

Response to Intent language affecting the Judicial Branch (Trial Court Appropriation) in FY 25 Operating Budget, CCSHB 268.

*It is the intent of the legislature that Judicial Officers take every reasonable action to work through the criminal case backlog with expediency.*

The Judicial Branch as a whole, and trial judges who handle criminal cases in particular, are and have been highly motivated to move all criminal cases forward from initial filing by the prosecutor to full disposition as quickly and as efficiently as due process allows. Because jury trials were temporarily halted during the COVID-19 pandemic, and because the agencies then struggled to retain enough experienced attorneys to handle the excess criminal matters that would have otherwise proceeded, an unsatisfactory number of criminal cases are pending without yet reaching resolution.

In the last several years, with the guidance of the Supreme Court, the court system has taken a number of concrete steps intended to shorten the time that a criminal case takes to resolve, and thus to reduce the backlog. Moving criminal cases forward more rapidly is a major focus for the Criminal Justice Working Group, which has as members the Chief Justice, court administrators, the Attorney General, the Public Defender, and numerous others who recognize that faster case processing benefits everyone involved in the justice system. Specific changes that we have adopted include:

- Recognizing that delays are very often due to agency attorneys seeking a “continuance,” or postponement of a deadline or of a hearing, the Supreme Court and presiding judges have issued directives and orders about limiting the number and length of continuances that can be granted.
- Trial courts are using “trailing calendars” more routinely, meaning that multiple trials are scheduled to begin the same day, because experience tells us that trials very often fold on the trial date, and we want another to be ready to go immediately when that happens.
- We are looking more carefully at pre-trial conferences and hearings in criminal cases to try to make each hearing meaningful and to minimize repetitive hearings where little forward progress is made.
- The court system has a policy providing that if the prosecutor and the defense attorney are ready to bring a criminal case to trial, then a judge will always be available for that trial. When necessary to adhere to this policy (because, for example, a particular judge has two trials scheduled to proceed on a particular day), we call retired judges back to service to preside over a case that is ready. In other words, criminal cases are never slowed down due to judge unavailability for trial.

The steps outlined above, along with the Judiciary’s ongoing focus on reducing the time to resolve criminal cases, help ensure that we are avoiding unnecessary delays and working through the pending case load efficiently and expediently. And as the Supreme Court, trial judges, court administrators, agency attorneys, and others identify additional steps that could increase criminal case processing efficiency and speed, the court system will certainly explore those options and continue efforts to reduce that backlog.