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Judicial Study Stonewalled

Appellate court judges stymie effort to review workload, staffing discrepancies

Louisiana lawmakers, with judicial backing, launched an important study last year to determine the workload of different courts, an effort aimed at ensuring tax dollars are appropriately spent and different judges aren't saddled with higher caseloads than their peers.

The study would provide transparency, serve taxpayers' interests and help ensure the judicial branch is properly structured to conduct its critical business.

The refusal by four of Louisiana's five courts of appeal to participate will undermine the entire exercise. The Public Affairs Research Council of Louisiana hopes the appellate court judges reconsider their decision. The study would provide transparency, serve taxpayers' interests and help ensure the judicial branch is properly structured to conduct its critical business.

The review of Louisiana's five appellate courts and 43 district courts is spearheaded by the Judicial Structure Task Force, [a study group of lawmakers and judges created in 2022](#).

The Legislature allocated \$300,000 for the effort, not requiring the judiciary to pay out of its own coffers, including the \$198 million budget lawmakers passed to pay for the Louisiana Supreme Court, appellate courts and other state judicial expenses.

Judges from the courts of appeal and district courts seemed on track to participate in the voluntary study to determine funding, staff and workload discrepancies.

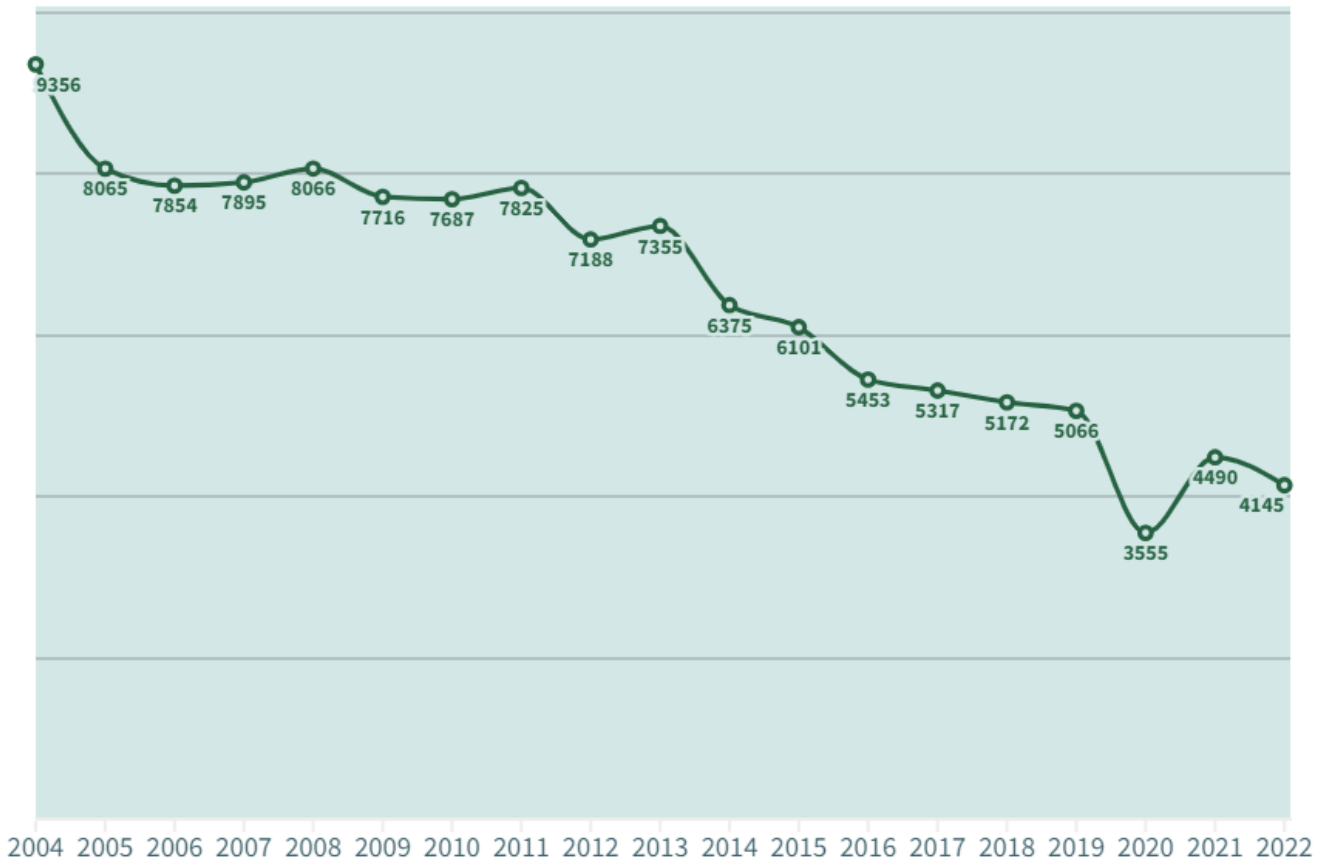
But in July, one month before the central work of the study was set to begin, the chief judges of the Second Circuit, Third Circuit, Fourth Circuit and Fifth Circuit courts of appeal all balked at doing the timesheets proposed to be used over eight weeks for their judges to record how they spend their days.

While changes have been made to judgeships within the individual courts of appeal, the overall footprints of the five circuits to determine which parishes they cover, haven't been redrawn since the 1980s. Total filings with Louisiana's appellate courts fell 46% from 2004 to 2019, according to data from the Louisiana Supreme Court. The filings have fallen even further since the COVID-19 pandemic.

The Supreme Court's staff said using those numbers alone to review how judgeships, employees and budgets are allocated paints an incomplete picture. They urged participation in the timesheet study to provide information that accounts for the increasing complexity of cases and the administrative tasks that judges perform. The high court's staff said nearly all states use time studies to analyze judicial workloads.

The leaders of the four objecting courts of appeal raised worries about data confidentiality and study methodology, among other issues. They complained about the contractor hired to lead the study effort, the Virginia-based National Center for State Courts, even though Louisiana and its appellate courts have previously worked with the organization. They offered an alternative approach that appeared less useful to the workload study.

TOTAL APPELLATE COURT FILINGS



Source: Louisiana Supreme Court, Judicial Administrator's Office

After an exchange of letters, the chief judges of those four courts of appeal said they had “regrettably” decided they wouldn’t volunteer for the study. The judges claimed they wanted to be involved, but simply had concerns.

If those court leaders really wanted to participate, however, they could have shown up at the last meeting of the Judicial Structure Task Force to discuss those issues.

The chief judges were invited but failed to appear – and, according to task force leaders, didn't communicate that they wouldn't attend.

That doesn't seem like court leaders trying to make a good-faith effort. In contrast to the appellate courts, the voluntary timesheet work is moving ahead with district court judges with little public pushback.

The stonewall from four of the appeals courts also seems noteworthy since Louisiana's First Circuit Court of Appeal – the Baton Rouge-based court known to have the heaviest load of appellate court filings – has willingly agreed to join the study. Chief Judge John Michael Guidry told the task force (at the meeting the other appeals court leaders skipped) that 10 of the First Circuit's 12 judges are prepared to do the temporary time sheets.

But the work would only be meaningful, according to the Louisiana Supreme Court staff, if most of the 53 judges from across the appellate courts participate. The National Center for State Courts promised confidentiality of the data in its contract with the Legislature, and the judicial administrator for the state Supreme Court said judicial privilege also would shield individual judges' time logs from public release.

It's unclear whether that will alleviate any concerns from the courts of appeal. Attempted negotiations continue behind the scenes.

Lawmakers seeking to review whether changes are needed to the appellate courts could use other data to make decisions, though that wouldn't be nearly as comprehensive. While the judges may not like it, the Louisiana Legislature does have some authority over their branch of government, through the budgeting process and the drawing of the judicial districts.

The task force intends to continue its work using the data it can collect and the timesheets provided by the district court judges. The study needs to be completed, with or without the participation of the appellate court judges. But PAR also urges the four courts of appeal that have refused to cooperate with the detailed time reports to reconsider their opposition. They owe it to the taxpayers who fund their salaries and operations.