



## FOURTH JUDICIAL DISTRICT

**Evaluation of the  
Fourth Judicial District Criminal Court Pilot:  
Blocking or Teaming of Criminal Cases  
January 2011 – March 2012**

**Appendices**

**Appendix A**  
**The 2010 Criminal Calendaring Pilot in Hennepin County District Court**

**Presiding Criminal Judge Mark Wernick**  
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During 2010, Hennepin County District Court will roll out a criminal calendaring pilot in which, by September 2010, all Hennepin County criminal cases; misdemeanors, gross misdemeanors and felonies, will be blocked to a judge at either the first court appearance or the first pretrial conference. Each judge having a block of criminal cases will serve on a 4 to 8 member team of judges hearing the same kinds of criminal cases. Each team will adopt common practices and procedures and will meet regularly with the lawyers and probation officers who appear before them. On January 4, 2010, the first phase of this blocking and teaming pilot will be implemented in the Third Division (Ridgedale). In May 2010, the second phase will be implemented in the Second and Fourth Divisions (Brookdale and Southdale). Finally, in September 2010, the First Division (Minneapolis) cases and all Hennepin County felony cases will be blocked to individual judges working with a team of judges. During the duration of the pilot, the master calendar system for managing criminal cases will be eliminated. In 2012, the Hennepin County bench will decide whether to make permanent all or part of this blocking and teaming pilot.

Before describing the 2010 calendaring pilot in more detail, it will be helpful to define various calendaring systems and give a brief history of how those systems have been used in Hennepin County.

**I. Calendaring Systems**

**A. Master Calendar System**

In a master calendar system, judges are assigned to preside over a particular stage of a case instead of all stages of the same case. For example, one judge will be assigned to a misdemeanor arraignment calendar for a set period of time. Cases on that calendar which are

not resolved will be put on a pretrial conference calendar, where a second judge will be assigned. Cases on the pretrial calendar which are not resolved will either get continued to another pretrial calendar, where yet another judge is assigned, or go to a master trial calendar, where a pool of judges will be waiting to be assigned a trial from that calendar.

The strength of a master calendar system lies in its ability to get trial ready cases to trial on a date certain. With a pool of judges available for trial each day, the master calendar system is designed to work much like an airline or post office service counter where one line of customers waits for one of several service counter workers to become available. This system can be more efficient than a block system, where, to follow the analogy, cases must wait in separate lines, one line for each judge.

Another strength in the master calendar system lies in its flexibility. If a judge becomes unable to preside over a previously assigned calendar, a central administrator can go to the pool of trial ready judges to replace the unavailable judge. However, this flexibility can undermine the system's ability to offer trial date certainty if the pool of trial ready judges becomes too small to manage all the cases waiting in line on the master trial calendar.

The weakness of the master calendar system is that a judge may feel little motivation to take an ownership interest in a case during its early stages. A judge's inability to resolve a case at a first appearance or pretrial conference does not result in that judge having to do more work on that case. The case will simply proceed to a later stage with a different judge.

Similarly, lawyers may not be motivated to settle a case during the early stages. In particular, defense lawyers may have an incentive to continue a case to a master trial calendar in hopes of obtaining a better disposition than what was made available by the judges who presided at the earlier stages. As one court administrator said at a recent seminar, "The master calendar system will work well if the 'Santa Claus' judges are assigned to the early stages. If the 'Santa Claus' judges are in the trial calendar pool, the system won't work."

## **B. Blocking System**

In a blocking system (also known as the “individual calendar system”), each case is assigned to an individual judge, who is then responsible for all subsequent stages of the case.

The strength of a blocking system is that each judge is motivated to manage the case at the early stages of the proceedings. To the extent a judge actively manages his or her cases during the early stages, cases that will not be tried should settle earlier and cases that go to trial should be tried by better prepared lawyers (and judges). Delays attributable to judge shopping are eliminated.

A blocking system has its weaknesses. Individual judges have varying case management abilities. This leads to differences among judges in case disposition times. With judges responsible for only their block of cases, there could be little motivation among judges to help each other with day to day calendar problems. A blocking system can also create more scheduling problems for lawyers who have pretrial proceedings scheduled before different judges at the same time rather than being heard on one pretrial calendar. Finally, compared to a master calendar system, blocking may require more work for each judge’s staff because each judge’s staff, rather than a central administrator, may be responsible for managing the judge’s calendar.

## **C. Team Calendar System**

A team calendaring system combines features of the master calendar and blocking systems. Judges are divided into teams, with each team hearing the same types of cases. A team may operate as a small master calendar system, with judges having the best settlement skills presiding over the early stages of the cases. A team may also operate as a blocking system, with each case blocked to a judge within the team, but with the understanding that team members will assist each other when a judge’s calendar, including a trial calendar, is overscheduled.

A team calendar system allows for the accountability and sense of ownership of cases associated with a blocking system while maintaining at least some of the flexibility of a master calendar system. The success of a team system will largely depend on the team members' efforts to work together to manage their calendars and to adopt and maintain common practices and procedures.

## **II. History of Calendaring Systems in Hennepin County (in a Nutshell)**

Hennepin County has a long history of managing criminal cases on a master calendar system. Until recent years, lawyers wanting a criminal case assigned to an individual judge at an early stage of the case were required to make that request to the Chief Judge. On a case by case basis, the Chief Judge would decide whether to assign a case to an individual judge.

In late 1998, there was an inordinate amount of felony cases (up to 700) pending trial on the master trial calendar. The Hennepin County Board and the bench were receiving complaints about the backlog from both prosecutors and defense lawyers. The Board and the bench were also concerned about overcrowding in the jail caused by the backlog of felony cases.

In early 1999, the Hennepin County bench arranged for the National Center for State Courts (NCSC) to study the management of criminal cases in Hennepin County. In October 1999, the NCSC issued a 40 page report containing a number of findings and recommendations. One finding was as follows:

The court uses a "master calendar" assignment system for criminal cases. The result of this type of organization is that at least three or more judges may preside over parts of a case before it is disposed. There is no evident coordination among judges based on the age of cases in the system. Because this assignment system prevents continuous control of cases, judges do not feel empowered to encourage early dispositions. The master trial calendar also facilitates forum shopping and provides a disincentive to litigants to reach agreements early in the process.<sup>1</sup>

Among the NSCS recommendations was that felony cases be blocked to individual judges after the first court appearance. Noting that blocking encourages judges to take

ownership of cases at the early stages, the authors of the report said, "Taking ownership allows a judge to control all progress in the 'owned cases' from inception to disposition, promoting early dispositions whenever possible. Judicial work that produces early dispositions is rewarded by moving a smaller calendar and speedier trials."<sup>2</sup> In addition to its blocking recommendation for felonies, the authors recommended that judges with blocks of criminal cases work in teams so that judges on a team can back up other judges on the team whose calendars become overcrowded.<sup>3</sup>

Shortly after the NSCS report issued, the Hennepin County bench implemented a blocking system for homicide and first degree criminal sexual conduct cases. This "special assignment" system, which remains in place today, calls for the presiding judge of the criminal division to assign a case to a judge at an early stage of the proceedings, but after the lawyers have agreed on a trial date. The presiding judge will assign the case to a judge who would otherwise be assigned to the master trial calendar pool on the trial date agreed to by the parties.

In 2005, a Hennepin County bench committee was formed to review options for blocking all serious felonies to individual judges. Two performance measurements in 2004 and 2005 highlighted problems with the then existing master calendar system. The first performance measurement involved the time it takes to dispose of a case. State guidelines call for 90% of serious felony cases to be disposed of within 4 months after filing, and 97% to be disposed of within 6 months. In Hennepin County, during the first 6 months of 2005, 61% of serious felony cases were disposed of within 4 months of filing and 81% were disposed of within 6 months.<sup>4</sup> Based in part on the 1999 NSCS recommendations, many Hennepin County judges believed that a blocking system would improve the time to disposition rates.

The second performance measurement involved the high number of cases reaching the master trial calendar. In 2004, 55% of serious felony cases were set for trial on the master trial calendar. Only 9% of those cases went to a trial verdict. Lawyers were preparing for trials; and victims, police officers and civilian witnesses were being subpoenaed for trials that were highly

unlikely to occur. Many Hennepin County judges believed that a blocking system would lead to a decrease in the number of cases being set for trial and an increase in the percentage of those cases being tried.

In the fall of 2005, the bench voted to implement a “felony block” pilot, to begin in January 2006 and to be assessed in 2008. The pilot would include felony person offenses and other serious, non-property felony offenses (e.g., felony DWI). Homicides and first degree criminal sexual conduct cases would continue to be blocked to judges having master trial calendar assignments. Under the pilot, after a first appearance, cases would be assigned to 1 of 6 judges, each of whom would work full time on their block of cases. The 6 judges would have no other assignment, criminal or civil. In order to protect the “integrity of the pilot,” no felony block judge was to take a case assigned to another felony block judge, even if the other judge was having problems managing his or her calendar. The pilot resulted in 6 fewer judges being available to take trials off the master trial calendar; but the master trial calendar was left with a smaller number of cases. Only lower level felonies, gross misdemeanors and misdemeanors would remain on the master calendar system.

In January 2006, the felony block pilot began. In January 2007, 2 judges were added to the pilot as were first and second degree controlled substance cases. Later in 2007, felony block judges began to regularly take trials from other felony block judges having an overcrowded trial calendar. Throughout the felony block pilot, judges met regularly with each other and with their justice partners (prosecutors, public defenders, and probation officers).

In the fall of 2008, the Hennepin County bench was scheduled to vote on whether to continue with a felony block or return the felony block cases (and the felony block judges) to the master calendar system. In June 2008, the executive committee of the bench voted to delay a vote until the end of the year while a “civil/criminal calendaring workgroup” studied wider options for improving civil and criminal calendaring.

In October 2008, the Hennepin County District Court Research Division issued a report describing various performance measurements of felony block cases. With respect to the time to disposition measurement, the report found that the felony block cases were taking as long to resolve as they were under the master calendar system. Contrary to what was predicted in the 1999 NSCS report, the time to disposition rates had not improved. However, with respect to the number of cases set for trial, and the percentage of those cases that actually went to trial, the report found a significant change. Under the master calendar system, 55% of the serious felony cases were set for trial, and 9% of those cases ended in a trial verdict. Under the felony block pilot, only 33% of the cases were set for trial, and 15% of those cases ended in a trial verdict. As expected, under the felony block pilot, fewer cases were being set for trial, and a higher percentage of the cases set for trial were actually being tried.

For its October 2008 report, the Research Division conducted a survey among judges and lawyers who handled felony block cases during 2007. Almost all the judges (92%) and over half the lawyers (53%) believed that the blocking pilot increased accountability. No judge and only a few lawyers (7%) believed that the blocking pilot decreased accountability. Approximately 75% of the judges and lawyers believed that blocking was the best method to handle serious felony cases, and approximately 70% of the judges and lawyers believed that the felony block should continue.

In November 2008, a majority of the civil/criminal calendaring committee recommended that the master calendar system of managing criminal cases be eliminated and replaced with a system involving blocking and/or teaming all criminal cases.

On December 5, 2008, the Hennepin County bench held a half day retreat to debate and vote on a resolution to eliminate the master calendar system in favor of a blocking and/or teaming system. Those in favor of the resolution argued that the benefits of early case management associated with blocking cases can and should apply to the remaining cases in the master calendar system (property/drug court felonies, gross misdemeanors and

misdemeanors). Those opposed to the resolution argued that the increased flexibility associated with a master calendar system warrants keeping the system for the high volume of low level criminal cases. Others opposed to the resolution argued that felony block cases should go back on the master calendar system. By a vote of 37 to 21, the bench voted to replace the master calendar system with a system of blocking and/or teaming all criminal cases under a pilot to be approved by the executive committee, with any permanent change requiring approval by the entire bench.

### **III. The 2010 Hennepin County Criminal Calendaring Pilot**

In May 2009, the executive committee of the Hennepin County bench approved a calendaring pilot to be phased in beginning in January 2010, and to be fully implemented by September 2010. Under the pilot, there will be no change in the number of judges allocated to the current court divisions. Thus, in January 2010, when the pilot begins, judges will be allocated as follows: 1 Chief Judge, 1 signing judge, 1 probate/mental health judge, 9 family court judges, 8 juvenile court judges, 1 model drug/DWI court judge, 21 judges with civil blocks hearing some criminal cases, and 20 judges hearing criminal cases only.

Under the pilot, 13 of the 21 civil block judges will hear all suburban criminal cases, with a 4-judge team assigned to each of the 3 suburban divisions, and 1 judge assigned as backup for all 3 divisions. Cases will be blocked to an individual judge at either the first appearance or the first pretrial conference. Each judge will preside at suburban arraignment and pretrial conference calendars 13 weeks per year, leaving those judges with 39 weeks per year to try their civil block and suburban criminal cases.

The remaining 8 of the 21 civil block judges will hear property/drug court cases. These cases will be blocked to an individual judge at either the first appearance or the first pretrial conference. Like the suburban teams, each judge in the property/drug court team will preside at first appearance and pretrial conference calendars for 13 weeks per year, leaving those judges with 39 weeks per year to try their civil block and property/drug court cases.

Under the pilot, 18 of the 20 “criminal block” judges will be divided into 3 teams of 6 judges. Each of the 18 judges will preside at serious felony first appearance calendars 3 weeks per year. The cases on those calendars will be blocked to that judge at that time. “Serious felony cases” means cases that had previously been specially assigned (homicide and first degree criminal sexual conduct cases) and cases that had previously gone to the felony block.

Each member of a criminal block team will preside over Minneapolis misdemeanor/gross misdemeanor first appearance and pretrial conference calendars approximately 9 weeks per year. These cases will be blocked to a judge at either the first appearance or the first pretrial conference. The Minneapolis misdemeanor/gross misdemeanor assignment for 1 team of judges will be limited to domestic violence cases. The Minneapolis misdemeanor/gross misdemeanor assignment for the other 2 teams of judges will consist of community court and serious traffic cases.

With 12 weeks of mandatory calendars, the 18 criminal block judges will have approximately 40 weeks per year to try their serious felony and Minneapolis misdemeanor/gross misdemeanor cases. The 2 criminal block judges not assigned to a team will act as backup for the other criminal block judges.

The rotations within each team of criminal block judges could be varied to account for the inexperience of new judges. More experienced judges could do more than 3 felony first appearance calendars per year in exchange for a new judge doing more misdemeanor/gross misdemeanor calendars.

Judges within every team should assist each other with their calendars as needed. All teams should meet regularly with each other and with their justice partners to adopt and maintain policies and procedures within the team that will be as uniform as possible. At these meetings, the partners should be encouraged to openly and honestly discuss problems of common concern. It is hoped that the court’s justice partners will divide their staffs into teams so that each justice partner team is assigned to only one criminal block team.

On January 4, 2010, the pilot will begin in the Ridgedale division. In May 2010, the pilot will be implemented in the Southdale and Brookdale divisions. In September 2010, the remainder of Hennepin County criminal cases (specially assigned, felony block, property/drug court, and Minneapolis misdemeanor/gross misdemeanor cases) will be blocked to the remaining civil block and criminal block judges. Under the 2010 pilot, there will be no master trial calendar.

In mid 2012, the bench will decide whether to make some of or the entire pilot permanent. Performance measurements will guide the bench's decision.

#### **IV. Conclusion**

During the past 25 years, the Hennepin County bench has moved an increasing number of cases from a master calendar system to a blocking system. This movement began with civil cases and now includes family, CHIPS and serious felony cases. The change to blocking systems appears to many judges and lawyers to have improved the quality of justice in these cases. Whether blocking will improve the quality of justice in lower level felony and misdemeanor/gross misdemeanor cases remains to be seen. Certainly, victims, defendants, and communities affected by low level criminal cases deserve the highest quality of justice we can provide.

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<sup>1</sup> Caseflow Management and Judge Assignments for Criminal Cases in Minnesota's Fourth District Court (Hennepin County), Final Report, October 22, 1999, p. 3-4 (hereafter NCSC Report).

<sup>2</sup> NCSC Report, p. 15-16.

<sup>3</sup> NCSC Report, p. 17.

<sup>4</sup> Although the Hennepin County disposition rates were well below state guidelines, they compare favorably to the disposition rates in the other Minnesota districts. The state guidelines appear to be unrealistic.

## **Appendix B Business Rules**

### **RIDGEDALE BLOCKING PILOT BUSINESS RULES**

The following document outlines the business rules of the Criminal Blocking Pilot for the Ridgedale Courthouse.

#### **Blocking**

All case types should be blocked at the initial scheduled court appearance. Continued initial scheduled court appearances should be put on the blocked judge's week at Ridgedale or, if applicable, on a payable calendar. Continued initial scheduled court appearances are defined as ANY case set on the calendar. For example, if a pro se defendant comes to court and requests a continuance to now obtain an attorney, the case will be blocked to the Judge assigned to the calendar. Similarly, if time prohibits a case being called, the case will be blocked to the judge assigned to that calendar on that particular day.

If a case was filed before January 4, 2010, but has not yet had an initial scheduled court appearance, the case WILL be blocked to the judge on the calendar that day.

Cases that have been heard prior to the implementation of the pilot will be set before the Judge on the calendar that day for subsequent appearances and trial.

#### **60 Day Rule**

Adhering to the 60 Day Rule will be the desired practice but may be modified based on blocked judge's discretion. Presiding Judge approval will not be required. Trial dates will be set at the pretrial conference. Prosecutors need not serve trial subpoenas until the day after the pretrial conference.

#### **Continuances and Status Conferences**

All requests for continuances will be handled as follows:

Pre pilot cases: (cases that have been heard prior to the implementation of the pilot) Continuances that cannot be continued by Administration will go before the sitting judge. These cases include but are not limited to bench warrant return appearances, probation violation appearances and where a previous continuance has been granted on the case. No continuances on Domestic violence will be granted unless approved by a judge and where made by attorney request, where all parties agree and where a conditional release has been filed.

Unblocked pilot case: (case has not yet had an initial scheduled appearance) The first request to continue a scheduled initial court appearance will be handled by Administration.

No continuances on Domestic violence will be granted unless approved by a judge and where made by attorney request, where all parties agree and where a conditional release has been filed.- Subsequent continuance requests will go before the sitting judge.

Blocked cases: All requests for continuances or for status conferences will be directed to the blocked Judge or his or her staff.

#### **✚ Caseload Reassignment**

A Judge who takes over a Block will be assigned all open cases.

#### **✚ Removals & Recusals**

The case is reassigned administratively unless otherwise directed by the team leader. The reassignment is noted in MNCIS.

#### **✚ Calendar Settings**

8:30 Settings will consist of:

- Pretrials
- Initial appearances on targeted misdemeanors and gross misdemeanors: [169A.20](#) (driving while impaired), [518B.01](#) and [629.75.2\(b\)](#) (order for protection violation), [609.224](#) (fifth-degree assault), [609.2242](#) (domestic assault), [609.746](#) (interference with privacy), [609.748](#) (harassment or restraining order violation), or [617.23](#) (indecent exposure).
- Status Conferences
- Warrant Returns
- First appearances on probation or conditional release violations

9:30 Settings will consist of:

- Initial appearances for all non-targeted Misdemeanors and Gross Misdemeanors
- 2:00 Settings will consist of:
  - Court trials, Rasmussen and Morrissey hearings

#### **✚ General Rules**

- ALL Pro Se cases must go before the Judge on the bench to be addressed.
- Prosecutors are to complete the petition and factual basis with Pro Se defendants prior to appearing before the Judge. A petition is not required unless the offense is enhanceable.
- Hearing reminder slips must signed by the defendant.
- Subsequent dates will not be set unless approved by the Judge and provided to the courtroom clerk.
- The courtroom clerk will make all hearing date entries in MNCIS.
- Payable Calendars may be set in the morning and/or in the afternoon.
- If it is efficient to refer a traffic case to a payable calendar for final resolution (e.g., proof of Insurance), it is permissible to do so.

#### **✚ Unresolved Payable Cases**

If the payable case does not settle the attorneys/parties are to meet with the Judge that day to attempt resolution. If no resolution is reached, the Judge will determine where that case should be scheduled. That case will be blocked to the Judge unless the case

has already been blocked. (The case may already be blocked as it may have been scheduled to the payable calendar with the assumption of resolution.)

✦ **Bench Warrants/Revocations**

Bench warrant returns may be handled by the sitting judge, even if the case had been previously blocked. The next scheduled court appearance will be set before the original blocked judge unless otherwise ordered.

✦ **Trial Settings**

Judge Abrams - trial week certain on Mon following every other RD week at 9:00 am-max TBD

Judge Bernhardson - trial week certain on Mon following every RD week at 9:00am-max TBD

Judge Holton Dimick - trial week certain on Mon following every other RD week at 9:00am-max TBD

Judge Reilly - trial week certain on Monday following every RD week at 9:00 am-max TBD

✦ **Reserving an Open Courtroom**

An open courtroom may be reserved for non-jury appearances for blocked cases when convenient for lawyers or judges. Please contact Lisa Lane or Kate Powell, preferably by email.

## **BROOKDALE BLOCKING PILOT BUSINESS RULES**

The following document outlines the business rules of the Criminal Blocking Pilot for the Brookdale Courthouse.

### **✦ Assigning Cases**

All case types should be assigned to the Resource Judge at the first pretrial court appearance unless they already have a trial set on the trial calendar. Unassigned cases resolving at or prior to pretrial need not be assigned. If the Judge takes a plea on an unassigned case, assign the case to that Judge. Continued pretrial and subsequent appearances should be put on the assigned judge's week at Brookdale or, if applicable, on any payable calendar.

Note: If a "team" judge is substituting for another team judge, cases are assigned to the judge at the courthouse. If a "non-team" judge is substituting for a team judge, cases are assigned at a future appearance.

### **✦ Courtroom Scheduling Authority – Unassigned Cases**

The authority below has been granted to the courtroom clerks and does not require judicial approval. Any request for scheduling outside of the circumstances below will require judicial approval.

#### **Gross Misdemeanors & Domestics:**

Initial appearance must go before the Judge to ID on Grosses and address conditions.

#### **DL or Insurance Charges:**

May have up to 2 continuances from courtroom of not more than 30 days each.

#### **Other:**

Once continuance from the courtroom up to 14 day to obtain an attorney,  
And/or

One continuance from the courtroom of not more than 30 days.

### **✦ 60 Day Rule**

Adhering to the 60 Day Rule will be the desired practice but may be modified based on assigned judge's discretion. Presiding Judge approval will not be required. Trial dates will be set at the pretrial conference. Prosecutors need not serve trial subpoenas until the day after the pretrial conference.

### **✦ Continuances and Status Conferences**

All requests for continuances will be handled as follows:

#### **Unassigned Cases:**

Continuances that cannot be continued by Administration will go before the sitting judge. These cases include but are not limited to bench warrant return appearances, probation violation appearances and where a previous continuance has been granted on the case. No continuances on Domestics will be granted unless approved by a judge and where made by attorney request, where all parties agree and where a conditional release has been filed.

Assigned cases: All requests for continuances on subsequent pretrials, status conferences and/or trials will be directed to the assigned Judge or his or her staff.

#### **Calendar Settings**

**8:30** Domestic / DWI

**9:30** Criminal / Traffic

**9:00 & 11:30** Small Payable Session

**1:30** Sentencings

**2:00** Court Trials      **2:00** Payable Session  
Alternating weeks

#### **General Rules**

- The first pretrial date may be given by the courtroom clerk.
- ALL unresolved Pro Se cases must go before the Judge on the bench to be addressed, except for petty misdemeanors, misdemeanors reduced to petty misdemeanors or outright dismissals.
- Prosecutors are to complete the petition and factual basis with Pro Se defendants prior to appearing before the Judge.
- Hearing reminder slips must be signed by the defendant.
- Payable Calendars may be set in the morning and/or in the afternoon.
- If it is efficient to refer a traffic case to a payable calendar for final resolution (e.g., proof of Insurance), it is permissible to do so.
- If both attorneys agree that the Rasmussen is dispositive, it may be scheduled at Brookdale.
- The Judge should order restitution at the time of sentencing. If the amount has not been determined, the amount should be reserved and the sentencing form should note the maximum number of days allowed to collect the information. The Judge should notify the defendant that they will receive notice of the amount owed and that they have 30 days from the date on the notice to contest the amount owed. If the restitution amount is contested, a restitution hearing will be set during the Court Trial time slot.
- The Judge will determine if a requested status conference is deemed appropriate.
- Pre-sentence investigations on alcohol-related offenses will be routinely ordered when the BAC is .20 or more or there are two prior alcohol-related offenses.
- Restitution disputes may be scheduled before any sitting judge.

- Any DA or DWI referral to Probation needs to be done by 11:00 in order to be sentenced that same day. If sent to Probation after 11:00, if at all possible, defendant should appear for sentencing the next business day or as soon as practical thereafter.

#### **✚ Removals & Recusals**

The case is reassigned administratively unless otherwise directed by the team leader. The reassignment is noted in MNCIS.

#### **✚ Discovery Agreement**

Prosecution and Private Defense have entered into an agreement where Private Defense will request Discovery within 14 days of being retained and Prosecution will provide Discovery within 10 days of receiving payment.

#### **✚ Unresolved Payable Cases**

Petty misdemeanors – Set for Court Trial  
Misdemeanors – Set on the appropriate Session

#### **✚ In Custody Defendants**

The sitting judge should handle the appearance for all in-custody defendants.

#### **✚ Bench Warrants/Revocations**

Bench warrant returns may be handled by the sitting judge, even if the case had been previously assigned. The next scheduled court appearance will be set before the assigned judge unless otherwise ordered.

Out of custody Revocation Summons to Appear may be scheduled to any appropriate calendar for the jurisdiction.

#### **✚ Trial Settings**

Judge Carruthers – Date Certain  
Judge Dickstein – Date Certain  
Judge Peterson – Date Certain  
Judge Robiner – Date Certain

The Brookdale Senior Court Clerks will communicate the trial setting information to chambers at the end of each week.

#### **✚ Reserving an Open Courtroom**

An open courtroom may be reserved for non-jury appearances for assigned cases when convenient for lawyers or judges. Please contact Nancy Smart or Laurie Lathe, preferably by email.

## **SOUTHDALE BLOCKING PILOT DRAFT BUSINESS RULES**

The following document outlines the draft business rules of the Criminal Blocking Pilot for the Southdale Courthouse.

### **✚ Assigning Cases**

All case types should be assigned at the first pretrial court appearance. Unassigned cases resolving at or prior to pretrial need not be assigned. Continued pretrial and subsequent appearances should be put on the assigned judge's week at Southdale or, if applicable, on any payable calendar.

Note: If a "team" judge is substituting for another team judge, cases are assigned to the judge at the courthouse. If the case is already blocked, it remains blocked to that judge. If a "non-team" judge is substituting for a team judge, cases are assigned at a future appearance for the team judge.

### **✚ Removal or Recusal**

The case is reassigned administratively unless directed otherwise by the Team Leader. The reassignment would be noted in MNCIS.

### **✚ Caseload Reassignment**

A Judge who takes over a Block will be assigned all open cases.

### **✚ Courtroom Scheduling**

The following authority has been granted to administration in an effort to expedite the scheduling process. Any dispute with the court dates being offered by administration should be brought to the sitting judge on a case by case basis.

- Continued first appearance - reason must be noted in MNCIS
  - One continued first appearance up to 14 days out for defendant to obtain an attorney.  
and/or
  - One continued first appearance up to 60 days out for other reason (i.e. discovery, become valid, obtain insurance, etc.)
- First Pretrial date - up to 60 days out.

### **Gross Misdemeanors & Domestic:**

Initial appearance must go before the Judge to ID on Grosses and address conditions.

Defendants having Gross Misdemeanor charges that are not Domestic and not DWI may be identified without the Judge on the bench. The Court Smart (blue-man) equipment must be on.

### **60 Day Rule**

Adhering to the 60 Day Rule will be the desired practice but may be modified based on assigned judge's discretion. Presiding Judge approval will not be required. Trial dates will be set at the pretrial conference. Prosecutors need not serve trial subpoenas until the day after the pretrial conference.

### **Continuances**

All requests for continuances will be handled as follows:

Unassigned Cases:

Continuances that cannot be continued by Administration will go before the sitting judge. These cases include but are not limited to bench warrant return appearances, probation violation appearances and where a previous continuance has been granted on the case. No continuances on Domestic Violence will be granted unless approved by a judge and where made by attorney request, where all parties agree and where a conditional release has been filed.

Assigned cases:

All requests for continuances on subsequent pretrials, status conferences and/or trials will be directed to the assigned Judge or his or her staff. (Depending upon Assignment decision, more authority may be given to administration.)

### **Current Calendar Settings**

**8:30** First Appearances, Arraignments, Motions, Pleas, Warrant Returns, Probation Violation Hearings

**8:35** Pretrials

**1:30** Sentencings

**1:35** Criminal Arraignments

**2:00** Court Trials

**Payable Sessions:** Various times

### **General Rules**

- Prosecutors are to complete the petition and factual basis with Pro Se defendants prior to appearing before the Judge.
- Hearing reminder slips must be signed by the defendant.
- Payable Calendars may be set in the morning and/or in the afternoon.
- If both attorneys agree that the Rasmussen is dispositive, it may be scheduled at Southdale.
- DWI offenses that do not qualify for the One-Day DWI Program will typically be ordered to have a post-sentence ASUDS evaluation. One-Day DWI criteria: .19 or below, 1<sup>st</sup> time offender (excluding under-age drink and drive and/or open bottle or controlled substance).
- Presentence investigations on DWI Refusals are at the discretion of the court.

✦ **Unresolved Payable Cases**

Petty misdemeanors – Set for Court Trial  
Misdemeanors – Set on the appropriate AM Session

✦ **In Custody Defendants**

The sitting judge should handle the appearance for all in-custody defendants.

✦ **In Custody Gross Misdemeanor Speedy Trial Demand**

Assign to the judge to whom the speedy demand was made, even if the case had been previously assigned to a different judge. The status conference and trial should be set within 60 days and with the assigned judge. These rules apply regardless of the defendant's subsequent custody status.

✦ **In Custody Misdemeanor Speedy Trial Demand**

Do not assign the case to the judge before whom the speedy trial demand was made. A pretrial and/or status conference date must be scheduled in cooperation with the city attorney and within the allotted timeframe. The case will be assigned to the judge before whom the status conference is set. The judge that hears the status conference will also handle the trial. These rules apply regardless of the defendant's subsequent custody status.

✦ **Revocation / A&Ds - In Custody**

These hearings are to be handled by the sitting judge. Cases with no judicial assignment will be handled by the sitting judge.

✦ **Revocation / A&Ds - Out of Custody**

These hearings should be rescheduled to the assigned judge on the case. A date should be chosen when the assigned judge is scheduled to be back at the courthouse. Cases with no judicial assignment will be handled by the sitting judge.

✦ **Revocation / A&Ds Due to a New Charge**

If the defendant has a revocation due to a new charge, the revocation may be continued with the new charge. The revocation may be assigned to the same judge that the new charge is assigned to. This policy applies to Southdale cases only.

✦ **Out of Custody Bench Warrants**

Warrant returns may be handled by the sitting judge, even if the case had been previously assigned. The next scheduled court appearance will be set before the assigned judge unless otherwise ordered.

✦ **Status Conferences**

Status Conferences will typically be scheduled the week before the trial date or a on a date as close as practical prior to the trial date.

✦ **Trial Settings**

Judge Blaeser – Date Certain  
Judge Bush – Date Certain  
Judge DuFresne – Date Certain  
Judge Neville – Date Certain

✦ **Discovery Agreement**

Prosecution and Private Defense have entered into an agreement where Private Defense will request Discovery within 14 days of being retained and Prosecution will provide Discovery within 10 days of receiving payment.

✦ **Reserving an Open Courtroom**

An open courtroom may be reserved for non-jury appearances for assigned cases when convenient for lawyers or judges. Please contact Jennifer Miller or Julie Schoenborn, preferably by email.

**Property Drug Court Business Rules**  
Effective September 20, 2010  
Amended June 27, 2012

**ASSIGNMENT**

**Case Assignment:** Cases are blocked at the first meaningful (all parties present) omnibus hearing or at the Rasmussen.

**Blocked Cases Resolved on Omnibus Calendar.** If a blocked case resolves during a subsequent hearing on the PDC omnibus calendar in C1159, the case should NOT be reassigned to the sentencing judge.

**TAGGING**

**Pending PDC Case with New PDC Case.** If the defendant has a pending PDC case assigned to a different block judge, the first judge blocked will keep all later PDC cases.

**Serious Felony Charge with PDC Case Pending:** The PDC case should be tagged with the serious felony case and handled by the serious felony judge. If the PDC case does not resolve upon resolution of the serious felony case, the PDC case will be sent back to C1156 for new OM date or tracking to set a new date with the blocked judge if one had already been assigned before tracking with the serious felony case.

**Serious Felony Charge with new PDC Case:** The new PDC case should be blocked to the judge with the serious felony charge. If the PDC case does not resolve upon resolution of the serious felony case, the PDC case will be sent back to C1156 for new OM date.

**New Serious Felony Case and Existing Resolved (probation) Case.** If the defendant is charged with a new serious felony case which triggers a probation revocation on either an existing serious felony case or an existing PDC case, the revocation will tag with /follow the new serious felony block case.

**New Misdemeanor with Resolved (probation) Case.** The felony revocation will be blocked to the misdemeanor judge and tag with the new misdemeanor.

**Misdemeanor Charge with PDC Case Pending.** Misdemeanors will tag with the pending PDC case with the exception of Domestic. Domestic misdemeanors will NOT tag with the PDC case.

**SCHEDULING**

**Settings:** \*8:30 a.m. on C1156 First Appearance calendar  
8:30 a.m. (20 slots) and 1:30 p.m. (15 slots) on C1159 Omnibus calendar  
9:00 a.m. (2 slots) on C1159 Motion calendar

\*as of August 6, 2012 these calendar times will change.

**Scheduling:** All trials will be set on the blocked judge's personal calendar during block time. These dates are available with the clerk's office.

**Subsequent Hearing Dates.** If the case does not settle at the omnibus hearing and a continued pretrial is deemed appropriate, a date will be set for a continued pretrial on the week the block judge is scheduled to return to C1159, if possible. All parties must agree on setting an additional pretrial. A trial date does not have to be set. If the case is not resolved at the final omnibus hearing date, it will be set for jury trial on the blocked judge's calendar during block time.

**Morrissey Demands.** The case should be set to C1156. If the case does not resolve, the C1156 judge should set bail, hold without bail, or release the defendant. Regardless of custody status, the next appearance should be set for an 8:30 a.m. appearance on the C1159 calendar. If the matter cannot be resolved in C1159 that morning, the case will be set on Monday or Friday.

**Morrissey with New Charges.** If new charges are filed, the Morrissey should stay with the new case. A 7 day speedy Morrissey demand cannot be made if new charges are filed.

**Arrest and Detention Orders When Defendant is Hold Without Bail or Unable to Meet Bail.** Public Defender in 1156 will keep the case and should be shown as the new attorney of record.

**Multiple Arrest and Detention Orders.** When a defendant is arrested on multiple A&Ds that are issued from both PDC and the Serious Felony block, the first appearance on the A&Ds will be scheduled in the PSF Felony First Appearance calendar. The probation officer will then schedule a hearing before the block judge unless the block judge agrees that the case may be heard on the PDC calendar.

**Rasmussen Hearings.\*** Whether blocked or not, a party can schedule a Rasmussen hearing on Tuesdays through Fridays. After discussing the need for a Rasmussen with the C1159 judge, the request will be brought to the C1159 courtroom clerk, who has the authority to schedule Rasmussen hearings on Tuesdays through Fridays. The Rasmussen hearing will be set at 8:30 a.m. in C1159 to be discussed with the C1159 judge. After discussion with the C1159 judge, if not resolved, it will be heard on the same day at 1:30 p.m. in the courtroom of the C1156 judge. That Judge shall place the case on his or her trial block. No overbooking is allowed. The C1156 judge's court reporter is not available for reassignment in the afternoons Wednesday through Friday and shall cover exemptions, Morrisseys, and Rasmussens and Housing Court Referee Reviews. If the Rasmussen is a "paper Rasmussen", the 1159 judge shall take it under advisement and the case will be placed on that Judge's block.

\*Some details may change after August 6, 2012.

## **CONTINUANCES**

**Request for Continuance on C1156 Cases.** Administration may grant one continuance for up to 14 days when the case was charged by complaint summons. Other continuance requests for C1156 cases should be sent to the sitting judge in C1156.

**Request for Continuance on C1159 Cases.** Administration cannot grant continuances for C1159 cases. Administration has the authority to deny all continuance requests on C1159 cases and the attorneys and parties must come before the C1159 judge.

## **TRIALS**

**Notice of Available Trial Dates.** The block judge's staff shall provide the clerk with the judge's trial setting weeks about one week prior to the judge's omnibus assignment.

**Notice of Trial Priority.** The county attorneys and public defenders request that judges notify them of their trial order in the week prior to the scheduled trial. The decision to do this is up to the individual judge.

**Help with Trials.** A judge who has multiple cases requesting a trial may refer the extra trial(s) to the other judges on their team. Likewise, team judges who resolve their trials should volunteer to take excess trials from other team judges.

**Coordination With Other Team Judges.** Please do not start a trial with a lawyer who has trials set with another judge on your team until you have spoken to the other judge(s) to determine whether your case has “priority” (priority is based upon in-custody status, age of case, and number of prior trial continuances.) Also, lawyers should be given a reasonable amount of time to appear on and handle all their scheduled trials before starting one of them.

### **SENTENCING**

**PPIs.** Probation will not accept or complete PPI referrals unless an “Informed Consent for Pre-Pleas on Felony Investigation” form is completed and forwarded to probation and the defendant takes responsibility for his offense. Moreover, probation will not accept PPI referrals: (1) in presumptive probation cases, unless it is indicated that a gross misdemeanor disposition is being considered or (2) in presumptive prison cases where the only question is the amount of time the defendant will serve (as opposed to whether there should be a departure).

**PSI/Pre-plea Turnaround Time.** The turnaround time for presentence or pre-plea investigations is 3 weeks and 3 business days for in-custody defendants and 6 weeks and 3 business days for out-of-custody defendants. These times are subject to change.

**Guidelines Worksheet.** In all PDC cases in which a sentence is imposed or stayed, the case must be referred to probation for a guidelines worksheet. This is true even if a gross misdemeanor or misdemeanor sentence is imposed on the felony charge. If the case goes to probation for a presentence investigation, a guidelines worksheet will be completed as a matter of course. If the case is not referred to probation for a presentence investigation, the case must still be referred to probation for a guidelines worksheet. This can be done on a post sentencing basis.

**DNA.** All cases originating as felonies must be referred to probation for collection of the DNA sample.

**Random Testing.** Judges need not automatically order random testing whenever a defendant is ordered to abstain from chemicals as a condition of probation. Also, the extent of testing, if any, can be delegated to probation.

#### **Restitution Procedures.**

- After charging of an HCAO case, HCAO victim witness will seek restitution information from the victim. For city attorney cases, the city attorney is responsible for getting restitution information from the victim.
- If a PSI is done, the loss amount may be set out in PSI completed by DOCCR.
- The prosecutor and defense counsel will try to agree on restitution at or before sentencing.
- If the Court can make a determination, the Court will set restitution at sentencing. The Court will sign a Restitution Findings and Order which will be supplied by the prosecutor. The Order will

appear as an entry in MNCIS. If the Court reserves restitution, MNCIS will reflect that in the sentencing.

- A Restitution Referral Tracking Form (RTF) will be completed by the defendant/defense counsel at the request of the prosecutor, preferably at sentencing. .
- If restitution is reserved in HCAO cases, the HCAO restitution unit will attempt to determine a restitution amount. If an amount cannot be determined, the case will be closed. If an amount can be determined, the HCAO will submit to the court a claim for restitution pursuant to Minn. Stat. § 611A.04 together with a proposed Restitution Findings and Order (same form referenced in paragraph 4). A copy of the proposed Restitution Findings and Order will be sent to the defense. The court may order restitution in the amount of the claim, a different amount, or deny the claim in its entirety. If the claim is denied, the case will be closed. An order granting or denying a claim for restitution must be filed and entered into MNCIS.
- If restitution is reserved in a city attorney case, the city attorney must determine the restitution amount and submit the claim to the court as provided above.
- In felony cases where restitution is the only condition of probation (other than workhouse, remaining law abiding and providing DNA sample), the defendant will still meet with probation and will be informed of certain conditions that are imposed as a matter of law such as firearms restrictions and limitations on voting rights.
- Once a restitution order has been signed, the case may be forwarded to the HCAO restitution billing unit. The HCAO billing unit will not be able to collect restitution unless it has (1) a signed restitution order, (2) defendant/obligor information, including social security number (3) victim contact information.
- HCAO restitution billing unit will enter cases in FTS, the system DOCCR currently uses to track restitution and to electronically submit cases to the Department of Revenue for revenue recapture.
- Defendants will be mailed form letter setting forth the total amount owed and payment instructions. The letter will also inform defendants:
  - a. If they owe \$200 or less, they have 90 days to pay in full. If they owe \$201 to \$500, they have 180 days to pay in full. If they owe more than \$500, they have one year to pay.
  - b. If they make no payment with the first 60 days, the matter will be referred to the Department of Revenue for revenue recapture and collection.
  - c. If payment is not made in full, the matter will be referred to the Minnesota Department of Revenue for revenue recapture and collections.
  - d. If the matter is referred to the Department of Revenue for collection, a twenty percent collection fee will be added.
  - e. At the time the matter is referred to the Department of Revenue, any unpaid balance will be filed as a civil judgment.
  - f. If the defendant disagrees with the restitution amount, they must object within 30 days.
- HCAO restitution collections may extend the period before the matter is referred to the Department of Revenue for collection, if the extension would be in the interest of the victim.
- DOCCR will not rely on nonpayment of restitution as the sole basis to seek revocation, but may, in its discretion, raise nonpayment as an additional basis for revocation.
- Before sending a matter to the Department of Revenue for collection, the HCAO restitution unit will work with the victim(s) to docket the unpaid balance as a civil judgment. Before docketing the civil judgment, the HCAO will obtain from the judge who ordered restitution a separate Order for Judgment. The Order for Judgment will set forth the amount remaining unpaid at the time of

referral to the Department of Revenue. The Order for Judgment will be filed along with an Affidavit of Identification.

**Attach Sentencing Form to Blues.** Please attach a copy of your completed Sentencing Form to the Blues after your sentencing hearings. (If you do so, it will be unnecessary for your clerk to fill out the Blues sentencing portion.)

### **DRUG COURT**

#### **For defendants who have a bail evaluation completed after October 4, 2010**

1. The bail evaluation will be reviewed for high risk/high need factors previously identified by the RANT. If those factors are noted in the bail evaluation and the defendant is determined to be high risk/high need, the bail evaluation will be stamped "Eligible for MDC Screening."
2. Each day, probation will walk over the bail evaluations on defendants who were deemed to be eligible for MDC screening to the first PDC appearance calendar. Both the county attorney and the defense attorney will receive copies.
3. For these defendants, the only additional step for them prior to preadmission staffing will be the completion of a Rule 25.
  - a. Judges will check the Model Drug Court/Rule 25 box on the Court referral form.
  - b. Out of Custody defendants- Attorneys will walk his/her defendant to the 8<sup>th</sup> floor probation office in the government center and the defendant will be scheduled for a Rule 25 with the Drug Court Chemical Health Assessor (currently Gary Williams).
  - c. In Custody Defendants – Attorneys should walk the referral to the 8<sup>th</sup> floor where an in custody Rule 25 request form is completed and forwarded to the Drug Court Chemical Health Assessor.

*Note: All potential drug court clients must see the Drug Court Chemical Health assessor for a Rule 25. The only exception is individuals who have private insurance.*
4. Set a return appearance two weeks or ten working days out.
5. Once the Rule 25 is scheduled, Dennis Miller will be notified by probation and he will subsequently schedule a pre-admission staffing and notify the appropriate parties.
6. Defendant is determined high risk/high need on the RANT, and is diagnosed chemically dependent according to the chemical use assessment.
7. Staffing will be held, the defendant will be accepted or determined to be ineligible. All parties will be notified

#### **For defendants who do not have a bail evaluation or if the bail evaluation doesn't provide enough information to indicate high risk/high need the process remains the same.**

1. The referral process to the model drug court begins with the property drug judge determining initial eligibility at the pretrial appearance.
2. Judge orders a Risk and Need Triage Tool (RANT) and chemical use assessment. An agreement of all the parties is not required for a RANT to be ordered.
3. Set a return appearance two weeks or ten working days out.
4. Defendant is determined high risk/high need on the RANT, and is diagnosed chemically dependent according to the chemical use assessment.
5. The Model Drug Court team will conduct a pre-admission staffing and make a final eligibility determination. All parties will be notified.

**Guilty pleas and sentencing.** Judge Holahan would like to do the pleas and sentencing in Drug Court. The exception is when the case(s) involves a presumptive commit or departure. In those cases, the PDC judge is asked to take the plea and state the sentence and fill out a departure report. Then the case is put on the Drug Court calendar and Judge Holahan will amend the conditions as he sees fit.

### **REFERRAL TO VET COURT**

**Referral Requirement.** Referral of the case must be agreed to by both the prosecutor and defense.

**Scheduling.** Cases may be set on the Veteran Court calendar two weeks out at 1:30 p.m. on Mondays.

**Documents.** When making the referral, the prosecutor shall fax police reports, complaints, Rule 20 evaluations and presentence or pre-plea reports on misdemeanor/gross misdemeanor cases. Probation will photocopy the case file information and forward to Veteran's Court for Felony cases.

### **REFERRAL TO CRIMINAL MENTAL HEALTH COURT**

**Referral Requirement.** Referral of the case must be agreed to by both the prosecutor and defense.

**Scheduling.** Cases may be set on the Criminal Mental Health calendar at 9 a.m. on Wednesdays.

**Documents.** When making the referral the prosecutor shall fax police reports, complaints, Rule 20 evaluations and presentence or pre-plea reports on misdemeanor/gross misdemeanor cases. Probation will photocopy the case file information and forward to Mental Health Court for Felony cases.

### **RULE 20 CASES**

**20.01 Reviews.** When a judge finds a defendant incompetent under Rule 20.01 and refers him or her for civil commitment, the 6 month review hearing in the criminal case should be scheduled on the judge's own calendar (not on the probate/mental health calendar).

**20.01 Screening.** Psych. Services will, upon request from the judge and with the consent of both parties, provide a preliminary screening exam in 20.01 cases.

**20.01 Criminal Mental Health Court Referrals:** Returns should be scheduled in Mental Health court in C858 at 9 a.m. on any Wednesday. Allow at least four weeks for an in-custody Rule 20.01 examination and six weeks for an out-of-custody Rule 20.01.

### **BONDS**

**Petitions to Reinstate Bonds:** Petitions to reinstate a bond will be directed to the judge to whom the case was blocked.

### **BLOCK JUDGE REPLACEMENT**

**Post-Conviction Petitions:** A judge who leaves the team assignment will handle all post-conviction motions arising from cases in which he or she presided.

**Probation Revocations:** A judge who takes over a team assignment will handle both the open and closed cases (i.e., probation revocations) in the assumed block.

**Reverse and Remand:** A reverse and remand should be referred to the sentencing judge, if the sentencing judge is still on a Criminal assignment. If the sentencing judge is no longer on a Criminal assignment, the case should be blocked to the judge handling the C1156 First Appearance calendar.

### **OTHER**

**Notice to Remove.** A notice to remove will be forwarded to the Team Lead Judge for reassignment.

**Civil.** Judges with a PDC assignment will also handle some Civil calendars according to the following schedule:

C1156 judge in afternoons:

          Mondays:      Weeks 1 & 3 - Special Term, 1:30 in City Hall; Exemptions, 2:30 in judge's courtroom.

                          Weeks 2, 4 & 5 – Exemptions, 1:30 in judge's courtroom

          Tuesdays:      2 Rasmussens. If Monday is a holiday, Special Term, 1:30 in City Hall; Exemptions, 2:30 in judge's courtroom

          Thursdays:      Weeks 1 & 3 – 2 Rasmussens; Exemptions, 1:30 in judge's courtroom  
                          Weeks 2, 4 & 5 – 2 Rasmussens; Exemptions and Housing Court Referee Reviews, 1:30 in judge's courtroom

C1159 judge:

          Monday-Friday: Housing Court judge demand first appearances (judicial staff goes to 1159 to clerk hearings)

**Court Reporters.** The C1156 judge's court reporter is not available for reassignment in the afternoons Monday-Friday and shall cover Exemptions, Morrisseys, and Rasmussens.

**DOMESTIC VIOLENCE TEAM BLOCKING PILOT BUSINESS RULES-**  
**FELONY AND MISDEMEANOR**

*Minneapolis Domestic Violence Cases*

**A. CASELOAD ASSIGNMENTS**

1. **Felony Assignment.** A judge team will be assigned at filing. When the case ultimately appears on the Felony Arraignment Calendar, the case will be assigned to the *assigned presiding judge* if he or she is on the assigned team. If that judge is not on the assigned team, the case will be assigned to the judge handling the *misdemeanors pretrials* for the assigned team that day.
2. **Gross misdemeanor and Misdemeanor (M/GM) Assignment.** *M/GM* domestic violence cases will be assigned at the first “actual” pretrial conference (i.e., defendant is present) to the judge presiding at that calendar.
  - *Bench Warrants.* If a bench warrant is issued for failure to appear on the Domestic Violence calendar, the case will not be assigned to a judge until the defendant actually appears.
  - *Cases Resolved at or before Pretrial.* *M/GM* cases resolved at or prior to the pretrial are not assigned. If a plea is taken at arraignment or pretrial, and the PSI cannot be completed that same day, the sentencing may be set on any of the appropriate Team’s arraignment or pretrial calendars.
  - *Pleas after 1<sup>st</sup> Pretrial.* A plea hearing may be scheduled in front of any domestic violence team judge between the 1<sup>st</sup> pretrial and trial date. The judge assigned to hear the trial will not change.
  - *Speedy Trial Demands.* When a demand for a speedy trial is made, the case will be set to the pretrial calendar for judge assignment. The pretrial date will typically be set three days after the speedy trial demand is made. If the judge cannot accommodate the speedy trial demand due to scheduling conflicts, the judge will contact a different judge on their team to either handle the trial or handle the scheduling conflict. If the judge cannot find coverage within their team, the judge will contact the team lead judge. Prosecutor requests to continue the scheduled speedy trial date due to enhancement of the charges to a gross misdemeanor level must be made within three (3) business days of the originally scheduled speedy trial date.
  - *Non Domestic Cases Scheduled to the DV calendar.* If a case is scheduled to the DV calendar and is later determined to NOT be a domestic related offense, the subsequent appearance will be scheduled to the Community Court pretrial calendar.
  - *Suburban Domestics:* When an in custody defendant cannot be transported to the suburbs on a Suburban domestic, the first appearances on these cases are scheduled to the Domestic Violence calendar to address bail and conditions. The subsequent hearings are handled by a Suburban judge on the mandatory Suburban Domestic calendar session at the Gov’t Center.

The downtown DV judge hearing the first appearance will decide whether the suburban domestic case should tag with another case OR be scheduled to the Suburban Domestic calendar. The TAGGING policy should be applied if the judge decides that the case should tag with another case.

### 3. **Substitute Judges.**

- *Felonies and M/GM:* If a substitute judge handles a calendar, the substitute judge is *not* assigned the cases from that calendar. Rather, the originally assigned judge keeps all cases that were handled by the substitute judge.

### 4. **Block Judge Replacement**

Post-conviction petitions and cases reversed on appeal will be assigned to the judge who presided over the trial or plea (dispositional judge) if that judge remains on the bench. If the dispositional judge remains on the bench but is no longer handling the case type; and, if the new proceedings will likely require an evidentiary hearing or a new trial, the dispositional judge may ask the Chief Judge or his designee to reassign the case.

If the dispositional judge is no longer on the bench, or if the Chief Judge or his designee agrees to the dispositional judge's request to reassign the case, the case should be referred to the appropriate team leader, as described below, who will then make the assignment.

- If the case is a misdemeanor, the case should be referred to the team leader responsible for that misdemeanor case type.
- If the case is a serious felony, the case should be referred to the team leader of the team handling the felony first appearance calendar during the week the referral is made.

### 5. **Mandatory Calendar Schedule for Domestic Violence Team Judges.**

8:30 Sentencings (Monday-Friday; a maximum of 3 Sentencings will be set)

8:30 Pretrials (Monday-Friday; a maximum of 5 pretrials on Mondays and 12 pretrials Tuesday-Friday will be set)

9:30 First Appearances - including A & Ds (Monday-Friday)

1:30 Morrissey Probation Violations/ Contested Hearings (Tuesday – Friday in the Judge's courtroom in GC)

1:30 Felony First Appearances will be held in PSF Courtroom 142

1:30 Implied Consent hearings (Monday/Tuesday & Fridays in the Judge's courtroom in GC)

10:00 Felony Revocation Hearings will be held in the Judge's courtroom in the GC

8:30 Inherent expungements Friday only in Judge's courtroom in GC

Omnibus Hearings will be held in the Judge's courtroom in GC.

Trials, Rasmussen Hearings, continued Omnibus Hearings, Post-Conviction Hearings, Restitution hearings will be held in the Judge's courtroom in the GC on his or her personal calendar.

## **B. TAGGING RULES**

*Gross misdemeanor and misdemeanors cases that are tagging with a felony will be assigned to the felony judge that the tagging case is scheduled before. If the gross misdemeanor or misdemeanor is NOT resolved with the felony, the gross misdemeanor or misdemeanor will be unassigned and scheduled back to the appropriate gross misdemeanor/misdemeanor calendar for a new judge assignment.*

1. **New Felony Case and an Existing Felony Case.** If the defendant is charged with a new felony while there is a pending felony, both felonies will be handled by the judge assigned to the existing felony (unless otherwise ordered by the judge).
2. **Felony Case and a PDC Case:** New or pending PDC cases will always be tagged with new or pending felony cases and be handled by the assigned felony judge.

- If the PDC case does not resolve upon resolution of the felony case, the PDC case will be sent back to 1156 or 1159 for judge assignment.
3. **New Felony Arrest & Detention Order with a Pending Felony.** A&D matters appearing on the Felony Arraignment Calendar while an unrelated felony is pending shall be assigned to the judge handling the felony.
  4. **Arrest & Detention Order Issued Because of New Charge.** When a new charge is the basis for an A & D, the A & D will be assigned to the judge with the new charge unless otherwise ordered by the sentencing judge or the judges' teammate. If the revocation is on a misdemeanor Domestic case, the new misdemeanor charge will be set to the DV calendar with the DV revocation. The DV judge may later decide to send the new misdemeanor charge back to the originating calendar. This policy applies to Minneapolis arrest and detention orders only.
  5. **New Misdemeanor with a Pending Felony.**
    - Misdemeanors and gross misdemeanors will tag with felonies, absent a demand for a speedy trial. (*Exception:* Domestic violence misdemeanors and gross misdemeanors will not tag with PDC felonies.)
    - Court staff will request a plea offer using the MGMFF email process. The request for an offer will be noted in MNCIS as will any plea offer.
    - Except in DWI and Domestic cases, if MNCIS reflects a timely MGMFF request (7 days notice), but no plea offer, the tagging misdemeanor/gross misdemeanor case will be dismissed without prejudice.
    - *Domestic Violence Team Exception:* the prosecutor's failure to put an offer in MNCIS shall not be grounds for dismissal.
    - Tagging misdemeanors and gross misdemeanors which do not resolve with the felony will be referred back to the appropriate pretrial calendar.
    - *Domestic Violence Team Exception:* no tagging domestic violence case can be resolved with the felony unless the domestic violence prosecutor is present or has waived his or her presence in writing or as reflected in MNCIS.
    - To avoid multiple presentence investigation reports, the parties shall make good faith efforts to resolve tagging domestic violence cases with the felony. When a tagging domestic violence case is resolved with a felony, the court's probation referral must note that the presentence investigation report shall address the domestic violence case as well as the serious felony.
  6. **New Speedy Trial Demand Misdemeanor with a Pending Felony:** If a speedy trial demand is made on a misdemeanor, the case will NOT tag with the pending serious felony case. The speedy trial demand misdemeanor will be handled separately and by the appropriate misdemeanor team.
  7. **Felony with Co-Defendants:** The judge assigned to the first case involving co-defendants will also be assigned the remaining co-defendant cases.
  8. **Multiple Non-Domestic Misdemeanors.** New misdemeanor cases will be scheduled along with the existing pretrial of the first case pending, regardless of the case type for the team (e.g., the first case is a DAC and the new case is a Trespass, the Trespass will tag with the DAC.)

- Unresolved Minneapolis misdemeanors will stay with the judge assigned to the original/first case pending, regardless of the case type.
- This rule does not apply to suburban cases. Suburban cases will continue to be scheduled to the appropriate suburban courthouse.

9. **Domestic Violence Misdemeanor with Non-Domestic Misdemeanor.** If a defendant has two misdemeanors and/or gross misdemeanors and one of the misdemeanors and/or gross misdemeanors is a domestic, the non-domestic case will be handled by the DV judge and tag with the DV case.

### **C. CONTINUANCES**

1. **Referring Defendant to Attorney.** If a defendant requests a continuance AND they have an attorney, notify the defendant that they should contact their attorney to obtain a new date. Do not forward continuance requests from a represented defendant to a judge.
2. **Unassigned Cases.** A request to continue an unassigned case or a pretrial date of an assigned case shall be referred to the sitting judge of the applicable mandatory calendar on the day the continuance request is made. The continuance request may be referred to the sitting judge in the courtroom when the parties are present. If the request is made by telephone, the attorneys should be directed to email the sitting judge and the judge's staff with a copy to opposing counsel.
3. **Assigned cases.** All requests for continuances of the trial date will be directed to the assigned Judge or his or her staff.
4. **Time to Hire an Attorney.** When a defendant requests additional time to hire a private attorney, the decision to set the case for a continued arraignment or pretrial should be made on a case by case basis and by the sitting judge. If it appears that the defendant is not eligible for a public defender, set the case for pretrial. If it appears the defendant is eligible for a public defender, the case should be scheduled as a continued arraignment. If necessary, for a newly hired attorney, at the pretrial additional time may be provided.

### **D. OMNIBUS HEARINGS and PRETRIALS**

1. **Omnibus Hearings.** *Felonies.* Omnibus hearings will be set on approximately 4 weeks from the first Arraignment Calendar appearance, unless otherwise ordered by the judge.
  - *Settings.* *Felonies.* *Unless otherwise ordered by the judge,* Omnibus Hearings will not be set on Mondays and with these case limits:

9:00am – 3 settings  
 10:00am – 3 settings  
 11:00am – 1 setting  
 1:30pm – 4 settings

2. **Request for Public Defender Appointment at Omnibus Hearing-Felonies.** A defendant seeking public defender appointment at the omnibus hearing will need to have two hearing dates scheduled: 1) back to the felony first appearance calendar for the appointment, and 2) a return OM date back to the assigned judge. If the newly appointed PD is not available on the return date, the PD shall contact the judge's chambers to reschedule

3. **Pretrials.** *GM/M.* The first pretrial date should generally be set within two weeks after the first appearance. The pretrial date must be given by the judge.
  - *Limit on Number of Pretrials.* If more than 12 cases are scheduled to the pretrial calendar and the sitting judge would like to overbook the pretrials, he or she must obtain permission from the judge assigned to the pretrial calendar that week.
  - *Subsequent Pretrial Dates.* Subsequent pretrial dates may be approved by the sitting judge and provided to the courtroom clerk. The trial date does not change. Requests for more than two additional pretrials must have the assigned judge's approval before scheduling.
  - *Trial Date Setting.* Absent good cause, a trial date (with or without a future pretrial date) will be set at the first pretrial conference. The trial date must be approved by the assigned judge.
  - *Complaint Demand.* If a complaint demand is made at the arraignment, the complaint demand return is to be scheduled at the pretrial (demands cannot be made once a plea is entered.)
  - *Restitution.* If restitution needs to be considered AND the case is not a CWOP, the case should get a trial date before the assigned judge.

## **E. TRIALS**

1. **Speedy Trial Demand.** *M/GM.* If the assigned judge cannot accommodate the speedy trial demand due to a scheduling conflict (mandatory calendar, in trial, unavailable), the judge will contact a different judge on their team to either handle the speedy trial or handle the scheduling conflict. If the judge cannot find coverage within their team, the judge should contact the 4<sup>th</sup> Criminal Block Judges and/or the 4<sup>th</sup> Civil Judges. An email should not be sent out to 4<sup>th</sup> All Judges.
2. **Help with Trials.** A judge who has multiple cases requesting a trial may refer the extra trial(s) to other judges on their team. If a judge from the team is not available, the judge should contact the 4<sup>th</sup> Criminal Block Judges and/or the 4<sup>th</sup> Civil Judges. An email should not be sent out to 4<sup>th</sup> All Judges. Likewise, team judges who resolve their trials should volunteer to take excess trials from other team judges.
3. **Notice of Trial Priority.** Judges will attempt to notify attorneys of their trial order in the week prior to the scheduled trial.

Chamber should notify the lead Minneapolis City Attorney of the trial priority.

4. **Coordination with Other Team Judges.**
  - Judges should not start a trial with a lawyer who has a trial set with another judge before it has been determined which case has "priority" (priority is based on in-custody status, level of case, age of case, and number of prior trial continuances).
  - Also lawyers should be given a reasonable amount of time to appear on and handle all their scheduled trials before starting one of them.

## F. SENTENCING

### 2. Scheduling the Sentencing.

- *M/GMs.* If a judge takes a plea on the pretrial calendar, the case remains at the PSF for sentencing before whichever team member judge is assigned there on the date of sentencing, unless otherwise ordered.

### 3. Pre Plea Investigations.

- *Felonies.* Probation will not accept or complete PPI referrals unless an “Informed Consent for Pre-Pleas on Felony Investigation” form is completed and forwarded to probation and the defendant takes responsibility for his offense.
- *Felonies.* Moreover, probation will not accept PPI referrals: (1) in presumptive probation cases, unless it is indicated that a gross misdemeanor disposition is being considered or (2) in presumptive prison cases where the only question is the amount of time the defendant will serve (as opposed to whether there should be a departure).

### 4. Pre Plea Investigation/Pre Sentence Investigation Turnaround Time.

- *Felonies.* The turnaround time for felony presentence or pre-plea investigations is 3 weeks for in-custody defendants and 6 weeks for out-of-custody defendants. Sentencing hearings should be scheduled 4 weeks out for in-custody defendants and 7 weeks out for out-of-custody defendants.
- *Felonies/M/GMs.* Probation will email the judge and their staff the PSI or PPI at least three business days prior to the sentencing date. The PSI and PPI may also be sent via email to attorneys.
- *M/GMs.* The turnaround time for M/GM presentence or pre-plea investigations is one week.

### 5. Probation Officer Appearance. The probation officer who prepared the PSI will not appear at sentencing unless requested to do so by the court or a party. The probation officer will make one substantial appearance on a case and as requested by the Judge or a party.

### 6. Attach Sentencing Form to Blues. Please attach a copy of your completed Sentencing Form to the Blues after your sentencing hearings. (If you do so, it will be unnecessary for clerk to fill out the Blues sentencing portion.)

### 7. PSI’s in Prison Commit Cases. *Felonies.* Judges may decide not to request PSI’s in prison commit cases where the length of the commitment is already set (either by negotiation or by a mandatory/mandatory sentence) or in cases where the judge does not need any further information from probation.

### 8. Guidelines Worksheet. *Felonies.* If a case is referred to probation for a presentence investigation, a guidelines worksheet will be completed as a matter of course. If the case is not referred to probation for a presentence investigation, the case must still be referred to probation for a guidelines worksheet. This is true even if a gross misdemeanor or misdemeanor sentence is imposed on the felony charge.

### 9. Random Testing. Judges do not automatically need to order random testing whenever a defendant is ordered to abstain from chemicals as a condition of probation. Also, the extent of testing, if any, can be delegated to probation.

10. **Restitution.**

- After charging of an HCAO case, HCAO victim witness will seek restitution information from the victim. For city attorney cases, the city attorney is responsible for getting restitution information from the victim.
- If a PSI is done, the loss amount may be set out in PSI completed by DOCCR.
- The prosecutor and defense counsel will try to agree on restitution at or before sentencing.
- If the Court can make a determination, the Court will set restitution at sentencing. The Court will sign a Restitution Findings and Order which will be supplied by the prosecutor. The Order will appear as an entry in MNCIS. If the Court reserves restitution, MNCIS will reflect that in the sentencing.
- A Restitution Referral Tracking Form (RTF) will be completed by the defendant/defense counsel at the request of the prosecutor, preferably at sentencing. .
- If restitution is reserved in HCAO cases, the HCAO restitution unit will attempt to determine a restitution amount. If an amount cannot be determined, the case will be closed. If an amount can be determined, the HCAO will submit to the court a claim for restitution pursuant to Minn. Stat. § 611A.04 together with a proposed Restitution Findings and Order (same form referenced in paragraph 4). A copy of the proposed Restitution Findings and Order will be sent to the defense. The court may order restitution in the amount of the claim, a different amount, or deny the claim in its entirety. If the claim is denied, the case will be closed. An order granting or denying a claim for restitution must be filed and entered into MNCIS.
- If restitution is reserved in a city attorney case, the city attorney must determine the restitution amount and submit the claim to the court as provided above.
- In felony cases where restitution is the only condition of probation (other than workhouse, remaining law abiding and providing DNA sample), the defendant will still meet with probation and will be informed of certain conditions that are imposed as a matter of law such as firearms restrictions and limitations on voting rights.
- Once a restitution order has been signed, the case may be forwarded to the HCAO restitution billing unit. The HCAO billing unit will not be able to collect restitution unless it has (1) a signed restitution order, (2) defendant/obligor information, including social security number (3) victim contact information.
- HCAO restitution billing unit will enter cases in FTS, the system DOCCR currently uses to track restitution and to electronically submit cases to the Department of Revenue for revenue recapture.
- Defendants will be mailed form letter setting forth the total amount owed and payment instructions. The letter will also inform defendants:
  - a. If they owe \$200 or less, they have 90 days to pay in full. If they owe \$201 to \$500, they have 180 days to pay in full. If they owe more than \$500, they have one year to pay.
  - b. If they make no payment with the first 60 days, the matter will be referred to the Department of Revenue for revenue recapture and collection.
  - c. If payment is not made in full, the matter will be referred to the Minnesota Department of Revenue for revenue recapture and collections.
  - d. If the matter is referred to the Department of Revenue for collection, a twenty percent collection fee will be added.
  - e. At the time the matter is referred to the Department of Revenue, any unpaid balance will be filed as a civil judgment.
  - f. If the defendant disagrees with the restitution amount, they must object within 30 days.

- HCAO restitution collections may extend the period before the matter is referred to the Department of Revenue for collection, if the extension would be in the interest of the victim.
- DOCCR will not rely on nonpayment of restitution as the sole basis to seek revocation, but may, in its discretion, raise nonpayment as an additional basis for revocation.
- Before sending a matter to the Department of Revenue for collection, the HCAO restitution unit will work with the victim(s) to docket the unpaid balance as a civil judgment. Before docketing the civil judgment, the HCAO will obtain from the judge who ordered restitution a separate Order for Judgment. The Order for Judgment will set forth the amount remaining unpaid at the time of referral to the Department of Revenue. The Order for Judgment will be filed along with an Affidavit of Identification.

## **G. PROBATION VIOLATIONS**

1. **First Appearance.** *GM/M.* Probation revocation first appearances will be scheduled on the appropriate Arraignment Calendar to address bail.
2. **Continued First Appearance on Felony Revocation Calendar.** *Felonies.* If not resolved, the case will then be scheduled at 10:00am any day of the week\* at the Government Center. Unresolved cases will be blocked to that judge.  
\*NOTE: The Felony Revocation calendar will not be held on the 1<sup>st</sup>/3<sup>rd</sup> Wednesday (St. Anthony) and the 4<sup>th</sup> Wednesday (COAT) of each month.

Probation will confirm the Public Defender's availability for the 10:00am felony revocation appearance. If the Public Defender is not available on the scheduled date, Probation will find a new date. Probation will cancel the old revocation date and notify the Clerk's office of the new date.

3. **Morrissey Hearing Judge Assignments.**
  - *GM/M.* Return Morrissey hearings will be scheduled at 1:30pm Tuesday-Friday, whether the judge assigned to the pretrial calendar was the sentencing judge or not. The cases will be heard in the judge's courtroom at the GC.
4. **Sentencing Judge and Violations.** The sentencing judge should note in MNCIS whether probation revocations are to be returned to them.
  - *Cases sentenced prior to September 13, 2010.* In these cases, the Probation Officer will contact the sentencing judge when the defendant appears on the Arraignment Calendar to determine whether he or she would like the case returned.
  - *Sentencing Judge Handles Case.* If the sentencing judge wants the case back, probation will schedule a subsequent appearance before the sentencing judge and notify the attorneys.
  - *Pretrial Judge Handles Case.* *GM/M.* If the sentencing judge does NOT want the case back, the case will be scheduled before and handled by the Pretrial Calendar Judge of the appropriate team.
    - He or she may consult the sentencing judge for information or input.
5. **Arrest and Detention Orders.**
  - *Felonies.* When a defendant is arrested on multiple A&D's that are issued from both PDC and the felony teams, the first appearance on the A&D's will be scheduled at the Felony Arraignment Calendar. The probation officer will then schedule a hearing

on the 10:00am Felony Revocation calendar unless the felony judge agrees that the case may be heard on the PDC calendar.

- *GM/M*. At the time an A & D is issued, the supervising probation officer will write a report (A & D report) which will describe the defendant's progress while on probation and the reasons for the A & D. The A & D report will include information about prior violations, the jail credit due the defendant, and a recommended disposition.
  1. If there is sufficient probation staffing on the morning of the defendant's first appearance in DV court, an on duty probation officer will interview the defendant and update the A & D report with relevant information (if any) and, if appropriate, make a new recommendation. The updated A & D report will be provided to the judge by 10 am. The on duty probation officer need not appear in court when the case is called, but will be available to talk to the judge by telephone.
  2. If there is insufficient probation staffing on the morning of the defendant's first appearance in DV court, the defendant will not be interviewed by an on duty probation officer and the A & D report will not be updated. Probation will give the judge written notice of this situation by 8:30 am. If the judge is unable to resolve the case without an updated A & D report, the judge may contact an on duty probation officer by phone to direct that an updated oral or written report be made.

## **G. REFERRAL TO PROBLEM SOLVING COURTS**

1. **Consent Requirement.** Referrals to the Veteran Court, the Criminal Mental Health Court, and the D.W.I. Court must be agreed to by both the prosecutor and defense, except that presumptive probation felony DWI referrals to DWI court may be made on a straight plea basis.
2. **Scheduling.** Cases should be set as follows:
  - *Veteran Court Calendar.* Provide the defendant with the Veteran Court Screening Referral instructions.  
*Felonies and GM/M.* Schedule two weeks out on Mondays at 2PM in C1659.  
*Criminal Mental Health Calendar:* Provide the defendant with the Criminal Mental Health Court Screening Referral instructions.  
*GM/M.* Schedule on Wednesdays at 10AM in C1659.  
*Felonies.* Schedule felonies on Thursdays at 10am in C1659.
    - *GIFT:*  
*GM/M:* Schedule on the second to the last Tuesday of the month at 10am in C1659.
    - *St. Stephens:*  
*GM/M:* Schedule on the second to the last Tuesday of the month at 9am in C1659.
    - *Return Dates on Referring Court's Calendar:*  
For the Veteran, Mental Health, GIFT, and St. Stephens calendars, a return date need not be set on the Referring Court's calendar. If the defendant is accepted into the problem solving court, the case will stay on that court's calendar for all future proceedings, including *Morrissey* hearings. If the defendant is not accepted, the problem solving court clerk will schedule a return date on the Referring Court's calendar. *Rasmussen* issues should be resolved by the Referring Court prior to a referral to a problem solving court.
    - *DWI Court-GM/M:* Set a return date on the Referring Court's Calendar 4 weeks out. This date will be cancelled if the case is accepted by DWI Court. The defense attorney

is to give the defendant the DWI Court brochure. The clerk is to call the DWI Court judge's chambers to obtain an available date. Instruct the defendant to arrive at 7:45 for orientation and the attorney to arrive at 10:00 on C8.

- **DWI Court-Felonies:** Criminal block judges may refer presumptive probation felony DWI cases to DWI court using the following procedures:
  - a. The clerk is to call the DWI Court judge's chambers to obtain an available date for a Thursday screening at 7:45am. This can be done pursuant to a guilty plea or on a pre-plea basis. At this stage, the assigned judge must NOT order a pre plea investigation or pre-sentence investigation. The assigned judge should give notice to the DWI court staff that the case has been referred.
  - b. The assigned judge will schedule a reappearance on his or her calendar at least 21 days after the Thursday, DWI court screening. During this time, the defendant will be on a conditional release which will require that the defendant comply with the rules of DWI court.
  - c. Within the 21 days, the DWI court will provide a document to the assigned judge saying whether or not the defendant has been accepted in DWI court.
    - If accepted, the document will also provide for the conditions of DWI court probation, except jail time. Jail time will be determined by the assigned judge. The assigned judge will sentence in accordance with the DWI court recommended conditions. The sentencing order will include a provision saying that the DWI court judge is authorized to modify probation conditions or revoke probation to the same extent as the assigned judge could have, had the case stayed with the assigned judge. The DWI court will then supervise probation. The DWI court will notify the County Attorney's Office about any potential contested Morrissey hearings.
    - If not accepted, the case will remain with the assigned judge.
  - d. Criminal block judge referrals to DWI court must be done on an out of custody basis. This is required by the DWI court screening process (e.g., having the defendant observe review hearings).

### 3. **Documents Regarding Mental Health/Veterans' Court**

*GM/M.* When making the referral the prosecutor shall fax police reports, complaints, Rule 20 evaluations and presentence or pre-plea reports.

*Felonies.* Probation will photocopy the case file information and forward it to the Veterans Court of Mental Health Court.

## **I. PSYCHOLOGICAL SERVICES**

1. **Rule 20.01 Scheduling.** If the defendant is in custody, the subsequent appearance date should be set no sooner than ten working days out in misdemeanor/gross misdemeanor cases and no sooner than fifteen working days out in felony cases.

*GM/M.* The subsequent appearance should be scheduled to the Criminal Mental Health Court judge. If the defendant is out of custody, the subsequent appearance date should be set no sooner than four weeks out and to the Criminal Mental Health Court calendar. Referrals to the Criminal Mental Health Court must be agreed to by both the prosecutor and defense. See #5 below.

*Felonies.* The subsequent appearance should be scheduled on the judges CR block time.

2. **Rule 20.01 Screening.** Psych. Services will – upon request from the judge and with the consent of both parties - provide a preliminary screening exam in 20.01 cases.

3. **Rule 20.01 Reviews.** When a judge finds a defendant incompetent under Rule 20.01 and refers him or her for civil commitment, the 6 month review hearing in the criminal case should be scheduled on the judge's own calendar (not on the probate/mental health calendar).
4. **Ordering a Psychological Evaluation.** Judges should consider the following when ordering a psychological evaluation:
  - Unless a full psychological evaluation report is requested by the judge, psychological services will submit a summary report only.
  - Judges should order pre-plea psychological evaluations only in presumptive prison commit cases when the judge is considering a dispositional departure.
  - In presumptive commit cases, judges should order presentence psychological investigations only when the judge is considering a dispositional departure or if the defendant is a repeat sex offender.
  - During the presentence investigation phase of a case in which the judge did not initially order a psychological evaluation, judges should not grant a probation officer's request for a psychological evaluation unless the probation officer first consulted with Dr. Panciera about the need for the evaluation.
  - Judges should not order psychological services to do post sentencing mental health evaluations. Corrections must utilize community resources for such evaluations.
  - Judges should not order psychological evaluations for *Morrissey* hearings unless there is a question of competency or other extraordinary circumstances exist.

5. **Scheduling Return Hearings from the Domestic Violence Calendar**

Hearings for returns on Rule 20.01 examinations ordered from the Minneapolis PSF Domestic Violence calendar will be scheduled to the Government Center's *MISD/GM* Criminal Mental Health Calendar.

- When a Rule 20.01 is ordered at the arraignment or first appearance, the clerk on the Domestic Violence Calendar will schedule two hearings, the first hearing two weeks out to the Mental Health Calendar at 10:00 a.m. on Wednesdays as well as a second hearing no sooner than two weeks plus three days out back to the Domestic Violence Calendar.
- If the defendant is found incompetent, misdemeanor cases will be immediately dismissed and gross misdemeanor cases will remain in Mental Health Court. If the defendant is found to be competent, the case will be returned to Domestic Violence Court.
- If the defendant is found to be incompetent, and neither party seeks to contest the findings, civil commitment proceedings will be initiated by the Mental Health Court. The subsequent return court date to Domestic Violence Court will be cancelled.
- If the defendant is found to be competent, the case will be returned and heard on the two week plus three day hearing date on the Domestic Violence Calendar (or before the assigned judge) for further proceedings.
- If either party seeks a hearing to contest the Rule 20.01 examiner's conclusion, the hearing will be returned to Domestic Violence Court or the Domestic Violence judge assigned to the case.

## J. OTHER

1. **Bail Evaluations.** *Felonies.* The judges assigned to the Felony Arraignment Calendar will take the bail evaluations for the cases that they were assigned with them at the end of each day. The bail evaluation is NOT to be kept in the court file.
2. **St. Anthony and COAT Calendar.** On the 1<sup>st</sup> & 3<sup>rd</sup> Wednesday for St. Anthony, and on the 4<sup>th</sup> Wednesday for the COAT calendars, the Public Defender assigned to the Domestic Violence Calendar will accept cases from these calendars. The eligibility list for those 8:30 a.m. calendars will be delivered to the attorneys in Courtroom 143 as soon as it is available. The attorneys will not go to Courtroom 142 unless there are eligible defendants identified.

St Anthony petty misdemeanor court trials will be scheduled at 11:00am on the 1<sup>st</sup> and 3<sup>rd</sup> Wednesday in Courtroom 142.

### 3. **Notice to Remove**

- **Pretrials.** The following procedure should be followed when a Notice to Remove is filed on a judge presiding over a calendar at the Government Center.
  - . Notices to remove will be **immediately** forwarded to the teams' Lead Judge for re-assignment to another judge on that team.<sup>[1]</sup> Parties should immediately report to the team lead judge or co-lead judge for case reassignment. In most instances, a judge will be found to preside over the hearing at that time. If a judge cannot be located, a tracking date of one week will be set back to the calendar from which the notice to remove originated.

[1] The lead judge's chamber staff will email the '4th Criminal Assignment Grid' email group with the new assignment. The tracking date will be cancelled by the newly assigned judge's chambers when the new hearing date is set.

- **Arraignments/DV Pretrials.** The following procedure should be followed when a Notice to Remove is filed on a judge presiding over a calendar at the Public Safety Facility.
  - Removed cases should be referred to the judge in the adjacent courtroom. For example, if a notice to remove is filed in Community Court the judge in Domestic Violence Court should handle the case and vice versa. If a notice to remove is filed in Serious Traffic the case should be referred to the Felony First Appearance calendar and vice versa.
  - The removed cases will be heard at the end of the replacement judge's calendar, unless that judge orders otherwise.
  - The removed cases will be assigned to a judge in the appropriate team, as directed by that team's lead judge.
- 4. **Assignment of EJJ Cases.** The Criminal Presiding Judge or Assistant Criminal Presiding Judge will assign EJJ cases.
- 5. **Petitions to Reinstate Bonds:**  
*Felonies.* Petitions to reinstate a bond will be directed to the judge to whom the case was assigned.

*GM/M.* Petitions to reinstate a bond will be directed to the signing judge.

6. **Pro Se Defendants.**

*GM/M.* All unresolved *pro se* cases must go before the sitting judge to be addressed, except for outright dismissals. Prosecutors are to complete the plea petition and factual basis with *pro se* defendants prior to appearing before the judge.

7. **Hearing Reminder Slips.** Hearing reminder slips must be signed by the defendant.

8. **Discovery.** Prosecutors shall make a good faith effort to provide discovery within a reasonable amount of time prior to the pretrial date.

**SERIOUS TRAFFIC TEAM BLOCKING BUSINESS RULES-  
FELONY AND MISDEMEANOR**

**A. CASELOAD ASSIGNMENTS**

1. **Felony Assignment.** A judge team will be assigned at filing. When the case ultimately appears on the Felony Arraignment Calendar, the case will be assigned to the *assigned presiding judge* if he or she is on the assigned team. If that judge is not on the assigned team, the case will be assigned to the judge handling the *misdemeanors pretrials* for the assigned team that day.
2. **Gross misdemeanor and Misdemeanor (M/GM) Assignment.** *M/GM* serious traffic cases will be assigned at the first “actual” pretrial conference (i.e., defendant is present) to the judge presiding at that calendar.
  - *Bench Warrants.* If a bench warrant is issued for failure to appear on the Felony Arraignment Calendar, the case will not be assigned to a judge until the defendant actually appears.
  - *Cases Resolved at or before Pretrial.* *M/GM* cases resolved at or prior to the pretrial are not assigned. If a plea is taken at arraignment or pretrial, and the PSI cannot be completed that same day, the sentencing may be set on any of the appropriate Team’s arraignment or pretrial calendars.
  - *Pleas after 1<sup>st</sup> Pretrial.* A plea hearing may be scheduled in front of any serious traffic team judge between the 1<sup>st</sup> pretrial and trial date. The judge assigned to hear the trial will not change.
  - *In-Custody Speedy Trial Demands.* If there is a speedy trial demand in a *M/GM* case, a pretrial date must be set (gross misdemeanors within 30 days and misdemeanors within 5 days). The case will be assigned to the pretrial judge, not the arraignment judge before whom the speedy trial demand was made.
3. **Substitute Judges.**
  - *Felonies and M/GM:* If a substitute judge handles a calendar, the substitute judge is *not* assigned the cases from that calendar. Rather, the originally assigned judge keeps all cases that were handled by the substitute judge.
4. **Block Judge Replacement**

Post-conviction petitions and cases reversed on appeal will be assigned to the judge who presided over the trial or plea (dispositional judge) if that judge remains on the bench. If the dispositional judge remains on the bench but is no longer handling the case type; and, if the new proceedings will likely require an evidentiary hearing or a new trial, the dispositional judge may ask the Chief Judge or his designee to reassign the case.

If the dispositional judge is no longer on the bench, or if the Chief Judge or his designee agrees to the dispositional judge’s request to reassign the case, the case should be referred to the appropriate team leader, as described below, who will then make the assignment.

- If the case is a misdemeanor, the case should be referred to the team leader responsible for that misdemeanor case type.
- If the case is a serious felony, the case should be referred to the team leader of the team handling the felony first appearance calendar during the week the referral is made.

5. **Mandatory Calendar Schedule for Serious Traffic Team Judges.**

1:30pm Serious Traffic Arraignments will be held in PSF courtroom 141

1:30pm Felony Arraignments will be held in PSF Courtroom 142

8:30am M/GM Pretrials will be held in the Judge's courtroom in the GC

10:00am Felony Revocation Hearings will be held in the Judge's courtroom in the GC

11:00am Motion Hearings will be held in the Judge's courtroom in the GC

8:30 Inherent expungements Friday only in Judge's courtroom in GC

Omnibus Hearings will be held in the Judge's courtroom in the GC.

During the gold week, judges will handle the DWI One Day Program enforcement calendar and AnyTrax calendar on the 2<sup>nd</sup> Friday of each month. The probation officer will call the judge when/if they are needed.

Trials, Rasmussen Hearings, continued Omnibus Hearings, Post-Conviction Hearings, Restitution hearings will be held in the Judge's courtroom in the GC on his or her personal calendar.

**B. TAGGING RULES**

*Gross misdemeanor and misdemeanors cases that are tagging with a felony will be assigned to the felony judge that the tagging case is scheduled before. If the gross misdemeanor or misdemeanor is NOT resolved with the felony, the gross misdemeanor or misdemeanor will be unassigned and scheduled back to the appropriate gross misdemeanor/misdemeanor calendar for a new judge assignment.*

1. **New Felony Case and an Existing Felony Case.** If the defendant is charged with a new felony while there is a pending felony, both felonies will be handled by the judge assigned to the existing felony (unless otherwise ordered by the judge).
2. **Felony Case and a PDC Case:** New or pending PDC cases will always be tagged with new or pending felony cases and be handled by the assigned felony judge.
  - If the PDC case does not resolve upon resolution of the felony case, the PDC case will be sent back to 1156 or 1159 for judge assignment.
3. **Arrest & Detention Order Issued Because of New Charge.** When a new charge is the basis for an A & D, the A & D will be assigned to the judge with the new charge unless otherwise ordered by the sentencing judge or the judges' teammate. If the revocation is on a misdemeanor Domestic case, the new misdemeanor charge will be set to the DV calendar with the DV revocation. The DV judge may later decide to send the new misdemeanor charge back to the originating calendar. This policy applies to Minneapolis arrest and detention orders only.
4. **New Misdemeanor with a Pending Felony.**
  - Misdemeanors and gross misdemeanors will tag with felonies, absent a demand for a speedy trial. (*Exception:* Domestic violence misdemeanors and gross misdemeanors will not tag with PDC felonies.)
  - Court staff will request a plea offer using the MGMFF email process. The request for an offer will be noted in MNCIS as will any plea offer.

- Except in DWI and Domestic cases, if MNCIS reflects a timely MGMFF request (7 days notice), but no plea offer, the tagging misdemeanor/gross misdemeanor case will be dismissed without prejudice.
  - *Domestic Violence Team Exception*: the prosecutor's failure to put an offer in MNCIS shall not be grounds for dismissal.
  - Tagging misdemeanors and gross misdemeanors which do not resolve with the felony will be referred back to the appropriate pretrial calendar.
  - *Domestic Violence Team Exception*: no tagging domestic violence case can be resolved with the felony unless the domestic violence prosecutor is present or has waived his or her presence in writing or as reflected in MNCIS.
  - To avoid multiple presentence investigation reports, the parties shall make good faith efforts to resolve tagging domestic violence cases with the felony. When a tagging domestic violence case is resolved with a felony, the court's probation referral must note that the presentence investigation report shall address the domestic violence case as well as the serious felony.
5. **New Speedy Trial Demand Misdemeanor with a Pending Felony**: If a speedy trial demand is made on a misdemeanor, the case will NOT tag with the pending serious felony case. The speedy trial demand misdemeanor will be handled separately and by the appropriate misdemeanor team.
  6. **Felony with Co-Defendants**: The judge assigned to the first case involving co-defendants will also be assigned the remaining co-defendant cases.
  7. **Multiple Non-Domestic Misdemeanors**. New misdemeanor cases will be scheduled along with the existing pretrial of the first case pending, regardless of the case type for the team (e.g., the first case is a DAC and the new case is a Trespass, the Trespass will tag with the DAC.)
    - Unresolved Minneapolis misdemeanors will stay with the judge assigned to the original/first case pending, regardless of the case type.
    - This rule does not apply to suburban cases. Suburban cases will continue to be scheduled to the appropriate suburban courthouse.
  8. **Domestic Violence Misdemeanor with Non-Domestic Misdemeanor**. If a defendant has two misdemeanors and/or gross misdemeanors and one of the misdemeanors and/or gross misdemeanors is a domestic, the non-domestic case will be handled by the DV judge and tag with the DV case.

### **C. OMNIBUS HEARINGS and PRETRIALS**

1. **Omnibus Hearings**. *Felonies*. Omnibus hearings will be set on approximately 4 weeks from the first Arraignment Calendar appearance, unless otherwise ordered by the judge.
  - *Settings*. Unless otherwise ordered by the judge, Omnibus Hearings will not be set on Mondays and with these case limits:
    - 9:00am – 3 settings
    - 10:00am – 3 settings
    - 11:00am – 1 setting
    - 1:30pm – 4 settings

2. **Request for Public Defender Appointment at Omnibus Hearing-Felonies.** A defendant seeking public defender appointment at the omnibus hearing will need to have two hearing dates scheduled: 1) back to the felony first appearance calendar for the appointment, and 2) a return OM date back to the assigned judge. If the newly appointed PD is not available on the return date, the PD shall contact the judge's chambers to reschedule.
3. **Pretrials.** *GM/M.* The first pretrial date should generally be set within 60 days after the first appearance and may be given by the courtroom clerk.
  - *Limit on Number of Pretrials.* The sitting judge must approve any dates if the calendar has more than 30 cases already scheduled.
  - *Continued Pretrials.* If the purpose of the request to continue the pretrial is to satisfy conditions in order to be eligible for a CWOP, the case should be continued back to the pretrial calendar and the case should NOT be assigned. If the purpose of the request to continue the pretrial is to determine if the defendant is eligible for the Driver Diversion Program, the case should NOT be assigned. In any other instance, the case should be assigned. If a request is made for a continued pretrial date WITHOUT setting a jury trial date, the judge is to provide comments regarding the reason for the continued pretrial date. The clerk will enter the comments in MNCIS.
  - *Accelerated Pretrials.* Upon judge approval, a request for an accelerated pretrial on in custody misdemeanor cases may be scheduled on the mandatory arraignment calendar. The pretrial conference must be scheduled in the same week that the request is made.
  - *Subsequent Pretrial Dates.* Subsequent pretrial dates may be approved by the sitting judge and provided to the courtroom clerk. The trial date does not change.
  - *Trial Date Setting.* Absent good cause, a trial date (with or without a future pretrial date) will be set at the first pretrial conference. The trial date must be approved by the assigned judge.
  - *Restitution.* If restitution needs to be considered AND the case is not a CWOP, the case should get a trial date before the assigned judge.
  - *60 Day Rule.* Adhering to the 60 Day Rule encouraged but may be modified by the assigned judge.

#### **D. TRIALS**

1. **Petty Misdemeanor Court Trial.** *Petty Misdemeanor.* Minneapolis Court Trials will be set to the Minneapolis Court Trial calendar and will be heard by a Referee. The case will be unassigned when the Court Trial date is set.

St Anthony petty misdemeanor court trials will be scheduled at 11:00am on the 1<sup>st</sup> and 3<sup>rd</sup> Wednesday in Courtroom 142.

2. **Speedy Trial Demand.** *M/GM.* If the assigned judge cannot accommodate the speedy trial demand due to a scheduling conflict (mandatory calendar, in trial, unavailable), the judge will contact a different judge on their team to either handle the speedy trial or handle the scheduling conflict. If the judge cannot find coverage within their team, the judge should contact the 4<sup>th</sup> Criminal Block Judges and/or the 4<sup>th</sup> Civil Judges. An email should not be sent out to 4<sup>th</sup> All Judges.
3. **Help with Trials.** A judge who has multiple cases requesting a trial may refer the extra trial(s) to other judges on their team. If a judge from the team is not available, the judge

should contact the 4<sup>th</sup> Criminal Block Judges and/or the 4<sup>th</sup> Civil Judges. An email should not be sent out to 4<sup>th</sup> All Judges. Likewise, team judges who resolve their trials should volunteer to take excess trials from other team judges.

4. **Notice of Trial Priority.** Judges will attempt to notify attorneys of their trial order in the week prior to the scheduled trial.

Chambers should notify the lead Minneapolis City Attorney of the trial priority.

5. **Coordination with Other Team Judges.**

- Judges should not start a trial with a lawyer who has a trial set with another judge before it has been determined which case has “priority” (priority is based on in-custody status, level of case, age of case, and number of prior trial continuances).
- Also lawyers should be given a reasonable amount of time to appear on and handle all their scheduled trials before starting one of them.

6. **Subpoenas.** *GM/M* cases. Prosecutors need not serve trial subpoenas until the day after the pretrial conference.

## **E. SENTENCING**

1. **Pre Plea Investigations.**

- *Felonies.* Probation will not accept or complete PPI referrals unless an “Informed Consent for Pre-Pleas on Felony Investigation” form is completed and forwarded to probation and the defendant takes responsibility for his offense.
- *Felonies.* Moreover, probation will not accept PPI referrals: (1) in presumptive probation cases, unless it is indicated that a gross misdemeanor disposition is being considered or (2) in presumptive prison cases where the only question is the amount of time the defendant will serve (as opposed to whether there should be a departure).

2. **Pre Plea Investigation/Pre Sentence Investigation Turnaround Time.**

- *Felonies.* The turnaround time for felony presentence or pre-plea investigations is 3 weeks for in-custody defendants and 6 weeks for out-of-custody defendants. Sentencing hearings should be scheduled 4 weeks out for in-custody defendants and 7 weeks out for out-of-custody defendants.
- *Felonies.* Probation will email the judge and their staff the PSI or PPI three business days prior to the sentencing date. The PSI and PPI may also be sent via email to attorneys.
- *M/GMs.* Pre-sentence or pre-plea investigations should be ordered on an exception only basis.

3. **Probation Officer Appearance.** *Felonies.* The probation officer who prepared the PSI will not appear at sentencing unless requested to do so by the court or a party. The probation officer will make one substantial appearance on a case and as requested by the Judge or a party.

4. **Attach Sentencing Form to Blues.** Please attach a copy of your completed Sentencing Form to the Blues after your sentencing hearings. (If you do so, it will be unnecessary for clerk to fill out the Blues sentencing portion.)

5. **PSI's in Prison Commit Cases.** *Felonies.* Judges may decide not to request PSI's in prison commit cases where the length of the commitment is already set (either by negotiation or by a mandatory/mandatory sentence) or in cases where the judge does not need any further information from probation.
6. **Guidelines Worksheet.** *Felonies.* If a case is referred to probation for a presentence investigation, a guidelines worksheet will be completed as a matter of course. If the case is not referred to probation for a presentence investigation, the case must still be referred to probation for a guidelines worksheet. This is true even if a gross misdemeanor or misdemeanor sentence is imposed on the felony charge.
7. **Random Testing.** Judges do not automatically need to order random testing whenever a defendant is ordered to abstain from chemicals as a condition of probation. Also, the extent of testing, if any, can be delegated to probation.
8. **Restitution.**
  - After charging of an HCAO case, HCAO victim witness will seek restitution information from the victim. For city attorney cases, the city attorney is responsible for getting restitution information from the victim.
  - If a PSI is done, the loss amount may be set out in PSI completed by DOCCR.
  - The prosecutor and defense counsel will try to agree on restitution at or before sentencing.
  - If the Court can make a determination, the Court will set restitution at sentencing. The Court will sign a Restitution Findings and Order which will be supplied by the prosecutor. The Order will appear as an entry in MNCIS. If the Court reserves restitution, MNCIS will reflect that in the sentencing.
  - A Restitution Referral Tracking Form (RTF) will be completed by the defendant/defense counsel at the request of the prosecutor, preferably at sentencing. .
  - If restitution is reserved in HCAO cases, the HCAO restitution unit will attempt to determine a restitution amount. If an amount cannot be determined, the case will be closed. If an amount can be determined, the HCAO will submit to the court a claim for restitution pursuant to Minn. Stat. § 611A.04 together with a proposed Restitution Findings and Order (same form referenced in paragraph 4). A copy of the proposed Restitution Findings and Order will be sent to the defense. The court may order restitution in the amount of the claim, a different amount, or deny the claim in its entirety. If the claim is denied, the case will be closed. An order granting or denying a claim for restitution must be filed and entered into MNCIS.
  - If restitution is reserved in a city attorney case, the city attorney must determine the restitution amount and submit the claim to the court as provided above.
  - In felony cases where restitution is the only condition of probation (other than workhouse, remaining law abiding and providing DNA sample), the defendant will still meet with probation and will be informed of certain conditions that are imposed as a matter of law such as firearms restrictions and limitations on voting rights.
  - Once a restitution order has been signed, the case may be forwarded to the HCAO restitution billing unit. The HCAO billing unit will not be able to collect restitution unless it has (1) a signed restitution order, (2) defendant/obligor information, including social security number (3) victim contact information.
  - HCAO restitution billing unit will enter cases in FTS, the system DOCCR currently uses to track restitution and to electronically submit cases to the Department of Revenue for revenue recapture.

- Defendants will be mailed form letter setting forth the total amount owed and payment instructions. The letter will also inform defendants:
  - a. If they owe \$200 or less, they have 90 days to pay in full. If they owe \$201 to \$500, they have 180 days to pay in full. If they owe more than \$500, they have one year to pay.
  - b. If they make no payment with the first 60 days, the matter will be referred to the Department of Revenue for revenue recapture and collection.
  - c. If payment is not made in full, the matter will be referred to the Minnesota Department of Revenue for revenue recapture and collections.
  - d. If the matter is referred to the Department of Revenue for collection, a twenty percent collection fee will be added.
  - e. At the time the matter is referred to the Department of Revenue, any unpaid balance will be filed as a civil judgment.
  - f. If the defendant disagrees with the restitution amount, they must object within 30 days.
    - HCAO restitution collections may extend the period before the matter is referred to the Department of Revenue for collection, if the extension would be in the interest of the victim.
    - DOCCR will not rely on nonpayment of restitution as the sole basis to seek revocation, but may, in its discretion, raise nonpayment as an additional basis for revocation.
    - Before sending a matter to the Department of Revenue for collection, the HCAO restitution unit will work with the victim(s) to docket the unpaid balance as a civil judgment. Before docketing the civil judgment, the HCAO will obtain from the judge who ordered restitution a separate Order for Judgment. The Order for Judgment will set forth the amount remaining unpaid at the time of referral to the Department of Revenue. The Order for Judgment will be filed along with an Affidavit of Identification.

## **F. PROBATION VIOLATIONS**

1. **First Appearance.** Probation revocation first appearances will be scheduled on the appropriate Arraignment Calendar to address bail.
2. **Continued First Appearance on Felony Revocation Calendar.** If not resolved, the case will then be scheduled at 10:00am any day of the week\* at the Government Center. Unresolved cases will be blocked to that judge.

\*NOTE: The Felony Revocation calendar will not be held on the 1<sup>st</sup>/3<sup>rd</sup> Wednesday (St. Anthony) and the 4<sup>th</sup> Wednesday (COAT) of each month.

Probation will confirm the Public Defender's availability for the 10:00am felony revocation appearance. If the Public Defender is not available on the scheduled date, Probation will find a new date. Probation will cancel the old revocation date and notify the Clerk's office of the new date.

3. **Morrissey Hearing Judge Assignments.** *GM/M.* Morrissey hearings will be handled by the Pretrial Calendar judge.

4. **Sentencing Judge and Violations.** The sentencing judge should note in MNCIS whether probation revocations are to be returned to them.
  - *Cases sentenced prior to September 13, 2010.* In these cases, the Probation Officer will contact the sentencing judge when the defendant appears on the Arraignment Calendar to determine whether he or she would like the case returned.
  - *Sentencing Judge Handles Case.* If the sentencing judge wants the case back, probation will schedule a subsequent appearance before the sentencing judge and notify the attorneys.
  - *Pretrial Judge Handles Case. GM/M:* If the sentencing judge does NOT want the case back, the case will be scheduled before and handled by the Pretrial Calendar Judge of the appropriate team.
    - He or she may consult the sentencing judge for information or input.
5. **Arrest and Detention Orders.**
  - *Felonies.* When a defendant is arrested on multiple A&D's that are issued from both PDC and the felony teams, the first appearance on the A&D's will be scheduled at the Felony Arraignment Calendar. The probation officer will then schedule a hearing on the 10:00am Felony Revocation calendar unless the felony judge agrees that the case may be heard on the PDC calendar.
  - *GM/M.* At the time an A & D is issued, the supervising probation officer will write a report (A & D report) which will describe the defendant's progress while on probation and the reasons for the A & D. The A & D report will include information about prior violations, the jail credit due the defendant, and a recommended disposition.
    1. If there is sufficient probation staffing on the morning of the defendant's first appearance in court, an on duty probation officer will interview the defendant and update the A & D report with relevant information (if any) and, if appropriate, make a new recommendation. The updated A & D report will be provided to the judge by 10 am. The on duty probation officer need not appear in court when the case is called, but will be available to talk to the judge by telephone.
    2. If there is insufficient probation staffing on the morning of the defendant's first appearance in court, the defendant will not be interviewed by an on duty probation officer and the A & D report will not be updated. Probation will give the judge written notice of this situation by 8:30 am. If the judge is unable to resolve the case without an updated A & D report, the judge may contact an on duty probation officer by phone to direct that an updated oral or written report be made.

## **G. REFERRAL TO PROBLEM SOLVING COURTS**

1. **Consent Requirement.** Referrals to the Veteran Court, the Criminal Mental Health Court, and the D.W.I. Court must be agreed to by both the prosecutor and defense, except that presumptive probation felony DWI referrals to DWI court may be made on a straight plea basis.
2. **Scheduling.** Cases should be set as follows:
  - *Veteran Court Calendar.* Provide the defendant with the Veteran Court Screening Referral instructions.

*Felonies and GM/M.* Schedule two weeks out on Mondays at 2PM in C1659.  
*Criminal Mental Health Calendar:* Provide the defendant with the Criminal Mental Health Court Screening Referral instructions.

*GM/M.* Schedule on Wednesdays at 10AM in C1659.

*Felonies.* Schedule felonies on Thursdays at 10am in C1659.

- *GIFT:*  
*GM/M:* Schedule on the second to the last Tuesday of the month at 10am in C1659.
- *St. Stephens:*  
*GM/M:* Schedule on the second to the last Tuesday of the month at 9am in C1659.
- *Return Dates on Referring Court's Calendar:*  
For the Veteran, Mental Health, GIFT, and St. Stephens calendars, a return date need not be set on the Referring Court's calendar. If the defendant is accepted into the problem solving court, the case will stay on that court's calendar for all future proceedings, including *Morrissey* hearings. If the defendant is not accepted, the problem solving court clerk will schedule a return date on the Referring Court's calendar. *Rasmussen* issues should be resolved by the Referring Court prior to a referral to a problem solving court.
- *DWI Court-GM/M:* Set a return date on the Referring Court's Calendar 4 weeks out. This date will be cancelled if the case is accepted by DWI Court. The defense attorney is to give the defendant the DWI Court brochure. The clerk is to call the DWI Court judge's chambers to obtain an available date. Instruct the defendant to arrive at 7:45 for orientation and the attorney to arrive at 10:00 on C8.
- *DWI Court-Felonies:* Criminal block judges may refer presumptive probation felony DWI cases to DWI court using the following procedures:
  - e. The clerk is to call the DWI Court judge's chambers to obtain an available date for a Thursday screening at 7:45am. This can be done pursuant to a guilty plea or on a pre-plea basis. At this stage, the assigned judge must NOT order a pre plea investigation or pre-sentence investigation. The assigned judge should give notice to the DWI court staff that the case has been referred.
  - f. The assigned judge will schedule a reappearance on his or her calendar at least 21 days after the Thursday, DWI court screening. During this time, the defendant will be on a conditional release which will require that the defendant comply with the rules of DWI court.
  - g. Within the 21 days, the DWI court will provide a document to the assigned judge saying whether or not the defendant has been accepted in DWI court.
    - If accepted, the document will also provide for the conditions of DWI court probation, except jail time. Jail time will be determined by the assigned judge. The assigned judge will sentence in accordance with the DWI court recommended conditions. The sentencing order will include a provision saying that the DWI court judge is authorized to modify probation conditions or revoke probation to the same extent as the assigned judge could have, had the case stayed with the assigned judge. The DWI court will then supervise probation. The DWI court will notify the County Attorney's Office about any potential contested *Morrissey* hearings.
    - If not accepted, the case will remain with the assigned judge.
  - h. Criminal block judge referrals to DWI court must be done on an out of custody basis. This is required by the DWI court screening process (e.g., having the defendant observe review hearings).



### 3. **Documents Regarding Mental Health/Veterans' Court**

*GM/M.* When making the referral the prosecutor shall fax police reports, complaints, Rule 20 evaluations and presentence or pre-plea reports.

*Felonies.* Probation will photocopy the case file information and forward it to the Veterans Court of Mental Health Court.

## H. **PSYCHOLOGICAL SERVICES**

1. **Rule 20.01 Scheduling.** If the defendant is in custody, the subsequent appearance date should be set no sooner than ten working days out in misdemeanor/gross misdemeanor cases and no sooner than fifteen working days out in felony cases.

*GM/M.* The subsequent appearance should be scheduled to the Criminal Mental Health Court judge. If the defendant is out of custody, the subsequent appearance date should be set no sooner than four weeks out and to the Criminal Mental Health Court calendar. Referrals to the Criminal Mental Health Court must be agreed to by both the prosecutor and defense.

*Felonies.* The subsequent appearance should be scheduled on the judges CR block time.

2. **Rule 20.01 Screening.** Psych. Services will – upon request from the judge and with the consent of both parties - provide a preliminary screening exam in 20.01 cases.

3. **Rule 20.01 Felony Reviews.** When a judge finds a defendant incompetent under Rule 20.01 and refers him or her for civil commitment, the 6 month review hearing in the criminal case should be scheduled on the judge's own calendar (not on the probate/mental health calendar).

4. **Ordering a Psychological Evaluation.** Judges should consider the following when ordering a psychological evaluation:

- Unless a full psychological evaluation report is requested by the judge, psychological services will submit a summary report only.
- Judges should order pre-plea psychological evaluations only in presumptive prison commit cases when the judge is considering a dispositional departure.
- In presumptive commit cases, judges should order presentence psychological investigations only when the judge is considering a dispositional departure or if the defendant is a repeat sex offender.
- During the presentence investigation phase of a case in which the judge did not initially order a psychological evaluation, judges should not grant a probation officer's request for a psychological evaluation unless the probation officer first consulted with Dr. Panciera about the need for the evaluation.
- Judges should not order psychological services to do post sentencing mental health evaluations. Corrections must utilize community resources for such evaluations.
- Judges should not order psychological evaluations for *Morrissey* hearings unless there is a question of competency or other extraordinary circumstances exist.

## I. **OTHER**

1. **Bail Evaluations.** *Felonies.* The judges assigned to the Felony Arraignment Calendar will take the bail evaluations for the cases that they were assigned with them at the end of each day. The bail evaluation is NOT to be kept in the court file.

2. **PD Eligibility for St. Anthony and COAT Calendar:** From September 16 to December 31, 2010, on the 1<sup>st</sup> & 3<sup>rd</sup> Wednesday for St. Anthony, and on the 4<sup>th</sup> Wednesday for the COAT calendars, the Public Defender assigned to the Domestic Violence Calendar will accept cases from these calendars. The eligibility list for those 8:30 a.m. calendars will be delivered to the attorneys in Courtroom 143 as soon as it is available. The attorneys will not go to Courtroom 142 unless there are eligible defendants identified.
3. St Anthony petty misdemeanor court trials will be scheduled at 11:00am on the 1<sup>st</sup> and 3<sup>rd</sup> Wednesday in Courtroom 142.
4. **Notice to Remove**
  - **Pretrials/Court Trials-The following procedure should be followed when a Notice to Remove is filed on a judge presiding over a calendar at the Government Center.**
    - a. Notices to remove will be **immediately** forwarded to the teams' Lead Judge for re-assignment to another judge on that team.<sup>[1]</sup> Parties should immediately report to the team lead judge or co-lead judge for case reassignment. In most instances, a judge will be found to preside over the hearing at that time. If a judge cannot be located, a tracking date of one week will be set back to the calendar from which the notice to remove originated.

[1] The lead judge's chamber staff will email the '4th Criminal Assignment Grid' email group with the new assignment. The tracking date will be cancelled by the newly assigned judge's chambers when the new hearing date is set.

- **Arraignments. The following procedure should be followed when a Notice to Remove is filed on a judge presiding over a calendar at the Public Safety Facility.**
    - Removed cases should be referred to the judge in the adjacent courtroom. For example, if a notice to remove is filed in Community Court the judge in Domestic Violence Court should handle the case and vice versa. If a notice to remove is filed in Serious Traffic the case should be referred to the Felony First Appearance calendar and vice versa.
    - The removed cases will be heard at the end of the replacement judge's calendar, unless that judge orders otherwise.
    - The removed cases will be assigned to a judge in the appropriate team, as directed by that team's lead judge.
5. **Assignment of EJJ Cases.** The Criminal Presiding Judge or Assistant Criminal Presiding Judge will assign EJJ cases.
  6. **Petitions to Reinstate Bonds:**

*Felonies.* Petitions to reinstate a bond will be directed to the judge to whom the case was assigned.  
*GM/M.* Petitions to reinstate a bond will be directed to the signing judge.
  7. **Pro Se Defendants.**

*GM/M.* All unresolved *pro se* cases must go before the sitting judge to be addressed, except for outright dismissals. Prosecutors are to complete the plea petition and factual basis with *pro se* defendants prior to appearing before the judge.

8. **Hearing Reminder Slips.** Hearing reminder slips must be signed by the defendant.
9. **Continuance Requests.** Court Administration may not continue DWI related cases without prior judge approval. Cases must be referred to the assigned judge. Unassigned cases must be referred to the sitting judge on the appropriate calendar.
10. **Discovery.** Prosecutors shall make a good faith effort to provide discovery within a reasonable amount of time prior to the pretrial date.

**COMMUNITY COURT TEAM BLOCKING PILOT BUSINESS RULES-  
FELONY AND MISDEMEANOR**

**A. CASELOAD ASSIGNMENTS**

1. **Felony Assignment.** A judge team will be assigned at filing. When the case ultimately appears on the Felony Arraignment Calendar, the case will be assigned to the *assigned presiding judge* if he or she is on the assigned team. If that judge is not on the assigned team, the case will be assigned to the judge handling the *misdemeanors pretrials* for the assigned team that day.
2. **Gross misdemeanor and Misdemeanor (M/GM) Assignment.** M/GM community court cases will be assigned at the first “actual” pretrial conference (i.e., defendant is present) to the judge presiding at that calendar.
  - *Bench Warrants.* If a bench warrant is issued for failure to appear on the Community Court calendar, the case will not be assigned to a judge until the defendant actually appears.
  - *Cases Resolved at or before Pretrial.* M/GM cases resolved at or prior to the pretrial are not assigned. If a plea is taken at arraignment or pretrial, and the PSI cannot be completed that same day, the sentencing may be set on any of the appropriate Team’s arraignment or pretrial calendars.
  - *Pleas after 1<sup>st</sup> Pretrial.* A plea hearing may be scheduled in front of any community court team judge between the 1<sup>st</sup> pretrial and trial date. The judge assigned to hear the trial will not change.
  - *In Custody Speedy Trial Demands.* If there is a speedy trial demand in a M/GM case, a pretrial date must be set (gross misdemeanors within 30 days and misdemeanors within 5 days). The case will be assigned to the pretrial judge, not the arraignment judge before whom the speedy trial demand was made.
3. **Substitute Judges.**
  - *Felonies and M/GM:* If a substitute judge handles a calendar, the substitute judge is *not* assigned the cases from that calendar. Rather, the originally assigned judge keeps all cases that were handled by the substitute judge.
4. **Block Judge Replacement**

Post-conviction petitions and cases reversed on appeal will be assigned to the judge who presided over the trial or plea (dispositional judge) if that judge remains on the bench. If the dispositional judge remains on the bench but is no longer handling the case type; and, if the new proceedings will likely require an evidentiary hearing or a new trial, the dispositional judge may ask the Chief Judge or his designee to reassign the case.

If the dispositional judge is no longer on the bench, or if the Chief Judge or his designee agrees to the dispositional judge’s request to reassign the case, the case should be referred to the appropriate team leader, as described below, who will then make the assignment.

- If the case is a misdemeanor, the case should be referred to the team leader responsible for that misdemeanor case type.
- If the case is a serious felony, the case should be referred to the team leader of the team handling the felony first appearance calendar during the week the referral is made.

5. **Mandatory Calendar Schedule for Community Court Team Judges.**

8:30 Arraignments (in PSF Courtroom 141)

1:30 Pretrials (in the Judge's courtroom in the GC)

1:30pm Felony Arraignments will be held in PSF Courtroom 142

10:00am Felony Revocation Hearings will be held in the Judge's courtroom in the GC

8:30 Inherent expungements Friday only in Judge's courtroom in GC

Omnibus Hearings will be held in the Judge's courtroom in the GC.

Trials, Rasmussen Hearings, continued Omnibus Hearings, Post-Conviction Hearings, Restitution hearings will be held in the Judge's courtroom in the GC on his or her personal calendar.

**B. TAGGING RULES**

*Gross misdemeanor and misdemeanors cases that are tagging with a felony will be assigned to the felony judge that the tagging case is scheduled before. If the gross misdemeanor or misdemeanor is NOT resolved with the felony, the gross misdemeanor or misdemeanor will be unassigned and scheduled back to the appropriate gross misdemeanor/misdemeanor calendar for a new judge assignment.*

1. **New Felony Case and an Existing Felony Case.** If the defendant is charged with a new felony while there is a pending felony, both felonies will be handled by the judge assigned to the existing felony (unless otherwise ordered by the judge).
2. **Felony Case and a PDC Case:** New or pending PDC cases will always be tagged with new or pending felony cases and be handled by the assigned felony judge.
  - If the PDC case does not resolve upon resolution of the felony case, the PDC case will be sent back to 1156 or 1159 for judge assignment.
3. **New Felony Arrest & Detention Order with a Pending Felony.** A&D matters appearing on the Felony Arraignment Calendar while an unrelated felony is pending shall be assigned to the judge handling the felony.
4. **Arrest & Detention Order Issued Because of New Charge.** When a new charge is the basis for an A & D, the A & D will be assigned to the judge with the new charge unless otherwise ordered by the sentencing judge or the judges' teammate. If the revocation is on a misdemeanor Domestic case, the new misdemeanor charge will be set to the DV calendar with the DV revocation. The DV judge may later decide to send the new misdemeanor charge back to the originating calendar. This policy applies to Minneapolis arrest and detention orders only.
5. **New Misdemeanor with a Pending Felony.**
  - Misdemeanors and gross misdemeanors will tag with felonies, absent a demand for a speedy trial. (*Exception:* Domestic violence misdemeanors and gross misdemeanors will not tag with PDC felonies.)
  - Court staff will request a plea offer using the MGMFF email process. The request for an offer will be noted in MNCIS as will any plea offer.
  - Except in DWI and Domestic cases, if MNCIS reflects a timely MGMFF request (7 days notice), but no plea offer, the tagging misdemeanor/gross misdemeanor case will be dismissed without prejudice.

- *Domestic Violence Team Exception*: the prosecutor's failure to put an offer in MNCIS shall not be grounds for dismissal.
  - Tagging misdemeanors and gross misdemeanors which do not resolve with the felony will be referred back to the appropriate pretrial calendar.
  - *Domestic Violence Team Exception*: no tagging domestic violence case can be resolved with the felony unless the domestic violence prosecutor is present or has waived his or her presence in writing or as reflected in MNCIS.
  - To avoid multiple presentence investigation reports, the parties shall make good faith efforts to resolve tagging domestic violence cases with the felony. When a tagging domestic violence case is resolved with a felony, the court's probation referral must note that the presentence investigation report shall address the domestic violence case as well as the serious felony.
6. **New Speedy Trial Demand Misdemeanor with a Pending Felony**: If a speedy trial demand is made on a misdemeanor, the case will NOT tag with the pending serious felony case. The speedy trial demand misdemeanor will be handled separately and by the appropriate misdemeanor team.
  7. **Felony with Co-Defendants**: The judge assigned to the first case involving co-defendants will also be assigned the remaining co-defendant cases.
  8. **Multiple Non-Domestic Misdemeanors**. New misdemeanor cases will be scheduled along with the existing pretrial of the first case pending, regardless of the case type for the team (e.g., the first case is a DAC and the new case is a Trespass, the Trespass will tag with the DAC.)
    - Unresolved Minneapolis misdemeanors will stay with the judge assigned to the original/first case pending, regardless of the case type.
    - This rule does not apply to suburban cases. Suburban cases will continue to be scheduled to the appropriate suburban courthouse.
  9. **Domestic Violence Misdemeanor with Non-Domestic Misdemeanor**. If a defendant has two misdemeanors and/or gross misdemeanors and one of the misdemeanors and/or gross misdemeanors is a domestic, the non-domestic case will be handled by the DV judge and tag with the DV case.

### **C. CONTINUANCES**

1. **Referring Defendant to Attorney**. If a defendant requests a continuance AND they have an attorney, notify the defendant that they should contact their attorney to obtain a new date. Do not forward continuance requests from a represented defendant to a judge.
2. **Unassigned Cases**. A request to continue an unassigned case or a pretrial date of an assigned case shall be referred to the sitting judge of the applicable mandatory calendar on the day the continuance request is made. The continuance request may be referred to the sitting judge in the courtroom when the parties are present. If the request is made by telephone, the attorneys should be directed to email the sitting judge and the judge's staff with a copy to opposing counsel.
3. **Assigned cases**. All requests for continuances of the trial date will be directed to the assigned Judge or his or her staff.

4. **Time to Hire an Attorney.** When a defendant requests additional time to hire a private attorney, the decision to set the case for a continued arraignment or pretrial should be made on a case by case basis and by the sitting judge. If it appears that the defendant is not eligible for a public defender, set the case for pretrial. If it appears the defendant is eligible for a public defender, the case should be scheduled as a continued arraignment. If necessary, for a newly hired attorney, at the pretrial additional time may be provided.

#### **D. OMNIBUS HEARINGS and PRETRIALS**

1. **Omnibus Hearings.** Omnibus hearings will be set on approximately 4 weeks from the first Arraignment Calendar appearance, unless otherwise ordered by the judge.
  - *Settings.* Unless otherwise ordered by the judge, Omnibus Hearings will not be set on Mondays and with these case limits:  
  
9:00am – 3 settings  
10:00am – 3 settings  
11:00am – 1 setting  
1:30pm – 4 settings
2. **Request for Public Defender Appointment at Omnibus Hearing-Felonies.** A defendant seeking public defender appointment at the omnibus hearing will need to have two hearing dates scheduled: 1) back to the felony first appearance calendar for the appointment, and 2) a return OM date back to the assigned judge. If the newly appointed PD is not available on the return date, the PD shall contact the judge's chambers to reschedule.
3. **Pretrials.** The first pretrial date should generally be set within 60 days after the first appearance. The first pretrial date may be given by the courtroom clerk.
  - *Limit on Number of Pretrials.* The sitting judge must approve any dates if the calendar has more than 30 cases already scheduled.
  - *Subsequent Pretrial Dates.* Subsequent pretrial dates may be approved by the sitting judge and provided to the courtroom clerk. The trial date does not change.
  - *Accelerated Pretrials.* Upon judge approval, a request for an accelerated pretrial on in custody misdemeanor cases may be scheduled on the mandatory arraignment calendar. The pretrial conference must be scheduled in the same week that the request is made.
  - *Trial Date Setting.* Absent good cause, a trial date (with or without a future pretrial date) will be set at the first pretrial conference. The trial date must be approved by the assigned judge.
  - *Complaint Demand.* If a complaint demand is made at the arraignment, the complaint demand return is to be scheduled at the pretrial (demands cannot be made once a plea is entered.)

#### **E. TRIALS**

1. **Speedy Trial Demand.** *M/GM.* If the assigned judge cannot accommodate the speedy trial demand due to a scheduling conflict (mandatory calendar, in trial, unavailable), the judge will contact a different judge on their team to either handle the speedy trial or handle the scheduling conflict. If the judge cannot find coverage within their team, the judge should

contact the 4<sup>th</sup> Criminal Block Judges and/or the 4<sup>th</sup> Civil Judges. An email should not be sent out to 4<sup>th</sup> All Judges.

2. **Help with Trials.** A judge who has multiple cases requesting a trial may refer the extra trial(s) to other judges on their team. If a judge from the team is not available, the judge should contact the 4<sup>th</sup> Criminal Block Judges and/or the 4<sup>th</sup> Civil Judges. An email should not be sent out to 4<sup>th</sup> All Judges. Likewise, team judges who resolve their trials should volunteer to take excess trials from other team judges.
3. **Notice of Trial Priority.** Judges will attempt to notify attorneys of their trial order in the week prior to the scheduled trial.

Chambers should notify the lead Minneapolis City Attorney of the trial priority.

4. **Coordination with Other Team Judges.**
  - Judges should not start a trial with a lawyer who has a trial set with another judge before it has been determined which case has “priority” (priority is based on in-custody status, level of case, age of case, and number of prior trial continuances).
  - Also lawyers should be given a reasonable amount of time to appear on and handle all their scheduled trials before starting one of them.

## **F. SENTENCING**

1. **Scheduling the Sentencing.**
  - *M/GMs.* When a guilty plea is taken, the sentencing should be returned to the calendar from which the plea was taken (arraignment or pretrial) for sentencing, unless otherwise agreed upon by all parties.
2. **Pre Plea Investigations.**
  - *Felonies.* Probation will not accept or complete PPI referrals unless an “Informed Consent for Pre-Pleas on Felony Investigation” form is completed and forwarded to probation and the defendant takes responsibility for his offense.
  - *Felonies.* Moreover, probation will not accept PPI referrals: (1) in presumptive probation cases, unless it is indicated that a gross misdemeanor disposition is being considered or (2) in presumptive prison cases where the only question is the amount of time the defendant will serve (as opposed to whether there should be a departure).
3. **Pre Plea Investigation/Pre Sentence Investigation Turnaround Time.**
  - *Felonies.* The turnaround time for felony presentence or pre-plea investigations is 3 weeks for in-custody defendants and 6 weeks for out-of-custody defendants. Sentencing hearings should be scheduled 4 weeks out for in-custody defendants and 7 weeks out for out-of-custody defendants.
  - *Felonies/M/GMs.* Probation will email the judge and their staff the PSI or PPI at least three business days prior to the sentencing date. The PSI and PPI may also be sent via email to attorneys.
  - *M/GMs.* The turnaround time for M/GM presentence or pre-plea investigations is one week.

4. **Probation Officer Appearance.** The probation officer who prepared the PSI will not appear at sentencing unless requested to do so by the court or a party. The probation officer will make one substantial appearance on a case and as requested by the Judge or a party.
5. **Attach Sentencing Form to Blues.** Please attach a copy of your completed Sentencing Form to the Blues after your sentencing hearings. (If you do so, it will be unnecessary for clerk to fill out the Blues sentencing portion.)
6. **PSI's in Prison Commit Cases.** Judges may decide not to request PSI's in prison commit cases where the length of the commitment is already set (either by negotiation or by a mandatory/mandatory sentence) or in cases where the judge does not need any further information from probation.
7. **Guidelines Worksheet.** If a case is referred to probation for a presentence investigation, a guidelines worksheet will be completed as a matter of course. If the case is not referred to probation for a presentence investigation, the case must still be referred to probation for a guidelines worksheet. This is true even if a gross misdemeanor or misdemeanor sentence is imposed on the felony charge.
8. **Random Testing.** Judges do not automatically need to order random testing whenever a defendant is ordered to abstain from chemicals as a condition of probation. Also, the extent of testing, if any, can be delegated to probation.
9. **Restitution.**
  - After charging of an HCAO case, HCAO victim witness will seek restitution information from the victim. For city attorney cases, the city attorney is responsible for getting restitution information from the victim.
  - If a PSI is done, the loss amount may be set out in PSI completed by DOCCR.
  - The prosecutor and defense counsel will try to agree on restitution at or before sentencing.
  - If the Court can make a determination, the Court will set restitution at sentencing. The Court will sign a Restitution Findings and Order which will be supplied by the prosecutor. The Order will appear as an entry in MNCIS. If the Court reserves restitution, MNCIS will reflect that in the sentencing.
  - A Restitution Referral Tracking Form (RTF) will be completed by the defendant/defense counsel at the request of the prosecutor, preferably at sentencing. .
  - If restitution is reserved in HCAO cases, the HCAO restitution unit will attempt to determine a restitution amount. If an amount cannot be determined, the case will be closed. If an amount can be determined, the HCAO will submit to the court a claim for restitution pursuant to Minn. Stat. § 611A.04 together with a proposed Restitution Findings and Order (same form referenced in paragraph 4). A copy of the proposed Restitution Findings and Order will be sent to the defense. The court may order restitution in the amount of the claim, a different amount, or deny the claim in its entirety. If the claim is denied, the case will be closed. An order granting or denying a claim for restitution must be filed and entered into MNCIS.
  - If restitution is reserved in a city attorney case, the city attorney must determine the restitution amount and submit the claim to the court as provided above.
  - In felony cases where restitution is the only condition of probation (other than workhouse, remaining law abiding and providing DNA sample), the defendant will still

meet with probation and will be informed of certain conditions that are imposed as a matter of law such as firearms restrictions and limitations on voting rights.

- Once a restitution order has been signed, the case may be forwarded to the HCAO restitution billing unit. The HCAO billing unit will not be able to collect restitution unless it has (1) a signed restitution order, (2) defendant/obligor information, including social security number (3) victim contact information.
- HCAO restitution billing unit will enter cases in FTS, the system DOCCR currently uses to track restitution and to electronically submit cases to the Department of Revenue for revenue recapture.
- Defendants will be mailed form letter setting forth the total amount owed and payment instructions. The letter will also inform defendants:
  - a. If they owe \$200 or less, they have 90 days to pay in full. If they owe \$201 to \$500, they have 180 days to pay in full. If they owe more than \$500, they have one year to pay.
  - b. If they make no payment with the first 60 days, the matter will be referred to the Department of Revenue for revenue recapture and collection.
  - c. If payment is not made in full, the matter will be referred to the Minnesota Department of Revenue for revenue recapture and collections.
  - d. If the matter is referred to the Department of Revenue for collection, a twenty percent collection fee will be added.
  - e. At the time the matter is referred to the Department of Revenue, any unpaid balance will be filed as a civil judgment.
  - f. If the defendant disagrees with the restitution amount, they must object within 30 days.
- HCAO restitution collections may extend the period before the matter is referred to the Department of Revenue for collection, if the extension would be in the interest of the victim.
- DOCCR will not rely on nonpayment of restitution as the sole basis to seek revocation, but may, in its discretion, raise nonpayment as an additional basis for revocation.
- Before sending a matter to the Department of Revenue for collection, the HCAO restitution unit will work with the victim(s) to docket the unpaid balance as a civil judgment. Before docketing the civil judgment, the HCAO will obtain from the judge who ordered restitution a separate Order for Judgment. The Order for Judgment will set forth the amount remaining unpaid at the time of referral to the Department of Revenue. The Order for Judgment will be filed along with an Affidavit of Identification.

## **G. PROBATION VIOLATIONS**

1. **First Appearance.** Probation revocation first appearances will be scheduled on the appropriate Arraignment Calendar to address bail.
2. **Continued First Appearance on Felony Revocation Calendar.** *Felonies.* If not resolved, the case will then be scheduled at 10:00am any day of the week\* at the Government Center. The Felony First Appearance judge (light blue, dark blue week,) will also handle the Felony Revocation calendar. Unresolved cases will be blocked to that judge.

\*NOTE: The Felony Revocation calendar will not be held on the 1<sup>st</sup>/3<sup>rd</sup> Wednesday (St. Anthony) and the 4<sup>th</sup> Wednesday (COAT) of each month.

Probation will confirm the Public Defender's availability for the 10:00am felony revocation appearance. If the Public Defender is not available on the scheduled date, Probation will find a new date. Probation will cancel the old revocation date and notify the Clerk's office of the new date.

3. **Sentencing Judge and Violations.** The sentencing judge should note in MNCIS whether probation revocations are to be returned to them.
  - *Cases sentenced prior to September 13, 2010.* In these cases, the Probation Officer will contact the sentencing judge when the defendant appears on the Arraignment Calendar to determine whether he or she would like the case returned.
  - *Sentencing Judge Handles Case.* If the sentencing judge wants the case back, probation will schedule a subsequent appearance before the sentencing judge and notify the attorneys.
  - *Pretrial Judge Handles Case.* If the sentencing judge does NOT want the case back, the case will be scheduled before and handled by the Pretrial Calendar Judge of the appropriate team.
    - He or she may consult the sentencing judge for information or input.
4. **Arrest and Detention Orders.**
  - *Felonies.* When a defendant is arrested on multiple A&D's that are issued from both PDC and the felony teams, the first appearance on the A&D's will be scheduled at the Felony Arraignment Calendar. The probation officer will then schedule a hearing on the 10:00am Felony Revocation calendar unless the felony judge agrees that the case may be heard on the PDC calendar.
  - *GM/M.* At the time an A & D is issued, the supervising probation officer will write a report (A & D report) which will describe the defendant's progress while on probation and the reasons for the A & D. The A & D report will include information about prior violations, the jail credit due the defendant, and a recommended disposition.
    1. If there is sufficient probation staffing on the morning of the defendant's first appearance in court, an on duty probation officer will interview the defendant and update the A & D report with relevant information (if any) and, if appropriate, make a new recommendation. The updated A & D report will be provided to the judge by 10 am. The on duty probation officer need not appear in court when the case is called, but will be available to talk to the judge by telephone.
    2. If there is insufficient probation staffing on the morning of the defendant's first appearance in court, the defendant will not be interviewed by an on duty probation officer and the A & D report will not be updated. Probation will give the judge written notice of this situation by 8:30 am. If the judge is unable to resolve the case without an updated A & D report, the judge may contact an on duty probation officer by phone to direct that an updated oral or written report be made.

## **H. REFERRAL TO PROBLEM SOLVING COURTS**

1. **Consent Requirement.** Referrals to the Veteran Court, the Criminal Mental Health Court, and the D.W.I. Court must be agreed to by both the prosecutor and defense, except that presumptive probation felony DWI referrals to DWI court may be made on a straight plea basis.
2. **Consent Requirement.** Referrals to the Veteran Court, the Criminal Mental Health Court, and the D.W.I. Court must be agreed to by both the prosecutor and defense, except that presumptive probation felony DWI referrals to DWI court may be made on a straight plea basis.
3. **Scheduling.** Cases should be set as follows:
  - *Veteran Court Calendar:* Provide the defendant with the Veteran Court Screening Referral instructions. *Felonies and GM/M.* Schedule two weeks out on Mondays at 2PM in C1659.
  - *Criminal Mental Health Calendar:* Provide the defendant with the Criminal Mental Health Court Screening Referral instructions. *GM/M.* Schedule on Wednesdays at 10AM in C1659. *Felonies.* Schedule felonies on Thursdays at 10am in C1659.
  - *GIFT:* *GM/M:* Schedule on the second to the last Tuesday of the month at 10am in C1659.
  - *St. Stephens:* *GM/M:* Schedule on the second to the last Tuesday of the month at 9am in C1659.
  - *Return Dates on Referring Court's Calendar:* For the Veteran, Mental Health, GIFT, and St. Stephens calendars, a return date need not be set on the Referring Court's calendar. If the defendant is accepted into the problem solving court, the case will stay on that court's calendar for all future proceedings, including *Morrissey* hearings. If the defendant is not accepted, the problem solving court clerk will schedule a return date on the Referring Court's calendar. *Rasmussen* issues should be resolved by the Referring Court prior to a referral to a problem solving court.
  - *DWI Court-GM/M:* Set a return date on the Referring Court's Calendar 4 weeks out. This date will be cancelled if the case is accepted by DWI Court. The defense attorney is to give the defendant the DWI Court brochure. The clerk is to call the DWI Court judge's chambers to obtain an available date. Instruct the defendant to arrive at 7:45 for orientation and the attorney to arrive at 10:00 on C8.
  - *DWI Court-Felonies:* Criminal block judges may refer presumptive probation felony DWI cases to DWI court using the following procedures:
    - i. The clerk is to call the DWI Court judge's chambers to obtain an available date for a Thursday screening at 7:45am. This can be done pursuant to a guilty plea or on a pre-plea basis. At this stage, the assigned judge must NOT order a pre plea investigation or pre-sentence investigation. The assigned judge should give notice to the DWI court staff that the case has been referred.
    - j. The assigned judge will schedule a reappearance on his or her calendar at least 21 days after the Thursday, DWI court screening. During this time, the defendant will be on a conditional release which will require that the defendant comply with the rules of DWI court.
    - k. Within the 21 days, the DWI court will provide a document to the assigned judge saying whether or not the defendant has been accepted in DWI court.

- If accepted, the document will also provide for the conditions of DWI court probation, except jail time. Jail time will be determined by the assigned judge. The assigned judge will sentence in accordance with the DWI court recommended conditions. The sentencing order will include a provision saying that the DWI court judge is authorized to modify probation conditions or revoke probation to the same extent as the assigned judge could have, had the case stayed with the assigned judge. The DWI court will then supervise probation. The DWI court will notify the County Attorney's Office about any potential contested Morrissey hearings.
  - If not accepted, the case will remain with the assigned judge.
- I. Criminal block judge referrals to DWI court must be done on an out of custody basis. This is required by the DWI court screening process (e.g., having the defendant observe review hearings).

#### 4. **Documents Regarding Mental Health/Veterans' Court**

*GM/M.* When making the referral the prosecutor shall fax police reports, complaints, Rule 20 evaluations and presentence or pre-plea reports.

*Felonies.* Probation will photocopy the case file information and forward it to the Veterans Court of Mental Health Court.

### I. **PSYCHOLOGICAL SERVICES**

1. **Rule 20.01 Scheduling.** If the defendant is in custody, the subsequent appearance date should be set no sooner than ten working days out in misdemeanor/gross misdemeanor cases and no sooner than fifteen working days out in felony cases.

*GM/M.* The subsequent appearance should be scheduled to the Criminal Mental Health Court judge. If the defendant is out of custody, the subsequent appearance date should be set no sooner than four weeks out and to the Criminal Mental Health Court calendar. Referrals to the Criminal Mental Health Court must be agreed to by both the prosecutor and defense.

*Felonies.* The subsequent appearance should be scheduled on the judges CR block time.

2. **Rule 20.01 Screening.** Psych. Services will – upon request from the judge and with the consent of both parties - provide a preliminary screening exam in 20.01 cases.
3. **Rule 20.01 Felony Reviews.** When a judge finds a defendant incompetent under Rule 20.01 and refers him or her for civil commitment, the 6 month review hearing in the criminal case should be scheduled on the judge's own calendar (not on the probate/mental health calendar).
4. **Ordering a Psychological Evaluation.** Judges should consider the following when ordering a psychological evaluation:
- Unless a full psychological evaluation report is requested by the judge, psychological services will submit a summary report only.
  - Judges should order pre-plea psychological evaluations only in presumptive prison commit cases when the judge is considering a dispositional departure.

- In presumptive commit cases, judges should order presentence psychological investigations only when the judge is considering a dispositional departure or if the defendant is a repeat sex offender.
- During the presentence investigation phase of a case in which the judge did not initially order a psychological evaluation, judges should not grant a probation officer's request for a psychological evaluation unless the probation officer first consulted with Dr. Panciera about the need for the evaluation.
- Judges should not order psychological services to do post sentencing mental health evaluations. Corrections must utilize community resources for such evaluations.
- Judges should not order psychological evaluations for *Morrissey* hearings unless there is a question of competency or other extraordinary circumstances exist.

## **J. OTHER**

1. **Bail Evaluations.** The judges assigned to the Felony Arraignment Calendar will take the bail evaluations for the cases that they were assigned with them at the end of each day. The bail evaluation is NOT to be kept in the court file.
2. **St. Anthony and COAT Calendar.** On the 1<sup>st</sup> & 3<sup>rd</sup> Wednesday for St. Anthony, and on the 4<sup>th</sup> Wednesday for the COAT calendars, the Public Defender assigned to the Domestic Violence Calendar will accept cases from these calendars. The eligibility list for those 8:30 a.m. calendars will be delivered to the attorneys in Courtroom 143 as soon as it is available. The attorneys will not go to Courtroom 142 unless there are eligible defendants identified.

St Anthony petty misdemeanor court trials will be scheduled at 11:00am on the 1<sup>st</sup> and 3<sup>rd</sup> Wednesday in Courtroom 142.

### **3. Notice to Remove**

- **Pretrials.** The following procedure should be followed when a Notice to Remove is filed on a judge presiding over a calendar at the Government Center.
  - a. Notices to remove will be **immediately** forwarded to the teams' Lead Judge for re-assignment to another judge on that team.<sup>[1]</sup> Parties should immediately report to the team lead judge or co-lead judge for case reassignment. In most instances, a judge will be found to preside over the hearing at that time. If a judge cannot be located, a tracking date of one week will be set back to the calendar from which the notice to remove originated.

[1] The lead judge's chamber staff will email the '4th Criminal Assignment Grid' email group with the new assignment. The tracking date will be cancelled by the newly assigned judge's chambers when the new hearing date is set.

- **Arraignments.** The following procedure should be followed when a Notice to Remove is filed on a judge presiding over a calendar at the Public Safety Facility.
  - Removed cases should be referred to the judge in the adjacent courtroom. For example, if a notice to remove is filed in Community Court the judge in Domestic Violence Court should handle the case and vice versa. If a notice to remove is filed in Serious Traffic the case should be referred to the Felony First Appearance calendar and vice versa.

- The removed cases will be heard at the end of the replacement judge's calendar, unless that judge orders otherwise.
  - The removed cases will be assigned to a judge in the appropriate team, as directed by that team's lead judge.
4. **Assignment of EJJ Cases.** The Criminal Presiding Judge or Assistant Criminal Presiding Judge will assign EJJ cases.
  5. **Petitions to Reinstate Bonds:**  
*Felonies.* Petitions to reinstate a bond will be directed to the judge to whom the case was assigned.  
*GM/M.* Petitions to reinstate a bond will be directed to the signing judge.
  6. **Pro Se Defendants.** All unresolved *pro se* cases must go before the sitting judge to be addressed, except for outright dismissals. Prosecutors are to complete the plea petition and factual basis with *pro se* defendants prior to appearing before the judge.
  7. **Hearing Reminder Slips.** Hearing reminder slips must be signed by the defendant.
  8. **Discovery.** Prosecutors shall make a good faith effort to provide discovery within a reasonable amount of time prior to the pretrial date.

**Appendix C**  
**Blocking or Teaming of Criminal Cases (BOTOCC) Surveys**



**FOURTH JUDICIAL DISTRICT**

**BOTOCC Judge Survey**

*The BOTOCC Judge Survey was sent to 62 active judges. In total, 46 judges completed this survey, for an overall response rate of 74.2%.*

<b>Question (46 respondents)</b>	<b>Responses</b>	<b>Number Responded</b>
<b>Which seniority group do you belong to now?</b>	1	6 (13.0%)
	2	8 (17.4%)
	3	10 (21.7%)
	4	6 (13.0%)
	5	3 (6.5%)
	6	5 (10.9%)
	7	4 (8.7%)
	8	4 (8.7%)

<b>Question (46 respondents)</b>	<b>Responses</b>	<b>Number Responded</b>
<b>When do you plan on leaving the bench?</b>	Within 2 years	6 (13.0%)
	Between 2-5 years from now	12 (26.1%)
	Between 6-10 years from now	11 (23.9%)
	Beyond 10 years from now	17 (37.0%)

<b>Question (46 respondents – Multiple response question)</b>	<b>Responses</b>	<b>Number Responded</b>
<b>In the last 15 months (January 1, 2011 to March 31, 2012) in Civil or Criminal, which teams have you been on?</b>	Civil/PDC	9 (19.6%)
	Civil/Ridgedale	6 (13.0%)
	Civil/Brookdale	7 (15.2%)
	Civil/Southdale	5 (10.9%)
	Criminal Serious Traffic	9 (19.6%)
	Criminal Domestic Violence	6 (13.0%)
	Criminal Community Court	6 (13.0%)
	Criminal Problem Solving Courts	0 (0.0%)
	Probate/Mental Health Court	1 (2.2%)
	Juvenile Court	4 (8.7%)
	Family Court	7 (15.2%)

<b>Question</b> (46 respondents)	<b>Responses</b>	<b>Number Responded</b>
<b>In the last 15 months, which team or court do you consider your <u>main</u> experience?</b>	Civil/PDC	7 (15.2%)
	Civil/Ridgedale	5 (10.9%)
	Civil/Brookdale	4 (8.7%)
	Civil/Southdale	3 (6.5%)
	Criminal Serious Traffic	6 (13.0%)
	Criminal Domestic Violence	5 (10.9%)
	Criminal Community Court	5 (10.9%)
	Criminal Problem Solving Courts	0 (0.0%)
	Probate/Mental Health Court	1 (2.2%)
	Juvenile Court	4 (8.7%)
	Family Court	6 (13.0%)

<b>Question</b> (46 respondents)						
<b>In light of these values, do you think the pilot of blocking or teaming criminal cases has:</b>	<b>Strongly increased</b>	<b>Slightly increased</b>	<b>No difference</b>	<b>Slightly decreased</b>	<b>Strongly decreased</b>	<b>Don't know</b>
<b>Increased or decreased the fair processing of cases?</b>	7 (15.2%)	19 (41.3%)	7 (15.2%)	3 (6.5%)	1 (2.2%)	9 (19.6%)
<b>Increased or decreased efficiency in processing cases?</b>	6 (13.0%)	18 (39.1%)	3 (6.5%)	5 (10.9%)	4 (8.7%)	10 (21.7%)
<b>Increased or decreased accountability?</b>	17 (37.0%)	14 (30.4%)	4 (8.7%)	1 (2.2%)	1 (2.2%)	9 (19.6%)
<b>Increased or decreased transparency?</b>	11 (23.9%)	7 (15.2%)	15 (32.6%)	2 (4.3%)	0 (0.0%)	11 (23.9%)
<b>Increased or decreased job satisfaction?</b>	12 (26.1%)	3 (6.5%)	8 (17.4%)	4 (8.7%)	8 (17.4%)	11 (23.9%)
<b>Increased or decreased workload equity?</b>	4 (8.7%)	10 (21.7%)	3 (6.5%)	4 (8.7%)	7 (15.2%)	18 (39.1%)

<b>Text Question</b> (24 respondents)	<b>Please tell us why you think the values have or have not been realized during the pilot of blocking or teaming cases.</b>
<b>Positive Comments</b>	
<ol style="list-style-type: none"> <li>1. Blocking discourages judge shopping and procrastination of the chance that a better deal will come along. It increases the accountability of attorneys who cannot make the same arguments over and over and cannot use stalling as a trial tactic. It makes better use of judicial time. When I was a felony block judge I had excellent job satisfaction because we did not waste time and were always engaged.</li> <li>2. Blocking of cases results in judges taking an ownership interest in the case at an early stage. This leads to judges and lawyers being more accountable to each other, which should result in a higher quality of litigation. "Owning" a case from the beginning is more rewarding than getting assigned a case that has already been touched by other judges. Workload equity is assured because of the random nature by which cases are assigned.</li> </ol>	

3. By assigning cases to a specific judge, accountability is increased and the system decreases judge shopping. The Judge gets to know the cases and attorneys assigned to that judge, increasing consistency and judicial job satisfaction.
4. For judges who embraced the opportunity, the pilot has moved responsibility for case management and criminal policy-setting from a small group of judges to the broader bench. Judges had to rely on each other and thus had to create good will with team mates. Under-performing judges were more visible and hard-working judges could shine. I don't think the pilot was fully realized because of unprecedented illnesses and vacancies and because some judges undermined it to show opposition, or at least made no effort to allow it to work to maximum effect. On the other hand, if the pilot could survive the turmoil of the last couple years and not collapse, that says something.
5. I am a fan of blocking. I always have more satisfaction when I keep a case from start to end. There is a sense of "ownership" and "pride" that comes with seeing a case from the beginning. Also, and importantly, the parties and counsel know what to expect. They can plan on things, and not always wonder who the next judge is who will pick up a case. By having a judge blocked to a case, there is a transparent responsibility for that case.
6. I believe the misdemeanors have had less case settings, less trial settings, and less trials. I believe the attorneys will agree the system provides them an incentive to settle earlier, and it is more transparent.
7. The judge to whom the case is blocked at pretrial owns the case until it is settled or tried.

#### **Neutral Comments**

8. I am a new judge, so I do not have the frame of reference- When I started the Pilot was already in effect.
9. I can't say how the pilot did relative to another system because I have not been a judge under any other system.
10. I don't mean to be impolite, but to my knowledge we have not been provided "before" and "after" statistics to this block system. In other words, you are asking us to complete a survey BEFORE we have seen statistics governing the block system. It all seems rather odd. Regarding job satisfaction and workload equity among judges, we need a system where 'new' judges can train into the job of being a judge--and not be saddled with a Murder or Crim Sex case right off the bat. Lawyers file Notices to Remove on such 'newbie' judges, which means the more experienced judges carry a heavier workload. Very inequitable.
11. I was not here under the old system, and therefore I cannot assess the block system relative to another system.
12. It is impossible to answer some of these questions because we don't have any data showing whether or not the blocking has increased efficiency in processing cases over the master calendar system
13. Until I see the beginning statistics and the ending statistics I am unable to opine on whether fair processing, efficient processing or work equity has been affected or the goals achieved. This pilot was not just about what we "feel", it was to be based on less appearances and earlier resolution of cases. I need numbers. The Judges should be asked to answer this survey after they get the statistics.
14. Without numbers and surveys of all this, it is difficult to answer when I haven't been in the "pilot" part that long

15. The term "fair processing" is not generally found in court jargon. Time standards, trial date certainty and number of appearances per disposition are more typical bench marks. Transparency equally is not a performance measure. If you truly were interested in this presumably judges would have kept data on how often the conduct pretrial or settlement conferences in chambers (arguably not transparent) and as a result of this pilot did this decrease or increase.

### **Negative Comments**

16. 4 judges are doing what 7 or 8 did before the block. It has reduced number of appearances processing time and increased accountability. Wednesdays are in need of an additional judge at least every other week to relieve the huge volume
17. Instead of one master criminal trial calendar, on any given Monday, each judge that has criminal trials set, has their own mini trial calendar. The attorneys have trials set in more than one place and the judge wastes time waiting for all the attorneys and parties to meet in one place. Under the master trial calendar, the attorneys and defendants all had to report to one place, which is more efficient. The cases could be set for trial on multiple days of the week, instead of just on Mondays. In the suburbs, it is very difficult to get all the cases done with only one judge. The calendars are almost unmanageable. There is less job satisfaction under this system, because there is less variety of cases and every judge feels like we do more work than the other judges. I think the truth is that everyone is working extremely hard, especially due to the sicknesses and lack of judges due to retirements. The teams build an "us vs. them" split in the bench and appears divisive.
18. Little difference in handling cases. Job satisfaction is less because we no longer get to rotate through varies courts and assignments.
19. The logistical issues in this ever-dynamic situation are difficult and complicating. The assignment of one person to a suburb is tough on many of the judges, and unfair to the people who come to court and are forced to wait even longer than they did under our prior system. We have put brand new judges in situations that are beyond their comfort level and experience.
20. The pilot was designed to rectify the perceived need by a group of judges who want to practice, principally, or exclusively, in the criminal arena (whether felony, juvenile or misdemeanor). The pilot is not designed to address, in a fair and balanced manner, the needs of the entire bench. The mantra, repeated with startling frequency, that this is a criminal court fails to adequately account for the demands of the court in the arenas of civil, family, juvenile and probate/mental health. We will never have adequate resources to do all we would like, so we have to carefully balance how we use our resources, and we have failed to do that. The result has been felt in a number of ways, not least of which is job satisfaction, our ability to professionally train new judges, and a balkanization of the court that bodes ill for our future allegiance to one another.
21. Relatively few cases from Brookdale ever go to trial, and there is little value blocking misdemeanor cases to one judge when they usually result in a plea agreement (regardless of the judge). The pilot result in the most experienced judges on the bench taking criminal cases that historically were assigned to the newest judges, with a loss of training, skill and experience in terms of benefit to the public. Meanwhile, the newest judges are assigned criminal cases or relatively greater complexity.

### **Positive and Negative Comments**

22. I see some increase in efficiency and I like the consistent team assignment. It is a very heavy workload, however.
23. I'm not sure there have been significant increases in efficiency in Minneapolis misdemeanors, but I think other criminal cases are being treated more efficiently. The earlier the cases are assigned to a judge, the greater the transparency and accountability.

24. Through hearsay only, I understand that many judges feel that workload equity has become an issue on some of the teams. That has not been the case in Family Court; too soon for me to tell if that is true in my new assignment...but it appears that there is workload equity in our team.

<b>Question</b> (46 respondents)	<b>Responses</b>	<b>Number Responded</b>
<b>Do you think the number of judges assigned to various teams is the right number (4 in each suburban court, 8 in Property Drug Court, and 6 in each of the three Minneapolis teams for a total of 18 handling serious felonies and Minneapolis non-felonies)?</b>	Strongly agree	3 (6.5%)
	Agree	9 (19.6%)
	Not sure	12 (26.1%)
	Disagree	5 (10.9%)
	Strongly disagree	2 (4.3%)
	Don't know	15 (32.6%)

<b>Text Question</b> (25 respondents)	<b>Please explain why you answered the way you did.</b>
<b><u>Positive Comments</u></b>	
1. Generally, the overall work seems fairly even. Some minor adjustments might be needed.	
2. It seems to work for Civil/Southdale.	
<b><u>Neutral Comments</u></b>	
3. Because I have not been in this assignment long enough to form a judgment. And I am not familiar enough the other teams.	
4. Given I have been in Family Court the last 3 years, I simply do not have the insight needed to answer this meaningfully. It appears as if the Civil Court judges are spread pretty thin.	
5. How would we know the answer to this question?? Again, all I do is sit in my chambers and process cases. I have NO IDEA whether the number of judges assigned to OTHER teams is correct. To ask us this question is backwards--I don't think any of us would be able to accurately answer this question (except based on 'perceptions').	
6. I don't know the workload in other teams.	
7. I have not experienced life in the other assignments	
8. I only deal with PDC cases. How the other teams do is unknown and anecdotal.	
9. I think this begs the question. The question is more basic: should we have divided along the lines we have with the loss of variety in our assignments and the perspective it brings. As a new judge, I had the opportunity to hear criminal cases in the suburbs, misdemeanor cases in Minneapolis, domestic abuse cases, civil exemptions, harassment petitions, juvenile first appearances, juvenile traffic, felonies and conciliation court special term. It was a wonderful way to begin to understand what we do and how we do it. It was also an effective way to learn	

how to be a judge. The loss of this wide experience in favor of the balkanization of the court is not a positive accomplishment. As a consequence it's impossible to intelligently answer this question because it begs the real issue.

10. No experience with the current blocking plan
11. Not enough direct exposure to the pilot issues esp. felony issues
12. I was only on a team for a few months at the beginning of the pilot.

### **Negative Comments**

13. 4 and one half to 5 judges are needed if volume on Wednesdays remain.
14. I believe the workload is still very uneven. What I have heard about the long days and very heavy calendars on misdemeanors, especially in the suburbs is very troubling. There has to be a way to get more flexibility into the system of backups, especially for emergencies and for speedy trial demands. I believe that blocking has had the unintended consequence of Balkanizing the court.
15. I think one problem of the present assignment system is it makes it more complicated to assimilate a large number of new judges. New judges bring fresh perspective but also are typically less sure and slower.
16. The caseload in community court seems high -- it is difficult to get trials in within speedy trial demands.
17. There needs to be 5 or more judges in the suburbs, so that more we can have two courtrooms running on certain days in the suburbs. There also needs to be more back up judges.

### **Positive and Negative Comments**

18. I am familiar with the suburban project. I think 4 is the right number for each suburb. I do not know if the number of judges assigned to the other teams is adequate.
19. I think the # in Prop/drug is ok, don't know about other teams
20. I'd like to some statistics. I've heard that some suburban assignments may require more judges.
21. It works, but the suburbs could benefit from two more team members each if civil caseloads were increased.
22. It would be helpful to have another judge or at least a GUARANTEED BACK UP PROCESS IN EFFECT- Backup Judges are not always available necessitating cases being continued. It is difficult having to schedule numerous trials all on the same day- often the "gambling" process works, but sometimes it does not; e.g. 6 trials scheduled; one goes and there is no backup for the others- if the Defendant is out of custody this can work, but if in custody with a speedy trial demand, the system falters.
23. Since I have been in Family Court, I have not been in the midst of the pilot to see how the teams have worked out in practice. I have heard differing opinions from judges who have been part of the pilot. Some seem to think it is working well; others are less enthusiastic. At this point, I do not know enough to venture an opinion of my own. I will say that one apparent weakness in the pilot is the lack of any good "training judge" slots for all of the new judges we have been bringing on and expect to continue to bring on for the foreseeable future. By pairing the suburbs with civil blocks, we have effectively taken the suburbs out of the mix for new judges. As a

result, instead of starting new judges with a criminal assignment that consists almost exclusively of MSD and GMD cases, they are now starting on teams with significant felony caseloads,. As we consider whether and how to modify the pilot, taking into account our ongoing new judge training needs should be part of the discussion.

24. The cases have been handled and there is no indication that adding judges to any team would have made a difference. The number on the suburban teams allowed the judges more civil time but also ensured the judges got to know their suburb because we were out there once a month. The problem, if any, wasn't numbers but quality and consistency. Some team leaders were not invested in the pilot, or at least in actually leading their team in a positive way. There was too much change on the criminal only teams and retired judges, though good judges, may not have managed cases as aggressively.

25. We have never actually had 18 judges handling serious felonies and Minneapolis non-felonies consistently. Nor have we had the additional floaters. If we are ever ins such a position it might make some sense to expand the number of judges who float in criminal both for the purpose of training judges and for the purpose of having judges available to try cases. Flexibility.

<b>Question (46 respondents)</b>	<b>Responses</b>	<b>Number Responded</b>
<b>Has the method that the County Attorney's office used to assign attorneys (assigning a team of lawyers to each of the court teams) helped or hurt the pilot?</b>	Helped a lot	9 (19.6%)
	Helped a little	12 (26.1%)
	Made no difference	2 (4.3%)
	Hurt a little	0 (0.0%)
	Hurt a lot	0 (0.0%)
	Don't know	23 (50.0%)

<b>Text Question (21 respondents)</b>	<b>Please explain why you answered the way you did.</b>
<b><u>Positive Comments</u></b>	
1.	Although attorneys are routinely pulled in several different directions assigning a team to a group of judges has reduced the number of places the attorneys have to be and increased the willingness of team attorneys to cover appearances when the assigned attorney is unavailable.
2.	Fewer places for the attorneys to be.
3.	Again, I have a lack of direct involvement. But I am confident that having the same team of attorneys (both for the prosecution and the defense) assigned to a team of blocked judges always makes sense for scheduling purposes.
4.	Having a group of attorneys assigned to a particular block increases consistency and helps the judges get to know the attorneys and vice versa.
5.	Having a small group of prosecutors has been very beneficial. We quickly learned each other's habits, styles, strengths and weaknesses. They seem to be more available with fewer judges to whom they need to answer.
6.	I believe it is helpful to see a limited number of prosecutors.
7.	Increases efficiencies
8.	Relationships get formed and efficiencies are gained when working with the same people. No

one has to figure out where the others are coming from because we've all worked together before.

9. This method reduces the number of judges that a team of prosecutors are beholden to. This should reduce scheduling conflicts.

**Negative Comments**

10. The attorneys are stretched thin, juggling many trials and hearings all at the same time. Since I am a new judge, I do not have the frame of reference or ability to compare it to the old system.

**Neutral Comments**

11. I deal with City attorneys
12. I did not handle felonies.
13. I don't handle felonies
14. I don't know the "method" that the County Attorney's office has used in assigning its lawyers to the respective teams. The county attorneys seem to show up for their cases, and that is all that I know about.
15. Suburban team so no county attorneys.
16. We do not have county attorneys at Ridgedale.
17. The proper question is not the method of assignment but who the particular lawyers are.
18. This is what I have heard from colleagues.

**Positive and Negative Comments**

19. In PDC the assignment of individual attorneys has helped some from the prosecution, but has helped less from the defense. We still look for the attendance of lawyers who have multiple appearance responsibilities (or so they say) with the concomitant loss of efficiency
20. We don't have to wait for the attorneys and they tend to cover for each other. But the county attorneys would also appear and cover for each other under the Master Calendar System, too.
21. We still have problems with attorney schedules, both prosecution and defense. These are unavoidable under any system.

<b>Question (46 respondents)</b>	<b>Responses</b>	<b>Number Responded</b>
<b><i>Has the method that the Public Defender's office used to assign attorneys (having 4 teams of lawyers: Minneapolis Misdemeanor, Suburban Misdemeanor, Serious Felony and PDC) helped or hurt the pilot?</i></b>	Helped a lot	8 (17.4%)
	Helped a little	10 (21.7%)
	Made no difference	5 (10.9%)
	Hurt a little	3 (6.5%)
	Hurt a lot	2 (4.3%)
	Don't know	18 (39.1%)

**Positive Comments**

1. A smaller group of people to track down seems to make things more efficient.
2. Again, I have a lack of direct involvement. But I am confident that having the same team of attorneys (both for the prosecution and the defense) assigned to a team of blocked judges always makes sense for scheduling purposes.
3. I think there is less waiting for PDs under the pilot due to the teams.
4. More efficient to work with the same pds.
5. The public defenders now assigned to PDC are engaged on time and prepared. Cases get settled or tried quicker and many more are settled before the day of trial.
6. This is the true difference during the blocking pilot. Our numbers will probably reflect less continuances starting a couple of months after the PDs started their teams rather than when we changed our structure.
7. Same reason as the prosecution teams. [Relationships get formed and efficiencies are gained when working with the same people. No one has to figure out where the others are coming from because we've all worked together before.]

**Neutral Comments**

8. I did not notice any teaming with the PDs
9. I don't know the "method" that the Public Defender's office has used to assign lawyers to the respective teams. The Public Defenders seem to show up for their cases (although they seem overloaded with work).
10. No difference at Southdale. Same folks as when I was there two/three years ago.
11. No exposure to this part of pilot
12. Nothing changed for me.

**Negative Comments**

13. Again I do not have the ability to compare the Pilot with the past, since I only know the "Pilot." The lawyers, though, are stretched very thin, often having to cover many trials at once.
14. Need an additional PD in Ridgedale on Fridays.
15. PDs not as satisfied with their work.
16. Ridgedale has three PDs four days Monday through Thursday, but only two pds on Friday. It would be an assistance if a third PD was assigned to Ridgedale on Fridays.

**Positive and Negative Comments**

17. Again this is not a method question but a who are they. In the case of the public defender they have a fair number of relatively inexperienced lawyers. Most if not all have the potential to be very good but experience and good training will be necessary for that to happen.

18. Ideally we would block to the PD's as they drive the system. That may not be possible or likely.
19. It is also helpful to see a limited number of defense attorneys.
20. On the one hand, this system reduces conflicts caused by a misdemeanor lawyer having to attend to a felony case and vice versa. On the other hand, as I understand it, the lawyers may have cases before 18 different judges. This can cause too many scheduling conflicts.
21. See last answer. But, as to both the last question and this question, an unintended consequence of the teams is that cases which might have been given less attention (misdemeanors, gross misdemeanors, and non-violent nonperson crimes) take on a larger importance than they did when attorneys had a varied case load. I do not know if the statistics will bear this out, since we have not been given any numbers regarding whether there are more appearances and more trials of cases which traditionally took less appearances and trial time to resolve.
22. See the prior answer [In PDC the assignment of individual attorneys has helped some from the prosecution, but has helped less from the defense. We still look for the attendance of lawyers who have multiple appearance responsibilities (or so they say) with the concomitant loss of efficiency]
23. The public defenders did not always cooperate in trying to make the pilot successful. But then I've nothing to compare it to.
24. The Public Defenders handling a wider range of cases decreases the consistency and expertise as to the specific criminal blocks.
25. The suburban PD situation did not change for the pilot. Although having a downtown trial team isn't ideal the PDs at Brookdale work very hard and are an asset.
26. We have 3 regularly assigned pd's at Ridgedale. For the first year of the pilot one of the pd's was at the end of his career. He was very inefficient and disorganized. He helped to make our days at Ridgedale go very slowly and late. Once he retired and was replaced by another pd the calendars went faster. At this time, I am happy with the pds at Ridgedale. I like dealing with the same 3 good pds. It makes things more predictable. If a pd case goes to trial, it is reassigned to a pd on the downtown trial team. There are some inefficiencies with the system because if a Rasmussen hearing would resolve the case, it still has to be referred to the downtown team, instead of having an evidentiary hearing at the suburbs. Also, any case referred to the downtown pds has to be scheduled at least 1 month out.

<i>Question (46 respondents)</i>	<i>Responses</i>	<i>Number Responded</i>
<b><i>Do you think the regular meetings among judges on the team have helped or hurt in the administration of criminal cases?</i></b>	Helped very much	15 (32.6%)
	Helped a little	17 (37.0%)
	Not sure	3 (6.5%)
	Did not help very much	4 (8.7%)
	Did not help at all	1 (2.2%)
	Don't know	6 (13.0%)

<b>Question</b> (46 respondents)	<b>Responses</b>	<b>Number Responded</b>
<b>Do you think the regular meetings among stakeholders and judges have helped or hurt in the administration of criminal cases?</b>	Helped very much	14 (30.4%)
	Helped a little	16 (34.8%)
	Not sure	5 (10.9%)
	Did not help very much	2 (4.3%)
	Did not help at all	0 (0.0%)
	Don't know	9 (19.6%)

<b>Question</b> (46 respondents)	<b>Strongly agree</b>	<b>Slightly agree</b>	<b>Not sure</b>	<b>Slightly disagree</b>	<b>Strongly disagree</b>	<b>Don't know</b>
<b>Some of the anticipated advantages of blocking or teaming criminal cases are listed below. Please tell us whether you agree or disagree that our pilot realized these anticipated advantages.</b>						
<b>Blocking or teaming has increased stability of daily assignments (fewer last minute calls to handle other calendars)</b>	14 (30.4%)	7 (15.2%)	7 (15.2%)	3 (6.5%)	3 (6.5%)	12 (26.1%)
<b>Blocking or teaming has reduced judge shopping</b>	13 (28.3%)	12 (26.1%)	8 (17.4%)	5 (10.9%)	1 (2.2%)	7 (15.2%)
<b>Blocking or teaming has increased attorney accountability</b>	13 (28.3%)	12 (26.1%)	6 (13.0%)	6 (13.0%)	2 (4.3%)	7 (15.2%)
<b>Blocking or teaming has increased flexibility in scheduling vacations</b>	7 (15.2%)	4 (8.7%)	7 (15.2%)	7 (15.2%)	9 (19.6%)	12 (26.1%)
<b>Blocking or teaming has increased active management by judges</b>	15 (32.6%)	13 (28.6%)	5 (10.9%)	3 (6.5%)	2 (4.3%)	8 (17.4%)
<b>Blocking or teaming has increased early management by judges</b>	14 (30.4%)	11 (23.9%)	6 (13.0%)	6 (13.0%)	2 (4.3%)	7 (15.2%)
<b>Blocking or teaming has increased your in-depth knowledge of Hennepin County policies and procedures governing criminal cases</b>	9 (19.6%)	6 (13.0%)	9 (19.6%)	8 (17.4%)	4 (8.7%)	10 (21.7%)
<b>Blocking or teaming provided sufficient coverage for cases among the judges so that cases could continue on schedule</b>	7 (15.2%)	11 (23.9%)	8 (17.4%)	6 (13.0%)	6 (13.0%)	8 (17.4%)

<b>Question</b> (46 respondents)	<b>Responses</b>	<b>Number Responded</b>
<b>Do you think the blocking or teaming of criminal cases should continue?</b>	Definitely	15 (32.6%)
	Possibly	9 (19.6%)
	Not sure	12 (26.1%)
	Probably not	7 (15.2%)
	Definitely not	3 (6.5%)

<b>Text Question</b> (37 respondents)	<b>Please explain why you answered the way you did.</b>
<b><u>Positive Comments</u></b>	
<ol style="list-style-type: none"> <li>1. Blocking cases increases accountability and consistency in the handling of cases. It decreases judge shopping and allows early case management.</li> <li>2. Blocking makes everyone involved more accountable. Teaming binds groups of judges together. Judges are not only willing but quite happy to help out one another. This is a huge accomplishment. Instead of 62 distinct little islands and personalities we share common experiences and interest and with that understanding and a willingness to help one another.</li> <li>3. I believe we can make needed changes to this system to make it better and we should not return to the old master set-up.</li> <li>4. I think block/teaming (1) enhances accountability for judges managing cases, and (2) increases predictability for stakeholders so that they know who has a case, and what team policy is regarding issues. The team approach is a beneficial way to balance trial loads, share information, and work together within a construct that works to see that cases are handled in a consistent fashion.</li> <li>5. I think it should continue in some form. The master calendar system consolidated power and knowledge in a few judges and did not allow the greater bench to gain, and employ, case management skills that are the hallmark of a judge's job. Judges are supposed to solve problems and ensure fair process but under the old system, few judges really were allowed, or required, to be involved in policy setting or problem solving in criminal. We had a good team, we met regularly and helped each other out. That built collegiality on our team and engaged all of us in deciding how our calendars should be run. Other teams were not so lucky. If done right the teaming and blocking system is the best for criminal cases.</li> <li>6. It makes it easier to manage my civil caseload and to try the civil cases that need to be tried.</li> <li>7. Major improvement in every regard!!!</li> <li>8. The stability of my schedule, together with good team members, has greatly improved the administration of criminal cases. The new system is predictable, rational and increases accountability for all stakeholders, including the Judge. It positively impacts the civil block. We can give big cases date certain, knowing that we control our schedule save for the mandatory calendars. If a switch is needed in a mandatory calendar, other team members, Judge XX and the (rare) availability of retired Judges provides sufficient flexibility.</li> <li>9. I really disliked being on call for the master calendars. I felt like I didn't have much control over my own schedule. It did not feel professional. It also felt like feast or famine, i.e. either I sat around waiting for something to happen, without being able to productively use the time.</li> </ol>	

### **Neutral Comments**

10. I have no basis on which to form a response.
11. I have no experience with any other system either as a judge or as a lawyer.
12. In DV, many of the innovations were already in place such as meeting with stakeholders and a dedicated team so I did not notice significant change. In Brookdale, where I am now, so few cases go to trial that early blocking is not particularly important.
13. Only have anecdotal information.

### **Negative Comments**

14. Finding our own coverage is a major pain, especially in emergencies. Having small teams to call on when issues arise is hard. Trying to find coverage for over-flow trials is getting better on my team, but continuances have occurred when long trials go. The bottleneck of one judge with multiple cases on for trial is a problem.
15. I have heard numerous complaints about the workload disparities. I have also heard concerns from prosecutors regarding whether new judges are experienced enough to be able to handle some of the more serious criminal cases, especially sexual assault and domestic violence cases and some murder cases with complex evidentiary issues. There have been concerns about some judges that the new judges miss out on the experience that is gained from handling suburban calendars.
16. I think the pilot should be discontinued. It has led to inefficiencies in the use of judge talent where some judges have too much and others have too little. Similarly, for the suburban part of the pilot, the most senior judges have the easiest criminal cases and the most junior the most complex criminal cases. While there are benefits to blocking certain criminal cases to a particular judge, the overall process of specializing in areas like "serious traffic" or "Brookdale" makes a little sense to me.
17. Need to address the workload equity issue.
18. New judges don't have exposure to the wide range of buildings, staff, and attorneys. If they haven't been in each building, they can't be expected to know their way around or to discuss options such as building closure, from their experience. Attorneys have commented to me that they have no idea who the new judges are. I'm not sure this produces collegiality among the bench & bar.
19. Frankly, I think the master calendar worked pretty well in my experience. The assignment of court reporters seems to be the biggest headache.
20. Of course it will continue.....the idea that this was a real pilot or that there is a will or openness to looking at this differently simply isn't there.

### **Positive and Negative Comments**

21. Again, need to see stats and data. There were advantages as well to the master calendar system. I think we should explore alternatives. The PDs in prop/drug want to do a master trial calendar so that they know a judge or judges are available for trial.
22. As I mentioned earlier, I have heard conflicting reviews of the pilot from those involved in it; some have been very positive, others more negative. Among those I have heard negative comments from are lawyers who work on the blocked calendars; for example, the last time I was on jail duty, I heard a very negative review of the pilot from the city attorney who was at the jail. Again, all I know is hearsay at this point; I don't have enough information to form an opinion of my own.

23. Based on my experience as a felony block judge during the previous pilot and my experience as a prosecutor and dealing with attorneys as a judge. The lack of accountability wreaks havoc with scheduling and a huge # of hours are wasted every day. Blocks of time get set aside, cases settle at the final hour and then we are left with nothing to do and no way to chip away at the backlog. I prefer to be responsible for my own block, my own time, and my own caseload. However, new judges do not have the experience or the clout to do this. It is important that the block judges be able to twist arms and bang heads and the new judges need to be less controversial as they develop their judicial voices and personalities.
24. Blocking should definitely continue for serious felonies. Blocking is more difficult for misdemeanors/gross misdemeanors because these cases revolve around a specific courtroom for all pretrial proceedings. This is manageable in the suburbs because judges schedule settlement conferences in the suburbs during the week before a trial date and because public defender representation on suburban cases is not vertical. For Minneapolis misdemeanors, the prosecution and public defenders have vertical representation. Because both sides are stuck to the mandatory courtrooms for pretrial proceedings, it's hard to schedule trials. We should consider a master calendar for Minneapolis misdemeanors. I have no opinion about the property/drug cases because it seems that blocking did not occur until the later stages of a case. We may wish to consider blocking all felonies with a team of judges hearing both serious felonies and property/drug court felonies, but no misdemeanors or civil cases
25. Felonies should definitely remain blocked. The suburbs also seem to work well with blocking. Not sure about Minneapolis misdemeanors.
26. I am a fan of blocking. I am concerned by what I have heard about Minneapolis misdemeanor cases. Perhaps we can use that as a training ground for newer judges...akin to a specialty court rotation.
27. I like "owning" the case from start to finish. Familiarity with the file is a good thing. Having to schedule many trials all on the same day sometimes works, if they all settle or if only one trial actually goes. The backup system does not seem to work- if the backup plan worked the system would progress quite smoothly.
28. I think the blocking is effective in the suburbs and not very effective in the downtown misdemeanor and property drug cases. It also appears that blocked felony cases get continued many months into the future, if a blocked judge is in trial. Under the prior master calendar system, they could be called earlier. Everyone is still searching for judges to handle cases, but instead of covering mandatory calendars, we are looking for coverage for trials.
29. I would, at this point without the numbers I need to truly fairly decide, prefer a hybrid system. I believe the goal of all this is to go to divisions so it is impossible for me to opine on alternatives or options until I have all the information and all the possibilities. I want to hear with the Judges think rather than react to rules and assignments that are imposed. I have always enjoyed diversity of cases rather than one type of assignment. I may be in the minority. Some Judges prefer a known universe of cases for a known period of time. I also look forward to hearing and considering the opinions of the less senior Judges who will be working under the calendars and assignments we implement long after I retire. I believe that professional job satisfaction is a large key to these decisions.
30. It does not seem like we are taking into account all the time I spend trying to find a team member to cover me when I cannot be at the office and how much time I spend keeping track of when my colleagues need me to cover their assignments. In the long run, I appreciate doing a lot of different assignments. I answered pretty positively, because I am in an assignment I enjoy. I do not think my answers would have been as positive, if I was on another team.
31. Maybe for felonies. Absolutely not for misdemeanors.
32. Maybe some blocking would be useful, but I think the advantages of having a pool of judges available

for trial and other assignments far outweigh any advantages of complete blocking like under the pilot project.

33. Over all I think it is a success Property drug and the burbs work well. I think misdemeanors downtown get left behind when teamed with felony block cases. I have the feeling that there are many new and inexperienced judge hearing Misdemeanors and they do not have the skills to settle the cases. Look at the suburbs and looks at their clearance rates. Things are very backed up for Minneapolis misdemeanors sometimes four to six months for trial. Training over new judges needs to be revamped. Senior judges or experienced judge should train and give feedback to new judges over a six month or one year period not just when they first start and do not know how the calendar works. After 4-6 months new judge would benefit more training once the understand the role of a judge in arraignment, pretrial and trial. We have a lot of new judges and we have to training them more extensively or we will get very backed up.
34. See my prior answers. I do not think that we are asking some of the hard questions that need to be asked in this survey. This surprises me because the result is less useful than we should reasonably expect
35. Some adjustments would be beneficial, and the possibilities are many.
36. The suburbs are killer calendars. Civil block management is still essentially in the hands of the Judge, thank heaven.
37. Whether blocking of criminal cases should continue, would depend on the alternatives presented, or whether there would be modifications to the criminal block system. Generally speaking, we have created WAY TO MANY "boutique" courts and special calendars. This reduces job satisfaction--being able to change assignments from time to time.

<i>Text Question (32 respondents)</i>	<i>What can the court do to improve the handling of criminal cases?</i>
<b><u>Continue Blocking or Teaming/Continue Blocking or Teaming with Adjustments</u></b>	
	<ol style="list-style-type: none"> <li>1. Continue teaming or blocking.</li> <li>2. If the block system is kept, we need a way for retired judges to cover calendars when we are out of the office.</li> <li>3. Continue to improve judge back-up for trials-include all judges with any criminal cases. If there is a judge available, the case will probably settle.</li> <li>4. Have a good backup process- i.e. judges to handle overflow of trials or to handle Omnibus hearings that may have previously been scheduled if a case goes to trial. Misdemeanors cases get "short shrift"- I spend all my time on felonies. Misdemeanors get pushed aside. A thorough comparison of the processing cases needs to be done, studying, comparing resolution of the cases, e.g. are there more or less continuances under the new system versus the old system. How quickly are the cases resolved under the pilot versus the former method, studying both felonies and misdemeanors</li> </ol>
<b><u>Transition to Divisions</u></b>	
	<ol style="list-style-type: none"> <li>5. Go to pure criminal and civil divisions.</li> <li>6. Have a criminal division but keep the teams. Property drug and the suburbs work well. Misdemeanors not so well. Felony teams should continue (such as property drug). Criminal and civil should continue to be split for efficiency and job satisfaction. When my criminal cases are</li> </ol>

settled or I am not otherwise occupied I work on my civil. If civil were my only assignment the work would be overwhelming and I would need an additional clerk if civil was a full time assignment. If we go to a civil division full time it will cut down the number of judges that can have a civil block over their career. This I think would decrease job satisfaction.

### **Return to Master Calendar**

7. Go back to the old way of simply having judges available for trials and rotate all judges (who are available for criminal) through the mandatory calendars.
8. Return to the master calendar system with certain modifications so that smaller teams of judges will handle the suburbs, for instance a group of 5 or 6 judges. Not all of the suburban judges need to handle civil, it's still a good way for new judges to learn, so long as there is a core of experienced judges on the teams. With all the new judges with civil backgrounds, they should be able to handle some of the housing court judge demands, and other obscure things that could come off of the master calendar. Also, court administration should be responsible for getting coverage when a judge is out. It should not be the responsibility of a judge to get coverage for judges to attend medical appointments or due to illness or death or even conferences.
9. I believe the PDC calendar should have a master trial calendar whether it is teamed or we have a big master calendar.
10. We must examine our calendaring system in light of the values (and their order of importance) described by the 2008 criminal/civil calendaring committee. Blocking is the preferred method to achieve the values; but blocking may have to give way to a master calendar system in those case types where logistics cannot accommodate the volume or the needs of our justice partners.

### **Improve Case Management and Collaboration**

11. I think there should be better training on how best to manage a caseload. I think that judges should be chosen to lead teams only if they are willing to really lead and manage. It may be that having separate civil and criminal divisions is the answer, as that would allow the judges who are really committed to criminal to handle the cases as they see fit, without having to do battle with judges for whom criminal is less important and whose civil cases will always be given priority.
12. As to the Domestic Violence block, the existing structure and culture is disappointing. This is not a collaborative, sharing structure and culture. The judges meetings are poorly attended and inadequate input is sought from the line judges. There is inadequate collaboration among the judges, and not much is being done to encourage trading of calendars for purpose of vacations and busy schedules. Law clerks aren't consistently shared by the more senior judges. The opinion of line judges, especially less senior judges, is not consistently sought. The staff, who are excellent, seem to be tied to the current structure. The same is true of the overall criminal block. It is disappointing. More could be accomplished with a collaborative, sharing structure and culture.
13. Being on the same page to address issues is a great idea, and I would expect is the goal of each team.
14. The main problem with the Blocking Pilot has been the short term duration of the assignments. There has been unusually high turnover on the bench during the pilot and many judges assigned to the block were either brand new appointees or retired judges from other districts. Neither group was expected to stay a long time on the block assignment. Thus they had little time to develop management skills. When they did, they were moved to another assignment -

usually specialty court. We should reconsider (1) Our default position that new judges go to criminal. Perhaps they should simply fill the vacancy that was created prior to their appointment - no matter which court it is in. (2) Or perhaps we should establish minimum terms (say 3 years) for the criminal assignment, similar to all other assignments. (3) Or finally, perhaps we should go to divisions like Ramsey County.

15. There should be a better assessment of what kind of cases that newer judges should be assigned if they have never had criminal trial and/or extensive civil trial experience.
16. Use new people and those without case management skills for mandatory calendars. Let those who are good at case management train the new people. Emphasize case management as a skill that the selection process should prioritize. Nurture and develop good TRIAL judges and then let them do their thing. Let the others get stuck with their own messes--from that they will learn that they cannot postpone the unpleasant. Team meetings are great because people share not just hints on how to manage the cases, but a philosophy about work ethic, continuance policy etc. etc. Those who are efficient and work hard should not be simply rewarded with bigger case loads. Let people sink and then send someone good in to help them dig out so that they learn something.

#### **Additional Staff/Resources**

17. Have judges available for trial.
18. Provide one more judge on Wednesdays and one more pd on Fridays at Ridgedale.
19. More law clerks.
20. We need to map the back house work flow to avoid duplicate work being done and use our staff more effectively. One example is how our clerks do some things and then have to notify the suburb to put in MNCIS--there is room for improvement on how all the calendar changes etc. are done...MNCIS could also be upgraded to give us info that could move things along better; e.g. a snapshot view of how many continuances have been granted; who asked for them, etc.

#### **Issues Related to Justice Partners**

21. So much depends upon the prosecutors. I don't know what the court can do to encourage certain prosecutors to be reasonable. This is not much of a problem at Southdale.
22. The biggest thing would be to help coordinate the scheduling of our cases along the lines that the Hennepin County Attorney's Office and the Public Defenders are organized.
23. I would be glad to come back and answer this question but I have a mandatory calendar that I have to go to. Quickly, we need to find a way to get the lawyers to address important discovery and related issues between appearances and not just when they come to court. We continue cases too frequently because attorneys are not prepared, or they have not prepared their clients.

#### **Other**

24. I believe that improvements are happening incrementally at Ridgedale.
25. Way to long a question to answer here.
26. The problem at the first discussion of the "pilot" 3 plus years ago, was - how to handle misdemeanors and gross misdemeanor calendars, especially in the suburbs. Here we are again - how to handle misdemeanors and gross misdemeanors because the felony block Judges do

not like having these on their blocks. Same problem. Is the answer, "give them to the civil judges"? The other question at the first discussion was- what to do about the "other stuff", exemptions, special term, implied consents, expungements, various housing court calendars, harassments, etc. These assignments have caused inequities. These are great learning opportunities for our newly appointed Judges. We should consider how to include this diversity into early training. These used to be part of the criminal assignment off the master trial calendar. When we talk of improving the handling of criminal cases we must include training and the "other stuff" as part of "criminal cases"

27. Most of the cases at Brookdale don't really belong in a criminal court. All the license and insurance and false information to the police cases are regulatory violations, and with the licensing and insurance cases usually involve lack of money to pay tickets or buy insurance. Most of the trespassing and theft cases are essentially social service issues involving poverty and homelessness. In many of the domestic violence cases the couples want to get back together, so they are essentially family and child protection problems compounded by alcohol and mental health issues. At the bench retreat Mel made a very thoughtful proposal to develop a diversion program for misdemeanor thefts. That suggestion evolved into using Brookdale to start it. I would add that our long term goal should involve greatly expanded use of diversion and restorative justice processes for the suburban calendars. I don't know the details, but my impression is that the restorative justice groups operating in Minneapolis are getting misdemeanor cases straight from the police and City Attorney without court cases ever being filed, and with better results than court cases.

**Neutral/Not Sure**

28. It is too early for me to make this assessment. I need more experience working with the system.
29. Don't know.
30. Not sure.
31. Not sure. Blocking is better than a calendar call, but straight divisions might even work better.
32. Since I assume this does not relate to juv. ct. I can't say.

<b><i>Text Question (25 respondents)</i></b>	<b><i>What Can the County Attorney's Office, Minneapolis City Attorney's Office or the suburban prosecutors do to improve the handling of criminal cases?</i></b>
<b><u>Better Align Teams/ Add Staff</u></b>	
<ol style="list-style-type: none"> <li>1. Public defenders and MCAO could align their teams better with the judge teams to cut down on the number of judges each attorney has to appear in front of.</li> <li>2. Be receptive to restructuring their teams to align with our court structure. Allow/participate in training aimed at approaching the various courts proactively and creatively.</li> <li>3. The PD's could use more lawyers.</li> </ol>	
<b><u>Improve Communication</u></b>	
<ol style="list-style-type: none"> <li>4. Show up at stakeholders' meetings, tell the justice partners about their respective concerns, and suggest viable solutions to the problems.</li> </ol>	

5. There is a variance in the prosecutorial discretion exercised by the suburban prosecutors. Just as the Judges should periodically meet to talk through issues to lead to more uniformity of results, the suburban prosecutors should also attempt to talk through more uniform decisions within their discretion. I fully understand that the differences are caused, to some extent, by the various law enforcement agencies and City Councils involved. However, there is a wide variance in the decisions made by suburban prosecutors.

### **Case Resolution**

6. Not wait until the last minute to resolve cases.

### **Better Prepare/Appear on Time**

7. Preparation preparation preparation. Trial skills, trial skills, trial skills. If they know what they are doing, they will be less afraid to go to trial. If they are less afraid to go to trial, things will settle. When they are in trial, it will go more smoothly. Supervisors should HAVE to observe their lawyers in trial and take ownership for their performance. If Attorney Supervisor XX or XX saw some of these people, they would get fired!!
8. Show up on time, or least call if they are running late. Do they have backup plans- i.e. backup or officer of the day attorneys to fill in? Is there a "point person" for each office?
9. They should be better prepared for pretrials and Omnibus Hearings.
10. County attorneys and suburban prosecutors should be prepared to settle every case at the first pretrial. They must have a reasonable offer at the first pretrial and have turned over all relevant discovery, doing it at the second or third pretrial slows down case processing significantly. Public defenders should be prepared at the first pretrial. They have met with their clients before the first pretrial so the case can move forward. This has gotten better with the PDs being blocked to certain calendars.
11. At Ridgedale the quality of city prosecutors varies greatly. We have some of the hardest city attorneys to work with. Several are very unreasonable and unrealistic in their appraisal of their cases. They do not take direction or criticism into account to change their practices.
12. They can be more flexible about when they will do pretrials.

### **Multiple Comments**

13. I worked with suburban prosecutors only during most of this pilot. They were resistant to changes in the suburban court houses and see the calendars as a way to do their business in negotiating cases, not as a courtroom where cases are heard. There has been a much greater effort to handle domestic cases better and the prosecutors in Brookdale really have worked together to handle bail hearings and to generally close gaps with those cases.
14. Some of the Minneapolis City Attorneys are disorganized and seem stressed out. They could be better prepared. Sometimes they take hard line positions early on but end up caving at the time of trial. More realistic offers early on could be helpful. Their knowledge of evidentiary issues is inconsistent.

### **Other**

15. Contract with diversion programs for the low level offenses.
16. Remove XX as LMCD attorney.

17. See previous answer. [So much depends upon the prosecutors. I don't know what the court can do to encourage certain prosecutors to be reasonable. This is not much of a problem at Southdale.]

18. The city prosecutors at Southdale do quite well, as they have in the past.

**Neutral/Not Sure**

19. Not sure (2 responses)

20. Don't know.

21. See. 25 [Since I assume this does not relate to juv. ct. I can't say.]

22. Again it's too early for me to make this assessment.

23. See the prior answer. I don't perceive any difference in the handling of misdemeanor cases in the pilot from the pre pilot cases. [I would be glad to come back and answer this question but I have a mandatory calendar that I have to go to. Quickly, we need to find a way to get the lawyers to address important discovery and related issues between appearances and not just when they come to court. We continue cases too frequently because attorneys are not prepared, or they have not prepared their clients.]

24. We must accept that certain cases take a certain amount of time, that each case has a life of its own. I have no opinion as to this question

<b>Text Question (27 respondents)</b>	<b>What can the Public Defender's Office or the private criminal defense bar do to improve the handling of criminal cases?</b>
<b><u>Case Resolution</u></b>	
<ol style="list-style-type: none"> <li>1. Be in a position earlier on to try to resolve cases.</li> <li>2. The Public Defender's Office is doing a great job in trying to resolve cases very early. An improvement would be to fully inform their clients that the likely outcome will not get better over time, and may get worse. The private defense bar should strive to resolve their cases at the pre-trial stage. After they have received discovery, the private attorneys know the likely outcome of the case. It would improve the process if their clients fully understood that the likely outcome of the case will be the same if it is resolved at the pre-trial stage or the settlement conference stage.</li> <li>3. Same answer as 26. [Not wait until the last minute to resolve cases.]</li> </ol>	
<b><u>Better Prepare/Appear on Time</u></b>	
<ol style="list-style-type: none"> <li>4. Be more timely in making their appearances.</li> <li>5. Get the discovery from the prosecutors in a timely manner.</li> <li>6. Be there on time or notify judge or staff of whereabouts and why they're not present.</li> <li>7. Insure strong attorneys appear on time and with knowledge to do calendaring of future appearances.</li> <li>8. Private bar no problem. Show up on time or at least call. Is there a point person in the PD's office who we could call, such as an officer of the day to either provide coverage himself/herself or figure out where the lawyer is</li> <li>9. They should better prepare for pretrials and Omnibus Hearings.</li> <li>10. See prior answers regarding preparation for pretrials between lawyers and between lawyers and clients.</li> <li>11. Be prepared earlier in the case. Think through requests for Rasmussen hearings. Many RAs hearings do not go to hearing and this delays case processing.</li> <li>12. Arrive early and work late.</li> </ol>	
<b><u>Other</u></b>	
<ol style="list-style-type: none"> <li>13. At Southdale, they do quite well except on Mondays when there are two courtrooms at work. Invariably, one of those calendars extends over the noon hour, occasionally running into arraignments, Rasmussens, and court trials.</li> <li>14. The PD's need to continue their teams--that has been a major improvement in case processing.</li> <li>15. The private criminal defense bar asks for too many continuances of pretrials.</li> <li>16. Same as 26.[Show up at stakeholders' meetings, tell the justice partners about their respective concerns, and suggest viable solutions to the problems.]</li> <li>17. Same as last answer. [The PD's could use more lawyers.]</li> </ol>	

- 18. Same response as in number 26 [Again it's too early for me to make this assessment.]
- 19. See 25 [Since I assume this does not relate to juv. ct. I can't say.]
- 20. See prior answer [We must accept that certain cases take a certain amount of time, that each case has a life of its own. I have no opinion as to this question]

**Multiple Comments**

- 21. The PDs have always been resistant to working with the court but the choices they have made have made it harder for their attorneys, not easier. Both private and public defense attorneys continue to rely on the court dates alone as a time to work on their cases and they come to court unprepared to have a meaningful hearing. As a result, defendants miss work to come to court to have nothing happen.
- 22. Organize their teams to match our courts, pay attention to showing up on time, show up for the cases they are handling (rather than sending someone else to fill-in and simply request a new date).
- 23. PDs office can make sure they have good pds at suburbs. I wish they would let pds handle discreet suppression issues at the 'burbs.
- 24. See 26. Impart some discipline to the PDs office.[ Preparation preparation preparation. Trial skills, trial skills , trial skills. If they know what they are doing, they will be less afraid to go to trial. If they are less afraid to go to trial, things will settle. When they are in trial, it will go more smoothly. Supervisors should HAVE to observe their lawyers in trial and take ownership for their performance. If Attorney Supervisor XX or XX saw some of these people, they would get fired!!]

**Not Sure**

- 25. No comments--not around enough to know yet
- 26. Not sure.
- 27. Don't know

<b><i>Text Question (19 respondents)</i></b>	<b><i>What else do you want the court to know about your thoughts regarding the Blocking or Teaming of criminal cases?</i></b>
<b><u>Continue Blocking or Teaming of Criminal Cases</u></b>	
<ul style="list-style-type: none"> <li>1. Our team of judges work well together and cooperate to cover for each other.</li> <li>2. I've talked to a lot of people about the block but I haven't been on a block before. I think blocking to teams is an improvement over the old system, but I'd have to defer to others to come up with the best suggestions.</li> <li>3. We should never go back to a Master Calendar system.</li> </ul>	
<b><u>Modify Blocking or Teaming of Criminal Cases</u></b>	
<ul style="list-style-type: none"> <li>4. The blocking system does not seem to work for misdemeanors- maybe there should be a master trial calendar for misdemeanors. What about having a backup master calendar for felonies. For example, could there be a rotation of judges who are specifically assigned for</li> </ul>	

criminal felony backup trials- not a "Master Calendar," but a "Minor Calendar."

5. We have to keep in mind that this was a pilot only. The master trial calendar system had its efficiencies as well. I would like to explore further discussion on alternatives until we commit to making this permanent.
6. We need to seriously listen to and understand issues that seem to have arisen, mostly from the PDC team, on how the workload is being allocated. Judges with civil assignments have a much heavier reading and writing caseload; that also needs to be understood and accepted. But the team concept is vital to the effective functioning of our Court, and THAT needs to be accepted by all judges, even in the face of the need to make independent decisions as appropriate on the bench.
7. Early and effective judicial management of criminal cases only works assigning the case to a judge either at the first appearance or at the first pretrial. Otherwise, it's not really a block system.
8. If we had administrative help like we did in the past for emergency coverage it would increase job satisfaction significantly. I am not on a suburban team, but I still question whether judges with civil cases should be sent to the Dales instead of judges with just criminal cases. Caseload equity will never be achieved between judges with civil cases and those without them.
9. Most days it seems that one emergency, back-up judge is enough. However, that's not always true. And it could be that I don't get all the requests. It seems that the problem of the left hand not knowing what the right hand is doing has been resolved quite successfully, now that people know who to contact for scheduling problems. I always have to ask the courtroom staff what the assigned team does when confronted with such & so particular problem. But, all the staff are very helpful.

### **Evaluation Process**

10. I hope we can have a productive discussion and not a complaint session. I have not understood why some judges have been so angry over the pilot and so negative. The criminal leadership divested themselves of power, in order to have the whole bench involved in managing cases and yet there have been judges who have reacted as though something was taken away from them, rather than given. This is puzzling to me. Maybe the answer is to go to divisions.
11. I think we should consider a survey of the Judges after the statistics are made available and we have had an opportunity to review them. All of this is meaningless now because all of the decisions and assignments were based, at least as we were told, on STATISTICS. I cannot recall ever receiving those numbers and, even as the Pilot progressed, was unable to know where we started, where we were going, and whether, as we went along, we could measure if we were improving. I did not mind the Master Trial Calendar but I do not know if we have improved. I regret the decision to have no help from Court Administration when we have personal emergencies. I think we have burdened our staff at the expense of Blocking and Teaming. This survey does not address how our time or our staff time has been affected by scheduling. It also fails to address the training of new Judges within the Pilot.
12. I think we need to seriously look at the Court as a whole, which this survey fails to do. At the outset, I said that the focus is almost entirely on criminal, and this survey is supportive of that view. A broader approach is necessary to make an effective evaluation of how our court can best perform its responsibilities.
13. Blocking of misdemeanors has no real advantages and many problems. With felonies it is a closer question. Mixing the questions between blocking and teaming renders the survey answers meaningless. In some places I may answer positively or negatively for teaming but not

blocking but there is no way to know from the survey what the positive or negative answer is.

**Judicial Training and Judicial Experience**

14. I think we should consider returning to the system of new judges training by sending judges out to the suburbs, or an analogous system. Putting them on serious traffic block right away makes NO sense.
15. Experienced judge should be used to settle large numbers of cases. Property drug and the suburbs work because we have experienced judges and we do not have unnecessary trials.
16. This is an area where we should do more training from experienced judges.

**Other**

17. Already stated in prior comments.
18. Nothing
19. One bad prosecutor throws a wrench in the smooth operation.



## FOURTH JUDICIAL DISTRICT

### BOTOCC Clerk and Administrator Survey

*The BOTOCC Attorney Survey was sent to 240 clerks and administrators. A total of 83 people completed this survey, for an overall response rate of 34.6%.*

<b>Question</b> (83 respondents)	<b>Responses</b>	<b>Number Responded</b>
<b>Do you work for court administration or a judicial officer?</b>	Court Administration	49 (59.0%)
	Judicial Officer	34 (41.0%)

<b>Question</b> (83 respondents)	<b>Responses</b>	<b>Number Responded</b>
<b>Is your current assignment for the division you work in:</b>	Civil and Criminal	20 (24.1%)
	Criminal only	57 (68.7%)
	Civil Only	3 (3.6%)
	Neither – Court administrator	3 (3.6%)

<b>Question</b> (83 respondents)	<b>Responses</b>	<b>Number Responded</b>
<b>Is your assignment area:</b>	Downtown	58 (69.9%)
	Suburbs	25 (30.1%)

<b>Question</b> (83 respondents)	<b>Strongly increased</b>	<b>Slightly increased</b>	<b>No difference</b>	<b>Slightly decreased</b>	<b>Strongly decreased</b>	<b>Don't know</b>
<b>In light of these values, do you think the pilot of blocking or teaming criminal cases has:</b>						
<b>Increased or decreased the fair processing of cases?</b>	11 (13.3%)	23 (27.7)	16 (19.3%)	8 (9.6%)	2 (2.4%)	23 (27.7%)
<b>Increased or decreased efficiency in processing cases?</b>	15 (18.1%)	20 (24.1%)	11 (13.3%)	16 (19.3%)	3 (3.6%)	18 (21.7%)
<b>Increased or decreased accountability?</b>	17 (20.5%)	21 (25.3%)	16 (19.3%)	7 (8.4%)	0 (0.0%)	22 (26.5%)
<b>Increased or decreased transparency?</b>	10 (12.0%)	16 (19.3%)	24 (28.9%)	7 (8.4%)	0 (0.0%)	26 (31.1%)

<b>Question</b> (83 respondents)	<b>Responses</b>	<b>Number Responded</b>
<b>Has the amount of work required of you as a clerk or administrator changed under the Blocking or Teaming Pilot?</b>	Much more work	11 (13.3%)
	More work	30 (36.1%)
	About the same	23 (27.7%)
	Less work	3 (3.6%)
	Much less work	0 (0.0%)
	Don't know	16 (19.3%)

<b>Question</b> (83 respondents)	<b>Responses</b>	<b>Number Responded</b>
<b>Is the current level of work manageable?</b>	Definitely	35 (42.2%)
	Somewhat	36 (43.4%)
	Not sure	3 (3.6%)
	Not really	7 (8.4%)
	Not at all	2 (2.4%)
	Don't know	0 (0.0%)

<b>Question</b> (83 respondents)	<b>Strongly agree</b>	<b>Agree</b>	<b>Not sure</b>	<b>Disagree</b>	<b>Strongly disagree</b>	<b>Don't know</b>
<b>In your opinion has Blocking or Teaming:</b>						
<b>Made your work more interesting?</b>	2 (2.4%)	25 (30.1%)	18 (21.7%)	24 (28.9%)	6 (7.2%)	8 (9.6%)
<b>Made it more difficult to find coverage when your (or a) judge is not available?</b>	4 (4.8%)	22 (26.5%)	11 (13.3%)	21 (25.3%)	5 (6.0%)	20 (24.1%)
<b>Made you more aware of Hennepin County policies and procedures governing criminal cases?</b>	5 (6.0%)	36 (43.4%)	11 (13.3%)	15 (18.1%)	5 (6.0%)	11 (13.3%)
<b>Led to Team business rules that were helpful to you?</b>	3 (3.6%)	21 (25.3%)	21 (25.3%)	19 (22.9%)	6 (7.2%)	13 (15.7%)
<b>Led to more job satisfaction for you as a clerk or administrator?</b>	3 (3.6%)	21 (25.3%)	18 (21.7%)	24 (28.9%)	8 (9.6%)	9 (10.8%)
<b>Improved courtroom decorum?</b>	3 (3.6%)	9 (10.8%)	28 (33.7%)	25 (30.1%)	2 (2.4%)	16 (19.3%)
<b>Led to a more positive relationship between you and the judges you work with?</b>	11 (13.3%)	27 (32.5%)	23 (27.7%)	12 (14.5%)	0 (0.0%)	10 (12.0%)
<b>Led to fewer requests for continuances by attorneys?</b>	6 (7.2%)	12 (14.5%)	8 (9.6%)	25 (30.1%)	17 (20.5%)	15 (18.1%)
<b>Increased active case management by judges?</b>	11 (13.3%)	25 (30.1%)	15 (18.1%)	11 (13.3%)	3 (3.6%)	18 (21.7%)
<b>Led to more attorney accountability?</b>	6 (7.2%)	26 (31.3%)	17 (20.5%)	13 (15.7%)	5 (6.0%)	16 (19.3%)

<b>Question</b> (83 respondents)	<b>Responses</b>	<b>Number Responded</b>
<b>Do you find the 'Judge Schedule' understandable?</b>	Very	27 (32.5%)
	Somewhat	33 (39.8%)
	Not sure	3 (3.6%)
	Not very	15 (18.1%)
	Not at all	5 (6.0%)
	Don't know	0 (0.0%)

<b>Question</b> (83 respondents)	<b>Responses</b>	<b>Number Responded</b>
<b>Do you think blocking or teaming of criminal cases should continue?</b>	Definitely	27 (32.5%)
	Possibly	26 (31.3%)
	Not sure	8 (9.6%)
	Probably not	9 (10.8%)
	Definitely not	8 (9.6%)
	Don't know	5 (6.0%)

<b>Text Question</b> (58 respondents)	<b>Why do you feel the way you do?</b>
<b><u>Positive Comments</u></b>	
<ol style="list-style-type: none"> <li>1. Appears to have increased accountability amongst the judges. Allows the judges to have more say in how their work is structured.</li> <li>2. Because from what I hear there was a high level of administrative unpredictability under the old system.</li> <li>3. Because I think that we (The Courts) are doing a better job with handling the cases and I like the accountability factor.</li> <li>4. Blocking/Teaming appears to engage more judges in working together to address process and coverage issues. It increases ownership. There's been more communication and discussions about case management, court-wide priorities, the importance of measuring progress and making decisions based on data.</li> <li>5. Cases get resolved in a more timely manner. Judges don't just give continuances when someone calls and says the prosecutor agrees; has to have a more specific reason.</li> <li>6. Easier for the clerk to have consistency. Not so much explaining the system of what is expected of clerk and/or judge.</li> <li>7. For administration, the blocking pilot has created rules and guidelines that have helped us tremendously. These rules and guidelines clearly define how we should proceed in a variety of areas that before the blocking pilot were unclear.</li> <li>8. I did not have much experience with the prior systems, but I think that scheduling, case management, and accountability for cases are made easier on this system. Judges are familiar with cases before they come to the judge for trial, and attorneys and judges are accountable for how the case moves along.</li> </ol>	

9. I did not working in the Criminal Division when the old system was in place. I have, however, been told what my responsibilities would have been under the old system. My concern is that the old system under-utilized judicial staff and judicial resources. Individual judges are more than capable of managing their own calendars and case loads.
10. I believe that it is important for a defendant to have the Judge that heard there case to continue to monitor the case if probation violation happens. It's beneficial for a Judge to know more about them. I would think that it would be a little frustrating if 5-7 different Judges saw you. I also think that Judges move cases along quicker and resolve them sooner. Time and time again Judges wouldn't allow attorneys to continue cases. They had to come up with an agreement. I also think it's in the Judges best interest to get used to the clerks as well. I think the project is working very well and look forward to continued changes.
11. I feel the block system makes it easier to find attorneys, allows for more consistency and accountability.
12. I have not been fully trained as a senior court clerk (currently still in training) however I feel that it only makes sense to have the same 4 Judges at each location. It seems that the clerks get used to working with the team of judges that they have at their locations, which in turn makes their job easier. When the clerk can run the court room smoothly by anticipating and knowing the Judge that they are working with, it makes the judicial process that much easier for everyone in the court room the defendants, victims, attorneys, PD's, the clerk and the Judge.
13. I think it has been a good change. The judges are good, the attorneys are not judge shopping and everything runs just fine.
14. I think having a Judge to report to on the lesser criminal matters is helping with the resolution between private attorneys and the prosecutors. The days of 12 pretrials are gone, unless approved by the Judge :)
15. It is better than the old system
16. It should be noted that I started working at the Fourth Judicial District after the new blocking system was implemented, and that I have only been exposed to the suburban courts. Therefore, I cannot truly compare it to the previously system. I think that besides for a few administrative issues, the system seems to be very effective in achieving the original goals.
17. It's a good system.
18. Judge's eyes on cases
19. Someone needs to own the case to get is resolved more quickly. it was always someone else's problem before and now a judge wants to close it because it makes them look bad to their colleagues and the public if they are the ones that aren't getting their work done.
20. The blocking of criminal misdemeanors at the suburb has meant that cases move along much more efficiently and are not delayed as continuance after continuance is granted and cases wallow unresolved for years on end. Justice delayed is justice denied. The blocking system has really help alleviate needless backlogs from the criminal system and forced accountability onto judges, prosecutors and defense counsel.
21. Under the previous master trial calendar system, each judge had no way of knowing what was going to happen that day. The judge might receive one case, 5 cases, or no cases. No knowing made it very difficult to schedule other matters (civil motion hearings and civil trials). Consequently, because the judge had to keep open those several weeks periods, the civil trials ended up being delayed and often was the case that we ended up wasting the week idly while we waited for

possible trials to be assigned. Under the new blocking system, the judge has far greater flexibility over the judge's own schedule and we can reasonably anticipate what the schedule for each week will actually be. As a result, the chambers is more efficient and more stable as far as predictability.

22. Makes finding a replacement judge much easier, or even building a relationship with the judge. Knowing how that judge works or how they run a court is much easier now with the block, rather than figuring it out with each different judge.

### **Neutral Comments**

23. Blocking has no real affect on my job in the courts - I am behind the scenes.
24. I am not involved with how the criminal cases are handled so cannot say if it has expedited the handling of cases or not.
25. Because we will continue to do our part no matter what has been decided.
26. I started less than a year ago so I have nothing to compare the pilot program with. So, I say "possibly"
27. I was not around prior to this pilot project, so I am not sure how the current process compares to prior case management. I do think it makes sense to assign cases to judges at an early stage to provide accountability an ensure a case moves a long at a decent pace.
28. New
29. Not really directly involved in the process.
30. The concept of blocking cases was. However, not all business partners, judicial staff and court admin were on same page and taking ownership of their roles. The courtroom clerks were inappropriately delegated the role of enforcing the team's business rules instead of focusing on recording hearing outcomes and case processing - which is what their role is supposed to be. Judges should have been responsible for courtroom decorum and reinforcing the business rules. Instead, clerks were constantly under pressure, stressed, made errors, treated disrespectfully by business partners and defendants when their PD's didn't show up while judge's were in chambers. I also believe that the blocking pilot has negatively affected public's trust and confidence in the judicial system because the defendants or court users in the courtroom witnessed much of what has just been described above.

### **Negative Comments**

31. The most prominent issue is that no one follows or wants to follow the blocking rules as written.
32. We still spend huge chunks of time waiting, and cases are still continued over and over again. Defendants don't like coming in and finding their case is set at the same time as 15 others. It's still impossible to find lawyers when you need them. The blocking schedules are complicated and explained poorly. The judge's calendars don't seem to sync up with the lawyer's calendars the way they were supposed to. It is literally impossible to meet the business rules for scheduling AND select dates where lawyers can actually try cases. Lawyers are still demanding trial dates before knowing whether their cases have any merit.
33. Clerk coverage: My understanding of the blocking system is that chambers within a given team are supposed to cover for each other. If there are 9 clerks on a given team (as there are supposed to be), it seems like the judges AND CLERKS for that team should be the first contact for coverage. There is a big difference between what civil law clerks do and what criminal law clerks do, especially for chambers that do not have a traditional judicial clerk. Clerks also could help administration

foresee some of potential pitfalls if given the opportunity to contribute. Suburban criminal cases: Cases should not be blocked at arraignment because parties have to wait at least a month (usually two or three months) if a hearing is continued or even just for the next hearing. Workload: Team blocking has not evened out the judges' workload, especially if a judge is on a team with one or two other judges that do not do their fair share.

34. I am responsible for the processing of post-conviction relief petitions. Generally, when court administration receives a post-conviction relief petition the matter is assigned to the dispositional judge of record. When the dispositional judge has retired, selection of the judge to hear the petition is governed by the rules of the judge blocking system. In such an instance, figuring out who the matter should be assigned to can be time consuming. The statute that governs how district courts are required to handle post-conviction relief petitions mandates that the prosecuting authority responds to the defendant's petition within 20 days of the date upon which the petition was filed. Because court administration doesn't serve the prosecuting authority until the matter has been assigned to a judge, the 20 day deadline previously mentioned is invariably pushed out because the blocking system complicates which judge should be assigned to the matter.
35. I do not like having to "scramble" to find a judge to help out when my judge needs assistance. The block system does not provide enough variety in day-to-day work. I like the variety of criminal/civil. The block system over-schedules county & city attorneys & public defenders. Mondays are like "herding cats" because those attorneys are scheduled in 3-4 places at once. Mondays are nightmares for clerks because of that. Before my all-criminal current assignment I was with a judge on a civil/suburban assignment. From a criminal point of view, we had no trials for a year---that was boring. Yet, at the same time, some of the all-criminal judges were overwhelmed with trials and looking for help. Something is wrong there.
36. I don't see cases being handled any more efficiently than when attorneys would appear at our chambers door with blues in hand and say they were there for trial. Now attorneys still have conflicts on a date set for trial--they are scheduled to appear before more than one judge at the same time, there are just the same amount of requests for continuances, defendants and victims are left waiting for hours often until the attorneys and judge can get together to work on settlement of cases; tissues are still waiting until the day of trial to be brought up. No difference, or at best, so little difference that it doesn't matter. And in the case of suburban courts, how many DWI or domestic assaults do you have to listen to until you crave a good old felony murder trial? I know clerks and judges alike feel marginalized when that is the only case you get for trial.
37. I think it causes additional delay for the atty. private or public defender. They have another delay in getting through to the judge for a continuance answer.
38. The blocking rules are cumbersome, hard to follow, and easy for Judges, attorneys, and clerks overlook because very few people bothered to know 100% of the rules and frankly, it was easy to forget some of them due to sheer volume of them. Having Judge's cover felony through misdemeanors lead to misdemeanors and gross misdemeanors cases always playing second fiddle to felony trial dates and appeared to reduce the timeliness of those cases getting heard if they needed to go to trial.
39. The judge's OM grids are not consistent. they are supposed to be 4 weeks out, but they range from 3-5 weeks and 5 weeks is too far out of in-custody defendants. They usually don't supply enough dates. there is too much filing on Judges for removal
40. The schedule is constantly changing. Any disruption to any part of the schedule requires a system-wide retooling. It all feels very arbitrary.

#### **Positive and Negative Comments**

41. Blocking can be a good system of case management with some changes. In particular, scheduling.

It is very difficult to get all parties together at the scheduled time because most lawyers have hearings scheduled in multiple courtrooms at the same time.

42. Blocking could continue, but not in its current form.
43. Blocking doesn't seem to make a difference in the management of cases. Continuances are still given. I think it would make more sense to block at the first appearance and have that Judge preside over all hearings/trial. Right now, when we block only at the first "meaningful" pre-trial (for misdemeanors), you can still set another pre-trial in front of any Judge, so I don't see how blocking helps to resolve a case any fast. For felony cases, we only block when a trial is set and, again, continued pre-trials, Rasmussens, etc. can be heard in front of any Judge. So, even though a case is blocked, it seems that Judge sometimes only hears that case at trial.
44. First off I started with the Criminal Blocking System. I am now in Civil/Suburban assignment. The Felony blocking system as we left it in late 2010 felt chaotic and uncertain - including, not knowing what we might be "hit" with the week the Judge was assigned to Felony Arraignment Calendar where he picked up his Serious Felony cases. I preferred the mix of Civil/Felony Trials and miscellaneous crim calendars.
45. I don't feel/see the changes. It feels like it did before the block, but with more downtime when the Judge(s) are in mandatory calendars. I liked the trial calendar. I think the felonies should be blocked and the misdemeanors put into a mass trial calendar. I think there should be a universal set of rules for Felonies, GM and misd. ie. Each felony can have X-number of continuances before a trial setting and so on for each level of offense. Each block having their own set of rules is very confusing for most people. I get calls all the time that need to be rerouted and I've talked to many other people who have the same experience.
46. I feel that the overall strategic goals are valid, important and should be what we strive for. Blocking/teaming cases in theory is a good way to meet those goals. However, one of the biggest problems from my perspective is the inconsistency and complexity of individual blocking team rules and the frequency with which they have been changed. I understand that we need to be flexible and adaptable when implementing something new and that means that inevitably aspects will need to be changed - but the frequency of the changes and the complexity of the rules themselves prohibit staff from being able to retain the information and assist customers and justice partners in a timely and effective manner. Another problem I see from my perspective is that there is not enough buy-in from both the bench and the partners. Some judges have really embraced the pilot philosophy and consistently apply the business rules and some don't.
47. I feel that there are always a, "what if," equation and a loop hole for those that push the, "why can't I do this...who can I speak with about this and then we fold and allow the squeaky wheel to get what they are wanting, we put policies in place for a reason let's follow those then.
48. I feel the Blocking system is more complicated then it should be. It has worked okay.
49. I like that there is a team of judges to pool from. As a clerk, you become familiar with their style and how they work since you're with them more often. I feel that I have a better relationship with them because of this. However, there have been a number of changes to the teams, and this can become frustrating, especially when you have a retired judge in the rotation. The problem is that you have to reassign cases to the replacement judge, and you lose the familiarity that the previously involved judge has with the case. For example, even if a case is not set for trial, a judge will often times have the pretrial continued to a date when they're back on the calendar so they can continue to track what's happening with the case. But when that judge leaves the team for a new assignment, the parties have to start all over again with the new judge, and you lose all that history and investment of time that previous judge had with the case.
50. I would say that I think the blocking idea itself works well, as long as the judges are properly staffed.

There will never be an equal work balance among all the judges, but creating a rotation is a good start. I would say that there has been considerable confusion regarding the rules...what we have authority to do regarding continuances, what kinds of hearings we do on what day, and how we have to hear them. For instance, the rules attempted to limit exemption hearings to two per week, without regard to the statute that says that all exemptions must be held within 7 days, so the number of them cannot be limited. This led to getting as many as seven exemptions per day, on the same day as harassments were assigned. Unclear communication about changes to procedures and MNCIS (from admin, from the sheriff, from probation) adds to the clerical workload.

51. In the beginning, the blocking was very successful. As time moves on, it seems the continuances are increasing somewhat again.
52. In the sense of blocking it is good. It is the way we do it where it is in too many places/too many teams/too many different styles and levels of accountability.
53. It seems as if attorneys always have four places to be at the same time and I spend a lot of time searching for them. I like that we have a "set" of cases that we are responsible for, but it still seems to give rise to problems when trying to efficiently manage a calendar because the attorneys have so many places to be.
54. Most things are the same as the past with a few positives and a few negatives.
55. Split weeks....very confusing, even to those with experience. Create a 2 month schedule so when there is time out, it is less confusing to make changes and would discontinue Judge shopping (if that is still happening). Monitor # of OM cases assigned out each week (with value attached child neglect does not = homicide)to assure cases are evenly distributed. (holidays weeks the # of hearings can truly vary). Seems like the same few Judges are hearing all jury cases. Could ALL the Hennepin Judges be asked if they want to take a Crim Sex or Homicide trial. Is so much repetition of big arraignment calendars too much for some of the newer Judges. Some Judges are better at it than others. Survey recent retired Judge's for their input?
56. There were some good aspects and bad aspects of the blocking system. I liked the accountability with the PD's being on teams. But the continuances remained the same level, even when noted from the previous Judge not to grant continuance.
57. Under the old system, I believe a felony block judge was able to maintain transparency, require attorney accountability and manage the caseload well. The same is true under the current blocking system -- no change. However, with the blocking of MSD as well as felonies, a lot of additional, and likely unnecessary, paperwork and tracking requirements have been created. MSD Cases are now given the same amount of attention as blocked felonies. While this is beneficial in many aspects, as a practical matter, I'm not sure that it is a good use of court time to devote equal attention to felonies and misdemeanors. Furthermore, under the old blocking system, a clerk had weeks when they were able to get a lot of backed up paperwork and writing done--specifically, weeks when the judge was out at the suburban courts. While the new blocking system also has mandatory weeks there are important differences which often impede a clerk's ability to work efficiently during those times.
58. With respect to criminal cases, the felony block was much more efficient. The expungement and implied consent calendars create a lot more work that is under advisement and takes longer to complete. The number of increased mandatory calendars also decrease your trial weeks and time for evidentiary hearings, or to work on those under advisement lists. The misdemeanors clog up the calendar and are always at the bottom of the priority list, so they lag around for a long time. With the felony block, all cases were treated the same, and the management of cases and evidentiary issues was much more predictable. In addition, the workload was much more consistent.

<b>Text Question (60 respondents)</b>	<b>What do you like best about the Blocking or Teaming Pilot?</b>
	<p><b><u>Accountability</u></b></p> <ol style="list-style-type: none"> <li>1. Has increased the level of accountability from previous years. The answers to questions that arise are typically there as a result of the business rules.</li> <li>2. Accountability and courtroom management</li> <li>3. Judge accountability-more difficult to not come to work and make it someone else's problem more control in the respective court-especially the suburban locations where we really need judge leadership to change the culture provided a more receptive forum to bring issues forward</li> </ol> <p><b><u>Predictability/Consistency in Scheduling</u></b></p> <ol style="list-style-type: none"> <li>4. Being able to look ahead on the calendar to see how many cases are set on for trial.</li> <li>5. Better predictability.</li> <li>6. Calendar control. I am able to manage my supervisor's calendar to account for leave and vacation without worrying about constantly finding coverage for mandatory assignments.</li> <li>7. I like knowing what Judge we will have and what week they will be here!</li> <li>8. Knowing what to expect from a calendar. When you were on the Trial Calendar, you never knew what or how many or when cases would come to you.</li> <li>9. Knowing where a case should go when a settlement or jury trial is needed</li> <li>10. Set schedule</li> <li>11. Knowing how the Judge wants the calendar called and being able to understand the way they handle cases.</li> <li>12. More foreknowledge regarding MSD Trials which allows Motions in Limine to be dealt with in advance.</li> <li>13. You get familiar with the Judge and their style of operating/running the courtroom if you will, and know what is acceptable and what is not, you may know how the day may run and that is somewhat of a comfort when you know what to expect and what is expected of you. Makes a smooth outcome for all those that are involved.</li> <li>14. The same Judge's appear and there is less juggling of cases looking for another Judge.</li> <li>15. The predictability and the increased efficiency of our chambers/schedule</li> <li>16. We know what Judge to refer to when calls come in</li> <li>17. The judges and what is expected. Not so many grey areas.</li> </ol> <p><b><u>Workload</u></b></p> <ol style="list-style-type: none"> <li>18. It allows the Judge's and staff more flexibility in scheduling their Civil time instead of having only certain limited weeks to handle all their Civil trials.</li> <li>19. It distributed the workload between Judges better as prior to the pilot the felony block Judges were</li> </ol>

extremely busy and often the trial calendar Judges were not.

20. It's nice to have 18 judges on the criminal teams as opposed to the eight that were on the felony block. It makes finding coverage a little easier.
21. I liked how the judges were divided into the three teams. It made it easy to find which judge needed to get things.
22. We have a team of Judge and clerks to confer with.

### **Faster Case Processing**

23. I like that it gives the Judges a little more control over managing difficult cases and they tend to be processed more quickly over all.
24. See prior answer. [The blocking of criminal misdemeanors at the suburb has meant that cases move along much more efficiently and are not delayed as continuance after continuance is granted and cases wallow unresolved for years on end. Justice delayed is justice denied. The blocking system has really help alleviate needless backlogs from the criminal system and forced accountability onto judges, prosecutors and defense counsel.]

### **Relationships with Judges and Staff/Working in Teams**

25. For the most part, you work with the same group (team) of attorneys and judges and get to know them and their work styles which can lead to good working relationships.
26. As a clerk, the corresponding staff in court administration are very helpful and pleasant to work with.
27. I like best getting to know the judge's well on our block.
28. I'm pretty new so I have nothing to compare it to, but I like that I am becoming more familiar with other judges' staffs.
29. I like working with the Ridgedale staff.
30. Having the same core group of Judges is nice. Especially if they have all agreed and relayed how they which to proceed on certain issues.
31. Working and building relationships across divisions (Civil and Criminal).
32. Same judges
33. Seeing the regular Judges every 4th week.
34. I like the fact that there are a small number of judges that I work with. Not only is it beneficial to me since it creates a better working relationship with the judges, it also helps the attorneys since you typically have the same set of prosecutors and public defenders working with each other. And overall, it seems like a more efficient way of handling cases as well.
35. Variety of working with different Judges

### **Attorney Involvement**

36. I like that the Public Defenders were divided into teams.
37. Knowing what attorneys we primarily work with and who the judges are. It makes it much easier if

we have a set of attorneys who we know will be located in one of 9 places. It also makes it much easier to ask for coverage for something.

38. Public Defender's being teamed up.

39. Pairing with a small universe of prosecutors and defense attorneys makes it easier to track lawyers down when they are needed.

#### **Other**

40. Becoming an expert in one area of criminal law.

41. Cases are with one Judge which is easy to track down if/when needed.

42. Having the ability to interact with the same group of attorneys and better manage the judges calendar.

43. I like that we have a set of cases that we are responsible for handling. I also like that we have a team of judges and staff that we can look to for help or advice.

44. It does give more time for us to do our work and let the attys contact the judge's staff but they are not happy they need to call another number after waiting on hold to contact the clerk's office. It would be easier if there was a better PR or media alert, it has been some months since they change to the current procedure and the word did not seem to get out, even to the public defenders.

45. Judge Wernick as Criminal presiding

46. Judges who were on the misdemeanor criminal block before the teaming pilot have the opportunity to gain better and more diverse experiences. If I were one of the judges, I think my satisfaction level would have increased.

47. Not much. We were on the Felony Block and I liked that process better.

48. Predictability and accountability

49. Team schedule of assigned Judges appears there is more organization (but time can change that concept) Knowing a Judge will be here and assigned to hear the calendar. Pre-blocking we would not know until the last minute who was covering. I think it would be much easier for a new Judge to understand and be trained on just criminal, just civil etc.

50. The consistency in scheduling helps in preparing for the "monthly schedule" and for case processing and future scheduling. We know what to expect, generally speaking, before the week begins. The drawback is the repercussions after the Judge has done a week at the PSF. He takes on so many more cases.

51. The elimination of the mass Trial Calendar.

52. The idea of being on a team is good on paper, but I don't know if it always translates to being able to help one another out.

53. The Judges finding their own coverage.

54. The rules are pretty easy to understand and follow, which is good because we get asked to explain them a lot.

55. The strategic goals and focus on improving outcomes based on empirical evidence and best

practices.

**Neutral/Not Sure**

- 56. Because of not being directly involved or affected by the blocking, there is nothing
- 57. I cannot say.
- 58. Not sure
- 59. Nothing has really changed for us with the Blocking. We run our calendar the same way as before.
- 60. Nothing I can think of.

<i>Text Question (50 respondents)</i>	<i>What do you like least about the Blocking or Teaming Pilot?</i>
<b><u>Coverage for Judges</u></b>	
<ul style="list-style-type: none"><li>1. Although we've been able to find coverage for critical calendars and cases, finding a back-up seems more time-consuming for both judges and administration.</li><li>2. Finding coverage and the fact that you aren't in control over Judge's calendar - with misd. pretrial scheduling.</li><li>3. Finding coverage when the Judge is out is a little difficult.</li><li>4. Having to find judges to hear cases; this was formerly done by the scheduling unit and it now done by administration staff (in certain situations in civil). It can be very time consuming.</li><li>5. Not being notified of coverage changes.</li><li>6. The trying to figure what Judge may be where, Blocking does not always work well if for some reason the blocked Judge may be gone during their week.</li></ul>	
<b><u>Scheduling</u></b>	
<ul style="list-style-type: none"><li>7. Sometimes, it is difficult to find a date for a city that is not in the suburbs each week with the assigned judge.</li><li>8. It can be difficult to schedule shared civil and criminal assignments.</li><li>9. It is difficult to set certain hearings, pre-trial motions and such. The slots assigned for those fill up very fast, so cases get delayed or we wind up setting them "outside" of the block system setup. (This was later acknowledged through a change in the rules that allowed more hearings to be set before the judge personally instead of through the rotation again). And then some attorneys still raise pre-trial issues on the day a case is assigned for trial because they simply did not have the opportunity to do it beforehand.</li><li>10. Overbooking tends to be a serious problem. And sometimes, people have difficulty reaching their assigned Judge's team with issues regarding their case.</li><li>11. Scheduling is a little more complex.</li><li>12. Scheduling multiple misdemeanor cases along with felonies which can lead to frustration for the</li></ul>	

attorneys in prioritizing their cases for trial.

13. The scheduling grid. There is no reason for the grid to have two calendars, one for the initial calendar and one for the actual calendar. Judicial staff need only see what is actually going on, not some ideal schedule that is no longer in play.
14. There is still complete uncertainty about whether a case will actually go to trial or not on the day it is scheduled, so really, what good is blocking a case if the attorneys involved are also blocked with another judge (or three) to go to trial that same day. Impossible for attorneys to prepare for multiple trials week in and week out.
15. Sometimes it makes it hard for attorneys to continue cases.
16. Sometimes, for example, when my Judge was working on the PDC block, we would get too many exemptions and harassments or Ras and Morrisseys in one day.

#### **Business Rules/Inconsistency within Block or Team**

17. Different rules for each block and judges in each interpreting their team's rules differently.
18. It is unclear to me when certain issues need to be addressed by the clerks downtown and when they need to be addressed by the clerks in the suburban courts. It would be helpful to have clear directives on what the clerks downtown should be doing. I receive many phone calls each week on criminal cases which I have no knowledge of because I have not been working on the cases. However, there is usually enough information in MNCIS to assist the caller.
19. That the rules made by judges are not followed thru
20. Too many business rules for each team and they were all different. No consistency.
21. When there is a discrepancy between the Judges, such as sentence standards or surcharges and PD fees.
22. The lack of consistency in case management and workload, especially with the added responsibilities of handling expungements, implied consents, and other mandatory calendars.

#### **Workload Issues**

23. A lot more paperwork for tracking, making it harder to get legal writing projects done within the work day.
24. Amount of increased time to prep a calendar when the Judge is blocked at the 1st appearance.
25. It is a lot more work but it is worth it.
26. It seems that certain judges take on so much more work than others. The workload does not seem to be equally distributed. The PSF calendar is so unclear as to expectations and case processing.
27. Most of the judicial staff did not do any case updating - not even scheduling simple continued hearing dates. It might have been more efficient if the judicial staff's expectations for case updating would have mirrored the expectations for the judicial staff that were part of the first felony blocking pilot - which was more effective and efficient.
28. The judicial staff doesn't always do the updates in MNCIS; just adds a bit more time to complete cases along with other duties.

29. The amount of misdemeanors that are now assigned to the Judge, having come from the Felony Block.

**Other**

30. All the things I mentioned in Question 21. [The idea of being on a team is good on paper, but I don't know if it always translates to being able to help one another out.]
31. Having to listen to the public defenders complain about the grids
32. I like it.
33. Necessary evil of salmon sheets
34. Not receiving GRIDS prior to Friday. They could be done much sooner so we can distribute to our partners (who are then responsible to contact that Judge if the dates do not work with their schedule). Other have come to rely upon the clerk to remember all the Business Rules/Changes that take place. Not relative here but wanted to include: Could the 2/3 Probation Officers IN the Felony courtroom play a more active role?
35. Private attorneys are often times very late and it makes it difficult to handle continuances etc. for them when the judge is on the record. I think they should be reminded that showing up two hours late and then expecting to leave in five minutes does not work. They should be accountable for tardiness just like the pro se people have to be.
36. See 22. [It does give more time for us to do our work and let the attys contact the judge's staff but they are not happy they need to call another number after waiting on hold to contact the clerk's office. It would be easier if there was a better PR or media alert, it has been some months since they change to the current procedure and the word did not seem to get out, even to the public defenders.]
37. What I like least about the blocking is for example: For Misd cases if the defendant fails to appear it shouldn't go back to the first Judge/ the second Judge that hears the BW hearing should take over the matter.
38. When cases are called to jury trial downtown, but ultimately plead, there is a delay in processing the paperwork as it is scanned out the to suburbs and uploaded into MNCIS. This delays probation referrals, fine payments, and the receipt of commit paperwork.

**Multiple Comments**

39. Having to track down a Judge when a case is blocked to them and is not scheduled before that Judge for a pre-trial. The attitude we get from other players when we try to implement the rules and they don't like them. It seems a lot of people feel that blocking isn't very helpful - at least not the way it's currently implemented.
40. I dislike the fact that there are still so many continuances. I'd like to see cases being resolved faster, but it still seems that cases continue to get kicked along without a resolution. I also feel that there have been a lot of changes to the blocking teams. And finally, I still see attorneys "judge shopping." Attorneys know when certain judges will be presiding over the calendar, and some attorneys purposely schedule their case to dates when a judge who might be more favorable to their case is on the bench.
41. Misdemeanors are lost in the shuffle. It is a waste of time to have to wade through 10 misdemeanor trial settings every Monday when we have felonies set and ready to try. There should be a rotating

misdemeanor week, where a judge or 2 could clear their week and take care of the misdemeanors. Also, the OM "Grid" system is awkward and often results in cases getting scheduled at times that later have to be changed. In short, it has decreased the time I have to spend doing legal research and writing -which is my job as a law clerk, and increased the time I spend dealing with calendars and moving hearings around.

42. People not knowing whether they are coming and going and attorneys Judge shopping within the blocks.
43. Suburbs: Team blocking has not increased efficient processing of cases. Cases should not be blocked at arraignment because parties have to wait at least a month (usually two or three months) if a hearing is continued or even just for the next hearing. This makes it pretty much impossible to resolve cases within the preferred timelines. Continuances: I feel that dealing with continuances has substantially increased since my judge got the suburban criminal assignment. I'm not sure if this is due to the blocking system or if this is due to my judge's transfer from one assignment to another. I would recommend that that administration handle all continuance requests on suburban cases. Workloads: Team blocking has not evened out the judges' workload, especially if a judge is on a team with one or two other judges that do not do their fair share. There are fewer judges to cover, so two judges end up shouldering more of the burden than if the extra work could be shared amongst several judges.
44. That often the judges did not even know the rules of their team. Also finding a trial date for a Judge who had previously been blocked a case but who was not appearing on the calendar when a trial date was set was extremely hard and aggravating.
45. The amount of time spent dealing with scheduling. The personality conflicts when you have lawyers who don't get along on the same assignments. The fact that experienced judges get two clerks while new judges get one. (Almost no one is sharing, in case you haven't noticed.)
46. No one followed the blocking rules as written and the accountability of the attorneys did not change.
47. The number and complexity of the teams. The inconsistency of business rules across teams. The lack of buy in by judges and partners.

**Neutral/Not Sure**

48. Not sure.
49. Nothing I can think of. We picked up a messy civil block (not by the prior Judge, but clerical), + learning civil MNCIS, then paperless, then e-filing. I am just beginning to feel good about managing our civil block. I miss the criminal attorney/civil attorney mix.
50. For the reasons mentioned in Question 21.[ I cannot say.]]

<b>Text Question (51 respondents)</b>	<b>What can the prosecutors in our county do to improve our court?</b>
<b><u>Appear on Time/Be Prepared</u></b>	
<ol style="list-style-type: none"> <li>1. Arrive to court on time.</li> <li>2. Be on time, usually if there are two present, one will be on time, at the start of the calendar and the 2nd will show up later but sometimes it's helpful to have both there on time. Other than that, I'm very happy with them</li> <li>3. Be ready when the judge walks into the court room</li> <li>4. My biggest concern for prosecutors currently is timeliness, although I understand with staffing and budget issues that they do the best they can.</li> <li>5. Strive to value the court's time more.</li> <li>6. They could be in the courtroom processing cases at 8:30 a.m. when court is actually supposed to start.</li> <li>7. Try not to schedule so many trials in different places at the same time (may not be possible to get around this because of case loads).</li> <li>8. The volume of cases make it very difficult for prosecutors to be in one place at one time, or to be focused on one case at a time. I don't know if there is a great solution for that, but the heavy workload is difficult to manage and oftentimes keeps the court delayed.</li> <li>9. Be less over-scheduled---if such a thing is actually possible. Clerks need their cell phone numbers if the attorneys carry a cell phone---some do.</li> <li>10. Have discovery ready for the Defense/Public Defenders</li> <li>11. Have police reports and dl's available</li> <li>12. Not use our staff as if they are their staff. Come to court prepared to work.</li> </ol>	
<b><u>Greater Consistency</u></b>	
<ol style="list-style-type: none"> <li>13. I believe the County Attorneys do a very good job. As far as the City Attorneys, it would be helpful to maintain some consistency in who is handling a particular case, as many times the prosecutor has changed several times in the same case, which makes communicating with the proper parties, when questions arise, difficult, time consuming and inefficient.</li> <li>14. I have only worked in the court room on the payable calendar so far, however I feel that as a team of city prosecutors they should all be operating the same way. It shouldn't matter who is there to represent the city, the clerks should not have to change how they run the session based on who is representing the city that day.</li> </ol>	
<b><u>Case Resolution</u></b>	
<ol style="list-style-type: none"> <li>15. Less court trials.</li> <li>16. Make their best offer for settlement before the day of trial.</li> <li>17. I have been very impressed with the city and county prosecutors that I have seen in the courtroom. They tend to be on time for hearings and come prepared for motions, plea discussions, etc. My only</li> </ol>	

criticism is that some prosecutors need to recognize when a case can't proceed and a dismissal is reasonable.

18. Certain Prosecutors should try to resolve cases in less time. Some just keep continuing cases at the arraignment level several times before a case gets blocked to a specific Judge.
19. Present their best settlement offer at pre-trial rather than providing a far better offer on the date of trial. Over 90% of our cases set on for jury trial have resolved on the day, even with the blocking system and this is largely to do with prosecutors giving better offers on the day of trial rather than at the pre-trial or settlement conference. This is a needless waste of jury time, judge time, and defense counsel time.
20. Keep working on settlements. Do not keep giving arraignment after arraignment because they do not have their paperwork in order.
21. Try harder to settle cases. Some prosecutors just seem to want to continue the Omnibus hearings frequently and the decision to go to trial seems more of a choice than a necessity. This has been my recent observation.

#### **Adapt to Change**

22. Embrace technical changes.
23. Follow the blocking rules
24. Flexibility and communication with court administration.
25. The county attorney should e-charge and e-file.

#### **Charging/Treatment of Defendants**

26. Be less adversarial with dealing with defendants in minor criminal.
27. Treat all defendants fairly and remember that justice sometimes means making the right decision for the offender in front of them. Throwing the book at a defendant (e.g. excessive fine or jail time) is not always the best, right, or just option. Based on what I've seen and heard, there is a problem with suburban prosecutors more than downtown prosecutors.
28. Reasonableness in charging.

#### **Other**

29. Be mindful the public can be in the audience of the court room and they should be careful what they are saying sometimes...(Criminal Felony prosecutors in particular)
30. Focus on charging cases that merit charges and are likely to have the required evidence in order to help them meet their burden of proof. Embrace e-court principles and demonstrate more active case management of their cases (i.e. not expect the court to manage their cases for them). Communicate offers ahead of time and attempt to settle cases on non-court time.
31. I don't think it's the prosecutors problem-its the public defenders attitudes
32. I think the prosecutors do a good job. Maybe cut down on the number of continuances they agree to?
33. Management needs to give their people more discretion to plead/dismiss cases. Bad cases waste

everyone's time.

34. Notify victims in cases before arraignment in Every Instance
35. PSFTR - be on time and bring the files. Mpls. Prosecutors monitor dispo's and often will let us know if a correction is needed.
36. Stand firm on the premise that you must be responsible for your actions, we allow way too many continuances, Probation Violation appearances and Modifications, Motions to withdraw a plea of Guilty, and a Motion to open a sentenced case...will these defts. ever learn that yes they did break the law and there are consequences for this. I believe I was taught this as a young child, every choice in LIFE has a action and a reaction, good or bad you do make that choice!!!!!!!!!!!! Does anyone ever say, " gee... I did this and now I must pay either with \$\$\$\$ or some sort of pay back to the community, or victim. I think not, they (defts) need to show to the Courts that they are accountable for their behavior ( no one else) instead of how can we help you avoid consequences. or the crime that they have committed.
37. The State needs to provide more resources to the County Prosecutor's Office so that the department can hire more attorneys. The problem is that attorneys can't all be in multiple courtrooms at once. They are over booked!
38. The suburban prosecutors could stop complaining so much. the court is super accommodating to them-giving them the days of the week they want, etc, and they do not appreciate it at all.
39. Understand the surcharges and PD fess are imposed by statute and they would need to approach the Judge about waiving and not leave up to the clerk.
40. Wear GPS trackers
41. At misdemeanor level: be more decisive. Have the chutzpah to make a decision vs. "It wasn't my offer, another prosecutor made this offer." Make a decision, document it to your team / superiors and move on.

**No Suggestions/Unsure**

42. I like the way it is now
43. I think the prosecutors do a good job.
44. I think they do a fantastic job overall.
45. Nothing comes to mind.
46. Nothing, they are doing a great job.
47. The prosecutors have been great.
48. Not sure (3 responses)
49. You will have to ask them.

<i>Text Question (49 respondents)</i>	<i>What can the public defenders and private defense bar do to improve our court?</i>
<b><u>Appear on Time/Be Prepared</u></b>	
<ol style="list-style-type: none"> <li>1. Arrive to court on time and be prepared.</li> <li>2. Be here and ready to talk to clients at 8:30.</li> <li>3. Be on time. I understand they have a heavy case load and they can't always been on time--but it crosses the line when most of them are NEVER on time. It slows down the entire system.</li> <li>4. Be ready when the judge walks into the court room</li> <li>5. Better management of their schedules to that hearings can take place as close to the set time as possible.</li> <li>6. I know public defenders are very busy, but it would be helpful if they would at least e-mail chambers staff to let chambers know if they are running late or have other appearances. PDs just need to keep chambers informed so that chambers can better manage their calendars.</li> <li>7. Not use our staff as if they are their staff. Come to court prepared to work and not expect preferential treatment.</li> <li>8. Overall, I think the defense attorneys do a really nice job of letting me know if they will be late. There are a handful that are routinely late without letting us know. An email or telephone call goes a long way.</li> <li>9. Public defenders need to be in court when it starts - not show up an hour or more later and pick up cases. Often times they will leave when they are finished but don't realize other court personnel have to be back for an afternoon calendar and don't appreciate working thought their lunch because the p.d.'s have everything ready at 11:55 instead of handling things all morning. I have already stated my opinion previously on the private defense counsel. (they need to be on time as well - pro se people are expected to be)</li> <li>10. Show up on time.</li> <li>11. Showing up would be a great start.</li> <li>12. Strive to value the court's time more.</li> <li>13. Talk to their clients BEFORE the appearances about offers, etc. and be on time or let staff know when you might be coming if they are going to be late.</li> <li>14. They could be ready to start at 8:30 when court is actually supposed to start.</li> <li>15. Timeliness. I understand that the public defender's office is under extreme pressure and that they are shorthanded. But, PDs seem less capable of managing their daily calendars. I often had to go looking for PDs when no appearances were made.</li> <li>16. Try not to schedule so many trials in different places at the same time (may not be possible to get around this because of case loads).</li> <li>17. File motions in a timely fashion.</li> <li>18. Same answer as in Question 24. The public defenders always look over-worked to me...they are definitely over-booked---not through any fault of theirs that I can tell. Both CAs and PDs need to</li> </ol>	

keep us informed of their whereabouts when they start running more than 10 minutes late. The clerks are always sending out e-mail APBs because we don't know where people are. A simple phone call would make things a lot easier as we wait.

19. Be on time and be able to find more coverage when needed.
20. Be on time and manage their clients cases better.
21. Be on time and try to resolve cases.

#### **Case Resolution**

22. Convince their clients that the time to settle a case is before the day of trial.
23. Stop continuing cases 3, 4 or more times.

#### **Hire Additional Staff**

24. More PD's they are stretched to the limit and beyond. I cannot speak for the private defense attys.
25. Need more, not less, public defenders in the arraignment courtrooms.
26. Same as 24, but there seems to be less of an issue here. [The State needs to provide more resources to the County Prosecutor's Office so that the department can hire more attorneys. The problem is that attorneys can't all be in multiple courtrooms at once. They are over booked!]

#### **Other**

27. Be more clear in their scheduling and have their "substitute" attorneys be better informed on schedules. It seems many scheduling conflicts (resulting in continuances and rescheduling) are avoidable with better communication. I do believe that the efficiency, other than that one factor, is very high.
28. Be more patient with court staff in larges calendars
29. Could the MDP play a more active role in the Felony courtroom? Currently they only handle misdemeanors and do an excellent job at it. (someone should yearly collect all the APB's to see if it is the same attys all the time)
30. Develop some patience.
31. Do your homework before going on record. Look at clients' big picture: How many other pending cases exist, in & out of Hennepin. Verify statewide custody credit instead of pulling it out of rear trousers pocket. Verify or document any programming. Have your I-Phone set up for email alerts in case court or your agency partners need to get in touch on short notice.
32. Follow the blocking rules.
33. Handle more cases at the arraignment level.
34. I have not worked much with private attorney's as of yet, however I do think that some of the public defender's could improve when it comes to certain things. I realize that defendants are receiving free attorney's by using this system. Some days PD's do have a heavy case load, however I know that when I assign certain PD's that the deft. wait will be extended just because of who they were assigned to. I feel that because PD's are part of the state Judicial branch that they should all try to represent the state the best that they can by operating on the same level as much as possible.

35. Look back at #24 please same answer same thoughts [Stand firm on the premise that you must be responsible for your actions, we allow way too many continuances, Probation Violation appearances and Modifications, Motions to withdraw a plea of Guilty, and a Motion to open a sentenced case...will these depts. ever learn that yes they did break the law and there are consequences for this. I believe I was taught this as a young child, every choice in LIFE has a action and a reaction, good or bad you do make that choice!!!!!!!!!!!!!! Does anyone ever say, " gee... I did this and now I must pay either with \$\$\$\$ or some sort of pay back to the community, or victim. I think not, they (depts) need to show to the Courts that they are accountable for their behavior ( no one else) instead of how can we help you avoid consequences. or the crime that they have committed.]
36. Not bring frivolous Rasmussen motions on issues that have already been conclusively determined by the appellate courts. In particular there are certain defense attorneys that insist on motion practice on issues that are foreclosed by published appellate decisions. This is particularly true in DUI cases.
37. PDs should team up and loosen their reigns on vertical representation. it is a contradiction in that they want vertical representation downtown but they don't care about it in the suburbs.
38. Realize that sometimes your case just might not be called right away. Private attorneys continue to try and judge shop and of course if they figured it out they would realize when the Judges come here. However, a way to fix that would be to rotate the weeks every other month possibly.
39. Same answer.
40. The private defense bar can honor the practices in court. Many try to "get one by" and place clerks, their clients, and themselves in difficult circumstances.

#### **Multiple Comments**

41. Ditto with the heavy workload (more with respect to public defenders). Also, the PD's office can do a much better job with their blocking and team assignments. They do not have CC, ST, and DV teams -- only felony teams -- and that severely hinders their ability to manage their caseloads and appear in court on time.
42. Flexibility, willingness to adapt to changes within the court and communication with court administration.
43. Be more efficient, More consistent, plan ahead.
44. I guess the obvious is to resolve their cases faster and not request so many continuances. I understand that this cannot always be avoided, and the public defenders in particular have large caseloads to handle, but it would improve things if cases were resolved sooner. I'd also like to see attorneys stop trying to work the system by shopping for judges.
45. Quit asking for frivolous continuances or drag cases out as a strategy for the case to "just go away". Communicate and discuss offers with clients before court. Also, come to court prepared to either enter a plea, go to trial or argue a dismissal. So much court time is used for attorneys to consult with their clients. That should be done outside the scheduled hearing.

#### **No Suggestions/Not Sure**

46. Can't think of anything.
47. Again, they do a good job. Especially public defenders. Considering the case load they have, I think they do the best they can.

48. Don't know

49. Not sure.

<b>Question (31 respondents)</b>	<b>What else would you like to tell us about the pilot project?</b>
<b><u>Positive Comments</u></b>	
<ol style="list-style-type: none"><li>1. From my perspective, this pilot accomplished its goals. Accountability has improved. We have a clear rules and guidelines that help us to determine how to proceed in all matters.</li><li>2. Having a limited number of judges in the courthouse give the prosecutors, public defenders, private defense attorneys, probation, and clerks the ability to learn what the Judge expects in the courtroom. This makes court work better for all involved.</li><li>3. I have noticed a change, I feel for the better. I think it could use some tweaking but is a good thing.</li><li>4. I think it is a good step in the right direction</li><li>5. I think it should continue. It is a *far* better system than the old non-blocked master calendar system that often resulted in chaos.</li><li>6. I think it's a great idea. It seems to be working well</li><li>7. It seems to work well</li><li>8. It still can be a good thing with some minor changes, some of which I have already touched on.</li><li>9. Keep it going</li><li>10. My favorite aspect is that the judges will get to know the defendants more. I believe that is very fair for everyone. It does speed things up too.</li></ol>	
<b><u>Neutral Comments</u></b>	
<ol style="list-style-type: none"><li>11. I could take it or leave it. It really hasn't changed much in our office, however, I did like the trial calendar for the most part.</li><li>12. I think I've said enough.</li><li>13. Nothing.(3 responses)</li></ol>	
<b><u>Negative Comments</u></b>	
<ol style="list-style-type: none"><li>14. I much preferred the former system--the excitement of not knowing which case was coming to your courtroom every week and the chance to get a highly publicized case kept life in the courts much more interesting. Plodding through a mundane misdemeanor trial was often rewarded by being assigned a more rewarding felony case later on. I do think there has to be a way that every judge who wants one gets a murder or crim sex case as often as possible.</li><li>15. I think the best scheduling we had was when trials were sent to the judges on a rotation from the assigning judge. Things didn't seem as crazy then, scheduling-wise, as they are today. I'm not a big fan of the current Pilot.</li></ol>	

16. I would like to see it end.
17. I've noticed that a small number of Judges don't always follow the blocking system. In particular, some don't want cases blocked to them even though there has been a meaningful pre-trial.
18. It is still the matter of the harder one works, the more work they are given. The less efficient still remain in that status. The "block" system is not efficient in regard to Implied Consents or case assignment.

**Positive and Negative Comments/Suggestions for Improvement**

19. Having a handout to explain blocking goal and mission to newer attorneys, the public would be helpful.
20. I appreciate the opportunity to answer this survey, and in the same way, I believe the clerks should have input into the rules. The rules should be clearly communicated to the clerks (both judicial staff and admin staff) and all of the stakeholders, so that everyone understands how it works and what needs to be done when for it to work efficiently.
21. I believe we should have a pure civil division like we do for all other lines of business.
22. I think the scheduling should be up to the clerks.
23. I would want to know what else to compare it to.
24. I'd like to see blocking/teaming continue in some form. But it needs to be simplified and there needs to be some uniformity across blocks/teams.
25. It was a good idea in theory but never truly worked as it was intended in practice.
26. It would be better if the blocking started at the first appearance rather than at a Pretrial appearance.
27. It would be helpful to court staff if one set of rules and procedures about how this all works was issued. For example, a handbook however short would be super helpful. Singular updates about changes are not helpful. For example, the process of finding coverage for the judge is not clearly communicated to staff. The process with respect to housing matters is not clear.
28. Just that in theory it sounds like a good idea, but when it's played out, I don't know if it really makes a difference. When a case is blocked but then can continue to appear in front of other Judges for pre-trials, etc., what kind of management/control does the Judge really have?
29. Listen to the staff actually working in the courtrooms--we are excluded from meetings and the rules are made by people that have NEVER worked in a courtroom.



## FOURTH JUDICIAL DISTRICT

### BOTOCC Attorney Survey

*The BOTOCC Attorney Survey was sent to 447 attorneys with valid email addresses. A total of 128 people completed this survey, for an overall response rate of 28.6%.*

<b>Question</b> (128 respondents)	<b>Responses</b>	<b>Number Responded</b>
<b>How long have you handled criminal cases?</b>	Less than 3 years	8 (6.3%)
	4 to 10 years	29 (22.7%)
	11 or more years	91 (71.1%)

<b>Question</b> (128 respondents)	<b>Responses</b>	<b>Number Responded</b>
<b>Is your practice mainly as a prosecutor or defense attorney?</b>	Prosecutor	60 (46.9%)
	Defense	61 (47.7%)
	Both	7 (5.5%)

<b>Question</b> (128 respondents – Multiple response question)	<b>Responses</b>	<b>Number Responded</b>
<b>In the last 15 months (January 1, 2011 to March 31, 2012) in Civil or Criminal, which teams have you been on?</b>	Ridgedale Gross Misdemeanors/Misdemeanors	51 (39.8%)
	Brookdale Gross Misdemeanors/Misdemeanors	39 (30.5%)
	Southdale Gross Misdemeanors/Misdemeanors	40 (31.3%)
	Minneapolis Serious Traffic Gross Misdemeanors/Misdemeanors	69 (53.9%)
	Minneapolis Domestic Violence Gross Misdemeanors/Misdemeanors	52 (40.6%)
	Minneapolis Community Court Gross Misdemeanors/Misdemeanors	60 (46.9%)
	Problem Solving Courts (DWI, Model Drug, Veterans, Mental Health)	55 (43.0%)
	Hennepin County Property Drug Felonies	59 (46.1%)
	Hennepin County Serious Felonies	71 (55.5%)

<b>Question</b> (128 respondents)	<b>Responses</b>	<b>Number Responded</b>
<b>In the last 15 months, within which team or court have you had your main experience?</b>	Ridgedale Gross Misdemeanors/Misdemeanors	21 (16.4%)
	Brookdale Gross Misdemeanors/Misdemeanors	11 (8.6%)
	Southdale Gross Misdemeanors/Misdemeanors	5 (3.9%)
	Minneapolis Serious Traffic Gross Misdemeanors/Misdemeanors	9 (7.0%)
	Minneapolis Domestic Violence Gross Misdemeanors/Misdemeanors	4 (3.1%)
	Minneapolis Community Court Gross Misdemeanors/Misdemeanors	21 (16.4%)
	Problem Solving Courts (DWI, Model Drug, Veterans, Mental Health)	1 (0.8%)
	Hennepin County Property Drug Felonies	21 (16.4%)
	Hennepin County Serious Felonies	35 (27.3%)

<b>Question</b> (128 respondents)	<b>Strongly increased</b>	<b>Slightly increased</b>	<b>No difference</b>	<b>Slightly decreased</b>	<b>Strongly decreased</b>	<b>Don't know</b>
<b>In light of the values, do you think the pilot of blocking or teaming criminal cases has:</b>						
<b>Increased or decreased the fair processing of cases?</b>	11 (8.6%)	27 (21.1%)	46 (35.9%)	21 (16.4%)	16 (12.5%)	7 (5.5%)
<b>Increased or decreased efficiency in processing cases?</b>	15 (11.7%)	38 (29.7%)	21 (16.4%)	18 (14.1%)	34 (26.6%)	2 (1.6%)
<b>Increased or decreased accountability?</b>	19 (14.8%)	34 (26.6%)	43 (33.6%)	9 (7.0%)	15 (11.7%)	8 (6.3%)
<b>Increased or decreased transparency?</b>	8 (6.3%)	26 (20.3%)	59 (46.1%)	7 (5.5%)	10 (7.8%)	18 (14.1%)

<b>Text Question</b> (61 respondents)	<b>Please tell us why you think the values have or have not been realized during the pilot of blocking or teaming cases.</b>
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- Positive Comments**
1. Appearing before the same judge cuts down on the back-and-forth between the parties.
  2. Blocking provides a realistic expectation of how cases will be resolved: the judges tend to give consistent offers on straight-pleas. Also, blocking has drastically cut down on day-of-trial judge shopping, which has increased the number of cases that resolve before the day of trial. This has increased efficiency, accountability (the same judges handle all the cases) and transparency (it's easier to monitor outcomes over time when you're only tracking the results of four judges).
  3. Fair processing of cases has been increased because the blocking pilot has eliminated the practice of using the trial date as a judge shopping opportunity. The blocking of cases has eliminated the practice of trials being "dumped" on judges who have no previous familiarity with the case. This sometimes resulted in the judge to whom the case was assigned, particularly if the judge was assigned a number of trials, feeling the need to do something to make some of the

cases go away. The reduction in the number of trials scheduled has also greatly reduced the trial-date pressure on judges, prosecutors, and defenders. The reduction of the number of trials scheduled has increased efficiency because less judge, prosecutor, defender, police, and witness time is being devoted to cases which are scheduled for trial but which are resolved on the trial date. Accountability has been increased because judges to whom cases have been blocked have an incentive to invest the time and energy to resolve cases early.

4. Having all players in the process responsible for all stages of cases helps separate those cases on a litigation track from those cases on a resolution track and prevents parties and the court from "kicking the can down the road."
5. It is my opinion that a case that is a serious felony, regardless of what it is, should be blocked to a particular judge from the beginning of the case. It appears that is the case in Hennepin County. The suburban cases are less certain. I do know that lawyers will continue appearances in the suburbs in a manner to avoid a certain judge. Blocking in this manner would alleviate that and possibly the need for a continuance based upon this fact. Overall I believe that the Hennepin County system is fair. I am a private practitioner who has handled cases in all metro counties and many outstate counties. Hennepin's system of blocking a judge from the beginning gives the judge handling it ownership and knowledge as to where the parties are with regard to discovery and settlement. It mirrors quite closely that which is being done in the other large metro counties, Ramsey and Dakota.
6. It is nice to have a judge that can't get away from a case by not making a decision. This leads to more meaningful motions and negotiations.
7. It is wise to have cases blocked to a judge from the beginning.
8. Judges take a more active role in identifying the reasons a case may need to be tried. This has resulted in some resolutions short of trial. Also this has reduced "judge-shopping".
9. Mostly I think the values have been realized, however because there is no vertical representation of public defender clients, I think the values have not been realized to their maximum.
10. My experience has been very favorable with the pilot. Our cases do seem to move more quickly and I feel the calendars have become more manageable. It also helps to have the same judge on the case as it proceeds as I believe this keeps all the parties more realistic and honest in their expectations.
11. My perception is that blocking has helped processing and has encourage accountability along those lines.
12. The efficiency is enhanced because far fewer cases are being set for trial. Therefore trial preparation is eliminated.
13. There does seem to be a greater emphasis on individual treatment of each case, which includes an increased level of courtesy afforded counsel.

#### **Neutral Comments**

14. I believed that the stated values were being met prior to the implementation of the blocking system. This has always seemed to me to be a solution in search of a problem.
15. I personally did not notice a difference.
16. Most cases are not really processed by the judge and so not much change / effect.

17. Never understood what the problem was in the first place. Seemed to me like a solution looking for a problem. The judges did a terrific job before and the clerks did a terrific job before, this just seemed like a bunch of make-work for them.
18. Not enough cases to place fair evaluation

### **Negative Comments**

19. 5. I'm not sure what "fair processing" is ... 6.If it's gonna be the same judge on a case there's no "judge shopping" ---- may be inclined to resolve earlier in the process. 7. I would think there's less accountability since the judges know that "down the road" there's no peer that will be "stuck with" their decision on, for instance, a Rasmussen hearing. 8. If a defendant has the same judge for all the hearings I think they probably remember that judge and consider the whole system more transparent.
20. At one point, 2 judges on the same block who were particularly unfriendly to the defense. If you filed on 1, you invariably got the other. The defense was effectively neutered against using filings. More continuances are granted b/c judges set too many cases for trial on a certain day. This frustrates calendar control-- say we schedule a misd. trial for 2 days, and book the rest of our week mandatory cal. or hearings, but show up trial & the judge is busy settling the 10 other matters he has set, that pushes our trial into the 2nd day, and now we are scrambling to find coverage for our other cases. With the old system, the trial cal. judge would ask the lawyers if the case was going to settle or be tried-- if settle, then 10 pairs could be sent to 1 judge who could take pleas, and if going to go to trial, it could be sent to a judge who was able to try the case on that day.
21. Blocking did not increase efficiency. It created longer delays for trials. I would have numerous appearances in front of different judges. Cases were heard based on where they were in line ups. Out of custody cases were routinely continued. Scheduling is a nightmare since in addition to the States calendar, we have to take the Courts calendars into consideration for scheduling. The traditional criminal trial calendar where we were signed out to available judges with our prosecutors worked better.
22. Cases do not always stay in lock step with Judges. Defense attorneys have to leave busy calendars to go running all over the HCGC to try and get dates wasting incredible amounts of time.
23. Cases get continued for long periods of time. Misdemeanors settle when someone gives up and doesn't want to come back. The domestic "violence" calendar is awful. It treats every 5th assault like a serious felony case. The paperwork is burdensome. The language used (domestic violence) removes the presumption of innocence and does not even describe a majority of cases in there.
24. Cases tend to back up with certain judges, and the constant delays hurt the processing of the cases.
25. Efficiency has strongly decreased, thus fairness has slightly decreased as well. Cases are now set for trial MONTHS later than they used to be due to the constraints of having to find a date mutually agreeable to counsel and, due to the blocking system, the judge as well. In addition, Judges have full calendars at arraignment and pretrial, so are busy and overall not any more involved in settlement discussions than they were before the blocking system. No change in accountability. There are many instances where one judge is appearing for another judge and we just set the cases on for trial with the missing judge- with no discussion with sitting judge about settlement.
26. Get stuck in front of very bad judges; not fair. Fairness is the most important thing. Fairness

supersedes quickness.

27. I have not seen any difference in the transparency or accountability from the block system compared to the prior system. As a result of the "teams", which consist of judicial officers of various temperaments, perspectives, calendaring issues and approaches, I do not see much change. I do believe the block system has slightly increased the speed with which cases are handled given the "team" approach, i.e., many judges available to handle a type of case rather than reliance solely upon a single judge's calendar. While cases are being handled slightly more efficiently, I do not believe that faster disposition translates into better outcomes. Some cases benefit from a perspective, and discovery, that can only come from the passage of longer periods of time.
28. I think the pretrials are scheduled too close to the first appearances and it is difficult to obtain discovery from the police departments and get it to defense counsel in the short amount of time. As such, there is almost always a continued pretrial hearing. If the defense attorney wants to keep the judge that is handling the initial pretrial calendar, they will likely ask the judge to keep the case and continue it to the next time they are there, which is usually 8 weeks out. Either way, few things are resolved at the first pretrial, and the ability to "judge shop" is still there because it is easy to determine which judge will be handling the pretrial calendar on any given week. Judges don't have to be accountable if they just agree to continue the case for whatever reason, indicating that they have not had a "meaningful" pretrial. I have found that only a few will insist on keeping the case and continuing it to their next pretrial calendar.
29. Judges, particularly those handling only misdemeanors, do not have perspective on other types of cases (property/drug or felonies). This kind of perspective is essential when handling and presiding over misdemeanor or gross misdemeanor cases.
30. Once the case is blocked to a judge, it remains on that judge's calendar. This forces a defense attorney to either remove the blocked judge up front, or continue the first appearance to avoid being blocked to an unfavorable judge. When it was an 'open calendar', the case had an opportunity to resolve at the next hearing due to the fact there was a different judge handling the case.
31. One of the biggest problems for defenders is that while the county attys and judges have their "OM weeks," we are often given three or four different OM weeks at the first appearance, depending on which block the case goes to. We are then scheduling several trials and numerous OMs week in and week out. Under the old master calendar it seemed there was more flexibility. If we're to be blocked, it makes more sense to have us blocked to one judge for a period of time. Additionally, it is next to impossible to get a misdemeanor to actually go to trial.
32. Scheduling of trial is far less efficient than before. Judges frequently do not have trial dates available within a reasonable amount of time from the pretrial setting (often three months out or more) and on the date of trial, judges frequently have five or more cases set for trials (sometimes more than 10). It makes little sense for judges to have to balance civil and criminal trial blocks. I understand that judges may prefer this for various reasons, though these reasons have not to do with the fair and timely administration of justice.
33. Several of the Judges assigned at Brookdale virtually reduced to eliminated the imposition of fines on the majority of the cases. In essence many of the criminal matters heard imposed less of a financial penalty than individuals who received a parking ticket or moving citation.
34. The "blocking" of the property/drug calendar has not resulted as it intended; that is, a case is expected to get blocked to a specific judge once a "meaningful" pretrial has occurred, but it seems as though there are differing definitions of "meaningful" and that many times a case is not blocked to a specific judge at all. This is no different than before the recent changes with the property/drug calendar. Also, I work only on criminal cases, and I have had my trial dates

pushed months out to make room for civil cases on a judge's calendar. This is not a fair processing of the cases, nor is it efficient. Criminal cases, without a doubt, should always take precedence over civil matters. If it becomes too difficult to manage the two caseloads, it might be better for a judge to handle only one or the other.

35. The blocking system is totally inefficient for misdemeanor cases. Most judges will only schedule trials on Mondays. You cannot efficiently process cases when you have 10 cases set for trial with the same judge. The judges are not partaking in the pre-trial and so they are often just selecting new dates with no judicial intervention. This new system has not created any accountability for the bench.
36. The judges on the PDC calendar have, with a couple of exceptions, given more time and energy to the civil cases. We have not been able to get timely or "real" trial dates for criminal cases, even when a defendant is in custody. Some of the judges schedule civil matters in the mornings of their pretrial week and do not appear until an hour or more into the calendar. Half of them take no ownership in the cases assigned to them with no interest in trying the cases that need to be tried or settling those that should. The chief of this block does not take any leadership responsibility.
37. The problem is not the structure, it is the failure to assign enough judges and for those to be experienced judges. This failure adds to ad hoc, last-minute reassignments, which reduces transparency and accountability. Efficiency may be achieved, but only at the risk of fairness--many judges feel so pressured to move cases they put undue pressure on counsel to settle cases.
38. The problem is that too many judges do not know what they are doing. The criteria that appear to be used in selecting judges: amount of time spent serving at soup kitchens, bar association activity and diversity have NOTHING to do with being a good judge. It doesn't matter what system is established. Good judges will do a good job and inept ones will be inept.
39. The purpose of blocking is for continuity of decisions in a given case. If that is not a value, then why have blocking? The criminal justice system requires prosecutors, judges and defendants to make decisions. There is a natural tendency for all three to avoid making tough decisions. How cases are blocked and scheduled seems to have very little impact.
40. The system is less efficient because the resolution of cases, especially misdemeanors and gross misdemeanors is delayed for an unreasonable period of time.
41. The system which requires attorneys to appear on behalf of their clients (in lieu of waiver) is a complete waste of time and resources. Lately, our clients have been required to appear as well and have not been able to waive their first appearances. We cannot resolve cases this early in most instances b/c we have not yet been provided full discovery.
42. The volume n misdemeanor/gross misdemeanor cases is so high that it is nearly impossible for judges to have a meaningful conversation with the parties regarding why cases have not resolved. In fact, most judges never actively inquired about why the case was set for trial, except for 2 that I encountered. Judges do not provide enough trial dates and it is very difficult to have the schedules of 3 people meet. As a result, cases were set for trial way out which in cases involving victims made successful prosecution nearly impossible. The State's cases were ultimately affected> And even when a trial date was set, the Judge already would have numerous cases set for trial and the misdemeanors were in the bottom of the list. Even if you have a trial date the cases are continued because the judge is not available. Seldom are my cases sent to "Buddy judges." This causes even further delay (the case is already too far out because of trying to match the schedule of three people).
43. There are numerous problems with the pilot block system. Here are two of the most serious: One

of the most significant problems is the lack of experience of the judges assigned to the block. It is astounding that the criminal function which makes up more than 75% of the court's business is given to the least experienced judges. A new judge is deemed not qualified to handle a civil case but can be assigned to a murder 1 case. Is it because the block judges have more cases and are busier? The public would be very surprised. Next, a judge assigned to the felony block should be required to agree to a 2-3 year commitment. In my very flawed block, Serious Traffic, we have had virtuously no continuity of judges with the exception of Judge XX. As soon as a newly appointed judge gets seasoned a bit he/she moves to family, juvenile and even civil. We have had a series of retired judges many of whom were there merely to shepherd the cases along until another judge arrived.

44. There are too many cases in the system. This is because it is difficult for the assistant county attorneys to resolve cases as they must get an approval from senior attorneys who don't know the cases as well. There may also be policies in the county attorney's office that favor prosecution even when it would not be in the interest of justice. Many judges don't like to second guess prosecutors even with the benefit of a pre-plea investigation. And pre-plea investigations are now limited so a case that might otherwise be resolved with a judge cannot be because the judge does not have the information they would need.
45. There is a big lack of efficiency when attys. are made to show up for first appearances rather than just sending in waivers of appearance. There is a false belief among some judges that making attys. and/or their clients show up for the first appearance will make it more likely that the case will settle at that time. This optimism is misplaced if for no other reason than the fact that prosecutors Often (read "almost always") fail to get us ALL of the discovery by the 1st Appearance. They may have sent us the police reports but just about never get us audio or video recordings by the time of the first app. (regardless of whether it is a Misd. or GM, a DWI or a Domestic, or a State Patrol or local police case). Given that the 1st app. is usually 4-6 weeks after arrest, (Minimum) there is no excuse for this delayed discovery.
46. Too slow.
47. Trial dates are extremely difficult to set as each judge only has a few to offer. It causes much frustration for everyone, especially the clients, when a misdemeanor case must be set 3-4 months out from the pretrial, or it must be set on a day where the parties have many other trials and trials end up getting delayed further. Moreover, oftentimes one of the parties must set a trial on a week with mandatory arraignments, forcing them to find coverage and put the burden on their already overburdened colleagues. Also, it's frustrating to appear for a second pretrial and need to set a trial date then-it's a nightmare to track down the "blocked" judge and figure out their available trial dates. It constitutes a huge waste of previous time. I MUCH prefer the previous blocking system with the general trial calendar, etc.
48. Trials are not handled as efficiently when there are so many scheduled each Monday, rather than spread out during the week. Too often, the pretrial judge is not the trial judge. While most of the judges assigned to the Community Court block are a good fit, there are some who are a bad fit and it makes it difficult for the rest of the system.
49. Under the blocking system trials are more often continued on the day of trial due to unavailability of judges or failure of judges to request or accept a case transfer. Frequent continuances (including short continuances to later in the week) result in more appearances, the need to re-subpoena witnesses more frequently, the need to keep witnesses on standby for longer periods, the loss of witnesses, the deterioration in witness availability and quality witness testimony, and frequent attorney reassignments. The anticipated increase in accountability has not been realized because the majority of block judges do little to encourage resolution at pretrial and cases are routinely reassigned to other block judges.
50. Unfortunately, the blocking coincided with many new appointments who had little or no criminal

experience. They appeared to have little or no training. Blocking trials with this as the background was a recipe for disaster. In addition, having primarily 2 judges, Judge XX and Judge XX, responsible for DV and community was irresponsible. Did it fulfill stated values? No. I would give it an F. It seemed to still keep some lazy judges lazy. Judges need to do more than set bail, rubber stamp a prosecutor, bring up a jury and listen to witnesses. Sometimes they need to do straight pleas. The concept of a meaningful pretrial was elusive. How a case was blocked for trial to a judge who has never been on the case is a mystery. Chasing down trial dates from those judges became a huge pain, and even one judge insisted we talk to him while we are doing pretrials in another courtroom. There needs to be one trial calendar 5 days a week with judges who have the guts to act like judges.

51. We are not getting cases handled quickly and fairly because frankly some of the Judges are impossible to work with unless you don't care about your client. There are constant removals of these Judges, things are delayed and I have tried more cases that could have settled.
52. With some of the judges, accountability is more important than with others. Some of the judges are invested in the cases and take the time to try to guide the parties to a mutually satisfactory result. In other cases, that doesn't happen at all. The only thing transparent about some of the judges is the fact that they don't mind punishing our office for complaining that we can't get cases to trial soon enough. I have been forced by judges to schedule trial on my mandatory calendar weeks instead of my trial weeks, which makes it impossible for me to try the case, since I can't be in two places at once. I have been forced to schedule trials on my mandatory calendar weeks because oftentimes our schedules don't match up with either the judges' schedules or defense counsel's schedules. In the past, we only had to accommodate the prosecutor and defense's schedules. Now, we have to accommodate the judges's schedules, which appear to be even more limited than ours.
53. From the Property Drug viewpoint, the cases aren't assigned until a trial date is picked. The cases resolve as quickly as they can, regardless of who the judge is. It has not been as efficient to have to select a trial date months and months away because of the judge's calendar. Then the trial is often continued since the judge can only try one case. A master trial calendar resulted in more settlements and trials than the current blocking. And it was more efficient to have trials every day of the week.

#### **Positive and Negative Comments**

54. Cases which require trials proceed to trial a little faster, and it is helpful having all parties involved know who will hear the case, if tried. This helps to improve the overall fairness and efficiency of the system. However, sometimes too much emphasis is placed on pushing cases forward to trial, when many of those cases would otherwise resolve at the pre-trial level if allowed an additional appearance or two.
55. Having a judge keep the case has helped (less time getting up to speed on what occurred in prior hearings, which in the past favored prosecutors, as judges would turn to them to explain case history and that was sometimes a "creative" re-telling). If suburban misdemeanors were not settled at the pre-trial that the sitting judge would try the case. I don't think the blocking system helped the issue of judicial over-involvement in settlement, and might have increased it. Paper notification of who the judge would be would permit striking the judge without cause on paper, rather than taking court time, defendant and attorney time to accomplish that process. I am not sure that the blocking affected the way any particular judge processes a case. Having one judge assigned is good; but I am not sure there is much a misdemeanor defendant could do even if they wanted to hold a judge accountable.
56. I do not know the specifics of the transparency goal. I think sometimes there are more chambers discussions on cases than before, given the blocking. This increase in chambers discussions probably is not perceived well. Lately it seems that the Judges will stay on bench for a much

higher percentage of calendar; I think this accomplishes more transparency.

57. I think having some continuity with judges helps in some cases, particularly where there are pretrial issues. However, in other cases, particularly when you are looking for a straight plea settlement options, it can be a real obstacle.
58. I think the good and the bad of the new system is that an attorney knows from start to finish who shall be hearing the case, and more importantly knows whether to remove certain Judges they don't particularly prefer for any reason. This leads into a secondary flaw - since there are certain Judges that some attorneys may routinely remove from cases based on prior dealings, the new calendaring system provides those attorneys with the opportunity to "Judge shop" since they may deduce which of the 4 Judges in each location shall be sitting during which week. In the long run, I think you will find that eventually certain Judges will have much heavier calendars than others. It is also confusing that one suburb assigns the Judge at Arraignment while another assigns the Judge at pretrial, etcetera. As to the layperson, there involvement with the system is often so infrequent or limited, that I doubt they would even notice the difference.
59. My prior experienced with the property/drug calendar was that it was rather efficient (1 month to get a suppression hearing, trials within 2 months). Currently, it is approximately 2+ months for a rasmussen hearing and 3 or more months for a trial - so efficiency has greatly suffered. I believe the "fair processing" of cases has increased slightly due to greater familiarity with the caseloads by the consistent judges. I do not feel that there is greater or lesser transparency. As with the old system, the judges knew who was willing to do what and either would or would not tweak the case for resolution - not much change there.
60. Some judges on teams ended up with a large number of cases and consequently were setting trials fairly far out 3 -4 months. While judges did have a backup judge when more than one of their many cases that were set for trial (always on a Monday) went to trial. Some trial dates there was no back up judge available. In terms of increased accountability the judges at pre-trial were more consistent about bringing the attorneys into chambers and trying to settle cases. There is a variation among judges in that ability, although candidly the ability to settle cases only comes with time and experience on the bench. Also judge vary in the philosophy about how much they will get involved in settlement.
61. The calendars are too crowded for any meaningful discussion of resolution at both the arraignment and pre-trial stage. The program has been great success at moving cases, but many cases could be settled if we had meaningful pre-trials. We do not. I propose a pretrial afternoon once a month where only cases with attorneys were scheduled and we sat down with the judge and tried to settle cases. We used to do this, and it worked very well.

<b>Question (128 respondents)</b>	<b>Responses</b>	<b>Number Responded</b>
<b>Do you think the number of judges assigned to various teams is the right number (4 in each suburban court, 8 in Property Drug Court, and 6 in each of the three Minneapolis teams for a total of 18 handling serious felonies and Minneapolis non-felonies)?</b>	Strongly Agree	8 (6.3%)
	Agree	44 (34.4%)
	Not Sure	21 (16.4%)
	Disagree	19 (14.8%)
	Strongly Disagree	21 (16.4%)
	Don't know	15 (11.7%)

<b>Text Question (68 respondents)</b>	<b>Please explain why you answered the way you did.</b>
<b><u>Positive Comments</u></b>	
<ol style="list-style-type: none"> <li>1. I believe it allows judge's sufficient time to handle their other civil case obligations and creates a diaspora of responsibility, ultimately generating fair resolution through organic cooperation.</li> <li>2. I believe that four is the right number of judges to handle the current Ridgedale court calendar. I do not believe that the current number of judges at Ridgedale would be sufficient if the case load were to be increased. The current system is functioning very efficiently.</li> <li>3. I haven't heard any complaints that there aren't enough or too many in any one place ...</li> <li>4. I think the numerical assignment of Judges to each "team" closely reflects the correct proportion of total cases in each category.</li> <li>5. I'm not sure whether the suburban or property/drug courts feel over or under staffed. The serious felonies feel OK to me.</li> <li>6. I've never had a problem in any of these areas. It seems right.</li> <li>7. More is always better, but factoring in resources, I think things work pretty well.</li> <li>8. My experience is mainly with Property/Drug. There seem to be enough judges to handle disruptions that sometimes affect blocking or teaming, such as judges' unexpected absences, bumps in trial schedules and so on.</li> <li>9. Only have experience w/ Div. III &amp; Mental Health &amp; Veterans' Court - seems like the right number of judges.</li> <li>10. Seems to be working OK.</li> <li>11. The current assignments seem to be working.</li> <li>12. The number of judges seemed to be appropriate.</li> <li>13. The number of judges seems fine, but the number of available dates for hearings is restrictive.</li> <li>14. The number seems to give us a sufficient cross sample of the various judicial styles and yet allows for a certain amount of professional familiarity.</li> <li>15. The system is working.</li> </ol>	
<b><u>Neutral Comments</u></b>	
<ol style="list-style-type: none"> <li>16. Adequate staffing, but the pressure to resolve cases during a calendar is quite high. Like much of the system we are being asked to do more with less resources.</li> <li>17. As long as there aren't enough public defenders, the number of judges matters little.</li> <li>18. Don't have enough experience with the various teams.</li> <li>19. From my limited experience in the last 12 - 15 months, this is the subjective conclusion I</li> </ol>	

have reached.

20. Have no knowledge of a judge's workload. They will have to make an honest assessment of that.
21. How would you know what is the right number? Ridiculous question
22. I am not sure what is the correct amount of judges for a particular court. I would note that it has been communicated to me that in some cases where a judge has been removed, they are sent to a certain judge and not reassigned randomly. Not sure if that is true or not but that is a transparency issue.
23. I don't know their case loads.
24. I ran out room in my last answer but wanted to add that at least in the ST block we have weathered such an upheaval of assigned judges, including many retired or reserve judges who mainly seem to be there to shepherd the case along until another judge is assigned. In some cases I have had up to 4 judges assigned to the case before it resolves. This seems to violate the purpose and spirit of the block, having the case handled by a single judge to maintain continuity and consistency.

#### **Negative Comments**

25. 4 allows for Judge shopping. If there are 2 Judges that I prefer and 2 I do not in a suburban courthouse, I have only a one in three chance of getting the other Judge I don't prefer. If there were more Judges in each suburb, the odds would not necessarily be that good. Conversely, more Judges would either make assigned cases take longer between hearings, or would not permit a specific Judge if we kept the time line the same....
26. 4 is not enough in suburban court. Need more in each category. Should not be blocked.
27. Because of long delays in the suburban courts, both waiting for cases to called when only one judge is presiding in two courtrooms, and also the need to schedule future hearings a long way into the future.
28. Civil trials are a small percentage of judicial work and shrinking. Accordingly, the number of judges in criminal assignments should be increased accordingly. It would help to have judges who have actually tried cases, but that is up to the governor!
29. Except that there should be backup judges available for the block judge when she/he is in trial. The omnibus hearings seem to work, but the number of trials scheduled on one judge's calendar is too many and more cases seem to be continued for trial, because the judge is not available.
30. Having judges appear at their assigned post (e.g., Ridgedale) for just one week every month makes scheduling fairly complicated, especially when dealing with a city that is also in court just one day a week. It results in some cases having to be set further out than they otherwise might just so that a date can be found that the judge, prosecutor and defense lawyer are all available.
31. I can't speak for the courts where I have not worked recently. It seems like judges do not have enough time to try cases and when they do, they don't have time or their other hearings.
32. I do not think that criminal cases, and in particularly felony cases have received the priority that they deserve.

33. I don't know how the delays have been affected, and while I have long thought that the criminal cases should have their own court, I think the suburban "teams" are a bit bored, and we are moving toward all cases being lumped into categories and handled the same without as much input and creativity from the bench as we have come to know and love.
34. I think the block judges have really large caseloads and could use one or two more judges.
35. I very much dislike this new system, and will no matter the number of judges in each group.
36. I was blocked to a limited number of judges because of my rotation. I did not appear in front of all judges, or on all calendars. I did get jammed up in front of judges with a number of trials on their calendars at one time. Seems to me it was an inefficient way to deal with my time since I would be set in front of a number of judges at the same time. Having my cases "passed out" to other judges for trial a was also a pain. Seems to me that defeats the purpose of having one judge accountable for one case thru resolution.
37. I would recommend no less than 8 judges in property/judge court and would suggest possibly more than 8. With the judge's having to juggle criminal and civil cases, it seems as though every judge's available trial dates are months and months into the future, primarily because of the civil caseload. If the judges are to keep their civil caseloads, then I would suggest there be 10-12 judges on the property/drug calendar to manage the criminal cases more effectively.
38. If they didn't have a civil block, the number would be good. It could even be reduced.
39. If you have an out of custody client your cases tend to be bumped along indefinitely. For serious felonies, most of the clients are in custody, so it's difficult to accommodate speedy trial demands if the assigned judge is only available one week during the general time frame when the client's speedy trial period expires. Because the assigned judges are only available certain weeks of the month for trial, your options are limited for scheduling your cases. So you end up having to schedule multiple trials for one day, as many as 5 or 6, sometimes, just because the judge is not available the same weeks that you are available. Being prepared for that many cases is virtually impossible. It's a disservice to the client and exhausting, undermining job satisfaction and due process.
40. It's not possible to get a trial date for months on a single judge's calendar in Property Drug Court
41. More judges would be better. Rather than isolate specific judges for "assignment" to a term of unknown duration at the dials. The dials are being treated like juvenile court or family court by isolating judges there. This system may be appropriate for Juvenile and Family, but not appropriate for the dials.
42. No indication that many needed in suburbs.
43. Not nearly enough judges to handle to caseload properly when blocked.
44. PDC team has 8 judges who also have a civil caseload. It is virtually impossible to get hearings set and responsiveness from judges who seem to value their civil caseload more than their criminal caseload.
45. Really, 6 judges? I would have guessed 3. Those are the ones I see.
46. Six of the 18 serious felony and Minneapolis non-felony judges are blocked exclusively to domestics. That leaves only 12 judges to deal with all non-domestic felonies and

Minneapolis misdemeanors. Their calendars are such that parties are required to choose between a very limited selection of trial dates often in the distant future (up to eight months out). This seems disproportionate considering the volume that goes through the CC and ST blocks. Also, the domestic block seems to try very few cases. Perhaps it would increase equity if the CC and ST blocks could each pick up a DA block judge.

47. Speedy in custody trials, as well as out-of-custody trials, are often rescheduled due to court and attorney availability, creating a mess of calendaring.
48. Still 3-6 trials blocked per Monday and setting out of custody's is out too far.
49. The assignment of a difficult or opinionated judge, with only 3 alternatives can be difficult.
50. The Dale's are routinely understaffed.
51. There do not seem to be enough judges available on the community court or serious traffic block to try the misdemeanor jury trials.
52. The judges doing property/drug should not have civil cases. Civil is their priority and criminal is not
53. The majority of the criminal cases are in Minneapolis. We need more judges, or else, why is it not possible to find buddy judges more often.
54. The number is irrelevant. The problem is being stuck with a particular Judge. That is why the Pilot system is poor.
55. The number of judges assigned to the block teams is not the issue, it is the experience- or lack thereof- of some of the block judges that is the problem. New judges with little or no trial experience should not be assigned to felony blocks. They should be given misdemeanor caseloads (or specialty court assignments) until they have experience trying cases and, more importantly, handling and managing a case load. It is infuriating to learn that new judicial appointments are assigned to the felony block, prove incapable of handling the workload, and are then allowed to occupy a team spot handling only limited calendars such as first appearance calendars. (For an example, see the new appointments on the ST Block). This puts a disproportionate workload on the remaining experienced judges on that block and creates backlog on their calendars. The problem is not quantity, but quality.
56. The suburban courts do not need that many judges.
57. The trial calendars are severely overloaded, and there is a lot of wasted time to see which case is going to settle and which is going to trial.
58. There needs to be more judges assigned to handle serious felonies, at least as back-up trial judges. Too often, trials are continued lengthy periods of time because the judge is starting a different trial.
59. There should be more judges assigned to the ordinary serious felony blocks.
60. There should be more judges in the suburban courts. The case load is way too much for each judge. Also, the calendars are too crowded. However, having the judge have his/her own case load is beneficial because it makes them accountable for the case.
61. There shouldn't be a property/drug court and those judges should be assigned to teams to handle all felonies, including property and drug cases. There is drug court to deal with low level drug cases and so there shouldn't also be a "specialty" court or setting to hear only

property and drug cases. They are felonies, they are serious, and should be considered as such by the bench.

- 62. We could do with fewer judges on the property drug block, so long as they did not carry a civil caseload. Four would do just fine (one for 1156; one in 1159 and two available each Monday to handle trials.
- 63. We need more judges, and more public defenders.
- 64. We need probably one more judge at each suburban court house to lessen the load.
- 65. While it makes sense to have fewer judges handle the community court arraignment courtroom for consistency reasons, because of the high volume of misdemeanor trials, it would be good if more judges were available to handle the misdemeanor trials. It doesn't matter who the pretrial judge is versus the trial judge and there hasn't been much consistency between the 2 for many reasons anyway. It seems like at pretrials, the judge is very often covering for another judge or judge's block.
- 66. While the number of judges handling drug/property may be adequate, the individual judges do not have enough time to adequately handle these cases start to finish in a timely manner. trial/raz dates are far out, availability for trial dates especially is minimal. If we are unable to finish a hearing, the continuance date ends up way out there. It seems very difficult for these judges to handle both a civil block and property/drug.
- 67. You have had such a large turn over on the Hennepin Bench that many of the judges are fairly new and consequently not as efficient in moving arraignment calendars. More training (simulation based - not lectures) should be implemented with the new judges so they can get up to speed quicker.
- 68. You need more in suburban court and definitely more in serious felonies.

<b>Question</b> (128 respondents)	<b>Responses</b>	<b>Number Responded</b>
<b>Has the method that the County Attorney's office used to assign attorneys (assigning a team of lawyers to each of the court teams) helped or hurt the pilot?</b>	Helped a lot	15 (11.7%)
	Helped a little	17 (13.3%)
	Made no difference	25 (19.5%)
	Hurt a little	10 (7.8%)
	Hurt a lot	6 (4.7%)
	Don't know	55 (43.0%)

<b>Text Question</b> (43 respondents)	<b>Please explain why you answered the way you did.</b>
<b>Positive Comments</b>	
<ol style="list-style-type: none"> <li>1. Assuming attorney consistency (which has been my experience), the parties who deal with each other on a regular basis have an understanding as to what to expect with a particular type of case. As long as the interpersonal relationships remain positive, the system is more efficient.</li> <li>2. Blocking attorneys is more efficient.</li> </ol>	

3. It limits the amount of running around. It is easier to maintain calendar coverage efficiency when you are assigned to a limited number of judges.
4. It might make them more accountable to that team of judges.
5. I strongly believe in the assignment of attorneys to a specific team. In my opinion, it makes for a more efficient use of the attorneys' time, since they have the requisite knowledge of the appropriate case law and can better see the worth of their cases. Also, it lends to increased fairness in resolutions when the attorneys have the benefit of providing similar resolutions for criminal defendants who have committed similar crimes.
6. It furthers the goals and values of the blocking system. It makes court hearings and scheduling more effective and easier.
7. Makes it known who will be where and increases productivity.
8. This seems to have increased the County's efficiency when compared to possible alternatives.
9. You are not chasing prosecutors all over the courthouse.
10. They have an embarrassment of riches. They have more than enough lawyers assigned to each division.

#### **Neutral Comments**

11. Don't care
12. I don't have a good perspective on this; it seems to have helped from my practice but I don't know how much it has had an impact on the system overall.
13. I don't know because I'm not a County Attorney. But, the city attorney's office has the same structure. The structure seems fine.
14. I do misdemeanors.
15. I don't typically deal with the County Attorney's office
16. I don't work for the county.
17. I don't work many felony cases.
18. I have no experience w/ the County Attorney's practices.
19. I have not had to deal with the County Attorney's office in the last 15 months
20. I saw no difference.
21. I am following my dept. policy/guidelines.
22. Because we have no other places to be than at those assigned courtrooms or judges.
23. I'm not sure I have had direct experience with that process (i.e., the case was disposed of before it had progressed very far).
24. It's hard to tell if it is more efficient, generally, under the pilot.

25. I think some people are better at negotiating than others. Moreover, some working relationships are better than others. It's nice to be able to deal with new people, rather than being stuck in the same holding pattern with the same county attorney over and over again.
26. It always helps to narrow the number of places people have to be. Ideally the PDs would share the same judicial blocks and all judges on a block would be on the same floor.
27. Not enough experience with system
28. Same issue same problem.
29. The City does this as well and had been doing this even during the blocking system.
30. The County Attorney's teams of lawyers existed before the pilot project and will continue to exist regardless of how the bench handles the different teams. The continuity in having the teams is good but I don't believe it has had any impact on the pilot.
31. We have always had a team of lawyers dedicated to drug/property cases. This has not changed.

#### **Negative Comments**

32. Again, lack of perspective on all cases leads to inefficiencies.
33. I am only handling misdemeanors at this time, but my impression from other colleagues is that variety is better.
34. Lack of continuity between team members on each case. It is difficult to have discovery or plea discussions with one individual only to find a different team member, who sees the case much differently or has a different relationship with defense counsel, appearing at the next court appearance.
35. Limits fairness and judges who hear the cases.
36. Over-familiarity between the judges assigned and a static team of prosecutors is disastrous for defendants. I've just seen too much of judges being unwilling to rule against the prosecutors they work with every day.
37. Property blocking to a day of the week for the prosecutor makes calendar control difficult for defense attorneys.
38. The defense has to schedule around a judge's calendar and then a prosecutor's calendar. It's the defense lawyers who are running around the courthouse like crazy when they have to be with different judges on the same day. In the meantime, the prosecutors sit and complain while the defense has to talk to the client, fill out the plea petition, go to holding, etc. and do it from court to court. When there was blocking from the defense lawyer (i.e., all cases in PSF142 in one day went to the same judge), it was much more efficient.
39. The Judges are all giving different dates, e.g. 2-week, 3-week, 4-week, and 5-week dates, off the felony arraignment calendar, making it difficult to schedule omnibus hearings and subsequent trials. The prosecutors are still in 3 places at once as are the public defenders.
40. Too much looking for prosecutors.
41. When I pick up cases I am not being assigned to one judge. I am being assigned to a

number of judges depending on which county attorney team charged the case. This starts the process where I am running to other courtrooms. It continues thru the case. In principle, I dislike the entire system being set to conform to one part of it.

42. With property prosecutors only showing up for court once per week scheduling for defense lawyers has become a nightmare. It is very difficult to discuss the case with the particular prosecutor because, besides chatting amongst themselves, there are too many people competing for their attention.

**Positive and Negative Comments**

43. It kind of cuts both ways. On the one hand, judges get to know the prosecutors so they know how fair or reasonable they are and can act accordingly. On the other, judges may not want to cross prosecutors they need to work with all of the time for fear of getting a reputation as pro-defendant.

<i>Question (128 respondents)</i>	<i>Responses</i>	<i>Number Responded</i>
<b><i>Has the method that the Public Defender's office used to assign attorneys (having 4 teams of lawyers: Minneapolis Misdemeanor, Suburban Misdemeanor, Serious Felony and PDF) helped or hurt the pilot?</i></b>	Helped a lot	13 (10.2%)
	Helped a little	19(14.8%)
	Made no difference	25 (19.5%)
	Hurt a little	6 (4.7%)
	Hurt a lot	16 (12.5%)
	Don't know	49 (38.3%)

<i>Text Question (54 respondents)</i>	<i>Please explain why you answered the way you did.</i>
<b><u>Positive Comments</u></b>	
<ol style="list-style-type: none"> <li>We are able to cover for each other and not run around the courthouse and then waiting for everyone else.</li> <li>It seems helpful as to logistics and processing.</li> <li>It narrows the number of courtrooms PDs have to attend to.</li> <li>It is very useful to work with a consistent group of people on cases that are fairly similar in nature.</li> <li>It is more efficient to work in one court with one type of case all of the time.</li> <li>I like that you know who you are dealing with for the full week of appearances.</li> <li>For the reasons I articulated earlier (the benefit of applicable case law and fairness in similar resolutions), I believe the assignment of teams for the Public Defender's Office has also helped the pilot program. Having teams work together from the HCAO, PD's Office, and the bench makes for a stronger working environment where it becomes more predictable and efficient.</li> <li>Attorney XX has been a good addition to Div. III. He gets very good results for his clients, but he's good to work with. The bulk of my cases that go to trial are Public Defender cases, but most of the overall caseload w/ the PD's office resolves in fair (or even good) dispositions for</li> </ol>	

their clients.

9. See answer to previous question [Assuming attorney consistency (which has been my experience), the parties who deal with each other on a regular basis have an understanding as to what to expect with a particular type of case. As long as the interpersonal relationships remain positive, the system is more efficient.]
10. Same explanation as #10 [It limits the amount of running around. It is easier to maintain calendar coverage efficiency when you are assigned to a limited number of judges.]

#### **Neutral Comments**

11. Same as previous answer [Because we have no other places to be than at those assigned courtrooms or judges.]
12. Not enough experience with system
13. Not a PD
14. No experience.
15. Just no difference.
16. I'm not qualified to answer this question.
17. I am a private defense attorney and have no experience with how the Public Defender's office is assigning case
18. Don't care
19. But the P. D's try too many cases. Or at least they win too many!
20. As explained earlier, because we are not blocked to a particular judge, I see no change from before. In fact, the lack of vertical representation has negatively impacted our clients and created needless redundancies.
21. As a private defense attorney, I do not deal with the Public Defender's office.
22. As a lawyer in private practice, I would have little experience with the P.D.'s handling of cases.
23. Although the public defenders initiated a team system, there does not seem to be any difference in the pilot project. I think it is helpful for the teams system to handle cases more efficiently between the county attorney's office and the public defenders, but don't believe that there has been any impact on the pilot project.
24. Again, it's hard to say because I believe both systems are flawed and inefficient.
25. Again, I don't know because I'm not a public defender.

#### **Negative Comments**

26. We still seem to be consistently waiting for PD staff to make their appearances.
27. We are still running from courtroom to courtroom and the lack of interaction with other people/teams is impacting morale in the office. I do not believe clients are getting the best representation from "burnt out" lawyers.

28. Vertical representation would be helpful and be more consistent with the project and its goals.
29. Vertical representation (same defense attorney from arraignment thru trial) seems preferable to me.
30. Unless and until the PD office returns to vertical representation of its clients the system will remain cumbersome
31. Too many cases don't fit into neat categories leading to confusion as to which team is responsible for a particular case.
32. There aren't enough PD's assigned to cover the misdemeanor arraignment calendars. Those calendars are some of the busiest in the County, and to have only 2 PD's assigned to misdemeanor arraignments each day (except for Mondays) makes no sense.
33. There are just not enough lawyers to go around. Scheduling is more difficult than it was prior to divisions. Multiple appearances in multiple courtrooms seem more common on the serious felonies.
34. The public defenders lack accountability. Prosecutors have a mechanism for communication. It appears voluntary with each defense attorney.
35. The public defender's office does not assign enough lawyers to the community court or serious traffic calendars. At a minimum you need 3 public defenders. The public defenders do not efficiently staff those calendars. Often the out of custody defendants sit all morning only to be told they don't have time to deal with their case. So pre-trials get set that might not need to be set if one PD was assigned to work on the out of custody cases.
36. The PD's misdemeanor team appears to be spread a little thin increasing wait times.
37. The lack of lateral representation in the public defender's office continues to be a significant piece of why matters go down for trial.
38. That said it has resulted in caseloads that are oppressive for some of the teams. Defense lawyers spend a great deal of time in court waiting to speak to a prosecutor so that the defense can request discovery that should be being processed and turned over anyway. Also, the prosecutors have been turned into automatons because all discretion to treat a case differently from the rest because of individual circumstances has been removed from them by their supervisors. I would also go so far as to say prosecutors are well aware of how difficult it can be for the defense to manage the caseload and are entirely willing to use it to the government's advantage. While the pilot might permit the judges to have a more "rewarding" time at work the opposite can be true for the lawyers.
39. Public Defender assignment changes have helped some, but that office could do better. On any given day in property drug court, the public defenders show up anywhere from 45 to 90 minutes late.
40. Not nearly enough coverage for the arraignment calendars.
41. It would have helped more to have teams assigned to the serious felony blocks.
42. It seems that the pilot project's goal was to make the judge's calendars easier. Before the change, the Public Defender's Office had more diversity in the kinds of cases handled and being able to interact with a variety of judges and prosecutors. In particular, I see that the Serious Felony lawyers are getting very stressed and burned out because of the seriousness of the

cases. I think that the end result is that the clients suffer.

43. It allows for more manipulation, and increases the length of the sessions.
44. If one of the purposes of the pilot was to create a good working environment, then the blocking is disaster for the PD. When there was a variety of cases, job satisfaction was much higher. Blocking will result in turnover in the PD office due to burnout. It is amazing how going to the blocking system turned an office of happy and slightly overworked PD's into an office of disgruntled and extremely overworked PD's who are quickly burning out.
45. I believe we still lose an immense amount of time waiting for defense attorneys who say they are pulled in multiple directions.
46. Having separate pre-trial and trial teams often creates scheduling, communication, and overall efficiency problems.
47. Because we don't have public defenders assigned to St. Anthony, the calendar takes longer.
48. Allowing suburban PD's to pass off cases to the 'trial team' downtown has greatly increased unnecessary appearances. We resolved far more cases in the Dales when the PD's had the case all the way through trial.
49. Again, the absence of vertical representation by the public defender's office has cause a skyrocketing number of cases to be set for trial. This is not a result of blocking but because of establishing a trial team that handles the cases only after the pretrial and settlement conferences have been held. A review of the number of cases set for trial by the public defenders before and after the trial team concept was installed show a dramatic increase in the number of trial settings in those cases.

#### **Positive and Negative Comments**

50. It helps to not have to be in several different courtrooms (buildings), but we still need more lawyers. Especially in the misdemeanor division. The lawyers there have very busy calendars and when they block 2 days for a misdemeanor trial and the trial judge doesn't get started until 1:30 p.m. on day 2 (because s/he was too busy settling other cases on day 1), it completely messes up that pd's calendar for the week and s/he is left scrambling for coverage on mandatory calendars and/or pre-trials. It means some clients have to make several more trips to court to resolve their cases. Also, misdemeanor lawyers are constantly given a different judge than their block judge to handle their trials-- completely frustrating the point of the block in the first place.
51. I think it makes things more efficient in that the PD's do not have to be in multiple courtrooms. However, individual attorneys who are late are always going to be late whether it's to 1159 or elsewhere. That is where the inefficiency comes in.
52. I still think that having a downtown trial team for Suburban misdemeanors/grosses cuts down on the accountability of the Suburban PD's at the 'Dales. They have no real incentive to settle cases, as they are not the ones that are stuck with the actual trial. That being said, the downtown trial team is very professional and often agreements are struck that could have been dealt with out at the 'Dales.
53. I like the concept of divisions, but on the serious felony unit, we're exhausted. We are always in trial, all of our clients are in custody, and there's not a lot of office time to prepare cases. It's a recipe for burnout that's a disservice to the client and the attorney. If we're going to do divisions, which I think is a good concept, we need to hire more attorneys to lighten the load on each individual. Or at least have some misdemeanors to even out the case loads so the stakes

aren't so high for every case.

54. I believe that the pilot would have been helped if there was vertical representation by the public defender's officer through trial. The current system does not create the same incentive for the suburban public defenders to invest time and effort in early settlement of cases because the suburban public defenders do not retain cases which go to trial. Suburban cases are sent downtown to a "trial team." Although the trial team is staffed by excellent attorneys, neither the clients nor the attorneys are well-served by the assignment of a new attorney shortly before trial.

<b>Question</b> (128 respondents)	<b>Responses</b>	<b>Number Responded</b>
<b>Do you think the regular meetings among stakeholders and judges have helped or hurt in the administration of criminal cases?</b>	Helped very much	10 (7.8%)
	Helped a little	36 (28.1%)
	Not sure	17 (13.3%)
	Did not help very much	18 (14.1%)
	Did not help at all	6 (4.7%)
	Don't know	41 (32.0%)

<b>Question</b> (128 respondents)	<b>Strongly agree</b>	<b>Slightly agree</b>	<b>Not sure</b>	<b>Slightly disagree</b>	<b>Strongly disagree</b>	<b>Don't know</b>
<b>Some of the anticipated advantages of blocking or teaming criminal cases are listed below. Please tell us whether you agree or disagree that our pilot realized these anticipated advantages.</b>						
<b>Blocking or teaming has reduced judge shopping</b>	30 (23.4%)	39 (30.5%)	7 (5.5%)	25 (19.5%)	21 (16.4%)	6 (4.7%)
<b>Blocking or teaming has increased attorney accountability</b>	14 (10.9%)	31 (24.2%)	27 (21.1%)	23 (18.0%)	25 (19.5%)	8 (6.3%)
<b>Blocking or teaming has increased active management by judges</b>	23 (18.0%)	41 (32.0%)	8 (6.3%)	25 (19.5%)	27 (21.1%)	4 (3.1%)
<b>Blocking or teaming has increased early management by judges</b>	20 (15.6%)	38 (29.7%)	10 (7.8%)	21 (16.4%)	36 (28.1%)	3 (2.3%)
<b>Blocking or teaming has increased your in-depth knowledge of Hennepin County policies and procedures governing criminal cases</b>	7 (5.5%)	26 (20.3%)	27 (21.1%)	20 (15.6%)	44 (34.4%)	4 (3.1%)

<b>Question</b> (128 respondents)	<b>Responses</b>	<b>Number Responded</b>
<b>Do you think the blocking or teaming of criminal cases should continue?</b>	Definitely	35 (27.3%)
	Possibly	34 (26.6%)
	Not sure	14 (10.9%)
	Probably not	13 (10.2%)
	Definitely not	32 (25.0%)

<b>Text Question</b> (81 respondents)	<b>Please explain why you answered the way you did.</b>
<b><u>Positive Comments</u></b>	<ol style="list-style-type: none"> <li>1. A blocking system will ensure accountability of the lawyers, it will give the judge more effective case management, and the parties, prosecutor, judge and defense attorney work better when they have certainty of knowing what their judge will do, either on trial issues, sentencing issues or just overall case management issues.</li> <li>2. Any change is for the better.</li> <li>3. Cases are being handled more efficiently. Trial settings are greatly reduced.</li> <li>4. For at least the Ridgedale location, the system seems efficient. An additional efficiency in blocking is that it does not require additional Judge time at each appearance for the new Judge to familiarize him or herself with each case -- i.e., the assigned blocked Judge can use his or her memory of issues or previous discussions from prior appearances at future appearances.</li> <li>5. I am not sure whether there is a better way to go. I believe this system is better than the last. The only complaint that I can see is the possibility of it becoming monotonous after a certain length of time doing the same type of work. As long as there are opportunities for movement among the various participants, I believe that concern would be alleviated.</li> <li>6. I am preparing for fewer trials; the cases are getting resolved at pretrial or at settlement conference level.</li> <li>7. I like to shop - but the blocking system (as much as I hate to admit it) is more efficient.</li> <li>8. I set a fraction of cases for trial compared to the era before blocking. I'd estimate I've reduced my trial settings by 60%-70% - mainly because there is no benefit for private attorneys to engage in "judge shopping." That has saved my City quite a bit in trial stand-by overtime for officers and has allowed me to focus on the cases that should be tried - and spend less time with cases where defense counsel is just looking for "another bite at the apple."</li> <li>9. I think that the judge shopping just takes the form of filing on judges. That said, the blocking reduces the number of options and, at least for the CA's office, has reduced some scheduling difficulties in that there are usually a smaller number of places that you have to be.</li> <li>10. It eliminates Judge shopping to a large degree. It has reduced the number of cases set for trial. The judges are sticking to the pretrial offers, and not giving better deals on the day of trial. Defense attorneys are starting to believe that things actually could get worse for their clients. Before the project, they KNEW nothing worse would EVER happen if they set the case for trial or if they lost the trial. Before the project, the public defenders simply set more cases for trial rather than dealing with difficult clients. Now more public defender cases are resolved without a</li> </ol>

trial setting, which is more comparable to the way private defense attorneys handle cases.

11. It seems to be a reasonable way to run the system. It is definitely better than other methods tried in the past.
12. It would be crazy to go back to the way we used to do it: getting a judge on the day of trial; blocking only for homicides. There are many issues involved with, for example, vulnerable adult exploitation cases, that take a while to learn.
13. Less judge-shopping and back-and-forth.
14. Makes judges accountable for their cases.
15. Managing cases and attempting to work through issues short of trial is much easier if you do not have re-invent the wheel at each stage of the proceeding, frank conversations about a case are more productive, and (while judge-shopping has a certain appeal at times), it is easier and more efficient to argue cases knowing who your audience is. I work in several jurisdictions that either block or have a de facto "block" system because only one or two judges regularly sit in the county--and I find settlement discussions and discussions about specific legal issues, discovery issues, credibility issues on the part of witnesses, and accountability on the part of the prosecutor, defense attorney, and a client that is on conditional release are almost always better in a block-system or a system where one judge predominantly handles the case.
16. More efficient.
17. See previous answers. There are going to be positives and negatives to any implemented system. I would think it is probably easier for the presiding Judge to hear specific cases from start to finish, and to organize their calendars. I LOVE that we are able to block a date/time certain for Rasmussen and Omnibus hearings. This does not occur in Ramsey County and is extremely challenging, so from that perspective - FANTASTIC!
18. While I don't know about transparency, I think blocking/teaming has increased fairness and efficiency as to the public and accountability at least internal to the system (as to lawyers especially). As long as things don't get too balkanized, it makes sense to have quasi-specialty systems within a county as big as this as it increases both actual and perceived effectiveness. It just looks a little more organized, functions a bit more smoothly, and people coming into the system are more likely to come across knowledgeable lawyers, judges, and staff and in the end that counts for something.
19. Eliminates judge shopping. Encourages the parties who have to try the case to resolve the issues and hopefully resolve the case prior to trial.

#### **Neutral Comments**

20. Absent more judges, or less cases, this system isn't any better than the last and attorneys' get stuck with the same four judges.
21. As I said earlier, as long as we keep getting inept judges it doesn't matter what system is used.
22. Don't think it will make a difference either way.
23. Every time there is a new chief judge or new people in charge, you think you need to change everything around. I have been doing this 21 years and nothing has worked better than another. Quite try to fix things that aren't broken. Sometimes it helps settle the case to switch up the players, get a fresh perspective. By the time we figure out the new rules, they are changed again. It's unproductive!

24. For all the reasons stated previously with which I strongly agreed.
25. See previous [Note: Not sure which previous response]
26. Some judges are simply inefficient.
27. The statistics should be examined.

### **Negative Comments**

28. Again, in an area where this bench cares little for the type of case, it would be good if these judges did only these cases and not civil ones. In its current form, however, it isn't any better than before the block.
29. As a private defense attorney, some changes have been hard on our time and therefore our business. Additionally, your question assumes judge shopping is all bad. Sometimes a Judge will hear hypothetical arguments from lawyers at a pretrial, and make up his or her mind as to which way to decide. Weeks later that Judge will be less likely to re-evaluate that decision for fear of being seen as wishy washy. The defendant may have done well in the intervening weeks. The victim may be less enthusiastic about testifying. The strength of the evidence may have come into better focus. And yet that Judge has made up his/her mind. Sometimes a new Judge may have a different idea or view. In other words, as bad as "judge shopping" may be on scheduling, it sometimes is responsible for settling cases. Also, I miss it.
30. As far as the misdemeanor/gross misdemeanor cases are concerned, judges do not spend any more time trying to actively resolve cases (either there are too many misdemeanor/gross misdemeanor cases that would allow for this type of discussion or the judges just don't think our cases are important--it is one or the other), it is hard to have the calendars of 3 people meet so cases are set too far out and hard to find trial dates (or prosecutors who are familiar with the file are forced to set their cases out of their rotation), our cases are in the bottom of the judge's list and there are so many cases set that our cases get rescheduled (causing further delay). In the old format you were usually guaranteed an available judge and while judges were not actively involved before the day of trial, they don't seem to be involved in the blocking system either.
31. Bad idea
32. Cases are not being tried in as timely a manner as I recall before the blocking and judges are not any more involved in managing or discussing settlement at the pre-trial stage.
33. compartmentalization of the dales and downtown does not solve any perceived problems
34. Huge waste of time!!! Pushes cases out way to far!!!
35. I don't think it has made an appreciable difference in the processing of our cases.
36. I don't think it has been that helpful, and has resulted in additional internal rules and procedures that don't provide substance and just make it more insular - clique-ish
37. I think the system in practice has been the worst of both worlds. Judges are not playing their intended roles of brokering resolutions. Yet we have incurred the disadvantages of discontinuity among prosecutors and deterioration of cases when between one fifth and one third of the downtown misdemeanor cases are continued each month on the day of trial, some numerous times before a resolution is achieved.
38. It is better for the judicial system to have all judge and all PD's do all type of cases. The

collateral consequences make misdemeanors more important than ever and they are being disrespected in favor of serious felony cases. I believe that there is more disagreement on the bench and in the PD office than ever before.

39. It is not working.
40. It seems to me that it has not answered the issues that it was created to address. People who don't want to be accountable have just found new ways to avoid work/accountability. Cases are not getting resolved more efficiently, in fact, my cases have longer delays than they did previously. The system has created divisions where none should exist and it has not benefited my clients. In fact, I would say that it has negatively impacted my clients. I still continue to run to numerous courtrooms and numerous appearances all that are scheduled at the same time.
41. It's at least as inefficient as before, and probably more so.
42. Judges cannot control their calendars and that affects everyone.
43. Judges did not take active roles in settling cases before trial setting. Judges routinely not available for trial on scheduled trial dates. Judges routinely scheduled other court appearances during mandatory calendars. Defense attorneys new that they could get better deals on day of trial once prosecutors were put in the position of either continuing their cases for judge availability or risking losing their witnesses. Worst calendar idea that has come up in the 15 years that I have been doing this work.
44. New judges do not take an active or early management on case. So we see them all the time on misdemeanor calendars. That is a total waste of time. Judges also find ways to get out of their calendars. But for the retired judges that step in, last year would have been a worse mess.
45. The cases are not receiving more attention or input from the judges. The accountability for their cases has not increased. The judges that already had accountability continue to do so and the ones that did not have not gained it because of the blocking system. Because of the blocking system, scheduling cases, especially trials, has become a nightmare. Cases have to be set for trial several months out. And because the judges are switched between blocks so frequently, the accountability and scheduling has become worse not better. This system does not seem to fulfill its goals and purposes and instead has made the court schedule extremely difficult and frustrating to work with.
46. The judges get too many cases off the felony arraignment calendar and then have trouble managing their trials and omnibus hearings. Impossible to get a trial scheduled where just the trial is the business for all parties involved, given the way scheduling occurs by the different judges. There is no longer such a thing as a "trial week" or "omnibus week" for any judge, prosecutor, or defense attorney. Too many inexperienced judges doing serious felonies, making it very time consuming and less efficient. Not enough lawyers and resources to manage divisions.
47. The last case that I had set for trial, the judge has 23 cases set for trial that day. This is not justice. The blocking system has only increase the number of cases that a judge has set for trial on a particular day and the public has not be well served.
48. The whole thing was a well-intentioned mistake. I get what they were trying to do, but I didn't see the problem in the first place. It seemed like they were treating judges as though they don't trust them to do their jobs--and they were doing their jobs.
49. There has been no difference in the case being assigned to just one judge or the judge being involved at the PT level on Misd/GM cases bc the case load is just too high to make that work. In addition, this blocking system has resulted in the need for more Minneapolis City Attorney's to

make more court appearances in a day and a week than under the previous system. Finally, the trial schedule is not workable with just Monday trials being set. It is sometimes impossible to find a date that matches up with the judge, the prosecutor and the defense attorney. Without more flexibility in the trial schedule, cases are languishing and not getting resolved.

50. This system does not work for misdemeanor cases. Minneapolis has too many cases and the system cannot effectively manage them.
51. There appears to be no real benefit and it is a tremendous inefficiency for scheduling of my cases, especially the blocking of misdemeanors for trial. Inevitably I am assigned to be in 3-4 places or trial, waiting for city attorneys who are also supposed to be in 3-4 places for trial, all the while waiting for the felony cases to be handled first. It ends up being a tremendous waste of time on Monday mornings.

### **Positive and Negative Comments**

52. Although there has not yet been a change in the way that cases have been handled, it is likely that there will be a positive change if we keep the current block system and improve it rather than scrap it. The project hasn't been successful yet, but given the chance it could. I recommend that pretrials be scheduled on the calendar of the Judge handling the first appearance, and that the cases stay with that Judge all the way through to trial. If appearances need to be handled earlier because the defendants are in custody, then there should be a specific date that the sitting judge keeps open on their personal calendar to handle all in-custody appearances. If an attorney wishes to file on the Judge, it should be done within the requisite time after the first appearance. I think this is the only way that there will be accountability by the Judges and attorneys will not have the opportunity to simply continue a case just to get a new judge.
53. At least not in its current form. There should be a master trial calendar for misdemeanors every day, not just Mondays. There should not be a separate domestic courtroom. There should not be a community calendar and a serious traffic calendar. We should go back in in custody and out of custody calendars. The property calendar should be in the afternoon and the judges who hear those cases should not have a civil block.
54. Blocking absolutely reduces judge shopping, which occurs on both sides, but mostly on the defense side. I have had cases continued a number of times to different judges for trial and only when the defendant gets a judge he or she thinks will give a favorable outcome, notwithstanding what the prosecutor's position is, will the case settle. But please reconsider getting rid of property/drug court in 1159. Talk about a waste of time and a black hole of a courtroom.
55. Blocking in theory still has benefits, but the system needs to be improved.
56. Blocking seems reasonable. All of the various arraignment calendars are an impediment to the efficiency you are trying to achieve. Your specialty courts should give way to specialty supervision post-conviction.
57. Blocking should be kept for murder cases, crim sex 1 cases, complex white collar crimes or any other case where the prosecutor and defense attorney ask the chief judge for special assignment because of complex issues, requiring multiple hearings. As noted above, the block system is not all that efficient. The system was better when there were certain judges assigned to handle pre-trials-- judges who would actually assist in settling cases-- like a Judge XX, a Judge XX, or a Judge XX. Today, we have too many new judges who are afraid of their own shadows-- they could all benefit from listening to Judge XX's talk on what the Anwanyu case REALLY says about judges' involvement in plea negotiations.

58. But don't block until the pretrial.
59. Efficiency of resolving cases should have far less weight than it does here. There is no streamlining justice. It seems that expediency has been elevated far beyond the fundamentals.
60. I think it might be helpful to have felony blocks and misdemeanor blocks and ask the PDs to block this way as well. Also, this would help with the most serious problem on the block -- the relative lack of experience of new judges. New judges could be assigned to a misdemeanor block to gain a bit of experience instead of being thrown into more serious situations when not prepared. I think assigning new judges to the serious felony blocks is unfair to the litigants and judges.
61. I think it should be given more time, so that judges who are good at using the block system can educate those who are not.
62. If judicial officers with experience were assigned to the "teams" on which they serve, it would produce more efficiency, transparency and fairness. As it is, Judges who have little or no experience in serious felonies or drug court or community court (for example) seem to appear too frequently on the assigned teams with the other Judges serving as backup or assigned to split calendars. This only slows the process down, does not allow for reasonable judicial case management, result in holding counsel accountable or obtaining fair and consistent results. It simply results in more agreements to re-schedule cases when more knowledgeable and experienced judicial officers are available or known to be scheduled to hear a particular calendar.
63. If more judges are added.
64. It makes it easier or possible to get a contested omnibus (felony or GM) or Rasmussen (Misd.) hearing WELL BEFORE the day of trial. This makes things more efficient for all sides, defense, prosecution, and the Bench, since why would anyone want to show up the day of trial not knowing what evidence is admissible? If people have lost their suppression motions, they will likely plead guilty in a DWI or domestic non-felony case. Same often true for any felony. If no contested suppression hearing is allowed until the day of trial, then the trial calendar is a lot more clogged....
65. It makes sense to use only a few judges to cover the same arraignment courtrooms (Judge Hopper did a lot of good and made a lot of progress when he was the main judge for misdemeanor community court arraignments), and also at pretrials, but it doesn't hold true for misdemeanor trials. In my opinion there is little value in having a block of judges for misdemeanor trials.
66. It probably makes more sense. (But) I'm a criminal defense attorney and we often appreciate more "options"...
67. It takes forever to bring minor cases to conclusion because of delays in finding future court dates with the judge blocked to the particular case. Maybe they should continue for felonies, but not for minor offenses.
68. Modify it so that there is master trial calendar for non-felonies
69. Not in its current form. I preferred it much more the way it was before (just before this latest system went into place).
70. Not in the manner which we are now handling it.
71. Only if changes are made regarding judge and public defender assignments.

72. See above. Make it random with some variety because no one and I mean no one wants to deal with some of these Judges
73. Some judges, like Judge XX, should be rotated out of felonies. How judges get moved around is a mystery. More experienced judges from Property should be moved around into different courts. I think keeping judges in certain assignments too long can make for a very poisonous atmosphere.
74. The block is a great system. My only concerns are the experience of the judges assigned to the block (see earlier comment about including inexperienced judges) and the necessity of blocking misdemeanor cases along with the felony block.
75. The inefficiencies at this point do not come from the Judge side. It is now from the prosecution side. Because of this, blocking (as it is now done) won't move the ball forward. Don't know how to make the prosecutors more accountable. They have too many different Judges, and unlike the PD, they don't show up in person when they have a conflict.
76. The number of judges invested in their blocked cases is limited. Only some of the judges take an active role in working with the parties to resolve the cases short of trial. I haven't noticed that it has reduced judge shopping all that much. That's going to happen no matter how the system is organized. The judges in my block are also pretty consistent with each other, with one exception. The biggest difference between then and now is that it takes months to get a mutually acceptable trial date instead of a month or 6 weeks, as in years past. Also, misdemeanor cases get continued anyway, since misdemeanor cases have the lowest priority. My cases often get continued because other cases have a higher priority. It would make more sense to have a misdemeanor block instead of a community court or serious traffic block.
77. The positives (judge gets to know the case) could be outweighed by the negatives. I had no idea there were "regular stakeholder" meetings, but this combined with familiarity between judges and a team of prosecutors is troubling to a private criminal defense attorney. It seems to me that prosecutors know "all the ropes" when I get there, but cannot find out the policies or procedures even upon asking. This gives the State a real leg-up. If this problem could be solved, having judges remain on a single case is desirable.
78. There are benefits to know who you are working with (judge-wise), and there of course concurring detriments. On a personal level, I miss the opportunity to work with the many other judges around the courthouse; however I have enjoyed the opportunity of developing professional and congenial relationships with those regular judges on the block. My primary concern is efficiency, and I do not know that the blocking system has led to an improvement in that realm.
79. There's more good than bad, but please see my prior commentary on how it could improve.
80. Yes, but not the current system as it is being managed. I do not want to go back to a system of a central trial calendar with trial assignment on the day of trial.
81. I really am torn. In some ways it has led to greater efficiency. On the other hand, in some ways it has slowed things down. The key is having the right judges because if one judge is regularly filed upon, the system will not work.

<b>Text Question (85 respondents)</b>	<b>What can the court do to improve the handling of criminal cases?</b>
<b><u>Address Scheduling Concerns/Add More Judges</u></b>	
<ol style="list-style-type: none"> <li>1. Allow a bit more flexibility on certain dates. When making a first appearance at the PSF, you are given just one week of times and just one judge. It would help if there were slightly more options, perhaps a two week block and two judges.</li> <li>2. Be stricter on the granting of continuances.</li> <li>3. Develop a better scheduling system - particularly for trials. Most suburban judges seem to attempt to block one week per month for GM/M trials downtown. This usually allows for reasonably manageable scheduling of trials. However, when judges set trials for weeks other than the one they typically designate, it causes scheduling problems for prosecutors who then face multiple trial settings in front of different judges on the same day or week. While occasional exceptions will certainly be necessary, increased scheduling discipline in the setting of trials on previously designated "trial weeks" will aid prosecutors and public defenders from having to be too many places at once. This may require some increased flexibility in the overall timeline used to schedule cases for trial, though rarely more than one month extra.</li> <li>4. Appoint more judges.</li> <li>5. Couple more Judges, slightly smaller calendars.</li> <li>6. For the large calendars, give the audience a way to know when their case is likely to be called. Number system, electronic docket list, something</li> <li>7. I wish that there were fewer cases on each arrn/pretrial calendar. But I understand that the issue is how to spread existing resources over a huge case load.</li> <li>8. Increase the availability of each judge.</li> <li>9. More flexibility in scheduling, more judges, more PDs, more CAs.</li> <li>10. More judges, more public defenders, more respect for the defense calendar and schedule.</li> <li>11. More trial dates and more flexibility on scheduling the trials. The downtown Mpls Misd/GM calendars are just TOO large for the current system to work for meaningful negotiation at PT or for the judge to work with the case at that stage. The old system worked much better in this regard.</li> <li>12. Provide more certainty in advance of trial to attorneys about the likelihood of their cases going to trial on the date scheduled. There is too much time spent by court staff, attorneys, law enforcement, and civilian witnesses preparing for trials that are all scheduled to start on the same day only to have cases continued or bumped at the last minute.</li> <li>13. I have seen flexibility as an issue, particularly in dwi cases. It is somewhat easier to handle in a block-system where logistical scheduling issues can be addressed with a particular judge, but most cases will settle if given time to do so. The 30-90 day requirements for appearances and trials were often counter-productive as clients felt pressured to simply set the matter for trial rather than another pre-trial; typically my clients are either first-offenders or individuals with a myriad of issues in their personal lives that complicate issues of mens rea and sentencing issues, they often need time to digest what is happening to them in the system and the fast-track system is actually counter-productive to cases</li> <li>14. Set initial pretrials out further to give prosecutors the opportunity to get discovery to defense</li> </ol>	

counsel before the pretrial; Decline to continue cases simply because the defendant wants to handle thing a different day or without a good reason and make sure that MNCIS records the reason for the continuance; Be responsible for a case from the first appearance unless an attorney has filed on the Judge

15. There needs to be a better use of the full day in the suburban calendars. There are days where there are 100 matters scheduled for the day and 90 of them are schedule in the morning and only 10 are in the afternoon. Frequently the afternoon calendars will be a look of down time, when the mornings are overwhelming for everyone from the prosecutors, defense attorneys, clerks and the bench.

#### **Provide Additional Judicial Training/Suggestions for Judges**

16. Assign competent judges to the toughest assignments, which include all of the misdemeanor arraignment calendars. Those calendars see the highest volume of cases. The arraignment judges set the tone and we need good judges like Judge XX was, for those courts.
17. Assign judges who are familiar with criminal law and can manage voluminous case loads.
18. First and foremost, the court could impose some measure of internal discipline among the bench. Judges come and go as they please, almost always starting court late (and often ending early), and they impose not rules of decorum within the courtroom. Some judges work hard; most do not. I think most people who enter the courthouse leave with the sense that the court system is something of a joke.
19. Eliminate conversations in chambers or substantially reduce the amount of time in chambers, so cases are called on the record at the time they are scheduled. I think the in chambers should be reduced or eliminated. I realize it is helpful for the Court to have some of the background information and a clear understanding of what the respective parties are moving the Court to order, but it seems that there is no reason why that cannot be completed in court and then, the court can rule at the time the information is provided to the Court. This would make the process "more transparent", and more public, and save a tremendous amount of time.
20. Make the judges actually do their jobs.
21. More experienced judges, better handling of out of custody cases, requiring a judge to commit to a certain number of years on the block, fewer retired/reserve judges on block assignments, a recognition of the importance of criminal cases. It seems the court, in general, buys into the perception that civil cases, involving money and well-heeled private attorneys, are more important than criminal.
22. Make sure all judges that are assigned felony blocks have either criminal trial experience as judges or felony Hennepin county trial experience as lawyers.
23. Please see my earlier comments. Also, please don't have judges assigned to felony blocks who are incapable of handling felonies, and there are unfortunately, a number of such judges. For those who cannot handle felonies, please assign them to misd courts or specialty courts whenever possible.
24. I think we could make do with fewer judges assigned to PDC, however, they need more time to be able to dedicate to our cases. they need more availability for trial/raz dates; and more regular OM appearances so they can track cases (right now - if they want a case back at the OM stage, it has to be continued to the next time they are in 1159 which is usually 9 weeks out). We need to be able to block cases to individual judges more efficiently and without necessarily setting them for trial. Having fewer judges who are there more regularly would allow them to

become more invested in the cases, more knowledgeable about the unique legal and procedural issues that come up, and ultimately allow for more efficient disposition of our cases.

25. Select judges on the ability to fairly and effectively carry out the judging function.
26. Stop putting inexperienced judges on the block.
27. Use smart judges on slow calendars. Work to resolve cases instead of caving into the State's position

### **Suggestions for Attorneys**

28. Dismiss some of the junk government lawyers are charging. Hold police and prosecutors accountable for the rights of defendants.
29. First, demand more from the County Attorney in terms of probable cause, which cases are issued as warrants versus summons, bail setting, issuing warrants and demanding high bail in cases which are being issued long after the event, or where the prosecutor released the client without charging originally, or where the client has moved residences, etc. We are too easily allowing charges where there are serious issues on probable cause, and allowing warrants to issue and bail to be set where there is little justification for it.
30. I don't know that there is a clear fix. The volume has become so large. One problem is having private attorneys appearing at arraignments. The "attorney clutter" means that private lawyers are using time that the PD could be using to talk to prosecutors. PD's can move cases at the arraignment, but the private attorneys can't for various reasons. Then the private lawyers are making their perfunctory court appearance thus using judge time.
31. If the court is able, I would appreciate if the court would hold prosecutors accountable for showing up for scheduled appearances/hearings on time. Too often, prosecutors show up late and automatically put the entire process behind schedule.
32. I think the system is working well except in one area: misdemeanor arraignments. It really is a waste of time and resources to require attorneys to appear at simple misdemeanor arraignments. You should remove that requirement. 90% of other counties allow waiver of attorney and client appearances for misdemeanor (non-domestic) arraignments.
33. Insist on and enforce timely appearances. Although, the reality is that most attorneys are pretty timely; the same individuals are routinely VERY late.
34. Nothing because the county attorney's office drives the system.
35. When the defense regularly wins meritorious motions, the prosecutors will re-evaluate the negotiations.

### **Return to Master Calendar**

36. Big question. Not sure I appreciate all of the forces and factors to answer intelligently, but that has never stopped me before...I would create a criminal court, with those Judges having more variety of matters within that court than they currently have, and do not use the block system.
37. Bring back the original system where you reported to the trial calendar on Monday and if you were not able to resolved the case then you were assigned to a judge that was available for your trial. The judge who handles the pretrial can still be involved in trying to understand why the case has not resolved. It should not matter whether it will be their case or not

38. Get rid of the block. Go back to the trial calendar--maybe make it 2-- one for felonies/one for misd. Bring in retired judges who can move a misdemeanor calendar/settle cases-- such as Judge XX, Judge XX, Judge XX, Judge XX, Judge XX, Judge XX. Get rid of the divisions for misdemeanors--- back in the late 90's we had all "in custody cases" in 1159, and all "out of custody" cases in 1156. They ran in the a.m. and p.m. Two judges, 3 prosecutors (one in each court room, and one in the back 'expediting'/making offers). All cases were heard together-- domestics, traffic, all others. This cut back on the number of deputies and the number of judges-- is there any evidence that "domestic violence" court has actually cut down on the number of cases and/or recidivism. Just because the courtroom was built, doesn't mean it needs to be used.
39. Get rid of blocking it is a huge hassle for everyone!!
40. Go back to the mass calendar system for trials in place prior to the blocking system.
41. Go back to trial calendar or, less likely, add yet another appearance prior to trial with the actual trial judge.
42. Put it back the way it was.
43. Return to a court calendar type system
44. Return to a trial calendar call
45. Return to the previous system of having a joint felony and misdemeanor jury trial calendar call each morning. If there are judges that are not handling their work appropriately than there needs to be better management of those judges. This is a classic system of punishing the whole for the problems of a few. Moreover, this blocking system disproportionately hurts the adjudication of livability crimes. Court Watch groups have expressed concerns regarding this "blocking system." When moving to a new model the Fourth Judicial District should seek community support.
46. Open up the calendar to all judges

#### **Modify Blocking or Teaming Pilot**

47. Block to a judge at pretrial, not arraignment, to avoid lengthy delays for brief continuances. Increase the flexibility of the Judges to reassign a case that has significant scheduling problems-to avoid unnecessary delay. Allow identification of defendants in gross misdemeanor cases off the record. There is a case that holds that a person cannot be convicted of perjury for lying under oath for the identification process as there is no statutory authority. Authorize the clerks to process stays of adjudication off the record if there is a written petition and the parties agree. Judges not suggest STS in lieu of fines. I think if the Judges would not suspend fines for a plea on the day of trial, that could help a little.
48. Change the system/ procedure in which they are handled.
49. Create a general trial calendar for misdemeanors and get them off the caseload of the serious felony judges. Create an efficient revocation calendar and get the A&Ds off the PSF arraignment calendar. Quit blocking serious felonies to new judges who have no clue what to do with them. Get the new judges some practical training on criminal cases before throwing them in. Enforce the discovery rules that were in place when the blocking project started. Schedule the OM's earlier rather than have my clients in custody for a month before their OM.
50. Eliminate the blocking system for misdemeanor cases.

51. Have certain judges only handle criminal cases and certain judges only handle civil matters. Too often, the criminal cases are put on the backburner so that civil matters (appearances, trial dates, etc.) may take precedence. I believe many judges, especially those who come from a civil background, give deference to civil matters because of the preparation involved. Criminal matters, however, should always come first.
52. Have more experienced judges handle serious felonies. Have the Judges schedule omnibus hearings three weeks out from felony arraignments, not 2, 4, or 5 weeks out. During trial weeks have in-custodies (on all levels of cases) appear on Mondays, out-of-custodies (on all levels of cases) appear on Tuesdays. Or, alternatively, have a trial call for all levels of in-custodies on Mondays and a trial call for all levels of out-of-custodies on Tuesdays.
53. Rotate the teams so that the same judges are not always the ones you deal with.

#### **Improve Communication/Access to Information**

54. I think that things are being handled as well as they reasonably can be given the volume of cases. I certainly cannot point to another county and say that they are doing things better. The one thing I would like to see is information being better distributed to stakeholders, perhaps by posting info on the court's web site. As it stands now it is sent to a very small group of people, and by the time it filters down to the lowly private defense attorney it is old information.
55. I'd encourage the Court to consult with the Suburban Hennepin Prosecutor's Association before it makes major decisions affecting their cases. (Case in point: blocking of certain domestic cases to a downtown suburban domestic calendar - as far as we can tell, no suburban prosecutor was even consulted; nor was it ever discussed at the Criminal Justice Task Force.) We are not simply obstreperous nay-sayers; we are team players who are willing to consider joining in with any reasonable plan, but our cities are not pleased when major decisions like this are made without an opportunity for feedback and comment. The 4th Judicial District purports to value the input of its Stakeholders - we have meetings, after all - but it tends to make a decision, implement it, and then ask for feedback. From where we sit, it feels like the concern for Stakeholders is more lip-service than authentic organizational value.
56. Make access to records easier.
57. Set up a computer program where you can log on and file your waiver of the first appearance in a Misd. and pick a Pre-Trial date.

#### **Other**

58. Get rid of the 'salmon sheets'. Get some relief to the judges on overloaded calendars.
59. Get rid of the specialty courts. Have felony and misdemeanor (in and out) arraignments. Block from the pretrial. Forward to specialty supervision upon conviction.
60. Have one calendar for felonies and one for misdemeanors. Period.
61. Quite making so many rules all the time!
62. Make sure that the parties follow scheduling orders, and be realistic about time frames. Speedy trial does not mean speedy trial any more, and we should recognize that.
63. See above.[Note: Not sure to which answer this refers]
64. See previous answer. [Not sure to which answer this refers]

## Multiple Comments

- 65.** (1) Judges can do a better job of scheduling hearings alongside of difficult and long calendars. In felony cases we often wait hours before our case is heard if the misdemeanor calendar is going on. (2) Judges can hold people more accountable to time. (3) Blocking rules should be followed with no jury trials starting until Tuesday, etc.
- 66.** (1) Assign more judges to the criminal calendars. (2) Ensure that judges have the training and experience necessary to handle the cases to which they are assigned. (3) Hold attorneys accountable for being on time and being prepared
- 67.** 1. See previous answer. 2. Publish policies and procedures (put in library and courtroom). 3. Ensure judges don't get too chummy with the prosecutors assigned to the calendar. 4. Rule on the law including Minn.R.Crim.P. and not the "Hennepin County" method. 5. If a pretrial is really a settlement hearing, entitle it as such. 7. Don't push the process so quickly that the defendant doesn't have time to object to anything (for example, I've experienced the "no contact order" come so quickly that there is literally no time to object, let alone request a hearing or obtain a hearing). This is form over function. 8. Use rules 2 and 17 to block the 'bad' cases from taking system time. Weak cases flood the system and take the resources so there is no time for those who want to defend. 9. Don't issue unconstitutional bench warrants at the end of each calendar. 10. Have signing judges keep a copy of everything they sign so that record can be accessed if needed. Out of space.
- 68.** As always, more money, i.e. more people, more courtrooms, smaller calendars. Of course, I realize this is a pipedream. I believe, given the resources available, the current system operates as best as it can.
- 69.** Devote more resources. Get rid of those silly Salmon colored forms. Do more to encourage settlement. Speak directly to each defendant and let them know that the sentence may be significantly worse if they go to trial and lose. Stop telling them that if they try the case the sentence will not be worse than if they settle.
- 70.** First, get rid of blocking. Go back to a master trial calendar. Second, get judges to take responsibility for their calendars. It isn't fair to any participant to have judges interrupting mandatory calendars with their own civil and criminal calendars. Third, reintegrate the misdemeanor arraignment and pretrial calendars to open up judicial, prosecutor, and defense attorney time. Quit specializing as it creates a huge drain on all types of resources and most importantly stretches office personnel very thin, creating undue stress and poor performance.
- 71.** Reduce calendar sizes; have dedicated judges assigned to the suburban court calendars so we are not the poor sisters to the assigned judges' civil calendars; recognize the rights of the public defender clients to have an attorney represent them throughout the process of their case and not dump the clients on a new lawyer for trial.
- 72.** Not allow judges to do both criminal civil. Make a trial calendar available each week for Rasmussens and trials. It is more important to have a venue and less important to have a blocked judge.
- 73.** Respect when the parties make requests. Set trials in the courtroom where people actually are. Don't make us go back and run misdemeanor deals past judges in every case on pre-trials. Really. Show up on time. We know what is really going on.
- 74.** No blocking of judges. Stop rushing cases. "Efficiency" should not be a goal. Fairness to the defendant is required by the Constitution.
- 75.** The judges who do not actively discuss the cases with the parties before a trial setting should

do so. Should also require the public defender who has pretried the case to handle the trial.

76. The Ridgedale judge team could consider the elimination of "salmon sheets," either for some or all new court date scheduling. Cases could be blocked to a judge at pretrial. Blocking at first appearance builds delay into the system because the first appearance judge is normally not back to the courthouse for a month.
77. Provide a dedicated team of judges to handle the misdemeanor cases. Do not tag our misdemeanor cases with felony appearances.
78. Return to the master calendar system or move towards dedicated felony and misdemeanor blocks that are properly staffed with enough judges to process the heavy downtown caseloads. Alternatively, allocate an additional judge to the ST and CC blocks. Under the current system, judges can play a more active role in brokering resolutions, can be more flexible with their available trial dates, and can make a greater effort to ensure that every judge is utilized on the day of trial before continuing trials.
79. Stop specialization on misdemeanors. Put the in custodies in the morning and the outs in the afternoon. Do away with the domestic violence calendar. It has skewed those cases into the realm of the ridiculous and the calendar is time consuming. Dedicate judges who handle criminal, otherwise civil comes first. Have a master trial calendar on misdemeanors with cases tried every day. If judges have felony blocks they need to consistently manage the cases better. Some are terrific and some are not.
80. This is such an open ended question. In the context of the purpose of the survey I wouldn't make suggestions at this time. In case this is used in other contexts, I feel strongly that Ridgedale jurisdiction cases should stay at Ridgedale court in the future. Also a miscellaneous idea - I think the monitors could be used in ways to help enhance efficiency. Is there a way for them to show a queue of which cases are being called and which cases would be next (and third then fourth), with immediate update once one case is finished, so that attorneys/defendants or other interested parties waiting for their cases to be called could have a visual estimate of when they should be in the courtroom. Could this queue also be posted on a monitor in the courtroom somehow when court goes paperless? Have some other minor ideas, but these are not related to blocking analysis so won't be done here.

#### **No Suggestions**

81. I'm sorry not to be helpful but I really don't know. Overall I think that criminal cases are handled quite well.
82. Not much. I like Hennepin's system and appreciate the way the court is handling cases. Judges here are fair and impartial, which is refreshing to a defense attorney. Having just handled a serious felony jury trial out of the metro makes one appreciate Hennepin County.
83. Not sure. As they say, the system isn't perfect, but it's the best one we have. It is reassuring to know that there are people thinking about this.
84. With my limited experience in Hennepin County I have always felt that they have done a very good job of processing and handling criminal cases.
85. At this point simply continue the blocking pilot to see if the noted efficiencies continue

<p><b>Text Question</b> (64 respondents)</p>	<p><b>What can the County Attorney's Office, Minneapolis City Attorney's Office or the suburban prosecutors do to improve the handling of criminal cases?</b></p>
<p><b><u>Negotiations</u></b></p> <ol style="list-style-type: none"> <li>1. Be flexible in negotiation. Cases should not (with some exceptions) be prosecuted solely to obtain conviction, but should be based upon the need for punishment. If the conviction is the punishment, one needs to question why it is necessary.</li> <li>2. Be more flexible in plea negotiations.</li> <li>3. Be more realistic early on about their cases and negotiations.</li> <li>4. As a prosecutor, I wish that I wasn't responsible for trying to verify which defendants have to supply finger prints at arrn or at pretrial. It seems to be a distraction; and the records at BCA vs at the police dept., vs. at the district court frequently do not agree as to who still owes finger prints.</li> <li>5. Distribute settlement offers early, get a response from defense counsel, get the case resolved if there is an agreement, or set the case on for trial and stick to it. In others words, less posturing early on only to sell the case with a better deal on the eve of trial.</li> <li>6. Be available at times other than court. Read the file and discovery before coming to court. Understand that once in while the case is bad. Their job is to do justice, not to win, most of them lose sight of this point.</li> <li>7. Give better deals to defendants.</li> <li>8. Start negotiating on cases based on what the particular prosecutor thinks is fair in the individual case, and not based on general policies or guidelines handed down by someone not actually involved in the specific case.</li> <li>9. I think we do as much as we can given the volume that we handle. I believe, though, that perhaps if the Judges get more involved in pretrials it can guide both sides in a fair manner towards a reasonable resolution for all involved but not undermine the prosecutor by undercutting their negotiations or when a straight plea occurs, giving a sentence that is unfair to the State in light of their original offer.</li> <li>10. Roll over more often.</li> <li>11. The County attorney's office can ease up on their offers a wee bit. Too routinely they rely on the judge to undercut them. Everything is couched in terms of "policy" and the line attorney is given little authority to engage in true negotiation. They have too little authority. The Minneapolis City Attorney's office actually does a great job. But they do not generally assign a lawyer to handle a particular case. It is difficult to negotiate anything until you are actually in court. The private lawyers handling cases in the suburbs could read their file and view the police squad cam videos before going to court. If I tell the cop's report does not match the video, by god listen to me and check it out. We could easily get rid of the case. Also, if you know you are going to lose, fold your tent.</li> <li>12. Resolve more at arraignment.</li> <li>13. The city should have the assigned attorney on the case at all hearings they can attend, not send two attorney's with written offers, and have an attorney present with little power to negotiate. It slows the process down because then there is little room for a negotiation at the hearings.</li> </ol>	

14. The county can be prepared to give a real offer on the OH date. This means they have read all of the discovery and have realistically assessed the case. The city can put lawyers in the arraignment courts who make offers likely to be taken. The single biggest factor in how many cases set for pretrial is who the prosecutor is at the arraignment.

### **Charging**

15. Be selective and less scattershot in charging.
16. Charge less. I'm not kidding. Drug prosecutions, public urination, interfering with pedestrian traffic, DOCs: we're getting too many people needlessly involved in the system.
17. Consider each case on its own merit
18. Continue the stakeholder meetings. Must involve all the stakeholders prior to any changes in how cases are handled. Continue to facilitate new technology in the courtroom.
19. Dismiss the cases - we already have to almost give them away because they are set so far out and continued and our witnesses won't come back.

### **Discovery**

20. Follow the discovery rules that were originally in place when this project started. I rarely have offers before the OM. I am not getting all discovery in a timely manner.
21. Get ALL the discovery out to the defense BEFORE the 1st appearance, including audio and video recordings.
22. Make sure discovery is sent and extend offers before OM.
23. Prosecutors should make sure all the evidence is gathered early in the case so we know our case better at the pretrial stage.
24. Request discovery from the police departments and provide it to defense counsel even before defense counsel sends a written request for the discovery - this would eliminate the lag time between the first appearance and "meaningful" pretrial, which is usually a continued pretrial date.
25. Send the discovery instead of making us come get it. Other than that, the offices are actually pretty good at returning phone calls and communication.

### **Hire More Attorneys**

26. Get more FT employees.
27. Hire more attorneys to handle the number of calendars and cases that are placed on them under the current system.
28. Hire more prosecutors in the Minneapolis City Attorney's Office. That Office is spread too thin considering the high volume of cases it handles.

### **Discretion of Attorneys/Leadership**

29. Give more decision making power to line attorneys who know the cases.
30. Give the individual prosecutor more authority on case by case basis. Too much micro managing

and second guessing of the actual atty handling the case by politicians. Stop making Policies in Co. Atty Office & get on with administration of Justice.

31. Make sure the person who appears has the authority to get something done.
32. New leadership.
33. I don't believe this new system affects that. I personally dislike that Minneapolis and the County Attorney office are both so rigid in that they are so large and politically charged that the individual attorneys are only able to follow marching orders from above. This gives a defense attorney no incentive to settle cases.
34. The County Attorney's Office should let their lawyers be lawyers.

#### **Better Prepare for Cases/Appear on Time**

35. Have information with them at court needed to resolve the case as early as possible - ideally from the first appearance onward
36. Have uniform policies for fines and/or prosecution costs. Depending on the city where the offense occurred, there is considerable difference in the costs imposed on indigent or poor clients if they settle a case through a Continuance for Dismissal or a Stay of Adjudication. These "costs" are all over the place for my poor pro bono clients.
37. Honestly, they can all be more open to the idea that justice need not depend upon a conviction or "costs" for a continuance for dismissal. There are instances wherein they should dismiss a case outright, perhaps because of a low likelihood of being able to prove the elements, perhaps because a conviction will ruin a life --- particularly in view of the fact that expungements do not apply to BCA records. Defendants shouldn't have to take off work for several hearings when these things can be ascertained at the first court appearance, and often, they can. Too many prosecutors seem to have an idea that there are some finite number of dismissals that they can pass out and that their reputation depends upon "hoarding" those dismissals.
38. Like everyone -- show up on time.
39. Mpls. City Attorney's need to show up on time. Sometimes we will have 6 PD's in a courtroom waiting for people to show up. Not joking.
40. Prepare our cases better. Know at the settlement conference if you will have trial witnesses. Have a 5 minute conference with the judge and the def. attorney a couple of days before trial and REALISTICALLY evaluate the case.
41. Prosecutors can simply show up for scheduled appearances/hearings on time.
42. Make offers prior to the day of an omnibus hearing, show up on time.

#### **Improve Communication**

43. I would like to see more communication and cooperation between the offices, especially on any cases that affect defendants or victims across systems.
44. Clearly, there are policies, meetings, etc., that are not well-publicized. (I learned from this survey there are "regular stakeholder meetings," and I don't even know what that means.) What is to be done with answers to this question? Another stakeholder meeting? Such meetings should be open to the public, and published in advance of date, time, etc. Criminal prosecutors (in my humble opinion) have become about winning cases, rather than justice.

Policies and supervisor decisions govern whether a case is dismissed. The whole point of giving prosecutors discretion is that they are the one who knows the case, and should be permitted to dismiss it. The draconian current system of forcing every case to trial wastes resources and convicts innocent people. I am kind of expecting this comment to fall on deaf ears.

45. Respond to defense counsel's phone/written inquires more promptly and thoroughly.

#### **Other**

46. Let Probation take care of restitution!!!!!!!!!!!!!!!!!!!!!!

47. Please share the responses to this question with these offices.

48. See prior comments. I do not think team approach has been working as intended.

#### **Multiple Comments**

49. Make better charging decisions and better settlement offers.

50. Minneapolis City Attorney's office can get rid of domestic violence court; send a reasonable person, i.e., NOT Attorney XX, to arraignments to make reasonable offers from the get go, so cases are settled before the need to schedule pre-trials.

51. Quickly respond to discovery requests, fairly evaluate the strengths and weaknesses of their case, and try to "do justice", rather than imposing the will of their boss, or police.

52. Show up in person for the County. Mpls. City Atty's could get discovery out sooner. Don't waste time talking to private lawyers at arraignments.

53. Stand up and quit giving in to the courts ideas that waste our resources. Make judges accountable for delays and for undercutting our offers on the day of trial ... if they want to undercut us they should do it at pretrial so we don't waste time and resources.

54. The suburban prosecutors can actually return phone calls about a case instead of writing an unreasonable offer on the blues. The prosecutor's offices can give the line lawyers the discretion to negotiate a case without having to get approval all the time/.

55. There is one prosecutor from the Mpls city attorney's who will not negotiate at arraignments. Consequently, the vast majority of cases appearing on the community court calendar when she is in that courtroom are set for pre-trial. The city attorney will not let the law clerks in community court handle pleas other than a few pro ses. .At a minimum let the law clerk handle out of custody cases where conditions of release are not in issue. Vibes should be checked and pending citations added on to the arraignment calendars. XX who has access to Vibes. She puts any outstanding citations (that have not gone to payment) on the pre-trial calendar and we settle them all. I realize that many citations are payables now. You use to have XX in court room 1156. Tremendous time saver. Out of custody defendants are waiting too long for arraignment at the PSF. The out of custody defendants are angry and frustrated by the time their case is called.

56. Think through their cases and talk to their witnesses prior to a week before trial. Make good deals up front, rather than waiting for the trial date. Give discovery on jail phone calls right away-- too many cases go away at the last minute because of incriminating jail phone calls that could have been disclosed prior to the omnibus hearing.

**No Suggestions**

- 57. Again, my experiences have been positive.
- 58. I think they are doing fine.
- 59. I cannot speak for the city prosecutors but I believe the County Attorney' Office has done all it can to make the block as efficient as possible.
- 60. They're doing well.
- 61. Nothing
- 62. Nothing more that I can think of.
- 63. I don't know. I think the team concept works.
- 64. I don't know.

<b><i>Text Question (67 respondents)</i></b>	<b><i>What can the Public Defender's Office or the private criminal defense bar do to improve the handling of criminal cases?</i></b>
<b><u>Hire More Attorneys/Staff Calendars Differently</u></b>	
<ul style="list-style-type: none"><li>1. Assign more lawyers to the PSF community court.</li><li>2. Beg the state for more lawyers.</li><li>3. Get more attorneys.</li><li>4. Get more lawyers and support staff.</li><li>5. Hire more attorneys. Offer better trial support-- especially paralegals, investigators, and coverage. Hire more support staff.</li><li>6. I think they are trying but their calendars are really overloaded.</li><li>7. Schedule at least 3 PD's each day in the community court and serious traffic arraignment courtrooms. It really slows everyone down when there are only 2 PD's assigned to those busy calendars.</li><li>8. Staff the calendars more efficiently.</li><li>9. The same. They are swamped.</li><li>10. There's no magic 8 ball needed -- increase staff.</li><li>11. They need to assign more attorneys to the misdemeanor/gross misdemeanor cases. Those calendars are too large and to send only 2 NEW attorneys to an afternoon community court arraignment calendar, for example, is ridiculous. Many times we sit and wait b/c they do not have enough attorneys to cover the volume of cases. It is not the fault of the individual 2 attorneys in the courtroom, it's just that their office had decided to send only 2 attorneys who are so new that they don't know how to be efficient with their time and probably are still learning the law and how to interact with their clients.</li></ul>	

12. We simply need more bodies.
13. Put more people at the arraignment calendars. Triage arraignment cases more quickly so the calendars don't take all day.

#### **Internal Structure/Assignment**

14. Combine felonies with misdemeanors and property with misdemeanors to two divisions and help combine very limited resources
15. Get out of divisions and create a cooperative workplace again.
16. More specific assignment.
17. PD - Defend all the way through to trial.
18. Public Defenders....vertical representation through trial.
19. The PD office should discontinue "divisions" and instead let all lawyers handle all types of cases.
20. Same suggestion as previously (vertical vs. horizontal rep)
21. Vertical representation through trial by the public defender's office.

#### **Negotiations/Case Resolution**

22. Assess their cases and negotiate in good faith.
23. Give meaningful responses to settlement offers early on so the parties can prepare for trial if there is no agreement. In other words, less posturing about not settling the case only to show up on the morning of trial with a client ready to enter a guilty plea.
24. I don't know about the public defender's office. The criminal defense bar could oftentimes make more of an effort to settle a case earlier in the process. The more their clients are informed about everything, the more likely that's probably to happen.
25. Resolve more at arraignment when possible instead of just getting dates for future appearances.
26. Try cases! This would force the prosecutors to think twice about unreasonable settlement offers. If the defense bar brought more cases to trial it would essentially crash the system and force prosecutors to be more reasonable.
27. Try more cases.
28. Pretend that the suburban P.D. will be the one trying the case and work to settle the case rather than shrug their shoulders if it doesn't settle, because they won't be trying it.
29. Those that pick up a case at arraignment (Misd Court) do not have to try the case so there is no great push or effort to settle matters.
30. The Public Defender's office could allow suburban attorneys to handle pre-trial evidentiary hearings in the suburbs and send only those cases which need a full trial downtown. If this is not possible, the downtown team could determine the need for such hearings at least a week or two

before the trial and notify prosecutors so that prosecutors can have necessary witnesses available and can properly prepare for them.

### **Better Prepare/Appear on Time**

31. Come to court on time, talk to clients before court (granted, this has to be hard because of the volume and time constraints everyone is under - on both sides)
32. Have people in court, ready to go, at 8:30. It's ridiculous that my city is regularly asked to pay for me to stay until Noon or 12:30 p.m. because 8:30 a.m. public defender cases haven't been handled by that time.
33. Meet deadlines.
34. Meet with clients to discuss offers prior to date of omnibus hearings.
35. It is frustrating when you do not see a public defender until after 10 or 11 in the morning, especially when domestics are involved. It would be preferable if the public defenders and prosecutors were able to review and discuss all matters scheduled at the very beginning of the calendar so the calendar is not delayed having to wait for a public defender closer to the lunch hour, and so the priority cases like domestics can be heard early in the calendar process, which is necessary for the victims and the victim advocate groups.
36. PD's could show up on time and when they have the offer, have a petition done at 9:00, meaning they may have to actually show up earlier to see their client, and get a petition done as opposed to showing up at 9, going to do a petition, and finishing the 9:00 at 10:30.
37. Read discovery and meet with clients before the OM.
38. Request discovery as soon as a case is assigned to them and review discovery when they get it. It would also be extremely helpful if defense counsel would meet with or talk to defendants before the pretrial date.
39. Maintain office time away from court to review cases and meet with clients. Clients who are involved with their attorneys are better able to make decisions.
40. Show up on time.
41. The CC arraignment calendar would run more efficiently if the public defenders would be willing to appear at 1 p.m. along with the court clerks, defendants and prosecutors.
42. In order to expedite their cases, they need to actually pick up their discovery and go over it with their clients in order to avoid having to continue the pretrial to obtain or pick up discovery.
43. Work on scheduling and timeliness for appearances.
44. Try to address each case before an actual court appearance with a view toward resolving certain pretrial matters to fine tune the focus of real trial issues.

### **Issues Related to Representation of Clients**

45. Be realistic
46. Be zealous advocates for their client, tempered with wisdom, experience and compassion.
47. Lawyers who don't know what they are doing shouldn't be taking criminal cases. It's scary the

ineptitude that is out there.

48. Our duty is to get the best possible outcome for our client, regardless of whether doing so improves 'the handling of criminal cases'.
49. The function of the defense bar is to represent individual clients not make the system "handle" cases better. It's like asking how the Jews could make the train to Auschwitz run more efficiently.
50. They work for individual defendants. They can do nothing that interferes with that.

#### **Other**

51. Not take advantage of the court's lack of case management.
52. Private criminal defense attorneys can better represent their clients if they know about the policies and meetings. (See also my other comments.)
53. Really not our problem. Co Atty & weak Judges who won't be flexible on a case by case basis. Policies that cannot be flexed are ruining this Co's fairness and efficiency.
54. See above [Note: Not sure to which answer respondent refers]

#### **Multiple Responses**

55. I think that the private defense bar is doing a great job. As to the public defender office, the block system (i.e., "meaningful" pretrials) has dramatically reduced the number of cases which are sent downtown for trial, because it has forced the prosecutor and the public defenders to carefully analyze the strengths and weaknesses of their respective cases - while those cases are still at the suburban courthouse level -- as opposed postponing that careful analysis only after the cases are sent to HC Govt Center for a trial calendar.
56. The private bar can come to court prepared - both them and their client. Public defenders can adopt vertical representation of the clients.
57. Understand the system better and explain it to the clients better - transparency. It's been a little harder to keep up with of late. Try cases that should be tried. Case load makes it tough, particularly for PDs, but the system should make trials accessible when trials are necessary. It's a bit burdensome right now.
58. The public defender's office is way understaffed. They could add some lawyers. The private bar should avoid continuances unless absolutely necessary. They should come prepared and be on time. Too many excuses by the private defense bar.

#### **No suggestions**

59. I am unaware of what we as defense attorneys could do to improve the handling of criminal cases.
60. The private defense bar does an excellent job.
61. Nothing
62. Nothing comes to mind.
63. So far, so good.

- 64. I don't know.
- 65. No Opinion
- 66. Not sure about this.
- 67. Same response as #20 [I cannot speak for the city prosecutors but I believe the County Attorney' Office has done all it can to make the block as efficient as possible.]

<b>Question (42 respondents)</b>	<b><i>What else do you want the court to know about your thoughts regarding the Blocking or Teaming of criminal cases?</i></b>
<b><u>Positive Comments</u></b>	
<ol style="list-style-type: none"> <li>1. Do not go back to the old system of a trial calendar call. That system promoted too much judge shopping. It was also inefficient. The block, and its early assignment of a case to a specific judge, is way better. Block judges gain familiarity with a case and become vested. This promotes resolution. For cases that cannot be resolved and must be tried, the judge's familiarity with a case results in a more efficient trial. It would be a mistake to go back to the old ways.</li> <li>2. I appreciate keeping an eye out for solutions to a very complex problem.</li> <li>3. I think Hennepin County judges are generally doing a fine job trying to manage a very large caseload of criminal matters. More certainly in scheduling is always needed but may be understandably difficult given the large number of cases assigned to each judge in the district.</li> <li>4. I think it's an excellent idea and our best shot at effectively managing huge caseloads and ensuring more just results.</li> <li>5. I think with time it might turn out to be a good thing.</li> <li>6. I'm a big fan of blocking, and I have very positive feedback for the judges blocked at Division III. I think they're a very capable bunch and we are lucky to have them. That said, see my comments previously about the need to consult with stakeholders before major decisions are made.</li> <li>7. In terms of efficiency, it seems to work.</li> <li>8. Keep up the good work, as it seems to have been helpful.</li> <li>9. Please keep blocking the cases. (When cases are not blocked, the defense knows that it will probably have a different judge at each court appearance. So if the defense presents particular legal issue to the judge at arrn, and if that judge's reaction is less than satisfactory to the defense attorney, there is an incentive to keep presenting that same legal theory to each successive new judge.)</li> </ol>	
<b><u>Neutral Comments</u></b>	
10. No further comments.(3 responses)	
11. Nothing (3 responses)	
12. See above.[Note: Not sure to which specific comment this refers]	

### Negative Comments

13. Blocking doesn't work in a system where the number of cases is enormous and judicial efficiency is a priority.
14. Blocking should be stopped. There has to be both lenient and punitive judges on each team, not just punitive ones.
15. Dump it.
16. Eliminate specialty courts, especially "domestic violence."
17. Familiarity breeds contempt. Having the same few judges / prosecutors / PD's on the whole I think has made us less tolerant of each other.
18. Get some independence and free thinking for God's sake.
19. I do not see any appreciable difference from the way it was before. Most judges seem to have no memory of the cases they see from appearance to appearance. I think efficiency has gone way down.
20. I've been practicing for over twenty years and this is the worst morale that I have ever seen on the bench and in the PD office.
21. It has not worked. The separation of serious traffic and community court cases at the Pt stage has just created more appearances and more court calendars (i.e. more work for everyone) and less flexibility in people's schedules. The variety of cases between Serious Traffic and Comm Ct cases together kept the calendars moving under the old system. Additionally, the afternoon Serious Traffic Arr calendar is not workable within the timing allowed. The calendar should not be so regularly running past 4:30pm in the afternoon. It was much more easily handled when it was in the morning at the same time as the Comm Ct Arr calendar.
22. It is a proven failure and that is ok ... we tried it, it didn't work, so now it's time to get rid of it.
23. It is not working. It needs to be refined or dumped.
24. Let judges be Judges not bureaucrats!
25. Lopez decision is not being implemented on a wide scale basis. More training for the judges on this.
26. The frequent replacement of block judges, especially with new and retired judges, has prevented it from getting into any type of rhythm or set process. For similar reasons, the block rules are widely misunderstood among the judges and parties. Everyone recognizes the rationale for placing new and retired judges on the CC and ST blocks but if the leadership would consider allowing them to stabilize somewhat it might allow those rather chaotic blocks to operate more smoothly.
27. There is no continuity from pretrial to trial in misdemeanor cases. The trial judge may very well not have ever seen the case and even if the trial judge had the case at pretrials, may not remember it or may not have reviewed it with the parties. There are way too many misdemeanor cases to justify blocking them from pretrial to trial. It's myth that there actually is "blocking" or misdemeanor cases. Judges are often covering for other judges and there have been several reassignments, new appointments, and leaves.
28. We don't need it.

29. We need to get rid of it. Bring back the old system. It worked better and I believe both prosecutors and defense attorneys generally agree on this issue.

### **Positive and Negative Comments**

30. Basically it works well, but many cases that are coming up for trial are almost a year old. We need to shorten this time period. Not blocking until the pretrial would help.

31. Efficiency needs to be balanced with the notion that folks need to believe they have been given a fair shake.

32. I think the teaming is a good idea; it is the blocking that does not seem to be working.

33. In order for it to succeed, everyone needs to work together. There has to be some give and take or else the system gets bogged down. Usually this is accomplished but not always. It probably has to do more with personalities than anything else.

34. Just a thought about the judges in general. Judges should set an example. You would like us to be on time. If the calendar is supposed to start at 830, then start it at 830. So many times an 830 calendar does not start until 930 or 10. In the suburbs the judge will not come out until many cases are ready. So it is not uncommon for an 830 appearance to take until after 11, even if it is just to get a pre-trial or trial date.

35. Many plans have been devised over the years to make things go quicker. However, speed rarely has anything to do with whether justice was done. Justice being people being convicted where the admissible evidence proves them guilty beyond a reasonable doubt, and not guilty where it does not, and, in cases where the person pleads guilty or is found guilty, that the person gets a fair sentence. This project has little to do with whether that happens. I would rather see that issue more directly addressed.

36. Most judges welcome visits in chambers from counsel to discuss (off the record) certain concerns: e.g., disposition if a plea is entered, etc. This is by no means uniform, however.

37. The blocking system is fine; its success depends on the judges assigned to the team. They need to be willing to work with the other stakeholders, in my experience most do. Settlement conferences are key...the judges need to meet with the parties and make reasonable efforts to identify the issues and resolve the case.

38. The concept of blocking cases is sound, having it limited to the four judges certainly reduced the Judge shopping, however because the four judges assigned differed so significantly, it did not eliminate it, as all defense attorneys wanted to have their matters heard by only two of the four judges. The group of four should work together to have a cohesive strategy to sentencings on cases, including the imposition of fines, which would make the blocking more successful.

39. Overall, it's a positive development. But the calendars are getting very busy. We may need to look at setting a special calendar in an afternoon when the calendar gets too crowded.

40. There needs to be more flexibility in trial setting.

41. We should talk in terms of effectiveness rather than efficiency.

42. While scheduling is a big problem, the system, as a whole, has improved.



## FOURTH JUDICIAL DISTRICT

### BOTOCC Probation Survey

The BOTOCC Probation Survey was sent to 235 probation officers. A total of 57 people completed this survey, for an overall response rate of 24.3%.

<i>Question (57 respondents)</i>	<i>Responses</i>	<i>Number Responded</i>
<i>Is your current assignment:</i>	Felony investigation	5 (8.8%)
	Felony supervision	36 (63.2%)
	Misdemeanor investigation	8 (14.0%)
	Pretrial evaluation and screening	0 (0.0%)
	Pretrial conditional release supervision	1 (1.8%)
	Misdemeanor supervision	7 (12.3%)

<i>Question (57 respondents)</i>	<i>Responses</i>	<i>Number Responded</i>
<i>Is your assignment area:</i>	Downtown	40 (70.2%)
	Suburbs	17 (29.8%)

<i>Question (57 respondents)</i>	<i>Strongly increased</i>	<i>Slightly increased</i>	<i>No difference</i>	<i>Slightly decreased</i>	<i>Strongly decreased</i>	<i>Don't know</i>
<i>In light of these values, do you think the pilot of Blocking and Teaming has:</i>						
<i>Increased or decreased the fair processing of cases?</i>	7 (12.3%)	11 (19.3%)	24 (42.1%)	3 (5.3%)	2 (3.5%)	10 (17.5%)
<i>Increased or decreased efficiency in processing cases?</i>	7 (12.3%)	16 (28.1%)	10 (17.5%)	14 (24.6%)	4 (7.0%)	6 (10.5%)
<i>Increased or decreased accountability?</i>	6 (10.5%)	12 (21.1%)	17 (29.8%)	12 (21.1%)	4 (7.0%)	6 (10.5%)
<i>Increased or decreased transparency?</i>	6 (10.5%)	4 (7.0%)	34 (59.6%)	3 (5.3%)	2 (3.5%)	8 (14.0%)

<b>Question</b> (57 respondents)	<b>Responses</b>	<b>Number Responded</b>
<b>Has the amount of work required of you changed under the Blocking or Teaming Pilot?</b>	Much more work	4 (7.0%)
	More work	18 (31.6%)
	About the same	23 (40.4%)
	Less work	6 (10.5%)
	Much less work	0 (0.0%)
	Don't know	6 (10.5%)

<b>Question</b> (57 respondents)	<b>Strongly agree</b>	<b>Agree</b>	<b>Not sure</b>	<b>Disagree</b>	<b>Strongly disagree</b>	<b>Don't know</b>
<b>In your opinion has Blocking or Teaming:</b>						
<b>Has Blocking or Teaming made your work more interesting?</b>	1 (1.8%)	7 (12.3%)	20 (35.1%)	18 (31.6%)	3 (5.3%)	8 (14.0%)
<b>Has Blocking or Teaming made it more difficult to determine which judge to go to on a particular case?</b>	5 (8.8%)	20 (35.1%)	8 (14.0%)	13 (22.8%)	8 (14.0%)	3 (5.3%)
<b>Has Blocking or Teaming made you more aware of Hennepin County policies and procedures governing criminal cases?</b>	1 (1.8%)	15 (26.3%)	16 (28.1%)	16 (28.1%)	3 (5.2%)	6 (10.5%)
<b>Has Blocking or Teaming led to Team business rules that were helpful to you?</b>	1 (1.8%)	14 (24.6%)	19 (33.3%)	11 (19.3%)	3 (5.3%)	9 (15.8%)
<b>Has Blocking or Teaming improved courtroom decorum?</b>	3 (5.3%)	12 (21.1%)	12 (21.1%)	19 (33.3%)	6 (10.5%)	5 (8.8%)
<b>Has Blocking or Teaming led to a more positive relationship between you and the judge(s)?</b>	5 (8.8%)	23 (40.4%)	10 (17.5%)	11 (19.3%)	5 (8.8%)	3 (5.3%)
<b>Has Blocking or Teaming increased active case management by judges?</b>	6 (10.5%)	12 (21.1%)	17 (29.8%)	13 (22.8%)	4 (7.0%)	5 (8.8%)
<b>Has Blocking or Teaming led to more attorney accountability?</b>	7 (12.8%)	5 (8.8%)	12 (21.1%)	18 (31.6%)	11 (19.3%)	4 (7.0%)

<b>Question</b> (57 respondents)	<b>Responses</b>	<b>Number Responded</b>
<b>Do you find the 'Judge Schedule' understandable?</b>	Very	8 (14.0%)
	Somewhat	19 (33.3%)
	Not sure	4 (7.0%)
	Not very	10 (17.5%)
	Not at all	6 (10.5%)
	Don't know	10 (17.5%)

<b>Question</b> (57 respondents)	<b>Responses</b>	<b>Number Responded</b>
<b>Do you think blocking or teaming of criminal cases should continue?</b>	Definitely	9 (15.8%)
	Possibly	16 (28.1%)
	Not sure	17 (29.8%)
	Probably not	8 (14.0%)
	Definitely not	3 (5.3%)
	Don't know	4 (7.0%)

<b>Text Question</b> (30 respondents)	<b>Why do you feel the way you do?</b>
<b><u>Positive Comments</u></b>	
<ol style="list-style-type: none"> <li>1. Fairness and consistency. It also helps that the judges at div 4 are approachable, respectful and fair in and out of the courtroom.</li> <li>2. I like the idea of the judge handling everything - when the Court says, 'this is your one chance' or 'if you come back in front of me on a violation, you know the consequences' - allows for consistency. However, there needs to be tweaking.</li> <li>3. Because with the same or similar judges on the same team the cases are tracked easier and standards are upheld.</li> <li>4. Continuity during the phases of a case</li> <li>5. I really feel like the blocking system has created more of a team environment in the court room and has increased accountability and effectiveness of resolutions on cases. It has completely eliminated the "judge shopping" that occurred on a regular basis in the suburbs before the blocking system began. In addition, when probation has been involved with a case from the beginning through the bail eval, conditional release supervision and finally pre-sentence investigation, the blocked Judge has had an opportunity to see the progress made by the defendants and have become more invested in the case. Through this process the Judges have become more aware of the resources in probation and teamwork between the court room players has increased.</li> <li>6. I think clients are held more accountable when they see the same Judge that sentenced them or handled a violation on their case. It's particularly powerful when the Judge actually recognizes the client and is familiar with the case.</li> <li>7. It can be time consuming to track down judges or determine who to approach when a case is not blocked to a particular judge (or team). There has been an obvious change at first appearances and also the handling of revo matters to being more transparent and all parties more accountable including myself! I am even more diligent with supervision and follow up as the system has self-created a more accountable atmosphere in general. I am sure the correspondence with judges has increased due to the system, but it is so helpful not to have to spend additional time trying to create the context for cases when approaching judges who may not be familiar with a case - it is much more efficient on this end logistically but also for building relationships.</li> <li>8. It seems to make cases move through the system more quickly as, with the same judges, they appear to find resolution more quickly.</li> <li>9. I understand the process and made adjustments in my job.</li> <li>10. Overall believe that it is beneficial</li> </ol>	

11. The number one reason is consistency - we know what to expect week to week.

### **Neutral Comments**

12. Not sure of how effective it has been.

13. I am an inter/intra state supervision agent and have little knowledge or experience in the blocking or teaming pilot.

14. It seems like the Judges want it, don't know if it really is noticeably different for me.

15. I think to remain fair and consistent and provide accountability the defendant should return to their sentencing judge whenever possible.

### **Negative Comments**

16. It took more time and probation officers were having to wait for several hours for their cases to be called.

17. Defense attorney not showing up

18. Most of my work is related to revocations and there is no constant follow through for the client from the judge. They know nothing of the case.

19. The calendars appear to be much more demanding/time consuming than under the previous model.

20. there is no longer any investment or background knowledge at the time of revocations, except for the few Judges who have decided to maintain their own revocations

21. There seems to be a lack of accountability and consistency on cases.

22. Way too many people (judges) involved...gets confusing.

23. Too much time spent in court.

24. It is unfortunate that when handling probation violations the only person involved from beginning to end with the defendant is generally the probation officer. If a defendant returns to court on more than one violation they often encounter a new Judge and defense attorney.

### **Positive and Negative Comments**

25. The only aspect that I'm certain about is that it greatly increases the efficiency. Justice delayed is justice denied, so more efficient handling of cases also increases fairness, at least in some respects. I appreciate no longer having to do multiple rounds of email to get a case scheduled for Probation Violation hearing. What's difficult for me is that the business rules have changed so often, and apparently differ so much between teams, that I no longer attempt to keep track of them. If these ever stabilize and become consistent among teams, and can be explained in clear, plain English, I will once again attempt to learn them.

26. I work with cases in Division 1 and all of the suburban divisions. (Your survey didn't have that option) My impression is that the courts are far too overworked in the divisions I work in the most 1, 3, and 4. Success varies by the dedication of the City Attorney. Minnetonka and Bloomington are the best, the rest struggle to keep up.

27. When working in misdemeanor investigations having the same judges rotate through it was beneficial knowing how that judge handled certain cases or the calendar. However; sometimes it was not beneficial to have certain judges there all the time given the way they processed cases.
28. With anything, it takes time, and one or two years is not always reflective of how well something works, especially in a system like this. I believe in one case, one judge, one PD, and even one county attorney, so everyone is accountable to the process and outcome.
29. Seems like there are a few wrinkles that need an iron
30. I feel The Court does not have all the information that would be helpful when making a decision on disposition --the priority seems to be to move cases along vs. holding offenders accountable, community safety and especially victim's rights and compensation. When cases are referred from one judge to another, these important elements seem to be lost. Also, the opportunity for in chambers discussions are not always available--we often deal with victim sensitive information that should not be communicated in open court yet should be made known to the judge who is deciding what should happen in a given case. Lastly, while the revocation calendar seems to be an efficient way of handling those cases, it doesn't appear so for the public defenders who are often scheduled to be in more than one place at a time, the same can be said for the probation officers.

<b>Text Question (32 respondents)</b>	<b>What do you like best about the Blocking or Teaming Pilot?</b>
<p><b><u>Accountability</u></b></p> <ol style="list-style-type: none"> <li>1. I think it creates more accountability for the defendant. The defendant knows that if they were told something by the Judge at one point that they are going back to that same Judge again. There is more consistency and it is more personal.</li> </ol> <p><b><u>Consistency</u></b></p> <ol style="list-style-type: none"> <li>2. Consistency both for P.O's AND for the clients. It can be difficult at times for us to maintain a sense of whose doing what and it is easier for us to find out, but from a client standpoint, it's better for them to know who will be involved in their case from beginning to end.</li> <li>3. Greater consistency as case move thru the system</li> <li>4. It is always better for the same judge to see the same defendant on a violation. This seems to happen more, but not as much as I'd like it to with blocking.</li> <li>5. Knowing you have a set of Judges doing the same thing with similar schedules I guess.</li> <li>6. Knowing that a particular Judge will stay with a case</li> <li>7. Once a case is assigned it generally stays with one Judge.</li> <li>8. Predictability and consistency = teamwork.</li> <li>9. Same judge for the entirety of the case.</li> <li>10. The predictability</li> <li>11. We know what to expect week to week.</li> <li>12. Working with the same general group of judges.</li> </ol>	

13. That the likelihood a defendant will see the same judge that dealt with them previously is high

**Faster Case Processing/More Efficient**

14. Case proceed in timely manner

15. Efficiency in terms of handling cases. Not having to do multiple rounds of emails to get a Probation Violation hearing scheduled.

16. It appears that hearings start on time now (more efficient).

**Relationship with Judges**

17. Developing a relationship with the Judges.

18. Getting familiar with the Judges and their different styles

19. You meet different Judges.

20. Solid judicial assignments so far, just keep the right judges doing it.

**Availability/Knowing Who to Go To**

21. Knowing who to contact in a more efficient manner

22. Knowing who you are going to be dealing with.

23. Know who to go to if have any issues

24. Availability for a signature from a team judge

**Other**

25. Getting used to it

26. Having more judges on the felony block allows for more of a variety along the lines of how a typically handles/sentences cases.

27. Knowing what Judges will be here. However, it's not clear if they're here to make a difference or because they live here in the area and it's convenient.

**Nothing**

28. Nothing (2 responses)

**Neutral/Not Sure**

29. Neutral about it at best

30. Unsure

31. N/A

**Revocation Calendar**

1. Felony revocation calendar
2. Judges who don't or won't take revocations back.
3. My cases don't stick with one Judge. We could talk to 3 different judges on the same case over a period of weeks. Revocation calendar is long and often times doesn't start on time.
4. On a revocation hearing I think that the original sentencing Judge should take the case back; especially on a felony. I feel when the violations go to the revo calendar it's a Judge that has no history with the defendant and then it's possible the case gets continued which in turn leads to yet another Judge that doesn't have history with the defendant. It seems to be a vicious cycle especially when the defendant could be back on a 3rd violation and you want to recommend execution of their sentence.
5. Once sentenced and a case returns for a revocation hearing they stand before a new Judge and have a new attorney.
6. Revocation matters - handled often by a team (atty's, judge) that do not have history or knowledge of the case other than what is on MNCIS. On revos. first appearance - a decision can be made with no information from probation
7. There is no investment or background knowledge of the case by the Court at the time of revocations as the case keeps getting passed around at every hearing. Probation violations are prepared for a reason & yet too often get "undone" at the 1st appearance due to lack of knowledge by the parties. Probation officers have office schedules and are not available for 1st appearances, following an arrest, and are usually not available to appear on such short notice, without compromising their own schedules. We do not just make court appearances all day, like the other players of the system, we have scheduled appointments, in and out of the office on a daily basis. The revocation calendar is especially frustrating with too much time wasted by too many professionals. When we scheduled our own Revocations, with the sentencing Judges, it was much more efficient as all Revocations were not scheduled at the same time. One 10:00 calendar is not efficient!
8. Time wasted on Revo. calendar.
9. Judges are getting cases for probation violations where they know nothing about the case or the defendant.

**Time Spent in Court/Scheduling**

10. Getting PDs to show up
11. Having to sit an entire morning in a court room to get your case called on a revo calendar, only to find out the PD rescheduled it.
12. The amount of time I sit in a court room. The amount of time it takes to figure out who will be hearing the case on a probation violation.
13. The amount of time that it takes.
14. I think the courts are understaffed, especially in the suburbs. This causes probation officers to sit, sometimes for hours before cases are heard. I don't think blocking helps or hurts this so it is

difficult to say.

15. When cases are continued, the next date in front of the blocked Judge is typically 4 weeks out and sometimes longer due to schedule changes. Sometimes this can be too long to continue a case, particularly on domestics where there are safety concerns or on cases where alcohol monitoring is a condition and the defendant is indigent with no means to pay for court ordered monitoring. The defendants can only get a grant for monitoring for up to 2 weeks and many defendants struggle to maintain compliance because they can't pay for the monitor. I think the block system has also resulted in more conditional releases being ordered, which is positive and negative both. In my experience, it has sometimes been more difficult to keep dangerous offenders in custody when they are blocked to a Judge that won't be back for 4 weeks. Frequently these defendants get released with conditions to return to the blocked Judge in lieu of remaining in custody until the next week (with a different Judge) to try to resolve the case.

16. Sentencings could be out over a month

### **Concerns Related to Judges**

17. Issue when the relationship is not the best with certain Judges.

18. Judges appear to be overwhelmed with cases.

19. larger number of judges assigned to DV court results in a lack of familiarity

20. Never knowing what judge will be on what calendar. The lack of vested interest and knowledge on a case.

21. Professional relationships were built easier in the old system as you saw the felony block judges more often.

22. Unfortunately, when there is a Judge that is difficult to work with, you are "stuck" with that Judge for a period of time.

### **Other**

23. As stated previously, one case, should stay with one Judge who sentenced that case, so there is true accountability across the board.

24. Parties who are unfamiliar with the process and decided to judge shop.

25. What's difficult for me is that the business rules have changed so often, and apparently differ so much between teams, that I no longer attempt to keep track of them. If these ever stabilize and become consistent among teams, and can be explained in clear, plain English, I will once again attempt to learn them. Also, the hearing seem to run over into the lunch hour with some frequency.

26. See comments on question 17 [I feel The Court does not have all the information that would be helpful when making a decision on disposition --the priority seems to be to move cases along vs. holding offenders accountable, community safety and especially victim's rights and compensation. When cases are referred from one judge to another, these important elements seem to be lost. Also, the opportunity for in chambers discussions are not always available--we often deal with victim sensitive information that should not be communicated in open court yet should be made known to the judge who is deciding what should happen in a given case. Lastly, while the revocation calendar seems to be an efficient way of handling those cases, it doesn't appear so for the public defenders who are often scheduled to be in more than one place at a time, the same can be said for the probation officers.]

**Nothing**

- 27. Can't think of anything from this end
- 28. I can't think of anything
- 29. Nothing.

**Neutral/Not Sure**

- 30. N/A
- 31. No comment.
- 32. Not sure

<i>Text Question (31 respondents)</i>	<i>What can the prosecutors in our county do to improve our court?</i>
<b><u>Better Prepare for Cases</u></b>	
<ul style="list-style-type: none"><li>1. Be more prepared</li><li>2. Know the cases and get the police reports back to probation on a timely basis.</li></ul>	
<b><u>Greater Consistency</u></b>	
<ul style="list-style-type: none"><li>3. Be more consistent in the prosecution. Not expect probation to be a "punitive" action. Provide more information to probation (files) to probation.</li><li>4. Become more consistent between the division courts and downtown with plea negotiations</li><li>5. Consistency</li><li>6. Continuity with probation revocations</li></ul>	
<b><u>Better Communication</u></b>	
<ul style="list-style-type: none"><li>7. Don't make deals with the public defender or private attorney without probation.</li><li>8. give some indications of what they expect for revocations</li><li>9. Have better communication with the PO's.</li><li>10. Increase communication between the different attorneys handling the calendar on continued matters. So often I will have had one discussion with a prosecutor on one day and the next court appearance there is another prosecutor there who doesn't have the notes from the previous appearance or who feels differently about the case than the previous prosecutor. This is another reason why the Judicial block is so important is because the Judge remains constant, even when other parties change.</li></ul>	
<b><u>Greater Concern for Victim Rights</u></b>	
<ul style="list-style-type: none"><li>11. Back up their negotiated agreements and provide better avenues for victim's to file motions. Probation has a role in some of this, however, it comes down to the prosecutor supporting the deal</li></ul>	

that was made and holding the client accountable to that deal.

12. Hold Defendant's accountable, have more concern for victim safety.
13. I think I can speak for our entire department when I say a terrible disservice is being done to the victims in our community with regard to the changes made to the investigation, collection and distribution of restitution. Also, I question if 'reserving' restitution for 30 or 60 days is enough time to collect the needed information. This is the time period often allotted to criminal cases.

**Other**

14. Help make it more proficient
15. In regards to probation, make it easier to utilize probation officers in a timely manner at violation hearings possibly by accessing the officer via telephone to appear in person or settle the matter via telephone. This would allow more efficient use of officer time.
16. No idea.
17. Specifically in relation to this system? don't know it well enough to comment - In general, time frame of charging seems to be an ongoing battle due to staffing especially for those out of custody - it is one of the more difficult issues to work with for probation violations.
18. Support Probation recommendations.
19. Try cases, quit making plea agreements
20. Understand/investigating defendant criminal history before negotiating cases. At the suburbs there are city attorneys who could learn to work better with their criminal justice partners.

**No Improvements Needed**

21. I have no gripe with the prosecutors. They are on time and engaged in the process.
22. I see little room for improvement with Probation Violation hearings, as Prosecutor XX is already doing a fine job.
23. Minneapolis Prosecutors done a good job, they are timely and prepared
24. Minneapolis, Bloomington, and Minnetonka all have excellent prosecutors. The rest are hit and miss. (I don't usually work with county prosecutors).
25. I think they are doing a great job
26. Nothing - seems to be going well.
27. Satisfied. Assignment of one prosecutor for felony revocations has been productive.
28. The prosecutors are doing a fine job!
29. The prosecutors are fine. It is the scheduling and then having to sit and wait.
30. The prosecutors office has done a great job. No complaints.
31. Don't know

**Appear on Time/Prioritize Cases**

1. Again, specifically not sure in relation to block system but staffing seems to be an issue w/ counsel showing up on time, etc - probation spends a lot of time waiting or tracking down Pds
2. Always be on time.
3. Be more available to clients
4. Be on time
5. Be on time for hearings
6. Be on time to hearings. Quit wasting time with scheduling Morh that never happen, they are just looking for a better deal.
7. Be on time, be prepared, talk to your clients and POs prior to the appearance
8. Be on time.
9. Being on time for hearings. Most public defenders are good about being on time.
10. Show up at hearings, on time, and if not able to do so, notify all parties in advance...
11. Show up
12. Show up on time
13. Show up on time.
14. Prioritize the domestic cases and get those cases in earlier.
15. Meet with clients who's PO is waiting First.

**Better Communication**

16. Better communication with PO's
17. Communicate better with the courts and probation if they are not able to make it to court in a timely manner. I certainly realize that they are extremely busy, however it is not uncommon to have several PO's waiting in court for the public defenders. All of the PO's have a blackberry in which they receive email. A short message that provides an estimated arrival time could really alleviate the amount of time that is being wasted sitting around waiting for everyone. Obviously, this would allow everyone to be much more productive.
18. Communicate with the parties involved about what time they will be available to attend court...it should be noted that there is understanding of their caseload sizes.

**Greater Consistency**

19. Consistency
20. continuity with probation revocations

21. One attorney should maintain a case and be assigned to the same offender if he/she re-offends while on supervision, instead of passing it off to someone new who has no knowledge or background of the case or history of the offender.
22. I recommend that they implement a system like the County Attorney's Office and put one attorney on the assignment of handling all felony Probation Violation hearings for a year at a time. This would eliminate scheduling problems.
23. Because so few of the PD's no longer "keep" their cases, I run into so many situations where they make excuses for their client's behavior and the potential outcome of a violation such as "I was not part of this negotiated sentencing...so" or "I don't know the background of the case...so" or "I would have never agreed to that at sentencing, if this had been my case..." So we end up arguing a violation, by going back to the original sentencing which has already been negotiated and implemented and starting that argument over. We spend too much time going back, and not addressing the issues at hand. It's almost like a constant catch up with all of the parties not having been originally involved and then probation not only has to hold the offender accountable. It happens a lot, so to me, one PD, to follow their client and there case allows for the client to have more accountability to the negotiation that was made. On felony cases in particular. That is being lost.

#### **More Timely Case Resolution**

24. I believe cases are continued too frequently
25. Try not to continually continue cases when they can be resolved.

#### **Other Comments**

26. Support and implement the current policies and procedures regarding pre-sentence investigations and probation input in general. So often cases are handled in the court room without probation input and often it is because the private attorney or public defender advised the clerk the case was ready to be called. In reality, often the case is being worked on by a PO and the report has not yet been submitted, but the case is called and handled anyway.
27. Again, there are far too few public defenders for the clients we both serve. Some public defenders take out their frustrations with their client's failure personally on the probation officer. In 20 years, I see that happening, but not very often. It is not the fault of the probation officer when the probationer violates probation. I rarely work with private attorneys, most of my clients use the Public Defender or are Pro Se.
28. In regards to probation, make it easier to utilize probation officers in a timely manner at violation hearings possibly by accessing the officer via telephone to appear in person or settle the matter via telephone. This would allow more efficient use of officer time.
29. Not let their clients read "confidential" portions to PSI's (victim info on domestics cases". They could get to work in a timely manner. Some don't show till 9:15 or 9:30 in the morning and that backs up court due clients getting to court at 8:30.
30. They are almost always late. Never seems that they have enough time to answer questions for defendants. Revocations do not go back to the original attorney.

#### **No Suggestions**

31. Don't know

- 32. No suggestions
- 33. Not Sure.
- 34. Public defenders do an outstanding job considering the numbers of cases they are required to handle

<b>Question (19 respondents)</b>	<b>What else would you like to tell us about the pilot project?</b>
<b><u>Positive Comments</u></b>	
<ul style="list-style-type: none"> <li>1. I have found it to be a very workable and rewarding system. I feel like my effectiveness as a PO has increased because I have a greater backing from the bench. I feel more supported and appreciated with the work that I do. I also feel like I have had a unique opportunity to get to know the Judges more personally and have also provided additional information about probation resources which I think has increased judicial confidence in probation. I also feel like the message from the court to the defendants has been more consistent and personal and this has been effective in working with some defendants.</li> <li>2. One judge, one defendant...worked great</li> <li>3. Overall I believe it is going well</li> <li>4. Way to go trying something new! It must have been quite the planning and implementing but appears to be a sincere "go at it" and hope it continues!</li> </ul>	
<b><u>Neutral Comments</u></b>	
<ul style="list-style-type: none"> <li>5. Nothing (5 responses)</li> <li>6. N/A - was not involved in the pilot</li> <li>7. Not sure, maybe I have said enough.</li> <li>8. I have contact w/block cases but not enough to give objective feedback</li> </ul>	
<b><u>Negative Comments</u></b>	
<ul style="list-style-type: none"> <li>9. Prefer that we return to the "old" system where sentencing Judges kept their own revocations as there was a greater investment, history and knowledge of the case and the offender. Now there seems to be such a RUSH to move the case through the system, which is not in the best interests of ANYONE. No one really seems to care except to get the case resolved quickly and move on to the next one. It is the Probation Officers who have the knowledge and on-going contact with the offenders from the day of sentencing; neither the Prosecutors, the defense attorneys, for the Judges have any contact once the case has been sentenced until there is a violation, and then all the parties are new to the case, except the Probation Officer!</li> </ul>	
<b><u>Positive and Negative Comments/Suggestions for Improvement</u></b>	
<ul style="list-style-type: none"> <li>10. I think it is worth continuing, but reduced staffing fewer courtrooms, i.e. Ridgedale, will spoil the progress that has been made.</li> <li>11. It appears that the public defenders seem to struggle with it the most, which affects probation a great deal.</li> </ul>	

12. It has made it easier to schedule revocation hearings, but inconvenient if you have vacation planned or other appointments, meetings etc...
13. It is telling that goal #3 of increasing job satisfaction address only the job satisfaction of judges, rather than all participants.
14. Judges should keep their person crime felony revocations
15. Posting a judges schedule for a month for PDC and Felony Revo Calendar would help. Then written emails could deal with issues to all parties. Go back to the 7 day continuance on all revo unless the parties have worked out something sooner

**Appendix D**  
**Rotation of Judges on Criminal Cases During Pilot**

Division:	Assigned To:	Transferred To:	Date:
<u>Brookdale Original Team</u>	<i>Kaman</i>		
	<i>Bransford</i>		
	<i>Zimmerman</i>		
	<i>Peterson</i>		
<u>Brookdale Transfers</u>	Kaman	Daly	7/16/2010
	Bransford	Robiner	12/27/2011
	Zimmerman	Dickstein	2/1/2012
<u>Community Court Original Team</u>	<i>Moreno</i>		
	<i>Cahill</i>		
	<i>P Karasov</i>		
	<i>Klein</i>		
	<i>Duffy</i>		
	<i>Small</i>		
<u>Community Court Transfers</u>	Klein	Murphy	1/13/2011
	Murphy	Anderson	2/25/2011
	Karasov P	Brasel	12/2/2011
<u>Domestic Violence Original</u>	<i>Ranum</i>		
	<i>Reding</i>		
	<i>Bush</i>		
	<i>Barnette</i>		
	<i>Brandt</i>		
	<i>Scherer</i>		
<u>Domestic Violence Transfers</u>	Ranum	Wernick	10/29/2010
	Reding	Robiner	10/29/2010
	Bush	Swanson	12/8/2010
	Swanson	Vasaly	2/25/2011
	Robiner	Carruthers	12/20/2011
	Vasaly	Bartholomei	2/2/2012
<u>Property Drug Original Team</u>	<i>Rosenbaum</i>		
	<i>Howard</i>		
	<i>Sommerville</i>		
	<i>Larson</i>		
	<i>McGunnigle</i>		
	<i>Chu</i>		
	<i>S Burke</i>		

	<i>Dickstein</i>		
<u>Property Drug Transfers</u>	Sommerville	Klein	1/13/2011
	Larson	Meyer	5/20/2011
	McGunnigle	Bransford	12/28/2011
	Dickstein	Zimmerman	2/2/2012
<u>Ridgedale Original Team</u>	<i>Porter</i>		
	<i>Alton</i>		
	<i>Reilly</i>		
	<i>Hedlund</i>		
<u>Ridgedale Transfers</u>	Porter	Abrams	11/12/2010
	Alton	Bernhardson	12/1/2011
<u>Serious Traffic Original Team</u>	<i>Mabley</i>		
	<i>Abrams</i>		
	<i>Nord</i>		
	<i>Nordby</i>		
	<i>Magill</i>		
	<i>Janisch</i>		
<u>Serious Traffic Transfers</u>	Abrams	Oleisky/Lange	11/10/2010
	Nord	Levy	12/10/2010
	Nordby	Meyer	12/10/2010
	Janisch	Olson	12/29/2010
	Meyer	Olson	5/23/2011
	Olson	Kaman	8/5/2011
	Nord	Piper	10/7/2011
	Magill	Regis	10/17/2011
	Oleisky/Lange	Norris	11/10/2011
	Robben	Metzen	12/2/2011
	Olson	Robben	12/25/2011
<u>Southdale Original Team</u>	<i>Blaeser</i>		
	<i>McShane</i>		
	<i>Neville</i>		
	<i>Dufresne</i>		
<u>Southdale Transfers</u>	McShane	Bush	11/12/2010
	Neville	Sipkins	12/1/2011