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The Times (Shreveport, Louisiana)

June 6, 2005 Monday**SECTION:** EDITORIAL; Pg. 7A**LENGTH:** 492 words**HEADLINE:** EDITORIAL**BODY:**

Scare tactics out of order

Prosecutors off base in opposing **indigent defense** reform bill.

A significant step in overhauling the state's underfunded and overwhelmed indigent defenders system has made its way out of the state Senate, but still is facing significant opposition from the state District Attorney's Association.

With all due respect to this group, having prosecutors have too much say in how to reorganize a system that defends impoverished criminal suspects is like the University of Florida helping pick LSU's football coach.

Senate Bill 323 by state Sen. Lydia Jackson, D-Shreveport, takes logical steps to create part of the framework for system assessment and change. None of this requires the "blank check" for public defenders that the District Attorneys Association alleges.

In fact, Jackson's bill would prudently create better accountability before the state pours millions into rehabilitating a system that scored nine failing grades out of 10 categories from the American Bar Association.

But that doesn't stop the District Attorneys Association from resorting to fear tactics. An e-mail distributed by executive director E. Pete Adams states that serial killer "Derrick Todd Lee will probably die of old age in prison" instead of being executed because of "frivolous motions and delay tactics" thrown up the **indigent defense** system. Huh?

What SB 323 will do is revamp the current state board that oversees defense of the poor. Included would be representatives from juvenile justice, child advocates, the state Bar

Association and -- what a novel idea -- people who have used the **indigent defense** system. Those key stakeholders would presumably be balanced by more dispassionate, analytical law school professors. So far it makes sense.

The bill also would require periodic reports from district public defender offices to assess resources, caseloads and spending to pinpoint where needs are greatest. Sounds like accountability.


Because there is uneven collection of court fees dedicated to **indigent defense** across the state, the bill also would standardize a \$35 criminal court fee statewide. That could help ease financial problems.

The bill also seeks to define who can qualify for indigent status. The district attorneys say this could cause the number of indigent suspects to balloon. But Jackson notes that right now anyone can be declared indigent by a judge with no statutory guidelines.

Even the District Attorneys Association agrees that the state's **indigent defense** system needs work. But as Jackson notes, the topic is not popular. Indeed, fretting about criminal suspects getting competent legal counsel isn't at the top of most taxpayer worries. Jackson's bill is not the bogeyman some would have us believe, but a step in providing a most crucial constitutional guarantee, the right of anyone -- no matter how low on the social and economic ladder -- to adequate legal representation.

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