

**INDIGENT DEFENSE
IN NORTHEAST LOUISIANA**

A STUDY OF THE PUBLIC DEFENSE SYSTEMS
OF THE THIRD, FOURTH, FIFTH AND SIXTH JUDICIAL DISTRICTS

BY

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INTRODUCTION

Indigent Defense in Louisiana has received a large amount of attention in the media over the last year. Exposés in Avoyelles Parish and a law suit filed in Calcasieu Parish Louisiana has served to highlight deficiencies in delivering adequate services to individuals charged with criminal acts, but unable to hire their own counsel. The goal of any public defender system should be to provide quality legal services to the poor. Lack of available resources and consistent funding too often results in less than favorable outcomes. This appears to be true regardless of whether the system is a full-time staff system or a contract attorney system. The obvious need is for adequate funding to reduce burdensome caseloads. Additionally, given the experience and expertise of the counsel involved, benefits such as health care and retirement are a dire need. Finally, any system requires accountability. The indigent defense system of Louisiana is no exception; however, currently no mandated quality control component is in effect. Thus, record keeping is inconsistent, at best, and non-existent, at worst. Thus, funding is needed both to administer the indigent defense system, and to insure that all of the players within the system perform according to the standards that justice and the canon of ethics require.

The Judicial Districts examined in Northeast Louisiana comprise 10 Northeast Louisiana parishes. The majority of the population is located in Ouachita and Lincoln Parishes. The remaining areas are largely rural. The only common thread among the four Indigent Defense Offices in Northeast Louisiana is that they employ part-time contract systems. Only the Fourth Judicial District maintains a full-time support staff

which consists of an office administrator, two investigators, two eligibility investigators, and three clerical staffers. Additionally, attorneys in each District are paid a contract fee from the individual District Boards. They are responsible for their own overhead and staffing. No benefits are available for contract attorneys.

This study contains an analysis of the functions of the public defense system in these districts. The results of the study illustrates both the need for adequate funding, and the need to impose accountability standards. Contrasts exists between the individual judicial districts in this study, partly due to the urban versus rural nature of the districts, and partly due to inadequate funding. Clearly the mandates of Article 1 § 13 of the Louisiana Constitution directing the Legislature, “to provide for a uniform system for securing and compensating qualified counsel for indigents” is not being met.

The most striking finding of this study is the lack of readily available information regarding the indigent defense system. Record keeping is not required in Louisiana, and only one district in this study requires reporting designed to track individual cases. Thus, capturing data to analyze is an extremely time consuming task. In assessing the effectiveness of the individual Districts, with the exception of the 4th Judicial District, the major drawback is the lack of reliable data. Case tracking software in every district except the 4th, is nonexistent. Data was painstakingly retrieved by examining the minutes of Court, where available. Even in canvassing the minute book, often public counsel would be appointed and the cases would be continued several times. Eventually the case no longer appeared in the minute book. Thus, researchers were unable to determine the resolution of the case. Furthermore, despite the fact that criminal records unless

expunged or sealed are public records, Clerks of Court in the Sixth Judicial District refused access to the student researchers

The study demonstrates the need for funding for support staff and technology that the smaller, rural districts cannot provide on their own.

FOURTH JUDICIAL DISTRICT
OUACHITA AND MOREHOUSE PARISHES
DEMOGRAPHICS

The Fourth Judicial District is composed of two parishes, Ouachita which is predominately urban and Morehouse, which is predominately rural, with the exception of the City of Bastrop.

Ouachita Parish has a population of 147,898. The ethnic makeup of the parish is 64.5% white, 33.6% African-American, 1.2% Hispanic. The median family income is \$32,047, with 20.7% living below the poverty line. Ouachita Parish is bisected by the Ouachita River with the City of Monroe on the east side of the river being the major urban area with a population of 53,107. Monroe is predominately African American (61.1%), Whites compose 36.8% of the population. The remaining portion of the parish is 80% white and 18.2% African American. The percentage of the population receiving High School Diplomas (74.1%) and Bachelor's Degrees(26.9%) in the City of Monroe is substantially higher than in the parish, High School (66.6%) and Bachelor's (9.7%) due primarily to the presence of the University of Louisiana at Monroe in the City. The

percentage of the population below the poverty line 32.3% is substantially higher than residents in the parish, while the median family income of \$25,864 is lower, in the city.

Morehouse Parish to the north has a population of 30,671, with 12,988 living in the City of Bastrop. As with Ouachita Parish the ethnic makeup of the city of Bastrop contrasts with the rest of the parish. In Bastrop, 64.5% of the population is African American, with a white population of 34.7%. The parish as a whole has a white population of 55.8% and an African American population of 43.4%. Outside of Bastrop, the breakdown is 71.1% white and 27.9% African American. The median income for Morehouse Parish is \$25,124, with 26.8% of the population living below the poverty rate.

ORGANIZATION OF 4TH JDC INDIGENT DEFENSE BOARD

The Fourth Judicial District is the only district in Northeast Louisiana to employ full-time clerical staff. The staff consists of an office administrator, two eligibility investigators, two secretaries and two part-time investigators. The 4th JDC IDB is a contract system in which, attorneys contract with the Board and are assigned to different sections of court. In Ouachita Parish, eight attorneys are assigned to four felony divisions, two are assigned to handle misdemeanors at District Court in Ouachita, one attorney is assigned to Monroe City Court, three attorneys are assigned to handle Juvenile matters, and one attorney is assigned to West Monroe City Court and Non-Support Court.

Three attorneys are assigned to Morehouse Parish, two handling felony matters and the third handling misdemeanor and juvenile matters. Additionally, one attorney,

Louis Scott, is assigned to all Capital Matters as a mitigation attorney. He has no other duties.

The contracts are a flat rate monthly contracts that provide no benefits. Each attorney is required to handle all matters assigned and give priority to appointed matters. Monthly reports are required of all attorneys specifying the number of cases opened, number of cases closed including the disposition of the charges, number of visits to incarcerated clients, and reports on all jury trials.

Eight of the attorneys handling felony matters in the Fourth Judicial District have been certified to handle Capital Matters, four of whom are certified to sit first chair. Since 1993, eight matters indicted as Capital matters, one case has resulted in a death sentence, six in life sentences and one in a dismissal.

DETERMINING INDIGENCY

The determination of indigency is made at the initial appearance. If a criminal defendant requests public counsel, that defendant is referred to the Indigent Defender Board (IDB) after being sworn by the judge. Defendants who are incarcerated are interviewed at the jail, and all others are required to go the 4th JDC IDB office for an interview. Applicants fill out an application listing income and liabilities and respond to questions presented by the eligibility investigator. Indigency is determined by the

investigator by balancing income with existing debt. If the defendant is found indigent, an order is forwarded to the court of record appointing the IDB and assigning a specifically named counsel. The clients are verbally advised of who represents them and are given all of the pertinent information so that they can make an appointment with appointed counsel. Counsel is advised of the appointment by a faxed order from the IDB office.

LEVEL OF EXPERIENCE

Largely due to above average contracts and the availability of additional sources of income, through outside practice, the 4th JDC has been able to maintain an experienced staff and has experienced few retention problems that other areas may experience. The chart below details the experience level of each of the attorneys who provide services to in the 4th JDC.

Attorney	Date of Bar Admission	Contract Date
Charles	1976	1986
Johnson	1979	1986
Courteau	1981	1988
Noel	1986	1991

Sullivan	1987	1992
McElroy	1985	1992
Brown		1994
Britton	1990	1995
Kincade	1990	1995
Perkins	1975	1995
Scott	1979	1996
Cooper	1966	1996
Nolen	1979	1998
Manning	1997	1998
Caldwell	1993	1998
Adams	1984	2002
Racer	1996	2003
Trahan	1996	2004
Powell-Lexing	1991	2004

The average tenure of the contract attorneys with the IDB is 9.5 years. Fourteen

of the nineteen attorneys contracting with the board have been licensed to practice law for 15 years or more; only three have less than 10 years of experience. Of the attorneys handling felony matters, the average years of experience are 24.2 years. Since 1996, only two attorneys have terminated their contracts, both having been elected to the bench.

BUDGET

As with all districts, the IDB is funded mainly by the imposition of \$35 court costs on all traffic and misdemeanor convictions. This source of funding fluxuates and depends solely on the whim of local prosecutors and police to enforce traffic laws. The 4th JDC benefits from having two major traffic arteries, Interstate 20 and U.S. 165 running through Ouachita Parish, the major urban hub of northeast Louisiana. Law enforcement in Ouachita Parish appears to be very aggressive in the prosecution of traffic matters. An ominous trend however, has been in a drop in revenue from sources such as Monroe City Court, and an increased use of diversion in traffic matters that inhibit revenue streams and threaten the long term economic health of the local IDB.

Another source of revenue comes from a \$40 fee which is collected from those applying to the IDB for services, which is authorized by the legislature. Additionally, IDB receives a percentage of bond forfeitures, and subsidies from the District Assistant

Fund. A review of the current operating budget from the 4th JDC is outlined below.

These figures reflect the periods from January to November of 2003 and 2004.

Fourth Judicial District IDB Budget		
	Jan 2003-Nov	Jan 2004-Nov
Beginning Balance	\$136,456.15	\$135,185.05
Receipts		
Monroe City Court	\$231,130.00	\$216,917.50
West Monroe City Court	\$117,194.25	\$115,859.84
Bastrop City Court	\$77,339.50	\$64,642.50
Ouachita Parish Sheriff	\$357,970.03	\$411,824.82
Morehouse Parish Sheriff	\$41,133.30	\$91,720.99
District Assistance Fund	\$129,940.00	\$105,805.00
Fines	\$5,646.16	\$10,483.11
Bond Monies	\$93,549.24	\$74,957.89
Application Fees	\$14,506.00	\$62,747.00
Salary Deductions		
Federal	\$11,423.00	\$13,166.00
FICA	\$7,906.69	\$8,724.79
Medicare	\$1,849.27	\$2,040.63
State of Louisiana	\$3,423.11	\$3,733.45
Total	\$1,229,466.70	\$1,317,808.57
Disbursements:		
Salaries:		
Administrator	\$33,180.84	\$33,923.05
Eligibility Investigators	\$57,072.96	\$58,349.36
Secretaries	\$37,021.93	\$48,447.04
Criminal Investigators	\$29,700.00	\$23,100.00
Contract Attorneys	\$797,225.00	\$851,425.00
Office Expense	\$1,841.49	\$2,230.52
Equipment Purchases	\$2,529.90	\$6,827.71
Travel Expense	\$2,591.64	\$2,939.63
Employer Contribution	\$10,938.62	\$12,177.42
Postage	\$355.16	\$288.87
Telephone	\$1,539.72	\$1,707.79
Experts and Testing	\$6,204.35	\$22,897.48
Court Reporters	\$29,678.25	\$21,241.50
Other	\$30,670.86	\$42,002.40
Salary Deduction Remitted:		

Federal	\$11 423 00	\$13 166 00
FICA	\$7 906 69	\$8 724 79
Medicare	\$1 849 27	\$2 040 63
State of Louisiana	\$3 526 72	\$4 002 70
Total	\$1 065 256 00	\$1 155 491 89
Ending Balance	\$164 210 30	\$162 316 68

The major cost of the IDB is in the area of Contract payments to the attorneys. On average, the 19 attorneys on contract received \$49,736.84 per year. Restated for emphasis is the fact that no benefits are paid to the attorneys, and no dollars are allotted to office space or overhead. Each individual attorney is responsible for all of these costs. The 4th JDC IDB owns the building in which the staff is located, and no mortgage is currently owing on the property.

The Guidelines for Legal Defense Systems in the United States issued by the National Study Commission on Defense Services direct that “defender offices should employ investigators with criminal investigation training and experiences. A minimum of one investigator should be employed for every three staff attorneys in an office.” The Guidelines further prescribe precise numeric ratios of attorneys to non-attorney staff:

- One full-time Legal Assistant for every four attorneys
- One full-time Social Service Caseworker for every 450 Felony Cases
- One full-time Social Service Caseworker for every 600 Juvenile Cases
- One full-time Social Service Caseworker for every 1200 Misdemeanor Cases
- One full-time investigator for every 450 cases
- One full-time Social Service Caseworker for every 600 Juvenile Cases
- One full-time Social Service Caseworker for every 1200 Misdemeanor Cases

Based on these guidelines the 4th JDC should have 4 legal assistants, four social workers and 4 investigators. At present, the 4th JDC employs only 2 part time investigators, no social workers, and each contract attorney is responsible for hiring their own legal assistants. No money is available in the budget for additional employees.

CASELOADS

Perhaps the most telling sign of the work of an IDB is the caseload carried by the attorneys who serve the public. The 1973 National Advisory Commission on Criminal Justice Standards and goals set forth guidelines for the numbers of cases that can reasonably be represented by an attorney. Those numbers are no more than 150 felony cases per attorney; no more than 400 misdemeanor cases per attorney, no more than 200 juvenile cases per year.

A review of the records from the 4th JDC indicates that attorneys exceed these numbers in most areas, especially in light of the fact that the ABA Guidelines are in reference to full-time public defenders.

The cases opened and assigned in the Fourth JDC in 2003 and 2002 are:

Cases Assigned 2003

	Feloni es	Misd em	Juven ile	Capit al	Non- Suppo	Total
Noel	258	0				258
Kincad	179	14		1		194
Perkin	231	59				290
Courte	182	4				186
Johnso	194	49				243
Nolen	118	0				118
Sulliva	125	28				153
Britton	131	25	3			159
Scott	8	0		1		8
Charle	198	0				198
Coope	114	2				116
McElr	7	100	23		5	135
Racer		908	1			909
Manni		0	114			114
Caldw		128	9		55	192
Brown		8	56			64
Adams		0	290			290
Legran		170	1			171
Total	1745	1495	497	1	60	3798

It should be noted that 88 cases attributed to Bob Noel in 2003

were Drug Court Cases. The felony figures for Elizabeth Brown in 2004 are solely Drug Court numbers.

Cases Assigned						
	Felon	Misde	Juven	Capit	Non-	Tota
Noel	233	4		1		238
Kincad	195	1				196
Perkin	197	1				198
Courte	205	5		1		211
Johnso	258	33				291
Nolen	182	1				183
Sulliva	253	1				254
Britton	206	1	4			211
Scott	11	1		2		14
Charle	144	1	1			146
Coope	101					101
McElr	1	155	48			204
Racer		761	1			762
Lexing		758				758
Traha		636	4			640
Manni		3	224			227
Caldw		42	8		45	95
Brown			85			149
Adams	2		141			143

Total	2030	2404	516	2	45	4951
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Examining the table indicates that 5 of the attorneys in the 4th JDC handled more than 200 felony cases in 2003. Thus, they handled more cases than the number recommended by the ABA as a number of defendants that can reasonably be represented in one year. Of those cases that were handled in 2003, the cases were closed in the following manner:

	Area	H	Pro	Mi	Di	D	C	N	Con	Ret	Ot	Tota
Noel	Oua Fel	29	75	4	20	1			19	11	19	196
Kinc	Oua Fel	47	39	16	4	1		2	13	4	1	142
Perki	Oua Fel	39	48	14	93	5	2		29	11		316
Cour	Oua Fel	36	34	48	16	2		1	10	11		179
John	Oua Fel	49	25	18	58	3				10	2	165
Nole	Oua Fel	25	18	6	20	1		1	3	7		90
Sulli	Oua Fel	13	40	26	39	6			14	13		152
Britt	Oua Fel	4	2	2	3							11
Scott	Cap Mit	3										3
Char	Mor Fel	22	52	15	21	1				23	1	144
Coop	Mor Fel	17	37	26	34	1	1		5	27	2	173
McEl	Mor	2	3	86	14	4				7	29	145
Race	MCC			38	11	1			3	5	1	613

Cald	WMCC			80	26	5	1		2	4	28	158
Man	Oua Juv										75	75
Ada	Oua Juv				56	8		3	24	1	15	251
Brow	Oua Juv			3					4		22	29
Legr	Oua Mis			45						1		56
Total		28	373	77	51	2	5	7	126	135	33	2898

Analysis of these numbers reveals the following percentage results:

Hard Labor	286	9.9%
Probation	373	12.9%
Misdemeanor	778	33.9%
Dismissal	519	17.9%
Diversion	285	9.8%
Call on Bond	50	1.7%
Not Guilty	7	0.2%
Conflicts	126	4.3%
Retained	135	4.7%
Other	339	11.7%

Of the 2898 dispositions of cases in the 4th JDC, only 9.9% of the clients were sentenced to adult

correctional facilities.

In order to be in compliance with the ABA Ten Principals, 7 additional attorneys would be needed to handle the caseload according to a formula derived from NAC work standards.

	Felony	Misdemeanor	Juvenile	Capital
2003 Open	1745	1495	497	2
2003 Closed	1713	827	355	2
Difference	32	668	142	0
Adjusted Workload	1777	2163	639	2
Hours/Case (standards)	14	5	10	1200
Hours per Case (2003)	24641	11248	6646	2400
Total Hours	44934			

(2003)				
Average Attorney Work Year	1664			
Total Attorneys Needed	27			

Increased caseloads will require additional attorneys to address these needs, which of course will require more funds than are available at this time.

COMPARISONS

With relatively little information the only comparable jurisdiction in which data is available is Calcasieu Parish. However, Calcasieu Parish operates under a different structure, in that their staff are actually employees who are allowed outside practices to supplement their income. As a result, the Board must contract with other attorneys to handle conflict cases. Under the Calcasieu system, if one staff attorney is conflicted in a matter all are. Anytime an outside attorney has to be retained to eliminate a conflict, extra expense is incurred by the IDB. In the 4th JDC, outside conflict counsel has not been necessary since 1993, when a 7-defendant murder case was prosecuted.

Analysis of the open cases in these two jurisdictions reveals the following numbers:

	#Attorneys	Average Felonys	Conflicts Contracted	Average Misdem	Average Juvenile	Average Non Support	Capital Cases
Ouachita	18	184	0	460	101	45	2
Calcasieu*	11	590	800	150	no data	no data	10

*includes contract attorneys, figures do not include conflicts' counsel for Calcasieu in average calculation.

While the 4th JDC's felony and misdemeanor numbers exceed the 1973 National Advisory Commission

on Criminal Justice Standards and goals, the numbers, on average, are not as far over the recommended ratios as those of Calcasieu. The average misdemeanor numbers in the 4th JDC do not reflect the workload of the entire board because the assignments for the attorneys handling West Monroe City Court and Morehouse Parish matters are so low that it drives down the average. The three attorneys handling Monroe City Court and Ouachita Parish averaged 718 cases, which is an excessive amount.

Continuing the comparison of Ouachita and Calcasieu Parishes, the budgets of both parishes are lower than the benchmark. The per case/per capita spending are outlined in the chart below:

Basis	Ouachita	Calcasieu	Benchmark
Per Case	\$347.00	\$110.00	\$258.00
Per Capita	\$7.00	\$6.67	\$10.00

On a per case calculation Ouachita Parish spends \$89 more per case than the average of the nation's 100 most populous counties. On a per capita basis the figure is comparable to Calcasieu and less than the Benchmark. It should be noted that the calculated the number of cases assigned in Ouachita Parish, the State Georgia definition of a case was utilized, since no such uniform definition is used in Louisiana. Calcasieu's definition of a case is unknown to the researchers.

No calculation has been made as to the length of time matters are open in Ouachita Parish. The significance of the amount of time a case is open, can only be measured if the client is incarcerated. The number of days of incarceration prior to disposition of a case is hard to calculate because often defendants make bond, only to have the bond revoked upon their failure to appear. The length of time to disposition of a defendant on bond is usually substantially longer than a pre-trial detainee. The reason is largely strategic, the longer a case is active, the more problems that the State has in prosecuting the case.

CLIENT CONTACT

The largest problem currently confronting public defenders in the 4th JDC is clearly that of access to clients who are pre-trial detainees and the confidentiality of the communications between attorneys and their clients. Quoted from *In Defense of Public Access to Justice*:

The fourth of the ABA's *Ten Principles* provides that in an effective public defense delivery system_

Defense counsel is provided sufficient time and a confidential space with which to meet with the client. Counsel should interview the client as soon as practicable before the preliminary examination or the trial date. Counsel should have confidential access to the client for the full exchange of legal, procedural and factual information between counsel and client. To ensure confidential communications, private meeting space should be available in jails, prisons, courthouses and other places where defendants must confer with counsel.

As the Principle itself states, the purpose is "to ensure confidential communications" between attorney and client. This effectuates the individual attorney's professional ethical obligation to preserve attorney-client confidences, the breach of which is punishable by bar disciplinary action. It also effectuates the responsibility of the jurisdiction and the indigent defense system to provide a structure in which confidentiality can be preserved-perhaps nowhere more important than in indigent criminal defense, where liberty and even life are at stake, and client mistrust of the public defender as a paid agent of the state is high.

The current situation in Ouachita Parish is in direct violation of these principals. The room provided in the pod for seeing prisoners at the Ouachita Parish Correctional Center provides no privacy, as anyone can hear the conversations of counsel and client outside of the door. Additionally the hours of access to the client incarcerated in Ouachita Parish directly conflict with court hours or force the attorney to work after hours to see their clients. Prisoners held at J.B. Evans Detention Center in Tensas Parish for Ouachita Parish are denied

effective meetings with their attorneys because of the distance involved in travel. The result of the housing of prisoners in Tensas Parish, results in a lack of confidentiality, when the only opportunity to discuss the clients case is in open court.

RECOMMENDATIONS

Areas of improvement in the 4th JDC all relate to additional funds. There is an upward trend in the numbers of cases appointed in Ouachita Parish. Chief among the concerns are the large increase in misdemeanor cases at Monroe City Court and District Court in Ouachita Parish which appear to be related to an increase in the number of domestic battery cases filed in the 4th JDC. An addition of 2 more attorneys to handle misdemeanor matters should reduce the caseloads to manageable levels. An addition of an additional felony attorney appears necessary if the ABA standards are imposed. All of the felony attorneys currently have caseloads in excess of the ABA standards. While when compared to other systems such as Calcasieu Parish the number pales, the upward trend is significant and an additional attorney in the felony area could reduce caseloads to the ABA Standards.

Sufficient funding could be raised locally, with adjustments to the statutes authorizing diversion of criminal matters to require the collection of the \$35 fee per case for IDB.

Additional problems that need to be addressed are the limitations on visitation at the Ouachita Parish Correctional Center. The hours established by the Sheriff for attorney visits ban most visitation during business hours. In order to visit a client, Counsel must contact the facility in advance and wait upon arrival to be taken to

a room in between the cell pods that is unsecure and provides little privacy. Another problem area relating to overcrowding at the Ouachita Parish Correctional Center is the transfer of pre-trial detainees to J.B. Evans Correctional Center in Tensas Parish a drive of over 1 hour from Monroe. Because of the distance it is impossible to make contact with clients housed there until they are transferred for a court proceeding and on numerous occasions, the clients are not transported to court. This results in not only an untenable interruption of attorney client communication but in delays in court proceedings that contribute to the overcrowding that the transfers to J.B. Evans was sought to relieve. Litigation may be necessary to resolve issues of client contacts.

Finally, the contract attorneys in the 4th JDC have proven effective in the representation of their clients as evidenced by the number of not guilty verdicts, dismissals, and especially in the arena of capital defense, that since 1986, only 2 defendants represented by the contract attorneys of the 4th JDC IDB have been sentenced to death. This group has been active in pushing local reforms in court procedures including challenges to the makeup of grand juries and random assignment of cases.

The only true method of testing the competency of the group is in the outcomes of the cases handled. Over 27.9% of the cases result in an outcome in which the State achieves no conviction. Only 9.9% of the cases result in incarceration. It is clear that the 4th JDC contract attorneys are providing quality services, which can only be explained by the level of experience of the attorneys. That however can only be maintained through increased funding, as the trend is an increase in the number of felony and misdemeanor filings.

**FIFTH JUDICIAL DISTRICT
WEST CARROLL, RICHLAND,
& FRANKLIN PARISHES**

INTRODUCTION

The 5th Judicial District is comprised of Richland, Franklin, and West Carroll Parishes. There are three attorneys in these three parishes that serve as public defenders, James Stevens of Winnsboro (Franklin), Carey Ellis in Rayville (Richland), and James Miller in Oak Grove (West Carroll). All three are part-time contract attorneys. Each has more than 15 years of experience in the practice of criminal law.

The district provides no support staff other than a part-time investigator who has only recently been hired. There is no central office or secretaries who exclusively serve the IDB. Cost of clerical work is born by the attorneys from the amount received in their individual contracts. The attorneys are not required to keep actual data or statistics on their indigent clients.

Under the current system in the 5th JDC, the initial contact with a PD is at the 72 hour hearing. At the 72 hour hearing the Court appoints one of the three attorneys on what is called jail call appointment. This is a temporary appointment to advise the defendant and his family of their rights and how the system works. They are instructed on how to make bond, when arraignment will occur and who to contact. Permanent counsel is not

appointed until arraignment. Attorneys were appointed on 558 jail calls in 2003. This figure is an estimate by the Chief Defender, Jim Miller.

Each attorney is assigned to a specific judge. Cases are randomly assigned to a division of court at arraignment and the defendant is assigned to the attorney in that section. In 2003, 482 felony charges were assigned to Pds. Drug charges accounted for 176 cases or 36.5 %. The number of individuals represented are less than 482, since some defendants were charged in more than one case.

The number of contacts between attorney and client vary, depending on whether the client has posted bond. There tends to be greater contacts with clients in jail, as clients on bond typically fail to contact their attorney prior to going to court. Depending on the complexity of the case it may be resolved on the day of the arraignment or there could be numerous pre-trials over several months before the case is resolved. Again, accurate records of client contacts were not available.

DEMOGRAPHICS

The figures used are from the 2000 census. A parish such as Ouachita has more of an urban development than that of Richland, Franklin and West Carroll. Although the city atmosphere is not that of a metropolis, in comparison to the rural communities in the other two parishes the population is more than 7 times as large.

Franklin Parish has a population of 21,263. Much like Ouachita Parish the ethnic makeup of the parish is 67.2% white, and 31.6% black. However, there are only 14,281 whites and 6721 blacks living within the parish.

There are 97 people falling under the “other” category. Franklin has the home ownership rate in the 5th JDC. According to census data 76.3% of the residents own their own home. This number exceeds the state average by more than 8%. However, the average cost of a home was only \$48,700, about ½ the price of a home anywhere else in the State. Franklin parish graduates 61.4% of their population and 9.8% have college degrees.

The population of Richland Parish tops out at 21,000. There are 12,791 whites and 7974 blacks living in the parish. One interesting characteristic of the information shows that unlike Ouachita and Franklin Parishes where minorities seem to have a substantial stake in the business market, there are fewer than 100 businesses in Richland owned by minorities. In comparison, Franklin, where fewer minorities live in a larger area with a similar population, minorities own nearly 10% of all businesses. Home ownership is 72% and the median value of a home is \$55,400. Also, 61.9% of the residents are high school graduates and 12.8% have a bachelor’s degree or higher.

The population of West Carroll is about 12,236. There are 9838 (79.9%) white and 2325 (18.9%) black. There are very few Hispanics listed as occupants of the parish. The average cost of a home is \$48,200. This trend seems to be the proper average for a community of this size. Also, 78.9% of West Carroll citizens own their own homes. The dropout rate for high school students is rather high considering the rest of the state performed nearly 15% better in this category. College degrees were obtained by 9.5% of the students.

The state average for household income is \$32,566. Franklin and Richland Parishes are \$22,964 and \$23,668 respectively.

BUDGET

The budget submitted by the Chairman of the 5th JDC IDB, Theo Coenen, was for the year ending December 31, 2004. Total revenues for the year were \$157,100, coming from court costs and fines, grant money, and interest paid. Expenditures for the year totaled \$153,500 paid for professional services and accounting fees. The remaining balance at the end of the year was \$3600.

The IDB is funded in four ways:

1. Virtually all of the misdemeanor and felony defendants, whether an attorney is appointed or not, are assessed an extra \$35 at sentencing which is dedicated to the Indigent Defender Board. That is the primary source of funding.
2. On Felony cases to which appointed counsel is provided, at the time of a guilty plea for a probationary sentence, the Judges generally impose a payment to the IDB in the range of \$200-\$250 as a condition of probation.
3. Louisiana Indigent Defense Assistance Board (LIDAB) provided funding in the amount of \$26,000 for 2004.
4. The IDB receives a percentage of bond forfeitures that are usually an insignificant amount.

The contracts of the 3 PDs are paid monthly. There are no benefits and all costs including long distance calls, fax, and postage as well as fuel to traverse 3 parishes are not reimbursed.

CASELOADS

Because no records are kept and no central office exists, the data found for this study was located in the clerks of court offices in the 3 parishes. A total of 529 felony cases were assigned to the contract attorneys in 2003. Not included were the misdemeanor and juvenile cases assigned, as they had responsibility for these matters as well. The distribution by parish:

PARISH	FREQUENCY	PERCENT
RICHLAND	137	25.9%
FRANKLIN	286	54.1%
WEST CARROLL	106	20.0%
TOTAL	529	100.0%

One significant finding was that the cases are not equally distributed by parish. Franklin Parish handled over twice the number of cases as West Carroll.

The assignments made to attorneys included conflicts counsel, Paul Bairnsfather who handled 2 cases in 2003.

ATTORNEY	FREQUENCY	PERCENT
Miller	168	32.1%
Ellis	162	30.9%
Stephens	192	36.6%
Bairnsfather	2	0.4%
Total	524	100.0%

As to the breakdown of charges, a large number of cases were not recorded.

CHARGE	FREQUENCY	VALID PERCENT
DWI	4	1.7%
Drugs	38	15.9%

Theft	16	6.7%
Burglary	29	12.1%
Robbery	1	0.4%
Battery	10	4.2%
Other	141	
Unknown	290	
Total	529	100.0%

We found that despite the lack of funding and poor record keeping, the Indigent defenders in 5th JDC provide adequate representation of their clients. Conditions of their current system could be drastically improved by:

1. Adding an additional attorney to reduce the caseloads
2. Adding additional support staff
3. Instituting record keeping policies
4. Reimbursement for travel

5. Case Management Software

We would cite the cooperation of the attorneys in this district, namely, Jim Miller who provided us with the bulk of our information, Carey Ellis, who took the time to sit down and explain the functions of the Indigent Defenders in this district, and Theo Coenen, who provided the budget information.

This study is a study of the indigent defender board for the 6th judicial district in Louisiana, which includes the parishes of Madison, East Carroll, and Tensas. Relating directly to the 6th Judicial District, the purpose of this study is to answer that question that ponders many, is the counsel that's being provided through the indigent defender board, adequate and efficient enough to represent its clients? After researching this issue and the factors surrounding it, I hope to provide a relevant explanation and answer to the question, along with the facts and basis surrounding this issue and the research.

SIXTH JUDICIAL DISTRICT

MADISON, EAST CARROLL, AND TENSAS PARISHES

The sixth judicial district of Louisiana is composed of three parishes, Madison, East Carroll, and Tensas. In this district the individuals who are not able to afford counsel can resort to the Indigent Defender Board in this district. This board solely serves the purpose of providing legal services or counsel for individuals who are financially unable to afford these services. In the 6th judicial district of Louisiana, there are two district judges, and three attorneys serving on the indigent defender board for that district. Once arrested, counsel is provided to the defender within three days by the Judge through a magistrate hearing. At this hearing, the Judge appoints one of the three attorneys serving on the board to represent the defendant. These three attorneys are assigned case loads in rotation (each attorney receiving 1/3 of the cases assigned to the district).

However, of these cases assigned, the defendant only goes to trial one or two weeks out of a month (based on the number of continuances), because in this district, there is only one jury trial per month in each parish (12 per year in each parish).

DEMOGRAPHICS

In an effort to better understand the issues surrounding this district, and the effects the location, population, economic status, income, and education played in an individuals involvement in crime, an overview of the 2000, and 1999 year census was studied. This source provided the necessary variables needed to efficiently and accurately understand the underlying factors that may contribute to an individual who lives in this area involvement in illegal activities or crime.

DEMOGRAPHICS OF MADISON PARISH

Madison parish is located in the north-eastern part of Louisiana. The land area of Madison is estimated roughly at 624 square miles. In this parish, there's an estimated population for the year of 2003 of 13,079 people living in this area (this figure has changed by a decrease of 10.2% in the last 10-14 years). Of this population, roughly there are 37.9% representing the white or Caucasian population, 60.3% representing the black or African American population, and about 1.8% representing the population of individuals from other races or backgrounds.

In this parish, the median household income for said year is estimated to be about \$20,509 and the per capita money income is about \$10,114 a year. The persons in this parish who are high school graduates is estimated to be on or about 63.4% and those with a bachelors degree or higher represents about 11% of the population. However, the persons below poverty in Madison parish is said to be about 36.7% of the total population.

DEMOGRAPHICS FOR EAST CARROLL PARISH

East Carroll parish is also located in the North-eastern part of Louisiana. This parish is located west of its neighboring parish, Madison. The land area of East Carroll is estimated roughly at 421 square miles. There's an

estimated population for the year of 2003 totaling 8,997 people living in this area (this figure has changed by a decrease of -3.0% in the last 10-14 years). Of this population roughly there are 31.6% individuals representing the white or Caucasian population, 67.35 representing the black or African American population, and about 1.1% representing individuals of different races or backgrounds.

In this parish, the median household income for said year is estimated to be about \$20,723, while the per capita money income is on or about \$9,629 a year. Individuals in this parish who have a high school diploma represents 57.9% of the population and those with a bachelors degree or higher represents about 12.3% of the population. The persons below poverty in East Carroll parish is said to be about 40.5% of the total population.

DEMOGRAPHICS FOR TENSAS PARISH

Tensas parish like the other parishes in the 6th Judicial District is located in the North-eastern part of Louisiana also. The land area of Tensas parish is estimated roughly at 602 square miles. For an area that consists mostly of farming, there's an estimated population for the year of 2003 of 6,247 people living in this area (this figure has changed by a decrease of -6.8% in the last 10-14 years). Of this population, roughly there are 43.3% of individuals representing the white or Caucasian population, 55.4% representing the black or African American population and about 1.2% representing individuals of other races.

In this parish, the median household income for the said year is estimated to be about \$19,799 and the per capita money income is on or about \$12,622 a year. Of the individuals living in this parish, 63.2% represent

those with a high school diploma or those who are high school graduates and 14.8% represent those with a bachelors degree or higher. The persons below poverty in Tensas parish is said to be about 36.3% of the total population.

As a whole, individuals living in or around this area are well below the poverty line and are in desperate need of assistance and possibly education. In the 6th district, the population of African American outweighs those of other races. Also, of the three, Madison parish seems to be the largest in terms of square miles and have the largest population, while East Carroll is the smallest in terms of square miles and Tensas parish has the smallest population. In comparing these parishes, Madison and East Carroll are about the same or have the same high school graduation percent and Tensas leads the way in per capita money income of the three parishes respectfully. However, while all are below the poverty line, East Carroll parish seems to suffer the most in terms of poverty.

THE EFFECTS THE DEMOGRAPHICS MAY PLAY IN THE ACTUAL CRIME RATE AND THE AFFORDABILITY OF COUNSEL

With an average estimated population in the 6th District of Louisiana totaling 9,441; an average estimated median household income totaling \$20,343.66; an average estimated per capita money income totaling \$10,788.33; and an average persons below poverty level for this district totaling 37.83%, it is fair to say that the people residing in this district may not have adequate funding for an attorney or counsel if ever involved in

criminal activity or criminal acts. With this, it is clear that individuals living in this area may have to rely on appointed counsel to meet their legal needs.

THE ACTUAL STUDY OF THE 6TH JUDICIAL DISTRICT INDIGENT DEFENDER BOARD (IDB)

In the 6th Judicial District of Louisiana, the Honorable Judges Lancaster and Crigler preside. The attorneys serving on the indigent defender board for this district are, Chief Defender, Mr. Leroy Smith, Attorney Raymond Cannon, and Attorney Joy Jackson. Each of these attorneys is assigned 1/3 of all the cases handled by the IDB.

Upon conducting this study, there was a contact person given in which we were to make initial contact and arrangements for receiving the information needed in the study. The contact person for the 6th Judicial District was Chief Defender, Mr. Leroy Smith. Mr. Smith provided some of the information, however, the bulk of the information obtained for this study was through long, vigorous hours of searching and finding at the court houses in each parish, put in by the members of the group. The process of obtaining this information was a complicated one.

The clerks of courts were very secretive and safeguarded the majority of the files. Also, a lot of the information needed to actually complete the assigned was unavailable or incomplete in some parishes. And most important of all, the communication and cooperation between the group and the needed individuals was poor. Oftentimes, these individuals were too busy, or just could not be contacted or reached for whatever reason.

THE CASELOAD OF THE 6TH JUDICIAL DISTRICT

MONTH	NUMBER OF CASES ASSIGNED
January	52
February	57
March	50
April	50
May	62
June	63
July	43
August	85
September	61
October	103
November	86
December	N/A

In conducting this study an in depth look into the caseload of the district and each attorney had to be reviewed. For the year of 2003, these attorneys had quite a caseload and were involved with many appointed clients. In this study however, we will only be looking at the caseload of the felony cases in this district.

Based on information provided by the Chief Defender, Leroy Smith, for the year of 2003, this Indigent Defender Board's office was assigned 443 felony cases, 3 of which actually went to trial (however, it will be

noted later in the actual record of caseloads assigned that this number differs significantly by an increase of about 300 cases from that provided).

Here provided are the result of the number of cases assigned and handled each month of the year 2003 by the Indigent Defender Board and their office for the 6th district.

*As noticed from the above referenced chart, the month of October was the busiest for this office with a total of 103 felony cases assigned in this month, while in July things were the slowest they would be with a total of 43 cases assigned during this month.

From the information obtained from the courthouse and that of the attorneys we will attempted to dissect these cases and break down the results by parishes.

For the year of 2003, below is a distribution of the number of felony cases handled by each parish during this year.

PARISH	NUMBER OF FELONY CASES ASSIGNED
Madison	184
East Carroll	42*
Tensas	41

*This number is only representative of the month of April during the year of 2003.

As noted, Madison Parish handled the majority of the assigned cases for the year 2003, while Tensas handled the least. These numbers in a sense can prove to be inaccurate due to the fact that only the months of January-April

were counted in East Carroll parish due to a lack of time or the time frame in which the study had to be conducted and the amount of information not known or provided for in this parish.

With a brief summary of the number of individual caseloads handled by each parish in the said year a total breakdown will now be provided.

BREAK DOWN OF CASELOAD FOR MADISON PARISH

In Madison parish through information obtained in files in the clerk’s office of the parish court house, these findings were noted:

- There were 184 felony cases assigned to the IDB in this parish for the year 2003.
- Of the felony cases assigned, Mr. Raymond Cannon handled the majority, with a total of 97 cases handled (although these cases were to be evenly distributed) and the rest are as follows:

ATTORNEY	NUMBER OF CASES ASSIGNED
Leroy Smith	81
Raymond Cannon	97
Joy Jackson	6

Now taking a look at the charges in which the defendants received, one is able to distinguish which crimes are repeated the most, which crimes are repeated the least and which crimes in fact did not occur at all during this year.

- Of the 184 felony cases handled by the IDB for this parish, the majority of these cases were described as other (cases not described by the ID code sheet provided for this study), with a total of 56 cases and the rest are as follows:

CHARGE	FREQUENCY
Theft	15
Drugs	29
Burglary	34
Robbery	7
Battery	37
Murder	6
Motor Vehicle	0
DWI	0
Other	56

Next looking into the dispositions of the indigent defenders in the 6th judicial district's parish of Madison, there were missing values for the dispositions, many of which could not be accounted for during the process of reviewing the minutes (many of these cases were followed up until a certain point in the books and then were no longer mentioned or could not be followed to the end).

□ Of the assigned cases, the majority of the dispositions for these 184 felony case were described as other (cases not described by the ID code sheet used for this study or could not be followed through), with a total of 134 with this description and the rest as follows:

DISPOSITION	FREQUENCY
Hard Labor	17
Probation	23
Maximum	0
Dismissed	5
Not Guilty	0
Plea Agreement	4
Pled Guilty	0
Found Guilty	1
Other	134

The results found regarding the dispositions were interesting; a lot of these were other, meaning they could not be followed through, thus questioning the accuracy and efficiency of the books kept in the clerk's office.

**BREAK DOWN OF CASELOAD
FOR EAST CARROLL PARISH**

In Madison parish though records could not be obtained for the remaining of the 2003 year, records were received up until April of this year, through files in the clerk's office of the parish court house and these findings noted:

- There were 42 felony cases assigned to the IDB in this parish for the year 2003 up until April.
- Of the felony cases assigned, Ms. Joy Jackson handled the majority, with a total of 34 cases handled (although these cases were to be evenly distributed) and the rest are as follows:

ATTORNEY	NUMBER OF CASES ASSIGNED
Leroy Smith	5
Raymond Cannon	3
Joy Jackson	34

Of the 42 felony cases handled by the IDB for this parish, the majority of these cases were described as drug related, with a total of 13 cases and the rest are as follows:

CHARGE	FREQUENCY
Theft	4
Drugs	13
Burglary	5
Robbery	1
Battery	12
Murder	2
Motor Vehicle	0
DWI	0
Other	5

Looking into the dispositions of the indigent defenders in the 6th judicial district's parish of East Carroll, there were missing values for the dispositions, many of which could not be accounted for during the process of reviewing the minutes (many of these cases were followed up until a certain point in the books and then were no longer mentioned or could not be followed to the end).

Of the assigned cases, the majority of the dispositions for these 42 felony case were described as other (cases not described by the ID code sheet used for this study or could not be followed through), with a total of 23 with this description and the rest as follows:

DISPOSITION	FREQUENCY
Hard Labor	7
Probation	11
Maximum	0
Dismissed	1
Not Guilty	0
Plea Agreement	0
Pled Guilty	0
Found Guilty	0
Other	23

The results found regarding the dispositions were interesting; a lot of these were other, meaning they could not be followed through, thus questioning the accuracy and efficiency of the books kept in the clerk's office.

BREAK DOWN OF CASELOAD FOR TENSAS PARISH

In Tensas parish through information obtained in files in the clerk's office of the parish court house, these findings were noted: There were 41 felony cases assigned to the IDB in this parish for the year 2003.

Of the felony cases assigned, Mr. Leroy Smith handled the majority, with a total of 37 cases handled (although these cases were to be evenly distributed) and the rest are as follows:

ATTORNEY	NUMBER OF CASES ASSIGNED
Leroy Smith	31
Raymond Cannon	2
Joy Jackson	2

Examining the charges in which the defendants received, one is able to distinguish which crimes are repeated the most, which crimes are repeated the least and which crimes in fact did not occur at all during this year.

Of the 41 felony cases handled by the IDB for this parish, the majority of these cases were described as theft related, with a total of 13 cases and the rest are as follows:

CHARGE	FREQUENCY
Theft	13
Drugs	8
Burglary	5
Robbery	4
Battery	1

Murder	0
Motor Vehicle	0
DWI	0
Other	11

The dispositions of cases in Tensas were missing values for the dispositions, many of which could not be accounted for during the process of reviewing the minutes (many of these cases were followed up until a certain point in the books and then were no longer mentioned or could not be followed to the end).

Of the assigned cases, the majority of the dispositions for these 41 felony case were described as other (cases not described by the ID code sheet used for this study or could not be followed through), with a total of 33 with this description and the rest as follows:

DISPOSITION	FREQUENCY
Hard Labor	0
Probation	0
Maximum	0
Dismissed	2
Not Guilty	0
Plea Agreement	6
Pled Guilty	0
Found Guilty	0
Other	33

The results found regarding the dispositions were interesting; a lot of these were other, meaning they could not be followed through, thus questioning the accuracy and efficiency of the books kept in the clerk's office.

Overall when looking at the results of the breakdown of case loads, which included the number of cases assigned to each attorney, the charge, and the disposition, one could say that the majority of the cases (adding the total number of cases each attorney handled in all three parishes) were handled by Mr. Leroy Smith (meaning that there was not an equal distribution of the case load in this district), the charge that was mostly given was described as other (with drug and battery charges both coming in second to this description of charges) and the disposition also resorted in or ended in a description of other, with probation coming in second . A very interesting as well as disturbing fact, because this reflects on the actual accuracy and efficiency of the way in which the books are being kept, and these result are dissatisfying and possible solutions for correcting this problem should be addressed.

The 2003 Budget for the 6th JDC

Through findings observed in a 2003 "District Assistance Fund Statistical Data Form" (which is to be submitted to the Louisiana Indigent Defense Assistance Board annually) provided by the office of Mr. Leroy Smith, the funding for this office was provided mainly through the assessment of traffic citations and fines, those funds previously and annually acquired by the board. The fund balance for the board in Dec. 2002 was

\$85,046.00; the total revenue for fiscal year 2003 was \$189,828.00; with total funds available amounting to \$274,874.00 which is generally used to pay the salaries of the attorneys and to represent the clients assigned to this board (the average cost for representing a felony case is about \$5,000-\$6,000 if it goes to trial); however, the total expenditures for fiscal year 2003 by the board were \$216,316.00, leaving a balance of \$58,558.00 for the present year of 2004. In looking at the Budget of the 6th Judicial District, it may be possible to conclude that this district may possibly have enough funds to represent some of their clients, if other means of are not needed in adequately handle the case (i.e. forensics, in-depth investigations, lab studies, etc.).

CONCLUSION

We discovered that record keeping the Sixth Judicial District is substandard. The clerks of court in all three parishes were uncooperative in allowing access to public documents. With funds not available for clerical assistance in maintaining records, assessing accurate numbers at this time is impossible.

Improvements that are necessary would entail

1. Additional support staff;
2. Establishing record keeping policies;
3. Adequate and efficient training in computer skills and any other improvements that could and would relate to their ability to efficiently manage their caseload.

It should be noted that the District is fortunate to have experienced attorneys representing indigent defendants in this District. The caseloads do not appear to be overwhelming, however, we do not have complete

figures to verify the size of the caseloads. Because of the infrequency of dates for jury trials in the Sixth Judicial District, the actual preparation time for trial is minimal. The shortage of jury trials appears to benefit the Defense, in that the District Attorneys Office must negotiate reasonably with the Defense counsel or face speedy trial issues. It appears that experienced Public Defenders from our observation are able to properly address this reality.

In appreciation, we would like to commend and show gratitude and thanks to the attorney's in our district who provide what information they could to help in our study, namely the law office of Mr. Leroy Smith and his all so gracious secretary Mrs. Paula Deweese who provided us with as much information as she possibly could to help us properly conduct our study. Also, I would like to thank Mr. Kimble Marshall, at the Law Office of Mr. Raymond Cannon, who took the time out of his busy schedule to sit down with us and explain the functions of the Indigent Defender Board in the Sixth district and followed us to the court house to obtain information needed in regards to the study.

**THIRD JUDICIAL DISTRICT –
LINCOLN and UNION PARISHES**

DEMOGRAPHICS

Lincoln Parish according to the 2000 census had a population of 42,509. The racial make-up of the parish consisted of 57.4% white and 39.8% African-American. The remaining 2.8% of the population consisted of both Asian and Hispanic groups.

Approximately 26.5% of the population of Lincoln Parish lived below the poverty line. In the year 2000, 80.4% of the population of Lincoln Parish was at least a graduate of high school. Those individuals obtaining a Bachelor's degree or higher comprised 31.8%. Of the total population of 42,509, 24,927 or 58.8% were between the ages of 18-44. These ages represent a time span in individual's lives when they may be most prone to commit crimes.

Union Parish adjoins Lincoln Parish to the north, has a significantly different population. Of a population of 22,803, 69.8% were white, 27.9% were African American with 2.3% representing Asian and Hispanics. The population below the poverty line in Union Parish is 18.6%.

In the year 2000, 71.7% of the population of Union Parish was at least a graduate of high school. Those individuals obtaining a Bachelor's degree or higher comprised 11.8%. Of the total population of 22,803; 7492 or 32.9% were between the ages of 18-44.

Although these parishes are represented by the same judicial district, it is important to notice the differences in the two through the census numbers. Lincoln Parish is almost twice the size of Union Parish. Lincoln Parish is also distinguishable from Union, in that Grambling State University and Louisiana Tech are located in Lincoln Parish, resulting in a higher percentage of the population with college degrees.

PROBLEMS IN OBTAINING DATA

Prior to research beginning the research team attempted to contact the chief public defender for the Third Judicial District and was denied access to data. The method of retrieving data in the Third Judicial District was by manually examining records provided by the Clerk of Court. As a result of the time consuming nature of this research, the case data is limited to felony matters in 2003. There were 134 felony cases assigned to the public defenders in Lincoln Parish and 97 assigned to Public Defenders in Union Parish. Cases are assigned at initial appearance. The Public Defender examines the Defendant at initial appearance to determine the Defendants indigency. It is unclear as to what standards are used to make this determination.

Clearly, 2 attorneys handled the majority of the felony cases amounting to 64.5% of the felonies. The only explanation is that the case loads do not appear to be very large, and other attorneys must be handling juvenile and misdemeanor matters. However, we were unable to confirm that assumption.

There is a huge discrepancy with dispositions in the Third JDC. Guilty pleas were obtained in 81% of the cases. What percentage of the guilty pleas resulted from plea bargains is unknown. Two not guilty verdicts were obtained and three cases were dismissed. Fifteen Percent of the cases were still open in December of 2004.

No budget information was provided despite requests. No information was available as to client contacts with the attorneys.

Researchers became keenly aware that record keeping is non-existent; thus, accountability standards are poor in the Third Judicial District. To adequately determine the quality of representation, researchers must know how many cases were assigned and the outcome of those cases. Adequacy of representation could not be judged by any objective factors.

RECOMMENDATIONS

1. That staff is hired to maintain accurate records.
2. That case management software is obtained and utilized.
3. That the criteria for the determination of indigency be made public.
4. That the budget be made public and available upon request as required by the public record law.

RURAL VS. URBAN SOLUTIONS

Obviously, the concerns of the 4th JDC are far different from that of the other judicial districts studied. Problems with the increase in caseloads and jail visitation are more pronounced in Ouachita Parish. Oversight in Ouachita Parish to ensure accountability is already in place and can be enforced, if necessary. The three rural districts have common problems. all relating to sufficient funds to manage and account for the programs. None of the three rural districts have adequate funds to hire staff. The methods of determining indigency are

inadequate and access to case management software that would ensure accountability is non-existent. Funding in individual parishes or judicial districts in rural areas covers only the cost of representation. Additional funding is necessary to relieve the attorneys of ministerial functions for which they are not compensated and lack of which expose them to claims of ineffectiveness.

Contingent on funding, the following changes should be mandated:

1. Each judicial district in rural areas should be provided clerical staff to maintain both financial and case records. Those records should include dispositional information on each case and frequency of contacts with each client.

2. Provide each judicial district with an eligibility investigator and clear guidelines as to how indigency is to be determined. This would remove attorneys from potential conflicts in both determining indigency and enforcing mandated payments to the Indigent Defender Board in their locale.

3. Provide sufficient funds for the hiring of investigators and experts as needed.

4. Provide case management software to the staff and attorneys and require that they use it or terminate their contract with the IDB. Included in this mandate, however, should be training for attorneys and staff on the use and utility of the software.

5. Make avail group health insurance and retirement plans to contract attorneys and their staffs. Most contract attorneys are solo practitioners who have no benefits. The availability of benefits through a group would reduce the amount of additional practice necessary to sustain their families.

Finally, efforts are needed to promote among the public an awareness of the strengths and weaknesses of their local indigent defense boards. The purpose of this vital element of the defense bar is to insure that not only that the rights of the accused are defended, but also to insure that the results of criminal prosecutions are just. A failure in the system can result in tragic circumstances as in wrongful convictions or in a system so backlogged in cases that the guilty may go unpunished. An effective indigent defense system minimizes the possibility of unjust resolutions in criminal cases. Without adequate funding, it is impossible to maintain an effective system and the cost of prosecution is multiplied with each reversal on appeal or post conviction relief.