Technical Assistance Report to
the Maricopa County Superior Court:

A REVIEW OF PLANS FOR AN EARLY PLEA
BENEFITS COURT AND IMPLICATIONS
FOR AN ENHANCED TREATMENT
DRUG COURT PROGRAM
ATAP TECHNICAL ASSISTANCE ASSIGNMENT NO. 1-026

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A REVIEW OF PLANS FOR AN EARLY PLEA BENEFITS COURT AND IMPLICATIONS FOR AN ENHANCED TREATMENT DRUG COURT PROGRAM

Site Work:

March 20 - 21, 1997

Consultant:

Honorable Legrome D. Davis
ADJUDICATION TECHNICAL ASSISTANCE PROJECT
ASSIGNMENT DATA SHEET

Technical Assistance No.: ATAP #1-026
Requesting Jurisdiction: Maricopa County, Arizona
Requesting Agency: Superior Court for Maricopa County
Requesting Official: Hon. Susan Bolton
Presiding Judge
Special Assignments Department
Norman L. Helber
Chief Probation Office

Dates of On-Site Study: March 20 & 21, 1997
Consultant Assigned: Hon. Legrome D. Davis
Supervising Judge
Criminal Division
Philadelphia Court of Common Pleas

ATAP Staff Coordinator: Joseph A. Trotter, Jr.

Central Focus of Study
Review of Judicial System Planning for an Expedited Drug court and an Early Intake Treatment Drug Court

This Project was supported by Grant No. 94-DD-CX-0091 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime. Points of view or opinions in this document are those of the author and do not represent the official position or policies of the United States Department of Justice.
Technical Assistance Report to the Maricopa County Superior Court

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Technical Assistance Report to the Maricopa County Superior Court

I. BACKGROUND OF THE ASSIGNMENT

The present technical assistance assignment grew out of a request, in late 1996, from the Adult Probation Department of the Maricopa County Superior Court, in Phoenix, Arizona, to the Department of Justice's Drug Court Clearinghouse and Technical Assistance Project at American University for a review of the content and design of the drug abuse treatment curriculum conducted by the Probation Department in support of the Superior Court's current Drug Court program. This five-year-old program is a judicially supervised drug treatment track for probationers, who enter the treatment program at the end of an essentially routine case processing period. Subsequent to submission of the technical assistance request, the Arizona electorate passed Proposition 200, the "Drug Medicalization, Prevention and Control Act of 1996," which prompted the establishment of an interagency Working Group of judicial system representatives to design a special expedited case process (i.e., "early Plea Court/"Prop 200 Court") to handle the expected surge of drug cases in a manner consistent with the treatment-oriented mandates of Proposition 200. The draft plan for this expedited process is presented in Attachment A.

A series of telephone conferences took place between American University staff and Superior Court and Probation Department officials to refine technical assistance objectives and approach in light of the new legislation. It was determined that, in addition to the original focus of technical assistance, the Superior Court could benefit from an outside review of the Working Group's Early Plea Court draft plan and an examination of the opportunity the proposed expedited case process would present for the current Drug Court program to move screening and intake up to an earlier point in the case disposition process. A three-phased technical assistance plan involving several federally-funded short-term technical assistance programs was agreed upon between the Court and American University staff. The present report is the result of the first phase of this technical assistance: a review of the Working Group's proposed Early Plea Court proposal (which is pending approval by the Board of Supervisors) and its implications for early and effective intake into the...
treatment Drug Court program. This assignment was conducted on March 20 and 21, 1997, under the auspices of the university's Department of Justice-funded Adjudication Technical Assistance Project (ATAP), by the Honorable Legrome Davis, Supervising Judge of the Criminal Division of the Philadelphia Court of Common Pleas and the architect of that court's noteworthy Differentiated Case Management and Expedited Drug Case Management programs. Judge Davis' itinerary for his on-site work in Phoenix and the series of questions prepared by Superior Court administrators which framed his review are presented in Attachment B. Following is Judge Davis' report:

II. OBJECTIVES OF THE ASSIGNMENT

The objectives of this technical assistance assignment were twofold: (1) to advise the Superior Court and the planning committee for the pilot Early Plea Court on the design and implementation of this proposed innovation in the court's processing of drug cases; and (2) to facilitate review of the structure and operation of the current Drug Court Program; specifically, whether the present design entails, or could or should be altered, where appropriate, to include early intervention and continuous judicial monitoring in line with traditional treatment drug court models.

I appreciated that a treatment drug court planning group will travel to San Bernadino and Los Angeles, California, in April to review the drug courts in operation in those jurisdictions. This report will briefly highlight structural case processing system design and resource considerations, with the full recognition that subsequent phases of technical assistance are contemplated. In many ways, this report is intended to provide background material necessary to more effectively propose linkage of the case processing changes with the drug court.

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1 The second phase of technical assistance will involve the structured visit of a six-person planning team comprised of representatives of Maricopa County judicial system agencies to the Drug Court programs in San Bernardino and Los Angeles, California, on April 2-4, 1997, under the auspices of the Drug Court Clearinghouse and Technical Assistance Project. The third phase of technical assistance will take place sometime in May or June, and will involve a review of the design, curriculum and processes involved in the Probation Department's Drug Court treatment program in the context of an earlier intake process for participants. This review will be conducted by a team of substance abuse treatment specialists representing the National TASC Drug Court Treatment Technical Assistance Project (funded by the Center for Substance Abuse Treatment) and the San Bernadino Drug Court program, in conjunction with the Drug Court Clearinghouse and Technical Assistance Project.
III. EXISTING PLANNING EFFORTS

Professor Ernest Friesen has provided, and continues to provide, technical assistance to Maricopa County criminal justice professionals with respect to caseflow management and calendar control. I have reviewed materials generated by Maricopa County judges and administrators as a result of Professor Friesen’s visits. In general, it appears that the court is seeking to refine the caseflow management system to achieve the following results: to reduce case processing times from filing to disposition; to reduce the number of court hearings; to reduce the number of continuances; and, to create trial date certainty through the elimination of non-firm trial dates.

Concurrent with the action plan for improved caseflow management and calendar control developed as a result of the meetings between Professor Ernest Friesen and the Department Presiding Judges and Court Administration, a separate working group has been developing an Early Plea Court for operation in the East Court Building basement. This committee is comprised of representatives of the Superior Court, County Attorney, Public Defender, Legal Defender, the Pretrial Services Agency and the Justice System Coordinator. It is expected that planning efforts for the Early Plea Court will be completed in the spring of 1997 and renovations to the physical space which will house this court will be completed in July 1997.

The planning and implementation schedules for the Early Plea Court are therefore immediate. Moreover, despite this immediacy, these planning efforts cannot occur in the abstract: the case processing changes necessary to implement the Early Plea Court must be congruent with the court’s overall caseflow management and calendar control efforts. In many respects, case management and program design issues initially surfaced in discussions for the Early Plea Court will have larger implications in the broader discussion to streamline and improve the overall case processing system. Both efforts require the participation and support of counsel and other criminal justice agencies. Judicial and administrative leaders should therefore view the design and implementation of the Early Plea Court as a critical opportunity to gain system support necessary for future initiatives which will have an impact across the entire criminal courts system.
IV. OVERVIEW OF THE EXISTING CASE PROCESSING SYSTEM

An abbreviated review of the present system is in order. Approximately one-half of the cases within the system are initiated by grand jury proceedings and the other half through initial appearance. At initial appearance, which is the principal method of commencing criminal proceedings where the defendant remains in custody, the defendant is advised of the charges, a determination of indigency is made and counsel is assigned, when appropriate. In approximately ten to fifteen days, the matter is listed in Justice Court for a preliminary hearing. Although it is expected that counsel will have met with the defendant prior to the appearance in Justice Court, most system participants recognize that substantial improvement could be made in this area. Few case settlements occur at this level; if the prosecution does not dismiss the charges, most defendants are bound over for trial. Precise figures on the number of dismissals were not obtained.

The next stage of the proceedings is the arraignment hearing before Superior Court Commissioners. Approximately six to eight Commissioners are assigned to a Criminal Division trial bench of twenty-two judges. While many pleas are negotiated at arraignment, the pleas are non-binding upon the parties. Non-trial dispositions are assigned to the trial judges and the matters appear upon their calendars in approximately sixty to seventy-five days. Almost all pleas within this jurisdiction are negotiated as to charge and sentence. No case processing mechanism exists for the entry of early pleas. Matters apparently incapable of resolution before the Commissioners at arraignment are also placed upon the calendars of trial judges; these, as well, appear to receive sixty to seventy-five day trial dates. No differentiation exists with regard to the method of calendaring of particular categories of cases before the trial judges.

If the preliminary plea agreement is still in effect when the matter is initially listed before the trial judge, a non-trial disposition is tendered at this juncture. In most instances, presentence reports are ordered and it takes approximately thirty days to complete these background evaluations. At this point, the defendant is sentenced by the trial court.
Under certain circumstances, the trial court may sentence the defendant to receive treatment under the supervision of the Drug Court. While the Drug Court was initiated five years ago within the Criminal Division, it is presently supervised by the Honorable Susan Bolton, Presiding Judge of the Special Assignments Division. Thus, Judge Bolton receives the drug court caseload from other judges who have adjudicated the defendants guilty through trial or plea of particular enumerated offenses, most frequently Level 4 and Level 6 drug possession offenses. At the time of entry into the Drug Court Program, cases are reported to be approximately 90 to 120 days in age.

In addition to her other duties, Judge Bolton maintains an active inventory of one hundred defendants under supervision. As the drug court program takes seven to nine months to complete, each year approximately 120 defendants receive treatment under the drug court. The program is staffed by three probation officers and two drug and alcohol counselors who provide treatment services consistent with the PATH model. The County Attorney and the Legal Defender have devoted an attorney to this program. Approximately 25-30 program participants are listed each week before Judge Bolton. Defendants whose treatment is progressing satisfactorily are listed in court on eight week intervals and defendants who are either new to the program or who have experienced setbacks in their treatment protocol are listed on four week intervals. All participants are screened by program personnel prior to entry into the program and a contract identifying specific Path-based treatment or behavioral objectives is issued to program participants at each court appearance. The progress of each defendant appearing in court is reviewed by Judge Bolton and the Drug Court team (counselor, probation officer(s), prosecutor and defense counsel) prior to each court appearance. Further, each defendant is required to pay $16 weekly program administration costs; standard criminal courts fines and costs are deferred until the defendant has completed the Drug Court program.

\[2\] Sale or possession with intent to deliver drug offenses are ineligible for consideration. In addition, the defendant can have no other prior felony drug convictions and can have no more than one prior felony drug conviction. The defendant must also be eligible for standard probation, must be in need of drug education, substance abuse outpatient counseling and monitoring, but may only have a history of minimal substance abuse use and limited participation in treatment.
V. PROPOSED EXPEDITED PLEA COURT

The Expedited Plea Court Planning Group has developed a tentative work plan which appears generally consistent with system-wide case processing changes and which will also expedite entry into the existing Drug Court Program. It appears that the criteria for eligibility for admission into the Drug Court Program will not be altered. This program will focus principally upon defendants charged with felony drug possession of cocaine, methamphetamine, prescription drugs and marijuana. Attempts to possess these substances are also included. Under the proposed plea court, a probation officer would conduct a brief screening at Initial Appearance Court to preliminarily determine eligibility for the program. At initial appearance, the defendant would receive notice to appear for an expedited preliminary hearing within ten days. This court proceeding would occur before a Commissioner, most likely Commissioner Hyatt. It is anticipated that four to five cases a day would be listed on four days per week before the Commissioner. Custody defendants would be listed on a single afternoon. At these hearings, the Commissioner would accept negotiated non-trial dispositions and sentence all appropriate defendants to participate in the Drug Court Program. Defendants who have tendered pleas and who elect not to participate in the Drug Court would be sentenced in accordance with the applicable authority; defendants who do not tender pleas would receive probable cause hearings. It appears necessary that police officers would attend the Early Plea Court hearings, thereby minimizing potential cost savings to Maricopa County.

Thus, under the modified time line developed by the Drug Court Planning Group, a defendant can begin treatment under the Drug Court within ten days of arrest.\(^3\) Presentence reports would not be prepared for defendants entering the Drug Court Program. Finally, it is contemplated that this program would commence with cases originating only in the City of Phoenix. This decision was made by the planning group because the Phoenix Police Department has its own drug laboratory

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\(^3\) This is a tremendous improvement over the multi-month timeline for enrollment in the Superior Court's current Drug Court program; however, other models exist which get the defendant before the Drug Court judge and into treatment even earlier. Judge Bolton has expressed a desire to reduce the proposed intake period further, and has requested the American University Drug Courts Clearinghouse and Technical Assistance Project to facilitate the planning group's review of other Drug Court models.
which is capable of generating chemical analyses in an expedited manner; in most of the outlying municipalities, analyses are delayed for several months.

VI. OBSERVATIONS AND RECOMMENDATIONS

1. As stated earlier, significant modifications to the case processing system are presently underway in Maricopa County. These modifications appear to be focusing on the calendaring systems within the trial courtrooms. For example, efforts are underway to increase the number of hours each judge spends on trial matters and reduce the amount of time spent in the calendaring of cases. It is anticipated that the starting time for trials will be moved to earlier in the day and trials will also be scheduled on Fridays. It has also been recommended that a case management plan be implemented within the trial courtrooms, with clear intermediate monitored events. Negotiating schedules for the parties, scheduling conferences administered by the court and clear deadlines for intermediate events are contemplated. Also under consideration is elimination of the practice of scheduling matters in court for "non-firm" trial dates, events which involve significant administrative time for the judicial and courtroom staff which invariably result in continuances.4

Central to the success of these preliminary discussion is an expanded role for court administration in the calendaring of cases. The focus cannot exclusively be upon what happens to cases once they are in the trial courtroom, but rather must also include the paths that cases follow to arrive in the trial courtroom. Suggestions have been made by members of the trial bench that the court must begin to differentiate in processing time lines between "victimless" crimes and cases involving a victim. The concrete suggestion is that case processing priority must be given to cases involving a victim.

Critical to these endeavors is a greater role for the criminal administrative staff. Statistical analyses must be conducted with respect to the time to disposition in each category of offense on the

4 Efforts are presently underway to amend the state rule requiring that all cases awaiting adjudication be listed before the trial judge every thirty days.
court's docket with particular emphasis on the method and timing of disposition in each category of offense. Approximately four percent of the matters disposed within the jurisdiction require trials. The remainder are diversions, dismissals, transfers or non-trial dispositions. As diversions tend to occur without significant administrative input, the precise volume of cases diverted from the system is not known. The County Attorney, which operates an effective diversion program, estimates that two to three thousand drug possession cases are diverted from the system either pre-indictment or post-indictment. This broad-minded diversion approach on the part of the County Attorney is a clear system attribute. Court administration should be able to identify the characteristics of those cases diverted and, most importantly, the impediments preventing other cases from early diversion from the system. Once identification of the factors impeding diversion is made, court administration staff can turn their energies toward alleviating the causes of non-diversion. The cause may be as simple as the absence of an opportunity to consult meaningfully with an attorney about the advantages of the diversion program.

At four percent, the trial rate within Maricopa County is within national norms; what is surprising is that this excellent rate occurs without strong assistance from court administration. In this regard, court administration should create a mechanism for the early review and screening of all criminal cases. Experience in other jurisdictions has demonstrated that the simple process of forcing attorneys to review their files at an expedited listing under the court's supervision will generate non-trial dispositions.

Thus, in summary, it is recommended that the court set up separate case processing requirements based upon an analysis of present time to disposition and an understanding of why case processing requirement vary among categories of cases. As most cases are resolved through the entry on negotiated non-trial dispositions, a vehicle must be created to force attorneys to communicate about their cases at an earlier stage in the proceedings, i.e., prior to assignment to the trial judge. This discussion should be broader than the current discussion regarding the Early Pleas Court. This vehicle may take the form of a single courtroom dedicated exclusively to the pretrial of all criminal matters. In order for this courtroom to operate effectively, the County Attorney and the Public
Defender and Legal Defender must agree to staff this courtroom with permanent, senior level assistants who know the value of a case and who have negotiating authority.

2. In many respects, although the contemplated Early Plea Court will focus only upon drug possession matters, successful planning efforts with respect to this court will facilitate system-wide planning efforts. The Early Plea Court planning efforts to date are commendable. The anticipated design will provide significantly earlier intervention and treatment. All significant stakeholders appear to be involved (with the apparent exception of the Sheriff and the Clerk of Courts) in this effort. Although the Sheriff does not appear to be involved, it is anticipated that the Early Plea Court will handle custody matters only one day of the week, thus minimizing the resource drain on the Office of the Sheriff.

This Early Plea Court, which will concentrate exclusively upon drug possession matters, is therefore the beginning stage of differentiation with respect to how a single category of cases is processed through the criminal justice system. All parties have nine or ten months of good-faith participation in this process, and it has been my experience in Philadelphia that a cooperative planning process with a good faith free exchange of ideas under judicial/court administration leadership is the best way to improve a criminal justice system. The existing participation and commitment within the Plea Court context is an opportunity for the judicial and administrative leadership to demonstrate that its planning efforts will work, thereby gaining greater willingness on the part of counsel and affected agencies to participate in future, more broad, efforts. Moreover, it is generally contemplated that the Early Plea Court might be expanded in the future to include non-drug cases. In this regard, the Maricopa judicial and administrative leadership stands at a critical juncture. Success in this area can serve as the foundation for future court-based system reformation efforts.

3. As the Early Plea Court will initially operate as an adjunct to the existing Drug Court, Judge Bolton should immediately become involved in this initiative. The inclusion of Judge Bolton will also provide critical support to the administrative staff, as it has been my experience that strong
teams of administrative and judicial leadership result in more full and comprehensive planning efforts than judges or administrators are likely to produce if they operate independent of each other.

4. The Early Plea Court planning group should develop a detailed written document describing what activities should occur with each case at each stage of the proceedings. The document must describe with particularity the functions each criminal justice agency is committing to perform. It is important to complete this document prior to the commencement of the program and to obtain formal support from each affected agency immediately. Such a document will minimize future difficulties arising from differing perceptions of the planning process and will also serve as an important tool in finalizing the planning process. In Philadelphia, I have created such documents by walking a case through the various stages of the court process, from day one to resolution of the case. A sample document (prepared for the Major Trial Program) is included as "Attachment C."

5. Court administration must conduct an immediate statistical analysis chronicling the number of drug cases on trial inventories, the number of drug possession cases disposed pre-trial before assigned trial judges, the number of drug cases disposed before the Commissioners and the District Court and the number of drug cases diverted from the system, both pre- and post-indictment. Judge Bolton's Drug Court presently supervises approximately 120 defendants per year. It is contemplated that Commissioner Hyatt will have four to five cases listed for review on four days a week. This translates to sixteen to twenty cases per week and 832 to 1040 cases per year. If we modestly assume that only one-half of these cases will be disposed before the Commissioner and sentenced to Drug Court participation, 416 to 520 new cases per year will require treatment services and court time before the Drug Court judge. If three quarters of these cases receive sentences requiring Drug Court participation, 624 to 780 cases per year will be supervised by the Drug Court as a result of the Early Plea Program. Assuming a 75 per cent acceptance of the Drug Court Plea, the 120 defendant

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5 It is my strong suspicion that, if properly administered and implemented, disposition rates at the Early Plea Court should be close to 75%. Both the prosecution and the defense appear relatively satisfied with the operation of the current Drug Court. Both sides apparently legitimately desire greater, and more immediate, treatment of drug involved defendants. Defendants have a tremendous incentive to successfully participate in the program as they can complete their Drug Court period of supervision in seven to twelve months; most probationary drug sentences tend to be for terms ranging from two to three years. Moreover, defendants successfully completing Drug Court intervention earn the right to have their potential
per year annual capacity of the Drug Court program will be increased by 520 percent \((620 + 120)\) to 650 percent \((780 + 120)\). Under these circumstances, the commitment of significant additional time to supervise drug court defendants will clearly be required from the Drug Court judge.

6. Increased volumes of cases disposed will also tax the resources of the Probation Department and the drug and alcohol counselors. At present three probation officers and two counselors handle the current Drug Court clientele. From the staffing meeting I observed prior to the Drug Court session of March 21, it is apparent that both the probation officers and the counselors have an excellent handle on the progress of their clientele and provide the judge with credible and knowledgeable recommendations. Probationary services will have to be provided in-house. To a certain extent, the Probation Department may be able to shift resources from existing divisions to Drug Court supervision as the manner of case disposition changes and the number of clients requiring general probation supervision diminishes, but it is fair to say that additional Probation Department resources may be required.

Assuming that it is more cost-effective to provide treatment services in-house, additional drug and alcohol counselors will have to be hired. The exact number will depend upon the volume of defendants anticipated to be under supervision at any particular moment. This brief report is not intended to resolve these issues, but rather to identify the need for consideration of these questions in planning endeavors.

It must also be stated that Proposition 200 creates a treatment funding stream. The proposition creates an assessment on the purchase of wine with revenues shared equally by the Administration of Arizona Courts and Arizona Commission on Drug Education and Prevention. It is estimated that the 1997 revenues under Proposition 200 will total $3.2 million, of which the Administrative Office of the Courts is expected to receive $1.6 million. The Maricopa County courts expect to receive 56% of the anticipated $1.6 million to enhance treatment services. This translates

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felony convictions reduced to ungraded misdemeanors, a significant inducement in and of itself.
to roughly $896,000 in 1997. While it is recognized that under this proposition, treatment services
must be provided to all defendants convicted and placed on probation for drug possession offenses,
a reasonable and potentially significant opportunity exists to enhance the treatment capabilities of the
Drug Court.

7. If the volume of cases sentenced to Drug Court participation increases as expected by the
planning group, both the prosecutor and the defense would be well-advised to consider assigning
permanent senior staff to the Drug Court program. Senior staff will ensure that appropriate cases are
quickly disposed, thereby allowing the trial prosecutors in the respective offices to have reduced
caseloads which are comprised of cases more likely to go to trial. In this manner, trial attorneys can
more effectively devote the scare resource of preparation time to matters most likely to require trials.
This effect will become apparent to the trial staff after the program has been in operation for a period
of time.

8. The prosecutor operates an excellent diversion program, by all accounts disposing of
significant numbers of drug possession cases. These defendants should not simply be shifted into the
Drug Court; the diversion numbers should remain constant. The prosecutor must remain committed
to present levels of diversion; court administration must monitor these levels over time.

9. Finally, Court Administration needs to conduct an examination into the volume of cases
in which the defense exercises its right to conduct pretrial inquiries of the involved officers. During
my brief site visit, I received inconsistent information as to the frequency of these examinations. If
they occur regularly as was suggested by one party, these examinations are a potential impediment
to the expedited resolution of drug possession cases.
ATTACHMENTS

A. Draft Plan for the Early Plea Benefits Court (a.k.a. "Prop 200 Court")
B. Itinerary and Preliminary Questions for Phoenix Site Visit of Judge Davis
C. Section Leader Protocol for Major Felony Program, Philadelphia Court of Common Pleas
Attachment A: Draft Plan for the Early Plea Benefits Court (a.k.a. "Prop 200 Court")
NEED FOR PROGRAM

A surge of drug cases is expected to enter the justice system via the passage of Proposition 200, the Drug Medicinalization, Prevention and Control Act of 1996. The citizens' vote indicates the public wants offenders to be held accountable for their actions, monitored by probation supervision, and expeditiously treated. Experience has proven that through supervision and treatment, offenders can learn to solve their problems in a constructive way instead of resorting to further drug use, which puts the community at risk of further victimization.

By developing and implementing an expedited prosecution and sentencing procedure for defendants charged with drug possession offenses, the number of days required from arrest to sentencing can be pared significantly. A "fast track" hearing and sentencing process serves the community both by cutting costs and by expediting treatment for drug offenders. The process yields savings to taxpayers by shortening the number of days defendants spend in jail awaiting sentencing, the number of court appearances required to accomplish sentencing, and the number of salaried hours that defense attorneys, prosecutors, probation officers and court staff must spend on each case.

GOALS and OBJECTIVES

- Provide early treatment for drug offenders
- Improve case processing
- Decrease number of court appearances
- Reduce taxpayer costs
- Reduce presentence jail space for drug offenders
- Reduce likelihood of bench warrants issued for failures to appear

DESCRIPTION OF PROPOSED PROGRAM

The proposed court, using a team approach, would involve defendants whose charges and criminal history meet specific criteria, in line with Proposition 200 and prosecution and sentencing criteria, to expedite the case through the system. This concept would replace the traditional adversarial approach with a team concept, uniting members with a common purpose, i.e. early, effective transition of selected drug offenders into treatment and out of the justice system. The proposed court would expedite case processing for defendants charged with drug possession and related offenses.

As outlined in the process below, cases would be screened at two stages. First, at the Initial Appearance Court, a probation officer or designee would perform a brief screening to determine eligibility. Within 48 hours of initial appearance, the prosecutor would determine the charges and decide whether the defendant is eligible for TASC. Cases would then be filed directly into Superior Court, at which time a probation officer would complete a comprehensive screening to place the defendant in an appropriate drug treatment program [programs to be later defined].

At initial appearance, the defendant is provided notice to appear at an expedited preliminary hearing within ten days. On the hearing date, the prosecution and defense counsel would meet to discuss possible case disposition, including involvement in the Drug Court. When appropriate, the court would conduct preliminary hearing, plea arraignment and sentencing hearings on the same day.

RECOMMENDATION

It is recommended that the program be piloted with selected drug cases arising within the City of Phoenix for a period of six months, during which time refinements to procedures can be made.

February 11, 1997 - This preliminary draft proposal was developed by a working group within the criminal justice system for discussion purposes. The concepts identified are ideas under consideration and not sanctioned by justice and law enforcement policymakers or by the Board of Supervisors.

ATTACHMENT A
<table>
<thead>
<tr>
<th>WHO</th>
<th>WHAT</th>
<th>COMMENTS</th>
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<tbody>
<tr>
<td>Law enforcement</td>
<td>Arrest</td>
<td>***Could be Pretrial Services or other department staff conducting the screening—could be supplied with preliminary screening instrument or have I.A. Commissioner set accelerated date for all drug possession cases.</td>
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<tr>
<td>Pre-IA Screener</td>
<td>Broad screening for Prop 200 Court eligibility</td>
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<tr>
<td>Court Administration</td>
<td>At I.A. set date/place of combined probable cause determination and plea hearing/arrangement</td>
<td></td>
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<tr>
<td>County Attorney</td>
<td>Further screening; file charge directly in Superior Court; identify witnesses. APO reviews CHRI, completes screening, reads police report and reviews cases for range of programs, prepares probation conditions for court.</td>
<td>Criteria - same as earlier screening, only more refined information at this point</td>
</tr>
<tr>
<td>Process Server</td>
<td>Serve subpoena on witnesses</td>
<td>***Need to identify who</td>
</tr>
<tr>
<td>Prop 200 Court Team</td>
<td>Lawyer/client meetings prosecution/defense meetings; plea offer; entry of plea if accepted; probable cause hearing or waiver if not accepted; arraignment in either event; sentencing if all parties and court agree</td>
<td>One-step-shop concept located at Prop 200 Court; complete process within 15 days of I.A. (depending on how fast C.A. gets CHRI and DR, could this be 10 days?)</td>
</tr>
<tr>
<td>Prop 200 Court Commissioner or Superior Court</td>
<td>Conducting Preliminary Hearings; taking pleas; sentencing via oral report from APO, prepares probation terms</td>
<td>30 days from plea arraignment or less, if APO can expedite pre-sentence report (if needed)</td>
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**BENEFITS**

This project is intended to fulfill the will of the citizens within the present judicial and public safety environment. To System

- Reduce number of FTA warrants issued at arraignment
- Reduce average disposition timeframe (from 59 days to 20 days)
- Promotes involvement of attorneys specializing in drug cases to expedite processing and facilitate consistent treatment of defendants
- Early intervention, resulting in a higher likelihood of success
- Creates accountability - assigns weight to law enforcement efforts
- Improved security, reduce prisoner transportation

To Defendant

- Lower assessed cost than regular probation
- More intensive, but less time than regular probation
- Greater potential for successful completion of probation
- Expedited case processing
- Certainty

Community

- Increased public safety given defendant supervision
- Reduce likelihood that defendants will re-offend

February 11, 1997 - This preliminary draft proposal was developed by a working group within the criminal justice system for discussion purposes. The concepts identified are ideas under consideration and not sanctioned by Justice and law enforcement policymakers or by the Board of Supervisors.
ELIGIBILITY CRITERIA FOR TARGET POPULATION
- Possession/use case
- No sales activity
- No violent crime alleged
- No more than one prior conviction ??
- No intravenous drug use ??

OPERATION
- Operates out of lower level, East Court Building
- Afternoons
- Up to five afternoons a week, depending upon number of cases
- Up to five cases an afternoon
- Permanent assignments by Public Defender, County Attorney, Adult Probation
- Set in-custodies on one day out of five

OUTSTANDING ISSUES/QUESTIONS
1. Determine relationship between Prop 200 Court and TASC
2. Gain commitment of policymakers
3. Develop guidelines for operations/identify associated costs
4. Funding source for startup and maintenance - explore potential for Prop 200 allocation to help support (approximately $2.1 million to Maricopa County region - funds for probation, but may be applicable)

ISSUES RESOLVED/RESOLVING
1. Obtain reasonable estimate of number of cases for pilot purposes (Carol McFadden reported an estimated 1-2000 city of Phoenix cases at last meeting)
2. Information on prior attempts to pilot similar proceedings (Lisa Whitaker to report)
3. Refine existing Drug Court criteria for applicability (Lisa Whitaker to report)
4. Discussion with Judge Reinstein on direct filing with or without designation of cases by JPs (At last meeting Judge Reinstein said there is no issue with direct filing from the superior court point of view)
5. Have needs assessment lead to development of program goals (see draft)

February 11, 1997 - This preliminary draft proposal was developed by a working group within the criminal justice system for discussion purposes. The concepts identified are ideas under consideration and not sanctioned by justice and law enforcement policymakers or by the Board of Supervisors.
PROPOSITION 200

DRUG MEDICALIZATION, PREVENTION AND CONTROL ACT OF 1996

PURPOSE

To expand drug treatment and education services for drug offenders, require flat time sentences for violent drug offenders, utilize probation for specified non-violent drug offenders, encourage parental involvement in drug education and prevention programs, and authorize physicians to prescribe schedule 1 drugs for seriously and terminally ill patients.

PROVISIONS

- Establishes the Arizona Parents Commission on Drug Education and Prevention for the purpose of funding drug and alcohol education programs that stress parental involvement. The Commission is required to contract with a non-profit or governmental entity for the provision of the education and prevention services.

- Specifies that the Commission will include representation from probation, law enforcement, education, drug education and treatment services and parents. The Governor will appoint members for a two year term.

- Mandates that offenders who commit a violent offense under the influence of drugs serve 100% of their sentence. A violent crime is defined as one that results in death or physical injury or any criminal use of weapons or dangerous instruments.

- Specifies that personal possession or use of a controlled substance does not include possession for sale, production, manufacturing, or transportation for sale.

- Mandates that non-violent inmates convicted of personal possession or use of drugs, who are not serving a concurrent sentence for another offense, and who have not been convicted as a habitual offender, are eligible for immediate parole and drug treatment.

- Requires the Director of DOC to prepare a list of inmates who are eligible for parole and deliver this list to the Board of Executive Clemency within 90 days after the approval of Proposition 200 by the voters.

- Authorizes the Board of Executive Clemency to not release an inmate who is otherwise eligible for parole if the Board feels that the prisoner is a threat to the general public.

(OVER)
- Requires the Board to mandate that non-violent drug offenders released on parole participate in drug treatment or education. The parolee shall pay the costs of this treatment to the extent possible.

- Specifies that non-violent drug offenders who are released on parole shall remain on parole until revocation, discharge or until the prisoner reaches his earned release credit date.

- Mandates that any person convicted of non-violent personal possession or use of a controlled substance be sentenced to probation and be required to participate in drug treatment or education. The probationer shall pay the costs of the treatment, to the extent possible.

- Specifies that a probationer who violates his probation shall be subject to new conditions including intensified drug treatment, community service, intensive probation, home arrest or other sanctions short of incarceration.

- Provides that additional conditions of probation may be imposed for an offender who is convicted on a second offense of non-violent drug use or possession. Upon a third conviction, the offender is not eligible for probation.

- Establishes a new fund, the Drug Treatment and Education Fund consisting of a percentage of the monies collected from the luxury tax on alcohol, cigarettes and other tobacco products.

- Directs that the Supreme Court, Administrative Office of the Courts (AOC), will administer the fund and will transfer 50% of the money in the fund to the Superior Court probation departments for drug education and treatment programs for probationers. This distribution is to be allocated pursuant to a probation caseload formula developed by the AOC. The remaining 50% is to be transferred to the Arizona Parents Commission on Drug Education and Prevention. The Administrative Office of the Courts may utilize monies in the fund to cover administrative costs incurred in implementing the Act.

- Requires the Administrative Office of the Courts to prepare an annual accountability report to detail the cost savings realized from diversion of offenders from prison to probation.

- Authorizes doctors to prescribe schedule I drugs for seriously ill or terminal patients. The physician must provide scientific research to support his decision, and the written opinion of a second doctor. Patients who receive these prescriptions are not subject to criminal prosecution.
Attachment B: Itinerary and Preliminary Questions for Phoenix Site Visit of Judge Davis
SCHEDULE for HON. LEGROME DAVIS
Superior Court of Arizona, Maricopa County
201 W. Jefferson, 4th Floor

Thursday, March 20, 1997

9:30 a.m.  Hon. Robert Myers, Gordy Griller and Marcus Reinkensmeyer
          Griller's Office, 4th floor, Central Court Building (CCB)

10:00 a.m. Hon. Susan Bolton, Drug Court and Ed Mansfield, Lisa Whitaker and
           Sally Royle - Adult Probation
           Judge Bolton's Office, CCB4

10:30 a.m. Janet Cornell, Sarah Shew
           CCB 4th Floor Conference Room

11:00 a.m. Rick Notthwehr, Carol McFadden, AJ Fenzel, County Attorney's Office
           CCB 4th floor Conference Room

11:30 a.m. Jim Haas, Public Defender and Bob Briney, Legal Defender
           CCB 4th floor Conference Room

12:15     No-host Lunch [location to be announced]

1:30 p.m.  Meeting with full Expedited Drug Court Work Group
           CCB 4th floor Conference Room

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Friday, March 21, 1997

10:30 a.m. Observe Drug Court, CCB402

1:30 p.m.  Debriefing, refinement, development –
           Janet Cornell and Sarah Shew
           CCB 4th floor Conference Room

2:30 p.m.  Key findings and recommendations, action plan –
           Meeting with full group
           CCB 4th floor Conference Room

4:30 p.m.  Final debriefing, wrap-up –
           Judges Bolton and Reinstein, Gordy Griller, Marcus Reinkensmeyer,
           Janet Cornell, Sarah Shew
           CCB 4th floor Conference Room
QUESTIONS FOR JUDGE DAVIS
Field Visit March 20 and 21, 1997

1. What is your assessment of our current and proposed drug court models in terms of caseflow management, calendar control, offender evaluation and treatment, and ongoing court monitoring?

2. Discussion is yet to take place with regard to what impact the proposed expedited drug court may have on the existing drug court. How should that discussion be framed?

3. It's been several months coming, but we have consensus among the major players as to a model expedited drug court which we propose to do on a six-month pilot. Assuming decision-makers agree to the pilot, there are still sufficient unknowns that no one has a very clear idea of what kind of resource commitment the new court may take. The budget picture is bleak. Anything you can suggest to keep us out of the "this can't work unless I have ..." mode?

4. On the other hand, the "this can't work unless I have ..." may be the true picture. Can you recommend possible grant sources? Alternatively, what can you tell us about pilot program implementation "on a shoestring"?

5. Obtaining additional resources for staff for the proposed court is expected to be difficult. Although we expect to experience increased staff "capacity" over time under the new court model, at the outset some agencies may have to increase staff. Do you have suggestions on convincing funding sources that this approach is worth a front-end investment?

6. The court is working on a number of initiatives to improve caseflow management and calendar control. How can the drug court model best be integrated in our caseflow management system to:
   - reduce case processing times (from filing to disposition);
   - reduce the number of court hearings;
   - reduce the number of continuances;
   - ensure trial date certainty through the elimination of nonfirm trial dates.
Attachment C: Section Leader Protocol for Major Felony Program, Philadelphia Court of Common Pleas
MAJOR FELONY PROGRAM
SECTION CALENDARING
SECTION LEADER PROTOCOL

I. SELECTION OF CASES FOR THE SECTION CALENDAR PROGRAM

A. Prior to arraignment, cases will be designated for the Section Calendar Program in accordance with the existing arraignment guidelines. At arraignment, cases will be assigned for pretrial conferences on a date certain before the various section leaders on a random and equal basis. The pretrial conference will be scheduled approximately twenty working days from arraignment. In addition:

1. All co-defendant matters will be assigned to the same section without regard to whether arraignment occurs simultaneously.

2. Where a defendant has more than one case in the Major Felony Program, all cases will be assigned to the same section.

3. If a defendant fails to appear at arraignment, a bench warrant will be issued and the permanent section assignment will be indicated on that bench warrant. When the defendant is apprehended, the bench warrant will be heard in the normal fashion and the case will then be listed for a pretrial conference before the leader of the previously assigned section.

4. Bail defendants will be subpoenaed for the pretrial conference before the section leader. Bail defendants...
II. PRETRIAL CONFERENCE PROCEDURE

A. Pretrial conferences will be scheduled on Thursday and Friday of each week before the four section leaders.

B. All discovery should be completed and all pretrial plea offers should be communicated by the Commonwealth to the defense by Friday of the week prior to the pretrial conference.

1. It will be the responsibility of the District Attorney's Office, Public Defender's Office and the Criminal Justice Section of the Bar Association to establish procedures for completion of discovery and communication of plea offers.

C. Defense counsel will communicate all plea offers to the defendant prior to the pretrial conference. Only custody defendants who wish to take advantage of a non-trial disposition at the pretrial conference will be brought down to City Hall for the pretrial conference. All requests for bringdowns should be made to the tipstaff in the section leader's courtroom at least one day prior to the pretrial listing. Defense counsel should interview the client in prison prior to the pretrial conference.

D. Motion practice

1. The following motions will be heard by the section leader at the pretrial conference:
   a. applications for reduction of bail;
   b. motions to quash;
   c. motions to amend bills of information;
d. motions for severance, consolidation and joinder;

e. motions for expedited trial dates;

f. discovery motions;

g. motions for funds for an investigator

2. Motions must be submitted to the section leader in his/her courtroom prior to the pretrial conference date and must contain on their face a Rule to Show Cause indicating the next pretrial conference date as the rule returnable date. An extra copy of the motion for the judge's file must be submitted with the original. After the rule is signed by the judge the motion must be filed with the Clerk of Quarter Sessions and a copy served upon opposing counsel. All motions will be heard on the next scheduled pretrial conference date unless an earlier hearing date is requested.

a. When a motion to quash bills of information is filed, a copy of the preliminary hearing transcript should be attached to the motion. If the notes of testimony of the preliminary hearing have not been transcribed, counsel should present the section leader with a prepared order for the court reporter compelling production of the notes by a date certain (a sample order is attached hereto).
b. Motions for severance, consolidation and joinder and motions for expedited trial dates may be filed orally at the bar of the court after notifying opposing counsel.

c. Motions to suppress, Rule 1100 motions, and motions in limine will be heard at the time of trial by the assigned trial judge. If the trial judge grants a recusal motion following a motion to suppress in a matter previously designated as a waiver, the case will be heard as a jury in front of the assigned trial judge.

d. Failure of any party to comply with the discovery orders will result in sanctions. The party seeking sanctions must advise the section leader of the non-compliance of the opposing party by the following procedures:

1. a notice must be filed with the court in his/her courtroom advising that there has been non-compliance with the court order. A copy of this notice must served on opposing counsel (a sample form is attached hereto).

2. all notices of non-compliance will be heard on the week following their filing on a date certain to be set by the
e. Where a case is assigned to a specific public defender or district attorney or a special unit of the public defender or district attorney's office, copies of any motions must be served on the specific attorney handling the case or the chief of the special unit.

E. At the pretrial conference, the section leader will resolve all conflicts in representation.

F. If a defendant has multiple cases in the system and is represented by multiple court appointed counsel, the section leader will insure, if possible, that a single counsel represents the defendant in all court appointments.

G. At the pretrial conference, counsel must be prepared to advise the court as to whether their matter will be a non-trial disposition and, after assignment of trial judge, whether it will be a waiver or jury trial. If it is a plea, the plea will be taken by the section leader at the pretrial conference. If the matter is a trial, counsel should be prepared to advise the court of the number of witnesses and the likely trial duration. Defense counsel who will try the case or, in the event that attorney is unavailable, someone who has authority to accept or reject the Commonwealth's plea offer, must appear.

H. No matter should remain in the section leader's courtroom in pretrial status for more than two calendar weeks or ten working days. Plea offers made by the Commonwealth will
remain open while the cases are in pretrial status in front of the section leader after which they will expire, and the matter will be assigned for trial. Under no circumstances will a case be relisted in front of the section leader for a plea after it has been assigned for trial.

I. Cases which cannot be resolved by non-trial disposition before the section leader will be classified for trial on one of three tracks:

1. **Short**: All burglaries, most drug cases (including one and three mandatory), welfare fraud cases, arson (with a prior relationship between the parties), and non-mandatory minimum robbery cases. These cases will be assigned to Track "1" and will be targeted for disposition within ninety (90) days of arraignment.

2. **Standard**: Drug cases with complicated pretrial motions, aggravated assault, economic crime, arson (where no prior relationship exists between the parties), and mandatory minimum robbery cases. These cases will be assigned Track "2" and will be targeted for disposition within one hundred twenty (120) days of arraignment.

3. **Complex**: Rape and child abuse matters, cases where a continuing criminal enterprise is charged, and any other matters which involve an extraordinarily large number of witnesses, co-
defendants or complex legal issues. This track will be designated Track "3" and will be targeted for disposition within one hundred and fifty (150) days of arraignment.

J. Track designation guidelines are illustrative only and not exhaustive. The section leader may vary from these designations if sufficient complexity of pretrial or trial issues exist, or if the case involves an extraordinarily large number of witnesses. All track classifications will be made without regard to whether the matter has been identified as a waiver or a jury trial.

K. Where a question of the defendant's competency is raised at the pretrial conference, the section leader will order a forthwith mental health examination and will retain jurisdiction over the case as long as the defendant remains incompetent. No trial assignment will be made of the case until the competency issue has been resolved.

III. ASSIGNMENT OF CASES FOR TRIAL

After cases have been categorized to a particular track by the section leader the cases will be assigned to a judge in the section for trial by random selection computer program.

A. All co-defendants will be assigned to the same trial judge unless a severance motion is granted. Defendants with multiple cases in the Major Trial Program will have all of their cases assigned to the same trial judge.
B. Each judge in a particular section will receive the same number of short, standard and complex cases.

C. Cases will be listed for a trial status conference before the individual section judge, approximately ten working days after the pretrial conference.

1. During the initial ninety days of the section calendaring program, all section leaders will also assign trial dates before the individual judges that adhere to the track time standards.

2. Thereafter, the section leader will calendar cases by one of two methods.

   a. If the trial judge prefers not to assume calendaring responsibilities, or if the trial judge is not proficient at calendaring, the section leader will schedule cases for trial. Under this method, the section leader will assign a trial status conference date in the trial courtroom approximately ten days after the pretrial conference, and a trial date that adheres to track trial standards. At the completion of the trial status conference, the
section leader's courtroom will be advised of any pretrial pleas that occurred at the trial status conference, as well as any changes in previously assigned track identification codes.

b. Following the initial ninety days of the section calendaring program, a trial judge may elect to calendar his/her list. Under this method, the section leader will assign only a trial status conference date in the trial courtroom. The trial judge will calendar his/her cases in accordance with procedures later described in this memorandum.

D. Calendaring codes

1. Once a case has been determined to be a trial matter it will be assigned a track trial identification code to indicate the section to which it is assigned, the track (short, standard or complex) to which it has been assigned, whether it is a waiver or a jury trial and how many days or hours it is expected to require for trial. Sections will be designated as "A", "B", "C", and "D". Short matters will be designated as "Track
1", standard as "Track 2", and complex as "Track 3". Cases will be identified as waiver trials, ("W") or jury trials ("J"). Finally, the number of hours or days expected for trial will be designated such as one day ("1D") or one hour ("1H").

a. For example, the identification code A1J2D indicates that the matter is assigned to section A on the short track and is a two day jury trial. The designation B2W4H means the case has been assigned to section B and placed on the standard track and is a four hour waiver trial.

2. This code will appear on the computer terminal, the trial sheet, and the judge's calendar.

E. After cases are coded, the section leader will calendar the case to the docket of the assigned trial judge.

1. Section leaders will have current schedules for each section member on his/her computer.

2. In order for the section leader to have up-to-date information on the individual calendars of the section members, all trial files will be turned into the section leader's courtroom on a daily basis. The coder in the section leader's courtroom will code all files for members of the section. If a trial file is not complete, trial
sheets must be turned in so that the section leader's master calendar can be updated accurately.

IV. BENCH WARRANTS

A. If a defendant fails to appear at the pretrial conference before the section leader the bench warrant will be marked, "To be heard by the section leader, Section "___", only". If the section leadership changes prior to the apprehension of the defendant, the subsequent section leader will hear the bench warrant.

B. If a defendant fails to appear at a status conference or trial before the trial judge, the bench warrant will reflect that the matter will be heard by the trial judge only, or the judge subsequently assigned his/her list.

V. OVERSIGHT RESPONSIBILITY

A. Each section leader must carefully monitor the trial inventory of the section members. If a section member's inventory exceeds one hundred sixty cases or if the trial dates assigned are in excess of eight months from arraignment, that judge will receive no additional trial assignments until his/her inventory is within those limits. These standards will not be publicized to counsel.

B. If a case exceeds the ninety (90)/one hundred twenty (120)/one hundred fifty (150) days standards (excluding bench warrant status time) the section leader will immediately address the reasons for exceeding the time standards with the trial
judge. Section leaders must assume responsibility for their section's adherence to track time standards. Under no circumstances will the matter be removed from the list of the assigned trial judge.

C. Section leaders will also be responsible for insuring that downtime of section members is minimized.

D. Initially, section leaders will meet with each other weekly, and each section leader will meet with the members of his/her section on a weekly basis.

VI. PROCEDURES BEFORE THE ASSIGNED TRIAL JUDGE

A. At the trial status conference, the assigned trial judge will insure that all discovery is complete and all other section leader pretrial orders have been satisfied. The trial judge will again inquire about the possibility of a non-trial disposition and will accept the plea at the initial or a subsequent status hearing, if possible. All matters not resolved at the trial status conference will be continued to the date given for trial by the section leader or a new date determined by the individual trial judge. Defendants will not be transported to City Hall for trial status conferences unless counsel advises the court the case will be disposed at the trial status conference.

1. When the section leader is calendaring for the trial judge, after the status conference the trial judge will notify the section leader as to whether the matter has been disposed and, if not, whether
it will proceed to trial with the same code assigned at the pretrial conference. If, at the trial status conference, the trial judge and counsel determine that the previously assigned trial identification code is inaccurate, the case will be recoded and the section leader will be notified so that adjustments can be made in the assigned judge's calendar. For instance, at the trial status conference it may be determined that a case will be a waiver rather than a jury trial, and therefore will require less trial time than originally anticipated.

2. When the section member is responsible for calendaring his/her inventory of cases, the cases will be scheduled for trial by one of two methods.
   a. At the pretrial conference, the section leader will assign only a trial status conference date. At the trial status conference, the trial judge will designate cases for trial during a particular week, and will continue the cases to a scheduling conference the Friday before the week of trial. All trial counsel will appear at this conference and will advise the court of any relevant scheduling considerations and the method by which the case will be resolved.
Trial counsel will then receive a specific trial date in the following week.

b. In the alternative, at the trial status conference the trial court may schedule cases to dates certain for trial. If this method of scheduling is chosen, the trial judge must overschedule, as it must recognized that not every case will be ready for trial.

Tipstaffs in courtrooms utilizing date certain scheduling practices will contact trial counsel by 11 a.m. the day prior to trial, and ascertain whether the case is genuinely ready for trial.

B. All continuance motions will be heard by the trial judge at least seventy-two hours prior to the trial date. Opposing counsel must be notified, and counsel should appear in the trial courtroom together. If a continuance motion is not filed with the trial court at least seventy-two hours prior to the trial date, the court will conclude that the matter is ready. If the assigned trial judge is unavailable seventy-two hours prior to the assigned trial date, the continuance motion will be heard by the section leader or his/her designee. If the trial judge utilizes scheduling conferences the Friday prior to trial, all continuance motions must be presented at that time.

C. The tipstaff in the trial courtroom will contact trial counsel in matters listed for the following day and will insure
that sufficient cases are ready for trial. This process will be completed by 11:00 a.m. If sufficient matters are not ready, the assigned trial judge will advise the section leader of this fact no later than 1:00 p.m., and a matter from the ready pool will be assigned by 5:00 p.m.

D. In the event that all defendants on a given trial list are on bail and all fail to appear, cases listed for trial on a particular day may be reassigned intra-section through the section leader.

VII. READY POOL

A. Each section leader will create a ready pool of cases for immediate assignment to members of his/her section. The number of cases in the ready pool at any moment should not exceed five (5) and no case should remain in the ready pool for more than ten (10) working days.

B. A case should be designated to the ready pool at the pretrial conference and may only be placed in the pool with the consent of counsel.

C. Ready pool cases are those in which counsel agree that for the two week period where the case is in the pool he/she needs only sixteen hours notice prior to the case being called to trial. The assignment of a case to the ready pool does not unequivocally bind counsel to being ready for trial upon sixteen hours notice. Rather, by agreeing to have his case placed in the ready pool, counsel is making a good faith representation that he/she expects to be ready for trial within sixteen hours, or
upon notice by 5:00 p.m. of the day prior to the anticipated trial.

D. It is recommended that ready pool cases be those in which:
   1. the defendant is in custody;
   2. the case is assigned to Track 1 (short);
   3. all witnesses are easily accessible. Clearly, drug cases are appropriate for ready pool designation.

E. No co-defendant cases are eligible for the ready pool.

F. Absent an agreement by the Office of the Public Defender that its criminal calendar attorneys will try ready pool cases upon sixteen hours notice, only private counsel matters will be assigned to the ready pool.

G. Trial ready cases from the ready pool will be assigned to judges in the section by the section leader upon notification from a particular judge that they do not have sufficient cases for the next court day. Such notification must be made by 1:00 p.m. prior to the date of assignment.

VIII. INTERIM PROCEDURES

A. During the initial assignment of the pre-existing inventory, attorneys in violation of Local Rule 430 (relating to attorneys with twenty or more criminal cases) will have their cases assigned to one section on a rotational basis. This random selection process will be completed by the Director of Criminal Operations in the presence of all section leaders at a
predetermined place and time so counsel may be present, if they wish. Once assigned, counsel will have six months to comply with Rule 430. If counsel fail to comply, they will be prevented from entering their appearance in all Common Pleas cases, whether court appointed or retained.