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By Niharika Jain
First Place

The Times is pleased again to publish the top three finishers in the annual essay contest sponsored by the local chapter of the American Civil Liberties Union. The topic this year tackled the state's woefully underfunded public defenders system, an apparatus that threatens a basic American right, access to competent legal counsel. The essay question: "Does Louisiana's Public Defender System Satisfy the Bill of Rights?"

On June 23, 2003, Gregory Bright and Earl Truvia, imprisoned for 27 1/2 years for a murder they did not commit, were finally released from Louisiana's Angola State Prison. Unfortunately, these two men are among many who have been unjustly imprisoned in Louisiana.

According to Innocence Project New Orleans Attorney Emily Bolton, "Greg was represented by a public defender office so under-funded and overburdened that his court-appointed lawyer never once interviewed his client in prison." Louisiana public defense lawyer Clive Stafford Smith says he is "horrified by the number of innocent people we've been finding in Angola, and they were all defended by public defenders." The Bill of Rights requires Louisiana's public defender system ensures justice to the state's citizens; however, in many cases, the deficiencies in the system result in denying defendants their constitutional rights.

According to the Sixth Amendment in the Bill of Rights, "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial ... to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence." This requires citizens receive adequate defense and a trial in a reasonable amount of time. However, Times columnist Emily Metzgar notes the American Bar Association has given Louisiana a failing grade on its evaluation of the state's "independence of defense counsel, prompt appointment of counsel, and resource parity between the prosecution and defense counsel" since 1993.

The many innocent prisoners in Louisiana's prisons also are blatant evidence Louisiana's public defense system does not satisfy the Bill of Rights. For years, Louisiana's public defender system has lacked adequate resources.

Metzgar writes, "In 1993 the Louisiana Supreme Court warned the Louisiana State Legislature ... to reform 'chronic underfunding of indigent defense programs in most areas of the state.'" However, Louisiana still attempts to fund the programs by money that is collected from traffic

tickets. Calcasieu Parish Public Defender Ron Ware believes that "These meager resources are not enough to protect the public's right to equal access to justice." In fact, while Louisiana spends the smallest amount of money in the nation for indigent defense, public defenders handle 85 percent of all the state's criminal cases. Writer Julia Robb says the average case load for each public defender is 3.21 times the maximum recommended by American Bar Association standards. Public defenders, therefore, are overburdened and underpaid, and as a result, they are unable to adequately defend their clients.

Since the Constitution requires that all citizens are given the right to counsel, or adequately defended, the Louisiana public defense system needs reform. Currently, clients do not receive adequate defense because public defenders do not have enough time and money to spend on each case. Many people spend more time in jail waiting for a trial than they would have spent serving their sentence -- certainly not a speedy trial, as guaranteed by the Constitution. However, with more funding and better resources, Louisiana's public defense system still has a chance for reform.

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