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## **Indigent Defense: Poll Shows Louisiana Voters See Unequal Justice, Support Reforms To Fix Broken System**

NEW ORLEANS – The Louisiana Justice Coalition today released findings of a statewide poll of voters’ views on the state’s indigent defense system. “The poll found that Louisiana voters believe the justice system favors the rich, recognize that the system cannot meet the needs for providing defense attorneys to the poor, and support reforms to improve the system.”

The survey, “Unequal Justice in Louisiana: Louisiana Voters Consider their Public Defender System,” indicates that nearly seven in ten voters believe the system favors wealthy defendants. More than 90 percent of Louisiana voters believe that access to justice should not depend on how much money a person has. When voters were told that a man in Calcasieu waited for more than 18 months before seeing an attorney, 82 percent of voters say that this is a serious problem that must be addressed immediately.

“The state is failing to uphold its constitutional obligation to provide effective counsel to low-income defendants. The outcome of a case should not be based on whether the defendant is rich or poor. By shortchanging the public defenders, the state has created two brands of justice - one for the 10 percent of defendants who are able to hire private attorneys and one for the vast majority who cannot,” said **Heather H. Hall, Director of the Louisiana Justice Coalition.**

These are among key findings of a new survey of public attitudes toward the legal system in Louisiana. The survey was commissioned by the Louisiana Justice Coalition, a statewide organization that promotes the creation of a public defense system in Louisiana that complies with the American Bar Association’s national standards. The random sample survey of 609 registered voters was conducted by Belden Russonello & Stewart. Telephone interviews were conducted July 17 to 28, 2006. The margin of sampling error for the survey is plus or minus 4.0 percentage points.

The survey shows that Louisiana voters strongly value fairness and believe that Louisiana’s criminal justice system should be rooted in this value. Accordingly, large majorities of voters

support reforms to restore fairness to the system, including statewide standards for resources available to public defenders (88 percent), a statewide oversight board (84 percent), and caseload restrictions for public defenders (82 percent).

“This survey proves that Louisiana voters want a better system of justice, one that ensures people are judged on the merits of their case, not the amount of money that they have,” said **Kathleen Hawk Norman, Board of Directors, Innocence Project New Orleans.**

In the last 2 years, more than 40 newspaper editorials and news stories from around the world have highlighted the mounting crisis in Louisiana’s indigent defense system.

Comprehensive statewide indigent defense reform is in line with Louisiana voters’ attitudes towards the public defender system. As Louisiana promotes itself as becoming “better than ever” to the rest of the world, voters call on state legislators to make long-overdue improvements to the public defender system.

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**BELDEN RUSSONELLO & STEWART**

RESEARCH AND COMMUNICATIONS

# **Unequal Justice in Louisiana: Louisiana Voters Consider Their Public Defender System**

## **Analysis of a statewide survey**

**Conducted by Belden Russonello & Stewart  
for the Louisiana Justice Coalition**

**September 2006**

## Overview

Louisiana voters believe competent legal representation is a fundamental right in the U.S. and is necessary to prevent innocent people from going to jail. Seven in ten (71%) voters strongly agree that “providing competent legal representation is one of our most fundamental rights in the U.S.” and another eight in ten (80%) feel strongly that competent legal representation is “necessary to prevent the innocent from going to jail.”

However, a large majority of Louisiana voters believes their state falls short of these ideals and suffers from an unequal justice system. To revamp the state’s system of indigent defense, large majorities support a number of reforms from statewide standards on minimum levels of resources for public defenders, limits on the number of cases public defenders can undertake at one time, and a statewide oversight board.

The 2006 survey of Louisiana voters assesses voters’ awareness of and opinions on the current state of indigent defense in Louisiana, as well as gauges reaction to proposed changes to the system. The Louisiana Justice Coalition asked Belden Russonello & Stewart to conduct the statewide survey of 609 registered voters. The survey was conducted by telephone from July 17 to July 28, 2006 and used a sample drawn from registered voter lists updated in May 2006. The margin of sampling error for the survey is plus or minus 4.0 percentage points.

The research reveals four main points on Louisiana voters’ attitudes toward indigent defense:

1. Louisiana voters express a strong belief in the value of fairness and high levels of concern that disparities in the system may cause innocent individuals to be wrongfully imprisoned.

2. Current flaws in the system, especially not having the resources to meet the needs of the justice system and lack of restrictions on the number of cases that can lead to impossibly high case loads are of high concern and considered in need of immediate attention. After hearing about these flaws, voters are more inclined to increase spending to fix the system.

3. Voters favor a range of reforms to the current system in Louisiana to ensure individuals accused of a crime receive competent representation, especially statewide standards and oversight.

4. The public believes the state government needs to guarantee resources to low-income people accused of a crime so they can obtain DNA testing and other laboratory services and to hire investigators. Large majorities also believe it is important to ensure lawyers have reasonable case loads and individuals have their cases go to trial within weeks of being arrested.

Louisiana voters believe the state's justice system currently favors the rich over the poor, and a large majority is deeply troubled by the inadequacies of the current indigent defense system in providing legal representation. Seven in ten voters (69%) say a rich person gets treated better than a poor person in the Louisiana justice system, and when told of a man in Calcasieu Parish in prison for a year and a half before seeing a lawyer, eight in ten voters (82%) say this is a serious problem that needs to be addressed immediately.

The survey shows Louisiana voters hold high ideals for their justice system. Nine in ten (88%) "strongly agree" that "the quality of justice a person receives should not be determined by how much money a person has." A system in line with these ideals would provide low-income individuals accused of a crime with the resources necessary to mount a defense, Louisiana voters believe. According to voters, defendants should have an attorney with adequate time to devote to their case, as well as resources, such as DNA testing and funding to hire investigators.

Large majorities support specific reforms to the system of indigent defense. Specifically, over eight in ten Louisiana voters support statewide standards on minimum levels of resources for public defenders (88%), a statewide oversight board (84%), and a limit on the number of cases a public defender can undertake at one time (82%). Voters also express strong support for using state funds for training of public defenders (63%) and establishing salary guidelines so public defenders and prosecutors receive about the same salaries (73%).

The most troubling aspects of the current system of public defense for Louisiana voters include the inability of the current system to meet the need. Eight in ten

voters in the state (82%) believe this is a serious problem that needs to be addressed immediately. Another seven in ten (71%) say that the overloading of cases resulting in situations where lawyers meet their clients in the courtroom for only a few minutes before trial is a serious problem that needs addressing. These examples of how the system currently functions in Louisiana violate voters' belief in the need for fairness in the judicial system.

Voters need information about the current indigent defense system. Voters' opinions change over the course of the survey, as voters hear details on the current state of the system and when resources are tied to specific reform efforts. After hearing information about the current system, voters are much more likely to favor increasing state funding than cutting. While at the outset of the survey, 51% of Louisiana voters oppose using tax dollars to provide lawyers to low-income people; by the end of the survey four in ten voters (41%) believe state funding for indigent defense should be increased and only one in ten (6%) supports cutting funding. Another four in ten (38%) want to keep spending at current levels.

Voters are also very likely to support specific examples of state spending on indigent defense. For example, six in ten (63%) favor using "state funds to provide formal training and professional development for public defenders." Another six in ten (60%) believe "resources to obtain DNA testing and other laboratory services" should be "guaranteed" a low-income person accused of a crime, and nearly half (46%) believe "resources to hire investigators to check on evidence and find witnesses" should be "guaranteed."

# **Unequal Justice in Louisiana: Louisiana Voters Consider Their Public Defender System**

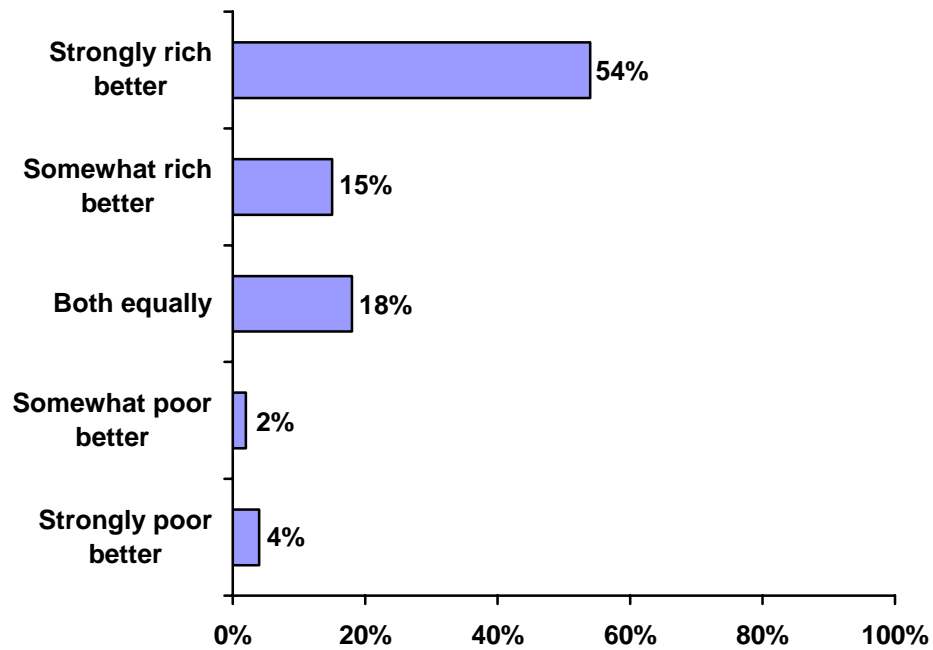
## **Key Charts from Statewide Survey**

**September 2006**

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## Rich and Poor in the Louisiana Criminal Justice System

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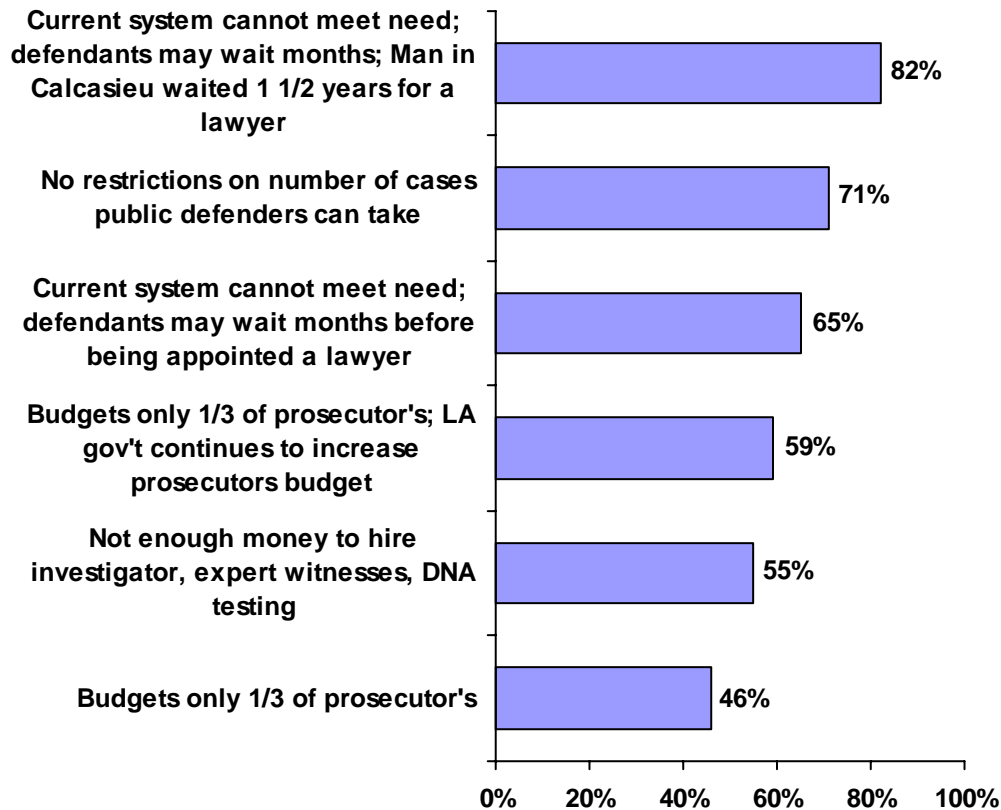
Q9. Do you agree more that in the Louisiana justice system, [ROTATE: a rich person usually gets treated better than a poor person, OR a poor person gets treated better than a rich person, OR] that rich and poor usually get treated equally? IF NOT EQUALLY: Do you agree strongly or somewhat that a [rich/poor] person gets treated better?

SOURCE: Belden Russonello & Stewart conducted for the Louisiana Justice Coalition, n = 609 Louisiana voters, July 2006



## How Serious are the System's Flaws?

% saying "Serious problem requiring immediate action"



Here are some statements about how the public defenders system works in Louisiana. Please tell me if you think each of the following is a serious problem that needs immediate action, is a problem but not immediate, is not much of a problem, or not at all a problem. Here's the first one: [RANDOMIZE]

Q41B. [Split sample; N=301] The current system cannot meet the need. In some places, defendants may wait months in jail before being appointed a lawyer and getting a hearing. In a case in Calcasieu Parish, a man was in prison for a year and a half before seeing a lawyer.

Q38. There are no restrictions on the number of cases public defenders can take. Many times these lawyers represent thousands of people a year. Often public defenders meet their clients in the courtroom for only a few minutes before their trial starts.

Q41A. [Split sample; N=308] The current system cannot meet the need. In some places, defendants may wait months in jail before being appointed a lawyer and getting a hearing.

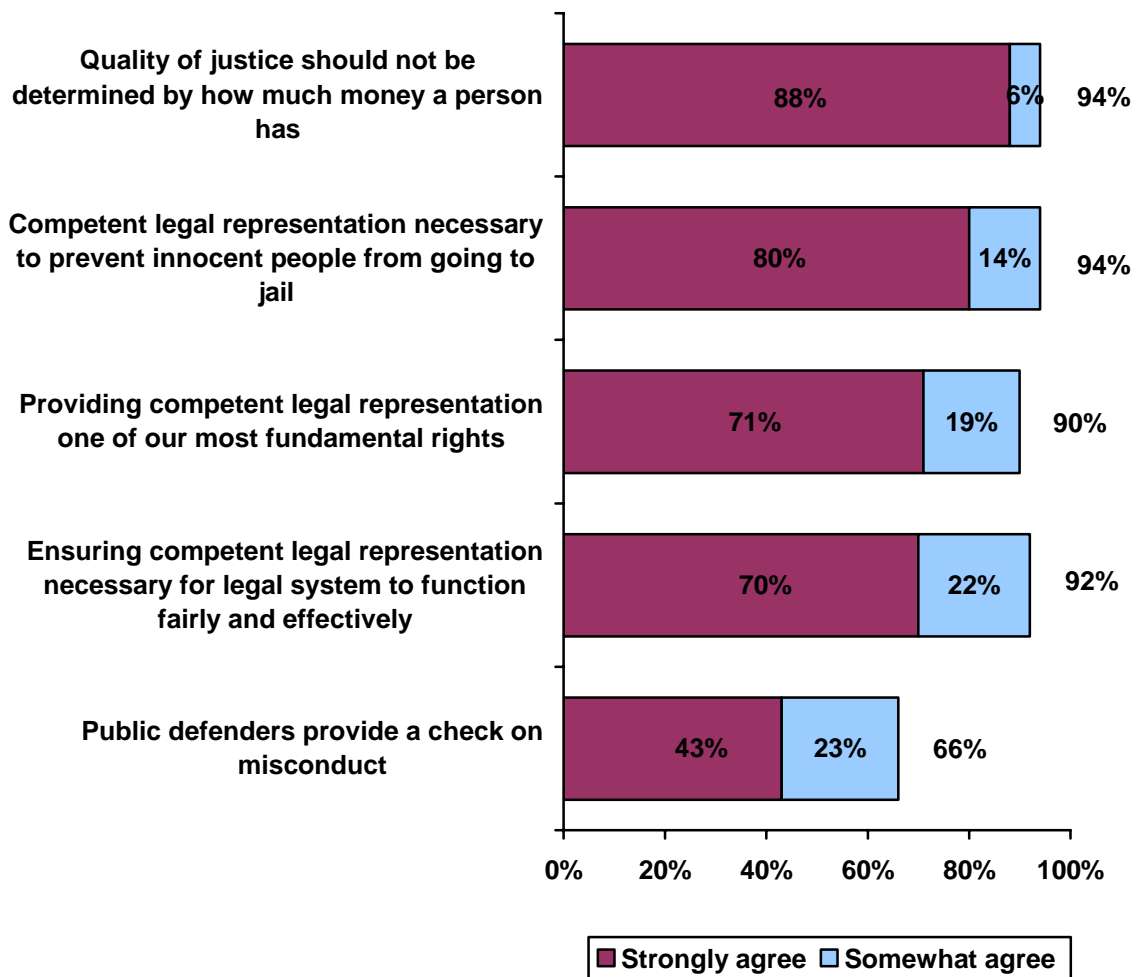
Q40B. [Split sample; N=301] Public defenders' budgets are generally only one-third of the budgets prosecutors receive. Louisiana government continues to increase the budget for the prosecutors' office but the public defenders' budget is not keeping up.

Q39. Lawyers defending those accused of crimes often do not have enough money to hire an investigator, expert witnesses, or to conduct DNA testing.

Q40A. [Split sample; N=308] Public defenders' budgets are generally only one-third of the budgets prosecutors receive.

SOURCE: Belden Russonello & Stewart conducted for the Louisiana Justice Coalition, n = 609 Louisiana voters, July 2006

## Ideals for the Criminal Justice System



Now please tell me if you agree or disagree with each of the following statements. The first statement is... Is that strongly or somewhat? [RANDOMIZE]

Q36. The quality of justice a person receives should NOT be determined by how much money a person has.

Q34. Providing competent legal representation is necessary to prevent innocent people from going to jail.

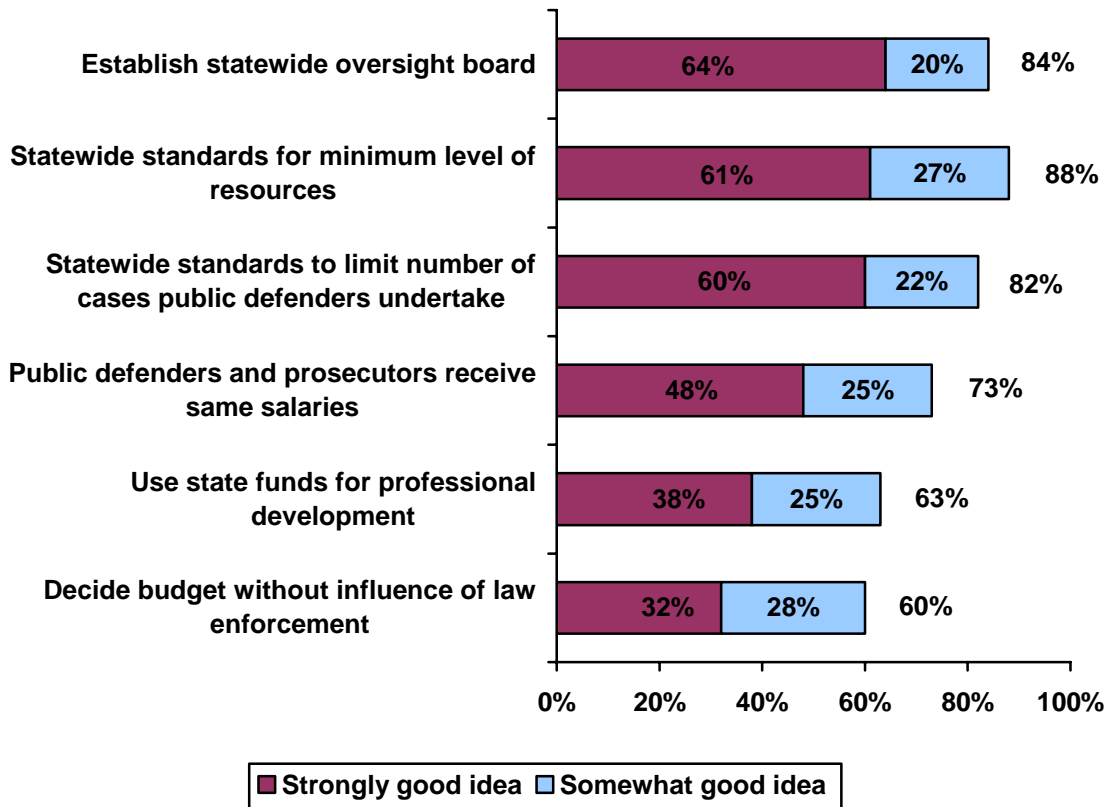
Q35. Providing competent legal representation is one of our most fundamental rights in the U.S.

Q33. Ensuring competent legal representation for all is necessary for our legal system to function fairly and effectively.

Q37. Public defenders provide a check on police brutality and corruption, misconduct by prosecutors, police, or lab technicians, or other abuses.

SOURCE: Belden Russonello & Stewart conducted for the Louisiana Justice Coalition, n = 609 Louisiana voters, July 2006

## Improving the Public Defender System



There are a number of proposals to change how the system of public defenders works in Louisiana. Please tell me if you think each of the following is a good idea or not a good idea. Do you feel strongly or somewhat that this is a [good/not good] idea? [RANDOMIZE]

Q28. Establish a statewide oversight board to ensure an equal level of justice from parish to parish in Louisiana

Q24. Set statewide standards for a minimum level of resources that should be available to all public defenders, such as access to expert witnesses, investigators and DNA testing when appropriate

Q23. Set statewide standards to limit the number of cases public defenders can undertake at one time

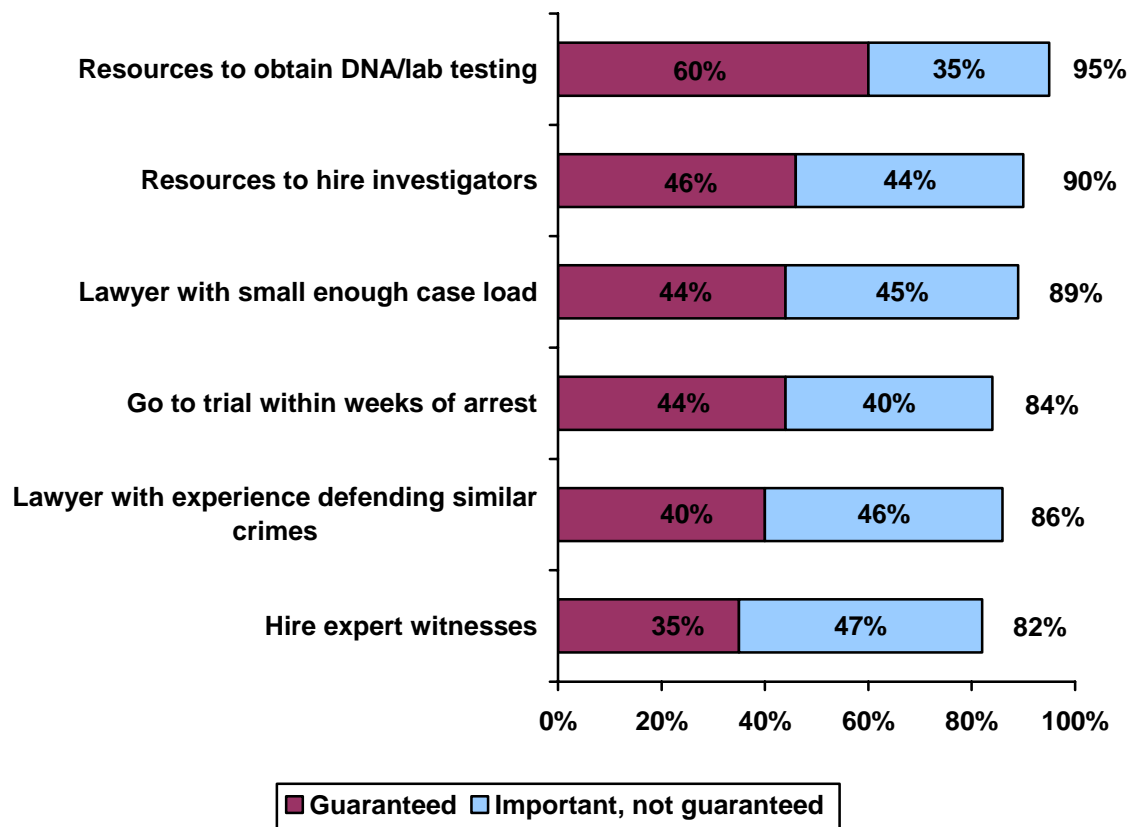
Q25. Set salary guidelines so public defenders and prosecutors receive about the same salaries

Q27. Use state funds to provide formal training and professional development for public defenders

Q26. Decide the budget for public defenders without the influence of law enforcement or the prosecutor's office

SOURCE: Belden Russonello & Stewart conducted for the Louisiana Justice Coalition, n = 609 Louisiana voters, July 2006

## Tools for Public Defenders



Please tell me if you think each of the things in this list should be guaranteed by the government to low-income people accused of a crime, is important but should not be guaranteed, is not very important, or is not at all important for someone accused of a crime. Here's the first one: [RANDOMIZE]

Q20. Resources to obtain DNA testing and other laboratory services

Q18. Resources to hire investigators to check on evidence and find witnesses

Q21. A lawyer with a small enough case load to provide the time necessary to prepare a defense for each person

Q22. To have their case go to trial within weeks of being arrested

Q17. A lawyer with experience in defending people accused of similar crimes

Q19. Resources to hire expert witnesses

SOURCE: Belden Russonello & Stewart conducted for the Louisiana Justice Coalition, n = 609 Louisiana voters, July 2006