

State of the Judiciary Address
Chief Justice Catherine D. Kimball, Louisiana Supreme Court
Message to the Louisiana Legislature
May 3, 2011, in Baton Rouge, Louisiana

Good Evening! I am delighted to be here with you this evening, and thank you for the invitation to address you on the state of the judiciary in Louisiana. Joining me today are Justice Bernette Johnson from New Orleans; Justice Jeff Victory from Shreveport; Justice John Weimer from Thibodaux; and Justice Greg Guidry from Jefferson Parish. I would like to introduce you to our newest Justice, Marcus Clark from Monroe, who has served since late 2009. Unfortunately, Justice Jeannette Theriot Knoll from Marksville was unable to attend. I also want to introduce Timothy Averill, our new Judicial Administrator. Tim is a former Deputy Judicial Administrator who was appointed to the JA position upon the retirement of Dr. Hugh Collins. While I'm making introductions, let me mention that one of your former colleagues, my husband Clyde, is with us this evening, as well as Nancy Victory, Justice Victory's wife.

It has been two years since my last visit to this chamber. Over these last years, there have been many challenges, both professional and personal. For a short time there, I wasn't so sure I'd make it back to talk to you again. However, I am happy to report that I have been back at the helm of the state judiciary for over a year now. I was touched by the outpouring of support that I received from across the state during my recovery from the stroke. Thank you all for your support, words of encouragement, and prayers.

And while I am speaking here in the place where he spent so much time working for his constituents and the State of Louisiana, I would like to publicly thank my husband Clyde, who has been with me every step of the way. Thanks honey, you made today and all my todays possible.

Please indulge me for just a moment longer on this subject. It's true what they say, if you have your health, you have everything. I never dreamed I would have a stroke, and I'm sure you don't imagine having one either. I have talked to our state judges, and will do so again in a few weeks, about the importance of wellness and the warning signs of a stroke. I urge you to educate yourself on this issue, but more importantly, to pay attention to your personal health needs. As elected officials, we owe as much to the people of our great state whom we serve, as well as to our own families.

And now on to the business at hand.

Many of you have had the opportunity to visit our Courthouse in New Orleans since it reopened in 2004. This year marks the 100th birthday of the historic building, and if you have not been to the Courthouse lately, I invite you to come visit. Thank you again for providing the funds necessary to put this building back into commerce. In addition to the funding of our courthouse, thank you for the respect, courtesy and cooperation that you show us every year, upon presentation of the judicial branch budget requests.

I believe that the respect you show us is indicative of the mutual understanding and recognition that our two branches - the Legislature and the Judiciary - are separate, co-equal, and independent branches of our government, as designed by our founding fathers. Independence of the judiciary is essential in a democracy. Even though the state judiciary's budget is only ½ of 1 percent of the total state budget, adequate funding of our branch of government guarantees an independent judiciary by enabling us to discharge our constitutionally mandated duties and responsibilities of resolving disputes and adjudicating cases. In addition, adequate funding makes it possible for us to partner with you, the Legislature, as well as the Executive Branch, in executing programs that not only benefit our citizens, but which save our state money in the long run.

I believe we have been good stewards of the taxpayer monies allocated to the state judiciary. Regarding our adjudicative responsibilities, in 2010, a total of approximately 844,460 cases were filed at all levels of court combined - district, appellate and Supreme. Of this number, 2,875 cases made their way to the Supreme Court, which was an increase of about 100 cases since 2009. Over the last two years, in addition to issuing hundreds of orders, the Supreme Court rendered 129 opinions. In the last two years, we considered the recommendations of the Judiciary Commission and we disciplined six state judges, including two interim disqualifications where the judge ultimately resigned, and one removal from the bench. Since 2009, the Supreme Court has considered and acted on approximately 200 disciplinary proceedings involving attorneys. We also reached an unfortunate milestone of sorts last week when the Court permanently disbarred its 100th attorney.

At the suggestion of the National Center for State Courts that performed a review of our case management operations, we have begun to utilize video conferencing to reduce the travel expenses of some of our Justices, and to enable Justices to participate in conferences when they are unable to travel to New Orleans for some reason. And we have also continued the pilot testing of e-filing with the Orleans and Jefferson Parish District Attorneys and Public Defenders' offices. We hope to have our e-filing operations completed this year.

We have also been good stewards of the public fisc when it comes to the internal operations of our Court. We implemented a hiring freeze last year, filling only the most crucial positions. We estimate that the freezing of these positions, while inconvenient and not popular, may result in significant savings over time. Upon the recommendation of our Law Librarian, we reduced the number of hours the Louisiana Law Library is open to the public, cutting back on weekend and evening hours. We placed restrictions on employee travel, and we invited two national organizations to review our internal case management system and our information technology systems and to make recommendations on how we might improve. We have already enacted many of the recommendations, including eliminating one department and combining two other departments.

We have also spent many hours and resources designing, developing and implementing an Enterprise Resource Planning system which will result in an integrated computer-based system to manage financial resources, materials, payroll, and human resources.

This ERP will revolutionize the way we conduct our internal business at the court, and will result in substantial savings and increased efficiencies for years to come. After months of hard work, we are halfway through our ERP rollout, and we expect to be completely online in just a few months.

We have been busy at the Court these last two years, and our judicial reform initiatives are too many to mention. However, I would like to give you a snapshot of some of the most interesting new initiatives we have undertaken in our ongoing quest for judicial reform and responsible use of taxpayer dollars.

In January, we created the Louisiana Judicial Leadership Institute, designed to serve as an organizational enrichment tool to assist in developing a judge's leadership skills, to increase awareness of leadership and management issues and challenges, and to provide a network of court leaders across the state who are actively involved in improving leadership skills and court operations. The Institute will consist of five sessions over an eight month period in various cities across the state. The inaugural class, composed of judges from across the state and from all levels of the state judiciary, participated in the first session in March, and I was pleased that we received rave reviews.

Both Louisiana and nationally, we have seen an increase in the number of pro-se or self-represented litigants using the court system, as a result of a weakening economy and rising litigation costs. We joined with the Louisiana State Bar Association to form a committee to explore methods of assisting those self-represented litigants in navigating the legal system.

Task Force members, representing a diverse coalition of judges, policy-makers, and advocates, met last year and drafted recommendations on how to improve access to all levels of court, including strengthening training for judges and court employees, improving the quality and availability of legal pleadings and forms, and simplifying court procedures and rules.

Justice Jeannette Knoll chaired the Supreme Court Committee to Study Post-Conviction Procedures, whose purpose was to conduct a comprehensive review and study of the laws, processes and procedures relevant to Louisiana post-conviction proceedings, in a collaborative method to determine the cause, if any, of delays or practices unfair to the either party. The Committee members were drawn from a broad range of individuals knowledgeable about the post-conviction process. We will be acting on the Committee's recommendations in the near future.

A specially appointed Task Force looked at how to improve courthouse security in Louisiana, and yet another committee was appointed to study standard jury instructions with the goal of translating them into plain and understandable language. Giving jurors the clearest instructions about the law that applies in each case is vital to helping them do justice, therefore benefitting not only the citizens who serve on juries, but ultimately the judiciary as a whole.

Over the last few years, you, the Legislature, has asked the Supreme Court to take on several programs. We did so enthusiastically, and we believe, effectively. We also did so economically.

For example, in 2001, you asked us to oversee the establishment of a Drug Court program in Louisiana. Now, only ten years later, we currently have in operation 29 adult drug courts, 17 juvenile drug courts, and one family dependency court. The operation of these drug courts results in savings of both money and lives.

Louisiana has the highest incarceration rate in the country; 40,000 or 1 out of 55 adults are in jail or prison. 80% of these offenders abuse drugs or alcohol; almost 50% of inmates are clinically addicted; and approximately 60% of arrestees test positive for drugs at arrest. Now, consider this: in Louisiana, where recidivism is rampant, 77.4% of drug court graduates remain arrest-free two years after leaving the program. For every \$1 invested in drug courts, taxpayers save as much as \$2.21 in direct benefits to the criminal justice system – a 221% return on the investment. Considering other factors such as foster care placements, healthcare service utilization and reduced victimization, savings can be \$2 to \$27 for every \$1 invested; and the result is a net benefit to local communities from approximately \$3,000 to \$13,000 per drug court participant.

Since the first drug court opened in Louisiana, over 8,300 arrestees have graduated from the program. A total of 438 drug-free babies were born, for an estimated total cost saving of \$109-1/2 million dollars (\$109,500,000), based on a total of estimated costs of medical and related expenses for a drug-addicted baby in the first year of life. Further, 94% of adult 2009 drug court graduates were employed at graduation, as compared to a 51% employment rate at admission. Substance abusing mothers who have had their children removed by the state can regain custody if they remain drug free, reuniting mothers with their children and taking the children out of the foster care system. In short, while saving the state money in terms of incarceration, medical, welfare, unemployment and other expenses, as well as reducing crime, drug courts give hope and support to people previously considered as hopeless. The dollars you allocate to funding our drug courts are certainly a wise investment with an excellent return.

Another example of where funds allocated to the Supreme Court for use in programs result in savings is CASA, or Court Appointed Special Advocates. This year, 18 CASA programs provided services in 34 judicial districts to over 2,700 children, utilizing the services of 1,450 volunteers. These volunteers are “extraordinary” ordinary citizens who assist abused and neglected children who find themselves, through no fault of their own, embroiled in the legal system. Funds provided to CASA programs are leveraged by serving foster children with specially trained volunteers supervised by paid staff, thereby making it possible to serve more than 70 children per year for each paid staff person. By providing an average of \$3.5 million dollars worth of donated time per year, CASA advocates save the State of Louisiana these additional dollars. Each year, over 1,000 Louisiana children with CASAs are permanently placed out of the foster care system, saving the State approximately \$10,000 per year for each child.

Let me turn for a minute to this current legislative session. In accordance with current law, the Supreme Court regularly presents you with several annual reports, including the Annual Operational Plan; the report of action by the Judicial Council in response to requests for new judgeships as well as information on the distribution of judges around the state and the process used to assess the need for judgeships; the Judicial Council report on requests for increases in court costs; and our annual Performance Audit of a judicial program, as required by statute. At any point, if you have questions about any of these reports, please feel free to contact me. And as always, we look forward to meeting with you to present our annual judiciary budget.

Many of you know of my interest and involvement in the improvement of our juvenile justice system. And I'm sure many of you know as well that I could not pass up an opportunity like talking to you today without asking for your continued support and assistance for our children.

We have come a long way in our juvenile justice system - from 2001's ranking by the New York Times as one of the worst systems in the country, to today's reality of international foundations such as MacArthur, Casey and others investing millions of dollars in our state because they see the potential and willingness for reform. While we have made dramatic improvements in how we treat the juvenile offender, we should also be concerned with the juvenile victim. Our legislature has traditionally concerned itself with victims' rights, and even enacted an amendment to our state constitution, acknowledging the right of a victim to be treated with fairness, dignity and respect. We need also to be concerned with our state's youngest victims, those who are abused and neglected, sometimes even by their own parents and relatives.

On any given day there are some 4,500 abused and neglected children in the Louisiana child welfare system. And those are just the ones we know about; countless more go unreported. We in the judiciary have embraced our role in the system and have engaged actively with the Department of Children and Family Services and other partners to try to improve outcomes for these vulnerable children.

We recently participated actively in the Child and Family Services Review, which is a federal review of all aspects of the state's child welfare system, including the legal system. The judiciary has continued to participate in the subsequent child welfare program improvement plan and is currently working with the Department of Children and Family Services on strengthening family engagement through child-focused, family-centered practices to facilitate timely and permanent placement of children in the foster care system.

This last year, under the chairmanship of your colleague, Rep. John Schroder, we also successfully implemented a new statewide system of representation for children and indigent parents in child protection cases, working with all three branches of government and the Louisiana Bar Foundation.

We have also been working collaboratively with multiple stakeholders toward creation of

a “Louisiana Center of Excellence for Children and Families.” The goal of the Center is to establish formalized, collaborative relationships among key stakeholders across the three branches of government. The Center would promote programs, practices and services for at-risk children that have been proven effective, and provide cross-systems training and technical assistance.

All parties involved in the Center bring specialized expertise of strategic importance. Coordinated use of state and private resources reduces redundancies and inefficiencies and increases our ability to leverage ever-dwindling state resources and maximize federal funding streams. The Center is yet another demonstration of our recognition that it is our collective responsibility that we, in all of our roles – whether judicial/executive/legislative, public/private, local/state - should apply what we have learned and base our policies and procedures and budgets on what has been shown to improve outcomes for our children.

Thank you again for the invitation to be with you today. Thank you for your attention to my remarks, and on behalf of the state judiciary, thank you for your respect and your courtesies. And most importantly, thank you for your undying efforts to improve the lives of the citizens of our state.