



# METROPOLITAN CRIME COMMISSION, INC.

## 2009 ORLEANS PARISH JUDICIAL ACCOUNTABILITY REPORT

The Metropolitan Crime Commission (MCC) has promoted judicial accountability and efficiency since the beginning of 2007 by examining judicial efficiency in Orleans Parish Criminal District Court in reports released twice per year.

### Background

Orleans Parish Criminal District Court has 12 elected section judges. The primary role of a judge is to serve as an independent and objective arbitrator to ensure that legal proceedings are properly and fairly conducted in accordance with the law. When the Orleans Parish 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.

Hurricane Katrina significantly disrupted Orleans Parish Criminal District Court. The court did not fully reopen until 14 months after the storm in October 2006. Victims, witnesses, defendants, and potential jurors were displaced, which further prevented the court from resuming normal operations. Floodwaters damaged much of the evidence stored in the basement of the courthouse, which caused additional delays. This series of reports has tracked efficiency in the midst of the court's reestablishment.

Judge Dennis Waldron retired from Section F and Judge Raymond Bigelow retired from Section I at the end of 2008 as the court's highest efficiency rated judges. At the beginning of 2009, Judge Robin Pittman overtook Section F and Judge Karen Herman overtook Section I. This report provides an examination of these judges' first year on the bench. Judges Laurie White and Keva Landrum-Johnson are two other relative newcomers to the judiciary and were elected in 2007 and 2008, respectively, to replace judges who retired before the conclusion of their terms. Judges White and Landrum-Johnson inherited case inventories with below average efficiency statistics.

## OVERALL JUDICIAL EFFICIENCY RANKINGS

**Exhibit 1** presents each judge's efficiency ranking in 2009 compared to 2008. These overall rankings are based upon judges' numbers of open felony cases, judges' percent of felony cases more than one year old, and how long it took to close felony cases in their sections of court.

Consistent with results from 2008, Sections I, F, and L had the three highest efficiency rankings in 2009. Judges Herman replaced retiring Judge Bigelow at the beginning of 2009 and increased the ranking for this section of court from second to first. Judge Pittman replaced retiring Judge Waldron at the beginning of 2009 and applied practices that retained Section F as one of the most efficient sections of court. Judge Alarcon consistently has been ranked highly as one of the most efficient jurists in Criminal District Court.

Judges Marullo, White, Buras, Landrum-Johnson, Derbigny, and Willard rank from fourth to ninth and comprise a middle tier of efficiency. Their efficiency statistics demonstrate sound docket management practices.

Judges Van Davis, Parker, and Hunter had the lowest efficiency rankings in 2008 and 2009. Judge Van Davis moved from ninth in 2008 to the lowest twelfth ranking in 2009. These three judges consistently lag behind their peers across all measures of efficiency.

### Methodology

Judicial efficiency is measured by examining each judge's inventory of open felony cases, percent of open felony cases more than one year old, and time to close felony cases. These performance measures are based upon standards established by the American Bar Association and recognized by the National Center of State Courts as valid and reliable indicators of judicial performance. Cases are randomly assigned to each judge, which should result in caseloads that are balanced in their intricacy and difficulty. Therefore, assessing court performance in these areas offers a uniform and established gauge of the efficiency of each judge's felony case management practices.

### Summary of Findings

The MCC does not advocate greater efficiency at the expense of fairness and justice. However, applying these measures provides a meaningful basis for evaluating and comparing the performance of each Criminal District Court judge.

The judiciary of Orleans Parish Criminal District Court as a whole has made continued strides toward improving the efficiency of processing felony cases:

- Case processing time reduced by 20 days from a median of 140 days in 2008 to 120 days in 2009.
- Backlogged cases more than one year old moderately reduced from an average of 21% of open cases in 2008 to 17% of open cases in 2009.
- The court closed 36% more cases in 2009 than in 2008.

Virtually all judges have shown improvements, but a quarter of the judges rank well below the court average in all measures of efficiency. Wide variations in judicial efficiency continue to present an inconsistent pace of justice in which the random assignment of a case may cause it to take more than twice as long to conclude.

**EXHIBIT 1: Overall Judicial Efficiency Rankings**

2009	2008	Judge
1	2	Judges Herman/Bigelow*, Section I
2	1	Judges Pittman/Waldron*, Section F
3	3	Judge Terry Alarcon, Section L
4	6	Judge Marullo, Section D
5	4 – Tie	Judge White, Section A
6	4 – Tie	Judge Buras, Section H
7	n.a.	Judge Landrum-Johnson, Section E**
8	8	Judge Derbigny, Section J
9	7	Judge Willard, Section C
10	10	Judge Parker, Section G
11	11	Judge Hunter, Section K
12	9	Judge Van Davis, Section B

\* Judges Bigelow and Waldron retired at the end of 2008 and were replaced by Judges Herman and Pittman, respectively.

\*\* In 2008, Section E of Criminal District Court was filled with temporary ad hoc judges until Judge Landrum-Johnson was sworn in during August of 2008. Section E was not part of 2008 rankings.

**Exhibit 2: Inventory of Open Felony Cases**

Open felony inventories or dockets are made up of open cases assigned to a judge's section of court for adjudication. Judges are responsible for managing open cases until they close by reaching a final disposition (i.e., a guilty plea, trial verdict, or dismissal).

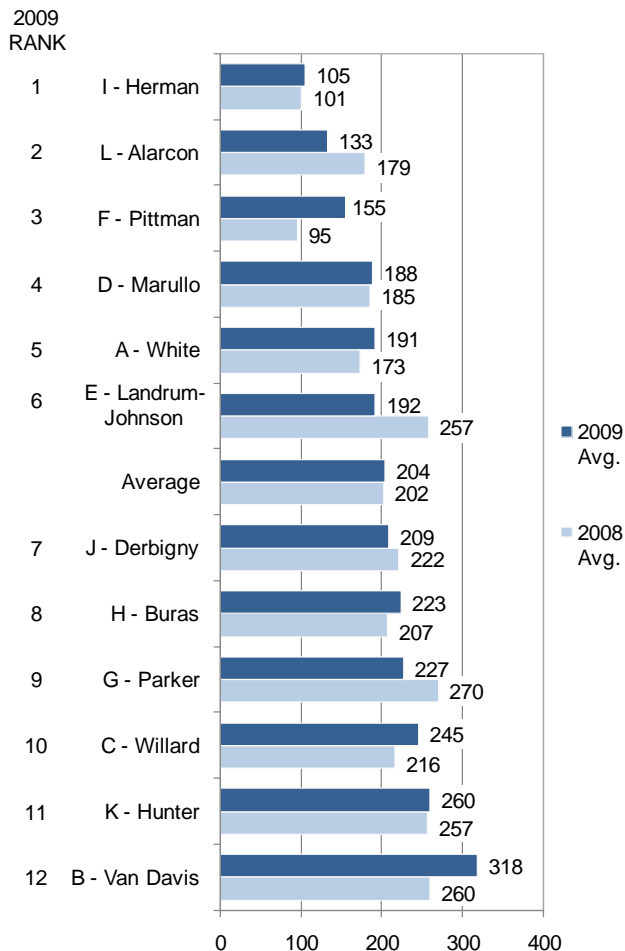
**Exhibit 2** shows each judge's average quarterly number of open felony cases in 2008 and 2009. Fewer open cases indicates more efficient docket management, which results in a smaller inventory of open cases.

After inventories increased from an average of 185 in 2007 to 202 in 2008, there was little change in 2009.<sup>1</sup> The average of 204 open cases per section in 2009 is essentially identical to the average of 202 in 2008.

Although the overall average number of open cases was unchanged, several judges experienced large increases or decreases in the sizes of their open cases inventories.

Judge Pittman's case load rose 63% from an average of 95 open felony cases in 2008 to 155 in 2009. Judge Van Davis also had a large increase of 23% from 260 open felony cases in 2008 to 318 in 2009.

The judges with the largest case inventory decreases in 2009 were Judge Alarcon whose caseload went down 26% (from 179 in 2008 to 133 in 2009) and Judge Landrum-Johnson whose caseload went down 25% (from 257 in 2008 to 192 in 2009).

**EXHIBIT 2: Average Quarterly Inventory of Open Felony Cases 2009 and 2008**

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

**Exhibit 3: Percent of Felony Cases More Than One Year Old**

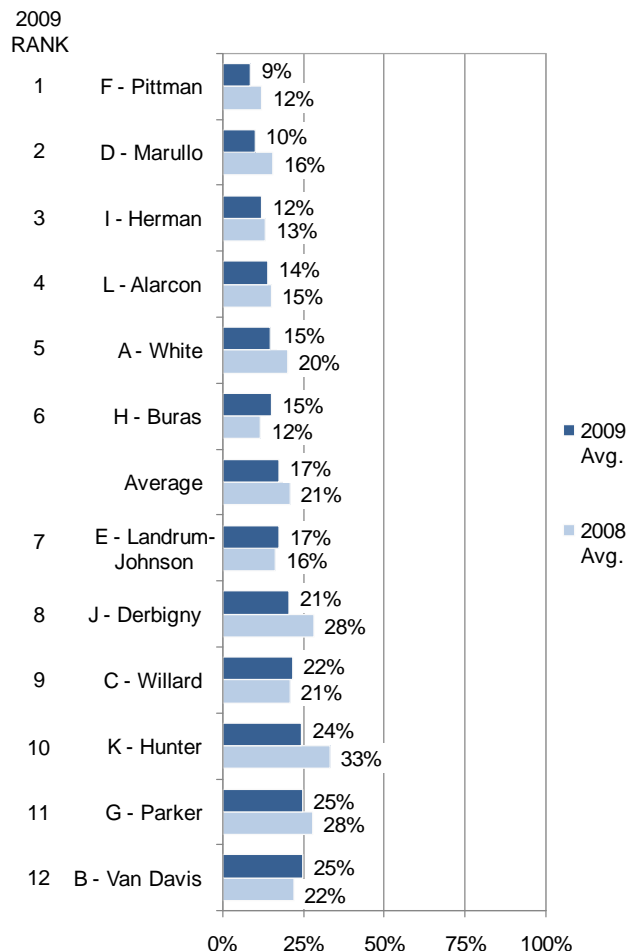
The percent of cases more than one year old provides a reliable indicator of the age of a judge's inventory. ABA standards call for all felony cases to close within one year of a defendant's arrest. To focus upon the time a case was under a judge's management, the MCC measured the time a case was allotted to a judge rather than from the time of arrest used in ABA standards. Cases over one year old are out of compliance with national standards and may be considered "backlogged".

**Exhibit 3** shows the quarterly average percent of a judge's open felony cases that were more than one year old in 2008 and 2009. The percent of open felony cases more than one year old has a moderate improvement from a quarterly average of 21% in 2008 to 17% in 2009.

Four judges had significant reductions of cases more than one year old in 2009 compared to 2008. Judges Hunter, Derbigny, Marullo, and White all had reductions of 5% or greater in their percentages of cases greater than one year old.

Moderate reductions (less than 5%) in the percent of cases over one year old were seen in sections of court led by Judges Parker, Pittman, Alarcon, and Herman.

Judge Van Davis and Judge Buras both had increases of 3% in the percent of cases in their sections of court that were greater than one year old.

**EXHIBIT 3: Average Quarterly Percent of Felony Cases Over One Year Old 2009 and 2008**

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

### Exhibit 4: Felony Case Processing Time

Case processing time is expressed as the median time for cases to close. 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 fugitives and unavailable to appear in court was subtracted from these calculations.

**Overall felony case processing time reduced by almost three weeks (20 days); from 140 days in 2008 to 120 days in 2009 (See Exhibit 4).**

Eighty-five percent (85%) of felony cases that closed in 2009 were open for less than one year after it was allotted to a section of court. National statistics indicate that 88% of felony cases closed within a year of a defendant's arrest.<sup>2</sup> National statistics' calculation from the time of arrest includes a longer portion of the criminal justice process than the allotment time used by the MCC.

**Half of the judges had large reductions in their median case processing time of 30 days or greater from 2008 to 2009.**

Judge Hunter had the largest case processing time reduction of 50 days. Judges Buras, Marullo, and Willard had longer case processing times than the court as whole in 2008 and reduced their median case processing times to below the court's median in 2009. Judges Alarcon and Herman also had substantial 30-day or greater reductions in case processing time.

Case processing times had smaller changes of less than 10 days for Judges Van Davis, Pittman, Parker, Landrum-Johnson, and Derbigny. Judge White's case processing time was unchanged.

The most efficient case processing times were in Judge Herman's and Judge Pittman's sections of court. Both had case processing times less than 100 days. These were the only two judges who had median case processing times consistent with the national average of 92 days from arrest to case conclusion.<sup>2</sup>

Judges Alarcon, Buras, Marullo, Willard, and White had case processing times between 105 and 123 days.

Five judges, Judges Derbigny, Landrum-Johnson, Parker, Hunter, and Van Davis had case processing times from 153 to 184 days, which is greater than twice as long as the most efficient judge's time and more than a month longer than the court median of 120 days.

The consistency in cases processing times for the court continues to improve. In 2009, there was a 110-day difference between the shortest case processing time of 74 days and the longest case processing time of 184 days. Comparatively, there was a 136-day difference between the most and least efficient case processing times in 2008 and a 300-day range in 2007.

### Exhibit 5: Number of Closed Felony Cases

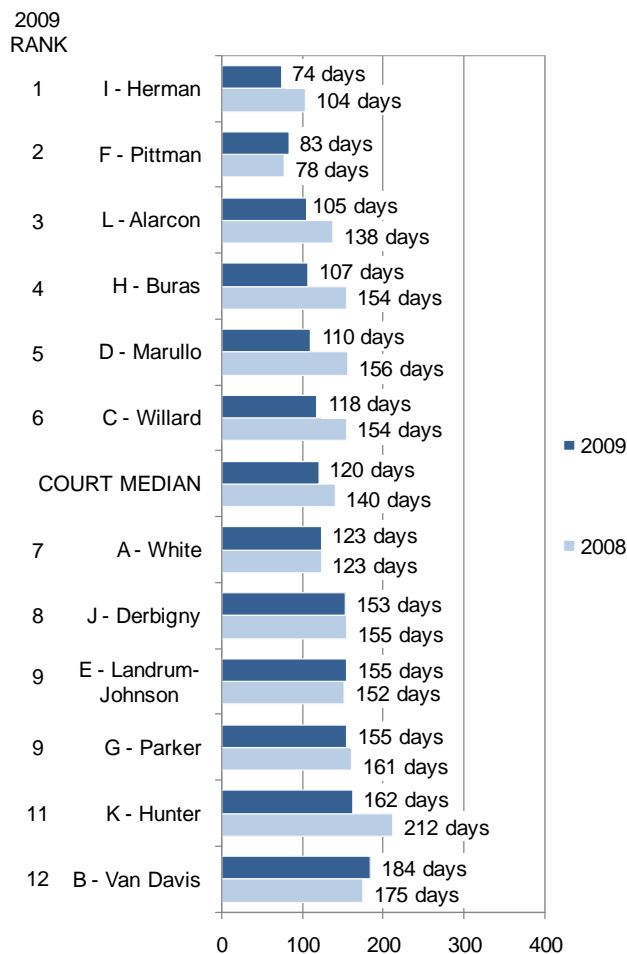
The number of closed felony cases experienced a large increase from 2008 to 2009 of 1,263 or 36% (see Exhibit 5). On average, each section of court closed 395 cases in 2009 compared to 290 in 2008.

The increase in closed cases was largely accomplished by five judges whose combined efforts closed 983 more cases in 2009 than 2008. Sections of court led by Judges Landrum-Johnson, Derbigny, Herman, Parker, and Alarcon closed from 233 to 132 more felony cases in 2009. High numbers of closed cases helped Judges Landrum-Johnson, Parker, and Alarcon substantially decrease their inventories of open felony cases (see Exhibit 2).

Judges White, Marullo, Willard, Van Davis, and Pittman had more moderate increases of 34 to 96 more closed cases in their sections of court in 2009 compared to 2008.

The number of closed felony cases in Judge Hunter's section of court was essentially unchanged in 2009 and there was a decrease in the number of cases that closed in Judge Buras's section of court.

**EXHIBIT 4: Median Felony Case Processing Times 2009 and 2008**



Source: Judicial Administrator of Criminal District Court, Orleans Parish Criminal Sheriff's Office, Orleans Parish District Attorney's Office; Estimated Error rate of under 5%

**EXHIBIT 5: Number of Closed Felony Cases 2009 and 2008**

Section	2009	2008	Difference
J - Derbigny	519	296	+223
E - Landrum-Johnson	491	258	+233
G - Parker	449	254	+195
I - Herman	408	208	+200
L - Alarcon	405	273	+132
A - White	396	300	+96
<b>AVERAGE</b>	<b>395</b>	<b>290</b>	<b>+105</b>
C - Willard	368	315	+53
D - Marullo	368	293	+75
B - Van Davis	343	307	+36
F - Pittman	339	305	+34
K - Hunter	327	323	+4
H - Buras	326	344	-18
<b>Total</b>	<b>4739</b>	<b>3476</b>	<b>+1263</b>

Source: Judicial Administrator of Criminal District Court, Orleans Parish Criminal Sheriff's Office, Orleans Parish District Attorney's Office; Estimated Error rate of under 5%

## CONCLUSIONS

Orleans Parish Criminal District Court's measures of criminal case processing efficiency steadily improved in 2009. The percent of felony cases more than one year old decreased from 21% in 2008 to 17% in 2009, and felony case processing time reduced from a median of 140 days in 2008 to 120 days in 2009. Additionally, the court closed 36% more felony cases in 2009 compared to 2008.

While the court as a whole successfully reduced the backlog of older cases and case processing time, improvements in judicial efficiency were inconsistent. Judges Alarcon, Landrum-Johnson, and Parker experienced large reductions in their inventories, but judges Pittman and Van Davis saw increases in their case inventories. Judges Van Davis and Buras were the only judges with increases in their percentages of cases more than one-year old. Judge Van Davis also experienced the largest increase in case processing time whereas Judges Herman, Alarcon, Marullo, Willard, and Hunter substantially decreased their case processing times. Efficiency gains realized by a portion of the judiciary demonstrate the opportunity to apply more efficient policies and procedures throughout the court.

**The MCC respectfully encourages all members of the judiciary to continue improving judicial efficiency and to reduce performance disparities across different sections of court.** The MCC does not promote increased efficiency at the expense of the fair and impartial administration of justice. However, varying efficiency levels create an inconsistent criminal justice process with broad ranging impact.

Solid judicial docket management practices create a culture of efficiency within the court that positively affects all parties appearing before it. Highly efficient sections of court offer prosecutors and defense attorneys specific guidelines for continuing a case, minimal time between hearings, and fewer rescheduled hearings.

Measures of efficiency show three judges, Judge Van Davis, Judge Hunter, and Judge Parker, consistently rank in the bottom third for inventory size, percent of cases more than one year old, and case processing time. Judge Van Davis was the only member of the judiciary to have declined in 2009 for all three of these performance areas. The docket management of these three judges stands out as being consistently less efficient than their peers in Criminal District Court.

Judicial inefficiencies negatively impact the image of the whole criminal justice system. To the general public, a single judge's performance is reflective of the functioning of the entire system. Victims, witnesses, defendants, and jurors frame their perceptions on their personal exposure to different components of the criminal justice system. A single judge's inefficiency likely influences perceptions of all judges, as well as police, prosecutors, and defense attorneys.

The cost to the city of New Orleans for jailing defendants increases with judicial inefficiency, regardless of a defendant's guilt or innocence. When a defendant is sentenced to incarceration after pleading guilty or being found guilty, the cost of jailing that individual transfers to the state. All other jailing expenses from the time of a defendant's arrest until the case is resolved are incurred by the city of New Orleans. Unnecessary delays between hearings, repeated continuances, and rescheduling of court appearances raise the city's costs of jailing defendants.

All facets of the criminal justice system incur the cost and loss of productivity resulting from inefficient case management. Police on duty must leave their assigned areas of responsibility to attend court hearings, which lessens the capacity of the department to respond to calls for service. For off-duty officers, the city must pay overtime for court appearances. Prosecutors and defense attorneys are compelled to repeatedly attend and prepare for court appearances when a case experiences numerous continuances and rescheduling. Similarly, Sheriff's Office and clerk personnel are affected by having to bring defendants to court or prepare case records for numerous court hearings.

Victims, witnesses, defendants, and jurors also are burdened by an inefficient judicial process. The least efficient sections of court have case processing times more than twice as long as the most efficient section of court. The costs of missed work and the personal anguish of delayed criminal proceedings are all increased by inefficient case processing.

The criminal justice process in New Orleans lags behind measures of court performance in the country's 75 largest jurisdictions. When measured from the point of arrest, the national median felony case processing time is 92 days. In 2009, Orleans Parish Criminal District Court took a median of 120 days from when a case was allotted to a judge to final disposition. The case processing time in Orleans Parish would be even greater than 120 days if it were measured from the point of arrest cited in national statistics. The longer case processing time in Orleans Parish demonstrates the court as a whole should continue to strive for even greater efficiency.

Establishing court processes and procedures that are more uniform throughout the court and are consistent with national standards and statistics will improve the efficiency of the entire criminal justice system. Processing cases more efficiently can reduce the costs and lost resources associated with unnecessary case delays. Virtually all sections of court experienced increases for at least one efficiency measure, which demonstrates motivation and ability throughout the entire court to effect further improvements.

## Acknowledgements

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<sup>1</sup> "Orleans Parish Criminal Justice System Accountability Report, Fall 2009" Metropolitan Crime Commission, Nov 2, 2009; <http://www.metropolitancrimecommission.org/documents/NOCJSAccountabilityReport-Fall2009.pdf>

<sup>2</sup> "Felony Defendants in Large Urban Counties, 2006" Bureau of Justice Statistics, May 2010; <http://bjs.ojp.usdoj.gov/content/pub/pdf/fdluc06.pdf>