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Public defenders key to fair courts

The strain under which Indigent Defenders Boards are operating ought to concern Louisianians who believe in fairness under the law.

The IDB has revealed that in 2004, its 10 felony-case attorneys in the 4th Judicial Circuit averaged nearly 190 cases each, which is far more than the standard number of cases. While the cause of impoverished criminal defendants won't warm many hearts, the specter of malfunctioning courts ought to catch the interests of many minds.

The state needs \$55 million a year to operate its indigent defense system; it operates on about \$32 million. For much of its financing, the IDBs depend upon traffic ticket fees. That means that if drivers ever slow down, the system may be in a deeper financial fix.

Because funds are scarce in our state, there is an insufficient number of attorneys to handle cases for the poor. About 80 percent of criminal defendants need a court-appointed attorney. That doesn't make indigent defendants politically popular. But if you believe that Louisiana courts ought to operate efficiently and fairly, you must believe that guaranteeing a competent attorney for a poor defendant is important.

When indigent defendants are left without adequate defense, courts are forced to slow down the process of administering justice. Recent cases in Calcasieu Parish — there, the caseload is about 600 cases for attorneys — were halted when lawyers successfully argued that they could not adequately represent their clients because of a shortage of funds.

Indigent defense is costly — in the country's hundred largest counties, costs exceeded \$1.2 billion in 1999 — but can we afford to do less?

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

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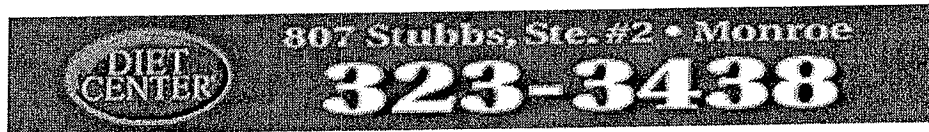
If you believe in the U.S. Constitution — you should — you'll find the right to an attorney in the Sixth Amendment. Supreme Court decisions have broadened that right to defendants, state or federal, who are at risk for jail sentences.

State Supreme Court Justice Pascal Calogero makes a compelling case that Louisiana ought to ensure adequate defenses for the good of the victims as well as for the good of defendants. If criminal defenses are inadequate, convictions are overturned, he said. When convictions are overturned, victims and their families must watch defendants go free, or are forced to testify again.

There's nothing fair in that.

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