

## **In San Bernardino, Judges Become Jugglers** **Dealing With State's Heaviest Caseload Means Working Faster and Longer**

**By Jason W. Armstrong**

Daily Journal Staff Writer

SAN BERNARDINO - Every day, Tara Reilly rides herd.

The San Bernardino drug court judge first coaxes the sheriff into lending her several extra bailiffs. Then, she packs a dozen defendants into her courtroom's jury box. Instead of calling their cases individually, she takes the pleas in assembly-line fashion. At day's end, she has sped through a weighty 140-case arraignment and sentencing calendar.

Reilly works in a trial court that has greatest shortage of judges in the state. If she sat on most other benches, she would be arraigning half as many people. But San Bernardino County's state-leading population growth coupled with a lack of additional judges for the past two years are straining the local court system and forcing bench officers to take unusual steps to cope.

"Really, we have so many people we need hooks on the walls to put them up," Reilly said.

William Vickrey, executive director of the agency that provides resources for all the state trial courts, said the problem is severe.

"I think the workload in San Bernardino is beyond reason," the Administrative Office of the Courts' Vickrey said. "It impacts not only the timeliness of judges' [decisions] but also the overall quality of justice."

If all goes well, the court would get 23 new judges over the next three years - the most of any county in the state. But legislation carrying money for the judges has yet to win approval and has met rejection in the past.

The state Senate Appropriations Committee will vote soon on a proposal by Sen. Joe Dunn, D-Santa Ana, to spend \$36 million over three years for the San Bernardino judges along with 127 others statewide. The bill probably will win approval in the committee and in the state Senate later this year. If it also passes the Assembly and gets Gov. Arnold Schwarzenegger's signature, new judges could be on the bench by next year.

Reilly's boss, Presiding Judge Peter Norell, said San Bernardino's courts can't wait much longer. On average, Norell said, the court's 63 judges handle 6,800 filings apiece per year, far above the statewide average of 4,200.

"The hallways are packed and the courtrooms are packed and [judges'] calendars are two or three or four times as big as they ought to be," he said.

Even if he gets new judges, he said, he's not sure where to put them. Each of the county's 12 regional courthouses is "packed to the gills," he said.

And a planned seismic retrofit of the downtown San Bernardino courthouse would force some civil judges to temporarily move into a nearby building whose smaller offices would serve as courtrooms.

But Norell said he is amazed at how his judges are adapting to meet the crush, and he encourages the innovation.

Criminal Courts Judge Michael Dest, for one, has devised a way to reduce his caseload.

Dest said he requires attorneys to confer with one another before setting a preliminary hearing - an approach that often results in cases settling.

He said the conferences have allowed him to reduce the usual 75 felony pre-preliminary hearings he had been scheduling daily.

"Luckily, we have some great public defenders and prosecutors and private attorneys who make [my courtroom] a good place to resolve cases at an early stage," he said. "It makes my job a lot easier."

At the county's Fontana courthouse, Judge Douglas Elwell also tackles his caseload in offbeat fashion.

The supervising judge holds court in a converted secretarial office, speeding through dozens of pre-preliminary, preliminary and sentencing hearings daily. As he issues rulings on cases on his docket, defendants sit in roped-off plastic office chairs.

He said he saves time by relying on the defendants' cooperation. Rather than asking the Probation Department for a sentencing recommendation, he issues "forthwith" sentences directly for defendants who have served prison time and are willing to forgo a probation report.

"Doing this really quickens the pace here," he said of his sentencing practice. "It makes the job more manageable."

At the downtown San Bernardino courthouse, Judge Michael Smith said he often works evenings and on weekends reviewing lengthy motions in death penalty and other complex criminal cases.

"Sure, it makes my job less enjoyable," Smith said.

"You certainly want to give each case all the time and effort and energy it deserves," he said. "At the same time, there's real pressure to move it along as quickly as possible."

Back at the Fontana courthouse, Judge Michael Libutti lets lawyers chat with defendants in the jury box while he listens to arguments in other cases.

Such conferences, while noisy at times, often end up in plea deals that cut down on other hearings, Libutti said. He said he doesn't have a separate room where lawyers can meet with their clients.

"It can be a bit crazy, but you learn to shut out the noise," he said. "We're constantly trying to hammer out [plea] agreements."

At the Chino courthouse, Judge Linda Wilde said her civil and criminal caseload has "more than tripled" in the past two years. She said that's because much of the surrounding area, which used to be dairies, is now being gobbled up by new housing tracts.

Two weeks ago, Wilde said she had to get through 147 civil and criminal matters in one day. Two years ago, she said her average caseload was 40.

To cope, she said, she talked Norell, the presiding judge, into giving her two clerks.

"The system here is really reaching a breaking point, I think," she said. "I have to be more organized than ever before to get [the work] done."

As for drug court, Judge Reilly said she used to have "the luxury" of spending "three to four minutes" to encourage defendants in drug cases or talk to them about treatment plans during sentencing.

Now her calendar is so crowded she often devotes just "30 to 40 seconds" to each defendant before moving on to the next one.

"I have no choice but to do this to manage my calendar," she said.

- E-mail: [jason\\_armstrong@dailyjournal.com](mailto:jason_armstrong@dailyjournal.com)

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