

Resolution 8

**RESOLUTION OF THE HOUSE OF DELEGATES
OF THE LOUISIANA STATE BAR ASSOCIATION**

WHEREAS, the State of Louisiana is obligated under the Louisiana Constitution and the United States Constitution to provide sufficient funding for criminal indigent defense;

WHEREAS, Public Defender Offices in certain judicial districts in Louisiana have restricted their services and stopped accepting new cases due to insufficient funding;

WHEREAS, Public Defender Offices in other judicial districts in Louisiana anticipate that insufficient funding will cause them to restrict services in the near future;

WHEREAS, certain courts have been forced to appoint attorneys to represent criminal indigent defendants without compensation in order to avoid a constitutional crisis;

WHEREAS, the House of Delegates supports the judiciary and acknowledges that the judicial branch is not at fault for the financial crisis facing the public defense system;

WHEREAS, compelling attorneys to represent indigent criminal defendants without compensation imposes a significant financial hardship on those attorneys in the form of lost opportunity costs, disruption of their practices, and out-of-pocket expenses;

WHEREAS, compelling attorneys to represent indigent criminal defendants without compensation potentially raises serious ethical issues for attorneys with no prior criminal law experience and for attorneys who have professional conflicts of interest; and

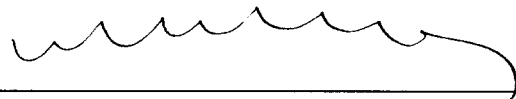
WHEREAS, compelling attorneys to provide uncompensated professional services for the benefit of the State imposes an unlegislated and discriminatory tax on attorneys and arguably violates constitutional protections against the taking of property by the State.

NOW THEREFORE BE IT RESOLVED, that the Louisiana State Bar Association objects to compelling attorneys to provide uncompensated professional services for the benefit of the State and endorses and encourages private litigation that would challenge the

constitutionality and lawfulness of appointing attorneys to represent indigent defendants without compensation; and

BE IT FURTHER RESOLVED, that the Louisiana State Bar Association urges the Louisiana Legislature to authorize sufficient funding to meet the State's constitutional obligation to provide effective assistance of counsel for indigent defendants in state criminal proceedings.

SUBMITTED BY:



Michael W. McKay
Delegate, 19th Judicial District

APPROVED
HOUSE OF DELEGATES
JUNE 11, 2015
DESTIN, FL

APPROVED
BOARD OF GOVERNORS
JUNE 12, 2015
DESTIN, FL