



METROPOLITAN CRIME COMMISSION, INC.

2010 ORLEANS PARISH

JUDICIAL ACCOUNTABILITY REPORT

The Metropolitan Crime Commission (MCC) has regularly issued reports on judicial efficiency in Orleans Parish Criminal District Court since the beginning of 2007. The goals of this work are to promote accountability in judicial performance as well as efficiency and consistency in criminal case processing.

Background

Orleans Parish Criminal District Court has 12 elected judges that oversee the prosecution of felony cases. 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 District Attorney's (DA's) Office accepts a felony case for prosecution, it is randomly allotted 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.

Since 2007, four new judges have been elected to the judiciary. Judge White was elected in 2007 and Judge Landrum-Johnson was elected in 2008. Judges Herman and Pittman were sworn into the judiciary at the beginning of 2009.

The number of new cases entering the court system significantly increased in 2009 and 2010 during the administration of Orleans Parish District Attorney Leon Cannizzaro.

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 median days needed 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. The MCC counts each defendant as a unique case. The random assignment of cases should result in caseloads that are balanced in their size, 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 or justice. However, applying these measures provides a meaningful basis for evaluating and comparing the performance of each Criminal District Court judge.

In 2007, the first year of this report, efficiency measures depicted a court in recovery from Hurricane Katrina. The median case processing time was 232 days and 34% of open cases were more than one year old. In 2008 and in 2009 case processing times reduced to 140 and 120 days, respectively. The percent of aging cases also reduced to 21% more than one year old in 2008 and then to 17% more than one year old in 2009.

Overall, felony case processing in Orleans Parish Criminal District Court had few changes from 2009 to 2010:

- Case processing time and the percent of cases more than one year old had minor increases in 2010 compared to 2009.
- The inventory of open felony cases increased 11% from an average of 204 per section in 2009 to 227 in 2010.
- From 2007 to 2010, the number of new felony cases entering the criminal justice system rose 64%. The judiciary responded to the larger workload by increasing closed cases 64%.

Performance measures reported herein demonstrate inconsistent efficiency across different sections of court resulting in an uneven pace in criminal case processing. For example, the least efficient section of court had a case processing time more than three times greater compared to the most efficient section of court. The MCC encourages less efficient judges to apply case management practices that will reduce disparities in efficiency.

OVERALL JUDICIAL EFFICIENCY RANKINGS

Exhibit 1 presents each judge's efficiency ranking in 2010 compared to 2009. 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.

Judge Herman ranked as the most efficient member of the judiciary throughout 2009 and 2010. In 2010, Judge Herman had the best rankings in felony case inventory size, percent of cases more than one year old, and case processing time. Judges Alarcon, Pittman, and Marullo remained in the top four rankings in 2009 and 2010.

After ranking seventh overall in 2009, Judge Landrum-Johnson bettered her efficiency ranking to second in 2010. This improved efficiency ranking was achieved by Judge Landrum-Johnson's improvements in all three measures of efficiency.

Judges Derbigny, Buras, and White consistently achieved middle rankings from ninth to fifth in 2009 and 2010.

The lowest ranked members of the judiciary in 2010 were Judge Willard, Judge Van Davis, and Judge Hunter. These judges consistently lagged behind their peers in all 2010 measures of efficiency. Judges Hunter and Willard also had reductions in efficiency measures for all three categories in 2010 compared to 2009. Judge Van Davis had improvements in all efficiency measures but these improvements did not substantially increase her judicial efficiency rankings when compared to other judges.

EXHIBIT 1: Overall Judicial Efficiency Rankings

2010	2009	Judge
1	1	Judge Karen K. Herman
2	7	Judge Keva Landrum-Johnson
3	3	Judge Terry Alarcon
4 – Tie	2	Judges Robin D. Pittman
4 - Tie	4	Judge Frank A. Marullo, Jr.
6	8	Judge Darryl Derbigny
7	6	Judge Camille Buras
8	10	Judge Julian Parker
9	5	Judge Laurie A. White
10 – Tie	9	Judge Benedict Willard
10 – Tie	12	Judge Lynda Van Davis
12	11	Judge Arthur L. Hunter, Jr.

Exhibit 2: Inventory of Open Felony Cases

Open felony inventories or dockets are made up of open cases assigned to one of the 12 sections 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).

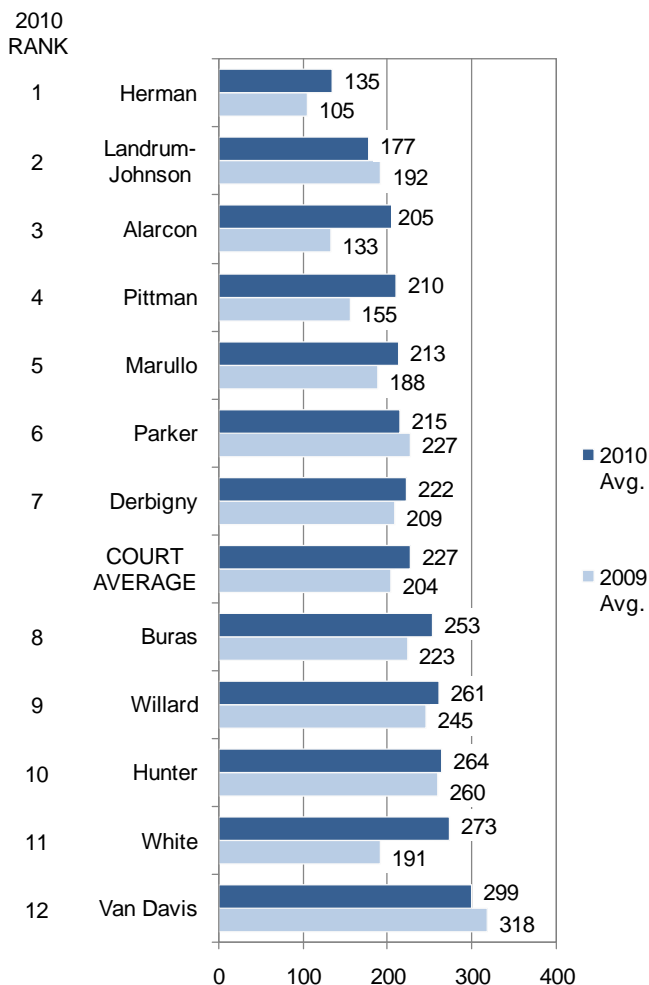
Exhibit 2 shows each judge's average quarterly number of open felony cases from 2009 and 2010. Having fewer open cases is indicative of more efficient docket management, which results in a smaller inventory of open cases.

The average number of open felony cases increased by 23 or 11% from 204 open cases per section in 2009 to 227 open cases per section in 2010. In comparison, the average inventory was 185 open cases per section of court in 2007 and 202 open cases per section in 2008.

The number of open felony cases increased for nine of the 12 judges from 2009 to 2010. The largest increases were found before Judge Alarcon (a 72 case increase), Judge White (an 82 case increase), and Judge Pittman (a 55 case increase).

While most judges had an increase in their open inventories, reductions were attained by Judges Van Davis (a 19 case decrease), Judge Parker (a 12 case decrease), and Judge Landrum-Johnson (a 15 case decrease).

EXHIBIT 2: Average Quarterly Inventory of Open Felony Cases



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

Exhibit 3: 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. American Bar Association 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 from 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".

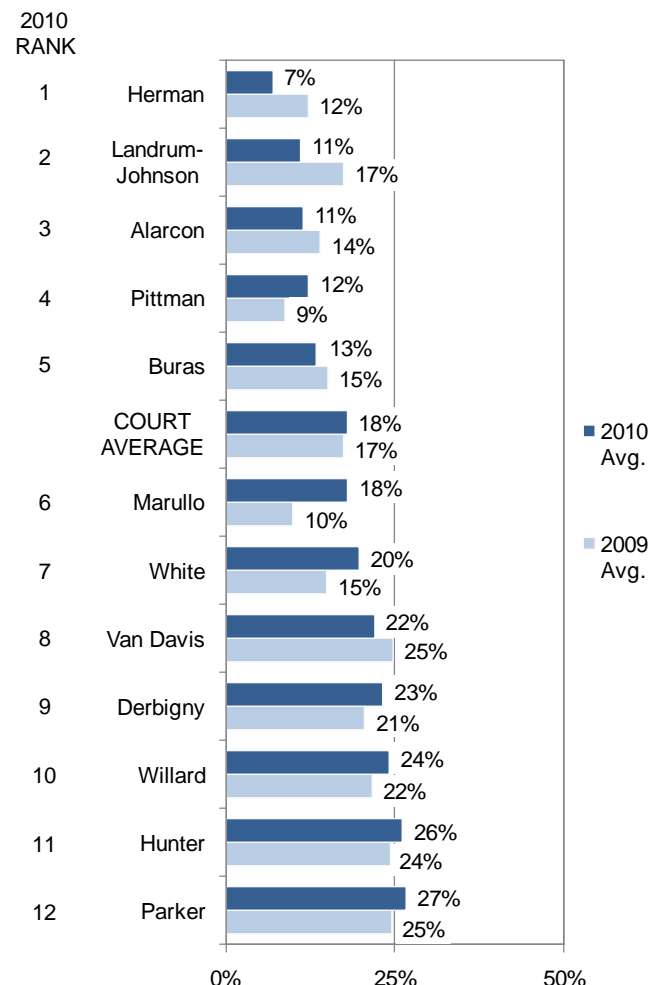
Exhibit 3 shows the quarterly average percent of a judge's open felony cases that were more than one year old in 2010 and 2009.

As a whole, the court had no meaningful change in the percent of open felony cases more than one year old. In 2009, 17% of open cases were more than one year old which had a nominal increase to 18% in 2010.

Judges Landrum-Johnson and Herman had the largest reductions in their percentages of cases more than one year old. Judge Landrum-Johnson's percent of cases more than one year old decreased by 6% in 2010, and Judge Herman's cases more than one year old decreased by 5% in 2010.

The largest increases in case over one year old were Judge Marullo's increase by 8% and Judge White's increase by 5%.

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



Source: Judicial Administrator of Criminal District Court, Orleans Parish 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, on appeal, or declared mentally incompetent was subtracted from these calculations. Diversion cases in which the DA's Office forestalled prosecution until a defendant completed the Diversion Program were also excluded from case processing time calculations.

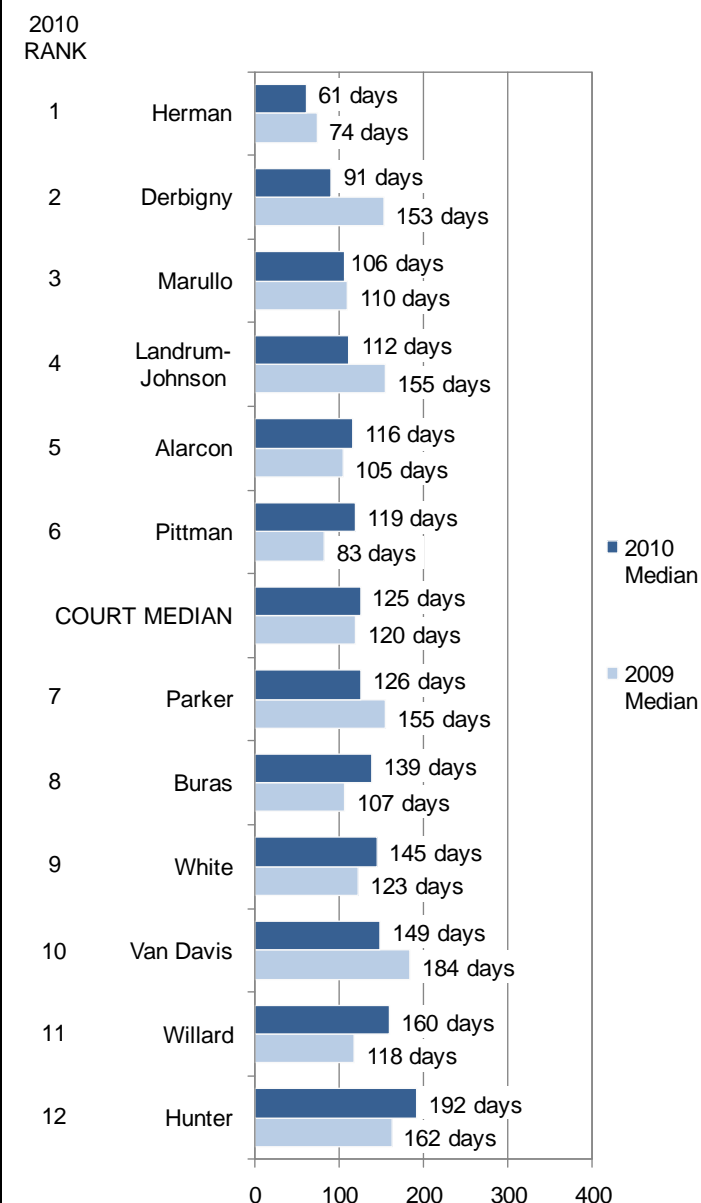
The median case processing time had a slight increase of five days from 120 days in 2009 to 125 days in 2010. (See Exhibit 4). The five day increase in case processing time is a 4% change and represents a nominal decline in court efficiency. Previous years had large decreases in case processing times. The 2007 median case processing time of 232 days had a substantial reduction to 140 days in 2008. In 2009, case processing time reduced further to 120 days.

Although the court as a whole had a minor increase in case processing time, several judges had large changes in the time they took to bring cases to conclusion in 2010 compared to 2009. Overall, the largest change in case processing time was achieved by Judge Derbigny who had a 62-day reduction in median case processing time. Judges Landrum-Johnson and Van Davis also had significant improvements in case processing efficiency and decreased their median case processing times by 30 days or more. Judges Pittman, Buras, and Willard all had increases of 30 days or greater in their median case processing times. These increases in case processing times show that these judges were less efficient in bringing cases to conclusion in 2010 compared to 2009.

Case processing times had wide variations across different sections of court. In 2010, the least efficient judge had a median case processing time of 192 days which is 131 days longer and more than three times greater than the most efficient case processing time of 61 days. Seven judges had case processing times within 20 days of the overall court median. More efficient judges with case processing times more than 20 days shorter than the court median include Judges Herman and Derbigny. Judges Van Davis, Willard, and Hunter had less efficient case processing times more than 20 days longer than the court median.

The court continues to lag behind national statistics in case processing time. A nationwide study by the Department of Justice released in May of 2010 found a median 92 of days from arrest to final disposition of felony cases.¹ The present study examines time from allotment to disposition, the time a case was under a judge's supervision, and finds a median case processing time of 125 days in 2010.

EXHIBIT 4: Median Felony Case Processing Times



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

Exhibit 5: Accepted and Closed Cases

As the number of accepted cases increased, the court responded to the higher workload by increasing the number of cases it closed (see Exhibit 5). The number of new felony cases entering the court system increased 64% from 4,096 in 2007 to 6,699 in 2010. In response to greater numbers of accepted cases, there was a corresponding 64% increase in the number of closed cases from 3,250 in 2007 to 5,329 in 2010.

As the number of cases accepted for prosecution rose, there was a 23% increase in inventories of open felony cases from 2007 to 2010. The rise in inventories occurred in two steps. Initially, felony case inventories increased from an average of 185 in 2007 to 202 in 2008. In 2009, there was no increase in inventories and each section averaged 204 open felony cases. There was another rise in open inventories in 2010 when the court averaged 227 open cases per section.

EXHIBIT 5: Accepted and Closed Felony Cases 2007-2010

Year	Number of Accepted Felony Cases	Number of Closed Felony Cases	Average Quarterly Inventory of Open Cases
2007	4,096	3,250	185
2008	5,113	3,476	202
2009	6,154	4,739	204
2010	6,699	5,329	227

Source: Judicial Administrator of Criminal District Court, Orleans Parish Criminal Office, Orleans Parish District Attorney's Office;
NOTE: Closed felony cases does not include cases in which felony charges were reduced to misdemeanor offenses
Estimated Error rate of under 5%

CONCLUSIONS

Orleans Parish Criminal District Court has seen a significant increase in the number of open felony cases but there has not been corresponding rise in the rate of backlogged cases or case processing times. The court is to be recognized for their positive response to an increased workload.

Inventories of open felony cases increased from an average of 185 per section in 2007 to 227 per section in 2010, a 23% increase. By itself, the inventory of open cases cannot stand alone as an indicator of judicial efficiency. The inventory of open cases tells how many open cases a judge has at a given time and must be examined in context of how many cases are allowed to remain open for greater than one year and the time it takes to bring cases to conclusion. Together these three judicial performance indicators depict the volume of cases awaiting disposition, how many of those cases are backlogged, and how long cases are typically allowed to remain open.

The court as a whole was effective at managing their older cases and maintaining the percent of cases more than one year old in 2010. Previously, the court had made progress in reducing cases over one year old. In 2007, 34% of open cases were more than one year old, which reduced to 21% of open cases more than one year old in 2008. The percent of cases more than one year old reduced to 17% in 2009, which showed little change in 2010 when 18% of open cases were more than one year old.

Case processing times improved significantly in 2008 and 2009 but showed little change in 2010. The median case processing time of 232 days in 2007 had a marked improvement to 140 days in 2008. In 2009, case processing time further decreased to a median of 120 days. The 2010 median case processing time of 125 days does not represent a meaningful variance in this measure of judicial efficiency and may be viewed as a positive accomplishment in the context of the increased workload.

The MCC respectfully encourages the judiciary of Orleans Parish Criminal District Court to improve judicial efficiency. The court's ability to maintain a reduced level of cases more than one year old and case processing time demonstrates that it has adjusted to the increased volume of accepted cases. The court matched a 64% increase in new felony cases entering the court since 2007 with a 64% increase in the number of closed cases. It is commendable that the court managed this increase in closed cases without additional judges capable of presiding over felony cases. However, open case inventories appear likely to continue increasing without further improvements in case processing efficiency, which may impact other indicators of judicial efficiency.

Prioritizing the most difficult cases and cases in which defendants are detained in jail can facilitate improved judicial efficiency. Reducing the time it takes to bring these cases to conclusion can be accomplished by prioritizing them in scheduling, curtailing time between hearings, and minimizing continuances and rescheduled hearings. Violent felonies, weapons felonies, and cases involving repeat offenders are

typically the most difficult cases and take the longest time to adjudicate. Cases with jailed defendants commonly involve more serious criminal offenses and defendants with greater criminal histories. Most often, defendants in these cases are facing prolonged sentences to incarceration if convicted and the criminal justice system must act deliberately to ensure the equitable administration of justice.

A nationwide study found a median felony case processing time of 92 days from the time of a defendant's arrest, which is greatly surpassed by Criminal District Court's 125-day case processing time from allotment to conclusion in 2010. The court should aspire to improve case processing times in accordance with this national performance measure.

The MCC respectfully encourages the court reduce disparities in judicial efficiency. All efficiency measures presented herein reflect varying degrees of efficiency by different members of the judiciary. 2010 open case inventories ranged from 135 to 299, which means that some judges had more than twice as many open cases as another judge. Differences in the percentages of cases more than one year old indicate that some judges had approximately one in ten open cases more than one year old while other judges' caseloads had one in four cases more than one year old. The judge with the least efficient case processing time took a median of three times longer than the most efficient judge to bring cases to conclusion.

Inefficient case processing has a wide impact that affects city government, the general public, and the entire criminal justice system. The city of New Orleans and its taxpayers must pay to house inmates awaiting conclusion of their cases. Police payroll expenses and manpower availability can also be adversely impacted when officers are compelled to attend repeated court hearings that fail to resolve criminal cases. Victims, witnesses, defendants, and prospective jurors are also compelled to participate in delays created through inefficient judicial case processing. Similarly, prosecutors, public defenders, sheriff's deputies, and Clerk of Court personnel are required to continually prepare and appear for cases that undergo repeated continuances and delays.

A judge is responsible for clearly delineating his or her management policies which create a culture of efficiency within a courtroom. Concrete guidelines for allowing cases to be continued, minimal time between court hearings, and fewer rescheduled hearing are common traits of more efficient sections of court.

The MCC does not believe that justice is better served merely by reducing the number and age of open cases and time that it takes for cases to close. However, the ability of the court to adjust to the challenge of an increased workload and individual judges' abilities to achieve higher efficiency ratings demonstrate that there is ample room to improve the overall efficiency of the administration of justice in Criminal District Court.

SEE SUPPLEMENTAL TABLES FOR ADDITIONAL INFORMATION ABOUT INDIVIDUAL JUDGES' PERFORMANCE

Acknowledgements

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¹"Felony Defendants in Large Urban Counties, 2006" Bureau of Justice Statistics, May 2010; <http://bjs.ojp.usdoj.gov/content/pub/pdf/flduc06.pdf>