

SENATE CONCURRENT RESOLUTION NO. 99

BY SENATOR CROWE

A CONCURRENT RESOLUTION

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

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

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

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

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

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

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

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

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

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

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the Louisiana Public Defender Board to study the feasibility, desirability, and practicality of delivering a statewide public defender system through an exclusively contract employment system, or through an exclusively full-time staff system, and to report its findings to the legislature not later than January 15, 2015.

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

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES