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The Times**September 28, 2004 Tuesday****SECTION:** EDITORIAL; Pg. 9A**LENGTH:** 527 words**HEADLINE:** EDITORIAL**BYLINE:** ,Staff**BODY:**

Calcasieu lawsuit should rush reform

Better to voluntarily fix **indigent defense** system.

The same sort of court oversight that forced changes in the state's juvenile corrections and in numerous school districts could be headed for the state's underfunded indigent defender's system. The constricting pressure of a court order is not the best way to fix a problem that has been too long neglected.

Louisiana's system, specifically in overloaded Calcasieu Parish, has prompted a class action lawsuit coordinated by the National Association for Criminal Defense Lawyers on behalf of nine defendants who have been waiting trials for up to two years. The suit cites one defendant arrested in January of 2003 who has yet to meet with his public defense attorney. Public defenders in Calcasieu have been known to carry 400 cases each. The American Bar Association standard is 150.

This is the shoe that's been waiting to drop as Louisiana has slowly begun to acknowledge its statewide problem of providing poor defendants with their constitutionally guaranteed right to adequate legal representation.

The suit hopefully will provide an additional imperative to the work of a task force organized by the governor to address the inadequacies of the state's public defender system. A report is due by March, prior to the 2005 legislative session. State Sen. Lydia Jackson, D-Shreveport, a key player in the task force, is right that it would be much better for reform to be driven by legislative solutions than court-ordered mandates.

Calcasieu may be the epicenter of reform, but problems have been documented in rural parishes such as Avoyelles and other urban parishes such as Caddo.

Caddo has repeatedly flirted with crisis because of dwindling revenues from its share of traffic fines as local police agencies have shifted manpower to other needs. Reliance on private attorneys, regardless of their fields of expertise, have routinely been used to reduce caseloads on public defenders.

Avoyelles, with fewer resources, was cited in a national review by the National Legal Aid & Defender Association for large caseloads and low pay for lawyers.

The state's system runs on about \$9 million from the state treasury and \$23 million from local court fees. That tracks with Kentucky, for instance, but the Blue Grass state only has about 30 percent of the number of cases handled by public defenders, according to a news report in the Times-Picayune.

Gov. Kathleen Blanco, who along with the Legislature and state government in general is a defendant in the class action suit, is at least moving in the right direction. Appointing the task force was one step. And her administration did add \$1.5 million to the public defender system despite a lean year for state revenues.

Ultimately, new revenue sources will have to be found. Crime shows no signs of dropping significantly. Also, the cost of mounting defenses will continue to rise in this era of DNA testing, and the need for other scientific analysis and expert testimony.


It's a problem that won't be ignored anymore. Better the state fix it voluntarily than at the point of a gavel.

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The Times September 28, 2004 Tuesday (Copy w/ Cite)

Pages: 3

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