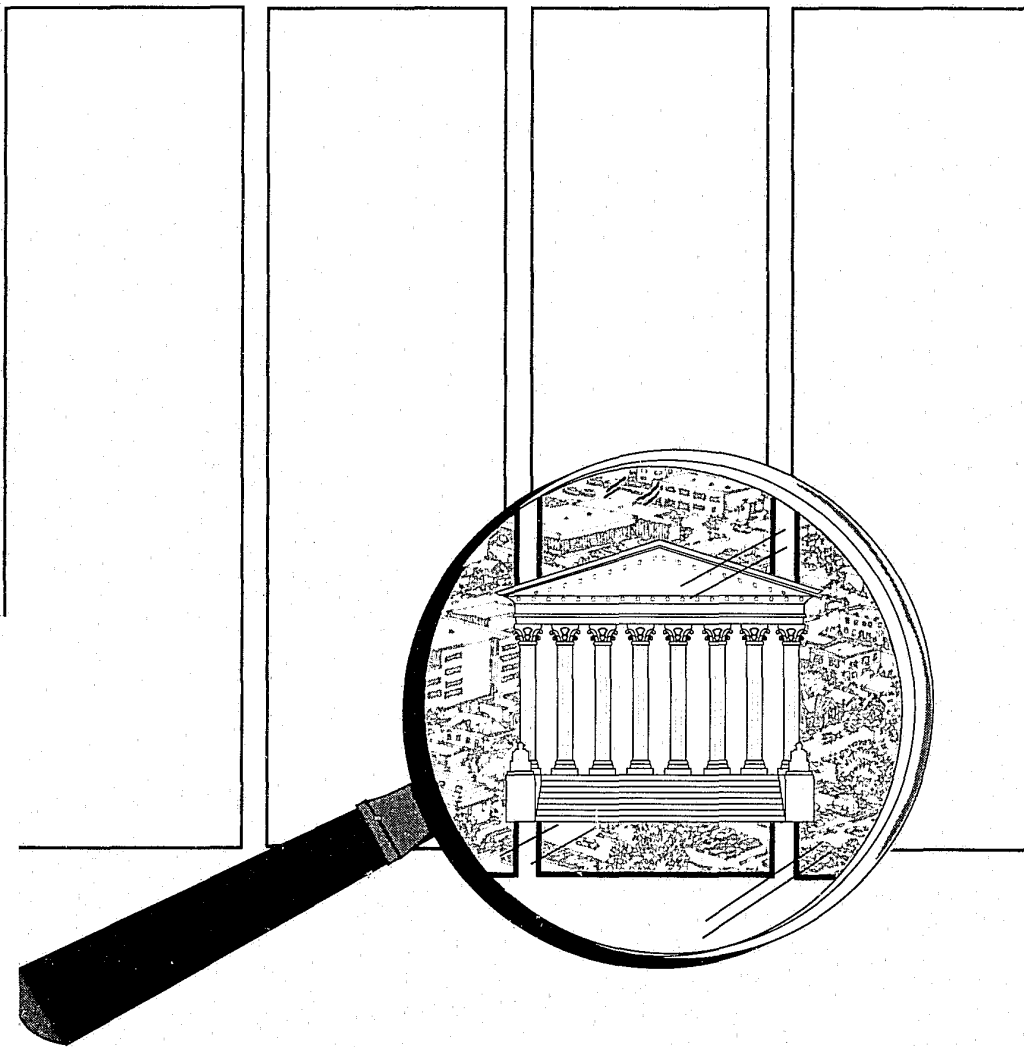


REEXAMINING THE PACE OF LITIGATION IN 39 URBAN TRIAL COURTS



National Center for State Courts

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REEXAMINING THE PACE OF LITIGATION IN 39 URBAN TRIAL COURTS

*by John A. Goerdt
with
Chris Lomvardias
Geoff Gallas*

National Center for State Courts

*A Final Report conducted pursuant to a grant to the National Center for State Courts from the
Bureau of Justice Assistance, United States Department of Justice*

U.S. Department of Justice
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I. INTRODUCTION

A. Summary of Findings

Based on 1987 felony and civil case data from 39 large urban trial courts, this report presents the most broadly based analysis of the pace of litigation and its correlates that has ever been undertaken. Regarding the pace of *felony* case litigation, the major findings include the following:

- a majority of the courts disposed of 90 percent or more of their cases within one year after arrest, but none of the courts were in full compliance with the American Bar Association (ABA) disposition time standards (98 percent disposed in six months; all cases disposed within one year);
- larger pending caseload per judge was a strong correlate of longer felony case processing times;
- lower percentages of violent criminal cases (murder, rape, and robbery), early resolution of pretrial motions, and a higher percentage of firm trial dates were also significant predictors of shorter felony case processing times;
- from 1976 through 1987, nine courts increased and nine courts reduced their median upper court felony case processing times by 10 percent or more;
- drug-related case filings increased by an average of 56 percent between 1983 and 1987;
- some courts suffered a substantial increase in felony case processing time due to the dramatic increase in caseload per judge caused by the influx of drug cases between 1983 and 1987;
- courts with a higher percentage of drug cases in the caseload, and those that experienced the largest increase in drug cases between 1983 and 1987, were more likely to have longer *civil* case processing times and a larger *civil* backlog index; and
- a higher percentage of drug sale cases was moderately correlated with a higher percentage of murder, rape, and robbery cases in the caseloads of these courts.

As one might expect, drug-related caseloads exacerbated delay in felony case processing in some courts in this study. Moreover, a larger pending caseload per judge was one of the strongest correlates of longer felony case processing times. On the other hand, early resolution of pretrial motions and firm trial dates were associated with shorter felony disposition times. The causal relations among pending caseload per judge, early resolution of pretrial motions, firm trial dates, and delay in felony case processing are unclear.

Nevertheless, reducing delay will necessarily involve concerted effort to reduce pending caseloads and to improve resource and case management and interagency coordination. Additional judicial resources may also be required in many courts to reduce delay.¹

The pace of *civil* case litigation and its correlates are also examined in this study. Some of the major findings regarding civil case processing include the following:

- 28 of the 37 courts had 10 percent or more of their cases over two years old at disposition (the ABA standard suggests that no civil cases be over two years old). Only one court was within 10 percent of meeting the one-year disposition time standard (according to the ABA, only 10 percent of all civil cases should be over one year old);
- from 1976 through 1987, few courts reduced their median time to disposition for tort cases (all of these courts had implemented delay reduction programs during this period);
- larger pending civil caseloads per judge were more likely to be found in more populous urban areas (large pending caseload per judge, moreover, was the strongest correlate of longer civil case processing times);
- early court control over the scheduling of case events displayed a statistically significant correlation with shorter civil case processing times even after the effect of pending caseload per judge was taken into account; and
- an average of approximately 39 percent of all civil cases were disposed without an answer being filed by a defendant and, therefore, required little or no judge time.

A larger pending caseload per judge emerged as the strongest correlate of the pace of civil case litigation. However, there was no association between filings per judge and the size of the pending caseload per judge. This finding suggests indirectly that other factors, besides insufficient judicial resources, are also important in explaining differences in the size of the pending caseload per judge. Early court control over scheduling of case events retained a moderate association with faster case processing times even after the size of the pending caseload is controlled. This finding supports the argument that effective case management is important in reducing case processing times. Finally, while most courts lost ground during the past decade in the struggle against civil case processing delay, in those courts where comprehensive delay reductions programs were implemented

during the past decade the pace of litigation improved substantially.

B. Research Methods and Report Organization

The research methodology in this study follows closely the methodology used in the Church et al. (1978) and Mahoney et al. (1988) studies.² Comparability of case processing time measures over time should be very good. Twenty-one of the courts in this study were selected because they were in earlier studies, making trend analysis possible. The other courts were selected to maintain and improve the regional representation of courts in the study. Some courts were added to provide in-state comparisons with courts already in the study. Because the sample of courts is not random, the ability to generalize the findings to all urban trial courts is limited. The courts in the study, nevertheless, provide a good cross-section of America's urban trial courts.

Approximately 500 civil cases (excluding domestic relations, probate, small claims and equity) and 500 felony cases disposed during 1987 were randomly sampled from lists of disposed cases compiled in the court or clerk's office.³ Percentiles are the primary statistic used in this report to describe overall case processing times within individual courts. The median, or the 50th percentile, case processing time indicates that half the cases had longer and half the cases had shorter case processing times. The 90th percentile indicates that 90 percent of the cases had shorter and 10 percent of the cases had longer case processing times. The median is used rather than the mean to describe the typical case processing time because, unlike the median, the mean can be skewed upward by a few unusually long cases. A more detailed discussion of the research methodology and statistics is presented in Appendix A.

The report is organized in the following manner. The pace of felony case litigation and its correlates is examined first, followed by civil case processing time and its correlates. At the end of each of these sections there is a discussion of trends in the pace of litigation between 1976 and 1987. Next, there is a brief discussion of the relationship between felony and civil case processing times and factors related to both. The report closes with a discussion of the implications of this study for court policy and future research.

Notes

1. This study was not designed to identify the optimum caseload for judges. Thus, it cannot empirically distinguish which courts need additional judges.
 2. A more extensive discussion of research issues and statistics is presented in Appendix A.
 3. In felony cases, "disposed" means entry of a guilty plea, deferred adjudication, dismissal or verdict after trial; in civil cases, it is the date the final order was entered; in civil cases disposed by trial, the disposition date is the date the verdict was entered.
-

II. THE PACE OF FELONY CASE LITIGATION IN 39 URBAN TRIAL COURTS, 1987

A. Introduction

Much has already been written about the causes and problems associated with court delay.¹ Most early writings involved anecdotes about individual courts or normative arguments related to the problems or effects of court delay.² Since 1976, however, there have been nine major cross-jurisdictional studies³ and several smaller studies⁴ that have empirically examined the extent and correlates of the pace of civil and felony case litigation. The major cross-jurisdictional studies have generally concluded that structural, organizational, caseload, and procedural factors were not associated with felony case processing times across courts. *Justice Delayed* (Church et al. 1978) was the first major study of the pace of litigation in state trial courts. After finding that structural, caseload, and procedural factors were not associated with the pace of litigation, the authors derived the hypothesis that the pace of litigation is probably most strongly associated with the nature of the "local legal culture."⁵ More recently, Mahoney et al. (1988) concluded, based on qualitative observations, that courts with relatively fast case processing times tend to exhibit some common characteristics, including effective leadership, commitment to achieving disposition time goals, and effective communication with the local bar.⁶

At the time of its publication, *Examining Court Delay* was the most broadly based national study of the pace of litigation in urban trial courts that had ever been undertaken. In general, its findings were consistent with those in Church et al. (1978) and Mahoney et al. (1988). Both of these earlier studies concluded that most factors that have traditionally been considered as partial explanations for differences in the pace of litigation (e.g., court size, caseload, case mix, and trial rates) failed to display clear relationships with felony case processing times.⁷ Unlike these earlier studies, however, *Examining Court Delay* found caseload composition (i.e., the relative percentage of different types of offenses) to be associated with case processing time after controlling for the effects of other potentially important factors.⁸ *Examining Court Delay* also found evidence to support the hypothesis, which was not tested in the earlier works, that early resolution of pretrial motions is an important correlate of faster felony case processing times.

Despite the number of cross-jurisdictional studies in the past 14 years, there are good reasons for continuing to monitor the pace of litigation in urban trial courts. The "war on drugs" continues to create problems for urban courts in managing both criminal and civil caseloads.⁹ Indeed, the chief justice of

the New York Court of Appeals, Sol Wachtler, suggests that the "rising tide of drug cases" has led to a "crisis nearly out of control" in the New York courts.¹⁰ A recent conference of judges and court administrators from the nine most populous states considered the problems associated with the rapid influx of drug cases into their trial courts. One of the conclusions from the conference was that there is a critical need for reliable empirical data on the extent and impact of drug-related caseloads on state courts.¹¹ This report provides information from 39 large urban trial courts on the relationships among felony caseloads, caseload composition, case management procedures, and case processing times during 1987. It also examines trends, from 1983 through 1987, in drug-related caseloads and the pace of litigation in 17 of the 39 courts. The magnitude of the drug-related caseload undoubtedly has increased substantially since 1987 in many urban courts.¹² However, this report provides the single best source of empirical data currently available for assessing the impact of drug cases on case processing in urban trial courts.

Since the publication of *Examining Court Delay* in 1989, 13 additional courts have provided data on felony cases disposed during 1987. The current report enhances the analysis presented in *Examining Court Delay* in the following ways:

- the analysis is based on a sample of courts that is 50 percent larger (13 more courts) than the earlier work, providing a broader empirical basis for the report;
- the larger sample of courts allows for a more refined analysis of the impact of caseload per judge by providing 19 courts that count "cases" in the same manner;
- pending caseload per full-time equivalent (FTE) felony judge¹³ is added to the analysis as an additional measure of court caseload, and it appears to be strongly associated with the pace of felony case litigation;
- the impact of felony caseload composition and increases in drug-related caseloads on *civil* case processing times are evaluated; and
- more emphasis is placed on cases in which a defendant failed to appear for a scheduled event.

In light of the larger sample of courts and the refinements in the data analysis, this report is a more valuable and thorough evaluation of the pace of felony case litigation and its correlates than *Examining Court Delay*.

**B. The Pace of Felony Case Litigation
Compared to the American Bar
Association Disposition Time
Standards**

It is important to distinguish the term "pace of litigation" from "delay." "Pace" is simply the time required to move from one event in a case to another. At the court level (which is the focus of this study), pace will be measured by the median and 90th percentile case processing times; the median represents the typical pace of litigation while the 90th percentile represents the pace for the oldest 10 percent of the cases. "Delay" suggests that the pace of litigation is longer than necessary to arrive at a fair resolution of a case.¹⁴ Naturally, what constitutes delay is determined by the nature of individual cases. At the aggregate or court level, the degree of delay can be inferred from the percentage of disposed cases by a court that exceed disposition time standards that are generally accepted in the legal profession. The American Bar Association (ABA) disposition time standards for felony cases,¹⁵ adopted in 1985, provide a widely accepted standard for determining the degree of delay in a court. From this point on, "delay" refers to the extent to which a court exceeds the ABA disposition time standards. It is assumed that courts with a larger proportion of felony cases beyond these time standards feature greater delay in felony litigation.

**AMERICAN BAR ASSOCIATION
DISPOSITION TIME STANDARDS**

	Arrest to Disposition	
	180 Days	1 Yr
Felony Cases	98%	100%

Table 2.1 shows how 34 of the courts performed in comparison to the ABA disposition time standards.¹⁶ The ABA standard suggests that only 2 percent of felony cases should exceed 180 days from arrest to disposition (i.e., entry of guilty plea, verdict, deferred adjudication, or dismissal). Table 2.1 indicates that none of the courts met the 180-day standard; only 3 of the 34 courts (Dayton, Salinas, and Des Moines) exceeded the 180-day standard by 10 percent or less. The ABA standards also suggest that all felony cases should be disposed within one year. Figure 2.1 shows that 18 of the 34 courts had 10 percent or less of their cases over one year old; 8 courts had 5 percent or less of their cases over one year old. So although none

Table 2.1
Percent of All Felony Cases
and Non-FTA Cases
Over the ABA Standards - 1987^a

	All Felony Cases ^b			
	Including FTAs % Over		Excluding FTAs % Over	
	180 Days	1 Year	180 Days	1 Year
Dayton	8	1	6	1
Salinas	8	2	9	2
Des Moines	9	2	6	2
Detroit ^c	14	2	12	1
Fairfax	14	2	12	2
New Orleans	15	2	13	2
St Paul ^d	18	13	9	6
Houston	20	8	*	*
Seattle	22	6	16	4
Colorado Springs	22	7	16	3
Phoenix ^b	22	9	18	6
Pittsburgh	23	7	20	4
Atlanta	24	9	15	4
Atlantic City	27	12	14	5
Wichita ^c	28	5	23	3
Cleveland	28	9	23	6
Norfolk	29	6	*	*
District of Columbia ^c	29	8	*	*
Minneapolis ^c	29	11	24	9
Santa Ana	29	13	*	*
San Diego	31	5	23	3
Miami	34	13	29	9
Charlotte	36	8	33	6
Wheaton	38	18	*	*
Oakland	39	15	32	12
Denver	44	17	36	8
Bronx	45	19	41	17
Sacramento	46	19	42	16
Columbus	52	15	44	10
Providence	52	31	43	25
Hartford	55	22	53	19
Jersey City	56	22	*	*
Brooklyn	64	20	58	15
Newark	81	41	*	*
Mean	32.1 29.9 ^e	11.7 10.6 ^e	24.8 ^e	7.4 ^e

^a Failure-to-appear cases are cases in which at least one bench warrant was issued between arrest and disposition.

^b Original arrest to disposition.

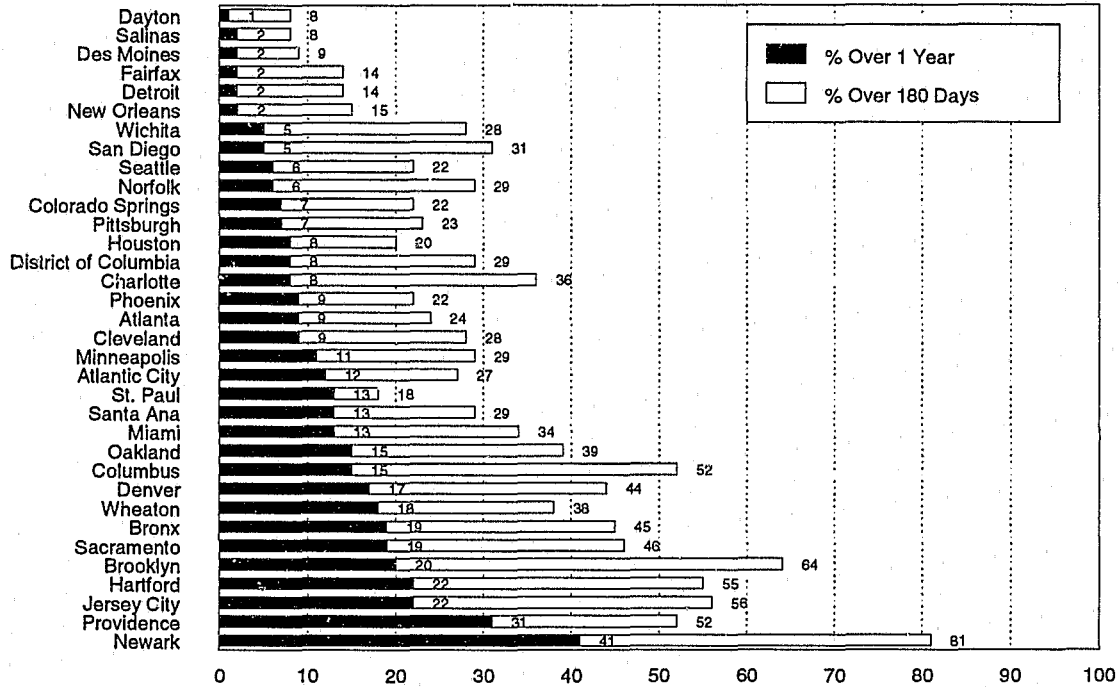
^c Arrest dates generally unavailable; date lower court complaint filed used as start date for total case processing time.

^d Arrest dates generally unavailable; date complaint filed in clerk's office used as start date for total case processing time (no lower court in these jurisdictions).

^e Means only for courts with data on arrest dates and bench warrants.

* Data unavailable or not comparable.

Figure 2.1
Percent of All Felony Cases Over
ABA Disposition Time Standards - 1987*



*ABA Disposition Time Standards from arrest to disposition=0% of cases over 1 year, and 2% of cases over 180 days.

of the courts met the one-year standard, it is clear that courts are generally closer to meeting the one year than the 180-day standard.¹⁷

It is important to note that the data from each court in Figure 2.1 include cases in which defendants failed to appear (FTA) for a scheduled event. In some or many FTA cases, it could be several months or even years before the defendant is returned to custody. Thus, overall case processing times are likely to be longer when FTA cases are included in the analysis. Table 2.1 displays the percentage of cases over the ABA disposition time standards for "all felony cases" (including FTA cases) and for non-FTA cases for 27 courts. Exclusion of FTA cases brings only three more courts (Detroit, Fairfax, and St. Paul), for a total of six, within 10 percent of the 180-day standard. In addition, when FTA cases are excluded, five more courts (Atlantic City, Minneapolis, Miami, Denver, and Columbus), for a total of 20, come within 10 percent of meeting the one-year time standard. Overall, exclusion of

FTA cases reduces the proportion of cases over the 180-day and one-year time standards. Yet exclusion of FTA cases fails to bring any of the courts into compliance with the ABA disposition time standards.

Table 2.2 provides a further analysis of the effect FTA cases have on measures of case processing time. Table 2.2 lists the median and 90th percentile case processing times from arrest to disposition (*total* case processing time) and from indictment or information to disposition (*upper court* case processing time) for "all felonies" and FTA cases." Exclusion of FTA cases does not have as much impact on median case processing time as it does on 90th percentile times. The average median total case processing time (arrest to disposition) for all cases is 15 days longer than for non-FTA cases. At the 90th percentile, however, the average median total case processing time for all cases is 95 days longer than for non-FTA cases. The pattern is very similar among upper court case processing times. Thus, inclusion of FTA cases does

Table 2.2
 Felony Case Processing Times
 All Felony Cases vs Non-FTA Cases - 1987

	All Cases % Over 1 Year	Total: Arrest to Disposition ^a				Upper Court: Indict/Info to Disposition ^b			
		All Cases Median	90th	Non-FTAs Median	90th	All Cases Median	90th	Non-FTAs Median	90th
Dayton	1	56	169	54	158	42	123	37	101
Salinas	2	62	162	77	168	22	69	37	82
Des Moines	2	99	174	96	155	66	135	63	118
Fairfax	2	102	206	97	187	29	65	26	60
Detroit ^c	2	71	215	62	197	55 ^c	195 ^c	51 ^c	175 ^c
New Orleans	2	89	211	85	197	42	142	38	123
Wichita ^d	5	149	299	143	269	133	231	130	188
San Diego ^e	5	121	289	97	237	50	151	49	141
Tucson ^f	*	*	*	132	339	103	227	93	196
Seattle	6	86	272	77	230	74	239	68	203
Norfolk	6	127	318	*	*	69	250	*	*
Colorado Springs	7	85	268	73	231	76	268	64	221
Pittsburgh	7	153	283	152	245	97	286	91	189
Houston	8	68	305	*	*	62	358	*	*
District of Columbia	8	100	323	*	*	62	253	*	*
Charlotte	8	148	333	145	313	66	253	60	234
Phoenix	9	98	330	90	259	85	265	77	227
Atlanta	9	108	340	92	222	50	310	39	160
Cleveland	9	135	341	122	269	82	313	70	250
Minneapolis ^d	11	107	387	100	180	84	263	83	220
Atlantic City	12	112	437	94	244	79	452	54	190
St. Paul ^d	13	77	434	74	98	70	229	66	115
Portland ^f	*	*	*	*	*	94	312	85	269
Santa Ana	13	102	431	*	*	55	253	*	*
Miami	13	119	425	111	340	112	624	91	365
Oakland ^e	15	144	413	123	381	65	198	60	165
Columbus	15	188	404	168	364	145	368	128	281
Pontiac ^f	*	*	*	*	*	83	410	64	299
Denver	17	156	481	135	351	109	421	94	278
Wheaton	18	129	768	*	*	87	296	*	*
Bronx ^e	19	145	452	114	428	114	420	91	402
Sacramento	19	165	490	158	460	66	331	59	264
Brooklyn	20	225	462	205	420	174	421	160	384
Cambridge ^f	*	*	*	*	*	212	597	196	534
Hartford	22	217	472	202	433	210	470	198	428
Jersey City	22	198	568	*	*	150	605	*	*
Boston	*	*	*	*	*	233	742	200	494
Providence	31	192	859	160	706	111	811	76	664
Newark	41	308	734	*	*	125	894	*	*
Mean	11.7	131	384	116	289	93	340	84	251

^a Original arrest date to entry of dismissal, guilty plea, verdict, or deferred adjudication, sample sizes in Appendix A.

^b Date indictment or information filed in the court (dispositions included dismissals, guilty pleas, diversions, entry of deferred adjudication, and verdicts after trial).

^c Bindover data (from lower court) used as date information filed; Goerd et al. (1989) and Mahoney et al. (1988) used date of arraignment in circuit court as the start of upper court time.

^d Date indictment or information filed unavailable; date of first appearance by defendant in upper court used as start date for upper court case processing time.

^e Total and upper court case processing time measures include some felony cases in which the defendant pled guilty in the limited jurisdiction court, but sentence was imposed in general jurisdiction court.

^f Arrest date and date complaint filed unavailable; courts ranked here in general position based on upper court 90th percentile case processing time.

* Data unavailable or not comparable.

not affect the median or typical case processing time nearly as much as it impacts the 90th percentile case processing time. Future pace of litigation research should focus more explicitly on discounting the time between the filing of a bench warrant for failure to appear and the date when a defendant is returned to custody. This would portray more accurately the case processing times and performance in terms of the ABA disposition time standards.¹⁸

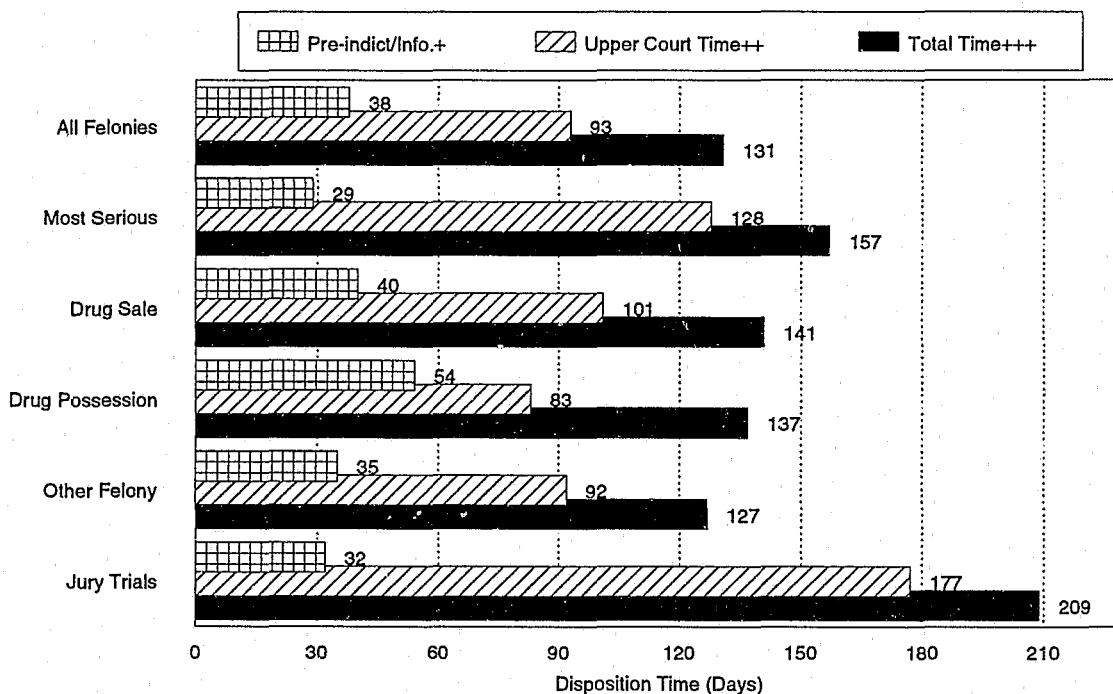
Including FTA cases in the sample for analysis of the pace of felony litigation clearly affects 90th percentile case processing times. The effect of including FTA cases on median case processing times is less substantial. Throughout the remainder of this report, however, case processing times will be reported for all felony cases, including those with an FTA. Data on whether a case involved an FTA were not available from all courts. The use of all felony cases, therefore, provides a larger group of courts for purposes of analysis. Moreover, the

correlations between case processing times for all felony cases and non-FTA cases are generally strong (see Appendix C), so the rankings of courts on case processing times for all felony cases are not likely to vary much from rankings on case processing times for only non-FTA cases.

C. Felony Case Processing Times by Case Type

In this section, variations in median total and upper court disposition times will be examined for several case types: most serious (murder, rape, and robbery), drug sale/intent to sell, drug possession and other felony case types, and jury trial cases (see Figures 2.2 and 2.3). Cases involving serious violent crimes, naturally, are expected to take longer than less serious cases.¹⁹ There is more at stake for the defendant, and the prosecutor is less likely to accept a plea to anything less than the original charge. In addition, drug cases, especially those that involve drug trafficking, might also require more time than

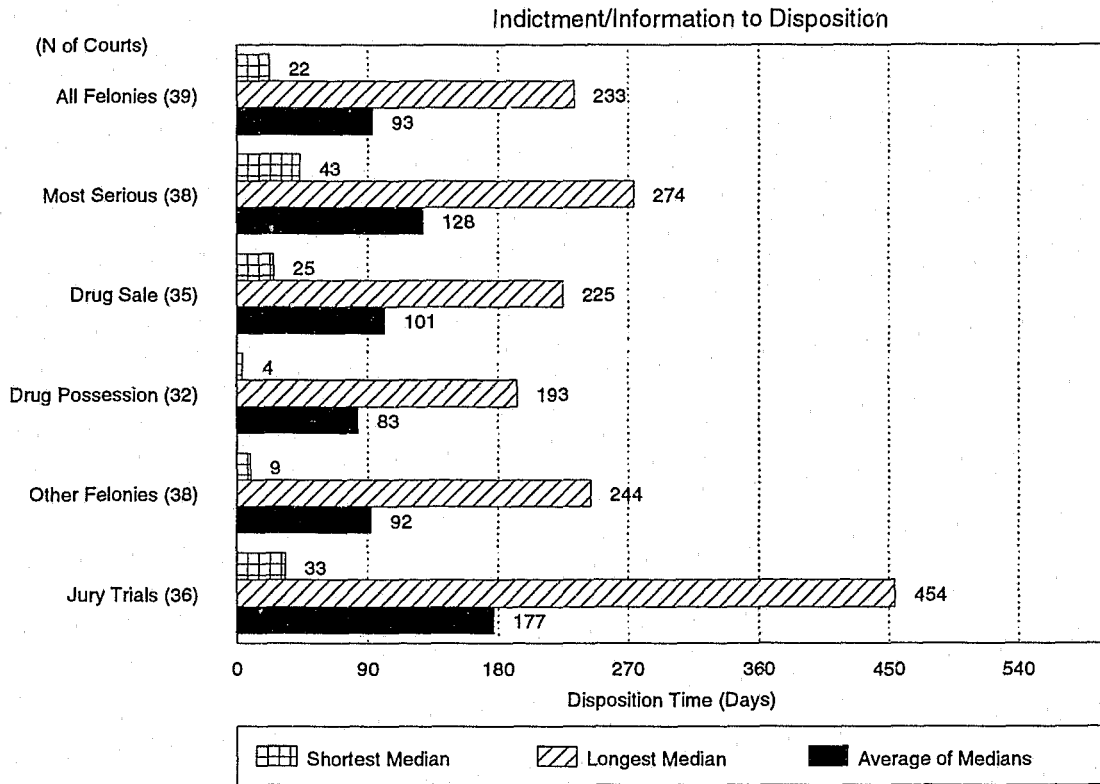
Figure 2.2
Average Felony Case Processing Times
by Case Type for 39 Courts - 1987*



+Arrest to indictment/information filed.
 ++Indict/info. to judgment/dismissal.
 +++Arrest to judgment/dismissal.

*Average of the median CPTs for each case type, for N of courts with data see Table 3.2.

Figure 2.3
Range of Median Upper Court Felony
Disposition Times in 39 Courts - 1987



the typical case because of the need for lab tests and hearings on the legality of the search for and seizure of the drugs. Data in Table 2.3 generally adhere to the expectations stated here. The average median total and upper court processing times are longest for the most serious cases (murder, rape, and robbery), followed by drug sale cases. Drug possession and other case types typically have shorter processing times. Drug sale and drug possession cases show almost identical average median total case processing times (141 and 137 days, respectively). Once the cases are filed in the upper court, however, drug possession cases move more quickly (83 days) than drug sale cases (101 days), which are likely to involve longer sentences upon conviction (see Figure 2.2).

Table 2.3 also provides some evidence of the variations among the courts in the priorities given to various case types. Most courts, of course, follow the patterns identified above. However, in three courts (Newark, Jersey City, and Columbus), the

median total case processing time for less serious cases was 10 or more days longer than for their most serious cases. Newark is especially interesting because the median total CPT for "other" (less serious) cases was 101 days longer than for the most serious cases. The median time for other, less serious cases in Newark was 125 days longer than in any of the other courts. In both Newark and Jersey City, jail crowding has been a very serious problem. The problem has been exacerbated by mandatory two-year prison terms for possession of relatively small amounts of narcotics. Court staff report a substantial reduction in guilty pleas in drug cases after enactment of the mandatory sentences, so more defendants remain in jail awaiting trial. Jail crowding has led to an emphasis on processing the most serious cases (those with defendants in jail). Defendants in less serious cases are generally released on bail; these cases are obviously given a lower priority in the two New Jersey courts.²⁰

Table 2.3
Median Felony Case Processing Times by Case Type^a - 1987

	All Cases % Over 1 Year	Upper Court: Indict/info to Disposition					Total: Arrest to Disposition				
		Most Serious	Drug Sale	Drug Possess	Other Felony	Jury ^b Trial	Most Serious	Drug Sale	Drug Possess	Other Felony	Jury ^b Trial
Dayton	1	45	54	47	40	93	59	62	142	52	105
Salinas	2	52	25	4	9	64	96	58	70	52	92
Des Moines	2	70	*	70	65	90	105	*	101	98	128
Fairfax	2	43	30	30	23	33	114	128	*	90	91 ^c
Detroit	2	98	46	35	51	141	114	59	64	65	143 ^c
New Orleans	2	117	*	45	36	90	159	*	90	81	145 ^c
Wichita	5	149	153	155	126	124	160	165	168	139	133
San Diego	5	66	58	36	42	76	115	181	96	101	121
Tucson	*	146	132	106	96	183	*	*	*	*	*
Seattle	6	90	101	72	68	122	80	189	178	74	127 ^c
Norfolk	6	87	174 ^d	*	58	*	146	230 ^d	*	114	*
Colorado Springs	7	133	118	56	66	151	142	106	68	74	164
Pittsburgh	7	134	91 ^d	*	93	151	169	160 ^d	*	147	210
Houston	8	144	77	46	49	147	124	88	81	50	160
District of Columbia ^e	8	95	119	76	49	174	152	134	101	86	236
Charlotte	8	87	65	*	64	203	147	148	*	149	274 ^c
Phoenix	9	113	122	70	73	157	110	110	97	96	192
Atlanta	9	90	59	37	47	95	147	123	120	87	147
Cleveland	9	104	78	84	74	133	149	114	147	133	176
Minneapolis	11	98	105	87	79	164	104	126	109	105	170
Atlantic City	12	104	75	62	84	191	119	114	101	112	225
St. Paul	13	66	76	74	70	95	68	91	75	77	107
Portland	*	85	92	112	90	110	*	*	*	*	*
Santa Ana	13	92	49 ^d	*	56	119	135	86 ^d	*	100	223
Miami	13	148	89	91	116	172	176	97	106	113	206
Oakland	15	109	68	70	57	114	172	164	191	107	183
Columbus	15	145	161	168	141	205	174	*	225	188	232
Pontiac	*	159	105	130	76	454	*	*	*	*	*
Denver	17	148	*	95	103	230	188	*	144	147	272
Wheaton	18	165	165	42	84	193	236	185	90	126	258
Bronx	19	238	67	98	118	395	277	87	132	184	412
Sacramento	19	71	58	65	67	127	170	149	195	160	213 ^c
Brooklyn	20	211	162	193	154	379	255	224	266	200	445
Cambridge	*	217	163	*	244	298	*	*	*	*	*
Hartford	22	228	169	160	223	344	231	186	167	227	376
Jersey City	22	155	143	120	156	267	186	216	158	197	275
Boston	*	274	225	*	236	*	*	*	*	*	*
Providence	31	217	100	74	117	*	291	202	183	183	*
Newark	41	164	91	113	140	294	251	304	262	352	444
Mean	11.7	128	101	83	92	177	157	141	137	127	209

^a Case types determined by the most serious charge in the indictment or information; sample sizes in Appendix N.

^b Cases disposed by jury verdict; case processing times based on separate sample of cases disposed by jury trial.

^c Jury trial cases were obtained from the original sample of 500 cases.

^d Drug sale cases could not be distinguished from drug possession cases; all drug-related cases included in drug-sale cases in this table. CPTs not included in calculating the means.

^e Case types determined by the most serious charge at conviction, not in indictment/information; CPTs for most serious, drug sale, drug possession, and other felony were not used to calculate the means.

* Data unavailable; not comparable or less than 20 cases (see Appendix N).

Finally, Table 2.3 shows the median case processing time in cases disposed by jury trial.²¹ The average median total case processing time for cases disposed by jury trial was 209 days. In the upper court, the average median time was 177 days (see also Figure 2.2). The fastest median total case processing times in jury trial cases were in Fairfax (91 days) and Salinas (92 days). The longest median total case processing times were in Brooklyn (445 days) and Newark (444 days). In the upper court, the fastest median case processing time was in Fairfax (33 days); the slowest were in Pontiac (454 days) and Bronx (395 days).

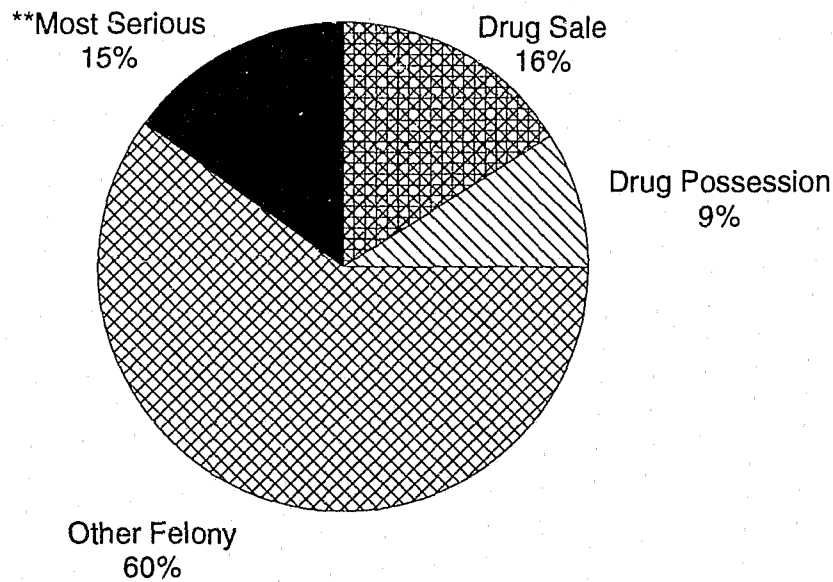
As other studies have shown, there are great variations in case processing times across and within courts that reflect case processing priorities in the local jurisdictions. Typically, more serious cases take longer to bring to disposition. Many local caseload, resource, and political factors affect the pace of litigation in a court. In the next section of this report, some of the important measurable

factors that may affect the pace of felony litigation will be examined.

D. Felony Caseload Composition and the Pace of Litigation²²

It has already been shown that cases involving more serious violent felonies tend to require more time to process than other felony cases. Thus, it is natural to expect that a larger proportion of violent felony cases in the caseload would lead to longer overall case processing times. Moreover, in the past few years the "war on drugs" has placed a severe strain on the ability of many large urban trial courts to expeditiously process their felony caseloads.²³ Data presented earlier suggest that drug sale/intent to sell (hereafter, drug sale) cases generally take more time to process than all but the most serious violent criminal cases. In fact, *Examining Court Delay* found that a higher percentage of drug sale cases and a higher percentage of most serious cases were both related to longer felony disposition times.²⁴

Figure 2.4
Average Felony Caseload Mix - 1987*
36 Urban Trial Courts



*Based on the most serious charge in the indictment or information; for N of courts with data on each case type, see Table 2.4.

**Includes murder, rape, and robbery.

Figure 2.5
Range in Percentage of Felony Case Types
Among 39 Courts - 1987

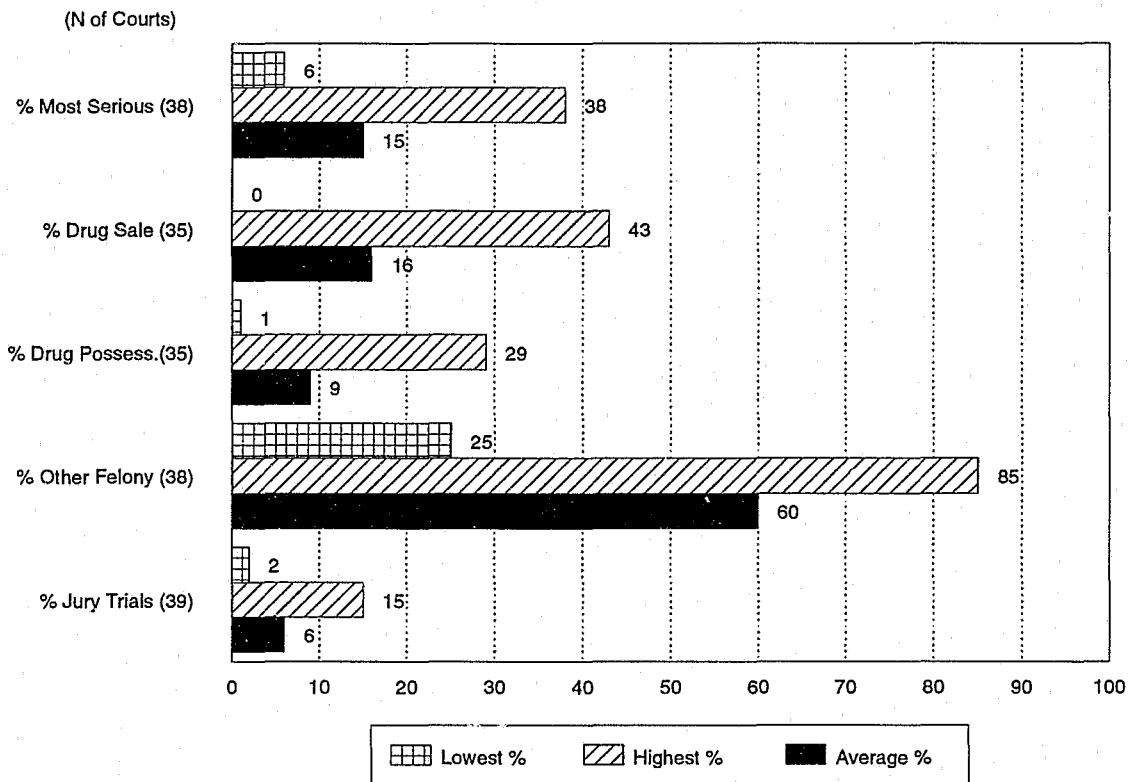


Table 2.4 displays the percentage of most serious, drug sale/intent to sell, drug possession, and all drug-related cases among the cases disposed in each court during 1987.

On average, all drug-related cases accounted for approximately 25 percent of all felony cases disposed in 1987 among these courts. Approximately 16 percent were drug sale cases (see Figure 2.4). The percentage of drug sale cases, however, ranged from less than 1 percent (Des Moines) to 43 percent (Boston). A higher percentage of drug sale cases appear to be associated with longer case processing times.²⁵ Table 2.4 shows that five of the six courts with the highest percentage of drug sale cases were among the nine courts with the highest percentage of cases over one year old at disposition.

Next, drug possession cases accounted for approximately 9 percent of felony cases disposed in 1987 (see Figure 2.4). Drug possession cases ranged from a low of one percent (Boston) to a high of 29

percent (New Orleans) in the caseload. But the percentage of drug possession cases in the caseload did not exhibit a clear association with case processing time in Table 2.4.

The percentage of all drug-related cases is also shown in Table 2.4. Courts ranged from 5 to 46 percent drug-related cases in their caseload. Courts with drug-related caseloads of 37 percent or higher are all among the 16 courts with the highest percentage of cases over one year old at disposition. Thus, there might be some association between the percentage of all drug-related cases and the pace of litigation.

Table 2.4 also shows that the 39 courts had an average of 15.3 percent most serious cases, with a range from 6 to 38 percent (see also Figure 2.5). The four courts with the highest percentages of most serious cases (Brooklyn, Cambridge, Boston, and Hartford) were among the seven courts with the highest percentage of cases over one year old

Table 2.4
Felony Caseload Composition - 1987

	All Cases % Over 1 Year	Sample Size (N)	% Most Serious Cases	% Drug Sale Cases	% Drug Possess Cases	% All Drug Cases	% Other Felony Cases	% Fail to Appear	% Jury Trial Cases ^a
Dayton	1	494	12	6	6	12	76	19	3
Salinas	2	436	12	16	17	33	55	16	7
Des Moines	2	468	10	0	5	5	85	12	2
Fairfax	2	421	14	20	6	26	60	6	15
Detroit	2	463	14	13	6	19	67	13	8
New Orleans	2	563	6	3	29	32	62	18	8 ^b
Wichita	5	483	17	11	6	17	66	15	10 ^b
San Diego	5	491	19	19	9	28	53	21	9
Tucson	*	583	10	7	7	14	76	26	6
Seattle	6	616	15	12	6	18	67	13	8
Norfolk	6	481	16	* ^c	* ^c	11	73	*	2
Colorado Springs	7	418	15	6 ^c	6 ^c	12	73	20	5
Pittsburgh	7	427	10	* ^c	* ^c	13	77	12	6
Houston	8	477	16	7	16	23	61	*	8
District of Columbia ^d	8	594	6	11	22	33	61	*	12
Charlotte	8	410	19	18	2	20	61	11	6
Phoenix	9	470	10	14	10	24	66	13	3
Atlanta	9	562	6	18	10	28	66	18	3
Cleveland	9	474	16	11	6	17	67	25	7
Minneapolis	11	531	16	6	4	10	74	21	6
Atlantic City	12	510	10	20	10	30	60	36	3
St. Paul	13	492	10	7	11	18	72	15	2
Portland	*	417	9	7	11	18	73	20	6
Santa Ana	13	529	14	* ^c	* ^c	44	42	*	5
Miami	13	494	8	10	23	33	59	30	2
Oakland	15	510	21	26	11	37	42	15	8
Columbus	15	393	17	5	6	11	72	23	3
Pontiac	*	514	8	7	7	14	78	24	3
Denver	17	372	18	2	17	19	63	18	6
Wheaton	18	490	8	8	12	20	72	*	4
Bronx	19	446	20	41	5	46	34	23	7 ^e
Sacramento	19	497	19	16	10	26	55	13	6
Brooklyn	20	546	32	33	6	39	29	32	11
Cambridge	*	441	30	35	2	37	33	16	7
Hartford	22	*	38	16	5	21	41	7	4
Jersey City	22	514	14	38	7	45	41	*	5
Boston	*	449	31	43	1	44	25	30	3
Providence	31	455	11	13	17	30	59	36	3
Newark	41	511	12	29	13	42	46	*	5
Mean	11.7		15.3	15.5	9.3	24.6	60.1	19	5.8

^a Based on percentage of jury trial dispositions in the original sample of 500 cases.

^b Jury trials could not be distinguished from non-jury trials.

^c Drug sale cases could not be distinguished from drug possession cases; all drug-related cases included "% all drug cases."

^d Case types determined by the most serious charge at conviction, not in indictment/information; percentages for most serious, drug sale, drug possession, and other felony were not used to calculate the means.

^e If a trial started, the case was coded as one disposed by trial.

* Data unavailable or not comparable.

at disposition.²⁶ Therefore, there probably is a correlation between a higher percentage of most serious cases and longer case processing times overall.

Also noteworthy is that a higher percentage of drug sale cases is moderately related to a higher percentage of most serious (murder, rape, and robbery) cases.²⁷ Although this finding may be in part due to jurisdictional differences, it provides some support for the observation that a greater incidence of drug cases is associated with a greater incidence of violent crime.

The percentage of cases that included a bench warrant for failure of a defendant to appear (FTA cases) are also displayed in Table 2.4. In *Examining Court Delay*, the percentage of cases in which a bench warrant was filed showed a moderate to strong association with most measures of felony case processing time, especially at the 90th percentile.²⁸ In this report, all the courts with at least 30 percent FTA cases are among the 19 courts with the highest percentages of cases over one year old at disposition. A higher percentage of FTA cases, therefore, probably are associated with longer case processing times in this study.

Finally, the percentage of cases disposed by jury trial (i.e., the jury trial rate) for each court is shown in Table 2.4. Jury trial cases are not a substantive case type. However, the jury trial rate is a characteristic of a caseload that is logically related to the overall pace of litigation. Jury trial cases require the greatest proportion of judge time and, therefore, take longer to dispose. Thus, a higher jury trial rate could be related to longer case processing times overall. The courts in this study had an average jury trial rate of 5.8 percent, with a range from 2 to 15 percent (see also Figure 2.5). Table 2.4 displays no apparent pattern between the jury trial rate and the percentage of cases over one year old at disposition.

Caseload composition appears to have some impact on the pace of felony case litigation. In the following section, a variety of structural, caseload, and procedural factors will be more systematically examined through correlation and multivariable analysis to discern which factors are most strongly correlated with the pace of litigation.

E. Factors Related to the Pace of Felony Case Litigation

1. Definitions and Measures

Processing criminal cases requires the cooperation and coordination of police, pretrial investigation units, prosecutors, defense attorneys, witnesses, and court staff. Naturally, therefore, there are a variety of factors that affect the pace of litigation. Traditionally, research on the pace of litigation has focused on four conceptual categories that are amenable to measurement. This section examines the impact of organization size, caseload size, caseload composition, and case management procedures on case processing times. The way in which each of these conceptual categories is defined and measured is set forth below.

Organization size is indicated in this study by two primary measures.

Population size: This is measured by the 1986 population of the county in which the general jurisdiction trial court resides.²⁹ It is expected that courts in more populous areas will experience greater court delay. In this study, the jurisdictions range from almost 2.8 million (Houston) to 275,000 (Norfolk). A brief review of Table 2.5, however, suggests that population has little or no impact on the percentage of felony cases over one year old at disposition.

Court size: The size of the organization is potentially important because some evidence suggests that when an organization becomes very large efficiency begins to decline.³⁰ In this study, court size is measured by the number of full-time equivalent (FTE) felony judges. The courts range from 41 (Brooklyn) to 2.5 FTE judges (Charlotte). Again, there appears to be no relationship between court size and disposition times (see Table 2.5).

Second, **caseload size** is expected to affect the efficiency of a court.³¹ Specifically, one might expect the pace of litigation to be longest in courts with larger caseloads.³² There are, however, multiple measures of a court's caseload. caseload measures are defined below. (See Table 2.5.)

Total number of felony cases filed in 1987. This indicates the magnitude of the caseload in the court as a whole. Table 2.5 groups the courts according to how they count cases. Within group 2, the group with the most courts with a common definition, courts ranged from over 16,000 filings (Detroit) to 834 (Des Moines). There does not

Table 2.5
Population, FTE Judges, Felony Caseload, and Backlog Index - 1987

	Count Type ^a	All Cases % Over 1 Year	1986 Pop ^b	FTE Felony Judges ^c	Felony Filings in 1987 ^d	Pending per FTE Judge ^e	Filings per FTE Judge ^f	Dispositions per FTE Judge ^g	Clearance Rate ^h	Felony Backlog Index ⁱ
Fairfax	1	2	710	4.40	2832	119	644	618	.96	.19
Norfolk	1	6	275	4.50	4530	454	1007	957	.95	.47
Houston ^j	1	8	2798	22.00	31197	791	1418	1410	.99	.56
Charlotte ^j	1	8	451	2.50	3241	412	1296	1226	.95	.34
Mean		6	1059	8.35	10450	444	1091	1053	.96	.39
Dayton	2	1	566	4.00	2220	90	555	530	.95	.17
Salinas	2	2	340	3.50	1342	12	383	364	.95	.03
Des Moines ^j	2	2	316	3.00	834	84	278	273	.98	.31
Detroit	2	2	1086	34.00	16312	76	480	448	.93	.17
Wichita	2	5	391	5.60	1694	59	303	189	.62	.31
San Diego	2	5	2201	19.00	9258	*	487	469	.96	*
Pittsburgh	2	7	1374	7.00	5904	*	843	980	1.16	*
District of Columbia	2	8	626	16.49	11130	148	675	674	1.00	.22
Cleveland	2	9	1445	16.50	9472	127	574	584	1.02	.22
Minneapolis	2	11	988	7.80	3620	112	464	408	.88	.28
Atlantic City	2	12	205	5.00	3448	146	690	589	.85	.25
St. Paul	2	13	474	5.00	2475	105	495	416	.84	.25
Santa Ana	2	13	2167	18.00	4363	*	242	239	.98	*
Oakland	2	15	1209	7.04	5070	*	720	690	.96	*
Columbus	2	15	907	6.00	4434	198	739	678	.92	.29
Pontiac ^j	2	*	1026	8.70	7295	244	839	831	.99	.29
Sacramento	2	19	915	11.00	3643	*	331	416	1.26	*
Jersey City	2	22	553	6.63	2385	138	360	350	.97	.39
Newark	2	41	842	18.52	7217	238	390	368	.94	.65
Mean		11	928	10.67	5375	127	518	500	.96	.27
Tucson ^j	3	*	602	7.60	3222	291	424	410	.97	.71
Colorado Springs ^j	3	7	380	4.00	3401	628	850	848	1.00	.74
Phoenix ^j	3	9	1900	13.54	12410	411	917	853	.93	.48
Denver ^j	3	17	505	6.75	2910	*	431	455	1.06	*
Cambridge	3	*	1367	4.50	1017	174	226	221	.98	.79
Hartford	3	22	825	6.00	1142	148	190	154	.81	.97
Boston	3	*	661	8.00	1646	191	206	217	1.06	.88
Providence	3	31	582	5.40	3020	368	559	574	1.03	.64
Mean		17	853	6.97	3596	316	475	467	.98	.74
Portland ^j	4	*	567	7.00	6338	364	905	802	.89	.45
Miami	4	13	1769	24.00	23884	*	995	*	*	*
Bronx	4	19	1194	37.00	8799	75	238	226	.95	.33
Brooklyn	4	20	2293	41.00	10331	90	252	238	.95	.38
Mean		17	1456	27.25	12338	176	298	422	.93	.39
Seattle ^j	5	6	1362	12.00	5352	225	446	412	.92	.55
Atlanta	5	9	623	7.70	8378	189	1088	1035	.95	.18
Wheaton	5	18	728	4.00	2511	203	628	635	1.01	.32
Mean		11	904	7.9	5414	206	721	694	.96	.35
New Orleans	6	2	554	10.50	3746	*	*	*	*	*

^a Courts are grouped here by the manner in which they count cases; see p. 16 for "case" definitions.

^b 1986 population in thousands (County and City Data Book, 1988).

^c "FTE Felony Judges" represents the full-time equivalent judicial staff assigned to handle felony cases in 1987.

^d Number of felony cases with an indictment or information filed (data from survey of court administrators).

^e "Pending per FTE Felony Judge" is calculated by dividing the number of pending felonies on 1/1/87 by the number of FTE felony judges.

^f "Filings per FTE Felony Judge" is calculated by dividing the number of felony filings in 1987 by the number of FTE felony judges.

^g "Dispositions per FTE Felony Judge" is calculated by dividing the number of 1987 felony dispositions by the number of FTE felony judges.

^h "Clearance Rate" is calculated by dividing the number of felony dispositions by the number of filings.

ⁱ Number of pending cases as of January 1, 1987, divided by the number of cases disposed in 1987.

^j Pending felony caseload statistics include "fugitive cases."

* Data not available or not comparable.

appear to be a pattern between number of filings and delay in felony case litigation.

Pending caseload per FTE judge indicates the number of cases awaiting disposition at the start of 1987 (see Figure 2.6). This number depends in part on how cases are counted. Among group 2 courts in Table 2.5, courts ranged from 244 (Pontiac) to 12 (Salinas) pending cases per judge. In general, courts with more pending cases per judge tend to have a higher percentage of cases over one year old at disposition.

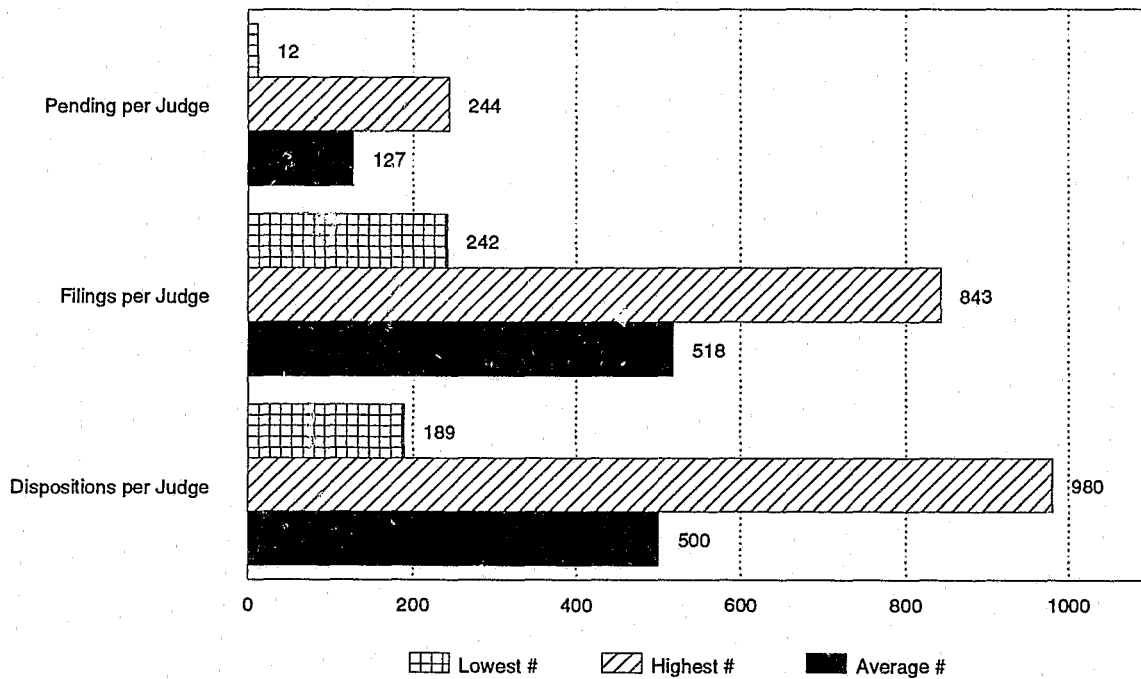
Filings per FTE judge measures the incoming caseload during 1987 (see Figure 2.6). Among group 2 courts in Table 2.5, Pittsburgh had the most (843), and Des Moines had the fewest (278) filings per felony judge. However, there does not appear to be a pattern between the number of filings per judge and delay.

Dispositions per FTE judge measures the caseload that reached completion during 1987 (see Figure 2.6). Table 2.5 shows that group 2 courts ranged from 980 (Pittsburgh) to 187 (Wichita) dispositions per judge. Again, the number of dispositions per judge appears to be unrelated to delay.

The *clearance rate* is the number of dispositions for the year divided by the number filings for the year; it measures the degree to which the court kept pace with the incoming caseload.³³ Interestingly, only 9 of the 37 courts with data on clearance rates disposed of more cases than were filed in 1987. However, clearance rates do not appear to be associated with the percentage of cases over one year old.

The *backlog index* is the number of felony cases pending on January 1, 1987, divided by the number of felony dispositions in 1987. Hartford had the highest (.97) and Salinas the lowest (.03) backlog

Figure 2.6
Range in the Felony Caseload per Judge
in 19 Courts - 1987*



*The 19 courts define a felony case as: single defendant, single incident, all associated charges (see Table 2.5).

indexes. Not surprisingly, there appears to be a clear tendency for courts with a higher backlog index to have a higher percentage of cases over one year old (see Table 2.5).

Two important methodological issues should be considered at this point. First, the backlog index is useful for assessing the status of a court's pending caseload relative to the number of cases the court disposed during the year. It also reflects the rate at which the equivalent of the pending caseload was "turned over" during the year (e.g., a backlog index of .50 indicates that the pending caseload was disposed within six months). Thus, the backlog index is an indicator of case processing *time*. Not surprisingly, the backlog index has been strongly associated with case processing times in previous studies.³⁴ However, because it is an indicator of case processing time, it cannot serve as an explanation for, or "cause" of, case processing time. Nevertheless, because it is an interesting and useful index on the issue of caseload, it will be examined with other measures of caseload in this study.

Second, it should be reiterated that Table 2.5 displays the 39 courts in groups according to the way they count a felony "case":³⁵

- *Group 1*: single defendant, single charge;
- *Group 2*: single defendant, single incident, one or more charges;
- *Group 3*: single defendant, one or more incidents, one or more charges;
- *Group 4*: single defendant, content varies by prosecutor;
- *Group 5*: one or more defendants, single incident, one or more charges.

These variations in case definitions can make a substantial difference in the courts caseload statistics. For purposes of correlation analysis, only the 19 courts in Group 2 (Table 2.5) will be included in order to eliminate differences in the way courts count cases. The 19 courts in this group had an average of 518 filings per judge and 500 dispositions per judge in 1987 (see Figure 2.6).

Third, *caseload composition* could also influence the pace of litigation. As indicated earlier, the most serious violent criminal cases generally require more time to reach disposition.³⁶ Thus, it is expected that courts with a higher percentage of serious violent crimes in their caseload will have longer case processing times overall. In this study, the percentage of cases in which a murder, rape, or robbery charge was the most serious charge in the indictment or information are used to indicate the seriousness or complexity of the caseload. The percentage of cases in which a *drug sale/intent to*

sell or other drug-related charge was the most serious charge in the indictment or information also are used to indicate caseload composition (see Table 2.4). It is expected that a higher percentage of drug cases are related to longer case processing times.

Two additional case characteristics are considered as elements of caseload composition. First, the percentage of cases in which a defendant failed to appear for a scheduled case event (FTA cases) are considered. As discussed earlier, FTA cases are included in this study without subtracting the time the defendant was out on a bench warrant (for failure to appear). Including this time as case processing time can extend considerably the time required to dispose of these cases. As in *Examining Court Delay*,³⁷ a higher percentage of FTA cases is expected to be related to longer case processing times overall. Second, the percentage of cases disposed by jury trial are used to indicate caseload composition. Although the jury trial rate could also be considered an element of case management, it is dealt with here as a characteristic of the caseload composition because the jury trial rate is probably determined largely by the nature of the case and practices of attorneys.

Finally, it could be expected that *case management procedures* affect the pace of litigation. The case management characteristics included in the analysis are described below (see Table 2.6).

Charging procedure--It is expected that case processing times will be faster if fewer cases are taken to a grand jury.³⁸ Courts are ranked 1 through 3: primarily indictment-based charging, combination of indictment and information-based charging, and almost strictly information-based charging. In Table 2.6, only 2 of the 10 courts with the lowest percentages of cases over one year old, but 6 of the 10 with the highest percentages over one year old, had indictment-based charging systems. Based simply on review of Table 2.6, indictment-based systems might produce a greater incidence of delay.

Calendar type--It is possible that an individual calendar system, wherein a judge is assigned a case from the point of filing and handles all hearings and the trial in the case, could produce faster case processing times because an individual calendar places greater individual responsibility for the processing of cases on the judges.³⁹ A master calendar, wherein different judges could handle each of several hearings involved in a case, entails less individual responsibility for processing each case and could, therefore, be related to slower case processing times. The courts are ranked here on

Table 2.6
Felony Case Management Procedures - 1987

	All Cases % Over 1 Year	Charging Procedure ^a	Calendar Type ^b	Judicial Assignment ^c	When Pretrial Motions ^d	% Jury Trials on First Sched Trial Date	First Sched Trial to Trial Start Median
Dayton	1	Indictment ^e	Individual	Felony/Civil	<6 Weeks	58	0
Salinas	2	Information	Master	Felony/Civil	<6 Weeks	41	3
Des Moines	2	Information	Individual	Felony/Civil	<6 Weeks	44	7
Fairfax	2	Indictment	Master	Felony/Civil	<3 Weeks	69	0
Detroit	2	Information	Hybrid (I)	Felony Only	<6 Weeks	66	0
New Orleans	2	Combination	Individual	Felony/Misd	<3 Weeks	42	12
Wichita	5	Information	Master	Felony Only	<6 Weeks	19	42
San Diego	5	Information	Master	Felony Only	<6 Weeks	3	12
Tucson	*	Indictment	Individual	Felony Only	<6 Weeks	23	31
Seattle	6	Information	Master	Felony/Civil	>6 Weeks	2	15
Norfolk	6	Indictment	Master	Felony/Civil	<6 Weeks	*	*
Colorado Springs	7	Information	Individual	Felony/Civil	>6 Weeks	12	54
Pittsburgh	7	Information	Individual	Felony/Misd	<6 Weeks	31	41
Houston	8	Indictment	Individual	Felony Only	<3 Weeks	29	43
District of Columbia	8	Indictment	Individual	Felony Only	>6 Weeks	*	*
Charlotte	8	Indictment	Master	Felony Only	*	24	21
Phoenix	9	Combination	Individual	Felony Only	>6 Weeks	0	93
Atlanta	9	Indictment	Individual	Felony/Civil	<3 Weeks	*	*
Cleveland	9	Indictment	Individual	Felony/Civil	<6 Weeks	24	14
Minneapolis	11	Information	Master	Felony/Civil	<3 Weeks	*	*
Atlantic City	12	Indictment	Individual	Felony Only	<6 Weeks	16	44
St. Paul	13	Information	Master	Felony/Civil	>6 Weeks	*	*
Portland	*	Indictment	Master	Felony/Civil	<6 Weeks	14	16
Santa Ana	13	Information	Master	Felony/Civil	>6 Weeks	2	49
Miami	13	Information	Individual	Felony Only	<6 Weeks	*	*
Oakland	15	Information	Master	Felony/Civil	<6 Weeks	*	*
Columbus	15	Indictment	Individual	Felony/Civil	>6 Weeks	6	110
Pontiac	*	Information	Individual	Felony/Civil	>6 Weeks	4	227
Denver	17	Information	Individual	Felony Only	<6 Weeks	10	85
Wheaton	18	Information	Individual	Felony Only	<6 Weeks	*	*
Bronx	19	Indictment	Individual	Felony Only	>6 Weeks	*	*
Sacramento	19	Information	Hybrid (M)	Felony/Civil	<6 Weeks	18	44
Brooklyn	20	Indictment	Individual	Felony Only	*	*	*
Cambridge	*	Indictment	Master	Felony Only	>6 Weeks	7	22
Hartford	22	Information	Master	Felony Only	>6 Weeks	*	*
Jersey City	22	Indictment	Individual	Felony/Misd	>6 Weeks	*	*
Boston	*	Indictment	Master	Felony Only	>6 Weeks	*	*
Providence	31	Information	Master	Felony Only	>6 Weeks	*	*
Newark	41	Indictment	Hybrid (I)	Felony Only	>6 Weeks	*	*
Mean	11.7					23.5	43.5

^a If a court used an information 80 percent of the time or more, it was coded as an information-based system (same for indictments). Less than 80 percent was coded as a "combination" of indictment and information (data from survey of court administrators).

^b Hybrid indicates that a court utilized both an individual and master calendar, but is categorized here by its primary type, individual or master (data from survey of court administrators).

^c Indicates the types of cases assigned to judges who handled felony cases: felony only, felony and misdemeanor, and a combination of felony and civil. If felony case duties required 90 percent or more of judges' time, courts were classified as "felony only" (data from survey of court administrators).

^d Time from arraignment on indictment/information to when pretrial motions are usually decided (data from survey of court administrators).

^e Dayton used "information" in 20 percent of its cases.

* Data unavailable or not comparable.

the degree of individual judge responsibility for the management of cases: 1 = master; 2 = primarily master, but some elements of an individual calendar; 3 = primarily individual calendar, but some elements of a master calendar; and 4 = individual calendar. Data in Table 2.6 fail to display a link between calendar type and the percentage of cases over one year old.

Judicial assignment system--Courts that encourage specialization among their judges do so, one assumes, because it is expected that specialization will lead to greater expertise and efficiency in case processing. On the other hand, greater specialization tends to be associated with larger, more complex organizations, which could be associated with longer case processing times. Thus, discerning the possible impact of the judicial assignment system on pace is complicated by these organizational factors. Nevertheless, the nature of the judicial assignment system is sufficiently interesting to warrant examination. Courts are ranked 1 through 3 according to the degree of judicial specialization: felony and civil case assignments; felony and misdemeanor assignments; and felony only assignments. Interestingly, the 11 courts that display the greatest incidence of delay in Table 2.6 all had specialized (felony only) case assignments; only 4 of the 10 courts with the lowest percentages of cases over one year old had specialized case assignments.

Point when pretrial motions are decided--Research suggests that courts which resolve pretrial motions early are more likely to have faster case processing times.⁴⁰ Court administrators completed a survey for this study in which they identified when pretrial motions were usually decided after arraignment in the general jurisdiction court. Courts are ranked 1 through 3: within three weeks after arraignment; three to six weeks after arraignment; and more than six weeks after arraignment. Table 2.6 shows that 9 of the 10 courts with the lowest percentages of cases over one year, but only 2 of the 10 courts with the greatest incidence of delay, resolved pretrial motions in less than six weeks after arraignment. Early resolution of pretrial motions, therefore, appears to be related to faster litigation.

Firm trial dates--Research also suggests that firm trial dates are related to shorter case processing times.⁴¹ In this study, firm trial dates are indicated by the percentage of cases disposed by jury trial that began on the first scheduled trial date (i.e., the percentage of jury trial cases that received no continuances). Twenty-four courts had data on the first scheduled trial date. There appears to be a fairly strong tendency for courts with a higher

percentage of jury trials that started on the first scheduled trial date to have a lower percentage of felony cases over one year old.

Each of these factors could play a role in determining the pace of felony case litigation. It is possible, however, that the pace of litigation for some types of cases is more easily explained than for other types of cases. For instance, murder, rape, and robbery (most serious) or drug cases might exhibit patterns in case processing to a greater extent than other case types. Case processing also might be more predictable once a case reaches the general jurisdiction court. Moreover, it is possible that there are more distinct patterns in case processing time among the oldest cases than among the typical cases (or vice versa). Thus, several measures of case processing time are examined in this study. Median and 90th percentile total (arrest to disposition) and upper court (indictment or information to disposition) case processing times are examined for all felony cases. In addition, median total and upper court case processing time for most serious, drug sale, drug possession, and other felony categories and median case processing time for cases disposed by jury trial are included in the analysis. Two other indicators of case processing performance are included: the percentage of cases over the ABA disposition time standards (180 days and one year) at disposition. It should be noted, however, that because the sample of cases from each court was taken from a list of "all felony cases disposed during 1987," the case processing times for "all felony" cases will have the greatest accuracy (see Appendix A).

2. Factors Related to Felony Case Processing Time

In this section, the focus is on the factors defined above that appear to be most strongly associated with felony case processing times.⁴² For purposes of economy, Table 2.7 displays the correlations for only the factors that exhibit a moderate or strong correlation (+/- .50 or higher) with at least one of the indicators of felony case processing time (see also Appendices D and E).⁴³

First, none of the measures of population or court size display a moderate or strong association with any of the measures of the pace of felony case litigation. The number of felony case filings per FTE judge, dispositions per FTE judge, clearance rate, charging procedure, calendar type, jury trial rate, percentage of drug possession cases, and percentage of all drug-related cases also fail to display any moderate correlations with the pace of litigation (see also Appendices D and E). These

Table 2.7
Factors Related to Felony Case Processing Times
Correlations (r) of .50 or Higher^a

DEPENDENT VARIABLES	INDEPENDENT VARIABLES (r/(N))							
	Percent Fail to Appear	Percent Most Serious	Percent Drug Sale	Pending per FTE Judge ^b	Felony Backlog Index	Felony Only Assignment	Early Pretrial Motions	Percent on First Trial Date
ALL FELONY CASES								
Percent Over 180 Days			.54 (30)	.84 (12)	.72 (20)			-.65 (20)
Percent Over One Year				.81 (12)	.72 (20)			-.66 (20)
Total Median			.50 (30)	.77 (12)	.75 (20)			
Total 90th Perc.	.54 (27)			.80 (12)	.61 (20)			-.67 (20)
Upper Court Median		.68 (38)	.52 (35)	.59 (12)	.84 (22)		.51 (37)	
Upper Court 90th Perc.	.61 (32)			.81 (12)	.75 (22)			-.60 (24)
MOST SERIOUS								
Total Median				*	.66 (19)	.51 (33)		
Upper Court Median		.53 (38)	.51 (35)	*	.78 (21)	.61 (38)		
DRUG SALE								
Total Median				*	.70 (17)			-.62 (14)
Upper Court Median				*	.70 (20)			-.65 (19)
OTHER FELONY								
Total Median			.50 (30)	*	.74 (19)			
Upper Court Median		.66 (38)	.53 (35)	*	.87 (21)		.55 (36)	
JURY TRIAL								
Total Median		.52 (31)	.59 (29)	.87 (12)	.70 (18)	.53 (32)		-.51 (20)
Upper Court Median				.84 (12)	.70 (19)		.54 (34)	

^a As a correlation (r) gets closer to 1.0 or -1.0, the relationship between the independent variable (e.g., percent most serious) and the dependent variable (e.g., median case processing time) gets stronger. A *positive* correlation means the independent variable and case processing time move in the same direction (e.g., as percent most serious increases, CPT increases). A *negative* correlation means the independent variable and CPT move in opposite directions (e.g., as percent most serious decreases, CPT increases).

^b Used only in courts with comparable data in Group 2, Table 2.5, for correlations involving pending cases per judge (see also Appendix E).

* Fewer than 12 courts with comparable data.

findings are generally consistent with the findings from earlier pace of litigation studies.⁴⁴

There are, however, several factors that appear to be related to the pace of felony case litigation. Caseload composition appears to play an important role in determining the pace of litigation. As indicated in Table 2.7, a higher percentage of *drug sale* cases are at least moderately associated with longer case processing times on 7 of the 14 indicators of the pace of litigation. This is consistent with the findings in *Examining Court Delay*. Analysis in section II(F) below indicates, however, that the percentage of drug sale cases in the caseload probably is *not* the cause of delay in felony case processing in 1987. Trend data reveal that courts that were already among the slowest in 1983 (when there was no correlation between the percentage of drug cases and the pace of litigation) experienced the largest increases in drug cases between 1983 and 1987. Thus, the 1987 data, when examined alone, appear to suggest that a higher percentage of drug cases in the caseload may *cause* delay in case processing. Trend data show that the percentage of drug cases in the caseload does not cause delay in case processing.

A higher percentage of most serious cases are also associated with longer case processing times on four indicators. A higher percentage of most serious cases are most consistently associated with median upper court processing time; they are most strongly associated with longer case processing times for other (e.g., burglary, larceny) felony cases. This finding is consistent with conventional wisdom and the findings in *Examining Court Delay*.

Table 2.7 also indicates that a higher percentage of FTA cases are associated with longer 90th percentile case processing times on two of the indicators. This is understandable because time to disposition could be extended substantially if a defendant skips bail. However, in *Examining Court Delay*, the percentage of FTA cases was at least moderately associated with median case processing time as well.⁴⁵ Thus, the percentage of FTA cases in the caseload appears to be less important in explaining case processing times than was indicated in *Examining Court Delay*.

Case management characteristics also appear to be associated with the pace of litigation. A higher percentage of firm trial dates are associated with faster case processing times on seven indicators of the pace of litigation. The extent to which a court provides firm trial dates indicates the degree of cooperation among the court, pretrial investigators, prosecutor, and defense; the effectiveness of

resource management in the court; and the extent to which judges insist that events occur when scheduled. The percentage of jury trial cases that were started on the first scheduled trial date indicates the percentage of cases in which no continuance was granted. As expected, firm trial dates are related to faster case processing times overall and not just for jury trial cases. If jury trials are likely to take place when scheduled, guilty pleas are likely to be entered earlier. Because guilty pleas are by far the largest disposition category, overall case processing times will be shorter.⁴⁶ It is not surprising that the strongest correlate of firm trial dates is early resolution of pretrial motions.⁴⁷ Both are key elements in a strong case management system.⁴⁸

Moreover, early resolution of pretrial motions exhibits a moderate association with median upper court time in three case categories (all felony, less serious, and jury trial cases). In many or most cases, resolution of pretrial motions is the equivalent of determining guilt or innocence because issues related to the admissibility of evidence are usually at stake. The earlier these issues can be resolved, the earlier a court can expect to obtain guilty pleas and determine whether a case will actually go to trial.

Interestingly, a smaller pending caseload per judge is associated with earlier resolution of pretrial motions.⁴⁹ In most courts where there is a large backlog of pending cases, recently filed cases have to wait to have their pretrial motions resolved until after the already pending cases are processed. Thus, when a court resolves pretrial motions may, in part, be determined by the size of the pending caseload per judge. On the other hand, ineffective case management can contribute to a larger pending caseload. The data do not illuminate the causal relationships among these variables.

A third case management characteristic, the degree of specialized judicial assignments, is related to longer case processing times for most serious and jury trial cases (see Table 2.7). Specialized assignments are usually adopted to obtain greater expertise and efficiency in case processing. However, larger courts, ones with more FTE judges, are somewhat more likely to have specialized judicial assignments.⁵⁰ Court size is not directly related to case processing time; but court size tends to be associated with specialized judicial assignments, and specialized assignments tend to be associated with longer case processing times.

Analysis of the caseload measures in this study is also informative. First, Table 2.5 shows that only

9 of the 37 courts kept up with their incoming caseloads during 1987 (i.e., 9 had a clearance rate of 1.0 or higher), though the clearance rate was not correlated with case processing times.⁵¹ Thus, pending caseloads were generally increasing during 1987. If courts continue to dispose of fewer cases than are filed in a year, large pending backlogs will develop and more judicial resources may be needed. Secondly, the backlog index is at least moderately associated with all 14 measures of felony case processing time (see Appendix D). This finding is consistent with earlier studies⁵² and conventional wisdom. As indicated earlier, however, because it is an indirect measure of case processing time, the backlog index cannot explain case processing times. Because the backlog index and pending caseload per judge are strongly correlated (see Appendix G), and because pending caseload per judge is *not* an indicator of case processing time, pending caseload per judge is a better measure of the pending caseload/backlog issue for purposes of correlation analysis.

Among all the factors examined here, a larger pending caseload per FTE judge displays the strongest correlations with longer case processing times. Pending caseload per judge is strongly associated ($r = .70$ or higher) with eight indicators of the pace of litigation. Pending cases per judge is probably associated with more indicators, but correlations are reported only if there are at least 12 courts with comparable data. However, there were fewer than 12 courts in Group 2 with comparable data on pending caseload per judge and several measures of case processing time (see Appendix E and Table 2.5).⁵³

Correlations displayed by the backlog index and a larger pending caseload per judge with longer case processing times, however, are consistent with conventional wisdom and logic.⁵⁴ Nevertheless, a subgroup of only 12 courts is too small for deriving clear conclusions. Moreover, the causal sequence between pending caseload per judge and the pace of litigation is unclear. A large pending caseload per judge, for instance, is related to a faster pace of litigation, but a slower pace could well be the cause of larger pending caseloads. One might expect that courts with the largest number of filings per judge, over time, would be the courts with the largest pending caseloads per judge. Courts with a large number of filings per judge are most likely to be near or beyond a saturation point where, even if the caseload is effectively managed, the court could not prevent the buildup of pending cases per judge. Data on filings and pending cases over a period of years would provide the best means for determining the relationship between these vari-

ables.⁵⁵ However, data reported in Appendix G suggest that, for Group 2 courts (Table 2.5), there is no association between the number of filings or dispositions per judge and the number of pending cases per judge. Although the number of courts with comparable data on pending caseloads is small, other factors, in addition to insufficient judicial resources, could be important antecedents of large pending caseloads per judge.⁵⁶

In summary, caseload composition, size of the pending caseload per judge, and case management characteristics are all associated with the pace of litigation. In the next section, a multivariable analysis will be employed to identify a few factors that are most significantly related to the pace of felony litigation when the concurrent effects of other factors are considered.

3. Multivariable Analysis of Factors Related to the Pace of Felony Case Litigation

Until now, the analysis has included only correlations between a single *independent* variable (e.g., percent drug cases) and one *dependent* variable (e.g., case processing time). It is possible, however, that the relationship exhibited by an independent variable with case processing time is either caused in part, or suppressed, by one or more other independent variables. A partial correlation analysis⁵⁷ reveals the association exhibited by an independent variable (e.g., percent most serious cases) with a dependent variable (i.e., case processing time) after the effects of a *control* variable (e.g., the percentage of firm trial dates) are introduced.⁵⁸ The factors included in the partial correlation analysis are those that displayed at least a moderate association ($\pm .50$ or higher) with one or more measures of felony case processing time in Table 2.7.⁵⁹

It is important to note that the strongest correlate of felony case processing time (pending caseload per judge) is not included in the partial correlation analysis because there were an insufficient number of courts (12) with comparable data on this factor. The partial correlation analysis is, therefore, incomplete. Nevertheless, it is useful to determine the relative impact of the other potentially important factors on the pace of felony litigation.

Table 2.8 displays the results of the partial correlation analysis.⁶⁰ The top of Table 2.8 shows the bivariate correlations between median and 90th percentile upper court disposition times for all felony cases and the five most important independent variables identified in the correlation analysis above

(see Table 2.7). The difference between the bivariate and partial correlations (at the bottom of Table 2.8) indicates the degree to which the control variable increases or decreases the correlation between the independent variable (e.g., percentage of drug sale cases) and case processing time.

First, a higher percentage of jury trials that start on the first scheduled trial date (i.e., firm trial dates) and a higher percentage of most serious cases appear to be the most significant correlates of faster median upper court case processing times. Both factors retain generally moderate correlations with median case processing time after the effects of each of the four control variables are considered. Earlier resolution of pretrial motions retains an association with the median case processing times after the effects of three of the four control variables are considered, though its correlation with median time is not significant when controlling for the effect of firm trial dates.

Interestingly, none of the independent variables retain a statistically significant association with 90th percentile case processing time after controlling for the effects of all four control variables. A higher percentage of firm trial dates and early resolution of pretrial motions show the most potential for predicting shorter case processing times. Both factors retain mostly moderate correlations with the 90th percentile case processing time when the effects of three of the four control variables are considered. Firm trial dates lose their statistically significant association with the 90th percentile case processing time when the point at which pretrial motions are decided is controlled (see Table 2.8). Early resolution of pretrial motions loses its statistically significant correlation with the 90th percentile when the effect of firm trial dates is taken into account.⁶¹

Figure 2.7 displays the findings of the partial correlation analysis. In Figure 2.7, the size of the pending caseload per judge is related to felony case processing times, even though it was not included in the partial correlation analysis. It is shown in Figure 2.7 because of its strong bivariate correlations with case processing times among the 12 courts that had comparable data on the issue.⁶² The dotted lines, however, indicate that pending caseload per judge was not subject to the partial correlation analysis. Therefore, conclusions regarding the association of pending caseload per judge and case processing time among the courts in this study are tentative.⁶³ It should be reiterated that the causal relationship between pending caseload per judge and delay in case processing is probably mutual: delay leads to larger pending caseloads and vice versa.

Table 2.8
Bivariate and Partial Correlations
Factors Related to Felony Case
Processing Times - 1987

Bivariate Correlations^a			
Indictment to Disposition			
Independent Variables	(N=20)	All Felony Cases Median	90th
% Most Serious		.61**	.46*
% Drug Sale		.28	.31
% Fail to Appear		.18	.44*
Pretrial Motions ^b		.53**	.54**
% on First Trial Date		-.55**	-.64**
Partial Correlations^c			
Indictment to Disposition			
Independent Variables	(N=20)	All Felony Cases Median	90th
Independent Variable /Control Variable			
% Most Serious	/% Drug Sale	.57**	.36
	/% Fail to Appear	.66**	.62**
	/Pretrial Motions	.55**	.37
	/% on First Trial Date	.57**	.39
% Drug Sale	/% Most Serious	-.15	.03
	/% Fail to Appear	.30	.38
	/Pretrial Motions	.26	.30
	/% on First Trial Date	.27	.33
% Fail to Appear	/% Most Serious	.38	.61**
	/% Drug Sale	.21	.49*
	/Pretrial Motions	.12	.43
	/% on First Trial Date	-.04	.28
Pretrial Motions	/% Most Serious	.46*	.48*
	/% Drug Sale	.53*	.54*
	/% Fail to Appear	.52*	.54*
	/% on First Trial Date	.25	.18
% on First Trial Date	/% Most Serious	-.51*	.61**
	/% Drug Sale	-.55**	-.65**
	/% Fail to Appear	-.53**	-.57**
	/Pretrial Motions	-.48*	-.44

^a As a correlation (r) gets closer to 1.0 or -1.0, the relationship between the independent variable (e.g., percent most serious) and the dependent variable (e.g., median case processing time) gets stronger. A *negative* correlation means case processing time increases as the independent variable decreases. A *positive* correlation means case processing time increases as the independent variable increases.

^b Number of weeks after arraignment in general jurisdiction court when pretrial motions were usually decided.

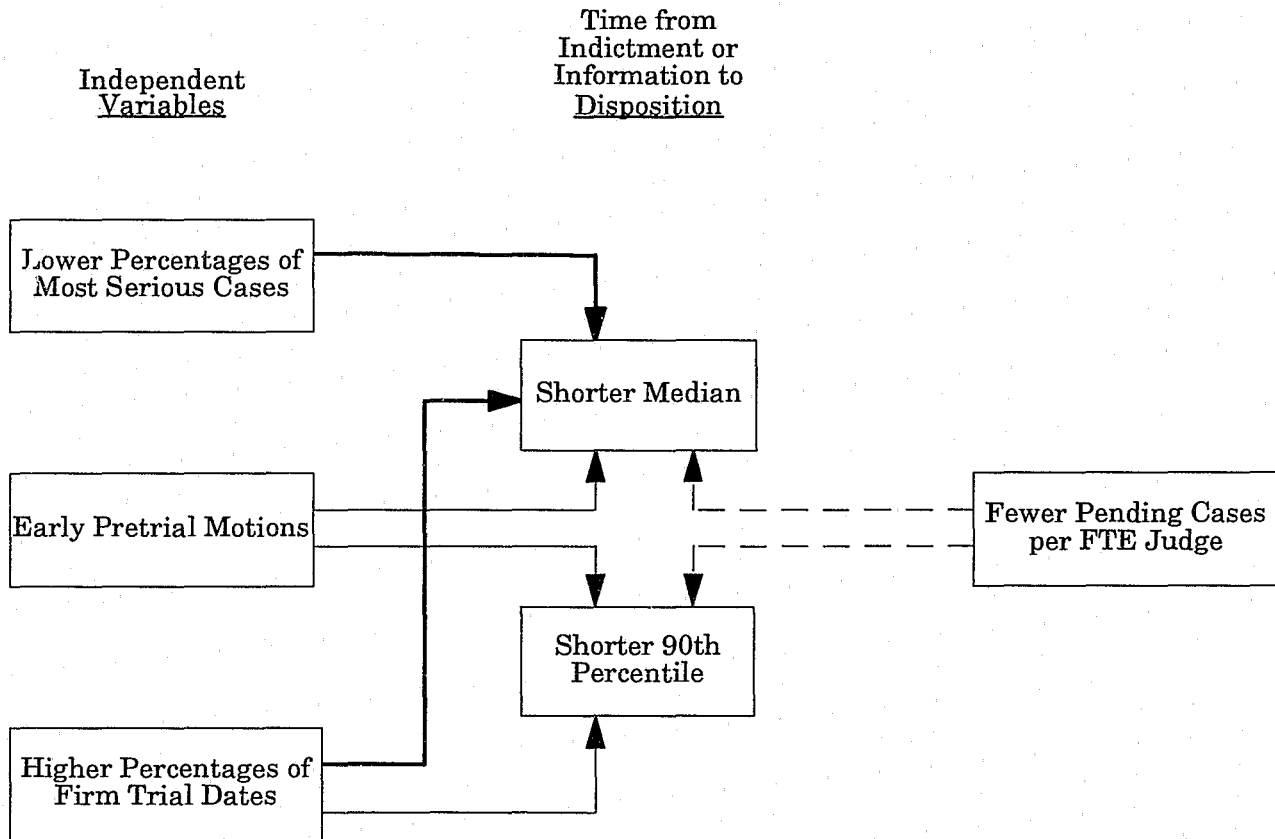
^c Partial correlations reflect the strength of the relationship exhibited by the independent variable with case processing time when the effect of the control variable is taken into account.

* Significant at the .05 level.

** Significant at the .01 level.

Figure 2.7
 Strongest Correlates of Felony Case Processing Time - 1987
 After Partial Correlation Analysis

ALL FELONY CASES



- ▶ Independent variable retained a statistically significant correlation with the upper court case processing time (CPT) after controlling for the effects of three of the four other important (control) variables (see Table 2.8).
- ▶ Independent variable retained a statistically significant correlation with the upper court CPT after controlling for the effects of all of the four other important (control) variables (see Table 2.8).
- ▶ Pending cases per judge displayed a strong bivariate correlation with case processing times, but was not subjected to partial correlation analysis due to an insufficient number of courts with comparable data on pending caseloads.

In conclusion, caseload composition and the effectiveness of case management appear to be significant correlates of felony case processing times. After partial correlation analysis, the percentages of most serious cases and firm trial dates were most significantly associated with median felony case processing times.⁶⁴ Moreover, the data suggest, as one would expect, that the size of the pending caseload per judge is also an important correlate of the pace of litigation. It is unclear, however, whether the size of the pending caseload per judge is a *cause* or a *consequence* of delay in felony case litigation, though once a large pending caseload develops it surely contributes to delay. Furthermore, a larger pending caseload per judge could impair a court's ability to achieve early resolution of pretrial motions and firm trial dates. On the other hand, failure to strive for firm trial dates and early resolution of pretrial motions could hasten the development of larger pending caseloads per judge. Even though it is difficult to make generalizations about the causal sequences among these variables,

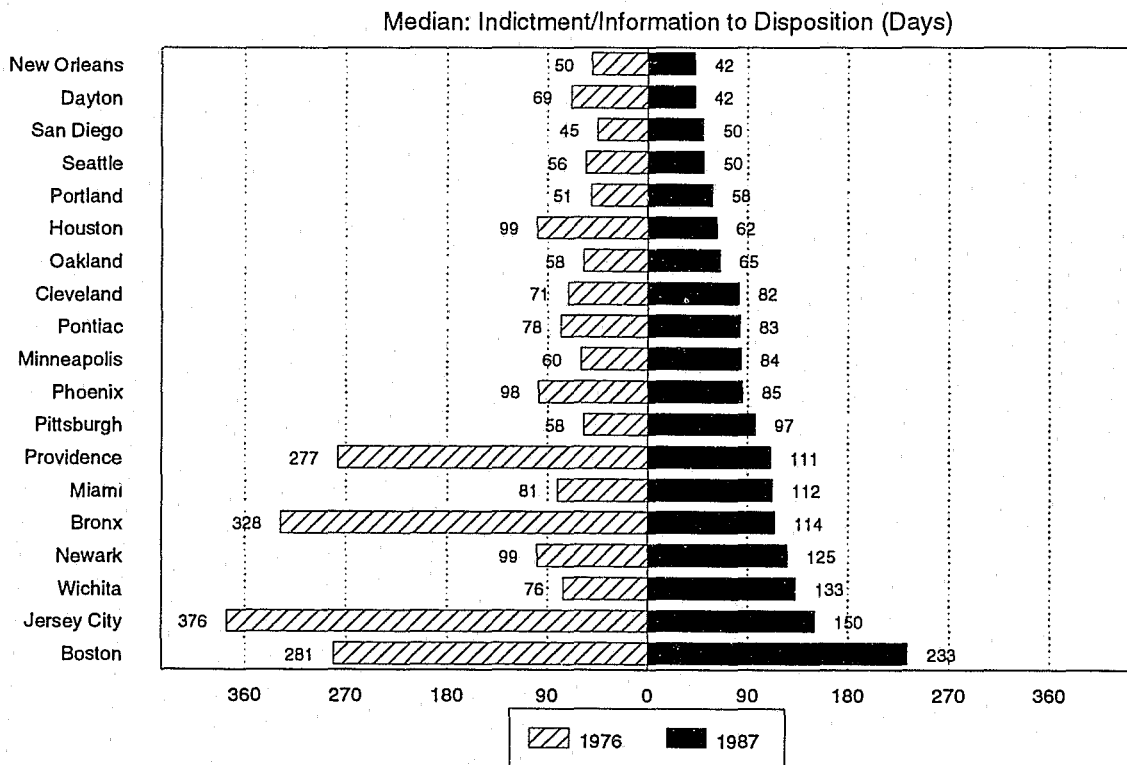
reducing delay in felony case processing is likely to be dependent upon both reducing the size of the pending caseload and improving the management of felony cases through early resolution of pretrial motions and the provision of firm trial dates.

F. Trends in the Pace of Felony Case Litigation, 1976 - 1987

1. General Trends from 1976 to 1987

Among the 13 courts that were added to this study since the publication of *Examining Court Delay*, three were in the 1976 study, *Justice Delayed*: Pontiac, Seattle, and Houston. Adding these three courts to the study brings to 19 the number of courts that were in either the 1976 study by Church et al. (1978) or the 1978 study by Neubauer et al. (1981). Overall, from 1976 to 1987 there were mixed results in the battle against court delay in processing felony cases (see Figure 2.8). Table 2.9 shows the 19 courts and their median upper court

Figure 2.8
Trends in the Pace of Felony Case Litigation, 1976 - 1987*



*1976 data from Justice Delayed (Church et al., 1978)

Table 2.9
 Felony Case Processing Time Trends
 Indictment/Information to Disposition, 1976 - 1987
 Ranked by 1987 Median Case Processing Time

	Median Upper Court Case Processing Time Information/Indictment to Disposition				Percent Change in Median Upper Court Case Processing Time		
	1976 ^a	1983 ^a	1985 ^a	1987	76-87	83-87	85-87
Detroit ^b	*	43	31	38	*	-12	23
New Orleans	50	49	48	42	-16	-14	-13
Dayton	69 ^c	64	47	42	-39	-34	-11
San Diego	45	*	*	50	11	*	*
Seattle	56 ^d	*	*	50 ^b	-11	*	*
Portland ^b	51	52	45	58	14	12	29
Houston	99	*	*	62	-37	*	*
Oakland	58	*	57	65	12	*	14
Cleveland	71	88	90	82	15	-7	-9
Pontiac	78	*	*	83	6	*	*
Minneapolis	60	84	88	84	40	0	-5
Phoenix	98	44	58	85	-13	93	47
Pittsburgh	58	90	120	97	67	8	-19
Providence	277 ^c	*	*	111	-60	*	*
Miami	81	92	108	112	38	22	4
Bronx	328	*	*	114	-65	*	*
Newark	99	146	124	125	26	-14	1
Wichita	76 ^e	108	115	133	75	23	16
Jersey City	376 ^e	121	115	150	-60	24	30
Boston	281	307	332	233	-17	-24	-30

^a Data reported in Mahoney et al. (1988).

^b Upper court case processing time here reflects the median time from *arraignment* to disposition.

^c Data obtained from Neubauer (1981). (Dayton and Providence data are from cases disposed in 1976).

^d Upper court case processing time here reflects median time from *arraignment* to disposition (Church et al., 1978).

^e Represents median upper court case processing time for 1979, obtained as part of study by Mahoney et al. (1988).

* Data unavailable or not comparable.

case processing times, if available, for 1976, 1983, 1985, and 1987.⁶⁵ The table indicates that 9 of the 18 courts reduced their median case processing time while 9 increased their median time by 10 percent or more between 1976 and 1987. Three courts, Providence, Bronx, and Jersey City, reduced their median times by at least 60 percent. Conversely, Pittsburgh and Wichita increased their median times by more than 60 percent and Minneapolis was up by 40 percent during this time. The pattern in more recent years is generally the same. Between 1983 and 1987, and between 1985 and 1987, approximately half the courts with relevant data reduced their median case processing times while half the courts increased their median times. There is some good news, therefore, among urban trial courts: the pace of litigation has improved in half of these courts during the past decade.

Some courts may have been unable to reduce their case processing times during the past decade because the number of filings per judge increased. Table 2.10 displays the changes in filings per judge from 1976 through 1987. Data on filings per judge in 1976 are not available for Pontiac, Seattle, and Houston, so Table 2.10 includes the same courts as the comparable table in *Examining Court Delay*.⁶⁶ It shows that six of the eight courts with relevant data experienced an increase in filings per judge from 1976 to 1987. Three courts saw an increase of more than 50 percent; three were up by more than 75 percent. Between 1983 and 1987, 10 of the 12 courts experienced an increase in filings per judge. One would expect that the courts with the largest increase in filings per judge would have experienced the most substantial increases in case processing time during these time periods. Yet

Table 2.10
Trends in Felony Filings Per FTE Felony Judge, 1976 - 1987

	Upper Ct	1976 ^a	Filings Per FTE		Percent Change		
	Median		Felony Judge	1987	Filings/Judge	76-87	83-87
	1987		1983 ^d				
San Diego	50	437	729	487	11	-33	
Detroit Recorder	55	*	363	480	*	32	
Oakland ^c	65	265	260	317	20	22	
Minneapolis	84	384	443	453	17	2	
Phoenix	85	522	590	917	76	55	
Portland	94	*	768	905	*	18	
Pittsburgh	97	471	*	843	79	*	
Miami	112	*	804 ^d	995	*	24	
Bronx	114	121	136	238	97	75	
Newark	125	443	241	370	-16	8	
Wichita ^c	133	*	272	242	*	-11	
Jersey City	150	*	262	360	*	37	
Boston	233	218	186	206	-6	11	

^a 1976 felony filings divided by 1976 criminal judges (Church et al., 1988).

^b Data reported in Mahoney et al. (1988).

^c "Total felony judges" used for Wichita (7) and Oakland (16) rather than "FTE felony judges." "Filings per total felony judge" does not account for the percentage of time spent on nonfelony matters, and underestimates the caseload compared to "filings per FTE felony judge." Consequently, data from these courts are comparable within courts over time, but not comparable to other courts.

^d 1985 data used; 1983 not available.

* Data unavailable or not comparable.

Phoenix, which saw a 76 percent increase in filings per judge from 1976 to 1987, reduced its median case processing time by 13 percent during the decade. Likewise, Bronx saw an increase of 97 percent in filings per judge but reduced its median case processing times by 65 percent during the decade (see Table 2.9). The performance of these courts suggests that substantial efficiency has been gained in case management procedures. It also suggests that there is not a clear relationship between increases in filings per judge and increases in case processing times over a long period.

2. Trends in Drug-related Caseloads and Case Processing Times

Trends in the drug-related caseloads among the courts between 1983 and 1987 and their possible relationship to changes in filings per judge and case processing time are also examined in Table 2.11. The period between 1983 and 1987 is interesting because the rapid rise in drug-related cases in the courts appears to have begun during these years. First, Table 2.11 indicates that between 1983 and 1987 there was a 56 percent increase in the percentage of drug-related (drug sale/intent to sell

and drug possession) cases disposed in the 17 courts.⁶⁷ By 1987, drug-related cases constituted almost 28 percent of the caseload, on the average, among these courts. Drug-related caseloads varied from 10 percent in Minneapolis to 46 percent in Bronx. Moreover, the percentage increase in drug-related cases between 1983 and 1987 ranged from no increase in Detroit to more than a 100 percent increase in Boston, Jersey City, and Bronx.

More interesting than the increase in drug-related caseloads is the possible impact such increases could have on caseload per judge and the pace of litigation. A higher percentage of drug-related, especially drug sale, cases were associated with longer felony case processing times during 1987. Table 2.11 sheds some light on the findings presented earlier. The courts in Table 2.11 are ranked from fastest to slowest on median upper court time during 1983. There is very little difference in the percentage of drug-related cases found among the faster and slower courts in 1983. In fact, the correlation between the percentage of drug-related cases and felony case processing time in 1983 is not statistically significant.⁶⁸ By 1987, however, a higher percentage of drug-related cases

Table 2.11
Percentage of Drug-related Cases,
Filings Per Judge, and Case Processing Times, 1983-1987^a

	Upper Court Median Case Processing Time			Filings Per FTE Felony Judge ^b			Percent Drug-related Cases		
	1983 ^c	1987 ^d	% Change	1983 ^c	1987 ^d	% Change	1983 ^c	1987 ^d	% Change
San Diego	36 ^e	50	39	729	487	-33	18	28	56
Detroit	43	38	-12	363	480	32	20	20	0
Phoenix	44	85	93	590	917	55	23	24	4
New Orleans	49	42	-14	*	357	*	20	32	60
Portland ^f	52	58	12	768	905	18	10	18	80
Dayton	64	42	-34	*	555	*	11	12	9
Oakland ^g	*	65	*	260	317	22	19	37	95
Minneapolis	84	84	0	443	453	2	9	10	11
Cleveland	88	82	-7	*	574	*	12	17	42
Pittsburgh	90	97	8	*	843	*	11	13	18
Miami	92	112	22	804 ^h	995	24	19	33	74
Wichita ^g	108	133	23	272	242	-11	12	17	42
Providence	*	111	*	*	559	*	20	30	50
Jersey City	121	150	24	262	360	37	21	45	114
Newark	146	125	-14	241	370	8	40	42	5
Bronx	161 ^e	114	-29	136	238	75	22	46	109
Boston	307	233	-24	186	206	11	16	44	175
Mean							18	28	56

^a Case types determined by the most serious charge in the indictment or information. Does not count as "drug-cases" those in which drug-related charges were included, but which were not the most serious charge (e.g., murder, rape, robbery, kidnapping).

^b Average for 1987 data includes only courts which had 1983 (or 1985) data.

^c Data reported in Mahoney et al. (1988).

^d Data reported in Goerdet et al. (1989).

^e Median CPT based on estimates. Mahoney et al. (1988) did not include guilty pleas to felonies entered in lower court, upon waiver of indictment, in calculating time from indictment or information to disposition. Lower court guilty pleas were included in felony CPTs in the 1987 study. In 1987, median felony CPT excluding lower court guilty pleas was 30 percent longer in Bronx and 17 percent longer in San Diego than median CPT including lower court guilty pleas. These proportions were used to estimate 1983 median CPT.

^f Upper court case processing time here reflects the median time from arraignment to disposition.

^g "Total felony judges" used for Wichita (7) and Oakland (16) rather than "FTE felony judges." "Filings per total felony judge" does not account for the percentage of time judges spent on nonfelony matters and underestimates the caseload compared to "filings per FTE felony judge." Consequently, data from these courts are comparable within the courts over time, but not comparable to those of the other courts.

^h 1985 data used; 1983 data not available.

* Data unavailable or not comparable.

is associated with longer case processing time.⁶⁹ The seven fastest courts in 1987 had an average of 24.4 percent drug-related cases, while the slowest seven courts had an average of 36.7 percent drug-related cases (50 percent more than the faster courts). But it is clear that the proportion of drug-related cases is not the cause of slower case processing times among these courts. Table 2.11 indicates that, between 1983 and 1987, the seven

fastest courts in 1983 had an average increase in drug-related cases of 43.4 percent, while the seven slowest courts in 1983 had an average increase of 81.2 percent.⁷⁰ Thus, the courts that were already among the slowest in 1983 (when the percentage of drug-related cases was *not* related to case processing time) experienced the largest increases in drug-related cases between 1983 and 1987. This development created the appearance in the 1987

data that a higher percentage of drug cases were a cause of longer case processing times.

It is also important to note that a larger increase in drug-related cases between 1983 and 1987 was associated with a higher percentage of most serious and drug sale cases in the caseload in 1987.⁷¹ Although these findings might be due in part to jurisdictional differences, they could also be due to the relationship between drug trafficking and violent crime found in many urban areas.

As suggested above, the size of the drug-related caseload probably is not a cause of longer case processing times. However, a higher percentage increase in drug-related caseloads from 1983 to 1987 shows an association with larger increases in filings per judge. According to Table 2.11, the five courts with the largest increase in drug-related cases had an average increase of 33 percent in filings per judge; the five courts with the smallest increases in drug-related cases had an average increase in filings per judge of 17 percent.⁷²

Whether increases in filings per judge were systematically related to increases in case processing time between 1983 and 1987, however, is less clear. The five courts with the largest increases in filings per judge had an average increase in case processing time of 20 percent. But two of these courts (Bronx and Detroit) reduced their median time to disposition during this period. Most of the average increase in median case processing time among these five courts can be attributed to the 93 percent increase in case processing time from 1983 to 1987 in Phoenix. If Phoenix is excluded, the four courts with the largest increases in filings per judge experienced an average increase in median case processing time of only 2.5 percent. The five courts with the smallest percentage increase (or a reduction) in filings per judge between 1983 and 1987 had only a 5 percent increase, on average, in their median case processing time. Moreover, between 1987 and 1990, Detroit experienced an increase of 359 percent in the number of drug possession and/or sale cases filed. Yet, according to the court administrator, the court maintained its expeditious case processing times, without additional judges, and did not experience an increase in the number of cases over 180 days old at disposition.⁷³ Thus, the relationship between an increase in filings per judge and case processing time is unclear.

The impact of large increases in drug-related caseloads on court delay in felony cases is probably indirect. An increase in drug-related cases leads to larger caseloads per judge, unless new judges are added or there is a reduction in the filings of

other case types.⁷⁴ A rapid increase in caseload per judge is likely to be related to increases in case processing time. The rapid increase in filings per judge is the key factor. It is clear that in Jersey City and Miami a large increase in drug-related cases was related to a large increase in filings per judge which, in turn, was related to a substantial increase in case processing time. Phoenix, however, had a very small increase in drug-related cases but experienced a 55 percent increase in filings per judge and a 93 percent increase in median case processing time. Phoenix had one of the fastest median times to disposition in 1983 and, therefore, was probably one of the best-managed courts in the 1983 study.⁷⁵ Thus, even in well-managed courts, a rapid and substantial increase in caseload per judge is likely to lead to a caseload *saturation point* and longer case processing times.⁷⁶

G. Summary: Findings Related to the Pace of Felony Case Litigation

First, none of the 39 courts are in full compliance with the ABA disposition time standards. However, when FTA (failure to appear) cases are excluded from the analysis, 21 of the 27 courts with data on FTAs are within 10 percent of the ABA disposition time standard that all felony cases be disposed within one year after arrest. But only six courts are within 10 percent of the 180-day standard when FTA cases are excluded. These findings suggest that, while a great deal of work must be done before most urban trial courts meet the ABA standards, a large percentage of courts are relatively close to meeting the one-year standard.

Second, a substantial majority (28 of 37) of the courts failed to dispose of as many felony cases as were filed during 1987. If this pattern continues, a large majority of courts will develop large pending caseloads.⁷⁷ This suggests that many urban trial courts may need additional resources. Furthermore, a larger pending caseload per judge is associated with longer felony case processing times. However, the lack of association between filings per judge and either pending caseload per judge or felony case processing times suggests that factors other than insufficient judicial resources also contribute to larger pending caseloads per judge and the incidence of delay. One of these other potentially important factors is effective case management. In this study, early resolution of pretrial motions and a higher percentage of firm trial dates display substantial correlations with faster felony case processing times after the effects of other important factors are controlled. However, a larger pending caseload per judge may impair a court's ability to achieve early resolution of pretrial motions and firm trial dates.

On the other hand, the failure to provide firm trial dates and resolve pretrial motions early in the first instance could hasten the development of larger pending caseloads per judge. Despite the inability to clearly identify the causal relations among these important factors, this study supports the conventional wisdom, which suggests that caseload size, caseload composition, and the effectiveness of case management all affect the pace of litigation.

Third, trends in the pace of felony case litigation suggest that approximately half the courts had longer and half the courts had shorter median upper court disposition times in 1987 than they had in 1976 or 1978. Overall, then, there is no clear trend in the pace of litigation among the courts in this study. After at least 20 years of research and education of judges and court staffing regarding the nature of delay in litigation and effective case management, these findings are somewhat discouraging.

Finally, trends in the size of drug-related caseloads in 17 courts suggest that there was a dramatic increase in drug-related cases in many urban trial courts between 1983 and 1987. Trend data also reveal, however, that a higher percentage of drug-related cases in the caseload are not a cause of longer case processing times, as the bivariate correlations appear to indicate. Rather, the courts that were already among the slowest in 1983 tended to experience a much larger increase in drug-related cases than faster courts between 1983 and 1987. Trend analysis also indicates, however, that an increase in drug-related cases is generally associated with an increase in filings per judge. It is the rapid and substantial increase in filings per judge, not the percentage of drug cases, that leads to longer case processing times. Even in well-managed courts, therefore, a rapid and substantial increase in filings per judge will probably lead to a caseload saturation point and longer case processing times. If courts are to meet the challenge of the rising felony caseloads, additional resources may be required, and both resources and cases will have to be managed more effectively.

Notes

1. See Otto (1985), a bibliography of the literature on court delay.
2. See, e.g., Pound (1906). See also early works cited in Otto (1985).
3. See Flanders (1977); Church et al. (1978); Friesen et al. (1978); Grossman et al. (1981); Neubauer et al. (1981); Chapper et al. (1984);

- Mahoney et al. (1985, 1988); Eisenstein et al. (1988); Goerdts et al. (1989).
4. See, e.g., Boyum (1979); Gillespie (1977); Nimmer (1976); Luskin and Luskin (1987); Flemming et al. (1987).
5. See also Church (1986). Church found empirical support for the "local legal culture" hypothesis.
6. Mahoney et al. (1988), pp. 198-204.
7. Both Church et al. (1978) and Mahoney et al. (1988) found the felony backlog index to be strongly associated with the pace of litigation. However, because it is problematic determining which comes first, delay or backlog, they did not consider the backlog index to be an *explanation* for delay.
8. See Goerdts et al. (1989), pp. 40 and 89.
9. See Lipscher (1989); Judicial Council of California (1990), p. 1.
10. *Criminal Justice Newsletter* (December 15, 1989), p. 6.
11. See Lipscher (1989), p. 14.
12. For example, drug-related case filings increased by 288 percent between 1985 and 1989 in New York City; see *Criminal Justice Newsletter* (December 15, 1989), p. 6.
13. Hereinafter, pending cases (or caseload) per judge means pending felony cases per FTE felony judge.
14. See American Bar Association (1987), Sec. 2.50 (Commentary).
15. See American Bar Association (1987), Sec. 2.52(D).
16. Five courts (Portland, Boston, Tucson, Cambridge, Pontiac) did not provide original arrest dates, so their performance compared to the ABA standards could not be calculated.
17. Of the 13 courts added to this study since the publication of *Examining Court Delay*, the 3 most expeditious courts appear to be Des Moines (2 percent over one year old), and Houston and Charlotte (both with 8 percent over one year old at disposition).

18. The dates on which the bench warrant was issued and the defendant was returned to custody were not collected for this study. In addition, it should be noted that simply dropping all cases that have an FTA could bias the results. FTAs are more likely to be issued in cases where the defendant has been released on bail or recognizance. These cases tend to be the less serious ones, cases that typically are disposed in a shorter time than murder, rape, and robbery cases. Thus, examining only non-FTA cases probably results in somewhat longer median and 90th percentile CPTs than would be found if all cases were examined and the time between filing of a bench warrant and return to custody was eliminated.
 19. See e.g., Goerdts et al. (1989), p. 54.
 20. Many of the defendants released on bail in jurisdictions with serious jail crowding probably would not be released if there were jail space available.
 21. "Jury trial" cases are not technically a "case type" the way that murder and drug sale cases are case types. However, jury trial cases are included in this section for purposes of comparison with the other specific case categories. A minimum of 20 cases were used to determine the CPT in jury trial cases and for all other case categories.
 22. Case type was defined in this study as the most serious charge in the indictment or information. Thus, the percentages in Table 2.4 probably underestimate the actual percentages of drug-related cases in the courts. If there was a charge that was more serious than drug sale/intent to sell or drug possession, the case was not coded as a drug sale or possession case.
 23. See, e.g., Lipscher (1989); *Criminal Justice Newsletter* (December 15, 1989) p. 6; Judicial Council of California (1990) p. 1.
 24. See Goerdts et al. (1989), p. 89.
 25. Correlation analysis will be presented in the next section. However, Table 2.4 and others throughout this report rank the courts from fastest to slowest and display other information about each court (e.g., percentages of case types). Presentation of the data in this manner helps the reader to see whether the percentage of drug cases, for example, tends to be higher among the slower courts.
 26. In Boston and Cambridge, the limited jurisdiction court can accept a guilty plea to a felony charge and pronounce sentences in felony cases. Thus, these two courts receive primarily serious felony cases. Guilty pleas to felony charges are also accepted in the limited jurisdiction courts in New York and California, but sentencing is done in the general jurisdiction courts. See National Center for State Courts (1988b), Table 16.
 27. $r=.54$, $p=.000$ ($n=35$). See Appendix F.
 28. See Goerdts et al. (1989), Appendix H.
 29. U.S. Bureau of the Census (1988).
 30. See Sale (1981). For a critique of the theory and literature on organization size and its relation to organizational performance, see Kimberly (1976).
 31. See Zeisel et al. (1959); Priest (1989).
 32. See, e.g., Brill (1989) p.125 ("it could be argued that any organization this size [the Manhattan, NY, Supreme Court] ... is destined to become a gray, linoleum, dull-witted, numb-sensed, gallows-humor bureaucracy.").
 33. A clearance rate of 1.0 or higher suggests that the court disposed of more cases than were filed; less than 1.0 indicates that the court added to the pending caseload by the end of 1987.
 34. See Church et al. (1978); Mahoney et al. (1988); Goerdts et al. (1989).
 35. Data on "case" definitions obtained from National Center for State Courts (1988a), Table 10.
 36. Goerdts et al. (1989), p. 64.
 37. Goerdts et al. (1989), p. 87.
 38. See Wachtler and Crosson (1990), p. 23; see also Church et al. (1978), p. 46.
 39. None of the three previous NCSC studies have found calendar type to be associated with felony case processing time, though data from all three studies indicate that individual calendar courts tend to feature a faster pace of litigation; see Church et al. (1978); Mahoney et al. (1988) and Goerdts et al. (1989).
 40. Mahoney and Sipes (1988).
-

41. Goerdt et al. (1989); Mahoney and Sipes (1988) and Mahoney et al. (1988), pp. 82-83.
42. It should be noted that there are some moderate to strong correlations among the independent variables in this study. For example, the percentage of most serious cases is related to the percentage of drug sale cases ($r=.54$, $p=.000$, $n=35$); population is related to the number of FTE felony judges ($r=.64$, $p=.000$, $n=39$); early resolution of pretrial motions is related to firm trial dates ($r=.67$, $p=.000$, $N=23$); an indictment-based charging procedure is related to larger pending caseloads per judge ($r=-.70$, $p=.006$, $n=12$); and filings per judge are related to dispositions per judge ($r=.96$, $p=.000$, $n=19$). Other correlations of less than .50 are noted in Appendices F and G.
43. It should be noted that many of the explanatory variables (e.g., percentage of drug cases) exhibit statistically significant correlations of .30 to .49 with several of the 14 measures of felony case processing time; see Appendices D and E. By focusing only on those factors that display at least a moderate correlation ($r=.50$ or higher) with case processing times, we are trying to focus on a smaller number of variables that are most likely to affect the pace of litigation when controlling for the concurrent effects of other important factors.
44. Church et al. (1978); Mahoney et al. (1988); Goerdt et al. (1989). There could be a curvilinear relationship between population size or total filings and case processing time. Small and very large populations and number of filings could be related to slow case processing times while a middle range population and number of filings could be related to faster case processing. Pearson's correlations, however, measure only the extent of a linear relationship.
45. See Goerdt et al. (1989), p.69.
46. There are only seven courts that have comparable pending caseload data and data on firm trial dates, so correlation analysis is not appropriate. But one might expect that fewer firm trial dates will be found in courts with a large pending caseload per judge. A moderately strong correlation was found between pending caseload per judge and firm trial dates in civil cases disposed by jury trial.
47. $r=-.67$, $p=.000$ ($n=23$). (See Appendix F.)
48. See Mahoney and Sipes (1988).
49. $r=.53$, $p=.037$ ($n=12$). (See Appendix G.)
50. Number of FTE felony judges and specialized assignments: $r=.37$, $p=.011$ ($n=39$). (See Appendix F.)
51. Because the clearance rate is a ratio of dispositions to filings, all the courts could be used in the correlation analysis. When a ratio is computed, the way courts count cases is no longer a distorting factor; thus, Appendix D is appropriate on this issue.
52. See Church et al. (1978); Mahoney et al. (1988); Goerdt et al. (1989).
53. A factor that complicates the examination of pending felony caseload per FTE felony judge is whether fugitive cases, those in which a defendant skipped bail, are counted among pending cases. Courts vary in the way fugitive cases are handled for statistical purposes; some enter an administrative dismissal after 30 or 60 days while others might purge fugitive cases every two or more years. In order to standardize the measure of pending caseload, only courts that reported active pending cases are considered in the correlation analysis (see Table 2.5). Furthermore, of the 12 courts with comparable data on pending caseloads, 3 are from Ohio, 3 from New Jersey, and 2 from Minnesota. Thus, the 12 courts are not randomly distributed from among the 39 sites.
54. It is also consistent with the findings in Sections III(D)(2) and III(E) below on the pace of civil case litigation.
55. Filings per judge during 1987 cannot be causally related to the number of cases pending at the start of 1987. It could be reasonably argued, however, that there is a high correlation across the courts in this study between filings per judge in 1987 and filings per judge during recent previous years. If this is the case, examining the correlation between 1987 filings and pending cases per judge could be done for heuristic purposes.
56. The strongest correlates of a large pending caseload per judge are an indictment-based charging system ($r=-.70$, $p=.006$, $n=12$); an individual calendar ($r=.55$, $p=.033$, $n=12$); and later resolution of pretrial motions ($r=.53$, $p=.037$, $n=12$). (See Appendix G.) Later resolution of pretrial motions and an individual calendar system could, at least in part, contribute to larger pending caseloads per judge, though large

backlogs could also affect how early pretrial motions may be handled. An indictment-based charging system is unlikely to cause a larger pending caseload per judge because the grand jury process precedes the point when a case is counted as "filed" (or pending) in the general jurisdiction court. See also, *Empire State Court Notes* (February 1990), p. 1; a proposal has been submitted to the New York state legislature that would eliminate the requirement that all cases go to a grand jury; this is being done in response to the flood of drug-related cases into the New York courts.

57. Pending caseload per judge is excluded from the multivariate analysis in Table 2.8 and Figure 2.7 because there are only 12 courts with comparable data; this is too few to allow a reliable multivariate analysis. In addition, the multivariate analysis is limited to those factors that are associated with case processing times for all felony cases because the sample of cases from each court are samples of "all felony cases disposed in 1987." The case processing times for all felony cases have the largest confidence interval (95 samples out of 100) and the smallest tolerance range (+/- 5 percent).
58. For a discussion of partial correlation analysis, see Blalock (1979), pp. 455-87. Only upper court median and 90th percentile case processing times for all felony cases are examined in the partial correlation analysis. "All felonies" were the focus of the random sampling technique in each court, so the case processing times for all felony cases are more accurate than for specific case types. Secondly, there were several courts that did not have arrest dates, so total case processing time could not be computed. The partial correlation analysis in Table 2.8 is based on data from only 20 courts, which is a very small subgroup for purposes of partial correlation analysis. Reducing the subgroup to 16 courts in order to analyze factors related to total case processing time would weaken the analysis. In addition, because there were so few courts with comparable data on pending caseload per judge, this factor is excluded from the partial correlation analysis. In light of the small number of courts (20) in the analysis and the absence of a potentially important independent variable (pending caseload per judge), the partial correlation analysis should be viewed as tentative and heuristic.
59. Table 2.7 shows bivariate correlations based on the maximum number of courts that had comparable data on the two respective factors in each correlation. However, for purposes of partial correlations, only the 20 courts with comparable data on each variable in the entire partial correlation analysis are used. As Table 2.8 indicates, the percent drug sale cases and the percentage of FTA cases do not display statistically significant bivariate correlations with median or 90th percentile upper court processing time when only 20 courts are considered, but they do when the maximum number of courts available are considered (compare Table 2.7 and Table 2.8). Again, 20 courts constitute a small subgroup for partial correlation analysis, so the results should be viewed with caution.
60. Each independent variable was subjected to the control of the other four independent/control variables through a series of partial correlations involving one independent and one control variable. If a variable displayed a correlation that was statistically significant after controlling for all of the other four variables, it is displayed in Figure 2.7 with a bold line connecting it to the specific case processing time. If the independent variable retained a statistically significant association with the case processing time after controlling for three of the four control variables, it is displayed in Figure 2.7 with a narrow line connecting it to the specific case processing time. The partial correlations in Table 2.8 and Figure 2.7 are based on data from the 20 courts that had complete and comparable data on all the variables in the analysis. Keeping the number of courts in the analysis constant enhances the comparability of the partial correlations. If the maximum number of courts with data on the three variables in a partial correlation analysis (independent, control, and dependent variables) are used in the partial correlations, the outcomes are different in some instances. Where differences occur, they are noted in the discussion below.
61. When the maximum number of courts with available data are considered, the percentage of drug sale cases (n=33) and the percentage of FTA cases (n=28) both retain a statistically significant association with the upper court 90th percentile case processing time after controlling for the effects of all four of the other factors; firm trial dates, the point when pretrial motions are decided, and the percentage of most serious cases retain a statistically significant association with upper court case processing times when the maximum number of courts are included.

62. Pending caseload per judge is also the best predictor of civil case processing times involving 24 courts with comparable data; see section III(D2 and D3).
 63. Because the size of the pending caseload per judge could not be used as a control variable, due to the small number of courts with relevant data, conclusions regarding the predictive ability of the other independent variables must also be tentative.
 64. See Goerdt et al. (1989), p. 89.
 65. The 1983 and 1985 data are from Mahoney et al. (1985, 1988). As the footnotes in the table indicate, the starting points for calculating disposition times are not the same for all courts, though they are consistent within courts over time. The table should be read for the trends within courts over time rather than comparing disposition times across courts.
 66. See Goerdt et al. (1989), p. 95. The only difference is that in the earlier monograph, 1985 data were displayed in the table; in Table 2.10 of this report, 1983 data are displayed in order to be consistent with the data in Table 2.11 on trends in drug-related cases. Trend data from New Orleans on filings per judge have also been dropped from the table due to inconsistencies in counting judges over time.
 67. For another discussion of these data and the implication of the influx of drug cases on court caseloads, see Goerdt and Martin (1989).
 68. Percentage of all 1983 drug-related cases and upper court median time: $r=.16$, $p=.27$ ($n=16$).
 69. Percentage of all 1987 drug-related cases and upper court median: $r=.30$, $p=.033$ ($n=38$). (See Appendix D.)
 70. Percent change (1983-87) in drug-related cases and 1987 upper court median time: $r=.64$, $p=.003$ ($n=17$). (See Appendix D.)
 71. Percent change in drug-related cases and percent most serious cases in 1987: $r=.53$, $p=.014$ ($n=17$); and percent drug sale cases in 1987: $r=.67$, $p=.002$ ($n=16$). (See Appendix G.)
 72. Eleven courts have complete data on trends in case processing time, filings per judge, and percent drug cases: San Diego, Detroit, Phoenix, Portland, Minneapolis, Miami, Wichita, Jersey City, Newark, Bronx, and Boston. These are the courts referred to in the following discussion.
 73. See Moore (1990), quoting the court administrator for the Detroit Recorder's Court.
 74. For example, in San Diego the court received additional judges during the period, so filings per judge were reduced despite a substantial increase in drug-related cases.
 75. See Mahoney et al. (1985).
 76. See also Goerdt et al. (1989), pp. 93, 97, 103.
 77. Recent data from 40 states shows that only 5 of the states disposed of as many criminal cases as were filed in 1988; the same was true in 1989. Thus, state courts are generally developing larger pending caseloads. See National Center for State Courts (1991), p. 14.
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III. THE PACE OF CIVIL CASE LITIGATION IN 37 URBAN TRIAL COURTS, 1987

A. Introduction

More than 30 years have passed since the classic work on the incidence of delay in civil litigation by Zeisel et al. (1959), and 12 years since the publication of *Justice Delayed*, by Church et al. (1978). Yet concern regarding the problems associated with delay in civil case litigation appears to have intensified in recent years. During 1989, for example, two major task forces published reports that presented a variety of proposals for reducing litigation costs and delay.¹ These reports appeared only three years after a major effort by the American Bar Association to set forth steps to reduce court delay.² Thus, after three decades of research and reform, delay in the processing of civil cases remains a major national concern.

Research continues to play an important role in the ongoing effort to reduce civil case delay. Empirical research describes the extent and variations in the pace of litigation and, ideally, identifies patterns among courts that feature shorter case processing times that can lead other courts to develop more effective resource and case management techniques. The study presented here is based on 1987 data from 37 large urban trial courts, the largest sample of state trial courts ever included in a national study on the pace of civil litigation, and provides the most recent evidence available on the extent and nature of delay in civil case processing in urban state trial courts.

This report is a follow-up to *Examining Court Delay*,³ a study conducted by the National Center for State Courts (NCSC), which analyzed civil case data from 25 urban trial courts. With the addition of 12 courts, this report presents a more extensive multivariate analysis than its predecessor.

Like *Justice Delayed* (Church et al., 1978) and *Changing Times in Trial Courts* (Mahoney et al., 1988), two earlier NCSC studies, this report examines the influence of population, court and caseload size, caseload composition, and case management procedures on the pace of litigation. The authors of *Justice Delayed* and *Changing Times* concluded that most of these structural, caseload, or procedural factors, the ones that traditionally had been accepted as important in explaining differences in the pace of civil litigation, were *not* associated with the pace of litigation.⁴ Thus, the authors of these two works looked to, and provided support for, the "new conventional wisdom" for explaining delay in case processing.⁵ In *Justice Delayed*, the authors derived the now classic hypothesis that the "local legal culture" was

the primary source of differences in the pace of litigation.⁶ In other words, traditions and values in the local legal community were more important determinants of the pace of litigation than structural, caseload, or procedural factors. In *Changing Times*, the authors concluded that although structural, caseload, and procedural factors were apparently unrelated to pace, there were some characteristics that courts with relatively expeditious case processing times have in common, including strong leadership, commitment among judges and staff to expeditious case processing, and early and continuous control over the scheduling of case events.⁷

The authors of *Examining Court Delay* provided some important enhancements to the findings of the earlier NCSC studies. First, they concluded that caseload composition (i.e., the percentage of tort cases in the caseload) was, in fact, associated with the pace of litigation: a higher percentage of tort cases were correlated with longer case processing times. Second, they used systematic measures of "the point of court control over case scheduling" and the strictness of disposition time goals to test the hypotheses presented in earlier works.⁸ They concluded that these two case management characteristics (i.e., stricter disposition time goals and early court control) were generally associated with courts that featured shorter civil case disposition times.⁹

Like the earlier NCSC studies, the current study relies primarily on quantitative data obtained from case records and a survey completed by the court administrator or clerk in each court. The findings presented below remain largely consistent with those in the previous studies. This report, however, offers at least four important refinements of the earlier NCSC studies. First, as indicated earlier, a more thorough multivariable analysis is possible regarding the relative impact of the various structural, caseload, and case management factors on the pace of litigation. Second, the percentage of uncontested cases in the caseload is examined, and the pace of litigation in contested and uncontested civil cases compared. Third, an analysis of the strongest correlates of civil case processing times is enhanced by assessing whether the independent variables are better predictors of the pace of litigation in contested or uncontested cases. Fourth, a more thorough analysis is made of factors related to the size of the pending caseload per judge and of the relationship between pending caseload per judge and the pace of litigation. Not surprisingly,

pending caseload per judge is the most significant correlate of the pace of civil case litigation. The findings from this study also suggest, however, that case management characteristics, especially early court control over case events, contribute to faster litigation. Taken together, the findings have important policy and practical implications.

The enhancements to the study of the pace of civil case litigation in 1987 make this report a more thorough and valuable contribution to the literature on court and caseload management. Some of the major findings in this report include:

- 11 of the 36 courts are within 10 percent of meeting the ABA disposition time standards that all cases be disposed within two years after filing of a complaint;
- an average of 39 percent of all civil cases are disposed without an answer being filed by a defendant and, therefore, require little, if any, judicial time;
- a large pending caseload per judge is the strongest correlate of long case processing times, and courts in jurisdictions with larger populations tend to have larger pending caseloads per judge;
- early court intervention in scheduling case events displays a correlation with faster case processing times even after controlling for the effect of pending caseload per judge;
- stricter disposition time goals, a lower percentage of tort cases, and a lower minimum jurisdictional amount, in addition to a smaller pending caseload per judge and early court control over case scheduling, all display moderate correlations with a shorter (90th percentile) pace of litigation in cases that have reached the trial calendar;
- the jury trial rate is not associated with the pace of litigation; and
- the number of filings per judge is not correlated with the pace of litigation nor with the size of the pending caseload per judge.

Before an analysis of factors that explain variations in the pace of civil case litigation is presented, however, the extent of delay in processing civil cases and differences in the pace of litigation among the courts will be examined.

B. The Pace of Civil Case Litigation Compared to the ABA Disposition Time Standards

Although much has already been written about the pace of litigation, it is important to reiterate the distinction between "delay" and the "pace" of

litigation. "Pace" is simply the time it takes to proceed from the filing of a complaint to the issuance of a verdict or judgment. At the court level, which is the focus of this study, the typical pace of civil litigation is measured by the median time from filing to disposition for civil cases in a court. The 90th percentile time to disposition is also reported to reflect the time required to dispose of all but the oldest 10 percent of the cases in a court. "Delay," however, is case-specific; it is any time beyond that which is reasonable for obtaining a just resolution of a case.¹⁰ Naturally, what constitutes delay is determined by the nature of a particular case. At the aggregate or court level, however, the ABA disposition time standards¹¹ provide a useful and widely accepted tool with which to determine the degree to which courts are concluding civil cases within a reasonable time period. In this study, the incidence of delay in civil litigation in a court is inferred from its performance in relation to the ABA disposition time standards. It is assumed that courts with a higher percentage of cases that exceed the ABA standards probably have more delayed cases than courts that perform better compared to the ABA standards.

AMERICAN BAR ASSOCIATION DISPOSITION TIME STANDARDS

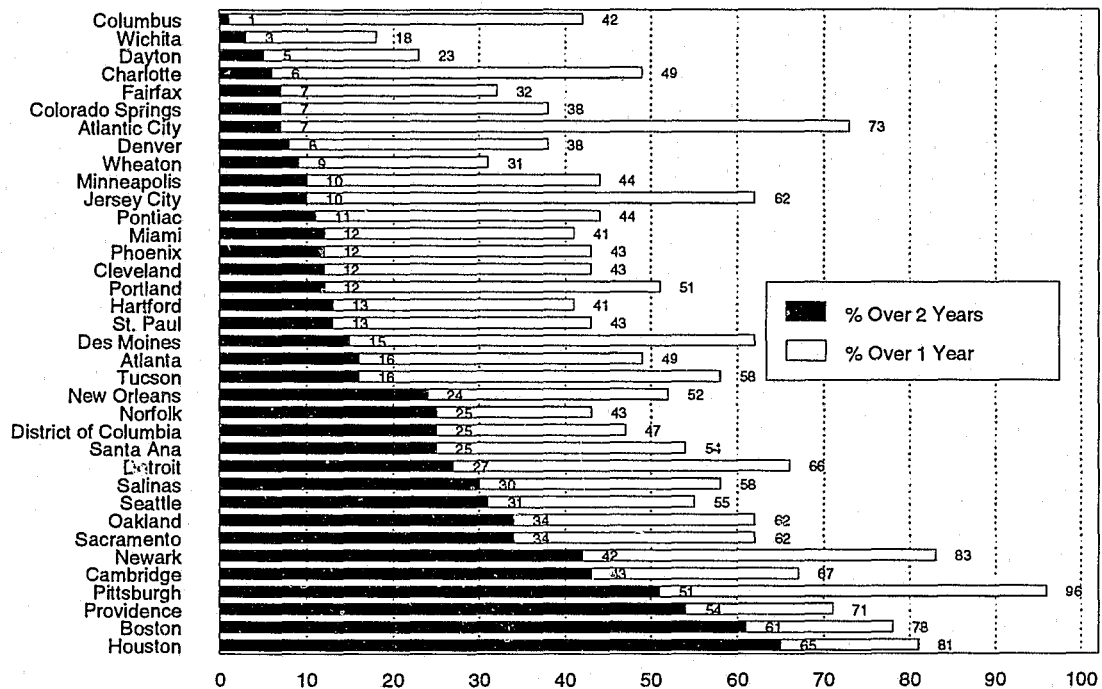
	Filing to Disposition	
	<u>1 Year</u>	<u>2 Years</u>
General Civil Cases*	90%	100%

*Excluding probate, domestic relations and small claims.

Figure 3.1 lists 36 courts ranked by their performance in comparison to the ABA's standard that all civil cases should be disposed within two years after filing of the complaint.¹² Performance on the one-year standard is also indicated. The figure shows that 11 of the 36 courts were within 10 percent of the two-year disposition time standard. Only three courts (Columbus, Wichita, and Dayton) were within five percentage points of meeting the standard. Fourteen courts had 25 percent or more of their cases over the two-year standard. The courts averaged 22 percent over the two-year standard.

Further, the ABA standards call for a maximum of 10 percent of civil cases to be older than one year at disposition. Only Wichita, with 18 percent of its cases over one year old at disposition, was close to meeting the one-year

Figure 3.1
Percent of All Civil Cases Over
ABA Disposition Time Standards - 1987*



ABA Disposition Time Standards from filing to complaint=0% of cases over 2 years, and 10% of cases over 1 year.

standard. Dayton was second with 23 percent of its cases over one year old at disposition. Eighteen courts had 50 percent or more of their cases over the one-year time standard. A few courts made noticeable improvements between the one-year and two-year marks: Columbus went from 42 percent over the one-year mark to only 1 percent over the two-year time standard; Atlantic City had 73 percent of its cases over one year old, but only 7 percent over two years old; Jersey City went from 62 percent to 10 percent from the one-year to the two-year mark. Overall, the data suggest that most courts must make considerable improvements to comply with the ABA disposition time standards, especially to dispose of 90 percent of their cases within one year.

It is important to note that data on the pace of litigation presented in Figure 3.1 include cases that were not contested by defendants (i.e., the defendant did not file an answer to the complaint). Including uncontested cases gives a very broad

meaning to the term "litigation."¹³ Table 3.1 displays data from 23 courts that provided the date on which the first answer was filed in each case. The table shows that in 20 of these courts an average of 38.8 percent of the cases did not have answers filed.¹⁴ Moreover, in 14 of the 20 courts, not surprisingly, the average case processing time is significantly longer for cases in which answers were filed.¹⁵ If only contested cases are included in the analysis of performance compared to the ABA disposition time standards, almost all courts would be considerably further from compliance. The ABA standards, however, do not set different goals for contested and uncontested cases. Thus, through the remainder of this report the percentage of all civil cases over the ABA standards are used to indicate the incidence of delay in civil case litigation in the courts. Nevertheless, the data on contested and uncontested cases are informative and provide a context for interpreting data presented later on caseload per judge. A distinction should probably

Table 3.1
Case Processing Times for Uncontested
and Contested Civil Cases - 1987

	All Civil Cases % Over		Sample Size (N)	Percent Uncontested Cases	Uncontested Cases ^a			Contested Cases ^b		
	2 Years	1 Year			Median	90th	Mean	Median	90th	Mean
Wichita	3	18	435	9	150	365	199	180	465	240
Dayton	5	23	476	33	64	219	103	270	608	309 **
Charlotte	6	49	376	35	126	360	164	553	725	488 **
Fairfax	7	32	476	34	173	536	254	308	653	372 **
Colorado Springs	7	38	414	48	154	477	213	371	757	431 **
Atlantic City ^c	7	73	498	*	*	*	*	448	677	476
Denver	8	38	481	49	98	547	199	385	854	453 **
Wheaton	9	31	499	45	120	301	150	363	861	434 **
Jersey City ^c	10	62	471	*	*	*	*	441	710	455
Pontiac	11	44	526	37	224	719	299	399	759	442 **
Phoenix	12	43	455	57	130	421	217	428	925	509 **
Cleveland	12	43	446	31	162	541	249	387	792	474 **
Portland	12	51	538	37	170	476	210	491	833	529 **
Des Moines	15	62	467	34	425	764	366	476	908	512 **
Atlanta	16	49	510	19	144	384	203	422	979	514 **
Norfolk	25	43	404	56	194	1072	427	402	1201	518
Detroit	27	66	502	46	325	657	368	632	1129	691 **
Salinas	30	58	331	44	352	2024	630	549	1466	677
Seattle	31	55	427	43	294	1109	457	546	1362	682 **
Oakland	34	62	573	45	277	1128	485	651	1593	792 **
Newark ^c	42	83	550	8	*	*	*	711	944	702
Cambridge	43	67	302	38	629	2000	797	637	2136	900
Boston	61	78	481	44	1175	2520	1173	1019	1795	1096
Mean				38.8	269	831	358	481	1006	552

^a Cases disposed without an answer filed.

^b Cases in which at least one answer was filed.

^c Civil cases sampled in New Jersey courts included only cases in which at least one answer had been filed. New Jersey

* Data unavailable or not comparable.

** Mean for cases with answers filed is significantly different (at the .001 level) from the mean for cases without answers filed.

be made between "total" and "contested" pending and disposed cases.

C. Civil Case Processing Times by Case Type

The ABA disposition time standards provide a bottom line for assessing the degree of case delay within and across courts. It is also interesting, however, to assess the differences in the time to disposition for various case types within and across courts. Table 3.2 shows the median and 90th percentile case processing times for all civil cases in the sample and for subcategories of tort, contract, trial list, and jury trial cases. Dayton (177 days) and Wichita (178 days) had the shortest median times for all civil cases, while Boston (1105 days) and Houston (1010 days) had the longest

median times. The average was 417 days (see Figure 3.2). Wichita and Dayton also had the shortest 90th percentile case processing times for all civil cases (457 and 526 days). Boston and Cambridge had the longest 90th percentile times (2154 and 2034 days)--over five and a half years. The average 90th percentile was 1038 days--over two and a half years (see Figure 3.2).

Not surprisingly, courts that featured relatively short disposition times for all civil cases tended to have relatively short case processing times in both tort and contract cases. Wichita had the shortest median (215 days) and 90th percentile (531 days) case processing times in tort cases. The longest median times in tort cases were in Boston (953 days), Houston (857 days), and Pittsburgh (825 days); these three courts also featured three of the

Table 3.2
Civil Case Processing Times by Case Type - 1987
Filing of Complaint to Disposition

	All Civil Cases				Tort Cases		Contract Cases		Trial List ^a Cases		Jury Trials ^b
	Percent 2 Years	Over 1 Year	Median	90th	Median	90th	Median	90th	Median	90th	Median
Columbus	1	42	323	561	367	624	330	558	*	*	*
Wichita	3	18	178	457	215	531	162	430	181	465	*
Dayton	5	23	177	526	276	601	169	500	*	*	437
Charlotte	6	49	362	682	425	680	264	687	*	*	626 ^c
Fairfax	7	32	275	611	297	608	243	599	*	*	356 ^c
Colorado Springs	7	38	293	653	392	705	216	630	*	*	616
Atlantic City ^d	7	73	448	677	457	689	385	622	*	*	541
Denver	8	38	262	667	398	883	179	608	*	*	447
Wheaton	9	31	201	686	288	712	121	520	*	*	591
Minneapolis	10	44	291	735	371	883	352	706	400	1002	700
Jersey City ^d	10	62	443	721	441	737	493 ^e	694	*	*	558
Pontiac	11	44	322	758	372	840	262	624	*	*	1104
Miami	12	41	280	777	482	1043	259	670	483	1064	461
Phoenix	12	43	307	767	376	790	240	715	663	1034	*
Cleveland	12	43	317	769	363	728	312	854	*	*	667
Portland	12	51	369	770	463	783	286	774	486	833	656
Hartford ^f	13	41	283	817	413	1049	176	584	503	1224	791
St. Paul	13	43	274	819	477	932	195	644	520	927	691 ^g
Des Moines	15	62	455	841	515	1010	496	833	494	853	671
Atlanta	16	49	359	923	385	856	377	1194	*	*	595
Tucson	16	58	414	867	474	927	420	939	571	1095	637
New Orleans	24	52	378	1215	405	1157	271	837	552	1439	*
Norfolk	25	43	276	1106	342	1003	177	1191	389	968	*
Dist. of Columbia	25	47	333	1333	619	1456	281	1219	384	862	886
Santa Ana	25	54	408	1199	385	1186	414 ^e	1177	661	1482	854
Detroit	27	66	440	986	532	1040	545 ^e	994	*	*	1156
Salinas	30	58	448	1796	461	1823	495 ^e	1473	564	1655	*
Seattle	31	55	438	1268	449	1115	432 ^e	1351	615	1489	*
Oakland	34	62	511	1419	504	1411	540 ^e	1755	712	1693	*
Sacramento	34	62	499	1314	499	1262	606	1351	697	1546	*
Newark ^d	42	83	694	942	710	945	633	929	*	*	838
San Diego ^h	*	*	*	*	*	*	*	*	751	1664	1052 ^c
Cambridge	43	67	632	2034	473	1946	649 ^e	2357	*	*	*
Pittsburgh	51	96	733	1313	825	1443	711	920	895	1551	1075
Providence	54	71	818	1708	818	1670	1325 ^e	1801	1407	1737	1694
Boston	61	78	1105	2154	953	2127	1580 ^e	2324	1106	1561	*
Houston	65	81	1010	1711	857	1782	918 ^e	1705	*	*	*
Mean	21.7	51.0	417	1038	469	1079	424	1016	621	1245	748

^a Cases in which a trial readiness document was filed; sample sizes for all case types are in Appendix O.

^b Jury trial cases were obtained from a separate sample of 100 or more trial cases unless otherwise indicated. All jury trial medians include only courts with a minimum of 20 jury trial cases.

^c Jury trial cases were obtained from original sample of 500 cases.

^d Civil cases sampled in New Jersey courts included only cases in which at least one answer had been filed. New Jersey data were not included in calculating the means.

^e Median time for contract cases is longer than for tort cases.

^f Hartford statistics are based on an analysis of all dispositions in 1987.

^g This includes all jury trial cases obtained from both the original sample and an additional trial sample.

^h Civil cases sampled in San Diego included only cases in which a trial readiness document had been filed. San Diego is ranked here in general position based on median jury trial case processing time.

ⁱ This does not include cases disposed by arbitration; all cases under \$20,000 go to arbitration.

* Data unavailable or not comparable.

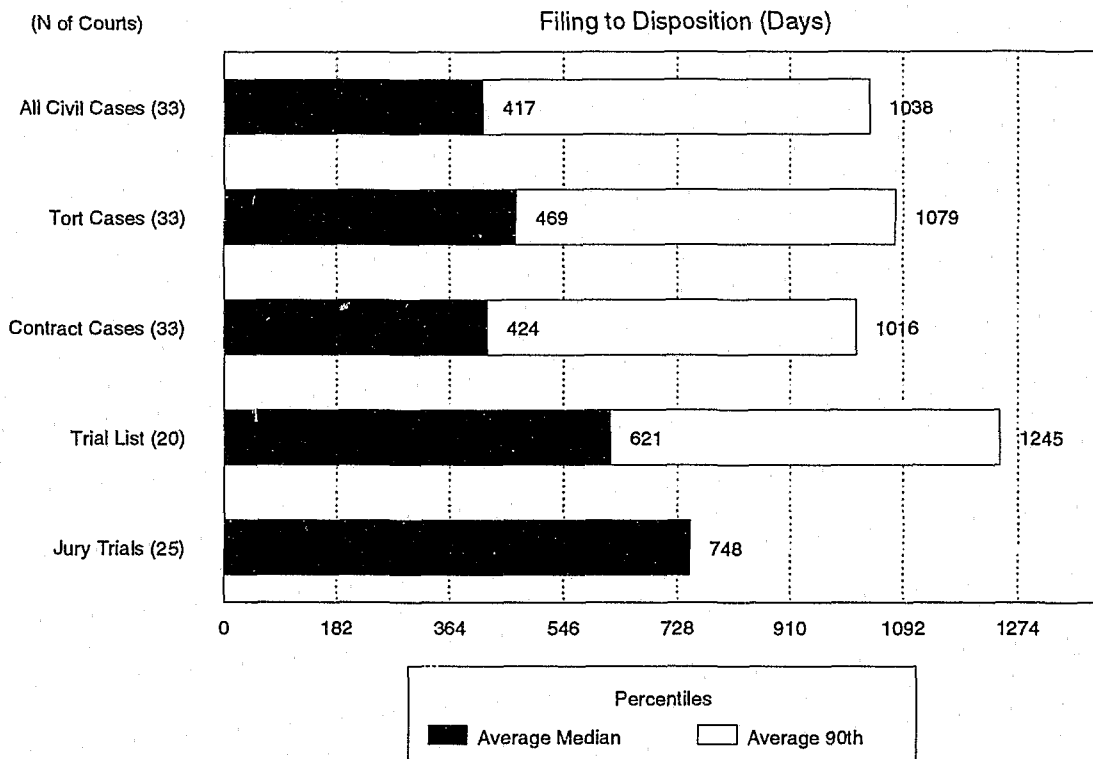
five longest 90th percentile times in tort cases. At 2127 days, Boston's 90th percentile time in tort cases was 5.8 years. Cambridge is interesting because it ranked in the middle among the courts on median time in tort cases (473 days), but moved to 35th place at the 90th percentile (1946 days). In contract cases, Wheaton had the fastest median (121 days), and Wichita had the fastest 90th percentile time (430 days). Boston and Providence had the longest median times in contract cases, while Boston and Cambridge had the longest 90th percentile times (see Table 3.2).¹⁶

In many courts with long median and 90th percentile civil case processing times, there was a lack of active case management. Cases that were settled or not prosecuted by the plaintiff were not dismissed in these courts until 5 or even 10 years after the last case activity. It is important to note, however, in two of the courts that waited 5 to 10 years to dismiss inactive cases, Boston and Cambridge, the typical case with an answer filed

in these courts was not significantly different from the typical case without an answer filed (see Table 3.1). Failure to dismiss inactive cases is not the primary reason these courts feature the slowest civil case processing times in the study. The courts that feature slow disposition times for all civil cases (which include many uncontested cases) also tend to be slow in disposing of contested cases including trial list cases (those in which the parties have officially requested to be placed on the trial calendar) and jury trial cases (see Table 3.2).

Case processing times for trial list cases in 21 courts are displayed in Table 3.2. In Wichita, which featured the shortest disposition times for all civil cases, the median time in trial list cases was 181 days; the 90th percentile time was 465 days. In Providence and Boston, which had among the longest disposition times for all civil cases, the median times to disposition for trial list cases were more than 1100 days (over three years). The

Figure 3.2
Average and 90th Percentile Civil Case Processing Times in Urban Courts - 1987*



*Average and median 90th percentile times; see Table 3.2.

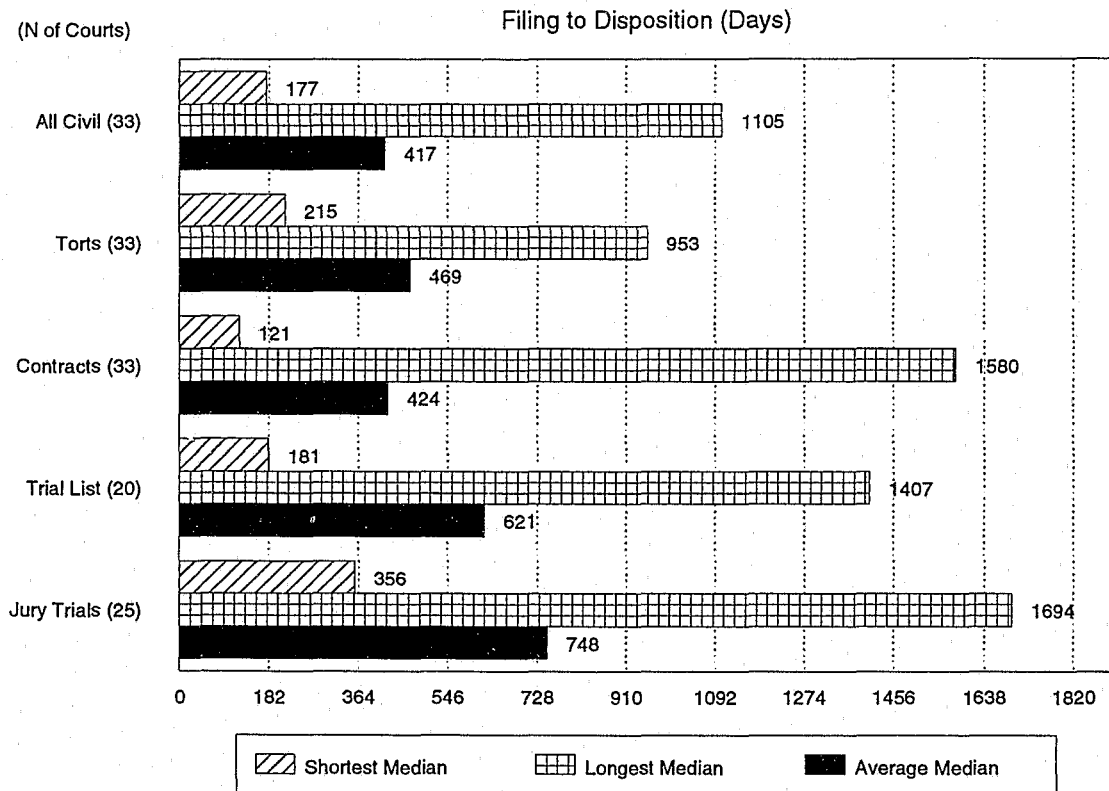
average median time was 621 days (see Figure 3.2). Fifteen courts had 90th percentile disposition times in trial list cases over 1000 days. The average 90th percentile time in trial list cases was 1245 days (see Figure 3.2).

Disposition times in jury trial cases are also very important indicators of the pace of litigation.¹⁷ A jury trial is the ultimate forum for resolving disputes in court, and the typical length of time to trial sets the time frame within which attorneys are likely to settle cases. Median case processing times in jury trials are displayed in Table 3.2. Fairfax had the shortest median time in jury trial cases at 356 days, less than one year. Five courts had median disposition times of less than 18 months (547 days). However, five courts¹⁸ had median times of approximately three years or more in cases disposed by jury trial. The average median time was 748 days (just over two years) from filing of a complaint to entry of verdict (see Figure 3.3). Thus, on average, at least half of the

cases disposed by jury trials in this study exceeded the ABA two-year disposition time standard.

In summarizing the findings to this point, there is substantial variation in the typical case processing times across the 37 courts (see also Figure 3.3). Delay in civil litigation appears relatively infrequent in a few courts, while the extent of delay in case processing is relatively great in others. This is true for all cases, including those that are settled or dismissed as well as disposed by jury trial. Second, although some courts wait 3 to 10 years to dismiss cases for lack of prosecution, it is clear that this administrative procedure does not explain the long disposition times in some courts. Courts with long disposition times for all civil cases (which include cases dismissed for lack of prosecution) also tend to have long disposition times for trial list and jury trial cases.

Figure 3.3
Range of Median Civil Case Processing
Times by Case Type - 1987



D. Factors Related to the Pace of Civil Case Litigation

1. Definitions and Measures

In this section court-level data (e.g., percentage of tort cases in the caseload, calendar type) explain differences in the pace of litigation across the courts in the study. Four conceptual categories of independent or explanatory factors are examined for their impact on case processing times and court performance in relation to the ABA disposition time standards.

First, *organization size* has long been considered important to organization performance.¹⁹ There is a general expectation that when organizations become very large, the complexity of the organization reduces effectiveness and efficiency.²⁰ Despite the lack of support in empirical research on the pace of litigation for believing that court size is related to delay,²¹ there continues to be a popular perception that delay is especially endemic among large urban jurisdictions. In this report, the following factors will be considered as indicators of organization size:

Population: Population includes the number of people in the county, during 1986, in which the general jurisdiction court resides, based on data from the U.S. Bureau of the Census (1988). More populous urban areas are expected to have greater court delay.²² County populations range from 205,000 (Atlantic City) to over two million (Santa Ana, Detroit, and Houston). Interestingly, all three of the courts in the most populous counties are among the 13 courts with the highest percentage of civil cases over two years old at disposition (see Table 3.3).

Number of full-time civil judges: This is the number of full-time equivalent civil judges (FTE judges) in the court, which includes part-time and pro tem judges. If judges handled more than just civil cases, the court administrator estimated the percentage of time spent by judges on civil cases in order to derive the number of FTE civil judges. For example, if the court had 10 judges and they spent half their time on civil cases, the court had five FTE civil judges. Larger courts are expected to exhibit longer case processing times. The courts range from 2.5 FTE civil judges (Charlotte) to more than 25 (Phoenix, Santa Ana, Detroit, and Houston). Of these latter four courts, only Phoenix ranked among the top half of the courts with the lowest percentage of cases over two years old at disposition (see Table 3.3).

Second, *caseload size* is traditionally cited as the primary factor influencing the incidence of delay in litigation.²³ In other words, the size of the organization is not as important as the intensity or magnitude of the workload. Again, multijurisdictional studies on the pace of civil litigation have raised serious questions about the importance of caseload per judge as a determinant of the pace of civil litigation.²⁴ It is clear, however, that caseload per judge is still considered the primary factor affecting the pace of civil litigation.²⁵ Five indicators of caseload size are considered in this report:

Total number of civil filings: The magnitude of the caseload is indicated by the total number of civil case filings during 1987, excluding small claims, domestic relations, and miscellaneous, nonlitigated cases (e.g., name changes). The courts ranged from 2422 civil filings (Charlotte) to more than 45,000 (Phoenix).

Pending cases per judge: The number of civil cases pending on January 1, 1987, divided by the number of FTE civil judges. The 28 courts with comparable data (see Table 3.3) had an average of 1164 pending cases per judge, with a range from 276 (St. Paul) to 2938 (Houston). Three of the four courts with more than 2000 pending cases per judge had the highest percentage of cases over two years old at disposition.

Filings per judge: The number of civil cases filed during 1987 divided by the number of FTE civil judges. The 38 courts with comparable data had an average of 1237 filings per judge, with a range from 547 (Des Moines) to 2332 (Denver). Interestingly, the four courts with more than 2000 filings per FTE civil judge were all among the half of the courts with the lowest percentage of cases over two years old at disposition (see Table 3.3).

Dispositions per judge: The number of disposed civil cases in 1987 divided by the number of FTE civil judges. There was an average of 1233 dispositions per judge (see Figure 3.4) among the courts in this study, though the range was from 626 (Des Moines) to 2536 (Denver). Again, the three courts with more than 2000 dispositions per judge were all among the half of the courts with the lowest percentage of cases over two years old at disposition.

Backlog index: The number of civil cases pending on January 1, 1987, divided by the number of civil cases disposed during 1987. A larger backlog index has consistently been the strongest correlate of civil case processing times in

Table 3.3
Population, FTE Judges, Civil Caseload, and Backlog Index - 1987

	Percent of All Civil Cases Over 2 Years	Population 1986 ^a	FTE Civil Judges ^b	Civil Filings in 1987 ^c	Pending per FTE Judge ^d	Filings per FTE Judge ^e	Dispositions per FTE Judge ^f	Civil Backlog Index ^g
Columbus	1	907	8.00	8441	913	1055	1044	0.87
Wichita	3	391	8.10	17122	856	2114	2413	0.35
Dayton	5	566	7.20	4401	369	611	639	0.58
Charlotte	6	451	2.50	2422	934	969	863	1.08
Fairfax	7	710	6.60	7492	1459	1135	844	1.73
Colorado Springs	7	380	4.00	7154	934	1789	1976	0.47
Atlantic City ^h	7	205	3.80	2621	395	690	650	0.61
Denver	8	505	11.25	26239	1173	2332	2536	0.46
Wheaton	9	728	10.50	9105	509	867	849	0.60
Minneapolis	10	988	14.00	8095	688	578	*	*
Jersey City ^h	10	553	5.39	6714	732	1246	1069	0.69
Pontiac	11	1026	4.35	8759	1997	2014	2117	0.94
Miami	12	1769	16.00	33213	2138	2076	2121	1.01
Phoenix	12	1900	26.00	45571	1004	1753	1360	0.74
Cleveland	12	1445	18.50	22562	953	1220	1254	0.76
Portland	12	567	5.60	7598	975	1357	1559	0.63
Hartford	13	825	9.00	10909	1125	1212	1164	0.97
St. Paul	13	474	8.40	6895	276	821	736	0.37
Des Moines	15	316	8.50	4648	505	547	626	0.81
Atlanta	16	623	6.00	3875	673	646	739	0.91
Tucson	16	602	8.65	10045	989	1161	1130	0.87
New Orleans	24	554	10.50	20009	*	1906	*	*
Norfolk	25	275	4.50	3932	1042	874	780	1.34
District of Columbia	25	626	12.35	*	*	*	*	*
Santa Ana	25	2167	27.50	37569	*	1366	1301	*
Detroit	27	2164	28.16	29798	1130	1058	1281	0.88
Salinas	30	340	2.31	3755	*	1626	1464	*
Seattle	31	1362	23.25	22720	1166	977	924	1.26
Oakland	34	1209	13.50	15464	*	1145	662	*
Sacramento	34	915	11.00	17039	*	1549	766	*
Newark ^h	42	842	10.00	8682	976	868	855	1.14
San Diego ⁱ	*	1015	16.13	15062	*	933	1135	*
Cambridge	43	1367	9.50	7810	2084	822	921	2.26
Pittsburgh	51	1374	13.50	13085	*	969	*	*
Providence	54	582	5.00	5751	*	1150	872	*
Boston	61	661	8.00	7661	2271	958	1323	1.72
Houston	65	2798	25.00	30949	2938	1238	1588	1.85
Mean	21.7	924	11.15	14398	1164	1237	1233	0.98

^a 1986 county population in thousands (County and City Data Book, 1988).

^b "FTE Civil Judges" represents the full-time equivalent judicial staff assigned to handle civil cases in 1987; excludes time spent on criminal, probate, and domestic relations (if any); data from a survey completed by court administrators.

^c Number of civil cases with a complaint filed, excluding domestic relations and probate cases (data from survey of court administrators).

^d Number of pending civil cases as of January 1, 1987, divided by the number of FTE civil judges.

^e "Filings per FTE Judge" is calculated by dividing the number of civil filings in 1987 by the number of FTE civil judges.

^f Number of civil cases disposed in 1987 divided by the number of FTE civil judges.

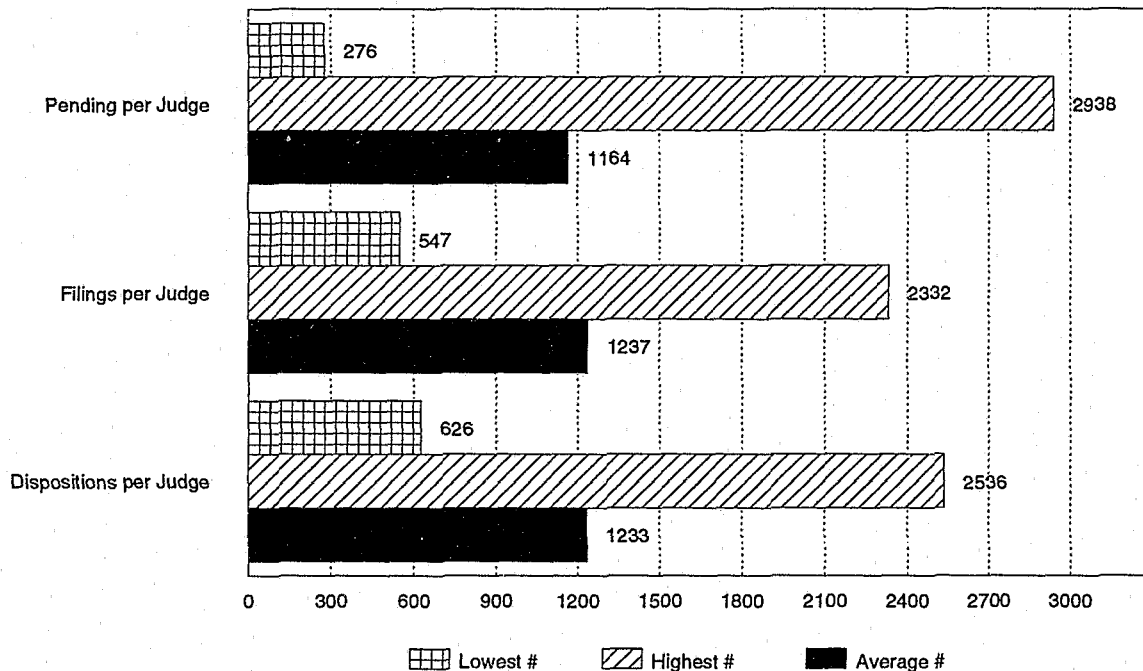
^g Number of pending cases as of January 1, 1987, divided by the number disposed in 1987.

^h Civil caseload numbers presented here are for cases with an answer filed. Civil cases sampled in New Jersey courts included only cases in which at least one answer had been filed. New Jersey data, thus, not included in calculating the means or correlation coefficients.

ⁱ Civil cases sampled in San Diego included only cases in which a trial readiness document had been filed in the city branch of superior court. San Diego ranked here in general position based on median jury trial case processing time. Population and FTE judges are for the city of San Diego.

* Data unavailable or not comparable.

Figure 3.4
Range in the Civil Caseload per Judge
in 24 Courts - 1987*



*Data from the 24 courts that had comparable data on each of the three caseload measures; see Table 3.3.

earlier studies of the pace of litigation.²⁶ In fact, Table 3.3 indicates that the courts with the largest backlog indexes are generally concentrated among the courts with the highest percentage of cases over two years old. The backlog index is very useful for assessing the relationship between pending and disposed caseloads within a court during a year. However, it is also an indirect indicator of case processing time. For example, a backlog index of .50 indicates that the equivalent of the pending caseload on January 1 was disposed within half a year. Because it is an indicator of case processing time, the backlog index cannot "explain" or be a "cause" of case processing time in a court. Nevertheless, because it is an interesting and useful analysis of the pending versus disposed caseloads in a court, it will be examined among the measures of caseload size in this report.

Third, *caseload composition* is likely to influence the pace of litigation. Due to jurisdictional and socioeconomic differences across

counties, some courts have a higher proportion of cases that are likely to take longer to reach disposition. This study will examine four elements of civil caseload composition.

First, the percentage of tort cases will be examined. Tort (personal injury or property damage) cases may be more complex, or the parties may be more litigious, than in contract or property cases, so a higher percentage of tort cases may be related to a longer case processing times. Recent research, in fact, has found that a higher percentage of tort cases in the caseload is related to longer civil case processing times among urban trial courts.²⁷ In this study, tort cases in the caseload range from 21 percent (Denver) to 87 percent (Jersey City) (see Table 3.4). On average, tort cases accounted for 48 percent, and contract cases accounted for 35 percent, of the caseload among the courts (see Figure 3.5). Although there are some exceptions, courts with a higher percentage of cases over two years old at

disposition tend to have more tort cases in the caseload (see Table 3.4).

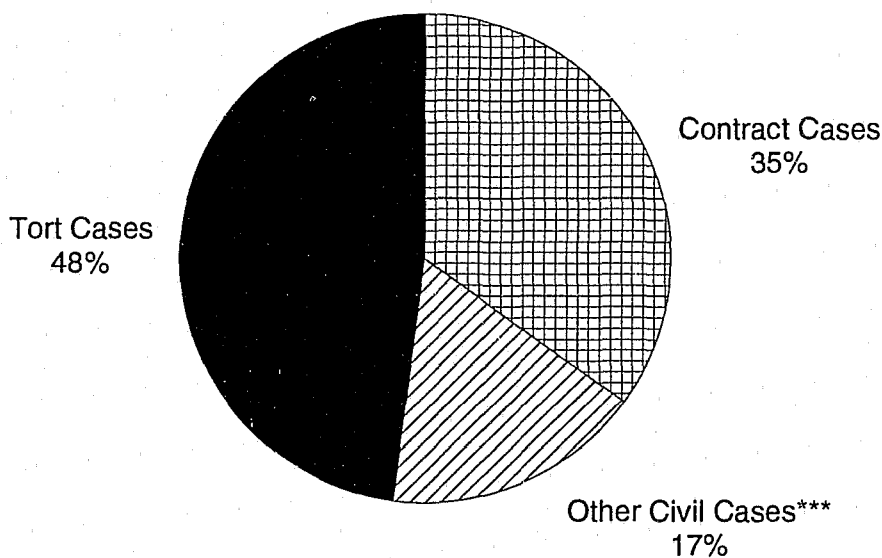
The second element of caseload composition to be examined is the percentage of contract cases. Because contract cases are expected, in general, to have faster case processing times than tort cases, a higher percentage of contract cases in the caseload is expected to be associated with a faster median and 90th percentile case processing times. In this study, the percentage of contract cases in the caseload ranges from 10 percent (Cambridge) to 66 percent (Denver and Phoenix) (see Table 3.4 and Figure 3.6). Examination of Table 3.4 suggests that there is some tendency for courts with a higher percentage of contract cases to have a lower percentage of cases over two years old at disposition.

The jury trial rate (the percentage of civil cases disposed by jury trial) is the third element of caseload composition examined in this study.

Conventional wisdom suggests that, other factors being equal, as the jury trial rate increases, overall case processing time increases. Economic theory, however, suggests that there will be an equilibrium between the jury trial rate and the pace of litigation: as overall case processing time increases, jury trial rates are likely to decrease; and as case processing times are reduced (through court reforms), jury trial rates are likely to increase.²⁸ Cross-jurisdictional studies, however, have not found a relationship between the jury trial rate and overall case processing times across urban trial courts.²⁹ In this study, the jury trial rates range from less than 1 percent (Atlantic City and Wichita) to 11 percent (Pittsburgh); there does not appear to be a relationship between the jury trial rate and the percentage of cases over two years old at disposition (see Table 3.4 and Figure 3.6).

Finally, a higher minimum jurisdiction amount is expected to be related to slower litigation

Figure 3.5
Average Civil Caseload Mix - 1987*
36 Urban Trial Courts**



*Excludes probate, domestic relations, and small claims.
 **San Diego, Pittsburgh, and the three New Jersey courts are excluded; see s in Table 3.4.
 ***Includes real property, mortgage foreclosures, eminent domain, and tax suits.

Table 3.4
Civil Caseload Composition - 1987

	Sample Size (N)	Percent of All Civil Cases Over 2 Years	Percent Tort Cases	Percent Contract Cases	Percent Contested Cases ^a	Percent Jury Trial Cases ^b	Minimum Jurisdiction Amount ^c
Columbus	501	1	45	28	*	1	500 ^d
Wichita	435	3	40	31	91	<1	0 ^d
Dayton	476	5	42	31	67	1	500
Charlotte	376	6	50	45	65	7	10000
Fairfax	476	7	59	35	66	9	1000
Colorado Springs	414	7	29	63	52	2	0
Atlantic City ^e	498	7	82	18	98	<1	0
Denver	481	8	21	66	51	4	0 ^d
Wheaton	499	9	46	42	55	1	0 ^d
Minneapolis	501	10	34	44	*	1	0
Jersey City ^e	471	10	87	12	99	4	0
Pontiac	526	11	45	29	63	1	10000
Miami	549	12	27	45	*	1	5000
Phoenix	455	12	31	66	43	2	500
Cleveland	446	12	48	15	69	2	500
Portland	538	12	49	28	63	9	3000
Hartford ^f	*	13	33	50	*		0
St. Paul	509	13	44	41	*	2	0 ^d
Des Moines	467	15	47	30	66	3	0 ^d
Atlanta	510	16	66	24	81	4	0
Tucson	595	16	31	48	*	4	500
New Orleans	385	24	71	16	*	1	0
Norfolk	404	25	58	37	44	4	1000
District of Columbia	545	25	35	61	*	2	2000
Santa Ana	461	25	68	24	*	1	25000
Detroit	502	27	58	18	54	2	10000
Salinas	331	30	70	22	56	2	25000
Seattle	427	31	40	48	57	1	0
Oakland	573	34	80	17	55	1	25000
Sacramento	334	34	70	20	*	<1	25000
Newark ^e	550	42	82	15	92	9	0
San Diego ^g	496	*	*	*	*	*	25000
Cambridge	302	43	44	10	62	1	0 ^h
Pittsburgh	454	51	40	28	*	11	0 ^h
Providence	481	54	73	23	*	4	5000
Boston	481	61	47	28	56	1	0
Houston	440	65	26	30	*	3	500
Mean		21.7	47.5	34.6	61	2.8	

^a Cases in which at least one answer was filed.

^b Based on percentage of jury trial dispositions in the original sample of 500 cases.

^c Indicates minimum dollar amount for cases filed in each court, but small claims excluded from samples.

^d Although the courts have a minimum jurisdiction amount of \$0, in Wichita - only cases of \$5000 or more were sampled; in Wheaton and Des Moines - only cases of \$2500 or more were sample.

^e Civil cases sampled in New Jersey courts included only cases in which at least one answer had been filed. New Jersey data not included in calculating the means.

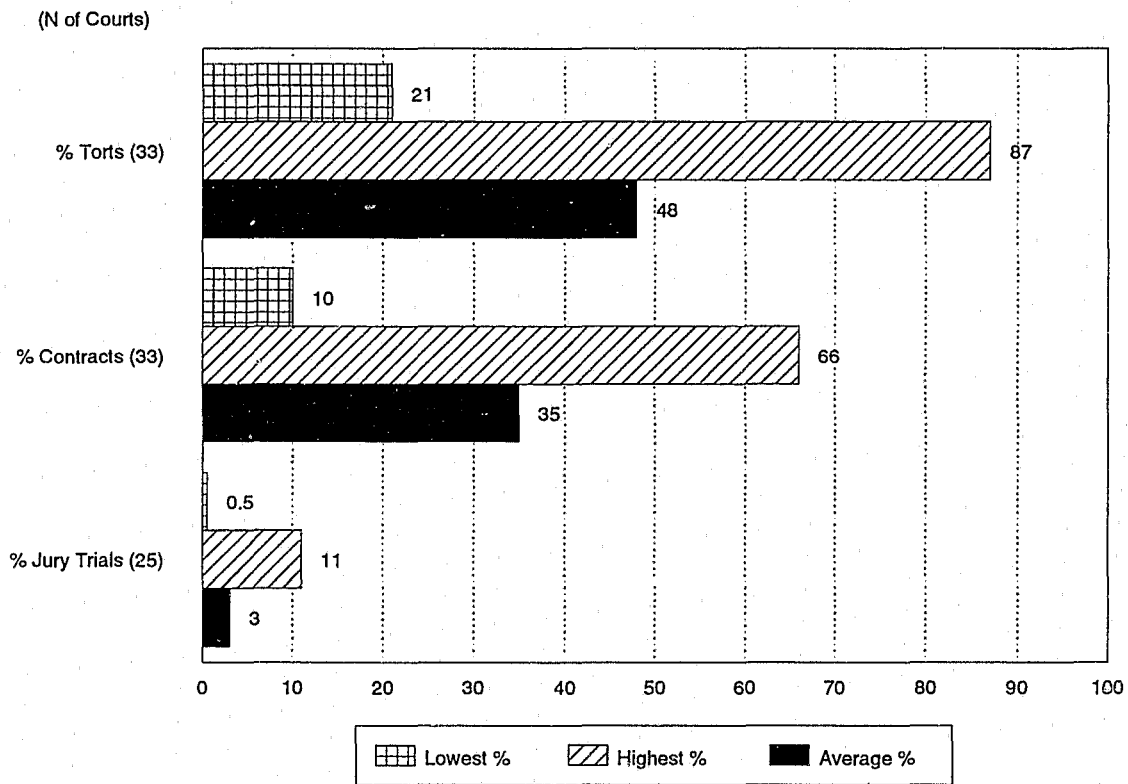
^f All statistics based on analysis of all dispositions in 1987.

^g Civil cases sampled in San Diego included only cases in which a trial readiness document had been filed. San Diego ranked here in general position based on median jury trial case processing time.

^h Sample excluded cases disposed by mandatory arbitration without appeal; all cases with less than \$20,000 are sent to mandatory arbitration.

* Data unavailable or not comparable.

Figure 3.6
Range in Percentage of Civil Case Types
Among 37 Courts - 1987



because cases with more money at stake are likely to be contested more rigorously.³⁰ Table 3.4 shows that the minimum jurisdiction amounts ranged from \$0 to \$25,000.³¹ Interestingly, the courts with minimum jurisdiction amounts of \$25,000 are all among the courts with the highest percentage of cases over two years old at disposition.³²

Fourth, *case management procedures* could be related to the pace of litigation. Early and continuous court intervention in scheduling case events and the use of disposition time goals, for example, have been espoused as effective devices for reducing delay in civil litigation.³³ The affect of these procedures and other case management characteristics will be examined below. The case management factors examined in this report include:

Calendar type: Calendar types are ranked on a scale that attempts to measure the degree of individual judge responsibility for the management

of cases: 1) master calendar; 2) primarily master, partly individual; 3) primarily individual, partly master; and 4) individual calendar.³⁴ Greater individual judicial responsibility for case management may contribute to shorter case processing times, though it is clear that both individual and master calendar systems can produce relatively expeditious case processing times.³⁵ In this study, master calendar systems appear to dominate among the 10 courts with the highest percentage of cases over two years old at disposition, while individual calendars are predominant among the 10 courts with the lowest percentage of cases over two years old (see Table 3.5).

Judicial assignments: Courts are ranked in three groups, from least to most specialized: 1) courts where judges handled both civil and criminal matters; 2) courts where judges handled civil (torts, contracts, and property, but not probate) cases, and one or more other noncriminal

Table 3.5
Civil Case Management Procedures - 1987

	All Civil Cases % Over 2 Years Median		Calendar Type ^a	Judicial Assignment ^b	Point of Court Control ^c	% Jury Trials on First Sched Trial Date ^d	Dispo Time Goals ^e
Columbus	1	323	Individual	Civil/Criminal	< 1 Year	*	More
Wichita	3	178	Master	General Civil	Early	*	More
Dayton	5	177	Individual	Civil/Criminal	Early	*	More
Charlotte	6	362	Master	Civil/Criminal	Early	40	None
Fairfax	7	275	Master	Civil/Criminal	Trial Ready	74	None
Colorado Springs	7	293	Individual	Civil/Criminal	< 1 Year	47	Same
Atlantic City	7	448	Master	General Civil	Trial Ready	63	More
Denver	8	262	Individual	General Civil	Varies	29	Less
Wheaton	9	201	Individual	General Civil	Early	*	None
Minneapolis	10	291	Individual	Civil/Criminal	< 1 Year	*	Less
Jersey City	10	443	Hybrid (M)	General Civil	Trial Ready	0	More
Pontiac	11	322	Individual	Civil/Criminal	< 1 Year	4	None
Miami	12	280	Individual	Gen/Other Civ	Trial Ready	*	Same
Phoenix	12	307	Individual	General Civil	< 1 Year	*	Less
Cleveland	12	317	Individual	Civil/Criminal	Early	*	Same
Portland	12	369	Master	Civil/Criminal	Early	1	Same
Hartford	13	283	Master	General Civil	< 1 Year	*	None
St. Paul	13	274	Master	Civil/Criminal	Trial Ready	*	Less
Des Moines	15	455	Individual	General Civil	Varies	52	More
Atlanta	16	358	Individual	Civil/Criminal	Trial Ready	*	None
Tucson	16	414	Individual	General Civil	< 1 Year	21	Less
New Orleans	24	378	Individual	Gen/Other Civ	Trial Ready	*	None
Norfolk	25	276	Master	Civil/Criminal	Trial Ready	*	None
District of Columbia	25	333	Hybrid (M)	General Civil	< 1 Year	*	More
Santa Ana	25	408	Hybrid (M)	Civil/Criminal	< 1 Year	8	Less
Detroit	27	440	Hybrid (M)	Civil/Criminal	< 1 Year	*	None
Salinas	30	448	Master	Civil/Criminal	Trial Ready	*	None
Seattle	31	438	Master	Civil/Criminal	Trial Ready	*	None
Oakland	34	511	Master	General Civil	Trial Ready	*	None
Sacramento	34	499	Hybrid (M)	Civil/Criminal	Trial Ready	*	None
Newark	42	694	Master	General Civil	Trial Ready	*	More
San Diego ^g	*	*	Hybrid (M)	General Civil	Trial Ready	16	Same
Cambridge	43	632	Master	General Civil	Trial Ready	*	None
Pittsburgh	51	733	Master	General Civil	Trial Ready	*	None
Providence	54	818	Master	General Civil	Trial Ready	*	Less
Boston	61	1105	Master	General Civil	Trial Ready	*	None
Houston	65	1010	Individual	General Civil	Varies	*	Less
Mean	21.7	417				29.6	

^a Hybrid (M) indicates that a court utilized both an individual and master calendar, but is categorized here by its primary type, master (data from survey of court administrators).

^b Indicates the types of cases assigned to judges who handled civil cases: general civil only (all civil cases excluding domestic relations and probate); two or more of civil and domestic relations or probate (other civil); and a combination of civil and criminal (data from survey of court administrators).

^c Indicates when the court established control over the progress of a case by setting a schedule for future events. See text for definitions (data from survey of court administrators).

^d Percent of jury trials that went to trial on the first scheduled trial date.

^e Disposition time goals employed by the court are categorized here in relation to the ABA standards for general civil cases, (i.e. "more"=more strict; "less"=less strict; "same"=approximately the same).

^f Civil cases sampled in New Jersey courts included only cases in which at least one answer had been filed. New Jersey data not included in calculating the means.

^g Civil cases sampled in San Diego included only cases in which a trial readiness document had been filed. San Diego ranked here in general position based on median jury trial case processing time.

* Data unavailable or not comparable.

category (probate, domestic relations); and 3) courts that handled only civil cases. As organizations become larger, specialization of tasks is likely to develop. Greater specialization could help reduce the impact that large size or caseload might have on the pace of felony litigation. Greater specialization of judicial assignments was not associated with civil case processing time in *Examining Court Delay*,³⁶ but it was related to longer felony case processing times.³⁷ In this study, specialized judicial assignments (civil cases only) are clearly more common among the courts with the highest percentage of cases over two years old at disposition; nonspecialized (civil and criminal) assignments are more common among the 10 courts with the lowest percentage of cases over two years old (see Table 3.5).

Point of court control over case scheduling: Courts are ranked in categories according to how early they begin to schedule case events: 1) within 180 days after the filing of a complaint;³⁸ 2) between 180 days and one year after the filing of a complaint;³⁹ 3) the point of control varied by judge (some within one year, others at the point of trial readiness); and 4) when a trial readiness document is filed. Courts that establish early control over case events are expected to have faster case processing times,⁴⁰ though some well-respected people in the court community believe that judges should not become involved in the "management" of cases.⁴¹ Table 3.5 shows that courts which wait until the filing of a trial readiness document to actively schedule case events are clustered among the courts with the highest percentage of cases over two years old at disposition; courts that establish early control over case scheduling are all among the half of the courts with the lowest percentage of cases over two years old at disposition.

Firm trial dates: This is defined as the percentage of jury trials in 1987 that began on the first scheduled trial date. Because it indicates a policy that is tough on requests for trial continuances, firm trial dates should be related to faster times to trial, and because time to trial affects time to settlement, firm trial dates should be related to faster case processing times overall.⁴² Unfortunately, as indicated in Table 3.5, most courts were unable to provide reliable data on the first scheduled trial date. Among the courts with data, however, there appears to be a relationship between a higher percentage of firm trial dates and faster overall case processing times.

Disposition time goals: Courts' disposition time goals are ranked from least strict to most strict: 1)

more strict than the ABA standards; 2) approximately the same as the ABA standards; 3) less strict than the ABA standards; and 4) no disposition time goals adopted. Courts with stricter disposition time goals are expected to have shorter case processing times.⁴³ In this study, courts with disposition time goals that are more strict than the ABA standards tend to be found among the courts with the fastest pace of litigation (see Table 3.5).

2. Factors Related to Civil Case Processing Time

Correlations between the variables defined above and 11 measures of civil case processing time are displayed in Table 3.6.⁴⁴ For purposes of parsimony in the following discussion, only those independent or explanatory factors that exhibit a statistically significant correlation of at least .50 (i.e., correlations of moderate or greater strength) will be highlighted. A close examination of Table 3.6 reveals that the pending caseload per judge, the backlog index, and the point of court control are the most significant correlates of civil case processing time. A larger pending caseload per judge is associated with 10 of 11 measures of civil case processing time, and a larger backlog index is associated with longer case processing times on 8 of the 11 indicators. Most of the correlations are moderately strong (.60 to .69) or strong (.70 or higher). Early court control over case scheduling is related to faster litigation on 5 of the 11 indicators. It is especially related to shorter disposition times at the 90th percentile.

The only other independent variables that are associated with any of the indicators of civil case processing time are the percentage of tort cases, disposition time goals, the minimum jurisdiction amount, and firm trial dates. A higher percentage of tort cases, less strict disposition time goals, and a higher minimum jurisdiction amount (in addition to a larger pending caseload per judge and later court control over case events) are associated with longer 90th percentile processing times in trial list cases. In addition, a higher percentage of firm trial dates was related to shorter median disposition times in jury trial cases.⁴⁵ These patterns are important because trial list and jury trial cases require a disproportionate amount of judge and court staff time. Even if trial list cases do not go to trial, these cases are frequently scheduled for pretrial or settlement conferences. Knowledge of the factors that affect the pace of litigation for these case types provides a basis for assessing the possibilities for improving the pace of litigation in cases that have the most impact on

Table 3.6
Factors Related to Civil Case Processing Times
Correlations (r) of .50 or Higher^a

DEPENDENT VARIABLES	EXPLANATORY FACTORS (r/(N))						
	Pending per FTE Judge	Percent Torts	Minimum Jurisdiction Amount	Civil Backlog Index	Point of Court Control	Percent on First Trial Date	Disposition Time Goals
ALL CIVIL CASES							
Percent Over One Year	.57 (25)			.62 (24)		*	
Percent Over Two Years	.71 (25)			.73 (24)	.56 (33)	*	
Median	.71 (25)			.68 (24)		*	
90th Percentile	.67 (25)			.78 (24)	.60 (33)	*	
TORT CASES							
Median	.64 (25)			.51 (24)		*	
90th Percentile	.71 (25)			.74 (24)	.59 (33)	*	
CONTRACT CASES							
Median	.61 (25)			.61 (24)		*	
90th Percentile	.61 (25)			.79 (24)	.56 (33)	*	
TRIAL LIST CASES							
Median	.57 (12)			*		*	
90th Percentile	.56 (12)	.61 (20)	.58 (21)	*	.67 (21)	*	-.65 (21)
JURY TRIAL							
Median						-.57 (12)	

^a As a correlation (r) gets closer to 1.0 or -1.0, the relationship between the independent variable (e.g., pending cases per FTE judge) and the dependent variable (e.g., median case processing time) gets stronger. A *positive* correlation means the independent variable and case processing time move in the same direction (e.g., as pending cases per FTE judge increases, CPT increases). A *negative* correlation means the independent variable and CPT move in opposite directions (e.g., as pending cases per FTE judge decreases, CPT increases).

* Fewer than 12 courts with comparable data.

court resources. For instance, there are some factors related to the pace of litigation that courts can do little to change (e.g., the jurisdiction amount, the percentage of tort cases). On the other hand, there are some things, including adoption of strict disposition time standards and early court control over case events, that could

help shorten disposition times (especially among the oldest cases--those that are most likely to exceed the time standards).

Some of the other factors displayed statistically significant (at the .05 level), but weak, (r of .49 or less) correlations with civil case processing times.

Courts in less populous counties, those with individual calendars, those with non-specialized (mix of civil and other case types) judicial assignments, those with *more* dispositions per judge,⁴⁶ and those with a higher percentage of contract cases were somewhat more likely to feature a faster pace of litigation. The number of cases filed, the number of judges, filings per FTE judge, and the jury trial rate failed to display any statistically significant correlations with civil case processing times (see Appendix I).

Several issues related to the findings from the bivariate analysis are worth highlighting. First, at least three of the studies consistently found a strong association between the backlog index and case processing times.⁴⁷ As indicated earlier, because the backlog index is an indirect indicator of case processing time in a court, and, therefore, naturally associated with the pace of litigation, pending caseload per judge will be used as the primary measure of the pending caseload/backlog issue. Because the backlog cannot explain the pace of litigation, pending caseload per judge will be used as the primary measure of the pending caseload/backlog issue.⁴⁸

Second, it should be noted that the causal relationship between pending caseload per judge and the pace of litigation is unclear. Courts which feature a slow pace of litigation may eventually develop a large pending caseload and backlog. On the other hand, once a large pending caseload per judge exists, new cases are likely to take longer to process than if there were a small pending caseload per judge. Thus, when pending caseload per judge is referred to as a "strong correlate" of the pace of litigation, it is probably most accurate to consider the "causal" relationship as mutual, rather than one-way.

Third, it is interesting that pending caseload per judge is the only factor (excluding the backlog index) which is at least moderately associated with any of the measures of median case processing time. The pace at which the "typical" civil case moves through the system is not effectively explained by any of the other independent factors. In other words, the pace at which the typical case is processed is not systematically influenced by court size, filings or dispositions per judge, caseload composition, or case management characteristics. These findings are generally consistent with the conclusions drawn in *Justice Delayed* and *Changing Times*, which focused on median case processing times. However the time to disposition for the oldest cases in a court, especially those that reach the trial list, is

associated with point of court control, disposition time goals, the minimum jurisdiction amount, and the pending caseload per judge. Instituting new case management procedures (e.g., disposition time goals and early court control) may shorten the time to disposition in the oldest cases, but these reforms might have less of an impact on median case processing times.

Fourth, the pace of litigation in trial list cases can apparently be explained by various independent variables. Courts with data on trial list cases, however, are generally different from courts without these data. For instance, only 2 of the fastest 12 courts used a trial readiness document system (see Table 3.2). Moreover, courts that used such a procedure were very likely to wait until the trial readiness document was filed before intervening to schedule case events (see Table 3.5). Thus, courts with data on trial list cases tend to establish court control over case scheduling relatively late, and these courts are concentrated among the courts with a moderate or slow pace of litigation. Among these courts, then, differences in minimum jurisdiction amount, percentage of tort cases, strictness of disposition time goals, and point of court control, in addition to pending caseload per judge, were all associated with the 90th percentile time in trial list cases.

Fifth, it is especially noteworthy that, among the several independent variables examined, only the percentage of firm trial dates is at least moderately related to the median disposition time in jury trial cases (see Table 3.6).⁴⁹ Because there were only 12 courts with data on firm trial dates, this finding should be viewed with caution. Yet, it is very interesting that none of the other organizational, caseload (including pending caseload per judge), or management factors are related to the typical pace of litigation for jury trial cases across the courts.

Finally, it should be noted also that the *causal* relationship between early court control and the pace of litigation is complex. For instance, it is possible that early court control tends to be implemented in courts that have smaller (more manageable) pending caseloads per judge. In courts that have large caseloads per judge, court leaders might not want to assign staff to the additional duties that might be required by early and continuous control over case events. In addition, courts that actively manage cases usually schedule interim events between the completion of responsive pleadings and the trial date. Thus, courts that implement early court control will necessarily note the status of uncontested and

nonprosecuted cases earlier and dismiss them for lack of prosecution. Courts that do not exercise early control over cases are more likely to wait for two or more years before dismissing uncontested cases for lack of prosecution. These courts will have an older and relatively larger pending caseload and probably have a higher proportion of uncontested and inactive cases in the pending caseload. In fact, there is an association, though relatively weak, between early court control and a smaller number of pending cases per FTE judge.⁵⁰ The lack of strength in the relationship between the two factors, however, suggests that their respective relationships to the pace of litigation are largely independent of each other.

It would be interesting, given the importance of pending caseload per judge and the point of court control, to examine more closely the nature of their impact on civil case processing times. Table 3.7 shows the correlation coefficients for these two independent (i.e., explanatory) variables and measures of case processing performance for contested cases (with an answer filed) and uncontested cases (without an answer filed). The correlations indicate that, for uncontested cases, a larger pending caseload per judge and a later point of court control display approximately the same moderate to strong relationships with a higher percentage of cases over one and two years old at disposition. A larger pending caseload per judge is a stronger correlate of median and 90th percentile case processing times for uncontested cases than is the point of court control. The point of court control, however, is a moderately strong predictor of 90th percentile time.

For contested cases, a larger number of pending cases per judge is a stronger correlate of median case processing times and the percentage of cases over two years old at disposition than is the point of court control. Point of court control and pending cases per judge show approximately the same association with 90th percentile time and the percentage of cases over one year old at disposition.⁵¹ Overall, the number of pending cases per judge displays a stronger association with the pace of contested cases than does point of court control.

In general, both pending caseload per judge and point of court control show a stronger association with case processing times for uncontested cases (those with no answer filed). Early court control over case events results in earlier dismissal of uncontested cases. There are presumably many cases in which the parties settle after a complaint is filed but in which neither party informs the court of the case status. Courts that intervene early in case events dispose (dismiss) these cases earlier. These cases might be carried on the records for a long time in courts that do not exercise early intervention. Courts that do not intervene early in case events, therefore, tend to have a higher percentage of older pending cases that are actually inactive and settled. Thus, early court control is most strongly associated with shorter disposition times for the older (i.e., 90th percentile and percent over two years old) uncontested cases. Its influence is noticeably less in relation to contested cases, though it retains a moderate correlation with 90th percentile time in contested cases.

Table 3.7
Pending Cases Per FTE Judge and Point of Court Control
Correlations with Contested and Uncontested Case Processing Times - 1987*

INDEPENDENT VARIABLES	UNCONTESTED (No Answer Filed)					CONTESTED (Answer Filed)				
	(N)+	Median	90th	% Over 1 Year	% Over 2 Years	(N)+	Median	90th	% Over 1 Year	% Over 2 Years
Pending per Judge	(18)	.68	.78	.61	.71	(18)	.61	.63	.41	.61
Point of Court Control	(20)	.47	.66	.65	.67	(23)	.44	.54	.40 ^a	.48

* All correlations significant at the .05 level. As a correlation (r) gets closer to 1.0 or -1.0, the association between the independent variable and case processing time gets stronger.

+ N = number of courts included in correlation analysis.

^a When only 18 courts are in the analysis, r=.28 and is not significant at the .05 level; all other correlations are approximately the same (r within ± .10) with 18 or 23 courts in analysis.

Pending caseload per judge, however, retains a moderate to strong association with most measures of case processing performance for both contested and uncontested cases. Thus, even if the nature of the relationship between the pending caseload per judge and delay in civil litigation is unclear, the pending caseload per judge is important and must be addressed in any delay reduction effort.

3. Multivariable Analysis of Factors Related to Civil Case Processing Time

Previous sections identified the relative importance of various population, organization size, caseload size, caseload composition, and case management factors in explaining the pace of litigation. The number of pending cases per FTE judge, firm trial dates, and early court control over the scheduling of case events exhibited the most substantial correlations with the broadest range of case processing times. Until now, however, the analysis has been based on bivariate correlations; the concurrent effects of multiple factors have not been examined. It is possible that neither the number of pending cases per judge nor the point

of court control over case events can effectively predict of case processing time when the effects of other factors are controlled. Second, it is also possible that they are even more strongly associated with pace when other factors are controlled. Third, some of the other variables (e.g., percent tort cases) could be better predictors of case processing when the effects of the strongest correlates (pending caseload per judge and point of court control) are controlled. Table 3.8 shows partial correlations in order to better assess the relative importance of the strongest correlates of civil case processing time (pending caseload per judge and point of court control) when the effects of other variables are considered.

Table 3.8 displays partial correlation statistics based on data from the 25 courts that had comparable data on each of the variables in the analysis.⁵² It should be noted that the nine courts with missing data on pending caseload per judge were all among the bottom half of the courts on the percentage of cases over two years old at disposition (see Table 3.2). Thus, the partial correlation analysis is based primarily on courts that were among the middle and top groups on measures of the pace of litigation. Courts that

Table 3.8
Bivariate and Partial Correlations^a
Factors Related to Case Processing Times - All Civil Cases

Bivariate Correlations			
Independent Variables (N=25)	% Over 2 Years	Median	90th
Pending Per FTE Judge	.71**	.71**	.67**
Point of Court Control	.48**	.37*	.54**

Partial Correlations			
Independent /Control Variables (N=25)	% Over 2 Years	Median	90th
Pending Per FTE Judge /Population	.59**	.64**	.60**
/% Torts	.73**	.72**	.70**
/Point of Court Control	.65**	.66**	.59**
/Number of Civil Filings	.70**	.72**	.69**
Point of Court Control /Population	.51**	.37	.55**
/% Torts	.49**	.38	.54**
/Number of Civil Filings	.49*	.37	.54**
/Pending per FTE Judge	.32	.15	.41*

^a Partial correlations reflect the strength of the relationship exhibited by the independent variable with the various case processing times when the effect of the control variable is taken into account.

* Significant at the .05 level.

** Significant at the .01 level.

feature longer disposition times are generally underrepresented in the analysis. Because there is a pattern among those with missing data, the results should be interpreted with caution.⁵³

Three control variables are included in the partial correlation analysis: population size, percentage of tort cases, and total civil filings (see Table 3.8). These variables are significantly associated with either pending caseload per judge or the point of court control.⁵⁴ These control variables are included in the partial correlations because they are most likely to attenuate the relationship between the pending caseload per judge or early court control (the primary independent variables) and civil case processing times.

Table 3.8 displays the bivariate correlations exhibited by early court control and pending caseload per judge with three measures of case processing time for all civil cases.⁵⁵ When the bivariate correlations are compared with the partial correlations, one can estimate the degree to which the control variable increases or decreases the association between the primary independent variable and case processing time. As noted earlier, the number of pending cases per FTE judge is strongly associated with each measure of case processing time; the point of court control shows a weak to moderate association with each case processing time measure. The partial correlations indicate the strength and statistical significance of the association between the primary independent variables (pending cases per judge or point of court control) and the measure of case processing time when the effects of the control variables are taken into account.⁵⁶

Partial correlations in Table 3.8 show that the number of pending cases per FTE judge retains a moderate to strong association with all three measures of the pace of civil litigation, after the effects of other factors are controlled. The point of court control retains a significant correlation with the 90th percentile case processing time after all the other variables are controlled. It also exhibits a statistically significant correlation with the percentage of cases over two years old at disposition when the effects of three of the four control variables are considered. However, point of court control loses its statistically significant association with the percentage of cases over two years old when the effect of pending caseload per judge is controlled.⁵⁷

Size of the pending caseload per judge emerges as the strongest correlate of the pace of civil case

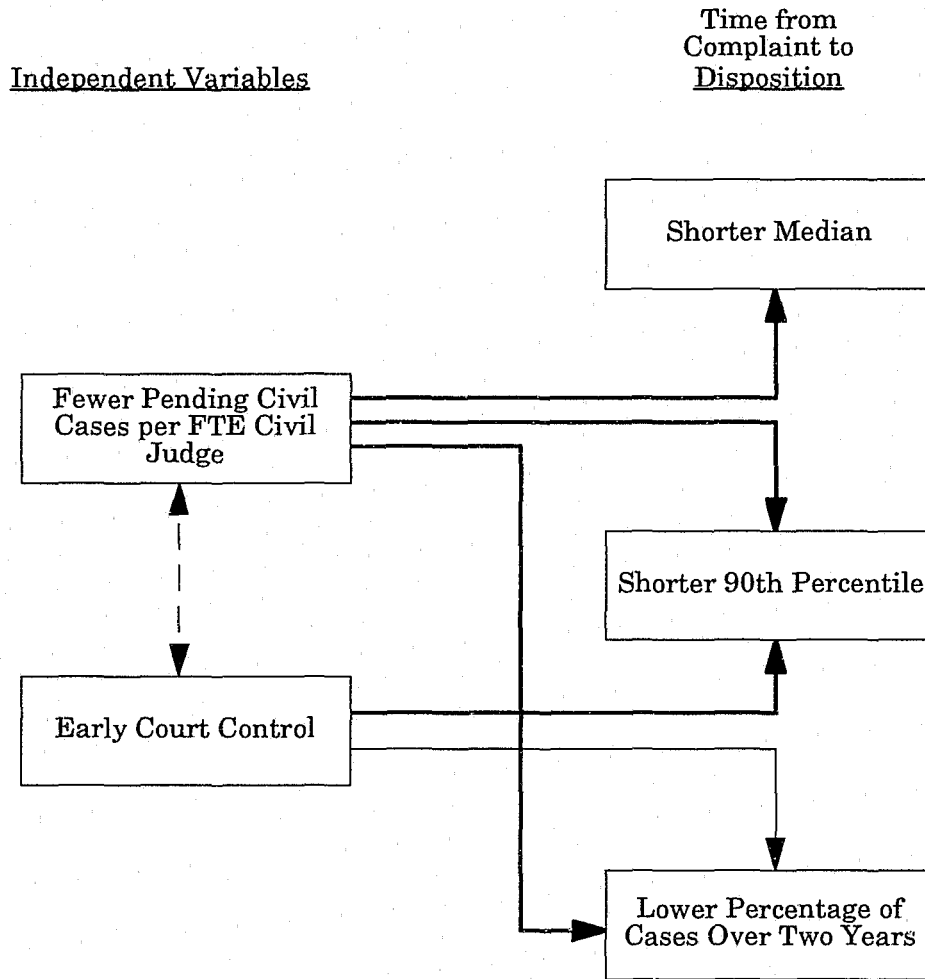
litigation in these urban trial courts (see Figure 3.7). However, partial correlations indicate that regardless of the size of the pending caseload per judge, early court control is associated with shorter 90th percentile case processing times. These findings are consistent with conventional wisdom: caseload per judge and case management procedures affect the pace of litigation. There are important exceptions to these general patterns. For example, Fairfax had a relatively high pending caseload per judge (Table 3.3) and did not exercise early court control (Table 3.5), yet it was among the faster courts. But the general patterns identified in the partial correlation analysis are important because they confirm the importance of caseload per judge in understanding court delay, and they support the utility of early court control in reducing the time to disposition.

Because pending caseload per judge appears to be the strongest correlate of the pace of civil case litigation, it would be interesting to determine which structural, caseload, and procedural factors are most strongly associated with it. Table 3.9 shows the partial correlations involving factors that might affect the size of pending caseloads per judge. Interestingly, larger pending caseloads per judge tend to be found in jurisdictions with larger populations and with a larger number of total civil case filings.⁵⁸ (In addition, it is reasonable to expect that there is a saturation point for filings per judge after which a court will not be able to keep up with its incoming cases; filings per judge, therefore, might also be an important predictor of pending caseload per judge. Moreover, it is possible that courts with more complex caseloads are more likely to develop large pending caseloads. Among the variables examined in this study, the percentage of tort cases is the best indicator of the degree of caseload complexity.) Finally, the effectiveness of the case management system could be related to the size of the pending caseload per judge. It has already been noted that the point of court control is associated with the size of the pending caseload per judge. In Table 3.9, these five factors are examined for their association with pending caseload per judge after controlling for the effect of each of the other variables.

Courts in more populous counties are more likely to have larger pending caseloads per judge, even after controlling for the effects of the other four variables (see Table 3.9). This finding provides some empirical support for conventional wisdom, which suggests that larger cities are more likely to experience greater backlog problems. In addition, early court control over case events is associated with smaller pending caseloads per

Figure 3.7
 Strongest Correlates of Civil Case Processing Time - 1987
 After Partial Correlation Analysis

ALL CIVIL CASES



- Independent variable retained a statistically significant correlation with the case processing time after controlling for the effects of three of the four other important (control) variables (see Table 3.8).
- Independent variable retained a statistically significant correlation with the case processing time after controlling for the effects of all of the four other important (control) variables (see Table 3.8).
- -→ Early court control retained a statistically significant correlation with pending civil cases per judge after controlling for the effects of four other important (control) variables (see Table 3.9).

judge even after controlling for the four other variables. County population size, however, is more strongly associated with the size of the pending caseload per judge. None of the other three factors retains a significant relationship with pending caseload per judge after the partial correlation analysis.

Table 3.9
Partial Correlations^a
Factors Related to Pending
Civil Cases Per FTE Judge

Independent /Control Variables (N=25)	Pending Cases Per FTE Judge
Population /Filings per FTE Judge	.58**
/% Torts	.56**
/Point of Court Control	.60**
/Number of Civil Filings	.54**
Number of Civil Filings /Population	-.20
/% Torts	.27
/Point of Court Control	.37
/Filings per FTE Judge	.22
Filings Per FTE Judge /Population	.31
/% Torts	.23
/Point of Court Control	.41*
/Number of Civil Filings	.17
Percent Torts /Population	-.13
/Point of Court Control	-.32
/Number of Civil Filings	-.10
/Filings per FTE Judge	-.09
Point of Court Control /Population	.41*
/% Torts	.43*
/Number of Civil Filings	.40*
/Filings per FTE Judge	.46*

^a Partial correlations reflect the strength of the relationship exhibited by the independent variable with pending cases per FTE judge when the effect of the control variable is taken into account.

* Significant at the .05 level.

* Significant at the .05 level.

It should be noted that the reason for the association between larger county populations and larger pending caseloads per judge is not clear. A large population cannot cause a large pending caseload per judge. Rather, population size is probably related to some other factor(s) that affects the size of the pending caseload per judge. These could include resources, the size of the court, complexity of the organization, and local legal culture. It is important to note that one key measure of judicial resources, filings per judge, is not significantly associated with the pace of litigation (see Appendix J) or with the size of the pending caseload (see Table 3.9).⁶⁰ It is reasonable

to assume that a court with a large number of filings per judge would be most likely to develop a large pending caseload. Yet the correlation between filings per judge and pending cases per judge is not significant.⁶⁰ The lack of association between filings per judge and pending cases per judge suggests, indirectly, that factors other than a lack of judicial resources are probably important contributors to large pending caseloads per judge. Thus, it is possible that complexity of the court environment, a lack of commitment among court leaders to expeditious case processing, ineffective case management, and local legal affect the size of the pending caseload and the extent of delay in civil case litigation.

In general, the pending caseload per judge is the strongest correlate of civil case processing times. As indicated earlier, however, the causal relationship between the size of the pending caseload and the pace of litigation is not clear. Courts that feature long case processing times are likely to develop large pending caseloads per judge, but a large pending caseload causes delay in processing recently filed cases. Moreover, early court control and pending caseload per judge probably affect each other (see Figure 3.7). Early court control might be implemented more easily in courts that have smaller (more manageable) pending caseloads per judge. However, it has already been shown that when the effect of pending caseload per judge is controlled, early court control still retains a significant relationship with shorter 90th percentile case processing times. Thus, the point of court control appears to influence the pace of litigation independent of the size of the pending caseload per judge. It is reasonable to conclude that the point of court control may also have some impact on the size of the pending caseload per judge and the overall pace of litigation (see Table 3.9).

E. Trends in the Pace of Civil Case Litigation, 1976 - 1987

One of the benefits of including courts that have been in previous pace of litigation studies is that trends can be tracked from 1976 through 1987. Table 3.10 shows trends in the median disposition time in tort cases for 21 courts. Five of the courts have reduced their median time in tort cases by 20 percent or more from 1976 to 1987. On the other hand, eight courts have increased their median time by 20 percent or more; five are up by 40 percent or more. In general, courts are more likely to have increased the time they take to dispose of the typical case (see Figure 3.8).

Table 3.10
Tort Case Processing Time Trends
Filing to Disposition, 1976 - 1987

	1976 ^a	Median Tort Case Processing Time		1987	Percent Change in Median Tort Case Processing Time		
		1983 ^a	1985 ^a		76-87	83-87	85-87
Wichita	290 ^b	492	411	215	-26	-56	-48
Dayton	*	345	279	276	*	-20	-1
Cleveland	384	318	343	363	-5	14	6
Pontiac	555 ^c	*	*	372	-33	*	*
Phoenix	308	317	292	376	22	19	29
Atlanta	402 ^c	*	*	385	-4	*	*
Minneapolis ^d	710	818	603	400	-44	-51	-34
New Orleans	288	401	403	405	41	1	0
Jersey City	584 ^b	425	394	441	-24	4	12
Seattle	385 ^c	*	*	449	17	*	*
Portland	310	393	389	463	49	18	19
Miami	331	408	325	482	46	18	48
Oakland	421	528	637	504	20	-5	-21
St. Paul ^d	440 ^e	*	*	520	18	*	*
Detroit	788	721	648	532	-32	-26	-18
Newark	654	544	624	710	9	31	14
San Diego ^f	574	816	697	742	29	-9	6
Providence	*	516	697	818	*	59	17
Pittsburgh ^g	583	657	651	825	42	26	27
Houston	594 ^c	*	*	857	44	*	*
Boston	811	701	782	953	18	36	22

^a Data reported in Mahoney et al. (1988).

^b Represents median tort case processing time for 1979, obtained as part of study by Mahoney et al. (1988).

^c Data reported in Church et al. (1978).

^d Data for all years is for all civil cases with a trial list document filed only.

^e Time from service, not case filing.

^f Tort case processing times for all years are for trial list cases only.

^g 1983-1987 data exclude cases disposed by arbitration.

* Data unavailable or not comparable.

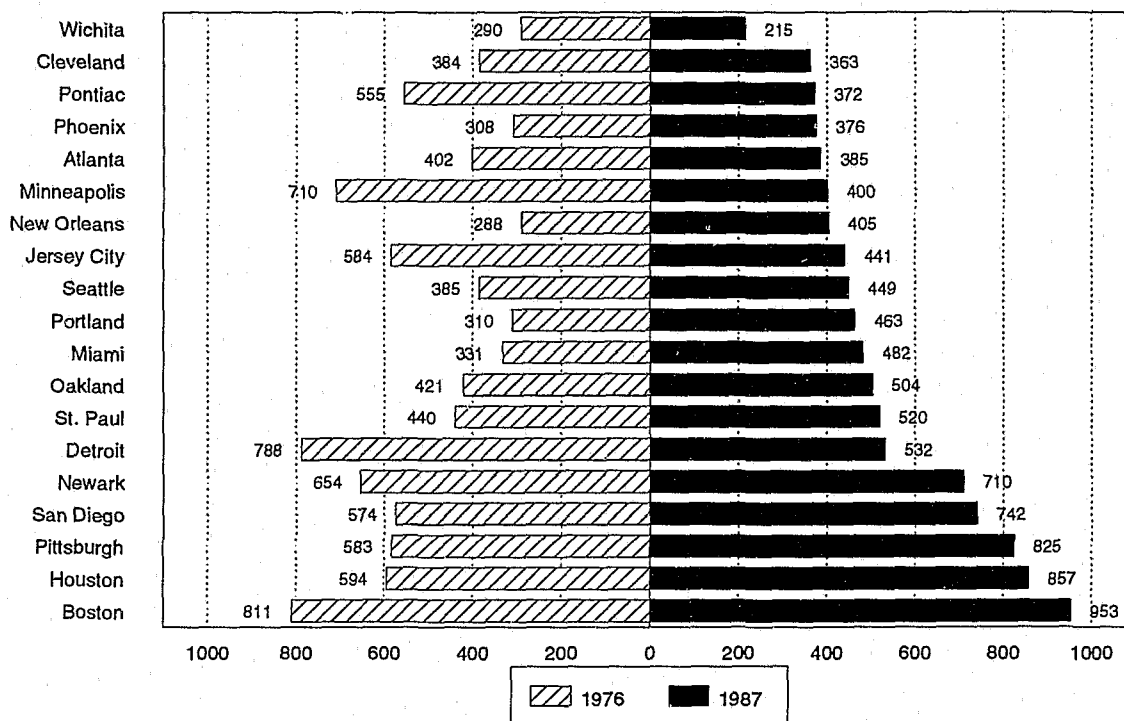
During the mid 1980s (1983-1987), eight courts increased their median time in tort cases by more than 5 percent, while four decreased their median time by more than 5 percent. Several courts experienced dramatic changes in the pace of litigation. Increases of more than 25 percent occurred between 1983 and 1987 in four courts; four courts reduced their time by 20 percent or more during this period. The pattern was very similar between 1985 and 1987.

In general, more courts have increased the length of time to disposition in civil cases. After two decades of research and education of judges and court administrators about the causes and cures for delay in case processing,⁶¹ this data on the pace of litigation could be discouraging. On

a more positive note, at least five of the six courts that reduced their median disposition times by 20 percent or more during the past decade (Wichita, Dayton, Minneapolis, Jersey City, and Detroit) instituted a delay reduction program during the period.⁶² While the overall trend is clearly toward more delay in processing civil cases, it is equally clear that delay can be reduced where there is commitment to expeditious case processing and a comprehensive strategy for reducing pending caseload and case processing times.

Figure 3.8
Trends in the Pace of Tort Case
Litigation in 19 Courts, 1976 - 1987*

Median: Filing to Disposition (Days)



*1976 data from Justice Delayed (Church et al., 1978).

F. Summary: Findings Related to the Pace of Civil Case Litigation

Only a few courts in this study are close (within 10 percent) to meeting the ABA disposition time standard that all civil cases be disposed within two years after filing of a complaint; only one is close to meeting the standard that 90 percent of all cases be disposed within one year. In general, courts tend to be further from compliance with the ABA civil case disposition time standards than from the ABA time standards for felony cases.

Conventional wisdom receives some empirical support in this study. Both caseload and case management procedures appear to be associated with civil case processing times. After multivariable analysis, two factors stand out: a larger pending caseload per judge is related to longer case processing times, and early court control over the scheduling of case events is

related to shorter disposition times. The causal relations, however, among pending caseload per judge, early court control over case scheduling, and the pace of litigation are unclear. First, delay in processing civil cases can lead to a larger pending caseload per judge and vice versa. Second, early court control over case events may be more likely to be implemented in courts with smaller (more manageable) pending caseloads per judge, but courts that fail to exert early control over case events could develop larger pending caseloads per judge. Regardless of the causal sequences among these factors, the data suggest that reducing the size of the pending caseload per judge and implementation of early court control over the scheduling of case events should be important focal points in delay reduction efforts.

Another finding that is consistent with conventional wisdom is that courts in more populous counties are more likely to have larger pending caseloads per judge. Of course, population

size cannot cause a court to develop a large pending caseload per judge. However, there may be something about the complexity of the court or legal culture within more populous urban areas that inhibits effective management of the pending caseload. In any event, the data support for the contention that more populous jurisdictions are likely to have more serious civil case processing problems.

It is also interesting, however, that there is no association between filings or dispositions per judge and pending cases per judge. This suggests indirectly that there are probably factors other than workload per judge that affect the size of the pending caseloads per judge across urban trial courts. The multivariable analysis indicates that early court control over case scheduling exhibits a correlation with both the size of the pending caseload per judge and with faster case processing times at the 90th percentile, even after controlling for other theoretically important variables. The data therefore support, at least indirectly, the contention that case management procedures affect the size of the pending caseload per judge and the pace of litigation across urban trial courts.

Finally, trend analysis indicates that most courts have experienced an increase in the time to disposition for civil cases between 1976 and 1987. After decades of effort to reduce delay in civil litigation, judges and court administrators could become discouraged by these findings. However, the courts that have reduced their case processing times substantially during the past decade have implemented delay reduction programs. Thus, case processing times and delay can be reduced where there is a commitment to more expeditious disposition times and an organized program for achieving this goal.

Notes

1. See Snellenberg and Dickey (1989), funded by the State Justice Institute; and Brookings Institution (1989); see also Litan (1989).
 2. See American Bar Association (1986); Chapper et al. (1984).
 3. Goerd et al. (1989); this report and *Examining Court Delay* were funded by the Bureau of Justice Assistance.
 4. Both Church et al. (1978) and Mahoney et al. (1988) found the backlog index (number of civil cases pending at the start of the year divided by the number of civil cases disposed during the year) to be strongly associated with the pace of litigation. Because backlog could be a result of delay in case processing, neither study focused on the backlog index as an explanation for delay. In addition, both studies found courts with individual calendar systems to be more likely to feature shorter disposition times than master calendar courts, though there were exceptions.
 5. See Church (1982).
 6. See Church et al. (1978), p. 54; see also Church (1986) (Church examined the impact of local legal culture on case processing in four urban courts; the findings generally confirmed the importance of judge and attorney attitudes and values in explaining differences in the pace of litigation).
 7. Mahoney et al. (1988), pp. 197-210; these conclusions were based on qualitative observations in many of the courts in the study.
 8. See, e.g., Solomon (1973); Friesen (1984); and Mahoney et al. (1988); the authors in each of these works argue for early and continuous court control over the scheduling of case events and the establishment of disposition time goals.
 9. Goerd et al. (1989), p. 40.
 10. See American Bar Association (1987), Sec. 2.50.
 11. See American Bar Association (1987), Sec. 2.52(A).
 12. Comparable civil data were not obtained from Bronx and Brooklyn, NY, or from San Diego, CA; San Diego's case processing times for trial list and jury trial cases are included in later sections.
 13. The filing of a legal complaint in court is just one step in the process by which parties attempt to resolve a dispute. Thus, almost every court case is "contested" at the pre-filing stage, or there would be no need for filing a complaint. Filing a complaint, however, is apparently enough to move the dispute to resolution without further court involvement in a large percentage of the cases.
 14. The three New Jersey courts are excluded from figures determining the percentage of cases
-

- with no answers filed because they count only cases that have answers filed.
15. Determined by use of a t-test.
 16. Boston and Cambridge wait several years to dismiss cases for lack of prosecution. However, the average time to disposition for contested cases is not significantly different from that of uncontested cases in either court. (See Table 3.1.)
 17. This study does not examine the number of days required from the start of trial to entry of verdict. The early comparative study on this issue is Sipes et al. (1988).
 18. Note that Boston, Cambridge, Houston, and some of the other slower courts did not have enough jury trial cases (20) in the sample to have their median jury trial times included in the table.
 19. See, e.g., Sale (1981); see also, Kimberly (1976), a classic critique of social science and management literature that examines organization size as a factor in organization characteristics and performance.
 20. See generally, Sale (1981).
 21. See, e.g., Church et al. (1978); Mahoney et al. (1985, 1988); and Goerdts et al. (1989).
 22. The three largest cities in the U.S., New York, Los Angeles, and Chicago, all have among the longest civil case processing times reported in research on civil case delay; see The Institute for Civil Justice (1990), p. 16 (the median time to jury trial in Los Angeles is five years); Campbell (1990), p. 24 (the average time from filing to verdict in Chicago in 1985 was 4.3 years); Mahoney et al. (1985) also found that Bronx, NY, had one of the longest median times to jury trial among the 17 courts in the study. Although multijurisdictional studies have not found a strong association between population size and pace of litigation, the fact that the largest cities report some of the longest case processing times continues to suggest that more populous jurisdictions share similar case processing problems.
 23. See, e.g., Zeisel et al. (1959); see also Institute for Civil Justice (1990), p. 16 (addressing specifically the problems of delay in Los Angeles).
 24. See, e.g., Church et al. (1978); Mahoney et al. (1985, 1988); and Goerdts et al. (1989).
 25. See, e.g., Institute for Civil Justice (1990), p. 16.
 26. See Church et al. (1978); Mahoney et al. (1988); Goerdts et al. (1989).
 27. See Goerdts et al. (1989).
 28. See e.g., Priest (1989), pp. 540-44. Priest suggests that if case processing times are reduced through some type of court reform, the jury trial rate will increase, but an increase in the jury trial rate will lead to longer case processing times. This economic theory of court and litigant behavior suggests that there is an equilibrium for trial rates and case processing times. It also suggests that case processing times affect trial rates and vice versa.
 29. See Church et al. (1978); Mahoney et al. (1988); Goerdts et al. (1989).
 30. See, e.g., Priest (1989).
 31. Courts that have a minimum jurisdiction amount of \$0 typically have jurisdiction over small claims cases, which were not included in the samples for determining case processing times. Thus, where the minimum jurisdiction amount is stated as \$0, the sample minimum was typically \$1,500.
 32. It is also interesting that courts with a higher minimum jurisdiction amount are much more likely to have a larger percentage of tort cases in the caseload ($r=.62$, $p=.000$, $n=33$).
 33. See, e.g., Solomon and Somerlot (1988); Friesen (1984); Mahoney et al. (1988); American Bar Association (1986).
 34. The definition and categorization of calendar types used in this study are very simplistic. For a review and critique of the complexity of the role of the calendar system, see Luskin (1989).
 35. See Church et al. (1976), p. 36; Mahoney et al. (1988), p. 75.
 36. See Goerdts et al. (1989), p. 120.
 37. See Goerdts et al. (1989) p. 126.
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38. All courts ranked as establishing "early court control" began setting case events (e.g., status conference, pretrial conference, discovery deadlines) within 180 days after filing.
39. Courts ranked as establishing court control between 180 days and one year after filing either began scheduling case events during this period or actively dismissed cases for failure to prosecute.
40. See Friesen (1984); Solomon and Somerlot (1988); Mahoney et al. (1988).
41. See, e.g., Resnik (1984).
42. See, Goerdts et al. (1989) p. 38.
43. See Goerdts et al. (1989), p. 40; see also Friesen (1984); Solomon and Somerlot (1988).
44. Before a discussion of the relationship of independent variables to case processing times is presented, it should be noted that there are some significant correlations among the independent variables. Variables that display a statistically significant correlation of at least .50: population with total number of civil case filings (.78), the number of FTE civil judges (.88), and the number of pending cases per FTE judge (.59); the number of dispositions per FTE judge with the number of filings per FTE judge (.88) and the percentage of tort cases (-.53); and the percentage of tort cases with the minimum jurisdiction amount (.62) and the percentage of contract cases (-.70).
45. A higher percentage of firm trial dates 12 courts had comparable and complete data on firm trial dates. Because of the small number of courts with data on the first scheduled trial date, the correlations must be viewed with caution. Moreover, 12 courts are insufficient to allow "firm trial dates" to be used in the partial correlation analysis.
46. A larger number of dispositions per judge was associated with shorter 90th percentile disposition times in cases on the trial calendar (trial list cases) ($r = -.41$, $p = .05$, $n = 17$).
47. In Church et al. (1978); Mahoney et al. (1988); and Goerdts et al. (1989).
48. There is a strong correlation between the backlog index and the size of the pending caseload per judge in this study ($r = .73$, $p = .000$, $n = 24$). This correlation is not surprising because the backlog index and pending caseload per judge attempt to measure the same general factor: the relative magnitude of the pending caseload. When two variables provide measures of the same general concept and the two variables are highly correlated, it is legitimate (even necessary to avoid the problem of multicollinearity) to use just one of the independent variables in the analysis.
49. Only the median time in jury trial cases is examined because as few as 20 cases are used for reporting jury trial disposition times. Thus, the 90th percentile could be represented by as few as two cases, and accordingly the 90th percentile times are not reported. It is possible that the 90th percentile time for jury trial cases would be predictable in the same manner that trial list cases are associated with several independent variables.
50. $r = .38$, $p = .03$.
51. When the same number of courts (18) are used in the correlation analysis involving contested cases, however, the association between point of court control and the percentage of cases over one year old at disposition is reduced from .40 to .28 and is not statistically significant at the .05 level.
52. The three New Jersey courts are excluded from the analyses because their data include only cases in which an answer was filed. San Diego is excluded because its data include only cases in which a trial readiness document had been filed. Eight other courts lacked comparable data on pending caseload per judge (see Table 3.3). It should be noted that 33 courts had comparable data on all variables in Tables 3.8 and 3.9 except pending caseload per judge. When partial correlations were also performed on these other variables using 33 courts, there was very little difference in the outcomes compared to the partial correlations involving 25 courts. Thus, there is a basis for believing that the subset of 25 courts is not substantially different overall from the group of 33 courts.
53. But see previous note.
54. Correlations with pending cases per FTE judge: population ($r = .59$, $p = .001$), total civil filings ($r = .35$, $p = .045$), point of court control ($r = .38$, $p = .03$). Correlations with point of court control: percent torts ($r = .35$, $p = .022$).

55. Only measures of case processing time for all civil cases are included because all civil cases were the focus of the case samples; therefore, the sampling error is smallest and the confidence level is greatest for data on all civil cases.
 56. For a discussion of partial correlations, see Blalock (1979), pp. 433-50.
 57. When 33 courts are included in the partial correlation analysis, point of court control exhibits a statistically significant partial correlation with the percentage of cases over two years old at disposition when controlled for pending caseload per judge ($r=.45$, $p=.04$).
 58. Pending cases per judge and population ($r=.59$, $p=.001$, $n=25$); pending cases per judge and total civil filings ($r=.35$, $p=.05$, $n=25$).
 59. More dispositions per judge is weakly associated with shorter 90th percentile CPT in trial list cases ($r=-.41$, $p=.049$, $n=17$). A larger number pending cases per judge is also weakly associated with a larger number of dispositions per judge ($r=.38$, $p=.032$, $n=24$). However, dispositions per judge loses its statistical significance in relation to pending cases per judge when it is subjected to partial correlation analysis with filings per judge (partial correlation=.26, $p=.23$; $n=24$) and percent torts (partial correlation=.30, $p=.16$, $n=24$).
 60. $r=.32$, $p=.06$ ($n=25$).
 61. See Friesen (1984).
 62. See Mahoney et al. (1988) for a discussion of the programs in Wichita, Jersey City, Dayton and Detroit. For a further discussion of the program in Detroit, see Somerlot et al. (1989).
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IV. THE RELATIONSHIP BETWEEN CIVIL AND FELONY CASE PROCESSING

A. Felony and Civil Case Processing Times

General jurisdiction trial courts usually handle both civil and criminal cases through some form of central administration, so the effectiveness of the case management is likely to be reflected in the processing of all case types. Moreover, if a court has too few judges, insufficient resources are likely to affect both civil and criminal case processing. In this study, shorter median disposition times for all civil, tort, contract, and trial list cases exhibit moderate correlations with a shorter 90th percentile felony disposition time in the upper court.¹ Where the oldest felony cases are disposed relatively expeditiously, the typical civil case is also likely to be disposed in a relatively short time. Thus, there is an association between felony and civil case processing times in this study, though the association is not as strong as the one found in *Examining Court Delay*.²

B. Felony Caseload Composition and Case Management Factors and Civil Case Processing Time

Criminal case processing is almost always given the highest priority in courts because of the defendants' constitutional right to a speedy trial and because of public concern that criminals be adjudicated and punished expeditiously. When a serious criminal case backlog occurs, it is common in urban jurisdictions to move judges from civil to criminal case assignments to help with case processing.³ It is possible, therefore, that factors related to felony caseload composition and case management might be related to civil case processing. Appendix L shows the correlations between civil case processing times and the percentages of most serious, drug sale, felony jury trial cases, and the percentage of jury trials started on the first scheduled trial date. First, a higher percentage of most serious felony cases in the caseload are related to longer 90th percentile civil case processing time. Second, a higher percentage of drug sale cases exhibit a moderate to moderately strong correlation with several measures of civil case processing time: more drug sale cases are related to longer civil case processing times. Third, among the 12 courts with comparable trend data, there is a strong association between a large increase in drug-related cases between 1983 and 1987 and longer civil case processing times (see Appendix L). These findings suggest that jurisdictions with a higher percentage of drug-related cases, or a substantial increase in drug-related cases, may have been focusing on their felony caseloads at the expense of civil cases. It is also possible that

courts that were already relatively slow in both civil and criminal case processing experienced large increases in drug cases in the years just prior to 1987.⁴ However, it is reasonable to conclude that the courts hit hardest by the war on drugs were forced to focus on their criminal caseloads at the expense of civil cases.⁵

Finally, a higher percentage of firm felony trial dates displays a moderate correlation with shorter median case processing times in civil jury trial cases. Again, this correlation probably indicates the relative effectiveness of case and resource management within courts. Courts that manage their felony trial dockets well also tend to manage their civil trial dockets effectively.

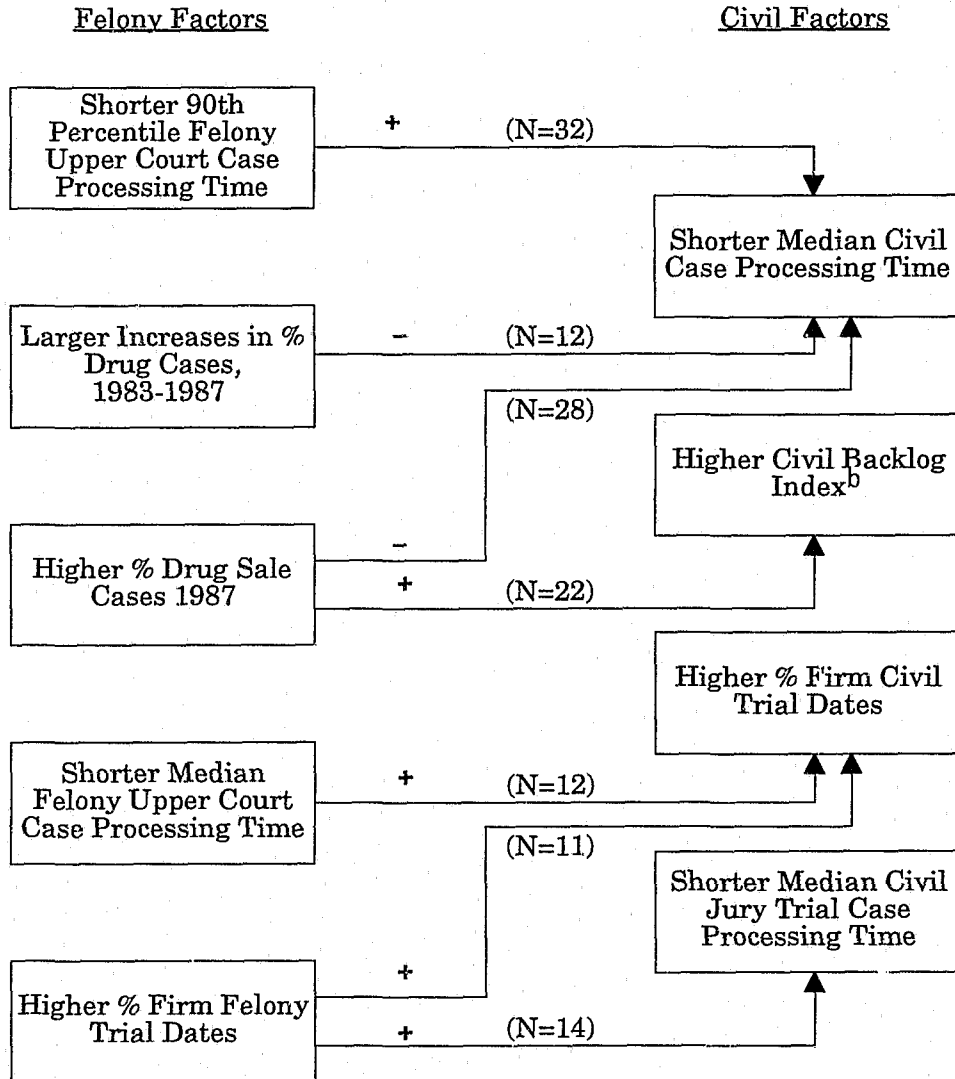
C. Civil Caseload Composition and Case Management Factors and Felony Case Processing Time

The nature of the civil caseload could affect the pace of felony litigation. However, civil caseload is less likely to affect felony case processing because felony case processing is generally given priority. Appendix L shows the association between the percentage of tort, contract, and jury trial cases, the percentage of civil trials started on the first scheduled trial date, and felony case processing times. The only moderate and statistically significant correlation is between median upper court processing time in felony cases and the percentage of civil jury trials that start on the first scheduled trial date.⁶ Faster median felony case processing times are related to more firm trial dates in civil cases. This correlation probably reflects the pattern noted earlier: courts that tend to feature shorter disposition times in criminal cases also tend to feature shorter civil case processing times. Furthermore, courts with shorter case processing times tend to have a higher percentage of firm trial dates. As expected, however, civil caseload composition has little, if any, association with the pace of felony case litigation.

D. Felony and Civil Caseload Composition and Case Management Factors

Jurisdictional, demographic, and economic differences among the jurisdictions in the study affect the nature of the civil and felony caseloads. It would be interesting, therefore, to explore the relationship between felony and civil caseload compositions. It is reasonable to expect, for

Figure 4.1
Correlations Between Felony and Civil Case Processing Factors ^a



^a See Appendix L.

^b The number of civil cases pending at the start of 1987 divided by the number of civil cases disposed in 1987.

+ The existence of one factor is related to the existence of the other factor ($r \geq .50$, $p \leq .05$).

- The existence of one factor is related to the opposite of (has a negative association with) the other factor ($r \geq .50$, $p \leq .05$).

instance, that courts with a high percentage of firm trial dates in civil cases would also have firm trial dates in felony cases. This could be expected for three reasons: 1) the effectiveness of case and resource management is likely to be relatively consistent within jurisdictions; 2) the philosophy of court leaders regarding the court's role in actively moving cases to disposition is likely to be manifested in both civil and felony case management; and 3) the relative level of judicial and other court staff resources will also be manifested in civil and felony case management performance. These relationships can be examined with the available data.

Appendix L displays the correlations among several indicators of civil and felony caseload composition and case management characteristics. There is no correlation, as one might expect, between the percentages of felony and civil case types. Knowing that a court has a high percentage of murder, rape, and robbery cases, for example, does not help predict whether a court is likely to have a high percentage of tort cases. There is, nevertheless, an interesting and moderately strong correlation between a higher percentage of drug sale cases and a higher civil backlog index.⁷ The backlog index, as discussed earlier, is the rate at which the pending caseload was turned over during the year. Thus, it is an indicator of case processing time. As noted earlier, where there was a higher percentage of drug cases, civil case disposition times tended to be longer, so the relationship between a higher percentage of drug sale cases and a higher civil backlog index is not surprising. If civil case processing times are relatively long, pending civil caseloads will naturally take longer to dispose. Moreover, as argued earlier, courts in this study that generally featured among the longest disposition times in the early 1980s (when there was not a significant difference in the proportion of drug-related cases in their caseloads) experienced the largest increases in drug-related cases between 1983 and 1987. The percentage of drug-related cases in the caseload, therefore, is probably not a cause of longer civil case processing times.

Appendix L also suggests that there may be an association between firm civil jury trial dates and firm trial dates in felony jury trials, though the number of courts with comparable data is very small.⁸ Courts that value strong case management (e.g., a tough continuance policy) are likely to produce firm trial dates in both civil and felony cases. A higher percentage of firm trial dates, as discussed earlier, is a significant correlate of both

civil and felony case processing times. Of course, the extent of firm trial dates in both civil and felony jury trials within a court could also be influenced by the size of a court's pending caseload per judge.⁹ As pending caseloads per judge become larger and less manageable, firm trial dates are likely to become less common. Regardless of the causal relationship between firm trial dates and the size of the pending caseload per judge, there appears to be a pattern indicating that courts that provide firm trial dates tend to do so for both civil and felony cases.

E. Summary: The Relationship Between Felony and Civil Case Processing

Findings regarding the relationship between felony and civil case processing are summarized in Figure 4.1. There is a moderate association between civil and felony case processing times across the courts. Courts that feature relatively short disposition times for felony cases also are likely to feature relatively expeditious civil case processing times. In addition, courts with a higher percentage of drug sale cases, and those that experienced the largest increase in drug cases between 1983 and 1987, tended to have longer civil case processing times, though it is doubtful that the percentage of drug cases in a court's caseload caused longer civil case processing times in 1987. Finally, an association was noted between firm trial dates in felony jury trials and firm trial dates in civil jury trials. This suggests that, where it exists, strong case management tends to be manifested in both civil and felony cases within jurisdictions. The association between firm trial dates in felony and civil cases is complex; the percentage of firm trial dates could be influenced by the size of the pending caseloads per judge in the courts. Firm trial dates may be easier to achieve where there is a smaller pending caseload. Nevertheless, the findings provide some support to the argument that, as part of any delay reduction effort, courts should strive to provide firm trial dates.¹⁰

Notes

1. Median time for all civil cases and 90th percentile upper court time in felony cases: $r=.51$, $p=.001$, $n=32$; median time for tort cases and 90th percentile upper court time for felony cases: $r=.52$, $p=.001$, $n=32$; median time for contract cases and 90th percentile upper court time for felony cases: $r=.60$, $p=.000$, $n=32$; median time for trial list cases and 90th

percentile upper court time for felony cases:
 $r=.61$, $p=.003$, ($n=22$).

2. See Goerdts et al. (1989), p. 101; correlations between median time for all civil cases and median times for felony cases were all .62 or higher.
 3. See, e.g., *Criminal Justice Newsletter* (Aug. 15, 1989), p. 3.
 4. See discussion in section II(F).
 5. See, e.g., Lipscher (1989), p. 15.
 6. $r=.53$, $p=.039$, ($n=12$).
 7. $r=.69$, $p=.000$, ($n=22$).
 8. $r=.73$, $p=.005$, ($n=11$); eleven is a very small number of courts for using Pearson's correlation coefficients. Conclusions regarding the correlation here should be viewed with caution.
 9. Pending caseload per judge is not analyzed in Appendix L because there were too few courts with comparable civil and felony data on the issue. Recall, however, that pending civil caseload per judge was a stronger predictor of case processing time than early court control. It is likely, therefore, that pending caseload per judge affects the percentage of firm trial dates in a court.
 10. See Mahoney and Sipes (1988); Mahoney et al. (1988); Solomon and Somerlot (1987).
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V. IMPLICATIONS FOR POLICY AND FUTURE RESEARCH

A. Policy Implications

The evidence suggests that a large increase in caseload between 1983 and 1987 was associated with longer felony case processing times in at least some of the courts in the study. In addition, a substantial majority of the courts did not dispose as many felony cases in 1987 as were filed in that year. Although the clearance rate in 1987 was not correlated with overall case processing times during that year, this pattern has the ominous implication of larger pending caseloads in most of these urban trial courts in the coming years. The most recent criminal caseload data from 40 states show that only 5 of the states disposed of as many criminal cases as were filed during 1988; the same pattern occurred in 1989.¹ Thus, the pattern observed among the courts in this study during 1987 appears to be continuing among state courts in general. The 1987 study of case processing times did not identify particular courts that needed additional judges. Nevertheless, one could argue that some of the urban trial courts in the study may need additional resources to cope with their growing caseloads. Considerable effort, however, is also needed to assure that current resources are used as efficiently as possible, while still meeting the requirements of due process. As the court administrator in the Detroit Recorder's Court has suggested: "Ninety percent of court delay is administrative."² Qualitative data obtained through discussions with judges and court administrators involved in this study indicate that case management can be improved through efforts to coordinate more effectively the activities of all actors in the local criminal justice system. Greater cooperation among pretrial services staff, the prosecutor, defense attorneys, limited jurisdiction courts, and general jurisdiction courts can lead to earlier guilty pleas and trial dates.³ Successful implementation of new cooperative procedures requires committed and skillful leadership, especially within the courts, and can be accomplished without additional resources.

Although the pace of litigation can be improved through better management, it is important to note that a larger pending caseload per FTE civil judge was the strongest correlate of longer civil case processing times in this study.⁴ Pending caseload per judge was also a significant correlate of felony case processing times. Experience and most empirical research have substantiated the relationship between the size of the pending caseload and the pace of litigation.⁵ But knowledge that the size of the pending caseload per judge is related to the pace of litigation does not necessarily explain the buildup of pending

cases per judge. Lack of resources, especially an insufficient number of judges to handle increased workloads, may be one reason courts develop large pending caseloads per judge.⁶ It is noteworthy, however, that the number of filings and dispositions per FTE judge does not display a significant correlation with case processing times or court performance compared to the ABA standards. Moreover, there is little, if any, association between filings or dispositions per judge and pending cases per judge. These findings suggest indirectly that factors other than judicial resources may be important in explaining the buildup of pending cases per judge and the pace of litigation.

One factor that is likely to contribute to differences in the size of pending caseloads per judge is the effectiveness of case management. Much has been written about the elements of effective case management.⁷ One of the consistent themes in this literature is the call for early and continuous control by the court over the scheduling of case events.⁸ After partial correlation analysis, early court control retained a substantial correlation with the 90th percentile times for all civil cases. This indicates that early court control affects the pace of litigation regardless of the size of the pending caseload per judge. Early court control over the scheduling of case events contributes especially to a reduction in the age of the oldest cases, the ones that should be brought into compliance with disposition time standards. In addition, early resolution of pretrial motions and firm trial dates were significantly associated with faster felony case processing times after controlling for the influence of other factors. Overall, these findings suggest that early and continuous court control over case events plays an important role in reducing case processing times.

Providing firm trial dates has several important benefits for the courts and public. Firm trial dates provide certainty to litigants and their attorneys. Greater certainty that a case will go to trial probably increases the likelihood of earlier settlements in civil cases and earlier pleas in criminal cases. Equally as important, firm trial dates reduce the number of times litigants and witnesses must go to court, thus reducing the overall cost of litigation for the public and improving the public's perception of the efficiency and effectiveness of the justice system.

The rapid and substantial increase in criminal cases brought on by the "war on drugs" may have exacerbated delay in felony case processing in some of the urban trial courts. Furthermore, court leaders and policymakers should be aware that the pace of civil case litigation, as indicated above, also may have been negatively affected as judicial resources have been moved from civil to criminal caseloads to handle the influx of drug cases. Criminal case processing is the priority in every jurisdiction. However, a substantial majority of cases in general jurisdiction trial courts are civil and domestic matters involving average tax-paying citizens who deserve prompt resolution of their legal problems. Some of these civil cases (e.g., divorce, child abuse or neglect, and failure to pay child support) are also directly or indirectly related to drug abuse.

This study's findings generally support elements of both the old and new conventional wisdom.⁹ Consistent with the old conventional wisdom, this study found that a higher percentage of most serious felony cases was related to longer felony case processing times. In addition, a higher percentage of tort cases and a larger number of pending cases per FTE civil judge were related to longer civil case processing times among the courts, and more populous jurisdictions were more likely to have larger pending caseloads per judge. The new conventional wisdom also received support in the finding that early court control over case events was related to shorter civil case processing times even after controlling for the effects of the pending caseload per judge.

In conclusion, large pending caseloads per judge must be reduced as part of any delay reduction effort; at least a temporary infusion of additional judges may be required to reduce the pending caseload to a manageable size.¹⁰ Thereafter, in many courts, improved resource and case management can contribute to substantial improvements in the pace of litigation without the permanent addition of new judges.¹¹ If a court is interested in reducing delay, early control over the scheduling of case events is likely to improve the pace of litigation and the degree of compliance with the ABA disposition time standards. Continuous court control, including a relatively tough policy regarding trial continuances, is also likely to shorten overall case processing times.¹² Simply enacting a strategy of early court control over case events and a tough policy against continuances, however, is unlikely to succeed unless large pending backlogs are reduced either before, or simultaneously with, implementation of delay reduction measures.¹³ Quick fix or crash

programs to reduce backlogs or delay are not likely to have a long-term impact on the pace of litigation.¹⁴ A comprehensive program and sustained commitment to delay reduction are fundamental to achieving a faster pace of litigation for the long-term.

B. Directions for Research on the Pace of Litigation

Future research on the pace of litigation could improve in several areas. First, multi-jurisdictional research should focus on improving the comparability of data across courts. Differences in the way courts count filed and pending cases, especially criminal cases, hinders analysis of the impact of caseload on the pace of litigation.

Second, research should be continued on the impact of drugs on caseloads in urban trial courts, especially state trial courts where approximately 97 percent of all criminal, including drug-related, cases are processed. Delay in processing criminal caseloads may be exacerbated in some jurisdictions when there is a substantial increase in caseload in a short period of time, as there was in the late 1980s in many courts. But researchers, judges, and administrators should also attempt to assess the impact of the drug caseload crisis on civil and domestic relations case processing. There is evidence, for example, that child abuse and neglect cases in New York City increased by 650 percent during the 1980s, due largely to the crack cocaine epidemic.¹⁵ There is also some evidence that the pace of civil case litigation was already beginning to suffer due to rising drug-related felony caseloads in 1987. Thus, in deciding on the need for, and how to allocate, additional resources, policymakers should take a broader view of the impact of drugs on the court system rather than focusing solely on the needs of the criminal courts.

Third, an issue that has never been adequately addressed in national studies of civil case litigation is differences in discovery practices. A recent survey of judges by Louis Harris and Associates found that abuse of discovery was ranked as the most important cause of civil case delay.¹⁶ Accurate indicators of differences in discovery practices would be an important addition to research on the pace of litigation.

Fourth, a reconsideration of what constitutes a "litigated" civil case should be initiated. Contested cases are litigated; those that do not have answers filed generally do not occupy the court's time. Focusing on case processing times in cases that

have at least one answer or responsive pleading filed might provide a more accurate picture of the pace of litigation in trial courts. This study takes one step in that direction.

Fifth, one of the most conspicuous voids in research on court management is in the area of leadership. Little is known about patterns among trial courts in the identification, preparation, selection, and training of effective court leaders and leadership teams. Recent studies have suggested that leadership is a key element related to a faster pace of litigation.¹⁷ This conclusion is reinforced by a resurgence in the popular and academic literature calling for effective leadership in the private and public sectors.¹⁸ Leadership, though potentially one of the important prerequisites of effective case management, has not been systematically addressed in this or any other multi-jurisdictional study.

In addition, researchers should systematically examine the relationship, if any, between the pace of litigation and the quality of justice. The rationale for delay reduction is largely based on the assumption that delay negatively affects the quality of justice. While this is probably true, the hypothesis deserves systematic examination.¹⁹ How much does the quality of justice improve with a given amount of delay reduction? Are the costs associated with a given amount of delay reduction worth the increase in quality of justice? Special attention might be directed at the quality of justice for drug offenders and others who are subjected to expedited procedures used to respond to the drug caseload crisis.

Seventh, greater emphasis should be placed on case studies that document the process and outcomes of delay reduction, including differentiated case management (DCM). Although DCM might be "old wine in new bottles," some recent experiments with DCM show promise for reducing delay.²⁰ Successful efforts to process drug-related cases should be identified and described. Such case studies can be valuable to court leaders by describing the context of case processing and how the courts actually develop, implement, and maintain delay reduction programs. They could also compare the roles of leaders and leadership teams and show how the local legal culture facilitates or inhibits the success of the programs.

Another issue that has received little attention is the role of the local bar in the development and implementation of delay reduction efforts and the impact of these efforts on attorney practices.

What do attorneys have to gain or lose as a result of delay reduction?²¹ How have attorneys facilitated or obstructed the implementation of disposition time standards or other delay reduction efforts? Because attorneys are key actors in the civil and criminal justice system, greater attention should be focused on their role in delay reduction.

Finally, as part of a renewed emphasis on case studies, there should be a concerted effort to track case processing times and caseload trends over long periods in courts that have instituted delay reduction programs. There are researchers who contend that delay reduction programs have had little long-term effect on the pace of litigation.²² Researchers should consider seriously the proposition there is a "dynamic equilibrium" that follows a pattern: delay reduction, increased litigation, increased delay.²³ Does this pattern occur in every court? If it does, the pattern must be considered in the cost-benefit analysis preceding the implementation of delay reduction programs. If the pattern does not occur everywhere, why does it occur in some places and not in others? Several longitudinal case studies on this issue alone would have extremely valuable practical implications for court leaders and policymakers.

Notes

1. National Center for State Courts (1991).
2. See Moore (1990), p. 507; quoting George Gish, from Detroit Recorder's Court (Detroit experienced a 359% increase in drug cases from 1987 to 1989, but retained its expeditious pace of litigation).
3. See Henderson (1989).
4. The degree of delay in a court is estimated here by the percentage of cases over the ABA disposition time standards.
5. See Church et al. (1978), p. 27; Mahoney et al. (1988), p. 57; Goerdt et al. (1989), p. 37; each study examined the backlog index (pending caseload at the start of a year divided by the number of disposed cases that year) and its relationship to the pace of litigation; each found a large backlog index to be clearly related to longer case processing times.
6. For the classic statement on the relationship between judicial resources and delay, see Zeisel et al. (1959); see also Goerdt et al. (1989), pp.

- 47, 93, 97, 103: the authors emphasize that additional resources are clearly justified when courts reach a caseload saturation point (i.e., a point when a court can no longer maintain expeditious case processing times due to an increase in caseload per judge; additional resources are clearly indicated in such a case).
7. See Church (1978); Otto (1985).
 8. See, e.g., Friesen et al. (1971); Solomon (1973); Friesen (1984); American Bar Association (1986); American Bar Association (1987); Solomon and Somerlot (1987); Mahoney et al. (1988); Brookings Institution (1989); Litan (1989).
 9. See Church (1982).
 10. Mahoney et al. (1988), p. 204.
 11. See, e.g., Somerlot et al. (1989); Wayne County Circuit Court (Detroit) implemented a successful civil case delay reduction program without additional permanent judges; see also, case studies regarding Phoenix, Wichita and Dayton in Mahoney et al. (1988) and Hewitt et al. (1990).
 12. The data in this study on firm trial dates are insufficient to provide strong support for this conclusion, but see Hewitt et al. (1990) and Flanders (1977) for studies that support the efficacy of early and continuous control for achieving expeditious case processing times.
 13. See Friesen (1984); American Bar Association (1986); Solomon and Somerlot (1987); Mahoney et al. (1988), p. 204.
 14. See, e.g., Church and Heumann (1990).
 15. See *Empire State Court Notes* (1991).
 16. See Louis Harris and Associates (1988), p. 33.
 17. See Mahoney et al. (1988); see also Hewitt et al. (1990).
 18. See, e.g., Bennis and Nanus (1985); Sayles (1979); Peters and Waterman (1982); Gallas (1987); Zaffarano (1985).
 19. The National Center for State Courts and the Bureau of Justice Assistance have developed trial court performance standards and a set of measures to determine the degree of compliance with the standards. See Commission on Trial Court Performance Standards (1990).
 20. See Guynes and Miller (1988); Bakke and Solomon (1989); Henderson and Munsterman (1991).
 21. See, e.g., Myers (1987); an attorney from Phoenix presents his view of the advantages and disadvantages of the civil case delay reduction program in Phoenix; Mahoney et al. (1988) conclude that communication with the local bar is an important feature of successful delay reduction programs, and the issue is addressed in some brief case studies in that monograph.
 22. See Priest (1989).
 23. See Priest (1989).
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APPENDIX A RESEARCH METHODS AND ISSUES

Sources and Coding of Data

Data were obtained in a manner that would yield the most reliable information while imposing the least burden on the court or clerk's office. Some courts sent docket sheets generated from an automated system. Some sites required coding on-site from manual files. A few courts generated just the necessary data items for each case by means of a computer program that searched automated court or clerk records. Data coding was supervised by the project director or, if coded on-site, by a knowledgeable court or clerk's office staff member.

Approximately 500 civil cases (excluding domestic relations, probate, small claims, and equity) and 500 felony cases disposed during 1987 were randomly sampled from lists of disposed cases¹ compiled in the court or clerk's office. For a court with approximately 10,000 dispositions in 1987, a random sample of 370 cases would provide a sampling error of plus or minus five percent in 95 out of 100 samples.² The case samples used in this study, therefore, provide sampling errors of less than 5 percent and confidence intervals greater than 95 percent. However, the sampling error will be higher and confidence intervals lower for case processing times derived from subgroups in the sample (e.g., tort cases, drug cases).

In New Orleans, civil case samples were not obtained from 2 of the 12 judges. The court administrator, however, believed that the cases handled by the two judges were similar in type and processing time compared to the other judges in the court. Newark, Jersey City, and Atlantic City could sample only civil cases in which an answer was filed, so their case processing times are somewhat longer than other courts.

In felony cases, the starting point for calculating "upper court" processing time depended on whether an indictment (by grand jury) or an information filed by the prosecutor was used to prosecute the case. In some jurisdictions, the initial appearance by a defendant is in a limited jurisdiction court, while in unified trial courts (Minneapolis, St. Paul, Wichita, and D.C.), the initial appearance is in the general jurisdiction court. If a limited jurisdiction court was used and the case was prosecuted by means of an information, the date the defendant was bound over to the general jurisdiction court was generally used as the starting point for upper court time. In the unified trial courts (all used an information), the date of the first court appearance

was generally used as the starting point for the "upper court." If an indictment by grand jury was used, the date the indictment or "true bill" was handed down was considered the starting point for upper court time.

In Bronx (where most felonies go to the grand jury) approximately 20 percent of the felony cases ended in guilty pleas accepted in the lower court (upon waiver of grand jury). In these cases, the lower court judge sits as a general jurisdiction court judge. Thus, "upper court time" is zero days (the information filed and guilty plea entered on the same day). A similar procedure is used in San Diego. In Boston and Cambridge, a limited jurisdiction court can accept guilty pleas and sentence defendants in less serious felony cases. These felony cases are not included in this study.

Bivariate and Partial Correlation Statistics

Pearson's correlation coefficient (r) indicates the strength of association between two variables. A correlation coefficient can be between -1.0 and 1.0. The strength of the association between two variables (e.g., filings per judge and median case processing time) is greater as the r gets closer to 1.0 or -1.0. The association is weaker as it approaches zero. That is, a correlation measures to what extent an increase in (or presence of) one factor (e.g., percent tort cases) is related to an increase or decrease in case processing time. In this study, a correlation of less than .40 is considered weak; from .40 to .59 is moderate; .60-.69 is moderately strong; and .70 or higher is strong.

Causation should not be inferred from a correlation. Both factors may, in fact, be caused by a third or multiple other factors. A correlation merely measures association. Causation involves a certain logical and temporal order or relationship among the factors. Furthermore, more sophisticated statistical analysis is required to identify the relative influence of other factors that might affect the relationship between two variables (e.g., percent tort and case processing time).

Due to missing data, some correlations are performed with as few as 12 courts. When just two or three courts are dropped from the analysis, substantial fluctuations in the correlations could occur. Correlations based on fewer than 20 courts should be viewed as tentative. Moreover,

correlations based on a small number of courts are not necessarily the best evidence of a relationship between variables. Tables or scatter plots might be the best method of presentation under these circumstances. It should also be noted that some of the independent variables (e.g., charging procedure, judicial assignment system) are not interval level measures and thus not strictly appropriate for use with a Pearson's correlation. Gamma or Kendall's tau might be a more appropriate measure of association. However, because Pearson's correlation is a relatively robust measure of association, it is used throughout this report for expediency and uniformity of presentation and interpretation.

It should be noted that if courts did not have data that were comparable to the other courts, their data were not included in the correlations analysis. For example, San Diego's civil case data were excluded from most correlations because they included only trial list cases, so their percentages of these case types and case processing times were excluded from the correlations. The District of Columbia could identify only the most serious charge at conviction; all others provided the charges in the indictment (or information). Thus, the District of Columbia's percentages of case types and case processing times for case types were excluded from the correlation analyses. Furthermore, there had to be at least 20 cases of a particular case type (e.g., jury trial cases) before a court's case processing time was included in a correlation analysis. Boston, for example, had only 13 felony jury trials in its sample, so it was not included in median jury trial times. All the appendices that include correlations also provide (in parentheses) the number of courts included in the particular correlation. Correlations are reported only if there were at least 12 courts with comparable data. Again, the reader should be cautious about interpreting correlations involving fewer than 20 courts.

A partial correlation analysis was also used. Two explanatory variables (e.g., percentage drug sale cases and caseload per FTE judge) were entered simultaneously into the equation to determine their relative impact on case processing time. Several outcomes are possible when both variables are present: (1) both variables could retain a significant relationship to case processing time; (2) either one of the variables could remain significant but not the other; or (3) both variables could be statistically insignificant. Each variable in Tables 2.8 and 3.8 were entered into a series of partial correlations (two explanatory variables per partial correlation) so that each variable was

examined with each of the other variables to determine their relative impact on case processing times. If a variable (e.g., firm trial dates) displayed a statistically significant relationship with case processing time after controlling for all of the other variables, it was displayed in Figures 2.7 and 3.7 with a bold line leading to the appropriate case processing time. If a variable retained significance after analysis with all but one other variable, it was displayed in Figures 2.7 and 3.7 with a narrow line leading to the appropriate case processing time. If an explanatory variable failed to retain a statistically significant association with the measure of case processing time in more than one partial correlation, it was not deemed to be among the most important predictors of case processing time. The decision to attribute importance to an explanatory variable if it failed to retain a statistically significant association with case processing time after controlling for one other factor was arbitrary; some researchers might reject a factor as being important if it loses statistical significance after one other variable has been controlled. However, with the relatively small number of courts involved in the partial correlation analysis, the authors believe it is more appropriate to err on the side of including factors as potentially important until a study with a larger sample of courts is done that will allow a more sophisticated multivariate analysis. With a larger sample of courts (e.g., 100) all explanatory variables could be entered into one multivariate regression equation simultaneously to determine their relative impact on case processing time. Due to the small subgroup size (20 to 24 courts, depending on the variables), only two variables could be examined simultaneously without violating statistical rules. For more information on partial correlation analysis, see Blalock (1979), pp. 451-506.

Sample Sizes

Determining what sample size is needed to obtain a sampling error of plus or minus 5 percent depends on several factors. (See, Arkin and Colton, 1963.) The following statements greatly simplify what is involved in determining sample sizes. If the number of dispositions in 1987 was approximately 10,000, a sample of 566 cases would provide a sampling error of plus or minus 4 percent; a sample of 370 would providing a sampling error of plus or minus 5 percent. (Appendices H and M show the number of felony and civil case dispositions in each court.) Thus, the sampling error is smaller for case processing times that are based on a larger number of cases. Median times for all civil and total and upper

court times for all felony cases are the most accurate. The case processing times for particular case types (tort, contract, drug sale cases) will have somewhat larger sampling errors because they are based on a smaller number of cases.

Because of the problems posed by small subgroups, case processing times were reported only if there were at least 20 cases in the subgroup. Some courts were dropped from the analysis of specific case types because they did not have 20 cases in the subgroup.

Finally, it should be noted that case processing times reported in this study are based on the maximum number of cases in each court that had valid data for the beginning (e.g., arrest, indictment) and the ending (disposition) dates. It was common to have some cases in each court that were missing the arrest date, so there were more cases used to determine upper court time (indictment/information to disposition) than total time (arrest to disposition). In addition, in some jurisdictions, the prosecutor will seek an indictment before a defendant is arrested. In these cases the time from arrest to indictment would be a negative number. Missing arrest dates in some cases and/or negative case processing times from arrest to indictment or information resulted in longer 90th percentile time from indictment/information to disposition than from arrest to disposition in Miami, Houston, Newark, Jersey City, Atlantic City, and Pittsburgh (see Table 2.2). See Appendices N and O for the number of valid cases used in determining felony and civil case processing times.

Notes

1. In felony cases, "disposed" means entry of a guilty plea, deferred adjudication, dismissal, or verdict after trial; in civil cases it is the date the final order was entered; in civil cases disposed by trial, the disposition date is the date the verdict was entered.
 2. See Arkin and Colton (1963); for the number of disposed cases in each court see Appendices H (felony cases) and M (civil cases).
-

APPENDIX B
 Courts in the NCSC Pace of Litigation Study, 1987
 by Region of the United States

	1986 POPULATION ^a	TOTAL # OF JUDGES	JURISDICTION ^b
<u>NORTHEAST</u>			
Boston, MA (Suffolk Co. Super. Court)*+	661,000	16	C/F
Bronx, NY (Bronx Co. Supreme Court)*+	1,194,000	37	C/F/D
Jersey City, NJ (Hudson Co. Super. Court)*	553,000	25	C/F/S/D/P/H/J
Newark, NJ (Essex Co. Super. Court)*+	842,000	50	C/F/S/D/P/H/J
Pittsburgh, PA (Allegheny Co. Common Pleas Ct.)*+	1,374,000	41	C/F/M/D/P/H/J
Providence, RI (Super. Court)*	582,000	9	C/F/M
.....			
Atlantic City, NJ (Atlantic Co. Super. Court)@	205,000	14	C/F/S/D/P/H/J
Brooklyn, NY (Kings Co. Supreme Court)@	2,293,000	64	C/F/D
E. Cambridge, MA (Middlesex Co. Super. Court)@	1,367,000	15	C/F
Hartford, CT (Hartford Superior Court)@	825,000	22	C/F/M/S/D/H/J/O
<u>SOUTHEAST</u>			
Atlanta, GA (Fulton Co. Super. Court)*+	623,000	15	C/F/M/D/J/O
District of Columbia (Super. Court)	626,000	51	ALL TYPES
Fairfax, VA (Fairfax Co. Cir. Court)	710,000	11	C/F/M/D/O
Miami, FL (Dade Co. Cir. Court)*+	1,769,000	60	C/F/M/D/P/J
New Orleans, LA (Orleans Parish Dist. Court)*+	554,000	36	C/F/M/D/P/J/O
Norfolk, VA (Norfolk Cir. Court)	275,000	9	C/F/M/D/P/O
.....			
Charlotte, NC (Mecklenburg Co. Super. Court)@	451,000	7	C/F/M/P/H
<u>MIDWEST</u>			
Cleveland, OH (Cuyahoga Co. Common Pleas Ct.)*+	1,445,000	37	C/F/D/P/J
Dayton, OH (Montgomery Co. Common Pleas Ct.)*	566,000	12	C/F/D/P/J
Detroit, MI (Wayne Co. Cir./Recorder's Cts.)*+	2,164,000	69	C/F/D
Minneapolis, MN (Hennepin Co. Dist. Court)*+	988,000	59	ALL TYPES
St. Paul, MN (Ramsey Co. Dist. Court)*+	474,000	32	ALL TYPES
Wichita, KS (Sedgwick Co. Dist. Court)*	391,000	22	ALL TYPES
.....			
Columbus, OH (Franklin Co. Common Pleas Ct.)@	907,000	22	C/F/D/P/H/J
Des Moines, IA (Polk Co. Dist. Court)@	316,000	13	ALL TYPES
Houston, TX (Harris Co. Dist. Court)+@	2,798,000	59	C/F/M/D/P/J
Pontiac, MI (Oakland Co. Cir. Court)+@	1,026,000	14	C/F/D
Wheaton, IL (Dupage Co. Cir. Court)@	728,000	31	ALL TYPES
<u>WEST</u>			
Colorado Springs, CO (El Paso Co. Dist. Court)	380,000	20	C/F/D/P/J
Denver, CO (Denver Co. Dist. Court)	505,000	20	C/F/D
Oakland, CA (Alameda Co. Super. Court)*+	1,209,000	33	C/F/D/P/J
Phoenix, AZ (Maricopa Co. Super. Court)*+	1,900,000	56	C/F/M/D/P/J
Portland, OR (Multnomah Co. Cir. Court)*+	567,000	34	C/F/D/P/H/J
Salinas, CA (Monterey Co. Super. Court)	340,000	8	C/F/D/P/J
San Diego, CA (San Diego Co. Super. Court)*+	2,201,000	52	C/F/D/P/J
Tucson, AZ (Pima Co. Super. Court)	602,000	20	C/F/M/D/P/J
.....			
Sacramento, CA (Sacramento Co. Super. Court)@	915,000	29	C/F/D/P/H/J
Santa Ana, CA (Orange Co. Super. Court)@	2,167,000	54	C/F/D/P/H/J
Seattle, WA (King Co. Super. Court)+@	1,362,000	39	C/F/D

* In Mahoney et al. (1985 & 1988); data from 1983-1985.

+ In Church et al. (1978); data from 1976.

@ Not included in Goerd't et al. (1989); all other courts included in Goerd't et al. (1989).

^a From 1988 County and City Data Book, U.S. Department of Commerce, Bureau of the Census.

^b Jurisdiction: C = Civil (includes tort, contract and real property); F = Felony; M = Misdemeanor; S = Small Claims; D = Domestic Relations; P = Probate and Estate; H = Mental Health; J = Juvenile; O = Ordinance Violation/Traffic.

APPENDIX C

Pearson's (r) Correlations Among
Case Processing Time Measures for "All Felony" and "Non-FTA" Cases^a - 1987

	% All Felonies 180 Days	All Felonies Total Median	All Felonies 90th	All Felonies Upper Court Median	All Felonies Upper Court 90th	% Non-FTA Cases Over 180 Days	% Non-FTA Cases Over 1 Year	Non-Failure To Appear Total Median	Non-Failure To Appear 90th	Cases Upper Court Median	Cases Upper Court 90th
Percent All Felonies Over 1 Year	.9079 (34) P=.000	.8392 (34) P=.000	.9095 (34) P=.000	.6309 (34) P=.000	.8822 (34) P=.000	.8270 (27) P=.000	.9567 (27) P=.000	.6904 (27) P=.000	.9218 (27) P=.000	.5497 (27) P=.001	.8720 (27) P=.000
Percent All Felonies Over 180 Days	-----	.9402 (34) P=.000	.7802 (34) P=.000	.7541 (34) P=.000	.7930 (34) P=.000	.9807 (27) P=.000	.8494 (27) P=.000	.8626 (27) P=.000	.8573 (27) P=.000	.7108 (27) P=.000	.7874 (27) P=.000
All Cases Total Median	-----	-----	.6791 (34) P=.000	.7572 (34) P=.000	.7420 (34) P=.000	.9290 (27) P=.000	.7689 (27) P=.000	.9782 (27) P=.000	.7906 (27) P=.000	.7667 (27) P=.000	.7172 (27) P=.000
All Cases Total 90th Perc.	-----	-----	-----	.5162 (34) P=.001	.8032 (34) P=.000	.7000 (27) P=.000	.8866 (27) P=.000	.5828 (27) P=.001	.9058 (27) P=.000	.3990 (27) P=.020	.8575 (27) P=.000
All Cases Upper Court Median	-----	-----	-----	-----	.6965 (39) P=.000	.7836 (27) P=.000	.6336 (27) P=.000	.7949 (28) P=.000	.5862 (28) P=.001	.9853 (32) P=.000	.7721 (32) P=.000
All Cases Upper Court 90th Perc.	-----	-----	-----	-----	-----	.6431 (27) P=.000	.7697 (27) P=.000	.5291 (28) P=.002	.8025 (28) P=.000	.6220 (32) P=.000	.9277 (32) P=.000
% Non-FTA Cases Over 180 Days	-----	-----	-----	-----	-----	-----	.8484 (27) P=.000	.8899 (27) P=.000	.8475 (27) P=.000	.7387 (27) P=.000	.7793 (27) P=.000
% Non-FTA Cases Over 1 Year	-----	-----	-----	-----	-----	-----	-----	.7049 (27) P=.000	.9503 (27) P=.000	.5440 (27) P=.002	.8829 (27) P=.000
Non-FTA Total Median	-----	-----	-----	-----	-----	-----	-----	-----	.7199 (28) P=.000	.7825 (28) P=.000	.6337 (28) P=.000
Non-FTA Total 90th Perc.	-----	-----	-----	-----	-----	-----	-----	-----	-----	.4793 (28) P=.005	.9081 (28) P=.000
Non-FTA Upper Court Median	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	.6905 (32) P=.000

^a Non-FTA cases excluded felony cases in which a defendant failed to appear for a scheduled court date.

APPENDIX D

 Felony Court Size, Caseload, Caseflow Management Procedures, and Case Processing Times - 1987^a
 Pearson's (r) Correlations

	Percent of All Felony Cases Over 1 Year 180 Days		All Felonies Total Median 90th		All Felonies Upper Court 90th Median 90th		Most Serious Total Upper Ct Median 90th		Drug Sale Total Upper Ct Median 90th		Other Total Upper Ct Median 90th		Felony Total Upper Ct Median 90th		Jury Total Upper Ct Median 90th		Trial Total Upper Ct Median 90th		Felony Backlog Index	
Percent Most Serious	.2443 (33) P=.085	.4712 (33) P=.003	.4374 (33) P=.005	.0701 (33) P=.349	.6848 (38) P=.000	.2540 (38) P=.062	.3355 (33) P=.028	.5299 (38) P=.000	.2875 (26) P=.077	.4799 (32) P=.003	.3795 (33) P=.015	.6609 (38) P=.000	.5214 (31) P=.001	.4410 (35) P=.004	.6932 (21) P=.000					
Percent Drug Sale	.4537 (30) P=.006	.5361 (30) P=.001	.5005 (30) P=.002	.3050 (30) P=.051	.5182 (35) P=.001	.4825 (35) P=.002	.4682 (30) P=.005	.5089 (35) P=.001	.4259 (26) P=.015	.2375 (32) P=.095	.5018 (30) P=.002	.5332 (35) P=.000	.5238 (29) P=.000	.4501 (33) P=.004	.4635 (20) P=.020					
Percent Drug Possession	.0892 (30) P=.320	-.0526 (30) P=.391	-.0926 (30) P=.313	.1530 (30) P=.210	-.3456 (35) P=.021	.0452 (35) P=.398	.1389 (30) P=.232	-.1199 (35) P=.246	-.0488 (26) P=.406	-.3527 (32) P=.024	-.1116 (30) P=.278	-.3369 (35) P=.024	-.1216 (29) P=.265	-.2530 (33) P=.078	-.2773 (20) P=.118					
Percent All Drug Cases	.4912 (33) P=.002	.4578 (33) P=.004	.3514 (33) P=.022	.3958 (33) P=.011	.3020 (38) P=.033	.4886 (38) P=.001	.4633 (33) P=.003	.4179 (38) P=.005	.3863 (26) P=.026	.0869 (32) P=.318	.3564 (33) P=.021	.3318 (38) P=.021	.4787 (31) P=.003	.2687 (35) P=.059	.3449 (21) P=.063					
Percent Jury Trials	-.2315 (34) P=.094	-.0569 (34) P=.375	-.0387 (34) P=.414	-.2842 (34) P=.052	-.1589 (39) P=.167	-.3345 (39) P=.019	.0056 (33) P=.488	-.1051 (38) P=.265	.1100 (26) P=.296	-.2321 (32) P=.101	-.0656 (33) P=.358	-.1635 (38) P=.163	-.0345 (32) P=.426	-.1363 (36) P=.214	-.2752 (22) P=.108					
Percent Fail to Appear	.4495 (27) P=.009	.3746 (27) P=.027	.2350 (27) P=.119	.5371 (27) P=.002	.2678 (32) P=.069	.6063 (32) P=.000	.3906 (27) P=.022	.4246 (32) P=.008	.1191 (22) P=.299	.2641 (28) P=.087	.2191 (27) P=.136	.2428 (32) P=.090	.2973 (26) P=.070	.3287 (30) P=.038	.0923 (17) P=.362					
Population 1986	.0387 (34) P=.414	.1046 (34) P=.278	.0010 (34) P=.498	-.0118 (34) P=.474	.0576 (39) P=.364	.0528 (39) P=.375	.0440 (33) P=.404	.1333 (38) P=.213	.0364 (26) P=.430	.0087 (32) P=.481	-.0521 (33) P=.387	.0168 (38) P=.460	.1421 (32) P=.219	.1281 (36) P=.228	.1231 (22) P=.293					
FTE Felony Judges	.1615 (34) P=.181	.2524 (34) P=.075	.1328 (34) P=.227	.0409 (34) P=.409	.0714 (39) P=.333	.1390 (39) P=.199	.3092 (33) P=.040	.2645 (38) P=.054	-.0007 (26) P=.499	-.1020 (32) P=.289	.1644 (33) P=.180	.0474 (38) P=.389	.4500 (32) P=.005	.3322 (36) P=.024	-.1013 (22) P=.327					
Clearance Rate 1987	.1156 (32) P=.264	.0623 (32) P=.367	.0308 (32) P=.434	.1314 (32) P=.237	-.1168 (37) P=.246	.1323 (37) P=.217	.1451 (31) P=.218	.0153 (36) P=.465	.0030 (25) P=.494	-.1365 (31) P=.232	.0155 (31) P=.467	-.0992 (36) P=.282	.0513 (30) P=.394	-.0154 (34) P=.465	.0744 (22) P=.371					
Felony Backlog Index	.7242 (20) P=.000	.7250 (20) P=.000	.7536 (20) P=.000	.6134 (20) P=.002	.8409 (22) P=.000	.7548 (22) P=.000	.6585 (19) P=.001	.7842 (21) P=.000	.6956 (17) P=.001	.6969 (20) P=.000	.7438 (19) P=.000	.8671 (21) P=.000	.7034 (18) P=.001	.6967 (19) P=.000	*					
Charging Procedure	-.0667 (34) P=.354	-.1839 (34) P=.149	-.1777 (34) P=.157	.0368 (34) P=.418	-.1946 (39) P=.118	-.1964 (39) P=.115	-.0985 (33) P=.293	-.1450 (38) P=.192	-.0508 (26) P=.403	-.0936 (32) P=.305	-.2320 (33) P=.097	-.2151 (38) P=.097	-.3152 (32) P=.039	-.1860 (36) P=.139	-.0314 (22) P=.445					
Calendar Type	.0158 (34) P=.465	.0283 (34) P=.437	.0022 (34) P=.495	-.0056 (34) P=.488	-.0681 (39) P=.340	.0483 (39) P=.385	.1674 (33) P=.176	.1197 (38) P=.237	-.1618 (26) P=.215	.0482 (32) P=.397	.0544 (33) P=.382	-.0790 (38) P=.319	.2410 (32) P=.092	.2692 (36) P=.056	-.3974 (22) P=.034					
Judicial Assignment	.3418 (34) P=.024	.3901 (34) P=.011	.3397 (34) P=.025	.3803 (34) P=.013	.4524 (39) P=.002	.4576 (39) P=.002	.5148 (33) P=.001	.6100 (38) P=.000	.2852 (26) P=.079	.3607 (32) P=.021	.3825 (33) P=.014	.4778 (38) P=.001	.5291 (32) P=.001	.4018 (36) P=.008	.5153 (22) P=.007					
When Pretrial Motions Decided	.4742 (32) P=.003	.4565 (32) P=.004	.3748 (32) P=.017	.3847 (32) P=.015	.5101 (37) P=.001	.4640 (37) P=.002	.3081 (31) P=.046	.4822 (36) P=.001	.3473 (24) P=.048	.4890 (30) P=.003	.4549 (31) P=.005	.5479 (36) P=.000	.4783 (30) P=.004	.5410 (34) P=.000	.5603 (21) P=.004					
% Jury Trials on 1st Sched Trial Date	-.6568 (20) P=.001	-.6507 (20) P=.001	-.4386 (20) P=.027	-.6747 (20) P=.001	-.4972 (24) P=.007	-.6003 (24) P=.001	-.3232 (20) P=.082	-.4709 (24) P=.010	-.6236 (14) P=.009	-.6459 (19) P=.001	-.4164 (20) P=.034	-.4578 (24) P=.012	-.5121 (20) P=.010	-.4786 (24) P=.009	*					
% Change in CPT 1983 to 1987	-.0830 (13) P=.394	-.0333 (13) P=.457	-.0357 (13) P=.454	.0193 (13) P=.475	-.0806 (15) P=.388	-.1557 (15) P=.290	-.2297 (13) P=.225	-.3152 (15) P=.126	*	.0812 (13) P=.396	-.1230 (13) P=.344	-.1303 (15) P=.322	-.2146 (13) P=.241	-.2726 (14) P=.173	*					
% Change in Drug Cases 1983-1987	.1258 (15) P=.327	.2389 (15) P=.196	.1796 (15) P=.261	.1597 (15) P=.285	.6409 (17) P=.003	.3012 (17) P=.120	.4567 (15) P=.043	.6124 (17) P=.004	.1181 (13) P=.350	.5403 (15) P=.019	.1199 (15) P=.335	.6198 (17) P=.004	.2508 (14) P=.194	.2908 (15) P=.146	*					

* Fewer than 12 courts.

^a Excluding filings, dispositions and pending cases per judge (see Appendix E).

APPENDIX E

Felony Court Size, Caseload, Caseflow Management Procedures, and Case Processing Times - 1987
 Only Courts with Felony "Case" Definition #2 (see Table 2.5)
 Pearson's (r) Correlations

	Percent of All Felony Cases Over 1 Year	Percent of All Felony Cases Over 180 Days	All Felonies Total Median	All Felonies 90th	All Felonies Upper Court Median	All Felonies Court 90th	Most Serious Total Median	Most Serious Upper Ct Median	Drug Sale Total Median	Drug Sale Upper Ct Median	Other Felony Total Median	Other Felony Upper Ct Median	Jury Trial Total Median	Jury Trial Upper Ct Median	Felony Backlog Index
Percent Most Serious	.0788 (17) P=.382	.3258 (17) P=.101	.1881 (17) P=.235	.1257 (17) P=.315	.0696 (18) P=.392	-.1596 (18) P=.263	.2921 (17) P=.128	-.0544 (18) P=.415	.2397 (13) P=.215	.0867 (15) P=.379	.0545 (17) P=.418	.0194 (18) P=.469	-.0338 (17) P=.449	-.3579 (18) P=.072	*
Percent Drug Sale	.6093 (15) P=.008	.6253 (15) P=.006	.5607 (15) P=.015	.6320 (15) P=.006	.2916 (16) P=.137	.5731 (16) P=.010	.6181 (15) P=.007	.3611 (16) P=.085	.7028 (13) P=.004	.0117 (15) P=.483	.5017 (15) P=.028	.3394 (16) P=.099	.5999 (15) P=.009	.2081 (16) P=.220	*
Percent Drug Possession	.3018 (15) P=.137	.1424 (15) P=.306	.1190 (15) P=.336	.2203 (15) P=.215	-.3145 (16) P=.118	.1203 (16) P=.329	.1397 (15) P=.310	-.1873 (16) P=.244	.1091 (13) P=.361	-.5133 (15) P=.025	.1210 (15) P=.334	-.2738 (16) P=.152	.1567 (15) P=.289	-.1182 (16) P=.331	*
Percent All Drug Cases	.5703 (17) P=.008	.5136 (17) P=.017	.3802 (17) P=.066	.5939 (17) P=.006	.0429 (18) P=.433	.4383 (18) P=.034	.4540 (17) P=.034	.1522 (18) P=.273	.6329 (13) P=.010	-.1441 (15) P=.304	.3516 (17) P=.083	.1076 (18) P=.335	.5154 (17) P=.017	.0869 (18) P=.366	*
Percent Jury Trials	-.1769 (18) P=.241	.0189 (18) P=.470	-.0222 (18) P=.465	-.1528 (18) P=.272	-.1132 (19) P=.322	-.2067 (19) P=.198	.2409 (17) P=.176	.0595 (18) P=.407	.1322 (13) P=.333	-.1238 (15) P=.330	-.0423 (17) P=.436	-.1200 (18) P=.318	-.0332 (18) P=.448	-.2438 (19) P=.157	-.1506 (12) P=.320
Percent Fail to Appear	.2136 (14) P=.232	.2242 (14) P=.221	.0703 (14) P=.406	.3318 (14) P=.123	.1623 (15) P=.282	.6150 (15) P=.007	-.0571 (14) P=.423	.2075 (15) P=.229	*	.1998 (13) P=.256	.1289 (14) P=.330	.1880 (15) P=.251	.3612 (14) P=.102	.4177 (15) P=.061	*
Population 1986	.0185 (18) P=.471	.1278 (18) P=.307	.0651 (18) P=.399	.0604 (18) P=.406	-.1685 (19) P=.245	-.0902 (19) P=.357	.1492 (17) P=.284	-.0089 (18) P=.486	.2004 (13) P=.256	-.1641 (15) P=.279	-.0041 (17) P=.494	-.2047 (18) P=.208	.0557 (18) P=.413	-.0736 (19) P=.382	.1144 (12) P=.362
FTE Felony Judges	.0862 (18) P=.367	.1408 (18) P=.289	.0621 (18) P=.403	.0853 (18) P=.368	-.1607 (19) P=.255	.1177 (19) P=.316	.1843 (17) P=.239	.0603 (18) P=.406	.0877 (13) P=.388	-.2919 (15) P=.146	.1085 (17) P=.339	-.1123 (18) P=.329	.2387 (18) P=.170	.0246 (19) P=.460	.1202 (12) P=.355
Felonies Filed in 1987	-.0368 (18) P=.442	.0638 (18) P=.401	.0051 (18) P=.492	-.0408 (18) P=.436	-.1429 (19) P=.280	.0642 (19) P=.397	.1560 (17) P=.275	.1614 (18) P=.261	-.0227 (13) P=.471	-.2663 (15) P=.169	.0520 (17) P=.421	-.1109 (18) P=.331	.1740 (18) P=.245	.1604 (19) P=.256	-.0127 (12) P=.484
Pending Per FTE Judge 1987	.8115 (12) P=.001	.8438 (12) P=.000	.7735 (12) P=.002	.8034 (12) P=.001	.5910 (12) P=.021	.8172 (12) P=.001	*	*	*	*	*	*	.8680 (12) P=.000	.8421 (12) P=.000	.7776 (12) P=.001
Filed Per FTE Judge 1987	-.0975 (18) P=.350	-.0171 (18) P=.473	-.0107 (18) P=.483	-.0901 (18) P=.361	.0656 (19) P=.395	.0285 (15) P=.454	.0444 (17) P=.433	.2979 (18) P=.115	-.2748 (13) P=.182	.0699 (15) P=.402	-.0349 (17) P=.447	.0448 (18) P=.430	.0453 (18) P=.429	.3836 (19) P=.052	-.2381 (12) P=.228
Dispositions Per FTE Judge 1987	-.0776 (18) P=.380	-.0026 (18) P=.496	.0326 (18) P=.449	-.0934 (18) P=.356	.0171 (19) P=.472	.0269 (19) P=.456	.1206 (17) P=.322	.2622 (18) P=.147	-.2339 (13) P=.221	-.0404 (15) P=.443	.0078 (17) P=.488	.0024 (18) P=.496	.0897 (18) P=.362	.3556 (19) P=.068	-.2398 (12) P=.226
Clearance Rate 1987	.1302 (18) P=.303	.1129 (18) P=.328	.1114 (18) P=.330	.0670 (18) P=.396	-.2520 (19) P=.149	.0477 (19) P=.423	.1971 (17) P=.224	-.1675 (18) P=.253	.0339 (13) P=.456	-.4190 (15) P=.060	.1050 (17) P=.344	-.2119 (18) P=.199	.1982 (18) P=.215	.0469 (19) P=.424	-.0905 (12) P=.390
Felony Backlog Index	.9280 (12) P=.000	.9178 (12) P=.000	.9226 (12) P=.000	.9169 (12) P=.000	.7401 (12) P=.003	.9246 (12) P=.000	*	*	*	*	*	*	.8738 (12) P=.000	.8527 (12) P=.000	*
Charging Procedure	-.3584 (18) P=.071	-.4080 (18) P=.046	-.3579 (18) P=.072	-.3402 (18) P=.084	-.3854 (19) P=.052	-.5196 (19) P=.011	-.2913 (17) P=.128	-.2824 (18) P=.128	-.2737 (13) P=.183	-.2929 (15) P=.145	-.4663 (17) P=.030	-.4954 (18) P=.018	-.5118 (18) P=.015	-.2728 (19) P=.129	-.3620 (12) P=.124
Calendar Type	.0326 (18) P=.449	.0837 (18) P=.371	.1816 (18) P=.235	-.0204 (18) P=.468	.2961 (19) P=.109	.3374 (19) P=.079	.1792 (17) P=.246	.3350 (18) P=.087	.0304 (13) P=.461	.2434 (15) P=.191	.2668 (17) P=.150	.3589 (18) P=.072	.3239 (18) P=.095	.4573 (19) P=.025	.1466 (12) P=.325
Judicial Assignment	.1162 (18) P=.323	.2243 (18) P=.185	.2558 (18) P=.153	.1474 (18) P=.280	.2147 (19) P=.189	.3111 (19) P=.097	.3078 (17) P=.115	.3304 (18) P=.090	.4052 (13) P=.085	.0713 (15) P=.400	.3228 (17) P=.103	.3057 (18) P=.109	.3329 (18) P=.089	.0894 (19) P=.358	.3873 (12) P=.107
When Pretrial Motions Decided	.4784 (18) P=.022	.4473 (18) P=.031	.3630 (18) P=.069	.4770 (18) P=.023	.3323 (19) P=.082	.4642 (19) P=.023	.3665 (17) P=.074	.4253 (18) P=.039	.4451 (13) P=.064	.3753 (15) P=.084	.4583 (17) P=.032	.4294 (18) P=.038	.4894 (18) P=.020	.4862 (19) P=.017	.4241 (12) P=.085
% Jury Trials on 1st Sched Trial Date	-.6987 (12) P=.006	-.7703 (12) P=.002	-.6681 (12) P=.009	-.7572 (12) P=.002	-.4101 (13) P=.082	-.5716 (13) P=.021	-.5841 (12) P=.023	-.4457 (13) P=.063	*	*	-.6386 (12) P=.013	-.4110 (13) P=.081	-.5474 (12) P=.033	-.4035 (13) P=.086	*

* Fewer than 12 courts.

APPENDIX F

Pearson's Correlations (r) Among Independent Felony Court Variables - 1987
 All Courts Regardless of "Case" Definition (see Table 2.5)

	% Drug Sale	% Drug Possess	% All Drug Cases	% Jury Trials	% Fall to Appear	Population 1986	FTE Felony Judges	Clearance Rate 1987	Charging Procedure	Calendar Type	Judicial Assignment	When Pretrial Motions Decided	% on 1st Sched Trial Start
Percent Most Serious	.5381 (35) P=.000	-.4910 (35) P=.001	.2801 (38) P=.044	.2538 (38) P=.062	-.0632 (32) P=.366	.2231 (38) P=.089	.1968 (38) P=.118	-.0572 (36) P=.370	-.1193 (38) P=.238	-.3612 (38) P=.013	.2961 (38) P=.036	.3234 (36) P=.027	-.2553 (24) P=.114
Percent Drug Sale	-----	-.3456 (35) P=.021	.8589 (35) P=.000	.2032 (35) P=.121	.1797 (31) P=.167	.1618 (35) P=.177	.3277 (35) P=.027	.1002 (33) P=.290	-.4329 (35) P=.005	-.1906 (35) P=.136	.3398 (35) P=.023	.3610 (33) P=.020	-.0970 (22) P=.334
Percent Drug Possession	-----	-----	.1837 (35) P=.145	-.0713 (35) P=.342	.1832 (31) P=.162	.0557 (35) P=.375	.0559 (35) P=.375	.1727 (33) P=.188	.2446 (35) P=.078	.2186 (35) P=.104	.0864 (35) P=.311	-.3395 (33) P=.027	.0941 (22) P=.339
Percent All Drug Cases	-----	-----	-----	.1852 (38) P=.133	.3181 (32) P=.038	.2757 (38) P=.047	.4075 (38) P=.006	.1051 (36) P=.271	-.2310 (38) P=.081	-.1115 (38) P=.253	.3473 (38) P=.016	.2466 (36) P=.074	-.1480 (24) P=.245
Percent Jury Trials	-----	-----	-----	-----	-.2940 (32) P=.051	.2395 (39) P=.071	.3217 (39) P=.023	-.0569 (37) P=.369	-.1237 (39) P=.227	-.1535 (39) P=.175	.1304 (39) P=.214	-.2971 (37) P=.037	.3537 (24) P=.045
Percent Fall to Appear	-----	-----	-----	-----	-----	.1068 (32) P=.280	.2693 (32) P=.068	.0520 (30) P=.392	-.2633 (32) P=.073	.2919 (32) P=.053	.2862 (32) P=.056	.1580 (30) P=.202	-.3752 (22) P=.043
Population 1986	-----	-----	-----	-----	-----	-----	.6431 (39) P=.000	.1701 (37) P=.157	.0416 (39) P=.401	.0830 (39) P=.308	.2067 (39) P=.103	-.0183 (37) P=.457	-.3122 (24) P=.069
FTE Felony Judges	-----	-----	-----	-----	-----	-----	-----	.0521 (37) P=.380	-.1090 (39) P=.255	.2763 (39) P=.044	.3669 (39) P=.011	.0561 (37) P=.371	.0710 (24) P=.371
Clearance Rate 1987	-----	-----	-----	-----	-----	-----	-----	-----	.0276 (37) P=.436	.2598 (37) P=.060	-.1074 (37) P=.263	-.0141 (35) P=.468	.0233 (23) P=.458
Charging Procedure	-----	-----	-----	-----	-----	-----	-----	-----	-----	-.2319 (39) P=.078	-.1386 (39) P=.200	.0485 (37) P=.388	-.1421 (24) P=.254
Calendar Type	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	.1611 (39) P=.164	-.0760 (37) P=.327	.0880 (24) P=.341
Judicial Assignment	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	.1649 (37) P=.165	-.1093 (24) P=.306
When Pretrial Motions Decided	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-.6726 (23) P=.000

APPENDIX G

Pearson's Correlations (r) Involving Felony Caseload and Trends in Pace, Filings, and Percent Drug Cases - 1987

	Pending Per FTE Judge ^a	Filings Per FTE Judge ^a	Disposed Per FTE Judge ^a	% Change In CPT 1983-1987	% Change Filings 1983-1987	% Change Drug Cases 1983-1987
Percent Most Serious	*	-.1718 (18) P=.248	-.1694 (18) P=.251	-.3403 (15) P=.107	-.1654 (12) P=.304	.5330 (17) P=.014
Percent Drug Sale	*	-.1189 (16) P=.330	-.0840 (16) P=.379	-.2494 (14) P=.195	.3359 (12) P=.143	.6683 (16) P=.002
Percent Drug Possession	*	-.0743 (16) P=.392	-.0494 (16) P=.428	.1216 (14) P=.339	.0045 (12) P=.494	-.1016 (16) P=.354
Percent All Drug Cases	*	-.3100 (18) P=.105	-.2859 (18) P=.125	-.1849 (15) P=.255	.3626 (12) P=.123	.5833 (17) P=.007
Percent Jury Trials	-.2736 (12) P=.195	-.0420 (19) P=.432	-.0162 (19) P=.474	-.0486 (15) P=.432	-.3762 (12) P=.114	-.0834 (17) P=.375
Percent Fail to Appear	*	.4116 (15) P=.064	.2378 (15) P=.197	-.2750 (13) P=.182	*	.3689 (15) P=.088
Population 1986	.2779 (12) P=.191	.0559 (19) P=.410	.1558 (19) P=.262	.3395 (15) P=.108	.0019 (12) P=.498	-.1350 (17) P=.303
FTE Felony Judges	.1515 (12) P=.319	-.1118 (19) P=.324	-.0672 (19) P=.392	-.2152 (15) P=.221	.4347 (12) P=.079	-.1077 (17) P=.340
Pending Per FTE Judge 1987	1.0000 (12) P=.000	.4002 (12) P=.099	.4146 (12) P=.090	*	*	*
Filed Per FTE Judge 1987	.4002 (12) P=.099	1.0000 (19) P=.000	.9606 (19) P=.000	.6365 (15) P=.005	.1211 (12) P=.354	-.1999 (17) P=.221
Dispositions Per FTE Judge 1987	.4146 (12) P=.090	.9606 (19) P=.000	1.0000 (19) P=.000	.5442 (13) P=.027	*	-.1846 (15) P=.255
Clearance Rate 1987	.2833 (12) P=.186	.1685 (19) P=.245	.4115 (19) P=.040	-.2377 (13) P=.217	*	.3382 (15) P=.109
Charging Procedure	-.6987 (12) P=.006	-.2108 (19) P=.193	-.1504 (19) P=.269	.1840 (15) P=.256	-.4237 (12) P=.085	-.2429 (17) P=.174
Calendar Type	.5477 (12) P=.033	.4464 (19) P=.028	.4833 (19) P=.018	-.2075 (15) P=.229	.7362 (12) P=.003	-.1463 (17) P=.288
Judicial Assignment	.2182 (12) P=.248	-.0018 (19) P=.497	-.0559 (19) P=.410	.0351 (15) P=.451	.0670 (12) P=.418	.0577 (17) P=.413
When Pretrial Motions Decided	.5331 (12) P=.037	.0838 (19) P=.366	.0698 (19) P=.388	.0919 (15) P=.372	.5067 (12) P=.046	.2911 (17) P=.128
% Jury Trials on 1st Sched Trial Date	*	-.1505 (13) P=.312	-.1179 (13) P=.351	*	*	*
% Change In CPT 1983 to 1987	*	*	*	1.0000 (15) P=.000	*	-.1071 (15) P=.352
% Change In Filings 1983-1987	*	*	*	*	1.0000 (12) P=.000	.1337 (12) P=.339
% Change In Drug Cases 1983-1987	*	*	*	-.1071 (15) P=.352	.1337 (12) P=.339	1.0000 (17) P=.000

^a Data for courts with comparable "case" definition (see Table 2.5).

* Fewer than 12 courts.

APPENDIX H

Felony Caseload - 1987
Ranked by Percent of
All Felony Cases Over 1 Year

	Count Type	Percent of All Felonies Over 1 Year	Felony Cases Pending 1/1/87	Felony Cases Disposed in 1987
Fairfax	1	2	524	2721
Norfolk	1	6	2044	4306
Houston	1	8	17395	31025
Charlotte	1	8	1029	3065
Mean		6	5248	10279
Dayton	2	1	359	2120
Salinas	2	2	42	1274
Des Moines	2	2	253	818
Detroit	2	2	2583	15222
Wichita	2	5	330	1057
San Diego	2	5	*	8912
Pittsburgh	2	7	*	6863
Dist. of Columbia	2	8	2445	11120
Cleveland	2	9	2094	9639
Minneapolis	2	11	877	3179
Atlantic City	2	12	728	2947
St. Paul	2	13	523	2081
Santa Ana	2	13	*	4296
Oakland	2	15	*	4856
Columbus	2	15	1185	4066
Pontiac	2	*	2124	7234
Sacramento	2	19	*	4580
Jersey City	2	22	916	2323
Newark	2	41	4410	6810
Mean		11	1348	5231
Tucson	3	*	2209	3114
Colorado Springs	3	7	2510	3390
Phoenix	3	9	5571	11545
Denver	3	17	*	3074
Cambridge	3	*	784	994
Hartford	3	22	889	921
Boston	3	*	1524	1738
Providence	3	31	1988	3102
Mean		17	2211	3485
Portland	4	*	2549	5613
Miami	4	13	*	*
Bronx	4	19	2781	8377
Brooklyn	4	20	3696	9777
Mean		17	3009	7922
Seattle	5	6	2700	4948
Atlanta	5	9	1454	7968
Wheaton	5	18	810	2538
Mean		11	4964	5151
New Orleans	6	2	*	*

* Data unavailable or not comparable.

APPENDIX I

Civil Court Size, Caseload, Caseflow Management Procedures,
and Case Processing Times - 1987
Pearson's (r) Correlations

	All Civil Cases		Tort Cases		Contract Cases		Trial List Cases		Jury Trial Cases	Percent of All Civil Cases Over		Civil Backlog Index
	Median	90th Per.	Median	90th Per.	Median	90th Per.	Median	90th Per.	Median	1 Year	2 Years	
Population 1986	.3306 (33) P=.030	.2189 (33) P=.110	.2655 (33) P=.068	.2360 (33) P=.093	.2024 (33) P=.129	.2219 (33) P=.107	.1502 (21) P=.258	.2657 (21) P=.122	.2859 (25) P=.083	.3734 (33) P=.016	.3710 (33) P=.017	.3805 (24) P=.033
Civil Cases Filled	.0291 (32) P=.437	-.0064 (32) P=.486	.0361 (32) P=.422	.0198 (32) P=.457	-.0463 (32) P=.401	-.0329 (32) P=.429	-.0726 (20) P=.380	.0091 (20) P=.485	.0315 (21) P=.446	.0638 (32) P=.364	.0976 (32) P=.298	-.0344 (24) P=.437
FTE Civil Judges	.1531 (33) P=.197	.0990 (33) P=.292	.1412 (33) P=.217	.1041 (33) P=.282	.0750 (33) P=.339	.0999 (33) P=.290	-.0017 (21) P=.497	.1327 (21) P=.283	.2167 (25) P=.149	.2367 (33) P=.092	.2369 (33) P=.092	.1209 (24) P=.287
Pending Per FTE Civil Judge	.7103 (25) P=.000	.6684 (25) P=.000	.6447 (25) P=.000	.7112 (25) P=.000	.6093 (25) P=.001	.6115 (25) P=.001	.5681 (12) P=.027	.5619 (12) P=.029	.1638 (17) P=.265	.5677 (25) P=.002	.7122 (25) P=.000	.7313 (24) P=.000
Filings Per FTE Civil Judge	-.1886 (32) P=.151	-.1460 (32) P=.213	-.1602 (32) P=.191	-.1005 (32) P=.292	-.2136 (32) P=.120	-.2361 (32) P=.097	-.2140 (20) P=.182	-.1129 (20) P=.318	-.0502 (21) P=.415	-.2421 (32) P=.091	-.1718 (32) P=.174	-.3047 (24) P=.074
Dispositions Per FTE Civil Judge	-.1099 (29) P=.285	-.1957 (29) P=.154	-.0636 (29) P=.371	-.1045 (29) P=.295	-.1462 (29) P=.225	-.2625 (29) P=.084	-.3532 (17) P=.082	-.4141 (17) P=.049	-.0627 (19) P=.399	-.2361 (29) P=.109	-.1719 (29) P=.186	-.2631 (24) P=.107
Calendar Type	-.2592 (33) P=.073	-.4200 (33) P=.007	-.2517 (33) P=.079	-.3787 (33) P=.015	-.2811 (33) P=.056	-.3985 (33) P=.011	-.2389 (21) P=.149	-.2472 (21) P=.140	-.3226 (25) P=.058	-.2662 (33) P=.067	-.3632 (33) P=.019	-.3302 (24) P=.058
Judicial Assignment	.3837 (33) P=.014	.3147 (33) P=.037	.4265 (33) P=.007	.4040 (33) P=.010	.3353 (33) P=.028	.2783 (33) P=.058	.2886 (21) P=.102	.0146 (21) P=.475	.1887 (25) P=.183	.2907 (33) P=.050	.3788 (33) P=.015	.1539 (24) P=.236
Point of Court Control	.4468 (33) P=.005	.6002 (33) P=.000	.4219 (33) P=.007	.5882 (33) P=.000	.4348 (33) P=.006	.5576 (33) P=.000	.4875 (21) P=.012	.6675 (21) P=.000	.1346 (25) P=.261	.4907 (33) P=.002	.5628 (33) P=.000	.5518 (24) P=.003
Disposition Time Goals	-.2869 (33) P=.053	-.4133 (33) P=.008	-.1646 (33) P=.180	-.3483 (33) P=.023	-.2298 (33) P=.099	-.3689 (33) P=.017	-.3783 (21) P=.045	-.6540 (21) P=.001	-.2058 (25) P=.162	-.3848 (33) P=.014	-.3906 (33) P=.012	-.4989 (24) P=.007
% Jury Trials on 1st Sched Trial Date	*	*	*	*	*	*	*	*	-.5728 (12) P=.026	*	*	*
Percent Tort Cases	.1323 (33) P=.231	.3310 (33) P=.030	.0029 (33) P=.494	.2160 (33) P=.114	.2372 (33) P=.092	.3507 (33) P=.023	.3729 (20) P=.053	.6126 (20) P=.002	.4440 (21) P=.022	.2058 (33) P=.125	.2309 (33) P=.098	.1715 (24) P=.212
Percent Contract Cases	-.3624 (33) P=.019	-.4152 (33) P=.008	-.1582 (33) P=.190	-.3401 (33) P=.026	-.3888 (33) P=.013	-.4383 (33) P=.005	-.3288 (20) P=.078	-.4915 (20) P=.014	-.3855 (21) P=.042	-.3864 (33) P=.013	-.3887 (33) P=.013	-.3886 (24) P=.030
Percent Jury Trials	.1135 (32) P=.268	-.1040 (32) P=.286	.2086 (32) P=.126	-.0994 (32) P=.294	.0185 (32) P=.460	-.1467 (32) P=.212	.2060 (19) P=.199	-.0103 (19) P=.483	.0018 (20) P=.497	.2630 (32) P=.073	.0497 (32) P=.393	.1150 (23) P=.301
Minimum Jurisdiction Amount	.0761 (33) P=.337	.2837 (33) P=.055	.0070 (33) P=.485	.2616 (33) P=.071	.1100 (33) P=.271	.2678 (33) P=.066	.1640 (21) P=.239	.5798 (21) P=.003	.3842 (25) P=.029	.2005 (33) P=.132	.1687 (33) P=.174	-.0046 (24) P=.491
Percent with an Answer	-.1719 (20) P=.234	-.2715 (20) P=.123	-.2805 (20) P=.116	-.2822 (20) P=.114	-.1013 (20) P=.335	-.1945 (20) P=.206	*	*	-.1685 (12) P=.300	-.3107 (20) P=.091	-.3006 (20) P=.099	-.1396 (18) P=.290
Civil Backlog Index	.6814 (24) P=.000	.7881 (24) P=.000	.5083 (24) P=.006	.7406 (24) P=.000	.6122 (24) P=.001	.7917 (24) P=.000	*	*	-.0755 (16) P=.390	.6158 (24) P=.001	.7335 (24) P=.000	1.0000 (24) P=.000

* Fewer than 12 courts.

APPENDIX J

24 Courts with Data on Pending, Filed, and Disposed Cases Per FTE Civil Judge - 1987
Pearson's (r) Correlations

	All Civil Cases		Tort Cases		Percent of All Civil Cases Over		Civil Backlog Index	Pending Per FTE Civil Judge	Filings Per FTE Civil Judge
	Median	90th Per.	Median	90th Per.	1 Year	2 Years			
All Civil Cases 90th Per.	.8830 (24) P=.000								
Tort Cases Median	.9404 (24) P=.000	.7818 (24) P=.000							
Tort Cases 90th Per.	.8903 (24) P=.000	.9731 (24) P=.000	.8372 (24) P=.000						
Percent All Civil Cases Over 1 Year	.8807 (24) P=.000	.8149 (24) P=.000	.8756 (24) P=.000	.8190 (24) P=.000					
Percent All Civil Cases Over 2 Years	.9290 (24) P=.000	.9476 (24) P=.000	.8582 (24) P=.000	.9359 (24) P=.000	.8412 (24) P=.000				
Civil Backlog Index	.6814 (24) P=.000	.7881 (24) P=.000	.5083 (24) P=.006	.7406 (24) P=.000	.6158 (24) P=.001	.7335 (24) P=.000			
Pending Per FTE Civil Judge	.7079 (24) P=.000	.6654 (24) P=.000	.6413 (24) P=.000	.7136 (24) P=.000	.5683 (24) P=.002	.7091 (24) P=.000	.7313 (24) P=.000		
Filings Per FTE Civil Judge	-.2200 (24) P=.151	-.2974 (24) P=.079	-.1571 (24) P=.232	-.2066 (24) P=.166	-.3171 (24) P=.066	-.2522 (24) P=.117	-.3047 (24) P=.074	.2967 (24) P=.080	
Dispositions Per FTE Civil Judge	-.0372 (24) P=.432	-.1470 (24) P=.247	.0185 (24) P=.466	-.0470 (24) P=.414	-.1659 (24) P=.219	-.0826 (24) P=.351	-.2631 (24) P=.107	.3841 (24) P=.032	.9493 (24) P=.000

Maximum Number of Courts for Each Correlation - 1987

	All Civil Cases		Tort Cases		Percent of All Civil Cases Over		Civil Backlog Index	Pending Per FTE Civil Judge	Filings Per FTE Civil Judge
	Median	90th Per.	Median	90th Per.	1 Year	2 Years			
All Civil Cases 90th Per.	.8264 (33) P=.000								
Tort Cases Median	.9156 (33) P=.000	.7298 (33) P=.000							
Tort Cases 90th Per.	.8291 (33) P=.000	.9767 (33) P=.000	.7833 (33) P=.000						
Percent All Civil Cases Over 1 Year	.8699 (33) P=.000	.7608 (33) P=.000	.8594 (33) P=.000	.7717 (33) P=.000					
Percent All Civil Cases Over 2 Years	.9282 (33) P=.000	.9130 (33) P=.000	.8670 (33) P=.000	.9035 (33) P=.000	.8654 (33) P=.000				
Civil Backlog Index	.6814 (24) P=.000	.7881 (24) P=.000	.5083 (24) P=.006	.7406 (24) P=.000	.6158 (24) P=.001	.7335 (24) P=.000			
Pending Per FTE Civil Judge	.7103 (25) P=.000	.6684 (25) P=.000	.6447 (25) P=.000	.7112 (25) P=.000	.5677 (25) P=.002	.7122 (25) P=.000	.7313 (24) P=.000		
Filings Per FTE Civil Judge	-.1886 (32) P=.151	-.1460 (32) P=.213	-.1602 (32) P=.191	-.1005 (32) P=.292	-.2421 (32) P=.091	-.1718 (32) P=.174	-.3047 (24) P=.074	.3224 (25) P=.058	
Dispositions Per FTE Civil Judge	-.1099 (29) P=.285	-.1957 (29) P=.154	-.0636 (29) P=.371	-.1045 (29) P=.295	-.2361 (29) P=.109	-.1719 (29) P=.186	-.2631 (24) P=.107	.3841 (24) P=.032	.8842 (30) P=.000

APPENDIX K

Civil Court Size, Caseload, Caseflow Management Procedures, and Case Mix - 1987
Pearson's (r) Correlations

	Civil Cases Filed	FTE Civil Judges	Pending Per Judge	Filings Per FTE Civil Judge	Dispositions Per Judge	Calendar Type	Judicial Assignment	Point of Court Control	Disposition Time Goals	% Tort Cases	% Contract Cases	% Jury Trials	Minimum Jurisdiction Amount	Percent with an Answer
Population 1986	.7776 (33) P=.000	.8769 (37) P=.000	.5892 (25) P=.001	.0590 (33) P=.372	.1239 (30) P=.257	.1851 (37) P=.136	.0100 (37) P=.477	-.0520 (37) P=.380	-.1988 (37) P=.119	-.1372 (33) P=.223	-.1569 (33) P=.192	-.1338 (32) P=.233	.1906 (37) P=.129	-.2572 (20) P=.137
Civil Cases Filed		.8697 (33) P=.000	.3457 (25) P=.045	.4702 (33) P=.003	.3878 (30) P=.017	.2422 (33) P=.087	.1736 (33) P=.167	-.0528 (33) P=.385	.0374 (33) P=.418	-.2161 (32) P=.117	.1741 (32) P=.170	-.2430 (31) P=.094	.1358 (33) P=.226	-.3109 (20) P=.091
FTE Civil Judges			.2568 (25) P=.108	.0335 (33) P=.427	.0722 (30) P=.352	.1879 (37) P=.133	.0444 (37) P=.397	-.0943 (37) P=.289	-.1039 (37) P=.270	-.1502 (33) P=.202	.0186 (33) P=.459	-.2304 (32) P=.102	.1660 (37) P=.163	-.2818 (20) P=.114
Pending Per FTE Civil Judge				.3224 (25) P=.058	.3841 (24) P=.032	-.0681 (25) P=.373	.2995 (25) P=.073	.3817 (25) P=.030	-.2977 (25) P=.074	-.2485 (25) P=.116	-.1942 (25) P=.176	-.0510 (24) P=.406	.1985 (25) P=.171	-.1866 (18) P=.229
Filings Per FTE Civil Judge					.8842 (30) P=.000	.1663 (33) P=.178	.0845 (33) P=.320	-.0676 (33) P=.354	.0618 (33) P=.366	-.1748 (32) P=.169	.2554 (30) P=.079	-.1611 (31) P=.193	.1279 (33) P=.239	-.0867 (20) P=.390
Dispositions Per FTE Civil Judge						.2434 (30) P=.097	.1289 (30) P=.249	-.2429 (30) P=.098	.2362 (30) P=.104	-.5292 (29) P=.002	.3488 (29) P=.032	-.1083 (28) P=.292	-.0884 (30) P=.321	.0670 (20) P=.390
Calendar Type							-.0880 (37) P=.302	-.3558 (37) P=.015	.1826 (37) P=.140	-.3774 (33) P=.015	.2239 (33) P=.105	-.3043 (32) P=.045	-.2309 (37) P=.085	-.0228 (20) P=.462
Judicial Assignment								.1909 (37) P=.129	.2072 (37) P=.109	-.2857 (33) P=.054	.1717 (33) P=.170	-.0122 (32) P=.474	-.1891 (37) P=.131	-.0682 (20) P=.388
Point of Court Control									-.2399 (37) P=.076	.3535 (33) P=.022	-.2464 (33) P=.083	.0516 (32) P=.390	.1468 (37) P=.193	-.2417 (20) P=.152
Disposition Time Goals										-.3820 (33) P=.014	.2085 (33) P=.122	-.1618 (32) P=.188	-.2441 (37) P=.073	.3932 (20) P=.043
Percent Tort Cases											-.7008 (33) P=.000	-.0173 (32) P=.463	.6243 (33) P=.000	.1289 (20) P=.294
Percent Contract Cases												.0706 (32) P=.350	-.3664 (33) P=.018	-.4179 (20) P=.033
Percent Jury Trials													-.1951 (32) P=.142	.0270 (20) P=.455
Minimum Jurisdiction Amount														-.1615 (20) P=.248

APPENDIX L

Pearson's Correlations (r) Between Civil and Felony Case Processing Times - 1987

	Percent of All Civil Cases Over		All Civil Cases		Tort Cases		Contract Cases		Trial List Cases		Jury Trials	Percent Tort Cases	% Contract Cases	% Jury Trials	% on 1st Sched Trial Start
	1 Year	2 Years	Median	90th	Median	90th	Median	90th	Median	90th	Median				
Percent All Felonies Over 180 Days	.0068 (27) P=.487	.0126 (27) P=.475	.0456 (27) P=.411	-.0300 (27) P=.441	.0924 (27) P=.323	.0031 (27) P=.494	.1575 (27) P=.216	.0592 (27) P=.385	.3653 (18) P=.068	.2308 (18) P=.178	.3111 (21) P=.085	.0014 (27) P=.497	.0937 (27) P=.321	-.1192 (26) P=.281	*
Percent All Felonies Over 1 Year	.1416 (27) P=.241	.2007 (27) P=.158	.2125 (27) P=.144	.1518 (27) P=.225	.2769 (27) P=.081	.1957 (27) P=.164	.3797 (27) P=.025	.2143 (27) P=.142	.5823 (18) P=.006	.2925 (18) P=.119	.3938 (21) P=.039	.0810 (27) P=.344	.0431 (27) P=.415	-.1473 (26) P=.236	*
All Cases Total Median	.0679 (27) P=.368	-.0133 (27) P=.474	.0494 (27) P=.403	-.1036 (27) P=.303	.0839 (27) P=.339	-.0677 (27) P=.369	.1669 (27) P=.203	-.0551 (27) P=.392	.3628 (18) P=.069	.1486 (18) P=.278	.3375 (21) P=.067	.0715 (27) P=.362	-.0555 (27) P=.392	.1658 (26) P=.209	*
All Cases Total 90th Perc.	.0478 (27) P=.406	.1620 (27) P=.210	.1436 (27) P=.237	.1006 (27) P=.309	.1960 (27) P=.164	.1117 (27) P=.290	.3222 (27) P=.051	.1544 (27) P=.221	.6294 (18) P=.003	.2498 (18) P=.159	.4295 (21) P=.026	.1050 (27) P=.301	.0342 (27) P=.433	-.1346 (26) P=.256	*
All Cases Upper Court Median	.1661 (32) P=.182	.2158 (32) P=.118	.3283 (32) P=.033	.2501 (32) P=.084	.2816 (32) P=.059	.3021 (32) P=.046	.3720 (32) P=.018	.2934 (32) P=.052	.2413 (21) P=.146	-.0971 (21) P=.338	.1519 (24) P=.239	-.3299 (32) P=.033	-.0016 (32) P=.497	-.1685 (31) P=.182	-.5261 (12) P=.039
All Cases Upper Court 90th Perc.	.3255 (32) P=.035	.4384 (32) P=.006	.5118 (32) P=.001	.4071 (32) P=.010	.5230 (32) P=.001	.4491 (32) P=.005	.6035 (32) P=.000	.4508 (32) P=.005	.6151 (21) P=.002	.1909 (21) P=.204	.3714 (24) P=.037	-.1405 (32) P=.222	-.0681 (32) P=.356	-.1271 (31) P=.248	-.4373 (12) P=.078
Most Serious Total Median	.1313 (26) P=.261	.1930 (26) P=.172	.2012 (26) P=.162	.1313 (26) P=.261	.2475 (26) P=.111	.1652 (26) P=.210	.3187 (26) P=.056	.1255 (26) P=.271	.5260 (17) P=.015	.2663 (17) P=.151	.4841 (20) P=.015	.1440 (26) P=.241	-.0670 (26) P=.373	.0802 (25) P=.352	*
Most Serious Upper Court Median	.2790 (31) P=.064	.3981 (31) P=.013	.4785 (31) P=.003	.3854 (31) P=.016	.4602 (31) P=.005	.4422 (31) P=.006	.5122 (31) P=.002	.3795 (31) P=.018	.4796 (20) P=.016	.1203 (20) P=.307	.4454 (23) P=.017	-.2615 (31) P=.078	.0219 (31) P=.453	-.1980 (30) P=.147	-.4658 (12) P=.064
Drug Sale Total Median	.0789 (19) P=.374	.1229 (19) P=.308	.0855 (19) P=.364	.0422 (19) P=.432	.0555 (19) P=.411	-.0234 (19) P=.462	.2080 (19) P=.196	.1345 (19) P=.291	.3886 (12) P=.106	.2489 (12) P=.218	.4647 (16) P=.035	.2227 (19) P=.180	.0144 (19) P=.477	.0158 (18) P=.475	*
Drug Sale Upper Court Median	.0679 (25) P=.373	.1195 (25) P=.285	.2232 (25) P=.142	.1290 (25) P=.269	.1925 (25) P=.178	.1584 (25) P=.225	.2558 (25) P=.109	.1397 (25) P=.253	.1144 (15) P=.342	-.2873 (15) P=.150	.1381 (19) P=.286	-.4212 (25) P=.018	.1734 (25) P=.204	-.3703 (24) P=.037	*
Jury Trial Total Median	.0197 (25) P=.463	-.0815 (25) P=.349	-.0637 (25) P=.381	-.1254 (25) P=.275	.0768 (25) P=.358	-.0272 (25) P=.449	-.1626 (25) P=.219	-.1705 (25) P=.208	.0525 (16) P=.423	.0001 (16) P=.500	.2079 (20) P=.190	-.2725 (25) P=.094	.3522 (25) P=.042	.0587 (24) P=.393	*
Jury Trial Upper Court Median	-.0199 (29) P=.459	-.0634 (29) P=.372	-.0230 (29) P=.453	-.0335 (29) P=.431	-.0164 (29) P=.466	.0360 (29) P=.426	-.1029 (29) P=.298	-.0390 (29) P=.420	-.1500 (18) P=.276	-.1852 (18) P=.231	.3436 (23) P=.054	-.3881 (29) P=.019	.1710 (29) P=.188	-.1798 (28) P=.180	-.4312 (12) P=.081
Percent Most Serious	.1249 (31) P=.252	.2464 (31) P=.091	.2821 (31) P=.062	.3347 (31) P=.033	.1804 (31) P=.166	.3621 (31) P=.023	.2752 (31) P=.067	.3918 (31) P=.015	.1070 (20) P=.327	.1925 (20) P=.208	.0074 (23) P=.487	-.1163 (31) P=.267	-.0187 (31) P=.460	-.2111 (30) P=.131	.0971 (12) P=.382
Percent Drug Sale	.4101 (28) P=.015	.5217 (28) P=.002	.5240 (28) P=.002	.6399 (28) P=.000	.3906 (28) P=.020	.5928 (28) P=.000	.5566 (28) P=.001	.7200 (28) P=.000	.5291 (17) P=.014	.5302 (17) P=.014	.0340 (21) P=.442	.3088 (28) P=.055	-.3302 (28) P=.043	-.0360 (27) P=.429	*
Percent Jury Trials	-.0488 (32) P=.395	.0508 (32) P=.391	-.0178 (32) P=.461	.0808 (32) P=.330	-.0643 (32) P=.363	.0479 (32) P=.397	-.0917 (32) P=.309	.0639 (32) P=.364	-.2725 (21) P=.116	.0337 (21) P=.442	-.0980 (24) P=.324	.0711 (32) P=.349	-.0274 (32) P=.441	.2117 (31) P=.127	.2950 (12) P=.176
Percent Fail to Appear	.1426 (27) P=.239	.2430 (27) P=.111	.3443 (27) P=.039	.2168 (27) P=.139	.3824 (27) P=.025	.2326 (27) P=.121	.4727 (27) P=.006	.2605 (27) P=.095	.5181 (18) P=.014	.1859 (18) P=.230	.3131 (19) P=.096	-.0245 (27) P=.452	-.1416 (27) P=.241	-.2791 (26) P=.084	*
% Jury Trials on 1st Sched Trial Date	-.0722 (21) P=.378	-.0204 (21) P=.465	-.0250 (21) P=.457	-.0662 (21) P=.388	.0066 (21) P=.489	-.0382 (21) P=.435	-.0044 (21) P=.493	-.1716 (21) P=.228	-.1740 (12) P=.294	-.0353 (12) P=.457	-.5463 (14) P=.022	.2998 (21) P=.093	-.2607 (21) P=.127	.3275 (21) P=.074	.7320 (11) P=.005
% Change Drug Cases 1983-1987	.6297 (12) P=.014	.7013 (12) P=.006	.7666 (12) P=.002	.7625 (12) P=.002	.7278 (12) P=.004	.7796 (12) P=.001	.6724 (12) P=.008	.7347 (12) P=.003	*	*	*	.2629 (12) P=.205	-.3947 (12) P=.102	.1748 (12) P=.293	*

* Fewer than 12 courts.

APPENDIX M

Civil Caseload - 1987
Ranked by Percent of
All Civil Cases Over 2 Years

	% of All Civil Cases Over 2 Years	Civil Cases Pending 1/1/87	Civil Cases Disposed in 1987
Columbus	1	7302	8354
Wichita	3	6935	19549
Dayton	5	2658	4602
Charlotte	6	2335	2157
Fairfax	7	9630	5570
Colorado Springs	7	3734	7905
Atlantic City ^a	7	1500	2469
Denver	8	13198	28532
Wheaton	9	5349	8911
Minneapolis	10	9627	*
Jersey City	10	3947	5760
Pontiac	11	8686	9210
Miami	12	34201	33931
Phoenix	12	26098	35350
Cleveland	12	17623	23204
Portland	12	5459	8730
Hartford	13	10128	10479
St. Paul	13	2316	6179
Des Moines	15	4292	5324
Atlanta	16	4037	4434
Tucson	16	8552	9775
New Orleans	24	*	*
Norfolk	25	4689	3511
District of Columbia	25	*	*
Santa Ana	25	*	35783
Detroit	27	31807	36059
Salinas	30	*	3381
Seattle	31	27112	21483
Oakland	34	*	8942
Sacramento	34	*	8424
Newark	42	9756	8546
San Diego	*	*	18333
Cambridge	43	19802	8751
Pittsburgh	51	*	*
Providence	54	*	4358
Boston	61	18166	10581
Houston	65	73462	39696
Mean	21.7	14288	14383

^a Civil caseload numbers presented here are for cases with an answer filed. Civil cases sampled in New Jersey courts included only cases in which at least one answer had been filed. New Jersey data are not included in calculating the means or correlation coefficients.

* Data unavailable or not comparable.

APPENDIX N

Number of Valid Cases
for Felony Case Processing Times - 1987

	All Cases	Non-FTA Cases	All Cases	Non-FTA Cases	Most Serious		Other Felony		Drug Sale		Drug Possess		Jury Trial		FSTD to TSD ^a
	Arrest to Disp	Arrest to Disp	Indict/Info to Disp	Indict/Info to Disp	Arrest to Disp	Indict/Info to Disp	Arrest to Disp	Indict/Info to Disp	Arrest to Disp	Indict/Info to Disp	Arrest to Disp	Indict/Info to Disp	Arrest to Disp	Indict/Info to Disp	
Atlanta	446	367	562	455	33	37	287	365	79	103	47	57	55 ^b	73 ^b	--
Atlantic City	367	243	510	326	35	53	209	301	75	103	48	53	80 ^b	106 ^b	101 ^b
Boston ^c	--	--	449	314	--	132	--	117	--	197	--	3	--	13 ^d	--
Bronx	551	422	549	420	109	109	185	183	224	224	27	27	121 ^b	120 ^b	--
Brooklyn	544	368	546	369	173	175	160	160	180	180	31	31	119 ^b	119 ^b	--
Cambridge ^c	--	--	441	369	--	134	--	143	--	154	--	10	--	32 ^d	29 ^d
Charlotte	385	348	410	366	74	77	234	251	69	72	8	10	25 ^d	25 ^d	25 ^d
Cleveland	331	249	474	353	51	74	218	319	40	51	22	30	84 ^b	110 ^b	78 ^b
Col. Springs	387	315	418	331	62	63	279	307	24	25	22	23	30 ^b	34 ^b	34 ^b
Columbus	339	260	393	298	58	67	238	278	19	20	20	23	64 ^b	78 ^b	78 ^b
Dayton	496	399	494	399	64	65	369	366	31	31	30	30	77 ^b	76 ^b	77 ^b
Denver	261	208	372	304	48	69	164	231	7	8	42	64	46 ^b	48 ^b	48 ^b
Des Moines	453	398	468	410	47	48	379	393	1	1	25	25	49 ^b	49 ^b	48 ^b
Detroit ^e	465	394	463	394	64	63	311	311	58	58	29	28	37 ^d	37 ^d	35 ^d
Dist. of Col. ^e	593	--	594	--	38	38	356	357	67	67	132	132	78 ^b	79 ^b	--
Fairfax	371	336	421	380	54	55	244	253	54	86	18	26	58 ^d	66 ^d	65 ^d
Hartford	426	391	426	391	160	160	174	174	69	69	22	22	39 ^b	39 ^b	--
Houston	463	--	477	--	72	76	285	294	30	31	76	76	73 ^b	75 ^b	75 ^b
Jersey City	437	--	514	--	58	73	174	212	175	195	30	34	74 ^b	103 ^b	--
Miami	457	333	494	334	39	39	255	289	49	50	113	115	73 ^b	66 ^b	--
Minneapolis ^{fg}	530	420	531	422	89	89	372	372	33	33	20	20	61 ^b	60 ^b	--
New Orleans	511	422	563	459	30	31	318	353	16	16	147	163	35 ^d	44 ^d	43 ^d
Newark	424	--	511	--	47	60	173	235	138	150	66	66	76 ^b	90 ^b	--
Norfolk	476	--	481	--	75	76	346	350	55	55	--	--	17 ^b	17 ^b	--
Oakland	530	452	510	437	114	108	219	211	137	134	59	57	43 ^d	41 ^d	--
Phoenix ^e	348	297	470	407	26	46	248	310	32	65	42	49	59 ^b	88 ^b	87 ^b
Pittsburgh	400	251	427	265	47	42	293	324	60	61	--	--	25 ^b	26 ^b	26 ^b
Pontiac ^c	--	--	514	390	--	39	--	395	--	35	--	34	--	79 ^b	75 ^b
Portland ^c	--	--	417	333	--	39	--	303	--	31	--	44	--	47 ^b	43 ^b
Providence	403	263	455	286	42	51	236	274	55	54	70	76	10 ^d	12 ^d	--
Sacramento	487	417	497	427	91	95	268	274	77	77	51	51	125 ^h	127 ^h	121 ^h
St. Paul ^{fg}	492	417	492	417	54	54	343	343	32	32	55	55	22 ^b	23 ^b	--
Salinas	359	118	436	147	43	55	187	238	61	70	68	73	27 ^b	37 ^b	37 ^b
San Diego	528	399	646	509	98	120	263	345	109	118	56	56	53 ^b	66 ^b	60 ^b
Santa Ana	511	--	529	--	65	71	224	227	222	231	--	--	96 ^b	99 ^b	99 ^b
Seattle	597	519	616	534	91	95	399	412	69	71	38	38	48 ^d	48 ^d	47 ^d
Tucson	--	--	584	408	--	59	--	446	--	41	--	37	--	94 ^b	94 ^b
Wheaton	500	--	490	--	41	40	358	350	41	41	58	57	58 ^b	58 ^b	--
Wichita ^{fg}	482	411	483	412	83	83	318	319	51	51	30	30	110 ^b	109 ^b	47 ^b

^a FSTD to TSD = first scheduled trial date to trial start date.^b Jury trial cases obtained from separate sample of 100 trial cases.^c Arrest date and date complaint filed unavailable.^d Jury trial cases obtained from original sample of 500 cases.^e Arrest date unavailable; used date lower court complaint filed.^f Arrest date unavailable; used date complaint filed in clerk's office (no lower court).^g Indictment/information date unavailable; used date of first appearance in upper court.^h Includes all jury trial cases obtained from both the original sample and the additional trial sample.

APPENDIX O

Number of Valid Cases
for Civil Case Processing Times - 1987

	All Civil	Torts	Contracts	Trial List	Jury Trial	FSTD To TSD ^a
Atlanta	510	338	122	--	83 ^b	--
Atlantic City	498	406	92	--	70 ^b	57 ^b
Boston	481	224	135	20	2 ^c	--
Cambridge	302	134	29	--	3 ^c	--
Charlotte	376	187	169	--	27 ^c	20 ^c
Cleveland	446	215	66	--	87 ^b	--
Colorado Springs	414	119	262	--	36 ^b	36 ^b
Columbus	501	226	141	--	3 ^c	--
Dayton	476	202	147	--	57 ^b	--
Denver	481	103	319	--	28 ^b	28 ^b
Des Moines	467	138	217	112	91 ^b	90 ^b
Detroit	502	289	89	--	82 ^b	--
District of Columbia	545	193	330	313	42 ^b	--
Fairfax	476	279	165	--	44 ^c	23 ^c
Hartford ^d	--	--	--	--	--	--
Houston	440	114	133	--	14 ^c	--
Jersey City	471	409	57	--	101 ^b	99 ^b
Miami	549	149	244	132	23 ^b	--
Minneapolis	501	171	220	205	38 ^b	-- ^b
New Orleans	385	274	62	162	5 ^c	--
Newark	550	451	82	--	98 ^b	81 ^b
Norfolk	404	236	149	170	18 ^c	--
Oakland	573	460	100	236	8 ^c	--
Phoenix	455	142	302	93	9 ^c	--
Pittsburgh	454	182	127	228	69 ^b	--
Pontiac	526	239	150	--	69 ^b	69 ^b
Portland	538	263	151	279	75 ^b	71 ^b
Providence	481	353	108	325	81 ^b	--
Sacramento	334	235	66	126	--	--
St. Paul	509	225	207	245	50 ^e	--
Salinas	331	230	74	121	15 ^b	--
San Diego	496	303	51	495	32 ^c	32 ^c
Santa Ana	461	311	110	180	27 ^b	26 ^b
Seattle	427	172	204	169	3 ^c	--
Tucson	595	183	284	286	47 ^b	44 ^b
Wheaton	499	230	210	--	84 ^b	--
Wichita	435	174	135	415	--	--

^a FSTD to TSD = first scheduled trial date to trial start date.

^b Jury trial cases obtained from separate sample of 100 or more trial cases.

^c Jury trial cases obtained from original sample of 500 cases.

^d Case processing times based on all civil dispositions in 1987.

^e Includes all jury trial cases obtained from both the original and additional trial sample.

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