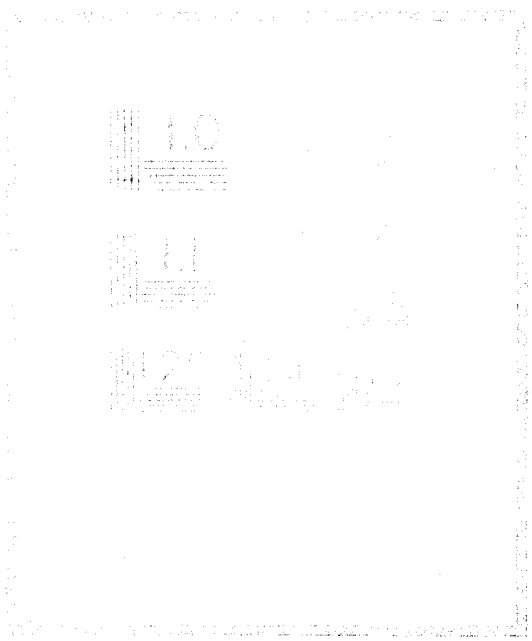


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THE NATIONAL CONFERENCE OF METROPOLITAN COURTS
PUBLISHED BY THE NATIONAL CONFERENCE OF METROPOLITAN COURTS
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THE INDIVIDUAL VS. MASTER CALENDAR CONTROVERSY

A Study, Survey, and Evaluation

Conducted under the Auspices

of the

National Conference of Metropolitan Courts

1974

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ACQUISITIONS

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PREFACE

This is a summary report of an analysis of the effects of scheduling by individual and master calendars (and their variations) on case flow management in the trial courts of the United States.

The project was authorized by the National Conference of Metropolitan Courts at its 1973 annual meeting and was funded by the U. S. Department of Justice, Law Enforcement Assistance Administration.

The purpose of the project was two-fold: (1) to study examples of both methods and any variations to them in use, and (2) to determine if there is a definite, provable advantage of one system over another.

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INTRODUCTION

"The Presiding Judge of any multi-judge court is in an unenviable position. He is dealing with judges with diverse backgrounds, beliefs, education, experience and temperament and he has little or no authority over them. They are independently elected to the precise same position as he is. He must lead his fellow judges by the use of tact and persuasion, not authority. Additionally, judges are human beings. Some are fast and some are slow. Some will do a great job with one type of calendar and are not too well suited to another. Some are versatile and can handle anything well, and some are limited in their capabilities. All are generally independent and didn't get to their present positions of responsibility by being docile followers. The job of Presiding Judge may be likened to that of a baseball manager, except that the latter's job may well be much easier. At least the baseball manager doesn't usually have third basemen who want to pitch and vice versa." -- Judge Melvin E. Cohn*

This report is concerned with court calendar systems--individual, master, and their variations. It looks at:

- the claimed advantages of each system
- the kinds of supportive statistics offered
- the literature available
- observations and interviews conducted by judicial study teams
- conclusions to be drawn.

If a seminar were held to discuss the merits of court calendar systems and the participants were judges experienced in either the state trial court systems or the Federal system, most probably a majority of the state judges would opt for the master calendar system and a majority of the Federal judges would support the individual calendar system. Judges with management or supervisory experience, from either system, would probably advocate some hybrid form of both.

*"Trial court reform--past, present and future." 49 California State Bar Journal, (Sept.-Oct. 1974), 477-478.

The intention, in this study, was to look across the country at courts having had experience with more than one calendaring system, to examine them and, if possible, to identify the method that, independent of user bias, offers the greatest hope for keeping current and for moving dockets expeditiously.

The result, which was predictable, is that no calendaring system in and of itself will do this, that the moving force of any successful system is the leadership directing it and the support and enthusiasm the judges bring to the task. The value of this kind of a report may lie in how we relate the findings to our own courts and problems--to learn, perhaps, from the experiences of others to use the good parts of a system and avoid the parts that have not worked in settings similar to our own.

CALENDAR SYSTEMS

"The professional debate over the 'master' versus the 'individual' calendar rarely probes the specific conditions under which one system may be better than the other. Even more rarely does it try to identify the operative elements actually constituting effective case-flow management." -- Maureen Solomon*

The two systems of calendaring around which the debate boils are most simply identified as follows:

The individual calendar system is one in which a case is assigned at time of filing to one of the judges on the court. Such assignment is usually made by a random, blind-draw method. For the purposes of our study, we call this the "pure" form of individual calendar system.

The master calendar system is one in which, upon filing, cases go into a pool. Whenever any proceedings are to take place the case is assigned to a judge for action on that particular matter. When the case is ready for trial, it is assigned by the Calendar Judge to a trial court. For the purposes of our study we call this the "pure" form of the master calendar system.

The advantages and disadvantages of these pure forms are displayed on the following pages.

*Caseflow Management in the Trial Court. (Supporting Study--2 of the American Bar Association Commission on Standards of Judicial Administration.) The Association, 1973. P.6.

THE ADVANTAGES AND DISADVANTAGES

OF

THE INDIVIDUAL CALENDAR SYSTEM

THE ADVANTAGES

1. A case is handled from filing to disposition by the same judge, therefore only one judge need spend time and effort becoming familiar with it.
2. Familiarity with cases makes the complex case easier to handle.
3. Familiarity permits more accurate scheduling of the actions on a case.
4. All actions reflect the same philosophy, so there are no unsolved contradictions.
5. A competitive atmosphere is created, motivating judges and attorneys to keep backlogs low.
6. Judge shopping is eliminated.
7. Since each judge has responsibility for his own inventory of cases, he will be moved to dispose of more cases.
8. Dilatory motions are discouraged if one judge has a case for all purposes.

THE DISADVANTAGES

1. Because there is more pressure, judges may tend to be less deliberate.
2. All judges do not work at the same speed.

THE ADVANTAGES AND DISADVANTAGES

OF

THE MASTER CALENDAR SYSTEM

THE ADVANTAGES

1. The total caseload and assignment schedule is visible, making speedy disposition possible.
2. Maximum use is made of total judge time each day.
3. More uniform treatment is assured from case to case in the handling of continuances and preparation and assignment for trial since one judge assigns for all actions.
4. Speed with which judges handle cases is equalized.
5. Because there is less pressure, judges can be more deliberate, contributing to a better quality of justice.
6. It is possible to take advantage of the expertise of judges in the special departments.

THE DISADVANTAGES

1. The bulk of the work may fall to the lot of the judges who are willing to work hard and are the most capable.

THE QUESTIONS INVOLVED

"Opinion on whether courts were manageable was almost equally divided in a group of judges discussing this issue some years ago. Some asserted that the courts were not manageable. Others asserted that there was no need for management. Today, some very well informed people might agree that the courts as presently constituted are virtually unmanageable. Few, however, would consent to the proposition that there is no need for their management."*

IS ONE CALENDAR SYSTEM BETTER THAN THE OTHER?

To answer this we must determine a sound basis for judging the system. What should the guidelines be? What measuring devices should be used? Should we base conclusions on the number of cases disposed of within a certain period of time between filing and trial or on some method of measuring the quality of expeditious dispositions? Should we base our conclusions on whether the system is fair and, if so, to whom it is fair--the public, the parties involved, or the judge?

We often have to be reminded that the justice system was designed for the benefit of the public and not for the judges and lawyers. None of us in the system ever has any trouble making a case for improving the economic state or working conditions of judges, but we may lose sight of the fact that, to fulfill the requirements of the public, the justice system may not need fancy marble halls so much as it needs a fair shake from the judicial branch of government.

During the past 20 years, the courts have been forced to look for more efficient methods of handling their caseloads. Not only have the criminal cases doubled and trebled but, because of increasing adherence to Constitutional safeguards, the time required to dispose of the cases has almost doubled. The public has been unable or unwilling to provide sufficient additional judges and staff to handle the loads, so better methods have been sought.

Since professional management techniques have only recently come into use in the judicial system many of the methods used were ill conceived and badly planned. It was a result of the great increase in caseloads that the calendar system controversy developed.

*From the Preface to Managing the Courts by E. C. Friesen, Jr., E. C. Gallas, and N. M. Gallas. Indianapolis and New York, The Bobbs-Merrill Company, 1971. Page v.

We have previously set forth the major claimed advantages and disadvantages of each system. Thus it becomes essential to determine the answers to our next question.

CAN PROPONENTS OF EITHER SYSTEM SUBSTANTIATE THEIR CLAIMS?

Disputes have raged through the years about the outstanding offensive football systems, the "Notre Dame Box," the Single Wing, the "T," the "I," the "Veer," the "Wishbone." They are successful only when the coach has the manpower to operate them. Harry Stuhldreher of Four Horsemen fame made the Box formation look great, Frankie Albert made Clark Shaughnessy's Stanford "T" a popular favorite. "It's the manpower that makes it go."

Perhaps we may come to the same conclusion with regard to which is the outstanding calendar system. But if manpower is the answer, the controversy is strictly an academic one.

Regardless of the answers to our first two questions we should find an answer to the third.

IS THERE A BETTER WAY?

If we determine that it is the manpower and not the system on which the success of moving the court calendar rests, then there should be better ways to ensure the best use of the available manpower at any given time.

SEEKING THE ANSWER

"There is an abysmal ignorance of the general public as to the courts. Even the most knowledgeable and sophisticated man in the street cannot even come close to describing the structure of the courts, the various duties of judges, or court procedures. Unfortunately, the stereotyped image of an elderly gentleman sitting half asleep in front of a jury from 10:00 a.m. to noon and from 2:00 p.m. to 4:00 p.m. with generous recesses in the middle still persists. The hard work of judges in the field of court administration and court management and their success in California have received little or no publicity. Judges may well have the world's worst public relations." -- Judge Melvin E. Cohn*

THE PROBLEM

Since systems analysis has become so much a part of the American way of life, one might expect the definitions of individual and master calendar systems would be agreed upon and that all in the legal field, particularly judges, would have a clear and precise understanding of these terms. The truth of the matter, however, is to the contrary. Almost everyone connected with the judiciary has a personal conception of what constitutes a calendar system. To illustrate the difficulties, we found a wide variety of definitions in use for both terms.

An individual calendar system may be a system in which:

- Upon filing, cases are assigned by the clerk's office at random to all judges equally.
- Upon filing, cases are assigned by a judge according to type, for all purposes, to one judge
- When at issue, cases are assigned for all purposes by rotation to one judge
- Cases according to complexity are assigned for trial to one judge
- A judge may pick his own cases from those filed. (This might be called a personal calendar.)

*"Trial court reform--past, present and future." 49 California State Bar Journal, (Sept.-Oct. 1974), 444.

The following may be termed a master calendar: (1) a system in which all cases are handled originally in a central calendar department and sent out for trial or (2) one in which cases are set in several calendar departments according to the action required--motions, demurrers, settlements, pleas, trials, or sentences.

It would be more accurate to label the first, a master assignment system, and the second, an equal division system. Then, as they shift into modified and improved forms, they could be further categorized as:

- One-judge assignment
- Assignment when a judge is ready
- Assignment when a case is ready
- Assignment when both case and judge are ready
- Assignment for special purposes
- Assignment for trial
- Random assignment.

To classify a court's calendaring system accurately, the nomenclature should be standardized. Yet no uniform definitions or nomenclature systems have been adopted or accepted for general use. The words calendar, docket, and assignment, for example, are used interchangeably.

Confusion in Using Terms

A distinction is not always made between a calendaring system and an information handling system. Although an individual calendar system can operate without centralized knowledge of case progress, a master calendar system cannot. But an argument advanced in favor of the master calendar is that it provides better information about a court's workload. Such information, of course, is really provided by a data processing system and not by the master calendar system. With an effective information system, the status of cases will be known regardless of the calendaring system employed. It may be less costly used with the master calendar, but effective data about case progress can be maintained centrally in either system.*

*We are grateful to the Dallas criminal departments for giving us the opportunity to observe their \$3.5 million court computer in operation.

Confusion of Causes and Effects

Other arguments attribute to the calendaring systems effects which are really caused by other factors:

- Using the individual calendar, a court has the benefit of seeing the whole spectrum of cases more quickly. (This, again, is a property of the information handling system.)
- The individual calendar is divided into smaller segments than the master calendar so that analysis is easier and each judge usually has a clerk to perform the analysis. (If the same manpower were available under a master calendar system, the same results should obtain.)
- Under the master calendar system, a judge need not sacrifice quality for speed since he only receives a case on completion of the prior one. (This does not allow for pressures exerted by the presiding or calendar judge to assign additional cases.)

Confusion of the Public

It is only in recent years that attention has been focused on court congestion. Most court modernization or reform plans have been brought about because the public centered its attention on the courts and not because of advanced planning by the judiciary. This public attention is often misdirected because the public has so many mistaken beliefs about the court system and judges. Some of the most common ones are:

- A court having a population of 100,000 persons within its jurisdiction in New Mexico will have the same kind of caseload as will those in New York City, Chicago, and Los Angeles. (In reality, cases in metropolitan areas tend to be more complicated than similar cases in rural areas.)
- Assuming a willing attitude, all judges whether in a state or federal trial court system will dispose of an equal caseload. (Judges, like other people, vary in training, experience, intellect, and work habits.)
- All trial court judges have equal management or supervisory abilities. (Few judges have administrative skills, and few are interested in administrative or management assignments.)
- In all systems, judges are assigned complicated cases involving matters at which they are especially adept. (This happens in a minimum number of courts.)

- All judges finishing early assist other judges in disposing of waiting cases so lawyers and litigants will not be delayed. (Utopia does not exist in court systems.)
- Chief, presiding, administrative, or supervising judges are always paid more than the trial judges. (This is true in a limited number of state courts.)
- Presiding judges and administrative, supervisory, and chief judges are especially trained for their positions. (Training programs are only now in the formative stages.)
- Presiding judges and administrative, supervisory, and chief judges are clothed with authority to control the judges of their jurisdictions. (Administrative control over the individual judge usually is limited to the persuasive power of the presiding judge.)

Some of these misconceptions are based on the public's favorable view of the judiciary, a view that should be fostered. If the public undertakes to relieve court congestion, such misconceptions may contribute to their decisions. Thus, it is up to the judiciary to solve these problems and examining the calendaring methods seems to offer the handiest route for finding ways to improve the situation.

The Scarcity of Reliable Comparative Studies

It is extremely difficult to obtain valid information for the comparative studies which are necessary prior to making recommendations for improvement.

While much government time and money has been spent in studying the uniformity of sentencing or the effects of it, little has been spent and less done on research to compare various methods of processing defendants effectively from arrest to sentencing with a maximum amount of fairness and a minimum amount of delay.

It is difficult to explain why there is such a scarcity of valid comparative statistical studies to determine the most feasible calendar system. It appears that the only fairly sizeable one undertaken was that sponsored by the California Judicial Council in a portion of the criminal calendar departments of the Los Angeles Superior Court. It is doubtful if that test was of sufficient duration or had sufficient controls to adequately demonstrate the advantage of one system over another.

OUR RESEARCH PROCEDURE

How did we approach the task of seeking the answers to the questions involved. We did it with the three "Rs".

- Reading: The literature
- Writing: The reports from the Study Teams, and
- Arithmetic: The statistical reports.

The Literature Survey

We began our research with a survey of the literature from 1967 to date. There is no dearth of material on calendaring and court congestion. (A list of the references that are especially pertinent is given in Appendix A.)

Very little research is reported in the literature which would be helpful in comparing the systems. The debate is characterized by conflicting opinions and unsupported claims. It is also affected by the current belief that the choice of system is of less importance than some other elements of court administration.

Most of the reports available from courts which have changed from one system to another are not complete enough to make it possible to determine whether the cause of any improvement was the change itself, the attitude of the judges, an increase in their numbers, or a new method of counting backlog. To properly analyze the effects of a change, it is necessary to isolate the effects of such simultaneous factors.

Perhaps the only real experiment being conducted with the necessary controls is the criminal individual-master calendar experiment involving ten judges in Los Angeles Superior Court (described in Appendix B).

One approach to coping with the difficulties in analyzing calendar systems has been to bypass the comparison of methods and focus on management principles. Reducing delay was of more concern to the judges than a change in the calendaring system, although some felt the change to a new calendaring system focused attention on the progress of cases and stimulated their solution.

Personal Interviews

Interviews were conducted in state and local court systems in eight cities and in five United States district courts. The state and local court interviews were carried out by eight study teams, each comprised of two or three experienced judges. The district court interviews and analysis of the statistical reports

were carried out by an individual analyst. (Reports of these interviews and lists of the study teams and the persons interviewed may be found in Appendix B together with a list of the questions which formed the basis of the interviews.)

Each study team was assigned to observe a court that had experience with more than one system and to report the reactions of the judges to the present system and how they compared it with the previous one. The implications arising from their statements, reactions, and statistics were to be noted--Does the system work? Why? Is its success or failure caused by the system, the manpower, or both? Could any improvement be attributed to the change per se or to enthusiasm over a new toy? Will they regress as the first blush of enthusiasm wears off?

The state courts observed and the reasons for selecting them were:

Court of Common Pleas, Cuyahoga County (Cleveland) switched from a master calendar to an individual calendar system.

Circuit Court, Wayne County (Detroit) was not satisfied with an individual system and switched to a combination or hybrid system.

Superior Court, Los Angeles County (Los Angeles) conducted a comparison test involving parallel operations of the master and the individual system in a portion of its central criminal departments.

Circuit Court, Dade County (Miami) had switched to individual calendaring many years ago.

Court of Common Pleas (Philadelphia) had switched to an individual system, was not satisfied with the results, and returned to a master calendar system.

Superior Court, Maricopa County (Phoenix) had tried a master calendar system, was not satisfied with the results, and returned to an individual calendar system.

Circuit Court of Oregon--Fourth Judicial District, Multnomah County (Portland) has been using a master calendar system successfully for 15 years.

Superior Court, San Francisco County (San Francisco) switched to the master calendar system and is satisfied with the results.

Five Federal district courts included in the survey were selected because all of them had changed to an individual calendar system, completing the changeover at least two years prior to this study, and could be expected to have accumulated some data for comparison. Each has at least eight judges. These U. S. District Courts and the dates they adopted an individual calendar system are:

Northern California	October 1969
Eastern New York	October 1969
Northern Ohio	June 1971
Eastern Pennsylvania	January 1970
Western Pennsylvania	October 1971.

THE EVALUATION PROCESS

The accepted methods of evaluating the operation of the trial courts have been those based on records of dispositions or quantitative measures.

Quantitative Measurements

Quantitative data are commonly used as documentary support for whichever calendar system one is fostering. The oft-repeated phrase "We became current" (which has come to mean that the number of cases awaiting trial was reduced to a reasonable level) must be supported by quantitative reports. The statement means nothing unless it is based on accurate before and after information showing at least the following:

1. The number of filings at the beginning and ending dates of the study.
2. The dates of the original filings.
3. The number of cases disposed of in comparable periods:
 - a. Dispositions before trial
 - 1) by plea or settlement
 - 2) by dismissal, motion, or demurrer
 - b. Dispositions after trial
 - 1) by verdict
 - 2) by finding, judgment or sentencing
4. Time lapse
 - a. Between filing and trial
 - b. Between setting for trial and the trial itself

5. Number of judges and judicial days involved.

A Federal Method of Measurement

A somewhat better measuring device is used in the Federal system by the U. S. Administrative Office to determine disposition statistics for:

- Civil cases terminated by court action
- Criminal cases terminated by acquittal or conviction by court or jury.

Dividing the total number of both kinds of cases by the number of judges attached to the court is an uncomplicated method of determining the individual average. Thus, most of the disadvantages of normal state quantitative measurements are overcome.

However, the Federal system does not report the number of criminal trials by districts. It publishes instead the number of defendants. If the number of defendants moved through the system by court or jury trial is totaled and divided by the number of judges and the resulting figure added to the total number of civil cases disposed of by court action and the sum divided by the number of judges, a fairly accurate per judge disposition results.

As an approximation to this measure, we have followed the practice of the Administrative Office of the U. S. Courts and tallied dispositions per judgeship for the five courts visited (Table I). In Eastern New York and Northern Ohio, there is a strong argument for the individual calendar. Northern California could be added to the list except for the rather sharp fall off in 1973. Eastern Pennsylvania has a better disposition rate in the year before and during the transition. Western Pennsylvania has done worse.

It is pertinent here to consider also the argument that judges will dispose of more cases when they have a backlog. This assertion is analyzed in the scatter diagram in Figure 1. The relevant data are in Table II. It shows that high termination rates (i.e., 400-500) are achieved with low pending caseloads (i.e., 200-300). Clearly some judges will achieve a high disposition rate without the pressures of a large inventory.

These data are based on the experience of the nine U. S. District Courts that have switched to individual calendars since 1969. In addition to the five included in this survey, one (Southern California) has an unusual workload, one (the District of Columbia) has undergone a change in jurisdiction, one (Maryland) has only seven judges, and one (Southern New York) changed over only very recently.

TABLE I
DISPOSITIONS PER JUDGESHIP

<u>District</u>	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>
Eastern New York	221	206	252	308	267	306	308
Eastern Pennsylvania	219	222	289	396	253	248	237
Western Pennsylvania	235	202	230	226	222	209	176
Northern Ohio	236	247	240	312	268	359	369
Northern California	293	305	286	372	332	430	319

The times of the changeovers
are circled.

Source: Administrative Office of the U. S. Courts, Court Management Statistics 1971, 1972, 1973.

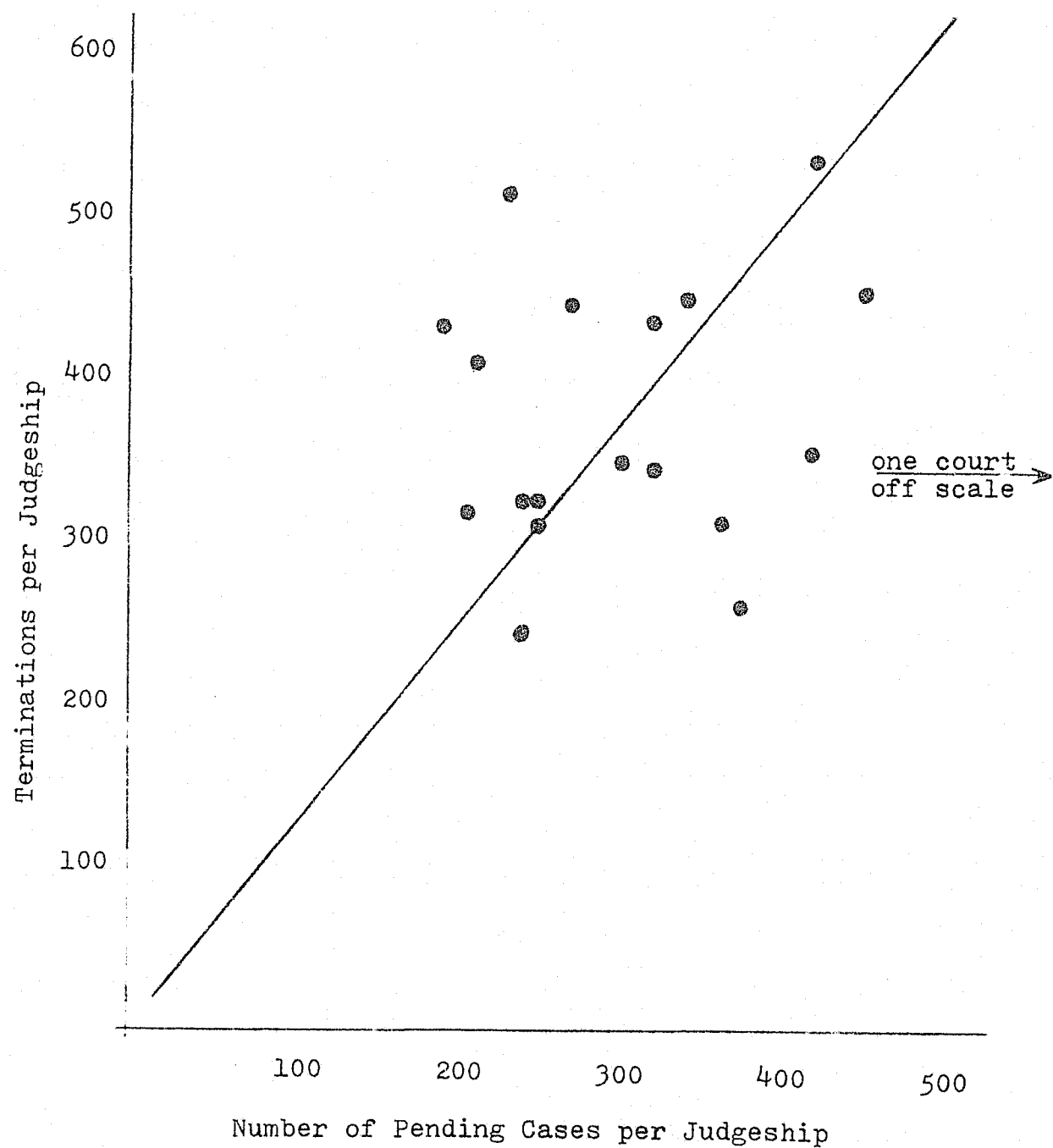


Figure 1. Relation of Terminations to Pending Cases
(Federal District Courts with Six or More Judgeships)

Source: Court Management Statistics, 1973

TABLE II

NUMBER OF PENDING CASES AND TERMINATIONS PER JUDGESHIP
IN FEDERAL DISTRICT COURTS WITH SIX OR MORE JUDGESHIPS

District Court	Number of Judgeships	Pending Cases per Judgeship 6-30-73	Terminations per Judgeship FY 1973
Central California	16	255	307
Northern California	11	309	319
District of Columbia	15	215	407
Central Florida	6	342	448
Southern Florida	7	194	435
Northern Georgia	6	276	441
Northern Illinois	13	253	325
Eastern Louisiana	9	425	538
Maryland	7	247	328
Massachusetts	6	1220	368
Eastern Michigan	10	325	357
New Jersey	9	379	260
Eastern New York	9	367	308
Southern New York	27	421	365
Northern Ohio	8	305	369
Eastern Pennsylvania	19	241	237
Western Pennsylvania	10	145	176
Northern Texas	6	316	439
Southern Texas	8	458	453
Eastern Virginia	6	234	516

Source: Administrative Office of the U. S. Courts, Court Management Statistics, 1973.

What the Experts Say

Who are the experts? Certainly the judges actually directing and solving the logistics problems are experts. However, it is difficult to determine to whom one should go for facts and opinions. Is a chief or presiding judge with a five- to ten-man court the best source? Or do the presiding judges of the largest trial courts in the country have more expertise? Are the court statisticians, administrators, and judicial councils best informed or are the writers, professors, bar association researchers, and consultants?

In our research, we went to all sources--not to everyone or every group or reference, but to more than a representative number of them.

The opinions were divided and usually colored by the personal involvement of the judges in systems they had helped to set up or by the spectacular statistical results from widespread dismissals of dead cases in what had, prior to the changes, appeared to be heavy backlogs. However, when all of the local partisanship is removed from the judicial statements, it is apparent that no calendar system will work without the enthusiastic support of the judges involved, nor can it be an outstanding system without expert supervision and adequate manpower to make it go.

The attitude of the judges and improved management are important contributions to increasing the rate at which cases are disposed of by the court. Many ways of increasing disposition rates are unrelated to the kind of calendaring system used. The conclusion of several reports and studies is that the method of calendaring has no real effect on the disposition rate nor on case flow, delay, or backlog.

CONCLUSIONS AND RECOMMENDATIONS

"Each segment of a court system, such as the Circuit Court of Wayne County, has certain and finite factors which influence its shape and character. These factors include the geographic, social and economic area served. The ethnic composition, the nature and location of the physical court facilities, the composition and volume of its civil and criminal case filings, the quality, capability and cooperation of the local bar, the rules governing the formation and administration of the court, the historical evolution of the court, the interest, desire, attitude and quality of the bench and the experience, dedication and leadership of its presiding judge.

"The confluence of these factors and the demonstrated whole hearted desire of the bench to make its civil and criminal calendaring systems effective and the dedicated leadership and ingenuity of the presiding judge and his administrative staff, have made the hybrid calendaring systems employed by the Circuit Court of Wayne County a notable success." -- Vincent Erickson and Wilfred Paquet*

No matter how profound, extensive, or thorough the study or survey of master vs. individual calendars may be, no conclusions may be reached under present methods to show either system to be superior. No so-called pure form of master or individual calendar system will be advocated by judges who have had experience with several systems or by researchers who have studied them. It is doubtful if any pure form of either system is in use now. Whether any system will work even semi-efficiently depends on the recognition that the following factors affect case flow management:

- Size of court (number of judges)
- Predominant type of cases
- Method of judicial selection and tenure
- Kind and quality of judicial complements
- Quality and quantity of administrative assistance
- The court's control over clerical process

*Study team report of Wayne County Circuit Court, Detroit, Mich.

- Quality and kind of supervision over judges
- Quality and activity of the bar associations involved
- The power of the presiding or chief judges to suspend, transfer, or remove the incapable, incompetent, or uncooperative judge
- Willingness to recognize the additional wear and tear involved in supervising or administering judicial personnel.

It is probable that the importance of motivation and personal enthusiasm can be evaluated only through personal contact and observation. The judges interviewed for the study are concerned about quality in judging as well as in speed although efficient processing of their caseloads is important to them.

The analysis of our interviews leads to the following conclusions:

1. Neither the master calendar nor the individual calendar system in the pure form has sufficient advantages to merit a strong recommendation.
2. The individual calendar system appears to have advantages in the federal system.
3. The individual calendar system receives strong support from judges of small (less than eight) court systems where there is no provision for strong supervision and judges are elected.
4. The individual calendar system will operate fairly and efficiently only if the following controls are an integral part of it.
 - Cases are classified according to complexity to assure all of the judges caseloads of approximately equal weight.
 - All cases are assigned in such a manner as to prevent judge shopping by delays in the filing to obtain certain judges. The Los Angeles district is a good example of this particular preventive practice.
 - A chief judge who has the respect of his own judges and the desire and ability to supervise the load of the court.
 - Provision for reassignment and calendar assistance to compensate for larger cases and extended illnesses.

- Elimination of the quaint practice of judges' dropping their oldest and most distasteful cases on newly appointed judges.
 - A public reporting system showing the case progress of each judge's individual calendar.
5. The master calendar system may have more advantages, providing the following conditions are attached:
 - The court has a presiding judge with adequate supervisory and disciplinary powers.
 - The court has control of the clerk's office in court matters.
 - In the metropolitan courts, separate departments are available for motions, demurrers, discovery, pretrial, settlements, plea bargaining, and all other matters prior to trial. In addition, special departments handle all probate, family, juvenile (if separate from family), and eminent domain.
 - Judge shopping is eliminated by the sealed card assignment system and the availability of several multiple trial courts.
 - Rotation in the specialized and trial departments is not based on arbitrary time limits.
 - Complicated cases may be assigned to judges adept in the particular fields.
 - The court maintains active control over the management of all cases from filing to disposition.
 6. Initially either system, particularly in the smaller courts, will work well, providing the judges want the system and conscientiously desire to improve the case flow and dispose of the court's load in a reasonable time. An additional requirement is that all those persons involved with the courts participate in developing the changes or, at least, are informed well in advance of any contemplated changes.

It should be apparent that our recommendation is actually for a hybrid system. Without the specialized departments and the assignment of complex cases to particular judges, together with the other controls we have suggested above, we would be unable to recommend one system over another.

Finally, we believe that when the judges are most concerned with carrying out the real goals of the justice system--that is, the service to and the protection of the public--that for those

courts with more than eight judges, the master calendar system with the controls suggested above will best accomplish those goals.

Such a calendar system properly administered has every so-called advantage of the individual except that trial judges have nothing to do with setting their daily trial calendars.

Most of the claimed advantages for individual calendars actually result from a master calendar kind of operation. All judges are not equal in ability or ambition. It is not fair to those for whom the justice system is designed to have it operate on the basis of each judge having exactly the same number of cases. It may be fair to the individual judge who is capable and may be able to handle the load better than his fellow judges; it is not fair to the public to have cases waiting and judges going home because they've handled whatever number of matters they cared to for that particular day. In addition, those who are not somewhat adept at administration may be unable to properly set their own calendars.

It behooves those charged with handling the judicial system to improve the operation in every way to provide the best system for effective use of available judicial manpower.

APPENDIX A

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STUDY TEAM REPORTS OF STATE AND LOCAL COURT INTERVIEWS

COURT OF COMMON PLEAS, CUYAHOGA COUNTY (CLEVELAND, OHIO)

Prior to January 1, 1972, Cleveland operated under a loose Master calendar system. Constitutional amendment gave the Supreme Court of the state supervisory power over the courts. Each court of common pleas was ordered to adopt the individual assignment system.

1. When a case is filed, it is assigned by lot to a judge for total handling. Cases are assigned by the central scheduling office. Each judge gets both criminal and civil cases. Cases may be reassigned "in an emergency, demonstrable conflict of interest, scheduling necessity, or determination that a case is companion to another."*
2. The lot method consists of cards, stuck together, containing judges' names. To eliminate judge shopping, there is neither an alphabetical nor numerical arrangement.
3. Continuances are assigned only to the judge who had the case originally or to the administrative judge.
4. The administrative judge is elected. Each trial judge is required to make monthly, quarterly, and annual reports which are routed to the Ohio Chief Justice through the administrative judge.
5. The Chief Justice awards certificates of merit to judges reducing backlogs.
6. A scheduler is assigned to work with every two judges. He is responsible for keeping track of the cases and assisting in preparing the reports. Each judge has a law clerk (half time) and a bailiff.
7. Visiting judges relieve on extended cases, vacations, etc. All cases handled by these judges are the responsibility of the regular judges to whom they were originally assigned.
8. The courts' program is effectively tied into a modern computer.

Conclusions

1. Substantial reduction of backlog and increase in the number of dispositions per judge.

*Central Scheduling Office: Manual for Operations. Cuyahoga County Common Pleas Court, Section I, p.3. April 14, 1972.

2. Bar associations and judges were generally happy with change and results.
3. Judges initially ran double sessions to cut backlog.
4. Visiting judges program quite helpful. Difficult to determine how they affected the results.
5. The program has been excellent for Cleveland.
6. Both judges on the study team believe that master calendar systems (hybrid or not) would produce better results.

Comments from Cleveland

1. Satisfaction: They are satisfied. The new system is efficient. In their first year under it, a considerable amount of the backlog was cleared. There is more pressure to settle.
2. Effect of calendaring method on quality and speed: Their system disposes of cases faster. No argument offered as to quality, but there have been complaints that there is too much speed.
3. Determination: They feel individual calendar is superior to master calendar.

DISPOSITION RATES*

Court of Common Pleas, Cuyahoga County

<u>Year</u>	<u>Dispositions</u>	<u>Net Judges**</u>	<u>Disposition Rate per Judge</u>
1969	10,380	27.5	378
1970	13,605	27.8	490
1971	15,884	29.3	542
1972	20,082	30.2	680
1973	20,385	33.3	611

* Does not include domestic relations cases.

** Net judges includes visiting judge-days divided by 200.

CIRCUIT COURT, WAYNE COUNTY (DETROIT, MICHIGAN)

Jurisdiction:

Criminal: All felonies except City of Detroit cases.

Civil: All cases over \$10,000 plus domestic relations,
no probate or mental illness.

Calendar System

Criminal: Master calendar

1. Trial judges on 60-day rotation system for criminal (cases).
2. Arraignment 14 days after preliminary hearing.
3. Pretrial conference 2 weeks later at office of district attorney. All parties, witnesses, and attorneys required to be present.
4. If plea bargaining, matter immediately taken by criminal panel judge.
5. All other cases set for trial before a judge certain 21 days ahead.
6. No continuances except as approved by presiding judge. When granted, case is returned for new setting.
7. In case of congestion, the judge can ask for case transfer. Presiding judge will make assignment to a reserve or spin-off trial judge.
8. No sentence bargaining is permitted. District attorney may plea bargain by amending to lesser charge with no sentence recommendation.

Civil: Hybrid Calendar System

Interesting study. Michigan Supreme Court ordered switch from master to individual calendar. It was a disaster. Judges, themselves, developed the present system and requested permission to install it.

1. The case from filing through pretrial is assigned by rotation to all judges on an individual calendar basis. All the trial judges hear pretrials and the orders after pretrial contain settlement figures.

2. After pretrial, the case is handled on a master calendar basis.
3. Half of the trial judges are assigned two or three trials for each day. These are called day-certain judges. The other half are spin-off judges to whom the presiding judge reassigns cases that cannot be handled by the day-certain judges.
4. If cases are not settled at pretrial, they are set for trial by the assignment clerk, 90 days ahead before a day-certain judge.
5. On the trial date, each judge holds a settlement conference. If the case is not settled, trial is started on oldest case and others are transferred to the presiding judge for transfer to a spin-off judge.

Comments from Detroit

1. Satisfaction: Judges like the system. It is believed to work so well because they asked for and devised it themselves and because it provides for rotation.
2. Effect of calendaring method on quality and speed: two opinions were offered: (1) that there was no difference and (2) that master calendar will more likely result in speedy disposition.
3. Determination: They recommend their combination system. It is the reality of facing trial that settles cases.

DISPOSITION RATES
Circuit Court, Wayne County

<u>Year</u>	<u>System</u>	<u>Cases per Judge per Day</u>
1962	MC	5.3
1963	"	5.3
1964	IC	5.0
1965	"	5.0
1966	"	4.1
1967	Combination	4.3
1968	"	4.3
1969	"	4.5
1970	"	4.6
1971	"	4.2
1972	"	4.3
1973	"	5.0

trials on the condition that they be tried by one of the three judges. A defendant who pleads guilty at his municipal court preliminary hearing may choose any of the calendar courts or one of the waiver panel courts for his probation hearing or sentencing.

CIRCUIT COURT, DADE COUNTY (MIAMI, FLORIDA)

Dade County changed to an individual calendar system in 1953, primarily to assure that all judges did equal work. It has been very successful because of the opportunity it offers for comparing and publicizing judicial records. The presiding judge feels that the load and time pressures of the criminal cases will require a change to some kind of master calendar system.

This is a typical example of the judges wanting a system and making it work. According to a member of the study team:

"Dade County is the epitome of a court which utilizes the individual calendar system to force judges, by example, and more importantly, by exposure, to work efficiently and effectively. On the other hand, it was agreed by everyone and more particularly by the Chief Judge, that the individual calendar system can only be effectively and efficiently used where there is not a great volume of filings. Both systems require the use of sufficient authority in the presiding judge and proper induction of new judges."

PHILADELPHIA COURT OF COMMON PLEAS (PHILADELPHIA, PA.)

Philadelphia used the individual calendar system from January 1971 to September 1972 when they switched back to the master calendar system.

The change to the individual system was prompted partly by the Federal experience and partly by the argument that you can't fault it until you have tried it. The return to the master system was prompted by the slow disposition rate and because judges and courtrooms were not being used even with a heavy backlog. Most judges and most members of the trial bar were dissatisfied with the individual calendar.

Under this master calendar system, the calendar judge assigns cases from a computer list that is arranged by age of case. A complete case is assigned to one judge for all actions. A readiness certificate must be filed in a civil case.

Comments from Philadelphia

1. Satisfaction: Judges are satisfied with the master calendar. The average monthly disposition rate per judge has risen from 25 to 45.
2. Effect of calendaring method on quality and speed: They believe that the individual method is better for those cases that are heard, but that overall the master calendar is better because it reaches more cases and disposes of them more quickly.
3. Recommendation: They offer no recommendation because they do not feel that any system will work in all jurisdictions. Each system must be tailored to the needs of a particular jurisdiction.

Disposition Data

No comparable before and after data were available.

Note: Because of media scare here--they are keeping track of judicial sentences in Philadelphia. A long-range study should be made of the effects of such activities on justice.

SUPERIOR COURT, MARICOPA COUNTY (PHOENIX, ARIZONA)

All judges in Arizona are subject to election and even Supreme Court races are politically volatile. Incumbency is not insurance against defeat.

The Chief Justice of the Arizona Supreme Court has authority to set up systems and rules. In 1967, he instituted an individual calendar system. There is no real comparison with the former method since there is no agreement about whether a master calendar system existed previously. Consensus of judges seems to be that it was a highly disorganized situation with each judge going his own way.

Presently, the court has 30 judges: A presiding judge, 19 civil, seven criminal, one probate, and two juvenile judges. All have individual calendars with provision for reassignment. A large majority of judges is in favor of the system because it "makes judges individually responsible and accountable." They have monthly reports and rules requiring oldest case to be tried first.

System appears to be working fairly well. From the statistics furnished from 1969 to 1973, it would appear filings have increased 40% and with only a 20% increase in judges, the backlog is relatively the same.

Because of media and electorate sensitivity, Maricopa County Superior Court is not likely to change to master calendar regardless of the possibility of improvement or tax savings.

The presiding judge and most of the other judges favor the individual calendar system.

TIME TO TRIAL OF TORT JURY CASES
(Superior Court, Maricopa County)

<u>YEAR</u>	<u>NO. OF CASES ANALYZED</u>	<u>MEDIAN TIME TO TRIAL (mcs.)</u>	<u>NO. OF TRIALS</u>	<u>NO. OF FILINGS</u>	<u>NO. OF JUDGES TRYING THESE CASES</u>
1965	15	20	115	2283	18.4
1966	48	22	123	1898	20.1
1967	58	23	215	2157	21.0
1969	110	14	299	2695	24.0
1971	71	11	275	3027	26.2
1972	86	10	239	3084	27.2

CIRCUIT COURT OF OREGON--FOURTH JUDICIAL DISTRICT, PORTLAND
(MULTNOMAH COUNTY)

1. This court uses a master calendar system.
2. Clerk with full authority from presiding judge puts cases on calendar call when clerk determines they are at issue (answer filed).
3. On Friday before the calendar call, a general sifting of the trial list takes place.
4. On the day before the call, a specific and narrow screening provides the presiding judge with exact information.
5. Positive tracking assignment system maintains accurate case progress information.
6. The presiding judge has no authority over other judges, however he does publish a list of all cases assigned to each judge and not concluded. The list shows date assigned and every judge.
7. There is no way to compare this system. It has been in effect for 15 years. They get their cases to trial in six to eight months. No figures on case loads and judicial numbers are available.

Conclusions of the study team

This court has really good control.

SUPERIOR COURT, SAN FRANCISCO COUNTY (SAN FRANCISCO, CALIF.)

Master calendar is used for both civil and criminal cases--with some preassigning of civil cases. Same system is used for both criminal and civil cases except that in civil cases a certificate of readiness is filed before assigning the case. Scheduling is done by the master calendar judge, an administrative assistant, and a criminal courts coordinator. (Under individual calendar, the senior judge assigned cases in rotation.)

Complicated cases may be assigned by request to the presiding judge to one judge for all purposes.

"System is working extremely well." Their calendars are in good condition. The criminal calendar is current and the civil is in very good condition. This success began during the past three or four years. The use of certificates of readiness, a no continuance policy, together with a general tightening of the manner in which the civil calendar was run and the blanket assignment of all municipal court judges, have brought about present conditions. All criminal cases go to trial within 60 days.

According to the presiding judge, they believe that more speedy disposition results from the use of the master calendar system.

It is doubtful that any system made the difference (per se). The results probably came about through extra judicial effort plus the assistance of the municipal judges.

Comments from San Francisco

Judges here are satisfied with the change. Criminal backlog has been reduced and every case goes to trial in the statutory period. It was once as much as three years behind. Under the individual calendar system, if a judge had a long case, his other cases would stack up.

Because of their success with it, they recommend master calendar with complicated cases being assigned to one judge at the outset. Law and motion should be separate. Pretrial should be mandatory and meaningful as in the Federal System, using commissioners or similar hearing officers to achieve more uniform pretrial treatment.

CRIMINAL DISPOSITIONS

Superior Court, San Francisco County

Fiscal Year	Dispositions	
	Before Trial	After Trial
1967	1,332	357
1968	2,280	295
1969	2,550	166
(Transition)		
1971	2,542	392
1972	3,060	370
1973	2,446	296

Note: The number of judges in criminal departments was four in 1967-9 and eight in 1971-3.

CONSOLIDATED REPORT OF FEDERAL COURT INTERVIEWS

UNITED STATES DISTRICT COURTS OF NORTHERN CALIFORNIA, EASTERN NEW YORK, NORTHERN OHIO, AND EASTERN AND WESTERN PENNSYLVANIA

The five district courts investigated had adopted the individual calendaring method over a two year period--Northern California and Eastern New York, in October 1969; Eastern Pennsylvania, in January 1970; Northern Ohio, in June 1971; and Western Pennsylvania, in October 1971. By 1974, they had had more than two years to observe the results of the change.

Reasons Given for the Change

1. Each judge carries his fair share. Under the master calendar system, the productive judge feels he is carrying someone else's load. Because the individual system provides equitable distribution of cases, the slow or unproductive judge can be identified. The individual calendar gives every judge a variety of cases to deal with. Though not proven statistically, the larger inventory may pressure some judges to work harder. Some others surely do not feel this pressure or the competition.
2. Outside urging, evidence, or experiment. One judge, who had sat in a state court where the individual calendar was used, moved to the Federal court and urged its adoption there by pressuring the judges "to be willing to try something new." The Administrative Office of the United States Courts reported that other district courts had had good experiences with it. Northern Illinois, Eastern Louisiana, and Southern New York had been influenced to switch to the individual calendar.

In August 1970, the District Court of Western Pennsylvania began an experimental period under the individual system. Judge Will from the District of Northern Illinois and two Western Pennsylvania judges took 300 cases under individual calendar while the rest of the court remained under master calendar. As a result of this experiment, the whole court switched to the individual calendar in October 1971.

Western Pennsylvania also operated a master calendar for selected, uncomplicated cases for one month since the changeover and a high disposition rate was achieved.
3. Better knowledge of cases. Federal civil cases are usually more complex than state civil cases, therefore, one judge should handle the case from the outset. Under the individual system the complex case gets better treatment because the

judge is familiar with the case and is in a better position to bring about a settlement. A judge, suddenly presented with a complicated antitrust case, is at a disadvantage.

Under the master system, four judges will hear four motions and another judge, with a different philosophy, will try the case. Time is wasted and settlement is more difficult to reach because the attorney knows he can get a "crack" at another judge before going to trial.

4. Flexibility. Under the individual calendar, the busy witness can be more easily scheduled. (In one jurisdiction under master calendar, when the orthopedic surgeons were out of town the court would shut down.) Also the individual system permits the judge to try a case when he feels just right and he can do research when he feels right for that and he can still keep busy. In a short span of time, a judge can do a variety of things.
5. Control. Individual calendar gives the judge early control of a case. Arrangements can be made for early conference with counsel and early judicial evaluation of what the case involves.

Master calendar does not lend itself to the kind of control that yields equal distribution.

6. Miscellaneous Reasons.

- Backlogs were increasing in all of these courts.
- While they were small enough to experiment, they were large enough to have problems.
- Judges become more autonomous as a court gets larger. Therefore, especially where judges stand for election, the individual calendar is needed.
- A judge may not be inclined to pay as much attention to a case that is not his from the beginning.
- Specialized judges and courts become "case-hardened" or captives of the thinking associated with a specialty.

Master Calendar Advantages

District court personnel acknowledged several master calendar advantages.

1. Master calendar is unquestionably the most efficient for assigning cases to judges and for scheduling.

2. With a large criminal volume, a court must have a master calendar, since criminal courts must be ready for trial. (Many of the judges interviewed had had experience with master calendars as judges or attorneys in state courts. They could support arguments for both systems depending on the kinds of cases and, hence, the workload of the court.)
3. Under the individual system, a judge can become a "little Caesar" and order an attorney to appear at the same time he has been ordered to appear before another judge. The trial bar suffers.
4. Master calendar sets a more pleasant and less hectic pace. A judge can take time off without hurting the system.
5. Individual calendar may lead to a breakdown of institutional responsibility, although with the master calendar system there is no individual responsibility. (If a system can make a slow judge move faster by letting his backlog mount, that may be fair to the judges but it is not fair to the litigants.)

General Reception of the Change

Federal judges were generally enthusiastic about the individual calendar. Some concern was expressed about the pressure and its effect on the quality of justice. Judges work harder under the individual calendar. They take work home in the effort to keep current. Too much pressure was a common complaint. The settlement rate is higher; judges can call for dismissal calendars more often.

Opinions ran the gamut on which system was more likely to facilitate speedy disposition of cases. Many said the individual calendar was superior. (One clerk called it obviously superior.) Some felt the systems were equal; and some, that the individual calendar was superior in Federal courts and master calendar in state courts.

- One reason given for preferring the master calendar for state courts was that the cases are more routine.
- A reverse trend in enthusiasm for the individual system was predicted. It was felt that people like to change for change's sake and so a return to the master calendar would occur. It was also felt that the master calendar disposes of cases faster, since they can be shifted to a ready judge.
- There is also the problem of interrupting a trial when a priority matter arises.

- More staff is needed.
- Neither system could be recommended as a standard under all circumstances.
- Some judges who originally opposed the individual system have changed their minds. "Got rid of the deadwood, (we're) practically up to date in criminal and there is improvement in civil."

THE INTERVIEWERS

The courts and the study teams reporting on them are:

<u>Courts</u>	<u>Teams</u>	
Cleveland	Raymond J. Arata	San Francisco, Calif.
	Wilfred J. Paquet	Boston, Mass.
Detroit	Vincent N. Erickson	Los Angeles, Calif.
	Wilfred J. Paquet	Boston, Mass.
Los Angeles	George A. Burns, Jr.	Milwaukee, Wisc.
	Robert M. Curley	Milwaukee, Wisc.
	Herbert Lasky	Clayton, Mo.
Miami	Lewis Dickson	Houston, Texas
	Alfred J. McCourtney	Los Angeles, Calif.
Philadelphia	James L. Ryan	Detroit, Mich.
	Joseph A. Sullivan	Detroit, Mich.
Phoenix	David J. Aisenson	Los Angeles, Calif.
	Peter M. Curry	San Antonio, Texas
Portland	Donald F. Froeb	Phoenix, Ariz.
	Joseph R. Glancey	Philadelphia, Pa.
San Francisco	James W. Mifflin	Seattle, Wash.
	Joseph Nahra	Cleveland, Ohio

THE INTERVIEWED

Judge Ruggero J. Aldisert, U. S. Court of Appeals, Pittsburgh, Pa.

Mr. Gordon W. Allison, Superior Court Administrator, Maricopa County, Ariz.

Judge Frank J. Battisti, Chief Judge, U. S. District Court, Cleveland, Ohio.

Mr. Joseph Benik, Chief Deputy Clerk, U. S. District Court, Cleveland, Ohio.

Mr. Jack Breckenridge, Chief Deputy Circuit Court Clerk, Circuit Court, Detroit, Mich.

Honorable Clarence E. Cabell, County Clerk, Los Angeles County, Calif.

Mr. Mark W. Cannon, Administrative Assistant to the Chief Justice, Supreme Court of the United States, Washington, D. C.

Mr. Dominic J. Ciminc, Clerk of the Court, U. S. District Court, Cleveland, Ohio.

Judge Melvin E. Cohn, Superior Court, San Mateo County, Calif.

Judge E. Avery Crary, U. S. District Court, Los Angeles, Calif.

Mr. Joseph L. Ebersole, Deputy Director of Innovations and Systems Development, Federal Judicial Center, Washington, D. C.

Mr. William B. Eldridge, Assistant Director for Research, Federal Judicial Center, Washington, D. C.

Mr. John G. Fall, Project Director, Master-Individual Calendar Study, Suite 1708, 100 Bush Street, San Francisco, Calif.

Mr. Donald F. Froeb, Presiding Judge, Superior Court, Maricopa County, Ariz.

Professor E. Gordon Gee, Judicial Fellow, Supreme Court of the United States, Washington, D. C.

Mr. Stanley M. Greenberg, Court Administrator, Common Pleas Court, Philadelphia, Pa.

Justice William B. Groat, Supreme Court of New York, Jamaica, N.Y.

Mr. Norbert A. Halloran, Special Assistant to the Deputy Director,
Administrative Office of the U. S. Courts, Washington, D. C.

Mr. John J. Harding, Clerk of the Court, U. S. District Court,
Philadelphia, Pa.

Mr. L. M. Jacobs IV, Court Administrator, Circuit Court, Detroit,
Mich.

Mr. Joseph J. Kavanaugh, Civil Courts Coordinator, Superior Court,
Los Angeles, Calif.

Mr. John J. La Velle, Court Administrator, Court of Common Pleas,
Cleveland, Ohio.

Judge Joseph S. Lord III, Chief Judge, U. S. District Court,
Philadelphia, Pa.

Judge Malcolm M. Lucas, U. S. District Court, Los Angeles, Calif.

Judge Rabe Ferguson Marsh, Chief Judge, U. S. District Court,
Pittsburgh, Pa.

Mrs. Edith May, Administrative Secretary to the Chief Judge,
U. S. District Court, Brooklyn, N. Y.

Judge Alfred J. McCourtney, Presiding Judge, Superior Court,
Los Angeles, Calif.

Judge John S. McInerny, Presiding Judge, Superior Court, Santa
Clara County, Calif.

Judge Jacob Mishler, Chief Judge, U. S. District Court, Brooklyn,
N. Y.

Mr. Walter T. Moniz, Acting Chief Deputy Clerk, U. S. District
Court, San Francisco, Calif.

Judge Thomas J. Parrino, Chief Justice, Court of Common Pleas,
Cleveland, Ohio.

Mr. Alex E. Renaud, Clerk of the Court, The Recorder's Court,
Detroit, Mich.

Mr. Bernard Schaffler, Clerk of the Court, U. S. District Court,
Pittsburgh, Pa.

Judge Robert H. Schnacke, U. S. District Court, San Francisco,
Calif.

Mr. Nicholas Shaheen, Assignment Clerk, Circuit Court, Detroit,
Mich.

Judge Herbert P. Sorg, U. S. District Court, Pittsburgh, Pa.

Mr. Charles H. Starrett, Jr., Court Administrator, Court of Common
Pleas, Pittsburgh, Pa.

Judge Stephen R. Stothers, Supervising Judge, Torrance District
Superior Court, Los Angeles, Calif.

Judge Joseph A. Sullivan, Presiding Judge, Wayne County Circuit
Court, Detroit, Mich.

Judge William K. Thomas, U. S. District Court, Cleveland, Ohio.

Mr. Bernard J. Ward, Executive Officer, Superior Court,
San Francisco, Calif.

Judge Joseph F. Weis, U. S. District Court, Pittsburgh, Pa.

Judge Robert A. Wenke, Assistant Presiding Judge, Superior
Court, Los Angeles, Calif.

Professor Russell R. Wheeler, Judicial Fellow, Supreme Court of
the United States, Washington, D. C.

Professor Howard R. Whitcomb, Judicial Fellow, Supreme Court of
the United States, Washington, D. C.

Mr. Frank S. Zolin, Executive Officer, Superior Court, Los
Angeles, Calif.

THE QUESTIONS

This slate of 20 questions was given to the study teams to guide their interviews. In retrospect, the responses may have been more easily assimilated and compared if the interviewers had been supplied with a more formal questionnaire. However, the informality undoubtedly contributed to the frankness of the answers.

1. Why did this court change from one calendaring system to another?
2. What part did another court's experience play in the decision? What court was that?
3. Are the judges satisfied with the change? If so, what evidence is there that the change was beneficial?
4. Is there any dissatisfaction with the change? If so, what is that dissatisfaction?
5. Are there any preferences for the old method? If so, what are they?
6. What were some of the problems with the old method?
7. How many cases were disposed of per judge for each of the three years preceding the year of change?
8. How many cases were disposed of per judge for each of the three years after the year of change? (If the change was very recent, collect data on the period available.)
9. Who schedules and assigns cases under the new system? Under the old system?
10. Is a different calendaring system used for different types of cases (e.g., civil and criminal)? If so, why?
11. What has been the court's workload for the three years preceding and the three years after the change? (Obtain a copy of relevant annual reports.)
12. How does each system affect the quality of justice in its jurisdiction?
13. Is either system more likely to facilitate the speedy disposition of criminal cases? Civil cases?

14. Is the judge more involved in each case under the individual calendar plan? If so, is this greater involvement beneficial to the speedy disposition of criminal and civil cases and the quality of justice?
15. Is there any combination of the two plans which is capable of combining the benefits of each plan and minimizing the disadvantages of both plans?
16. Is either system or a particular combination of both systems so superior that you would recommend its adoption to the courts represented in the conference?
17. Is there a need for more judges or more staff under either system (particularly in the court reporting area)?
18. What were the procedures of calendaring in the old and new methods?
19. What was the date of the change? (In some cases, the change occurred over a period of time. In such cases, obtain the date the change started and the date it ended.)
20. Are there any special procedures for handling exceptional procedures? (Example: assigning complicated cases to one judge for all actions under a "master" calendar system.)

END