

The Justice System Journal

Volume 12/2 ■ Fall, 1987

Social Loafing on the Bench: The Case of Calendars and Caseloads
Mary Lee Luskin

**Increasing the Prosecutor's Role in Juvenile Court:
Expectations and Realities**

Paula J. Laub and Bruce K. Mac Murray

Committees and the Politics of Appointing U.S. Magistrates
Robert E. Smith

109409
109411

U.S. Department of Justice
National Institute of Justice

109409-
109411

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by

The Justice System Journal

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

Published by the Institute for Court Management
the National Center for State Courts

The Justice System Journal

Volume 12/2 ■ Fall, 1987

**Social Loafing on the Bench: The Case of
Calendars and Caseloads** 109409 177
Mary Lee Lusk

**Increasing the Prosecutor's Role in Juvenile Court:
Expectations and Realities** 109410 196
John H. Laub and Bruce K. Mac Murray

**Merit Selection Committees and the Politics of
Appointing U.S. Magistrates** 210
Christopher E. Smith

**The Behavior of Women State Supreme Court Justices:
Are They Tokens or Outsiders?** 232
David W. Allen and Diane E. Wall 109411

Reviews 246

**Differing Visions of Alternative Dispute Resolution
and Formal Law** 247
Craig A. McEwen

**Court-Annexed Arbitration: A Review of the
Institute for Civil Justice Publications** 260
James J. Alfini and Richard W. Moore

**The Role of Conflict in Appellate
Decision Making** 269
Floyd Feeney

The Contradictions of Community Justice 277
Robert L. Nelson

Other Reviews 283

Legal Notes 290

**Establishing Accountability in the Trial Court's
Unionized Workforce: The Challenge in Illinois**
James G. Woodward

Social Loafing on the Bench: The Case of Calendars and Caseloads*

Mary Lee Luskin**

Though their advocates contend that individual calendars motivate judges to manage caseloads, these arguments have been made primarily on commonsense grounds. This paper suggests a theoretical basis for understanding the motivational effects of calendaring systems, drawing on "social loafing" theory and research that shows people to work harder alone than in groups. I argue that judges on trial courts are small groups vis-a-vis the task of caseload disposition and that calendaring practices vary the identifiability, distinctiveness, and perceived dispensability of contributions to caseload disposition — dimensions important to individuals' motivations to perform. I summarize the experimental research, consider its applicability to courts and caseload disposition, and conclude with a discussion of implications for research on courts and for practical problems of caseload management.

Introduction

Judges, court administrators, and researchers have debated the virtues of alternative calendaring systems for assigning cases to judges.¹ Beliefs about the superiority of individual or master calendars run deep, and when they have had the power to do so, advocates of one or the other system have acted on their beliefs. The policy consequences

* The research and writing of this article were supported by a grant from the National Institute of Justice (Number NIJ-84-CX-26). I should like to thank Philip Parnell, Cathy Widom, Robert Luskin, Jo Dixon, Carl Baar, and Julie Horney, who graciously read and commented on earlier drafts, and Thomas Church and the *Journal's* anonymous reviewers for helpful comments. The analysis and conclusions are my own and do not necessarily represent those of the National Institute of Justice or of any of the individuals aforementioned.

** Assistant Professor, Department of Criminal Justice, Indiana University.

1. Individual calendars assign a case at the time of filing to one of the judges on the court, where it remains until finally disposed (Solomon, 1973:8). Master calendars assign a case at the time of filing to a pool of cases from which, as action on it is needed, it is sent to any available judge and to which, when the action is completed, it is returned (Solomon, 1973).

Other common varieties of calendars include hybrids, which incorporate both individual and master elements, and team calendars, which give teams of judges, internally organized on a master basis, responsibility for specific dockets of cases (Solomon, 1973). Less common variants include such systems as "wheel" calendars in which all cases heard by a judge during a rotating stint as arraignment judge are thereafter assigned to that judge for disposition.

have been episodic changes in calendaring systems for individual courts and in entire state (as well as the federal) trial court systems.²

Advocates of the individual calendar argue that it is a better motivator. Empirical evidence is mixed. Simple statistical comparisons of courts using individual and master calendars show substantially shorter median processing times for civil cases under individual calendars and, if all courts are included, shorter processing times for criminal cases as well (Church *et al.*, 1978; Mahoney *et al.*, 1985), but the only two studies using more sophisticated multivariate techniques obtain conflicting results (Flemming *et al.*, 1987; Luskin and Luskin, 1986).³ On the other hand, qualitative evidence generally supports the individual calendar. Church *et al.* (1978), for example, report finding competition among the judges on case disposition totals in all the individual calendar courts they surveyed. And Luskin and Luskin (1986) report that Detroit Recorder's Court participants perceived the effects of changes from individual to central (master) and back to individual dockets primarily in motivational terms. Judges who voted to change to a master calendar were described as having done so because "the pressure [of the individual calendar] is getting to me. I don't want to have to work this hard" (Interview, Recorder's Court, 1979). (See also the characterizations of problems under the master calendar in New York City. "New York to Shift Procedures to Speed Dispositions," *New York Times*, April 22, 1985.)

For the most part, arguments about the merits of different calendaring systems have been made on commonsense grounds. Yet there are theoretical reasons for expecting individual and master calendars to have different motivational consequences. Across a wide variety of physical and intellectual tasks, people have been shown to work harder alone than in groups (Harkins and Petty, 1982; Ingham *et al.*, 1974; Kerr and Bruun, 1981, 1983; Latané *et al.*, 1979; Petty *et al.*, 1980; Petty *et al.*, 1977; Williams *et al.*, 1981). This tendency is relevant to the study of criminal courts because case calendaring systems affect

2. Some courts have swung between individual and master calendars depending on which calendar's advocates were in power at the time. (See, e.g., Eisenstein and Jacob, 1977, and Neubauer *et al.*, 1981, on the history of calendaring changes in Detroit's Recorder's Court.) The latest large-scale example is in New York, where the state's chief judge has been described as "as adamant in supporting the concept as his predecessor ... was in opposing it." The question of implementing individual calendars was not, according to the Chief Judge, "whether or not, but how" ("New York to Shift Procedures to Speed Dispositions," *New York Times*, April 22, 1985).
3. Both Church *et al.* (1978) and Mahoney *et al.* (1985) exclude the slowest courts in calculating mean processing times. Of course, evidence of faster or slower processing times under individual calendars does not speak directly to their motivating power. Individual calendars could be better motivators and yet not produce faster processing times overall.

whether individuals or groups are responsible for managing caseloads. If judges are like the rest of us — and if the small group research is correct — we should expect judges to work harder under individual calendars than under master calendars.

Group Size and Social Loafing

In the 1920s, Ringlemann, measuring the force with which people working alone and in groups pulled on a rope, found that the total force exerted by groups was less than that obtained by merely summing the forces produced by individuals working alone.⁴ The failure of Ringlemann's rope-pulling groups to achieve their full potential could have resulted either from reduced individual effort or from failure to coordinate efforts optimally (Steiner, 1972). Subsequent research has shown both motivational and coordination losses (Ingham *et al.*, 1974; and, e.g., Latané, *et al.*, 1979). Latané *et al.* (1979) termed the motivational loss "social loafing."

The amount of social loafing that occurs in a group increases at a decreasing rate with group size. Additional coactors mean less effort per member, although the marginal reduction of effort attributable to each additional actor decreases as the size of the group increases (Latané *et al.*, 1979).⁵ According to Latané *et al.* (1979), this relationship between group size and effort results from a dilution of social influence. When an individual is the target of social forces, the impact of those forces is divided among the number of persons toward whom they are directed. Increasing the number of people in the target group diffuses the impact of the forces among the members and correspondingly decreases the pressure on each individual. Where pressures to perform come from outside the group, this division of impact leads an individual to work less hard than he would if he were the sole target of the same forces.⁶

4. Ringlemann never published his experiment. According to Latané *et al.* (1979), it was first reported in 1927. It has been cited numerous times since. (See the review in Steiner, 1972.)

5. More formally stated, the relationship between group size and total effort follows a negative power function having an exponent with an absolute value of less than one (Latané, *et al.*, 1979:830).

6. Social loafing is a specific application of a more general theory of social impact (Latané, 1981) which sees the behavior of individuals when they are the focus of social influences from others as a multiplicative function of the strength, immediacy, and number of other people. Social impact theory has been applied to a variety of phenomena including persuasion (Harkins and Petty, 1983), helping behavior, conformity, stage fright, tipping in restaurants, and crowding in rats (Latané, 1981).

Social loafing is related to the economic notion of the "free-rider" (Olsen, 1965). It might be seen as a small group analog of this social dilemma in which individuals are tempted to share in the consumption of a public good without contributing to its acquisition. Stroebe and Frey (1982), in fact, extend the free-rider logic to small groups and interpret many of the findings reported below in terms of this logic.

The social loafing effect is robust, but it can be weakened or even eliminated under some conditions. In their original formulation, Latané *et al.* (1979) speculated that social loafing is most likely when the task is clearly identified; when it demands costly effort of the individuals asked to perform it; when opportunities for interaction among group members are minimal; and when responsibility for the task inheres in a group in which individual rewards are not contingent on individual inputs. Subsequent research has given more specificity to these conditions and, therefore, to the mechanisms that produce the effect.

Courts and the Conditions for Social Loafing

Social loafing research has been almost entirely laboratory research. While experimentation provides strong control over experimental and other variables, generalizability is often at issue. The validity of inferences from the social loafing research paradigm to trial courts will depend, first of all, on whether threshold conditions of task clarity, costly effort, and limited interaction are met.

Clarity of Task Demand. Neither groups nor individuals are likely to do well with respect to a performance criterion that is unknown or poorly defined. In laboratory research on social loafing, task clarity is controlled by the experimenter. Tasks are straight-forward, and there is seldom if ever any question about what group members are being asked to do. In natural settings, where several tasks may compete for attention, however, the salience of a particular task will vary across individuals and groups, as will the likelihood of finding differences between individual and group performance.

Trial court judges face multiple task demands (Cook *et al.*, 1981), including disposition of cases in a reasonable amount of time and avoidance, over the long term, of a backlog of undisposed cases (see, e.g., Eisenstein and Jacob, 1977:5-26). Nevertheless, the demand for efficiency and timeliness in caseload disposition is not equally salient to all judges on all courts. (See, for example, Cannon, 1985; Friesen *et al.*, 1978; Sipes *et al.*, 1980; Solomon, 1973.)

In addition, caseload disposition differs from most other tasks judges are asked to perform. For most judicial tasks, the unit of work is the individual case. The standard of performance is qualitative. To be considered adequately done, performance must satisfy one or more legal standards. In taking a plea of guilty, for example, a judge must ascertain that the defendant knows he or she is giving up certain

rights. Failure to do so risks an appeal on the grounds that the plea was not knowingly entered. For the task of caseload disposition, in contrast, the standard of performance is quantitative. Judges are asked — within the constraints imposed by their own and the appellate courts' sense of procedural and substantive justice — to dispose of as many cases as they can.

Identifying caseload disposition as a judicial task requires judges to shift the focus of their attention from the individual case to the docket of pending cases. Given the efforts of writers on court management to get judges to include responsibility for caseload within the definition of *judicial* responsibilities, the rejection of caseload management expressed in such statements as "I'm ready to try a case whenever they send me one" or, negatively, in "I'm not a clerk" are probably becoming less common, but they are not unheard of.⁷ Courts will vary in the extent of judicial acceptance of caseload management as an important judicial task, but unless there is at least some "docket consciousness," we should not expect to find differences in performance associated with either group size or calendaring arrangements.

Even when judges regard caseload disposition as an important task, they are unlikely to respond to it in the absence of either caseload information or some control over the means of case management. For example, Luskin and Luskin (1987) report that until 1976 control over Providence's criminal court calendar rested with the prosecutor, and that until 1977 no one kept statistics on the number of active cases. Judges on that court could have only the vaguest idea of the size of the pending caseload or of the impact of their own labor. Simply declaring a processing-time goal and initiating record-keeping, however, had a substantial impact on processing times, an effect that stemmed most probably from these acts' positive influence on the clarity and salience of the caseload task.⁸

Costliness of Effort Required. There can be little doubt that the effort involved in the disposition of cases is costly for individual judges.

7. As illustrated in the following, judges who make these sorts of comments may be aware but critical of changing demands:

There was a time when they kept statistics on the number of days in trial. Now judge has a higher number of days in trial. Now it's which judges have a high disposition rate. There's nothing left of art or craft (Interview, Recorder's Court, 1979).

This judge would seem an example of Resnik's (1982) "traditional judicial role" as contrasted with a "managerial judge." Judges adopting "traditional" versus "managerial" role definitions may contribute differentially to caseload disposition (see n. 13, below). But the question social loafing addresses is why judges — whatever their role definitions, skills, or anything else — should work harder on average on caseload disposition under some performance conditions than others.

8. In evaluating the impact of Ohio's Rules of Superintendence, Grau and Sheskin (1982) reach similar conclusions regarding task clarity. They argue that for many judges,

Caseload management requires decisions on the substance, procedure, and timing of cases. And such decision making is not easy. For example, if keeping up with caseload means participating in or at least ratifying sentence concessions in exchange for guilty pleas, the decisions involve personal risks for judges. In the words of one judge,

One of the most difficult things that a judge does is not in the trial stage, but in the pretrial of cases. The risk that a judge takes on his reputation — his political reputation and everything else — is in the pretrial stage. When I decide to take a reduced plea and give a sentence bargain, that's when I lay myself on the line for criticism (Interview, Recorder's Court, 1979).

Over time, the stress of making multiple decisions under conditions of risk may increase the difficulty of the decision making itself (see Showalter and Martell, 1985, on judicial stress generally). Attention to administration and caseload size also means less time for activities — such as writing or conducting trials — that many judges find most intellectually rewarding. The costs judges face in disposing of cases probably vary from court to court and within courts across civil and criminal dockets, but case disposition demands effort from judges and entails social costs. Given the opportunity, judges may be tempted to avoid them; the result will be social loafing, at least as it relates to the task of case disposition.

Limited Interaction. Although social loafing does occur in the presence of those with whom the individual shares responsibility, actual physical presence is not a necessary condition. Simply thinking one is part of a group is enough to decrease effort (Latané *et al.*, 1979; Petty *et al.*, 1977; and Williams *et al.*, 1981). But what of the effects of communication among group members on effort?

Outside the speculation in Latané *et al.* (1979), research on social loafing has considered neither the effects of opportunities for interaction nor the effects of group cohesiveness. Closely related studies of helping behavior (Latané and Nida, 1981), however, suggest that increases in communication and cohesion should decrease social loaf-

judging is an amorphous task. "By redefining judging to encompass specific tasks and standards, the rules allowed judges to take pride in completing those tasks ... judging became more meaningful as it became more clearly defined" (114).

ing. Thus, loafing should be more likely when group members do not talk regularly about their work.

Trial court benches are on-going social organizations rather than the ad hoc groups of social loafing experiments. Yet judges often have surprisingly limited interaction. Trial court judges do not become members of the bench because their colleagues select them; their constituencies are elsewhere. Once on the bench, they sit alone to decide cases. Population patterns may mean that judges on the same bench will be geographically separated (Ryan *et al.*, 1980). In addition, because they work alone in their own courtrooms and because each courtroom works at its own pace, even judges in the same building can be isolated (Eisenstein and Jacob, 1977; see also, Wice, 1981, on lack of collegiality and interaction on an urban court bench). All of these factors will hamper communication about caseload and the contributions of individual judges to its disposition and make social loafing possible.

Thus the general conditions under which group size is likely to affect effort — an external task demand, costly effort, and limited interaction — are found in some degree on most trial courts. The potential for social loafing exists. Let us turn next to the specific mechanisms which mediate the effect of group size on individual effort and the impact of the trial court calendaring practices on these mechanisms.

Effort, Reward, and Case Calendars

Latané and his colleagues hypothesize that the effort people are willing to invest in a task depends on their perceptions of (1) the extent to which their rewards depend on their contributions, and (2) the difference their contributions are likely to make to the group's success. Because the relationship between individual inputs and individual rewards is more attenuated in group performance, people working in groups should be less likely to believe that their efforts will affect their rewards (Latané *et al.*, 1979).

Identifiability of Inputs. At bottom, the linkage of individual input to reward depends on whether inputs can be attributed to specific individuals. Unless inputs can be identified, any possibility of an association between contribution and reward is lost. For the individual working alone, identifiability of input is unambiguous. Because it is more difficult to keep track of who did what as group size increases, people in groups should be less likely to believe that their efforts will affect their rewards: individuals may either fear that they will not reap their proper rewards because their contributions have been missed, or hope

that the anonymity of the crowd will protect them from blame for lack of full effort. Both extra effort and shirking can go unnoticed.

Williams *et al.* (1981) demonstrated the role of identifiability of individual inputs as a mediator of social loafing by creating circumstances in which individuals performing in groups believed their individual contributions *could* be identified. The experimenters asked individuals working alone, in groups, and in pseudo-groups to make as much noise as they could by shouting. When participants were led to believe that the experimenters could monitor individual performances in the group conditions, they made as much noise in groups as when they shouted alone. And when individuals shouted *alone* but believed that only the group total could be recorded, they loafed as much alone as they had in groups (see also Harkins and Petty, 1983).

The observed effect was not solely the result of competition. In one experiment participants were not permitted to see either their own scores or those of others. They were told only that after the experiment was over the experimenters would see how loudly each had shouted (Williams *et al.*, 1981). Simply knowing that output could be identified was enough to motivate. Individuals in these latter groups worked less hard than those who saw their own and other's scores, but they worked harder than those who believed no one would see the individual scores. Williams *et al.* concluded that while competition and social comparison are not essential to the impact of identifiability, these factors probably intensify its effect. Increasing the salience of the identification of the individual inputs also enhances the effect of identifiability. Harkins and Petty (1981) achieved a greater reduction in loafing when participants believed that the results would be examined immediately than when they believed that the results would be examined only at a later time.

Calendarizing and Identifiability. On single-judge courts identifiability is at its maximum. Only one judge is contributing to caseload disposition. If the judge does not manage the docket, it will not be managed. Praise or blame for the size of the backlog and the length of processing times will fall squarely on the judge's shoulders.

With more than one judge, the identifiability of inputs is less certain. The individual calendar's assignment of caseloads to specific judges, however, creates the potential for identification. Recalling Harkins' and Petty's (1982) identifiability experiments, one would expect this mere potential to be enough to motivate. Moreover, the

earlier in its life a case is assigned to a judge and the more certain it is that a case will remain on a judge's docket until it is disposed, the more certainly can its disposition be attributed to that judge's efforts. And the clearer the identification, the greater should be its motivational value.

Other court practices may enhance the degree and salience of identifiability. The very fact of assignment of cases to specific judges probably stimulates social comparison and competition among the judges — based on rumor if nothing else (see, e.g., Church *et al.*, 1978:73). But these effects should be stronger when courts keep caseload statistics by judge, and stronger still when the court reports the statistics to the judges and to others (e.g., the state supreme court). Speedy reporting should also make the identification of individual contributions more salient to the judges. We should thus expect annual reports on judges' pending caseloads or average processing times to be less motivating than quarterly or monthly reports.

Under a master calendar, the identification of individual inputs to the disposition of the case is extremely difficult, though not in principle impossible. Since cases are returned to a central pool after each event, several judges may hear portions of a single case. If one is willing to credit the entire effort to the judge who accepts the plea, dismisses the charges, or conducts the trial which finally disposes of the case, an approximate identification of individual inputs is possible. The problem with such identification, of course, is that case events differ in the time they consume and in the probability of their resulting in a disposition. Thus this attribution scheme will accurately reflect each judge's contribution to the disposition total only if judges' dockets are not specialized by case event and only if each judge handles an equal mix of more and less complex cases. Since most master calendars are specialized either by case type or by case event, the cries of unfairness that arise when newspapers occasionally report the disproportionate "productivity" of one or two judges (usually those assigned to the stage at which most guilty pleas are entered) are understandable.

Without easily identifiable individual input, the group-based responsibility of the master calendar encourages, or at least does not discourage, social loafing. Once again, since the efforts of judges on larger benches will be harder to identify, loafing under master calendars should increase with bench size. On very large benches, however, the decrease in motivation resulting from each additional judge will probably be trivial.

Perceived Dispensability of Effort. The importance individuals attach to their efforts also mediates the effect of group size on individual effort. People who believe their efforts are redundant or otherwise dispensable are more likely to loaf (Harkins and Petty, 1982; Kerr and Bruun, 1983)⁹ — after all, why should one expend full energy if is unlikely to have much effect on the outcome? People's perception of the importance of their own inputs should vary with their evaluations of their own and others' effectiveness and with features of the task (Kerr and Bruun, 1983).¹⁰

Arguing that individuals will feel that their contributions are more important if their efforts are distinct, Harkins and Petty (1983) designed a vigilance experiment in which four person groups monitored television screens for infrequently occurring signals. In the redundant condition, all four group members were told to watch the entire screen. In the nonredundant condition, each member was assigned a separate quadrant of the screen. Members of groups working on redundant tasks loafed, but those working on unique tasks did not. This effect held true even when individual performances were not identified; uniqueness of contribution decreased loafing independently of any identifiability effect.

Perceived dispensability also depends on group members' evaluations of their own and others' competence. Exactly how perceived competence affects perceived dispensability, however, depends on the structure of the task itself. More and less competent people loaf in different circumstances.

Kerr and Bruun (1983) manipulated both individuals' perceived skill levels and the process by which the group result was achieved. In one condition, the group's result depended on the best score in the group; in another, it depended on the lowest score; and in a third, it depended

9. Kerr and Bruun (1983) distinguish between social loafing and free-rider effects on the basis of the kind of mechanism producing the effect. They refer to effects produced by lack of identifiability as social loafing and those produced by perceived dispensability as free-rider effects. Following Harkins and Petty (1983), I refer to both as social loafing.

10. If the task is very easy (e.g., thinking up uses for a box), an individual may believe the group will almost certainly reach an adequate level of response with or without his help. Harkins and Petty (1983) compared group performances on easier and more difficult brainstorming tasks. They found that by increasing task difficulty — thinking up uses for a burned out light bulb as opposed to a box — they were able to decrease loafing. While it seems plausible that increasing task difficulty decreases the sense that individual efforts are redundant, it also seems likely that increasing task difficulty will increase the task's interest to the individual and hence the intrinsic rewardingness of performing it. (See also Brickner *et al.*, 1986.)

on the members' average score. As predicted, less competent group members reduced their efforts when group success was contingent on the performance of the most skilled members, and more competent members loafed when it depended on the accomplishment of the least skilled members. When the task was additive, that is, when the group score was the sum or simple average of individual accomplishments, the differences in loafing across skill levels were not significant (Kerr and Bruun, 1983).

In sum, when individuals believe that their contributions can make a difference — either because of the distinctiveness of the inputs they provide or because of their estimation of their own and others' relative skills — they are less likely to loaf. Because the likelihood that any one member's contribution is dispensable increases with group size, people are more likely to loaf in larger groups. This effect is independent from any resulting from identifiability, although there is, as Kerr and Bruun (1983) point out, evidence in Harkins' and Petty's (1982) results that the identifiability effect amplifies the dispensability effect.

Calendarizing and Perceived Dispensability of Effort. On single-judge courts, uniqueness of contribution, like identifiability, is at its maximum. The size of the group responsible for the caseload is one. There is no redundancy of effort.

On a multi-judge bench, an individual calendar can be thought of as creating a set of single-judge benches, each with its own judge and caseload. Conceptualized in this way, the size of the group responsible for the disposition of the caseload is one. The motivations (and behavior) of the judges should be like those of judges on single-judge courts. But, intuitively, the motivational contexts are not identical. Though the individual and group outcomes for the judge on a single-judge court are the same, they are not so for members of multi-judge benches. Even if judges on a multi-judge court have individual dockets of cases, each judge is still part of a larger group which shares responsibility for a caseload. Whether judges fail or succeed in the disposition of their own caseloads, they will also share in the fate of the group.

The performance conditions imposed by an individual docket on a multi-judge court seem analogous, rather, to those in Harkins' and Petty's vigilance experiments in which individuals watched different quadrants of a television screen. Although only the group product was recorded, the contribution of each individual to that product was unique. Similarly, on a multi-judge court with an individual calendarizing system, although it is the court's total caseload which must be

disposed, each judge has a unique contribution to make to its disposition. An individual calendar for such a bench, then, invests responsibility for the caseload in a group, but divides it into nonoverlapping dockets of cases. This conceptualization distinguishes between identifiability and distinctiveness mechanisms. Although these dimensions are probably highly correlated on trial courts, they are not identical. The specific determinants of each may vary, and each should have an independent impact on judges' motivations.

With a master calendar on a multi-judge court, several judges will probably hear portions of a single case. The consequent decrease in the distinctiveness of judges' contributions should make judges more prone to believing that their contributions are redundant. They may reason that there will be more than enough opportunities to bring a case to disposition. If one judge does not dispose of the case, another judge — perhaps one with greater dispositional skills — still has the possibility of doing so.¹¹ And if judges perceive their efforts as redundant and hence dispensable, they are more likely to loaf.

As with identifiability, other court practices can modify the distinctiveness of contributions. The frequency with which judges are moved from assignment to assignment, for example, affects both distinctiveness and identifiability. At the extreme, judges may be rotated through different individual docket assignments at a rate faster than the court's average case processing time, with the result that several judges will participate in the processing of most cases. The distinctiveness of each judge's contribution to the disposition of that docket of cases will be undermined even though only one judge at a time is responsible for it.

Specialization, Competence, and Differential Loafing. The structure of the task also affects whether one sees one's effort as dispensable (Kerr and Bruun, 1983). Since all dispositions, by whatever means, are contributions to the court disposition total, caseload management is essentially an additive task. No judge's contribution is unnecessary. But the relative impact of judges' contributions varies with their dispositional skills.¹² Because judges less skilled at disposing of cases

11. On this point, it is interesting to note the observation in the New York City Bar Association's report on the state of the courts that under the master calendar in New York City, a judge could most easily deal with motions by "... liberally granting adjournments, rather than grappling with the problem or disposing of the case itself" ("New York to Shift Procedures to Speed Dispositions," *New York Times*, April 22, 1985).

12. "Skill" and "competence" are used only with respect to the very narrow task of caseload disposition. Skill at caseload disposition may result from decision-making,

dispose of fewer cases, their disposition totals will make smaller and hence relatively more dispensable contributions to the court total. The result should be a weak tendency for less skilled judges to differentially loaf under either individual or master calendars.

Specialization of judges by sub-task changes the nature of the caseload task from a purely additive one to one in which some task roles are structurally more important than others. Since some case events — such as civil settlement conferences or criminal arraignments — are more likely than others to result in a disposition, creating a specialized docket of these events makes the judge responsible much more likely to contribute significantly to the court's disposition total.

If, in addition, dispositional skill is used in determining the allocation of such specialized dockets, the motivations of the judges most able to contribute should be further increased because their efforts become all the more central to the court's success at caseload disposition. A court which assigns its most effective plea bargainers to arraignment courtrooms (or judges who are especially skilled at achieving civil settlements to the pretrial stages), puts judges with the greatest dispositional skills in courtrooms where most dispositions take place. These judges should be motivated to work. At the same time, judges whose limited dispositional skills have put them in assignments which further limit their opportunities to contribute directly to disposition totals could perceive their efforts as dispensable and invest less in them. The bench may thus gain effort from its more productive members at the cost of effort from its less productive members.

This trade-off may increase overall court productivity, but the conflict between identifiability and dispensability could render any gain unstable. If, for example, the more productive judges on a bench perceive a large gap between their own efforts and those of less productive judges, the importance of their own contributions to group success may not be enough to motivate them, unless that contribution is also clearly attributed to them. The experience of Detroit's Recorder's Court during a time in which its judges saw wide differences among themselves in

organizational, or negotiational skills. It may also result from such things as a judge's sentencing philosophy or simple willingness to devote long hours to the task. I use these words simply to mean that a judge is able to dispose of a relatively large number of cases. Their use in this way is not meant as an evaluation of any other competencies that judges may possess, nor is it meant to imply that skill at caseload disposition is more important than (or even as important as) other judicial skills.

skill and effort illustrates what can happen. On that court, lack of identifiability of inputs, when combined with what some judges saw as extreme loafing by some of their colleagues, was enough to tempt the more productive judges to sit on their hands. Although the master calendar made their efforts essential, it did not make them identifiable; and although the individual calendar would make the efforts of these most productive judges less essential, it would make them more identifiable. In the words of a judge from that bench:

Some of the ... more ambitious judges finally adopted the attitude of "What's the use? It doesn't pay to carry more than your fair share of the load because the others just don't care" (Interview, Recorder's Court, 1979).

We should expect such secondary effects when the potential costs of productivity are high, providing judges with potent incentives to loaf if given the chance. Thus they should be likely on criminal dockets when large, and hence risky, discounts are required to induce pleas. They should be more likely, generally, for criminal as opposed to civil dockets, and more likely when (or where) judges perceive themselves to be politically vulnerable.

General Discussion

The advocates of individual calendaring systems have long argued that making judges responsible for their own dockets will motivate them to work harder. Social loafing theory and research suggests that these advocates may be correct. This perspective offers an explanation of the motivational effect of differing calendaring systems and specifies some of the conditions that amplify or dampen the impact of social loafing. Does this research have any further implications for research on court calendars and caseload management?

Research. Most specifically, social loafing research points to the necessity of improving our conceptualization of calendaring. The most radical implication may be to abandon multi-dimensional calendaring concepts altogether and concentrate instead on identifying and measuring the important theoretical dimensions. Short of that we need to improve the precision and accuracy of our measurement. Usual practice has been to dichotomize calendars into individual and master types (e.g., Church *et al.*, 1978; Flemming *et al.*, 1987; Luskin and Luskin, 1986, 1987; Mahoney *et al.*, 1985; Nimmer, 1978) without being too precise about how closely the calendars subsumed under each label *do*

approximate these forms.¹³ Rather than more or less arbitrarily assigning hybrids and other variants to master or individual categories or settling for a nominal level measurement, measuring more specific variables would allow us to order all calendaring systems along the same theoretical dimensions.

The identifiability and distinctiveness of individual judicial inputs, for example, will depend on the point at which cases are assigned to specific judges, the court's practice with regard to rescheduling cases, the length of judges' assignments to particular dockets, whether individual caseload statistics are kept, and whether, to whom, and how quickly they are reported. Other equally important motivational and facilitative effects may be determined by other specific court practices. Ultimately, we may find that the empirical coincidence of these dimensions makes it impossible to unambiguously divide their effects and assign them to particular theoretical dimensions; the attempt is essential, however, if our understanding of these relationships is to improve.

The research discussed here also implies that we will have to think of the size of the bench as more than the denominator in a calculation of judicial workload measures. Theory suggests that group size will affect individual effort independently of individual or group workload. For example, a judge with a fractional assignment to a docket, let us say a .3 full-time equivalent (FTE), can be counted as a .3 FTE in the measurement of the court's resources and calculation of average judicial workload. But does the .3 FTE judge function as a full psychological member of the group responsible for the caseload? What of visiting judges? In general, what standards of regularity and formality of participation are required before a judge should be counted as increasing the size of the group responsible for the caseload?

At a broader level, this perspective points to the importance of structural and administrative variables. With a few exceptions (e.g., see Flemming *et al.*, 1987; Luskin and Luskin, 1986, 1987), recent writing and research on court caseloads and case-processing times has de-emphasized the role of structural variables (see, e.g., Church, 1982). But as Luskin and Luskin (1987) argue, structural variables shape judicial incentives. The social loafing literature suggests some of the mechanisms by which structure and organization affect motivation. Structural variables may have other effects as well. They may, for

13. For example, Mahoney *et al.* (1985) — who are admirably explicit about what they do — include all but the most individual of calendars as master calendars, acknowledging that some of their master calendars are actually hybrids. One consequence is that

example, produce divisions of labor on the court which are more or less facilitative (Flemming *et al.*, 1987; Luskin and Luskin, 1987).

It is possible, of course, that structural arrangements have opposing motivational and facilitative consequences. It seems likely, in fact, that some of the murkiness of the results of research on the impact of calendars derives from such mixed effects. But this observation should not lead to the conclusion that structural variables are unimportant — only that their effects are complex.

Finally, not only can small group theories illuminate the behavior of judges, but research in courts can also enrich laboratory work on group effects. Because calendaring arrangements affect both group and task factors, because benches (like many other actual groups) exist over time, because the decisions made are complex and important, and because the task of caseload disposition is performed daily in every court, courts may be fruitful settings in which to study the motivational and process effects of group-related variables. Even this limited application to court calendars illustrates the potential importance of including such factors as the clarity of the task definition and the stakes associated with performance in research on the motivational effects of group size.

Caseload Management. Whatever theoretical and research questions remain open, those charged with administering courts have to choose how the court will be organized to do its business. Can this research give them any practical guidance?

If, as I have argued, the findings from laboratory research on social loafing are applicable to trial courts, increasing the identifiability and distinctiveness of judges' contributions by making them individually responsible for sets of cases should spur them to greater effort. Other things being equal, a court which chooses a master calendaring system should know that its judges are probably not working as hard as they would have under an individual calendar.

Two caveats are in order. One is that master calendars may not be less productive in practice. Although individual calendars increase judicial motivation, gains from task specialization and other process improvements may make master calendars more productive in net. Yet there is no guarantee that potential process gains from a master

they classify Recorder's Court as a master calendar court. Luskin and Luskin (1986), looking at the same calendar, classify it as "individual" to distinguish it from the more master-oriented calendar that it replaced.

calendar will be realized and, if realized, that they will offset motivational losses (see, e.g., Flemming *et al.*, 1987, or Luskin and Luskin, 1987). These are empirical questions that must be answered for particular mixes of motivational and process variables. Additionally, even in the absence of process gains and despite motivational losses, other considerations (e.g., fairness in the distribution of waiting time or improved judicial morale) may lead a court to choose a master over an individual calendar.

The second caveat is that although a calendaring system influences both the identifiability and perceived dispensability of individual efforts, real world calendars do not neatly fall into two categories — individual and master — on these crucial motivational dimensions. Rather, the impact of these factors will be affected by such practices as the point at which the cases are assigned to judges, rescheduling, assignment rotation, monitoring, task specialization, and statistical record-keeping and reporting.

For individual calendars, actions which obscure individual identification (e.g., no collection or reporting of individual disposition statistics) or undermine the distinctiveness of individual contributions to case disposition (e.g., reassigning cases scheduled for trial but not reached) should diminish motivating power. For master calendars, processes which help generate motivation from within the bench (e.g., communication and cohesiveness) deserve particular attention (Brickner *et al.*, 1986; Orbell and Dawes, 1981; Zander, 1971). In addition, both individual and master calendaring courts can look to some of the conditioning variables (the salience of caseload disposition as a judicial responsibility, for example) to strengthen whatever motivational mechanisms are operating.

This literature emphasizes the connections between the ways the work situation is structured and individuals' motivations to perform. A central lesson for courts should be that whatever calendaring system is selected, court participants should be aware of the motivational consequences of structure. Identifying the theoretical mechanisms that produce particular effects is the first step in designing calendars and other structures that maximize desired and minimize undesired effects.

REFERENCES

- BRICKNER, Mary A., Stephen HARKINS and Thomas OSTROM (1986) "Effects of Personal Involvement: Thought Provoking Implications for Social Loafing," 51 *Journal of Personality and Social Psychology* 763.
- CANNON, Mark W. (1985) "Judicial Administration into the 21st Century," 45 *Public Administration Review* 679-685.

- CHURCH, Thomas, Jr. (1982) "The 'Old and the New' Conventional Wisdom of Court Delay," 7 *The Justice System Journal* 395.
- CHURCH, Thomas, Jr., Alan CARLSON, Jo-Lynne LEE and Teresa TAN (1978) *Justice Delayed: The Pace of Litigation in Urban Trial Courts*. Williamsburg, Va.: National Center for State Courts.
- COOK, Thomas J., Ronald W. JOHNSON, Ellen FRIED, John GROSS, Mary WAGNER and James EISENSTEIN (1981) *Measuring Court Performance*. Research Triangle Institute.
- EISENSTEIN, James and Herbert JACOB, (1977) *Felony Justice: An Organizational Analysis of Criminal Courts*. Boston: Little Brown.
- FLEMMING, Roy, Peter NARDULLI and James EISENSTEIN (1987) "The Timing of Justice Felony Trial Courts," 9 *Law and Policy* 179.
- FRIESEN, Ernest, Joseph JORDAN and Alfred SULMONETTI (1978) *Arrest to Trial in Forty-Five Days: A Report on the Study of Delay in Metropolitan Courts During 1977-1978*. Los Angeles: Whittier College of Law.
- GRAU, Charles W. and Arlene SHESKIN (1982) "Ruling Out Delay: The Impact of Ohio's Rules of Superintendence," 66 *Judicature* 108.
- HARKINS, Stephen G. and Richard E. PETTY, (1982) "The Effects of Task Difficulty and Task Uniqueness on Social Loafing," 43 *Journal of Personality and Social Psychology* 1214.
- _____ (1983) "Social Context Effects in Persuasion," in Paul B. Paulus (ed.) *Basic Group Processes*. New York: Springer-Verlag.
- HENDERSON, Thomas A., Randall GUYNES and Carl BAAR (1981) "Organizational Design for Courts," in James A. Cramer (ed.) *Courts and Judges*. Beverly Hills, Calif.: Sage.
- INGHAM, A. G., G. LEVINGER, J. GRAVES and V. PECKHAM, (1974) "The Ringelmann Effect: Studies of Group Size and Group Performance," 10 *Journal of Experimental Social Psychology* 371.
- KERR, Norbert L. and Steven E. BRUUN (1981) "Ringelmann Revisited: Alternative Explanations for the Social Loafing Effect," 7 *Personality and Social Psychology Bulletin* 224.
- _____ (1983) "Dispensibility of Member Effort and Group Motivation Losses: Free-Rider Effects," 44 *Journal of Personality and Social Psychology* 78.
- LATANE, Bibb (1981) "The Psychology of Social Impact," 36 *The American Psychologist* 343.
- LATANE, Bibb and Steve NIDA, (1981) "Ten Years of Research on Group Size and Helping," 89 *Psychological Bulletin* 308.
- LATANE, Bibb, Kipling D. WILLIAMS and Stephen G. HARKINS (1979) "Many Hands Make Light the Work: The Causes and Consequences of Social Loafing," 37 *Journal of Personality and Social Psychology* 822.
- LUSKIN, Mary Lee and Robert C. LUSKIN (1986) "Why So Fast? Why So Slow?: Explaining Case Processing Time," 77 *Journal of Criminal Law and Criminology* 190.
- _____ (1987) "Case Processing Time in Three Courts," 9 *Law and Policy* 207.
- MAHONEY, Barry, Larry L. SIPES and Jeanne ITO (1985) *Implementing Delay Reduction and Delay Prevention Programs in Urban Trial Courts: Preliminary Findings from Current Research*. Report Prepared for the National Conference on Court Delay Reduction, Denver. Williamsburg, Va., National Center from State Courts.
- NEUBAUER, David, Marcia LIPETZ, Mary Lee LUSKIN and John RYAN (1981) *Managing the Pace of Justice: An Evaluation of LEAA's Court Delay Reduction Program*. Washington, D.C.: U.S. Department of Justice.
- "New York to Shift Procedures to Speed Dispositions" (1985) *New York Times*, April 22, 1985.
- NIMMER, Raymond (1978) *The Nature of System Change: Reform Impact in the Criminal Courts*. Chicago: American Bar Foundation.
- OLSEN, Mancur (1965) *The Logic of Collective Action*. Cambridge, Mass.: Harvard University Press.
- ORBELL, J. and R. DAWES (1981) "Social Dilemmas," in G. STEPHENSON and J. H. DAVIS (eds.) *Progress in Applied Social Psychology*. New York: Wiley.
- PETTY, Richard E., Steven G. HARKINS and Kipling WILLIAMS, (1980) "The Effects of Group Diffusion of Cognitive Effort on Attitudes: An Information Processing View," 1 *Journal of Personality and Social Psychology* 81.

- RICHARD E., Steven G. HARKINS, Kipling WILLIAMS and Bibb LATANÉ (1977) "The Effects of Group Size on Cognitive Effort and Evaluation," 3 *Personality and Social Psychology Bulletin* 579.
- RESNIK, Judith (1982) "Managerial Judges," 96 *Harvard Law Review*. 374.
- RYAN, John P., Allen ASHMAN, Bruce D. SALES and Sandra SHANE-DUBOW (1980) *American Trial Judges*. New York: Free Press.
- SHOWALTER, C. Robert and Daniel A. MARTELL (1985) "Personality, Stress, and Health in American Judges," 69 *Judicature* 82.
- SIPES, Larry L. Alan M. CARLSON, Teresa TAN, Alexander B. AIKMAN and Robert W. PAGE, Jr. (1980) *Managing to Reduce Delay*. Williamsburg, Va.: National Center for State Courts.
- SOLOMON, Maureen (1973) *Caseflow Management in the Trial Court*. Chicago: American Bar Association Commission on Standards of Judicial Administration.
- STEINER, Ivan (1972) *Group Process and Productivity*. New York: Academic Press.
- STROEBE, Wolfgang and Bruno S. FREY (1982) "Self-Interest and Collective Action: The Economics and Psychology of Public Goods," 21 *British Journal of Social Psychology* 121.
- WICE, Paul B. (1981) "Judicial Socialization: The Philadelphia Experience," in James A. Cramer (ed.) *Courts and Judges*. Beverly Hills, Calif.: Sage.
- WILLIAMS, Kipling, Steven G. HARKINS and Bibb LATANÉ (1981) "Identifiability as a Deterrent to Social Loafing: Two Cheering Experiments," 40 *Journal of Personality and Social Psychology* 303.
- ZANDER, Alvin (1971) *Motives and Goals in Groups*. New York: Academic Press.