

Copyright 2005 The Times (Shreveport, LA)
All Rights Reserved
The Times (Shreveport, Louisiana)

April 27, 2005 Wednesday

SECTION: EDITORIAL; Emily Metzgar; Pg. 9A

LENGTH: 528 words

HEADLINE: La. gives indigent defense low priority

BODY:

By Emily Metzgar

Louisiana's juvenile justice reform process may finally be moving in the right direction, but the momentum doesn't seem to extend to reform of the state's indigent defense system. And it's not as if no one knows there's a problem. People across the country know there's a problem.

In 1993 the Louisiana Supreme Court warned the Legislature that it was time to stop dragging its feet on reform and observing a "general pattern "A of chronic underfunding of indigent defense programs in most areas of the state."

Since then, the American Bar Association has given Louisiana a failing grade on eight of the Association's 10 Principles of a Public Defense Delivery System, including independence of defense counsel, prompt appointment of counsel and resource parity between the prosecution and defense counsel.

Last spring the National Legal Aid and Defender Association released a report concluding "The substantial failing of the system to meet "A standards can only mean that the indigent defense system devised by the Legislature in Louisiana delivers ineffective, inefficient, poor quality, conflict-ridden representation to the poor."

Then there was the report released by two LSUS professors last summer finding 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."

But these warnings and reports went unheeded, prompting the Louisiana Supreme Court to fire a shot across the Legislature's bow earlier this month in a ruling that made national news by granting trial judges authority to stop prosecution of a case if an indigent defendant's constitutionally protected right to counsel is violated.

Reacting to that decision, the Washington Post published an editorial calling Louisiana's indigent defense system "perhaps the country's most bizarre." It summarized the court's decision in this way: "If the state doesn't find some way to ensure payment of lawyers for the poor, it can't put the poor on trial."

Covering the decision, the Times Picayune reported, "Although many argue that more money is needed for the system, the legislation approved (April 13) by the

Louisiana Task Force on Indigent Defense made clear it's unlikely that additional money will be provided by the Legislature this session."

So for now, there's enough money to buy the insurance commissioner a new truck; to pay for unplayed rounds of golf; to build reservoirs across the state; to fund a professional football team; to build a convention center hotel; to flirt with additional sugar mill construction; and to suggest the promise of pay raises for state officials, but there isn't enough money to guarantee the constitutional rights of **Louisiana** citizens. There ought to be a law against this kind of prolonged legislative neglect.

Emily Metzgar is a Shreveport-based writer and a doctoral candidate in media and public affairs at LSU in Baton Rouge. Write her in care of The Times, P.O. Box 30222, Shreveport, LA 71130-0222. E-mail to shreveportopinion@gannett.com.