Felony Justice in Orleans Parish Criminal District Court

A Research Report
By The
Metropolitan Crime Commission

November, 2000
New Orleans, Louisiana

Board of Directors

Conrad Appel, III
Robert D. Armstrong
Jack C. Benjamin
Jack C. Benjamin, Jr.
C. Alvin Bertel, Jr.
John H. Bertel
Jacqueline L. Bolton
Susan Brennan
A. Vernon Brinson
Marcus V. Brown
William B. Coleman, III
Joel Daste
Harry R. Davies, Jr.
Warren C. de Brueys
Martin R. de Laureal
David Drinkwater
C. Allen Favrot
Walter C. Fowler, III
Harrell Freeman
Howard C. Gaines
Glenn M. Gardner
Philip Gensler, Jr.
John B. Giddens, Jr.
Leon L. Giorgio, Jr.
Jerome L. Goldman
Leonard Gurvich
Ashton Hardy
Arthur W. Huguley, III
John T. Hutchens
John E. Koerner, III
John P. Laborde
Kenneth A. Lawder, Jr.
Michael J. Marsiglia, *Chairman*
Chester A. Mehurin, Jr.
William A. Monaghan
Roger W. Peck
Norvin Pellerin
Roy A. Perrin, Jr.
Dick H. Piner, Jr.
Kay G. Priestly
Rev. Dick Randels
Margaret W. Ransone
H. Eustis Reily
Atwood L. Rice, Jr.
Gregory R. Rusovich
Henry W. Shane
Poco Sloss
J. Benton Smallpage
Mitty Terral
Rev. Ken Thompson
Dalton L. Truax, Jr.
Merlin M. Villar, Jr.
Thomas D. Westfeldt
Jim Wilkinson
John C. Williams
Richard Wolfe
D. Brent Wood

The Metropolitan Crime Commission

Judicial Watch Program Review Committee

Harrell Freeman, *Chair*
Michael Marsiglia, *Ex Officio*
Roger Peck
Margaret Ransone
Richard Wolfe, Jr., Esq.
Dalton Truax, Jr.

Metropolitan Crime Commission Research Staff

Rafael Goyeneche
President

Richard H. Brown
Director of Research

David Neubauer, Ph. D.
Project Consultant

Research Associates
Julie Bourbon
LaShawna Schofield

METROPOLITAN CRIME COMMISSION OF NEW ORLEANS, INC.
BOARD OF DIRECTORS

Chairman
Michael J. Marsiglia

Vice Chairmen
Harrell Freeman
Ashton Hardy
Margaret W. Ransone
Mitty Terral

Secretary
Dick H. Piner, Jr.

Treasurer
Kay G. Priestly

Directors

Conrad Appel, III
Robert D. Armstrong
Jack C. Benjamin*
Jack C. Benjamin, Jr.
C. Alvin Bertel, Jr.*
John H. Bertel
Jacqueline L. Bolton
Susan Brennan
A. Vernon Brinson
Marcus V. Brown
William B. Coleman, III
Joel Daste
Harry R. Davies, Jr.
Warren C. deBrueys
Martin R. de Laureal
David Drinkwater
C. Allen Favrot*
Walter C. Flower, III
Glenn M. Gardner, Jr.
Philip Gensler, Jr.*
John B. Giddens, Jr.
Leon L. Giorgio, Jr.
Jerome L. Goldman*
Leonard Gurvich
Arthur W. Huguley, III
John T. Hutchens*
John E. Koerner, III
John P. Laborde
Kenneth A. Lawder, Jr.
Chester A. Mehurin, Jr.
William I. Monaghan*
Roger W. Peck*
Norvin Pellerin
Roy A. Perrin, Jr.
Rev. J. Richard Randels
Margaret W. Ransone
H. Eustis Reily*
Atwood L. Rice, Jr.*
Henry W. Shane
Poco Sloss
J. Benton Smallpage
Mitty Terral
Rev. Ken Thompson
Dalton L. Truax. Jr.
Merlin M. Villar, Jr.
Thomas D. Westfeldt
Jim Wilkinson
John C. Williams
Richard P. Wolfe
D. Brent Wood

**Past Chairman of the Board*

☐ **Yes, I would like to support the work of the Metropolitan Crime Commission with a tax-deductible contribution.**

☐ $500-$999 (Crime Fighter) ☐ $250-$499 (Concerned Citizen) ☐ $100-$249 (Voting Member) ☐ _____ (Other)

Check enclosed (payable to the *Metropolitan Crime Commission*)

☐ Visa ☐ MasterCard ☐ American Express

Exp. Date _____ Signature _____

Name _____

Address _____

City _____ State _____ Zip _____

Phone (H) _____ (W) _____

Thank you for your Support!

1440 Canal Street, Suite, 1703, New Orleans, LA 70112-2711
(504) 524-3148

The MCC is a non-profit 501(c)3 privately funded, public service, citizens organization and does not accept contributions from criminal justice employees or public officials.

A Message from the Chairman of the Board

The Metropolitan Crime Commission offers this fourth annual report on the court as a public service to the judiciary and to the citizens of our community. It is our belief that the information contained in this report can 1) improve judicial efficiency, 2) promote judicial accountability and, 3) educate the public about the courts and the felony case process. The Crime Commission is grateful to all those whose support makes this research possible.

The MCC believes that the courts are the least scrutinized component of the criminal justice system, and this research reflects our belief that meaningful measures of judicial performance can translate into a more efficient and accountable court system. The MCC is less concerned with judicial productivity for the sake of speed than we are interested in promoting administrative efficiency and judicial accountability.

Finally, while the MCC hopes that the information presented in this report provides readers with valuable information regarding our judiciary, nothing in this report should be construed as an endorsement of any individual judge.

Michael J. Marsiglia
Chairman of the Board of Directors

Acknowledgements

The Metropolitan Crime Commission gratefully acknowledges the following individuals for their contributions to this research project: the judges of Orleans Parish Criminal District Court and Judicial Administrator Elizabeth Stogner; District Attorney Harry Connick and members of his staff including Tim McElroy, First Assistant, Peter Brandt, Executive Assistant, and Linda Roberts, Administrative Assistant; Clerk of Court Edwin Lombard and members of his staff including Sandra Pena, Barbara Hicks, and Peter Hughes; and Bridgette Daniels, Supreme Court of Louisiana.

Table of Contents

Executive Summary **1**

Introduction **6**
Purpose and Scope of the Report 6
Methodology 6

Part One: Criminal District Court in Context **7**
The Court Environment 7
Court Organization 7
The Adult Criminal Justice Process 7
The Cases: Dispositions 9
Information Management in CDC 10

Part Two: Overall Judicial Performance **11**
Case Processing Time 11
Compliance with ABA Time Standard 12
Size and Age of Pending Caseload 12
Judicial Performance Rankings 13

Part Three: Judicial Performance Summaries. **14**
All Court Sections 14
Individual Performance Summaries. 15

Part Four: Conclusions and Recommendations **27**
Conclusions 27
Recommendations 28

Exhibits

Exhibit One: Summary of Performance Related Findings 2
Exhibit Two: Overall Judicial Performance: 1994/95 vs. 1999 3
Exhibit Three: The New Orleans Adult Criminal Justice System 8
Exhibit Four: Most Serious Charge Against Felony Defendants 10
Exhibit Five: Jury Trials in CDC, 1999 10
Exhibit Six: Median Case Processing Time, 1999 11
Exhibit Seven: Compliance with ABA Time Standards, 1999 12
Exhibit Eight: Inventory of Cases, 1999 12
Exhibit Nine: Overall Judicial Rankings, 1999 13

EXECUTIVE SUMMARY

THE RESEARCH

This report is an overview of the felony justice process in Orleans Parish Criminal District Court (CDC), and an evaluation of the court's performance according to recognized case processing standards. It was completed under the direction of an eight-member Review Committee comprised of members of the Metropolitan Crime Commission (MCC) Board of Directors.

The overriding goal of this research is to promote the improvement of felony case processing in Criminal District Court and the 24th Judicial District by enhancing public understanding of the felony case process, providing objective information on court performance, and promoting greater accountability in the court system.

This study examines the same three areas addressed by the MCC in prior reports: case processing, judicial accountability, and judicial performance. The three performance measures evaluated are:

- Case Processing Time - the time required to process felony cases from the filing of the bill of information to disposition of the case;
- Compliance with American Bar Association Time Standards - the application of nationally recognized time standards to the felony docket in each section of court;
- Inventory of Cases - the size and age of each judge's active pending caseload.

The MCC believes that the analysis of case processing data provides a meaningful basis for evaluating judicial performance, but also recognizes that case processing efficiency is not the sole indicator of quality judicial performance. Although not within the scope of this study, the MCC acknowledges that equality, fairness, and integrity in the judicial process are of paramount importance in assessing the overall quality of judicial performance.

As in past reports, study findings are based on a random sample of 25 percent of all felony cases that closed in each section of court during 1999. The records maintained by the Orleans Parish Clerk of Criminal District Court served as the principal source of information for this research.

MAJOR FINDINGS

CRIMINAL DISTRICT COURT IN CONTEXT

- The number of criminal cases filed in the court fell from 9,562 in 1998 to 7,784 in 1999, a 19 percent decrease.
- Drug cases continue to dominate the court's felony docket, comprising 61 percent of all cases filed in 1999 and 60 percent in 1998.
- The majority (85 percent) of all felony defendants were represented by the public defender's office.
- Guilty pleas to the original or a lesser charge accounted for 81 percent of all dispositions in 1999 and 85 percent of dispositions in 1998. In 1999, seventy-five percent of all guilty pleas were to the original charge.

ISSUES OF JUDICIAL ACCOUNTABILITY AND PERFORMANCE

- The average monthly felony case processing time was essentially unchanged in 1999 (62 days) compared to 1998 (63 days).
- Ninety-three percent of all felony cases closed in 1999 were disposed of within American Bar Association case processing time standards.
- The average case inventory in CDC dropped by 28 percent in 1999 from 1998; however, the percentage of cases more than one year old increased from 12 percent to 17 percent of the docket over the period. The aging of the court's docket simultaneously with a reduction in case inventory suggests that most judges gave a

higher priority to closing newer cases than to older and perhaps more complicated ones.

- The number of court sections performing better than the overall court average improved in two out of three major performance areas since 1994/95.
- One of the most striking characteristics of case processing in CDC remains the wide variation in performance among court sections. In 1999, average case processing times varied from 27 days to 118 days, the size of pending caseloads varied from 67 to 292 cases, and the percentage of cases aged one year ranged from 4 percent to 28 percent.
- The judges of CDC have not yet adopted court-wide case management standards that can lead to greater overall efficiency and a higher and more uniform level of performance among court sections.
- The management of court documents and information remains an essentially manual process greatly limiting access to data that can support sound management decisions, increase efficiency, and raise the court's level of accountability.

This report's major performance-related findings are summarized below in Exhibit One.

CONCLUSIONS

The court demonstrated progress in gaining control of its docket during 1999 by showing good improvement in one performance area and sustaining prior gains in the two other performance areas measured. The court achieved a 27 percent reduction in the size of its average monthly pending caseload in 1999 (165) compared with 1998 (225); the median case processing time was reduced from 63 days in 1998 to 62 days in 1999, the third consecutive annual decrease; and the court's compliance rate with the ABA's case processing standard in 1998 (94 percent) was essentially sustained in 1999 (93 percent). These overall improvements are in part attributable to the 19 percent decrease in case filings in 1999, and the fact that nine of the twelve CDC judges took advantage of the decrease in filings by improving their efficiency in at least two out of three performance areas measured. Three of the CDC judges, however,

Exhibit One:

SUMMARY OF PERFORMANCE RELATED FINDINGS

Overall Performance Rank, 1999*	Median Case Processing Time	ABA Standard Compliance Rate	Average Size of Monthly Case Inventory
	Court Average = 62 Days	ABA Standard=100% Court Average=93%	Court Average = 165 Cases
1. Raymond Bigelow (I)	32	100%	67
2. Leon Cannizzaro (J)	27	98%	76
3. Dennis Waldron (F)	50	97%	95
4. Julian Parker (G)	52	96%	137
5. Sharon Hunter (C)	63	94%	133
6. Terry Alarcon (L)	66	95%	137
7. Arthur Hunter (K)	72	95%	163
8. Camille Buras (H)	82	96%	164
9. Calvin Johnson (E)	84	88%	213
10. Frank Marullo (D)	77	88%	292
11. Charles Elloie (A)	109	88%	256
12. Patrick Quinlan (B)	118	83%	243

Source: MCC Research
*Rankings were obtained by determining the performance of each judge relative to other judges on the bench within each measured area of performance. These individual rankings were then used to calculate an average for an overall rank across all performance areas studied.

failed to take advantage of this opportunity and their efficiency dropped in two out of three performance areas between 1998 and 1999.

Improvement in overall court performance is more demonstrable when viewed over the longer term. As shown in Exhibit Two below, the number of judges performing at a level above the court average increased in two of the three performance areas between 1994/95 and 1999. And although the number of judges exceeding the court's median case processing time (CPT) remained unchanged over this period, CDC's overall CPT was reduced by 11.4 percent. These trends are clearly indicative of a growing number of judges who are committed to good docket management practices.

A group of four judges (Judges Elloie, Quinlan, Marullo, and Johnson) however, continues to function at an average performance level well below that of the other judges in all performance areas measured:

- Median case processing time - 97 days versus 56 days.
- Average monthly case inventory - 251 cases versus 121
- Average percentage of cases over one year old- 27 percent versus 13 percent.
- ABA compliance rate - 87 percent versus 96 percent

The MCC concludes that because a small group of judges skews overall judicial performance, the balance of the court should use its influence and leadership to encourage and assist under-performing judges to function at a higher level of efficiency. The adoption by the court of case processing time standards, the formulation of a strategy for reducing the large inventory of pending cases, and monitoring compliance with these policies would expedite the process of improving overall judicial performance.

In the absence of these reform measures, wide variability in judicial performance will continue, as will unnecessary delays and high case backlogs. The consequences of unnecessary delay in the court's caseflow process include reduced efficiency and increased costs to all justice system participants: victims, defendants, the court, the prosecution, defense attorneys, the criminal sheriff, and law enforcement. Examples of these costs include detaining defendants in jail (some of whom may be innocent), rescheduling court events, and maintaining case files. The viability of a prosecution is reduced the longer a case persists without resolution, and attorneys and staff in each court, in the clerk of court's office, and in the district attorney's office waste time duplicating preparation when cases are not adjudicated promptly. Finally, police officers miss time on patrol when they must be in court, and other witnesses are often needlessly inconvenienced when they must take time off from work only to find a trial has been postponed.

Timely access to accurate management information is also fundamental to improving the court's efficiency, productivity, and accountability. Criminal District Court generates an enormous amount of information. Most of this information is now managed manually. A modern computerized case management system would greatly enhance the court's ability to improve its efficiency by reducing delays in the movement of cases.

Exhibit Two:

OVERALL JUDICIAL PERFORMANCE: 1994/95 VS. 1999

Performance Measure	Number of Sections Performing Above Court Average	
	1994/95	1999
Avg. Case Processing Time	4 (70 days)	4 (62 days)
Avg. Monthly Pending Caseload	4 (225)	8 (165)
ABA Compliance Rate	6 (94%)	8 (93%)

Source: MCC Research

The CDC has made incremental progress in this regard. Three CDC judges have established their own independent computerized information systems, and these sections are among the court's most efficient. A CDC judge also leads the Criminal Justice Information System Committee, a primary purpose of which is to upgrade and integrate existing information systems operated by the New Orleans Police Department (NOPD), the Orleans Criminal Sheriff's Office (OPCSO), and the District Attorney's Office. However, the court as an institution has not yet demonstrated that it possesses the level of unity and commonality of goals that could lead to implementation of a modern court-wide information system.

RECOMMENDATIONS

A leading court authority, Floyd Teeney, in commenting on modern court management practices, stated that "about the only thing that is clear is that if courts are to improve during the next 30 years everyone associated with the courts, managers, judges, researchers, and others, must radically increase their attention to evaluation of performance." Making performance standards and their evaluation a priority at CDC will require the concerted leadership of the chief judge, the cooperation of all of the judges, and the support of a professional and committed administrative staff. With this in mind, the MCC respectfully recommends that the judges of CDC:

- Adopt court-wide case processing standards with the stated goal of reducing the great disparity that exists among court sections in fundamental areas of judicial performance.
- Create a system that allows the court to monitor adherence to these standards.
- Work with their courtroom personnel, prosecutors, and defense attorneys to review courtroom procedures, identify problems, and institute more efficient case processing procedures.
- Adopt stricter continuance policies designed to eliminate unnecessary delays in the adjudication of cases.
- Work closely with prosecutors and defense attorneys to adopt strategies for disposing of the growing number of older cases on the CDC docket, including prioritizing older cases for prosecution and increasing the number of trials in targeted court sections.
- Reconfigure the court's administrative office to include staff with extensive training and experience in instituting modern court management procedures. Existing staff should receive training in contemporary court management practices.

One of the single greatest needs in the adult criminal justice system in New Orleans is the installation of a modern case management information system (CMIS) at Criminal District Court. A CMIS would greatly facilitate the implementation and monitoring of court-wide case processing practices. Therefore, the MCC further recommends that:

- The judges of CDC assert their leadership and move forward with implementing a modern court case management information system. The first step in this process is to contract with an experienced court information systems expert to conduct a comprehensive analysis of the court's operations. As noted, three CDC judges have already implemented computerized management systems in their sections, and the court is actively involved with the Criminal Justice Information System Committee.
- As part of a reorganization of the Judicial Administrator's Office, the court should hire at least one trained technical and administrative staff member experienced in implementing modern court management procedures and overseeing court information systems development.

The MCC recognizes that creating an integrated CMIS is a difficult undertaking, but many cities (and entire states) have successfully implemented modern systems. These cities include Houston, Atlanta, Seattle, Kansas City, Detroit, Los Angeles, Sacramento, Nashville, Milwaukee, Phoenix, and Miami. The

MCC's review of the implementation of court information systems in other jurisdictions identified some practices that are prerequisite to success:

- All information system stakeholders must buy in to and be included in the planning process to assure their support for the undertaking. Interagency cooperation is also essential.
- In the earliest stages of planning for a new system, the court must develop a clear vision of where the project is going, how it will get there, and what it will look like when completed.
- Support from outside consultants is essential. Hiring a technical consultant with extensive experience in criminal justice information systems to conduct a system assessment is a fundamental first step. This assessment should include a detailed analysis of infrastructure, hardware, and software needs, as well as recommendations for planning and organizing change.
- Planning must include clearly articulating the scope and objectives of the project, and developing comprehensive and detailed plans that outline the entire project.
- An effective organizational structure must be set up that will ensure the project reaches completion.
- Policies addressing governance issues and the sharing of information must be identified and resolved. All jurisdictions that have successfully implemented integrated CJIS created formal governance structures to guide development of the project.
- Technical issues regarding the sharing and security of information must be identified and resolved.
- Funding must be secured early in the process. A united court and a completed systems analysis that provides a roadmap for system development should attract the local, state, and federal funds needed to implement the CMIS.
- Development of a central relational database linking all justice system agencies has proven to be the best approach.

Taking these steps will greatly increase the court's accountability, improve its operating efficiency, and should assist in reducing the wide variation that now exists among court sections in case processing performance.

INTRODUCTION

PURPOSE AND SCOPE OF THE REPORT

This is the fourth in a series of reports undertaken by the Metropolitan Crime Commission (MCC) that addresses the issues of court efficiency and judicial accountability in the processing of felony cases. The overriding goal of this research is to promote the improvement of felony case processing in Criminal District Court and the 24th Judicial District by:

- enhancing the level of public understanding about the courts and the felony case process;
- providing court personnel, policy-makers, and concerned citizens with objective information about the court's performance;
- helping define appropriate areas of judicial accountability;
- creating reasonable public expectations of the judiciary, and;
- promoting greater accountability in the court system.

The principal performance areas chosen for review are:

- Case Processing Time - the time required to process felony cases from the filing of the bill of information or indictment to disposition
- Compliance with American Bar Association Time Standards - the application of nationally recognized time standards to the felony docket in each section of court
- Inventory of Cases - the size of each judge's pending caseload

The MCC believes that the analysis of case processing data provides a meaningful basis for evaluating judicial performance, but also recognizes that case processing efficiency is not the sole indicator of quality judicial performance. The MCC does not advocate speed at the expense of justice. Rather, the purpose of this study is to identify the strengths and weaknesses of the system and to encourage more efficient docket management practices. Improved efficiency benefits all parties including law enforcement, the prosecution, the accused, corrections, and taxpayers. Although not within the scope of this study, the MCC acknowledges that equality, fairness, and integrity in the judicial process are of paramount importance in assessing the overall quality of judicial performance.

METHODOLOGY

A random sample of 25 percent of all felony cases that closed in 1999 was selected from each section of court, and at least 90 percent of the cases sampled were obtained and reviewed. The final sample size for the 1999 study was 1,378 cases. This sample, considerably higher than that normally used for such research, yields a margin of error of approximately one percent.

The official court records maintained by the Orleans Parish Clerk of Criminal District Court were the primary source of information used in the research. Other official sources of information included the Orleans Parish District Attorney's Office, the Orleans Parish Criminal Sheriff's Office, and the State Supreme Court Judicial Administrator's Office. Whenever possible, information provided by other sources was independently verified by MCC research staff and official court records before its use in this report.

PART ONE: CRIMINAL DISTRICT COURT IN CONTEXT

THE COURT ENVIRONMENT

Orleans Parish Criminal District Court has one of the state's busiest criminal dockets, and is the only trial court in the state that handles criminal matters exclusively. Trial courts in all other judicial districts hear both criminal and civil matters. In Orleans Parish, Traffic and Municipal court also have criminal jurisdiction, and judges in CDC hear appeals from both.

COURT ORGANIZATION

Criminal District Court is composed of twelve trial sections and one magistrate section, which includes the Magistrate Judge and four Commissioners. The duties of the Magistrate Judge and the Commissioners include the setting of bail, monitoring the time it takes the district attorney to accept or refuse charges, signing arrest and search warrants, and conducting probable cause hearings and misdemeanor trials.

The Court has exclusive original jurisdiction over all state felony and misdemeanor cases heard in Orleans Parish. The twelve trial sections hear cases from the point of arraignment to disposition. All judges are elected for six-year terms in parish-wide elections. Magistrate Commissioners are appointed and serve at the pleasure of the twelve trial judges.

During the period under review, the following judges sat on the Criminal District Court bench:

Section A - Charles Elloie
Section B - Patrick Quinlan
Section C - Sharon Hunter
Section D - Frank Marullo
Section E - Calvin Johnson
Section F - Dennis Waldron
Section G - Julian Parker
Section H - Camille Buras
Section I - Raymond Bigelow
Section J - Leon Cannizzaro
Section K - Arthur Hunter
Section L - Terry Alarcon

Magistrate Judge - Gerard Hansen, Chief Judge
Judicial Administrator - Elizabeth Stogner

THE ADULT CRIMINAL JUSTICE PROCESS

Exhibit Three is a graphic summary of the adult criminal justice process in New Orleans, beginning with arrest and ending with case disposition. The following is a summary of these major events in the adjudication process.

1. Arrest - In 1999, based on data provided by the NOPD, 18,904 adults were arrested in New Orleans on state felony (70 percent) and misdemeanor (30 percent) charges. This population of arrestees represents the annual workload for Criminal District Court.

2. Booking - Following arrest, defendants are taken to Central Lock-up (CLU) for booking. CLU, operated by the Orleans Parish Criminal Sheriff's Office, is a holding facility for those detained pending a bond hearing in Magistrate Court.

3. Magistrate Court - Setting the amount and conditions of release on bond is the chief responsibility of the Magistrate Judge and the four Commissioners. By law, all defendants must have a bond hearing within 72 hours of arrest.

4. A&B Pretrial Custody/Release - Based on prior MCC research, approximately 55 percent of individuals arrested on state charges do not make bond and are held in Orleans Parish Prison pending disposition. Of those who do gain their release, 33 percent are through commercial surety bond, 29 percent by release on recognizance, and 20 percent by personal surety bond.

5. District Attorney - In addition to representing the state in all cases heard in CDC, the DA's Office decides through the screening process which charges will be accepted for prosecution based on the strength of the evidence.

6. A&B Charge Accepted/Refused - The typical method for bringing charges against an individual is

through filing of a bill of information. In 1999, the DA's Office accepted 7,784 charges for prosecution. The number of charges accepted in 1999 is a 19 percent decline from 1998 (9,562). The most serious charges brought against felony defendants are presented in Exhibit Four.

7. Allotment - Following the filing of a bill of information or indictment, a case is randomly allotted to a section of court and scheduled for arraignment. The Clerk of Criminal District Court is responsible for the allotment of cases.

8. Arraignment - At arraignment, defendants are formally advised in court of the charges brought against them. The defendant then enters a plea of guilty or not guilty. If a not guilty plea is entered, the case is scheduled for pre-trial motions and trial. The defendant may plead guilty or charges may be dismissed prior to trial.

9. Pre-trial Motions - Motions include requests for bond modification, dismissal of charges, rulings on admissibility of evidence obtained during arrest, and the discovery of evidence by both the state and the defense.

10. Trial and Disposition - The stage during which cases are adjudicated by judge or jury trials, guilty plea, or dismissal of charges by the state.

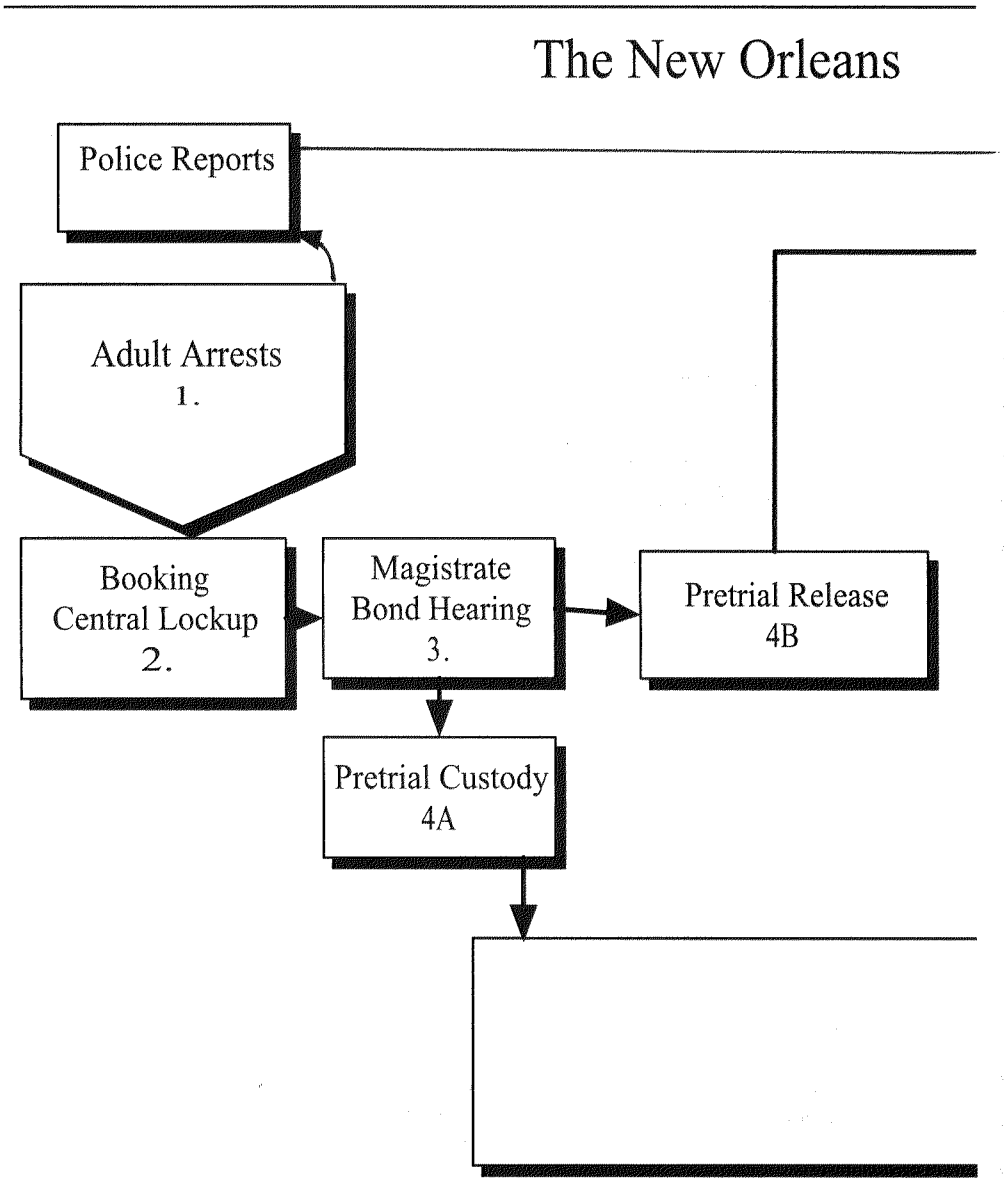
11. Not Guilty, Dismissed - Based on MCC research, in 1999 five percent of felony defendants were found not guilty at trial, and nine percent of all cases were dismissed by the state.

12. Guilty - In 1999, 81 percent of defendants pled guilty as charged or to a lesser charge, and 5 percent were found guilty as charged or of a lesser charge.

13. Sentence - Individuals found guilty of or who pled guilty to a crime are sentenced either to probation (active or inactive) or to prison. Offenders sentenced to prison serve their time in either Orleans Parish Prison or in a State Department of Corrections facility.

Felony offenses are categorized by severity and given a class designation, one through four. Class one cases are the most serious (murder, rape), and class four cases are state misdemeanors. Neither class one nor class four cases are included in the MCC's analysis of case processing or the ABA time standard. Class one cases make up only about two percent of the court's docket, and fourth-class cases are generally referred to Magistrate Court for adjudication.

Exhibit Three:



The most serious charge filed against a defendant is a useful indicator of judicial workload. Typically, less serious charges are resolved more expeditiously than more serious charges. As in prior years, MCC research indicates that third-class cases dominate the felony docket, with the most common offenses being drug possession and theft. See Exhibit Four.

The number of drug cases (possession and distribution) adjudicated at CDC has continued to grow over the past two years. In 1997, 39 percent of felony charges filed against defendants were for drug possession or distribution. In 1998 and 1999, 60 percent and 61 percent respectively of the most serious charges against felony defendants were drug charges. The majority (75 percent) of these cases were third-class drug possession cases. As a group, these cases are among the simplest to adjudicate. Median case processing time for third-class drug offenses is the lowest in the court, at 39 days.

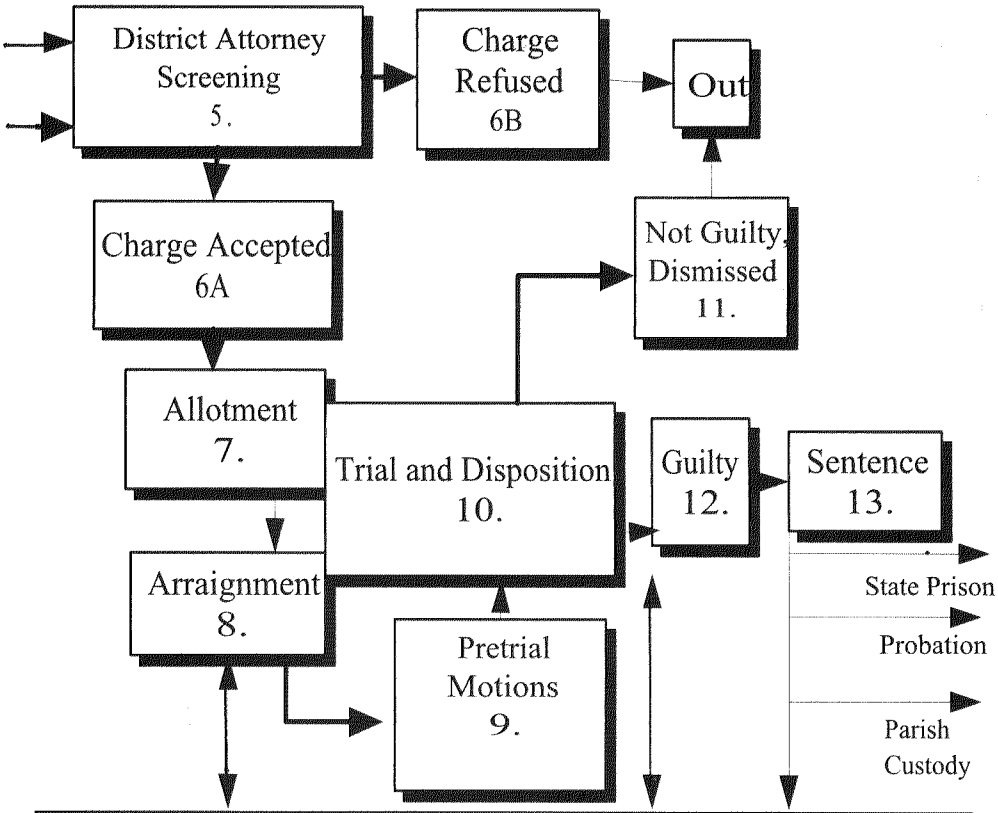
THE CASES: DISPOSITIONS

The overwhelming majority of cases disposed of in 1999 resulted in a conviction - 81 percent of defendants pled guilty as charged or to a lesser charge, and 5 percent were either found guilty as charged or of a lesser charge at trial. Five percent of defendants were found not guilty at trial and nine percent of cases were dismissed.

The number of jury trials conducted in CDC in 1999 decreased by 19 percent below 1998, mirroring the reduction in case filings over this period. See Exhibit Five. Of particular interest is the wide variation among sections of court relative to the number of jury trials held each year. Although great disparity remains, there was some indication of a lessening of this disparity in 1999, as ten court sections were within 20 percent of the court average (40) for the number of jury trials held compared with seven sections in 1998. Further, the four court sections with the largest number of jury trials accounted for 48 percent of all jury trials in 1999, down from 53 percent in 1998.

Though trials account for only ten percent of all dispositions, they consume more judge time than most other case processing events. During 1999, cases that were disposed of by trial had a median case processing time of 126 days. By contrast, the median case processing time for all cases in 1999 was 62 days. Once at trial, however, the court is able to dispose of cases fairly rapidly. MCC research indicates that 85 percent of trials lasted only one day. Ninety-eight percent of

Adult Criminal Justice System



Orleans Parish Prison
Inmate Capacity: 7,150
Average Daily Population in 1999 of 6,967
State Prisoners:5,342 (77%) Municipal Prisoners: 1,147 (16%)
Federal Prisoners 291(4%) Other 181(3%)
Percent Sentenced: 55% Percent Pretrial: 45%

Exhibit Four:

MOST SERIOUS CHARGE AGAINST FELONY DEFENDANTS

Charge	Percentage 1999*	Percentage 1998*	Percent Change, 1998-1999
Drug Possession	50%	50%	no change
Drug Distribution	11%	10%	1%
Other	9%	9%	0%
Theft	7%	12%	-5%
Rape/Sex Offenses	6%	1%	5%
Burglary	6%	5%	1%
Robbery	4%	5%	-1%
Weapons Offenses	3%	2%	1%
Homicide	3%	3%	0%
Battery/Assault	3%	4%	-1%

Source: MCC Research

trials lasted three days or less.

Despite the fact that trials consume more judge time, judges holding the most jury trials had among the most efficient case processing times, the lowest case backlogs, and the highest ABA time standard compliance rates. This is partly because many cases, particularly older ones, will only be resolved by trial.

INFORMATION MANAGEMENT IN CDC

In this and prior Judicial Watch reports, the MCC has pointed out the need for CDC to adopt case processing standards, to monitor compliance with these standards, and to develop a strategy for coping with its large inventory of pending cases. The MCC believes that policies aimed at improving court efficiency can and should be adopted. The MCC also believes that one of the fundamental needs of the New Orleans adult criminal justice system is a modern, automated case management information system (CMIS), a computer software program that allows courts to easily track each case entering the judicial process, from inception to disposition.

The existing court information system, operated by the Orleans Parish Criminal Sheriff's Office, is an inadequate management tool. It is not an integrated database program that provides the comprehensive, aggregate court-wide information on caseflow, case status, and case outcomes needed to support management decisions and promote efficiency and accountability in the adult criminal justice system. The computer system operated by the District Attorney's Office tracks cases pending disposition in the court, but it is used primarily for internal management.

Many large jurisdictions around the country have implemented automated case management information systems, including the 24th Judicial District (Jefferson Parish). A CMIS would support the development and monitoring of case processing standards, allow the court to generate timely, accurate, and uniform management data, and increase the ability of all judges to manage their dockets more efficiently.

Exhibit Five:

JURY TRIALS IN CDC, 1999

Judge (Section of Court)	Number of Jury Trials, 1999	Number of Jury Trials, 1998
Cannizzaro (J)	89	126
Waldron (F)	64	86
Buras (H)	42	37
A. Hunter (K)	40	48
Court Average	***40***	***47***
S. Hunter (C)	39	29
Quinlan (B)	35	30
Parker (G)	34	55
Elloie (A)	33	47
Bigelow (I)	32	44
Alarcon (L)	30	30
Johnson (E)	26	39
Marullo (D)	19	23
	483	594

Source: Judicial Council of Louisiana

PART TWO: OVERALL JUDICIAL PERFORMANCE

The three primary measures of judicial performance chosen by the MCC are case processing time, compliance with ABA time standards, and the inventory of pending cases. Assessing court performance in these areas helps identify unnecessary delays in case processing, identifies practices that either impede or enhance the fair and timely resolution of felony cases, and provides the public with the knowledge on which to base reasonable expectations of judicial performance. Case processing data from these three areas are widely regarded by authorities in the criminal justice system as reliable performance indicators and essential court management tools.

Many factors affect the time it takes to process a particular case, including the severity of charge(s) against a defendant, whether a trial or an appeal is involved, and the number and type of pretrial motions in a case. Due to the random allotment of cases in the court however, these factors do not determine the annual or long-term performance of a particular judge. Solid judicial performance results from good docket management practices, such as the timely scheduling of court events, and well-defined continuance policies. Adopting such practices and policies creates an atmosphere of productivity and cohesiveness among all workers in the courtroom and results in greatly enhanced efficiency.

CASE PROCESSING TIME

Case processing time is expressed as the median time to disposition, meaning that one-half of all felony cases adjudicated reached disposition in less than the median time while the other half reached disposition in more time. This length of time (in days) does not include periods of inactive time during which a defendant was inaccessible to the court (e.g., when a defendant absconds, jumps bail or is held in another jurisdiction), or while the case is on appeal.

As shown in Exhibit Six, the median case processing time for CDC remained essentially unchanged in 1999 compared with 1998, sustaining the reduction in case processing time achieved in 1998. The number of sections performing better than the court average increased from three to four sections, however, and the number of sections with a CPT of under eighty days increased from six to eight.

The variability in case processing time among court sections however, grew substantially. For example, the disparity between the least efficient (118 days) and the most efficient (27 days) court sections in 1999 grew to 91 days, a 38-day increase over 1998.

Prior MCC research showed significant differences among court sections in the granting of continuances, a major impediment to efficient case processing. The need to reschedule court events arises for a variety of reasons, many of them valid and unavoidable, including scheduling problems and the failure of a defendant to appear in court. Firm and thoughtful guidelines regarding the granting of continuances however, can minimize their use and significantly reduce periods of unnecessary delay in the case process.

Exhibit Six:

MEDIAN CASE PROCESSING TIME, 1999

Judge (Section of Court)	Median Case Processing Time (in days)
1. Cannizzaro (J)	27
2. Bigelow (I)	32
3. Waldron (F)	50
4. Parker (G)	52
Court Average	***62***
5. S. Hunter (C)	63
6. Alarcon (L)	66
7. A. Hunter (K)	72
8. Marullo (D)	77
9. Buras (H)	82
10. Johnson (E)	84
11. Elloie (A)	109
12. Quinlan (B)	118

Source: MCC Research

Compliance with ABA Time Standard

For jurisdictions, including CDC, that do not have time standards, the American Bar Association's felony case processing standard is a useful performance benchmark. This standard, endorsed by leading national court organizations, requires that all felony cases be resolved within one year of arrest. For purposes of this study the MCC modified the ABA time standard to include the shorter period from indictment to disposition.

CDC judges' performance relative to these standards is presented in Exhibit Seven.

Exhibit Seven:

Compliance with ABA Time Standard

Judge (Section of Court)	Compliance Rate ABA Standard =100%
1. Bigelow (I)	100%
2. Cannizzaro (J)	98%
3. Waldron (F)	97%
4. Parker (G)	96%
4. Buras (H)	96%
6. A. Hunter (K)	95%
6. Alarcon (L)	95%
8. S. Hunter (C)	94%
Court Average	***93%***
9. Elloie (A)	88%
9. Marullo (D)	88%
9. Johnson (E)	88%
12. Quinlan (B)	83%

Source: MCC Research

Though the court's average compliance rate fell from 94 percent in 1998 to 93 percent in 1999, the number of court sections performing better than the court average increased from four to eight over the period. This suggests an improvement in the overall performance of the CDC judges. On the negative side, however, four judges fell below the 90 percent compliance level in 1999, and the disparity between the highest individual compliance rate (100 percent) and the lowest (82 percent) increased substantially in 1999.

Size and Age of Pending Cases

The third indicator used to assess a court's efficiency and the effectiveness of individual docket management policies is the size and age of the court's active pending caseload. CDC judges' performance relative to this indicator is presented in Exhibit Eight.

The MCC's research shows a marked decrease of 28 percent in the size of the court's average pending caseload, which declined from an average of 227 cases per section in 1998 to 164 per section in 1999. This decrease is due in part to the 19 percent decline in charges filed in CDC by the Orleans Parish District Attorney's Office in 1999.

Part of this decrease, however, is attributable to the dedication of the judges to reducing their case backlogs. And while all but one court section showed a drop in average monthly case inventory in 1999, six sections (C, F, G, H, K, and L) achieved notable declines of between 38 percent and 41 percent over 1998 levels. Also of note, the number of court sections maintaining pending caseloads below the court average increased from six in 1998 to eight in 1999. For the fourth year in a row, Sections I and J maintained the lowest average number of pending cases among all sections of Criminal District Court.

Exhibit Eight:

Inventory of Cases, 1999

Judge (Section of Court)	Average Active Pending Caseload (per Month), 1999	Average Percentage of Cases Older than One Year, 1999
1. Bigelow (I)	67	4%
2. Cannizzaro (J)	76	9%
3. Waldron (F)	95	13%
4. S. Hunter (C)	133	18%
5. Alarcon (L)	137	14%
5. Parker (G)	137	18%
7. A. Hunter (K)	163	15%
8. Buras (H)	164	11%
Court Average	***165***	***17%***
9. Johnson (E)	213	25%
10. Quinlan (B)	243	28%
11. Elloie (A)	256	27%
12. Marullo (D)	292	26%

Source: MCC Research

Although the court's inventory of pending cases declined significantly, the MCC found that the court's average monthly percentage of pending cases one year old or older grew from 12 percent to 17 percent from 1998 to 1999. In fact, only three court sections (H, J, and K) achieved reductions in the case-age category. As Exhibit Eight indicates, court sections with the oldest caseloads are typically those with the largest inventory of cases pending disposition. Cases over a year old are obviously problematic ones, and the growth in the percentage of older cases suggests that most judges have chosen to focus on newer cases in an effort to reduce the size of their pending caseloads

JUDICIAL PERFORMANCE RANKINGS

A ranking of the judges' overall performance for 1999 is presented in Exhibit Nine. These rankings were determined by rating the relative performance of each judge within each measured area, and then calculating an overall rank by combining performance ratings in all areas studied. The performance of each judge is presented individually in the following section.

Exhibit Nine:

OVERALL JUDICIAL RANKINGS

Judge (Section of Court)

1. Raymond Bigelow (I)
2. Leon Cannizzaro (J)
3. Dennis Waldron (F)
4. Julian Parker (G)
5. Sharon Hunter (C)
6. Terry Alarcon (L)
7. Arthur Hunter (K)
8. Camille Buras (H)
9. Calvin Johnson (E)
10. Frank Marullo (D)
11. Charles Elloie (A)
12. Patrick Quinlan (B)

Source: MCC Research

Part Three: Judicial Performance Summaries

Presented first in this section is a summary of court-wide performance, followed by the performance summaries of individual judges. The MCC believes that the three indicators of judicial performance used in this analysis provide a meaningful basis for evaluating judicial functioning. Although not within the scope of this report, the MCC acknowledges that equality, fairness, and integrity are also of great importance in assessing judicial performance.

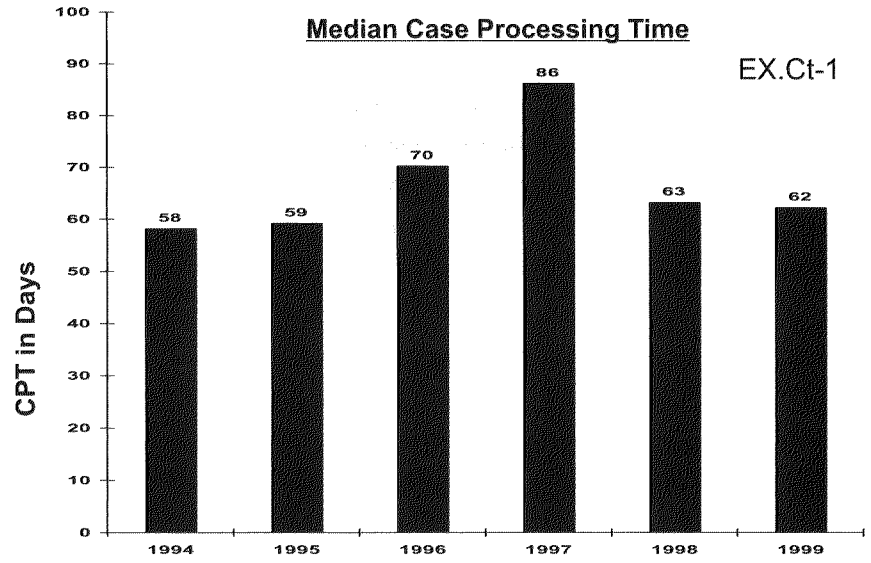
All Court Sections

The court made progress in gaining control of its docket in 1999 as the number of sections performing better than the court average increased in all performance areas. The court achieved a notable 28 percent reduction in its average monthly case inventory in 1999, aided by a 19 percent decline in the number of case filings. Additionally, the reductions in case processing time and the higher rate of compliance with the ABA case processing standard achieved by the court in 1998 were sustained in 1999. Nine judges achieved improvements in at least two performance areas, and four of the nine made improvements in all three major areas of performance.

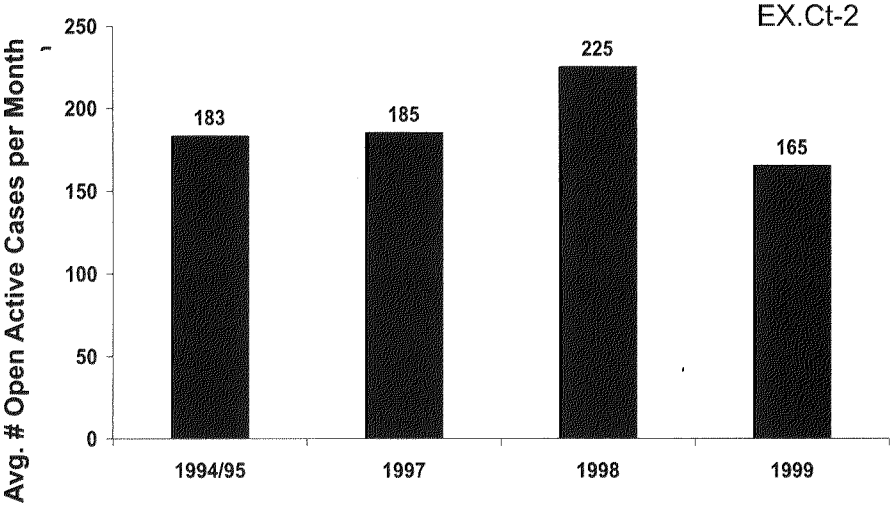
One of the more troubling aspects of court case processing continues to be the wide, and growing, variability in performance among the court sections. Contributing to this disparity, and lowering the court's overall performance, were four judges who functioned below the court average in all performance areas. The performance of three of these four judges declined in two of the three major performance areas between 1998 and 1999.

All Court Sections

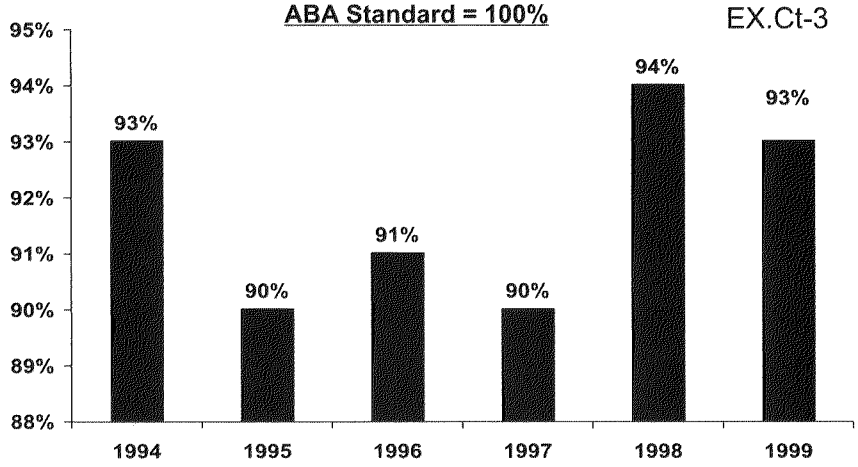
Median Case Processing Time EX.Ct-1



Inventory of Cases EX.Ct-2



Compliance with ABA Time Standard
ABA Standard = 100% EX.Ct-3



Individual Performance Summaries

Judge Charles Elloie, Section A

Years on Bench - 3

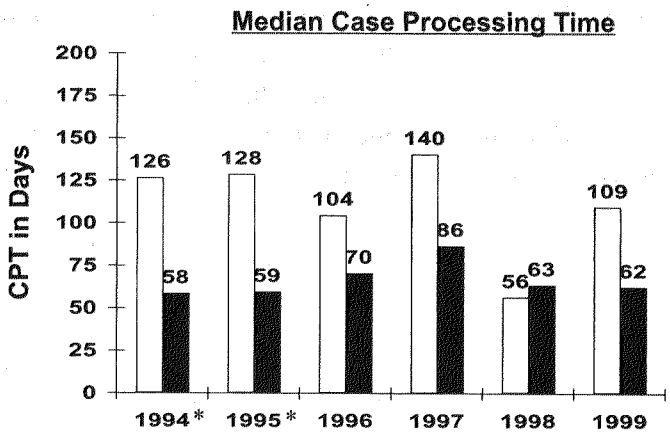
Overall Performance Rank - 1997 (11th), 1998 (7th), 1999 (11th)

During 1999, Judge Elloie's performance declined in two of the three performance areas measured. Of great concern was the near doubling of the median case processing time in Section A, from 56 days in 1998 to 109 days in 1999. In addition, the percentage of cases closed within the ABA standard declined from 91 percent to 88 percent, and the percentage of Judge Elloie's pending caseload over a year old grew from 23 percent to 27 percent between 1998 and 1999. Although Judge Elloie reduced his monthly pending caseload by 9 percent in 1999, this achievement was mitigated by the fact that the total number of case filings fell by 19 percent. Section A was one of CDC's four lowest performing sections and could benefit greatly from a modern case management information system.

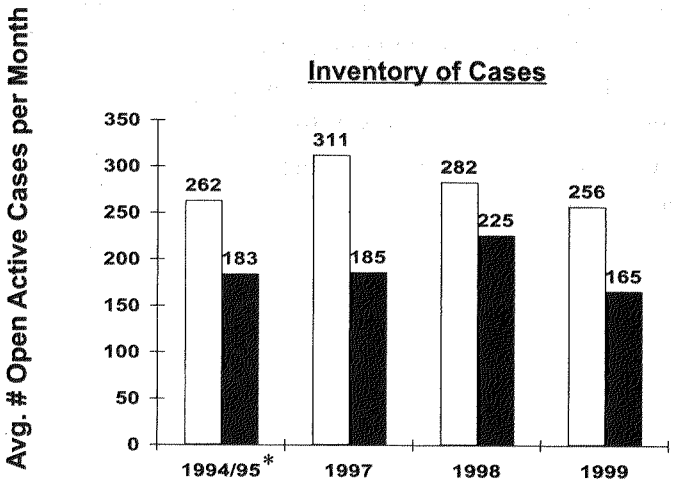
The MCC recommends that Judge Elloie adopt docket management practices that expedite case processing in his section. These practices might include a more restrictive policy regarding the granting of continuances, as well as the prioritization of older cases for adjudication.

*Judge Elloie was not on the bench during these years.

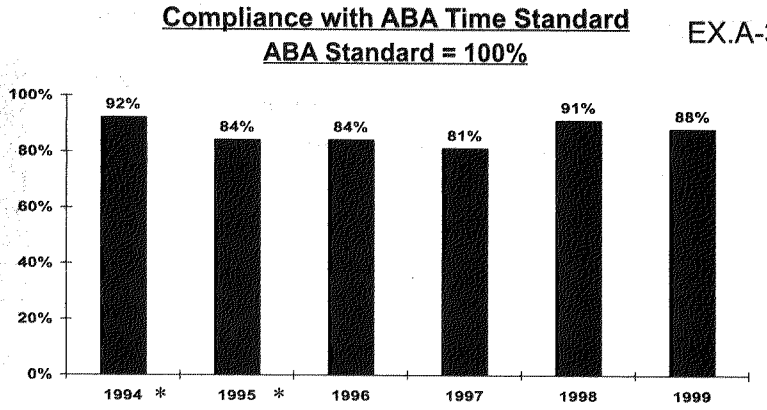
EX.A-1



EX.A-2



EX.A-3



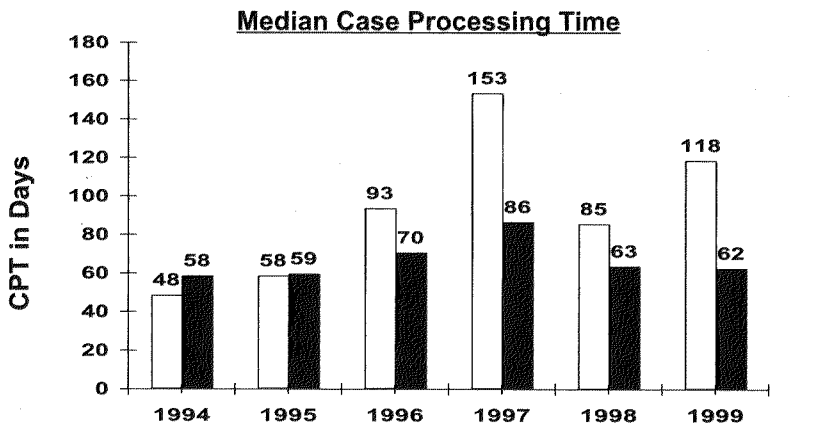
Judge Patrick Quinlan, Section B
Years on Bench - 15
Overall Performance Rank - 1997 (8th), 1998 (9th), 1999 (12th)

Judge Quinlan achieved a 21 percent reduction in his average monthly pending caseload, down from a court-high monthly average of 308 in 1998 to 243 in 1999. Although significant, this decrease was below the court's overall decrease in 1999 of 28 percent. Section B was among CDC's four lowest performing sections in 1999 and could benefit greatly from a modern case management information system.

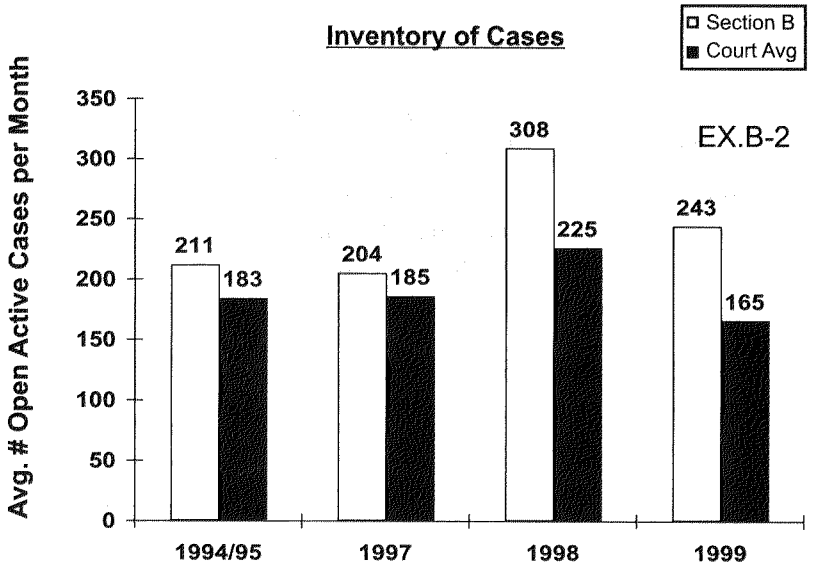
The gains achieved by Judge Quinlan in 1998 in speeding his section's movement of cases were lost in 1999 as the median case processing time in Section B increased by 39 percent. Also, the Judge's performance relative to the ABA time standard declined substantially between 1998 and 1999. As a result of low performance in these areas, the percentage of Section B's case inventory over a year old increased from 18 percent in 1998 to 28 percent of the caseload in 1999.

The MCC suggests that Judge Quinlan examine his section's case processing operations to identify inefficient docket management practices hindering the timely movement of cases. The MCC recommends that Judge Quinlan work closely with prosecutors and defense attorneys to prioritize his section's older cases for expedited handling. The MCC further recommends that Judge Quinlan examine his section's continuance policies to ensure that continuances are granted only when necessary and that cases are rescheduled in a timely manner.

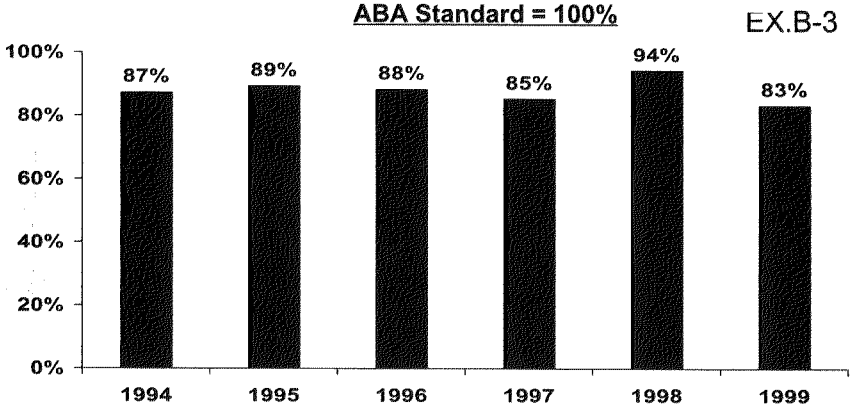
EX.B-1



EX.B-2



EX.B-3



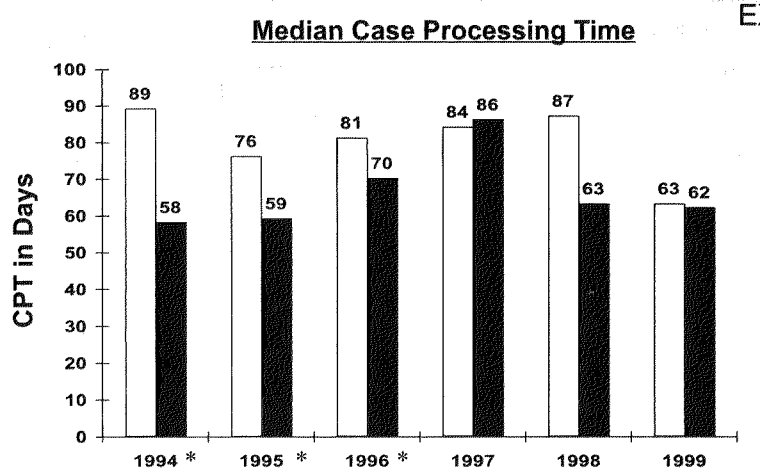
JUDGE SHARON HUNTER, SECTION C
YEARS ON BENCH - 3
OVERALL PERFORMANCE RANK - 1997 (11TH), 1998 (7TH), 1999 (5TH)

Judge Sharon Hunter was one of four judges in 1999 who demonstrated improvement in all major performance areas measured. The average case processing time in her section was reduced by 28 percent, the average monthly pending caseload was lowered by 52 percent, from 276 (1998) to 132 (1999), and a higher percentage of cases was closed within the ABA time standard. Judge Hunter's pending caseload is now among the lowest in the court, and her section performs at or better than the court average in all performance areas.

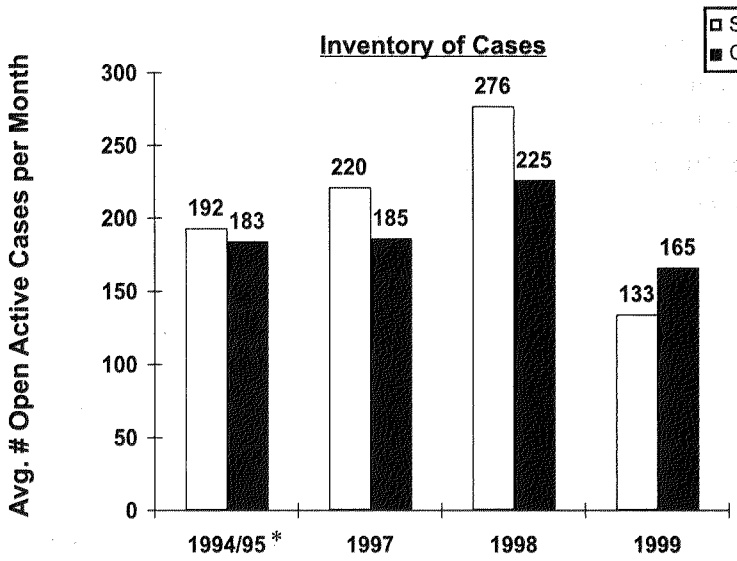
As was the case with a majority of court sections, the percentage of pending cases in Section C over one year old increased in 1999. The MCC recommends that Judge Hunter give priority to the older cases on her docket.

*Judge Hunter was not on the bench during these years

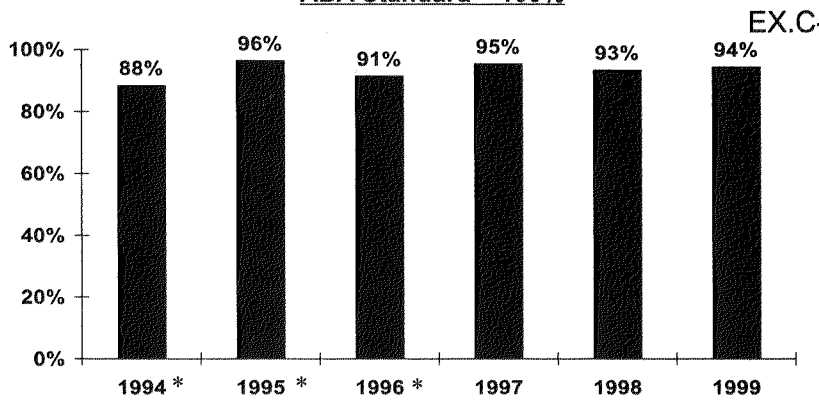
EX.C-1



EX.C-2



EX.C-3

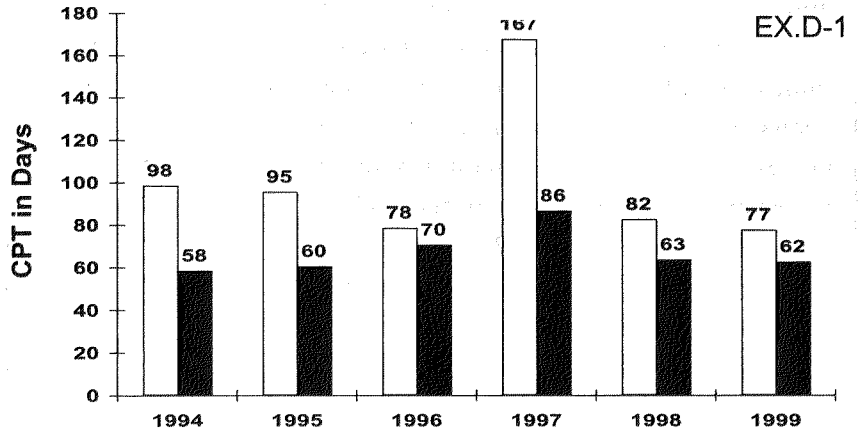


JUDGE FRANK MARULLO, SECTION D
YEARS ON BENCH - 26
OVERALL PERFORMANCE RANK -1997 (12TH), 1998 (11TH), 1999 (10TH)

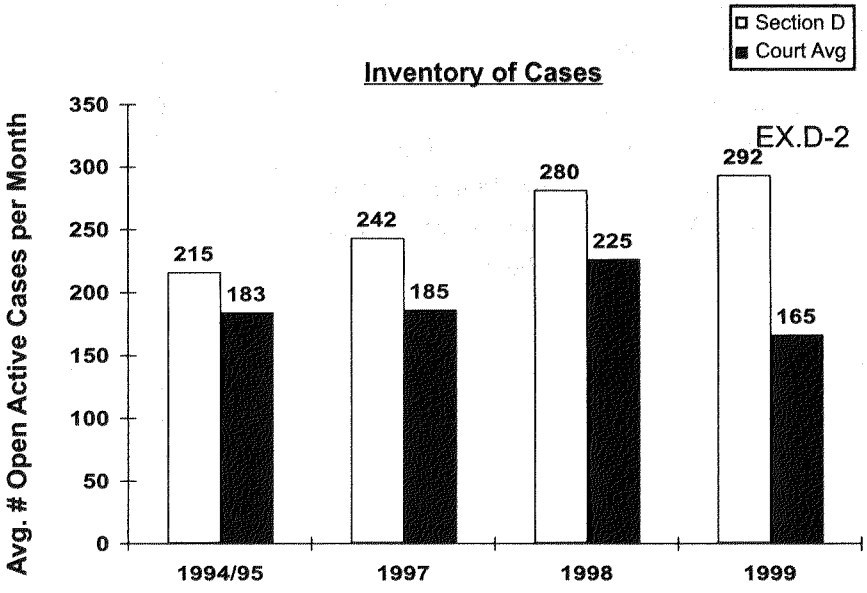
Though Judge Marullo's overall court ranking improved from 11th place in 1998 to 10th place in 1999, his section's performance declined in two of the three major performance areas. Also overshadowing this gain was that Judge Marullo's court was the only section evidencing an increase in the average monthly inventory of pending cases in 1999. Given the 19 percent decrease in cases filed in CDC in 1999, this increase is particularly disconcerting. Further, the percentage of cases in Section D's docket over one year old increased from 19 percent in 1998 to 26 percent in 1999. Section D is among CDC's lowest performing sections and could benefit greatly from a modern case management information system.

Section D is one of only four sections at CDC to perform below the court average in all performance areas measured. The MCC recommends that Judge Marullo take immediate steps to reduce his case inventory, a backlog that has increased since 1995 and is now the largest in the court. Judge Marullo should work closely with prosecutors and defense attorney to identify case processing problems and expedite adjudication of Section D's cases over one year old. Section D had the lowest number of jury trials (19) of any court section in 1999. It is probable that the low number of trials contributed to the section's large number of pending cases because older cases are not likely to be settled by a plea, and a trial will be necessary to move them.

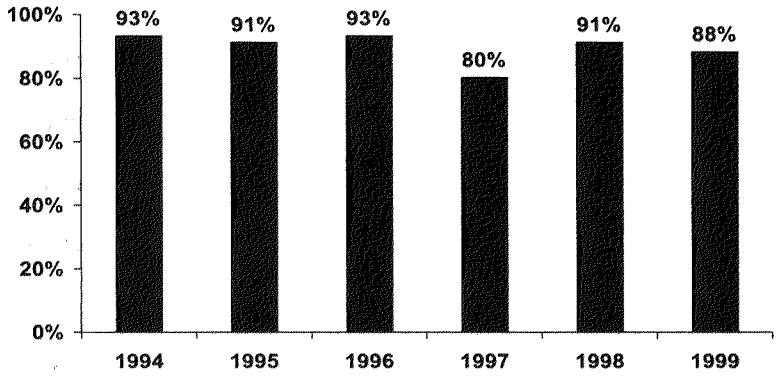
Median Case Processing Time EX.D-1



Inventory of Cases EX.D-2



Compliance with ABA Time Standard
ABA Standard = 100% EX.D-3



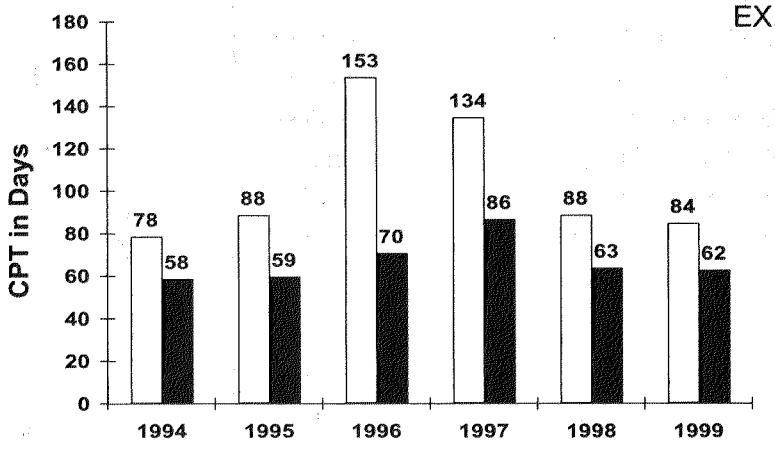
JUDGE CALVIN JOHNSON, SECTION E
YEARS ON BENCH - 9
OVERALL PERFORMANCE RANK - 1997 (8TH), 1998 (12TH), 1999 (9TH)

Section E achieved improved performance in two out of three performance areas during 1999, and improved in the overall rankings from 12th in 1998 to 9th in 1999. Moreover, case processing time in Section E improved for the third consecutive year, and Judge Johnson was able to reduce his average pending caseload by 31 percent.

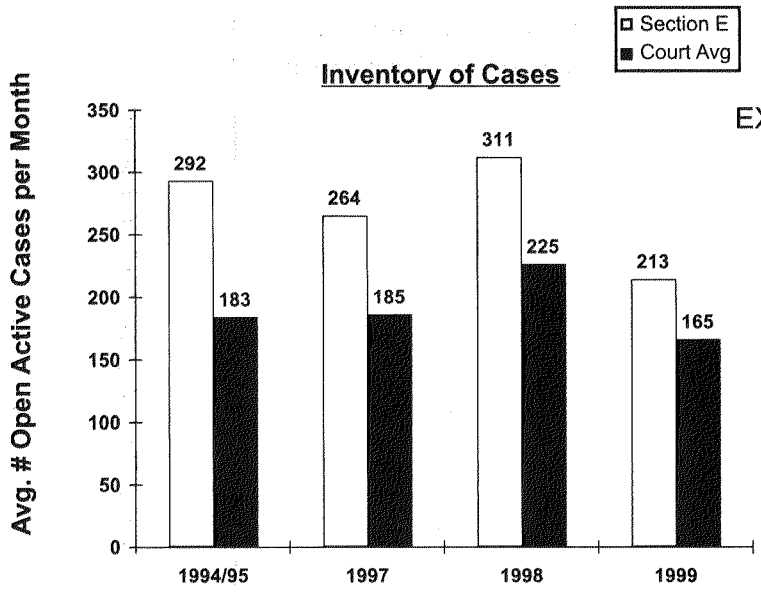
While Judge Johnson demonstrated marked gains in case management in 1999, his section remains one of only four sections performing below the court average in all performance areas. Of particular concern, the percentage of cases in Section E over one year old grew from 19 percent in 1998 to 25 percent in 1999.

Judge Johnson is encouraged to build on his improved performance by working closely with the prosecution and defense attorneys to formulate a case processing strategy that improves efficiency, targets the old cases on his docket, and further reduces his section's inventory of cases. Part of this strategy should include increasing the number of trials held in Section E. Older cases often will not end in a plea but will require a trial to reach disposition. Section E had the second fewest number of trials at CDC in 1999. A case management information system would enable Section E to expedite the processing of the older cases on its docket.

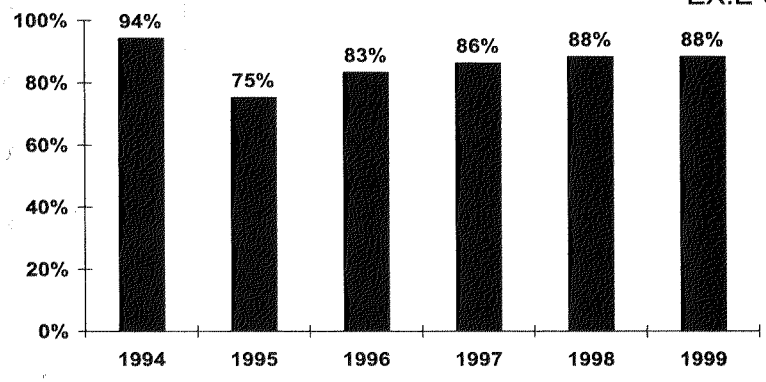
Median Case Processing Time EX.E-1



Inventory of Cases EX.E-2



Compliance with ABA Time Standard
ABA Standard = 100% EX.E-3

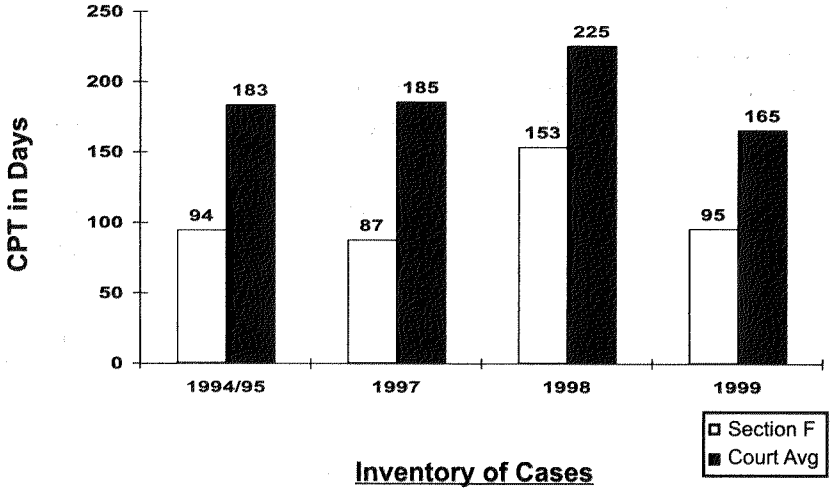


JUDGE DENNIS WALDRON, SECTION F
YEARS ON BENCH - 18
OVERALL PERFORMANCE RANK - 1997(3RD), 1998 (3RD), 1999 (3RD)

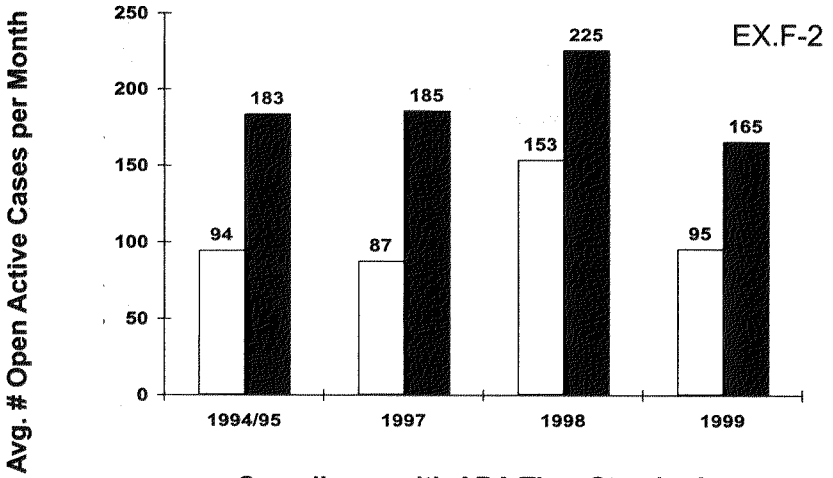
Section F continues to be one of the most efficient, productive, and best managed sections in the court. Judge Waldron for the sixth consecutive year has one of the most efficiently managed dockets in the court, lowering his case processing times in 1999 by 21 percent and reducing his pending caseload by 38 percent.

The MCC recommends that Judge Waldron work closely with the prosecution and defense attorneys to prioritize older cases for adjudication, as the percentage of cases on his docket over a year old grew from 6 percent in 1998 to 13 percent in 1999.

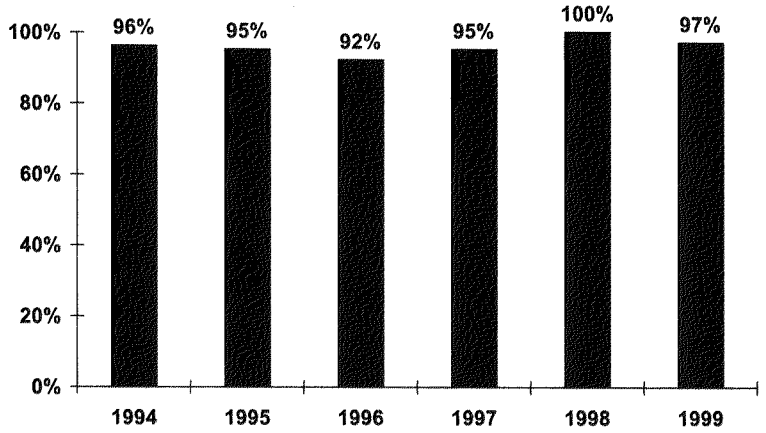
Median Case Processing Time EX.F-1



Inventory of Cases EX.F-2



Compliance with ABA Time Standard
ABA Standard = 100% EX.F-3

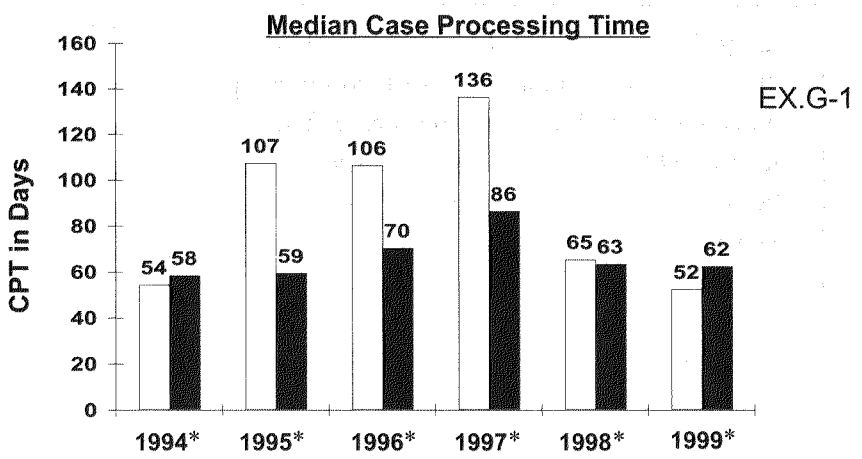


Judge Julian Parker, Section G
Years on Bench - 3
Overall Performance Rank - 1997 (10th), 1998 (8th), 1999 (4th)

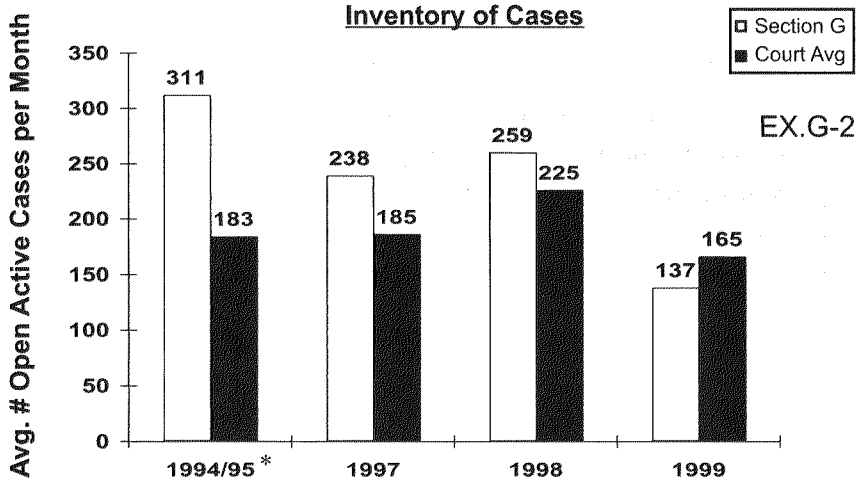
The steady improvements in docket management in Section G continued in 1999 as Judge Parker became one of the top performing judges in the court. Between 1998 and 1999, Judge Parker cut his average monthly pending caseload by 47 percent, lowered his median case processing time from 65 to 52 days, and improved his compliance rate with the ABA time standard from 90 percent to 96 percent. Judge Parker is one of only four judges with improved performance in all three major performance areas measured. The implementation of an automated case management system in Section G has helped improve the section's efficiency and productivity and reflects Judge Parker's commitment to good docket management practices.

Though the percentage of cases over a year old (18 percent) in Judge Parker's pending caseload is lower than the court average (20 percent), there is room for further improvement in reducing the number of old cases on his docket. Judge Parker is encouraged to work with the prosecution and defense attorneys to prioritize these older cases for adjudication.

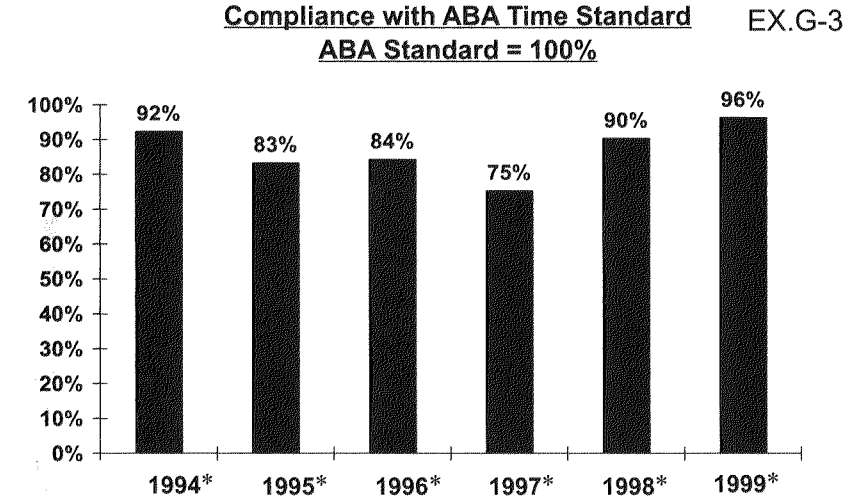
*Judge Parker was not on the bench during these years.



EX.G-1



EX.G-2



EX.G-3

JUDGE CAMILLE BURAS, SECTION H
YEARS ON BENCH - 1
OVERALL PERFORMANCE RANK - 1998 (6TH), 1999 (8TH)

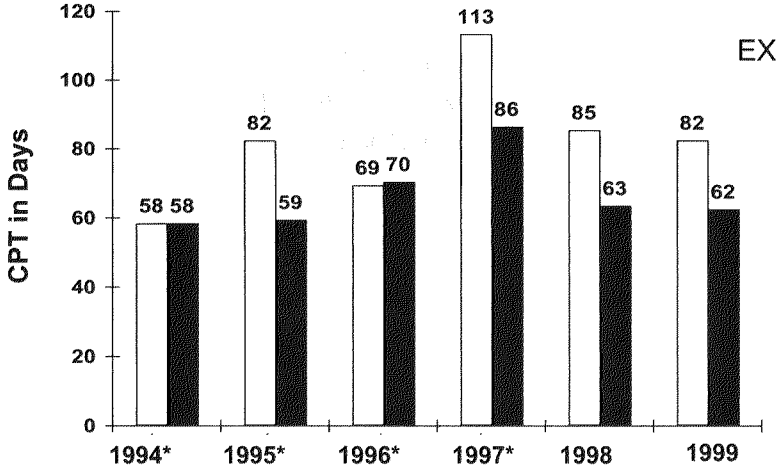
Judge Buras took the bench in October 1998, and in 1999 improved the functioning of Section H in all performance areas. The most notable achievements in 1999 were a 28 percent reduction in the average monthly pending caseload, an increase in her section's compliance rate with the ABA time standard, up from 93 percent (1998) to 96 percent (1999), and a reduction in the percentage of cases over a year old from 28 percent (1998) to 12 percent (1999).

Though also improved, Section H's median case processing time in 1999 remains well above the court average. The MCC recommends that Judge Buras review her section's policies regarding the granting of continuances and work with the prosecution and defense attorneys to further reduce Section H's inventory of pending cases.

*Judge Buras was not on the bench during these years.

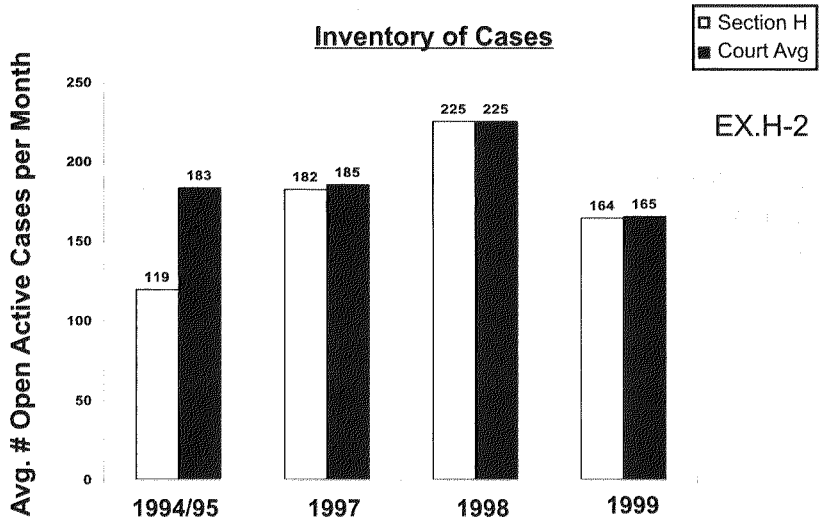
Median Case Processing Time

EX.H-1



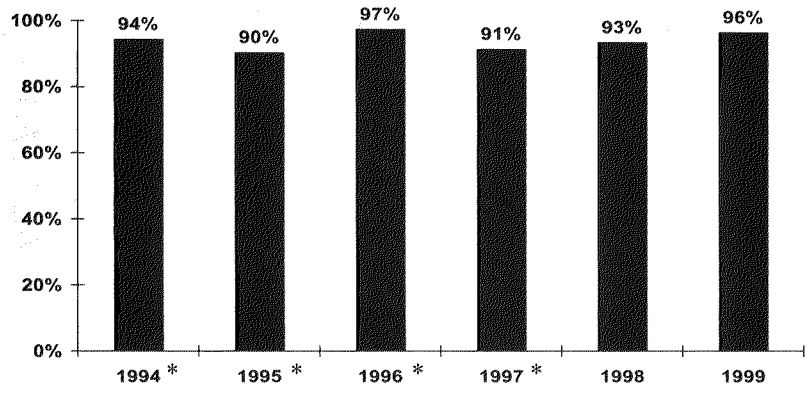
Inventory of Cases

EX.H-2



Compliance with ABA Time Standard
ABA Standard = 100%

EX.H-3

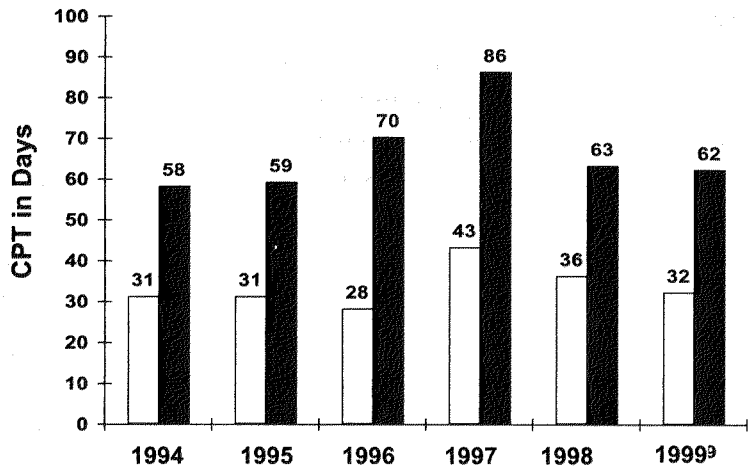


Judge Raymond Bigelow, Section I
Years on Bench - 7
Overall Performance Rank - 1997 (2nd), 1998 (1st- tie), 1999 (1st)

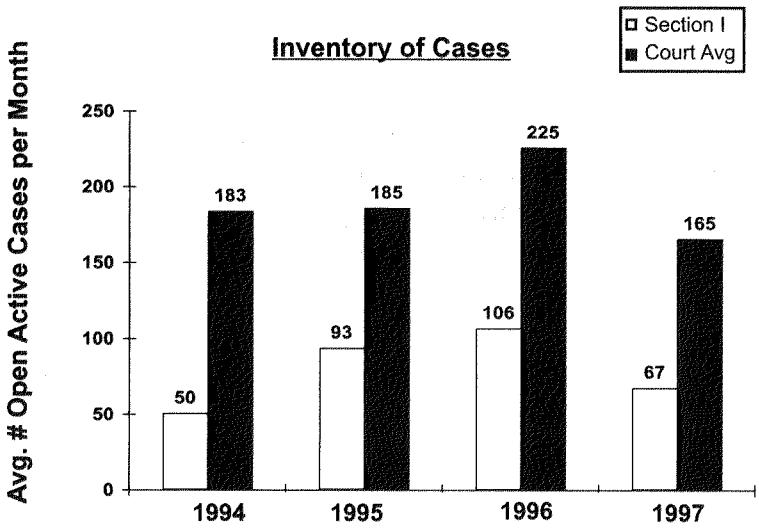
Judge Bigelow has been one of the court's top performers throughout his tenure on the bench and 1999 was no exception. Over the past year, Judge Bigelow reduced his already efficient case processing time to 32 days, lowered his average monthly pending caseload by 37 percent to a court low of 67, and closed 100 percent of his cases within the ABA time standard. Additionally, the percentage of cases over one year old pending in Section I is 4 percent, the lowest in the court.

The present docket management practices employed by Judge Bigelow, including the use of a case management information system, are clearly effective ones, and the high level of performance achieved in Section I will be a challenge to improve upon.

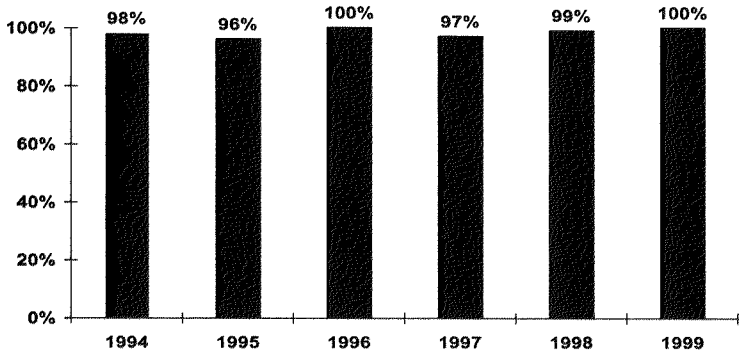
Median Case Processing Time EX.I-1



Inventory of Cases EX.I-2



Compliance with ABA Time Standard
ABA Standard = 100% EX.I-3

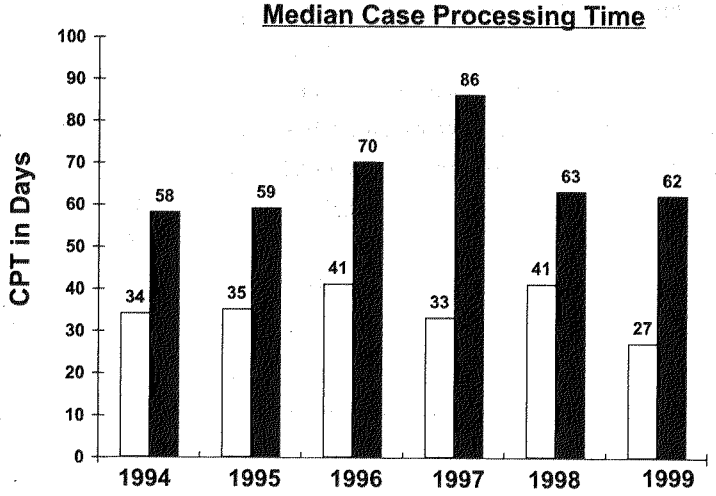


JUDGE LEON CANNIZZARO, SECTION J
YEARS ON BENCH - 14
OVERALL PERFORMANCE RANK - 1997 (1ST), 1998 (1ST), 1999 (2ND)

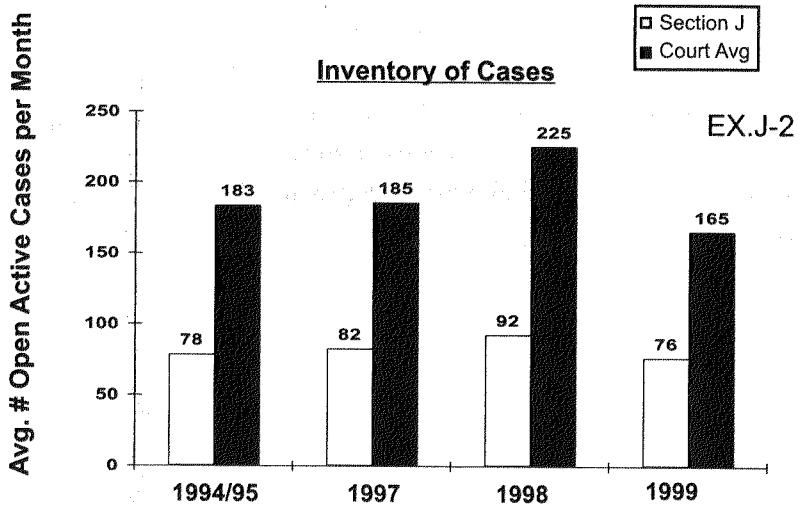
Judge Cannizzaro continues to demonstrate a very high level of performance, productivity, and efficiency on the bench. Section J's median case processing time of 27 days is the best in the court and represents a 34 percent decrease over 1998. Judge Cannizzaro also reduced his section's average monthly pending caseload by 18 percent, from 92 in 1998 to 75 in 1999. Compliance with the ABA time standard decreased slightly in 1999, from 99 percent to 98 percent, and the percentage of cases over one year old grew from 5 percent (1998) to 9 percent (1999).

Section J has the highest jury trial rate in the court, which contributes to this section's consistently high performance. Overall, Judge Cannizzaro employs highly effective docket management practices.

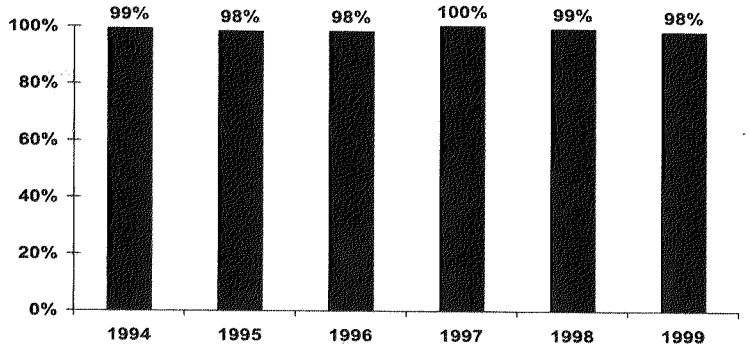
Median Case Processing Time EX.J-1



Inventory of Cases EX.J-2



Compliance with ABA Time Standard
ABA Standard = 100% EX.J-3



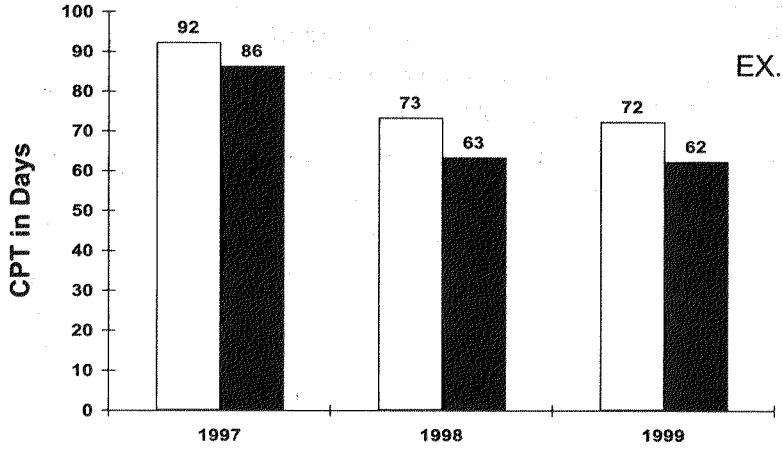
Judge Arthur Hunter, Section K
Years on Bench - 3
Overall Performance Rank - 1997 (5th), 1998 (5th), 1999 (7th)

Judge Hunter has demonstrated consistent improvement in performance since taking the bench in 1997, and was one of four judges in 1999 to demonstrate improvement in all three major performance areas measured. Although modest, these improvements include a one-day reduction in median case processing time, a 23 percent reduction in pending caseload size, and an improved compliance rate with the ABA standard, up from 93 percent in 1998 to 95 percent in 1999.

The percentage of cases in Section K over one year old increased from 7 percent of the pending caseload in 1998 to 15 percent in 1999. The MCC recommends that Judge Hunter work closely with the assistant district attorney, and defense attorney's in his section and prioritize these older cases for expedited adjudication.

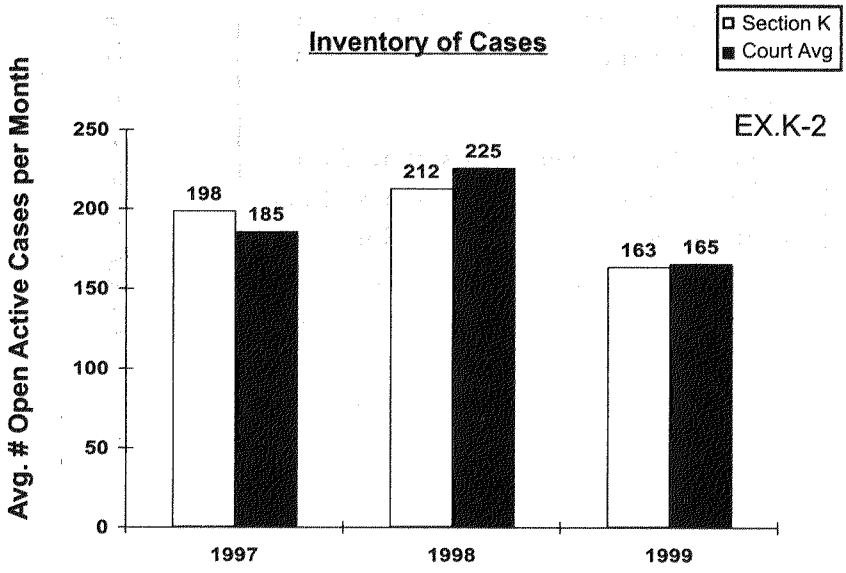
Median Case Processing Time

EX.K-1



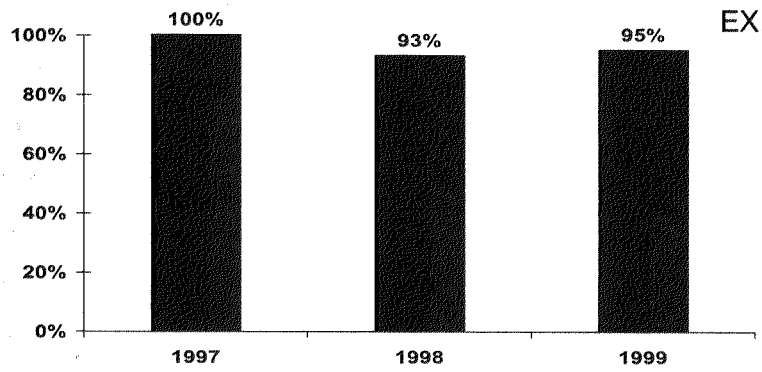
Inventory of Cases

EX.K-2



Compliance with ABA Time Standard
ABA Standard = 100%

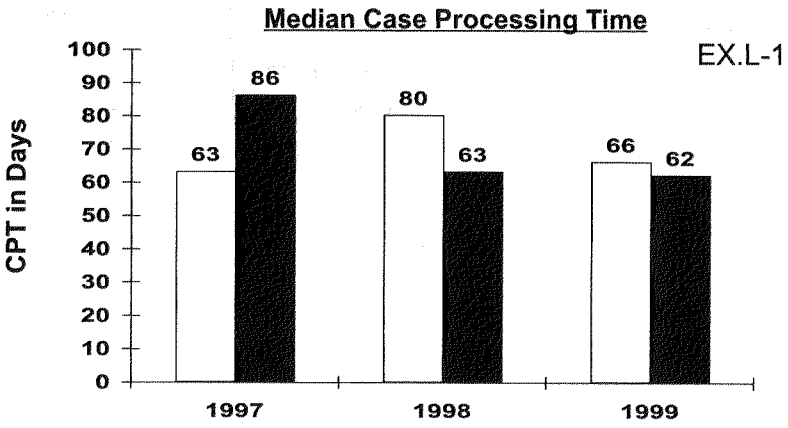
EX.K-3

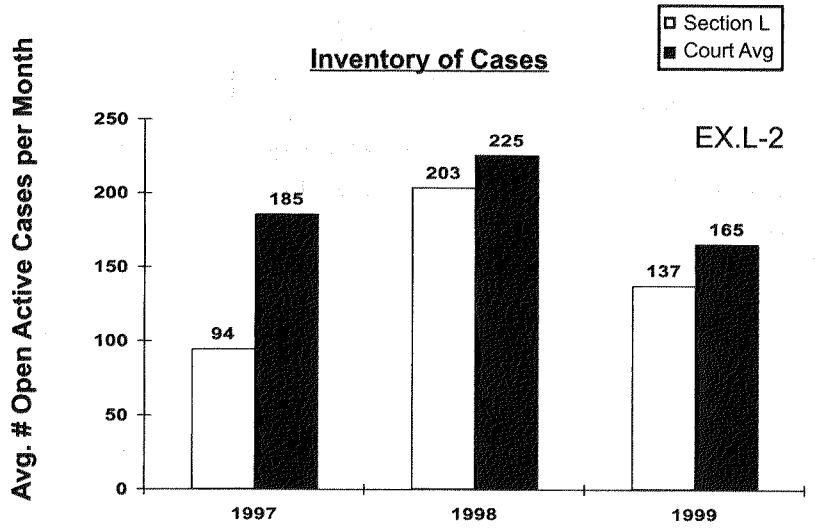


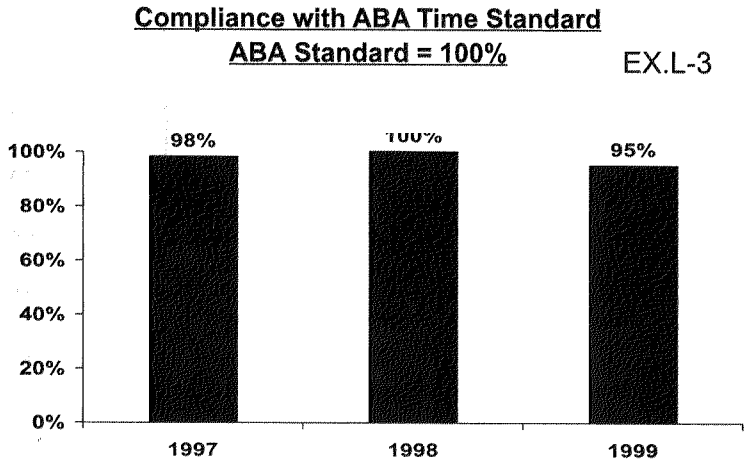
Judge Terry Alarcon, Section L
Years on Bench - 3
Overall Performance Rank - 1997 (4th), 1998 (4th), 1999 (6th)

Judge Alarcon has performed better than the court average since taking the bench in 1997. While Judge Alarcon's overall ranking dropped in 1999, his section demonstrated improvement in two of the three performance areas. The median case processing time in Section L decreased by 18 percent between 1998 and 1999, and the average monthly pending caseload was reduced by a substantial 33 percent. The percentage of pending cases over one year old grew from 5 percent of his docket in 1998 to 14 percent in 1999, however, as the compliance rate with the ABA time standard declined from 100 percent to 95 percent.

The MCC recommends that Judge Alarcon focus on reducing the age of his section's pending caseload by working with the prosecution and defense attorneys to prioritize older cases for expedited adjudication. A higher rate of trials could help reduce the number of older cases on the Section L docket.







PART FOUR: CONCLUSIONS AND RECOMMENDATIONS

CONCLUSIONS

The court demonstrated progress in gaining control of its docket during 1999 by showing good improvement in one of the three performance areas measured and marginal improvement in the other two. The court achieved a significant 27 percent reduction in the size of its average monthly pending caseload in 1999 (165) compared with 1998 (225); the median case processing time was reduced from 63 days in 1998 to 62 days in 1999, the third consecutive annual decrease; and the court's compliance rate with the ABA case processing standard in 1998 (94 percent) was essentially sustained in 1999 (93 percent).

Improvement in overall court performance is more demonstrable when viewed over the longer term. As shown in Exhibit Two below, the number of judges performing at a level above the court average increased in two of the three performance areas between 1994/95 and 1999. And although the number of judges exceeding the court's median case processing time (CPT) remained unchanged over this period, CDC's overall CPT was reduced by 11.4 percent. These trends are clearly indicative of a growing number of judges who are committed to good docket management practices.

A group of four judges (Judges Elloie, Quinlan, Marullo, and Johnson) however, continues to function at an average performance level well below that of the other judges in all performance areas measured:

- Median case processing time - 97 days versus 56 days.
- Average monthly case inventory - 251 cases versus 121
- Average percentage of cases over one year old- 27 percent versus 13 percent.
- ABA compliance rate - 87 percent versus 96 percent

  The ABA compliance rate for the four under-performing judges is 87 percent versus 96 percent for the other judges.

The MCC concludes that because a small group of judges skews overall judicial performance, the balance of the court should use its influence and leadership to encourage and assist under-performing judges to function at a higher level of efficiency. The adoption by the court of case processing time standards, the formulation of a strategy for reducing the large inventory of pending cases, and monitoring compliance with these policies would expedite the process of improving overall judicial performance.

In the absence of these reform measures, wide variability in judicial performance will continue, as will unnecessary delays and high case backlogs. The consequences of unnecessary delay in the court's caseflow process include reduced efficiency and increased costs to all justice system participants: victims, defendants, the court, the prosecution, defense attorneys, the criminal sheriff and law enforcement.

Exhibit Two:

OVERALL JUDICIAL PERFORMANCE IN 1994/95 VS. 1999

Performance Measure	Number of Sections Performing Above Court Average	
	1994/95	1999
Avg. Case Processing Time	4 (70 days)	4 (62 days)
Avg. Monthly Pending Caseload	4 (225)	8 (165)
ABA Compliance Rate	6 (94%)	8 (93%)

Source: MCC Research

Examples of these costs include detaining defendants in jail (some of whom may be innocent), rescheduling court events, and handling and maintaining case files. The viability of a prosecution is reduced the longer a case persists without resolution, and attorneys and staff in each court, in the clerk of court's office, and in the district attorney's office waste time duplicating preparation when cases are not adjudicated promptly. Finally, police officers miss time on patrol when they must be in court, and other witnesses are often needlessly inconvenienced when they must take time off from work only to find a trial has been postponed.

Timely access to accurate management information is also fundamental to improving court operations and increasing the court's accountability. Criminal District Court generates an enormous amount of information. Most of this information is now managed manually. A modern computerized case management system would greatly enhance the court's ability to raise its level of efficiency by reducing delays in the movement of cases.

The CDC has made incremental progress in this regard. Three CDC judges have established their own independent computerized information systems, and these sections are among the court's most efficient. A CDC judge also leads the Criminal Justice Information System Committee, a primary purpose of which is to upgrade and integrate existing information systems operated by the New Orleans Police Department (NOPD), the Orleans Criminal Sheriff's Office (OPCSO), and the District Attorney's Office. However, the court as an institution has not yet demonstrated that it possesses the level of unity and commonality of goals that could lead to implementation of a modern court-wide information system.

RECOMMENDATIONS

A leading court authority, Floyd Teeney, in commenting on court management practices, stated that about the only thing that is clear is that if courts are to improve during the next 30 years everyone associated with the courts's managers, judges, researchers, and others's must radically increase their attention to evaluation of performance Making performance standards and their evaluation a priority at CDC will require the concerted leadership of the chief judge, the cooperation of all of the judges, and the support of a professional and committed administrative staff. With this in mind, the MCC respectfully recommends that the judges of CDC:

- Adopt court-wide case processing standards with the stated goal of reducing the great disparity that exists among court sections in fundamental areas of judicial performance.
- Create a system that allows the court to monitor adherence to these standards.
- Work with their courtroom personnel, prosecutors, and defense attorneys to review courtroom procedures, identify problems, and institute more efficient case processing procedures.
- Adopt stricter continuance policies designed to eliminate unnecessary delays in the adjudication of cases.
- Work closely with prosecutors and defense attorneys to adopt strategies for disposing of the growing number of older cases on the CDC docket, including prioritizing older cases for prosecution and increasing the number of trials in targeted court sections.
- Reconfigure the court's administrative office to include staff with extensive training and experience in instituting modern court management procedures. Existing staff should receive training in contemporary court management practices.

One of the single greatest needs in the adult criminal justice system in New Orleans is the installation of a modern case management information system (CMIS) at Criminal District Court. A CMIS would greatly facilitate the implementation and monitoring of court-wide case processing practices. Therefore, the MCC further recommends that:

- The judges of CDC assert their leadership and move forward with implementing a modern court case management information system. The first step in this process is to contract with an experienced court information systems expert to conduct a comprehensive analysis

of the court's operations. As noted, three CDC judges have already implemented computerized management systems in their sections, and the court is actively involved with the Criminal Justice Information System Committee.

- As part of a reorganization of the Judicial Administrator's Office, the court should hire at least one trained technical and administrative staff member experienced in implementing modern court management procedures and overseeing court information systems development.

The MCC recognizes that creating an integrated CMIS is a difficult undertaking, but many cities (and entire states) have successfully implemented modern systems. These cities include Houston, Atlanta, Seattle, Kansas City, Detroit, Los Angeles, Sacramento, Nashville, Milwaukee, Phoenix, and Miami. The MCC's review of the implementation of court information systems in other jurisdictions identified some practices that are prerequisite to success:

- All information system stakeholders must buy in to and be included in the planning process to assure their support for the undertaking. Interagency cooperation is also essential.
- In the earliest stages of planning for a new system, the court must develop a clear vision of where the project is going, how it will get there, and what it will look like when completed.
- Support from outside consultants is essential. Hiring a technical consultant with extensive experience in criminal justice information systems to conduct a system assessment is a fundamental first step. This assessment should include a detailed analysis of infrastructure, hardware, and software needs, as well as recommendations for planning and organizing change.
- Planning must include clearly articulating the scope and objectives of the project, and developing comprehensive and detailed plans that outline the entire project.
- An effective organizational structure must be set up that will ensure the project reaches completion.
- Policies addressing governance issues and the sharing of information must be identified and resolved. All jurisdictions that have successfully implemented integrated CJIS created formal governance structures to guide development of the project.
- Technical issues regarding the sharing and security of information must be identified and resolved.
- Funding must be secured early in the process. A united court and a completed systems analysis that provides a roadmap for system development should attract the local, state, and federal funds needed to implement the CMIS.
- Development of a central relational database linking all justice system agencies has proven to be the best approach.

Taking these steps will greatly increase the court's accountability, improve its operating efficiency, and should assist in reducing the wide variation that now exists among court sections in case processing performance.