

April 13, 2007, Friday
The Advocate (Baton Rouge, Louisiana)

Crisis brewing in justice system

By Heather H. Hall, Director of the Louisiana Justice Coalition

Once again, all eyes in Louisiana — and around the nation — are on New Orleans. But this time the storm brewing is not the work of Mother Nature, but rather the state's three decades of negligence when it comes to its constitutional obligation to operate a fair and effective justice system.

Judge Arthur Hunter has ordered the eventual release of 42 defendants facing felony charges because they have received little to no legal representation while awaiting trial. He also vowed to no longer allow the Orleans Parish Public Defender Office to represent defendants in his court.

No one is happy about Judge Hunter's ruling — not the judge, the defenders, the district attorneys or the residents of New Orleans. The result is that in one week, the criminal justice system is likely to come to a screeching halt in Orleans Parish. And that's the last thing the city needs as it continues the struggle to rebuild and restore order after the devastation of Katrina.

No one segment of the justice system — judges, prosecutors or defenders — is to blame for the crisis. Real responsibility rests with the state of Louisiana.

The Constitution is clear: States are required to provide quality legal counsel to anyone facing jail time who cannot afford private counsel. There is no exception for Louisiana, even if our lawmakers have been behaving for years as if such an exception exists.

Perhaps the most-frightening component of all is that New Orleans is not the only breaking point in Louisiana's justice system. The crisis extends across the state, from Orleans to Calcasieu to Avoyelles. Resources for experts, investigations and other crucial parts of preparing a fair defense are scarce in

a system that relies on fees from traffic tickets rather than a steady and dedicated funding stream.

Louisiana defendants wait months and even years before their cases are heard, often with little access to an attorney. These delays cost the state a lot of money that could be directed to other, more-pressing needs.

The longer trials are delayed the harder it is to find the truth. Memories dim and evidence gets lost. Consequently, the broken justice system deprives all Louisiana residents of confidence that the right people are tried for the right crimes and receive the right sentences.

To solve the problem in New Orleans, we need to fix the broken criminal justice system once and for all across the state. Anything less than a statewide solution is unacceptable because the next crisis could be in Shreveport, Lafayette or Baton Rouge. Louisiana residents deserve better. After 30 years of neglect, we deserve a fair, efficient and effective justice system that protects us all.