

OPEN FORUM

Scenes from a lawyer's municipal court horror

Editor's Note: The author of this piece, Gregory M. Marootian, has turned to satire to underscore his frustrations over how defense lawyers' scheduling needs are given short shrift in some municipal courts.

Act I

Office of a New Jersey municipal court

Court administrator: The judge is really on us to move these DWI cases — look at this one, it's almost 75 days old! Every time these cases get older than 60 days, we have to write reports explaining why.

Deputy clerk (a recently hired trainee): Can't we just tell them we're trying to be fair to everyone?

Judge (entering stage left): Hi ladies. What are we doing about these old DWI cases? I'm getting a lot of heat, you know, from up above about these old cases.

Court administrator: I'm scheduling a DWI trial right now, judge.

Municipal prosecutor enters stage left.

Court administrator (turning to prosecutor): I'm glad you're here. I'm trying to schedule this DWI case. I need your schedule. I called your office and your secretary was out. I also want to check on the arresting officer's schedule.

Gregory M. Marootian is an attorney in Livingston.

Prosecutor: Oh, I just saw him in the hallway. Let me go get him.

Judge: Let's make sure this is scheduled when the officer is on duty. You know how the town is about paying overtime.

Officer (entering): Hi ladies, hi judge, what's up?

Court administrator: How does your schedule look for the 1st, 4th or 10th? We're trying to schedule one of your DWI cases. I have your schedule pinned on the board with all the other officers' schedules, but I just wanted to make sure before I scheduled your case.

Officer (sitting on a chair with his legs and feet resting on the court administrator's desk reviewing his schedule): I can't believe this guy just didn't plead guilty; he has some nerve. Doesn't he know that I lead the force in DWI arrests for the past two years? I know a drunk when I see him. Let's see, I have a training class on the 1st, it's my wife's birthday on the 4th and on the 10th I told my father-in-law I would bring his car in for an oil change.

Court administrator: Well, then, how about the 14th?

Officer: The 14th is open all day.

Judge: How about the expert witness from the State Police. We need to get him in here too. Better call down there to check his schedule.

Court administrator: Already done. I have their telephone number on my phone's speed dial. I already called down there — the trooper is OK for the 14th, he

just needs a subpoena, which I already prepared. OK. The 14th then. If anyone has any problems, let me know.

Act II Several days later / /

Court administrator's phone rings.

Defense attorney: Hi, Ms. court administrator. I just received a court notice for the 14th. It says, "DWI trial: Absolutely no adjournments will be granted." The problem is that the defense expert is not available and I also have to be in Superior Court for a DWI appeal that same day. To make matters more pressing, my wife is scheduled for surgery that afternoon and I would like to be at her side.

Court administrator: Well, I'm sorry, sir, but I don't know what to tell you. This is a DWI case that's now 77 days old.

Defense attorney: OK. So what are you telling me?

Court administrator: This is the trial date, sir. Your schedule is your problem. Period.

Court administrator (abruptly hanging up and turning to deputy clerk): Can you believe that defense attorney? I mean, he thinks we're here to accommodate him and his client? Some nerve. I'm leaving for lunch. Does anyone want anything while I'm out?

Deputy clerk: Yes, thanks. Can you bring me a turkey on rye? And by the way, what should I do if this defense attorney guy calls while you're out?

Court administrator: Tell him the case is 77 days old. This is the trial date and both he and his client must appear. Do you want mustard on your sandwich?

U.S. as co-conspirator?

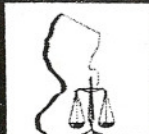
To the Editor:

The Bush team policy, through Attorney General John Ashcroft and U.S. Attorney Christopher Christie, to secretly keep criminals such as former Hudson County Executive Robert Janiszewski in public office to detect possible bribery attempts is proving a disaster.

Such criminals no longer attend to public business properly, as shown by Janiszewski's failure to monitor performance of questionable contracts to privatize geriatric facilities, leading to default and bankruptcy, and losses to the public in the millions of dollars.

This policy severely damages the public interest and, in fact, makes the federal government a secret criminal co-conspirator. The practice must be stopped.

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