

**STRATEGIC PLAN OF
THE COURTS OF APPEAL
2010-2014**

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Adopted

March 2010

Strategic Plan for the Courts of Appeal

Preface

The Strategic Plan of the Courts of Appeal has been developed to assist the courts and their judges in their continuing efforts to improve the administration of justice.

The goals, objectives, and strategies contained in the Plan shall not be used as a basis for litigation or sanctions or penalties. Nothing in these goals, objectives, and strategies alters or detracts from existing disciplinary codes or alters the existing standards of conduct against which judicial misconduct may be determined.

Mission Statement

The mission of the Courts of Appeal is to provide meaningful access to all who seek review under the Courts' appellate and supervisory jurisdiction granted by the Louisiana Constitution, while protecting and promoting the rule of law, preserving the public trust, and using public resources efficiently.

Goal 1.0 To protect the rule of law.

Objectives:

1.1 To provide a reasonable opportunity for multi-judge review of decisions made by lower tribunals.

Strategies:

1.1(a) Judicial Participation. Judges are expected to participate in oral arguments, post-argument conferences, and writ conferences. Post-argument conferences where preliminary positions are articulated should be a part of every appellate cycle and judges should be encouraged to participate therein in a constructive way. Any absences by a judge from docketed hearings should be kept minimal in order to ensure full review of decisions coming to the appellate court.

1.1(b) Clerk of Court. The Courts of Appeal should maintain a sufficient number of highly qualified staff in the offices of the Clerk of Court to support and facilitate in the docketing process.

1.1(c) Judicial Staff. The Courts of Appeal should maintain a sufficient number of highly qualified attorneys and support staff in every judge's office to support and facilitate review of decisions in appeals and supervisory writ applications.

1.1(d) Central Staff. The Courts of Appeal should maintain a sufficient number of highly qualified attorneys and support staff in their Central Staff offices to support and facilitate the review of decisions made by lower tribunals in criminal and civil cases.

1.1(e) Recusal. Recusation of a Judge from a case is controlled by the Code of Civil Procedure Articles 151-161, Code of Criminal Procedure Articles 671-679, and Canon 3(C) of the Code of Judicial Conduct. The Courts of Appeal should discourage recusal not based on these grounds.

1.1(f) Random Selection. The Courts of Appeal should develop and maintain procedures to ensure that all appeals are randomly allotted to a particular panel either by drawing indiscriminately from a pool or by using a properly programmed electronic device.

1.2 To develop, clarify, and unify the law.

Strategies:

1.2(a) Judicial Legal Resources. The Courts of Appeal should have sufficient access to published and automated legal resources to facilitate clarifying, harmonizing, and developing the law, and maintaining uniformity in jurisprudence.

1.2(b) Collegiality. The Courts of Appeal should encourage and promote effective collegiality among its judges, which, by its very nature, will result in more uniformity in opinions. Included in such measures are panel conferences to promote coordination and resolution of minor disagreements that impact adversely on unanimity.

1.3 To determine expeditiously those petitions and/or applications for which no other adequate or speedy remedy exists, including mandamus, habeas corpus, quo warranto, termination of parental rights and other matters affecting children's rights, and election proceedings, and to consider expeditiously those writ applications filed under the court's supervisory jurisdiction in which expedited consideration, or a stay, is required.

Strategies:

1.3(a) Expeditious Determination of Certain Case Types. The Courts of Appeal should identify those case types that should be determined expeditiously and should develop and implement court rules or procedures for the expeditious treatment of those cases.

1.3(b) Request Form for Expeditious Treatment. The Courts of Appeal should develop a form to be completed by any party requesting expeditious treatment of a filing to ensure that the filing meets all rule requirements, adequately sets forth the procedural posture of the case, and identifies the issues.

1.3(c) Development of Valid Grounds for Expediting Motions. The Courts of Appeal should develop and implement a court rule indicating the grounds to be stated in any request for expediting the consideration of motions.

1.3(d) Expeditious Determination of Certain Applications. The Courts of Appeal should expedite consideration of those applications in which the applicant alleges on valid grounds that irreparable harm will result if the issue is not decided expeditiously.

1.3(e) System of Duty Judges. The Courts of Appeal should develop a system of duty judges who serve on a rotating basis to ensure that, in the absence of the Chief Judge, a Judge is always on duty to make needed administrative decisions during the courts' working hours.

1.3(f) Qualified Staff. The Courts of Appeal should encourage the proper training of an adequate number of the Clerk of Court's office staff to identify filings that statutorily require expeditious treatment and an adequate number of Central Staff attorneys to review the validity of requests for expedited treatment and make recommendations to the assigned panel of Judges.

1.3(g) Access to Duty Panel. The Courts of Appeal should ensure staff access to the panel of Judges on duty by adopting policies regarding facsimile machines, electronic mail, pagers, and mobile telephones.

1.3(h) Assisting Lower Tribunals. The Courts of Appeal should develop measures to enhance their roles as supervisors of the trial process by educational programs designed to highlight the occurrence of errors, the types of errors and surrounding case characteristics, and errors made by trial courts when new statutes are enacted.

1.3(i) Timely access to the Court. The Courts of Appeal should develop and implement court rules for alternate methods to affect prompt filings in time-sensitive cases in their multi-parish jurisdictions through the use of modern technology, such as facsimile filings or electronic filings.

Goal 2.0 To promote the rule of law.

Objectives:

2.1 To ensure that adequate consideration of each case and that decisions are based on legally relevant factors, thereby affording every litigant the full benefit of the judicial process.

Strategies:

2.1(a) Clerk of Court. The Courts of Appeal should maintain a sufficient number of highly qualified staff in their Clerk of Court offices to ensure that the court is presented with a clear, accurate, timely, and complete record for review as required by law and the Uniform Rules, Courts of Appeal.

2.1(b) Scheduling of Cases. The Courts of Appeal should instruct their Clerks of Court to ensure effective scheduling and control of cases set for hearing each docket to continuously improve the scheduling and consolidation of cases to be heard by the Court in order to ensure the number of cases to be heard on a particular day so that every litigant gets the full benefit of the judicial process.

2.1(c) Judicial Staff. The Courts of Appeal should maintain a sufficient number of highly qualified attorneys and support staff in each Judge's office to ensure that adequate consideration is given to each case and that decisions are based on legally relevant factors, thereby affording every litigant the full benefit of the judicial process.

2.1(d) Central Staff. The Courts of Appeal should maintain a sufficient number of highly qualified attorneys and support staff in their Central Staff offices to adequately research the law in cases assigned for Central Staff research to assist the Judges of the court in basing decisions on all legally relevant factors, thereby affording every litigant the full benefit of the judicial process.

2.1(e) Appellate Guidelines. The Courts of Appeal should maintain and adjust, if and when necessary, Rule 2 (which deals generally with the practice of law at the appellate level) and Rule 3 (which addresses special appeal situations), Uniform Rules, Courts of Appeal, to promote efficient resolution of all appeals filed in the respective circuits.

2.1(f) Supervisory Jurisdiction Procedures. The Courts of Appeal, in the exercise of their supervisory jurisdiction, should maintain and adjust, if and when necessary, Rule 4 (which deals with writs), Uniform Rules, Courts of Appeal, to promote efficiency and afford every litigant the full benefit of the judicial process.

2.1(g) Equal Access to Judicial Process. The Courts of Appeal will ensure all people have equal access to the courts. Every court will provide appropriate information and assistance to court users and the general public.

2.2 To ensure that decisions of the courts of appeal are clear and the form of opinion is controlled by Rule 2-16, Uniform Rules, Courts of Appeal.

Strategies:

2.2(a) Judicial Staff. The Courts of Appeal should maintain a sufficient number of highly qualified attorneys and support staff in each judge's office to ensure that decisions of the Courts of Appeal are clear and that full opinions address the dispositive issues, state the holdings, and articulate the reasons for the decision in each case.

2.2(b) Central Staff. The Courts of Appeal should maintain a sufficient number of highly qualified attorneys and support staff in their Central Staff offices to ensure that, when requested by the Court, decisions of the Courts of Appeal in all cases, criminal and civil, are clear and that full opinions address the dispositive issues, state the holdings, and articulate the reasons for the decision in each case.

2.2(c) Opinion Circulation. The Courts of Appeal should use the time scheduled between draft opinion circulation and opinion signing to clarify opinions and to ensure that all the dispositive issues are addressed adequately with reasons aptly articulated.

2.2(d) Quality Control of Opinions. The Courts of Appeal should use the time scheduled between draft opinion circulation and opinion signing to verify the accuracy of the opinions in terms of substance, grammar, and citations.

2.2(e) Directions to Lower Courts. The Courts of Appeal should develop procedures and assign staff to review each court decision prior to promulgation for the purpose of ensuring that the courts' directions to lower courts, upon remand of the case, are clearly stated.

2.2(f) Opinion Guidelines. The Courts of Appeal should develop specific guidelines for the use of full opinions, memorandum opinions, and per curiam opinions, as per Rule 2-16.2, Uniform Rules, Courts of Appeal.

2.2(g) Writing Skills. The Courts of Appeal should encourage judges and attorneys to participate in writing education programs that focus on the skills necessary for clear and concise legal writing.

2.2(h) Standard Terminology. The Courts of Appeal should strive to establish standard terminology for reporting the summary, dispositive language used in the courts' decisions to aid in research and statistical reports.

2.3 To publish those written decisions that develop, clarify, or unify the law.

Strategies:

2.3(a) Standards for Publication. The Courts of Appeal should maintain and adjust, if necessary, the standards for publication set forth in Rule 2-16.2, Uniform Rules, Courts of Appeal. Law clerks and staff attorneys should identify the presence or absence of specific factors for publication in all cases considered by the court as part of the normal appellate process.

2.4 To resolve cases expeditiously.

Strategies:

2.4(a) Time Standards. The Courts of Appeal should continue to use or improve their time standards as a means of motivating and ensuring the expeditious processing of all appeals.

2.4(b) Use of Time Standards Measurements. The Courts of Appeal should measure their actual case processing against their adopted time standards as a means of motivating and ensuring the expeditious processing of cases.

2.4(c) Motion and Writ Application Deadlines. The Courts of Appeal should create uniform procedures for writ applications and motions having the potential of substantially delaying a matter before the court for resolution.

2.4(d) Cases Under Advisement. The Courts of Appeal should develop rules and other processes for expediting all cases under advisement or submitted with no finalized opinion.

2.4(e) Tracking System for Appeals, Writ Applications and Motions. The Courts of Appeal should develop and implement an automated system for tracking all appeals, writ applications, and motions filed with the courts.

2.4(f) Extensions of Time for Filing Briefs. The Courts of Appeal should adopt a policy to standardize the granting of extensions of time to file appellate or supervisory briefs.

2.4(g) Extensions of Time for Lodging Records. The Courts of Appeal should adopt a policy to standardize the granting of extensions of return dates for the lodging of records with the courts and continuously work with the officials of the lower courts to ensure timely submission of records.

2.4(h) Abandoned Appeals. The Courts of Appeal should develop a system to track cases in which a notice of abandonment has been mailed under Rule 2-8.6, Uniform Rules, Courts of Appeal, and to expeditiously dismiss cases deemed abandoned.

Goal 3.0 To preserve public trust.

Objectives:

3.1 To ensure that the Courts of Appeal are accessible procedurally, economically, and physically to the public and attorneys.

Strategies:

3.1(a) Procedural Accessibility. The Courts of Appeal should instruct their Clerks of Court to designate and train persons in their offices to answer the public's questions about various Court of Appeal procedures.

3.1(b) Checklist on Court Rules Affecting Filing. The Courts of Appeal should develop and provide to the public a checklist of items relating to filing requirements.

3.1(c) Internal Referral System. The Courts of Appeal should instruct their Clerks of Court and Staff Directors to develop and maintain an effective and speedy system for the referral of telephone inquiries to the proper employee for response.

3.1(d) Economic Accessibility: Fees and Charges. The Courts of Appeal should periodically review the fees and other user charges placed upon the public and attorneys using the courts' services to ensure that such fees and charges are reasonable in terms of the principles of public economy and economic accessibility.

3.1(e) Physical Accessibility. The Courts of Appeal should develop, adopt, and continuously improve their policies and procedures for ensuring that the courts are physically accessible to the public and to attorneys, especially with respect to the Americans with Disabilities Act (ADA) and other laws. The court should notify the Division of Administration (DOA) and the

Legislature of any problems affecting physical accessibility that may be under the jurisdiction and responsibility of the DOA or the Legislature.

3.1(f) User Accessibility. The Courts of Appeal should develop guidelines to assure that information explaining the appellate process is made available to all users of the court, including victims of crime.

3.1(g) Security. The Courts of Appeal should maintain a sufficient number of highly qualified security officers, properly equipped with all appropriate technology and other resources, to control, direct, and facilitate public and employee accessibility.

3.2 To facilitate public access to the decisions of the Courts of Appeal.

Strategies:

3.2(a) Publication Time of Decisions. The Courts of Appeal should also ensure that all decisions are available to the public within 24 hours of rendition.

3.2(b) File Room. The Courts of Appeal should maintain a sufficient number of highly qualified staff to ensure proper management and access to all filings, exhibits, and other materials needed by litigants, attorneys, court personnel, and the public for use during the appeal process.

3.2(c) File Room Technology. The Clerks of Court should continuously explore new and more effective technological ways of storing, archiving, and retrieving the courts' files and records.

3.2(d) Sealed Records and Exhibits. The Courts of Appeal should develop guidelines for handling sealed records and exhibits and ensure that persons in the Clerk of Court offices are trained to properly secure those records and exhibits.

3.3 To inform the public of their operations and activities.

Strategies:

3.3(a) Public Information Program. The Courts of Appeal should promote the establishment of educational and outreach programs to communicate the roles and responsibilities of the court.

3.3(b) Telephone Courtesy. The Courts of Appeal should train their employees to answer telephones courteously and to provide accurate information.

3.3(c) Educational Programs. The Courts of Appeal should encourage judges and court-employed attorneys to participate in legal education programs such as Law Day.

3.3(d) Information Presentation. The Courts of Appeal should develop a presentation for visitors to the courts to inform them of court functions and activities and should designate particular court employees to make such presentations.

3.3(e) Visitors. The Courts of Appeal should encourage the public to schedule group visits to the court, especially youth groups and school classes.

3.4 To ensure the highest professional conduct of both the bench and the bar.

Strategies:

3.4(a) Judicial College. The Courts of Appeal should assist the Louisiana Judicial College in maintaining or improving the quality and accessibility of the continuing legal education programs provided to the judiciary.

3.4(b) Louisiana State Bar Association. The Courts of Appeal should assist the Louisiana State Bar Association to maintain and expand its system of continuing legal education for the lawyers, magistrates, and judges of the state.

3.4(c) Professionalism. The Courts of Appeal should continue to encourage and support professionalism among judges and lawyers through continuing legal education requirements, training, and more effective use of the courts' adopted codes of professionalism.

3.4(d) Judicial Mentoring Program. The Courts of Appeal should encourage and facilitate the continuation and expansion of the judicial mentoring program to all types of courts in the state.

3.4(e) Civility and Professionalism. The Courts of Appeal, in conjunction with the Louisiana Judicial College, local bar associations, and other professional organizations, should continue to sponsor training in civility and professionalism for judges and court personnel.

3.4(f) Assessment of Courtesy and Responsiveness. The Courts of Appeal should periodically survey their employees, lawyers, and the public to assess perception of courtesy and responsiveness of court personnel.

Goal 4.0 To use public resources efficiently.

Objectives:

4.1 To seek and obtain sufficient resources from the Legislative and Executive Branches to fulfill their responsibilities and should institute and maintain a system of accountability for the efficient use of these resources.

Strategies:

4.1(a) Judicial Compensation Commission. The Courts of Appeal should continue to assist the Louisiana Supreme Court and the Judicial Administrator with the work of the Judicial Compensation Commission as a means of seeking and obtaining sufficient compensation for all judges in the state.

4.1(b) Appellate Court Employee Pay Plan. The Courts of Appeal should continue to assist the Louisiana Supreme Court and the Judicial Administrator in maintaining and developing the pay plan for employees of the Courts of Appeal and the appellate courts as a means of seeking and obtaining sufficient compensation to retain and attract highly qualified staff for the support of judicial responsibilities.

4.1(c) Judicial Budgetary Control Board. The Courts of Appeal should continue to support the Judicial Budgetary Control Board as a means of seeking and obtaining sufficient resources to fulfill all judicial responsibilities.

4.1(d) Legislative/Executive Branch Coordination. The Courts of Appeal should continue to communicate, coordinate, and cooperate with the Legislative and Executive Branches on all matters relating to judicial resource needs.

4.1(e) Judicial Budget and Performance Accountability Program. The Courts of Appeal should continue to support the Judicial Budget and Performance Accountability Program as a means of seeking and obtaining sufficient resources to fulfill all judicial responsibilities and as a means of maintaining public accountability.

4.1(f) Judicial and Employee Retirement and Group Benefits. The Courts of Appeal should continue to use the state's various retirement and employee benefit programs for judges and court employees, or equivalent.

4.1(g) Judicial Financial Reform. The Courts of Appeal should make recommendations to the Louisiana Supreme Court on ways to improve the financing of the judiciary.

4.1(h) Clerk of Court Business Office. The Courts of Appeal should continue to require their Clerks of Court to manage the courts' resources and facilities efficiently and productively.

4.2 To manage their caseloads effectively and use available resources efficiently and productively.

Strategies:

4.2(a) Office of the Clerk of Court. The Courts of Appeal should continue to require their Clerks of Court to maintain and expand effective case management techniques, including the development and operation of a state-of-the-art case management information system.

4.3 To develop methods for improving aspects of trial court performance that affect the appellate judicial process.

Strategies:

4.3(a) Improving Court Performance. The Courts of Appeal should maintain sufficient numbers of highly qualified professional and support staff to develop and effectively promulgate methods for improving court performance.

4.3(b) Judicial Budget and Performance Accountability Program. The Courts of Appeal should continue to support the Judicial Budget and Performance Accountability Program as a means of improving aspects of trial and appellate court performance that affect the judicial process.

4.3(c) Court Management Information System. The Courts of Appeal should continue to support the Court Management Information System (CMIS) Project as a means of improving aspects of trial and appellate court performance that affect the judicial process.

4.3(d) Appellate Court Assistance Program. The Courts of Appeal should, in conjunction with the Judicial Administrator, develop an Appellate Court Assistance Program for improving those aspects of the administration of justice identified in the Appellate Court Strategic Plan or this Strategic Plan.

4.3(e) Guidance for District Court Clerks of Court. The Courts of Appeal should offer educational opportunities (such as seminars) and resources (such as a manual) to assist the district court clerks in preparing clear, accurate, timely, and complete appellate records, as required by law and the Uniform Rules, Courts of Appeal.

4.4 To use fair employment practices; and to train and develop the court's human resources.

Strategies:

4.4(a) Human Resource Policies. The Courts of Appeal should continue to support the Louisiana Supreme Court's efforts to develop and enforce fair employment policies for itself and for the Courts of Appeal as required by law or by good human resource management practice.

Goal 5.0 Protecting judicial independence.

Objectives:

5.1 The Courts of Appeal should vigilantly guard judicial independence while respecting the other co-equal branches of government.

Strategies:

5.1(a) Protocol on Judicial Independence. The Louisiana Conference of Courts of Appeal Judges should develop and submit to the Legislature and the Governor a protocol on judicial independence to define in concrete terms the working relationship that should exist among the Judiciary, the Legislature, and the Governor on matters such as the impact of legislation on the courts, public information and records laws, procurement, and lobbying.

5.1(b) Executive/Legislative Cooperation. The Courts of Appeal should continue to communicate, coordinate, and cooperate with the Legislative and Executive Branches.

5.1(c) Outreach Programs. The Courts of Appeal should actively educate the public, through various outreach programs, as to the concept of judicial independence and its importance for the promotion and protection of the rule of law.

Goal 6.0 Operational planning

Objectives:

6.1 To conduct operational planning by the Operational Planning Team.

Strategies:

6.1(a) Operational Planning Team. The operational plan for the Courts of Appeal shall be developed by the Operational Planning Team under the supervision of the Conference of Chief Judges, Courts of Appeal.

6.1(b) Team Composition and Chair. The Operational Planning Team shall be composed of the Chief Judges of the Courts of Appeal, or their designated representatives, and shall be chaired by the Chief Judge with most seniority as Chief Judge.

External Factors That May Affect the Ability of the Courts of Appeal to Implement This Plan

The external factors that may affect the ability of the Courts of Appeal to implement their strategic plan are being identified by the Courts of Appeal. Once these factors have been identified and analyzed by the Courts of Appeal, they will be included in this section of the Plan.

Performance Indicators for the Courts of Appeal

Goal 1.0 **To protect the rule of law**

Objective 1.1: **To provide a reasonable opportunity for multi-judge review of decisions made by lower tribunals**

General Performance Information:	2007	2008	2009
Total appeals filed	2,790	2,671	2,597
Total writs filed	5,111	5,402	5,043
Total dispositions rendered	7,586	6,676	6,913

Goal 2.0: **To promote the rule of law**

Objective 2.4: **To resolve cases expeditiously**

General Performance Information:	2007	2008	2009
Average number of days from lodging of the appeal to argument (Time Standard = no more than 175 days):			
Criminal cases	137	145	150
Civil cases	153	140	147
Total	145	142	148

Average number of days from argument to rendering of the opinion:
(Time Standard = no more than 70 days)

Criminal cases	36	37	37
Civil cases	37	43	39
Total	36	40	38

Goal 3.0: **To preserve public trust**

Objective 3.2: **To facilitate public access to the decisions of the courts of appeal**

General Performance Information:	2007	2008	2009
Percentage of written opinions available to the public within 5 days of decision	100	100	100