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The Times August 22, 2004 Sunday

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August 22, 2004 Sunday

SECTION: EDITORIAL; Pg. 13A

LENGTH: 540 words

HEADLINE: Justice for all a long way off in Louisiana

BYLINE: Emily metzgar, Freelance OK

BODY:

Louisiana's **indigent defense** program is in well-documented trouble. But a report released in July of this year, "The Provision of the Right to Counsel in Caddo Parish, Louisiana," assessed the state of the Caddo Parish public defender's office and identified serious reasons for local concern.

Written by LSUS professors Bernadette Jones Palombo and Jeff Sadow, the report concluded, "Despite national American Bar Association standards calling for adequate funding of **indigent defense** services and resource parity between **indigent defense** services and the prosecuting attorney's office, resources for the Public Defender's Office pale significantly to those of the District Attorney's Office in Caddo Parish on every indicator."

In plain language, the parties accusing people of crimes in Caddo Parish have far more resources at their disposal than the parties accused of those crimes. And when the vast majority of those accused of crimes cannot afford their own legal representation and must rely on the public defender's office, that inequity translates into injustice.

Arguing for adequate representation of those who can't afford their own counsel is not the backdoor to an argument for being soft on crime. Anyone who argues otherwise has another agenda to promote. The issue is this: If the public defender's office is overworked, understaffed and underfunded, then constitutional rights are being violated.

But there are consequences to short-changing the public defender's office in addition to that pesky constitutional issue. Consider the report's finding that excessive caseloads and inadequate staff "result in excessive pre-trial detention" | at an annual cost of one half million dollars."

Taxpayers cover the costs of detention whether before or after trial. What about lost income of those who are detained while awaiting trial? Sixty-five percent of those held in pre-trial detention are employed at the time they come into custody. Detention leads to lost wages, subsequent impact on dependents, and the possibility of public support for those whose primary breadwinner is detained for an indeterminate period of time. Again, taxpayers cover the costs.

The report also found that "People of color are disproportionately represented by public defense attorneys and therefore are disproportionately affected by the failure of the system to adequately protect their state and federal constitutional right to counsel."

That finding alone would justify serious attention to reforming the public defender system.

The report observed that "indigent defendants have injustice by attrition and default rather than justice by litigation." How fair is that?

It may be a reality of state and local politics that district attorney's offices are generously funded while public defender's offices are not, but that doesn't make it right.

The issue, as noted in an editorial in this paper last week, is that an underfunded public defender's office is "a problem without a constituency." Isn't it time to start building one?


Emily Metzgar is a free-lance writer who lives in Shreveport. Write her in care of The Times, P.O. Box 30222, Shreveport, LA 71130-0222. E-mail to: shreveportopinion@gannett.com.

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