

**RESOLUTION PROPOSED BY THE
THE RIGHT TO COUNSEL COMMITTEE
OF THE LOUISIANA STATE BAR ASSOCIATION**

WHEREAS, an important component of the mission of the Louisiana State Bar Association is to ensure access to and aid in the administration of justice.

WHEREAS, the right to counsel is a fundamental procedural safeguard to assure a fair trial where the government and the accused stand equal before the law.

WHEREAS, the reclassification of selected non-violent misdemeanor and municipal ordinances that do not impact public safety into petty offenses, carrying fine-only sentences to which the right to counsel does not attach, will:

- (1) reduce the case loads of public defenders, bringing them more in line with established national standards;
- (2) allow law enforcement to focus on more violent offenses to the person;
- (3) relieve the burden on criminal courts by diverting petty offenses out of the courtroom, resulting in fewer trials and reducing court caseloads; and
- (4) reduce the burden on jails by decreasing the number of pre-trial detainees.

WHEREAS, all components of the criminal justice system, including district attorneys, public defenders, sheriff's offices and other stakeholders, depend on revenue derived from fines to fund their offices and administer justice;


WHEREAS, any decrease in revenue attained from fines will reduce the already limited resources of district attorneys, sheriff's departments, public defenders, and other components of the criminal justice system;

WHEREAS, it is imperative that the right to counsel for poor people charged with crimes, or otherwise facing deprivation of liberty, be uncompromised by budget cuts which threaten the administration of justice and which the justice system cannot otherwise accommodate;

WHEREAS, no component of the criminal justice system can function effectively without reasonable resources.

NOW, THEREFORE BE IT RESOLVED, that the House of Delegates of the Louisiana State Bar Association and its members support the continued funding of all components of the criminal justice system and oppose any reduction in revenue to these stakeholders as a result of the reclassification of offenses.

Respectfully Submitted,
LSBA Right to Counsel Committee
December 16, 2009


Hon. D. Milton Moore, Chair
Right to Counsel Committee