

COURT WATCH NOLA
SEMI-ANNUAL REPORT:
JULY – DECEMBER, 2010





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 grow. Court Watch NOLA is 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 citizens, Court Watch NOLA now has a large, diverse volunteer base tracking over 1,000 felony cases. During the period of July through December 2010 Court Watch NOLA had over 60 volunteers, in court watching and recording data for the 12 sections of Criminal District Court, in addition to the numerous other volunteers that assist in supporting our organization.

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 tracks 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.

The mission of Court Watch NOLA is to promote efficiency in the New Orleans criminal justice system by bringing accountability and transparency to the proceedings held in Criminal District Court. It is not the intent of Court Watch NOLA to in any way compromise or interfere with the rights of the victims or the accused, or the ability of the courts to act in a fair and just manner.

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EXECUTIVE SUMMARY

In recent months, the District Attorney, the Judges of Orleans Parish Criminal District Court, the New Orleans Police Department, and others in the criminal justice system have garnered a lot of media attention. With crime and murder, in particular, continuing to tear away at the fabric of the City, elected officials, business, community and religious leaders, and the public-at-large are demanding accountability at all levels of the criminal justice system. Much of the responsibility for an efficiently-run criminal justice system, but certainly not all of it, rests with the Judges. Ever-increasing dockets, owing to more cases being accepted by the District Attorney's Office, are taxing the Court. Observations by Court Watch NOLA volunteers indicate that, despite an increase in the number of cases being handled, there has been no increase in the rate of continuances and more cases are being closed.

During the second half of 2010, the number of cases accepted by the District Attorney's Office increased by approximately 10% over the prior six-month period. It was during the second half of 2010 that the Criminal District Court Judges began handling all misdemeanor cases formerly handled by appointed Magistrate Judges. Despite that increased caseload, the Court continued to move matters at the same rate as the previous six months – 46% of the matters observed by court watchers were held or closed.

The continuance rate also remained the same at 54% for the two six-month periods of 2010. While the continuance rate remains high, it is encouraging that, despite the increase in the number of accepted cases and change in the handling of misdemeanor cases, the percentage of cases closed increased by 2% and the continuance rate did not increase.

The matters brought to a close during the last six months of 2010 included 25 homicide cases, 16 rape cases and 57 robbery cases.

Court Watch NOLA continued to track the average number of days between settings for all matters. The overall court average of 30 days between settings during the second half of 2010 remained unchanged from the first half of 2010. That there was no increase in the number of days between settings is significant considering the increase in the number of cases handled by the Court during the last six months of 2010.

During the second half of 2010, 9 of the 12 Judges started court an average of 10 minutes earlier than the prior six-month period. The 3 remaining Judges started court slightly later than they had the prior 6 months. These start times reflect the time the Judges took the bench, not the time they arrived in court.



Court Watch NOLA volunteers also observed the preparation, timeliness, and conduct of the prosecutors, defense attorneys, and Judges, as well as the New Orleans Police Officers who testified. Volunteers found that prosecutors were prepared 94% of the time, while defense attorneys were prepared 90% of the time. Volunteers found the Court had to await the arrival of defense attorneys 49% of the time. Several volunteers commented that defense attorneys were tardy because they had been handling a matter in another section of court. Volunteers also observed that Judges kept their dockets moving 92% of the time and were civil to the public, witnesses and attorneys 96% of the time. Lastly, volunteers found that, when testifying, NOPD officers were able to clearly recall the police report 85% of the time and answered clearly and concisely 89% of the time.

During the summer of 2010, Criminal District Court added two new specialty courts to their existing specialty courts - Re-entry Court and Veterans Court were added to join Drug Court and Domestic Violence Court. Specialty courts are created to handle cases where the defendant suffers from an underlying problem and will benefit from services directed toward solving that problem. Court Watch NOLA commends the Court in its efforts to find innovative ways to address the needs of our community.

Court Watch NOLA appreciates the opportunity to provide transparent information to the New Orleans community and will continue to provide measures to indicate how the criminal justice system is performing.



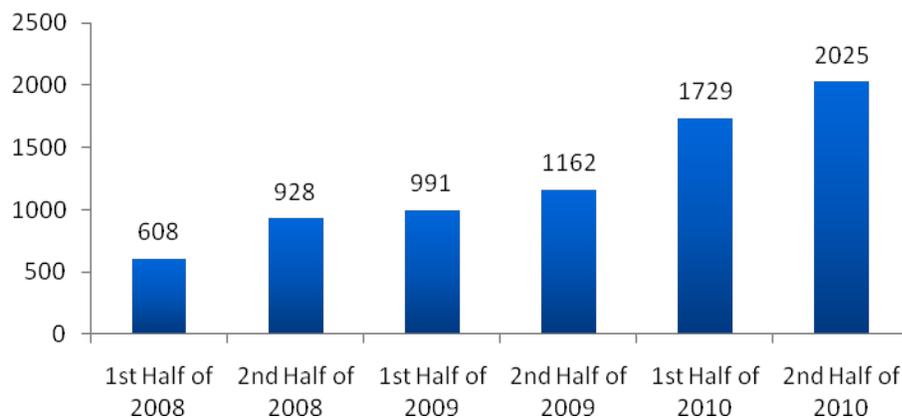
COURT WATCH NOLA VOLUNTEER OBSERVATIONS REACH ALL-TIME HIGH

Observations in the courtrooms of Orleans Parish Criminal District Court are at an all-time high. This has been made possible by the continued dedication of our community volunteers and our partnerships with Tulane and Loyola Universities.

NUMBER OF COURTROOM OBSERVATIONS

Exhibit 1 identifies the number of courtroom observations by Court Watch NOLA volunteers for the past two years. This represents thousands of volunteer hours donated by our committed volunteers that are working to keep the public informed of the activities that occur on a daily basis at Criminal District Court.

Exhibit 1: Number of Volunteer Observations by Six Month Period



This increase in volunteer observations allows more data to be gathered, compiled and reported to the public on the cases pending in Criminal District Court. It has also allowed Court Watch NOLA to keep up with larger dockets resulting from a higher number of cases being accepted by the District Attorney’s Office and to diversify the types of cases being watched.

The official docket master is reviewed in conjunction with court watchers’ reports to confirm the accuracy of the information recorded by each court watcher. Data is collected to measure court efficiency, including, the rates at which matters set are held, closed or continued; the



manner in which matters were brought to closure; who requested the continuance, why it was granted and date the matter was re-set; the time Judges took the bench; and, the number of unscheduled court closings. Statistics in this report were tabulated only for case settings actually observed by Court Watch NOLA volunteers.

THE JUDGES ARE KEEPING UP DESPITE AN INCREASE IN THEIR DOCKETS

In the second half of 2010, the number of cases accepted by the District Attorney rose by about 10% over the previous six-month period. Additionally, the manner in which misdemeanor cases are handled changed due to the Louisiana Supreme Court's ruling in *State v. Smalls*, 2009-2695 (La. 10/10/10) 48 So.3d 212, which prohibited the four appointed Magistrate Commissioners from conducting trials and accepting guilty pleas. As a result, all of the misdemeanor cases formerly allotted to the Magistrate Commissioners were re-allotted to the 12 District Judges and Magistrate Judge Gerard Hansen, who is elected by the public.

RESULTS OF VOLUNTEER OBSERVATIONS

Exhibit 2 reflects the results of volunteer observations from January 2008 to December 2010. During this two-year period, there has been an overall increase of 9% in the number of matters held, *i.e.*, matters taken up by the Judge, starting at 25% in the first half of 2008 and ending with 34% in the second half of 2010. A comparison of the last two six-month periods reveals a 2% decrease in the number of matters held, but a 2% increase in the matters closed.

The number of matters continued remains at 54% in comparison to the prior six-month period. But, again, this represents a decrease of 9% from the first half of 2008. This means that over half the time a court watcher was present in the courtroom for a matter set, the matter was continued.

Exhibit 2: Results of Observations by Six Month Period

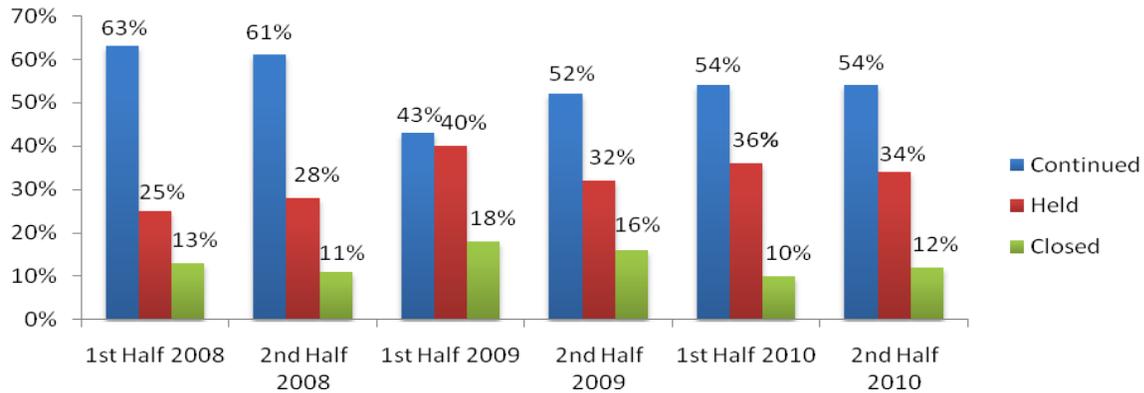
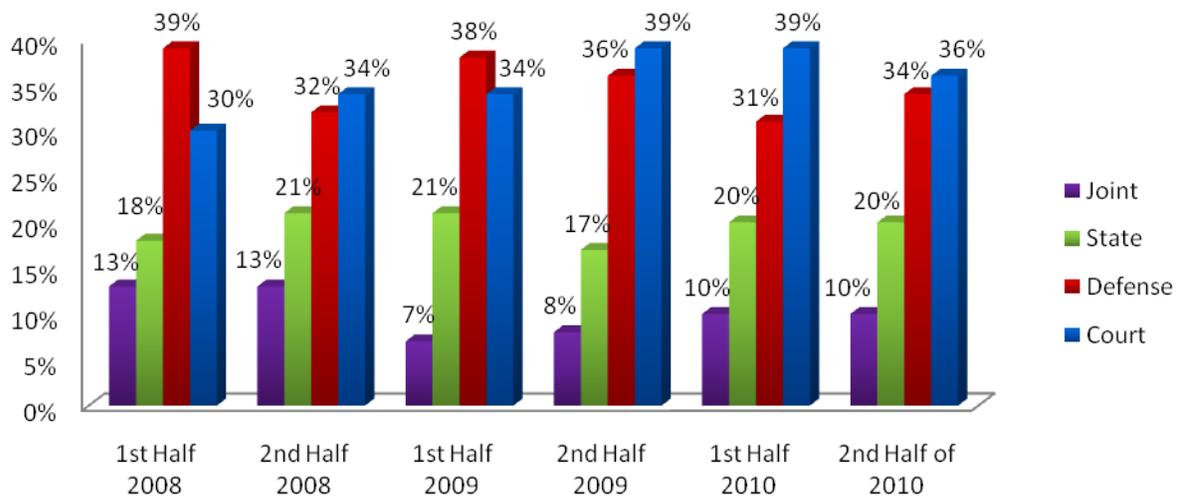


Exhibit 3 shows on whose behalf a request for continuance was made for each six-month period from January 2008 through December 2010. This exhibit shows that, 36% of the time a court watcher was present, the court continued the matter on its own motion. This represents a 3% decrease from the first half of 2010. There was a 3% increase in the number of continuances requested by the defendant, 34% in the second half of 2010 up from 31% in the first half of 2010. The number of continuances requested by the state remained constant at 20%, as did the number of requests for a continuance made jointly by the state and the defendant at 10%.

Exhibit 3: Request Continuance by Time Period



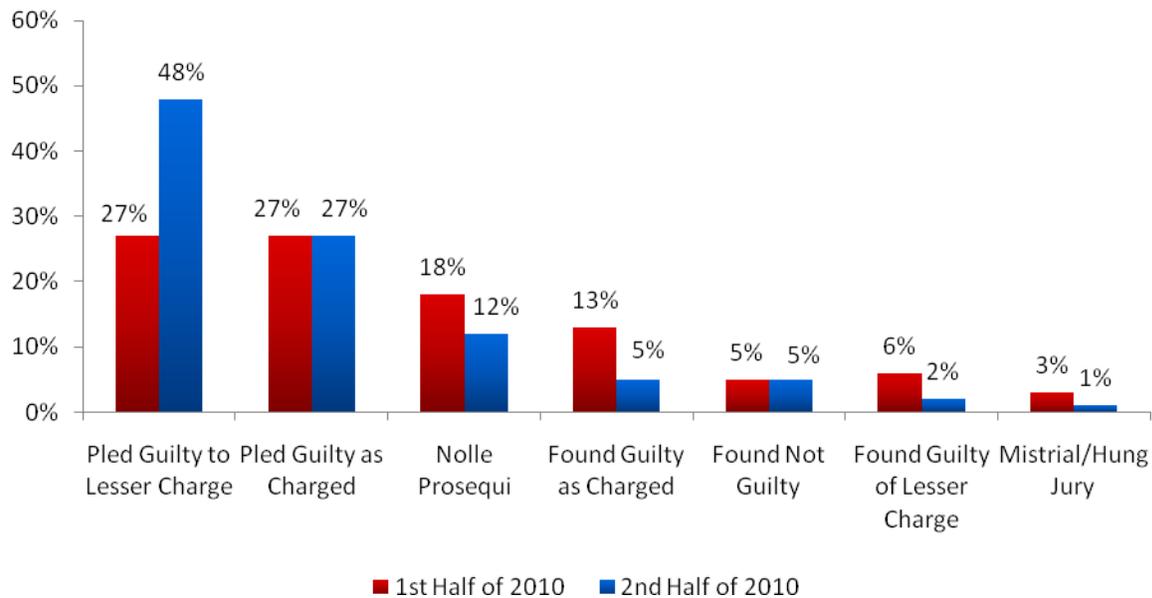


As previously stated, from July to December 2010, 12% of the cases observed by court watchers were brought to a close. **Exhibit 4** contains a breakdown of the matters closed during the two six-month periods of 2010.

Exhibit 4 shows that the most frequent method of closing cases during the second half of 2010 resulted from a defendant pleading guilty to a lesser charge – 48% of the time. For a defendant to plead guilty to a lesser charge, the District Attorney must amend the charge to allow the plea. The second most frequent method of closing cases resulted from the defendant pleading guilty as charged – 27% of the time. The third most frequent method of closing cases resulted from the case being dismissed (*Nolle Prosequi*) – 12%. It should be noted that the District Attorney is free to reinstitute a case that has been dismissed.

The remaining cases were closed by the defendant being found guilty as charged - 5%; found guilty of a lesser charge – 2%; found not guilty – 5%; a mistrial or hung jury – 1%, and the case being quashed by the Judge – less than 1%.

Exhibit 4: Breakdown of Matters Brought to Closure by Six Month Period





Court watchers' observations and data sheets now include more detailed information on why matters are continued. The reasons and observations for continuances requested by the court are reflected in **Exhibit 5**.

Exhibit 5 shows that 13% of the time when a court watcher was assigned to watch a matter in a courtroom, the matter was continued due to an unscheduled court closing. 32% of the time, the continuance was due to the trial of another matter already in progress. 57% of the time, the continuance appears on the docket master as a court continuance. Courts continued matters in the second half of 2010 for various reasons, including an insufficient number of jurors available, the Court recused itself, a subpoena had not been served, the defendant was unavailable, or there was a power outage in the courtroom.

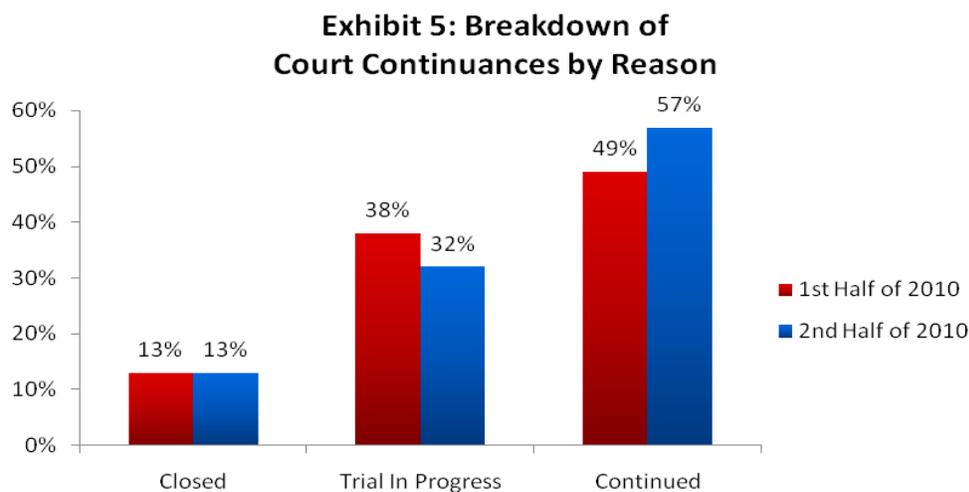


Exhibit 6 reflects the percentages of all scheduled proceedings that were continued for each Judge during the past two years. For the second half of 2010, Judge Landrum-Johnson had the lowest rate of continuances at 39%. Judge Willard had the highest rate of continuances at 64%, closely followed by Judge Parker at 62%. Judge Hunter is next at 58%, but this was 8% lower than his rate for the prior six-months. The other Judges' rates ranged from 46% to 56%.

Exhibit 6: % of All Proceedings Continued by Judge for Six Month Periods

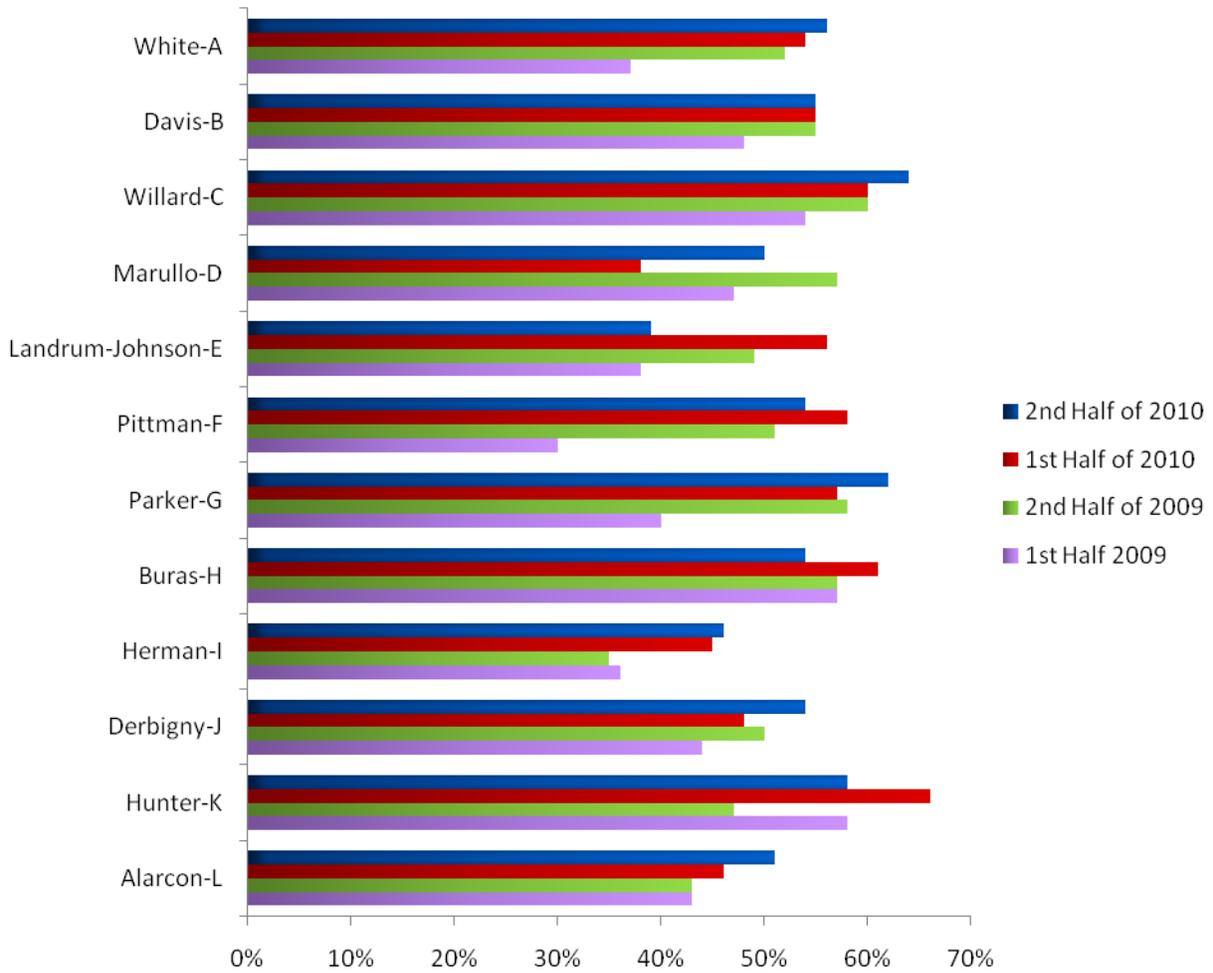
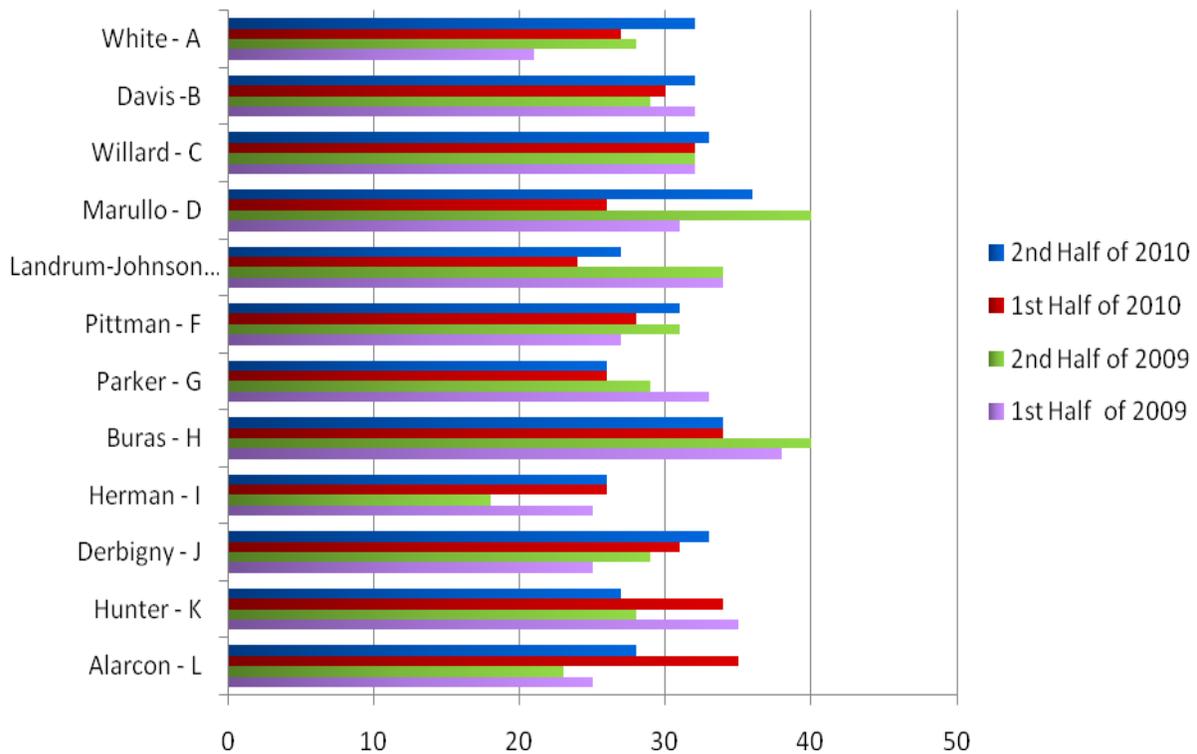


Exhibit 7 reflects the average number of days between settings for all matters, by Judge during the past two years. The overall court average of 30 days between settings remained constant. Judge Marullo averaged the greatest number of days between settings at 36 days. Judge Buras averaged 34 days between settings. Judges Willard and Derbigny averaged 33 days. Judges White and Davis averaged 32 days. Judge Pittman averaged 31 days. Judge Alarcon averaged 28 days. Judges Landrum-Johnson and Hunter averaged 27 days. And, Judge Herman averaged the fewest days between settings at 26.

Exhibit 7: Average Number of Days Between Settings by Sixth Month Period



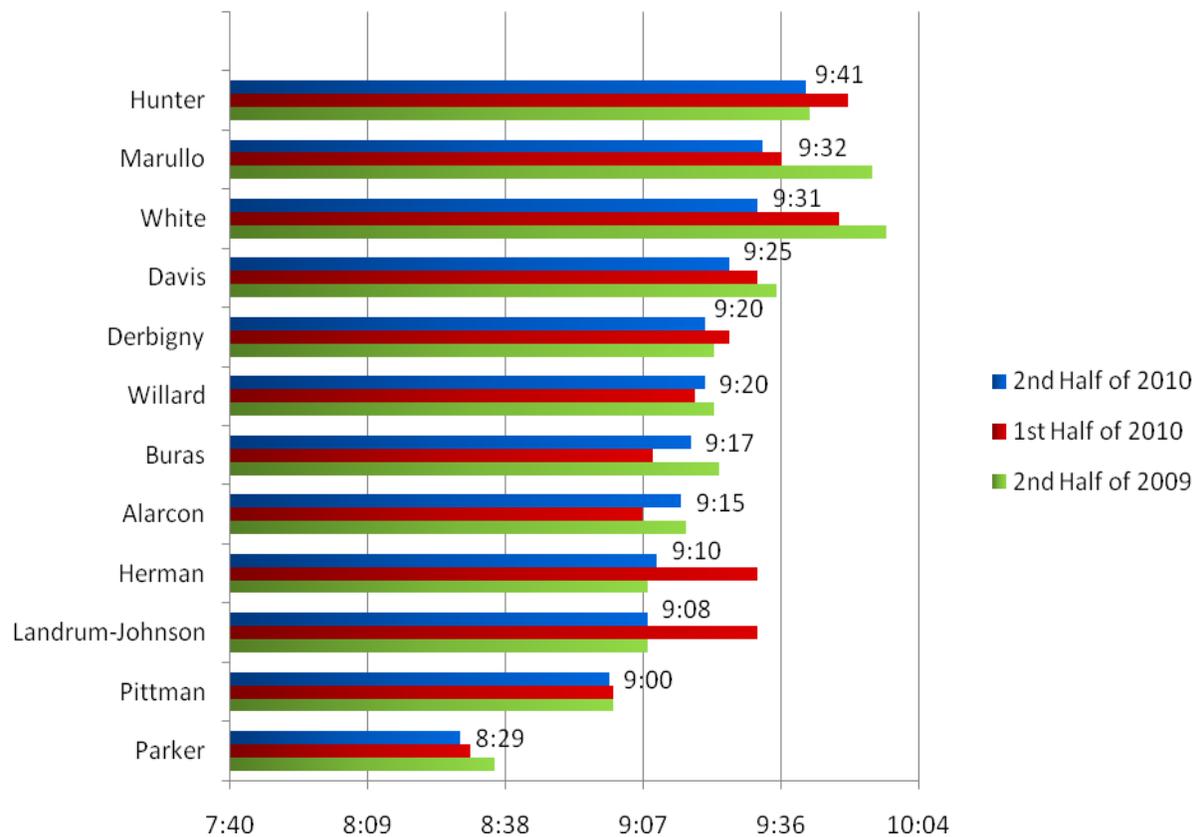


COURT WATCHERS CONTINUE RECORDING JUDGES' ARRIVAL ON THE BENCH

Exhibit 8 reflects the average time each Judge took the bench for the last year and a half. The times reflected on the chart are for the second half of 2010.

It must be emphasized that the court watchers record the time the Judge takes the bench, not the time the Judge may arrive in court. Judges may conduct court business prior to taking the bench.

Exhibit 8: Average Time Judge Took the Bench by Six Month Period





OBSERVATIONS BY COURT WATCHERS

Court watchers are asked to make observations regarding the prosecutors, defense attorneys, the Judges, and the New Orleans Police Officers that testified. Set forth below are the results of their observations during proceedings held:

PROSECUTORS

- **WAS THE ADA ORGANIZED? 96% OF THE TIME, THE ADA WAS ORGANIZED.**
- **WAS THE ADA PREPARED FOR THE CASE? 94% OF THE TIME, THE ADA WAS PREPARED FOR THE CASE.**

DEFENSE ATTORNEY(S)

- **Did the court have to wait for the attorney's arrival?** 49% of the time, the court had to wait for the attorney's arrival.
- **Was the attorney prepared for the case?** 90% of the time, the attorney was prepared.

JUDGE

- **Did the Judge keep the docket moving?** 92% of the time, the Judge kept the docket moving.
- **Was the Judge civil to the public, witnesses, prosecution and defense?** 96% of the time, the Judge was civil.

NOPD

- **Was the officer able to clearly recall the police report during testimony?** 85% of the time, the police officer clearly recalled the police report.
- **Were the officer's answers clear and concise?** 89% of the time, the officer's answers were clear and concise.



COURT WATCHTERS COMMENTS

Many comments are provided by the court watchers during their observations. The following are some of the comments made during the last six months of 2010.

A. CONTINUANCES

Trial continued because the state was not ready.

Defense attorneys did not show up; the Judge was outraged and trial could not be held.

Trial was continued because both sides were very disorganized, which greatly frustrated Judge. Disorganization among the DA's office and public defender's office seemed to be the overriding theme for this morning.

Trial could not proceed because there was no jury pool today.

Proceedings cancelled due to power failure.

There was supposed to be a trial today, but the Sheriff is leaving at noon and pulling security.

Case was continued because police officer was not served in time to appear to testify today.

B. COURT CLOSURES

Trial was set, but court was closed because the Judge was in a seminar.

Trial was set, but court was closed because the Judge was out of town.

I was advised by Deputies that the Judge would probably have to re-set all cases at 9:00 or 9:30 a.m. I returned at 10:00 a.m. to find that the courtroom was locked.

Judge did not take the bench. The bailiff informed me that the court was closed today and would be back in session on Tuesday. I returned later and found the door was locked. Several people tried to get in.

C. LACK OF ORGANIZATION

Public defenders have yet to meet with clients before arraignment.



Defense attorneys had checked-in, but were not present when cases were called.

The Judge called different cases and was informed they could not begin due to numerous attorneys not being present. It was not until 11:25 a.m. that one of the trials began. Three N.O.P.D officers were in court all morning.

There were two recesses, but they were required because lawyers were in different courtrooms or prisoners needed to be brought in.

For about the first 30 minutes of today's proceedings the court had a circus-like atmosphere, until the Judge called for "order in court".

No defense attorneys for any cases showed up this a.m. Judge left to go to try and "find" some defense attorneys. Judge expressed how this was a waste of everyone's time when they are all here to work.

Most of the discussion was done at sidebar, was not able to hear proceedings and properly document them.

Judge took the bench and 9:10 a.m. – There were no attorneys present, defense or ADA's. The whole day was chaotic, but I can't blame the judge. The attorneys weren't available and cases had to be called several times. The power went out. It was a zoo!

No seemed organized at all. Judge had to use gavel several times to call order. Very long sidebars and slow moving docket.

Judge had to wait 25 minutes for deputies to bring up defendant after we had already waited for attorney and translator's arrival. As soon as the inmate showed up the attorney went missing. It took ADA 10 minutes to find him.

No use of microphone. Most talking done at sidebar.

D. JUDGES' EFFORTS

It is very good to see more and more recent cases on the dockets!

Judge was very insistent on the microphone being used.

Judge gives thorough explanations during plea agreements.

Starts on time, is well organized and moves along.



Another nice orderly, efficient day.

Judge gave a wonderful introductory talk to the prospective jurors. Clear informative, dignified, and informal at the same time. I was impressed and learned from it.

The Judge moved the proceedings along with a minimum delay and with consistent efficiency. He starts on time, has each case announced clearly, has minimum sidebars and is reluctant to grant continuances.

This was a calm, cool and efficient day. The Judge is great.

SPECIALTY COURTS

RE-ENTRY COURT

A voluntary program available to defendants who plead guilty and sentenced to ten years or less are able to study carpentry auto repair, welding, horticulture or culinary arts while in prison. Judges will order assessments for education, drug counseling, and “life skills” and check on the inmates’ progress from the time they enter prison until release. *Times-Picayune, July 10, 2010* www.nola.com/crime/index.ssf/2010/07/new_program_offers_non-violent.htm. Re-entry court is held by Judge White and Judge Hunter.

VETERAN’S COURT

Veteran’s Court is the result of a partnership between Southeast Louisiana Veterans Health Care System and Orleans Parish Criminal District Court allowing Veterans who become involved in the criminal justice system to have a chance to seek treatment through Veterans Justice Outreach Programs. The first session was held in August 2010. The Court is intended for non-violent offenders who have mental health, substance abuse or homeless problems where treatment is a better option than incarceration. Source: *U. S. Department of Veterans Affairs release October 12, 2010*, www.neworleans.va.gov/press_release_vjo.asp. Veteran’s Court is held by Judge Hunter.

DOMESTIC VIOLENCE COURT

Domestic Violence Court is designed to improve victim safety and enhance defendant accountability. Domestic Violence Court is held by Judge Hansen.



DRUG COURT

Drug Court is a four phase program that partners with the Metropolitan Human Services District to provide counseling and treatment to non-violent offenders who plead guilty and admit to having a drug addiction. Drug Court is held by Judge Davis, Judge Willard, Judge Parker, Judge Buras, Judge Herman, Judge Derbigny and Judge Hansen.

ACKNOWLEDGEMENTS

Court Watch NOLA would like to thank the Court Watch NOLA volunteers who make this work possible; 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.

Court Watch NOLA would like to thank all of its donors for their continued support of the organization, including the following major donors:

Acadian Ambulance	Laitram, LLC
Adams and Reese LLP	LeBlanc Bland, PPLC
AT&T Louisiana	Liskow & Lewis
Boh Foundation	Mamie & Kirk Gasperecz
Andrea St. Paul Bland	Patti & Robert Lapeyre
Bari & Edel Blanks	Richard House
Ella West Freeman Foundation	Rosenthal and Jacobs Foundation
Elizabeth Wheeler	Sally & Jay Lapeyre, Jr.
George Shinn Foundation	Seismic Exchange, Inc.
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Hope Goldman Meyer	The RosaMary Foundation