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The Times

December 8, 2004 Wednesday**SECTION:** EDITORIAL; Emily metzgar; Pg. 11A**LENGTH:** 569 words**HEADLINE:** Prosecutor protests too much**BYLINE:** Emily metzgar**BODY:**

In a recent interview, Doug Moreau, district attorney for one of the state's busiest prosecutor's offices tried to argue that Louisiana has no business funding its indigent defenders. He's got to be kidding. Louisiana is the only state in the nation whose public defenders can't rely on state monies to fund the system. That's probably why Louisiana was the target of a National Legal Aid and Defender Association report condemning the state for its "refusal to provide the right to counsel."

A few months ago, this column quoted that report which concluded, "The substantial failing of the system to meet " | standards can only mean that the **indigent defense** system devised by the Legislature in Louisiana delivers ineffective, inefficient, poor quality, unethical, conflict-ridden representation to the poor." It's hard to know which of those adjectives to apply first to Moreau's arguments. At a minimum, his suggestion that taxpayers should not bear the burden of ensuring adequate legal representation for poor people accused of crimes is unethical.

It's also inconsistent with the law. In 1963, the U.S. Supreme Court found that the right to counsel for those who could not afford it themselves was guaranteed. Even the much-amended constitution of the state of Louisiana requires provision of "a uniform system for securing and compensating qualified legal counsel for indigents."

According to an article in The Advocate, Moreau suggested the justice system gives defendants an edge. The implication is that even with an underfunded indigent defender system, those accused of crimes are ahead of the game.

Why should they need adequate counsel? Sounds like the district attorneys might fear having

better-funded, better-performing opposition in the courtroom.

Louisiana spends about \$31 million annually for **indigent defense** - \$9.5 million from the state and another \$25 million from localities derived from court costs. That's less than half what Oregon spends to serve a population of similar size. Yet, Moreau accuses those seeking increased funding for **indigent defense** of harboring a secret agenda, saying they are engaged in an "effort to institutionalize the defense side of the case."

The NLADA report also found that "Louisiana's **indigent defense** system lacks independence from undue political interference and influence." If "institutionalization" means minimizing "undue political interference" by properly funding **indigent defense**, then it's something that's long overdue.

CORRECTION: In last week's column, improper reference was made to "missing savings" from the closure of the Tallulah juvenile facility. In fact, an October 2004 state attorney general opinion determined that the bulk of the money saved from closure of that facility to juveniles was required, by legislative mandate, to be returned to the Department of Corrections for running the adult facility now operated in the same location. However, the establishment of a firewall between the adult and youth corrections systems earlier this year ensures that should another juvenile facility be closed in similar fashion, the savings would be directed to provision of alternative services for youth. I regret the error.

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Pages: 3

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