

Developing Effective Practices in Criminal Caseflow Management

Report on Project Workshops

and

Recommendations

prepared for the

**Administrative Office of the Courts
Judicial Council of California**

by

John M. Greacen

August 11, 2005



Greacen Associates, LLC
Regina, New Mexico

Executive Summary

In the fall of 2003, the California Administrative Office of the Courts surveyed the Superior Courts to learn what they considered their greatest needs for technical assistance. In operational areas related to case processing, the highest category of reported need was criminal caseflow management.

The Bay Area/Northern Coastal Regional Office (BANCRO) took responsibility for a project titled Developing Effective Practices in Criminal Caseflow Management to address that need. Fred Miller, Project Director, assembled a Project Planning Team and, through a competitive process, selected Greacen Associates, LLC to assist the Team in conducting a series of workshops to provide participants with:

- an understanding of the principles of criminal caseflow management and their application in California
- the opportunity to learn about case management practices used in other courts within their same size range, and
- an action plan to take back to their court to begin improving their criminal caseflow management and their collaboration with their criminal justice partners.

This report describes and evaluates the workshops and suggests a series of additional actions that the Judicial Council of California can take to improve the processing of criminal cases in the trial courts of California.

By all accounts, the workshops successfully met their objectives. Forty of California's fifty-eight Superior Courts sent teams to one of three workshops. 180 persons participated. The evaluations were very positive. Every court team left the workshop with an action plan for improving its court's criminal case processing. Those action plans included significant and serious steps to improve their court's criminal caseflow management processes.

The following themes became clear during the workshops:

- California's trial judges and staff were eager to learn more about the tenets of caseflow management, and especially how specific data collection, reporting, and analysis techniques can be used to monitor and improve timely disposition of criminal cases.

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- Many of the judges, staff, and criminal justice partner agency representatives who participated in the workshops were not familiar with Rule 227.8, requiring regular meetings involving the courts and representatives of criminal justice agencies in each county, or with the criminal case disposition time standards contained in the Standards of Judicial Administration.
- Judges and court staff do not generally have accurate, current and useful information on the status of their criminal cases that they need to manage them effectively.
- Improvement of criminal case management in the courts requires
 - effective leadership from the presiding judge, from the supervising criminal judge in larger courts, and from court staff,
 - effective collaboration among the court, district attorney, public defender agencies, private defense bar, sheriff's office, probation department, law enforcement agencies, other supporting entities such as crime labs and mental health professionals, and county administrators,
 - adequate data, and
 - appropriate application of caseflow management principles to the circumstances of each court.
- Judges and court staff benefit greatly from the opportunity to exchange information among themselves about their criminal caseflow management practices.

When asked what follow up steps by the AOC would be most useful, the participants in all three workshops favored:

- A follow up workshop within six to nine months
- Consultant assistance to help courts improve the quality of their criminal case data and criminal case management reports, and
- Consultant assistance to help courts refine and implement their action plans.

Greacen Associates suggests the possible desirability of the following additional actions:

1. That the CJER Governing Committee expand and enhance the caseflow management component of the Educational Division's judicial and staff education curricula,

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2. That AOC General Counsel consider proposing an amendment to Rule 227.8 to remove language no longer appropriate following trial court unification, and
3. That California's judicial branch leadership consider further steps to emphasize the importance of compliance with the criminal case disposition goals of the Standards of Judicial Administration.

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Background

The Project Planning Team¹ met three times in person and twice by conference telephone call. The Team first settled on a general approach to obtaining examples of effective practices in criminal caseflow management – by surveying courts throughout California to obtain what they consider to be effective practices and by hearing the experiences of two courts from other states (the Fourth Judicial District Court in Hennepin County, Minneapolis, Minnesota and the Maricopa County Superior Court, Phoenix, Arizona).

The results of the data gathering process were presented in a draft manual prepared by the consultant. At the Team's direction, the manual focused on;

1. Basic principles of caseflow management, as they apply particularly to misdemeanor and felony cases;
2. The role of leadership in developing and sustaining effective caseflow management practices;
3. Collaboration with criminal justice partners to attain efficiencies benefiting all parties and participants in the criminal justice system;

¹ The Team consisted of Margie Borjon-Miller, Administrative Office of the Courts, IS; Terrie Bousquin, Greacen Associates, LLC (Consultant); Karen Cannata, Administrative Office of the Courts, IS; Jeanne Caughell, Administrative Office of the Courts, BANCRO; Susan Cichy, Superior Court of Los Angeles County; Maggie Cimino, Administrative Office of the Courts, Education Division; Judge Richard Couzens, Superior Court of Placer County; Judge Alden Danner, Superior Court of Santa Clara County; Judge Peter Deddeh, Superior Court of San Diego County; Barbara Edwards, Administrative Office of the Courts, Education Division; Sheila Calabro, Administrative Office of the Courts, SRO; John Greacen, Greacen Associates, LLC (Consultant); Bonnie Hough, Administrative Office of the Courts, CFCC; Judge Steven Jahr, Superior Court of Shasta County; Judge Ronni MacLaren, Superior Court of Alameda County; Fred Miller, Administrative Office of the Courts, BANCRO, (Project Director); Marilyn Mitchell, Superior Court of Yolo County; Judge Mary Morgan, Superior Court of San Francisco County; Chris Patton, Administrative Office of the Courts, BANCRO; Associate Justice Steven Perren, Court of Appeal, Second Appellate District; Deborah Perry, Superior Court of Stanislaus County; Jim Perry, Superior Court of Yolo County; Florence Prushan, Administrative Office of the Courts, SRO; Mike Roddy, Administrative Office of the Courts, NCRO; Beth Shirk, Administrative Office of the Courts, EOP; Sharol Strickland, Superior Court of Butte County; Mike Tozzi, Superior Court of Stanislaus County; Mark Urry, Superior Court of San Diego County; Joshua Weinstein, Administrative Office of the Courts, OGC; Judge David Wesley, Superior Court of Los Angeles Superior County.

4. Effective practices to deal with self represented litigants in criminal cases; and
5. Examples of data reports needed for, and useful in, criminal caseflow management.

The Team found the discussions of suggested effective practices and of the draft manual to be highly stimulating. They decided to use their own experience as the model for the workshops to be conducted for teams from throughout the state.

The workshops were to be voluntary – for those courts that perceive themselves as needing improvement in the way they deal with criminal cases and desire to make such improvements.

Three workshops were planned to bring together courts facing similar caseflow management problems – the largest courts in Burbank, the mid-sized courts in San Francisco, and the smaller courts in Sacramento. All three workshops were planned to occur within the span of a week and a half at the end of February and the first week of March.

The workshops were designed for teams of participants from each court. Participation would be limited to judges and other court staff, but a panel representing prosecutors, public defenders, and the sheriff's office would be invited to discuss effective collaboration among criminal justice partners.

The Workshop Design and Materials

Design

The design of the workshop included these components:

1. The workshop was not to be prescriptive. It would not present a formula for all courts to follow. Rather, it would present general caseflow management principles and examples for application by participating court teams as appropriate to each court's circumstances.
2. The workshop would begin with a focus on criminal case management data, engaging participants in a discussion of data for their own court, using a data worksheet that they completed in advance.

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3. Every activity during the workshop would be used to build the court team's action plan. Materials for each exercise included a place to record ideas for possible inclusion in the action plan. Time was reserved at the end of each exercise for individual thought about the needs of the participant's court.
4. Most of the time of the workshop would be spent discussing various aspects of criminal caseflow management in small groups. "Talking heads" presentations would be kept to a minimum.²
5. A variety of small groups would be used – participants would work as a team from their own court, in pairs or triads of court teams, in pre-assigned discussion groups, and a self-selected group for a discussion of calendaring practices. The pre-assigned discussion groups were constructed to ensure that each contained a mix of judges, court administrators and staff from a variety of different courts.
6. The composition of the small groups would be changed regularly to create variety and to expose participants to a maximum number of different colleagues and ideas.
7. Judges and court staff from participating courts would be used in as many roles as possible – including master of ceremonies for the workshop and facilitators of the calendaring discussions and of the plenary session on leadership.
8. Court teams would meet at the end of the first and second days to develop action plans for their court. These plans would be their own work product and would not be collected or submitted to the AOC.
9. "Reporting back" in plenary sessions would be minimized. The Planning Team members' experience was that "reporting out" sessions do not generally produce benefits proportional to the

² Three short presentations were made on the basic principles of caseflow management, one on effective practices in dealing with self represented litigants, and one on the CCMS V2 project. A video prepared by the Presiding Judge and Court Administrator of the Maricopa County Superior Court was used to keynote the discussion of leadership issues. A panel of practitioners was used to discuss collaboration within the criminal justice system.

time expended. Each participant would gain information from the small group discussions themselves. Each court team would be asked to report its "top three" ideas at the end of the first day in writing. Education Division staff would compile those ideas and distribute them in written form the morning of the second day. Each team would be asked to report its highest priority action item orally at the final session of the workshop on the second day.

10. The workshop evaluation would focus on useful next steps that the AOC could take to provide further help to the participants as well as on an assessment of the workshop.

Materials

A variety of materials were developed to support the workshops. To reduce the size of this report, they are not reproduced here. Any of the materials may be obtained from the Project Director Fred Miller of BANCRO.

Manual

An eighty page manual was prepared in written form and distributed to participants in advance of the workshop. The manual set forth the basic tenets of criminal caseflow management, with illustrative practices from various California courts. Each practice included the name and email address of an individual in that court who would be willing to answer questions about the practice. Attached to the manual were excerpts from the annual statistical reports for the past five years.

Data Gathering Worksheet

Each court was asked to complete a data gathering worksheet before coming to the workshop, using the statistical reports presented with the manual and other data from their own records. Courts were asked to bring examples of effective caseflow management reports to the workshop to share with their colleagues.

Exercises

A series of nine written exercises were prepared to serve as general guides to the small group discussions. The ninth and final exercise was an action planning form.

Evaluation Form

An evaluation form was prepared for the use of the participants in rating various aspects of the workshops and in providing feedback to the Project Planning Team and to the AOC on further activities that would be most useful to the participating courts.

The Workshops

The workshops were held on February 28 and March 1 in Burbank, on March 3 and 4 in San Francisco, and on March 7 and 8 in Sacramento. All workshops were held in the training facilities of the AOC. Participants were grouped at tables for their small group discussions. Up to three break out rooms were available in the various locations. Most small group discussions took place in the meeting room itself.

Forty of California's fifty-eight trial courts (69% of the courts) sent teams to the workshops. 180 persons participated. Registration was handled by BANCRO. Susan Reeves provided invaluable administrative support for this process.

WORKSHOP PARTICIPATION

| BURBANK | SAN FRANCISCO | SACRAMENTO |
|---|---|---|
| 11 courts | 12 courts | 17 courts |
| 61 participants | 54 participants | 65 participants |
| Alameda Contra Costa Los Angeles Orange Riverside Sacramento San Bernardino San Diego San Francisco Santa Clara Ventura | Butte Fresno Monterey San Joaquin San Luis Obispo San Mateo Santa Barbara Santa Cruz Solano Sonoma Stanislaus | Alpine Amador Calaveras El Dorado Glenn Inyo Kings Lake Mendocino Napa Placer |

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| | | |
|--|--------|--|
| | Tulare | Plumas San Benito Shasta Siskiyou Yolo Yuba |
|--|--------|--|

Evaluation of the Workshops

Participants were asked to rate various aspects of the workshops on a five point scale with 5 representing "excellent," 4 representing "very good," 3 representing "good," 2 representing "mediocre," and 1 representing "poor." The average ratings for each workshop and the combined average ratings are summarized in the table below.

AVERAGE RATINGS FOR WORKSHOP COMPONENTS

| TOPIC | BURBANK | SAN FRANCISCO | SACRAMENTO | COMBINED |
|-------------------------------|---------|---------------|------------|----------|
| Overall workshop design | 4.28 | 4.24 | 4.24 | 4.26 |
| Manual | 4.27 | 4.23 | 4.36 | 4.29 |
| Collaboration panel | 4.49 | 4.05 | 4.26 | 4.29 |
| Leadership dialogue | 4.30 | 3.97 | 4.02 | 4.11 |
| Small group sessions | 4.28 | 3.79 | 4.06 | 4.04 |
| Action planning | 4.12 | 3.87 | 3.94 | 3.99 |
| Overall value of the workshop | 4.46 | 4.18 | 4.04 | 4.23 |

These are very good ratings for this sort of event. It is ironic that the workshop design – which featured small group discussion – was more highly rated than the small group discussions themselves.

Observers of the workshops noted the high level of energy and interest sustained throughout both days of the workshop. Energy flagged on the afternoon of the San Francisco workshop as many court teams left early to avoid traffic congestion on Friday afternoon.

The forms contained a space for individual comments. The most frequent were complaints about the crowded and noisy conditions in the meeting facilities. The other comments have been edited for clarity of understanding. They are organized by workshop and set forth below.

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Burbank:

The data gathering form was OK, the data reliability and relevance was a problem. Pro per presentation had insufficient focus on the problem of felony pro pers and managing the manipulative aspects.
Would have liked more detail about V2.
The value of all of us just talking and sharing is huge.
Facilitators for small groups to keep the discussion on task.
Cut down time allocated on some of the group exercises.
AOC had the 03-04 stats info and should have provided it. We spent a 4-day week preparing the data and are not sure we gathered it properly. If we were to gather data, we should have had more time to prepare.
Small group discussions should vary with different courts – not just two groups.
Orange County discussed issues with Contra Costa, a much smaller court that had different issues.
Could be much tighter. One day would have been plenty; don't repeat manual in power point – don't read manual to participants during power point.

San Francisco:

A CD Rom to be sent to us for all binder materials and slides for our reference library.
Video teleconference on certain parts of the workshop for specific target audiences.
Tracking best practices selected and shared with all. Each court to submit one to the AOC.
It should be mandatory that the court CEO and at least one judge attend.
Shorten group session times.
The small group exercises were not explained well enough and we were left too loosely organized to know what discussion needed to go on and what end result was expected. Could not get people to volunteer to facilitate discussion and who was going to be reporter. Then no one asked for a report to the group.
The small groups often got off topic and could have benefited from an assigned facilitator.
Otherwise – wonderful!
First day had too many small group discussions in which some were redundant.

Sacramento:

Shift groups for every exercise.
Leadership panel was good but would have been more meaningful if a smaller court perspective could have been given for the small courts.
I did not like the V2 presentation – too vague.
Tighten up the 2nd day a bit. Overall a good stimulating 2 days.
Mary did a good job of dealing with not well informed and somewhat defensive demeanors regarding CCMS.
Needn't read manual highlights.
Delete criticisms of judges.
More components in the data collections i.e. continuances.
Thanks, Fred, John, and Judge Couzens. Great job!
Compress to one day- small group sessions can be reduced.
Could it be done in one day? Maybe get more judges.
Do this annually and get other judges here.
Need a follow up meeting.
Elicit examples of effective criminal caseflow management practices from small courts; use small county judges and staff as facilitators/presenters. Thank you.
If a two day workshop, please make 10 AM – 3 PM.
Some judges weren't apt to listen to others in small group discussions, felt like I wasn't heard.
Should be able to finish this type of conference within one day. Second day went off path of workshop – subject matter in the morning did not relate.

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Second day talk about new case management system just worked most people up. Not enough information – off topic of caseflow.

As consultant to the project, Greacen Associates makes the following additional observations:

Role of the Project Planning Team – The Project Planning Team was pivotally important to the success of the workshops. The Team members developed the design of the workshop as well as the content of the training. The Team's judgment was flawless. The Education Division members of the Team contributed significantly to the development of the workshop design.

Role of masters of ceremonies – Judges Wesley, Morgan and Couzens all served very effectively as moderators of the workshops. Each added his or her own personality and perspective to the workshop. Having the workshop led by a local California trial judge rather than by an AOC staff member or consultant was an important symbol that the workshop was presented for the benefit of the participants. This, together with the recurring theme that the workshops were not presenting a formula that courts must adopt, added greatly to the success of the venture. The Project Planning Team is indebted to each of them for this contribution.

Individual presenters – Evaluation scores for individual presenters are not included in this report. Those scores varied by presenter but were generally high. The scores for the Burbank workshop were used to improve several of the presentations.

The Maricopa video – We are all indebted to Maricopa County for the quality and content of the videotape used as the keynote for the leadership discussion. It was made under extraordinary time pressure as a gift to California. Several workshop participants requested copies for use in their own courts.

Facilities – The main meeting rooms were generally crowded and the noise volume was elevated during the small group discussions. We tried to make sure that the break rooms were used to reduce the number of persons in the main meeting room. The end result was satisfactory if not ideal: all participants were able to hear and contribute to discussions.

Small group facilitation – It appears from the comments that small group facilitation was an issue in some groups. In the second

and third workshops, facilitators were designated for the pre-assigned small groups. The master of ceremonies and consultant circulated among the groups and reminded them of the time remaining on each exercise to assist the groups in using their time wisely. Based on the experience of Greacen Associates with many such small groups over the course of countless seminars and workshops, these small groups worked quite effectively. Some individuals, particularly judges, tend to dominate discussions; some take the opposite role and decline to participate. Some participants have a greater need for structure and organization than others. Overall, based on our regular observations during the workshops, we can report that most of the small groups in all three workshops operated very effectively – a reflection of the professionalism of the California judiciary. In fact, we did not encounter a single small group that failed to function. On balance, we would not recommend the use of trained facilitators for these sorts of discussions in the future. The participants are able to manage their own discussions.

Judge participation – It was abundantly clear by the end of the three workshops that those teams that included judges gained much more from the experience than those that consisted solely of court staff members. Invariably those teams were unable to create realistic action plans; their next steps had to be to discuss the ideas they gathered from the workshop with their judicial leaders.

Substantive Topics of Greatest Interest to the Participants

The following is a list of the highest priority items from the action plans of all participating courts. The names of the individual courts have been removed in keeping with the representation to the participants that the plans were solely for their own use.

Burbank

- While we plan to implement all 36 items from the “top three” report, our highest priority is to replicate this workshop in our court so that we will all learn the practices of different judges in different court locations.
- Review our case management data and generate reports to know whether we are meeting the standards and if not why not.
- Implement a new misdemeanor calendar system in one location next week. Deal with confusion, transition, and high volume.

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- Create a position of attorney manager to coordinate our contract lawyer program
- Make sure we have relevant and reliable data, and then develop a collaborative team to move forward
- Implement the home court calendar system
- Establish a criminal justice forum with all criminal justice partners to serve as the focus for other changes
- Find more trial time – through data gathering, analysis, and meeting with partners
- Identify statistics for case management, clarify them, and meet with criminal justice partners to decide what is needed
- Improve data; reduce continuances; share information with the judges.

San Francisco

- Implement pre preliminary hearing settlement discussions and meaningful trial readiness hearings
- Early disposition court combined with probation violation dispositions at the time of the preliminary hearing
- Create Crystal Reports on dispositions and continuances
- Implement the home court calendaring process
- Deem the complaint to be the information so that arraignment can occur at the conclusion of the preliminary hearing
- Meet with the Presiding Judge and Supervising Criminal Judge to discuss the workshop and the attendees' ideas
- Reduce appearances, expand 227.8 meetings, deem complaint to be an information
- Change the court culture concerning case management and who is in control. Institute 227.8 meeting
- Improve case management data to obtain accurate case aging reports
- Reduce court appearances in multiple ways
- Report statistics by individual judge and department for improved caseflow management
- Implement the direct calendar process

Sacramento

- Institute interagency meetings with justice partners
- Update statistical data on continuances and dispositions – to show the other players what the problems are

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- Earlier disposition of cases, being more considerate of the time of jurors, deeming the complaint to be the information
- Reduce the number of continuances – insist on grounds and limit the time granted. Meet and confer with the DA and PD.
- Establish interagency council. Use statistics to demonstrate the need for change.
- More regular meetings with stakeholders. Fix the errors in the case data.
- Speak to CEO and PJ for buy in on interagency meetings
- Have the Public Defender present at the initial arraignment in misdemeanor cases
- Get statistical data into a reliable form
- Enhance our ability to generate timely and informative data – decide what information to collect
- Develop and publish standard sentences for misdemeanors to encourage early disposition
- Get accurate statistical data to determine nature of our problems
- Increase the number of cases disposed early in the process. Make sure that the Public Defender is present and that police reports are in place.
- Meet the case processing goals of the Rules of Court – firm up continuance policy, meet with stakeholders, and improve data
- Enhance misdemeanor dispositions. Set and meet an achievable goal
- Redefine the role of the Presiding Judge within the court and within the larger criminal justice community. Change it to a real administrative role.
- Get the judges to come with the staff to this sort of workshop. Reduce continuances.

It is clear from this list that every court, except for those without judges in attendance, left the workshop with a significant and serious criminal case processing objective.

The lists of ideas generated at the end of the first day's discussion, compiled by the Education Division staff who attended the workshops, contain additional substantive information. They are attached to this report.

Consultant Reflections on the Process

The following themes became clear during the workshops:

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- By and large, the California trial judges and staff in attendance were not familiar with the basic tenets of caseflow management.
- Many of the judges, staff, and criminal justice partner agency representatives who participated in the workshops were not familiar with Rule 227.8, requiring regular meetings involving the courts and representatives of criminal justice agencies in each county, or with the criminal case disposition time standards contained in Rule 2.1 of the Standards of Judicial Administration.
- Judges and court staff do not generally have the accurate, current and useful information on the status of their criminal cases that they need to manage them effectively.
- The workshop reinforced the view of the Project Planning Team that improvement of criminal case management in the courts requires
 - effective leadership from the presiding judge, from the supervising criminal judge in larger courts, and from court staff,
 - effective collaboration among the court, district attorney, public defender agencies, private defense bar, sheriff's office, probation department, law enforcement agencies, other supporting entities such as crime labs and mental health professionals, and county administrators,
 - adequate data, and
 - appropriate application of caseflow management principles to the circumstances of each court.
- Judges and court staff benefit greatly from the opportunity to exchange information among themselves about their criminal caseflow management practices.
- Participants in all three workshops questioned the meaning of Sections 2.1(j), (k), and (l) of the Standards of Judicial Administration. The Standards provide that the time to disposition should be calculated from "the defendant's first arraignment on the complaint." Does the Standard intend the time to begin running on the date a defendant is first scheduled for arraignment, or on the date on which the arraignment is actually held? Considerable time can pass between the two

events when a defendant seeks to postpone the arraignment in order to obtain counsel.

The issue is resolved by Section 2.1(n)(2)(J) which provides that time granted by the court to secure counsel if the defendant is not represented at the first arraignment is excluded from the time to disposition period. The revision of the Manual can clarify this issue for judges and court staff.

Most Useful Next Steps for the AOC

Participants were asked to assign a priority to each of six ideas for additional steps the AOC might take to provide further assistance to the courts on effective criminal caseflow management. Quite a few participants had difficulty following the directions on the form. As a result, we tallied only the top two priorities from each questionnaire. The results are shown in the following table.

RESPONSES TO MOST USEFUL NEXT STEPS QUESTION

| DESCRIPTION OF ADDITIONAL ASSISTANCE | BURBANK (out of 97 responses) | SAN FRANCISCO (out of 68 responses) | SACRAMENTO (out of 95 responses) | OVERALL RATING (out of 260 responses) |
|---|----------------------------------|--|-------------------------------------|--|
| Enhance the manual to include additional examples provided by participants during the workshops | 11 (11%) | 7 (10%) | 9 (9%) | 27 (10%) |
| Convert the manual for display on the Judicial Branch website, with links to specific examples from the courts. Maintain the currency of the manual on the website. | 18 (19%) | 8 (12%) | 11 (12%) | 37 (14%) |
| Conduct follow up workshops in six or nine months for courts to share their accomplishments and to help each other solve continuing problems | 23 (24%) | 20 (29%) | 22 (23%) | 65 (25%) |

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| | | | | |
|---|-------------|-------------|-------------|-------------|
| Provide consultants to help some individual courts refine and implement their action plans | 17 (18%) | 10 (15%) | 21 (22%) | 48 (18%) |
| Provide consultants to help some courts improve the quality of their criminal case data and criminal case management reports | 21 (22%) | 15 (22%) | 22 (23%) | 58 (22%) |
| Identify six pilot courts to whom consultants will be provided who will serve as examples of what can be accomplished and who will then assist other courts to improve their criminal caseflow management processes | 7 (7%) | 8 (12%) | 10 (11%) | 25 (10%) |

An easy way to interpret the results is to multiple each percentage by two, because each participant's highest two priorities were scored. In other words, half of all participants in all workshops selected a follow up workshop as one of their two highest priorities.

Based on this analysis, the top three priorities were each chosen by 50%, 44%, and 36% of the participants. Those priorities are:

- a follow up conference,
- consultant assistance with data issues, and
- consultant assistance with action plan implementation.

From the consultant's perspective, the first alternative would be difficult to implement because the only ideas recorded from the workshops are those contained in the "top three" lists and those contained in the highest priority action plan item list. Few of those ideas would constitute new additions to the manual.

The form included space for participants to make additional comments or suggestions. Their remarks, again edited for clarity, are set forth, by workshop, below:

Burbank:

This needs to be an ongoing dialog among courts facilitated by the AOC.

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San Francisco:

It was good to see that we're not alone. We got some terrific ideas from other courts and are anxious to go home and tackle our backlog.

This has been a very useful and provocative course. I can't wait for Monday to begin implementation.

It was most helpful to discuss these issues with others. I found it very helpful.

Crystal reports classes.

Could you please send out a CD on the new case management system (V2).

Have the Powerpoint outlines be distributed to attendees.

We needed a discussion on the impact of poor facilities or poor security services or lack of community resources has on the court's ability to quickly handle cases. (Jail overcrowding, no probation services, branch courts)

Who are the identified courts that do great jobs? Judges and administrators need to see, hear, feel how a well run court operates. We need to see a big court, medium size, and small court example of excellence. Then we can try the ideas that we can tailor for our courts.

This workshop should be required by the Education Division for all new judges and presiding judges.

Provide on-site workshops for judges re calendar management.

Trending analysis presentation.

Award for best practices recognized yearly by the AOC.

Sacramento:

Explain correlation between stats and funding methodology.

Provide summary of discussion by email to assist with improving the benefit from this class.

AOC should consider smaller courts for pilot projects.

Judges need to be accountable to someone for performance – as all other employees of the court.

If you really want a project like this to work judges must be held accountable.

Voters/public never find out about problems with judges because staff are bound by ethics not to discuss. I am accountable for my job performance, and so should the judge be as their incompetence affects lives.

Do not require additional action plan submissions; courts can no longer keep up with AOC demands at the expense of court operations.³

Recommendations

As a result of the workshops and the observations made in the course of this report, Greacen Associates makes the following further recommendations.

That the CJER Governing Committee expand and enhance the caseflow management component of the

³ The reference to action plans is probably a reference to the Judicial Council strategic planning process. Trial courts were recently asked to update their operational plans.

Education Division's judicial and staff education curricula

There is universal agreement among the members of the Project Planning Team that caseflow management is not a strong enough component of the Education Division's educational offerings – for judges, court administrators, or operations supervisors. Caseflow management is a core skill for judges and court staff. Timely disposition of all types of court cases requires broad-based understanding, and application, of caseflow management principles by judges and court staff.

Education Division staff are knowledgeable about this topic and have well developed curricula and faculty available to present it. It would be a worthwhile goal for the Education Division to present this topic to all judges, court executive officers, and operational supervisors over the next three to four years to erase the current knowledge deficit.

That AOC General Counsel consider proposing an amendment to Rule 227.8 to remove language no longer appropriate following trial court unification

The language of Rule 227.8 is archaic, in that it refers to “judges of the municipal and justice courts.” A simple amendment could eliminate that language. In the course of revisiting the Rule, AOC General Counsel might consider the wisdom of suggesting additional members for the group to meet and discuss criminal justice system issues, including the county executive, sheriff's office, other law enforcement agencies, victim assistance programs, mental health departments, and representatives of other professional groups, such as psychiatrists, who serve as experts in many criminal proceedings.

Amending the rule will also have the effect of drawing renewed attention to its existence and implications.

That California's judicial branch leadership consider further steps to emphasize the importance of

compliance with the criminal case disposition goals of the Standards of Judicial Administration

It was clear from the workshops that few judges are aware of the time to disposition standards included in Section 2.1 of the Standards of Judicial Administration. Although these workshops have helped to publicize the existence and content of the disposition standards, California's judicial leadership might wish to reinforce the importance of the disposition standards, by steps such as:

1. Reminding all presiding judges in writing of the existence and importance of Section 2.1 of the Standards of Judicial Administration.
2. Introducing into the Education Division's program for newly elected presiding judges an increased emphasis on criminal caseflow management and the presiding judge's responsibility for the court's compliance with criminal case disposition time standards.
3. Amending Rule 6.603 to specifically include the duty to "supervise and monitor" compliance with the time to disposition goals of the Standards of Judicial Administration. Rule 6.603(c)(3)(F) contains such language pertaining to numbers of civil causes taken under submission.⁴
4. Monitoring individual courts' time to disposition for criminal cases as shown in the annual statistical report and taking any further action warranted for any courts that are significantly out of compliance. In the video provided for the workshop session on leadership, the Presiding Judge of the Maricopa County Superior Court noted the effectiveness of a letter from Chief Justice Zlaket of the Arizona Supreme Court to spur significant action in that court.

⁴ Subsection (F) calls on the Presiding Judge to "consider" requesting the services of the Administrative Office of the Courts whenever, for three consecutive months, there are "[m]ore than 90 civil active cases pending for each judicial position" or "[m]ore than 10 percent of the cases on the civil active list have been pending for one year or more." While the specific provisions of this rule appear outdated, the general approach might be applied more generally to the case disposition time standards.

**Appendix – Summaries of Top Three Promising
Ideas Encountered on First Day for Each
Workshop**

**Developing Effective Practices in Criminal Caseflow
Management
Large Court Workshop
February 28-March 1, 2005**

**Summary of
Top Three Promising Ideas Encountered on First Day
Training**

1. Train judges about management principles
2. Teach case management skills to judicial officers – include in new judge orientation
3. Educate judges and attorneys what state standards for case disposition are
4. Statewide standards – inform new bench officers
5. Educate the bench and criminal justice agencies on the statewide standards

Arraignment on information

6. Arraignment on information at Preliminary Hearing
7. Consider arraignments on information at preliminary hearing. Handle PV as new case.
8. Having the complaint deemed the information and doing the arraignment at the end of preliminary hearing
9. Arraignment complaint deemed to be an information immediately after Held To Answer - This would eliminate the 15 days to current arraignment date and reduce clerical effort
10. Expand use of preliminary courts – preliminary hearings; instant arraignments on complaint deemed to be the information; filing of “in lieu” of Probation Violation
11. Review all hearings to identify where unnecessary hearings could be reduced i.e. felony arraignment immediately after holding Trial Readiness Conference

Continuances

12. Limit the number of continuances
13. Aging of case data with continuances
14. Require written motions for continuances

Case Management Stats

15. Better case management stats
16. Better statistical reports
17. Fine tune stats

Early Disposition

18. Expand early disposition courts – county-wide
19. Create an early disposition court for select case types
20. Implement early disposition program as in LA

Monitor/Track

21. Set up realistic goals for dispositions and set up mechanism to monitor
22. Use non-judicial officer to track compliance
23. Identify a process to more effectively monitor the age of cases to include regional statistics broken down by case type/age and pending inventory.
24. Identify age of case to determine how we stand as to the standards

Additional Practices Noted

25. Determine what deadlines we can impose and how we can enforce them. Discovery cutoffs, pretrial motions, etc.
26. No pre-trial settlements by trial judge, unless parties have stipulated to sentencing terms. Otherwise, returns to settlement department for sentencing

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27. Probation officer or judicial support officer to hear reviews not necessarily needing to be addressed by bench officer.
28. Maximize bundling in felony cases
29. We have not changed our calendar process post-unification – consider direct calendar of misdemeanors,
30. Jury selection issues
31. Consider home court system
32. Centralize handing of all wheelchair inmates and streamline handing of K-10 (keep-away) inmates
33. Consider stipulated pleas
34. Increase the pool of available defense council for homicides
35. Review date to diagnose what if any problems we really have
36. Video arraignments

**Developing Effective Practices in Criminal Caseflow
Management
Mid Sized Court Workshop
March 3-4, 2005**

**Summary of
Top Three Promising Ideas Encountered on First Day**

Arraignment

1. Centralize in-custody countywide arraignments in one department
2. Add a third arraignment dept to focus on early dispositions

Continuances/ Target Disposition Dates

1. Target date for disposition (using Judicial Council standards) on minute orders. Also use the number of continuances the court has granted on the case. Display on upper right hand corner for judge to view.
2. Realistic continuances - set goals, hold accountable (x 2)
3. Have target disposition date on calendars and/or minute orders
4. Calendar and minute orders reflect target dates as outlined by the AOC
5. Investigate how/when continuances are granted and reduce number.
6. Enforce PC 1050

Case Management Stats

1. Increase statistical information –delay reduction numbers to the judge
2. Utilize statistics visually for judges to manage caseflow
3. Create a Crystal Report for criminal caseload statistics. Produce the report monthly, listing all judges; show breakdown of case aging and dispositions
4. Use stats to monitor excesses (continuances). Set benchmarks for branch courts
5. Use statistical analysis packages for accountability
6. Review caseload distribution between direct calendar courts

Early Action/ Intervention

1. Active judicial intervention: get the DA and PD to talk about the case at early stage
2. Consolidate trailing cases i.e. multiple PVs on a single defendant
3. Standing orders for courtroom business to be delegated to Clerk's office (14601's, time extensions)
4. Deeming complaint to be information (x 2)
5. Use email with attorneys to notify them of pre-trial assignments. (Eliminates need for them to appear on the master calendar for assignment)

Monitor/Track

1. Monthly tracking of misd caseload that includes case aging & number of appearances
2. Mechanism to inform PJ of the status of each Dept on a daily basis
3. Ongoing monitoring of criminal justice partners
4. Monitor police overtime costs (impact on outside agencies)

Appearances

1. Eliminate unnecessary appearances
2. Set all vertically prosecuted cases on one day of the week to allow for fewer appearances
3. Limit pre trial court appearances on misd
4. Eliminate "Disp Reset" as a reason for calendar appearance

Additional Practices

1. Insert into each case a matrix for fines (time each court finishes)
2. Develop flexibility in balancing/utilizing time available when a jury trial resolves
3. Even out the caseload throughout the week (no more giant calendars)
4. Attach offers from the DA to discovery packages posted on website
5. Communication and consistency from the bench – judges to define caseflow goals and how to attain.

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6. Home court (facilities)
7. meetings regarding sentencing to facilitate uniformity
8. Use complaint as information at the end of PX
9. Hold team meetings (Judge, DA, PD, Clerk) to evaluate direct calendar operations
10. Establish civil direct calendar including family law & probate
11. Reassign misd from one division to another; then reassign felonies to a direct calendar system
12. Give notice that VOP hearing will be based on evidence at prelim or trial for basis of VOP dispo

**Developing Effective Practices in Criminal Caseflow
Management
Small Court Workshop
March 7-8, 2005**

**Summary of
Top Three Promising Ideas Encountered on First Day**

Reduce Continuances

- in writing continuances for trials
- all continuance motions to master calendar
- pre-trial continuances on record stated and pre-sentence investigations transmitted via JALAN
- Be more consistent and firm on continuances
- firm continuance policy
- adhere and enforce local rules, rules of court, and codes, ie., file formal motion to continue showing good cause
- judge holding attorneys to no continuances or at least a lot more strict rules pertaining to solid good cause.
- order sanctions when counsel delay or fail to follow rules / time lines
- Tools to monitor case management performance
- Preliminary hearing concluded within 30 days of arraignment – all counsel out of state included
- Trial date 90 days out with time waiver

Calendaring

- Age of case on calendar by D
- modify court calendar to indicate the number of scheduled events per case.
- Stamp case file with event trail: arraignment settlement conf – preliminary hearing – trial with guidelines for time
- re-organize felony calendar
- evaluate and set case aging standards
- readily available information for case file re: case history
- 170.6 be assigned from a pool rather than a standing order – thus eliminating judge shopping
- Finalize and disseminate calendar to all partners in criminal justice system and interested parties. Develop calendar in more user-friendly format

- Code cases to enable PJ to track timely processing of submitted cases

Statistics

- gather statistics on average numbers
- Ensure statistical reporting being submitted is accurate
- Develop procedure for generating stats re: continuances
- Identify important/ useful data to track
- Develop statistical reports that reflect court's performance and get it to court on quarterly basis
- evaluate electronic statistical inaccuracies / correct
- utilize corrected CMS timeline reports for judges

Arraignment

- Probation provide bail /OR report at Arraignment
- Discovery available at time of arraignment
- DA/PD always available at arraignment to convey / accept offers
- DA makes best offer at arraignment
- Bail forfeiture on non-traffic infractions

Increase early disposition of misdemeanors

- Post standard or routine sentencing/dispositions
 - on website or at counter especially for misdemeanor cases (eg., DUI, domestic violence cases)
 - create standardized system of notice to defendants re: sentencing guidelines
 - develop and publish consistent misdemeanor sentencing guidelines
- establish early disposition incentives, eg., waive PD fees
- no pre-sentence report required on stipulated sentences
- DA diversion

Increase settlements for felonies

- hold pre-prelim conferences
- mandatory settlement conferences prior to prelim. Prelim is hard set.
- sentencing bargaining in addition to plea bargaining
- cut off date for pleas
- enforce drop dead date for entry of plea
- "drop dead rule" Plea to sheet or dismiss on day of trial

After Prelim:

- Arraign immediately after prelim if held to answer.
- Complaint be deemed as information – eliminating a hearing and a filing of a document
- All motions must be filed by a cut off date and heard prior to the pre-trial conference

Trial Confirmation Conferences:

- Require counsel to produce their jury instructions, exhibit lists, witness lists, final offers, and motions in limine

Violations of Probation

- Only troubled reviews to judge
 - have probation monitor felony reviews
 - agency reports on misdemeanors by failures
- Combine preliminary hearing and violation of probation hearing
- Felony probation violation heard simultaneously with arraignment
- Use VOP procedure / hearing in lieu of new misdemeanor filing (provided DA concurs)
- Preliminary hearing & hearing on VOP should be held simultaneously (not trailed) provided new VOP is based on same criminal complaint.

Completion of probation conditions

- proof of completion / enrollment in court ordered programs or obtaining of license could be shown at window in lieu of a court appearance.