

**SUPREME COURT OF LOUISIANA**

**REPORT OF THE JUDICIAL COUNCIL**

*To The*

**LOUISIANA STATE LEGISLATURE**

*In Response To*

**SENATE CONCURRENT RESOLUTION NO. 91  
OF THE 2007 REGULAR LEGISLATIVE SESSION**



**March 12, 2012**

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**Attachments:**

- . *Exhibit 1* Senate Concurrent Resolution 91 (2007)
- . *Exhibit 2* House Concurrent Resolution 143 (2011)

## I. Background

Senate Concurrent Resolution No. 91 (hereinafter “SCR 91”) of the 2007 Regular Legislative Session requested that the Louisiana Supreme Court, in conjunction with the Judicial Council, study case filing and other data used to determine the need for judgeships, and report its findings to the legislature each year. SCR 91 is attached to this report as *Exhibit 1*.

The legislature has historically relied on the Supreme Court, through its Judicial Council, to make recommendations with regard to requests for new judgeships in individual jurisdictions. Act 163 of 2003 Regular Legislative Session established new law (La. R.S. 13:61 – the “new judgeship statute”) and formalized the role of the Judicial Council in new judgeship matters. This law also required the Council to adopt standards and guidelines for use in making determinations regarding the need for judgeships. Guidelines governing the manner in which requests for new judgeships would be analyzed were established by the Judicial Council shortly thereafter.<sup>1</sup>

During the First Extraordinary Session of 2006—in the wake of hurricanes Katrina and Rita—the legislature passed Act 16. This Act requested a review by the Judicial Council as to the appropriate number of district court judgeships in the state on the basis of caseloads, population, and other factors. A report on these issues was submitted by the Supreme Court to the legislature in February 2007.<sup>2</sup> Act 16 was a precursor to SCR 91, which was passed by the legislature during the 2007 Regular Legislative Session.

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<sup>1</sup> These guidelines are available on the *Judicial Council* page of the Supreme Court’s website ([http://www.lasc.org/la\\_judicial\\_entities/judicial\\_council.asp](http://www.lasc.org/la_judicial_entities/judicial_council.asp)).

<sup>2</sup> This report, titled “Final Report of the Judicial Council to Review the Need for Judgeships” is available on the *Judicial Council* page of the Supreme Court’s website ([http://www.lasc.org/la\\_judicial\\_entities/judicial\\_council.asp](http://www.lasc.org/la_judicial_entities/judicial_council.asp)).

Pursuant to SCR 91 the Judicial Council submitted reports to the legislature in 2008, 2009, 2010 and 2011.<sup>3</sup> These reports contain historical information regarding the role of the Judicial Council in assessing the need for new judgeships; analysis of judicial workload in district, city and parish courts throughout the state; and other information.

This report is submitted in response to SCR 91 for 2012.

## **II. Evaluating Judicial Workload and the Need for Judgeships: Evaluation Criteria**

The method of evaluating the need for judgeships and assessing judicial workload in Louisiana was developed in the early 1980's by Dr. Hugh Collins, former Judicial Administrator of the Louisiana Supreme Court. This approach factors in several variables, including the number of hours of judicial activities during a year a judge should be expected to work, the number and types of filings in a jurisdiction, and the application of work point values for the different case types to the case filings in each jurisdiction.<sup>4</sup>

The outcome of an analysis based on such an approach is just one of several important elements that should be used when evaluating judicial workload generally and the need for judges in individual jurisdictions specifically. A comprehensive evaluation of these issues must also involve on-site interviews with judges, administrators, clerks of court, the district attorney and public defender, parish council or police jury representatives, and others. The information obtained in these interviews and in related

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<sup>3</sup> These reports are available on the *Judicial Council* page of the Supreme Court's website ([http://www.lasc.org/la\\_judicial\\_entities/judicial\\_council.asp](http://www.lasc.org/la_judicial_entities/judicial_council.asp)).

<sup>4</sup> Details regarding work point values and the manner in which they are applied in the context of requests for new judgeships are outlined in the guidelines referenced in note 1, above.

on-site field work is an essential complement to the results of the analysis of the filing data, and it and other information obtained during the evaluation process are critical to the assessment of a new judgeship request or when making judgments about the number of judges needed generally.

The Judicial Council's formula became a model which was later emulated by a number of other states in their attempts to assess their own courts' need for judges. The formula remained basically unchanged from 1980 until 2006 and the passage of Act 16. At that time, an assessment of the new judgeship evaluation process was conducted by a revamped New Judgeship Committee – the membership of the committee having been expanded to include clerks of court, district attorneys, legislators, and others. As a result of these efforts, work point values for the different case types were reviewed and revisions were made to them.

At present, this work is largely complete, though the work point values are subject to the need to be regularly reviewed by the New Judgeship Committee, and in turn the Judicial Council. These work point values are an indispensable tool for the Judicial Council in discharging its obligations under La. R.S. 13:61, the new judgeship statute.

### **III. District, City and Parish Court Caseloads and Judicial Workload Calculations**

General information regarding filings in the district, city and parish courts is available in the Supreme Court Annual Report,<sup>5</sup> and information regarding judicial workload calculations in the state's courts is available upon request from the Supreme

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<sup>5</sup> The Annual Report of the Supreme Court is available on *Judicial Council* page of the Supreme Court's website ([http://www.lasc.org/la\\_judicial\\_entities/judicial\\_council.asp](http://www.lasc.org/la_judicial_entities/judicial_council.asp)).

Court Judicial Administrator's Office.<sup>6</sup>

#### **IV. Recommendations Regarding request for New Judgeships**

As indicated above, one of the functions of the Judicial Council is to consider requests for new judgeships and to make recommendations to the legislature with respect thereto. The Judicial Council received one request for a new judgeship in 2011.

##### **A. 26<sup>th</sup> Judicial District Court**

A request was received from the 26<sup>th</sup> Judicial District Court for an additional judgeship. The Judicial Council's criteria for new judgeships were provided to the court, following which the court withdrew its request. The Judicial Council recommends that this request for a new judgeship not be approved.

#### **V. House Concurrent Resolution 143 and Ongoing Efforts of the Judicial Council**

##### **A. House Concurrent Resolution 143**

In 2011, the legislature passed House Concurrent Resolution 143 (hereinafter "HCR 143"). This resolution requested that the Supreme Court ... "conduct a comprehensive study of the caseload data and the number of judges of each appellate court, district court, parish court, and city court in Louisiana to determine changes necessary to the existing structure of the judiciary to provide the most efficient use of judicial resources..." HCR 143 is attached to this report as *Exhibit 2*. Case filing data, case weights, court structure

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<sup>6</sup> The Judicial Administrator's Office can be reached in New Orleans at 504-310-2550.

and finance, the use of support personnel, and the territorial boundaries and jurisdictional limits of the courts are all referenced in the resolution as items for consideration.

The resolution requested that the Supreme Court submit its report regarding the courts of appeal and the parish courts to the legislature by February 15, 2012. The Court was requested to submit its report regarding the district courts and city courts to the legislature by February 15, 2014.

The Supreme Court's HCR 143 Report was submitted on February 14, 2012. The state's three parish courts are profiled in that report. The HCR 143-related review of the courts of appeal is ongoing, and the Supreme Court review of district and city courts pursuant to this resolution is expected to begin in the near future.

## **B. Ongoing Efforts of the Judicial Council**

The Judicial Council and the New Judgeship Committee recognize that the environment in which judges and other justice system participants work is not static and that the processes used to make determinations about judicial workloads should be reviewed—and possibly revised—on an ongoing basis. Further, the Judicial Council acknowledges that it is vital to any evaluation of workload that work point values are reflective of case complexity and that the filing information to which these values are applied is reliable. Accordingly, work is ongoing to address issues relating to the quality of the data being received from the clerks of court, as are discussions with the district attorneys to promote uniformity in the reporting of criminal cases.

Additionally, following the passage of Act 16 of 2006, the Judicial Council

established a Long Term Issues Subcommittee which has considered a variety of issues confronting the judicial branch. That Subcommittee's report has been included in prior SCR 91 reports. Most recently, Subcommittee efforts have been dedicated to developing a protocol for collecting information from justices of the peace throughout the state. A data collection form has been developed in consultation with representatives from the Louisiana Justice of the Peace and Constables Association and this data collection project began in the fall of 2011.

## **VI. Conclusion**

The Judicial Council submitted reports to the legislature in response to SCR 91 in 2008, 2009, 2010 and 2011 and believes in doing so that it has met the intent of SCR 91. The Judicial Council respects the legislature's interest in the issues referenced in SCR 91, but notes that the Supreme Court will be addressing many of these issues in its responses to HCR 143. Accordingly, unless requested to continue in SCR 91-related reporting, the Council will infer that the Supreme Court's work in response to HCR 143 and the ongoing compilation of case filing, judicial workload, and related data—to be made available on the Supreme Court's website and/or made available upon request—will satisfy the legislature's need for information regarding the issues raised in SCR 91.

**LOUISIANA SUPREME COURT**

**Report to the  
Louisiana Legislature on**

**SCR 91 (2007)**

**EXHIBIT 1**

**SCR 91 (2007)**

SENATE CONCURRENT RESOLUTION NO. 91

BY SENATOR LENTINI AND REPRESENTATIVE TOOMY

A CONCURRENT RESOLUTION

To urge and request the Supreme Court of Louisiana in conjunction with the judicial council to study case filing and other data used to determine the need for judgeships and reporting on judicial performance, and to report its findings and recommendations to the legislature no later than March 14 of each year.

WHEREAS, the effort to determine the need for judgeships is a difficult and time-consuming task that involves the collection and analysis of case filing data, the assignment of case weights to each type of filing, the analysis of the structure and financing of courts with respect to workloads, the development and application of case management standards, and other matters; and

WHEREAS, the determination of judgeships should further be analyzed in the context of the obligation on the part of judges to efficiently, effectively, and impartially administer justice; and

WHEREAS, the Supreme Court of Louisiana in conjunction with the Judicial Council of the Supreme Court of Louisiana should study and investigate appropriate matters, including case filing data, case weights, court structure and finance, efficiencies in judicial performance and the administration of justice, the use of support personnel, case management standards, the current system of districting, and the relationship of types of courts to one another, in order to determine the need for judgeships at all levels of the court system, and should further report its findings and recommendations on these matters annually to the legislature; and

WHEREAS, high quality and consistent case filing data is essential for determining the need for judgeships and for measuring the performance of the judiciary by the judicial council; and

WHEREAS, the National Center for State Courts has identified the case filing data

that ought to be collected and reported by state courts throughout the nation; and

WHEREAS, there is a need to communicate the recommendations of the National Center for State Courts to the clerks of court, the judges, the district attorneys and others in order to determine the feasibility and desirability of obtaining such data accurately and consistently from each affected office in Louisiana; and

WHEREAS, the case filing data being reported by the clerks of court, the judges, the district attorneys, and others are, in some areas, incomplete in terms of case types or frequency, and sometimes inconsistent in terms of definition; and

WHEREAS, it would be of great benefit to legislative policymaking and to the judiciary to rely on complete, accurate, and consistent case filing and other data; and

WHEREAS, to compile this and other data the Supreme Court of Louisiana in conjunction with the judicial council should consider the establishment of a committee that includes judges, clerks of court, district attorneys, court administrators, technology personnel, attorneys and other persons as appropriate to study and make recommendations on improving the identification, definition, quality, and consistency of filing data used by the judicial council to determine the need for judgeships and report on judicial performance.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana hereby urges and requests the Supreme Court of Louisiana in conjunction with the judicial council to study and investigate appropriate matters, including case filing data, case weights, court structure and finance, efficiencies in judicial performance and the administration of justice, the use of support personnel, case management standards, the current system of districting, and the relationship of different types of courts to one another, as part of the determination of the need for judgeships at all levels of the court system, and to report its findings and recommendations to the legislature no later than March 14 of each year.

BE IT FURTHER RESOLVED that to improve the quality and consistency of case filing data the judicial council should consider the establishment of a committee that includes judges, clerks of court, district attorneys, court administrators, technology personnel, attorneys and other persons as appropriate to study and make recommendations on improving the identification, definition, quality, and consistency of filing data used to determine the need for judgeships and reporting on judicial performance.

SCR NO. 91

ENROLLED

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to the Supreme Court of Louisiana and with the Judicial Council of the Supreme Court of Louisiana.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

**LOUISIANA SUPREME COURT**

**Report to the  
Louisiana Legislature on**

**SCR 91 (2007)**

**EXHIBIT 2**

***HCR 143 (2011)***

Regular Session, 2011

HOUSE CONCURRENT RESOLUTION NO. 143

BY REPRESENTATIVE ROSALIND JONES

A CONCURRENT RESOLUTION

To urge and request the Supreme Court to conduct a comprehensive study of the caseload data and the number of judges of each appellate court, district court, parish court, and city court in Louisiana to determine changes necessary to the existing structure of the judiciary to provide the most efficient use of judicial resources and to report its findings and recommendations to the Louisiana Legislature prior to February 15, 2012.

WHEREAS, an extraordinary session of the Louisiana Legislature was held in the spring of this year to establish new congressional districts and new districts for the Louisiana House of Representatives, the Louisiana Senate, the Public Service Commission, and the Board of Elementary and Secondary Education following receipt of the 2010 United States Census data; and

WHEREAS, as population shifts from some areas of this state to others, it would be prudent to examine the caseload data from each court in the state of Louisiana to determine if the judicial resources are being used in the most efficient manner possible; and

WHEREAS, it is necessary to consider the case filing data, case weights, court structure and finance, and the use of support personnel in this study; and

WHEREAS, it is also necessary to study the territorial boundaries and the jurisdictional limits of each court.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the Supreme Court to conduct a comprehensive study of the caseload data and the number of judges of each appellate court, district court, parish court, and city court in Louisiana to determine changes necessary to the existing structure of the judiciary to provide the most efficient use of judicial resources, and to report its findings and recommendations regarding the courts of appeals and parish courts to the Louisiana Legislature prior to February 15, 2012, and report its findings and recommendations

HCR NO. 143

ENROLLED

regarding the district courts and city courts to the Louisiana Legislature prior to February 15, 2014.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the Supreme Court.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE