



Bobby Jindal
Governor

Frank X. Neuner, Jr.
Chairman

Jean M. Faria
State Public Defender

EQUAL JUSTICE FOR ALL

CALCASIEU PARISH IMPLEMENTS SERVICE RESTRICTION

Contact Frank Neuner (337) 654-4424

BATON ROUGE – On Friday, July 27, 2012, the Calcasieu Public Defenders’ Office (“PDO”), which serves the 14th Judicial District, will be forced to implement a restriction of services due to funding shortfalls. The right to counsel is guaranteed by the U.S. and Louisiana Constitutions.

LPDB received only 80% of its FY 13 budget request. While the Legislature did approve a modest increase in assessed special court fees (Act 578), the bill was opposed by the Louisiana District Attorneys Association, and the fee was reduced by half, from a \$20 increase to a \$10 increase, in response. As a result, Act 578 no longer produces enough revenue to avoid service restrictions in all districts. The Calcasieu PDO projects that the passage of Act 578 reduced its FY 13 budget shortfall from more than \$450,000 to \$240,000.

The LPDB *Restriction of Services Protocol* (promulgated March 20, 2012) requires that public defenders’ offices restrict services in the manner least harmful to the continuation of public defense services within the district. The Calcasieu PDO, with approval from LPDB, has determined that the least impactful service restriction involves reducing the number of attorneys with whom it contracts to represent conflict clients from six attorneys to two. Beginning today, the office will withdraw from about 400 felony conflict cases to which it is currently appointed and work with the judges to assign new counsel from the private bar. Moving forward, the office will identify new counsel for conflict cases when the remaining two felony conflict attorneys have reached ethical workload limits. The private bar’s contributions are pro bono; there are no funds to compensate attorneys for their direct representation.

The Calcasieu PDO’s two remaining conflict attorneys will handle the most serious of the felony conflict cases appointed to their office per established protocol, and the remaining cases will be assigned to the private bar. The Calcasieu PDO will provide training, resources and other appropriate support to attorneys from the local bar who are appointed to represent eligible indigent clients, but who may not be particularly familiar with criminal law.

Since early spring, the Calcasieu PDO has communicated its anticipated funding shortfall to its criminal justice agency partners and has been working closely with the judiciary in the district to ensure that the service restriction is managed effectively. In early 2012, the office made a number of other internal office changes to slow its expenditures, including a hiring freeze, salary freeze, moving its offices to reduce its lease expenses, forgoing technology upgrades, and forcing staff to pay their own bar dues. The Calcasieu PDO has exhausted every effort to avoid appointments of the bar members, though the district public defender office, with support from LPDB, is aggressively pursuing additional revenues to ensure that the office’s dependence on the private bar is as brief as possible.

The Calcasieu PDO is appointed to approximately 6,000 new cases each year. These cases are handled by 15 full-time lawyers, 1 part-time lawyer, 3 full-time investigators and 8 support staff. The Calcasieu PDO is currently under class-action litigation alleging the unconstitutional assistance of counsel (*Anderson v. State*) and is the second office in the state to be forced to restrict services in 2012 due to inadequate funds.