

The 1999 Legislative Session

In recent years, the Judicial Branch has improved communications with the Legislative Branch through "State of the Judiciary" addresses by the Chief Justice, legislative committee visits to the Louisiana Supreme Court, and programs such as the "Judicial Ride-Along" Program which allows legislators to spend a half-day "on the bench" with a local judge witnessing firsthand the cases and persons which flow through the state court system on a daily basis.

According to 21st JDC Judge Robert H. Morrison, III, President of the District Court Judges Association, these efforts, combined with a constructive and consistent presence at the Capitol, resulted in more dialogue on issues affecting the judiciary during the 1999 regular session of the Legislature. Said Judge Morrison, "I received many positive comments from legislators on the informational role played by our judges during committee hearings on these issues."



Chief Justice Pascal F. Calogero, Jr. addresses the joint session of the Louisiana Legislature at the Capitol in Baton Rouge.

Session Highlights:

- SB15 - allows hearing officers to hear certain rules to show cause in the enforcement of protective orders in domestic abuse cases
- SB393 - provides protection from domestic abuse to non-married persons presently or formerly living in the same residence as spouses
- SB776 - expands the rights of victims of crime during the critical stages of a criminal judicial proceeding
- SB832 - repeals the prohibition against jury trials in suits on admiralty and maritime claims in state courts
- HB331 - authorizes duty judges to hear emergency matters as an exception to random assignments
- HB402 - provides for the referral of a case to mediation on motion of any party
- HB451 - provides time periods for the preparation of transcripts of trial court proceedings to be included in the record delivered to a court of appeal
- HB697 - provides that child custody and visitation matters may be raised in proceedings for child support and vice-versa
- HB743 - reduces the time period for filing applications for post-conviction relief from three years to two years after final judgment of conviction and sentence
- HB787 - provides for random selection of grand jury foremen from empaneled grand juries
- HB858 - provides for the transfer of cases involving omissions originating outside of the territorial boundaries of the state to be transferred to more appropriate forums
- HB989 - authorizes a court to award child support beyond the statutory schedule in certain instances
- HB1808 - authorizes criminal search warrants to be issued by facsimile transmission



■ CORNER

COLLINS



*Hugh M. Collins, Ph.D.
Judicial Administrator*

Now that the 1999 legislative session is over, I would like to express my sincere appreciation and congratulations to Judge Robert Morrison, III, President of the District Judges Association, for a job well done in tracking and providing information on legislation generally affecting the state judiciary.

I would also like to acknowledge Deputy Judicial Administrators Darryl Schultz, for his assistance to Judge Morrison and for his involvement in steering the passage of legislation creating new judgeships in the 14th and 34th Judicial District Courts upon the recommendation of the Judicial Council, and Michelle Speaser for her thorough preparation of the judicial budget.

Last, but certainly not least, plaudits are due Justice "Kitty" Kimball who, as Chairman of the Judicial Budgetary Control Board, presented the Judicial Appropriations Bill to the legislature on behalf of the Louisiana Supreme Court. Ultimately, the legislature appropriated 76.9 million dollars from the state's general fund to defray the expenses of the state judiciary.

Louisiana Judiciary Commission Names New Members

The Judiciary Commission of Louisiana has named five new members. Judges Marc T. Amy and D. Milton Moore, III; Attorney Gary N. Boutwell, II; Dr. John Miciotto and Robert N. Davidson have been appointed to four-year terms of office, effective January 1, 1999.

The Judiciary Commission consists of nine members — three judges, three attorneys and three citizens who are not lawyers, judges or public officials — and is empowered to review allegations of judicial misconduct and to recommend to the Supreme Court that a judge be sanctioned when ethical misconduct is proven by clear and convincing evidence. In addition to their review of complaints about judicial behavior, the Commission members endeavor to inform the judiciary about proper applications of the Code of Judicial Conduct and the ethical limitations placed upon judges both professionally and personally. Commission members serve without pay.

For more information on the Louisiana Judiciary Commission, contact Commission Counsel Nancy E. Rix, at (504) 568-7699.



Justice Harry T. Lenmon swears in new Judiciary Commission member, Judge Marc T. Amy as Mrs. Amy looks on.

Assuring Character & Fitness of Bar Applicants

The Louisiana Supreme Court recently amended its rules on bar admissions to require character and background investigations by the National Conference of Bar Examiners as a prerequisite for taking the bar exam. In an effort to detect character and fitness problems early in the process, these student investigations may start as early as the fall semester of the second year of law school with a subsequent investigation to be conducted upon the student's application to take the bar examination. The Supreme Court also hosted a Preventing Lawyer Misconduct Conference which brought together for the first time all players in the education and discipline of attorneys to discuss ways to prevent future ethical improprieties through better ethics education for law students.



Chief Justice Pascal F. Calogero, Jr. congratulates outgoing Louisiana Attorney Disciplinary Board Members (L to R) Homer Ed Barousse, Jr., Lila Tritico Hogan, Sybil S. Holt & John J. Uhl



Improving Public Service With Computer Technology



Sam H. Theriot (right), Vermilion Clerk of Court, shows how records in the clerk's office may be accessed within seconds through a key-word, case name or case number search.

With the purchase of a minimal amount of equipment, Clerk of Court Sam H. Theriot and his staff have put the Vermilion Parish Clerk of Court's Office among the leaders of Louisiana clerks of court that use computer technology to improve public service. A personal computer used in combination with a high-speed scanner and imaging software is assisting the clerk's office in putting all of its records into electronic files which can be retrieved from a public workstation in a matter of minutes.

Staff members are working in the evenings to scan the documents. In less than a year, 10 years of documents will have been entered into the computer. A second scanner and three additional public workstations will help meet the need for electronic documentation. Free workshops are being planned to teach the public how to use the system.

Vermilion Parish is among seven of Louisiana's 65 clerk of court offices using imaging and scanning technology to copy records and store them electronically.

Article reprinted with permission of the LTLA's Louisiana Advocates, February 1999.

Drug Court Graduation

Judges Peter J. Garcia and Elaine W. Guillot presided over a special ceremony honoring seven graduates of the 22nd Judicial District Court's first Drug Court Program.

The program, started in January of 1998, has 89 enrolled participants and an 82% retention rate. The recent receipt of a two-year \$600,000 multi-jurisdictional implementation grant assures that an additional 520 individuals can participate in the drug treatment program.

Judge Peter J. Garcia congratulates a graduate from the 22nd Judicial District Court's first Drug Court Program.



Reducing Juvenile Crime

Jefferson Parish Juvenile Court Judge Andrea Price Janzen was a featured speaker at the Kenner Police Department's 6th Annual School Violence Forum. Crediting a host of local agencies for programs which have resulted in fewer offenders coming to her court, Janzen informed an audience of educators, police and social workers that the number of juvenile cases had dropped nearly 20% from 1997 to 1998. Said Janzen, "We started off in the '90's with lots of gang activities, lots of drugs ... but those communities which aggressively attacked the problems, through programs ranging from police in the schools to the creation of the Jefferson Community School, are reaping the benefits at the back end of this decade."

CYBER COURTS

Louisiana Judicial
Administrator's Office
www.lajao.org

American Judicature Society
www.ajs.org

Citizens for Independent Courts
www.faircourts.org

ABA Special Committee
on Judicial Independence
www.abanet.org/judind/home.html

State and National LRE Projects
www.abanet.org/publiced/lre/main.html



An Emphasis on Improving Public Perceptions of Court Performance

Background

The Advisory Committee to the Louisiana Supreme Court's Consumer Research and Service Development Project submitted to the Louisiana Supreme Court its final report containing recommendations for improving public perceptions of judicial branch performance based on the results of the first-ever comprehensive statewide Consumer Research Study on Louisiana Courts commissioned by the Louisiana Supreme Court to Dr. Susan Howell, Director of the UNO Survey Research Center.

The Advisory Committee, co-chaired by Barry Erwin of CABL (Council for A Better Louisiana) and Jackie Ducote of PAR (Public Affairs Research Council), gathered as a group 13 times in order to carry out its charges from the Louisiana Supreme Court. Said Erwin, "Throughout our many meetings, briefings and workshops, we came to realize that Louisiana citizens are not alone in expressing negative attitudes about judicial branch performance. Over the past 10 years, national opinion polls, as well as those commissioned by other states, have documented widespread citizen concern about the judicial system which strongly parallel Louisiana's findings."

Fairness & Equality

To assure fairness and equal treatment in the operation of the court system, the report notes that a root cause of perceptions of disparate treatment is "representation and economics." Recommendations include creating incentives for attorneys to engage in pro bono work as a means of increasing legal services for the poor; the implementation of complaint mechanisms for court users in every court; judicial education programs for court users; and a formal study of the fairness and equity of criminal sentencing and civil awards.

Court Delay

To reduce court delay, the report recommends a commitment of the Supreme Court in seeking necessary resources to improve case processing; making certain that all state judges are taught delay reduction strategies and to comply with time and performance standards; and making cases involving children a priority in all delay reduction measures.

"This is an extremely impressive body of work prepared by an equally impressive group of individuals. I am grateful beyond expression for the many hours they spent together preparing this report. Each and every member should be proud of their contributions to the work of this Court and, foremost, to the citizens of Louisiana."

– Chief Justice Pascal F. Calogero, Jr.

"Soft on Crime" Perceptions

To improve the public perception that courts are "soft on crime," the report recommends providing public education programs on the role of the courts in the criminal justice system; increasing judicial accountability on criminal case processing in the courts; and, finding that judicial candidates contribute to "soft on crime" perceptions, the enforcement of the campaign conduct canons in the Code of Judicial Conduct. To improve sensitivity toward victims of crime, recommendations include: Judicial College seminars which encourage compliance with victims' rights leg-

islation; and the creation of a victims' rights checklist for judges.

Access to Courts

To improve access to courts, the report generally recommends that courts adopt procedures and offer services which make it easy for citizens to obtain case information, and which allow pro se litigants to capably and conveniently use the court system. The report also recommends interbranch discussions to lower court costs and the dissemination of information on the availability of civil legal services for the poor.

Child Support Enforcement

To improve child support enforcement, the report recommends a Judicial College education program on recent federal and state child support legislation and education programs for the public on resources available to collect child support. To address excuse from jury service, the report recommends a study of jury service reforms with the goal of making service more convenient for the public.

Public Education

The report emphasizes in each section that there is a need for the judiciary to take responsibility for educating the public on the court system and that this education should begin in elementary schools. Additionally, the report recommends that all court employees receive customer service training, and the creation of informational literature and films to better assist court-users in understanding court procedures.

Judicial Independence

Lastly, as a means of improving public trust and confidence in the state judiciary, the report recommends Supreme Court leadership in asserting the constitutional rights and powers of the judicial branch and Supreme Court leadership in promoting cooperation with the other branches of state government.

What Now?

Chief Justice Pascal F. Calogero, Jr. accepted the report on behalf of the Louisiana Supreme Court. Said the Chief Justice, "It is now incumbent upon the Louisiana Supreme Court conference to give serious consideration to the content of this final report and take appropriate steps to enhance public trust and confidence in our state's judicial system."

LIST OF ADVISORY COMMITTEE MEMBERS

Louisiana Supreme Court Advisory Committee
Consumer Research and Service Development Project on Louisiana Courts

- Mr. Paul Andersson
Louisiana Association of Defense Counsel
- Senate President Randy L. Ewing
Represented by Sen. Sec. Mike Baer
- David Bienvenu
Louisiana State Bar Association
- Mr. John Bourg
LA AFL-CIO
- Judge Merwin Brandon, Jr.
Louisiana City Court Judges Association
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Council for a Better Louisiana
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All Congregations Together
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Metropolitan Crime Commission
- Ms. Cheryl Gray
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- Cherilynn Thomas
Louis A. Martinet Society
- Ms. Leah Guerry
Louisiana Trial Lawyers Association
- Donald Kelly
Louisiana Trial Lawyers Association
- Robert F. "Tiger" Hammond
GNO AFL-CIO
- Mr. Charlie Jagneaux
Louisiana Clerks of Court Association
- Mr. Daniel L. Juneau
Louisiana Association of Business and Industry
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LA League of Women Voters
- Judge Robert H. Morrison, III
Louisiana District Judges Association
- Judge Ronald J. Sholes
Louisiana District Judges Association
- Mr. Patrick S. Ottinger
Louisiana State Bar Association
- Judge Suzan S. Ponder
Louisiana City Court Judges Association
- Mr. Charles Savoie
Citizen Member
- Judge Frank H. Thaxton, III
District Court Judges Association
- Jim Wayne
Capital Area Legal Services Corporation
- Rev. Dwight Webster
Jeremiah Group
- Governor Murphy J. Foster
Represented by Kim Wooten



Chamber to Chamber Program Receives National Recognition

The Louisiana Supreme Court received a 1999 American Bar Association/West Group Partnership Award of Merit for its "Chamber to Chamber" judicial outreach program. Named for its reference to judges' chambers and business organizations, the program pairs city and district court judges with delegations from their local chambers of commerce for a half-day court visit. "Chamber to Chamber" opens local courthouse doors and gives both judges and business persons an opportunity to talk about their respective roles in the community and further provides an opportunity for viewing firsthand the volume of cases and people which flow through the court on a daily basis.

According to past chamber of commerce participants, this program is successful because it removes the usual barriers and apprehension a citizen feels as litigant, witness or juror, making it possible for them to get a more accurate view of the daily demands on judges, court personnel and courthouses and to candidly discuss how the local court system might better serve the community.

Chambers of commerce were specifically targeted for a community partnership for two reasons: (1) the need for non-litigant exposure to court operations in light of the business community's growing interest in the judiciary, and (2) the need for a base of constituent support for court operations funded by local governments. Since its introduction in 1997, nearly 70 Louisiana chambers of commerce have participated in the Chamber to Chamber Program.

The Partnership Awards are presented to bar associations and court agencies who, through noteworthy partnership efforts, have produced outstanding programs which promote a greater understanding of the justice system.

1999 Chamber to Chamber Participants

11th JDC	DeSoto Chamber of Commerce
11th JDC	Sabine Chamber of Commerce
12th JDC	Marksville Chamber of Commerce
16th JDC	E. St. Mary Chamber of Commerce W. St. Mary Chamber of Commerce
17th JDC	Thibodaux Chamber of Commerce
18th JDC	W. Baton Rouge Chamber of Commerce
23rd JDC	Donaldsonville Area Chamber
24th JDC	New Orleans Regional Chamber of Commerce East Jefferson & West Bank Area Councils
26th JDC	Bossier City Chamber of Commerce
27th JDC	Eunice Chamber of Commerce
EBR City Court	Greater Baton Rouge Chamber of Commerce

Chamber to Chamber Perspectives

From Judges:

"A lot of citizens don't understand how the system works. This is a program where they will see the system without being a litigant."

– Judge Henry Sullivan, 24th JDC

"My goal is to explain a little about the workings of the court, then listen to their ideas of ways court procedures can be improved to better serve the public."

– 5th JDC Judge Rudolph E. McIntyre, Jr.

"All three judges of our court were there to answer questions ... We're used to having children come through and visit the courtrooms, but when people from the business world come through, it's almost like we're getting graded."

– 29th JDC Judge Emile St. Pierre

"This is the first pro-active program in my memory to have community entities come in and have contact with the court."

– 36th JDC Judge Stuart S. Kay, Jr.

From Louisiana Citizens:

"It's not like Perry Mason. The average person, like me, doesn't get exposed to how the system works unless we are called for jury duty. I was impressed the judge explained each procedure. It's not a big secret system."

– Richard Drexel, River Parishes Area Council,
New Orleans Regional Chamber of Commerce

"The crowding of this courthouse is the most obvious thing. None of us can be effective working on top of one another as these people seem to have to ... It's shocking!"

– Jerry Alexander, East Jefferson Council,
New Orleans Regional Chamber of Commerce

"It helps chamber members become more aware of what is going on in our community and the diverse nature of the courts."

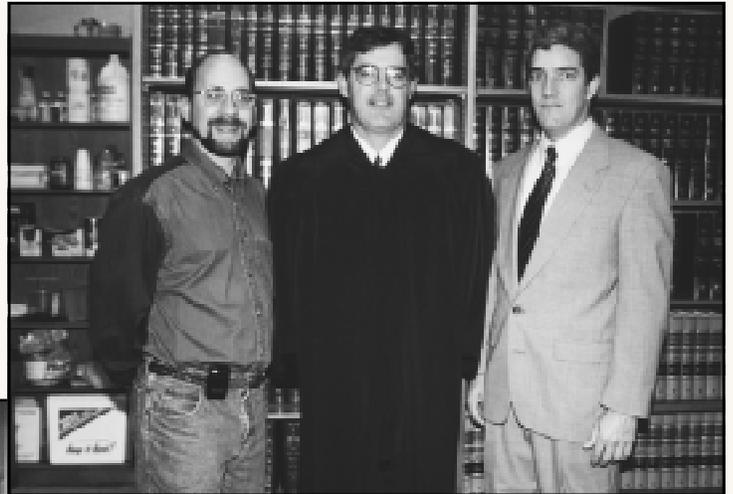
– John Condren,
Greater DeRidder Chamber of Commerce

"My day was well spent ... thank you for the opportunity to view our judicial system from inside ... I hope you can offer many others a similar experience."

– Anita Cullen, Adult Education,
St. Charles Parish Schools



Chamber



15th JDC Judge John D. Trahan with Crowley Chamber of Commerce Chairman Bill Pinac & Board member Jimmy Landry.



18th JDC Judge James J. Best with West Baton Rouge Chamber members. (Seated) Sharon Stam, Anne Wilkinson, Sharlot Edwards, Owen Cope, (standing) Babs Babin, District Attorney Ricky Ward, Sheriff Randall Andre, Ellis Gauthier, Port Allen Chief of Police Adrian Genre & Mike Rago.

to



11th JDC Judge Stephen B. Beasley with DeSoto Chamber of Commerce members A.J. Williams, Brenda Hall & Bud Barrow.



Photo by Times Picayune

24th JDC Chief Judge Jo Ellen Grant and Jefferson Parish District Attorney Paul Connick, Jr. with representatives of the West Bank & East Jefferson Councils of the New Orleans Regional Chamber of Commerce.

Chamber



Ipso Facto... After Years of Waiting

The 4th Circuit Court of Appeal is comprised of 12 judges, three of which are female. Judge Joan Bernard Armstrong began her service on the court of appeal in 1984, followed by Judge Miriam G. Waltzer in 1992 and Judge Patricia R. Murray in 1995. The 12 judges are randomly assigned to one of four three-judge panels for one month periods for the purpose of hearing cases on appeal, setting up the possibility of an all female three-judge panel since January of 1995. It was not, however, until 51 months later that the random assignments produced an all female panel, the first in the history of the court. Judges Armstrong, Waltzer and Murray held court together in March of 1999.

4th Circuit Court of Appeal



*Judge Joan Bernard
Armstrong*



*Judge Miriam G.
Waltzer*



*Judge Patricia R.
Murray*

IT'S A FACT!:

The 3rd Circuit Court of Appeal produced the first ever all female three-judge panel in Louisiana. Judges Sylvia R. Cooks, Billie Colombaro Woodard and Elizabeth A. Pickett took the bench together on November 6, 1997, less than eight months after the possibility of random assignment was created by Judge Pickett's swearing in on March 25, 1997.

3rd Circuit Court of Appeal



*Judge Sylvia R.
Cooks*



*Judge Billie
Colombaro Woodard*



*Judge Elizabeth A.
Pickett*

YOUR HONORS

■ Supreme Court Justice Catherine "Kitty" Kimball was selected to participate in Leadership Louisiana, a program of the Council for A Better Louisiana.

■ Louisiana Judges Ethel Simms Julien, Lloyd Medley, Jr., Charles Elloie, Sharon K. Hunter, Julian Parker, Alan Green, Sean Early, and C. Hearn Taylor were honored alumni at a reception hosted by the Southern University Law Center.

■ Judge Billie Colombaro Woodard, 3rd Circuit Court of Appeal, served as a Pacesetter from Louisiana at the 1999 Southern Women in Public Service: Coming Together to Make a Difference conference.

■ Judge Grace Bennett Gasaway, Hammond City Court, received the 1999 Annie Award from the Hammond Chamber of Commerce for implementing the Visions in Prevention and Offender Volunteer Community Service Programs.

■ Judge Moon Landrieu, 4th Circuit Court of Appeal, former mayor of the City of New Orleans and former Secretary of HUD, addressed the U.S. Conference of Mayors on the federal block grant program for in-

ner-city neighborhood revitalization.

■ Court Column Newsletter won second place in the Best Publications Category at the 1999 New Orleans Press Club Awards.

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