



Orleans Public Defenders



I am
Gideon

ANNUAL REPORT 2013

DIVISION OF CORRECTIONS
CORRESPONDENCE REGULATIONS

MAIL WILL NOT BE DELIVERED WHICH DOES NOT CONFORM WITH THESE RULES

- No. 1 -- Only 2 letters each week, not to exceed 2 sheets letter-size 8 1/2 x 11" and written on one side only, and if ruled paper, do not write between lines. Your complete name must be signed at the close of your letter. Clippings, stamps, letters from other people, stationery or cash must not be enclosed in your letters.
- No. 2 -- All letters must be addressed in the complete prison name of the inmate. Cell number, where applicable, and prison number must be placed in lower left corner of envelope, with your complete name and address in the upper left corner.
- No. 3 -- Do not send any packages without a Package Permit. Unauthorized packages will be destroyed.
- No. 4 -- Letters must be written in English only.
- No. 5 -- Books, magazines, newspapers and news items of a purely religious character will be delivered only if mailed direct from the publisher.
- No. 6 -- Money must be sent in the United States Postal Order only in the inmate's complete prison name and prison number.

INSTITUTION _____ CELL NUMBER _____
NAME _____ NUMBER _____

THERE CAN BE
NO EQUAL
JUSTICE WHERE
THE KIND OF
TRIAL A MAN
GETS DEPENDS
ON THE
AMOUNT OF
MONEY HE HAS.

In The Supreme Court of The United States
Washington, D.C.
Clarence Earl Gideon
Petitioner
vs.
H.G. Cochran, Jr., Director, Division of Corrections of Florida.
No. 890 Misc.
OCT. TERM 1961
U. S. Supreme Court
To: The Honorable Warren, Chief Justice of the United States
Comes now the petitioner, Clarence Earl Gideon, of the United States of America, in person and appearing as his own counsel, before this Honorable Court for a Writ of Certiorari directed to the Supreme Court of the State of Florida, to reverse the order and judgment of the court below denying the petitioner a Writ of Habeas Corpus.
Petitioner submits that the Supreme Court of the United States has the authority and jurisdiction to review the final judge-

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THE RIGHT OF ONE
CHARGED WITH
CRIME TO COUNSEL
MAY NOT BE
DEEMED
FUNDAMENTAL
AND ESSENTIAL TO
FAIR TRIALS IN
SOME COUNTRIES,
BUT IT IS IN OURS.

Justice Hugo Black, U.S. Supreme Court
Gideon v. Wainwright

message

FROM THE CHIEF

Fifty years ago, a Florida drifter changed the legal landscape forever. In five handwritten pages to the U.S. Supreme Court, Clarence Earl Gideon asserted he had the right to a lawyer – even with no money in his pocket. The United States Supreme Court agreed. In the landmark case, *Gideon v. Wainwright*, the Court ruled the right to a lawyer is fundamental, essential to a fair trial and cannot be denied. Moreover, the right means everyone is entitled to effective representation. The Orleans Public Defenders Office (OPD) strives each day to provide our clients zealous legal representation, breathing life into this constitutional guarantee.

It is hard to believe that within many of our lifetimes, legal representation was not a guarantee. This guarantee is often taken for granted today. Has the promise of full access to counsel – to justice – really been fulfilled?

Certainly Louisiana has made great strides with the passage of the Public Defender Act in 2007. However, we still have many miles to go before laying claim to a fair and balanced criminal justice system. Caseloads topped 22,000 in 2013 while our office remained underfunded and understaffed – our attorneys overworked and systemic disparities obvious and brazen.

Justice can only be served if every person – rich or poor – has the effective assistance of counsel and can face his or her accuser equally in a court of law. That is the promise of Gideon. Public defenders fight every day to fulfill that promise, but until Gideon is made real – with adequate, stable and reliable resources – fairness is beyond reach, justice remains in jeopardy and our whole system – our whole society – suffers.

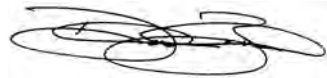
Many in our community are born into trouble, and each day is a struggle for survival and redemption. Our clients are fighting for a chance in court, a second chance at life. Less known, our clients fight

for a chance to prove they are better than the worst thing they've ever done. And yes, many times our clients fight to prove their innocence – with only their public defender standing beside them.

A client's father wrote me thanking me for the professionalism and excellence of my staff. He wrote, "Without their efforts to help people like myself, many individuals would have their lives changed (negatively) forever." As the saying goes, the arc of history is long, but it bends toward justice; OPD has a long way to go, but earning the thanks of our clients and community lets me know we are on the right track.

Much like that pool hall drifter 50 years ago, we do not go quietly or without question. We fight every day for justice and fairness in our criminal justice system on behalf of poor people. Justice should never hinge on the amount of money in a man or woman's pocket, or skin color, or even the side of the tracks they come from. While elusive, justice is demanded and guaranteed by our constitution.

We all have much in common with Clarence Gideon. We believe in fairness and justice. Further, we are taught that fairness and justice are owed – inalienable – to all of us. What we may forget is that it is only by grace we were not wrongly charged for burglarizing the pool hall, or for theft or worse. Simply put, what we forget is, in the end, we are all Gideon.



Derwyn Bunton
Chief District Defender
Orleans Parish

GIDEON IN

1963

U.S. Supreme Court rules for the first time requiring the states provide counsel, establishing the right to counsel as a fundamental right under the U.S. Constitution in order to provide a fair trial and due process of law.

1966

Louisiana creates 41 district indigent defender boards. However, the boards lack oversight and uniformity in accomplishing representation.

1993

Louisiana Supreme Court ruled overburdened counsel could refuse to go forward with representation leading to the creation of the Louisiana Indigent Defender Board.

2003

The Louisiana State Bar Association decries the state of public defense in Louisiana.

The Task Force on Indigent Defense Services is created by the legislature to address the problem and provide recommendations for change by April 2007.

2005

Hurricane Katrina causes a complete collapse of the criminal justice system in New Orleans and exposes the failure and inadequacy of public defense in Orleans Parish.

2006

U.S. Department of Justice declares it 'imperative that a stable and adequate funding source be established... without, it will remain impossible to provide defendants with the representation to which they are constitutionally entitled.'

NEW ORLEANS

2006

OPD overhauls the entire organizational structure becoming the full-time, community-oriented defense practice of today with a renewed focus on zealous representation and a commitment to New Orleans, its citizens and the greater community.

2007

Act 307, the Public Defender Act, passes the Louisiana Legislature with near-unanimous support, finally ensuring a system of indigent defender services that clearly provides all defendants with a right to effective counsel.

2009

OPD is recognized by the Southern Center for Human Rights with the *Frederick Douglass Human Rights Award* for outstanding contributions to the protection of human rights in the criminal justice system.

2012

Unreliable, unstable and inadequate funding cause substantial budget shortfalls for OPD, forcing restrictions of services, mass layoffs and hundreds of clients left without representation in Criminal District, Municipal and Traffic Court.

2013

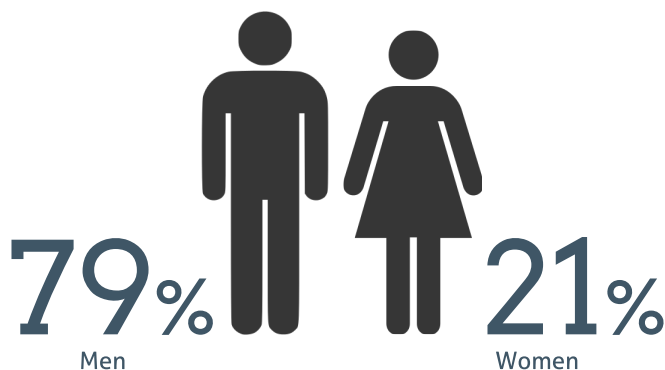
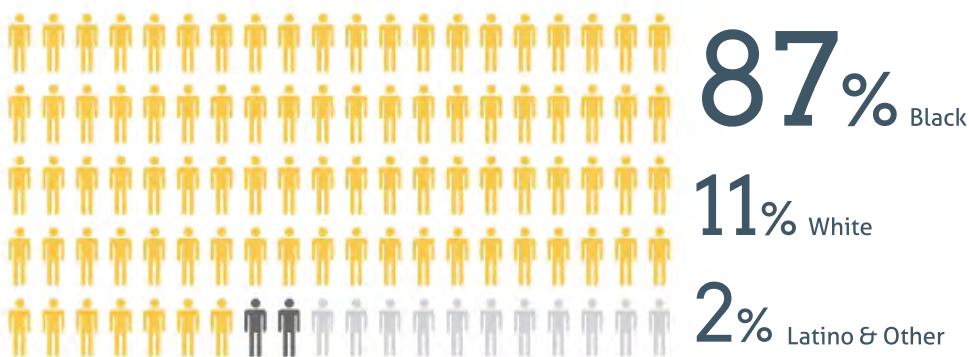
The 50th anniversary of Gideon is celebrated with the release of the HBO documentary *Gideon's Army* and the book *Chasing Gideon*. Both highlight the disparities within the criminal justice system.

The New York Times calls New Orleans fee-based funding mechanism 'perverse.'

GIDEON IN

WHAT INDIGENCY REALLY LOOKS LIKE

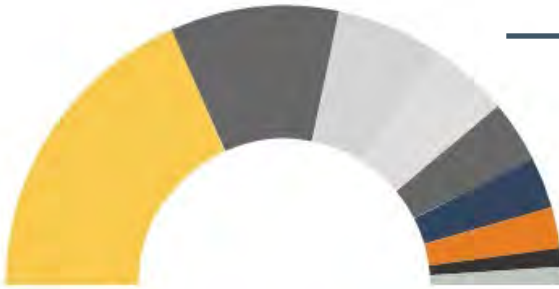
INDIGENCY BY RACE



NEW ORLEANS

MEDIAN AGE AT ARREST

29



37% are 25 or younger

EDUCATION

40%

Did not complete high school

37%

Have a high school diploma or GED

21%

Some college but no degree

2%

Have a post-secondary degree



SOMEONE
FINALLY **CARED**
ABOUT ME.



i am gideon

STATE OF LOUISIANA V. AUBREY ANDERSON

Aubrey Anderson greets Staff Attorney Lauren Boudreaux in the OPD lobby with a smile and his bike in tow. Lauren wants to know where his helmet is. "I know, I know. I was worried about being late and I just forgot it. I'm sorry Ms. Lauren." Lauren assures him it's ok. "I just want you to be safe."

Lauren remembers the first time she saw Mr. Anderson in August of 2008. She happened to be the section attorney. Mr. Anderson was shackled on his ankles and wrists, a gushing wound on the top of his head, some of his teeth missing and he was crying. He was charged with simple burglary; an arrest that resulted from his drug addiction. The two began talking and Lauren learned he was raped and beaten by inmates on his tier after they discovered he was gay. "I knew at that moment I had to do everything in my power to help Mr. Anderson." Lauren immediately went to work. Two weeks later, he was released from jail after pleading to probation and agreeing to mental health and drug court. Mr. Anderson was finally going to get the help he

**"I DON'T KNOW
WHERE I'D BE
WITHOUT
LAUREN.
CERTAINLY
NOTHERE."**

desperately needed and wanted.

"I'm not sure where I would be today if it weren't for Lauren," said Mr. Anderson. "Certainly not here. Lauren came to my rescue." Lauren always took the time to explain his charges and ensure he knew exactly what was going on with his case. Lauren got him working on his GED, but first he had to learn to read. Lauren continued encouraging him and he now reads at a fourth grade level and is working toward that diploma.

Since meeting so long ago, Mr. Anderson remains a constant in Lauren's life. "Aubrey is a former client, but he is so much more. He is like a student, a brother and most importantly a friend." He continues trying to better himself by taking literacy classes, volunteering in the community and staying sober.

"Lauren has always been a cheerleader for me. She is the big sister I never had," said Mr. Anderson. "She brought out the best in me and always said I could do it. But what she really gave me, was someone who finally cared about me."

WE... RESTORE
CONSTITUTIONAL
PRINCIPLES
ESTABLISHED TO
ACHIEVE A **FAIR**
SYSTEM OF
JUSTICE.

Justice Hugo Black, U.S. Supreme Court
Gideon v. Wainwright

in review

ANSWERING THE CALL IN 2013

In 2013, OPD defended nearly 23,000 cases. Some vast, some minor, all threatening jail time, but none insignificant and all with potentially life-changing effects for those facing a behemoth criminal justice system. 2013 was a year full of challenges, victories and defeats, both big and small, and a renewed dedication to the call of Gideon. Each one of us has a very personal reason why we continue on in often arduous circumstances, but together we push forward working for change and justice.

OPD has improved representation of juvenile clients through both the creation of the Juvenile Transfer Squad and the mitigation work on behalf of juvenile "Miller" clients facing life without parole (LWOP). Following the 2012 Supreme Court ruling in *Miller v. Alabama* declaring mandatory life without parole sentences for juveniles unconstitutional, OPD received a grant to create mitigation teams including an investigator and client advocate or social worker to work on every juvenile LWOP case.

While growth slowed for another year, we continued to attract and recruit the best and brightest. We welcomed Tina Peng, New York University School of Law, and Will Snowden, the 2013 Seton Hall University Student Servant Leader Award recipient.

OPD also grew and improved our Capital and Conflict Divisions, increasing the level of representation while drastically decreasing overall costs. With the addition of administrative and client services resources, we continue to reform representation in Municipal Court. This was also the first full year of the reorganized Client Services Division, which further fulfills our mission to advocate for our clients in a more client-centered and comprehensive manner.

Our investigators worked tirelessly for truth and answers, knocking on doors, canvassing for miles, even trekking across state lines. They went above and beyond their jobs (more than 1,000 field investigations), many times uncovering the key to a winning defense - even going so far as to secure a job for a client from a no-longer complaining witness.

"It takes a village" is a vast understatement in the world of public defense. Each year continues to prove the success of OPD, and the success of our clients would not be possible without the tireless, passionate work of every attorney, investigator, client advocate, social worker and administrator. Each one makes an impact. Even without enough to go around, we stand together for justice.

AWARDS & ACCOLADES



Child in Need of Care Supervising Attorney Nzinga Hill was awarded the 2013 National Legal Aid and Defender Association 'Reggie' Award for her dedication and work for indigent defense.



Chief of Trials Kenny Green marked his 30th year fighting the good fight as a public defender in New Orleans.



Chief Defender Derwyn Bunton was invited to join Attorney General Eric Holder to commemorate the 50th anniversary of Gideon v. Wainwright in Washington, DC.



The Congress of Day Laborers recognized OPD for its continued work on immigration injustices.

Chief Defender Derwyn Bunton, Delmy Palencia, organizer Jacinta Gonzalez and Special Litigation Counsel Jee Park

Loyola Law School clinical professor Majeeda Snead, Tulane Law School Assistant Dean Jim Letten, Hon. Ricky Wicker, Rep. Wesley Bishop, Bronx Defenders Founder Robin Steinberg



OPD hosted its first symposium, "Race, Poverty and Public Defense: Gideon 50 Years Later in New Orleans." Local and national experts explored the history and future of indigent defense reform, community-oriented defense practices, mass incarceration and sentencing reform.



Chief Defender Derwyn Bunton and Councilmember Susan Guidry

CASES

22,718

ADULT FELONY

7,711

ADULT MISDEMEANOR

12,172

REVOCATIONS

2,673

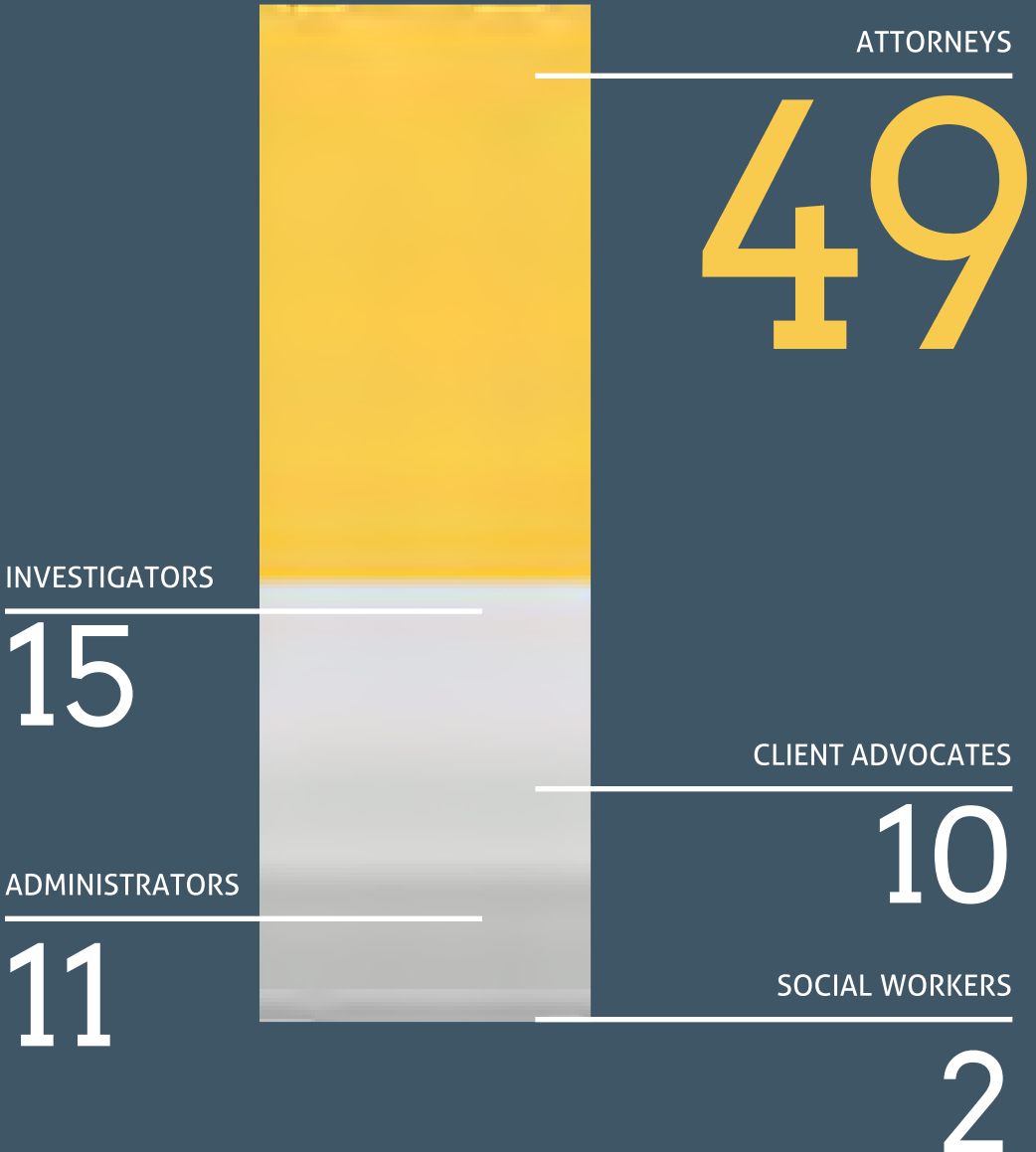
CAPITAL

15

CHILD IN NEED OF CARE

146

STAFF



JEE WAS A
GODSEND. IT
WASN'T LUCK
SHE WAS IN
THAT
COURTROOM
THAT DAY.



Staff Attorney Seth Wayne, Gloria Johnson,
Special Litigation Counsel Jee Park

i am gideon

STATE OF LOUISIANA V. GLORIA JOHNSON

Gloria Johnson's spirit is infectious. She is happy, determined and looks toward the future. It's a far cry from 2008 when Special Litigation Counsel Jee Park met Ms. Johnson in court for the first time. As Ms. Johnson recalls, "It wasn't luck Jee was there that day, she was there by the grace of God." Ms. Johnson was in court for a mental health status hearing seeking weekend passes to see her children.

Ms. Johnson was found not guilty by reason of insanity and remanded to Eastern Louisiana Mental Health Systems. For four years, she was a model patient and demonstrated to her doctors she was not a danger to herself or others and no longer suffered from a mental disease or defect. But her freedom was held at bay. Judges and prosecutors did not want a woman acquitted by reason of insanity to be free. Ms. Johnson readily admits she lost her mind and tried to hurt her ex-husband when she learned that he had sexually abused their youngest daughter who later ran away from home. Ms. Johnson's daughter was subsequently killed while living on the streets. "I did what I felt was the only option as a mother," recalled Ms. Johnson. "My family was torn apart."

Ms. Johnson, who had never been arrested before, was working patiently toward her

freedom - from extended weekend passes to see her family, to living in a half-way house, to being conditionally released to live on her own. Ms. Johnson slowly but surely regained her freedom. Jee tirelessly helped Ms. Johnson along the way: filing motions, requesting hearings, filing writs before the court of appeal, and consulting with doctors.

"I just kept my faith that one day it would work out the way it was supposed to," said Ms. Johnson. And her faith paid off. The Fourth Circuit Court of Appeal finally agreed with Ms. Johnson and Jee that a person acquitted by reason of insanity, who no longer suffers from a mental disease or defect, and is not a danger to herself or others cannot be ordered to probation for an indefinite period of time. Ms. Johnson's probation was terminated and her case was finally closed. A painful chapter in her life came to an end.

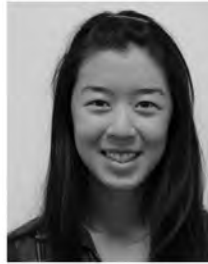
Ms. Johnson is determined to dust the courtroom off her feet and start over. "I want to be a success. I want to put my family back together and help raise my grandbabies." She wants to be a part of their lives, as well her remaining daughter's. "None of this would have been possible without Jee and her team. I'm so grateful for their hard work. They definitely went way beyond what many attorneys would have done for someone like me."

**"I JUST KEPT MY
FAITH THAT ONE
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**THE RIGHT WAY IS
NOT ALWAYS THE
POPULAR AND
EASY WAY.**





**STANDING FOR RIGHT
WHEN IT IS
UNPOPULAR IS A
TRUE TEST OF
MORAL CHARACTER.**

Margaret Chase Smith



I KNEW ZACK
WAS ON MY
SIDE AND I
TRUSTED HIM.
HE BELIEVED
IN ME.



i am gideon

STATE OF LOUISIANA V. MARK WARD

Mark Ward first met Staff Attorney Zack Orjuela through the dingy glass partition of the Orleans Parish Prison. Charged with a low-level illegal possession of stolen things offense and unable to afford his relatively small bond, Mr. Ward was worried about what lay ahead of him. Zack assured him he was on his side and would do everything in his power to help.

"Although Mark didn't have a particularly complicated case," Zack said, "I knew he could have easily been shuffled through the system and I had to keep that from happening."

The criminal justice system can be overwhelming and confusing even for the most adept, but Zack worked to ensure Mr. Ward knew exactly what was going on. He explained every minute detail and made him feel comfortable throughout the process. "He always made time to visit me in jail. He really kept my spirits up and gave me faith; he kept me believing things would turn out the way they were supposed to," recalled Mr. Ward. "I knew he was on my side. He made what could have been a bad situation turn out okay."

Zack diligently pressed Mr. Ward's case forward, working with the state, the judge, parole officers – anyone and everyone – mitigating on his behalf. Mr. Ward was just as committed. He never missed a court date and once released from jail, he actively searched for a job. He was polite and courteous, never losing his head even when faced with steep fines he continually had to explain he wasn't able to pay.

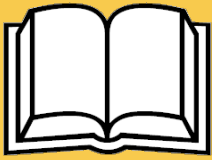
"I really believe Mark's case shows the value in having a defense attorney," said Zack.

"Again, it wasn't a complicated case, but it's entirely plausible that the other side of the story would never have been heard."

Mr. Ward's case is finally behind him and he looks forward to his future, one that doesn't include metal bars, a stark jail cell or the inside of a courtroom. "Zack was truly a blessing. I didn't really have any support other than him," said Mr. Ward. "Without him, my case wouldn't have turned out well at all. I'd definitely still be in jail."

**"HE MADE
WHAT COULD
HAVE BEEN
SITUATION
TURN OUT
OKAY."**

OUTREACH & ADVOCACY



2000+

books delivered
to women's prison



7

boxes of clothes for
client clothing drive



61

housing placements



16,000+

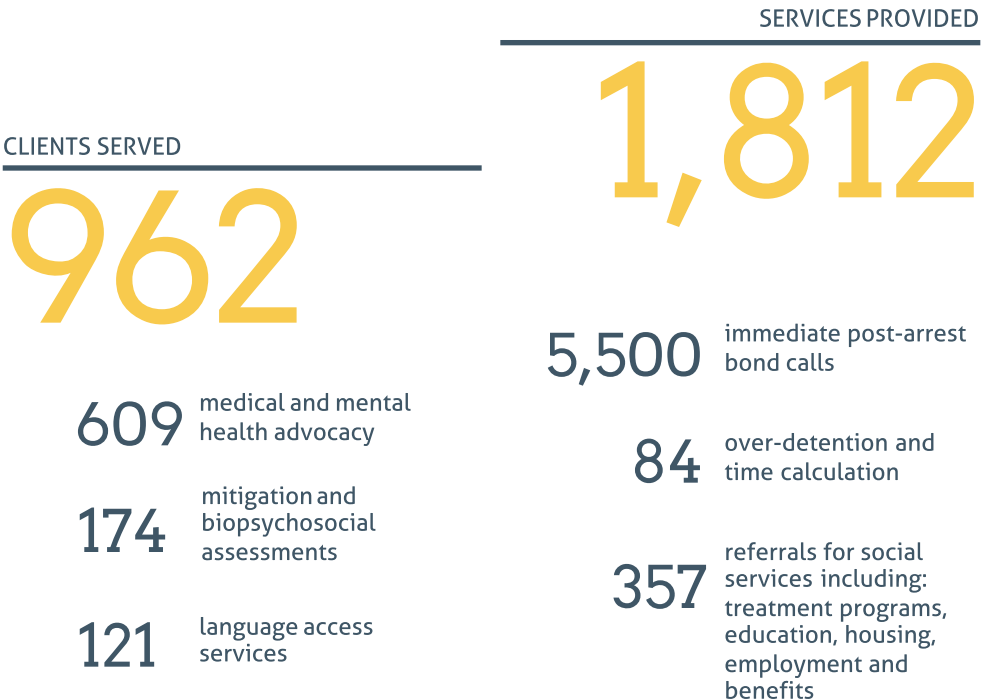
days of overdetention saved

community

BEYOND THE COURTROOM

For OPD, the call of Gideon goes far beyond the courtroom. And like the courtroom, victories come big and small, but the impact is always significant in the lives of our clients.

Our Client Advocates and Social Workers make the community connection every day. In 2013, OPD's Client Services Division advocated for alternatives to incarceration, assisted with substance abuse and mental health treatment, provided social service referrals and mitigation, organized clothing drives to ensure clients were able to enter treatment programs, collected thousands of books for a women's correctional facility in Tallulah, and touched the lives of our clients in countless other ways.



* all data by OPD Client Services Division Statistics

I FEEL BETTER
ABOUT MYSELF
AND I'M PROUD
OF WHO I'VE
BECOME. I CARE
ABOUT MY
FUTURE NOW.



i am gideon

STATE OF LOUISIANA V. MELVIN MEREDITH

"Bekah is a life-saver. God was definitely on my side," says Melvin Meredith.

Growing up poor in New Orleans is challenging, tough. For Mr. Meredith, trying to make it on his own, learning life's tough lessons while battling the streets and then the criminal justice system was a recipe for disaster. What began as a large misunderstanding brought Mr. Meredith into the office of Client Advocate Bekah Newman.

"To be honest, I'm glad I went to jail," said Mr. Meredith. "I would never have been connected to Bekah who got me pointed in the right direction. It wasn't

easy and I wasn't really ready to do right. But Bekah kept on me and kept pushing. She connected me to Café Reconcile."

Bekah has gone to great lengths to help Mr. Meredith help himself. Being kicked out of his house, bouncing around from couch to couch made the process even more difficult. But together they enrolled Mr. Meredith in GED classes with the Youth Empowerment Project, even securing new identification so he could participate in the training programs at Liberty's Kitchen and Café Reconcile.

Mr. Meredith is thriving and excited to go to work each day. "I'm a totally different person. I'm off the streets and proud of the work I do.

I'm learning positive ways to handle anger and stress. I'm learning responsibility. I know I have to be trustworthy, loyal and dependable. I definitely don't want to let Café Reconcile down and I don't want to let Bekah down. I wouldn't have any of this without her. I would still be doing the same thing, not really caring about the future."

Through the diligent work of his attorneys, Adrienne Cousins and Lauren Anderson, and

the support and advocacy of Bekah, Mr. Meredith's cases are being dismissed and he looks toward a bright future. A

"WITHOUT BEKAH AND MY ATTORNEYS, NONE OF THIS WOULD HAVE BEEN POSSIBLE."

future perhaps cooking the famed cuisine of New Orleans.

"I'm so proud of Melvin, his commitment to put his life in the right direction and be a better, different person is inspiring. Even faced with challenge after challenge, Melvin has never given up on his goals and our work together," said Bekah. "Every single time he greets me, even when I had to tell him we had a major setback, he wears the widest smile, gives me a hug and tells me how thankful he is for my help. It makes all the hard work worth it."

A more determined Mr. Meredith states, "My mom doesn't have to worry anymore and that feels good. I feel better about myself."

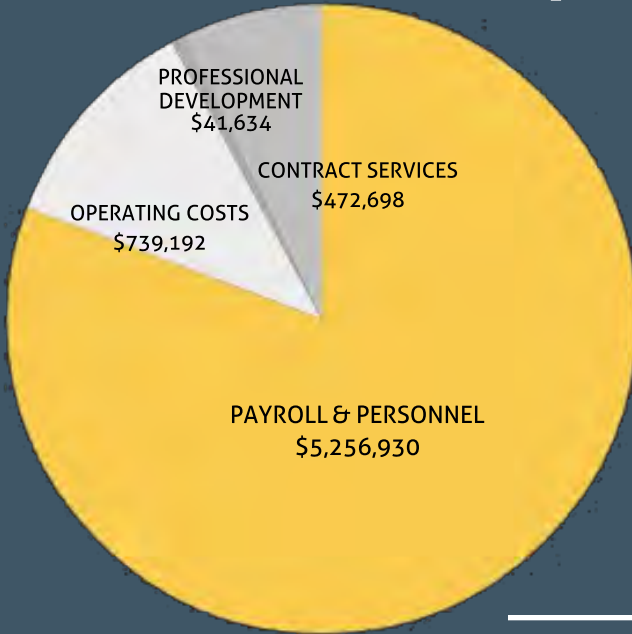
TWO THOUSAND AND THIRTEEN

DOLLARS

EXPENDITURES

WHERE THE MONEY WENT

\$6,510,452



HIGHEST OPERATING COST

\$264,000

TOTAL BUDGET REDUCTION IN LAST TWO YEARS

\$2 million

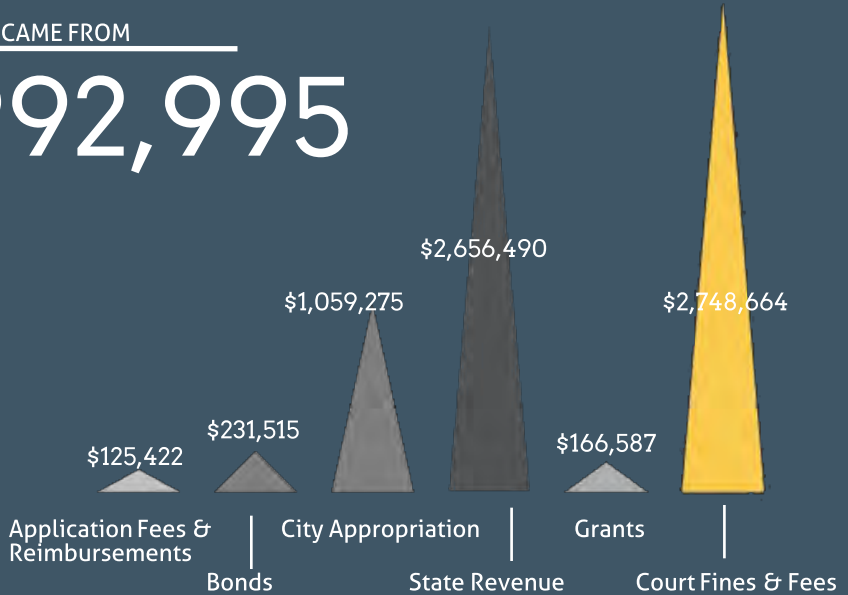
OPD is the only criminal justice entity not afforded city-funded office space

and CENTS

REVENUE

WHERE THE MONEY CAME FROM

\$6,992,995



TOTAL BUDGET FROM FINES & FEES

39%

DOLLARS SPENT TO SEND SOMEONE TO JAIL

\$230 million*

DOLLARS SPENT TO ENSURE THOSE PEOPLE ARE PROTECTED AND GET A FAIR SHOT IN THE CRIMINAL JUSTICE SYSTEM

just \$6.5 million



**SOMEBODY HAS
TO STAND WHEN
OTHER PEOPLE
ARE SITTING.**





**SOMEBODY HAS
TO SPEAK WHEN
OTHER PEOPLE
ARE QUIET.**

Bryan Stevenson



IT TAKES

As budgets continue to shrink and appropriations grow smaller, grants and donations become more crucial to supporting public defense and our community-oriented defense practice.

Attorneys, client advocates, social work services, laptops, funding reform efforts, community and media relations were all made possible by the generosity of our donors.

In short, OPD wouldn't exist without them.

GRANTS AND DONATIONS

\$264,000

A VILLAGE



In 2013, the Open Society Foundation funded a significant grant to plan a campaign, spearheaded by OPD, for statewide funding reform for indigent defense in Louisiana.

THANK YOU

Anonymous private donors, City of New Orleans, New Orleans Police and Justice Foundation, Gideon's Promise Public Defender Corps, Louisiana Delta Service Corps and Jesuit Volunteer Corps.



THE SIXTH
AMENDMENT
STANDS AS A
CONSTANT
ADMONITION THAT,
IF THE
CONSTITUTIONAL
SAFEGUARDS IT
PROVIDES BE LOST,
JUSTICE WILL NOT
'STILL BE DONE.'

Justice Hugo Black, U.S. Supreme Court
Gideon v. Wainwright

the future

WHAT LIES AHEAD

Many public defenders join the profession intent on serving as noble advocates for their clients, but quickly confront incredible pressure to help process their clients through a system plagued by a culture that assumes clients are guilty until proven innocent, undeserving of a thorough defense, and not the utmost priority. Nowhere is the evidence of our nation's failings more concentrated than in the South.

--Gideon's Promise

Many question the legacy of Gideon and if we truly are better off 50 years later. The need for criminal justice reform in New Orleans persists, especially when it comes to the representation of poor people in our courts. We remain out-funded and out-resourced by our criminal justice counterparts.

The only thing certain about the future is its uncertainty. It's oftentimes easy to fall into the trenches of the day-to-day struggles. The flood of cases never slows, funding is never enough, the frustrations continue to mount and the need for help never ceases.

What many fail to understand is this is not an issue simply affecting someone else. It affects us all. Someone else's freedom is our freedom. As Martin Luther King, Jr. stated, "Injustice anywhere is injustice everywhere." Our criminal justice system should work

fairly and justly for each of us – especially the most disenfranchised.

So what can be done? Make the case for public defense! Continue the call of Gideon. Demand a fair and just, open and honest criminal justice system. Demand stable, reliable, predictable and adequate funding for public defense.

We believe in the ideals set forth by Gideon and the promises made by our Constitution. We believe in the potential of our clients, their families and our community. While it certainly isn't easy; it's a fight we can't afford not to make.

Because justice requires it and people's lives depend on it.

Visit www.opdla.org to find more ways to get involved or like us on Facebook at Orleans Public Defenders.



2601 TULANE AVENUE
SUITE 700
NEW ORLEANS, LA 70119
(504) 821-8101
WWW.OPDLA.ORG