

Name of Organization: Orleans Public Defenders

Tax Status: Governmental organization created by the Louisiana legislature

Purpose of Grant: To improve the quality of indigent defense representation for adults and juveniles in Orleans Parish.

Previous OSI Support: \$150,000 Gideon Project

Organizational Budget: \$5,992,650

Project Budget: \$338,592.50

Sources of Support: \$1,292,509 Louisiana Indigent Defender Assistance Board's District Assistance Fund; \$932,076 Court Fees; \$353,193 Louisiana Commission on Law Enforcement; \$155,000 Louisiana Bar Association; \$150,234 Bond Funds; \$97,550 Probation Assessments

Amount Requested: \$200,000

Amount Recommended: \$200,000 (T1: 21081)

Term: 2 years (October 2008 – October 2010)

Matching Requirements:

Description of Organization:

The office of the Orleans Public Defenders (OPD) was founded more than three decades ago and has served as the governmental organization charged with providing free representation to indigent adults and juveniles accused of crimes in Orleans Parish, Louisiana.

Prior to Hurricane Katrina, OPD was regarded as an abomination in the indigent defense field. The pre-Katrina OPD was managed by a board staffed with judicial patronage appointments and utilized a system of horizontal representation under which attorneys were assigned to a particular courtroom and judge to handle whatever came before that court, which fostered defense-attorney allegiance to their assigned judge rather than the client. Indigent defendants were routinely denied counsel during the period immediately after arrest; the perfunctory representation at their initial bond hearings would cease until such time as the District Attorney decided whether to accept or refuse the case for prosecution, often weeks after the first court appearance. Louisiana law permits district attorneys 45 days after arrest to decide whether to formally file misdemeanor charges and 60 days after arrest to decide whether to proceed with felony cases. Approximately half of the Orleans Parish defendants who "served DA time" had their cases dismissed without charge once the statutory period ran out – a strong indication that these persons should not have been arrested, much less jailed, in the first instance. For those denied release on bond, lack of representation often resulted in the loss of jobs, homes, and custody over children.

The Hurricane Katrina disaster has given Louisiana the opportunity to correct its juvenile and criminal justice systems. The flood eliminated the funding stream of traffic tickets, OPD's primary source of funding pre-Katrina, culminating in the firing of almost the entire staff. During the three years since Katrina wrought its devastation, OPD has experienced a remarkable

conversion from a grossly ineffective office that provided sub-par assistance of counsel to its clients, to a professional law practice where high-quality client representation is expected in each of its cases. This conversion was due in large part to a change in composition of the OPD board.

The newly appointed ODP board's first step was to recruit a management team of outstanding attorneys who have devoted their careers to indigent defense representation, and the current team has built on the radical changes to the office culture, bringing true justice to poor people accused of crimes in New Orleans. Thanks to attrition and the addition of increased state funding, OPD has begun to amass a full-time staff of professional public defenders who are dedicated to providing high quality representation to the indigent.

Description of the Project for Which Funding Is Sought:

OPD seeks a two-year project support grant from OSI in the amount of \$200,000 to support three projects that have been crafted to reverse the havoc wrought by the office's pre-Katrina culture of neglect, and allow the hard-fought reforms to coalesce, so that the office can become a permanent model for zealous indigent defense advocacy in the state:

Intensive Training for New Attorneys

OPD has recruited 13 more law school graduates from across the country, committed to client-centered representation. These attorneys will start as a new class in August 2008 and will begin their employment with an intensive 14-day training session provided by the Southern Public Defender Training Center (SPDTC), followed by a series of three-day training sessions held every six months through 2011. Trainees can contact any of the SPDTC faculty members for assistance with difficult problems that arise in practice, and each trainee will be partnered with a mentor who is an experienced public defender outside of Orleans Parish.

SPDTC is an exceptional program of the Southern Center for Human Rights in Atlanta, dedicated to creating a strong community of vigorous defense advocacy in the Deep South. The most recent class of OPD trainees have benefited enormously from the thorough training process. SPDTC is directed by Soros Justice Advocacy Fellow Jonathan Rapping, the former Training Director for PDS and the State of Georgia's public defenders' office, who served as Counsel for Training and Recruitment for OPD until 2007. OSI funds would be applied to the first two years of the three-year training program.

OPD has also planned a year-round training program for the entire office beginning in October, which will provide two integrated training sessions every month. Finally, a select number of OPD lawyers will be sent to renowned training sessions elsewhere in the country such as the National Criminal Defense College in Macon, Georgia and the public defender training in Faubush, Kentucky.

With these two training tracks, the newest group of lawyers will be able to competently handle their own low-level cases, and OPD can begin to assess and address areas for office growth. The long-term goal is to create an office of attorneys who are functioning cohesively at the highest level, and who are constantly looking to incorporate new insights, skills and information into their practice.

Client-Oriented Juvenile Defense

OPD seeks to offer community-oriented representation that addresses the underlying problems leading to involvement in the juvenile and criminal justice systems and thereby reduce recidivism rates. Because young persons are especially responsive to intervention from concerned professionals, OPD's first step towards this goal has been to contract with Juvenile Regional Services, a newly established New Orleans-based organization with provisional 501(c)(3) status, to provide wraparound services to indigent youth arrested in Orleans Parish.

JRS currently employs a staff of five lawyers, two youth advocates, and a social worker. Consistent with OPD's philosophy, JRS uses a vertical representation model and demands compliance with nationally established best practices for the effective defense of children. In an effort to further its work as a model juvenile defender office akin to the renowned TeamChild Program in Seattle, JRS seeks to continue funding an additional attorney to manage the individual client needs related to housing, education and health care of JRS's clients for its ROAR (Rights of Adolescent Return) Project. JRS and OPD are hopeful that the ROAR Project will continue to demonstrate that early intervention in the areas of education, health, and housing results in better outcomes for youth in court, reduces recidivism, and ultimately saves taxpayer dollars. OSI's contribution would be applied to the salaries of this attorney for the first year of the grant period. Both JRS and OPD believe that their organizations will be able to attract additional state and city funding for wraparound services next year if the JRS ROAR Project proves to be a success and becomes a permanent part of the Orleans Parish criminal justice system.

OPD Public Relations and Community Outreach

For the first time, OPD has the opportunity to seek feedback from those with a stake in the criminal justice system: individual and organizational power brokers, citizens groups, and, most importantly, the office's clients, their families, and the low-income communities most impacted by the criminal justice system. OPD needs expert assistance in public relations and community partnership to help manage its developing public profile. Support is required in the areas of traditional media and outreach to low-income communities who make up the 90% of criminals who are indigent in New Orleans. OPD has previously engaged in both media work and community outreach on a purely ad hoc basis, but would like to create a new position, and hire a media expert to assist in the management of proactive community and media outreach.

Rationale for Recommendation:

OPD's proposed grant advances CJF's support of competent indigent defense, as well as our regional commitment, through the Strategic Opportunities Fund, to increase funding to post-Katrina New Orleans. The reforms implemented by the new OPD board and management team have been met with fierce, well-organized, and unrelenting opposition from those who wish to return OPD to a patronage post. While the new OPD management team has been masterful at keeping the opposition at bay, building a strong and effective public defender system is its best defense. The coming year is a critical one for OPD as it seeks to solidify and institutionalize its successes to date. The three projects for which OPD seeks OSI funding are well calculated to change the culture of OPD from one of neglect to one where competent legal representation of indigent defendants is the norm.

The SPDTC is not only an excellent recruitment draw for OPD's young attorneys, it will groom a new generation of leaders who will be effective in pressing for reforms in the Louisiana criminal and juvenile defense systems. Continuing training for all levels of OPD's staff attorneys will enable the office to integrate best practices from across the country into their defense work in order to fully implement a client-centered system of vertical representation, and assist the office

with the exigencies of high caseloads, conflicting schedules and the naturally hostile environment of criminal representation in New Orleans. OPD is reaching out to local criminal defense non-profits such as the Louisiana Capital Assistance Center and the Innocence Project of New Orleans to provide joint training, enhancing the level of learning at each office and reinforcing OPD's commitment and connections to the criminal defense community in Louisiana.

The ROAR Project of JRS serves as a model for community-based representation for juveniles as well as adults by providing quality legal representation, alleviating the unconstitutional conditions of confinement for juveniles, and developing and expanding rehabilitation and alternative programs for children and families. JRS has been able to establish strong relationships with service providers involved with their clients, teaching families and communities how to navigate the juvenile justice system, empowering them to assist other family and community members.

The office of media and community outreach would provide OPD with much needed and well-deserved allies in the battle for adequate funding and changes in practice at criminal district and municipal court, and would provide the office with an open line of communication with the community it serves. Up until this point, connections have usually been made between attorney and client. As a community oriented defender office, a liaison would provide the partnership and education necessary for both the office and the community to building a stronger base for representation, and a dedicated movement to support an enhanced office that provides the higher quality services the community so desperately needs. Those touched by the new system of indigent defense have noticed a clear change in policy, and the need to educate community members on the importance of these reforms, and the necessity of making them permanent, is especially urgent as the OPD office faces increasingly hostile opposition set on dismantling their reforms.

For these reasons, Criminal Justice Fund staff recommends a two-year project support grant in the amount of \$200,000 to the Orleans Public Defenders.