

**THE SUPERIOR COURT AND
FELONY CASE PROCESSING
IN PIERCE COUNTY, WASHINGTON**

- FOLLOW-UP REPORT -

By

*Alan Carlson
Aimee Baehler*

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**The Justice Management Institute
1900 Grant Street, Suite 630
Denver, CO 80203
(303) 831-7564
Fax: (303) 831-4564**

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I. INTRODUCTION

Background

In the fall of 2000 The Justice Management Institute (JMI) conducted a performance audit of felony case processing in Pierce County, focusing on the Superior Court. Although the study was funded by the Washington Office of the Administrator of the Courts, the primary clients were the Pierce County Superior Court and the Performance Audit Committee of the Pierce County Council. The final report¹ provided a number of recommendations for changes in the way felony cases are heard in the county. The recommendations were grouped into five themes:

- Recommendations concerning the Superior Court’s organization and goals with respect to felony caseload management;
- Recommendations for changes in the Superior Court’s felony caseload management practices and procedures;
- Recommendations for changes in the felony caseload management practices and procedures in other stages and agencies;
- Recommendations concerning relationships between the Superior Court and other “stakeholders” in the Pierce County criminal justice system; and
- Recommendations for changes in state law, practices and procedures.

The intent of the recommendations was to establish greater accountability for the movement of felony cases by developing structures, policies, and practices that allows the Superior Court and Pierce County criminal justice agencies to resolve felony cases in a more timely, less stressful, and more effective manner.

Follow-up Scope of Work

After accepting the report, Pierce County and the Superior Court contracted with JMI to implement several aspects of the recommendations. The objective was to improve the felony case processing, both as to pace and by making more effective use of public resources allocated to resolving felony cases.

The follow-up project involved five areas of assistance. First was the development of a set of protocols for felony case proceedings that described what is expected of attorneys, the court and other criminal justice agencies both as to preparation for, and actions taken during, proceedings scheduled in court. The objective was to make

¹ Management Study of Felony Case Processing in Pierce County, Washington, The Justice Management Institute, February 15, 2001.

the most effective use of resources allocated to felony cases and to achieve resolution of these cases as early as possible.

The second area of assistance related to how the judges of the court are organized and how cases are assigned among them. The objective here was to establish a structure that provided appropriate accountability while maintaining flexibility for the judges.

The third area of assistance was to provide information and recommendations regarding staffing needs in the court administrator's office to support the new felony case management practices that are developed in the first two tasks.

The fourth area of assistance was to identify facility needs that will support the new felony case management practices.

A fifth area of assistance was to develop a monthly report that describes felony case processing in Pierce County from arrest through sentencing. The objective here was to provide the leadership of the criminal justice system and County Council members with a monthly summary of what is happening regarding felony criminal cases.

The intent of this report is to summarize the work that has been done and provide a preliminary assessment of the impact of the changes. The report is organized around the five areas of assistance. Several of the areas have distinct work products, such as the felony proceeding protocols. These work products are included in appendices to the report. The report text reviews the objectives of the work in each area, describes the process of developing the product and summarizes the key aspects of the work done.

II. IMPACT OF CHANGES

It is too early to assess the long-term impact of the changes made during the last year. The felony proceeding protocols only took effect in January 2002 and the Superior Court is still considering changes to its governance structure. However, the Superior Court did make significant changes in the handling of felony cases approaching trial dates in the spring of 2001. These changes, and the process of considering and developing other changes, have produced measurable results regarding the movement of felony cases. On a macro scale, there are fewer felony cases pending at the end of 2001 than were pending at the end of 2000. The pending caseload dropped from 1,720 cases to 1,465 cases, a reduction of almost 15%. This reduction occurred notwithstanding a 6.3% growth in felony filings, from 6,256 in 2000 to 6,651 in 2001. More importantly, the pending caseload has become younger as the Superior Court has resolved a greater proportion of older pending cases. At the end of 2000 a total of 61.9% of the pending felony cases were less than 4 months old. This had risen to 75.4% of the pending cases at the end of 2001. Fewer cases are pending and fewer of them are getting old.

Improvements have been made on a number of other aspects of case management. These were reported in a news article and editorial published in late November 2001.² The news article noted that the court had improved according to a number of measures, including:

- Reduction in the number of continuances of trial dates;
- Significant reduction in the length of continuances;
- Substantial reduction of backlog of civil and domestic cases awaiting trial; and
- Fewer civil and domestic cases continued because of a lack of courtrooms.

Clearly the changes made, and being made, are having a positive impact on the prompt resolution of the Superior Court's caseload, in particular felony criminal cases.

III. FELONY CASE MANAGEMENT – PROTOCOLS

Objectives of Protocols

One of the primary areas of assistance provided to the Court and County was in the development of proceeding protocols for felony cases. The objective of developing proceeding protocols was to establish realistic expectations about what should happen at each type of felony criminal proceeding in Superior Court. The protocols indicate what attorneys and the judges are expected to do in preparation for the proceedings so that they are meaningful and make effective use of judicial, attorney, and staff time. The protocols also indicate what attorneys and the court are expected to accomplish at the proceeding itself so that every proceeding contributes to moving the case towards a timely and just resolution. Another intent of the protocols was to establish greater and firmer judicial control over court proceedings, especially trial dates. The protocols do not set forth completely new procedures and practices; rather they build from existing procedures and practices. The protocols generally focus on the activities of counsel and judges. Current activities of support staff and other agencies that are expected to continue are generally not included, such as the sheriff bringing in-custody defendants to hearing, in order to keep the length of the protocols more manageable. The new procedures state what everyone agrees are reasonable expectations as to what needs to be done and what should happen at each type of felony proceeding.

The protocols are intended to apply to a "typical" case, that is, a non-capital case that proceeds by way of information, as opposed to by indictment. The expectations are stated as protocols, as opposed to rules of court, in recognition of the variety of factors present in individual cases and the difficulty in identifying and including provisions for every possible exception to the usual procedures. It is expected that almost all cases will comply with these protocols in almost every circumstance, but that deviations may be required in unusual circumstances.

² "‘Czar’ Gets the Legal Ball Rolling," by Karen Hucks, The News Tribune, Wednesday, November 28, 2001, page A1, and "A Good Start on Court Reforms," editorial, The News Tribune, Thursday, November 29, 2001, page B4.

Process for Protocol Development

The development of the protocols was a multi-step process. It began with a discussion of the goals of a case management policy - why would a court adopt a set of protocols for felony proceedings. The first set of goals covered general principles related to the basic role of the judiciary in handling cases. The second set were overall goals for the felony case processing system. The third set of goals focused on felony case management specifically. They interpret the overall principles and goals in more specific terms applicable to the handling of individual felony cases. The goals address the quality and level of service, not just the pace of litigation. The goals were considered by the whole court and approved at a meeting on July 11, 2001. The set of goals adopted by the Court are included in *Appendix A*.

After identification of the protocols' goals, the drafting of specific language began. Information gathered during the first phase of work in Pierce County provided a framework around which the protocols were initially developed. Interviews with judges, prosecutors, Department of Assigned Counsel defense lawyers and private criminal defense lawyers provided more information about how the process currently worked and what was feasible and realistic regarding improvements in the process. A first draft of the protocols was reviewed by an advisory committee of judges and court administration staff. After revising the draft, a second draft was considered by the entire court. The court approved the draft, with some changes, for circulation to attorneys and criminal justice agencies for comment. Significant comments were received from individual attorneys and representatives of various criminal justice system agencies. The draft protocols were revised to reflect the comments. The Court considered the revised draft at a full bench meeting in early December and further changes were suggested. Another meeting of the advisory committee was held to incorporate the suggested changes. The final draft was reviewed and approved by the Court at a full bench meeting on December 17, 2001. The protocols were then distributed to criminal justice agencies and attorneys to become effective January 7, 2002. The protocols approved by the Court are included in *Appendix B*.

Once the protocols are in place, there needs to be a way to keep them current. Amendments to state law, new appellate decisions, and the circumstances of cases and the caseload may require changes in the protocols. Experience with them over the first few months may also suggest changes that will make proceedings less cumbersome and more effective. In particular, further refinement is needed regarding the scheduling of motions in felony cases, for example. Consequently, the Court needs to establish a mechanism for considering and adopting changes to the protocols. The mechanism could be the existing Criminal Procedures Committee, another judges' committee, or an ad hoc committee created just for this purpose when needed. The committee should accept suggestions for changes, explore changes through participation by all affected criminal justice agencies, and recommend revised language to the full Court for adoption.

RECOMMENDATION: 1. *The Pierce County Superior Court should establish a mechanism for amending the felony proceeding protocols based on suggestions received from attorneys, other criminal justice agencies or the Court. The mechanism should include participation by all parts of the criminal justice system and an opportunity for comment prior to adoption by all affected agencies and attorney groups.*

Benefits from Protocol Development and Further Work

Since the protocols have only just taken effect, it is too early to measure impacts of their implementation. However, there were a number of benefits that did become apparent during the development process. The Court began instituting changes in felony procedures in the spring, before the protocol development process began. There was, not surprisingly, some reluctance expressed by the bar about the changes. Enforcement of some changes had resulted in sanctions imposed against attorneys, and associated appellate litigation. The process of developing the protocols provided a way of refocusing this energy along a more constructive path. Changes made in the drafts of the protocols by the Court in response to comments from the bar should help show the Court's commitment to respond to the bar's concerns in establishing a more effective felony caseflow process.

The development process also revealed some flaws in existing procedures. Two in particular became apparent. Comments were received from both defense counsel and prosecutors that there were problems in getting copies of supplemental police reports. Some prosecutors noted that they visited the LESA³ office and requested copies of everything in LESA files as the best means of finding out about supplemental reports. Discussions with the LESA representatives revealed that the written procedures did not provide for copies of supplemental reports received by LESA to be given to the prosecutor (who would then make copies available to the defense if required by discovery). Whether the procedures assumed the police officer would make copies for the prosecutor, or the need for copies was just overlooked, the net effect was delays in discovery and, occasionally, disruptions of proceedings very near trial when the existence of the reports became known. LESA and the prosecutor's office are in touch regarding revisions to the procedures so that the prosecutor's office receives supplemental reports in a timely manner.

RECOMMENDATION: 2. *The prosecutor's office and LESA continue to meet to develop procedures so that prosecutors receive copies of relevant supplemental reports in a timely manner.*

A second, similar problem identified had to do with information related to search warrants. Often the bases for issuing a search warrant, or evidence gathered as a result of execution of a search warrant, are the subjects of hearings in a case. Again it appeared that existing procedures did not provide a reliable and effective means of getting this

³ LESA is the Law Enforcement Support Agency established by Pierce County and the City of Tacoma to serve as the repository for criminal justice records, both electronic and hard copy, produced by participating law enforcement agencies in Pierce County.

information to the prosecutor and defense in a timely manner. The protocols adopted provide for the prosecutor to obtain copies of materials prior to the pretrial conference or omnibus hearing, or to initiate proceedings to obtain them if they are sealed. However, the specifics of how this will occur are not spelled out in the protocols and need to be developed.

RECOMMENDATION: 3. *The prosecutor's office should work with law enforcement and the clerk's office to develop procedures to obtain copies of the search warrant, related affidavits, and other related materials in a timely manner and provide copies to the defense as required by discovery law.*

IV. COURT ORGANIZATION AND STRUCTURE

The second primary area of technical assistance provided was in the area of the Superior Court's judicial organization. The performance audit study recommended changes in the way the Superior Court judges manage themselves and manage the court. The goal was to shift to a governance structure allowing more effectively exercise of their responsibility to manage pending felony cases and exerting an appropriate leadership role in felony criminal justice system operations, yet maintaining desired flexibility.

Survey of Court Structure and Felony Case Management Practices

In order to gather information about alternative approaches to organizing a general jurisdiction court, JMI conducted a telephone survey of courts comparable in certain respects to the Pierce County Superior Court. The survey was designed to identify alternative felony case management practices, caseload allocation structures, and calendaring practices that the Pierce County Superior Court could consider in revising their own organization and calendar practices. Jurisdictions across the country were selected as comparable to Pierce County based on three factors. First was population. Pierce County's population was 700,820, according to the 2000 census, so jurisdictions between 650,000 and 800,000 in population were identified. This list was narrowed to include only counties with high population growth during the 1990's. Pierce County's growth was 19.6%, so counties with no, or low growth, were generally excluded from the survey. From the remaining list those counties that are the largest jurisdiction in the state, or the capital of the state, were generally excluded. JMI surveyed court administrators from the 19 courts. The thirteen courts that responded to the survey were, in alphabetical order:

Baltimore City Circuit Court, Baltimore, MD
DeKalb County Superior Court, adjacent to Atlanta, GA
Jefferson County Superior Court, Louisville, KY
Macomb County Circuit Court, Mt. Clemens (adjacent to Detroit) MI
Mecklenburg County Superior Court, Charlotte, NC
Middlesex County Superior Court, Middlesex, NJ
Montgomery County Court of Common Pleas, adjacent to Philadelphia, PA

Multnomah County Circuit Court, Portland, OR
Pierce County Superior Court, Tacoma, WA
Prince George's County Superior Court, MD, east of Washington, D.C.
San Francisco County Superior Court, San Francisco, CA
San Mateo County Superior Court, Redwood City (south of San Francisco) CA
Ventura County Superior Court, Ventura, CA

A table showing the demographics of the courts surveyed, as well as the subject matter jurisdiction of the courts, is included in *Appendix C*.

A set of questions was developed to capture the desired information about calendaring practices and structure. The questions were reviewed and revised by the Superior Court judges. The questions were grouped in the following three topics: 1) caseload allocation structure, 2) felony pretrial calendaring, and 3) demographics and volume of caseload. A summary of the responses from the 13 courts is attached in *Appendix D*, with the responses grouped by question. The results of the survey can be summarized as follows.

Findings from the Survey

Generally: In reviewing the survey results, Pierce stands out on a couple of points. Pierce has a disproportionately large felony caseload for its population. Pierce had 6,108 felony filings in 2000, whereas most courts in this survey group had between 2,500 and 4,000 felony filings in 2000. Notwithstanding the large caseload, Pierce had a relatively low jury trial rate, 1.8% in 2000, compared to 2.5% to 6% in the other courts surveyed. This may be attributable to the high portion of drug cases in Pierce's caseload, which constitutes approximately 40% of felony filings, but tend to have a very low jury trial rate.

Court Structure: There is no common pattern about how the courts surveyed organize their judges or allocate their cases. The structures used fall into three broad groups: divisions, direct calendaring, and panels/teams. Only six of the courts have organized judges into formal divisions, with each division hearing all matters in one type or set of cases, for example criminal. Another eleven use a direct calendar approach for at least some case types, for example in civil or criminal cases, where a case is assigned to particular judge at the time of filing and stays with that judge until resolved. There also appears to be a trend to create separate family law courts, divisions, or teams, often in response to a legislative, Supreme Court or appellate requirement, even if the balance of the cases are assigned on a different basis.

Felony Case Management Practices: There are a few common practices in the surveyed courts regarding felony case management. Most have some sort of first appearance court or docket, often rotated among judges for periods as short as a month. Many also have concentrated pretrial proceedings into one or a few departments, leaving the balance of the criminal departments to hear jury trials.

Post-judgment proceedings fall into two patterns. Either the case is returned to the sentencing judge for all post-judgment proceedings, or all such proceedings, regardless of who the sentencing judge was, are concentrated in one department, often with a rotating judge.

Development of a New Judicial Structure

Before looking at specific alternative structures, the Superior Court considered what criteria or considerations were relevant to choosing one calendar structure over another. Based on this discussion, the following factors were identified:

- Job satisfaction for judges (variety of work; even distribution of work across judges; and a feasible way to handle the volume of motions in cases, particularly civil cases);
- Accountability (for status of individual cases and to County Council and the public for status of entire caseload);
- Predictability (of trial dates; of results in cases; and what happens when someone appears for a proceeding);
- Consistency (across cases and across judges);
- Timeliness (pace of litigation and not wasting attorney, litigant or public's time);
- Impact of long or complex cases on a judge's calendar of the court's calendar;
- Coverage for recesses or other judicial absences, such as training;
- Need for, and impact on, staff (Judicial Assistants, Court Administration and Clerk of Court);
- Impact on lawyers;
- Impact on jurors and witnesses; and
- Response to affidavits and recusals of a judge.

The judges also thought about what is different about being a judge on a court, as compared to being a partner or lawyer in a law firm or an employee in a business organization or executive branch agency. As with the factors identified above, the objective was to explicitly state factors relevant to devising an organization that is feasible and realistic under the circumstances. Relevant judicial characteristics identified include:

- Judges work in isolation, alone in their courtroom;
- All judges are of equal status; there is no hierarchy;
- No "Chief Executive Officer" judge with power to hire and fire judges; Presiding Judges have nominal supervisory authority over other judges;
- The path to becoming a judge varies and this variety does not contribute to team development;
- There is a variety of skills, personalities and experiences among judges, and a wide range of trial experience, case management experience, etc.; and
- There is a need for a multi-judge court because one judge cannot handle the total caseload.

Having in mind the relevant factors for designing or selecting a new judicial structure, the court proceeded to examine alternative structures. The court had a series of meetings where they compared various options for reorganizing their work. At the meetings the judges discussed advantages and disadvantages of the major alternative structures and compared them to their existing structure using the factors discussed above. The alternatives considered include individual or direct calendars, divisions based on case types, and panel or team structures. The consensus of the judges was not to shift to a more rigid structure such as that inherent in divisions or panels, nor shift to the relative isolation of a total individual calendar.

The court, instead, focused on team structures. The preference was based in large part on the experiences of a group of judges with a team approach set up to cover each other for absences and to help when a judge had more than one case ready for trial one a given day. It also reflected a preference not to have calendars where one judge heard a particular type of cases or proceedings for an extended period. In particular, the decision was not to have a judge assigned to a CD calendar for more than a month, although there is a recognition that the CDPJ should serve for several months for consistency and accountability regarding the felony trial calendar. The felony proceedings protocols and associated changes in the CDPJ assignment will have some impact on felony case processing. As this impact is monitored, it will become apparent whether these changes have sufficient impact or whether further changes are needed.

RECOMMENDATION: *4. The Superior Court should continue to explore governance structures in its efforts to develop one that achieves accountability for the movement of felony cases and meets the other needs of the community and the judges.*

V. FELONY CASE MANAGEMENT STAFFING

The third area of technical assistance addressed the need for, and nature of, additional staffing in the Superior Court regarding felony case management. The goal of the assistance was to identify what changes or additions in staffing would facilitate the other changes made to expedite felony case resolution and make effective use of public staff and resources.

The performance audit report made a number of recommendations designed to improve the felony case management practices. Among these were suggestions for improving criminal case management procedures and changes to the court's calendar structure. As described above, the Court has made a number of changes, and adopted protocols for felony case proceedings. In order to effectively exercise control of cases under these new practices and procedures, the Superior Court needs information about the status of felony cases, the attorneys who are assigned to try them, and the Superior Court judges available to resolve them. While most of the information is probably available, it needs to be identified, gathered in one place, and presented in a way most useful to the CDPJ (Criminal Department Presiding Judge). Having the most current and accurate information about what is happening in cases, particularly those scheduled for

trial in the next few weeks, will enable the CDPJ and the Superior Court to have the greatest impact in more timely and effectively resolving felony cases. It will allow the CDPJ to make best use of those Pierce County resources provided for felony cases, more promptly resolve felony cases, and minimize use of jail bed days for pretrial defendants.

Previously the Court was not collecting all the information it now needs, nor was it effectively using the information it did have. The new felony case management practices require new kinds of information to be collected and used. The information needs to be organized and presented in a manner useful to the judges. Attention also needs to be paid to monitoring management and statistical information about the status of the caseload, both for day-to-day case assignments and for planning improvements in the system. It is clear the Court needs more staff to make best use of judges, lawyers and courtrooms. There is a need for at least one position to perform these tasks and support the CDPJ in managing the felony cases, particularly the felony trial calendar. This will relieve the CDPJ from having to gather this information, and help reduce the stress of the CDPJ assignment. Adding such a position to the Superior Court would materially enhance the Court's ability to manage felony cases and would help the County make the most effective use of resources allocated to resolving felony criminal cases.

RECOMMENDATION: *5. The Superior Court should create and the County Council should fund a new Criminal Case Manager position to assist the Superior Court in managing felony criminal cases.*

A Criminal Case Manager position can serve a number of functions. The following lists are intended to define the role most broadly in terms of felony case management. The Superior Court might chose to include these duties along with duties in other areas less directly related to felony case processing. The exact job description, and appropriate salary, would depend on the combination of duties established.

Role and Duties of a Criminal Case Manager

The role of the Criminal Case Manager position is to provide the CDPJ and the Superior Court with the type and quality of information needed to make the best use of available judicial, staff and facility resources and to promptly and fairly resolve felony cases. There are two categories of tasks and activities for which the case manager should be responsible. One is a series of activities that are short term in nature, having to do with the cases set for trial in the near future. The second set of tasks has to do with more long-range aspects of case management. The Criminal Case Manager can provide staff support to the Superior Court regarding the development of new case management procedures and gathering and presenting management information, statistics, to the court about the status of the calendar. The task list provided below is separated into these two categories.

Day-To-Day; Short Term Tasks

The short-term tasks relate to the gathering of information about cases set for trial, the attorneys who are assigned to try the cases and the judges who might be available to hear the trials. Monitoring the trial calendar and case readiness includes gathering information, organizing it in a manner useable to the CDPJ and making preliminary recommendations to CDPJ regarding:

- Status of cases set for trial (readiness, speedy trial date, other proceedings in the case, and priority for assignment);
- Status of cases approaching speedy trial deadline;
- Status of old cases, or cases which should not receive further continuances;
- Status of departments to which cases could be assigned for trial;
- Status of attorneys with cases pending for trial; and
- Status of pre-assigned cases (which judges, which attorneys, when set, and what pretrial motions or proceedings are scheduled).

The Criminal Case Manager could also be responsible for:

- Checking trial dates proposed by attorneys in cases, particularly attorneys choosing to "adjust" dates at a PTC or a status conference and check about speedy trial dates, timing of other proceedings (e.g., motions), double setting and the number of cases set for trial on a given date;
- Scheduling and hearing of criminal case motions; confirmation and assignment of motions; and
- Coordinating assignments with the Civil Trial Assignment Coordinator.

Long Term Tasks

Long-term tasks fall into three categories. One set is related to trial setting levels and selection of trial dates. Monitoring and managing this process will avoid unbalanced trial settings and problems around court holidays. A second group has to do with the continued development of case management practices. The third set has to do with monitoring the status of the calendar. Possible duties in each of these areas are provided below.

Trial Setting Tasks

- Trial settings – selection of trial dates in cases;
- Trial setting levels – monitoring and adjusting setting levels to accommodate holidays and judge absences;
- Trial setting levels during holiday periods - especially during the Thanksgiving and Christmas holidays; and
- Setting of trial dates in pre-assigned cases.

Case Management Development

- Serving as liaison between the Court, the Prosecuting Attorney's office and defense counsel regarding criminal case management practices;
- Serve as Superior Court staff in meetings that review case management practices, for example reviewing and revising the protocols; and
- Developing ideas and preparing background information for development of new case management practices, for example further implementation of differentiated case management tracks.

Monitoring Calendar Status; Statistics

- Monitor cases set for trial using LINX information and reports it can generate;
- Gather and generate case management reports on how the court is doing; and
- Develop ideas, information and reports that can be used in discussions about felony case management system changes.

Characteristics of a Good Criminal Case Manager

The work of the Criminal Case Manager is qualitatively different from existing position classifications in the Superior Court or Clerk's office. The differences relate both to the type of work done and the nature of the position's interactions with judges, lawyers and with representatives of other criminal justice system agencies. The knowledge, skills and abilities of an effective case manager would include the following:

- Knowledge of effective felony case management practices;
- Knowledge of applicable laws and rules regarding criminal case management;
- A sense of the big picture of case management in Pierce County;
- Knowledge of what information is needed to effectively manage the calendar;
- Knowledge of capabilities of, and ability to work with, LINX to collect and report needed information;
- Ability to act quickly to gather information and organize it into useful format;
- Self motivated to get information about cases, attorneys and judges; and
- Ability to work with judges and attorneys to gather needed information about the status of cases, understand the questions that need to be answered, and get useful information about the status of cases.

Most of these information-gathering tasks are new. There is no one in the existing system who can take on these tasks. Having a judicial officer gather the information is not the best use of his or her time, nor is it cost effective. The cluster of tasks associated with managing criminal cases cannot be assigned to the existing Judicial Assistant (JA) in a court for several reasons. Currently the CDPJ assignment rotates among judges for several months at a time. For the sake of continuity and consistency in felony case management it is important to have one person who handles these tasks. If the work were to be assigned to the CDPJ's JA, there would be recurring issues of training, inefficiency during the training period and lack of consistency over time. There

are enough traditional JA activities to do, even for the CDPJ assignment, that adding case management duties would be a significant burden. A position that would encompass these duties also requires a different skill set than a JA position (as discussed above), so some JA's might not be suited, from a skills or temperament standpoint, to perform these new tasks.

VI. FACILITIES

The fourth area of technical assistance was directed at the need for changes to, or additional, court facilities for the handling of felony cases in Pierce County. The performance audit final report identified a number of facilities problems in the County-City Building which houses the Superior Court departments hearing felony cases, including the following:

- Inadequate space for the attorneys who are appearing in the two CD courts on the fifth floor to meet with each other;
- Inadequate space for defense counsel in the CD court area to meet with their clients, whether they are in-custody or out of custody;
- The galleries in both CD1 and CD2 are too small;
- Insufficient and inadequate holding cells on the fifth floor serving CD1 and CD2;
- Having CD1 and CD2 on the fifth floor impedes movement of attorneys between departments because of the need to use the slow public elevators; and
- Unsafe paths for transporting in-custody defendants back and forth between the jail and the holding areas for the two CD courts.

Since changes have been made in felony case management practices, additional facility problems have arisen, or been exacerbated. There is no appropriate court to serve as the CDPJ court for the hearing and assignment of felony cases ready for trial. In-custody defendants appearing in the CDPJ court must be moved through the public hallways to the CDPJ's courtroom. Since courtrooms other than the CD courts do not have holding cells, this creates serious security problems. There continue to be similar transportation and security problems with the drug court, as its location changes each year to the courtroom of the judge assigned to hear drug court cases since there is no courtroom specifically designed for drug court proceedings.

The performance audit study recommended that the high volume CD courts be relocated together to a lower floor in the building, preferably the first or second floor. Remodeling of space on one of these floors would allow creation of courtrooms and associated spaces designed specifically to handle the needs of the high volume courts and their security and prisoner transportation needs. New courtrooms should be designed to accommodate the high volume of people and hearings expected under the new, more efficient caseflow management protocols. For example, the courtrooms need to be larger, have larger holding cells and spectator areas, and have conference rooms for attorneys to meet with their clients, both those out of custody and those in-custody. The courtrooms should also be designed so that prisoners could be easily transferred from one CD

courtroom to another so that judges could assist one another in completing their calendars. A CDPJ courtroom should also be added in close proximity to facilitate movement of attorneys and defendants. Finally, if space permits, a drug court facility should be designed that meets the needs of drug court cases and defendants.

RECOMMENDATION: 6. *The Superior Court and county should plan, design and construct new courtrooms serving the CD courts, the CDPJ court and the drug court, including appropriate ancillary spaces, in space made available on the first or second floor of the County-City Building.*

VII. MONTHLY REPORT ON FELONY CASE PROCESSING

The fifth area of technical assistance dealt with the further development of a monthly report on the status of felony cases in Pierce County. The performance audit study recommended that a monthly management report be developed that indicated new workload, completed work and the status of pending work for the entire felony criminal process, from arrest to sentencing. The objective of the report was to provide a regular written report to the criminal justice community and to the County Council summarizing the actual performance of the felony criminal justice system in relation to operational and performance goals. There was also a recommendation to include commentary about the highlights of what is in the report each month to help those reading it to understand and interpret the information in the report. A draft of such a monthly report prepared for illustrative purposes was included in Appendix E of the performance audit final report.

During the implementation phase, further work was done to refine the report. There were three aspects to this. The first step was to review the measures included in the report and both narrow the number and modify them to be more practical and meaningful. The revised version of the monthly report with data for the month of October 2001 is attached in Appendix E. The second step was to identify existing LINX reports that contained information needed for the monthly report and to identify what new reports were needed. The third step was the development of a set of instructions on how to prepare the report, that is, what LINX reports contained the numbers needed and how to combine them, if necessary, to calculate the numbers needed for the report. The instructions also provided a brief description of what the number meant for purposes of interpretation. A copy of the instructions is included in Appendix F. The instructions have been reviewed by Superior Court staff and found to be useable.

The proposed report includes information about arrests, pretrial incarceration, indigent defense, pretrial and trial proceedings, drug court and sentencing for felony cases. The information summarized in the report is in LINX, but the reports used to populate the report are run by different agencies or the court. In order to prepare the report it is necessary to run several reports and then transfer numbers from the report to the monthly report spreadsheet. While the running of the necessary LINX reports (once the reports are programmed) takes very little time, gathering all the reports and transferring the numbers into the monthly report is more time consuming. More

importantly, the reports come from, and summarize the work of, several different agencies as well as the court. There is a need to identify which agency will gather all the LINX report and prepare the monthly report, and do so in a timely manner.

RECOMMENDATION: 7. *The Pierce County Council should direct the criminal justice agencies to meet and identify one agency to gather and compile from all the agencies and the Superior Court the information needed for the monthly report proposed here. Each agency should also provide comments about any significant aspects of the numbers reported by the agency for that month, which comments will be compiled into a summary accompanying the report.*

VIII. RECOMMENDATIONS

Although the objective of this phase of technical assistance was implementation of changes, as opposed to a study and recommendations, a number of recommendations are made regarding the handling of felony cases. The recommendations made in the report are collected below. They are grouped by the subject area of assistance to which they relate.

FELONY CASE MANAGEMENT – PROTOCOLS

- 1. The Pierce County Superior Court should establish a mechanism for amending the felony proceeding protocols based on suggestions received from attorneys, other criminal justice agencies or the Court. The mechanism should include participation by all parts of the criminal justice system and an opportunity for comment prior to adoption by all affected agencies and attorney groups.*
- 2. The prosecutor's office and LESA continue to meet to develop procedures so that prosecutors receive copies of relevant supplemental reports in a timely manner.*
- 3. The prosecutor's office should work with law enforcement and the clerk's office to develop procedures to obtain copies of the search warrant, related affidavits, and other related materials in a timely manner and provide copies to the defense as required by discovery law.*

COURT ORGANIZATION – STRUCTURE

- 4. The Superior Court should continue to explore governance structures in its efforts to develop one that achieves accountability for the movement of felony cases and meets the other needs of the community and the judges.*

STAFFING

- 5. The Superior Court should create and the County Council should fund a new Criminal Case Manager position to assist the Superior Court in managing felony criminal cases.*

FACILITIES

6. *The Superior Court and county should plan, design and construct new courtrooms serving the CD courts, the CDPJ court and the drug court, including appropriate ancillary spaces, in space made available on the first or second floor of the County-City Building.*

MONTHLY REPORT ON FELONY CASE PROCESSING

7. *The Pierce County Council should direct the criminal justice agencies to meet and identify one agency to gather and compile from all the agencies and the Superior Court the information needed for the monthly report proposed here. Each agency should also provide comments about any significant aspects of the numbers reported by the agency for that month, which comments will be compiled into a summary accompanying the report.*

Appendices

THE SUPERIOR COURT AND FELONY CASE PROCESSING IN PIERCE COUNTY, WASHINGTON

March 14, 2002

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The Justice Management Institute
1900 Grant Street, Suite 630
Denver, CO 80203
(303) 831-7564
Fax: (303) 831-4564

APPENDIX A

PIERCE COUNTY SUPERIOR COURT PROGRAM AND CASE PROCESSING GOALS FOR FELONY CASES

INTRODUCTION

At the Judges' Meeting on July 11, 2001, the Pierce County Superior Court adopted the following goals to guide changes in felony case processing. Three sets of proposed principles and goals are set forth below. The first are general principles related to the basic role of the judiciary. The second set are overall goals for the felony case processing system. The third set of goals focuses on felony case management specifically. They are intended to interpret the overall principles and goals in more specific terms applicable to the handling of individual felony cases. The goals address the quality and level of service, not just the pace of litigation.

GENERAL PRINCIPLES AND GOALS

In fulfilling its role of providing individual justice in individual cases the Superior Court seeks to adhere to the following principles:

- **Consistency** of policies and practices in handling cases;
- **Predictability and stability** of the Court's case management policies and practices;
- **Continuity** of service levels and quality over time and across cases;
- **Proactive response** to new case management problems, rather than reacting to events;
- **Participation** by all judges, reflecting a sense of belonging and commitment;
- **Support** of all judges in accomplishing their work;
- A **system perspective**, as opposed to an individual judge or individual case perspective;
- **Accountability** for the judicial activities (decisions in cases, status of calendars and use of judge time) and for the use of public resources allocated to felony case processing;
- Acknowledging the Court's **leadership role** in the operation of the felony case processing system.

Operating with these principles, the goals of the Pierce County Superior Court felony case processing practices and procedures are to:

- Resolve felony cases in a more timely manner, in accordance with applicable case processing times, consistent with the rights of the defendants and public safety;
- Make more effective use of public resources (including judges, attorneys, staff, facilities, jurors, and support services) allocated to felony case processing, in all segments of the criminal justice system;
- Minimize the impact on witnesses, jurors and others involved in felony cases;
- Establish a structure within the Superior Court that allows the court to provide appropriate leadership regarding the handling of felony cases.

OVERALL FELONY CASE PROCESSING GOALS

The basic performance measures of case processing are found in statutory or rule time frames for proceedings and time standards for concluding cases. Case Processing Time Standards have been established by the Washington State Board of Judicial Administration. The standards for felony criminal cases are:

- 90% in 4 months
- 98% in 6 months
- 100% in 9 months

There are also state speedy trial requirements set by court rule that establishes a standard for performance. Washington State Rules for Superior Courts, Rule 3.3 (c)(1) requires in-custody defendants to be brought to trial within 60 days of arraignment and out-of-custody defendants within 90 days, unless the defendant waives the requirement.

SPECIFIC FELONY CASE PROCESSING GOALS

The following proposed goals are for designing a case management system that will achieve the overall goals.

- Case scheduling practices that facilitate expeditious resolution of simple cases, enable early identification of cases likely to require more attorney time and judge attention, and prevent cases from becoming unnecessarily old;
- Clear expectations as to what will occur at each scheduled hearing and what preparation is expected of counsel;

- Case scheduling practices that provide sufficient time for adequate lawyer preparation but avoid unnecessary delay;
- Proceedings where the parties, their attorneys and the court appear on time, start on time, are prepared, and accomplish what was expected;
- Meaningful court events, designed to resolve cases or narrow issues;
- Firm and reliable case scheduling, particularly for trials -- i.e. a high degree of certainty that scheduled court events will take place when scheduled;
- Continuance policies which are sensible, understandable, enforceable and applied consistently;
- Case scheduling practices that make best use of limited judicial resources, courtrooms, lawyers' time and court administration staff;
- Elimination of existing backlog, defined as cases that have been pending longer than existing time standards contemplate, with focus on oldest pending cases.

APPENDIX B

FELONY CASE PROCESSING PROTOCOLS

Pierce County Superior Court

MEMORANDUM

January 9, 2002

TO: Gerry Horne, Prosecutor; Jack Hill, Director, DAC; Paul Pastor, Sheriff; George Wigen, Chief of Corrections; Bob San Soucie, Clerk; Elaine McNally, Director, District Court Probation; John Pirak, Director LESA; James Blodgett, West Central Regional Administrator (DOC); Pamela Maddess, Pierce County Field Administrator (DOC)

FROM: Judge Frederick Fleming, Presiding Judge

RE: Superior Court Criminal Proceeding Protocols

Attached please find a copy of the Superior Court Criminal Proceeding Protocols adopted by the Judges on January 7, 2002. Please note that the protocols are effective immediately with the exception of the section dealing with Friday Criminal Motions. The motion section becomes effective January 22, 2002.

Please share these protocols with all of your staff. The Court will make copies available in the CD courts.

cc: All Judges

PIERCE COUNTY SUPERIOR COURT
FELONY PROCEEDING PROTOCOLS

GENERAL COMMENTS REGARDING PROTOCOLS

The objective of the protocols is to establish realistic expectations about what should happen at each type of felony criminal proceeding in Superior Court. The protocols indicate what attorneys and the judges are expected to do in preparation for the proceedings so that they are meaningful and make effective use of judicial, attorney, and staff time. Another intent of the protocols is to establish greater, and firmer, judicial control over court proceedings, especially trial dates. The expectations stated are not meant to imply that attorneys and judges are not currently doing these things. Rather, the intent is to state what everyone agrees are reasonable expectations as to what needs to be done and what should happen.

The proposals are directed at a "typical" case, i.e., a non-capital case that proceeds by information, as opposed to indictment. It only applies to capital or pre-assigned cases to the extent the judge to whom the case is assigned makes them applicable. The expectations are stated as protocols, as opposed to local rules, in recognition of the variety of factors present in individual cases that could affect proceedings and the difficulty in identifying and including every possible exception. It is expected that almost all cases will comply with these protocols in almost every circumstance, but that deviations may be required in unusual circumstances.

Current activities of support staff and other agencies that are expected to continue are generally not listed, e.g., the sheriff bringing in-custody defendants to a hearing, in order to keep the length of the protocols more manageable. Where a change from current practice is made regarding the actions of other agencies, it is expressly stated.

The proceedings are presented more or less in chronological order.

FIRST APPEARANCE

WHAT COUNSEL SHOULD DO AND PREPARE BEFORE THE HEARING

- PROSECUTOR – conduct preliminary criminal history check of the defendant.
- PROSECUTOR - prepare and file information.
- PROSECUTOR - prepare and file declaration of probable cause.
- BOTH ATTORNEYS – notify Superior Court interpreter coordinator that defendant needs interpreter as soon as you become aware of the need.

WHAT STAFF AND OTHER AGENCIES SHOULD DO BEFORE THE HEARING

- SHERIFF’S BOOKING OFFICE – notify Superior Court interpreter coordinator if defendant needs interpreter.
- LESA – provide prosecutor with copies of police reports.
- PRETRIAL SERVICES - gather and present to the court preliminary information on:
 - Indigency relevant to appointment of counsel at public expense;
 - Information relevant to bail and PR release decision: criminal history, other pending cases, warrants, prior failures to appear, ties to the community, etc.

WHAT SHOULD HAPPEN AT THE FIRST APPEARANCE

(see Criminal Rule 3.2B(b))

- Arraignment on Information, including defendant’s entry of a plea.
- Appointment of Counsel, if defendant is indigent.
 - If DAC appointed, the attorney assigned the case should file a notice of appearance, if appointment accepted, within 2 days of first appearance.
- Copy of Information, declaration of probable cause, and police report, if available, provided to the defendant through defense counsel.
- Probable Cause determination - review of declaration (Rule 3.2A).
- Bail/personal recognizance release decision:
 - Require referral to BTC as a condition of release if drug case or suggestion of drug problem.

- Determine need for interpreter for defendant.
- PTC Setting: Date for PTC should be set based on the type of cases:
 - Set 8 to 14 days out for controlled substance cases and other, routine cases;
 - Set PTC/OH 14 - 21 days out for complex cases (SAU (domestic violence assaults, child rape, rape, etc.), meth lab, vehicular homicide/ assault cases and multiple defendant cases).
- Trial Setting: Trial date selected based on custody status and speedy trial provisions. Trial dates in murder cases are set by the department to which case is pre-assigned.

PRETRIAL CONFERENCE AND PRETRIAL CONFERENCE/OMNIBUS HEARING

WHAT COUNSEL SHOULD DO, AND PREPARE, BEFORE THE CONFERENCE

- PROSECUTOR - complete criminal history check (out of state convictions, Department of Corrections history, determine dispositions for all arrests, determine which priors affect sentencing) and provide information to defense (CrR 4.7(a)(1)(vi)).
- PROSECUTOR - determine plea offer and communicate to defense counsel before the proceeding so that defense counsel has time to discuss the offer with his/her client.
- PROSECUTOR - check for subsequent police reports and further discoverable information and provide copies to defense (CrR 4.7).
- PROSECUTOR – if evidence was gathered based on a search warrant, obtain from police officer or initiate proceedings to obtain from the Clerk the warrant and related affidavits that must be provided to defense pursuant to CrR 4.7, including obtaining a judge’s release of records, if required.
- DEFENSE COUNSEL - determine whether there is a conflict in representation based on information made available to defense counsel as of this point in time.
- DEFENSE COUNSEL - communicate plea offer from prosecutor. Determine acceptability of offer, or formulate counter-offer. If defendant indicates she/he will plead, schedule a Plea Date.

- DEFENSE COUNSEL - meet with client to determine appropriateness of an application to Drug Court.
- DEFENSE COUNSEL – discuss with client and be able to inform the court the status of compliance with release conditions, referral to BTC or other programs to which the defendant has been referred.

WHAT STAFF AND OTHER AGENCIES SHOULD DO BEFORE THE HEARING

- LAW ENFORCEMENT AGENCIES and LESA – prepare copies of supplemental police reports and deliver copies to the prosecutor.

WHAT SHOULD HAPPEN AT THE CONFERENCE

- PROSECUTOR – provide copies of supplemental or missing police reports to the defense.
- BOTH ATTORNEYS - discuss plea offer, if defendant will change plea to guilty, select plea date after consultation with court DCM staff.
- BOTH ATTORNEYS – discuss referral to drug court, if appropriate and has not already been done.
- PROSECUTOR - if the case will not be resolved without a lab report, order lab report (this is not anticipated to be necessary in very many cases).
- Review Trial Setting: review trial date selected at first appearance and reset trial date, if necessary, based on type of case, amount of time needed to prepare for trial, likelihood of plea, and, by checking with the court DCM staff, the Court’s need to balance the number of cases set for trial each day. Recognizing that few cases proceed to trial, attorneys may typically double set trials. However, when selecting a trial date for cases more likely than not to go to trial, counsel should avoid double setting themselves with cases that are highly likely to proceed to trial. The new trial date must be approved by the CDPJ.
- Motions setting: set hearing for motions which must be heard prior to the day of trial (see list under Motions below) by checking with court DCM staff for available date. The attorneys should agree, based on the nature of the motion and evidence involved, what the appropriate scheduling of the motion should be in terms of how far in advance of the trial date it should be set and the appropriate briefing schedule. If counsel cannot agree on a date or briefing schedule, this should be resolved by the CD1 or CD2 judge.
- Status Conference Setting: status conferences will be scheduled at least 3 weeks prior to the trial date in complex cases: SAU (domestic violence assaults, child

rape, rape, etc.) cases, meth lab cases, vehicular homicide/assault cases and multiple defendant cases.

- BTC Violation: If there is a BTC violation noted in the file, schedule a BTC violation hearing before the Drug Court judge on the next available BTC day.
- BOTH ATTORNEYS - complete scheduling order.

PLEA DATE OR IF PLEA TO BE ENTERED AT ANOTHER PROCEEDING

WHAT COUNSEL SHOULD DO, AND PREPARE, BEFORE THE HEARING

- DEFENSE COUNSEL - all plea paperwork, the Statement of Defendant on Plea of Guilty, should be completely filled out, preferably typed, reviewed with the defendant, signed by defendant on or before the date and prior to the time the plea proceeding is scheduled to occur. If paperwork is not completed prior to the hearing, the defense attorney and defendant must appear at 8:30 AM to complete paperwork.
- PROSECUTOR - prepare amended information and declaration in support thereof (if needed) and Judgment and Sentencing paper work and deliver to the court in which the proceeding is scheduled by the time the plea proceeding is scheduled to occur. If the CD “barrel” DPA is handling the plea, it is the responsibility of the “trial DPA” to have all necessary paperwork completed and in the hands of the barrel deputy at or before the scheduled plea time.
- DEFENSE COUNSEL – if defendant is out of custody, remind the defendant to appear on time.
- DEFENSE COUNSEL – if defendant changes his or her mind and decides not to plead guilty, counsel should inform the court and the prosecutor as soon as this becomes known.

WHAT SHOULD HAPPEN AT THE HEARING

- If the defendant does not appear, defense counsel should notify the JA and the prosecutor as soon as the attorney becomes aware of this. If the defendant does not appear on time, the court may issue an arrest warrant.
- The Court will conduct a docket call of the plea calendar at the scheduled time to determine status of pleas scheduled. At this time counsel should indicate whether the matter is just a plea, or will be a plea and sentencing.
- If the defendant is in custody and the required plea paperwork is not completed at the time the case is called, the judge will consider several options i.e. strike the plea; set the plea over, etc.

- If the defendant is out of custody and the paperwork is not complete, the matter will be continued until a time set by the judge for counsel to complete the necessary paperwork.
- If defendant will plead and if the judge accepts the plea, judge makes required findings, and, if agreed, sentence the defendant.
- If defendant will not plead, defendant and counsel must still appear at the scheduled time for court consideration of setting a Status Conference, re-confirming or revising the trial date, or setting a new plea date.
- BTC Violation: If there is a BTC violation in the file, the judge may handle the violation as a part of the sentencing procedure or schedule a BTC violation hearing before the Drug Court judge on the next available BTC day.

MOTIONS (see Criminal Rules 3.5 and 3.6)

The following motions should be calendared and heard prior to the day of trial. The objective is to have dispositive and lengthy motions heard prior to the trial date, taking into consideration the needs of witnesses, attorneys, the Court and the need for firm trial dates:

- Any dispositive motions;
- Motions under CrR 3.5 expected to be more than one hour in length;
- Motions under CrR 3.6;
- Motions to Dismiss (Knapstad or otherwise);
- Discovery Motions, see CrR 4.7;
- Motions to sever, see CrR 4.4.

The following motions may be scheduled and heard on the day trial is scheduled to begin:

- Motions under CrR 3.5 expected to be less than one hour in length;
- ER 404(b) evidence;
- In Limine Motions;
- Competency hearings;
- Child hearsay hearings;
- All other non-dispositive motions.

WHAT COUNSEL SHOULD DO AND PREPARE BEFORE THE HEARING

- **MOVING PARTY** - file and serve moving papers according to the briefing schedule agreed to by counsel or set by the Court.

- Papers filed on the day of the hearing, where there is no time for the opposing party to consider and respond, may be deemed untimely and may not be considered;
- RESPONDING PARTY - file written response according to the briefing schedule agreed to by counsel or set by the Court.
 - Papers filed on the day of the hearing, where there is no time for opposing counsel to consider and respond, may be deemed untimely and may not be considered.
- BOTH ATTORNEYS - subpoena witnesses, if needed.
- MOVING PARTY – by Wednesday at noon confirm with the Court Administrator’s office that the motion is ready to be heard.

WHAT THE COURT SHOULD DO BEFORE THE HEARING

- All motions scheduled for hearing, whether confirmed or not, will be assigned by 2 PM Wednesday to a department. Affidavits of prejudice should be filed in a timely manner.

WHAT SHOULD HAPPEN AT THE HEARING

- All counsel must appear at the scheduled motion proceeding on Friday, regardless of whether the motion was confirmed, and either proceed with the motion or discuss with the Court further proceedings in the case.
- Court hears testimony and arguments and decides the motion(s) the same day, if possible.

STATUS CONFERENCE

WHAT COUNSEL SHOULD DO, AND PREPARE, PRIOR TO THE STATUS CONFERENCE DATE

- BOTH ATTORNEYS - Counsel must confer regarding the status of the case, outstanding discovery issues, need for motions prior to the trial date, and readiness for trial. The attorneys should agree, based on the nature of the motion and evidence involved, what the appropriate scheduling of any motions should be in terms of how far in advance of the trial date it should be set and the appropriate briefing schedule. If counsel cannot agree on a date or briefing schedule, this should be resolved by the CDPJ.

- BOTH ATTORNEYS - Status Conference form must be filled out completely by the attorneys who are assigned to the case, with the defendant present and signing off.
- DEFENSE COUNSEL - discuss with client and be able to inform the court the status of compliance with release conditions, referral to BTC or other programs to which the defendant has been referred.
- DEFENSE COUNSEL – provide to prosecutor information required to be disclosed pursuant to CrR 4.7(b)(1) and applicable law.

WHAT SHOULD HAPPEN AT THE HEARING

- Counsel should inform the court whether the matter is going forward as a jury trial and advise the court of the status of the matter and what if anything remains to be done to prepare the matter for trial.
- Court reviews trial date and sets motion date, if needed, after consultation with court DCM staff about availability of trial and motion dates.
- BTC Violation: If there is a BTC violation noted in the file, schedule a BTC violation hearing in Drug Court.

SCHEDULED TRIAL DATE

WHAT COUNSEL SHOULD DO, AND PREPARE, PRIOR TO THE TRIAL DATE

- CONTINUANCE REQUEST - If something occurs that counsel feels justifies a continuance of the trial date, a request to continue the trial date should be filed with the CDPJ as soon as the grounds for the continuance request become known, with notice to the other side. If the court grants the continuance, the new trial date selected should be one where the parties agree there are 5 additional days or more of speedy trial days left after the new trial date, or the defendant should waive speedy trial at least 5 days beyond the requested trial date.
- DEFENSE COUNSEL - If defendant will plead guilty, as soon as defense counsel becomes aware of this counsel should inform court and the prosecutor of the defendant's intent to plea and have all plea paperwork completed, reviewed with the defendant, and signed before the time the case is called on the trial date.
- DEFENSE COUNSEL - If defendant is in-custody, have clothes so defendant is dressed for trial.

- PROSECUTOR - If defendant will plead guilty, prepare amended information and declaration in support thereof (if needed) and Judgment and Sentencing paper work and deliver to the court by the time the case is called on the trial date.
- PROSECUTOR - If trial attorney to whom case has been assigned is already in trial, supervisor of team should review case for hand off to another attorney.
- BOTH ATTORNEYS - Attorneys should be ready to begin trial, with exhibits ready and all witnesses previously interviewed and subpoenaed.
- BOTH ATTORNEYS - Motions to be heard on the day of trial (see list under MOTIONS above), including in limine motions related to trial evidence, should be in writing. Other motions should have been scheduled and heard earlier, do not expect them to be heard on the day of trial without good cause for the delay.
- BOTH ATTORNEYS - Proposed jury instructions, pursuant to PCLR 51, and any trial brief ready on the morning of trial.

WHAT SHOULD HAPPEN ON THE DAY OF TRIAL

- BOTH ATTORNEYS - check in with JA in CDPJ court by 9 AM.
- DEFENSE ATTORNEY - If the defendant is not present, the defense attorney should notify the court at the docket call.
- Court calls the calendar to determine the status of cases set for trial.
- Requests for continuances of the trial will be heard first. The paperwork requesting the continuance should be completed and ready to present to the CDPJ. If the court grants the continuance, the new trial date selected should be one where the parties agree there are 5 additional days or more of speedy trial days left after the new trial date, or the defendant should waive speedy trial at least 5 days beyond the requested trial date. The trial date selected should also have been checked with the court DCM staff for availability. Proposed agreed continuances where paperwork is completed may be heard off the record.
- Case scheduled to begin trial assigned to an open department to start trial.
- Change of plea, where the paperwork is completed, and dismissals are heard after cases ready to begin trial are sent to trial departments.
- Department to which case is assigned either starts trial promptly, or, if there is a request for a continuance, or problem with starting, declines to exercise authority to hear the continuance and returns the case to the CDPJ to hear the continuance request.

DURING TRIAL

- Attorney presenting case has sufficient witnesses subpoenaed to fill trial day.
- Judge should inform lawyers, court staff and jurors of anticipated start and end time for each day of trial.
- All attorneys, defendant and first witnesses are present and ready to start trial at the time designated by the judge.
- Judge and necessary court staff are ready to start trial at the time designated by the judge.

PROCEEDING TO QUASH OR SURRENDER AFTER FAILURE TO APPEAR

- If the defendant failed to appear at a plea date or other proceeding, it is expected that the next proceeding after the proceeding to quash the warrant or surrender, will be a Pretrial Conference.

PROBATION VIOLATION – INITIAL APPEARANCE

WHAT OTHER AGENCIES SHOULD DO BEFORE THE APPEARANCE

- DEPARTMENT OF CORRECTIONS – gather information about the alleged violation, determine what an appropriate resolution might be, based on the misconduct giving rise to the petition or motion, and present information and recommendation to the prosecutor.

WHAT COUNSEL SHOULD DO AND PREPARE BEFORE THE APPEARANCE

- PROSECUTOR - prepare the petition or motion and seek arrest warrants; consult with court DCM staff about the appropriate date for the hearing.
- DEFENSE COUNSEL – consult with defendant about alleged violation and what an appropriate response would be.
- If a resolution has been agreed to, inform the court, and prepare necessary paperwork.

WHAT SHOULD HAPPEN AT THE APPEARANCE

- If there is an agreed resolution, present completed paperwork to the court for signature.

- If there is no agreed resolution, schedule a subsequent hearing after consultation with court DCM staff.

PROBATION VIOLATION - SUBSEQUENT HEARINGS

WHAT OTHER AGENCIES SHOULD DO BEFORE THE HEARING

- DEPARTMENT OF CORRECTIONS – determine what the appropriate resolution might be, based on the misconduct giving rise to the petition or motion, and make recommendation to the prosecutor.

WHAT COUNSEL SHOULD DO AND PREPARE BEFORE THE HEARING

- PROSECUTOR – Provide defendant and his counsel with information about the facts of the alleged violation; subpoena witnesses, as necessary.
- DEFENSE COUNSEL – consult with defendant about alleged violation and what an appropriate response would be.
- BOTH ATTORNEYS – exchange witness lists.
- If there is an agreed resolution, inform the court, and prepare necessary paperwork.

WHAT SHOULD HAPPEN AT THE HEARING

- If there is an agreed resolution, present completed paperwork to the court for signature.
- If no agreed resolution, judge reviews documents, hears any testimony and decides revocation/violation, and decides appropriate remedy.

PRACTICES AND FORMS THAT WILL BE DISCONTINUED

Notice/Motion to Strike Plea Date

Notice of Intent to Plea Guilty on Trial Date

GENERAL COMMENTS REGARDING ATTORNEY APPEARANCES

- Priority of Appearances: If an attorney has appearances in more than one court on a particular day that may conflict, the priority of appearance should be as follows. Counsel should always inform the JA in departments where they are supposed to appear what other matters they have set, where, and how they propose to handle the appearance (by appearing later at a time agreed to by opposing counsel, or covered by another attorney from the office).
 1. **Cases in trial assigned to a trial department.** If you are in trial you need to be in that courtroom at the start time established by the trial judge. If you have other appearances, check in with the judge in the trial department before the trial start time regarding when other appearances might be made.
 2. **Trial docket in CDPJ.** If counsel has a matter that is set on the CDPJ docket for trial, counsel should be there at 9 AM, regardless of whether a continuance will be requested, the defendant will plead, or the case will go to trial. If the CDPJ assigns you to a trial department, counsel should proceed immediately to the assigned department. If a trial department is not immediately available, the attorney and defendant are to remain in the CDPJ courtroom unless otherwise instructed. If you have other matters set that conflict with the report back times, counsel need to set them over or have someone else cover them.
 3. **Pleas of guilty and sentencings set in CD1, CD2 and CDPJ.** Counsel should have paperwork completed before, and appear at, the time set for the plea and sentencing. If an attorney is requesting that the plea or sentencing be set over (continued), counsel must be available to discuss the request with the judge, and the proceeding will not be continued until the judge reviews the request and grants the motion for a continuance.
 4. **Status Conferences, PTC, Return with Attorney, Bail Hearings and OH** matters are the lowest priority for appearance. Since OH and PTC are typically done “off the record” and presented ex parte to the court, they need to be done before the morning is over, if assigned to the AM dockets, or end of afternoon for PM dockets. Status Conferences orders can be presented ex parte unless required to be on-the-record by the court, but they must be presented to the CDPJ before the defendant and attorneys are excused. If you are going to be late due to a conflict, notify the JA in the court and coordinate with opposing counsel so they do not waste time waiting for you or looking for you. The defendant must be present at the time the proceeding is scheduled to occur, and remain, unless excused by the court in which the proceeding is scheduled.
- Delays – If you are delayed, at a minimum, you should immediately notify the court by telephone why you are delayed and give a time estimate of when you will arrive.

APPENDIX C

SUMMARY DESCRIPTION OF COURTS SURVEYED

County/Jurisdiction Name	State	Major City	State Court Structure	Name	Criminal Case Type Jurisdiction
Baltimore City	MD	Baltimore		Circuit	felony, misdemeanor, miscellaneous criminal, exclusive criminal appeals, juvenile
DeKalb County	GA	near Atlanta		Superior	misdemeanor, DWI/DUI, exclusive felony, criminal appeals, traffic/other violation (except parking)
Jefferson County	KY	Louisville		Superior	misdemeanor, exclusive felony, criminal appeals
Macomb County	MI	Mt. Clemens (No. of Detroit)		Circuit	felony, DWI/DUI, miscellaneous criminal, criminal appeals
Mecklenburg County	NC	Charlotte		Superior	felony, misdemeanor, criminal appeals
Middlesex County	NJ	Middlesex		Superior	felony, exclusive criminal appeals, miscellaneous criminal, exclusive juvenile
Montgomery County	PA	around Philadelphia		Court of Common Pleas	misdemeanor, DWI/DUI, exclusive felony, criminal appeals, miscellaneous criminal, exclusive juvenile
Multnomah County	OR	Portland		Circuit	misdemeanor, DWI/DUI, exclusive felony, criminal appeals, traffic/other violation, juvenile
Pierce County	WA	Tacoma	two tier	Superior	exclusive felony, criminal appeals, exclusive juvenile
Prince George's County	MD	East of Washington, DC		Superior	felony, misdemeanor, miscellaneous criminal, exclusive criminal appeals, juvenile
San Francisco County	CA	San Francisco	unified	Superior	felony, DWI/DUI, misdemeanor, infractions, exclusive criminal appeals, exclusive juvenile
San Mateo County	CA	Redwood City	unified	Superior	felony, DWI/DUI, misdemeanor, infractions, exclusive criminal appeals, exclusive juvenile
Ventura County	CA	Ventura	unified	Superior	felony, DWI/DUI, misdemeanor, infractions, exclusive criminal appeals, exclusive juvenile

County/Jurisdiction Name	Case Allocation Method	Basis for Structural Organization	Judges Satisfaction with Method	Exceptional Cases (1 Judge to 1 Case)	Stage of Trial Date Assignment
Baltimore City	Divisions	Multiple Reasons	Like	Rarely-judicial expertise	Arraignment
DeKalb County	Proportional	Judges adopted system	No response	No	Arraignment
Jefferson County	Proportional	Interaction with bar	Mixed		first pretrial conference
Macomb County	Divisions	Legislated	Civil/ Criminal judges like caseload	Individual calendar	Arraignment/ conference
Mecklenburg County	Other	Rotation	Like	Rarely- capital or serious felony	3rd setting - plea discussion
Middlesex County	Divisions	Chief Justice's policy	Like	No	Final conference
Montgomery County	Divisions	Multiple Reasons	Like	Yes- homicide	After pretrial conference
Multnomah County	Panels/teams	Multiple Reasons	Mixed	Yes	Following arraignment
Pierce County	Panels/teams	Variety	Like	Yes- high profile	Pretrial
Prince George's County	Other	Flexibility, History	Judges like criminal cases, not civil	Yes - murder	Flexibility, History
San Francisco County	Divisions	History, Rotation, Experience	Mixed	Rarely- "high profile"	Pretrial conference
San Mateo County	Other	Variety, Experience, Consistency	Criminal Presiding Judge is tough	Rarely-murder	
Ventura County	Divisions	Efficiency, Specialization, Stability	Like		

County Name	State	Number of Judges	No. of Sub. Jud. Off.	Judges Hearing Felonies	Felony Filings in 2000	Felony Jury Trial Rate	Felony Jury Trials	Felonies Pending end of 2000
Baltimore City	MD	30	13	12	7,368	4.7%	307	10,773
DeKalb County	GA	13		13	4,625	3.0%	141	679 as of April '01
Jefferson County	KY	13	6	13	2,766	5.4%	148	1,683
Macomb County	MI	11	14	7	3,929	2.5%	100	1,398
Mecklenburg County	NC	7	25	7	9,273	79.1%	7,341	7,620
Middlesex County	NJ	36	2	7	2,500	6.6%	165	1,200
Montgomery County	PA	18	30	6	2,602		-	413
Multnomah County	OR	37	12.5	20	7,826	3.3%	260	7,235
Pierce County	WA	21	6	13	6,108	1.8%	112	1,720
Prince George's County	MD	23	6	8	2,500	-	-	-
San Francisco County	CA	50	16	8	3,121	1.9%	58	654
San Mateo County	CA	26	6	1 CPJ, any of 18 general trial departments				
Ventura County	CA	27	4	6	2,142	2.8%	60	373

APPENDIX D

Felony Case Management Practices Preliminary Survey Results

The Justice Management Institute (JMI) conducted a telephone survey for the Pierce County Superior Court in Tacoma, Washington. The survey is designed to identify courts that have effective felony case management, caseload allocation structures, and calendaring practices that Pierce County Superior Court could consider as they revise their organization and calendaring practices. JMI surveyed court administrators from 19 counties across the country deemed comparable to Pierce County based on three factors. First was a population between 650,000 and 801,000 according to the 2000 census (Pierce County's population was 700,820). Second was high population growth in the 1990's (Pierce County's was 19.6%). Third was the county not being the largest jurisdiction in the state or capital of the state. Thirteen courts responded to the survey. A table showing the demographics of the courts surveyed, as well as the subject matter jurisdiction of the courts, is attached.

The responses to the survey are grouped below by questions.

Question #1: How are the cases (civil, criminal, family, juvenile, etc.) allocated among the judges and other judicial officers?

Courts organized into *DIVISIONS*:

“Division” is defined as a structure where a category of cases that are heard by a fixed group of judges who sit in a division for a period of at least one year.

San Francisco County: San Francisco, CA

Middlesex County: Middlesex, NJ

Montgomery County: Philadelphia, PA

Macomb County: Mt. Clemens (near Detroit), MI

Ventura, County: Ventura, CA

Baltimore City: Baltimore, MD

How the divisions in these courts are organized and cases allocated is described below in the answer to question 2.

Courts where cases are allocated *PROPORTIONALLY* on a direct calendar:

“Proportionally” is defined as each judge handling an equal proportion of each case type.

Jefferson County: Louisville, KY

Cases are randomly assigned to 13 judges with an equal number of cases assigned each year.

DeKalb County: Atlanta, GA

The judges handle an equal number of cases. Assigned by the clerk, all civil and criminal cases are assigned to one of the ten divisions at the time the accusation, indictment, or a civil case is filed. If a matter in a case needs to be heard by a superior court judge prior to that time, it will be presented to the presiding judge. The initial police incident report number is used to assign the judge. Numbers ending in one through nine will be assigned to court divisions one through nine respectively. Numbers ending in zero will be assigned to court division ten. The same judge or division who heard the prior case will hear a case of a defendant still under sentence (on probation/parole). The chief judge has a lighter caseload for both criminal and civil cases. The court administrator assigns Unified Appeal (death penalty) cases when notification to seek the death penalty is filed by the district attorney.

Courts organized in *PANELS/TEAMS*:

“Panel/Team” is defined as a group of judges sitting on a panel or team that hears a set, category or specific type of case for a limited time frame (less than a year).

Pierce County: Tacoma, WA

Judges sit on panels based on type of case, generally for one to three months. There are three panels: civil, criminal and juvenile. Civil cases are assigned at filing on an individual calendar basis. If a judge cannot get their civil trial out on the scheduled trial date, court administration staff may assign it to an open judge for trial. Criminal cases are heard on a master calendar basis, with three departments hearing pre-trial proceedings and having one criminal master calendar judge. Family law cases are assigned on an individual calendar basis. A trial date is given after the case has been pending 90 to 120 days. Family cases are generally heard while a judge is sitting on a civil panel. At any point in time there are seven judges sitting on the civil panel, 14 sitting on the criminal panel (including one in drug court), two in juvenile, and three in criminal division courts. The typical length of a judicial assignment to a civil panel is two to three months, in comparison to a three-month assignment to the criminal panel. The drug court and juvenile judge sit for one year in that rotation.

Multnomah County: Portland, OR

The cases are allocated among panels or teams of judges. The case types or categories are divided among the teams in the following manner:

The judges assigned to the “family court team” hear all domestic relations, juvenile and probate matters. This team has some rotation of members, but several judges have made this team their career focus on the bench.

There is a “misdemeanor team” and all judges not on the family court team must do several months each year on the misdemeanor team. The misdemeanor team consists of four judges every month, and one judge (criminal procedure court judge) who presides over the misdemeanor team and the drug team.

There is a “drug team” and all judges not on the family court team must do several months per year on the drug team. The team is composed of two judges every month, with one judge who presides over the misdemeanor team and the drug team. Judges not on the family court serve four to five months total on the misdemeanor or the drug team.

There is a Drug Treatment Court, which consists of one judge who manages pretrial drug charge diversions to this docket.

Judges not assigned to the family, misdemeanor, or drug courts are considered available for all the remaining civil and criminal work of the court. Within this pool, Multnomah County has further specialization. Three judges manage all aggravated (capital) murder cases, one judge is assigned to manage all asbestos based personal injury litigation, one judge manages all medical malpractice litigation, and one judge manages all toxic environmental site clean up litigation. A team of judges hears all pretrial civil motions (the county uses a master calendar and cases are not individually assigned before trial unless designated complex by the presiding judge). One judge is assigned to manage all pretrial judicial settlement conferences and ADR.

The cases are assigned to judges within panels or teams by the presiding judge, who oversees the assignment of all civil and criminal litigation (other than drugs or misdemeanors). The chief family law judge oversees the assignment of cases assigned to the family court. The judge assigned to preside over the drug and misdemeanor cases assigns these cases to judges within those teams.

Courts organized in *OTHER* way:

“Other” is defined as an alternative organizational structure not previously defined (i.e., not divisions, panels/teams, or proportional)

San Mateo County: Redwood City, CA

Basically, judges are generalists, with specialty departments for certain case types and locations. Two judges and one commissioner hear family law matters. One judge and one commissioner hear juvenile matters. One judge hears civil law and motions. At the South San Francisco location, two judges on a one-year assignment, two judges on one-month rotations, and one commissioner hear misdemeanors. One judge is the presiding judge and one judge is criminal master calendar judge.

The remaining judges (15) are in trial departments. They can hear civil or criminal trials. San Mateo uses a master calendar to assign cases.

Mecklenburg County: Charlotte, NC

Civil and criminal cases are assigned on a master calendar basis. Since certain judges rotate* to a new divisions every six months, an individual calendaring system is unfeasible because judges could rotate out of the division before a case is resolved (e.g., a case may last longer than six months, which is the length of judicial assignment in a

division). The cases are allocated among the judges based on a rotation, which is dictated by the number of cases scheduled to a particular courtroom in which they are assigned on a week-to-week basis. In contrast, family cases are assigned on an individual calendar so a particular judge can resolve a particular case (one judge per family). Since the court ascribes to the therapeutic model in family law cases, an individual calendaring system is ideal.

* Only the superior court judge dealing with civil cases over \$10,000 and criminal felony cases rotate. District court judges handling family law matters, civil matters under \$10,000, and misdemeanors and infractions are permanently assigned to Mecklenburg County.

Prince George's County, MD: East of Washington, DC

For the most part, Prince George's County is a master calendar court where every judge hears every type of case. The exception is one judge handles juvenile court, with this judge rotating every couple of years. The court of appeal ordered the court to create a family division (although family law judges only do family law 75 percent of the time and general assignments the other 25 percent). Cases ready for hearing or trial are matched to a judge/courtroom the day before the trial/hearing. A calendar management unit in the court administrator's office does the assignments. Technically, the presiding judge, who is appointed for life, assigns cases. The presiding judge has appointed four "coordinating judges," one for civil, criminal, juvenile, and family law cases. The coordinating judges handle all requests for continuances.

Question #2: If the judges are organized into divisions, panels or teams that handle certain types or categories of cases:

- a). **How are the case types or categories divided among the divisions or teams?**
- b). **How are cases assigned to judges within the divisions, panels, or teams?**
- c). **How many judges are assigned to each division/panel/team?**
- d). **What is the typical length of judicial assignments to a division/panel/team? The minimal and maximum amount of time a judge can spend in a division/panel/team?**

Note: This question only applies to courts organized in divisions, panels, or teams.

San Francisco County: San Francisco, CA (Divisions)

- a. The four court divisions are: Criminal, Civil, Probate and Family/Juvenile.
- b. The cases are assigned to the judges within the division in the following way: criminal-felony subdivision and civil division are master calendar; criminal-misdemeanor subdivision is direct calendar; family/juvenile division is master calendar, with courts handling certain classes of matters; and the probate division is direct calendar.
- c. The number of judges assigned to each division is:
 - Criminal: Felony - 1 master calendar, 7 trial departments, 5 preliminary hearing departments; Misdemeanor - 5 direct calendar, one overflow; Drug Court - 1 judge; Probable Cause - 1 commissioner

- Civil: 1 presiding judge; 2 law and motion; 19 trial departments; 2 discovery commissioners; 1 commissioner for case management; 1 commissioner for harassment; 1 commissioner for Small Claims
 - Family/Juvenile: 2 juvenile delinquency; 3 juvenile dependency; 3 family law
 - Traffic: 2 commissioners
 - Probate: 1 judge, 1 commissioner
- d. The typical length of judicial assignment to a division is two to three years, with a minimum of one year and no maximum amount of time a judge can spend in a division.

Middlesex County: Middlesex, NJ (*Divisions*)

- a. Case types are divided into three divisions: Equity/Civil, Family (handles all family related matters), and Criminal (other matters heard in the criminal division besides indictable matters are: municipal court appeals, gun permits, expungements, Megan's law, and post-conviction relief matters).
- b. Criminal cases are assigned to judges on an individual calendar. The average inventory is approximately 140 cases.
- c. Four to five people are assigned to each judge's team. The criminal division manager assigns a team leader, report writers (title for probation officers in Middlesex County), court clerk, investigator, and clerical support to assist the judge with his or her inventory of cases.
- d. A new judge is assigned to each division for three years (three years spent in the civil division, three years in family, three in criminal) in order to gain expertise. Following a judge's three-year term, the assignment judge will determine which division he/she will permanently be assigned. A judge may request to be assigned to a certain division or he may request a transfer to another division. Sometimes judges are transferred to another division. For instance, a judge can be transferred if filings in one division suddenly increase.

Montgomery County: Philadelphia, PA (*Divisions*)

- a. The judges are divided into four divisions: Civil, Criminal, Family, and Juvenile.
- b. The cases are assigned on an individual calendar basis, which is prepared by the court administrator's office.
- c. Six judges are assigned to each division.
- d. The typical length of judicial assignment to a division is 18 months, with no minimum or maximum amount of time a judge can spend in a division.

Macomb County: Mt. Clemens, MI (*Divisions*)

- a. The judges are divided into two divisions: Family and Civil/Criminal. In addition, due to local facility limitations and physical separation, the Family Division has a subdivision in which one judge handles primarily juvenile cases, but there is not separate Juvenile Division.
- b. The case types are divided as follows: The Juvenile Subdivision handles all juvenile matters, the Family Division handles all domestic relations cases, and the Civil/Criminal Division handles all felony criminal and civil cases. The goal of the Family Division is to assign all matters related to a particular family to one

- judge. Therefore, if practical, all civil, criminal, juvenile and domestic matters can be assigned to a Family Division judge to achieve this goal.
- c. In the Juvenile Subdivision, there is only one judge and all cases are assigned to that judge, unless there is an open domestic relations case involving the same family.

In the Family Division, domestic relations cases are computer blind drawn among three Family Division judges (equalized by suffix) unless there is an open case involving the same family. Four judges are assigned to the Family Division.

Civil cases are computer blind drawn and equalized by suffix among the seven judges.

- Criminal cases are assigned by blind draw and equalized among major crime types, unless there is a pending probation involving the same defendant. Co-defendants are linked. Seven judges are assigned to the Civil/Criminal Division.
- d. The only time limitation that has been discussed is the assignment of circuit judges to the Family Division for at least two years. After two years, the chief judge has discretion to reassign Family Division judges. Two judges are probate judges assigned to the Family Division by the authority of the Michigan Supreme Court. They have indefinite assignments to the Family Division.

Ventura, County: Ventura, CA (Divisions)

- a. The judges are divided into five divisions: Civil; Family Court; Juvenile; Criminal; and Appeals.
- b. The cases are assigned to judges within the divisions on a master calendar for criminal cases and on an individual calendar basis for civil, family law and juvenile cases.
- c. There are seven judges assigned to the Civil Division. There are four judges in the Family Court. In the Juvenile Division, there are three judges. Fourteen judges are assigned to the Criminal Division. The Appeals Division has three judges.
- d. Minimum terms:
 - Family Law - 2 years unless a judge elects to stay
 - Dependency - 3 years
 - Juvenile - the Judicial Council standard mandates that the three judges must stay in the division for a term of three years
 - Civil - 1 year
 - Appeals - no typical length of judicial assignment was mentioned

Baltimore City: Baltimore, MD (Divisions)

- a. The judges are divided into four major divisions: Civil, Family-Juvenile, Family-Domestic, and Criminal (Felony Trial Court, Misdemeanor Trial Court, Arraignment/Drug Treatment Court).
- b. As a norm, the judge's docket dictates the type of cases assigned. Once assigned, a distinction is drawn in the assignment to the dockets on the basis of case

complexity. This is why A, B, C, or D tracks exist for each case within the circuit court's differentiated case management system. The initial determination of the tracking for the cases comes from the prosecutor who knows the nature of the case, its complexity, and the potential number of witnesses that influence the projected length of the trial. For example, the criminal docket where A, B, C, and D case tracks can be assigned are differentiated in the following manner:

- “A” track deals with cases that take from one to three days with up to four witnesses and is scheduled within 60 days of arraignment.
- “B” track deals with cases that take from four days to three weeks with three or four defendants plus up to ten witnesses and is scheduled within 90 days of arraignment.
- “C” track deals with cases that take two to three weeks with four or more defendants plus approximately ten witnesses and is scheduled within 120 days of arraignment.
- “D” track deals with cases that are “high profile” with multiple defendants and is scheduled within 120 days of arraignment.

As an example, judges are assigned to a criminal docket within different courts as follows:

- Judge with a Felony Trial Court would get one of the options listed:
 - ❖ one C or D case, plus four A or B cases;
 - ❖ a combination of one C or D case plus three A and B cases; or
 - ❖ five A and B cases.
- Judge with a Special Felony Drug Court would get one of the options listed:
 - ❖ two C or D cases plus three A or B cases;
 - ❖ one D case plus four A or B cases; or
 - ❖ five A or B cases.

Each judge's workload is reflected within the Judicial Information System's Database and made available to the judges via “Month-at-a-Glance,” a calendar that allows them to see the number of cases assigned by track (A, B, C, D), other (O), as well as pre-trial conferences and postponements (P). Within “Month-at-a-Glance,” there also exists the capability to “drill-down,” so as to provide the judges the ability to see specifics on defendants that provide the summary data for the calendar. Plus, it reflects whenever the judges are not available for assignment of cases.

- c. Judges are assigned among the four major divisions as follows, with the retired judges serving as backup:
- Civil - 9 judges
 - Family/Juvenile - 3 judges
 - Family/Domestic - 3 judges
 - Criminal - 15 judges
 - ❖ Felony Trial Court - 6 judges
 - ❖ Misdemeanor Trial Court - 3 judges
 - ❖ Arraignment/Drug Trial Court - 2 judges

- ❖ Special Felony Trial Court - 4 judges
- ❖ Retired - 5 judges

d. The typical length of judicial assignment to a division is a term of six months, which is also the typical length of time spent in a division. There is no minimum time that must be spent in a division, but sometimes with the approval of the administrative judge and the judges-in-charge, a judge may be moved to another division earlier than the normal rotation. Likewise, there is no specified maximum term because the intent is to rotate the judges after the completion of their six-month term. However, if there are extenuating circumstances, a swap can be approved whereby a judge will be allowed to serve within the same docket an added term, although this is not encouraged.

Multnomah County: Portland, OR (Panels/Teams)

There are 37 judges and 12.5 referees (who may sit as judges *pro tempore*) assigned to the court. There is a single presiding judge who oversees assignments for all judicial officers, but has delegated some of this authority to other judges for team management. The presiding judge assigns judges in the following manner:

- Presiding Court: 1 judge
- Chief Criminal Judge: 1 judge (criminal case flow procedures and serious felony settlement conferences)
- Chief Dispute Resolution Judge: 1 judge (ADR policymaking and civil and family law settlement conferences)
- Family Court: 7 judges, 4.5 referees (chief family court judge makes all policy for case management and assignment for domestic relations, juvenile and probate cases)
- Misdemeanor and Drug Court: 7 judges (one judge presides and makes all assignments)
- Preliminary Criminal Proceedings, Plea and Sentencing Courts: 3.5 referees (for misdemeanors and minor felonies)
- Traffic and Parking Violations: 2 referees
- Small Claims and Landlord-Tenant Actions: 1 referee
- Gresham Branch of the Circuit Court (a branch office that hears traffic violations, misdemeanors and civil small claims in the county's 2nd largest city): 1.5 referees

The remaining 20 judges sit in assignments for criminal and civil cases. Several judges have specially assigned subject areas (described previously), which take priority over general assignments when matters are scheduled.

Fourteen of the 20 judges hear pretrial civil motions, but these matters are all done outside of time for general case assignments from the presiding judge or any rotation assignment. Any of the 20 judges may be specially assigned a complex civil matter by the presiding judge. The presiding judge controls complex civil designation, and such

assignments become individual assignments to the judge for all proceedings in that action.

There is no maximum or minimum amount of time that a judge can spend on a panel. The presiding judge controls time allocations on panels. The most disliked rotations for the civil and criminal judges are the drug and misdemeanor rotations, which total four to five months each year. Family court assignments tend to be longstanding and even careers for some judges. Judges elect membership on this team and rotate over by their own election.

Questions #3: If all criminal cases are not assigned on an individual or direct calendar basis, are certain criminal cases nonetheless assigned to one judge for all purposes at some point as the case progresses through the court?

San Francisco County: San Francisco, CA (Divisions)

Only rarely is a case assigned to one judge for all purposes. When this occurs, it is usually in “high profile” or death penalty cases.

Middlesex County: Middlesex, NJ (Divisions)

The criminal division manager works closely with the Public Defender’s Office to assign cases to a judge. The division manager has a very positive relationship with the Public Defender’s Office. This relationship enables public defenders to have some control over the assignment of criminal cases, with the exception of death penalty cases. Death penalty cases are assigned to the criminal presiding judge, who elects to keep the case or assign it to another judge. Death by Auto and sex-related cases are also assigned to the criminal presiding judge for conference and disposition.

Montgomery County: Philadelphia, PA (Divisions)

Homicide cases are assigned to a judge by the criminal administrative judge for the duration of the proceedings.

Macomb County: Mt Clemens, MI (Divisions)

All criminal cases are assigned to individual judges.

Ventura County: Ventura, CA (Divisions)

Certain criminal cases are assigned to one judge for all purposes at some point as the case progresses through the court.

Baltimore City: Baltimore, MD (Divisions)

There are exceptions whereby a judge’s expertise may be far beyond other judges and the administrative judge or the judge-in-charge may assign a specific case to that judge, knowing that by doing so justice will be served and the defendant will receive the fairest possible trial.

Jefferson County: Louisville, KY (*Proportional*)

Cases are assigned to an individual judge. Once a case is assigned to a judge, that judge handles all the proceedings.

DeKalb County: Atlanta, GA (*Proportional*)

No criminal cases are assigned to one judge for all purposes.

Pierce County, WA (*Panels/Teams*)

High profile criminal cases are pre-assigned to one judge.

Multnomah County: Portland, OR (*Panels/Teams*)

Excluding aggravated murder actions, only murder actions are specially assigned.

San Mateo County: Redwood City, CA (*Other*)

Occasionally, the court may assign a murder case to one judge for all purposes, both to draw peremptory challenge and to provide continuity of pretrial motion decisions. However, this occurs only a half-dozen times a year.

Mecklenburg County: Charlotte, NC (*Other*)

Assigning one judge to a certain case is the exception. Sometimes, it is done in capital murder or serious felony cases.

Prince George's County, MD: East of Washington, DC (*Other*)

Murders are typically assigned to a judge for all purposes.

Question #4: What is the basis for the organization of judges and allocation of cases? Why do the judges use this structure?

San Francisco County: San Francisco, CA (*Divisions*)

Several reasons exist: 1) it has always been done this way; 2) it allows some rotation; 3) the court believes that judges need to stay in a division for at least one year to learn the law and be effective; and 4) the belief that all judges need to spend time in criminal so that they can do criminal jury trials in an emergency.

Middlesex County: Middlesex, NJ (*Divisions*)

The chief justice determines the rotation policy and length of judicial assignments. Currently, it is three years in each division before being permanently assigned to a division.

Montgomery County: Philadelphia, PA (*Divisions*)

Several reasons exist: 1) judges want to hear all types of cases and do not want to hear one type of case for an extended period of time; 2) judges want to interact with all segments of the Bar; and 3) judges believe that they need to be in an assignment for at least one to two years in order to become proficient in that case type.

Macomb County: Mt. Clemens, MI (Divisions)

The organization of judges is mandated by court reorganization, adopted by the Michigan Legislature, as implemented by the Michigan Supreme Court. Each Michigan circuit court had to adopt a plan for the operation of their Family Division, which resulted in divisional structures that could differ in each court.

Ventura County: Ventura, CA (Divisions)

Several reasons exist: 1) efficiency; 2) specialization in family law and dependency; and 3) stability for lawyers using the court system.

Baltimore City: Baltimore, MD (Divisions)

Several reasons exist: 1) the workload and its complexity based on the differentiated case management system; 2) a scheduled rotation for the term; 3) judges' seniority and level of experience; and 4) judges' availability during a term.

The judges use this structure because the administrative judge and judges-in-charge want to ensure adequate cross training of judges within the different dockets in order to assure continuity and provide flexibility in the usage of judges. With six-month rotations, over the years on the bench judges will experience several terms on a distinct docket that, in the long run, will allow them to master all the dockets to which assigned. At the same time, it will not burnout any judge that gets a difficult docket because the rotation will eventually allow him/her to rotate to another docket that is challenging, but less stressful. Moreover, it allows judges to take cases from the "move list" whenever their caseload is finished. It also allows them to substitute for their counterparts in situations where they are absent. This assures that mandatory courts are always in session.

Jefferson County: Louisville, KY (Proportional)

Statutory and Kentucky Supreme Court rules provide for the method of assignment and allocation.

DeKalb County: Atlanta, GA (Proportional)

No response given.

Pierce County: Tacoma, WA (Panels/Teams)

Judges want to hear a variety of cases, not just criminal or civil.

Multnomah County: Portland, OR (Panels/Teams)

Several reasons exist: 1) judges want to hear all types of cases and do not want to hear one type of case for an extended period of time; 2) judges want to interact with all segments of the Bar; and 3) judges believe that they need to be in an assignment for at least one to two years in order to become proficient in that case type.

San Mateo County: Redwood City, CA (Other)

For decades, the Superior Court has been organized with generalist trial departments and only a few specialty departments. This structure was continued after unification. Another reason is that judges want variety.

The criminal presiding judge assignment is for one year, which is done in the interest of reducing forum shopping. The court feels that it needs to have consistency in pleas and sentencing on felonies, and the way to achieve this is to have one judge handle all felony pretrial matters, including plea negotiations. The court also feels that there is a learning curve and it is less efficient to have a judge in the criminal presiding judge position for less than one year. Personally, the presiding judge feels that size dictates structure to some extent.

Mecklenburg County: Charlotte, NC (*Other*)

In addition to prosecuting crimes, the District Attorney's Office is responsible for preparing the criminal trial docket and advising law enforcement officers in the district. The DA has control over the calendaring of Superior Court cases and over deciding which case to try and which cases to accept a guilty plea for a lesser crime than the one for which the defendant is indicted.

Family cases operate under the therapeutic model and are individually calendared. With civil and criminal cases, a master calendar is used.

Prince George's County, MD: East of Washington, DC (*Other*)

The court gets a lot of flexibility out of the present structure. It has used a master assignment system for a long time. There is a group of judges (albeit not a large group) who want to go to an individual calendar system. The creation of a family division has started a shift to direct calendar or divisions.

Questions #5: Are judges happy with the structure? If not, what concerns do they have? What are the most common complaints? What do the judges see as the advantages of the structure? Are there particular assignments they like or dislike? Why?

San Francisco County: San Francisco, CA (*Divisions*)

Some judges are happy, while others are not. Some do not want to do family or criminal law, but consensus is that every judge has to do at least one rotation in criminal.

Middlesex County: Middlesex, NJ (*Divisions*)

Overall, judges are happy. A positive aspect of the structure is that a team leader – assigned to a judge – helps new judges assimilate by providing support and guidance. Team leaders contribute to efficiency in terms of moving cases.

Montgomery County: Philadelphia, PA (*Divisions*)

Yes, the judges are happy with the individual calendar structure.

Macomb County: Mt. Clemens, MI (*Divisions*)

Circuit court judges prefer a mix of cases. The civil/criminal division judges are generally happy with their mix of cases. So far the judges assigned to the family division have been volunteers. There had been predictions that the family division judges could burnout due to the stress of handling emotionally draining domestic relations cases. However, this has not appeared to happen after three years of implementation. Full

implementation of the family division calls for the mixing of juvenile cases with domestic relations cases. There is internal debate on the wisdom of adopting this structure.

Ventura County: Ventura, CA (*Divisions*)

Judges are happy. Any unhappy judge can stay the minimum time and move to another assignment. In general, judges are able to get the assignment they want.

Baltimore City: Baltimore, MD (*Divisions*)

The judges are satisfied with the present system, and if not, they can voice their opinion during their bench meetings.

Advantages are:

- Better equity of the workload is cultivated.
- The Assignment Office has greater flexibility to assign varying cases from the “Move List.”
- Proficiency in different types of dockets is fostered.
- Complacency within one type of docket is controlled and job enrichment is promoted.
- Judges get a better perspective and appreciation for all aspects of the law when working the varying dockets.

At times some dockets may be more intriguing than others, but all the judges know that their assignments are for a six-month term, unless extended or shortened for a good reason. They know that in time the opportunity exists to serve in an area of preference. Thus, the court administrator does not know of existing problems.

Jefferson County: Louisville, KY (*Other*)

Most judges are content. They like the variety in cases. The responsibility for their own dockets ensures accountability.

DeKalb County: Atlanta, GA (*Other*)

No response given.

Pierce County: Tacoma, WA (*Panels/Teams*)

Judges prefer a variety of work, specifically work that they like. For example, very few judges prefer domestic work.

Multnomah County: Portland, OR (*Panels/Teams*)

Ideally, any judge would like to be able to select only those matters of personal interest. Overall, the court’s caseload is not so accommodating. The rotations are intended to spread out the work equally to the judges where the volume is inversely proportional to stimulating interest. Consequently, they are all exposed equally to the less interesting and most interesting cases, except for those few areas where individual or small team expertise is mandated to accommodate a volume of complex matters.

San Mateo County: Redwood City, CA (Panels/Teams)

Structure was reconsidered at the time of unification and generalist trial departments were kept. Assignments related to old Municipal Court cases were reorganized, merged into the generalist master calendar, with misdemeanors heard in the north county branch.

Criminal presiding judge is a “killer” assignment, which is not held for more than a year. The presiding judge selects a “volunteer” who will be criminal presiding judge each year. This position requires certain skills, including organizational. The court administrator estimates that only half- to one-third of the judges can handle this assignment. There is a concern that the court will soon exhaust its pool of judges capable of doing this assignment. Furthermore, the volume (2,200 felonies a year) is a little more than one judge can handle.

Mecklenburg County: Charlotte, NC (Other)

The judges are happy with the structure.

Prince George’s County, MD: East of Washington, DC (Other)

Most judges like criminal cases and dislike family cases. Whether they like civil cases depends on their personal preference. In this county, several judges have come from the prosecutor’s office.

Question #6: How does the court calendar or schedule pretrial proceedings in felony cases?

a). If there is a department, where pretrial proceedings are concentrated:

1) What matters are heard in this department(s)?

- First appearance: arraignment, appointment of counsel, bail determination**
- Motions prior to trial: discovery, bail/custody status, appointment of counsel**
- Motions requiring testimony (e.g., motions to suppress evidence or dismiss)**
- Pretrial conferences (what occurs at this appearance?)**
- Plea/sentence negotiations**
- Sentencing**
- Other proceedings, please list:**

2) What is the length of time a judge typically sits in the department (e.g., week, month, year)?

b) If there is no such department, how does the court schedule or calendar pretrial proceedings in felony cases (e.g., first thing in the morning, on Fridays or Mondays, etc.)?

San Francisco County: San Francisco, CA (Divisions)

There is one felony master calendar department to handle post-information/indictment pretrial matters. Typically, the length of time a judge sits in the Criminal Master Calendar Department is one year. The matters heard in the Criminal Master Calendar Department are:

- First appearance: arraignment, appointment of counsel, bail determination;
- Motions (non-evidentiary) prior to trial: discovery, bail/custody status, appointment of counsel;
- Motions requiring less than a ½-hour of testimony;
- Plea/sentence negotiations, although these may be assigned to an open department if one is available;
- Sentencing in cases where this judge took the plea;
- Returns on bench warrants; and
- Post-judgment proceedings estimated to last less than one hour.

Matters heard in trial departments include:

- Trials;
- Motions with testimony estimated to take more than ½-hour are scheduled in the Master Calendar Department, but assigned to an open department for the hearing;
- Sentencing on pleas taken by judges, or trial convictions;
- Hearings in post-judgment proceedings estimated to last more than an hour.

Middlesex County: Middlesex, NJ (Divisions)

All third- and fourth-degree offenses are scheduled before the Pre-Indictment Processing Court (PIP) for possible resolution through plea negotiations or Pre-Trial Intervention (PTI) acceptance. If the matter is not resolved at PIP, it is referred to the grand jury. If an indictment is presented, the matter is scheduled for a Pre-Arraignment Interview (PAI), which is conducted by court staff. At the PAI, public defender applications are accepted if the defendant is not represented and discovery and plea offers are distributed by the Prosecutor's Office. The matter is then assigned to a judge's list for an arraignment on the indictment and a status conference. Subsequent status conferences will determine motions and case needs and/or bail reduction applications, which can be heard on motion Fridays (the Supreme Court sets the calendar). When plea negotiations fail, a trial date is scheduled (within six weeks to three months), thereby preventing further plea-bargaining from taking place. Negotiated pleas on the scheduled trial date can only be accepted after approval of the criminal presiding judge. Sentences are scheduled six weeks later before the judge that accepted the plea or trial verdict.

Montgomery County: Philadelphia, PA (Divisions)

With the exception of homicides, felony cases are scheduled in the same manner as all other cases. The matters heard in the pretrial proceedings department are:

- First appearance;
- Motions that are heard prior to the trial;
- First appearance is in front of the assigned judge;
- Sentencing is scheduled and heard by the judge who accepted the plea; and
- Miscellaneous Court handles most pretrial motions.

The criminal judges rotate on a weekly basis. In terms of scheduling, felony cases are not separated according to the degree of crime.

Macomb County: Mt. Clemens, MI (Divisions)

Each judge hears pretrial matters in each of his/her cases. Macomb County has adopted an arraignment/conference procedure under which the first event in the court is scheduled by the district courts four weeks after bind-over. A combination arraignment and pretrial conference is conducted. Between 40 and 50 percent of criminal cases are resolved at that conference, greatly speeding up the handling of criminal cases over the traditional full arraignment, separate pretrial system. There is no sunset time for judges in the Civil/Criminal Division. If they wish to transfer to the Family Division, they could probably do so since the Family Division is generally viewed as less desirable. The arraignment/conferences for all judges are set on Mondays at 1:30 PM so that the district court judges can set the date in the circuit court without knowing the name of the judge to be assigned or the judge's schedule. Parties learn of the judge assignment by consulting the court's web page, the local newspaper, or looking on lists posted in the courthouse.

Ventura County: Ventura, CA (Divisions)

One judge hears the following proceedings:

- First appearance;
- Motions prior to trial;
- Motions requiring testimony;
- Pleas and sentence negotiations; and
- Sentencing.

Another judge hears the following proceedings:

- Pretrial conferences;
- Sentencing;
- Pleas;
- Readiness conferences;
- Early disposition conferences; and
- Settlement calendar.

Typically the length of time a judge sits in the department is driven by personality. They have the liberty to stay as long as they want.

Baltimore City: Baltimore, MD (Divisions)

The court convenes Pre-Trial Conferences (PTC) thirty days in advance of a trial with the explicit purpose of avoiding problems early that may cause a case to be postponed. All unrepresented defendants receive a PTC to emphasize the importance of representation, whether it is a private or public attorney. All C and D track cases (see prior description of DCM tracks) must have their attorneys go before the judge to determine whether or not complications exist and whether or not they can be resolved prior to the trial date (e.g., discovery issues, availability of key witnesses, special circumstances or considerations). If a plea or motion is entered, it might be considered.

Eight judges hear PTC in their courtrooms for the criminal docket. Others are involved in different type actions from 8:30 AM to 9:30 AM and therefore, cannot be used. For example, three judges hear bail reviews on Tuesdays and Fridays at the same time.

Judges may get PTC's that are not assigned cases to them. These eight judges have their normal daily caseload for their dockets. There is no distinct department to do PTC's or the tasks mentioned above. However, there are two arraignment courts that convene daily as mandatory courts. Three active judges do bail review in one courtroom on Tuesdays and Fridays at 8:30 AM to 9:30 AM. One retired judge does bail reviews at the Central Booking and Intake Facility every Wednesday morning. The respective judges to whom the cases are assigned handle motions, hearings and pleas associated with their cases.

Judges are assigned to dockets and they normally serve a six-month term before rotating. The court schedules or calendars pretrial proceedings in felony cases normally in the mornings unless the judge schedules hearings, such as a motion or plea, after his/her normal docket is finished.

Jefferson County: Louisville, KY (Proportional)

One judge handles all of the following matters:

- First appearance;
- Motions prior to trial and those requiring testimony;
- Pretrial conferences;
- Plea and sentence negotiations;
- Sentencing; and
- Post judgments.

The court schedules pretrial proceedings in felony cases on the mornings before jury trials on both civil and criminal days. No pretrial proceeding department exists in Jefferson County.

DeKalb County: Atlanta, GA (Proportional)

Each judge sets his own schedule, specifically what days each type of calendar or hearing will be held. Criminal cases are set on arraignment and trial calendars by the District Attorney's Office.

Pierce County: Tacoma, WA (Panels/Teams)

Short pretrial matters are heard in one of three criminal division courts. The matters heard in the departments where pretrial proceedings are concentrated are:

- First appearance;
- Some types of non-evidentiary motions;
- Pretrial conferences and status conferences;
- Pleas;
- Sentencing; and;
- Returns on bench warrants.

A third department is designated the CDPJ court (criminal division presiding judge), which exclusively hears matters relating to trial dates and assigns cases to trial department. Generally, a judge sits in this department for one month, although the CDPJ may serve several months.

Multnomah County: Portland, OR (Panels/Teams)

It varies as to the way the court schedules or calendars pretrial proceedings in felony cases. There is no one judge who does it all. The pretrial work is spread over a network of referees, the criminal procedure court judge and the chief criminal judge. Referees rotate every three-months, criminal procedure judge serve three-months per year, and the chief criminal judge serves one year. Motions to suppress are argued the day of trial to the trial judge. The chief criminal judge or the criminal procedure judge hears other motions that could not be delayed until trial (e.g., misdemeanors and drugs).

San Mateo County: Redwood City, CA (Other)

All pretrial proceedings in felony matters are scheduled in one criminal presiding judge department. The following matters are heard in the department where pretrial proceedings are concentrated:

- First appearance: arraignment, appointment of counsel, bail determination;
- Motions prior to trial: discovery, bail/custody status, appointment of counsel;
- Pretrial conferences: plea negotiations in all cases; bulk of pleas occur at “conference;”
- Plea/sentence negotiations;
- Sentencing;
- Other proceedings: motions requiring an evidentiary hearing and long hearings that the criminal presiding judge cannot hear are sent to the presiding judge for assignment to an open trial department.

Typically the length of time a judge sits in the department is one year, which is the length of time needed to learn the work. In addition, this creates consistency in sentencing since the criminal presiding judge is responsible for disposition of all criminal cases, except those sent to a trial department for trial.

Mecklenburg County: Charlotte, NC (Other)

A senior resident superior court judge schedules non-jury sessions that are devoted to the processing of cases each week as well as sessions for drug cases. In other words, there are two administrative courts (one hears drug-related cases and one hears all other types of cases). A judge is assigned to each of the administrative courts, which schedules proceedings. Typically, Mecklenburg County tries to assign the same judge to an administrative courtroom for an extended period of time; however, this is not always possible.

Each case is calendared for specific “settings” in administrative court. The track of a case is as follows:

1st appearance

1st setting:

- Determination of counsel: general appearance, waiver of counsel, appointment
- Certification by counsel that conflicts do not exist

- ❑ Confirmation that discovery has been approved
- ❑ Confirmation that written plea offer has been provided to defense counsel
- ❑ Status inquiry by the court, including possible disposition by guilty plea (schedule time slot for plea conference if requested, schedule time slot for entry of plea if for guilty plea). Note: pleas of “not guilty” cannot be entered until the last scheduled setting.

2nd setting:

- ❑ Inquiry by the court as to whether plea offer communicated to defendant by defense counsel
- ❑ Determination, if not made earlier, as to whether case will be declared “exceptional,” which are cases such as complicated homicides, multiple-defendant or numerous victim crimes, complicated white-collar crimes, and those requiring extraordinary scientific investigation
- ❑ Status inquiry by court, including possible disposition by guilty plea (schedule time slot for plea conference if requested, schedule time slot for entry of plea if for guilty plea)
- ❑ If the case is assigned to the drug or Property teams of the DA’s Office, the second setting is the final setting and includes:
 - Schedule hearing for pre-arraignment motions
 - Inquiry by court as to whether defendant understands that any plea offer by the district attorney is withdrawn upon the entry of a plea of “not guilty” and that no further plea negotiations will take place.
 - Arraignment and acceptance of plea of “not guilty”
 - Set trial date

All criminal cases are scheduled for two setting if necessary.

The administrative court schedules the proceedings (the various tracks of a case) in felony cases. Defendants who are out of custody are present at each setting. Defense counsel is also present for each setting of the case. Defendants who are in custody are not brought to court for the settings (calendar call), but are brought to court at the time specified for entry of a plea or the hearing of a motion.

Prince George’s County, MD: East of Washington, DC (Other)

First Appearance: Defendants appear before the commissioners for the first appearance after arrest. There is some determination made of probable cause and a bond amount is set.

Preliminary Hearing: The next appearance is in the district court for a preliminary hearing. Almost all felony cases get to circuit court by indictment. The circuit court hears appeals and jury demands from the district court, which tend to be very voluminous.

DCM: Once a felony is filed, Prince George's County uses differentiated case management techniques (DCM), where a case is placed on a track based on the charge. The tracks are: complex criminal, serious criminal, and routine.

Arraignment: Defendants are arraigned in circuit court, at which time they are given a trial date and a status conference and motion date. The timing of hearings is based on the track to which the case has been assigned. Often times, the court uses a retired judge for the first appearance/arraignment. Prince George's County has the 180 "Hicks" Rule for setting trial dates- trials are set Monday through Thursday, and all motions are heard on Fridays.

Motions: Motions are assigned to open judges by the presiding judge.

Status Conferences: Status conferences are included in the original DCM plan. The original purpose of a status conference was to establish a plea cut off date, but the court was not able to enforce this because judges were not willing to force defendants to trial. Consequently, Prince George's County uses these conferences only in more complex cases as a case management conference, not as a plea conference.

Pleas: Pleas are negotiated between the attorneys. Judges are not involved. If a judge will not accept a plea, the attorney will simply go to a different judge. As a result, the county does have "camps" of judges: one judge will not take an "ABA plea" and will not feel bound by an agreed sentence, whereas another judge will accept any sentence agreed upon between the attorneys.

Trials: Rarely does the court trial a case because it gets them out to a judge on the date set and feels that the control of continuances makes a significant difference.

Sentencing: Maryland does have sentencing guidelines. Adequate judicial resources are not a problem. Prince George's County does have dark courtrooms.

Question #7: At what stage or proceeding are trial dates assigned in most cases?

San Francisco County: San Francisco, CA (Divisions)

At the pretrial conference, which occurs two weeks to one month after the first appearance. Many defendants plead at this proceeding, so trial dates are not assigned in many cases.

Middlesex County: Middlesex, NJ (Divisions)

At the final status conference.

Montgomery County: Philadelphia, PA (Divisions)

After the pretrial conference.

Macomb County: Mt. Clemens, MI (Divisions)

The judges can set trial dates at the arraignment/conference. If no date is set, the assignment clerk will set a date, based on the age of cases assigned to a given judge and the number of cases the judge wants scheduled each day.

Ventura County: Ventura, CA (Divisions)

Arraignment on felony filing.

Baltimore City: Baltimore, MD (Divisions)

Normally at arraignment.

Jefferson County, KY (Proportional)

At the first or second pretrial conference.

DeKalb County: Atlanta, GA (Proportional)

Criminal cases are assigned to a judge at the time of filing the true bill of indictment or accusation. Judges assign the trial date.

Pierce County: Tacoma, WA (Panels/Teams)

The trial date is selected at the first appearance, but often adjusted at the pretrial conference two weeks later.

San Mateo County: Redwood City, CA (Other)

At the first appearance in the criminal presiding judge department by the criminal presiding judge. They are set within 60 days for no time waiver and at about 90 days where time is waived. Homicide cases are set farther out, unless time is not waived.

Mecklenburg County: Charlotte, NC (Other)

At the plea discussion stage (3rd setting), which is after the discovery is exchanged and motions are dealt with.

Prince George's County, MD: East of Washington, DC (Other)

At the first appearance in circuit court. Trial dates are set every day, Monday through Thursday.

Question #8: If felony cases are not assigned on an individual calendar basis, who assigns cases to a trial judge on the day of trial?

San Francisco County: San Francisco, CA (Divisions)

Trial ready cases are assigned to open departments by the criminal master calendar judge.

Ventura County: Ventura, CA (Division)

Uses a criminal master calendar to assign cases.

Baltimore City: Baltimore, MD (Divisions)

The judge-in-charge or administrative judge assigns special cases to trial judges on the day of trial. Otherwise, at the time of arraignment, the judge assigning the case considers the judge's docket, his current workload, and the complexity of the new case before assigning it.

Jefferson County: Louisville, KY (*Proportional*)

Felony cases are assigned on an individual calendar basis.

Pierce County: Tacoma, WA (*Panels/Teams*)

The criminal division presiding judge assigns cases to a trial judge on the day of trial.

Multnomah County: Portland, OR (*Panels/Teams*)

Either the presiding or criminal procedure judge makes the trial assignment. The chief criminal judge makes no trial assignments, but oversees and defines the procedures followed by the criminal procedure judge.

San Mateo County: Redwood City, CA (*Other*)

Cases that are not resolved prior to the day of trial are assigned on the morning they are set for trial to open trial departments by the presiding judge, not the criminal presiding judge. The presiding judge assigns cases based on the nature and length of the case and the interest, skills, and abilities of the available trial judges.

Mecklenburg County: Charlotte, NC (*Other*)

The Administrative Court assigns all types of cases. The master calendar is set for a particular week and a judge is assigned. The criminal docket is controlled by District Attorney's Office. The DA proposes a trial date to the judge presiding in the administrative court at the time a defendant enters a "not guilty" plea at the final setting. The presiding judge consults with defense counsel, refers to projections of the numbers and types of cases already set for trial during the session proposed as well as the number of types of cases individual attorneys have scheduled for trial during that session, and reaches a decision as to the session during which the case will be scheduled for trial.

Prince George's County, MD: East of Washington, DC (*Other*)

Technically, the administrative judge assigns cases to a judge on the day of trial. His/Her decision is based on the recommendation of the Assignment Office.

Question #9: How are post-judgment proceedings, in particular probation violations or revocations, calendared and heard?

San Francisco County: San Francisco, CA (*Divisions*)

All probation violations and revocations are set initially in the Criminal Master Calendar Department, unless a judge has ordered that all subsequent proceedings for a defendant in a case be scheduled in their trial department. Subsequent proceedings and hearing are scheduled in the Criminal Master Calendar Department, but are assigned to an open trial department if an evidentiary hearing is required.

Middlesex County: Middlesex, NJ (*Divisions*)

Probation violations or revocations are returned to the judge who sentenced the defendant. If this judge has rotated out of the division, then it goes to the presiding judge to hear.

Montgomery County: Philadelphia, PA (*Divisions*)

Post-judgment proceedings are returned to and scheduled by the sentencing judge for all post-disposition purposes.

Macomb County: Mt. Clemens, MI (*Divisions*)

Probation violations or revocations are returned to the judge who sentenced the defendant. Generally, upon arrest, the judge arraigns the defendant and sets a hearing date. If the sentencing judge is not available for arraignment, another judge arraigns and sets the date to appear before the sentencing judge.

Ventura County: Ventura, CA (*Divisions*)

Post-judgment proceedings, in particular probation violations or revocations, are arraigned in felony arraignment court. If a hearing is required, the case is assigned on the master calendar like a trial.

Baltimore City: Baltimore, MD (*Divisions*)

Defendants return to the sentencing judge for post-judgment proceeding. Regarding subsequent appearances or hearings, defendants return to the sentencing judge. If he has another docket, the situation will be resolved during their “collateral day.” If the judge retires or dies, the “new judge” who replaced the departing judge will resolve the situation.

Jefferson County: Louisville, KY (*Proportional*)

Probation violations or revocations and motions to set aside convictions are returned to the judge who sentenced the defendant.

DeKalb County: Atlanta, GA (*Proportional*)

The sentencing judge hears post-judgment proceedings.

Pierce County: Tacoma, WA (*Panels/Teams*)

Post-judgment proceedings are calendared to one docket on Friday mornings. They are set by the Department of Corrections (no limits).

Multnomah County: Portland, OR (*Panels/Teams*)

Probations are rotated often to judges other than the sentencing judge. If the defendant is arrested on a warrant for a probation violation, there will be a first appearance in the First Appearance Court presided over by a referee. If the judge supervising the probation does not object, the probation violation will be adjudicated in that court by the referee (early disposition). If the probation judge wants the defendant back, or has him before the court without a warrant being served, then the probation judge will adjudicate the violation

allegation. Finally, in Oregon, probation officers have the authority to directly impose jail sanctions for violations upon notice to the court and concurrence of the probationer. Many violations never result in a judicial proceeding, although the judge will have notice of the violation and the sanction imposed.

San Mateo County: Redwood City, CA (*Other*)

All probation violation and probation revocation matters are scheduled in the Criminal Presiding Judge Department. Long hearings that cannot be heard by the criminal presiding judge are sent to the presiding judge for assignment to an open trial department.

Mecklenburg County, NC (*Other*)

All probation violation and probation revocations are placed on a special docket. They are scheduled every other week throughout the year in order to accommodate the high volume of these hearings. Probation officers assigned to the specific case are not present at the hearing since the formal rules of evidence do not apply. Consequently, the probation officer present can attest to the identity of probation officers and identify probation documents.

The DA prepares the schedule for probation revocation hearings and submits it to the senior resident superior court judge. It is the responsibility of the probation department to set cases for hearing and to coordinate the setting of new cases with the clerk's office. Offenders do not go before the sentencing judge.

Prince George's County, MD: East of Washington, DC (*Other*)

Probation violations and revocations usually go back to sentencing judge. Typically they are calendared on Fridays or the morning before the trial starts.

APPENDIX E

MONTHLY REPORT FOR OCTOBER 2001

The monthly report has four parts and appears on the next four pages. The parts refer to stages in the felony process:

- ◆ First stage
- ◆ Pretrial; Trial
- ◆ Resolution; Pending
- ◆ End; Jail

In the Internet version of this report, pages 64a-64d are in a separate file called Appendix E Monthly Report.

PIERCE SUPERIOR COURT AND COUNTY FELONY CRIMINAL JUSTICE PROCESS - MONTHLY REPORT

TIME PERIOD COVERED:	OCTOBER 2001					SAME	MONTHLY	
	LAW	SHERIFF			DEPT. OF	MONTH	AVE. FOR	
ACTIVITY, EVENT OR STATUS	ENFORCE- MENT	JAIL & PRETRIAL	PROSECUTING ATTORNEY	SUPERIOR COURT	APPOINTED COUNSEL	LAST YEAR	CALENDAR 2000	STANDARD
ARREST								
Felony arrests on new charges								
Referred for charging decision							836	
Filed as felony			652	652			509	
Most Serious Charge:								
Felony - violent crime			143				93	
Felony - controlled substance			220				239	
Felony - all other			289				177	
Return on warrant for failure to appear				277			217	
BOOKING (on felony charges)								
Total Bookings						2,378	2,355	
SIP release							43	
Released on PR							201	
Released on bail bond or cash bail							647	
FIRST APPEARANCE								
First appearances scheduled				676			560	
Released on PR								
DAC appointed				0				
Failure to appear				6			4	0
Continued, cancelled or not held				88			42	
Continuance rate				13.1%			7.5%	<10%
Western State evaluation				2			5	
Arraignment held				579			509	

PIERCE SUPERIOR COURT AND COUNTY FELONY CRIMINAL JUSTICE PROCESS - MONTHLY REPORT

TIME PERIOD COVERED:	OCTOBER 2001						SAME	MONTHLY	
	LAW	SHERIFF				DEPT. OF	MONTH	AVE. FOR	
	ENFORCE-	JAIL &	PROS.	SUPERIOR	APPOINTED	LAST	CALENDAR		
ACTIVITY, EVENT OR STATUS	MENT	PRETRIAL	ATTORNEY	COURT	COUNSEL	YEAR	2000	STANDARD	
PROCEEDINGS BETWEEN ARRAIGNMENT AND TRIAL									
Hearings or Conferences scheduled				3,395			2,760		
Failure to appear				134			106	0	
Continued, cancelled or not held				1,273			1,050		
Continuance rate (excludes failure to appear)				39.0%			39.6%	<10%	
Western State Evaluation				11			9		
Held - no resolution				1,536			1,261		
Dismissal of charges			54	54			50		
Guilty Plea				385			283		
Percentage of proceedings ending in resolution at this stage				12.9%			12.1%		
DAY OF TRIAL									
Trials Scheduled to begin				1,038			969		
Failure to appear				13			25	0	
Cancelled				571			434		
Continued				329			378		
Continuance rate (Excluding FTA and Cancelled)				72.5%			74.1%	<30%	
Western State Evaluation				4			1		
Dismissal of charges			16	16			14		
Guilty Plea				89			104		
Trial began				15			14		
Percentage of case resolutions at jury trial stage				25.7%			24.5%		
ALL COURT PROCEEDINGS									
Proceedings Scheduled				7,682			6,196		
Failure to Appear				469			353		
Cancelled				1,272			771		
Continued				1,468			1,441		
Continuance rate (Excluding FTA and Cancelled)				24.7%			28.4%		

PIERCE SUPERIOR COURT AND COUNTY FELONY CRIMINAL JUSTICE PROCESS - MONTHLY REPORT

TIME PERIOD COVERED:	OCTOBER 2001					SAME	MONTHLY	
	LAW	SHERIFF			DEPT. OF	MONTH	AVE. FOR	
	ENFORCE-	JAIL &	PROSECUTING	SUPERIOR	APPOINTED	LAST	CALENDAR	
ACTIVITY, EVENT OR STATUS	MENT	PRETRIAL	ATTORNEY	COURT	COUNSEL	YEAR	2000	STANDARD
DRUG COURT: Screening for Drug Court				52			42	
Not accepted to Drug Court				4			4	
Accepted to Drug Court				27			15	
Opted out of Drug Court				2			1	
Failed Drug Court				12			15	
Drug Court Graduation				2			13	
REMOVED TO INACTIVE (BW issued or Western State evaluation)				486			374	
CASE RESOLUTIONS								
Other				0			6	
Drug court graduation				2			13	
Dismissal				66			61	
Guilty Plea				458			426	
Court trial to decision				12			13	
Jury Verdict				20			9	
TOTAL				558			529	
AGE AT DISPOSITION OF CASES RESOLVED								
Median (days)							56	
Within 4 months (percentage)				81.0%			75.3%	90%
Within 6 months (percentage)				90.7%			85.4%	98%
Within 9 months (percentage)				96.4%			90.8%	100%
PENDING CASES								
PENDING FELONY DEFENDANT-CASES				1,461				1000
PARTICIPATING IN DRUG COURT								250
OPEN CASES ON BENCH WARRANT				537				
AGE OF PENDING CASES								
Median (days)								
Under 4 months (percentage)				76.6%			61.9%	90%
Under 6 months (percentage)				86.9%			81.9%	98%
Less than one year (percentage)				93.3%			95.7%	100%

PIERCE SUPERIOR COURT AND COUNTY FELONY CRIMINAL JUSTICE PROCESS - MONTHLY REPORT

TIME PERIOD COVERED:	OCTOBER 2001						SAME	MONTHLY
	LAW	SHERIFF			DEPT. OF	MONTH	AVE. FOR	
ACTIVITY, EVENT OR STATUS	ENFORCE- MENT	JAIL & PRETRIAL	PROSECUTING ATTORNEY	SUPERIOR COURT	APPOINTED COUNSEL	LAST YEAR	CALENDAR 2000	STANDARD
SENTENCING								
Sentenced to county jail		0					34	
Sentenced to state prison							110	
Sentenced to work alternative								
Sentenced to electronic home detention								
POST JUDGMENT ACTIVITIES (related to sentencings and probation violations and revocations)								
Probation violation filings			39	39			173	
Violation hearings scheduled				1,524			1,413	
Failure to appear				207			171	
Continued or not held				91			110	
Continuance rate (excludes failure to appear)				6.9%			8.8%	
Hearings held				1,140			1,115	
JAIL POPULATION								
Average daily population		1,274						< 1,272
Ave. Length of Stay for those in custody at end of month		53 days						
No. of defendants in custody on last day of month		1,275						< 1,272
No. in pretrial status <u>only</u> - pending resolution		438						
Percentage in pretrial status only		35.0%						
No. pending <u>both</u> resolution and serving sentence		206						
Percentage both pretrial and sentencing		16.5%						
Number serving sentence <u>only</u>		606						
Percentage in sentenced status only		48.5%						
No. of people "compliance released"		170					239	0
Ave. Length of Stay for all people released this month:		not available						

APPENDIX F

PREPARATION OF MONTHLY REPORT ON FELONY CASE PROCESSING IN PIERCE COUNTY

INTRODUCTION

The objective of this document is to provide instructions on how to prepare the proposed monthly report on felony case processing. It provides information about what reports are needed to prepare the report, what each row on the report is about, where to find the needed information needed to complete each cell on the report, and how to calculate the figure reported in each cell in the report.

The report proceeds chronologically from arrest through trial and post-judgment proceedings. The report is separated into segments for each stage of the proceedings. The figures for each month are supplemented by comparison data from the same month in the prior year, and the average for the prior calendar year. The leftmost column also includes standards for some measures where such standards have been established by state law, the Board of Judicial Administration or by the court itself.

SOURCES OF DATA FOR MONTHLY REPORT; REPORTS NEEDED

SUPERIOR COURT Reports:

- LINX Proceeding Type Outcome Report for the month
- LINX Criminal Resolved Cases Report for the month
- LINX Criminal Pending Cases Report (Superior Court) as of the last day of the month

PIERCE COUNTY CORRECTIONS Reports:

- LINX Formal Count List for the month
- LINX Jail Booking Report for the month
- Pierce County Corrections Snapshot as of the last day of the month
- LINX Compliance Release Analysis for the month
- Bookings report from Sheriff's office (Kathy Kempf)
- RlsDispCodes report from Sheriff's office for the month

WASHINGTON STATE OAC Reports:

- SCOMIS Criminal Cases Filed by Type of Case for the month

FIRST STAGE Sheet

ARREST

Felony Arrests on New Charges

- Count of number of defendants where law enforcement makes an arrest alleging the commission of a felony
- Source of information: NOT YET IDENTIFIED

Referred for Charging Decision

- Number of felony arrests that are referred to the prosecutor's office for formal charging
- Source of information: From Prosecutors office

Filed as Felony

- Count of felony informations or indictments filed in Superior Court, excluding cases:
 - Where no felony charges were filed
 - Where felony charges were reduced to gross misdemeanor or misdemeanor charges before an information or indictment was filed
 - Referred to juvenile court because the defendant was a juvenile when the committed
 - Filed as a sexual predator proceeding
 - Which are RALJ appeals

Most Serious Charge:

Reveals the distribution of filing by severity of charge, which affects workload and calendaring.

- Felony - Violent crime
 - Source Report: "SCOMIS Criminal Cases Filed by Type of Case" for the month
 - Total of felony filings where most serious charge is homicide, sex crimes, robbery and assault

- Felony - Controlled Substance
 - Source Report: "SCOMIS Criminal Cases Filed by Type of Case" for the month
 - Felony filings where most serious charge is "controlled substance"
- Felony - All Other
 - Source Report: "SCOMIS Criminal Cases Filed by Type of Case" for the month
 - Total of "Filed as Felony" minus "Felony - violent crime" and "Felony-Controlled Substance" totals above

Return on Warrant for Failure to Appear

- Measures number of cases re-activated because the defendant is now present where the cases was inactive because the defendant had failed to appear and a bench warrant was issued
- Source Report: "LINX Proceeding Type Outcome Report" for the month
- Sum of proceedings type ARRB and QUASH

BOOKING (on felony charges)

Total Bookings

- Count of number of defendants booked into the Pierce County Jail during the report period
- Source Report: "Bookings" report from Sheriff's office (Kathy Kempf)

SIP Releases

- Source Report: RlsDispCodes report from Sheriff's office for the month
- Number in first column of row labeled "SIP" in second column

Released on PR

- Source Report: RlsDispCodes report from Sheriff's office for the month
- Sum of numbers in first column of rows "PR" and "PR PTS" in second column

Released on bail bond or cash bail

- Represents number of people who are arrested and booked who are released upon posting a bail bond or cash bail
- Source Report: RlsDispCodes report from Sheriff's office for the month
- Sum of numbers in first column of rows "Bail Bond" and "Cash Bail" in second column

FIRST APPEARANCE

First Appearances Scheduled

- Represents the total number of proceedings related to arraignment, including arraignments after failure to appear at prior scheduled arraignment and re-arraignments
- Source Report: "LINX Proceeding Type Outcome Report:" for the month of the report
- Total number of proceedings with Proceeding Type ARR, ARBR, ARRB, and RARR regardless of Proceeding Outcome

Released on PR

- Number of defendants who are released on PR at the time of arraignment
- Source of information: NOT YET IDENTIFIED

DAC Appointed

- Number of defendants for whom the DAC counsel are appointed
- Source of information: NOT YET IDENTIFIED

Failure to Appear

- Count of number of defendants scheduled for first appearance who failed to appear at the appearance
- Source Report: "LINX Proceeding Type Outcome Report:" for the month of the report

- Total number of proceedings with Proceeding Type ARR, ARBR, ARRB, and RARR where the Proceeding Outcome is FTA

Continued, Cancelled or not held

- Count of number of first appearance events scheduled where the appearance was continued to another date, cancelled, or not held for some other reason
- Source Report: "LINX Proceeding Type Outcome Report:" for the month of the report
- Total number of proceedings with Proceeding Type ARR, ARBR, ARRB, and RARR where the Proceeding Outcome is CANC, CONT or NH

Continuance Rate

- Measure of the portion of scheduled first appearances that were continued, cancelled or not held for whatever reason, not including events where the defendant failed to appear
- Ratio of ARR proceeding types with outcome CONT, CANC or NH to total ARR proceedings less proceedings with proceeding outcome FTA

Western State Evaluation

- Count of number of defendants who were referred at a first appearance event to Western State Hospital for evaluation of fitness for trial
- Source Report: "LINX Proceeding Type Outcome Report:" for the month of the report
- Total number of proceedings with Proceeding Type ARR, ARBR, ARRB, and RARR where the Proceeding Outcome is WSE

Arraignment Held

- Count of number of first appearance events where the defendant appeared and the defendant was arraigned, custody status reviewed, and further proceedings set
- Source Report: "LINX Proceeding Type Outcome Report:" for the month of the report
- Total number of proceedings with Proceeding Type ARR, ARBR, ARRB, and RARR where the Proceeding Outcome is ARR or HELD

PRETRIAL; TRIAL Sheet

PROCEEDINGS BETWEEN ARRAIGNMENT AND TRIAL

Hearings or Conferences Scheduled

- Count of the number of scheduled events, regardless of the outcome, for proceedings that occur between the first appearance and the trial, for example pretrial conference, motions, omnibus hearing, or plea
- Source Report: "LINX Proceeding Type Outcome Report:" for the month of the report
- Total number of proceedings with Proceeding Types: BAIL, BBF, BBS, BHB, COMM, CONT, DIS, DISC, EXON, HRG, JBDC, MOT, NJT, OH, P/S, PLEA, PLET, PREA, PTC, PTOH, QUAS, RD, RWA, SEV, STAH, STRL, SUP, VACA, WITH

Failure to Appear

- Count of the number of scheduled pretrial events which did not occur because the defendant failed to appear for the event
- Source Report: "LINX Proceeding Type Outcome Report:" for the month of the report
- Number of proceedings where Proceeding Type is as described above and where Proceeding Outcome is FTA

Continued, Cancelled or not held

- Count of the number of scheduled pretrial events that were continued, cancelled or not held, for whatever reason
- Source Report: "LINX Proceeding Type Outcome Report:" for the month of the report
- Number of proceedings where Proceeding Type is as described above and where Proceeding Outcome is CANC, CONT or NH

Continuance Rate (excludes failure to appear)

- Measure of the portion of scheduled pretrial events that were continued, cancelled or not held for whatever reason, not including events where the defendant failed to appear

- Ratio of proceeding types as described above with outcome CONT, CONC or NH to total pretrial proceedings less those with proceeding outcome FTA

Western State Evaluation

- Count of number of defendants who were referred to Western State Hospital for evaluation of fitness for trial at a scheduled pretrial event
- Source Report: "LINX Proceeding Type Outcome Report:" for the month of the report
- Number of proceedings where Proceeding Type is as described above and where Proceeding Outcome is WSE

Held - no resolution

- Count of the number of scheduled pretrial events held that did not result in a final resolution of the case, i.e., no plea or dismissal of the case
- Source Report: "LINX Proceeding Type Outcome Report:" for the month of the report
- Number of proceedings where Proceeding Type is as described above and where Proceeding Outcome is HELD, EXOA or EXWA

Dismissal of charges

- Count of number of scheduled pretrial events where the case against the defendant was dismissed
- Source Report: "LINX Proceeding Type Outcome Report:" for the month of the report
- Number of proceedings where Proceeding Type is as described above and where Proceeding Outcome is DISM

Guilty plea

- Count of the number of scheduled pretrial events where the outcome of the event was a plea of guilty by the defendant to at least one charge
- Source Report: "LINX Proceeding Type Outcome Report:" for the month of the report
- Number of proceedings where Proceeding Type is as described above and where Proceeding Outcome is PLEA or P/S

Percentage of case resolutions at proceedings at this stage

- Measure of the portion of scheduled pretrial events, not including cancelled events, where a resolution of the case occurred
- Ratio of proceeding types as described above with outcome DISM, HELD, PLEA, P/S to total proceedings as described above less those with proceeding outcome CANC

DAY OF TRIAL

Trials Scheduled to Begin

- Count of the number of events when a jury trial in the case was scheduled to begin
- Source Report: "LINX Proceeding Type Outcome Report:" for the month of the report
- Total number of proceedings with Proceeding Type JT or JTSP

Failure to Appear

- Count of the number of scheduled trial dates where the defendant failed to appear
- Source Report: "LINX Proceeding Type Outcome Report:" for the month of the report
- Number of proceedings where Proceeding Type is JT or JTSP and where Proceeding Outcome is FTA

Cancelled

- Count of the number of scheduled jury trial start events which were cancelled
- Source Report: "LINX Proceeding Type Outcome Report:" for the month of the report
- Number of proceedings where Proceeding Type is JT or JTSP and where Proceeding Outcome is CANC

Continued

- Count of the number of scheduled jury trial start events which were continued to a later date

- Source Report: "LINX Proceeding Type Outcome Report:" for the month of the report
- Number of proceedings where Proceeding Type is JT or JTSP and where Proceeding Outcome is CONT, CONC or NH

Continuance Rate (excluding FTA and Cancelled)

- Measure of the portion of scheduled jury trial start dates that were continued, not including jury trial start dates where the defendant failed to appear or where the trial date was cancelled
- Ratio of JT and JTSP proceeding types with outcome CONT, CONC or NH to total JT and JTSP proceedings less proceedings with proceeding outcome FTA of CANC

Western State Evaluation

- Count of number of defendants who were referred to Western State Hospital for evaluation of fitness for trial on the day they were to start trial
- Source Report: "LINX Proceeding Type Outcome Report:" for the month of the report
- Number of proceedings where Proceeding Type is JT or JTSP and where Proceeding Outcome is WSE

Dismissal of charges

- Count of the number of jury trial start dates where the case against the defendant was dismissed on the day of trial
- Source Report: "LINX Proceeding Type Outcome Report:" for the month of the report
- Number of proceedings where Proceeding Type is JT or JTSP and where Proceeding Outcome is DISM

Guilty plea

- Count of the number of jury trial start dates where the defendant plead guilty to at least one charge on the day a jury trial was scheduled to begin
- Source Report: "LINX Proceeding Type Outcome Report:" for the month of the report

- Number of proceedings where Proceeding Type is JT or JTSP and where Proceeding Outcome is PLEA or P/S

Trial Began

- Count of the number of scheduled jury trial starts where a trial actually began, regardless of the outcome of the trial
- Source Report: "LINX Proceeding Type Outcome Report:" for the month of the report
- Number of proceedings where Proceeding Type is JT or JTSP and where Proceeding Outcome is HELD, HNG or MIST

Percentage of case resolutions at jury trial stage

- Measure of the proportion of jury trial dates where the case was resolved, either through dismissal, plea or trial starting
- Ratio of JT and JTSP proceeding types with outcome DISM, HELD, PLEA, P/S to total JT and JTSP proceedings less proceedings with proceeding outcome CANC

ALL COURT PROCEEDINGS

Proceedings Scheduled

- Count of the total number of scheduled events from first appearance through trial and sentencing, but excluding post-judgment events
- Source Report: "LINX Proceeding Type Outcome Report:" for the month of the report
- Total number of proceedings scheduled, excluding proceedings with Proceeding Type PVBW, MWW, BW and BW-F

Failure to Appear

- Count of the number of scheduled events, not including post-judgment events, where the defendant failed to appear at for the proceeding
- Source Report: "LINX Proceeding Type Outcome Report:" for the month of the report
- Number of scheduled proceedings where Proceeding Outcome is FTA

Cancelled

- Count of the number of scheduled events, not including post-judgment events, where the event was cancelled
- Source Report: "LINX Proceeding Type Outcome Report:" for the month of the report
- Number of proceedings where Proceeding Outcome is CANC

Continued

- Count of the number of scheduled events, not including post-judgment events, where the event was continued to another date
- Source Report: "LINX Proceeding Type Outcome Report:" for the month of the report
- Number of proceedings where Proceeding Outcome is CONT or NH

Continuance Rate

- Measure of the proportion of scheduled events, not including post-judgment events, where the event was continued to another date or not held, excluding events where the defendant failed to appear, or the event was cancelled
- Ratio of all scheduled proceeding types with outcome CONT or NH to total pretrial proceedings less those with proceeding outcome FTA or CANC

RESOLUTION; PENDING Sheet

DRUG COURT

Screening for Drug Court

- Count of the number of defendants who were referred to drug court and screened to see if they were eligible and appropriate for participation in drug court
- Source Report: "LINX Proceeding Type Outcome Report" for the month of the report
- Total number of cases with proceeding type SCDC, regardless of proceeding outcome

Not Accepted to Drug Court

- Count of number of defendants who were screened for participation in drug courts and not accepted
- Source Report: "LINX Proceeding Type Outcome Report" for the month of the report
- Number of cases with proceeding type SCDC and proceeding outcome NADC

Accepted to Drug Court

- Count of number of defendants who were screened for participation in drug courts and were accepted
- Source Report: "LINX Proceeding Type Outcome Report" for the month of the report
- Number of cases with proceeding type SCDC and proceeding outcome ACDC

Opted out of Drug Court

- Count of number of defendants who were participating in drug court and opted not to continue in drug court
- Source Report: "LINX Proceeding Type Outcome Report" for the month of the report
- Number of cases with proceeding outcome OODC, regardless of proceeding type

Failed Drug Court

- Count of number of defendants who were participating in drug court but failed to comply with the program and were removed from the program
- Source Report: "LINX Proceeding Type Outcome Report" for the month of the report
- Number of cases with proceeding outcome FSDC, regardless of proceeding type

Drug Court Graduation

- Count of the number of defendant who completed drug court and graduated
- Source Report: "LINX Proceeding Type Outcome Report" for the month of the report
- Number of cases with proceeding type GRDC or REV and proceeding outcome CMDC

REMOVED TO INACTIVE STATUS (BW issued or Western State evaluation)

- Count of number of defendants where the court cannot proceed with the case against the defendant because the defendant is unavailable because the defendant failed to appear and a bench warrant was issued, or the defendant was sent to Western State Hospital for evaluation
- Source Report: "LINX Proceeding Type Outcome Report" for the month of the report
- Proceeding outcomes FTA or WSE for all proceedings

CASE RESOLUTIONS

Other

- Number of defendant-cases removed from the court's pending caseload other than by one of the resolution types listed below
- SOURCE REPORT: "LINX Criminal Resolved Cases Report:" for the month of the report, first table labeled "Resolution" total for categories:
 - Continued Order of Prosecution
 - Appeal Review Dismiss and Remand
 - Closed by Court Order Post-hearing
 - Case transferred to another jurisdiction for completion

Drug Court Graduation

- Number of defendants who completed drug court in the report month
- Source Report: "LINX Proceeding Type Outcome Report:" for the month of the report
- Number of cases with proceeding type GRDC or REV and proceeding outcome CMDC

Dismissal

- Number of defendant-cases that were dismissed during the report month
- SOURCE REPORT: "LINX Criminal Resolved Cases Report:" for the month of the report, first table labeled "Resolution," sum of ninth column labeled "Total" for the rows labeled:
 - Dism after NJ Trial Commenced
 - Dism after J Trial Commenced
 - Dismissal Without TrialLess number of Drug Court Graduations that are coded as "Dismissal Without Trial"

Guilty Plea

- Number of defendant-cases resolved by a guilty plea, regardless of when the plea occurred, including guilty pleas which are entered after the start of a trial, court or jury
- SOURCE REPORT: "LINX Criminal Resolved Cases Report:" for the month of the report, first table labeled "Resolution," sum of ninth column labeled "Total" for the rows labeled:
 - Guilty Plea
 - Guilty Plea after NJ Trial Commenced
 - Guilty Plea after J Trial Commenced

Court Trial to decision

- Number of defendant-cases resolved by a court decision, regardless of whether the defendant is convicted or acquitted
- SOURCE REPORT: "LINX Criminal Resolved Cases Report:" for the month of the report, first table labeled "Resolution," sum of ninth column labeled "Total" for the rows labeled:
 - Acquittal by Court
 - Court Decision after NJ Trial

- Convict Court Dec After Trial

Jury Verdict

- Number of defendant-cases resolved by a jury verdict, regardless of whether the defendant is convicted or acquitted
- SOURCE REPORT: "LINX Criminal Resolved Cases Report:" for the month of the report, first table labeled "Resolution," sum of ninth column labeled "Total" for the rows labeled:
 - Acquittal by Jury
 - Convict JV After Trial
 - Jury Verdict after Trial

TOTAL

- Total number of defendant-cases resolved in the report month, including Drug Court graduations
- Sum of above categories of resolution

AGE AT DISPOSITION OF CASES RESOLVED

Purpose of numbers is to indicate how court is doing relative to Board of Judicial Administration Standards for felony case processing. Standards are to resolve case within the following time frames:

- 90% within 4 months
- 98% within 6 months
- 100% within 9 months

Median (days)

- Measure of the time period within which half of the felony cases are resolved
- Source report: NOT YET IDENTIFIED

Within 4 months (percentage)

- Percentage of cases resolved within four months of filing in Superior Court
- SOURCE REPORT: "LINX Criminal Resolved Cases Report" for the month of the report, second table labeled "Case Age (Days)," ratio of sum of numbers in first four columns (labeled "0-30" "31-60" "61-90" and "91-120") to total number of resolved cases from bottom line (labeled "Total:") ninth column (labeled "Total") of the first table labeled "Resolution"

Within 6 months (percentage)

- Percentage of cases resolved within six months of filing in Superior Court
- SOURCE REPORT: "LINX Criminal Resolved Cases Report" for the month of the report, second table labeled "Case Age (Days)," ratio of sum of numbers in first five columns (labeled "0-30" "31-60" "61-90" "91-120" and "121-180") to total number of resolved cases from bottom line (labeled "Total:") ninth column (labeled "Total") of the first table labeled "Resolution"

Within 9 months (percentage)

- Percentage of cases resolved within nine months of filing in Superior Court
- SOURCE REPORT: "LINX Criminal Resolved Cases Report:" for the month of the report, second table labeled "Case Age (Days)," ratio of sum of numbers in first six columns (labeled "0-30" "31-60" "61-90" "91-120" "121-180" and "181-270") to total number of resolved cases from bottom line (labeled "Total:") ninth column (labeled "Total") of the first table labeled "Resolution"

PENDING CASES

Pending Felony Defendant-cases

- Number of defendant-cases pending without resolution at the end of the month
- SOURCE REPORT: LINX Criminal Pending Cases Report (Superior Court) run on the last day of the report month, line after first table labeled "**Total Pending Cases:"

Participating in Drug Court

- Number of defendant participating in the drug court program at the end of the month
- Source Report: NOT YET IDENTIFIED

Open Cases on Bench Warrant

- Number of defendant-cases pending where a bench warrant has been issued because the defendant failed to appear at a scheduled hearing
- SOURCE REPORT: "LINX Criminal Pending Cases Report (Superior Court)" run on the last day of the report month, second line after first table labeled "***Open Cases on Bench Warrant"

AGE OF PENDING CASES

Median (days)

- Measure of the age within which half of the pending felony cases falls
- Source report: NOT YET IDENTIFIED

Under 4 months (percentage)

- Proportion of defendant-cases pending without resolution for 4 months or less
- SOURCE REPORT: "LINX Criminal Pending Cases Report (Superior Court)" run on the last day of the report month, first table (labeled "Pros Unit | Case Age Category") last line (labeled "Total:") second column (labeled "1") divided by total in tenth column (labeled "Total")

Under 6 months (percentage)

- Proportion of defendant-cases pending without resolution for 6 months or less
- SOURCE REPORT: "LINX Criminal Pending Cases Report (Superior Court)" run on the last day of the report month, first table (labeled "Pros Unit | Case Age Category") last line (labeled "Total:") sum of second column (labeled "1") and third column (labeled "2") divided by total in tenth column (labeled "Total")

Less than one year (percentage)

- Proportion of defendant-cases pending without resolution for 1 year or less
- SOURCE REPORT: "LINX Criminal Pending Cases Report (Superior Court)" run on the last day of the report month, first table (labeled "Pros Unit | Case Age Category") last line (labeled "Total:") sum of second, third, fourth and fifth columns (labeled "1" "2" "3" and "4") divided by total in tenth column (labeled "Total")

END; JAIL Sheet

SENTENCING

Sentenced to county jail

- Count of the number of defendants convicted, by plea or jury verdict or court decision, who were sentenced to serve time in the county jail
- Source Report: NOT YET IDENTIFIED

Sentenced to state prison

- Count of the number of defendants convicted, by plea or jury verdict or court decision, who were sentenced to serve time in the state prison
- Source Report: NOT YET IDENTIFIED

Sentenced to Work Alternative

- Count of the number of defendants convicted, by plea or jury verdict or court decision, who were sentenced to serve time in a work alternative program
- Source Report: NOT YET IDENTIFIED

Sentenced to Electronic Home Detention

- Count of the number of defendants convicted, by plea or jury verdict or court decision, who were sentenced to serve time who volunteered for home detention
- Source Report: NOT YET IDENTIFIED

POST JUDGMENT ACTIVITIES (related to sentencings and probation violations and revocations)

Probation Violation Filings

- Total number of probation violations filed during the report period, as filed by the prosecutors office
- Source Report: "LINX Proceeding Type Outcome Report" for the month of the report
- Total number of proceeding types PVBW (Probation Violation - Bench Warrant)

Violation Hearings Scheduled

- Number of scheduled hearings regarding probation violation
- Source Report: "LINX Proceeding Type Outcome Report:" for the month of the report
- Total of proceedings scheduled for the report period for proceeding types PREB, PREL, SCR and REV, less those REV proceedings whose outcomes indicate the proceeding is related to drug court (i.e., proceeding outcomes CMDC, FSDC, and OODC)

Failure to Appear

- Number of scheduled probation related events that could not be held because the defendant failed to appear at the scheduled hearing
- Source Report: "LINX Proceeding Type Outcome Report:" for the month of the report
- Total of proceedings scheduled for the report period for proceeding types PREB, PREL, SCR and REV where the proceeding outcome is FTA

Continued or not held

- Number of scheduled probation related events where the event was continued or not held
- Source Report: "LINX Proceeding Type Outcome Report" for the month of the report
- Total of proceedings scheduled for the report period for proceeding types PREB, PREL, SCR and REV where the proceeding outcome is CONT or NH

Continuance Rate

- Measure of proportion of scheduled probation related events which were continued or not held, not including those where the defendant failed to appear
- Ratio of post-judgment probation revocation, probation violation or sentence review proceedings with outcome or continued or not held to total such proceedings, less proceedings with proceeding outcome FTA

Hearings Held

- Number of scheduled events in probation violation/revocation actions where some action was taken, as opposed to cancellation, continuance or failure to appear
- Source Report: "LINX Proceeding Type Outcome Report" for the month of the report
- Total of proceedings scheduled for the report period for proceeding types PREB, PREL, SCR and REV where the proceeding outcome is HELD

JAIL POPULATION

Average Daily Population

- Average number of inmates in the county jail, both Main jail and Annex
- SOURCE REPORT: "LINX Formal Count List" for the month from Sheriff's Office, bottom line of report labeled "AVERAGES," fourth column labeled "INMATES IN CUSTODY"

Ave. Length of Stay for those in custody at end of month

- Average number of days since booking for those defendants in custody on the last day of the month
- SOURCE REPORT: "Pierce County Corrections Snapshot" for the month from Sheriff's Office, for last day of the month, subchart labeled "Pre and Post Sentence Charges," last line labeled "Totals," fourth column labeled "Days Since Booking"

No. of defendants in custody on last day of month

- Number of inmates in the county jail, both Main jail and Annex, on the last day of the month
- SOURCE REPORT: "LINX Formal Count List" for the month from Sheriff's Office, line at bottom of report for last day of the month, just above line labeled "TOTALS," fourth column labeled "INMATES IN CUSTODY"

No. in pretrial status **only** - pending resolution

- Number of inmates in the county jail who are in pre-sentence status only

- SOURCE REPORT: "Pierce County Corrections Snapshot" for the month from Sheriff's Office, for last day of the month, subchart labeled "Pre and Post Sentence Charges," second line labeled "Pre-Sentence," second column labeled "Count"

Percentage in pretrial status only

- Number calculated as the ratio of inmates in pre-sentenced status only to total inmates in custody
- SOURCE REPORT: "Pierce County Corrections Snapshot" for the month from Sheriff's Office, for last day of the month, subchart labeled "Pre and Post Sentence Charges," second line labeled "Pre-Sentence," third column labeled "Pct"

No. pending **both** resolution and serving sentence

- Number of inmates in the county jail who are in custody BOTH in a pre-sentence status in one or more cases and serving a sentence on one or more cases
- SOURCE REPORT: "Pierce County Corrections Snapshot" report for the month from Sheriff's Office, for last day of the month, subchart labeled "Pre and Post Sentence Charges," first line labeled "Both," second column labeled "Count"

Percentage both pretrial and sentenced

- Number calculated as the ratio of inmates in both pre-sentenced and sentenced to total inmates in custody
- SOURCE REPORT: "Pierce County Corrections Snapshot" report for the month from Sheriff's Office, for last day of the month, subchart labeled "Pre and Post Sentence Charges," first line labeled "Both," third column labeled "Pct"

Number Serving Sentence **Only**

- Number of inmates in the county jail who are only serving a sentence in one or more cases, and do not have a case pending in pre-trial status
- SOURCE REPORT: "Pierce County Corrections Snapshot" report for the month from Sheriff's Office, for last day of the month, subchart labeled "Pre and Post Sentence Charges," third line labeled "Sentenced," second column labeled "Count"

Percentage in sentenced status only

- Number calculated as the ratio of inmates in sentenced status only to total inmates in custody
- SOURCE REPORT: "Pierce County Corrections Snapshot" report for the month from Sheriff's Office, for last day of the month, subchart labeled "Pre and Post Sentence Charges," third line labeled "Sentenced," third column labeled "Pct"

No. of people "compliance released" during the month

- Number of all inmates released from the jail during the report month in order to comply with the population limits prescribed by court order, otherwise referred to as a "Compliance Release"
- Source report: "LINX Compliance Release Analysis" report for the month
- Page 5 (of 8) Table labeled "Highest Charge Seriousness Level" total at middle of table labeled "Felony Subtotal"

Ave. length of stay for all people released this month

- Measure of the average number of days defendants who were released during the month had spent in custody prior to release
- Source Report: NOT YET IDENTIFIED