



ORLEANS PUBLIC DEFENDERS

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June 18, 2015

Hon. Mitchell J. Landrieu
Mayor, City of New Orleans
1300 Perdido Street
New Orleans, LA 70112

Hon. Benedict Willard, Chief Judge
Orleans Parish Criminal District Court
2700 Tulane Avenue
New Orleans, LA 70119

Hon. Leon A. Cannizzaro, Jr.
District Attorney, Orleans Parish
619 S. White Street
New Orleans, LA 70119

Hon. Jason Williams
President, New Orleans City Council
1300 Perdido Street
New Orleans, LA 70112

Hon. Harry Cantrell, Magistrate Judge
Orleans Parish Criminal District Court
2700 Tulane Avenue
New Orleans, LA 70119

Hon. Desiree Charbonnet, Chief Judge
Orleans Parish Municipal Court
727 S. Broad Street
New Orleans, LA 70119

Hon. Robert Jones, Chief Judge
Orleans Parish Traffic Court
727 S. Broad Street
New Orleans, LA 70119

Hon. Candace Bates-Anderson
Chief Judge
Orleans Parish Juvenile Court
421 Loyola Avenue
New Orleans, LA 70112

Andy Kopplin, Chief Administrative Officer
City of New Orleans
1300 Perdido Street
New Orleans, LA 70112

Mark Cunningham, President
Louisiana State Bar Association
601 St. Charles Avenue
New Orleans, LA 70130

Hon. Marlin Gusman, Sheriff
City of New Orleans
819 South Broad Street
New Orleans, LA 70119

Dear New Orleans Criminal Justice Stakeholders:

The Orleans Public Defenders (OPD) once again finds itself short of necessary funding to provide constitutionally-mandated legal defense for indigent defendants in FY2016. FY 2015 Projections for locally-generated statutory revenue are short by more than \$300,000. Additionally, the Louisiana Public Defender Board (LPDB) is reducing our state-appropriated funding by approximately \$700,000 in FY2016 – the result of an expanding state crisis in public defense funding. In short, our user-pay criminal justice system is inadequate, unpredictable and unreliable, and hinders OPD's ability to keep up with the growing demands of our criminal justice system.

The Restriction of Services Plan (ROS) for FY2016 will likely cause serious delays in the courts and potential constitutional crises for our criminal justice system in New Orleans if no solution is reached timely.

Subject to approval by the LPDB staff, OPD plans to implement a number of cost-cutting measures over the course of FY2016. Preliminary measures are outlined below. Shortages in attorney resources and hiring freezes – in an already under-staffed office – are certain to raise caseloads, slowing case processing time, affecting the quality of service and jeopardizing the integrity of court proceedings. Criminal justice stakeholders should begin to feel the effects of the ROS in the Fall of 2015 as attorney caseloads rise and contracted conflict representation is no longer available.

Restriction of Services Overview

Hiring Freeze. OPD will implement a hiring freeze July 1, 2015 in response to the current budget shortfall. This freeze will remain in place at least until the end of OPD's fiscal year (June 30, 2016). This hiring freeze includes replacing vacated positions.

Furloughs. Beginning in October 2015, OPD will, if it is unable to fill its funding gap, institute office-wide furloughs. The length and the amount of the office-wide furloughs will be determined by funding projections after the City's 2016 budget process is complete. This will not only impact our clients and delay their cases, it will decrease staff pay and accelerate turnover.

Capital Representation. OPD will eliminate capital conflict representation on July 1, 2015. Existing cases will continue to receive funding, but additional cases will be referred to State staff at the Louisiana Public Defender Board. As a consequence, OPD will not be in a position to handle any increase in capital prosecutions in this fiscal year.

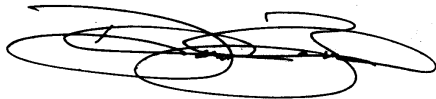
Contract Conflict Representation. OPD will stop contracting for new (non-capital) conflict cases. The only exception will be cases prosecuted under the Gang Violence Reduction Strategy (GVRS) and Juvenile Court Cases – cases specifically funded by the City of New Orleans. The OPD Conflict Division will remain intact, but will not accept cases beyond established workload limits. Clients beyond our limits will be placed on a waitlist for representation.

Rising Caseloads. OPD will closely monitor workloads throughout FY2016. I expect workload to rise over time to unacceptable levels. The situation is especially urgent as many attorneys already exceed manageable levels. Should this situation continue for an extended length of time, we expect to also place appointed clients on a waitlist for representation.

OPD needs adequate, stable and reliable funding and resources. The growing state funding crisis in public defense compromises OPD's ability to provide mandated legal services, brings higher costs in our criminal justice system, and ultimately puts public safety at risk. We regret the hardships these service restrictions will undoubtedly cause. OPD will continue to work with our partners and stakeholders to end service restrictions as soon as possible.

If you have any questions, please do not hesitate to contact my office at 504-827-8204 or email me at dbunton@opdla.org.

Sincerely,



Derwyn D. Bunton
Chief District Defender