



Orleans Public Defenders

2011 Annual Report



**“Progress is a nice
word, but change is its
motivator and change
has enemies.”**

Robert F. Kennedy

I was appointed Chief Public Defender for Orleans Parish in October 2008 and assumed the role in January 2009. One of my first calls was from the outgoing Chief, Christine Lehmann. She said, “Congratulations... you have a \$1.6 million shortfall.” Being Chief Defender has been ecstasy and agony ever since.



Many people contend that Hurricane Katrina exposed city problems previously hidden. This is not entirely true. These issues were always out in the open. What Katrina did, was give a voice to the people most affected by these problems: the poor, unemployed, un- and under-educated. No longer could an entire city pretend that these were minor issues affecting a few.

But, a new wave of energy was flooding the city. New Orleanians were not willing to give up on their city and now had an opportunity to make it better than before. This same energy and inspiration began to reform public defense in New Orleans.

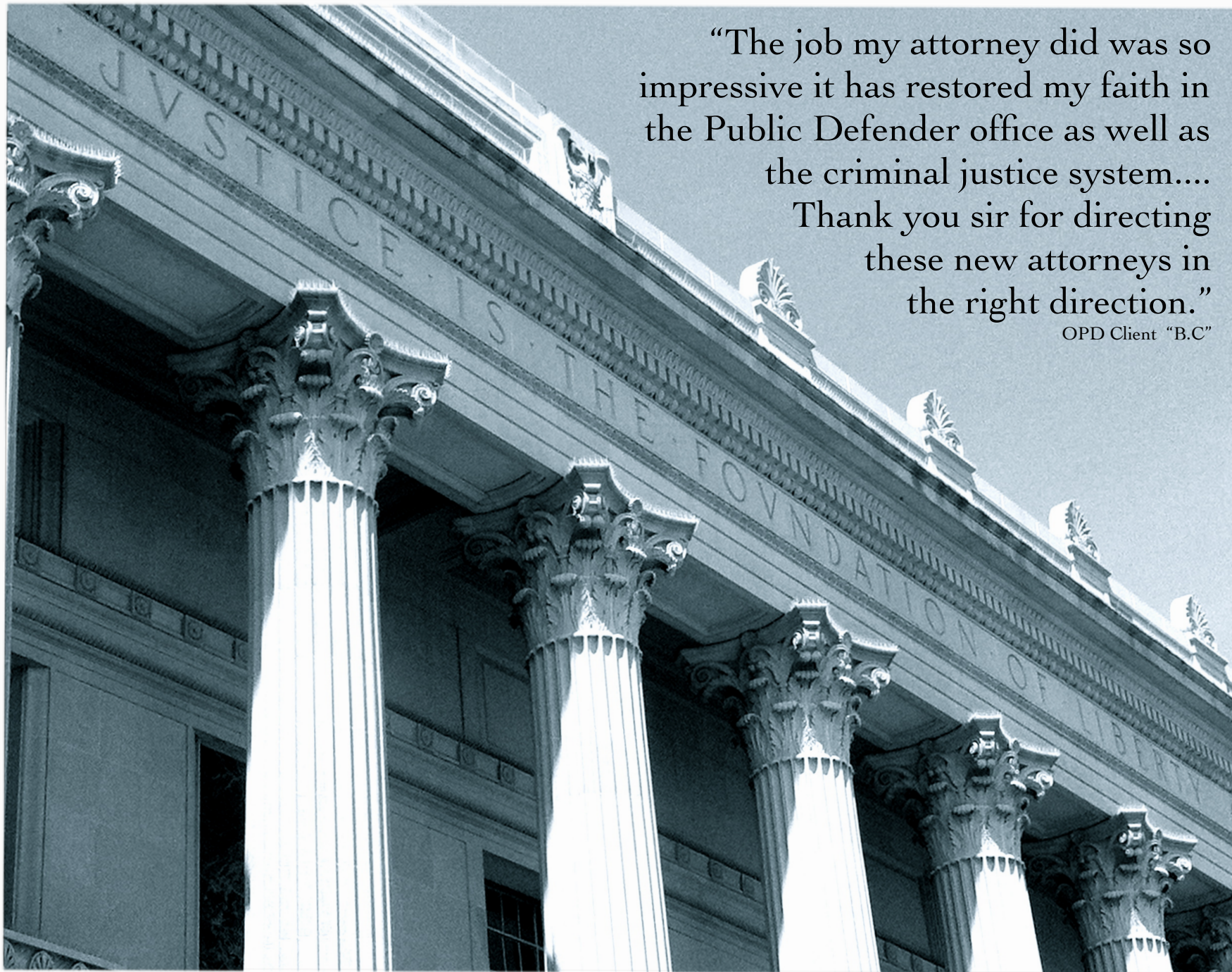
Since the creation of the Orleans Public Defenders (OPD) in 2007, we have focused this energy and inspiration toward our vision of a fully-funded, effective, zealous and holistic public defender office. This certainly hasn't been easy. To quote Robert F. Kennedy, “Progress is a nice word, but change is its motivator and change has enemies.” We have learned the truth of this statement in the struggle to change the representation and treatment of poor people in New Orleans. However, thanks to the hard work and dedication of OPD staff, past and present, and the support of our clients and community, we continue to make change one victory at a time.

A handwritten signature in black ink, appearing to read "Derwyn D. Bunton". The signature is stylized with loops and flourishes.

Derwyn D. Bunton
Chief District Defender

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“The job my attorney did was so impressive it has restored my faith in the Public Defender office as well as the criminal justice system.... Thank you sir for directing these new attorneys in the right direction.”

OPD Client “B.C”

History of OPD

Pre-Katrina

OPD - then called the Orleans Indigent Defender Program (OIDP) - consisted of approximately 40 part-time adult felony lawyers, six part-time Traffic and Municipal Court lawyers and six part-time Juvenile Court lawyers. The office was funded largely by local fines and fees revenue, mostly from Traffic Court, with an approximate \$2 million annual budget and governed by a local Indigent Defender Board selected by the Chief Criminal Court Judge.

Post-Katrina (2005-2007)

In the wake of a full criminal justice system failure in New Orleans, the existing board was revamped by then Chief Judge Calvin Johnson, an advocate for reform. This new reform-oriented board reorganized OIDP with the assistance of Ronald Sullivan, Harvard Law Professor and former head of the Public Defender Service of Washington, DC serving as executive counsel. OIDP was transformed into a fully-functioning office with a full-time staff. National recruitment began for highly-qualified and dedicated attorneys, training followed and vital office functions - pay scales, supervisory structures, support positions - were established.

By 2006, attorneys were assigned to clients at first appearance instead of courtrooms, creating the current vertical representation structure. And with a new name, OPD was born.

OPD Under Construction

Operating under a constant threat of contempt, the reform board pushed on while the Criminal District Court attempted to remove and replace them, prompting legal action. By August 2007, legislative reform passed (Louisiana Public Defender Act or Act 307) eliminating the local boards and creating the Louisiana Public Defender Board, a state executive agency with regulatory authority over all public defense statewide. The legislation also gave the Chief District Defender all powers formerly held by the local board. Christine Lehmann became the first acting Chief Defender under Act 307.

2007-09 marked a time of intense struggle for OPD. Externally, the court continued to fight reform, and OPD was critically understaffed. Inadequate funding, excessive caseloads and the enormity of the post-Katrina backlog of cases proved constant hurdles for a full restructure.

OPD Today

Since 2009, OPD has established Mission and Vision Statements, created attorney practice structures, developed staff evaluation systems, institutionalized the Special Litigation Division, created a Leadership Team and a Management Team, and increased funding to the office by approximately \$3 million.

While still critically underfunded, OPD has come a long way in just a few years. With approximately 50 full-time attorneys, court support, client service specialists, social workers, investigators and more, OPD provides meaningful representation to its clients and is the benchmark for indigent defense in Louisiana.

vision

OPD exists to provide the citizens of Orleans Parish with the highest quality client-centered representation in Louisiana's criminal and juvenile justice system. Our vision is to create a community-oriented defender office built upon the zealous defense of the poor and indigent while acknowledging the strengths of clients, families and communities. OPD acts to:

1. protect the guarantees of the Louisiana and United States Constitutions and maintain adherence to the rule of law.
2. foster a more open and inclusive society by increasing access to and protection within the courts for the poor and indigent.
3. assist in the development and expansion of rehabilitation and alternative programs for clients and their families.

mission

The mission of the Orleans Parish Public Defenders office is to provide each eligible client with client-centered legal representation of the highest quality - zealous, conscientious, caring, professional, ethical and skilled - whether in criminal, municipal or traffic court.

2011 in Review

The hard work and motivation of our staff was as evident as ever in 2011. OPD represented indigent clients in nearly 9,000 felony cases and over 20,000 misdemeanor cases. We closed a total of 22,125 cases. Misdemeanors, probation violations, municipal and traffic cases accounted for 16,690 while felonies closed in at 5,435.*

Faced with extreme caseloads, OPD relies on specialized divisions to ensure our clients receive the meaningful representation they deserve. In 2011, each of these divisions played an integral role in our success.

While the majority of the resources at OPD focus on client representation, the work of OPD extends beyond the courtroom. In 2011, we supported and successfully voted to reduce the size of the Orleans Parish Prison, litigated multiple Constitutional issues facing our clients and worked with city and state officials to secure more funding for public defenders.

Although each division enjoyed great success, the fight for a fully-funded, sufficiently-staffed office remains the biggest challenge to the continued success of OPD as a whole. This became fully apparent at the end of 2011 when OPD was forced to implement the Restriction of Services plan due to insufficient financial resources. This Restriction of Services will continue into 2012 and affect clients, employees, and other members of the criminal justice system in New Orleans.

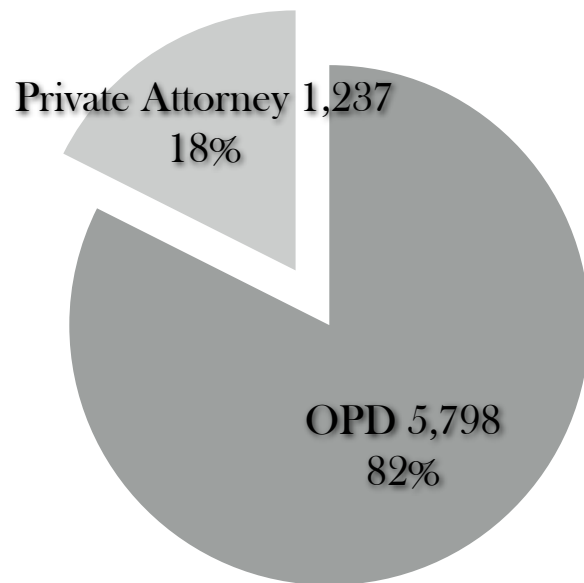
The effects of the Restriction of Services make it clear that OPD is working with limited resources and requires a predictable, stable and reliable funding source. We continue to move forward in our struggle to zealously represent our clients and will continue to work to ensure that our office has the necessary funding to do so. We are proud of our accomplishments in 2011 and look forward to a fully-funded office and the successes we will achieve in the years to come.

*2011 District 41 State Caseload Report

Successes & Accomplishments

- ★ Recognized by the Southern Center for Human Rights with its Frederick Douglass Human Rights Award in 2009 for “outstanding contributions to the protection of human rights in the criminal justice system.”
- ★ Chief of Trials Kendall Green awarded the 2009 Lifetime Service to the Right to Counsel Award.
- ★ Training Director William Boggs awarded the Blackstone 10:1 Award by the Louisiana Association of Criminal Defense Attorneys in 2010.
- ★ Secured a \$750,000 appropriation from New Orleans City Council for calendar year 2011 - the largest ever general fund appropriation for a public defender office from a municipal authority in the state.
- ★ Successfully voted to reduce the size of the newly-planned Orleans Parish Jail limiting it to 1,438 beds (one quarter of the size originally planned by the Orleans Parish Sheriff).
- ★ Along with the Louisiana Public Defender Board, sued the Orleans Parish bench to increase assessments of local revenue, targeting the \$35 public defender fee.
- ★ Sued the Orleans Parish Sheriff in 2011 for failure to provide constitutionally adequate access to our clients.
- ★ Sponsored a “Transparency Bill” (SB 434 in 2011 session) to strengthen accountability for the collection and remittance of fees to the public defenders office, and a revenue bill (HB 718 in 2011 session) increasing revenue for OPD.
- ★ Litigated for prompt, 48-hour probable cause determinations at first appearance ensuring indigent clients don’t languish unnecessarily in jail (State v. Bruce Wallace, 25 So. 3d 720 (La. 2009)).
- ★ Successfully litigated to eliminate the unconstitutional judicial practice of New Orleans Commissioners (State v. Daniel Smalls, 48 So. 3d 212 (La. 2010)).

Trial Division



2011 New Felony Criminal Case Filings*

*Supreme Court of Louisiana 2011 Annual Report

Trial Division is the embodiment of OPD’s mission - where the rubber hits the road. Attorneys provide the zealous, conscientious, caring, professional, ethical and skilled representation OPD has become known for, working with our clients in ways both tangible and intangible.

When you think of OPD you think of trial work and the courtroom, but all of the Trial Division’s success is made possible by the daily interactions between all the OPD divisions including Court Support, Investigation, Client Services and Social Work.

Through investigation we are able to learn all the facts of our cases, not just those relied on by the prosecution. With Client Services and Social Work, we’re better able to understand our client’s needs and determine the best way to attempt to reach the results our clients desire and deserve. At the heart of client-centered representation, is the belief that, armed with all the facts and institutional knowledge, we as attorneys, can guide our clients through the often overwhelming and confusing process that is the New Orleans criminal justice system at Tulane and Broad.

Trial Division consists of approximately 35 attorneys and seven supervising attorneys divided by practice level and grouped into courtroom section clusters. We handle every case court-appointed to OPD - misdemeanors in Municipal and Traffic Court, the most serious of felonies in Criminal District Court and everything in between. Jury trials, judge trials, favorable plea deals, charge dismissals are all part of a day’s work. In 2011, the Trial Division closed over 22,000 cases - more than 100 ending in jury trials, over 75 felony judge trials and more than 70 misdemeanor judge trials.*

*2011 District 41 State Caseload Report

“My attorney was one of the first people who listened to me and treated me like a person.”

We represented a 30-year old man charged with possession with the intent to distribute cocaine. With three prior convictions, he faced a sentence of 30 years to life if found guilty. The arresting officers claimed they observed our client conduct two hand-to-hand transactions and testified that the client stashed the bag of cocaine in his mouth, spitting it out once forcibly arrested.

Our client vehemently denied ever being in possession of the cocaine. To prove our client's innocence, we employed a DNA test and the expert testimony of the examining chemist. His testimony revealed a major DNA profile - a profile not belonging to our client. Our client was acquitted by a jury.

This is a small price to pay to protect the freedom of an innocent person, but not one that can be utilized often.

Another client was charged with issuing worthless checks. Our client was illiterate, homeless for most of his adult life and had never had a bank account nor written a check and he maintained his innocence through the entire case.

We were able to obtain the documents and the signatures on the bank documents and the checks matched. However, it did not appear to match the signature of our client. The judge disagreed. We needed more than an opinion; we needed an expert.

Although "only" a misdemeanor, a handwriting expert was consulted verifying our initial claim - someone else had forged the checks. The expert testified exactly why our client's signature was different than the forged documents. The judge changed his previous ruling and acquitted our client of all charges.

Because of our investigation and the time and money we spent on the expert, we saved our client a sentence of 20 years to life.

*Reported by Kendall Green,
Chief of Trials

"My lawyer is a life saver. Literally."

OPD Client "R.J"

what could we do with more funding?

We simply do not have the funds to provide the level of advocacy above for every deserving case, and innocent people suffer as a result. Without the benefit of expert testimony; innocent clients will likely be convicted. This isn't a decision we should be forced to make. With appropriate funding, OPD will not have to choose between hiring attorneys and ordering vital forensic exams. More importantly, all of our clients will have access to the best possible tools and defense.

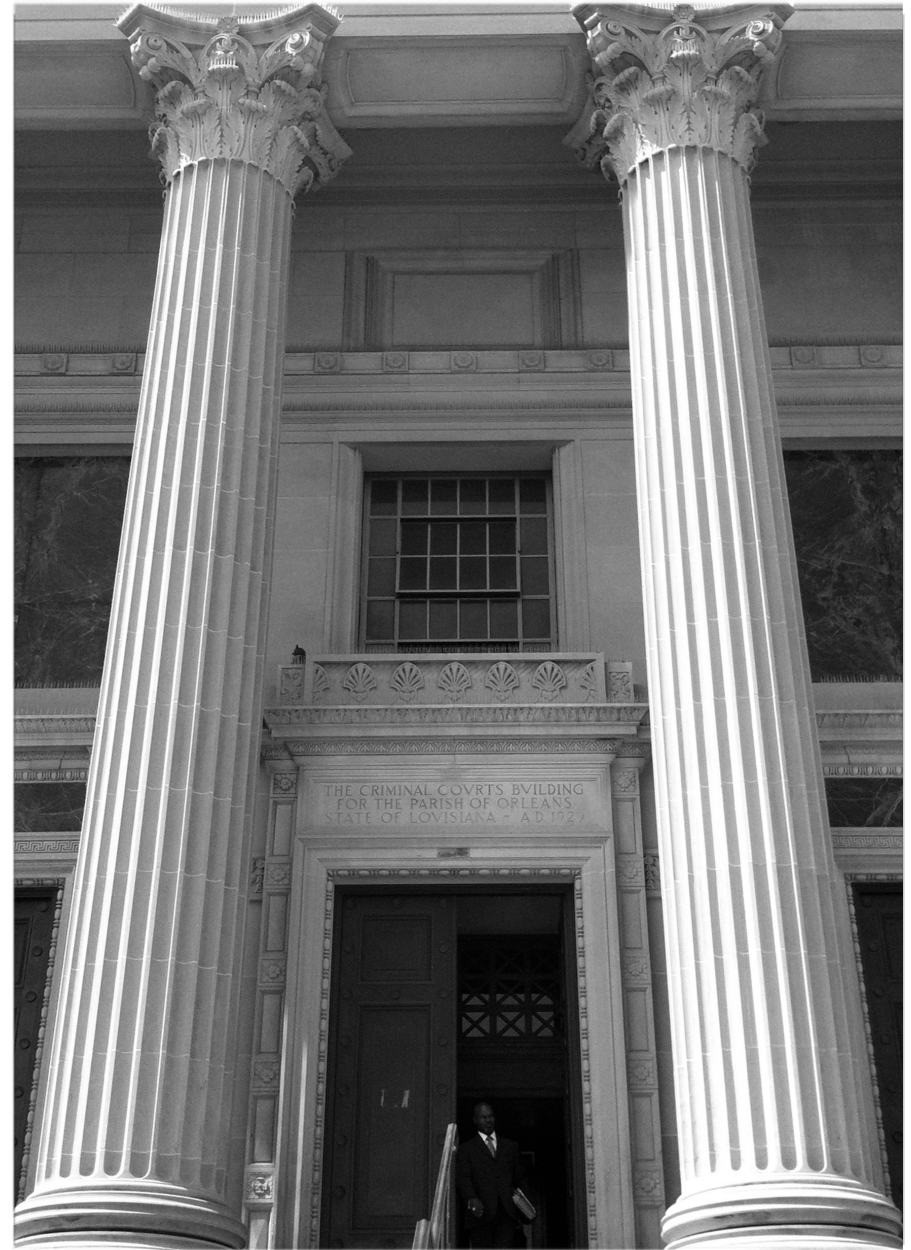
Client Services

Client Services, previously known as Pre-Trial Services, is the front line at OPD and it is near impossible to list all of the services provided. From attending First Appearances documenting all defendant information relative to court holds, bond, indigency and subsequent appointment to conducting initial OPD intake interviews, working to reduce bonds, and helping clients continue their lives while their case proceeds. Client Services creates, files, serves and follows up on various pre-trial motions and, along with Social Work, advocates for alternatives to detention.

Some of our clients find themselves in the particularly difficult situation of being involved in a criminal justice system that operates in a language they don't speak fluently - or at all. Sizable portions of New Orleans' population communicate most effectively in languages other than English - Spanish, Vietnamese, Portuguese and American Sign Language. We provide vital interpretation through Client Services' language access program.

We created the "Over-Detention Hotline" - a way for inmates to report over detention problems, which the team then works to resolve. We also are working toward systemic medical reform in the jail. We established monthly meetings with the jail medical staff allowing a more effective forum for concerns. We make all efforts to ensure our clients receive the medications they need and receive the treatment they need, including mental health services.

Record collection, record expungement and sex offender registration assistance are just a few more of the services provided by Client Services.



**“This is just a small token of my appreciation.
I wanted to thank you for all your HARD WORK.”**
OPD Client “B.R.”

2011 Client Services Highlights

- ★ Safety in Jail - We worked on several cases where clients were constant victims of violence and unsafe conditions. We successfully coordinated with attorneys, the Sheriff and Orleans Parish Prison (OPP) to have those clients safely placed in protective custody.
- ★ Probation Revocation - We saved a client from probation revocation (twice) by securing an inpatient rehabilitation program, coordinating with the facility, probation officer, judge and the client's family to get him transferred and started in the program.
- ★ Rescuing Clients Lost in the System - A client was arrested on municipal charges and never brought to court because a notification of arrest on capias was never filed. Because of this court oversight, our client sat in jail for nearly three months without a court date until he contacted us. We coordinated with the section attorneys and Municipal Court and the client was finally released and all fees he accrued because of the warrant were waived.
- ★ Time Calculation - On numerous occasions, we have had clients with miscalculated jail time. We work to correct those dates with the Sheriff, Department of Corrections and OPP saving clients enormous amounts of unnecessary jail time and saving taxpayers' money.
- ★ Medical Treatment - A recently incarcerated client suffers from debilitating chronic pain from a car accident more than 10 years prior to his incarceration. His repeated requests for medical treatment met little success and he had not been prescribed pain medication. We located the patient's previous doctor and explained the situation. We talked to that doctor on Thursday, who then contacted the Sheriff's medical department on Friday. Our client was seen over the weekend and received his prescriptions by Monday.
- ★ Medical Records - We were asked by an attorney to help with a client who suffers from HIV/AIDS-related dementia. This condition is incredibly difficult to diagnose but the effect HIV/AIDS had on his brain could be seen on his CT scans. We spent an enormous amount of time trying to locate and have the records submitted to the court. We were finally successful and those records confirmed his diagnosis.
- ★ Sex Offender Registration - One client was being held beyond his good time release date because he was unable to find housing to meet his legal residency requirements. We worked with our client to find suitable housing and he was released soon thereafter.
- ★ Fixing Hold Errors - We helped a client clear up an expired probation detainer in Texas that would have delayed his lawful release from custody. We worked with his probation officer and Texas DOC to clear the hold - saving him additional jail time.

what could we do with more funding?

Ideally, a fully-staffed Client Services Division would have five additional full-time staff members and five full-time fellows. This would place a staff member and a fellow in each Municipal Court and Trial Division cluster and allow growth and expansion of support services. Also needed is adequate office space better suited to the division's diverse needs including a private meeting space allowing for confidential or sensitive client discussion.

Investigation



One of our clients was recently charged with theft. Our investigators located the complaining witness who confirmed that our client did not in fact steal his belongings. Our investigator successfully worked with the witness preparing him for trial and saving an innocent man from jail.*

*Reported by Nicole Heisser,
Investigation Supervisor

OPD investigators play a vital role to a successful defense. From identifying and securing witnesses to reconstructing crime scenes to obtaining and evaluating evidence, investigators work closely with attorneys throughout the life of a case, big or small.

In the field, our investigators face many obstacles such as confronting the ineffective pre-Katrina reputation of the former ODP and the very difficult task of re-educating witnesses on their legal right to speak with the defense team.

In 2011, the Investigation Division grew to a small army of 13. Despite crushing caseloads, our investigators worked tirelessly to close over 500 misdemeanor and felony investigations - many of which resulted in favorable outcomes for our clients.

what could we do with more funding?

More money means more investigators and a sufficiently staffed division, reducing the exorbitant caseloads. Investigators could provide more thorough investigations and case preparation with attorneys. Also, adequate tools and equipment would save time and money currently spent with outside providers for audio enhancement, video surveillance and more.

“I am grateful to have received such professional kindness and empathy.”

OPD Client “V.M.”

Training Division

The Training Division is responsible for the training of all OPD attorneys and staff. We develop curriculum, organize Continuing Legal Education classes, supervises new attorneys, and coordinate participation in trainings across the country.

To ensure new attorneys are sufficiently prepared to represent clients, we developed an extensive five week in-house training of nearly 70 sessions and a mock trial. Training Division Supervising Attorneys continue weekly development and group skills sessions and bi-weekly case rounds for support and instruction during their first year.

In addition to the countless hours and sessions of direct individual feedback and review, during 2011, we offered 33 office-wide formal CLEs. Covering client-centered representation, trial skills, ethics, collateral consequences of criminal convictions, pre-trial litigation strategies, and offense-specific training, the weekly CLEs were directed by in-house staff as well as local and national professors, lawyers, and other professionals.

We help train OPD investigators on legal issues and ethics and coordinate trainings for supervisors. Guidelines and expectations of supervising attorneys were also established within the office.

Much to the relief of attorneys, we also recruit and hire for our vast summer law clerk program. More than 60 clerks each summer are recruited from national law schools such as Yale and Stanford, Southeastern schools such as Alabama and LSU, and our renowned local schools, Tulane and Loyola in New Orleans and Southern University in Baton Rouge. The clerks assist with research and writing, client visits, trial preparation and vital courtroom exposure.

Training Division Highlights*

- ★ 33 in-house CLEs
- ★ 761.5 MCLE Credits
- ★ 203 Ethics Credits
- ★ 5 attorneys sponsored for the Southern Public Defender Training Center's (SPDTC) "Graduate Training"
- ★ 11 attorneys sponsored for SPTDC's "Core Curriculum 101"
- ★ 3 attorneys sponsored to attend the National Criminal Defense College in Macon, Georgia
- ★ 16 attorneys sent to the Louisiana Defender Training Institute in both Beginning and Advanced tracks
- ★ 1 attorney sponsored to attend the Spence Trial College in Laramie, Wyoming

*Reported by William Boggs,
Training Director

what could we do with more funding?

MORE TRAININGS! It is crucial for our clients that our attorneys remain up-to-date on the latest changes and most important aspects of criminal law. With more money we could bring experts and speakers from around the country.

Traffic & Municipal Court Division

The atmosphere in these courts tends to be less rigorous in terms of protecting the rights of defendants. Observers have consistently been shocked by routine violations of basic rights, errors leading to over-detention, and systematic inadequacies in terms of ensuring that defendants get a fair shake. In short, in terms of high-impact reform that will lead to improvements in the lives of indigent people in this city, Muni/Traffic Court is particularly fertile ground.

what could we do with more funding?

Hiring full time attorneys, a full time social worker and an administrator would expand the holistic representation to Municipal and Traffic Court. A larger office space with the necessary equipment would do wonders to improve the efficacy of the staff.

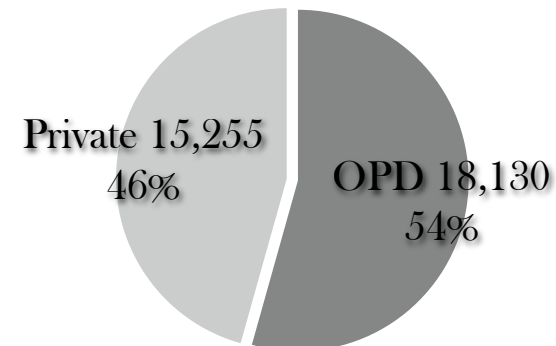
The Municipal Court Division works in the four sections of Orleans Parish Municipal Court representing all incarcerated clients and any out of jail clients that qualify as indigent. This includes the overwhelming majority of state cases and municipal defendants. In Traffic Court, attorneys handle every Driving While Intoxicated case in all sections and occasionally represent clients in custody on other charges. For the majority of 2011, Municipal and Traffic Court were staffed with five part-time attorneys.

With approximately 18,000 new cases in Municipal Court in 2011, caseloads for individual attorneys were exorbitantly high. While the legal stakes are lower, such a huge number of people come through Municipal and Traffic Court that these courts end up touching, directly or indirectly, a substantial portion of the New Orleans community, particularly the city's indigent population. For many, this is their main experience with the criminal justice system and the public defenders office. While they may not be facing years in jail, they are dealing with major disruptions in

their lives that have serious collateral consequences.

OPD placed a full-time Client Advocate in Municipal and Traffic Court in 2010 and the role grew and expanded in 2011. As needs have dictated, the responsibilities of Client Services in Municipal and Traffic Court differ from District Court. Some of these responsibilities include: acting as a liaison between Municipal Court and Criminal District Court, providing reminder calls to all clients regarding scheduled court appearances, coordinating with attorneys to get clients into Homeless Court and connected with appropriate services, low level investigative tasks and providing information and records on Municipal and Traffic cases to CDC attorneys.

2011 New Filings Municipal and Traffic Court*
*Supreme Court of Louisiana 2011 Annual Report

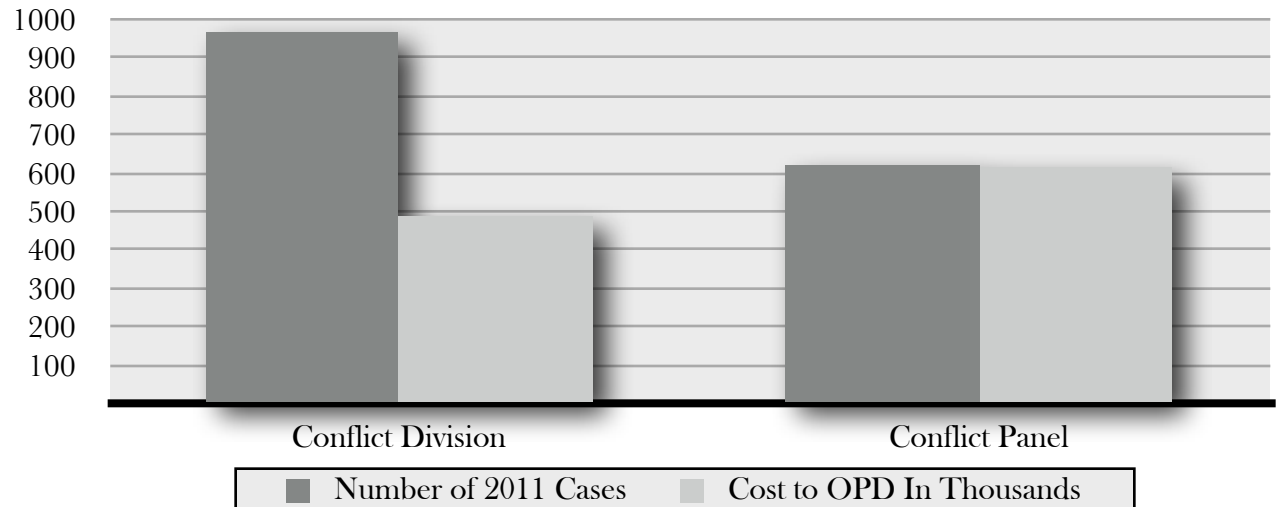


Conflict Division and Conflict Panel

Anyone charged with a crime has the right to an attorney, even if they cannot afford to pay for one. OPD's mission is to represent all indigent defendants charged with criminal offenses. But sometimes, ethical and statutory rules do not allow us to represent every single defendant. In those situations, in order to fulfill that individual's constitutional right to counsel, OPD facilitates outside representation.

In order to meet the need of clients deemed a conflict for our office OPD created the Conflict Division and the Conflict Panel, frequently referred to as "The Division" and "The Panel." The Division, while comprised of OPD, operates separately from OPD with its own supervisory structure, investigators, and office space. Panel attorneys are independent private attorneys contracting with OPD. When there is only one conflict in a case, it is assigned to the Division. In the event of multiple conflict defendants, a Panel attorney is assigned to the additional defendant(s). Although the Division is much smaller, it handled many more cases than the Panel in 2011 and at a considerably lower cost. It costs OPD nearly 2 times more per case for each case handled by the Panel. These numbers made it clear that a change was needed.

The story of conflict representation in 2011 at OPD is one of reform, transition and change. We studied other jurisdictions, spoke with other conflict providers and reexamined all parts of the original system, one that had been modified from the original call for attorneys to volunteer in the wake of Hurricane Katrina. The result was a new method of service delivery: one which is more economical and easier to administer, with no drop off in the level of service currently provided to clients. This new system is expected to go into effect July 2012.



*2011 District 41 State Caseload Report

what could we do with more funding?

Given adequate funding, OPD could fund a fully independent Conflict Division. OPD could also expand its use of contracted private lawyers to handle all of the eligible conflicts in the parish.

OPD's Special Litigation division engages in a wide variety of civil and criminal justice litigation and legislative advocacy. Special Litigation seeks to vindicate and ensure the civil and constitutional rights of our clients and all Orleans Parish citizens. By identifying important legal issues, Special Litigation works closely with attorneys to address and litigate issues in a comprehensive and strategic manner.

During 2011, Special Litigation filed 130 applications for writ of certiorari to the Fourth Circuit Court of Appeal and the Louisiana Supreme Court.

Special Litigation focused on several important issues this past year: challenging the state's practice of dismissing cases

when not ready for trial then reinstating those same charges; challenging the state's attempts to introduce highly prejudicial evidence under Code of Evidence article 404(B); and working with the judges of Municipal and Magistrate Court to ensure bonds are transferred along with the misdemeanor cases from one court to the other.

Special Litigation was fortunate to add a prestigious Liman Fellow from Yale Law School this year. Litigating competency and not-guilty-by-reason-of-insanity issues, he works with our clients deemed incompetent and advocates on their behalf for less restrictive custody from the state mental hospital into group homes and half-way houses.

Special Litigation

what could we do with more funding?

Special Litigation could expand its team focusing solely on legislative issues without the added criminal caseloads Special Lit attorneys currently carry. We could add a dedicated Immigration attorney to better serve both OPD attorneys and our clients, as well as a paralegal to facilitate the litigation process.

2011 Special Lit Highlights

In August, Special Litigation brought Brady violations at the Orleans Parish District Attorney's office front and center with our amicus curiae brief filing before the US Supreme Court on behalf of Juan Smith v. Burl Cain. In Smith, the state failed to provide evidence directly contradicting the state's only eyewitness and the primary witness in the case. In January 2012, the Supreme Court ruled that the District Attorney had in fact violated Mr. Smith's due process rights by withholding favorable evidence from the defense - reversing his conviction.

In October, we brought litigation against Orleans Parish Sheriff Marlin Gusman for unconstitutional attorney-client visitation conditions. Working with attorneys Phil Wittmann, former chief justice of the Louisiana Supreme Court Pascal Calogero, Elizabeth Cumming and Stephen Haedicke, OPD alleged a lack of confidential visitation areas for private attorney-client conversation, irregular visitation hours, extensive visitation wait-times and an inability to share private legal documents without third-party handling. While this suit is still in court proceedings, we are hopeful the violations will be remedied and integrated into the plans for the new jail currently under construction.

Child In Need of Care

The Child in Need of Care (CINC) Case unit represents parents against whom the District Attorney or the Department of Children and Family Services (DCFS) has instituted child in need of care or termination of parental rights proceedings. In 2011, CINC was staffed by two full time attorneys. CINC attorneys are appointed by Juvenile Court judges and work to reunite clients with their children or trusted relatives.

Unfortunately, not all families are able to be reunited. However, CINC attorneys continue working with these families to counsel them on the best possible decisions for their future. Even in these situations, our clients generally express gratitude for the caring and professional manner in which they are treated.

Working with our clients and DCFS's Child Protection Division can be time-intensive, but the the CINC unit has prioritized several non-case specific tasks pushing to improve services for our clients, spur systemic change and educate our client community. Two such efforts in 2011 include the Zero-to-Three Court Teams for Maltreated Toddlers and Infants (ZTT) and the National Council of Juvenile and Family Court Judges Model Court in New Orleans.

CINC has seen several systemic changes as a result of advocacy through these court programs. These include the writting of incarcerated clients to court to attend family team conferences where case plans are developed, more consistent and improved visitation between our clients and their children, scheduling of family team conferences and administrative reviews in consultation with attorneys to ensure their participation, and increased communication among stakeholders.



what could we do with more funding?

Increased funding for the CINC unit would allow more efficient and knowledgeable presentation by expanding the unit, retaining a forensic medical expert and/or medical child abuse specialist for regular consultation. Attorneys would also be able to attend state and national CINC attorney training programs.

Social Work Services Program

The Social Work Services Program (SWS) completes the holistic defense model by supporting clients throughout the duration of their case. Utilizing comprehensive mitigation work to advocate for clients during pretrial, trial and sentencing, SWS recommends alternatives to incarceration including placement in treatment programs. SWS also collaborates with community agencies to address the significant needs of our clients, both in and out of jail, to secure services to help facilitate a successful re-entry into the community.

By working with the Orleans Parish Sheriff's Office, SWS and Client Services have ensured our clients are receiving the medical and mental healthcare they often desperately need.

Our social workers also serve on the board of the Independent Police Monitor Community/Policy Mediation Initiative creating training modules for officers in handling clients with severe mental illness.

If there is a way to provide a client with the necessary tools and an opportunity for a healthy, productive life, SWS finds it and makes it happen.

“Thanks to my social worker I was able to get into a job program and be a good dad for my son. Thank you for all you’ve done for me.”

OPD Client “A.R.”

what could we do with more funding?

SWS envisions a program with a social worker for each team of attorneys and an LCSW supervisor. We hope to hire at least two full-time client advocates to facilitate transportation, record collection medical advocacy for clients in jail, post-release services, identifying new resources beneficial to clients and generally expanding OPD's holistic model.

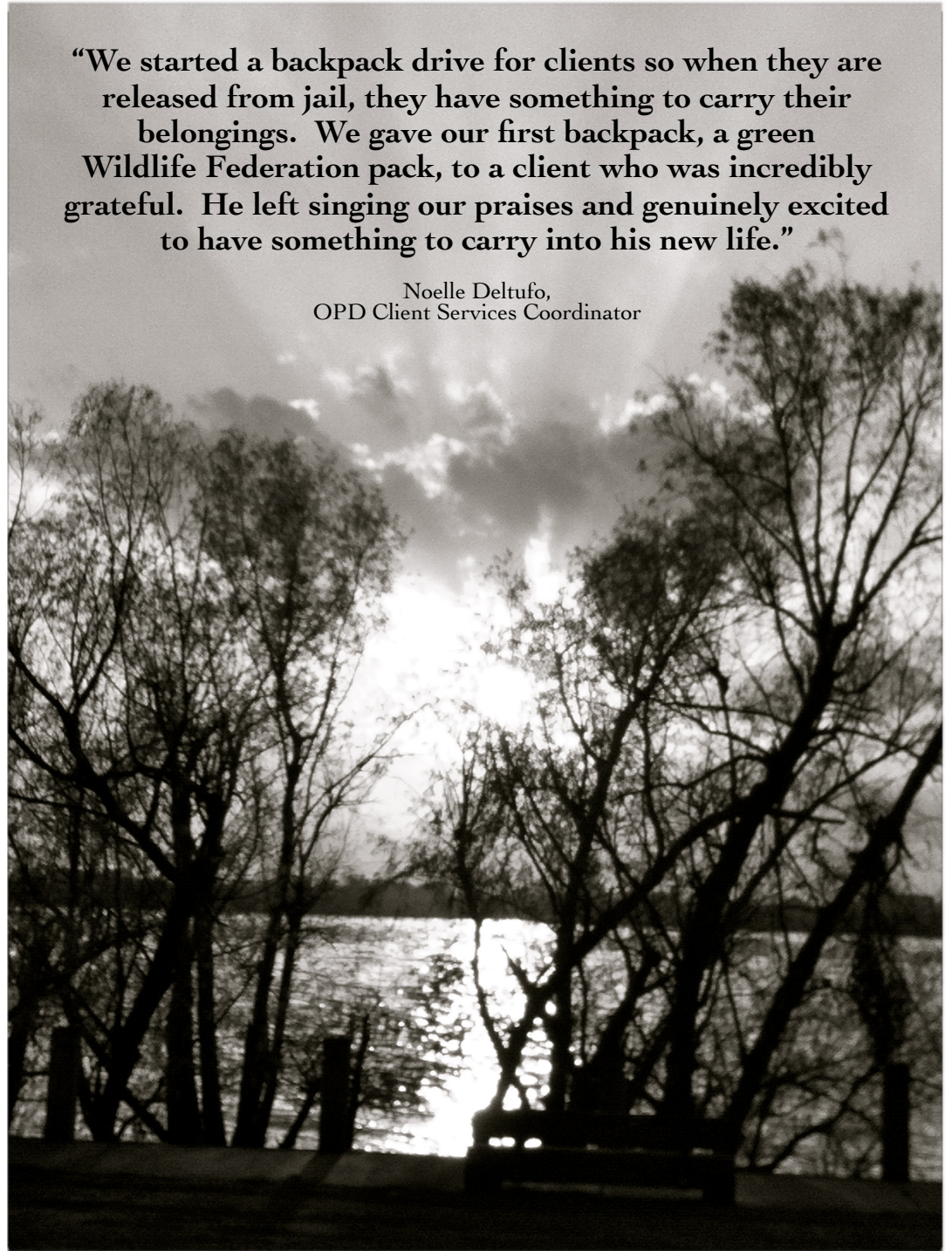
A client was found guilty at trial and faced a minimum of 13 years in prison. He was a hard-working individual and a father of seven with two special-needs children. With the help of SWS the attorney successfully convinced the judge to impose a lesser sentence. SWS collected pay stubs from employers, birth records for his children, affidavits from family, and wrote a mitigation letter on his behalf. Rather than 13 years, the judge agreed to just a five year sentence, allowing him to return to his family much sooner.*

A client was released from jail with little to no support. He was living alone, with means of transportation, and was suffering from depression. With the help of the SWS Client Services Coordinator, he successfully applied for food stamps, made an appointment at a behavioral health facility, and was referred to a job training/placement program through Goodwill Industries. The coordinator transported him from his home to each and every provider ensuring his success.*

*Reported by Abigail Reikow,
Social Worker

“We started a backpack drive for clients so when they are released from jail, they have something to carry their belongings. We gave our first backpack, a green Wildlife Federation pack, to a client who was incredibly grateful. He left singing our praises and genuinely excited to have something to carry into his new life.”

Noelle Deltufo,
OPD Client Services Coordinator



Court Support

Court Support is the right arm of the Trial Division. Court Support administrators are responsible for much of the behind the scenes work that make OPD operate efficiently from assignment of cases, daily docket management, database management and maintenance, subpoena notification to daily attorney support of all kinds.

Each trial cluster has a dedicated Court Support administrator that coordinates cluster court section coverage and ensures accurate daily dockets, as well as assisting in the preparation and filing of writs and other legal documents. These supportive services help the section attorneys effectively cover court each day.



In 2011, Court Support led the transition from an inadequate, proprietary case tracking system to a brand new state-mandated case management system, Defender Data. As the first staff members introduced to the system, they were vital in shifting years of data from the old system and integrating it as OPD's new operation.

Court Support serves as a liaison between OPD and the database creators and assists staff members in their use of the new system. They continue to assist attorneys in maintaining all electronic files and ensure all case data is accurate and up to date. Without the Court Support team, OPD would still be in the stone age of data management.

what could we do with more funding?

Court Support could double in size, allowing attorneys to more effectively utilize our support. We could assist attorneys while still maintaining necessary office functions. With the additional staff, Court Support could be more hands-on with cases, alleviating attorneys of file management and free to focus on case preparation and courtroom proceedings.

Administration & Human Resources

The Administration and Human Resources Division interacts with every part and every person in the office. This is the division that keeps the office operating. Administration and Human Resources are responsible for payroll, invoicing, accounting, expert funding requests, fulfilling client records requests, office management and upkeep, grants management, budgets, finances, and public records requests. Not to mention operations, recruiting and hiring, conflict panel assistance and billing, maintaining our extensive trial clothing supply for our clients, supporting office staff and all odd jobs that arise in the course of a day in a frenetic law office.

When it's time to get paid, Admin makes sure the money gets to employees. When a "supply emergency" arises, Admin comes to the rescue. When symposiums are held, Admin makes it happen. When international funders, such as George Soros, come to the office, Admin makes sure everything is just right. When the enormous class of summer clerks arrive, Admin makes sure their workspace is set up and organized and someone is available to answer all questions. When the end of the year comes and OPD staff is in need of a major break, Admin throws a Christmas party so awesome members of the private bar show up!

Currently three people do the work of 10 in this division and their work is never done.

what could we do with more funding?

Add at least two more positions to this division. A dedicated grants manager to research and obtain additional grants to increase funding and hire more personnel - allowing OPD to expand without burdening the already over-stretched budget.

A dedicated accountant to manage all accounts and alleviate the current staff members to focus on office management, human resources, budgets and other time consuming matters critical to the operation of the office.

Media & Communications

With the creation of a full-time, dedicated Director of Media and Communications in the fall of 2010, OPD created a focused strategy to interact with the media and community in a proactive and reactive forum successfully expanding OPD's mission and vision.

What is possible with a full-time, dedicated media and communications director? OPD can proactively reach out and help shape the message conveyed to the public. We can quickly respond to happenings at Criminal District Court and within the criminal justice system in New Orleans. OPD can share its expert voice with the media and the community. We are a voice for our clients, and we can push for reform by staying top-of-mind with individual and organizational decision makers, citizens groups and stakeholders in New Orleans.

Our audited news coverage from December 2009 - May 2011 showed OPD was mentioned and/or featured in 57 original articles, segments and editorials in five different news outlets. Although we initiated just 24% of the media coverage, 96% of all stories conveyed the office in a positive or neutral position.

Our communications strategy is two-fold: external and internal communications.

External communications

Through traditional and social media forums, we are able to reach out to our various audiences: community groups, city council, media, clients and their families, other players and stakeholders in the criminal justice system and New Orleans.

Our website, Facebook page, newsletter, action alerts, press releases, media outreach, community outreach, and more keep OPD and our mission top of mind.

Internal communications

We're only as strong as the people that make up the office - creating an effective and fluid internal communications strategy is vital to our evolving office. We are working to create forums for employees to present ideas, express concerns and look to the future to ensure a workplace that people want to be involved in and contribute to.

“I am writing to commend the Public Defender’s office. Unfortunately, I have been going to Orleans Parish Prison for over a decade and have never seen the Public Defender’s office work half as hard as it does now for its clients.

I owe my freedom to [my attorney] on two separate charges. She has come to see me, investigated the scene and fought for my freedom which is very precious to me - almost as if she was making a couple hundred thousand dollars.

Thank you all, and trust me, my feelings are widespread among the other inmates and clients. The change in your office is obvious and much appreciated. I have always heard negative things circulate about your office in the past.

I’m happy to say that now, it’s completely the opposite. I, along with other people in the parish prison, have confidence in your office and our defense, which makes incarceration less stressful and much easier. I believe that is what defending the public is about. Bless you all.”

OPD Client “R.W.”



looking forward...

A conversation between two people on the elevator was overheard recently - “Just go to the 7th floor, they’ll help you.” This very broad statement is the cornerstone of our mission and our holistic vision. We are here to help, and if we can’t help, we can get people to the ones who can. We believe in our clients. We believe in our aim to provide the highest quality representation and we strive to make that happen every day.

Every day is not easy and we have our struggles. 2012 began with gut-wrenching decisions: massive layoffs, restrictions of services and cuts to an entire division set us back. Our attorneys are now working at or above maximum caseloads, clients have been put on wait lists until attorneys are available and we remain critically under-funded.

But we continue on. Because that’s what we do. We stand up for the man who has no one to stand next to him, we fight for the woman wrongly charged and we push for a more fair and balanced criminal justice system for everyone, not simply the ones who can afford it.

“The one place a man ought to get a square deal is in a courtroom...”
Atticus Finch, *To Kill a Mockingbird*.

How can YOU get involved?

Reach out to your representatives in support of OPD and public defense in New Orleans and statewide.

Become a volunteer.

Sign up for our newsletter to stay abreast of news and action alerts.

Donate! Your tax-deductible donation helps fund our indigent defense programs. What would your donation look like? An expert witness for a trial, another investigator to help put together a winning case, more social workers to fulfill the goal of helping our clients and their families lead successful lives.

Support our community partners. It takes a village to make New Orleans a happy, healthy, successful place for all our citizens, not just the ones financially able.

Visit our website for information on OPD, community resources, criminal justice system links and more.

www.opdla.org

Follow us on Facebook and connect on LinkedIn.



Acknowledgements

Thank you to the following organizations and individuals for their continued support of OPD and indigent defense in New Orleans.

Open Society Institute

City of New Orleans, Office of Criminal Justice Coordination

The American Bar Association

The Impact Fund

New Orleans Police and Justice Foundation

Public Defender Corps

Baptist Community Ministries

Vital Projects Fund

Jones Walker

Stone Pigman Walther Whittman

OPP Reform Coalition

Stephen Haedicke

Elizabeth Cumming

OPD is...



8 client
service
specialists

3 human
resources
administrators

5 court
support
coordinators

2
social
workers

43
trial
attorneys

a chief,
a deputy and a
communicator

10
investigators

6 special
litigation
attorneys

2 child in
need of care
attorneys



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