

**From:** Melissa Averitt  
**To:** Holly Sparrow  
**Date:** 4/23/2009 10:29 AM  
**Subject:** Re: Non-Published Opinions and Affirmances without Opinion

Holly,  
Vol. 292 came in yesterday. I will be giving them out this morning, but I went ahead and counted the unpublished opinions for you. There are 26 rule 33 (b) cases and 14 (rule 36) cases. I should be able to get the rest of that info for you by tomorrow.

Melissa

>>> Holly Sparrow 4/21/2009 12:46 PM >>>  
Melissa,

As I do each year, I need your help to determine these figures for our caseload statistics. The total of both groups for 2008 is 331. I have looked at the hard bound books in the Central staff office (which includes volumes 289, 290 and 291) and found 109 rule 33 (b) cases and 72 (rule 36) cases. Can you find out the number for the rest of the 2008 year for me so I can have the total Rule 33(b)s and total Rule 36 cases for 2008?

Thanks.

Holly

**From:** Melissa Averitt  
**To:** Holly Sparrow  
**Date:** 4/29/2009 9:13 AM  
**Subject:** Last of the 2008 Not to Be Published

There are 82 (Rule 33 (b)) cases and 35 (Rule 36) cases to finish off 2008.

I hope this helped you. If you have any other questions, just let me know.

Melissa

**From:** Melissa Averitt  
**To:** Holly Sparrow  
**Date:** 4/18/2008 3:44:35 PM  
**Subject:** Re: Rule 33 and Rule 36 Decisions in 2007

Holly,  
I counted the Rule 36 and came up with 77, so I guess that would leave Rule 33 at 265.

Let me know if you need further assistance. Have a good weekend.

Melissa

>>> Holly Sparrow 04/15/08 2:12 PM >>>  
Good Afternoon Melissa,

I am working on the caseload statistics for 2007. There is a total of 342 Rule 33 and Rule 36 cases per the docket system. Can you find out the split between Rule 33 and Rule 36 for me?

Thanks. I appreciate your help.

Holly

**From:** "Steve Kenyon" <SKenyon@idcourts.net>  
**To:** <ncacc@lists.washlaw.edu>  
**Date:** 7/9/2007 6:00:34 PM  
**Subject:** [Ncacc] ABA Reference Models - age of cases

I have been asked to poll the NCACC regarding the American Bar Association's 1994 reference models for the disposal of cases. These standards are mentioned in a report by the National Center for State Courts in March of 2007 (Court Statistics Project Volume 14 Number 1). The ABA standards state that 50% of Supreme Court cases should be resolved within 290 days from the date of the filing and 90% should be resolved within one year. In addition, the reference models call for 75% of an intermediate appellate court's caseload to be disposed of within 290 days of the date of filing and 95% within one year. Our questions are:

1. Is your court (court of last resort or intermediate appellate court) using these reference models as a benchmark?
  
2. If you are using these reference models as a benchmark, what percentage of your cases are resolved in 290 days and within one year?
  
3. Final question - not related to the ABA reference models - What percentage of your court of last resort's overall caseload is criminal?

Your responses will be quite valuable to us and I will compile a spreadsheet showing the responses given and provide a copy to anyone interested. Thank you in advance for your input.

Stephen W. Kenyon

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**From:** "Christine Crow" <CCrow@la-fcca.org>  
**To:** "Steve Kenyon" <SKenyon@idcourts.net>, <ncacc@lists.washlaw.edu>  
**Date:** 7/10/2007 11:20:02 AM  
**Subject:** Re: [Ncacc] ABA Reference Models - age of cases

The Rules of the Louisiana Supreme Court contain time standards for disposition for the Intermediate Louisiana Courts of Appeal as follows:

105 days from payment of costs by the appellant and lodging (filing the record at the court) of a civil appeal  
120 days from signing the order of appeal to lodging of a criminal appeal  
175 days from lodging to argument for all appeals  
70 days from argument to opinion for all appeals

Total from lodging (filing the record at the court) to opinion = 245 days (slightly over 8 months).

Interestingly, the LA time standards do not address a rehearing application disposition time frame...the way it works is the case is considered "closed" once the opinion is rendered for counting of the days under the standards but the case is "reopened" if a rehearing application is granted. This way of counting ignores the fact that the judgment is not final until rehearing delays run or the rehearing application is denied...so a case could linger a long time with a unresolved pending rehearing application at the Court of Appeal but it would still be considered to have met the dispositional standards in the rules that set for the 245 days from lodging to opinion.

Christine L. Crow

Clerk of Court

Louisiana First Circuit Court of Appeal

-----Original Message-----

From: ncacc-bounces@lists.washlaw.edu [mailto:ncacc-bounces@lists.washlaw.edu] On Behalf Of Steve Kenyon  
Sent: Monday, July 09, 2007 5:00 PM  
To: ncacc@lists.washlaw.edu  
Subject: [Ncacc] ABA Reference Models - age of cases

I have been asked to poll the NCACC regarding the American Bar Association's 1994 reference models for the disposal of cases. These standards are mentioned in a report by the National Center for State Courts in March of 2007 (Court Statistics Project Volume 14 Number 1). The ABA standards state that 50% of Supreme Court cases should be resolved within 290 days from the date of the filing and 90% should be resolved within one year. In addition, the reference models call for 75% of an intermediate appellate court's caseload to be disposed of within 290 days of the date of filing and 95% within one year. Our questions are:

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**From:** Kathleen Jo Gibson <supkjg@nmcourts.com>  
**To:** Steve Kenyon <SKenyon@idcourts.net>  
**Date:** 7/10/2007 6:36:46 PM  
**Subject:** Re: [Ncacc] ABA Reference Models - age of cases

The New Mexico appellate courts do not use the ABA standards. Our Appellate Rule 12-406(B) requires that the appellate court "render a decision or otherwise dispose of the case within six months of the date the case is submitted to a panel for disposition." The New Mexico Supreme Court criminal filings for 2006 constituted 66% of the overall caseload. Kathleen Jo Gibson, Chief Clerk of Court.

Steve Kenyon wrote:

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> standards are mentioned in a report by the National Center for State  
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**From:** Marilyn May <MMay@appellate.courts.state.ak.us>  
**To:** "John Tarlton Olivier" <JOlivier@LASC.ORG>, <ncacc@lists.washlaw.edu>  
**Date:** 7/9/2007 5:46:37 PM  
**Subject:** Re: [Ncacc] Handling of Opinions

Alaska doesn't have terms or any official time restraints. It takes however long it takes - though the supreme court has internal operating procedures. Under those procedures, the authoring justice has 90 days from argument or conference to issue a first draft. Each other justice is supposed to vote within 30 days. Any separate opinion (concurrence or dissent) is due within 30 days of the last vote, and then there is another round of voting (theoretically 30 days) on each separate opinion or redraft. The opinion does not go out until all dissents and concurrences are done - then they are combined with the opinion by the authoring justice's chambers and finalized. Only then does it come to my office for distribution.

In practice, for FY06, 50% of our opinions were issued within 22 months of the date the appeal was filed. (The 50th percentile on the amount of time between argument or conference to publication of the opinion was a tad under 12 months.)

So I wouldn't recommend this model.

Marilyn May  
State of Alaska  
Clerk of the Appellate Courts

-----Original Message-----

From: ncacc-bounces@lists.washlaw.edu  
[mailto:ncacc-bounces@lists.washlaw.edu] On Behalf Of John Tarlton Olivier  
Sent: Monday, July 02, 2007 2:16 PM  
To: ncacc@lists.washlaw.edu  
Subject: [Ncacc] Handling of Opinions

The Louisiana Supreme Court handles opinions in the following cycles:

Week 1 Argument or submission  
Week 5 Circulation of Opinion to other justices (everything is en banc)  
Week 6 Opinion Signing Conference  
Week 7/1 Release of Opinions during the week of argument of next set of cases.

The court considers applications for review during all weeks except sitting week.

Although this appears to be neat, as a practical matter, there are always cases that are held over either for a few days or until the next cycle. Of late, this has become more of the norm than the exception. Getting concurrences and dissents in timely so that they can go out with the opinion has also been a challenge. We are looking at other options and are interested in how your court (particularly courts of last resort that sit en banc) handle opinions and the success of your process.

Thanks,

John Tarlton Olivier  
Clerk of Court  
Louisiana Supreme Court  
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New Orleans, LA 70130-8102  
504-310-2300

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