



FOURTH JUDICIAL DISTRICT

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

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Executive Summary

1. The Fourth Judicial District of MN began a pilot of assigning all criminal cases to either a specific judge or a small team of judges in 2010. Prior to this, a 'master calendar' rotation of judges processed most criminal cases. This evaluation assesses the impact on case processing of blocking or teaming criminal cases.
2. Although this pilot is restricted to the handling of criminal cases, goals are included for its impact on civil cases as well since the Fourth District assigns criminal cases to judges in both Criminal and Civil Court. In other words, the court wished to know how the pilot affected the processing of civil cases while also assessing the processing of criminal cases.
3. Goals include:
 - a. Court wide goals for Civil Court and Criminal Court – Improve or stay the same as 2009 (Clearance rates, time to disposition, and age of pending caseload)
 - b. Case processing goals for criminal cases – Improve or stay the same as 2009 (Time to disposition, number of appearances to resolution, number of continuances, trial date certainty, and goals on jury usage), and
 - c. Perceptual goals from stakeholders of the criminal system – More satisfied with blocking (Judges, clerks and administrators, criminal attorneys, and probation officers included).

Court Wide Findings	Clearance Rates	Time to Disposition	Age of Pending	Number of Goals Met
Major Criminal (Felony and Gross Misdemeanor)	-	-	-	0
Minor Criminal (Misdemeanor and Petty Misdemeanor)	+	S	-	2
Major Civil (Handled by Judges)	+	S	S	3

+ = goal met, result better, S=goal met, same as 2009, - = goal not met, result worse than 2009

4. **Major Civil** cases met each court wide goal: It had a higher clearance rate during the pilot year while it also met or exceeded the state guidelines in both time to disposition and age of pending caseload, results that were similar to the comparison year of 2009.
5. During the same time, **Major Criminal** (felony and gross misdemeanor) cases failed to meet any of the court wide goals: It had a lower clearance rate, and fell further from meeting the state guidelines in both time to disposition and the age of pending caseloads.
6. **Minor Criminal** (misdemeanor and petty misdemeanors) cases met two of the three court wide goals: it had a slightly higher clearance rate, a similar time to disposition in days but a lower percentage of cases that met the age of pending guidelines.
7. To review the goals that are specific to the Criminal Division, the data are combined into three different groupings for the reader and each goal was assessed in these three ways:
 - a. **Large groupings** (Suburban criminal cases combined, Property Drug Calendar felonies (PDC), Minneapolis misdemeanors and Serious Felonies combined),

- b. **Grouped by Team** (Civil/Ridgedale, Civil/Brookdale, Civil/Southdale, Minneapolis Domestic Violence misdemeanors, Minneapolis Serious Traffic misdemeanors, Minneapolis Community Court misdemeanors, PDC Felonies, and Serious Felonies) and finally,
- c. **Grouped by Degree** (Felony, Gross Misdemeanor, Misdemeanor, and Petty Misdemeanor).

Criminal Division Findings	Time to Disposition	Number of Hearings	Number of Continuances	Trial Date Certainty	Number of Goals Met
Findings on Large Grouping of Teams					
Suburban Non-Felonies (3 teams)	+	+	+	-	3
Property Drug Felonies (PDC) (1 team)	-	-	-	S	1
Minneapolis Non-Felonies plus Serious Felonies (3 teams)	-	+	S	S	3
Findings on Individual Teams					
Civil/Ridgedale (No Felonies)	+	+	+	-	3
Civil/Brookdale (No Felonies)	S	+	S	-	3
Civil/Southdale (No Felonies)	-	S	S	S	3
Minneapolis Domestic Violence (No Felonies)	-	S	-	S	2
Minneapolis Serious Traffic (No Felonies)	-	+	-	S	2
Minneapolis Community Court (No Felonies)	-	S	S	S	3
Civil/Property Drug Felonies (PDC)	-	-	-	S	1
All Serious Felonies	S	S	+	S	4
Findings on Level of Case					
All Felony Cases	-	-	S	S	2
All Gross Misdemeanor Cases	-	+	S	S	3
All Misdemeanor Cases	-	+	-	-	1
All Petty Misdemeanor Cases	+	+	S	S	4

+ = goal met, result better, S=goal met, result same as 2009, - = goal not met, result worse than 2009

8. The three Suburban courthouses met three of the four goals and in particular, Ridgedale statistically improved the processing of three of the four measures.
9. Of the Minneapolis teams (on non-felony cases), Community Court did the best meeting three of the four goals while Serious Traffic and Domestic Violence met half the goals and significantly declined on the other two.
10. Property Drug Felonies fared worse than Serious Felonies currently handled by the three Minneapolis teams. The PDC team met one of the four goals and failed on three measures while the Minneapolis teams handling Serious Felonies met all four goals by showing similar or better results to the

comparison year when the Felony Block judges handled these cases or they were Specially Assigned.

11. No teams failed to meet all four measures and indeed only one team failed to meet three of the four objective goals on time to disposition, number of hearings, number of continuances and trial date certainty.
12. The Fourth District did not meet any of the jury trial goals during the pilot. There were a higher percentage of trials requested under the pilot, a lower percentage of verdicts rendered and a higher percentage of juries requested but not utilized under BOTOCC.

Survey Results	Respondent Groups			
Perception of the respondents that the pilot led to....	Judges	Clerks and Administrators	Attorneys	Probation Officers
Values of the Pilot				
Increased Transparency	+	+	S	S
Increased Accountability of Judges	+	+	+	+
Efficient Case Processing	+	+	+	+
Fair Case Processing	+	+	S	S
Judicial Job Satisfaction	+			
Judicial Workload Standards	+			
Anticipated Advantages of the Pilot				
Stability of Judicial Location	+			
Flexibility in Scheduling Vacations	S			
Provided Sufficient Coverage of Calendars	+			
Reduced Judge Shopping	+	+		
Increased Attorney Accountability	+	+	-	-
Increased Active Case Management	+	+	+	DK
Continuation of Blocking or Teaming of Criminal Cases				
Should blocking of criminal cases continue?	+	+	+	+

+ = largest percentage in favor, S=no difference, - = largest percentage against, DK = Unsure/Don't Know

13. The four respondent groups feel that the pilot led to an increase in six values or no change during the pilot year compared to 2009.
14. All anticipated advantages increased during the pilot, with the exception of attorney accountability from the perception of attorneys and probation officers. Probation officers did not feel able to respond to whether active case management increased.
15. All four respondent groups think that blocking or teaming of criminal cases should continue.

Introduction

This report summarizes the analysis and results of the Blocking or Teaming of Criminal Cases (BOTOCC) pilot in the Fourth Judicial District from January 2011 to March 2012. Since other divisions, such as Family and Civil Court have had success assigning one judge to a particular case, the pilot sought to create a similar system for Criminal Court. In addition, according to a 1999 study by the National Center for State Courts, the Fourth Judicial District is one of the only large urban courts not organized into a separate division for Criminal Court.¹ Discussions within the bench and other pilots² over the last 15 years have moved the court closer to some of the concepts of separate divisions, with this latest pilot of creating teams of judges or blocking cases directly to judges. Appendix A provides a recent history of the Hennepin County Criminal Court as provided by Presiding Criminal Judge, the Honorable Mark Wernick in an article written for the “Hennepin Lawyer” magazine. This article also details this current pilot in its original design.

The reader will note that the name of the pilot is ‘Blocking’ or ‘Teaming’. ‘Blocking’ is when there is a specific assignment of a case to a judge (even if that judge is within a team). The difference with ‘Teaming’ is one of timing. In ‘Teaming’, a case will be handled by the team but can be assigned to a specific judge at a later stage in the life of the case; for instance at the trial stage or an evidentiary hearing. If, however, a case resolves quickly, no assignment would be necessary and the judge handling that calendar would sentence the case. Only one of the teams in this pilot opted to ‘Team’ instead of ‘Block’. The PDC judges teamed to handle the felony cases that are property or drug offenses and assignment of a specific judge occurred later in the process, if needed. All other teams employed ‘Blocking’ to assign a judge at the initial hearing or pretrial stage of processing. For this pilot, in both Blocking and Teaming situations, the judges agreed to policies, procedures and guiding rules for handling the cases assigned to their particular team.

¹ Steelman, David C., et.al., Case flow Management and Judge Assignments for Criminal Cases in Minnesota’s Fourth District Court (Hennepin County): Final Report, October 22, 1999. National Center for State Courts: Court Services Division.

² Podkopacz, Marcy R., Felony Block Pilot, October 2007; Podkopacz, Marcy R., Felony Block Follow-up, October 2008. Fourth Judicial District Research Division Reports: Minneapolis, Minnesota.

The guiding principles of this pilot revolved around three main values that include six aspects (bolded);

- 1) Increased **transparency** and more **accountability** in the handling of criminal cases,
- 2) **Fairness** and **efficiency** in the processing of criminal cases, and
- 3) Continued **job satisfaction** and **workload equity** among judges.

These values guided the design of the BOTOCC pilot. The thought process was that by blocking or teaming criminal cases to a specific judge or team of judges, the defendant and the public would be more likely to know who would be handling and resolving the case leading to transparency and accountability. Since judges agreed to team policies and procedures, there would be more consistency across rulings. Judges would not gain any advantage in allowing continuances since the case would come back to them or a teammate so there would be no benefit to delay decisions. Since various judge teams would concentrate on certain types of cases, thereby making the processing of those cases routine, the judges would become more adept at ruling on these types of cases, which leads to more efficiency and fair application of the law. Moreover, there would be greater job satisfaction when judges handle their own schedules. In addition, the division of the criminal cases into teams of judges of different sizes based on the complexity of the type of case would allow an equal amount of work between judges.

The teams for the pilot³ were:

- a. Suburban non-felonies at Ridgedale – 4 judges (Ridgedale team)
- b. Suburban non-felonies at Brookdale – 4 judges (Brookdale team)
- c. Suburban non-felonies at Southdale – 4 judges (Southdale team)
- d. Property Felonies and Drug Felonies – 8 judges (PDC team)
- e. Serious Felonies and Minneapolis Serious Traffic non-felonies – 6 judges (Serious Traffic team)
- f. Serious Felonies and Minneapolis Domestic Violence non-felonies – 6 judges (Domestic Violence Team)
- g. Serious Felonies and Minneapolis Community Court non-felonies – 6 judges (Community Court team)

³ The plan was to have 2-3 floating judges to help with criminal coverage in the event of illness or other issues but there were rarely enough judges to fill the regular rotation let alone extra coverage. This was mainly because of retirements and the waiting time to replace judges after retirement. In addition, our problem solving courts (DWI Court, Drug Court, Veteran's Court, Mental Health Court, GIFT calendar, and Homeless calendar) are covered by 2 other judges, one of which is a retired. Finally, there was one judge handling all signing duties.

The first four teams listed here also handle Major Civil cases as well as the criminal cases listed for each team. In comparison, the last three teams handle only criminal cases and are the only teams to handle both felony and non-felony caseloads.⁴

Each team had a lead judge and held team meetings with judges on their team to review issues, devise policies and address problems as they arose. Periodic meetings included the business partners to address any issues that affected all of them. Appendix B includes the business rules and policies of each team.

Most teams assigned judges to cases at the pretrial stage of processing although some differed and assigned at first appearance. Each team had a rotation of 'pick-up' weeks where assignment of a judge to a case occurred. Then the next set of weeks was their own to schedule hearings in an attempt to resolve the cases they picked up while handling the team calendar. The rotations of the pick-up week differed by team and case type and as the business rules spell out in Appendix B.

Ridgedale, Southdale and Brookdale teams handle all the non-felonies that occur in Hennepin County's 46 cities other than Minneapolis. These include gross misdemeanors that, if convicted, can receive jail time up to one year and a fine of \$3,000.00; common misdemeanors where jail time can be up to 90 days and fines up to \$1000.00 if convicted; and petty misdemeanors where there is no jail time but a fine of up to \$300.00 is allowable. Cases can be any type within these levels including driving under the influence, domestic assault, traffic, other criminal offenses as well as parking issues. Each of the judges on these teams carries a full civil caseload of about 130 active cases as well as these non-felony assignments. Each 'Dale' handles cases from different communities in Hennepin County and they each handle roughly one-third of the suburban non-felony caseload.

The PDC team handles only felony cases that are either property offenses or drug offenses, unless a defendant in their courtroom has non-felony open cases as well. In that circumstance, the PDC judge team will handle all open cases in front of them, if possible. The PDC felonies account for about half of all Fourth Judicial District's felonies. These cases include such

⁴ When there is an open non-felony and felony case on a calendar for the same defendant both cases are heard together at the felony appearance. Internally, the court calls these cases 'tag-a-longs'. The Fourth Judicial District has always handled tag-a-long cases with the most serious offense in front of the court. The exception is misdemeanor domestic assault cases, which go to the Domestic Violence team.

felonies as property damage, motor vehicle theft, fraud, forgery, and sale or use of controlled substances. Many of these defendants are chronic offenders in need of treatment. Judges on this calendar recommend defendants for the Fourth District's problem solving courts such as Drug Court, Mental Health Court or Veteran's Court if the underlying issue behind the criminality is one of substance abuse, mental illness or post-traumatic stress syndrome.⁵ The PDC team of judges also handles a civil caseload of each around 130 cases. These civil cases can be contract, property damage, personal injury, name changes, or a number of other civil disputes.

The three Minneapolis teams handle all felonies other than property or drug felonies as well as all Minneapolis non-felonies. The felonies for these three teams account for about half of all the Fourth District's felony caseload but this caseload includes some of the most serious felonies such as homicide, criminal sexual conduct as well as aggravated assault, felony domestic assault, and aggravated robbery. Many of these felonies require forensic testing, involve victims who have either died or sustained great bodily harm and may include gang-related issues. These cases have a higher trial rate including jury trials, bench or court trials and the evidentiary hearings can be more complex. The non-felonies are separated into the two more serious non-felony case types: domestic assault (Domestic Violence team) and DWI (Serious Traffic team); and the third team of Community Court which handles more non-felony cases than the other two but those of a less serious nature. The Minneapolis teams can also refer cases to the Problem Solving Courts.

The three Minneapolis teams together handle about 43% of the Fourth Judicial District's total criminal caseload (felony and non-felony), with each Suburban team handling about 17% of the total criminal caseload (non-felony only) and the PDC team handling about 4% of the total criminal caseload but all at the felony level. The three Minneapolis teams handle only criminal caseloads. The PDC and the Suburban teams all handle both civil and criminal caseloads.

Research Design

Since this pilot involves judges that handle criminal and civil cases combined, the research design includes court wide performance measures for both Civil Court and Criminal Court. In other words, it would not be enough to determine if the criminal caseload was functioning as projected if there was a negative impact on civil case processing.

⁵ All teams refer cases to the problem solving courts.

Court Wide Performance Goals:

- C1) Same or higher Clearance Rate for
 - a) Major Civil (civil cases handled by judges in our district),
 - b) Major Criminal (felony and gross misdemeanor) and
 - c) Minor Criminal (common and petty misdemeanor)
- C2) Same or fewer days to reach case resolution for
 - a) Major Civil (civil cases handled by judges in our district),
 - b) Major Criminal (felony and gross misdemeanor) and
 - c) Minor Criminal (common and petty misdemeanor)
- C3) Same or higher percent of Age of Pending for
 - a) Major Civil (civil cases handled by judges in our district),
 - b) Major Criminal (felony and gross misdemeanor) and
 - c) Minor Criminal (common and petty misdemeanor)

These court wide measures will be assessed using existing performance reports designed through the State Court Administrators Office and the Minnesota Judicial Analytical Database (MNJAD) for Clearance Rate, Age of Pending and Time to Disposition as of March 31, 2012. The comparison assessment of these same measures is as of March 31, 2010.

Criminal Division Performance Goals:

- T1) Similar or less average time to disposition (in days) under the pilot
- T2) Similar or less average number of hearings to reach resolution in pilot year
- T3) Similar or less average number of continuances in the pilot year
- T4) Similar or better trial date certainty – same or less average scheduled trial settings before the start of the court or jury trial in the pilot year
- T5) Smaller percentage of requests for jury trials in the pilot year
- T6) Higher percentage of verdicts of all requests for juries in pilot year
- T7) Smaller percentage of cases where juries are not used (due to the trial settling, being continued, waived or dismissed) in the pilot year

Assessment of Criminal Division goals T1 through T4 used raw data extracted from MNJAD criminal data mart and analyzed with IBM's Statistical Package for the Social Sciences (SPSS) comparing new cases filed in 2009 and followed for the next 15 months to new cases filed during the BOTOCC pilot in 2011 and followed for the next 15 months. In both the comparison year and the pilot year, cases are included only if they are resolved within 15 months. In other words, cases had to start within the year in question and resolve within 15 months of the comparison year or the pilot year. This will allow an exact comparison between the two periods although it will reflect the cases that were the earliest to resolve in both cases. This was

necessary since the agreed upon goals depend upon resolved cases. Both the comparison year of 2009 and the pilot year of 2011 had nearly 50,000 cases.

Criminal Division goals T5 through T7 are assessed using reports designed by the Fourth Judicial District Jury Office that extend beyond jury utilization to include the number and percent of juries started, returned without being used or were dismissed after being requested.⁶ In essence, these three goals were to assure that under the pilot, jury usage improved.

Perceptions of the Pilot from key stakeholders:

- P1) Judges liked the pilot better than before
- P2) Attorneys liked the pilot better than before
- P3) Staff (administrative and judicial staff) liked the pilot better than before
- P4) the courts' justice partners liked the pilot better than before

All 62 judges received surveys as well as 447 criminal lawyers who appeared in front of criminal bench during the pilot period and had email addresses on file with the court. Criminal Senior Manager Kate Fogarty and Civil Senior Manager Anna Lamb provided a list of civil and criminal staff that would have worked with pilot cases in either a courtroom or office. In addition, staff received surveys if they worked directly for judicial officers handling any of the seven teams. In total, 240 different staff received a survey. Investigative or supervising adult probation officers who work in the courtroom, who appear in front of our criminal judges or who worked with defendants also received a survey (235 probation officers).

The survey links went to the respondents via email along with an introduction to the pilot. Surveys contained a combination of close-ended and open-ended responses. Vetting of the questions on the Judge Survey and Attorney Survey occurred through the team lead judges on each of the seven teams as well as the Presiding Criminal Judge, the Honorable Mark Wernick and the Presiding Civil Judge, the Honorable Robert Blaeser. Senior Managers Fogarty and Lamb reviewed questions for the staff and probation officer survey. A series of questions were common across all four surveys, including some open-ended questions but each included some unique to their positions in the justice system.

⁶ The authors would like to thank Pam Kilpela, Court Operation Manager and Leah Wermerskirchen, Court Operation Supervisor for their work to create these valuable tools to analyze jury trials. Jury trials are one of a court's most expensive methods of case processing and as such need review by court administration to assess full utilization of the jury pools.

Respondents were given a week to complete the survey and were sent one reminder email.⁷ Response rates on the surveys ranged from a high of 74% (46 judges) to a low of 24% (57 of the 235 probation officers). The clerks (83 responded of the 240 for a response rate of 35%) and attorneys (128 attorneys responded for a response rate of 29%) fell somewhere between these high and low rates. Appendix C contains paper renditions of each of the surveys along with the data from each respondent group.

Case Types and Teams for Criminal Division Goals

The comparison of 'teams' is complex since the teams only partially existed during the comparison year. For example, during 2009, the assignment of serious felony cases went to eight judges (referred to as the Felony Block Team) or to a 'specially assigned' judge if the case was a homicide or first-degree criminal sexual conduct case and did not go to the three Minneapolis non-felony teams, so direct comparison is not possible at the team level. The method chosen to account for these differences was to analyze each of the Criminal Division Goals in three different ways:

- 1) Suburban Teams taken together, PDC team, and Minneapolis Teams plus Serious Felonies⁸ combined across both years (referred to as 'large groupings of teams')
- 2) Each team assessed separately with inclusion of non-felony cases only for the Minneapolis Teams and the Serious Felonies as their own group/team across both years.
- 3) Cases separated by level (felony, gross misdemeanor, misdemeanor and petty misdemeanor) regardless of team across both years.

⁷ One problem came up with regard to the length of each open-ended response, which is limited to 250 words per question (or about one-half of a page, single-spaced). One judge wrote significantly more than the 250-word limit on one questions and the survey software could not accommodate it. The rest of that judge's survey (25 of the 29 questions) is included and is included in the findings. The judge had the option to have the lost responses orally recorded and transcribed but declined. Those open-ended responses were unfortunately lost but that one situation was the only issue that arose.

⁸ These include the Felony Block and 'specially assigned' cases of homicide and first-degree criminal sexual conduct cases.

Table 1 shows the number and percent of criminal cases by a broad category of their teams; Suburban teams all together, PDC and Minneapolis Teams all together.⁹ These data show that although there were more cases filed in 2009 than 2011, the distribution is quite similar.

Table 1. Cases separated by Large Grouping of Team and Year

Large Grouping of Teams		Year		Total
		Comparison Year 2009	Pilot Year 2011	
All Suburban Non- Felonies (3 teams)	Count	24,372	23,111	47,483
	Column %	53.7%	53.2%	53.5%
Property and Drug Felonies (PDC) (1 Team)	Count	2,230	2,039	42,69
	Column %	4.9%	4.7%	4.8%
Minneapolis Non-Felonies + Serious Felonies (3 teams)	Count	18,796	18,255	37,051
	Column %	41.4%	42.1%	41.7%
Total	Count	45,398	43,405	88,803
	Column %	100.0%	100.0%	100.0%

This second method of team assessment will allow the most direct comparison between the three Minneapolis teams since in both the comparison year and the pilot year these teams handled non-felonies. In this second view of the goals, Serious Felonies as a separate group compare across both years. Teams with 'Civil/' in front of them are handled by judges who also handle Major Civil Cases.

One other note, the Felony Block judges heard first-degree and second-degree drug felonies during 2009 while during 2011, these cases went to the Property Drug Calendar (PDC). This study mirrors these differences: the first- and second-degree drug felonies are part of Serious Felonies in 2009 and with the Property Drug Felonies in 2011.

⁹ The only cases excluded from analysis were cases on prosecutor calendars (no judges involved) and cases going to the Problem Solving Courts mentioned earlier.

Table 2. Teams by Years in the Study

Teams		Year		Total
		Comparison Year 2009	Pilot Year 2011	
Civil/Ridgedale (No Felonies)	Count	8,669	8,531	17,200
	Column %	19.1%	19.7%	19.4%
Civil/Brookdale (No Felonies)	Count	8,853	8,451	17,304
	Column %	19.5%	18.5%	19.5%
Civil/Southdale (No Felonies)	Count	6,850	6,129	12,979
	Column %	15.1%	14.1%	14.6%
Minneapolis Domestic Violence (No Felonies)	Count	2,079	1,811	3,890
	Column %	4.6%	4.2%	4.4%
Minneapolis Serious Traffic (No Felonies)	Count	6,186	5,997	12,183
	Column %	13.6%	13.9%	13.7%
Minneapolis Community Court (No Felonies)	Count	8,179	8,381	16,560
	Column %	18.0%	19.3%	18.6%
Civil/Property Drug Felonies (PDC)	Count	2,230	2,039	4,269
	Column %	4.9%	4.7%	4.8%
All Serious Felonies	Count	2,352	2,066	4,308
	Column %	5.2%	4.8%	5.0%
Total	Count	45,398	43,405	88,803
	Column %	100.0%	100.0%	100.0%

Table 3 below shows a third way to review the cases across both the comparison and pilot year: by degree. These cases match the study definition exactly (new cases filed in each of the sample years and resolved within 15 months) by the most serious charge degree affiliated within that case.¹⁰

¹⁰ The Pilot year had fewer new cases coming into the court than the sample year by about 9.5% according to the end of the year statistics. The pilot data show a similar percentage decrease (10.2%).

Table 3. Most Serious Charge Degree by Year

Degree of Most Serious Charge		Year		Total
		Comparison Year 2009	Pilot Year 2011	
Felony	Count	4,392	3,943	8,335
	Column %	9.7%	9.1%	9.4%
Gross Misdemeanor	Count	5,841	5,661	11,502
	Column %	12.9%	13.0%	13.0%
Misdemeanor	Count	31,598	29,411	61,009
	Column %	69.6%	67.8%	68.7%
Petty Misdemeanor	Count	3,567	4,390	7,957
	Column %	7.9%	10.1%	9.0%
Total	Count	45,398	43,405	88,803
	Column %	100.0%	100.0%	100.0%

This report will utilize all three categorization methods to assess whether the Criminal Division was able to reach the goals of the BOTOCC pilot.

Threats to Internal and External Validity

Evaluation or research studies are never perfect and often suffer from threats to the validity of the findings based on issues outside of the control of the studies. This study is no different from most. One way to alleviate threats to internal validity is to assign cases in a randomized manner. Randomized studies have the fewest validity issues by virtue of the random assignment to control or experimental samples. This is not a likely scenario in a court environment and so identifying the threats is necessary to assess their impact on the findings.

Internal validity of a study asks the main question of ‘did this change make a difference?’ Therefore, threats include issues that could produce effects that confound the effect we are trying to measure. One type of internal threat is **History**. This refers to something outside of the study that occurs differently between the first and second measurement (comparison year

and pilot year) that could affect the results. For this study, historical internal threats could include policy or legislative changes. Some examples include Source Code cases¹¹ or the closing of the Minneapolis Crime Lab¹² at the end of 2009.

Probably the most significant historical threat for this study could be budget decreases faced by the courts and its business partners over the three-year period between the comparison year and the pilot year. If the budget issues result in cuts to business partners' staff then it could take longer for cases to reach resolution in the pilot year. In addition, if the court had to wait longer for replacement judge appointment and full utilization of new judges then the cases could show longer time to resolution in the pilot years. If these threats cause delays in processing cases, the interpretation of findings would indicate that BOTOCC did not work but in reality, the findings could be a result of these threats to validity. Historical threats to internal validity are the biggest threat for this study.

Another aspect of the budget issues relate to appointment of replacement judges when there is a retirement. The State Court held judicial positions vacant longer during the pilot in order to save money. The Fourth District was required to wait more than double the total number of days before replacement judges were appointed in 2011 (788) compared to 2009 (388).¹³ Additionally, the Fourth Judicial District used over 1000 days of retired judge or senior judge time compared to 2009 when it was less than 500.¹⁴ Although most of this time was waiting for appointments to the bench (75%-80% of the retired judge money accounts for this wait), the remainder was for some serious medical or other life event issues that required coverage of judge time in 2011.

Less than 45% of the original judges assigned to the pilot teams stayed in their same team during the pilot (17 of the 38 judges remained in their original assignment). Six of these

¹¹ Source Code issues revolve around an argument that the calibration of the breathalyzer machines is incorrect and produce inaccurate results. Cases that appealed fought to obtain the proprietary source code for the breathalyzer machines used in Minnesota. This has delayed a resolution for these cases. In the meantime, new cases had to revert to blood analysis, which takes a lot longer for results. The initial Source Code cases began in mid-2009 and an appellate decision came in late June 2012 but was stayed pending defense decision to move forward.

¹² With the closing of the Minneapolis Crime Lab, cases that need forensic analysis are sent now to the State Bureau of Criminal Apprehension along with cases from the rest of the state. This could delay pretrial issues for all cases that might look like a negative pilot result.

¹³ Not only did the court wait longer (on average) for each replacement but there were more retirements as well.

¹⁴ Data presented to Critical Issues Committee, May 2012.

changes were due to retirement. Of the 17, four judges had significant life events occur that kept them away from their assignment for multiple months and required the Fourth District to fill in their assignments with 'senior' judges (retired judges) or the 'floating' criminal judge(s). The true percentage of judges that held their position through the entire pilot and heard cases on their original assignment was 34%, or 13 of the 38 initial assignments. This turnover can cause delays in processing – yet another threat to the validity of the findings.

One historical threat that may go in the opposite direction of those discussed thus far includes the fact that during the pilot year there were about 10% fewer cases for the criminal bench to process. Given that reality, it is possible that the pilot might show a better outcome since the same number of judges handled 10% fewer cases.

Many times, there is no way to resolve historical threats to internal validity and the best that can happen is simply to identify possible historical threats. As such, the Presiding Criminal Court Judge, the Honorable Mark Wernick convened a meeting in early 2011 with justice partners to examine and discuss changes since 2009. The group decided that the county-based budget books be used to examine the number of resource changes in justice partner's organizations, since the main threat seemed to be the possibility of slowing case processing due to budget cuts. Table 4 below examines the number of staff and budget changes for key partners from 2009 to 2011.

Table 4. Justice Partner Positions, Revenue and Expenditures¹⁵

Budgeted Positions	Comparison Year 2009	Pilot Year 2011	Percent Change
County Attorney's Office	336.5	344.0	2.2%
Public Defender	102.2	94.8	-7.2%
Sheriff's Office	828.0	835.0	0.8%
DOCCR ¹⁶	1006.2	933.9	-7.2%
Total Justice Partners	2272.9	2207.7	-2.9%

Budget	Comparison Year 2009	Pilot Year 2011	Percent Change
County Attorney's Office	\$40,662,849	\$42,250,540	3.9%
Public Defender	\$16,433,868	\$15,868,047	-3.4%
Sheriff's Office	\$88,101,114	\$85,480,047	-3.0%
DOCCR	\$107,252,538	\$104,360,992	-2.7%
Total Justice Revenue	\$252,450,369	\$247,879,937	-1.8%

Expenditures	Comparison Year 2009	Pilot Year 2011	Percent Change
County Attorney's Office ¹⁷	\$39,161,184	\$42,074,440	7.4%
Public Defender	\$16,132,864	\$15,368,225	-4.7%
Sheriff's Office	\$84,811,144	\$85,786,906	1.2%
DOCCR	\$104,568,252	\$103,038,673	-1.5%
Total Justice Expenditures	\$244,673,444	\$247,879,937	0.7%

Although positions and revenue decreased across the two years in this study, expenditures actually increased overall by about 1%. However, Public Defender and Probation services (DOCCR) decreased in each category while County Attorney services increased in every category and the Sheriff's Office increased in positions and expenditures. Having justice partners with unequal resources presents problems with balance between the different sides of the system. If the prosecution side has a greater ability to bring forward cases while the budget cuts hamper representation on the defense side by having fewer attorneys, this can enhance the natural tension between adversarial sides. This then, could lead to cases taking longer

¹⁵ Hennepin County 2011 Budget and 2012 Budget.

¹⁶ Hennepin County Department of Community Corrections and Rehabilitation

¹⁷ The part of the County Attorney's Office that is specific to criminal cases increased 3.7% in expenditures. This includes juvenile delinquency cases but does not include funding for the civil division.

under the BOTOCC pilot, which would look like a finding from the study when it may be due these external issues.

Another possible threat to internal validity of this study is **Instrumentation**. In this study, instrumentation refers to the calibration of cases that changed over time. Since this project created teams and assigned cases in the sample year to teams that were not exactly the same in comparison year of 2009, this threat could influence the study. To alleviate this threat, the research design includes multiple methods of comparing teams to account for these differences. Using the court wide performance measures and use of the large and small categorization of teams will allow an examination of the specific goals unrelated to specific teams.¹⁸

Threats to **external validity** have to do with issues that affect generalizability of the study. If studies use particular populations or measurements that are not applicable to other settings then the external validity of the study is in question. Since this study examines all criminal cases moving through this large urban court, its generalizability is to the future of how Hennepin County or the Fourth Judicial District is going to calendar criminal cases in the future.¹⁹

Threats to the validity of this study exist. Budget issues led to a decrease in staffing and funding for Fourth District Public Defenders and Community Corrections and Rehabilitation. Judicial replacement for judges who retired took twice as long in 2011 than in 2009 and the use of fill-in judges on the criminal calendars was more prevalent. Over two-thirds of the original assignment of judges to teams changed during the time of this pilot. Other historical threats such as 'source code' and budgetary issues such as closing the Minneapolis Crime lab could

¹⁸ Other internal threats that will not affect this study include;

- Maturation refers to the sample populations growing older during the study and that aging process' effect on the results. This happens when one sample is studied more than once over time. The current study included cases coming into court over two different years so maturation would have been the same for both samples.
- Testing is how a participant's second test is influenced by the first test. This study had no testing components.
- Statistical Regression can be a threat to internal validity of a study if extreme outlier cases are selected because in testing they will revert to the mean. Selecting all cases moving through the court per year eliminated this threat.
- Selection bias is when a differential selection of cases occurs in the comparison group from the sample group. In criminal justice, many studies suffer from selection bias when certain types of defendants are thought to 'do better' in one treatment scenario over another and are therefore funneled into that group. If a comparison of these treatments shows a difference, it may in fact be due to different types of defendants have been placed in each treatment type. But in this study, there has been no selection bias involved since cases were assigned to judge teams based on case type across both years and not characteristics of the defendants.

¹⁹ It is possible that other courts in Minnesota could decide to use this method of case assignment. However, the Fourth District is twice as big as any other court in Minnesota and so the findings might not transfer well. In addition, most other large urban courts outside of Minnesota already block or team their criminal cases.

cause delays for cases needing forensic analysis as well as other unforeseen changes amongst our business partners.

Results




Civil and Criminal Court Wide Performance Measures

Clearance Rates

- ✓ **Goal C1: Same or higher Clearance Rate for Major Civil, Major Criminal and Minor Criminal**

Clearance Rates are determined by dividing the number of disposed cases into the number of filed cases. It is a measure of workload – how many cases are disposed compared to the number that are coming into the court. A good clearance rate is as close to 100% as possible. This means the court is staying current with filings – in other words, it is disposing of as many cases as are coming into the court. Any clearance rate over 100% means that not only are new cases being resolved but cases pending at the start of the year are also being disposed. The clearance rate information listed below includes filings and dispositions from January of each year listed through the end of March of the following year (15 months).

Table 5. Clearance Rate Results

Court wide Findings	Comparison Year 2009	Up/Down	Pilot Year 2011
Major Criminal (Felony and Gross Misdemeanor)	100%		97%
Minor Criminal (Misdemeanor, Petty Misdemeanor and Implied Consent cases) ²⁰	100%		101%
Major Civil ²¹ (Handled by Judges)	96%		109%

²⁰ Criminal Judges handle civil Implied Consent cases along with the minor criminal cases. Implied Consent cases are not included in the following two court wide measures that depend on time standards since the time standard for implied consent cases does not match criminal time standards.

²¹ Hennepin County's Major Civil cases match the Major Civil case types in the MNJAD reports with the exception of Harassments. Referees handle harassments in Hennepin County and therefore the court wide measures presented here exclude these cases. All court wide measures presented match the cases heard by Hennepin County Judges.

The implementation of Blocking or Teaming had an adverse effect on the processing of felony and gross misdemeanor criminal cases but had the opposite effect on the processing of civil cases. Minor Criminal cases showed a slight improvement and moved these cases to over 100% in 2011. Major Criminal cases fell below the 100% mark during the pilot whereas Major Civil cases improved from below 100% in 2009 to well above it with 109% clearance rate in 2011.


Time to Disposition

- ✓ **Goal C2: Same or better time in days to reach case resolution for Major Civil, Major Criminal and Minor Criminal**

The Judicial Council has approved timing guidelines for the number of days it should take to dispose of certain percentages of cases. These guidelines vary by case type but in general, the Judicial Council has set timelines for when 90% of the cases, 97% of the cases, and 99% of the cases should be disposed. Results presented here show the proportion of the cases disposed at the 99th percentile (1 year for Major Criminal cases; 6 months for Minor criminal cases; and 24 months for Major Civil cases). For this measure, results are as of March 31, 2010 and March 31, 2012. The reports only allow one full year of data, therefore this measure is of a rolling year of 12 months prior to March 31 of the comparison year and the pilot year.

Table 6. Time to Disposition Results

State Guideline to have 99% of Cases Disposed within Time Frame

Court wide Findings	Comparison Year 2009	Up/Down	Pilot Year 2011
Major Criminal (Felony and Gross Misdemeanor)	97%		96%
Minor Criminal (Misdemeanor and Petty Misdemeanor)	97%	Same	97%
Major Civil (Handled by Judges)	100%	Same	100%

Green percentage (bolded and bigger font) means the court reached the state guidelines

Neither Major Criminal nor Minor Criminal cases met the state guidelines during either the comparison or pilot year. Major Criminal cases actually took longer to reach disposition in the pilot year while Minor Criminal cases remained the same. Civil court met the guidelines in both years and actually exceeds the state guidelines for civil cases.



Age of Pending Caseload

✓ **Goal C3: Same or better Age of Pending reports for Major Civil, Major Criminal and Minor Criminal**

The same percentage guidelines approved for the Time to Disposition report apply to the Age of Pending report (see Table 7). Age of Pending refers to the age of the court's active or open cases²². Whereas the time to disposition report tells a court how long it took to resolve or dispose of cases, this measure helps to keep an eye on the age of current or active cases. Reported here is the 99th percentile, which as indicated above, has slightly different time frames for the different case types and courts. This report, like the time to disposition report, only allows for a 12 months 'look' at cases, so the age of pending reported below is as of March 31st of each year.

Table 7. Age of Pending

State Guideline to have 99% of Open cases within Time Frame²³

Court wide Findings	Comparison Year 2009	Up/Down	Pilot Year 2011
Major Criminal (Felony and Gross Misdemeanor)	95%		89%
Minor Criminal (Misdemeanor and Petty Misdemeanor)	95%		92%
Major Civil (Handled by Judges)	99%	Same	99%

Green percentage (bolded and bigger font) means the court reached the state guidelines

²² These measures have had dormant time (while cases are out on warrant status) removed.

²³ Major Criminal time lines: 90% within 6 months; 97% within 9 months, 99% within one year. Minor Criminal time lines: 99% within 3 months, 97% within 4 months, and 99% within 6 months. Major Civil time lines: 90% within 12 months, 97% within 18 months, and 99% within 24 months.

Once again, Civil Court has not shown any ill effects because of this pilot while both Major and Minor Criminal cases suffered. For all criminal cases, a smaller percentage met the state guidelines during the blocking or teaming pilot. Civil Court was meeting the guidelines before the pilot and continues to meet them after the pilot. The two Criminal Court categories were much closer to meeting the time-frame guidelines prior to the pilot.

Summary of Court Wide Performance Measures Results

The results from the court wide performance measures indicate that this pilot reduced the efficiency of the criminal division, particularly for Major Criminal cases (felony and gross misdemeanor cases). In every category of the three measures, Major Criminal cases fared worse in the pilot year than in the comparison year (see summary Table 8 below). Likewise, in every category of the three measures, Major Civil cases fared better or the same. The court was able to clear more Minor Criminal cases under the pilot and the time to dispose remained the same but the age of active cases increased between the two years. These three court wide measures would indicate that the pilot was not successful except in the handling of Major Civil cases, that were not the focus of this pilot.

Table 8. Summary of Court Wide Measures Results

Court wide Findings	Clearance Rates	Time to Disposition	Age of Pending	Number of Goals Met
Major Criminal (Felony and Gross Misdemeanor)	-	-	-	0
Minor Criminal (Misdemeanor and Petty Misdemeanor)	+	S	-	2
Major Civil (Handled by Judges)	+	S	S	3

+ = Met the goal (the court did better than the comparison year)

S = Met the goal (the court did the same)

- = Did not meet the goal (the court did worse during the pilot compared to 2009)

One reason that the Criminal Court findings might not indicate success is that all three court wide measures include criminal cases that are not technically in the pilot. Recall that the pilot was for cases that began in 2009 or began in 2011 and then were resolved within the next 15

months of the comparison or the pilot year. Since the State Court designs these ‘canned’ reports, there is less ability to limit the sample examined. For example, clearance rates include both the number of new cases (this matches our definition for each year) but would also include some cases disposed during that time that might have begun prior to the two sample years. This would have an even bigger impact within Time to Disposition that would include any case disposed of during the pilot or comparison year regardless of when it began. Even Age of Pending could include cases that began outside of 2009 or 2011. This would be true for each court wide measure of the Major and Minor Criminal cases.

Probably the most important aspect of these three measures is the impact on the Civil Court because they ensure the examination of the collateral consequences of BOTOCC on the Civil Court. Clearly, BOTOCC did not produce any ill effects on the processing of civil cases and in fact had a positive effect.

Criminal Division Measures

For these results, data were extracted from the court information system (MNCIS) for criminal cases that matched the pilot and comparison years exactly. The start of each case was the date the case was ‘filed’ with the court and the end date was the date of case resolution (regardless of the type of resolution). Each year includes cases that began either in calendar year 2009 or 2011 and were resolved within the next 15 months, respectively. Presentation of three comparisons of each goal discussed earlier is below: 1) large grouping of the teams, 2) teams broken into parts that are directly comparable, and 3) by degree or level of the case.

All cases deemed resolved have a ‘first final disposition’ date regardless of the type of disposition. For sentenced cases where there is an execution to prison, the first final disposition and the ultimate disposition are the same date. For probationary cases or cases with interim dispositions (such as continued for dismissal or diversions), the first final disposition date is the date of the decision to place the case in that category, while the ultimate disposition date is at the end of the probationary period or the court’s jurisdiction. For cases that are acquitted through trial or dismissed, the first final disposition date is the point at which the acquittal or dismissal occurs.

A case is classified by its most serious disposition using the following prioritization: conviction, continued dispositions (such as stays or interim dispositions), acquittals/dismissals. Therefore,

there is a direct relationship between the first final disposition date and the most serious disposition on the case. In each year, there were about 56% of the cases convicted, 22% continued with some sort of interim dispositions and another 22% dismissed or acquitted.

Average Time to Disposition

✓ **Goal T1: Similar or less average time to disposition (in days) under the pilot**

The first measure for the Criminal Division is Time to Disposition or the time (in days) between the ‘filing’ of the case (the decision to prosecute and the court’s acceptance of the case) and the first final disposition. This is the time it takes the court to resolve a case. The time to disposition calculation does not include dormant time; for instance, while a case is on warrant status. In addition, post-dispositional time is not included.

A green plus sign indicates a statistically significant positive result or a decrease in the time to resolve the case while a red minus sign indicates a statistically significant negative result or more time needed for resolution of the case under the pilot. Once again, success of this goal is not only a reduction in the time to disposition but also a finding of no difference. In this situation, instead of a plus or minus sign, the word ‘same’ appears. This indicates that the difference between the two years is not statistically significant.

To aid the reader, a finding highlighted in orange indicates success. Blue shading indicates that there is no significant difference between the two years. When a Criminal Division goal has no shading, the finding is significantly worse in the pilot year.

Table 9. Average Time to Disposition by High Level Grouping

High Level Grouping of Teams	Comparison Year 2009 (49,714)	Positive or Negative Change	Pilot Year 2011 (46, 316)	Was the finding statistically significant?
Suburban Non-Felonies (3 teams)	67.1 Days (24,372)	+	66.1 Days (23,111)	Yes
Property Drug Felonies (PDC) (1 team)	93.6 Days (2,230)	-	107.0 Days (2,039)	Yes
Minneapolis Non-Felonies plus Serious Felonies (3 teams)	61.1 Days (18,796)	-	71.1 Days (18,255)	Yes

Orange shading indicates a significantly positive difference and goal was met
 No shading indicates a the goal has not been met

The suburban teams as a whole were able to decrease their time to disposition during the pilot (Table 9). Both the PDC team and the three Minneapolis teams taken together actually increased the amount of time it took to resolve case processing. Each of these differences is statistically significant, which is not surprising given the large sample sizes on the Suburban teams and Minneapolis teams when combined. Even small differences between groups with sample sizes approaching 20,000 cases will produce significant results so the reader should review the results with an eye toward meaningful differences. The analysis of specific teams with smaller caseloads will not have this problem.

Table 10. Average Time to Disposition by Teams

Teams	Comparison Year 2009 (49,714)	Positive or Negative Change	Pilot Year 2011 (46,324)	Was the finding statistically significant?
Civil/Ridgedale (No Felonies)	71.7 Days (8,667)	+	68.8 Days (8,531)	Yes
Civil/Brookdale (No Felonies)	55.8 Days (8,853)	same	54.6 Days (8,451)	No
Civil/Southdale (No Felonies)	75.7 Days (6,850)	-	77.7 Days (6,129)	Yes
Minneapolis Domestic Violence (No Felonies)				
Minneapolis Domestic Violence (No Felonies)	50.4 Days (2,079)	-	55.5 Days (1,811)	Yes
Minneapolis Serious Traffic (No Felonies)				
Minneapolis Serious Traffic (No Felonies)	69.5 Days (6,186)	-	84.4 Days (5,997)	Yes
Minneapolis Community Court (No Felonies)				
Minneapolis Community Court (No Felonies)	45.7 Days (8,179)	-	57.8 Days (8,381)	Yes
Civil/Property Drug Felonies (PDC)				
Civil/Property Drug Felonies (PDC)	93.6 Days (2,230)	-	107.0 Days (2,039)	Yes
All Serious Felonies				
All Serious Felonies	101.8 Days (2,352)	same	100.1 Days (2,066)	No

Orange shading indicates a significantly positive difference and goal was met.

Blue shading indicates no significant difference or similar results between years and goal was met.

No shading indicates the goal has not been met.

A separate analysis of each suburban courthouse shows that two locations reduced the time to disposition in the pilot year for the while Southdale increased by 2 days. However, the decrease at the Ridgedale courthouse and the increase at the Southdale courthouse are the only

statistically significant findings. Brookdale decreased by only one day, virtually the same finding as the comparison year.

For the Minneapolis teams (with all felonies removed so that every team is comparing a similar level of cases), each team took longer to resolve cases than in the comparison year and the increase in days to disposition was statistically significant. The Minneapolis Teams did not succeed on this goal.

Finally, Serious Felony cases decreased the time to resolve cases by one day but this was not statistically significant, so in essence there has been no change from the Felony Block and Specially Assigned method in 2009. Property and Drug felonies increased significantly the number of days necessary to resolve cases, from 94 days to 107 days under the pilot, and did not succeed on this goal. A reminder that first degree and second degree drug cases are included with the Serious Felony cases in 2009 but were with the PDC cases in 2011 and could impact this finding.

Table 11. Average Time to Disposition by Degree of Case

High Level Grouping of Teams	Comparison Year 2009 (49,714)	Positive or Negative Change	Pilot Year 2011 (46, 316)	Was the finding statistically significant?
All Felony Cases	99.2 Days (4,392)	-	104.5 Days (3,943)	Yes
All Gross Misdemeanor Cases	74.3 Days (5,841)	-	79.5 Days (5,661)	Yes
All Misdemeanor Cases	60.2 Days (31,598)	-	65.8 Days (29,411)	Yes
All Petty Misdemeanor Cases	61.3 Days (3,567)	+	55.3 Days (4,290)	Yes

Orange shading indicates a significantly positive difference and goal was met
No shading indicates a the goal has not been met

Yet another method to review the time to disposition of cases is to look at all cases by degree level without reference to teams or calendars. It took longer to process felony, gross misdemeanor and common misdemeanor cases during the pilot year and these differences are

statistically significant. Only the processing of petty misdemeanor cases was faster in the pilot year and this too was a significant difference.

Average Number of Hearings to Reach Resolution

✓ Goal T2: Similar or less average number of hearings to reach disposition

The data extract used to analyze the Time to Disposition was the same one used to analyze the Number of Hearings needed to dispose of the criminal cases. Any hearing that was ‘held’²⁴ and occurred prior to or on the date of the first final disposition was counted as a necessary hearing to resolve the case. Table 11 shows the high level grouping of the teams by the average number of appearances. In this table, the reader will see a positive sign (indicating fewer hearings) or a negative sign (more hearings). If the difference between the two years is not significantly different, the word ‘same’ will appear rather than a plus or minus sign. Once again, success on this goal is not only a reduction in the average number of hearings that is statistically significant but also a finding of no difference.

Both the Suburban teams and the Minneapolis teams as a whole report fewer hearings to reach disposition in the pilot year compared to 2009 and both results were significant. The PDC team, in comparison, showed a significantly higher number of appearances necessary to reach resolution during the pilot year versus the comparison year.

Table 12. Average Number of Hearings to Resolution by High Level Grouping

High Level Grouping of Teams	Comparison Year 2009 (49,714)	Positive or Negative Change	Pilot Year 2011 (46, 316)	Was the finding statistically significant?
Suburban Non-Felonies (3 teams)	2.10 Hearings (24,372)	+	1.98 Hearings (23,111)	Yes
Property Drug Felonies (PDC) (1 team)	3.90 Hearings (2,230)	-	4.19 Hearings (2,039)	Yes
Minneapolis Non-Felonies plus Serious Felonies (3 teams)	2.55 Hearings (18,796)	+	2.46 Hearings (18,255)	Yes

Orange shading indicates a significantly positive difference and goal was met
No shading indicates a the goal has not been met

²⁴ From MNCIS Help: “A hearing is a proceeding involving an official court record* by or under the authority of a judicial officer** during which issues, proofs and arguments are presented and addressed. A hearing is not an administrative action, but a determination that the causes of adverse parties have been addressed by a judicial officer, referee, magistrate, or hearing officer.

*Official Court Record is defined as court reporters transcripts, or as recorded by court staff.

**Judicial Officer is defined as an officer who determines causes between parties or renders decisions in a judicial capacity.”

All three Suburban courthouses met this goal by reducing the number of hearings necessary to resolve the cases (Ridgedale and Brookdale) or remaining the same (Southdale).

The Serious Traffic team reduced hearings necessary for resolution while the Domestic Violence team and the Community Court team showed no significant differences. Therefore, all three Minneapolis teams met this goal.

The Property Drug Team resolved cases with significantly more hearings during the pilot compared to the 2009 comparison year. This was the only team to have significantly more hearings under the pilot and not succeed on this goal. Serious Felony cases, spread across the three Minneapolis teams, report no significant differences and therefore meet this goal.

Table 13. Average Number of Hearings to Resolution by Teams

Teams	Comparison Year 2009 (49,714)	Positive or Negative Change	Pilot Year 2011 (46, 316)	Was the finding statistically significant?
Civil/Ridgedale (No Felonies)	2.09 Hearings (8,669)	+	1.81 Hearings (8,531)	Yes
Civil/Brookdale (No Felonies)	2.07 Hearings (8,853)	+	2.01 Hearings (8,451)	Yes
Civil/Southdale (No Felonies)	2.16 Hearings (6,850)	same	2.17 Hearings (6,129)	No
Minneapolis Domestic Violence (No Felonies)	3.08 Hearings (2,079)	same	3.07 Hearings (1,811)	No
Minneapolis Serious Traffic (No Felonies)	2.33 Hearings (6,186)	+	2.21 Hearings (5,997)	Yes
Minneapolis Community Court (No Felonies)	2.11 Hearings (8,179)	same	2.08 Hearings (8,381)	No
Civil/Property Drug Felonies (PDC)	3.90 Hearings (2,230)	-	4.19 Hearings (2,039)	Yes
All Serious Felonies	4.20 Hearings (2,352)	same	4.16 Hearings (2,066)	No

Orange shading indicates a significantly positive difference and goal was met
 Blue shading indicates no significant difference or similar results between years and goal was met
 No shading indicates the goal has not been met

Reviewing Table 14 below along with the previous two tables indicates that the results of increased hearings for the Property Drug Calendar overshadowed the results of the Serious Felonies since felony cases as a whole have significantly more hearings under the current pilot than previously in 2009.

Gross misdemeanors, common misdemeanors and petty misdemeanors all show significant positive changes in the number of hearings necessary to resolve cases under the pilot.

Table 14. Average Number of Hearings to Resolution by Degree of Case

High Level Grouping of Teams	Comparison Year 2009 (49,714)	Positive or Negative Change	Pilot Year 2011 (46, 316)	Was the finding statistically significant?
All Felony Cases	4.09 Hearings (4,392)	-	4.20 Hearings (3,943)	Yes
All Gross Misdemeanor Cases	2.90 Hearings (5,852)	+	2.69 Hearings (5,661)	Yes
All Misdemeanor Cases	2.14 hearing (31,598)	+	2.08 Hearings (29,411)	Yes
All Petty Misdemeanor Cases	1.51 Hearings (3,567)	+	1.40 Hearings (4,390)	Yes

Orange shading indicates a significantly positive difference and goal was met
 Blue shading indicates no significant difference or similar results between years and goal was met
 No shading indicates the goal has not been met

Average Number of Continuances for Resolved Cases

✓ **Goal T3: Similar or less average number of continuances before reaching resolution**

Scheduled court hearings can result in hearings that are held (on the record or in chambers), hearings that have to be cancelled (were not held) and hearings that can be either reset or continued. Hearings are 'cancelled' if it is no longer necessary and will not be rescheduled. Clerks use 'reset' for a hearing that the Court is requesting to change to a different date and 'continued' is used when a party is requesting the continuance. Often this is a fine distinction and may be confusing to staff. The data supports this confusion in terms. In both situations, reset and continuance, the requirement is to add a reason for the rescheduled hearing to the court information system and those reasons helped to select the hearings that constitute 'Continued' for this analysis.

All hearings rescheduled as 'Continued' count as a continued hearing and a select number of 'Reset' hearings that had certain reason codes were included as a continuance. The reasons that count for this study include if a party was not available for the hearing (attorney, defendant, interpreter, judge, victim, witness or other needed party), removal of a judge, when a courtroom was unavailable for the hearing, if all parties agreed or, finally, if the defendant failed to appear. Table 15 below gives the reader a sense of the volume of continuances by whether the case was a felony or non-felony.

Table 15. Percent of Continuances by Degree and Year

Number of Continuances During a Case	Comparison Year		Pilot Year	
	2009		2011	
	Felony (4,392)	Non-felony (41,006)	Felony (3,943)	Non-felony (39,462)
None	72.9%	85.5%	71.8%	85.0%
One Continuance	17.4%	12.4%	19.6%	12.8%
Two Continuances	5.6%	1.7%	5.6%	1.8%
Three to 14 Continuances	4.0%	0.4%	2.9%	0.4%

Across both years, the vast majority of cases had no continuances (see Table 15). In fact, combining felony and non-felony together, over 85% of all cases had no continuances and over 99% had two or fewer continuances between the filing of the case and resolution of the case. One would expect that more serious cases; those with evidentiary issues, witnesses or victims or where the defendant's liberty was in jeopardy, would have higher continuance levels than less serious cases and the data support this expectation.

Table 16 below indicates that the three Minneapolis teams (including with the Serious Felonies) have not had any significant differences across the comparison year and the pilot year in terms of the average number of continuances. The PDC team had a significantly higher average number of continuances than prior to the pilot year. In comparison, the Suburban teams as a whole statistically reduced the number of continuances in the pilot year.

Table 16. Average Number of Continuances during a case by High Level Grouping

High Level Grouping of Teams	Comparison Year 2009 (49,714)	Positive or Negative Change	Pilot Year 2011 (46,316)	Was the finding statistically significant?
Suburban Non-felonies (3 teams)	0.205 Continuances (24,372)	+	0.196 Continuances (23,111)	Yes
Property Drug Felonies (PDC) (1 team)	0.229 Continuances (2,230)	-	0.272 Continuances (2,039)	Yes
Minneapolis Non-felonies plus Serious Felonies (3 teams)	0.185 Continuances (18,796)	same	0.195 Continuances (18,255)	No

Blue shading indicates no significant difference or similar results between years and goal was met
 No shading indicates a the goal has not been met

The Ridgedale team was successful in reaching the goal of reducing the continuances while Brookdale and Southdale remained stable, also reaching the goal of similar or fewer continuances across the two years of interest (see Table 17 below).

Minneapolis Community Court was also successful at maintaining the average number of continuances. However, the Minneapolis Serious Traffic team, Minneapolis Domestic Violence team did not reach goal. Both of these teams significantly increased the average number of continuances used for resolved cases.

On the felony side, the processing of continuances for Serious Felonies reduced significantly during the pilot year in contrast to the Property Drug team where the average number of continuances increased significantly.

Table 17. Average Number of Continuances during a case by Teams

Teams	Comparison Year 2009 (49,714)	Positive or Negative Change	Pilot Year 2011 (46, 316)	Was the finding statistically significant?
Civil/Ridgedale (No Felonies)	0.241 Continuances (8,669)	+	0.215 Continuances (8,531)	Yes
Civil/Brookdale (No Felonies)	0.164 Continuances (8,853)	same	0.164 Continuances (8,451)	No
Civil/Southdale (No Felonies)	0.213 Continuances (6,850)	same	0.214 Continuances (6,129)	No
Minneapolis Domestic Violence (No Felonies)	0.085 Continuances (2,079)	-	0.195 Continuances (1,811)	Yes
Minneapolis Serious Traffic (No Felonies)	0.135 Continuances (6,186)	-	0.158 Continuances (5,997)	Yes
Minneapolis Community Court (No Felonies)	0.124 Continuances (8,179)	same	0.134 Continuances (8,381)	No
Civil/Property Drug Felonies (PDC)	0.229 Continuances (2,230)	-	0.272 Continuances (2,039)	Yes
All Serious Felonies	0.612 Continuances (2,352)	+	0.550 Continuances (2,066)	Yes

Orange shading indicates a significantly positive difference and goal was met
 Blue shading indicates no significant difference or similar results between years and goal was met
 No shading indicates the goal has not been met

A review of continuances by degree level of the case indicates that only common misdemeanor cases were not successful in meeting this goal. The other levels were unchanged across both years.

Table 18. Average Number of Continuances during a case by Degree of Case

Degree Level of Case	Comparison Year 2009 (49,714)	Positive or Negative Change	Pilot Year 2011 (46, 316)	Was the finding statistically significant?
All Felony Cases	0.436 Continuances (4,392)	same	0.413 Continuances (3,943)	No
All Gross Misdemeanor Cases	0.238 Continuances (5,841)	same	0.235 Continuances (5,661)	No
All Misdemeanor Cases	0.158 Continuances (31,598)	-	0.167 Continuances (29,411)	Yes
All Petty Misdemeanor Cases	0.192 Continuances (3,567)	same	0.177 Continuances (4,390)	No

Orange shading indicates a significantly positive difference and goal was met
 Blue shading indicates no significant difference or similar results between years and goal was met
 No shading indicates the goal has not been met

Trial Date Certainty

✓ **Goal T4: Similar or better trial date certainty in the pilot year**

Trial date certainty analyzes how often cases scheduled for a bench or jury trial actually start on the date that is scheduled. Past research has shown that when a high percentage of trials go forward on the first day they are scheduled there is a correlation to a more timely case resolution²⁵. Trials are some of the most resource intensive methods of resolving cases for the courts and for justice partners in general. Jury trials in particular carry an extra burden on the public as well. The National Center for State Courts indicates that the closer the average trial date certainty is to one trial setting per case, the better the court is considered on this measure.

In order to design this measure, cases are restricted to those that had at least one trial setting that actually occurred (not just scheduled but also held). The trial could be either a jury trial or a court trial (also called a bench trial or non-jury trial). Trial setting attempts counted if a trial setting was scheduled and not held for those cases that ever had a trial held. In each of the

²⁵ J. Goerd et al., *Examining Court Delay: The Pace of Litigation in 26 Urban Trial Courts, 1987*, (Williamsburg, VA: National Center for State Courts, 1989), pp. 32-35. See also B. Mahoney et al., *Changing Times in Trial Courts: Caseflow Management and Delay Reduction in Urban Trial Courts*, (Williamsburg, VA: National Center for State Courts, 1988), pp. 81-82.

findings below, the Fourth Judicial District in both 2009 and 2011 has average trial settings of one prior to the trial starting.

Table 19. Trial Date Certainty by High Level Grouping

High Level Grouping of Teams	Comparison Year 2009 (1,434)	Positive or Negative Change	Pilot Year 2011 (1,197)	Was the finding statistically significant?
Suburban Non-Felonies (3 teams)	1.23 Trial Attempts (715)	-	1.32 Trial Attempts (556)	Yes
Property Drug Felonies (PDC) (1 team)	1.40 Trial Attempts (20)	same	1.50 Trial Attempts (26)	No
Minneapolis Non-Felonies plus Serious Felonies (3 teams)	1.61 Trial Attempts (348)	same	1.54 Trial Attempts (357)	No

Blue shading indicates no significant difference or similar results between years and goal was met
No shading indicates a the goal has not been met

There were no significant differences between the comparison year and the pilot year for the Minneapolis Teams or the Property Drug Calendar in the certainty of trial date settings. The Suburban Teams as a whole show a significant increase in the scheduled trials prior to the first trial hearing held. Two of the three large groupings of teams met this goal.

Table 20 below shows that neither Ridgedale nor Brookdale succeeded on this goal of trial date certainty. In both instances, these suburban courthouses had less certainty on the start of any trial during the pilot year compared to 2009. For each of the other teams, there were no significant differences between before or during the pilot and each met this goal.

Table 20. Trial Date Certainty by Teams

Teams	Comparison Year 2009 (1,434)	Positive or Negative Change	Pilot Year 2011 (1,197)	Statistically Significant?
Civil/Ridgedale (No Felonies)	1.31 Trial Attempts (279)	-	1.45 Trial Attempts (155)	Yes
Civil/Brookdale (No Felonies)	1.13 Trial Attempts (268)	-	1.26 Trial Attempts (242)	Yes
Civil/Southdale (No Felonies)	1.28 Trial Attempts (168)	same	1.28 Trial Attempts (159)	No
Minneapolis Domestic Violence (No Felonies)	1.24 Trial Attempts (38)	same	1.50 Trial Attempts (60)	No
Minneapolis Serious Traffic (No Felonies)	1.51 Trial Attempts (43)	same	1.42 trial Attempts (60)	No
Minneapolis Community Court (No Felonies)	1.29 Trial Attempts (49)	same	1.40 Trial Attempts (43)	No
Civil/Property Drug Felonies (PDC)	1.40 Trial Attempts (20)	same	1.50 Trial Attempts (26)	No
All Serious Felonies	1.77 Trial Attempts (218)	same	1.61 Trial Attempts (194)	No

Blue shading indicates no significant difference or similar results between years and the goal was met
 No shading indicates the goal has not been met

Table 21 reviews trial date certainty by degree of cases. It shows that each level met this goal except common misdemeanor cases. Common misdemeanors had significantly less trial certainty during the pilot year than the comparison year and did not meet this goal.

Table 21. Trial Date Certainty by Degree of Case

Degree Level of Cases	Comparison Year 2009 (1,434)		Pilot Year 2011 (1,197)	Statistically Significant?
All Felony Cases	1.74 Trial Attempts (237)	same	1.60 Trial Attempts (219)	No
All Gross Misdemeanor Cases	1.58 Trial Attempts (57)	same	1.48 Trial Attempts (56)	No
All Misdemeanor Cases	1.23 Trial Attempts (219)	-	1.44 Trial Attempts (197)	Yes
All Petty Misdemeanor Cases	1.23 Trial Attempts (571)	same	1.29 Trial Attempts (467)	No

Blue shading indicates no significant difference or similar results between years and the goal was met
 No shading indicates the goal has not been met

Jury Trial Goals

- ✓ **Goal T5: Smaller percentage of requests for jury trials in the pilot year**
- ✓ **Goal T6: Higher percentage of actual verdicts of requests in pilot year**
- ✓ **Goal T7: Smaller percentage of cases where juries were returned or not taken due (continued, settled, waived or dismissed) in the pilot year**

As mentioned earlier, jury trials are some of the most resource intense methods of resolving criminal case, both for the system players and for the public as well. Courts spend resources on keeping track of the jury utilization by assuring that the request for juries occurs only when there is a real need, that when a jury is used it results in trial verdicts and cases are not resolved using some other method once juries are empaneled.

The data used to answer these goals comes from the Fourth Judicial District Scheduling and Jury Office and only aggregate data is available, not by court case number. If the data were available by case number, it would allow matching of jury results to the data file created for each of the other Criminal Division Goals. Aggregate data does not allow for significance tests and is restricted in the ability to breakdown the results by case type or team. Therefore, only division-wide Criminal results are available.

Table 22. Jury Trial Measures Results

Jury Trial Measures	Comparison Year 2009 (45,824 eligible for jury trials)*	Positive or Negative Change	Pilot Year 2011 (40,140 eligible for jury trials)*
Percentage of requests For jury trials	1.01% (461 requests)	-	1.18% (473 requests)
Percentage of verdicts of all requests	43.38% (200 verdicts)	-	38.48% (182 verdicts)
Percentage of cases where juries are returned/not taken	56.62% (261 not taken or returned)	-	61.52% (291 not taken or returned)

* Petty misdemeanors are not eligible for jury trials

During the pilot year, a slightly higher present of requests for jury trials occurred and a lower percentage of those juries requested actually reached a verdict. Correspondingly, more juries returned to the jury office unused, which means the cases resulted in a settlement, a continuance, a dismissal or where the defendant waived the jury in favor of a bench trial. All three goals were not reached during the pilot

Summary of Criminal Division Results

Table 23 below provides a summary of the four objective performance goals assessed by case/team. A plus sign indicates that there was significant improvement during the pilot year on that particular team/grouping or case type, meeting the goal. Having similar results to the comparison year also indicates reaching success on these goals and is shown with an 'S'. A minus sign indicates that the team or case type fell short and did not meet the goal.

There were only two levels or teams that met all the objective Criminal Division goals (excluding the jury trial results): Serious Felonies and petty misdemeanors as a group. Seven areas met three of the four objective goals: Ridgedale, Brookdale, Southdale, suburban teams as a whole, Community Court, Minneapolis teams as a whole, and gross misdemeanors.

The three Suburban courthouses met three of the four goals. Of the Minneapolis teams (on non-felony cases), Community Court did the best meeting three of the four goals while Serious Traffic and Domestic Violence met half the goals and significantly declined on the other two.

The Property Drug Felony team failed to meet three of the four goals. In comparison, the Serious Felonies currently handled by the three Minneapolis teams, met all four goals by showing similar or better results to the comparison year.

No teams failed to meet all four measures and indeed only one failed to meet three of the four objective goals.

The pilot petty misdemeanor and gross misdemeanor cases reported better processing under the pilot on at least three of the four goals, with misdemeanors and felony cases meeting two goals and not meeting two goals.

The BOTOCC pilot did not meet any of the jury trial goals.

Table 23. Summary of Case/Team Measures Results

Criminal Court Results	Time to Disposition	Number of Hearings	Number of Continuances	Trial Date Certainty	Number of Goals Met
Findings on Large Grouping of Teams					
Suburban Non-Felonies (3 teams)	+	+	+	-	3
Property Drug Felonies (PDC) (1 team)	-	-	-	S	1
Minneapolis Non-Felonies plus Serious Felonies (3 teams)	-	+	S	S	3
Findings on Teams					
Civil/Ridgedale (No Felonies)	+	+	+	-	3
Civil/Brookdale (No Felonies)	S	+	S	-	3
Civil/Southdale (No Felonies)	-	S	S	S	3
Minneapolis Domestic Violence (No Felonies)	-	S	-	S	2
Minneapolis Serious Traffic (No Felonies)	-	+	-	S	2
Minneapolis Community Court (No Felonies)	-	S	S	S	3
Civil/Property Drug Felonies (PDC)	-	-	-	S	1
All Serious Felonies	S	S	+	S	4
Findings on Level of Case					
All Felony Cases	-	-	S	S	2
All Gross Misdemeanor Cases	-	+	S	S	3
All Misdemeanor Cases	-	+	-	-	1
All Petty Misdemeanor Cases	+	+	S	S	4

+ = Met the goal (the court did better than the comparison year)

S = Met the goal (the court did the same)

- = Did not meet the goal (the court did worse during the pilot compared to 2009)

Reviewing Table 23 allows the reader to distinguish where some of the most successful results have occurred within the pilot. For example, the Suburban teams as a whole look to be the most successful given that they have two measures where the teams, taken together, have significantly improved compared to prior to the pilot and one measure where they were the same as 2009.

By moving down to the team level, the reader can see that the positive result for Time to Disposition was accomplished mostly through Ridgedale with Brookdale reporting similar results to the comparison year. Likewise, the positive result on the reduction of the average number of hearings came mostly from Ridgedale and Brookdale showing significant improvement over results from 2009. It is also apparent that the significant result for Ridgedale on reducing the average number of continuances, as well as a similar result for the other two suburban teams was strong enough to bring all three teams to a positive result overall.

A similar type of analysis can occur for the Minneapolis teams. When viewing the combined results, the three Minneapolis teams show a significant reduction in the average number of hearings necessary to resolve cases but the Serious Traffic team's significant reduction in average appearances was mostly responsible for the finding combined with the other two teams having no significant differences from the comparison year.

Likewise, significantly reducing the time to disposition in days for petty misdemeanors is mainly because of the Suburban teams, specifically the reduction found at Ridgedale. Moreover, the significant reduction in the average number of hearings for misdemeanors and gross misdemeanors district-wide is a result of Ridgedale, Brookdale and Minneapolis Serious Traffic team's reduction in the average number of hearings to resolution.

Perceptions of Pilot Participants

- ✓ **Goal P1: Judges will like Teaming or Blocking better than before the pilot**
- ✓ **Goal P2: Attorneys will like Teaming or Blocking better than before the pilot**
- ✓ **Goal P3: Staff will like Teaming or Blocking better than before the pilot**
- ✓ **Goal P4: Justice Partners will like Teaming or Blocking better than before the pilot**

Design of four separate surveys allowed feedback from judges, attorneys, clerks or administrators and probation officers on perceptions of the pilot. Respondents accessed the electronic surveys through a web link sent via email. All survey questions and responses for each survey are available in Appendix C.

Sixty-two active judges received the BOTOCC Judge Survey. In total, 46 judges completed the survey, for an overall response rate of 74%. All eight seniority groups responded to the survey, with the most responses (22%) from seniority group three.²⁶ Of those who responded, 13% plan to retire within the next two years. The remaining judges plan to retire anywhere from two years to more than ten years from the survey date. Judges from ten of the eleven teams/Courts responded (the seven pilot teams, Probate/Mental Health, Family, and Juvenile Court).

The attorney survey was limited to a sample of criminal attorneys who had appeared in the Fourth Judicial District at least five times on separate criminal cases during the pilot, and who had a valid email address. Of the 447 attorneys who received the survey, 128 completed it for an overall response rate of 29%. About the same percentage of respondents practiced as prosecutors (47%) and defense attorneys (48%), with a small percentage who serve as both prosecutors and defense attorneys (6%). While responding attorneys have experience with each of the eleven teams/courts, the biggest percentage (27%), consider Hennepin County Serious Felonies their main experience.

The clerk and administrator survey included 240 clerks and administrators who were part of the BOTOCC pilot. In total, 83 completed the survey, for an overall response rate of 35%. Of those who responded, 59% work for court administration and 41% work for a judicial officer.

Assignments for most respondents were Criminal only (69%) or a combination of Civil and Criminal (24%), with the remainder assigned to Civil only (3%) and Court Administration (4%).

²⁶ The judge survey had an error on the values attached to the seniority levels. Group 8 is the Most Senior group but the values attached to the number 8 on the survey said Most Junior. An email went out within 10 minutes of fielding the survey but based on the continued questions about this one element, there was a concern on the validity of this element so the analysis did not utilize it. Luckily, another question asked the judges about their retirement plans and that was very helpful in the analysis. There might not be a perfect correlation between seniority level and retirement plans, but there is a high correlation. Of the two questions, retirement plans allow the court to design the future based on what most judges who will be here longer might want.

Seventy percent of the respondents work downtown, while 30% reported working in the suburbs.

A survey of probation officers who had exposure to the BOTOCC pilot included 235 possible respondents. Of those who received the survey, 57 completed it, for a response rate of 24%. Officers assigned to felony supervision made up the largest single group (63%). Other probation respondents worked in misdemeanor investigation (14%), felony investigation (9%), misdemeanor supervision (12%), or pretrial conditional release supervision (2%). Similar to the clerks and administrators, 70% work downtown and 30% work in the suburban courts.

Realization of BOTOCC Values

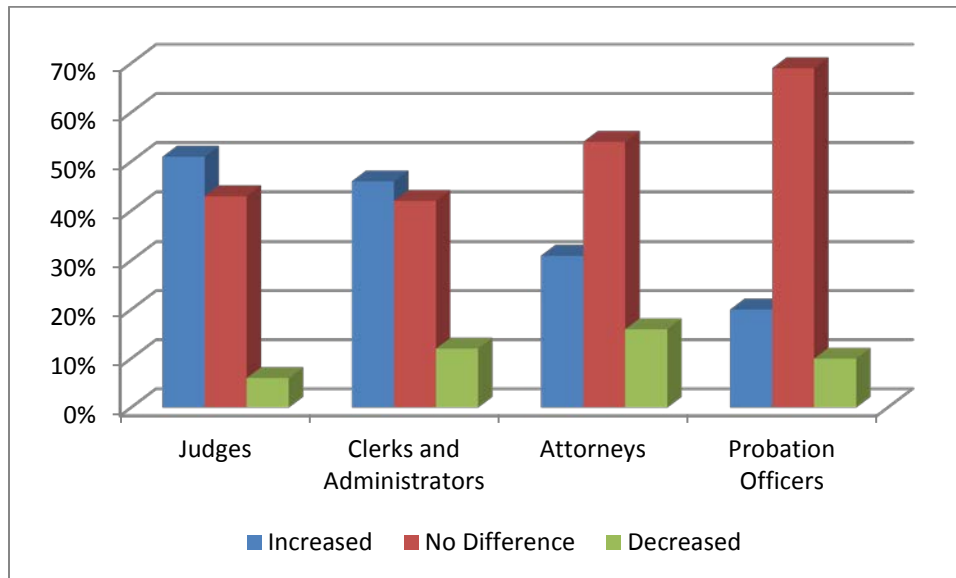
A set of questions that all of the respondents answered related to the values that shaped the design of this pilot. Recall that they were:

- 1) Increased **transparency** and more **accountability** in the handling of criminal cases,
- 2) **Fairness** and **efficiency** in the processing of criminal cases, and
- 3) Continued **job satisfaction** and **workload equity** among judges.

There are questions in each survey on whether the BOTOCC pilot increased transparency, led to more accountability, and if case processing that was more fair and efficient. Only the judge survey asks job satisfaction and workload equity questions. For all six of these questions, the response options include strongly increased, slightly increased, no difference, slightly decreased, strongly decreased and don't know. For the purposes of display, the reader is provided with three responses; increased (strongly and slightly combined), no difference, and decreased (strongly and slightly combined).

Transparency yields the most uncertainty among each of the respondent groups (see Figure 1). Although the majority of judges and clerks answered that, the handling of criminal cases under BOTOCC was more transparent, the justice partners were more likely to respond that the pilot made no difference in transparency. The good news is that very few respondents from any of the four groups felt that transparency decreased. Attorney's open-ended responses relating to transparency revealed that fewer chamber discussions and more 'on-the-bench' time would lead to more transparency in the system. Judges who thought there was more transparency pointed to earlier assignment of the cases to a judge allowed for greater transparency in decisions along the way.

**Figure 1. Perception of Criminal Cases Processing under BOTOCC: Transparency
By type of Respondent**

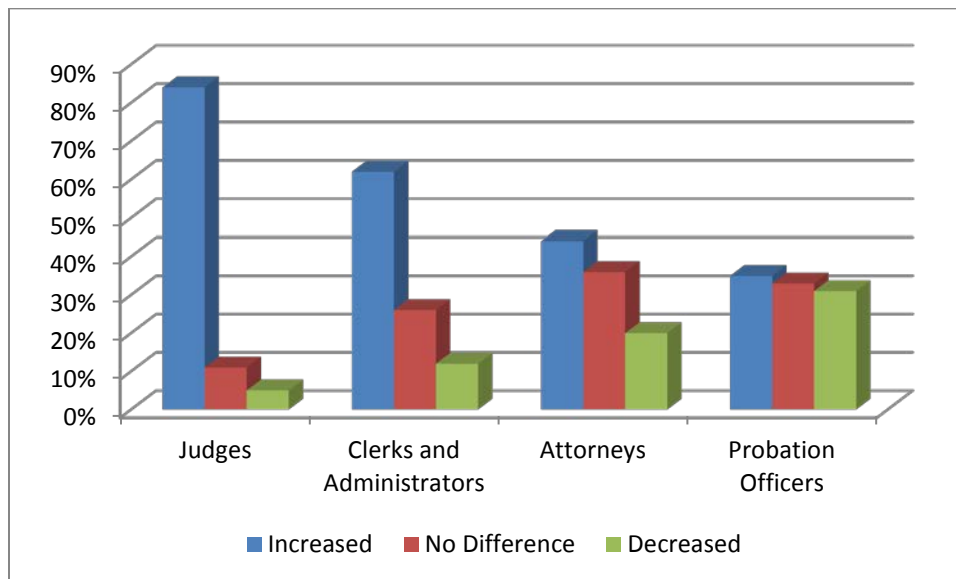


Blocking or Teaming leads to more accountability in case processing from the perspective of the judges and the administrators or clerks (see Figure 2). Although a slight majority of attorneys and probation officers answered that accountability increased as well, a sizable percentage feel that the pilot made no difference and in the case of probation officers, were nearly as likely to respond that the pilot led to a decrease in accountability. From the open-ended responses, it was clear that the way the court chose to handle revocations under BOTOCC did not coincide with ‘accountability’ (or the other values of the pilot) to the felony level probation officers. Their preference was to have revocations go back to the sentencing judge.²⁷ For the other three groups that feel accountability increased, the reason most often relayed in the open-ended responses, was that keeping a case from beginning to end allowed a judge to have a stake in how the case is processed.

²⁷ One of the probation respondents said: “There is no investment or background knowledge of the case by the Court at the time of revocations as the case keeps getting passed around at every hearing. Probation violations are prepared for a reason & yet too often get “undone” at the 1st appearance due to lack of knowledge by the parties. Probation officers have office schedules and are not available for 1st appearances, following an arrest, and are usually not available to appear on such short notice, without compromising their own schedules. We do not just make court appearances all day, like the other players of the system; we have scheduled appointments, in and out of the office on a daily basis. The revocation calendar is especially frustrating with too much time wasted by too many professionals. When we scheduled our own Revocations, with the sentencing Judges, it was much more efficient as all Revocations were not scheduled at the same time.”

A few attorneys felt that accountability decreased because judges did not have other judges looking over their earlier decisions as would happen on a master calendar where a case could see a different judge at each stage of the process. In this view of accountability, having many different judges looking over each other's decisions would make the case processing more accountable in the view of these attorneys.

Figure 2. Perception of Criminal Cases Processing under BOTOCC: Accountability By type of Respondent



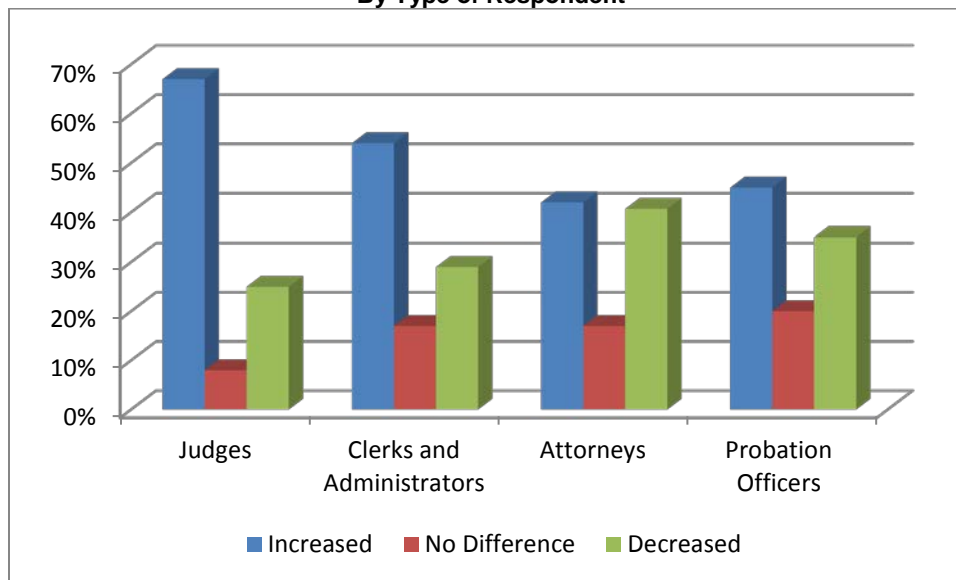
Each of the four groups believes that BOTOCC increased efficiency of case processing but in each group, a substantial percentage feel that efficiency has decreased (25% of the judges at the low end and 41% of the attorneys). Probation officers who feel that the new system is inefficient say they waste a lot of time waiting for the attorneys to show up in court. Those officers who were positive about the project's efficiency feel that it is easier to keep track of the cases and meet time standards because of the limited number of judges involved with their cases.

Attorneys who feel BOTOCC is efficient said there were fewer trials set and that reduction eliminated trial preparation on those cases. Another reason the more positive attorneys gave for believing that efficiency was realized, is that having the same players involved at each stage of the process allowed cases to easily triage into a 'resolution track' versus 'litigation track' and discouraged 'kicking the can down the road' or delaying the decisions.

The attorneys who thought BOTOCC is inefficient often mentioned one or several of the following reasons:

- 1) There are too many trials set for Monday,
- 2) There are too many cases in criminal court for the number of judges assigned,
- 3) There is too much movement of judges in and out of criminal court leading to inconsistency in judicial assignments,
- 4) There are too many inexperienced judges in criminal court, and
- 5) That misdemeanor cases take a back seat to felony cases and civil caseloads.²⁸

Figure 3. Perception of Criminal Cases Processing under BOTOCC: Efficiency By Type of Respondent



Judges and clerks or administrators were the most likely to believe that fairness increased during the pilot. Almost three-quarters of the judges and almost 60% of the staff feel that fairness is higher under the pilot.

²⁸ One attorney said: "Scheduling of trials is far less efficient than before. Judges frequently do not have trial dates available within a reasonable amount of time from the pretrial setting (often three months out or more) and on the date of trial, judges frequently have five or more cases set for trials (sometimes more than 10). It makes little sense for judges to have to balance civil and criminal trial blocks. I understand that judges may prefer this for various reasons, though these reasons have nothing to do with the fair and timely administration of justice."

Judges who feel that the new system of blocking or teaming did not accomplish the goal of fair case processing mentioned that new judges are not trained thoroughly and are being asked to handle complex criminal cases that they are not comfortable handling.²⁹ One judge who answered that the pilot decreased fairness in case processing, explained that the “pilot was set up to the advantage of those judges who wanted to handle only criminal cases and that it was a detriment to the rest of the court divisions.”

Judges who believe that fairness increased during the pilot said that the consistency of handling certain types of cases leads to fair processing of cases. They also stated that this pilot moved the responsibility of case management and policy setting for criminal cases from a small group of judges to the broader bench.

Attorneys and probation officers mostly thought that there was no difference or that fairness has improved. Very few probation officers thought that fairness has decreased but nearly one-third of the attorneys believe it declined during the pilot. For attorneys who thought the pilot led to a decrease in the fair processing of cases, the reasons they referred to the most were:

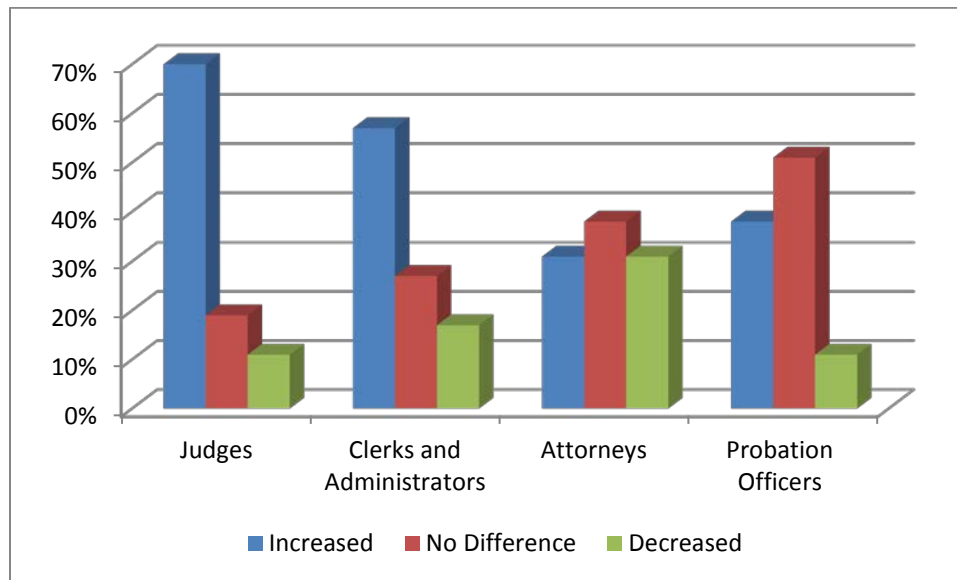
- 1) Not enough judges handling criminal cases,
- 2) Lack of experienced judges,
- 3) Movement of judges out of criminal to specialty courts too soon, and
- 4) There are too many Monday trial settings.

They also state that judges with a split caseload of criminal/civil pay most attention to their civil cases, which makes it difficult to set criminal appearances in a timely manner.

Defense attorneys who think BOTOCC increases fairness said that under a master calendar, when a new judge got a case they would ask the prosecutor to explain the history of the case and from the defense view the prosecutors would sometimes use ‘creative re-telling’ to sway the judge in their favor. For these attorneys, having judges who know the case from the beginning increases fair processing for their defendants.

²⁹ This observation was in reference to other judges. In other words, no judge said ‘they’ were not trained well enough or were asked to handle cases for which they felt uncomfortable.

Figure 4. Perception of Criminal Cases Processing under BOTOCC: Fairness By Type of Respondent



Judicial Perspective on Job Satisfaction and Workload Equity

The largest percentage of judges feel that the pilot increases their job satisfaction and they think the workload is more equitable (see Figure 5). Judges mentioned that handling their own caseload is rewarding because of the autonomy in how they process their cases while at the same time it gives them the benefit of working as a team. The teams built collegiality, extended knowledge between teammates and provided an opportunity for a broader group of judges to set policy. One judge wrote:

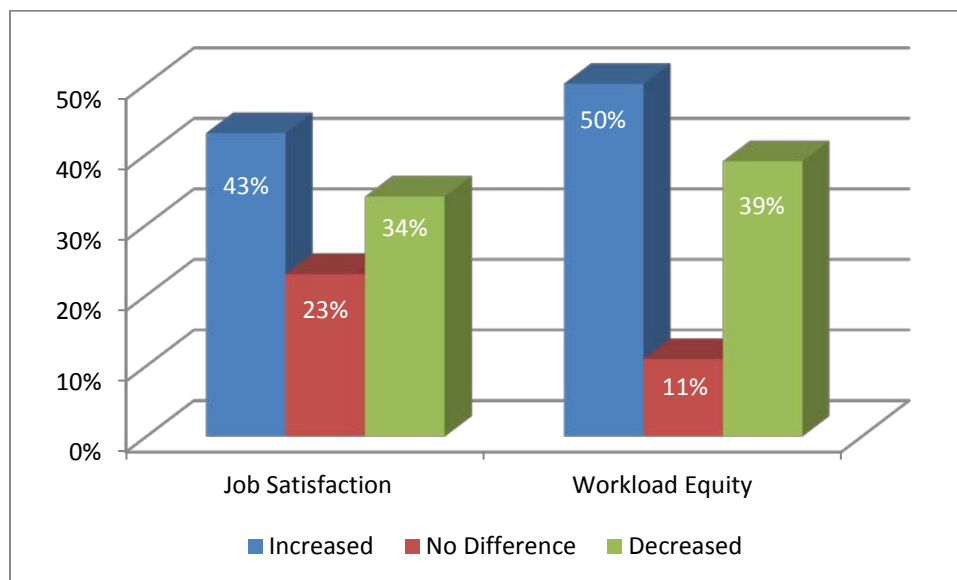
“I always have more satisfaction when I keep a case from start to end. There is a sense of "ownership" and "pride" that comes with seeing a case from the beginning. Also, and importantly, the parties and counsel know what to expect. They can plan on things, and not always wonder who the next judge is who will pick up a case. By having a judge blocked to a case, there is a transparent responsibility for that case.”

However, 34% of the bench feels that both of these values decreased during the pilot. In the case of workload equity, nearly 40% of the responding judges feel that BOTOCC decreases equity. Although the open-ended responses alluded to the same phenomenon, there is no mention of where the inequity fell with regard to specific teams however; mentioned the most was the burden of the combined civil/criminal caseloads. The most notable issues revolve around the amount of reading and writing necessary for a civil caseload and adding a criminal

caseload burdens these judges further. Other issues discussed in the open-ended responses with regard to work equity include having some of the most senior judges at the suburban courthouses where they handle some of the least serious criminal offenses. This apparent misallocation of resources is simply because these same judges carry civil caseloads. In the past, newer judges began their training at the suburban courthouses but now they are learning their jobs on Minneapolis calendars, which require handling both felonies and misdemeanors. One judge mentioned that since the newer judges began handling felonies, there have been more ‘notices to remove’ filed and that led to the inequity for the more senior judges.

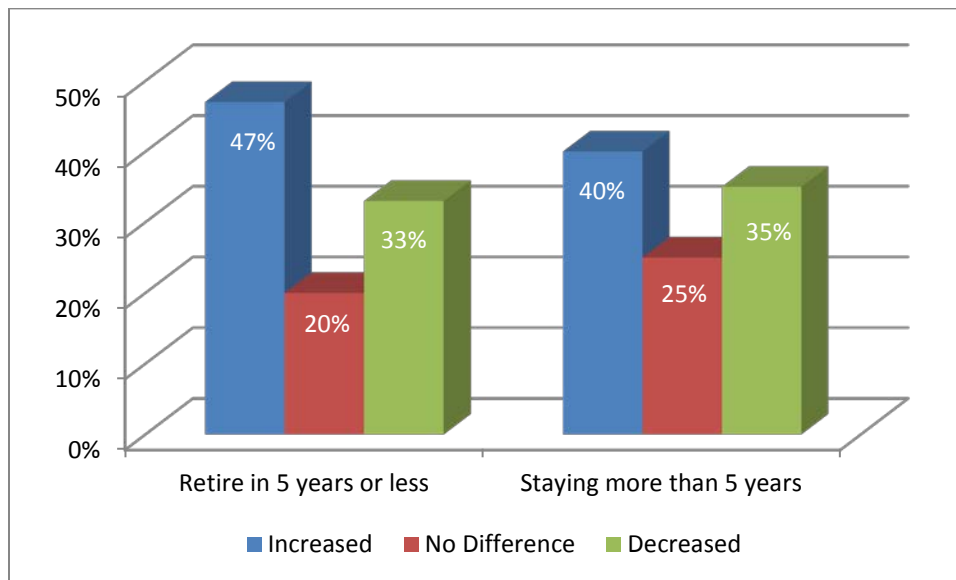
A minority of judges felt quite strongly that previous calendaring options were better and they feel the pilot is leading to the ‘balkanization’ of the court which is untenable for the future.

Figure 5 Judicial Job Satisfaction and Workload Equity Perceptions



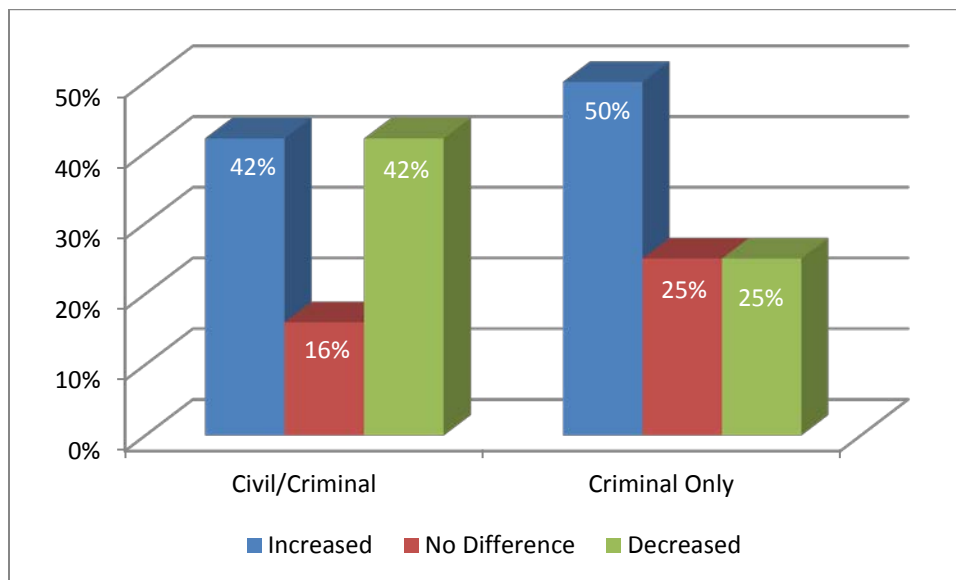
The pattern for job satisfaction is very similar between judges whose retirement plans are within 5 years and those whose plans are more than 5 years away. The largest percentage feel that job satisfaction increased under BOTOCC with another 20%-25% who feel there was no difference and about one-third who thought it decreased in both retirement groups. There are no significant differences by retirement date in the job satisfaction reported by the bench.

Figure 6 Judicial Job Satisfaction by Retirement Plans



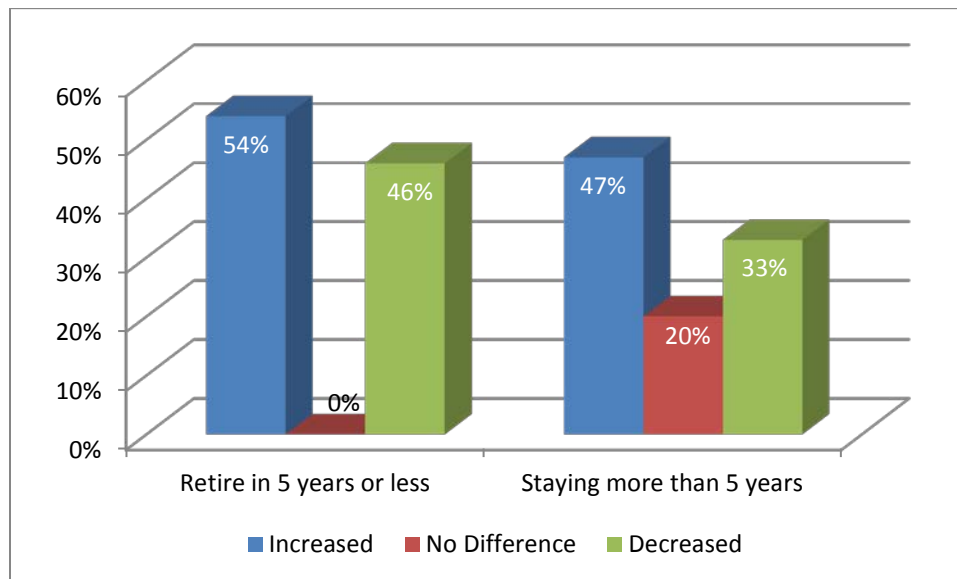
Those judges handling criminal cases only are more likely to report an increase in job satisfaction (50%) and they have a higher percentage who feels there is no difference (25%) based on the pilot. For judges that handle both civil and criminal caseloads, they are as likely to feel that the pilot increased job satisfaction as decreased job satisfaction (both were 42%). None of these differences is statistically significant.

Figure 7 Judicial Job Satisfaction by Assignment of Criminal Cases



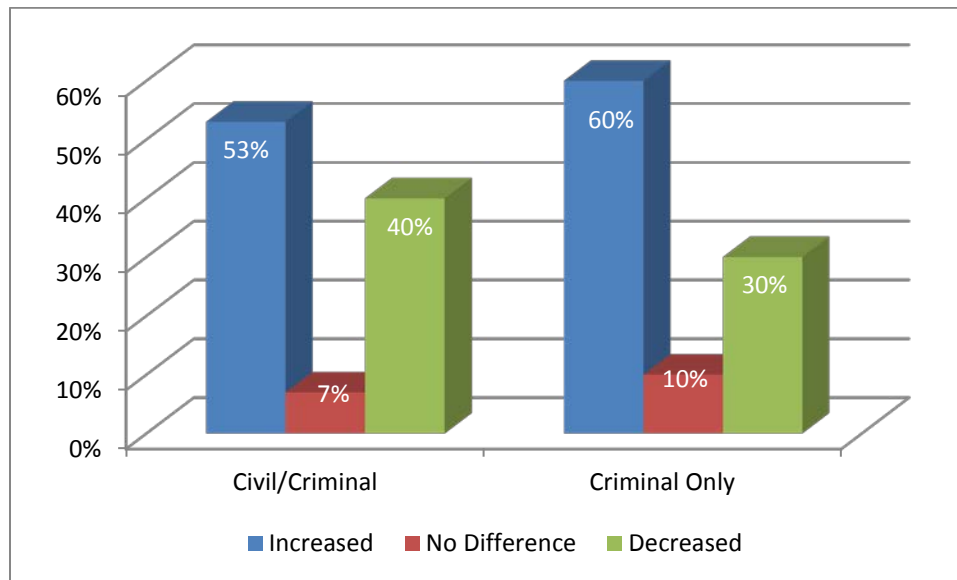
The bench also did not differ significantly on their view of workload equity by when they were planning on retiring. The highest percentage of both, those retiring soon and those whose retirement plans are at least 6 years in the future or more, feel that the BOTOCC pilot increases equity of the judge’s workload. However, a substantial percentage of each group feels that it decreases the workload equity. None of these differences is statistically significant.

Figure 8. Judicial Workload Equity Perception by Retirement Plan



Once again, the differences by type of assignment and perceptions of workload equity are not statistically significant. Although the judges handling only a criminal caseload are slightly more favorable than those judges with a combined caseload of civil and criminal, both groups report mainly thinking that the BOTOCC pilot increases the workload equity. For each group a substantial percentage (30% to 40%) think BOTOCC decreases the equity of the caseload and work.

Figure 9. Judicial Workload Equity Perception by Assignment Type



Anticipated Advantages of Blocking or Teaming

Respondents answered questions concerning anticipated advantages of BOTOCC specific to their experience. A few of the questions spanned all four surveys and others are specific to judges or judges and attorneys both.

An advantage that was anticipated when the pilot was developed includes more stability in where judges report each day. Since judges handle their own cases, they schedule any additional appearances on their own calendars or back to the mandatory calendar at a set week. In other words, judges with a suburban assignment would pick up cases the week they were appearing at the suburban courthouse with additional appearances scheduled on back in the suburb four weeks later. Each team had slightly different rules but the hope was that it allowed judges to know when and where they should report each day. Under the master calendar, judges had more last minute coverage demands.

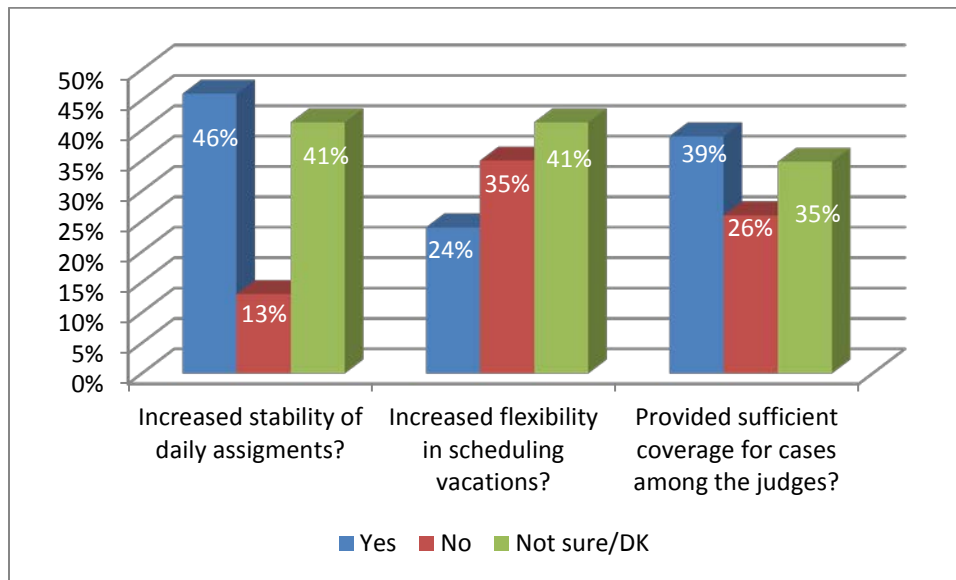
Likewise, judges would find coverage for themselves within their teams for vacation days. In the past, judges did not have to find their own coverage, but they had to submit their request for vacation six weeks in advance so that the Scheduling Division could find coverage for them. The anticipated advantage was more flexibility in being able to accommodate last minute

vacation plans. However, this obviously could have a secondary consequence of making it more difficult on the individual judge to get coverage for cases, so the judge survey included this question as well. Finally, judges provided answers to the question of whether the pilot with its new rules provided sufficient coverage for the calendars.

In each of the 'anticipated advantages', the responses available include strongly increased, slightly increased, unsure, slightly decreased, strongly decreased, and finally, don't know. Since judges not currently handling criminal cases were a part of the survey, the responses need to allow for a 'don't know' answer as opposed to an unsure response for those judges that were a part of BOTOCC but weren't able to form an opinion. For display purposes, unsure and don't know responses were grouped together and moved away from the center so that the reader can view the responses of those who formed a strong opinion. Full results can be found in Appendix C.

The results in Figure 10 show that 46% of the judges feel they have more stability in their schedules since they knew their assignment in advance however, a large percentage of judges are unsure if stability increased and 13% feel that BOTOCC decreased stability in knowing their assignment locations. The judges are in even more disagreement about whether the pilot allowed more flexibility in scheduling their vacations. Only 24% of the judges believe they have more flexibility with 35% saying that they have less flexibility and 41% answering that they are unsure if this changed due to the pilot.

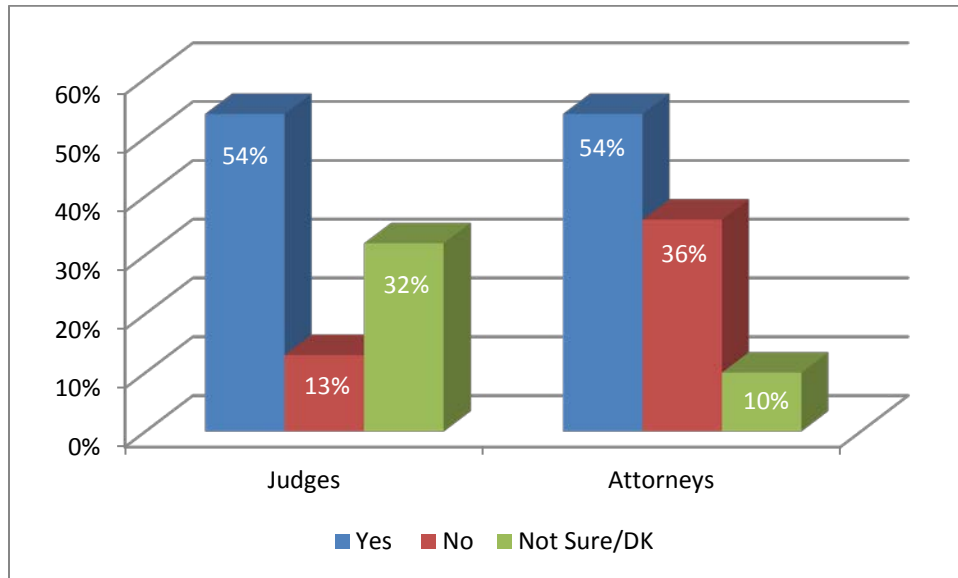
**Figure 10. Realization of Anticipated Advantages from Judges Perspective
(Asked of Judges only)**



Nearly 40% of the judges feel that BOTOCC provided enough coverage for calendars, 26% feel it did not provide sufficient coverage, and 35% are unsure.

Attorneys and judges both gave their opinion concerning whether BOTOCC reduced judge shopping. As shown in Figure 11, both groups predominantly believe that the pilot helped to reduce shopping for judges (54% of both attorneys and judges). Their opinions differed however, in the next categories. About 36% of the attorneys believe that judge shopping increased with this pilot while a similar percentage of judges (32%) said they are unsure if the pilot changed judge shopping. Similarly, 13% of the judges feel judge shopping increased while 10% of the attorneys are unsure or did not know.

**Figure 11. Realization of Anticipated Advantages: Reduction in Judge Shopping
(Asked of Judges and Attorneys only)**



All four survey respondent groups answered certain other anticipated advantages questions. Figure 12 shows the responses to whether or not there is agreement (yes), or disagreement (no) that the pilot increased attorney accountability. Most judges agreed there is an increase in the accountability of attorneys now while a similar percentage of clerks agreed that attorneys are now more accountable or they were unsure about it. Probation officers feel that attorneys are less accountable and often referred to the long wait in court for their particular cases due to the attorneys not being available. Attorney response was very mixed. They are as likely to think that their own accountability increased during BOTOCC (35%) as they are to say that it decreased (38%) or are unsure (27%).

Figure 12. Realization of Anticipated Advantages: Attorney Accountability

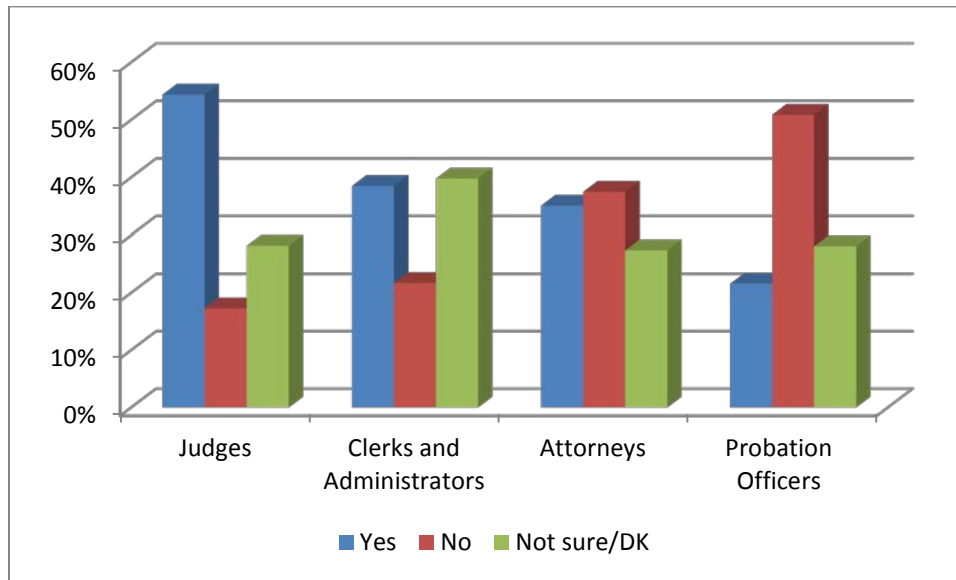
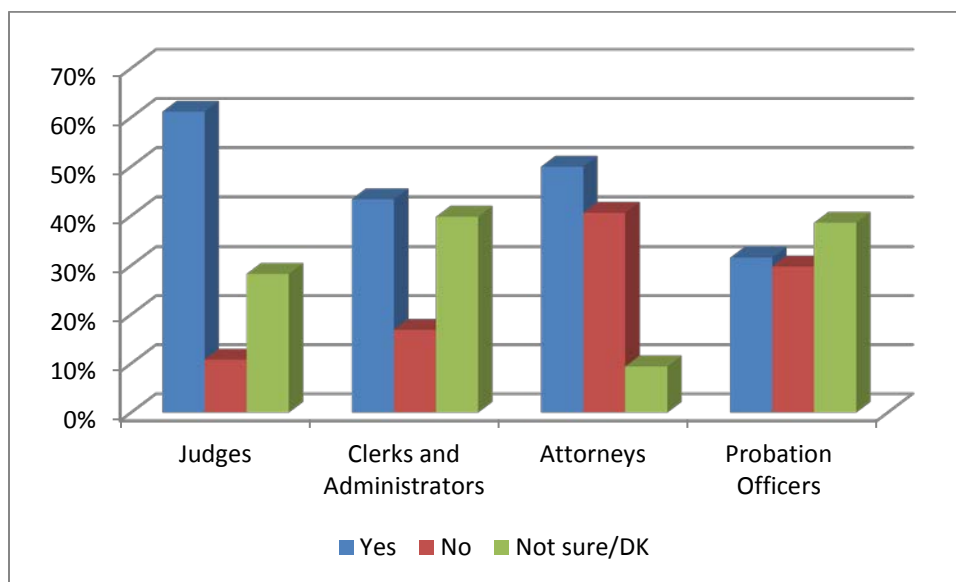


Figure 13 shows that the majority of judges, clerks and attorneys feel that BOTOCC allowed the judges to increase their active case management. Sixty-one percent of the judges, 43% of the clerks and half of the attorneys feel that the pilot increased active case management. The probation officers are just as likely to think case management increased as decreased with the largest percentage being unsure. Of all four groups, the attorneys had the largest percentage of respondents who feel BOTOCC did not increase active case management by judges.

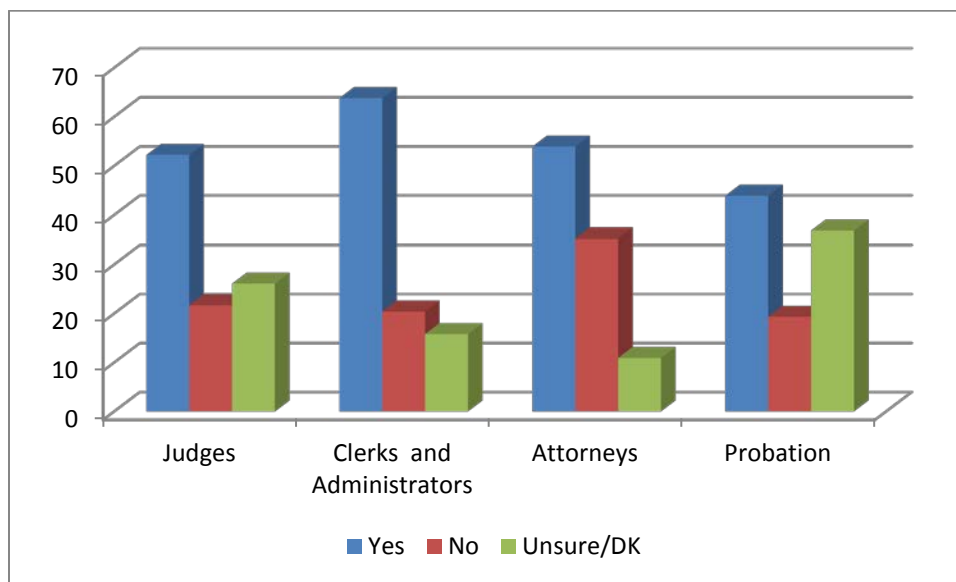
Figure 13. Realization of Anticipated Advantages: Active Case Management by Judges



Continuation of Blocking or Teaming of Criminal Cases

One of the most important questions, asked of all four respondent groups, is whether blocking or teaming should continue in Criminal Court in the Fourth Judicial District. Figure 14 below displays the percentage of each survey group who answered positively (yes' combines strongly agree and slightly agree), negatively ('no' combines strongly disagree and slightly disagree) or responded that they are unsure or did not know. The figure below graphically displays the yes and no responses next to each other so the reader can make direct comparisons. The unsure and do not know are combined here for simplicity of reading the graph but Appendix C includes the actual responses disaggregated.

Figure 14. Should the Court Continue Blocking or Teaming of Criminal Cases by Role?



The majority of the people directly involved or affiliated with criminal court are in favor of continuing the blocking or teaming pilot. The Staff involved in the pilot are the most supportive of the pilot continuing. Judges, Attorneys and Probation are also mostly in favor of the pilot. The attorneys had the highest percentage of disagreement but that seemed to be mostly because they were less 'unsure' than any other group. The probation officers are the most 'unsure' of any of the groups.

Attorney's view of BOTOCC Continuing

The attorneys in favor of keeping the pilot going are more often prosecutors (65%) compared to defense attorneys (44%). The prosecutors feel that the pilot handled cases more efficiently (with some exceptions), fewer trials are being set, and hearings are more meaningful with much less judge shopping occurring. These more positive prosecutors however feel that there are still changes that need to occur. Many of them mentioned needing more judges handling criminal cases and that judges with more experience should handle the most serious criminal cases (felonies). In general, they think that this system allowed their office to run much more efficiently.

The defense attorneys in favor of continuing BOTOCC also feel that this system is better than prior to blocking or teaming and that it is more efficient for all parties, made judges and attorneys more accountable, and reduced judge shopping. A few mentioned that although they appreciated being able to judge shop previously, they think that the benefits to all parties of blocking, including their clients, outweigh the ability to 'shop'. They think that it is easier now to have evidentiary hearings well before the day of trial, which caused problems under the previous calendaring system. The final concern for the defense attorneys in favor of keeping BOTOCC, brought up in the open-ended responses, mirror the prosecutors: criminal cases need more judges handling criminal court and more experienced judges should handle the felony cases.

Both prosecutors and defense attorneys mentioned that judges handling civil caseloads should not handle criminal cases because they feel that only the civil cases are a priority to those judges. They also mentioned that the Property Drug team does not block to a particular judge until late in a case, sometimes once a trial date is set, leaving multiple judges hearing the case, which is not that different from a master calendar.

The prosecutors who are not in favor of continuing to block criminal cases (28%) are mostly critical of the processing of Minneapolis misdemeanor cases. They feel that judges spend more effort on their felony cases to the detriment of the misdemeanor caseload. In addition, they noted that setting trials is more difficult under BOTOCC than before and that trial dates are further in the future than under the old system. These attorneys are highly critical of the experience level of the bench members in criminal cases and feel that criminal court needed more judges. Defense attorneys not in favor of BOTOCC (42%) feel that misdemeanor cases fell short in priority when they are lumped in a caseload with felony cases. These attorneys

mentioned there has been too much change within the criminal calendaring system over the last eight years and that it has been very hard on the partners to keep track of the new rules with each change.

Private practitioners mentioned that blocking gives the judge handling the case the ownership and knowledge with regard to the possibility of settlement and knowledge about whether discovery has been appropriate. They also noted that Hennepin's change to blocking has put it in line with other large counties like Dakota and Ramsey, Minnesota. They mentioned that when a judge cannot 'get away from making a decision' on a case, that there are more meaningful motions and negotiations.

Probation's View of BOTOCC Continuing

Interestingly, all of the probation officers handling misdemeanors want blocking or teaming to continue. Reasons they gave is that their clients are held more accountable, that judges who are involved from the beginning of a case can see the progress defendants are making and are therefore more invested in the case. They mentioned that they feel more a part of the 'team' working in the courtroom and they feel that the fairness and consistency of the sentencing from the bench is vastly improved.

The felony probation officers are less of a single mind. About one-third want blocking or teaming to continue, slightly over one-fourth do not want it to continue and over 40% just are not sure. Felony officers who want BOTOCC to continue mentioned that it is more efficient for case processing and that cases have moved through the system more quickly. They believe in the concept of one judge, one probation officer, and one defense attorney as a better method to reach accountability. Some also mentioned that the 'pilot' has not been running long enough, which was their reason for recommending the continuity.

Those officers that are against the pilot continuing or are unsure mentioned that revocations have been troublesome for them. In particular, they felt that not having the revocation hearings going back to the sentencing judge is against the values of the pilot. They feel that decisions like the change to a revocation calendar might have made the system more efficient for the judges at the expense of accountability and without regard to their interests or efficiency.

Clerk/Administrator's View of BOTOCC Continuing

The vast majority of the clerks/administrators are in favor of continuing BOTOCC. Clerks and administrators most in favor of continuing blocking or teaming are those staff assigned to judicial officers who handled a combination of civil and criminal cases (79%). They liked the predictability that accompanied the pilot and enjoyed working with a team of judges and clerks long enough to get to know them well. Those assigned to criminal court and employed by court administration are also largely in favor of the pilot (72%). They liked the concept of blocking or teaming and thought it offered greater consistency. Some clerks mentioned that though blocking is a lot of work for clerks, they think it is worth it for the advantages to the public and the partners. They also think the rules are too cumbersome and they would like to get the 'grids' earlier in the week. Overbooking and attorneys showing up late also caused them concern. A few judicial staff feels that it would be more efficient if they handled the updating instead of passing it off to the administrative staff.

While the majority of clerks and administrators want the pilot to continue, those who did not are mostly those assigned to criminal court and employed by both court administration and judicial officers. They feel that the pilot produces scheduling challenges and that blocking or teaming failed to decrease the number of continuances.

Judge's View of BOTOCC Continuing

Judges assigned to a combination of civil and criminal caseloads are nearly as likely to be in favor of the pilot continuing as judges who carry only a criminal caseload (see Figure 15). There are no significant differences between these two groups of judges. Combination civil and criminal judges report a slightly higher percentage of judges against the pilot continuing whereas the criminal only judges have an equal percentage who are unsure with those that are against the pilot continuing however; none of these differences are statistically significant. The judges that answered from Probate/Mental Health, Juvenile and Family Court are mostly unsure about the pilot although 36% are in favor of continuing BOTOCC. Again, none of these differences reached statistical significance.

Figure 15. Judge Perception of BOTOCC Continuing by Judge Assignment

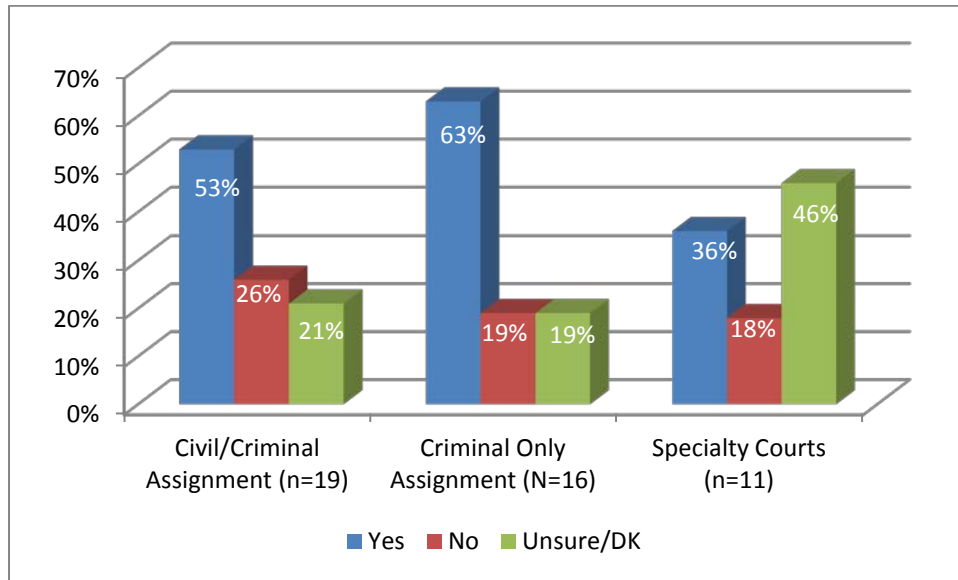
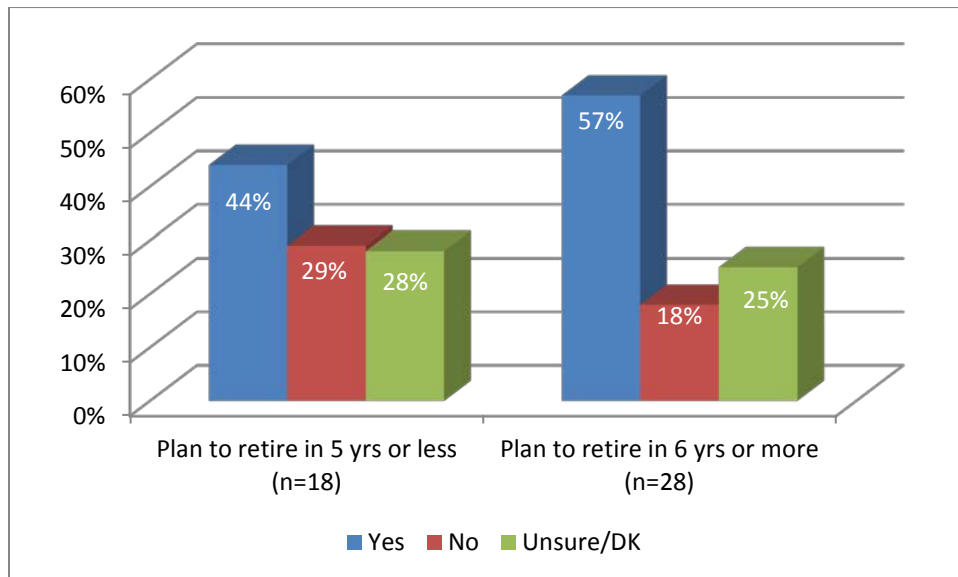


Figure 16 below examines this same question but assesses the judicial opinion by when the judge plans to retire. Judges whose retirement is furthest away are most in favor of BOTOCC continuing. However, even those judges planning to retire within 5 years are mostly in favor of it continuing and in fact, there are no statistically significant differences in the desire to continue blocking or teaming criminal cases between judges based on their retirement plans.

Figure 16. Judge Perception of BOTOCC Continuing by Judge Retirement Plans



The judges most in favor of keeping blocking or teaming are on the Criminal Community Court team (80%). They feel the pilot makes everyone more accountable and that it fosters collaboration among the judges.

Judges whose primary experience is with Criminal Serious Traffic also have a mostly favorable view of the pilot. They like “owning” the cases from start to finish and they mentioned that blocking or teaming enhances accountability for judges and increases predictability for stakeholders.

Judges with primary experience in Civil/Suburban teams also have mostly positive views of the pilot. Those in favor of continuing blocking or teaming like the stability of their schedules and think the pilot builds collegiality.

Judges on the Civil/PDC team are as likely to want blocking or teaming to continue as not. Those who feel it should continue (43%) think the pilot works well in Property Drug Calendar, but acknowledged that it is sometimes difficult to find coverage when a judge is unavailable to hear cases and indicated that misdemeanors are not as efficient when tagged with felony cases. Those who feel BOTOCC should not continue (43%) think it is difficult to find coverage. Several think alternatives, such as a hybrid system that includes aspects of both the blocking pilot and the master trial calendar, might be beneficial in Property Drug Calendar.

The judges assigned to the Criminal Domestic Violence team are as likely to be in favor of continuing BOTOCC as not. Judges who think the pilot should continue believe the pilot increases both accountability and consistency. They also feel that it decreases judge shopping. While they feel it should continue for felonies, one judge has concerns about the blocking of misdemeanors.

Those judges who are most uncertain about the pilot are those assigned to other court divisions (Probate/Mental Health, Juvenile Court and Family Court). While those in favor feel it increases accountability, they think some changes, especially with regard to the handling of misdemeanors might improve blocking or teaming. Those who are unsure reported hearing conflicting views of the pilot, and judges not in favor of continuing the pilot report hearing of workload disparities although they provided no specifics on where the disparities exist.

Summary of Survey Perceptions

The court's partners, employees handling criminal cases and judges all report that the values of the pilot increased during the pilot or stayed the same as before the pilot. All respondents believe BOTOCC realized the anticipated advantages in each instance except attorney accountability. The attorneys (38%) and the probation officers (51%) believe that attorney accountability decreased during the pilot, although the attorneys are nearly as likely to think the pilot increases accountability (35%). Judges and staff think there is more attorney accountability.

Table 24. Summary of Survey Perceptions

The pilot led to....	Judges	Clerks and Administrators	Attorneys	Probation Officers
Values of the Pilot				
Increased Transparency	+	+	S	S
Increased Judicial Accountability	+	+	+	+
Efficient Case Processing	+	+	+	+
Fair Case Processing	+	+	S	S
Judicial Job Satisfaction	+			
Judicial Workload Standards	+			
Anticipated Advantages of the Pilot				
Stability of Judicial Location	+			
Flexibility in Scheduling Vacations	S			
Sufficient Coverage of Calendars	+			
Reduction of Judge Shopping	+	+		
Increased Attorney Accountability	+	+	-	-
Increased Active Case Management	+	+	+	DK
Continuation of Blocking or Teaming of Criminal Cases				
Should the court continue Blocking or teaming Criminal Cases?	+	+	+	+

+ = largest percentage in favor, S= no difference, - = largest percentage against, DK = Unsure/Don't Know

The majority of the justice partners (both attorneys and probation officers), court employees and judges are in favor of continuing to block or team criminal cases. However, both sets of business partners and the court clerks would like to see the business rules simplified and unified

between teams. The court partners also mentioned that with so much change coming at them over the last five to eight years, it has been difficult for them to stay abreast of all the new 'rules'.

The judges most involved in this pilot, regardless of their assignment (criminal only or combined civil/criminal caseload) or retirement date (within 5 years or 6 years or more in the future), report no significant differences in their desire to continue blocking or teaming; in both instances, each group was in favor of continuing to block criminal cases.

Criminal attorneys reported being in favor of the court continuing to assign criminal cases to judges at an early stage regardless of whether they were prosecutors or defense attorneys. Some of their concerns include 1) whether there are enough judges handling criminal cases and, 2) whether the court is providing new judges with adequate training. Some of the judges mentioned this last issue as well with regard to new judges handling felony level cases. Attorneys also mentioned that criminal cases seem to take a back seat to civil issues for judges that have a combined caseload and they often questioned the wisdom of giving criminal cases to civil judges.

Clerks and administrators also reported the desire to continue BOTOCC because they feel that the pilot enhances transparency, accountability and efficiency. They enjoyed getting to know a set of partners (attorneys, other clerks, judges and probation officers) more in depth as happens on a team working the same case types.

Probation officers are in favor of continuing BOTOCC for a few reasons: 1) they feel that blocking helps their clients to be more accountable since the same judge is involved from beginning to the end of the case, 2) because they feel more a part of a team, and 3) because they feel the pilot enhanced accountability, transparency and fairness. They also mentioned serious issues with the scheduling of revocation hearings and would like the court to revert to revocations going to the original sentencing judge.

Summary

Criminal court wide results are disappointing while civil court wide results are better or the same on each of the three agreed upon measures. Major Criminal cases as a whole show a decrease in processing efficiency based on the court wide goals on all three measures. Minor Criminal cases (misdemeanor and petty misdemeanors) met two of the three goals. These court wide

measures for criminal cases include cases that do not exactly match those cases in the BOTOCC pilot. Civil Court met each goal and in fact exceeded one by clearing 109% of their cases during the pilot, an increase of nearly 13%.

Examination of the team and case measures on criminal cases indicates that the Suburban courthouses and Community Court are the most successful non-felony team meeting three of the four goals..

Serious Felonies, handled by all three Minneapolis teams, met all four goals even though these same teams were not as successful on the misdemeanor caseload. As opposed to the Serious Felonies, the Property Drug Felonies met only one goal and our justice partners had the most negative comments about how the PDC team implemented the pilot.

The three 'jury usage' goals cannot disaggregate by team because the report does not give individual case numbers. These goals are part of the evaluation to assess jury usage and include the percentage of cases that requested a jury panel and the ultimate use of that panel: was there a verdict or was the case resolved without the jury at this late stage. Empaneling a jury is an expensive prospect for all justice partners in terms of preparation by attorneys and judges, and cost for the court and the public serving as jurors. Where reaching success of the previous goals included improvement of the goal or the goal staying the same, the design of jury usage goals was to meet success only if there was improvement. All three goals fell short of success: the court requested more jury panels during the pilot (although the difference was small) and utilized them less. There was a lower percentage of trial verdicts and a higher percentage of unused jury panels.

Finally, surveys sent to 984 people directly involved in the BOTOCC pilot resulted in 310 responses. Of judges, criminal attorneys, clerks and probation officers, the majority believe there was a realization of the pilot values and anticipated advantages. In addition, the vast majority of each surveyed group thinks BOTOCC should continue.

Threats to the validity of this study exist. Budget issues led to a decrease in staffing and funding for Fourth District Public Defenders and Community Corrections and Rehabilitation. Judicial replacement for judges who retired took twice as long in 2011 than in 2009 and the

use of fill-in judges on the criminal calendars was more prevalent. Only about one-third of the original assignment of judges to teams stayed in place during the time of this pilot. Other historical threats such as 'source code' and budgetary issues such as closing the Minneapolis Crime lab could cause delays for cases needing forensic analysis as well as other unforeseen changes amongst our business partners. The extent to which these threats to the internal validity of the study affected the results is unknown and unknowable but the reader should consider these threats along with the findings. One of the judges who handle a combined civil and criminal caseload wrote in their survey:

" I do not think the pilot was fully realized because of unprecedented illnesses and vacancies and because some judges undermined it to show opposition, or at least made no effort to allow it to work to maximum effect. On the other hand, if the pilot could survive the turmoil of the last couple years and not collapse, that says something."

Clearly, judges relayed some strong feelings for and against the BOTOCC pilot. While the majority of the bench and justice partners are in favor of blocking criminal cases to judges, a small number of judges favor the calendaring methods of the past. The next steps for the bench, after review of these findings, will be to discuss if, how, and when criminal cases processing will change.

Recommendations

A. Separate the processing of civil and criminal cases.

Rationale:

- 1) Criminal attorneys feel that judges prioritize their civil cases to the detriment of the criminal cases and the defendants.
- 2) Support for this perception came from the Court Wide results that indicate civil court thrived during the blocking pilot while criminal cases did not.
- 3) Judges feel that carrying a civil and criminal caseload was inequitable compared to a criminal only caseload.
- 4) This would allow the suburban courts to be included once again as training courts for newer judges.
- 5) The National Center for State Courts suggested this change over 13 years ago.
- 6) This would align the Fourth Judicial District Court with other large urban courts in the country.

B. Continue 'blocking' criminal cases.

Rationale:

- 1) Objective Criminal Division results indicate that blocking was able to meet or exceed the comparison year results for the majority of the teams and the majority of measures.
- 2) The majority of the bench is in favor of blocking criminal cases.
- 3) Three-quarters of the staff feel blocking is preferable even though it is more work for them.
- 4) The majority of criminal attorneys are in favor of continuing to block criminal cases.
- 5) Probation officers are in favor of continuing blocking criminal cases and noted that it has led to defendants being more accountable.

C. Separate the processing of felony and non-felony cases.

Rationale:

- 1) Attorneys mentioned that judges handling both felonies and non-felonies do not give priority to misdemeanor cases.
- 2) Support for this perception came from the Criminal Division goals: Serious Felonies met all four goals and none of the Minneapolis teams' non-felony results did.
- 3) New judges could learn case management while 'blocked' to non-felony cases.

D. Judges with more experience (at the higher seniority levels) should train new judges, serve as lead judges for teams, and handle more complex criminal cases.

Rationale:

- 1) Survey results from judges and attorneys suggest this change.
- 2) Attorneys suggested appointing judges adept at case management to teach newer judges the finer points of handling efficient caseloads.
- 3) Other suggestions included assessing the experience of the judge and the complexity of the case when assigning.

E. Set a three-year rotation for newer judges in criminal court.

Rationale:

- 1) This will allow for a reasonable amount of time to learn about their new position as a judge before moving to a specialty court.
- 2) The specialty courts in the Fourth Judicial District, Probate/Mental Health, Juvenile and Family Court all have three-year minimums.

F. Re-evaluate the number of judges needed for criminal calendars.

Rationale:

- 1) If civil judges no longer handle criminal cases, then the number of judges needed to handle criminal calendars will change.
- 2) In the past, three judges handled Property Drug Calendar cases and eight judges handled Serious Felonies.
- 3) A 2009 Judicial Weighted Caseload with much more specificity in criminal case types is now available to help determine appropriate levels of staffing.

G. Review new judge training in criminal cases.

Rationale:

- 1) Judges and attorneys mentioned a negative change in how new judges are trained for the judiciary.

H. Standardize business rules to the extent possible.

Rationale:

- 1) The court's Justice Partners report having trouble keeping track of the business rules, particularly since many of them practice across multiple teams.
- 2) Survey results reveal that at times the partners do not follow the 'rules' because they are too complex and change too often.
- 3) Staffs for the judges and administration concur with the justice partners.
- 4) The team business rules are over 50 pages long.

I. Review revocation scheduling.

Rationale:

- 1) Supervising felony probation officers express extreme negative opinions about the creation of a revocation calendar. Their point is that it is not convenient for them since they are not in court everyday but are holding appointments.
- 2) They feel that having the defendant back in front of the sentencing judge is more in keeping with the values of the blocking pilot and judicial accountability.

J. Examine trial scheduling for ease of our partners.

Rationale:

- 1) None of the jury trial measures succeeded during this pilot.
- 2) Many partners mentioned that judges often scheduled 5-10 trial settings for the same day.
- 3) Justice Partners noted that trial settings are mostly on Monday making it difficult for them to be in multiple places at the same time.