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## PRESS STATEMENT

### Orleans Public Defenders Implement Next Phase of Service Restriction

BATON ROUGE – On February 1, 2012, due to inadequate funding, the Orleans Public Defenders (OPD) is forced to implement the next phase of service restriction, which involves nearly a dozen staff and attorney layoffs and salary reductions for all management and supervisors.

The chronic underfunding that has plagued the public defense system in New Orleans has created a constitutional crisis with immediate and significant consequences for the entire metropolitan community. “The right to counsel is guaranteed under both the U.S. and Louisiana Constitutions. The Louisiana Public Defender Board (LPDB) has done everything it can to avoid this service restriction in New Orleans, but without cooperation from all of the courts or a more stable funding structure, OPD cannot continue to provide constitutionally mandated public defender services to the nearly 30,000 eligible clients who are annually appointed to their office,” said Frank Neuner, Chairman of the Public Defender Board.

The funding crisis at OPD is caused by a number of factors, particularly the failure of some local judges to assess, collect and remit fines and fees that are required by law to fund the public defender office. In addition, local criminal justice policies – including acceptance rates, trial rates, and traffic court dismissals – are far out of sync with other parishes and across the country, and aggravate OPD’s financial crisis.

Michael Cowan, Chair of the New Orleans Crime Coalition, said, “Ironically, the restriction of services is largely caused by some judges who refuse to pass on collected fines and fees as required by law, currently undermining the hard-won capacity of the Orleans Public Defenders. OPD has, since Katrina, come to operate closely in line with nationally recognized best practices and represents the constitutional rights of New Orleans’ most marginalized. The current restriction of services at OPD is a tragedy for the entire community.”

LPDB has previously provided OPD with emergency supplemental funding while simultaneously working intensively with criminal justice stakeholders in New Orleans to increase local revenues that are dedicated to the public defender under law. However, LPDB has now expended the last of its available funds. LPDB is similarly underfunded by state appropriation, and is struggling to ensure that service restrictions do not occur in several other districts where inadequate funding threatens financial insolvency.

LPDB and OPD have warned of the risk of restriction of services for nearly three years, and of its imminent possibility throughout the last half of 2011. During this time, LPDB and OPD exhausted all possibilities to avoid any service cuts through data sharing, public appeals, community collaborations, litigation, private fundraising and other efforts. Previous phases of the service

restriction include a hiring freeze implemented in November 2011 and the suspension of payment to conflict and capital counsel in January 2012.

City Councilmember Susan Guidry articulated some of the impact of this restriction on the larger criminal justice system, saying, “This restriction of services harms every resident of New Orleans, not just those who will be deprived of access to counsel. The majority of affected defendants will be unable to afford to secure their pretrial release from jail by posting bond. They will therefore remain in Orleans Parish Prison while they wait for an attorney to be appointed, and the costs of housing these defendants will fall entirely on the City and our taxpayers. Those defendants who can afford bond will remain free for a longer period of time before their guilt or innocence is determined. Additionally, the District Attorney’s Office will be unable to move forward with prosecuting these cases, meaning that many of these defendants will simply end up being released back on to the streets, further compromising our public safety.”

LPDB and OPD will continue to pursue all independent and cooperative efforts that lead to sufficient, sustainable funding for OPD and a restoration of its capacity to deliver constitutionally mandated legal services to its clients, for the benefit of the entire New Orleans community.

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In pursuit of equal justice, the Louisiana Public Defender Board advocates for clients, supports practitioners and protects the public by continually improving the services guaranteed by the constitutional right to counsel.

Through its commitment to performance standards, ethical excellence, data-driven practices and client-centered advocacy, the Louisiana Public Defender Board oversees the delivery of high quality legal services affecting adults, children and families, and supports community well-being across Louisiana.