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Reforming indigent defense system must tackle need for dollars

A new analysis of Caddo Parish's public defender system paints a bleak picture of defendants languishing in jail without access to counsel because attorneys are overwhelmed with too many cases.

The good news is that, because the data is more than a year old, the office since has been able to hire three more lawyers to whittle back caseloads and ensure each indigent client sees an attorney within 10 days of one being assigned.

The bad news is that to do so, the office is eating into its reserve fund, illustrating the state's continued woefully inadequate approach to providing the poor a constitutionally guaranteed right to legal counsel. Additionally, Caddo's public defense attorneys still carry about 100 more felony cases annually - nine out of 10 defendants are assigned a public defender - than what is recommended by the American Bar Association.

Light does flicker in the distance. Next week, the state will finally convene a governor's task force to reform the state's indigent defense system. It faces an April 1 deadline to make recommendations.

Whatever reforms are suggested, there is no way of getting around the basic issue of money. State prosecutors had three times more financial resources than the indigent defender's office, according to the study conducted by LSU professors Bernadette Jones Palombo and Jeff Sadow. While the district attorney's funding grew nearly 22 percent from 1999 to 2002, the public defender's office budget decreased 13 percent over the same period. Much of that loss was attributed to the reduction in court costs received from the indigent defense portion of traffic fines.

About 65 percent of Caddo's \$1.6 million public defender's budget comes from add-on fees to traffic fines. It's a funding source that has no relation to the amount of dollars needed. And at a time when crime continues to be a serious problem, local police faced with manpower shortages and shifting priorities are writing fewer tickets each year.

Louisiana may find itself in a situation such as Georgia where that ineffective and downright negligent system operated in a "meet 'em, greet 'em and plead 'em" manner, a reference to the attorneys who often didn't see their clients until court appearance. Rather than mounting defense, the attorneys would often negotiate a

plea agreement.

Faced with lawsuits - one looms in Louisiana primarily focused on the overwhelmed Calcasieu district court - Georgia reworked its funding system. It still relies on court costs, but it also added \$10 to \$15 to each civil suit fee that will help the state raise \$100 million for indigent defense. And unlike traffic tickets, the number of civil suits tend to hold steady year to year.

In Caddo, a \$10 increase would jump the basic civil suit filing fee from \$230 to \$240 and raise about \$75,000 annually. A \$15 fee would provide about \$112,500. That would be a significant boost for Caddo public defense.

The office's chief says \$170,000 would allow his board of directors to reinstitute the conflict panel - lawyers with criminal defense expertise contracted to handle indigent clients in multiple defendant cases or who for some other reason can't be represented by the public defenders office without creating a conflict of interest. Budget constraints have forced the elimination of that panel, forcing Caddo's district court judges to instead rely on a system where local attorneys are drafted to handle cases.

Caddo appears to be making the most it can of a tight budget, but ultimately judgment day will come, perhaps forced by a statewide lawsuit. Says state Sen. Lydia Jackson, D-Shreveport, who will chair the governor's task force, one of the good things about "being so bad is we are getting access to national experts." We'll take the help.