



METROPOLITAN CRIME COMMISSION, INC.

ORLEANS PARISH JUDICIAL ACCOUNTABILITY REPORT

JANUARY – JUNE 2009

The Metropolitan Crime Commission (MCC) has been examining the judicial efficiency of Orleans Parish Criminal District Court in reports released two times per year since the beginning of 2007. The primary goals of this research are to enhance public understanding of the criminal justice system and to promote efficient administration of justice. Tracking the case processing efficiency of individual judges over a period of time brings transparency and accountability to judicial performance.

Background

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

Orleans Parish Criminal District Court was profoundly affected by Hurricane Katrina. The court did not fully reopen until October of 2006, 14 months after the storm. Flooding in the courthouse and displaced victims, witnesses, defendants, and potential jurors prevented the court from resuming normal operations until well after the courthouse reopened.

This report is the first time that the efficiency of Judges Robin Pittman, Karen Herman, and Keva Landrum-Johnson are measured. Judge Dennis Waldron retired from Section F and Judge Raymond Bigelow retired from Section I at the end of 2008. Judge Pittman was elected to serve in Section F and Judge Herman was elected to serve in Section I. Judges Pittman

and Herman began their judgeships in January of 2009. Judge Landrum-Johnson was sworn in to Section E in August of 2008 to replace Judge Calvin Johnson who retired earlier in the year.

Summary of Findings

This report examines three basic indicators of judicial efficiency: the number of open felony cases in each judge's inventory, the age of open felony cases, and the time it takes for felony cases to close. The MCC does not advocate greater efficiency at the expense of fairness and justice. However, applying these measures, established by the National Center for State Courts and the American Bar Association, does provide a meaningful basis for evaluating and comparing the performance of each Criminal District Court judge.

Through the first six months of 2009, the judiciary continued to improve the efficiency and consistency of case processing, but there is an ongoing opportunity for greater efficiency in criminal case processing within Orleans Parish Criminal District Court:

- Case processing time continues to improve and has fallen to a median of 132 days in the first half of 2009 from 232 days in 2007 and 140 days in 2008.
- Backlogged cases more than one year old have not shown improvements and comprised 22% of open cases in the first half of 2009 compared to 21% of open cases in 2008.
- In the first half of 2009, the court presided over more cases that were brought to conclusion than in any other study period since the MCC began tracking in 2007.
- There continue to be wide disparities in judicial performance that demonstrate the need for some judges to apply more efficient case management practices and procedures.

OVERALL JUDICIAL EFFICIENCY RANKINGS

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

Sections F, I, and L had the three highest efficiency rankings in the first half of 2009 and all of 2008. The judges leading the two highest ranked sections changed in 2009 when Judges Pittman and Herman were elected to replace retired Judges Waldron and Bigelow. Judges Pittman and Herman have adopted case management practices that continue to result in the most efficient case processing in Criminal District Court, and Judge Alarcon in Section L remains as one of the most efficient members of the judiciary.

Judges Marullo, Buras, White, Willard, Derbigny, and Landrum-Johnson comprise the middle tier of judicial efficiency. These six judges are closely grouped in the different measures of judicial efficiency.

Judges Hunter, Parker, and Van Davis continue to have the lowest efficiency rankings in the first half of 2009 after being the three lowest ranked judges in 2008. Judge Hunter improved from the lowest ranked judge to tenth in the first half of 2009. The lowest rankings of Judge Van Davis and Parker are the result of being among the three lowest judges for inventory size, percent of cases more than one year old, and the time it takes to bring cases to conclusion in their sections of court.

EXHIBIT 1: Overall Judicial Efficiency Rankings

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

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

**Section E of Criminal District Court was vacated by the retirement of the honorable Judge Calvin Johnson in early 2008, and the seat was filled with temporary ad hoc judges until Judge Landrum-Johnson was sworn in during August of 2008. Section E was not part of 2008 rankings.

CASE PROCESSING EFFICIENCY

Case processing efficiency is measured by examining each judge's number of open felony cases, percent of open felony cases more than one year old, and time to close felony cases. Largely based upon standards established by the American Bar Association (ABA), these performance measures are recognized by the National Center of State Courts as valid and reliable indicators of judicial performance. Assessing court performance in these areas provides valuable information to gauge the efficiency of each judge's felony case management practices and serves as an educational tool for the public on judicial performance.

Many factors can affect the time it takes to process a criminal case, including the severity of charges, whether a trial is involved, and the number of pretrial motions. However, cases are randomly allotted or assigned to sections of court, which should result in judges receiving caseloads that are balanced in their levels of intricacy and difficulty. Therefore, analyzing an individual judge's performance using the methodology applied herein establishes the effectiveness of his or her case management skills. Solid judicial performance results from good docket management practices, such as timely scheduling of court events and well-defined continuance policies. Adopting such practices establishes a judicial culture of productivity and greater efficiency within a courtroom.

Exhibit 2: Inventory of Open Felony Cases

A judge's open felony inventory or docket is made up of open cases assigned to his or her section of court for adjudication. Judges are responsible for managing open cases until they close by reaching a final disposition of a guilty plea, trial verdict, or dismissal.

Exhibit 2 shows each judge's average number of open felony cases at the end of the first and second quarters of 2009. Fewer open cases indicates more efficient judicial docket management, which results in a smaller inventory of open cases.

The average felony inventory reduced 4% from 202 in 2008 to 193 through the first six months of 2009.¹

Inventories of open felony cases range widely from a low of 108 cases to a high of 270 open cases. The two judges with the smallest inventories, Judges Herman and Alarcon, have fewer than half as many open felony cases as Judges Hunter and Van Davis who have the largest inventories.

Judges Pitman, Marullo, and White also maintain inventories below the court average of 193 open felony cases.

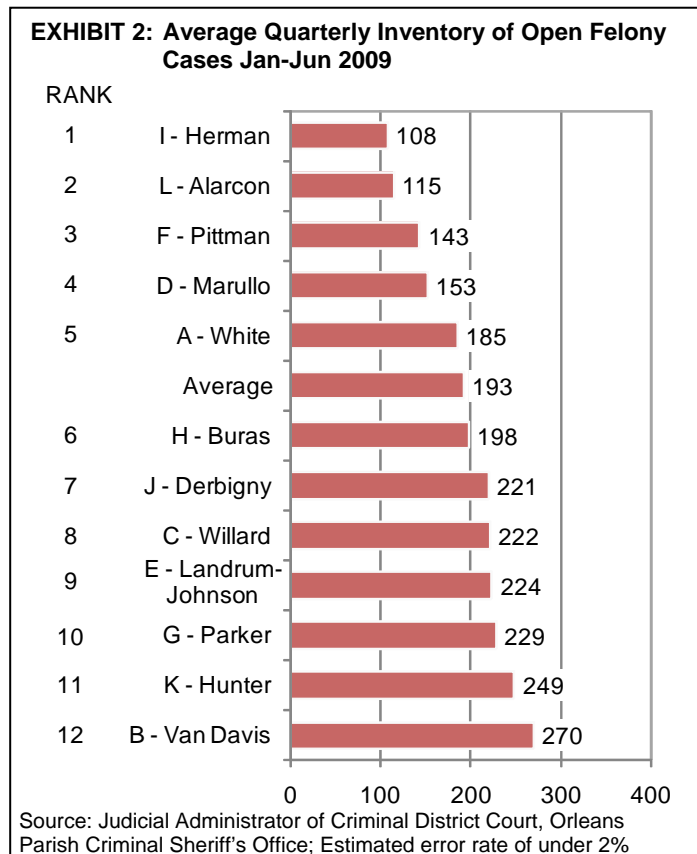


Exhibit 3: Percent of Felony Cases Over One Year Old

The percent of cases over one year old is indicative 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 average percent of a judge's open cases that were more than one year old at the end of the first and second quarters of 2009.

Open cases more than one year old made up an average of 22% of open inventories in the first half of 2009, which is essentially unchanged from the 21% of cases more than one year old in 2008.²

As with inventory sizes, there is wide variation in the percent of cases more than one year old. Judges Pittman maintains a caseload with 10% of cases more than one year old, compared to 30% of Judge Hunter's cases over one year old.

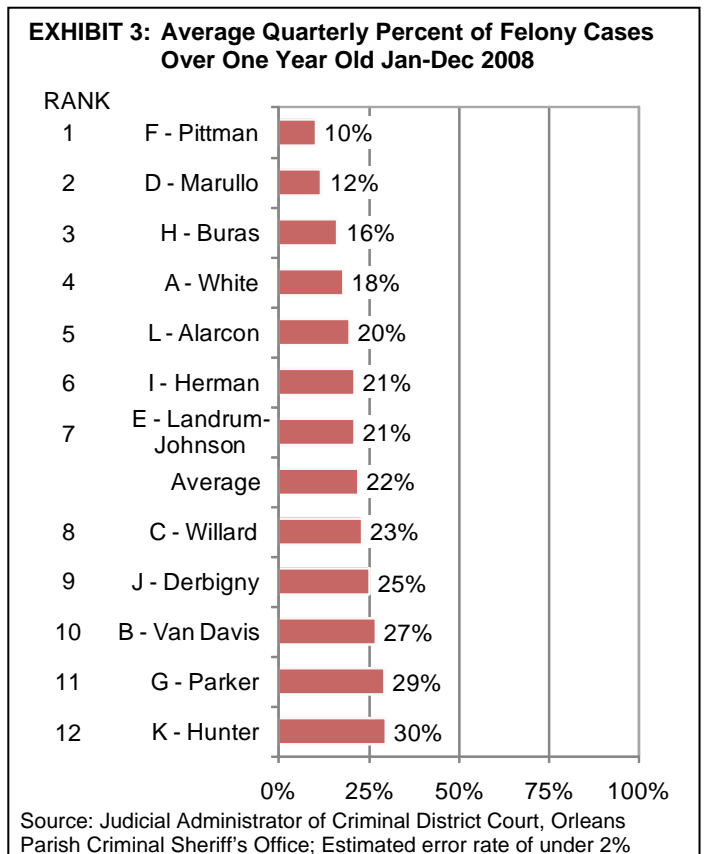


Exhibit 4: Felony Case Processing Time

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 not included in these calculations.

The judiciary as a whole continues to show improved efficiency in closing felony cases. **In the first half of 2009, the median case processing time was 132 days, which is eight days less than the 140-day case processing time in 2008 and 100 days less than the 232-day case processing time in 2007.**

Eighty-four percent (84%) of cases that closed in the first half of 2009 complied with ABA standards and were open for less than one year. Nationwide, 87% of cases close within one year.³

In total, 2,475 felony cases closed in the first half of 2009, which is 30% more closed cases than any other six month period since the beginning of 2007.⁴ This higher volume of closed cases indicates greater efficiency and productivity of the Judiciary as well as the DA's Office and the criminal defense bar.

Judges Pittman, Herman, and Alarcon stand out as having the shortest case processing times by having case processing times under 100 days.

Judges Willard, Marullo, Buras, and White comprise a second tier of case processing time and had median case processing times of three to four months (i.e., between 121 and 136 days).

Judges Hunter, Derbigny, Van Davis, Parker, and Landrum-Johnson had the longest case processing times and make up a third tier of case processing time. These judges had median case processing times of 169 days or greater. Judge Landrum-Johnson's longest processing time is likely the result of the backlog of cases that she inherited from her predecessors in Section E.

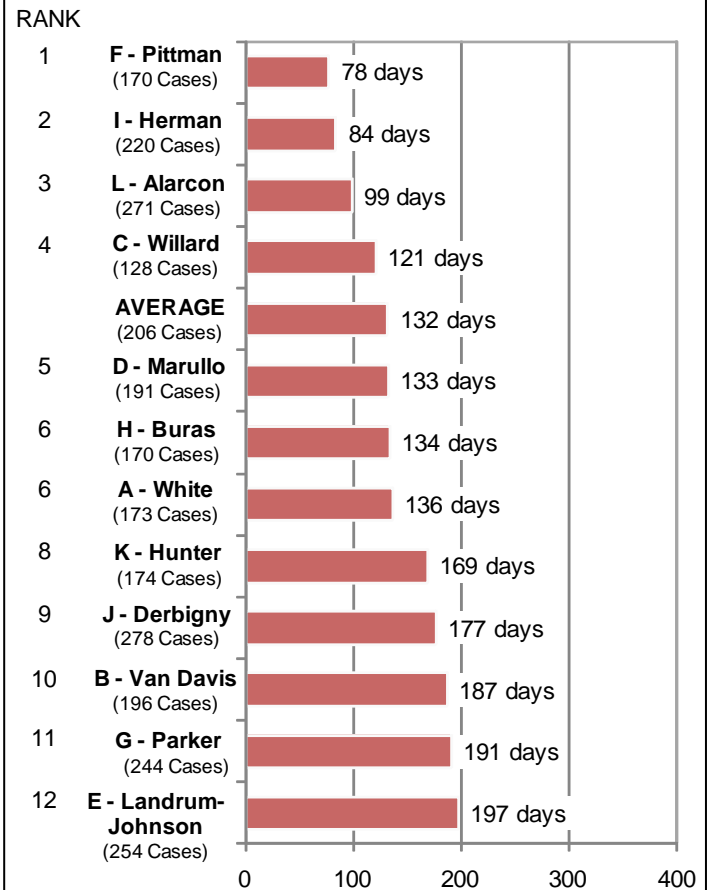
Judges continue to improve the consistency in their case processing times. In the first half of 2009, there was a 121-day difference between the shortest case processing time of 78 days and the longest case processing time of 197 days. Comparatively, there was a 136-day difference between the most and least efficient case processing times in 2008 and a 300-day range in 2007.⁵

Exhibit 5: Changing Composition of Open Case Inventories

After the inventory of open cases increased in 2008, there was a decrease in open cases through the first six months of 2009 (see Exhibit 5). **The inventory reduction in the first half of 2009, occurred while the DA's Office accepted 10% more new felony cases** compared to the second half of 2008.⁶ The 2,475 felony cases that closed in the first half of 2009 is 7% higher than the court inventory of 2,313 open cases. The high closure rate enabled the judiciary to reduce the number of open felony cases at a time when there was a spike in new felony cases entering the criminal justice system.

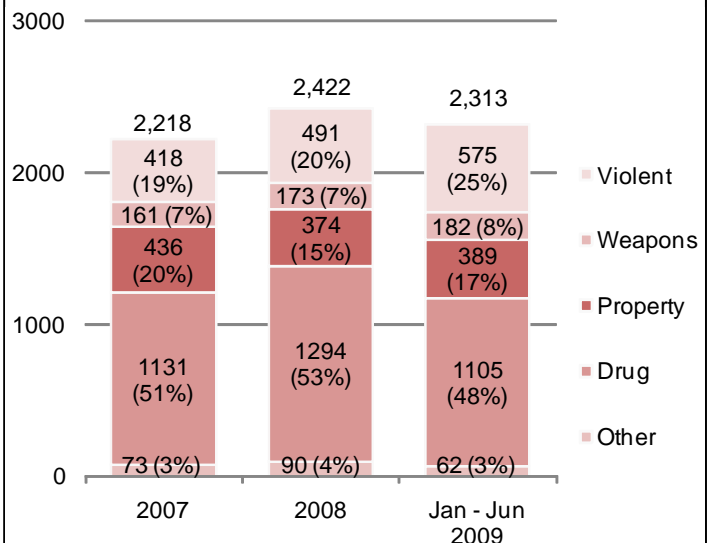
Violent felony prosecutions are trending upward which is the result of improved working relationships between police and prosecutors. Accordingly, the first half of 2009 had an increase in open violent felony cases. Previously, violent felony cases comprised no more than 20% of open inventories, which increased to 25% of open cases in the first half of 2009. Violent felony cases typically take the longest time to bring to conclusion. Violent felony cases that closed in the first half of 2009 took a median of 195 days to close. Comparatively drug cases closed in a median of 127 days, property cases in 105 days, and weapons cases in 179 days. Without further improvements in court efficiency, higher numbers of violent felony cases in open inventories may cause increases in overall case processing times and more cases over one year old.

**EXHIBIT 4: Median Felony Case Processing Times
January-June 2009
(Number of cases closed in parentheses)**



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: Open Case Inventories by Types of Cases
2007 – Jun 2009**



Source: Judicial Administrator of Criminal District Court, Orleans Parish Criminal Sheriff's Office; Estimated error rate of under 2%

NOTE: "Other" cases include charges such as escape, failure to register as a sex offender, and crime against nature

CONCLUSIONS

The judiciary of Orleans Parish Criminal District Court has continued to improve the efficiency of criminal case processing which has resulted in a decrease in case processing times and a reduction in the number of open felony cases.

The MCC commends the ongoing improvements in criminal case processing efficiency realized in Orleans Parish Criminal District Court. Most of these improvements are attributable to increases in the number of cases that closed and reductions in the time that it takes to bring cases to conclusion in Criminal District Court. The judiciary as a whole better coordinated with prosecutors and defense attorneys and closed 2,475 cases in the first half of 2009, which is 30% higher than any other period since the MCC began tracking all closed felony cases at the beginning of 2007. This increase in closed cases was achieved by reductions in case processing times. In 2007, the median case processing time was 232 days, which fell to 140 days in 2008 and to 132 days in the first six months of 2009.

The MCC congratulates Judges Derbigny, Alarcon, Landrum-Johnson, and Parker for bringing the most cases to conclusion in the first six months of 2009. These four judges accounted for 1,047 of the 2,475 (or 42%) felony cases that closed in the first six months of 2009. As a result of the high volume of closed cases, Judges Alarcon, Landrum-Johnson, and Parker had reduced inventories in the first half of 2009 compared to 2008, and Judge Derbigny reduced the percent of cases over one year old in his section of court.

After assuming leadership of the two most efficient sections of Criminal District Court, Judges Pittman and Herman have adopted practices that continue to lead the court in judicial efficiency. This is the first report examining the efficiency of Judges Pittman and Herman who were sworn into their judgeships in January of 2009.

Judge Pittman is ranked first after replacing first ranked Judge Waldron. In her first six months, Judge Pittman reduced the percent of cases more than one year old in her section of court and maintained the shortest case processing time.

Judge Herman ranks second in efficiency during her first six months, which is consistent with the second place ranking of her predecessor Judge Bigelow. Judge Herman reduced the time that it took to close a case in Section I from a median of 104 days in 2008 to 84 days through the first six months of 2009. However, the percent of cases more than one year old in Section I increased from 13% in 2008 to 21% in the first half of 2009.

Judge Landrum-Johnson is ranked ninth in her first efficiency rating. Judge Landrum-Johnson's section of court was headed for eight months by temporary ad-hoc judges after Judge Calvin Johnson retired in January of 2008 outside of the established election cycle. As a result, Judge Landrum-

Johnson inherited one of the largest caseloads in Criminal District Court. The caseload in Section E at the time of Judge Landrum-Johnson's election negatively impacted her ratings for inventory size and case processing time. However, as noted previously, Judge Landrum-Johnson closed an above-average number of cases and appears to be applying a case management strategy that may resolve some of the lower efficiency ratings for her section of court.

The MCC respectfully encourages the judiciary to continue improving case processing efficiency and reduce disparities in judicial performance. The wide ranging efficiency measures across different sections of court demonstrate judges' ability to adopt more efficient case processing strategies and present an imbalanced criminal justice process based upon which judge is randomly allotted a case.

The most efficient judges bring cases to conclusion in median times under three months but the three least efficient judges have median case processing times greater than six months. Defendants, victims, and witnesses in courts with longer case processing times can reasonably anticipate a criminal justice process that takes as much as two times longer to bring their cases to conclusion. Prolonged case processing also increases the time and expense of prosecutors, defense counsel, police, and sheriff's deputies who must repeatedly prepare for court appearances. Civilian victims, witnesses, and defendants are adversely impacted by judicial inefficiency when they too must prepare for extraneous court appearances and endure the uncertainty of an unresolved criminal case.

The percentage of cases more than one year old has not shown improvement in the first half of 2009. Overall, 22% of open cases in the first half of 2009 were more than one year old. These cases are noncompliant with American Bar Association standards and comprise the backlog of criminal cases in Criminal District Court. One way to improve judicial efficiency is to prioritize older felony cases and violent felony cases for trial. Prioritizing violent felony cases may also improve witness and victim cooperation, which can be adversely affected by repeated continuances and delays.

Overall, the court continues to show improved efficiency, and the judiciary should continue to strive to increase the efficiency and fairness of criminal case processing. The court's ability to reduce case inventories at a time when new cases entering the criminal justice system are at their highest level in years proves the judiciary's capacity for greater efficiency. This ability to improve is further underscored by the high efficiency rankings of the court's two newest judges and improvements credited to less efficient members of the judiciary.

Acknowledgements

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^{1, 2, 5} "2008 Orleans Parish Judicial Accountability Report" Metropolitan Crime Commission, Jun 29, 2009;

<http://www.metropolitancrimecommission.org/documents/2008JudicialAccountabilityReport.pdf>

³ "Felony Defendants in Large Urban Counties, 2002" Bureau of Justice Statistics, February 2006; <http://www.ojp.gov/bjs/pub/pdf/fdluc02.pdf>

^{4, 6} "Orleans Parish Criminal Justice System Accountability Report, Fall 2009" Metropolitan Crime Commission, Nov 2, 2009;

<http://www.metropolitancrimecommission.org/documents/NOCJSAccountabilityReport-Fall2009.pdf>