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BGR Report Calls for Eliminating Unnecessary Judgeships

Today BGR releases *Benchmarking the Bench: Are Public Dollars Being Wasted on Excess Judgeships in Orleans Parish?* Using a formula developed by the Judicial Council of the Louisiana Supreme Court to assess judicial workloads, the report presents data on the estimated need for judgeships in Orleans Parish. It also presents other metrics for assessing judicial need. Finally, it recommends steps for right-sizing the courts.

The findings are startling.

The Judicial Council's formula suggests that the court system in Orleans parish has far more judges than are needed. According to the formula's estimates, the parish's seven courts need 20 judges, or less than half of the 45 they currently have. Six of the courts have more than twice as many judges as they need.

The Judicial Council's workload estimates are not the only metric pointing to an excessive number of judges in Orleans Parish. Case filings at several Orleans courts have been on a general downward trajectory for many years, even as the number of judges in the parish has increased. Filings at Civil District Court, Juvenile Court, First City Court and Second City Court have dropped by 55% to 88% since peaking in the 1980s.

Neither the Judicial Council's workload formula nor case filing trends are definitive. The workload formula lacks nuance in certain areas and can underestimate the workloads of courts that handle a disproportionate share of complex cases. Raw case filing data also fails to distinguish between simple and complex cases. As the Judicial Council emphasizes, its estimates are the first step in an analytical process that includes site visits to courts with apparent surpluses.

In effect, the formula serves as an indicator light, letting officials know where a closer examination of apparent judicial surpluses is needed. The light is flashing in several spots across Louisiana. And it is blinking furiously in New Orleans.

It is an indicator that demands further action. Excess judgeships have serious financial repercussions for the public. The public pays an average of \$570,000 per year in personnel costs alone for a judgeship in New Orleans. A large portion of those expenses falls on state and local government. Both levels of government, and the citizens they serve, have a significant stake in preventing the waste of public money on unnecessary judgeships. That money could be used to meet pressing needs in the justice system, the city and the state.

It is critical that the state Legislature, which sets the number of judgeships in Louisiana, take action to eliminate unnecessary judgeships before the judicial election in November 2014. At that time, 80% of the parish's judgeships will be at stake. If the Legislature does not act before the election, a constitutional prohibition against shortening a sitting judge's term will forestall any meaningful reform until 2020. With an average cost of \$3.4 million per judgeship over a six-year term, such a delay could cost the public tens of millions of dollars for positions that the Judicial Council's metrics strongly suggest are unnecessary.

When dealing with issues of court size, the Legislature relies heavily on the analysis provided by the Judicial Council, the Supreme Court's research arm. It is important that the Judicial Council complete an analysis of Orleans Parish and other jurisdictions with large estimated judicial surpluses and make recommendations to the Legislature before its spring 2014 session.

There is no excuse for inaction or delay beyond the upcoming session. Both the Judicial Council and the Legislature are well positioned to act in a timely manner. The Judicial Council has been studying judicial surpluses throughout the state since 2006 and is currently preparing a report on the state's district and city courts requested by the Legislature more than two years ago. The report is due in mid-February, a month before the Legislative session begins. There is ample time between now and then for the council to complete its analysis of the jurisdictions with the largest estimated surpluses and to make recommendations to the Legislature for the elimination of unnecessary judgeships.

"Citizens hear a lot about the financial challenges facing the state and the city," said BGR Chairman J. Kelly Duncan. "The Legislature has a golden opportunity to streamline government and help the state and city to meet these challenges. We urge the Judicial Council to complete its work on time so the Legislature can make well-informed decisions."

In *Benchmarking the Bench*, BGR makes the following recommendations.

Before the 2014 legislative session:

- The Judicial Council should promptly take all steps, including site visits and supplemental research, necessary to identify and recommend the elimination of excess judgeships in Orleans Parish. It should do the same for any other jurisdiction that the council's workload formula suggests has a large number of excess judges. It should provide the Legislature with its analysis and any recommendations to eliminate judgeships well in advance of the session, and no later than the February 14, 2014, deadline for its report on the state's district and city courts.

During the 2014 legislative session:

- The Legislature should take action to eliminate unnecessary judgeships in Orleans Parish and other districts with excessive numbers of judges. The elimination should take effect as of the expiration of the current officeholder's term.

After the 2014 legislative session:

- The Supreme Court and the Legislature should develop a process to regularly reassess whether existing judgeships at the state's trial courts are still needed. The process should include annual estimates of the judges needed at each court based on the Judicial Council's workload formula. When the formula indicates that a court has too many judges, the Judicial Council should follow up with site visits and any other research needed to reach a conclusion as to the appropriate number of judges. It should present its analysis and a recommendation on the appropriate number of judges well in advance of the legislative session preceding the next election for that court.

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BGR is a private, nonprofit, independent research organization. Since its founding in 1932, it has been dedicated to informed public policy-making and the effective use of public resources in the Greater New Orleans area. For more information call 504-525-4152 or visit BGR's website, www.bgr.org.

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