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THE AMERICAN UNIVERSITY

Criminal Courts Technical Assistance Project
Institute for Advanced Studies in Justice
The American University Law School
Washington, D.C.

CALENDARING AND MANAGEMENT STUDY
OF THE 30TH JUDICIAL DISTRICT COURT
OF LOUISIANA

January, 1976

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ACQUISITIONS

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I. INTRODUCTION

BACKGROUND:

This technical assistance project was requested by Judge James C. Terrell, Chief Judge, Thirtieth Judicial District, State of Louisiana. The District consists of two parishes, Beauregard and Vernon, with Parish seats of DeRidder and Leesville, respectively. Court is held in the Parish seats, located approximately twenty miles apart.

The District has two judges; James C. Terrell, Chief Judge, elected in 1966, and Stuart S. Kay, appointed in 1973. Since the appointment of the second judge in 1973, increased case filings require the court to provide more judicial service for Vernon Parish than is needed in Beauregard Parish. The criminal cases are 84% of the total filings of the District. For October, 1974 thru June, 1975 the number of filings was:

		<u>CIVIL</u>	<u>CRIMINAL</u>	
Beauregard	544	(40%)	2,431	(34%)
Vernon	798	(60%)	4,729	(66%)
TOTALS	1,342	(100%)	7,160	(100%)
	<u>16%</u>		<u>84%</u>	

The District is served by one District Attorney, William C. Pegues III, Esq., and three assistants. Two attorneys are assigned exclusively to one, and two to the other.

METHODOLOGY

This report is an overview of the problems facing the Thirtieth Judicial District. It outlines broad objectives which the court should set for itself

in attempting to solve its problems.

The consulting team, consisting of Gordon W. Allison (Team Leader), Court Administrator, Phoenix, Arizona; Michael Bignell, Consultant, Washington, D.C.; and Dennis E. Howard, Court Administrator, Fort Dodge, Iowa; was on-site in Beauregard and Vernon Parishes for a day and a half interviewing the following individuals:

Hon. James C. Terrell, Chief Judge
Hon. Stuart S. Kay, Judge
William C. Pegues, III, Esq., District Attorney
Mr. Robert Nichols, Clerk, Beauregard Parish
Simeon C. Smith, III, Esq., District Bar President
C.A. Meyer, Esq., Law Clerk, Chief Judge
Mr. Bert Adams, Secretary-Treasurer, Vernon Parish
Police Jury

The team members met and consulted with each other on several occasions during and after the on-site interviews and prior to drafting this report.

II. ANALYSIS OF THE EXISTING SITUATION

A. Calendaring

The court schedule for the District was composed in 1973, at the time of Judge Kay's appointment. It essentially provides for three Criminal jury weeks per year in each Parish and two Civil jury weeks per year in each Parish. This schedule has not been changed since 1973, although "special Criminal jury weeks" are held in occasion. (See Appendix A) The schedule allows three judge weeks on the bench each month in Vernon Parish and two judge weeks in Beauregard Parish each month. The letters next to the Parish name shows which judge is sitting in the Parish each week. Most of this jurisdiction's problems appear to involve calendaring practices. There are several problems with the present practices.

The most significant problem is the lack of jury-trial capacity in Vernon Parish. The present jury week schedule for criminal jury trials is inadequate for Vernon Parish. It simply does not provide enough opportunity to have criminal trials.

One primary reason for the heavier criminal caseload in Vernon Parish is that Beauregard Parish is "dry" while Vernon Parish is "wet". Almost all alcohol-related criminal charges are filed in Vernon Parish. Vernon Parish also contains Fort Polk, an Army installation, which makes Vernon Parish approximately twice as populous as Beauregard Parish (45,647 compared to 25,245 in 1974).

This problem is compounded by a lack of a flexible and responsive calendar or docket schedule in the Thirtieth District. Despite a continuous filing increase, especially with respect to criminal cases, the same 1973 schedule is currently operative.

At the present time, the District Attorney has approximately a dozen defendants awaiting trial for capital offenses in Vernon Parish, many cases being over a year old. Under the present schedule, a defendant arraigned on a criminal charge in November would not be tried until February, at the very earliest. It is highly unlikely that such a defendant would be tried than due to the large backlog of criminal cases.

Further compounding the problem of delay in Vernon Parish criminal cases, and hampering solution of the problem, is the fact that the residence of each judge, Vernon Parish for Judge Terrell and Beauregard Parish for Judge Kay, is seen as the "home" court of that judge. With this feeling prevailing

that each judge "belongs to each Parish we perceive that attorneys do not accept the "outside" judge as readily as they do the home judge. Part of this attitude is caused strictly by availability.

There is a perception that each parish has its "home" judge and, as such, most cases should be tried by the resident judge.

Thus, judge-shopping tends to be a factor evident in the routine course of events in each parish. There is a perception that each parish has its "home" judge and, as such, most cases should be tried by the resident judge.

The fact that all civil and criminal jury cases are set for the "home" judge certainly sustains the attorneys' belief that most of a parish's cases should be tried by its resident judge.

The "home judge" problem is exacerbated by problems of judge availability. When a judge arrives only minutes before a trial and departs immediately thereafter, the bar of each parish can't help but feel that it is not receiving proper judicial service. The "home" judge does arrive early and remains after trial to sign orders, confer with bar members, and do other in-chambers activities.

A further problem with scheduling practices is that judges devote substantial time to off-bench activities. The schedule essentially allows a judge to sit in court one week, do office work the next week, and then be back in court the following week. When ruling on cases, it is the custom for the judge to write an opinion, rather than have only minute entries made. But this practice is excessively time-consuming if the opinions are

lengthy or if opinions are required in a substantial volume of cases.

An attempt to alleviate the serious backlog situation in Vernon Parish, has been experimented with by having a retired judge assigned to the District. This has not been very successful for two reasons. The first is the feeling of "home parishes", which seems to have prevented the assignment of jury cases to the visiting judge. The second reason is more practical. There is only one courtroom in each Parish, making it impossible to have all three judges, or even two, hearing cases simultaneously.

B. Finances

The Clerks of Court are financed via the fees collected. This creates a situation in which the salaries of the Clerk and all the deputies are dependent on uncertain fees collected during the year. The Clerks, especially in Vernon Parish, complained of the extremely heavy workload. Ordinarily such a situation could be alleviated by the hiring of additional personnel. However, when the fee-salary system is involved it is understandable why there is little desire to increase the number of personnel--salaries would be lowered as the total fee intake is shared by more personnel.

Certain District Court expenses are financed via the Criminal Court Fund, administered by the Police Jury. The District Attorney must prepare a motion for, and a District Judge must approve, any expenditures from this fund. The Police Jury is required to honor all such expenditure orders. The problem arises from the lack of specificity as to what is a valid expenditure from the Criminal Court Fund. Lack of certainty tends to create some understandably difficult situations with and between the Court and

Police Jury of each Parish.

C. Political Climate

The communities are extremely vibrant politically. Of 16,323 registered voters in Vernon Parish, 10,720 voted in the last general election. This is a 65% vote level, far above the national average.

Since the on-site interviews came two weeks before an election, politic issues were emphasized, as evinced by all of the signs and advertising observed. People in the Parishes evidently take their vote quite seriously and this is felt throughout the entire governmental system. The governing body of a Parish is a Police Jury composed of nine elected members; District Judges are elected (Judge Kay was appointed to a first team due to the creation of the new judgeship); District Attorneys are elected; Clerks of Court are elected; Justices of the Peace and City Judges (ancillary courts having limited and often unused jurisdiction -- a very small portion of the court environment in the Thirtieth District) are elected. Political thought and actions permeate every facet of the legal system, often producing political reactions to possibly not so political situations.

D. Personnel

Each judge has a reporter and secretary, with Judge Terrell also utilizing a law clerk. The reporters use electronic recording devices; thus they are not stenographic or shorthand reporters. The schedule in Appendix A reveals that reporters are scheduled for court approximately five out of eight weeks. This allows for the preparation of transcripts

during the working day even though transcript compensation is extra income.

The staff of each judge does not travel from parish to parish. This creates a situation in which a judge, while not sitting in his "home" parish, is not accessible to his usual staff. This is conducive to a "visiting" judge not doing any more than necessary because his usual staff is not present. The staff that is available belongs to the other judge and, as such, is not very amenable to doing work for the "visiting" judge.

The small amount of court activity in each parish allows the minute clerks to be available for other non-judicial duties. The calendars are prepared by the minute clerks, but the one in Vernon Parish is not always current. Nor is it typed. This is due to the assignment of the minute clerk to non-judicial duties during non-court days. In Beauregard Parish the calendar is typed weekly. The relatively low case load in Beauregard Parish allows the minute clerk to perform non-judicial and judicial duties alike.

E. Communication

It appears that there is a very basic lack of communication between all actors in the legal community. The interviews produced complaints of lack of communication. Several felt others should communicate more, not only in their routine daily functions but in overall planning efforts as well. This lack of communication appears to be the primary cause for the vast majority of difficulties existing in the Thirtieth Judicial District.

III. RECOMMENDATIONS

The basic problems in this jurisdiction seem to arise from a lack of communication. Prior to initiating any changes the Chief Judge should institute periodic meetings between both judges, the District Attorney and both clerks. Any combination of these officials could meet -- attendance to be determined by subject matter. It may be necessary to include and/or inform others in the judicial community as well, such as both City Judges, sheriffs and the Bar. Care should be exercised not to forget to communicate changes to the Police Jury.

There are several purposes of these meetings: to establish viable communication links among the legal system agencies; to achieve effective change; to obtain reactions to various proposals; to discuss complaints and problems; to keep all agencies informed of the activities of the other agencies; to develop and maintain good public relations among the respective agencies. Leadership at these meetings and at all times must emanate from the court, which we should not forget, is a separate branch of government and, as such, is independent and free to control its own affairs on an unbiased basis.

The perception of each judge having a "home" parish must be abandoned if the District is going to function as a complete entity. A gradual gravitation away from this perception and, indeed expectation, can be effectuated via a change in the calendar system. Although this assign-

ment was not of sufficient duration to develop recommendations as to specific mechanics of a calendar system, certain criteria can be established:

- o More criminal jury weeks are needed in Vernon Parish.
- o More civil jury weeks are needed in both parishes.
- o The courts must set their own cases for trial and control their own calendars. This can be accomplished with the assistance of the minute clerks.
- o Minute clerks should be located within the court for the performance of court tasks.
- o Cases, both civil and criminal, should be assigned to each judge on an equal basis.
- o When serving in the "other" parish, a judge should remain the whole day. When not actually on the bench, the judge should be available, in chambers, for such functions as consultation with Bar members.
- o To facilitate the implementation of the last point, as well as to maintain a smooth work flow, each judge should have his own court reporter travel with him. Perhaps the secretary should be included in the travels of the judge. These usual staff members would provide the judge with his usual surroundings, such as found in his "home" parish, thus creating an atmosphere conducive to judicial work.
- o Cases should be set relative to facts gained in pre-trial conferences. For example, two cases indicated for two days of trial each could both be scheduled for trial and tried in the same five-day week.

- o Counsel should be contacted as to verification of trial readiness. If the court does not exert pressure for the trial of cases, attorneys will not act.
- o Criminal cases should receive the utmost priority and be spaced throughout the year. Continuances should be given only for the most urgent of circumstances. Criminal cases can be set during the same weeks as civil cases.
- o The calendaring changes will probably require, at least temporarily, an increase in the District Attorney's staff.
- o A jury system should be developed to summon jurors as needed.

The court should prepare its own budget of anticipated expenditures. The primary source of budget resources should be the Criminal Court Fund. This fund should be administered by the Chief Judge and the District Attorney -- as required by law. It is essential that the court determine what legal expenditures can be made from the Criminal Court Fund. To request such an interpretation from the Attorney General is to place the judicial branch of government under the interpretations of the executive branch of government.

It would be appropriate, if it does not already exist, for the District Attorney to prepare a budget of anticipated expenditures from the Criminal Court Fund. To insure proper budget monitoring the court and District Attorney should maintain financial statements on expenditures. If the Police Jury does not provide such statements then the court and District Attorney should establish their own record of expenditures.

In the past legal opinions have been sought of the Attorney General as to the use of the Criminal Court Fund. It is felt that the court

should not direct inquiries to the Attorney General. This is, in essence, the judicial branch seeking advice of the executive branch of government. The court should interpret the law and handle the fund the way it sees fit. Any parties disagreeing with what the court does has their remedy through the law, either via special actions or appeal.

The court should also establish, as part of public relations, a complete explanation of the needs of the court, the functions of the court, growth factors, economic factors and every other influence which affects the court's operation and creates a need for change. Community relations should also be promoted with the development of a written handbook. The handbook should be used for high school students, civic clubs and other groups which need accurately-guided exposure to the courts and their functions.

It is also necessary to develop written rules of procedure so that all attorneys may know what to expect in practicing law in the court so that the clerical supportive staffs can be aware of what is expected of them. This can be developed in conjunction with the Bar Association.

A major hurdle to overcome in altering calendar procedures is the handling of jurors. Much material exists on jury systems. The essential elements of a juror program would include use of a good questionnaire and screening process for qualifying jurors, closer regulation of length of time served, and development of a notification or calling system. Such a juror program must fit the needs of the court and be flexible to insure that jurors' time is not wasted.

The court should keep more accurate and meaningful statistics. Standard-

ized dispositions which are agreed to by the District Attorney and others will provide measurements for management decisions. Criminal cases should be watched, and more current trial dates set. Arraignments are set in Vernon Parish on 23 days per year -- Fridays. Arraignments should be held more frequently. At that time priority for trial should be considered for defendants in custody. Cases not reaching trial within a reasonable time should be investigated to determine the reason for delay. It should be remembered that the public, as well as the defendant, is entitled to have criminal defendants receive speedy trials.

IV. SUMMARY

The 30th Judicial District of Louisiana does not have any problems which are not common to most courts throughout the country. There is no simple solution which may be implemented overnight to solve such problems like magic. Only planning and hard work will develop an environment in which the court can effect change. Though the court has been operating in a static condition since early 1973, the attitude of both judges is positive and they are willing to effect changes which will make the court more productive.

It is necessary to provide more jury time for both civil and criminal cases. Vernon Parish should have a judge available to attorneys every week, every month, to try cases or hear motions or other matters. Additional manpower to an already overburdened system is not an answer, and should only be considered after all efforts toward better utilization of existing manpower have been exercised.

Even though a feeling of futility may prevail at times, the judges should keep their positive attitude and solicit the help they need to effect improvements, both on the local level as well as from the Louisiana Supreme Court, Justice Planning Agency, State Bar Association Citizens' Groups, and the many judicial, and administrative organizations throughout the country.

THIRTIETH JUDICIAL DISTRICT
STATE OF LOUISIANA
PARISHES OF BEAUREGARD AND VERNON

FILED
AUG 14 1973
CLERK OF COURT
BOZEMAN, LA

Pursuant to the authority vested in us by law,

IT IS ORDERED THAT:

Court, both civil and criminal, will convene on the first day of September of each year, and will remain in continuous session throughout the district for the ten month period ending on the thirtieth day of June next following. July and August of each year shall be vacation months.

For the purpose of convenience, the ten month period during which Court will be in continuous session shall be divided into sessions to be held alternately in each parish as follows:

MONTH:	1st Week	2nd Week	3rd Week	4th Week
September	Vernon <i>A</i>	Beauregard <i>B</i>	Vernon <i>A</i>	Beauregard <i>B</i> Vernon <i>A</i>
October	Vernon <i>B</i>	Beauregard <i>A</i>	Vernon <i>B</i>	Beauregard <i>A</i> Vernon <i>B</i>
November	Vernon <i>A</i>	Vernon <i>A</i>	Beauregard <i>A</i>	Beauregard <i>A</i>
December	Vernon <i>A</i>	Beauregard <i>B</i>	Vacant	Vacant
January	Vernon <i>A</i>	Beauregard <i>A</i>	Vernon <i>B</i>	Beauregard <i>B</i> Vernon <i>B</i>
February	Vernon <i>A</i>	Beauregard <i>B</i>	Vernon <i>A</i>	Beauregard <i>A</i> Vernon <i>A</i>
March	Vernon <i>B</i>	Beauregard <i>A</i>	Vernon <i>B</i>	Beauregard <i>A</i> Vernon <i>B</i>
April	Vernon <i>A</i>	Beauregard <i>A</i>	Vernon <i>A</i>	Beauregard <i>B</i> Vernon <i>A</i>
May	Vernon <i>A</i>	Vernon <i>A</i>	Beauregard <i>A</i>	Beauregard <i>A</i>
June	Vernon <i>B</i>	Beauregard <i>A</i>	Vernon <i>B</i>	Beauregard <i>B</i> Vernon <i>A</i>

* Grand Jury

** Criminal Petit Jury —

*** Civil Petit Jury

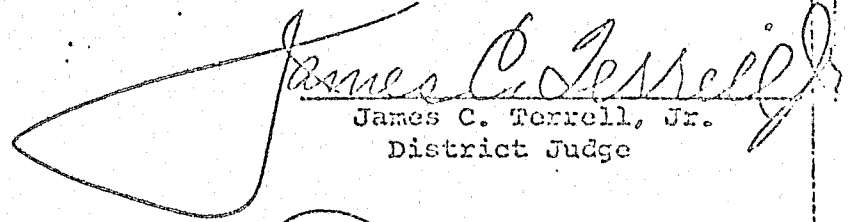
No Court will be scheduled in weeks commencing on a fifth Monday unless otherwise ordered by a Judge of this Court.

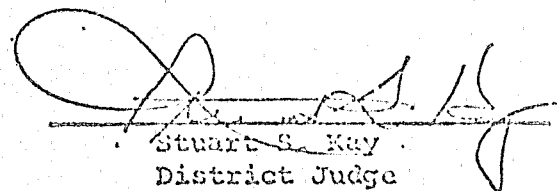
During the vacation months of July and August the Court will hold sessions on Monday and Friday of the second week in July and of the first week of August in Beauregard Parish and on the same days of the third week in July and the second week in August in Vernon Parish. The matters to be considered and determined during these sessions shall be uncontested rules, entry of default judgments, confirmation of default judgments, rendition of opinions in matters under advisement, signing final judgments on matters previously tried, granting appeals and fixing bonds where required, fixing cases for trial and other uncontested matters. The Court shall also in the sessions held on Monday in each parish as designated above, hear arraignments, fix cases for trial, and impose sentence in criminal matters after completion of the civil docket.

This order shall be entered on the minutes of the Court in the Parishes of Beauregard and Vernon and shall become effective on September 1, 1973.

This order shall be published at least three times in the official journal of each parish as required by law.

THUS DONE, ORDERED AND SIGNED in chambers at Leesville Louisiana, on this, the 14th day of August, 1973.


James C. Terrell, Jr.
District Judge


Stuart S. Kay
District Judge

END