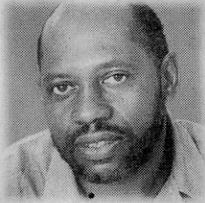


Give defense reform a chance



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Point of View

Much has been written recently about Orleans Parish's broken public defender system. Overworked public defenders complain about impossible conditions, while innocent defendants and the general public suffer from justice delayed or denied. That harm is real. But the media have missed the positive steps taken to professionalize and reform our city's public defender system.

I spent more than 25 years in prison, and I am now the co-director of Safe Streets/Strong Communities, a coalition of groups and community members working to ensure that our criminal justice system is rebuilt based on data and best practices and with community involvement. In February, Safe Streets issued a report after interviewing more than 100 incarcerated individuals scattered over 13 prisons and jails across Louisiana.

Of the 102 people interviewed, all of whom were locked up when Katrina hit and interviewed in February — *six months after the storm* — not one of them had spoken to their public defender.

Media reports made it seem as if this was unusual and likely due to the storm. Speaking as a person who spent many years in the state's custody, I can tell you that it is sadly par for the course.

All lawyers — even overworked public defenders — have an ethical obligation to communicate with their clients. All public defenders have an ethical obligation to ensure that each case they accept, representing a human being accused of a crime, is adequately investigated and defended. As a formerly incarcerated individual, I know that before the storm, the Orleans Parish public defender system failed to provide adequate, ethical representation to me and to the thousands of people I met in jail.

But that is all about to change. The newly appointed, reform-minded Orleans Indigent Defender Board instituted rules forbidding the



STAFF PHOTO BY SCOTT THRELKEL

An inmate at Louisiana State Penitentiary at Angola looks out the caged window of a transport bus.

private practice of law by its public defenders. This small yet significant reform ensures that public defenders will no longer struggle with the inherent conflict of interest of where to spend their time — with the clients appointed to their caseload by the public defender's office or the client who just paid them thousands of dollars to take a case.

Such reforms will result in a public defender system we can all be proud of. Yet some judges and ex-public defenders are on record defending the old system, praising the quality of defense and threatening contempt hearings targeting the reform-minded administration of the new system.

It is time for citizens and the media to ask why these judges and public defenders are complaining now — after a professional, competent board has instituted policies and practices based on nationally accepted best practices.

Could it be that there are some in New Orleans' criminal justice system who favor the pre-Katrina status quo, one that the U.S. Department of Justice called "court-based rather than client-based"?

There has been much positive press about the voters' recent decision to reform the notoriously corrupt and ineffectual levee boards,

charged with protecting us from floods. There should be as much celebration for the New Orleans Indigent Defender Board as it courageously changes the way the public defender's office does business.

Changing the culture at Tulane and Broad takes time and hard work. It requires focusing attention and effort where it is needed most.

Recently, public defenders asked Judge Arthur Hunter to release a number of defendants charged with non-violent offenses so that the office could focus its resources on more serious cases — and so that taxpayers didn't pay to incarcerate defendants charged with minor offenses like possession of marijuana. He complied, to the outrage of many who defend the old "court-based" system.

We can't rebuild the levees in a single season, nor can we rebuild the justice system in a single year.

But focusing the system's attention where it's needed most — on public defenders — is a good start.

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