

PROCESSES TAKE MONTHS

Courts lack power to speed trials of abusive elected officials

The [Nov. 11 editorial “Justice Delays Subvert Public Accountability”](#) correctly pegs a problem but incorrectly identifies its cause. The judicial branch isn’t the issue, and the legislation proposed isn’t the answer.

It’s fair to question the lack of a timely forum for elected officials charged with wrongdoing, but no amount of legislative priority shifting or resource allocation will solve that problem. The action proposed seems built around the faulty premise that it’s within a court’s power to prevent these apparent systemic glitches. It is not.

Even if judges dropped everything to give full priority to matters involving elected officials, the clock’s already been ticking for as long as it’s taken the prosecutor to investigate and bring charges. If they go the grand jury route, as is common, that requires time for testimony from dozens and dozens of witnesses.

No amount of legislative cajoling will change the fact that these processes take months at a minimum, sometimes years, and that prosecutors and judges can’t just somehow force onto a fast-track solution.

That’s not to let the courts off entirely — the average court backlog has snowballed out of control over the years, and COVID-19 made the problem worse. Take a stroll through the various departments of your local courthouse though and you’ll likely find that strain is being suffered fairly evenly, from plaintiffs in personal injury cases struggling to hold on as medical debt mounts to families battling it out in probate court as the estate at the center of their animosity

dwindles away. Not to mention child custody matters in family court. What is more important than children?

What the editorial prescribes is triage, borrowing someone's day in court and giving it to someone else. Rules establishing priority for certain cases do exist, for juvenile dependency cases or civil litigation involving an elderly plaintiff for example, but the justifications are usually immediately self-evident.

I don't see that justification here. Looking at the case of Santa Clara County Sheriff Laurie Smith — cited by the editorial as a primary example of judicial and prosecutorial "foot-dragging" — I fail to see a single point where anyone dropped the ball or eased off the gas. Smith was still forced to retire ahead of the jury's guilty verdict, and even if she hadn't, her electorate had already lined up her 2023 replacement.

So where's the actual benefit? Even if the plan worked, is putting the fear of court reprisal back on our elected officials worth denying that same priority to others? It seems like a relatively superficial problem to me compared to the suffering of financially ruined plaintiffs and wrongfully accused defendants.

Rather than waste money, time and legislative willpower on the solution proposed, maybe we should celebrate that our actions at the ballot box make this issue almost entirely a moot point. Look at it a different way — that voters can react so rapidly to bad-acting officials that no amount of restructuring or priority shifting could allow a court to beat them to the punch — and maybe this isn't even a problem at all.

I see the logic in asking whether voters should have more input into how the court handles itself day-to-day, but the truth is they already have a significant impact. The editorial board's proposal is bad law and it encourages further encroachment on judicial independence at a time when many are complaining that faith in the independence of our judiciary is at all-time lows.

The courts are not immune to oversight. This is not a situation where there should or needs to be.

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