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Time for state to rethink defense of poor

More than a year ago a group of lawyers who represent poor defendants in the Rapides Parish judicial system spoke out against their heavy case loads. They said they were so overburdened that the defendants were not getting the legal representation they needed.

The issue revolved around how much money is available to pay attorneys to defend the poor, and how those cases are assigned. That issue remains a statewide crisis.

Total spending on indigent defense in Louisiana should be about \$55 million a year, but only \$32 million is being spent. The state provides \$8.5 million of that amount, and the rest comes from money raised by local courts from traffic and court fines. Louisiana is the only state that operates that way.

A study done last year reported that Louisiana spends about \$1.70 per capita for legal defense of the poor, compared to \$6.42 cents in Alabama, a state with about the same population. The state Legislature is not likely to change that spending level this year.

The result is that the state Supreme Court last week ruled that local judges can delay prosecution of cases for the poor until there is money to pay for adequate defense.

The ruling grew out of a suit filed in Lake Charles over payment from an indigent defense case. But many parishes, including Avoyelles and Rapides, have been mentioned as prime examples of the weakness of the current system.

When the National Legal Aid and Defenders Association studied Louisiana's system last year, it singled out Avoyelles Parish for particular criticism.

The Legislature will hear from its Blue Ribbon Task Force on Indigent Defense this month. The group likely will recommend changes in how the Indigent Defenders Board is funded and operated.

When Louisiana's system was criticized last year, proponents of change said that spending more up front on indigent defense would help relieve an overburdened system and, in fact, save money on appeals and verdict reversals.

When several local attorneys who regularly handle indigent cases in Rapides Parish complained a year ago about the case load, the state Supreme Court put all such cases on hold.

The lawyers asked local judges to lighten their case loads, which numbered in the hundreds, or at least to stop adding cases. Large case loads meant that some defendants remained in jails up to nine months before seeing legal counsel.

Despite protests among the indigent defense community, this topic has not received the attention it deserves from state legislators or local jurisdictions.

But the state Supreme Court's ruling, the impending state commission report and the potential for further lawsuits by the National Legal Aid Association should prompt legislators to resolve this critical issue. It's a matter of justice.