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PLANNED AND UNPLANNED CHANGE SURROUNDING DELAY REDUCTION PROGRAMS

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A great deal of research has examined the criminal court process at a single point in time. This emphasis on cross-sectional analysis is perfectly understandable. Given that relatively little was known about the dynamics of court processing, it was only logical to begin by trying to understand the complexity of court disposition practices at a single point in time. Nonetheless focusing on a court at a given point in time omits the fact that changes can and do occur. A small but growing number of studies have profitably employed longitudinal analysis. Research by Nimmer (1978) has indicated the difficulty of inducing major reforms in court systems. Similarly changes in one aspect of court procedure may be offset by countervailing alterations elsewhere (Association of the Bar, 1976) or the program may produce unintended consequences (Rubenstein and White, 1979; Goldkamp, 1980).

This paper examines planned and unplanned change surrounding the introduction of delay reduction programs in four courts -- Providence, Dayton, Las Vegas and Detroit. Directly or indirectly each of these state trial courts received federal money to speed up the processing of criminal cases. What is most striking about these four courts is that the programs had the intended impact. That these programs were "successfully" altered court practices and output therefore provides a good opportunity for assessing changes in courts over a short period of time.

After providing a brief overview of the four research sites, the first sections of the paper will discuss some dimensions of planned and unplanned change using primarily the quantitative data. Later sections will then examine results that emerge from qualitative analysis. Throughout the emphasis will be on highlighting some important dimensions of change. Fuller documention and more extended discussions can be found in the full report. (Neubauer, Lipety Luskin and Ryan, 1980).

As will become quickly apparent, the theoretical underpinnings for this excursion into change in the four courts are sparse indeed. The basic reason, I believe, is that research has focused on stability in the courtroom process, especially works that directly or indirectly view courts as informal organizations (courtroom workgroups) stress how buffered the system is to change. In turn scholars have viewed mainline efforts at reforming the court process as fundamentally flawed because such efforts have been insensitive to or the actual dynamics of the process (Rosett and Cressy, 1976) and Neubauer and Cole, 1976). In short the literature to date has not examined change in the court process in a focused manner and has been primarily interested in the topic in an effort to rebut the work of others.

In analyzing change in the four courts some descriptive categories emerge that hopefully can begin to sort out what is or is not important. Thus woven throughout this paper will be an examination of some different types of changes: 1) the impact of the program itself; 2) an exploration of possible unintended consequences; 3) examples of incremental change (probably best viewed as tinkering with existing procedures); 4) the influx of new personnel; and 5) alterations in the court's environment.

THE RESEARCH SETTING

This investigation is rooted in the courtroom experiences of defendants in almost 3,000 cases and the perceptions of more than 75 courtroom actors across the three courts. We played an active role in the selection of courts to be evaluated. From approximately 25 projects funded by LEAA's Court Delay-Reduction Program, we chose four. Two selection criteria, consonant with our mandate, were utilized. First, the projects to be evaluated had to focus on delay in criminal cases. Second, the projects to be evaluated must have begun their programs no later than September 1978, in order to insure an adequate amount of time after the innovations were introduced for impact analysis. The application of these two criteria resulted in the selection of Providence, Rhode Island; Dayton, Ohio; Las Vegas, Nevada; and Detroit, Michigan.[1] The first three are general jurisdiction trial courts that hear a range of criminal and civil cases.

Sampling from Case Files

Case processing information was gathered from official court records in each of the four sites. Key dates in the life-history of a case were collected, including the date of filing, arraignment, disposition, and sentence where applicable. Additionally, we gathered information on a wide range of case and defendant characteristics.

In constructing the sampling design, we made three key decisions. First, we sampled from the population of cases filed rather than from cases terminated. Earlier studies have typically used samples of cases terminated, but these are not well suited for time series analysis. In addition using a sample of terminated cases can potentially bias the sample. Second, we sampled across a substantial period of time, 36 months in Providence where the court received two grants at different points in time, and approximately 24 months in the other sites. This large number of months facilitated the collection of data before, during, and after the introduction of programs designed to reduce delay in each site. Finally we chose the defendant as the unit of analysis, so that in multiple defendant cases -- where several defendants were assigned the same case number -- one defendant was randomly selected. This eliminated any potential bias cases. These decisions resulted in sample sizes of 700 in Dayton, 884 in Las Vegas, 1381 in Providence. Table 1 provides further details on the courts examined and the samples drawn.

(TABLE 1 ABOUT HERE)

Interviews and Observations

The collection of qualitative data was an integral part of this project. Qualitative data provided descriptions of courts, the history of delay and delay-reduction programs, court participaants' evaluations of the delay-reduction programs, and program implementation dates to facilitate the analysis of the quantitative data. The breadth and depth of the qualitative data also informed the quantitative analysis by providing explanations for unanticipated relationships between variables or dramatic changes in the quantitative data.

Formal interviews were conducted with key planners and courtroom actors in each site, including the chief judge, court administrator, prosecutor, public defender, judges hearing criminal cases at the time of our field work

or during the delay-reduction program and assistant prosecutors and public defenders. These interviews typically lasted from thirty minutes to one hour. Most interviews were tape recorded to facilitate full accuracy. Respondents were guaranteed anonymity. Attribution to quotations in the Final Report is done so as to insure that respondents cannot be identified.

Observations were also conducted in each site. This included repeated observations of courtroom activity, such as trials, calendar calls, and guilty pleas. Also included were observations of case scheduling offices, arraingment courtrooms, and lower court proceedings, in order to gain a more complete picture of all the stages of criminal case processing in the sites.

CHANGES OVER TIME: UPPER COURT CASE PROCESSING TIME

The most fundamental question in the evaluation is whether delay decreased after the delay reduction programs were introduced. To effectively answer this question the research first substituted the phrase case processing time for delay because the latter is too ambiguous and subjective. (Neubauer, 1981 and Neubauer, Lipety, Luskin and Ryan, 1980: Chapter 2). Further it was necessary to analyze separate time frames: lower court time (from arrest to bind over); upper court time (filing of the charging document to disposition by plea, trial or dismissal) and finally sentencing time.

A basic way of examining time-series date is through a time line, a graph indicating the value of the observed variable over several points in time. Ascertaining a trend in such data may not be easy, because a number of factors produce fluctuations. Tukey pioneered a method of "smoothing" data to provide a "clearer view of the general, once it is unencumbered by details." (1977: 205). One way to smooth fluctuating median values over time is through the use of running medians, a technique which takes a median of surrounding medians, thereby casting to one side extreme median values when they occur in isolation or infrequently. Figures 1 through 4 provide running medians for the four sites and reveal a diversity of impacts.

In Providence case processing time decreased substantially, indeed dramatically. Note that during the initial months of 1976 case processing time 676, 400 and about 520 days. For the last months of 1978 the comparable figures were well below 100. To be sure there are significant fluctuations from month to month, but such fluctuations are to be expected given the relatively small sample size per month.

The date for Detroit reveal a similar but less dramatic decrease. Detroit's delay problems were less extreme than in Providence but the program reduced the overall time by half.

The other two graphs, however, prove more problematic in their interpretation. In the Las Vegas trial court, the innovations associated with team and tracking had only a small effect on case processing time: the median dropped from 61 days (from arraignment to disposition) in the baseline period to 47 days in the innovation period, and rose slightly (to 48 days) in the post-innovation period. These small decreases though must be understood against the backdrop that the changes in court procedure occured prior to the sampling period. If we had drawn the sample for earlier years we would expect (based on extensive field research) to have found a dramatic decline.

Dayton presents a very different pattern. Median time dropped from 69 days in the baseline period to only 43 days in the post innovation period. Nevertheless monthly-based time lines suggest lack of consistency and stability in the improvement calling into question the long-term effects.

Box-and-Whisker Plots

What is most striking about case processing time is its variation: Some cases reach disposition soon after filing, others take several months, while still others languish for extended periods (over a year in some Providence cases). From both a policy and legal vantage point, such variation is of great importance.

Past studies of court delay have used one or more measures of case processing time: mean, median and/or the toughest 10 percent (see, e.g., Church et al., 1978, Federal Judicial Center, 1976, National Center for State Courts, 1978). No single measure, however, captures the full range of variation. We will, therefore, examine case processing time in a variety of ways, utilizing currently popular analysis and display techniques from "exploratory data analysis" (EDA), developed by Tukey (1977). We believe that a variety of statistical pictures can best project important variations in case processing time.

Box-and-whisker plots, developed by Tukey (1977), are an effective method of displaying information about the entire range of a variable. Whereas means and medians attempt to summarize the central tendency of a variable, a box-and-whisker plot provides information about cases surrounding the median and extreme cases.

The running median provides a useful overview. But we also need to also examine dispersion. A box-and-whisker plot for every month's sample of cases would be impractical, both logistically and visually. Twenty-four (or 36) plots would be too much information to assimilate. Therefore, we have divided time spans into periods, either two or three periods, which roughly correspond to key transitions in our courts. Thus, the first time period is always the baseline period, whereas later time periods may be planning and impact periods (as in Providence) or innovation and post-innovation periods (as in Las Vegas). The utilization of a few time periods not only facilitates display of box-and-whisker plots but also the use of multivariate analysis techniques over time (to be described later). Figures 5 through 8 provide box-and-whisker plots for the four courts.

The "box" represents the range of the cases falling between the 25th percentile and the 75th percentile. The size (length) of the box is a visual summary of the range in values: the larger the box, the greater the range; the smaller the box, the more constricted the range. The horizontal line inside the box is the median value, the age of the case(s) at the 50th percentile.

By comparing the box-and-whisker plots in several different time periods for each court, we are able to identify a number of types of changes. We immediately see that in each of the four courts that not only did the median decrease, but the size of the box likewise shrunk. Focusing on the 75th percentile we find a decrease in Providence from 573 days to 104 days with similar but less dramatic declines in the other sites.

The "whisker" represents the value of an outlier, an extreme case. The whiskers are intended to name outlying values in order to facilitate substantive interpretation. In court delay studies, the name of a case is insignificant. Therefore, we have modified the upper whiskers such that there is only one whisker atop the line extending down to the box. This one whisker, in our analysis, represents the value of the cases(s) lying at the 90th percentile. How courts handle their very "tough" cases is important. That is, how long do the court's long cases take to process?

In all four courts, the delay reduction programs successfully reduced the time necessary to process the toughest cases. In Las Vegas for instance the whisker drops from 228 days to 167 days.

The box-and-whisker plots highlight an important effect of the delay reduction programs: case processing time became more routinized. The disparity within the boxes decreased in important ways. This is particularly important in observing Dayton and Las Vegas. While the net decrease in median time was not great, the largest effects were observed in reducing disparity of treatment. In all four sites case processing time is more homogenous after the innovations.

LOWER COURT CASE PROCESSING TIME

The research also examined lower court case processing time. The pattern that emerges differs significantly from that for the trial court. To begin with Dayton and Detroit processed defendants from arrest to bind over to the trial court with great alacrity. In Detroit the typical case took 8 or 9 days (median) whereas in Dayton the comparable figure was 15 days (median). These figures changed little mainly because the programs made no attempt to alter existing practices probably on the assumption that there was no need to improve on procedures already working well.

Providence and Las Vegas on the other hand experienced major difficulties in speedy dispositions in the lower courts.

Although lower court ime was not included in delay-reduction programs in Providence, it is instructive to examine this time period for two reasons. First, have the efforts in the trial court had any direct or indirect impacts? Second, do factors predictive of upper court time hold for other case processing times as well. Moreover, the District Court did respond to the 180 day goal of the Judicial Planning Committee. (An agency of the state court system).

Figure 9 provides a time-line of case processing time from arrest until the defendant is arraigned in Superior Court using a running median. This time-lines looks strikingly different than for trial court time. Rather than showing a decrease (as in Figure 2), it indicates that lower court time increased, reaching a peak in the first few months of 1978. The only possible explanation is that the later months of 1977 (when the cases in the peak would have first appeared in the Attorney General's Office) were the period of the PUSH Program. (The local name for a criminal crash program). One surmises that DA's time was devoted almost exclusively to case preparation of already-filed cases. Screening new cases, therefore, was assigned low priority.

After March, 1978, the time from arrest to arraignment begins a steady drop. Two factors may account for this drop. First, DA's routine (interrupted during the PUSH) returned to normal. Second, the changes in the case screening unit began to have an impact. The time-line ends too soon (December, 1978) to draw any firm conclusions about which (or both) factors were involved. Discounting the temporary impact of the PUSH Program, lower court time was not affected by innovations in the Superior Court.

A sharply different pattern emerges in Las Vegas. The Justice of the Peace Courts, were a major target of the team and tracking innovation. Court actors perceived far-reaching problems in the operations of the lower courts. Additionally, however, other changes were instituted in early 1977 to combat these problems. These included the elimination of the master calendar in favor of the individual docket and the addition of a new lower court judge. Thus, because several innovations occurred nearly at the same time, we necessarily examine their combined impact.

In analyzing the data on lower court processing time, several cautions are needed. The most important one relates to the sampling design. Because we sampled from cases filed in District Court (from 1977 to 1979), we do not have a random sample of lower court filings for any time period. In fact, we have data on cases which originated in the lower courts as far back as 1975 or 1974, cases which obviously languished before moving up to District court (in 1977 or later). As a result, we have eliminated from the lower court analysis cases that were filed in the lower courts prior to January 1, 1977. This effectively eliminates any bias toward "old" cases.

Several other caveats are also in order. We have no data on lower court processing time for cases that proceeded by grand jury indictment, because the court files do not contain such information. From our interviews we have reason to believe that such cases were likely to be older ones. Indeed, therese cases proceeded much more slowly in District Court, as our analysis there indicated. Finally, the court files contain only the date of filing of a complaint, not the actual arrest date.

The cumulative effect of these missing data is to make the lower courts look faster than they really were. Furthermore, our elimination of cases filed in the lower courts prior to 1977 -- through necessary for analytic purposes -- has a similar effect insofar as any improvement taking place in processing cases prior to 1977.

Figure 10 displays the mean and median processing time in the lower courts for cases filed in the lower courts from January 1977 to December 1978, a period during which team and tracking and other changes specifically directed to the lower courts were introduced. Unlike in the District Court analysis, the trend here is dramatic and unmistakable. The mean case processing time dropped from a high of 157 days just prior to team and tracking to 55 days at the end of the innovation period to a mere 37 days at the end of the post-innovation period. Median case processing time experienced a roughly parallel, if slightly less dramatic, decline. The median time was rising to 99 days before team and tracking, but dropped to 40 days at the end of the innovation period.

Figure 11, a box-and-whisker plot of case processing time during the three time periods, corroborates the dramatic decline illustrated by the

previous time lines. The median drops sharply, from 81 days in the base period to 69 days in the innovation period to only 40 days in the post-innovation period. Equally important, the time needed to process more difficult cases dropped sharply. Three-fourths of the cases were processed in a mere 65 days in the post-innovation periods, compared with 141 days in the innovation period and 161 days in the base period. The largest 10 percent of the cases were also processed much more quickly, from a minimum of 305 days in the base period to a minimum of only 117 days by the post-innovation period. These reductions in variance are emphasized by the change in the shape of the boxes, from rather large in the base and innovation periods to quite small in the post-innovation period. Note also that the 25 percent point does not change significantly over time. A minimum amount of preparation time in the lower courts is required for most cases. Rather, what changes is the processing of the majority of cases that cannot immediately be disposed. For these cases, the lower courts seem to have successfully established routines, subsequent to the implementation of team and tracking and other changes.

Summary

Several conclusions emerge from these findings. First, assessments of change in the courts must be cognigant of important contextual matters. The lack of change in case duration in the lower court of Dayton and Detroit simply reflects the lack of any problem. Similarly the lack of dramatic change in upper court processing time in Las Vegas reflects the fact that changes in court procedures occurred before the sampling period. Second, Providence seems to encapsulated two contrasting patterns of tertiary impact. During one period efforts to speed up the upper courts divert resources with the net result that case duration increased in the lower courts. But within a year we begin to detect the opposite pattern -- a reform aimed at just one part of the process begins to begin improvements elsewhere. Thus even though the Providence delay reduction efforts focused only on Superior Court, these changes (particularly in the Attorney General's case screening unit) had spill over effects on the lower courts.

THE ROLE OF CASE CHARACTERISTICS

Beyond merely identifying changes in case processing time, the evaluation was also interested in the effects of case characteristics on case processing time. Therefore, information from the official court records was collected on a wide variety of factors: type of offense, case complexity, bail status, attorney type, mode of disposition, sentencing, motion practice, and defendant characteristics.

Confounding Effects

At the first level, case characteristics are of interest because they may measure confounding effects. That is decreases in case processing time may not be due to the delay reduction projects themselves but the product of an increase in the proportion of cases that take less time to reach disposition.

We therefore compared the distribution of case characteristics for the major time periods under scrutiny (base period, innovation period and in two sites a third period). The changes delected were overall minimal and fell

well within fluctuations due to sampling error. (See Tables 2, 3, and 4). We can conclude therefore that there were no major short term changes in the types of cases reaching the court for processing and disposition. Frankly, this finding should come as no surprise. The formal and informal organizational aspects of the court process amply suggest that the process is buffered at a number of levels against short term shifts in input.

While there were no major disjunctures in case mix, there were some slight changes that merit comment. Proportion of drug cases on the docket of Superior Court in Providence (Table 2) varied by time period. (Low in 1976 -- higher in 1977 and 1978). In addition the percentage of defendants out on bail also increased.

In Dayton (Table 3) the data indicates that the overall mix of cases were slightly less serious. In particular the number of theft cases increased (which proably explains the change in bail release) probably tied to campaign against welfare fraud. Likewise in Las Vegas (Table 4), we found that the kinds of cases coming before the trial court changed in slight but significant ways, there were more "easy" cases and fewer "different" ones.[2]

These slight variations hint at the possibility of changes over time in a court's docket. Perhaps a cuttery point of every 10 years (if Friedman and Percival) might reveal in these or similar courts a trend toward more drug cases, and perhaps fewer serious cases as well. Moving beyond major shifts over time, we might productively search for short term influences of "special cases." A regular feature of the law enforcement in New Orleans is the major drug sweep with arrests of over 100 alleged drug dealers. How such jolts affect the court processes and whether they are disposed of any differently remains an open question. Perhaps such drug raids are best understood in symbolic terms (Edelman). Balbus for me offers an intriquing analysis of differential court responses to major and minor riots.

Statistical Effects of Case Characteristics on Case Processing Time

An amorphous body of literature suggests that how quickly or how slowly a case proceeds to disposition is related to the type of case. Thus it is commonly assumed that serious cases like armed robbery where the defendant is represented by a privately retained attorney will experience extended case processing time. An earlier paper discussed and tested these ideas, so no attempt will be made to duplicate this work. (Neubauer, 1981b).

What is of interest in the context of this panel, is the off impact of analyzing differing time periods. Tables 5, 6 and 7) report the results of step-wise multiple regression for the three courts for the entire sample as well as the operative time periods. One can immediately see that the conclusions reached depend on which year or years are scrutinzed. Let me therefore highlight some important conclusions.

Within courts case treatment became increasingly homogenized as a result of the innovations. This is reflected in the decline of the discriminating power of case and defendant characteristics. Before the innovations, there was often a wide disparity in the processing times of certain classes of cases. Most notably, the number of motions, the bail status of the defendant, and the eventual mode of disposition played a key role in each of the courts

in accounting for variations in case processing time. After innovations were introduced, these disparities were typically reduced, often substantially. In Providence, for example, prior to the innovations cases going to trial consumed almost twice as long as those pleading (483 versus 318 days), but after the innovations the difference was a mere 14 days (95 versus 81 days). An even greater reduction in disparity of treatment occurred in Las Vegas. Cases going to trial consumed three times as long as cases pleading before the innovations. In most of the sites, the deleterious impact of motions filed and defendants out on bond was reduced once the delay-reduction programs were put into place.

Homogenization of case treatment can also be seen in the decreases in the proportion of variance explained by case and defendant characteristics. For example, in Las Vegas 26% of the variation in case processing time is explained by case and defendant characteristics in the baseline period, but that figure drops to 20% in the post-innovation period. In Providence, too, a decline can be noted from 21% in the baseline period to only 10% in the impact period.

The reason for decreased explained variance is straight-forward: as the courts imposed a management system (or refined the existing one) most of the time a case was before the court consisted of time related to court routines. Cases become more guided by these routines than by their characteristics. Thus the innovations helped these courts to rationalize and routinize their treatment of cases.

These changes are most pronounced in Providence -- the court that with the greatest initial delay problem and the court that experienced the highest relative amount of decrease in case processing time. Note in particular that the variables entering the regression analysis vary by time periods. The model based on all three years fits fairly well with those for the base period and the planning period, since most cases come from these two periods. But the overall model does not fit at all for the impact period. Only bail remains in the analysis in the same direction. That different variables are associated with case disposition time after the innovations contrasts sharply with our earlier discussion that case characteristics remained very stable. Thus, those who hope (while others fear) that speeding up a court's docket will alter the dispositional process are proven incorrect, at least in Providence. What chages is not how many defendants plead guilty, escape with no conviction, are released on bail or sentenced to prison, but how (much) these variables affect disposition time.

In Providence the establishment of routines systematized the process. The type of disposition (plea or trial) no longer delayed or sped up a case, although this could have happened had a plea cut-off date been successfully implemented. The filing of motions no longer disrupted the processing of a case. During the three time periods the rate of guilty pleas increased while dismissals declined. The new routines corralled the impact of these factors, but generally did not alter the frequency of their occurrence.

The greater systematization is also seen in the impact of other variables like age, previous convictions and probation. After April 1, 1978 the data reveal a more rational or legitimate set of priorities. Defendants receiving the least restrictive penalty are processed faster, as are those with prior felony convictions. Moreover, the age of the defendant is no longer associated with how long a case will take. The priorities given to cases become more

geared to the goals of the trial court, where before, more extraneous factors affected case processing time.

In Las Vegas and Dayton, on the other hand, there are only marginal differences in terms of which variables enter the regression models during varying time periods.

Note for example in Las Vegas seriousness is statistically significant only for the post-innovation period and Grand Jury indictment enters during the innovation period but is only of borderline significance during post-innovation. In Dayton the same predictative variables emerge in both the pre- and post-innovation sample but when we aggregate the sample two additional variables gain statistical significance.

Reduced sample size clearly posses problems when one is trying to compare different sub-samples. These problems aside, however, it appears that in both Las Vegas and Dayton there are only marginal differences based on which time span is analyzed. In Providence, however, the differences are major.

The contrasting regression models have some implications for court research. Most studies examine the court process at one point in time. If the underlying dynamics of the court process remain relatively stable over time, this causes no problem. Our study, however, examines courts that are in transition. If we had examined just one year, our description of what was happening to case processing time in Providence would be vastly different from our analysis of three time periods. In this regard it is important to ask what changed and what remained constant in Profidence. What remained the same were the underlying distributions on how cases were disposed. Proportions of plea, trials, prison sentences, pretrial custody and so on remained remarkably stable. What changed was how these variables interacted with case processing time. It is possible that in other courts, however, underlying case characteristics may change over time. In short, comparisons of the same court across differing time periods adds an important perspective to our understanding of the criminal court process.

Consequences of Delay-Reduction Programs

So far we have argued that in the three courts under scrutiny case processing time decreased but such decreases can not be explained on the basis of a change in the types of matters before the court. Moreover as delay was decreased case processing became more homogeneous. We now need to turn to a third matter -- possible changes in disposition practices. Some skeptics might wonder if all the courts did was increase plea bargaining or hand out lighter sentences. In turn there are some who hope (while others fear) that speeding up the court's docket will alter the dispositional process.

We can report that there were no such changes in the dispositional process. Trial rates did not increase. In each court about 5% or 6% of the cases went to trial. This trial rate did not vary according to the programs introduced. This would seem to refute the notions found in some early plea studies that delay was a tactic associated with case negotiation.

Similarly rates of plea bargaining remained constant. In Providence a higher percentage of cases were pleading guilty during the impact period because there was a slightly smaller percentage of case dismissals. In the same vain

sentencing rates did not vary according to the delay reduction programs. It is true that in Dayton the prison incarerration rate decreased during the post-innovation period but this was a reflection of the greater proportion of non-serious cases (accompanied by a drop in defendants with a prior conviction). Overall then differences in pleas, trials and dismissals by time period were well within rates of variation one would expect given the sampling fraction employed.

The lack of any changes in the rate of case dismissals merits specific comment. One body of thought suggests that delay is deleterious because cases weakened over time and therefore prosecutors will be forced to dismiss cases. The report tests this notion without some rigor and finds no overall support. Instead it argues that case dismissals are more likely the product of cases that were initially weak to begin with.

A QUALITATIVE PERSPECTIVE

Why did these four programs succeed in reducing delay? Answering this question proves difficult. Frankly, the literature betters arms us with reasons why programs don't work. A number of studies have documented the difficulty of inducing change in the criminal court process. In particular Raymond Nimmer in a series of articles culminating in THE NATURE OF SYSTEM CHANGE highlights the obstacles to inducing reform.

Yp to this point, we have concentrated on the quantiative part of the study, using some of the qualitiative data to interpret the empirical findings. In examining why the programs worked, we need to reverse this equation and examine some major (as well as some minor) changes that emerged from our extensive interviews and observations in the courthouse.

The fundamental difference between the successes evaluated in this research and the failures documented by others is that in the court delay area the reforms percolated up from the bottom. By contrast the areas investigated by Nimmor share a commonality someone attempted to impose a reform from above. The Final report of the delay reduction project traces this phenomenon to local socio-legal culture.

America's courts operate within different environments and varying legal structures and procedures. Courts reflect a variety of informal practices a and local norms. Our study focuses on this diversity in local socio-legal culture.

Some aspects of local socio-legal culture may contribute to delay, others facilitate efficiency, and some have no effect on delay. Some aspects of the local culture are amenable to change by courts while others remain outside court's control. Each of our research sites designed delay-reduction programs compatible with existing political and economic parameters. Thus, they coped in different ways with the components of local socio-legal culture. Consideration of cultural characteristics and legal structures provides the broader context within which local courts operate. Discussions of communication networks and the role of the judge illustrate the importance of specific informal practices and norms that Church et al. (1978a) more generally indentified as sources of delay.

The essential first step in each court involved defining delay as a problem. As Nimmer correctly notes "In most courts, speed of disposition is secondary or unimportant" (1978:77). It is difficult in post-hoc investigation like this one to accurately gauge pre-existing attitudes. But all of our data points to a qualitative shift in these courts that case management problems existed.

Defining delay as a problem typically resulted from the efforts of a nucleus of court officials. In three courts (Detroit excluded)[3] the chief judge in conjunction with other judges played key leadership roles. But one can not place exclusive emphasis on just the chief judge, for the powers of the office varied from moderate to virtually more (Las Vegas). Moreover the courts in Detroit, and Las Vegas display a pattern of the judges selecting a powerful chief judge followed by the choosing a weak one.

It is also significant to note that in the four courts there was no substantial judicial opposition. A judge in Las Vegas made the point this way:

> Had there been any real resistance from the bench, I don't think it would have sailed at all. Everybody kind of said, O.K., yes, let's look at it, let's try a system. In fact, I think the way we finally got it on was to say: look, let's try it. If it doesn't work, we can always go back to square one. It was thought out, but to those who were not really into whether we should or shouldn't go, the offensive, I think convinced that group. (Neubauer, Lipety, Luskin and Ryan: 272).

Lack of opposition is can be traced to the fact that the programs avoided challenging local definitions of judicial independence. To be sure some specifics of the programs became viewed as improperly encroaching on judicial independence and as a result those specifics were not implemented. For instance in Providence the court did not adopt the concept of a plea cut-off date and in Las Vegas the court refused to allow the collection and dissemeration of caseload date aggregated by individual judge. Indeed in Las Vegas judicial perceptions of independence led to a 6-5 vote to fire the court administrator.

The lack of opposition also reflected the fact that a number of judges were essentially indifferent to the program. Because they viewed their essential work as essentially untouched, they were willing to go along with alterations in case management. In essence the delay reduction programs provided the indifferent judge with a case management system that made their work dayeasier, provided positive feedback and essentially required no major alteration.

One can not speak just of judicial backing of delay reduction efforts. In each of the four courts other court actors played key roles. The nature of these activities dependend on local conditions. In Detroit the District Attorney's office was a major agitator for change and a source of important ideas. In Providence the Attorney General was committed to change but deep seated management problems in the office coupled with a weak political position (election every two years) meant the office was less central to changes in the court. Finally in Las Vegas the public defender's office was a key backer of team and track while the new district attorney was preoccupied with reforming his own office. Not only did the programs garner key support from other court actors, but in turn the programs created or strengthened communication channels between the judges, prosecutors, public defenders and court administrators.

In each of these courts the external environment provided incentives for the court to do something. The massive jail problem in Detroit, the activity of the Judicial Planning in Providence and impending judicial elections in Las Vegas provide examples of outside forces that made the courts receptive to undertaking reform.

A key conclusion of the Final Report is that delay reduction efforts must be responsive to the local socio-legal culture. Stated another way one can not necessarily export a "successful" program from one court to another.

We can flesh out this outline of the change process -- problem definition, internal leadership. Lack of major opposition, supportive activites of prosecutors, public defenders, etc. and an environment conducive to charge -- by treating a few topics in greater depth.

Magnitude of Change

With the exception of Dayton, the cumulative nature of the changes implemented were from any perspective major ones. The courts in Providence, Detroit, and Las Vegas operate fundamentally differently in terms of case management from the way they did just a few years ago. While the individual components of the programs were often merely incremental adjustments to existing procedures, the cumulative effect was major.

Pace of Change

In reconstructing what happened in these four courts it is essential to disabuse the reader of the notion that the end product was inevitable. The change process associated with the implementation of the delay reduction proggrams was essentially a period of trial and error. Moreover as we will discuss shortly, some of the specifics were the subject of internal controversy.

The lack of inevitablity is encapsulated by innovations that were either not implemented or once implemented were later rescinded. In Providence for example the court computerized its records. Later when it discovered that the computer system was simply inadequate, it coverted back to a manual case tracking system. Similarly in Las Vegas the court administrator, who had served as a catalyst for the program was fired by the court, resulting essentially in some dimensions of the program lapsing into a state of suspended animation. In the same vain some of the much touted aspects of the Detroit program -- a war room and a quasi-chief judge for each floor -- either were not implemented or were merely paper creations with little substantive impact.

Moreover the judges in Las Vegas initially rejected the concept of team and tracking, only to adopt it a year later.

In this regards it is important to examine the pace of change. Each court differed in a manner that reflected the local socio legal culture. Action in Detroit was swift and decisive. The outside cazar moved the day of his appointment and set in motion a maelstorm of activity. Indeed the entire life of the Detroit program was about as long as the planning period in Providence. In Dayton there was much planning and consultation (although some suggest consultation was more for the purpose of ratification than for really seeking advice). Only in Dayton can one provide a fixed date when all the new innovations went into place. Otherwise the intervention dates are far from clean breaks with

the past. Finally in Las Vegas essential changes began in 1975 with numerous new phases occuring through 1978.

What needs to be stressed in this discussion of change and the lack of inevitability of the programs that finally emerge is the snowballing effect of change. Viewed with the total accuracy of high hindsight we can easily see that both Las Vegas and Providence faced massive tasks. Virtually all aspects of court operations (not to say the district attorney's office) required massive overhauls. Moreover the key nucleaus of reformers realized the possibility of major opposition. The net result was to pick out an area and begin there. As innovations were implemented the change process was begun. Success with one program altered the sense of psychological defeat (nothing can be done) and also pointed out other aspects of the process requiring attention. As imagined fears by and large did not materialize, new programs were discussed and implemented.

Crash Programs

Crash programs are the type of change most often associated with court efforts to reduce the backlog of cases and speed up dispositions. The courts in the state of New York, particularly New York City, have been conducting a crash program for over a year and predictably the program is one one hand praised by court officials and on the other hand condemned by judges and others whose activities have been seriously disrupted. Crash programs were used with some success in both Detroit and Providence. In addition Las Vegas, for a time, conducted a very intensive scrutiny of old cases.

Crash programs like these can produce some important benefits, not the least of which is making a dent in the accumulated inventory of cases (often by weeding out old, or otherwise untriable cases that should have been dismissed earlier). Partial success in disposing of more cases than normal provides important positive feedback to court actors that helps break the psychological syndrome of efeatism -- "nothing can be done." But crash programs are only temporary palatives. Their most lasting impact occurs when they are a fore-rummer to other systematic changes. Thus crash programs are most beneficial when they focus attention on the problem of delay and announce to the lawyers and public alike that the court is serious about reducing delay.

Crash program, however, require careful thought. The courts (particularly civil) may be neglected. Moreover, the public and the press may highlight negative results by charging that the judges are merely giving the courthouse away. Our analysis found no support for such charges, but what is important is that such negative assessments existed and often persisted. The negative assessments in Providence, for example, make the court unlikely to conduct another such program in the near future. But the main consideration is the follow-up to a crash program. Unless there is a systematic program that will follow lawyers are likely to view crash programs as nothing more than a periodic and predictable plague of locust (Church, 1978a) to be endured until it goes away and not as an indication that a new day has dawned.

Docket Changes

While the details varied in each of the four programs, there was one important similarity -- each court experimented with new ways of matching judges with cases. Las Vegas and Detroit scrapped their master calendar systems for

essentially the same reasons -- some judges were not pulling their fair share of the load, judicial accountability was difficult to locate, perceptions of unaairness and judge shopping permeated the courts, and cases were simply not getting disposed of. Providence chose to continue their master calendar but made significant adjustments often moving in the direction of an individual calendar. Finally Dayton continued the individual calendar but moved to centralize arraignments before the chief judge (an aspect of a master calendar). In each court we found judges and others more than willing to share their views of what happened and why. Their discussions indicated that some, but certainly not all, treat procedural case management issues as important. (Scholars traditionally have dismissed such matters as mere paper shuffling and therefore of little interest). Not only did these changes merit internal discussion but they often generated controversy as well.

Las Vegas provides a microcosm of some of these issues. What emerges as unique about the Las Vegas courts is not the obvious (a gambling community set in a vast desert) but that the court exemplifies patterns that are more muted elsewhere. By way of background in Las Vegas judicial independent is treated as an extension of the rugged individualism of the West. Judges are fiercely protective of their position and their turf. Moreover the court is badly divided and such squabbles are often aired in public. These are some of the background factors that shaped the courts numerous changes in their docketing system.

A new case assignment system was instituted in July 1975. The plan called for permanent divisions -- four judges permanently assigned to criminal and four permanently assigned to civil. (The 9th judge was assigned to juvenile and the 10th served as chief judge). Most importantly, cases were now handled on incididual dockets.

The move to permanent divisions with individual calendars had a very salutary effect. According to one backer, the change produced almost "instantaneous results." Another judge recalled that they really moved the criminal cases the first six months. We "did anything to get rid of cases, including things that shouldn't have been done," stated another judge. Impartial observers also praised the system. Several thought this initial permanent dividion was the best dividion of labor the court ever had.

One reason for these results appears to be the energy level accompanying the change. One judge, for example, remembered receiving stacks of paper and working on cases trying to get the backlog down to a manageable level. There was also cooperation among judges. One judge referred to the judges with the same assignment as his as working very well together -- they were very cooperative. Moreover, judges were able to choose their assignments; they volunteered for the types of cases they liked to best handle. Finally, once the backlog was reduced, the court was able to establish routines for the scheduling of cases. For defendants in jail, trials were set "in due course" within 60 days of arraignments on the information. For bailed defendants, the due course setting was 120 days.

From the beginning, the assumption was that judges would eventually change their permanent assignments. Thus, 16 to 18 months after the permanent divisions were created, the judges changed assignments. Those who had been hearing criminal cases now went to the civil docket and vice versa. Thus, for a period of about three years, the court operated on the permanent divisions system.

In April 1978, the court again changed calendaring systems, installing what was referred to as the flip/flop system. Each judge now heard both civil and criminal cases. He spent three weeks on one type of case and then three on the next. Under this arrangement, two district court judges are paired with a single justice of the peace court and a single district attorney/public defender team. The nine o'clock calendar call remained unchanged, however. That is, a judge on a three week criminal term still hears civil matters every other morning.

Why did the court change? Two very different interpretations were advanced. The overwhelming sentiment among the judges was that the three week flip/flop system produced a more desirable mix of cases to hear. In the words of one judge: "No one liked to have all of one type of case." He noted that, "in civil, one spends more time in chambers whereas in criminal, there is more bench work." Yet another judge stated that he simply got tired of doing nothing but criminal work; tired of sitting in the court and sentencing 10, 15, 20 defendants all in one day. He said, "It was a real ball breaker. I'd rather have the ability to switch back and forth." Thus, the feeling of most judges was that no one liked a steady diet of only civil or only criminal cases.

Added to this, however, was the perception of the judges that criminal cases were easier. "Criminal is so much easier . . . civil gets complicated." The judge continued that he is "not comfortable dealing with civil. I would prefer not to do them." Perhaps one reason that many Las Vegas judges seemed to prefer criminal is that many had previously served as justices of the peace and/or prosecutors and were more familiar with criminal law. At least one of the Las Vegas judges, through, clearly preferred civil and several drew no distinction. But to the majority of judges who liked hearing criminal cases, a clear disadvantage of the permanent divisions was that one ended up hearing cases that one preferred not to hear. The three week system evened out the inequities. Thus, as one backer of permanent divisions conceded, the flip/flop system "meets the needs of most judges."

Discussions of the desirable mix of cases aside, a couple of judges pointed to more fundamental problems in the permanent division. The accountability supposedly inherent in an individual docket system "lacked permanent continuity" because judges knew their assignments would change. According to one judge, when cases were transferred,

> "it became evident that some guys knew they could dump cases. Some calendars were in arrears. They realized that the individual system was good but it lacked permanent continuity. Some judges knew that soon they would be going to the other side therefore they could drag their heels."

In the words of another judge, when cases were transferred, "Some judges found they'd gotten 'screwed' -stuck with a docket that was very large and they became bitter." According to this judge, the flip/flop eased out everything -- now everyone received an equal allotment of cases.

The sentiment was that the original group of civil judges were the hardest workers and they inherited troubled criminal dockets. Conversely, after the switch, the judges who liked criminal were now handling the cases they found difficult -- civil.

Other problems also arose under permanent divisions. In the views of one respondent, "Court reporters were starving to death in civil, while the court reporters in criminal had a lot of transcript business to do and were making good money."

Note that the above assessments come from the court. Non-judicial respondents had a decidedly different perspective. All pointed to the upcoming elections as being the key factor. One summed it up as follows:

> The feeling was that the (permanent division) system was working very well . . .. However, the reason they went off that system . . . was purely a political issue. An election year came up and some of the judges felt like they were only hearing civil calendars, that the public would not like that or would respond better to judges on criminal issues. Naturally, a judge's criminal record generally is regarded as more important than his civil record in the taxpayers' eyes or the voters' eyes, so they split the calendars up . . . ."

Idential thoughts were expressed by a defense attorney: "The primary movtivating goal, the dominant goal, was publicity . . . they all wanted their names in the paper."

This argument was tested on several respondents. One private attorney discounted the upcoming election explanation, stating that the judges expect to run unopposed. A judge, whose opinions were viewed as not self-serving, acknowledged some credence to the political explanation, however. He thought that the possibility of publicity made the proposition "more attractive" but felt the primary motivation was "we were tired of doing the same thing."

There is no need and indeed no way to resolve these conflicting interpretations. What is important, however, is the wide divergence between the judges and those who work with the judges. That others so firmly believed that the primary motivation for the change in calendar was a political one aptly summarizes some of the underlying dynamics of the Las Vegas court system.

Changes in Plea Bargaining Practices

The four delay reduction progress were directly or indirectly associated with changes in plea bargaining practices. Recall from our earlier discussion that rates of guilty pleas did not change appreciably. Rather what changed oftentimes was the timing of the plea. In turn changes in plea bargaining practices were associated with alterations in the informal network of a on-going relationships among the actors. Let me illustrate these themes by discussing each court in turn.

In Detroit, the judges were encouraged by the newly selected chief judge to become more active participants in plea negotiations. New judge, for instance, were asked to observe the chief judge bargain cases out. Similarly if cases began to accumulate on a judge's docket, the chief judge would discuss the situation with the individual, often urging the necessity of greater involvement in case management and a more active stance vis-a-vis bargaining.

By contrast individual DAs become less involved. A key feature of the Detroit program was the creation of a floor prosecutor, who negotiated all cases for the four judges on his floor. Moreover defense attorneys were required to enter into negotiations. At the end of the session (often brief and proforma) a written form was signed indicating the nature of the offer. At times defense attorneys scoffed at the idea that they must place their signature on a form indicating that if the defendant entered a plea of guilty the state would recommend the maximum penalty. These new procedures had several effects. First, defense attorneys would negotiate directly with the judge for a better offer, with the prosecutor typically not present. Second, trial DAs expressed a sense of alienation. They could not bargain (only the docket prosecutor could) and if the case was weak they were expected to take the case to trial (often losing).

In Dayton, the opposite occurred. Under the plan the judges were to withdraw from the traditional pattern of tripartite bargaining. Now only defense and prosecutor negotiate. The removal of the judge from the negotiating process, coupled with centralized arraignments conducted by the chief judge, greatly reduced the judge's direct contact with the case and the defendant. It was not unusual, therefore, for the judge to first physically observe the defendant at the time a plea was entered. Some judges objected to their exclusion from contact with a case and after several months adopted strategies that subverted the plan.

The situation in Providence was for more complex than in either of the courts which begin with the letter "D". Beyond merely changing organization and management, the chief judge made major changes in personnel assignments. The four judges assigned to criminal cases shared basic similarities -- they were young, energetic and most importantly had been appointed to the trial bench after several years service in the lower court. Used to handling a large volume of cases in the "inferior" courts, they brought the same approach to their felony docket. Their activist orientation was in sharp contrast to the aloofness and conservatism of the criminal assignment judge who was nominally responsible for all criminal matters.

The activism of the four young turks set in motion changes in Providence's time honored master calendar system. Faced with a large backlog of criminal cases involving a handful of private attorneys, one or more judges selected an attorney and began to call all his cases. Pressure to dispose of cases was applied. Moreover the Attorney General began to consider assigning a specific attorney to a specific judge. It is too early to tell the final outcome of what will happen in Providence but perhaps the Las Vegas pattern will emerge.

The changes in Las Vegas are by far the most interesting and most important. (Clynch and Neubauer, 1981). As has been argued elsewhere the courtroom workgroup concept first labeled by Eisenstein and Jacob portends to be a very powerful explainer of courthouse activity. The problem remains, however, how do we know a courtroom workgroup when we see one? Given that a wide variety of contrasting practices fall under the umbrella concept of workgroup, perhaps it is so general as to lack any theoretical precision. Within this context Las Vegas is interesting and important because for the first time I believe we can document the formation of a workgroup where none had existed before.

Prior to 1975 the Clark County District Court operated under a master calendar system that by all accounts worked very poorly. A major difficulty was that a defense attorney never knew which prosecutor was handling a case and moreover did not know until the calendar call which judge would dispose of the case. In short continuity in case handling was totally lacking. Team and track changed all of that. Now when a case is filled, it is randomly alloted to one of the four Justices of the Peace. Associated with that JP is a team of Public Defenders that will follow that defendant all the way through to trial. Each JP in turn is teamed with one of two district court judges. Finally within the prosecutors office there are also four teams responsible for case preparation for the one JP and the two district court judges. This grand design does not always work out quite as planned but it has introduced a higher degree of continuity. Now a defense attorney knows who to contact -- the prosecutor's team leader. Within a very short period of time the court system changed from sporadic non-continous patterns of interaction, to one of stable, ongoing working relationships.

We can illustrate these changes by drawing upon transcripts of taped interviews and field notes made immediately after interviews. One of the team leaders in the prosecutors office, who worked under both systems, provides a good overview.

> Well, I enjoyed it better as a prosecutor simply because I had an opportunity to familiarize myself with one or two district court judges. Familiarized myself to the point where I could, you know, see them in chambers, I could call them over the phone. I always knew that my case would be tried in his courtroom, whatever case I had. You really were permitted to build a good rapport with the judge you dealt with and of course you made an effort to build that rapport. I mean any time there was a legal issue that cropped up, you made damn sure as a prosecutor, that you had the law and in the end. It really works to your benefit. You have the law at your finger tips, the defense attorney doesn't and pretty soon, for any legal issue, the judge starts looking to you as the prosecutor for the law. Now, you got to be right on it and the judge starts depending on you and the judge starts listening to you more. (Interview, Las Vegas, November 13, 1979).

Later in the interview the prosecutor provided some specific examples about bargaining cases. Under the new system he had greater informal access to the judge to discuss prior to the formal court hearing what the recommendation would be and why.

A similar perspective emerged during an interview with a judge, a judge incidently that works on a different track that the prosecutor we just quoted. Here were my reactions immediately after the interview:

> Another thing that he particularly likes under the individual calendar is that he says that he can talk to them, referring to the district defender and the public defender. He said it is harder to deal with the private attorneys. We then had a general discussion of what we would lable in essence the courtroom work group. He seems to take particular pride in having the ability

under individual calendars to be able to talk to the attorneys in chambers. At one point I suggested, well the attorneys would obviously know what your sentence predilections would be. He concurred in that and so he talks about getting to know the attorneys. They know him and know what he wants to do. (Field note, Las Vegas, November 15, 1979).

This new sense of working together is not just limited to the position of the judge. Prosecutors and public defenders likewise interact on a continous basis. Consider this statement from a public defender.

> Requests for continuances more likely come from the D.A. They will phone or contact the P.D. in advance. If the P.D. trusts the D.A. and thinks he isn't getting a snow job he will agree. But you have to know if you can trust the D.A. For example, you need to know if witnesses would be inconvenienced by the existing date or if they are not available. If not available it would result in a case dismissal and therefore, in representing you client you cannot agree. If you agree to a continuance, the P.D. tries to get something in return. In a recent request a P.D. agreed to a continuance on condition that the cases of co-defendants would be servered from the trial. (Interview, Las Vegas, Nevada, December 5, 1979).

It should be pointed out that not all the match ups were harmonious. Some public defender teams chiefs interacted with their prosecutorial counterparts on the basis of mutual respect. Other saids, however, were marked by suspicion and feelings that if one didn't watch out, so and so would pull a fast one.

In summary procedural changes in Las Vegas, particularly the introduction of the individual calendar followed by team and tracking greatly altered the informal pattern of courthouse interactions. A courtroom workgroup (or more accurately several somewhat contrasting sets of) courtroom workgroups emerged.

CONCLUSION

This paper has attempted to highlight some changes surrounding the introduction of delay reduction programs in four curts. The examples offered should sufficiently support the notion that changes in courts are ongoing, important and deserving of greater scholarly attention. Even though the time periods directly examined were relatively short (2 or 3 years) there was considerably more change than one would have initially predicted.

Rather than try to summarize these findings let me instead offer some perpectives on what this project suggests in terms of future research.

First we need to develop a better theoretical understanding of the change process in the courts. Concepts like the courtroom workgroup highlight stability, because they focus on factors that buffer the system against change. But changes do occur and in descriping these changes one falls back on very basic topics like leadership, incrementalism knowballing and the like. We probably need to reach into the public policy literature, particularly works on implementation (see Feeley and Sarat) to sharpen our theoretical tools. Simple description will get us only so far.

Second, a focus on change suggests that we need to devote more attention to how curts are governed and how they govern themselves. We need to examine not only multi-judge courts (Flanders, et al., 1977) but just as importantly the institutionalized Webb of interaction between the court, clerk, court administrator, district attorney, public defender, probation office, court reporters and the like. The courtroom workgroup properly focuses on interactions before a single judge, but this perspective can usefully be supplemented by examining relationships between instituions.

Third, we need greater attention to the ecology of court systems. The literature to date discusses the linkage between a court and its environment in very general terms. But as the findings for court delay suggest the specific linkages need exploration as well. (Jacob and Liniberry, 1979).

Finally we need to devote more time to monitoring court systems overtime. We need to return to research sites 9 or 10 years later to see if anything important has changed and if so why. Despite the fact that Detroit has been heavily researched by different individuals or teams, all have been context to describe what was happening at time X. But it is obvious that the description Eisenstein and Jacob offer of Detroit during the early 70's differs from the one we found at the end of the decade. To be sure some themes remained constant. Nonetheless it would be interesting to return to Detroit in a few years to assess the impact of the economic crisis caused by the declining fortunes of the American automobile industry. Similarly a return to Providence could indicate whether the trends we discovered did indeed prove to be trends rather than momentary disruptions.

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FOOTNOTES

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[1]The results from Detroit are reported here, but only briefly and selectively.

[2]Even though the changes in caseload were relatively minor, in Las Vegas, they argue for caution in interpreting the results of multiple regression. Given that the innovation surrogate variable bore only a slight relationship to decreasing case processing time (beta = ; 09) we can not rule out the possibility that the innovations variable stands for change in case mix. (Neubauer, et al. 311). By contrast in the other two courts this possibility is remote.

[3]The situation in Detroit was unique. The Michigan Supreme Court, convinced that drastic action was necessary, appointed a special court administrator with vast powers (the term cyar aptly fits). He was the initial source of leadership. One of his key acts was to select a chief judge. That person exercised a great deal of leadership.

Table 1

BACKGROUND AND SAMPLING INFORMATION ON THE FOUR COURTS

Court	Court	Court Jurisdiction	Sampling Period	Number of Months	Sample[1] Size	Type of Innovation
Providence, Rhode Island	Superior Court	Providence and Bristol Countries	1/76-12/78	36	1381	Case Scheduling Office Push Program Whittier Team
Dayton, Ohio	Common Pleas	Montgomery Country	1/77-6/79	24	700	Whittier Team
Las Vegas, Nevada	District	Clark Country	1/77-1/79	25	344	Team and Tracking
Detroit, Michigan	Recorder's Court	City of Detroit	4/76-3/78	24	3079	Special Judicial Administrator Crash Program 90 Day Case Track Docket Control Center Individual Calendar

1 Based on a 30 percent sampling fraction, except in Detroit where the sampling fraction was 11 percent.

Table 2

Changes in the Characteristics of Cases Before the Providence Superior Court

	Total Sample	Base Period 1/76-12/76	Planning Period (1/77-4/78)	Impact Period (4/78-12/78)
DRUGS	16%(176)	9%(34)	22%(95)	16%(47)
THEFT	26%(291)	28%	21%	30%
INDICTMENT	17%(186)	27%(100)	12%(54)	11%(32)
Made Bail	73%(814)	68%(258)	73%(321)	78%(235)
Plea	81%(924)	78%(292)	82%(363)	86%(250)
Dismissed	14%(158)	16%(62)	14%(60)	11%(32)

Table 3

Changes in the Characteristics of Cases Before the Dayton Court of Common Pleas

	Total Sample	Pre-Innovation (7/77-10/78)	Post-Innovation (11/78-6/79)
SERIOUSNESS-MAX. PENALTY 60 Months	51%	53%	60%
THEFT	39%	39%	44%
MULTIPLE CHARGES One Count	83%	79%	86%
JAIL (No Bail)	25%	29%	22%

Table 4

Changes in Characteristics of Cases Before the Las Vegas District Court

	Base Period 1/77-3/77	Innovation Period 4/77-3/78	Post-Innovation Period 4/78-1/79
Percentage of cases having...			
Motions (one or more)	46%	35%	42%
Pleas	60%	66%	66%
Defendants Out of Custody	64%	73%	64%
Grand Jury Indictments	15%	15%	11%
Serious Maximum	23%	20%	16%
Assault Charge	13%	5%	7%
N	74	383	311

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Table 5

Regression Models for Upper Court Processing Time by Time Periods

	Full Sample		Base Period (1/76-12/76)		Planning Period (1/77-4/78)		Impact Period (4/78-12/78)	
	Beta*	b	Beta	b	Beta	b	Beta	b
Number of Motions	.23	37.7	.21	39.4	.31	48.9	X	X
No Pretrial Release	-.18	-114.3	-.23	-190.5	-.19	-102.2	-.13	-24.8
Plea of Guilty	-.14	-97.6	-.24	-196.0	-.07**	-45.1**	X	X
Probation	.08	40.9	.13	85.8	X	X	-.17	-28.9
Miscellaneous (Charge)	.09	89.6	.10	130.2	.14	100.0	X	X
Burglary	X	X	X	X	X	X	-.12	-23.8
Age of Defendant	.06	1.9	.12	5.4	X	X	X	X
Number of Convictions	X	X	X	X	X	X	-.21	-11.1
Day Case Filed	-.41	-.1	Y	Y	Y	Y	Y	Y
R =	.56		.46		.42		.32	
R^2 =	31%		21%		18%		10%	

X = Not Significant.
Y = Not Entered.
*All Beta's are significant at .05.
**Significant at .126.

Table 6

Results of Multiple Regression for Trial Court Time in Dayton

	Full Sample (7/77-6/79)		Pre-Innovation (7/77-10/78)		Post Innovation (11/78-6/79)	
	Beta	b	Beta	b	Beta	b
Motions	.23	17.8	.25	17.5	.21	18.8
Pre-Trial Detention	-.16	-21.1	-.15	-18.7	-.18	-24.4
Plea of Guilty	-.12	-18.4	ns		ns	ns
Privately Retained Attorney	.12	14.7	.13	16.9	.13	15.6
Multiple Counts	.09	10.8	ns	ns	ns	ns
	R_2 = .34 R^2 = 12% N = 471		R_2 = .30 R^2 = 9% N = 341		R_2 = .33 R^2 = 11% N = 230	

All Beta's are statistically significant at .05.

Table 7

A Multivariate Analysis of Case Processing Time in Las Vegas District Court, by Time Period: Standardized Coefficients

	Full Sample 1/77-1/79	Base Period 1/77-3/77	Innovation Period 4/77-3/78	Post-Innovation Period 4/78-1/79
	Beta[a]	Beta	Beta	Beta
Number of Motions[b]	.35	.14	.36	.38
Plea	-.16	-.18	.17	-.15
Bail Status (In Custody)	-.15	ns	-.19	-.17
GJ Indictment	.14	ns	.21	(.09)[c]
Team & Tracking Innovation	-.09	—	—	—
Seriousness of Case[c]	.08	ns	ns	.12
Assault Case	(.06)[d]	ns	.12	ns
	R_2 = .52 R^2 = 27%	R_2 = .51 R^2 = 26%	R_2 = .55 R^2 = 30%	R_2 = .45 R^2 = 20%
	N = 716	N = 74	N = 362	N = 297

[a]All betas are statistically significant at .05, unless otherwise indicated.

[b]Coded as 0, 1, 2 or more motions, based upon bivariate relationship.

[c]Dichotomized: 15 years, 20 years, life, or death versus lesser maximum punishments, based upon bivariate relationship in Figure 10-5.

[d]Borderline statistical significance (p = .07).

Figure 1

Case Processing Time From Filing To Disposition in Providence

Plotted by Month Charges Were Filed, Using Running Median

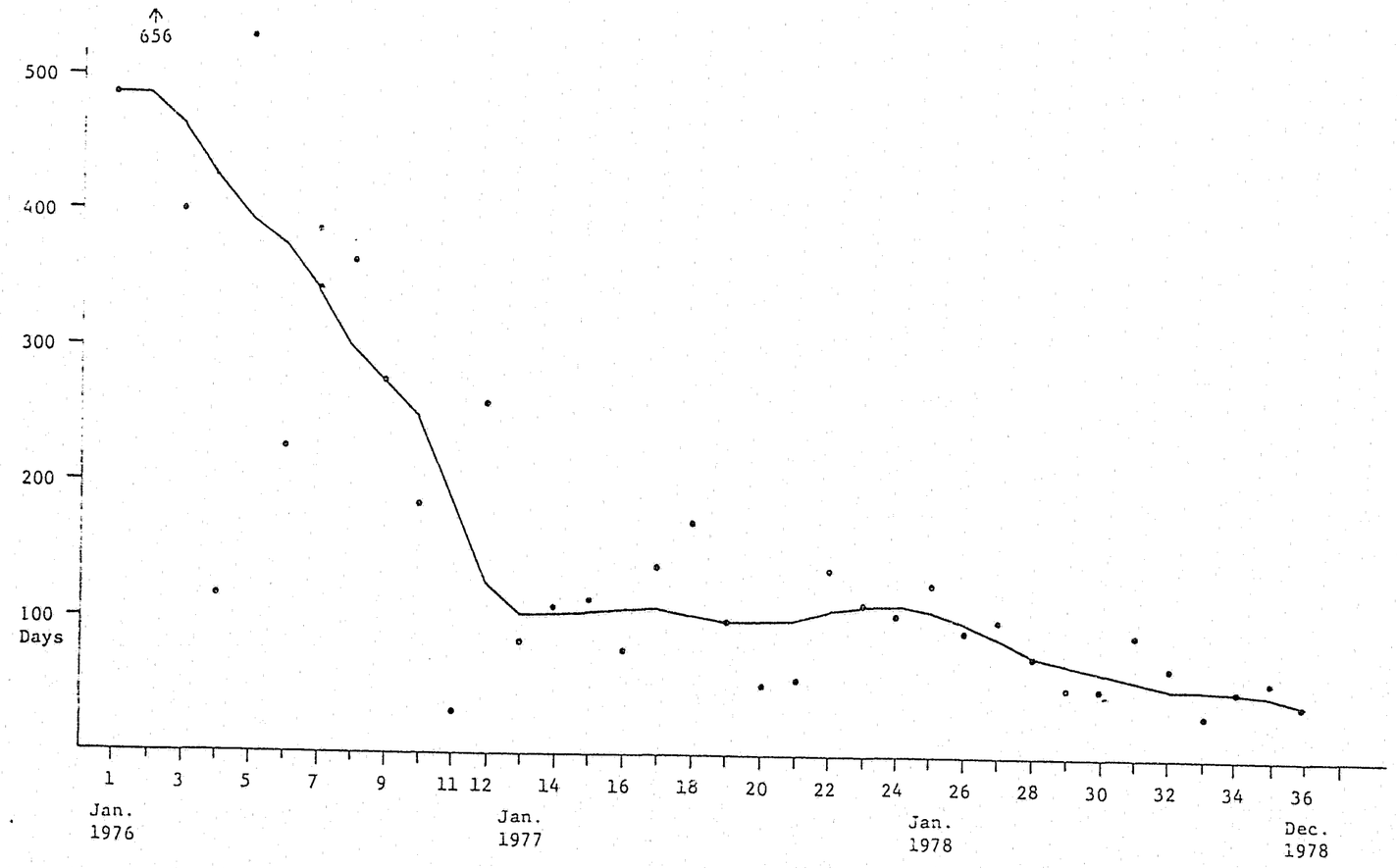


Figure 2

Case Processing Time from Filing to Disposition in Dayton
Plotted by the Month Charges were Filed, Using Running Median

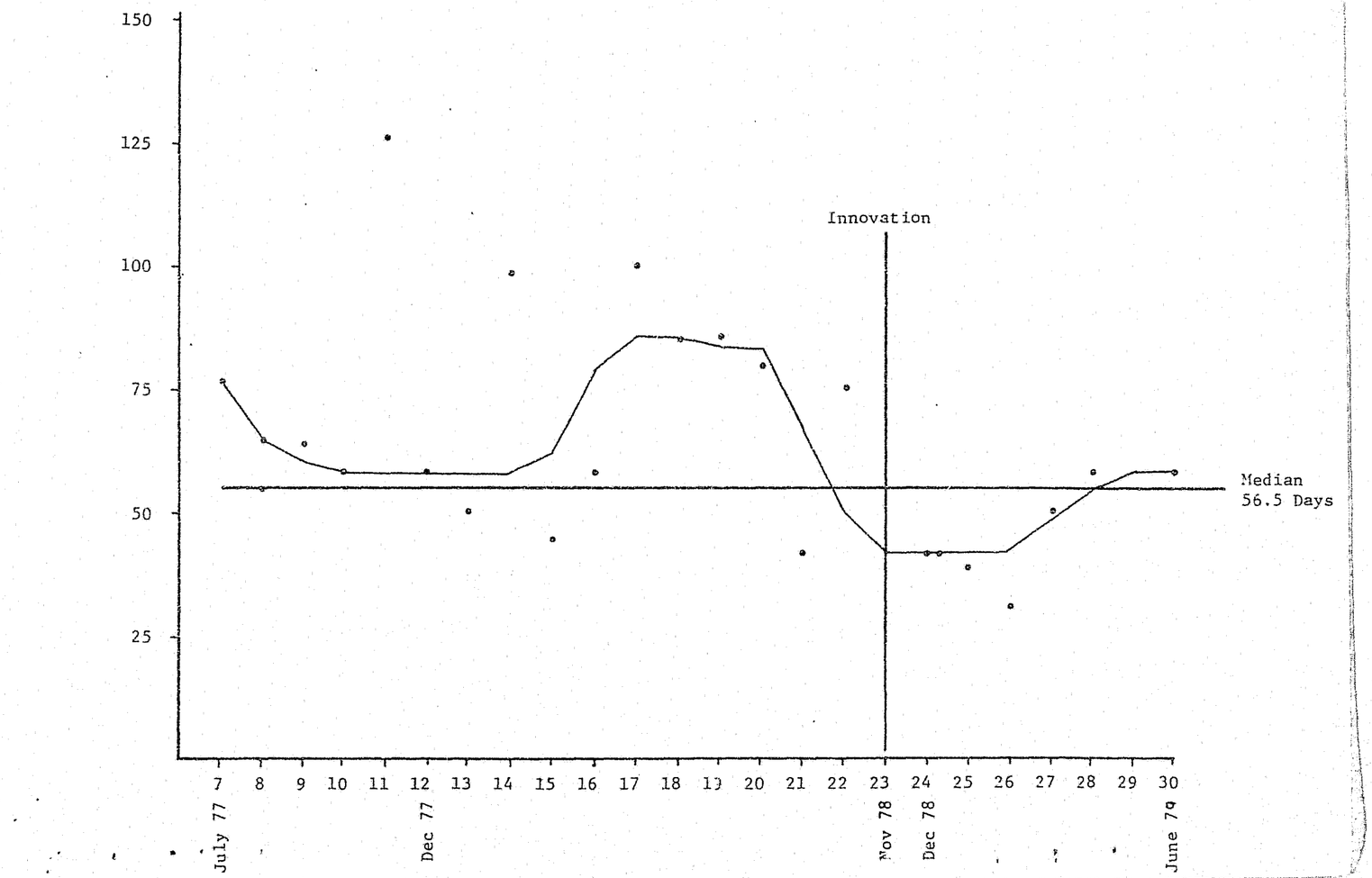


Figure 3

Redrawn Case Processing Time in Las Vegas District Court
by Month of Filing, Utilizing Running Medians

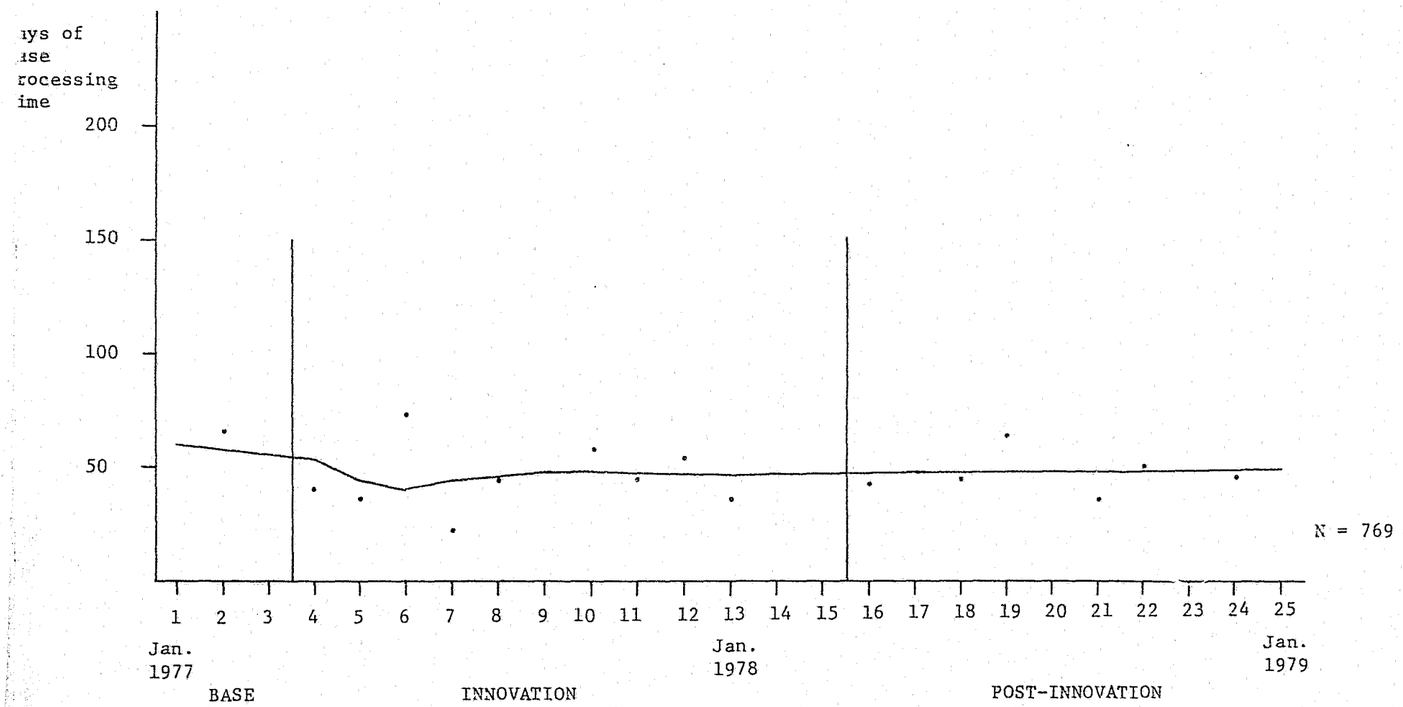
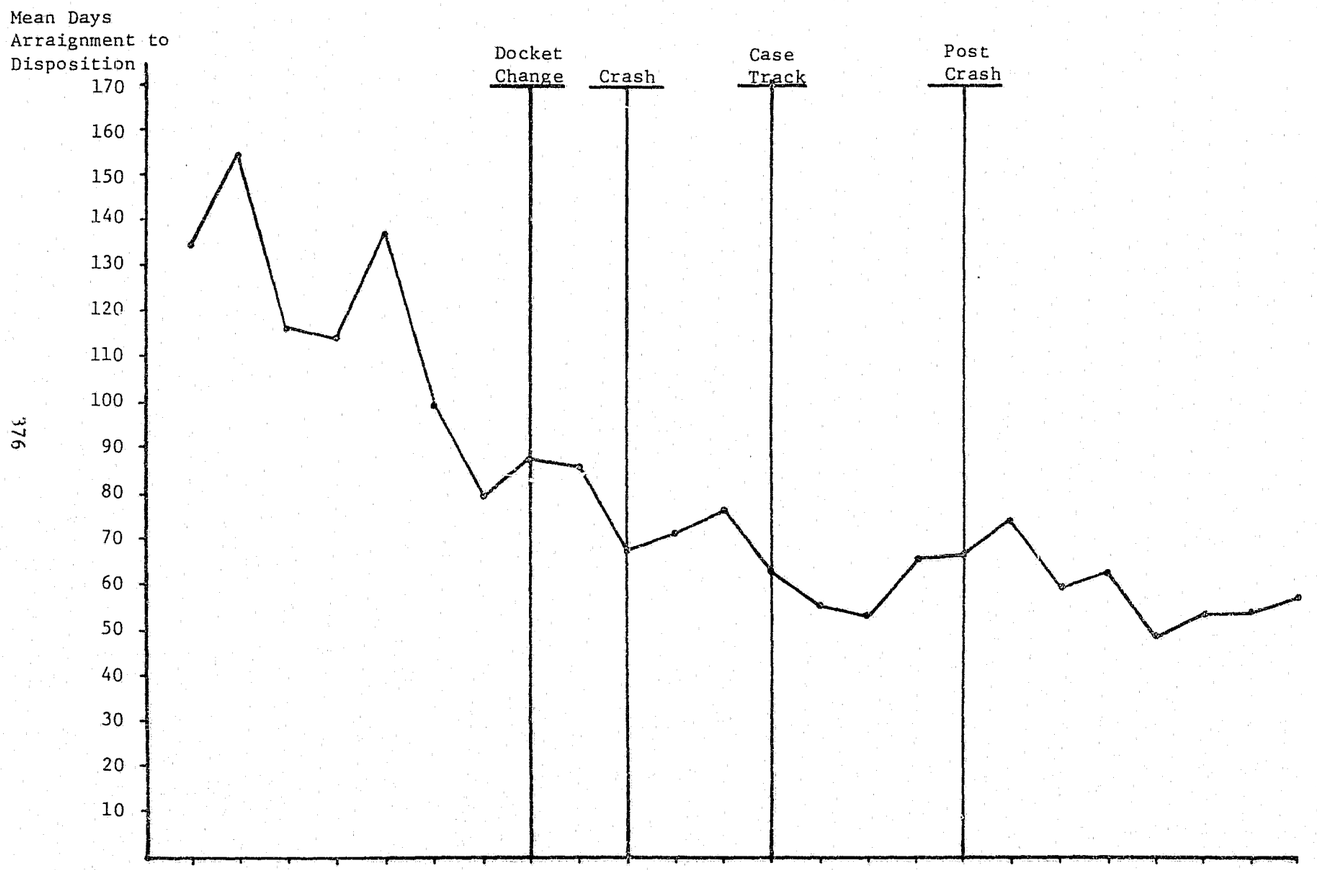


Figure 4

Mean Case Processing Time by Month: Arraignment to Disposition



Month	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Mean	130	147	110	109	131	96	77	83	74	66	69	73	61	56	52	63	66	75	59	62	49	53	53	55
S.D.	161	152	124	124	107	103	74	106	79	69	94	89	75	50	57	75	74	98	59	83	50	55	64	71
N	72	74	82	72	77	76	73	78	77	87	61	87	79	85	77	70	85	99	89	95	83	71	83	81

FIGURE 5

Case Processing Time in Providence by Time Period

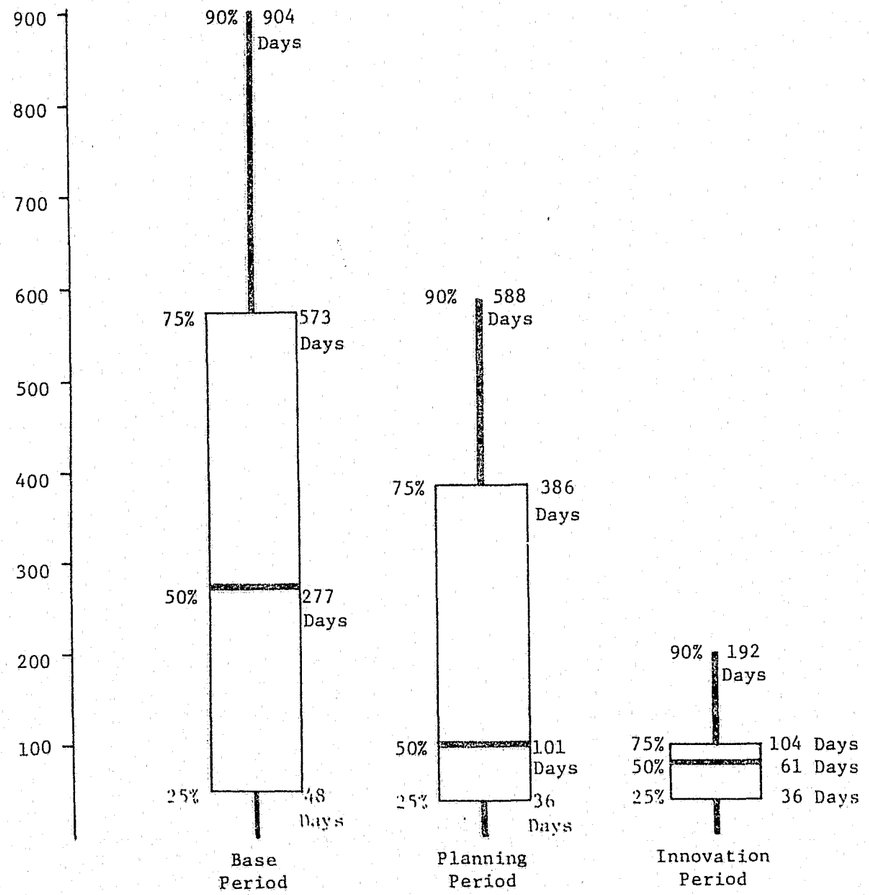


Figure 6

Box and Whisker Plot of Case Processing Time in Dayton by Innovation Period

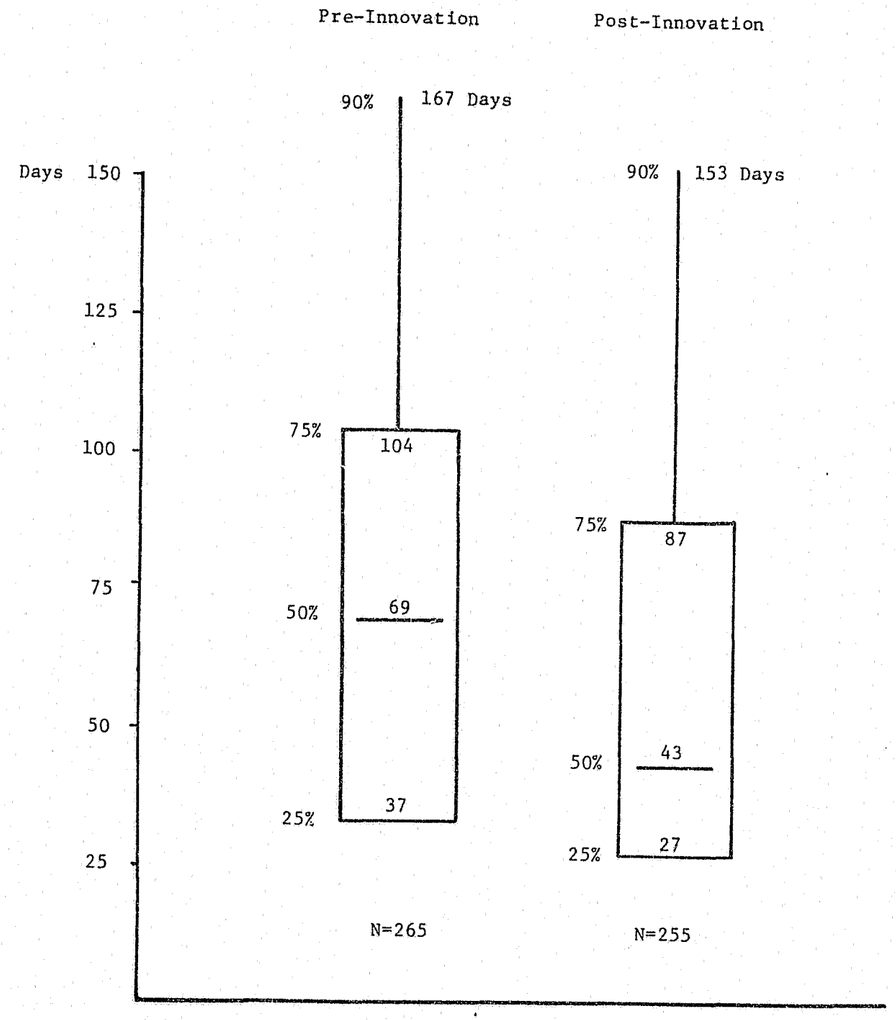


Figure 7

Box-and-Whisker Plot of Case Processing Time in Las Vegas District Court, by Time Period

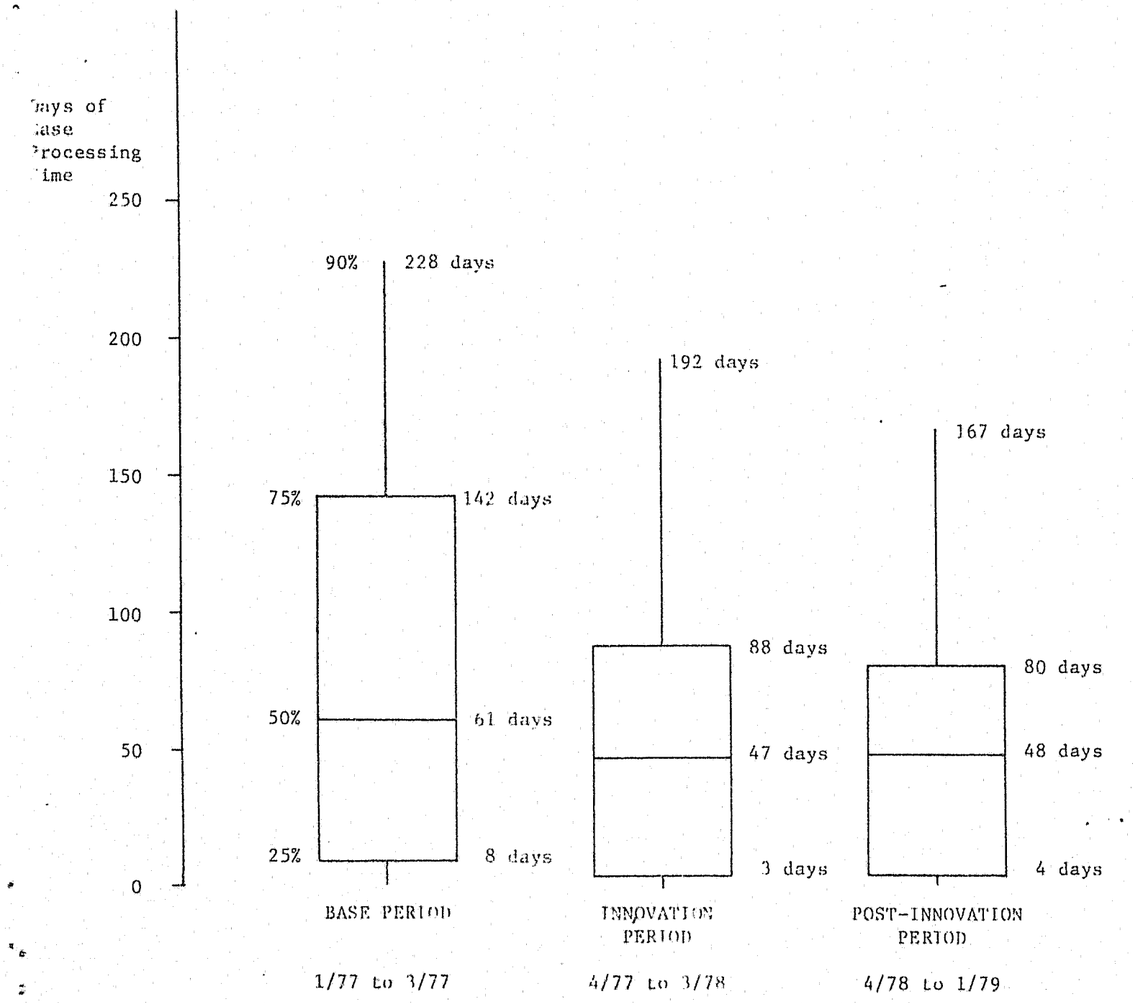


Figure 8

Box and Whisker Plots of Case Processing Time in Detroit

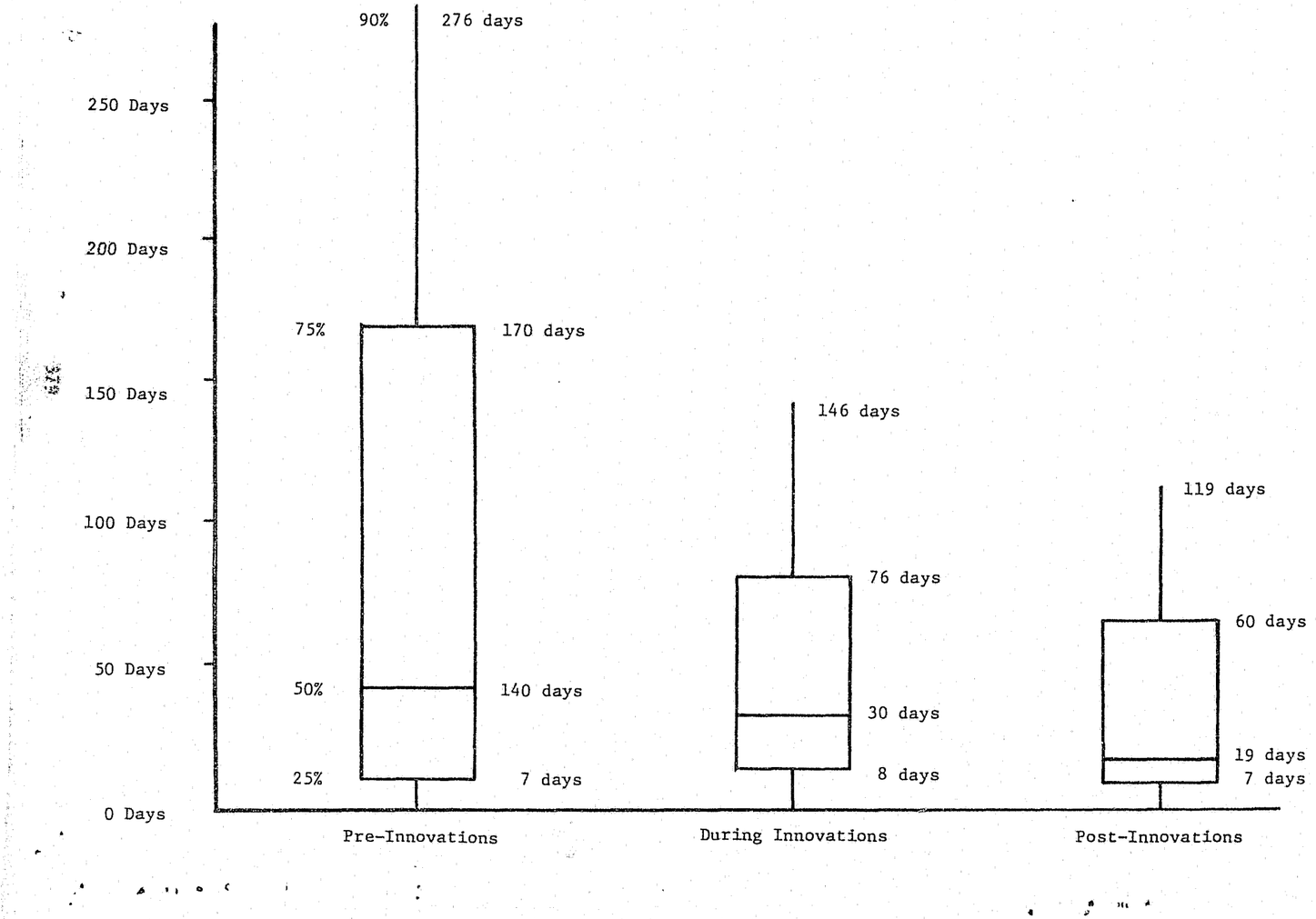


Figure 9

Case Processing Time From Arrest to Arraignment in Providence

Plotted by Month Charges Were Filed, Using Running Median

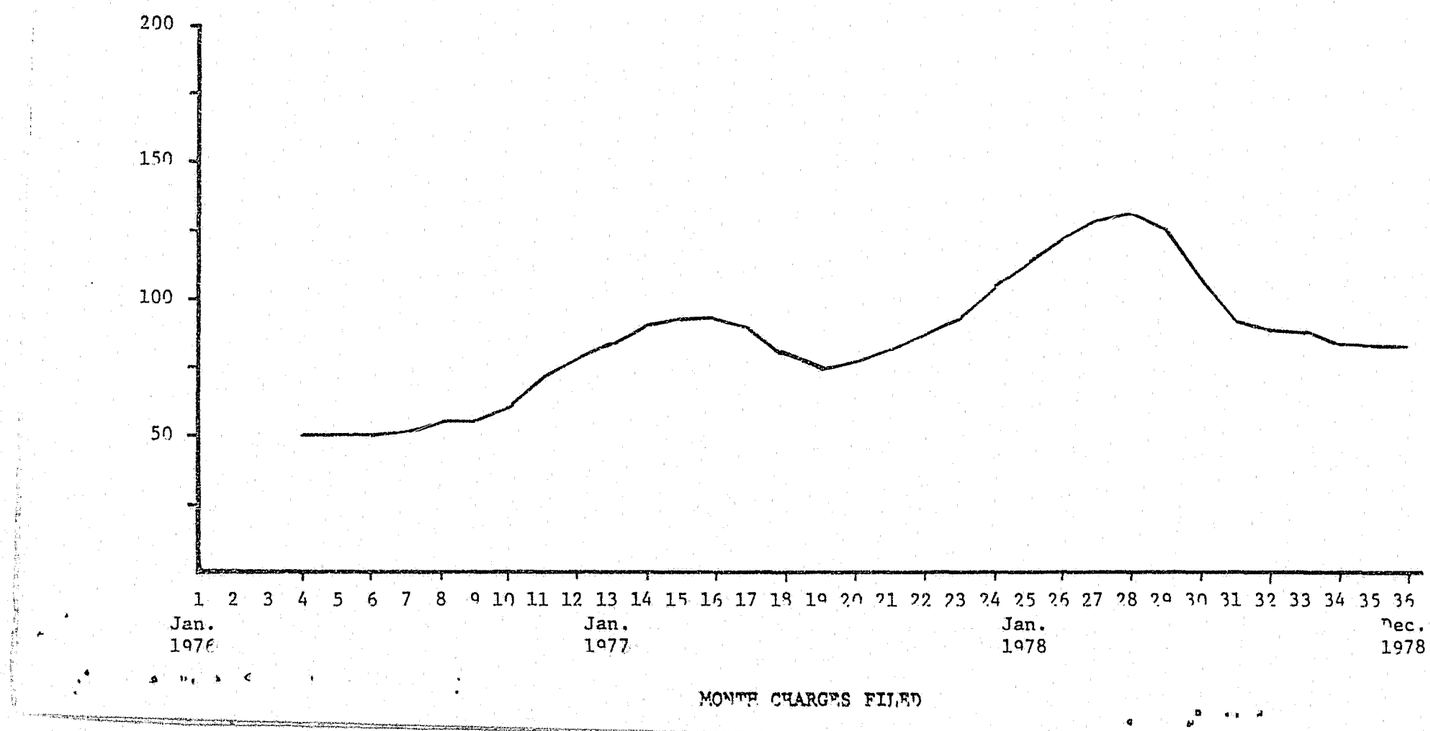


Figure 10

Case Processing Time in Las Vegas Lower Courts by Month Complaint was Filed in Lower Court, Utilizing Running Medians

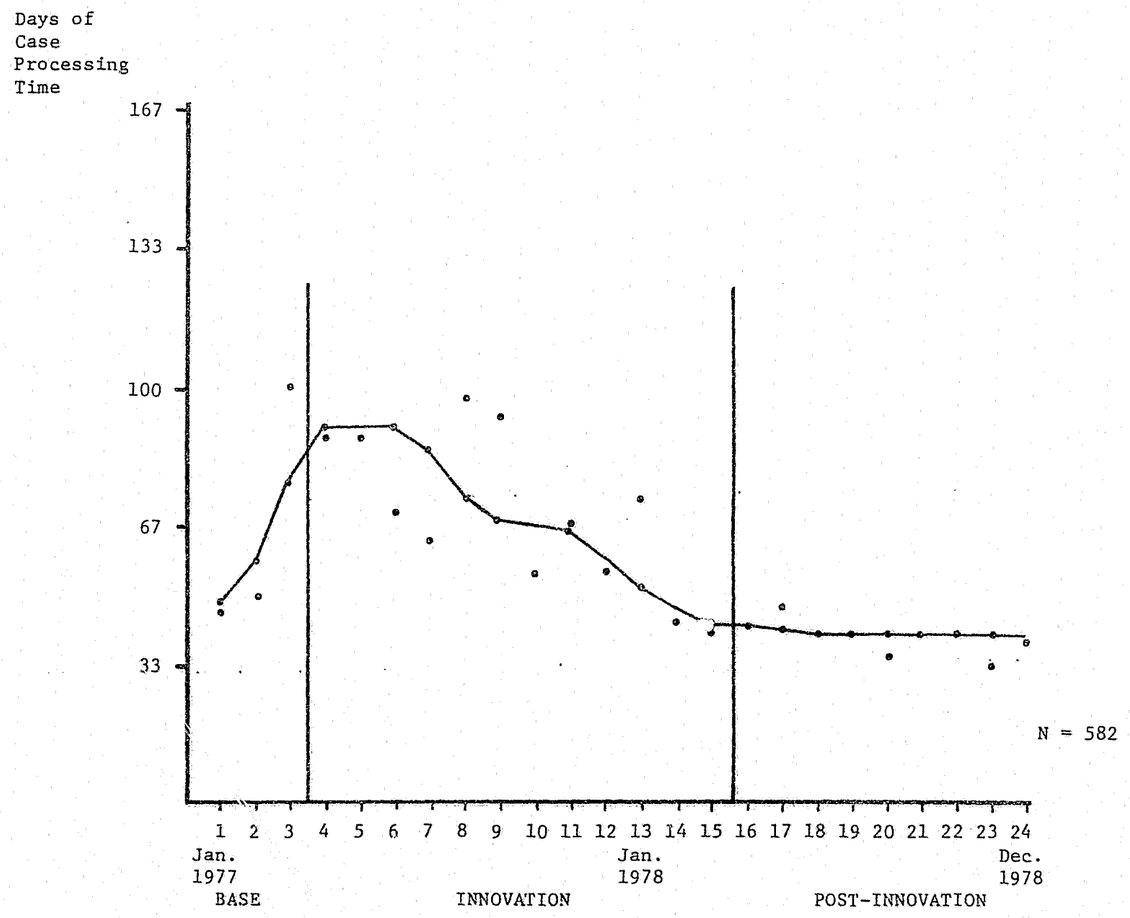
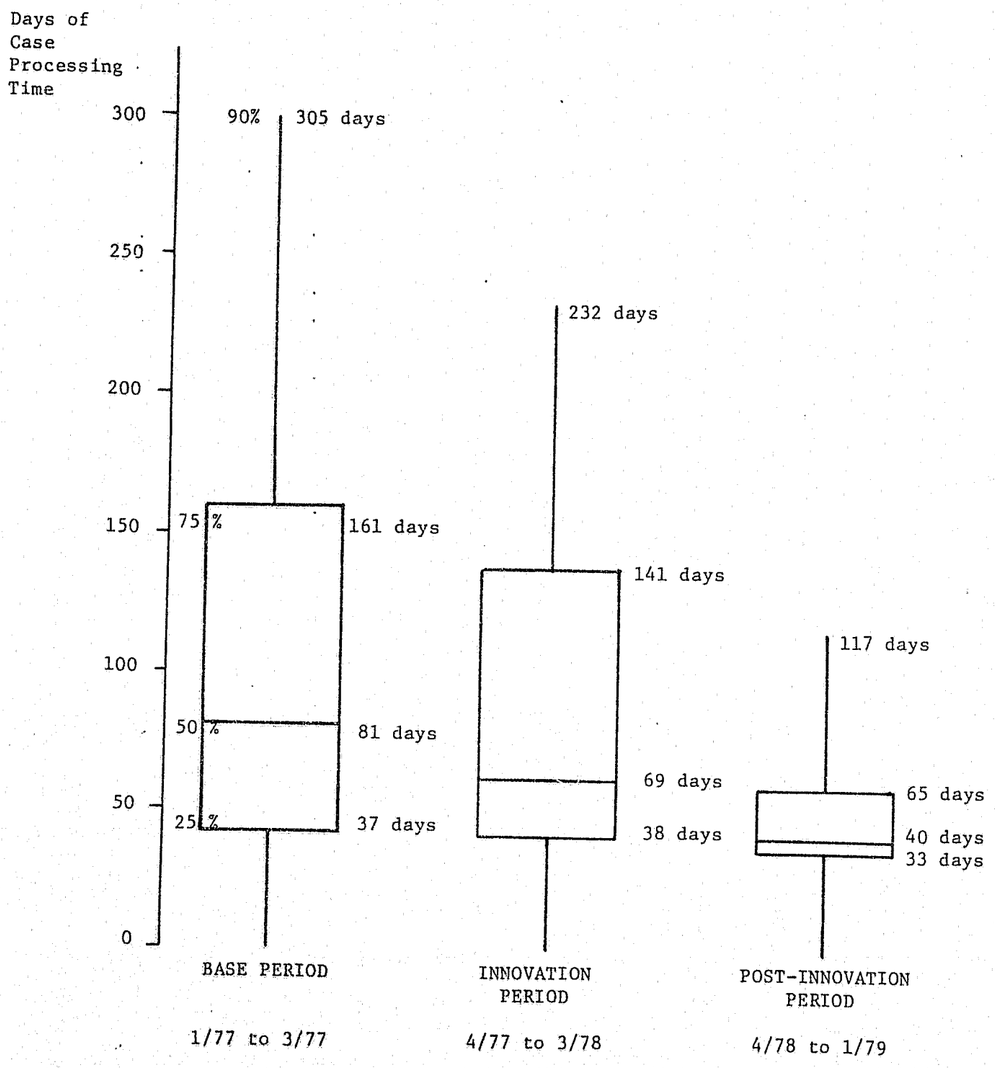


Figure 11

Box-and-Whisker Plot of Case Processing Time in Las Vegas Lower Courts, by Time Period*



*Based on complaints filed during 1977 and 1978.