

COURT WATCH NOLA VOLUNTEER TRAINING MANUAL



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Court Watch NOLA

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Conflicts of Interest and the Court Watcher Pledge¹

Court Watch NOLA seeks to ensure that its volunteers take an objective approach to evaluating the judges, attorneys, staff, security, and other public servants they observe in court. To that end, please immediately notify Court Watch NOLA staff of any potential conflict of interest that may prevent you from objectively observing Orleans Parish Magistrate Court. Potential conflicts of interest include, but are not limited to, any previous or current criminal charge against you or your immediate family in Orleans Parish, and if you have been, are, or may be a victim or witness involved in a criminal case in Orleans Parish.

During training, you will be asked to affirm your objectivity and lack of conflicts of interest by reading and signing the following pledge:

¹ Adapted from the Council for Court Excellence.

“I understand that I am to be objective in my observation of the Court. I have disclosed any of my or my family members’ involvement in a case in the Orleans Parish Criminal District Court. No circumstance, including close friendships with members of the Court, exists that would cause me to be, or appear to be, biased in my activities as an observer. I agree to inform the Court Watch NOLA staff of any conflict of interest or other circumstance that might affect my ability to remain objective, or that might create the appearance of a conflict of interest or bias. If such a circumstance arises, I agree to withdraw from the project.”

Introduction to Court Watch NOLA

“In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury... and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.”

Sixth Amendment to the United States Constitution.

“It is desirable that the trial of causes of action should take place under the public eye, not because the controversies of one citizen with another are of public concern, but because it is of the highest moment that those who administer justice should always act under the sense of public responsibility, and that every citizen should be able to satisfy himself with his own eyes as to the mode in which a public duty is performed.”

Justice Oliver Wendell Holmes, *Cowley v. Pulsifer*, 137 Mass. 392, 394 (Mass. 1884).

On behalf of Court Watch NOLA’s Board of Directors, staff, and volunteers, we are thrilled by your interest in court watching and look forward to getting to know you better. As you can see from the quotations above, by keeping a close eye on Orleans courts, Court Watch NOLA volunteers are performing an important public service while helping to safeguard our Constitution’s Bill of Rights.

Welcome to Court Watch NOLA, where, for many defendants, every day in court is a matter of life and death, and freedom or incarceration. On the good days, our volunteers observe attorneys passionately defending their clients; prosecutors protecting public safety; victims seeking justice; families supporting each other; and judges who fairly balance all of these competing interests. As for the bad days, when our public servants do not live up to these lofty standards, well, that is

why Court Watch NOLA is here – to bring the sunshine in and let the public know exactly what type of justice is being administered in its name. Thanks for joining our community.

I. Court Watch NOLA’s mission is to promote reform in the Orleans Parish criminal court system through civic engagement and courtroom observation.

EFFICIENCY - Justice Delayed is Justice Denied. The longer a case takes, the more likely that key evidence and witnesses are lost. Court delays require police to spend more time in court and less time on patrol. For defendants awaiting trial, delays mean an unfair and expensive proposition with taxpayers paying for pre-trial incarceration and indigent defendants remaining incarcerated for longer, whether innocent or not, because they cannot pay their bail. Court Watch NOLA focuses on reduction of courtroom delays to promote fairness, public safety, and cost-effective provision of public resources.

TRANSPARENCY – Demand Accountability in Public Trials. Court Watch NOLA believes that as a member of the public, *you* can play a role in the oversight of the criminal justice system. In order for you to do that, the criminal justice system must be transparent, and you must have the tools and information to demand accountability. Court Watch NOLA collects and publishes statistics that no other organization is publishing for public release.

PROCEDURAL FAIRNESS – Voice, Respect, Neutrality. Court Watch NOLA believes that there are many more parties who have a stake in the criminal justice system other than the defendant, judge, prosecutor, and defense attorney. Sitting in any courtroom may be victims, family members, witnesses, New Orleans Police Department officers, court clerks, Orleans Parish Sheriff Office deputies, Louisiana Department of Corrections officers, doctors, press, and other members of the general public. Each of these stakeholders should be treated with human respect. The parties to a criminal trial need their voices to be heard by an objective, neutral judge or jury. Court Watch NOLA monitors all of the stakeholders in the criminal justice system to determine whether their needs are being met and voices are being heard.

Why Your Observations Are Integral to Court Watch NOLA

Court Watch NOLA’s methodology is unique. No other agency in Louisiana is currently monitoring all types of criminal cases that arise in criminal courts through objective, nonpartisan public observation. We are the only agency that can provide this level of transparency into Orleans Parish criminal courts. Citizens of New Orleans cannot hold the courts and other public officials accountable until they have the data to do so. YOU, our cherished Court Watchers, are our boots on the ground inside of criminal courthouses; you are flies on the wall, poised to listen to criminal proceedings that change people’s lives daily.

II. General Rules

Ethical behavior and confidentiality are a must in this position. At all times, follow the “Court Watcher Pledge” included earlier in this manual, and immediately notify Court Watch NOLA staff if you or an immediate family member have a pending criminal charge in Orleans Parish, or if you are a victim or witness in a criminal case pending in Orleans Parish. If you decide to permanently stop court watching or take an extended leave of absence, please return your Court Watch NOLA credentials to a staff member.

A. Preparing for Court

Each week, you will receive a “Court Watch Availability” email from Court Watch NOLA staff inviting you to either sign up for a courtroom assignment directly online or asking what days you would like to observe court that week. We ask court watchers to only volunteer on days when they can observe court for at least 3 hours (though the judge or commissioner may conclude court sooner than 3 hours).

1. Online Sign-up for Court Assignment

Sign up [here](#) for a courtroom directly online. To get started, inform a Court Watch NOLA staff member that you would like to use the online method. He or she will add your name to the shared document and send you an email providing you editing privileges on the document.

After receiving the weekly “Court Watch Availability” email, choose an available white time slot, and start typing your last name on the shared document. Your full name should appear in the drop-down menu. Select your name, and the time slot you reserved will turn from white to red. Be very careful not to inadvertently write over or delete another person’s reservation. If you learn that you can no longer make your time reservation, erase your name from the time slot as soon as possible to allow others the opportunity to court watch.

The shared document is accessible via our website: www.courtwatchnola.org/current-court-watchers/. Enter the relevant password, depending on the time of year you are court watching (e.g., “2018cwn”). To access the shared document on a mobile device, download the Google Sheets app, and under the menu on the left-hand side, select “Shared with me,” and open the “Weekly Court Watch Assignment Availability” file.

2. Traditional Sign-up for Court Assignment

If you do not wish to use the online sign-up method, respond to the weekly “Court Watch Availability” email with which date(s) and time(s) you would like to court watch the following week. Based on your availability, you will receive a second email assigning you a courtroom and time of day to watch. If you know that your schedule allows you to court watch on the same day and time each week, please inform a Court Watch NOLA staff member, and he or she will send you weekly courtroom assignments without the need for you to email weekly. If you are unable to attend your scheduled observation session, please notify the Court Watch personnel who gave you your assignment as soon as you are able.

3. Print Data Sheet & Attire

Before you observe each time, print a blank data sheet to be filled out while in court.

- Go to www.courtwatchnola.org >>
- Court Watchers >>
- Current Court Watchers >>
- Enter the password, (“2018cwn”) >>
- Click “Print Your Data Sheet” for the the kind of court you indent to watch. Data sheets are different for Criminal District, Magistrate, and Municipal Courts.

You may also wish to bring extra paper with you to take notes. Dress professionally (business casual) when observing court. No jeans, sweatpants, shorts, t-shirts, short skirts, or flip flops are allowed. You may want to bring a sweater or jacket, as court can sometimes get cold. Be sure to *wear or bring your identification badge*. You will be *unable to bring your cell phone* into the courthouse if you do not wear your identification badge.

B. Entering the Courthouse

Orleans Parish Sheriff’s Office (OPSO) deputies may deny you entry into the courthouse if you attempt to bring radios, pagers, weapons, pepper spray, food or drink. Court Watchers, unlike other members of the public, are afforded the privilege of bringing their cell phone into the courthouse and most courtrooms. Before entering the courthouse, put your cell phone on silent (not vibrate) and keep it tucked away while in courtrooms. **NO PHOTOS, VIDEOS, OR OTHER RECORDING DEVICES ALLOWED!**

1.Criminal District Court & Magistrate Court Watching (Weekday 10 AM or 3 PM)

Enter the Orleans Parish Criminal District Court at the front entrance at 2700 Tulane Avenue for observing Sections A through L of Criminal District Court and also for observing weekday morning and afternoon Magistrate Court sessions.

2.Other Magistrate Court Sessions (Weekday 7:30 PM, Weekends or Holidays 10 AM or 5 PM)

Enter the Orleans Parish Criminal District Court at the side entrance on Broad Avenue, unless informed otherwise by Court Watch staff. This entrance is labeled “for attorneys and jurors only” and is located approximately 100 feet (uptown direction) from the corner of Tulane and Broad streets.

Please contact Court Watch NOLA staff immediately if OPSO deputies deny you entry into the building and also reflect this on your data sheet. It may also be possible that you will attempt to access Magistrate Court via the entrance on Broad Street and be informed that you can enter the courthouse only on the Tulane side of the building.

3. Municipal Court Sessions (Weekday 9:00 AM, 11 AM or 3 PM)

Enter the Orleans Parish Municipal Court at the front entrance at 727 South Broad Street for observing Sections A through D of Municipal Court.

C. Prior to Heading to Your Assigned Courtroom

Make sure to arrive at the courthouse at least 20 minutes prior to the court's start time to allow enough time to pick up the necessary documents from the Clerk of Court's Office.

1. Observing Criminal District Court

To observe courtroom Sections A through L in Criminal District Court, first pick up a DOCKET for the individual courtroom you will be monitoring from the District Court Clerk of Court's Office (Room 210). Please enter your assigned courtroom at least 15 minutes prior to its scheduled start time.

2. Observing Magistrate Court

To observe a court session in Magistrate Court, first pick up both a FIRST APPEARANCE SHEET and a DOCKET, either from the Magistrate Clerk of Court's Office (Room 104) during the week, or from the Minute Clerk inside the Magistrate courtroom for evening, weekend, and holiday court sessions.

Scheduled Magistrate Court Session	Time to Pick Up First Appearance Sheet & Docket	From
Weekday 10 AM	9:45 AM	Room 104
Weekday 3 PM	2:45 PM	Room 104
Weekday 7:30 PM	6:30 PM	Room 104
Weekend or Holiday 10 AM	9:40 AM	Courtroom Minute Clerk
Weekend or Holiday 5 PM	4:40 PM	Courtroom Minute Clerk

The Magistrate Court docket should include a "jail list," informing you of which incarcerated defendants should be produced for court by the Orleans Parish Sheriff's Office.

3. Observing Municipal Court

To observe a court session in Municipal Court, first you must go to the clerk inside the individual court room to request a docket and they will only print it for you if you are 30 minutes early for court. You can pick up a sheet of first appearances (for 11 am First Appearances court) from the Clerk of Court's office, located in room 108.

D. Inside the Courtroom (All Courts)

Find a seat where you can see and hear the proceedings clearly. In most courtrooms, the front row of the public seating area is reserved for attorneys and police officers. Please follow any

directions relating to seating given to you by the court deputy, court staff, or judge. Never go beyond the railing dividing the public seating area from the well without being invited by the judge or other court personnel.

While court is in session, please keep any non-court-related material (including your cell phone) tucked away. You may read to occupy your time when court is not in session. Do not gesture your agreement or disagreement with the judge, commissioner, or attorneys during the proceedings. Please strive to be as objective in your data collection as possible.

We encourage, but do not require, that you stay until your assigned section of court has concluded for the day. Feel free to leave if your assigned courtroom adjourns for lunch, but also consider returning after the lunch break, and let us know you plan to do so. Please minimize any disruptions to the courtroom when exiting.

E. Interacting with Others

While wearing the Court Watch NOLA yellow lanyard, carrying the yellow clipboard, or otherwise identifying yourself as a Court Watcher, you represent Court Watch NOLA as a whole. Please act courteously and respectfully at all times to everyone you encounter, including but not limited to judges, commissioners, clerks, attorneys, deputies, members of the press, and other members of the general public. If anyone asks why you are there, you can respond, “I am a volunteer court observer for Court Watch NOLA.” At no point should you comment on your observations to anyone outside of Court Watch NOLA, including but not limited to judges, commissioners, clerks, attorneys, or the media. If anyone asks you for your courtroom observation or viewpoint on an occurrence in court, you should refer them to a Court Watch staff member by providing the phone number of the Court Watch staff member. There is no exception to this rule.

When court is not in session, you may, but are not required to, introduce yourself to the prosecutors, defense attorneys, court personnel, and deputy sheriffs to let them know you are a court watcher. You may also ask an Assistant District Attorney or defense attorney questions about things that you did not understand during the proceedings.

You may interact with other court watchers about the nature of the proceedings. However, you must not converse while in the courtroom. Please also make sure that your comments on the data sheet reflect only what you have yourself observed and not what you were told by another court watcher.

F. Unscheduled Absences and Closed Courtroom

If you learn that you are unable to observe your assigned courtroom, as soon as practicable, delete your name from the scheduling document to allow others the opportunity to court watch.

If you learn that the judge or commissioner will be unavailable or that the courtroom is locked during your scheduled observation session, call or text the Court Watch staff member responsible

for courtroom assignments (Volunteer Coordinator). Please note this closure on the data sheet in addition to any reason that was given for the closure.

If you are asked to leave a courtroom proceeding or other area of the courthouse by court personnel, politely attempt to find out the reason. (It may be that a court proceeding is closed, for example.) If you are directly informed, or are led to believe, by court personnel that observations are not welcome, discontinue your observation, note the reason and who told this to you, and call Court Watch staff as soon as you exit the courtroom.

III. Current Scheduled Start Times

A. Criminal District Court

Section	Judge	Location	Scheduled Start Time
A	Laurie White	1 st Floor	9:30 am
B	Tracey Davillier	1 st Floor	9:00 am
C	Benedict Willard	1 st Floor	9:00 am
D	Paul Bonin	3 rd Floor	9:30 am
E	Keva Johnson	2 nd Floor	9:00 am
F	Robin Pittman	2 nd Floor	9:00 am
G	Byron Williams	3 rd Floor	8:15 am
H	Camille Buras	2 nd Floor	9:00 am
I	Karen Herman	2 nd Floor	9:00 am
J	Darryl Derbigny	2 nd Floor	9:00 am
K	Arthur Hunter Jr.	2 nd Floor	9:00 am
L	Franz Zibilich	2 nd Floor	8:00 am

B. Magistrate Court

Section	Magistrate / Commissioner	Scheduled Start Time*
M1	Harry Cantrell, Jr.	M-F 10 am
M2	Brigid Collins	M 3 pm + 7:30 pm
M3	Albert Thibodeaux	T 3 pm + 7:30 pm
M4	Robert Blackburn	W 3 pm + 7:30 pm
M5	Jonathan Friedman	Th 3 pm + 7:30 pm
M2-M5	Commissioner on Duty**	F 3 pm + 7:30 pm
M2-M5	Commissioner on Duty**	S 10 am + 5 pm
M2-M5	Commissioner on Duty**	Su 10 am + 5 pm

*The scheduled court time is subject to change based on the Orleans Parish Sheriff's Office's transport of defendants and their arrival at Magistrate Court.

**Commissioners preside over court settings on a rotating schedule on Fridays at 3 pm and 7:30 pm and weekends and holidays at 10 am and 5 pm. This rotational schedule is approved by the 13 Orleans Parish Criminal District Court judges and updated monthly. If the commissioner on duty is unavailable for his or her designated session, the duty commissioner is responsible for notifying the scheduled backup commissioner, the New Orleans Police Department, and the Orleans Parish Sheriff that the backup commissioner will preside over the designated session in the duty commissioner's absence.

C. Municipal Court

The Judges are Cade, Early, Jones, Jupiter, Landry, Sens, or Shea.

Scheduled Start Time
Morning Session 9 am
First Appearances 11 am
Afternoon Session 3 pm

IV. Stages of a Criminal Court Case

You will be observing Orleans Parish Criminal District Court, which is composed of 12 trial sections (Sections "A" through "L"), each with an elected Judge, and one magistrate section, which includes the elected Magistrate and four appointed Commissioners.

Criminal District Court has exclusive original jurisdiction over all state felony cases heard in Orleans Parish and hears appeals from both Traffic Court and Municipal Court (where state misdemeanors and municipal offenses are currently prosecuted). Once the District Attorney formally charges a defendant with the alleged crime(s), the case is allotted to one of the 12 trial sections based on the date of the alleged offense. Each court section hears 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 12 trial judges and Magistrate Judge.

The adjudication of a criminal case generally includes the following steps. The rules and time periods referenced below are set forth in the Louisiana Code of Criminal Procedure or the Rules for Louisiana District Courts, Titles I, II, and III for the Criminal District Court of the Parish of Orleans (amended effective August 13, 2015).

Arrest	When law enforcement officers determine that an individual has committed an offense, they may either take the defendant into custody or issue a ticket or summons that states a date on which the defendant must appear in court in front of a magistrate or commissioner.
Booking	If the defendant is taken into custody, the arresting officers transport him/her to the Orleans Parish Prison Central Lockup (CLU). CLU, operated by the Orleans Parish Sheriff's Office, is a holding facility for those detained pending a bond hearing in Magistrate Court. While in CLU, defendants speak with New Orleans Pre-Trial

	Services (NOPTS), which is operated by the Vera Institute of Justice. For each defendant, NOPTS prepares a pre-trial report which assigns a risk score of how likely the defendant is to return to a scheduled court date and whether s/he poses a danger to society if s/he is released without bond.
First/Initial Appearance (a.k.a. Arraignment) <i>Magistrate Court Proceedings</i>	If the defendant is taken into custody, s/he should be seen by a magistrate or commissioner no longer than 48 hours of his or her arrest. The magistrate must determine whether the defendant is indigent and cannot afford legal representation. If the magistrate finds that the defendant is indigent, then the magistrate must appoint a defense attorney to represent the defendant. The defense attorney will then speak confidentially with his or her client before returning to discuss the case on the record. Based on the defendant's criminal history, risk to the public, ties to the community, and the pre-trial report, the magistrate may hold the defendant in custody, set an amount of bail or bond that the defendant can pay to be released, or release the defendant without bail or bond.
Status Hearing (a.k.a. 28-Day Progress Report or 2nd Appearance)	The Orleans Parish District Attorney's Office (DA) determines which charges will be accepted for prosecution based on the strength of the evidence. The Clerk of Court's policy is to set status hearings 28 days after the first appearance to see whether the DA has made a charging decision. Defendants who were released either on bond, or on his or her own recognizance are expected to return for this court date. If they fail to appear in court, the magistrate may issue a "capias," or a bench warrant, for the defendant's arrest.
48-Day Hearing	If, at the First Appearance, the DA has insufficient information on the circumstances of the defendant's arrest, the DA may request that the magistrate hold the defendant in jail until enough information is received for the magistrate to decide whether to set a bail or bond amount or release the defendant. If the magistrate has not made a bail or bond decision within 48 days of the defendant's arrest, the defense may request that the magistrate hold a hearing to determine whether the DA has just cause for the delay. If the magistrate finds that the DA does not have just cause, then the magistrate may consider whether the defendant should be released.
Preliminary (a.k.a. Probable Cause) Hearing	If the defendant was not arrested pursuant to an arrest warrant, the defense, DA, or magistrate may move for a hearing to determine whether there is probable cause to believe that an offense was committed and that the defendant committed the offense. If the magistrate finds that there is insufficient probable cause, then the defendant may be released from custody or his or her bail obligation. If the magistrate finds that there is sufficient probable cause, then the defendant either remains in custody, or his or her bail obligation stays the same.

701 Release Hearing	For incarcerated defendants, prosecutors must decide to accept the charges for which they were arrested within 45 days for a misdemeanor; 60 days for a felony; and 120 days for capital crimes. For defendants not incarcerated pre-trial, prosecutors must decide to accept the charges within 90 days for a misdemeanor and 150 days for a felony. If the DA does not make a decision on whether to prosecute the defendant within these timeframes, the defense may request that the magistrate hold a hearing to determine whether the DA has just cause for the delay. If the magistrate finds that the DA does not have just cause, the magistrate will consider whether the defendant should be released.
Arraignment <i>Usually District Court proceedings</i>	The DA may formally charge a defendant of an offense by either filing a bill of information or convening a grand jury that chooses to indict the defendant for the charged offenses. Once the DA has accepted the charges, cases involving felony charges and some state misdemeanors are allotted to one of the 12 trial sections of District Court based on the date that the alleged crime was committed. The Clerk of Court has 30 days to schedule arraignments following the DA's acceptance of charges. The judge will formally advise each defendant of the charges brought against him or her. The defendant then enters a plea of guilty or not guilty. If s/he pleads not guilty, the judge schedules the case for pre-trial motions and trial.
Discovery	Discovery is a process whereby the prosecution and the defendant exchange information in preparation for trial. The prosecution, for example, is obligated to provide the defendant with the police report detailing his arrest, as well as certain potentially exculpatory (or <i>Brady</i>) evidence, while the defendant may provide the State with reports from expert witnesses or crime scene photographs.
Pre-Trial Motions	The State and defense may file pre-trial motions requesting that the Court take a particular action. Common pre-trial motions include requests by the defendant for the Court to: modify his or her bond or release conditions; find that the police lacked probable cause for arrest, in which case s/he cannot be detained while awaiting trial; and suppress (or exclude) evidence from trial, such as physical evidence, a confession, or an identification of the defendant.
Trial and Disposition	The defendant may plead guilty, or charges may be dismissed by the DA, or, in some cases, the judge, prior to trial. The State and the defense each present their cases to the judge or a jury, who then decide whether, beyond a reasonable doubt, the defendant committed the crimes charged. The judge or jury may also decide that the defendant committed offenses lesser (or less severe) than the crimes charged.
Sentencing	Individuals found guilty of or who pled guilty to a crime may be sentenced to fines, probation, prison, etc. If a defendant has previously been convicted of a felony, the State can choose to

	prosecute the defendant as a habitual offender (or “multiple bill”), which sets a mandatory minimum sentence and does not allow defendants probation or early release for good behavior. Some defendants charged with non-violent crimes are invited to participate in an intensive rehabilitative program instead of incarceration.
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V. Glossary of Terms You May Hear in Court

28-Day Progress Report (Status Conference; 2 nd Appearance)	Status hearings scheduled 28 days following the First Appearance to see whether the DA has decided to formally charge the defendant with the offense(s) for which s/he was arrested.
330.3 Hearing (Gwen’s Law Hearing)	A hearing held prior to the setting of bail for a person charged with domestic abuse battery, violation of protective orders, stalking, or any felony offense involving the use or threatened use of force or a deadly weapon upon the defendant's family member. The Magistrate shall determine the conditions of bail or whether the defendant should be held without bail pending trial.
701 Release	Refers to the amount of time the District Attorney has to accept or refuse the charges for which the defendant was arrested. If the DA delays the charging decision beyond the statutory limits, then the Magistrate may release the defendant from custody.
Accepted	The District Attorney determines whether to formally “accept” the criminal charges alleged against the defendant by the arresting officers.
ADA (Assistant District Attorney)	An Assistant District Attorney represents the interests of the people of Louisiana. The elected DA, in conjunction with the ADAs, determines whether a court case should be filed and has the burden of proving the allegations.
Affidavit	Sworn declaration of facts in writing. Law enforcement witnesses are required to include an affidavit with each application for arrest and search warrants.
Alias Capias (Capias; Bench Warrant)	Writ requiring law enforcement officers to take a named defendant into custody. Often issued for a defendant’s failure to appear on his or her scheduled court date.
Alternatives to Incarceration (ATI)	A program which, upon successful completion, may remove the criminal charge(s) from the defendant’s criminal record. This includes substance abuse, mental health, or domestic abuse assistance.
Arraignment	Formal reading of a criminal charging document in the presence of the defendant to inform the defendant of the charges against him or her. This term is used for both First Appearance in Magistrate Court and the formal charging by the District Attorney in Criminal District Court.
Bail	Cash or a piece of property that has cash value paid in return for a defendant’s promise to appear for scheduled court appearances. Used interchangeably in Orleans Parish with “Bond.”

Bail Bond (Bond)	The payment of a percentage of a defendant's full bail amount to a bondsman or surety, who in turn, guarantees to the Court that the defendant will appear for scheduled court appearances. If the defendant is incarcerated when bail bond is posted, the defendant is then released.
Bench Trial	A trial adjudicated by a judge. A defendant accused of a felony has the right to choose either a bench trial or a jury trial.
Bench Warrant	See "Alias Capias."
Bill of Information	A document filed into the court record by the District Attorney's Office, stating the decision to formally charge the defendant with an offense for which s/he was arrested. An alternative to "Indictment."
Bond	See "Bail Bond."
Bond Review Hearing	A request by the defendant for the Court to modify his or her bond or release conditions.
<i>Boykin</i> Form (Boykinizing)	The Court must advise a defendant entering a guilty plea of the constitutional and other rights s/he is waiving by pleading guilty.
<i>Brady</i> Material	Exculpatory information that the State must provide to the defense during the discovery phase.
Burden of Proof	A party's duty to prove a disputed assertion or charge. In criminal cases, the State must prove the elements of the crimes charged beyond a reasonable doubt.
Charge (Offense; Count; Crime)	The illegal act(s) which the defendant is accused of performing.
CLU (Central Lock-Up)	Operated by the Orleans Parish Sheriff's Office, defendants are brought to CLU for booking after they have been arrested and before they are assigned a housing unit. After being booked, defendants speak with New Orleans Pre-Trial Services in CLU.
Commissioner	An official appointed by the 12 Criminal District Court Judges and Magistrate Judge of the Orleans Parish Criminal District Court and authorized to, among other responsibilities, set bail amounts and conditions, detain, or release criminal defendants.
Confidential Conversations	A criminal defendant, whether incarcerated or not, has a constitutional right to confidential, non-recorded conversations with his or her attorney under the Sixth Amendment of the United States Constitution.
Continuance	Postponement of a scheduled hearing or trial until a later date.
Court Reporter	A stenographer who records all statements on the record.
Delay	Amount of downtime in between cases that are on the court docket. The judge may or may not be sitting on the bench during delays. Do not confuse delays with "sidebars," which are conversations that occur while a case is being discussed.
Discovery	Process whereby the State and defense exchange information in preparation for trial.
DOC (Department of Corrections)	If a defendant is incarcerated somewhere other than in the Orleans Justice Center, the Louisiana Department of Corrections is sometimes responsible for transporting the inmate for court appearances.

Docket	A calendar of scheduled court proceedings for each day. Court watchers may obtain daily dockets for their assigned District Court observation from the District Court Clerk of Court's Office (Room 210). Magistrate Court dockets may be obtained from the Magistrate Court Clerk of Court's Office (Room 104) for the weekday morning and afternoon court sessions, and from the Minute Clerk in the Magistrate Courtroom for evening, weekend, and holiday court sessions.
Docket Master	Operated by the Orleans Parish Sheriff's Office, a summary of court proceedings for every action taken on a case is available online here .
Electronic Monitoring	This is an electronic device, usually secured around a defendant's ankle, which signals the defendant's whereabouts. Electronic monitoring of house arrest may be used as a sentence in lieu of incarcerating defendants.
<i>Ex Parte</i> Communication (1-Sided Sidebar)	Communication between the Court and one party when the opposing party is not present. This practice is contrary to rules of ethics governing judges and attorneys in Louisiana.
Expungement	A court-ordered process through which the legal record of an arrest or a criminal conviction is "sealed" or erased in the eyes of the law. When a conviction is expunged, the process may also be referred to as "setting aside a criminal conviction." A Magistrate or Commissioner may rule on Expungement Motions.
Felony	A crime punishable by over six months "at hard labor" or a death sentence. A defendant charged with a felony has a right to an attorney and a trial by jury, though he can choose a bench trial instead.
First Appearance Sheet	A document available from the Magistrate Clerk of Court's Office which lists all defendants who are scheduled to appear before the Magistrate to set bail, release, or hold the defendant.
Grand Jury	A body of people that decides whether the evidence is strong enough to charge a defendant with a specific crime.
Gunshot Residue (GSR)	Law enforcement investigators test the clothing and skin of individuals for GSR to determine if they were near a firearm when it discharged.
<i>Habeas Corpus Ad Prosequendum</i>	A writ requiring a custodial entity to bring a person to court to be prosecuted. Often used by the State to require a defendant who is in federal custody or the custody of another state or parish to be brought to court.
Habitual Offender (Multiple Bill)	See "Multiple Bill."
Held (Incarcerated; In Custody; Detain; Remand)	These terms are used interchangeably to refer to a defendant who is the in the custody of law enforcement.
Hold [<i>noun</i>]	Conditions which hold a defendant in jail. There are many types of holds, such as parole, probation, fugitive, immigration, extradition, or out-of-state warrant.

Hung Jury	When the statutory minimum number of jurors required to reach a legal verdict cannot agree on any one verdict, the case will be retried.
Ignition Lock	When a defendant is charged with “Driving while Impaired” or “Driving under the Influence,” a Judge or Commissioner may require that the defendant blow into a device called an ignition lock prior to each time s/he drives the vehicle. The device will only allow the defendant to operate the motor vehicle if the defendant’s blood alcohol level is within legal limits.
<i>In Camera</i>	When a judge chooses to review disputed evidence in private and off the record. <i>In camera</i> review may be used to determine whether the evidence should be introduced at trial, for example.
Indictment	A document returned by a Grand Jury, <i>a.k.a.</i> a “True Bill,” with the decision to formally charge the defendant with the crime(s) for which s/he was arrested. Alternative to “Bill of Information.”
Indigent	Describes a defendant without the means to afford a private attorney, and who is therefore eligible to be represented by a public defender.
Jury	In Louisiana, a jury of 12 must be seated for any 1st class case (one in which the death penalty is a possibility), and all 12 must concur to return a valid verdict. A jury of 12 is also seated for any 2nd class case (one in which hard labor is mandatory if the defendant is convicted), but only 10 of the 12 must agree to render a valid verdict. A six-person jury will be chosen for all 3rd class cases (a felony for which a sentence of hard labor is optional), and all six must agree to return a valid verdict. A 4th class case is a misdemeanor.
Juvenile	In Louisiana, 17 year olds are currently tried as adults, and 14-16 year olds may be tried as adults for certain violent crimes.
Magistrate Judge	An elected official authorized to preside over the trials of certain state misdemeanors and to conduct preliminary examinations of defendants charged with felonies.
Mental Competency Hearing	A hearing at which the Court determines with the help of medical expert testimony whether the defendant is able to understand the charges against him and assist in his defense.
Misdemeanor	A crime punishable by up to six months in prison. Defendants charged solely with misdemeanors are tried by a judge in a bench trial, not by a jury.
Mistrial	A trial which is invalid due to an error of procedure, law, or fact.
Motion	A request by a party for court action on a matter. The phrase “these motions did lie...” means that the referenced motions have been filed or raised with the Court and will be ruled upon.
Multiple Bill	A formal charge asking that the Court enhance a sentence against a “habitual offender” defendant with certain previous felony convictions. Similar to many other states’ “three strikes and you’re out” laws targeting career criminals.

New Orleans Pre-trial Services (Pretrial Report; Vera Institute of Justice)	After being booked in the Orleans Justice Center, defendants speak with New Orleans Pre-Trial Services (NOPTS), which is operated by the Vera Institute of Justice. For each defendant, NOPTS prepares a pre-trial report which assigns a risk score of how likely the defendant is to return to a scheduled court date and whether s/he poses a danger to society if s/he is released without bond.
<i>Nolle Prosequi</i> (Nolle Pros)	The State's abandonment or discontinuance of a case. The Court cannot deny this motion. The State may reinstitute the same charges and prosecute the case in certain circumstances.
<i>Nolo Contendere</i>	The defendant pleads no contest to the charges, without admitting his guilt.
Objection	When an attorney objects, s/he is stating that s/he believes that the Court process, an attorney's questions, or a witness's testimony violates the rules of evidence or procedure. By "overruling" the objection, the judge is denying the objection. By "sustaining" the objection, the judge is agreeing with the objecting attorney. Testifying witnesses should pause when an objection is raised before proceeding to answer the question, in order for the judge to rule on the objection.
Orleans Justice Center (OPP)	Orleans Parish Prison. Run by the Orleans Parish Sheriff Office (OPSO), this is where defendants who are not eligible for or cannot meet the requirements for pretrial release are incarcerated while awaiting trial. While the OPSO now uses the "Orleans Justice Center," OPSO's new jail facility is still often called OPP.
Orleans Public Defenders (OPD)	Public attorneys appointed by the Court to represent indigent defendants, in accordance with the Sixth Amendment of the United States Constitution.
Plea Bargain	An agreement between the State and the defendant related to the defendant's charging and/or sentencing on condition of the defendant's guilty plea. The judge has the right to alter or deny any agreed-upon sentence, however.
Preliminary Hearing (Probable Cause Hearing; Preliminary Examination)	A hearing to determine whether the police had sufficient probable cause to arrest the defendant for the crime(s) charged. If the Magistrate or Commissioner finds no probable cause, the defendant should be released from any bond obligation, but the DA may continue to prosecute the case.
Pretrial Conference (Status Conference)	Meeting between the judge, State, and defendant to establish the boundaries of trial or attempt to conclude a case without trial.
Pretrial Report	See "New Orleans Pre-trial Services."
Pretrial Suppression Hearing (Motions <i>in Limine</i>)	A pretrial hearing on a Motion to Suppress (<i>i.e.</i> exclude) evidence from trial, such as physical evidence or a verbal statement by the defendant.

<i>Prieur</i> Motion	The State's request that the Court allow evidence of the defendant's prior crimes to be admitted at trial. While the State is ordinarily barred from introducing this potentially prejudicial information (though if the defendant takes the stand, he may be cross-examined regarding his criminal record), the Court may allow it if the State can establish that there is a pattern, signature, or <i>modus operandi</i> to the defendant's crimes.
Probable Cause (PC)	Facts that would lead a reasonable person to believe that the defendant has committed a crime.
Program Updates	When a defendant has been ordered by a Magistrate to attend a program such as substance abuse, mental health, or domestic abuse assistance, these hearings check on the status of the defendant's performance in the program.
PWIT	Possession with intent to distribute a controlled substance.
Quash	Motion to make void. For instance, the defendant may move that the Court dismiss a case in which the statute of limitations or right to a speedy trial time limit has passed.
Recusal	The removal of a judge or attorney due to actual bias or the appearance of impropriety, which is contrary to rules of ethics.
Release on Own Recognizance (ROR)	A pre-trial release of a defendant with no bond required.
Second Appearance	See "28-Day Progress Report."
Sentencing	The trial judge will sentence individuals found guilty of or who pled guilty to a crime to fines, probation (active or inactive), prison, etc.
Sidebar	A meeting of the attorneys and judge to discuss a case outside of the earshot of the jury and public, often off the record. Sidebars should always include both the prosecution and defense, or else they are considered unethical <i>ex parte</i> communication.
Stay-Away Order (Protective Order)	An order forbidding the defendant from contacting the victim. Often used in domestic violence cases, such as 330.3 Gwen's Law Hearings.
Subpoena or Subpoena <i>duces tecum</i>	An order of the Court to a third party to either appear before the Court or to supply documents to the Court or to one of the parties (subpoena <i>duces tecum</i>).
Vera (Institute of Justice)	See "New Orleans Pre-trial Services."
Victim Impact Statement	A statement read into the record during sentencing to inform the judge or jury of the financial, physical, and psychological impact of the crime on the victim and victim's family.
<i>Voir Dire</i>	The process by which attorneys and the Court interview and select jurors for trial.
Writ	An order from the Court to a third party. Often used as shorthand when 1) a party is appealing a court ruling to a higher court; or 2) when a party would like an incarcerated defendant to be transported to a court

	appearance by either the Orleans Parish Sheriff's Office or the Louisiana Department of Corrections. This is a called a writ of <i>habeas corpus ad prosequendum</i> .
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VI. Submitting Your Observations

In order to ensure that your data is submitted while the memory of your day in court is still fresh, we ask that court watchers submit their data within 1 week of the observation.

Community court watchers can submit the complete data sheet by one of the following two ways. Unless special permission is authorized by a Court Watch staff member, student court watchers are expected to submit all observation reports online.

1. * Preferred Option* Enter the data directly into Court Watch NOLA's online database.
 - a) Go to www.courtwatchnola.org >>
 - b) Court Watchers >> Current Court Watchers >> Enter the password ("2018cwn")
 - c) Click "Enter Court Observations" for the proper court section
 - d) Follow the online prompts, and be sure to hit "done" at the end of the last page.
2. Community court watchers may also drop the completed paper data sheet off in the black box labeled "Court Watch NOLA," located in the mailroom of the Judicial Administrator's Office in the courthouse.

VII. Support Court Watch NOLA

Court Watch NOLA and its dedicated cadre of volunteers work tirelessly to make our criminal justice system more efficient, transparent, and effective. In addition to volunteering, you can support Court Watch NOLA by making a financial contribution – this service is vital to our community.

The Bill of Rights guarantees "a speedy and public trial" in criminal cases, and Court Watch NOLA defends these principles every day. We promote efficiency and transparency by recruiting and training volunteers to observe violent felony cases and evaluate our judges, attorneys, and other public servants. Our volunteers' presence in the courtroom and the reports that Court Watch NOLA publishes send the message, loud and clear, that New Orleanians care about their criminal justice system.

Court Watch NOLA is the only watchdog group with eyes and ears in the courtroom every day, and it performs all this work on a modest budget. We will continue to be "lean and mean," but we need the community's support to maintain our forceful advocacy for reform. As a 501(c)(3) organization, all donations are 100% tax-deductible. Anyone may make a contribution by sending a check to Court Watch NOLA, P.O. Box 750633, New Orleans, LA 70175, or through our website, www.courtwatchnola.org. We are so grateful for your support!