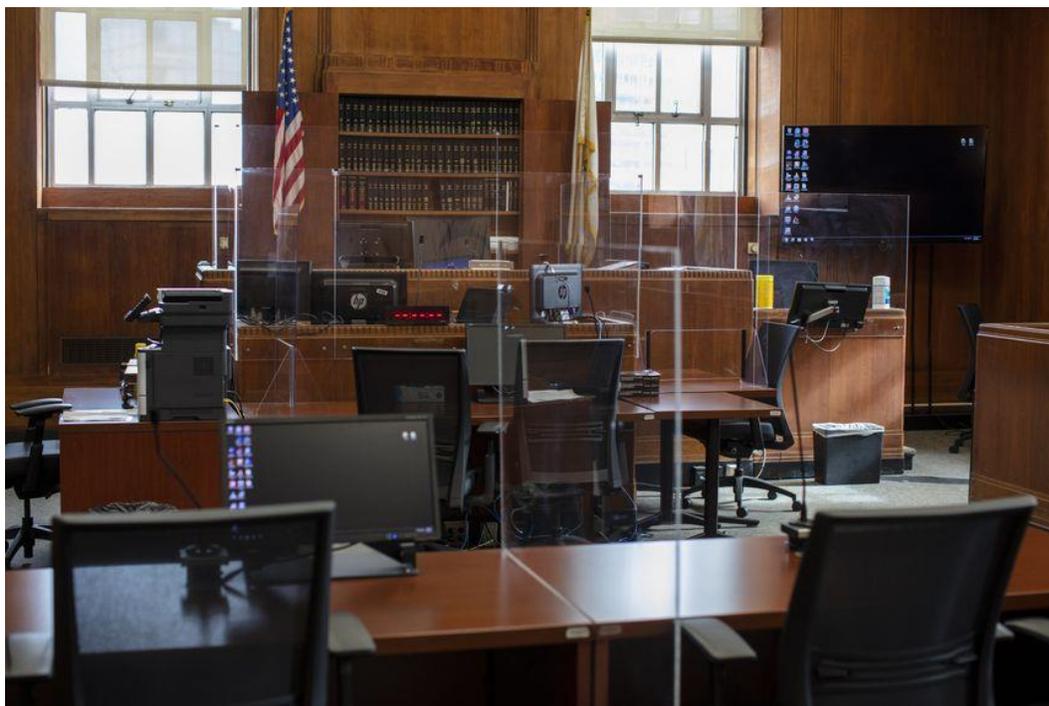


https://www.wsj.com/articles/covid-19-pummeled-the-u-s-legal-system-it-may-take-years-to-catch-up-11648233052?st=qw0hiqnr1918pi6&reflink=desktopwebshare_permalink

Covid-19 Pummeled the U.S. Legal System. It May Take Years to Catch Up

Two years after the pandemic slowed the criminal and civil systems, trials are down, some defendants are stuck in jail and lawyers are overwhelmed with cases



Tens of thousands of legal cases are stuck in limbo in state courts around the country; a Boston courtroom last year. Photo: M. Scott Brauer for The Wall Street Journal

By [Laura Kusisto](#)

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The nation's courts are facing overwhelming case backlogs because of the Covid-19 pandemic and it could take years for the legal system to dig out.

Tens of thousands of legal cases ranging from minor thefts to civil disputes to murder are [stuck in limbo](#) in state courts around the country, a situation that has left some defendants waiting in jail and strained prosecutors' and defense attorneys' ability to do their jobs.

Large cities face some of the steepest challenges. Places like New York, Chicago and San Francisco handle large volumes of cases each year and have seen [rates of some violent crimes soar](#). They have also been home to stringent public health measures that limited court operations.

Many courts had to shut down in-person proceedings for weeks or months at a time over the last couple of years, most recently when the Omicron variant swept through the country. Even when courthouses are open, they [can host fewer trials](#) due to social distancing requirements.

San Francisco Public Defender Mano Raju has petitioned a California appeals court to address the backlog of trials that has built up since the beginning of the pandemic. According to his office, as of mid-January there were some 250 San Francisco defendants waiting in jail beyond their legally guaranteed deadlines for a speedy trial.

“Those rights don’t mean anything if you don’t have a court where we can actually exercise those constitutional protections,” Mr. Raju said.

A spokesman for the San Francisco Superior Court said, “The court continues its commitment to justice by processing all cases as expeditiously as possible under the difficult circumstances presented by the pandemic.”



San Francisco Public Defender Mano Raju has petitioned a California appeals court to address

the backlog of trials that has built up since the pandemic began. Photo: Gabrielle Lurie/San Francisco Chronicle/Getty Images

Miami-Dade Public Defender Carlos Martinez said staffing shortages have proven a huge barrier to clearing his office's 16,000 pending cases, with burned-out attorneys being lured to the private sector by law firms whose case loads have also swelled and are able to pay their lawyers more.

Mr. Martinez said he lost more than 60 attorneys during the prior fiscal year, or 35% of his staff. That means the remaining lawyers are juggling even larger caseloads, often with less experience.

Prosecutors meanwhile say they are concerned about a lack of accountability for people who have committed crimes. And the delay in resolving cases may mean that people who need court-ordered drug or mental health treatment aren't getting it. "Not having accountability, even for low-level nonviolent crimes, I don't think is a good thing for society," said Erie County District Attorney John Flynn, president-elect of the National District Attorneys Association.

SHARE YOUR THOUGHTS

What impact is the backlog in court cases having in your state? Join the conversation below.

Nationally, the number of [criminal jury trials](#) in state courts dropped by nearly 60% in 2020 compared with a year earlier, according to the National Center for State Courts. Roughly 1.3 million more cases came into the system in 2020 than were resolved.

Many court systems and judges waived speedy trial deadlines specified by state statutes, often over the objections of defendants as the months dragged on. Legal observers say the right to a speedy trial has never been suspended on such a widespread basis for such an extended period. "This is something we really haven't seen in modern times," said Jenny Carroll, director of the Arthur Liman Center for Public Interest Law at Yale Law School.

William Cogman, 48, was arrested for assault and weapons possession charges in November 2020. He pleaded not guilty in San Francisco Superior Court and has spent more than 15 months in jail waiting on his case. His original deadline to face a trial, according to the state's speedy trial rules, was more than a year ago.

During his time in detention, Mr. Cogman said he developed chronic obstructive pulmonary disease and now struggles to breathe, his voice having evaporated to a whisper. Because of Covid-related safety precautions at the jail he said he has only been allowed to leave his cell for one hour a day, leaving him to choose between calling his lawyer or family members or taking a shower. He has taken a tentative plea deal because he sees no other end in sight.

"I've been holding on and holding on and holding on," he said.



About 250 San Francisco defendants were waiting in jail beyond their legally guaranteed deadlines for speedy trials as of mid-January; a courthouse in the city. Photo: Jeff Chiu/Associated Press

San Francisco District Attorney Chesa Boudin “shares a deep concern over significant trial delays in San Francisco” and has urged the court to make more courtrooms available for trials, said Rachel Marshall, a spokeswoman. “The backlog not only impacts those who are accused of crimes but has also delayed justice for crime survivors who seek closure.”

Shawn Worden, a defense attorney in Traverse City, Mich., said clients have been out on bond waiting for trial for more than 18 months now, which can make it difficult to find employment or see their children. Clients accused of drunken driving are often barred from going to any place that serves alcohol by the glass, meaning they can’t go to a Pizza Hut or bowling alley for a birthday party, he said.

The civil side of the system faces similar strains, with a nearly 75% [drop in jury trials](#) and 1.2 million fewer civil cases resolved than came into the system in 2020, according to the National Center for State Courts.

In New York’s family court, Christine Perumal, director of Safe Horizon Domestic Violence Law Project, a nonprofit that provides legal assistance to low-income survivors of domestic

violence, said clients in pre-pandemic times typically waited one to two months for their first court date. Now, she said, they are waiting as long as a year. “We just have lingering cases that haven't been able to move,” she said.

A spokesman for New York state’s court system said New York City’s family court handles a high volume of complicated cases with a large number of unrepresented litigants and “has performed extremely well under very challenging conditions.”

Ms. Perumal said one client, struggling to pay her bills, filed a child support petition in December 2021 and was told by the court the earliest day she can get in front of a judge is December 2022.

In a child-custody case, a 36-year-old woman who filed an emergency application last summer regarding custody of her 9-year-old son said she has had to wait seven months between her last hearing in December and her next one in June. She says she has seen her son only twice since last November and has endured stress that has taken a physical and mental toll.

“I’m afraid by the time this court finally does resolve the case, will I even be well enough to still be a mom?” said the mother, who requested anonymity because of the sensitive nature of her case.

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