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**ANALYSIS OF AN ORGANIZATIONAL CHANGE:  
FROM MASTER CALENDAR TO INDIVIDUAL CALENDAR**

Institute for Court Management  
Court Executive Development Program  
Phase III Project  
May 1996

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## *DEDICATION*

*To the men and women whose efforts have preserved our courts as the last bulwark of democracy ensuring our freedom and tranquility.*

*To my wife, Rory, who has inspired everyone with her faith in God, indomitable spirit, and courage in the face of adversity.*

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# ***1.***

## **INTRODUCTION**

Any organizational change is usually met with opposition. In the court system, judges and their clerks will oppose a policy changing the way they handle their cases. Lawyers will similarly respond to the change. Why?

In this paper, I will analyze the reasons for the opposition to organizational change as I describe the process. As a framework, I will use the successfully completed conversion of the Master Calendar (MC) Court to the Individual Calendar (IC) Court system in the County Courthouse located in downtown Los Angeles, California. In January 1992, the County Courthouse had the MC with seventeen trial judges handling all civil and last-day criminal cases. I will use the term last-day criminal case for the benefit of the uninitiated. Legal professionals who handle both civil and criminal cases use the term *last day case* instead of last-day criminal case because there is no such thing as a last-day civil case. I will focus my discussion on these seventeen judges.

I have a personal stake in this research. I volunteered and participated in the pilot project to facilitate the change. Since last year, as Assistant Presiding Judge and Supervising Judge in the County Courthouse, I have been fine-tuning our IC system. I also have to understand fully the dynamics of organizational change because, as the Presiding Judge next year, I plan to introduce new policies in our Court. I do not subscribe to the old adage, "If it ain't broke, don't fix it." This is a *reactive* mode like just waiting for the fire to happen and then putting it out, instead of *proactively* installing fire prevention measures. Dr. Ronald J. Stupak, in Taking Charge of the Future, Strategic Action for Quality Growth in the Bureau of Prisons (Federal Prisons Journal, September 1989) p. 12,

declared, "That's the negation of everything about good management, whether in a relationship with a loved one, or a child, or with organizations. If you wait till it's broke till you fix it, that's the kiss of death."

Also, in the public sector, if you don't decide what course of action to take, someone else will do it for you. When this happens, more often than not, you would have the short end of the stick!

In articulating the importance of organizational change, **John P. Kotter and Leonard A. Schlesinger** in Management of Change (Cambridge, MA: Harvard Business Review, 1991, p. 67) observed:

"It must be considered that there is nothing more difficult to carry out, nor more doubtful of success, nor more dangerous to handle, than to initiate a new order of things.

"In 1973, the Conference Board asked 13 eminent authorities to speculate what significant management issues and problems would develop over the next 20 years. One of the strongest themes that runs through their subsequent reports is a concern for the ability of organizations to respond to environmental change. As one person wrote: 'It follows that an acceleration in the rate of change will result in an increasing need for reorganization. Reorganization is usually feared, because it means disturbance of the status quo, a threat to people's vested interests in their jobs, and an upset to established ways of doing things. For these reasons, needed reorganization is often deferred, with a resulting loss in effectiveness and an increase in costs.'

"Subsequent events have confirmed the importance of this concern about organization change. Today more and more managers must deal with new government regulations, new products, growth, increased competition, technological development, and a changing work force. In response, most companies or divisions of major corporations find that they must undertake moderate organizational changes at least once a year and major changes every four or five."

## 2.

### THE LAMC COURT

The Los Angeles Municipal Court (LAMC) with 89 judges, 23 commissioners, 1050 employees and a budget of \$77 million is easily the largest municipal court in the nation. A commissioner is a bench officer appointed and vested with judicial powers by the judges to perform judicial functions. LAMC has 11 courthouse facilities and 3 traffic ticket payment offices serving 3.5 million people in a 468 square mile area consisting of the entire City of Los Angeles, the City of San Fernando, and the unincorporated area of Los Angeles County known as Florence/Firestone. Our Court collects approximately \$108 million in revenues from bail forfeitures, fines, and fees for rendering various services.

LAMC has jurisdiction over all civil matters not exceeding \$25,000, all misdemeanors, and preliminary hearings of all felonies. Misdemeanors are criminal acts punishable by imprisonment in the county jail for not more than one year and/or fine of \$1,000; while felonies are more serious crimes than misdemeanors with longer sentences and higher fines. Preliminary hearings are summary proceedings wherein the judge, sitting as a magistrate, determines from the evidence whether there is sufficient cause to believe that a crime has been committed and that defendant is probably guilty of committing it. If the magistrate so finds, the defendant is held to answer, and the case is transferred to the superior court for further proceedings.

The judges are divided into several panels: civil, criminal, preliminary hearing, and traffic. I was in the traffic and criminal panels, occasionally in the preliminary hearing panel, from 1981 to 1985, and in the civil panel from 1986 to 1993. The civil panel handles civil cases, unlawful

detainers and the occasional last-day criminal cases.

A last-day criminal case means that it is on its 30th day, if the defendant is in custody, or on its 45th day, in all other cases, from the date of the defendant's arraignment, or on its 10th day from the date the case was initially set by the Arraignment Court beyond 45 days, with defendant's consent referred to as *waiving time* (giving up the right to a speedy trial). California Penal Code Section 1382 provides for the dismissal of a criminal action:

x x x x

“(3) Regardless of when the complaint is filed, when a defendant in a misdemeanor case in an inferior court is not brought to trial within 30 days after he or she is arraigned or enters his or her plea, whichever occurs later, if the defendant is in custody at the time of arraignment or plea, whichever occurs later, or in all other cases, within 45 days after the defendant's arraignment or entry of the plea, whichever occurs later, or in case the cause is to be tried again following a mistrial, an order granting a new trial from which no appeal is \* \* \* taken, or an appeal from the inferior court, within 30 days after the mistrial has been declared, after entry of the order granting the new trial, or after the remittitur is filed in the trial court or, if the new trial is to be held in the superior court, within 30 days after the judgment on appeal becomes final. However, an action shall not be dismissed under this subdivision if either of the following circumstances exist:

“(A) The defendant enters a general waiver of the 30-day or 45-day trial requirement. A general waiver of the 30-day or 45-day trial requirement entitled the inferior court to set or continue a trial date without the sanction of dismissal should the case fail to proceed on the date set for trial. If the defendant, after proper notice to all the parties, later withdraws his or her waiver in the inferior court, the defendant shall be brought to trial within 30 days of the date of that withdrawal. If a general waiver is not expressly entered, subparagraph (B) shall apply.

“\* \* \* (B) The defendant requests or consents to the setting of a trial date beyond the 30-day or 45-day period. Whenever a case is set for trial \* \* \* beyond the \* \* \* 30-day or 45-day period

\* \* \* by request or consent, expressed or implied, of the defendant \*  
\* \* without a general waiver, the defendant shall be brought to trial on  
the date \*\*\* set for trial or within 10 days thereafter.

“(C) It is not tried on the date set for trial because of  
the defendant's neglect or failure to appear, in which case the  
defendant shall be deemed to have been arraigned within the meaning  
of this subdivision on the date of his or her subsequent arraignment on  
a bench warrant of his or her submission to the court.”

x x x x

If the judges in the criminal panel are all engaged, the last-day criminal case must be  
heard by a civil panel judge; otherwise it will have to be dismissed. A criminal defendant is  
constitutionally entitled to a speedy trial and the foregoing statute insures that the case is heard by  
a bench officer on a timely basis. Arraignment is defendant's first court appearance. She<sup>1</sup> is informed  
of the charge(s) and is required to enter a plea: guilty, not guilty, or *nolo contendere* (no contest).  
If the plea is guilty or *nolo contendere*, then defendant is sentenced; contrariwise, the case is set for  
trial within 30 days, if defendant is in custody, or 45 days, in all other cases, or beyond 45 days, if  
defendant waives time.

Attached as Appendix I is The Court in Brief which is publicly distributed to explain  
LAMC's organizational structure, jurisdiction, and mission.

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<sup>1</sup>For convenience, I will use the female gender in my pronouns contrary to the traditional  
use of the male gender. To achieve equality of the sexes, we should practice it at every  
opportunity.

### 3.

#### THE LAMC CULTURE

Edgar H. Schein defines Culture as follows:

“x x x I will argue that the term ‘culture’ should be reserved for the deeper level of *basic assumptions* and *beliefs* that are shared by members of an organization, that operate unconsciously, and that define in a basic ‘taken-for granted’ fashion an organization’s view of itself and its environment. These assumptions and beliefs are *learned* responses to a group’s problems of *survival* in its external environment and its problems of *internal integration*. They come to be taken for granted because they solve those problems repeatedly and reliably. This deeper level of assumptions is to be distinguished from the ‘artifacts’ and ‘values’ that are manifestations or surface levels of the culture but not the essence of the culture.

x x x x

“Culture should be viewed as a property of an independently defined stable social unit. That is, if one can demonstrate that a given set of people have shared a significant number of important experiences in the process of solving external and internal problems, one can assume that such common experiences have led them, over time to a shared view of the world around them and their place in it. There has to have been enough shared experience to have led to a shared view, and this shared view has to have worked long enough to have come to be taken for granted and to have dropped out of awareness. Culture, in this sense is a *learned product of group experience* and is, therefore, to be found only where there is a definable group with a significant history.”<sup>2</sup>

Several years ago, by legislative fiat, the superior court implemented the individual

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<sup>2</sup>Edgar H. Schein, Organizational Culture and Leadership (San Francisco, Jossey-Bass Publishers, 1991) pp. 6-7.

(also known as fast track or direct) calendar system in which each judge handles a case from the date it is filed until it is disposed. The superior court has general jurisdiction on all matters beyond the municipal court's jurisdiction. From the sidelines, the LAMC judges observed with keen interest the superior court judges' reactions to their new system. Since they occupied the same courthouse, the LAMC judges had daily verbal reports from the superior court judges, court personnel, and lawyers. The oft-repeated judicial word was "burned-out." The clerks complained of extra paper work. On the other hand, the lawyers were angry because of the time constraints, the regular fines they paid for any delay, the impossibility of compliance with the requirements by solo practitioners, and the loss of the joy of practicing law.

The municipal court judges watched with horror on the sidelines and vowed to oppose the adoption of the same system in their court. To their chagrin, the Legislature mandated that the municipal court should also adopt the same system to reduce trial delays.

When the Presiding Judge announced her intention to adopt the IC system, the judges and their clerks protested.

#### *The Practice and Procedure*

For more than twenty-five years, the civil panel had been using the MC system. When a civil complaint was filed, the first court appearance by the parties normally took place when one party, while preparing for trial, filed a motion seeking redress against the other party. All motions were filed and heard in Division 7, the Law and Motion Court. When the parties were ready to go to trial, they filed a Memorandum To Set Case for Trial and the court responded by ordering them to appear on a date certain in Division 1, the Master Calendar Court. All cases ready for trial were set in Division 1: Thirty or more civil cases were set each day plus five or more last-day criminal

cases. As soon as a judge of the civil panel called open, the clerk would immediately send a case. This was our MC system.

### *The Judges*

The judges on the civil panel liked this system because they handled only one case at a time. There was no pressure to dispose of the case right away because so long as a judge had that one case, she was considered engaged; no other case would be sent to her. Technically other than this one case, plus the three unlawful detainer cases assigned daily, she did not have any responsibility to the other cases in Division 1. As soon as she was done with the three unlawful detainer cases in the morning, her clerk could advise the Master Calendar Court that she was still engaged in that one assigned case. She could use this work-avoidance technique day after day. Meanwhile cases kept piling up in Division 1. The more conscientious judges meantime would try to finish their assigned cases as soon as possible so they could call open for the next case. They would objectively examine the facts of the case and expeditiously dispose of it; but other judges would intuitively focus on every conceivable issue, thus losing track of time. Additionally, the judge's background, skill, experience, and motivation were factors that affected how fast or slow a judge performed her task.

Because she did not have her own calendar of cases, except the one case assigned to her, she could come to work late and go home early. The three unlawful detainer cases took less than an hour to hear. She did not have to worry about lawyers and their clients waiting for her to show up in court because all the parties waiting for a trial court were in Division 1. She could leave her court anytime. Of course, the Presiding Judge worried every day where she would send the cases ready for trial since all the trial judges were "engaged."

### *The "Wanna-bes"*

Most judges are appointed by the Governor; a few are elected. It is a political process; influence peddlers and power brokers try to persuade the Governor to appoint their proteges. The first stage of the appointment process is for the Governor to refer an applicant to the Jenny (Judicial Evaluation & Nomination) Commission of the California State Bar. The Commission conducts a background investigation and oral interview of the applicant. The thrust of the interview is to give the applicant an opportunity to answer negative comments from lawyers and judges who responded to the applicant's evaluation questionnaires sent out by the Jenny Commission. To avoid these negative comments, the applicant submits to the Commission a list of her supporters only. Aware of this gamesmanship, the Commission encourages lawyers and judges who bear grudges against the applicant to report their complaints. But there is no competency test given to gauge the applicant's ability. Those who are found qualified or well qualified to be judges by the Commission may be appointed by the Governor.

Lawyers who have practiced the legal profession for at least five years are qualified to apply for judicial appointment. Those who apply have divergent skills, experiences, and motivations. They are older lawyers who feel "burned-out" in private practice, young aggressive lawyers who like to move up the rung from prosecutor or public defender, unsuccessful private practitioners who believe they will be financially better off with a judge's salary and lifetime pension, very bright and idealistic lawyers who want to make a name in the legal profession, political hacks who love the prestige of the judicial office, those who are intellectually curious, and others who do not know what to do with their professions. Heavily influenced by the prestige and mission of the judicial office, most of those appointed to the bench by the Governor turn out to be good,

hardworking judges; but some of them are mediocre and a few are “loose cannons” eventually dismissed after investigations by the Supreme Court.

### The Presiding Judge

The Presiding Judge is elected annually by the judges among themselves. Because of the transience of her appointment, and the mandated independence and equality of all municipal court judges, she strains her diplomatic skills in order to make any judge do anything. The real authority is with the judges who can choose to follow or disobey her directives<sup>3</sup>.

“The Presiding Judge of any multi-judge court is in an unenviable position. He is dealing with judges with diverse backgrounds, beliefs, education, experience, and temperament and he has little or no authority over them. They are independently elected to the precise same position as he is. He must lead his fellow judges by the use of tact and persuasion, not authority. Additionally, judges are human beings, some are fast and some are slow. Some will do a great job with one type of calendar and are not too well suited to another. Some are versatile and can handle anything well, and some are limited in their capabilities. All are generally independent and didn’t get to their present positions of responsibility by being docile followers. The job of Presiding Judge may be likened to that of a baseball manager, except that the latter’s job may well be much easier. At least the baseball manager doesn’t usually have their basemen who want to pitch and vice versa.”<sup>4</sup>

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<sup>3</sup>Chester I. Barnard, The Functions of the Executive (Cambridge, MA: Harvard University Press, 1966) Ch. XII, pp 160-184, on page 163, opined that, “the decision as to whether an order has authority or not lies with the persons to whom it is addressed, and does not reside in ‘persons of authority’ or those who issue these orders.”

<sup>4</sup>The Individual Vs. Master Calendar Controversy, A Study, Survey, and Evaluation Conducted under the Auspices of the National Conference of Metropolitan Courts, 1974, p. 1, citing Judge Melvin E. Cohn in the Trial Court Reform--Past, Present and Future (49 California State Bar Journal, Sept.-Oct. 1974, pp. 447-478).

Presiding Judges can truly appreciate the frustration of President Clinton when he told his aides what he thought his role in the economy was, "More like a captain of a ship," grasping for the metaphor of a very old ship with oars. "That is, I can steer it, but a storm can still come up and sink it. And the people that are supposed to be rowing can refuse to row."<sup>5</sup>

### *The Clerks*

The clerks of the trial judges also liked the MC because they had minimal paper work to process. Thus they had time to read their magazines, telephone their friends, do their own errands, or watch television; the IC would eliminate their free time. Needless to say, they resonated the judges' protests.

The clerks have civil service protection. Starting as Clerk Is, high school graduates can become Clerk IIIs, or even Clerk IVs, by excelling in their promotional evaluations which are given every three months. They can then qualify for trial court assignments; however, the judges are the ones who choose their clerks. A college graduate can start as a Clerk IV if she takes and passes a rigid training course.

### *The External Forces*

Civil lawyers filed their complaints and took their own time in calendaring them for trial. Since the case would not be set for trial unless they asked for it, pending civil cases kept piling up every day. The lawyers liked this set-up because they did not have to worry about deadlines;

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<sup>5</sup>Bob Woodward, *The Agenda* (Pocket Books, a division of Simon & Schuster Inc., New York, 1995) p. 389

sometimes the case got settled without going to court. A few even forgot about their pending cases in court! It was a lucrative practice; there was little stress and the income was more than enough to pay the bills.

However, they knew that the implementation of the IC system will end their “laid back” lifestyle. As soon as they filed their complaints, they would be mandated to take certain procedural steps during specific stages of the case, and would be penalized for non-compliance. The clients did not understand the dichotomy between the two calendaring systems. They waited for years before their cases were resolved. Of course, they hated the long wait; but “the heavy caseload in the courts causes the delay” was an old excuse they had learned to accept from their lawyers. With the advent of the IC system, they would be pleased with the speedy resolution of their cases.

## 4.

### THE RATIONALE AND GOAL OF THE CHANGE

In his Individual Calendar System Pilot Project Report to the Presiding Judge on October 27, 1992, the Civil Supervising Judge traced the genesis of the legislative mandate for the change, thus:

“Following the adoption of judicial arbitration the Court instituted a post arbitration Trial Setting/Status Conference (TSC). At the same time, we initiated another settlement program with DRS (Dispute Resolution Services) to encourage settlement of post arbitration cases. Under this program, the bench officer presiding over the TSC encourages the litigants to participate in a voluntary settlement conference with a DRS settlement officer. The difference between this and the Division One program is that the parties contact DRS and arrange a settlement conference prior to trial. This program is on-going and is quite successful. Approximately 48% of all cases referred to DRS reach a settlement.

“Despite these efforts to encourage alternative methods of resolving the Court’s more time-consuming civil cases the Court’s Master Calendar system, with the limited number of trial courts available to it at any given time, is simply unable to provide the litigants with trial date certainty. Moreover, the MC (Master Calendar) system is simply not designed for constant judicial monitoring cases. Under our MC, when a litigant appears for a jury trial in Division One, it is more likely than not that the case will be continued for lack of an available courtroom, and the lawyers and litigants will be required to wait a good portion of the day in Division One; only to be told their case will be continued.

“Several years before the Court instituted judicial arbitration and the DRS settlement program, the Legislature passed legislation mandating certain Superior Courts to institute trial court delay reduction pilot programs. This pilot project enacted in 1986 was called the Trial Court Delay Reduction Act (the Act) (See Gov’t. Code sec. 68600 et seq.) This Act not only mandated certain Superior Courts to adopt civil delay reduction programs, it also

required the Judicial Council to adopt standards of timely disposition for the processing and disposition of civil and criminal actions in all courts. The Act represented a significant departure from the customary notion that the litigants and their lawyers should control the pace of litigation. For example, it provides significant responsibilities on Judges for controlling the pace of litigation. Section 68607 provides:

“In accordance with this article and consistent with statute, judges shall have the responsibility to eliminate delay in the progress and ultimate resolution of litigation, to assume and maintain control over the pace of litigation, to actively manage the processing of litigation from commencement to disposition, and to compel attorneys and litigants to prepare and resolve all litigation without delay, from the filing of the first document invoking court jurisdiction to final disposition of the action.

X X X X

“The Act also authorized the Judges participating in a Delay Reduction Program to develop rules, standards and procedures that will be used in the program (Government Code Section 68612). These standards include time standards for completing all critical steps in the litigation process, e.g. time limitations that differ from those in the Code of Civil Procedure. The Act also encourages Judges to impose sanctions against litigants who fail to comply with delay reduction rules and procedures. In essence, the thrust of the 1986 Act was to ‘speed-up’ the processing of civil and criminal cases. (In our Superior Court, this endeavor is commonly referred to as ‘fast track.’)

“In 1991, the Legislature expanded the 1986 Act to all superior, municipal and justice courts in the state. For the Municipal and Justice Courts, the provisions of the 1986 Act became effective July 1, 1992. Irrespective of the Court’s own responsibility to ensure an orderly processing of civil actions, the expansion of the 1986 Act to the Municipal Courts imposed a separate obligation on the Court to re-evaluate and examine its processing of civil cases.

“To some extent, the Court, in 1990, began this task with its own voluntary adoption of Local Civil Delay Reduction Rules. These rules sought to impose some monitoring and discipline in the

processing of civil cases. The principal method of oversight is a status conference for failure to complete a critical litigation step. For the most part, the Clerk's Office has assumed the task of tracking civil cases through the LACAS automation system. Prior to implementing the IC pilot project, there was little direct judicial involvement in monitoring the progress of cases.

"In 1991, the Court revised its local Delay Reduction Rules, effective July 1, 1992, to conform to and to take advantage of the directives set forth in the 1986 Delay Reduction Act. Under our revised Rules, our delay reduction program applies to all cases filed on or after January 1, 1991."

The thrust of the Act is to avoid delays. Implicit in the law is the imperative for us to change our MC to the IC. While admitting that it has its disadvantages, relevant literature supports the IC.

In 1990, James S. Kakalik, Molly Selvin, and Nicholas M. Pace writing in Averting Gridlock: Strategies for Reducing Civil Delay in the Los Angeles Superior Court for the Rand Institute for Civil Justice concluded, "Courts with individual judge calendars for civil cases usually have substantially less delay than courts using the master calendar system. The advantages usually cited by researchers for an individual calendar system are that the judge is familiar with the case, is more likely to feel responsibility for moving the case along, and is accountable for the case, thereby reducing delay. When only one judge must be familiar with a case, judicial time may be saved. When each judge is individually responsible for disposing of a given set of cases, a judge is more likely to be motivated to do all he or she can to encourage the timely disposition of these cases. An individual calendar system also potentially makes individual judges accountable if summary data on each judge's caseload and disposition times are collected by the court and made available at least to other judges so that peer pressure or presiding judge pressure may come

into play. In addition, delaying tactics by litigants and their lawyers may be reduced if the litigants and lawyers always have to deal with the same judge on each case.” (Page 84)

## 5.

### **THE IMPLEMENTATION STRATEGY**

During a meeting in the Supervising Judge's courtroom to discuss the new calendaring system, most of the civil panel trial judges openly declared their opposition to the IC. The trial judges believed that the MC was working well, so why change it. They anticipated that the IC would mean a lot of work and why should they work more than necessary. They also thought that they would have a difficult time handling the stress and problems of the new system.

#### **Kotter and Schlesinger's Diagnosis of Resistance**

In diagnosing resistance, John P. Kotter and Leonard A. Schlesinger, *supra*, found that one major reason people resist organization change is that they think they will lose something of value as a result. In these cases, because people focus on their own best interest and not on those of the total organization, resistance often results in "politics" or "political behavior."

People also resist change when they do not understand its implications and perceive that it might cost them much more than they will gain. Such situations often occur when trust is lacking between the person initiating the change and the employees.

Another common reason people resist organization change is that they assess the situation differently from their managers or those initiating the change and see more costs than benefits resulting from the change, not only for themselves, but for their company as well.

People also resist change because they fear they will not be able to develop the new skills and behavior that will be required of them. All human beings are limited in their ability to change, with some people much more limited than others. Organizational change can inadvertently

require people to change too much, too quickly.

People also sometimes resist organizational change to save face; to go along with the change would be, they think, an admission that some of their previous decisions or beliefs were wrong. Or they might resist because of peer group pressure or because of supervisor's attitude. Indeed, there are probably an almost endless number of reasons why people resist change.

### *Dealing with Resistance*

John P. Kotter and Leonard A. Schlesinger, *supra*, proposed several ways how to deal with resistance. One of the most common ways to overcome resistance to change is to educate people about it before hand. Communication of ideas helps people see the need for and the logic of a change. The education process can involve one-on-one discussions, presentations to groups, or memos and reports.

If the initiators involve the potential resisters in some aspect of the design and implementation of the change, they can often forestall resistance. With a participative change effort, the initiators listen to the people the change involves and use their advice.

Another way that managers can deal with potential resistance to change is by being supportive. This process might include providing training in new skills, or giving employees time off after a demanding period, or simply listening and providing emotional support.

Another way to deal with resistance is to offer incentives to active or potential resisters. For instance, management could give a union a higher wage rate in return for a work rule change; it could increase an individual's pension benefits in return for an early retirement.

In some situations, managers also resort to covert attempts to influence others. Manipulation, in this context normally involves the very selective use of information and the

conscious structuring of events.

Finally, managers often deal with resistance coercively. Here they essentially force people to accept a change by explicitly or implicitly threatening them with the loss of jobs, promotion possibilities, and so forth, or by actually firing or transferring them.

### The LAMC Strategy

The Presiding Judge and Supervising Judge both knew that if they insisted in its implementation, they would have open revolt on their hands. Understanding that their order would not be obeyed and hence it would be a mistake for them to insist on their original plan<sup>6</sup>, the Presiding Judge and Supervising Judge decided to try a pilot project. They were optimistic that it would validate their claim that the IC was strategically effective. They knew that once they got the judges committed to the IC, they would themselves seek and enjoy the responsibility of managing their own calendars.

Choice of strategy in organizational change efforts is crucial in order to avoid predictable problems. A pilot project with volunteers was consistent with Kotter and Schlesinger's advice of *Education* and *Communication*. The resisters would see the daily activities and progress of the volunteers - a living and breathing experiment! The Supervising Judge also started training sessions for the volunteers, and encouraged the resisters to attend. There was no recrimination or hard sell; it was simple education and support to show that the new system would be as easy as the old one.

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<sup>6</sup>Chester I. Barnard, *supra*, p. 167. They were tactically correct in not pursuing their original plan because Chester I. Barnard wrote that, "There is no principle of executive conduct better established in good organizations than that orders will not be issued that cannot or will not be obeyed."

The Presiding Judge and Supervising Judge also resorted to indirect manipulation by reporting the activities of the volunteers to the media. Since judges are up for election every six years and are elevated to the higher court partly because of one's ability and industry, this put some pressure on the resisters for not participating in the pilot project. The Presiding Judge also knew, as a last resort, that she could use her power to assign judges mandated by statute.<sup>7</sup> Of course, at the inceptive stage, to re-assign the resisters would be a complete disaster. A mass transfer of judges was unheard of and the effectiveness of the IC system was still in question, not to mention the furor that the angry judges would unleash in disobeying the order, who, after all, were not without political acumen and clout. However, as we will see *infra*, finally armed with the information generated by the pilot project validating her assumption that IC was better than MC and the Trial Delay Reduction Act that mandated the adoption of civil delay reduction programs and standards of timely disposition for the processing and disposition of civil and criminal cases, the Presiding Judge executed the coup de grace by telling the resisters: accept IC or transfer to another panel!

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<sup>7</sup>California Rules of Court, Rule 532.5 provides, among others, the duties of the Presiding Judge:

x x x x

“(3) designate the judge to preside in each department including a master calendar judge when that is appropriate, and designate a supervising judge for each district or branch court;

x x x x

“(5) apportion the business of the court among the several departments of the court as equally as possible and have published for general distribution copies of a current court calendar setting forth the judicial assignments of the judges, the times and places assigned for hearing the various types of court business, and any special calendaring requirements adopted by the court for such hearings;”

x x x x

## 6.

### **THE INDIVIDUAL CALENDAR PILOT PROJECT**

The mission, as articulated by the Presiding Judge, was for the volunteers to work as a team under the leadership of the Supervising Judge and to implement successfully the IC system. Each volunteer judge would have to handle specially assigned cases from beginning to end. The success of the mission would result in full implementation of the IC and the termination of the MC.

#### **The Volunteers**

Including me, six judges volunteered: four younger judges, and another older judge. The Supervising Judge was the seventh member of the pilot project. All these judges were bright, highly motivated, and eager to learn. The general perception in the legal community was that the IC meant a lot of work, so that only the highly motivated, competent judges would volunteer. Four judges were Republicans like the Governor who by law appoints the judges. Thus, they also saw the municipal court as a stepping stone to the superior court. It was therefore a win-win situation for them. Not only did they enhance their stature in the community, but also improved their chance of being noticed by the Governor for elevation to the higher court. In my case, I could not look forward to elevation because I have always been a Democrat, but I volunteered because I wanted to gain mastery in handling civil cases and also enhance my stature in the legal community. In eight years I could retire and return to a private practice specializing in civil litigation. The sixth volunteer judge and the Supervising Judge were both highly motivated to make a name in the judiciary. Indeed, the Supervising Judge was recently appointed to the federal bench.

We were validating A. H. Maslow's concept of the *esteem needs*, thus:

“All people in our society (with a few pathological exceptions) have a need or desire for a stable, firmly based, (usually) high evaluation of themselves, for self-respect, or self-esteem, and for the esteem of others. By firmly based self-esteem, we mean that which is soundly based upon real capacity, achievement, and respect from others. These needs may be classified into two subsidiary sets. These are, first, the desire for strength, for achievement, for adequacy, for confidence in the face of the world, and for independence and freedom. Second, we have what we may call the desire for reputation or prestige (defining it as respect or esteem from other people), recognition, attention, importance, or appreciation. These needs have been relatively stressed by Alfred Adler and his followers, and have been relatively neglected by Freud and the psychoanalysts. More and more today, however, there is appearing widespread appreciation of their central importance.

“Satisfaction of the self-esteem needs leads to feelings of self-confidence, worth, strength, capacity and adequacy, of being useful and necessary in the world.”<sup>8</sup> Also, “maximum effectiveness is to be found by integrating an individual’s desire for personal growth with organizational goals.”<sup>9</sup>

The courtroom clerks did not volunteer, but decided to stay on with their judges lest they be replaced by others willing to participate in the pilot project as the only way to become courtroom clerks. They did not find any self-esteem or self-actualization in the new system. All they got were mountains of files, and unending telephone calls from litigants and witnesses seeking clarifications or angrily complaining about the rigidity and oppressiveness of the new system.

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<sup>8</sup> A.H. Maslow, A Theory of Human Motivation in Leavitt and Pondy, ed. Readings in Managerial Psychology (University of Chicago Press, 1964) p. 15

<sup>9</sup> Robert R. Blake and Jane S. Mouton, The Managerial Grid, 1964, cited in Classics of Organizational Behavior (Moore Publishing Company, Inc., Illinois: 1978)

### *Disaster struck!*

In the beginning, the pilot project was a complete disaster. The clerks could not find the case files. The Clerk's Office automation system for tracking civil cases was not ready for the transition; the clerks had to physically look for the files needed by the judges. Because there was no transition period for the change to the IC, many trial dates had to be vacated and assigned other trial dates. The parties were then notified of the new trial dates, resulting in total confusion and more clerical work. Had there been a transition period, this problem could have been avoided. Many cases were set each day; frustrated lawyers were waiting in the courtroom while each judge tried to settle four cases or more, all ready to proceed to jury trial. If the parties would not settle, then the judge would have to try all of them which could take four days at a minimum for each case. Meantime, the judge had to resolve the law and motions. If she was lucky, she would have the research report of the law clerk on file. However, more often than not, there was no law clerk, so the judge would have to do her own research in a field in which she was not familiar. Her problem was compounded whenever a last-day criminal case was transferred to her for immediate trial because it has precedence over civil cases. As if this volume of work was not enough, she would have another set of cases to hear the following day.

Unlike superior court judges who have two court clerks and a law clerk, the municipal court judges have only one clerk and a part-time law clerk. Consequently, the IC clerk made up for all her free time in the past, even giving up her lunch break!

### *Success!*

There were now two teams in the civil panel: the volunteers and the judges who remained with the MC. There developed a boundary between them, demonstrated by less social

contact and inability to listen receptively. The MC judges knew all along that at the rate the volunteers were working, the resulting statistics would compellingly show that the latter doubled the work of the former.

The volunteers shared the same goal, i.e., to show that the IC worked and was better than the MC. They communicated with each other on a daily basis; they had training sessions once a week. Together, they confronted their conflicts and solved their problems. They respected each other as equals. They were autonomous, but had optimal boundary permeability. Slowly, the volunteers began to manage their calendars.

The volunteers formed an effective team. They worked hard and used their skills effectively. They shared numerous problems and successfully solved them. In their successful use of the IC for six months, they developed a new LAMC calendaring culture<sup>10</sup>.

The judges used high-level skills in their work. The use of the IC system would impact the mission of the LAMC, affecting the entire organization and its external environment, i.e., the community at large seeking legal redress or protection. The judges enjoyed complete autonomy, deciding individually each case based on their own judgment and discretion. Although they alone were responsible for their own decisions, they were constantly interacting among themselves: supporting, critiquing, advising, learning and supporting<sup>11</sup>.

Their group synergy effectively enhanced their task behavior. They discussed freely

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<sup>10</sup>E. H. Schein, *supra*, p. 18, noted that "When a solution to a problem works repeatedly, it comes to be taken for granted. What was once a hypothesis, supported by only a hunch or a value, comes gradually to be treated as a reality." It becomes the group's culture.

<sup>11</sup>The individual calendar team met the criteria of the group design that will work specially hard on its task set by J. Richard Hackman, Handbook of Organizational Behavior (Inglewood Cliffs, NJ: Prentice-Hall, 1986), pp. 315-342, p. 324.

their problems and came up with solutions based on each judge's experience in her own court. They reported mistakes made, so the others would not fall into the same trap. They kept on looking for innovative strategies to reduce waste of time, energy, and talent<sup>12</sup>.

After working six months on the pilot project, they found themselves enjoying and finding satisfaction in their work. Why? By performing the tasks the MC judges shunned, the IC volunteers felt confident even superior, useful, and satisfied. By having their own calendars, they no longer had to wait for the MC clerk to tell them what they should do next: they felt liberated, independent and adequate. Indeed, without planning for it, they satisfied their need for self-esteem.<sup>13</sup>

The volunteers also discovered that they were doing what they were good at: expeditiously disposing of cases; facilitating, mediating, and negotiating the settlement of cases; doing their own research in unfamiliar legal fields and relishing the joy of learning; actively trying cases, and successfully suppressing lawyers' dilatory tactics. Hence, they also satisfied their need for self-actualization<sup>14</sup>.

The Supervising Judge, using carefully compiled statistics, found that the IC judge disposed of 62% of the cases compared to the MC judge's 38%. Without question, the IC is more efficient and effective; it takes fewer judges to dispose of more cases than the MC. He recommended implementation of the IC system. Attached as Appendix 2 is the pertinent portion of the Supervising

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<sup>12</sup>Ibid., p. 326.

<sup>13</sup>A. H. Maslow, *supra*, pp. 6-24, p. 15, provides support which validates the judges' feeling of self-confidence, worth, strength, capability and adequacy and of being useful and necessary.

<sup>14</sup>Ibid., p. 16, A. H. Maslow's conclusions support the position that judges who do what they do well will be (are) self-actualized.

Judge's Report on Case Dispositions by the Master Calendar and Individual Calendar Courts. This was the uncontrovertible evidence of the IC's superiority over the MC that the Presiding Judge needed to push the change to a cost-efficient and speedy calendaring system that was mandated by the Legislature. She was confident that at this stage she could execute a defensible mass transfer of the MC judges, if they would continue to resist the IC, because they no longer had any valid argument to keep the inefficient MC. As they say in lawyers' jargon *the Presiding Judge had the facts and the law on her side!*

### *Implementing the Change*

Having been informed of the Supervising Judge's recommendation and the Presiding Judge's intention to re-assign any MC judge who would not work the IC, the MC judges began to worry because they had to change their ways of doing things completely. And, as suggested in Chapter 5, people by nature are limited in their ability to change. The judges feared that they could not stand the rigors and stress of managing their own calendars. Additionally, they would be forced to develop new skills and task behavior. Their fears and concerns were echoed by their clerks.

During the six-month period of the pilot project, the Supervising Judge tried to include the MC judges in the pilot project by keeping them constantly informed of the ongoing training sessions and activities. The MC judges diplomatically ignored the overtures. The Supervising Judge could have officially requested them to attend, but he did not really have the power to compel their attendance.

Intellectually, the judges understood the need for the adoption of the new system. However, they feared that following the implementation of the IC, the job performance of all judges would be closely monitored and results would be circulated among the members of the civil panel.

Consequently, those who were not performing well would be identified. Since these reports were not confidential, they could be discovered through the Public Information Act exposing them to public scrutiny. The scrutiny could seriously damage their reputations or, worse still, trigger some lawyers to run against them in the next judicial election because of incorrectly perceived judicial incompetence and indolence<sup>15</sup>.

The judges who were opposed to the IC were left with two options: to accept IC or transfer to another panel. To transfer out would entail a whole new reorientation of their tasks. These judges had been handling civil cases for years. For them to go to hear criminal cases would essentially mean they were entering a new world, not to mention the personal adjustments they would have to make to the new working environment. They could also lose their clerks and bailiffs who might decide to stay in the county courthouse. To function effectively, the judges relied on their regular staff who understood their needs. Yes, the judges were placed between a rock and a hard place!<sup>16</sup>

To their credit, all the judges, some with great apprehension, opted to stay and embraced the new calendaring system. Unlike other groups, judges, because of their special bonding (*collegiality*), will support each other when push comes to shove to preserve the court as the third, co-equal, independent branch of government.

“Collegiality has several faces. One is intimacy. But it is intimacy beyond affection. It begins with a deep if selective knowledge of one another; no one knows our societal values, biases,

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<sup>15</sup>These concerns validated the findings of resistance to change by John P. Kotter and Leonard A. Schlesinger, *supra*, pp. 67-85.

<sup>16</sup>*Ibid.*, p. 72. This is a form of implicit coercion which is the only option open to the Presiding Judge to effect an unpopular change.

and thought ways better than a colleague, even though he may never master the names of our children. It is fed from the spring of our common enterprise. It manifests itself in an abiding concern for each other and the court, with the ardent hope that there need never be a choice between the two. If there were, however, the latter would prevail, not despite intimacy but because of it.”<sup>17</sup>

*Embedding the new culture*

The fact that the IC system had been fully implemented did not mean that the process was over. It was a new culture replacing a quarter century old MC system!

Edgar H. Schein, *supra*, p. 239, proposed:

*“Organizational Systems and Procedures.* The most visible part of life in any organization is the daily, weekly, monthly, quarterly, and annual cycle of routines, procedures, reports, forms and other recurrent tasks that have to be performed. The origin of such routines is often not known to participants, or sometimes even to senior management, but their existence lends structure, predictability, and concreteness to an otherwise vague and ambiguous organizational world. The systems and procedures thus serve a function quite similar to the formal structure: they make life predictable and, thereby, reduce ambiguity and anxiety.

“Given that group members seek this kind of stability and anxiety reduction, founders and leaders have the opportunity to reinforce their assumptions by building systems and routines around them.”

Thus, we set up a matrix numbering system to determine which case should go to each IC judge; established a rotation system in the distribution of last-day criminal cases; assigned one law

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<sup>17</sup>Frank M. Coffin, *The Ways Of A Judge* (Houghton Mifflin Company, Boston, 1980) pp. 172-173.

clerk for every two judges (as allowed by our budget); modified and published our Delay Reduction Rules which were distributed to the judges and the public; and detailed various minutiae regarding the handling of cases by the IC judges. Attached are our Local Delay Reduction Rules (Appendix 3).

*Fixing IC courts' predictable problems*

**James S. Kakalik, Molly Selvin, and Nicholas M. Pace, supra, p. 84, found:**

“Most potential disadvantages of the individual calendar system stem from different judges’ having different skills and work styles and from scheduling problems protracted cases and cases that settle immediately before trial create for individual judge calendars. Problems may arise in compensating for the conscientious but slow judge or for extended judge absence because of illness or leave. Finally, disparity among judges regarding rules and procedure is more likely with individual calendars.”

We have resolved the *different skills and work styles and slow judge* problems by having the Supervising Judge monitor the IC judges closely. He collects statistics and distributes them to all the participants. This places pressure effectively on the judges who are not up to disposing of cases expeditiously. The Supervising Judge also assists, mentors, and provides training to improve the skills and modify the work styles of participating judges. A clear, but indirect, message to “shape up or ship out” is communicated.

We have resolved the *scheduling* problem by creating a “buddy team” among the IC judges. The buddy team is a group of two to four judges who regularly help each other when anyone is overloaded with cases or is absent.

Finally, with regards to the *rules and procedure disparity problem*, we have written rules of procedure on how to handle particular issues. In addition, we have regular meetings to

discuss the different approaches and determine how to have a more unified procedure.

*Bringing in the Public*

The media, particularly the legal newspapers, were helpful in informing the public of the new IC system. IC judges regularly imposed sanctions from \$125 to \$1000 for failure to comply with the delay reduction rules. There were horror stories from the bench and the bar. But with consistent implementation of the Delay Reduction Rules reinforced by monetary sanctions, and mentoring by judges and bar leaders, by 1994 the lawyers have accepted the IC system as a way of life in court. We set up one court, Division 8, to monitor all cases in their pre-trial stages to ascertain that they are proceeding according to our timetable. In 1994, when I became the Supervising Judge, I opened up another court, Division 7, to review all cases that were two years old because our Rules provide that all civil cases should be finished within two years. I have personally run these two courts, and sent out Orders to Show Cause to all litigants who were not in compliance. If the plaintiff does not show up, I dismiss the case. Plaintiff then will have to file a California Civil Procedure Section 473 Motion asking the Court to vacate the dismissal because of counsel's mistake, inadvertence, surprise or neglect. In 1994, in Divisions 7 & 8, I had to hear a minimum of fifteen motions twice a week on Wednesdays and again on Fridays. This year the motions from both courts are down to fifteen to eighteen motions a week which I hear on Fridays. I grant 98% of the motions, impose a small amount of sanctions, and emphatically remind the lawyers and parties to comply with the Delay Reduction Rules.

## 7.

### **CONCLUSIONS AND RECOMMENDATIONS**

In this study, I reached the following conclusions:

1. Any organizational change will meet some kind of resistance;
2. The resistors will have motivations for resisting change;
3. Culture is a major component in any organizational change;
4. In public organizations, a statutory mandate facilitates the organizational change;
5. Strategic planning is crucial to a successful organizational change.

Therefore, I make the following recommendations:

Anticipate resistance to change and choose the strategy to deal with the resistors.

**John P. Kotter** and **Leonard A. Schlesinger**, *supra*, observed that all human beings are limited in their ability to change, with some people much more limited than others. Organizational change can inadvertently require people to change too much too quickly. Managers are unable to change their attitudes and behavior as rapidly as their organization requires. Even when they intellectually understand the need for change in the way they operate, they sometimes are emotionally unable to make the transition.

Therefore, the organization's leadership should provide for a transition period which should be utilized to educate the participants as to their roles, the goals, and the implications of the change to the organization. They should be encouraged to participate as early as the formulation of the new system. Use group meetings to explain why the changes have to be made, and urge the members to participate in planning the implementation.

While I discussed only our *self-esteem needs* and self-actualization as the motivating factors for the volunteers to the pilot project, A.H. Maslow, supra, identified other human needs for motivation. These are physiological, safety, and love. In addition, according to Maslow, we are motivated by the desire to achieve or *maintain* the various conditions upon which these basic satisfactions rest and by certain more intellectual desires. Therefore, discuss during the orientation and training how the change would favorably respond to their needs.

Do not overlook the support staff. Create a supportive working environment and be sensitive to their human needs for motivation. To motivate the clerks, they should be reclassified as special IC clerks. To give them material incentive, they should have graduated increases in salary so that their self-esteem would also be satisfied. They should have clerical support from the Clerk's Office. If they could not finish their work every day because it is humanly impossible, then before long they would feel defeated and inadequate. By supplying them with a working environment that they could work at their best, their need for self-actualization would be fulfilled.

Every organization has its own culture and to change it, you should provide a new culture to take its place. This cannot happen overnight. It took us months to go through the process, as I explained, to embed the new IC culture to replace the MC culture. Even then we still have to use the reinforcing mechanism *Organizational Systems and Procedure*, as discussed in Chapter 6, so that the new culture stays permanently embedded in our organization.

Legislation mandating the change is a big plus in implementation. In our conversion from MC to IC, we had the ultimate weapon to effectuate the change. The Trial Court Delay Reduction Act mandated the change to a cost-efficient and effective calendaring system. Additionally, the Presiding Judge is statutorily empowered to re-assign judges so that she can

transfer out judges who would not accept the IC. If you, therefore, anticipate strong opposition to a much needed organizational change, it may be helpful to explore the feasibility of getting the Legislature to pass a statute mandating the change.

When you convert from MC to IC, begin with a pilot project. Start with smaller chunks and smaller successes.

Give the MC judges, joining the IC, all the support and assistance they need. Mistakes committed by the IC judges should be pointed out to the MC judges.

Two things should be remembered in interacting with the MC judges: First, they were impliedly coerced into embracing the new system. Second, they will experience a painful transition because they are resistant to change. Mentoring is an effective tool to deal with MC judges' initial resistance. The mentor should be careful to respect seniority; otherwise, where the mentor is a judge with less experience, senior MC judges may resent taking instructions from them.

The original IC team should now include the MC judges. The boundary between the IC judges and the MC judges should be obliterated. Meetings should be regularly scheduled. Eventually, as they continue to share their problems and together work out their solutions, they will form a new culture<sup>18</sup>.

PLAN AHEAD. Making an organizational change requires strategic planning. You should understand resistance to change, human motivations, organizational culture, and the strategy to deal with the resisters. You should have a clear mission, a good understanding of the

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<sup>18</sup>E. H. Schein, *supra*.

inevitable group dynamics that would ensue, and a well planned strategy of implementation with provisions for dealing with resistance.

## 8.

### AFTERWORD

In 1993 I was elected to the position of LAMC Assistant Presiding Judge assuming office on January 1, 1994. I was reelected for another term that will end this year. The Presiding Judge appointed me Supervising Judge on January 3, 1994 so I have had the opportunity to fine-tune our IC system.

From the original seventeen MC judges in the county courthouse, we now have twelve IC judges in the County Courthouse, three in our Van Nuys Court, one in our West Los Angeles Court, and one in our San Pedro Court. This is to enable the litigants to have their cases heard in their neighborhood courts. Considering that Los Angeles is the second largest city in the country; that it is located in the heart of Los Angeles County with its 10 million people making it larger than forty-two states of the Union; that there is inadequate public transportation and Californians will not part with their cars; that traffic in the civic center where the County Courthouse is located is a study of organized chaos and frayed nerves; that the parking rates are as expensive as a regular dinner at some exclusive restaurants in nearby Beverly Hills, we had to assign IC judges in the branch courts. Otherwise, we would have failed to give Access to Justice as required by the Trial Court Performance Standards.

While the cases are assigned to the respective IC judges upon filing, based on their matrix numbers, they actually go to those courts only after the parties file a Memorandum to Set the Case for Trial. This happens after the defendant files her Answer to the Complaint.

If there is any delay in the filing of the proof of service of the summons and complaint (90 days from filing of the Complaint; 40 days from filing of the Cross-Complaint) or submission of the Memorandum To Set the Case for Trial (165 days from the filing of the Complaint), then I will step in and issue an Order to Show Cause why the case should not be dismissed.

While in the past lawyers had control of our calendar, we have taken the courthouse back.

Every organization will face a change one time or another. Nothing is constant. It is, therefore, imperative for the manager to have a strategy for change and be prepared to participate in its implementation. In the case of the LAMC's implementation of the IC, while we had a clear mission, we had an amorphous strategy and a vague understanding of the inevitable complex group dynamics that occurred. It was a difficult, at times painful, transition; it was also a learning experience. But we have learned well.

In the horizon, I see numerous challenges that will compel us to make organizational changes. Let me state a few. In the hole with a huge deficit, our county cut our budget *again* by ten percent, and there is no end in sight. With the budget constraints, we may be hindered from fulfilling our constitutional mandate. However, we are determined to fully perform our mandate even if it goes beyond our budget. If this happens then we will have to sue the county for our extra costs and expenses. The Legislature wants us to coordinate, otherwise they will withhold or give us less funding. Meanwhile, the Judicial Council orders us to achieve coordination at specific stages. In coordination, we will face tremendous political and ego/power overreaching by both judges and administrators. We may have unification of the trial courts depending on who is in the governor's

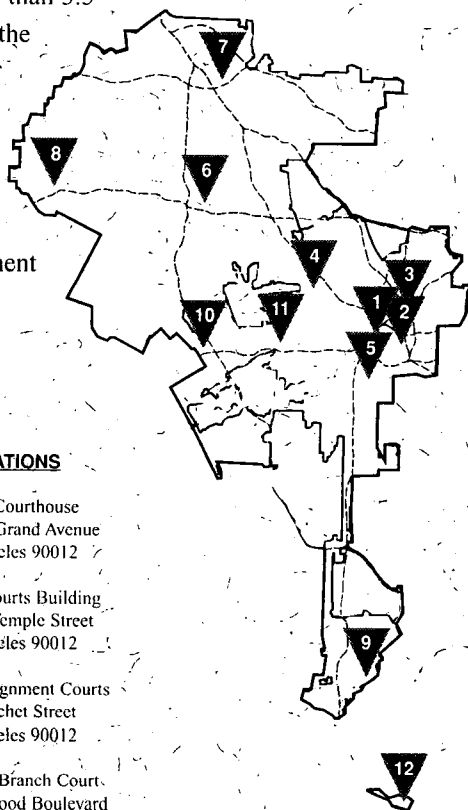
mansion.

Yes, there are a lot of changes that we will have to undertake if we are to survive as an independent, co-equal third branch of government. We are ready. We shall overcome.

## Judicial district

The Los Angeles Judicial District boundaries include the city of Los Angeles, the City of San Fernando, the island of Catalina and the unincorporated area of Los Angeles County known as Florence/Firestone.

To serve the more than 3.5 million people in the 544 square mile area, the judicial district includes 11 courthouse facilities and one traffic ticket payment office.

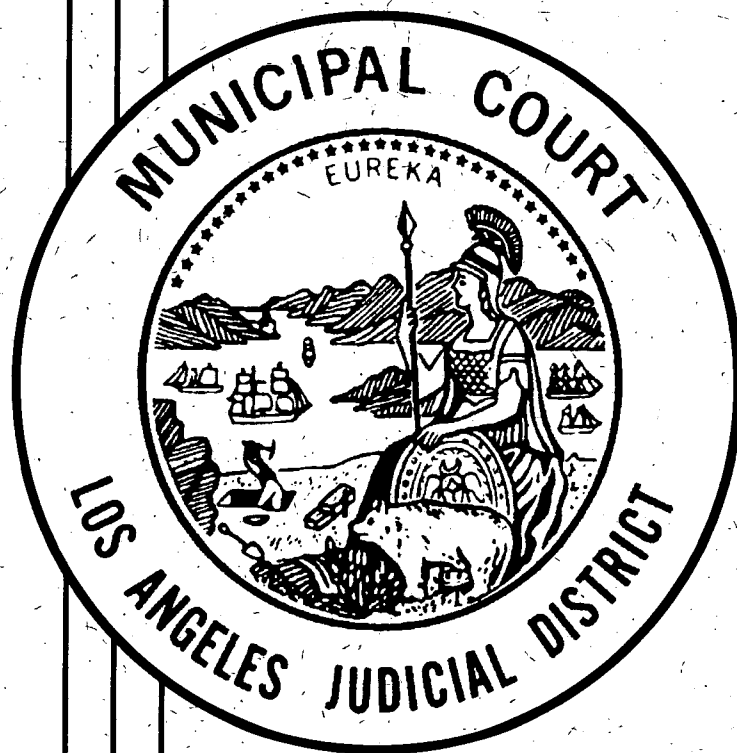


### LOCATIONS

- |   |  |  |
|---|--|--|
| 1 | County Courthouse<br>110 North Grand Avenue<br>Los Angeles 90012                                 |  |
| 2 | Criminal Courts Building<br>210 West Temple Street<br>Los Angeles 90012                          |  |
| 3 | Central Arraignment Courts<br>429 Bauchet Street<br>Los Angeles 90012                            |  |
| 4 | Hollywood Branch Court<br>5925 Hollywood Boulevard<br>Los Angeles 90028                          |  |
| 5 | Metropolitan Branch Court<br>1945 South Hill Street<br>Los Angeles 90007                         | 9  |
| 6 | Van Nuys Branch Court<br>14400 Erwin Street Mall<br>Van Nuys 91401                               | 10   |
| 7 | San Fernando Branch Court<br>900 Third Street<br>San Fernando 91340                              | 11   |
| 8 | West Valley Ticket Payment Office**<br>21201 Victory Boulevard<br>Suite 120<br>Canoga Park 91303 | 12   |
|   |  | San Pedro Branch Court<br>505 South Centre Street<br>San Pedro 90731     |
|   |  | West Los Angeles Branch Court<br>1633 Purdue Avenue<br>Los Angeles 90025 |
|   |  | Robertson Branch Court<br>3000 Robertson Boulevard<br>Los Angeles 90025  |
|   |  | Catalina Branch Court<br>215 Summer Avenue<br>Avalon 90704               |

\*\*Limited to traffic matters including payments,  
not guilty pleas and traffic school sign ups.

## The COURT



## In BRIEF



## Appendix 2

### CASE DISPOSITIONS

PERTINENT PORTIONS OF CIVIL SUPERVISING JUDGE RICHARD A. PAEZ'S OCTOBER 27, 1992 INDIVIDUAL CALENDAR SYSTEM PILOT PROJECT REPORT AND RECOMMENDATIONS TO THE PRESIDING JUDGE.

## CASE DISPOSITIONS

In this section an attempt is made to compare the disposition of cases between the pilot project IC courts and the MC courts. Since we did not set out to test a specific hypothesis, the statistical results must be considered with some caution. Moreover, the statistical results do not tell the whole story; to a considerable extent, it is difficult to measure the success or failure of a pilot project where all the judges volunteered to participate in the program. Furthermore, the two systems are significantly different; one system encourages settlement and judicial involvement; and the other relies upon the availability of judges to try cases. In any event what follows is a statistical comparison of the total case dispositions between the two systems.

### 1. Disposition of Cases Set for Trial

For the first five months of the pilot project there were seven assigned judges. In August, one judge took an extended leave of absence and a replacement judge for his calendar was not available until late September. During this transition these cases were transferred to Division One.

For the same time period 10½ trial judges were assigned to the MC. The half-time judge reflects the half-time assignment of the Assistant Presiding Judge in presiding over post arbitration Trial Setting Conferences in Division 8. The Law and Motion division (Division 7) is included as one of the Master Calendar Courts. The Presiding Judge and Commissioners assigned to Divisions 20 and 2 were not included.

As noted above, one of the concerns we had at the outset of the project was to reduce the number of continued trials. Table #2 shows the total number of cases that were set for trial in Division One and in the IC courts from April 5, 1992 through August 31, 1992, and the disposition of those cases.

TABLE #2

DISPOSITION OF CASES SET FOR TRIAL APRIL 6 - AUGUST 31, 1992							
YEAR TO DATE MASTER CALENDAR							
TOTAL OF CASES ON CALENDAR		SETTLEMENT	JUDGMENT	DISMISSAL	STIP JUDGMENT	CONTINUED	OFF- CALENDAR
	2779	361	506	660	373	814	65
	100%	13%	18%	24%	13%	29%	2%
DISPOSITION		68%			PENDING 32%		
SETTLEMENT	13%	Dismissal 24%			-	Continued	29%
Judgment	18%	Stip Judgment 13%				Off Calendar	2%
DIRECT CALENDAR							
TOTAL OF CASES ON CALENDAR		SETTLEMENT	JUDGMENT	DISMISSAL	STIP JUDGMENT	CONTINUED	OFF- CALENDAR
	2312	227	874	375	352	369	115
	100%	10%	38%	16%	15%	16%	5%
DISPOSITION		79%			PENDING 21%		
SETTLEMENT	10%	Dismissal 16%				Continued	16%
Judgment	38%	Stip Judgment 15%				Off Calendar	5%

[The above terms are defined as follows:

Settlement includes any settlement whether or not it was court supervised. Judgment refers to a judgment after trial. Dismissal means voluntary and court-ordered dismissals. A stipulated judgment, though it too is a settlement, is shown separately. Continuance includes those granted at the request of the parties and those ordered by the Court for whatever reason. Off Calendar is self-explanatory. Though there should no longer be any cases ordered "off calendar," this still happens when 1) a bankruptcy petition has been filed; 2) the parties have stipulated to binding arbitration, or 3) the parties announce at the time of trial that a stipulated judgment or notice of trial will be filed. As we enforce our local rules, we should eventually reach the point where there are no "off calendar" matters.]

Table #2 shows that of the 2,779 cases set for trial in Division 1 from April 5, 1992 through August 31, 1992, 68% resulted in a disposition. For the same period, of the 2,312 cases set for trial in the IC courts, 79% resulted in a disposition, a difference of 11% (or 1900 dispositions for the MC courts and 1828 for the IC courts). This difference is attributable to the number of cases that were disposed of by judgment after trial. The MC courts disposed of 506 or 18% by trial and the IC courts disposed of 874 or 38% by trial. A possible explanation of

this difference is that the IC courts settle the longer cases and therefore have more time to complete the short cause or prove-up cases. The master calendar courts spend more time in trial on fewer cases (civil and criminal).

Of the total cases set for trial, Division One continued 814 or 29% and the IC courts continued 369 or 16%. This difference might be explained by the unavailability of MC courts to try civil cases because of overflow criminal cases. I doubt, however, that this is the complete explanation. There is considerably more pressure on the IC judge to deny a continuance or to require a showing of good cause before granting one. By granting a continuance, the IC judge does not dispose of the case; the judge just postpones the final resolution to a later date. An MC courtroom judge does not have to confront that problem; it is left to the judge presiding over the Master Calendar (Division One). It is my experience that the judge presiding over the Master Calendar tends to look favorably upon requests to continue or will order trials continued on the Court's own motion, when there are a number of cases ready for trial and the litigants must wait for hours on end to be sent to a trial court.

## **2. Total Cases Civil (Matters) Handled**

Since the IC and MC judges also dispose of cases in other ways it is important to consider the outcome of court events other than trials. Table 3 shows the total number of cases, or, more appropriately, matters or events, handled by the two systems during the same period of time. (Law and motion matters are excluded from this analysis.)

**TABLE #3**

TOTAL CASES (MATTERS) HANDLED MASTER CALENDAR vs DIRECT CALENDAR YEAR TO DATE APRIL - AUGUST 31, 1992					
	DISPOSITION		CONTINUANCE		TOTAL
<u>MASTER CALENDAR</u>					
TRIAL CALENDAR	1900	68%	879	32%	2779
<u>DIVISION 8</u>					
OSC	85	53%	76	47%	161
TSC	146	12%	1026	88%	1172
SC	32	13%	222	87%	254
	<b>2163</b>	<b>50%</b>	<b>2203</b>	<b>50%</b>	<b>4366</b>
<u>DIRECT CALENDAR</u>					
TRIAL CALENDAR	1828	79%	484	21%	2312
MSC	264	34%	513	66%	777
TSC	141	16%	750	84%	891
SC	72	22%	254	78%	326
OSC	42	41%	61	59%	103
VSC	28	57%	21	43%	49
FSC	16	32%	34	68%	50
	<b>2391</b>	<b>53%</b>	<b>2117</b>	<b>47%</b>	<b>4508</b>

[The above-referenced abbreviations refer to the following:

- OSC - order to show cause re sanctions (dismissal or monetary);
- TSC - trial setting conference;
- SC-Status Conference
- MSC - mandatory settlement conference;
- VSC - voluntary settlement conference (through the County Bar's Dispute Resolution Services program);
- FSC - Final Status Conference.]

This table shows, for example, that the IC courts scheduled 777 MCSs which resulted in 264 settlements at the MSC, or 34%. In the MC, there were 1,172 TSCs. Twelve percent or 146 of these cases reached a disposition either before or at the TSC; and 1,026 cases

remained pending and were set for trial and/or a voluntary settlement conference.

This table also shows that of the 4,366 civil matters (not including law & motion) handled by the IC courts, 2,391 or 53% of those matters involved a final disposition of the action. In the MC, of the 4,366 civil matters (except law & motion) handled, 2,163 or 50% involved a final disposition of the case.

## 2. Dispositions per Judicial Position.

Another way of comparing the two systems is to consider the number of dispositions per judicial position. Table 4 shows that of the total cases or matters handled the IC courts disposed of 342 cases per judicial position or 62%. The MC courts disposed of 206 per judicial position or 38%.

On a per judge basis the IC courts handled 644 cases or matters; the MC courts handled 416.

Table 4

Year to Date Dispositions April - August, 1992 TOTAL CASES/MATTERS HANDLED	
Disposition per Judicial Position:	
(10.5) Master Calendar	206
(7) Direct Calendar	342
Cases handled per Judicial Position:	
(10.5) Master Calendar	416
(7) Direct Calendar	644

When dispositions are limited to cases just set for trial, the MC judges disposed of 181 cases per judge; the IC courts disposed of 261 cases per judge.

If we did not have to account for criminal last day cases, these statistics would be compelling. They suggest that the IC system is more efficient and productive; it takes fewer

judges to dispose of more cases than the MC system. I recognize, however, that the analysis is not so simple and that we must consider the impact of and account for the criminal last day cases handled by the MC and IC courts.

The following statistics show that the MC courts handled more criminal cases on both a system and per judge basis between April and August, 1992.

**TABLE 5**  
**MASTER CALENDAR**  
**LAST DAY CRIMINAL CASES - 1992**

Master Calendar Division	APR	MAY	JUNE	JULY	AUG	SEPT	TOTAL
12	1	1	3	1	0	2	8
14	1	2	0	3	6	4	16
18	3	1	1	1	2	2	10
21	0	1	3	2	2	1	9
22	0	0	2	3	1	0	6
25	4	3	5	6	5	3	26
26	1	1	2	1	6	3	14
27	0	0	1	0	4	4	9
28	0	0	0	3	5	1	9
TOTAL							107

TABLE 6

**DIRECT CALENDAR COURTS  
LAST DAY CRIMINAL CASES - 1992**

Individual Calendar Div.	APR	MAY	JUNE	JULY	AUG	SEPT	TOTAL
3	1	0	2	0	0	0	3
11	0	0	1	0	0	0	1
13	2	3	3	0	0	0	8
15	0	1	1	2	0	1	5
16	0	0	0	0	0	0	0
17	1	0	1	1	0	1	4
23	0	1	2	0	0	1	4
24	0	1	0	0	0	1	2
TOTAL							27

Although the MC courts disposed of more criminal last day cases than the IC courts, the IC courts, while maintaining their own individual civil calendars, disposed of a reasonable number of last day cases. When one considers the number of last day criminal cases handled by the MC courts, however, one cannot definitively conclude that the IC system is more efficient and more productive.

Despite my concerns with the statistical results, I am prepared to recommend an expansion of the IC system to 14 judges, with the remaining four judges serving as overflow courts for both criminal last day cases and unlawful detainers. My experience with a direct calendar leads me to conclude that an IC system for civil cases is the best way for the Court to meet its obligations under the Trial Court Delay Reduction Act of 1986. Though the assignment of last day criminal cases to a direct calendar court is disruptive, it is not onerous. With adequate clerical assistance for the courtroom clerk and law clerk assistance for the judge, it is not unduly burdensome for a judge to maintain an individual calendar and preside over a criminal last day case. This circumstance does not happen every day or week and as the Governor fills vacancies it should happen less frequently.

In deciding whether or not to accept my general recommendation there is one other variable that should be considered -- the extent to which we should or want to cooperate with the Superior Court in handling their cases. Assuming that it is a desirable goal for our judges to preside over Superior Court cases, and that some cooperative arrangement may be worked out with the Superior Court to accomplish that objective, IC judges could still, if they desired, handle Superior Court cases by working such matters into their calendars or setting aside trial

time for a Superior Court case. While devoting time to Superior Court cases, however, the IC system makes certain the Court will meet its statutory mandates for those cases within our jurisdiction.



LOCAL RULES

MUNICIPAL COURT OF CALIFORNIA  
LOS ANGELES JUDICIAL DISTRICT

CIVIL

Pursuant to §68070 of the Government Code and §128 and §187 of the California Code of Civil Procedure, the Municipal Court of the Los Angeles Judicial District has adopted a number of local rules. These rules are intended to secure the efficient administration of the business of the Court, and to promote and facilitate the administration of justice by the Court.

This booklet sets forth those local rules pertinent to civil proceedings and has been prepared for the convenience of attorneys and others appearing before the court. It is not a complete listing of all of the local rules.

**RULE 10.01. SETTING OF CIVIL ACTIONS AND PROCEEDINGS FOR TRIAL**

(a) Settings in Divisions Other than "Branch Court" Divisions. All civil actions or proceedings which are at issue shall be assigned a trial date by the clerk of the court under the supervision of the Presiding Judge. Trial shall be set for the earliest available date unless the parties, or their counsel, have requested and stipulated to a later date.

(b) Settings in "Branch Court" Divisions.

All civil actions or proceedings which are at issue in a "branch court" division shall be assigned a trial date by the supervising deputy clerk under the supervision of the judge presiding in the division. Trial shall be set for the earliest available date unless the parties, or their counsel, have requested and stipulated to a later date. (Effective October 1, 1985)

**RULE 10.02. DISTRIBUTION OF CIVIL FILINGS - STATEMENT OF LOCATION**

(a) Civil filings shall be accepted at the following locations of the Los Angeles Municipal Court:

County Courthouse	110 No. Grand Avenue, Los Angeles
West Los Angeles	1633 Purdue Avenue, Los Angeles
Van Nuys	14400 Erwin Street Mall, Van Nuys
San Fernando	900 Third Street, San Fernando
San Pedro	505 So. Centre Street, San Pedro

(b) All civil actions, with the exception of small claims actions, presented for filing at any one of the aforementioned court locations or any other locations designated by the Presiding Judge must be accompanied by a separate document. This document shall not be filed but will be retained by the clerk. It will be entitled "Statement of Location" and must state the case name, case number, type of action, and location of the action in dispute. The document must conform to California Rules of Court 501 as to format and size and shall be made available by the clerk. The location should be identified by a recognizable street address and include the Zip Code.

(c) Except as otherwise ordered by the Presiding Judge: 1) Every action for personal injury, tort, contract, or real property/unlawful detainer shall be heard in the court within the Los Angeles Judicial District, closest to where the injury or tort occurred, or where the contract was entered into, or where the real property dispute is located; 2) and all other actions shall be heard based on the defendant's residence (Effective July 1, 1994).

**RULE 10.02.01 LOCATION AND HOURS OF OPERATION**

Civil filings shall be accepted between the hours of 8:30 a.m. and 4:30 p.m. daily except

subject to judicial arbitration unless otherwise exempt (Effective January 1, 1991)

**RULE 10.09. FACSIMILE FILING**

(a) The Municipal Court of the Los Angeles Judicial District hereby adopts Division VI of the California Rules of Court, allowing for the facsimile filing of civil documents.

(b) The Court elects to allow the filing of documents by facsimile transmission directly with the Court and indirectly through a fax filing agency.

(c) Pursuant to Rule 2006(c) of the California Rules of Court, all signatures on facsimile transmitted documents, whether they be directly or indirectly filed, are deemed original.

(d) In electing to accept facsimile documents directly, the Court shall use facsimile machines located in Court facilities, specifically, the Central Civil Division at the County Courthouse and the Van Nuys Branch Civil Office. Pursuant to Rules 2005, 2006, and 2007 of the California Rules of Court, the following shall apply to direct filing:

- (1) The Court's facsimile machines shall be available 24 hours a day, although filings received after 4:30 p.m. or on Court holidays shall be deemed filed on the next Court day.
- (2) All facsimile filed documents shall be accompanied by the Judicial Council Cover Sheet (Form # CI 211JC). The cover sheet shall be the first page of the document, and shall include the filing attorney's credit card number. The Court shall maintain the confidentiality of this number.
- (3) Confirmation of the filing of the document shall be given by the standard confirm option of facsimile machines. The Court will not fax a copy of the cover sheet back to the filing attorney.
- (4) The Court shall charge a fax usage fee of \$1.00 per page, including the cover sheet, along with any filing fees normally associated with the document. These fees shall be charged to the filing attorney's credit card number.
- (5) If any of the above provisions are not followed, the Court will not accept the filing of the document. The proper transmission of a document by a facsimile machine is the responsibility of the filing attorney, not the Court.

(e) In electing to accept facsimile documents for filing indirectly through a fax filing agency, the Court adopts the provisions of Rule 2008 of the California Rules of Court, which in part state the following:

- (1) A party may transmit a document by fax to a fax filing agency for filing with the Court.
- (2) When submitted to the Court, this document must comply with all filing requirements, as well as have the words "Filed by fax by" followed by the name of the filing agency at the bottom of the last page of the document.
- (3) The filing agency must pay all applicable fees at the time of filing.

(f) Any discrepancy at the time of filing or appropriateness of the filing method shall be determined by the Court through an Ex-Parte Application. (Effective March 1, 1992)

*Pursuant to Rule 981 (c) of the California Rules of Court, a full set of the local rules may be purchased from either of the following:*

The Metropolitan News  
210 South Spring Street  
Los Angeles, CA 90012  
(213) 628-4384

The Los Angeles Daily Journal  
915 East First Street  
Los Angeles, CA 90012  
(213) 229-5300

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