

**INDIGENT DEFENSE
IN NORTHEAST LOUISIANA**

A STUDY OF THE PUBLIC DEFENSE SYSTEMS OF THE
3RD, 4TH, 5TH, AND 6TH JUDICIAL DISTRICTS

CONDUCTED BY



SOCIAL SCIENCE RESEARCH LABORATORY

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About the SSRL

Founded in June 1, 2007, the SSRL is the Social Science Research Laboratory (www.ulm.edu/ssrl). Hosted by the University of Louisiana at Monroe, the SSRL is a new research laboratory to encourage economic growth in northeast Louisiana through the support of local businesses.

The SSRL, in partnership with several ULM colleges and departments, has developed a vast base of applications to help ULM students involved in the program gain additional knowledge and experience to compliment their coursework, enabling them to be ready for job placement after they graduate or if they seek employment.

Local businesses, government agencies and non-profit organizations have gained not only ready-made interns, but the strictly disciplined research conducted by the SSRL has provided new opportunities for growth based on the data from our services.

The Co-Directors and Research Fellows have experience in various sectors across the state, nation and in Asia, Europe and South America.

Purpose

The purposes of this study are to present a snapshot of Public Defender operations in the Third, Fourth, Fifth and Sixth Judicial Districts, to chart where possible the changes between the first study of these four Judicial Districts, make recommendations where possible to deliver the greatest possible operating efficiencies and effectiveness within current resource constraints, and frame the debate for increased support.

Authorization

This study was commissioned by the Chief Public Defenders of the Third, Fourth, Fifth, and Sixth Judicial Districts of the State of Louisiana. All of the research was conducted by students of the Social Science Research Laboratory (SSRL) at the University of Louisiana, Monroe (ULM) under the direction of Dr. Kevin A. Unter, Assistant Professor of Political Science and SSRL Research Fellow. Additional guidance was provided by Robert S. Noel, II, a contract public defender with the Fourth Judicial District.

The following students assisted in the data collection, analysis, and publication of this report (listed in alphabetical order): Jessica Decelle, Shawn Gorden, Sean Lenz, Loren McNeil, and Angela Williams.

Structure

This study was first conducted in December, 2004 by students of the Criminal Justice Department at the University of Louisiana, Monroe, under the direction of Instructor Stacy Moak, J.D. The information presented in this report is a continuation of that study, available at the following URL: <http://www.lapda.org/PDF%20Files/ne%20LA%202005.pdf>.

Introduction

Structure

Effective August 15, 2007, the Louisiana State Legislature enacted a new law (R.S. 15:146-184) revising the Louisiana Indigent Defense Assistance Board (LIDAB) and creating the new Louisiana Public Defender Board (LPDB). This new law provides that the LPDB shall have “all regulatory authority, control, supervision, and jurisdiction, including auditing and enforcement, and all power incidental or necessary to such regulatory authority, control, supervision, and jurisdiction over all aspects of the delivery of public defender services throughout the courts of the state of Louisiana” (R.S. 15:147). What was known as “indigent” defense has since become “public” defense. The adage “the name has changed but the game remains the same” certainly applies.

In addition, the new law creates up to eleven “service regions” throughout the state of Louisiana, to be headed by a regional office. To date, these regions have not been established, leaving each public defender board in each judicial district to report directly to the state board.

However, as a result of the new law, each judicial district is headed by a chief public defender with the authority to employ contract attorneys for public defense. Each chief public defender also has supervisory authority over all contract attorneys in his or her judicial district.

Contracting for Public Defense

The number of jurisdictions providing some portion of their public defense through a contract system instead of public defender office began to increase in the 1980s (Bureau of Justice Assistance 2000, 3). At the same time, crime in America dramatically increased due in part to the emerging crack cocaine epidemic, which transformed many inner cities and affected many at the lower end of the economic spectrum (Johnson, Golub and Dunlap 2000, 178). This resulted in an increased number of arrests and increased sentence lengths as law enforcement officials sought ways to deal with the escalating threats.

Simultaneously, the number of defendants in criminal cases requiring court-appointed attorneys soared. As of 2000, it was estimated that between sixty and

ninety percent of all defendants in criminal cases were indigent (Bureau of Justice Assistance 2000, 3). This required a sufficient increase in the number of available public defenders to handle the increased workload. In Louisiana, this figure is estimated to range between eighty and ninety percent (Louisiana Justice Coalition, 2006).

Public defenders in the four judicial districts in Northeast Louisiana all work on a fixed fee basis depending on the type of case being assigned (felony vs. misdemeanor). There is no cap on the number of cases that any attorney will be assigned during the attorney's contract period. Another requirement is that the attorney is expected to accept all appointments that arise in the jurisdiction except those in which there is a conflict of interest. Should any public defender board in any district have to contract with someone not already on their contract list, the newly-contracted attorney will be governed by an hourly rate with a cap on the total compensation to be received. These instances are very rare and usually involve capital cases.

According to the Bureau of Justice Assistance, very few empirical studies have been conducted that examine the quality of representation and cost-effectiveness of such contract systems. Regardless of which system is employed, the ultimate goal is to provide a system whereby effective assistance of counsel is provided to all who require public defense in the state of Louisiana, and to ensure that local public defender boards operate efficiently in such a pursuit.

It should be noted that such an examination is beyond the scope of this study and nothing should be inferred from any statements or recommendations regarding the performance of the public defense boards in the four judicial districts here in Northeast Louisiana. Exact comparisons to the 2004 study will be made where possible; given the changes in record keeping and data storage, however, comparisons from study to study may not be made in all instances.

Funding

Louisiana remains the only state that primarily funds its statewide public defense system through court costs (Louisiana Justice Coalition, 2006). Public defense is funded mainly through \$35 in court costs added to all traffic and misdemeanor convictions in each parish. Also, each arrested person who applies for public defense service must pay a \$40 fee for utilizing the services. There are also a few various other funding sources such as grants, bond forfeitures, and

other revenues that compose the funding for each judicial district. The specific budgets of each judicial district will be discussed in detail further on in this study.

Data Collection

Data from this study comes from the Public Defender Database, utilized by all Judicial Districts throughout the state of Louisiana. This database went online in October 2006; much of the information contained in the system in each of the Judicial Districts begins at that time going forward. Furthermore, there is inconsistency among Judicial Districts as to the amount of information recorded in the database: several Districts back-filled information into the database as open cases were closed while others only entered information as new cases were opened. As such, only data for 2007 is considered to be accurate and any year-to-year comparisons must be done so with care.

Only summary totals by case type were examined. Information not collected in this study includes examining individual cases assigned to individual public defenders and their outcomes, as well as individual case/trial performance by attorney. Also, case dispositions and sentencing by case type and by attorney were not examined due to the numerous legally relevant variables that affect case outcomes (i.e., crime-specific variables, defender characteristics, evidence issues, etc.). Simply, the researchers did not want to present any information that could be subject to multiple interpretations that could be left undefended.

Overview of the 3rd, 4th, 5th and 6th Judicial Districts

Geography

Consistent with the 2003 study, this study reexamined the 10 Northeast Louisiana parishes that compose the four Judicial Districts. The breakdowns of each judicial district by its component parishes, geographic area, and major cities are laid out in the following table:

JUDICIAL DISTRICTS IN NORTHEAST LOUISIANA			
<u>3rd Judicial District</u>	<u>4th Judicial District</u>	<u>5th Judicial District</u>	<u>6th Judicial District</u>
Lincoln Parish 471.4 sq. mi. 41,857 pop. Ruston	Ouachita Parish 610.5 sq. mi. 149,259 pop. Monroe West Monroe	West Carroll Parish 359.4 sq. mi. 11,732 pop. Oak Grove	Madison Parish 624.1 sq. mi. 12,328 pop. Tallulah
Union Parish 877.6 sq. mi. 22,964 pop. Farmerville	Morehouse Parish 794.3 sq. mi. 29,761 pop. Bastrop	Richland Parish 558.5 sq. mi. 20,554 pop. Rayville	E. Carroll Parish 421.4 sq. mi. 8,699 pop. Lake Providence
		Franklin Parish 623.6 sq. mi. 20,455 pop. Winnsboro	Tensas Parish 602.5 sq. mi. 6,138 pop. St. Joseph

Source: U.S. Census Bureau

These ten parishes total nearly 6,000 square miles (5,943.3), comprising 13.6 percent of the state of Louisiana's total area (43,561.8 square miles). This is important because public defenders must represent defendants as needed at each parish district court as well as the city courts of each city listed above. The distances between each city, especially in the 5th and 6th Judicial Districts, require special staffing arrangements to effectively and efficiently handle the public defender needs in each location.

Demographic Breakdowns

Just as the geographic area is important, so too are the demographic characteristics, which dictate potential caseloads based on economic status.

DEMOGRAPHIC CHARACTERISTICS JUDICIAL DISTRICTS OF NORTHEAST LOUISIANA									
Parish	2006 Population	Density ¹	% White	Race % Black	% Other	% Male	% Female	Income Per Capita ²	% Below Poverty Line
3 rd Judicial District									
Lincoln	41,857	88.1	58.0	39.9	2.1	48.9	51.1	\$14,313	22.6
Union	22,964	26.2	72.2	27.0	0.8	49.0	51.0	\$14,819	18.7
4 th Judicial District									
Ouachita	149,259	244.5	63.5	34.8	1.7	47.6	52.4	\$17,084	21.2
Morehouse	29,761	37.5	54.8	44.6	0.6	48.0	52.0	\$13,197	25.0
5 th Judicial District									
West Carroll	11,732	32.6	80.8	18.7	0.5	50.9	49.1	\$12,302	22.7
Richland	20,554	36.8	62.1	37.5	0.4	47.0	53.0	\$12,479	24.7
Franklin	20,455	32.8	67.9	31.3	0.8	47.8	52.2	\$12,675	24.8
6 th Judicial District									
Madison	12,328	19.8	37.4	61.5	1.1	49.5	50.5	\$10,114	30.6
East Carroll	8,699	20.6	31.1	68.2	0.7	51.2	48.8	\$9,629	36.0
Tensas	6,138	10.2	42.8	56.7	0.5	49.9	50.1	\$12,622	31.3
State									
Louisiana	4,287,768	98.4	64.1	33.1	2.8	48.6	51.4	\$16,912	19.2

Source: U.S. Census Bureau

¹Density is measured as Persons per Square Mile

²Income per Capita is a 1999 figure, the latest collected by the U.S. Census Bureau

As shown above, when compared to the state as a whole, the ten parishes of Northeast Louisiana are sparsely populated (with the exceptions of Ouachita and Lincoln parishes – home to three major state universities), well below the average per capita income (again, with the exception of Ouachita parish), and contain more people below the average poverty level.

Determining Indigency

Indigency is determined according to the guidelines laid out in Louisiana Revised Statute 15:147. There is no pre-set guideline; rather, according to §147A(1)(b),

A person will be deemed “indigent” who is unable, without substantial financial hardship to himself for to his dependents, to obtain competent, qualified legal representation on his own. “Substantial financial hardship” is presumptively determined to include all defendants who receive public assistance, such as Food Stamps, Temporary Assistance for Needy Families, Medicaid, Disability Insurance, resides in public housing, or earns less than two hundred percent of the Federal Poverty Guidelines. A defendant is presumed to have a substantial financial hardship if he or she is currently serving a sentence in a correctional institution or is housed in a mental health facility.”

Client Contacts

Examining the operations between public defenders and their clients post-arrest was beyond the scope of study here. However, anecdotal evidence obtained through confidential interviews suggests that every effort is taken by public defenders in each Judicial District to contact arrested persons as soon as possible after the arrest, whether via district investigator or via the attorneys themselves.

In addition, the procedures differ across District as the 4th and 6th Judicial Districts have centralized public defender offices whereby indigent defendants can go to apply for services or meet with their respective attorneys if necessary. All contract attorneys in each of the four Judicial Districts maintain their own offices for the purposes of meeting clients and to avoid any real or perceived conflict of interest between defendants.

Crime

Total crime statistics are not reported here as this was outside the scope of this study. However, total crime statistics (FBI Uniform Crime Report Part I and Part II crimes) for each parish and city should be collected and reported, including arrests by crime type and age, to accurately portray the state of the criminal justice system in each Judicial District.

The 3rd Judicial District

Operating Structure

There are seven attorneys under contract in the 3rd Judicial District, with three of them handling the primary bulk of the work. (Still awaiting further breakdown of this information)

Operating Budget

As stated in the introduction, the primary sources of revenue for each Judicial District are the court costs and fees imposed on traffic offenses and criminal convictions. The primary expenditures for each Judicial District are the contract fees for the public defenders. The year-end 2006 budget for the 3rd Judicial District shows this breakdown (the latest year available as 2007 figures have not yet been compiled).

3 RD JUDICIAL DISTRICT 2006 OPERATING BUDGET	
<u>Revenues</u>	
Court costs – fines	\$344,695
Investment earnings	\$3,966
Miscellaneous	\$650
Total Revenue	\$349,310
<u>Expenditures</u>	
Public defender fees/expenses	\$250,627
Operating expenses	\$70,000
Total Expenditures	\$320,627
Surplus/(Deficit)	\$28,683

As seen in the above table, the average attorney contract is worth a little over \$35,000. Operating expenses for the Judicial District as a whole amount to \$10,000 per attorney.

Cases Assigned

Unfortunately, due to data collection issues in the 2004 study, no direct comparison can be made here about the operations of the 3rd Judicial District relating to cases received, assigned and closed. The only information contained in the 2004 report relating to the 3rd Judicial District concerns felony matters in 2003. This data is captured in the tables that follow.

As seen in the table below, more cases were assigned in 2007 than in 2006, indicating an increased workload of 19.2%.

3 RD JUDICIAL DISTRICT CASES RECEIVED BY CASE TYPE, 2003 – 2007			
<u>Case Type</u>	<u>2003</u>	<u>2006</u>	<u>2007</u>
Capital	*	*	*
Child Support Contempt	*	*	2
Child Support Decrease	*	*	*
Child Support Increase	*	*	*
CINC – Child	*	7	50
CINC – Parent	*	*	*
Delinquency	*	67	414
Extradition	*	*	*
Felony	231	596	504
FINS	*	23	99
Fix Child Support	*	*	*

3RD JUDICIAL DISTRICT
 CASES ASSIGNED BY CASE TYPE, 2003 – 2007
 CONTINUED

<u>Case Type</u>	<u>2003</u>	<u>2006</u>	<u>2007</u>
Misdemeanor	*	555	490
Other	*	1	11
Parish/Municipal	*	*	*
PCR	*	*	*
Revocation	*	208	160
Termination	*	*	*
Traffic	*	*	2
Unknown	*	10	16
Totals	231	1,467	1,748

As seen, felonies and misdemeanors during this two-year period accounted for two-thirds of the total cases assigned. Comparing the number of felony cases in 2003 to 2007 reveals a 118% increase in the number of felony defendants requiring public defense in the 3rd Judicial District. However, there has been a noticeable decrease in both felonies and misdemeanors from 2006 to 2007.

Interestingly, the above data show an increased need in juvenile and family related cases. The table below breaks these cases out for ease in examination.

3RD JUDICIAL DISTRICT
 CASES ASSIGNED BY CASE TYPE, 2006 – 2007
 JUVENILE/FAMILY CASES

<u>Case Type</u>	<u>2006</u>	<u>2007</u>
Child Support Contempt	*	2
Child In Need of Care (CINC) – Child	7	50
Delinquency	67	414
Family in Need of Services (FINS)	23	99
Totals	97	565

As seen above, these cases increased by 482% in 2007 compared to 2006. These cases require specific expertise and additional resources beyond traditional criminal defense skills and services.

Cases Received

The number of cases received for each attorney differs from the number of cases assigned as cases received represent open cases. Examining the number of received cases by attorney represents a truer picture of workload; simply examining cases assigned does not account for those cases where the District Attorney refuses to prosecute after the individual has been arrested and assigned a public defender.

3RD JUDICIAL DISTRICT
 CASES RECEIVED BY CASE TYPE, 2006

	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Tot</u>
CINC-Child	9	5	1	1	1	6	1			4			28
Delinquency	9	36	26	35	31	36	14	19	18	20	25	41	310
Felony	46	43	45	43	55	42	64	48	46	43	52	53	580

3RD JUDICIAL DISTRICT
 CASES RECEIVED BY CASE TYPE, 2006
 CONTINUED

	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Tot</u>
FINS	6	10	3	4	8	6	3	3	7	12	5	9	76
Misdemeanor	55	54	66	33	37	51	46	40	43	47	61	46	579
Other/Unknown	2	1	2		2		2		2	1	1	3	16
Revocation	15	19	14	18	25	17	10	11	23	23	18	24	217
Total	142	168	157	134	159	158	140	121	139	150	162	176	1,806

The totals for 2007, below, indicate a slightly decreased workload, however, the decreasing numbers at the end of 2007 may be due to a lag between receiving the case and data entry into the database.

3RD JUDICIAL DISTRICT
 CASES RECEIVED BY CASE TYPE, 2007

	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Tot</u>
CINC-Child	2	5	1	5	3	2	5				6	1	30
Delinquency	5	18	27	12	21	14	16	11	3	18	21	7	173
Felony	50	55	53	38	47	38	48	53	29	45	24	7	487
FINS	7	5	4	8	7	4	4	2	1		2		44
Misdemeanor	19	50	26	33	52	36	50	47	67	28	20	23	451
Other/Unknown	11	3	10	1	3					1	5		34
Revocation	7	10	7	18	13	23	22	7	27	9	7	2	152
Total	101	146	121	115	146	117	145	120	127	101	85	40	1,364

Workload

A concern emerges regarding individual attorney workload when caseloads are reexamined by attorney. In 1995, the Louisiana Indigent Defense Board established guidelines for the maximum caseloads at any time for any individual attorney – 200 felony cases, 450 misdemeanor cases, 250 juvenile cases, and 50

appellate cases (Bureau of Justice Assistance, 2001). For felony cases, this is a slight increase from the maximum of 175 established by the 1973 National Advisory Commission on Criminal Justice Standards. It should be noted that these are “either/or” limits – an attorney should have no more than 200 felony cases if assigned to handle felonies; an attorney should have no more than 450 misdemeanor cases if assigned to handle misdemeanors, etc.

As the 3rd Judicial District does not assign cases by type to specific attorneys, individual caseloads by crime type (felony versus misdemeanor) cannot be examined in that manner. However, by examining total cases received by attorney per month in 2006 and 2007 some conclusions can be reached.

This information is presented in two formats where possible: the first uses cases assigned to comport with data presented in the 2004 report (if available); the second (or the first if comparable 2004 data is unavailable) uses cases received by attorney, by month. It is important to note that these figures do *not* represent the number of cases for each attorney that are currently open or open as of any specified date. This total was not used due to the simple fact that cases can close at any time for any of multiple legal reasons rendering any presented data possibly inaccurate.

3 RD JUDICIAL DISTRICT CASES RECEIVED BY ATTORNEY, 2006													
	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Tot</u>
Candler, R.	2	13	5	2	7	13	7	3	6	3	5	1	67
Cusimano, J.	2			1		1	3	4	4		3	4	22
Earle, R.	42	47	46	27	35	59	44	55	45	46	48	35	529
Jones, L.	69	72	73	52	63	50	65	41	49	56	57	75	722
Jones, G.	3	1	10	11	23		3	5	12	17	16	16	117
McCallum, D.	23	35	19	40	31	35	18	12	19	23	30	35	320
Moegle, F.	1		4	1				1	4	5	3	10	29
Total	142	168	157	134	159	158	140	121	139	150	162	176	1,806

As stated earlier, the totals for 2007, below, especially those for those months towards the end of the year have not yet been tallied and this may be due to a lag between receiving the case and data entry into the database.

3 RD JUDICIAL DISTRICT CASES RECEIVED BY ATTORNEY, 2007													
	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Tot</u>
Candler, R.	7	5	3	5	4	1		2	2	2	1		32
Cusimano, J.	1	2				1		2	1	2	2		11
Earle, R.	38	40	47	24	64	55	54	59	53	47	34	33	548
Jones, L.	42	63	29	36	34	21	28	27	29	23	8		340
Jones, G.	7	10	12	16	13	18	29	2	4	6	10		127
McCallum, D.	4	16	20	22	19	6	17	9		9	25	7	154
Moegle, F.	2	10	10	12	12	15	17	19	38	12	5		152
Total	101	146	121	115	146	117	145	120	127	101	85	40	1,364

Cases Closed

As expected, the number of cases closed in 2007 is lower than 2006 as some of the cases assigned in 2007 are expected to still be open, especially those assigned near the end of the year. However, what is of concern is the number of 2006 cases assigned that remain open, as shown in the table below.

3 RD JUDICIAL DISTRICT CASES CLOSED BY CASE TYPE, 2006 – 2007		
<u>Case Type</u>	<u>2006</u>	<u>2007</u>
Capital	*	*
Child Support Contempt	*	*
Child Support Decrease	*	*

3RD JUDICIAL DISTRICT
 CASES CLOSED BY CASE TYPE, 2006 – 2007
 CONTINUED

<u>Case Type</u>	<u>2006</u>	<u>2007</u>
Child Support Increase	*	*
CINC – Child	12	23
CINC – Parent	*	*
Delinquency	121	130
Extradition	*	*
Felony	246	241
FINS	28	19
Fix Child Support	*	*
Misdemeanor	300	222
Other	1	5
Parish/Municipal	*	*
PCR	*	*
Revocation	71	56
Termination	*	*
Traffic	*	1
Unknown	2	10
Totals	781	707

As seen in the above tables, and when compared to the cases assigned in each year, just under half of all felonies and misdemeanors have been closed.

However, when the juvenile and family cases are examined, the percentages of closed cases are much smaller.

3 RD JUDICIAL DISTRICT		
PERCENTAGE OF CASES CLOSED BY CASE TYPE, 2003 – 2007		
<u>Case Type</u>	<u>2006</u>	<u>2007</u>
CINC – Child	171%	46%
Delinquency	181%	31%
FINS	122%	31%
Revocation	34%	35%
Felony	41%	48%
Misdemeanor	54%	45%

The percentages larger than 100% in 2006 suggest that more open cases from previous years were closed in 2006. It is also unknown how many open cases from 2006 were closed in 2007; subsequent analysis of future years will probably show the same trend.

4th Judicial District

Operating Structure

The 4th Judicial District employs 30 attorneys via the contract system discussed earlier. Fifteen of these attorneys are assigned to handle felony cases under the direction of a felony division supervisor. Five attorneys are assigned to handle misdemeanor cases under the direction of a misdemeanor division supervisor. All public defenders in the 4th Judicial District average at least 18 years of legal experience; the 15 attorneys who handle felony cases average over 20 years of legal experience. In addition, training meetings are held on a regular basis – at least two hours per session, once a month.

The 4th Judicial District is one of two Judicial Districts under study here that employs a full-time clerical staff. The staff is housed at a centralized headquarters in Ouachita Parish near the Ouachita Parish District Court. All defendants who are not currently incarcerated and wish to be declared indigent are required to go to the headquarters and apply for indigency status there. If determined to be indigent, defendants are assigned counsel and meet with their attorneys at their attorneys' respective office.

In addition to handling cases in Ouachita District Court and Morehouse District Court, public defenders in the 4th Judicial District also handle cases in Monroe City Court and West Monroe City Court. Also, 10 attorneys from the 4th Judicial District handle all juvenile cases in the 4th, 5th and 37th Judicial Districts. This helps to explain the high caseloads, even though the data here is not specifically broken down by adult/juvenile.

Training

The 4th Judicial District is unique among the four under study here as it is the only Judicial District that has a formalized on-going training program for public defenders who handle felony cases. This training occurs monthly and is open to all public defenders from other Judicial Districts. The 4th Judicial District is also working to prepare a training manual that can be easily distributed, as well as expanding the training program to include public defenders who handle misdemeanor cases and one for those how handle juvenile cases. These subsequent training courses will also be open to all public defenders from other judicial districts.

Operating Budget

Both expenditures and revenues for the 4th Judicial District have increased over the years under study. Because the data collected in the previous study is in a different format than the data collected for the last two years, the individual line items are not directly comparable; instead, focus should be placed on the total revenues and expenditures when making comparisons. In addition, the 2003 and 2004 totals represent 11 month totals (January through November); the 2006 figures are full-year totals.

4 TH JUDICIAL DISTRICT OPERATING BUDGET, 2003-2006			
	<u>2003</u>	<u>2004</u>	<u>2006</u>
Beginning Fund Balance	\$136,456	\$135,185	\$665,248
Revenues			
Court costs – fines	\$830,415	\$900,966	\$1,448,273
Bond forfeitures	\$93,549	\$74,958	\$56,697
Intergovernmental revenues (Direct Assistance Fund)	\$129,940	\$105,805	\$145,158
Other revenue	\$39,107	\$100,895	\$20,326
Total revenues	\$1,229,467	\$1,317,809	\$2,335,702
Expenditures			
Personal services ¹	\$35,883	\$44,139	\$230,219
Operating services ²	\$989,844	\$1,055,356	\$1,204,253
Materials and supplies	\$6,266	\$11,055	\$18,537
Travel	\$2,592	\$2,940	\$4,568
Other	\$30,671	\$42,002	
Depreciation expense (Program revenues)			\$7,733 (\$54,958)
Total expenses	\$1,065,256	\$1,155,492	\$1,410,352
Ending Fund Balance	\$164,211	\$162,317	\$925,350

¹Includes expenses for experts, testing, and court reporters.

²Expenses associated with salaries and payroll taxes

As seen above, and as would be expected, the costs associated with running the expanding 4th Judicial District have been increasing. Revenue too has been increasing due to the increases in fines recouped in Ouachita and Morehouse Parishes.

Cases Assigned

As explained earlier, the data collected for this study is not directly comparable to the data displayed in the earlier report. Where possible, the data for the prior years are included.

4 RD JUDICIAL DISTRICT CASES ASSIGNED BY CASE TYPE, 2003 – 2007				
<u>Case Type</u>	<u>2003</u>	<u>2004</u>	<u>2006</u>	<u>2007</u>
Capital	1	4	6	3
Child Support Contempt	*	*	4	72
Child Support Decrease	*	*	*	*
Child Support Increase	*	*	*	*
CINC – Child	*	*	252	709
CINC – Parent	*	*	1	35
Delinquency	*	*	489	801
Extradition	*	*	*	4
Felony	1,745	2,030	3,233	2,922
FINS	*	*	64	151
Fix Child Support	*	*	64	122
Juvenile ¹	497	516	*	*

4RD JUDICIAL DISTRICT
 CASES ASSIGNED BY CASE TYPE, 2003 – 2007
 CONTINUED

<u>Case Type</u>	<u>2003</u>	<u>2004</u>	<u>2006</u>	<u>2007</u>
Misdemeanor	1,495	2,404	2,922	3,242
Non-Support ¹	60	46	*	*
Other	*	*	15	5
Parish/Municipal	*	*	*	1
PCR	*	*	1	*
Revocation	*	*	7	13
Termination	*	*	3	1
Traffic	*	*	40	159
Unknown	*	*	21	19
Totals	3,798	5,000	7,122	8,259

¹These two categories are from the 2004 study and are not directly compatible to the information contained in the current Public Defender Database.

As seen above, the total number of cases assigned in 2007 has more than doubled since 2003. Felony cases assigned in 2007 were 44% higher than in 2003, and misdemeanors have doubled in the same period, increasing 117%. Total cases assigned have increased the same in the same time span – 117%.

The 4th Judicial District is also facing a similar increase in juvenile and family cases that is being experienced by the 3rd Judicial District.

4TH JUDICIAL DISTRICT
 CASES ASSIGNED BY CASE TYPE, 2003 – 2007
 JUVENILE/FAMILY CASES

<u>Case Type</u>	<u>2003</u>	<u>2004</u>	<u>2006</u>	<u>2007</u>
Juvenile/Non-Support	557	562	*	*
Child Support Contempt			4	72
Child In Need of Care (CINC) – Child			252	709
Child In Need of Care (CINC) – Parent			1	35
Delinquency			489	801
Family in Need of Services (FINS)			64	151
Fix Child Support			64	122
Totals	557	562	874	1,890

As seen, the number of juvenile and family cases in the 4th Judicial District has increased 236% or nearly three times that of just three years ago.

Cases Received

The number of cases received for each attorney differs from the number of cases assigned as cases received represent open cases. Examining the number of received cases by attorney represents a truer picture of workload; simply examining cases assigned does not account for those cases where the District Attorney refuses to prosecute after the individual has been arrested and assigned a public defender.

4TH JUDICIAL DISTRICT
CASES RECEIVED BY CASE TYPE, 2006

	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Tot</u>
Capital	1		2										3
CS Contempt												4	4
CINC-Child	27	13	31	37	40	25	16	66	48	34	32	18	387
Delinquency	23	68	79	32	39	36	44	45	37	51	49	56	559
Felony	300	511	288	267	261	223	248	253	203	241	264	200	3,259
FINS	17	14		12	3	1		9	5		3	8	72
Fix Child Support	4	3	7	11	6	8	7	5	2	8	2	6	69
Misdemeanor	418	301	312	324	287	256	245	263	205	169	194	205	3,179
Other/Unknown	2	3	13	14	4	1	1	3		1	4	4	50
Revocation	1	1	1	1	1	1	2				2	1	11
Traffic	3	3	4	2	6	8	9	7	1	4	2	2	51
Total	796	917	737	700	647	559	572	651	501	508	552	504	7,644

The totals for 2007, below, indicate a slightly decreased workload, however, the decreasing numbers at the end of 2007 may be due to a lag between receiving the case and data entry into the database.

4TH JUDICIAL DISTRICT
CASES RECEIVED BY CASE TYPE, 2007

	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Tot</u>
Capital						1		1		1			3
CS Contempt	3	6	6	3	7	6	5	7	10	11	4	3	71
CINC-Child	10	37	60	57	87	41	43	58	53	45	18	14	523
CINC-Parent		1	2	1				3		1	15	17	40
Delinquency	48	61	69	79	82	52	77	40	60	76	51	49	744
Felony	213	215	211	223	234	260	261	226	196	214	239	180	2,672
FINS	5	9	13	20	25	15	4		10	12	9	23	145
Fix Child Support	7	7	7	7	6	13	23	13	9	11	12	8	123
Misdemeanor	218	267	258	266	214	231	261	244	209	216	211	186	2,781

4TH JUDICIAL DISTRICT
 CASES RECEIVED BY CASE TYPE, 2007
 CONTINUED

	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Tot</u>
Other/Unknown	1	2	2	2		1		3		1	2	3	17
Revocation	2	1	2	1		3		1					10
Traffic	10	5	19	8	9	7	17	12	18	11	10	28	154
Total	517	611	649	667	664	630	691	608	565	599	571	511	7,283

Workload

When case assignment loads are reexamined by attorney by crime type (felony and misdemeanor), a concern emerges regarding individual attorney workload. In 1995, the Louisiana Indigent Defense Board established guidelines for the maximum caseloads at any time for any individual attorney – 200 felony cases, 450 misdemeanor cases, 250 juvenile cases, and 50 appellate cases (Bureau of Justice Assistance, 2001). For felony cases, this is a slight increase from the maximum of 175 established by the 1973 National Advisory Commission on Criminal Justice Standards. It should be noted that these are “either/or” limits – an attorney should have no more than 200 felony cases if assigned to handle felonies; an attorney should have no more than 450 misdemeanor cases if assigned to handle misdemeanors, etc.

This information is presented in two formats where possible: the first uses cases assigned to comport with data presented in the 2004 report (if available); the second (or the first if comparable 2004 data is unavailable) uses cases received by attorney, by month. It is important to note that these figures do *not* represent the number of cases for each attorney that are currently open or open as of any specified date. This total was not used due to the simple fact that cases can close at any time for any of multiple legal reasons rendering any presented data possibly inaccurate.

Cases Assigned, Annually

As seen below, several attorneys in the 4th Judicial District drastically exceed these limits set forth by these two governing bodies. Asterisks in the table indicate that the attorney was not assigned any cases in that year. Attorneys

with dates in parentheses indicate those individuals who were hired mid year and thus the caseload is only reflective of that time period between their hire and the end of the year.

4 TH JUDICIAL DISTRICT FELONY CASES ASSIGNED BY ATTORNEY 2003-2007				
<u>Attorney</u>	<u>2003</u>	<u>2004</u>	<u>2006</u>	<u>2007</u>
Aplin, J. (12/06)	*	*	121	163
Britton, G.	131	206	334	225
Brown, E.	*	*	206	159
Charles, R.	198	144	138	191
Cooper, C.	114	101	168	166
Courteau, M. ¹	182	205	235	38
Johnson, R.	194	258	271	217
Kincade, C.	179	195	180	194
Lewis, J. (10/07)	*	*	*	71
Noel, B. ²	258	233	197	223
Nolen, J.	118	182	222	245
Perkins, L. ³	231	197	237	135
Racer, B.	*	*	3	28
Scott, L. ⁴	8	11	5	3
Sullivan, P.	125	253	234	224
Trahan, K. (2/07)	*	*	*	213
Walker, D.	*	*	409	249
All Others	7	3	250	150
Total Felony Cases	1,745	2,030	3,233	2,922

¹Appointed Chief Public Defender, August 2007

²Felony Section Chief

³Bad Check Section Chief

⁴Death Penalty Mitigation

As seen above, nearly all public defenders assigned to handle felony cases in the 4th Judicial District are near or exceed the 200 case assignment limit suggested. Also, the number of felony cases requiring public defense has increased 67% during this period. Although there has been a corresponding increase in the number of attorneys assigned to felony cases, many of the individual caseloads are above the thresholds stated by the national and state studies. A similar pattern exists for misdemeanor cases assigned in the 4th Judicial District, as shown in the table below.

4 TH JUDICIAL DISTRICT MISDEMEANOR CASES ASSIGNED BY ATTORNEY 2003-2007				
<u>Attorney</u>	<u>2003</u>	<u>2004</u>	<u>2006</u>	<u>2007</u>
Caldwell, W.	128	42	222	183
DeCelle, M.	*	*	856	513
Diaz, S.	*	*	189	329
Hunter, D. (12/06)	*	*	225	415
Knight, R.	*	*	74	180
Legran ¹	170	*	*	*
Lexing, C.	*	758	671	292
McElroy, S.	100	155	158	237
Oliveaux, D. (5/07)	*	*	*	661
Racer, B. ²	908	761	178	115
Trahan, K. ²	*	636	90	18
Other Attorneys	189	52	259	299
Total Misdemeanor Cases	1,495	2,404	2,922	3,242

¹This attorney could not be identified beyond this listing in the 2004 report.

²Later reassigned to work felony cases – see the previous table.

As seen above, the number of misdemeanor cases has more than doubled in five years, as has the number of attorneys assigned to handle felony cases (two attorneys have been reassigned to work felony cases). However, even with nine attorneys, the average caseload is 360 cases, nearly approximating the 400 maximum.

Cases Received, Annually

4 TH JUDICIAL DISTRICT FELONY CASES RECEIVED BY ATTORNEY, 2006													
	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Tot</u>
Aplin, J.	4	4	9	6	6	11	14	21	19	16	10	3	123
Britton, G.	36	29	36	21	35	28	33	19	21	15	17	18	308
Brown, E.	1	17	12	36	5	17	20	32	28	35	24	1	228
Charles, R.	34	18	8	13	19	9	10	6	9	12	21	14	173
Cooper, C.	31	16	9	15	10	6	9	17	12	16	31	21	193
Courteau, M. ¹	32	32	16	18	26	23	20	27	12	16	18	26	266
Johnson, R.	26	31	28	30	24	14	18	17	8	24	19	17	256
Kincade, C.	16	16	26	20	21	14	21	16	15	12	11	24	212
Noel, B. ²	24	26	23	21	16	16	18	11	11	15	26	13	220
Nolen, J.	7	67	14	18	12	22	15	7	7	13	30	15	227
Perkins, L. ³	23	33	33	17	17	23	15	19	12	14	9	16	231
Racer, B.	28	10	27	7	18	19	16	13	6	13	27	21	205
Scott, L. ⁴	1		1	1	1	1	1		1			1	8
Sullivan, P.	33	31	25	25	24	15	27	18	14	15	22	15	264
Walker, D.	23	170	21	26	37	19	21	31	23	23	25	20	439
Total	319	500	288	274	271	237	258	254	198	239	290	225	3,353

¹Appointed Chief Public Defender, August 2007

²Felony Section Chief

³Bad Check Section Chief

⁴Death Penalty Mitigation

As seen based on the annual totals, several attorneys exceed the 200-case limit for felony trials. While some of the above cases may have closed during the course

of the year, care should be exercised when assigning felony cases to public defenders with already existing high workloads. Given that there is a finite number of public defenders, this may not be possible, and the above table suggests that it is indeed the practice.

4 TH JUDICIAL DISTRICT													
FELONY CASES RECEIVED BY ATTORNEY, 2007													
	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Tot</u>
Aplin, J.	1	1	1			19	33	22	28	20	11	14	150
Britton, G.	17	17	27	22	20	19	14	23	9	14	23	15	220
Brown, E.	1	1	1		5	32	27	24	24	17	22	9	163
Charles, R.	21	37	12	18	13	27	21	22	25	16	11	25	248
Cooper, C.	17	17	8	30	14	15	27	11	14	17	21	15	206
Courteau, M. ¹	2	2		1		3	3	1					12
Johnson, R.	28	22	16	21	33	14	25	15	22	10	1	6	213
Kincade, C.	14	10	21	16	23	10	12	18	10	13	20	9	176
Lewis, J. (10/07)	1				1	1		5	3	22	29	17	79
Noel, B. ²	18	15	21	23	25	31	16	17	10	13	13	8	210
Nolen, J.	33	21	30	22	16	31	18	16	6	15	18	9	235
Perkins, L. ³	21	9	12	9	8	12	11	5	8	6	8	3	112
Racer, B.	22	16	35	16	7	7	7	7	7	5	9	13	151
Scott, L. ⁴								1	1		1		3
Sullivan, P.	13	24	20	18	28	16	28	8	10	14	14	17	210
Trahan, K. (2/07)	14	30	18	22	27	21	20	15	15	16	19	16	233
Walker, D.	21	15	30	31	27	13	14	22	9	17	17	14	230
Total													

¹Appointed Chief Public Defender, August 2007

²Felony Section Chief

³Bad Check Section Chief

⁴Death Penalty Mitigation

The totals for 2007 suggest that the addition of two public defenders to handle felony trials has decreased the individual workload across the felony division. However, it is important to note that several attorneys still exceed the 200-limit felony caseload, and still others are in danger of exceeding it.

4TH JUDICIAL DISTRICT
MISDEMEANOR CASES RECEIVED BY ATTORNEY, 2006

	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Tot</u>
Caldwell, W.	38	23	58	42	25	25	17	35	19	12	6	25	325
DeCelle, M.	156	132	102	102	80	59	63	68	51	43	49	34	939
Diaz, S.	34	12	13	5	26	20	24	15	11	16	17	22	215
Hunter, D. (12/06)	7	8	7	8	8	22	16	26	34	41	27	35	239
Knight, R.	12	7	6	5	5	7	9	4	10	8	7	6	86
Lexing, C. ²													
McElroy, S.	28	26	19	29	17	17	17	19	16	23	19	12	241
Racer, B. ¹	27	10	27	7	18	19	16	13	6	13	27	21	205
Trahan, K. ¹	12	3	15	7	12	16	20	2	7	6	3	6	109
Total	314	221	247	205	191	185	182	182	154	162	155	161	2,359

¹Later reassigned to work felony cases – see the previous table.

²For some unknown reason, when the data was retrieved from the public defender database in this manner, Attorney Carol Lexing did not appear in this list.

4TH JUDICIAL DISTRICT
MISDEMEANOR CASES RECEIVED BY ATTORNEY, 2007

	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Tot</u>
Caldwell, W.	16	37	41	17	16	38	49	32	27	34	24	23	354
DeCelle, M.	45	35	43	38	41	52	43	55	58	58	68	60	596
Diaz, S.	28	31	31	18	22	34	20	38	33	38	47	41	381
Hunter, D. (12/06)	26	37	29	34	29	26	38	23	16	10	18	30	316
Knight, R.	11	8	13	17	7	20	26	19	18	17	15	5	176
Lexing, C. ²													
McElroy, S.	20	28	22	74	28	13	53	28	28	32	18	11	355
Oliveaux, D. (5/07)	13	20	20	33	37	34	26	43	30	41	35	38	370
Racer, B. ¹	22	16	35	16	7	7	7	7	7	5	9	13	151
Trahan, K. ¹	14	30	18	22	27	21	20	15	15	16	19	16	233
Total	195	242	252	269	214	245	282	260	232	251	253	237	2,932

¹Later reassigned to work felony cases – see the previous table.

²For some unknown reason, when the data was retrieved from the public defender database in this manner, Attorney Carol Lexing did not appear in this list.

Comparisons of the two tables above reveal a more balanced caseload among all public defenders who handle misdemeanor cases, but there has been a significant increase in the total number of cases received. Again, while some cases may have closed during this period, reducing workload at various times during the year, the total numbers of cases handled by each public defender indicate that most attorneys are nearing the 400-case limit for misdemeanor cases.

Cases Closed

As with the 3rd Judicial District, cases opened in 2006 remain open in 2007.

4 TH JUDICIAL DISTRICT CASES CLOSED BY CASE TYPE, 2006 – 2007		
<u>Case Type</u>	<u>2006</u>	<u>2007</u>
Capital	8	5
Child Support Contempt	*	60
Child Support Decrease	*	*
Child Support Increase	*	*
CINC – Child	93	168
CINC – Parent	1	*
Delinquency	344	537
Felony	2,214	2,069
FINS	17	43
Fix Child Support	62	76
Misdemeanor	1,945	2,169
Other	6	1
PCR	2	*

4TH JUDICIAL DISTRICT
 CASES CLOSED BY CASE TYPE, 2006 – 2007
 CONTINUED

<u>Case Type</u>	<u>2006</u>	<u>2007</u>
Revocation	5	8
Termination	1	*
Traffic	39	52
Unknown	15	9
Totals	4,752	5,197

Note: Extradition cases and Parish/Municipal cases were excluded for space reasons.

Compared the 3rd Judicial District, the 4th Judicial District has had better success in closing its felony and misdemeanor cases quicker. This may be a function of having more attorneys assigned to deal with these types of cases. Conversely, the percentage of cases closed for the juvenile and family cases are both lower and higher than the 3rd Judicial District depending on the category. As such, no conclusion can be reached about the operations of the 4th Judicial District compared to the 3rd Judicial District in this area.

4TH JUDICIAL DISTRICT
 PERCENTAGE OF CASES CLOSED BY CASE TYPE, 2003 – 2007

<u>Case Type</u>	<u>2006</u>	<u>2007</u>
CINC – Child	37%	24%
Delinquency	70%	67%
FINS	27%	28%
Revocation	71%	62%

4TH JUDICIAL DISTRICT
PERCENTAGE OF CASES CLOSED BY CASE TYPE, 2003 – 2007
CONTINUED

<u>Case Type</u>	<u>2006</u>	<u>2007</u>
Felony	68%	71%
Misdemeanor	67%	67%

5th Judicial District

East from the City of Monroe and Ouachita Parish is the 5th Judicial District, composed of West Carroll, Richland, and Franklin Parishes. These parishes are primarily rural compared to the 3rd and the 4th and contain significantly less population. Given such law population totals, the expected burden on the criminal justice system is not nearly as high.

Operating Structure

The 5th Judicial District employs four attorneys, three of whom have over 20 years of experience as public defenders. The fourth attorney is new to public defense. The District has one investigator who works part-time.

Each attorney handles an equal share of the cases throughout the District; one attorney handles all cases in Winnsboro City Court, and another attorney handles half of the caseload assigned in Richland Parish which accounts for a total of one-fourth of the District load (to ensure equality).

Each attorney works out of his/her individual office. The low caseload and the breadth of the Judicial District make a central office unnecessary.

Operating Budget

The operating budget for the 5th Judicial District is presented below. As is expected, the low number of cases results in an overall budget level beneath those of the 4th and 5th Judicial Districts. The 2007 figures included in the table are not official as the financial audit for that year has not yet been completed; they are included for comparison purposes.

5 TH JUDICIAL DISTRICT OPERATING BUDGET, 2006-2007		
	<u>2006</u>	<u>2007</u>
Beginning Fund Balance	\$85,495	Unk.
Revenues		
Court costs – fines	\$138,051	\$113,010
Bond forfeitures		\$9,468
Intergovernmental revenues (Direct Assistance Fund)	\$54,806	\$175,408
Interest revenue	\$454	\$4,131
Total revenues	\$193,311	\$326,015
Expenditures		
Attorney fees	\$165,496	\$182,636
Other professional fees ¹	\$10,300	\$31,100
Materials and supplies	\$5,150	\$6,561
Travel	\$915	\$1,051
Total expenses	\$181,861	\$221,348
Ending Fund Balance	\$96,945	\$104,667

¹Includes experts' fees and investigators' salaries

Cases Assigned

Data obtained in the 2004 study cannot be compared to the data collected for this study, other than to restate that a total of 529 felony cases were assigned. Similarly, the Public Defender database for the 5th Judicial District, while containing information for the entire 2006 calendar year, is not thorough given that the database did not go "live" until October 2006. The information presented here, then, is more of a snapshot of a single year, and any generalizations are limited to 2007.

5TH JUDICIAL DISTRICT
 CASES ASSIGNED BY CASE TYPE, 2003 – 2007

<u>Case Type</u>	<u>2003</u>	<u>2006</u>	<u>2007</u>
Capital	*	*	*
Child Support Contempt	*	*	*
Child Support Decrease	*	*	*
Child Support Increase	*	*	*
CINC – Child	*	17	79
CINC – Parent	*	*	*
Delinquency	*	42	20
Extradition	*	*	*
Felony	529	391	796
FINS	*	1	1
Fix Child Support	*	*	*
Misdemeanor	*	239	674
Other	*	1	*
Parish/Municipal	*	*	13
PCR	*	2	*
Revocation	*	*	1
Termination	*	*	*
Traffic	*	6	21
Unknown	*	9	3
Totals	529	708	1,608

Again, due to the incompleteness of the data for 2006, no comparisons to 2007 can be made.

Cases Received

The number of cases received for each attorney differs from the number of cases assigned as cases received represent open cases. Examining the number of received cases by attorney represents a truer picture of workload; simply examining cases assigned does not account for those cases where the District Attorney refuses to prosecute after the individual has been arrested and assigned a public defender.

5 TH JUDICIAL DISTRICT CASES RECEIVED BY CASE TYPE, 2006													
	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Tot</u>
CINC-Child	5	11	1	6	4	2	7	4		26	5	9	80
Delinquency	13	3	1	11		4	2	8	8	2	3	2	57
Felony	57	38	47	41	45	34	25	52	48	50	62	25	524
Misdemeanor	35	34	27	38	26	27	29	30	38	33	41	21	379
Other/Unknown	3				2	2	2	4	2	2	2		16
Total	113	86	76	96	77	69	65	98	96	114	113	57	1,060

The totals for 2007, below, indicate a slightly decreased workload, however, the decreasing numbers at the end of 2007 may be due to a lag between receiving the case and data entry into the database.

5 TH JUDICIAL DISTRICT CASES RECEIVED BY CASE TYPE, 2007													
	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Tot</u>
CINC-Child	9	2											11
Delinquency	5												5
Felony	62	38	61	60	59	47	48	49	68	60	62	44	658
Misdemeanor	39	39	44	47	56	34	48	45	64	46	45	51	558

5TH JUDICIAL DISTRICT
 CASES RECEIVED BY CASE TYPE, 2007
 CONTINUED

	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	Tot
Other/Unknown	1		1	1			2	2	2	8	2		19
Traffic		1	4		1			3	4		7	1	21
Total	116	80	110	108	116	81	98	99	138	114	116	96	1,272

Workload

A concern emerges regarding individual attorney workload when caseloads are reexamined by attorney. In 1995, the Louisiana Indigent Defense Board established guidelines for the maximum caseloads at any time for any individual attorney – 200 felony cases, 450 misdemeanor cases, 250 juvenile cases, and 50 appellate cases (Bureau of Justice Assistance, 2001). For felony cases, this is a slight increase from the maximum of 175 established by the 1973 National Advisory Commission on Criminal Justice Standards. It should be noted that these are “either/or” limits – an attorney should have no more than 200 felony cases if assigned to handle felonies; an attorney should have no more than 450 misdemeanor cases if assigned to handle misdemeanors, etc.

As the 5th Judicial District does not assign cases by type to specific attorneys, individual caseloads by crime type (felony versus misdemeanor) cannot be examined in that manner. However, by examining total cases received by attorney per month in 2006 and 2007 some conclusions can be reached.

This information is presented in two formats where possible: the first uses cases assigned to comport with data presented in the 2004 report (if available); the second (or the first if comparable 2004 data is unavailable) uses cases received by attorney, by month. It is important to note that these figures do *not* represent the number of cases for each attorney that are currently open or open as of any specified date. This total was not used due to the simple fact that cases can close at any time for any of multiple legal reasons rendering any presented data possibly inaccurate.

5TH JUDICIAL DISTRICT
CASES RECEIVED BY ATTORNEY, 2006

	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Tot</u>
Ellerman, D.	39	24	26	28	25	21	14	26	24	29	45	16	317
Ellis, C.	29	19	19	30	23	21	6	22	23	36	22	19	269
Miller, J.	45	43	31	38	29	27	41	42	49	47	41	22	455
Mims, D.							4	8		2	5		19
Total													1,060

The 5th Judicial District appears to be up-to-date on entering cases into the database as there does not appear to a noticeable decrease in cases received towards the end of 2007.

5TH JUDICIAL DISTRICT
CASES RECEIVED BY ATTORNEY, 2007

	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Tot</u>
Ellerman, D.	58	48	34	40	51	24	25	29	37	30	24	18	418
Ellis, C.	27	7	22	21	17	28	21	33	46	26	21	33	302
Miller, J.	29	22	49	43	37	18	27	30	30	23	35	10	353
Mims, D.	2	3	5	4	11	11	25	7	25	35	36	35	199
Total	116	80	110	108	116	81	98	99	138	114	116	96	1,272

Given the low number of total cases handled by each attorney, public defenders in the 5th Judicial District do not appear in danger of exceeding the guidelines as stated above.

Cases Closed

As with the 3rd Judicial District, cases opened in 2006 remain open in 2007.

5 TH JUDICIAL DISTRICT CASES CLOSED BY CASE TYPE, 2006 – 2007		
<u>Case Type</u>	<u>2006</u>	<u>2007</u>
Capital	*	*
Child Support Contempt	*	*
Child Support Decrease	*	*
Child Support Increase	*	*
CINC – Child	26	27
CINC – Parent	*	*
Delinquency	33	16
Extradition	*	*
Felony	253	561
FINS	*	1
Fix Child Support	*	*
Misdemeanor	237	455
Other	1	*
Parish/Municipal	*	12
PCR	2	*
Revocation	1	*
Termination	*	*

5TH JUDICIAL DISTRICT
 CASES CLOSED BY CASE TYPE, 2006 – 2007
 CONTINUED

<u>Case Type</u>	<u>2006</u>	<u>2007</u>
Traffic	5	*
Unknown	10	1
Totals	568	1,089

The 5th Judicial District’s case closure rate for felonies and misdemeanors appears to mirror those for the 3rd and 4th Districts. However, because the data for 2006 is incomplete, accurate comparisons to 2007 and to the other Judicial Districts cannot be made.

5TH JUDICIAL DISTRICT
 PERCENTAGE OF CASES CLOSED BY CASE TYPE, 2006 – 2007

<u>Case Type</u>	<u>2006</u>	<u>2007</u>
CINC – Child	153%	34%
Delinquency	79%	80%
Felony	65%	70%
Misdemeanor	99%	68%

6th Judicial District

As the demographics displayed in the Introduction indicate, the 6th Judicial District is composed of three parishes that are even more rural than the 5th District, and possibly some of the poorest areas of the state of Louisiana with an average of nearly one out of every three residents living below the federal poverty line. In addition, compared to the other seven parishes included in this study, Madison, East Carroll, and Tensas parish are majority-minority parishes, with more African-Americans living in these three parishes than any of the others. Also, given the low levels of population in these parishes, the burden on the criminal justice system is not expected to be high; the number of criminal cases requiring public defense should be fewer than the 5th Judicial District.

Operating Structure

The 6th Judicial District employs five attorneys and two investigators. Two additional attorneys are contracted for and utilized only when there are more than five codefendants in any single case. Two attorneys share all adult cases in Madison Parish, one attorney is assigned all cases in Tensas Parish, and the other attorney is assigned all criminal cases in East Carroll Parish; the fifth attorney is assigned all Juvenile, CINC, Non-Support, and FINS cases in East Carroll and Madison Parishes.

Despite the overall size of the 6th Judicial District (1,648 square miles), the 6th District does have a headquarters located in Tallulah. Similar in operations to the 4th Judicial District, the clerical and investigative support are housed in a single location (2 investigators work out of headquarters).

Operating Budget

Presented here is the 2006 operating budget for the 6th Judicial District. The 2003 totals are pulled from the 2004 study and are included for comparison purposes.

6 TH JUDICIAL DISTRICT OPERATING BUDGET, 2003 AND 2007		
	<u>2003</u>	<u>2006</u>
Beginning Fund Balance	\$85,046	\$198,778
Revenues		
Court costs – fines		\$314,095
Intergovernmental revenues (Direct Assistance Fund)		\$75,838
Interest revenue		\$3,354
Total revenues	\$189,828	\$393,287
Expenditures		
Professional services		\$75,838
Felony defense expense		\$189,526
Payroll taxes		\$4,511
Dues, seminars, literature		\$12,973
Accounting		\$6,780
Other		\$10,726
Investigative service/travel		\$41,178
Total expenses	\$216,316	\$341,532
Ending Fund Balance	\$58,558	\$250,543

As seen above, compared to the 3rd and 5th Judicial Districts whose budgets are approximately the same size, the 6th District appears to be in better financial condition.

Cases Assigned

Data obtained in the 2004 study cannot be compared to the data collected for this study as that information was obtained via the individual parish clerk of courts' offices. A careful reading of the 2004 study reveals that 443 felony cases were assigned in 2003. As stated at the beginning of this study, utilization of the

Public Defender database did not begin in earnest until late 2006. As with the 5th Judicial District, the information presented here is a snapshot of a single year.

6 TH JUDICIAL DISTRICT CASES ASSIGNED BY CASE TYPE, 2003 – 2007			
<u>Case Type</u>	<u>2003</u>	<u>2006</u>	<u>2007</u>
Capital	*	*	*
Child Support Contempt	*	*	67
Child Support Decrease	*	*	2
Child Support Increase	*	*	*
CINC – Child	*	1	78
CINC – Parent	*	*	39
Delinquency	*	*	98
Extradition	*	*	*
Felony	443	33	402
FINS	*	*	10
Fix Child Support	*	*	5
Misdemeanor	*	7	283
Other	*	*	*
Parish/Municipal	*	*	*
PCR	*	*	*
Revocation	*	*	11
Termination	*	*	*
Traffic	*	2	41

6TH JUDICIAL DISTRICT
 CASES ASSIGNED BY CASE TYPE, 2003 – 2007
 CONTINUED

<u>Case Type</u>	<u>2003</u>	<u>2006</u>	<u>2007</u>
Unknown	*	*	*
Totals	443	43	1,036

Again, due to the incompleteness of the data for 2006, no comparisons to 2007 can be made.

Cases Received

The number of cases received for each attorney differs from the number of cases assigned as cases received represent open cases. Examining the number of received cases by attorney represents a truer picture of workload; simply examining cases assigned does not account for those cases where the District Attorney refuses to prosecute after the individual has been arrested and assigned a public defender.

6TH JUDICIAL DISTRICT
 CASES RECEIVED BY CASE TYPE, 2006

	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Tot</u>
Capital						1		3					4
CINC-Child			1				3	1			1	1	7
CINC-Parent								3	1			1	5
Delinquency							1	2	1				4
Felony	17	8	9	8	21	6	28	51	35	38	20	24	265
Misdemeanor	5	2	8	8	10	3	18	41	15	18	13	16	157
Other/Unknown											2		
Traffic	2	3		3	4		5			5	2	1	25
Total	24	13	18	19	35	10	55	101	52	61	38	43	469

The 6th Judicial District appears to be up-to-date on entering cases into the database as there does not appear to a noticeable decrease in cases received towards the end of 2007; instead, there is a dramatic increase in the number of cases received in 2007 as compared to 2006.

6 TH JUDICIAL DISTRICT CASES RECEIVED BY CASE TYPE, 2006													
	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Tot</u>
Support Contempt	2	5	2	3	22	10	9	6	2	3		3	67
CINC-Child	2	1	57	2		3	1	7	3	1	1		78
CINC-Parent			30	1			1	3	1	1	2		39
Delinquency	2	9	29	2	10	3	5	3	12	8	10	5	98
Felony	48	50	43	35	54	34	20	24	26	30	23	15	402
FINS	1		1	2	3	1	1	1					10
Misdemeanor	33	26	26	31	21	25	24	20	10	25	30	12	283
Other/Unknown	2		1			2				1		1	7
Revocation	1	1			1	5	1	2					11
Traffic	4	7	3	8	4	4	1	4	5	1			41
Total	95	99	192	84	115	87	63	70	59	70	66	36	1,036

Workload

A concern emerges regarding individual attorney workload when caseloads are reexamined by attorney. In 1995, the Louisiana Indigent Defense Board established guidelines for the maximum caseloads at any time for any individual attorney – 200 felony cases, 450 misdemeanor cases, 250 juvenile cases, and 50 appellate cases (Bureau of Justice Assistance, 2001). For felony cases, this is a slight increase from the maximum of 175 established by the 1973 National Advisory Commission on Criminal Justice Standards. It should be noted that these are “either/or” limits – an attorney should have no more than 200 felony cases if assigned to handle felonies; an attorney should have no more than 450 misdemeanor cases if assigned to handle misdemeanors, etc.

As the 6th Judicial District does not assign cases by type to specific attorneys – instead attorneys are assigned to handle all cases by location – individual caseloads by crime type (felony versus misdemeanor) cannot be examined in that manner. However, by examining total cases received by attorney per month in 2006 and 2007 some conclusions can be reached.

This information is presented in two formats where possible: the first uses cases assigned to comport with data presented in the 2004 report (if available); the second (or the first if comparable 2004 data is unavailable) uses cases received by attorney, by month. It is important to note that these figures do *not* represent the number of cases for each attorney that are currently open or open as of any specified date. This total was not used due to the simple fact that cases can close at any time for any of multiple legal reasons rendering any presented data possibly inaccurate.

6 TH JUDICIAL DISTRICT													
CASES RECEIVED BY ATTORNEY, 2006													
	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	Tot
Cannon, R.	4	3	5	5	6	1	16	15	11	17	17	19	119
Gibbs, M.	3				1	1	3	7			4		19
Jackson, J.	1			1		2	10	13	18	22	7	3	77
Smith, L.	5	10	12	5	27	3	13	21	19	15	8	9	147
Claxton, A. ¹													
Busari, D. ²													
Kelly, M. ²													
Total	13	13	17	11	34	7	42	56	48	54	36	31	362

¹Handles all Juvenile, CINC, Support, and FINS cases in all three parishes; was not hired until November, 2007

²Handles only those cases where there are five or more co-defendants

The 6th Judicial District appears to be up-to-date on entering cases into the database as the data shows a dramatic increase in cases received in 2007.

6TH JUDICIAL DISTRICT
CASES RECEIVED BY ATTORNEY, 2007

	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Tot</u>
Cannon, R.	59	99	69	32	27	28	17	16	10	41	12	11	421
Gibbs, M.		1		2							2	14	19
Jackson, J.	77	61	38	18	42	28	17	17	17	32	30	6	383
Smith, L.	149	57	36	19	9	11	7	15	9	22	24	4	359
Claxton, A. ¹											1	5	6
Busari, D. ²													
Kelly, M. ²													
Total	285	218	143	71	78	67	41	48	37	95	66	40	1,189

¹Handles all Juvenile, CINC, Support, and FINS cases in all three parishes, hired in November, 2007

²Handles only those cases where there are five or more co-defendants

Given the low number of total cases handled by each attorney, public defenders in the 6th Judicial District do not appear in danger of exceeding the guidelines as stated above.

Cases Closed

As with all Judicial Districts, cases opened in 2006 remain open in 2007. Clearly, more cases are shown as Closed than Assigned (see the above table). This is because as cases are closed, the information is entered into the database, backfilling the records.

6TH JUDICIAL DISTRICT
CASES CLOSED BY CASE TYPE, 2006 – 2007

<u>Case Type</u>	<u>2006</u>	<u>2007</u>
Capital	*	*
Child Support Contempt	*	23
Child Support Decrease	*	*

6TH JUDICIAL DISTRICT
 CASES CLOSED BY CASE TYPE, 2006 – 2007
 CONTINUED

<u>Case Type</u>	<u>2006</u>	<u>2007</u>
Child Support Increase	*	*
CINC – Child	3	6
CINC – Parent	*	*
Extradition	*	*
Delinquency	19	16
Felony	108	234
FINS	*	*
Fix Child Support	*	2
Misdemeanor	76	195
Other	*	*
Parish/Municipal	*	*
PCR	*	*
Revocation	*	4
Termination	*	1
Traffic	14	29
Unknown	*	*
Totals	220	510

Overall, it appears that for 2007, the case closure rate is nearly half – 49%. Because there are so few juvenile or family cases in 2007, only the case closure rates for felonies and misdemeanors are presented below.

6TH JUDICIAL DISTRICT
PERCENTAGE OF CASES CLOSED BY CASE TYPE, 2006– 2007

<u>Case Type</u>	<u>2006</u>	<u>2007</u>
Felony	327%	58%
Misdemeanor	1,086%	69%

Discounting 2006 numbers due to the incompleteness of the 2006 records in the Public Defender database, the 2007 case closure rate appears to follow those of the other Judicial Districts.

Findings and Recommendations

This study is a companion to a study that was conducted in 2004 of the 3rd, 4th, 5th and 6th Judicial Districts. It was designed and conducted to provide a description of the caseloads and budgets of each Judicial District where possible, and their evolution throughout the five year period.

Some of the recommendations made in the 2004 study have been implemented, most notably, the utilization of a case tracking system. However, much of the data in this system throughout these four Judicial Districts has only been entered since the system went “live” in October, 2006. As a result, direct comparisons between the current study and past study are not exact in all instances. However, future studies of these Districts will be made with accuracy given the database.

As a result of the new legislation governing these Judicial Districts, consistent financial reporting within Districts is now mandated. However, consistent financial report *across* Districts must be implemented. As seen in this report, while summary totals are comparable, individual revenue and expense lines are not; the comparisons, while not exact, are similar such that generalizations can be made, but these must be made with certainty.

Future Analysis

What is equally important is to focus on what this study is *not*. In-depth analysis of each Judicial District’s operations at all points of the public defense process was not conducted. Much continues to be made of the condition of Louisiana’s public defense system, comparable to other states and in order to truly determine where recommendations for improvement can be made, such analyses must be undertaken. This will require the appropriate allocation of resources – time, money, and access – to experts capable of doing said research, consistent with the information presented here.

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