



ORLEANS PUBLIC DEFENDERS

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Justice at a Crossroads

The pre-trial testimony of Lance Madison, who was falsely accused of shooting at police officers during the Danziger Bridge incident, has been well publicized. The haunting phrase from that testimony, “I didn’t have a gun at all. My little brother didn’t have a gun. We were running for our life...” will stay with this city for years to come.

Something that is probably overlooked in the transcript of Mr. Madison’s testimony struck me recently when I read it again in the context of the Danziger Bridge verdict. Judge Hansen stated, “Mr. Madison, you are aware of the fact that you have private counsel,” as part of his warning to Mr. Madison that he did not have to testify. It is striking because, had he not been able to afford a private attorney, Mr. Madison would have never had the opportunity to give that important testimony. He would have remained imprisoned for months, and in some cases, even up to a year as the criminal justice system stopped working during the time immediately following Katrina. The public defender system at the time had no funding and no means to investigate, seek witnesses, make motions, and interview clients. An innocent man who needed a public defender in September 2005 was the same as a guilty man.

We have made many strides in the Orleans Public Defenders (OPD) office thanks in no small part to a state and local commitment to progress in the criminal justice system. We have a full time staff of professional, well-trained attorneys, investigators, and administrators. The resources available are by no means adequate to meet the all of the challenges, but they are better and we are better. We stand, just as the city does, however, at a critical crossroads.

OPD may not be able to keep up with the workload. We will lose the ability to move cases along in a timely manner, which will cause delays and cost us all more money. We will lose the ability to represent people adequately, which will result in them going free without trial. Our ability to act in the place of Mr. Madison’s private attorney for those who cannot afford, but also deserve, justice will stop if we do not receive increased support.

We are facing many difficult decisions in New Orleans and across the state. The city took incredible strides and created a new source of funding for our office because it just made sense. We want to make sure that this commitment continues and deepens. Far from being something extra, this funding is just the minimum to allow us to continue functioning at current levels. It will allow us to continue to save costs by moving cases quickly. It will allow our required participation in the criminal justice system that protects public safety. Most importantly, the funding is required to keep us from going backwards, to protect the Mr. Madison’s in our city who are poor and have no other advocate in the face of an unfair and broken system.

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