



## **Waukesha County Criminal Justice Collaborating Council Case Processing Committee Minutes**

**Thursday, October 28, 2021**

### **Team Members Present:**

Michael Neimon (Co-Chair)

Hon. Paul Bugenhagen

Paul Crawford

Monica Paz

Neil Dussault

Jessica Klein

### **Team Members Absent:**

Sue Opper (Co-Chair)

David Herring

### **Others Present:**

Rebecca Luczaj

Janelle McClain

Neimon called the meeting to order at 7:36 a.m.

### **Approve Minutes from September 23, 2021 Meeting**

Motion: Dussault moved, Bugenhagen second, to approve the Case Processing Committee minutes of September 23, 2021. Motion carried without a negative vote.

### **Update on Criminal Case Backlog**

Paz distributed and reviewed a document titled, "Pending Criminal Cases by Case Type: January 2019 – Present."

Paz stated that Waukesha County is still up approximately 860 cases. Although there has been some progress with misdemeanors, there has been no progress with felony cases.

Crawford added that pretrial conferencing has been instrumental in moving the misdemeanor and C/T cases to disposition, which frees up attorneys to work on the felony cases.

### **Discuss Progress of Pretrial Conferencing and Outcomes**

Paz distributed and reviewed a document titled, "Pretrial Program 2021."

Text reminders have been updated to state that attorneys and defendants should arrive 15 minutes early. The Assistant District Attorneys (ADAs) have also been arriving early.

The 2022 pretrial conferences will remain at 1 per month, unless cases are being scheduled out 90 days or more, at which time additional pretrial conferencing dates may be added. The calendar has been distributed through July 2022 to allow for any mid-year changes due to judicial rotations and projected needs. Only C/T judges will be used for pretrial conferencing in 2022 and we will continue to use the JAR.

### **Discuss Impact of Addition of 6<sup>th</sup> Judge to the Criminal/Traffic Division**

Judge Bohren will be rotating out of the Civil Division and into the Criminal/Traffic Division as of January 3, although cases will begin to be scheduled for him beginning November 1.

On November 12, cases will be randomly split amongst all the judges. Any cases that are transferred to Bohren will receive a notice of the transfer.

Aprahamian will be rotating out of the Family Division and into the Civil Division.

Crawford expressed a continued concern regarding the additional criminal court, yet having the same number of defense attorneys to cover the court. Neimon responded that the situation will be monitored, and any issues will be addressed as they arise.

Crawford stated that the State Public Defender's (SPD) Office has hired a limited-term employee (LTE) and had a staff member return from maternity leave, but they still have 1 vacant attorney position.

Paz stated that the DA's Office has recently filled three new ADA positions. Interviews are being held this week for the 2 part-time court commissioner positions, who can start as early as November and will be staffed through December 2023.

### **Follow-Up on Preliminary Hearing Delays Due to Appointment of Counsel**

Paz stated that since August 3, the clerks have been tracking every felony case where a preliminary hearing was requested within 20 days. 47 defendants requested a preliminary hearing during that time, and 39 (83%) of them had no issues. Of the remaining 8 defendants:

- 4 (9%) defendants had reset the preliminary hearing but then counsel was appointed within a day
- 2 (4%) defendants had reset the hearing once, but were still waiting for the preliminary hearing
- 2 (4%) defendants are waiting for the first preliminary hearing

Since we have not seen a preliminary hearing need to be reset twice, and very few are reset at all, scheduling Status of Counsel hearings will continue, but the Clerk's Office will not be tracking these statistics any longer.

### **Discuss 2022 Committee Meeting Schedule**

The committee will continue to meet the fourth Thursday of each month at 7:30 a.m.

### **Announcements**

Neimon stated that the new courtroom addition is set to open on January 4. The audio/visual still has some work to be done, new jury chairs should arrive in November, and the Sheriff's Department is waiting for benches for inmates. The private bar will be invited to come and test the equipment the week of December 6; 2-3 training sessions will be scheduled. Paz stated that they will test Intake Court/preliminary hearings the week of December 13 and may also hold a mock trial there.

Neimon stated that the County Board approved the budget that included Phase 2 of the courthouse renovation. Phase 2 will likely take 18-24 months to plan and be completed in 2026. In theory, staff will not be relocated out of the building, but will be shifted around the building during construction.

### **Discuss Agenda Items for Next Meeting**

- Cancel the November and December meetings due to the holidays; a Doodle poll will be sent to determine a meeting date between November and December

### **Public Comment**

There was no public comment.

### **Adjourn**

Motion: Paz moved, Crawford second, to adjourn the meeting at 8:11 a.m. Motion passed unanimously.