

**Court Watch NOLA
SEMI – ANNUAL REPORT:
JULY – DECEMBER, 2009**



COURT WATCH NOLA

Court Watch NOLA, established in June 2007, began as a pilot program with start-up funding by the Business Council of Greater New Orleans, Common Good and Citizens for One Greater New Orleans. Since its inception, Court Watch NOLA has continued to evolve. Court Watch NOLA is now a strong organization that has earned the respect of all groups represented in the New Orleans Criminal Justice System. Originally watching just 37 cases with a volunteer base of 15 members from the community, Court Watch NOLA now has a volunteer base of more than 100 volunteers tracking over 500 serious felony cases.

Court watchers, identifiable by their bright yellow clipboards, are in court every day of the week. The consistent daily presence of volunteers in the courtroom reinforces the notion that transparency and accountability lead to an efficient criminal justice system, a cornerstone in the foundation for a safer city.

Court Watch NOLA continues to track Crimes of Violence Against the Person, Special Circumstances Crimes, Crimes at the Community's Request and High Profile Media Cases. These cases represent more than half of pending second-class felony cases at Criminal District Court.

Continuing to pursue the organization's core objective promoting efficiency within the Orleans Parish Criminal Justice System by bringing accountability and transparency to the proceedings in the Criminal District Courts, Court Watch NOLA volunteers have observed 4079 scheduled court matters from June 2007 through December 31, 2009. In 2007 court watchers observed 390 scheduled settings, in 2008 court watchers observed 1536 scheduled settings and in 2009 court watchers observations increased to 2153 scheduled matters. For purposes of this Semi-Annual Report, annual and semi-annual metrics will be compared for the periods of 2008 and 2009.

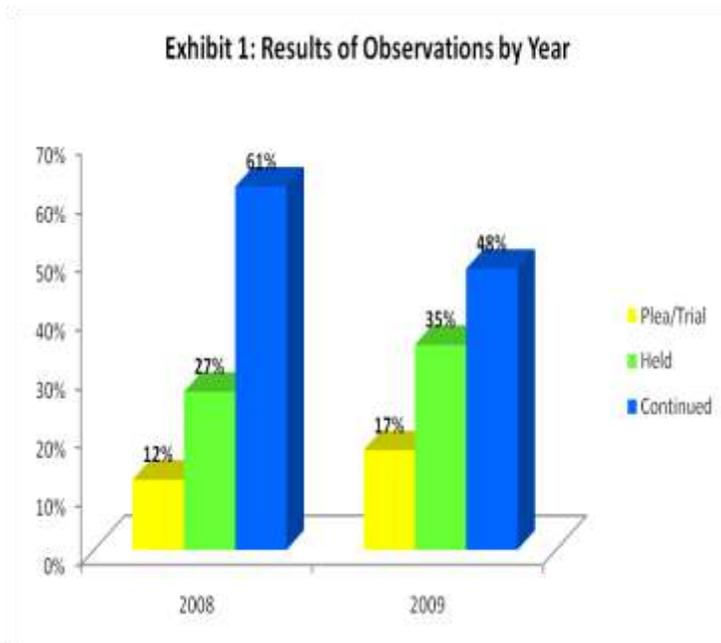
The official docket master was reviewed in conjunction with the court watchers' reports to confirm the accuracy of the information recorded by the court watcher. Data was collected for several measures of court efficiency: continuance rate, number of days between settings, the time the Judges took the bench and performance of the courtroom participants. Statistics in this report were tabulated only for case settings actually observed by Court Watch NOLA volunteers.

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DURING COURT WATCH NOLA'S TENURE COURT EFFICIENCY HAS INCREASED

When comparing the information recorded by Court Watch NOLA volunteers, it is evident that efficiency in Criminal District Court has dramatically improved from 2008 to 2009.

Exhibit 1 reflects a decrease in the continuance rate during 2009 in comparison to 2008. 48% of the scheduled matters were continued, down from 61%; 35% of the scheduled matters were held up from 27%; and 17% of the scheduled matters came to a close either by trial or plea up from 12%.



As seen in **Exhibit 2**, during the two year comparison period, the continuance rate for the party requesting the continuance remained relatively consistent, with joint continuances, those continuances requested by both the state and the defense, decreasing from 13% to 8%; and court continuances increasing from 32% to 37%.

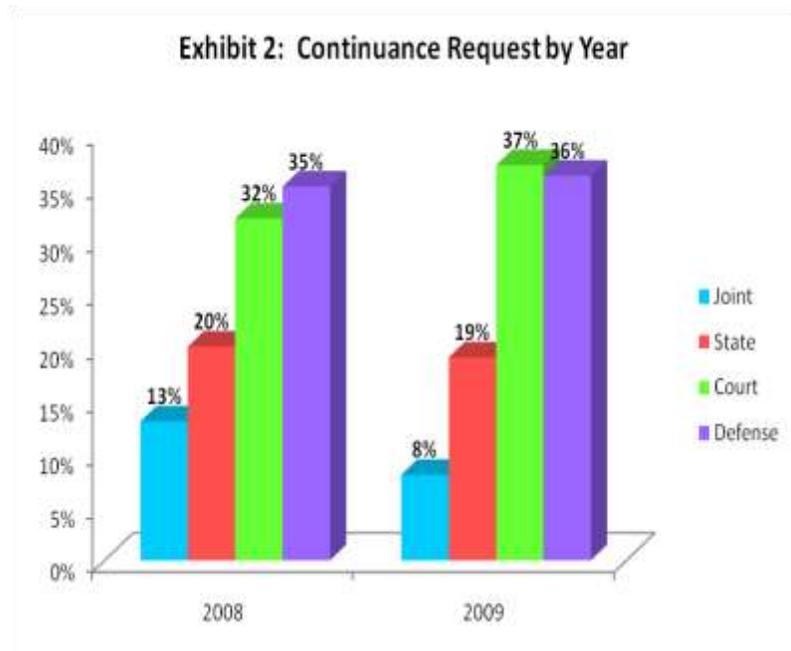
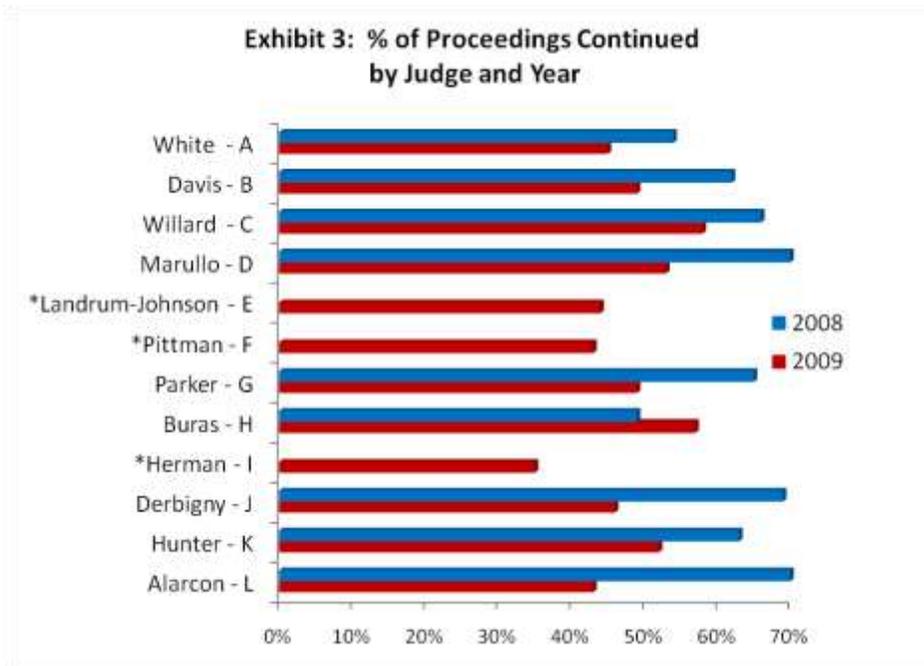


Exhibit 3 shows by percentage the scheduled matters continued by each of the 12 Criminal District Court Judges for the annual periods of 2008 and 2009. In 2009 the percentage of continuances granted by 8 Judges decreased from 2008. Only Judge Buras granted a higher percent of continuances during 2009. Three Judges were not on the bench for either part or all of 2008 and therefore, there is no 2008 data available for them. They are Judge Landrum-Johnson, who was elected in mid-2008 and Judge Pittman and Judge Herman took the bench in January, 2009.

*Judge did not sit for all or part of 2008



CONTINUANCE RATE UP DURING THE PERIOD OF AUGUST TO DECEMBER, 2009

During July through December, 2009, Court Watch NOLA volunteers observed and recorded data on a total of 1162 court settings.

One measure of judicial efficiency is the speed at which a case reaches final disposition. Final disposition is defined as the matter coming to conclusion by verdict, plea, or dismissal. One factor that will influence a court’s disposition rate is how often matters scheduled before the court are held and how often the matters scheduled before the court are continued. Court Watch NOLA volunteers are instructed to deem a matter to be held whenever any court activity occurs during the observation. Even if the matter does not come to a complete resolution during that observation, any activity that moves the matter forward is considered held. Court Watch NOLA regards a matter to be continued when there is a postponement of a date of a trial, hearing or other court appearance with no activity.

Exhibit 4 reflects an increase in the continuance rate during the reporting period of July through December, 2009 in comparison to the previous six month period of January through June, 2009. 52% of the scheduled matters were continued, up from 43%; 32% of the scheduled matters were held, down from 40 %; and 16% of the scheduled matters were concluded either through plea or trial, down 1% from 17%.

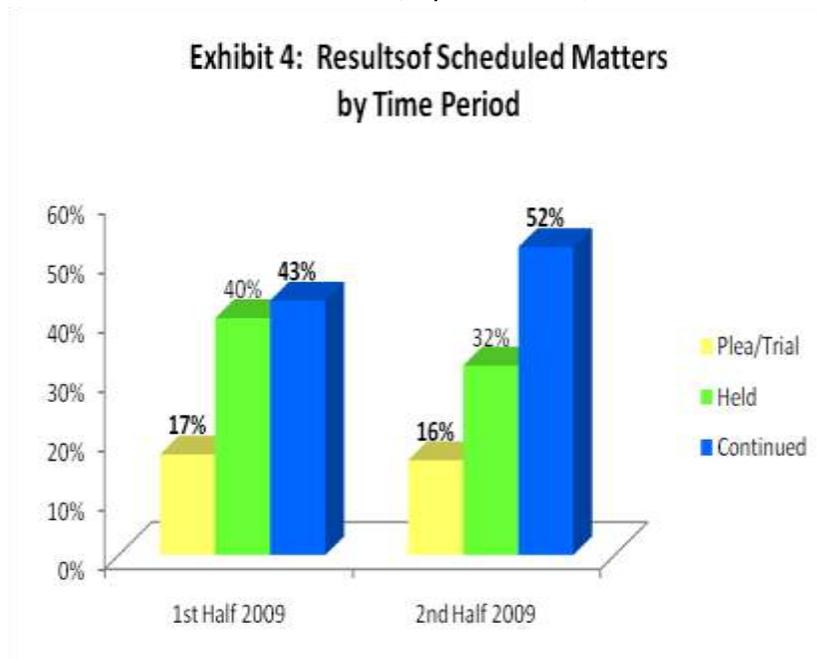


Exhibit 5 shows that of all of the scheduled matters continued during the reporting period the Court was responsible for 39% - up from 34%; the defense was responsible for 36% - down from 38%, the state was responsible for 17% - down from 21% and joint continuances of 8% were up from 7%.

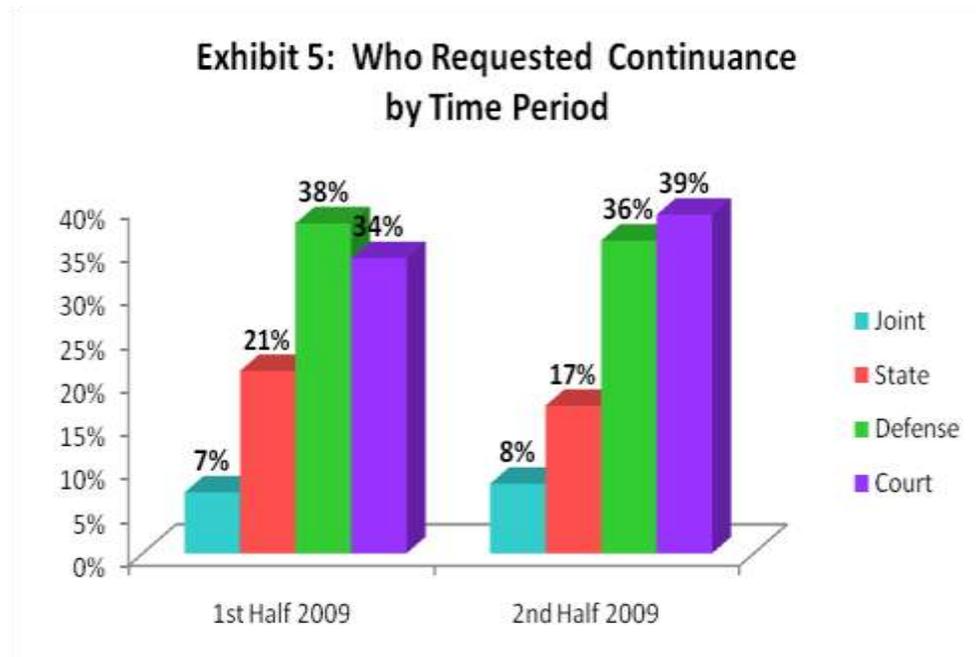


Exhibit 6 reflects the variance in the number of continuances of scheduled matters granted among the 12 Judges in Criminal District Court - with the lowest percentage of continuances granted in by Judge Herman at 35% and the most continuances being granted by Judge Willard at 60%.

Judge Hunter had a significant decrease in the number of continuances granted between the first half of 2009 and the second half of 2009, down from 59% to 47%. Judge Buras, Judge Herman and Judge Alarcon's continuance rates remained somewhat constant, while the Judges in the remaining 8 sections increased their continuance rate, some significantly.

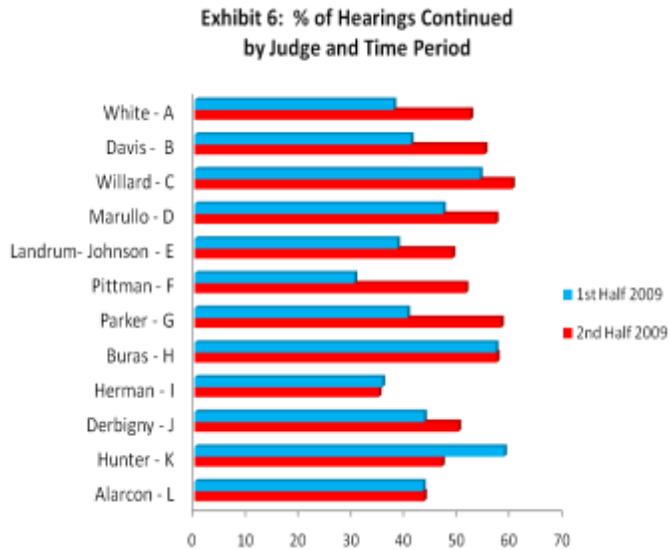
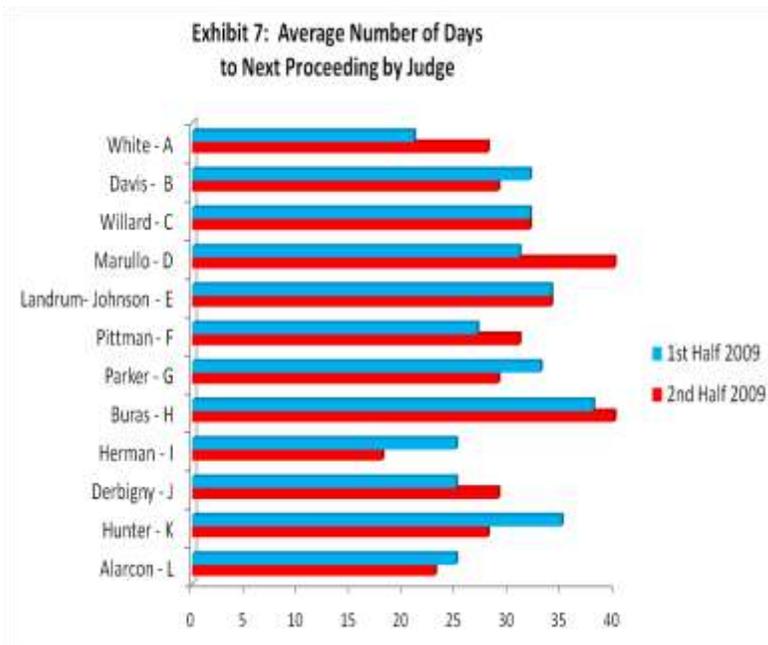


Exhibit 7 shows the average number of days between settings for the Criminal District Court Judges, by time period. Overall, the average number of days between settings is 30 days. However, there is a large variance among the Judges regarding the average number of days



between settings during the second half of 2009, with Judge Herman setting matters in the fewest number of days between settings at 18 days and both Judge Marullo and Judge Buras setting matters the greatest number of days between settings at 40 days.

COURT WATCHERS RECORD JUDGE'S ARRIVAL ON THE BENCH

Beginning in July 2009, during their observations court watchers were asked to record the time when the Judge took the bench. Their observations are reflected in Exhibits 8 and 9. This data is not a reflection of what time the Judges arrive at the courthouse. Due to the initial date being compiled beginning in July 2009 there is no prior comparison for this data.

Exhibit 8 shows that many of the Judges at Criminal District Court do not take the bench in a timely manner. Judge Parker, who takes the bench at 8:30 a.m., is the most punctual, taking the bench timely 97% of the time. At the other end of the spectrum, Judge White only takes the bench before 9:29 a.m. 12% of the time. Judge Parker's subpoenas are issued for 8:30 a.m and the remaining Judges' subpoenas are issued for 9:00 a.m., although during this time period Judge White's in court subpoenas were issued for parties to appear at 9:30 a.m.

Exhibit 8: Judge Start Time Report

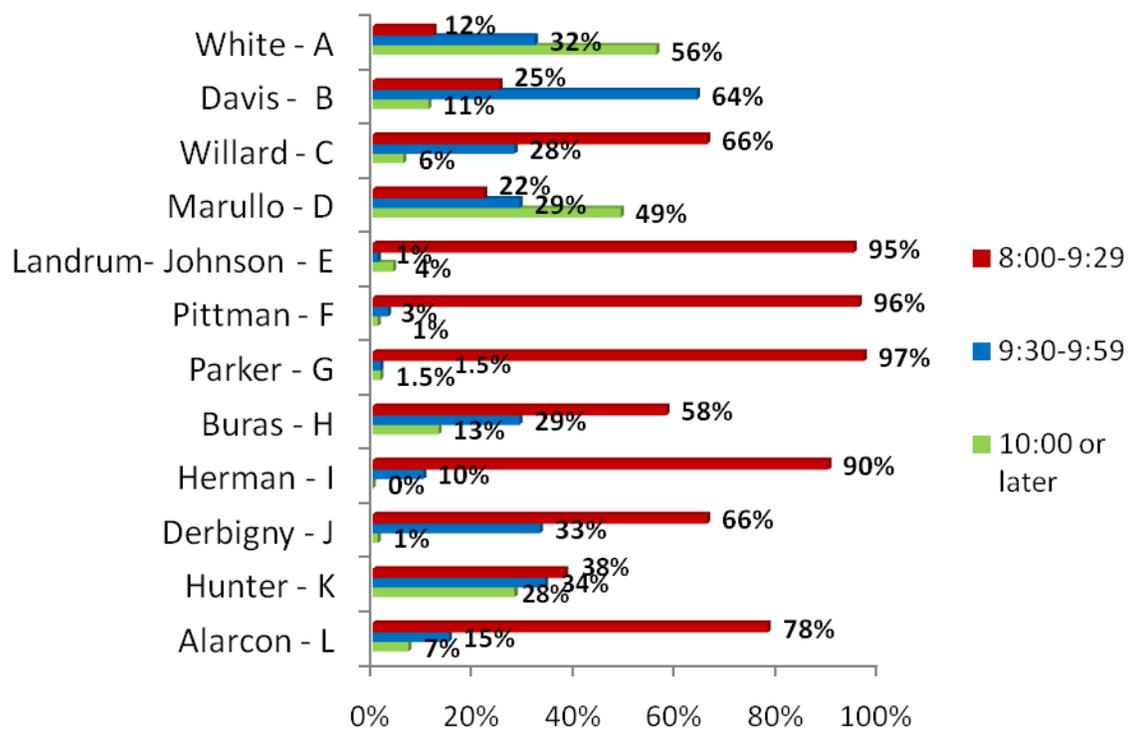
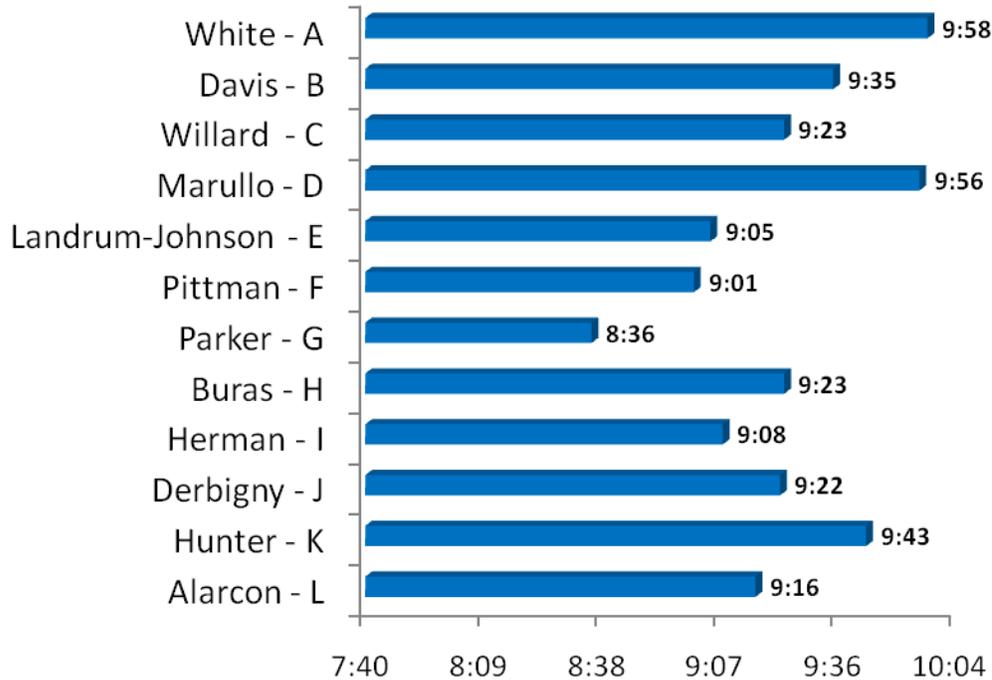


Exhibit 9 shows the average time each Judge took the bench. On average, Judge Pittman takes the bench the most punctually at 9:01 a.m. and Judge White takes the bench the least punctually at 9:58 a.m.

Exhibit 9: Average Time Judge Took Bench



Court watchers have expressed pleasure and displeasure regarding the punctuality of the Judges. Here is a sample of court watchers observations regarding this issue:

- *Judge Davis took the bench on time (9:04 a.m.) and was able to maintain her docket so that the first degree murder trial could continue at the appointed time (9:30 a.m.) In chambers meetings were held to a minimum and were short.*
- *Judge Pittman really moves her docket – she completed her regular docket in 70 minutes and then proceeded with the second degree murder trial. She makes everyone use the microphone!*
- *Judge took bench at 9:40 a.m. Recess at 9:50 a.m. until 10:25 a.m. and again 10:30 a.m. until 10:38 a.m. Cases moved extremely slow – lawyers not present. NOPD Officers waiting extremely long in court. Slow, slow processing of cases.*
- *A lot of people were here at 9:00 a.m., including a prisoner from Department of Corrections. Judge did not take the bench until 9:30 a.m.*
- *Why can't the Judge be respectful of other's time and efforts. I am wasting my time awaiting the arrival of the Judge. The demeaning attitude has been seen by this court watcher over the past year.*

- *With families of defendants waiting and obviously worried, it seems insensitive, perhaps rude, of court staff and lawyers to be joking and laughing loudly while we wait for the Judge.*
- *Judge came two hours late and everyone was waiting on him.*

COURT WATCHER RATINGS

Court watchers were asked to report their impressions for the main participants in the criminal justice system. In addition to requesting that our court watchers rate the main participants of Criminal District, they are also asked for “other observations.” Below, in the table format is a synopsis of the court watcher ratings, which are on a scale of zero to 100, with 100 being the best. In addition, in italics, is a sampling of “other observations” by the court watchers.

Judges

Court Watch NOLA volunteers rated the 12 Criminal District Court Judges on their professionalism towards attorneys, defendants, and witnesses with whom they interacted; whether the Judges explained their reasons for decisions made from the bench and their ability to maintain the flow of the of the proceedings in their courtroom. **Table 1** shows an increase in court watcher’s overall impressions of the Judges.

Table 1: JUDICIARY

	1 st Half of 2009	2 nd Half 2009
Professional	92	93
Explains Reasons for Decisions	92	95
Maintains Good Flow	87	91

Section A - Judge White

- *Judge White is an excellent Judge. This was an interesting day in that there were several cases were complex and she very skillfully cut through any confusion and the attorneys on both sides gave their best. She is on top of everything, very quick, knowledgeable. She is not shy about showing impatience and is sometimes borderline rude, but she is certainly effective.*

Section B – Judge Davis

- *Judge was particularly polite to defense and state but still strict when necessary.*

Section C - Judge Willard

- *Judge Willard had to raise his voice when this case was announced. He stated that “it’s had 3 years of delay, the victims have to be heard and WE ARE GOING TO TRIAL TODAY.” And he meant it. (CW note – This matter was resolved on the date of this observation)*

Section D – Judge Marullo

- *Judge Marullo moves the docket, is quick and decisive and reflects his experience. He is not jovial but he is very level and even handed.*

Section E – Judge Landrum-Johnson

- *Judge Landrum-Johnson is impressive. She runs a well run court, explains the legal ramifications to the defendants before her and is calm, polite and genial.*

Section F – Judge Pittman

- *Judge Pittman was clearly unwell [on this particular day], but it didn't impair her performance. Precise, efficient, smart. It is a pleasure to be in her court. She is painstaking careful to be sure that she understands everything.*

Section G – Judge Parker

- *Judge Parker shows justifiable displeasure when things go wrong. He is particularly annoyed when attorneys don't show up or are late. He is a good conscientious Judge. Very serious about his responsibilities.*

Section H – Judge Buras

- *Judge Buras is efficient and knowledgeable. She explains everything to the defendants and she does so in a kind way.*

Section I – Judge Herman

- *It is such a pleasure to be in "I" – everything is orderly and even handed and competent.*

Section J – Judge Derbigny

- *Judge Derbigny is a very pleasant man, moves the docket along and maintains an orderly court. He always makes it clear what happens at bench conferences.*

Section K – Judge Hunter

- *The Judge has a firm, yet congenial hold of his courtroom.*

Section L – Judge Alarcon

- *Judge Alarcon runs a very efficient court with a wide knowledge of the law and with a keen sensitivity toward the defendants and their attorneys.*

Prosecution

Table 2 rates the prosecuting attorneys on their professionalism, familiarity with their cases and preparation for court proceedings. Prosecutors continue to receive good reviews from court watchers in all three categories

Table 2: PROSECUTION

	1 st Half of 2009	2 nd Half 2009
Professional	98	98
Knowledgeable	98	98
Prepared	94	96

Defense

Court Watchers rated both public defenders and the private defense bar on the same measures as the prosecutors. **Table 3** shows an increase across the board for the defense bar.

Table 3: DEFENSE

	1 st Half of 2009	2 nd Half 2009
Professional	94	97
Knowledgeable	94	97
Prepared	87	93

Orleans Parish Criminal Sheriff's Deputies

Maintaining order in the courtroom, as well as managing incarcerated defendants is the responsibility of the Criminal Sheriff. As **Table 4** shows, Court Watchers continue to give high marks to the Criminal Sheriff's deputies assigned to the court rooms.

Table 4: CRIMINAL SHERIFFS

	1 st Half of 2009	2 nd Half 2009
Professional	95	97
Maintain Order	93	96

New Orleans Police Officers

Court Watchers evaluated New Orleans Police Officers who appear in court to testify regarding their cases. The officers are rated on their professional behavior in court and their ability to recall the details of the cases they are testifying about. **Table 5** establishes an increase in Court Watchers impressions of the New Orleans Police Officers appearing in court.

Table 5: NOPD WITNESSES

	1 st Half of 2009	2 nd Half 2009
Professional	92	97
Able to Recall	66	85

OTHER GENERAL OBSERVATIONS BY COURT WATCHERS

Citizens' ability to hear and understand what is happening in court:

- *Due to very limited use of microphone, it was almost impossible to hear.*
- *Always like coming in here. Everyone uses microphones, maintains nice flow. Judge explains.*
- *Always liked this court room, rolls, uses microphones, deputies good. Overall good courtroom.*

Regarding unscheduled court cancellations:

- *Judges cancel court with no notice to the public.*
- *Court closed – Judge didn't make it into court today.*
- *Let's record how many times we come in bad weather, etc. to find the court closed!*

Regarding court behavior:

- *Very efficient – moved through docket orderly and quickly.*
- *Very well run court.*
- *This Judge does not waste time.*
- *Judge ran through the regular docket with her usual skill and dispatch.*
- *Judge is very organized and his court is most rigid and put together. He kept a good pace to court.*
- *Judge allows a lot of dead time in her court by not demanding a stricter schedule by the attending attorneys not arriving on time.*
- *Judge was eating potato chips on the bench.*
- *Continued yet again.*
- *Judge runs through the Boykin material regarding guilty pleas much too fast for some to understand. I can't get used to her eating and drinking on the bench.*
- *Her flippant and condescending dialogue with all involved is embarrassing.*
- *There always seems to be confusion in this courtroom. Proceedings do not flow smoothly because someone always isn't ready or prepared (state or defense). There is a lot of waiting around/idle time.*
- *Could not stand any more. Judge left the bench for the third time. I've been with court watch since the beginning and this is the worst I have ever seen. By 11:30 a.m. only one plea had been taken and no other cases handled. The assistant district attorney (ADA) was also disjointed, he would call a case and then ask for time to see what was going on. The Senior ADA did not seem to be giving much guidance.*

CONCLUSIONS AND RECOMMENDATIONS

Efficiency has improved over the past two years. However, if summoned to Criminal District Court there remains a greater than 50% chance that your scheduled matter will be continued.

Routine granting of continuances, without requiring a showing of exceptional cause, signals a lack of judicial supervision of case progress and often results in case delays and backlogs. In addition, continuances waste resources and may increase costs by creating extra paper work for the court's administrative staff and the parties. The time devoted to processing continuances could be better spent on activities that help move a case to disposition. Continuances often cause victims, witnesses, attorneys, and defendants to make unnecessary trips to the courthouse. In sum, the routine granting of continuances creates disorganization and inconvenience and fosters a negative view of the court.¹

¹ Improving Criminal Caseflow by Maureen Solomon – October 2008

Court Watch NOLA respectfully recommends that the Judges require the lawyers, both prosecutors and defense, to advise the court of the specific reason for the continuance request and what efforts have been made to avoid the need for the continuance. In addition, Court Watch NOLA respectfully recommends that lawyers appear for scheduled matters prepared to proceed.

Court Watch NOLA respectfully recommends that Judges remain conscientious regarding taking the bench as scheduled. Keeping citizens, witness, parties and police officers waiting for Judges is a waste of resources and manpower. While officers spend time waiting in court, they are not patrolling the streets, working on keeping our city safe.

Court Watch NOLA recommends that the Judges, members of the District Attorney's Office, Defense Bar including but not limited to the Orleans Public Defender's Office, the Orleans Parish Criminal Sheriff's Office, and the New Orleans Police Department continue to work together towards a fair and efficient Criminal Justice System.

Acknowledgements

Court Watch NOLA would like to thank the Court Watch NOLA volunteers who make this work possible; all of our donors for their continued support of Court Watch NOLA; the New Orleans and River Region Business Council; Citizens For One Greater New Orleans; Common Good; Criminal District Court security; Criminal District Court courtroom personnel; the Criminal District Court Judicial Administrator's office; the Orleans Parish Clerk of Criminal District Court; and Carrollton Technology Partners.