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**PRESS STATEMENT:
Hearing Date Set for LPDB Lawsuit against New Orleans Judges**

BATON ROUGE -- A hearing date has been set for the Louisiana Public Defender Board's (LPDB) lawsuit against twenty-three New Orleans judges. The lawsuit, which alleges that the judges have not been following the law that mandates assessing a \$35 fee for the Orleans Public Defenders (OPD), is set to have its preliminary hearing on January 26, 2011 at 9:30 a.m. The hearing is set before the Hon. Judge Todd Hernandez, Civil Court Judge in the 19th Judicial District Court (East Baton Rouge Parish).

OPD, also named in the complaint, recently announced cuts in services because of a funding shortfall. Derwyn Bunton, District Defender for OPD said, "In an era of shrinking budgets, we need to make sure that the laws that were put in place to create local revenue are being followed. The urgency is clear – unless the judges begin to assess, collect and deliver the funds that are required by law, OPD will not be able to continue to serve all of its clients. As a result, the criminal justice system will suffer, creating public safety risks and wasting money that would be better spent on the efficient administration of justice."

"We strive to be one of the most fiscally responsible agencies in the state and we expect other public servants to do the same," said Frank Neuner, LPDB Chairman. "Part of our commitment to fiscal responsibility is making sure that we receive money that is mandated by law for public defense services. That's what this lawsuit is about."

LPDB filed the lawsuit after other efforts to procure these funds were not productive. In addition, because of an acute funding crisis for public defense statewide, LPDB is investigating other districts where the mandatory \$35 fee may not be properly assessed. By failing to assess this fee, judges are accelerating district public defender offices into financial crisis. In turn, district public defender offices look to the state for emergency funding. LPDB believes that it is not fair for taxpayers to pick up the tab for funds that judges are required to collect by law.

Neuner added, "We have to make sure that we are good stewards of both the taxpayers' money and their confidence in the criminal justice system in all parishes. We take no pleasure in this lawsuit, but the judges have left us no choice and the criminal justice system, most immediately in New Orleans, is in peril."

The suit, called a Petition for Writ of Mandamus, is a civil proceeding that is used to compel public officials to perform duties required by law. The Board is represented pro bono by renowned civil litigation attorney Phillip Wittmann and LPDB board member and criminal defense lawyer Sam Dalton. Wittmann has been practicing law with the New Orleans-based Stone Pigman law firm for the past 49 years. In 1988, in the case entitled, *Twenty-Fourth Judicial Dist. Indigent Defender Bd. v. Molaison*, 522 So.2d 177 (La.App. 5 Cir. 1988), *writ*

denied, 524 So.2d 512 (La. 1988), Mr. Dalton successfully litigated the judicial obligation to collect mandatory fees in Jefferson parish.

More information, as well as a copy of the Petition for Writ of Mandamus is available online at: www.lpdb.la.gov