

Regular Session, 2013

SENATE CONCURRENT RESOLUTION NO. 99

BY SENATOR CROWE

PUBLIC DEFENDER. Requests the Louisiana Public Defender Board to study whether the statewide public defender system should be privatized via a system of contract employment.

1 A CONCURRENT RESOLUTION

2 To urge and request that the Louisiana Public Defender Board study the feasibility,
3 desirability, and practicality of delivering a statewide public defender system through
4 an exclusively contract system.

5 WHEREAS, the Louisiana Public Defender Board was created in 2007 to provide
6 for the supervision, administration, and delivery of a statewide public defender system that
7 must deliver uniform public defender services in all courts of this state, in accordance with
8 the Sixth and Fourteenth Amendments to the United States Constitution and Article I,
9 Section 13 of the Constitution of Louisiana; and

10 WHEREAS, in pursuit of equal justice, the board advocates for clients, supports
11 practitioners, and protects the public by continually improving the services guaranteed by
12 the constitutional right to counsel; and

13 WHEREAS, the method of delivery of public defender services in each judicial
14 district shall be approved by the board to the extent that the method is meeting or is able to
15 meet the performance standards and guidelines of the board, and the board may change the
16 method of delivery in order to ensure compliance with best practices reflected in the
17 performance standards and guidelines; and

18 WHEREAS, except for the inherent regulatory authority of the Louisiana Supreme

1 Court provided for in Article V, Section 5 of the Constitution of Louisiana regarding the
2 regulation of the practice of law, the Louisiana Public Defender Board shall have all
3 regulatory authority, control, supervision, and jurisdiction, including auditing and
4 enforcement, and all power incidental or necessary to such regulatory authority, control,
5 supervision, and jurisdiction over all aspects of the delivery of public defender services
6 throughout the courts of the state of Louisiana; and

7 WHEREAS, Louisiana, along with Illinois, has the highest exoneration rate of any
8 other state in the United States of America, resulting in the incarceration of citizens for
9 crimes that they did not commit; and

10 WHEREAS, since January 2012, Louisiana has had two public defender offices
11 forced to restrict services for lack of sufficient funding, in that those offices could no longer
12 ethically or professionally provide public defender services to all eligible clients, and several
13 other public defender offices have had to make significant cuts to their budgets for lack of
14 sufficient funding; and

15 WHEREAS, at present, Louisiana has two full-time staff public defender offices;
16 nineteen full-time decentralized public defender offices; eight centralized contract public
17 defender offices; five public defender offices in transition to a centralized full-time office;
18 and eight hybrid public defender offices; and

19 WHEREAS, the Louisiana Public Defender Board's strategic plan calls for an
20 evaluation of the cost-effectiveness of contract versus staff delivery systems on a
21 district-by-district basis, with full consideration of appropriate salary ranges, to be completed
22 by Fiscal Year 2015; and

23 WHEREAS, the Louisiana Public Defender Board is statutorily mandated to adopt
24 rules for the establishment of salary ranges for attorneys and support staff delivering public
25 defender services, taking into consideration variations in public defense practices and
26 procedures in rural, urban, and suburban districts, as well as professional experience,
27 pursuant to R.S. 15:147(B)(16).

28 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
29 urge and request the Louisiana Public Defender Board to study the feasibility, desirability,
30 and practicality of delivering a statewide public defender system through an exclusively

1 contract employment system, or through an exclusively full-time staff system, and to report
2 its findings to the legislature not later than January 15, 2015.

3 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
4 Louisiana Public Defender Board and the state public defender.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Alden A. Clement, Jr.

DIGEST

Crowe

SCR No. 99

Requests the La. Public Defender Bd. to study whether the statewide public defender system should be privatized via a system of exclusively contract employment and report its findings to the legislature by January 15, 2015.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Change description of current scheme of public defender offices.
2. Add provisions relative to regulatory authority, control, supervision, and jurisdiction of the La. Public Defender Bd.
3. Add provision regarding exoneration rates.
4. Add provision regarding insufficient funding of certain public defender offices.
5. Add provision regarding the board's strategic plan.
6. Add provision regarding salaries of public defender office attorneys and support staff.
7. Change date report of board is due to legislature from January 10, 2014, to January 15, 2015.