



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

Thursday, September 23, 2021

### Team Members Present:

David Herring	Hon. Paul Bugenhagen	Paul Crawford
Monica Paz	Neil Dussault	Sue Opper (Co-Chair)

### Team Members Absent:

Jessica Klein	Michael Neimon (Co-Chair)
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### Others Present:

Rebecca Luczaj	Janelle McClain	Brittany Marin
Francesca Backus	Melissa Zilavy (proxy for Opper)	

Motion: Bugenhagen moved, second by Crawford to approve Paz as the Chairperson Pro Tem for the CJCC Case Processing Committee meeting for the date of September 23, 2021 only. Motion passed without a negative vote.

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

### Approve Minutes from August 26, 2021 Meeting

Motion: Bugenhagen moved, Paz second, to approve the Case Processing Committee minutes of August 26, 2021. Motion carried without a negative vote.

Herring arrived at 7:35 a.m.

### Update on Criminal Case Backlog

Paz distributed and reviewed a document titled, "Pending Criminal Cases by Case Type: January 2019 – Present." Paz reported that Waukesha County is averaging 170 felony cases per month. At this rate, there will be about 2,000 felonies for 2021, as opposed to approximately 1,750 in previous years.

The order for the sixth C/T judge was signed off on by Judge Dorow on Tuesday. The two new part-time court commissioner positions will be presented to the County Board next week for approval. All positions would begin January 3, 2022 and go through December 31, 2023.

### Discuss Progress on Implementation of Status of Counsel Hearings Scheduled Prior to Preliminary Hearings

Paz reported that there have been 15 preliminary hearings scheduled since the implementation of this new process. Two hearings had to be adjourned, but the State Public Defender (SPD) was able to assign an attorney the following day.

Crawford stated that the status of counsel hearings being held the day prior to preliminary hearings has been beneficial; however, it has been hard lately for attorneys to take cases.

### Update on Pretrial Conferencing Outcomes and Discuss Continuation in 2022

Paz stated that the average case clearance rate is 78%. There are 4 more pretrial conferencing dates scheduled through the remainder of the year, with the next one on October 1. Paz recommends holding 2 per month in 2022.

Zilavy responded that 2 pretrial conferencing dates per month seems doable and added that utilizing the Jury Assembly Room and holding the conferences on Fridays has been helpful.

Paz stated that the Criminal/Traffic judges will be scheduled for pretrial conferences through July 2022, at which time the schedule will be reviewed to take into consideration judicial rotations, etc.

Zilavy has seen an increase in cases scheduled that are not eligible for pretrial conferencing, such as weapons offenses and cases with victims. This tends to happen when a defendant has multiple cases, and one is eligible, but others are not.

Paz will send the District Attorney's Office and SPD's Office tentative dates for pretrial conferences in 2022.

Opper arrived at 8:00 a.m.

### **Announcements**

Paz stated that due to a situation at the Huber facility, attorneys have been requesting electronic monitoring for their clients on a more frequent basis.

Opper stated that referrals to her office are up; there were about 1,000 more referrals in 2020 than there were in 2019, and 2021 is on pace to be even higher.

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

- Discuss how to be efficient with the sixth judge added to the C/T Division
  - Can the defense bar handle the extra cases?
- Discuss increase in jury trials being cancelled at the last minute (after jurors are called)
- Discuss court-appointed attorney list/SPD attorney pool passing on cases; consider holding a Lunch 'n Learn

### **Public Comment**

There was no public comment.

### **Adjourn**

Motion: Herring moved, Crawford second, to adjourn the meeting at 8:14 a.m. Motion passed unanimously.