

You are a top court-leader (i.e. presiding judge or court executive officer) in a 15-judge general jurisdiction trial court that has a growing criminal case delay problem. Things have gotten so bad that the chief justice held a special meeting with you asking that you develop and implement a solution over the next 6 months. In the meantime, to put everyone on notice that change was “in the wind,” the chief justice issued a letter to all justice agency leaders in your county advising them that he has directed the court’s top management team to reduce needless delay in criminal case processing.

The court is divided into four basic departments: criminal, civil, family and juvenile. Judges are assigned to a department by the PJ after consultation with them and the CEO. Rotations are staggered; the presumptive length of an assignment to a department is 3-4 years. At 9 judges, the criminal department is the largest and is divided into three segments. Five judges handle serious felonies, three judges hear less serious felonies, essentially property and drug offenses, and one judge and a referee adjudicate misdemeanors (i.e. impaired driving, traffic, and petty crimes). Prosecutors and public defenders are budgeted locally through the county and grouped in teams that match the way the criminal department is structured.

Complicating matters for you in designing and implementing any new criminal case system is the fact that both the county and state are facing serious budget shortfalls over the next few years. (Judicial officers are salaried by the state; non-judicial court staff compensation and all court supplies, technology and space are provided by the county). The county has asked the court to reduce its budget by 5 percent. As the PJ/CEO team, you’ve decided to ask Judge Smith, a senior judge with a “no-nonsense” case management reputation, to lead a revamp of the criminal system. He’s a former PJ; experienced in dealing with justice system issues, and brings seasoned expertise to the problem.

Judge Smith jumped at the opportunity to overhaul the criminal department; noting that he has always been unhappy with the lax way lawyers seem to handle criminal cases. His first step was to summon the chief prosecutor and public defender to his chambers to discuss ideas for change. Both these key public officials agreed a new approach could improve things but urged that the old system not be scrapped in wholesale fashion just for the sake of change. Judge Smith listened politely and said he would appreciate as much input from their employees as possible. To demonstrate his openness, he asked court staff to canvas individual trial lawyers thru a questionnaire and set a series of meetings with justice system stakeholders about ideas for change. In his heart of hearts, though, Judge Smith felt the three-part criminal calendar, unprepared lawyers, and poor case management skills by criminal department judges were largely to blame for the majority of case delay.

After two months of meetings and analyzing reams of case processing statistics, Judge Smith concluded the court’s local rules on felony case processing and continuances were being ignored, and that case processing statistics revealed property and drug cases experienced the greatest backlog. In presenting his conclusions to you, he proposed merging serious and less serious felony calendars which would then be handled by all 8 felony judges in a very structured “fast track” scheduling protocol and in strict compliance with the rules. The plan was quickly approved by the Bench and set in motion. Sharp criticisms surfaced almost immediately from both the chief prosecutor and public defender. Team-based lawyer systems were thrown into chaos. Lawyers were randomly scheduled before 8 judges scattered throughout the courthouse. None of this, of course, was expected by you.

To make matters worse, the chief justice, a close friend of the prosecutor, has asked you to meet and brief him on the new criminal calendaring system and the problems public lawyers are experiencing. He doesn’t sound pleased. What’s your next move?