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HEADLINE: Lessen judges' role in indigent system

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Judges' desire for efficient justice can lead to conflict of interest.

What better way to mark Law Week in Caddo Parish than in Baton Rouge, with Monday's inaugural session of a statewide task force charged with tackling the state's underfunded indigent defense system?

The tug-of-war over solutions has pitted many in the local legal community against Caddo district judges over management of the public defense system. While the Shreveport Bar Association and district court judges are making progress in the controversy over the means of selecting members to the indigent defense board, the involvement of judges in the appointment process became an immediate focus for the task force.

Local district judges are charged with appointing board members from a slate of nominees from local bar associations. However, that system was called down as a conflict of interest by David Carroll of the National Association of Criminal Defense Attorneys, a group that has already reported Louisiana to be in crisis in its efforts to provide competent counsel for the poor. His argument makes sense.

Practically speaking, judges work hard to keep the justice system from gridlock. It is in the best interests of plaintiffs, defendants, crime victims and the public at large to keep the wheels moving. But that concern could push judges to expedience that ensures speedier courts but not necessarily adequate justice.

Also consider that because judges are elected, a political dynamic to appear tough on crime could color judicial decisions.

The root of many bad relationships, however, is usually money. Indigent defense boards rely largely on add-on costs to traffic fines, a revenue stream that has no relation to need. And in recent history, as the cost of mounting criminal defense and the numbers of accused have grown, those ticket revenues have been dropping as local law enforcement has de-emphasized traffic control in favor of focusing on more serious crime.

Judges will also sometimes waive certain court costs to the detriment of indigent defense revenues. Because of that issue, state Sen. Lydia Jackson, D-Shreveport, who pushed for the task force, said the panel is expected to enlarge its membership to include parish and municipal representatives who are most involved with traffic fines.

The best news is that a dialogue on a statewide level has now begun. Solutions won't come overnight, but at least a start has been made.