

# A Review of Public Defense Funding in Louisiana

*The Louisiana Public Defender Board was created by the Legislature in 2007 as a representation of the State of Louisiana's commitment to the pursuit of equal justice for all of Louisiana's citizens regardless of income.*

# LA Public Defender Board Composition per R.S. 15:146(B)(3):

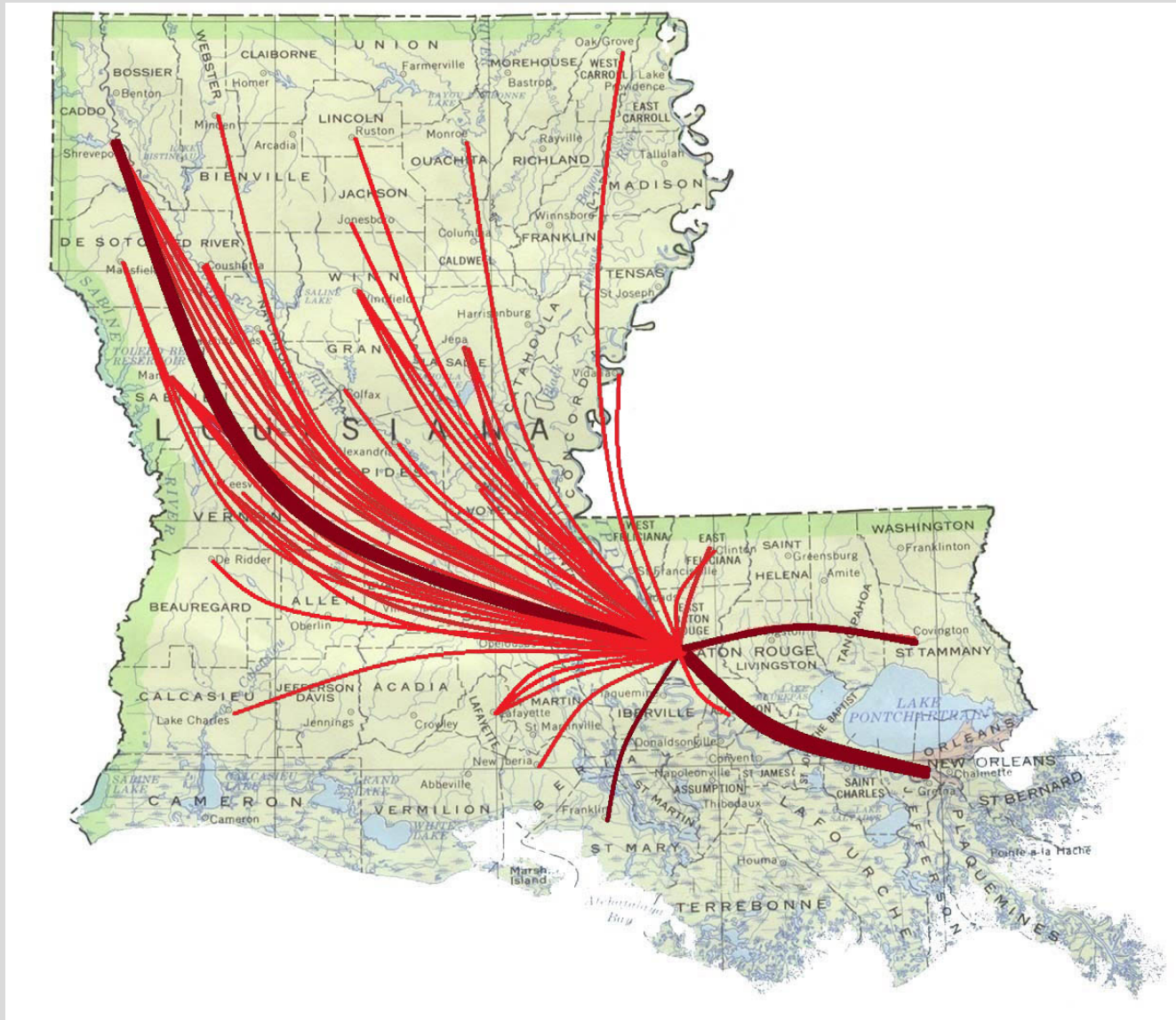
- 6 Board Members appointed by Governor (incl.Chair)
- 2 appointed by the Legislature
- 2 appointed by the LA Supreme Court
- 2 appointed by the LSBA
- 1 appointed by the LA Interfaith Conference
- 1 appointed by the Louis Martinet Society
- 1 appointed by the Children's Code Committee/LSLI

# Accountability & Oversight

- Monthly financial and compensation reporting
- On-site fiscal auditor;
- Promulgated standards and guidelines
- Assessment tools to monitor compliance towards standards and guidelines
- Case management system
  - Autodormant data failsafe to ensure accuracy of open case counts
- Annual report of Office management and policies, caseloads and outcomes, and detailed financial report

# LPDB'S Accountability & Oversight

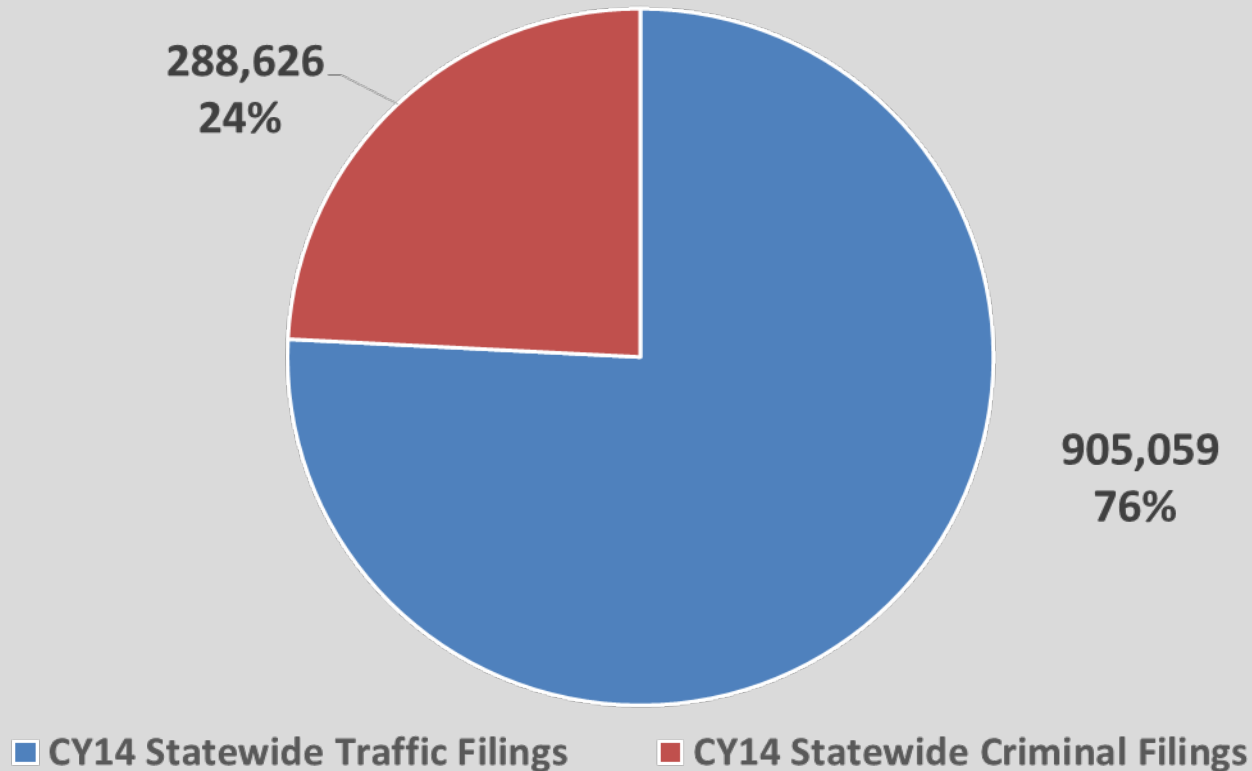
## – On Site Assistance



*Since its inception, Louisiana's public defender system has been persistently underfunded due to reliance on an inadequate, unstable, and unreliable funding stream based primarily on traffic tickets and local court costs.*

# Public Defense Funding

In 2014, 1.193 Million  
fee-generating charges were filed statewide



(CY14 Louisiana Supreme Court Annual Report Filing of Statewide Criminal & Traffic Cases)

*PDO reliance on these filings as a revenue source is precarious because other agencies control the stream of revenue.*

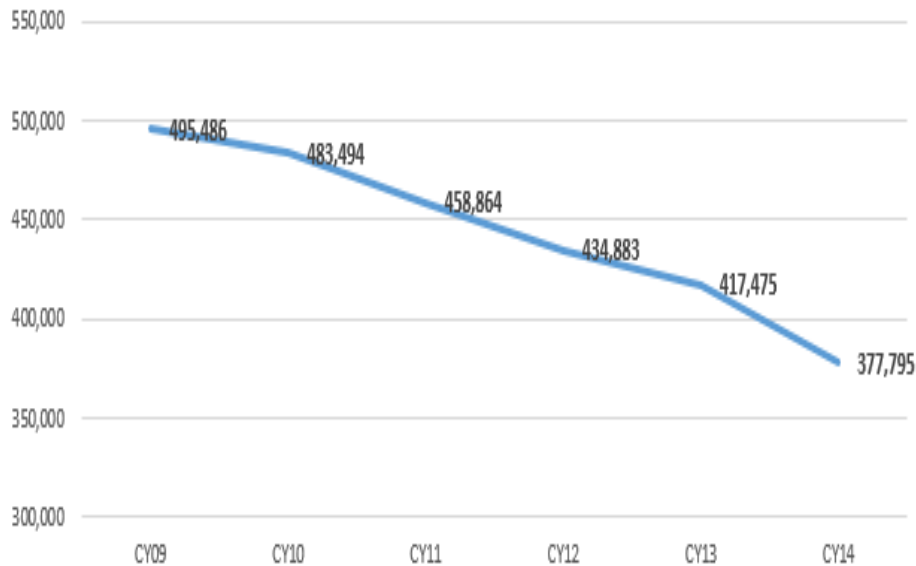


# CY2009-2014 Statewide District Court Filings

(Data Sources-- Filing Data: LASC Annual Reports CY09-14 / Remittance Data: LPDB District Monthly Financial Reports CY11-14)

PDO	District Court Filings												
	Traffic						Criminal						
	CY09	CY10	CY11	CY12	CY13	CY14	CY09	CY10	CY11	CY12	CY13	CY14	
<b>88</b>	495,486	483,494	458,864	434,883	417,475	377,795	176,533	167,330	158,743	154,721	159,612	153,054	
Percentage Change from 2009 to 2014		-24%				Percentage Change from 2009 to 2014		-13%					

District Court Traffic Filings CY09-CY14



District Court Criminal Filings CY09-CY14



# CY2009-2014 Statewide City Court Filings

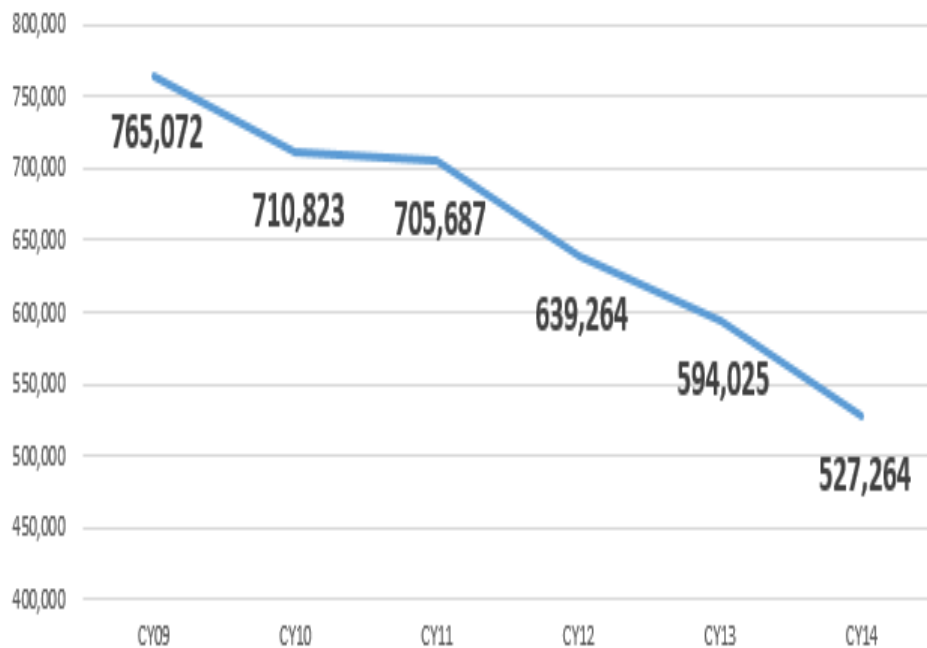
(Data Sources-- Filing Data: LASC Annual Reports CY09-14 / Remittance Data: LPDB District Monthly Financial Reports CY11-14)

PDO	City Court Filings											
	Traffic						Criminal					
	CY09	CY10	CY11	CY12	CY13	CY14	CY09	CY10	CY11	CY12	CY13	CY14
<b>88</b>	765,072	710,823	705,687	639,264	594,025	527,264	191,679	182,787	171,170	166,662	151,481	135,572

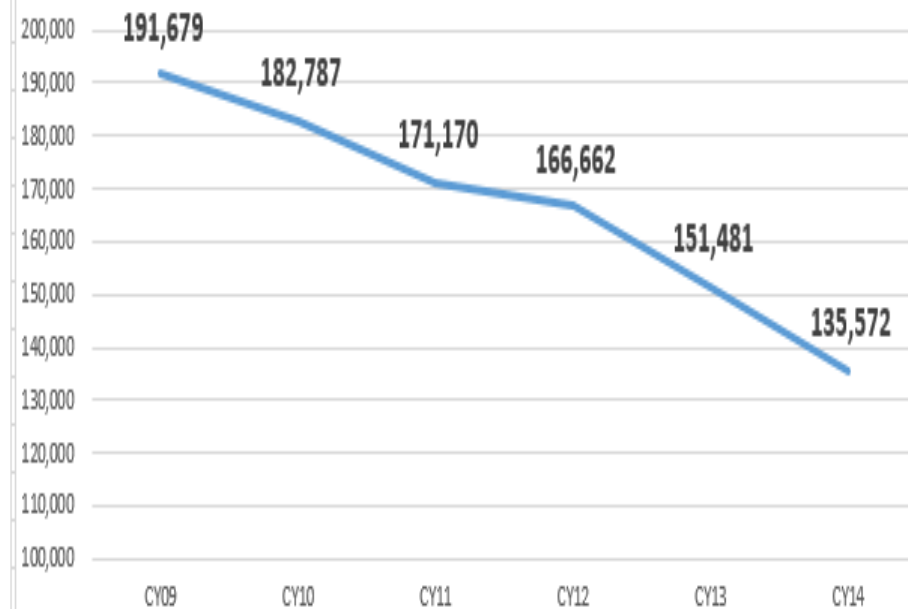
Percentage Change from 2009 to 2014	-31%
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Percentage Change from 2009 to 2014	-29%
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City Court Traffic Filings CY09-CY14



City Court Criminal Filings CY09-CY14

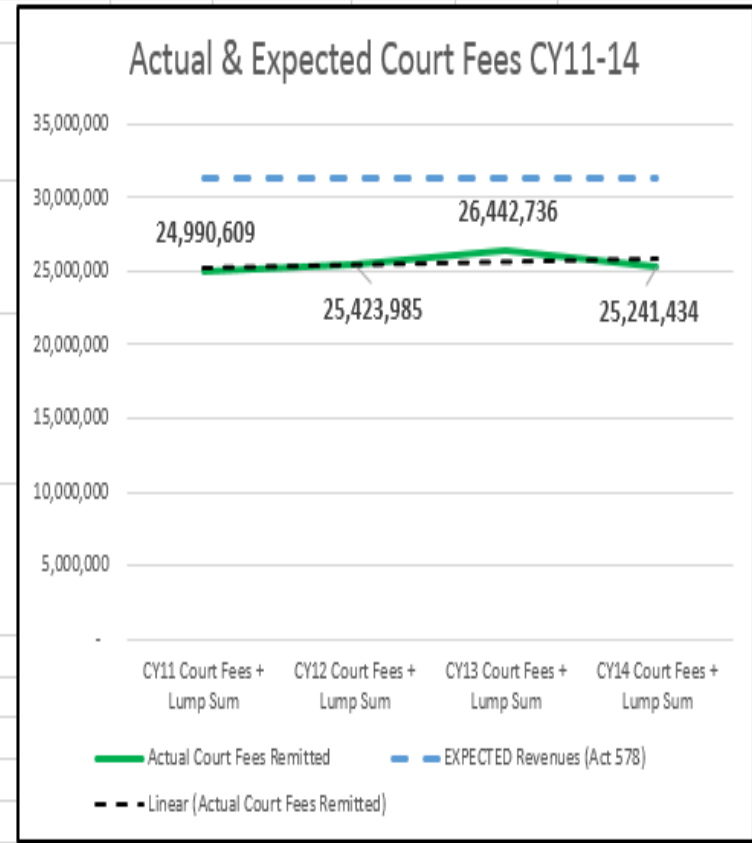


PDO	City and District Court Remittances to PDOs				
	CY11 Court Fees + Lump Sum	CY12 Court Fees + Lump Sum	CY13 Court Fees + Lump Sum	CY14 Court Fees + Lump Sum	Expected 25% Increase
<b>88</b>	24,990,609	25,423,985	26,442,736	25,241,434	31,238,261

NON-ITEMIZED LUMP SUM REMITTANCES ARE ASSUMED TO BE ALL COURT FEES -- IF THEY ARE NOT ALL COURT FEES, ACTUAL % ARE LOWER THAN SHOWN BELOW.

CY11 Apparent Number of Cases resulting in \$35 fees	714,017	CY11 Apparent Rate of Remittance (% of Cases resulting in \$35 fees)	47.8%
CY12 Apparent Number of Cases resulting in (AVERAGED) \$40* fees	635,600	CY12 Apparent Rate of Remittance (% of Cases resulting in averaged \$40 fees*)	45.5%
CY13 Apparent Number of Cases resulting in \$45 fees	587,616	CY13 Apparent Rate of Remittance (% of Cases resulting in \$45 fees)	44.4%
CY14 Apparent Number of Cases resulting in \$45 fees	560,921	CY14 Apparent Rate of Remittance (% of Cases resulting in \$45 fees)	47.0%

\*ESTIMATED/AVERAGED: FIRST 1/2 CY12 FEE WAS \$35; SECOND 1/2 CY12 FEE WAS \$45, AVERAGE \$40/CASE FOR CY12 WAS USED IN CALCULUS ABOVE.



# Traffic Filings Account for the Lion's Share of ALL Local Revenues

- 360K fewer tickets + 80K fewer criminal filings  
= 440K fewer filings in 2014 than 2009.
- 440K filings holds the potential for \$19.8M in  
\$45 court fees for the PDOs  
*(if every case paid \$45)*

LPDB calculates that 47% of CY14 traffic + criminal filings *did* generate fees for the PDOs.

Therefore the drop in filings from 2009 to 2014 may represent more than a **\$9.2M loss to Public Defenders Offices in 2014 alone.**

CY13: 44.4% of the total 1.322M traffic + criminal filings *did* generate fees for the PDOs.

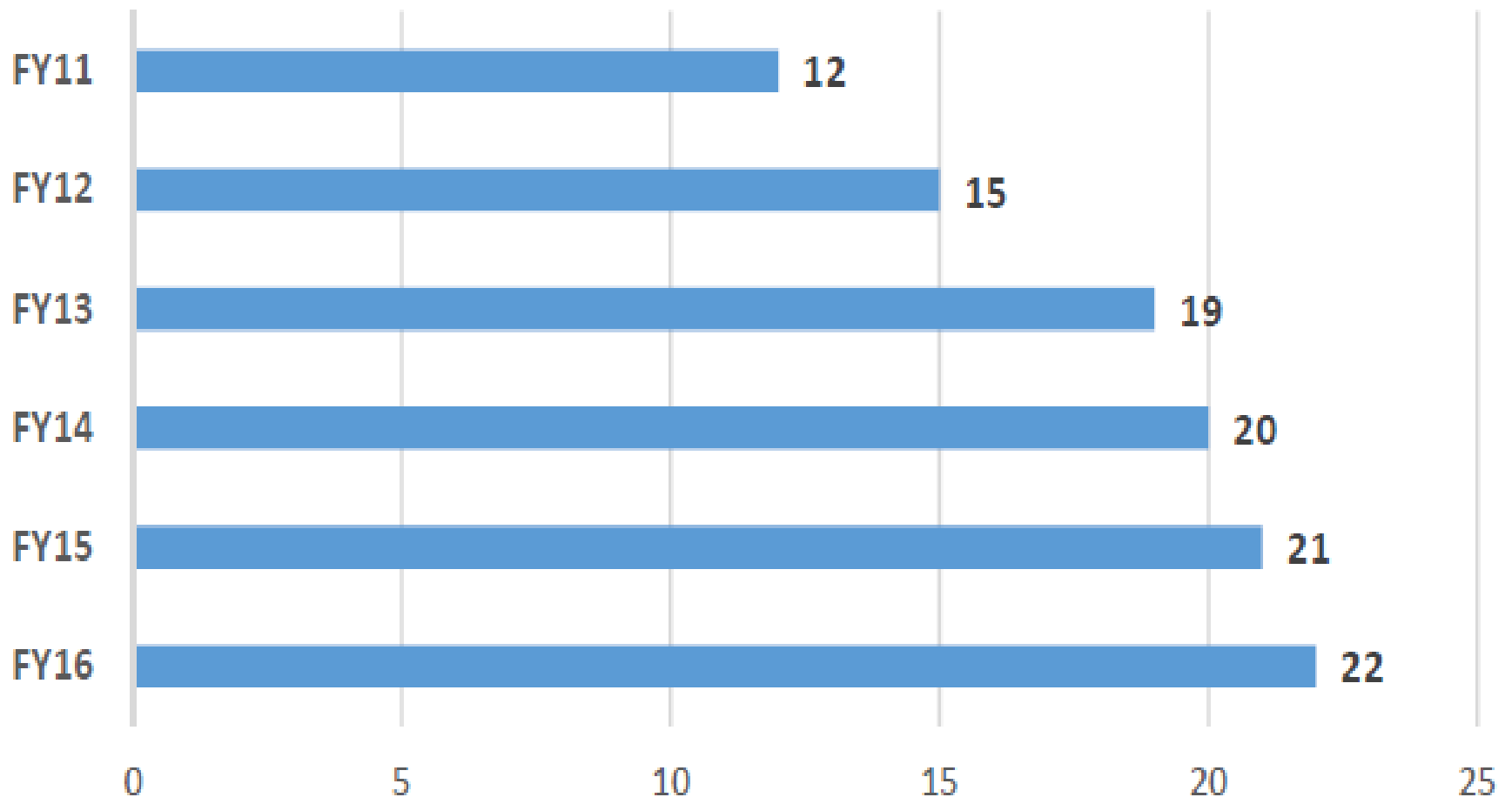
Therefore the drop in filings from 2009 to 2013 may represent more than a **\$6.1M loss to Public Defenders Offices in 2013.**

Falling Traffic and Criminal Filings in  
CY13 & CY14 resulted in an  
estimated **\$15.3M loss to local  
Public Defender Offices**

Restriction of Services is NO Surprise

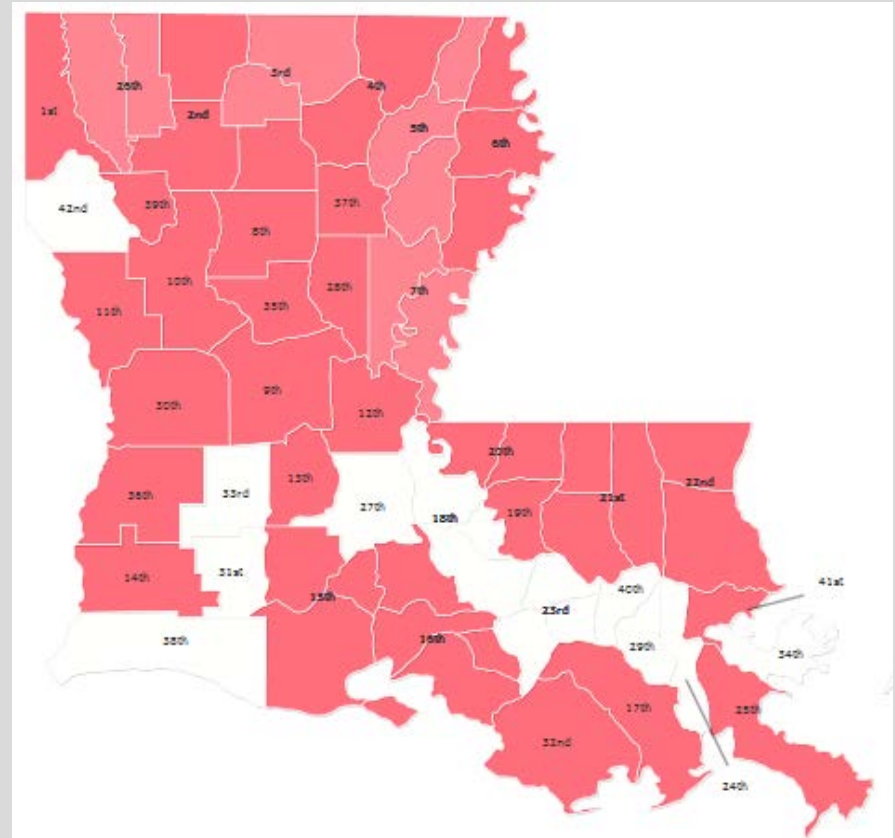


(from 2010 Board Meeting: Projections of Insolvency) :  
Number of District Facing Insolvency/In Need of Bailout FY11-16



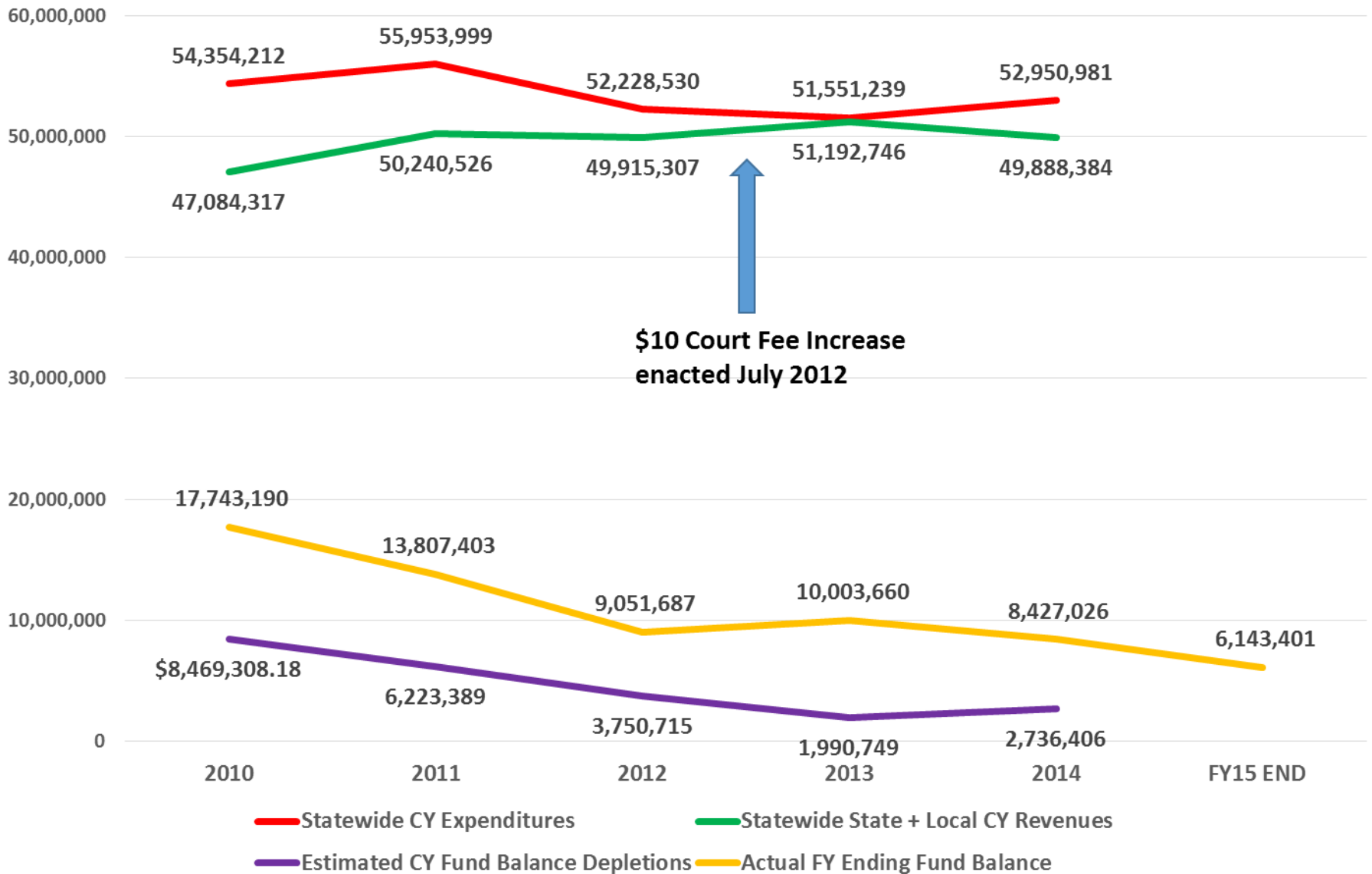
# LPDB Response to Fiscal Crisis

- As of August 2015, policies and procedures implemented by LPDB have prevented financial disaster in 31 of the state's 42 Public Defender Offices (in red) at least once between 2010 and 2015.



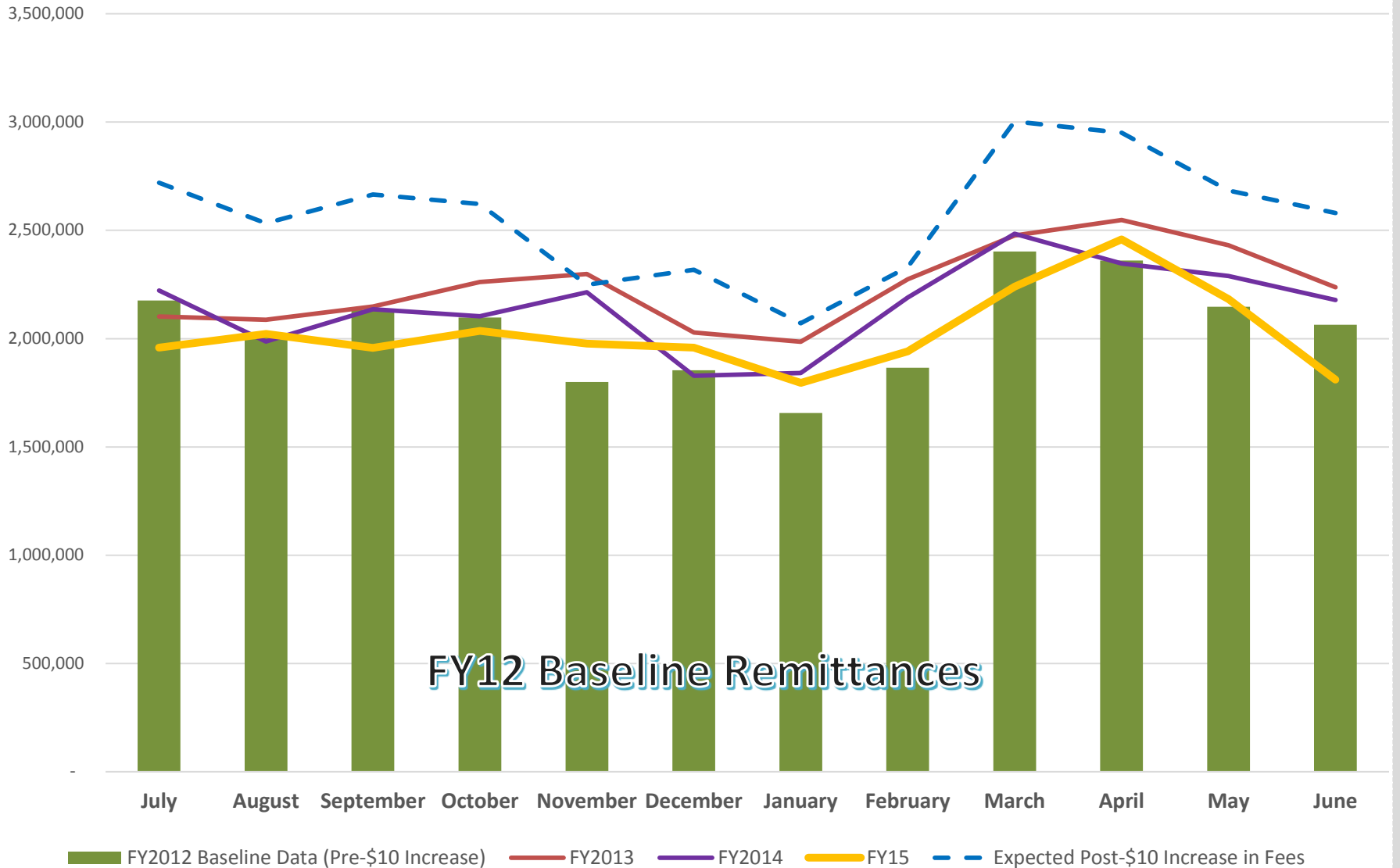
*Districts have been dependent on fund balances and supplemental state funding to meet the gap between revenues and expenditures for years.*

## 2010-2014 CALENDAR YEAR Expenditures & Revenues and FISCAL YEAR 2010-2015 Year-End Fund Balances & Estimated Depletions



# LPDB Statewide Total Local Court Fee Revenues

## Pre- and Post-\$10 Fee Increase



# HCR 196

Caseloads & Guidelines

Fiscal Priorities

Composition & Structure of LPDB

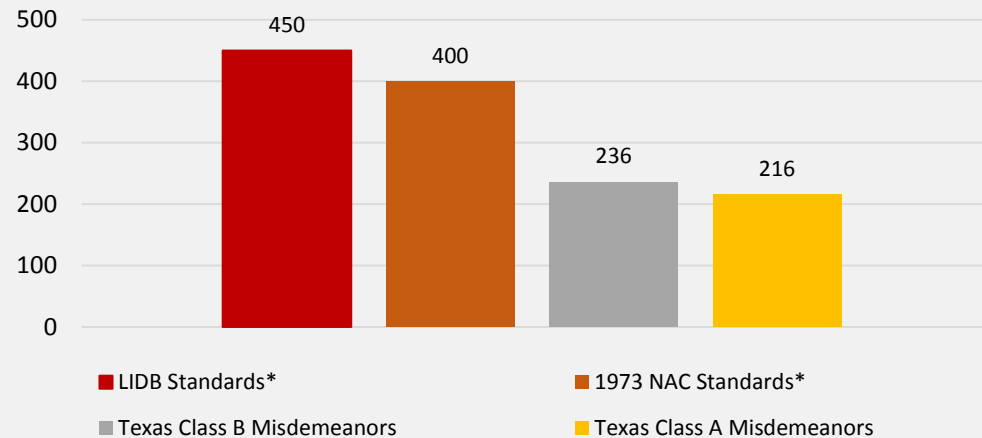
# Caseload Standards and Ethical Representation

Public Defense attorneys must provide effective assistance of counsel to indigent clients which complies with the Louisiana Supreme Court's *Rules of Professional Conduct*

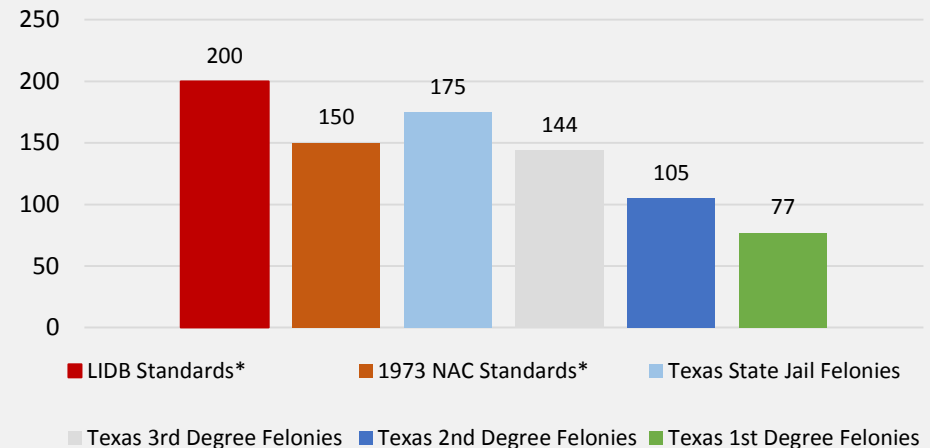
# Caseload Standard Comparisons

- Louisiana caseload standard maximums are higher than every other known caseload standard in the United States
- LPDB's database automatically discounts cases which have been dormant for more than six months
- LPDB conforms to the definition of a case as established in L.R.S. §15:174(C)

Caseload Standards Comparison - MISDEMEANORS



Caseload Standards Comparison - FELONIES





LPDB is currently undertaking an empirical weighted caseload study with the assistance of preeminent members of American Bar Association and the nationally recognized accounting firm of Postlewaite & Netterville.

Results available in the Summer 2016.

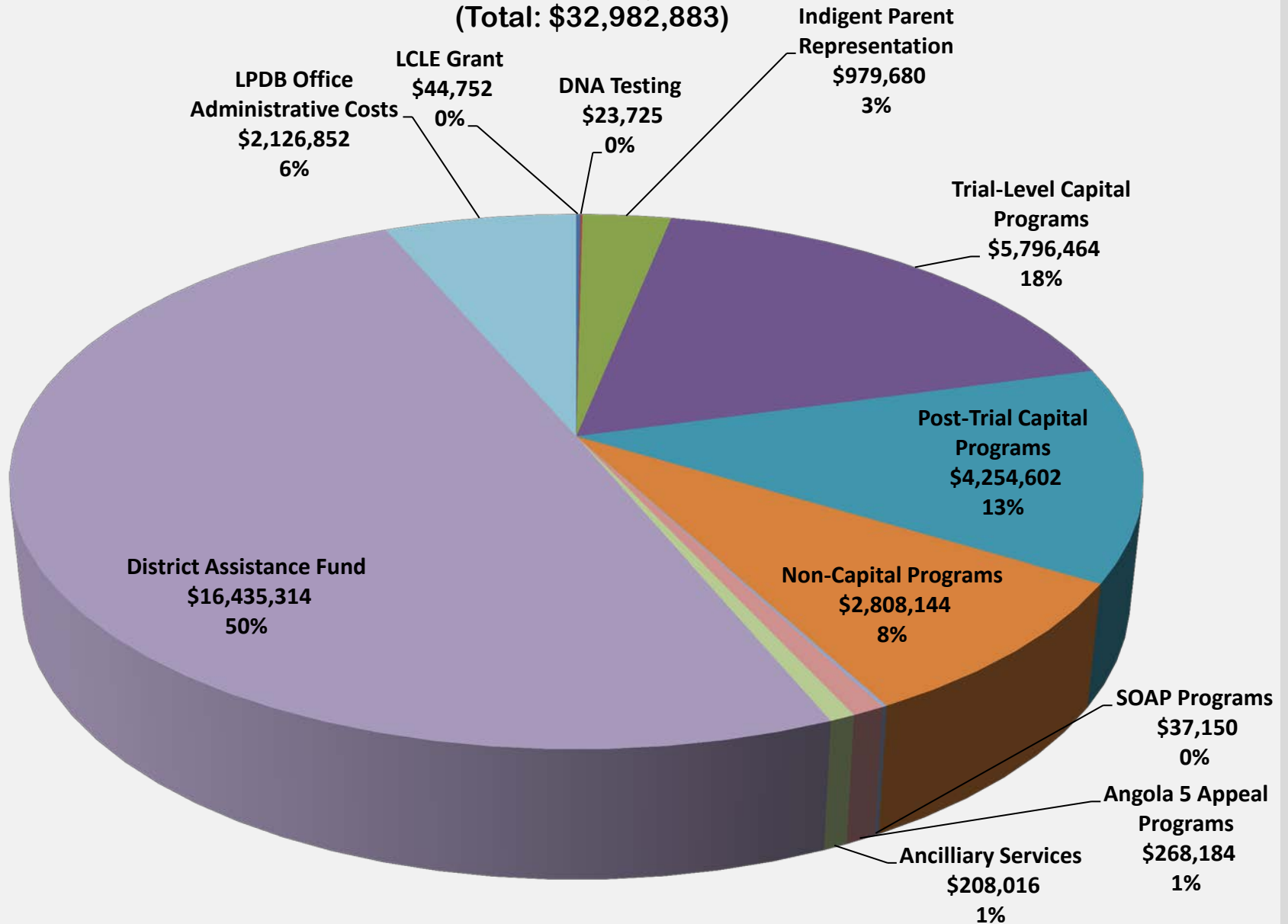
# Standards & Guidelines

- Trial Court Performance Standards
- Trial Court Performance Standards, CINC
- Trial Court Performance Standards, Delinquency
- Capital Defense Guidelines
- Capital Performance Standards

# **FISCAL PRIORITIES**

# LPDB FY2014 Expenditures

(Total: \$32,982,883)



# Fiscal Priorities

LPDB Administrative Costs:

\$2.1M of the \$33M (6.3% of state funding)

DoC Corrections Services Administrative costs at 16.74%

OJJ Youth Services Administrative costs at 11.37%

# Popular Misconception

Public Defense Does NOT spend 1/3 of its funds on capital

FY14: Capital Trial and Post-Trial Level Programs total \$10M of the \$67M spent statewide = 15%

On average, each year in Louisiana there are:

- 98 new 1<sup>st</sup> Degree ARRESTS
- 32 new 1<sup>st</sup> Degree INDICTMENTS
- 66 indicted cases open from prior years
- 4-5 capital TRIALS per year

The Capital Program Offices handle about half of these at a cost of \$5.79M annually.

# Preventing ROS in FY17

LPDB districts need an additional \$3.6M\* in state or local funds during FY17 to allow districts currently in service restriction to return to status-quo operation and to avoid additional districts entering service restrictions.

The amount needed to prevent service restriction will increase each year as districts continue to exhaust fund balances still in existence.

\*This \$3.6M assumes the \$10 Increase in Court Fee is extended in 2015 session.

# Budget Needs:

*Louisiana Campaign for Equal Justice* compiled the 2013 Legislative Audits for each District Attorney's Office and compared to the spending by each Public Defender Office (PDO).



# Budget Needs:

**Comparison of DA Office Expenditures and Public Defender Office Expenditure Statewide  
(DA Data Source: 2013 (Most Recent) Published Bi-Annual Audits; Public Defender Data: LPDB District  
Monthly Financial Reports 2013)**

District	District Attorney Office 2013 Total Annual Expenditures	Public Defender Office 2013 Total Annual Expenditures	For every \$1 the Public Defenders spent, the DAs spent:
<b>DA &amp; PD District Office Totals</b>	<b>\$139,678,649</b>	<b>\$ 51,551,239</b>	
<b>District Office Totals + \$13.8M LPDB Appeals, Juvenile and Capital program Spending</b>	<b>\$139,678,649</b>	<b>\$ 65,397,129</b>	<b>\$ 2.14</b>

# Budget Needs:

While many DA offices also face fiscal problems, their spending serves as a touchstone for Public Defense spending

- We provide services in more than 80% of criminal cases yet receive less than 50% of the prosecution's funding