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The Times (Shreveport, Louisiana)

June 15, 2005 Wednesday

SECTION: EDITORIAL; Pg. 9A

LENGTH: 563 words

HEADLINE: OPINION

BODY: Justice delayed in court system

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Last week brought reports of one state's united front to reform indigent defense. Commenting on new legislation, one account read, "This bill received extremely wide support from state government to county and city government, from judges and prosecutors to members of the defense community and advocates for the mentally ill. Everyone worked together to make this happen."

The state was Montana. And while Montana was enacting a law to ensure the constitutional right of its residents to adequate representation in court, Louisiana was busy watering down legislation that should have been doing more.

While Montana takes giant steps toward reforming a broken indigent defense system, Louisiana is taking smaller ones and meeting opposition every step of the way. Given these circumstances, that any legislation designed to begin reforming Louisiana's indigent defense system will be heard on the floor at all during this legislative session is undoubtedly an important accomplishment.

The most evident opposition to reform of Louisiana's indigent defense system thus far comes from the District Attorneys Association. Indeed, a memo circulated by that organization suggested, using the case of the Baton Rouge serial killer as an example, that if proposed reforms were implemented "the State Indigent Defense Board will spend millions on frivolous motions and delay tactics to insure that Mr. Lee's case and others like it do not navigate the complicated course of legal steps necessary before execution can take place."

Memo to the DAs: It may be inconvenient to have potentially more independent and better funded opposition in the courtroom, but it's the law and currently Louisiana is in violation of it. In Louisiana, the reality is that 90 percent of a district attorney's courtroom opposition is indigent.

Furthermore, public defenders are out-funded by a ratio of 3 to 1. And that doesn't take into account the assistance DAs rightly receive from law enforcement in the process of building a case.

To assert, as the DA representative did in a hearing last week, that the population of public defender clients comprises only criminals is shocking. It's also contradicted by the fact that Louisiana has both the nation's highest incarceration and exoneration rates. To assume that district attorneys should have any say at all in how their

courtroom opposition is funded, managed, or their workload defined is an absurdity only Louisiana would continue to tolerate.

Interestingly, the same group opposed to more comprehensive reform of indigent defense was also opposed to speeding up the juvenile **justice** reform process just weeks earlier. It was a representative of the District Attorneys Association who suggested that parents testifying about serious physical abuse in the large maximum security juvenile detention facilities needed to "do something about it besides just sit here and cry."

So, while the purpose of the Louisiana District Attorneys Association may be "to improve Louisiana's criminal justice system," as its Web site suggests, observers could be forgiven for getting a different impression altogether.

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