



FOURTH JUDICIAL DISTRICT

*Felony Block Pilot
2008 Results*

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Felony Block Pilot Executive Summary

In the fall of 2005 the Fourth Judicial District bench voted to try a new procedure in processing about one-third of the most serious felony cases. This project assigned a criminal case at first appearance to a judge who would exclusively handle the case until it was resolved. Blocking felony cases to a single judge was the recommended case processing method for Fourth District by the National Center for State Courts in 1999 and has been a topic of discussion among the bench many different times over the past 15 years. This Pilot began in January of 2006 and included certain felony cases newly filed in 2006 and 2007 (felony cases that were not homicides, not first degree criminal sexual conduct offenses, not fugitive cases and not drug or property felonies) and which were resolved by July of the year following filing. These cases are usually felonies against persons such as robbery, assault, strangulation, and criminal sexual conduct other than first degree, as well as felony DWI or felony weapon offenses. These cases account for approximately 2000 felonies per year. The comparison years were 2004 and 2005 and the cases were selected similarly to the Pilot years (i.e., new felony filings that fit the case criteria, were filed in either 2004 or 2005 and were concluded by July of the year following filing). There are no shared cases between any of these years. The pre-Pilot years included 3,966 cases and the Pilot years included 4,739 cases.

At the end of the analysis period for the Felony Block Pilot the results are mixed.

- **Goal 1 of holding meaningful and timely Omnibus Hearings was met with some qualifications.**
- **Goal 2 of meeting the Pilot goals for disposed cases was not met for two of the three timing goals and was met for the third timing goals.**
- **Goal 3 of reducing the percent of cases set for trial and when a trial was set to have a higher percentage that concluded with a trial verdict was met.**
- **Goal 4 of attorneys finding value in the Pilot was met.**
- **Goal 5 of improving trial preparation and maintaining job satisfaction for the judges was met.**

Omnibus Hearings were scheduled within 22 days on average from when the cases had their first appearance, meeting the 28 day criteria. In addition, most judges and attorneys felt that this Pilot allowed the attorneys to be better prepared than, or at least as prepared as, before the Pilot. The judges felt this preparation had slipped since early in the Pilot. However, a higher percentage of attorneys felt the preparation was better during the second year.

All three timing goals were met only at the very beginning of the Pilot. After about three-quarters of a year, both the four-month and the six-month timing goals slipped back to what they were prior to the Pilot. These results could be due to an inability to determine the appropriate number of judges necessary to handle this caseload initially and a 7% increase in felony cases in the first year. These two facts required the Pilot to be modified by adding two more 'block' judges. This modification to adjust the number of judges, and the normal course of judges rotating off this assignment or retiring, has meant that a certain percent of the cases in the Pilot had more than one judge handling appearances. However, under the blocking Pilot a much higher percentage of cases used fewer judges to resolve cases than occurred under the master calendar system prior to the Pilot. The fact that multiple judges were involved in the resolution

of a case is related to the timing of the case – the more judges that touch a case, the longer the case can take to process and of course the reverse is also true: the longer a case takes, the more likely that there will be multiple judges involved in the resolution. Additionally, no judicial district in Minnesota meets the State guidelines for time to disposition or even comes close to meeting the Pilot goals – calling into question the possibility that the State timing guidelines may be too ambitious regardless of calendaring method and may need adjustments for felony case types.

The method of determining trial settings and trial verdicts are completely different under the new information system that the court system moved to in July 2007. Additionally, some critical data elements were not converted into the new court system that would have allowed comparison across all four years using the new information system. That being said, this goal can be answered by looking back at the old court data system for each of the years 2004, 2005, 2006 and the first half of 2007. Under the Pilot fewer trials were set than previously (55% before the Pilot began) with 30% in 2006 and 33% in 2007. In addition, prior to the Pilot only 9% of the trial setting ended in a trial verdict compared to 13% in 2006 and 15% in 2007.

We sent electronic surveys to attorneys who had handled 6 or more of the blocked cases during the Pilot¹. There were county attorneys (prosecutors) and both private defense attorneys and public defenders included as responders. The vast majority of the attorneys believed that the blocking Pilot was the preferred method to handle these cases (74%) and that this method produced higher accountability than a master calendar format (52%). Over two-thirds (70%) of the attorneys thought that the block should continue.

Only one judge of the 13 who responded felt that this was *not* the best method to handle these types of cases, with 77% believing this was the best or a good method and 2 judges (15%) believing that the method of assignment makes no difference. Additionally, most judges felt that attorney preparation was better or at least as good as prior to the Pilot. Over 92% of the judges believe that blocking these types of cases increased accountability, with the other 8% believing it made no difference in accountability; no judges thought it decreased accountability. Nearly 70% of the judges felt the Block should continue.

In summary, most attorneys and most judges want the Pilot to continue. The vast majority of the judges and attorneys thought that assigning cases to a particular judge was the best method for handling these types of cases. In addition, nearly all of the judges and the majority of attorneys felt that the Felony Block had increased accountability in the processing of these cases.

On the quantitative side of the argument, the Pilot did meet the 28 day Omnibus Hearing timing goal and at the end of the second year, most judges felt that the trial preparation was better than, or the same as, under the master calendaring system that was previously in place. They did recognize that as the caseloads climbed and the Pilot continued, this increase in preparation lessened. The Pilot was not able to meet the four month or six month State guidelines for percent of cases complete, but was able to meet the twelve month guideline. Finally, the Pilot was able to reduce the percentage of cases set for trial and had a higher percentage actually end in a trial verdict.

¹ 253 attorneys were in the 2008 survey and 137 attorneys were surveyed in 2007. The response rate was 37% and 44%, respectively. Results with open-ended comments can be found in the Appendices.

Introduction

In May of 2005, then Chief Judge Lucy Wieland appointed a Criminal Assignment Committee² to review options for a new felony assignment system that would ‘block’ cases to a specific judge for the duration of the case. The cases that were being discussed for this Pilot were felonies but did not include felonies that were already blocked (homicides and first degree criminal sexual conduct), cases that belonged to a specific specialty court (cases in Drug Court and Property Court), or fugitive cases. These cases include felonies against persons such as robbery, assault, strangulation, and criminal sexual conduct other than first degree, felony DWI and felony weapon offenses. The Pilot cases were originally known as Public Safety Facility (PSF) felonies – since these cases all have their first appearance at the Public Safety Facility. Later these cases were referred to as Felony Block cases. This Pilot began January 1, 2006. In the fall of 2007, after results of the first year were available, the Fourth Judicial bench voted to continue this Pilot for one more year before the final vote to: 1) institutionalize the Felony Block, 2) change it to some other calendaring method, or 3) go back to master calendaring of these cases. Originally, this vote was to occur in fall of 2008 but due to other systemic problems on the criminal calendars identified in the Spring of 2008, the Executive Committee of the Fourth Judicial District decided to review how *all* of the criminal calendars work, of which the Felony Block Pilot is only one piece of this review. The judges will review all of these issues and vote on the continuation of the Felony Block before the end of the year 2008.

The Problem

This became a topic of interest based on a number of measures of felony processing that indicated that Hennepin County was not as efficient as possible. The first measure that indicated a problem showed that the state guidelines were not met, particularly at the 4-month and 6-month marks. These guidelines require that 90% of felony cases be disposed of within 4 months, 97% within 6 months and 99% within 1 year. In the first six months of 2005, prior to the Pilot, the respective numbers were 61% at 4 months, 81% at 6 months and 98% at 12 months.

A second measure indicated that dispositions were being drawn out toward the end of the process and that the trial calendar had become a ‘plea’ calendar. In 2004, 55% of these felonies were set for trial even though only 9% of them ended in a trial verdict. This means that in 91% of the cases, attorneys needed to prepare for trial and judges had to be available for trial for felonies that were not tried. The committee decided to find a way to explore reaching dispositions before trial, for cases that did not require a trial, with the judge who would try the case.

Finally, Omnibus Hearings are required within 28 days of first appearance in order to determine whether the case could be resolved without a trial. Prior to the Omnibus Hearing, discovery should be completed by attorneys, an offer should be made to the defendant and the defendant should be notified of additional offenses added by the prosecutor. The Fourth District had not been complying with this rule both in terms of the timing of appearances and in terms of attorney readiness.

² Committee members included: Judges Bruce Peterson (Chair), Phil Bush, Frank Connolly, Marilyn Kaman, Rob Lynn, Dan Mabley, George McGunnigle, Beryl Nord, Steve Aldrich, Alan Oleisky, Kathryn Quaintance, Steve Swanson and former Chief Judge Lucy Wieland. Administrative staff included Pam Kilpela, Deb Kempf and Marcy Podkopacz.

Pilot Goals

- 1) Omnibus Hearings held within 28 days of first appearance, routine discovery is completed and necessary motions filed before the Omnibus Hearing. In addition, the hearing would arrange further hearings to address evidentiary issues, special discovery problems, and other motions.
- 2) Disposed timing statistics to improve to at least 80% at 4 months, 90% at 6 months and 99% at 12 months. At the decision to start Pilot these were 61%, 81% and 98%, respectively.
- 3) Percent of cases disposed earlier than scheduled trial date to improve significantly and fewer cases set for trial. At the decision to start the Pilot, 55% of all of these felony cases were set for trial and 91% were disposed with no trial verdict.³
- 4) Survey of attorneys on value of project.
- 5) Survey of Pilot judges on whether trial preparation of attorneys has improved and to assess the judges' job satisfaction.

Research Design and Data Elements

This Pilot began in January of 2006 and included newly filed felony cases in 2006 and 2007. Each case was followed until July of the year following filing to allow for resolution of the case and only disposed cases were included in the analysis. The comparison years to the Pilot years were 2004 and 2005 and the cases were selected similarly (i.e., new felony filings that fit the case criteria, were filed in either 2004 or 2005 and were concluded by July the year following filing). There are no overlapping cases between any of these years 2004-2007.

This report is the second Felony Block Pilot study. The first study, presented in the fall of 2007, included the same type of cases but these were cases that had a 'true' first appearance in 2006 (and were then followed until July 2007) as opposed to filed in 2006. This selection was handled manually by the criminal staff and data was able to be extracted because these cases were flagged in a specific way in the information system that was current at the time (SIP – Subject in Process). This luxury to flag these cases was not available in the new information system (MNCIS - implemented in July of 2007)⁴. Therefore, to select a similar group of cases from all four years (2004 and 2005 are the comparison years, and 2006 and 2007 are the two

³ This was referred to in the planning document as a ratio of 1:1 - of the 1,194 cases that were set for a trial appearance 1,097 were disposed with no trial verdict – or 91%. This report will only refer to the percentage difference.

⁴ We moved from a county specific, criminal specific information system to a statewide, court wide information system and therefore our individual code requests were processed through a statewide committee and not easily achieved.

Pilot years) the criteria became felony cases *filed in each of the respective years and disposed by July 11 of the following year*. For example, the first Pilot year would include cases that were filed in 2006 and were disposed by July 11, 2007.

In addition to the extraction of case processing data from the court information system, surveys for attorneys and judges who have been part of the Felony Block Pilot were developed. Judges and attorneys who have been involved in the Pilot were sent a survey both years of the Pilot. Respondents were limited to the attorneys who had handled 6 cases or more. Judges and attorneys were asked to give their opinions about this blocking procedure Pilot and whether it was a better method than rotating these cases through a master calendar as was done in the past. Thirty-seven percent to 44% of the attorneys responded to the survey and eighty-seven to 100% of the judges responded during each year. Both response rates are within acceptable levels.

The Blocking Process

Planning for this Pilot was based on the number of specific cases handled during 2004 in Hennepin County. Felony caseloads had not changed more than one or two percent for any of the previous 5 years so there was some confidence in assuming the total number of cases in the Pilot would be similar to 2004. As it turned out, there was an increase in the number of felony cases as a whole, and the particular type of cases that were included in the Felony Block Pilot as well (about 7% higher than the 2004 numbers used for an estimate).

Six judges were originally designated as necessary for the blocking Pilot. Estimating the number of needed judges was not an easy task because the current method for determining the number of judges necessary is the MN Judicial Weighted Caseload (WCL) which combines all felony cases other than homicides and criminal sexual conduct in one category called 'Other Felony'. That means that motor vehicle thefts, as an example, are given the same weight (i.e., the average number of minutes per case it takes a judge to handle this type of case) as aggravated assault cases. There was no other method to estimate the amount of judge time necessary to handle about one-third of all felony cases. By late fall of 2006, it became clear that more judge time was necessary, and the bench agreed to add two new judges to the Pilot at the beginning of 2007. Appendix A explains the process that was used to reallocate active cases from six judges to eight judges and to start 2007 with parity between the eight caseloads. This reallocation of cases to include two more judges meant that having one judge per case had been violated, by necessity.

Cases originate and were triaged out of the PSF with each Pilot judge being assigned cases that have a first appearance during a particular week. Week one would be assigned to the first judge and that judge would have Omnibus Hearings for those cases three weeks later. The next time that the first judge would gain new cases would be after each of the other judges in the rotation had picked up a week's worth of cases in the Pilot.

Results

Omnibus Hearings

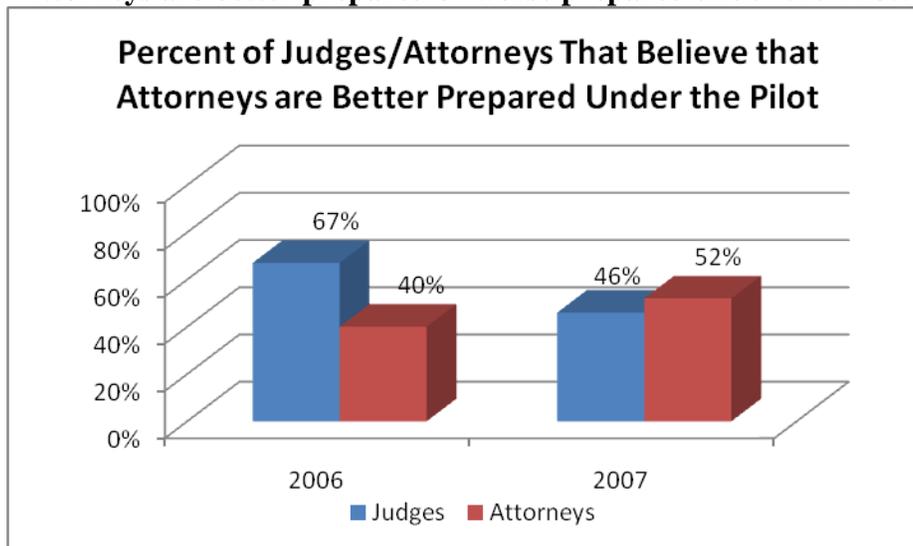
Goal 1: Omnibus Hearings held within 28 days of first appearance, routine discovery was completed and necessary motions filed before the Omnibus Hearing.

Result: The average number of days from first appearance to the Omnibus Hearing was 22 days (see Table 1). In addition, most judges and attorneys felt that this Pilot allowed the attorneys to be better prepared or at least as prepared as before the Pilot. The qualification is that the percentage of judges who felt that case preparation was better under the block has declined in the second year from 67% in 2006 to 46% in 2007. Attorneys on the other hand, felt more strongly in the second year of the Pilot that their preparation was better under Blocking than under the master calendar system (40% in 2006 versus 52% in 2007).

Table 1	
Length of time from First Appearance to Omnibus Hearing	
Pilot Cases	Average time from First Appearance to Omnibus Hearing (in Days)
Pre-Pilot Years 2004-2005	23.1 days
Pilot Years 2006-2007	21.9 days

Part of the goal of conducting Omnibus Hearings is that the pretrial work of completing discovery and producing evidentiary issues that need resolving are completed at the front end of a case so that the case may move along to disposition more quickly. The survey asked the attorneys and judges if they believed that the attorneys were better prepared (discovery complete, motions completed, pleas taken earlier and fewer trial cases) or worse prepared under the new blocking system. There were 5 responses available: much better prepared, better prepared, about the same, worse prepared, and much worse prepared. To simplify the results are collapsed into the positive responses (much better and better prepared) as well as the negative responses (much worse and worse prepared) in the graph below (see Figure 1).

Figure 1
Do the Judges and Attorneys involved in the Pilot believe that the Attorneys are better prepared or worse prepared under the Pilot?



(Better Prepared=Much better or better prepared)

The judges in the Pilot responded positively (67% in 2006 and 46% in 2007) or were neutral (33% in 2006 and 39% in 2007) on this question with none of them agreeing that the attorneys were less prepared in 2006 and one judge feeling attorneys were less prepared in 2007.⁵

In 2006, the attorneys mostly felt that this Pilot had not changed their preparation (47%) but a large percentage (40%) felt that under the Pilot they were better prepared. By 2007, this view was reversed: 52% felt they were better prepared with 45% responding that there was no difference in their preparation. Only 3% of the attorneys in 2007 felt they were less prepared than before the Pilot with this percentage going down from 14% in 2006.

The full set of comments that judges and attorneys offered about this question are in Appendices B (Judge Comments in 2006), C (Attorney Comments in 2006), D (Judge Comments in 2007) and E (Attorney Comments in 2007):

Disposed Timing Statistics

Goal 2: Disposed timing statistics to improve to at least 80% at 4 months, 90% at 6 months and 99% at 12 months.

Result 2: By the end of the Pilot analysis, only the 12 month mark was met (see Table 2). Our 4 month and 6 month percentages are similar to what they were prior to the Pilot starting.

⁵ One judge handling a block of cases in 2008 was not here prior to the Pilot and did not offer an opinion.

Table 2
Age in Months from Filing Date to Disposition

Goals and Results	Age in Months from First Appearance*		
	4 Months or less (Cumulative %)	At 6 Months (Cumulative %)	At 12 Months (Cumulative %)
State Guidelines	90%	97%	99%
Prior to Pilot 2004 and 2005	61%	83%	99%
Pilot Goals	80%	90%	99%
Final Results 2006 and 2007	62%	81%	99%

Initial views of the data after the first six months and nine months of the Pilot showed that the Pilot was meeting the 4 month, 6 month and 12 month timing goals. Soon after the nine month mark, when judges were continuing to pick up new cases, continuing to handle their open cases as well as the dealing with defendant who were not following court orders or probation conditions, it became clear that the number judges needed to handle these cases had been underestimated. At the end of the first year, two new judges were added and in the course of building a caseload for the two new assignments, disparate caseloads were reallocated and each judge started 2007 with roughly the same number of cases (see Appendix A). However, the final first year and second year results of the Pilot show that the percentage of cases reaching disposition was only reached at the 12 month mark and the other timing statistics had slipped back to pre-block percentages for the 4 month and 6 month goals.

None of the ten Judicial Districts in MN meet the state guidelines for felony cases and in fact, the Fourth District is by far the closest in meeting these guidelines.⁶ No other judicial district has even 50% of these felony cases resolved in 4 months and no other district has even 70% resolved in 6 months. This fact suggests that perhaps these guidelines should be reviewed and adjusted.

One of the main ideas of blocking a case to a specific judge is to have a single judge handle each case for both the ownership and accountability factor and hopefully to reduce the length of time to resolve the case. However, judges were added and caseloads were reallocated at the end of the first year and in addition, judges rotated off this assignment during the normal course of rotation or due to retirement causing the concept of a single judge per case to be in jeopardy. Table 3 below shows the percent of cases that reached resolution by the number of judges that handled the case both before and during the Pilot.

⁶ State of Minnesota MNJAD Report: *Time to Disposition*. Criteria- Other Felonies and Felony DWI cases disposed in 2007 by Judicial District

**Table 3
Cumulative Percentage of Cases Resolved
by Number of Judges handling the Case by Year**

In Pilot or Before?	Year Case Filed	Number of Judges to Reach Resolution			
		One Judge	At Least Two Judges	At Least Three Judges	Four or more Judges
Pre-Pilot	2004	33%	64%	83%	100%
	2005	35%	67%	85%	100%
Pilot Years	2006	54%	81%	94%	100%
	2007	65%	88%	96%	100%

It is clear that under the Felony Block Pilot the number of cases that have experienced only one or even two judges increased significantly. In the first year, over half (54%) of the cases were resolved with only one judge and this percentage increased to 65% in the second year of the Pilot. In general only 5% of the Pilot cases required 4 or more judges where as prior to the Pilot, 15-17% of the cases had 4 or more judges. It is also clear that the second year of the Pilot achieved even greater stability in movement of judges than the first year when caseloads were split and judges were added.

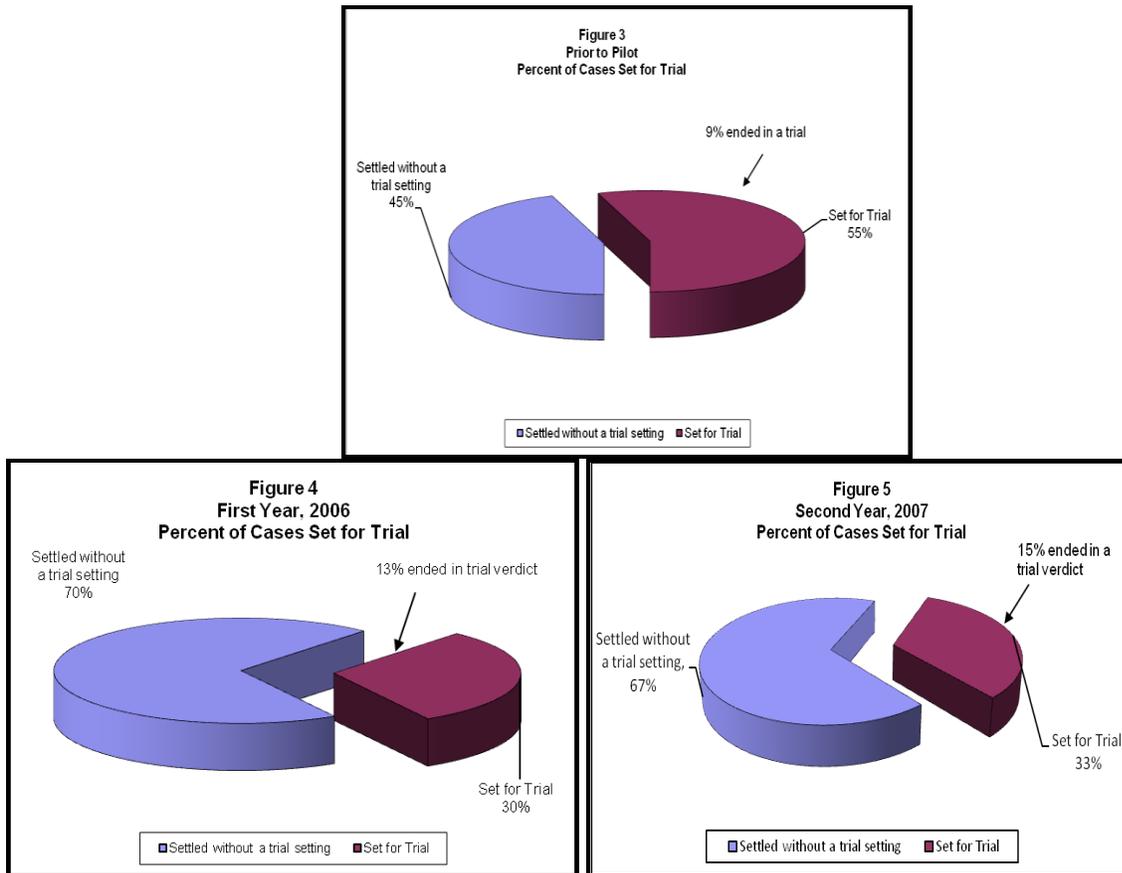
Trial Settings and Trial Verdicts

Goal 3: Percent of cases disposed earlier than scheduled trial date to improve significantly, and fewer cases set for trial. At the decision to start the Pilot, 55% of all of these felony cases were set for trial and 91% were disposed with no trial verdict.⁷

Result for Goal 3: Thirty percent of the Pilot cases were set for trial in the first year and 33% in the second year compared to 55% prior to the Pilot. Of the cases set for trial under the Pilot, 13% resulted in a trial verdict in the first year and 15% in the second year compared to 9% prior to the Pilot. These final results are more positive than prior to the Pilot.

⁷ This was referred to as a ratio of 1:1 in the original planning document; that is, of the 1,194 cases that were set for a trial appearance 1,097 were disposed with no trial verdict – or 91%.

Visual Depiction of Trial Settings and Trial Verdicts



Cases are being set for trial much less often since the Pilot has been in place and of those that are set, a larger percentage result in a full trial. Under the Pilot, trials were set in about one-third of the cases and between 13% and 15% of these trial settings ended in a trial verdict. Prior to the Pilot, over half of the cases were set for trial and less than 10% ended in a trial verdict.

Value of the Pilot to Judges and Justice Partners

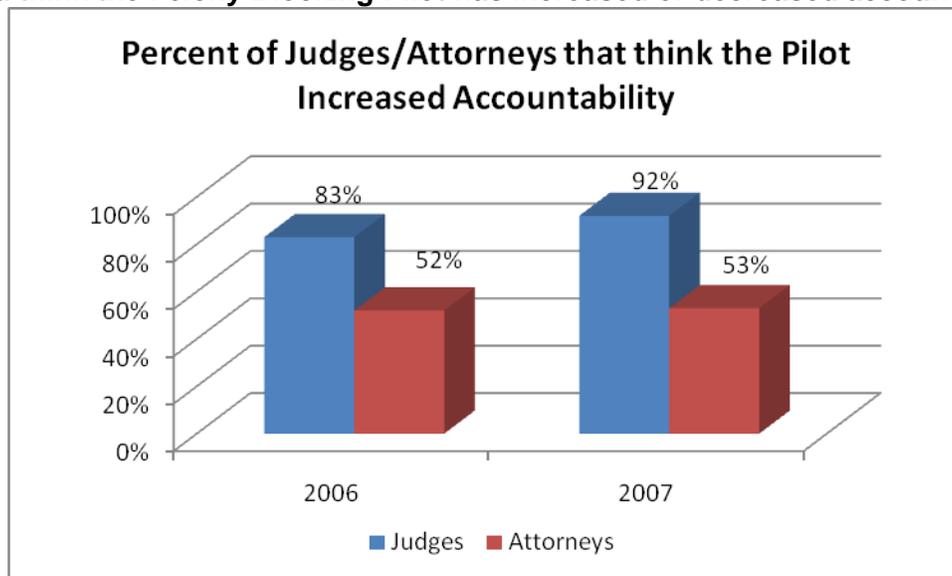
Goal 4: Do the attorneys involved in this process find value in this Pilot?

Goal 5: Do the judges think that trial preparation has improved under the Pilot and would they describe this felony block rotation as satisfying?

Result of Goal 4 and 5: Both judges and attorneys involved in the Pilot are very positive about it – most feel it increased accountability (see Figure 6), the majority of both sets of respondents agreed that it is the best method of handling these types of serious felony cases (see Figure 7) and most agreed that the Felony Block should continue (see Figure 9).

Judges and attorneys involved in the processing of these cases were queried about their attitudes toward ‘blocking’ these types of cases to a particular judge early in the process and keeping the case to resolution. One of the questions asked of both attorneys and judges dealt with increased or decreased accountability. Eighty-three percent of the judges in 2006 believed it increased accountability and this moved up to 92% in 2007. A small percentage felt it made no difference (17% in 2006 and 8% in 2007) and no judges in either year thought that blocking cases to a single judge throughout the case decreased accountability. Although less positive than the judges, over one-half of the attorneys felt blocking these cases increased accountability (52% in 2006 and 54% in 2007), and over one-third (36% in 2006 and 42% in 2007) of the attorneys believed it did not affect their accountability. Finally, 12% felt it decreased accountability in 2006 and 4% in 2007.

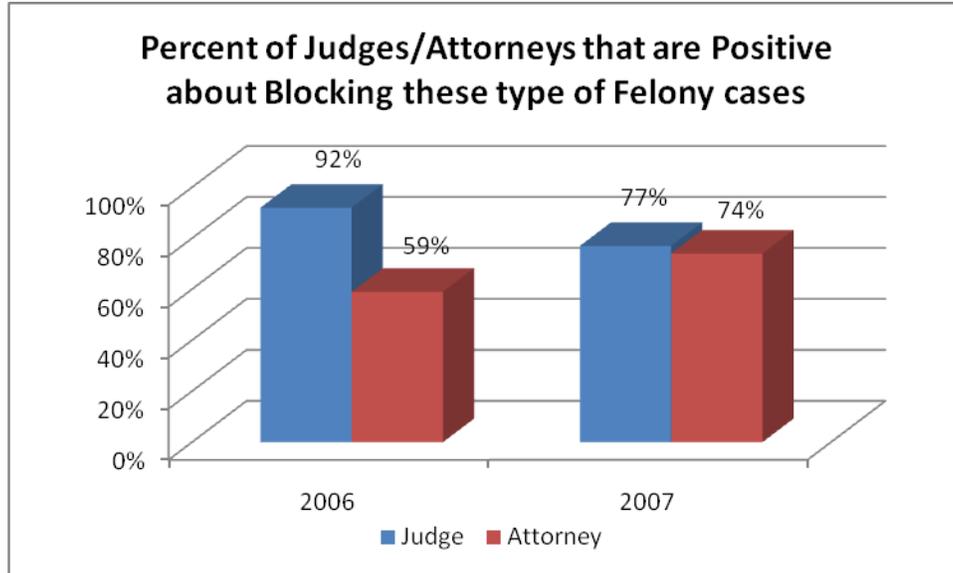
Figure 6
Do you think the Felony Blocking Pilot has increased or decreased accountability?



(Increased=strongly increased or increased accountability)

Over 90% of the judges involved in the Pilot and nearly 60% of the attorneys who responded to the survey thought that ‘blocking’ cases to judges was the best method of handling serious felony cases in 2006. By 2007 the judges had dropped slightly and the attorneys had gone up so that for both groups, about three-quarters of each believed that assigning cases to a single judge throughout the life of the case was the best method. Part of the decrease in the judge percentage included relatively newer judges who had less knowledge about calendaring issues. One judge (8%) did not agree that this was the best method in both of the Pilot years, while the attorneys who felt this wasn’t the best method declined from 26% in 2006 to 14% in 2007.

Figure 7
What do you think about assigning these types of cases to a single judge to keep throughout the course of the case?

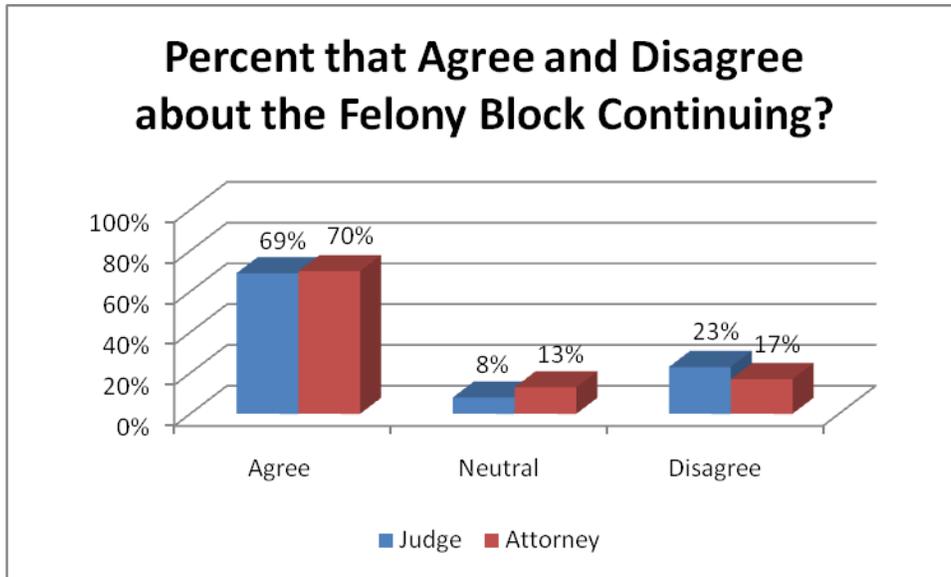


(Positive=best method or good method)

Should the Felony Block Continue?

During this final survey, both Judges and Attorneys were asked whether or not they thought that the Felony Block should continue. Again, the vast majority of those who handle these types of cases on a daily basis thought that blocking these felony cases should continue. Figure 8 below shows that well over two-thirds of the judges and attorneys are in favor of continuing the Pilot. On the attorney side, over 92% of the county attorneys are in favor of continuing the block and two-thirds of the private defense attorneys (67%) favor continuation while the public defenders were less in agreement (only 45% wanted it to continue). The public defenders also had the highest percentage of 'not sure' (23% or nearly one-quarter) compared to the private defense bar (13%) and the county attorneys (5%). Nearly one-third (32%) of the public defenders did not think the block should continue compared to 3% of the county attorneys and 21% of the private defense bar.

Figure 8
The Felony Block has been in place for 2 ½ years.
Do you think the Block should continue?

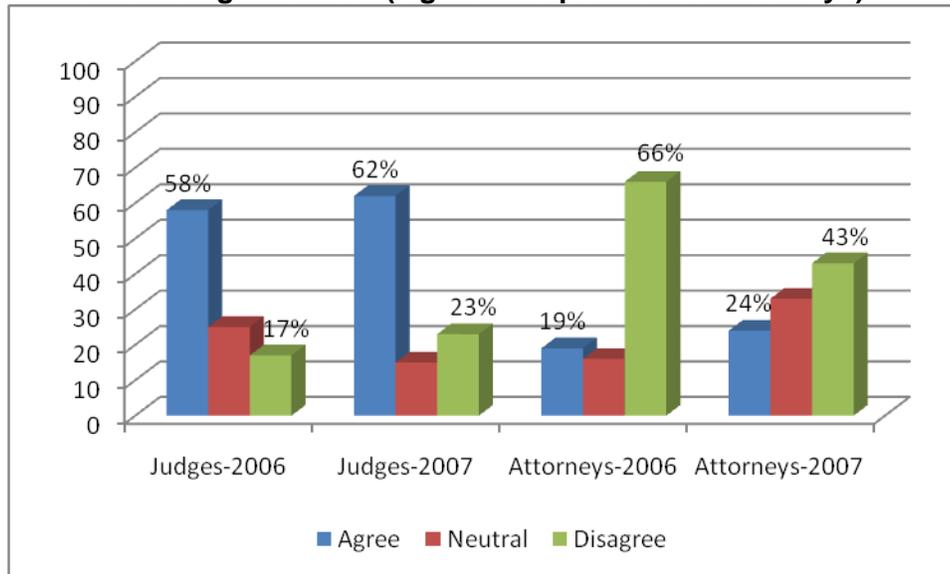


(Agree=strongly agree or agree, Disagree=disagree or strongly disagree)

Is the Block adequately staffed on the judicial side?

Since the subject of the appropriate number of judges and attorneys necessary to handle this caseload was so unclear in the planning process, participants from each office were asked if they felt that the number currently assigned was deemed appropriate. Very different views were expressed by the various partners. As shown in Figure 9, the judges mostly agreed that they had the correct number of judges (58% in 2006 and 62% in 2007); with 17% disagreeing that the court has the appropriate number of judges assigned to these felony cases in 2006 and that number increasing to 23% in 2007. The majority of the attorneys in 2006 (66%) disagreed that the court has assigned the right number of judges, while 16% said not sure and 19% agreed with the current number of judges. In 2007 these numbers shifted a bit with over 40% disagreeing with the current number, one-third were ‘not sure’ and about one-quarter agreeing that eight judges could handle these cases.

Figure 9
Do you think that the number of judges that the court has assigned to the Pilot is the right number (eight at the point of both surveys)?



(Agree=strongly agree or agree, Disagree=disagree or strongly disagree)

Additional Ideas for Improvement of the Felony Block Pilot

In addition to the above questions, both the judges and the attorneys were asked what else the court could do to improve the processing of these types of cases, what else the County Attorney's Office could do and what else the Public Defender's Office could do to help handle these cases better. All responses can be viewed in the Appendices: B is for Judge's comments in 2007; C is for the Attorney's comments in 2007; D is for Judge's comments in 2008; and E is for Attorney's comments in 2008.

What can the Court do to improve the handling of these types of cases?

Topic areas for comments:

Attorneys:

- ❖ More judges and better suited judges to this assignment – use experienced judges only, more judges willing to go to trial, assign more felonies to more block judges.
- ❖ Uphold the rules of discovery – it is a method to hold people accountable.
- ❖ Sanction attorneys who do not follow the rules or who are constantly late.
- ❖ Improve use of jury time – because of other hearings there only about 4 hours available for trial and it is often interrupted – need to increase jury efficiency.
- ❖ Nearly impossible to get a go-ahead trial date for out-of-custody cases because they are always 'bumped' by in-custody cases.
- ❖ Have all judges' offices call attorneys on Friday who have trials scheduled on Monday to discuss the priority of cases ahead and behind them.

Judges:

- ❖ More judges available to help with trials when over-scheduled.
- ❖ Fellow judges should handle their calendars more efficiently – no day-of-trial deals.
- ❖ Suggestions for how the attorney's offices could assign attorneys – both offices should assign attorneys just to felony block so they aren't covering misdemeanor and felony cases both.
- ❖ Use the block to handle pre-trials only and move the trials onto the trial calendar.

**What can the County Attorney's Office do to improve the handling of these types of cases?
Topic areas for comments:**

Attorneys:

- ❖ Prepare for the case before the hearings so that they are more meaningful
- ❖ Get discovery done sooner
- ❖ Assign and send attorneys who can actually negotiate a deal
- ❖ Make better offers/make offers earlier on in the process
- ❖ Be open to negotiation

Judges:

- ❖ Get discovery completed sooner
- ❖ Interview witnesses earlier in the process so that plea negotiations are reasonable.
- ❖ Make offers sooner (definitely before the day of trial)
- ❖ Assign and send attorneys who can actually negotiate a deal
- ❖ Have backup attorney(s) available to handle hearings
- ❖ Assign attorneys just to the Felony Block.

**What can the Public Defender's Office do to improve the handling of these types of cases?
Topic areas for comments:**

Attorneys:

- ❖ Hire more attorneys
- ❖ Be on time
- ❖ Meet with and communicate better with clients
- ❖ Train new attorneys better
- ❖ PDs should limit assignment to different teams: Felony Block, misdemeanor, etc.

Judges:

- ❖ Assign attorneys just to the Felony Block
- ❖ Hire more attorneys and train them
- ❖ Insist that attorneys be on time
- ❖ Spend more time on files and with clients earlier in the process
- ❖ Have backup attorney(s) available to handle hearings

Summary

At the end of the analysis period for the Felony Blocking Pilot the results are mixed. Goal 1 was met with some qualification, goal 2 was not met for two of the three timing goals and there were some mitigating factors that contributed to this result, goal 3 was met, and goals 4 and 5 were met.

The first goal of holding meaningful Omnibus Hearings was met although with some qualifications. Omnibus Hearings are averaging 22 days from when the cases had their first appearance, meeting the 28 day criteria. In addition, most judges and attorneys felt that this Pilot allowed the attorneys to be better prepared or at least as prepared as before the Pilot but the judges felt that this preparation had slipped over the two years.

Goal two of meeting the proposed timing goals for disposed cases was not met for two of the three timing goals. The final timing goal was met. Due to an inability to determine the appropriate number of judges necessary to handle this caseload initially, as well as a 7% increase in felony cases in the first year, the Pilot was modified at the midpoint by adding more judges. In addition, over the normal course of rotation or retirement, even more new judges were assigned. This modification meant that close to 40% of the cases had more than one judge during the course of the case. Since there was no valid method of determining how many judges were necessary prior to the start of the Pilot this result may be a function of having never figured out the appropriate number of judges initially. Certainly, some of the attorneys involved in the Pilot have voiced consistent beliefs that more judges should be assigned to the Felony Block. In addition, since no judicial district in the state actually meets the State guidelines or even come close to meeting the goals for this project, one has to wonder about the validity of the guidelines.

The third goal of reducing the percent of cases set for trial has been met and when a trial has been set a higher percentage concluded with a trial. The percent set for trial is quite a bit lower (about one-third) than prior to the Pilot (over half). The percent of cases set for trial that ended in trial verdict has increased compared to before the Pilot (9%) to 13% in 2006 and 15% in 2007.

Goal 4 of whether or not the attorneys value the Pilot was met. Surveys were out to attorneys who had handled 6 or more of the blocked cases. The response rate for attorneys was 44% in the first year and 37% in 2007. There were county attorneys (prosecutors) and both private defense attorneys and public defenders included in the responders. The vast majority of the attorneys believed that the blocking Pilot was the way that these cases should be handled and that this method produced higher accountability than a master calendar format. They reported being better prepared (or similarly prepared) for trial under the block system. Nearly two-thirds thought that the Felony Block should continue.

The fifth goal of improving trial preparation and maintaining job satisfaction for the judges was met. Only one judge of the 13 felt that this was *not* the best method to handle these types of cases, with 77% believing this was the best method and 15% reported that the assignment method made no difference. The judges also felt that trial preparation was better under blocking (46%) or at least no different (39%) than the master calendar with only one judge reporting that blocking made trial preparation worse. Over 92% of the judges felt this method of case processing increased accountability with the other 8% believing it made no difference in accountability and no judges thinking it decreased accountability.

In summary, three of the five goals were met, one was met with some qualifications and one was not met (or only partially met). Attorneys mostly mentioned that the felony block Pilot

represented an effort to improve criminal case processing for a large number of serious felony cases most attorneys (70%) hope that the Pilot continues. Similarly, 70% of the judges think that the Pilot should continue.

Appendix A Reallocation of Felony Block Cases

Transfer of Blocked Cases to include two new judges
Purpose: To start all eight judges having a similar number of cases

As of the end of December 22, 2006 each of the current six judges' pending cases and cases set for trial would be summed as possible transfer cases. All cases assigned to the six judges will be now handled by eight judges. The six original judges will keep those cases that they have already disposed and those cases that are set for sentencing. In addition, each judge will keep cases with co-defendants or defendants with multiple cases and they may keep cases that they feel they have done a lot of settlement work on already. Below is the summary table (Table A-1) that includes case assignment through Friday December 22, 2006 when there were only six judges.

Table A-1 Process Point by Judge – December 22, 2006 BEFORE THE TRANSFER					
Original Judge Assigned	Process Point				Total
	Disposed	Set for Sentencing	Set for Trial	Pending	
Judge McKinsey	252	34	38	68	392
Judge Sommerville	229	17	58	90	394
Judge Quaintance	217	25	42	73	357
Judge Swanson	288	47	33	30	398
Judge Daly	227	23	62	38	350
Judge Sagstuen	180	42	78	89	389
Total	1,393	188	311	388	2,280

The cases that will be used to determine the number of cases to reallocate include those from the 'set for trial' and 'pending' cases. The total number of cases pending is 887 which when divided by 8 means that seven judges will have 111 cases and one judge will have 110 (see Table A-2).

For the existing judges their case load will be composed of all of judges' current 'set for sentencing' cases and a random sample of cases from the 'set for trial' and 'pending' cases to account for their total. The new judges will inherit the previous judge's cases that were either set for trial or still pending. Table A-2 below shows the method of redistribution per judge.

**Table A-2 Redistribution of Felony Block Pilot Cases at the end of 2006
Moving from six judges to eight judges***

Judge	Goal	Set for Sentencing	Selected to KEEP from Trial or Pending	Randomly selected from the remaining Set for Trial or Pending	Set for Sentencing, selected to KEEP and Random Sample from Set for Trial and Pending Original Judge is KEEPING these	Cases removed from each existing Judge	Cases Redistributed to the New Judges
McKinsey	111	34	20	57 of 87	34+20+57 =111	30	
Sommerville	111	17	16	78 of 132	17+16+78 =111	54	
Quaintance	111	25	27	59 of 88	25+27+59 =111	29	
Swanson	110	47	11	52 of 52	47+11+52 =110	0	
Daly	111	23	20	68 of 79	23+20+ 68=111	11	
Sagstuen	111	42	40	29 of 127	42+40+ 29=111	98	
Lynn	111	0	0				111
Small	111	0	0				111
Total	887	188	134			222	222

All judges are keeping their ‘set for sentencing’ cases. In addition, they were instructed to keep any of their cases with multiple defendants or where the defendant had multiple cases in front of that judge. This group is in the ‘Selected to KEEP from trial or pending’.

Below is the final distribution that took effect at the beginning of 2007 for each judge. Lists of were designed for the County Attorney’s Office and the Public Defenders Office on any of the cases that were reassigned.

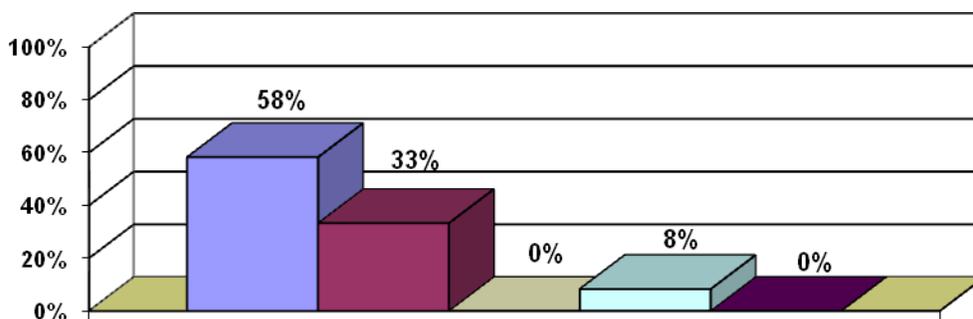
**Table A-3
 Felony Blocking Pilot Cases: Process Point by Judge - December 22, 2006
 AFTER THE TRANSFER**

Judge	Process Point				Total
	Disposed	Set for Sentencing	Set for Trial	Pending	
McKinsey	252	34	31	46	363
Sommerville	229	17	35	59	340
Quaintance	217	25	31	55	328
Swanson	288	47	33	30	398
Daly	227	23	56	32	338
Sagstuen	180	42	32	37	291
Lynn	0	0	46	65	111
Small	0	0	47	64	111
Total	1,393	188	311	388	2,280

Appendix B 2006 Judge's Opinions

Felony Block Survey- Judges' Results

1. What do you think about assigning these types of cases to a single judge to keep throughout the course of the case?



■ Think it is the best method
 ■ Think it is a good method
 □ It makes no difference
□ Think it is not a good method
 ■ Think it is the worst method

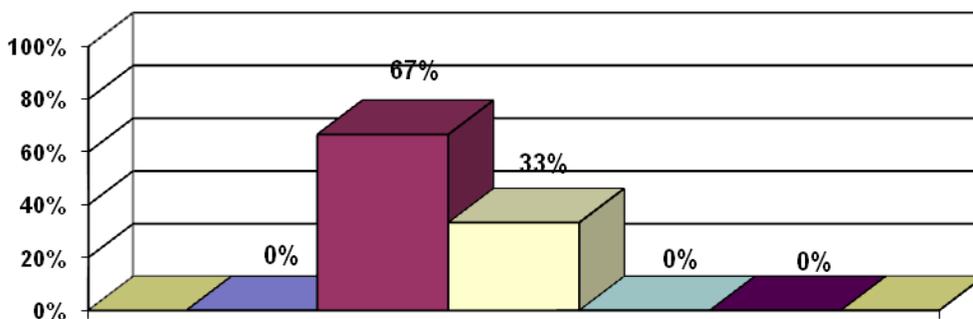
Average response from a scale of 1 to 5: **4.42**

Percent positive: **91.7%**

Percent neutral: **0%**

Percent negative: **8.3%**

2. Think back to the way the court processed these cases prior to the Felony Block Pilot. Do you think that attorneys are better prepared or worse prepared (discovery completed, motions completed, pleas taken earlier, and fewer trial cases) under the new system?



■ Much better prepared
 ■ Better prepared
 □ No difference
□ Worse prepared
 ■ Much worse prepared

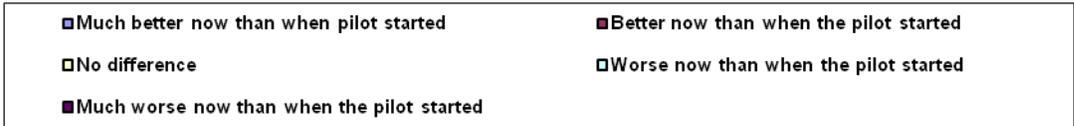
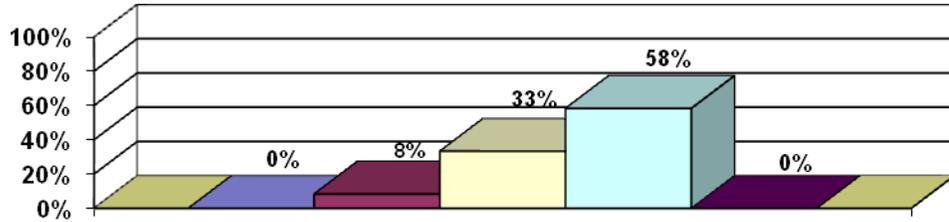
Average response from a scale of 1 to 5: **3.67**

Percent positive: **66.7%**

Percent neutral: **33.3%**

Percent negative: **0%**

3. Do you think this preparation changed over the 1 ½ years of the Pilot?



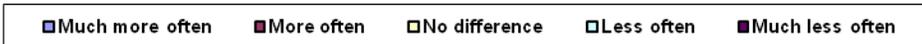
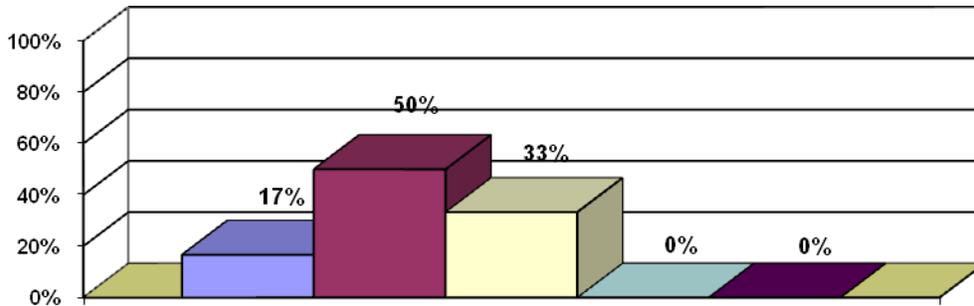
Average response from a scale of 1 to 5: **2.50**

Percent positive: **8.3%**

Percent neutral: **33.3%**

Percent negative: **58.3%**

4. Has discovery been completed more often under this Pilot than prior to this Pilot?



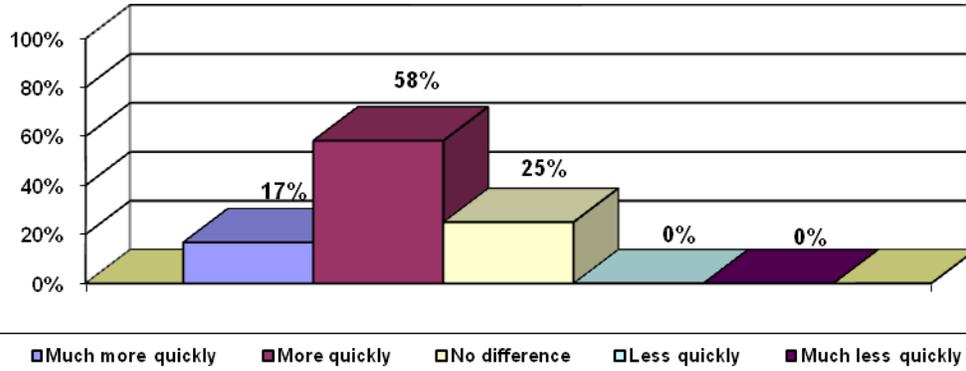
Average response from a scale of 1 to 5: **3.83**

Percent positive: **66.7%**

Percent neutral: **33.3%**

Percent negative: **0%**

5. Has discovery been completed more quickly under this Pilot than prior to this Pilot?



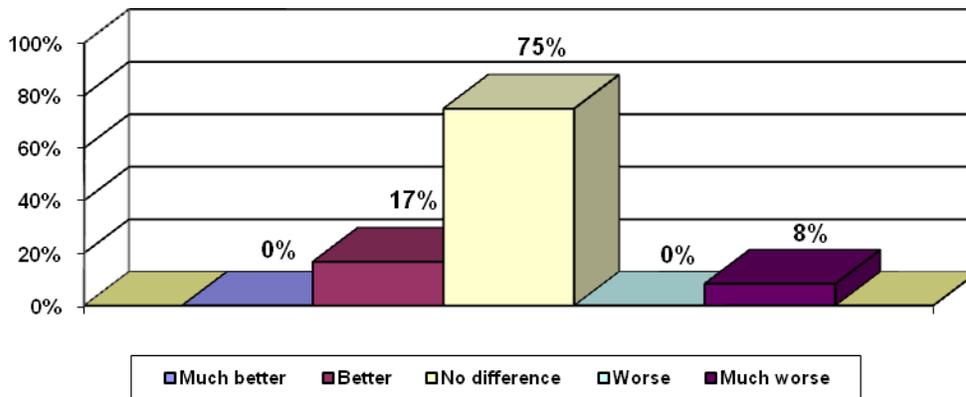
Average response from a scale of 1 to 5: **3.92**

Percent positive: **75.0%**

Percent neutral: **25.0%**

Percent negative: **0%**

6. Has the quality of the trials been better under this Pilot than before the Pilot?



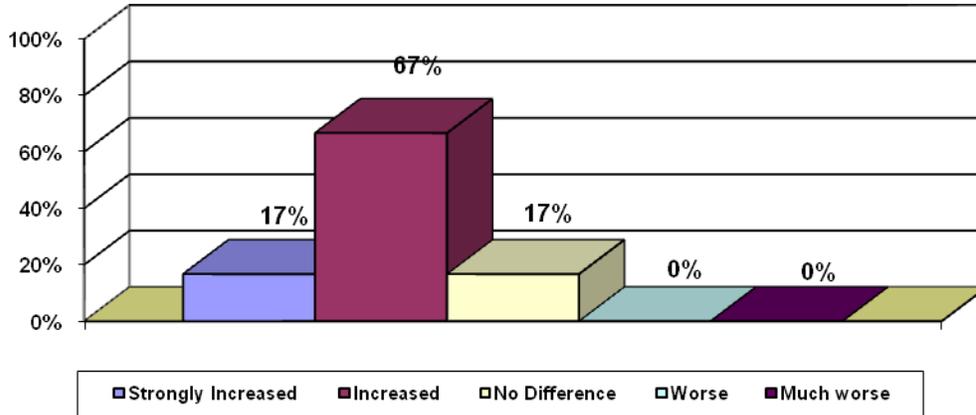
Average response from a scale of 1 to 5: **3.00**

Percent positive: **16.7%**

Percent neutral: **75.0%**

Percent negative: **8.3%**

7. Do you think the Felony Blocking Pilot has increased or decreased accountability?



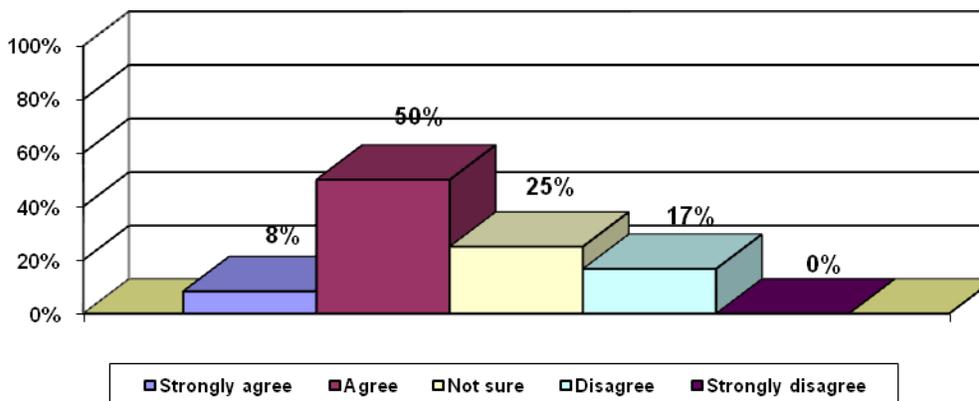
Average response from a scale of 1 to 5: **4.00**

Percent positive: **83.3%**

Percent neutral: **16.7%**

Percent negative: **0%**

8. Do you think that the number of judges that the court has assigned to the Pilot is the right number (eight at this point)?



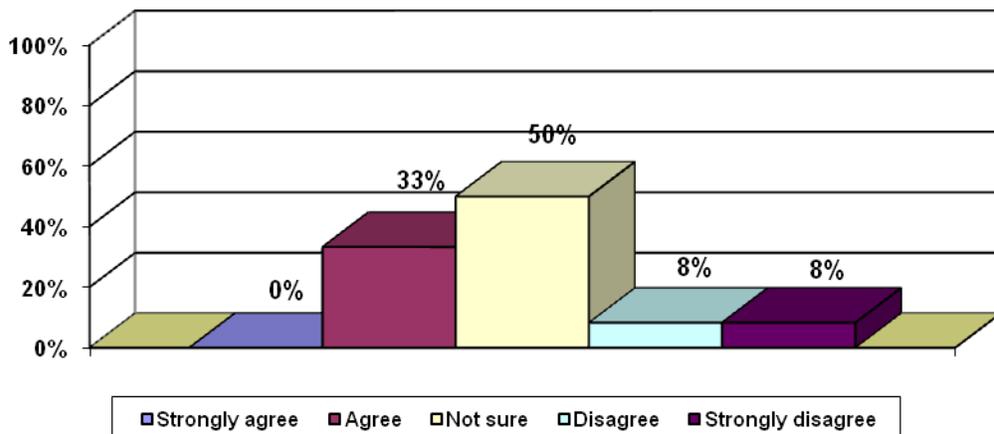
Average response from a scale of 1 to 5: **3.50**

Percent positive: **58.3%**

Percent neutral: **25.0%**

Percent negative: **16.7%**

9. Do you think that the County Attorney has assigned enough attorneys to this Pilot?



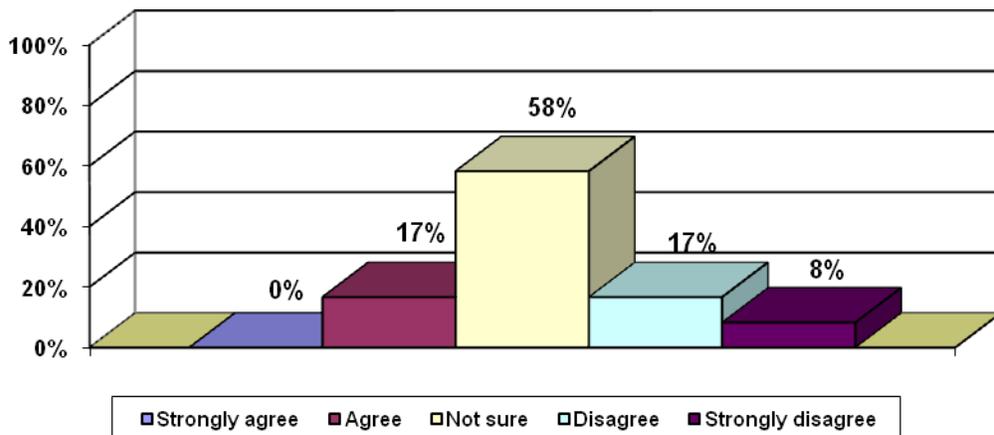
Average response from a scale of 1 to 5: **3.08**

Percent positive: **33.3%**

Percent neutral: **50.0%**

Percent negative: **16.7%**

10. Do you think that the Public Defender has assigned enough attorneys to this Pilot?



Average response from a scale of 1 to 5: **2.83**

Percent positive: **16.7%**

Percent neutral: **58.3%**

Percent negative: **25.0%**

Appendix B-2 2006 Judge Comments

1. What do you think about assigning these types of cases to a single judge to keep throughout the course of the case?

Positive Comments:

1. Accountability, consistency, hopefully fewer continuances, better knowledge of the issues. Also I know the lawyers better when I see them more often and know who to nag and who to leave alone to settle cases. Hopefully shorter time between arraignment and trial or resolution.
2. It provides consistency for each case
3. Eliminates judge shopping and helps bring cases to resolution quicker.
4. The judge has a stake in the outcome and the process. The lawyers know that they cannot try out their arguments on a new, more receptive judge at a later appearance.
5. Regardless of efficiency considerations, I believe that blocking cases results in a higher level of accountability for the lawyers and the judge and a better quality of litigation. Even if cases are not resolved earlier than the trial calendar system, issues can be spotted earlier and resolved in an orderly manner. I am requiring the lawyers to write memos when they raise legal issues. I think judges may be less apt to do that when they could just pass the case on to another judge. I may not have checked the box "best method" if I did not have the option of searching for another trial judge in the event I am double booked on trials. If I had to keep the case regardless of other judges' availability, I would have chosen "good method."
6. It allows for the possibility of earlier plea bargaining and resolution, depending on the skill of the judge, than under a master calendar system where the parties might wait for a "better" judge on the day of trial. It really comes down the interest and skill of the judge in brokering deals.
7. These are serious cases that should have a consistent judge involved. If done right it should result in more efficient resolutions. Having a discreet group of judges for felonies also allows the court to set procedures for those cases that can be consistently enforced. Just having the judges meet regularly to discuss the felony case management is beneficial. It improves each judges performance and allows judges to set and enforce rules and policies more easily.
8. This process allows the parties to know which Judge they will be dealing with from the outset with the benefits to all that flow from that knowledge.
9. Allows for better case management.
10. Accountability and consistency are best served by blocking cases.

Negative Comments:

11. I believe the same end can be achieved--i.e., resolution at earliest possible date--by carefully selecting the persons who do pre-trials. A large bench such as ours creates vast opportunities for flexibility that is hampered by blocking the cases to a single judge through trial. A substantial percentage of the cases involve charges in which it is possible that the victim or other witnesses will not show; and in such cases, the defendants are not willing, and perhaps ill advised, to settle earlier than the time of trial. Frankly, most of the cases require little or no prep by the judge and could be easily tried by any judge who might be available. Under the block a # of cases are kicked due to the block judge being in another trial. It would be easier to put them on standby to a larger pool of judges as the block judge has a new batch of cases coming on each week.

Positive and Negative Comments:

12. There is real value in knowing the case before it comes up for trial. I think that we are better able to reach an appropriate settlement with greater familiarity with the facts. A major negative is that it is difficult to give enough attention to other types of hearings when a case is in trial.

2. Think back to the way the court processed these cases prior to the Felony Block Pilot. Do you think that attorneys are better prepared or worse prepared (discovery completed, motions completed, pleas taken earlier, and fewer trial cases) under the new system?

Positive Comments: None

Neutral Comments:

1. I was not a Judge prior to the Felony Block Pilot so I don't know the answer to this.

Negative Comments:

2. Things have decidedly slipped from the beginning of the block project. We're back to where we started in terms of preparation.
3. Sadly, most practitioners continue to delay preparation until the last minute.

Positive and Negative Comments:

4. It really depends on the attorney and the judge. Theoretically it is more embarrassing to show up unprepared to the same judge repeatedly. But some old timers are just checked out. With the newer attorneys, I think it starts them off with better habits.
5. There may have initially been an improvement. However, as time marched on each lawyer acquired an increasingly large group of unresolved trials which necessitates multiple appearances in front of a number of judges that often have time conflicts. I believe the lawyers have been trying hard to keep up but have been overwhelmed.
6. I had many bad experiences on the trial calendars with unprepared lawyers. This is especially true for public defenders. Witnesses had not been put under subpoena. Legal issues were being raised at the last minute without any supporting legal authority. I remember very shoddy lawyering. My experience with the block is better, especially with regard to having legal issues sorted out well before trial. I recognize that some lack of preparation will occur under the block system because lawyers are being forced to double book trials on Mondays and Tuesdays. Of course, some lawyers will never be prepared, regardless of the system.
7. At the start of the block, the parties were much better prepared. I found that as the caseload grew, preparation fell off. This is natural. Still, the attorneys were better prepared than under the old PCPT system.
8. Initially the attorneys were much better prepared and that has slipped due to the attorneys and judges getting overwhelmed. The good thing about a block of judges is they can keep track of slippage and set standards as a group.
9. This has deteriorated over time. At the beginning they were better prepared, according to the protocol agreed to by the CA and PD. Now the preparedness has slipped.
10. The improvement is very slight because only a few attorneys are better prepared. These are the ones for whom the Pilot works best.

3. Do you think this preparation changed over the 1 ½ years of the Pilot?

Please describe how preparation has changed:

Positive: None

Negative Comments:

1. Previously answered. Increasing workload has resulted in less preparation.
2. Discovery not completed, offers not made prior to pretrial, defense attorneys had not conferred with clients.
3. Discovery is not the problem. Rather, analysis of the strength and weaknesses of the case before the OM, especially from the state's standpoint, continues to be a problem. Ideally, witnesses in witness-dependent cases would be viewed and interviewed before the complaint was issued, but at least before the OM.
4. Discovery is not being completed, and the defense lawyers don't have time to see their clients with the information
5. County Attorneys don't have discovery ready, tapes and transcripts. They don't consistently have offers out in time for the attorneys to talk with their clients. PDs have not read the discovery or talked to their clients

prior to the OM. PD conflict cases are a problem. That office doesn't get the discovery to the conflict attorney. This lack of preparation has increased the number of OMs per case, as the first OM becomes ineffective.

6. Attorneys know they need to be ready at the Omnibus Hearing. But at times do not have discovery and that sets things back.

Positive and Negative Comments:

7. Prosecutors started out making offers and providing discovery before the OM. Defense attorneys started out discussing offers with client before the OM. Less so now in both instances.
8. Again, it depends on the attorney. Some have stayed with the initial requirements, some have slacked off noticeably.

3. Do you think this preparation changed over the 1 ½ years of the Pilot?

Neutral Comments:

1. Since I have only been on the block for 6months, my experience is limited and probably not relevant.
2. I checked "no difference" in the preceding question because I was not on the block when it started. I have no opinion on that question.

Negative Comments:

3. The prosecutors need to make better charging decisions such that they have it fully investigated before issuing a complaint.
4. Some cases aren't going to settle early, such as DV cases where the defense will try to wait the victim out, or gun cases where the state doesn't offer anything. For those cases there should not be multiple pre-trials and they should be set for trial.
5. I think one of the things that may be helpful is to have a Judge assigned as the back up trial Judge for a few of the Judges on the block. When a block Judge has more than one case ready for trial, one case can be referred to the back up Judge.

Positive and Negative Comments:

6. As a judge, I enjoy being in charge of my own case load, cleaning up my own messes and not inheriting anyone else's. It is important to have consistent work ethic and some consistency of expectations among the judges doing the block. For example, if one judge is granting a lot of continuances and the others are not, it make it harder.

4. Has discovery been completed more often under this Pilot than prior to this Pilot?

Positive Comments:

1. My assessment is that necessary discovery was done previously and is done today under the new program.
2. I checked no difference, but I really don't know. Intuitively, discovery will be more prompt under a block system because it is easier to hold the lawyers accountable.

Neutral Comments:

3. See prior answer. I was not a Judge prior to the Pilot.

Negative Comments:

4. This has deteriorated over time. There has always been a problem with prompt production of Scales tapes, interview tapes, videotapes, etc.

Positive and Negative Comments:

5. This was great at the beginning. It has become problematic. The HCAO got 5 or so additional positions to solve the problem but there are still delays. Kamin and Cahill were key to the beginning of this effort. Neither are in those positions anymore and I think that has made a difference in the offices' accountability on the original agreements to tender offers and discovery and discuss offers with clients before the OM
6. This is much better than under the PTPC system, although the State should require more of the police agencies in terms of critical tapes that defense counsel must see before making a recommendation.
7. There has been improvement in the speed with which the State provides discovery, but there are still too many late disclosures.
8. But only slightly. Prosecutors still issue complaints before the investigation is complete - just like before the Pilot.

5. Has discovery been completed more quickly under this Pilot than prior to this Pilot?

Positive Comments:

1. At least an expectation has been set.

Neutral Comments:

2. Same question?
3. same question?
4. See previous answer. *(Note- response to last question: "There has been improvement in the speed with which the State provides discovery, but there are still too many late disclosures.")*
5. Same as last answer. *(Note- response to last question: "I checked no difference, but I really don't know. Intuitively, discovery will be more prompt under a block system because it is easier to hold the lawyers accountable.")*

Positive and Negative Comments:

6. Again, the difference is only slight. As stated before, one of the reasons is that prosecutors do not complete the investigation until prompted to do so by defense attorneys at the OM. This delays discovery.
7. This was initially true though due to workload has probably slipped.

6. Has the quality of the trials been better under this Pilot than before the Pilot?

Neutral Comments:

1. I did not do a lot of criminal trials before the block
2. See prior comments. *(Note: I was not a Judge prior to the Felony Block Pilot so I don't know the answer to this.)*
3. Same comment as before. *(Note: I checked no difference, but I really don't know. Intuitively, discovery will be more prompt under a block system because it is easier to hold the lawyers accountable.)*

Negative Comments:

4. It is very difficult to fit in other scheduled hearings around a trial

Positive and Negative Comments:

5. Theoretically, cases that are not plead out will be tried. Therefore, fewer cases will be tried and can be better prepared. Still, preparation is a function of caseload and time available. So, I did not see dramatic improvement in this area. It largely depended on the attorneys in a particular case.
6. Initially it was thought that there would be fewer trials but those that went would be those that should be tried. That seemed to be the case at first but many cases get set for trial and settle the day or week of trial, and the state's offers are better on the day of trial. Some prosecutors are very good at valuing their cases and they settle cases early with reasonable offers. A few are unreasonable until they have to produce witnesses and spend a week in trial, then they give deals. That screws up the trial weeks and returns us to the prior situation where a trial doesn't really mean a trial.

7. Do you think the Felony Blocking Pilot has increased or decreased accountability?

Positive Comments:

1. The judges feel greater responsibility for case processing and outcomes.
2. It probably has increased accountability for the judges, but overall, there has been little change
3. I think the block has been a good opportunity for judges to learn and improve and/or display their case management skills. With regular reports it becomes clear who is managing their cases and whose are out of control. For the lawyers it is easier for the judges to tell who has a pattern of not showing up, not preparing, etc. The block judges communicate pretty regularly about problems and share ideas about managing problem lawyers.
4. Certainly for the judges.

Neutral Comments:

5. See prior comments. (*Note: I was not a Judge prior to the Pilot.*)

Negative Comments: None

Positive and Negative Comments:

6. I think everyone comes to the table more prepared except for those lawyers who will never come prepared.
7. Certainly for the block judges, it has increased accountability as their performance is measured and comparisons are easy to see and make. As to the attorneys and their offices, I doubt that accountability has changed much.
8. Accountability by and to whom? The judges probably have to be more accountable. However, this can also be an unreasonable burden that we are saddling on ourselves with questionable benefit. Also, the fact that out of custody trials are often kicked down the line may in fact make such defendants less accountable and diminish their, victims and other witnesses respect for the legal system.

8. Do you think that the number of judges that the court has assigned to the Pilot is the right number (eight at this point)?

Positive Comments:

1. I'm busy but not suffocating. The numbers appear right.

Negative Comments:

2. The problem is getting trials tried. There are not enough judges to handle all the OMs and hearings plus the trials that need to get tried
3. One or two more blocks are necessary to reduce delay and lighten the burden on the felony block judges.
4. Because I haven't seen the stats lately and talked to the judges, I don't know. At the time, I agreed that six were too few.
5. The distribution of cases is a little uneven. Perhaps when there is a change of blocks and PD teams there should be redistributed. The number of cases picked up on arraignment weeks can vary.
6. It is not the number of judges but the number of Public Defenders and Prosecutors available. They appear stressed out and going to too many courts being booked at the same time. A better system would be for them to be assigned to 2 or 3 judges rather than 8 block judges and in the case of the PD's not having to run to the PSF and misdemeanor courts.

Positive and Negative Comments:

7. I agree in general, as long as there is a way to handle those occasions where a judge ends up with more trials than he/she can manage in a given week. Most of the time the judges have managed this and the cases have somehow been disposed of. With out-of-custody cases there have been some times where a judge has had to continue a case so often it gets to a point of needing to find another trial judge. There has been success with having the block judges back each other up so the cases have generally been handled within the eight judges. We have also used the trial calendar but rarely.

8. I believe there are enough judges to handle the pre-trials though the # of judges available to try cases on random days is insufficient when tied to a block. Sometimes we have multiple matters going to trial necessitating continuing a number of trials, and other weeks all matters are resolved. In the former instances, the ability to resolve, resolvable matters is curtailed due to the fact that the lawyers and clients know you can only try one case at a time and they are interested in delay. This is particularly true for out of custody folks looking at the likelihood of a commit.
9. I think it could be done with fewer judges. We had one judge who was way behind the pack in disposing of cases. About half of his case load was taken away by the addition of two new judges and he is still substantially behind. Others were able to consistently dispose of cases in a timely manner.

9. Do you think that the County Attorney has assigned enough attorneys to this Pilot?

Positive Comments:

1. Yes.

Neutral Comments:

2. Same answer. *(Note- previous answer: because I haven't seen the stats lately and talked to the judges, I don't know. At the time, I agreed that six were too few.)*

Negative Comments:

3. I believe that the attorneys are grossly overworked and being pushed from pillar to post. As a practical matter, however, the overall resources available may be insufficient.
4. Could be more, but it is having to go to so many judges (8) at one time and judges setting so many trials on Mondays that creates problems for the PD.
5. Both the CA's and the PD's are overworked -- too many places to be. It would be very helpful if specific prosecutors could work with specific judges (i.e., 8 "teams" like the PD's).
6. Because the judges are setting their trials on Mondays and Tuesdays for the most part, the County Attorneys and Public Defenders are double booking trials. I'd hate to be a lawyer and have to prepare for two trials, not knowing which one is going to go. But, the volume of lawyers necessary to solve that problem may be prohibitively expensive.
7. But I do think they should find a way to schedule their charging in order to better match up prosecutors to judges.

10. Do you think that the Public Defender has assigned enough attorneys to this Pilot?

Positive Comments: None

Neutral Comments:

1. Same answer *(Note: because I haven't seen the stats lately and talked to the judges, I don't know. At the time, I agreed that six were too few.)*

Negative Comments:

2. There are not enough PD's, period.
3. Their problem is other assignments beside the block. i.e. PSF, Property Court, and misdemeanors. They have to be in too many places at one time.
4. The PDs have refused to change their assigning to allow attorneys to focus on felony cases so they end up running around between felony block cases and mandatory calendars at the PSF, etc. This causes scheduling headaches for all and allows a few attorneys to remain unaccountable, as they always say they are elsewhere when they should be in front of the block judge.
5. It would work better for all involved if the pd went to specialized teams.
6. Essentially the same problems as for county attorneys though probably even greater. I believe that the attorneys are grossly overworked and being pushed from pillar to post. As a practical matter, however, the overall resources available may be insufficient.

7. Same answer as before. *(Note: Because the judges are setting their trials on Mondays and Tuesdays for the most part, the County Attorneys and Public Defenders are double booking trials. I'd hate to be a lawyer and have to prepare for two trials, not knowing which one is going to go. But, the volume of lawyers necessary to solve that problem may be prohibitively expensive.)*

11. What can the court do to improve the handling of these types of cases?

Too many cases/Add more judges:

1. We need to make additional provisions for handling the volume of cases set for trial.
2. See prior comment about having a back up Judge
3. Handpick the judges who do pre-trials and go with a master calendar for trial.
4. Assign back-up trial judges to work one-to-one with specific block judges who are falling behind on trails for whatever reason. Working together, the potential for the back-up judge to undercut the block judge in plea negotiations would be eliminated. In other words, acceptance of a plea would always remain with the block judge, and thereby preserve the integrity of the system.

Judge handle calendar more efficiently:

5. Make sure the judges assigned are good at handling large numbers of cases and are willing, if not eager to try some. This is an assignment that takes stamina and energy and requires strong decision making skills in order to make it workable.
6. Judges need to be committed to moving the cases -- e.g., putting cases on "standby" rather than continuing cases in trial weeks. This won't make the judge popular with attorneys, but it is important for accountability. Judges should be selected to do blocks who are willing to be firm with attorneys when necessary.
7. I think if the judges limit the number of hearings they allow to be set per case and deny unnecessary continuances and hold attorneys accountable for doing work on the case between hearings and, finally, just be willing to go to trial, which would go a long way to keeping the cases on track. A couple judges have simply not managed their cases and the results are obvious. The lawyers have complained about one judge's lack of control over the continuances and over the lawyers during trials. Attorneys do want limits set, even if they may be unhappy in a particular instance with a denial of their own request. The judges can't be afraid of trials or avoid them. Nothing settles a case like letting the attorneys know that trial is imminent and the jury is on the way up!

Attorney suggestions:

8. Encourage the County attorney to look at assigning their attorneys to 2 or 3 judges and not all 8 plus homicide cases and other specially assigned cases. Also court should encourage more trials on days other than Mondays
9. Not much more than we are doing. So long as defense lawyers feel the best offer comes at trial, the bench has little leverage to advance the timing of that decision.

Don't know:

10. I cannot say that any of the techniques I have tried have helped, and I am reluctant to offer advice, but eager for suggestions from others.
11. I can't think of anything.

12. What can the County Attorney's Office do to improve the handling of these types of cases?

Get discovery completed sooner and make offers sooner

1. There are some attorneys who have embraced the project and routinely review their cases and make offers in advance. One of the attorneys regularly appearing before me also sent copies of emailed offers to me, which is not required by our protocol but is helpful in my own preparation for pre-trials. The CA needs to work on their procedures to make all discovery available before pretrial.

2. Improve the process of getting discovery and plea offers out to the defense lawyers in a timely manner
3. They can get discovery out and send offers in a timely manner. They also should be willing to look realistically at how many trials their lawyers can actually do, and resolve cases accordingly. While they are entitled to take the gun cases seriously, for example, not all gun cases are equal.

Make offers before the day of trial:

4. Realistically charge, and then realistically evaluate the case early on. As long as they play hardball at the pretrial, and then often give a far better deal at trial, little will settle early.
5. Stop making the offers better on the day of trial. Deal with the attorneys who overcharge and then deal at the last minute--they undermine the block. Don't put lawyers on this assignment who are not willing to go to trial (you can not stick to an offer if you are afraid of trial.) Training on trial skills for attorneys so they are not afraid of trial.
6. Don't offer better deals on the day of trial.

Get more attorneys or assign them differently

7. Lower case loads, quicker, more complete discovery.
8. Obtain additional staffing resources from the County Board; lobby the Legislature to quit creating more felony level offenses; and be more selective in their charging.
9. In the best of all worlds, CAs routinely doing specially assigned cases would not handle block cases, thereby avoiding the horrendous scheduling problems involved in scheduling both types of cases for trial.
10. Encourage the County attorney to look at assigning their attorneys to 2 or 3 judges and not all 8 plus homicide cases and other specially assigned cases. Also court should encourage more trials on days other than Mondays.

Other:

11. I don't know
12. Withhold charging until cases are completed investigated.

13. What can the Public Defender's Office do to improve the handling of these types of cases?

Better case management/Assign attorneys to the block:

1. Get some functional management. Some team leaders are excellent about filling in for lawyers and supporting them as well as providing accountability when they don't show up. Some supervisors practically encourage irresponsibility. It is unfair to the court and other lawyers but most importantly to the clients.
2. They could assign attorneys to the felony block so they do not have to cover other calendars. They could set up a system for judges to locate attorneys, and train attorneys on calendar management. Many PDs are great at being where they are supposed to be, prepared and ready to try or resolve their cases. Those lawyers work hard but they don't clutter up their calendars with unnecessary hearings. That office also needs interim management levels so that problems and issues get attended to. There is little or no management now. They have great new lawyers but they need guidance.
3. Again, see my prior comments (*Encourage the County attorney to look at assigning their attorneys to 2 or 3 judges and not all 8 plus homicide cases and other specially assigned cases. Also court should encourage more trials on days other than Mondays.*)
4. Same as above. (*In the best of all worlds, CAs routinely doing specially assigned cases would not handle block cases, thereby avoiding the horrendous scheduling problems involved in scheduling both types of cases for trial.*)

Need for more attorneys

5. Lower case loads.
6. The PDs are in a bit of a pickle as they are unable to control the workload. About all they can do is to obtain greater financial support and resources from the Legislature. The growing disparity in pay between

County Attorneys and the State PDs in the long run is going to result in a very inexperienced cadre of PDs and a resulting tilt in favor of better paid and experienced prosecutors.

7. I think they are swamped, and don't have enough time to spend with their clients.

Spend more time/have better communication with client:

8. Spend enough time with the file and the client early on to realistically evaluate the case. Too often, this is only beginning to happen at the pretrial, and results in continued pretrials.
9. Per the protocol, PD needs to review discovery and communicate settlement offer to client before omnibus hearing.
10. Talk to their clients earlier and more often.

Other:

11. I don't know

14. What else do you want the court to know about your thoughts regarding the Felony Block Pilot?

Think it is a good method:

1. I believe it is worth continuing. It is worthwhile to meet regularly with the CA and PD offices, as well as to meet with our colleagues, as we have been doing.
2. I feel that OM/pre-trials are more effective under the block, since they are heard by the judge who will try the case.
3. I think it is worth continuing. Eventually I see all cases being handled this way.
4. I think the system has worked well from my prospective of the past 6 months.

Need a teamwork attitude:

5. There has been a degree of negativity among a few of the judges on the block that has interfered with its success. This is not an assignment for naysayer's and complainers.

Think it is a bad method:

6. I am not a proponent of the block. We are blessed with a large number of judges which is very conducive to using a master calendar system. However, we have cut away at the benefits of our size by creating what I believe is an excess number of boutique calendars or courts. At times serving as a block judge is akin to being tied to a waterwheel. Unlike the civil block, you have no period where you can take time off without pounding another nail in your body upon your return [i.e., civil judges often take their vacations on criminal time], let alone postponing hearings to later dates to the detriment of the defendants and attorneys.
7. Given the importance of resolving cases early in the process, and the need for extremely activist judges in plea bargaining to accomplish this, I doubt that the system can be successfully replicated across the bench over time. Or, the bench will end up with a felony division and a misdemeanor division (district and municipal courts), with all the attendant morale problems. No easy answers here, as the Pilot has been successful in achieving many of the goals.

Think it is a good method AND Need a teamwork attitude:

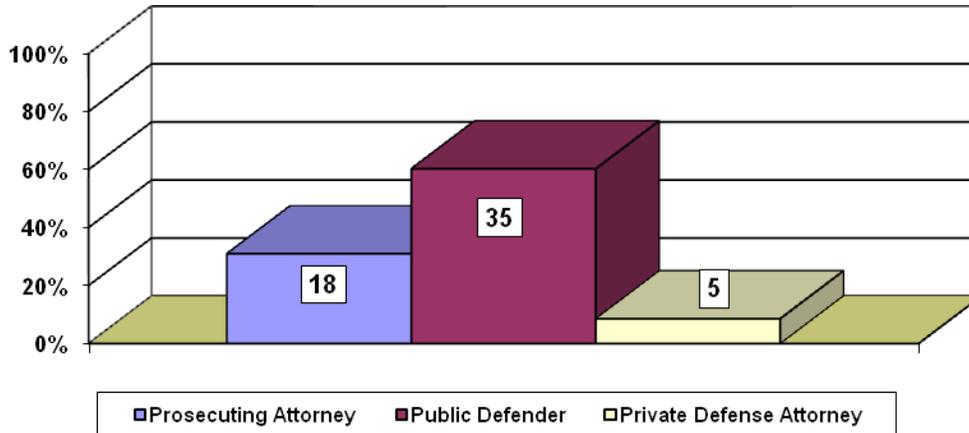
8. I am a believer in blocking felony cases. The court has only limited power to "change the culture" so we must recognize that limitation and work more with, than against the lawyers, even if we cannot meet the kind of timelines we would like.
9. I think that we need to have a block system in some form to handle felonies. I think the Pilot has shown that a block can work even with different judicial styles and philosophies, so long as the judge is willing to manage the number of hearings and to do trials when necessary. I think it can be a very satisfying assignment for a judge but does get wearing, so for some a couple years on the block is a good length. I think having the "safety valve" for trials that allows a judge to send a trial to a colleague under certain circumstances is necessary but there needs to be good communication and a clearing house, such as having

the judge in charge of the block give that some oversight. The block judges have done a great job and deserve a lot of credit for the project.

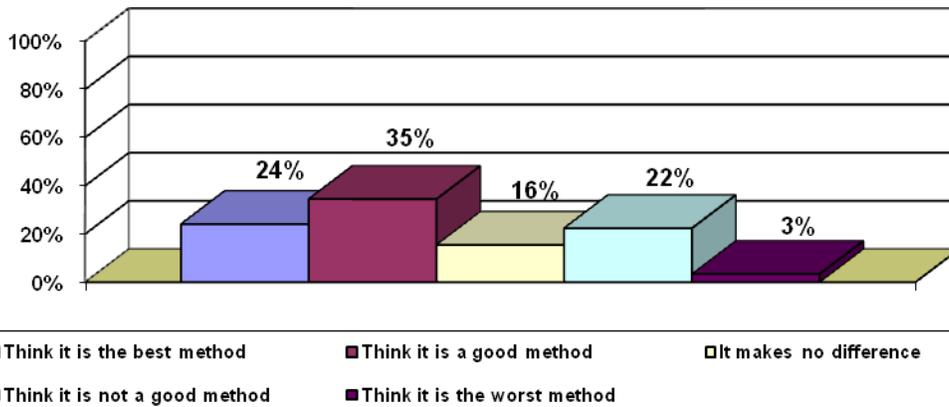
Appendix C 2006 Attorney Opinions

Felony Block Survey- Attorney Results

What type of Attorney are you?



1. What do you think about assigning these types of cases to a single judge to keep throughout the course of the case?



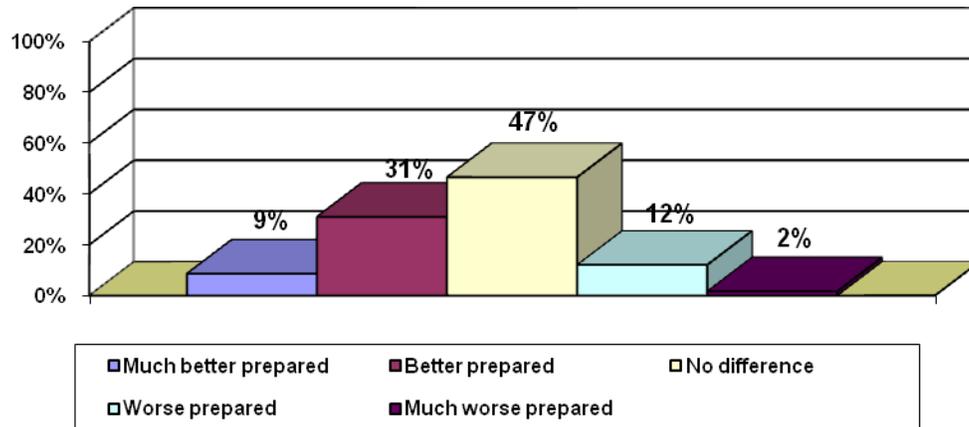
Average response from a scale of 1 to 5: **3.53**

Percent positive: 58.6%

Percent neutral: 15.5%

Percent negative: 25.9%

2. Think back to the way the court processed these cases prior to the Felony Block Pilot. Do you think that you are better prepared or worse prepared (discovery completed, motions completed, pleas taken earlier, and fewer trial cases) under the new system?



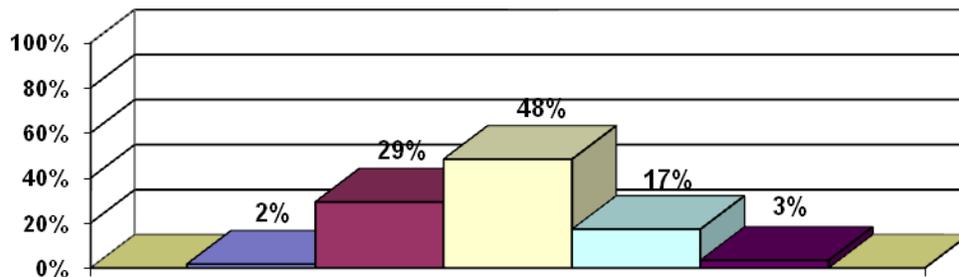
Average response from a scale of 1 to 5: **3.33**

Percent positive: 39.7%

Percent neutral: 46.6%

Percent negative: 13.8%

3. Do you think this preparation changed over the 1 ½ years of the Pilot?



■ Much better now than when the pilot started	■ Better now than when the pilot started
□ No difference	□ Worse now than when the pilot started
■ Much worse now than when the pilot started	

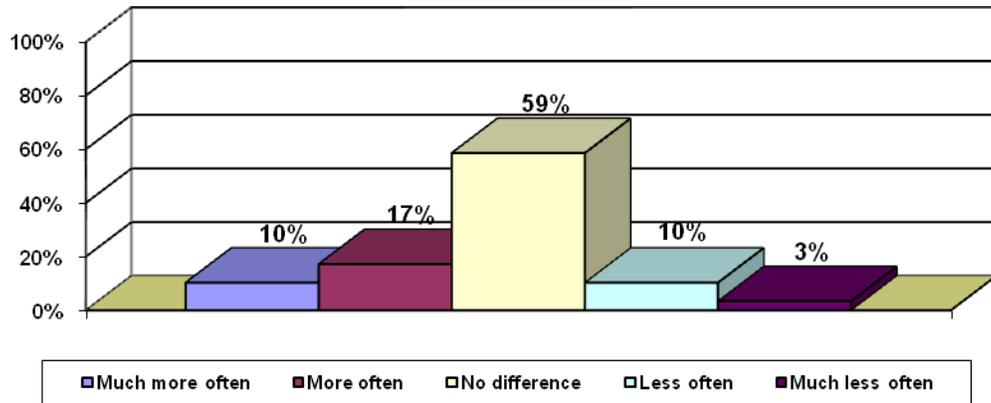
Average response from a scale of 1 to 5: **3.07**

Percent positive: 31.0%

Percent neutral: 48.3%

Percent negative: 20.7%

4. Have you been able to complete discovery more often under this Pilot than prior to this Pilot?



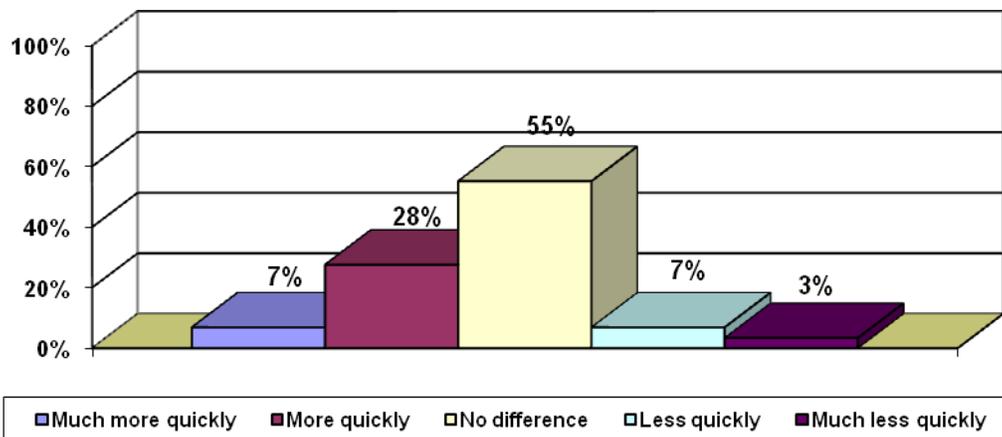
Average response from a scale of 1 to 5: **3.21**

Percent positive: 27.6%

Percent neutral: 58.6%

Percent negative: 13.8%

5. Have you been able to complete discovery more quickly under this Pilot than prior to this Pilot?



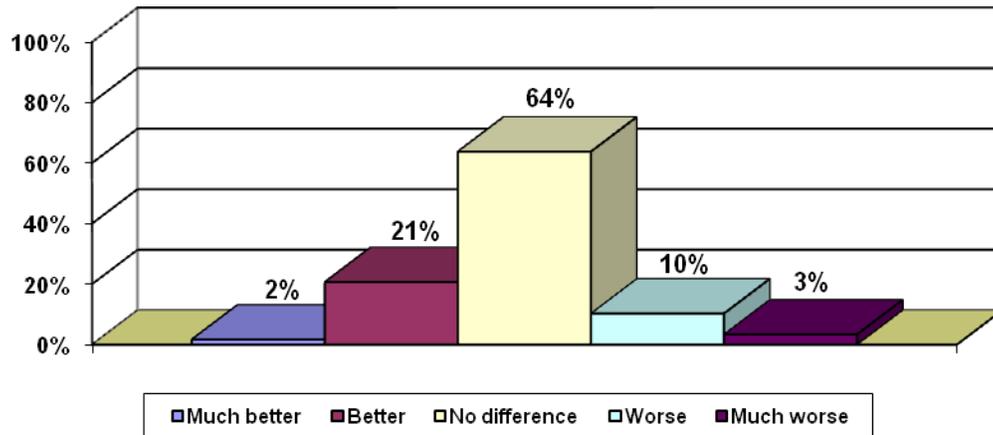
Average response from a scale of 1 to 5: **3.28**

Percent positive: 34.5%

Percent neutral: 55.2%

Percent negative: 10.3%

6. Has the quality of the trials been better under this Pilot than before the Pilot?



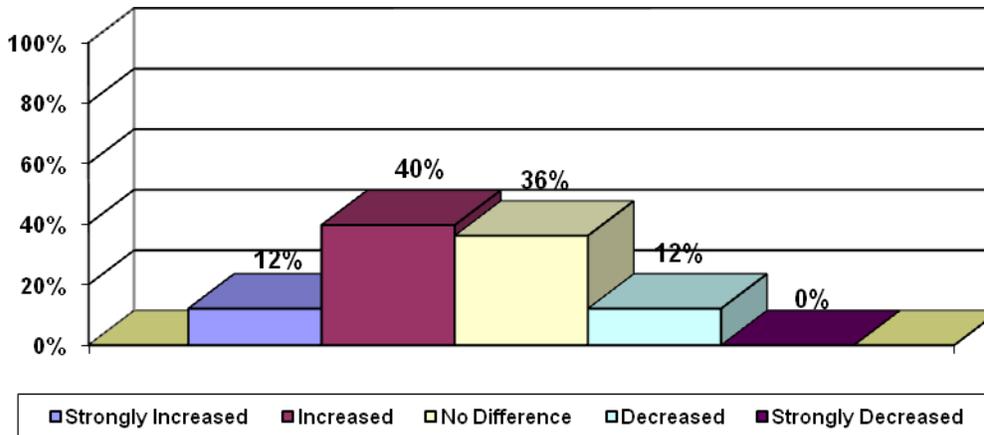
Average response from a scale of 1 to 5: **3.07**

Percent positive: 22.4%

Percent neutral: 63.8%

Percent negative: 13.8%

7. Do you think the Felony Blocking Pilot has increased or decreased accountability?



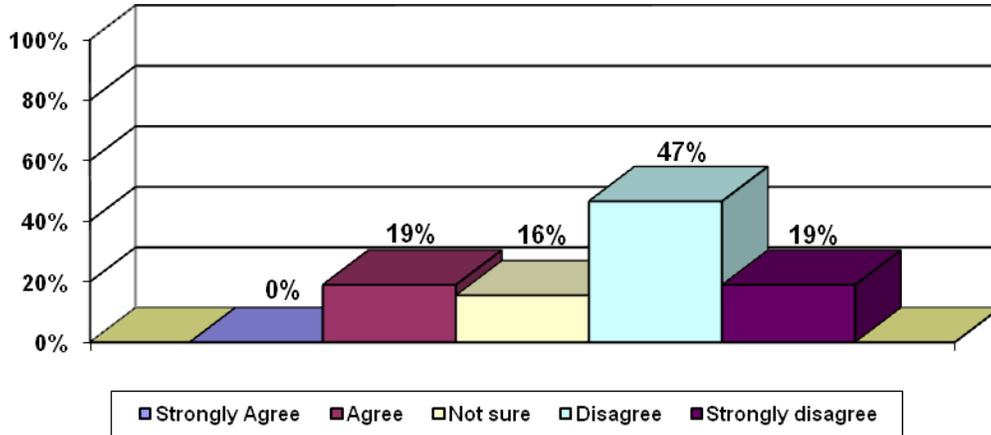
Average response from a scale of 1 to 5: **3.52**

Percent positive: 51.7%

Percent neutral: 36.2%

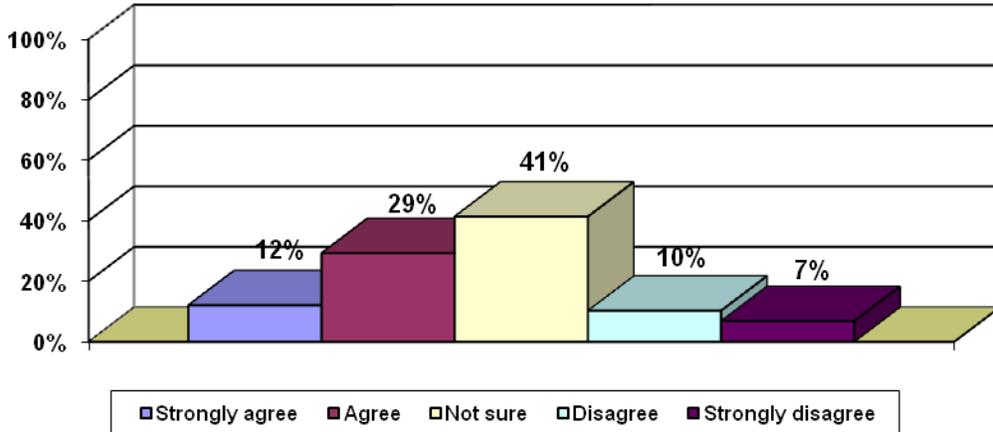
Percent negative: 12.1%

8. Do you think that the number of judges that the court has assigned to the Pilot is the right number (eight at this point)?



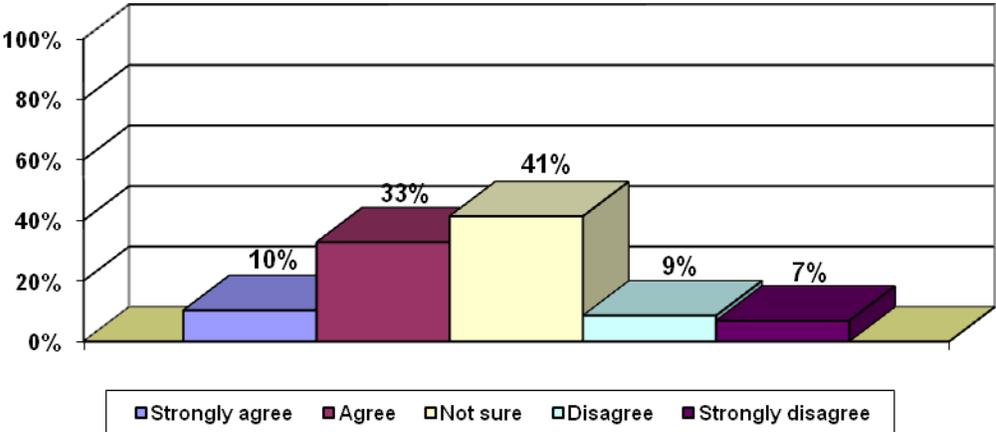
Average response from a scale of 1 to 5: **2.34**
 Percent positive: 19.0%
 Percent neutral: 15.5%
 Percent negative: 65.5%

9. Do you think that the County Attorney's Office has assigned enough attorneys to this Pilot?



Average response from a scale of 1 to 5: **3.29**
 Percent positive: 41.4%
 Percent neutral: 41.4%
 Percent negative: 17.2%

10. Do you think that the Public Defender's Office has assigned enough attorneys to this Pilot?



Average response from a scale of 1 to 5: **3.31**
Percent positive: 43.1%
Percent neutral: 41.4%
Percent negative: 15.5%

Appendix C-2

2007 Attorney Comments

1. What do you think about assigning these types of cases to a single judge to keep throughout the course of the case? Why do you think that?

Positive Comments

1. A single judge keeps track of the offers and issues with a case and is in the best position to assist with settlement on the day of trial.
2. Any other method introduces the element of Judge shopping which slows down the process significantly. Having a known quantity from the beginning makes everyone responsible for their portion of the process throughout.
3. Assigning to single judge allows for all parties to be familiar with facts, Rasmussen issues, negotiation discussions, and relevant information re: accused.
4. At least in theory, I think it is a good idea because the judge then knows the case, the issues, the defendant, the attorneys - and sometimes that can help to resolve cases short of trial.
5. Familiarity with the facts of the case provides a sense of ownership and desire to come up with a just resolution
6. I feel like it helps to focus trial issues as well as weed out those cases not likely to be trials. It also gives all parties an investment in the outcome of negotiations.
7. Assuming, reasonable, neutral and detached judges. Promotes consistency in case. Provides incentive to get to bottom line early.
8. It eliminates judge shopping and the need to re-invent the wheel each time you appear before a different judge.
9. It prevents judge shopping and allows the judge who tries the case to become familiar with the case earlier on.
10. Other judges won't undercut the offers; more consistency; more efficient having one judge familiar with the case, and the parties don't have to explain the case to more than one judge.
11. Prevents Judge shopping
12. reduce forum shopping, make a judge feel responsible for the handling of a case
13. The assigned judge has a vested interest in making the bad cases go away earlier in the process since he or she will otherwise have the trial on their own calendar. The same is true for having the judge vested in the Rasmussen issues since the judge will make the ruling and then try the case.
14. The block system has given the judges a sense of ownership of the cases and holding the litigants accountable. In my experience, far more cases have settled at pretrial.
15. The judge is more invested in helping resolve differences between the parties in most cases at pretrial
16. There are some advantages and some disadvantages. I find the judges are more connected the case and are more likely to remember details than when we had mass PCPT calendars. This is particularly helpful when dealing with issues of bail, release, and bench warrants.
17. There is consistency throughout the process and you do not have to basically start over every time you end up with a different judge.

Negative Comments:

18. Cases still don't resolve until the day of trial. Discovery is not provided before the OM. It is nearly impossible for an out custody client to actually have a trial, 3 or 4 continuances is normal. Never get the benefit of varying players in the negotiation process.
19. Depending on the judicial officers history in handling certain types of cases, one party tends to take a position without an eye towards settling knowing that there is no chance of the case being handled by a judicial officer with a different view that the one blocked to.
20. Depending on which judge you are "blocked" to it could either be the best method or the worst method. Judges that are able to make affirmative decisions on cases will move the cases. Other judges have been stuck in a rut for a very long "blocked" five weeks and run their prior blocked cases into the next block and

are perpetually setting too many cases on a single trial date. I have cases from the last rotation that are still unresolved and will pick up new cases next week.

21. Doesn't really save time, you end up with a trial date where the judge has many other trials set and no certainty that your will go or not. You end up preparing for nothing, and there is little you can do about it.
22. It's too much work for one Judge and the result is it's difficult to get a speedy trial for an in custody and almost impossible to get one for an out of custody. The Judges I've been in front of are doing the best they can but could each use another full time Judge. (which I realize is impractical)
23. It does not allow for as much scheduling flexibility. Also, the block judge personalities control the outcomes of cases subverting justice
24. It would be much better if there were at least 10 judges on the felony block. Due to the volume of cases that come through this county, the judges' caseloads are such that they end up scheduling numerous OM/PTs on the same day and at the same time. Their trial calendars usually have 3-6 trials on for a given day. Many of the trials that do not resolve are put on stand-by or rescheduled, thereby throwing everyone's schedules off.
25. Previously, the same judge would still usually keep the case all the way through, but our pool of judges was larger and I prefer that.
26. Some judges are personally ill-suited to the job. They need to be willing to hold the line and not knuckle under on the date of trial.
27. Some judges have their own rigid policies i.e. no departures ever on gun cases. If another judge is willing to consider a departure and settle the case, who benefits from keeping the case before the judge who won't even CONSIDER settlement? We will not just roll over and plead people to get it over with, so the case gets tried where it could have been settled by a different judge. Judges who won't even consider departures and who only wish to rubber stamp the sentencing demands of the prosecutor have no business being assigned to this sort of system.
28. The bottle necks just change location.
29. The cases still don't settle at pretrial because we still get better deals on the day of trial, it makes no difference.
30. The volume of the cases is so high that clients are experiencing trial delays. Trial delays mean more time in custody and if out of custody, problems with keeping witnesses.
31. Unfortunately it depends on which judge you are assigned to. Since the block judges are filled for trial dates, out of custody trials are taking much longer.

Positive and Negative Comments:

32. But, it does depend on the individual judge. The block method obviously cuts down on judge shopping, but clients are treated very differently depending on who the block judge is. There should also be more uniformity on how discovery violations and "block rules" violations are treated. I just had seven omnibus hearings in the last few days and I had an offer on one - and that came Friday afternoon on a Monday case.
33. I like appearing in front of only a few judges because each one is consistent in how s/he handles cases and trials. I don't like how hard it is to get out-of-custody cases to trial. Since they go to the bottom of the pile, some of mine have been continued 3-4 times. When the block first started, it was easy and clean in trying a case start to finish. But as the judges had more and more cases added, a trial now is much more piecemeal which really drags the process out too long. It's beginning to seem as inefficient as the old trial calendar system.
34. I think it has resulted in swifter proceedings and more consistencies in sentencing. It further has avoided having the trial court undercut the discussions that were held before the pretrial court. The only concern in some instances is that out of custody cases had to be continued multiple times to accommodate the trial court's trial scheduling of in custody cases. Perhaps, if there one continuance of an in custody case could be considered appropriate, but the bench may want to find an alternative trial judge who could be available to avoid having to continue out of custody cases two times or more. Overall, I think the block system is more preferable, more accountable, more timely and there is more consistency in sentencing.
35. In theory, I have no problem with it. However, the implementation has left much to be desired. The wide range of outcomes based upon the judge rather than the facts in the case, the temperament of some of the judges on the block, and the fact that some judges calendar's have become so clogs that defendant's cases are being delayed all raise serious questions about the effectiveness of this approach.

36. In theory, I think it is a good system. Institutional memory with regards to a case is probably in the best interests of all people. However, the problems arise when judges are backlogged with cases and trials and backed up along with them.
37. I think that there is more accountability for all parties under the block system. 6 of the 8 judges keep on top of the caseload and hold the parties accountable. Judge Quaintance lets parties know the week before trial the order in which the cases will be tried and the likelihood of settlement of the cases before ours. That is very helpful. The block also eliminates, to some degree, attempts to get a better resolution later in the case.
38. It is certainly good for scheduling purposes but can be really difficult when one judge has 8 felony pre-trials in one day, which then presents speedy trial issues in scheduling trials.
39. It is good to have one judge to go to on a case. Obviously, as a defense attorney, if I'm not crazy about the judge, and I pick up the case late in the game, I am stuck with that judge. Honestly, sometimes the judge didn't remember what was said from one appearance to the next, negotiation-wise.
40. It provides some accountability. But judges must hold prosecutors and defense lawyers to the rules.
41. More Judges with less cases is better than less judges with more cases.

2. Think back to the way the court processed these cases prior to the Felony Block Pilot. Do you think that you are better prepared or worse prepared (discovery completed, motions completed, pleas taken earlier, and fewer trial cases) under the new system?

Positive Comments:

1. discovery is faster,
2. I am not seeing much of a difference as to this issue. I still have a lot of trials set. I think discovery is being completed sooner.
3. I don't think I am setting fewer trials, but discovery and motions seem to be completed more efficiently.
4. It does help to have multiple cases w/ the same Judge from a scheduling aspect, and it has helped a little with the completion of discovery, but not much.
5. Making offers before the pretrial ensures I have reviewed the file before the appearance
6. The block system has made the pre-trials more meaningful. By completing discovery earlier, both sides know the strength or weakness of the State's case.
7. Under the old system, it was easier to get a case continued because there weren't any judges available. Now we know that the judge is available every Monday. It is also important to have a good reputation with a judge that we continually appear in front of.

Neutral Comments:

8. Didn't not work in the same division prior to the block.
9. I always tried to be prepared at pretrial.
10. I don't notice a reduction in the number of trials that I schedule and end up trying.

Negative Comments:

11. But not by much. I still don't get discovery from the defense until trial has usually commenced. My cases are the type that don't settle (gun cases) and therefore I have many trial settings.
12. County attorneys are not getting both discovery AND offers to me well before the OM. If that happened it would better facilitate the OM. Otherwise the blocked 30 minute increments will NEVER be enough time.
13. Discovery is not completed earlier, yet we are expected to plead clients guilty almost immediately. Some judges issue boilerplate scheduling orders that have no basis in the actual state of ongoing discovery at the time the trial is set.
14. Discovery violations carry no consequences, offers presented are seldom worth considering, judges can't commit to anything without meddling (other than veiled sentencing threats towards clients.) Therefore, more cases get set for trial and are actually tried.
15. I'm setting significantly more trials. The motions and discovery issues are about the same.
16. I am still prepared for trial. There are still discovery problems. Pleas are still being taken at the last opportunity. I have more low level property and misdemeanor trials to do now that the blocked cases are off the regular "trial calendar". The lower level cases are not settling as easily as they used to since more judges are available to try them.

17. Initially, the county attorney's office was doing a better job of completing discovery. However, they quickly learned that this is no consequence for failing to provide timely discovery. The judges on the block have shown no desire to enforce the "discovery and offer before OM" requirement. Virtually every one of my cases is missing discovery of some kind, and I can think of no cases in the recent past in which I have received offers prior to the OM hearing to discuss with my client.
18. Issues that should be discussed at the OM are not being discussed because county attorneys are not appearing for their own cases - and are sending others without the power to negotiate, discuss, or resolve the cases. It makes the OM hearing useless, and so I think there has been little progress since the old system. If, as a PD, I were not to appear for an OM, I would be in much more 'trouble'. The rules, whatever they might be, need to be enforced equally.
19. My level of preparedness seems to be the same. However, it appears that under the block system - I am not receiving discovery prior to the OM. Discovery completion is not being enforced by the assigned judge either. More often than not - the OM is continued. This negatively affects my clients.
20. The county attorneys are implementing new, and improper restrictions on discovery, so this negates any benefit to the blocking process. And this system is producing no more pleas and no fewer trials.
21. There is a slightly greater tendency not to have the initial discovery by the OM Hearing. Other than that no real difference.
22. We rarely get meaningful offers far enough in advance to present to clients. When discovery is not completed by the OH there is no penalty
23. The block system has meant that I have set more cases for trial. Which in turn has made me more busy and less prepared.

Positive and Negative Comments:

24. Some block judges are meticulous about having OM's where they really ask questions about trial issues and discover. Some also insist on a chambers meetings the Friday before the trial Monday (KQ). Other judges do not (McKinsey) and so uniformity would be nice.
25. I believe that I am consistently prepared under both systems, so this makes this question difficult to answer. However, there are times when because of the quick turnaround in providing discovery, the defense counsel has not had an opportunity to review the discovery, especially, if the public defender has one attorney cover the PSF calendar and then, the case gets reassigned to a second public defender. At times, there does appear to be a delay in the public defender's ability to review the file with his/her client before the omnibus hearing, requiring a continuance. Otherwise, I think both sides are consistently prepared. Also, often times, at an omnibus hearing, there is an exchange of information from the defense counsel to the prosecution that the state would like to consider in formulating a resolution and at times, this may require a second pretrial, for the information provided by defense to be verified.
26. In the beginning of the program all parties, including the judge, were better prepared. Now, with prosecutors redacting so much discovery, and the number of continuances, it's about the same.

3. Do you think this preparation changed over the 1 ½ years of the Pilot?

If you think that the preparation has changed, please describe how preparation has changed:

Positive Comments:

1. Discovery is provided prior to the OMPT. Offers can be made ahead of the OMPT allowing for more meaningful discussions on the day of the pretrial hearing.
2. Gets discovery to the client faster and resolves discovery issues faster therefore, resolving matters quickly
3. I think settlement offers are made earlier facilitated in part by probation preparing and providing the criminal record summaries, which are helpful in formulating a settlement offer.
4. More PD's are talking to in custody clients prior to OM which makes the calendars move faster.
5. Our office practices have improved in speed and efficiency.
6. We've gotten used to this system and the judges expect a certain amount of preparation. Judges are more likely to hold the attorneys responsible for case preparation (some judges more than others). We develop better relationships with the judges and want to come prepared or we look foolish.

Negative Comments:

7. Because this system mandates full discovery in a limited amount of time, paralegals have developed a system that provides all documents. As a prosecutor, I get all the discovery although, I get it after it's sent out to the defense attorney. At the same time, I cannot access my file until discovery is complete, so I am less prepared to discuss the case at the OMPT. In short, Defense gets discovery priority which seems strange but has been the result. Defense seems more prepared, I feel less prepared during the initial process.
8. I used to be very certain to provide offers in advance of the OM, but then it became apparent that defense attorneys were not relaying the offers before the appearance, so now I am less worried about whether or not I make an offer beforehand.
9. In my experience, it seems as though defense attorneys are not as prepared at the onset and thus there are many more trials being set.
10. More and more cases. More difficult to keep up with discovery
11. The Pilot initially intended for discovery to be complete before the OM. This is not happening. Offers are not being extended before the OM hearing, and the offers get better the closer to trial you get. The block was supposed to stop this from happening. In addition, the delay that is being built into the system because of scheduling problems is backing up cases and throwing too many of them together for prep time.
12. There is too many cases for one judge to handle. If we're keeping the blocking system, we need at least two more judges in the rotation.
13. Virtually all of my cases are missing discovery prior to the OM and have to be continued, and in many cases I am only getting discovery as the trial date approaches
14. See comments to last question. *(Note- Comments to last question were: Issues that should be discussed at the OM are not being discussed because county attorneys are not appearing for their own cases - and are sending others without the power to negotiate, discuss, or resolve the cases. It makes the OM hearing useless, and so I think there has been little progress since the old system. If, as a PD, I were not to appear for an OM, I would be in much more 'trouble'. The rules, whatever they might be, need to be enforced equally.)*

Positive and Negative Comments:

15. As the glut of trials accumulated it backed everything up. As the Judges got more and more busy it backed everything up. I think the Judges and their staffs are really putting forth a tremendous effort but it's beyond their ability to keep up with the present situation.
16. Discovery process has been accelerated and more complete earlier on from the prosecution standpoint. Discovery from the defense still is problematic - slow and often does not happen until or during trial. Judicial enforcement of defense discovery is sporadic or non existent.
17. I think it took some time to adjust to the new system and meet the discovery timelines prior to OM. I think that is on track now. I would like to get the criminal history summaries from probation a week in advance so there is actually time to make an offer and negotiate prior to the OM.
18. I understand the system better and the individual personalities better and thus can prepare better than when it first started. Still not as prepared as before the Pilot program
19. When it first started, prosecutors were more diligent about trying to get discovery completed and trying to get an offer to me in time for me to talk to my client. Things have gotten much more lax as time as gone on.
20. When the Pilot started judges were better about holding each side to goal of accomplishing something at the next hearing. Perhaps the new county attorney has not been educated well enough on the purpose for the block. But hearings need to be more productive. Adding two judges to the block was also needed.

3. Do you think this preparation changed over the 1 ½ years of the Pilot?**Other comments:****Positive Comments:**

1. Thanks for trying something new. In the end, this is probably a better system. Let's keep it working.
2. Now that we have the same judge for a year at a time, it is more important to be prepared than early in the Pilot when we would have cases in front of three or four different judges.

Negative Comments:

3. I believe once we get stronger judges on the "blocked" rotation it may move cases a little more smoothly. Until that happens there will constantly be a back log of unresolved cases in the system.
4. I don't like the fact that public defender teams are assigned to the same judge for the entire year. I think there should be a different judge every time a team picks up new felony cases. The old system was better in terms of working with a variety of judges. Under the current system, all of are cases are assigned to the same judge for a year.

Positive and Negative Comments:

5. I believe that the block system has provided more accountability in sentencing, less continuances overall except when truly needed, and that hearings start in a more timely manner.
6. I like the block system in theory, but I don't think we should be in front of the same judge for most of the year.
7. I originally supported this idea and still believe in it. However, the defense still uses it to delay discovery while demanding everything and the sink from us. Also, slow bit-by-bit trials aren't efficient. I think this could be tweaked to be made better.
8. I strongly favor keeping the block system. However, it could be improved by having backup or "buddy" judges to try out of custody cases.
9. Perhaps in theory the blocking approach might work. However, I do not think the approach works with the current judges assigned.
10. The felony block has made little difference in helping resolve cases. Unfortunately, most parties are incapable of assessing their case or making a decision until the day of trial (including Judges). While I feel the felony block is overall a good way to handle felony cases, most attorneys have difficulty getting so many places. The problem is not the attorneys and the felony block. The problem is domestic court, property court, drug court, community court, serious traffic, dwi court, trial calendar, mental health court, judicial reviews, arraignments, the suburbs, etc. The blocked felony judge should handle all criminal matters pending against a defendant. Without consolidation, our system is hopelessly inefficient and frustrating. The felony is the most serious case. There is no logical reason why the block judge cannot handle everything else.
11. There have been some problems with congestion, but overall, I feel as the project has been a success.

4. Have you been able to complete discovery more often under this Pilot than prior to this Pilot?**Positive Comments:**

1. I typically have discovery completed by the OM
2. Much of that has to do with internal procedures (paralegals do discovery sooner)
3. Prosecution has devoted more resources to the discovery process in the beginning of the case.
4. The county has been fairly consistent in getting to me the discovery. It again seems dependent on the individual county attorney and has little to do with the Block.

Neutral Comments:

5. Discovery is fluid. A criminal case is constantly changing.
6. We have a set process

Negative Comments:

7. Again, the new policies of the county attorney are slowing things up.
8. County attorneys are slow to get us disco under either system
9. Discovery is no better, and in some cases worse than prior to the block project. There is no appreciable difference between how quickly discovery arrives and how quickly cases resolve in the block system versus property/drug, which clearly indicates that blocking cases has had no positive impact
10. No one CA ever complies with the discovery rules or giving a fair reasonable offer before the OM. As PD's we are given a often rushed, boilerplate offer on the day of the OM and then are expected to have our client

plead guilty in 10 minutes without having even close to all of the discovery. If the CA followed the rules and gave the discovery when requested and available, and gave offers that is a true offer, not just a number, the program would be better suited.

11. Prosecution is now violating discovery rules regularly in alleged name of "victims(sic) rights"
12. Some unnecessary discovery is being done in blanket fashion to cover all possible requests. I think in serious cases, more discovery need be done than in a run of the mill low level felony. This over reaction is costing big money and hassles for our paralegals.
13. The same 'games' are being played with respect to discovery, and judges are doing little to enforce the rules.
14. Three weeks is often not enough time to complete discovery
15. What is unfortunate about the new rules w/r/to discovery is I no longer have the discretion NOT to order all the tapes/DVDs/photos, etc. whereas in the past, if I knew a case was going to settle, I would not put my staff through the work of getting and copying evidence.

Positive and Negative Comments:

16. I guess the question is, "By when?" I don't have it before OH, but I do generally have everything by trial.
17. I say "more often" only because my office's staff works a lot harder to get things out faster, but discovery has never been a problem for me. I think the County Attorney's Office is spending a lot of time, however, duplicating tapes, etc. in cases that are easy pleas. That strikes me as a waste of resources. The defense attorneys are still just as likely to produce discovery on the day of trial and I find the bench tolerates it much as it did under the mass calendar system.
18. I still receive discovery the Friday before trial. Judges don't enforce the discovery by the OM.
19. I usually get written reports right away but the media affiliated with the reports (Scales tapes, Interviews with witnesses, Video, Photos) are another story. Also if I want to make arrangements to see any evidence before OM...It's almost impossible.
20. In cases where there are volumes of CDs, videotapes and paper, it is important to recognize that it takes time for county attorney staff to duplicate this evidence. To my knowledge, the bench has been understanding of these staff remands.
21. It started with much better discovery but we have fallen back to old habits and the judges don't do anything to enforce the discovery rules.
22. My discovery goes out faster--I still get less from the defense.
23. Again, prosecutors are now withholding discovery for any so-called gang cases; otherwise, there's been no change in the rate and level of discovery.

5. Have you been able to complete discovery more quickly under this Pilot than prior to this Pilot?

Positive Comments:

1. I don't think that has anything to do with the block though. It is just better organized now as part of this Pilot. The procedure the CA is using now would work faster with or without the block.
2. I think the discovery process has been more quickly because of the changes made initially; that is, that the public defender staff would copy the file on the morning that the case is scheduled for a pretrial.

Neutral Comments:

3. Same as prior
4. Still dependent on the individual prosecutor.

Negative Comments:

5. Again this is from the prosecution perspective. Defense discovery has not changed at all. It is still not happening until trial.
6. I often spend hours tracking down CA for discovery. Most of the time, if the case goes to trial, the day before, and sometimes the day of, I then get the discovery I have been asking for...much of which is not good for my client. Being armed with the information, I would be better able to assist my clients in maybe taking a deal. EVERY TIME I do not get discovery the day of trial, I make a motion to dismiss, and each time I am laughed at. What does that teach the CA office to do??? Why would they give discovery when

there is no consequence? If I was a CA I sure would not hand over everything knowing nothing would happen.

7. Less quickly in many violent crime felonies due to prosecutors withholding discovery information.
8. Prosecution now violating the Constitution in denying discovery
9. See quickly. See answer to previous question. (*Note- response to last question: Discovery is no better, and in some cases worse than prior to the block project. There is no appreciable difference between how quickly discovery arrives and how quickly cases resolve in the block system versus property/drug, which clearly indicates that blocking cases has had no positive impact*)

Positive and Negative Comments:

10. I feel the County Attorneys are more mindful of their obligations to provide discovery due to OM deadline but find it still frustrating to again, receive any taped media associated with the case.
11. Still get the police reports relatively easily - the rest depends upon the particular county attorney (and whether the judge is willing to enforce the rules).

6. Has the quality of the trials been better under this Pilot than before the Pilot?

Positive Comments:

1. I think it is better having those judges always. They will have backed up trials and then better able to help negotiating with the parties.
2. I think we have had less trials, but better trials
3. Judge are more familiar with the cases, and many issues get resolved sooner.
4. The quality of a trial is dependent on the players involved in the trial. While I think that the trials under the Pilot project have been meaningful, I think that the Pilot project does not impact the quality of the trial; rather, I think who the particular judge that is presiding impacts and attorneys involved impact the quality of the trial. I do think that the selection of the judges who have served as block judges has been excellent; so, in that sense, there have been quality judges who have presided over the trials under the Pilot block system.

Neutral Comments:

5. Depends upon the Judge.
6. I have had no trials under the block system. Only one from property.
7. It depends on the Judge
8. No experience prior to Pilot
9. The quality of trials has much more to do with many other factors independent of the felony block. For example, the experience level of the prosecutor, defense attorney, and judge, play an important part in the quality of a given trial.

Negative Comments:

10. Because there is less diversity of judges, I have been stuck with one judge for quite some time. I am less likely to upset this judge for fear of reprisal on a different case. I don't think that I have consciously done this, but maybe subconsciously. Also, the Judge learns my tendencies and does not always truly consider my motions because he or she has just experienced this motion on a previous case. I think JUSTICE has suffered.
11. Everyone seems more rushed. Since we are backed up all over the place, the trials seem sloppier and more hurried. Knowing that you have back to back trials in front of the same judge, who you may not agree with on a lot of issues, gets disheartening.
12. Familiarity breeds contempt. Feelings can carry over from one trial to the next if you are in front of the same Judicial Officer.
13. It's much harder to schedule trials with the block.
14. The tsunami of rookie public defenders has meant that fewer cases settle at the OMPT.

Positive and Negative Comments:

15. I have had really bad experience with one judge on the block and will file on her from now on. On another I had a really good experience...same issues as before, but now limited choice for my client's trial options.

16. Judges do know more about the cases if they reach trial, though many judges on the block are so stressed/overloaded that they believe they 'do not have time' for trials.
17. The judges are better than a lot on the remainder of the bench, but their calendars are so full of appearances that the trials are often disjointed and we only have limited time during each trial day whereas another judge will have a clear calendar and can try the case more quickly.
18. The only note I would make is that there are probably more delays and interruptions because the block judges are in trial and still have to handle other appearances. I think they all do a good job at managing that for the most part though.
19. The specially assigned trials are fine; it is too difficult to get an out-of-custody case to trail in this system. Also, most judges have way too many interruptions to make the trial flow smoothly. Its not their fault, they just have too many other hearings that have to be jammed in when the trial is going on.
20. Yes at first but now not so much. Some judges are better than others in streamlining so we can go straight through the case.

7. Do you think the Felony Blocking Pilot has increased or decreased accountability?

Positive Comments:

1. For reasons stated below, when the same judge handles the omnibus hearing and the trial, the Judge does not undercut himself/herself. Once an offer is revoked, there is no offer at trial and the presiding trial judges have consistently respected that fact in sentencing.
2. For the attorneys there is accountability in the sense that there is no excuse to be late or unavailable and in the sense that we are held accountable by the judge for getting discovery done and making offers. Also, for defense counsel there is more accountability in the sense that they need to have discussions with their clients earlier on rather than waiting to see who the next judge will be in hopes the offer gets better. For judges, it is easier to know what to expect and there is more predictability in how they might handle a case and what kinds of straight pleas they take.
3. Judges do get a feel for whom is chronically unprepared. This has led to an increase in "sanctions" against the offending party because it affects the judges entire block and the judge can see the pattern and not chalk it up to a one time occurrence.
4. Somewhat.
5. There is maybe a little more accountability now that attorneys need to maintain their reputations with certain Judges
6. Question is too vague. if you mean for the attorneys, then yes, because they are appearing constantly in front of the same judge and need to keep from pissing that particular judge off.

Neutral Comments/Unsure of question:

7. Accountability by prosecutors? Defendants? Judges? Unsure what question refers to.
8. for whom and about what?
9. Whose accountability? Defense attorneys are not seeking accountability for their client, but fairness and adherence to the law.
10. Accountability to whom? I feel accountable to my client. The Block system does not change that.

Negative Comments:

11. It's much easier to "play" the system when it's overloaded.
12. It has decreased accountability for the prosecutors. Some of them seem to be relying on the block judge to depart or make the deals for them. Again, scheduling is a nightmare. Having to balance my clients right to a trial with how many days of a judges time I can get this week is ridiculous. I often have to trade mandatory arraignment days because my court appearances before my assigned judge had to be continued, or put on standby for trial.
13. Unfortunately, Judges and prosecutors (and defendants for that matter) are no more ready to make decisions than previously.
14. When there is one "go to" judge, things can't slip through cracks.
15. Accountability for whom? I don't find that the prosecutors are held accountable for discovery violations but I think we are all where we are supposed to be more often.

16. The judges on the block do not seem to hold anyone accountable for anything.

Positive and Negative Comments:

17. Initially I would say it increased accountability, but it no longer has that effect.
18. Obviously both attorneys are more visible to a particular judge so accountability is increased. Judicial accountability should also be increased. Not sure that it is.
19. Slightly--but it has not increased the defense delay.
20. When it started it increased, but it is falling behind.
21. While there is added pressure to plead clients guilty earlier in the proceedings, there seems to be no accountability for violating a client's demand for a speedy trial. If you don't plead guilty, be prepared to wait for your trial and expect it to be continued at least once on the day of trial.

8. Do you think that the number of judges that the court has assigned to the Pilot is the right number (eight at this point)?

Positive Comments: NONE

Negative Comments:

1. As some of the judges are complaining about how full their calendars are, and I set cases last month for the end of October, there does not appear to be enough judges dedicated to the Pilot.
2. Eight is better than six, ten would be better than eight. I understand money is a factor.
3. Either need more judges or need the ability to assign trials to the trial calendar. Placing multiple trials on standby does not work.
4. I think may need to be at least one other judge to preside over out of custody trials, so that they do not need to be continued more than once; or alternatively, out of custody cases, perhaps, could go back on that trial calendar that occurs every morning and be assigned out to trial.
5. I think there should be more. At least 4.
6. I would add a select group of backup judges for trials of out of custody cases that often seem to get bumped.
7. I would say maybe bump it up to 10.
8. If this blocked project is to continue I believe we may need more judges handling cases. Maybe judges should have a cap of cases. I have found that frustrated judges may want to clear their calendar for the day, agree to continue all cases, and then end up totally back logged on future dates.
9. If you have a block you should have more. It seems like every block judge has a backlog of cases awaiting trial.
10. It should be doubled.
11. More judges may be necessary. When trials are set - there is a backlog of matters. Standby for days or weeks occur - negatively impacting my calendar control. Many times my trials start to spill over into my mandatory calendar staffing.
12. More judges need to be assigned to the block system.
13. Need 2-4 more, I think. The judges seem stressed and overburdened for the most part.
14. need more judges for the number of cases coming through the system
15. Need more judges so you can have a limited number of trials set before any one judge on any given day
16. need to at least double the numbers of judges
17. Need two more at least.
18. No - they are far too busy and it gets worse with each month since their caseload of sentencings and revocations and misc. Appearances increases the longer they are on the block.
19. No, there is still too much backlog when a judge is in trial and it runs into their OM week or they have previously set sentencing, etc. Also, because the calendar is so tight, there is a lot of pressure to speed though trial so as not to run into a second week. I don't mean to imply judges are forcing trials through; it's more a feeling in the back of my mind. It's also difficult when there are multiple trials set in front of one judge and more than one actually goes. You can't go on standby to the next week because of the OM schedules and out of custody cases tend to get bumped repeatedly for new trial dates
20. Not all of the judges are as efficient in handling this caseload. 2 of the judges allow multiple continuances of both pretrial and trial dates. The other 6 are firm but do allow for exceptional circumstances.
21. Not enough

22. Not enough
23. The calendar's are quite busy and sometimes things can't be scheduled promptly.
24. The judges are overbooking for trial and also imposing their own scheduling restrictions that make life difficult.
25. The judges seem to have pretty full calendars and for some this means harder to get a case to trial.
26. There are too many cases on each Judge's block now
27. There should be two more Judges added
28. Too few, by far
29. Trials are continuously continued due the back log.
30. We either need more judges for the block or other judges that can step in and handle all the appearances the block judges have during the trials. Block judges have too much to do and trials aren't as efficient.
31. Regardless of how many judges are assigned to the block system, there are only so many defenders and prosecutors. When we are backed up waiting for trials all over the building instead of one or two places, we are still blocked up. And when we go to change trial dates, we now have to coordinate with the judges schedule as well. It makes it much more difficult for things to be scheduled.

Positive and Negative Comments:

32. The ability to try in custody cases with the number of judges devoted is ok but the ability to try an out of custody case is compromised with this number of judges and results in a significant number of continuances.

9. Do you think that the County Attorney's Office has assigned enough attorneys to this Pilot?

Positive Comments:

1. In light of our budget restrictions, I think the office is staffed as well as can be expected.

Neutral Comments:

2. It's no different than the non-block.
3. I haven't noticed any difference in their availability.
4. The entire violent crimes division is working the block. There are no more to assign.
5. They have assigned the resources that they have.
6. We have been understaffed and have not filed open positions for more than a year.

Negative Comments:

7. Not even close
8. The coverage problems are the same. When the CAO sends a substitute with no authority to negotiate nothing gets done.
9. There are not enough attorneys for the caseload.
10. They always seem to be scheduled in 3 places at once.

Positive and Negative Comments:

11. The CA's office seems over-taxed (from a citizen's perspective). From a PD's perspective they're fine.

10. Do you think that the Public Defender's Office has assigned enough attorneys to this Pilot?

Positive Comments:

1. I believe the public defender does not have a group singled out to do these cases but rather has his entire adult court defender lawyers participate in the program. At least 50 public defenders do these block cases. many more than the prosecution.
2. I can't think of any specific issues in this area.

Neutral Comments:

3. Adult court PD's handle all types of cases. The Pilot has not affected that process.
4. Hard to say if this is a problem. I have not had any cases put on standby because a PD is in another trial.
5. I don't have any information on this.
6. We have assigned the resources that we have. There are no other PD's to take these cases.
7. We get cases and we do them. As far as I know there are no attorneys assigned to the Pilot, nor should there be. We get a client and we represent that client to the best of our abilities. I do think that we have a shortage of attorneys doing public defense work in general, but that has nothing to do with the block program. The block program may if anything exacerbate this problem.

Negative Comments:

8. need more PDs
9. No, we need more lawyers because our case loads are still too high.
10. Our case loads are still too large. There aren't enough of us. Same issue with CAs and judges.
11. The only problem is the number of lawyers with very little experience and/or client control.
12. The Public Defender's Office has staffing issues which go beyond the felony block system.
13. Their rookie attorneys should not start out on the block. They should be given progressively more difficult cases and structured training. Their seasoned attorneys should not be wasting their time on misdemeanors.
14. There's enough bodies but not enough effective, well trained, capable attorneys. The newer, less experienced, untrained PD's are gumming up the system and hurting their clients.
15. There are not enough public defenders for the caseload. County attorneys are constantly waiting for PDs to appear in Court or waiting for them because they have so many cases assigned at one time.
16. We're all assigned to the block. But of course we need many more attorneys to be hired and funded.
17. We don't have any extra attorneys to assign to anything. Everyone is already struggling with the ever increasing trend towards "boutique" courts and restrictive calendaring.
18. We need more attorneys. Caseloads are too high.

11. What can the court do to improve the handling of these types of cases?**More judges/better suited judges:**

1. Again, maybe consider more judges on the block system and capping the number of cases from arraignment each are handling at a time.
2. Assign more judges and determine a way to bring out of custody cases to trial in a timely fashion.
3. Assign more judges and rotate the judges so that public defender teams get to work with more than one judge.
4. Be uniform in pre trial chambers meetings. Get more judges. One judge was so overbooked and took one day per week to go skiing, that she compromised our trial and rushed everything. The trial judges I've encountered seem incredibly overloaded with trials and it feels they are under tremendous stress, which is not a good emotion to have in a trial judge.
5. Have a back-up for the block judges on trial weeks to handle their OM's and sentencings so that the trials can move faster. The judges have too many other appearances to do a trial efficiently.
6. Make sure that all of the judges assigned want to be handling block cases and are willing to try cases.
7. More judges available for trial.
8. More judges over all and possible back up judges for trial.
9. Provide more judges.
10. Put in only those judges that can hold people accountable.
11. Put more judges on the block who have more time to handle trials.
12. See previous comments. We need judges who can just try cases uninterrupted.
13. There need to be more Judges available per day to handle the number of cases. Lawyers, from both sides, continue to be late, unavailable and unprepared, because they know if they show up on time they will have to wait anywhere up to a few hours to get in front of the Judge.
14. Assign Judges to the block who know how to settle cases (Oleisky, McKinsey, Daly, etc.) Stop assigning judges who are unfair and/or don't settle cases.

Enforce rules/laws better:

15. Actually look at cases individually (not all gun cases are created equally.)
16. Demand higher accountability, a real probable cause showing, for detaining someone, for issuing a complaint, etc.
17. enforce the rules as they should be enforced; stand up to either side when that side is in the wrong and be willing to make the difficult decisions.
18. Have the Judges remember that they are not part of the prosecution!
19. Hold the prosecution's feet to the fire, make them live up to the obligations for discovery.

Improve case management:

20. Apply the same rules to the defense as to our office. Few judges did before and if they do now, the defense files on them. Somehow, coverage of the judge's other hearings during trials needs to happen so there is a smoother trial process.
21. I think there should be less time spent in chambers discussions and the cases should be called on the record in open court. There is still too much time in chambers and it would be more efficient and accountable to the public, if there was less time in chambers and more time in the courtroom, so that the arguments made in chambers or concerns voiced in chambers could be placed on the record, and addressed by the court, once. There is too much duplication because the culture is to discuss every in chambers first.
22. Make it easier to go to trial. Not set cases only on Mondays. There are only so many Mondays in the year, and by the time you factor in vacations, mandatory assignments, etc, there are even fewer. Too many of us have too many cases (4 or more) set every Monday. Its impossible to prepare for that many. If they all go away, then there's little to do in the week. That seems very unbalanced to me.
23. Please help advocate for more attorneys to be assigned to the block system. Please advocate for probation to provide the criminal record summaries earlier (right now they are not provided until the Friday before the OMs which makes it difficult to extend offers in a timely manner)
24. See previous comments. The felony judge needs to handle all matters. Judges need to help parties get to the bottom line. Judges must also remember that the toughest judge is the one who makes the tough decision, not the one who comes up with the biggest number.
25. Strong encourage/enforce that State provides discovery by the OM.
26. The court can improve the block system by holding unprepared and tardy lawyers accountable. If the state is required to do certain things in advance of pre-trials, defense attorneys should also be expected to review their discovery, meet with their clients, relay their offers, and notify the state of motions/issues in advance. By doing so, the court could dramatically decrease the number of trials that are set.
27. The individual judges vary greatly in how they preside over their calendars. Some are efficient, others are overwhelmed. This is totally relative. Why don't they get together and decide what works and what doesn't work? The attorneys should not have to constantly listen to judicial gripes about how they are drowning in cases. We all are. Figure out a way to achieve greater efficiency.
28. Treat them more seriously and not as annoyances that need to be pushed off on a few overworked judges.

Get rid of block altogether:

29. Get rid of the block system
30. Go back to the old system
31. The court needs to dismantle the criminal block system. It works well for civil matters, but volume of cases dictate another method.
32. Trash the block system and go back to the trial calendar call. At least when my case is ready to go to trial, there is more often a judge available.

Multiple comments:

33. Add several more judges or go back to the old system. Without more judges, trial dates have become meaningless. How can one judge have ten cases all set for trial on a Monday? Judges who participate in the block system must be willing to participate in settling cases. Settling cases does not mean simply threatening the defense with a harsh "trial tax," or refusing to say "no" to a prosecutor.
34. Pick judges that hold the county accountable for coming up with a meaningful offer before the OM. E-mailing me an offer of a "guidelines" sentence the night before the OM is not helpful. Pick judges that help settle cases.

35. Assign the "right" judges to the block. We need judges who are not afraid to try a case. We need judges who can think on their feet and move cases. Many of the current judges are not the judges who should be on this block. Additionally, allow cases to be assigned to the trial calendar strictly for a trial, and stop putting cases on standby or continuing them to another date. This just backlogs the system.
36. Order the prosecutors to stop disregarding Rule 9.01 and 9.03 and case law and start providing all required discovery. Get more judges on the block rotation.

12. What can the County Attorney's Office do to improve the handling of these types of cases?

Get discovery sooner:

1. Assure timely discovery and timely offers for case disposition.
2. Comply with discovery demands quickly. Less red tape with gang cases.
3. Follow the rules of discovery. More timely and complete discovery.
4. Increase the number of attorneys and reduce unnecessary discovery so the paralegals can help with trial prep.
5. provide ALL discovery prior to the "OM" hearing ... sending an email the day before the OM, offering guidelines on the top count is pretty worthless
6. Turn over all discovery as required by the rules.

Assign more attorneys/assign them more efficiently:

7. Assign more attorney's to the violent crimes division
8. Hire additional attorneys. We all have way too many cases and too many trials. It is getting impossible to set trial dates.
9. Staff a block revocation calendar. Work out a system to cover when others are in trial to avoid delays.
10. Provide more prosecutors.

Follow law better:

11. Be more reasonable. Eschew internal rules which impede the line attorneys from properly dispensing justice. The CA has all the discretion but is either unwilling or too afraid to use it.
12. County Attorney's office needs to promptly make disclosures, then things would move more smoothly.
13. Do a better job of reviewing cases for probable cause, whether it can be proved beyond a reasonable doubt and whether the evidence is admissible.
14. Follow the law with regard to discovery

Make better offers/make offers earlier on:

15. Assess the case and make a meaningful offer. I understand in certain cases that can't be done, but I've set so many cases for trial only to have the state make the offer they should have made at the OH
16. I think we are doing a fine job. We could probably get offers out better but the defense still isn't talking to clients beforehand.
17. Make better settlement offers based on the facts of the case and not office policy!
18. Offer legitimate reasons to settle cases (180 cap and a stay of imp is not an offer, it is a given.) Actually look at cases individually (not all gun cases are created equally.)
19. Make reasonable offers at the OM and have the attorney who appears at the OM have the authority to negotiate the case. Too often the charging attorney doesn't come to the OM. Most all cases don't settle until the day of trial. In their defense, some cases can't settle until the day of trial because they require victim input and the defense wants to know who will show up for trial.
20. Resolve the domestics at pretrial rather than dismissing or drastically changing the offer on the day of trial.

Be open to negotiation:

21. Be on time, be prepared and make the first Pre-trial be meaningful by not sending someone with a written offer that isn't subject to negotiation.
22. Give more freedom to negotiate on certain cases. Many CAs are backlogged due to "office policies" dictating how cases should be handled. Especially with gun cases.

Other:

23. I'm open to suggestions.
24. Go back to the old system
25. Management needs to let the lawyers exercise their profession judgment given the facts of each case.
26. Prosecutors should be given more discretion to handle no-person offenses e.g. fleings. These clog up calendars
27. The County Attorney's Office has hired additional staff to keep up with the pace of immediately providing discovery to defense counsel. The office continues to hire additional staff for this very time consuming process.
28. Try investigating better, reviewing videos, etc. before charging. I have had several cases these past few months that were dismissed once the prosecutor looked at the videos that were misrepresented in police reports.
29. See above. *(Make it easier to go to trial. Not set cases only on Mondays. There are only so many Monday in the year, and by the time you factor in vacations, mandatory assignments, etc, there are even fewer. Too many of us have too many cases (4 or more) set every Monday. Its impossible to prepare for that many. If they all go away, then there's little to do in the week. That seems very unbalanced to me.)*

Get discovery sooner AND Make better offers/make offers earlier on:

30. Complete discovery in a timely fashion, provide offers in a timely fashion, especially for in-custody cases.
31. Make sure the attorneys read their files before the OM date, give all discovery needed, convey a "real" offer before the OM date so that time isn't wasted at an OM. Offers cannot be meaningfully conveyed without also going over with a client the evidence against him/her.
32. Provide the discovery before the OM and make reasonable offers. Often the CA makes no offer at the OM, we are forced to set a trial date, and then the offer becomes much more reasonable after the CA has actually looked at the discovery. Again, resolving the case the day of trial.
33. Review the files, provide discovery prior to OM and given meaningful offers.

13. What can the Public Defender's Office do to improve the handling of these types of cases?**Hire more attorneys/Assign attorneys efficiently:**

1. get more attorneys so they are able to adequately prepare all of their cases.
2. Hire experienced attorneys. Assign experienced attorneys to handle felony cases.
3. Hire more attorneys and pay the existing attorneys better so that they don't have so many places to be at one time.
4. Hire more attorneys.
5. Hopefully obtain more lawyers to lessen the work load.
6. Probably have them assigned only to felonies rather than have them assigned in multiple places.
7. Provide more defense attorneys
8. They need more lawyers in the entire operation. If the weren't so many specialty calendars, they might not have to be in so many places at once.

Be more timely/efficient in case management:

9. Always be prepared at each appearance
10. Be on time and convey the offers beforehand.
11. Follow the rules. Quit asking for the nine hundred extra things which are irrelevant and only delay the process and permit them to say "I didn't get all the discovery". If they want tapes or CD's, then listen to them before the OM.
12. Prepare earlier for the case
13. show up on time!!!!

Meet with and communicate better with clients:

14. Communicate offers to clients before pretrial - communicate client response to offers prior to pretrial - timely defense discovery

15. Discuss the offers and the case with their clients prior to arriving at an OM. Cases almost never resolve at the first OM because the PD hasn't met with their clients.
16. Talk to clients before court and relay offers.
17. Visit clients before the OM, convey the offer and have meaningful discussions with the client before the OM about offers and all discovery.

Train new attorneys:

18. Give training to new Attorneys on how to settle a case. there are too many needless continuances
19. The Public Defender's Office has a significant number of new attorneys that are immediately assigned a very large caseload. I think the training of new attorneys in the public defender's office would well-serve their staff and it appears, that past training efforts have been eliminated.
20. Train your new lawyers.

Hire more attorneys/Assign attorneys efficiently AND Train new attorneys:

21. Train the new lawyers how to handle cases. Do something about the horrendous morale problem which reverberates throughout the system. But most importantly, GO TO DIVISIONS SO THAT A LAWYER ONLY NEEDS TO BE IN ONE PLACE AT ONE TIME!

Other:

22. Don't know.
23. Go back to the old system
24. It is not our responsibility to prosecute our clients.
25. Not sure.
26. Review files, make detailed discovery requests prior to OM.
27. Stop rolling over when prosecutors and judges violate the Constitution
28. There's nothing we can do. We can't force clients to plead guilty any earlier than they are ready, if they choose to plead guilty in the first place. We need time, in some cases, to investigate, receive discovery and develop a rapport with our clients before ANY settlement is possible. Some cases, as always, will need to be tried. And some cases will continue to be resolvable only on the day of trial. We don't "manage cases" ... we represent individual clients and cannot make cases go away all by ourselves.
29. See previous answers. (*Prosecutors should be given more discretion to handle non-person offenses e.g. fleeing. These clog up calendars. Their rookie attorneys should not start out on the block. They should be given progressively more difficult cases and structured training. Their seasoned attorneys should not be wasting their time on misdemeanors.*)

14. What else do you want the court to know about your thoughts regarding the Felony Block Pilot?

Think it is a good method:

1. Felony Block is a good idea. Right now, it is just another group of boutique courts.
2. I like it, in general. Ramsey County assigns cases in this manner and it provides consistency. For the counties who don't do this, you never know who you are going to get and scheduling cases are nightmares and the parties cooperate better with this one-judge accountability.
3. In general, I think it's a good idea, but a few changes (documented earlier) could go along way in making it better.
4. Overall, I think the felony block system works well. There is more accountability to the public; cases have moved faster through the system, cases seemed to be resolved because in part there is one judge to deal with and not multiple judges with totally different approaches to sentencing. I think the bench has demonstrated an excellent commitment to staffing this project, to selecting judges that are respective of the process and the players, selecting judges that are comfortable with making those tough sentencing decisions that assist in resolving cases.
5. Let's keep it going. It's much better than the previous system.
6. It is a work in progress but all in all, it is a good thing.
7. I think it is generally pretty good. Some Judges are so backed up that when they are in trial there is too much delay and waiting around.

Think it is a bad method:

8. Go back to the old system
9. I think it has further complicated an already complicated process.
10. It is unnecessary and has resulted in violations of the right to a speedy trial, even for in custody clients, on a level that was unheard of under the old trial calendar system. A few types of cases may benefit from special assignment ... the majority do not get handled any faster or better by blocking them. This system also forces more "blanket" removals of judges. Under the old system, a judge could be given a chance on a case or two and the attorney can assess the judge's performance. Now the filing decision has to be made immediately and on several cases at once.
11. Old system was more effective. We really just need good judges to resolve cases. There is quite a disparity in this currently. If you end up with some block judges, nothing gets resolved while others are great at it.

Bring in different judges/Need right personality on bench:

12. Choose judges for the assignment that are not afraid to make tough decisions. Request probation to make criminal record summaries for criminal sexual conduct 1st degree and murder cases that are specially assigned and have an actual OM date scheduled for specially assigned cases.
13. It can work, but only with a number of alterations, specifically, assign the right judges to the block. A number of the judges currently assigned are great, but others are not the right fit.

Scheduling issues:

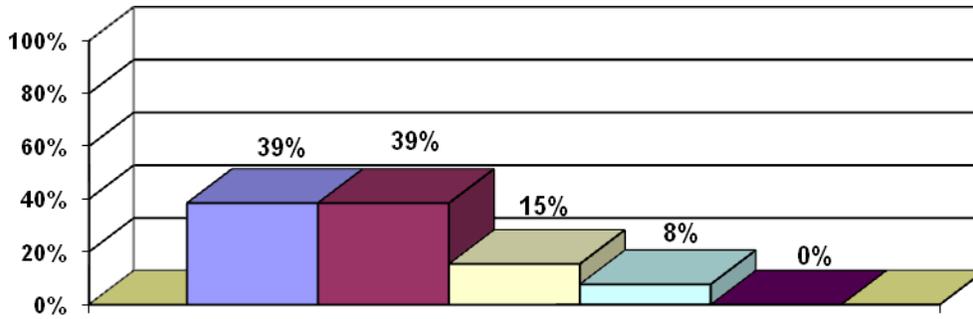
14. Like all new changes it will take some time getting used to. I know that there has to be a better way to procedurally move these clients through the process. But am at a loss as to what steps are needed to facilitate this. One quarrel that I do have with the block system is that my OM weeks seem to always conflict with my trial weeks for my misdemeanor cases.
15. The assigning judge refusing to grant a continuance to a trial team when one lawyer had to have unexpected surgery is unbelievable. This was denied due to overloaded calendars and a misplaced belief that trials must take place at all cost with no continuances for any reason. This is wrong and unjust.
16. The only improvement is that I don't end up with a trial scheduled every day of the week, every day of the year. However, now I have trials set on Mondays where the judge has many other trials set the same day, with no way of knowing whether my case is going to go or not.

Other:

17. Appreciate the courage to take on some change and try to improve things.
18. The complaint I have is an old one and doesn't seem to carry any weight. It seems that the people who do the work day in and day out and know how to make things run better are never consulted. Maybe it's because the PD and the CAO send management people not real workers to these meetings.
19. The Judges should hold accountable the public defenders that are always late or never convey the offer to their client before the appearance.

Appendix D
2007 Judge Opinions
Felony Block Survey - Judges' Results

1. What do you think about assigning these types of cases to a single judge to keep throughout the course of the case?



■ Think it is the best method
 ■ Think it is a good method
 ■ It makes no difference
■ Think it is not a good method
 ■ Think it is the worst method

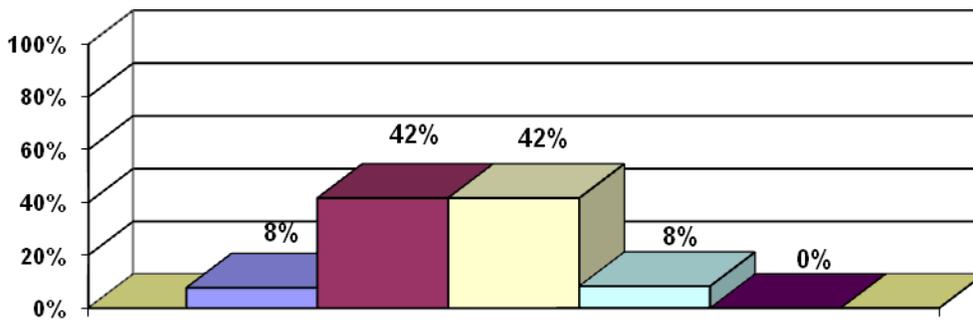
Average response from a scale of 1 to 5: **4.42**

Percent positive: **76.9%**

Percent neutral: **15.4%**

Percent negative: **7.7%**

2. Think back to the way the court processed these cases prior to the Felony Block Pilot. Do you think that attorneys are better prepared or worse prepared (discovery completed, motions completed, pleas taken earlier, and fewer trial cases) under the new system?



■ Much better prepared
 ■ Better prepared
 ■ No difference
■ Worse prepared
 ■ Much worse prepared

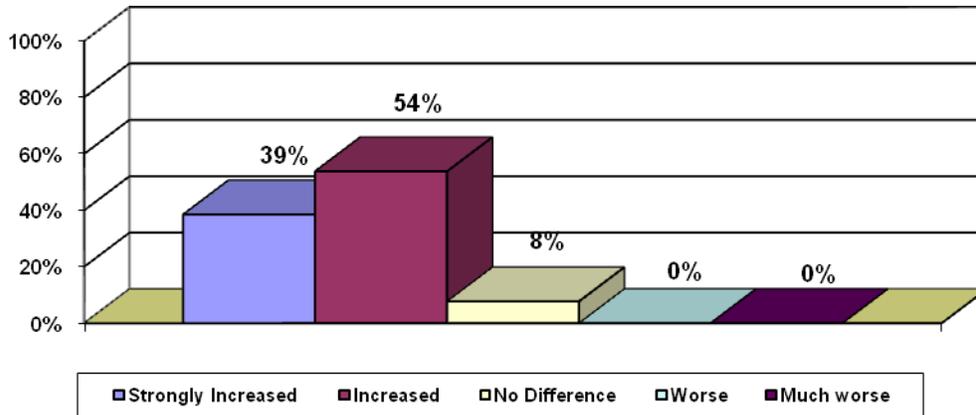
Average response from a scale of 1 to 5: **3.67**

Percent positive: **50.0%**

Percent neutral: **41.7%**

Percent negative: **8.3%**

3. Do you think the Felony Blocking Pilot has increased or decreased accountability?



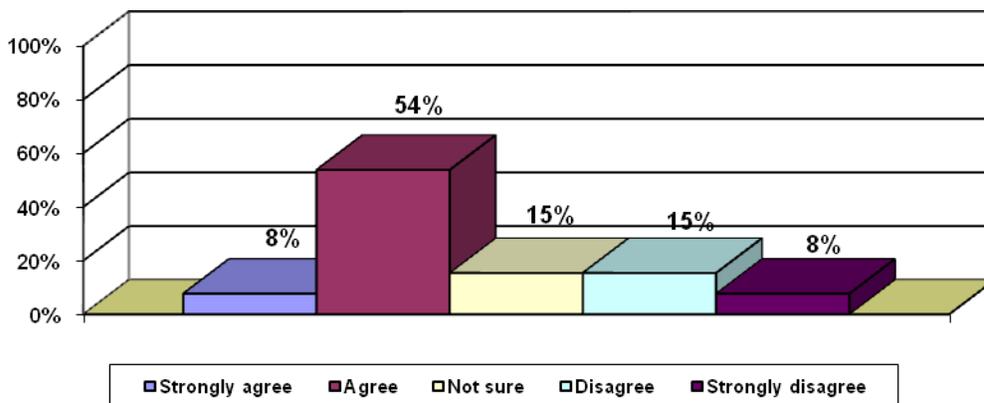
Average response from a scale of 1 to 5: **4.00**

Percent positive: **92.3%**

Percent neutral: **7.7%**

Percent negative: **0%**

4. Do you think that the number of judges that the court has assigned to the Pilot is the right number (eight at this point)?



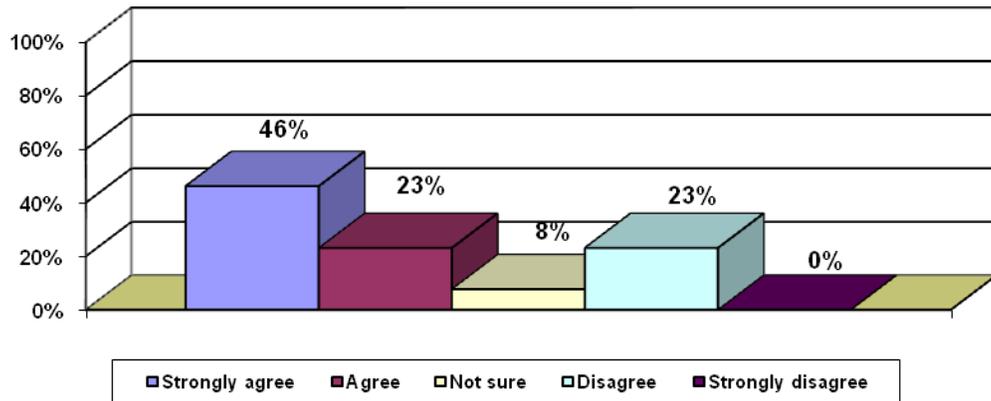
Average response from a scale of 1 to 5: **3.50**

Percent positive: **61.5%**

Percent neutral: **15.4%**

Percent negative: **23.1%**

5. The felony block Pilot has been in place for 2 ½ years. Do you think the Block should continue?



Average response from a scale of 1 to 5: **3.50**

Percent positive: **69.2%**

Percent neutral: **7.7%**

Percent negative: **23.1%**

Appendix D-2
2007 Judge Comments
Judge Felony Block Survey Open – Ended Responses
Categorized into Positive, Neutral and Negative

**Q1) What do you think about assigning these types of cases to a single judge to keep throughout the course of the case?
Why do you think that?**

Positive Comments (6)

1. Accountability is always a good case management tool. There are reasons why this assignment is a hard one, but in terms of case administration I believe it has worked well.
2. It has allowed more control over the processing of felony cases. Having a smaller group of judges involved also allows for greater consistency in applying the criminal rules, in sentencing and in chambers practices. The judges meet regularly and can share observations about cases and attorneys and develop a somewhat uniform response. The block judges began inviting the CA and PD to one of the two monthly meetings, so the attorneys had access to the block judges to share concerns or questions. It isn't perfect but it is a better way to handle what are among the most serious cases in our system than a master calendar system.
3. Accountability. I did the block for 2 years. Numbers of continuances were minimized. Pretrial issues were identified earlier. And, at least initially, lawyers were better prepared. I could make my expectations clear and the lawyers got to know what they were.
4. The cases seemed to settle or be set for trial based on the facts of the case and other factors, and who the judge was did not seem to make a difference. Judges are supposed to minimize their role in the plea bargain process, and my experience was that the fact I was the assigned judge seemed not to matter.
5. It allows the judge to actively manage a case, e.g., keep the lawyers moving, flush out legal issues for early resolution, propose sentencing suggestions upon the parties' request. It allows the judge to be held accountable for the work he or she does or doesn't do. It creates a greater sense of certainty for the parties earlier in the case as to what sentence may be imposed upon conviction.
6. The judge has a sense of ownership over the cases and had much more incentive to settle the cases at an earlier time.

Neutral Comments (2)

1. There is no one best method. Whether it works depends on many things. Each assignment method has strengths and weakness.
2. Control over the case from the start helps with consistency in the case -- for the judge, judge's staff, attorneys, defendant, witnesses, and family members. I tend to think, in a perfect world, ALL cases should be blocked on a rotating basis as they come in.

Negative Comments (1)

1. Resources could be better utilized by having fewer judges [3 perhaps] assigned to felony block, confining it to pretrial activities and sending the trials to trial calendar. It makes sense for one judge to do the pretrial activities but not through trial. Many if not most trials are resolved by being in a position to try the case, especially out of custody cases. Little is gained by the judge being familiar with the case on day of trial due to prior exposure to the same. I believe the fear of "judge shopping" as the cause of delay is a fallacy; and even if it was true, so be it.

Q2) Think back to the way the court processed these cases prior to the Felony Block Pilot. Do you think that you are better prepared or worse prepared (discovery completed, motions completed, pleas taken earlier, and fewer trial cases) under the new system?

Negative Comments (3)

1. There was slippage and the failure of the PD office to consider divisions or other changes in assigning made it difficult to change the culture of delay but it creates a better, more accountable system which would encourage judges to take control of their cases.
2. Attorneys are quite overworked, both prosecution and defense. Consequently, I think preparation has slipped a lot from the initial start of the felony block. I think we're back to where we were before the block started. I didn't see pleas taken earlier, and I didn't see fewer trial settings.
3. The discovery is generally better. Some lawyers are ready to talk settlement at the first omnibus. Others have hardly talked to their client and have not read the file. It does not seem to be resolving things sooner and lawyers have learned that jamming the trial calendar. Out of cases go on for every because of the pressure of in custody speedy trial cases.

Positive and Negative Comments (2)

1. At the beginning they were significantly more prepared. I think that the judges share responsibility in part for the breakdown. There were judges on the block who's expectations were inconsistent and who did make a habit of continuing everything and this undermined what the rest of us were trying to do.
2. Only a slight improvement and not as much as expected.

Positive Comments (2)

1. Under the master calendar method, I had attorneys come completely unprepared for trial. In a block system, when trial dates or continuance dates are scheduled, lawyers must tell a judge to whom they are accountable why a certain trial date or continuance date is necessary, and what needs to be done before that date. I believe this process facilitates preparation.
2. There is not a tremendous difference. However, the attorneys resolve the pretrial issues sooner and are forced to make offers sooner. The felony block judge has the ability to continue an omnibus for a very short period of time to have the attorneys complete discovery, if not done.

Q3) Do you think the Felony Blocking Pilot has increased or decreased accountability?

Positive Comments (4)

1. Judges are responsible for their cases and have to live or die by their management and decisions. Statistics are shared with the group so judges can compare their stats with the other block judges. They meet regularly and so can share tips and strategies for case management. They can be empowered to hold lawyers more accountable because they are not acting on their own but enforcing a group norm. The judges can also keep book on lawyers more easily and report problems in a way that reflects chronic, not just isolated, behavior. The lawyers know that they will see the same block judge often and so perhaps are more careful to not violate rules.
2. It was very obvious from the stats, which Judges were disposing of cases in a timely matter and who was not. It was also easier to hold attorneys accountable because they could not make repeated excuses to the same judge. We could insist on accountability which is impossible when you only see one stage of a case.
3. Increased the ability to measure the productivity of judges.
4. Under the master calendar system, a judge can figure out ways to avoid work (e.g., take all day to settle a misdemeanor case), if the judge is so inclined. The backlog of cases resulting from the judge's inefficiency becomes someone else's problem. Under a block system, the number of cases a judge resolves is readily available for everyone to see. A judge cannot pass on to others the negative consequences associated with inefficiency.

Neutral Comments (2)

1. Certainly each judge is accountable for the cases assigned, so from that standpoint we know the numbers. What is not accounted for are the difficulty of the cases and the differences among the various prosecutors and defense lawyers.
2. Depends on the participant.

Negative Comments (1)

1. Where is there accountability? It has increased pressure on 8 judges but not necessarily accountability. If a judge is doing a good job (whatever that means) or not doing a good job (whatever that means) we do not tell anybody. The bench and the public do not know anything about how different judges are doing. Does having a low case load mean a judge is doing a good job? Not necessarily. What are we being accountable for and what are the measures of that?

Q4) Do you think that the number of judges that the court has assigned to the Pilot is the right number (eight at this point)?

Positive Comments (3)

1. Overall eight seems to be a good number. The block judges as a whole have been very good about volunteering to help on non-block cases and to help each other so any down time is generally used to the benefit of the overall system.
2. I say this in light of what seems like a reduced number filings during the last 6-9 months of my term on the block (January 2007 through June 2008). By the end, I was able to limit my Monday trial calendar to 2 - 4 cases. Earlier in my term, it seemed like I would have a minimum of 6 cases on for a Monday trial. This was hard to manage, but the job got done. I should add that the team of public defenders I worked with at the end was much better than the team I worked with in the beginning.
3. I agree that the current number of judges is the correct number to handle the caseload, but I also know that if I were not on the felony block I would feel jealous of those "on the block" since the basic trial calendar is not as exciting or predictable in the workload. So, if I had my druthers, all cases would be blocked to judges.

Positive and Negative Comments (2)

1. I think eight should do it. Too many weakens the consistency. In order for the block to work, the judges need to be chosen for work ethic and willingness to hold the line. While I was on the block judges were added primarily because one judge could not move his case load. Once the new judges were added, the problem persisted with that one person.
2. I agree that 8 is enough for the current setup though I would modify the program and only do the pretrial activities on a block basis. This would allow a reduction of # of judges needed by at least 50% for the pretrial activities and the remainder could go to trial calendar.

Negative Comments (2)

1. The 8 judges cannot handle the volume of the cases without significant violations of speedy trial rights for some defendants.
2. The block system will not improve with more judges. We do not have more judges to put onto the block even if we wanted to. The problems with the block are not with the number of judges.

Neutral Comments (1)

1. I believe there should be a sort of "set point" or "critical mass" that each block judge should be carrying as a caseload. If cases end up getting continued frequently on the trial date because the judge has too many trials scheduled, that probably indicates that the caseload is too large to be workable. (Most often, however, there are other reasons -- often attorney unavailability -- that cause trial continuances.)

Q6) What can the court do to improve the handling of these types of cases?

1. Encourage the PDs to make changes in how they cover cases so their lawyers don't have to run all over to cover all types of cases. The block judges could be more strict in enforcing discovery rules.
2. More judges available to take trials, if necessary.
3. Accountability. No better deals on the day of trial. NO judges on the block who don't want to do trials. Sanctions for discovery violations.
4. We need more judges available for trial. We also need more prosecutors and public defenders.
5. Keep the pressure on the attorneys by setting firm and enforceable trial dates.

6. Judges should do as much as possible to facilitate discussions among lawyers doing the week before a scheduled trial. This would give lawyers and the judges a better sense of the likelihood of any one case going to trial.
7. Enforce pretrial orders.
8. Grant fewer continuances. Judges should not get involved in day-of-trial negotiations.
9. Confine blocking to pretrial activities.
10. There a lot of things. It depends on whether the question is how can the block be improved or how can we handle these cases better without the current block system.
11. Work with the staffing issues with the County Attorney's Office and, much more importantly, the Public Defender's Office. We lose way too much time due to waiting for people -- since they are overworked, they need to be in many places at the same time, which only causes backlogs everywhere in the system.

Q7) What can the County Attorney's Office do to improve the handling of these types of cases?

1. To the extent possible, attorneys should be "blocked" to a "block." The block system (as I have experienced it elsewhere) works best when there is a "judge-prosecution-defense" team. Also, although I have not been on the block for awhile, I know there were serious issues with prompt provision of discovery. If that is still a problem, it needs to be addressed.
2. Get discovery and offers out quickly, as they had committed to do. Investigate cases more thoroughly before charging.
3. The CAs, by and large, do a good job.
4. Timely discovery. They went to the county board and got \$ for new positions but then failed to provide timely discovery. Charging--some people charged high and consistently dumped cases on the day of trial ("X"). Training: get rid of lawyers who don't want to do trials. Train lawyers so that they have the skills they need to charge properly and go to trial when necessary. Buck up: no blaming supervisors for lack of discretion. You charged it, now deal with it.
5. Increase staff assigned to these cases, including paralegals who get out the discovery.
6. More rigorous screening of the initial charging decision followed by early, repeated evaluation of the case long before trial.
7. Key witnesses should be interviewed by the trial attorney early in the process so that realistic offers can be made early in the process. There should be a higher number of cases in which offers get worse as the trial date approaches.
8. Do not offer better deals on the day of trial unless it is due to unavailability of witnesses.
9. Require more in depth investigations before issuing charges. Modify the charging rotation to match up with a judge or limited number of judges.
10. Block prosecutors to particular judges and dedicate them to the block only--i.e., no specially assigned cases or other calendars. Hire more lawyers though I understand there are financial constraints. Give the lawyer who will try case authority to negotiate and quit second guessing them from on high. I find the most common reason for trial delay from prosecutors is in trial w/ a different judge.
11. Be mindful of staffing. Be able to have attorneys ready to fill-in as needed for their colleagues -- maybe have an on-call attorney just for that purpose to handle pre-trial hearings, etc. on an as-needed basis.

Q8) What can the Public Defender's Office do to improve the handling of these types of cases?

1. Change their assigning to allow for divisions or another method that reduces the need for lawyers to be everywhere. Get the lawyers to show up, at all. The amount of time that a judge's staff spends trying to track down lawyers, largely PDs, is ridiculous.
2. More attorneys. BE ON TIME!!!
3. Show up. Talk to your clients. Be prepared. Read the file before you come to court. Client control. Show some sense in what you decide to litigate. Training, training, training. Some lawyers are painfully inadequate in trial skills and negotiation ability. Hiring: get people who are not afraid of trial.
4. They need more attorneys. They are severely underfunded and understaffed.

5. Early evaluation of the case and increased contact with the client regarding the strength/weakness of the case and settlement possibilities.
6. Public defenders should interview key witnesses early in the case. A defendant will more readily accept a public defender's assessment of the case (and take a deal) if the defendant can see that the public defender has investigated the defendant's version of the case. The public defender's office should have a misdemeanor division to train new lawyers and to minimize scheduling conflicts.
7. Talk to clients prior to the OM.
8. Get cases to the conflict panel more efficiently. Manage calendars so as to avoid multiple simultaneous appearances.
9. The multiple calendar assignments of the PDs is particularly perplexing. It conflicts w/ the ability to make appearances and jams them up on trials as well.
10. Have more people -- or at least have the people they have show up on time or let us know if they will be late. I have had a number of questionable reasons for why an attorney is not available. Having a stand-by attorney to handle the more mundane hearings, etc. could help ensure we do not have multiple judges waiting on an attorney.

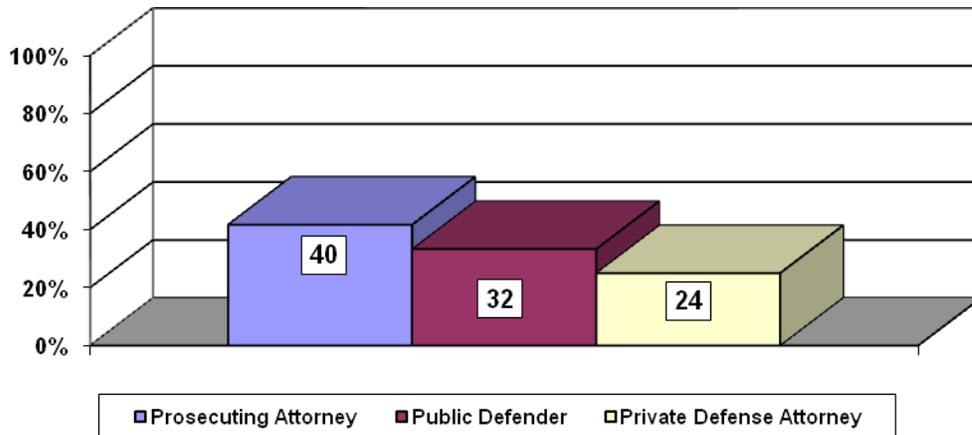
Q9) What else do you want the court to know about your thoughts regarding the Felony Block Pilot?

1. It is an exhausting assignment -- not so much because of the workload, but because of the nature of the offenses. These cases are most often the worst of the worst, involving serious injuries, etc. I think it should be rotated -- two years was what I believe we agreed to for this assignment. Volunteers could stay longer, as long as there is not someone waiting in the wings who wants to pick up the assignment.
2. The block has largely worked. It has not fallen apart and while it can be stressful for a judge, it has produced, generally, a high amount of job satisfaction. It can be improved but is a much better system for felonies.
3. There has been a lot of sabotage of this project, I think. IT requires us to be accountable and some judges do not like that. Many refuse to hold the lawyers to any kind of standard. Many continually postpone the inevitable hoping it will just go away. Time is the leverage for settling cases. Set a trial date early and stick to it. Stop excusing bad 'lawyering' by saying they are over worked. I very much enjoyed my time on the block. I think it is a terrific assignment but if you do it right it is a lot of work. And you must be willing to hold people's feet to the fire.
4. I was thoroughly exhausted after I finished my block rotation. I was constantly concerned about the number of trials set which I could not get to trial because of speedy trial demands on in-custody cases. It was almost impossible to get an out-of-custody case to trial, because the in-custody cases had priority.
5. Even if the number of cases set for trial on the felony block is similar to the numbers set under the master trial calendar, the felony block is still worth keeping. The problems associated with a blocking system can be addressed in more immediate and direct ways than the problems associated with a high volume, master trial calendar system. Problems with that kind of system (judges' and lawyers' unaccountability) may not be fixable.
6. I think it would make sense to include the Criminal Sex cases in the felony block. They do not usually take the length of time a murder case takes.
7. The statistics probably will not show systemic improvement under the block system. The improvements are subjective.
8. It has been an adventure--well meaning, but ultimately not an efficient use of resources. Elimination of the most efficient court we had--the un-model Drug Court--and transferring those cases to the block has compounded the problems.
9. I think it is not a very efficient use of judge time. Running 9 TCC's (8 plus the master) wastes a lot of resources and cases get older and people sit in jail or when releases never get to trial. There is a lot more to say than can be covered in a short survey like this. Given what I have to get done today I cannot type it now. I will be happy to discuss it further at a block or bench meeting.
10. While I enjoy being on it, I did not thoroughly enjoy being on the trial calendar. I think all cases should be blocked -- but I like having a smaller "team" than the entire bench since we can agree on policies and procedures among ourselves to make it work, without feeling like as an individual judge you are going out on a procedural limb.

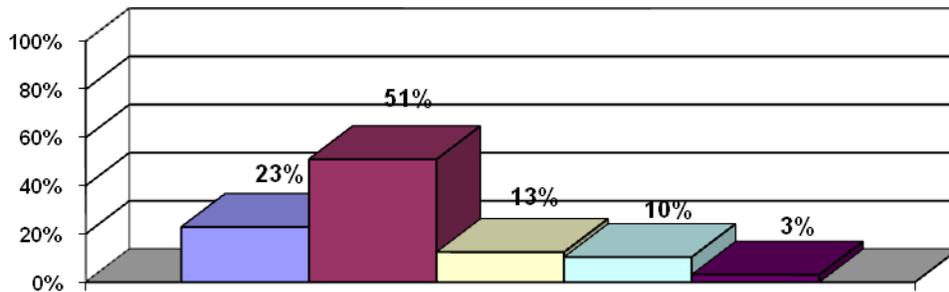
Appendix E 2007 Attorney Opinions

Felony Block Survey - Attorney Results

What type of Attorney are you?



1. What do you think about assigning these types of cases to a single judge to keep throughout the course of the case?



Think it is the best method
 Think it is a good method
 It makes no difference
 Think it is not a good method
 Think it is the worst method

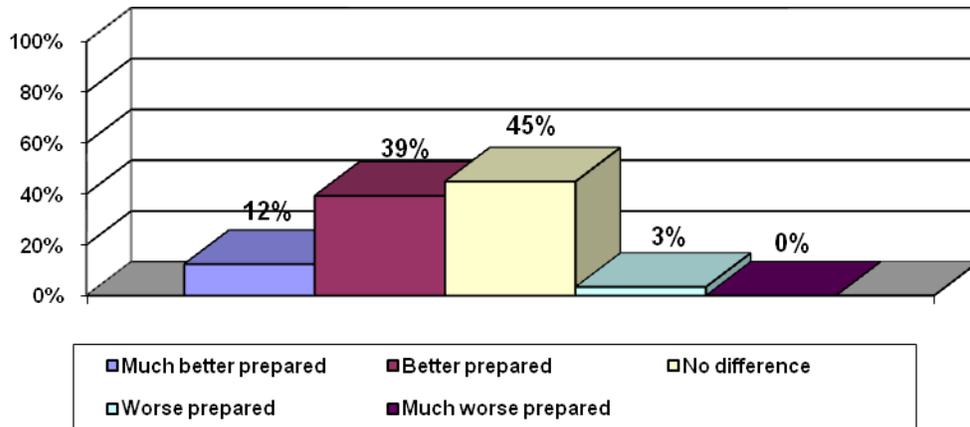
Average response from a scale of 1 to 5: **2.20**

Percent positive: 74.0%

Percent neutral: 12.5%

Percent negative: 13.5%

2. Think back to the way the court processed these cases prior to the Felony Block Pilot. Do you think that you are better prepared or worse prepared (discovery completed, motions completed, pleas taken earlier, and fewer trial cases) under the new system?



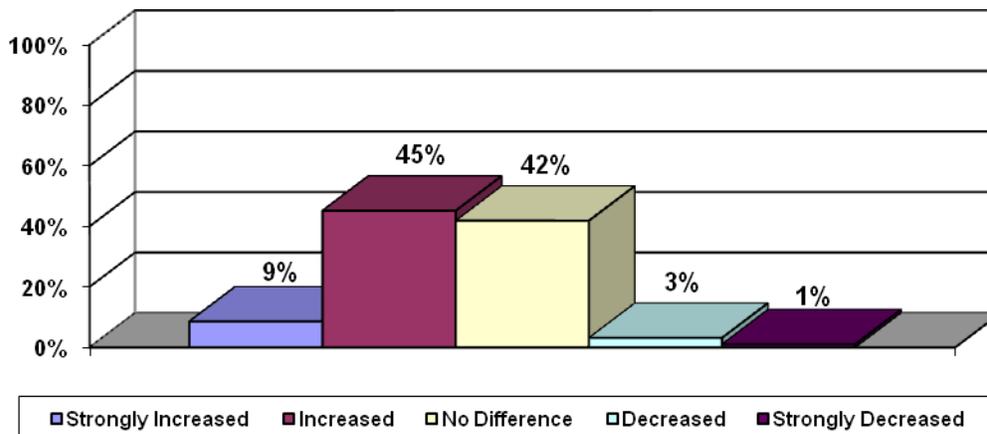
Average response from a scale of 1 to 5: **2.39**

Percent positive: 51.7%

Percent neutral: 44.9%

Percent negative: 3.4%

3. Do you think the Felony Blocking Pilot has increased or decreased accountability?



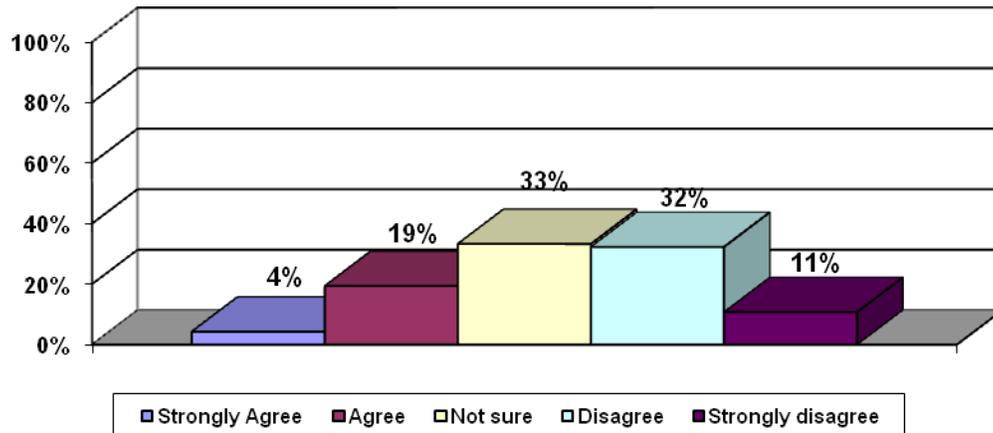
Average response from a scale of 1 to 5: **2.43**

Percent positive: 53.8%

Percent neutral: 41.9%

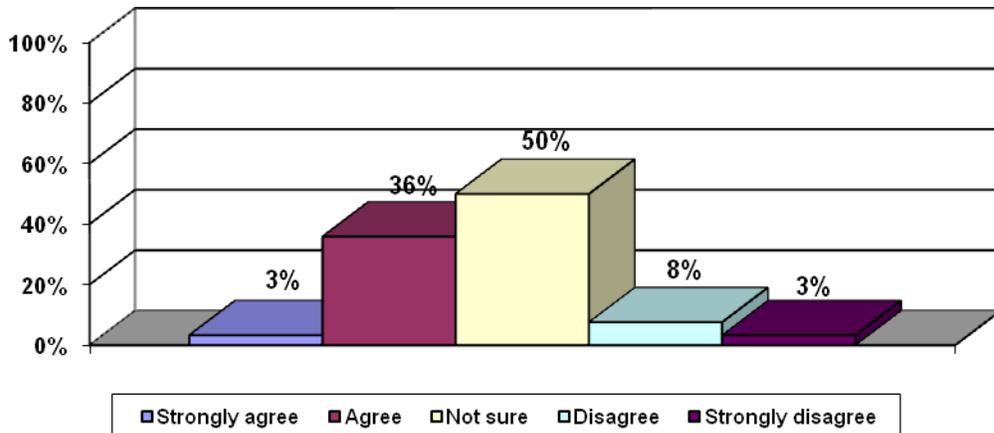
Percent negative: 4.3%

4. Do you think that the number of judges that the court has assigned to the Pilot is the right number (eight at this point)?



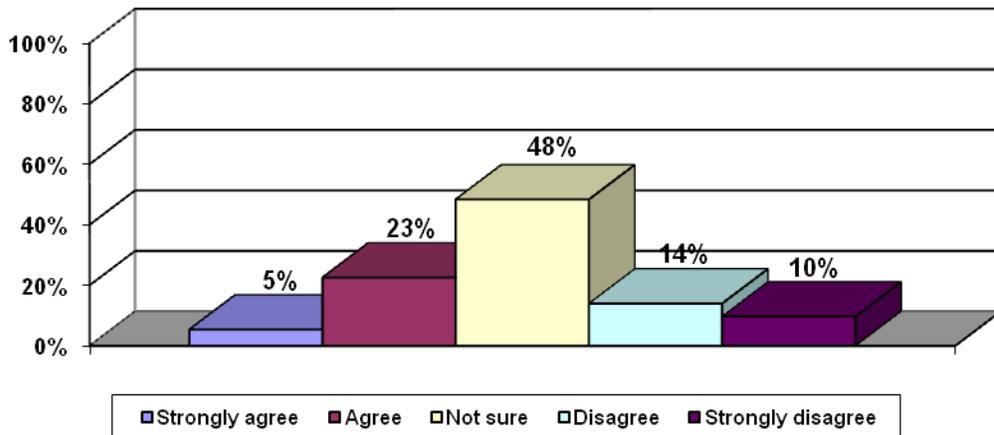
Average response from a scale of 1 to 5: **3.26**
Percent positive: 23.7%
Percent neutral: 33.3%
Percent negative: 43.0%

5. Do you think that the County Attorney's Office has assigned enough attorneys to this Pilot?



Average response from a scale of 1 to 5: **2.72**
Percent positive: 39.1%
Percent neutral: 50.0%
Percent negative: 10.9%

6. Do you think that the Public Defender's Office has assigned enough attorneys to this Pilot?



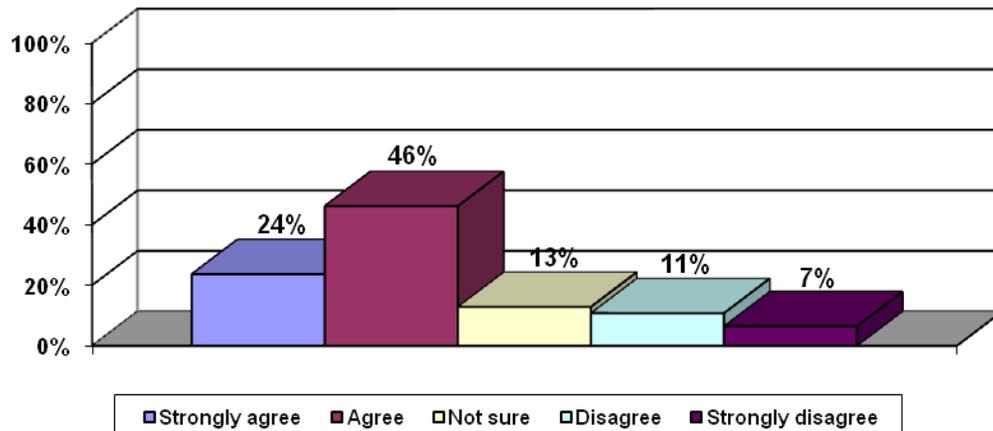
Average response from a scale of 1 to 5: **3.00**

Percent positive: 28.0%

Percent neutral: 48.4%

Percent negative: 23.7%

7. The felony block Pilot has been in place for 2 ½ years. Do you think the Block should continue?



Average response from a scale of 1 to 5: **2.30**

Percent positive: 69.9%

Percent neutral: 12.9%

Percent negative: 17.2%

8. What can the court do to improve the handling of these types of cases?

9. What can the County Attorney's Office do to improve the handling of these types of cases?

10. What can the Public Defender's Office do to improve the handling of these types of cases?

11. What else do you want the court to know about your thoughts regarding the Felony Block Pilot?

Appendix E-2
2007 Attorney Comments
Attorney Felony Block Survey Open – Ended Responses
Categorized into Positive, Neutral and Negative

Q1) What do you think about assigning these types of cases to a single judge to keep throughout the course of the case?

Positive Comments (32)

1. Its good as long as the right judges are assigned
2. First, because it limits the number of judges we are scheduled to appear in front of and that maximizes the ability to attend the hearings on time and not be delayed because we are triple scheduled before other judges. Second, I think the block system makes judge's more motivated to facilitate a resolution early on if they view the case as resolvable. Third, I think the judges need to schedule two cases at one time slot and expect that most of these cases will need more than one omnibus hearing for a variety of reasons: first, because there is ongoing discovery from both parties; second, defendant's need some time to consult with their attorneys and families before they accept a resolution.
3. Judges take ownership of cases. And, knowing the assigned judge before the trial date gives defense attorneys no reason to stonewall on negotiations at pretrial hoping to get a better deal later.
4. Familiarity can increase the chance of better, faster settlement.
5. The judge knows the case and it makes scheduling easier
6. The Block System has been effective for scheduling and case resolution
7. The judges are more familiar with the case and the progress we have made on negotiations. It seems more efficient and helps to settle cases.
8. When a judge has greater familiarity with the case, he/she has a better sense of which cases "should" go to trial (or, perhaps more accurately, which cases "must" go to trial), and which can be/are better handled by settlement.
9. This is the best way to fairly distribute cases to the judges it keep good data. It promotes accountability and discussion on case management and practice.
10. All of your cases are then in front of one Judge and you do not have to run around appearing before multiple judges. You can better manage your calendar.
11. Consistency in the decision making process, more accountability for the case and the parties involved
12. When judges know they will see a case through the process, they are more likely to move the case along expeditiously and resolutions are reached in an earlier fashion.
13. It is helpful for one judge (and decision maker) to have all of the facts for a particular matter and know the dynamics in the case.
14. Consistency. You know what to expect when you get to court.
15. I think the judge has better knowledge of the case and thus is able to make more informed decisions with regard to disposition and sentencing.
16. It saves time in that you don't need to start from scratch at each appearance. It also motivates the judge to work on settlement and not just set things for trial to move the calendar along.
17. Prevents a little bit of the "judge shopping" that otherwise goes on.
18. Assures judicial responsibility for the case from the beginning. Curtails judge shopping from either side and keeps the case on track.
19. Seems to work best. I think it provides a bit more certainty or predictability to help resolve cases.
20. There is some continuity
21. This answer depends upon the judge. An effective block judge is one who is neither strongly prosecutor nor strongly defense oriented. A block judge must be able to cut through the muck and get to the bottom line. A block judge must be able to make a reasoned, timely decision. A block judge must be willing to assume some risk. A block judge cannot be too politically sensitive. Overall, the judges on the block thus far have met those criteria. The same is true of the old pretrial system.

22. Although that depends heavily on the judge you get at the time you are blocked on your cases. If the judge is comfortable with his role as court referee, with the ability to make the decision no matter which side it benefits, then it is a good thing.
23. I think the chances of settlement are better with a judge who has seen the case from the pre-trial and beyond, not just on trial day. It also helps in making sure the prosecutor is held accountable in getting discovery to the defense in a timely manner and is accountable if it is not done in a timely manner.
24. Less confusing; consistency in scheduling and coordination with Motion practice; quicker resolution overall.
25. It is not perfect, but having one judge who is vaguely familiar with an out-of-the ordinary case is more efficient than having to re-educate a different judge each time that case is in court.
26. It is fair
27. I think that it can result in greater consistency, higher likelihood of resolution before the trial date, and better management of cases individually. That hasn't been entirely true with the block so far.
28. Continuity in rulings; no judge shopping; ease of scheduling for all concerned.
29. The judge is familiar with the case, parties do not need to re-explain the details of the case to a new judge.
30. The gets a feel for the case, as opposed to it being dumped in his/her lap cold on trial day.
31. Judge has opportunity to distinguish levels of culpability between co-defendants.
32. The revolving door of chronic offender crime cannot be effectively addressed unless the criminal justice system provides consistency. Assignment to a single judge should not be limited to these types of cases. Rather, chronic offenders should have a consistent judge; prosecutor, probation officer, and defense attorney that is assigned to a particular defendant not just for a particular case.

Positive and Negative Comments (11)

1. I don't think that there is as much need for background on a case to make the right decision at the next stage; certainly not as much as in a civil setting. Though I can see some advantages to a judge having had a history with the case.
2. It prevents judge shopping by defense attorneys, but there are a number of flaws.
3. This is a good system because having one judge speeds up the process in the sense that both sides get down to the real issues much earlier in the case, you have a known quantity in terms of what the likely sentence will be, you can get an audience with the judge much easier if a new issue arises. The main problem with it is that some of the judges do not want to become involved in the settlement discussions in a meaningful way until they have to (yes I am aware that the appellate courts have said that this is improper), which results in the backlogs which plague the system, especially with the large number of in-custody cases. Also, in complete candor, some of the judges are not really qualified to handle the disposition of the serious cases which come before them.
4. It all depends on the quality of the judge. "Bad" judges ("X", e.g.) should NEVER handle cases while "good" judges ("X", e.g.) should keep cases.
5. Good because of continuity and if the judge is a sound trial judge and fair, then everyone benefits. Bad if it is a judge with opposite traits.
6. It could be better if there were fewer cases per judge. It is difficult to get an out of custody case to trial because they keep getting bumped by an in custody trial (as they should). It isn't the judge's fault. They work incredibly hard while the rest of the bench doesn't seem to be working all that hard.
7. It appears to keep the cases moving. I don't know if it's helped with resolving cases any earlier.
8. Some of the judges use their assignment to encourage settlement and move cases along. In those situations it is a great plan. If judges don't encourage settlement and or require people to be prompt and make motions in a timely fashion then I don't think there is a benefit.
9. It varies so much with the particular judge. Some have the ability to handle the calendar, and some do not. It is particularly untenable when the judge cannot manage the calendar, in-custody cases back up, and people do not have trials within the speedy time lines because the judge has so many cases pending.
10. Scheduling is easier when you are dealing with one Judge. However, when trials come up there are way too many cases to deal with and sometimes the Judge puts too much pressure on the attorneys to resolve cases that really need to be tried.
11. It's different depending on which perspective you are coming from, and what kind of case you have. For complicated cases involving high dollar amounts or many witnesses, having one judge is helpful, as they

remember what is happening at each appearance. However, part of what the defense bar does is try to resolve cases in front of a judge more likely to show some leniency on the client. In that sense, it may cause increased appearances or a higher incidence of trials if you are stuck with one judge who already sees the case one way. It provides fewer opportunities to resolve cases, essentially.

Negative Comments (10)

1. I think the whole idea of finding some magic method to avoid the delay that always occurs as we try and find some kind of justice in these cases is misguided. To emphasize speed rather than fairness is a big mistake, and the result of emphasizing speed is that fairness is sacrificed.
2. The prosecutors still don't know their cases very well at pretrial, generally, and cases are still not settled or dismissed until the trial date.
3. This method increases the difficulty of case settlement. When parties already know which judge they are assigned to certain offers and counteroffers are eliminated given the judicial officers known preferences for the disposition of certain types of cases.
4. The goal is to move cases more quickly through the system. However, this system merely eliminates day of trial removals. Because judges are discouraged from inserting themselves too deeply in settlement discussions, the present system emboldens prosecutors to make lousy offers. If this system is kept, encouraging prosecutors to talk to their witnesses before the day of trial, through enforcement of discovery violations, would help even more.
5. It's only as good as the judge that is assigned the case. If judges are not willing to be involved in settling cases blocking will not work well.
6. It winds up causing scheduling problems for busy public defenders.
7. There appears to be no incentive to settle the case at the pre-trial. Cases wait around forever to get tried. I have several cases from the spring of 07 still not tried.
8. You tie up the judges assigned, which in turn reduces the number of judges available to try gross misdemeanors and misdemeanors
9. It does not allow for creativity in settlement. I have found that the blocked judges do little to facilitate settlement as they have prejudged the case from the beginning. No matter what might have changed circumstantially for the defendant or what new evidence comes to light, it seems that the judge is unable to review the case in a new light.
10. The only difficulty arises when the assigned judge is brand new

Neutral Comments (4)

1. It works when the judges can manage their caseload competently
2. It is all dependent on the Judge you are "blocked" to.
3. ...theoretically.
4. Some judges are better than others to help resolve cases

Q2) Think back to the way the court processed these cases prior to the Felony Block Pilot. Do you think that you are better prepared or worse prepared (discovery completed, motions completed, pleas taken earlier, and fewer trial cases) under the new system?

Neutral Comments (12)

1. I don't prepare my cases depending on how the court structures its calendars.
2. It was easier to be unprepared because there were so often no judges available for trial and you would know that the out of custody case would be continued.
3. I was not here before the Felony Block Pilot.
4. ONLY METHOD..I've experienced
5. I cannot comment on this because I never handled a serious felony in Hennepin Co. prior to the felony block system.
6. I did not practice in the system prior to the Felony Block Pilot.

7. I still don't get discovery any faster, so I am not in any better position to handle the cases than I was under the old method.
8. not applicable
9. I cannot speak to this as I only practiced in this district from June 2007.
10. The bloc (proper spelling) (*sic*) has no bearing on attorney preparation. That is a function of their personal professionalism or institutional structure. E.g., we hired more paralegals and gave them instructions to assign higher priorities to early discovery, but that could have occurred regardless of the Court structure.
11. Depends on the Judge
12. I wasn't here prior to the new system
13. I am always prepared for my cases.

Positive and Negative Comments (4)

1. I believe that discovery is more complete under the block but I do not think the defense attorneys have always looked at it and the judges do absolutely nothing if that is the case. The point of the system was to have the defense lawyers better prepared to negotiate because they have the discovery. The defense attorney's lack of preparedness frustrates the system, block or no block.
2. I am better prepared, but I do not think most prosecutors are.
3. Overall better prepared, but the system is slowly becoming the old system. If ALL the discovery is not made available in a timely manner and REAL offers are not made early in the process, the type of system adopted will have make little difference.
4. My preparation is the same. It appears prosecutors are less prepared.

Negative Comments (4)

1. Just as with any system, people find ways to circumvent the requirements, or to do less than what is required of them. I think cases did not get resolved efficiently because it was easier to "let them slide" if the judge assigned to the case was not willing to stand up and get things done.
2. I am not saying the other method is any better, I am just saying it is not a process designed to work well under the gun, so to speak
3. Prosecutors can be dilatory on discovery and cite case overload with the blocking system.
4. We still need to get more offers prior to the OM hearing. Maybe the OM should be 4 weeks out. We also need to get the criminal history score quicker.

Positive Comments (4)

1. We had to change the way we conducted discovery so that information pertaining to a case was obtained much earlier and therefore provided to defense counsel much earlier.
2. My preparation has remained the same. However, depending on the judge's adherence to timelines and consequences for failure to abide guidelines, the system can work.
3. Discovery has been accomplished as it always has. These obligations are open and ongoing. Timing is often not in either lawyer's control. Discovery mostly comes from the County Attorney. Their office does a very good job of getting it out.
4. The interest in judge-shopping is curtailed once the judge assignment is settled. It is easier to get a handle on what the probable disposition will be early on.

3. Do you think the Felony Blocking Pilot has increased or decreased accountability?

Neutral Comments (10)

1. According to my colleagues. But, again, it depends on the judge one is assigned to.
2. What do you mean by accountability? Of the accused? If that is seen as a goal of the block system, someone should seriously consider whether that is consistent with our system of justice. At least before a conviction. In other words, if someone is convicted, it is fine to talk about accountability. But before a conviction, an accused is presumed innocent. What do they have, at that point, to be accountable for? So

are we trying to rush to a conviction so we can hold a possibly innocent person accountable for something they did not do?

3. depending on judge
4. I did not practice in the Felony Block Pilot prior to its inception, so I do not know how it effected (*sic*) accountability.
5. The only benefit is that judges don't simply send a case through because it will not be theirs to try.
6. Whose accountability?
7. For judges.
8. For whom?
9. Whose accountability? If you mean defendants, they are presumed innocent until proven guilty.
10. Again, I feel I am too new to comment

Negative Comments (8)

1. The collegial attitude which results from being in front of one Judge and dealing with her/his staff causes almost everyone to be late almost all the time.
2. I have had one out of custody felony that was on the original block assignment continued repeatedly because of in custody trials. It is now scheduled for trial in Jan. 09. However if another in custody case goes that week it will mostly be continued again.
3. Accountability in terms of people showing up on time and being prepared has not improved.
4. The same prosecutors give you no discovery and are not held accountable. The same defense attorneys remain unprepared. The block judges do no better job at providing a meaningful remedy when a party disobeys a court order.
5. I think it has increased it but to a limited degree such that it makes little difference. The more important aspect is the judge has dealt with the case and defense lawyers are less able to get a second bite at the apple from a more generous judge.
6. It has increased accountability only for those few judges who serve on the block. In the meantime, it has done little for the majority.
7. The felony block has merely shifted which judges are handling the bulk of the felonies.
8. The Prosecutors have been HORRIBLE about getting plea offers to the defense attorneys. Many do not share their offers until the day of the omnibus hearing, which is completely unacceptable. Those that actually do bother to communicate offers do so 1-3 days prior to the OM hearing, making it virtually impossible for the defense attorney to properly communicate the offer prior to the next court date.

Positive Comments (3)

1. Accountability for discovery by the prosecutor has been increased immensely since they are asked by the judge if they have complied with discovery requests.
2. I am not sure what you mean by accountability (like-- whose accountability and to whom?). Based on what I can see, and compared to property felonies, for example, it increases accountability.
3. Knowing who you must answer to and having a judge that remembers or knows the case.

Positive and Negative Comments (2)

1. Of whom? the good judges are still good, the bad, still bad
2. When the program first started, it seemed like accountability increased. But now, judges no longer hold defense attorneys accountable for whether or not they discussed the offers with their clients before court.

4. Do you think that the number of judges that the court has assigned to the Pilot is the right number (eight at this point)?

Negative Comments (28)

1. There is no time for trials
2. There should be back up judges for trial of out of custody cases.
3. If we are going to stick with this system, we should have more judges in it, so the trials are more spread out, so each individual judge does not feel so much pressure to force resolution, or trial, of cases, which, if

you have not figured it out yet, I think brings the danger of unjust results, including defendants pleading guilty when they do not think they are.

4. Need twice as many so that trial settings are so difficult.
5. There definitely should be more judges involved
6. Need more judges, or we need back-up judges to handle trials if a block judge has multiple trials starting in a single week.
7. If the idea is to resolve these cases in a more efficient manner, then you have to have more judges available to keep peoples feet to the fire, on both sides of the fence.
8. No - trial calendars far too congested - totally unable to plan for witnesses and resources.
9. Need more and better judges.
10. should be more
11. Should be more.
12. Not enough judges to handle the volume of trials
13. I don't think there are enough judges. (If you had the "right" judges this would make less difference.
14. Need more judges!!! They can't take a vacation with the schedule the way it is.
15. They do need more judges to handle the trials set. Many times multiple trial are set for a given day and waiting your turn can be a great inconvenience to everyone's schedule due to the reduced number of prosecutors and public defenders that staff these cases.
16. The Pilot could use more judges.
17. Either not enough judges, or not enough of the right judges
18. More judges are needed.
19. I think they should assign more judges to the program.
20. We need a couple more judges to serve as back-up when the block judge is in trial. The biggest problem with trying a case on the block is that there are a million other appearances on the judge's calendar so that you can only get a couple hours of actual work in each day.
21. Need more
22. At this point, increasing the number of experienced prosecutors and public defenders is the only way to address the inefficiencies in the system. Both groups lack the qualified personnel and resources to handle cases more effectively. The problem is only getting worse. Increasing the number of judges does not make the other parties more available. Instead, it spreads resources more thinly.
23. More judges are needed
24. The judges in the blocking system appear to be overworked. In that sense, it is now geared toward resolution, even if a trial is necessary. It can take a long time before the judge's calendar is free enough to actually try a case.
25. More judges definitely need to be assigned. It is frustrating to be one in a line of sometimes up to 5 trials on a Monday morning. There is a lot of time wasted on Monday mornings. If there were more judges, the trials would be distributed more evenly and the continuances would be fewer.
26. Need more judges
27. This needs to be doubled.
28. Eight is too much.

Positive and Negative Comments (3)

1. Sometimes judicial officers work harder at settlement when they have a number of cases set for trial. However, the previous answer speaks to the downside. (*Previous answer: I have had one out of custody felony that was on the original block assignment continued repeatedly because of in custody trials. It is now scheduled for trial in Jan. 09. However if another in custody case goes that week it will mostly be continued again.*)
2. More judges temporarily would put pressure on defendants and their counsel to decide whether or not to plead. Once the defense bar realizes that they do not have the option of waiting for several trial settings, larger numbers of early pleas will result. Once this is accomplished, we might find that eight or even six judges could handle the bloc (*sic*) cases.
3. I think that better time management skills could be employed. But I think that 8 are enough.
- 4.

Neutral Comments (2)

1. It doesn't matter considering you're stuck with 1 judge
2. I think the judges are in a better position to answer that question

Positive Comments (2)

1. I think the judges wish there were more of them assigned, but the number seems about right to me. I don't know how much difference an additional judge (or two) would make. I think if efficiency/weeding out is a goal of the system, then this is the correct number.
2. The court kept a close eye on this and went from 6 to 8. This seems to be a good number.

5. Do you think that the County Attorney's Office has assigned enough attorneys to this Pilot?

Negative Comments (12)

1. The County Attorney's Office is in dire need of more resources.
2. We are operating at a deficit number of criminal prosecutors due to the budget just like everyone else.
3. I think there are enough attorneys assigned from the CA's Office. My problem is though that frequently the assigned attorney doesn't show up and sends someone in his/her stead who has limited negotiating power. That stymies the system and leads to basically useless appearances. Coverage is always a necessity on occasion, but I appreciate when the assigned attorneys--or at least those with negotiating power--are present to handle their cases. To be fair, some Assistant County Attorneys always show up on their own cases.
4. Too much time is spent waiting for people who are scheduled to be in 3 places simultaneously.
5. I think all resources, judicial and CA staff is strained to the gills due to case volume.
6. I do know that I routinely encounter prosecutors from the County Attorney's Office that are "pinch hitting" for another person and thus have not read the file and are not familiar with evidence or the defendant. It's extremely frustrating.
7. there are no more to assign
8. They always seem to be double or triple booked for appearances.
9. See number 4; it could be that, if additional judges were temporarily available to try cases, the County Attorney's office would need to temporarily assign more prosecutors. NB: the Blitz.
10. More prosecutors are needed
11. My experience shows that they can be overbooked on one judge--anytime that happens it is a breakdown.
12. I think there are enough county attorneys, the problem is that they don't follow the rules and are too lazy or incompetent to get offers out in a timely fashion.

Neutral Comments (6)

1. Yes, I don't think we are the problem. We do well at getting our appearances covered and most of the time the person there has some ability to deal. More would be better but I don't think that is a problem with the block system; it is a problem with our caseload.
2. The Pilot doesn't make a difference to the prosecutors assigned.
3. I'm not sure. They seem to assign cases based on charging.
4. I am not aware that the County Attorney's Office could provide more attorneys.
5. I don't think either office was given an "option"-- all felony (non drug/property) cases are on the block. There aren't specific "Pilot" attorneys for either office.
6. Not applicable to me.

Positive and Negative Comments (2)

1. Could use 1 or 2 more, but for the most part, the number is acceptable
2. I am not sure how the County Attorney's Office has assigned attorneys to the Pilot but they do seem to be covering their cases adequately.

6. Do you think that the Public Defender's Office has assigned enough attorneys to this Pilot?

Negative Comments (21)

1. We don't have enough attorneys
2. The Public Defenders carry too many felonies.
3. I am with the Alternate Defender Team that handles most of the conflicts cases. We could easily use another 2 attorneys.
4. Budget cuts have limited our ability to properly staff this Pilot.
5. It's hard to tell if it's the number or how they handle the cases. They are always late and the judges NEVER call them out on it. Hours are wasted every day.
6. As a former public defender, it is obvious that the office is tremendously understaffed, and is rapidly losing its quality attorneys. Unless something radical happens, not only will there continue to be too few attorneys, but also too few who are professionally able to handle these types of cases, and the entire system will suffer.
7. P.D.'s office still has vertical representation and limited staff. No one in P.D.'s office is "assigned" to this "Pilot".
8. I don't think the number of defense attorney's matters - it's whether they show up on time and show up at all.
9. My view of this is similar to my office. They don't have enough people to cover adequately under either system.
10. Of course we need more public defenders but that would be true if there weren't a Pilot.
11. Same problems with staffing as our office due to budget cuts and how they've affected the PD's hiring practices.
12. I think we have enough attorneys assigned, although I think a re-organization of the PD's Office (*NOT* in the same way as the County Attorney's Office, but into at least misdemeanor and felony divisions), would probably aid the felony block system, among other things.
13. It is my understanding that all defenders doing adult court participate in the felony block system. Therefore, the answer must be yes.
14. Same response as to prior question. However, budget constraints being what they are, I do not see staff increasing in any arena. (*Response to prior question: I think all resources, judicial and CA staff is strained to the gills due to case volume.*)
15. The public defender's office has assigned all of the attorneys they have. Talk to the legislature.
16. It's not their fault- the budget is too small for them.
17. The criminal justice system can only operate efficiently with experienced lawyers, judges and probation officers. The Public Defender's Office has not been given the resources to be an effective partner.
18. See #5. However, the public defender's office is short staffed right now due to funding cuts. An increase in the number of defense attorneys available to handle these cases would help the situation immensely. (*Note, answer to #5 was: I don't think either office was given an "option"-- all felony (non drug/property) cases are on the block. There aren't specific "Pilot" attorneys for either office.*)
19. Our office is understaffed by at least 30 attorneys. We would need at least two or three more attorneys to do a passable job.
20. They seem to be short attorneys - a lot.
21. There are not enough public defenders to handle these cases.

Neutral Comments (7)

1. As far as I know, all adult defenders take these cases, so there are no more to include.
2. Not my call
3. Same (*Previous answer: There are no more to assign.*)
4. The PDs can only exert as much pressure to plead as the Court has judges for trial.
5. I think there could be enough PDs if the PDs specialized more.
6. What we have should be enough, but the number of cases is rising.
7. Every single public defender that handles adult cases is participating in the block system.

Positive Comments: None

Positive and Negative Comments: None

8. What can the court do to improve the handling of these types of cases?

1. Assign the right judges to the block
2. More judges to handle the load. Be more willing to dismiss bad cases rather than push them to trial where the prosecutor finally realizes they don't have a case after everyone has wasted a lot of time.
3. Accommodate attorney's schedules when necessary especially when attorneys are in trial. Schedule hearings at 1, 1:15 and 1:30. This will assure that people will be on time and that there is no conflict between sentencing hearings and omnibus hearings.
4. Have the criminal record summaries distributed on line or via a web site. It's hard to send an email offer that is meaningful if the parties don't know if it's a prison case and how long the sentence is. Distributing the criminal record summaries by hand is stone aged.
5. Understand this is a system dealing with human beings, including the attorneys and other staff, and stop worrying so much about speed in resolving cases.
6. Let the Public Defenders and the Prosecutors be involved in determining which Judges are used in the block system.
7. Some of the judges have their clerks notify the attorneys on Fridays before their trials are to begin on Monday to inform them of where the cases fall as to priority. This is very beneficial and should be mandatory for all the block judges.
8. I like the present system
9. As much streamlining and non-continuance granting as possible. Make sentences meaningful so that the prosecuting attorneys have room to make offers that are worth something versus trial.
10. 1) Assign the block cases to judges who aren't afraid to have a trial. 2) Have back-up judges available for trials, so that trials aren't continued multiple times. 3) Enforce timeliness issues with both Defense Attorneys and Prosecutors. 4) Prevent Defense Attorneys from setting more than three cases on the block on a single morning or afternoon. Nothing gets done when six prosecutors are waiting for a single PD to talk to 6 in custody clients.
11. The court could assign more judges, especially those who are qualified to deal with these types of cases and have the judicial integrity to resolve them as needed. Far too many judges are now more worried about getting reelected than doing the job in a proper manner.
12. All probation violations should return to the original sentencing judge without interference by a judge handling the in custody calendar.
13. More and BETTER judges. Unfortunately the pool is pretty bad.
14. Rotate assignments more frequently?
15. Demand more accountability in terms of parties showing up on time. This is especially true for contested hearings when we have witnesses waiting. I have had many experiences where cops have to wait for an hour+. Defendant shows up several hours late and gets a new date rather than being taken into custody. this is inefficient and wrong.
16. Put good judges willing to make decisions and be fair to both sides as block judge or OM judge (if block judge system is dismantled). Good judges for example: "X", "X", "X".
17. Judges must be assigned who take the block seriously, who holds people accountable as possible for being on time and being prepared. Judges must stand by their offers so that they are meaningful. Offers should not get better on the day of trial unless something has changed the posture of the case. Judges still get too involved in negotiations in a way that violates the letter and the spirit of Anyonwu. It is great when they get involved in trying to find answers but simply taking the case away from us by undercutting us is not the answer. Our offers must have meaning and they will not if judges undercut us without good reason. (Sometimes there may be a good reason.) Judges need to be decisive and not waste our time. I don't think new judges should be part of the block because they don't have a sense for what criminal law is about, i.e. what should drive the process (unless they were in one of the two offices, HCAO or HCPD).
18. Hold the prosecutors accountable when they aren't ready of trial or haven't complied with discovery.

19. Uphold the rules of discovery. It holds people accountable. If people were required to follow the rules of discovery, and if there are consequences for not doing so, people would follow them and all of the cases would be handled in a better and quicker way.
20. need more public defenders
21. I have been lucky in that I think I have been assigned to judges who have handled the block pretty well. Scheduling is always an issue. I think good communication with attorneys (whether the judge is doing it, or one of the clerks), ALWAYS helps. For example, if the judge is in trial or is handling a long hearing, let us know things are running late or must be rescheduled. (Of course, judges should hold attorneys to this as well: let people know if you'll be late.)With respect to revocations: it's very important for these to be scheduled in a timely manner and the court can assist with this by being responsive to attorneys and/or POs who contact them, and by making sure it's clear (i.e.- phone or voicemail message) when the judge is out of town. This goes for the judges who are no longer on the block but who are still handling revocations.
22. Provide judges who like to work hard and have the discipline and organizational skills to handle multi-tasking of cases; Make sure the judges have enough legal support. The quality of judges really impacts how smoothly the system goes.
23. The jury trials area an absolute nightmare, with jurors sitting around waiting for judges and lawyers to finish their 9:00s and 1:30s, so the trial is only in session for about 4 actual hours each day. Completely inefficient and the jurors are very frustrated.
24. Let me first say that the court currently does a very good job at managing these cases. The most recent statistics show that the average case assigned to the block is done in 120 days. This is an impressive number given that these are serious charges. The only change I would suggest is to allow the block judge to keep the case until its completion and give the judge the authority to grant (or not grant) a continuance. This is true accountability.
25. Assign judges who are neutral parties.
26. Enforce accountability
27. Place qualified judges in this system. That means they cannot be afraid to involve themselves in negotiations, and must have enough criminal experience to know the value of a case.
28. Make the public defenders appear on time and prepared to proceed!
29. The Court is doing a good job of handling the block cases. Everyone is taxed by significant workload.
30. Hold attorneys accountable for being prepared and/or arriving on time
31. Insist that the defense attorneys show up on time with their clients; clients that are hours late should be taken into custody immediately.
32. Hold all parties accountable for the progress of the cases (including the judges themselves), and make sure there are judges (if not the blocked judge him/herself) available to try cases.
33. A few more judges would probably be helpful.
34. Limit the number of continuances.
35. Assign more judges.
36. Provide a back-up judge or magistrate to handle the courts appearances while in trial.
37. The property/drug calendar needs improvement. It is inefficient and manipulated.
38. More competent judges
39. Assign judges who can manage a case load.
40. Temporary increase in staffing.
41. Keep judges with the ability to settle cases
42. Felony Block judges need to relinquish ownership of their revocations in situations where defendants have new felony charges. Felony Block judges need to handle all criminal matters regarding a defendant that are not specially assigned felonies. All pending misdemeanor and gross misdemeanor charges and revocations are irrelevant when a defendant is sent to prison or placed on felony probation. Pandering to special interests on those cases is terribly costly and inefficient.
43. Increase accountability.
44. More judges on the block would be helpful. Having only 8 on rotation for all serious felonies seriously overworks the court and its staff. It also disparages the client because they usually cannot get a timely trial.
45. Carefully choose which judges are part of the block. I was assigned to Judge "X". He was fair, kept things moving, kept both sides accountable, helped settle cases. I think both sides would argue he is a model judge for this project. I think the court should look to see which judges are "filed on" on a regular basis (by either side) and not include those judges as part of the blocking system. Judge "X" is also an excellent

choice for the blocking system. Newer judges (less than 3 years experience as a trial judge) should not be considered for this assignment.

46. Devote larger blocks of judges to felonies.
47. Money
48. More judges.
49. Improve time management. Not all of the judges manage calendars as well as others and allowing hearings to disrupt trials or not having flexibility to handle additional cases when a trial settles reduces the effectiveness and efficiency of the system.
50. Hold the County Attorney's Office accountable when they fail to communicate offers in a timely fashion and therefore delay the proceedings even more. Be realistic about how many cases you can set for trial on one day. Consider imposing REASONABLE bail for defendants so that fewer people have to demand speedy proceedings.
51. Go back to the way it was before the block system.
52. Take a more active role encouraging reasonable offers during negotiations. Apply strict standards of Probable Cause and scrutinize complaints rather than rubberstamping.
53. It is difficult to get out of custody cases to trial with any reliability. They may get bumped along for 6-12 months or they may be tried at the first trial setting. It is hard to let witnesses and victims know whether the case is really going to go.
54. Sometimes a judge will need to out during one of the days for that week, maybe a buddy judge should at least handle the hearing, if there are no issues that need a ruling.
55. Allow the assigned judge complete discretion with regard to scheduling.
56. Hold prosecutors responsible for not extending a real offer in a timely fashion before the O.H. (note: meant Omnibus Hearing)

9. What can the County Attorney's Office do to improve the handling of these types of cases?

1. Be more prepared for domestics so they all don't need to be set for trial
2. Watch the videos before charging or at least before the pretrial. Often officers will not accurately represent the contents of a video in their reports to the detriment of our clients. Actually, they lie.
3. Make meaningful offers early by email.
4. Stop overcharging cases or cases where it is clear the case cannot be proven beyond a reasonable doubt. Also, stop issuing complaint warrants when there is no reason not to issue a summons instead, which leads to speedy trial demands when the person is in custody. And stop asking for such ridiculous bail on poor people.
5. Show up on time and don't send someone with an offer that they don't have the authority to negotiate on.
6. Notify opposing counsel if they are in trial or expect to be in a different case with higher priority.
7. They are very busy but then all of us are and they are not as responsive as they could be.
8. Be realistic about offers and the types of cases. Be prepared on motions and witnesses.
9. Make sure offers are sent prior to the pre-trial, so that PDs can talk to their clients.
10. Eliminate some of the "guidelines" that require cases to extend far too long before they resolve.
11. The County Attorney's Office should ensure that the prosecutor at disposition handles all revocation matters.
12. Too often their attorney's do not show for the OM and negotiations can't take place. Is this a lack of numbers or a lack of interest? Whatever the problem, a solution is required.
13. Get discovery out ASAP. Be prepared. Always show up on time and let the court know if we will be late and where we will be if we are not there.
14. Give all discovery early on.
15. I can't speak for all but I think our offers should be reasoned out, should give some benefit for pleading guilty (ridiculous that the guidelines do not provide for this like the federal guidelines). The offers should be designed to settle the case within reason, not just be an offer for the sake of being an offer.
16. Be more prepared.
17. Follow the rules regarding discovery.
18. See my earlier comments-- the attorneys who cover cases should always have negotiating power. Sending someone who can't negotiate = a useless appearance. It is also helpful to get discovery and offers *before*

the first OM (as required by the rules). Again, some assistant County Attorneys are great about this, but a smaller number are not. I will say, the new way of scheduling revos seems to be working. Big improvement.

19. I will not second guess the county attorney's policy decisions nor pretend to know what is best for his office or the public. For the most part, cases are resolved quickly and few discovery issues exist. Whatever can be done to improve discovery (electronic discovery should help) and receive the best offer after discovery has been reviewed, would help.
20. Abide by the discovery requirements of the Pilot project. And get me offers before the OM.
21. Have attorneys prepared and limit number of cases each attorney has on a daily basis to a number that they can truly handle.
22. Talk to victims and witnesses earlier. Extend offers other than 'Stay of Imp, 180 day cap.' Evaluate Ineligible Person/Firearm cases individually rather than with a blanket, no deviation policy.
23. Get more attorneys to spread the case load out a bit.
24. The CA's office is doing a good job of handling these cases-- with the caveat that everyone is taxed with a significant workload.
25. Have their senior attorneys be available cover for their staff attorneys when those attorneys are in trial or other hearings.
26. Afford its attorneys greater discretion in resolving cases; provide discovery and offers in a timely fashion (without those things, it is impossible for the PDs to do their jobs).
27. Hire or assign more attorneys.
28. The county attorney's office is understaffed.
29. Hold firm on their offer.
30. Stay current on discovery.
31. Negotiate in a meaningful way.
32. Temporary increase in staffing, if necessary.
33. Restore discretion to line attorneys. Trust their judgment. Success and failure cannot be measured by the number of cases charged versus the number convicted. This method of measuring success results in entrenched positions, consuming both time and resources.
34. Hire more prosecutors for the block system
35. Have offers to us well in advance of the OM date so we can talk to our clients about them. Also, ensuring we have all discovery by the OM date so our clients can be adequately informed about what they are facing if they do proceed to trial.
36. Allow the individual line attorney to make decisions regarding settling his or her cases-- not require so much oversight by supervisors.
37. Be more flexible in their scheduling and offers.
38. Don't send "X" to do anything.
39. Once again, I think that we need to manage our time more effectively. We need to make sure that (when we are in trial) we have cases covered by someone who can settle the case so that an appearance doesn't consistently result in a continuance. We need to avoid double booking appearances although double booking trials is necessary. We also need to have offers made sufficiently in advance of pretrials so that a resolution can be reached if possible. We also need to make sure that we are on time and prepared.
40. FOLLOW THE RULES OF THE BLOCK SYSTEM AND DO THEIR JOBS!
41. The attorney prosecuting the case should show up for hearings & not ask someone to cover without surrendering responsibility to make decisions and/or offers. Provide lab test results and recordings and transcriptions of Scales and other witness interviews prior to the OM.
42. Get the PD's all discovery related to the case. I.e. I always want any and all audio/video associated w/ the case.
43. Show up and show up on time.
44. Pick their battles a little more realistically. Not every defendant is the complete scum of the earth in need of a year of jail time.
45. Make them make a real offer at the O.H. (note: meant Omnibus Hearing)

10. What can the Public Defender's Office do to improve the handling of these types of cases?

1. More public defenders so case loads are not over the top and we can actually work the cases.
2. Try to relay offers to their clients before the omnibus hearings that are made in advance of those appearances, if possible.
3. Communicate the offers early and respond prior to the OMPT either accepting the offer, rejecting it or countering it.
4. Nothing, we do the best we can to represent our clients, and that is our only job.
5. More lawyers, fewer cases.
6. I know they are shorthanded but they do not respond well
7. Be prepared, including having read reports, investigated, etc... at the first appearance that those things are required.
8. Be on time.
9. Talk to their clients prior to the OM.
10. Be realistic in setting OMs - don't put six on in the same morning - it doesn't work.
11. The public defender's office could and should take a more realistic approach in staffing and selecting the lawyers who work on the block. That being said, they are because of a lack of funding being forced to do with what they have at their resource. It is not a fair fight.
12. The Public Defender's Office would improve the handling of these cases if they showed up for all appearance and to show up on time. They would further improve the handling of these cases and enhance their own credibility if they refrained from filing frivolous motions.
13. Hire more attorneys.
14. Show up on time or call if you are going to be late. Talk to clients ahead of time rather than making everyone wait.
15. Be prepared and punctual. If late, notify parties.
16. Be more prepared. Stop screwing around and have meaningful conversation about settlement. Don't come to an OM, drop some new "facts" on us and expect us to roll over. (This goes for the judges too. And when a PD fudges the truth, they need to be called on it - as do we, but I don't think we're the problem. I hope not.) Teach their younger lawyers that settling a case is not an inherently bad thing. Stop being obstreperous without a purpose. They ask for -and get- way too many continuances. This system was meant to cut those way down and that is one of its biggest failures. The new attorneys have poor client control and it shows.
17. Be more prepared.
18. Hire more lawyers and reduce the number of double and triple scheduling cases. A lot of the prosecutors' time is spent waiting for public defenders to show up. There is poor accountability on the part of the PDs with regard to this issue.
19. Hire more public defenders.
20. Increase the number of Public Defenders
21. I think that attorneys should be in good contact with the court and counsel when scheduling makes them unavoidably late. I also believe a reorganization of the PD's Office (not into mini-divisions like the County Attorney's Office, but into felony and misdemeanor divisions, at least), would help ease the scheduling woes.
The average public defender currently handles approximately 750 case units per year. It would be of great help if they had the caseload recommended by the ABA (400 units per year). In the meantime, the public defender is using technology to be well informed and better manage their cases. The vertical representation system currently employed by the public defender is helpful to clients (develop trust and confidence) and ensures accountability. The public defender may consider Piloting a system where some defenders only handle felony cases. This should be evaluated and renewed only if it improves clients service of the justice process.
22. Come to court having met with the client and read the file. It's also nice when they show up on time which is rare.
23. The public defender's office is doing a good job of handling these cases-- with the caveat that everyone is taxed with a significant workload.
24. Arrive on time
25. Hold the public defenders accountable for timeliness. Some manage to be on time and are very aware that people are counting on them while others are continually late and DO NOT CARE. "I'm too busy" doesn't work b/c there are PD's that make it work. Get pagers and CHECK YOUR HENNEPIN COUNTY

CALENDAR so you know what you have on each day. I don't know how many times I've heard some PD say "I didn't know that was on" or "I didn't schedule that." Well, check the Hennepin Calendar every morning (it takes 3 minutes) and then you'll know what you have on. NOT difficult. If you don't check it you just don't care. Willful blindness doesn't make it ok to miss things.

26. Show up on time.
27. Get more funding!
28. More attorneys.
29. Hold lawyers accountable who don't show up for court appearances, or show up late and unprepared. It is a drain on everyone.
30. Timeliness.
31. Accountability: pagers or GPS chips implanted.
32. Assign experienced attorneys to felonies. Reduce felony caseloads so attorneys have sufficient time to meet with clients (and prosecutors) and review and investigate cases as necessary. Allowing time for meaningful dialogue will help to avoid wasting the court's time. Defendants must feel informed to feel they have been treated fairly. A fair system is an efficient one.
33. Organize PDs into units that specialize more (i.e., they should not handle both Felonies and misdemeanors)
34. Get more funding to hire more lawyers.
35. Be able to schedule hearings with different judge after omnibus.
36. More attorneys.
37. Appear on time and prepared.
38. Control their clients better.
39. Have fewer cases in order to be able to prepare for court in less than three weeks.
40. Split up assignments so Public Defenders handle ONLY felonies, or ONLY misdemeanors.
41. Show up on time, from what I've heard.

11. What else do you want the court to know about your thoughts regarding the Felony Block Pilot?

1. Since the block system my case load has nearly doubled and the number of cases that are scheduled for trial is well over 75% whereas no more cases actually go to trial than before. Which amounts to a lot of wasted time on 'dog' cases that are ultimately dismissed or given away.
2. The felony block system seems to be a more organized approach and the current judges that are serving as block judges appear to be committed to making the system more efficiently. The system does work overall. The only difficulty is that some of the speedy trial cases do not get their trial within 60 days and that is a reality of keeping the case with one judge. However, if there was a back up judge who could be available to provide the trial in those cases, that would assist in complying with the speedy trial demands.
3. I wish judges would consider the personal needs of defense attorneys and prosecutors as much as it does its own personal needs. I have never heard of a judge having to cancel a vacation because of a trial, but that often happens to us when judges refuse to allow a trial to be continued when one of us has a vacation.
4. Keep this system in place, I think it works well.
5. Many attorneys have the same feelings and have for a long time, but nothing has changed. Time to actually fix the problems.
6. This is a good system and could be even better with a few tweaks.
7. Community members are concerned that chronic offenders are not held accountable by the criminal justice system. They further are concerned that there may be a lack in leadership in fixing this problem.
8. If a block judge is not capable of doing the job nothing will make it work. If a block judge is capable (a vanishing breed) it will work.
I think I've said enough. I hope you have statistics and will share them with us on what the block appears to have improved and what it appears not to have improved.
9. No court should establish its assignment of cases based on personalities. If a system only works because you have the "right" judge in place, the system is truly not working. Judges, defenders and prosecutors must all be well trained, understand and respect each others role in the process, and not lose sight of the fact that this is an adversarial process.
10. It is a good project that could be made much more efficient if the courts did not allow any plea bargaining on the day of trial.

11. When attorneys are delayed in specialty courts (like 857) they cannot always be on time to block courts; cases then get backed up and attorneys sometimes literally have to be in three courts at once.
12. I generally prefer having the same judge for the duration of a case.
13. Some judges are ill-suited to the block. Not that they lean one way or another, they are just unable to efficiently handle a large amount of information. Some have trouble making a decision - especially an unpopular one. Maybe there should be a MMPI given before a judge can go on the block.
14. Judges need to be mindful of the three factors in deterrence: swiftness, certainty and severity. Undue focus on severity reduces the system's ability to impact the first two and greatly entrenches the adversaries. In some cases, severity needs to be the main focus, primarily to incapacitate the offender. Those cases tend to be the ones specially assigned. A swift, certain shorter prison sentence has as much, or more, deterrent value than an arduously won, at times uncertain longer sentence. Any criminal justice major knows that severity has the least deterrent value of the three factors. Judges need to help the parties get to the bottom line. The vast majority of cases can be settled with some reason and common sense.
15. I cannot stress enough the importance of having fair, experienced judges as the judges on the block. As the former head of the criminal division (for many years), Judge Nord is in an excellent position to know what works and who works well. I think she should play an integral role in selecting the judges on the block. Also, judges who generally like civil blocks like "X" and "X" should not be excluded from the block system-- even if they only have 6 months rotations, those judges would be excellent in this arena.
16. This system stinks. It doesn't work. It is absurd to think only eight judges could handle these cases. Mondays are a monkey #@%*&^ . Everyone trips over everyone else and is running all over the courthouse on other appearances.
17. The block system is personality driven & depends on the individual judge for success. Give great thought to who is assigned.
18. I think the court should do more pre-plea, if the judges are truthfully willing to consider a better disposition than what the state is offering. we are being told that probation will not/ does not like to pre-pleas.
19. Need more judges
It began well with judges holding prosecutors accountable for not getting discovery to us in a timely fashion and for failing to make real offers, but it quickly lapsed back into the same last minute, wait until trial process we had before. The difference is that the judges are getting really backed up with so many trial settings; they have no choice but to get rid of cases because they can't try them all. It would be much more effective, however, if we could get real offers at the O.H. (note: meant Omnibus Hearing) (or before the O.H. so that we could communicate the offer to the client.