

**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 growth of misdemeanor and municipal offenses are placing a burden on lower courts, forcing state and local governments to spend tax dollars to prosecute lesser offenses, creating a financial burden on these communities.

WHEREAS, crushing municipal caseloads often make it difficult for a public defender to effectively and ethically represent her municipal and misdemeanor clients.

WHEREAS, the increase of misdemeanor and municipal arrests for jail-carrying offenses has placed a burden on local jails, overcrowding them to dangerous levels.

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

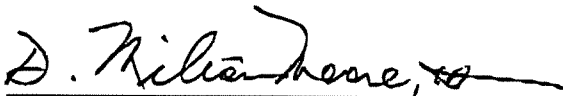
WHEREAS, the Right to Counsel Committee of the Louisiana State Bar Association has studied the reclassification of offenses and has found that reclassification of selected non-violent misdemeanor and municipal ordinances that do not impact public safety into petty offenses, carrying fine-only sentences 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 prosecutors and law enforcement to focus on more violent offenses;

- (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; and

NOW, THEREFORE BE IT RESOLVED, that the House of Delegates of the Louisiana State Bar Association and its members support 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.

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

A handwritten signature in cursive script that reads "D. Milton Moore" followed by a horizontal line.

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