

Counts



Judge McAdams in front of trailer serving as temporary courtroom: "We've tried to be creative."

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Criminal Justice

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Legal Gridlock Grips County Court System

LEGAL gridlock is threatening to make a mockery of the term "criminal justice" in Santa Cruz County, as ponderous courtroom journeys of five years for a case are not unheard of.

As the wheels of justice mire in a legal morass of red tape and paperwork, victims and families suffer wondering when justice will be served. By the same token, defendants and their families wonder whatever happened to the notion of innocent until proven guilty.

Assemblyman Sam Farr has introduced a bill that would give Santa Cruz a fifth Municipal Court judge and a fifth Superior Court judge, the first additions in a decade. Unlike years past, Farr's bill has wings this year.

The reason is that county supervisors — staring down the barrel of a million-dollar deficit — have somewhat reluctantly agreed to shell out the \$500,000 needed for the new judgeships, their offices and support staff.

"There's no doubt there's a real crisis in this county, and the board has been convinced we need more judges," said supervisor Gary Patton. "The criminal justice system already takes up the largest share of general funds, and it will take up even more with two more judges. But there really isn't any way around it."

The new pair of judges ought to help beginning next year, but nobody expects it to eliminate the highly complex problems. The predicament is a result of a variety of factors that have built up over the past decade:

—The numbers game: As the county population has risen over the past 10 years, so have the number of criminal cases and civil lawsuits, with no increase in the number of judges to handle them. Although court administrators said actual figures are diffi-

cult to determine, Municipal Court judge Richard McAdams remarked that "the number of both felonies and misdemeanors we have to deal with are up dramatically" over past years.

—Preliminary hearings: Greater emphasis on defendants' rights in recent years has led to the standardization of preliminary hearings, which are designed to give judges enough information to decide whether a particular case should go to trial. These hearings take time — the recent Edward Bowman murder case "prelim" took eight weeks.

—Intensity and complexity of cases: The trend in criminal jury trials is toward the long, drawn-out affair. In general, cases are more complex, lawyers are more rigorous, and juries are more deliberate than in years gone by. McAdams said there is a heightened sense of importance about the legal process today, and he added that judges and staff alike are required to deal with more paperwork than ever.

—Lack of communication between prosecuting and defense attorneys: The relationship between the District Attorney's office (prosecutors) and the Public Defender's office is by nature a rocky one. According to those in the local criminal justice system bureaucracy, communication between the two offices — so important to speedy trials — is especially poor at the present time.

"There are many complex reasons for the overall problem," McAdams said, "and many of them are built into the system. The addition of two judges would appear to be a typical bureaucratic response. But we have tried to be creative in other ways, like experimenting with the calendar and using automated clerical methods. We've done about all we can do." •

—Kevin Hanson