



**Waukesha County Criminal Justice Collaborating Council
Case Processing Committee Minutes
Thursday, June 25, 2020**

Team Members Present:

Sue Opper	Monica Paz	Katie Kegel
Michael Neimon	Hon. Maria Lazar	Chris Ehrfurth
Michelle Larsuel	David Herring	

Others Present:

Rebecca Luczaj	Janelle McClain	Karla Gabor
Brittany Marin	Kristi Gordon	

Opper called the meeting to order at 7:32 a.m.

Approve Minutes from May 28, 2020 Meeting

Motion: Ehrfurth moved, Herring second, to approve the Case Processing Committee minutes of May 28, 2020. Motion carried without a negative vote.

Kegel arrived at 7:35 a.m.

Discuss Strategies to Reduce the Criminal Caseload; Discuss Status of Pretrial Conferencing Via Zoom for OWL Cases; and Follow-Up on Discussion Regarding Warrants for FTAs at Initial Appearances

At the first OWL pretrial conferences, Hon. Ramirez was the presiding judge. There were 12 cases on the calendar – 10 cases resolved and 1 was a no-show. Gordon and Paz agreed it was a lot of work to resolve a small number of cases.

Paz added that during the pre-pandemic pretrial conferences, approximately 45 cases were handled in the morning and 45 in the afternoon. With the current pandemic limitations, it will not be possible to resume pretrial conferencing at this level in the near future. Even if Waukesha County was able to schedule 6 cases every hour, this would only result in 36 cases heard in a day; and based on historical data, roughly half of the cases actually resolve.

Paz and Gordon agreed that, realistically, continuing to hold the OWL pretrial conferences with the current pandemic limitations is not feasible.

Paz stated that there are 540 criminal cases pending and there are 373 available slots in August. As a result, cases are not being heard for 6-10 weeks.

Lazar has utilized her clerk to e-mail attorneys in an attempt to resolve some matters prior to the date the case is scheduled to be heard.

Herring expressed concern that it appears some defendants and public defenders are not participating in initial appearances via Zoom. He is having the clerk call the parties, but Gordon added that the interested parties should be taking responsibility, and if the Zoom information is not accurate, it is no different than if they were to show up in the wrong courtroom in person.

Lazar stated that, per an order from Dorow, judges cannot stack cases. However, commissioners are permitted to stack initial appearances.

Herring complimented his clerks, stating that when the participants call in, the process runs very smooth. He is attempting to run the hearings as they would be in person. If there are no victims, he has no problem calling parties ahead of time if everyone is there. He has had parties show up to the courthouse in person. He does his best to handle the in-person cases first so they can get out of the courtroom faster and worry less about pandemic restrictions.

Kegel requested data regarding the Zoom hearings, such as failure to appear rates.

Herring left at 8:13 a.m.

Paz stated that the number of defendants showing up without representation is seeming to increase. On a weekly basis, her staff sends text message reminders to defendants when it is not noted that they have an attorney.

Update on Modification to Traffic Intake Calendar

Paz reported that the Wednesday traffic calendar has been cancelled through August. Courts has been working with the District Attorney's Office on a Two-Phase Project to address the traffic backlog. Phase 1 consists of all defendants scheduled for an intake appearance being sent a Plea Enclosure form, where they have three options: 1) choose "no contest" and pay fine; 2) choose "no contest" and request a payment plan; or 3) choose "not guilty." Those that select "not guilty" will be pushed into Phase 2. She stated that a rough guess is that the courts are averaging 50-75 defendants a week that plead "not guilty." For Phase 2, the District Attorney's office sends the defendant a cover letter and a proposed stipulation. The defendant can either reject the offer and return the stipulation and the matter will be set before a judge or accept the offer, and return the stipulation. Staff are discussing modifying the current process and not having officers give defendants the yellow form, but rather, give them a two-sided form with the Plea Enclosure form on the backside. If this process is implemented, the traffic calendar would eventually be eliminated entirely.

Discuss Any Construction-Related Case Processing Issues/Concerns

Neimon reported that in October, some mock hearings will be held inside the new facility. One courtroom will be outfitted ahead of the others so that any issues can be addressed prior to completing the other courtrooms. Due to COVID-19, construction has been delayed a couple months, and Waukesha County is looking at June 2021 to open the new facility.

Announcements

There were no announcements.

Discuss Agenda Items for Next Meeting

There were no new agenda items discussed for the next meeting.

Public Comment

There was no public comment.

Adjourn

Motion: Paz moved, Ehrfurth second, to adjourn the meeting at 8:23 a.m. Motion passed unanimously.