

Rec'd. Apr. 6

DRAFT

A SURVEY OF TECHNIQUES USED
IN THE TRIAL COURTS TO
REDUCE THE TIME JUDGES MUST
SPEND ON NON-ADJUDICATORY TASKS

B. Kreindel
R. H. Adams

FINAL REPORT
MARCH 1979

This project was supported by Grant Number 78-NI-AX-0063 awarded to The MITRE Corporation, Bedford, Massachusetts, by the National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, U. S. Department of Justice, under the Omnibus Crime Control and Safe Streets Act of 1968, as amended. Points of view or opinions stated in this document are those of the authors and do not represent the official position or policies of the U. S. Department of Justice.

68807

RESEARCH FINDINGS

SUMMARY

There is currently a considerable effort underway in the trial courts to reduce the amount of time judges must spend in the performance of non-adjudicatory tasks. Although there is no general agreement among the 750 jurisdictions surveyed with respect to the categorization of various judicial activities as "judicial" or "non-judicial", there are many attempts to accomplish the reduction in demands made on trial court judges' time for tasks which have either been traditionally performed by judges (such as presiding at arraignment, hearing small claims cases, assigning counsel for indigent defendants) or have been performed by judges in jurisdictions without adequate administrative support because "someone had to do it, the job must be done" (such as arranging case schedules, calling attorneys, interviewing jurors, designing court forms, maintaining docket books). The programs have generally taken one of the following forms:

- Accomplishing a task by substituting a non-judge in place of a judge formerly responsible for its performance (such as use of attorneys as masters, using law clerks to perform legal research, and clerk's office personnel notifying attorneys of changed schedules).
- Reducing the frequency of tasks performed by judges (such as consolidating a number of pre-trial hearings on discovery into a single omnibus hearing, utilizing prepared bench-books, and modified procedures to eliminate excess continuance request hearings).
- Assigning the performance of the task as part of a general transfer of management and administrative responsibilities to the office of court administrator or executive (such as jury management, pre-trial release activities, information system operation, and caseflow management).

NCJRS

JUN 30 1980

The mechanisms used in the trial courts surveyed appear as diverse as the courts themselves. During the on-site visits to 17 jurisdictions, over 130 individual programs were explored with court personnel. Some of these programs involved little more than the reassignment of the responsibility for tasks from a judge to the judge's bailiff or secretary, other programs required statutory authority and substantial and continuing funding for their operation. This report presents a discussion of some of the more significant and interesting programs in the trial courts, a description of the research methodology employed, an analysis of the responses to the mailed survey instrument and summary descriptions of some of the individual mechanisms used in specific jurisdictions.

TABLE OF CONTENTS

	<u>Page</u>
SECTION I INTRODUCTION	1
Judicial Tasks	2
SECTION II METHODOLOGY	4
Formation of a National Advisory Board	4
Conduct of a Literature Search	6
Development and Administration of a Mail Survey Instrument	8
On-Site Assessment	11
Analysis of Research Data	12
SECTION III MAILED SURVEY QUESTIONNAIRE	13
Introduction	13
Survey Characteristics	14
Survey Results	16
SECTION IV RESEARCH FINDINGS	29
Introduction	29
Programs to Improve Caseload Management	32
Programs Utilizing Legally Trained Personnel	37
Programs Using Non-Judicial Personnel	40
Programs Using Attorneys	41
Other Programs Designed to Reduce the Non-Adjudicatory Duties of Judges	43
Environmental Considerations	44
APPENDICES	
APPENDIX A - Mailed Survey Questionnaire	48
APPENDIX B - Questionnaire Respondent Comments	54
APPENDIX C - Preliminary Survey Results Statistical Analysis	58
APPENDIX D - Selected Program Summary Descriptions	70

LIST OF FIGURES

<u>Figure</u>		<u>Page</u>
1	Investigation into Mechanisms for Reduction of Non-Judicial Time Demands	5
1A	Survey Questionnaire Responses	15
2	Percent Program Success	19
3	Program Administrator vs. Degree of Success	61
4	Relative Program Use by Court Size	63
5	Percent of Courts with Number of Criminal Filings vs. Program Use	67

LIST OF TABLES

<u>Table</u>		<u>Page</u>
1	Number of Current & Planned Programs	17
2	Use of Mechanisms for Improved Caseflow Management	18
3	Program Success	18
4	Program Implementation Responsibility	21
5	Program Funding	22
6	Program Use by Other Jurisdictions	23
7	Court Size - Number of Judges	24
8	Use of Part-Time Judges	25
9	Population	26
10	Criminal Filings	27
11	Civil Filings	28
12	Program Success vs. Program Administrator	59
13	Program Use by Court Size (No. of Judges)	62
14	Number of Programs Used by Courts of Varying Size	65

SECTION I

INTRODUCTION

*"The role of the judiciary in the Nation's efforts to reduce the crime rate lies in providing a system of unquestioned integrity and competence for setting legal disputes, including contested criminal prosecutions. In order for the courts to fulfill this vital role, the judicial processes must be effective, efficient and current in management methods."*¹

"A tension exists in the field of federal and state judicial administration between the need for careful and conscientious conflict resolution and the demand for reasonably rapid and effective judicial action. Ideally, a litigant should have his case heard and decided within a reasonable time by an unhurried, highly qualified, judicial officer.

*Steadily increasing demands on judicial resources, however, present a formidable obstacle to the realization of this goal ..."*²

Time demands made upon judges, most particularly trial court judges, in meeting their responsibilities in the criminal judicial process have increased significantly over the past two decades. The rise in the criminal caseload of the courts together with the increasing exercise of constitutional rights by defendants has produced extended and complex pretrial and other court processing. Such processing has traditionally required the involvement of a judge in each of its steps whether or not a judicial decision was required. Both pretrial and post-trial appearances and hearings as well as lengthy trial activities (jury selection, hearings on motions, conduct of trials, jury instructions and dispositions) have all required judges' personal attendance. Additional requirements for judicial time, outside of the courtroom, have also increased and have been caused by the necessity for study and research into such matters as the numerous alternative dispositions which are now available to judges for application in each individual case, as well as the need for review of the proliferation of judicial appellate opinions which may affect the conduct of trials and hearings.

¹ Reports on Courts, National Advisory Commission on Criminal Justice Standards and Goals, Washington, D.C., p. 145.

² Gallagher, J. D., "An Expanding Role for United States Magistrates", American University Law Review, Volume 26, Fall 1976, p. 66.

At the same time that such demands are being made on the time available to trial court judges, many jurisdictions are also increasing the administrative responsibilities of judges in such areas as caseload management and court administration. In some jurisdictions, judges do not even have the necessary secretarial or clerical assistance to support their judicial activities and are required to perform such tasks themselves.

With the limitations on the number of judges who are available to meet the current demands for judges' time, it has become critical to the effective conduct of the judicial process that the use of each judge's time be made as effective as possible. The available time of such a highly trained individual resource as a trial court judge should be utilized in a manner that his or her efforts are concentrated effectively on those matters in which a judge must be involved, rather than in performing non-adjudicatory tasks.

Judicial Tasks

"Judicial tasks" are those work activities which, under statute or higher court rule, require the personal presence (usually in a courtroom) of a judge, to either make a decision, or to exercise his or her discretion in determining whether a decision should be made. Such activities vary by jurisdiction but may include: the conduct of trials, rulings on the admission of evidence, interpretation of the law, issuance of court orders (including injunctions), sentencing and disposition, issuance of bench and search warrants, instruction of juries, discretionary dismissal of charges and cases, and findings of probable cause, guilt and responsibility. Non-judicial tasks performed by many judges include such non-adjudicatory activities as case and courtroom assignment, preliminary juror orientation, case status determination, office management, conduct of preliminary hearings or conferences, conduct of routine arraignments, a variety of administrative activities and other functions where a judicial decision or the exercise of judicial discretion is not required by law or higher court rule.

Many jurisdictions are attempting to increase the availability of trial court judges for primary judicial tasks by developing and implementing programs designed to reduce the non-adjudicatory time demands on their time. These programs have utilized a number of techniques which often involve such alternative approaches as: the transfer of the task to non-judicial personnel, the consolidation of several tasks, or the improvement in the effectiveness of the court's caseflow management process so that the requirement for judge time in performing the task is minimized.

The research performed during this study was designed to investigate the variety of such programs currently being used in the trial courts (both criminal and civil) through a nationwide survey of trial court judges and administrators and on-site visits to some 17 jurisdictions. The study identified and explored the operation of many mechanisms currently being employed in the trial courts to reduce the non-adjudicatory time demands on trial court judges' time.

It is believed that the findings of the investigation, as presented in this report, will be useful to court administrators, chief and presiding judges, planning agencies and others concerned with judicial administration and operations who are considering effectiveness improvement programs. Many of the techniques found are innovative and comprehensive in their operation and have been successfully applied in a variety of court environments. It is hoped that the presentation of the full range of techniques will be helpful to those trial court administrators and managers who need a basic source of tried and proven mechanisms for application in their own operating environment.

SECTION II
METHODOLOGY

The methodology employed in the conduct of this investigation has three principal objectives. Firstly, to determine the relative extent of the use of techniques in the trial courts to reduce the time judges must spend on non-judicial (non-adjudicatory) tasks and the general nature of those techniques; secondly, to identify and visit a number of trial courts and jurisdictions which are currently employing such techniques for the purpose of understanding the various programs in some detail; and thirdly, to document the mechanisms and make a judgmental assessment concerning the court environments in which they operate. The following steps were taken to implement the methodology: (See Figure 1)

A. Formation of a National Advisory Board

In order to provide guidance to the research effort during the conduct of the study a National Advisory Board was established. The Board membership is made up of the following individuals each of whom is directly concerned with judicial administration and improvement in court processes:

- Harvey E. Solomon, Executive Director, Institute for Court Management
- Judge Kenneth N. Chantry, National Conference of Metropolitan Courts
- Ralph Kleps, Court Management Consultant, Former Administrative Director of California Courts

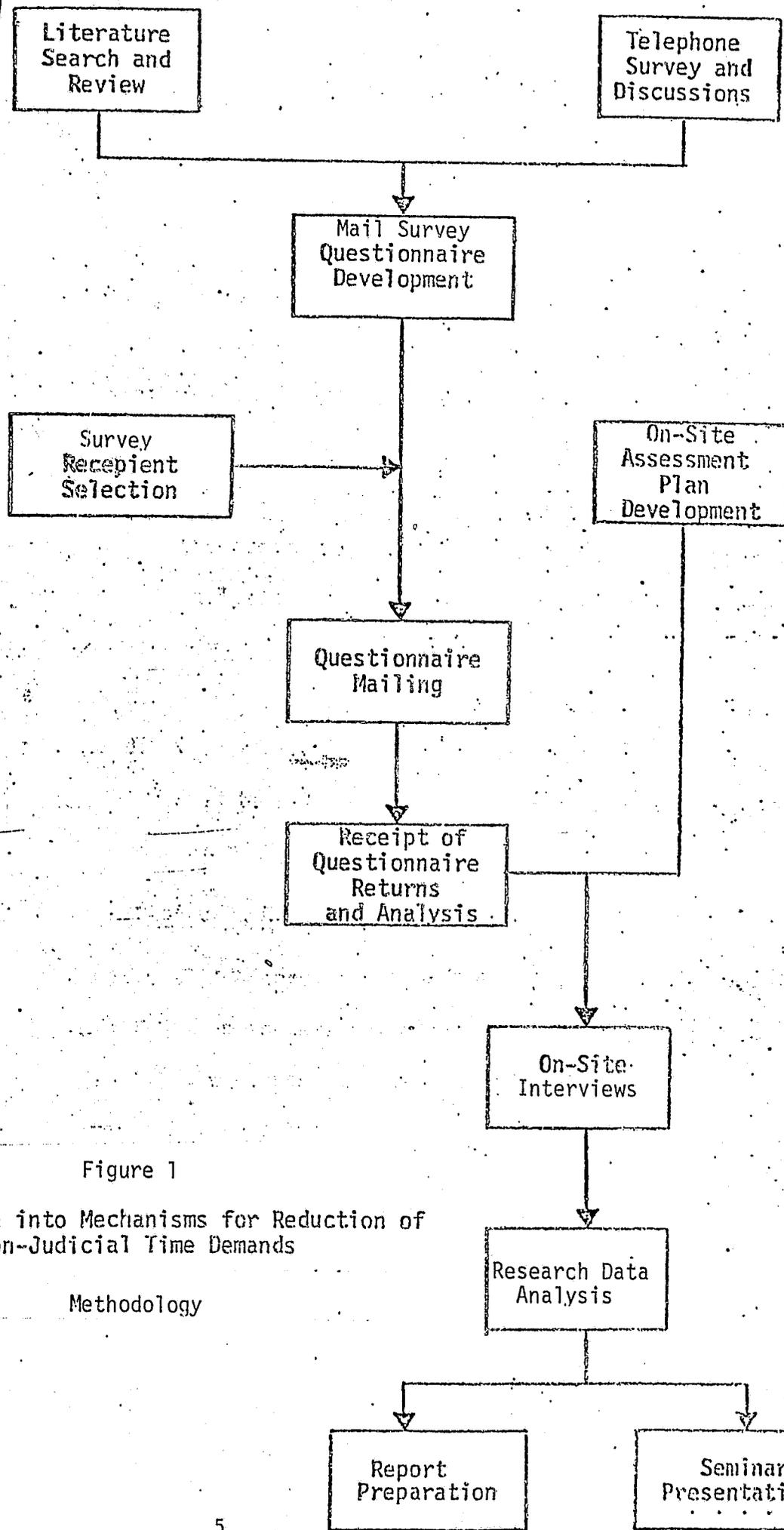


Figure 1

Investigation into Mechanisms for Reduction of Non-Judicial Time Demands

Methodology

- Julia A. Newman, District Court Administrator, National Association of Trial Court Administrators
- Wantland L. Sandel, Jr., Director, Division of Judicial Service Activities, American Bar Association

The National Advisory Committee reviewed and suggested modifications where required to the various project documentation, assisted the research team by recommending courts and jurisdictions for on-site visits and provided general guidance in the planning and conduct of the study. In addition, the Board prepared a letter from the Board which accompanied the mailed survey questionnaires, describing the purpose of the project, and indicating the Board's interest and participation in the project's purposes.

B. Conduct of a Literature Search

A search of relevant literature was conducted by the research team and telephone discussions were held with judges, court administrators and other knowledgeable persons in the field of court administration. (See Annotated Bibliography presented in this report.) The literature was found to be extremely sparse in the field. Consideration of means for the reduction of non-adjudicatory tasks performed by judges has not received much attention in the literature. Techniques apparently are developed in most jurisdictions on an individual basis without reference to a body of documentation as reference.

There is a body of literature¹ concerning the potential role of court administrators in performing administrative and management activities in the courts. Duties suggested for the court administrator such as management in the areas of personnel, records, data processing, financial, case-flow, juror management, space and equipment management and public information have not, generally, been performed by the trial judiciary in the trial courts.

Only in the area of the use of magistrates (primarily in the federal courts) to relieve judges of specific duties (generally judicial in nature) has there been a developing body of literature. Some references to that literature have been noted in the Annotated Bibliography.

As part of the literature search, the research team held discussions with the staff of the American Judicature Society which is currently conducting a complementary study² in the area of judicial performance. The final results of that study, which are not yet available, are expected to indicate that judges do not report that they spend any significant amount of time on general administrative work, however.

¹See, for example, Saari, David J., Modern Court Management: "Trends in the Role of the Court Executive"; McConnell, E. B., The Improvement of the Administration of Justice, American Bar Association Section of Judicial Administration; and Butler, B. W., "Presiding Judges' Role Perceptions of Trial Court Administrators", Justice Systems Journal, Winter 1977, Volume 3, No. 2.

²"Identifying and Measuring Judicial Performance in American Trial Courts", supported by a grant from the National Science Foundation Division of Research Applied to National Needs (#76-14964).

C. Development and Administration of a Mail Survey Instrument

With the advice of the National Advisory Board, a questionnaire was developed to be used in a mail survey of trial court judges and court administrators to learn about the way trial courts are trying to reduce the time judges must spend on non-judicial tasks. The questionnaire (reproduced in Appendix A), included a section designed to identify any techniques currently used or planned for use in the court or jurisdiction and a section providing data concerning the size and activity of the responding court or jurisdiction. A number of possible programs which may be used with at least the objective of reducing the non-adjudicatory tasks required of trial court judges were listed in the survey instrument as follows:

a. Use of Attorneys

Attorneys employed as masters, arbitrators, hearing officers, panel members, etc.

b. Use of Non-Judicial Personnel

Non-judicial court personnel used to conduct routine court activities such as arraignments, appointing counsel for indigents, granting continuances, etc.

c. Use of Legally Trained Personnel

Legally trained personnel used to assist judges in such activities as legal research, preparation of jury instructions, data gathering, etc.

d. Change of Master Calendar

Replacing individual judge calendars with a master calendaring system for judicial case assignments.

e. Improved Caseflow Management

- Conducting omnibus hearings
- Instituting continuance controls
- Maintaining attorneys and parties on call
- Reducing required court appearance for unopposed motions and petitions
- Improved personnel training and management including procedural manuals, bench books, etc.
- Internal organizational changes
- Improved information systems
- Redistribution of administrative responsibilities
- Additional clerical and administrative support including creation of a court administrator's position.

f. Other

A mailing list was prepared for distribution of the survey instrument to approximately 750 trial courts and jurisdictions. The list utilized the membership list of the National Association of Trial Court Administrators as well as LEAA computer mailing lists of state court trial judges, court administrators and U. S. District Court Chief judges. A total of 235 responses were received from those surveyed.

The procedure for classifying and summarizing the responses and deriving meaningful results from the survey consisted of several phases. The

first phase involved arithmetical counting of the responses to the individual questions. The results of this process provided some insight to the general characteristics of the court respondents -- characteristics such as the general use or non-use of programs and the size of the courts and their caseload. Tabular and graphical presentations of the responses to each of the survey questions are presented in Section III of this report.

In the second phase of the analysis of the responses, courts and jurisdictions which reported utilizing programs of special interest or who had instituted several programs to reduce the time judges must spend on non-adjudicatory tasks were identified. Those courts and jurisdictions, together with recommendations of the National Advisory Board, were considered as locations for the conduct of in-depth site visits by the research team.

In addition to the use of the survey responses to determine the extent of utilization of mechanisms to increase the amount of time judges have available for the performance of judicial tasks and to identify potential sites for in-depth study, the research team made a preliminary statistical analysis of the response data. The analysis examined interrelationships between the responses to questions such as possible correlation between the use or non-use of particular programs and the size of the responding courts as measured by the number of full-time judges sitting in that court. The preliminary statistical analysis also involved the application of the chi-square statistic for testing potential relationships determined by the data mailed survey response data. The results

of those analyses did not warrant the conduct of a full statistical analysis of the survey responses. Appendix C to this report contains the graphical/ and/or tabular representation of the interrelationships which were investigated as well as the results of the preliminary chi-square analysis.

D. On-Site Assessment

Using the list of potential sites identified as candidates for in-depth visits, the research team selected the following courts and jurisdictions, from whom responses to the mailed survey had been received, for on-site assessment:

- Maricopa County Superior Court, Phoenix, Arizona
- Circuit Court, Sarasota, Florida
- Circuit Court, Annapolis, Maryland
- Circuit Court of the City of St. Louis, St. Louis, Missouri
- Tenth Judicial Circuit, Birmingham, Alabama
- Superior Court, Providence, Rhode Island
- Multnamah County Circuit Court, Portland Oregon
- Superior Court, Hartford, Connecticut
- Third Judicial Circuit Court, Detroit, Michigan
- Second Circuit-U.S. Courts, New York, New York
- U.S. District Court, St. Louis, Missouri
- Philadelphia Court of Common Pleas, Philadelphia, Pennsylvania
- Massachusetts Superior Court, Boston, Massachusetts
- King County Superior Court, Seattle, Washington
- 29th Judicial District Court, Kansas City, Kansas

- Allegheny County Court, Pittsburgh, Pennsylvania
- Circuit Court, Fort Myers, Florida

At each of these sites a member of the research team, following an on-site assessment plan, met and interviewed one or more of the court's staff usually including the presiding justice and/or court administrator. Using a structured interview instrument to assist in data collection, the team member gathered detailed information concerning the development, implementation and operation of those techniques and mechanisms which are either in operation or planned for use in that court or jurisdiction. The summary descriptions of selected programs to reduce non-adjudicatory time demands on judges can be found in Appendix D.

E. Analysis of Research Data

Following the data collection process, the literature search and review, the mailed survey, the on-site visits and the discussions with court personnel, the research data was reviewed, analyzed and documented with the intention of providing research results which may be useful to trial court administrators and managers by identifying and describing successful mechanisms currently in operation in other courts and jurisdictions.

SECTION III

MAILED SURVEY QUESTIONNAIRE

A. Introduction

An important segment of the investigation into mechanisms for the reduction of non-judicial demands on trial court judges' time was the development of a survey questionnaire and subsequent implementation of the mailed data gathering effort. The primary objectives of the use of the survey instrument were to accomplish the following:

- To determine the current use of various techniques and mechanisms in the courts for the reduction of non-judicial time demands made upon trial court judges;
- To identify the characteristics of those jurisdictions with active programs attempting to improve the effectiveness of the activities of trial court judges through emphasis on judicial tasks; and
- To identify possible candidates for in-depth interviews concerning the mechanisms used in the trial courts.

A secondary goal of the mail survey was to broadly assess the mechanisms currently employed in the trial courts as well as to identify those court conditions or characteristics which are perceived to be beneficial for the successful implementation of such mechanisms.

The first section of the survey questionnaire specifically addressed the use, success and implementation of programs which are being used, while the second section dealt with questions relating to court characteristics. Interrelationships between the data on program use, the degree of their success and the corresponding court characteristics were also identified to provide some insight into program applicability and implementation as well as evaluation considerations. A copy of the survey questionnaire is included as Appendix A.

B. Survey Characteristics

Recipients of the questionnaire were selected from LEAA mailing lists of trial court judges, chief U. S. District Court judges and court administrators and from membership lists of the National Association of Trial Court Administrators. The individuals on these lists represented approximately 2,000 trial courts nationwide. In selecting the candidates to receive survey questionnaires, emphasis was placed on distribution to a broad geographic area including each state and region of the country. In addition, in order to obtain a maximum amount of data, courts and jurisdictions which were known by the National Advisory Board, to have programs in effect were selected. While it was desired to obtain a representative response, no attempt was made to achieve a statistically random sample of all trial courts in the nation. (Randomness, according to statistical theory, would occur if every court had an equal probability of being selected.)

Approximately 750 questionnaires were mailed to selected courts and jurisdictions. A total of 235 responses were returned (31.3%) with a strong response from courts and jurisdictions in the population centers of the upper midwest and northwest regions.

Figure 1A shows in pictorial form the relationship between the total number of survey questionnaires mailed and the total responses. The respondents are identified in the categories of Federal Courts, Courts with Statewide Jurisdiction and Trial Courts with Local Jurisdiction. The courts with local jurisdiction, which formed the overwhelming number of respondents, are further identified by their use or non-use of programs. It is the responses of those courts which forms the basis for the discussion and the analysis in this section.

Of the questionnaires received from courts with local jurisdiction, 31% were completed by judges, 50% by court administrators, and the remaining 19% by court clerks or other court non-judicial personnel. Where some individual questions were not answered or there were inconsistencies

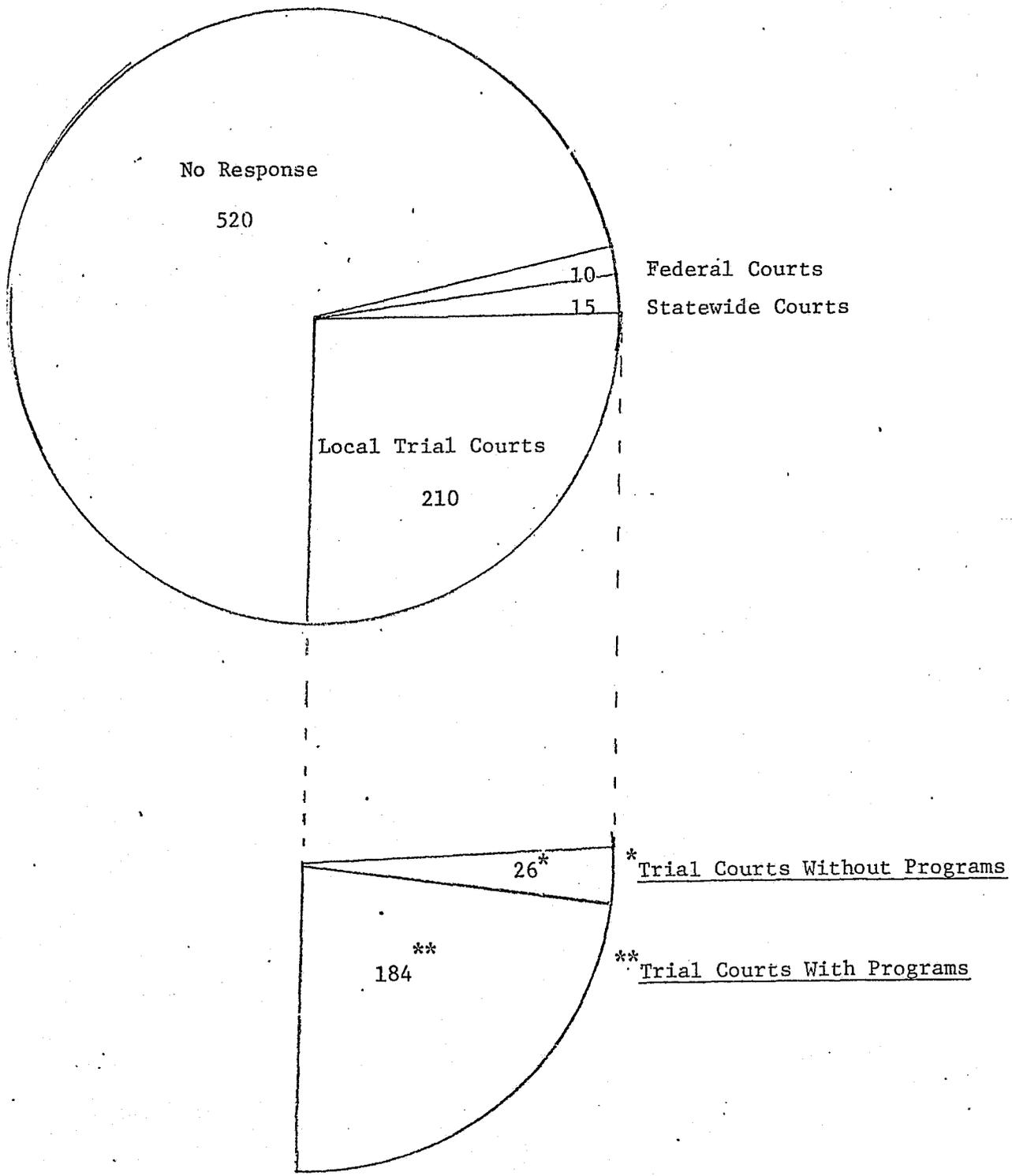


Figure 1A. Survey Questionnaire Responses

in the responses, the response was treated as "no answer"; ambiguous responses were excluded from the tabulation. Most of the questionnaires returned, however, were complete and many contained useful comments and observations about individual court experiences. Some of these comments are summarized in Appendix B.

C. Survey Results

The responses to the mailed survey questionnaire have been classified, tabulated and summarized and are presented in the following diagrams and tables. Also included are general observations based on the quantitative results of the tabulation. The identification of possible candidates for in-depth site analysis was performed through an examination of the individual responses to the mailed survey questionnaire.

The discussion presented below follows the construction of the survey questionnaire which was divided into two categories of questions. Category A dealt with questions concerning the use or planned use of programs by the responding courts. Category B dealt with selected characteristics of the local trial courts and jurisdictions themselves.

Category A: Current or Planned Programs

Question 1 - Which of the following techniques have been used or planned for use by your court or jurisdiction?

Of the 210 replies from local trial courts, 184 respondents indicated that they are currently using or planning to use one or more of the programs identified in the questionnaire. Table 1 lists the programs and indicates the number and respective percentage of the 184 respondents who identified programs.

Table 1
Number of Current & Planned Programs

<u>Programs</u>	<u>Used</u>		<u>Planned</u>	
	<u>Number</u>	<u>%</u>	<u>Number</u>	<u>%</u>
A. Use of Attorneys	104	57	13	7
B. Use of Non-Judicial Personnel	74	40	12	7
C. Use of Legally Trained Personnel	128	70	12	7
D. Change to Master Calendar	75	41	4	2
E. Improved Caseflow Management*	177	96	46	25
F. Other	36	20	13	7

Twenty-seven percent of the respondents who used programs indicated that they either used (20%) or plan to use (7%) programs in addition to those listed in the questionnaire. Examples of such programs include:

- A crash program to reduce criminal case backlog
- The use of a clerk/administrator to perform magistrate functions for offenses outside the penal code
- The use of a hybrid calendaring system
- The employment of videotaped trials, testimony and depositions

Program E consisted of a group of mechanisms which a court might use to improve its caseflow management. Of the 184 trial courts indicating that they used some sort of program, 177 or 96% used one or more of the various caseflow management improvement mechanisms. Table 2 presents the number and relative percentages of the 177 respondents who used or planned to use each of the mechanisms for improved caseflow management.

* In Program E, the values add to more than 100% because many respondents indicated the use of one or more mechanisms of improved caseflow management as well as the planned use of other mechanisms.

Table 2

Use of Mechanisms for Improved Caseflow Management

<u>Mechanism</u>	<u>Used</u>		<u>Planned</u>	
	<u>Number</u>	<u>%</u>	<u>Number</u>	<u>%</u>
Conducting Omnibus Hearings	61	33	4	2
Instituting Continuance Controls	96	52	17	9
Maintaining Attorneys and Parties on Call	96	52	10	5
Reducing Required Court Appearance for Unopposed Motions and Petitions	97	53	9	5
Improved Personnel Training	115	63	29	16
Internal Organizational Changes	98	53	26	14
Improved Information Systems	115	63	38	21
Redistribution of Administrative Responsibility	107	58	13	7
Additional Clerical and Administrative Support	138	75	12	7

Question 2 - How successful do you think each of the programs now operating have been in achieving its objectives?

Table 3 indicates the degree of success attained for each program as assessed by the respondent. Figure 2 illustrates the same data, i.e.: the percent of each program by degree of success.

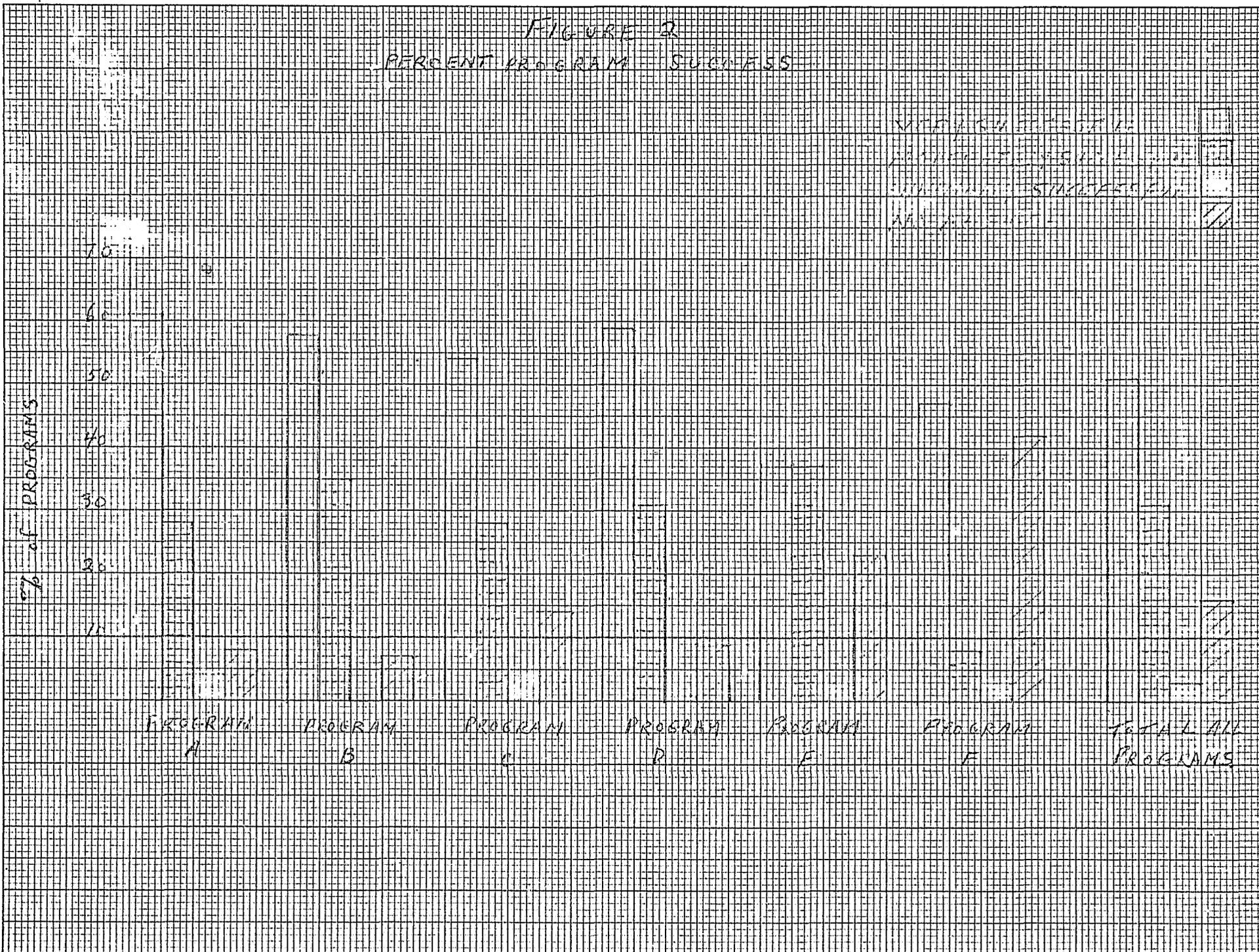
Table 3

Program Success

<u>Program</u>	<u>Very Successful</u>	<u>Moderately Successful</u>	<u>Minimally Successful</u>	<u>No[*] Answer</u>	<u>Total Programs</u>
A. Use of Attorneys	63	29	4	8	104
B. Use of Non-Judicial Personnel	43	26	0	5	74
C. Use of Legally Trained Personnel	69	36	5	18	128
D. Change to Master Calendar	44	23	1	7	75
E. Improved Caseflow Management	66	65	5	41	177
F. Other Programs	<u>17</u>	<u>3</u>	<u>1</u>	<u>15</u>	<u>36</u>
	302	182	16	94	594

*The "No Answer" column of the table shows the number of respondents who used the program but who did not rate its success.

FIGURE 2
 PERCENT PROGRAM SUCCESS



As can be seen from Figure 2, 51% of the total programs currently in effect are assessed as very successful in achieving their objectives and another 31% were assessed as moderately successful. It should be noted that the assessments are self-assessments and may not be objective. On an individual basis, Program A, use of attorneys, Program B, use of nonjudicial personnel, Program C, use of legally trained personnel and Program D, change to master calendar show approximately the same distribution of the degree of success. Program E, improved caseflow management and Program F, other programs, have a significant percentage of "no answer" responses. In the case of Program E, the questionnaire did not provide for evaluating each individual caseflow management mechanism employed by the respondent, rather, the respondent rated the success of Program E overall. A smaller percent of "very successful" responses and the greater percent of "no answer" responses can therefore be expected. Possible explanations for the large percentage of "no answers" in Program F may be that many of these other programs are relatively new and hence cannot be adequately evaluated or some improved caseflow management programs may appear to be very successful while others are only minimally successful.

Question 3 - Who had the principal responsibility for the implementation of each of the programs?

The percentages of programs of each type which were implemented under the prime responsibility of various court personnel are shown in Table 4. Since a significant number of the respondents indicated a joint responsibility on the part of a judge and court administrator for the implementation of many programs, a separate column was added to reflect this response.

Table 4

Program Implementation Responsibility

Program	Primary Implementation Responsibility						Total %
	Judge %	Court Administrator %	Judge and Ct. Administrator %	Court Clerk %	Other %	No Answer %	
A. Use of Attorneys	45	24	14	2	5	10	100
B. Use of Non-Judicial Personnel	25	46	12	7	3	7	100
C. Trained Personnel	60	13	13	1	1	12	100
D. Change to Master Calendar	25	42	21	8	0	4	100
E. Improved Caseflow Management	17	40	21	2	1	19	100
F. Other Programs	22	19	14	3	3	39	100
ALL Programs	34	31	17	3	2	13	100

A review of Table 4 indicates that Program A, use of attorneys, and Program C, use of legally trained personnel were implemented more often by a judge than by any other court personnel whereas Program B, use of non-judicial court personnel, Program D, change to master calendar and Program E, improved caseflow management were implemented more often by court administrators. Further analysis indicates that even if the programs administered jointly by a judge and court administrator were divided equally between these two persons, the statistical relationships would not be changed. An apparent reason for the greater implementation of Programs A and C by judges is that these programs involve the use of attorneys or legally trained personnel for nonadjudicative tasks which closely support the judicial role. For example, legally trained personnel directly assist judges in legal research and data gathering. The tasks encompassed in Programs B, D, & F are more administrative in nature and therefore it is more likely that such programs come under the direction of court administrators.

Question 4 - If funds in addition to court resources were required to implement the programs, please indicate the source of additional funds.

The tabulated replies with respect to the sources of funding for individual programs are shown in Table 5.

Table 5
Program Funding

<u>Program</u>	<u>Source of Additional Funds</u>					
	<u>State</u>	<u>County</u>	<u>Municipal</u>	<u>LEAA</u>	<u>Other</u>	<u>None</u>
A. Use of Attorneys	28	42	2	14	5	24
B. Use of Non-judicial court personnel	31	52	5	35	5	11
C. Use of Legally Trained personnel	26	59	0	29	5	17
D. Change to Master Calendar	20	38	4	14	1	22
E. Improved Caseflow Management	36	56	3	52	3	30
F. Other Programs	7	7	0	9	0	7

It can be seen that the primary sources of additional funds are counties, states and the LEAA. Since the majority of the courts surveyed were of county jurisdiction, it was expected that county funds would finance the major proportion of the programs. The results also indicate that courts of local jurisdiction (the sample population used in tabulating the results of the survey) receive additional funds from a variety of sources.

Question 5 - Have any of the programs which originated in your court or jurisdiction been later adopted by other courts or jurisdictions?

Table 6
Program Use by Other Jurisdictions

<u>Program</u>	<u>Yes</u>	<u>No</u>	<u>Unknown</u>
A. Use of Attorneys	34	9	61
B. Use of Non-Judicial Court Personnel	32	8	34
C. Use of Legally Trained Personnel	30	8	90
D. Change to Master Calendar	19	12	44
E. Improved Caseload Management	49	10	118
F. Other Programs	8	1	27

As can be seen from Table 6, the majority of responses for all programs fall in the unknown category rather than in either the yes or no category. This result does not necessarily mean that there is little successful transfer of programs, but it may indicate that either it is unlikely that specific efforts are made on the local level by the originator of the program to transfer his successful programs to other jurisdictions, or that he does not have knowledge of program uses in other courts.

Category B: Characteristics of Court or Jurisdiction

Question 1 - How many full-time judges are currently sitting in or assigned to your court or jurisdiction?

Table 7 shows the percentage of respondents related to the number of judges currently sitting or assigned to the respective courts. . Included in this sample are both respondents with programs in effect and respondents who neither use nor plan to use such programs. The data presented in Table 7 indicates that more than one-half (60%) of the respondents had courts of a relatively small size, i.e., fewer than 10 judges.

Table 7
Court Size - Number of Judges

<u>No. of Judges</u>	<u>Percent of Respondents</u>
0-2	18
3-4	15
5-9	27
10-15	22
16-25	11
26-39	6
40+	1

Question 2 - How many judges are currently sitting in or assigned to your court or jurisdiction only part-time?

The use of part-time judges by the respondents is shown in Table 8. It is apparent that most courts do not use part-time judges. Approximately 62% have no part-time judges sitting in their court while 86% have two or fewer part-time judges. One respondent indicated the use of part-time judges as a program to aid their court in accomplishing both judicial and non-judicial tasks.

Table 8
Use of Part-Time Judges

<u>No. of Part-Time Judges</u>	<u>Percent of Respondents</u>
None	62
1	15
2	9
3-4	7
5-9	3
10-15	2
16-25	2
26-39	0
40+	0

Question 3 - How large is the population served by your court or jurisdiction?

The distribution of survey respondents by the size of the population served is exhibited in Table 9.

Table 9

Population

<u>Population Size</u>	<u>Percentage of Respondents</u>
1,000,000+	13
500,000-1,000,000	17
1000,000-499,000	51
25,000-99,999	17
Less than 25,000	2

Question 4 - How many criminal filings occurred in your court or jurisdiction in 1977?

Table 10 shows the distribution of respondents by the number of criminal filings recorded in their courts in 1977. The respondents include both those who had programs in effect and those who neither use nor plan to use programs. Two-thirds of all respondents indicate criminal filings numbering over 1000.

Table 10

Criminal Filings

<u>No. of Criminal Filings</u>	<u>Percentage of Respondents</u>
5000+	21
1000-4999	45
500-999	16
100-499	12
Less than 100	3
No answer	3

Question 5 - How many civil filings occurred in your court or jurisdiction in 1977?

Table 11 shows the distribution of respondents by the number of civil filings recorded in the courts in 1977. The respondents include all respondents who had civil cases regardless of the use or non-use of programs by these courts. Table 11 indicates that a high percentage (78%) of the respondents had over 1000 civil filings. From a comparison of Table 10

and Table 11, it is apparent that a significant number of courts in the sample had more civil filings than criminal filings in 1977.

Table 11
Civil Filings

<u>Number of Civil Filings</u>	<u>Percentage of Respondents</u>
5000+	44
1000-4999	34
500-999	11
100-499	6
Less than 100	2
No answer	3

Question 6 - What is the legal jurisdiction of your court?

The results of this survey indicate that 84% of the respondents were courts of general jurisdiction and 16% were courts of limited jurisdiction.

Note: See Appendix C for a discussion of the results of a preliminary statistical analysis of some of the responses to the mailed survey instrument.

SECTION IV

RESEARCH FINDINGS

Introduction

There is currently a considerable effort underway in the trial courts to reduce the amount of time judges must spend in the performance of non-adjudicatory tasks. Although there is no general agreement among the jurisdictions surveyed with respect to the categorization of various judicial activities as "judicial" or "non-judicial", there are many attempts to accomplish the reduction in demands made on trial court judges' time for tasks which have either been traditionally performed by judges (such as presiding at arraignment, hearing small claims cases, assigning counsel for indigent defendants) or have been performed by judges in jurisdictions without adequate administrative support because "someone had to do it, the job must be done" (such as arranging case schedules, calling attorneys, interviewing jurors, designing court forms, maintaining docket books). The programs have generally taken one of the following forms:

- Accomplishing a task by substituting a non-judge in place of a judge formerly responsible for its performance (such as use of attorneys as masters, using law clerks to perform legal research, and clerk's office personnel notifying attorneys of changed schedules).
- Reducing the frequency of task's performance by judges (such as consolidating a number of pre-trial hearings on discovery into a single omnibus hearing, utilizing prepared bench-books, and modified procedures to eliminate excess continuance request hearings).
- Assigning the performance of the task as part of a general transfer of management and administrative responsibilities to the office of court administrator or executive (such as jury management, pre-trial release activities, information system operation, and caseflow management).

The mechanisms used in the trial courts surveyed appear as diverse as the courts themselves. During the on-site visits over 130 individual programs were explored with court personnel. Some of these programs involved little more than the reassignment of the responsibility for tasks from a judge to the judge's bailiff or secretary, other programs required statutory authority and substantial and continuing funding for their operation. This section of the report presents a discussion of some of the more significant and interesting programs in the trial courts. Summary descriptions of some of the individual mechanisms used in specific jurisdictions may be found in Appendix D of this report.

Programs to Improve Caseflow Management

Almost all of the trial courts surveyed which had active programs to reduce non-adjudicatory time demands on judges were attempting to accomplish that goal by improving caseflow management. It is believed in those courts that a more efficient and effective flow of cases through the courts, from initial filing to final disposition, will optimize the use of judicial resources. Accordingly, the courts have established a variety of programs, each designed to eliminate or reduce the inefficient use of judge time. The programs include the following techniques:

- A. Holding omnibus hearings: In order to reduce the number of times a trial judge must hold separate courtroom hearings in individual cases to consider motions or questions of discovery some courts are utilizing consolidated motion or omnibus hearings*. During such sessions there is a "batch" approach taken to the presentation of motions and other pretrial procedural matters calling for judicial rulings. This process enables the judge to consider related case material at the same time, reduces the need for multiple court appearances each requiring the judge's presence and enhances the conduct of the trial itself by providing for the early consideration of matters which may delay the trial with a consequent inefficient use of the judge's time.

* See Standards Relating to the Administration of Justice, Discovery and Procedure Before Trial, "Omnibus Hearing", American Bar Association, 1974.

B. Instituting Continuance Controls: Many jurisdictions have established a strict continuance policy to reduce both the number of requests for continuances of court appearances and the number of continuance requests which are granted. As a result of the implementation of such a policy, the courts have found that there can be a significant reduction in the time trial court judges spend in hearing continuance requests and in the often ineffective use of their trial courtroom time because of continuances. Almost all the courts visited which have instituted such continuance controls have centralized the continuance request process in the hands of the presiding or chief judge. In addition to a requirement that all requests be made to the presiding judge, some courts have also given the office of the court administrator authority to approve continuance requests made well in advance of the scheduled trial date. In order to support the presiding judge in considering continuance requests, many courts have established extensive data collection and information reporting systems which present such data as the number of previous continuances for each case, reasons given for previous continuances, age of cases (particularly important in those jurisdictions with "speedy trial" rules), and in some courts the presiding judge reviews data concerning an attorney's or law firm's history with respect to continuances. Using such information the presiding justice can make an informed judgment regarding continuance requests.

C. Maintaining Attorneys and Parties on Call: A variety of techniques are being employed in the trial courts to reduce the delays which result after the end of trials because of the need to assemble the attorneys, parties and witnesses for the next scheduled trial. The delays in some courts can result in considerable lost time, not only for the trial judges but also for other courtroom support personnel, i.e., clerks, bailiffs and reporters. In general, the mechanisms being used involve a three step trial scheduling system. In the first step, trials are scheduled several weeks in advance usually for a specific week. As the designated week approaches, and if

there has been no settlement of the case prior to trial, the attorneys are notified of the day, for which the trial is scheduled. In many courts the clerk's office will check with the attorneys on the day prior to the trial date to confirm readiness to proceed and, if so, to inform the attorneys that they will be on "telephone alert" on the following day. The "telephone alert" is the third step in the on-call process.

An attorney, or party, on such an alert status must agree (in some cases under threat of the contempt power) to report to the courthouse ready to proceed with the scheduled trial within a specified time after receiving a telephone call from the clerk's or court administrator's office. Although the time between the telephone notification and the start of trial varies in the jurisdictions visited, it was most often one or two hours, although in one court attorneys were required to appear within 20 minutes of a call. Such calls are made prior to the termination of the previous trial so that a smooth flow of cases are presented to the trial judge, virtually eliminating courtroom waiting time. In some jurisdictions if a case, with its participants on a telephone alert status, cannot be reached on the scheduled date, the alert status is lifted and another trial date is scheduled in consultation with the attorneys. The jurisdictions visited which employed an "on-call" system did not "trail" (or carry cases from day-to-day awaiting the end of a previous case) and those cases not reached for trial on the scheduled day were rescheduled for a later date.

- D. Reducing Required Court Appearances: A variety of unopposed motions and petitions are often filed by attorneys with the trial courts. In many courts each such motion requires the trial court judge to listen to oral argument and then present his or her judgment, usually allowing the motion or petition. In order to reduce such courtroom hearings, requiring the judge to be present for oral argument, several jurisdictions have

instituted programs which no longer require bench or court appearance time. Under these programs, uncontested petitions or motions (with the agreement of both parties) can be decided without oral argument or judge bench time, on the basis of the written motion itself.

Some courts have tried to reduce the bench time of their judges by attempting to eliminate oral argument even on contested motions by having the attorneys submit written briefs with their filed motions. The judge then decides the matter on the basis of the written material. In one jurisdiction visited, if the judge requires additional information in such a case, he requests the clerk to telephone the attorneys and furnish whatever may be required. In other jurisdictions, the judge himself utilizes the telephone to confer with the attorneys or parties. Of course, as a result of the use of these techniques, all of those others who would otherwise be required to appear in the courtroom have additional time available for other matters.

- E. Improved Personnel Training: In order to increase trial court judges effective use of their time, many of the jurisdictions have initiated or expanded judicial personnel training programs. Such courts have placed increasing emphasis on court management and administration in the training program for their judges. In addition, the courses generally include descriptions of resources which are available to the trial court judge to reduce the time he or she must spend in performing non-adjudicatory tasks. Increasingly such resources include "bench books" for the use of the judges. Such books are compendia of useful information, legal, procedural and administrative which, in compact form, present the judge with data which if not so available, would require extensive research activity by the judge. The training programs also emphasize the role of the court administrator as a resource to the judge in performing supporting management and administrative tasks.

Judicial training programs are being held both "in-house", within the jurisdiction, and at the outside training facilities operated by the National Judicial College (formerly the National College of the State Judiciary) and the Institute for Court Management. In some cases, regional and state training facilities are available for trial court judicial training.

- E. Internal Organizational Changes: Some jurisdictions have taken the approach of making internal court organizational changes to accomplish activities otherwise required of the trial court judges. The organizational changes may result in the transfer of responsibility of a task to other non-judicial personnel, as in the court which established teams of clerk's office personnel to maintain telephone contact with attorneys, re-scheduling cases as required and keeping cognizance over the completion of procedural steps in case movement. In another court a relatively small committee of judges was assigned responsibility for court administrative activities which formerly required the participation of all of the court's judges. In other jurisdictions the management of the juror pool has been assigned to non-judicial personnel and juror orientation, formerly requiring the personal appearance of a judge, is now accomplished through a video tape program shown to new jurors.

In several courts visited, responsibility for case scheduling has been assumed by the court administrator's office and the judges role in that activity has been reduced to a minimum.

- F. Improved Information Systems: In some of the visited jurisdictions, trial court judges have, in the past, been required to perform a variety of "administrative" tasks in addition to their individual responsibilities. Such activities may include preparing reports concerning case status, dictating letters to attorneys with regard to case scheduling matters, reviewing pending case files for possible dismissal candidates, maintaining individual calendar listings and schedules, calculating payments to court appointed attorneys and maintain^{ing} juror records. In those jurisdictions, there have

been active programs to reduce the administrative burden on the trial court judge through improvement in the information and data support available to the court. Such improvements have often taken the form of computerized or "automated" data processing systems which prepare case aging and scheduling reports, provide detailed juror management information, maintain court dockets and attorney information, prepare court statistical data, keeps track of restitution and support payments and provide other information, either directly to the judge to make his or her administrative tasks easier or to the court administrator or other support personnel to relieve the judge of some of the administrative tasks. Other court information system improvements which have been initiated have taken the form of improvements to the court's manual information systems through improved processing procedures, forms design, transfer of responsibility to the court administrator and improved report formats. Each of these steps have been designed to reduce the time the judge must spend in acquiring and using needed information relating to non-adjudicatory tasks.

- G. Additional Administrative Support: The establishment of the office of court administrator in the trial courts has been a significant factor in the reduction of the time that judge must devote to non-adjudicatory activities. In those courts visited where such positions had been created, the court administrator had been assigned a wide variety of administrative duties formerly performed by the presiding judge of the court or by the individual judges. Included in those duties transferred to the court administrator (and his or her staff) from judicial personnel were: case scheduling, preparation of the court's budget, suggesting improved court operating methods and procedures, performing long-range planning, personnel management, drafting new or modified court rules, public relations, space and equipment management, caseflow management, maintaining pre-trial release programs, preparing applications for funding for court improvement programs and juror management.

Court administrators (and their staffs) in many of the trial courts visited have also taken over responsibility for many clerical and secretarial duties formerly performed by the judges themselves. Such duties have included making travel arrangements, typing court documents or trial reports, notifying attorneys and litigating parties of schedule changes and case status.

In some trial courts, the court administrator or executive has received formal training through such educational institutions as the Institute for Court Management, while in others, the court clerk has been given the additional responsibilities associated with providing administrative support to assist the judges by reducing their non-adjudicatory task load. Whether the court administrator was formally trained or not the judges interviewed during the research survey reported that the services provided by the court administrators were a major factor in, not only allowing them to concentrate on their judicial duties, but also in improving the effectiveness of overall court operations. It appeared in some courts that presiding judges would, whenever possible, shift the responsibility for administrative and other non-adjudicatory tasks to the court administrator.

- H. Improved Trial Court Procedures: Some of the courts visited during the research survey effort maintained an on-going activity of internal examination of court procedures. The activity was usually performed by the court administrator or court executive and was aimed at the development of new procedures which will make more effective use of trial court judges' time as well as improving the way the court achieves its functional responsibilities. Such improved procedures often result in organizational changes which significantly reduce the time involvement of the trial court judge. In one court, the improved procedure involves an upgrading of clerks office personnel with respect to their relationship with both litigating attorneys and with the judges. Such personnel now perform work formerly only performed by the judge including ascertaining

prospects for settlement, determining case status and maintaining close contact with the attorneys with regard to the progress of filed motions and other procedural matters. In another court, the internal examination revealed that the mandatory pre-trial conference between the parties and the trial judge, on the day of the trial rarely resulted in a hoped for settlement, but did require a considerable amount of judge time. A revised procedure eliminated the mandatory conference and thereby enabled the judges to devote more of their time to trial activities.

In several jurisdictions an improved procedure for the handling of pre-trial release activities has been instituted under the control of the court administrator. The trial court judges are relieved of the responsibility for making the majority of pre-trial decisions under these programs. Operating through an "office of pre-trial commissioner" or through "recognizance officers" under the new procedures such decisions are made at the time of booking at the police department, sheriff's office or jail without the previously required multiple court appearances each requiring the presence of the judge in the courtroom.

Programs Utilizing Legally Trained Personnel

The use of legally trained personnel (excluding private attorneys) to assist judges in accomplishing judicial responsibilities is fairly widespread among the courts and jurisdictions surveyed during the research effort. The personnel used range from senior students in local law schools performing legal research to the employment of magistrates used to assume responsibilities which have traditionally been the sole province of a trial court judge.

In many jurisdictions, the position of law clerk has been established in order to support the trial court judge. The clerks, appointed usually for a limited term of one or two years are typically recent law school graduates who have not yet passed the bar examination. In some trial courts each judge is assisted by a law clerk (sometimes also used as a bailiff) while in others a group of law clerks support the entire bench as required in accordance with

requests from the individual judges. Among the activities performed by the law clerks, activities which had previously been performed by the judges themselves are: legal research, reviewing motions and briefs, drafting reports and opinions, keeping calendar cards (in courts with individual judge calendars), assisting the judge in completing administrative and clerical tasks, telephoning attorneys, preparing jury instructions, gathering statistics and other tasks requested by the trial court judge. The use of legally trained law clerks has been considered a very effective means of relieving the trial court judges of many non-adjudicatory tasks and the programs were highly regarded by those courts and jurisdictions where they have been established.

A variety of other trial judge responsibilities have been assigned to legally trained personnel within the trial courts. In one court, the responsibility for dealing with collective bargaining of court employees has been the responsibility of a non-judicial legally trained labor negotiator. Formerly, the judges acting by committee conducted labor negotiations. In another court, legally trained personnel assigned to the court administrator's office have been given the function of hearing requests from potential jurors to be excused from jury duty. That function formerly required a considerable amount of judge time to complete.

A major attempt to increase the availability of judges' time for the conduct of trials has been the utilization of a new quasi-judicial position often called a magistrate to assist the judges. Under the Federal Magistrates Act^{*1} the position was established to handle court functions "...which while important, are comparatively routine and not of a nature that requires them to be performed ... by a judge."² State statutes have, in some states, also provided for the position of magistrate in the state trial courts³.

^{*1} 28 U.S.C. § 631 (1970).

² Hearings before the Subcommittee on Improvements in Judicial Machinery of the Senate Committee on the Judiciary, on S.945, 90th Congress, 1st Session (1967), p. 11.

³ See for example Massachusetts G.L. providing for "Special Magistrates".

Magistrates are authorized to perform a wide variety of duties in pre-trial and discovery proceedings in both civil and criminal actions. In general⁴, magistrates have the power to conduct trials of minor and petty offenses, to administer oaths and affirmations, impose conditions of release, take acknowledgments, affidavits, and depositions, and to perform additional court delegated functions. In addition, in the federal courts, the magistrates are authorized⁵ to perform the duties of the old Federal Commissioner position in minor criminal proceedings, pre-trial release arraignments and trial and sentencing.¹ In a state court (Massachusetts) Special Magistrates are authorized to perform such functions as presiding at arraignments, setting bail, assigning counsel, supervising pre-trial conferences, making and reporting findings to the trial judge. The actual use of the magistrates to relieve the trial court judge of non-adjudicatory tasks is, apparently, dependent on the local court rules and customs, particularly in the area of civil actions. In some courts, the magistrates act as special masters, prepare pre-trial orders, conducts hearings at the request of parties, hold pre-trial conferences, consider all motions related to discovery and assist the judges in preliminary review and pre-trial processing of petitions and complaints.⁶

⁴Bieher, S. M., "United States Magistrates: Additional Duties in Civil Proceedings", Case Western Reserve Law Review, Vol. 27, No. 2, Winter 1977.

⁵See Letter from R. F. Kirks, Director, Administrative Office of the U. S. Courts to all Federal Judges and U.S. Magistrates, dated March 23, 1977 enclosing a listing of duties which may be assigned to U.S. Magistrates for a full list.

⁶See Section IX Appendix, Sensenich, I. J., "Magistrates Unlimited", presentation to the Judicial Conference for the Third Judicial Circuit of the United States on October 15, 1973 for a sample of magistrate duties as delegated in the federal courts.

While the use of magistrates is a relatively new approach in assisting the trial court judge, particularly in the state courts, it seems to offer a means for accomplishing many tasks generally thought to be judicial in nature without additional judges through the use of such legally trained personnel.

Programs Using Non-Judicial Personnel

To a greater extent than ever before, trial courts are utilizing non-judicial personnel to assist the judges by accomplishing non-adjudicatory activities formerly the responsibility of the judges. These personnel, usually assigned to the office of the court clerk or the office of the court administrator, have included not only court aides, assistants and other permanent employees of the courts, but in some jurisdictions, have also included temporary CETA personnel.⁷ Although there are many areas of court activities in which non-judicial personnel have been involved in assisting judges, in those jurisdictions visited during the research survey there were a number of programs relating to: pre-trial release and indigency determination; consideration of continuance requests; jury management; and consideration of applications for payment from court appointed attorneys.

In many courts the pre-trial release decision and/or the determination of indigency of criminal defendants and the need for appointment of counsel, has now been assigned to non-judicial personnel. Such personnel investigate the status of pre-trial detainees and, in some cases, can appoint defense counsel themselves. In other jurisdictions after a determination of indigency the personnel prepare a recommendation for counsel appointment to a judge who makes the actual selection and appointment of attorney for the defendant. There has also been a considerable reduction in the amount of judge time required in those courts which have non-judicial personnel either make pre-trial release decisions themselves or assist the judge by making recommendations for pre-trial release.

Hearing requests for continuances in the pre-trial process, in many courts, often occupied the time of the trial court judge. In several of the jurisdictions visited the court has authorized the court administrator or other

⁷Local government temporary employees supported by funds under the Federal Comprehensive Employment and Training Act.

designated non-judicial personnel to hear such requests on a routine basis and to consider continuances under a set of guidelines established by the court. Using administrative discretion, the non-judicial personnel in these programs have limited authorization to grant continuances and change scheduled court appearance dates. Any appeals from such decisions must often be taken to the presiding judge.

Many of the administrative procedures in the management of jurors within a court have, in some jurisdictions, also been transferred from the judges to a non-judicial supporting staff. Such activities as juror orientation, consideration of requests for postponement or excuses for non-service and juror payment procedures are being accomplished by the supporting staff. In some courts, the judges either no longer play any role in juror management or have only a minimal involvement through hearing juror appeals from decisions made by the non-judicial staff. In one court, non-judicial personnel conduct the voir dire without the presence of a judge.

There have been other areas of court activity where the non-judicial court staff have been used to assist the trial court judge in performing non-adjudicatory tasks. Arraignments are being held before courtroom clerks in one jurisdiction with only occasional need for judge intervention. Supporting staff are considering payment requests from court appointed attorneys and determining proper amounts of payments. The program has resulted, not only in the reduction in judge effort, but also in greater consistency in payment standards than was true previously when the individual trial court judge determined the attorney payment.

Programs Using Attorneys

Many of the courts and jurisdictions visited during the research effort are using private attorneys, under various working relationships with the courts, to perform tasks which were formerly the sole responsibility of the trial court judges. In order to accomplish this shift of task responsibilities a wide range of organizational structures are being used in the trial courts to accommodate the employment of private attorneys.

At one extreme, some courts have established a more or less permanent organizational entity to provide the means of incorporating the attorney assistance into the everyday routine operations of the court. One court operates a private criminal complaint division where citizen criminal complaints, involving less than \$1,000 and for which the maximum penalty is less than three years imprisonment, can be initially heard by an attorney (called a Trial Commissioner) rather than by a trial judge. Although the hearing attorney cannot impose fines or jail sentences, he often is able to resolve the complaint without a hearing before a judge. Another court has established the office of "Friend of Court Referee in Domestic Relations" staffed by an attorney who is a permanent employee of the court and who assists judges in hearing and dealing with custody and property matters. Although there is a right of appeal for a study de novo by a judge, the program has allowed judges to handle other work and who are relieved of many routine investigating tasks. Small claims cases are handled on a routine basis by a private attorney in one court. The attorney resolves such claims on a regular weekly schedule, however, appeals to a trial judge can be taken. In each of these examples the private attorney has been integrated into the court organization and may perform the assigned tasks on a virtual full-time basis.

Often private attorneys volunteer their services to trial courts for limited appointments to commissions and panels established to assist the court in dealing with specific types of cases which need to be examined for possible elimination from the trial court calendar. These cases may include medical and legal malpractice claims, traffic and labor disputes, domestic relations, zoning, mental health and custodial cases. In one court a panel of attorneys will seek to limit and manage the civil discovery process prior to the involvement of the trial judge to relieve the judge (and the parties) of the sometimes massive and costly effort of resolving discovery motions and in complying with discovery orders.

Attorneys have, for many years, assisted the trial courts by accepting limited appointments (one case) as masters, arbitrators, and hearing officers in civil matters before the court. Such activities may involve fact finding, mediation, decision and award and may cover such substantive legal areas as

small claims; contract, tort and negligence actions; smaller personal injury and property damage cases; domestic relations; zoning; support cases; and other civil disputes. The attorneys are usually chosen from a list of available lawyers for such appointments, are typically paid by the parties on a daily basis (although many attorneys serve without any monetary compensation) and may serve more than once during the year. Some attorneys are placed on panels of hearing officers or arbitrators while others hear the cases on an individual basis.

In some jurisdictions, private attorneys are used not only as masters and arbitrators in civil cases, but may also act as hearing officers in the juvenile courts where they perform fact finding and attempt to resolve juvenile matters before they must reach a trial judge for trial and disposition.

The use of private attorneys in the trial courts to relieve trial judges of a variety of tasks is a widespread practice. They have often been assigned functions which are quasi-judicial in nature, however, the court usually maintains a close supervisory overview of the attorneys' activities. The jurisdictions visited generally reported outstanding success and usefulness of such programs in allowing their judges to make more effective use of their time in trial and adjudicatory activities.

Other Programs Designed to Reduce the Non-adjudicatory Duties of Judges

A few courts among those surveyed reported that they had changed to a master (or central) calendar system⁸ for the assignment of cases to the trial judges. This was done to eliminate the paper and administrative work required of the judges under an individual calendar system where the judges must maintain their case schedules, contact attorneys, and keep informed as to case status. Many courts, however, reported that the individual calendar system was far more effective in operation than was the master (or central) calendar and that the administrative burdens on the trial judge were not felt to be significant. Those courts strongly indicated that they would not consider changing the case assignment system.

⁸See Solomon, M., "Caseflow Management in the Trial Court", American Bar Association Commission on Standards of Judicial Administration, Support Studies-2, 1973, for a discussion of various case assignment systems

Some courts are utilizing automated legal research techniques, computer aided transcription of trial transcripts and audio visual devices to make the courts more efficient in the uses of trial judges' time. Such use of technology does not, however, appear widespread in the trial courts and the number of judges served seems quite limited.

Environmental Considerations

The development and implementation of programs to reduce the time demands made on judges in the trial courts to perform non-adjudicatory tasks has been more successful in some courts than in others. It became evident to the research team that a significant element in the success or failure of such programs is the environment of the court or jurisdiction in which they are introduced. Discussions with trial court judges, presiding judges and court administrators lead to the strong belief among the research team that the hospitality of the court environment to change and proposed improvements is one of the key factors in the successful introduction of a judge effectiveness improvement program.

The atmosphere of the trial court environment is, to a great extent, itself determined by the personalities of the chief or presiding judge and the court administrator and by their relationship. Almost all of the improvement programs and techniques currently in use in the trial courts visited and summarized in this report have been implemented, not in response to legislative mandate (such as the speedy trial laws or the Federal Magistrate's Act), but to meet a specific need identified by the trial court or jurisdiction. Often the recognition of the need to reduce the time judges must spend on non-adjudicatory tasks follows complaints by the judges to the chief or presiding judge. In other cases, it is during an attempt to improve the operations of the court or jurisdiction, that the court administrator recognizes the potential gain in bench time available through a reduction of the non-adjudicatory tasks required of the judges. In any event, the identification of the need for improvement in judge time availability is only a first, though clearly a necessary, step on the path to implementation of a program to accomplish that improvement. That path may include the additional steps of developing the program concept, planning, securing necessary resources,

training personnel, issuing court rules or orders, holding discussions with judges, attorneys, clerks or other participants, changing procedures, issuing new forms, pilot testing, program evaluation and modification. In the courts visited, these additional steps were carried out only through the strong support of the chief or presiding judge. Without an environment containing such strong support it would have been virtually impossible to achieve full program implementation according to many court personnel interviewed in the course of the research effort. The supporting environment in many of the trial courts successfully implementing programs included: inclusion of the program in court budgetary requests; emphasis of the program's importance in discussions between the presiding judge and the other judges; delegation of sufficient authority to the court administrator, clerk or other person directly responsible for program implementation, and evidence of judicial support in meetings with the bar, prosecutors, law enforcement officials and others involved in program operations.

In many program implementation efforts the court administrator played a major role both in identifying the problem area and in designing and carrying out a program to reduce non-adjudicatory time demands on the trial court judges' time. Where the court administrator has (1) the support and backing of the presiding or chief judge; (2) the initiative and resolve to carry out the introduction of a change in court operations; and (3) the authority and resources necessary for implementing the program it is generally believed that the court environment is thereby properly hospitable for a successful program introduction.

In trial courts where the presiding judge evidences little interest in administrative or non-judicial activities or whose personality clashes with that of the court administrator, the court environment may be less than satisfactory for a program of attempted improvement in judge effectiveness. The same poor environmental conditions can be found in jurisdictions where the court administrator is content to merely maintain the traditional administrative operations of the court and is not actively pursuing the goal of court improvement.

It seems important, therefore, that before any improvement program project is attempted, that both the court administrator and the presiding judge define their own roles and objectives so that a hospitable court environment can be developed and maintained for the best chance of new program success,

APPENDICES

APPENDIX A

Survey Questionnaire

THE MITRE CORPORATION

BEDFORD, MASSACHUSETTS 01730

29 September 1978

W57-491

Dear Colleague:

The enclosed brief questionnaire was prepared as a part of a national study of the ways trial courts are trying to reduce the time judges must spend on non-judicial tasks. The study is being conducted by the non-profit MITRE Corporation under a grant from the National Institute of Law Enforcement and Criminal Justice of the Law Enforcement Assistance Administration.

The study, through the assessment of current techniques being used by the trial courts, is intended to provide useful data to court administrators, chief and presiding judges, LEAA planning agencies and others concerned with court administration, management and improvement.

We hope you will take the time required to complete the questionnaire which was designed to learn about those activities that may be currently underway (or planned) in your court or jurisdiction. The information which you and the other respondents provide will form the initial factual data base for the nationwide study and will help the research team select those courts and jurisdictions with programs of special interest. After you have completed the questionnaire, please return it in the prepaid self-addressed envelope provided.

Your assistance is needed and your questions and comments will be welcomed. The project director, Burton Kreindel, Esq. would be happy to speak with you. He can be reached at (617)271-3083.

Your completed questionnaire can be of the most benefit to the study if it is returned within two weeks of its receipt.

Thank you for your help.

National Advisory Committee

Harvey E. Solomon
Institute for Court Management

Honorable Kenneth N. Chantry
National Conference of Metropolitan Courts

Julia A. Newman
National Association of Trial
Court Administrators
Judicial District Administrator

Ralph Kleps
Court Management Consultant

Wantland L. Sandel, Jr.
Division of Judicial
Services Activities
American Bar Association

THE MITRE CORPORATION

BEDFORD, MASSACHUSETTS 01730

September 29, 1978

Programs to Reduce the Time Judges

Must Spend on Non-Judicial Tasks

Many trial courts have instituted programs to increase the time available to their judges for accomplishing judicial tasks by reducing the amount of judge time required for tasks generally regarded as non-judicial (i.e., those non-adjudicatory tasks which do not, under statute or court rule, require a judge's decision or the exercise of his or her powers of judicial discretion, including administrative tasks, case and courtroom assignment, office management, preliminary case or juror orientation waiting time and other routine functions and activities). The questions below ask you to describe any such programs which you may have in your court or jurisdiction.

If your court or jurisdiction has set up (or is planning to institute) a program (or programs) to reduce the time judges must spend on non-judicial tasks, please complete Category A and B below. If not, please turn to Category B and complete the brief set of questions listed there.

I. Category A (Current or Planned Programs)

1. Which of the following techniques have been used or planned for use by your court or jurisdiction? (Include only those which have at least the objective to reduce the non-adjudicatory tasks required of trial court judges.)

<u>Program</u>	<u>Used</u>	<u>Planned</u>
a. <u>Use of Attorneys</u>	()	()
Attorneys employed as masters, arbitrators, hearing officers, panel members, etc.		
b. <u>Use of Non-Judicial Personnel</u>	()	()
Non-judicial court personnel used to conduct routine court activities such as arraignments, appointing counsel for indigents, granting continuances, etc.		

<u>Program</u>	<u>Used</u>	<u>Planned</u>
c. <u>Use of Legally Trained Personnel</u>	()	()
Legally trained personnel used to assist judges in such activities as legal research, preparation of jury instructions, data gathering, etc.		
d. <u>Change of Master Calendar</u>	()	()
Replacing individual judge calendars with a master calendaring system for judicial case assignments.		
e. <u>Improved Caseflow Management</u>	()	()
• Conducting omnibus hearings	()	()
• Instituting continuance controls	()	()
• Maintaining attorneys and parties on call	()	()
• Reducing required court appearance for unopposed motions and petitions	()	()
• Improved personnel training and management including procedural manuals, bench books, etc.	()	()
• Internal organizational changes	()	()
• Improved information systems	()	()
• Redistribution of administrative responsibilities	()	()
• Additional clerical and administrative support including creation of a court administrator's position	()	()
f. <u>Other</u>	()	()

How successful do you think each of the programs now operating have been in achieving its objectives? (CHECK ONE FOR EACH PROGRAM)			Who has or had the principal responsibility for the implementation of each of the programs? (CHECK ONE FOR EACH PROGRAM)				
Program	Very Successful	Moderately Successful	Minimally Successful	Judge	Court Administrator	Court Clerk	Other
a. Use of Attorneys							
b. Use of Non-Judicial Court Personnel							
c. Use of Legally Trained Personnel							
d. Use of Master Calendaring System							
e. Improved Caseflow Management							
f. Other							

If funds in addition to court resources were required to implement the programs, please indicate the source of additional funds. (CHECK AS MANY AS APPLY)	Have any of the programs which originated in your court or jurisdiction been later adopted by other courts or jurisdictions? (CHECK ONE)
--	---

<u>Program</u>	State Funds	County Funds	Municipal Funds	LEAA	Other	None Required	Yes	No	Unknown
a. Use of Attorneys									
b. Use of Non-Judicial Court Personnel									
c. Use of Legally Trained Personnel									
d. Use of Master Calendaring System									
e. Improved Caseload Management									
f. Other									

52

II. Category B (Your Court or Jurisdiction)

1. How many full-time judges are currently sitting in or assigned to your court or jurisdiction? (CHECK ONE)

- none 3-4 16-25
 1 5-9 26-39
 2 10-15 40 or more

2. How many judges are currently sitting in or assigned to your court of jurisdiction only part time? (CHECK ONE)

- none 3-4 16-25
 1 5-9 26-39
 2 10-15 40-or more

3. How large is the population served by your court or jurisdiction? (CHECK ONE)

- Over one million 100,000 - 499,999
 500,000 - 1,000,000 25,000 - 99,999
 Less than 25,000

4. How many criminal filings occurred in your court or jurisdiction in 1977? (CHECK ONE)

- Over 5,000 500 - 999 Less than 100
 1,000 - 4,999 100 - 499

5. How many civil filings occurred in your court or jurisdiction in 1977? (CHECK ONE)

- Over 5,000 500 - 999 Less than 100
 1,000 - 4,999 100 - 499

6. What is the jurisdiction of your court? (CHECK ONE)

- General Jurisdiction Limited Jurisdiction

7. What is the name of your court or jurisdiction?

8. What is your name, title or position, address and telephone number?

Area Code () - _____

9. Would you be interested in receiving an invitation to attend a presentation of the results of this study? (CHECK ONE)

- Yes No

APPENDIX B
Mailed Questionnaire Respondents' Comments

This section summarizes many of the comments or observations offered by the respondents to the questionnaire. Some of the comments described other programs as identified in Section F of Question 1 of the questionnaire. Others were unsolicited comments including observations about the effective utilization of any program of effectiveness improvement. In addition, there were some general comments relative to the questionnaire.

A. The following listing includes some of the "other" programs reported in the questionnaire response which are currently in use in courts to reduce the time judges must spend on non-adjudicatory tasks:

- computer-aided transcription, docket control, jury management
- automated legal research
- sentencing guidelines
- apply sanctions for the cancellation of jury trials on short notice
- daily motion calendar for matters requiring less than 5 minutes of time -- "implemented on a first come, first serve basis"
- crash program on criminal docket backlog
- magistrate function performed by court clerk/administrator -- arraigning and sentencing on traffic and other offenses outside the penal code
- track and team calendaring system -- "reduced delay from arraignment to preliminary hearing from 8 months to 3-1/2 months in court of limited jurisdiction and reduced delay between arraignment and trial from 7 months to 3-1/2 months in court of general jurisdiction. Formerly there were separate judges for civil and criminal cases, now each judge hears both types of cases with two overflow master calendaring judges."
- video taped deposition (of 70 taped only 2 had to be shown to court or jury)
- arbitration (panel of 3 attorneys) -- "terminated 200 cases"
- juror orientation, jury management

- computer-based information system for all users of criminal and civil courts
- video taped trials and testimony
- strict courtroom discipline with regard to time
- periodic non-jury weeks to handle motions, pre-trials, and to set calendars for trials of cases at times mutually convenient to all parties
- director of court services handles all non-judicial and staffing activities
- appellate pre-argument conferences

B. The responses also include reference to the following planned programs:

- development of a multi-court, multi-circuit automated jury selection system
- full-time court commissioner to assist hearing of traffic cases, bail hearings, juvenile detention, probable cause hearings in mental and alcoholic cases
- experimental calendar procedure wherein time limits are imposed on filing answers, motions, initial trial dates and the length of one continuance
- citizen dispute settlement program using a "dispute board" or arbitrating panel to address dispute between parties
- consolidation of municipal courts and possibly unification with the Supreme Court
- uniform local or perhaps statewide court rules
- misdemeanor release program with telephone tracking system to reduce jail overcrowding and failures to appear for court dates

C. Included in the comments received on the mailed responses were the following:

- "Individual calendar is the rule in Ohio and is well liked. It clearly fixes responsibility for a case."
- "In Texas - juror orientation, arraignments and appointing counsel for indigents are judicial functions."

- "I cannot envision that this survey applies to any but the smallest courts. All judges in this court spend full-time on judicial tasks only. Most programs mentioned are already in use, not to reduce the non-ajudicatory tasks required of trial court judges, but rather to make their judicial time more efficient and productive."
- "Given support of the legislature, many of the above (programs) would be desirable. Without funding, it cannot be done."
- "The main source of income is from local sources. Federal taxation has dried up sufficient funds to operate courts. This causes a constant battle between local budget committees and the courts. Considerable valuable court time is spent explaining why the funds are needed to improve the court's efficiency."
- "99% of the above (programs) require State funding which the legislature does not agree to. To the contrary, they strip us of court personnel to the "skeleton force" and all court personnel including judges work overtime, without compensation of ANY kind, to meet the needs -- EVERYTHING including public relations, all non-judicial demands, the news media, mental health programs, etc."
- "I have a heavy caseload and share the entire administrative responsibility with another district judge. I have no non-judicial personnel nor even a clerk. It's tough, but I manage by working all the time."

APPENDIX C

Preliminary Survey Results-Statistical Analysis

This Appendix presents the results of a preliminary statistical analysis utilizing the chi-square test of some of the responses received during the mail survey effort. Although the analysis did not lead to conclusive results and, therefore, no full analysis was undertaken, the data is presented to indicate possible approaches to the study of the court time improvement programs utilizing mailed survey questionnaire responses and statistical methods.

A review of the data contained in Section III suggested several possible relationships between the responses to individual questions. This appendix presents a brief analysis of these observed relationships and the results of the statistical testing (chi-square) used to support the validity of such relationships. In general, this investigation attempts to assess the relationships between mechanisms currently employed in the trial courts to increase the effective utilization of judges' time (responses to questions of Category A) and the court characteristics as identified in Category B.

1. Success of Program and Person Principally Responsible for Program Implementation

Table 12 shows the responses to the question concerning the degree of program success arrayed by the person(s) principally responsible for implementing the program. The table entries include only those programs where the respondent indicated both his assessment of the program's success and the person(s) principally responsible for the program's implementation.

Table 12
Program Success vs. Program Administrator

<u>Person Principally Responsible</u>	<u>Success Rating</u>			<u>Total</u>
	<u>Very</u>	<u>Moderately</u>	<u>Minimally</u>	
Judge	113	67	9	189
Court Administrator	107	60	5	172
Judge with Court Administrator	48	43	2	93
Court Clerk	11	7	0	18
Other	5	2	0	7
Total	284	179	16	479

Figure 3 is a histogram showing the relative success of programs according to the various program administrators. The relative success of programs where the administrator was not identified is not shown in the figure.

It is apparent from the histogram that there are minimal differences in the relative program implementation success by program administrator as reported by the respondents. The percent of very successful programs ranged from a low of 52% for combined judge/court administrator responsibility to a high of 62% for court administrator alone.

In order to validate these observations, a two-stage chi-square statistical analysis was employed. The first stage tested the null hypothesis: that for all programs there is no difference in program success attributable to the person(s) principally responsible for implementation. The second stage tested a similar hypothesis for the individual programs A through F. The results of the first test indicate that program success and responsibility for implementation cannot be definitely related because the small observed differences can occur by chance more than 50% of the time. Similar results were attained upon testing the individual programs. These chi-square tests indicate that the differences in program success and principal responsibility could occur almost exclusively by chance for Programs D (change to master calendar) and E (improved caseflow management). For all other programs the observed differences could occur between 25% and 80% of the time due to chance. Since the null hypothesis would be rejected whenever the chi-square shows a probability of occurrence of less than 5% due to chance, the statistical findings would indicate, therefore, a possible relationship between the variables tested.

19

APR 20 1950

TABLE 3

MEAN ANNUAL TEMPERATURE VS
LATITUDE IN BOSTON

VS

MEAN ANNUAL

TEMP

TEMPERATURE

MEAN ANNUAL TEMPERATURE VS

2. Use of Programs vs. Number of Full-Time Judges

The frequency with which the respondents of a particular court size used the specific programs identified in the questionnaire is shown in Table 13. The size of the court is measured by the number of full-time judges sitting in that court or jurisdiction. Figure 4 graphically illustrates the relationship between the court size and the use of individual programs. For each program, a histogram identifies the relative percentage of courts in each size category that used the program.

Table 13
Program Use by Court Size (No. of Judges)

<u>Number of Full-Time Judges</u>	<u>Program</u>					
	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>
	<u>Use of Attorneys</u>	<u>Use of Non-Judicial Personnel</u>	<u>Use of Legally Trained Personnel</u>	<u>Change to Master Caneldar</u>	<u>Improved Case-flow Management</u>	<u>Other Programs</u>
0-2	12	11	14	6	24	7
3-4	14	13	13	5	24	3
5-9	22	22	33	23	48	7
10-15	27	15	28	11	37	8
16-25	10	5	17	13	20	6
26-39	9	5	11	7	12	2
40+	9	3	11	9	11	3

NUMBER OF JUDGES.

63

FIGURE 4

Several observations can be made after a study of the table and the histogram. First, as mentioned in Section III, there was a greater overall use of legally trained personnel and mechanisms for improved caseload management by courts without regard to the size of the court. Secondly, it is apparent that there is no relationship between the size of court and the use of Programs E (mechanisms for improved caseload management) and F (other programs). Program E was used by nearly all courts regardless of size. The frequency of implementing other programs (Program F) was low with no marked pattern with respect to court size.

There appears, however, to be a moderate trend toward increased use of attorneys (Program A) and a moderate trend toward decreased use of non-judicial court personnel (Program B) as court size increases. Possibly the greater number of full-time judges sitting in a court results in a lessened need for non-judicial court personnel to conduct routine court activities. There is a marked increase in the use of legally trained personnel (Program C) and the change to a master calendar system (Program D) as court size increases. One would expect that a master calendar system could become a more important tool for managing court schedules as the number of judges and/or the number of cases increases. One may also expect that larger courts, because of the volume of work, have a need for additional legally-trained personnel (Program C). An explanation for the increased use of attorneys and legally trained personnel and decreased use of non-judicial court personnel as court size increases may result from the greater availability of resources in the larger courts.

The chi-square test was again used to test for the possibility of the above observations occurring solely because of chance, by applying the same procedure as described in the preceding section. The null hypothesis, which states that there is no difference between the size of the court and the use of programs, was tested for all programs. The results show that 50% of the time, variations as observed in the sample could have occurred due to chance. However, when the same hypothesis was applied to individual programs, the following results were attained:

<u>Program</u>	<u>Probability of Occurrence Due to Chance</u>
A. Use of Attorneys	12%
B. Use of Non-Judicial Personnel	50%
C. Use of Legally Trained Personnel	Less than 5%
D. Change to Master Calendar	Less than 1%
E. Improved Caseload Management	20%
F. Other Programs	30%

For Program C, use of legally trained personnel and Program D, change to master calendar, the test results indicate that the observed variations in program use by court size rarely occur due to chance. It can be, therefore, assumed that a significant positive relation exists between the use of Programs C and D and the size of court as measured by the number of judges. For the remaining programs, no relationship can be assumed because of the high probability (greater than 5%) of a chance occurrence.

3. Number of Programs Used vs. Number of Judges

The percentages of courts of each size category using between 0 and 6 programs are shown in Table 14.

Table 14
Number of Programs Used by Courts of Varying Size

<u>Court Size</u> <u>No. of Full-Time Judges</u>	<u>Total Number of Programs Used</u>						
	0	1	2	3	4	5	6
	%	%	%	%	%	%	%
0-2	25	15	21	6	27	3	3
3-4	14	7	25	21	29	0	4
5-9	9	4	21	29	29	6	2
10-15	14	11	9	30	14	20	2
16-25	0	5	10	35	30	15	5
26-39	0	0	9	18	46	27	0
40+	20	0	20	7	33	7	13

It was anticipated that larger courts would use more programs to increase the effective use of trial judge's time. A chi-square test of the null hypothesis, which states that there is no difference in the total number of programs used by courts of varying size, was used to confirm the initial observation. The results showed that the above data would rarely occur (less than 5% of the time) due to chance. Therefore, according to the data sample, the test seems to verify that the use of a greater number of programs is associated with the larger courts.

4. Use of Programs vs. Number of Criminal Filings

The respondents who indicated they were currently using programs to reduce the amount of judge time required for non-judicial tasks were grouped by the number of criminal filings recorded by the court in 1977. For each size grouping, the percentage of respondents in that group who currently had specific Programs (A-F) in effect was determined. Figure 5 shows the relative use of each program by courts having varying numbers of criminal filings. For example, 60% of the courts with 5000 or more criminal filings in 1977 used attorneys for non-adjudicative tasks (Program A).

From a review of Figure 5, it appears that there is no clear tendency to use Programs A, B, C, E or F as the number of criminal filings of courts increase. Only Program D (change to a master calendaring system) appears to be positively related to case filings. Twelve percent of the courts with between 100 and 499 criminal filings used Program D as compared to 54% of the courts with greater than 5000 criminal filings. The group of courts with less than 100 criminal filings contained only two respondents; the results for this category are thus biased by the small sample.

The chi-square method was employed to test for possible relationships between the use of programs and the number of criminal filings of a court. The test results indicate that for programs overall, there is no statistically significant difference in program use by courts with varying numbers of filings. For individual programs, the chi-square test yielded the following results:

<u>Program</u>	<u>Probability of Occurrence Due to Change</u>
A. Use of Attorneys	15%
B. Use of Non-Judicial Personnel	60%
C. Use of Legally Trained Personnel	Less than 5%
D. Change to Master Calendar	Less than 5%
E. Improved Caseflow Management	75%
F. Other Programs	90%

For Programs C (use of legally trained personnel) and D (change to a master calendar system), there is a less than 5% probability of these results occurring due to chance. Consequently, this data indicates a high probability of a significant positive relationship between the use of Programs C and D and the number of criminal filings of a court. For Program D, the test result seems to support the initial expectation that there is indeed a tendency for courts with large numbers of criminal filings to use a master calendar system program. The results are weaker for Program C (use of legally trained personnel) because of the small number of respondents with less than 100 criminal filings which had a disproportionate influence on the test statistic.

5. Number of Programs Used by Courts vs. Number of Criminal or Civil Filings

From an inspection of tabulated data, it was also felt that some statistically significant relation might exist between the number of programs implemented by a court and the number of criminal or civil case filings. One would expect that courts with a large number of case filings, i.e., busy courts, might implement more programs to increase the effective use of trial judges' time. To explore this expectation, chi-square tests were performed, testing the null hypothesis that there is no difference between the number of programs implemented and the number of either criminal or civil case filings. While the data shows a slight tendency for "busy" courts to use several programs, the tests indicate no significant relationship between these factors for either criminal and civil filings.

6. Summary

The discussion and analysis presented were concerned with several relationships between the use of programs to reduce the time spent by judges on non-judicial tasks and characteristics describing the courts, such as court size. These relationships were derived intuitively and were tested first by inspection and secondly through the use of the chi-square statistical technique.¹

For those tests which treat the use of programs collectively for each court characteristic, the chi-square showed no real relationship. However, a separate chi-square analysis on the total number of programs used by courts with varying numbers of full-time judges indicated the use of a greater number of programs by larger courts. When the use of individual programs were tested against court characteristics only the following relationships appeared to be significant:

- increased use of Program C (use of legally trained personnel) with a greater number of judges, i.e., larger courts
- increased use of Program D (change to master calendar) with a greater number of judges
- increased use of Program C (use of legally trained personnel) by courts with a greater number of criminal case filings
- increased use of Program D (change to master calendar) by courts with a greater number of criminal case filings

1. It should be noted that the results of these tests may be biased because of the non-random method of selections of the sample population.

APPENDIX D

SELECTED PROGRAM
SUMMARY DESCRIPTIONS

PROGRAMS USING ATTORNEYS

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Use of Attorneys		NUMBER: A.101
TITLE: Attorneys as Masters		
STATE: New York	COURT: United States Second Circuit	
POPULATION SERVED BY COURT: Over One Million	NUMBER OF JUDGES: 40 or More	
CRIMINAL FILINGS FOR 1977: 1,000 - 4,999	CIVIL FILINGS FOR 1977: Over 5,000	

PROGRAM DEVELOPMENT:

The court has planned a program involving the use of attorneys on a voluntary basis after case filing to act as masters to control the discovery process.

The idea was originated by an attorney who suggested it to the second circuit judicial conference. The program was approved by the chief judge. A committee of the circuit council judges' sub-group and attorneys formulated the specific procedures.

PROGRAM DESCRIPTION:

The program will operate by having "high level" attorneys from major law firms meet with the parties in order to limit and manage the discovery process. The attorneys would be volunteers, uncompensated by the parties and limited to discovery considerations.

The program evaluation is being funded by the Office of Improvement of Judicial Administration (\$10,000 grant) and the Ford Foundation (\$17,000 grant).

The chief objective of the program is to reduce both the load of discovery on the litigants and on the judges who must hear discovery motions and review evidence.

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Use of Attorneys		NUMBER: A.104
TITLE: Attorneys as Hearing Officers		
STATE: Kansas	COURT: 29th Judicial District	
POPULATION SERVED BY COURT: 100,000 - 4999,999	NUMBER OF JUDGES: 10-15	
CRIMINAL FILINGS FOR 1977: 500-999	CIVIL FILINGS FOR 1977: Over 5,000	

PROGRAM DEVELOPMENT:

The court has employed an attorney to hear and decide small claims cases.

The program originated with the administrative and other judges who had no interest in handling small claims cases.

PROGRAM DESCRIPTION:

One attorney, chosen by the court, is paid \$75 each week to sit and resolve small claims during the once a week small claims session.

The attorney has been used under the provisions of a statute which provides that a pro tem member of the bar can be appointed "in the absence of a judge".

In most cases there are no appeals, although the decisions of the attorney can be appealed to a regular judge.

Funds for the program come from the county budget.

The program has been in force for several months.

The program has been well received and has not only reduced the workload of the judge but has also relieved the work of the clerk in helping small claimants.

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Use of Attorneys		NUMBER: A.105
TITLE: As Trial Commissioner		
STATE: Pennsylvania	COURT: Common Pleas Philadelphia County	
POPULATION SERVED BY COURT: Over One Million	NUMBER OF JUDGES: Over 40	
CRIMINAL FILINGS FOR 1977: Over 5,000	CIVIL FILINGS FOR 1977: Over 5,000	
PROGRAM DEVELOPMENT: Private criminal complaint division was established in July 1970 for the Municipal Court of Philadelphia.		
PROGRAM DESCRIPTION: The Municipal Court operates a private criminal complaint division. These are complaints where the amount in controversy is less than \$1,000 and the maximum possible imprisonment is three years. These cases originate from complaints filed by private citizens. Lawyers are not essential to these proceedings and the court is conducted informally in non-legal language. It is presided over by a lay Trial Commissioner appointed by the President Judge of Municipal Court. The Trial Commissioner cannot impose fines or jail sentences, but can and does help the parties come to terms with each other. Also the Trial Commissioner can assign the case to binding outside arbitration, if the parties consent. If the parties cannot reach an agreement and do not wish to go to binding arbitration, the Trial Commissioner can list the case for a hearing in Municipal Court, approve a withdrawal of prosecution, or dismiss a case for lack of prosecution.		

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Use of Attorneys		NUMBER: A.106
TITLE: Attorneys as Hearing Officers		
STATE: Michigan	COURT: Third Judicial Circuit	
POPULATION SERVED BY COURT: Over One Million	NUMBER OF JUDGES: 26-39	
CRIMINAL FILINGS FOR 1977: 1,000 - 4,999	CIVIL FILINGS FOR 1977: Over 5,000	
PROGRAM DEVELOPMENT: The court has for sometime (before 1970) been operating a program involving the use of an attorney as a "Friend of Court Referee in Domestic Relations".		
PROGRAM DESCRIPTION: The attorney who is a permanent employee of the court is paid through the county budget and receives between \$32,000 and \$36,000 annually. The Friend of Court Referee in Domestic Relations has been given limited powers by the court to assist judges in hearing and dealing with custody and property matters. The program was established to allow the judges to handle additional work and to relieve them of many routine investigatory tasks. Although the parties generally follow the findings of the referee, there is a provision for a study <u>de novo</u> by a judge of the matter if the parties disagree with the findings.		

Site Visits

PROGRAM CATEGORY: Use of Attorneys		NUMBER: A.108
TITLE: Attorneys as Mediators		
STATE: Michigan	COURT: Third Judicial Circuit	
POPULATION SERVED BY COURT: Over One Million	NUMBER OF JUDGES: 26-39	
CRIMINAL FILINGS FOR 1977: 1,000 - 4,999	CIVIL FILINGS FOR 1977: Over 5,000	
PROGRAM DEVELOPMENT: Since 1971, the court has operated a system of using attorneys as mediators in civil cases.		
PROGRAM DESCRIPTION: The program utilizes panels of mediators (2 attorneys and a judge for cases \$20,000 or over in damages, 3 attorneys in cases under \$20,000) to hear the evidence, issue findings and make awards. The attorneys, who must have at least five years experience, are chosen by both the parties and the judges and are paid by the parties (each party pays \$45 per case and each lawyer receives at least \$75). If a party appeals for a trial before a judge and jury and rejects the panel's award, he is penalized unless the final award is 10% greater than the panel's award. The program has been well received and will reduce the judge time required to hear cases of less than \$20,000 in damages.		

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Use of Attorneys		NUMBER: A.111
TITLE: Attorneys as Masters		
STATE: Massachusetts	COURT: Superior Suffolk County	
POPULATION SERVED BY COURT: Over One Million	NUMBER OF JUDGES: Over 40	
CRIMINAL FILINGS FOR 1977: Over 5,000	CIVIL FILINGS FOR 1977: Over 5,000	
PROGRAM DEVELOPMENT: The court has faced long delays in completing its civil business and since 1955 has turned to the use of attorneys to reduce the time spent by judges in hearing and determining questions of fact prior to trial.		
PROGRAM DESCRIPTION: The program is authorized by statute and is monitored by a committee of judges who compile and maintain a list of attorneys eligible for selection as masters. The candidates for the list consist of retired judges and attorneys proposed by the bar association. Additional names can be added by agreement of the parties but final appointment is made by the judge hearing the case. At the end of his assignment, the master must file a report with the court. The county pays the attorneys for each hour of their services but is reimbursed by the parties upon termination of the case. The program has been well received by the judges although there have been complaints that some attorneys are unduly slow in returning their reports.		

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Use of Attorneys		NUMBER: A.114
TITLE: Attorneys as Arbitrators		
STATE: Connecticut	COURT: United States District Court	
POPULATION SERVED BY COURT:	NUMBER OF JUDGES:	
CRIMINAL FILINGS FOR 1977:	CIVIL FILINGS FOR 1977:	
<p>PROGRAM DEVELOPMENT:</p> <p>The court has instituted a program of using attorneys as arbitrators in civil cases where damages are claimed between \$50,000 and \$100,000.</p>		
<p>PROGRAM DESCRIPTION:</p> <p>Although there is a certified list of attorneys, other persons even non-attorneys may be appointed. In all cases, the parties must consent to arbitration and only certain cases (breach of contract, personal injury, property damage) are covered where jurisdiction is based on diversity of citizenship. Arbitrators are unpaid for two days of hearings and then \$250 (paid by the parties) per day. There may be 1 or 3 arbitrators (determined by the parties or by the magistrate who oversees the arbitration process if the parties can't agree).</p> <p>After the hearing, the arbitrator(s) make an award which is final judgement unless a party requests a <u>trial de novo</u>. Either party can terminate the arbitration process.</p> <p>The program is being evaluated by the Office of Improvement in Judicial Administration.</p>		

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site visits

PROGRAM CATEGORY: Use of Attorneys		NUMBER: A.113
TITLE: Attorneys as Arbitrators		
STATE: Arizona	COURT: Superior Maricopa County	
POPULATION SERVED BY COURT: Over One Million	NUMBER OF JUDGES: 26-39	
CRIMINAL FILINGS FOR 1977: Over 5,000	CIVIL FILINGS FOR 1977: Over 5,000	
PROGRAM DEVELOPMENT: The program came into being in 1974 and requires that all civil cases with expected damages of more than \$5,000 be sent to arbitration before a board of one or three attorneys.		
PROGRAM DESCRIPTION: The program, instituted under a statute strongly backed by the Arizona Supreme Court, was implemented in 60 days and is aimed at terminating civil cases before they reach the judges for trial, therefore, making more judge time available for hearing criminal cases. After a hearing and award, the arbitrators decision is appealable. The program is funded with county funds. The attorneys receive between \$50 and \$150 per hearing. The court administrator operates the program (picking attorneys randomly, doing the administrative work).		

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Use of Attorneys		NUMBER: A.116
TITLE: Attorneys as Hearing Officers		
STATE: Connecticut	COURT: Superior State of Connecticut	
POPULATION SERVED BY COURT: Over One Million	NUMBER OF JUDGES: Over 40	
CRIMINAL FILINGS FOR 1977: Over 5,000	CIVIL FILINGS FOR 1977: Over 5,000	
PROGRAM DEVELOPMENT: Public Act 76-298, effective October 1, 1976, allows attorneys, under certain conditions, to serve as hearing officers in contested small claims cases.		
PROGRAM DESCRIPTION: Attorneys apply to the Clerk of Courts to serve as hearing officers. Requests are forwarded to the Chief Court Administrator for approval. If approved, the attorneys are placed on a rotating list and can expect to be called 3 or 4 times a year. The attorneys are on the list for a period of one year and serve without monetary compensation. The procedure to request a hearing officer in lieu of a judge is simple. Prior to the hearing of cases, the judge assigned to small claims informs the parties of the options available. In order for an attorney to hear a case, both parties must consent in writing, and once the hearing commences, no one can withdraw without the agreement of both parties. After the hearing, the parties can void the officer's decision if both parties agree. The program has been implemented statewide. In general, this program has been quite successful because attorneys are presiding over 30% to 60% of the hearings scheduled. As a result, judge time can be used for other matters.		

PROGRAMS USING NON-JUDICIAL PERSONNEL

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Use of Non-Judicial Personnel		NUMBER: B.101
TITLE: Indigency /		
STATE: Washington	COURT: Superior King County	
POPULATION SERVED BY COURT: Over One Million	NUMBER OF JUDGES: 26-39	
CRIMINAL FILINGS FOR 1977: 1,000-4,999	CIVIL FILINGS FOR 1977: Over 5,000	
PROGRAM DEVELOPMENT: Over ten years ago the court established the office of Public Defender Administrator. The office was set-up to act as a "middleman" between the court and the attorneys furnished to indigents for their defense (a public defender corporation and privately appointed attorneys).		
PROGRAM DESCRIPTION: The administrator handles all administrative aspects of indigent defense including appointment of counsel. By interviewing detainees at the jail, the staff of the administrator screens the defendants with respect to their need for appointed counsel. The program was established by the court administrator to help relieve judges of the need to investigate the status of pretrial detainees and to appoint counsel for indigents. The administrator reports to the county executive and is paid from the county budget.		

CONTINUED

1 OF 2

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Use of Non-Judicial Personnel		NUMBER: B.103
TITLE: Indigency		
STATE: Oregon	COURT: Circuit Multnomah County	
POPULATION SERVED BY COURT: 500,000 - 1,000,000	NUMBER OF JUDGES: 16-25	
CRIMINAL FILINGS FOR 1977: 1,000 - 4,999	CIVIL FILINGS FOR 1977: Over 5,000	
PROGRAM DEVELOPMENT: <p>The court operates a program designed to relieve judges from involvement in the routine appointment of counsel for indigent defendants.</p> <p>The program was developed by the court administrator with support from the judges and the administrative staffs of the courts.</p>		
PROGRAM DESCRIPTION: <p>Since 1974, there have been calendaring personnel in the district courts who report to the court administrator (since 1976 the court administrator also holds the position of clerk of court). These personnel in the district courts determine the need for appointed counsel, maintain lists of attorneys and appoint counsel from the approved lists.</p> <p>The personnel are part of the county budgets. A similar system is in operation in the Minneapolis courts in Minnesota.</p>		

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Use of Non-Judicial Personnel		NUMBER: B.107
TITLE: Granting of Continuances		
STATE: Oregon	COURT: Circuit Multnomah County	
POPULATION SERVED BY COURT: 500,000 - 1,000,000	NUMBER OF JUDGES: 16-25	
CRIMINAL FILINGS FOR 1977: 1,000 - 4,999	CIVIL FILINGS FOR 1977: Over 5,000	
<p>PROGRAM DEVELOPMENT:</p> <p>The court has authorized calendaring personnel to approve continuances or changes in scheduled court appearance dates up to 5 days. Since 1977 in the civil area and 1979 in the criminal area, the court administrator has organized the calendaring functions into sections of eight to ten people (criminal, civil and domestic relations).</p>		
<p>PROGRAM DESCRIPTION:</p> <p>The sections coordinate all calendaring in each of the court's areas of jurisdiction. Under strict guidelines, established by the court administrator, the coordinators are given the administrative discretion to grant continuances or changes in scheduled court appearances. Changes over five days require judge approval, however, in most cases there is no judge involvement in granting limited continuances.</p> <p>The judges initially believed that granting continuances was solely a judicial function but agreed to test the system of limited delegation to non-judicial personnel.</p> <p>Implementation has taken about one year with funds coming from the county budget. A similar program is in operation in the Minneapolis courts.</p> <p>The program has been very successful and has greatly reduced the time judges spend in considering continuance requests.</p>		

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Use of Non-Judicial Personnel		NUMBER: B.110
TITLE: Jury Management		
STATE: Kansas	COURT: 29th Judicial District	
POPULATION SERVED BY COURT: 100,000 - 499,999	NUMBER OF JUDGES: 10-15	
CRIMINAL FILINGS FOR 1977: 500-999	CIVIL FILINGS FOR 1977: Over 5,000	
<p>PROGRAM DEVELOPMENT:</p> <p>The court initiated a program in 1975 to centralize all jury management activities in the court administrator's office.</p>		
<p>PROGRAM DESCRIPTION:</p> <p>Such activities as calling jurors, giving juror instructions and paying jurors are now done entirely by the court administrator's office.</p> <p>Formerly the judges participated in jury management but under the leadership of the administrative judge (and with lessened interest in jurors by the judges because of elimination of elections), the court administrator took over juror management. No additional funds were required and considerable judge time is saved for bench duties.</p>		

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Use of Non-Judicial Personnel		NUMBER: B.110
TITLE: Jury Management		
STATE: Kansas	COURT: 29th Judicial District	
POPULATION SERVED BY COURT: 100,000 - 499,999	NUMBER OF JUDGES: 10-15	
CRIMINAL FILINGS FOR 1977: 500-999	CIVIL FILINGS FOR 1977: Over 5,000	
PROGRAM DEVELOPMENT: The court initiated a program in 1975 to centralize all jury management activities in the court administrator's office.		
PROGRAM DESCRIPTION: Such activities as calling jurors, giving juror instructions and paying jurors are now done entirely by the court administrator's office. Formerly the judges participated in jury management but under the leadership of the administrative judge (and with lessened interest in jurors by the judges because of elimination of elections), the court administrator took over juror management. No additional funds were required and considerable judge time is saved for bench duties.		

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Use of Non-Judicial Personnel		NUMBER: B.111
TITLE: Granting of Continuances		
STATE: Oregon	COURT: Circuit Multnomah County	
POPULATION SERVED BY COURT: 500,000 - 1,000,000	NUMBER OF JUDGES: 16-25	
CRIMINAL FILINGS FOR 1977: 1,000 - 4,999	CIVIL FILINGS FOR 1977: Over 5,000	
PROGRAM DEVELOPMENT: The court has reduced time demands on the presiding judge in the area of juror excuse consideration. Formerly, the presiding judge listened to all juror requests for postponements or excuses for not serving. The judge felt such activities were a waste of the court's time and with the court administrator, initiated the new program.		
PROGRAM DESCRIPTION: Operating since 1974, the program involves having the court administrator and his assistant interviewing jurors claiming excuses from service. The listening process is speeded by having the jurors sub-divide themselves into groups based on their excuse (mothers with small children, work related excuses, etc.) and then being interviewed or processed rapidly. The system works well and saves over two hours a week of the time of the presiding justice.		

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Use of Non-Judicial Personnel		NUMBER: B.112
TITLE: Paralegal Aides		
STATE: Washington	COURT: Superior King County	
POPULATION SERVED BY COURT: Over One Million	NUMBER OF JUDGES: 26-39	
CRIMINAL FILINGS FOR 1977: 1,000-4,999	CIVIL FILINGS FOR 1977: Over 5,000	
PROGRAM DEVELOPMENT: Under a program established by the court, court aides have been utilized to assist judges in coordinating and scheduling civil motions. Developed in 1978, the program has used primarily CETA personnel working under the direction of the court administrator.		
PROGRAM DESCRIPTION: The work performed involves routine activities formerly performed by judges in notifying participants and in scheduling and coordinating civil motion hearings. On-the-job training is given to the aides. In addition to the CETA funded personnel, paralegal aides funded from the county budget are being used to encourage settlement of civil cases and in the area of family law. These paralegals have greater legal training than do the CETA personnel. The paralegal aide program has strong judge backing and has had good success, particularly in the use of the CETA funded personnel.		

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Use of Non-Judicial Personnel		NUMBER: B.113
TITLE: Arraignments		
STATE: Michigan	COURT: Third Judicial Circuit	
POPULATION SERVED BY COURT: Over One Million	NUMBER OF JUDGES: 26-39	
CRIMINAL FILINGS FOR 1977: 1,000 - 4,999	CIVIL FILINGS FOR 1977: Over 5,000	
PROGRAM DEVELOPMENT:		
PROGRAM DESCRIPTION: <p>Since 1971 the court has operated a program of criminal arraignments before a courtroom clerk rather than before a judge. Although, if there is a plea given before the clerk and some issue arises, a judge will consider the plea (or any bond issue which may come up). In general, no judge is required in the process.</p> <p>Based on a prosecutor prepared form describing the plea negotiation, the arraignment can be waived and the plea taken by the courtroom clerk.</p>		

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Use of Non-Judicial Personnel		NUMBER: B.114
TITLE: Jury Management		
STATE: Pennsylvania	COURT: Common Pleas Allegheny County	
POPULATION SERVED BY COURT: Over One Million	NUMBER OF JUDGES: Over 40	
CRIMINAL FILINGS FOR 1977: Over 5,000	CIVIL FILINGS FOR 1977: Over 5,000	
PROGRAM DEVELOPMENT:		
PROGRAM DESCRIPTION:		
<ol style="list-style-type: none"> 1. Non-judicial personnel are used for selection of jurors (voir dire) for all trial cases except for capital offenses. The Minute Clerk asks the jurors qualification questions. If necessary, the Chief Minute Clerk and the Calendar Control Clerk are available to make rulings. 2. The Court Administrator can defer jurors before the day of their scheduled jury duty. On the day of jury duty, only the judge can grant a deferment. 		

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Use of Non-Judicial Personnel		NUMBER: B.115
TITLE: Review of Payment Petitions		
STATE: Oregon	COURT: Circuit Multnomah County	
POPULATION SERVED BY COURT: 500,000 - 1,000,000	NUMBER OF JUDGES: 16-25	
CRIMINAL FILINGS FOR 1977: 1,000 - 4,999	CIVIL FILINGS FOR 1977: Over 5,000	
<p>PROGRAM DEVELOPMENT:</p> <p>In order to relieve judges of the task of reviewing payment petitions from court appointed attorneys, the court has instituted a program of review by the court administrator's office.</p>		
<p>PROGRAM DESCRIPTION:</p> <p>An accountant now evaluates the petitions from attorneys appointed in criminal cases. The statements itemize hours required and worked and request approval and payment.</p> <p>The program not only reduces judge effort but also results in consistency among judges in determining payment. It has been in operation since 1973.</p>		

PROGRAMS USING LEGALLY TRAINED PERSONNEL

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Use of Legally Trained Personnel		NUMBER: C.101
TITLE: Court Commissioners		
STATE: Arizona	COURT: Superior Maricopa County	
POPULATION SERVED BY COURT: Over One Million	NUMBER OF JUDGES: 26 - 39	
CRIMINAL FILINGS FOR 1977: Over 5,000	CIVIL FILINGS FOR 1977: Over 5,000	
<p>PROGRAM DEVELOPMENT:</p> <p>The court has a program of court commissioners who are involved in both criminal and civil proceedings.</p> <p>The program was initiated on legislative mandate through legislation similar to the office of Federal court commissioner.</p>		
<p>PROGRAM DESCRIPTION:</p> <p>The commissioners who are attorneys with at least five years of experience are appointed by the presiding judge.</p> <p>In criminal matters, the commissioners conduct all initial appearances of the defendant, including appointing counsel for indigent defendants, deciding on pretrial release, and conducting arraignments for both guilty and not-guilty pleas.</p> <p>In civil matters, the commissioners hear defaults, conduct judgment debtor examinations, handle uncontested divorce and probate proceedings and mental health commitments.</p> <p>The court administrator's office does all the procedural work in support of the commissioners' work, including calendaring for both the Phoenix criminal cases and the civil cases in three remote courts.</p> <p>The program works well and has resulted in the availability of more judge time for the conduct of trials.</p> <p>The commissioners are funded from the county budget and receive a salary up to 80% of a full-time judge.</p> <p>More commissioners are still required by the court.</p>		

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Use of Legally Trained Personnel		NUMBER: C.102
TITLE: Retired Judges Used as Special Magistrates		
STATE: Massachusetts	COURT: Superior Suffolk County	
POPULATION SERVED BY COURT: Over One Million	NUMBER OF JUDGES: Over 40	
CRIMINAL FILINGS FOR 1977: Over 5,000	CIVIL FILINGS FOR 1977: Over 5,000	
PROGRAM DEVELOPMENT: Under Massachusetts law, judges face mandatory retirement at age 70. There are many individual justices who have the capability to assist the court even after retirement. The Chief Justice of the Court initiated a program to make the time of these individuals available to perform tasks which otherwise would need to be performed by a judge in criminal case processing.		
PROGRAM DESCRIPTION: Under a court rule the justices of the court can appoint the retired judges (or others) to the position of Special Magistrate. The Special Magistrates can preside over criminal proceedings, including presiding at arraignments, setting bail, assigning counsel, supervising pretrial conferences, marking up pretrial motions for hearing, making findings and reporting findings and other issues to the court, and performing other duties. The Special Magistrates are compensated by the State for their services on a per diem basis. The program will become operational on July 1, 1979.		

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Use of Legally Trained Personnel		NUMBER: C.103
TITLE: Federal Magistrates		
STATE: Missouri	COURT: United States District Court	
POPULATION SERVED BY COURT: Over One Million	NUMBER OF JUDGES: 4	
CRIMINAL FILINGS FOR 1977: 100 - 499	CIVIL FILINGS FOR 1977: 1,000 - 4,999	
PROGRAM DEVELOPMENT: The court utilizes the services of Federal Magistrates in relieving the judge of both judicial and non-judicial activities. The system was established under Federal legislation. Within the different district courts a variety of civil and criminal matters have been assigned to the Magistrates in a program to save judge time.		
PROGRAM DESCRIPTION: The Magistrates, who are appointed by the judges of the District Court, deal with both civil and criminal matters. Under the local court practice the consent of the parties is required for the use of the Magistrates. While the judges still hold pretrial conferences in civil cases, the Magistrates hold pretrial conferences in criminal cases, saving considerable judge time. The chief judge would like to expand the role of the Magistrates by assigning them more misdemeanor cases for trial.		

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Use of Non-Judicial Personnel		NUMBER: C.107
TITLE: Labor Negotiations		
STATE: Massachusetts	COURT: Superior Suffolk County	
POPULATION SERVED BY COURT: Over One Million	NUMBER OF JUDGES: Over 40	
CRIMINAL FILINGS FOR 1977: Over 5,000	CIVIL FILINGS FOR 1977: Over 5,000	
PROGRAM DEVELOPMENT:		
PROGRAM DESCRIPTION: A non-judicial labor negotiator is employed by the court to deal with collective bargaining with court employees. The negotiator's position is authorized under a new court reform legislative law. Formerly, the judges in committee dealt with personnel union negotiations.		

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Use of Legally Trained Personnel		NUMBER: C.109
TITLE: Bailiffs		
STATE: Arizona	COURT: Superior Maricopa County	
POPULATION SERVED BY COURT: Over One Million	NUMBER OF JUDGES: 26 - 39	
CRIMINAL FILINGS FOR 1977: Over 5,000	CIVIL FILINGS FOR 1977: Over 5,000	
PROGRAM DEVELOPMENT: For some time the court has had a program utilizing law school graduates as bailiffs assigned to each judge.		
PROGRAM DESCRIPTION: The bailiffs assist the judges in a variety of tasks ranging from clerical work (keeping calendar cards) to legal research, thereby relieving the judges of such tasks. The bailiffs are judicial employees appointed by the individual judges. The bailiffs receive from \$4.72 to \$6.39 per hour. There is considerable turnover among the bailiffs, leading to an unstable organization. The bailiffs receive on-the-job training with minimum coordination through the court administrator's office.		

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Use of Legally Trained Personnel		NUMBER: C.111
TITLE: Law Students		
STATE: Oregon	COURT: Circuit Multnomah County	
POPULATION SERVED BY COURT: 500,000 - 1,000,000		NUMBER OF JUDGES: 16 - 25
CRIMINAL FILINGS FOR 1977: 1,000 - 4,999	CIVIL FILINGS FOR 1977: Over 5,000	
<p>PROGRAM DEVELOPMENT:</p> <p>In operation for at least 10 years, the program utilizes second and third year students from a night law school to assist judges by doing legal research and courtroom clerical work.</p> <p>The program originated with the judges because of their need for research assistance.</p>		
<p>PROGRAM DESCRIPTION:</p> <p>The students are paid from county funds a starting rate of \$5.50 per hour. They are trained on the job.</p> <p>An instruction manual is now being prepared for training purposes. There is a yearly turnover of about 25% to 40% in clerk personnel. The judges interview students applying for the position.</p> <p>The program has both helped the judges and reduced the requirement for personnel in the clerks' office</p>		

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Use of Legally Trained Personnel		NUMBER: C.112
TITLE: Bailiffs		
STATE: Washington	COURT: Superior King County	
POPULATION SERVED BY COURT: Over One Million	NUMBER OF JUDGES: 26 - 39	
CRIMINAL FILINGS FOR 1977: 1,000 - 4,999	CIVIL FILINGS FOR 1977: Over 5,000	
PROGRAM DEVELOPMENT: For some ten years the court has had a program allowing judges to hire a legally trained bailiff to assist in research activities and in the operation of the master calendaring system.		
PROGRAM DESCRIPTION: The bailiffs are graduate law students from law schools across the nation. The court administrator administers the program on the request of the judges, although the judges individually interview the applicants. Each bailiff is paid approximately \$12,000 annually from county funds. Training is generally on-the-job with help from a Bailiff's Handbook and from experienced bailiffs. The system was initiated by the judges who are very satisfied with its operation.		

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Use of Legally Trained Personnel		NUMBER: C.114
TITLE: Bailiff/Law Clerks		
STATE: Missouri	COURT: United States District Court	
POPULATION SERVED BY COURT: Over One Million	NUMBER OF JUDGES: 4	
CRIMINAL FILINGS FOR 1977: 100-499	CIVIL FILINGS FOR 1977: 1,000-4,999	
PROGRAM DEVELOPMENT: The court utilizes bailiff/law clerks to support the judges. The bailiff/law clerks are appointed by the individual judges for varying lengths of service and are paid between \$14,000 to \$20,000 from the court budget.		
PROGRAM DESCRIPTION: The bailiff/law clerks assist the judges in a wide variety of non-judicial activities from legal research to contacting attorneys to acting as a messenger for the judge. The clerks are usually (but not necessarily) top graduates of local law schools.		

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Use of Legally Trained Personnel		NUMBER: C.115
TITLE: Law Clerks		
STATE: Michigan	COURT: Third Judicial Circuit	
POPULATION SERVED BY COURT: Over One Million	NUMBER OF JUDGES: 26-39	
CRIMINAL FILINGS FOR 1977: 1,000-4,999	CIVIL FILINGS FOR 1977: Over 5,000	
PROGRAM DEVELOPMENT:		
PROGRAM DESCRIPTION: <p>The court has a program designed to assist judges in performing legal research.</p> <p>The program utilizes five law clerks and a court appointed attorney as a court judicial assistant. In addition to the law clerks who assist the entire court, each individual judge can hire a secretary and research clerk for his or her legal needs.</p>		

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Use of Legally Trained Personnel		NUMBER: C.117
TITLE: Law Students		
STATE: Michigan	COURT: Third Judicial Circuit	
POPULATION SERVED BY COURT: Over One Million	NUMBER OF JUDGES: 26 - 39	
CRIMINAL FILINGS FOR 1977: 1,000 - 4,999	CIVIL FILINGS FOR 1977: Over 5,000	
PROGRAM DEVELOPMENT: In order to relieve judges of the task of hearing cases that do not really need to be heard in the court (i.e., those that should be transferred to a lower court, etc.), the court established a program in 1978 to use third-year law students to screen cases after filings.		
PROGRAM DESCRIPTION: Using written criteria prepared by the court administrator and approved by the judge, the students conduct an administrative review of each civil case. The students have made recommendations to the court for removal to the lower courts of over one half of the cases filed. The students work 20 hours per week and are paid \$4.95 per hour. The program is working well and has considerably relieved the judicial caseload.		

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Use of Legally Trained Personnel		NUMBER: C.119
TITLE: Law Clerk Pool /		
STATE: Connecticut	COURT: Superior State of Connecticut	
POPULATION SERVED BY COURT: Over One Million	NUMBER OF JUDGES: Over 40	
CRIMINAL FILINGS FOR 1977: Over 5,000	CIVIL FILINGS FOR 1977: Over 5,000	
PROGRAM DEVELOPMENT: In April 1978, the Judicial Department was awarded a federal grant of \$390,000 by the Connecticut Justice Commission to establish a pool of law clerks to perform legal research for the state's 112 trial court judges. The pool is headed by an experienced attorney and employs eleven law clerks paid with grant funds, in addition to the four law clerks that are state funded.		
PROGRAM DESCRIPTION: The law clerk pool operates in the following manner: At least one law clerk, on a rotating basis, is assigned to assist the judge assigned to short calendar in each judicial district. Generally, the law clerks attend the short calendar session so that they can pick up files and be able to discuss the case with the judge. If the judge needs research assistance, the law clerk is "on-site" to assist him. For assistance with any other matter, a judge only has to call or write the staff director, who immediately assigns a law clerk to work on the judge's project. In most cases, the law clerk drafts a memorandum summarizing his research, which is forwarded to the judge. The law clerk can meet with the judge to discuss the research problem. In certain cases, the research results are conveyed to the judge orally or by phone. This is particularly important when time is of the essence; for example, when a judge is on trial. Law clerks are also available for "special assignment" to a judge involved in a complex case. In these matters, the judge can use the assigned clerk as a personal law clerk for the duration of the trial.		

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Use of Legally Trained Personnel		NUMBER: C.120
TITLE: Law Clerks		
STATE: Pennsylvania	COURT: Common Pleas Allegheny County	
POPULATION SERVED BY COURT: Over One Million	NUMBER OF JUDGES: Over 40	
CRIMINAL FILINGS FOR 1977: Over 5,000	CIVIL FILINGS FOR 1977: Over 5,000	
PROGRAM DEVELOPMENT:		
PROGRAM DESCRIPTION: Each of the court's 39 judges has his own law clerk for preparation of jury instructions and for conducting legal research. It is up to the individual judge how much work is placed upon his law clerk. The law clerk is usually a recent law school graduate and is paid a \$12,000 salary by the court.		

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Use of Legally Trained Personnel		NUMBER: C.122
TITLE: Law Clerks		
STATE: Massachusetts	COURT: Superior Suffolk Couty	
POPULATION SERVED BY COURT: Over One Million	NUMBER OF JUDGES: Over 40	
CRIMINAL FILINGS FOR 1977: Over 5,000	CIVIL FILINGS FOR 1977: Over 5,000	
PROGRAM DEVELOPMENT: Under an LEAA grant, law clerks were provided to the Massachusetts Superior Court justices. The program was initiated by the chief justice of the court and the Governor and has been continued under state funding.		
PROGRAM DESCRIPTION: Each of the 18 law clerks is paid \$15,000 and is appointed by the chief justice to serve for one year except for the chief clerk and his assistant who are selected from the 18 to serve in their assigned capacities for the following year. The clerks' duties involve legal research on the request of the various judges of the court. The clerks also assist in the preparation of jury instructions through the use of video tape.		

IMPROVED CASEFLOW MANAGEMENT
PROGRAMS TO INSTITUTE CONTINUANCE CONTROLS

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Improved Caseflow Management		NUMBER: E.1.101
TITLE: Instituting Continuance Controls		
STATE: Washington	COURT: Superior King County	
POPULATION SERVED BY COURT: Over One Million	NUMBER OF JUDGES: 26 - 39	
CRIMINAL FILINGS FOR 1977: 1,000 - 4,999	CIVIL FILINGS FOR 1977: Over 5,000	
PROGRAM DEVELOPMENT:		
PROGRAM DESCRIPTION: <p>The court has instituted a program of strict continuance controls. Under the direction of the court administrator, the program is based on the issuance and enforcement of continuance guidelines and procedures. Aimed at saving judge time, which would otherwise be used in reviewing requests for continuances and in courtroom waiting time, the program centralizes all continuance requests through the presiding judge.</p> <p>The program operates with the strong backing of the presiding judge and the cooperation of the defense bar.</p>		

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Improved Casflow Management		NUMBER: E.1.102
TITLE: Instituting Continuance Controls		
STATE: Pennsylvania	COURT: Common Pleas Allegheny County	
POPULATION SERVED BY COURT: Over One Million	NUMBER OF JUDGES: Over 40	
CRIMINAL FILINGS FOR 1977: Over 5,000	CIVIL FILINGS FOR 1977: Over 5,000	
PROGRAM DEVELOPMENT:		
PROGRAM DESCRIPTION:		
<p>Computer generated reports, referencing cases by index numbers, are used by the judge to see how many times a case has been continued and who has been the cause for the continuances.</p> <p>For the court's 180 day Speedy Trial Program, a list is printed two months in advance of the end of the 180 day period for cases not resolved. The judge uses this list to restrict further continuances.</p> <p>Presently the program utilizes computer printed reports. Shortly the system will be upgraded to terminals with display screens located in each courtroom.</p>		

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Improved Caseload Management		NUMBER: E.1.103
TITLE: Instituting Continuance Controls		
STATE: Michigan	COURT: Third Judicial Circuit	
POPULATION SERVED BY COURT: Over One Million	NUMBER OF JUDGES: 26 - 39	
CRIMINAL FILINGS FOR 1977: 1,000 - 4,999	CIVIL FILINGS FOR 1977: Over 5,000	
PROGRAM DEVELOPMENT:		
PROGRAM DESCRIPTION: <p>In order to exercise strict continuance controls over case movement, the court has implemented a program which allows the court administrator's office to make trial date changes 30 days prior to the scheduled trial date. Within the 30-day period, only the chief judge can change a scheduled date.</p>		

IMPROVED CASEFLOW MANAGEMENT
PROGRAMS TO MAINTAIN ATTORNEYS AND PARTIES "ON-CALL"

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Improved Caseload Management		NUMBER: E.2.101
TITLE: Maintaining Attorneys and Parties On Call		
STATE: Alabama	COURT: 10th Judicial Circuit Criminal Division	
POPULATION SERVED BY COURT: 500,000-1,000,000	NUMBER OF JUDGES: 5-9	
CRIMINAL FILINGS FOR 1977: 1,000-4,999	CIVIL FILINGS FOR 1977: -	
PROGRAM DEVELOPMENT:		
PROGRAM DESCRIPTION: Civil cases are scheduled three months in advance of the trial date while criminal cases are scheduled four to six weeks in advance of the trial date. Computerized notices of the trial dates are sent to the trial attorneys. On the day scheduled for the trial, the attorneys and their parties must be ready to appear within 20 minutes after being called on the telephone by the docket control clerk.		

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Improved Caseload Management		NUMBER: E.2.104
TITLE: Maintaining Attorneys and Parties On Call		
STATE: Massachusetts	COURT: Superior Suffolk County	
POPULATION SERVED BY COURT: Over One Million	NUMBER OF JUDGES: Over 40	
CRIMINAL FILINGS FOR 1977: Over 5,000	CIVIL FILINGS FOR 1977: Over 5,000	
PROGRAM DEVELOPMENT:		
PROGRAM DESCRIPTION: <p>Attorneys in civil matters can, at the discretion of the assignment judge, be placed on a two hour call.</p> <p>The procedure involves an assurance by the attorney that, within two hours of receiving notification from the court, he will appear in the courtroom with his witnesses and be ready for trial.</p> <p>The program has only been moderately successful because without central court control of case scheduling, the attorney may be called before another judge while awaiting a call from the first court and, therefore, not be available for trial upon two hours notice.</p>		

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Improved Caseflow Management		NUMBER: E.2.106
TITLE: Maintaining Attorneys and Parties on Call		
STATE: Missouri	COURT: Circuit City of St. Louis	
POPULATION SERVED BY COURT: 500,000 - 1,000,000	NUMBER OF JUDGES: 31	
CRIMINAL FILINGS FOR 1977: 1,000 - 4,999	CIVIL FILINGS FOR 1977: Over 5,000	
<p>PROGRAM DEVELOPMENT:</p> <p>The court maintains a program which keeps attorneys, involved in criminal cases, on call for trial.</p> <p>The program originated with a judge desiring to reduce judge waiting time and has been in operation since 1977.</p>		
<p>PROGRAM DESCRIPTION:</p> <p>A calendar control clerk notifies attorneys in advance of the date of trial. On the day of trial, the clerk gives the attorneys a telephone call 60 minutes before the start of the trial. The attorneys appear for the trial under the penalty of contempt for failure to do so.</p>		

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Improved Caseload Management		NUMBER: E.2.107
TITLE: Maintaining Attorneys and Parties on Call		
STATE: Oregon	COURT: Circuit Multnomah County	
POPULATION SERVED BY COURT: 500,000 - 1,000,000	NUMBER OF JUDGES: 16 - 25	
CRIMINAL FILINGS FOR 1977: 1,000 - 4,999	CIVIL FILINGS FOR 1977: Over 5,000	
PROGRAM DEVELOPMENT:		
PROGRAM DESCRIPTION: <p>For some time the court has been using a program which keeps attorneys in civil, criminal, and domestic relations cases on telephone alert on the scheduled day of trial.</p> <p>The judges who initiated the program wanted to eliminate the waiting time between trials and keep the cases moving through the court.</p> <p>The attorneys are released from alert status at 4 P.M. if their case has not been reached.</p>		

IMPROVED CASEFLOW MANAGEMENT
PROGRAMS REDUCING REQUIRED COURT APPEARANCES

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Improved Caseload Management		NUMBER: E.3.101
TITLE: Reducing Required Court Appearances		
STATE: New York	COURT: United States Second Circuit	
POPULATION SERVED BY COURT: Over One Million	NUMBER OF JUDGES: 40 or More	
CRIMINAL FILINGS FOR 1977: 1,000 - 4,999	CIVIL FILINGS FOR 1977: Over 5,000	
PROGRAM DEVELOPMENT: The court has established a program to reduce the number of court appearances required during the pretrial period. The program was initiated by the chief judge in an attempt to reduce the paper motion practice and the amount of required paper filings.		
PROGRAM DESCRIPTION: The principal means the program utilizes to reduce court appearances has involved the use of telephone conferences between judges and attorneys to eliminate problems and to indicate the approval of unopposed motions and non-essential procedural steps. The program did not receive much judge interest until the requirements of the speedy trial law made use of the pretrial process more important than previously. Attorneys seem very pleased with the program, particularly in the civil practice where delay is costly to the parties.		

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Improved Caseflow Management		NUMBER: E.3.103
TITLE: Reducing Required Court Appearances		
STATE: Connecticut	COURT: Superior State of Connecticut	
POPULATION SERVED BY COURT: Over One Million	NUMBER OF JUDGES: Over 40	
CRIMINAL FILINGS FOR 1977: Over 5,000	CIVIL FILINGS FOR 1977: Over 5,000	
PROGRAM DEVELOPMENT: Legislation, enacted in 1978, defines when appearance of counsel is not required at short calendar.		
PROGRAM DESCRIPTION: Section 162H follows: "Unless the court is informed on or prior to the time of short calendar that the parties agree that the matter should be marked off, the court, except as hereinafter provided, will decide the following short calendar matters without oral argument and the appearance of counsel at the short calendar: (1) objections to requests to revise; (2) disciplinary motions for nonsuit and disciplinary motions for defaults when an immediate judgment following the default is not sought; (3) motions for default for failure to appear when an immediate judgment thereafter is not sought; (4) motions relating to parties as enumerated in Chapter 4 and motions to implead a third party defendant filed pursuant to Sec. 78A; (5) motions to dismiss, except those filed pursuant to Sec. 191A and except when the taking of evidence is required; (6) motions to strike, as enumerated in Chapter 6; (7) objections regarding amendments filed pursuant to Sec. 132; (8) objections to requests for discovery; (9) motions relating to discovery; (10) motions for summary judgment; (11) motions to transfer; (12) motions for judgment on stipulation; (13) motions for withdrawal of appearance; and (14) motions for payment of deposit. If the parties agree, they may appear to argue any of the foregoing matters at short calendar. "If the court on its own motion decides that it would be preferable to have oral argument or hear testimony before rendering a decision on the matter, it may continue the matter and the clerk shall inform the parties that oral argument or testimony will be required. "Oral argument of any of the foregoing matters or the presentation of testimony thereon shall also be allowed at short calendar if, on or before three days before the hearing date of said motion, a party to the action files with the court, after service upon each other party pursuant to Sec. 80 and with proof of service endorsed thereon, a written notice stating that party's intention to appear at short calendar to argue the motion or to present testimony. The notice shall also state the date of the motion, the name of the party who filed it, and if known, the date on which the motion has been set down for hearing."		

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Improved Caseflow Management		NUMBER: E.3.104
TITLE: Reducing Required Court Appearances		
STATE: Missouri	COURT: United States District Court	
POPULATION SERVED BY COURT: Over One Million	NUMBER OF JUDGES: 4	
CRIMINAL FILINGS FOR 1977: 100 - 499	CIVIL FILINGS FOR 1977: 1,000 - 4,999	
PROGRAM DEVELOPMENT: The court instituted a program under court rule in 1975 to eliminate oral argument in the case of unopposed or opposed motions and petitions.		
PROGRAM DESCRIPTION: The judge still reviews the briefs supporting the motion or petitions; however, no bench or court appearance time is required. If the judge requires additional information from the attorneys, the clerk contacts the parties and secures the requested data. The program has saved considerable judge time.		

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Improved Caseload Management		NUMBER: E.3.105
TITLE: Reducing Required Court Appearances		
STATE: Oregon	COURT: Circuit Multnomah County	
POPULATION SERVED BY COURT: 500,000 - 1,000,000	NUMBER OF JUDGES: 16 - 25	
CRIMINAL FILINGS FOR 1977: 1,000 - 4,999	CIVIL FILINGS FOR 1977: Over 5,000	
PROGRAM DEVELOPMENT:		
PROGRAM DESCRIPTION: The court has implemented a program to reduce court appearances in civil cases by requiring that all motions be placed in writing. Previously, oral motions were received by the court, thus requiring considerable judge time. Under the mandatory written motion program, the court can better utilize judge time in motion review and rulings.		

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Improved Caseload Management		NUMBER: E.3.107
TITLE: Pretrial Release Procedures		
STATE: Missouri	COURT: Circuit City of St. Louis	
POPULATION SERVED BY COURT: 500,000 - 1,000,000	NUMBER OF JUDGES: 31	
CRIMINAL FILINGS FOR 1977: 1,000 - 4,999	CIVIL FILINGS FOR 1977: Over 5,000	
<p>PROGRAM DEVELOPMENT:</p> <p>In order to reduce the amount of time that judges must be involved in the release of defendants prior to trial, the court has established the Office of Pretrial Commissioner.</p> <p>The office was created by court rule under the authority of the Missouri Supreme Court and requires \$200,000 annually of City funds for operation.</p>		
<p>PROGRAM DESCRIPTION:</p> <p>Operating under the control of the Court Administrator, the office determines what form of release (bail, personal, bond, etc.) is appropriate in the case of each person detained under arrest by the City Police and Sheriff.</p> <p>The program relieves the defendants of multiple court appearances, requiring them to check in with the office of pretrial release instead of with the court.</p> <p>Prior to implementation, which required about 60 days, the judges met with the bondsmen, police, and sheriffs to inform them of the procedure. The program has been successful in speeding the release of pretrial detainees and in relieving the judges of the process of making pretrial release decisions.</p>		

IMPROVED CASEFLOW MANAGEMENT
IMPROVED PERSONNEL TRAINING

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Improved Caseload Management		NUMBER: E.4.102
TITLE: Improved Personnel Training		
STATE: Pennsylvania	COURT: Common Pleas Philadelphia County	
POPULATION SERVED BY COURT: Over One Million	NUMBER OF JUDGES: Over 40	
CRIMINAL FILINGS FOR 1977: Over 5,000.	CIVIL FILINGS FOR 1977: Over 5,000	
PROGRAM DEVELOPMENT:		
PROGRAM DESCRIPTION: <p>The Board of Judges in 1976 initiated the Philadelphia Judicial Institute, a voluntary program of continuing judicial education on current legal problems.</p> <p>At the administrative level, the court entered into a unique contract under whose terms the <u>Institute for Court Management</u> agreed to send a faculty to Philadelphia for three separate one-week training seminars for court employees who would otherwise have been required to travel to Denver to attend the sessions.</p> <p>Educational assistance to the public is also a part of court activity. The Family Court Division has a remedial reading program through its Special Services Office, with tutors, recruited from area colleges, trained by staff members to work with juveniles who have had contact with the courts. Additionally, reading clinics are conducted by volunteers enlisted by the Court for the Start Toward Elimination of Past Setbacks (STEPS) program.</p>		

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Improved Caseload Management		NUMBER: E.4.104
TITLE: Improved Personnel Training		
STATE: Pennsylvania	COURT: Common Pleas Allegheny County	
POPULATION SERVED BY COURT: Over One Million	NUMBER OF JUDGES: Over 40	
CRIMINAL FILINGS FOR 1977: Over 5,000	CIVIL FILINGS FOR 1977: Over 5,000	
PROGRAM DEVELOPMENT:		
PROGRAM DESCRIPTION: All judges participate in State sponsored training programs. In addition, judges are sent to the National College of the State Judiciary for courses in judicial administration. The court offers training programs for administrative but not clerical personnel.		

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Improved Caseload Management		NUMBER: E.4.106
TITLE: Improved Personnel Training		
STATE: Connecticut	COURT: Superior State of Connecticut	
POPULATION SERVED BY COURT: Over One Million	NUMBER OF JUDGES: Over 40	
CRIMINAL FILINGS FOR 1977: Over 5,000	CIVIL FILINGS FOR 1977: Over 5,000	
<p>PROGRAM DEVELOPMENT:</p> <p>In 1973 the judicial education office was created to develop programs and materials that respond directly to the expressed needs of the court system. For the biennium 1976-1978, education and training efforts have focused on court unification, which occurred on July 1, 1978. These efforts were in addition to the regular continuing education program which has been expanding rapidly in each year of its operation.</p>		
<p>PROGRAM DESCRIPTION:</p> <p>Judicial education has consisted of orientation programs, seminars, conferences, workshops and the provision of reference materials. Specific program topics have included family law, recent cases and trends of the United States Supreme Court, the revised civil rules of practice, mental health law, and caseload management.</p> <p>Seminars for court clerks have been held on diverse administrative matters in order to ensure the continued efficiency of court operations. Programs have dealt with small claims procedures, summary process, infractions, collective bargaining, caseload management, and recently enacted statutes and rules.</p> <p>Many programs have been held for family relations officers and juvenile probation officers. In addition to meetings to discuss administrative issues, these groups have designed programs on learning disabilities, child abuse and neglect, counseling services, and custody mediation.</p> <p>Continuing education programs for state's attorneys and other members of the Criminal Justice Division have been supported by the Judicial Department.</p>		

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Improved Caseload Management		NUMBER: E.4.107
TITLE: Improved Personnel Training - Judge Training Manuals		
STATE: Arizona	COURT: Superior Maricopa County	
POPULATION SERVED BY COURT: Over One Million	NUMBER OF JUDGES: 26 to 39	
CRIMINAL FILINGS FOR 1977: Over 5,000	CIVIL FILINGS FOR 1977: Over 5,000	
<p>PROGRAM DEVELOPMENT:</p> <p>The Court is helping judges under a program to develop a series of manuals for their use (Civil Procedural Manual, Criminal Procedural Manual, and Criminal Code Manual).</p>		
<p>PROGRAM DESCRIPTION:</p> <p>Using LEAA funds, the criminal manuals and bench book are being prepared to include descriptions of the court's administrative activities. It is expected that pre-assignment training of new judges will assist them in handling their administrative duties.</p>		

IMPROVED CASEFLOW MANAGEMENT
PROGRAMS INVOLVING ORGANIZATIONAL CHANGES

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Improved Caseflow Management		NUMBER: E.5.101
TITLE: Internal Organizational Changes		
STATE: New York	COURT: United States Second Circuit	
POPULATION SERVED BY COURT: Over One Million	NUMBER OF JUDGES: 40 or More	
CRIMINAL FILINGS FOR 1977: 1,000 - 4,999	CIVIL FILINGS FOR 1977: Over 5,000	
PROGRAM DEVELOPMENT: <p>The court has instituted a program to make the process of case movement as efficient as possible by encouraging direct interaction between litigating attorneys and clerk's office personnel.</p> <p>The program was developed by the court executive and took approximately six months to implement.</p>		
PROGRAM DESCRIPTION: <p>In operation, the personnel in the clerk's office have been divided into support teams for a designated group of five or six judges.</p> <p>The teams go into action following the filing of a notice of appeal and maintain telephone contact with the attorneys in accomplishing such activities as</p> <ul style="list-style-type: none"> (a) setting dates for procedural steps (b) notifying all participants of appeal (c) alerting participants prior to scheduled activity date (d) individually shepherding cases through the process. <p>The program grew out of the needs of the speedy trial provisions which made the judge and clerk more conscious of the elapsed time of appeals or processing prior to trial. The operation has elevated the quality of work in the clerk's office, has given the personnel increased responsibility and job satisfaction, and has relieved the judges of many calls and conferences with attorneys who now call the clerk's office team members directly.</p> <p>The judges also regard the system as an additional means of continuance control, since scheduling difficulties are resolved between the clerk and the attorneys before judge involvement.</p>		

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Improved Caseflow Management		NUMBER: E.5.102
TITLE: Internal Organizational Changes		
STATE: Florida	COURT: 12th Judicial Circuit	
POPULATION SERVED BY COURT: 100,000 - 499,000	NUMBER OF JUDGES: 10 - 15	
CRIMINAL FILINGS FOR 1977: 1,000 - 4,999	CIVIL FILINGS FOR 1977: Over 5,000	
PROGRAM DEVELOPMENT:		
PROGRAM DESCRIPTION: <p>Within the Court Administrator's Office a Jury Management Office has been established. Previously, each court within the circuit was responsible for calling and maintaining its own jury pool. Now the Jury Management Office maintains one jury pool for the circuit's three courts and calls the jurors as they are needed. A CETA employee is used for calling the jurors.</p> <p>Jury pool costs have been cut considerably with this consolidation.</p>		

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Improved Caseflow Management		NUMBER: E.5.106
TITLE: Internal Organizational Changes		
STATE: Michigan	COURT: Third Judicial Circuit	
POPULATION SERVED BY COURT: Over One Million	NUMBER OF JUDGES: 26 - 39	
CRIMINAL FILINGS FOR 1977: 1,000 - 4,999	CIVIL FILINGS FOR 1977: Over 5,000	
PROGRAM DEVELOPMENT: In order to reduce the amount of internal court administrative task time spent by the judges, the court has formed an executive committee of nine judges.		
PROGRAM DESCRIPTION: The committee is charged with the responsibility for administrative tasks formerly handled by the entire court <u>en banc</u> . The court administrator's office provides the staff support for the judge executive committee, thereby relieving one of the justices from playing that role for the other judges of the court.		

IMPROVED CASEFLOW MANAGEMENT
PROGRAMS FOR IMPROVED INFORMATION SYSTEMS

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Improved Caseflow Management		NUMBER: E.6.103
TITLE: Improved Information Systems - Dormant Cases Program		
STATE: Connecticut	COURT: Superior State of Connecticut	
POPULATION SERVED BY COURT: Over One Million	NUMBER OF JUDGES: Over 40	
CRIMINAL FILINGS FOR 1977: Over 5,000	CIVIL FILINGS FOR 1977: Over 5,000	
PROGRAM DEVELOPMENT: The annual dormant cases program, originally initiated in the court year 1967-1968, was the principal management program to remove inactive civil cases from the pending docket. It consisted of a thorough review of cases on the trial lists and nontrial lists over a specific age and a concerted effort to dispose of these cases.		
PROGRAM DESCRIPTION: Each year the Chief Court Administrator has notified the trial judges of both courts of the procedures and goals of the dormant case program. A pertinent rule adopted to facilitate the disposition of dormant cases reads in part: "If a party shall fail to prosecute an action with reasonable diligence, the court may, after hearing . . . render a judgment dismissing the action . . ." A procedure to review and dismiss nontrial list cases was adopted statewide during the last year of this biennium. This procedure now uses the computer to review all nontrial list cases and automatically dismisses all cases that do not comply with the order of the court, unless exempted by the court for good cause. This automated approach enables judges and other court personnel to process other matters instead of reviewing cases manually. Analysis confirms that the automated program is as successful as the manual method, resulting in the final disposition of 8,328 dormant nontrial cases, or 76%.		

Site Visits

PROGRAM CATEGORY: Improved Caseload Management		NUMBER: E.6.104
TITLE: Improved Information Systems - Jury Administration		
STATE: Connecticut	COURT: Superior State of Connecticut	
POPULATION SERVED BY COURT: Over One Million	NUMBER OF JUDGES: Over 40	
CRIMINAL FILINGS FOR 1977: Over 5,000	CIVIL FILINGS FOR 1977: Over 5,000	
<p>PROGRAM DEVELOPMENT:</p> <p>Commencing in October 1976, names selected by the 169 town jury committees as prospective jurors were entered into a computerized data base. Since that time, this system, under central court control, has qualified and selected jurors to serve at jury trial locations throughout the state.</p>		
<p>PROGRAM DESCRIPTION:</p> <p>The Jury Administrator is responsible for the design, implementation, and maintenance of a computerized system for qualifying, summoning, selecting, managing, and utilizing jurors in the state courts. He also has authority to implement procedures to improve jury administration in order to reduce costs of selection and management of jurors and to use jurors more effectively.</p> <p>As a major component of the system, the remote computer terminal allows instant access and update of the juror data base. As each succeeding phase of this system comes into being, the overall management of the system, from selection to service, becomes increasingly effective.</p> <p>Valuable by-products of the computer system include statistics that provide the court with complete information on the availability of prospective jurors from each town within the court's jurisdiction. The attendance procedures record the excuse rate of jurors summoned and the various reasons for excuse. These tools are instrumental in determining the number of jurors to summon on a given court date. A computerized postponement procedure automatically reallocates any juror whose term was postponed for various reasons. This helps prevent depletion of the prospective juror list.</p> <p>The computerized system relieves the courts from former time-consuming manual tasks in the qualification and selection of jurors. The overall management of these jurors is being enhanced by the attendance and payroll phases while analysis of the statistical data promotes improved techniques in juror utilization.</p>		

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Improved Caseflow Management		NUMBER: E.6.108
TITLE: Improved Information Systems		
STATE: Kansas	COURT: 29th Judicial District	
POPULATION SERVED BY COURT: 100,000 - 499,999	NUMBER OF JUDGES: 10 - 15	
CRIMINAL FILINGS FOR 1977: 500 - 999	CIVIL FILINGS FOR 1977: Over 5,000	
PROGRAM DEVELOPMENT: The court has instituted a program to publish the schedule for court hearings on motions county legal newspaper. Under this system, computer listings of the schedules are printed each week.		
PROGRAM DESCRIPTION: The program eliminates the need for judges to prepare mailings to "in-town" attorneys. The judges formerly dictated correspondence to their secretaries/court reporters. The program requires the joint cooperation of the judges (who have individual calendars), the court administrator, and the county data processing center. It results in centralized support to caseflow of the individual calendars maintained by each judge without an additional burden on the court administrator. The program requires \$6,000 each year for newspaper costs and has not required any additional personnel.		

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Improved Caseflow Management		NUMBER: E.6.110
TITLE: Improved Information Systems		
STATE: Missouri	COURT: St. Louis District Court	
POPULATION SERVED BY COURT: Over One Million	NUMBER OF JUDGES: 4	
CRIMINAL FILINGS FOR 1977: 100 - 499	CIVIL FILINGS FOR 1977: 1,000 - 4,999	
PROGRAM DEVELOPMENT: In 1973 the court received a grant from LEAA (\$20K) to develop an automated system to computerize the existing manual record-keeping system in the clerk's office. Under the direction of the court clerk the system, using CRT remote terminals connected to the city computer, was installed over a two-year period. City funds were utilized to implement the system after the initial LEAA grant.		
PROGRAM DESCRIPTION: No judges were involved in either the design or implementation, but judges have benefitted from the system by: a. being kept informed about the status of cases assigned to them under an individual calendar b. eliminating individual judge recordkeeping of case schedules c. providing judges with comparative statistical data concerning court operations. The system has also benefitted the clerk, who has been able to reduce her staff record-keeping by one third. The system provides a hard copy listing of cases scheduled for trial or hearing two weeks prior to the date set. The clerk then telephones the attorneys to confirm the trial or hearing date.		

Site Visits

PROGRAM CATEGORY: Improved Caseflow Management		NUMBER: E.6.112
TITLE: Improved Information Systems		
STATE: New York	COURT: United States Second Circuit	
POPULATION SERVED BY COURT: Over One Million	NUMBER OF JUDGES: 40 or More	
CRIMINAL FILINGS FOR 1977: 1,000 - 4,999	CIVIL FILINGS FOR 1977: Over 5,000	
<p>PROGRAM DEVELOPMENT:</p> <p>The court has developed a procedure for reducing the amount of time judges must spend in reviewing motions filed in both civil and criminal cases.</p> <p>The program originated in 1973 after judges complained of the difficulties in reviewing motions. The court executive drafted rules changes requiring the "notice of motion form." The program has operated effectively since that time.</p>		
<p>PROGRAM DESCRIPTION:</p> <p>The elements of the program include:</p> <ul style="list-style-type: none"> a. Limits on number of pages which may be submitted as a motion b. Requirement for a one-page summary cover sheet for all motions. (The cover sheet includes a summary of such information as type of case, status of appeal; legal theory, etc.) <p>The program has been a procedural improvement in information flow, which has markedly reduced judge preparation time.</p>		

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Improved Caseload Management		NUMBER: E.6.113
TITLE: Improved Information Systems		
STATE: Oregon	COURT: Circuit Multnomah County	
POPULATION SERVED BY COURT: 500,000 - 1,000,000	NUMBER OF JUDGES: 16 - 25	
CRIMINAL FILINGS FOR 1977: 1,000 - 4,999	CIVIL FILINGS FOR 1977: Over 5,000	
PROGRAM DEVELOPMENT: In an attempt to relieve judges of the task of tracking restitution and other defendant payments, its court has utilized an accounting system operated by the county data processing facility.		
PROGRAM DESCRIPTION: The information system which has been operational for 4 or 5 years supplies judges with current data concerning payments, thus allowing the court to notify attorneys when payments are not made as scheduled. Developed by the court administrator and the county data processing department, the accounting system provides the court administrator and the court with needed payment data to maintain control over the process. In addition, the judges no longer must spend time in reviewing accounting records, hearing attorneys, and making determinations of current payment status.		

IMPROVED CASEFLOW MANAGEMENT
PROGRAMS OF IMPROVED PROCEDURES

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Improved Caseload Management		NUMBER: E.7.101
TITLE: Improved Procedures		
STATE: New York	COURT: United States Second Circuit	
POPULATION SERVED BY COURT: Over One Million	NUMBER OF JUDGES: 40 or More	
CRIMINAL FILINGS FOR 1977: 1,000 - 4,999	CIVIL FILINGS FOR 1977: Over 5,000	
PROGRAM DEVELOPMENT: The court has established a program to relieve judges of the task of determining payment to counsel, assigned in criminal cases, for handling cases assigned to them. Formerly the judge reviewed the documentation long after oral argument of the counsel and made a determination of payment. The process required considerable work by the judge in re-familiarizing himself as to the details of the case some time (months) after the hearing.		
PROGRAM DESCRIPTION: Under the new program the judge makes the payment determination immediately following the oral hearing based on an expense form which is precalculated by the attorney and the clerk prior to oral argument by either, approving or modifying the expense request. The program was initiated by the court executive and has been warmly received by both judges and attorneys who receive payment sooner than previously.		

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Improved Caseflow Management		NUMBER: E.7.102
TITLE: Improved Procedures		
STATE: New York	COURT: United States Second Circuit	
POPULATION SERVED BY COURT: Over One Million	NUMBER OF JUDGES: 40 or more	
CRIMINAL FILINGS FOR 1977: 1,000 - 4,999	CIVIL FILINGS FOR 1977: Over 5,000	
PROGRAM DEVELOPMENT: In order to reduce the time to trial and in an attempt to settle appeals cases, the court in April 1974 instituted a program called Civil Appeals Management Plan (CAMP). The program utilizes a law professor to meet with the attorneys and encourage settlement prior to the submission of briefs on appeal. The program was developed with the support of the Federal Judicial Center, which gave funding in the sum of \$50,000, and has been notably successful in developing an attitude of possible settlement between the parties even in appeal cases. The program has been adopted by some 16 jurisdictions.		
PROGRAM DESCRIPTION: The program operates with two attorneys as staff counsel to the court. Part of its success has resulted from an upgrading of the clerk's office in its relationship with litigating attorneys and with the court. Settlement, once thought rare in appeal cases, is now frequently reached. As a result, the overall productivity of the court has been increased and the use of better techniques in court management has been demonstrated.		

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Improved Caseflow Management		NUMBER: E.7.103
TITLE: Improved Procedures		
STATE: Michigan	COURT: Third Judicial Circuit	
POPULATION SERVED BY COURT: Over One Million	NUMBER OF JUDGES: 26 - 39	
CRIMINAL FILINGS FOR 1977: 1,000 - 4,999	CIVIL FILINGS FOR 1977: Over 5,000	
PROGRAM DEVELOPMENT:		
PROGRAM DESCRIPTION: The court has eliminated the former practice of holding pretrial conferences between the parties and the trial judge on the scheduled day for trial. This changed procedure has enabled the judge to devote more of his time to trial activities.		

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Improved Caseflow Management		NUMBER: E.7.104
TITLE: Pretrial Release Procedures		
STATE: Oregon	COURT: Circuit Multnomah County	
POPULATION SERVED BY COURT: 500,000 - 1,000,000	NUMBER OF JUDGES: 16 to 25	
CRIMINAL FILINGS FOR 1977: 1,000 - 4,999	CIVIL FILINGS FOR 1977: Over 5,000	
PROGRAM DEVELOPMENT: The Court Administrator in 1973 established a program whereby recognizance officers would be located near the jail in the courthouse building to determine the pretrial release status of the inmates.		
PROGRAM DESCRIPTION: The officers (3 full-time and 8 part-time) in determining the pretrial release status of each arrestee, make appropriate investigations prior to granting release on recognizance. Previously, the judges heard each request for pretrial release, which required considerable time. The recognizance officers, who are paid approximately \$13,000 to \$14,000, may allow recognizance to an employer or even an organization for all misdemeanor cases.		

IMPROVED CASEFLOW MANAGEMENT
PROGRAMS FOR ADDITIONAL ADMINISTRATIVE SUPPORT

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Improved Caseload Management		NUMBER: E.8.101
TITLE: Additional Administrative Support		
STATE: Florida	COURT: 12th Judicial Circuit	
POPULATION SERVED BY COURT: 100,000-499,000	NUMBER OF JUDGES: 10-15	
CRIMINAL FILINGS FOR 1977: 1,000-4,999	CIVIL FILINGS FOR 1977: Over 5,000	
PROGRAM DEVELOPMENT: The Court Administrator's position was created two years ago and since then, administrative functions previously performed by the Chief Judge gradually have been transferred to the Court Administrator.		
PROGRAM DESCRIPTION: The functions transferred include scheduling of cases, judges and courtrooms as well as developing and managing the court's budget. The result of the new position has been improved trial efficiency.		

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Improvement Caseflow Management		NUMBER: E.8.102
TITLE: Additional Clerical Support		
STATE: Massachusetts	COURT: Superior Suffolk County	
POPULATION SERVED BY COURT: Over One Million	NUMBER OF JUDGES: Over 40	
CRIMINAL FILINGS FOR 1977: Over 5,000	CIVIL FILINGS FOR 1977: Over 5,000	
PROGRAM DEVELOPMENT: The court initially received a grant from LEAA to provide additional secretarial positions in support of judges.		
PROGRAM DESCRIPTION: Judges often had to write their own official documents in long-hand, type the material themselves or borrow secretarial support from the county clerk's office in order to perform the work. After the LEAA grant expired, the county and now the state has continued to support these secretarial positions thus relieving the judge from burdensome clerical effort.		

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Improved Caseload Management		NUMBER: E.8.103
TITLE: Additional Administrative Support		
STATE: Missouri	COURT: Circuit City of St. Louis	
POPULATION SERVED BY COURT: 500,000 - 1,000,000	NUMBER OF JUDGES: 31	
CRIMINAL FILINGS FOR 1977: 1,000 - 4,999	CIVIL FILINGS FOR 1977: Over 5,000	
<p>PROGRAM DEVELOPMENT:</p> <p>In 1968 a court administrator's office was established and later enlarged in 1975 to serve the entire court.</p> <p>The program was initiated by the Chief Judge (a former trial lawyer) based on his prior experiences with court operations.</p>		
<p>PROGRAM DESCRIPTION:</p> <p>One of the major activities of the court administrator is to staff the pretrial release activity of the court. In operating that facility, the court administrator relieves the judges of considerable pretrial release decision-making in the areas of bail, personal recognizance, etc.</p> <p>The court administrator also serves the judges as a funnel of information and provides secretarial services to the court.</p>		

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Improved Caseload Management		NUMBER: E.8.105
TITLE: Additional Administrative Support		
STATE: Arizona	COURT: Superior. Maricopa County	
POPULATION SERVED BY COURT: Over One Million	NUMBER OF JUDGES: 26 to 39	
CRIMINAL FILINGS FOR 1977: Over 5,000	CIVIL FILINGS FOR 1977: Over 5,000	
PROGRAM DEVELOPMENT:		
PROGRAM DESCRIPTION: The court established the office of court administrator primarily for the objective of relieving the judge of administrative responsibilities and keeping the judge on the bench attending to judicial tasks and responsibilities.		

Site Visits

PROGRAM CATEGORY: Improved Caseload Management		NUMBER: E.8.106
TITLE: Additional Administrative Support		
STATE: Florida	COURT: 20th Judicial Circuit	
POPULATION SERVED BY COURT: 100,000 - 499,999	NUMBER OF JUDGES: 16 - 25	
CRIMINAL FILINGS FOR 1977: 1,000 - 4,999	CIVIL FILINGS FOR 1977: Over 5,000	
PROGRAM DEVELOPMENT: The court administrator's position and supporting staff were created in late 1972 with an LEAA grant. The grant ran for six years. The position and staff are now funded through the county's budget.		
PROGRAM DESCRIPTION: The Court Administrator is involved in performing many and various non-judicial duties for both the circuit and county judges. The responsibilities delegated to the Court Administrator by the Chief Judge include judicial assignments of labor through the use of a management information system; judge reassignments, courtroom assignment and calendar management; budgeting; personnel management; county jail inmate status reporting; space and equipment management; court reporter utilization; proposing and assisting with the development of new programs; the development, revision, and distribution of local rules; continuing education which includes funding and travel arrangements for judges; and monitoring and assignment of appeals from county court to circuit court. Also a large part of the Court Administrator's time is spent in public relations and in coordinating and planning programs and functions as well as serving as a liaison between the judges and other agencies, including the Bar Associations, the public, civic organizations, and the news media.		

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Improved Caseload Management		NUMBER: E.8.108
TITLE: Additional Administrative Support		
STATE: Missouri	COURT: United States District Court	
POPULATION SERVED BY COURT: Over One Million	NUMBER OF JUDGES: 4	
CRIMINAL FILINGS FOR 1977: 100 - 499	CIVIL FILINGS FOR 1977: 1,000 - 4,999	
PROGRAM DEVELOPMENT:		
PROGRAM DESCRIPTION: The court has utilized the clerk of the court to fulfill the typical responsibilities of a court administrator. As assigned by the Chief Judge, the clerk assists in caseload management, attorney contact, scheduling, and other matters usually performed by a court administrator.		

Site Visits

PROGRAM CATEGORY: Improved Caseload Management		NUMBER: E.8.104
TITLE: Additional Administrative Support		
STATE: Alabama	COURT: 10th Judicial Circuit Criminal Division	
POPULATION SERVED BY COURT: 500,000 - 1,000,000	NUMBER OF JUDGES: 5 - 9	
CRIMINAL FILINGS FOR 1977: 1,000 - 4,999	CIVIL FILINGS FOR 1977: --	
PROGRAM DEVELOPMENT: The Court Administrator's position was created five years ago.		
PROGRAM DESCRIPTION: The Court Administrator conducts complex and in-depth studies into the organizational structure, methods and procedures, applicable court rules and statutes, paperflow, equipment in the courts, and prepares report of findings and recommendations for improvement. He develops and implements electronic data processing information and operational systems in all areas of the court, such as calendaring, docketing, case tracking, accounting, case indexing, and juror selection and notification, etc. He develops long-range plans and priorities for the courts based on an in-depth analysis of past and current data and statistics. He develops and prepares budgets and grant proposals which reflect the future physical and operational needs of the courts. He supervises technical and court clerical personnel involved in systems design and development and caseload and juror management.		

OTHER PROGRAMS
IN THE TRIAL COURTS

Site Visits

PROGRAM CATEGORY: Improved Caseload Management		NUMBER: F.101
TITLE: Automated Legal Research		
STATE: Pennsylvania	COURT: Common Pleas Philadelphia County	
POPULATION SERVED BY COURT: Over One Million	NUMBER OF JUDGES: Over 40	
CRIMINAL FILINGS FOR 1977: Over 5,000	CIVIL FILINGS FOR 1977: Over 5,000	
PROGRAM DEVELOPMENT:		
PROGRAM DESCRIPTION: <p>The court's library facilities have been expanded with the introduction of LEXIS, a computerized legal research terminal which was leased from Mead Data Central to facilitate the research efforts of judges, their law clerks and members of the staffs of the District Attorney, City Solicitor and Volunteer Defender. The equipment makes it possible to narrow the field of legal research involved in preparation of a case and to reduce to a matter of minutes the time required for this phase of preparation for trial, brief writing or opinion writing.</p> <p>The costs for this system are shared by the court and participating attorneys.</p>		

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Improved Caseload Management		NUMBER: F.104
TITLE: Jury Indoctrination		
STATE: Maryland	COURT: Circuit Anne Arundel County	
POPULATION SERVED BY COURT: 100,000-499,999	NUMBER OF JUDGES: 5-9	
CRIMINAL FILINGS FOR 1977: 1,000-4,999	CIVIL FILINGS FOR 1977: Over 5,000	
PROGRAM DEVELOPMENT:		
PROGRAM DESCRIPTION: The court uses audio/visual recordings lasting approximately 45 minutes for instructing all prospective jurors. At the end of the recording there is five minutes of instruction by a judge. The jurors must be available for jury duty for the next four weeks. Daily the jurors call the court to see if they are needed for the following day. The jurors do not have to appear unless a jury is being selected.		

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Improved Caseflow Management		NUMBER: F.106
TITLE: Standard Instructions and Forms		
STATE: Washington	COURT: Superior King County	
POPULATION SERVED BY COURT: Over One Million	NUMBER OF JUDGES: 26 - 39	
CRIMINAL FILINGS FOR 1977: 1,000 - 4,999	CIVIL FILINGS FOR 1977: Over 5,000	
PROGRAM DEVELOPMENT:		
PROGRAM DESCRIPTION: <p>The court has used a standard set of legal forms and instructions for the use of judges since 1978. The pattern forms cover a wide variety of documentation required of judges and have been prepared on a statewide basis by the state office of court administrator.</p> <p>As a result of the use of the standards, the trial court judges no longer need to re-search the legal documentation called for by the various court procedures. This has resulted in both consistency in documentation and a saving of judge time in research.</p>		

PROGRAMS TO REDUCE NON-ADJUDICATORY JUDGE TIME

Site Visits

PROGRAM CATEGORY: Change to Master Calendar		NUMBER: F.107
TITLE:		
STATE: Pennsylvania	COURT: Common Pleas Allegheny County	
POPULATION SERVED BY COURT: Over One Million	NUMBER OF JUDGES: Over 40	
CRIMINAL FILINGS FOR 1977: Over 5,000	CIVIL FILINGS FOR 1977: Over 5,000	
PROGRAM DEVELOPMENT:		
PROGRAM DESCRIPTION:		
<p><u>Civil Cases</u></p> <p>The Calendar Control Clerk prepares a master list 2 months in advance of trial date. At the judge/courtroom assignment session, if the case is not settled and is ready for trial, it is assigned to the next available judge.</p> <p><u>Criminal Cases</u></p> <p>Court staff prepares case list with the oldest and most severe placed first (murder cases are the exception, as they are assigned to individual judges). The case list is prepared 3 weeks in advance of trial date. At the assignment session, if the case is ready for trial, it is assigned to the next available judge.</p>		

APPENDIX E

Persons Interviewed

Honorable Robert C. Broomfield
Presiding Judge
Maricopa County Superior Court
Phoenix, Arizona

Mr. John G. Byers
Circuit Court Administrator
Sarasota, Florida

Mr. Roger Carlquist
Circuit Court Administrator
Anne Arundel County
Annapolis, Maryland

Honorable Carl R. Gaertner, Chief Judge
Circuit Court of City of St. Louis
Civil Courts Building
St. Louis, Missouri

Honorable Wallace C. Gibson
Circuit Judge
Tenth Judicial Circuit of Alabama
Birmingham, Alabama

Mr. Michael D. Hall
Court Administrator
Multnomah County Circuit Court
Portland, Oregon

Mr. John Hogan
Court Administrator
Superior Court
Providence, Rhode Island

Mr. David Jackson
Executive Aide to Chief Court Administrator
Superior Court
Hartford, Connecticut

Mr. L. M. Jacobs, IV
Circuit Court Administrator
Third Judicial Circuit Court
Detroit, Michigan

Mr. Robert D. Lipscher
Circuit Executive
Second Circuit - United States Courts
New York, New York

Honorable James H. Meredith, Chief Judge
United States District Court
St. Louis, Missouri

Dr. Dennis Metrick
Director, Planning Unit
Philadelphia Court of Common Pleas
Philadelphia, Pennsylvania

Mr. Gary A. Morris
Assistant Court Administrator
Maricopa County Superior Court
Phoenix, Arizona

Mr. Francis X. Orfanello
Executive Secretary to the Chief Justice
Suffolk County Superior Court
Boston, Massachusetts

Mr. Jerry Parkhurst
Office of the Court Administrator
King County Superior Court
Seattle, Washington

Mr. Richard D. Shannon
Court Administrator
29th Judicial District
Kansas City, Kansas

Mr. Charles Starrett, Jr.
Court Administrator
Allegheny County
Pittsburgh, Pennsylvania

Mr. Lewis P. Stephenson
Superior Court Administrator
Seattle, Washington

Mr. Peter Summer
Court Administrator
Tenth Judicial Circuit of Alabama
Birmingham, Alabama

Mr. William D. Wilkinson, Sr.
Circuit Court Administrator
Fort Meyers, Florida

ANNOTATED BIBLIOGRAPHY

ANNOTATED BIBLIOGRAPHY

The literature included in this annotated bibliography deals with cases and programs which address the use of legal and clerical personnel to assist in reducing the non-judicial time demands placed upon judges. The literature included in this bibliography covers the following topics:

- Innovative court administrative programs.
- Use of attorneys as volunteers to the courts.
- Legality of appointing lay people to the court.
- Responsibilities of masters in the English judicial system.
- Use of magistrates by the federal judicial courts.
- Use of masters in the court system.
- Responsibilities of trial court administrators.

1. Alschuler, Albert W., "The Trial Judge's Role in Plea Bargaining, Part I", Columbia Law Review, Vol. 76, No. 7, November 1976

The article articulates logical and straightforward procedures for engaging in plea bargaining to reduce case backlog, and advocates judicial control of the plea bargaining process in order to offer defendants a clear and tangible basis for entering their guilty pleas.

2. Baar, Carl, "Patterns and Strategies of Court Administration in Canada and the United States", Administration Publique Du Canada, 1977

The paper identifies differences in patterns of court administration and strategies pursued by judiciaries in Canada and the United States. Constitutional differences have promoted more unified systems of court administration in Canada than in the United States. Canadian judiciaries have depended on the legal community to serve as their patron while American judiciaries have promoted organizational growth and sought empowerment rather than relying on powerful allies.

3. Bieber, Sander M., "United States Magistrates: Additional Duties in Civil Proceedings", Case Western Reserve Law Review, Vol. 27, No. 2, Winter 1977

The Federal Magistrates Act was drafted to facilitate delegation of judicial duties to magistrates. The article reviews the magistrate's role in civil matters and concludes that the way to resolve conflicting court interpretations of the Act is through legislation. The article examines recent legislation and suggests how the use of magistrates could enhance judicial efficiency without sacrificing the quality of justice.

4. Boyle, John S., "Making a Big Court Better", Judicature, Vol. 60, No. 5, December 1976

The article discusses programs that have been implemented by the Circuit Court of Cook County, Illinois to assist its judges in handling the large caseload. Innovative programs include: centralized data processing, thirty-day hearings, witness control, case monitoring, administrative flexibility, juvenile screening and diversion, motion court, recognizance bonds, no progress call, pre-trial section, liquidated insurance calendar, medical malpractice section, day care center and a pro se small claims court.

5. Bradford, Robert and Felice K. Shea, "Is There a New Role for Lawyers in Non-adversary Proceedings?", Judicature, Vol. 62, No. 1, June-July 1978

The article gives examples of programs where lawyers are serving as volunteers to the courts. In 1976, volunteer arbitrators determined approximately 30,000 cases in New York City. Lawyers have been appointed as hearing officers, special masters and conference officers. In some jurisdictions, lawyers perform legal research for judges as part-time volunteers.

6. Butler, Burton W., "Presiding Judges' Role Perceptions of Trial Court Administrators", Justice Systems Journal, Volume 3, Winter 1977.

This article presents the results of a survey of presiding judges covering the delegation and assignment of a wide range of duties and responsibilities to trial court administrators. It concludes that the functions most frequently assigned to court administrators are specifically non-judicial or administrative in nature.

7. Federal Judicial Center, Developments in Judicial Administration, August 1974

The article discusses recent judicial administrative programs that have improved the rate at which Federal cases are disposed of. Programs using magistrates, individual calendars, omnibus hearings, juror utilization and automatic data processing are reviewed.

8. Federal Judicial Center, Report of Committee to Study the Role of Masters in the English Judicial System, 1974

The report describes the responsibilities of masters in the English judicial system and evaluates the procedures that are used in discharging those responsibilities.

9. Flanders, Steven, "Supporting Staff", Case Management and Court Management in United States District Courts, Federal Judicial Center, September 1977

The article gives examples of how magistrates, law clerks, court reporters, and the clerk's office assist in performing non-judicial tasks. The article concludes by presenting findings and observations on how these positions could be strengthened.

10. Gallagher, Joseph D., "An Expanding Civil Role for United States Magistrates", The American University Law Review, Vol. 26, No. 1, Fall 1976

The article examines the widespread and intensive use of magistrates by the federal district courts. The magistrates are constitutionally capable of determining factual disputes and certain procedural matters and of assisting district judges by making recommendations for disposition of substantive matters.

11. Greaney, The Honorable John M., "Trials Before Masters: A Procedural and Substantive Primer for the Practicing Lawyer", Massachusetts Law Review, Vol. 63, No. 5, October 1978

Congestion in the civil trial lists has caused frequent references to masters for trials. This article represents a thorough and practical review of the law in this area and is designed to give the trial practitioner a ready and complete reference.

12. Greer, A. G., "Procedural Reform: Oiling the Overburdened Delivery of Legal Services", Florida Bar Journal, pp 495-504, October 1977

The article discusses expediting civil litigation in federal courts through the use of standing masters.

13. Hay, Deanne Watts, "Lay Judges and the Kansas Judicial System", The University of Kansas Law Review, Vol. 25, No. 2, Winter 1977

The article summarizes the role of lay judges, particularly their position in the Kansas judiciary and explains the basic arguments raised in challenges to the use of lay judges.

14. Institute for Court Management, Proposed Job Description Trial Court Administrator, 1978

The paper describes selection criteria, responsibilities and qualifications for a trial court administrator.

15. Karlen, Delmar, Judicial Administration, The American Experience, London, Butterworths, 1970

The United States has more judges and lawyers than England, yet the courts are unable to keep up with the workload. This article postulates that one reason may be that the United States does not have a magistrate system like England's.

16. Kaufman, Irving P., "The Fifth Anglo-American Exchange: Some Observations", Judicature, Vol. 61, No. 7, February 1978

The article discusses how the English use a central administrative and legal staff to prepare and transcribe a court case from its inception and then draft a summary of the case for the judge. This legal assistance relieves the judge of tedious preparatory work.

17. Lasker, The Honorable Morris E., "The Court Crunch: A View From the Bench", 76 Federal Rules Decisions, December 1977

The article discusses why there is an increase in the number of court cases. Reasons cited are: the wealth of the nation and the revolution of rising expectations and explosion of legislative enactments. One possible cure is the development of new non-judicial methods for the resolution of disputes. These methods include arbitration, mediation or community conciliation.

18. Puro, Steven, "United States Magistrates: A New Federal Judicial Officer", Justice Systems Journal, Winter 1976

The paper examines the effects of the office of United States Magistrate on the operation of the federal court system. The difference between the magistrates and U.S. Commissioners' activities, especially the cases and issues the magistrates consider, are described. Also examined is the structure of the magistrate system, the changes in their authority and activities within the federal court system, and the assistance provided district court judges by the magistrates.

19. Saltzburg, Stephen A., "The Unnecessarily Expanding Role of the American Trial Judge", Virginia Law Review, Vol. 64, No. 1, February 1978

The article attempts to outline permissible and impermissible techniques of judicial intervention in trials. The judges' reliance on prosecuting and defense attorneys for providing information is highlighted.

20. Sarat, Austin, "Understanding Trial Courts", Judicature, Vol. 61, No. 7, February 1978

The article discusses the need to establish policies for allocating court time and resources and to identify what courts can do well and what they can't do well.

21. Schwarzer, William W., "Managing Civil Litigation: The Trial Judge's Role", Judicature, Vol. 61, No. 8, April 1978

The article discusses the importance of pretrial intervention by a judge to help define the issues and make sure parties are prepared.

22. Sensevich, Ila Jeanne, "Magistrates, Unlimited", October 1973

The paper reviews the legislative history of the Magistrates Act to gain insight into Congress' objectives in authorizing district courts to assign duties to the magistrates; to consider the validity of constitutional challenges to magistrates' functions, and to report on the new duties being performed by magistrates in various districts throughout the country.

23. Sensevich, Ila Jeanne, "Maximum Use of Magistrates", June 1978

The paper discusses the broad jurisdiction made available to the magistrates under the recent amendment to the Magistrates Act, 28 U.S.C. Section 636(6). Magistrates can hear all pretrial matters and can conduct hearings and submit findings of fact and recommendations for deposition. Magistrates may also serve as special masters.

24. United States Department of Justice, Law Enforcement Assistance Administration, National Survey of Court Organization, October 1973
and
United States Department of Justice, Law Enforcement Assistance Administration, National Survey of Court Organization, 1977, Supplement to State Judicial Systems, May 1977

The surveys identify state and local courts and their major subdivisions, the location of court records, the legal and geographic jurisdiction of the courts and the number and type of court personnel.

25. Wheeler, Russell R., and Howard R. Whitcomb, "Court Structure and Personnel", Judicial Administration: Text and Readings, pp 89-96, 1977

The article discusses the shifting of non-judge case management from court clerks to court administrators. The functions of court administrators are listed. Also mentioned is how some case-manager judges use their law clerks, secretaries and courtroom deputies to perform liason with attorneys to ask questions which would be improper for them to ask.

END