

FINAL EVALUATION OF THE MANHATTAN CRIMINAL COURT'S MASTER CALENDAR PROJECT

JOHN B. JENNINGS R-1285-NYC NOVEMBER 1973

013424

This study was sponsored by the City of New York.
Its contents, however, do not purport to represent the
official views or policies of the City of New York.

The New York City-Rand Institute is a nonprofit research institution founded, as its Articles of Incorporation state, "... primarily to conduct programs of scientific research and study, and provide reports and recommendations, relevant to the operations, planning or administration of the City of New York." The Institute was established in 1969 by the City of New York and The Rand Corporation as a center for the continuing application of scientific and analytic techniques to problems of urban life and local government. It is governed by a Board of Trustees appointed jointly by the City and Rand.

Published by The Rand Corporation

~~FINAL~~ EVALUATION OF THE MANHATTAN CRIMINAL COURT'S MASTER CALENDAR PROJECT

Final

JOHN B. JENNINGS

R-1285-NYC
NOVEMBER 1973

THE
NEW YORK CITY
RAND
INSTITUTE

545 MADISON AVENUE NEW YORK NEW YORK 10022 (212) 758-2244



PREFACE

This Report presents the final results of an evaluation of the operations of the Manhattan Criminal Court. The work has been sponsored by the Appellate Division of the State Supreme Court, the Criminal Court of the City of New York, and the Mayor's Criminal Justice Coordinating Council. The first phase of the evaluation covered the five month period beginning on February 1, 1971, when the Master Calendar Project and All-Purpose Parts were initiated; the results are reported in "Evaluation of the Manhattan Criminal Court's Master Calendar Project: Phase 1--February 1-June 30, 1971" (R-1013-NYC). The second and final phase covers the first five months of 1972.

This work was supported by Grant No. C-57710 from the New York State Office of Planning Services, Division of Criminal Justice to the City of New York.

In this Report we compare the effectiveness of two alternative modes of court operation: the Master Calendar System and the All-Purpose Part System. Based in part on the findings of this study, the court's administration concluded that the Master Calendar System was not performing as effectively as the All-Purpose Part System and converted the resources which had been devoted to the former into additional all-purpose parts.

SUMMARY

On February 1, 1971, the Manhattan branch of the New York City Criminal Court underwent a major internal reorganization. The former system of specialized courtrooms, or "parts," was replaced with two new systems: an experimental Master Calendar (or "Master All-Purpose" or "MAP") Complex, and a system of "all-purpose parts." The conversion to the all-purpose system was accomplished with a minimum of difficulty and with relatively few substantive changes in Court procedures. The creation of the MAP system involved more major changes and has proved more difficult. The purpose of this Report is to evaluate the performance of the MAP complex during the period from January through May of 1972, and to compare its performance with that of the all-purpose parts and, to a lesser extent, with that of the former system.

Reflecting the broad range of the reforms introduced, this evaluation is based on the analysis of a large number of measures of Court performance, divided into the following categories:

- Factors affecting the quality of justice in the Court;
- Efficiency with which cases are processed;
- Burdens placed on participants in Court actions;
- Peripheral criteria.

The data required to determine the performance of the Court with respect to each criterion were obtained from a variety of sources, including Court records and statistical reports, observation, interviews, and questionnaires. Together, they provide a comprehensive basis for evaluating Court performance.

Some of the results of this evaluation are summarized below.

Overall, both the MAP System and the all-purpose parts have exhibited relative advantages and disadvantages. In no instance, however, can the differences be called major (except, perhaps, for the additional costs of the MAP experiment). In fact, the performance of the two systems has become closer over time.

MAP's relative advantages have been found to stem primarily from the added numbers of staff at all levels: Assistant District Attorneys, Legal Aid attorneys, Court Clerks, administrative staff, and Uniformed Court Officers. These additional personnel have enabled attorneys to devote more time and attention to each case and have made it possible to achieve a moderate saving of wasted courtroom time in the "calendar part."

MAP's relative disadvantages are due primarily to a failure to effectively coordinate the many pieces of the complex. Thus, while the pace has been more pressured in the calendar part, more time has been wasted in the backup parts, and the rate at which cases have been disposed of (per part or per attorney or per dollar) has been lower.

On the basis of these findings, it is reasonably clear that MAP, as it has operated, has not achieved its goals and should, at a minimum, be substantially modified. However, our analysis of MAP has made it possible to identify four principles which should guide future reform efforts:

- Eliminate extraneous activity in the courtroom;
- Coordinate case-processing activities to minimize wasted time;
- Reduce unwarranted absences;
- Encourage more intensive case preparation.

To achieve these general goals, we recommend a score of specific actions which our evaluation has shown to be effective toward these ends. In addition, we recommend a series of specific experiments to investigate three major issues which have been raised by the MAP experiment, but remain unresolved:

- Is it cost-effective to add clerical and administrative personnel in an attempt to save the time of judges?
- Is it cost-effective to increase the numbers of Assistant District Attorneys and Legal Aid attorneys in an attempt to save the time of judges (as well as to provide improved prosecution and defense representation?)
- Is the distinction between "calendar" and "backup" parts operationally useful, how many parts should comprise the basic Court unit, and what functions should each perform?

ACKNOWLEDGMENTS

In the course of this study, the evaluation staff has received the fullest cooperation from the administration and staff of the Court and of the Master Calendar Project, and from the judges and attorneys who work in the Criminal Court. Particular thanks are due Leland Tolman and Gerald Stern of the Appellate Division; Justice David Ross, Lester Goodchild, Bernard Newman, Charles Meara, and Arthur Reilly of the Criminal Court; Robert Kasanof, Edward Lipton, and Robert Kaplan of the Legal Aid Society; Melvin Glass of the District Attorney's Office; Edwyn Silberling and William Thompson of the Master Calendar Project; Peter Gray of the Mayor's Criminal Justice Coordinating Council; and the many individuals who assisted our observers and provided answers to our questionnaires but will not be mentioned by name. Much of the data collection and analysis was performed by Beverly Reynolds and Kathleen Rogan, together with a team of courtroom observers: Joseph Adams, Murray Gendzel, Kenneth Raskin, Charles Friedman, Patricia Goughan, David Ruck, Ernst Perodin, Howard Pozmanter, and Naomi Stonberg. Computer support was provided by Joan Held.

CONTENTS

PREFACE. iii

SUMMARY. v

ACKNOWLEDGMENTS. vii

FIGURES. xiii

TABLES xi

GLOSSARY xy

Section

I. INTRODUCTION 1

 The Reorganized Part-Structure 2

 Review of the Experiment. 6

II. DESIGN OF THE EVALUATION 9

 Techniques of Analysis 14

III. SUMMARY OF FINDINGS. 18

 Benefits and Costs of MAP Innovations. 19

 Comparison of Overall Performance
 of the MAP and All-Purpose Systems 25

IV. CONCLUSIONS AND RECOMMENDATIONS. 30

 Principles for Operational Court Reforms 30

 Unresolved Issues and Suggestions for
 Further Experimentation. 35

Appendix

A. DIRECTIVES ESTABLISHING SANCTIONS AND
ADMINISTRATIVE ADJOURNMENTS IN THE
MANHATTAN MASTER CALENDAR COMPLEX. 41

B. FINDINGS 45

 Quality of Justice 45

 Processing Efficiency. 72

 Burden on Participants 105

 Peripheral Criteria. 107

C. DESCRIPTION OF CASE-HISTORY SAMPLES. 112

D. ACCURACY OF THE COURT'S "F4" CALENDAR SUMMARIES. 116

CONTENTS (continued)

E. DATA COLLECTION FORMS AND INSTRUCTIONS FOR OBSERVATION. 118

F. SAMPLE INTERVIEW OUTLINE: LEGAL AID SOCIETY ATTORNEY 123

G. METHOD OF ANALYSIS OF THE NUMBER OF APPEARANCES PER CASE AND THE DURATION OF CASES 136

H. DERIVATION OF A FORMULA FOR THE LONG-RUN FRACTION OF CALENDARED CASES DISPOSED OF 139

FIGURES

1. Structure of Felony and Misdemeanor Adult Arrest Parts in Manhattan 3

2. Judge A: Time Spent per Case Called Vs. Number of Cases Called 55

3. Judge B. Fraction of Cases Disposed of Vs. Number of Dockets Calendared. 78

4. Fraction of Cases Disposed of Vs. Number of Dockets Calendared for Three Groups of Judges. 81

5. Data Collection Form 113

6. Sample of Court's "F4" Calendar Summary. 117

TABLES

1. Comparison of the MAP and All-Purpose Modes of Operation	8
2. Criteria for Evaluating the Manhattan Master Calendar Project.	11
3. Comparative Summary of the Performance of the MAP and All-Purpose Portions of the Court	26
4. Enumeration of Criteria	46
5. Average Number of Dockets Calendared per Day.	48
6. Estimated Number of Cases Handled per Assistant District Attorney and per Legal Aid Society Attorney per Day.	53
7. Average Time Spent per Case	57
8. Ratio of Dismissals to Guilty Pleas for Three Groups of Calendar Judges	59
9. Distribution of Judge-Days in the MAP and All-Purpose Calendar Parts Among Three Groups of Judges.	61
10. Case Dispositions	62
11. Summary of Sentencing Patterns.	64
12. Appearances, Duration, and Adjournment Periods.	65
13. Four-Year Comparison of Appearances and Case Duration.	67
14. Hours of Courtroom Operation.	74
15. Utilization of Judicial Time.	75
16. Judges and Calendar Sizes in the MAP and All-Purpose Calendar Parts.	83
17. Percent of Cases Disposed of Per Day.	84
18. Percent of Cases Disposed of per Day, MAP and All-Purpose Calendar Parts.	86

19. Number of Cases Disposed of per Part per Day. 88

20. Estimated Average Number of Cases Disposed of per Day per Assistant District Attorney and per Legal Aid Society Attorney. 91

21. Courtroom-Related Personnel and Approximate Average Salaries. 93

22. Costs of Courtroom-Related Personnel per Part and per Case Disposed of. 95

23. Bench Warrants Issued and Executed. 97

24. MAP Project's Tabulation of Reasons for Adjournment in Part MP-1. 100

25. The New York City-Rand Institute's Tabulation of Reasons for Adjournment in Part MP-1. 102

26. The New York City-Rand Institute's Tabulation of Reasons for Adjournment in the All-Purpose Calendar Parts. 103

27. Appearances and Case Duration - Defendants in Jail. 107

28. Number of Cases in Case-History Samples 115

GLOSSARY

This glossary defines some of the terms which the reader may find unfamiliar.

Adjournment	The process of scheduling a new date for the continuation of a case in which processing has not been completed.
Administrative Adjournment	An adjournment granted by someone other than a judge.
All-Purpose Part	A court part which can handle any type of case and all stages in the processing of a case.
Arraignment	The first court appearance following arrest.
Assistant District Attorney	A lawyer on the staff of one of the City's District Attorneys' Offices.
Backup Part	A court part used primarily to conduct hearings and trials in cases transferred from calendar parts.
Calendar Part	A court part in which a relatively large number of cases are scheduled for appearances of short duration. Typically, as each case is called, the various parties are assembled, quick conferences are held, guilty pleas can be accepted and sentences imposed, charges can be dismissed, and cases may be adjourned to future dates. Cases requiring hearings or trials are generally transferred to a "backup" part.
Court Part Disposition	The completion of court processing of a given case. In general, disposition signifies that no further appearances are to be made. One exception to this rule occurs when a defendant has been convicted but the case is adjourned to a later date for sentencing. Here, the disposition is recorded by the Criminal Court on the date of conviction, rather than the date of sentencing. We follow this convention in this report.

Distribution of Dispositions

The breakdown of a total number of dispositions into the component categories: dismissed, pleaded guilty, transferred to the State Supreme Court (usually as a result of Grand Jury indictment), and so on.

District Attorneys

Each of the five counties comprising the City has its own independent (elected) prosecutor, or District Attorney.

Legal Aid Society

The public defender agency in New York City.

Parole

Release on the defendant's own recognizance pending disposition (same as ROR).

Part

The basic unit of the court, consisting of a courtroom, a judge, and all the ancillary personnel required to conduct the business of the court.

Preliminary Hearing or Examination

A proceeding during which testimony is heard by a judge for the purpose of determining whether there is reasonable cause to believe that a defendant charged with a felony or misdemeanor did commit such crime. If cause is found, prosecution of the case continues; if cause is not found, the case is dismissed.

ROR

Release on the defendant's own recognizance pending disposition (also called parole).

I. INTRODUCTION

On February 1, 1971, the Manhattan branch of the New York City Criminal Court underwent a major internal reorganization. Prior to this date, adult felony and misdemeanor cases were processed through a fragmented, three-tier system of some 15 specialized courts, or parts.* Arraignments were handled by one group of parts, hearings by a second, and trials by a third. Within each of the latter two groups, court parts were further specialized according to the crime charged and whether or not the defendant was being detained in jail. It was not uncommon for a single case to appear in as many as half a dozen parts, each time before a different judge, and with as many different Assistant District Attorneys and Legal Aid Society Lawyers. As a result, no single judge, prosecutor, or Legal Aid attorney was responsible for the disposition of a case; it was not difficult for either side to obtain unnecessary delays and to "shop" for a desirable judge, and both the number of appearances and the length of time required to dispose of a case were inordinately large.

By late 1970, there had developed a broad consensus that the Court had become over-specialized and that a reversal of the earlier trend was in order. Toward this end, two primary alternatives had been proposed:

- (a) a system of simple "all-purpose" parts in which individual parts or, perhaps, pairs of parts would conduct all post-arraignment processing of assigned cases, operating rather independently from the rest of the Court; and
- (b) a Master Calendar System in which a small group of parts would be coordinated centrally and supported by an "administrative unit."

*A Court "part" is a courtroom, a judge, and all the other personnel required to conduct the business of the Court. The annual cost of operating each such part is approximately \$250,000. For a description of the specialized system, see J. B. Jennings, The Flow of Arrested Adult Defendants Through the New York City Criminal Court in 1968 and 1969 (R-638-NYC), The New York City-Rand Institute, January 1971.

A grant from the Federal Law Enforcement Assistance Administration for the purpose of operating a Master Calendar System on an experimental basis in the Manhattan Criminal Court was received by the Court (and subsequently renewed), and the Master Calendar operation (usually referred to as the MAP -- for Master All-Purpose -- system or complex) was begun on February 1, 1971. At the same time, the Court administration, feeling certain that the "simple all-purpose" system represented a significant improvement over the specialized system, converted the remainder of the Manhattan branch of the Court, as well as the four other branches, into simple all-purpose parts.

In principle, each of these systems is composed of only two tiers: arraignment, and post-arraignment, the distinction between hearing parts and (one-judge) trial parts having been removed. In addition, each part can handle both felonies and misdemeanors, and all types of defendants (whether in jail or not). However, two jury trial parts continue to operate, serving the entire county except the MAP complex.*

THE REORGANIZED PART-STRUCTURE

The current structure of felony and misdemeanor arrest parts in the Manhattan Criminal Court is presented diagrammatically in Fig. 1.**

As shown, felony and misdemeanor cases not disposed of at arraignment are divided among the MAP complex and the various all-purpose parts.***

*Jury trials are provided in the Master Calendar Complex by bringing the jury into one of the regular backup parts.

**Prior to February 7, 1972, there was a fourth pair of all-purpose parts, AP-7 and AP-8, as well as a fourth MAP backup part.

***The mechanism used to divide new cases among the various parts is as follows: each month, an "intake schedule" is prepared for the next month designating the days on which all felonies and misdemeanors, excluding gambling and prostitution cases, not disposed of at arraignment are to be assigned to each part. During the evaluation period, the MAP complex was assigned approximately one-third of all such intake sessions, and parts AP-1, AP-3, and AP-5 were each assigned two-ninths. As a result of this procedure, cases were randomly divided among the various parts. Beginning on February 7, new narcotics felony cases were all assigned to separate parts which we do not consider here.

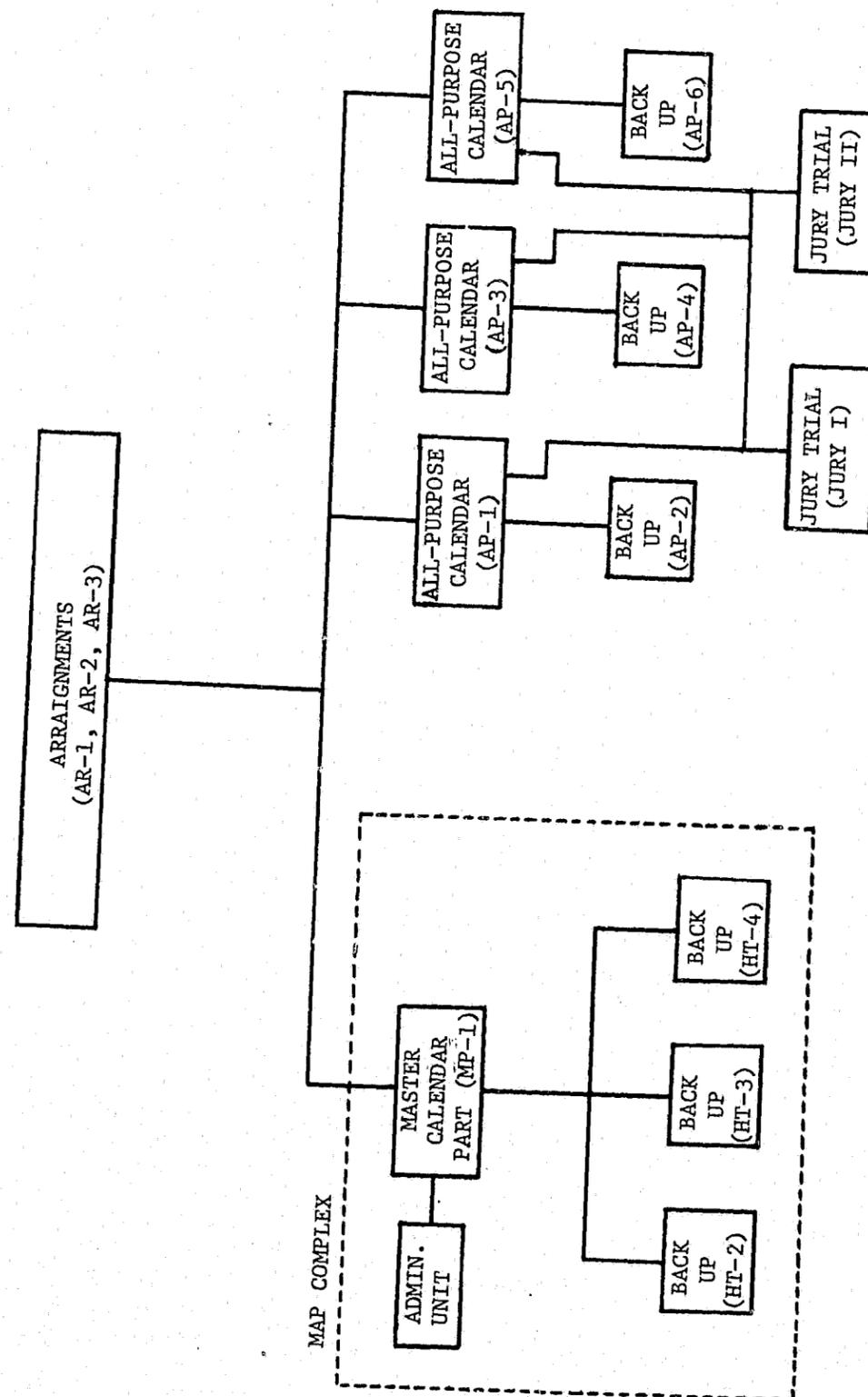


Figure 1

Fig. 1 - Structure of felony and misdemeanor adult arrest parts in Manhattan

During the current evaluation period, all of the all-purpose parts have operated in pairs. In each pair there is a clear definition of roles: Parts AP-1, AP-3, and AP-5 act as "calendar parts," while Parts AP-2, AP-4, and AP-6 act as "backup parts." In the former, the various parties involved in each case would be assembled, quick conferences would be held, guilty pleas could be accepted and sentences imposed, or charges could be dismissed; cases requiring hearings or (one-judge) trials are transferred to the respective backup parts.

The MAP complex, on the other hand, is currently composed of four parts: the central "calendar" part, designated MP-1, and three "backup" (or hearing and trial) parts, designated HT-2, HT-3, and HT-4.* In terms of the movement of cases through these parts, the MAP complex has been quite similar to a pair of all-purpose parts, the primary structural differences being that there have been three backup parts instead of one.

However, the procedures followed and resources available in the two systems are not the same. Among the more important of these distinctions are the following:

Pre-Calendar Conferences and Additional Assistant District Attorneys and Legal Aid Society Attorneys in the MAP Complex

In the all-purpose parts, the defense and prosecuting attorneys do not generally confer with each other with regard to the potential disposition of a case until that case is called before the judge in the calendar part. As a result, these conferences are hurried and tend to waste the time of the judge. In order to encourage a more substantive conference without taking up the time of the Court, the MAP system "requires" a defense-prosecution conference before a case is called. In addition, extra Legal Aid and Assistant District Attorneys are pro-

*Prior to February 7, there was a fourth backup part, HT-1. While the closed part was sometimes referred to as HT-2, and one of the open parts alternately as HT-1, HT-2, and HT-1/2, we shall consider HT-1 to have been the closed part and HT-2 to have been the continuously operating part.

**While conferences do take place for most cases, the practice is by no means uniform.

vided to compensate for the time consumed in these conferences.

Clerical and Administrative Staff to Assemble Ready Cases in the MAP Complex

One of the substantial causes of wasted time in the all-purpose calendar parts has been the difficulty involved in determining which cases were ready for judicial attention prior to calling them before the judge. In an attempt to reduce this wasted effort, additional clerical and administrative staff are provided in MAP to (a) identify cases that are ready to be called, (b) transfer cases which are ready for a hearing or trial directly to a backup part, and (c) grant administrative adjournments in certain situations when both the defense and prosecution consent.* The particular methods used to achieve these goals have been a check-in desk for defendants and their attorneys, additional Court clerks, a Police coordinator, a MAP staff coordinator, and an Administrative Unit empowered to grant adjournments.

Centralization of Administrative and Calendar-Part Functions in MAP

The procedures noted above were designed largely to save the time of the MAP calendar judge. The MAP system was designed to fill the time so gained by simply increasing the number of cases calendared. In order to accommodate the extra hearings and trials generated by the larger calendar, additional backup parts were created. The result is a centralization of administrative and calendar-part functions.

Availability of Immediate Jury Trials

In the all-purpose portion of the Court, requests for jury trials are met by adjourning such cases to the special jury trial parts on later dates. This procedure may needlessly prolong cases in which both

*The establishing directive is presented in Appendix A.

sides are ready to proceed, may require an otherwise unnecessary extra appearance by defendants, witnesses, and private attorneys, and provides a means for improperly delaying a case by requesting a jury trial and later withdrawing that request. To avoid these problems, the MAP system was designed to provide sufficient backup parts equipped with jury facilities to be able to meet a request for a jury trial on the day of the request.

Convenience Factors in MAP for Parties not Employed in the Court

Three aspects of normal Court operations tend to inconvenience parties such as witnesses, private defense counsel, and defendants, who normally do not spend their entire day in Court: (a) the inability to obtain an adjournment in advance of a scheduled appearance for which one party will be absent or which, for some other reason, cannot be productive; (b) the necessity of spending an entire day in Court for a single, short appearance; and (c) the difficulty often involved in determining whether one is in the right courtroom or whether one's client or attorney has arrived. As a result of these inconveniences, necessary parties are often not in the right place at the right time, leading to a waste of the Court's time. To ease these inconveniences, the MAP system has provided an Accelerated Adjournment Office;* a calendar split into two sections, one scheduled for 9:30 a.m. and the other for 12 noon; and a check-in desk, whose primary function is related to the assembly of ready cases (see above), but which also serves as a source of information.

REVIEW OF THE EXPERIMENT

To summarize, the adult felony and misdemeanor portions of the Manhattan Criminal Court were reorganized into two modes of operation: the MAP system and the all-purpose parts. They operated in parallel for

*See the establishing directive in Appendix A.

a year and a half to determine which fostered a more effective use of the Court's resources. The major differences between the two modes of operation, summarized in Table 1, are the following:

- Structurally, MAP centralized administrative and calendar-part functions in one of four parts. Under the all-purpose plan, these functions were performed in one of every pair of parts. In addition, an Administrative Unit was provided in MAP to assist the calendar-part judge with nonjudicial duties.
- Procedurally, MAP included a number of features designed to ensure that no case would be called before a judge until all the necessary parties were present and the two sides had conferred with regard to the direction of future action on the case. In addition, several convenience factors were introduced to reduce the burdens on participants in Court actions.

This comparative test of the two modes of operation was not an "experiment" in the classical, carefully controlled, laboratory-like atmosphere. A great many complex changes were introduced simultaneously, procedures were modified continuously during the test period, and no real "control" portion of the Court was available to provide a base of comparison (recall that the former mode of operation -- specialized parts -- was eliminated with the start of the test period).

Nevertheless, two very important court systems were subjected to an extended test. The fact that they were operated simultaneously and that new cases were divided between them at random has made it possible to conduct a meaningful comparison of the performance of the two portions of the Court. The results of this comparison are presented in following sections.

*See the establishing directive in Appendix A.

Table 1

COMPARISON OF THE MAP AND ALL-PURPOSE
MODES OF OPERATION

	<u>MAP</u>	<u>ALL-PURPOSE</u>
<u>STRUCTURE</u>		
Number of Backup Parts per Calendar Part	3	1
Administrative Unit	Yes	No
<u>PROCEDURES</u>		
Defense-Prosecution Conferences	Prior to Calendar Call	After Calendar Call
Assembly of Cases	Prior to Calendar Call	As Called
Calendar-Part Functions	Centralized	Decentralized
Availability of Jury Trials	Immediate	By Adjournment
Convenience Factors (Accelerated Adjournment, Split Calendar, and Check-In Desk)	Yes	No

II. DESIGN OF THE EVALUATION

Our analysis of the MAP and all-purpose projects has been divided into two phases. The first phase consisted of the following steps:

- Selection of measures of Court performance;
- Development of data collection and analysis; procedures
- Determination of the performance of the MAP complex from February through June 1971, and comparison with the performance of the all-purpose parts during the same period and with the earlier system of specialized parts.

This first phase demonstrated that the conversion from specialized to all-purpose parts had been successful and advantageous. Further, it identified relative advantages and disadvantages associated with both the Master and simple all-purpose part systems. The central conclusion of the first-phase evaluation was that the MAP system offered a number of important advantages and should be tested further with a number of changes (some of which were subsequently made, others of which were not). The results of the first phase are presented in detail elsewhere.*

The second-phase evaluation, which is the subject of this report, has also consisted of three steps:

- Refinement of the evaluation criteria;
- Refinement of the data collection and analysis techniques;
- Comparison of the performance of the MAP and all-purpose systems during the period January through May 1972.

The criteria and techniques utilized are described below; our findings are discussed in Section III.

* Jennings, J., "Evaluation of the Manhattan Criminal Court's Master Calendar Project; Final Report: February 1 - June 30, 1971" (R-1013-NYC), The New York City-Rand Institute, January 1972. Wherever findings from the earlier period differ from those of the current period, we shall note the differences.

SELECTION OF MEASURES OF COURT PERFORMANCE

The criteria, or measures of Court performance, which could be used in evaluating the operations of a criminal court are very large in number. The ones selected for this study are shown in Table 2, divided into the following categories:

- Quality of justice;
- Processing efficiency;
- Burden on participants;
- Peripheral criteria.

These criteria were selected after consultation with members of the Court's administration and other interested parties. We believe that they represent a fairly complete compendium of the most important measures for evaluating the performance of the Project. The reader may note that this list of criteria covers a much broader range of performance than the experiment was designed to affect. The reason, of course, is to ensure that side-effects of the very important reforms that were introduced would not be overlooked. In discussing our findings, though, we shall focus on those which were found to be most significant in the present study.

One common measure of court performance -- case backlogs -- has been excluded. While this measure is important when viewing a court as a whole, it has little significance for the comparison of portions of the same court. The reason for this is that such backlogs depend on two factors: the rate at which cases are received and the rate at which they are disposed of. For a court as a whole, the backlog figure indicates whether the court is keeping up with its caseload. However, for a portion of a court, the caseload is the result of an arbitrary decision as to how to allocate new cases. If too many or too few cases are assigned, the portion can look bad or good, regardless of how well it is really performing.

Table 2

CRITERIA FOR EVALUATING THE MANHATTAN MASTER CALENDAR PROJECT

Quality of Justice

- Amount of individual attention given to each case
 - Number of cases calendared per part per day
 - Number of cases handled per Assistant District Attorney and per Legal Aid attorney per day
 - Time spent per case-appearance
- Nature of the dispositions rendered
- Speed with which cases are processed
 - Number of appearances per case, duration of cases, and time between successive appearances
- Quality of prosecution and defense representation
 - Continuity of defense representation
 - Subjective ratings of the effects of any changes in the tactics or procedures of counsel and judges
 - Subjective ratings of the quality of representation and the quality of justice

Processing Efficiency

- Utilization of judicial time
- Rate at which cases are disposed of
 - Number of cases disposed of per part per day
 - Number of cases disposed of per Assistant District Attorney and per Legal Aid attorney per day
 - Fraction of calendared cases disposed of
- Cost per case disposed of
- Loss of defendants through bail and parole-jumping
 - Fraction of cases in which bench warrants are issued and executed
- Speed with which cases are processed
 - Number of appearances per case and duration of cases*
- Causes of adjournments and delay
 - Reasons for adjournment
 - Fraction of cases requiring multiple calendar calls and the reasons for multiple calendar calls
 - Subjective assessments of efficiency and wasted time

*Repeated earlier in the table.

Table 2 (Cont'd.)

Burden on Participants

- Number of Court appearances per case*
- Burden of Court proceedings on the Department of Correction
- Subjective assessments of burdens and conveniences

Peripheral Criteria

- Job satisfaction of Court personnel
- Dignity and decorum of the courtroom

*Repeated earlier in the table.

COLLECTION OF DATA

In order to obtain the information required to determine the effects of the Court reorganization on the selected measures of performance, four primary sources of information were utilized:

- *Case-history information gathered from Court records.* Information concerning the complete history of Court appearances was collected for samples processed through the MAP complex and through the (felony and misdemeanor) all-purpose parts. In addition, data collected for earlier studies* have been supplemented and reprocessed to yield similar information for cases which entered the Court in 1969, 1970, and 1971. A more detailed description of these samples is provided in Appendix C. These data were used to determine such information as: the number of adjournments per case, the duration of cases, the time between successive appearances, and the pattern of flow through the Court.
- *Activity data obtained from Court calendars and Court reports derived therefrom.* Data obtained either directly from Court calendars or from the Court's "F4" Calendar Summaries of such calendars** were used to determine such measures as: the number of cases calendared per part per day, the number of cases disposed of per part per day, the number of bench warrants issued and executed per part per day, and the number of cases transferred per day between Court parts.
- *Statistical and other reports produced by the MAP project staff and the Criminal Court.* Reports produced by the Court and by the MAP project staff were used to supplement and verify data from other sources. Included here, for example, are the monthly statistical reports of the MAP project, and tabulations by the staff of the MAP project concerning reasons for adjournments.
- *Observation, interviews, and questionnaires.* Those kinds of information which are not available from any existing records were obtained through observation of

*Jennings, J., "The Flow of Arrested Adult Defendants through the Manhattan Criminal Court in 1968 and 1969," R-638-NYC, January 1971; and Jennings, J., "Evaluation of the Manhattan Master Calendar Project; Final Report: February 1 - June 30, 1971", August 1971.

**While the accuracy of these summaries has been questioned, the investigation described in Appendix D indicates that they are sufficiently accurate for our purposes.

courtroom activities and by interviewing and administering questionnaires to samples of all participants, including defendants, defense attorneys, Assistant District Attorneys, judges, and Court employees.

The data collection forms, examples of which are shown in Appendix E, permit a determination of the amount of time spent by the various participants in Court procedures on activities related to processing cases, waiting, and in recess. More than 190 part-days were so observed.

Finally, in order to obtain subjective evaluations of Court operations to supplement the observations of the evaluation staff, more than 40 Legal Aid Society attorneys, Assistant District Attorneys, Court Clerks, Uniformed Court Officers and judges were interviewed or questioned. A sample of an interview outline for Legal Aid attorneys is included in Appendix F.

TECHNIQUES OF ANALYSIS

In any evaluation of Court performance, three crucial methodological problems arise:

- How to separate the performance of the Court from the characteristics of the particular judges who happened to be sitting during some period of interest.
- How to determine the number of appearances and the length of time required to dispose of cases which were processed during a fixed and relatively short period of time, at the end of which many cases have not been completed.
- How to determine the fraction of those defendants for whom bench warrants are issued during a relatively short period of time who will eventually return or be returned for the completion of their cases.

To solve these problems, several important, new analytical techniques were developed in the course of this evaluation. These techniques, which transcend the particular findings of this evaluation, are summarized below.

Separation of Court Performance from Judicial Characteristics

Three of the most important aspects of Court performance investigated in this evaluation are very closely dependent on the characteristics of the judge who presides in each Court part.

- The fraction of the cases on a day's calendar which are disposed of that day, which in turn determines the number of dispositions per part per day, the number of dispositions per Assistant District Attorney and per Legal Aid attorney per day, and the cost per case disposed of.
- The nature of the dispositions - in particular, the ratio of dismissals to guilty pleas.
- The amount of time devoted to each case called and the amount of time spent processing cases each day.

In addition to the characteristics of the judge, these measures of Court performance depend on the number of cases on the daily calendar and on the type of Court part under consideration. All three of these factors must be considered if meaningful conclusions are to be drawn.

Briefly, we have found that one can identify, for each judge sitting in each type of Court part, characteristic relationships between calendar size on the one hand and, on the other hand, the fraction of cases disposed of, the ratio of dismissals to guilty pleas, and the amount of time spent on each case. We have found that the same relationships apply to different Court parts of the same type and to different periods of time. Further, we have found that, to simplify the analysis, groups of judges can be identified, within which the relationships do not differ significantly, but between which statistical differences are highly significant.

We have used these relationships, particularly for the fraction of cases disposed of, to compare the performance of the MAP and all-purpose portions of the Court which would have been found had the same judges sat in each portion of the Court. The methods used are described more fully in the detailed discussion of findings presented in Appendix B.

Determination of the Number of Appearances and Length of Time
Required to Dispose of Cases

Because the focus of this evaluation is on the January-through-May period of this year, the case-history data collected for the purpose of determining the post-arraignment number of appearances per case and the post-arraignment duration of cases was cut off at May 15. Cases which were still pending on that date could be classified only as "incomplete."

Clearly, if one simply discards all cases which were incomplete, one biases the results in favor of the shorter cases. The alternative of assuming (conservatively) that all incomplete cases will make only one additional appearance -- which has been used in some past studies -- also biases the results, particularly if one is comparing sets of cases containing different fractions of incomplete cases. A third alternative, that of taking only cases which began early in the five-month period, reduces the problem but does not solve it and makes it impossible to utilize data pertaining to that period of operation which would reflect the effects of refinements made in the course of the project.*

A final alternative developed for this evaluation avoids all of these difficulties: it utilizes information pertaining to the entire period of operation and yields the frequency distribution for the number of appearances or the case duration which is most likely to have produced the pattern of appearances or case duration observed for both complete and incomplete cases. In addition, it provides a method of making statistical comparisons between two sets of cases.

*An alternative at the other extreme -- that of looking only at incomplete cases and estimating total appearances from the number already made and total duration from the time already consumed -- has its own difficulties and requires the discarding of information concerning the early operation of the project.

The method, which is an application of what is known as maximum likelihood estimation, is explained further in Appendix G.

Determination of the Fraction of Bench Warrants Issued that
Will be Executed

Defendants for whom bench warrants are issued after their failure to appear in Court on a specified date may eventually return voluntarily, may be arrested on the bench warrants, or may be arrested on other charges. In each of these instances, the warrant is considered "executed," and the original case is resumed after what may have been an extended period of time. If the period during which one is evaluating Court performance is long enough and if one has data on sufficient numbers of cases, one can use a method of estimating the fraction of warrants that will be executed which is analogous to that introduced above for case duration. For shorter periods one may, as an alternative, estimate the fraction of defendants who will return as simply the ratio of the rate at which old warrants are being executed (i.e., the rate at which defendants wanted on old warrants are returning) in the part under consideration to the rate at which new warrants are being issued. It is relatively straightforward to show that this will be the desired fraction in almost any situation under stable conditions. Further, this ratio provides a useful estimate even under changing conditions.

III. SUMMARY OF FINDINGS

The conversion of the system of specialized Court parts to the system of pairs of all-purpose parts was accomplished with a minimum of difficulty and with relatively few substantive changes in Court procedures. Therefore, we shall use the system of all-purpose parts as a base case with which to compare the performance of the MAP system, which involved more major changes and which has proved more difficult to implement.

In the preceding section we identified five features, or "innovations," of the MAP system which have differentiated it from the system of all-purpose parts:

- Pre-calendar conferences and extra Assistant District Attorneys and Legal Aid attorneys;
- Clerical and administrative staff to assemble ready cases;
- Centralization of administrative and calendar-part functions;
- Availability of immediate jury trials;
- Convenience factors for parties not employed in the Court.

Below we evaluate each of these primary innovations of MAP and then summarize our findings relative to the overall performance of the two systems. Our recommendations based on these findings are presented in Section IV.

In Appendix B we enumerate the criteria introduced in Table 2 and present detailed findings with respect to each. In the discussion which follows, we refer the reader to the relevant portions of Appendix B.

BENEFITS AND COSTS OF MAP INNOVATIONS

Pre-Calendar Conferences and Extra Assistant District Attorneys and Legal Aid Attorneys

The pre-calendar conferences and associated extra attorneys were designed to meet two objectives: (a) to encourage more substantive discussion of the merits of each case between opposing counsel, and (b) to reduce the amount of time wasted by the calendar judge.

The first of these objectives has been achieved rather successfully. Both defense and prosecuting attorneys seem to feel that the conferences enable them to obtain a better understanding of each case and to arrive at more equitable dispositions. The ability of both Legal Aid attorneys and Assistant District Attorneys to devote more time to each case is indicated by our finding that the average daily caseload per attorney has been 21 per cent smaller for Legal Aid attorneys in MAP than for those in the all-purpose parts, and 37 per cent smaller for Assistant District Attorneys in MAP (see Criterion #2 - Number of Cases Handled per Assistant District Attorney and per Legal Aid Attorney, p. 51).*

The second objective--that of saving the time of the calendar judge--has also been achieved to some extent. While it is difficult to determine the precise saving, we estimate it to have been in the neighborhood of one-half to three-quarters of an hour per day (see Criterion #3 - Time Spent per Case Appearance, p. 54, and Criterion #11 - Time Spent by Judges Hearing Cases, Waiting for Cases, and in Recess, p. 73). We believe, however, that, with adequate coordination, the same numbers of attorneys could have handled substantially larger case-loads; in that event, the saving of judges' time would have been correspondingly greater.

*Comparable differences were found in the first-phase evaluation. However, the daily caseloads for both types of attorneys are lower than last year, reflecting the smaller calendar sizes throughout the Court.

In evaluating the overall success of the conferences and extra attorneys, one must compare the above benefits with four associated costs:

- *Reduced productivity of attorneys.* The conference policy has had no apparent effect on the likelihood that a case would be disposed of on a particular appearance. As a result, the number of dispositions per attorney per day has been 22 percent less for Legal Aid attorneys in MAP than those in the all-purpose parts, and 31 percent less for Assistant District Attorneys in MAP (see Criterion #14 - Number of Cases disposed of per Assistant District Attorney and per Legal Aid Attorney per Day, p. 89). Correspondingly, the cost per case disposed of in MAP was significantly larger than that in the all-purpose parts (see Criterion #15 - Cost per Case Disposed of, p. 90). We did not attempt to determine whether the conferences could have been conducted with fewer attorneys.
- *Reduced judicial contact with each case.* While the holding of a defense-prosecution conference in the presence of a judge is in some ways unproductive for the judge, it does give the judge the opportunity to review the appropriateness of an agreed-upon disposition. Since the contact of an all-purpose calendar judge with each case is usually no more than a few minutes including the conference time, any reduction, such as that in MAP, carries with it the possibility of insufficient judicial review.
- *Added noise and confusion.* The conduct of the conferences in the MAP project has suffered from inadequate coordination and control. The conferences are frequently held in the front of the courtroom, distracting everyone's attention from the case before the judge (see Criterion #23 - Subjective Ratings of Changes in the Dignity and Decorum of the Courtroom, p. 110). In addition, many attorneys have expressed substantial frustration at the inability to readily identify and assemble the necessary parties. In addition, Assistant District Attorneys cite numerous instances in which two Assistants have conferred with defense counsel in the same case. Further, the conference system provides an opportunity for "DA-shopping" on the part of defense counsel (see Criterion #22 - Subjective Ratings of Changes in Job Satisfaction, p.108).
- *Reduced Assistant District Attorney continuity.* The manner in which the District Attorney's Office has adapted to the conference function--i.e., by assigning several Assistants to do nothing but conduct conferences--has meant reduced continuity of contact with each case for all Assistants. Information is conveyed from the "conference Assistants" to the courtroom Assistant by notes in the District Attorney's

case files, leading to substantial dissatisfaction at both ends (see Criterion #22 - Subjective Ratings of Changes in Job Satisfaction, p. 108).

Finally, it may be noted that the existence of the pre-calendar conferences has had no identifiable effect on the relative numbers of different types of dispositions (e.g., dismissed, pleaded guilty, etc.; see Criterion #4 - Distribution of Case Dispositions, p. 58).

Additional Clerical and Administrative Staffing to Assemble Ready Cases

The provision of additional clerical and administrative staff to assemble ready cases was designed to serve two main purposes: (a) to reduce the frequency with which cases which are not ready or do not require judicial attention are called before the calendar judge, and (b) to reduce the amount of time the calendar judge must wait between cases.

The first of these goals has been met with only moderate success. In the MAP calendar part, some 15.2 percent of all cases called result in recalls, compared to 26.5 percent in the all-purpose calendar parts (see Criterion #18 - Fraction of Cases Requiring Multiple Calendar Calls and the Reasons for Multiple Calendar Calls, p.104).^{*} Thus, while the assembly staff (and the conferences) have reduced the frequency of recalls, substantial room for improvement remains. Similarly, not as many cases as could be hoped for are being adjourned or transferred directly to backup parts administratively. While a dozen or so cases per day are diverted in this manner, many others continue to be called before the judge. For example, approximately 10 percent of all cases called in the MAP calendar part are transferred by the judge to a backup part, compared to 17.5 percent in the all-purpose parts: a gain, but not enough.

^{*}The first-phase of this evaluation found a recall rate of about 22 percent in both systems.

With regard to the objective of reduced waiting time, no significant difference has been found between the MAP and all-purpose calendar parts. In each, the calendar judge has been spending a daily average of about 40 minutes in recess and 30 minutes on the bench waiting for ready cases (see Criterion #11 - Time Spent by Judges Hearing Cases, Waiting for Cases, and in Recess, p. 73). During the first phase of this evaluation, only about 25 minutes was so spent by the MAP calendar judge. However, as the number of cases on the calendar has fallen (by more than 20 percent), the waiting time has risen. Because of this large amount of slack time, it is not really meaningful to attempt to place a value on the amount of time saved.

The costs to be balanced against these gains are two:

- *Added noise and confusion.* As in the case of the pre-calendar conferences, the task of assembling ready cases has been performed in such a way as to create substantial amounts of noise and confusion in the calendar courtroom (see Criterion #23 - Subjective Ratings of Changes in the Dignity and Decorum of the Courtroom, p. 110).
- *Added cost per case disposed of.* The assembly staff, which includes three MAP staff assistants and several Court Clerks, adds at least \$75,000 in personnel costs to the complex, or about 7 percent of total personnel costs (see Criterion #15 - Cost per Case Disposed of, p. 90).

Centralization of Administrative and Calendar-Part Functions in MAP

The simple mechanism of increasing the number of cases scheduled each day for the MAP calendar part was designed to provide sufficient work to keep both the MAP calendar judge and the three (originally four) backup judges busy.

The calendar judge has, in fact, been kept relatively busy, working somewhat longer hours than his counterparts in the all-purpose calendar parts (see Criterion #11 - Time Spent by Judges Hearing Cases, Waiting for Cases, and in Recess, p. 73). This effect was even more pronounced during the first phase of this evaluation, when the MAP calendars averaged almost 30 percent more cases.

However, the added cases have simply not been able to keep the backup parts busy: an average of only 2.8 hours per backup part per day has been spent actively processing cases; the first case of the day is, on the average, not called until 10:22 a.m.; and an early attempt to operate the MAP backup parts without their own calendars proved unworkable (see Criterion #11 - Time Spent by Judges Hearing Cases, Waiting for Cases, and in Recess, p. 73). In an attempt to keep the complex busy, the MAP calendar part has been operated in an extremely pressured atmosphere and for longer hours than most other parts of the Court. The result has been a great deal of noise, confusion, low job satisfaction for Uniformed Court Officers and Assistant District Attorneys, and a substantial loss of dignity and decorum--but still not enough cases for the backup parts.

Because an insufficient number of cases have been diverted by the assembly staff, the MAP calendar part has continued to operate as a bottleneck in the flow of cases through the complex.

Availability of Immediate Jury Trials

The objectives of providing immediate access to jury trials in the MAP complex were to reduce the incidence of dilatory requests for adjournments to special jury trial parts, and to speed cases in which jury trials were actually to be conducted.

Because of the great variety of ways in which cases have come to appear in the MAP backup parts (by adjournment or transfer from the MAP calendar part, by adjournment from the same backup part, by adjournment or transfer from other MAP backup parts, by adjournment or transfer from the all-purpose parts), it has not been possible to evaluate the direct impact of the availability of immediate jury trials. However, the fact that the number of appearances required to dispose of cases has been the same in the two portions of the Court suggests that any effect must be small (see Criterion #5 - Number of Appearances per Case, Duration of Cases, and Time between Successive Appearances, p. 63).

Similarly, there is no indication that the average duration of cases in MAP has been materially affected (see Criterion #5 - Number of Appearances per Case, Duration of Cases, and Time between Successive Appearances, p. 63).* Of course, even if there were a significant effect for cases requiring jury trials, the number of such cases is a tiny fraction (less than one percent) of the cases under consideration.

The costs of the immediate-jury-trial policy are several: First, the only backup parts capable of holding juries are remote from the large calendar courtrooms. As a result, MAP has had to operate with two of its three (originally three of its four) backup parts on the fifth floor, the calendar part and one backup part being located on the second floor. This separation has contributed significantly to the underutilization of the backup parts and has caused substantial inconvenience in transferring cases to the backup parts and in locating Legal Aid attorneys.

Second, the provision of unscheduled jury trials in the MAP backup parts means that Legal Aid attorneys frequently become tied up in extended trials without having been able to make adequate arrangements for their remaining cases. As a result, other of their cases may have to be adjourned, or the Court's time may be wasted in attempting to locate such attorneys or in adapting to their absence.

Finally, the provision of unscheduled jury trials in the MAP backup parts needlessly complicates the logistics of jury-handling in the Criminal Court.

*While a slightly shorter overall duration was found for cases in the MAP complex, the source of this advantage is simply a smaller number of pending cases per part in MAP. The number of pending cases is the result of two arbitrary decisions: the original distribution of pending cases, and the number of new cases assigned to each part, relative to the respective disposition rates.

Convenience Factors for Parties not Employed in the Court

Several features of MAP--notably, the Accelerated Adjournment Office, the split calendar, and the question-answering aspect of the check-in table--were designed to make Court appearances less inconvenient to "external" participants and, thereby, to encourage their punctual attendance.

While both the Accelerated Adjournment capability and the check-in desk have provided useful services along these lines, the overall impact has been minimal. The Accelerated Adjournment Office, for example, granted only eight adjournments from February through May of this year (see Criterion #17 - Reasons for Adjournments, p. 98).

Likewise, the split calendar has failed to have any material impact, but primarily because it was not given an adequate chance. The first-phase evaluation noted that, by June of last year, only about 13 percent of all cases were being placed on the noon calendar. Currently the noon calendar has, for all intents and purposes, been dropped entirely. The underlying dissatisfaction of the part on Court personnel with the split calendar stemmed from the haphazard manner in which parties in a case scheduled for noon were notified of the later time of appearance. There resulted a great deal of confusion, with some arriving at 9:30 a.m. and others at noon.

We may note that the costs of these "conveniences," however, have also been minimal.

COMPARISON OF OVERALL PERFORMANCE OF THE MAP AND ALL-PURPOSE SYSTEMS

We now turn from the evaluation of the major components of MAP to a review of its overall performance. The chart in Table 3 presents, at a glance, a comparative summary of our findings for the MAP and all-purpose portions of the Court with respect to the seventeen most important measures of performance considered in this study. Items in this chart which are enclosed in a box indicate an advantage for one of the two systems. For measures on which the two systems did not materially differ, no items are boxed.

As shown, MAP has held an advantage on four of the seventeen measures:

Table 3

COMPARATIVE SUMMARY OF THE PERFORMANCE OF THE
MAP AND ALL-PURPOSE PORTIONS OF THE COURT
(January through May, 1972)

MEASURES OF PERFORMANCE	MAP	ALL-PURPOSE PARTS
<u>QUALITY OF JUSTICE</u>		
ATTENTION DEVOTED TO EACH CASE		More Time; Less Noise, Confusion, and Pressure
- Judges		
- Attorneys	More Time per Case	
RATIO OF DISMISSALS TO GUILTY PLEAS	1.03	1.02
ADJOURNMENTS PER CASE	2.4 adjs.	2.4 adjs.
DURATION OF CASES	3.1 wks.	3.4 wks.
CONTINUITY OF LEGAL AID REPRESENTATION	High	High
<u>PROCESSING EFFICIENCY</u>		
AVERAGE ACTIVE JUDICIAL TIME	4.0 hrs. (Calendar) 2.8 hrs. (Backup)	3.5 hrs. (Calendar) 3.1 hrs. (Backup)
DISPOSITIONS PER JUDGE PER DAY*	10.8 disps.	11.6 disps.
FRACTION DISPOSED OF PER DAY*	32.3%	32.3%
DISPOSITIONS PER ATTORNEY PER DAY*		10.5 disps.
- District Attorneys	7.2 disps.	5.8 disps.
- Legal Aid Attorneys	4.5 disps.	
COST PER CASE DISPOSED OF*	\$98.	\$69.
DEFENDANTS LOST THROUGH BAIL- AND PAROLE-JUMPING	8.8%	9.0%
FRACTION OF CASES RECALLED	15.2%	26.4%
<u>PERIPHERAL CRITERIA</u>		
JOB SATISFACTION	(-)	(+)
DIGNITY AND DECORUM	(-)	(+)

* Based on our estimate of the rates at which cases would have been disposed of had the same judges sat in both portions of the Court.

- *Attention devoted to each case by attorneys.* As discussed above, the heavier staffing of MAP with Assistant District Attorneys and Legal Aid attorneys has enabled each to devote more time to each case (see Criterion #2 - Number of Cases Handled per Assistant District Attorney and per Legal Aid Attorney, p. 51).
 - *Duration of cases.* The small advantage shown for MAP (see Criterion #5 - Number of Adjournments per Case, Duration of Cases, and Time between Successive Appearances, p. 63) is essentially artificial, since it merely reflects a smaller number of pending cases per part in MAP. Pending cases are, in turn, the result of (a) the arbitrary initial allocation of pending cases to the two systems, and (b) the arbitrary division of new cases relative to the respective disposition rates.
 - *Active Hours in the calendar part.* As a result of a combination of the assembly and conference procedures, together with the larger number of cases heard and longer hours worked, more time was spent by the MAP calendar judge actually processing cases (see Criterion #11 - Time Spent by Judges Hearing Case, Waiting For Cases, and in Recess, p. 73). Still, the average of four hours per day achieved in MAP is not a very effective use of resources.
 - *Fraction of cases recalled.* Again because of the conference and assembly procedures, fewer cases which were called in MAP were found to be not yet ready and had to be set aside for recall (see Criterion #18 - Fraction of Cases Requiring Multiple Calendar Calls and the Reasons for Multiple Calendar Calls, p. 104).
- Thus, the advantages associated with the MAP system stem from the extra attorneys and the conference and assembly procedures.
- The all-purpose parts, on the other hand, are shown to have held an advantage on eight of the seventeen measures:
- *Attention devoted to each case by the judge.* Because of the smaller calendar size, the judges in the all-purpose calendar parts were able to devote more time to each case (see Criterion #1 - Number of Cases Calendars per Part per Day, p. 45, and Criterion #3 - Time per Case Appearance, p. 54). In addition, because of the more orderly atmosphere in the all-purpose parts, there were less distractions (see Criterion #23 - Subjective Ratings of Changes in Dignity and Decorum of the Courtroom, p. 110).
 - *Active hours in the backup parts.* In spite of the MAP assembly staff and the conduct of time-consuming jury trials in its backup parts, the MAP system was unable to

keeps its backup parts as busy as those in the all-purpose system (see Criterion #11 - Time Spent by Judges Hearing Cases, Waiting for Cases, and in Recess, p. 73). For both systems, the average utilization of only three hours per day indicates a great amount of waste.

- *Dispositions per judge (or part) per day.* Based on our estimate of disposition rates if the same judges had sat in both portions of the Court, we estimate that the all-purpose portion of the Court would have disposed of more cases per part per day.* If the MAP innovations had been more successful in keeping the complex busy, MAP might have held the advantage (see Criterion #13 - Number of Cases Disposed of per Part per Day, p. 87).
- *Dispositions per Assistant District Attorney and per Legal Aid attorney per day.* Reflecting the heavier staffing in MAP and the lower rate of dispositions per part, the all-purpose parts showed a substantial advantage in terms of dispositions per attorney per day (see Criterion #14 - Number of Cases Disposed of per Assistant District Attorney and per Legal Aid Attorney per Day, p. 89).
- *Cost per case disposed of.* This measure is closely related to the preceding two, but also reflects additional staff in most Court positions in MAP (see Criterion #15 - Cost per Case Disposed of, p. 90).
- *Job satisfaction.* While some of those employed in the Court have rated the MAP and all-purpose systems equally in terms of their own job satisfaction, others--notably, Assistant District Attorneys and Uniformed Court Officers--have expressed strong dissatisfaction with the working conditions in MAP. In particular, they cite the extremes of excess pressure and confusion in the calendar part, and "underloading" in the conference function and backup parts (see Criterion #22 - Subjective Ratings of Changes in Job Satisfaction, p. 108).
- *Dignity and decorum.* The MAP calendar part has continually suffered from excess noise and confusion, much of it caused by the extra attorneys and Court Officers (see Criterion #23 - Subjective Ratings of Changes in Dignity and Decorum, p. 110).

*Even counting actual dispositions, the all-purpose portion of the Court held a slight advantage here.

To summarize, the advantages associated with the all-purpose parts are really disadvantages of MAP, primarily caused by a failure to coordinate the many pieces of the complex in a faster-paced atmosphere.

For the remaining five of the seventeen most important measures, there has been no material differences between the two portions of the Court during the second-phase evaluation period: the ratio of dismissals to guilty pleas (see Criterion #4 - Distribution of Case Dispositions, p. 58), the number of adjournments per case (see Criterion #5 - Number of Adjournments per Case, Duration of Cases, and Time between Successive Appearances, p. 63), continuity of Legal Aid representation (see Criterion #6 - Continuity of Representation by the Legal Aid Society, p. 68), fraction of cases disposed of per day (see Criterion #12 - Fraction of Calendared Cases Disposed of per Day), and fraction of defendants lost through bail- and parole-jumping (see Criterion #16 - Fraction of Cases in which Bench Warrants are Issued and Executed, p. 96).

It is particularly interesting to note that these are really very basic measures of Court performance and that the MAP and all-purpose systems have been virtually identical in all.

It is noteworthy that MAP held an advantage in all five areas (although advantage is not a particularly appropriate description of a higher ratio of dismissals to guilty pleas) during the first-phase evaluation. In the three measures related to dispositions, the differences had not been great, and our present finding of no difference reflects perhaps more our improved techniques of correcting for judicial characteristics than any large substantive change. The change in Legal Aid continuity was accomplished simply by a change in the policy of the Society and, together with broader use of the Court's adjournment reminder slip, accounts for the equalization of the rate of loss of defendants.

IV. CONCLUSIONS AND RECOMMENDATIONS

The MAP system was conceived and operated as an experimental project. While it has left many questions unanswered and even raised some new ones, an analysis of its performance enables us to draw a number of conclusions with important implications concerning directions for future reform in the Criminal Court.

On the whole, the results of the project can only be described as disappointing at two levels: as a prototype of future court reform, MAP failed to materially out-perform the all-purpose system, in spite of the substantial additional efforts and funds devoted to it. Further, as an experiment, MAP failed to prove or disprove the validity of a number of its central concepts, because of ineffective implementation of these concepts.

Nevertheless, two sorts of conclusions may be drawn. First, a comparison of the sources of the advantages and disadvantages of the two systems makes it possible to enunciate a number of general principles which should guide future reform efforts. Second, the results of the MAP project make it possible to focus in on several important unresolved issues which should be the subject of a new experimental project.

In this section, we identify such principles for future reforms and recommend means of effecting them. In addition, we outline several unresolved issues in need of further investigation and suggest several experiments which build on the experience gained in MAP.

PRINCIPLES FOR OPERATIONAL COURT REFORMS

1. Elimination of Extraneous Activity in the Courtroom

Although the problem of extraneous noise and confusion in the courtroom reached critical proportions in the MAP calendar part, there have been substantial amounts of extraneous noise and activity in the all-purpose calendar parts as well. This noise distracts everyone's attention from the case before the judge, causes short tempers, wastes

time, and detracts from the appearance of justice. Several steps which should be taken to put this principle into effect are the following:

- 1a. *Waiting and Case-Assembly Areas.* Much of the extraneous noise and confusion is caused by defendants looking for their attorneys, and vice versa; by attorneys looking for witnesses and opposing counsel; and by conversations between attorneys and defendants and between defendants and their friends and relatives -- all of whom have nowhere to wait other than in the courtroom. Past and current efforts to deal with the problem have unsuccessfully attempted to suppress these activities. Instead, waiting and assembly areas separate from the courtroom should be provided where such activity is allowed.
- 1b. *Interview and Conference Facilities.* A second major source of noise, confusion, and waste of Court time is the conduct, again in the courtroom, of conferences between attorneys and their clients and/or witnesses, or between opposing counsel. Even when attempts are made to keep such conferences out of the courtroom, the fact that both Assistant District Attorneys and Legal Aid attorneys use the front of the courtroom as their offices undermines the success of such efforts. Again, the solution is to provide desk space, as well as interview and conference facilities, outside of the courtroom and to exclude from the courtroom any activity not related to the processing of the case before the judge. Such facilities should also make it possible and convenient for Legal Aid as well as private attorneys to interview clients being held in jail.
- 1c. *Training of Uniformed Court Officers.* A third major category of extraneous noise is that produced by the Uniformed Court Officers -- both in their attempts to keep others quiet and in conversations among themselves, the latter particularly having occurred in the MAP calendar part when excessive numbers of Court Officers congregated with an apparently inadequate definition of responsibility. As a remedy, we recommend a training program which stresses the importance of an orderly atmosphere in the courtroom and teaches methods of maintaining order.

2. Coordination of Case-Processing Activities to Minimize

Wasted Time

The number of parties and facilities which must be brought together and the number of preliminary activities which must first be completed before a judge can hear a particular case are remarkably

large. In the face of this complexity, too little attention has been paid to the need to coordinate or, at least, facilitate these activities. Later we raise the issue of trade-offs between the time of certain participants and the time of the judges. However, here we are concerned with avoiding conditions which waste everyone's time.

- 2a. *Physical Proximity of the Components of a Court Complex.* When cases must be transferred from one part of the Court building to another, everyone's time is wasted: the time of the parties who are moved; the time of the personnel in the remote courtroom, which inevitably is not kept busy; the time of those looking for attorneys and others who might have gone to the remote courtroom. Accordingly, Court parts which routinely exchange cases should be in adjacent locations.
- 2b. *Provisions of Jury Trials by Adjournment to Separate Parts.* Three factors indicate that jury trials should be provided by adjournment to separate parts, as is done in the all-purpose portion of the Court. First, we have recommended above that all parts of a complex be located in close physical proximity. Since the small rooms adjacent to the large "calendar" courtrooms, now used to house the various "backup" parts, are generally too small for the conduct of jury trials, the only courtrooms presently suitable for jury trials are remote from most of the other courtrooms in the building. Second, when personnel or facilities become tied-up for extended periods on matters not scheduled in advance, serious disruption and waste can occur in other parts of the system. In instances where such disruption will not occur and where facilities are available, cases could be transferred to the jury parts on the same day. Otherwise, adjournments should be the normal procedure. Third, the larger the number of courtrooms used for jury trials, the more complex are jury-handling logistics.
- 2c. *Coordination of Prisoner Delivery.* Substantial amounts of time are wasted in the calling of cases in which the defendant is in jail but has not yet arrived at the Court "holding pens" or has not yet been transferred from the holding pens to the "feeder pen" adjacent to the courtroom. Special attention should therefore be paid to the coordination of the calendar call with the distribution of prisoners. Perhaps all that is needed is an intercom connecting the holding pens with the courtroom.
- 2d. *Control of Calendar Sizes.* There exists an optimum number of cases which should be calendared for each part, depending on the type of part, the judge assigned, the number of auxiliary personnel available, etc. When the number of cases

calendared falls below this number, time is wasted and either additional delay results or other days must be over-scheduled. When too many cases are calendared, each one is rushed, tempers grow short, and, in the extreme, chaos results. In addition, our analysis of the fraction of cases disposed of in a day* indicates that most judges dispose of fewer cases when calendars are allowed to vary. These optimum calendar sizes should be determined and adhered to. One practice which contributes variability in calendars is the adjournment of all cases not disposed of at arraignment on a given day to a single post-arraignment part. Since these initial adjournments are predominantly of only several days' duration, there is little opportunity to spread them out. We shall return to the question of arraignments in connection with the continuity of Legal Aid representation.

- 2e. *Split Calendars.* It is popular for critics to recommend longer working hours as a remedy for Court congestion. However, if one simply increases the number of cases calendared, chaos and excessive waiting time result. The most straightforward way of extending working hours without the associated problems is to calendar cases for different times of day. Care must be taken, however, to avoid the confusion that has resulted in the past from participants' lack of awareness of the existence of different calendar times. Split calendars could also ease Department of Correction transportation requirements.
- 2f. *Reduction of Recalls.* The calling of cases which are not yet ready for the attention of the judge -- especially due to missing parties -- wastes everyone's time. Accordingly, the complementary strategies of punishment and incentives should be employed: punishment through more frequent application of the available sanctions for lateness and delay**, and incentives in the form of early calendar calls of cases which the participants identify as "ready."
- 2g. *Earliest Possible Commencement of the Morning Session.* A variety of means should be explored to ensure that cases are ready for judicial attention by the time judges are ready to take the bench, including staggering hours for Assistant District Attorneys and Legal Aid attorneys, Legal Aid interviews with defendants on the day before a scheduled appearance, etc.

*See Criterion #12 - Fraction of Cases Disposed of per Day, p. 77, and Appendix H, p.139.

**See Appendix A.

3. Reduction of Unwarranted Absences

Another source of wasted Court time is the absence of one or more of the essential participants in a case, resulting in an adjournment. Several methods which would help to minimize such absences are outlined below. In addition, the use of split calendars and the resulting reduction in waiting time (see above) could be expected to reduce absences.

- 3a. *More Extensive Application of Sanctions.* A variety of penalties, or sanctions, for absence, lateness, and delay have been established by the Court.* However, they have rarely been applied by the Court's judges. Since our findings suggest that the sanctions can, in fact, be effective, we recommend that they be applied whenever warranted. Perhaps a more automatic procedure by which they are invoked is required.
- 3b. *Establishment of a Court-wide Accelerated Adjournment Capability.* In instances where, for one reason or another, it is impossible to predict with certainty that a scheduled appearance cannot result in progress, for instance because of a valid excuse for the absence of a necessary party, there should be a means of obtaining an adjournment in advance. While the MAP accelerated adjournment capability has been used only infrequently, it has also not been abused. Further, there is reason to believe that its limitation to MAP has resulted in a lack of awareness of the capability on the part of potential users.
- 3c. *Evening Court Hours.* The parties who are most often found to be absent are civilian and police witnesses. In order to facilitate their attendance, the possibility of evening Court hours should be explored. Such hours would enable civilians to appear after work and police officers to appear even when scheduled on the 4 p.m. to midnight tour of duty. One means of enabling evening hours would be a four day work week (with longer hours of operation each day) for certain employees, a possibility which seems to enjoy some popularity among Uniformed Court Officers.

*See Appendix A.

4. Encouragement of More Intensive Case Preparation.

Three practices which have been found to contribute to better preparation of cases by both defense and prosecuting attorneys are the following.

- 4a. *Continuity of Legal Aid Representation.* Continuity of representation of individual clients by individual Legal Aid attorneys is a recently achieved reality throughout the MAP and all-purpose portions of the Court. It has meant better prepared attorneys and better represented defendants. While such continuity requires increased coordination of case participants, it should be encouraged. An extension of Legal Aid continuity to include the defendant's initial arraignment appearance is favored by many Legal Aid attorneys. Two mechanisms which might be subjected to experimentation are (a) to assign sufficient numbers of attorneys to the post-arraignment parts to enable them to cover the arraignment parts as well, and (b) to arraign defendants directly in the post-arraignment parts.
- 4b. *Continuity of Prosecution by Assistant District Attorneys.* While continuity with a given case from one appearance to the next seems to be less important for Assistant District Attorneys than for Legal Aid attorneys,* we have found that continuity on the same day is important--both for the quality of the prosecution and the job satisfaction of Assistant District Attorneys. Accordingly, specialization to the extent of the involvement of more than one Assistants on a particular case in a single day should be avoided.
- 4c. *Defense - Prosecution Conferences.* Aside from problems of coordination, the pre-calendar conferences required in MAP proved to be a substantial success. Before being able to recommend that they be adopted throughout the court, however, we would want to investigate the extent to which improved facilities and coordination could reduce the additional numbers of attorneys used for the conferences in MAP.

UNRESOLVED ISSUES AND SUGGESTIONS FOR FURTHER EXPERIMENTATION

There is still a tremendous need to develop means of making more effective use of Court resources. This evaluation has identified substantial inefficiencies in both the MAP and all-purpose portions of

*Because of the written complaint and the continuity provided by the arresting police officer.

the Court. In this regard, three important issues have been raised by the MAP project but remain unresolved:

- Is it cost-effective to add clerical and administrative staff to perform case-assembly and other coordination activities in order to save the time of judges?
- Is it cost-effective to add Assistant District Attorneys and Legal Aid attorneys in order to save the time of judges (by making it possible for some attorneys to prepare cases while others are active in the courtrooms)?
- Is the distinction between "calendar" and "backup" parts operationally useful, and how many parts should comprise the basic Court unit?

The first two of these issues were not resolved because the coordination staff and attorneys were not used in such a way as to keep the MAP judges busy. Further, inadequate provision was made in the design of the MAP experiment to make it possible to identify the specific causes of observed performance with any degree of certainty. The third issue is raised by our findings (a) that the MAP calendar part acted as a bottleneck in the flow of cases through the complex, (b) that much of the work performed by the calendar judges throughout the Court is of very limited judicial content, and (c) that the backup parts throughout the Court were not kept busy.

Some recommended experiments to investigate these issues are outlined below. Clearly, a good deal of additional detailed planning would be required before any could be implemented.

An Experiment to Test the Cost Effectiveness of Administrative Support Staff

An active administrative support staff which screened every case before it could be called before a judge would save considerable amounts of judges' time. The range of activities of such a support unit would include monitoring the presence of all necessary parties in each case (e.g., by means of an expanded check-in operation), matching defense and prosecuting attorneys for a conference if required or requested, assembling the necessary parties, determining "readiness," assigning

each case to an appropriate courtroom, and, perhaps, granting adjournments in specified circumstances.

To be successful, such a unit would have to screen and assemble every case and, in general, be much more active and formal than the similarly described activities which have been a part of the MAP system. Further, there would have to be a waiting/assembly/conference area, separate from the courtroom, in which such a unit could operate. Since the most suitable such areas are the present calendar-part courtrooms, two alternative physical arrangements could be suggested: first, the calendar-part judge could preside in an appropriately remodeled adjoining room of the type now used for backup parts. (This alternative was, in fact, tried in MAP for eight weeks just prior to the commencement of the second-phase evaluation effort; it was abandoned, however, primarily because of the poor physical characteristics of the small adjoining courtroom). Alternatively, one of the three pairs of calendar-part courtrooms located across the hall from each other on the second and fourth floors of the Criminal Court building could be used: the judge would preside in one, while the other was used as the waiting/assembly/conference area.

We recommend that one such arrangement be tried on an experimental basis to determine whether enough additional dispositions can be generated to offset the cost of the additional support staff.

This experiment would also be designed to test the usefulness of distinguishing between calendar and backup parts within the above framework, and to determine the optimum number of parts in the complex. Thus, for example, the complex could be initiated with one "calendar part" and one "backup part;" however, after an appropriate period of time, cases could be divided equally between the two parts, and, later, additional parts could be added if required.

In accordance with the recommendations presented earlier, no assembly activity would be permitted in any operating courtroom, all parts would adjoin each other, requests for jury trials would be granted by adjourning cases to the special jury parts, the calendar (probably one for the entire complex) would be split into morning and afternoon sections and carefully regulated as to size, and so on.

An Experiment to Test the Cost-Effectiveness of Additional Assistant District Attorneys and Legal Aid Society Attorneys

We recommend that the experiment outlined above be initiated with the numbers of attorneys normally present in a pair of all-purpose parts. As the experiment progressed, one question to be addressed would be whether that type of system can operate at all efficiently with the normal complement of attorneys. Whatever the result, several extra defense and prosecuting attorneys should be added after a suitable period of time in order to determine their impact on the operations of the complex. Their cost-effectiveness would then be evaluated in detail.

At the same time, a pair of all-purpose parts should be staffed with additional attorneys and their cost-effectiveness evaluated in that context. It may be noted that a number of Legal Aid attorneys feel that even one additional attorney per all-purpose pair would improve representation tremendously. This pair would be distinct from the continuously operating base case of the all-purpose system.

The uses to which the extra attorneys could be put include defense-prosecution conferences such as those conducted in MAP, preparation of cases on the day preceding their scheduled appearance, and staggered preparation of certain cases while others are presented in the courtroom.

A Supplementary Experiment to Test the Usefulness of Distinguishing Between Calendar and Backup Parts

The first experiment suggested above included the testing of a complex consisting of a central administrative unit screening cases and assigning them to two or more identical parts. There would be no "calendar" part, as such parts now exist, in that phase of the experiment.

Another framework in which to test the effects of merging the calendar and backup functions is that of the independent or "pure" all-purpose part: a single part with its own calendar, performing all functions except jury trials. During the second-phase evaluation period,

the average number of dockets calendared per part per day was found to be less than 40 for both the MAP and all-purpose portions of the Court. Thus, to pull its own weight, an independent part would have to handle about that number, which does not seem unreasonable.* Depending on the availability of courtrooms and personnel, it might be desirable to test such a part.

Some Considerations of Experimental Design and Implementation

Above we have suggested three interrelated experimental projects. While each can be tested independently, their full value will not be obtained until all the results can be thoroughly analyzed and compared. In any event, great care must be continuously exercised to ensure that, at each stage, there are suitable versions of the basic all-purpose system with which to compare the performance of the experimental projects.

In addition, particularly close supervision is required in order to ensure that there are always the proper numbers of parts and personnel in each system (recall that an excessive number of each in MAP produced substantial amounts of idle time which, in turn, have made certain cost-effectiveness comparisons meaningless).

Finally, in any further experimentation four weak features of MAP must be strengthened:

- *Close planning and cooperation with the District Attorney's Office and the Legal Aid Society.* A number of serious problems in the MAP project stemmed from a poor adaptation of the District Attorney's Office to the MAP structure and from a poor coordination of the activities of the various attorneys assigned to the complex. Some of these difficulties could have been anticipated or solved more quickly had there been a greater involvement on the part of these agencies in the planning and supervision of the project.
- *Operation by Court personnel.* From top to bottom, the operation of the MAP experiment by "external" personnel caused substantial friction with existing Court personnel. Future experiments should be operated and administered by the Court.

*During the first-phase evaluation, single parts frequently handled more than 60 dockets per day.

- *Extensive briefings on new procedures.* While efforts were made to publicize new procedures introduced in MAP, there remains today substantial confusion concerning many of the procedures in use (e.g., the split calendar) and available capabilities (e.g., the Accelerated Adjudgment Office). Future experiments will require more intensive educational campaigns and written documentation.
- *Tailoring Court operations to judicial characteristics.* One of the most important results of this evaluation is the finding that judicial characteristics can be subjected to quantitative analysis and the results used to tailor Court operations to the available judges. For example, calendar sizes can be adjusted to an optimum number for each judge; Further, judges who are to preside in interacting parts can be selected in such a way as to maintain balanced workloads within a complex and consistent productivity for the complex as a whole. Any new experiments should attempt to optimize performance with such methods.

APPENDIX A

DIRECTIVES ESTABLISHING SANCTIONS AND ADMINISTRATIVE
ADJOURNMENTS IN THE MANHATTAN MASTER CALENDAR PROJECT

CRIMINAL COURT -- CITY OF NEW YORK

Directive IV

To Judges of the Criminal Court:

Pursuant to the authority vested in me on February 8, 1971, by the Appellate Division of the First Judicial Department and the Appellate Division of the Second Judicial Department, I hereby direct that the following sanctions shall be applicable within and during the operation of the Master All Purpose (MAP) experimental program in the County of New York:

Defense Counsel:

Two latenesses or one non-appearance shall result in a reference to the Administrative Judge for consideration which appears appropriate under the circumstances.

Defendant:

One non-appearance or a lateness which has resulted in adjournment of an otherwise ready case without reasonable excuse or explanation may result in the imposition of costs upon reinstatement of bail after forfeiture or the fixation of bail, if the defendant had previously been released on his own recognizance.

Prosecution:

If without good reason the People are not ready on two occasions, the case is to be dismissed for lack of prosecution.

Defense:

If without good reason the defense is not ready on two occasions, the case is to be moved for trial or hearing.

Police:

If a police officer is late or fails to appear then the Administrative Judge will notify the officers's commanding officer.

The term "Lateness" or "Non-Appearance" means those for which no legal excuse is present.

These sanctions shall be applicable to all continuance and adjournment situations arising on or after March 1, 1971.

David Ross,
Administrative Judge

Appendix A (cont'd)

CRIMINAL COURT -- CITY OF NEW YORK
Directive V

To Judges of the Criminal Court and Court Clerks:

Pursuant to the authority vested in me by the Appellate Division of the First Judicial Department and the Appellate Division of the Second Judicial Department, I hereby authorize the application of the attached (sic) guidelines for the granting of Administrative Adjournments by the Master All Purpose (MAP) experimental program in the County of New York.

These guidelines may be applied to all cases processed through the MAP experimental program commencing on March 8, 1971.

Telephone requests should be made by calling 566-1088.

Requests by mail must contain name of defendant, docket number, scheduled date, name, address and telephone number of attorney making request and should be addressed to:

Accelerated Adjournment Office Room 210, Criminal Courts Building, 100 Centre Street, New York, New York 10013.

Administrative Adjournments

An Accelerated Adjournment Office (AAO) will receive requests from Defense Counsel and the District Attorney for adjournments by telephone and letter.

Two types of action will be carried out by the AAO: Advancement, or moving a case to a date preceding the scheduled court appearance, and Adjournment, or moving a case to a date succeeding the scheduled appearance.

The following persons can request action through the AAO: the District Attorney and Defense Counsel. Complainants and prosecution witnesses, including police officers can request action through the District Attorney; defendants and defense witnesses can request action through Defense Counsel. No request for action will be accepted from the defendant; all requests must come from Defense Counsel.

Action can only be taken with the consent of both sides; that is, defense and prosecution must agree both to the action requested and to a date for the rescheduled appearance. No request for action will be accepted during the two court days immediately preceding the scheduled appearance and there will be a limit of three requests for action on a single case. One person or office will be limited to two requests per case.

Cases in which a bench warrant has been stayed to the originally scheduled date, or in which a bench warrant had been issued previously, cannot be adjourned; such cases can be advanced. Cases marked "Final" against either party cannot be adjourned but may be advanced.

Defense Counsel, when making a request for action, will state his intentions for the new date. Private Defense Counsel shall reaffirm the reason given for each request in a letter to the AAO.

Following are the specific guidelines and criteria which will be in effect:

1. JAIL

A jail case can only be adjourned up to five court days after the original date. If the defendant already has been in jail for twelve or more calendar days, the case can only be adjourned two court days.

<i>Person Requesting</i>	<i>Acceptable Reason</i>
Police	Official Reasons from the Police Department's Rules and Procedures: (a) Illness (b) Vacation (c) Official Duties (1) Appearances before Grand Jury (2) Appearance in higher court (3) On current arrest (d) Authorized Leave for (1) Death in immediate family (2) Extraordinary emergency (3) Military Service Incapacitating illness or death in immediate family. Any actual engagement in Supreme Court or in Criminal Court where the defendant is also in jail; in either circumstance, a calendar call in another court will not be an acceptable reason.
Defense Counsel	Incapacitating illness.
Defendant	Incapacitating illness or death in immediate family.
Complainant	
Prosecution Witness	
Defense Witness	

2. NON-JAIL

<i>Person Requesting</i>	<i>Acceptable Reason</i>
Police	(a) Illness (b) Vacation (c) Official Duties (1) Appearance before Grand Jury (2) Appearance in higher court (3) On current arrest (d) Authorized leave for (1) Death in immediate family (2) Extraordinary emergency (3) Military service (e) Day off (f) Conflicting tour of duty (g) Special assignments

Defense Counsel

- (a) Any conflicting trial in another court
- (b) Just retained
- (c) Out of town
- (d) Vacation
- (e) Illness
- (f) Death in immediate family

Not being prepared is unacceptable

Defendant

Participant in predisposition program; program not completed yet.

(a) Youth Council (sic) Bureau and the same other reasons for all other witnesses listed below

Complainant

Prosecution Witness *

Defense Witness

- (a) Illness
- (b) Out of town
- (c) Vacation

David Ross,
Administrative Judge

Appendix B

FINDINGS

In Section II of the text we presented a list of 23 criteria used in evaluating the operations of the MAP Project. These criteria are enumerated in Table 4, below. In this appendix we present our detailed findings concerning each criterion.

QUALITY OF JUSTICE

For the purpose of evaluating the performance of the MAP project in terms of the quality of justice, we have identified six relevant aspects of Court operations and ten criteria for measuring them:

- The amount of individual attention given to each case (Criteria #1, #2, #3).
- The nature of the dispositions rendered (Criterion #4).
- The speed with which cases are processed (Criterion #5).
- Subjective factors affecting the quality of prosecution, defense representation, and adjudication (Criteria #6, #7, #8).
- The balance of power within the courtroom (Criterion #9).
- The understandability of Court proceedings (Criterion #10).

These criteria are discussed below in turn.

Criterion #1 - Number of Cases Calendared per Part per Day

One indication of the amount of individual attention which can be devoted to each case is provided by the number of cases calendared in each part per day (see also Criterion #3: Time Spent per Case Appearance). The figures for each all-purpose part and for each part in the MAP complex during the period January through May 1972 are shown in Table 5.* As

*These figures were obtained from the Court's "F4" Calendar Summaries. While the accuracy of these summaries with regard to dispositions has been questioned -- see Appendix D -- there is no question with regard to the number of cases calendared.

Table 4
ENUMERATION OF CRITERIA

Quality of Justice

1. Number of cases calendared per part per day
2. Number of cases handled per Assistant District Attorney and per Legal Aid Society attorney per day
3. Time spent per case appearance
4. Case dispositions
5. Number of adjournments per case, duration of cases, and time between successive appearances
6. Continuity of representation by the Legal Aid Society
7. Subjective ratings (by participants and observers) of the effects of any changes in the legal tactics or procedures of counsel and judges
8. Subjective ratings of the quality of representation and the quality of justice
9. Subjective ratings of any change in the balance of power
10. Subjective ratings of the understandability of Court proceedings to defendants and the public

Processing Efficiency

11. Time spent by judges hearing cases, waiting for cases, and in recess
12. Fraction of calendared cases disposed of
13. Number of cases disposed of per part per day
14. Number of cases disposed of per Assistant District Attorney and per Legal Aid Society attorney per day
15. Cost per case disposed of
16. Fraction of cases in which bench warrants are issued and executed
- * Number of adjournments per case and duration of cases
17. Reasons for adjournments
18. Fraction of cases requiring multiple calendar calls and reasons for multiple calendar calls
19. Subjective ratings of processing efficiency and of the amount of time wasted per appearance

Table 4 (Cont'd.)

Burden on Participants

- * Number of adjournments per case
- 20. Time spent by defendants in detention and the number of appearances per case by defendants in detention
- 21. Subjective ratings of burden and/or convenience

Peripheral Criteria

- 22. Subjective ratings of changes in job satisfaction
- 23. Subjective ratings of changes in the dignity and decorum of the courtroom

*Already included as a criterion earlier in the table

Table 5

AVERAGE NUMBER OF DOCKETS CALENDARED PER DAY*
January 1 Through May 31, 1972

Part	Average Number of Dockets Per Day	Number of Sessions
All-Purpose Calendar Parts		
AP-1	71.6	} 70.5 105
AP-3	71.6	
AP-5	68.3	
All-Purpose Backup Parts		
AP-2	22.9	} 22.5 105
AP-4	25.0	
AP-6	19.5	
MAP Calendar Part MP-1	109.8	105
MAP Backup Parts		
HT-1	12.0	} 12.3 103
HT-2	13.6	
HT-3	11.8	
HT-4	12.9	
Jury Trial Parts		
Jury I	4.7	} 5.6 100
Jury II	6.5	

*Source of data: Court's "F4" Calendar Summaries.

**One of the two HT parts on the second floor was closed beginning the week of February 7. While the remaining part was alternately called HT-1, HT-2, and HT-1/2, we shall consider part HT-1 to have been the closed part and part HT-2 to have been the continuously operating part.

shown, the present felony and misdemeanor parts of the Court may be grouped into five categories according to the nature of the parts' activities: all-purpose calendar, all-purpose backup, MAP calendar, MAP backup, and jury trial parts.*

Note that the nature of the various parts' activities is clearly reflected in the table: AP-1, AP-3, and AP-5 are moderately high-volume parts, averaging 70.5 docket numbers per day on the calendar. In these parts, the various parties involved in each case are assembled, quick conferences are held, guilty pleas may be accepted and sentences imposed, or charges may be dismissed; cases requiring hearings or trials are transferred to the respective backup parts. MP-1 is a high-volume part, averaging 109.8 docket numbers per day on its calendar.** The nature of the activities in MP-1 is generally similar to that in AP-1, AP-3, and AP-5, except that there were originally four and are now three backup parts instead of one, and conferences and part of the case assembly work are accomplished by extra attorneys or administrative personnel either outside the courtroom or within the courtroom but without requiring the attention of the judge. Finally, the various backup and special trial parts are low-volume parts handling nearly all of the hearings and trials for felony and misdemeanor cases in the Court. As indicated in the table, the all-purpose backup parts averaged 22.5 dockets per part per day, the MAP backup parts averaged 12.3 dockets per part per day, and the jury trial parts averaged 5.6 dockets per part per day when in session.***

*During the first phase of this evaluation, seven types of parts were identified: these five plus all-purpose calendar/independent parts and all-purpose extra backup parts. While these types of parts continued into the current evaluation period, they were essentially terminated in the beginning of February, and we therefore exclude them from our evaluation.

**As indicated earlier, not all of these cases are called in the MP-1 courtroom; an average of ten to fifteen cases per day are sent directly to one of the MAP backup parts or are "administratively" adjourned without being called.

***The larger size of the all-purpose backup calendars relative to those of the MAP backup parts is explained by two factors: The existence of time-consuming jury trials in the latter, and the practice of calendaring numerous cases in the former solely for sentencing, payment of fines, and review of probation.

Overall, the MAP complex averaged 35.7 dockets per part per day, while the all-purpose parts averaged 38.6 dockets per part per day.* Although a comparison of these overall figures is of little operational significance, in view of the large differences in modes of operation, they do provide an indication of the relative activity of the two portions of the Court.

Of greater significance, however, are the trends in the various calendar sizes. Experienced observers of Court operations have been aware that the number of cases on calendars in the Criminal Court had become excessive several years ago and has been decreasing for some time.

In the first-phase evaluation report, it was indicated that the average number of cases calendared per part per day in all adult felony and misdemeanor arrest parts in Manhattan had declined some 20 percent to 25 percent from the first half of 1970. In the intervening year there has been a further reduction of calendar sizes by some 10 percent.

This continuing reduction in daily workload and courtroom congestion is felt by some to have contributed as much to improved conditions in the Criminal Court as most of the structural and procedural reforms introduced.

Also of significance here is the fact that there has been a definite trend towards still smaller calendars in the MAP complex continuing through the January-through-May 1972 period. For example, the average number of dockets calendared during the first half of this period was 118.9 per day in part MP-1 and 13.7 per day in the HT parts. The corresponding calendar sizes during the second half of the period were 100.6 per day in part MP-1 and 11.4 per day in the HT parts. There was no significant trend in the all-purpose parts.

*In making this calculation, we take into account the fact that about 75% of the jury part cases originated in the all-purpose portion of the Court, the remainder being attributed to the "youth" portion of the Court, which we do not consider here.

Criterion #2 - Number of Cases Handled Per Assistant District Attorney and Legal Aid Attorney

The amount of attention which an attorney can devote to each case is governed by the number of cases he must handle. In Table 5 above, we have presented the average number of dockets calendared per day in each part over the period January 1 through May 31, 1972. In order to accommodate the wide range of calendar sizes, different numbers of Assistant District Attorneys and Legal Aid Society attorneys are assigned to the various parts -- some provided routinely by each office, with additional personnel in the MAP complex made possible by its supplemental funding as an experimental project.

Neither of these offices maintains records which would indicate the number of attorneys who were actually in each part each day. However, based on discussions with members of the administrations of these offices and of the MAP project, as well as on the observations of the evaluation staff, we estimate the average actual staffing during the period from February 7, when the number of MAP backup parts was reduced from four to three, through May 31 to have been as follows:

- o *Assistant District Attorneys.* Four to seven -- averaging perhaps six -- were generally present in the MAP complex: one in each part and the remainder conducting conferences or assembling cases. An estimated average of eight were present at any given time in the all-purpose and jury trial parts: one in each all-purpose part plus approximately two conducting or preparing all-purpose cases in the jury parts. Over the two portions of the Court as a whole, these figures indicate that the average number of Assistant District Attorneys per part-day was 1.5 in the MAP complex and about 1.1 in the all-purpose parts.
- o *Legal Aid Society Attorneys.* Eight to nine plus one supervising attorney were generally present in the MAP complex. The number of attorneys present at any one time in the all-purpose and jury parts is estimated to have been about 15 (all-purpose cases appearing in a jury trial part are generally handled by an attorney from the originating part). Over the two portions of the Court as a whole, these figures indicate that the average number of legal Aid attorneys was 2.4 per part-day in the MAP complex and 2.0 per part-day in the all-purpose parts.

Before applying these staffing estimates to the calendar figures, it should be noted that a substantial number of cases are transferred between parts on the same day. Such cases, which will then appear on the calendar of each part, are generally accompanied by the Legal Aid attorney in the transfer but generally require the attention of a different Assistant District Attorney in each part. In both the MAP complex and the all-purpose parts it has been found that approximately 12 percent and 10 percent, respectively, of the cases called in each part are transferred in this fashion. Correcting for such double-counting in the case of Legal Aid attorneys, we may calculate the average number of dockets handled per attorney per day. The results of these calculations are presented in Table 6.

As shown, the daily caseload per Legal Aid attorney in the MAP complex has been about 21 percent smaller than that in the all-purpose portion of the Court, reflecting the smaller average calendar size and the larger number of attorneys per part. Similarly, the load on the MAP Assistant District Attorneys is shown to have been about 37 percent smaller, again reflecting both the smaller average calendar size and the heavier staffing. In the case of the Legal Aid attorneys, this saving is enjoyed about equally by each attorney. However, among the Assistant District Attorneys there is a wide disparity: the "calendar Assistant" in part MP-1 experiences a much greater caseload than that of any Assistant in the all-purpose parts, while the other Assistants in the MAP complex experience a very much lower caseload (see Criterion #22 - Job Satisfaction).

The effects of these figures were reflected in the responses of the various Legal Aid attorneys and Assistant District Attorneys interviewed: both groups tended to appreciate the benefits of the extra time available in the MAP complex for interviewing defendants or complainants (respectively) and witnesses and for conferring with each other. In some instances, Assistant District Attorneys went so far as to complain that in MAP they often had too little to do when assigned to the conferencing function. We shall return to the broader topic of the quality of representation and justice below (Criterion #8).

Table 6
ESTIMATED NUMBER OF CASES HANDLED PER ASSISTANT DISTRICT ATTORNEY AND PER LEGAL AID SOCIETY ATTORNEY PER DAY

Portion of Court	Average Number of Dockets Handled per Day per:	
	Assistant District Attorney*	Legal Aid Society Attorney**
MAP Complex	22,1 dockets	14,5 dockets
All-Purpose Parts	35,1 dockets	18,3 dockets

*Calculated by dividing the number of dockets calendared per part per day by the number of Assistant District Attorneys available. In the case of the MAP complex, the ten or so dockets per day that are transferred to a backup part without being called in the calendar part were first removed from the count of calendared dockets in part MP-1.

**Calculated by subtracting the number of same-day transfers from the number of dockets calendared and dividing by the estimated number of attorney-days.

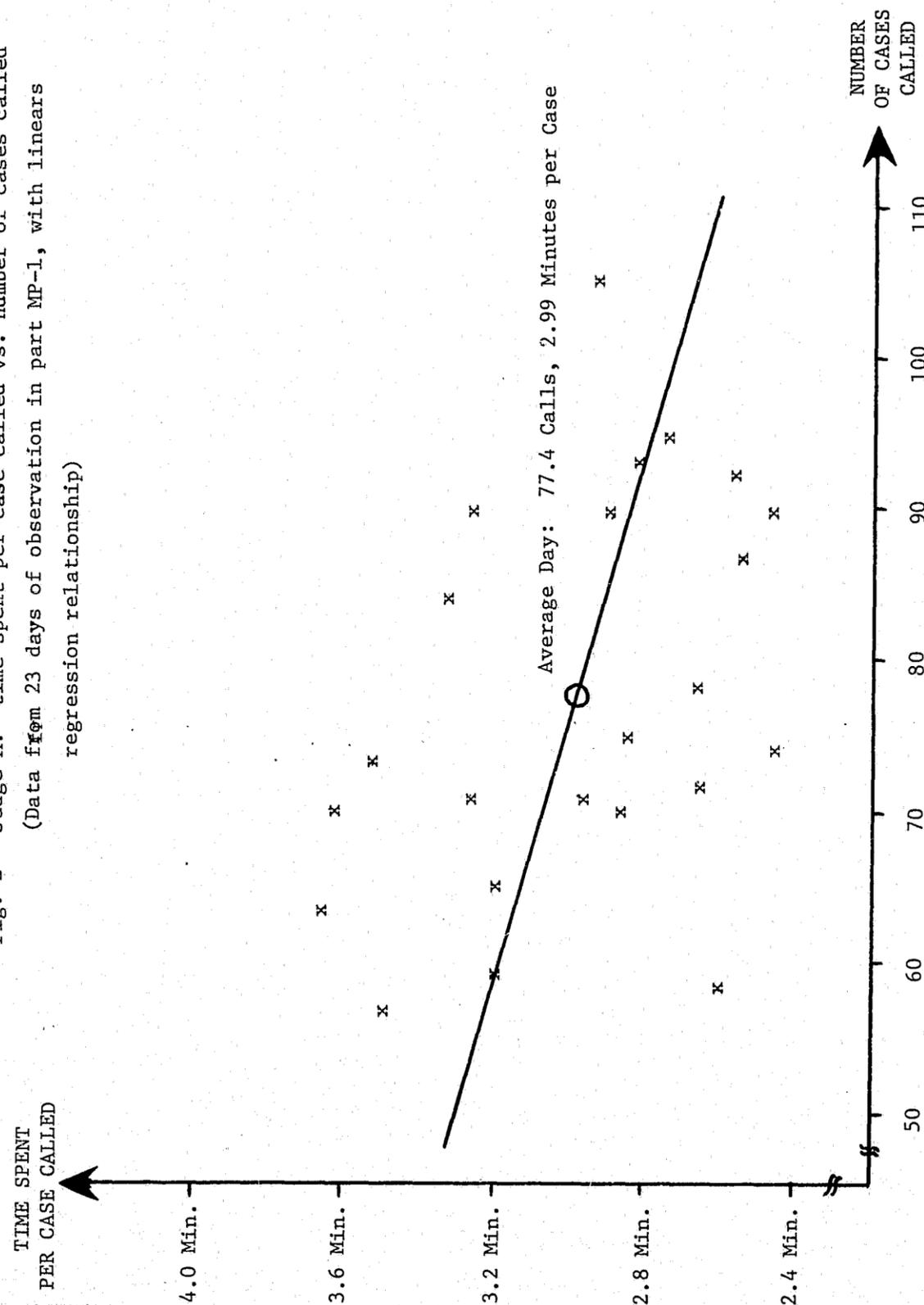
Criterion #3 - Time Spent per Case Appearance

A more direct measure of the individual attention which can be devoted to each case (see also Criterion #1 - Number of Cases Calendared per Part per Day and Criterion #2 - Number of Cases Handled per Assistant District Attorney and Legal Aid Attorney) is the actual amount of time spent on each case. To compare the operations of the MAP and all-purpose portions of the Court with respect to this measure, some 130 part-days of operations in the MAP complex and some 60 part-days in the all-purpose parts were observed. Analysis of the resulting data has revealed a number of interesting relationships.

First, in the various calendar parts, the amount of time spent on each case was found to depend more on the judge and on the number of cases to be heard than on the distinction between the MAP and all-purpose portions of the Court. This result is best illustrated with our findings for the judge - whom we shall refer to as Judge A - on which we have the greatest amount of data. Figure 2 presents the relationship observed between the average amount of time spent per case on a given day (including time spent on any recalls of the same case) and the number of cases called that day.* The points on this graph represent the combinations of average time per case and number of cases called for each of the days on which part MP-1 was observed while this judge was presiding. Also shown is the straight line (the "regression" or "least squares" line) which best fits these points. This line identifies an underlying relationship between time per case and number of cases called wherein, as one might expect, the average time spent on each case falls as the number of cases called rises. This relationship may be shown to be highly statistically significant ("significant at the .001 level"). The point on the line which corresponds to the average number of calls per day - 77.4 - and the overall average time per call - 2.99 minutes - is also shown.

*Here, a "case" is defined as the collection of dockets called before a judge at the same time - an average of 1.3 per call. For cases which were called more than once in the same day, the amount of time is taken to be the total time spent on that case; such a case is still only one "case called."

Fig. 2 - Judge A: time spent per case called vs. number of cases called (Data from 23 days of observation in part MP-1, with linear regression relationship)



This particular judge was also observed presiding in one of the all-purpose calendar parts (though only for four days). There, the average time spent per case called was observed to be 3.38 minutes. While this is substantially larger than the 2.99 minutes observed in the MAP calendar part, the corresponding number of calendar cases called in the all-purpose part was substantially smaller, averaging only 44.3 per day. Referring to Fig. 2, the reader will observe that the regression line indicates that, had only 44.3 cases been called in the MAP calendar part, one would expect Judge A to average 3.36 minutes per case - almost exactly the average observed in both the MAP and all-purpose calendar parts. Thus, these findings suggest that procedures in the MAP calendar part have little impact on the amount of time spent by a judge on each case. The size of the calendar, however, can have a significant impact.

The other judges observed in the MAP and all-purpose calendar parts all spent more time on each case than did Judge A, even with equivalent case-loads. Similar relationships between time per case and cases called, as well as similar differences between judges, were found in the various backup parts. However, because of the small numbers of cases and the great variability in the length of time required for hearings and trials, the results for the backup parts are less interesting and significant.

If we ignore differences between judges and aggregate all observations in each part, we obtain the average figures presented in Table 7. Referring to this table, the reader may observe that the average time per case was about four and one-half minutes in the all-purpose calendar parts, three and one-half minutes in the MAP calendar part, twelve in the all-purpose backup parts, and twenty-one minutes in the MAP backup parts. The relative magnitudes of these various times are as one should expect, reflecting, at least in part, the relative number of cases handled per day and the existence of jury trials in the MAP backup parts but not in the all-purpose backup parts. However, recalling the findings presented above for Judge A, the difference in time per case between the MAP and all-purpose calendar parts appears larger than would be explained by the case-loads alone. A good part of this difference must be attributed

Table 7

AVERAGE TIME SPENT PER CASE*

Part	Average Time per Case	Average Cases per Day	Number of Cases Observed
All-Purpose Calendar Parts	4.5 Min.	53.7 Cases	2504 Cases
All-Purpose Backup Parts	12.1 Min.	16.2 Cases	206 Cases
MAP Calendar Part	3.4 Min.	73.6 Cases	2797 Cases
MAP Backup Parts	20.9 Min.	8.5 Cases	727 Cases
Jury Trial Parts	(N O T O B S E R V E D)		

*Source of data: direct observation.

to the different mix of judges presiding in the two portions of the Court. We shall return to this question of separating the effects of the presiding judges from the effects of the structural and procedural differences repeatedly.

Criterion #4 - Distribution of Case Dispositions

In attempting to assess the quality of the judicial process, one must certainly consider the nature of its outputs: case dispositions. While it is not possible to say whether a particular pattern of dispositions is appropriate or not, it can be useful to compare patterns and to investigate the sources of any differences. Immediately, however, one is faced with the problem of separating characteristics of the presiding judges from other characteristics of the parts under consideration.

Accordingly, we have conducted comparative analyses of the disposition patterns associated with individual judges, and have found the following:

First, of seven possible dispositions - dismissed, pleaded guilty, bench warrant unexecuted, transferred to the Grand Jury or Supreme Court, convicted, acquitted, and "other" - only the first two (dismissed and pleaded guilty) varied significantly between judges. We shall therefore, associate the pattern of the remaining dispositions, over which the judge has little control, with the type of part in question.

Second, no significant differences could be found between the pattern of dismissals and guilty pleas associated with any judge when he sat in one all-purpose calendar and that when he sat in another all-purpose calendar part, or between that when he sat in an all-purpose calendar part and that when he sat in the MAP calendar part. We, therefore, associate the relative magnitudes of dismissals and guilty pleas with the particular judge. In this regard, we identified large differences between judges, but found it possible to divide the 15 judges who sat in any of the calendar parts during the January-through-May 1972 period into three groups, characterized by the ratio of dismissals to guilty pleas, as shown in Table 8. The mix of dismissals and guilty

Table 8

RATIO OF DISMISSALS TO GUILTY PLEAS
FOR THREE GROUPS OF CALENDAR JUDGES*

Group	Number of Judges	Ratio of Dismissals to Guilty Pleas	Number of Cases Dismissed or Plead Guilty
A	1	.66	528
B	9	.96	5687
C	5	1.26	2618

*Source of Data: Court's "F4" Calendar Summaries.

pleas within each group is statistically almost identical, while the differences between groups are highly statistically significant.* Thus, it is possible to quantify this very important characteristic of judicial performance and to use this characterization in analyzing the operations of the Court.

Finally, the differences between judges in the various backup and jury trial parts was found to be both less significant and less important in view of the much smaller numbers of cases involved. Accordingly, we shall associate the disposition patterns in the backup parts with the parts themselves.

Before bringing all this information together, let us determine whether the mix of judges who actually sat in the MAP and all-purpose parts were sufficiently different to have caused the pattern of dispositions in the two portions of the Court to differ. The number of judges in each of the three groups who sat in the various calendar parts is shown in Table 9. Applying these relative weights to the corresponding ratios of dismissals to guilty plea given in Table 8, one finds that the average ratio was 1.02 for the judges in both the MAP and all-purpose calendar parts. Thus, while the various judges differed substantially among each other, the mix of judges in the two parts was such that the composite dismissal-to-guilty plea ratio was the same in the two types of calendar parts.

The above analysis demonstrates that we may now make a direct comparison of the patterns of dispositions in these two portions of the Court. This is done in Table 10.** These distributions are based on some 5000 dispositions in the MAP complex and some 9900 dispositions in the all-purpose parts.

*Chi-square tests of homogeneity show no significant difference within groups at better than the .50 level of significance, with differences between groups at the .001 level of significance.

**As before, 75 percent of the activity of the jury trial parts is allocated to the all-purpose parts, the remainder being allocated to the youth parts, which are not included in this analysis. The figures presented were obtained from the Court's "F4" calendar summaries. While the accuracy of these summaries has been questioned, the investigation described in Appendix D indicates that they are sufficiently accurate for our purposes.

Table 9
DISTRIBUTION OF JUDGE-DAYS IN THE MAP AND ALL-PURPOSE
CALENDAR PARTS AMONG THREE GROUPS OF JUDGES

Group of Judges	Judge-Days in MAP Calendar Part	Judge-Days in All-Purpose Calendar Parts
A	0	22
B	83	225
C	22	93

Table 10
CASE DISPOSITIONS*
January Through May, 1972

Disposition	MAP Complex	All-Purpose Parts**
Dismissed	36.7%	37.2%
Pleaded Guilty	35.8%	36.5%
Bench Warrants issued less executed+	8.8%	9.0%
To Supreme Court++	14.8%	15.2%
Convicted	1.4%	0.7%
Acquitted	1.6%	0.9%
Other+++	0.9%	0.5%
Total	100.0%	100.0%

*Source of data: Court's "F4" Calendar Summaries.

**AP-1 through AP8 and 75% of the jury trial parts.

+A bench warrant is issued when a defendant fails to make a scheduled appearance. "Execution" of a warrant signifies the return of the defendant to Court - whether voluntarily or by arrest. The difference between warrants issued and executed is used as an estimate of the number of defendants for whom warrants were issued during the period under consideration and who will never return.

++Indicted, waived to the grand jury, or examined and held for the grand jury.

+++Transferred to another jurisdiction, committed to a mental hospital, abated by death.

Comparing the two patterns, the only significant differences* are seen to be the larger fraction of cases disposed of by trial (convicted or acquitted) and "other" in the MAP complex. However, the difference in trials is explained, at least in part, as follows: Some 3 percent of all dockets considered in the MAP backup parts originated in the all-purpose portion of the Court. Virtually all of these cases were sent to the MAP backup parts for trials, particularly jury trials.

Another aspect of the disposition of cases is the pattern of sentences imposed on those found guilty (by plea or trial). Table 11 presents a summary of the sentences in 532 cases of a sample selected randomly from among all cases which entered the MAP and all-purpose portions of the Court between January 1 and May 15, 1972 (see Appendix C). This table suggests that sentences in the all-purpose parts in cases which began as felonies may have been somewhat lighter than those in the MAP complex. However, the differences are not statistically significant (at the ".05 level") because of the relatively small sample sizes. If the sentences were, in fact, significantly lighter, one would expect to find a higher rate of guilty pleas, which was not the case.

Criterion #5 - Number of Adjournments per Case, Duration of Cases, and Time Between Successive Appearances

Since justice suffers unless cases are disposed of promptly, three timing statistics are of particular importance in evaluating the operations of the Court: the average number of appearances per case, the average duration of cases entering the Court,** and the average length of time between appearances. Table 12 presents these figures for samples of felony and misdemeanor cases received in an adult (felony or misdemeanor) hearing or trial part during the period January through May 31, 1972.

*A chi-square test of "goodness of fit" shows that these differences are statistically significant at the .001 level.

**The number of weeks until final disposition (including the sentencing appearance for those defendants who were found guilty).

Table 11

SUMMARY OF SENTENCING PATTERNS*

	Felony Arraignment Charge				Misdemeanor Arraignment Charge			
	Defendant In Jail		Defendant On Bail Or ROR		Defendant In Jail		Defendant On Bail Or ROR	
	MAP	All-Purpose	MAP	All-Purpose	MAP	All-Purpose	MAP	All-Purpose
Sample Size	52 Cases	37 Cases	69 Cases	62 Cases	66 Cases	57 Cases	97 Cases	92 Cases
Percent of Cases Sentenced to								
Prison	77%	59%	7%	8%	68%	69%	8%	7%
Fine	0%	0%	38%	45%	0%	2%	61%	63%
Release**	23%	41%	55%	47%	32%	29%	31%	30%
Average Length of Prison Sentence	6.0 Mo.	4.6 Mo.	8.2 Mo.	6.0 Mo.	2.4 Mo.	2.8 Mo.	1.8 Mo.	2.5 Mo.

*Source of data: Court papers for a sample of 1494 cases which entered the MAP or All-Purpose portions of the Court between January 1 and May 15, 1972 - see Appendix C.

**"Release" consists of any of four sentences: "time served", unconditional discharge, conditional discharge, and probation.

-64-

Table 12

APPEARANCES, DURATION, AND ADJOURNMENT PERIODS*

	Felony Arraignment Charge				Misdemeanor Arraignment Charge			
	Defendant In Jail		Defendant On Bail Or ROR		Defendant In Jail		Defendant On Bail Or ROR	
	MAP	All-Purpose	MAP	All-Purpose	MAP	All-Purpose	MAP	All-Purpose
Average Number of Appearances Per Case After Arraignment	1.9 Apps.	2.1 Apps.	2.9 Apps.	2.8 Apps.	1.7 Apps.	2.0 Apps.	2.6 Apps.	2.4 Apps.
Average Duration of Cases After First Appearance in the MAP or All-Purpose Portion of the Court	1.5 Wks.	1.3 Wks.	4.2 Wks.	4.0 Wks.	1.1 Wks.	1.4 Wks.	4.4 Wks.	4.8 Wks.
Average Length of Adjournment Periods	1.7 Wks.	1.2 Wks.	2.2 Wks.	2.2 Wks.	1.6 Wks.	1.4 Wks.	2.8 Wks.	3.4 Wks.

*Based on a sample of 1494 cases arraigned and first received in either the MAP or All-Purpose portion of the Court between January 1 and May 15, 1972. This sample is described in Appendix C.

-65-

Note that, in order to isolate the post-arraignment processing of cases, all figures pertain to that portion of the life of a case beginning with the time of its first appearance following arraignment (cases disposed of at arraignment are not included). Details concerning the methods used for determining these statistics are presented in Appendix G.

Referring to this table, the reader may compare the performance of the MAP and all-purpose portions of the Court separately for felony and misdemeanor cases, and separately for cases in which the defendants were in jail (for all or most of the duration of the case) or released on bail or their own recognizance.

Statistical comparisons reveal that, in all instances except misdemeanor cases in the all-purpose parts, "jail cases" required significantly fewer appearances per case (at the .05 case level of significance) than did "bail cases." However, comparisons of the MAP complex with the corresponding types of cases in the all-purpose parts reveals quite similar performance. For felonies, MAP disposed of jail cases in significantly* fewer appearances, while disposing of bail cases in significantly* more appearances; in neither case, as the table shows, is the difference large. For misdemeanors, the number of appearances required to dispose of cases (after arraignment) was not statistically different in the two portions of the Court.

With respect to average duration, jail cases were disposed of significantly more quickly than bail cases (at .05 level of significance) in every subsample. However, the only statistically significant difference between the MAP and all-purpose portions of the Court is that for felony bail cases; and again, the difference is small.

Weighting the bail and jail figures presented in the foregoing table in proportion to the sampled numbers of such cases in each of the two crime categories, we may calculate the average number of appearances and the average duration for felonies and misdemeanors in the two portions of the Court. The results are presented in Table 13, together with the corresponding figures for the preceding three years.

*Statistically significant at the .05 level of significance

Table 13

FOUR-YEAR COMPARISON OF APPEARANCES AND CASE DURATION

Group of Cases	Average Number of Appearances Per Case In Hearing Or Trial Parts (After Arraignment)		Average Duration of Cases After Received In a Hearing or Trial Part	
	Felonies	Misdemeanors	Felonies	Misdemeanors
1969 ⁺	3.5	3.4	9.4 Wks	13.1 Wks
1970 ⁺⁺	3.0	2.6	9.1 Wks	6.2 Wks
1971	*	*	*	*
All-Purpose ⁺⁺⁺	2.8	2.3	5.8 Wks	4.7 Wks
1971	*	*	*	*
MAP ⁺⁺⁺⁺	2.5	2.0	4.9 Wks	3.8 Wks
1972	*	*	*	*
All-Purpose [#]	2.5	2.3	3.0 Wks	3.8 Wks
1972	*	*	*	*
MAP ^{##}	2.5	2.3	3.0 Wks	3.3 Wks

⁺Based on a sample of 268 felonies and 250 misdemeanors.

⁺⁺Based on a sample of 292 felonies and 152 misdemeanors.

⁺⁺⁺Based on a sample of 224 felonies and 153 misdemeanors.

⁺⁺⁺⁺Based on a sample of 209 felonies and 112 misdemeanors.

[#]Based on a sample of 366 felonies and 346 misdemeanors.

^{##}Based on a sample of 381 felonies and 320 misdemeanors.

*Difference between figures that are separated by an asterisk were found to be statistically significant at the .05 level of significance or better. Thus, for example, both the MAP and All-Purpose portions of the court disposed of felonies faster in 1972 than in 1971, but did not differ from each other.

Referring to Table 13, the reader will observe consistent improvement with only one exception as one moves down each column in the table. Thus, for example, the average duration of felony cases in hearing and trial parts in the Manhattan Criminal Court fell from 9.4 weeks in 1969, to 9.1 weeks in 1970, to 5.8 weeks in the all-purpose parts in 1971, to 4.9 weeks in the MAP complex in 1971, to 3.0 weeks in both portions of the Court in 1972. However, because of the limited numbers of cases in the various samples, not all of the differences are statistically significant. Those differences between adjacent figures which are significant (at the .05 level of significance or better) are indicated by an asterisk. Thus, for example, both the MAP and all-purpose portions of the Court disposed of felonies faster in 1972 than in preceding years but did not significantly differ from each other in either 1971 or 1972.

This table clearly shows that the number of appearances per case has remained unchanged from last year to this, except for a slight increase for misdemeanors in the MAP complex. Duration, however, especially for felonies, shows significant improvement in both portions of the Court. In addition, the MAP complex may be seen to have disposed of misdemeanors significantly more quickly than did the all-purpose parts this year and more quickly than both portions of the Court last year. This instance, however, is the only one in which the all-purpose parts and MAP have differed from each other this year.

Criterion #6 - Continuity of Representation by the Legal Aid Society

Continuity of representation by the Legal Aid Society was one of the important objectives of the Court reorganization. Unfortunately, there are no readily available records which indicate the number of attorneys who have been involved in past cases. Therefore, in evaluating the extent to which this goal has been achieved, we have had to rely on information obtained through observation, interviews, and questionnaires.

Most of the Legal Aid attorneys questioned appear to feel that the most important result of the reorganization into the MAP and all-purpose systems has been their ability to provide individual, continuous representation to their clients.* Attorneys assigned to both portions of the Court during the January-through-May period have indicated that continuity is near-perfect (the absence of an attorney on vacation being one of the few allowable reasons for a different attorney to handle a case). It is now common practice for Legal Aid attorneys to refuse the request of a presiding judge to represent another attorney's client.

The attorneys in both portions of the Court appear (from observation, as well as from their own statements) to have substantial contact with the defendants, their families, and witnesses; and they consistently rated continuity as being "crucial" to qualify representation, to clients' sense that they are being treated fairly, and to their own job satisfaction.

However, while the Legal Aid attorneys are quite pleased with this newly won right, many Court personnel and Assistant District Attorneys are calling for a return to the earlier system in which any attorney could represent any defendant. The primary reason is the increased difficulty in assembling ready cases; often ~~the~~ the Legal Aid attorney is out of the courtroom interviewing defendants or witnesses, or performing other duties.

*Except in the case of jury trials, Assistant District Attorneys are assigned to Court parts on a monthly basis and do not feel a need for continuity of contact with a case. While such continuity was generally rated as "desirable," it was felt by most of those questioned that the combination of the District Attorney's case file and the continued presence of the arresting officer provided sufficient continuity in most cases. For jury trials and other special circumstances, Assistant District Attorneys do maintain individual continuity.

Criterion #7 - Subjective Ratings (By Participants and Observers) of the Effects of any Changes in the Legal Tactics or Procedures of Counsel and Judges

None of the participants questioned (or our own observers) have felt that the MAP and all-purpose systems differ significantly in the legal aspects of Court procedures -- e.g., the hearing of motions, the conduct of trials, the setting of bail, the imposition of sentences, etc.

Criterion #8 - Subjective Ratings of the Quality of Representation and the Quality of Justice

Ultimately, the quality of representation and the quality of justice depend on the individuals who fill the roles in the system. However, given the personnel, the system can further or hinder the achievement of justice. Two aspects of the system particularly affect the quality of justice: the caseload on the judge and the attorneys, and the continuity of defense representation.

With regard to caseload, it is clear that the lower the load, the greater the attention which can be devoted to each case. In this regard, most of the Assistant District Attorneys and Legal Aid attorneys who were questioned felt that the reduced caseload per attorney in the MAP complex (see Criterion #2) made it possible to devote more time to interviews and conferences, thereby enabling them to arrive at "a more equitable disposition."

It should also be noted, however, that those Assistant District Attorneys who handled the relatively larger MP-1 calendar reacted oppositely, feeling that they had too little an opportunity to familiarize themselves with each case. Similarly, many have noted the adverse effect which large calendars have on the temper of presiding judges.

Concerning the continuity of representation by Legal Aid attorneys, every one of them questioned felt very strongly that the continuity that has been achieved -- both in the all-purpose parts and in the MAP complex -- has definitely improved the quality of their representation. Not only do they tend to feel better able to put on a vigorous defense, but they feel that their rapport with clients has improved.

Criterion #9 - Subjective Ratings of Any Change in the Balance of Power in the Courtroom

On the whole, there appear to be no major differences in the balance of power between defense and prosecution in the MAP and all-purpose systems. Nevertheless, a number of factors have led to small differences, particularly favoring the Legal Aid Society in the MAP Complex.

While continuity of representation has strengthened the hand of Legal Aid attorneys throughout the Court, this effect is somewhat magnified in MAP. In the first place, cases are not supposed to be called until a conference has taken place between defense and prosecution, and Legal Aid attorneys can thereby influence the sequence in which cases are called. In the all-purpose parts, the Assistant District Attorneys have primary control over calendar calls. Second, because of the way in which the MAP complex is spread through the Court building, it is more common for Legal Aid attorneys to be busy in other portions of the complex when their cases are called. Third, the multiplicity of Assistant District Attorneys available for conferences and in the backup parts in MAP, together with the minimal controls over activity in the complex, opens numerous opportunities for "judge" and DA-shopping." Finally, while the conferences in MAP give both the Legal Aid attorney and the Assistant District Attorney greater familiarity with the case, only the former is directly involved when the case is later called; the "conference Assistant" (District Attorney) generally can convey his familiarity only through notes in the District Attorney's case files. The assistant who must handle the case before the judge is thereby often less well prepared than if there had been no conference.

Compared to the earlier system of specialized parts, the hand of the prosecution has been strengthened in both the MAP and all-purpose systems -- particularly with respect to the private bar -- through the elimination of much of the "judge-" and "DA-shopping" and the unnecessary delays which formerly existed.

Finally, the very intimate relationship between (a) the balance of power and (b) calendar sizes and pressures to dispose of cases appears to have had varying effects. Several Assistant District Attorneys have

said that pressures to dispose of cases in both the MAP complex and the all-purpose parts have made themselves felt in the extent of the charge reductions they have felt obliged to offer. Others, however, have felt that reduced calendars throughout the Court have made it possible to hold out for "better pleas."

Criterion #10 - Subjective Ratings of the Understandability of Court Proceedings to Defendants and the Public

Observers and attorneys alike uniformly rate the understandability of Court proceedings to defendants and the public as minimal in both portions of the Court.

The basic problem is the speed with which the substantive parts of Court proceedings are conducted. Hours can be spent waiting, only to have one's case called and disposed of in a blur.

In MAP, this problem is aggravated by the larger calendar and the fact that the defense and prosecution may have come to an agreement on a disposition in the conference, out of sight of the defendant and the public. In addition, the noise and confusion in the MAP calendar part is generally so great (see Criterion #23 - Subjective Ratings of Dignity and decorum of the Courtroom) as to make it all but impossible to hear from the audience area of the courtroom. On the other hand, the larger MAP staff and the existence of the check-in table outside the courtroom do provide services not available in the all-purpose parts.

PROCESSING EFFICIENCY

The second group of criteria used in our evaluation is concerned with the efficiency with which cases are processed. Here, six aspects of efficiency are considered:

- The utilization of judicial time (Criterion #11);
- The rate at which cases are disposed of (Criteria #12, #13, #14);
- The cost per case disposed of (Criterion #15);
- The loss of defendants through bail- and parole-jumping (Criterion #16);

- The speed with which cases are processed (already treated as Criterion #5); and
- The causes of adjournment and delays (Criterion #17, #18, #19).

Criterion #11 - Time Spent by Judges Hearing Cases, Waiting for Cases, and in Recess

Based on detailed observation of some 130 part-days of operation in the MAP complex and some 60 part-days in the all-purpose parts during the first half of this year, it has been possible to determine the utilization of the time of judges and other Court personnel and resources.

In Table 14 we present the average starting and closing times of the morning and afternoon sessions in the MAP and all-purpose calendar and backup parts. These times were determined on the basis of the presence of the judge in the courtroom. Also shown are the average times at which the first case in each type of part was called. This table indicates a fairly regular pattern of opening and closing times. The only particularly interesting points to be noted are the post-ten o'clock opening times of all but the MAP calendar part, and the late afternoon opening time of the MAP backup parts. In all these instances, the judge was generally available at or near the nominal 9:30 a.m. and 2:00 p.m. opening times; however, no cases were ready.

Table 15 gives a breakdown of the uses to which the hours in each session were put. As shown, the average length of time from opening to closing, excluding only the lunch recess, varied from about four and one-half to five and one-half hours. However, from this time should be deducted: time spent in recesses other than for lunch; time spent on the bench waiting for cases to be called; and time spent with cases, waiting for conferences to be held or for the necessary parties to be assembled. In the MAP calendar part, all of these times -- during which the judge (as well as most of the other Court personnel) was inactive -- averaged just under an hour and a half per day, with the result that a net of 4.0 hours was spent actively processing cases.

Table 14
HOURS OF COURTROOM OPERATION*

Event	Average Time of Event			
	MAP Calendar Part	All-Purpose Calendar Parts	MAP Backup Parts	All-Purpose Backup Parts
Opening of Morning Session	9:44am	10:00am	10:12am	10:13am
Close of Morning Session	12:57pm	12:56pm	12:57pm	12:51pm
Opening of Afternoon Session	2:16pm	2:17pm	2:18pm	2:29pm
Close of Afternoon Session	4:25pm	4:29pm	4:27pm	4:23pm
First Case Called	9:47am	10:05am	10:22am	10:19am

*Source of data: direct observation of 190 part-days.

Table 15
UTILIZATION OF JUDICIAL TIME*

Period	Average Duration of Period			
	MAP Calendar Part	All-Purpose Calendar Parts	MAP Backup Parts	All-Purpose Backup Parts
Time from Opening to Closing, Excluding Lunch	5.4Hrs	5.1Hrs.	4.5Hrs.	4.9Hrs.
Inactive Time:				
Recesses Other than Lunch	.7Hrs.	.6Hrs.	1.1Hrs.	.3Hrs.
On Bench Waiting for Cases	.5Hrs.	.5Hrs.	.5Hrs.	1.2Hrs.
With Cases Waiting for Conferences, Assembly, etc,	.2Hrs.	.5Hrs.	.1Hrs.	.3Hrs.
Time Spent Actively Processing Cases	4.0Hrs.	3.5Hrs.	2.8Hrs.	3.1Hrs.

*Source of data: Direct observation of 190 part-days.

In the other parts, these inactive periods consumed slightly more time, reducing the average active time to 3.5 hours per day in the all-purpose calendar parts, 2.8 hours in the MAP backup parts, and 3.1 hours in the all-purpose backup parts. Thus, in the backup parts -- whether MAP or all-purpose -- less than two-thirds of a judge's day was spent (on the average) actively processing cases, the remainder being spent waiting for cases to be sent from the appropriate calendar part.

Comparing the figures for the MAP and all-purpose calendar parts, several observations may be made. First, recesses other than for lunch added to approximately the same amount of time in the all-purpose calendar parts as in the MAP calendar part. In spite of the heavier District Attorney and Legal Aid staffing in the MAP complex, there were simply not sufficient numbers of ready cases being generated. Second, the amount of time spent waiting for cases in the MAP calendar part was found to be about the same as that in the all-purpose calendar parts, in spite of the presence in MAP of staff whose function it was to identify and assemble cases which were ready to be called before the judge. Third, the time spent by the judge waiting for conferences and case-assembly was about 20 minutes less per day in the MAP calendar part than in the all-purpose calendar parts. This saving can be attributed, at least in part, to the MAP practices of determining readiness and conducting prosecution-defense conferences prior to calling each case.

Thus, it would appear that the MAP assembly and conference procedures have not, in practice, led to very considerable savings of courtroom time between cases -- apparently no more than 15 minutes per day.* Further, it should be recalled that the amount of inactive time per day is closely dependent on the number of cases docketed per day: the larger the calendar, the less inactive time. Thus, the relative amounts of inactive time in the MAP and all-purpose calendar parts reflect not only the procedures in effect but also the often arbitrary size of the daily calendar. Thus, if the MAP calendar were to be reduced, for example, one would find more

*In addition, however, the amount of time spent on each case has been reduced somewhat by the conferences and other procedures -- see Criterion #3 - Time Spent per Case Appearance.

inactive time; and, if the all-purpose calendars were to be increased, the amount of inactive time would fall.

Finally, in considering the relatively short active period for all the backup parts, the reader should keep in mind the fact that, during the inactive period, the parts were available for hearings and trials. In the absence of a carefully designed experiment, it is difficult to estimate the extent to which such availability contributed to the disposition of cases in the calendar parts (by forestalling requests for dilatory adjournments to a separate hearing or trial part). Such an experiment would appear to be a useful endeavor. It would also seem to be in order to explore means of transferring some of the activity in the calendar parts into the backup parts in order to better spread existing workloads.

Criterion #12 - Fraction of Calendared Cases Disposed of per Day

Quantitatively speaking, the output of the Court is dispositions, and concern with efficiency and with the ability of the Court to keep pace with its case-load inevitably leads to a concern with dispositions.

The rate at which cases are disposed of clearly depends on many factors. Three of the most important factors, which we shall consider here, are the characteristics of the judge, the number of cases on the daily calendar, and the type of part under consideration. The analysis which follows demonstrates that all three must be considered if meaningful conclusions are to be drawn.

We begin with the relationship between the calendar size and the fraction of cases on a day's calendar which are disposed of by a particular judge in a particular calendar part. In Fig. 3 we present a graph of the fraction disposed of* versus calendar size for a particular judge - "Judge B" - who presided in a particular all-purpose calendar part for seven weeks during the evaluation period.** One point is shown for each

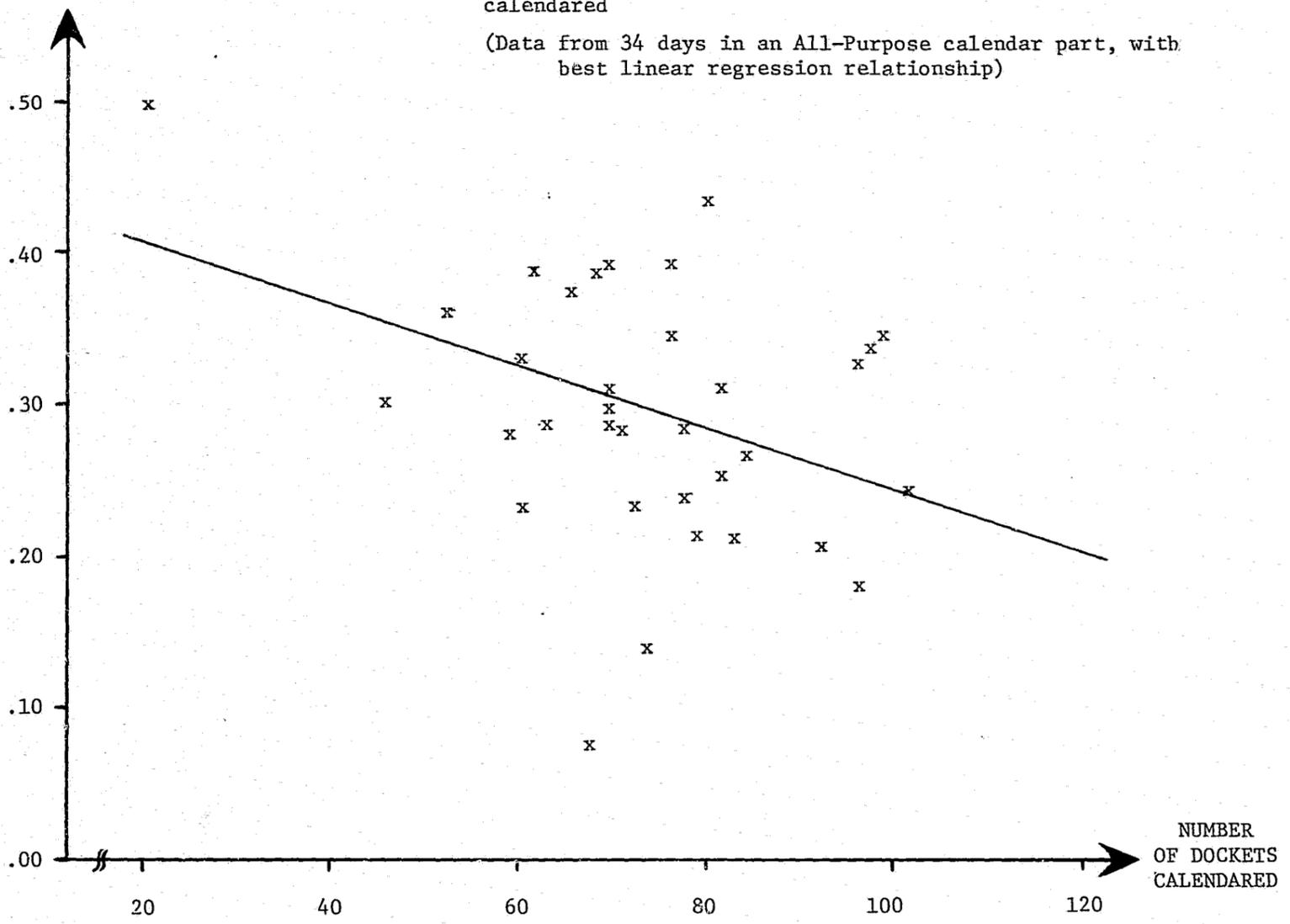
*Fraction disposed of is calculated by dividing the number of dispositions by the number of dockets calendared, excluding dockets in which bench warrants were issued

**Source of the figures: the Court's "F4" Calendar Summaries. While these summaries may understate dispositions by several percent (see Appendix D), the extent of understatement is about the same for all portions of the Court.

FRACTION OF CASES
DISPOSED OF

Fig. 3 - Judge B: fraction of cases disposed of (excluding cases in which bench warrants were issued) vs. number of dockets calendared

(Data from 34 days in an All-Purpose calendar part, with best linear regression relationship)



CONTINUED

10F2

day,* as well as the regression line which best fits these points. This relationship was found to be statistically significant at the .05 level of significance (i.e., the chance that the underlying relationship is best represented by a horizontal line is less than 5 percent). We shall now consider Judge B's underlying disposition fraction on any day to be given by this straight line, with random deviations superimposed on it. Thus, for example, on days when Judge B sits in the part under consideration with a calendar of 40 cases, we would expect him to dispose of 34.4 percent; with a calendar of 100 cases, he would tend to dispose of only 24.6 percent of them (on the average).

In a similar fashion, we have derived corresponding relationships for Judge B using data pertaining to periods when he sat in other all-purpose calendar parts and the MAP calendar part, both this year and last year. A comparison of all these relationships revealed no significant difference among them.**

In other words, we have found a relationship between disposition fraction and calendar size which characterizes the performance of Judge B in any calendar part

This same procedure was followed for the nine other judges who have presided in either the MAP or all-purpose calendar parts during the evaluation period and who have presided in both types of calendar parts at some time since their origination in February 1971.

Of the total of ten judges (including Judge B) it was found that eight could each be characterized by a single relationship for both the MAP and all-purpose calendar parts. For each of the remaining two,

*We ignore the fact that different judges may have replaced Judge B on a few of the days under consideration. While correction for any such days would improve the precision of the relationship, failure to do so still yields results which are sufficiently accurate for our purposes.

**In the MAP calendar part, only approximately 90 percent of all the cases on the calendar are actually called in the calendar part. The remainder are administratively transferred to another part. Accordingly, when comparing the relationship between disposition fraction and calendar size, we adjust the MAP calendar size to reflect only the 90 percent which, on the average, are called before the judge.

no differences were found among the all-purpose parts, but the judge's performance did differ between the MAP and all-purpose calendar parts.

Having characterized each judge by one or, at most, two relationships between disposition fraction and calendar size, the judges were then compared with each other. These comparisons make it possible to identify three groups of judges which differ from each other but within which no statistically significant differences exist.

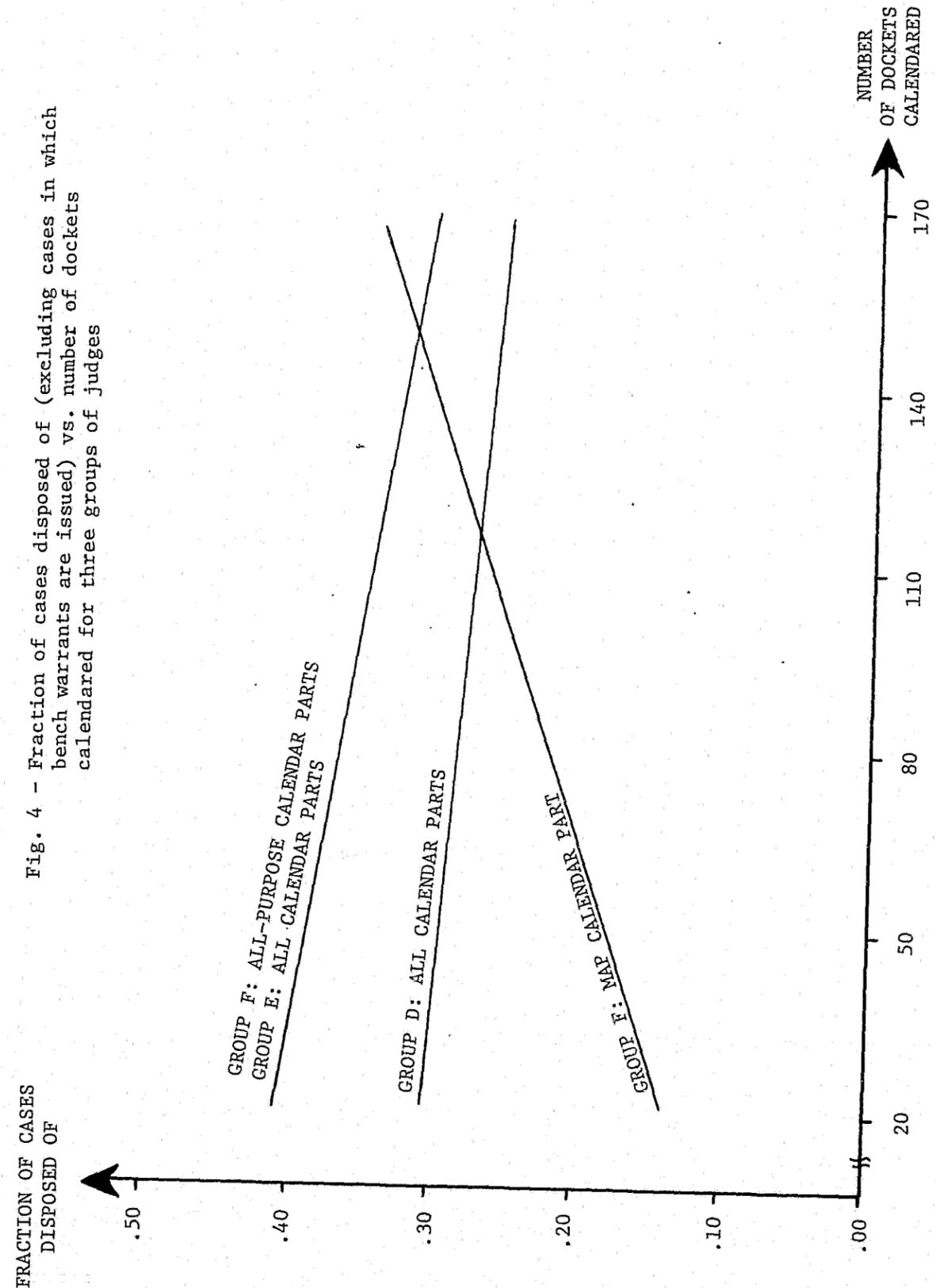
One group - "Group D" - consists of six judges characterized by a single relationship for all parts. A second group - "Group E" - consists of two judges characterized by a different but single relationship. The third group - "Group F" - consists of two judges characterized by one relationship for the all-purpose calendar parts and a second relationship for the MAP calendar part. It is interesting to note, however, that the all-purpose relationship for Group F is the same as the single relationship for Group E.

These various results are summarized in Fig. 4. Here, for example, the reader may see that a Group E or F judge in an all-purpose calendar part with 80 cases on the calendar can be expected to dispose of some 36.8 percent of the cases, while a Group D judge would dispose of only 28.9 percent.

A comparison of the slopes of the various lines in Fig. 4 is particularly interesting. In every case except the two Group F judges in Part MP-1, larger calendars lead to a smaller fraction of cases disposed of. Thus, as the calendar size increases, less and less time can be spent on each case, and the likelihood that any one will be disposed of falls. To cope with the rising number of cases, these judges either grant adjournments more leniently or transfer more cases to other parts. For the Group F judges in the MAP calendar part, there appears to be a countervailing psychological effect: as the calendar size increases, the judge tends to set a faster pace and to accept fewer excuses for delay. Both of these patterns can readily be observed in the courtroom.

We may now compare the fraction of cases disposed of in the MAP calendar part with that in the all-purpose calendar parts, correcting for the effects of both the judge and the calendar size. To illustrate

Fig. 4 - Fraction of cases disposed of (excluding cases in which bench warrants are issued) vs. number of dockets calendared for three groups of judges



the method, let us apply the relationships presented above to the MAP calendar part. In Appendix H we derive formulas for calculating the expected long-run fraction of cases disposed of. The necessary information on calendar size and judge-days sat in the various calendar parts during the January-through-May period is summarized in Table 15. Using the information for the MAP calendar part, together with the regression line relationships presented in Fig. 4, one may calculate the expected fraction disposed of in the MAP calendar part to have been 29.3 percent. This compares favorably with the actual ratio of total dispositions to total calendared less total bench warrants, which was 28.0 percent. This relatively small discrepancy could be reduced by avoiding several simplifying assumptions which we have made. For example, we have used the relationship between the fraction disposed of and calendar size for the groups of judges, rather than for the judges individually; and we have assumed that the average calendar size was the same for all judges, which was not the case.* Nevertheless, the above figures are close enough for our purposes.

Now, let us inquire as to what would have been the percent of cases disposed of had the same judges who sat in the MAP calendar part sat in the all-purpose calendar parts, and for the same relative lengths of time. Referring to the all-purpose row in Table 16 and to Fig. 4 we may estimate that the percent disposed of would have been 35.7 percent. With the judges who actually sat in the all-purpose calendar parts, the percent was actually 32.5 percent. These results are summarized in Table 17.

The above analysis shows rather clearly that, while the all-purpose calendar parts did actually dispose of a larger percentage of cases than did the MAP calendar part, they would have disposed of even more if they had had the same judges. It should be noted here that, as we shall see below, at least part of this difference is explained by the practice,

*Alternatively, this discrepancy indicates, in part, the price paid for allowing the calendar to vary to the extent that it did.

Table 16
JUDGES AND CALENDAR SIZES IN THE MAP AND ALL-PURPOSE CALENDAR PARTS
January through May, 1972

Portion of Court	Number of Days Sat by Judges				Average of Calendar Size (Dockets)	Covariance of (Calendar Size) and (Calendar Size Less Bench Warrants Issued)
	Group D	Group E	Group F	Other		
MAP Calendar Part	20 days	20 days	65 days	0 days	109.8 dockets	989.1
All-Purpose Calendar Parts*	195 days	22 days	0 days	98 days	70.5 dockets	229.9

*AP-1, AP-3, AP-5

Table 17

PERCENT OF CASES DISPOSED OF PER DAY*

Part	Actual Percent Disposed of**	Estimated Percent that Would Have Been Disposed of with the Mix of Calendar Judges who Presided in the MAP Calendar Part
MAP Calendar Part	28.0%	29.3%
All-Purpose Calendar Parts	32.5%	35.7%
MAP Backup Parts	39.9%	-
All-Purpose Backup Parts	20.5%	-
Jury Trial Parts	33.8%	-

MAP Complex	31.3%	32.3%
All-Purpose Parts***	29.9%	32.3%

*Percent disposed of is defined as the number of dispositions divided by the number of calendared cases less the number of calendared cases in which bench warrants were issued, expressed as a percentage.

**Source of data: Court's "F4" calendar summaries.

***The All-Purpose calendar and backup parts, and 75% of the jury parts.

followed in the all-purpose parts but not in the MAP complex, of calendaring several kinds of non-disposable cases, such as cases on for sentencing or probation review, primarily in the backup parts.

The same type of analysis performed above for calendar parts could be performed for the backup parts. However, since the backup parts contribute a relatively small share of total dispositions, and since there is much less variability in calendar size, we shall ignore any differences between judges and the effects of calendar size therein.

Table 18 presents the final results for the two portions of the Court. As shown in this table, the fractions of cases actually disposed of in the MAP and all-purpose portions of the Court were very close: 31.3 percent in MAP, and 29.9 percent in the all-purpose parts. Using the techniques developed above to correct for variations in the characteristics of the judges who presided and in the number of cases on the calendar, the fractions become identical.

One comparison which stands out in this table is the difference in disposition rates between the MAP and all-purpose backup parts. However, as suggested above, an examination of the calendars of those parts reveals the cause: in the all-purpose backup parts nearly one-half of all cases calendared have, in preceding appearances, been "disposed of" -- as this term is defined by the Court -- while almost none of the cases in the MAP backup parts have been "disposed of." The additional appearance is being made for the purpose of sentencing, payment of a fine previously imposed, or review of probation previously imposed. If such cases are excluded from the count of docket numbers appearing on the AP-2 and AP-4 calendars, the disposition rate is found to be very close to that for the MAP backup parts.*

Conversely, however, if the MAP calendar part were to place such cases on the calendars of its backup parts, the disposition rate in the MAP calendar part would rise to just about that found for the all-purpose calendar parts.

*This observation also helps to explain the much greater size of the all-purpose backup part calendars -- see Criterion #1.

Table 18

PERCENT OF CASES DISPOSED OF PER DAY*
MAP AND ALL-PURPOSE CALENDAR PARTS
January through May, 1972

Percent of Cases Disposed of	MAP Calendar Part	All-Purpose Calendar Parts
Actual Percent of Cases Disposed of**	28.0%	32.5%
Estimated Percent of Cases that Would Have Been Disposed with the Mix of Calendar Judges who Presided in the MAP Calendar Part	29.3%	35.7%

*Percent disposed of is defined to be the number of dispositions divided by the number of calendared cases less the number of calendared cases in which bench warrants were issued.

**Source of data: Court's "F4" calendar summaries.

The overall disposition rates for the MAP complex as a whole and for all the all-purpose parts taken together are not altered by this effect.

Criterion #13 - Number of Cases Disposed of per Part per Day

In Table 17 we have already presented the fractions of cases* disposed of per day in the various types of parts, and, in Table 4, the average numbers of cases calendared per day. These figures may be combined with the information on bench warrants presented below under Criterion #16 to yield numbers of dispositions. The results are presented in Table 19. Again, we present both the actual figures for the January-through-May period and the results which would have been obtained had the judges who sat in the MAP calendar part also sat in the all-purpose calendar parts.

As in the case of the number of dockets calendared per part per day (Criterion #1), we find large differences in disposition rates among the various parts, reflecting the differing nature of their operations. However, when all MAP parts and all all-purpose and jury parts** are aggregated, the difference in actual dispositions per part per day between the two systems becomes negligible. Using the methods presented above for the fraction of cases disposed of, the estimate for the all-purpose parts -- had the MAP calendar judges sat in the all-purpose calendar parts -- rises above that for the MAP portion of the Court.

In interpreting these figures, one must recall that the load on the various parts -- in terms of the extent to which the parts are kept busy -- differs substantially from one part to another. In particular, as noted in connection with Criterion #11 above (time spent by judges hearing cases, waiting for cases, in recess), the all-purpose calendar parts have not been quite as busy as the MAP calendar part. On the other hand,

* Excluding cases in which bench warrants were issued.

** Excluding 25 percent of the activity of the jury parts, which is attributed to other portions of the Court.

Table 19

NUMBER OF CASES DISPOSED OF PER PART PER DAY
January through May, 1972
(Docket Numbers)

Part	Actual Number of Cases Disposed of Per Part Per Day*	Estimated Number of Cases which Would Have Been Disposed of with the Mix of Judges who Presided in the MAP Calendar Part
MAP Calendar Part	28.1	29.4
All-Purpose Calendar Parts	21.6	23.8
MAP Backup Parts	4.9	-
All-Purpose Backup Parts	4.1	-
Jury Trial Parts	1.8	-

MAP Complex	10.5	10.8
All-Purpose Parts**	10.7	11.6

*Source of data; Court's "F4" calendar summaries.

**The All-Purpose calendar and backup parts, and 75% of the jury parts.

the ratio of backup parts -- which are the least busy -- to calendar parts is three-to-one in the MAP complex but only one-and-one-half-to-one in the non-MAP Parts. Referring to the data on part hours presented earlier in Table 10, the reader will recall that the judges in the MAP backup parts have averaged only about 2.8 hours per day actively processing cases. Thus, there was a substantially greater amount of inactive time in the MAP complex than in the all-purpose parts.

Based on these observations, it does not seem unreasonable to suppose, for example, that the caseload in the MAP backup parts could have been handled by fewer parts: perhaps two, or two full-time and one part-time. If there had been only two backup parts, for example, each would have required an average of 4.2 hours of active time per day,* and the average number of dispositions per part per day in the entire complex would have been 14.0 instead of 10.5.** There seems to be little reason why some reduction of backup parts could not have been accomplished. Of course, this is only one of many alternatives which could be explored. Although the simple elimination of an all-purpose backup part would be less feasible, alternative forms of operation could similarly be investigated, for the all-purpose parts.

Criterion #14 - Number of Cases Disposed of per Assistant District Attorney and per Legal Aid Society Attorney per Day

Because of the different staffing levels in the various parts, the productivity of Assistant District Attorneys and Legal Aid attorneys cannot be determined directly from the information presented above

* Table 14 indicated that the four backup parts averaged 2.8 hours of active time per part per day, or 8.4 hours for all three together. Divided two ways, this amount of active time would require 4.2 hours per part per day. It may be pointed out that, in the first-phase evaluation, there were four parts operating for 2.1 hours of active time per day. It was, at that time, estimated that three backup parts could have handled the case load with 2.8 hours of active time per part per day!

** At 10.5 dispositions per part per day, the entire complex (4 parts) was disposing of 42.0 cases per day. Divided three ways, this rate would imply 14.0 dispositions per part per day.

with regard to dispositions per part per day. However, in connection with Criterion #2 (Number of Cases Handled per Assistant District Attorney and Legal Aid Attorney), we have already presented the necessary staffing data. Specifically, we have estimated that approximately nine to ten Legal Aid attorneys (including one supervising attorney) were presented during the period from February 7 through May 31, 1972 in the MAP complex at any time, and that roughly 15 were available in the all-purpose parts: about 2.4 per part-day in the MAP complex and 2.0 in the all-purpose parts. The number of Assistant District Attorneys present is estimated to have averaged six in the Master Calendar Complex and eight in the all-purpose parts.

Applying these figures to the disposition figures given in Table 19, we obtain the estimated numbers of dispositions per attorney per day in each portion of the Court, presented in Table 20. As shown, because of the heavier staffing of the MAP complex with both Assistant District Attorneys and Legal Aid attorneys, relative to the all-purpose parts, the actual disposition rate per attorney in MAP was substantially smaller than that in the all-purpose parts -- about 19 percent less for Legal Aid attorneys and 28 percent less for Assistant District Attorneys. Further, if we apply the findings of the preceding subsection relative to the number of dispositions which would have been obtained in the all-purpose parts had they had the same calendar judges who sat in the MAP complex, the difference becomes even more striking: approximately 22 percent fewer dispositions per Legal Aid attorney per day in the MAP complex, and about 31 percent fewer per Assistant District Attorney.

Criterion #15 - Cost per Case Disposed of

Because of the different levels of staffing in the MAP and all-purpose portions of the Court, the costs of operating these two systems differ substantially. We shall compare these costs in terms of *the dollar cost per case disposed of for all courtroom-related personnel*. We shall not directly take into account such secondary costs as those for administrative, investigative, clerical, and other support functions, or for overhead items. However, it is reasonable to assume that these costs would add to the direct costs at approximately the same rate for

Table 20

ESTIMATED AVERAGE NUMBER OF CASES DISPOSED OF PER DAY PER ASSISTANT DISTRICT ATTORNEY AND PER LEGAL AID SOCIETY ATTORNEY* February 7 Through May 31, 1972

Average Dispositions per Attorney per Day	MAP Complex	All-Purpose Parts**
Estimated Average Number of Dockets Disposed of per Attorney per Day, Using the Actual Numbers of Dispositions		
Assistant District Attorneys	7.0 dockets	9.7 dockets
Legal Aid Society Attorneys	4.4 dockets	5.4 dockets
Estimated Average Number of Dockets Disposed of per Attorney per Day, Using the Estimated Numbers of Cases Which Would Have Been Disposed of with the Mix of Calendar Judges who Presided in the MAP Calendar Part***		
Assistant District Attorneys	7.2 dockets	10.5 dockets
Legal Aid Society Attorneys	4.5 dockets	5.8 dockets

*Calculated by dividing the total number of dispositions in each portion of the Court by the estimated number of attorney-days.

**Including 75% of the jury trial parts.

***See Table 18 under Criterion #13 - Number of Cases Disposed of per Part per Day.

the two portions of the Court under consideration. It should be noted that we are also excluding those costs in the MAP project which are clearly due to its experimental character.

In Table 21 we present approximate figures for the staffing and salary levels for 12 types of courtroom related personnel in the MAP complex and the three pairs of all-purpose calendar and backup parts.* The staffing figures were obtained as follows:

- Court Clerk II, Court Clerk I, Assistant Court Clerk, Clerk, Uniformed Court Officer, and Court Assistant. The personnel figures for these positions are taken from the Court's lists of personnel assigned to each part.
- Judge and Court Reporter. The Chief Clerk of the Court estimates that, allowing for vacations, sick days, etc., roughly 1.25 judges and 1.16 Court Reporters are required for each full-time Court part.
- Legal Aid Attorneys. The numbers shown are the number of attorneys nominally assigned to each part. For the sake of comparison, we postulate the existence of a supervising attorney for the all-purpose parts equivalent to the one in the MAP complex.
- Assistant District Attorneys. We estimate that approximately 1.2 assistants are required for each full-time MAP or all-purpose part. In addition, we estimated earlier that roughly two Assistant District Attorneys were required to handle the 75 percent of the jury parts attributable to the all-purpose portion of the Court, which implies about 3.2 assistants for two full-time jury parts.
- MAP Assistant. The MAP Project Director identifies four MAP assistants as performing courtroom-related functions.

The salary figures presented in Table 21 were derived from a number of sources, primarily the budget for the MAP project. In addition, figures for several Court job titles not included in the MAP budget (e.g., Court

*We have not included here the position of Police Coordinator recently added in the MAP complex, since many of the functions performed by this officer are provided for the all-purpose parts by the central Police check-in room in the Court building.

Table 21
COURTROOM-RELATED PERSONNEL AND APPROXIMATE AVERAGE SALARIES*

Position	AP-1		AP-3		AP-5		Jury Parts	MAP Complex	Approximate Salary
	AP-1	AP-2	AP-3	AP-4	AP-5	AP-6			
Judge	2.5		2.5		2.5		2.5	5.0	\$30,750.
Court Clerk II	1		0		0		1	1	\$15,000.
Court Clerk I	1		2		1		1	6	\$13,500.
Assistant Court Clerk	3		3		2		2	8	\$11,000.
Clerk	1		0		0		0	1	\$5,500.
Uniformed Court Officer	7		8		4		4	18	\$9,500.
Court Assistant	1		0		0		0	0	\$8,000.
Court Reporter	2,3		2,3		2,3		2,3	4,6	\$13,000.
Legal Aid Supervising Attorney	.4		.3		.3		0	1	\$17,500.
Legal Aid Attorney	7		7		7		0	11	\$12,700.
Assistant District Attorney	2,4		2,4		2,4		3,2	7,2	\$13,000.
MAP Assistant	0		0		0		0	4	\$7,500.

*Source of data: see text.

Reporter) were derived by calculating the factor by which the MAP figures differed from the Court's official minimum rate for each job title, and applying that factor to the other job titles. The salary for judges is fixed by law (we do not include the very recently enacted increase).

Finally, to these salary figures must be added the costs of associated fringe benefits. The rates (percent of salary) specified in the MAP Project budget are 26 percent for Court employees (in which category we shall include the four MAP assistants, since, in a permanent system, these positions would be filled by employees of the Court), 15 percent for Legal Aid Attorneys, and 20 percent for Assistant District Attorneys.

The results of converting these figures to a per-part basis and a per-disposition basis* are presented in Table 22. As noted above, a comprehensive accounting of all relevant costs would add to these figures; however, the relative costs of the MAP and all-purpose portions of the Court can be expected to remain essentially unchanged. Thus, the MAP complex is shown to have cost approximately 31 percent more per Court part. Using actual disposition figures (obtained from the Court's "F4" calendar summaries), MAP turns out to have been about 33 percent more costly per case disposed of. Finally, if one takes into account the fact that the mix of calendar judges who presided in the MAP calendar part would have disposed of more cases in the all-purpose parts than did the mix of judges who actually presided in the latter, MAP becomes 42 percent more costly per disposition.

These added costs of the MAP system stem from heavier staffing in almost every position, including Court Clerks and Uniformed Court Officers. Whether the numbers of personnel assigned were actually needed is questionable. In part, the heavier staffing in these Court staff positions was necessitated by the fact that the MAP complex was spread all over the Court building. However, it was not uncommon for there to be many personnel of all types standing idle in the MAP calendar part:

One very important cost-related item which we have not included here is the physical space required by each portion of the Court. Because of the different part-structures, the all-purpose portion of the Court requires a mix of one large calendar courtroom for every one

*We consider full-time operation to be 250 days per year.

Table 22

COSTS OF COURTROOM-RELATED PERSONNEL
PER PART AND PER CASE DISPOSED OF

Costs	MAP Complex	All-Purpose Parts*
Cost per Part per Year	\$264,000 per Part	\$201,000 per Part
Cost per Case Disposed of, Using Actual Numbers of Dispositions	\$100. per Disposition	\$75. per Disposition
Cost per Case Disposed of, Using the Estimated Numbers of Cases Which Would Have Been Disposed of With the Mix of Calendar Judges who Presided in the MAP Calendar Part**	\$98. per Disposition	\$69. per Disposition

*Parts AP-1 through AP-6 and 75 percent of the jury parts.

**See Table 18 under Criterion #13 - Number of Cases Disposed of per Part per Day.

and one-half small backup courtrooms -- twice the ratio for the MAP complex. However, this subject is better dealt with in terms of the allocation, rather than the cost, of available space.

Criterion #16 - Fraction of Cases in which Bench Warrants are Issued and Executed

Under Criterion #4 - Distribution of Case Dispositions, we have already estimated that 8.8 percent of all cases in the MAP complex and 9.0 percent of all cases in the all-purpose parts terminate with unexecuted bench warrants.* It is also of interest to separate these percentages into their two components: the percent of cases in which bench warrants are issued, and the percent of issued warrants that are subsequently executed (through either re-arrest or voluntary surrender of the defendant). This is done in Table 23.

It must be emphasized that the available figures covering the fraction of warrants that are executed are highly unreliable. In the first place, there is no guarantee that a warrant will be executed in the same part as that in which it was issued. A particular difficulty in this regard is presented by the closing of part AP-7 in the beginning of February. Second, the estimation procedures utilized here assume that "steady-state" conditions prevail. On the contrary, however, many important changes have been made recently. For example, a new system was recently put into effect whereby NYSIIS (the New York State Identification and Intelligence System) provides local authorities with information of all outstanding warrants in the State. In addition, the Manhattan District Attorney's Office has been making special efforts to prosecute defendants for bail jumping wherever appropriate. In spite of these difficulties, the figures presented in Table 23 are corroborated reasonably well by the 1500-case sample described in Appendix C. For cases in the sample, there is no question about when and where the warrants

*Estimated as the number of warrants issued less the number executed during the January-through-May period, expressed as a fraction of dispositions plus terminations and unexecuted warrants.

Table 23

BENCH WARRANTS ISSUED AND EXECUTED
January Through May, 1972

Percent of Warrants Issued and Executed	MAP Complex	All-Purpose Parts*
Estimated percent of cases in which bench warrants were issued**	18.5%	17.8%
Estimated percent of issued warrants that were executed***	52%	49%
Estimated percent of defendants lost through bail-and parole-jumping****	8.8%	9.0%

*Parts AP-1 through AP-8 and 75 percent of the jury trial parts.

**Calculated as follows: The average numbers of dockets appearing on the daily calendars in the various parts have been presented in Table 4. Subtracting the number of cases transferred within each complex yields the average number of docket-appearances per day. Using figures for the number of warrants issued, obtained from the Court's "F4" Calendar Summaries, one may then determine the percent of appearances resulting in warrants issued. Finally, using the number of appearances per case presented in Table 12, and weighting the felony and misdemeanor figures by the relative number of such cases, one obtains an estimate of the average number of warrants issued per case. Since the number of dockets in which more than one warrant is issued is negligible compared to the number in which one is issued, we have an estimate of the percent of cases in which a warrant is issued.

***Calculated by dividing the estimated percent of defendants who never return, from the third line of the table, by the percent of cases in which warrants were issued, from the first line, and subtracting from one.

****Estimated by dividing the number of warrants issued during the January-through-May period less the number executed by the sum of cases disposed of and the aforementioned difference between warrants issued and executed.

were issued and executed. On the other hand, however, there is then the problem that some of the warrants outstanding on the May 15 cutoff will later be executed.

Keeping these reservations in mind, the figures presented in Table 23 do suggest that there were no significant differences between the MAP and all-purpose portions of the Court with respect to warrants issued and executed.

It should also be remembered that the figures presented above are expressed as fractions of all cases, including cases in which the defendants were in jail. Since approximately one-third of the defendants in both portions of the Court were detained in jail, one may convert the figures in Table 23 to fractions of cases in which the defendants had an opportunity to jump bail or parole by multiplying the first and third rows by one and one-half.

Criterion #17 - Reasons for Adjournments

Since the start of the MAP project, a member of the project staff had recorded reasons for adjournments granted in the MAP calendar part. The figures for some 3000 adjournments during the period February 1 through May 31, 1972, supplied by the MAP Project Director, are reproduced in Table 24. In the course of performing other duties, our own observers also recorded reasons for adjournment, using a somewhat abbreviated list of alternatives and for a smaller number of adjournments -- about 1200. These results are presented in Table 25.

A comparison of these two tabulations reveals significant differences in percentages and even rank order. Many reasons can be suggested as factors contributing to these differences.* However, what is important is to identify the most commonly recurring reasons, rather than to determine the precise distribution. Utilizing the MAP-supplied figures,

*For example: (1) The limited size of the sample collected by our observers means that allowances for sampling errors must be made. (2) The MAP tabulation covers the entire period from February 1 through May 31, while ours covers only selected days in February, March, and April. (3) The selection of an appropriate category is subject to a substantial amount of judgment. And so on.

then, the most common reasons for adjournment and their relative frequencies are as follows:*

- Consent (excluding administrative adjournments) (19 percent).
- For sentencing (including investigation and sentence, and record and sentence) (13 percent).
- Absent civilian complainant or prosecution witness (excused or unexcused) (12 percent).
- Referral (drug program, Vera, YCB) (8 percent).
- To pay fine (7 percent).
- Absent defense attorney (5 percent).
- Absent Police Officer (excused or unexcused) (5 percent).
- Further processing (including return on warrant and "continued") (5 percent).
- Time needed for defendant to retain counsel (own or Appellate Division) (5 percent).

Together, these nine reasons are reported to have accounted for 79 percent of all adjournments in the MAP calendar part.

One group of causes of adjournments which should be avoidable and to which the sanction policies are directed is the absence of one or more parties. The figures given in either Table 24 or Table 25 show that such absences taken together accounted for some 26 percent of all adjournments. In part MP-1, while this percentage is less than the 35 percent cited during the first phase of this evaluation, there is still considerable room for improvement. The policy of applying sanctions to those responsible for unnecessary delay is invoked very rarely.

Table 26 presents the evaluation staff's tabulation of reasons for adjournments in the all-purpose calendar parts. While the relative frequencies for the various reasons are not the same as those for the MAP calendar part, there are no particularly unusual differences. We may note that adjournments due to absences accounted for some 30 percent

* Each other reason accounted for 3 percent or less of the total.

Table 24

MAP PROJECT'S TABULATION OF REASONS FOR ADJOURNMENT IN PART MP-1*
February 1 Through May 31, 1972

REASON	FREQUENCY OBSERVED	
	Number	Percent
A. Prosecution Request	562	18.1%
1. Absence of Police Officer	90	2.9%
2. Absence of Civilian Complainant	345	11.0%
3. Absence of Civilian Witness	2	.1%
4. Absence of District Attorney	1	.0%
5. Absence of Co-Defendant	9	.3%
6. Time Needed for Preparation	23	.7%
7. Time Needed for Laboratory Report	27	.9%
8. Case Pending Grand Jury	59	1.9%
9. Another Case Against Defendant Pending	4	.1%
10. Other	2	.1%
B. Defense Request	658	21.2%
1. Absence of Defendant	88	2.8%
2. Absence of Witness	14	.5%
3. Absence of Attorney	89	2.9%
4. Absence of Attorney Engaged in Another Court	76	2.5%
5. Time Needed for Preparation	57	1.8%
6. Time Needed for Retaining Attorney	84	2.7%
6A. Time Needed for Attorney to be Assigned by Appellate Division	66	2.1%
7. Application to Remove to Supreme Court	-	-
8. Motion Pending Undecided	1	.0%
9. Other Case Pending	24	.8%
10. Other	15	.5%
11. Return on Bench Warrant	144	4.6%
C. Consent	590	19.0%
1. To Negotiate Plea	18	.6%
2. Other	529	17.1%
3. By AAO	8	.2%
4. Co-Defendant's Case Adjournment for This Date	35	1.1%

Table 24 (Cont'd)

MAP PROJECT'S TABULATION OF REASONS FOR ADJOURNMENT IN PART MP-1*

REASON	FREQUENCY OBSERVED	
	Number	Percent
D. Court	1,289	41.7%
1. Absence of Officer Previously Excused	67.5	2.2%
2. Absence of Witness Previously Excused	33	1.1%
3. Absence of Interpreter	-	-
4. Absence of Court Reporter	-	-
5. Absence of Doctor	-	-
6. Absence of Finger Print Record	4	.1%
7. Absence of Pre-Sentence Report of Probation	38.5	1.2%
8. Absence of Pre-Sentence Report of Other Agency	51	1.6%
9. Could Not Be Reached	3	.1%
10. Ready and Passed	30	1.0%
11. Pre-Disposition Reference - Youth Counsel Bureau	17	.5%
12. Pre-Disposition Reference - VERA	104	3.4%
13. Pre-Disposition Reference - Drug Rehabilitation	127.5	4.1%
14. Other	53	1.7%
15. Narcotics Addiction Hearing	-	-
16. Narcotics Examination	11	.4%
17. Psychiatric Examination	34.5	1.1%
18. Medical Examination	2.5	.1%
19. Continued	12	.4%
20. Prisoner Not Produced	57	1.8%
21. Record and Sentence	34	1.1%
22. Investigation and Sentence	374.5	12.2%
23. To Pay Fine	230	7.4%
24. Mistrial	-	-
25. For Sentencing	5	.2%
26. No 3-Judge Bench Available	-	-
Total	3,099	100.0%

*Source of figures: MAP Project observers.

Table 25

THE NEW YORK CITY-RAND INSTITUTE'S TABULATION OF REASONS FOR ADJOURNMENT IN PART MP-1 February, March, and April 1972

REASON	FREQUENCY OBSERVED	
	Number	Percent
Prosecution	251	20.2%
A. Absent Police Officer	80	6.4%
B. Absent Civilian Complainant or Witness	117	9.5%
C. Absent D.A.	-	-
D. Time Needed for Preparation by Prosecution	8	.6%
E. Prosecution - Other	46	3.7%
Defense	326	26.2%
F. Absent Defendant	52	4.2%
G. Absent Defense Witness	2	.2%
H. Absent Attorney	76	6.1%
I. Time Needed for Preparation by Defense	57	4.6%
J. Time Needed To Get Attorney	38	3.0%
K. Defense - Other	101	8.1%
Court	549	44.1%
L. Missing Report	27	2.2%
M. Referral (e.g. YCB, VERA)	69	5.5%
N. Examination (Drug, Medical, Psychiatric)	28	2.2%
O. For Sentencing	149	12.0%
P. To Pay Fine	68	5.5%
Q. No Time Left	1	.1%
R. Further Processing	127	10.2%
S. Court - Other	80	6.4%
Corrections	18	1.4%
T. All	18	1.4%
Consent	73	5.9%
U. All	73	5.9%
Other	3	.2%
V. All	3	.2%
Unknown	25	2.0%
W. All	25	2.0%
Total	1245	100.0%

* Source of data: direct observation.

Table 26

THE NEW YORK CITY-RAND INSTITUTE'S TABULATION OF REASONS FOR ADJOURNMENT IN THE ALL-PURPOSE CALENDAR PARTS February, March, May, and June 1972

REASON	FREQUENCY OBSERVED	
	Number	Percent
Prosecution	288	23.9%
A. Absent Police Officer	104	8.6%
B. Absent Civilian Complainant or Witness	149	12.4%
C. Absent D.A.	2	.2%
D. Time Needed for Preparation by Prosecution	24	2.0%
E. Prosecution - Other	9	.7%
Defense	224	18.6%
F. Absent Defendant	29	2.4%
G. Absent Defense Witness	2	.2%
H. Absent Attorney	78	6.4%
I. Time Needed for Preparation by Defense	55	4.6%
J. Time Needed To Get Attorney	19	1.6%
K. Defense - Other	41	3.4%
Court	582	48.1%
L. Missing Report	24	2.0%
M. Referral (e.g. YCB, VERA, Drug Program)	59	4.9%
N. Examination (Drug, Medical, Psychiatric)	24	2.0%
O. For Sentencing	182	15.1%
P. To Pay Fine	44	3.6%
Q. No Time Left	1	.1%
R. Further Processing	206	17.1%
S. Court - Other	42	3.5%
Corrections	2	.2%
T. All	2	.2%
Consent	36	3.0%
U. All	36	3.0%
Other	5	.4%
V. All	5	.4%
Unknown	70	5.8%
W. All	70	5.8%
Total	1207	100.0%

* Source of data: direct observation.

of all adjournments in the all-purpose calendar parts.*

Criterion #18 - Fraction of Cases Requiring Multiple Calendar Calls,
and the Reasons for Multiple Calendar Calls

One of the important goals of the MAP project is to ensure that cases called before the calendar judge are ready for action by that judge. Toward this end, two members of the MAP project staff at the check-in table and one in the MP-1 courtroom attempt to reduce the likelihood that cases are called when necessary parties are not yet present. Further, the defense-prosecution conferences are aimed, in part, at determining the readiness of the two sides. Thus, one should expect that the fraction of cases which are called and must be set aside for recall would be smaller in the MAP complex than in the all-purpose parts.

A moderate degree of success for these efforts is indicated by the following figures, based on the observation of 38 days in the MAP calendar part and 47 part-days in the all-purpose calendar parts: 15.2 percent of all cases called in the MAP calendar part had to be set aside for recall, compared to 26.4 percent in the all-purpose calendar parts (highly statistically significant).

The predominant reasons for these recalls were much the same in the two portions of the Court and much the same as the reasons for adjournment (see above). Absences, however, stand out as the primary cause of recalls: about 48 percent in the MAP calendar part and 46 percent in the all-purpose parts. Again, it could be expected that absences would fall with a more consistent application of the available sanctions. Alternatively, better coordination of activity and the design of Court operations in such a way as to bring to bear positive incentives for timeliness must be considered.

*The difference between 26 percent in part MP-1 and 30 percent in the all-purpose parts is statistically significant at the .05 level of significance.

Criterion #19 - Subjective Ratings of Efficiency and Wasted Time

There continues to be a great deal of everyone's time wasted throughout the Court. The findings presented under Criterion #11 - Time Spent by Judges Hearing Cases, Waiting for Cases and in Recess indicated that the MAP conference and assembly procedures have, to some extent, reduced the amount of time wasted by the calendar judge. However, many Assistant District Attorneys feel that the additional amount of time that is wasted as a result more than compensates for the judge's saving. The several "conference Assistants" frequently have little or nothing to do and feel that much of the effort they do expend is later duplicated either by another conference Assistant or by the Assistant who handles the calendar call, or may even be found to be unnecessary. Some have, therefore, suggested that conferences not be held until after the calendar call.

In addition, the problem of ineffective use of the backup parts continues. One judge presiding in one of the MAP backup parts was led to complain that he "spent more time waiting than working."

The following are three of the most commonly cited causes of wasted time:

- Early morning delays before attorneys begin to conduct interviews and conferences.
- Inability to locate and assemble the necessary parties, especially Legal Aid attorneys.
- Laxity on the part of judges in applying sanctions and in reprimanding those responsible for delays.

In MAP, the fact that the complex is spread all over the Court building, together with its larger scale and complexity, has simply proved too great for the modest efforts that have been made to coordinate the activities of the complex.

BURDEN ON PARTICIPANTS

The third group of criteria used in our evaluation deals with the burden of Court proceedings on those who participate in them. The three areas selected for investigation are:

- The frequency of Court appearances (already treated as Criterion #5);
- The burden of Court proceedings on the Department of Correction (Criterion #20); and
- Subjective factors contributing to burdens or conveniences (Criterion #21).

Criterion #20 - Time Spent by Defendants in Detention and the Number of Appearances per Case Made by Defendants in Detention

Two important ways in which Court proceedings affect the Department of Correction are the following: First, the larger the number of appearances per case required of defendants in detention, the more frequently must each such defendant be produced in Court by the Department; and, second, the longer the overall duration of cases involving defendants in detention, the more crowded are the Department's detention facilities.

In Table 11 under Criterion #5 - Number of Adjournments per Case, Duration of Cases, and Time between Successive Appearances, we presented data concerning the number of appearances per case and the duration of cases made in each post-arraignment portion of the Court, separately for "bail" and "jail" cases.

In Table 27 we combine the felony and misdemeanor subsamples, in proportion to the relative numbers of such cases for those defendants who spent all or most of the life of their cases in jail.* As shown, the average duration of cases in the two portions of the Court was identical - 1.3 weeks (to obtain total duration one must add the average length of the first adjournment, which was found to be 0.7 weeks for jail cases). While the table shows a slight difference in the numbers of appearances required in the two portions of the Court, the difference is not statistically significant (at the .10 level of significance).

*The portion of the latter type of cases spent out of jail is compensated for by those cases we have excluded in which the defendants spent less than half of the time in jail.

Table 27

APPEARANCES AND CASE DURATION - DEFENDANTS IN JAIL*
January Through May, 1972

Portion of Court	Average Number of Appearances per Case After Arraignment	Average Duration of Cases After First Appearance in the MAP or All-Purpose Portion of the Court
MAP Complex	1.8 apps.	1.3 wks.
All-Purpose Part	2.1 apps.	1.3 wks.

*Cases in which the defendant spent all or most of the life of the case in detention. of data: Court records or a sample of 1494 cases, of which 519 were "jail" cases--see Appendix C.

Thus, both portions of the Court imposed the same direct burden on the Department of Correction in terms of appearances and duration:

Criterion #21 - Subjective Ratings of Burdens and/or Conveniences

Several features of the MAP Project were designed to make participation in Court proceedings more convenient, primarily for parties other than those who are employed in the Court building:

- The "splitting" of the MP-1 calendar into morning and afternoon (now noon) portions.
- The granting of adjournments in the MAP complex in response to mail or telephone requests.
- The operation of a check-in desk for defendants and private counsel.
- The existence of the MAP administrative office which can help keep things running smoothly.

Each of these features has enjoyed some measure of success. However, none has led to any major difference when the MAP complex is compared to the all-purpose parts.

PERIPHERAL CRITERIA

The final group of criteria used in our evaluation consists of two factors whose influence on the operations of the Court is pervasive although indirect:

- The job satisfaction of personnel who work in the Court (Criterion #22); and
- The dignity and decorum of the courtroom (Criterion #23).

Criterion #22 - Subjective Ratings of Changes in Job Satisfaction

The observations made, interviews conducted, and questionnaires completed in the course of this evaluation have established a clear relationship between calendar size and the job satisfaction of judges, lawyers, and Court personnel. Calendars that are "too large" (in the context of the nature of the operations of the part in question, and relative

to the sizes prevailing elsewhere in the Court) not only create workloads that make it impossible to give each case the attention the individual attorney or judge feels it deserves, but also tend to depress the dignity of the courtroom (see below) and the individual's self-respect. On the other hand, workload can be so small as to lead to boredom and the feeling of ineffectualness. For many, it seems that the MP-1 calendar exceeded the upper threshold for some time and is still close to it. At the same time, the workload of the various backup part personnel and conference Assistants seems near the lower threshold.

In the case of Legal Aid Society attorneys, the spreading of the caseload among an appropriate number of attorneys seems to mitigate the effect of the calendar size. Further, the very real improvements in the continuity of their contact with individual cases has added a strong positive element of job satisfaction.

In the case of Assistant District Attorneys, the caseload is not as easy to divide (at least in the context of their present modes of operation), and the benefit of continuity is not present. As a result, the calendar Assistant in the MAP complex has felt frequently overloaded and out of touch with his cases, while the backup and "conference" Assistants frequently have felt underloaded. Thus, while most of the Assistant District Attorneys who were questioned appreciate the fact that calendars over the Court as a whole have been decreasing (see Criterion #1), virtually every one expressed a definite preference for being assigned to an all-purpose part.

Finally, Court Clerks, Court Officers, and other Court employees are affected by calendar sizes in a direct way similar to the manner in which Assistant District Attorneys are affected. Accordingly, most of those questioned who had worked in the MAP calendar part had had very strong negative reactions to what they considered to be the "chaos" of the MAP calendar part.

While many of those who expressed dissatisfaction in the MAP complex felt the underlying concepts to be unworkable, many others felt that a total lack of coordination had made it impossible for potentially good concepts to succeed.

Criterion #23 - Subjective Ratings of Changes in the Dignity and Decorum of the Courtroom

As in the case of many of the criteria already discussed, decorum and dignity of the Courtroom depend primarily on the personnel involved. However, the nature of courtroom operations can either further or detract from these ends. In particular, the ability of the judge and the courtroom staff to maintain decorum and to maximize dignity is inversely proportional to the number of persons engaged in activities in the front of the courtroom, and also to the number of cases on the calendar (both of which pertain to the operations of the calendar parts; dignity and decorum in the backup parts is more completely dependent on personalities, which have not been affected by the MAP project *per se*).

With regard to courtroom activities that are peripheral to matters before the judge, a variety of factors cause the volume of such activity in the MAP calendar part to greatly exceed that found in the all-purpose calendar parts:

- In MAP, an average of ten Legal Aid attorneys (including one supervising attorney) operate out of the calendar part -- about twice the number present (on the average) in an all-purpose calendar part. While some of the activities involved in picking up cases and papers, meeting and interviewing defendants and witnesses, and conferring with Assistant District Attorneys take place outside of the courtroom, much continues to take place within the courtroom (in both the MAP and all-purpose calendar parts).
- The fact that prosecution-defense conferences are rarely permitted to be held before the judge in part MP-1 results in numerous conferences within the courtroom while the judge hears other cases.
- The additional Assistant District Attorneys who conduct conferences and assemble cases for the MAP calendar part are frequently involved in discussions with the "calendar Assistant," police officers, and civilian complainants and witnesses within the courtroom.

- The representative of the District Attorney's Appearance Control Project performs her duties within the MP-1 courtroom.
- A Police coordinator is now stationed in the MAP calendar part.
- A MAP staff coordinator is stationed in the calendar part, attempting to identify ready cases.
- There are frequently as many as nine Uniformed Court officers in the front of the MAP calendar part, often engaged in conversations with each other.

On several occasions, our observers have counted 20 to 30 people engaged in activities in front of the rail, with only 5 to 10 people sitting in the audience area.

The noise and confusion which results from this amount of activity is difficult to describe. On at least one occasion, the Court reporter said she would not continue unless quiet was restored. Assistant District Attorneys, Legal attorneys, and Court personnel alike describe the MAP calendar part with such terms as "chaos," "pandemonium," "the zoo," "the arena." Similarly, the larger MAP calendar leads to larger numbers of defendants, private attorneys, complainants, witnesses, police officers, friends, and relatives who must sit and wait in the courtroom. The noise level of the conversations among such members of the audience rises rapidly as their numbers increase, as do the frequency and volume of Court Officers' admonishments to be quiet, to put away reading matter, to stop smoking, to take off one's hat, and to take a seat.

When asked to assess dignity and decorum, most Assistant District Attorneys, Legal Aid attorneys, and Court personnel (Clerks and Officers) responded in terms of calendar sizes and their effects. An additional point of view was offered by several Legal Aid attorneys. They felt that the dignity of the Court had been substantially enhanced by the rise in status afforded Legal Aid attorneys by their ability to provide continuity of representation.

The numbers of cases in the two samples are shown in Table 28. In order to ensure that the two samples were comparable, the samples were compared in the following attributes, and no statistically significant differences were found (at the .05 level of significance): the fraction of "jail" vs. "bail" cases, the fraction of Legal Aid vs. private counsel cases, the severity of the charges, and the types of crime charged.

Table 28

NUMBER OF CASES IN CASE-HISTORY SAMPLES

Types of Cases	MAP Complex	All-Purpose Parts
Felonies	381	367
Misdemeanors	320	347
Violations	31	38
Other*	7	3
Total	739	755

*Primarily defendants arrested as fugitives from other jurisdictions.

Appendix D

ACCURACY OF THE COURT'S "F4" CALENDAR SUMMARIES

Beginning with March 1971, the clerk of each Court part has been required to complete a form referred to as the "F4" Calendar Summary. A copy of a completed form for part AP-5 covering the month of April 1972 is included here as Figure 6. This form, which is prepared from the completed calendars of each part, presents, for each day in the month, the number of dockets calendared, the number of bench warrants issued and executed, the numbers of hearings and trials held, the number of final dispositions of each of eight types, the total number of final dispositions, and the number of sentences imposed for guilty pleas and for convictions after trial.

Based on a careful investigation in 1971,* we have concluded (a) that there are, in fact, accuracy problems with "F4" tabulations, (b) that total dispositions are generally understated by several percent, (c) that there is no particular bias favoring either the MAP complex or the all-purpose parts relative to the other, and (d) that the "F4" Calendar Summaries are sufficiently accurate for the purpose of comparing the performance of the MAP complex with that of the all-purpose parts.

The Court will soon implement procedures for preparing these forms on a computer, thereby alleviating many of the current problems.

*Jennings, J., "Evaluation of the Manhattan Master Calendar Project: Final Report-- February 1 - June 30, 1971," R-1013-NYC, The New York City-Rand Institute, August, 1971, Appendix D.

-117-
Figure 6. SAMPLE OF COURT'S "F4" CALENDAR SUMMARY

MONTHLY REPORT OF PART ACTIVITY																					
PART <u>AP-5</u> COUNTY <u>NY</u> MONTH <u>April</u> F 4 3/72																					
DATE	CALENDAR Docket #s	ACTIONS REQUIRING TESTIMONY						DISPOSITIONS													
		WARRANTS		HEARINGS				TRIALS			DISP. ACQ.	PG	TFC	SBJ	SJJ	IND	OTHER DISPO	TOTAL DISPO	SENTENCES		
		Iss.	Exec	Misd	Fel	Met	Add	1J	3J	Jury									FG	TFG	
3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22		
1																					
2																					
3	77	3	2	1	4	-	-	-	-	7	-	3	-	7	-	-	-	17	7	-	
4	63	3	1	-	3	-	-	-	-	3	-	2	-	4	-	3	-	12	2	-	
5	66	7	1	-	1	-	-	-	-	3	-	5	-	1	-	-	-	9	2	-	
6	71	11	5	2	-	-	-	-	-	2	-	3	-	-	1	4	-	10	3	-	
7	83	9	3	-	3	-	-	-	-	9	-	2	-	3	-	-	-	14	7	-	
8																					
9																					
10	75	3	2	-	-	-	-	-	-	9	-	5	-	-	-	1	-	15	9	-	
11	62	2	2	1	-	-	-	-	-	7	-	4	-	-	1	-	-	12	8	-	
12	78	8	7	-	1	-	-	-	-	13	-	17	-	1	6	-	-	38	12	-	
13	75	10	3	1	-	-	-	-	-	10	-	12	-	-	-	1	-	23	9	-	
14	61	4	4	-	-	-	-	-	-	11	-	20	-	-	2	-	-	33	12	-	
15																					
16																					
17	75	4	3	1	2	-	-	-	-	11	-	10	-	1	-	-	-	22	16	-	
18	77	6	6	-	1	-	-	-	-	9	-	3	-	2	3	-	-	17	1	-	
19	80	2	4	-	1	-	-	-	-	16	-	13	-	1	2	-	-	32	3	-	
20	62	5	2	-	-	-	-	-	-	9	-	4	-	-	2	-	-	15	6	-	
21	64	1	4	-	-	-	-	-	-	15	-	5	-	-	1	-	-	21	8	-	
22																					
23																					
24	74	-	4	-	-	-	-	-	-	-	-	3	-	-	2	-	-	5	5	-	
25	64	1	2	-	-	-	-	-	-	4	-	7	-	-	-	-	-	11	7	-	
26	64	2	-	2	2	-	-	-	-	4	-	2	-	1	1	1	-	9	2	-	
27	60	2	1	2	-	-	-	1	-	6	1	5	-	-	-	-	-	12	3	-	
28	62	5	1	1	2	-	-	-	-	5	-	7	-	2	4	-	-	17	1	-	
29																					
30																					
31																					
32																					
33																					
34																					
35																					
36																					
37																					
38																					
39																					
40																					
41																					
42																					
43																					
44																					
45																					
46																					
47																					
48																					
49																					
50																					
51																					
52																					
53																					
54																					
55																					
56																					
57																					
58																					
59																					
60																					
61																					
62																					
63																					
64																					
65																					
66																					
67																					
68																					
69																					
70																					
71																					
72																					
73																					
74																					
75																					
76																					
77																					
78																					
79																					
80																					
81																					
82																					
83																					
84																					
85																					
86																					
87																					
88																					
89																					
90																					
91																					
92																					
93																					
94																					
95																					
96																					
97																					
98																					
99																					
100																					

Report Prepared By A. F. J. J. J. Court Clerk A. G. G.

Appendix E
 DATA COLLECTION FORMS AND INSTRUCTIONS FOR
 COURTROOM OBSERVATION

The sample data collection form shown on the next page was utilized by our observers to determine such information as: the amount of time spent on each case, the utilization of the judge's time, the frequency of and the reasons for adjournments and recalls. Instructions for its use are presented immediately following the sample form. Note that the form shown covers the first half-hour of a Court day; similar forms cover the remainder of the day.

DATE:		PART:		JUDGE:		OBSERVER:				
TIME	CHECK WHEN CALL OR RECALL	JUDGE		OUTCOME		COMMENTS	COMMENT ON: - TACTICS, PROCEDURES - QUAL. OF REP., JUSTICE - UNDERSTANDABILITY - EFFICIENCY, WASTE - BURDEN, CONVENIENCE - DIGNITY, DECORUM			
		HAS CASE	NO CASE	JUDICIAL RULING ON CASE?	FINAL DISPOSITION					
	ACTIVE	WAITING	WAITING FOR CASE	RECESS (OFF BENCH)	YES	NO	ADJOURNMENT - REASON	BENCH WARRANT	TO OTHER PART (SAME DAY)	RECALL - REASON
9:00										
9:01										
9:02										
9:03										
9:04										
9:05										
9:06										
9:07										
9:08										
9:09										
9:10										
9:11										
9:12										
9:13										
9:14										
9:15										
9:16										
9:17										
9:18										
9:19										
9:20										
9:21										
9:22										
9:23										
9:24										
9:25										
9:26										
9:27										
9:28										
9:29										
TOTAL										

- REASONS - CODES**
- PROSECUTION**
 A. POLICE ABSENT
 B. WITNESS ABSENT
 C. DA ABSENT
 D. TIME TO PREPARE
 E. PROSECUTION - OTHER
- DEFENSE**
 F. DEFENDANT ABSENT
 G. WITNESS ABSENT
 H. ATTORNEY ABSENT
 I. TIME TO PREPARE
 J. TIME TO GET ATTORNEY
 K. DEFENSE - OTHER
- COURT**
 L. MISSING REPORT
 M. REFERRAL (YCB, DRUG)
 N. EXAM (DRUG, MED, PHYS)
 O. FOR SENTENCING
 P. TO PAY FINE
 Q. NO TIME LEFT
 R. FURTHER PROCESSING
 S. COURT - OTHER
- T. CORRECTIONS
 U. CONSENT
 V. OTHER (SPECIFY)
 W. UNKNOWN

INSTRUCTIONS FOR CRIMINAL COURT OBSERVATION FORM (#3)

1. Fill in the identification on the top line of the "TOTALS" page as indicated: DATE, PART, JUDGE, OBSERVER. Subsequent pages need not be reidentified unless they become separated.
2. Note the time the Court session begins on the STARTING TIME (ON BENCH) line.
3. As each case is called or recalled, note the time by placing a mark on the appropriate line in the column CHECK WHEN CALL OR RECALL.
4. For every minute of the Court session - starting with the minute given as the "starting time" - indicate the activity of the judge by placing a mark for each minute in one of the four JUDGE columns. Note that there should be one and only one of these columns checked for every minute of the session. Where an activity lasts for less than a minute, indicate the primary activity for that minute. The allowable activities are the following:
 - ACTIVE: Judge is engaged in any activity while the participants in a case are before him.
 - WAITING: Judge is waiting for any participant, report, etc. in order to proceed with the case before him. Included are conferences between participants (not held at the bench), waiting for the participants to come forward, waiting for the Court reporter, etc.
 - WAITING FOR CASE: No case has been called since the start of the session or since the judge completed his participation in the preceding case.
 - RECESS (OFF BENCH): Judge has left the bench temporarily, but the session is expected to continue. Do not include the lunch recess.
5. For every case, indicate (once) whether the judge made any JUDICIAL RULING in the case - for example, legal decisions, settling disputes as in the case of contested adjournments, hearing testimony, accepting guilty pleas, re-evaluating bail, marking cases "final," etc. There should be a check in either the YES or NO columns for each call or recall.
6. For each call or recall, indicate the OUTCOME of the appearance. If several defendants receive different outcomes, more than one column should be marked. The allowable outcomes are the following:
 - FINAL DISPOSITION: The case has been terminated and no further substantive appearances are expected - except perhaps for the imposition of a sentence, the payment of a fine, the review of

probation conditions, etc. The common types of final dispositions include dismissal, guilty plea (with or without the imposition of a sentence), transfer to the Supreme Court, holding for or waiving to the Grand Jury, conviction after trial (with or without sentencing), acquittal, transfer to Family Court or to another jurisdiction.

- ADJOURNMENT - REASON: The case has been scheduled to re-appear on a specific date in the future. Indicate the reason by entering (instead of a check) the letter code from the list at the right of the form which most closely corresponds to the reason for the adjournment.
 - TO OTHER PART (SAME DAY): The case has been sent to another part of the Court for further processing on the same day. Included here should be the situation in which a case is "marked ready" for action in a backup part and set aside until that part becomes available.
 - RECALL - REASON: The case has been set aside but will be called again for further processing in the same part. Indicate the reason by entering the appropriate code from the list at the right of the form.
7. Enter in the COMMENTS area any explanations of unusual entries or other significant observations. In particular, note comments on the topics listed in the upper-right-hand corner of the form: TACTICS, PROCEDURES; QUALITY OF REPRESENTATION, JUSTICE; UNDERSTANDABILITY; EFFICIENCY, WASTE; BURDEN, CONVENIENCE; DIGNITY, DECORUM.
 8. At the close of the session, note the time (the minute after the last time shown for the judge activity) on the "TOTALS" page on the line CLOSING TIME (OFF BENCH). Also, compute and record the number of minutes in the session by subtracting the "Starting Time" from the "Closing Time."
 9. On each completed page, add up the number of marks in each column and enter the sum on the TOTAL line. Thus, the "total" line should indicate the number of calls and recalls; the number of minutes spent by the judge in each type of activity (be sure that each full page indicates 30 minutes of judge-time); the number of calls or recalls in which there was and was not a judicial ruling; the number of each type of outcome.
 10. Transfer the total line from each page to the appropriate line on the TOTALS page. Add each column to fill in the DAY TOTAL line. Also, add the "Time in Session" for the morning and afternoon and record on the line TOTAL TIME IN SESSION.

11. Make the following consistency checks:

- "Total Time in Session" should equal the sum of the four "JUDGE TIME" columns.
- The sum of YES's and NO's for "Judicial Rulings" should equal the total number of calls and recalls.
- The sum of the five OUTCOMES should equal or exceed the total number of calls and recalls.

Appendix F

SAMPLE INTERVIEW OUTLINE: LEGAL AID SOCIETY ATTORNEY

THE NEW YORK CITY - RAND INSTITUTE
545 Madison Avenue
New York City

EVALUATION OF THE MANHATTAN MASTER CALENDAR PROJECT
QUESTIONNAIRE: LEGAL AID SOCIETY ATTORNEYS

NAME (Optional)	POSITION and PART	DATE
_____	_____	_____
TIME IN POSITION	PRIOR ASSIGNMENTS (PARTS, YEARS, ETC.)	
_____	_____	

The New York City - Rand Institute is presently engaged in a study whose aim is to evaluate the effects of the Master Calendar ("MAP") Project and the All-Purpose Parts on Court operations. The results of the study will be reported to the Appellate Divisions and the Criminal Court Administration.

We would like you to help us by answering a number of questions regarding your experiences in the Court. ALL ANSWERS WILL BE STRICTLY CONFIDENTIAL; WE WILL NOT IDENTIFY OUR SOURCES OF INFORMATION.

Please return your completed questionnaire in the attached envelope at the earliest possible date.

Thank you.

1. What do you think are the most significant differences between the All-Purpose Parts and the Master Calendar (MAP) complex (parts MP-1, HT-1, HT-2, HT-3, HT-4)?

1a. What are the relative advantages of each?

1b. In which system would you prefer to work?

MAP	No Preference	All-Purpose	Don't Know
_____	_____	_____	_____

2. What are the most significant differences between the system of specialized parts which existed prior to February 1, 1971, and the current MAP and All-Purpose systems?

2a. Overall, do you think that the MAP system is an improvement over the earlier system?

MAP Better	Earlier Better	About the Same	Don't know
_____	_____	_____	_____

2b. Overall, do you think that the All-Purpose system is an improvement over the earlier system?

All-Purpose Better	Earlier Better	About the Same	Don't Know
_____	_____	_____	_____

3. Are you familiar with the policy requiring pre-appearance conferences between Assistant District Attorneys and defense counsel in the MAP Complex?

 Yes No



3a. Do you think that it would be a good idea for the DA and defense attorney to discuss each case before it is called before the judge?

 Yes No Don't Know

3b. Why?

3c. How often are the conferences actually conducted?

 Usually Sometimes Rarely Don't Know

3d. Do you think the conferences lead to more equitable dispositions?

More No Less
 Equitable Difference Equitable

3e. Do you think the conferences save the judges' time?

 Usually Sometimes Rarely

3f. Do you think the conferences waste the attorneys' time?

 Usually Sometimes Rarely

3g. What other advantages or disadvantages do the conferences have?

3h. How could the conference policy be improved?

4. Are you familiar with the policy of granting "administrative" and "accelerated" adjournments in the MAP Complex?

 Yes No



4a. Do you think clerks should be allowed to grant adjournments in certain types of situations?

 Yes No Don't Know

4b. Explain.

4c. Do you think that adjournments should be granted by telephone or mail in certain circumstances?

4d. Explain.

4e. Do you think it is easier to get an administrative adjournment than a judicially granted adjournment?

Administrative Judicial
Usually Little Usually Don't
 Easier Difference Easier Know

4f. Do you think the privilege of obtaining administrative adjournments is (can be) abused as a means of delay?

 Yes No Don't Know

4g. Do you think administrative adjournments in Court should be extended to the All-Purpose Parts?

 Yes No Don't Know

4h. Explain:

4i. Should accelerated adjournments by mail or telephone be extended to the All-Purpose Parts?

 Yes No Don't Know

4j. Explain:

5. Are you familiar with the use of a "split calendar" in the MAP Complex (i.e., the scheduling of some cases for noon or 2 pm)?

Yes No



5a. Do you think this would be a good idea?
 Yes No Don't Know

5b. Explain:

5c. Approximately how many cases are scheduled for noon or 2 pm each day?

5d. Whose time - if anyone's - does split calendaring save?

5e. How much?

5f. Whose time - if anyone's - does split calendaring waste?

5g. How much?

5h. Should split calendaring be extended to the All-Purpose Parts?
 Yes No Don't Know

5i. Explain:

6. Are you familiar with the "sanctions" for absence, lateness, and delay?

Yes No



6a. Do you think there should be penalties imposed on individuals responsible for unnecessary delay?
 Yes No Don't Know

6b. Explain:

6c. To what extent have they influenced the behavior of attorneys, police officers, and others?

6d. Do you think the sanctions are usually applied when they are warranted?
 Generally Only Sometimes Rarely

6e. Are the penalties effective in reducing absence, lateness, and delay?
 Very Effective Partially Effective Ineffective

6f. Should the penalties be different?
 No Change Stronger Weaker Doesn't Matter Don't Know

6g. What undesirable effects - if any - do the sanctions have?

6h. Do you favor retention or elimination of the sanctions?
 Retention Elimination Don't Know

7. Are you familiar with the operations of the MAP Complex (parts MP-1, HT-1, HT-2, HT-3, HT-4)?

Yes No



7a. Do you think it is feasible to operate the MAP backup parts (HT-1, HT-2, HT-3, HT-4) without their own calendars, relying exclusively on cases fed from the MAP calendar part (MP-1) or the "administrative unit"?

Yes No Don't know

7b. What are the advantages of "calendar-less" backup parts?

7c. The disadvantages?

7d. Should these backup parts be operated without calendars?

Yes No On a Test Basis Don't know

8. Do you feel that the differences between the MAP, All-Purpose, and the former system of specialized parts (which existed prior to February 1, 1971) significantly affect your role as a defense attorney?

Yes No Don't know



8a. In what ways (if "yes")?

8b. In which system are (were) you able to devote the most attention to each case?

8c. Do you feel that these differences significantly affect the role of Assistant District Attorneys?

Yes No

8d. In what ways?

8e. In practice, to what extent are you able to maintain continuity of representation with individual clients (excluding arraignment)?

In MAP: _____

In All-Purpose Parts: _____

8f. How often have your clients been represented by other Legal Aid attorneys when appearing in a part to which you were also assigned?

In MAP: Frequently Sometimes Rarely Never

In All-Purpose: Frequently Sometimes Rarely Never

8g. What are the most common reasons for the change of attorneys?

8h. Did you later resume representation of these clients?

In MAP: Always Sometimes Rarely or never

In All-Purpose: Always Sometimes Rarely or Never

8i. How often have you represented clients who had originally been assigned to another Legal Aid attorney when that attorney was working in the same part?

In MAP: Frequently Sometimes Rarely Never

In All-Purpose: Frequently Sometimes Rarely Never

8j. What are the most common reasons for the change of attorneys?

8k. Did the original attorneys later resume representation of these clients?

In MAP: Always Sometimes Rarely or never

In All-Purpose: Always Sometimes Rarely or never

9. In what ways have the differences between the MAP, All-Purpose, and specialized systems aided or hindered the following participants?

9a. Legal Aid attorneys:

9b. Private attorneys:

9c. Assistant District Attorneys:

9d. Judges:

9e. Others:

10. Do you feel that the differences between the MAP, All-Purpose, and specialized systems have affected the "quality of justice rendered"?

Yes No

10a. In what ways?

11. Have the differences between these three systems changed the balance of power in the courtroom?

 Yes No



11a. In what ways? <hr/> <hr/>

12. Rank the three systems - MAP, All-Purpose, and specialized parts (pre-February 1, 1971) - with regard to the following issues, and explain your rankings. (Use the ranks 1-2-3, with "1" meaning "most", "highest," or "greatest". Indicate equivalence by using the same rank.)

12a. General efficiency and lack of wasted time.

<u> </u> MAP	Comments: <hr/> <hr/> <hr/>
<u> </u> All-Purpose	
<u> </u> Specialized	

12b. The understandability of Court proceedings to defendants and the public.

<u> </u> MAP	Comments: <hr/> <hr/> <hr/>
<u> </u> All-Purpose	
<u> </u> Specialized	

12c. The convenience of participating in Court proceedings (for private attorneys, defendants, witnesses, etc.).

<u> </u> MAP	Comments: <hr/> <hr/> <hr/>
<u> </u> All-Purpose	
<u> </u> Specialized	

12d. Your satisfaction with your job:

<u> </u> MAP	Comments: <hr/> <hr/> <hr/>
<u> </u> All-Purpose	
<u> </u> Specialized	

12e. The dignity and decorum of Court proceedings.

<u> </u> MAP	Comments: <hr/> <hr/> <hr/>
<u> </u> All-Purpose	
<u> </u> Specialized	

13. As part of our evaluation we will be recommending potential improvements to the Appellate Divisions and the Criminal Court administration. What changes in Court operations would you like to see made?

Thank you for your assistance.

Other comments:

Appendix G

METHOD OF ANALYSIS OF THE NUMBER OF APPEARANCES PER CASE
AND THE DURATION OF CASES

Because the focus of this evaluation is on the January-through-May period of this year, the case-history data collected for the purpose of determining the post-arraignment number of appearances per case and the post-arraignment duration of cases (see Appendix B) was cut off at May 15. Cases which were still pending on that date could be classified only as "incomplete."

Clearly, if one simply discards all cases which were incomplete, one biases the results in favor of the shorter cases. The alternative of assuming (conservatively) that all incomplete cases will make only one additional appearance--which has been used in some past studies--also biases the results, particularly if one is comparing sets of cases containing different fractions of incomplete cases. A third alternative, that of taking only cases which began early in the five-month period, reduces the problem but does not solve it and makes it impossible to utilize data pertaining to that period of operation which would reflect the effects of refinements made in the course of the project.*

A final alternative developed for this evaluation avoids all of these difficulties: it utilizes information pertaining to the entire period of operation and yields the frequency distribution for the number of appearances or the case duration which is most likely to have produced the pattern of appearances or case duration observed for both complete and incomplete cases. In addition, it provides a method of making statistical comparison between two sets of cases.

The method, which is an application of what is known as maximum likelihood estimation, is illustrated below for the number of appearances per case in a hypothetical sample.

*An alternative at the other extreme--that of looking only at incomplete cases and estimating total appearances, etc., from the number already made--has its own difficulties and also requires the discarding of information concerning the early operation of the project.

Suppose a sample contains 112 cases, of which 100 had been completed by May 15, while 12 cases were still incomplete. Further, suppose that the numbers of post-arraignment appearances made by the 100 complete cases were as follows: 56 cases were disposed of in one appearance, 27 took two appearances, 10 took three appearances, 5 took four appearances, 1 took five appearances, and 1 took seven appearances. Of the 12 incomplete cases, suppose that 3 had made one appearance prior to May 15, 7 had made two appearances, 1 had made four appearances, and 1 had made five.

While the maximum likelihood formulas must be determined mathematically, they turn out to have an intuitive interpretation: Of the 112 cases in question, 56 were completed in one appearance, while the remaining 56 are known to have taken longer (for the complete cases we know exactly how many appearances were made, but for the incomplete cases we know only that they required more than some number). Thus, the most likely estimate of the fraction of all cases which would be completed in exactly one appearance is $56/112$, or 50 percent. We may now discard the 56 cases which took one appearance and the three which were incomplete after one--they can tell us no more. Of the 53 remaining cases, 27 are known to have required exactly two appearances, while 26 are known to have taken more. Therefore, of the unassigned 50 percent of the frequency distribution being derived, the most likely fraction to require exactly two appearances is $27/53$, or 51 percent. Thus, 51 percent of 50 percent, or 25 percent of all cases are estimated to require two appearances for disposition. This procedure is then repeated until the entire distribution is determined.*

*When the sample under consideration includes an incomplete case which has made as many appearances as or more than the largest number observed for a complete case, there will remain a (small) unallocated portion of the estimated distribution. This eventuality does not affect the statistical comparison of the distribution with another by means of the likelihood ratio test. However, in order to obtain an average value, one must arbitrarily assign this remainder to some number of appearances. We have chosen to assign it to the next higher number above that already observed. Note, however, that, if this procedure is required at all, it applies to only a fraction of the incomplete cases and therefore introduces much less distortion than would the practice of simply assuming all incomplete cases would be completed in one additional appearance.

One may then calculate the estimated average number of appearances per case--1.98 in this instance.

The distribution produced in this fashion may then be subjected to statistical comparisons with other distributions in order to determine whether any differences are significant. The vehicle for such comparisons is known as the likelihood ratio test.* This method, with only slight modifications, may also be used for case durations.

*This test is similar to the more common chi-square test of significance which cannot be applied here because of the need to distinguish between complete and incomplete cases. The likelihood ratio test is described in most books on mathematical statistics: for example, Rao, C. R., Linear Statistical Inference and its Applications, New York, John Wiley, 1965, pp. 349 ff.

Appendix H

DERIVATION OF A FORMULA FOR THE
LONG-RUN FRACTION OF CALENDARED CASES DISPOSED OF

One of the most important measures of Court performance is the fraction of calendared cases disposed of each day. In Appendix B we show that, on a particular day, the fraction of cases, excluding those in which bench warrants are issued, that will be disposed of depends on the total number of cases on the day's calendar (including cases in which bench warrants are issued). Further, we show that different judges exhibit different relationships between the fraction disposed of each day and the calendar size.

One question which arises in any attempt to compare the performance of distinct portions of the Court in which different judges have sat is how to determine what the long-run fraction of cases disposed of would be with a particular judge or mix of judges presiding. Here, by "long-run fraction disposed of", we mean the fraction obtained by dividing the total number of dispositions during the period of interest by the sum of the number of cases calendared each day during that period, exclusive of cases in which bench warrants were issued.

Below, we show that, in general, when the fraction disposed of depends on the calendar size, the long-run fraction disposed of is not the same as the fraction disposed of on an average day. At the same time, we obtain an expression which enables one to calculate the long-run fraction.

In our analysis of the fraction of cases disposed of by different judges, described in Appendix B, it was found that one could express the fraction disposed of, $f_i(t)$, by some judge i on some day t as a constant (for judge i) plus the product of another constant (for judge i) and the number of cases on the calendar, $c(t)$, plus some random deviation, $e_i(t)$:

$$f_i(t) = a_i + b_i \cdot c(t) + e_i(t).$$

We shall suppose that there are M judges ($i = 1, 2, \dots, M$), that judge

i sits in the Court part under consideration for T_i days, and that the total length of the period of interest is T days, where

$$T = \sum_{i=1}^M T_i \quad *$$

We shall let $t=1,2,\dots,T_i$ refer to the particular days on which judge i sat (whether or not they were consecutive), $c(t)$ represent the total number of cases calendared on day t , and $y(t)$ represent the number of cases calendared exclusive of bench warrant cases. We may then write the total number of dispositions, D_i , for this judge as follows:

$$\begin{aligned} D_i &= \sum_{t=1}^{T_i} y(t) \cdot \left[a_i + b_i c(t) + e_i(t) \right] \\ &= \sum_{t=1}^{T_i} \left[a_i y(t) + b_i c(t) y(t) + y(t) e_i(t) \right] \\ &= a_i \sum_{t=1}^{T_i} y(t) + b_i \sum_{t=1}^{T_i} c(t) y(t) + \sum_{t=1}^{T_i} y(t) e_i(t) \end{aligned}$$

Now, let us write the average total calendar size on the days during which judge i sits as \bar{c}_i , the average calendar size exclusive of bench warrant cases on those days as \bar{y}_i , the covariance of the total calendar size and the calendar size exclusive of bench warrants on those days as $\text{cov}(c_i, y_i)$, and the covariance of the calendar size exclusive of bench warrants and the random deviation in the fraction disposed of as $\text{cov}(y_i, e_i)$. Mathematically:

$$\begin{aligned} \bar{c}_i &= \frac{1}{T_i} \sum_{t=1}^{T_i} c(t) \quad , \\ \bar{y}_i &= \frac{1}{T_i} \sum_{t=1}^{T_i} y(t) \quad , \\ \text{cov}(c_i, y_i) &= \frac{1}{T_i} \sum_{t=1}^{T_i} \left[c(t) - \bar{c}_i \right] \left[y(t) - \bar{y}_i \right] \\ &= \frac{1}{T_i} \sum_{t=1}^{T_i} c(t) y(t) - \bar{c}_i \bar{y}_i \quad , \text{ and} \end{aligned}$$

* The expression $\sum_{i=1}^M T_i$ is simply a shorthand way of writing: the sum of the T_i 's for every value of i from 1 to M .

$$\text{cov}(y_i, e_i) = \frac{1}{T_i} \sum_{t=1}^{T_i} [y(t) - \bar{y}_i] [e_i(t) - \bar{e}_i]$$

Since the deviation $e_i(t)$ is purely random, its mean and covariance with y may be taken to be zero. Substituting the other abbreviations just introduced into the expression for total dispositions for judge i , we have:

$$\begin{aligned} D_i &= a_i T_i \bar{y}_i + b_i T_i [\text{cov}(c_i, y_i) + \bar{c}_i \bar{y}_i] \\ &= a_i T_i \bar{y}_i + b_i T_i \bar{c}_i \bar{y}_i + b_i T_i \text{cov}(c_i, y_i) \end{aligned}$$

We may now add the dispositions for each judge i to yield the total number of dispositions, D :

$$\begin{aligned} D &= \sum_{i=1}^M D_i \\ &= \sum_{i=1}^M [a_i T_i \bar{y}_i + b_i T_i \bar{c}_i \bar{y}_i + b_i T_i \text{cov}(c_i, y_i)] \\ &= \sum_{i=1}^M a_i T_i \bar{y}_i + \sum_{i=1}^M b_i T_i \bar{c}_i \bar{y}_i + \sum_{i=1}^M b_i T_i \text{cov}(c_i, y_i) \end{aligned}$$

For simplicity, let us suppose that the calendar sizes and bench warrants issued during the various judges' tenures are not statistically different. In other words, we may simply drop the subscript i from the c 's and y 's, giving:

$$D = \bar{y} \sum_{i=1}^M a_i T_i + \bar{c} \bar{y} \sum_{i=1}^M b_i T_i + \text{cov}(c, y) \sum_{i=1}^M b_i T_i$$

To further simplify the notation, let us introduce the symbols \bar{a} and \bar{b} to represent, respectively, the average of the a_i 's and b_i 's, the constants for each judge being weighted by the length of time that judge sits:

$$\begin{aligned} \bar{a} &= \frac{1}{T} \sum_{i=1}^M a_i T_i \quad , \text{ and} \\ \bar{b} &= \frac{1}{T} \sum_{i=1}^M b_i T_i \end{aligned}$$

This gives us:

$$D = T[\bar{a}y + \bar{b}c\bar{y} + \bar{b}cov(c,y)]$$

Next, we may write an expression for Y, the total number of cases calendared during the period under consideration, exclusive of bench warrant cases, as follows:

$$\begin{aligned} Y &= \sum_{i=1}^M \sum_{t=1}^M y(t) \\ &= \sum_{i=1}^M t_i \bar{y}_i \\ &= T \cdot \bar{y} \end{aligned}$$

Finally, we obtain the long-run fraction of cases disposed of, F, by dividing D by Y:

$$\begin{aligned} F &= \frac{D}{Y} \\ &= \frac{T[\bar{a}y + \bar{b}c\bar{y} + \bar{b}cov(c,y)]}{T \cdot \bar{y}} \\ &= \bar{a} + \bar{b}c + \bar{b} \cdot \frac{cov(c,y)}{\bar{y}} \end{aligned}$$

Referring to the final expression, the reader will note that the first two terms are, in fact, the fraction that would be disposed of on an average day. The existence of the third term indicates that, (a) when the fraction of cases which judges dispose of on a given day depends on the calendar size (i.e., \bar{b} is not zero), and (b) when the calendar size varies,* then the long-run fraction disposed of is different from the fraction disposed of on an average day.

* In general, the covariance of c and y will be zero if and only if the calendar size remains constant.

We may note that, for most judges, the value of the coefficient b is negative, indicating that the larger the calendar, the smaller is the fraction disposed of. Since the covariance is always positive, this means that the more variable the calendar size, the smaller will be the long-run fraction of cases disposed of.

These results are utilized in the analysis of dispositions in Appendix B.

END