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La.'s indigent defense record woeful

A recent report lambastes Louisiana's ability and duty to provide adequate defense for poor people accused of committing a crime.

A report card on Louisiana's Indigent Defense System gave the state a grade of "F" in eight of 10 categories. The categories mirror the Ten Principles of a Public Defense System established by the American Bar Association in 2002.

Here is the report card, listed by category, grade and brief explanation, as compiled by the Louisiana Justice Coalition:

- Independence, F — Judges should not have greater oversight of defense counsel than they do of prosecutors. Contrary to that principle, judges often appoint local indigent defense board members.
- Statewide funding and accountability, F — There's no statewide funding for indigent defense, hence funding for indigent defense boards can vary dramatically from parish to parish. Because the main funding source for indigent defense is court fees on traffic fines, funding for indigent defense boards can vary widely from month to month. This also leads to indigent defense attorneys being paid on a flat-fee contract system, creating a financial disincentive for attorneys to provide adequate representation.
- Prompt appointment of a defense attorney, F — There is no standard as to when indigent defense attorneys are appointed for clients. In some cases, defense attorneys are not appointed until the eve of a preliminary hearing, several months after the accused has been arrested.
- Confidential communication with clients, F — High caseloads often result in indigent defense attorneys not spending sufficient time with clients to prepare cases. Sometimes conversations between defense attorneys and clients occur in open court. Also, sheriff ownership of jail communication companies and high collect-call fees inhibit defense attorneys' ability to communicate with their clients via telephones.
- Reasonable workloads, F — National standards for defense counsel caseloads are 150 felonies per year, 200 juvenile cases per year or 400 misdemeanor cases per year. Many indigent defense attorneys' caseloads in Louisiana far exceed that number, hampering their ability to provide an adequate defense and often delaying the prosecution of cases and increasing the length of jail time for the accused.
- Minimum qualifications, D — While there are minimum qualifications for defense attorneys assigned to represent clients who are facing the death penalty, no standards exist for defense attorneys in felony, misdemeanor or juvenile cases. That leads to the quality of defense varying throughout the state.
- Continuous representation, F — Indigent defendants often are represented by one attorney at an initial hearing

and by another attorney when the case goes to trial. The LJC says this is not cost-effective and that it inhibits the establishment of an attorney-client relationship, encourages a lack of accountability and responsibility for the outcome of a case, and increases the likelihood of omissions.

- Resource parity, F — Prosecutors' resources, in terms of the number of attorneys and investigators at their disposal, far outweigh those available for indigent defense attorneys.
- Training, C — Public defenders are not required to attend training that is specific to their area of practice. Available training for prosecutors exceeds what is available for public defenders.
- Accountability, F — There is no accountability in Louisiana's indigent defense system to ensure that public money is being spent properly and efficiently. Furthermore, there are no standards to ensure that indigent defense attorneys are adequately representing their clients.

A report card with eight F's is unacceptable in any classroom. It is particularly alarming considering that 80 percent of all defendants accused of a crime in Louisiana are too poor to hire a lawyer.

Tomorrow, we'll look at some of the problems the indigent defense system has in Calcasieu Parish.