



# METROPOLITAN CRIME COMMISSION

## 2016-2017 ORLEANS PARISH JUDICIAL ACCOUNTABILITY REPORT

The Metropolitan Crime Commission (MCC) has regularly issued reports on judicial efficiency in Orleans Parish Criminal District Court since 2007 with goals of promoting accountability and transparency in judicial performance as well as efficiency and consistency in criminal case processing.

### Background

Orleans Parish Criminal District Court has 12 elected judges that oversee the prosecution of felony cases. The primary role of a judge is to serve as an independent and objective arbitrator that ensures legal proceedings are properly and fairly conducted in accordance with the law.

When the District Attorney's (DA's) Office accepts a case for prosecution, the case is randomly allotted to the judge scheduled to receive cases for all offenses occurring on the date the crime was committed. Over time, this allotment process adopted by the court should result in each of the 12 judges receiving balanced caseloads with equal numbers and similar types of cases.

Recent transitions in the judiciary include two new judges whose first full years on the bench were 2016 or 2017. Judge Byron Williams' was elected in 2015 and his first full year on the bench was 2016. Judge Paul Bonin was elected in December 2016 and 2017 was his first full year as a member of the judiciary.

Judge Laurie White served as the Chief Judge from 2016 through 2017, which carries additional administrative duties.

### Methodology

For the purpose of this report, judicial efficiency is measured by examining each judge's inventory of open felony cases or docket, percent of open felony cases more than one year old, and time it takes to close felony cases. These performance measures are based upon standards established by the

American Bar Association (ABA) and the National Center for State Courts (NCSC). The random assignment of cases should result in caseloads balanced in size and difficulty. Therefore, assessing court performance in these areas offers a uniform and established gauge of the efficiency of each judge's felony case management.

The MCC does not advocate greater efficiency at the expense of fairness or justice. However, these measures provide a meaningful basis for evaluating each judge's docket management and performance compared to his or her peers within Criminal District Court. (For more detailed information on each judge, see supplemental exhibits at our website [www.metrocrime.org](http://www.metrocrime.org))

### Summary of Findings

A focus on violent and weapons felony cases by police and prosecutors has increased demands on the judiciary of Criminal District Court, but, as a whole, the judiciary is maintaining or improving case processing efficiency.

- Violent and weapons cases are the most time-consuming to adjudicate and made up 57% of open cases in 2016 and 59% of open cases in 2017 as a result of police and prosecutor focus upon these offenses.
- The court as a whole maintained similar numbers of pending cases and similar rates of backlogged cases from 2016 to 2017 as the District Attorney's Office accepted more cases for prosecution.
- The median felony case processing time improved from 162 days in 2016 to 129 days in 2017.
- Judges Zibilich, Herman, Pittman, and Landrum-Johnson remained the highest ranked judges in 2016 and 2017.
- Judges Williams, Flemings-Davillier, and Bonin showed the most improvements in efficiency from 2016 to 2017.
- Judges Derbigny and Hunter had the largest decreases in efficiency.

## OVERALL JUDICIAL EFFICIENCY RANKINGS

**Exhibit 1** presents each judge's overall efficiency rankings in 2016 and 2017. Overall judicial efficiency rankings are a combination of the three efficiency measures of the numbers of pending cases, the rates of pending cases open more than one year, and median case processing times.

**Exhibit 1: 2016 and 2017 Overall Judicial Efficiency Rankings**

2016	2017	Judge
1	1	Judge Franz Zibilich
2	2 – Tie	Judge Karen K. Herman
3 – Tie	2 – Tie	Judge Robin D. Pittman
3 – Tie	4	Judge Keva Landrum-Johnson
5	5	Judge Camille Buras
8	6	Judge Byron C. Williams
6	7	Judge Laurie A. White
10	8	Judge Tracey Flemings-Davillier
9	9 – Tie	Judge Benedict Willard
7	9 – Tie	Judge Arthur L. Hunter, Jr.
11	11	Ad Hoc/Judge Paul A. Bonin
12	12	Judge Darryl Derbigny

Commendably, Judges Zibilich, Herman, Pittman, and Landrum-Johnson all held top rankings by consistently maintaining top performance efficiency rankings in all three areas.

Judge Flemings-Davillier improved efficiency in all three areas resulting in an increased ranking from 10<sup>th</sup> in 2016 to 8<sup>th</sup> in 2017.

Judge Bonin was elected into a section of court that had a low 11<sup>th</sup> ranking in 2016. In 2017, Judge Bonin's first year on the bench, he was able to decrease the number of pending cases and the median case processing, but his section of court continued to rank 11<sup>th</sup>.

Judge Hunter's efficiency ranking fell from 2016 to 2017 as a result of having a larger pending felony docket and increased rate of cases open more than one year.

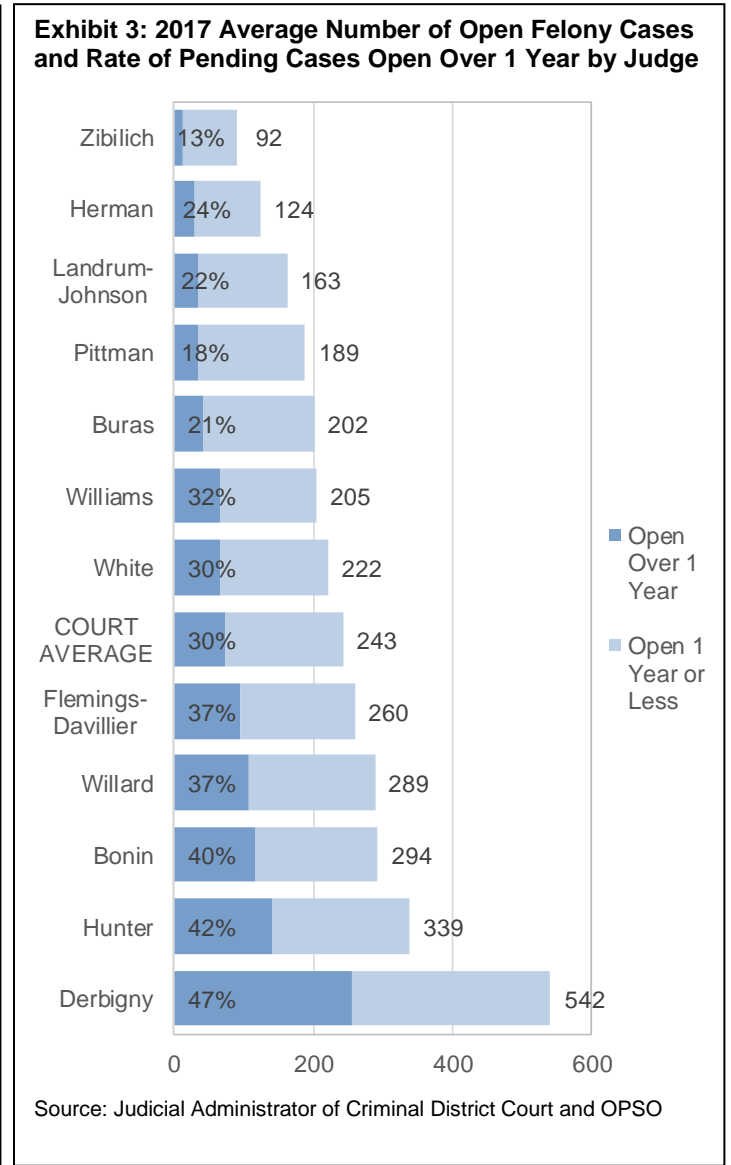
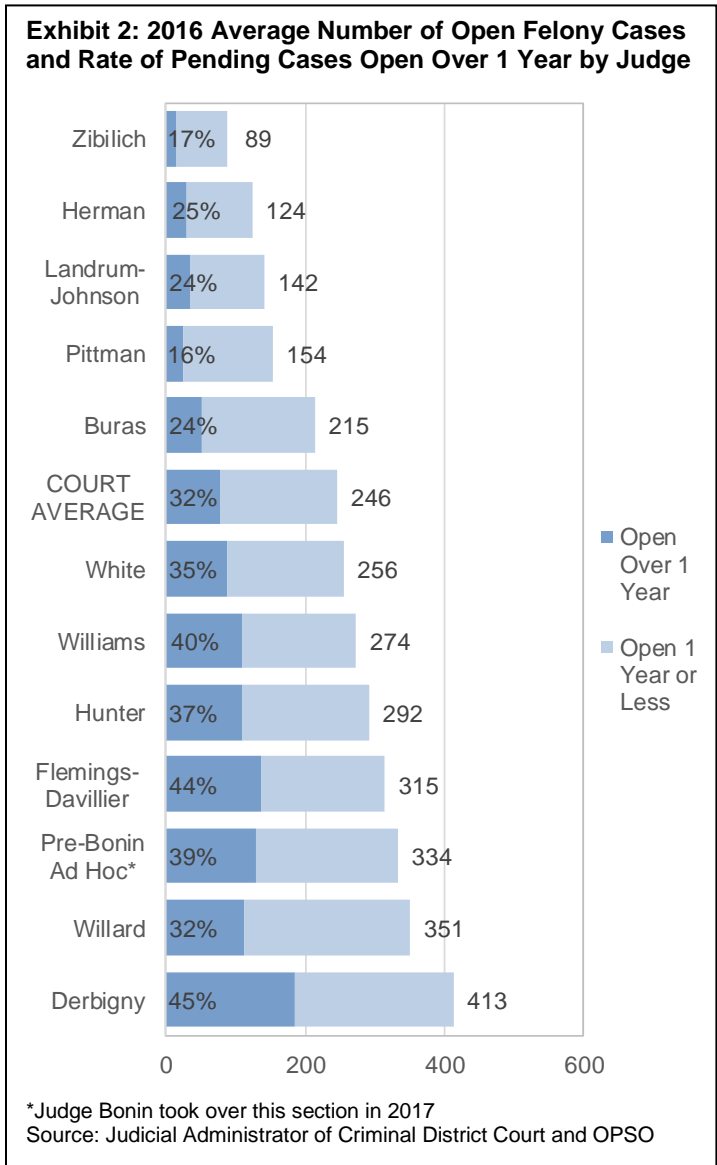
Judge Derbigny's efficiency measures declined from 2016 to 2017, and he maintained the lowest judicial efficiency ranking across both years.

**Open Felony Case Inventories**

Open felony inventories are made up of pending cases allotted to a judge’s section of court for adjudication. Judges are responsible for managing and presiding over open cases until they close by reaching a final disposition of a guilty plea, judge or jury trial verdict, or dismissal.

The percentage of open cases more than one year old provides a reliable indicator of how efficiently judges manage pending cases. According to ABA standards, all felony cases should close within one year of a defendant’s arrest. The MCC measures percentages of cases open more than one year from the time a case is allotted to a section of court and under a judge’s management, rather than from the time of arrest used in ABA standards.

**Exhibits 2 and 3** show the average quarterly number of open felony cases before each judge and the percentage of each judge’s caseload that was open more than one year in 2016 and 2017. Having fewer open cases and lower rates of cases open more than one year indicate more efficient felony case management.



As a whole, the court saw very little changes in the numbers of pending cases and the rates of cases open greater than one year from 2016 to 2017. However, individual judges had a range of improved and decreased efficiency.

The judges with the biggest improvements in caseload sizes were Judge Williams’ 69-case reduction, Judge Willard’s 62-case reduction, Judge Flemings-Davillier’s 55-case reduction, and Judge Bonin’s 40-case reduction.

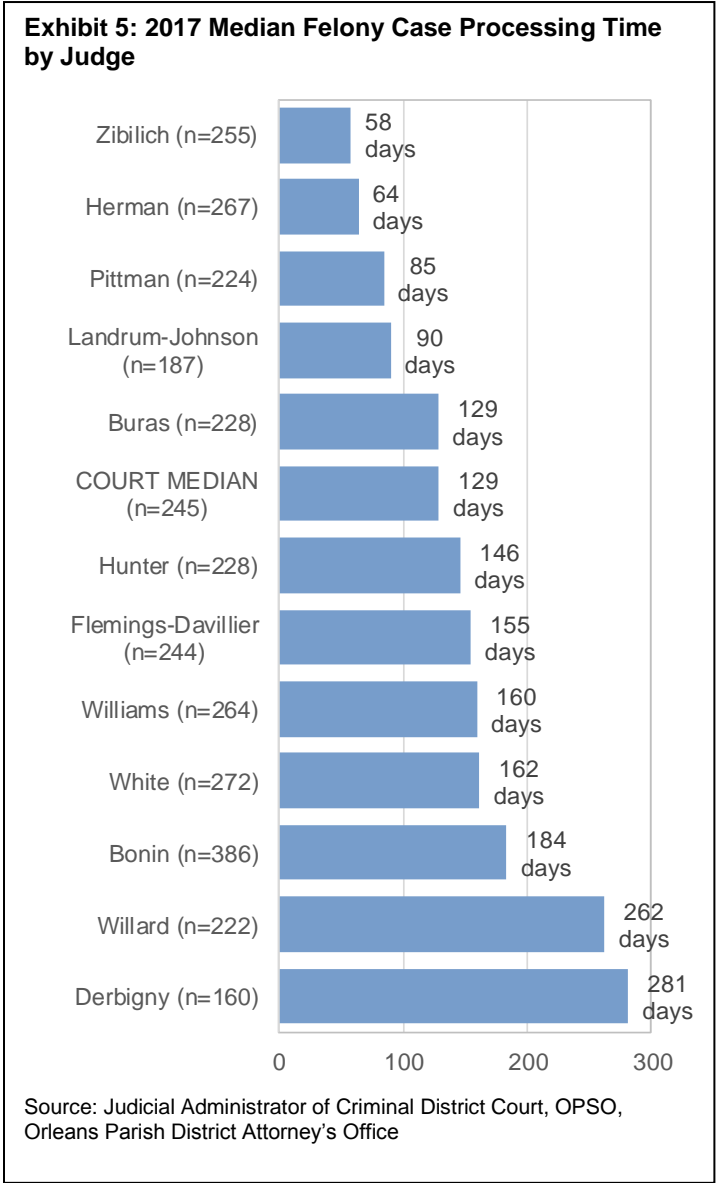
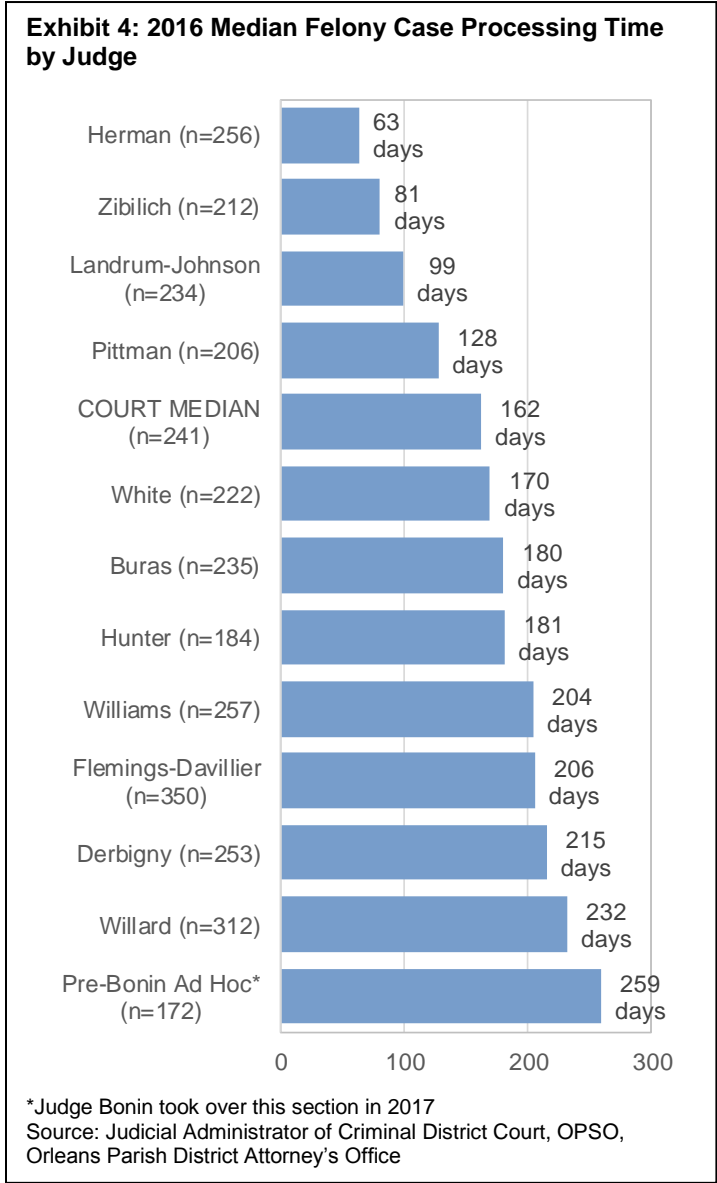
The biggest reductions in backlogged cases were Judge Williams’ cases pending more than one year going from 40% in 2016 to 32% in 2017 and Judge Flemings-Davillier’s cases open more than one year going from 44% in 2016 to 37% in 2017.

Judges Derbigny and Hunter had the largest and oldest caseloads in 2017. Judge Derbigny’s docket grew from 413 cases in 2016 to 542 cases in 2017. For both years, he had the highest rates of backlogged cases. In 2017, 47% of Judge Derbigny’s caseload was open more than one year which equals 256 backlogged cases. Judge Hunter’s average felony caseload grew by 47 pending cases from 2016 to 2017 while his rate of cases open greater than one year increased from 37% to 42%.

**Case Processing Time**

Case processing time is expressed as the median time for cases to close. The median is the midway point in case processing with one half of cases closing in less than the median time and the other half closing in more than the median time. Time that defendants were fugitives or unavailable to appear in court was subtracted from these calculations. Cases in which the DA's Office delayed prosecution so that a defendant could participate in the prosecutor's Diversion Program were also excluded from case processing time calculations.

**Exhibits 4 and 5** show median case processing times for each judge in 2016 and 2017 along with the overall court median. The number of felony cases closed by each judge is shown in parentheses.



The court as a whole reduced median case processing times from 162 days in 2016 to 129 days in 2017. At the same time, the number of cases closed in each section showed little change from an average of 241 cases closing in each section during 2016 compared to 245 cases closing in 2017.

Judge Bonin's section of court had the largest reduction in case processing time with a 75-day decrease during his first year on the bench. It is also noteworthy that Judge Bonin closed 386 cases in 2017 compared to 172 cases closed in this section of court in 2016, an increase of 214 cases and the most closed felony cases of any section of court.

Judges Buras, Flemings-Davillier, Pittman, and Williams also showed significant improvements in case processing times by decreasing the time they took to close cases by more than 40 days.

Judges Willard and Derbigny had case processing times that greatly exceeded the remainder of the court. Case processing times in their sections of court in 2017 were more than twice the court's overall median. From 2016 to 2017, Judge Willard's median case processing time increased 30 days and he closed 90 fewer cases. Judge Derbigny had a 66-day increase in case processing time and closed 93 fewer cases in 2017, which caused him to fall to the bottom ranking in case processing efficiency.

**The Changing Composition of Felony Caseloads**

Accepted cases increased in 2017 and there were more violent and weapons felony cases (See **Exhibit 6**). The number of new felony cases increased by 17%, almost 700 cases, from 4,045 new cases in 2016 to 4,743 new cases in 2017. The biggest changes were an increase of 289 drug cases, an increase of 167 weapons cases, and an increase of 133 violent cases. Violent and weapons cases made up 51% of new cases in 2016 and 50% of new cases in 2017, which demonstrates the focus that police and prosecutors place upon these most serious offenses.

The judiciary was able to maintain stable open inventory levels amidst the increase in demanding new felony cases in 2017 (See **Exhibit 7**). The increase in time-consuming new felony cases entering the court did not cause caseloads to rise. Overall, the number of pending felonies had a small 1% decrease from 2,957 felony cases in 2016 to 2,920 felony cases in 2017. Violent and weapons felonies take the longest to conclude and made up 57% of open cases in 2016 to 59% of open cases in 2017.

**Conclusions**

**The judiciary of Criminal District Court, with a few exceptions, demonstrated their collective ability to maintain case processing efficiency as the court was inundated with new cases from 2016 to 2017.** There were almost 700 more felony cases accepted for prosecution in 2017 compared to 2016. The cases that take the longest to conclude are violent and weapons felonies, which grew to account for a 59% majority of open cases in 2017. As the rates of these cases increased, the court as a whole maintained consistent rates of pending felony cases and percentages of cases more than one year old while improving case processing times.

**There continue to be high disparities in efficiency across different sections of court.** Bottom ranked judges had caseloads more than twice as large and case processing times that were more than double higher ranked members of the judiciary. For example, Judge Derbigny’s 2017 caseload included 256 pending cases that were open greater than one year, which was higher than the court’s average caseload and greater than the entire caseloads of seven judges.

**Recommendation**

**The MCC respectfully recommends that the least efficient sections of court adopt the case management practices employed by their judicial peers.** From 2016 to 2017, there were two sections of court that demonstrated successful efforts to improve case processing efficiency. The first is Judge Flemings-Davillier who had a 206-day median case processing time in 2016 but closed 350 cases, more than any other section of the court. The case processing time for Judge Flemings-Davillier improved by 51 days to a median of 155 days in 2017, which demonstrates improved efficiency in her section of court. Judge Bonin took over the second least efficient section of court but was able to bring down his section’s open case inventory and improve case processing time by closing a 386 cases in 2017. Each of these instances demonstrate that a judge can proactively implement practices to increase the efficiency of felony case processing.

Lesser efficiency negatively impacts witnesses, victims, defendants, attorneys, and criminal justice personnel who experience months of delay based solely upon which judge is allotted a case. Lesser case processing efficiency also increases costs to taxpayers who pay to house defendants in the local jail awaiting conclusion of their cases. The random allotment process provides a balanced approach to distributing cases throughout the court that should result in relatively consistent caseloads. However, inefficient docket management by a small number of judges results in large and backlogged dockets that unnecessarily delay the processing of felony cases.

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