

# Municipal Court judges band together in effort to get two more courtrooms

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SANTA CRUZ — "The quality of justice in Santa Cruz County is deteriorating and the appearance of justice is almost nonexistent," Municipal Court Judge John Marlo of Watsonville told supervisors Tuesday.

Backed by the leadership in county law enforcement and the legal system, the four Municipal Court judges outlined the need for two more courtrooms.

But for the time being, supervisors chose to cool their heels on the proposal. At an estimated annual operating cost of \$1 million, supervisors said they are hesitant to seek new courtrooms until further analysis is done.

At Supervisor Dan Forbus' suggestion, the board directed County Administrative Officer George Newell to report on the fiscal and practical aspects of the proposal by February, in time to meet a deadline for making application to the state Legislature for additional courtrooms.

The request for two new courtrooms is part of a larger program to update the Municipal Court's archaic record-keeping system, redesign the work space and improve telephone communications with the public. Presiding Municipal Court Judge Richard McAdams and Court Administrator Bob Wandruff gave supervisors a 126-page report outlining long-range suggestions for the court system.

McAdams argued the case for the judges, saying, "The courtroom load is the foremost problem area. No matter how you view the statistics we gave you, there is no busier court in state of California.

McAdams' report showed that Santa Cruz County Municipal Court handles 67 percent more cases than similar courts throughout the state.

The last Municipal Court judgeship in Santa Cruz County was filled in 1977. Since then, McAdams said, changes in the law have resulted in Municipal Court taking on more responsibility, particularly in the area of felony cases. McAdams said the lower court takes all felony cases from arraignment through preliminary hearings. The court also handles infractions for building and traffic violations, and misdemeanor cases, including drunken driving ones. Also, Municipal Court is responsible for civil cases of less than \$15,000 and all small claims issues.

"We're not just talking about judicial inconvenience here," he added. "The problems we're talking about impact on

everyone. The public, employees, victims, witnesses and defendants alike are caught up in the crunch in the courtroom."

"It boils down to delayed justice at best," he said, reminding the supervisors that under the English system of law, "justice delayed is justice denied."

Judge Bill Kelsay said, "Over the years I've felt, quite frankly, more and more pressure. I have sensed a concern of, 'Am I doing too much to jam dispositions down people's throats rather than seek justice?'"

Judge Richard Kessell said the backlog of cases has resulted in long delays in sentencing. "There's nothing a judge can do for a victim until such time when a judge takes jurisdiction to sentence (convicted criminals). It's not fair to victims of crime who need restitution and need it badly to have to wait eight to nine months or a year," said Kessell.

While the impacts of changes in the law are being felt everywhere in the Municipal Court system, nowhere is the crunch being felt greater than in the number of drunken driving arrests. Highway Patrol Capt. Don Anderson pointed out that "just this year, as an example, my unit will end up arresting 400 more people (on drunken driving charges) — from 1,900 to 2,300."

Consequently, his officers will spend more time in court testifying and oftentimes showing up for cases that get postponed because of a backlog, said Anderson.

District Attorney Art Danner said he recently spent three weeks in Municipal Court doing preliminary hearings. "There's no question in my mind this board needs to look at the needs outlined in this proposal," he said. "The more time that we have our deputies in court the less time they have for quality preparation in cases. It's a spiral effect."