

**CASE SCHEDULING COMMITTEE  
ORGANIZATIONAL MEETING – JULY 26, 2007**

**PRESENT:** HON. JEFFREY D. THOMPSON, SALLY A. CUMISKEY, LYNNE CALDWELL, JULIE KOOP, KARIN L. SONNEMAN, RICHMOND H. MCCLUER, JR., NEIL FRANTZEN, TOM WILLIAMS, JESSE KAUPHUSMAN, CRAIG BROOKS

---

Not present: Charles E. MacLean, Winona County Attorney and Bruce Nelson, Assistant Winona City Attorney.

It was determined the committee name would be Case Scheduling Committee.

It was agreed that a representative from the jail (either Steve Buswell or Ron Ganrude) and a representative from the DOC should be invited to join this committee.

Judge Thompson volunteered to Chair the Committee; Rich McCluer volunteered to act as Vice Chair.

Discussion was held with respect to time, place, and frequency of future meetings. It was determined that this Committee will meet on the 2<sup>nd</sup> Thursday of each month at 8:00 a.m. in Judge Thompson's jury room. Julie will arrange his Court schedule to accommodate the meetings.

**PURPOSE:**

The purpose of the Committee is to make Court case scheduling more effective, efficient and convenient for people. Meetings should provide an opportunity for open discussion on scheduling issues while keeping a record of areas of agreement and issues in scheduling.

Judge Thompson stated these would be open meetings and that participants should feel free to make comments, statements, complaints and raise issues. Julie, as scheduling clerk, should be able to voice her complaints and state the challenges she faces in managing the Court calendars.

Meeting recommendations, etc., would then be reported to CJCC.

Sally wondered how the other judges were going to react. Judge Thompson stated he felt the other judges would be comfortable having him take the lead on criminal matters.

Craig pointed out that consensus doesn't mean that you back something 100% but that you can support a recommendation. Further, members, after voicing any concerns or objections, should be expected to support the group decision once reached.

**ISSUES:**

1. Limited resources.
2. Waste of Court time when juries are cancelled or continued last minute without resolution.
3. Making pre-trials and other hearings meaningful. Sally pointed out that the national standard is that pre-trials be held 7-14 days before trial.
4. Processing Public Defender applications promptly
5. Providing discovery timely. Karin pointed out that she is often handed discovery right before the Rule 8 Appearance.
6. Earlier and meaningful plea negotiations. Judge Thompson questioned whether Settlement Conferences might be beneficial.
7. Transports to Court – both adult and juvenile.
8. Attorneys scheduled in different courtrooms at the same time.
9. Attorneys needing time to meet with clients.
10. Problems meeting with defendants being held outside of Winona County, i.e., Goodhue County.
11. Calling off police officers last minute. Tom stated that the City has expended \$20,000 over the past year in overtime because of late cancellations. Julie pointed out that there have been times when a case settled a week before scheduled trial and officers weren't notified.
12. Getting trial notices to Jesse (Sally will follow up).
13. Friday Traffic Court calendars being overbooked. This usually happens when sessions aren't scheduled weekly. Judge Thompson stated maybe an arrangement between the judges could be reached where one judge would be in the courthouse on most if not all Fridays.

Craig pointed out that we shouldn't assume we know what others are doing, but need to look at every step of the process to see where the bottleneck might be. Tom has a list of cases where overtime was paid because of last minute cancellations. A sampling of 10 cases could be examined to begin the process.

Sally will contact Steve Buswell, Ron Ganrude and Rena Patterson regarding representation at these meetings.

Next meeting scheduled for August 9, 2007, at 8:00 A.M.,  
Courtroom Two Jury Room

Priority Issues:      Early Resolution of Cases  
                                 Meaningful Hearings  
                                 Meaningful Pre-trials

**CASE SCHEDULING COMMITTEE**  
**MEETING, AUGUST 9TH, 2007**

**PRESENT: HON JEFFREY D. THOMPSON, CHUCK MACLEAN, LYNNE CALDWELL, LORI LARSON,  
KARIN SONNEMAN, DOUG STOKES, STEVEN BUSWELL, JULIE KOOP, TOM WEBER, JESSICA  
KAUPHUSMAN, RICHMOND H. MCCLUER, JR., TOM WILLIAMS, BRUCE NELSON, HALEY HUITING,  
CRAIG BROOKS**

---

**PURPOSE:**

The purpose of the Committee is to make court case scheduling more effective, efficient, and convenient. Meetings shall provide an opportunity for open discussion on scheduling issues while keeping a record of areas of agreement and issues in scheduling.

The meetings are held the second Thursday of every month at 8 a.m. in the jury room adjacent to Courtroom 2. The next meeting will be held on September 13<sup>th</sup>, 2007.

**Discussion:**

The meeting began with a review of the minutes from the previous meeting. No changes were suggested.

New attendees Lori Larson, Steve Buswell, and Doug Stokes were introduced to the committee.

The primary topic of discussion for the meeting was finding some sort of resolution to make jury trial schedules work better for everyone.

Judge Thompson raised the issue that there has been some difficulty with the scheduling for jury trials. Particularly for the courts the issues seem to be: 1) finding adequate time for jury trials given the limited resources of the courts, and 2) dealing with last minute pleas and continuances. Resetting jury trials only complicates the scheduling problems. Judge Thompson then asked for suggestions.

The following suggestions were offered from the group: early resolution of cases, more effective pre-trials, and establishing settlement conferences.

Karin Sonneman said that based on the system in place in Olmsted County, settlement conferences can be very effective if the attorneys on the case are disciplined. She said that settlement conferences are distinct from pre-trial hearings, but that everyone must be cognizant to make it work.

Judge Thompson asked where settlement conferences fit into the order of hearings and whether default omnibus, settlement conferences, and arraignments can be combined into one hearing.

Lynne Caldwell said that (retired) Judge Collins used settlement conferences and scheduled them before pre-trial hearings. She said that the settlement conferences were typically very successful and resulted in about 50% of cases settling before going to trial.

Chuck MacLean said that Judge Collins' method of using settlement conferences helped to resolve cases. He said that the settlement conferences produced pleas 50% of the time, and in doing so greatly helped reduce the trial list.

Judge Thompson said that he would be happy to try settlement conferences as a way of encouraging the parties to reach earlier case resolution.

Chuck MacLean asserted that a lot of negotiating happens outside of court that may not happen at pre-trials and settlement conferences. He also said that his office could have written plea proposals available for every settlement conference.

Proposal:

The group discussed having settlement conferences for felonies only, and not for misdemeanors. The consensus seemed to be that settlement conferences should be set 4-6 weeks after arraignment, for 15 minutes each, and in a block setting (all settlement conferences and no other type of case for two hours or time as needed). It was also decided that the presiding judge should be available to meet with the parties, but will not preside over the conferences. The judge might also give some instructions at the beginning of the scheduling conference calendar as to the purpose of the conference.

Judge Thompson said that he would discuss this proposal with Sally Cumiskey and the other judges at the next judges' meeting.

**CASE SCHEDULING COMMITTEE  
MEETING, SEPTEMBER 13TH, 2007**

**PRESENT: HON. JEFFREY D. THOMPSON, HON. MARGARET SHAW JOHNSON, HON. MARY LEAHY,  
BRUCE NELSON, RICHMOND MCCLUER, JULIE KOOP, LYNNE CALDWELL, LORI LARSON, JESSICA  
KAUPHUSMAN, SALLY CUMISKEY, CRAIG BROOKS, CHUCK MACLEAN, KARIN SONNEMAN,  
STEVE BUSWELL, HALEY HUITING**

---

**PURPOSE:**

The purpose of the Committee is to make court case scheduling more effective, efficient, and convenient. Meetings shall provide an opportunity for open discussion on scheduling issues while keeping a record of areas of agreement and issues in scheduling.

The meetings are held the second Thursday of every month at 8 a.m. in the jury room adjacent to Courtroom 2. The next meeting will be held on October 11<sup>th</sup>, 1007.

**Discussion:**

The meeting began with a review of the minutes from the previous meeting. No changes were suggested.

The primary topics of discussion for the meeting were: a) implementation of the settlement conference procedure and b) the notice issued by the Winona County Bench regarding its plea agreement policy.

Settlement conferences will be held for felony cases in two hour blocks, in the courtroom of the assigned judge, 4-6 weeks after arraignment, before the pre-trial, beginning in late November or early December. It should be noted that there are currently some individual (non-block) settlement conferences set to be held in the meantime.

There need not be disclosure to the judge of any plea offer during the negotiating process. The judge will be available to take pleas, discuss the purpose and role of the settlement, and that a clerk will be in the courtroom to call the judge in to take a plea if applicable.

Judge Thompson reiterated that the Winona County Bench will be implementing settlement conferences beginning in late November or early December, and at that time the best offer should be made in the hope of resolving the case. If there is no resolution, then the clerk can set a pre-trial and trial date without consulting the judge again. Julie Koop asked that the attorneys know their schedules, etc. at the time of the settlement conference. Judge Thompson said it is really important for attorneys to be able to know their schedule and have hearings set in open court so that everyone knows the date and time of the next hearing to avoid communication issues.

Judge Thompson provided the committee members with the Winona Judges plea policy. He claimed that this policy has been in effect in the Third Judicial District since 1976. He explained that the second paragraph of the policy pertains to last minute

pleas, and says if the last minute plea is not accepted by the court, the case will have to proceed to trial. There was a good deal of discussion on the plea policy. Attorneys questioned its lawfulness, meaning and potential effect on the resolution of criminal cases in the future.

On the agenda for the next meeting:

- \*come up with charge for the case scheduling committee
- \*present a flow chart of criminal procedure
- \*keep the plea policy open for discussion
- \*a scorecard for the sheriff's office in terms of making people available, etc.

**CASE SCHEDULING COMMITTEE  
MEETING, OCTOBER 11TH, 2007**

**PRESENT:** HON. JEFFREY D. THOMPSON, HON. MARY LEAHY, BRUCE NELSON, RICHMOND MCCLUER,  
JULIE KOOP, LYNNE CALDWELL, LORI LARSON, SALLY CUMISKEY, CHUCK MACLEAN,  
KARIN SONNEMAN, DOUG STOKES, HALEY HUITING

---

**PURPOSE:**

The purpose of the Committee is to make court case scheduling more effective, efficient, and convenient. Meetings shall provide an opportunity for open discussion on scheduling issues while keeping a record of areas of agreement and issues in scheduling.

The meetings are held the second Thursday of every month at 8 a.m. in the jury room adjacent to Courtroom 2. The next meeting will be held on November 8<sup>th</sup>, 2007.

**Discussion:**

The meeting began with a review of the minutes from the previous meeting. No changes were suggested.

The primary topics of discussion for the meeting were: 1) a charge for the case scheduling committee, 2) flow chart of criminal procedure, 3) sheriff's transportation issues, and 4) scheduling of juvenile delinquency cases.

The first issue raised was the creation for a charge for the case scheduling committee. Judge Thompson volunteered to create the charge.

Next, Sally Cumiskey provided criminal procedure flow charts for the group. She said they were somewhat dated, and Judge Thompson asked for volunteers from the group to provide revisions for the next meeting.

The issue of the Sheriff's transportation of detainees and prisoners was discussed next. Judge Thompson took note that there have been some delays and problems lately with the transportation, and asked Doug Stokes for an explanation of how the transportation is arranged. Doug Stokes explained the process to the group, and then mentioned that some of the transportation issues could be alleviated, esp. with respect to detainees and prisoners that have to be transported to Winona from the far reaches of the state, if some of those hearings were scheduled later in the day as opposed to at 9 a.m. He said it would also be easier if Winona had a larger facility that could hold more defendants thus alleviating the need to transport all the time. Julie Koop suggested that some of the problems with transporting juveniles could be alleviated by scheduling hearings for those who need to be transported in the afternoon as opposed to in the morning on juvenile days. Judge Thompson noted that most of the problems with transportation arise with juveniles because they cannot be held in the Winona County Jail the day before the hearing, but instead have to be transported on the day of the hearing. Karin Sonneman said she would

like it if all defendants could be brought over a few minutes prior to when their hearings are scheduled to begin so that defense attorneys could talk with them.

The next issue discussed was juvenile delinquency scheduling. Judge Thompson talked about how the hearings have had to start late due to juveniles showing up at the time of their hearings to talk with the public defender (and not before) thus delaying things. Many suggestions were offered on how to improve this dilemma before it was decided that as soon as scheduling allows, initial appearances will be moved to 1:30 p.m. and appearances requiring the appearance of a public defender will be moved to 2:30 p.m. In the meantime, cases scheduled at 3 p.m. will be called at that time even if the 1:30 p.m. cases have not all been heard by then.

Karin Sonneman asked if the County Attorney's Office could provide defense counsel with police reports prior to initial hearings, thus perhaps creating the opportunity to settle sooner. She said she currently receives them between the initial appearance and the pre-trial. She asked if the police reports for herself and Jamie Hammell could be placed in her drop box at the Courthouse. Chuck MacLean agreed to provide police reports as Karin Sonneman requested.

On the agenda for the next meeting:

- \*discussion of priority selection of cases for jury trial blocks
- \*setting subsequent hearings from the bench
- \*adding more cases to Judge Leahy's schedule to make more effective use of her time in Winona County
- \*update on settlement conferences

Interpreter costs - to pay

Crim justice merge



**CASE SCHEDULING COMMITTEE  
MEETING, NOVEMBER 8<sup>th</sup>, 2007**

**PRESENT: HON. JEFFREY D THOMPSON, HON. MARY LEAHY, SALLY CUMISKEY, LYNNE CALDWELL,  
LORI LARSON, JULIE KOOP, JESSICA KAUPHUSMAN, JUDY GILOW, KARIN SONNEMAN, CHUCK  
MACLEAN, STEVE BUSWELL, TOM WILLIAMS, HALEY HUITING**

---

**PURPOSE:**

The purpose of the Committee is to make court case scheduling more effective, efficient, and convenient. Meetings shall provide an opportunity for open discussion on scheduling issues while keeping a record of areas of agreement and issues in scheduling.

The meetings are held the second Thursday of every month at 8 a.m. in the jury room adjacent to Courtroom 2. The next meeting will be held on December 13<sup>th</sup>, 2007.

**Discussion:**

The meeting began with a review of the minutes from the previous meeting. No changes were suggested.

The primary topics of discussion for the meeting were: 1) review and approval of minutes, 2) update on settlement conferences, 3) update on juvenile delinquency scheduling, 4) charge for the case scheduling committee, 4) sheriff's transportation issues, 5) setting hearings in open court, 6) prioritizing cases for jury trial blocks, 7) calendaring Judge Leahy's time in Winona County, and 8) combining this committee with the criminal justice committee.

The first issue raised was settlement conferences. Both Chuck MacLean and Lynne Caldwell reported that they knew of at least two that had been held that resulted in positive outcomes; either a plea being entered, or a plea being scheduled. The block scheduling of settlement conferences will begin in January. Dec 7

The next topic of discussion was juvenile delinquency scheduling, which also turned into a discussion of trial scheduling. The juvenile delinquency scheduling discussed at the last case scheduling committee meeting will begin in January.

Regarding jury trials, it was decided that in order to preserve resources, perhaps the jury should be scheduled for 1:30 p.m. instead of 9:00 a.m. on the first day of trial, thus giving the court the opportunity to hear last minute pleas, thus perhaps avoiding having to call in a jury at all. Julie Koop did note that sometimes some public defenders request pleas to be set on a day other than a jury trial day, so the morning slot may not be completely filled with pleas.

Judge Thompson submitted the mission statement he had drafted to the group. Sally Cumiskey asked that the statement be modified somehow to include the information that the limited resources being preserved are taxpayer dollars. The discussion then turned to some of the biggest expenditures of these dollars; juries, psychologists, and interpreters. Steve Buswell suggested that the county could hire an interpreter

that could be shared between the many offices (courts, Sheriff's Department). Sally Cumiskey said that there is a specific procedure for interpreters to follow if they want to become interpreters for the court. Chuck MacLean said that he would like there to be something in the mission statement about trying to optimize the system for all participants, not just the courts.

The next issue raised was prioritizing jury trials. Judge Thompson said the order he currently follows is: 1) speedy demands, 2) major felonies, 3) age/chronological order. Chuck MacLean expressed frustration at having a date certain set for a trial, and then having 6-7 other jury trials set for the same day. Julie Koop said that the backups are scheduled to not lose valuable court days when the trial that was anticipated settles at the last minute. Chuck MacLean said knowing the priority list of which trials are likely to go and in which order is helpful to him and his staff.

Sheriff's transportation issues were addressed next. Steve Buswell was asked how the Sheriff's Department arranges for transportation and knows that people have to be in court. He explained that generally court dates are written down by Sheriff's department staff while they are in court with the defendant, and then are written down on a master calendar of sorts in the booking area of the Winona County Jail. Problems arise when there are changes in court dates and/or when juveniles or adult detainees get moved and the sheriff's office isn't notified. He also noted that the Sheriff's Department has limited transportation resources; specifically 10 transport officers and 3 vehicles. Judge Thompson noted that many of the transportation issues would be alleviated if Winona had a larger jail, and a juvenile detention facility. Judy Gilow asked if some of the problem arises when people are assigned in Winona to facilities in other places, and then it is discovered that there is no room in those places, and they have to go somewhere else. Steve Buswell said he isn't sure where the issues regarding the whereabouts of detainees and juveniles are arising, but did note that it is costing the county a lot of money to transport juveniles and that the biggest problem here is without a doubt that so many people need to be housed outside of Winona. Chuck MacLean asked Steve Buswell if the Sheriff's Department has access to the court calendar, and he answered affirmatively. Karin Sonneman asked if defendants could be transported early, before hearings, to meet with defense attorneys. Steven Buswell said yes, just call the Sheriff's Department and they will arrange transportation.

Setting hearings in open court was addressed next. Judge Thompson said that he likes to know that defendants know when to come back when they leave, and for that reason likes to set the next hearing while in court. Sally Cumiskey said it is a Minnesota Supreme Court standard that when a person leaves the courtroom, they should know the location, date and time of their next court date. Judge Thompson comments how he likes condensing to one date multiple hearings for defendants with multiple cases. Sally Cumiskey said that she thinks that fewer scheduling conflicts arise when hearings are set in court, and all necessary parties are there, with their schedules.

The final topic of discussion was Judge Leahy's time in Winona County. Judge Thompson said that the reality of the situation is that Winona has to share a judge with Olmsted County. Right now, because she lives in Rochester, Judge Leahy is the judge primarily splitting her time between the two benches. The arrangement is currently two weeks in Winona followed by two weeks in Rochester. By next summer, Judge Thompson said it is anticipated that the split will be shared by all of the Winona County judges; meaning every 12 weeks one of the three judges spends 2 weeks in Rochester. He also noted that the Winona bench is currently trading one Monday per month with Wabasha. Chuck MacLean said that it seems like when Judge Leahy is in Winona, she doesn't have a full calendar here, and cases age more. Judge Leahy said that her schedule is made in the same way as the other Winona judges', and that when she has dead time, it is because of trials settling at the last minute when nothing else is scheduled. Lynne Caldwell said that the aging of the cases will change when Judge Leahy is in Winona for more than 2 weeks at a time. Sally Cumiskey said that she thinks that the time Winona judges have to spend in Rochester might increase to the increasing caseload in Olmsted County.

Briefly at the end the members present discussed combining this committee with the Criminal Justice Committee, which meets every third Thursday, every other month. Also, changing the time for this committee's meeting was discussed, but no decision was reached.

On the agenda for the next meeting:

- \*When is the best time for pre-trials
- \*the possibility of a jury assembly room/grand jury room
- \*Sheriff's transportation issues

**CASE SCHEDULING COMMITTEE  
MEETING, DECEMBER 13<sup>TH</sup>, 2007**

**PRESENT: HON. JEFFREY D. THOMPSON, HON. MARY LEAHY, SALLY CUMISKEY, LYNNE CALDWELL, LORI LARSON, JULIE KOOP, JESSICA KAPHUSMAN, JUDY GILOW, KARIN SONNEMAN, CHUCK MACLEAN, STEVE BUSWELL, TOM WILLIAMS, SUE SMELSER, DOUG STOKES, SHERIE BREKKE, RICH MCCLUER, HALEY HUITING**

---

**Mission Statement:**

The purpose of the Case Scheduling Committee is to cooperatively develop procedures to make case scheduling more effective, efficient and predictable for all of the participants in the Winona criminal justice system. The Committee acknowledges that all participants are dealing with limited resources provided by state and local taxes. The Committee acknowledges that the courts in the criminal justice court system have a primary purpose of providing the prompt and just resolution of criminal cases. The Committee's function will be to review, evaluate and adapt court case scheduling to enhance productivity by making all court hearings meaningful events.

**Meetings:**

Meetings are held on the second Thursday of every month at 8 a.m. in the jury room of Courtroom 2. The next meeting will be held on January 10, 2008.

**Discussion:**

The meeting began with a review of the minutes from the previous meeting. No changes were suggested.

The first issue raised was the combining of the Case Scheduling Committee and the Criminal Justice Committee. Judge Thompson said he raised the issue of combining the two at the last Criminal Justice Committee meeting, and was met with no opposition. He asked if anyone on this committee opposed the combining of the two committees, and there was no opposition. It was decided that they will be combined, and beginning in March 2008 the joint meetings will be held the third Thursday of every month at 8 a.m. in the jury room of Courtroom 2 at the Winona County Courthouse.

The next topic of discussion was the charge for the Case Scheduling Committee. Judge Thompson said he redrafted a charge using the suggestions raised by committee members at the last meeting. He read the revised draft aloud to the group, and then said he would email it out for feedback with the hopes that the charge can be finalized at the next meeting.

Sheriff transportation issues were discussed next. Judge Thompson pointed out that some problems with transport simply cannot be foreseen or helped; specially, weather, car accidents, etc. But he asked what could be done to make things run more efficiently. Deputy Stokes said that the biggest issues in transport generally arise with respect to juveniles, when they have been moved to other facilities and no one has notified the

Sheriff's department. He also said that it would be helpful if the Sheriff's office could be notified of changes in scheduling when attorneys are notified. Julie Koop and Lynne Caldwell said that there is no easy way of doing that; that sometimes the changes are to another county, not in custody, etc. The sheriff's department would be receiving way too much information. This is going to be a matter of continuing discussion.

The next issue discussed was parents transporting juveniles who are in custody to their hearings. Most of the committee seemed to think that this would be a good solution to some transportation issues, as long as the parents took responsibility for transporting in open court, on the record, from the get-go, and then consistently followed through with transporting the juvenile as needed. Tom Williams objected to this idea, saying that there would be too many cooks in the kitchen, confusing transportation issues even further. He said he thinks the transporting of in-custody juveniles should be left to law enforcement. The issue was left unresolved, and open for further discussion.

Timely disclosures and moving from default to contested omnibus hearings were the next topics of discussion. Julie Koop said that she frequently sets default omnibus hearings on attorney's request, and then the day of or day before they request more time for a contested omnibus. She was wondering why it takes so long to determine if the hearing will be contested when the hearings are set weeks out. No one responded.

The final topic of discussion was court budget issues' impact on criminal justice. Judge Thompson advised the group that there is a state-wide budget deficit that will be a problem through July 2009. He said that the majority of the budget goes to personnel, and that's where the cuts will be focused. He said part of the problem is that the cost and demand of mandated services such as interpreters, guardians, juries, IFP, and psychological services has risen, and the budget does not reflect that. He said the most notable impact in the Third Judicial District will be that some employees that leave will not be replaced, at least right away, and there is a real concern that there will only be two judges chambered in Winona in the not too distant future. Chuck MacLean, Steve Buswell, Karin Sonneman, and Judy Gilow all spoke up, and suggested that the legislature be informed of the budget problems, and that all of the state agencies affected by such stand up as a united front in an attempt to get relief.