

December 11, 2006 Monday

HEADLINE: EDITORIAL: Stop fighting and start talking

BODY:

The ongoing legal dispute between most of the Orleans Criminal District Court judges and the board of the Indigent Defenders Program cannot help alleviate the urgent need for public defenders. That's why an agreement last week suspending their legal battle to try to resolve their differences amicably is a welcome and mature step.

Both sides have raised valid issues about a program in crisis.

Judges complained that the lack of public defenders is leaving people without the representation they deserve and also creating a backlog on court dockets.

For its part, the board had a point in challenging the judges' Nov. 20 order requiring that at least two public defenders be assigned to each of the court's criminal sections and threatening to hold board members in contempt. The law, however, prohibits judges from meddling in the program's day-to-day management to ensure that public defenders will do what's best for their clients, not for the court.

Regardless of the legal debate over the propriety of the judges' order, the board would do well in addressing some of the questions raised by the judges, including criticism over recent spending policies. For example, the board is spending \$100,000 to hire a consultant to reorganize the office, even though the program's problems and possible solutions have been debated in detail for years. Two other contracts worth up to \$152,000 with a trainer and recruiter also have come under fire.

Overall, though, the new board has taken positive steps. Implementing policies recommended by independent studies, the board required public defenders to work full time and is restructuring an office that did not even keep case files before the storm. The board next month will begin changing the way attorneys are assigned to cases, so that the same lawyer stays with a client from the moment the defendant is arraigned until the case is resolved. That would ensure consistent representation and lower the chances that a defendant spends months in jail without an attorney.

The reforms, however, likely will stall if board members and judges cannot agree on a way to address the office's most pressing difficulty: its limited funding. A recent U.S. Department of Justice study indicated the board needs

more than \$8 million a year to hire enough attorneys for the city's caseload. The board currently has \$2.5 million per year. Court fees, the program's main funding source before Katrina, have plummeted.

Board members and judges need to make a real effort now to communicate and concentrate on the needs of hundreds of people, many arrested before Katrina, who are awaiting representation. They surely cannot be expected to have any patience for legal haggling at Tulane and Broad.