

OVERSIGHT OF CAPITAL DEFENSE SERVICES  
LOUISIANA PUBLIC DEFENDER BOARD



PERFORMANCE AUDIT  
ISSUED FEBRUARY 12, 2014

**LOUISIANA LEGISLATIVE AUDITOR  
1600 NORTH THIRD STREET  
POST OFFICE BOX 94397  
BATON ROUGE, LOUISIANA 70804-9397**

**LEGISLATIVE AUDITOR**  
DARYL G. PURPERA, CPA, CFE

**FIRST ASSISTANT LEGISLATIVE AUDITOR  
AND STATE AUDIT SERVICES**  
PAUL E. PENDAS, CPA

**DIRECTOR OF PERFORMANCE AUDIT SERVICES**  
NICOLE B. EDMONSON, CIA, CGAP, MPA

**FOR QUESTIONS RELATED TO THIS PERFORMANCE AUDIT, CONTACT  
EMILY WILSON, PERFORMANCE AUDIT MANAGER,  
AT 225-339-3800.**

Under the provisions of state law, this report is a public document. A copy of this report has been submitted to the Governor, to the Attorney General, and to other public officials as required by state law. A copy of this report is available for public inspection at the Baton Rouge office of the Louisiana Legislative Auditor.

This document is produced by the Louisiana Legislative Auditor, State of Louisiana, Post Office Box 94397, Baton Rouge, Louisiana 70804-9397 in accordance with Louisiana Revised Statute 24:513. Six copies of this public document were produced at an approximate cost of \$32.64. This material was produced in accordance with the standards for state agencies established pursuant to R.S. 43:31. This report is available on the Legislative Auditor's website at [www.la.gov](http://www.la.gov). When contacting the office, you may refer to Agency ID No. 9726 or Report ID No. 40130003 for additional information.

In compliance with the Americans With Disabilities Act, if you need special assistance relative to this document, or any documents of the Legislative Auditor, please contact Elizabeth Coxe, Chief Administrative Officer, at 225-339-3800.



LOUISIANA LEGISLATIVE AUDITOR  
DARYL G. PURPERA, CPA, CFE

February 12, 2014

The Honorable John A. Alario, Jr.,  
President of the Senate  
The Honorable Charles E. "Chuck" Kleckley,  
Speaker of the House of Representatives

Dear Senator Alario and Representative Kleckley:

This report provides the results of our performance audit on the Louisiana Public Defender Board (LPDB). The purpose of this audit was to determine whether LPDB provides oversight of capital defense services delivered by judicial district offices and nonprofit organizations in accordance with state law.

The report contains our findings, conclusions, and recommendations. Appendix A contains LPDB's response to this report. I hope this report will benefit you in your legislative decision-making process.

We would like to express our appreciation to the Board members, management, and staff of LPDB for their assistance during this audit.

Sincerely,

Daryl G. Purpera, CPA, CFE  
Legislative Auditor

DGP/ch

LPDB 2014

---

# Louisiana Legislative Auditor

Daryl G. Purpera, CPA, CFE



## Oversight of Capital Defense Services Louisiana Public Defender Board

February 2014

Audit Control # 40130003

---

## Introduction

Article I, Section 13 of the Louisiana Constitution requires the legislature to provide for a uniform system for securing and compensating qualified counsel for indigent defenders. To fulfill this requirement, the Louisiana Public Defender Act<sup>1</sup> created the Louisiana Public Defender Board (LPDB) in August 2007. According to this Act, LPDB is responsible for the supervision, administration, and delivery of a statewide public defender system, which includes both capital and non-capital defense representation. The purpose of this audit was to evaluate LPDB's oversight of capital defense services.

LPDB oversees 42 judicial district offices (district offices) that represent capital defendants who are unable to afford an attorney. LPDB also contracts with six<sup>2</sup> nonprofit organizations (contract programs) to represent capital defendants during appeals or when a district office is unable to represent a capital defendant at trial due to a conflict of interest, lack of capitally certified attorneys, unavailability of funds, or excessive workload. In fiscal year 2013, LPDB had 16 full-time authorized positions and received approximately \$33.1 million in state funding. Of this amount, LPDB paid \$17.5 million (52.7%) to the district offices for both capital and non-capital representation<sup>3</sup> and paid \$9.7 million (29.2%) to the six contract programs that handle capital cases. The remaining \$5.9 million (18.1%) went to salaries, training, professional services, expert witness services, capital outlay, non-capital contract programs, and other operating services. As of June 30, 2013, district offices and contract programs were handling 228 capital cases in Louisiana. Our audit objective was as follows:

### **Does LPDB provide oversight of capital defense services delivered by judicial district offices and nonprofit organizations in accordance with state law?**

Overall, we found that LPDB does not provide adequate oversight of capital defense services in accordance with all statutory requirements. In addition, we identified challenges that LPDB faces in administering both capital and non-capital public defense services. Appendix A contains LPDB's response to this report, Appendix B details our scope and methodology, and Appendix C summarizes relevant background information.

---

<sup>1</sup> Act 307 of the 2007 Regular Session created LPDB to replace the Louisiana Indigent Defense Assistance Board.

<sup>2</sup> LPDB contracts with a total of nine contract programs; however, only six of them provide capital representation services. See Appendices D and E for a listing of the six capital contract programs.

<sup>3</sup> District offices do not differentiate expenditures for non-capital versus capital representation. See page 5 for more information.

## Does LPDB provide oversight of capital defense services delivered by judicial district offices and nonprofit organizations in accordance with state law?

Overall, LPDB does not provide adequate oversight of capital defense services in accordance with all statutory requirements. We found that:

- LPDB does not adequately monitor the performance of all capital defense attorneys to ensure they are providing high quality legal representation as required by state law. In addition, LPDB has not created mandatory statewide performance standards for these attorneys as required by state law.
- LPDB does not adequately track the cost of capital defense services to ensure these services are provided in a cost-effective and fiscally responsible manner as required by state law.
- LPDB does not comprehensively monitor whether each district office complies with Capital Defense Guidelines as required by state law. These guidelines outline the structure of capital defense services in Louisiana, including the assignment and qualifications of the defense teams and attorney workloads.

In addition, we identified challenges that LPDB faces in administering both capital and non-capital public defense services. Specifically, we found that LPDB experienced turnover rates of 26.7% and 42.9% during fiscal years 2012 and 2013, respectively. In addition, during fiscal year 2012, 29 (69%) of the 42 district offices operated at a deficit and had to use their fund balances to cover expenses.<sup>4</sup> Because state law requires LPDB to provide adequate funding for public defense services, LPDB will need to financially assist district offices that deplete their fund balances. This will place an increasing financial burden on LPDB in the future. These findings are discussed in more detail below.

---

### **LPDB does not adequately monitor the performance of all capital defense attorneys to ensure they are providing high quality legal representation as required by state law. In addition, LPDB has not created mandatory statewide performance standards for attorneys as required by state law.**

State law requires LPDB staff to monitor the performance of all capital defense attorneys to ensure that each defendant is receiving high quality legal representation.<sup>5</sup> However, LPDB does not adequately monitor the ongoing performance of attorneys representing capital cases in

---

<sup>4</sup> Fiscal year 2013 audited financial information was not available during the timeframe of this audit.

<sup>5</sup> Louisiana Administrative Code (LAC) 22:XV.921(A)(1)

district offices and contract programs. In addition, LPDB has not created mandatory statewide performance standards for public defenders as required by state law.

**District Offices.** According to LPDB, it reviews the performance of attorneys *before* they defend capital cases through the capital certification process and monitors the performance of these attorneys *after* cases conclude by reviewing the Capital Case Trial Review Forms<sup>6</sup> submitted by the district offices. However, LPDB does not monitor the ongoing performance of attorneys representing capital cases in district offices. As a result, LPDB cannot ensure that the attorneys are providing high quality legal representation *during* capital case trials, which can last as long as two to four years in Louisiana according to LPDB.<sup>7</sup> LPDB stated it does not have the staff or the time to monitor the performance of all capital defense attorneys. In addition, according to the Capital Defense Guidelines, a case supervisor at each district office is also required to monitor the capital defense attorneys in each capital case and report noncompliance to LPDB staff. However, according to LPDB staff, none of the 42 district offices have a case supervisor because of insufficient funding at the district level.

**Contract Programs.** To monitor the performance of capital defense attorneys working for the six capital contract programs, LPDB included a monitoring provision in the contracts stating that it will conduct periodic samplings of the work products (e.g., pleadings, briefs, motions) filed by capital defense attorneys on behalf of defendants. According to the contracts, LPDB is to review the work products for form, procedural correctness, legal analysis, and substance. However, according to LPDB management, they have not reviewed any work products because LPDB does not have sufficient staff to fulfill this requirement. As a result, LPDB cannot ensure that contract programs are filing work products in a timely manner and providing high quality legal representation.

**Statewide Performance Standards.** State law mandates that LPDB create mandatory statewide performance standards for attorneys in capital cases. These standards require public defense services to be provided in a manner that is uniformly fair and consistent throughout the state.<sup>8</sup> As of January 2014, the Board had not yet established performance standards for capital cases because its Capital Working Group has not yet recommended standards to the full Board for approval. According to LPDB, it is currently using interim performance standards based on best practices established by the American Bar Association. However, these interim standards are not specific to Louisiana and the delivery of capital defense services by the individual district offices. According to LPDB's Capital Strategic Plan, LPDB will promulgate performance standards by January 1, 2015. Once LPDB establishes these standards, it should monitor to ensure that attorneys employed by district offices and contract programs are meeting the standards.

---

<sup>6</sup> The Capital Case Trial Review Form shows the background of the case, the progression of the case, and the outcome of the case.

<sup>7</sup> This timeframe is based on the definition of a case in Louisiana Revised Statute (R.S.) 15:174(C) and does not include appeals.

<sup>8</sup> R.S. 15:148(B)(1) and (10)

**Recommendation 1:** The Board should monitor the performance of capital defense attorneys in district offices during the cases to ensure high quality representation is being provided.

**Summary of Management's Response:** LPDB agrees with this recommendation. LPDB states it does monitor all or virtually all of the capital cases in the State and defines monitoring as tracking a case and following it within the courts. LPDB has instituted a number of important structural changes that permit it to monitor. In addition, other important methods of monitoring capital cases are nearly completed. However, despite these significant changes and protocols, LPDB does agree that additional steps need to be taken to address some of the concerns identified in the audit. LPDB believes that the changes and protocols now in place will permit it to proceed to focus its attention in the near future on these additional steps. See Appendix A for LPDB's full response.

**LLA Additional Comments:** State law requires LPDB staff to monitor the performance of all capital defense attorneys and take necessary action to protect the interests of the attorney's current and potential clients where there is evidence that an attorney is not providing high quality legal representation [LAC 22:XV.921(A)(1) and LAC 22:XV.921(A)(3)]. Our recommendation is directed toward LPDB monitoring the performance of attorneys rather than tracking the capital cases.

**Recommendation 2:** The Board should review work products filed by contract programs as stipulated in the contract monitoring plan to ensure that capital defense attorneys are providing high quality representation.

**Summary of Management's Response:** LPDB agrees with this recommendation. LPDB states it does review the work products of contract program attorneys as each attorney seeking capital certification is required to submit two writing samples with his or her application. The application for annual recertification also requires the submission of one writing sample. However, LPDB agrees that there should be a more formal, regularly scheduled review of written documents from the programs with objective criteria used to judge their quality. See Appendix A for LPDB's full response.

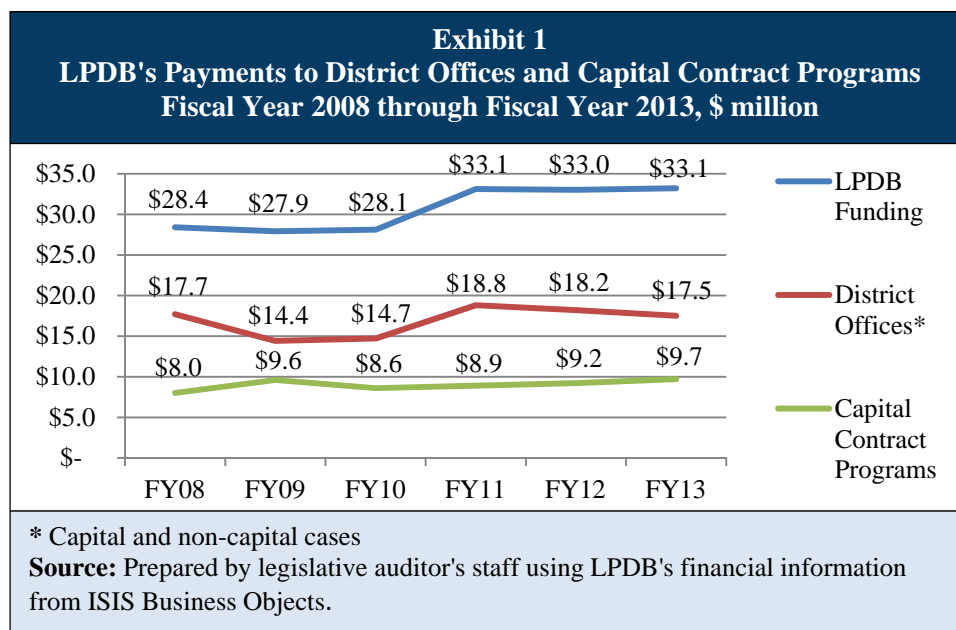
**LLA Additional Comments:** LPDB's response addresses the review LPDB staff conducts during the capital certification process. It does not fulfill LPDB's responsibility to periodically sample the work products filed by contract programs on behalf of the indigent clients and to review them for form, procedural correctness, legal analysis, and substance.

**Recommendation 3:** The Board should establish statewide performance standards for attorneys in capital cases. Once established, LPDB should incorporate them into its monitoring process to ensure that public defense services are being provided in a manner that is fair and consistent throughout the state.

**Summary of Management's Response:** LPDB agrees with this recommendation. See Appendix A for LPDB's full response.

**LPDB does not adequately track the cost of capital defense services to ensure these services are provided in a cost-effective and fiscally responsible manner as required by state law.**

State law requires LPDB to ensure that adequate funding of public defense services is provided and managed in a cost-effective and fiscally responsible manner.<sup>9</sup> According to LPDB, while the Board requested \$40 million in state funds in fiscal years 2011 and 2012, it received \$33.1 million and \$33 million, respectively. In fiscal year 2013, the Board requested \$42 million in state funds but received \$33.1 million. LPDB paid \$9.7 million (29.2%) of its \$33.1 million budget to the six contract programs that handle capital cases and \$17.5 million (52.7%) of its budget to the district offices for both capital and non-capital representation in fiscal year 2013, as shown in Exhibit 1. See Appendix D for a breakdown of LPDB's payments to contract programs and district offices from fiscal years 2011 through 2013.



Because LPDB does not track the cost of capital cases separately from non-capital cases in the district offices, it does not have the information needed to determine the cost of capital defense services. Without knowing the cost, LPDB cannot ensure that these services are adequately funded, as required by state law, and that they are being provided in a cost-effective and fiscally responsible manner. According to a report issued by the Subcommittee on Federal Death Penalty Cases,<sup>10</sup> the cost of capital representation in each case depends upon the number

<sup>9</sup> R.S. 15:142(B)(1)

<sup>10</sup> The Judicial Conference of the United States, Committee on Defender Services, Subcommittee on Federal Death Penalty Cases issued the report "Federal Penalty Cases: Recommendations Concerning the Cost and Quality of



of hours each attorney must work, the salary ranges at which attorneys are compensated, and the cost of any expert witnesses. While LPDB tracks the costs of expert witnesses, it does not track the time attorneys spend on capital cases and has not established salary ranges for all capital defense attorneys as required by state law.

**LPDB does not require district offices to track time of attorneys in capital cases.**

LPDB currently does not require district offices to report the time attorneys and support staff spend on capital cases because it has not yet established standardized time categories for them to use. According to LPDB, requiring attorneys to track their time would enable the Board to determine how much time attorneys spend on each of the key tasks involved in defending a capital case. LPDB could then use the results to determine reasonable workloads and pay ranges for attorneys and to evaluate their performance. LPDB states that it is currently establishing standardized time categories for capital cases so that attorneys are able to track their time. See Appendix E for capital caseloads for district offices for fiscal years 2011 through 2013.

**LPDB has not established salary ranges for attorneys in capital cases.** State law requires LPDB to establish salary and compensation ranges for attorneys and all other staff necessary for adequate public defense.<sup>11</sup> These salaries are to be comparable to other positions that are similar throughout the state and be based on years of service, nature of the work (i.e., capital or non-capital case), workload, and district variances in practices in rural, urban, and suburban districts. In addition, according to the American Bar Association, the salaries of public defense attorneys should be commensurate with the salaries of the prosecuting attorneys within the same jurisdiction.

While LPDB has established salary ranges for each District Defender, it has not established salary ranges for attorneys or staff providing public defense services for district offices or contract programs.<sup>12</sup> According to LPDB's Capital Strategic Plan, it anticipates setting these salary ranges by June 30, 2014. Currently, the district offices and contract programs determine the salaries of their own attorneys and support staff. Without set salary ranges, the Board cannot ensure that attorneys providing capital and non-capital public defense services are compensated in a fair, consistent, and fiscally responsible manner throughout the state. In addition, LPDB cannot be sure that district offices and contract programs are paying attorneys appropriately to provide these services.

**Salaries of District Defenders  
By District Population**

< 50,000	\$28,603 - \$102,691
50,000 - 99,999	\$53,508 - \$107,504
100,000 - 249,999	\$68,366 - \$119,286
>250,000	\$83,686 - \$147,374

**Source:** Prepared by legislative auditor's staff using information provided by LPDB.

**Recommendation 4:** The Board should establish standardized time categories. Then, the Board should require district offices to track the time attorneys and support staff spend on capital cases.

Defense Representation" in 1998, which can be found at

<http://www.uscourts.gov/FederalCourts/AppointmentOfCounsel/Publications/RecommendationsCostQuality.aspx>

<sup>11</sup> R.S. 15:148(B)(12) and R.S. 15:148(B)(15)

<sup>12</sup> Each district office is overseen by a District Defender who is responsible for managing and supervising public defense services within that district.

**Summary of Management's Response:** LPDB agrees with this recommendation. See Appendix A for LPDB's full response.

**Recommendation 5:** The Board should establish salary ranges for attorneys and support staff providing public defense services as required by state law.

**Summary of Management's Response:** LPDB agrees with this recommendation. LPDB states it has established salary ranges for attorneys providing capital defense services, but believes these salary ranges are out-of-date and need to be updated. Salaries for support staff providing public defense services have yet to be established. See Appendix A for LPDB's full response.

**LLA Additional Comments:** During the Board meeting on April 2, 2013, LPDB General Counsel advised the Board members that LPDB was not in compliance with the state law requiring LPDB to establish salary and compensation ranges for attorneys and all other staff necessary for adequate public defense [R.S. 15:148(B)(12) and 15:148(B)(15)]. In addition, LPDB did not provide us with the Board approved salary ranges for attorneys, which we requested during the audit.

---

**LPDB does not comprehensively monitor whether each district office complies with Capital Defense Guidelines as required by state law.**

State law requires LPDB to ensure district offices comply with Capital Defense Guidelines.<sup>13</sup> These guidelines outline the structure of capital defense services in Louisiana, including assignment and qualifications of the defense teams and attorney workloads. To monitor the district offices' compliance with Capital Defense Guidelines, LPDB developed monthly Capital Trial Reports for district offices to complete for every capital case. These monthly reports include the open date, phase (pre-indictment or indictment), disposition (plea or trial), status (pretrial, trial, or post trial), assigned defense team, and the date of any upcoming hearings for each capital case. However, these reports do not address all provisions of the Capital Defense Guidelines such as identifying, monitoring, and resolving conflicts of interest in capital cases or resolving defendants' complaints. In addition, while district offices are required to submit these reports, LPDB does not ensure that it receives them for every capital case handled by each district office. According to LPDB staff, it does not have sufficient staff or resources to comprehensively monitor the district offices' compliance with Capital Defense Guidelines as state law requires.

In addition, the Capital Defense Guidelines require that each district office adopt and implement a District Capital Representation Plan that outlines, in part, how it will comply with Capital Defense Guidelines, including those provisions not addressed by the Capital Trial Reports. However, as of November 2013, LPDB had not finalized any of the 42 District Capital

---

<sup>13</sup> R.S. 15:148(B)(3)

Representation Plans. According to LPDB management, this is because all of the district offices submitted incomplete plans to LPDB, and LPDB only has one full-time employee available to work on finalizing these plans. Once LPDB finalizes these plans, it should incorporate this information into its monitoring process to evaluate the district offices' compliance with the Capital Defense Guidelines.

**Recommendation 6:** The Board should ensure that it receives monthly Capital Trial Reports for every capital case handled by each district office.

**Recommendation 7:** The Board should ensure that it finalizes all 42 District Capital Representation Plans and ensure these plans outline how each district will comply with the Capital Defense Guidelines.

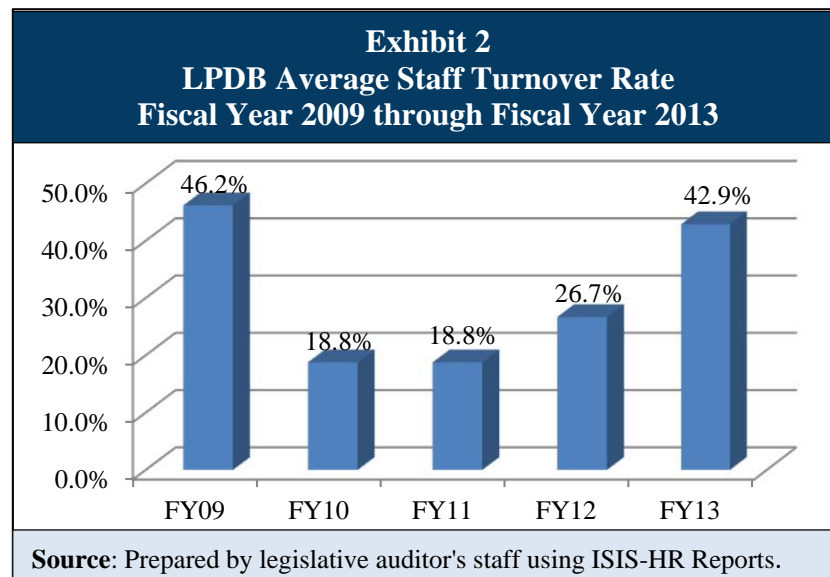
**Recommendation 8:** Once the Board finalizes all 42 District Representation Plans, the Board should incorporate this information into a comprehensive monitoring process to ensure all district offices comply with Capital Defense Guidelines.

**Summary of Management's Response:** LPDB agrees with these recommendations. See Appendix A for LPDB's full response.

---

**LPDB experienced turnover rates of 26.7% and 42.9% during fiscal years 2012 and 2013, respectively.**

While LPDB was fully staffed in fiscal years 2010 and 2011, LPDB experienced a staff turnover rate of 26.7% (losing four of 15 employees) in fiscal year 2012 and 42.9% (losing six of 14 employees) in fiscal year 2013. As mentioned throughout the report, LPDB stated that a lack of sufficient resources has hindered its ability to fulfill oversight obligations such as finalizing District Representation Plans, monitoring the performance of capital case attorneys, establishing statewide performance standards, and reviewing work products filed by contract programs. Exhibit 2 shows LPDB's average staff turnover rate for fiscal years 2009 through 2013.



One position affected by staff turnover is the Capital Case Coordinator. The Capital Case Coordinator position is responsible for monitoring all capital cases and enforcing compliance with LPDB's Capital Defense Guidelines. LPDB established this position in 2009 and hired the first coordinator in September 2010. From fiscal years 2011 to 2013, the position was filled by three staff and one contract employee. During fiscal year 2013, the coordinator was responsible for monitoring 228 capital cases, reviewing 173 expert witness service requests, reviewing 42 District Capital Representation Plans, coordinating the capital certification for 12 attorneys, as well as other duties. The amount of responsibility placed on this position coupled with high turnover over the past three fiscal years may have contributed to weaknesses we have identified in LPDB's oversight of capital defense services.

**Recommendation 9:** The Board should determine and address the potential causes for staff turnover and vacancies to help ensure it has adequate and competent staff to consistently carry out its statutory responsibilities.

**Recommendation 10:** The Board should evaluate the distribution of responsibilities amongst LPDB staff to ensure it is able to effectively oversee capital defense services in Louisiana.

**Summary of Management's Response:** LPDB agrees with these recommendations. See Appendix A for LPDB's full response.

---

**During fiscal year 2012, 29 (69%) of the 42 district offices operated at a deficit and had to use their fund balances to cover expenses. This will place an increasing financial burden on LPDB in the future as state law requires LPDB to provide adequate funding for public defense services.**

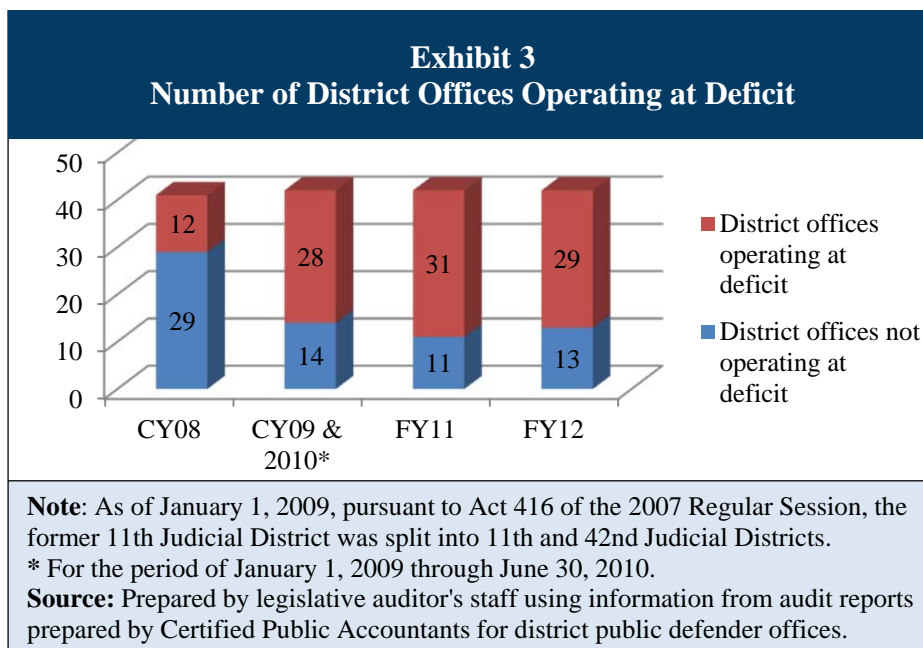
As stated earlier in the report, during fiscal year 2013, LPDB distributed a total of \$17.5 million of its budget to the 42 district offices. LPDB distributes these funds every year based on each district office's caseload, number of employed attorneys, and annual expenditures, revenues, and fund balance. According to LPDB, however, the single largest local revenue source for district offices comes from court fees assessed on all traffic tickets and criminal convictions. In fiscal year 2012, approximately \$30.1 million (61%) of district revenues were generated by local funding.

When district offices need additional funds to provide public defense representation (e.g., because of reduced local funding, additional and/or more complex cases, necessary equipment upgrades, increasing rent), state law authorizes them to use their fund balances.<sup>14</sup> However,

---

<sup>14</sup> According to R.S. 15:168(E), a district office's fund balance consists of any money left at the end of the year and must be used to deliver public defense services in that district.

LPDB must provide additional financial assistance to district offices that run out of money during the fiscal year because state law requires it to provide adequate funding for public defense services.<sup>15</sup> From January 1, 2008, through June 30, 2012, the combined fund balances of the 42 district offices decreased by 51% from \$21.7 million to \$10.6 million. During fiscal year 2012, 29 (69%) of the 42 district offices operated at a deficit and had to use some of their fund balances to cover their expenses for providing public defense services.<sup>16</sup> Exhibit 3 shows the number of district offices operating at a deficit from January 1, 2008, through June 30, 2012.



One reason district offices are operating at a deficit, according to LPDB, is that they may not be receiving all the local funding that is owed to them. In addition, the local funding they do receive is dependent on law enforcement writing traffic tickets and arresting defendants; judges imposing court fees on traffic tickets and criminal convictions; and on remitting agencies (e.g., clerk, sheriff) collecting and disbursing these fees to the district offices. According to LPDB, Louisiana is the only state that funds a large percentage of its public defense costs through court fees assessed on traffic tickets. In addition, for every capital case, the Louisiana Supreme Court requires the appointment of at least two capitally certified attorneys and state law<sup>17</sup> requires that the defense team include two capitally certified attorneys, an investigator, and a mitigation specialist.<sup>18</sup> This means that when an indigent defendant is arrested and charged with 1st degree murder, the district office is required to assemble a defense team of at least four individuals, regardless of its budget at that time.

<sup>15</sup> R.S. 15:142(B)(1)

<sup>16</sup> Fiscal year 2013 audited financial information was not available during the timeframe of this audit.

<sup>17</sup> LAC 22:XV.913(A)(1)(a)

<sup>18</sup> A mitigation specialist provides defense attorneys with a comprehensive psycho-social history of the defendant based on an exhaustive investigation, finds mitigating themes in the defendant's life history, identifies the need for expert assistance, etc.

As multiple district offices continue to operate at a deficit, there is a risk they will deplete their fund balances. This will place a financial burden on LPDB, which must provide additional funding to the district offices so they can continue to operate. According to LPDB, however, it does not have the funds to increase financial assistance to the district offices, as its own funding levels have not increased since fiscal year 2011.<sup>19</sup> If LPDB cannot increase its financial assistance to district offices in financial need, district offices will have to go into service restriction, which may include not accepting new cases, delaying or halting current cases, reducing attorney salaries, or laying off attorneys.

**Recommendation 11:** The Board should work with the district offices to determine the reasons why an increasing number of districts are operating at a deficit. Once the causes are identified, the Board should work with the districts to develop possible solutions.

**Summary of Management's Response:** LPDB agrees with this recommendation. See Appendix A for LPDB's full response.

**Matter for Legislative Consideration:** The legislature may wish to commission a study to determine if current funding mechanisms and levels enable the state to provide a uniform system of securing and compensating qualified counsel for indigent defenders, as required by the Louisiana Constitution.

---

<sup>19</sup> See Appendix C for an exhibit showing LPDB's funding for fiscal years 2008 through 2013 and Appendix D for a summary of LPDB's funding to the district offices for fiscal years 2011 through 2013.

## **APPENDIX A: MANAGEMENT'S RESPONSE**

# LOUISIANA PUBLIC DEFENDER BOARD



Bobby Jindal  
Governor

James T. Dixon, Jr.  
State Public Defender

EQUAL JUSTICE FOR ALL

January 23, 2014

Via Email and U. S. Mail  
dpurpera@lla.state.la.us

Mr. Daryl G. Purpera, CPA, CFE  
Louisiana Legislative Auditor  
1600 North Third Street  
P. O. Box 94397  
Baton Rouge, Louisiana 70804-9397

Re: Capital Defense Services  
Louisiana Public Defender Board  
Audit Control #40130003

Dear Mr. Purpera:

Having completed the legislative audit process, we would like to take this opportunity to thank your office and your personnel for their professionalism, courtesy, honesty, and dedication, throughout. As you can imagine, the auditing process can be extremely intimidating. Your office was very clear in their purpose and worked with us to finalize a report that we find even-handed and fair. While we might disagree with certain aspects of the report, on the whole it provides our office with guidance and the opportunity for improvement. More particularly, it provides us with a tool to improve our office and the services we provide. We shall endeavor to implement all of the recommendations made in this report.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mr. Burns", is written over the typed name.

Judge Robert J. Burns (retired)  
Vice-Chairman

RJB/JDT/ag

Attachment



# LOUISIANA PUBLIC DEFENDER BOARD



EQUAL JUSTICE FOR ALL

Bobby Jindal  
Governor

James T. Dixon, Jr.  
State Public Defender

January 23, 2014

Via Email and U. S. Mail  
dpurpera@lla.state.la.us

Mr. Daryl G. Purpera, CPA, CFE  
Louisiana Legislative Auditor  
1600 North Third Street  
P. O. Box 94397  
Baton Rouge, Louisiana 70804-9397

Re: Capital Defense Services  
Louisiana Public Defender Board  
Audit Control #40130003

Dear Mr. Purpera:

Thank you for the opportunity to respond to the Capital Defense Services Audit prepared by your office dated February 2014. This letter serves as the Louisiana Public Defender Board's (LPDB's) response to the Capital Defense Services Audit Report. As stated so succinctly on page seven of your Audit Report: "As mentioned throughout the report, LPDB stated that a lack of sufficient resources has hindered its ability to fulfill oversight obligations such as finalizing District Representation Plans, monitoring the performance of capital case attorneys, establishing statewide performance standards, and reviewing work products filed by contract programs." After several preliminary remarks, I will address each of the Recommendations contained in the Report.

I must emphasize that while capital defense work is very important it represents only a small portion of the total amount of work accomplished by LPDB and its staff. This Performance Audit focused on only one small, albeit important, substantive area of many for which the Board is responsible.

Although LPDB was created by Act 307 of 2007, the first state public defender was not hired until June of 2008 and the office was not fully staffed until 2010. Since June of 2008 LPDB has implemented Trial Court Performance Standards, Trial Court Performance Standards for CINC Representation; Trial Court Performance Standards for Delinquency Representation and Capital Defense Guidelines. Detailed contracts for the non-profit corporations handling appellate, juvenile and capital cases were written, as well as contracts for all of the district defenders, clarifying their roles in light of the new statutory structure. A complaint policy which extends to capital cases in both the district and contract offices was implemented in 2009.

Recommendation 1: The Board should monitor the performance of capital defense attorneys in district offices during the cases to ensure high quality representation is being provided.

While we agree with many of the observations made in the Audit, we believe that the Audit does not sufficiently recognize much of the Board's important work in the capital arena. At the outset it is important to define the terms "monitor," "supervision" and "oversight" which are not synonymous under Louisiana statutory law. Monitor means to track a case and follow it within the courts; supervision is direction and guidance given to employees by a supervisor in the contract program or district office; *see, e.g.*, La. R.S. 15:161(E) (1), (6), and (13); oversight is the general administration and superintendence of the indigent defense system.

While LPDB appreciates the detailed explanations of the challenges it has faced and continues to face which are stated after your findings, the headings and findings themselves do not reflect the interplay of the responsibilities of the Capital Case Coordinator and other members of the defense community. The Trial-Level Compliance Officer and the District Public Defenders each have specific roles in this process. The former plays a role in assessment while the latter maintains the role of supervisor. La. R.S. 15:157B, D.

LPDB does in fact monitor all or virtually all of the capital cases in the State and has instituted a number of important structural changes that permit it to do so, including:

- The capital certification process
  - Development of a detailed application and rigorous evaluation process leading to the certification of over 130 attorneys
- The Capital Defense Guidelines
- The monthly capital trial reports
  - Monitoring case loads and whether cases are Guidelines compliant as to staffing and conflicts
- The capital trial review reports
- The capital direct appeal review form
- The Expert Witness Fund Application (which has been substantially improved) and the funding process, protocols, rules and data collection
- Review of the District Capital Representation Plans
- The detailed contracts for each of the capital programs
- The capital program assessment instrument

In addition, other important methods of monitoring capital cases are nearly completed such as:

- The capital "wing" of the database
- The Capital Performance Standards (two versions are currently being reviewed by members of the Capital Case Working Group with extensive capital experience)

- The State Capital Representation Plan<sup>1</sup>
- The District Capital Time Sheet

However, despite these significant changes and protocols, LPDB does agree that additional steps need to be taken to address some of the concerns identified in the Audit. LPDB believes that the changes and protocols now in place will permit it to proceed to focus its attention in the near future on these additional steps.

LPDB is a regulatory agency with oversight responsibilities, not day-to-day case management responsibilities. LPDB does not have the staff, funding or statutory responsibility for direct supervision of cases.<sup>2</sup> The contract program executive directors and the district defenders are responsible for supervising the capital cases in their respective offices. LPDB has insufficient staff to observe the performance of all capital defense attorneys in the district and program offices on a regular basis and looks to the district defenders and program directors to supervise

---

<sup>1</sup> As part of the State Capital Plan, salaries for capital attorneys are to be listed. It is important to note that in 2007, the Louisiana Public Defender Board's predecessor, the Louisiana Indigent Defense Assistance Board, agreed to the following wage schedule for full-time capital attorneys:

Senior Attorney (First Chair): \$75,000-\$90,000  
Associate Attorney (Second Chair): \$55,000-\$65,000  
Junior Attorney: \$38,000-\$45,000.

These salary ranges were calculated by reference to the salary ranges of ADAs and DAs prosecuting capital cases but, significantly, did not take into account the very generous ADA retirement benefits. *Cf. Justice Denied: America's Continuing Neglect of Our Constitutional Right to Counsel*, The Constitution Project, Report of the National Right to Counsel Committee, p. 12 (2009) ("Recommendation 7—Fair compensation should be provided, as well as reasonable fees and overhead expenses, to all publicly funded defenders and for attorneys who provide representation pursuant to contracts and on a case-by-case basis. Public defenders should be employed full time whenever practicable and salary parity should be provided for defenders with equivalent prosecution attorneys when prosecutors are fairly compensated."); Guidelines 9.1(B) (2) of the American Bar Association's Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases ("Attorneys employed by defender organizations should be compensated according to a salary scale that is commensurate with the salary scale of the prosecutor's office in the jurisdiction."); Ten Principles of a Public Defense Delivery System, American Bar Association, Principle 8, Commentary ("There should be parity of workload, salaries and other resources (such as benefits, technology, facilities, legal research, support staff, paralegals, investigators, and access to forensic services and experts) between prosecution and public defense."); *Improving Criminal Justice Systems Through Expanded Strategies And Innovative Collaborations* (DOJ, 2000), p.14. ("Salary parity between prosecutors and defenders at all experience levels is an important means of reducing staff turnover and avoiding related recruitment/training costs and disruptions to the office and case processing.").

These amounts should be adjusted as follows to account for inflation:

Lead Attorney (First Chair): \$84,306.00-\$101,167.20  
Associate Attorney (Second Chair): \$61,824.40-\$73,065.20  
Junior Attorney: \$42,715.04-\$50,583.60

This compensation schedule assumes a significant employer contribution to health, dental and disability insurance.

<sup>2</sup> With the exception of the Expert Witness Fund, LPDB staff is outside of the attorney-client privilege and cannot be involved in supervising cases.

their staff. Furthermore, it is important to note that since June of 2013, the LPDB has been without a Trial Level Compliance Officer. Mr. John Di Giulio, who held the position for five years, is a Harvard Law School Graduate with over 34 years of criminal trial experience including numerous state and federal capital cases. Mr. Di Giulio observed and monitored capital trials throughout the state when employed by LPDB. He did not, nor should he have, supervised capital cases.

Recommendation 2: The Board should review work product filed by contract programs as stipulated in the contract monitoring plan to ensure that capital defense attorneys are providing high quality representation.

The Capital Certification Advisory Panel, which assists in the capital certification process and is supported by staff, does review work product of contract program attorneys, as each attorney seeking capital certification is required to submit two writing samples with his or her application. Frequently, the submitted documents are motions, writs, petitions or briefs filed in the applicant's cases. The application for recertification (submitted on an annual basis) also requires submission of one writing sample. All lawyers in all programs are certified and have and continue to submit written work products. LPDB agrees that there should be a more formal, regularly scheduled review of written documents from the programs with objective criteria used to judge their quality.

Recommendation 3: The Board should establish statewide performance standards for attorneys in capital cases. Once established, LPDB should incorporate them into its monitoring process to ensure the public defense services are being provided in a manner that is fair and consistent throughout the state.

Two versions of the Capital Performance Standards have been drafted: One in 2012 and the other in 2013. Copies of each are attached to this response. As indicated earlier, these two versions have been distributed to the Capital Case Working Group members with extensive capital defense experience. A teleconference to begin vetting the Performance Standards has been scheduled for February 3, 2014. Once finalized and accepted by the Board they will need to be promulgated. The Capital Performance Standards will provide staff with specific criteria from which to make a uniform performance assessment tool for district defenders and contract program executive directors to apply to their capital defenders. It is staff's plan to create a check list similar to the federal capital checklist to monitor the performance of state capital defenders.

Recommendation 4: The Board should establish standardized time categories. Then, the Board should require district offices to track the time attorneys and support staff spends on capital cases.

Time keeping in the district offices is done in gross amounts of number of hours worked per day. While we agree that caseloads are very high in the district offices, we do not believe that it would be too burdensome for capital lawyers and support staff in the district offices to track their time. As referenced above, capital time sheets with standardized time categories are nearing completion and will be available before the end of January 2014.

Recommendation 5: The Board should establish salary ranges for attorneys and support staff providing public defense services as provided by law.

The Board has established salary ranges for attorneys providing capital defense services as indicated in note 1 above. We believe that these salary ranges are out-of-date and need to be updated. Salaries for support staff providing public defense services have yet to be established.

Recommendation 6: The Board should ensure that it receives monthly Capital Trial Reports for every capital case handled by each district office.

LPDB requires every district and capital program to complete monthly Capital Trial Reports. The reports are due by the fifth of each month. All programs and most offices timely supply the forms. If a district office does not comply, LPDB follows up by contacting the office until the forms are provided. The Capital Trial Report form is not intended to address every issue in a capital case. It is unlikely that any form LPDB produces will cover all provisions of the Capital Defense Guidelines. The Capital Trial Reports do cover conflicts as the names of all co-defendants are required to be listed. Further, each office is supposed to have a mechanism for conflicts checks as required by LPDB. The Capital Trial Reports also indicate whether a capital case is properly staffed under the Capital Defense Guidelines as the form requires that a listing of personnel staffing the case be provided: Specifically, the form requires that the Lead Attorney, Associate Attorney, Fact Investigator and Penalty Phase Investigator be listed. Recommendation 6 is already in place.

Recommendation 7: The Board should ensure that it finalizes all 42 District Capital Representation Plans to ensure these plans outline how each district will comply with the Capital Defense Guidelines.

The Board has received 42 District Capital Representation plans. While the form provided by LPDB to the districts was carefully drafted to assure uniformity for the purpose of comparison, many of the district defenders either did not use or follow the form. Staff has finalized the District Capital Representation Plans in terms of making them uniform and is now in the process of updating the information from calendar year 2011 when the plans were first submitted, and following up with each district defender on unanswered questions. Once completed and updated, this needed information will be incorporated into the State Capital Representation plan explicitly laying out the duties of each district defender and the state public defender for the purpose of monitoring the actions of each.

Recommendation 8: Once the Board finalizes all 42 District Representation Plans, the Board should incorporate this information into a comprehensive monitoring process to ensure all districts comply with Capital Defense Guidelines.

LPDB has a draft State Representation Plan which cannot be completed until all 42 District Representation Plans are updated and verified. Part of the purpose of the State Representation Plan is to create the comprehensive monitoring process to ensure all districts comply with the Capital Defense Guidelines, as stated in the recommendation.

Recommendation 9: The Board should determine and address the potential causes for staff turnover and vacancies to help ensure it has adequate and competent staff to consistently carry out its statutory responsibilities.

As the Audit states, staff turnover has affected the continuity of work in the capital division. From fiscal years 2011 to 2013, at different times, the position was filled by three staff and one *part-time* contract employee. In fiscal year 2012, the part-time contract employee was responsible for coordinating the application process with over 130 applicants seeking Capital Certification in various roles, 125 of whom were certified. LPDB agrees that staff turnover and vacancies have affected the capital division's ability to consistently carry out its statutory responsibilities and the distribution of responsibilities among LPDB staff. As of December 1, 2013, the staff has new leadership, in Mr. James T. Dixon, Jr. LPDB will investigate the cause of staff turnover but believes that Mr. Dixon's selection as the state public defender will reduce staff turnover to normal rates for any state agency.

Recommendation 10: The Board should evaluate the distribution of responsibilities amongst LPDB staff to ensure it is able to effectively oversee capital defense services in Louisiana.

Should the hiring freeze affect the vacancy of the Trial Level Compliance Officer, the needed distribution of responsibilities amongst LPDB staff will go unmet. Among the position's statutory duties, the Trial Level Compliance Office shall:

B.

1. Develop evaluation protocols to assess trial-level compliance with board-adopt Standards and guidelines.
2. Develop an effective evaluation implementation plan that allows for regular assessments and ongoing monitoring of each district public defender system's compliance of board-adopted standards and guidelines.
3. Provide direct oversight of necessary staff to conduct regular assessments and ongoing monitoring.
4. Make regular reports to the board on variances to board standards and guidelines with respect to each district. . . .

. . . .

D.

*Nothing in this Section shall superseded a district public defender's responsibility to supervise individual attorneys and staff in performance on specific cases, . . . . La. R.S. 15:157B, D.*

It is clear from the statute that the monitoring of compliance with board-adopted standards and guidelines and oversight of necessary staff to conduct regular assessments and ongoing monitoring lies with Trial Level Compliance Officer. It is also abundantly clear that the Trial Level Compliance Officer's duties shall not supersede a district public defender's responsibility to supervise individual attorneys and staff in performance on specific cases, which includes capital trial level cases.

Recommendation 11: The Board should work with the district offices to determine the reasons why an increasing number of districts are operating at a deficit. Once the causes are identified, the Board should work with the districts to develop possible solutions.

As noted in the Audit, district offices' fund balances are being depleted at an alarming rate. Offices receive traffic ticket revenue, which they do not control. The Audit correctly identifies Louisiana as the only state in the country which funds its indigent defense system largely on traffic ticket revenue generated within each judicial district. If a judicial district has major highways and interstates, it is apt to have considerably more income than a judicial district which does not. Statewide, at least 60% of the districts' income is traffic ticket revenue over which the district defenders have absolutely no control. Police write the tickets, judges impose (or should) the statutory court cost, Clerks of Courts or Sheriffs' Offices or Judicial Administrators collect the funds. The entity in a given parish or judicial district is then required to deliver this revenue to the district defender with an accounting by the 10<sup>th</sup> of each month with detailed information about the source of the funds. La. R.S. 15:168(B)(1) & (2).

From the very start, district defenders have to estimate what they "believe" they will receive in any given year. If a jurisdiction forgets to have traffic ticket forms printed, or the "blue flu" hits a police or sheriff's department, or the price of gas goes so high that traffic patrols are reduced, the district defenders office is seriously adversely impacted. If a judge refuses to impose the cost, then the district defender has to spend time litigating the court's decision. If the agency collecting the special cost does not properly document the flow of the costs from the court to the district defender, there is no method for the district defender to determine what monies come from which cases and defendants. None of these events is within the control of any district defender. Finally, not all courts are required to impose the special cost. Mayors' Courts are growing in number and are exempt from remitting the special cost to the district defender if the population of the jurisdiction is less than 5,000.

Mr. Daryl G. Purpera  
January 23, 2014  
Page 8

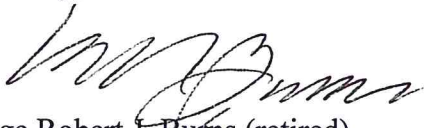
Through the use of the District Assistance Formula and the Adjustment Formula, those district offices with fund balances were required to expend them so that other districts may receive more state funding under the formula. Over time, this requirement has caused a steady increase in the number of districts depleting their fund balances. This was a choice made early on to forego providing state funds to those districts which continue to accrue fund balances, and to require districts with sizeable fund balances to deplete their funding so that other offices could survive.

Had the Board not made that decision, many offices would have had to restrict their services much earlier. As a result of the Board's decision, only two districts have gone into full service restriction.

Each office has different reasons for the reduction of local revenues and LPDB agrees that it needs to identify the root causes for the reductions and to work with each district on possible solutions.

I am enclosing the Recommendation Check List. I do not feel that an exit interview is necessary as our staff has recently met with your staff.

Sincerely,



Judge Robert J. Burns (retired)  
Vice Chairman

RJB/JTD/JMF/JH/ag





Louisiana Legislative Auditor  
Performance Audit Services

Checklist for Audit Recommendations

**Instructions to Audited Agency:** Please check the appropriate box below for each recommendation. A summary of your response for each recommendation will be included in the body of the report. The entire text of your response will be included as an appendix to the audit report.

RECOMMENDATIONS	AGREE	DISAGREE
<p><b>Recommendation 1:</b> The Board should monitor the performance of capital defense attorneys in district offices during the cases to ensure high quality representation is being provided.</p>	X	
<p><b>Recommendation 2:</b> The Board should review work products filed by contract programs as stipulated in the contract monitoring plan to ensure that capital defense attorneys are providing high quality representation.</p>	X	
<p><b>Recommendation 3:</b> The Board should establish statewide performance standards for attorneys in capital cases. Once established, LPDB should incorporate them into its monitoring process to ensure that public defense services are being provided in a manner that is fair and consistent throughout the state.</p>	X	
<p><b>Recommendation 4:</b> The Board should establish standardized time categories. Then, the Board should require district offices to track the time attorneys and support staff spends on capital cases.</p>	X	
<p><b>Recommendation 5:</b> The Board should establish salary ranges for attorneys and support staff providing public defense services as required by state law.</p>	X	
<p><b>Recommendation 6:</b> The Board should ensure that it receives monthly Capital Trial Reports for every capital case handled by each district office.</p>	X	

<p><b>Recommendation 7:</b> The Board should ensure that it finalizes all 42 District Capital Representation Plans and ensure these plans outline how each district will comply with the Capital Defense Guidelines.</p>	<p>X</p>	
<p><b>Recommendation 8:</b> Once the Board finalizes all 42 District Representation Plans, the Board should incorporate this information into a comprehensive monitoring process to ensure all district offices comply with Capital Defense Guidelines.</p>	<p>X</p>	
<p><b>Recommendation 9:</b> The Board should determine and address the potential causes for staff turnover and vacancies to help ensure it has adequate and competent staff to consistently carry out its statutory responsibilities.</p>	<p>X</p>	
<p><b>Recommendation 10:</b> The Board should evaluate the distribution of responsibilities amongst LPDB staff to ensure it is able to effectively oversee capital defense services in Louisiana.</p>	<p>X</p>	
<p><b>Recommendation 11:</b> The Board should work with the district offices to determine the reasons why an increasing number of districts are operating at a deficit. Once the causes are identified, the Board should work with the districts to develop possible solutions.</p>	<p>X</p>	

## APPENDIX B: SCOPE AND METHODOLOGY

We conducted this performance audit under the provisions of Title 24 of the Louisiana Revised Statutes of 1950, as amended. The purpose of this audit was to evaluate LPDB's oversight of capital defense services. The scope of our audit was from August 2007 when the LPDB was established through the end of fiscal year 2013. The audit objective was as follows:

### **Does LPDB provide oversight of capital defense services delivered by judicial district offices and nonprofit organizations in accordance with state law?**

We conducted this performance audit in accordance with generally accepted government auditing standards issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. To answer our objectives, we reviewed internal controls relevant to the audit objectives and performed the following audit steps:

- Researched Louisiana Revised Statutes, Administrative Code, and Executive Budget Supporting Documents to understand LPDB's legal authority, responsibilities, mission, and goals.
- Interviewed LPDB personnel, selected district attorneys, a judge, selected district public defenders, and selected executive directors of contract programs to obtain an understanding of LPDB's oversight role over capital defense services in Louisiana and potential challenges affecting this role.
- Interviewed LPDB staff and obtained necessary information and documentation related to the oversight of capital defense services provided by attorneys.
- Conducted research on best practices for the delivery of public defense services.
- Reviewed contracts between LPDB and contract programs to understand the requirements for contract programs.
- Identified areas where LPDB did not meet the legal requirements established in Louisiana Revised Statutes and Louisiana Administrative Code.
- Conducted research to provide background information on public defense services in Louisiana.
- Analyzed Executive Budgets to determine LPDB's funding from August 15, 2007 through June 30, 2013.

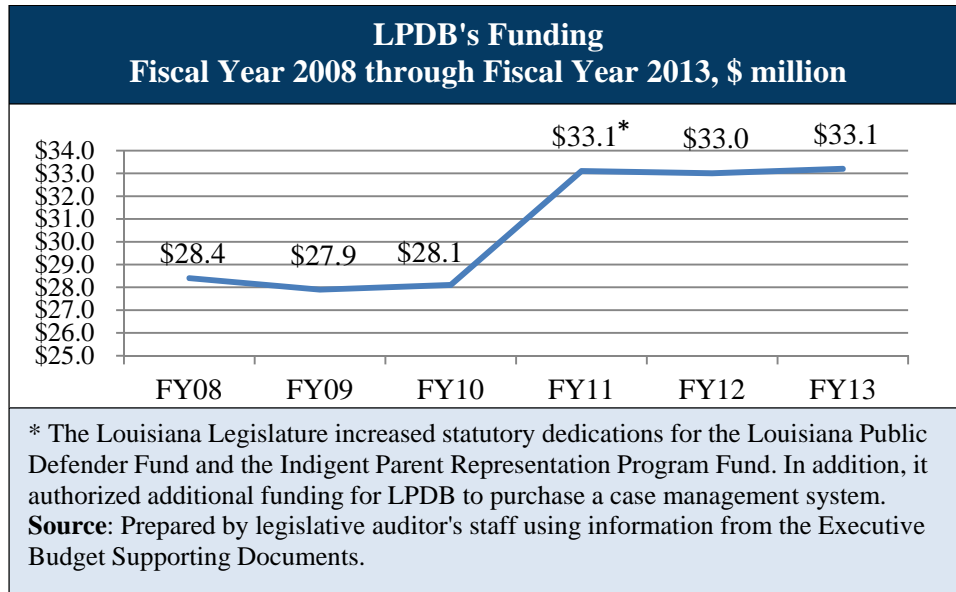
- Analyzed financial data from Business Objects for LPDB to determine LPDB's expenditures allocated to each district office and contract program from August 15, 2007 through June 30, 2013.
- Analyzed turnover data from ISIS-HR Business Objects to determine LPDB's staff turnover rate from August 2007 through June 30, 2013.
- Attended LPDB board and committee meetings.
- Summarized funding and expenditure trends for district offices from January 1, 2008, through June 30, 2012.

## APPENDIX C: BACKGROUND

**Authority.** In August 2007, LPDB was created by the Louisiana Public Defender Act (Act 307 of the 2007 Regular Session) to replace the Louisiana Indigent Defense Assistance Board (LIDAB). Louisiana Revised Statute 15:147(A), within the Public Defender Act, gives LPDB the regulatory authority to enforce and audit all aspects of the delivery of public defender services throughout the courts of the state of Louisiana.

**Organization.** LPDB is established as a state agency within the Executive Department of the Office of the Governor and consists of 15 board members serving staggered four-year terms. Louisiana is one of 20 states that established an independent public defense commission as recommended by best practices.

**Funding.** LPDB is funded by state general funds, statutory dedications, and federal funds. During fiscal years 2008 through 2013, LPDB’s annual funding increased from \$28.4 million to \$33.1 million, as shown below.



**Goals.** According to the Louisiana Public Defender Act, LPDB has the following goals:

1. Ensuring that adequate public funding of the right to counsel is provided and managed in a cost-effective and fiscally responsible manner.
2. Ensuring that the public defender system is free from undue political and judicial interference and free of conflicts of interests.

3. Establishing a flexible delivery system that is responsive to and respectful of jurisdictional variances and local community needs and interests.
4. Providing that the right to counsel is delivered by qualified and competent counsel in a manner that is fair and consistent throughout the state.
5. Providing for statewide oversight with the objective that all indigent criminal defendants who are eligible to have appointed counsel at public expense receive effective assistance of counsel at each critical stage of the proceeding.
6. Providing for the ability to collect and verify objective statistical data on public defense workload and other critical data needed to assist state policymakers in making informed decisions on the appropriate funding levels to ensure an adequate service delivery system.
7. Providing for the development of uniform binding standards and guidelines for the delivery of public defender services and for an effective management system to monitor and enforce compliance with such standards and guidelines.

**APPENDIX D: LPDB PAYMENTS TO THE 42 DISTRICT PUBLIC DEFENDER OFFICES AND SIX CAPITAL CONTRACT PROGRAMS  
FISCAL YEAR 2011 THROUGH FISCAL YEAR 2013 (\$)**

Judicial District	Parish(es)	FY11	FY12	FY13	Total
1st	Caddo	\$1,426,677	\$750,253	\$1,355,695	\$3,532,625
2nd	Bienville, Claiborne, Jackson	-	257,576	100,880	358,456
3rd	Lincoln, Union	135,397	244,230	226,666	606,293
4th	Morehouse, Ouachita	1,271,365	539,678	804,610	2,615,653
5th	Franklin, Richland, West Carroll	211,132	420,232	175,208	806,572
6th	East Carroll, Madison, Tensas	124,386	134,944	44,514	303,844
7th	Catahoula, Concordia	332,254	191,388	163,452	687,094
8th	Winn	174,885	175,070	179,418	529,373
9th	Rapides	304,327	367,016	394,016	1,065,359
10th	Natchitoches	193,745	309,863	263,386	766,994
11th	Sabine	234,621	217,465	161,678	613,764
12th	Avoyelles	116,730	219,499	220,224	556,453
13th	Evangeline	159,031	212,442	212,588	584,061
14th	Calcasieu	1,492,615	550,969	768,748	2,812,332
15th	Acadia, Lafayette, Vermilion	537,446	1,211,080	1,481,975	3,230,501
16th	Iberia, St. Martin, St. Mary	330,647	426,947	373,138	1,130,732
17th	Lafourche	-	216,969	307,614	524,583
18th	Iberville, Pointe Coupee, West Baton Rouge	8,004	-	-	8,004
19th	East Baton Rouge	1,024,743	1,283,309	1,334,260	3,642,312
20th	East/ West Feliciana	-	-	-	-
21st	Tangipahoa	1,411,750	1,071,403	1,302,626	3,785,779
22nd	St. Tammany, Washington	1,368,117	1,278,301	1,021,912	3,668,330
23rd	Ascension, Assumption, St. James	300,005	292,741	340,784	933,530
24th	Jefferson	637,138	623,857	607,662	1,868,657
25th	Plaquemines	213,141	128,300	64,618	406,059
26th	Bossier, Webster	453,615	832,779	969,546	2,255,940
27th	St. Landry	-	497,348	472,570	969,918
28th	LaSalle	125,033	241,870	179,174	546,077
29th	St. Charles	-	-	-	-
30th	Vernon	62,263	78,807	144,658	285,728
31st	Jefferson Davis	8,004	107,526	-	115,530
32nd	Terrebonne	183,515	616,807	367,862	1,168,184
33rd	Allen	30,041	-	121,516	151,557
34th	St. Bernard	191,574	126,743	227,376	545,693

Judicial District	Parish(es)	FY11	FY12	FY13	Total
35th	Grant	\$59,978	\$89,096	\$103,296	\$252,370
36th	Beauregard	59,050	31,283	101,474	191,807
37th	Caldwell	94,857	172,307	132,308	399,472
38th	Cameron	-	21,269	10,650	31,919
39th	Red River	30,959	104,142	53,273	188,374
40th	St. John the Baptist	72,138	10,639	30,420	113,197
41st	Orleans*	5,304,155	4,117,998	2,656,490	12,078,643
42nd	DeSoto	80,679	41,944	-	122,623
<b>Subtotal for District Offices</b>		<b>18,764,017</b>	<b>18,214,090</b>	<b>17,476,285</b>	<b>54,454,392</b>
1	Baton Rouge Capital Conflict Office (BRCCO)	\$935,000	\$935,000	\$935,000	\$2,805,000
2	Capital Assistance Project of Louisiana (CAPOLA)	1,399,787	1,228,750	1,399,787	4,028,324
3	Capital Defense Project of Southeast Louisiana (CDPSL)	1,168,268	1,491,458	1,663,370	4,323,096
4	Louisiana Crisis Assistance Center d/b/a Louisiana Capital Assistance Center (LCAC)	1,184,292	1,184,292	1,198,306	3,566,890
5	Capital Post-Conviction Project in Louisiana	3,118,600	3,159,333	3,319,270	9,597,203
6	Capital Appeals Project (CAP)	1,096,515	1,220,364	1,186,255	3,503,134
<b>Subtotal for Capital Contract Programs</b>		<b>8,902,462</b>	<b>9,219,197</b>	<b>9,701,988</b>	<b>27,823,647</b>
<b>Total</b>		<b>\$27,666,479</b>	<b>\$27,433,287</b>	<b>\$27,178,273</b>	<b>\$82,278,039</b>
<p>*LPDB did not begin directly contracting with Juvenile Regional Services (JRS) until FY13. Prior to July 2013, the funding for JRS was provided by LPDB through Orleans Public Defender's Office.</p> <p><b>Note:</b> To assist district public defender offices with the greatest financial need, the Board reduced, and in some cases, eliminated district assistance funding to those district public defender offices that had a positive fund balances.</p> <p><b>Source:</b> Prepared by legislative auditor's staff using LPDB's financial information from ISIS Business Objects Reports.</p>					



## APPENDIX E: CAPITAL CASELOAD BY DISTRICT OFFICE AND CONTRACT PROGRAM FISCAL YEAR 2011 THROUGH FISCAL YEAR 2013

Judicial District	Parish(es)	FY11	FY12	FY13	Total
1st	Caddo	9	3	1	13
2nd	Bienville, Claiborne, Jackson	1	-	1	2
4th	Morehouse, Ouachita	-	2	-	2
5th	Franklin, Richland, West Carroll	1	1	2	4
9th	Rapides	3	2	7	12
11th	Sabine*	-	1	-	1
12th	Avoyelles	1	1	-	2
15th	Acadia, Lafayette, Vermilion	7	10	10	27
16th	Iberia, St. Martin, St. Mary	6	8	9	23
17th	Lafourche	1	3	1	5
19th	East Baton Rouge	8	10	8	26
21st	Tangipahoa	4	6	7	17
22nd	St. Tammany, Washington	8	9	7	24
23rd	Ascension, Assumption, St. James	7	10	4	21
24th	Jefferson	4	-	-	4
25th	Plaquemines	3	-	-	3
26th	Bossier, Webster	5	1	1	7
27th	St. Landry	2	5	7	14
29th	St. Charles	-	-	1	1
32nd	Terrebonne	1	1	3	5
40th	St. John the Baptist	-	-	1	1
41st	Orleans	10	11	5	26
<b>Subtotal for District Offices</b>		<b>81</b>	<b>84</b>	<b>75</b>	<b>240</b>
1	Baton Rouge Capital Conflict Office (BRCCO)	9	14	16	39
2	Capital Assistance Project of Louisiana (CAPOLA)	16	16	13	45
3	Capital Defense Project of Southeast Louisiana (CDPSL)	41	20	20	81
4	Louisiana Crisis Assistance Center d/b/a Louisiana Capital Assistance Center (LCAC)	14	6	7	27
5	Capital Post-Conviction Project in Louisiana (CPCPL)	63	64	65	192
6	Capital Appeals Project (CAP)	32	37	32	101
<b>Subtotal for Capital Contract Programs</b>		<b>175</b>	<b>157</b>	<b>153</b>	<b>485</b>
<b>Total</b>		<b>256</b>	<b>241</b>	<b>228</b>	<b>725</b>

\*Pursuant to Act 416 of the 2007 Regular Session of the Louisiana Legislature, the former 11th Judicial District, which was comprised of Sabine and DeSoto parishes, was split along parish boundaries as of January 1, 2009. Sabine Parish became a "new" 11th Judicial District, and DeSoto Parish became the newly created 42nd Judicial District.

**Source:** Prepared by legislative auditor's staff using information provided by LPDB.