



OBJECTION! LOCAL LEGAL COMMUNITY CHALLENGES CITY RATIONALE FOR PROPOSED MOVE OF CIVIL DISTRICT COURT

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When Dr. Ed Blakely gave his opening statement to attendees gathered at New Orleans Bar Association's Forum on Court Consolidation & Relocation held on October 3, 2007, the presentation sounded more like a verdict delivered after careful deliberation. However, the recent transplant demonstrated quickly acquired crawfishing skills when he retracted from his adamant initial declaration that the Civil District Court for the Parish of Orleans would be moved to new facilities planned for construction around the existing Criminal Court building at Tulane at Broad.

Consolidation of civil and criminal courts in Orleans Parish has been the subject of debate for years, as Orleans remains the only parish in the state to operate separate courts, with the accompanying separated ancillary administrative staff. The longstanding debate appears to have been brought to finality with recent legislation passed, which calls for consolidation over a phase- in period during the next seven years. However, the passed legislation is silent with respect to the role of the Clerk of Court, and suggests a consolidated court may exist without a defined role of a single Clerk. Politicking already has begun on whether during an interim period, the Clerk of Court's duties will be weighted with criminal or civil matters. In fact, the entire concept of consolidation of the Courts continues to generate impassioned comments from all.

Curiously, Dr. Blakely's admitted his pronouncement was the first "conversation" had between the economic development czar hired by the City and members of the legal community. A post-decision announcement is hardly a conversation! Defending his proclamation with a declaration, "we know what we're doing", Dr. Blakely offered a rationale prompted by available funds from FEMA following the devastation of buildings in the vicinity of Criminal Court. According to Dr. Blakely, there is no choice in the matter. FEMA mandates that funds be used to rebuild damaged buildings in the same location of their previous existence. Dr. Blakely explained that Civil District Court, whose antiquated facilities have been the subject of economic development consideration for more than a decade, did not sustain significant damage as a result of Hurricane Katrina and her aftermath. Consequently, FEMA funds would be unavailable to rebuild or refurbish CDC in its current location. Surprisingly, no further consideration was provided to reconstruction or renovating a city building that is long overdue.

Dr. Blakely's explanation crumbled under cross-examination by the audience, who quickly calculated that the FEMA funding afforded far less than enough to complete the project, and no plans were in place for raising additional funds. Dr. Byron Harrell, who presides over

not only the state's largest funder of non-profit programs, Baptist Community Ministries, but also wears the hat of chair of the Downtown Development District, provided a very persuasive rebuttal to Dr. Blakely. Dr. Harrell demonstrated, with photographs and graphics, the adverse economic impact of having over 7,000 lawyers and their support staff relocate from the downtown area. Further, at a time when the ongoing efforts of the DDD are directed to attracting businesses and residents to the downtown area is irreconcilable the economic czar believes relocating Civil Court would be beneficial. Apparently, the necessary construction of office space and supporting services, such as dining destinations, copying services, parking, etc., which will be required to accommodate the proposed move, was overlooked, or given insignificant consideration.

In addition to Dr. Blakely and Dr. Harrell, other panelists included members of task forces and judges from both courts. Interestingly, given the choice between a new facility at Tulane and Broad and staying in the old building, Civil Court judges unanimously expressed a desire to remain downtown. Although Mayor Nagin was present during the lively discussion, he departed prior to the highly spirited questioning from the audience. In sum, Dr. Blakely's remarks drew strong opposition, not only because of the substance of his message, but also because constituents and citizens to be most impacted by the "done deal" were never consulted. Such unilateral "planning" is not only myopic, but ultimately, it may lead to further economic erosion of a city in desperate need of cohesive efforts at reform and development of its infrastructure. While citizens once again question whether the city's current leadership is charting a desirable path to follow, they will definitely seek an appeal of this latest decision.