

EVALUATION OF VARIOUS PROPOSALS

REPRESENTATIVE COURTS IN THE UNITED STATES

REPRESENTATIVE COURTS

REPRESENTATIVE COURTS

REPRESENTATIVE COURTS of Judicial Modernization

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CONNECTICUT CITIZENS FOR JUDICIAL MODERNIZATION

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INTRODUCTION

This is the last in a series of three reports for the Commission to Study Reorganization and Unification of the Courts prepared by the Connecticut Citizens for Judicial Modernization and designed:

- (1) to survey the physical plant or trial facilities of the Connecticut courts and the degree of utilization of its facilities;
- (2) to survey the apportionment of courtroom time to various types of court business and the effect of various court procedures upon the utilization of court time; and
- (3) to evaluate the effect of various proposals for reorganization and unification of the several trial courts as well as of some proposals for reducing the caseload in the trial courts.

The first of the several reports is entitled SURVEY OF THE TRIAL COURT FACILITIES OF THE STATE OF CONNECTICUT and is dated November 30, 1973. It contains the results of an on-site survey of the existing and soon to be opened trial court houses of the Superior, Common Pleas and Circuit Courts as well as a report of the daily use of various courtrooms during the entire month of October 1973. As reported therein, some court facilities are definitely substandard and inadequate; others could be rendered more adequate by the leasing or construction of adjacent office space for supportive personnel. Moreover, it appears that some court facilities could be closed and the business transferred to other existing court facilities.

The second report is entitled SURVEY OF THE UTILIZATION OF COURTROOM TIME IN THE TRIAL COURTS IN THE STATE OF CONNECTICUT and is dated November 30, 1973. This report analyzes the allocation of courtroom time to the various types of court business as a result of an on-site study by over 300 layman volunteers during the week of October 1, 1973 of more than ninety percent of the courtrooms in operation. In addition, it includes data concerning the allocation of courtroom time to the various types of business resulting from information provided by the clerks of the various courts during the remainder of the month of October 1973. Analyses are made of the criminal and motor vehicle business as well as of the so-called "victimless crimes," and crimes related thereto. Additionally, there is presented information concerning times required for processing various types of cases in the Juvenile Court and for Probate Court cases involving the custody of the person of juveniles.

The present report reflects the views and analyses of the Survey Coordinators based upon the information contained in the two prior reports and detailed annual data obtained through the cooperation and assistance of the Judicial Department. It is suggested that this report be studied using the two prior reports and using the TWENTY-THIRD REPORT OF THE JUDICIAL COUNCIL OF CONNECTICUT for further reference.

SYNOPSIS

This report analyzes in detail the caseloads of the Superior, Common Pleas and Circuit Courts, the assignment of judges of those Courts and to the locations and the resulting rates of entry and rates of disposition per judge day in the courts and divisions thereof by various types of business. Although the Superior Court does handle crimes of greater severity and the Superior Court and Common Pleas Court do handle some civil cases of much greater complexity than those in the Circuit Court, it is unquestionable that primary attention must be given to the Circuit Court which has an adjusted true caseload more than six times that of the Superior and Common Pleas Courts combined. Its civil case entry rate of 5.4 is contrasted with 2.1 and 2.3 in the Superior and Common Pleas Courts respectively, and its adjusted criminal/motor vehicle case entry rate is 30.3 as compared with the criminal case entry rate in the Superior Court of 1.8 cases per judge day.

The effect of the addition of judges in the Superior and Circuit Courts in 1973 is analyzed. Unquestionably adding judges does reduce entry rates per judge day but this is more significant in the Superior Court with its limited number of cases than in the Circuit Court with its much heavier caseload.

An analysis of various alternative approaches to the classification and handling of motor vehicle violations, petty misdemeanors and "victimless crimes" indicates that changes in the philosophy of handling of such matters provides a far more significant opportunity to reduce caseload and thereby

enhance the opportunity for improving the dispensation of justice.

Other approaches for improving efficiency of utilization of court time and money are considered including consolidation of court facilities, consolidation of jury trials, provision of permanent judicial supervision at each court location, changes in granting of continuances and use of magistrates in lieu of additional judges.

The various merger possibilities are analyzed and an overall merger of Superior, Common Pleas and Circuit Courts, together with the Juvenile Court and juvenile/custodial matters in the Probate Court, represents the most beneficial approach. Only mergers which involve the Circuit Court should be considered because this court is where the greatest need exists, and therefore the greatest benefits can be obtained. In evaluating a proposal for merger of the Common Pleas and Circuit Courts, it is suggested that all family relations matters (including Juvenile Court and Probate/Juvenile) should be consolidated in a Family Relations Division in the merged court and that all intermediate appellate activity be consolidated in a division of the Superior Court.

The several Courts were "disposing of" the numbers of cases entered without increase in backlog before the addition of judges in 1973. Thus, primary emphasis should be given not to further efforts to deal with the quantity of business which presumably additional judges can handle, but rather to the quality of justice available and the assurance of an opportunity for early and complete hearing, by judges, of those matters which clearly warrant judicial attention.

THE PRESENT JUDICIAL SYSTEM OF THE
STATE OF CONNECTICUT

The Constitution of the State of Connecticut provides a judicial system comprised of the Supreme Court and the trial court of original jurisdiction known as the Superior Court. It also provides for a Probate Court with elected judges and enables the Legislature to create other courts of lesser jurisdiction. Over the years, the Legislature has created the Circuit Court as a consolidation of the former justice of the peace and town or municipal courts; the Common Pleas Court; and the Juvenile Court.

The Superior Court is the court of general jurisdiction over both civil and criminal matters; the Common Pleas Court is primarily a civil court; the Circuit Court handles both civil and criminal matters. The Juvenile Court handles delinquency and certain aspects of child custody; and the Probate Court handles administration of decedents' estates, the appointment of conservators for incompetents, the appointment of guardians for juveniles, the administration of the estates of incompetents and juveniles, commitments, adoptions, and certain other matters.

Appeals from the Probate Court and Juvenile Court are taken to the Superior Court. Appeals from the Circuit Court now are taken to the Common Pleas Court. Appeals from the Common Pleas and Superior Courts are taken to the Supreme Court.

The venue boundaries for the Superior and Common Pleas Courts are

county lines, with the exception that there has been carved from New Haven County the Waterbury Judicial District; in Hartford, New London and Putnam Counties there are two courthouses where Superior and Common Pleas Court business is processed; in Fairfield County there are three court locations (Stamford, Bridgeport and Danbury). The Circuit Court is divided into eighteen circuits and many of these circuits use courthouses at more than one location. The Juvenile Court is divided into three districts, each having several locations where cases are heard.

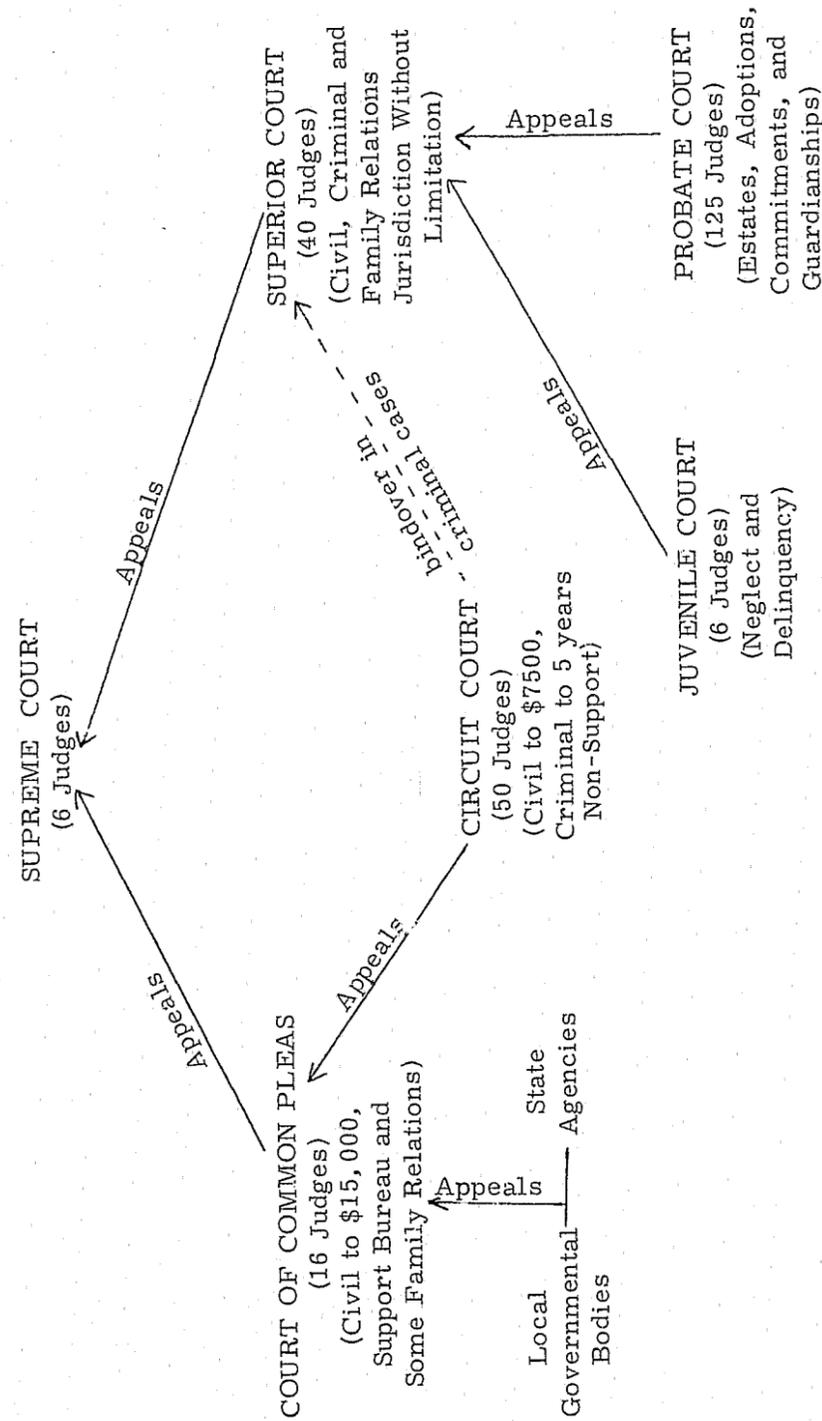
There are six justices of the Connecticut Supreme Court. The number of judges in the Superior Court was increased in 1973 from 35 to 40. There are sixteen judges of the Court of Common Pleas. The number of judges in the Circuit Court was increased in 1973 from 44 to 50. There are six Juvenile Court judges. In addition to the active judges, the judicial system employs substantial amounts of judicial time provided by retired judges known as referees. According to present practice, the judges of the Superior, Common Pleas and Circuit Courts "ride circuit"; they are rotated every three months to different court locations.

The trial week in the Circuit and Juvenile Courts is Monday through Friday; with some minor exception, the trial week in the Superior and Common Pleas Courts is Tuesday through Friday with Monday being reserved for transaction of court business outside the courtroom. The Circuit and Juvenile Courts theoretically operate on only partially reduced schedules during the

months of July and August with vacation time being compensated through re-assignment of judges from locations with the most judges; the Superior and Common Pleas Courts operate on a partial basis only during July and August in order to permit maximum vacation time during the summer months.

For convenience, there is reproduced hereafter a chart indicating the present court structure of the State of Connecticut and the routes of appeal.

PRESENT STRUCTURE AND JURISDICTION OF CONNECTICUT COURTS



PROPOSALS FOR REORGANIZATION OF THE TRIAL COURTS

It is generally accepted that some reorganization and unification of the trial courts is desirable and the Legislature of the State of Connecticut recognized the necessity for moving in this direction by creating the Commission to Study Reorganization and Unification of the Courts which was charged with the responsibility for evaluating various proposals and presenting legislative recommendations.

The Connecticut Citizens for Judicial Modernization has recommended the merger of all trial courts - Superior, Common Pleas, Circuit, Juvenile and Probate - into a single trial court. The Judicial Council of Connecticut has for some years recommended the merger of the Superior and Common Pleas Courts and that proposal has had the strong support of the Connecticut Bar Association. Some of the members of the Commission have recommended the merger of the Common Pleas and Circuit Courts. Less frequently recommended is the merger of the Superior and Circuit Courts.

In approaching any question of reorganization and unification, consideration must be given to the status of the Juvenile Court and its relationship to the surviving trial courts. For years, there has been a proposal to create a "family court" in order to eliminate the present serious overlap and gaps in jurisdiction with respect to matters effecting juveniles. The Probate Court is primarily an administrative court dealing with financial matters of estates, juveniles and incompetents. However, it presently has jurisdiction

over adoption and guardianship of juveniles, over commitment and competency of persons and over contested matters relating to estates. There have been a number of recommendations that matters relating to the custody of persons and contested probate activities be removed to one of the other trial courts so that the Probate Court would then concentrate its full attention on financial and administrative matters.

Among the various other recommendations which have been made for improving operations of the court system are:

- (1) the elimination of circuit riding by judges;
- (2) the assignment of cases to specific judges for the entire processing of those cases;
- (3) consolidation of actual trial activity at a limited number of court locations;
- (4) limitation of major criminal trials to a relatively few court locations; and
- (5) permitting the chief court administrator to assign cases to available facilities without the present restrictions with regard to venue boundaries.

CASELOAD IN THE PRINCIPAL TRIAL COURTS

Based upon the statistics of the Judicial Department, Tables have been prepared showing the case load in the Superior, Common Pleas and Circuit Courts by the principal types of business, i. e. Civil, Criminal and Family

Relations. In addition, there is presented statistical data concerning dispositions of the business through trials as well as by other forms of disposition (such as settlement), and the number of criminal cases entering the Superior Court through bench warrants.

In Table One there is set forth the information concerning the Superior Court; in Table Two there is set forth the information concerning the Common Pleas Court; and Table Three sets forth the information with respect to the Circuit Court.

As will be apparent from analysis of the data presented in the following Tables, the Circuit Court does in fact bear the bulk of the load in the judicial system. It handles an annual average of 21,631 civil cases (exclusive of Small Claims) and 81,896 criminal and 144,496 motor vehicle cases. Just the criminal and civil cases (103,527) exceed three times the total caseload of the Superior and Common Pleas Courts combined (31,917). Although it should be appreciated that the complexity of a major proportion of the Circuit Court cases does not approach that of the cases in Superior Court, it should also be appreciated that some of the Circuit Court cases must be regarded as "serious" since this Court can hand down criminal sentences of up to five years and can award damages up to \$10,000. In no way can the present Circuit Court be considered the equivalent of the old Justice of the Peace and Town Courts.

In analyzing the criminal data of the Superior Court, it will be appreciated that more than half of these criminal cases originate in the Circuit Court

and are transferred to the Superior Court as a result of the defendants' being bound over after a hearing in probable cause or after a waiver of such a hearing. In either case, time of the Circuit Court is consumed for a matter which it will not subsequently handle.

A factor which could be evaluated is the amount of cases which may be transferred from the Superior Court to the Common Pleas or Circuit Courts. If a case is found not to reach the judicial level of the Superior Court, it can transfer the case to lower courts. Allegedly this transfer activity does consume a significant amount of time and may result in some duplication of statistical information.

The data in the case disposition tables, particularly when examined in the light of statistical information of the Judicial Department relating to time delays between claiming of a case for trial and actual trial, certainly bears out the commonly held belief that the bulk of civil cases settle themselves without significant judicial intervention. However the threat of judicial intervention must have some effect in effecting that settlement and this effect may not be readily evaluated.

Moreover it can be seen that the great bulk of criminal cases involve disposals which do not result from trials, either by entering of a nolle prosequi by the prosecutor (he elects not to prosecute), or by a plea of

guilty to some of the charges of a plea of guilty to substitute charges. This is a reflection of "plea bargaining" and is indicative of the need for our judicial system under its present caseload to rely heavily upon such "settlements" in criminal cases.

The data in Table Three does not include small claims or statistics concerning trials in the civil and motor vehicle matters.

From these caseload tables, it can be seen that the courts are disposing of cases at a rate closely approximating the entry rates which is significant. This then indicates that primary concern should be given to improving the "quality" of justice and not the quantity although a reduction in backlog is still to be desired and should be effected by the 11 judges added in 1973 and any real consolidation of courts.

S U P E R I O R C O U R T

COUNTY	C I V I L		C A S E S *
	Entered	Tried	Otherwise
			Disposed Of
FAIRFIELD			
1971	2394	275	2665
1972	2288	251	1225
Average	2341	263	1945
HARTFORD			
1971	2574	242	2422
1972	2642	219	1999
Average	2608	231	2211
WATERBURY			
1971	496	40	697
1972	376	26	364
Average	436	33	531
NEW HAVEN			
1971	1499	235	1736
1972	1505	244	1319
Average	1502	240	1528
LITCHFIELD			
1971	225	21	276
1972	221	14	176
Average	223	18	226
MIDDLESEX			
1971	322	31	231
1972	301	17	236
Average	312	24	234
NEW LONDON			
1971	407	10	436
1972	361	43	292
Average	384	27	364
TOLLAND			
1971	174	18	140
1972	194	9	143
Average	184	14	142
WINDHAM			
1971	130	11	178
1972	145	11	140
Average	138	11	159
TOTAL	8128	861	7340

* Calendar Year begins September 1

** Calendar Year begins July 1

C A S E L O A D

Table One

C R I M I N A L	C A S E S **			F A M I L Y		C A S E S	
	Entered	Tried	Otherwise Disposed Of	Bench Warrant	Entered	Tried	Otherwise
							Dispose Of
FAIRFIELD	593	33	748	126	2877	49	3429
1972	479	21	420	171	3015	51	2750
Average	536	27	584	249	2946	50	3090
HARTFORD	1431	37	1581	253	2855	52	3490
1972	987	30	897	234	3252	159	2574
Average	1209	34	1239	244	3054	106	3032
WATERBURY	414	12	390	211	519	57	344
1972	416	6	339	246	787	1	710
Average	415	9	364	223	653	27	527
NEW HAVEN	813	33	969	244	2370	25	2566
1972	541	23	459	223	2073	146	2150
Average	677	28	714	234	2222	86	2358
LITCHFIELD	119	12	112	36	512	16	433
1972	111	6	102	38	495	1	471
Average	115	9	107	37	504	9	456
MIDDLESEX	122	8	127	34	521	23	485
1972	128	4	130	58	626	8	457
Average	125	6	129	46	574	15	471
NEW LONDON	354	15	337	133	1079	9	1417
1972	320	13	336	143	1100	11	1124
Average	337	14	337	138	1090	10	1271
TOLLAND	185	12	195	61	506	2	472
1972	99	8	109	58	537	1	447
Average	142	10	152	59	522	2	460
WINDHAM	149	5	164	14	362	2	360
1972	84	3	98	41	361	4	368
Average	117	4	131	28	361	3	364
TOTAL	3673	141	3757	1258	11926	308	12029

Table Two

COUNTY	COMMON	PLEAS	CIVIL	CASELOAD
	Cases Entered	Tried	Otherwise Disposed Of	
FAIRFIELD				
1970*	2445	361	1916	
1971	2461	294	1984	
Average	2453	328	1950	
HARTFORD				
1970	2089	299	2333	
1971	1955	282	1660	
Average	2022	291	1997	
WATERBURY				
1970	506	116	418	
1971	551	90	552	
Average	526	103	485	
NEW HAVEN				
1970	2290	286	1981	
1971	2180	306	2653	
Average	2235	296	2317	
LITCHFIELD				
1970	241	17	165	
1971	160	35	134	
Average	201	26	150	
MIDDLESEX				
1970	130	14	100	
1971	113	20	116	
Average	121	17	108	
NEW LONDON				
1970	405	45	545	
1971	410	47	310	
Average	408	46	428	
TOLLAND				
1970	164	15	124	
1971	128	23	47	
Average	146	19	86	
WINDHAM				
1970	86	2	74	
1971	70	8	58	
Average	78	5	66	
TOTAL	8190	1131	7587	

*Court Year Beginning September 1.

Table Three

CIRCUIT	YEAR	CASELOAD					MOTOR VEHICLE CASES Entered
		CIVIL CASES* Entered	CRIMINAL		CASES		
			Entered	Tried	Tried	Bound	
			Jury	Non-Jury	Over		
1st	1971**	2028	6657	15	230	109	14847
	1972	1944	7077	15	267	103	19235
	Average	1986	6867	15	248	106	17041
2nd	1971	3635	7784	26	100	92	15221
	1972	2775	8061	16	39	48	17539
	Average	3205	7923	21	70	70	16380
3rd	1971	733	2322	6	74	20	5512
	1972	576	2397	8	37	30	7323
	Average	655	2360	7	56	25	6418
4th	1971	1202	4216	32	34	4	4942
	1972	926	4110	21	45	11	5408
	Average	1064	4163	27	40	8	5175
5th	1971	785	2868	4	54	9	5685
	1972	679	2985	8	33	2	7071
	Average	732	2927	6	44	6	6378
6th	1971	2460	9962	33	60	33	12558
	1972	2089	11082	46	61	19	15689
	Average	2275	10522	40	61	26	14124
7th	1971	1018	3089	11	32	17	7678
	1972	861	3798	11	48	23	8768
	Average	940	3444	11	40	20	8223
8th	1971	651	2189	11	24	17	3242
	1972	652	2441	7	36	6	4398
	Average	652	2315	9	30	12	3820
9th	1971	475	2411	7	129	13	5434
	1972	436	2534	11	144	22	6144
	Average	456	2473	9	137	18	5789
10th	1971	998	6340	29	197	22	9372
	1972	925	6572	24	159	9	11176
	Average	962	6456	27	180	16	10274
11th	1971	388	2117	14	61	20	2383
	1972	370	2016	7	42	12	3277
	Average	379	2067	11	52	16	2830
12th	1971	1196	3933	18	81	95	6835
	1972	998	3796	13	62	58	7772
	Average	1097	3865	16	72	77	7304
13th	1971	455	2157	19	127	27	5420
	1972	405	2467	11	100	21	5989
	Average	430	2312	15	114	24	5705

*Does Not Include Small Claims

**Year Beginning July 1

Table Three (continued)

CIRCUIT	YEAR	CIVIL CASES*	CASELOAD				MOTOR VEHICLE CASES
			Entered	CRIMINAL		Bound Over	
				Entered	Tried Jury		
14th	1971	3965	15516	13	35	27	14245
	1972	3732	14633	14	67	33	15061
	Average	3849	15075	14	51	30	14653
15th	1971	2201	3665	15	82	37	6819
	1972	910	3453	14	134	44	7150
	Average	1556	3559	15	108	41	6985
16th	1971	631	1617	7	45	14	5251
	1972	552	1701	8	46	13	6406
	Average	592	1659	8	46	14	5829
17th	1971	548	2135	13	73	15	4178
	1972	495	2295	11	46	18	4670
	Average	522	2215	12	60	17	4424
18th	1971	295	1673	26	60	3	2954
	1972	262	1714	12	46	4	3333
	Average	279	1694	19	53	4	3144
TOTAL		21631	81896	282	1462	530	144496

ALLOCATION OF JUDGES TO VARIOUS COUNTIES AND
CIRCUITS

In an effort to establish the data necessary for caseload per judge statistics, the information concerning assignment of judges in the principal trial courts was obtained from the Judicial Department and plotted on a monthly basis for the counties (and Judicial District of Waterbury) and for the various circuits. Based upon information concerning assignments of the judges and based upon assumptions as to sick time and vacations, average numbers of judge days for the various court divisions could then be determined.

The data, however, reflects the number of judges then assigned in the Superior and Circuit Courts. Since the years (1971 and 1972) used for the allocation of judges to the courts, the number of judges in the Superior Court has been increased from 35 to 40 and the number of judges in the Circuit Court has been increased from 44 to 50. The number of judges in the Common Pleas Court has remained constant at 16. One further point should be made with respect to the data concerning assignment of judge time in the Circuit Court and that is that the time of the chief judge of the Circuit Court has not been included since he is primarily involved with administrative activity.

Table Four reflects the judge assignments in the Superior Court; Table 5 reflects the judge assignments in the Common Pleas Court; and Table Six reflects the assignment of judges in the Circuit Court.

TABLE FOUR

SUPERIOR COURT ASSIGNED JUDGES*

COUNTY		SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG
HARTFORD	1971	10	10	10	10	11	11	11	11	11	11	5	2
	1972	10	10	10	10	11	11	11	11	11	11	7	1
NEW HAVEN	1971	8	8	8	8	9	9	9	9	9	9	5	2-1/2
	1972	7-1/2	7-1/2	7-1/2	7-1/2	7-1/2	7-1/2	7-1/2	7-1/2	7-1/2	7-1/2	5-1/2	2-1/2
FAIRFIELD	1971	10	10	10	10	9	9	9	9	9	9	7	2
	1972	9-1/2	9-1/2	9-1/2	9-1/2	9-1/2	9-1/2	9-1/2	9-1/2	9-1/2	9-1/2	7	5
MIDDLESEX	1971	1	1	1	1	1	1	1	1	1	1	1	1/2
	1972	1	1	1	1	1	1	1	1	1	1	1	1/2
TOLLAND	1971	1	1	2	2	1	1	1	1	1	1	1/2	1/2
	1972	1	1	1	1	1	1	1	1	1	1	1/2	1/2
WINDHAM	1971	1	1	1	1	1	1	1	1	1	1	1/2	1/2
	1972	1	1	1	1	1	1	1	1	1	1	1/2	1/2
NEW LONDON	1971	1	1	1	1	1	1	1	1	1	1	1	1-1/2
	1972	2	2	2	2	1	1	1	1	1	1	2	1/2
LITCHFIELD	1971	1	1	1	1	1	1	1	1	1	1	1	1
	1972	1	1	1	1	1	1	1	1	1	1	1	1
WATERBURY	1971	2	2	2	2	2	2	2	2	2	2	2	1/2
	1972	2	2	2	2	2	2	2	2	2	2	2	1

* On basis of 35 Judges

TABLE FIVE

COMMON PLEAS COURT ASSIGNED JUDGES

COUNTY		SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG
HARTFORD	1971	4-1/2	4-1/2	4-1/2	4-1/2	4-1/2	4-1/2	4-1/2	4-1/3	4-1/3	4-1/3	3-1/2	1
	1972	4-1/3	4-1/3	4-1/3	4-1/3	4-1/2	4-1/2	4-1/2	4-1/2	4-1/2	4-1/2	4	2
NEW HAVEN	1971	4	4	4	4	4	4	4	4	4	4	3	1
	1972	3	3	3	4	4	4	4	4	4	4	4	3
FAIRFIELD	1971	4	4	4	4	4-2/3	4-2/3	4-2/3	4-1/2	4-1/2	4-1/2	1	1
	1972	4	4	4	4	4	4	4	4	4	4	1	1
MIDDLESEX	1971	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/3	1/3	1/3	1/2	1/2
	1972	1/3	1/3	1/3	1/3	1/2	1/2	1/2	1/2	1/2	1/2	1/3	1/3
TOLLAND	1971	1/3	1/3	1/3	1/3	1/3	1/3	1/3	1/3	1/3	1/3	1/3	1/3
	1972	1/2	1/2	1/2	1/2	1/3	1/3	1/3	1/3	1/3	1/3	1/3	1/3
WINDHAM	1971	1/3	1/3	1/3	1/3	1/3	1/3	1/3	1/3	1/3	1/3	1/3	1/3
	1972	1/3	1/3	1/3	1/3	1/3	1/3	1/3	1/3	1/3	1/3	1/3	1/3
NEW LONDON	1971	1/3	1/3	1/3	1/3	1/3	1/3	1/3	2/3	2/3	2/3	1/3	1/3
	1972	1	1	1	1	1/3	1/3	1/3	1	1	1	1	1/3
LITCHFIELD	1971	1/2	1/2	1/2	1/2	1/3	1/3	1/3	1/2	1/2	1/2	1/2	1/2
	1972	1/2	1/2	1/2	1/2	1	1	1	1/3	1/3	1/3	1/2	1/3
WATERBURY	1971	1-1/2	1-1/2	1-1/2	1-1/2	1	1	1	1	1	1	1	1/2
	1972	1	1	1	1	1	1	1	1	1	1	1/2	1/3

CIRCUIT COURT ASSIGNED JUDGES*

CIRCUIT NO.		SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG
1	1971	5	4	4	5	5	5	5	5	5	4	4	4
	1972	5	5	5	4	4	4	5	5	5	4	4	4
2	1971	6	6	6	5	5	5	6	6	6	6	6	6
	1972	5	5	5	6	6	6	4	4	4	5	5	5
3	1971	1-1/5	1-1/5	1-1/5	1-1/5	1-1/5	1-1/5	1-1/5	1-1/5	1-1/5	1-1/5	1-1/5	1-1/5
	1972	1-1/5	1-1/5	1-1/5	1-1/5	1-1/5	1-1/5	1-1/5	1-1/5	1-1/5	1-1/5	1-1/5	1-1/5
4	1971	2	2	2	2	2	2	2	2	2	2	2	2
	1972	2	2	2	2	2	2	2	2	2	2	2	2
5	1971	1-4/5	1-4/5	1-4/5	1-4/5	1-4/5	1-4/5	1-4/5	1-4/5	1-4/5	1-4/5	1-4/5	1-4/5
	1972	1-4/5	1-4/5	1-4/5	1-4/5	1-4/5	1-4/5	1-4/5	1-4/5	1-4/5	1-4/5	1-4/5	1-4/5
6	1971	5	4	4	4	4	4	4	4	4	4	3	3
	1972	5	5	5	4	4	4	4	5	5	5	5	5
7	1971	2	3	3	3	3	3	2	2	2	3	3	3
	1972	2	2	2	3	3	3	3	3	3	3	3	3
8	1971	2	2	2	2	2	2	2	2	2	2	2	2
	1972	2	2	2	2	2	2	2	2	2	2	2	2
9	1971	1	1	1	1	1	1	1	1	1	1	1	1
	1972	1	1	1	1	1	1	1	1	1	1	1	1

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CIRCUIT NO.		SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG
10	1971	2	2	2	2	2	2	2	2	2	2	2	2
	1972	2	2	2	2	2	2	2	2	2	2	2	2
11	1971	1	1	1	1	1	1	1	1	1	1	1	1
	1972	1	1	1	1	1	1	1	1	1	1	1	1
12	1971	2	2	2	2	2	2	2	2	2	2	2	2
	1972	2	2	2	2	2	2	2	2	2	2	2	2
13	1971	1	1	1	1	1	1	1	1	1	1	1	1
	1972	1	1	1	1	1	1	1	1	1	1	1	1
14	1971	6	6	6	6	6	6	5	5	5	6	6	6
	1972	5	5	5	6	6	6	6	6	6	6	6	6
15	1971	2	2	2	2	2	2	2	2	2	2	2	2
	1972	2	2	2	2	2	2	2	2	2	2	2	2
16	1971	1	1	1	1	1	1	1	1	1	1	1	1
	1972	1	1	1	1	1	1	1	1	1	1	1	1
17	1971	2	2	2	2	2	2	2	2	2	2	2	2
	1972	2	2	2	2	2	2	2	2	2	2	2	2
18	1971	1	1	1	1	1	1	1	1	1	1	1	1
	1972	1	1	1	1	1	1	1	1	1	1	1	1

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* On Basis of 43 Judges (does not include Chief Judge)

ALLOCATION OF JUDGE TIME TO VARIOUS TYPES OF COURT BUSINESS

In order to evaluate the amount of actual judge time required for disposing of various types of court business, it was necessary to make some determination concerning the allocation of the time of the judges to the principal types of court business.

In the second of the three surveys, there is reported the numbers of minutes by court utilized in the transaction of various types of court business. This data is derived substantially entirely from courtroom activity but it is considered to reflect reasonably accurately the time with respect to activity out of the courtroom. The first basis for making an allocation of time was the detailed information on nearly 15,000 individual case entries obtained by the more than 300 court surveyors during the week of October 1, 1973. The number of minutes for various types of cases were computed by court throughout the State. The second basis for making the allocation is the data concerning utilization of the courtrooms by type of business for the entire month of October 1973 which closely approximates that for the week of October 1. The third and last basis is the estimate of the Judicial Department as to allocation of judge time between the several types of business.

As can be seen from Table Seven, approximately 50 to 62 percent of the time of the Superior Court is devoted to civil business and approximately 30 percent of the Circuit Court is devoted to civil business. The time of the Common Pleas Court devoted exclusively to civil business as opposed to

Family Relations and Support Bureau activity would appear to be approximately 85 percent.

With respect to criminal business, the Superior Court requires approximately 33 percent of its time and the Circuit Court requires approximately 70 percent of its time.

TABLE SEVEN

ALLOCATION OF JUDGE TIME TO PRINCIPAL TYPES OF COURT BUSINESS

SOURCE	COURTS		
	SUPERIOR	COMMON PLEAS	CIRCUIT
<u>CIVIL</u>			
Survey Week	50	77	33
Survey Month	62	91	27
Judicial Department	53	***	30
<u>CRIMINAL *</u>			
Survey Week	32	--	67
Survey Month	30	--	73
Judicial Department	35	--	70
<u>FAMILY RELATIONS **</u>			
Survey Week	18	23	-- ****
Survey Month	8	9	--
Judicial Department	12	***	--

*includes motor vehicle business in Circuit Court and Youthful Offender hearings as well as Contempt matters in Circuit Court

**includes Support Bureau activity in Common Pleas

*** not obtained

**** non-support case time is accumulated in above entries

CASELOAD PER JUDGE DAY

Utilizing the information concerning the allocation of judges to the various judicial districts and the information concerning the allocation of judge days to certain types of court business, it is then possible to determine the number of cases entered per judge day in each of the several districts of the several courts. The same determinations may be made with respect to trials per judge day and "other dispositions" of cases per judge day.

Table Eight provides the information with respect to disposition of civil business per judge day in the Superior Court and Tables Nine and Ten provide similar information with respect to disposition per judge day of the criminal and family relations business in the Superior Court. Table Eleven ranks the various districts of the Superior Court by the total number of judge days assigned and by their various disposition rates per judge day.

Table Twelve sets forth the analysis of dispositions per judge day of the business of the Common Pleas Court, all business being assumed to be civil business for purposes of the computations. It also sets forth the ranking of the various Common Pleas Court Districts in accordance with judge days assigned and disposals per judge day.

Table Thirteen provides comparable data and analyses with respect to the various Circuits of the Circuit Court. Because hearings on criminal and motor vehicle cases are combined in some circuits, the cases and time of the judges were combined in order to have more meaningful

data. Thus the computations in this Table reflect only two types of court business: civil and combined criminal/motor vehicle business.

Relatively few conclusions may be drawn from the case disposition rates in the various courts since they tend to reflect the heavy loading of cases in the Circuit Court and confirm the belief that most cases dispose of themselves. The effect of the more complex or more grave cases in the urban centers appears to offset the greater efficiency possible by concentrating judges in the urban centers where they may specialize in various types of court business.

From the standpoint of the Circuit Court, it can be seen that the state-wide average of civil cases per judge day entered is 5.4 and the number of criminal and motor vehicle cases entered per judge day averages across the State 40.1. This heavy loading upon the court in the criminal/motor vehicle area is not completely accurate since a significant proportion of the motor vehicle cases are processed through the Violations Bureau without actually involving judge time as will be pointed out hereinafter. Nevertheless, it can be seen that the Circuit Court is very seriously overburdened from the standpoint of both its civil and criminal caseload, particularly when there is considered the factor that the great bulk of the more serious crimes initially involve arraignment and some processing in the Circuit Court before the defendant is bound over to the Superior Court.

TABLE EIGHT

SUPERIOR COURT CIVIL CASELOAD BY JUDGE DAY

County	Judge Days Allocated	Cases Entered	Cases Tried	Total Cases Disposed	Cases Per Judge Day*		
					Entered	Tried	Total Disposals
Hartford	1135	2608	231	2442	2.4	.21	2.24
Fairfield	1050	2341	263	2208	2.2	.26	2.19
New Haven	881	1502	240	1768	1.7	.28	2.09
Waterbury	228	436	33	564	1.9	.15	2.58
New London	145	384	27	391	2.6	.19	2.81
Tolland	125	184	14	156	1.5	.12	1.30
Litchfield	120	223	18	244	1.9	.15	2.12
Middlesex	115	312	24	258	2.7	.22	2.34
Windham	110	138	11	170	1.3	.10	1.60
STATE TOTAL	3909	8128	861	8201	2.1	.23	2.18

* On Basis of 35 Judges

TABLE NINE

SUPERIOR COURT CRIMINAL CASELOAD BY JUDGE DAY

County	Judge Days Allocated	Cases Entered	Cases Tried	Total Cases Disposed	Cases Per Judge Day*		
					Entered	Tried	Total Disposals
Hartford	726.4	1209	34	1273	1.6	0.05	1.75
Fairfield	672.0	536	27	611	0.8	0.04	0.91
New Haven	564.5	677	28	742	1.2	0.05	1.31
Waterbury	145.9	415	9	374	2.8	0.06	2.56
New London	92.8	337	14	351	3.6	0.15	3.78
Tolland	80	142	10	162	1.7	0.13	2.03
Litchfield	76.8	115	9	116	1.5	0.12	1.51
Middlesex	73.6	125	6	135	1.7	0.08	1.83
Windham	70.7	117	4	135	1.7	0.06	1.91
STATE TOTAL	2430.7	3673	141	3899	1.8	0.08	1.95

* On Basis of 35 Judges

TABLE TEN

SUPERIOR COURT FAMILY RELATIONS CASELOAD BY JUDGE DAY

County	Judge Days Allocated	Cases Entered	Cases Tried	Cases Per Judge Day*	
				Entered	Tried
Hartford	408.8	3054	106	7.5	.26
Fairfield	378	2946	50	7.8	.13
New Haven	317.5	2222	25	7.0	.08
Waterbury	82.1	653	27	8.0	.33
New London	52.2	1090	10	21.0	.19
Tolland	45	522	2	11.6	.04
Litchfield	43.0	504	9	11.7	.20
Middlesex	41.4	574	15	14.0	.37
Windham	39.8	361	3	9.0	.07
STATE TOTAL	1407.8	11926	308	8.5	.22

*On Basis of 35 Judges

TABLE ELEVEN

SUPERIOR COURT RANKING BY CASE DISPOSITION RATE

County	RANKING IN ASSIGNED JUDGE DAYS	RANKING BY CASE DISPOSITION RATE								
		C I V I L			C R I M I N A L			F A M I L Y		
		Entry	Trials	Disposals	Entry	Trials	Disposals	Entry	Trials	
Hartford	1	3	4	4	4	8	6	8	3	
Fairfield	2	4	2	5	7	9	9	7	6	
New Haven	3	7	1	7	6	7	8	9	7	
Waterbury	4	5	6	2	2	6	2	6	2	
New London	5	2	5	1	1	1	1	1	5	
Tolland	6	8	8	9	3	2	3	4	9	
Litchfield	7	6	7	6	5	3	7	3	4	
Middlesex	8	1	3	3	3	4	5	2	1	
Windham	9	9	9	8	3	5	4	5	8	

TABLE TWELVE

COMMON PLEAS COURT CASELOAD BY JUDGE DAYS

County	Total Cases	Average Annual Judge Days	Disposals Per Judge Day			Ranking By Assigned Judge Days	Ranking By Case Disposition Rate		
			Cases Entered	Cases Tried	Total Disposals		Entry	Trials	Disposals
Hartford	2023	994	2.0	0.29	2.30	1	4	4	5
Fairfield	2465	876	2.8	0.37	2.60	2	1	2	2
New Haven	2240	850	2.6	0.35	3.07	3	2	3	1
Waterbury	527	242	2.2	0.42	2.43	4	3	1	3
New London	409	204	2.0	0.23	2.32	5	5	5	4
Tolland	146	86	1.7	0.22	1.22	8	6	6	7
Litchfield	202	122	1.7	0.21	1.44	6	7	7	6
Middlesex	121	106	1.1	0.16	1.18	7	8	8	8
Windham	78	79	1.0	0.06	0.90	9	9	9	9
STATE TOTAL	8211	3559	2.3	.26	1.94				

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TABLE THIRTEEN

CIRCUIT COURT CASELOAD BY JUDGE DAYS**

Circuit	C I V I L			C R I M I N A L & M . V .			Ranking By Assigned Judge Days	Ranking By Case Disposition Rate	
	Cases* Entered	Judge Days	Case Per Judge Day	Cases Entered	Judge Days	Case Per Judge Day		Civil	Criminal & M. V.
1	1986	394	5.0	23908	567	42.2	3	9	9
2	3205	565	5.7	24303	812	29.9	1	5	17
3	655	123	5.3	8778	177	49.6	13	7	6
4	1064	205	5.2	9338	295	31.7	6	8	16
5	732	184	4.0	9308	266	35.0	11	14	13
6	2275	335	6.8	26646	484	55.1	4	3	3
7	940	219	4.3	11667	315	37.0	5	12	11
8	652	205	3.2	6135	295	20.8	7	16	18
9	456	102	4.5	8262	148	58.2	14	11	1
10	962	205	4.7	16370	295	55.5	8	10	2
11	379	102	3.7	4897	148	33.1	15	15	14
12	1097	205	5.4	11169	295	37.9	9	6	10
13	430	102	4.2	8017	148	54.2	16	13	4
14	3849	455	8.5	29728	653	45.5	2	1	7
15	1556	205	7.6	10544	295	35.7	10	2	12
16	592	102	5.8	7488	148	50.6	17	4	5
17	522	221	2.4	6639	155	42.8	12	18	8
18	279	102	2.7	4838	148	32.7	18	17	15
STATE TOTAL	21631	4031	5.4	228035	5644	40.4			

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*Not including Small Claims

**Based Upon 43 Judges

EFFECT OF VARIOUS MERGERS
OF THE PRINCIPAL TRIAL COURTS

The effects of various proposals for merger of the principal trial courts are presented in tabular form in the Tables which will follow. The data therein is drawn from the preceding Tables with respect to judge days, with respect to caseload, with respect to allocation of judges to court jurisdictions and with respect to allocation of judge time to types of court business. The effect of combining available judge time from any given merger in terms of caseload per judge day is then recomputed for the combined courts. In the instance of the Circuit Court, those circuits which cross county lines have had their business apportioned between the counties in which they are located.

Table Fourteen reflects the result of merging the Superior, Common Pleas and Circuit Courts, Table Fifteen the result of the merger of the Superior and Common Pleas Courts, Table Sixteen the result of the merger of the Superior and Circuit Courts and Table Seventeen the result of the merger of the Common Pleas and Circuit Courts.

For purposes of these tabular analyses, no effort has been made to integrate the business of the Juvenile Court or the custodial and contested matters of the Probate Court.

The statistics themselves prove little with respect to the result of any merger since they primarily reflect the effect of consolidating caseloads,

judge time and courtrooms. However, it can be seen from the case disposition rates that any merger of the Circuit Court with either or both the Superior or Common Pleas Court would have the effect of permitting the distribution of judge time from either or both of those courts to provide a more reasonable allocation to the present heavy civil and criminal business of the Circuit Court. It would also appear that any combination of the Common Pleas Court with one or both of the Superior and Circuit Courts would enable more efficient utilization of the time of the 16 judges of the Common Pleas Court.

Of the various merger possibilities, the one affording the greatest likelihood for improvement in efficiency is the overall merger of Superior, Common Pleas and Circuit Courts. As has been previously pointed out in the First Report of the Joint Committee on Judicial Modernization, all of the trial judges would be eligible to sit on all judicial matters throughout the system so that they could be assigned to cases to use to the full level of their ability and where their individual interests might lie. All courtroom facilities could be combined into a single court system so that all cases, all judges and all litigants could be assigned most expeditiously by a unified court administration system to make most efficient use thereof. Such an overall merger would eliminate the problems of overlapping jurisdiction in civil and criminal matters, the problems of both overlapping jurisdiction and gaps in jurisdiction with respect to juveniles and time wasting procedures for bindover hearings with respect to defendants arraigned in Circuit Court

and with respect to transfer of cases from the Superior Court to the lower courts. An immediate benefit which could flow from such an overall merger would be the consolidation of all jury trial activities at a limited number of locations so that the time of jurors and tax dollars could be conserved.

The second most beneficial merger would be that of the Superior and Circuit Courts in view of the heavy criminal caseload in the Circuit Court and the overlapping activities of these two courts with respect to criminal matters. By such a consolidation, time wasted in bindover hearings and transfer of cases would be avoided. Moreover, consolidation of jury trials at convenient facilities in both criminal and civil matters would be facilitated so that single jury panels could be used for all court proceedings in view of the present consolidated jury panels for the Superior and Common Pleas Courts. Such a merger would also enable closing down of some inadequate Circuit Court facilities and consolidation of this business in existing facilities of the Superior Court where this would be possible due to only limited usage at the present time.

From the standpoint of potential benefit, the third most desirable merger would be that of the Common Pleas and Circuit Courts. The addition of the 16 judges of the Common Pleas Court to the now 50 judges of the Circuit Court would provide a significant base of judges for the handling of the very heavy caseload of the Circuit Court which would be increased proportionately far less in terms of number of cases by the added cases of the

Common Pleas Court. This merger would have the benefit of ensuring adequate judicial time for the trial of civil cases and permit the allocation of sufficient judicial manpower to improve the amount of time available for the processing of criminal business. Since the Common Pleas Court facilities are located in Superior Courthouses and there are common jury panels with the Superior Court, this merger would also permit the consolidation of jury business at one court location in a given area and it would also permit closing of some Circuit Court facilities where the Common Pleas Court facilities would be adequate to assume the combined load.

From the standpoint of improvement, the least beneficial merger would be that of the Superior and Common Pleas Courts. As will be noted from the case data, neither the Superior nor the Common Pleas Court is presently overburdened by its caseload in comparison with the caseload in the Circuit Court. Using the statistics of dispositions of cases per judge day, the Common Pleas Court presently has a rate of disposition which is only marginally greater than that of the Superior Court despite the allegedly less complex nature of the bulk of the cases which it processes. Assuming that the introduction of the Common Pleas judges into a merged system without the Superior Court would improve their rate of disposal of the "less complex" business brought into the merged court, this would appear to produce an even greater malapportionment of judge time between the merged court and the Circuit Court which carries the brunt of the caseload. Such a merger would not automatically permit the consolidation of jury business of

the Circuit Court in a limited number of Superior Court facilities and it would continue the wasteful overlap in the criminal jurisdiction. On the positive side, this merger would be the simplest from the standpoint of administration and the present sharing of facilities. However, such a merger would perpetuate the belief that the Circuit Court is an inferior court.

Quite obviously, any of the proposed mergers would have a further benefit in eliminating some of the duplication in court personnel and in permitting greater utilization of judge time for the trial of cases by making more judges available for trials of a single court at a given location.

TABLE FOURTEEN

EFFECT OF MERGER OF SUPERIOR, COMMON PLEAS AND CIRCUIT COURTS ON A COUNTY BASIS

County & Court	Cases			Judge Days			Cases Per Judge Day*			Courtrooms**	
	Civil	Crim./M. V.	F. R.	Civil	Crim./M. V.	F. R.	Civil	Crim./M. V.	F. R.	Jury	Non-Jury
LITCHFIELD											
Superior	223	115	504	120	77	43				1	
Comm. Pleas	202			122						1	
18th Circuit	279	1694 / 3144		102	148					2	
3rd Cir x0.13	85	307 / 834		16	23					1	
Total	789	6094	504	360	248	43	2.2	24.6	11.7	5	
TOLLAND											
Superior	184	142	522	125	80	45				1	
Comm. Pleas	146			86						1	
12th Cir x .07	77	271 / 511		14	21						2
Total	407	924	522	225	101	45	1.8	9.2	11.6	2	2
NEW LONDON											
Superior	384	337	1090	145	93	52				2	
Comm. Pleas	409			204						2	
10th Circuit	962	6456 / 10274		205	295					1	2
Total	1755	17067	1090	554	388	52	3.2	44.0	21.0	5	2
MIDDLESEX											
Superior	312	125	574	115	74	41				1	
Comm. Pleas	121			106							1
9th Circuit	456	2473 / 5789		102	148					1	1
Total	889	8387	574	323	222	41	2.8	37.8	14.0	2	2
WINDHAM											
Superior	138	117	361	110	71	40				2	
Comm. Pleas	78			79						2	
11th Circuit	379	2067 / 2830		102	148					2	6
Total	595	5014	361	291	219	40	2.0	22.9	9.0	6	

EFFECT OF MERGER OF SUPERIOR, COMMON PLEAS AND CIRCUIT COURTS ON A COUNTY BASIS

County & Court	Cases			Judge Days			Cases Per Judge Day*			Courtrooms**	
	Civil	Crim./M. V.	F.R.	Civil	Crim./M. V.	F.R.	Civil	Crim./M. V.	F.R.	Jury	Non-Jury
NEW HAVEN											
Superior	1502	677	2222	881	565	318				12	5
Comm. Pleas	2240			850						2	1
Waterbury District											
Superior	436	415	653	228	146	82				3	
Comm. Pleas	527			242						1	1
4th Circuit	1064	4163 / 5175		205	295					2	
5th Circuit	232	2927 / 6378		184	266					2	
6th Circuit	2275	10522 / 14124		334	484					7	2
7th Circuit	940	3444 / 8223		219	315					2	1
8th Circuit	652	2315 / 3820		205	295					2	
Total	9868	62183	2875	3348	2366	400	2.9	26.3	7.2	33	10
HARTFORD											
Superior	2608	1209	3054	1135	726	409				9	2
Comm. Pleas	2023			994						3	2
12th Cir x. 93	1020	3594 / 6793		191	274					1	1
13th Circuit	430	2312 / 5705		102	148					1	
14th Circuit	3849	15075 / 14653		455	653					2	2
15th Circuit	1556	3559 / 6985		205	295					2	
16th Circuit	592	1659 / 5829		102	148					1	
17th Circuit	522	2215 / 4424		221	155					1	1
Total	12600	74012	3054	3405	2399	409	3.7	30.9	7.5	20	8
FAIRFIELD											
Superior	2341	536	2946	1050	672	378				12	2
Comm. Pleas	2465			876						3	1
3rd Cir x. 87	570	2053 / 5584		107	154					1	
1st Circuit	1986	6867 / 17041		394	567					4	2
2nd Circuit	3205	7923 / 16380		565	812					3	2
Total	10567	56384	2946	2992	2205	378	3.5	25.6	7.8	23	7
STATE TOTAL	37470	230065	11926	11498	8148		3.3	28.2	8.5	96	31

*Based Upon 35 Judges in Superior Court and 43 Judges in Circuit Court

**Using New Court Houses in Bridgeport, New Haven and Waterbury

TABLE FIFTEEN

EFFECT OF MERGER OF SUPERIOR AND COMMON PLEAS COURTS ON A COUNTY BASIS

County & Court	Cases			Judge Days			Cases Per Judge Day			Courtrooms	
	Civil	Crim./M. V.	F.R.	Civil	Crim./M. V.	F.R.	Civil	Crim./M. V.	F.R.	Jury	Non-Jury
LITCHFIELD											
Superior	223	115	504	120	77	43	1.9	1.5	11.7	1	
Comm. Pleas	202			122			1.7			1	
Total	425	115	504	242	77	43	1.8	1.5	11.7	2	
TOLLAND											
Superior	184	142	522	125	80	45	1.5	1.8	11.6	1	
Comm. Pleas	146			86			1.7			1	
Total	330	142	522	211	80	45	1.6	1.8	11.6	2	
NEW LONDON											
Superior	384	337	1090	145	93	52	2.6	3.6	21.0	2	
Comm. Pleas	409			204			2.0			2	
Total	793	337	1090	349	93	52	2.3	3.6	21.0	4	
MIDDLESEX											
Superior	312	125	574	115	74	41	2.7	1.7	14.0	1	
Comm. Pleas	121			106			1.1				1
Total	433	125	574	221	74	41	2.0	1.7	14.0	1	1
WINDHAM											
Superior	138	117	361	110	71	40	1.3	1.6	9.0	2	
Comm. Pleas	78			79			1.0			2	
Total	216	117	361	189	71	40	1.0	1.6	9.0	4	
NEW HAVEN											
Superior	1502	677	2222	881	565	318	1.7	1.2	7.0	12	5
Comm. Pleas	2240			850			2.6			2	1
Wtby. Superior	436	415	653	228	146	82	1.9	2.8	8.0	3	
Comm. Pleas	527			242			2.2			1	1
Total	4705	1092	2875	2201	711	400	2.1	1.5	7.2	18	7
HARTFORD											
Superior	2608	1209	3054	1135	226	409	2.4	5.3	7.5	9	2
Comm. Pleas	2023			994			2.0			3	2
Total	4631	1209	3054	2129	226	409	2.2	5.3	7.5	12	4
FAIRFIELD											
Superior	2341	536	2946	1050	672	378	2.2	.8	7.8	12	2
Comm. Pleas	2465			876			2.8			3	1
Total	4806	536	2946	1926	672	378	2.5	.8	7.8	15	3
GRAND TOTALS	16339	3673	11926	7468	2504	1408	2.2	1.5	8.5	58	15

TABLE SIXTEEN

EFFECT OF MERGER OF SUPERIOR & CIRCUIT COURTS ON A COUNTY BASIS

County & Court	Cases			Judge Days*			Cases Per Judge Day			Courtrooms**	
	Civil	Crim./M. V.	F.R.	Civil	Crim./M. V.	F.R.	Civil	Crim./M. V.	F.R.	Jury	Non-Jury
LITCHFIELD											
Superior	223	115	504	120	77	43				1	
Circuit	364	2001 / 3978		118	171					3	
Total	587	6094	504	238	248	43	2.5	24.6	11.7	4	
TOLLAND											
Superior	184	142	522	125	80	45				1	
Circuit	77	271 / 511		14	21					1	2
Total	261	924	522	139	101	45	1.9	9.1	11.6	1	2
NEW LONDON											
Superior	384	337	1090	145	93	52				2	
Circuit	962	6456 / 10274		205	296					1	2
Total	1346	17067	1090	350	388	52	3.8	44.0	21.0	3	2
MIDDLESEX											
Superior	312	125	574	115	74	41				1	
Circuit	456	2473 / 5789		102	148					1	1
Total	768	8387	574	217	222	41	3.5	37.8	14.0	2	1
WINDHAM											
Superior	139	117	361	110	71	40				2	
Circuit	379	2067 / 2830		102	148					2	
Total	517	5014	361	212	219	40	2.4	22.9	9.0	4	
NEW HAVEN											
Superior	1502	677	2222	881	565	318				12	5
Wtby. Superior	436	415	653	228	146	82				3	
Circuit	5663	23371 / 37720		1148	1655					15	3
Total	7601	62183	2875	2257	2366	400	3.4	26.3	7.2	30	8
HARTFORD											
Superior	2609	1209	3054	1135	726	409				9	2
Circuit	7969	28414 / 44389		1276	1673					8	4
Total	10577	74012	3054	2411	2399	409	4.4	30.9	7.5	17	6
FAIRFIELD											
Superior	2341	536	2946	1050	672	378				12	2
Circuit	5761	16843 / 39005		1066	1533					8	4
Total	8102	56384	2946	2116	2205	378	3.8	25.6	7.8	20	6
GRAND TOTALS	29759	230065	11926	7940	8148	1408	3.7	28.3	8.5	81	25

*Based Upon 35 Judges in Superior Court and 43 Judges in Circuit Court

**Using New Court Houses in New Haven, Bridgeport and Waterbury

TABLE SEVENTEEN

EFFECT OF MERGER OF COMMON PLEAS AND CIRCUIT COURTS ON A COUNTY BASIS

County & Court	Cases			Judge Days*			Cases Per Judge Day			Courtrooms**	
	Civil	Crim./M. V.	F.R.	Civil	Crim./M. V.	F.R.	Civil	Crim./M. V.	F.R.	Jury	Non-Jury
LITCHFIELD											
Comm. Pleas	202			122			1.7			1	
Circuit	364	2001 / 3978		118	171		3.1	35.0		3	
Total	566	5978		230	171		2.5	35.0		4	
HARTFORD											
Comm. Pleas	2023			994			2.0			3	2
Circuit	7969	28414 / 44389		1276	1673		6.2	43.5		8	3
Total	9992	72803		2270	1673		4.4	43.5		11	5
NEW HAVEN (including Waterbury)											
Comm. Pleas	2767			1092			2.5			3	2
Circuit	5663	23371 / 37720		1148	1655		4.9	36.9		15	4
Total	8430	61091		2240	1655		3.8	36.9		18	6
NEW LONDON											
Comm. Pleas	409			204			2.0			2	
Circuit	962	6456 / 10274		205	295		4.7	56.7		1	2
Total	1371	16730		409	295		3.3	56.7		3	2
TOLLAND											
Comm. Pleas	146			86			1.7			1	
Circuit	77	271 / 511		14	21		5.5	55.9		1	2
Total	223	782		100	21		2.2	55.9		1	2
FAIRFIELD											
Comm. Pleas	2465			876			2.8			3	1
Circuit	5761	16843 / 39005		1066	1533		5.4	36.4		8	4
Total	8226	55848		1942	1533		4.2	36.4		11	5
MIDDLESEX											
Comm. Pleas	121			106			1.1			1	1
Circuit	456	2473 / 5789		102	148		4.5	55.8		1	1
Total	577	8262		208	148		2.9	55.8		1	2
WINDHAM											
Comm. Pleas	78			79			1.0			2	
Circuit	379	2067 / 2830		102	148		3.7	33.1		2	
Total	457	4897		181	148		2.5	33.1		4	
GRAND TOTALS	29842	81896/144496		7590	5644		3.9	40.1		53	22
		72595									

*Based upon 43 Judges in Circuit Court

**Using new courthouses in New Haven, Bridgeport and Waterbury

EFFECT OF CONSOLIDATION INTO MERGED COURT OF
JUVENILE COURT AND CONTESTED AND JUVENILE
MATTERS IN THE PROBATE COURT

As has been indicated previously, for several years it has been proposed to consolidate the Juvenile Court and matters affecting juveniles in the Probate Court into a consolidated "Family Court" which would also have jurisdiction over the family relations matters presently heard in the Superior Court. Assuming that all six judges of the present Juvenile Court were added to a merged court, no significant adverse effect should result and significant benefits would be obtained from the possibilities for minimizing overlap and reducing gaps on jurisdiction.

Based upon the information available, the Juvenile Court is functioning efficiently with its present staff of six judges, and its facilities are apparently adequate for its purposes although no separate survey was conducted with respect thereto. Information concerning weekly caseload and times for various proceedings may be found in the Second Report on Utilization of Time; detailed statistics on the annual data are found in the Annual Report of the Juvenile Court.

From the standpoint of proceedings involving juveniles in the Probate Court, the data collected from a week-long survey in the principal probate courts indicates that such matters involve relatively little judicial time. In an effort to broaden out the data base, statistics were obtained from the office of the Probate Court Administrator indicating that the annual number of adop-

tions from all of the reporting probate districts would average 1000-1200 and the total number of adoption proceedings for the State could be estimated at 1400-1800. Matters involving the guardianship of the person of a child on an annual basis from the reporting districts are estimated at about 800 per year (the total of guardianship of person and of estate averages about 1150) and are estimated to be about 1100-1300 per year for the entire state. As indicated in Table K of the "Survey of the Utilization of Courtroom Time" adoption matters average 8 minutes each of courtroom time and the one contested guardianship proceeding took 25 minutes of courtroom time. An average for contested and uncontested guardianship proceedings would be about 10 minutes. Applying these time factors to the numbers of cases, this would indicate a total courtroom time requirement of 60 days or well within the capability of any merged court system to absorb this minor additional load.

Will contest matters generally find their way into the Superior Court as the result of an appeal and constitute less than one per cent of the Superior Court civil business. No effort was made to evaluate the time requirement for commitment proceedings or incompetency proceedings.

EFFECTS OF INCREASING NUMBERS OF JUDGES

As previously indicated, the number of judges in the Superior Court was increased in 1973 from 35 to 40, thus increasing available judge days by 14.3 per cent. Allocating this additional judge time in accordance with

the allocation of judge time to various types of Superior Court business shown in Table Seven, this results in the increase of amount of judge days for the several types of court business as follows:

Type of Business	Present Judge Days	Conversion Factor	Judge Days Now Available
Civil	3909	1.143	4468
Criminal	2504	1.143	2862
Family Relations	1408	1.143	1609

The effect of increasing the number of judges and allocating this additional judge time to the several types of court business does reduce the caseload per judge day as follows:

Type of Business	Cases	Judge Days	Cases Per Judge Day
Civil	8128	4468	1.8
Criminal	3673	2862	1.3
Family Relations	11926	1609	7.4

as compared to the present caseload per judge day of 2.1, 1.8 and 8.5 respectively.

In the Circuit Court, the number of judges was increased in 1973 from 44 to 50. Excluding the Chief Justice, the increase amounts to 13.95 per cent. Allocating this additional judge time in accordance with the allocation of judge time to various types of court business shown in Table

Seven, this results in the increase of amount of judge days for the several types of court business as follows:

Type of Business	Present Judge Days	Conversion Factor	Judge Days Now Available
Civil	4031	1.1395	4593
Criminal/Motor Vehicle	5644	1.1395	6431

The effect of increasing the number of judges and allocating this additional judge time to the several types of court business reduces the caseload per judge day as follows:

Type of Business	Cases	Judge Days	Cases Per Judge Day
Civil	21631 (not including Small Claims)	4593	4.7
Criminal/Motor Vehicle	226,392	6431	35.2

as compared to the present caseload per judge day of 5.4 and 40.1 respectively.

EFFECT OF DIRECTING ALL MOTOR VEHICLE VIOLATIONS TO THE VIOLATIONS BUREAU

According to statistical information for the years 1971-1972, only about 38.5 per cent of the motor vehicle cases were handled by the Violations Bureau, thus indicating that 61.5 per cent consumed at least some court time. As will be noted from Table Three, the average number of motor

vehicle cases (including those cases subsequently processed in the Violations Bureau) is 144,496, all of which are reflected in Judicial Department statistics as to caseload of the Circuit Court. If the number of cases actually processed by the Violations Bureau is deducted from the motor vehicle cases reflected in the cases referred to in Table Three, then the criminal/motor vehicle caseload is thus adjusted as follows:

Type of Business	Number of Cases	Adjustment Factor	Adjusted Number of Cases
Criminal	81,896	--	81,896
Motor Vehicle	144,496	61.5	88,865
Total	226,392		170,761

Based upon the 1971-1972 level of 5644 judge days, this reflects a decrease in the actual number of cases entered per judge day from 40.1 to 30.3.

If the factor of increased judge days available by reason of the expansion from 44 to 50 judges is superimposed, the presently available 6431 judge days for criminal/motor vehicle business results in a true caseload of 26.6 cases per judge day at the present time.

One of the problems which presently exists with the motor vehicle caseload is that there are too many motor vehicle violations being referred to court rather than directly to the Violations Bureau or where the defendant seeks to delay matters in court in an effort to obtain a nolle or the opportunity

to plead guilty to a lesser charge. In addition, where potential liability is involved because of an accident, the defendant may seek to plead nolo contendere (I do not contest the charge) to avoid the effect of a guilty plea in the civil matter. Of the so-called "motor vehicle violations", relatively few are of a nature considered to have "criminal ramifications" requiring automatic license suspension or a jail sentence. It has been suggested that only those motor vehicle matters which do have "criminal ramifications" should be properly directed to the Court and that all other motor vehicle offenses should be classed as violations which are initially directed to the Violations Bureau. Of such violations, only those where the defendant affirmatively seeks trial would appear in court. Some thought should be given to altering the effect of "plea of guilty" on a driver's license and to permitting a plea of "nolo contendere" to the Violations Bureau.

In order to evaluate the effect of this proposal, the statistics regarding motor vehicle cases for the court years 1971 and 1972 were analyzed. The motor vehicle offenses which are generally considered to have "criminal ramifications" and the data pertaining thereto are set forth hereinafter:

Statute	Offense	Number of Cases			Percent of Total Motor Vehicle Cases		
		1971	1972	Avg.	1971	1972	Avg.
14-36a	Driving w/o license	5900	6294	6097	3.6	3.7	3.7
14-215	Operating under suspension	4811	5598	5205	3.0	3.3	3.2
14-218	Negligent Homicide	107	*	107	.1		.1
14-222	Reckless Driving	3123	3147	3135	1.9	1.8	1.9
14-224	Evading Responsibility	1851	1804	1828	1.1	1.0	1.0
14-227a	Operating under Influence	2300	2486	2393	1.4	1.4	1.4
Totals		18092	19436	18765	11.2	11.5	11.3

EFFECT OF RECLASSIFYING PETTY
MISDEMEANORS TO VIOLATIONS

Applying this factor of 11.3 per cent to the average motor vehicle caseload for the years 1971 and 1972, this would indicate that only 16,328 motor vehicle cases have criminal ramifications. Assuming that 10 per cent of the remaining motor vehicle cases are cases in which the defendant would elect to plead not guilty by mail and thus remove his case from the Violations Bureau to the Court, this would amount to only 12,817 cases. If this caseload from the motor vehicle area is now combined with the present criminal caseload, the total load would be as follows:

Motor vehicle offenses with criminal ramifications (144,496 x 11.3%)	16,328
Motor vehicle violations where Defendant desires hearing (128,168 x 10.0%)	<u>12,817</u>
Total motor vehicle cases in court	29,145
Criminal cases	<u>81,896</u>
Total motor vehicle and criminal cases	103,841

If this number of criminal and motor vehicle cases is divided by the 6431 judge days presently available, this would mean a caseload of 16.1 cases per day as compared with a caseload of 26.6 cases per day, thus representing a 39.5 per cent reduction.

There are some Class C misdemeanors which rarely result in jail sentences but which nevertheless consume a substantial amount of court time and which might be suitable for reclassification to violations and processing through a violations bureau. The effect of removing these cases from the criminal court caseload and reintroducing only some percentage reflecting the cases where the defendant would elect to plead not guilty is rather substantial.

The data for some of the Class C misdemeanors which might be considered for such treatment is presented below:

Statute	Offense	Number of Cases			Percentage of Total Criminal Cases		
		1971	1972	Avg.	1971	1972	Avg.
22-364	Allowing Dog to Roam	1292	1759	1526	1.2	1.7	1.5
53-000	Violation of Town Ordinance	4670	2171	3421	4.4	2.1	3.3
53a-181	Breach of Peace)						
53a-183	Harassment)	25399	18816	22108	23.8	18.7	21.0
53a-61	Assault-3)						
53a-62	Threatening)						
53-182	Disorderly Conduct	<u>4139</u>	<u>10264</u>	<u>7202</u>	<u>3.9</u>	<u>10.2</u>	<u>7.0</u>
Totals		35500	33010	34257	33.3	32.9	33.1

This approach would require revision of the existing statutes to reclassify these offenses as violations and eliminate jail sentences with respect thereto and the substitution of fines only. Assuming that 10 per cent of those

charged with these violations elected to plead not guilty and thus were added back to the court caseload, the number of cases appearing on the Circuit Court criminal docket still would be reduced by 30 per cent. The effect upon the criminal/motor vehicle caseload per judge day would be as follows:

Existing criminal cases (81896) less violations not claimed for trial[(81,896 x 33.1% = 27,108) plus (10% of 27,108 = 2711) = 24,397]	57,499
Motor Vehicle offenses in court (Exclusive of Presently Handled Violations Bureau Cases)	<u>88,865</u>
Total	146,364

If this reduced caseload is divided by the 6431 judge days now available for disposition of criminal/motor vehicle business in the Circuit Court, the caseload per judge day is reduced to 22.8, an improvement of 14.3 per cent from the present caseload of 26.6.

EFFECT OF REMOVING INTOXICATION CASES FROM THE CRIMINAL CASELOAD

Among the various recommendations which have been made to reduce caseload in the criminal courts has been the elimination of criminality in so-called victimless crimes which presumably would also result in a substantial reduction in the number of those crimes related thereto. In Table H of the Second Report, there is provided considerable data concerning the number of cases, time taken and dispositions with respect to a number of so-called victimless crimes and crimes related thereto.

A proposal for elimination of criminality with respect to intoxication has repeatedly obtained approval by the Judiciary Committee of the Legislature and will again be introduced during the 1974 session. Passage of such a statute and the substitution of its civil "commitment" provisions for the present criminal law approach is estimated to shift less than 15 per cent of the present intoxication caseload into court under the "commitment" features. The effect of a substitution of the medical approach of this proposal and removing intoxication from criminal offenses is evaluated as an indication of what might be done not only with respect to intoxication but with respect to other "victimless crimes" which occupy court time in substantial measure as an aggregate.

Based upon annual court data, intoxication cases represent 13.8 per cent of the total Circuit Court criminal caseload (15,527 cases in 1971 and 13,375 cases in 1972) averaging 14,451 cases over the two-year period out of the average annual Circuit Court criminal caseload in the same statistical tables of the Judicial Department of 103,528. (This average total criminal caseload is higher than the number of 88,865 derived from other Judicial Department data and used in the remainder of this report.)

If one assumes that only 15 per cent of the present intoxication caseload were to find its way back into the Circuit Court caseload (which will be assumed to be a criminal caseload for the time being although the proposed bill would treat intoxicated persons on the civil side of the court), the criminal caseload would be reduced to 72,290 cases which, when combined with the motor vehicle cases, would equal a total caseload of 161,155. Based upon

the presently available 6431 judge days for criminal and motor vehicle business, this would mean a reduction to 25.4 cases per day, or an improvement of 4.5 per cent from the present rate of 26.6 cases per day.

TOTAL IMPACT OF REMOVING CASES
FROM THE CRIMINAL CASELOAD

As is readily apparent from a comparison of the statistics with respect to the addition of judges and their impact upon caseload per day with the statistics relative to elimination of caseload, there is much greater potential for producing real benefit in the system by eliminating from the caseload some of the cases which less require judicial time and thus freeing judge time for those cases which demand it. Whereas the addition of six judges to the Circuit Court reduced the caseload per judge day in criminal/motor vehicle business from 30.3 to 26.6 (after deducting the motor vehicle business processed by the Violations Bureau), the potential changes hereinbefore discussed would effect a much greater improvement at considerably lesser expense to the taxpayer.

<u>Type of Cases</u>	<u>Present Caseload</u>	<u>Motor Vehicle Reform</u>	<u>Criminal Reform</u>	<u>Intoxication Reform</u>
Criminal	81896	81896	57499	72290
Motor Vehicle (exclusive of Violations Bureau cases)	88865	29145	88865	88865
Total	170761	103841	146364	161155
Cases Per Judge Day (Divided by 6431 Judge Days)	26.6	16.1	22.8	25.5
Improvement	--	39.5%	14.3%	4.5%

Total Improvement Possible

Criminal cases	47893
Motor Vehicle cases	<u>29145</u>
Total	77038 - which results 12.0 cases per judge day

Thus, it can be seen that the sum total of the several reforms considered hereinbefore would produce a reduction from the present caseload of 26.6 cases per day to 12.0 cases per day or a total reduction of 54.9 per cent. Compared with the possible reductions through re-examination of our approach to criminal and motor vehicle offenses, the effect of addition of judges and the effect of improvement in efficiency by court merger is relatively minor. As a practical matter, improvement in caseload alone must be coupled with improvement in efficiency through reorganization and unification or much of the savings could be lost.

IMPACT OF REFEREE TIME

What has not been analyzed in any of the prior statistics is the impact of the use of the time of retired judges or referees. This factor is far more significant in the Superior and Common Pleas Courts where there are a number of retired judges serving as referees for substantial periods of time than it is in the Circuit Court where there are relatively few referees serving. In addition, the jurisdiction of the referees in the Circuit Court is relatively limited.

Based upon Judicial Department statistics for the year 1972, eighteen retired Superior Court judges contributed a total of 2863 judge days or 36.6

per cent of the judge days available from the full time judges of the Superior Court (7821). Some of these days are undoubtedly part time but this is true also with some of the days of judges assigned to some of the more rural county courthouses.

If one adds this substantial contribution of judge days to the number of judge days provided by the full time judges of the Superior and Common Pleas Courts, this would have the effect of significantly reducing the rate of disposition of civil cases per judge day since the referees traditionally sit on civil and family relations matters only.

Referees in the Circuit Court are utilized for processing small claims cases and the statistics with respect to small claims have not been included in this report so that case disposition rates in the Circuit Court would not be materially altered by considering the effect of the referees.

OTHER FACTORS WHICH MIGHT BE CONSIDERED TO IMPROVE EFFICIENCY

There are a number of factors which should be considered in any evaluation of the judicial system from the standpoint of improving its efficiency.

The case disposition data from county to county and circuit to circuit does tend to reflect the disparity in the complexity of cases and in the availability of judges but it also indicates the need for strong administrative control over the allocation and use of judge time. Because of the procedure for rotation of judges to various court locations, no one judge ever has the full time

responsibility for ensuring efficient handling of court business at a given location. Moreover, procedures in effect at a given court location will be varied by the judge who is then presiding at that location. Consideration should be given to establishing a permanent presiding judge at each court location who will establish and supervise all court activity even if the remaining judges of the system are to be rotated in accordance with current practice.

The area of jury trials and jury selection is one which lends itself to great improvement. As of the present time, a common jury panel may be drawn for both Superior and Common Pleas Courts and that jury panel will be drawn from the county or judicial district represented by the court location. The Circuit Court must call its own separate jury panels and these in turn will be drawn from a district determined by the venue of the court. Considerable improvement could be made in the utilization of jury time and in the utilization of jury courtrooms by consolidating all jury trial activity at a limited number of convenient locations without regard to "venue" considerations with respect to the case and by making a common jury panel available for the cases of all three courts or of any courts remaining after any of the mergers considered herein. Moreover, drawing of a jury panel could be improved by specifying that the jury would be drawn from those persons living within some number of miles radius of the court location and thus allowing zip code selection rather than the present cumbersome procedures. It is believed that the Judicial Department will make the latter recommendation.

OPTIMIZING A MERGER OF THE
COMMON PLEAS AND CIRCUIT COURTS

As indicated by the statistical review of the practice of granting continuances to criminal and motor vehicle defendants in Table I of the Second Report, it is suggested that there be given consideration to granting first continuances upon written request since such continuances appear to be automatic. This would save the time of the defendants in coming to court for requesting the continuance and the time of the court in listing such cases on the docket and calling them during open court.

Based upon the number of courtrooms available and the relatively small use of some of the courtrooms, and the increased number of judges and referees, it is recommended that strong consideration be given to central assignment of judges and cases to courtrooms without regard to current venue considerations. In some instances, a long, drawn-out trial could be transferred to a courtroom location which is presently not heavily utilized and free for shorter trials courtrooms in congested urban settings.

Lastly, consideration should be given to the addition of some number of magistrates who would report directly to the judges and who would handle such court business as was assigned to them. The use of magistrates has proven particularly advantageous in the Federal court system where they are generally utilized to handle matters related to discovery, pre-trials, arraignments, and the like. Such magistrates should be carefully selected on a merit basis for full time employment and would represent a potential pool for selection as judges. The addition of magistrates is suggested only if additional "judges" are deemed necessary as a less expensive alternative.

Because of the strong preference of some members of the Commission for a merger of the Common Pleas and Circuit Courts as the preferred merger or as a potential first step towards an overall merger, an evaluation has been made of the possibilities for optimizing such a merger so as to minimize overlap and gaps in jurisdiction and thus increase the efficiency of the judicial system.

As has been indicated previously, any merger proposals should consider the Juvenile Court and matters relating to the person of juveniles in the Probate Court since this is an area where a great amount of duplication and gaps in jurisdiction presently exist. Moreover, such a merger would require the establishment of some appellate body if the present concept of providing appeals from the Circuit Court to an intermediate appellate body is to be continued.

It is thus recommended that the Juvenile Court be merged with the Common Pleas and Circuit Courts and that there be established within this merged court (1) civil, (2) criminal, and (3) family relations divisions, the last of which would include the present Juvenile Court operations as well as the present support bureau operations of the Common Pleas Court and the support matters in the Circuit Court. It is recommended that the present family relations matters handled in the Superior Court be placed within the jurisdiction of this family relations division so that all family relations matters and matters affecting juveniles would now be consolidated, thus eliminating the very signi-

ficant problems with respect to overlapping jurisdiction and gaps in jurisdiction.

It is further recommended that the Superior Court consider the establishment of a miscellaneous or appellate division to replace the present family relations division and that this new division handle the present appeals from the Probate Court and appeals from the merged court. In addition, it is proposed that the present appellate jurisdiction of the Common Pleas Court with respect to administrative proceedings would be transferred to this miscellaneous division. Thus, all appellate activity would be consolidated in one division of the Superior Court, the court which is generally considered to have the most experienced judges for the handling of such appellate activity. It should be noted that the Superior Court presently hears the appeals from the Juvenile Court.

In terms of caseload, the administrative appeals in the Common Pleas Court average approximately 10 per cent of its caseload, thus requiring 1.6 judges. The appellate activity from the Circuit Court requires less than one judge on an annual basis (240 judge days although 3 judges hear such cases). The Superior Court already has appellate jurisdiction with respect to contested probate matters and with respect to Juvenile Court matters so that the effect of shifting this jurisdiction to the Superior Court would be 2.6 judges. Conversely, the family relations caseload in the Superior Court has required approximately 12-15 per cent of its time. Even assuming that this time

requirement is reduced by the so-called "no fault" divorce provisions to a level of 10 per cent, this would mean that approximately four judges are required for the family relations business.

This proposed redistribution of jurisdiction would thus free at least 1.4 judges for other activity within the Superior Court jurisdiction. It is respectfully submitted that this redistribution would materially enhance the goals of improved efficiency and greater justice in family relations and juvenile matters and concentrate appellate activity in the highest court of original jurisdiction.

If more judge time is needed after this proposed merger, it is also recommended that the merged court be given authorization to utilize magistrates who would be selected on a merit basis and serve full time. These magistrates should be assigned to the busier counties to assist in a number of the time consuming matters and would free the time of judges for actual trial activity. It is imperative, however, that such magistrates report to the judges of the court to which they are assigned.

Although the proposed merger of the Common Pleas and Circuit Courts is not the preferred merger for the reasons which have been set forth hereinbefore, it will be appreciated that the above suggested reallocation of jurisdiction would achieve a good measure of the very real goals obtainable in an overall merger of the Superior, Common Pleas, Circuit and Juvenile Courts.

SUMMARY

The data developed by the surveys and obtained from the Judicial Department indicate that fundamental changes should be considered both in trial court structure and in the types of cases that inundate the "criminal" side of the trial courts. Even considering the greater severity of the crimes dealt with in the Superior Court and the larger damages and greater complexity of the Superior Court civil caseload and to a lesser degree the Common Pleas caseload, it is apparent that the court needing prompt and significant attention is the Circuit Court with a criminal caseload of 81,896 cases, a civil caseload (exclusive of small claims) of 21,631 cases, and a motor vehicle caseload (excluding the cases handled by the Violations Bureau) of 88,865 cases. By comparison the Superior Court has a civil caseload of 8128, a criminal caseload of 3673, and a family relations caseload of 11,926; and the Common Pleas Court has a total caseload of 8211. Thus the Circuit Court adjusted total civil, criminal and motor vehicle caseload is more than six times the total caseload of the Superior and Common Pleas Courts.

Addition of judges has effected a reduction in the entry rates per judge day but represents an unimaginative approach to dealing with caseload. The increase in 1973 of the number of Superior Court judges from 35 to 40, an increase of 14.3 percent, reduces the case entry rate per judge day from 2.1 to 1.8 for civil and from 1.8 to 1.3 for criminal. However, the increase of Circuit Court judges from 44 to 50, an increase of 13.95 percent, decreases the entry rates per judge day of only from 5.4 to 4.7 for civil and from 30.3 to

26.6 for the adjusted criminal/motor vehicle.

Of the several possible mergers proposed, only those which involve the Circuit Court should be considered since it is most in need of assistance in terms of judges and facilities. The most beneficial would be a total merger of Superior, Common Pleas and Circuit Courts together with the Juvenile Court and the matters affecting the person of juveniles in the Probate Court. This would eliminate all overlap and gaps in jurisdiction, enable full and best use of all judges for all types of Court business on the basis of competence and interest, and permit the full and best use of all court facilities and the best use of jury panels. The others ranked in order of benefit are Superior/Circuit, Common Pleas/Circuit, and Superior/Common Pleas.

If a merger of Common Pleas and Circuit Courts is proposed, merger of the Juvenile Court and the juvenile custody matters of the Probate Court should be considered into a Family Relations Division to which the family relations jurisdiction would be transferred. This would consolidate all family and juvenile matters. The Superior Court could establish an appellate or miscellaneous division to handle all appeals which it presently hears (Probate and Juvenile) together with appeals from the merged court and the administrative appeals presently heard by the Common Pleas Court. This would have the effect of consolidating appellate activity at the trial level in the highest trial court and would provide additional judge time in the Superior Court.

However, basic changes in criminal/motor vehicle substantive law are needed if the excessive caseload is to be reduced to manageable proportions

where "plea bargaining" is an option rather than a necessity. One possibility is to have all motor vehicle offenses classed as violations directed to the Violations Bureau except for those having criminal ramifications and those where the defendant elects to plead not guilty. Others considered are reclassifying petty misdemeanors to violations without jail sentences and elimination of intoxication as an example of only one of the so-called victimless crimes. Combining these possible changes could effect a total reduction in the present adjusted criminal/motor vehicle caseload from 170,761 to 77,038, or a caseload of only 12.0 cases per judge day.

Other efficiency improving factors should be considered such as consolidating court facilities, consolidating jury trials, permanent judicial supervision of court activity at each court location, elimination of circuit riding by judges, granting of first continuances by written request, central assignment of cases to judges and courtrooms without present venue restrictions, and the creation of magistrates as judge assistants to handle certain activities rather than appointing additional judges.

Thus the foregoing analysis establishes that any merger is beneficial, but significant benefits can only be obtained by a merger which involves the Circuit Court. Moreover, substantial impact on caseload can be best effected not by the addition of judges but by reclassification of some of the "offenses" which clog the Circuit Court. Primary focus of judicial reform should be to improve the quality of the justice dispensed and not merely the quantity.

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