down into categories, which have changed greatly. The original categories were law and chancery. After a 1961 law abolished the procedural differences between law and chancery, civil cases were reported as: auto negligence, divorce, and general civil (63R54). A 1974 court rule required courts to use 45 categories, but only 10 categories (or combinations of categories) were used for civil cases in the Circuit Court quarterly report, the various civil categories listed below, plus felony appeals.

Beginning in the 1984 report the categories changed, and 14 civil categories were used. The changes are as follows:

1974-83	After 1983	[where was before 1984]
Appeals	Appeals	
Criminal(AR)	Criminal(AR)	
Civil (AV)	Civil (AV)	
	Agency (AA,AE,AL)	[was in "all other"]
	Other (AH,AS,AW,AX,AZ)	[" " " "]
Family Relations	Domestic relations	
Divorce (DO,DM)	Divorce with child (DM)	
	Divorce without child (DO)	
Paternity(DP)	Paternity (DP)	
URISA/Sp (DU,DS)	Initiating URISA (DI)	
	Support (DS)	[DS+DI=old DS]
	Other (DC,DU,DZ)	[DC & DZ were in "other"]
Personal Injury	Civil Damage Suit	
Auto neg (ND,NI)	Auto neg (ND,NI)	
Other (NO)	Other (NO,NM,NP,NS,NZ)	[NP separate, rest in "other"]
Products Liab. (NP)	-------	
Labor Rel. (CL)	-------	

All Other	General civil (CA,CC,CE,CH,CK,CL,CP,CR,CS,CZ) [except for CL was in "all other"]
	Other civil (PA,PC,PD,PG,PR,PS,PZ) [was in "all other"]

A consistent measure of civil filings must include all filings, including support, auto negligence, other personal injury, divorce, paternity, support, products liability, labor relations, and all other.

Dispositions. Civil disposition categories are similar to that for criminal cases, and they also include, no progress and non service dismissals.

Trials. The civil trial data is comparable to the criminal data. The definition was changed in 1983 to exclude cases settling after the trial starts. The number of such dispositions was not checked. The definition of non-jury trials, especially in domestic relations cases, is unclear and trial figures include uncontested hearings in some, but not in others.

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NORTH CAROLINA[1]

1. OUTLINE OF COURT STRUCTURE AND PROCEDURES

1.1 Courts and Jurisdiction

The Superior Court is the general jurisdiction court, and it hears criminal cases not specifically within the jurisdiction of the District Court, the limited jurisdiction court, with limited exceptions, mainly misdemeanors that are lesser included offenses and guilty pleas to misdemeanors after a felony charge (G.S. 7A-271). The District Court has jurisdiction over non-felonies, and it conducts preliminary examinations in felony cases (G.S. 7A-272). The Superior Court hears misdemeanor appeals de novo, which make up nearly half of the Superior Court criminal filings. The District Court has jurisdiction over civil cases involving $10,000 or less (up from $5,000 in 1981).

In the past decade four districts have been split in two. The 15th in 1977, the 17th in 1982, the 19th in 1979, and the 27th in 1978.

1.2 General Procedures in Felony Cases.

Felony cases are, with few exceptions, always initiated by the police in the District Court. The procedures for screening cases for possible dismissal differ greatly among districts. According to AOC staff, prosecutors in only one or two counties screen cases before being filed in the District Court. Other DAs screen before the probably cause hearing, others afterwards, and others not until the case is bound over.

The police take the defendant before a magistrate for an initial appearance (G.S. 7A-273, 15A-511), at which pretrial release is determined. Next, the defendant goes to a first appearance before a district judge, which must be within 96 hours after arrest. Here counsel is appointed for indigent defendants. A probable cause hearing must be scheduled within three weeks (G.S. 15A-606). It is seldom waived. At the hearing, the district attorney presents evidence, including testimony from witnesses. If probable cause is found for a felony charge, the district judge binds the case bound over to the Superior Court for grand jury proceedings and, generally, indictment. If probably cause is found for a misdemeanor only, the case proceedings in the District Court (although the prosecutor can still take the case to the grand jury).

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[1] The literature references are to articles and manuals listed at the end of the report.

After the defendant is bound over, the DA can either proceed upon a bill of information or submit a bill in indictment sending the case to the grand jury (G.S. 15A-627). In larger counties the grand jury sits once a month, but in small counties only once every six months (although the case can be taken to a grand jury in an adjacent county). Except in capital cases, indictment may be waived (G.S. 15A-642), but rarely is. Nearly all submissions result in indictments (Clarke, et al. 111). Cases generally proceed to the Superior Court within a month of filing (Clarke, et al. 111).

A few DAs bypass the probable cause hearing. They either file initially as an indictment, or they dismiss the case after filed (by the police) in the District Court and refile it in the Superior Court.

The DA's prepare the calendars, and judges usually exercise little control over the flow of felony cases. The DA is required to file with the court at least a week before the trial date a list of cases he intends to call for trial during the session (G.S. 7A-49.3). The DA controls the criminal calendar and decides when to set cases for trial (see. Shirley v. North Carolina, 528 F.2d 819 (4th Cir. 1975); North Carolina Conference of District Attorneys).

All criminal trials in the Superior Court are jury trials.

Plea bargaining. Plea bargaining can take place at any time, including when the case is in the District Court. In some districts the DA's and defendants bargain cases down to a misdemeanor, such that the case does not reach the Superior Court. A study of 12 courts in 1979 found that 21 percent of the original felony filings plead to misdemeanor at the District Court; also, the prosecutor dismissed 20 percent of the cases and the judges dismissed 6 percent (Clarke, et al. 111-117). Only 52 percent proceeded to the grand jury. These figures were roughly similar for the different courts.

After indictment, dismissals are less common than in the District Court. Most defendants plead guilty, but often to a misdemeanor.

Trial judges now are allowed to participate in plea discussions (Sec. 15A-1021(a), but prior to July 1975 judges were not allowed to participate. The prosecution and defense can reach a binding agreement on charges (e.g., which charges are dropped), but not on the sentence. A plea agreement reached by the defendant and prosecutor, including the recommended sentence, can be submitted to the judge for advance approval (15A-1023(b)). If the plea agreement includes agreement on sentence, the sentences must be disclosed to the judge, and if the judges does

not agree with the sentence agreement, the defendant may withdraw the plea (G.S. 15A-1023). As a practical matter, a majority of the pleas are such "formal pleas" - i.e., they are accompanied by such formal agreements, accompanied by a written statement of terms. Clarke et al. found that 56 percent of the pleas were formal pleas, and that most of these (37 percent of all pleas) had specific sentence recommendations.

An empirical study, based on questionnaire to DAs, found that in the mid-1970's DA practices greatly on such matters as the extent of plea bargaining and the type of bargaining - e.g., wether to reduce charges or recommend a specific sentence (Bond). It has been alleged that defendants who plea guilty usually receive lighter sentences (Clarke et al. 40-41; Lefstein, p. 449; Bond, p. 830).

2. JUDGES AND ATTORNEYS

2.1 Introduction.

The Superior Court judges are elected to eight year terms in state wide ballots. The total number of judgeships since 1976 are (1976-78 are calendar year, rest fiscal year):

1976 - 47	1980 - 58	1984 - 60
1977 - 52.5	1981 - 58	1985 - 62
1978 - 58	1982 - 59.5	1986 - 64
1979 - 58	1983 - 60	

In addition there are 8 "special judges" of the Superior Court, who are appointed by the governor and who have all the authority of regular judges (G.S. 7A-45). There are usually some three or four vacancies.

The judges are assigned by the supreme court, based on calendars prepared by the AOC and published each year. A judge is assigned to a court for a period of a week to six months. Judges typically sit in their home districts about half the time, and they nearly always sit within one of the state's four court divisions.

The calendar states which judge is to sit in which county each week (and whether it is a criminal, civil, or mixed court session). The supreme court orders assigning judges are called "commissions." The special judges are not in the yearly assignment calendar, and they are used to fill in where needed. The calendar is regularly adjusted. Some adjustments are formal; the weekly assignments are changed in written orders. Others are last minute changes, for example when a judge completes business in a court before the end of the week and than hears cases.

Since the judges are assigned partly on the basis of caseload and backlog, there may well be a reciprocal association between the number of judges and delay. A positive association could be caused by the assignment of more judges when delay develops. Also, a negative association could be created when a D.A. reduces the backlog by stepping up the number of cases calendared, and asks for more judges to handle the extra caseload.

The AOC staff claimed that the number of judge/week assignments is a good measure of judge power.

2.2 Extra Judges.

There are two mechanisms for using retired judges. Emergency judges are retired judges under the age of retirement, and they had to have a commission from the governor (G.S. 7A-52 and 53). In 1981 the legislature authorized the use of retired judges who are over the age of retirement. The "temporary recall" is done by the chief justice (G.S. 7A-57). According to AOC staff, there has been greater use of retired judges in recent years, and they are used primarily in the summer to fill in for vacationing judges.

2.3 Prosecution and Defense

The number of assistant district attorneys authorized is available at G.S. 7A-41. All assistant DAs are paid by the state and all are full time. Because vacancies are infrequent, the actual number is close to the authorized number. The Conference of District Attorneys claims that the DA offices are badly understaffed.

Defense of indigents is funded by the state. Most counties have assigned counsel systems, and about 15 percent of the counties use public defenders.

The data forms submitted by the courts have information about the type of attorney in the case.

3. DELAY REDUCTION EFFORTS AND OTHER CHANGES AFFECTING DELAY

3.1 Speedy Trial Law.

The North Carolina Speedy trial act was enacted in 1977, effective for cases initiated on or after October 1, 1978 (G.S. 15A-701). The previous law stated that the judge may order a trial within 30 days, upon petition of a defendant who has waited more than 60 days for trial. The 1977 act sets a 120 day limit

for trial in felony cases. The starting event is the latest of: arrest, service of process, indictment, or waiver of indictment. A similar 120 day limit was established for misdemeanor appeals, with the time starting at the next regularly scheduled criminal session of the Superior Court. The original legislation called for a reduction to 90 days in 1980, but the 120 day limit was first temporarily extended and then made permanent.

According to the AOC staff, the speedy trial law has little teeth because the time limit can be easily extended, and because the dismissal may not be with prejudice. The AOC statistics show that very few cases are dismissed because of the speedy trial laws. But the AOC staff believe the laws do reduce delay through persuasion. Its enactment was accompanied by a general delay reduction climate. DA's may use the law as an excuse to refuse requests for continuances. The speedy trial law may stimulate prosecutors to make sure enough judges are assigned to their counties. Also, the AOC staff believed the laws may have had an anticipatory impact.

The defendant waives speedy trial rights by not requesting dismissal. The trial judge has discretion to dismiss with or without prejudice (G.S. 15A-703). If the case is reinstated, the time limit for the new filing starts at the time of the new filing, whereas in all other situations where charges are dismissed and reinstated - except where there is a finding of no probably cause - the time under a new filing starts with the initial arrest or other beginning event (G.S. 15A-701(a)(3)).

The 120 limit is tolled for 1) other proceedings concerning the defendant, such as mental examinations and hearings on pretrial motions, 2) prosecutorial deferral, 3) absence of the defendant or essential witness, 4) incapacity of the defendant, 5) when the charge is dismissed by the prosecution under G.S. 15A-931, 6) when the defendant has been joined for trial with another, whose time has not run, 7) a continuance for which the judge finds (in writing) that the ends of justice served by granting the continuance outweigh the interests of the defendant and the public in a speedy trial, 8) when the court holds court sessions so infrequently that the limit cannot be met (an amendment effective October 1, 1983, stated that the county is conclusively presumed to fall in this category if the court holds less than 8 criminal or mixed sessions a year), or the court otherwise determines that there are not sufficient sessions), 9) when the defendant is imprisoned elsewhere, 10) when the defendant is in military service (and the prosecution and defendant agree to the delay), 11) time between when the DA dismisses case because the defendant was absent an when the proceedings are reinstated, 12) when charges are dismissed and then reinstated, the time between when the two events, 13) time between services of process and when DA receives notice of the

service (only when the defendant has failed to appear), 14) time between when the defendant failed to appear and when the DA received notice of it, and 15) time between when the defendant returns from hospital treatment and the DA receives notice of the return. The first ten exclusions were in the original statute. Exclusions 12 to 15 were added in June, 1981.

G.S. 15A-702, part of the original speedy trial law, states that defendants in counties falling under exclusion 8 above may request a prompt trial before a Superior Court judge elsewhere in the district or by a District Court judge in the district.

Operationalization. The speedy trial law can be considered to have begun about January 1, 1979, because its beginning date, October 1, 1978, applied to indictments, etc., on that date such that the (direct) effect of the law on court statistics would not appear until a few months later. The speedy trial law can be coded to apply only to counties with frequent criminal sessions. Although not effective until 1983, the designation of over 7 criminal or mixed sessions a year probably applies to earlier years.

The AOC collects data on the number of speedy trial law dismissals. In 1987 there were 25 speedy trial dismissals, or 0.1 percent of all dispositions (87R120). (According to AOC staff, until about 1984 the speedy trial dismissal figures included a relatively large number of mistakes, such that the figures were about double the real figure. There are so few such dismissals, that a few mistaken entries have a large proportionate impact on the figures.)

3.2 Other Delay Reduction Efforts.

Other than the speedy trial law, the courts have not conducted delay reduction efforts in criminal cases. The District Attorney's Association, started in early 1984, is trying to help DA's expedite procedures. The association, which has one professional staff member, holds meetings twice a year on delay matters, has a committee on delay reduction (which is only moderately active), sends the DAs quarterly statistical reports on delay, and conducts technical assistance to DAs with major delay problems.

There was a major delay reduction push for civil cases in the early 1980's. Part of this push was Court Rule 2, revised in about 1980 to give senior resident Superior Court judges (i.e. chief judges) extensive authority over civil case calendaring procedures. Previously civil case calendaring was done by the a committee chaired by the court clerk, and in practice a case was calendered only of the attorney wished.

3.3 Other Changes That Can Affect Delay.

A presumptive sentencing law, effective for felonies committed after June 1981. This may affect the defendants willingness to accept guilty pleas.

4. DATA GATHERING

4.1 Procedures for Gathering.

The present data system, started with statistics for the year 1976, is based on individual case reports sent in by the courts. Previously, the courts sent in quarterly statistical reports. The system has been revised twice since, in 1980 and 1984. Among other changes, the first added procedure to make sure disposed cases were promptly reported, and the second provided for more elaborate statistical categories and issued a revised manual. The new manual is effective July 1, 1984, and thus applies to the 1985 data. But the AOC made a concerted effort to keep time series data consistent for major categories. This includes data for filings, pending, age of pending, and age of disposition.

Half the local courts have manual systems and half have automated systems. For the manual systems, the AOC receives a copy of the docket card when the case enters the Superior Court, and then a copy when the case is disposed. For automated courts, the data are entered at the court and sent directly to the AOC.

The data were gathered on a calendar year basis through 1978, and fiscal year ending June 30 there after.

4.2 Procedures for Checking.

A major problem with individual case reporting is that the courts may fail to submit copies of docket sheets, especially when the case is disposed. The AOC takes several steps to deal with this problem. At courts with manual systems, at the end of the year the AOC makes a concerted effort to collect the case sheets. Every six months the AOC sends a list of cases pending and asks the courts to check it (Manual p. 108). On a few occasions the AOC staff has conducted spot checks of pending cases. Finally, if the numbers look out of line, the AOC staff will ask the court clerks to double check their information. The AOC staff claim that clerks now seldom fail to send dispositions in, but before 1980 there was a problem in this regard because the AOC may not have monitored the local courts.

AOC staff involved with the earlier data gathering, however, claimed that the courts conducted physical inventories of pending

case and, thus, the data were very accurate. When the new system was initiated in 1976 the AOC took physical inventory of pending cases and found that numbers reported for earlier years were often inaccurate. The 1976 annual reports states that the data were "verified." Since then, with few exceptions, the AOC has not conducted physical inventories.

The AOC for some time has had a program to help courts improve their record keeping and filing systems. This involves frequent on site analysis of court records, but does not involve statistical audits.

When systems change from manual to computer, the AOC does an audit to check each case and make sure information is entered on the computer correctly.

The AOC has published a data collection manual, which was revised in 1984.

4.3 Problems with Data.

As noted above, there is differing opinion concerning whether the pre 1980 data are a problem, and because they were not there during that period, the present AOC statistical system staff cannot provide definite information about how accurate the data are. There was less effort to ensure that information concerning all dispositions was sent to the AOC. The 1984 revision also improved the data, and before then, according to a staff member, the data are reliable in the aggregate.

Mecklenburg County (Charlotte) has been a major problem. The clerk has not handled the data well, and the court, which was the first to automate, has a different computer than the AOC.

A former staff member of a DA office in District 15B stated that Annual Report data for the court were very inaccurate, but he thought this may have been the worse district.

Also, the AOC staff believed that smaller counties have more quality problems, simply because one or a few mistakes can make a disproportionate impact on the total numbers.

5. DATA ELEMENTS

5.1 Criminal Filings.

The definition of a Superior Court felony filing is a case that originates by indictment, information, presentment, finding of probable cause at the District Court, or a waiver of probable cause. Filings are counted by the case. The definition of a

case is in practice determined by the DAs and District Court magistrates, and their practices differ concerning whether a to join counts or defendants in a single case. A multiple count indictment is counted as one cases. Cases with serial acts, such as bad checks or multiple burglaries, may be filed as one or several cases.

The AOC also gathers data on number of defendants, and defendant based figures are about 30 percent lower.

5.2 Criminal Dispositions.

Dispositions are counted at the time of verdict, guilty plea, or dismissal (at not at the time of sentencing).

The statistics show two types of dismissals, those with and without leave. The former can be refiled, and are typically used when the defendant is not available. The extent to which DA's clean the docket of such deadwood cases is uncertain, and probably differs from court to court. Dismissals with leave make up only about 3 percent of the felony dispositions, and the proportion varies greatly from court to court, from .2 to 14.7 percent (86R110). Clarke et al. (p. 111-117) found that the average time to disposition for dismissals by leave was 156 days, as opposed to about a 100 days for other dispositions. The number of dismissals with leave in the Superior Court were equalled by the number in the District Courts (averaging 114 days from filing), indicating that most no shows occur at the probable cause hearing.

Dismissals without leave are often part of a plea bargaining agreement. Deferred prosecution cases are not counted as dispositions until the case is dismissed without leave, but there are vary few such cases (18 in 86R113). Deferred sentencing, called "prayer for judgment continued", or PJC, was found to be very uncommon in 1979 (Clarke et al. 111); and they are counted as dispositions when the plea is taken.

The number of dispositions is based on the number of disposition sheets sent in by the courts. Some arrive late, such that the end pending each year is larger than the beginning pending for the next year as reflected in the next annual report for nearly all years. Therefore, the most accurate number of dispositions is obtained by adjusting the figures for the difference between end pending and beginning pending the next year.

5.3 Criminal Pending.

The statistics do not distinguish between active and inactive pending. Inactive cases are placed in a category

similar to an inactive docket: Cases with missing defendants are dismissed with leave at the request of the DA, and the case is reinstated when the defendant returns. These dismissals with leave comprise only a small portion of the caseload, and their time to disposition are not much larger than other cases (see section 1.2 above).

Because pending case figures are adjusted, the beginning pending for the next year is a better measure of pending than pending at year end.

The beginning pending figures for 1979 cannot be compared to the end pending for 1978, because of the change to FY statistics in 1979. The numbers differ for individual districts, but are similar for the state as a whole.

According to one person who studied the docket in several courts, the old cases tend to have absent defendants.

5.4 Criminal Trials and Guilty Pleas.

The annual reports contain statistics for the number of cases disposed by jury trial. There are no non-jury trials in the state. When there is a plea after the trial starts, the case is counted as a trial disposition.

The annual reports contain data for dispositions by guilty plea. Since 1985, this is broken down into guilty pleas as charged and guilty pleas to a lesser offense (which is defined as a plea to an offense not charged; so this category does not include pleas to lesser offenses charged), and the number of negotiated pleas is given. The "negotiated pleas" figures come from a box to check in the data form, and it is checked in nearly all cases.

5.5 Time Lapse Measures.

The annual report provides three types of time lapse measures for both cases pending and disposed, for a total of six measures. The three are:

1) Mean time (available since 1978).
2) Median time (available since 1979).
3) Age of cases (pending available since 1976 for pending case and 1977 for dispositions). The time intervals vary from year to year. The number pending or disposed up to 4 months is available since 1979; the number disposed up to 6 months is available since 1977, and the number pending up to 6 months is available since 1976 (the AOC conducted a case inventory in 1976).

The various measures are quite closely correlated, with an average correlation coefficient of .65 and a range of .47 to .95. (There were 45 coefficients between the 10 measures - the eight described here, and the backlog indices based on end pending and on next year beginning pending. The correlation analysis was conducted over all years when data are available. Regression analysis indicted that state effects are not significant.)

5.6 Judge Data.

It is not feasible to determine the number of judges in each district because the assignments are too fluid. The state is divided into four divisions, within which the judges rotate. They are seldom assigned outside the division. In addition to regular judges, the state has eight special judges, appointed by the governor, who are assigned throughout the state, and can makeup for shortfalls in individual districts or divisions.

There is no quantitative information available about the extent of use of retired judges.

5.7 Conviction Data.

None until 1984.

5.8 Other Criminal.

None.

5.9 Civil Data

Since the Superior Court does not have jurisdiction over domestic relations cases, the civil cases are regular civil cases. Statistics are available for filed, disposed, end pending cases (like criminal cases, the pending figures are corrected in the following year). The disposition figures included trial dispositions, broken down into jury and nonjury trial dispositions. The definition of nonjury trials changed in 1984 and, therefore, present figures are not comparable to earlier figures.

Delay measures for civil cases are similar to those for criminal cases. The analysis hear includes the median and average time for disposed and pending cases, but does not include the figures for age-of-case data.

A major delay reduction program for civil cases is described in Section 3.2.

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OHIO REPORT[1]

1. OUTLINE OF COURT STRUCTURE AND PROCEDURES

1.1 Courts and Jurisdiction.

Ohio's general jurisdiction trial courts are the Courts of Common Pleas, located in each county. The Modern Courts Amendment to the Ohio Constitution, adopted May 7, 1968, greatly simplified the structure of the court system and concentrated administrative power in the Supreme Court (see, Const., Art. IV).

The limited jurisdiction courts for criminal cases are the Municipal and County Courts. They have jurisdiction over non-felonies and over felony preliminary. The Municipal and County Courts have jurisdiction over civil cases involving no more than $10,000 or $3,000, respectively. Until 1975, the Court of Common Pleas heard civil appeals from inferior courts. Currently, its only appellate jurisdiction is over cases from administrative agencies (Sess. Law 136v. H205, eff. 8-19-75).

The work of the Common Pleas Court is functionally divided into four divisions: general jurisdiction, domestic relations division, juvenile jurisdiction, and probate jurisdiction (see Section 2). Common Pleas Court judges can exercise jurisdiction in one or more of these divisions. Criminal cases are in the general jurisdiction division.

In criminal matters, the Court of Common Pleas has exclusive jurisdiction over felonies and concurrent jurisdiction with municipal and county courts over misdemeanors and minor offenses (ORC 2931.03;2931.02). Although the Court of Common Pleas shares jurisdiction in the preliminary matters with the Municipal and County Courts, court rules require that the Court of Common Pleas first receive criminal cases when an indictment is returned or when the magistrate binds the defendant over for further proceedings (see Crim. R. 5(B)(7), 6(f), 55(A)). Since the Municipal and County Courts have concurrent jurisdiction with the Court of Common Pleas in misdemeanors, local practice will determine whether significant numbers of misdemeanors are filed in the Court. Additionally, the Court of Common Pleas may transfer misdemeanor cases to the Municipal Court within 14 days of the filing of the indictment or information (Crim. R. 21).

1.2. General Procedure in Felony Cases.

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[1]The references are given as follows: Articles and books are referred to by author and are found in the bibliography at the end of the report. References to the court annual reports give the year, the letter R, and the page (e.g., 85R32 is page 32 of the 1985 annual report).

Felonies are prosecuted by indictment, which can be waived. Felony defendants are entitled to a preliminary hearing, which can be waived, before a Municipal or County judge (ORC 2931.01; Crim. R. 5(8)(1)). Misdemeanors begin with an indictment or information in the Court of Common Pleas or by complaint in Municipal and County Courts (Crim. R. 7(A).

If probable cause is for a felony, the defendant is bound over to the Court of Common Pleas for possible indictment by the grand jury (Crim. R. 5 (B)(3)(4)). A prosecutor may also attempt to have a defendant indicted before or after a preliminary hearing whether or not probable cause is found (Crim. R. 5 (B)(5). The defendant is required to plead at the preliminary hearing, but the judge can accept guilty pleas and enter judgement in misdemeanor cases only (ORC 2937.06, 2937.07). If the defendant pleads guilty to a felony at the preliminary hearing, the judge may only bind the defendant over to the grand jury (ORC 2937.09).

The trial judge may order one or more conferences to promote a "fair and expeditious trial" (Crim. R. 17.1). Since 1978, prosecutors have been authorized to establish pretrial diversion programs (ORC 2935.36).

Plea Bargaining. Plea bargaining is an accepted method of cases disposal (Ohio Jur. 3rd §818), but in State v Griffey (1973), the Ohio Supreme Court ruled that judges are not allowed to participate. The Court softened its position in State v Byrd (1980) by saying that participation should be discouraged and carefully scrutinized for possible coercion. Despite State v Griffey, there is evidence that many judges did participate in negotiations between 1973 and 1980 (Comment, 1981).

When a negotiated plea is entered in a felony case, the underlying agreement must be stated on the record (Crim. R. 11(F)). A plea of guilty waives both constitutional and statutory speedy trial protection (Crider v Maxwell, Warden; see also Comment, 1974a, for a general discussion of guilty pleas in Ohio). Sentence bargaining by prosecutors is prohibited (State v Matthews, 1982).

2. JUDGES

Common Pleas Court judges are elected for 6 year terms. As of December 31, 1985, there were 329 Common Pleas Court Judges (85R21). The judges are assigned to one or more of the four functional areas within the courts: general, domestic, probate, and juvenile. Court organization varies greatly. Only six counties have separate divisions for all four functions. Most

have a separate juvenile and probate division. Only the general division hears criminal cases, but with the exception of a few large courts, all judges are assigned to that division.[2] Within counties, the administrative judge may be transfer judges from one division to another.

Some Common Pleas Courts make use of referees or commissioners for juvenile and domestic relations cases. The annual reports do not indicate their locations or numbers (85R21).

The Chief Judge of the Supreme Court can assign and transfer any judge or retired judge on an emergency basis to any court within the state (Const., Art. IV, Sec. 6(C); C.P. Sup. R. 14) There is no record of such assignments and transfers in the annual reports.

3. DELAY REDUCTION EFFORTS AND OTHER CHANGES AFFECTING DELAY

3.1 Speedy Trial Law.

Ohio adopted a new speedy trial statute in 1974. It cannot be evaluated in the current research because the available data do not start until that year.

The previous statute required that a defendant be tried within two or three trial terms, depending on pretrial release status (Comment, 1974b). In contrast, the 1974 speedy trial statute specified the number of days to particular events from the date of arrest or summons. For felonies, the statute requires that the preliminary hearing be held within 15 days, 10 days if the defendant is in jail (ORC 2945.71(c)(1)). Trial must be held within 270 days of arrest (ORC 2945.71(c)(2). It also provides that each day spent in jail counts as three in computing the time limits, so that a defendant in custody must be tried within 90 days (ORC 2945.71(e)). The statute sets out nine exceptions for extending the limit (ORC 2945.72). The failure to meet the time limit for trial results in a bar to further prosecution (ORC 2945.73). A defendant does not have to demand trial (State v Singer, 1977). The 1974 statute thus imposed much stricter limits on the state in providing for a speedy trial.

Although the new statute does not contain any provision relating to the effect of court congestion on the time limits, the courts have interpreted it to allow continuances of the limits because of congestion (State v Lee, 1976; Oakwood v

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[2] This was determined by comparing the number of judges in the general division (86R8B) with the number of authorized judgeships (ORC 2301.02).

Ferrante, 1975).[3] An analysis of the impact of the new law concluded that court decisions were "...in effect repealing the specified time limits and retreating to the imprecise constitutional standard" (Comment, 1979). Although this may suggest that the new law has had its teeth removed, Grau and Sheskin (1982) argue that the new law was a factor in bringing processing times down in the Ohio courts they studied.

Court statistics include information of the number of dismissals under the speedy trial law. In 1986, 386, or 1% of all dispositions, were in that category (since this is such a small number, it can be greatly affected by reporting errors).

3.2 Rules of Superintendence.

The Supreme Court of Ohio's Rules of Superintendence first became effective on September 31, 1971, thus too early to evaluate in the present research.

The Rules for the Courts of Common Pleas, promulgated under Section 5 (A)(1) of the Ohio Constitution, explicitly address the problems of delay in criminal and civil cases (C.P. Sup. R., Preface). To this end, the rules contain provisions for the use of individual dockets, the selection of administrative judges in each division of each court with responsibilities for the management of the division's caseload and for statistical reporting to the Supreme Court, and time standards. Since 1971, additions and amendments to the rules have added authorization for the use video technologies and the establishment of arbitration programs for civil cases. A 1973 amendment also gave criminal cases priority (C.P. Sup. R. 7(B)).

All Courts of Common Pleas and all divisions within these courts must use individual assignment systems for the assignment of cases to judges (C.P. Sup. R. 4). Although their use was mandated after September, 1971, Grau and Sheskin (1982) note that Franklin (Columbus) and Mahoning (Youngstown) counties adopted individual calendars a full year before.

Rule 3 provides that each division of a multi-judge bench shall have an administrative judge. The administrative judge has "...full responsibility for and control over the administration, docket, and calendar of the division..." (C.P. Sup. R. 3(B)). This rule directs administrative judges to maintain records indicating the number of pending cases which each attorney is to

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[3]Prior to the new law, the courts interpreted the statute to allow extensions of the time limits if the prosecution was ready, but the courts did not have time to try the case (Comment, 1974b).

try. The administrative judge is also responsible for establishing auditing and accounting procedures for monitoring and reporting on caseloads.

The Rules of Superintendence established five time standards:

1) Cases on a docket for six months without any proceedings are to be dismissed, although exceptions can be granted if good cause is shown (C.P. Sup. R. 6).

2) All cases and motions pending for over 90 days must be reported to the Supreme Court (C.P. Sup. R. 6, added by amendment effective Aug. 13, 1979). Cases are pending from conclusion of trial, motions from filing.

3) When an accused is bound over to the Court of Common Pleas, the grand jury must take final action within 60 days or the judge is to dismiss the charges (C.P. Sup. R. 8(A)).

4) Criminal cases must be tried within six months of arraignment (C.P. Sup. R. 8(B)).

5) Courts must impose sentence within 15 days of the receipt of the presentence report (C.P. Sup. R. 8(C)).

A 1973 amendment to the rules allowed the courts to make use of audio and visual technologies for the creation of records of proceedings and for the presentation of evidence. This authorization was further expanded in 1975 to include videotaped trials in which videotape is the exclusive means of presentation of evidence in civil trials (C.P. Sup. R. 12, as amended, 1975). Only Erie County has thus far made extensive use of the authority ("Erie County Videotape Trials Produce Results," September, 1980). The use of videotaped trials in civil cases seems unlikely to have had much impact on criminal backlog.

Since these provisions of the Rules were, for the most part, introduced together, we shall be unable to separate their individual effects, but shall have to treat them as a package of contemporaneously introduced innovations.

3.3 Other Changes that Can Affect Delay.

Plea Bargaining. Although approving plea bargaining as a mode of case disposition (State v Griffey), the Ohio Supreme Court has changed its mind about whether judges should participate directly. In State v Griffey (1973), the court banned judicial participation. Seven years later, in State v Byrd it backed away from the outright ban to a position that judicial participation should be discouraged and, when it does occur, closely scrutinized for judicial coercion. Whether the ban on judicial participation from 1973 through 1980 had much effect in practice is questionable. The author of a comment on State v Byrd (Comment, 1981) notes that the fact that Byrd arose shows that Griffey was not being enforced. Moreover, Alfini and

Ryan (1979) found that compared with judges from other states, Ohio judges were unusually likely to participate in plea negotiations. Thus we should expect that this change will have made little difference to caseload disposition.

Diversion. Effective June, 1978, prosecuting attorneys were authorized to establish pretrial diversion programs (ORC 2935.36). Since more serious crimes, repeat offenders, and dangerous offenders are excluded from consideration for pretrial diversion, the effect may have been to increase the average seriousness of the cases that do receive full criminal prosecution. If so, the effect may have been to make the remaining caseload more difficult to dispose.

4. DATA GATHERING

4.1 Procedures for Gathering.

The Rules of Superintendence instruct judges of the Court of Common Pleas to submit--through the Administrative Judge of the Court--monthly reports on court activity (C. P. Sup. R. 5). Standardized reporting forms were introduced following the adoption of the Rules of Superintendence in 1971. Each judge as well as any visiting or retired judge temporarily assigned to a court is responsible for submitting Form A. The form was revised in 1986, but the changes were minor. The earlier version of the form does not distinguish between new filings and reactivations and transfers. Prior to 1986, dismissals for want of prosecution were not distinguished, but dismissals with and without prejudice were separated.

The Rules of Superintendence Manual provides copies of the forms to be used in statistical reporting and instructions for their completion (Manual, p.99). These instructions are intended to assure the "comprehensiveness (reporting the filing and termination of all cases) and coherence (all courts defining and reporting cases with similar fact patterns in a similar way all the time)" (Manual, p.100). The Manual defines the contents of each line and column of the individual judges' reporting forms. Cases are to be classified on the basis of the principal issue involved. If it becomes clear that the original classification was incorrect, court personnel are directed to amend the report and any subsequent reports. These instructions are generally clear and concise, but not without error. An obvious error occurs in the instructions for reporting terminations by reason of pretrial. Judges are directed to report plea bargained dispositions on line 11 of Form A, but line 11 is not the plea bargaining category, but rather diversion. Local court personnel are directed to call the Administrative Office of the Courts with questions.

Local courts have introduced computerization of their record-keeping over the years. Some were using automated systems before the study period began.

4.2 Procedures for Checking.

Local court personnel are required to check the arithmetical accuracy of individual reports and month-to-month consistency of the reports. If a reporting judge finds an error, it is to be reported on the next monthly report with a comment. Judges and administrative judges must sign the reports, indicating their accuracy. According to Grau and Sheskin (1982), however, at least some administrative judges routinely sign the individual reports without inquiring into their accuracy.

The Manual "suggests" that the quarterly review of cases required of all judges under Rule 6 include a physical inventory, but no attempt is made to determine whether such local audits are made (Manual, p.15; Grau and Sheskin, 1982).

At the state-level, Rule 5 requires that the Administrative Director assure the accuracy and consistency of the reports by similar tests as those suggested for the local courts themselves (Manual, p.99). No statewide auditing or state-directed auditing has been undertaken (Grau and Sheskin, 1982).

4.3 Problems with Data.

The filing and disposition data included cases transferred between judges, and the courts were often confused by the subcategories of dispositions. These are discussed below.

5. DATA ELEMENTS

The annual reports include statistics on filings, dispositions, and pending cases within categories of case types (e.g., felony, personal injury, other civil), reported by county. On the reporting forms from which the totals are computed, they appear by individual judge (Report Form A). Disposition types are reported within case type for both criminal and civil matters (85R34,44), but conviction rates are not reported.

5.1 Filings.

A criminal case is initiated with the filing of an indictment or information charging a defendant with one or more criminal charges. The statistics are for felony cases only (see 86R20B). For statistical purposes, a criminal case is counted as

filed when the defendant is arraigned in the Court of Common Pleas on the indictment or information. The statistical unit is the defendant.

Criminal filings several categories of cases that are not original filings (Manual 82), amounting to 6% of the filings in 1986 (86R17B). These include 1) original actions 2) reactivations of cases which had been terminated because of defendant unavailability,[4] and 3) cases transferred from one judge to another (there were 1170 transfers in 1986, 86R19, or 3% percent of filings). The filing measure used in this study excludes transfers.

5.2 Dispositions.

Dispositions are counted at the time of sentencing (Manual p. 83), other final disposition, transfer to inactive status, or transfer to another judge. The statistical reports give substantial detail on the mode of disposition. The following types of dispositions are given in the 1986 annual report:

Diversion - 1%
Dismissal (with or without prejudice) - 8%
Dismissed at pretrial - 1%
Dismissed FC 2945.73 (speedy trial) - 1%
Guilty Plea to original charge - 39%
Guilty plea to reduced charges - 32%
Transfers - 3%
Defendant unavailable - 5%.

Terminations for unavailability of the defendant occur, for example, when the defendant is on mental status, incarceration on other charges, or flight from custody (Manual 85). These terminations are made when "the judge determines that there is little likelihood that the accused will be available for trial or hearing within a reasonable period of time."

The transfer termination includes cases transferred from one judge to another by assignment of the administrative judge. It is also counted as a filing.

Some courts have had difficulty with these complex categories of dispositions data. One major problem is the dismissal at pretrial, which is defined as cases dismissed

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[4]Filings and bindovers of felony criminal cases are also reported by court for limited jurisdiction courts. These are grouped by District and could be associated with filings in the Courts of Common Pleas (85R36). Also, differences in local screening and dismissal policies can be calculated for these county and municipal courts.

between the pretrial conference and start of trial. Grau and Sheskin (1982) report that judges gave very different interpretations to this category, with some interpreting it as meaning disposed "at pretrial" and others interpreting it as disposed "before trial." The 1984 revision of the Manual attempted to clarify the definition of the category, stating explicitly that guilty pleas are not to be included in the category. The data reported by the courts generally show very few cases in this category. However, eight counties[5] reported high numbers for some years and low numbers for later years, accompanied by corresponding increases in guilty pleas; it seems clear that guilty pleas were shifted from the disposition at pretrial category to the guilty plea category. Hence, the best estimate of the amount of guilty pleas is the figures for guilty pleas plus cases disposition at pretrial (although this includes a few cases dismissed between pretrial conference and the start of trial).

The distinction between the "guilty plea" and "reduced charge" categories is probably inconsistent across courts, and these two guilty plea categories must combined when used.

Finally, many counties seem to count guilty pleas as nonjury trials, changing in the late 1970's and early 1980's. This means that the number of nonjury trials is over blow in early years.[6]

5.3 Criminal Pending.

Pending cases are those that are not disposed and their composition is determined by the definitions of filings and dispositions.

5.4 Trials and Guilty Pleas.

Jury trials. A disposition is counted as a jury trial if a judgment is rendered after a jury is sworn. Instructions to clerks compiling statistics explicitly state that a settlement or

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[5]The counties and year of change are: 18 Cuyohoga (1978), 23 Fairfield (1983), 29 Green (1977), 31 Hamilton (1980), 44 Lawrence (1978), 47 Lorain (1980), 73 Scioto (1986), 77 Summit (1981).

[6]The counties are (and the years of change): 8 Brown (1980), 9 Butler (1980), 14 Clinton (1978), 16 Coshocton (1980), 17 Crawford (1985), 29 Green (1978), 46 Logan (1979), 52 Medina (1979), 53 Meigs (1978), 54 Mercer (all years except 1976-7), 56 Monroe (1981), 64 Perry (1980), 70 Richland (1979), 73 Scioto (1984), 78 Trumbull (1977), 82 Vinto (1980), and 88 Wyandot (1979).

dismissal in a civil case or a dismissal or plea in a criminal case after the jury is sworn counts as a jury trial (85R34,44; Manual, p.103).

Bench trials. The court trial category includes cases terminated as a result of a trial to the court after the first witness is sworn. Again, a dismissal, settlement or plea after the first witness is sworn in a court trial is statistically a court trial (85R34,44; Manual, p.103).

Guilty pleas. Statistics are available for the number of guilty pleas, broken down after 1979 into pleas to crimes charged and to reduced charges. See the discussion of guilty pleas in Section 5.2.

5.5 Time Lapse Measures.

Numbers of cases pending more then 6 months gathered from the courts, but the annual report gives only the state-wide total.

5.6 Judgeships.

The data for the number of judges is the number in the general division of the court (see 86R9B), excluding judges assigned only to a domestic, juvenile, or probate division. In 1986 there were 209 general division judges, 63 percent of the 330 total Common Pleas judges. Since criminal cases are heard only in the general division, general division judges are a better measure of judicial resources available for criminal cases.[7] No information is available concerning then number of extra judges.

5.7 Conviction Rates.

Conviction rates are not reported.

5.8 Other Criminal Data.

No other relevant data are reported.

5.9 Civil Cases.

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[7]For all practical purposes in the current research, there is probably no distinction between the total number of judges and the number of general division judges, since within county changes in one were almost exactly matched by within county changes in the other.

Filings. For statistical purposes, a civil case is considered filed when a complaint is filed pursuant to R. C. Chapter 1923 or 5321 (Ohio Supreme Court Rules of Superintendence Implementation Manual, p.83). Cases transferred in or reactivated are included as filings in the annual reports (85R44).[8] In Ohio's statistical reporting system, a regular civil case is one appearing in either the "personal injury" or "other" category (85R44,46). The "other civil" category includes contracts, workmen's compensation, appropriations cases, and all other civil cases that do not fall into any of the preceding categories (Manual, p.101). Domestic relations are reported separately. Workmen's compensation and appropriations cases constitute about 8 percent of the "other" civil category.

Dispositions. The annual reports give substantial information about the type of civil dispositions. Cases are counted as disposed by pretrial if they are settled or there is a withdrawal of the complaint at or after a pretrial conference, but before a court or jury trial is counted as having commenced (Manual, p.103). Default judgments in civil cases are recorded under "default." "Arbitration" includes cases for which an arbitration panel has filed a report and award and the period for filing an appeal has expired (Manual, p.104). Dismissals for want of prosecution under Rule 6 of the Rules of Superintendence for the Court of Common Pleas are recorded as are recorded separately from other dismissals in civil cases (85R44; Manual, p.15). Finally, transfers to other courts or judges and terminations as a result of the issuance of a bankruptcy stay and categorized and reported (85R44). Both of these may appear as reactivated cases in the new filings category.

Time Lapse. The annual reports give the number and percent of cases pending beyond the time guidelines (24 months for personal injury, 12 months for workers compensation, 6 months for condemnation, and 12 months for all other cases). These data, however, are only state-wide.

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[8]Since the 1984 revision of the Manual, transferred in and reactivated are separated from new filings by the local courts.

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OREGON REPORT

1. OUTLINE OF COURT STRUCTURE AND PROCEDURES

1.1 Courts and Jurisdiction

The Circuit Court is the court of general jurisdiction, organized into 20 districts (numbered from 1 to 21, but there is no district 19); nine contain one county and the rest contain two too five counties. The limited jurisdiction court is the District Court, with jurisdiction over civil cases involving $10,000 or less (raised from $3,000 in 1985), misdemeanor cases, and felony preliminary.

The district boundaries have varied. The 14th District (Lake County) was merged into the 13th in 1981, and then recreated with Josephine County in 1985. Also in 1985 Gillian and Wheeler Counties were moved from the 11th district to the 7th, and Grant County was moved from the 11th to the 8th.

The District Courts became courts of record in January 1977, and appeals from the District Courts went to the Court of Appeals, rather than to the Circuit Court. Since 1977, the Circuit Court criminal caseload contains only of felony cases.

The judges are elected from their districts. Twelve of the 20 courts have trial court administrators. Each county has a district attorney. The defense systems varies from county to county, using public defenders, assigned counsel, or contract firms. The state assumed funding for defense in 1983.

1.2 General Procedures in Felony Cases.

Felony cases generally commence in Circuit Court by either indictment or complaint. (Direct informations in the Circuit Court and Secret Indictments are less common starting instruments.) District attorneys usually prefer indictment, because they can control grand jury scheduling. If a complaint is used, the District Court conducts the initial appearance and preliminary hearings, and cases where probable cause are found are bound over to the Circuit Court.

An arraignment is then held in the Circuit Court, where the defendant enters a plea. Courts than typically hold a pretrial conference to discuss plea possibilities and trial scheduling.

Plea bargaining is governed by a 1973 law, which states that DAs may enter into plea discussions (ORSA 135.405 ff.). The plea agreements may include recommended sentences and dismissal of other charges pending. In determining whether to engage in plea

discussions, the DA may take into account, among other things, that the plea will insure prompt disposition of the case and that the "defendant by his plea has aided in avoiding delay in the disposition of other cases and thereby has increased the probability of prompt and certain application of correctional measures to other offenders." The trial judge can review the proposed plea agreement and inform the prosecution and defense whether he/she will accept the agreement, along with the sentence recommendation.

2. JUDGES AND ATTORNEYS

2.1 Introduction.

Circuit Court judges are elected from their district. The districts vary from one judge in the 8th, 9th, and 10th to 20 judges in the 4th (Multnomah). The dates for creation of new judgeships are available from the annual reports.

2.2 Extra Judges.

The Circuit Courts make moderate use of temporary judicial help from visiting circuit judges, District Court judges, and attorneys designated judges pro tem. The number of days of temporary help is given in annual reports through 1984. In 1976 the Oregon State Court Administrative Office (OSCA) conducted a study of the use of pro tem judges and found that most were used to fill in during days when regular judges are absent, mainly for vacations. Pro Tem judges may have been used more in the late 1970s - e.g., 1,352 days in 1979 and 571 days in 1984, but the total amount of temporary judge use has not decreased greatly since the reduction in pro tems is nearly counterbalanced by the increased use of District Court judges.

A second OSCA study of pro tem judges concluded that their use was not associated with changes in number of trials or the amount of delay during 1979-81.

3. DELAY REDUCTION EFFORTS AND OTHER CHANGES AFFECTING DELAY

3.1 Speedy Trial Law.

There are no specific statutory time limits for time to trial. (But, if an indictment or information is not returned within 30 days of holding a person to answer, the action will be dismissed unless good cause is shown. ORSA 135.745.) A defendant must be brought to trial within a reasonable time, unless he or she has requested, or consented to, an extension; otherwise the charges are dismissed. ORSA 135.747. The Oregon Supreme Court has held that reasonableness must be determined in light of the

facts of each case. State v. Harrison, 455 P.2d 613 (1968). Four major factors are used to determine if a delay is unreasonable: (1) bad faith of the state, (2) prejudice to the defendant's case caused by the delay, (3) actions by the defendant contributing to the delay, and (4) defendant asserting his right to speedy trial in a timely manner. Dismissal for unreasonable delay bars another prosecution of serious misdemeanors and felonies. ORSA 135.753.

3.2 Other Delay Reduction Efforts.

Time Standards. In January 1986 the Judicial Conference Executive Committee adopted a resolution essentially adopting the Standards of Timely Disposition recommended by the National Conference of State Trial Judges. For felony cases, the standards suggested that 90% be disposed in 120 days from arrest, 98% within 180 days, and 100% within a year. The Judicial Conference resolved that courts that do not meet the guidelines adopted a formal program to reduce delay. All courts are to specify delay reduction goals for the end of 1986, 1987, and 1988, as well as programs to achieve the goals. According to OSCA staff, this is considered mainly a local effort, without centralized control by the OSCA.

The number of courts that prepared goals and programs is not known. Several courts sent the OSCA information about their goals: 2ed District (Lane County); 6th District (Umatilla and Morrow Counties); 8th District (Baker County); 9th District (Malheur County); 21st District (Linn and Benton Counties). The 6th District, however, submitted goals for the time from the first appearance in the Circuit Court.

Fast Track. In 1985 several courts have also initiated "fast track programs," which also involves setting goals, and emphasizes monitoring by computer reports to make sure the goals are met and keeping track of cases not meeting goals. The courts include Douglas (16th), Lane (2ed), and Lincoln (17th). The Douglas plan is reportedly aimed mainly at civil cases. In Lincoln the plan started in July 1985, with a goal of 60 days from arraignment to trial for in custody defendants and 180 days for others.

Multnomah County. The Multnomah (Portland) court has long had a delay reduction program. When a backlog of felony cases reaches 500 cases, two judges hear only criminal cases (instead of the normal situation in the court, where judges hear both criminal and civil cases). (Boland, p. 120)[1]

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[1]The reference is to the list of references at the end of the report.

Multnomah institute a new delay reduction program in September 1984, which

- gave authority over criminal justice administration to a single judge (judges previously rotated every 60 days as chief criminal judge),
- established a new pretrial conference, where the judge meets with the prosecutor, defendant and defense lawyer to set a deadline for accepting plea offers and establishes a firm trial date. Also, the conference resolves disputes over discovery matters. In the conference, which is held in open court, the prosecutor can also offer a specific sentence. If the plea is accepted, the judge takes the plea immediately. (Previously, the judge did not attend the pretrial conference.)
- Hired an attorney on a part-time basis to preside at pretrial conferences and to hear probation revocation hearings.

3.3 Other Changes That Can Affect Delay.

Starting January 1977, appeals from the District Courts went the Court of Appeals instead of the Circuit Court, thus changing the composition of the criminal caseload somewhat. The number of appeals before 1977 is not known. There were only one to three hundred criminal appeals per year from the District Court to the Court of appeals in 1977-79, but defendants may have been more reluctant to file in the Court of Appeals than in the Circuit Court.

State funding, which took effect in 1983, may in the long run result increased pressure to reduce delay.

4. DATA GATHERING

4.1 Procedures for Gathering.

The data relevant to this study come from two forms that the courts send to OSCA every three months: SCA-1, "Report of Civil, Domestic Relation, and Criminal Cases," and SCA-3, "Quarterly Summary of Cases Tried." The forms are accompanied by instruction sheets seven and five pages long respectively. The instructions and data forms were revised in 1985, 1978, and 1976, and 1975 (and the revisions were effective the following years). The SCA-1 form has remained the same, except for a changes concerning inactive pending cases (see below). The Form SCA-3 was revised from and old Form AO-2 in 1976, but the information collected is essentially the same information. The later changes were not significant.

From 1973 to 1980 the statistical system was overseen by the Oregon Judicial Council Statistics Committee, composed of judges

and court administrators. The committee's work ended when funding for the Judicial Council was cut. A new statistics committee was established in January 1985, composed of six judges and court administrators.

Most data gathering at the courts is done manually. Typically, it is by the clerk who handles the particular section of the court - e.g., criminal, civil, or juvenile. A questionnaire survey sent to the courts in 1985 found that 16 of 24 courts responding used manual systems to collect data, and the other 8 used a combination of automated and manual systems. The questionnaire also asked what problems were faced in collecting data, and the most common response was the staff time required to prepare the statistical reports.

The Oregon State Judicial Information System began in the mid-1970s in Marion and Multnomah, and several other courts were added in later years. The state now plans to automate all courts. The state is preparing new statistical reporting requirements for courts that have computers.

4.2 Procedures for Checking.

The AOC does not check the data received, beyond checking for consistency in the reports. The instructions for the data forms are sent to each court each year, and they state that any questions should be addressed to the AOC.

Training sessions for statistical gathering were given in the court clerks' conferences in 1975 and 1978. The 1978 conference included clerical personnel.

OSCA staff testimony to the judiciary committee in 1977 stated that there is need to educate court clerks concerning the OSCA instructions and for in-court monitoring and periodic auditing of the statistical gathering. The testimony explained that auditing of court activity was common in some areas (appellate statistics, traffic court matters by the Department of Motor Vehicles, and revenue collection by the Department of Revenue), but auditing of the general work of trial courts would require a large staff.

The OSCA requested LEAA funds in 1977 for two trial court monitors to carry on some audit duties, but this apparently was refused.

4.3 Problems with Data.

The problems with individual elements of data are discussed below. In general, many judges and court administrators believe that courts use different definitions for filings, trials, and

other key data elements. Also, many feel that the instructions are not easily understood. Important here is a questionnaire sent by the Statistical Committee to the courts in 1985, asking about their practices concerning definitions of different data categories. Twenty-four of the 36 county Circuit Courts responded, and only six said that they follow the OSCA instructions fully. The results are further discussed below with reference to particular types of statistics.

Also, in 1979 Norman Meyer evaluated the statistical reporting system in the Circuit Courts of four counties (Clatsop, Multnomah, Lane, and Klamath). Overall, he had a rather negative opinion of the statistics; in specific he concluded that the data gathering system in one Circuit Court, Kalmath, was inadequate for counting dispositions.

Marion County has several problems, as discussed in sections 5.1 and 5.2. The judge of the Malheur Circuit Court (9th District) wrote the OSCA in 1986 that the reports sent in before 1986, especially the 1985 report, are inaccurate, particularly for civil cases, and cannot be relied upon for other than a rough guide. Also in the 9th Circuit, as discussed below, the Harney County statistics are suspicious because the DA changed charging procedures.

Also, Multnomah County pending statistics are frequently not comparable to those from the other counties, especially because they appear to switch between reporting and not reporting inactive pending.

5. DATA ELEMENTS

5.1 Criminal Filings.

Criminal filings, according to the instructions, are "each accusatory instrument that is assigned a separate case number," and counts within instruments are not separate cases. The instructions state that filings are not to include reopened or reinstated cases. A criminal prosecution is considered filed at the date of first appearance of the defendant to answer the charge - i.e., at arraignment.

The instructions are not always followed. The 1985 questionnaire to the courts asked whether cases are counted at first appearance; 16 of 20 courts responding said they did, but 4 said they count when the indictment is filed. Also 12 of 24 courts said they counted reinstatements as new filings (and later as terminations). When the defendant changes plea and is convicted of a reduced charge, 3 of 24 courts said it was counted as a new filing.

A major problem with the criminal statistics, according to the OSCA staff, is the that prosecutors have different policies concerning filing criminal cases. Some count each charge, and others join charges; some join defendants in one "accusatory instrument," and others use separate instruments for each defendant. The 1985 survey asked whether the DAs filed multiple indictments for multiple counts (for a single defendant), and all but four courts said that the DA may or may not do so (one court responded that there was a separate indictment for each count, and three that the counts were joined in one indictment). Also, the director of the Public Defender Office surveyed the courts in 1986 to find out how cases were counted, in order to determine how public defenders should be paid. The question asked was whether cases involving separate defendants are counted separately. Of the 17 responding courts, 11 said the DA did not follow a consistent pattern, two said the defendants were given separate indictments, and four said the DAs joined the defendants in a single indictment. In one county, Harney, the DA began placing multiple defendants in a single indictment in 1985, and the court statistics show that the volume of filing dropped 50 percent.

Changes in practice, such as in Harney, may or may not be common. In Marion, the DA changed from filing separate counts to joining counts (about 10 years ago) at the urging of the court.

The definition of a filing recently became important because the state now finances public defenders, and the compensation is based in part on the number of filings. The OSCA has requested new legislation requiring DAs to use uniform charging practices.

Also, the prosecutors sometimes have discretion as to whether to charge a case as a misdemeanor or as a felony (DWI is the major example), and filing volume can depend on practices in this regard.

Before 1970 cases were filed at the filing of the indictment; this was changed to when the warrant was filed, and finally, effective 1976, it was changed to the date of arraignment. The warrant served date is probably the date when the defendant is served. These changes can have a substantial impact, since indicted defendants not found are not included in the filing figures when counted at arraignment, but may be at the date of warrant. The change was made because the judges did not think it fair to have statistics show cases for which the court is not responsible because the defendant did not appear. Some judges and court administrators, however, think cases should be counted at time of indictment because the file has been openned, and often some work conducted by the judge - e.g., bench warrants.

The Marion court did not change definition of filing (to the appearance stage) until about 1979; the number of filings went way down. A court administrator in the 6th District wrote the OSCA in 1984 saying that the courts there used to differ concerning whether cases are counted only upon first appearance, but this problem was corrected.

In Marion the DA files a separate indictment when defendants fail to appear for trial, and this is counted as a separate filings. This accounts for approximately 300 filings a year. The OSCA staff said that this is the only court that counts failure to appear indictments as filings.

5.2 Criminal Dispositions.

Cases are considered terminated, according to the instructions, when there is an "entry of judgment, decree, order of dismissal, bail forfeiture, or transfer to another court or jurisdiction." Dispositions occur at sentencing (see the 1979 memo on inactive criminal case computation). Dispositions of reinstated cases are not counted as dispositions (this provision was added in the December 1985 instructions, and as discussed in section 5.1, courts apparently differed on this in earlier years).

The courts monitor cases on which there has been no action, notify the parties, and if there is no response dismiss cases for lack of progress. The 1985 questionnaire found that the most common no-action times were 2, 3, and 12 months (although it is not clear whether the question referred to all cases or just criminal). The OSCA staff said that the number of dispositions can be affected greatly if DAs decide to clean out the deadwood in pending cases.

Placing the defendant in a prejudgment diversion program is not a disposition (according to the instructions, it is an event that places the case in inactive status). Diversion in felony cases, however, is uncommon.

5.3 Criminal Pending.

Pending cases are all cases filed and not disposed; thus pending figures include both active and inactive pending cases. The pending figures are affected by changes in how filings and dispositions are counted (see Sections 5.1 and 5.2). Statistics are also prepared for the length of time cases are pending (see Section 5.5).

The reporting forms were changed, effective January 1, 1979, to permit courts, if they wished, to separate active and inactive pending cases. The December 1985 instructions required that both

be reported. In earlier years, Multnomah County often did not include inactive cases in pending figures.

The instructions state that the number of pending at the beginning of a quarter must be the same as the number pending at the end of the last quarter, and they state that end pending is calculated by adding prior pending and filings and subtracting dispositions. One study found that, in practice, the pending figures often did not balance, and the clerks adjust the figures when they are off by small amounts (Meyer p. 10).

Inactive pending. Even though cases are counted at arraignment rather than indictment/information, there are many inactive pending cases. In 1986 they comprised 10 to 40 percent of all pending cases (in the Marion County Circuit Court, inactive cases are half the pending cases, probably because cases are counted as inactive after verdict, and awaiting a presentence report). As discussed below, the definition of inactive pending was change in 1986.

Inactive pending criminal cases, according to the 1985 instructions, are cases "outside the court's control due to circumstances that are regulated by some other court or agency, or the unavailability of the defendant due to the failure of the defendant to appear for any scheduled appearance following first appearance." Examples of events that trigger inactive status are interlocutory appeals, commitment for psychiatric examination, detention elsewhere, issuance of a bench warrant, placement in a pre-judgment diversion program. When inactive cases are reactivated (and if they have not been previously counted as disposed) they are counted as active pending.

The great bulk of inactive cases have defendants who failed to appear. For example, statistics from Lane county show 309 inactive cases in Nov. 1985, out of 1500 pending; 231 were on bench warrants and 39 for other warrants. The rest were interlocutory appeal (16), diversion agreement (10), outside jurisdiction (5), hospitalization (7), and stay (1). However, in Marion county, according to the staff, there were quite a few deferred sentence cases (probably because the court does not count dispositions until sentencing is complete). Information from Multnomah for May 1979 (in a National Center for State Court report) show 1323 inactive pending; 532 were on "other warrant," and 409 on bench warrants. The only other large categories are 185 cases pending presentence and 103 pending appeal. Only four were awaiting psychiatric exam. Also, 332 of the 1323 inactive cases were pending for over a year, 206 from 6 to 12 months, 213 for 3 to 6 months, and 572 for under 3 months. Almost 785 of the 867 active were pending under 3 months, and none over a year.

There were several shifts in the definition and reporting of inactive pending cases. Before 1979, there was no provision in

the instructions for reporting inactive pending cases (Multnomah County apparently left out inactive pending cases, however). Starting in 1979, the courts were given the option of leaving out inactive cases, but only those that had been inactive for 90 days or more. Judging from the statistics, most courts did then separate out inactive cases (but the 90 day requirement apparently was often ignored). The 1985 statistical report shows that the vast majority of courts separated out inactive cases, and the ones that did not were mostly small counties (Jackson was an exception). Statewide 27 percent were inactive, but for some counties the figures were very high (Multnomah - 53 percent; Umitalla - 85 percent; Grant -76 percent; Tillamook - 61 percent). The 1985 instructions (effective January 1, 1986) changed the inactive pending category in two major ways: making the reporting of inactive cases voluntary, and taking eliminating the requirement that cases not be reported inactive until they had been outside the court's control for 90 days.

Multnomah County is apparently inconsistent in reporting inactive pending. Inactive pending cases were reported in 1974 (for Multnomah only), 1979 and then in 1983 (but not in 1980-82). In 79R38 more than half of Multnomah County cases are counted as inactive pending, but very few of the cases in other counties. The figure for pending in 78R38 is similar to the active only pending in Multnomah in 1979. The 1978 figure therefore may be active pending (even though the introduction to the table states that inactive cases are included). In 74R33 figures are given for inactive and inactive cases from Multnomah (89 inactive, 678 active; no active cases pending over 6 mo. the total pending are given in the pending table). The figures for 1978-81 for Multnomah do not make sense: pending figures were 939, 2848, 2833, and 1706 even though disposition figures were similar to filings (except that there were 1000 more filings than dispositions in 1979). As discussed above, the National Center for State Court study found that 867 of 2190 pending in May 1979 were inactive.

5.4 Criminal Trials and Guilty Pleas.

A criminal trial is counted when the jury is sworn in or, for non-jury trials, when the first witness is sworn in. Cases consolidated for trial are counted as one trial. The only change in the statistics reporting instructions was a statement added in 1985 that reinstated cases are counted as trials; it is not known what earlier practices were in this regard.

The 1985 questionnaire survey asked how the courts defined trials. Twelve of 23 courts responding said they followed the instructions, but 11 used a variety of other definitions, such as when final decision is entered or when judge and counsel are present and something is placed on the record.

There are no statistics concerning the number of guilty pleas.

5.5 Time Lapse Measures.

Age of pending cases. Statistics are available since 1974 for the number of cases pending up to 6 months. In addition, since 1980 data are available for the number pending 6 to 12 months, 1 to 2 years, and over two years. A 1979 OSCA staff memo states that these figures are the major measures of court performance used. But these statistics have several problems.

The figures are for active pending whenever the court distinguishes between active and inactive, and for all pending otherwise. As discussed in Section 5.3, before 1979 pending figures included all pending; from 1979-1985, courts had the option to take out inactive pending; and starting in 1986, all courts were required to do so. As for pending time for active cases, the 1978 instructions say that the time excludes the 90 day waiting period required before a pending cases can be counted as inactive, and it excludes the inactive time for reactivated cases. The instructions required this computation (even though reporting the number of inactive cases was voluntary). The 1985 instructions state that neither the 90 days nor inactive time for reactivated cases are to be excluded. See, also, the discussion on definition of pending cases in Section 5.3.

The practices between 1978 and 1985 varied. The 1985 questionnaire found that 14 of 24 courts responding said that they do not account for inactive times in age of pending case data.

Also, the age of pending cases is greatly affected by inactive cases. In Marion, as discussed above, nearly all the cases pending over 12 months were inactive cases, and most of the inactive cases were over 12 month, although quite a few were in the 6 month or less category. Lane Circuit Court statistics for November 1985 show that of the 309 inactive cases, 152 were pending over 3 years and 216 over one year, whereas excluding inactive time, only 5 of 1050 cases were pending over 3 years and 36 over 1 year (and only 77 over 9 months).

In sum, the analysis can only use figures for age of pending cases if variables are entered to control for counting changes.

Mean age of cases tried. The mean age of cases tried is available since 1975. Before 1976 (see 75R32) the time is computed from the date of service of warrant. After 1975 it is from the data of the arraignment. The time is computed from the beginning of trial, as defined above in Section 5.4, and the figures include both jury and nonjury cases. The mean time is

expressed in terms of months through 1976, and in terms of days thereafter.

If the case was inactive, the 1985 instructions say the inactive period "shall" be deducted, and the 1978 instructions (effective January 1979) say "may" be deducted. There is no indication from the published reports whether a particular court deducts this time, but it is safe to assume that courts that do not report active/inactive pending also do not deduct inactive pending time. The Lincoln court administrator wrote in 1984 that courts with SJIS systems cannot subtract out the inactive time unless they do so manually; and he implied that his court did not do so. The Marion Circuit Court does not subtract out inactive time; it did so in the past, but stopped because it is too difficult.

Data are also available for the median age of cases tried from at least 1972 until about 1976, but not for recent years. These figures were prepared by the OSCA from form SCA-2, which listed all trials and which was discontinued because it burdened the clerks' offices.

5.6 Judge Data.

The annual reports contain the number of authorized judges, and the number of judges plus help received from extra judges. There are data through 1984 for the number of days help received from 1) visiting circuit judges, 2) District Court judges, and 3) pro tempore judges. Also figures are given for the numbers of days help given other districts and the net number of days help given or received. Also, the effective dates for new judgeships are given (e.g., 84R31).

5.7 Conviction Data. None.

5.8 Other Criminal. None.

5.9 Civil Data

Filing. Civil filings, according to the instructions, occur when the complaint, petition, notice of appeal, or other initiating document is filed. Refilings or reopenings are not counted as separate filings.

Separate figures are given for civil and domestic relations. Civil are defined as all civil, excluding domestic relations, probate (and guardianship, adoption, and commitment), and juvenile cases. The instructions changed in 1986; the instructions until that year stated that the civil category excludes transcripts of judgments from lower courts and tax lien cases, so these categories were apparently added.

The domestic relations category changed from "dissolution" cases to "domestic relations," and the earlier instructions states that child support cases are not included, whereas this statement is not in the later report.

Pending. The pending figures are for total pending. Inactive pending were not given separately until 1986. According to the statistical instructions, inactive civil cases are limited to situations where the case is being litigated elsewhere or a party is in the armed services. There are no domestic relations inactive cases.

Other delay measures. The number of cases pending up to 6 months, 6 months to a year, one to two years, and over two years are given for regular civil and dissolution back to 1980, and for all civil back to 1974. These are total pending through 1985 and active pending in 1986. The mean age of cases tried is also available since 1975 (and the median age is available for 1972-76).

Trials. Civil trial data may not be usable, especially with respect to domestic relations. Civil trial have the same definition as criminal cases. Trials in dissolution cases must have both parties present and a genuine trial with issues of disputed facts. The instructions stress that trial in dissolution proceedings include only cases with both parties appearing and with a bona fide trial of disputed issues of fact. There have been troubles with the trial measure, for example courts differ concerning whether to include trials on the record from the W.C. Board, hearings upon motions for summary judgments, default hearings, and uncontested divorce hearings. The new 1985 instructions provide a list of proceedings that are not to be included in definition of trials, including proceedings that are supplemental to a judgment, suggesting that there may have been troubles with the trial data in prior years.

There are other indications of problems with the number of civil trials. The 1985 questionnaire asked if the courts counted stipulated fact trials, and 5 of the 24 courts responding said they did. In Marion the clerks have difficulty determining whether a trial is contested or uncontested in both civil and domestic relations cases. In February 1977, the OSCA studied how Lane and Marion Counties were counting trials, and found the Lane was sticking to the OSCA definitions, but that Marion was inflating the figures by counting trials by stipulation of fact, requests for summary judgments, and stipulated settlements. As to the latter, later in 1977 the instructions were amended to say that trial do not include the situation where the attorney is sworn in to testify to the fact that the case has been settled. Courts have been doing that, and an OSCA staff member testified to the legislature in 1980 that this practice may still occur in spite of the instructions.

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PENNSYLVANIA[1]

1. OUTLINE OF COURT STRUCTURE AND PROCEDURES

1.1 Courts and Jurisdiction

The Court of Common Pleas (C.C.P.) is the general jurisdiction trial court, and the District Court (D.C.) is the limited jurisdiction court. The C.C.P. has jurisdiction over all matters that are not exclusive jurisdiction of another court. (Const. Art. 5; 42 Pa.C.S.A. 931.) The D.C. has jurisdiction with common pleas over "summary offenses" and "citations." Summary offenses are those punishable by not more than 90 days imprisonment (18 Pa. C.S.A. 107(c)). The D.C. has jurisdiction in civil cases involving up to $4,000. Decisions of the limited jurisdiction courts are appealed to the C.C.P.

The Philadelphia court system differs from that of other counties. The Philadelphia Municipal Court has concurrent criminal jurisdiction with common pleas over matters punishable by up to a five-year term. Philadelphia, as well as Pittsburgh (Allegheny County), also have traffic courts.

The C.C.P. courts are organized into 60 districts, all encompassing one county, except that 6 one-judge districts included two small counties each. Before 1982 there were 59 districts; prior to that year Monroe and Pike Counties were combined on one district.

1.2 General Procedures in Criminal Cases.

A felony or misdemeanor case (which are defined as "court cases" in Pa. R. Crim. P. 3.) is ordinarily commenced when the police file a complaint in the District Court. In 1985 there were approximately 100,000 complaints filed (85R113), probably mainly misdemeanor complaints. Defendants are entitled to a preliminary hearing before an issuing authority (Pa. R. Crim. P. 141), usually the district justice (Pa. R. Crim. P. 3(j)). If the state establishes a primia facie case the defendant is "held for court". If a primia facie case is not established the defendant is discharged (Pa. R. Crim. P. 143). Indictment, in the counties where it is still used may be waived (Pa. R. Crim. P. 215). The defendant has a right to a preliminary hearing, but it is waived in about 45 percent of the cases going to the C.C.P. (see 84R65, where "bound" and "waivers" are cases going to the C.C.P. with and without preliminary

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[1]The references are given as follows: Articles and books are referred to by author and are found in the bibliography at the end of the report. References to the court annual reports give the year, the letter R, and the page (e.g., 85R32 is page 32 of the 1985 annual report).

hearing). About 35 percent of the criminal complaints do not end up as C.C.P. cases, primarily cases withdrawn by the prosecutor or dismissed.

Defendants may plead guilty before the issuing authority in D.C. to third degree misdemeanors (Pa. R. Crim. P. 149, which became effective Sept. 1, 1977; 42 Pa. C.S.A. 1515, which was amended to slightly expanded pleas issuing authority empowered to accept, effective Oct. 1, 1981; see also 77R10). About 3 or 4 percent of the complaints are disposed through guilty plea (85R113).

Originally, criminal cases in the C.C.P. could only be prosecuted by grand jury indictment. A 1973 constitutional amendment allowed each C.C.P., after approval of the Supreme Court, to prosecute court cases by information (Const Art. 1, sec.10; 42 Pa. C.S.A. 8931). All but five counties adopted the information route between 1/75 and 8/80, although some counties have apparently switched back to grand juries. (These changes are listed in 204 Pa. Code 201.3.)

The filing of an information with the court (or the presentation of a bill of indictment to a grand jury) is generally not allowed without a preliminary hearing, exceptions are allowed for good cause (Pa. R. Crim. P. 224, 231; Standard Pennsylvania Practice 2d, s. 133:8). When a defendant is "held for court" by the issuing authority the prosecutor must either file an information (bill of indictment) or move to nolle prosequi the charges (Pa. R. Crim. P. 225).

All pretrial requests must be made in one omnibus pretrial motion which must be filed within 30 days of arraignment (Pa. R. Crim. P. 306, 307). The court may order a pretrial conference to aid in the disposition of the case (Pa. R. Crim. P. 311).

Prosecutor Screening. The prosecutor may move that a defendant be considered for the Accelerated Rehabilitative Disposition Program (ARD) before, or after, information or indictment (Pa. R. Crim. P. 175, 176). If a defendant is admitted to the program before information or indictment the judge orders that no information shall be filed, or that no bill of indictment shall be presented to the grand jury, during the term of the program (Pa. R. Crim. P. 180). If the defendant is admitted after indictment or information, proceedings are postponed during the term of the program (Pa. R. Crim. P. 181). If the defendant successfully completes the program, which can not exceed two years, the charges are dismissed (Pa. R. Crim. P. 182, 185).

Drug offenders may attempt to have their cases disposed of before trial by (1) probation with verdict, which is similar to

ARD (35 Pa. C.S.A. 780-117), or (2) disposition in lieu of trial or criminal punishment, which is treatment for drug dependent offenders instead of imprisonment (35 Pa. C.S.A. 780-118). For chart showing typical disposition of criminal cases see Pennsylvania Criminal Court Dispositions, 1976, pg.8.

Plea Bargaining. Trial judges may accept guilty pleas only after determining the plea is "voluntarily and understandingly tendered" (Pa. R. Crim. P. 319). Trial judges are not allowed to participate in plea negotiations (Id.), but evidence exists that some judges do participate (Plea Negotiation in Pennsylvania: An Exploratory Report, 1979, pg.21).

2. JUDGES

The C.C.P. judges are elected in their counties to terms of 10 years. Reelection is by merit retention system.

Judges may be temporarily assigned to other courts (42 Pa. C.S.A. 4121), and C.C.P judges may be temporarily assigned between divisions (R.J.A. 702). Retired judges are used (R.J.A. 701; see 81R10).

Retired judges and assigned judges are used to fill temporary vacancies and to supplement the ordinary judicial manpower. The assignments are typically for a specific period, for example one month. Sometimes judges are assigned to a specific case, such as an especially long trial or a case where the regular judge is disqualified. In 1984 there were 65 senior C.C.P. judges, 24 in Philadelphia, 6 in Allegheny, and 33 in 24 other districts (84R73). The senior judges worked varying amounts of time, from full time to only a few days a year; SCA staff estimated that the rough average is about 100 days a year (in 1981 63 retired judges were available for 6,789 days in the trial and appellate courts [81R10]) Assignments of judges across districts are fairly common, although the state tries to meet needs for new judges first thorough senior judges.

It is not clear whether the number of authorized judgeships in each district is a reasonable approximation of the number of judges actually sitting. Senior judge assignments designed to fill temporary vacancies are consistent with the use of judgeship figures for the number of judges. However, other assignments are not.

Quantifying of the use of retired and assigned judges would require study of the assignment orders, which are probably available for only the past few years. Also, until recently the monthly C.C.P. statistical reports contain statistics on "judge utilization" including the number of "visiting/senior" judges and

the number of trial days for regular and visiting/senior judges (criminal report data form, used until 1985). These data were published through 1979, but are not readily available for later years. The AOC staff does not consider this data very useful because they are difficult to interpret and the numbers could not be verified. Nevertheless, the data, especially the percent of trial days by visiting/senior judges, might help the impact of these other judges on the effective number of judges.

3 DELAY REDUCTION EFFORTS

3.1 Speedy Trial Law.

Since June 30, 1974, all criminal court case trials have been required to commence within 180 days from the date a complaint is filed (R. Crim. P. 1100(a)(2)). New trials must begin within 120 days form the order granting the new trial (R. Crim. P. 1100(e)). Four periods are excluded when determining the statutory time limit within which trial must begin: (1) any period the defendant could not be apprehended, (2) any period of unavailability of the defendant or his attorney, (3) any period the defendant expressly waives Rule 1100, and (4) any continuance granted at the request of defendant (R. Crim. P. 100(d)). Delay due to court congestion is not excludable, but is a valid reason for an extension of the time limit. The motion for extension must be filed within Rule 1100 time limits and be supported by the record. Commonwealth v. Shelton, 469 Pa. 8, 364 A.2d 694 (1976); Commonwealth v. Mayfield, 469 Pa. 214, 364 A.2d 1345 (1976); see also 23 Vill. L. Rev. 284 (1977)). Rule 1100 was amended, effective Jan. 1, 1982, to reflect the holdings in Shelton and Mayfield. Commonwealth v. Crowley, 466 A.2d 1009, 1013 (1983) (R. Crim. P. 1100(c)(3); see also 81R15).

Statistics are compiled (and intermintantly published) on the number of cases dismissed under Rule 1100 are approximately .2 to .5 percent of all court cases disposed (84R25).

3.2 Other Delay Reduction Efforts.

Report of Pending Cases. On March 20, 1980, the Supreme Court issued anorder requiring a report of pending cases. 80R12)

Individual calendar. Courts adopting individual calendars include Bucks County (Civil only, 1983), Philadelphia County (1983, with some use before: the number of judges on the program increased from 6 to 10 in 1980); Allegheny (October 1, 1981); Delaware County (1980).

Case tracking procedures. In 1983 Bradford and Chester

Counties adopted a systems to monitor the flow of criminal and civil cases (83R23,24).

Caseflow management. In 1982 Lackawanna County adopted the "Scranton Plan," under which a conference is scheduled right after arraignment to identify cases that will go to trial, ARD, and so on (82R21; Note 1983).

Conciliation procedure. In 1981 Lycoming County initiated a conciliation process, in which judges hold monthly pretrial conferences in criminal cases. In civil cases, the conciliation is largely limited to jury cases. (83R25)

3.3 Other Changes That May Have Effected Delay.

Pennsylvania criminal statutes were greatly changed by the Judiciary Act Repealer Act, which became effective June 27, 1978. 1976, July 9, P.L. 586, No. 142. Approximately 6,000 statutes were affected, but apparently there were no major substantive changes (see 78R7, and Pennsylvania Bar Association Judicial Code Explanation, vol. 42 C.S.A. 101 to 1700, pg. XI).

As discussed above, nearly all courts switched from grand jury to information system. Specifically, all but 18 districts were authorized to use informations by early 1976, and all but 4 were authorized to do so by 1981 (the four are Bedford, Lackawanna, Wayne, and Snyder/Union). Some argue that grand juries speed criminal cases because they grant prosecutors control over the early processing of cases, and thus allow prosecutors interested in reducing delay a means to do so. On the other hand, it is argued that the extra step adds delay (see Note 1983).

4 DATA GATHERING

4.1 Procedures for Gathering.

The C.C.P. courts send in monthly reports for each county, separate reports for criminal, civil, and miscellaneous cases. The same form was used from 1976 to 1984, except that the criminal form was modified in 1982 to include information about "inactive pending inventory." Short instructions were on the back of the forms, and further instructions are contained in a 14 page memorandum, Regulations on Uniform Reporting Procedures to the Administrative Office of Pennsylvania Courts.

A new statistical reporting system was established for the 1985 calendar year. The major changes, relevant to the present study, are: 1) adding time lapse information, 2) leaving out information about judge utilization, and 3) changing the

definitions of dispositions and pending cases to exclude cases pending sentencing (i.e., dispositions were counted at time of adjudication, rather than sentencing). The AOC prepared a lengthy Pennsylvania Court Statistics Manual to describe the new reporting system.

4.2 Procedures for Checking.

An AOC staff member, who has been there since 1976, is assigned nearly full time to gather and check statistics. In 1976 he visited all districts to check statistics and instruct court personnel (concerning the new statistical system). The checking in the smaller courts consisted of checking figures submitted against his study of the docket sheets. In larger counties, he checked by using samples of docket sheets or, for courts with computers, by studying data printouts. When he found mistake, he instructed the court personnel concering how to fill out the forms in the future.

Since the initial check, the staff member has each court at least twice, and often several times, to conduct these tasks.

The courts are encouraged, but not required, to conduct inventory counts to check numbers of pending cases. It is uncertain how often they actually do so.

The AOC checks reports sent in from the courts for internal consistency and for unusual changes. When these are uncovered, the AOC asks the courts to check the information.

Training sessions were not held until the new system was initiated in 1984, when they were held around the state. Additional sessions are planned for new data clerks. In previous years, the training was through visits to the courts and through telephone contacts.

4.3 Problems with Data.

Statistical categories of the type used in the analysis began in 1975, but the AOC advised statistics are less reliable before the 1976 audit. The major problems result from the 1985 change in data system.

V DATA CATEGORIES

5.1 Filings.

The unit is a defendant against whom criminal "docket transcripts" have been filed with the C.C.P. clerk. Each separately numbered transcript - called an "OTN" - is a separate

case. The instructions say that there is one case when several counts are in a transcript (when there are too many cases for the transcript form and a second form is used, the case is counted as a single case). There are two cases when two separately numbered transcripts are filed, even if tried together or disposed through the same plea arrangement.

The filings are cases bound over from the D.C. after preliminary hearing or transferred there after preliminary hearing is waived. The cases are counted when the transcript is received in the C.C.P. clerks office.

Cases returning from inactive status are included in filings (separate data for returned inactiver cases is available only since 1985). See the discussion of inactive cases below.

5.2 Dispositions.

Until 1985 dispositions were counted at sentencing (or dismissal or acquittal), and upon adjudication (trial verdict, dismissal, or plea) starting in 1985. This change should have little effect upon the actual volume of dispositions, although as seen later it affects the number pending.

The statistics in the annual report contain 8 categories of dispositions:

- guilty plea [see below]
- jury trial [see below]
- non-jury trial [see below]
- nol proc [includes all cases withdrawn and dismissed, except Rule 1100, if by court or by prosecutor. It also includes failure of grand jury to indict and cases where the defendant died.
- Rule 1100 dismissal [speedy trial rule dismissals]
- transferred to inactive [fugitives and mental hospital cases. Fugitives include capias or bench warrant issued. The bottom of the pre-1985 form also included a section on inactive pending, and the instructions for that part of the form stated that the cases are those "declared fugitive, found incapable of standing trial, or otherwise not available for appearance during the month".]
- ARD [accelerated rehabilitative disposition, as described above. This category also includes

other "dispositions in lieu of trial" - for example, dispositions under the drug list and probation without verdict.]

- other [the data form contains four subcategories which are not given in the annual reports: civil compromises (Rules 145 & 314); Remand to D.C. or other court; transfer to family or juvenile courts; and miscellaneous. The form requires that the misc. category be explained. The instructions state that the miscellaneous category contains only final dispositions of cases, but that it should also include corrections based on inventory counts of cases.]

5.3 Pending Cases.

Pending figures include only active pending, because inactive cases were counted as dispositions. Until 1985 the only pending figure available are those pending up through the sentencing procedure. Starting in 1985, the AOC has published data for cases pending through adjudication, and pending cases awaiting sentencing. Data for cases pending at various stages was collected in earlier years, but it was published only for 1978, when 24% of active pending cases were pending informations or indictments, 59% were pending trial, and 17% pending sentencing (78R42).

The number pending at the end of the year is calculated by taking the beginning pending, adding filings and reactivated cases, and substracting dispositions. When inventory counts are made, corrections are made by adjusting the disposition figures, as described above. Before 1980 corrections were accomplished through a data category called "data adjustment." Most courts made such adjustments, which were frequently fairly sizeable. The reporting form also requires a breakdown of active pending cases into those awaiting information or indictment, those ready for trial, those convicted but not sentenced, and those with motions pending. This information is not published. The sum of these categories of pending is supposed to equal the pending figure resulting from the calculations described above, providing a check on the pending figures.

Statistics for inactive pending cases were not gathered under the old system until 1982.

5.4 Trials and Guilty Pleas.

Separate statistics for cases disposed of by jury and non-jury trials. Presumably, trials are counted as such only if

the disposition is by trial, and pleas or dismissals during trials are counted as pleas or dismissals. Data for the number of trial days was published through 1979.

Disposition by guilty pleas include cases where the major charges are dismissed.

5.5 Time Lapse Measures.

The AOC did not start gathering time lapse measures until 1985, too late to be used in the research. The annual report now published data for the number of cases pending less than 60 days, 61-120 days, and so on.

5.6 Number of Judges.

Data available is the number of authorized judges, the number of senior judges, and (until 1980) "judge utilization" data.

5.7 Conviction Data.

Conviction data are not collected.

5.8 Other Criminal Variables.

Thourgh 1979, statistics were published concerning the number of grand jury cases.

5.9 Civil Cases.

Disposition data published; filing data is gathered but not published.

Until 1985, the filing and pending data published are for cases that have become ready for trial, not when initially filed. These exclude, among other things, cases in arbitration. These measures are probably not useful because the use of arbitration in most counties has varied over time, and the number of ready cases was greatly effected by a 1980 Supreme Court order requiring courts to dismiss cases pending for over 240 days without a readiness notice being filed. Publicaiton of data on the number of cases docketed (i.e., filed) began in 1985.

The disposition data includes the number of jury and non-jury trials.

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