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PRESS STATEMENT

LPDB Releases Evaluation of the Orleans Public Defenders

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BATON ROUGE – On Tuesday, August 7, 2012, the Louisiana Public Defender Board (“LPDB”) released the most recent evaluation of the Orleans Public Defenders (“OPD”). The *Report on the Evaluation of the Office of the Orleans Public Defenders* was requested after OPD was forced to restrict its public defense services due to insufficient funds. In January, OPD suspended representation of conflict clients and clients requiring assigned capital counsel, and remains in service restriction for some conflict clients. These clients are placed on a waitlist or are represented by pro bono lawyers when possible.

LPDB requested this evaluation to assess OPD’s operations and seek recommendations to improve analysis, communication, and supervision for OPD and other public defender offices that are facing financial crisis. While the report specifically evaluates the system in Orleans, it has application in offices across the state. Due to an insufficient state budget and only a modest increase in the special court costs that comprise the majority of public defense funding, LPDB expects at least 10 district public defender offices to implement service restrictions this fiscal year.

Specifically, the report authors reviewed the 2006 U.S. Bureau of Justice Assistance Report, “*An Assessment of the Immediate and Longer-Term Needs of the New Orleans Public Defender System*,” which included major recommendations for the office. The report released today affirms that many of the recommendations from 2006 are in place at OPD, improving service delivery, training, and professional standards.

However, today’s report also notes a number of issues that require immediate attention. Principally, it cites the direct causal relationship between public defense delivery deficiencies and the state’s dependence on traffic ticket revenues as the primary source of public defense funding. The report notes that Louisiana is absolutely unique in this funding mechanism; because of the instability and inefficiency of the revenue, no other state funds public defense this way.

The report finds that the flawed funding scheme is complicated by a budget process that requires OPD (and all district offices) to prepare a budget and make spending decisions based on the previous year’s reported revenues, without available assurances that those revenues will remain stable. The report notes that the City of New Orleans and OPD operate on different fiscal calendars, and that OPD depends on several different sources of funding, with different remittance schedules and constantly fluctuating allocations.

Absent sufficient, stable funding, OPD operates on a month-by-month basis, which creates a high risk for both the public defender office and the larger justice system. OPD is not alone in this respect; more than half of all district public defender offices in the state lack any fund balance. For these offices, there is no cushion to accommodate any dip in revenues or any rise in

expenditures, such as an unexpectedly complex case, a technology upgrade, response to a natural disaster or many other circumstances. These offices are only able to avoid financial crisis if revenues remain constant and are promptly and accurately remitted from local sources.

The report also identifies markedly disparate funding for the prosecutorial function. Both the state and local government provides prosecutors with resources and resource stability that do not extend to the public defender. In addition to alleviating the financial crisis at OPD, increased parity between the prosecutor and defense would create greater efficiency and effectiveness for the system as a whole.

Other major report recommendations include: continue “vertical representation” that is consistent with best-practices; review the restoration of capital and juvenile representation services within OPD; restructure office management for increased efficiency (continuing the Special Litigation Division, albeit with reduced staffing); leadership must dedicate more time in the courthouse and to communicating with all justice system stakeholders; improve internal office communications; commit to improving communications and relations with LPDB; create a budget process that ensures budgets are austere and realistic; address caseload concerns and quality of service issues in Municipal Court (preparing for litigation, if necessary); address excessive caseloads; seek improved office space; address turnover and grow office staff progressively through adjusted hiring practices; and maintain a fund balance that is at least 2% of the year’s operational budget.

LPDB Chairman Frank Neuner comments, “We look forward to continued improvement at OPD and championing the report recommendations that are in the best interests of the criminal justice system. All member agencies must be transparent, accountable stewards of public dollars and work collaboratively to create the greatest justice system possible for our community. LPDB pledges to continue to pursue programmatic efficiencies, quality defense services, a more stable mechanism for funding, and parity with our agency partners.”

The report can be found online at:

<http://lpdb.la.gov/Serving%20The%20Public/Reports/District%20Reports.php>