

Katrina aggravates Indigent Defender Program problems

Louisiana's Indigent Defender Program was created to guarantee that those in the criminal justice system who cannot afford to pay for lawyers are granted the constitutional right to legal representation. For too long, however, the program has been so inadequately funded that a shortage of indigent defenders makes it impossible to assure competent representation. A study two years ago by the National Legal Aid and Defenders

What do you think?

Must Louisiana meet its obligation to provide legal representation for the poor?

Association found that lawyers in the program are so overworked that they are frequently unable to confer with their clients until shortly before a trial. Often, the report said, they don't have time to attend bail hearings, leaving the people they are supposed to represent in jail.

The association concluded that Louisiana's Indigent Defender Program is so bad that it unconstitutionally denies justice to the poor.

These conclusions were reached before Hurricane Katrina hit New Orleans. The storm intensified the problem to an even more alarming extent. In the Crescent City, where almost 80 percent of defendants are eligible for representation by the public defender's office, funding was inadequate before the storm. It came primarily from the city's traffic court fines and fees. Since Katrina, that revenue has virtually disappeared. Before the storm, there were 42 lawyers in the program. Now there are fewer than 10.

As a result, large numbers of people are in jail who shouldn't be, according to Chief Criminal Court District Judge Calvin Johnson. Most of them, he says, are people arrested on misdemeanor charges just before Katrina hit. Because they had no attorneys, their cases got lost in the system and they have ended up serving weeks or months of extra jail time.

The problem before Katrina was funding. That is still the problem, but it is now a larger one. District Judge Arthur Hunter says he is suspending prosecution of Orleans cases in which the accused are represented by the public defender's office until the state comes up with enough money to allow indigent defenders to mount a competent defense. If the legislature doesn't provide adequate funding, he says, he may have to begin releasing the defendants.

Louisiana has the highest poverty rate in the nation, which accounts for the massive number of people who cannot afford attorneys. State government goes from one budget crisis to another, which explains the inadequate funding for indigent defenders.

Gov. Kathleen Blanco added \$1.5 million to the budget of the agency responsible for dispensing funds to local indigent defenders boards, but the problem is such that more money is needed. National experts have told a state task force that Louisiana would have to pay about \$55 million per year to fund a reasonable indigent defense system. In these troubled economic times, reform will not happen quickly, but if Louisiana is going to uphold the right of all citizens to a fair trial, it must happen.