



METROPOLITAN CRIME COMMISSION, INC.

2007 ORLEANS PARISH JUDICIAL ACCOUNTABILITY REPORT

Introduction

Examining the efficiency of felony case processing in Orleans Parish Criminal District Court reveals the performance of individual judges and the overall court's progress in recovering from the effects of Hurricane Katrina. This report measures and ranks each judge's case processing efficiency in 2007 in three critical areas and ranks overall judicial performance. The report also examines how case processing changed over the course of 2007, which shows how well the entire court is resolving criminal cases backlogged by Hurricane Katrina.

The overriding goal of this research is to enhance public understanding of the criminal justice system and to promote efficient administration of justice. Measuring the performance of individual judges over a period of time introduces transparency and accountability to court performance. Tracking overall court performance over time also demonstrates progress in criminal justice system recovery and reforms.

Background

Orleans Parish Criminal District Court has 12 elected judges, each overseeing a section of court. The primary role of a judge is to serve as an independent and objective arbitrator to ensure that legal proceedings are properly conducted according to due process. When the District Attorney's (DA's) Office accepts a felony case for prosecution, it is randomly assigned to one of these 12 sections of court. Over time, this random allotment process should result in each of the 12 judges receiving equal numbers and similar types of cases.

Orleans Parish Criminal District Court was profoundly affected by Hurricane Katrina. After the storm, the court first began very limited operations on December 1, 2005 in temporary space that allowed minimal judicial activities to resume. Part of the courthouse reopened in June of 2006, and judges rotated in temporary courtrooms with only half of the judges able to convene court at a single time. All 12 sections of court fully reopened in October 2006, 14 months after the storm. Floodwaters damaged much of the evidence in cases that were open when Hurricane Katrina struck, and witnesses were displaced and sometimes unavailable to provide testimony. In addition, displaced Orleans Parish residents impacted the court's ability to convene and assemble juries for trials.

JUDICIARY RANKINGS

Exhibit 1 presents each judge's overall efficiency ranking. Overall rankings factor the numbers of open cases, the percent of cases that are over one year old, and the time it took for cases to close in each judges' section of court.

The three most efficient judges are Judges Dennis Waldron, Raymond Bigelow, and Terry Alarcon. These three judges have achieved the three highest rankings of the Orleans Parish Criminal District Court judiciary in each category of efficiency. They had the fewest open cases in their inventories, the smallest of percent of cases more than one year old, and the fastest case processing times. The case management practices in these three sections of court resulted in the most efficient processing of felony cases in 2007.

The remainder of the court, particularly the bottom tier, could improve management of their dockets by employing some of the management techniques utilized by the most efficient judges.

Summary of Findings

This study examines three measures of case processing efficiency: the number of open felony cases in each judge's inventory, the age of open felony cases, and the time it takes for felony cases to close. While the MCC encourages greater case processing efficiency, we do not advocate compromising fairness for the sake of accelerating the speed of justice. Rather, we believe that applying these measures, established by the National Center for State Courts and the American Bar Association, provides a meaningful basis for evaluating judicial performance.

Primary research findings show consistent improvements when comparing the first half to the second half of 2007, but the court is still struggling to achieve pre-Katrina levels of functioning:

- Case processing efficiency varies widely among different members of the judiciary, which indicates that some judges have created a courtroom culture that facilitates the timely and equitable flow of criminal cases through the system while other judges have employed procedures that unnecessarily delay criminal cases.
- Post-Katrina felony case inventories show marked increases from an average of 115 per section prior to Hurricane Katrina to 185 per section in 2007, and felony case processing times have risen sharply to a median of 232 days in 2007 from 45 days in 2000.
- Judges substantially reduced the backlog of criminal cases as 2007 progressed. An average of 33% of cases in each section pre-dated Katrina in the first and second quarters, which fell by almost half to 17% in the third and fourth quarters.

While it is unquestionable that the devastation of Hurricane Katrina continues to have an impact upon the criminal justice system, the damage left behind by the storm does not explain disparities in case processing efficiency of different judges. 2007 was the first full year of post-Katrina operations of the court. This report will benchmark the state of the 2007 court operations and will permit future reports to track system performance.

EXHIBIT 1: Overall 2007 Case Processing Efficiency Rankings

Ranking	Judge
1	Judge Dennis Waldron, Section F
2	Judge Raymond Bigelow, Section I
3	Judge Terry Alarcon, Section L
4	Judge Camille Buras, Section H
5	Judge Calvin Johnson, Section E
6	Judge Benedict Willard, Section C
7 – Tie	Judge Frank Marullo, Section D
7 – Tie	Judge Julian Parker, Section G
9	Judge Lynda Van Davis, Section B
10	Judge Arthur Hunter, Section K
11	Judge Darryl Derbigny, Section J

NOTE: Section A of Criminal District Court was vacated by the suspension and subsequent retirement of Judge Charles Elloie. The seat has been filled with temporary ad hoc judges and is not part of overall judicial rankings.

CASE PROCESSING EFFICIENCY

Inventories of open felony cases, the percent of felony cases more than one year old, and felony case processing time are the three measures examined to determine each judge's case processing efficiency. Largely based upon standards put forth by the American Bar Association (ABA), these performance measures are recognized by the National Center of State Courts as valid and reliable indicators of judicial performance. Assessing court performance in these areas provides information for judges to gauge the effectiveness and efficiency of their felony case management and serves as an educational tool for the public to assess the performance of their elected judiciary.

Many factors can affect the time it takes to process a criminal case, including the severity of charges, whether a trial is involved, and the number of pretrial motions in a case. However, the random allotment of cases to sections of court should result in judges receiving caseloads that are relatively similar in their levels of intricacy and difficulty. Therefore long-term analysis of individual judge's performance according to reliable indicators measures the effectiveness of his or her case management. Solid judicial performance results from good docket management practices, such as timely scheduling of court events and well-defined continuance policies. Adopting such practices establishes a judicial culture of productivity and greater efficiency within a courtroom.

Docket Size – Inventory of Open Cases

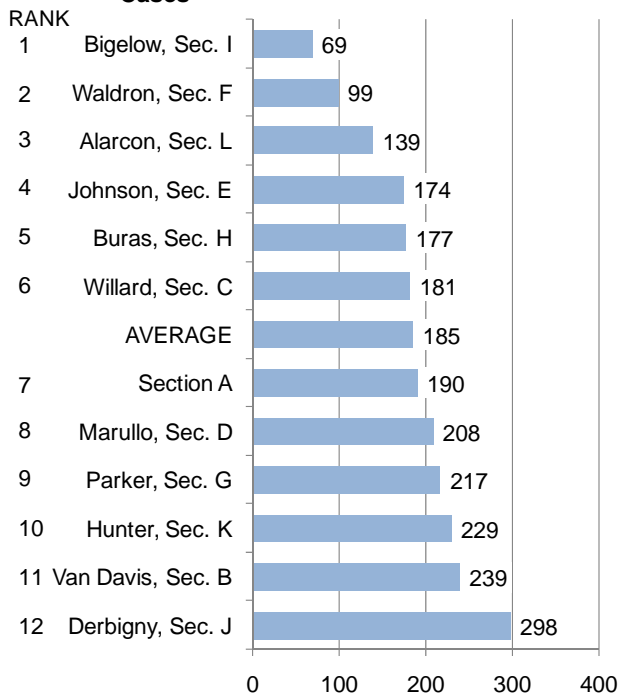
Open case inventories are comprised of defendants awaiting closure or final dispositions of their criminal cases. Final dispositions include guilty pleas, trial verdicts, or dismissals.

Exhibit 2 shows each judge's average number of open felony cases at the end of each quarter of 2007. Fewer open cases indicate that a judge is more efficient in managing his or her docket, which results in a smaller inventory of open cases.

In 2000, the MCC found that the court averaged 115 open cases per section, compared to 185 open cases per section in 2007.¹ The post-Katrina increase in the number of open cases indicates that the court is still working to reduce enlarged inventories.

The low inventories of Judges Bigelow and Waldron demonstrate that judges can apply case management practices which result in fewer open cases in a section of court. Judge Derbigny has the highest average number of open cases, but as 2007 progressed his open inventory fell from a high of 426 felony cases in the second quarter to 179 in the fourth quarter. His successful inventory reduction efforts further demonstrate the ability of a judge to adopt practices that will lower his or her open case inventory.

EXHIBIT 2: Average 2007 Quarterly Inventory of Open Cases



Source: Judicial Administrator of Criminal District Court, Orleans Parish Criminal Sheriff's Office

NOTE: Section A was headed by rotating ad-hoc judges

Age of Docket – Percent of Cases Over One Year Old

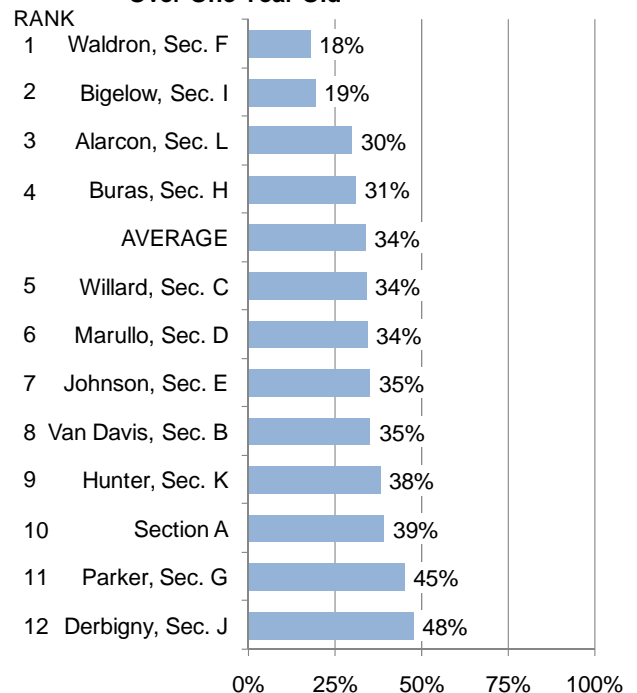
The percent of cases over one year old indicates the age of a judge's inventory and the efficiency of a judge's management practices. ABA standards call for all felony cases to close within one year of a defendant's arrest. Cases over one year old are out of compliance with national standards and may be considered "backlogged".

Exhibit 3 shows the average percent of a judge's open cases more than one year old in each quarter of 2007. To examine the time a case was under a judge's management, the MCC measured the time a case was assigned to a judge rather than the time from arrest to disposition cited in ABA standards.

The MCC found that 13% of open cases in 2000 were over one year old.² The average quarterly percent of cases more than one year old in 2007 was 34% - more than twice the 13% rate prior to Hurricane Katrina.

The effect of Hurricane Katrina accounts for some of the delayed processing of felony cases. However, higher numbers of cases over one year old in different sections of court reveals that some judges have been less effective in managing their backlogs of aging open cases.

EXHIBIT 3: Average 2007 Quarterly Percent of Cases Over One Year Old



Source: Judicial Administrator of Criminal District Court, Orleans Parish Criminal Sheriff's Office

NOTE: Section A was headed by rotating ad-hoc judges

Felony Case Processing Time

Case processing time is expressed as the median time for cases to close, meaning that one half of cases closed in less than the median time while the other half closed in more than the median time. Time that defendants were at large and unavailable to appear in court was not included in these calculations.

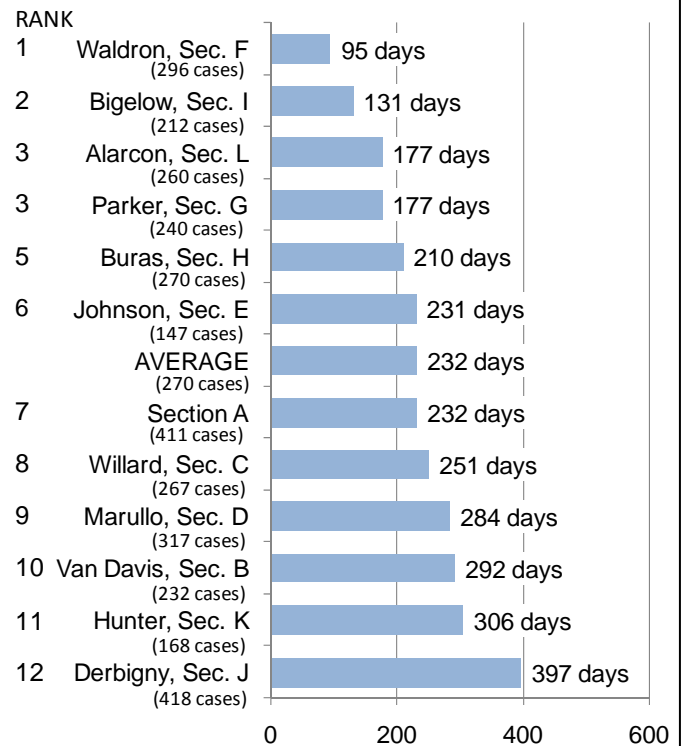
In 2007, the court's median case processing time was 232 days, approximately seven months and 18 days (see Exhibit 4). For cases that pre-date Hurricane Katrina the median case processing time was 742 days, compared to a median case processing time of 143 days for cases accepted for prosecution after the storm.

There is approximately a 10-month (302 days) difference between the judge achieving the shortest case processing time of 95 days and the longest of 397 days. The wide disparity in case processing times indicates that some judges have adopted efficient case management procedures that prioritize the oldest cases in their dockets. Judges with longer case processing times allow cases to linger and are less efficient at bringing cases to conclusion.

The current median case processing time of 232 days is significantly higher than the 45 day median case processing time found in 2000.³ Much of this delay in case processing is likely caused by delays to criminal proceedings resulting from Hurricane Katrina.

In a study of large urban counties, the Bureau of Justice Statistics found that 87% of felony cases concluded within a year of a defendant's arrest.⁴ Similarly, 87% of cases that were accepted after the hurricane and closed in 2007 also closed within one year. Although the MCC measures case processing time from the time the case is assigned to a judge rather than the time of arrest to disposition used in Bureau of Justice Statistics research, the similarity to nationwide case processing statistics shows that the judiciary of Orleans Parish Criminal District Court is moving toward processing new criminal cases at a similar pace to their peers nationwide.

EXHIBIT 4: 2007 Median Felony Case Processing Time
(Number of closed cases per section in parentheses)



Source: Judicial Administrator of Criminal District Court, Orleans Parish Criminal Sheriff's Office, Orleans Parish District Attorney's Office
NOTE: Section A was headed by rotating ad-hoc judges

First Half of 2007 Compared to the Second Half of 2007

Much of this report documents the lingering impact of Hurricane Katrina on court efficiency. Compared to measures taken prior to the storm, case inventories are larger and older, and it is taking longer to bring criminal cases to conclusion. While the courts have not returned to pre-Katrina levels of functioning, significant improvements in the efficiency of case processing are documented by comparing the court's performance in the first and second quarters of 2007 to performance in the third and fourth quarters of 2007 (see Exhibit 5).

EXHIBIT 5: Comparison of the First and Second Quarters versus the Third and Fourth Quarters

	Q1 & Q2 Average	Q3 & Q4 Average
Average Case Inventory	184 cases	186 cases
Percent of Cases Over 1 Year Old	44%	28%
Percent of Cases Pre-Dating Hurricane Katrina	33%	17%
Median Case Processing Time	294 days	176 days

*Source: Judicial Administrator of Criminal District Court, Orleans Parish Criminal Sheriff's Office, Orleans Parish District Attorney's Office

On average, inventories of open cases were unchanged from beginning to the end of 2007. Sections of court in the first and second quarters averaged 184 open cases. In the third and fourth quarters, inventories were virtually identical and averaged 186 cases per section.

In spite of similar case inventories throughout the year, there are significant improvements in the age of cases and percent of cases pre-dating Hurricane Katrina. The percent of open cases in Criminal District Court over one year old dropped from an average of 44% per section in the first and second quarters to 28% in the third and fourth quarters. The percent of open cases pre-dating Katrina fell by almost half from an average of 33% per section in the first and second quarters to 17% in the third and fourth quarters.

Improvements have also been realized in median case processing times which reduced from 294 days in the first and second quarters to 176 days in the third and fourth quarters. For cases accepted for prosecution after the hurricane, case processing time fell from 165 days in the first and second quarters to 136 days in the third and fourth quarters.

CONCLUSIONS

The Metropolitan Crime Commission (MCC) previously released a report examining the performance of the judiciary of Orleans Parish Criminal District Court in the first and second quarters of 2007. That report documented judges' wide ranging levels of efficiency and that the court was continuing in its recovery from Hurricane Katrina. This report examines judicial performance for all of 2007 and shows that, while judges continued to have efficiency discrepancies, the court made significant progress in resolving case backlogs in the latter half of the year.

The case management styles of different judges of Orleans Parish Criminal District Court result in broad disparities in the fair and timely administration of justice. Felony cases are randomly allotted to the 12 sections of court, which should result in even numbers of cases of equivalent complexity being assigned to each judge. Therefore, smaller and more current open case inventories are the result of judges utilizing sound court management practices.

There are numerous circumstances beyond a judge's control that can delay criminal case processing. For example, witnesses or physical evidence may not be available on a date scheduled for trial. Defense attorneys or prosecutors may not be prepared to proceed and repeatedly seek case continuances. Defendants may be detained in another parish or miss court dates for various other reasons. However, the random assignment of cases distributes these challenges equally to each member of the judiciary and circumstances beyond a judge's control do not account for differences in overall case processing efficiency.

Judges are elected to serve as efficient and equitable arbitrators of justice. Unnecessary delays in criminal cases unfairly elongate the criminal justice system process for both victims and defendants. For example, defendants or victims can reasonably anticipate that it will take up to ten months longer for their criminal case to conclude in one section of court compared to another section of court.

Case delays also waste finite criminal justice system resources by requiring court staff, prosecutors, and defense attorneys to repeatedly prepare for court appearances. Civilian and police officer witnesses may be inconvenienced and have to take time

away from their jobs to needlessly attend hearings that do not bring resolution to a case.

The performance measures tracked within this report confirm that three judges have implemented sound judicial management practices that facilitate efficient administration of justice within their courtrooms. Judge Dennis Waldron, Judge Raymond Bigelow, and Judge Terry Alarcon have the fewest open cases in their inventories and have the fewest cases more than one year old. Cases in their sections of court also take the shortest amount of time to close. **The MCC respectfully encourages the entire judiciary to examine the management of their case dockets and implement policies and procedures to bring about more efficient case processing and more equitable administration of justice.** Examining and emulating the criminal case management procedures of Judges Waldron, Bigelow, and Alarcon could provide a blueprint for the entire court to apply within all sections of Criminal District Court and enhance overall court efficiency.

The other significant finding in this report is that, as a whole, the judiciary of Orleans Parish Criminal District Court is successfully reducing the backlog of criminal cases from Hurricane Katrina. Although inventories of open cases remained consistent as the year progressed, judges reduced the number of cases more than one year old and shortened the time it took to bring cases to conclusion. **The MCC commends the judiciary for their overall improvements in case processing efficiency during 2007.** Case processing advances in the second half of 2007 show that the court is beginning to overcome hardships left behind by Hurricane Katrina.

The primary goal of this examination of the efficiency of Orleans Parish Criminal District court is to bring accountability to the performance of the judiciary. This accountability informs the judiciary about their own performance compared to their peers and informs the public of the performance of their elected officials. This report also shows how well the court and the entire criminal justice system is recovering from the devastation of Hurricane Katrina. Future reports will continue to examine the performance of the judiciary and document the ongoing recovery of the entire New Orleans criminal justice system.

Acknowledgements

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The Metropolitan Crime Commission is part of a recently established community coalition focused upon bringing accountability and improvements to the New Orleans criminal justice system. The MCC thanks the following organizations for allowing us to join with them to generate reforms and more effective responses to crime in New Orleans: Bridge House, Business Council of Greater New Orleans, Citizens for 1 Greater New Orleans, Common Good, Crimestoppers, Jefferson Business Council, New Orleans Chamber of Commerce, New Orleans Metropolitan Convention and Visitors Bureau, New Orleans Police and Justice Foundation, New Orleans Regional Black Chamber of Commerce, the Urban League, and Young Leadership Council.

^{1, 2, 3}"Felony Justice in Orleans Parish Criminal District Court" Metropolitan Crime Commission; October 2001

⁴"Felony Defendants in Large Urban Counties, 2002" Bureau of Justice Statistics, February 2006