

ICJR Research Brief

Civil Trial Delay in the Los Angeles Superior Court: Breaking the Gridlock

Civil trial delay is chronic in many of the nation's courts. In some jurisdictions, delay has reached crisis proportions. In the Los Angeles Superior Court, for example, it now takes five years from filing to jury trial—far exceeding the two-year period generally accepted as ideal for civil cases. The percentage of civil cases in Los Angeles in which a jury trial is held has shrunk in recent years, suggesting that long delays may discourage some litigants from waiting for trial. As more opt for settlement in the face of the five-year delay, concerns have arisen about citizens' access to justice.

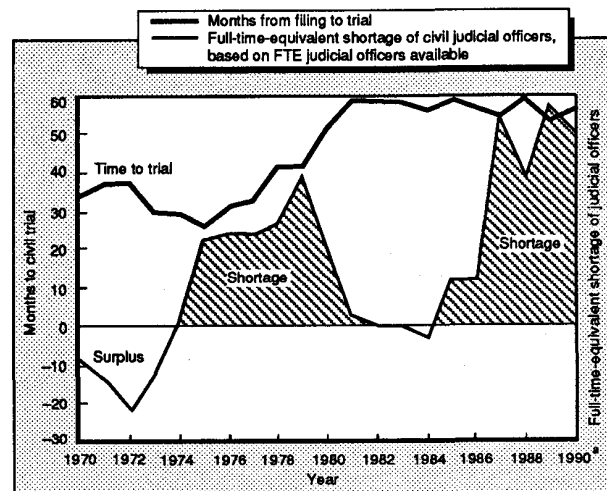
Seeking solutions, Los Angeles Superior Court officials asked the ICJ to study the delay problem and its causes and to propose options for reform. In *Averting Gridlock: Strategies for Reducing Civil Delay in the Los Angeles Superior Court (R-3762-ICJ)*, authors James S. Kakalik, Molly Selvin, and Nicholas M. Pace examine the roots of civil case delay in the Los Angeles Superior Court. Their study's central conclusion: Civil delay is a multifaceted problem that must be addressed in a long-term way. The prime cause of the problem, say the analysts, is the imbalance between the demand for civil trial services and the available supply of civil court resources.

Profile of delay

The evidence presented in the study questions commonly advanced explanations for delay—for example, increased public litigiousness. Although civil filings have increased over the past two decades, the appointment of judges and court personnel has generally kept pace with the increase. Delay nevertheless persists.

The Superior Court system has long been aware of the delay problem and has repeatedly tried to remedy it. However, the court's attention to the problem has generally been episodic, its efforts hampered by financial constraints and fluctuating public interest in the problem.

Although the L.A. Superior Court has grappled with the problem of civil delay for most of this century, the current delay problem began to emerge in the early 1970s.



* Fiscal year 1990 data are for October 1989.

Median time to civil jury trial compared with shortage of civil judicial officers

The average time to trial in civil cases nearly doubled, from 30 months in 1973 to 59 months in 1981. The major cause of these delays lies in the

imbalance between the demand for court services and the supply of judges. The shortage of judges affects civil cases the most because of the statutory priority granted criminal cases. The latter have become more numerous and increasingly complex in recent years, diverting increasing court resources from the civil calendar. The L.A. Superior Court confronts a large backlog of old cases because of this increased delay. Most recently, the court's civil backlog has mushroomed due to an increase in drug-related criminal cases. In addition, current court management procedures and litigants' delaying tactics may be adding to the delay problem.

Long-term options for speeding civil justice:

The study suggests that the delay problem must be attacked on two fronts. First, the court must reduce the imbalance between the demand for court resources and their supply by adding more judges. Second, because limits exist on the amount of new resources the court can command, it needs to use its existing resources more efficiently.

Increase court resources

The study estimates that the equivalent of roughly 100 additional full-time officers—primarily judges—will be needed by 1991 just to keep pace with new civil case filings. In addition, reducing the existing backlog of old cases will require approximately 66 temporary new judges over the next two years.

If the court is unable to obtain these resources, local policymakers may have to consider ways of limiting demand for civil judicial services. Possible options include diverting civil cases from courts to other dispute-resolution forums and reducing the court services available once cases are filed. Such measures raise serious questions about fairness and remain unacceptable to many legal practitioners.

Use current resources more efficiently

The study also suggests options for improving resource usage:

- Lengthen the official court workday from 6 to 7 hours.
- Encourage judges to manage all civil cases more actively.
- Treat different kinds of cases differently. Focus extra pretrial attention on cases likely to require trials and schedule shorter trials ahead of longer ones to minimize waiting periods.
- Improve court management. Elect court leaders to longer terms of office. Improve the court's computer information system to track cases and monitor productivity.

Civil delay has been a long-term problem in the Los Angeles Superior Court and will not disappear overnight. In the long run, increasing the supply of court officers may actually increase demand for court resources, as litigants previously discouraged by the backlog become willing to press their cases.

The research summarized in this brief was carried out within the Institute for Civil Justice of The RAND Corporation. Research results are described in detail in R-3762-ICJ, *Averting Gridlock: Strategies for Reducing Civil Delay in the Los Angeles Superior Court*, by James S. Kakalik, Molly Selvin, and Nicholas M. Pace, 117 pp., \$10.00.

For copies, contact Publications Department, The RAND Corporation, 1700 Main Street, P.O. Box 2138, Santa Monica, CA 90406-2138, (213) 393-0411.