



Court Watch NOLA

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Graham da Ponte, Executive Director

2008 Year-End Report

Court Watch NOLA has become an established presence within the criminal court system in its first year of operation. Since its inception in June 2007, the group has continued to progress. Originally watching just 37 cases with a volunteer base of 15 members of the community, Court Watch NOLA has reached its goal of 100 volunteers tracking 500 cases. Court watchers, identifiable by their bright yellow clipboards, are in court every day of the week, and have earned the respect of all groups represented in the New Orleans criminal justice system.

From January 1 through December 30, 2008, Court Watch NOLA volunteers have tracked and taken notes on 1536 court settings, with a rapid increase in courtroom observations during the second half of 2008 as Court Watch NOLA attracted new volunteers and added new cases to its watch list. Since June 2007, Court Watch NOLA has tracked nearly 2000 court settings.

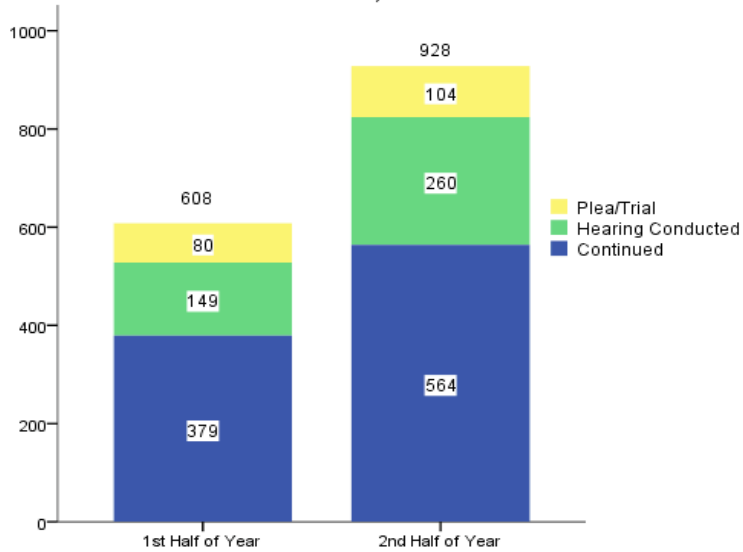
A strong community presence in the criminal court system puts all parties on notice that they are accountable to the citizens of the city they serve. The judges, prosecutors, defense attorneys, police officers, and sheriff's deputies that Court Watch NOLA observes on a daily basis are now aware that what they do in court is being watched and reported, and for the most part, the parties welcome the scrutiny. It is not unusual for a judge to deny an attorney's request for continuance with a reference to the court watcher taking notes in the courtroom. A transparent and accountable court system is essential to the ultimate goal of Court Watch NOLA: efficient and equal justice.

Court Watch Observations

Case Dispositions:

Efficiency in a criminal court system is accomplished when pending cases are closed at the same rate as new cases are opened. Court Watch NOLA data during April through September 2008 shows a slight decline from the first half of 2008 to the second half in the number of cases reaching conclusion. As Exhibit 1 reflects, during January through June 2008, of 608 cases observed by court watchers, 80 were closed by trial, plea or dismissal. During July through December, that number was 104 of 928. As Exhibit 2 shows, 11% of observed cases reached conclusion during the second half of 2008, down from 13% during the first six months of the year.

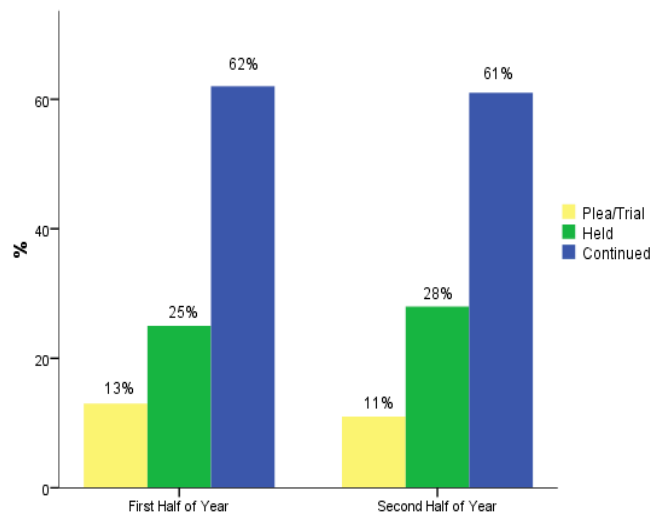
Exhibit 1: Number of Hearings Watched and Their Outcomes, 2008



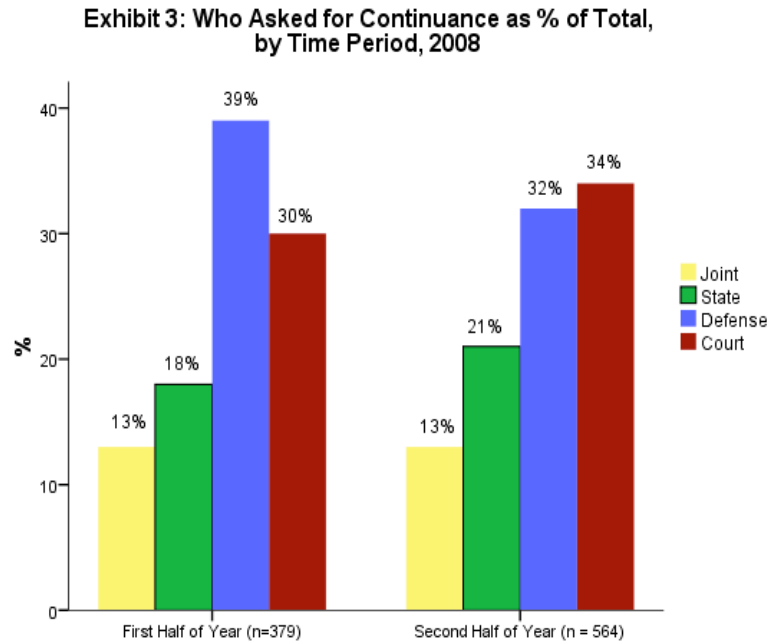
Continuance Rate:

The longer a case lingers on the docket, the more problems arise, from disappearing witnesses to lost evidence, and a court inventory laden with aging cases cannot move efficiently. To reach the optimal balance achieved when old cases are closed at the same rate new cases are added, continuances must be kept to a minimum. To gauge the continuance rate court watchers are asked to record whether any court action was taken during their observed case. “Action,” from the perspective of the court watcher, is defined as anything that moves the case forward, such as testimony taken, evidence reviewed, or documents exchanged. A “continuance” is defined as no action during the setting other than the selection of a new date. As Exhibit 2 reflects, the continuance rate remained steady during 2008: during both halves of the year, 61%-62% of the times a court watcher was in court the scheduled event was continued.

Exhibit 2: Outcome of Hearings as a Percentage, by Time Period, 2008

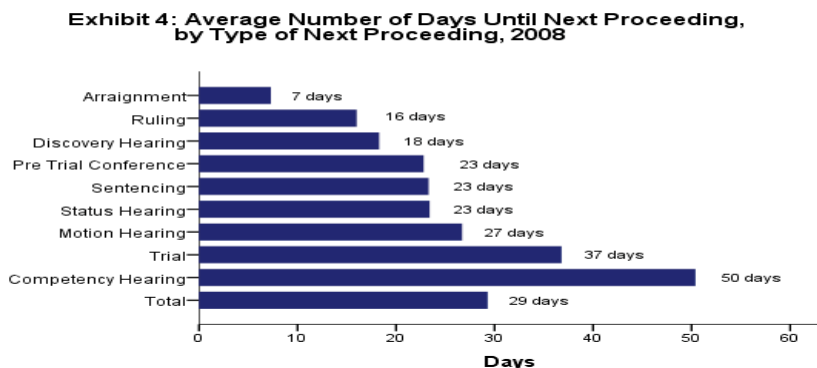


When noting whether an event was held or continued, court watchers recorded who requested the continuance. Exhibit 3 shows an increase in state continuance requests during the second half of 2008, 21% up from 18% during January through June. Defense requests during the second half of the year decreased, 32% down from 39%. Court settings were postponed on the courts' own motion in 30% of continuances during January through June, increasing to 34% during July through December. 13% of continuances were requested by joint motion of defense and state during each half of the year.



Days Between Settings:

Court Watchers were asked to record the date of the next setting for their assigned cases, regardless of whether the hearing was held or continued. When a case is continued, the time until the next court date becomes particularly significant. As Exhibit 4 indicates, the average time between court settings during 2008 was 29 days. This number represents a slight improvement from 31 days during June 2007 through March 2008.



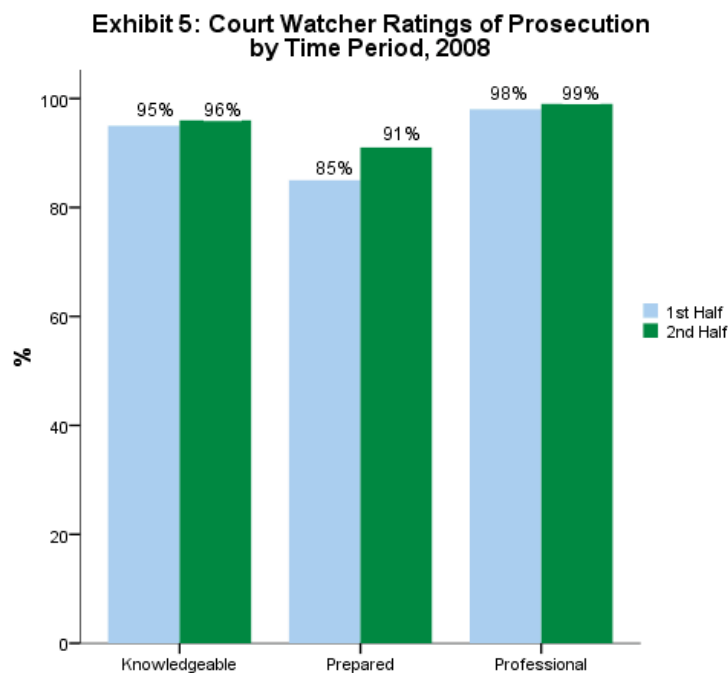
A breakdown of the time between different types of settings shows significant improvement in the average time between settings where one or both of the scheduled events is a status hearing. Court Watch NOLA has discouraged the use of status hearings as a drain of resources and time with little apparent purpose. For those judges who choose to hold status hearings, the average number of days between settings during 2008 was 23 days, down from 50 days from June 2007 through March 2008. If this development represents a trend away from the use of status hearings—or a more productive use of status hearings to accomplish actual docket movement—it is encouraging.

Court Watcher Ratings:

Court watchers were asked to evaluate several performance indices of the participants in the criminal court system. The results are as follows:

Prosecution:

Exhibit 5 rates prosecutors on their knowledge of and preparation for the cases they presented, as well as their professionalism in court. Ratings for 2008 show that 95%-96% of the time, court watchers found prosecutors knowledgeable about their cases, and in 98%-99% of observations court watchers said prosecutors conducted themselves professionally, enviable statistics in both categories. Court watchers rated prosecutors well-prepared for court 91% of the time during the second half of the year, an improvement from 85% during January through June.

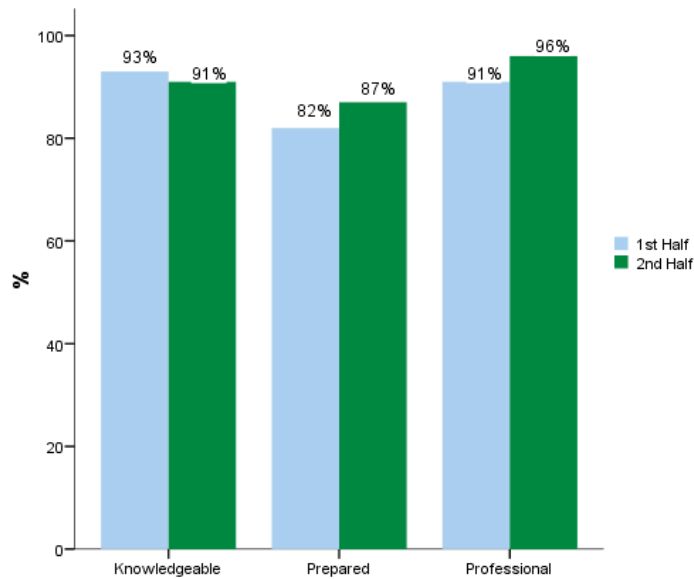


Defense:

Court Watcher ratings for the defense bar, which combine evaluations of private attorneys with the public defenders who are appointed by the court to represent indigent defendants, followed a similar pattern, with better performances in the knowledgeable and professional categories than in preparedness. Exhibit 6 shows that in all three categories, court watchers rated the defense bar slightly lower than prosecutors. On average, court watchers found defense

attorneys knowledgeable about their cases 92% of the time during 2008. The professionalism scores improved for the defense bar during the second half of the year, with court watchers rating defense attorneys professional a laudable 96% of the time, up from 91% during the first half. However, court watchers found defense attorneys prepared for court only 87% of the time during July through December 2008, up from 81% during the first half of 2008 but with room for improvement.

Exhibit 6: Court Watcher Ratings of Defense by Time Period, 2008

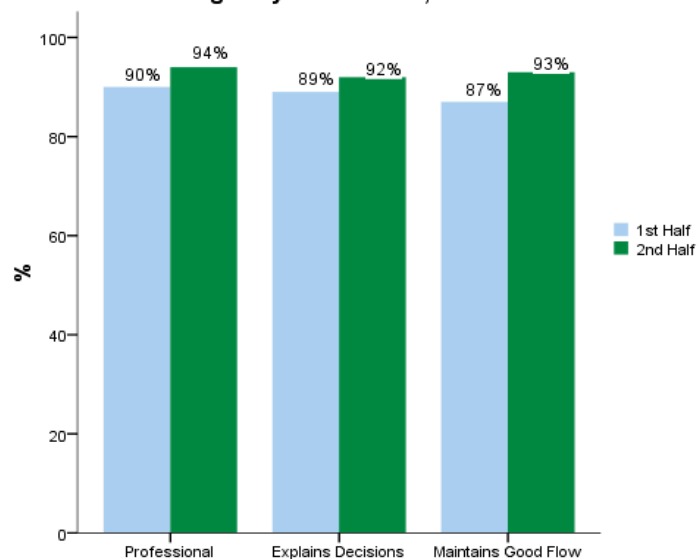


Judiciary:

As Exhibit 7 indicates, court watchers reported the judiciary as a whole conducted court in a professional manner 90% of the time during January through June 2008. That number increased to 94% during July through December, but was still below the ratings of both attorney groups. It is interesting to note that the improvement in court watchers’ perception of judicial professionalism for the second half of 2008 coincides with increases in the other two categories: court watchers reported judges explained their decisions 92% of the time during July through December—up from 89%--and maintained good courtroom flow 93% of the time during July through December—up from 87%.

As these numbers show, transparency and efficiency are key to maintaining a positive public perception of the judiciary.

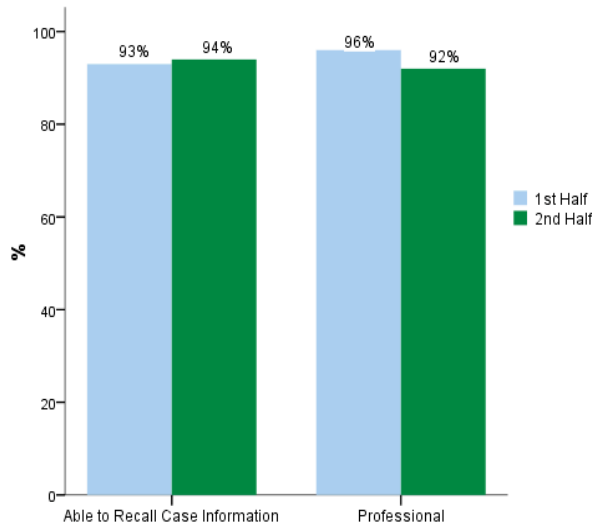
Exhibit 7: Court Watcher Ratings of Judges by Time Period, 2008



NOPD:

Court watchers were asked to evaluate the New Orleans Police Officers when they came into the courtroom to testify about their cases. As Exhibit 8 indicates, NOPD witnesses were able to recall case information 93%-94% of the time court watchers ranked them during 2008, but suffered a decline in court watchers' perceptions of them as testifying professionally during the second half of the year.

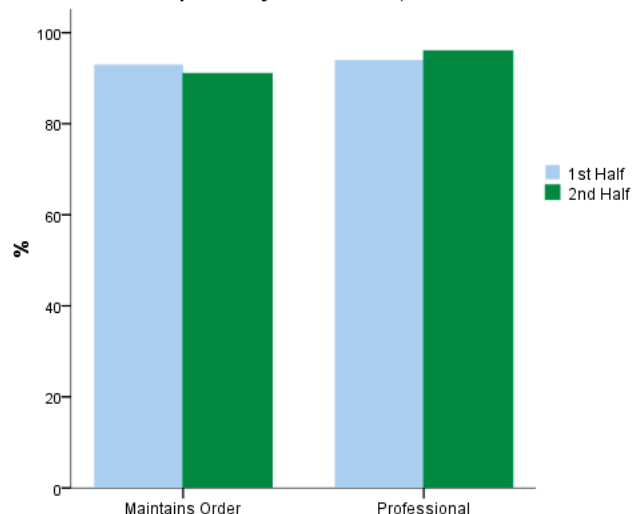
Exhibit 8: Court Watcher Ratings of NOPD Officers by Time Period, 2008



Sheriff's Deputies:

Court Watch NOLA also asked volunteers to evaluate the Orleans Parish Criminal Sheriff's Office deputies who are assigned the responsibility of maintaining the safety and demeanor of both the courtrooms and the courthouse. As Exhibit 9 indicates, the deputies' rankings were consistently in the mid-90s for maintaining good order in the courtrooms and behaving professionally during 2008. Given the number of people who flow in and out of Criminal District Court on any given day, the courthouse deputies have an important job, one that court watchers say most seem to take seriously.

Exhibit 9: Court Ratings of Sheriff Deputies by Time Period, 2008



Conclusions and Recommendations

Court Watch NOLA is unique among court-watching groups nation-wide, as it is the only organization of its kind dedicated not to victims' rights or defendants' rights, but to judicial efficiency. This non-partisan approach allows court watchers unparalleled access to the practices of the building, and continued good relations with all the parties involved and has earned Court Watch NOLA a place of respect as an established component of the criminal justice system in Orleans Parish. The consistent presence of volunteers in the courtroom every day reinforces the notion that transparency and accountability lead to an efficient criminal court system, a cornerstone in the foundation for a safer city. The fact that court watchers are accepted and well-received makes the following recommendations both informed and current to the practices in place in the criminal courthouse:

1. Urge the judiciary to establish a best practices model throughout the courthouse discouraging the abuse of continuances. A continuance rate of 60% means that nearly two-thirds of scheduled events are not held. Whether filed by the defense or the prosecution, a motion for continuance is ultimately decided by the judge. Any continuance ages a case, and old cases are difficult to try. Needless continuances must be avoided.
2. Encourage the judiciary, the prosecution, and the defense to set cases within shorter time frames. The reduction in the average number of days between case settings is good news. Still, this statistic shows that the *average* criminal defendant in New Orleans goes to court once a month; some cases are in court as infrequently as once a quarter. Allowing a case to languish between settings is a burden on victims, defendants, witnesses, and taxpayers. Shorter times between settings will inevitably result in shorter conclusion times and smaller dockets.
3. To the extent possible, eliminate the use of status hearings. Often status hearings are little more than a way to baby-sit a case that has turned stagnant. A better practice to move a stubborn case is to set it for a pre-trial conference at which all outstanding issues are identified, schedule final motion hearings at which those issues will be addressed, and set a firm trial date to which all parties are held.
4. Maintain Court Watch NOLA volunteers as a community presence in the courtrooms, promoting judicial efficiency through transparency and accountability, and demystifying the criminal justice system. Court watchers' insights provide the community with first-hand information about what is improving, and what is not, within the criminal courthouse of Orleans Parish.

What is Court Watch NOLA?

Court Watch NOLA was created by The New Orleans Crime Coalition, an association of civic leaders and community groups dedicated to reducing violent crime in the Greater New Orleans area and promoting improvements in the New Orleans Criminal Justice system. The New Orleans Crime Coalition member organizations which were particularly instrumental in the establishment of Court Watch NOLA are the Business Council of Greater New Orleans, Citizens for One Greater New Orleans, and Common Good.

The core objective of Court Watch NOLA is to promote efficiency within the Criminal Court system through monitoring violent crimes and other cases which are significant in indicating the efficiency of the system, and to bring accountability and transparency to proceedings within Orleans Parish Criminal District Court. Court Watch NOLA has a full-time Executive Director who identifies cases to follow, schedules the court sessions to be attended, and recruits and trains volunteers to staff the program.

Court watchers undergo an initial training session where the process of adjudication and the role of each of the participants are discussed. Volunteers undergo a second training session specific to courthouse procedures. They fill out a data sheet for each case they are assigned. Those data sheets are then reviewed and the information is disseminated to the public.

How Are Cases Selected?

The inventory for Court Watch NOLA is currently created using one of three criteria:

Media Attention – As cases which are being followed in the press clearly are of interest to the community, Court Watch NOLA watches high-profile cases.

Crimes of Violence Against the Person- Court Watch NOLA endeavors to track all of the following categories of cases in Criminal District Court: first and second degree murder, manslaughter, vehicular homicide, felony sex crimes, armed robbery, felony crimes against juvenile victims, residence burglary, contractor fraud, and crimes involving large quantities of narcotics.

Community Involvement - Court Watch NOLA has a website and is actively recruiting volunteers through media exposure and community forums. Members of the community make suggestions to follow particular cases for a variety of reasons. Court Watch NOLA is committed to responding to as many requests for Court Watchers as are manageable.

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