20th JUDICIAL DISTRICT SERVICES PLAN

FISCAL YEAR 2015

RHONDA B. COVINGTON

DISTRICT DEFENDER

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Introduction to the 20th Judicial District

The Twentieth Judicial District is comprised of the parishes of East and West Feliciana. These parishes have a combined population of 35,892 according to the 2010 census and are considered to be rural.

Rhonda Covington opened an office in each parish after being appointed District Defender in 2010. At that time we enjoyed a surplus of funds, therefore we were able to establish viable, working, professional offices complete with staff. Never before had the 20th ever had any type of office or staff.

In West Feliciana Parish, the public defender's office enjoys free office space, utilities, telephone, and internet services courtesy of the local police jury. East Feliciana Parish was unable to make any contributions to the public defender's organization, therefore, we must pay rent, utilities, telephone, internet, water, yard maintenance, and insurance for the space in the parish seat of Clinton. These items appear in the budget and the amounts are relatively cheap when compared with other areas in Louisiana.

Prior to 2010, the Public Defender's Office for the 20th Judicial District did not have an office, telephones, or any furniture or fixtures whatsoever. These items had to be purchased for both offices which included computers, printers, file cabinets, chairs, some desks (some were donated), lamps, etc. The initial cost for these items did reduce our surplus of funds.

Prior to 2007, the public defender's organization consisted of two attorneys who operated independently of one another. Rhonda Covington was one of those attorney's and was assigned cases by the local judges. Each attorney was responsible for maintaining their own files (if they chose to even make files), meeting with clients (if they chose to meet with them), file discovery (if they chose to file these documents), attend status conferences, obtain plea offers, and prepare for trial for those who did not wish to avail themselves of plea offers. Clients would usually meet their attorney at court and would call the attorney on their home telephone or sometimes mobile telephone. The attorney had no access to funds for private investigators even for cases which could result in a sentence of life without parole. The caseloads were very high and the compensation was very low. The local board, prior to 2007 would basically save the funds received from court cost and only pay a small, minimal amount for defense attorneys.

In 2010, the staff was expanded to accommodate our client list so that defendants could have more services of greater quality. The number of attorneys increased to four, including the district defender, who maintains a full caseload. In addition, we acquired a support staff of two full-time secretaries and a part-time secretary. In addition, licensed private investigators were contracted on a case by case basis. Other services were instituted to enhance the work of public defender's office such as research materials, code books and other publications, as well as funding for training seminars. Prior to 2010, the public defenders did not even have a criminal code book and would borrow those books from the judges or even the assistant district attorneys.

Overall public defense in the 20th Judicial District has been transformed since 2010. Two professional, accessible offices were created to accommodate the needs of both parishes, and included a helpful, supportive staff and attorneys who fight for the rights of the accused and have the proper tools to do so. I am proud to say that we win more cases than we lose. This includes misdemeanors and felonies. This office has come very far in a short period of time. People who do not qualify for our services are always trying to hire the public defenders for their private representation. This indicates the confidence level the public has for the team members of this office. The attorneys and staff take great pride in being an organization that is respected by our clients, the judges, the district attorney and his staff, as well as the community. We are respected because our goal is always to protect a person's constitutional rights and that is a mandate that no U.S. citizen can disagree with.

Even though we have transformed this district, it is still a rural office and does not have the same amenities as the urban offices. For example, we do not have social workers to help our clients, nor do we have the full staff that many offices in large areas enjoy. Social services are practically non-existent. Unfortunately, we do not even have a drug court which would help many of our clients.

The creation of physical offices with the furniture and fixtures, the trained and highly motivated attorneys, the support staff, the resources, and training all come with a price. We have had deficit spending almost every month since 2010 and as such have almost completely depleted our reserves. Without the proper funding we need to maintain our transformation and our success, we will revert back to our former situation of being unable to provide competent representation because we will not have the attorneys, support staff, research material, training, etc.

Funding History

Prior to 2007, the district acquired funds strictly from court cost, bond fees, and a few orders to pay attorney fees. Following the creation of the State Public Defender's Office under Act 507, each district was given funds and the 20th received a little more than $100,000 which was a one-time payment in 2007. This district did not receive any other funds from the state until January, 2014. Since we were not receiving any state assistance, this office was forced to utilize the money that had previously been saved by the district. Apparently the formula for allocating money did not factor in a district's ability to raise funds by such means as interstates for ticket writing or traffic cameras. We have no avenues for acquiring money as in most other districts and we were not given any funds from the start to help delay or prevent us from running out of money.

From 2010 through 2012, the office would receive on average between $12,000 to $18,000 per month from the local parishes from court cost, bond fees, and attorney fees. Some months would exceed $20,000 in revenue. This began to change around the end on 2012 for several reasons:

1. The District Attorney began a larger, more vigorous campaign of pre-trial intervention. In many instances, he would allow a defendant to enter the program when they were on the verge of going to trial. When this occurs, no court cost is paid and they are never assessed with attorney fees.

2. The small towns in both parishes have worked to get more cases in their mayor's courts, which in turn eliminates the public defender's office. The number of cases being brought in mayor's courts are steadily increasing.

3. The sheriff's departments write fewer tickets than ever before. West Feliciana has never written very many tickets. They have the opportunity to do so, but their sheriff does not desire for his deputies to write them. West Feliciana has a viable tax base and the sheriff's department receives much of their funding from grants. East Feliciana does not write tickets because they do not have the man-power to do so. The department has had to lay off many deputies due to a lack of funding and they simply defer to the towns to write tickets.

4. We have had a reduction in the number of clients during the last two years. Most of the reduction can be attributed to the reduced manpower at both sheriff's departments. In addition, East Feliciana could not pay the extra $40 per person in insurance premiums to fund the members of the Delta Narcotics Task Force. Without the task force, the "skeleton" crew at the department cannot investigate the drug issues in the parish.

5. A larger percentage of our clients are given prison sentences for plea offers as opposed to probation. When the client serves prison time, we do not receive court cost nor attorney fees.

Because of the aforementioned factors, the monthly income we receive from court cost, bond fees

and attorney fees average between $7,000 and $9,000 per month. In other words, our revenues have decreased by more than fifty (50%) percent each month for the last two years. The amount received is insufficient to maintain our offices. As such we are now forced to institute a limited amount of service restrictions and institute a substantial reduction of components use to facilitate the defense of our clients. The restriction of services outlines the services we can no longer offer due to budget restraints. The reduction in facilitation components includes various items that remain in the budget but will no longer be fully funded which renders many of those items inadequate and ineffective.

The United States Constitution and the Louisiana Constitution guarantee competent legal representation for indigent people who are accused of a crime. Since, 2010 we have provided those services with the upmost proficiency. Unfortunately a lack of proper funding and resources has forced this office to take drastic measures which may constitute a constitutional crisis for our clients. We must restrict certain services immediately and those restricted services may increase with time if proper funding is not granted to this district.

Efforts to Increase Funding

Over the past few years, I have spoken with both sheriffs and the District Attorney in an effort to increase ticket writing to generate more revenue. Encouraging the police to go after people who may become our future clients is inappropriate in my opinion. However, our drastic situation calls for drastic measures and we cannot rely on the state legislature to come to our aid. Each person I spoke with acknowledged our plight but has little desire to assist us.

The local police juries have funding issues of their own and cannot assist with our fiscal shortfalls. They would only help if the legislature required them to contribute to our funding as they do for the district attorney.

We have asked our judges to increase the amount of attorney fees ordered for our clients to pay. The judges are certainly willing to help us in any way possible. They are aware of the work we do and they desire for us to maintain the quality of services that our clients now receive. As such, they have increased our fees, however, many of our clients never pay because their probation gets revoked. Payment of these fees is also difficult for our clients because they are indigent.

Our judges also assist with our $40 application fee by informing our clients that they must pay the fee. The fee, if not paid at the beginning our representation, is added to the client's probationary fees if they are probated. However, if they are revoked, then we do not see this fee either.

I did look into the possibility of obtaining grants and even requested the assistance of a grant writer. However, all grants that we were able to find were in keeping with services provided by the district attorney and not by our office.

In addition, I contacted the judges and requested that the public defender's office be appointed to represent Department of Corrections inmates who are accused of crimes while incarcerated. In the past, the judges appointed private attorneys since the state paid the attorney fees. They have agreed to appoint the public defender's office and started doing so last July. It is my hope that this will generate $20,000 to $30,000 per year for our office.

I have also inquired about the possibility of receiving funds through the Louisiana Public Defender's Office. Most districts in the state have been helped by this office but because we had a surplus, this district was not eligible for any funds until earlier this year. As previously stated, our deficit spending was not factored into the equation in an effort to delay or even stop the depletion of our funds which has now resulted in a restriction of services.

OPERATING EXPENDITURES AND REDUCTIONS

Our operating budget for 2014-2015 is $315,890 of which $60,000 was funds remaining from the savings that had accrued over a thirty year period. In addition, it includes $128,415 from our newly acquired District Assistance Fund and Child in Need of Care Fund and the projected funds from the Department of Corrections. The remainder of the budget, $135,850 was to come from local funding.

As of this date, we have pending Department of Corrections cases but have not completed any of those cases in order to receive the projected funds. As such, we have not received any of the $20,000. We had hoped to have received $10,000 by this point in the fiscal year but we have to build the number of clients and complete the cases. However, I do think that we will receive at least $5,000 by the end of the fiscal year.

As to the remaining sources of income, the amount collected has fallen short of initial projections. The fact that there are fewer tickets and a reduction of income generating methods that had initially been factored in the budget has now resulted in a shortfall. Unfortunately, the reductions were much greater than anticipated. As such, a new evaluation of the current budget reveals that we will probably receive $48,000 less than we anticipated when the budget was drafted. To compensate for such deficiencies, many items in the budget had to be re-addressed and slashed accordingly.

The following budget cuts have been made which will be in effect for future years:

1. One contract attorney was dismissed saving the district $38,400 per year.

2. Our only full time secretary will be reduced to 30 hours per week, saving $7,194 per year.

3. The attorneys no longer have mobile phones, saving $1,829.28 per year.

4. I re-negotiated our contract with Westlaw and the district will save $5,760 per year.

5. We have discontinued all housekeeping services which will save the district $2,400 per year.

I am currently negotiating with AT&T for only one telephone line in an effort to save additional funds.

Budget Cuts for the Remainder of the 2015 Budget

It is imperative that the budget be reduced by $48,000 for the remainder of the fiscal year so that the budget will be in balance. Below is an outline of the savings for the remainder of the year provided that the reductions take effect immediately:

1.	Contract Attorney –	$ 22,400.00	– Effective November 30, 2014
2.	Secretary Reduction –	$ 2,997.50	– Effective February 1, 2015
3.	Mobile Phones –	$ 914.64	– Effective December 1, 2014
4.	Westlaw –	$ 3,360.00	– Effective November 1, 2014
5.	Housekeeping –	$ 1,400.00	– Effective October 1, 2014
6.	Conflict Attorneys--	$ 3,000.00	- Effective January 1, 2015
7.	Investigators–	$ 3,000.00	- Effective January 1, 2015
8.	Interpreters –	$ 3,000.00	- Effective January 1, 2015
9.	Expert Witnesses –	$ 2,000.00	- Effective January 1, 2015
10.	Office Supplies –	$ 1,000.00	- Effective January 1, 2015
11.	Major Acquisitions –	$ 1,000.00	- Effective January 1, 2015
12.	Office Maintenance–	$ 1,100.00	- Effective January 1, 2015
13.	Dues & Seminars–	$ 600.00	- Effective January 1, 2015
14.	Telephone/Postage–	$ 2,000.00	- Effective January 1, 2015
15.	Payroll Tax –	$ 229.30	- Effective February 1, 2015

Total FY15 Savings .....$ 48,001.48

Projected FY15 Deficit.....$ 0.00

Recapitulation of Reductions and Savings on an Annual Basis

Contract Attorney Reductions –	$ 38,400.00
Secretary Reduction to Part-time –	$ 7,194.00
Non-Staff Professionals –	$ 11,000.00
Operating Cost Reductions –	$ 15,545.00
Total Annual Savings.....	**$ 72,139.00**

Staff Reductions

Reducing our number of attorneys from four to three was a necessary action in an effort to balance the budget. The caseload of that attorney has been absorbed by myself and another attorney who mainly works in East Feliciana Parish.

The attorney whose contract was terminated was the last attorney hired. That factor weighed heavily in the decision to relieve him of his employment in this district. In addition, he had the least amount of criminal experience.

Naturally, his termination has resulted in a greater caseload for myself and the other attorneys. A greater caseload means that each attorney can spend less time with each client and therefore may not be able to give a particular case the attention it requires.

I tried to maintain a full time secretary for each parish. However, our budget cuts have made that task impossible. First, we reduced the secretary in West Feliciana to part-time due to the fact that we have a smaller caseload in that parish. We then made the East Feliciana office the primary office and instructed all clients to call us at that location. Our lack of adequate funding has caused us to reduce the only full time secretary to part-time commencing in February. She will work four days per week.

The office will be manned five days per week in that I will answer the telephone, give out court dates, answer the door, go to the jail to handle interviews, and anything else which happens on a Friday. Not having a full time secretary will result in difficulties for our clients in that they may not be able to get bond reductions timely, find out their court dates, or discuss any other issues they may have. The secretary will not be here to address the “drop-ins” or update the database. In addition, many of our Gwen’s Law hearings are on Friday which requires that I be in court. Time spent in court will reduce my ability to perform secretarial and housekeeping duties.

Clearly staff reductions will have an impact on the quality of services we are able to provide our clients. This will result in their frustration and the frustration of the remainder of the staff.

RAMIFICATIONS OF BUDGET CUTS

Staff reductions were discussed on the previous page. All of the other cutbacks will also have a dramatic effect upon the legal services provided to our clients.

The attorneys were given basic mobile phones without internet capabilities so that their clients and their client's families would be able to reach them by telephone or by text message. That ability has been eliminated. We can and do take messages at the main office, but we will be cutting our secretarial services which will reduce the usual duties performed. Without the mobile phones and without the secretarial services, communication between client and attorney will be greatly diminished. Diminished communication results in inadequate representation.

Westlaw research and books are being reduced in an effort to save money. Of course, this prohibits the attorneys from having access to all the material necessary to be effective in representation.

We will no longer be able to hire conflict attorneys. So, if we have more than three co-defendants, we will be unable to represent any defendant after the first three. We will be informing the judges of this situation in the hopes that they may be able to locate attorneys to work on a pro bono basis. We do have some clients scheduled for arraignment early next year where there are more than three co-defendants. In this district, all attorneys with criminal experience work for the district attorney or the public defender. The defendants who cannot be represented by the PDO due to a lack of funds to pay for conflict counsel will not have the benefit of a criminal attorney. There is simply no money available for any conflict counsel.

Investigators are essential to criminal defense. They locate the witnesses and get the statements from people who are indispensable to a case. We have never been able to afford a full time or part-time investigator due to the fact that we did not receive any state funds. Instead, we would hire a qualified individual on a case by case basis. We can no longer do that. Currently we have murder cases, armed robberies, and rapes where we are forced to do our own investigation. This takes time away from our clients and now that we have greater numbers of clients due to a reduction in force, it is virtually impossible to find the time to adequately investigate the cases. In addition, we are not trained, licensed investigators. People facing the most serious crimes cannot get adequate representation because there are no investigators to flush out their witnesses, get statements from witnesses, review the crime scene, and talk to those eyewitnesses that the police never interviewed. There is simply no money available for any investigative work whatsoever.

We no longer have funds to hire interpreters for our non-English speaking clients and for our deaf clients. Most often we have to rely on a police officer to translate English into Spanish. When that occurs the police are then aware of our defense and other sensitive matters. We cannot effectively represent a defendant if we are unable to communicate with them. There is no money available for any interpreters whatsoever.

Expert witnesses are necessary for most cases. We do not have any money whatsoever to hire an

expert. Our clients will not have the benefit of professionals who can determine DNA, fingerprints, handwriting analysis, injuries, etc. Defendants in the 20th Judicial District will be greatly disadvantaged by not being able to employ professionals who have expertise in their respective fields. The District Attorney is fully funded for his experts, but a defendant cannot have the same ability if they are poor and without personal resources.

Office Supplies and Major Acquisitions will certainly have an effect on our daily operations. We will be accepting discovery answers from the DA's office by email and only printing those reports which are most vital to have in the file. This will reduce our paper consumption. In addition, we have considered recycling folders from clients that were used years ago. Many are in storage and those that have not molded will be re-used. We are hoping that our computers will last for a few more years before replacement is needed. Other items such as cameras, recorders, etc. are our own personal equipment which we use on behalf of our clients. We will need a printer/copier/fax/scanner in Clinton within the next few years.

A reduction in office maintenance results in the loss of housekeeping services. As such, I have taken on the role of housekeeper which has reduced the amount of time I have available to do administrative duties, accounting duties, supervisory duties, secretarial duties, and defense attorney duties.

The reduction in dues and seminars results in our inability to join the Louisiana Association of Criminal Defense Lawyers or the American Bar Association. Both organizations provide updated articles that have proven invaluable to our attorneys. We can no longer benefit from these materials. In addition, we must reduce the continuing legal education classes attended. These classes provide us with the latest information and latest techniques for defending our clients with expertise and zeal.

A reduction in telephone expenses will result in this office giving up a second line. Our clients will have to be patient and leave voice messages or call back in order to talk to an actual person. Since 2010, our clients have enjoyed personal service by speaking with or visiting with their attorney. We also accept calls from the local jails. Many jail callers will not be able to get through during their call times. This change in procedure will be explained to all of our clients and we will hope for understanding.

Our restriction of services and reduction of facilitation components will be a substantial change for our clients. However, we will strive to provide them with the best defense possible given the change of circumstances and our very limited resources.

Schedule for Restriction of Services

Most of the Restriction of Services Plan will go into effect on January 1, 2015. On that date, we will no longer be able to provide conflict counsel, expert witnesses, investigators, or interpreters.

Our staff reductions have different dates in that a contract attorney was dismissed effective November 30, 2014 and our only full time secretary will become part-time on February 1, 2015.

The reduction of facilitation components will take effect as soon as possible. The Westlaw subscription was reduced in November, 2014. The mobile phones were disconnected in December, 2014. Our housekeeping services were terminated in October, 2014. Office supplies, office maintenance, telephone and postage expenses, and dues and seminars will be reduced on January 1, 2015.

Notification of the restrictions which involves the court and the district attorney, namely the inability to fund conflict counsel, will be made in writing to all parties immediately. These parties have been notified verbally, and that will be followed up by an email and a letter. It is not necessary nor is it desirable to notify those parties of reductions in facilitation components. The judges will determine the best course of action to fill the conflict vacancies.

All clients who were re-assign due to the loss of the contract attorney were mainly notified in open court, some were notified at the jail, and others were contacted by telephone. Both judges made announcements in open court that Attorney Kahao was no longer with the public defender's office. Their new attorney was assigned in open court and the clients were provided with their new attorney's name and contact information. The transition has been a successful process.

Conclusion

Representation of indigent defendants in the 20th Judicial District has been very comprehensive, detailed, and adhered to all requirements set out in the United States Constitution and the Louisiana Constitution. In most cases, our work exceeded the minimum threshold deemed to be allowable. We took pride in our work and were well respected by the local judiciary for doing our jobs well even though we have been forced to operate on a "shoestring" budget.

Our attorneys are not paid as well as those who work for the district attorney or most other public defender districts throughout the state, but our attorneys are very dedicated to the work they perform in spite of low pay and zero benefits. The restriction of services and reduction of items used for defense has certainly dampened the spirits of the attorneys and staff. More importantly, it has resulted in an increase workload for everyone.

Three attorneys will now do the work of four attorneys. In addition, each will be responsible for investigating their own cases and providing their own equipment to assist in those investigations. Obviously no one will receive a cost of living raise or any benefits whatsoever.

We will now have two part-time secretaries to serve two parishes. Each will have to continue to do the work of full time workers, but with less pay, no cost of living raise, and absolutely no benefits.

The District Defender will continue to do all administrative duties like bookkeeping, payroll, quarterly reports to the IRS and Department of Revenue, pay payroll tax, draft W-2's and 1099's as well as payment of all bills. The administrative duties also include monthly reports for the State Public Defender as well as budgets, timekeeping, etc. Her duties will continue to include supervision of all employees which includes trial guidance and evaluations. The District Defender has also taken on the housekeeping duties and spends the weekends cleaning the bathroom, dusting the furniture, sweeping, mopping, etc. This must be done in two offices. The District Defender also maintains a full caseload and visits with her clients in jail or in the office. She investigates the allegations and uses her own personal equipment to document any crime scenes or interviews. She must do all Gwen's Law Hearings (the contract attorneys all have private practices and no time to do these new hearings), bond reductions, and preliminary hearings for her clients. All of the Department of Corrections clients have been assigned to the District Defender due to the fact that wait periods are long at the facilities to visit with these clients. In addition to her investigative duties, she will take on secretarial duties commencing February 1, 2015. Those duties will include answering the phone, making appointments, picking up the mail from the post office, filing papers at the Clerk's office, filing in client's files, etc. The District Defender will not get a cost of living raise or any benefits enjoyed by the District Attorney or many of the other District Defenders such as insurance or retirement.

Our judges will determine who will handle conflict cases as that will be one of our restriction of services. In addition, we will handle the lack of experts on a case by case basis. If a particular case needs an expert, we will attempt to continue the matter until next year in the hopes that we

will be able to fund that particular professional.

In essence, we had very little resources to work with initially and now we have even less means to do the mere basics of defense. In spite of such a dismal outlook, I am confident that the 20th Judicial District team will come together for the good of their clients and work diligently for justice. They should not have to work without resources and adequate pay, but I know they will.

I will continue to closely monitor the situation to determine if we are in keeping with all legislative mandates. If case numbers become too great, then we will be forced to take additional measures.

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