



METROPOLITAN CRIME COMMISSION, INC.

JANUARY – JUNE 2010 ORLEANS PARISH JUDICIAL ACCOUNTABILITY REPORT

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

Background

CDC has 12 elected section judges that oversee 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 Orleans Parish District Attorney's (DA's) Office accepts a felony case for prosecution, it is randomly assigned to one of these 12 sections of court. Over time, this random allotment process should result in each of the 12 judges receiving equal numbers and similar types of cases.

Since 2007, four new judges have been elected to the CDC bench. 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.

In 2007, the first year of this report, efficiency measures depicted a court still recovering from Hurricane Katrina. The median case processing time was 232 days and 34% of open cases were more than one year old. By 2008, case processing times reduced to 140 days, and the percent of cases more than one year old reduced to 21%.

Methodology

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

numbers of open cases, intricacy, and difficulty. Therefore, assessing court performance in these areas offers a fair and established gauge of the efficiency for each judge's felony case management practices.

Summary of Findings

Inventories of open cases and case processing time increased in the first half of 2010, but there was little change in the percent of backlogged cases more than one year old:

- Case processing time increased by 24 days from a median of 120 days in 2009 to 144 days in the first half of 2010.
- The inventory of open felony cases increased from an average of 204 open felony cases per section in 2009 to 230 per section in the first half of 2010.
- The percent of open cases more than one year old was 16% in the first half of 2010, which is similar to the 17% of open cases more than one year old in 2009.

Since 2008, the criminal justice system has seen an increase in felony cases entering the court system and a rise in the number of more serious charges such as violent and weapons offenses. Responsively, judges have seen their inventories and case processing times increase, but they have maintained a relatively low level of backlogged cases greater than one year old.

Judges also continue to show widely ranging measures of efficiency resulting in an uneven flow to the judicial process across different sections of court. The MCC encourages underperforming judges to apply sound case management practices that will improve the efficiency of the entire court. The MCC does not advocate greater efficiency at the expense of fairness and justice. However, applying these measurements of judicial performance provides a meaningful basis for evaluating and comparing the performance of each CDC judge.

OVERALL JUDICIAL EFFICIENCY RANKINGS

Exhibit 1 presents each judge's efficiency ranking through the first six months of 2010 compared to rankings for all of 2009. These overall rankings are based upon judges' number 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 retained the first place ranking through the first six months of 2010. Judge Alarcon continues to rank highly and tied for the second place ranking in the first half of 2010.

The biggest improvements in judicial efficiency were seen with Judges Landrum-Johnson, Derbigny, and Parker. Judge Landrum-Johnson's ranking increased to a tie for second after ranking seventh in 2009, and Judge Derbigny improved from eighth in 2009 to a tie for fourth in the first half of 2010. Judge Parker ranked tenth in 2009, which increased to seventh in the first half of 2010. These judges reduced their case processing times in the first half of 2010, while most other judges increased the time to close cases in their sections of court. Judge Landrum-Johnson's section of court also had a reduction in open cases and the percent of cases more than one year old.

Conversely, Judge Hunter and Judge Willard have the two lowest judicial rankings because their sections had increases in their numbers of open cases, more cases greater than one year old, and increases in case processing times of greater than 60 days.

EXHIBIT 1: Overall Judicial Efficiency Rankings

Jan-Jun 2010	2009	Judge
1	1	Judge Herman, Section I
2 – Tie	3	Judge Alarcon, Section L
2 – Tie	7	Judge Landrum-Johnson, Section E
4 – Tie	4	Judge Marullo, Section D
4 – Tie	8	Judge Derbigny, Section J
6	2	Judge Pittman, Section F
7	10	Judge Parker, Section G
8	5	Judge White, Section A
9	6	Judge Buras, Section H
10	12	Judge Van Davis, Section B
11	9	Judge Willard, Section C
12	11	Judge Hunter, Section K

Exhibit 2: Inventory of Open Felony Cases

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

Exhibit 2 shows each judge's average quarterly number of open felony cases from January through June 2010 and all of 2009. A judge having a smaller inventory of open cases compared to his or her peers is indicative of more efficient docket management.

The average number of open felony cases increased by 26 or 13% from 204 open cases per section in 2009 to 230 open cases per section from January through June of 2010.

While most judges had an increase in their open inventories, Judge Van Davis had a significant decrease from an average of 318 open cases in 2009 to 280 through the first half of 2010. There were also smaller decreases in the number of open cases pending before Judges Parker and Landrum-Johnson.

Nine of the 12 judges experienced increases in the number of open felony cases in their sections of court. The largest increases were seen by Judge Alarcon (an 81 case increase), Judge White (a 73 case increase), Judge Pittman (a 68 case increase), and Judge Buras (a 52 case increase).

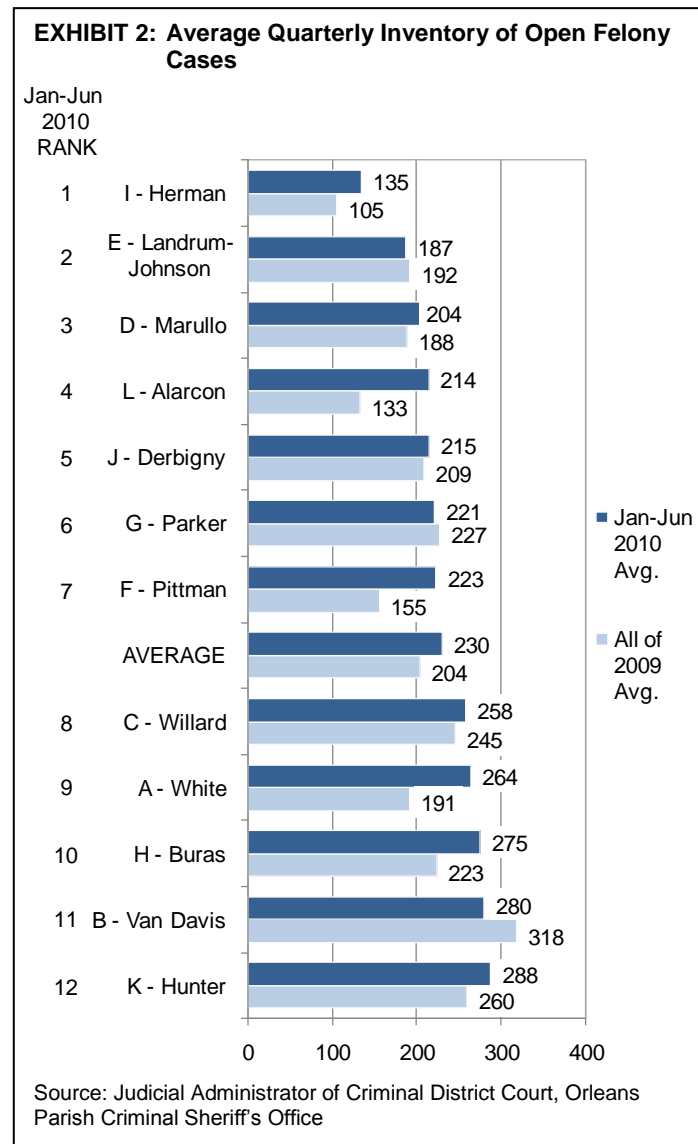


Exhibit 3: Felony Cases More Than One Year Old

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

Exhibit 3 shows the quarterly average percent of a judge's open felony cases that were more than one year old in the first half of 2010 and all of 2009. The percent of open felony cases more than one year old was essentially unchanged from 17% in 2009 to 16% in the first half of 2010. Six judges had reductions in their percent of cases over one year old, and five judges had an increase in their percent of cases more than one year old.

Rates of cases more than one year old went down by more than half before Judges Landrum-Johnson, Alarcon, and Herman. Judges Van Davis and Buras had moderate decreases in their percent of cases more than one year old.

Judge Marullo's percent of cases more than one year old increased from 10% in 2009 to 17% in the first half of 2010. Judges Willard and Hunter have sizeable dockets, therefore it is significant that a fourth of their pending cases are more than one year old.

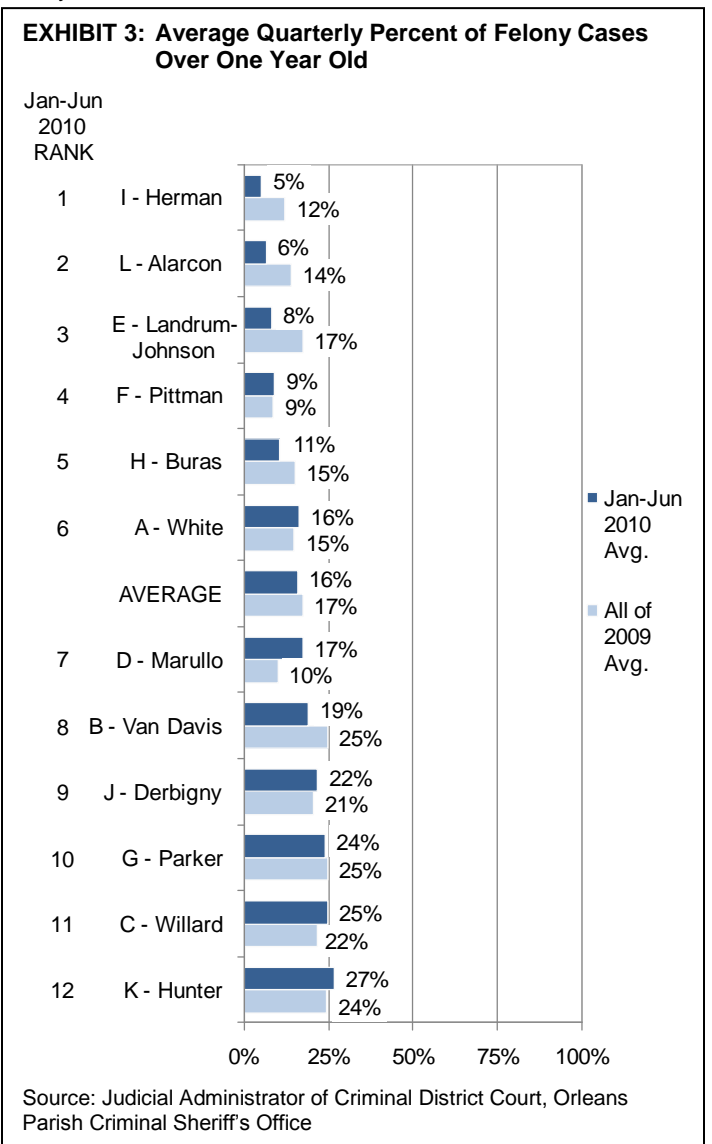


Exhibit 4: Felony Case Processing Time

Case processing time is expressed as the median time for cases to close. One half of cases closed in less than the median time while the other half closed in more than the median time. Time that defendants were fugitives and unavailable to appear in court was subtracted from these calculations.

The median case processing time increased from 120 days in 2009 to 144 days in the first half of 2010 (See Exhibit 4). It took judges a median of 24 days longer to bring cases to conclusion in the first half of 2010 compared to 2009. Previously, case processing times had steadily decreased from a median of 232 days in 2007 to 140 days in 2008, and then 120 days in 2009.

Eight of the 12 members of the Orleans Parish Criminal District Court had increases in their case processing times. Judges Buras, Willard, Hunter, Pittman, and White had increases of greater than 50 days in their median case processing times. Judge Marullo had a 29-day increase, and there was a 20-day increase in Judge Alarcon's case processing time. Judge Herman had an 11-day increase but retained the shortest case processing time in the court.

The largest reductions in case processing times were achieved by Judges Derbigny and Parker. Judge Derbigny's case processing time reduced by 50 days, and Judge Parker had a 41-day case processing time reduction. Other judges with reduced case processing times were Judge Landrum-Johnson whose case processing time reduced 29 days and Judge Van Davis whose case processing time reduced 20 days.

The court became less consistent in cases processing times in the first half of 2010. The 139-day difference between the shortest case processing time of 85 days and the longest case processing time of 224 days is an increase from the 110-day difference found in 2009.

Exhibit 5: Percent of Cases Closing in Under One Year and Number of Closed Case

Eighty-seven percent (87%) of felony cases that closed in the first half of 2010 were open for less than one year after being allotted to a section of court (see Exhibit 5). This is a slight improvement from 2009 when 85% of felony cases closed in less than one year.

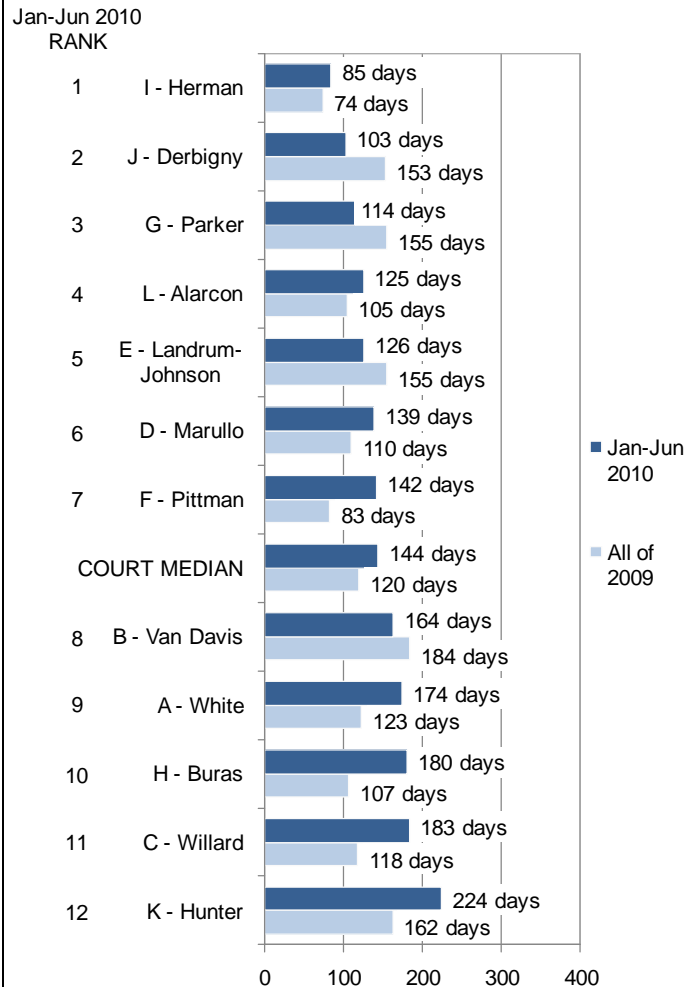
Comparatively, national statistics indicate that 88% of felony cases closed within a year of a defendant's arrest.¹ National statistics calculate case processing time from the time of arrest, which includes a longer portion of the criminal justice process than from the time of allotment used by the MCC.

For seven of the 12 judges, 90% or more of the cases that closed in their sections of court were open for less than one year. Judges Herman, Landrum-Johnson, Pittman, Marullo, Derbigny, Alarcon, and White had at least 90% of their cases conclude within a year from the date the cases were allotted to them. In sections of court led by Judges Hunter, Van Davis, Buras, Parker, and Willard, 75% to 83% of closed cases were open for less than one year.

The number of felony cases closed by a judge is an indicator of a judge's ability to address the influx of new cases and maintain a manageable inventory of open cases.

In the first half of 2010, there was a wide disparity in the numbers of closed cases by each judge. The highest numbers of closed cases was 272 in Judge Van Davis's section of court, followed by 221 that closed in Judge Buras's section of court and 208 that closed before Judge Marullo. Judge White closed 120 felony cases, which was the lowest in the court. Other judges with comparatively low numbers of closed cases in the first half of 2010 were Judge Pittman who closed 134 cases and Judge Hunter who closed 155 cases.

EXHIBIT 4: Median Felony Case Processing Times January through June 2010 and 2009



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

EXHIBIT 5: Percent of Cases Closing in Under One Year and Number of Closed Cases Jan-Jun 2010

Section	Percent Closed in Less Than One Year	Number of Closed Cases
I - Herman	100%	162
E - Landrum-Johnson	94%	196
F - Pittman	94%	134
D - Marullo	93%	208
J - Derbigny	92%	188
L - Alarcon	92%	157
A - White	90%	120
AVERAGE	87%	180
C - Willard	83%	184
H - Buras	81%	221
G - Parker	81%	165
B - Van Davis	80%	272
K - Hunter	75%	155
Total	87%	2162

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

CONCLUSIONS

Orleans Parish Criminal District Court (CDC) has increasing inventories and is taking longer to bring cases to conclusion, but fewer cases are remaining open for more than one year.

The past several years have had steady improvements in judicial efficiency, but case processing time and felony inventories increased in the first half of 2010. Judges went from an average of 204 open cases in each section of court in 2009 to an average of 230 in the first six months of 2010. Case processing time increased to a median of 144 days in the first half of 2010, which is 24 days longer than the median case processing time of 120 days in 2009. Previously, case processing time had steadily decreased from 232 days in 2007 to 140 days in 2008.

Positive indicators of judicial efficiency are seen in the percent of cases greater than one year old and the percent of cases closing in under one year. In the first half of 2010, the percent of cases more than one year old was 16%, which is slightly lower than the 17% of open cases more than one year old in 2009. Additionally, 87% of felony cases that closed in the first half of 2010 were open for less than one year, which is an improvement from the 85% of cases that closed in less than one year in 2009.

Transitions in the criminal justice system outside of judicial performance may account for some changes in efficiency measures. Since the Orleans Parish District Attorney's (DA's) Office came under new leadership in November of 2008, the court has experienced larger volumes of new cases, many of which are more serious offenses that take longer to prosecute. For example, accepted felony cases had an overall increase from 5,113 in 2008 to 6,154 in 2009, and accepted violent felony cases rose from 694 in 2008 to 1,232 in 2009. In 2008 there was an average of 491 open violent felony cases in each quarter, which grew to an average of 653 open violent felony cases per quarter in 2009. Increases in open case inventories and case processing times are likely outcomes of more accepted felony cases, particularly violent felony cases, and it is commendable that judges continued to decrease the rate of backlogged cases more than one year old.

The MCC commends the ongoing high efficiency demonstrated by Judges Herman and Alarcon. Judge Herman ranked first through the first six months of 2010 and throughout all of 2009. Judge Alarcon tied for the second place rank in the first six months of 2010 and ranked third in 2009. Compared to 2009, both of these judges had more open felony cases in the first half of 2010 and had longer case processing times. However, they both substantially reduced their percentages of open cases more than one year old. The ability of these two judges to continue ranking highly demonstrates consistent case management processes that are the most efficient of the judiciary within CDC.

The MCC respectfully encourages the entire judiciary to continue improving judicial efficiency. Three judges, Judge Landrum-Johnson, Judge Parker, and Judge Van Davis, had significant improvements in their inventories of open cases,

percent of cases more than one year old, and case processing times. As a result, each of these judges increased their efficiency rankings. Judge Landrum-Johnson tied for second place after ranking seventh in 2009. Judge Parker improved from ranking tenth in 2009 to seventh in the first half of 2010. After having the lowest twelfth ranking in 2009, Judge Van Davis improved to tenth place. Judge Van Davis also closed over 50 more cases than any other judge in the first six months of 2010. The achievements of these members of the judiciary demonstrate that judges can apply case management practices and strategies that increase judicial efficiency.

Compared to 2009, Judges Hunter, Willard, White, and Marullo had larger inventories of open cases, higher percentages of cases more than one year old, and longer case processing times. Judge Pittman also had a larger inventory and case processing time but remained consistent in the percent of cases more than one year old. As a result of the reduced efficiency measures, most of these judges had substantial decreases in their efficiency rankings for the first half of 2010, including Judges Hunter and Willard who were the bottom ranked members of the court. Improved performance of other judges during the same time frame indicates that the manner in which cases are processed within these sections of court likely resulted in reduced efficiency measures.

The MCC respectfully recommends that the judiciary work to reduce varying efficiency across different sections of court. Disparities in judicial efficiency are evident in all measures. Compared to the most efficient section of court, least efficient sections had more than twice as many open cases, had over five times the rate of cases more than one year old, and took more than twice as long to bring cases to conclusion.

Inefficient case processing creates unnecessary delays that have wide impacts affecting city government, the general public, and the entire criminal justice system. The city of New Orleans and its taxpayers incur the cost of housing inmates awaiting conclusion of their cases and paying police to attend repeated court hearings that fail to resolve criminal cases. Victims, witnesses, defendants, and prospective jurors become participants in delays created through inefficient judicial case processing. Similarly, prosecutors, public defenders, sheriff's deputies, and Clerk of Court personnel must repeatedly prepare and appear for cases that undergo repeated continuances and delays.

Good judicial case management establishes a culture of efficiency within the court that has a positive effect on all parties appearing before a member of the judiciary. Highly efficient sections of court offer concrete guidelines for continuing a case, have minimal time between hearings, and reschedule hearings less often.

The MCC does not advocate forsaking fair and impartial administration of justice in pursuit of efficiency. Rather, the MCC encourages the judiciary to bring greater uniformity to the criminal justice process through improved consistency and efficiency in case processing.

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/fdluc06.pdf>