

# LOUISIANA PUBLIC DEFENDER BOARD



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For Immediate Release

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BATON ROUGE – On Monday, March 18<sup>th</sup>, the Third Circuit Court of Appeals ruled that the District Attorney in Calcasieu Parish lacked appropriate authority to issue subpoenas requesting wide-ranging information involving the operations, policies, funding, client interactions and expenditures from LPDB and a number of LPDB contract programs that provide legal defense services for eligible clients.

The information was requested under the premise of disputing the lack of funds that forced the Calcasieu Parish Public Defenders' Office to restrict services for some conflict clients earlier in 2012. The court ruled that, "Neither the Board nor the non-profit agencies provided any direct legal assistance to the Defendants in this case... Additionally, the State failed to show the relevance of the information sought to the ability of the local public defender to adequately represent the Defendants in the case."

In 2012, the Calcasieu Public Defenders' Office faced a \$240,000 shortfall, due in large part to insufficient state funding for public defense and decreases in the locally generated revenues (largely traffic ticket revenue) that support the majority of its budget.

Frank Neuner commented, "The public defense function must be free from political attack and outside interference. Fittingly, on the 50<sup>th</sup> anniversary of the decision of the landmark *Gideon* decision that guarantees the right to counsel to poor people, the Court of Appeals appropriately protected the independence of the public defense function so that the criminal justice system can fairly and accurately administer justice for the general welfare of the community."

Undisputedly, best practices dictate that courts have no greater oversight role over lawyers representing indigent defendants than they do for attorneys representing paying clients. The Courts should also have no greater oversight for public defenders than they do over prosecutors. Freeing Louisiana's public defense system from undue political interference was one of the hallmarks of the Public Defender Act of 2007. Monday's ruling reaffirms the importance of a public defense agency that is empowered to protect the constitutional right to counsel on behalf of the State of Louisiana.

LPDB's mandate from the Legislature is to set and maintain performance standards, implement data-driven policies, and be good stewards of public dollars. LPDB takes those mandates seriously and is an example of accountability and transparency for the justice system. The LPDB website provides timely, public access to archived Board meeting minutes, district performance assessments, professional standards, monthly staff reports, the agency strategic plan, and comprehensive programmatic and financial information about each of its district offices and contract programs: [www.lpdb.la.gov](http://www.lpdb.la.gov)

LPDB was represented in this litigation by Lake Charles attorney Rudie Soileau.