

abtl REPORT

Volume IV

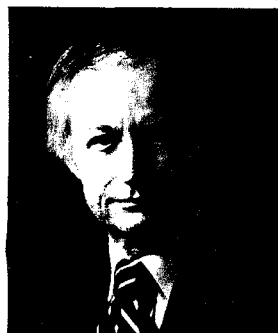
Number 1

The Plebiscite

This issue of the ABTL REPORT asks ABTL members to vote on three principal proposals suggested to relieve court congestion. The proposals, as stated on the enclosed, stamped postcard (sent to ABTL members only) are:

1. SHOULD THE LOS ANGELES SUPERIOR COURT INSTITUTE, ON A PILOT PROGRAM BASIS, A DIRECT CALENDARING SYSTEM?
2. SHOULD THE \$15,000 LIMITATION ON MANDATORY ARBITRATION BE RAISED TO \$25,000, TO \$50,000, OR NOT AT ALL?
3. SHOULD THE PARTY SETTING ASIDE AN ARBITRATION AWARD BE LIABLE FOR ATTORNEYS' FEES IF THE TRIAL DE NOVO DOES NOT RESULT IN A MORE FAVORABLE AWARD?

Regarding the first proposal, the Court Improvements Committee of the Los Angeles County Bar Association submitted a pilot proposal to the Executive Committee of the Los Angeles Superior Court on January 8, 1981.



The submission recommends, in sum, that six to eight judges be assigned, for all purposes, a typical distribution of civil cases and that accurate statistics be kept to determine the effectiveness of this direct calendaring system in processing litigation.

Proposal No. 2 focuses upon the present Los Angeles Superior Court program which refers to mandatory arbitration all cases that will probably result in a judgment of \$15,000 or less. A number of lawyers and jurists have expressed strong opinions that the arbitration program would be more efficient if the \$15,000 limitation was raised to \$25,000 or \$50,000.

Regarding proposal No. 3, many private attorneys, as well as the former and present Presiding Judges of the Superior Court, feel the major weakness of the arbitration program is that the losing party can, with virtually no penalty, set aside the award and have the trial *de novo*. It has been suggested that the arbitration statute be amended to require that the party who sets aside the award be liable for attorneys' fees incurred thereafter if the trial *de novo* does not result in a more favorable award to the party.

Please take time to vote on the three proposals and mail the postcard today.

—Thomas J. McDermott, Jr.

In Defense of Master Calendaring

Would a change from the master calendar system to direct calendaring of civil cases in the Central District of the Los Angeles County Superior Court result in a reduction of court delay?



By way of reaching a negative answer to this proposed solution for alleviating the problem of congestion, allow me to make a brief historical point before addressing the advantages and disadvantages of these opposing methods of case assignment.

The master calendar system (i.e., cases ready for trial are pooled and assigned directly to an available judge, with all pre-trial motions and conferences assigned to other specialist judges) has been the method of case assignment in Los Angeles at least since 1926. In the intervening years, there have been many studies

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In Support of Direct Calendaring

Not too many weeks ago — five days before Christmas to be exact — a case in my North Central Superior Court district, *Sands v. Underwriters at Lloyds of London*, NCC 18245 B, brought together for a pre-trial hearing some fourteen lawyers to argue nine motions pending before the court: motions of underwriters for summary judgments, for leave to file cross complaints, to modify a subpoena duces tecum, to quash trial subpoenas, to determine and demand the exchange of expert witness reports, and for summary judgment by other British companies. That very



Hon. Thomas C. Murphy day, a Saturday, after full discussion among all the lawyers, the case was settled for

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a sum in excess of \$1 million and all motions were withdrawn.

A unique incident or a fairly typical occurrence?

Fairly typical, I believe, and one reason that I strongly favor direct calendaring: the sooner litigants and lawyers start communicating with the judge who is going to try the case, the quicker a matter will be resolved. Such has been my experience and, more importantly, such has been the result of the direct calendaring experiment conducted in the North Central District for the past seven years.

The experiment has been a success. The most significant measure of this success, in my opinion, has been the efforts of the district's judges to solicit more cases. In 1976, for example, Judge Robert A. Wenke transferred between 500 and 600 cases from the Northwest District to the North Central District. Those cases were all tried or settled. Additionally, with the assistance of Judge Wenke and the Executive Committee of the Superior Court, and with the cooperation of local law enforcement agencies which wanted local matters tried in Superior Court, the North Central District initiated a partial pilot criminal program. That program proved efficient based on one year's performance. It required the presiding judge, at the time of arraignment, to order a case to the North Central District for all further proceedings, including calendaring. Because of this program, we are hopeful that Judge David N. Eagleson will assign an additional 500 cases to North Central from the Northeast and Northwest districts. All this was accomplished by a partial direct calendaring system. The results speak much louder than any studies or statistics I have seen.

In short, partial direct calendaring works. Accordingly, I propose the North Central be permitted to institute direct calendaring of all cases on an experimental basis for one full year. Here's how it would work:

When a complaint is filed, a clerk would assign the case on a rotating basis to department "A", "B", "C", or "D", recording the appropriate department, naming the presiding judicial officer and notifying counsel (to protect the rights of litigants and attorneys under Code of Civil Procedure Section 170.6, if the judicial officer is not acceptable).

Once having received a case, a judge would carry it to its close, being responsible for all motions and all matters brought to the attention of the court. Because judges would handle their own calendars, thereby eliminating the need for special law and motion, writs and receivers, or other departments, more court time would be available for disposition and trial. And more court time means less congestion, which is the problem we are all trying to solve.

Direct calendaring deserves a chance, if for no other reason than all other suggested solutions to the congestion problem either have failed or have not been implemented. We have been told, for example, that the economic litigation project, which has been tried in some jurisdictions pursuant to Code of Civil Procedure Section 1823, et seq., is a solution, but this seems to have failed. We have been told that arbitration is the answer, but, without binding arbitration, the courts are getting back *de novo* trials at an alarming rate. We have been given statistics that prove nothing, and we have also increased court personnel over the past three years.

Still, the problem of congestion continues to grow at a startling pace. The Los Angeles Superior Court — in my view, one of the most active and most capable

courts in the United States — is logjammed to the point where only criminal, domestic relations, special circumstance and five-year statute cases are being tried. As a practical matter, moreover, the Northwest District has ceased to function as a filing court for civil matters, and Central District is becoming, if you will, a dumping grounds.

Direct calendaring will continue to improve the efficiency of the judicial system if given a chance. An envisioned by its founder and organizational genius, Superior Court Judge Wesley Reed, direct calendaring eventually would place under partial-direct calendaring every judge in the Los Angeles Superior Court system. Judge Reed required — and the North Central District used this procedure in its experiment — scheduling of ten jury trials for each judge's department, with mandatory pre-trial conferences set some four to six weeks in advance.

If matters could not be settled at these mandatory pre-trial conferences, they would face trial within the next six weeks — as each judge was fully aware. Armed with such an incentive, the settling skills of North Central's judges were quickly honed. The result was that about 70 percent of the time, on its Monday calendars, the court found one or two stray cases left to be parceled out among the three judges.

The power of incentive is indeed formidable. It is yet another argument for giving direct calendaring of all cases a full year's trial run in the North Central District. Sooner or later, the answer to court congestion must come. Sooner, I hope.

—Judge Thomas C. Murphy

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The Direct Calendar Pilot Program Should Be Adopted

The direct calendar pilot program recommended by the Court Improvement Committee should be adopted and implemented, not out of "frustration" or purely for the sake of "doing something," but because it promises to lead to the resolution and disposition of a greater number of cases at an earlier time than is presently achieved under the master calendar system.

The direct calendar system would mandate direct judicial involvement and scrutiny at an early stage of the case. Consequently, a judge would have the opportunity to explore the nature of the issues; to narrow the issues either by soliciting stipulations from the parties or by entering partial motions for summary judgment; to determine if the case is properly subject to mandatory arbitration provisions under C.C.P. §1141.10 *et seq.*; and to encourage early and serious settlement negotiations between the parties.

The early involvement of a judge in evaluating the scope and nature of the issues presented and the extent of the probable recovery, if any, is particularly significant with respect to the bulk of cases that would be subject to mandatory arbitration under C.C.P. §1141.10 *et seq.* but which are never so identified under the master calendar system because of the absence of any timely judicial scrutiny. (Cases now must be submitted to arbitration if the amount in controversy, as determined by the court following a conference of all parties, will not exceed \$15,000 for each plaintiff.)

The accompanying article by Judge Harry V. Peetris indicates that approximately 70 percent of the civil complaints potentially are subject to mandatory arbitration. Obviously, if the early and direct judicial scrutiny inherent in the direct calendar system accomplished the removal of even 50 percent of those matters from the civil active list by submitting them to mandatory arbitration, the effect on the backlog of cases would be substantial.



Moreover, as is so graphically illustrated by the accompanying article by Judge Thomas C. Murphy, early direct communications between the lawyers and the judge charged with the responsibility to conduct the trial would spawn more settlements at an earlier stage than would occur under the master calendar system. The judge, of course, is motivated to use his considerable influence and existing knowledge of the case to achieve a settlement. Such motivation stems not only from the pressures and time demands of the other cases assigned to him, but also from the knowledge that he will be required to try the case if it is not settled. The lawyers, on the other hand, if they are sufficiently discerning, will have become increasingly aware, through status conferences, prior settlement con-

ferences, law and motion and discovery matters, of the judge's preliminary views as to the factual and legal issues involved in the case. Thus, the lawyers will be in a position to make some predictions about the probable outcome of the trial to enable them to better assess and determine the confines of a reasonable settlement.

The foregoing positive benefits derived from the early direct judicial scrutiny inherent in the direct calendar system are absent under the master calendar system. As a general rule, no judge under the master calendar system has the responsibility or, indeed, the opportunity to narrow the issues, submit the matter to mandatory arbitration, effect a settlement or otherwise dispose of a case until the mandatory settlement conference, which occurs shortly before trial many years after the case is filed. Admittedly, a judge, even under the master calendar system, has the opportunity, on occasion, to dispose of a pending case as a consequence of a voluntary settlement conference or by way of motions for summary judgment or judgment on the pleadings. In reality, however, the voluntary settlement program has not been utilized to any significant degree and relatively few cases are subject to resolution by summary judgment or judgment on the pleadings.

Moreover, under the master calendar system, cases which might have settled at an early stage with some form of judicial prodding are allowed to linger for years until the fees and expenses associated with maintaining and preparing the case have magnified the difficulty of negotiating a settlement. Indeed, at this time, defendants, secure in the knowledge that a trial date may not be set for almost five years, have little or no incentive to settle. The early judicial intervention and the prospect of a shortened trial schedule contemplated under the direct calendar system undoubtedly would increase the willingness of defendants to settle.

Another significant benefit of the direct calendar system would be a general improvement in efficiency in several respects.

First, under the master calendar system there is little incentive on the part of a trial judge to limit the scope of the trial to the relevant evidence or to prod counsel to conclude as expeditiously as possible. The only effect of such efficiency would be the assignment of yet another case for trial, perhaps less interesting or more difficult. Under a direct calendar system, however, the demands of the other pending cases for which the judge is responsible, the desire to achieve a good record among his peers, and a heightened sense of accountability for the disposition of the matters under his supervision would provide substantial incentives to conclude the trial as expeditiously as possible without depriving the parties of their fair opportunity to be heard.

Second, increased efficiency would result because the direct assignment judge would hear all law and motion, discovery and writ applications for cases under his responsibility. Some would dispute this claim of increased efficiency and would assert that direct assignment for all purposes would lose the advantages offered by such specialized departments as law and motion, discovery and writs and receivers. While this is true, on balance the benefits of direct assignment in this area would still appear to outweigh the disadvantages, particularly since the judges assigned to those specialized departments

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normally are rotated at least annually to be replaced by new, inexperienced judges. Further, the direct assignment judges, after several months of hearing law and motion and discovery matters, would develop their own expertise in these areas. Moreover, the direct assignment judges, due to prior status conferences, settlement conferences, and other motions would be familiar with the history of the case and the factual and legal issues involved. Consequently, it would be unnecessary to reeducate the judge in each instance, as is the case under the master calendar system where judicial rotation and the sheer volume of matters heard by the specialized department judges preclude any assurance that a particular motion will be heard by a judge familiar with the case.

Third, there should be increased efficiency in the control of the trial calendar. The direct assignment judge, due to his overall familiarity with the cases under his jurisdiction, should be able to estimate the probable length of trials, to control the scheduling of trials and to reduce significantly the time period during which cases will be required to trail pending commencement of trial. Moreover, there is no reason why the direct assignment judge could not utilize a "beeper" system to schedule trials seriatim. Remaining on a beeper for five to seven days under a direct calendar system is preferable and results in less inconvenience and hardship to the litigants, witnesses and the attorneys than the several week minimum presently required in Department 1.

Other than the foregoing presentation of the merits of the direct calendar system, space constraints do not permit a point-by-point response to each of the counter-arguments made by Judge Harry V. Peetris and Elihu M. Berle in their thoughtful and well-articulated articles. Several of these points, however, merit specific comment.

For example, the argument is made that direct calendaring of cases to judges on a random basis would lose the benefits of assigning particular cases to judges with background, experience and expertise in those types of cases. First, absent a particularly complex case, as to which a motion for assignment to a single judge for all purposes would be granted, Department 1 does not have the luxury of assigning cases to particular judges on the basis of experience and expertise. Normally, the assignment of cases to judges for trial under the master calendar system is in fact made on a "first come, first served" basis.

There is no doubt that the direct calendar program would fail if each participating judge were to be given his numerical share of all pending cases, i.e., approximately 1,000. This would be an unfair comparison however, because no judge is responsible for his proportionate share of pending cases under the present system. Since the purpose of the pilot program is to determine whether a direct calendar system would dispose of more cases than the master calendar system, one could argue that the participating judges should be assigned no more cases than judges would normally handle under the master calendar system. In actuality, however, the participating judges should probably be assigned 250 or 300 cases, the number regularly handled by Federal judges in the Central District.

Admittedly, problems could arise due to the provisions of CCP Section 170.6 which authorizes a challenge to a judge up to ten days prior to the time that the judge is called upon to make a factual determination. Since the direct assignment judge probably would be required to

make factual determinations prior to the time of the trial, rarely would a challenge interposed immediately prior to the trial be proper. A challenge filed at any time, however, would cause the loss of the knowledge and expertise gained by the direct assignment judge up to that point in time. The best solution would be an amendment to CCP 170.6 limited to the peculiar circumstances of the pilot program. If that cannot be accomplished, procedures should be established under which the case, upon filing of a challenge, would be assigned to another judge outside the program for a trial to be held as soon as possible. This procedure should operate to discourage judge-shopping and use of the 170.6 challenge to effect a delay in the trial.

The time has come to re-examine and evaluate the merits of the master calendar system and to determine whether a direct calendar system would more effectively dispose of pending cases. The proposed pilot program offers just such a vehicle and should be implemented as expeditiously as possible.

—Marsha McLean-Utley

The Case for the Master Calendar System

From the perspective of a business litigator, the direct assignment system is not a panacea for court congestion, and the positive aspects of the master calendar process should not be disregarded. With that perspective as a guide, let us examine the substantial advantages of the existing master calendar system.

Uniform Application of Court Policies

Since all cases must pass through the sieve of Department 1 before being assigned to a trial court, the presiding judge exercises great control over policies governing continuances, pre-assignment motions and assignments for trial. Moreover, because all cases comprise one pool and receive equal court attention, litigants receive the same treatment in terms of the speed at which the cases proceed to trial. But in the direct calendaring system there is no guarantee that uniform policies would be applied with regard to *continuances and pretrial matters*; the speed at which a case proceeds to trial would depend on the particular judge. Inconsistent treatment of cases does not enhance the judicial process.

Specialization and Expertise of Judges

Judges, like practitioners, may have special interests and competence in particular areas of the law. Clearly, a judge performs much more efficiently and competently where he enjoys special expertise. Such expertise also creates greater respect among lawyers and clients for the judicial system. The direct calendaring system does not take advantage of specialization, but the master calendar uniquely lends itself to the development of specialization and expertise. Thus, in the present master calendar system used by the Superior Court, there are specialized departments of law and motion, writs and receivers, class actions proceedings, eminent domain, attachments, ex parte matters, supplemental proceedings, and default proceedings. Additionally, there are a number of judges who specialize and excel in settlement conferences. (This

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list, of course, does not include the specialized departments of probate, juvenile, family law, mental health, and appellate.)



Elihu M. Berle

The specialized departments enable the court to hire legal researchers and assistants to assist the judges. But the present court budget does not provide for all judges to have research assistants, who are an essential ingredient for proper operation of a direct calendar system. Lawyers who must seek emergency extraordinary relief use the specialized writs and receivers department, whose daily set hours allow the practitioner immediate access to ex parte remedies. This is certainly preferable to the "catch as catch can" approach of trying to obtain emergency relief from a busy direct calendar judge preoccupied with a pending jury trial.

Maximizing Use of Judicial Time

Because there is a large pool of cases awaiting assignment from Department 1, a case can be sent out for trial to any available judge. Both the number of cases and the numerous available judges even out errors in predicting the number of settlements, continuances or trial length.

In the direct calendaring system, where every judge schedules his own case load, errors in predicting settlement continuances or trial length would waste judicial time. If an individual judge became available due to an unpredicted settlement or continuance, the direct calendaring system would not make effective use of his newly available time. Conversely, under the master calendar system, a new case would immediately be assigned for trial to the judge.

Efficient Use of Judicial Resources

Once a case is assigned from the master calendar to a particular judge, he may exert all his energies toward its resolution. Except for an occasional settlement conference, there usually is no interruption of the court's time from other cases. Unlike the direct calendar system, a case proceeds to trial without recesses for hearing law and motion or writs and receiver matters of other cases on the judge's docket. From a lawyer's and client's standpoint, it is much more efficient, pleasant and reassuring to try a case from beginning to end before a judge who can devote his full concentration to the single matter before him.

Control Over the Total Case Load

The master assignment system enables the court administrator and presiding judge to exert control over the total case load of the Superior Court and provide central coordination and procedures that would not be available under the direct assignment system.

Avoiding Attorney Scheduling Conflicts

The computerized information retention system used by the trial setting department eliminates conflicts over trial dates for individual attorneys. A decentralized system of setting trial dates by independent direct calendar judges could result in various scheduling conflicts for attorneys and require continuances, further aggravating the waste of judicial time.

Esprit de Corps

The master assignment system encourages cooperation among judges to resolve court congestion and other prob-

lems concerning disposition of cases. Team spirit often has a greater effect on individual effort and performance than individual competition among judges for high marks in some court administrator's record book.

Accordingly, there are many advantages to maintaining the present master calendaring system. In unique situations where it is believed that a single judge would serve the interest of justice, a party always has the option of filing a motion for the appointment of an all-purpose judge. These motions have been granted where the need has been demonstrated.

We should not overreact out of frustration with delays by discarding a proven system merely for the sake of "reform". The proposed direct calendar solution may create more difficulties than the problems presently experienced. Since such a change would not by itself result in the more efficient administration of justice, we should seek to retain the advantages of the master calendar approach and at the same time undertake other efforts to improve the system.

—Elihu M. Berle

In Defense of Master Calendaring

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about reverting back to the direct calendaring system (i.e., cases are assigned at random to a particular judge and remain on his calendar for all purposes including pretrial motions, status and settlement conferences, trial, etc.). But every study has supported retention of the master calendar.

At the same time, the judges of the Superior Court have adopted a number of innovative changes to alleviate delay: mandatory settlement conferences, settlement panels and mandatory arbitration, to name a few. Although there have been no initiatives to change the method of case assignment, the history of the Superior Court contains two working examples of efficient case management which dramatically slashed the backlog of waiting cases: a direct calendaring situation in the North Central District increased the disposition of cases by 65 percent in 1966-67; and a master calendar in the Northwest District in 1974-75, despite an increase in case filings, reduced the case backlog by 16.2 percent. In both instances, the author was the judge assigned, suggesting that the manner of case assignment was not the determining factor.

Advantages of Direct Calendaring

Because the calendar of each judge consists of hundreds of cases in varying stages, the jurist has the incentive to expedite the movement of cases, a situation that does not exist when a judge is assigned but one case at a time. The direct calendar judge may translate that incentive into early judicial intervention, using a status conference, for example, to refer unworthy cases to arbitration, and settling cases at an earlier stage. Moreover, during pretrial motions, individual calendar judges may be conscious of settlement possibilities that are not perceived by a judge in the law and motion department, whose only concern is the individual motion before him.

Because the direct calendar judge is also the trial judge, there may be more reluctance on the part of counsel to engage in a paper war of frivolous motions with opposing counsel. Finally, the direct calendar judge always faces the pressure of other pending cases on his

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calendar, which may prompt him to manage a trial more efficiently.

Disadvantages of Direct Calendaring

Judicial efficiency is reduced when cases are randomly assigned to each judge regardless of his background, experience, and expertise. Random assignments give up the benefits of assigning complex cases to qualified judges and acquire the liabilities of assigning these cases to judges unfamiliar with both the law and management of such trials.

Likewise, the advantages of specialization are lost. In the law and motion department, for example, volumes of cases are handled by experienced judges backed by a research staff and specialized case handling. To be sure, considering the inventory of complex litigation cases awaiting trial, such cases are more suited to a direct rather than a master calendar system even though selective assignment may not be possible. The benefits to be derived from a single judge are limited, however, because such matters comprise a minority of the cases awaiting trial. Seventy percent of cases are tort and collection cases, better suited to a master calendar system.

Although the handling of a particularly protracted litigation case may be handled better from its inception by one judge, the case may play havoc with a direct calendaring system from the perspective of the litigants. If one judge is tied up in a long trial, his ability to handle the remaining matters on his calendar is impaired. Moreover, counsel in the protracted trial will not appreciate the constant interruptions to handle other matters. Conversely, in a master calendar system, such difficulties are not experienced.

Finally, the direct calendar judge faces possible disqualification under Code of Civil Procedure 170.6. Under present law, a judge may be disqualified any time before 10 days prior to the making of a factual determination. This single maneuver would destroy the advantages of having a single judge handle the case from its inception through trial. When such disqualification is exercised in a master calendar court, the case is merely assigned to the next available judge.

Advantages of Master Calendaring

The master calendar permits the efficient use of judicial personnel because cases are assigned to judges experienced in the particular type of case. Another efficiency of this system is the immediate assignment of another case to a judge who either unexpectedly finishes a trial or whose trial is interrupted for a short period. This is accomplished by a pool of trailing cases of varying lengths of estimated trial time. Conversely, a judge who maintains his own individual trial calendar may experience difficulty in calling in another matter on such short notice.

A volume of cases in a master calendar system can be separated and handled in a specialized department more competently and expeditiously. For example, under a new program in the Central District under the master calendar, the settlement feature is separated and cases are assigned to a special panel of settlement specialists who do nothing but attempt to settle cases, tracking each one right down to the time of trial.

Disadvantages of Master Calendaring

Under the true master calendar system there is no early judicial intervention toward case disposition between the filing of the complaint and just before trial time. And judicial contact during this interim period

is not geared to encourage settlement. Moreover, the trial judge gets only one case for trial and lacks the incentive to move the case along. Judicial time is wasted between trials. The master calendar judge must balance the inconvenience imposed on waiting counsel and litigants against judicial time wasted if counsel and litigants are not prepared.

Here, it might be appropriate to note briefly the Federal system of case assignment and to mention several alternative proposals for relieving the congestion problem. The United States District Courts in Southern California have always utilized the individual case assignment system. Because an earlier trial date is more obtainable in Federal courts than state courts, many lawyers have concluded that the calendaring system is the reason and thus look to direct calendaring as the panacea in the state system. But several differences between the two courts might make the differences in case assignment meaningless. First, there is the actual volume: In the Federal court in 1980, about 500 cases per judge were assigned; in Superior Court in Los Angeles, about 1,000 cases per judge would have to be assigned. Second, each Federal judge has a staff of two research clerks and a secretary to process his calendar. Even if the impossible were to occur and state judges were awarded such a staff, there is no available space for them. Third, two-thirds of the state caseload is tort — not true in Federal court; tort cases, as noted, are not ideally suited to direct calendaring.

Additionally, in the civil departments of the Central District of the Los Angeles Superior Court, where 50 judges are assigned, there are approximately 44,000 cases awaiting trial following the filing of an at-issue memorandum. To change to direct calendaring, thereby disbanding the specialized departments, and assign nearly 1,000 cases to each judge, could cause nothing but chaos. Moreover, to test the validity of this conclusion by removing 6 of 8 judges in order to experiment with direct calendaring would not necessarily be indicative of success for the entire civil court.

Alternative Proposals

Since it has not been established that the master calendar system is a proximate cause of court delay or that changing to direct calendaring would relieve congestion, allow me to note several other alternatives:

Raising the legal interest rate from 7 percent to 12 percent and providing for pre-judgment interest would encourage earlier settlements and dramatically reduce court backlog.

Providing for recovery of attorney fees by the prevailing party would have a sure effect on the volume of litigation.

Instituting early judicial intervention 12 months after the filing of every complaint through a hearing before a commissioner or an attorney pro tem to determine the possibilities for arbitration might cut the backlog in half. Recent studies indicate that 71 percent of all civil complaints come in under \$15,000.

To summarize, it cannot be established that one of the root causes of court delay is the master calendar method of case assignment. Likewise, it is apparent that the mere procedural act of changing from master to direct calendaring will not of itself relieve court congestion. Accordingly, the wisdom of attempting a pilot program is in question.

—Judge Harry V. Peetris