

# Louisiana State Bar Association Criminal Justice Committee Meeting

Friday, September 16, 2022  
2:00 PM Central Time  
Minutes

Co-Chair Jean Faria, Attorney at law  
Co-Chair Barksdale Hortenstine, Orleans Public Defenders  
Vice-Chair Norma Dubois, Jefferson Parish District Attorney's Office

## Attendees:

Jarrett Ambeau, The Ambeau Law Firm, LLC  
Brittany Arvie, Caddo Parish District Attorney's Office  
Richard Bourke, LA Capital Assistance Center  
John Collins, Innocence Project New Orleans  
Monica Doss, Rapides Parish District Attorney's Office  
Paul Fleming Jr, Fleming Law Firm  
Scherri Guidry, 15th JDC Public Defender Office  
Jimmie Herring Jr, Attorney at Law  
Loren Lampert, Louisiana District Attorneys' Association  
John M Landis, Stone Pigman Walther Wittmann, LLC  
Ms. Janet Madison, Todd Clemons & Associates  
Mercedes Montagnes, Promise of Justice Initiative  
Jared Nelson, Liskow & Lewis, APLC  
Jee Park, Innocence Project New Orleans  
Charles Raymond, Forrest Cressy and James, LLC  
Joshua Schwartz, Capital Appeals Project  
Vanessa Spinazola, Justice & Accountability Center of Louisiana  
Briana Spivey, City of Shreveport  
Angela Waltman, Waltman & Waltman, LLC  
Adrienne Wheeler, LA Appleseed

## Staff:

Amy Duncan LA State Bar Association  
Monte Mollere LA State Bar Association

### I. Welcome and Introductions

*Co-Chairs Jean Faria and Barksdale Hortenstine, Vice-Chair Norma Dubois*

Jean welcomed new and reappointed members and stated the mission of the Committee...

The mission of the Louisiana State Bar Association Criminal Justice Committee shall be to recognize and address issues affecting the Louisiana criminal justice system, provide a forum for discussion, and work with stakeholders to develop programs and solutions for fair and effective administration of justice.

### II. Approval of Minutes from January 2022 Meeting

*Norma Dubois*

The minutes from the previous meeting as well as the presentation on the Mental Health Summit were included in the materials for the members to review. Barksdale Hortenstine moved to approve the minutes with Jarrett Ambeau seconding the motion. There were no objections and the minutes were adopted as drafted.

**III. Mental Health & Criminal Justice Working Group** – discussion on next steps towards forming this group, including stakeholder involvement, resource development, and continued education. *Barksdale Hortenstine*

In March of this year, the CJC hosted a Summit on mental health and the criminal justice system. The event covered a broad range of topics and issues related to the theme, and was well attended by mental healthcare professionals, lawyers, judges, and people representing state agencies and nonprofit organizations. Based on the attendance, discussion, and evaluations, it was determined that there is a need for the courts and legal profession to work with mental healthcare providers and criminal justice stakeholders to address challenges faced by justice system involved individuals with mental and behavioral healthcare needs.

Unfortunately, Jennifer Eagan with the Supreme Court could not be here today, but she has been working with the Supreme Court to assess the possible formation of a Mental Health Commission at the Court similar to those in other states like Texas, Arizona, Arkansas, and Florida. After a recent meeting of the Conference of Chief Justices, Chief Justice Weimer has recognized the need for a multi-discipline group (commission) to examine these issues. These state mental health commissions are usually within the purview of the Courts and we still encourage that here in Louisiana. The Chief is currently looking for resources to support this project. While this happens, the Criminal Justice Committee plans to continue its work by forming a Mental Health Subcommittee or working group.

Committee members interested to joining this group are encouraged to join. Richard Bourke and Angela Waltman have already volunteered. In addition to CJC members, we plan to include non-attorney members such as mental health providers, law enforcement, judges, and others. Any member recommendations are welcome and can be sent to Amy. During the first meeting, we will discuss the subcommittee's mission and goals and relevant activities to further the work of the group and its mission.

We have conducted a brief preliminary assessment of what some of the model Mental Health Commissions look like structurally, for example, where are they housed and member composition, as well as what projects/activities/services they offer towards furthering their mission. We looked at Texas, which is the gold standard, operated under the purview of the courts. They have a dedicated [website](#) that includes events, publications, and technical assistance provided with a full-time staff of 8. We also looked at Arizona and Idaho. Arizona Supreme Court Committee on Mental Health and the Justice System is run through the Supreme Court whereas Idaho's Behavioral Health Council includes participation from all three branches of government and is run under the purview of Dept. of Health and Welfare. While the Subcommittee created under the Criminal Justice Committee will not be as expansive in terms of resource support and development, there are several things we can do now through the working group that will be of use to the profession and the courts as well as criminal justice stakeholders, such as creating a storehouse of available resources and continuing cross-training educational events that reach beyond the legal community. This group may also help and support the development of a formal commission through the Supreme Court.

Again, I would recommend, anyone who would like to get involved, let me know. We plan to meet in October once the members have been identified. We will share the assessment and some of the resources developed with the subcommittee once formed.

- IV. 2022-2023 Committee Initiatives** (*Jean Faria*): The Committee requested proposals for projects this Bar Year. The following guidelines were provided for consideration of each proposal: 1) the initiative can be accomplished (or significant progress can be made) within the current bar year, 2) an outcome or result from the initiative is clear and attainable within the given timeframe and the proposal outlines action steps that the committee can take to achieve said outcome 3) the initiative is consistent with the purpose and scope of the mandatory bar per [Louisiana Supreme Court Rule XVIII, Section 6](#), and 4) there is general consensus from members and stakeholders to support the project.

Jean read the guidelines and stated their purpose – to ensure that the project chosen by the Committee is something within the LSBA Committee’s wheelhouse. The proposal should include a desired outcome with actionable steps for the committee to consider. Following the meeting, members will vote on the project they would like the committee to focus on this year. Presenters were asked to provide action steps the Committee can take to achieve the goal proposed following the meeting.

**The following initiatives were proposed:**

- a. **Uniform Court System or Initiatives to help promote unified procedures throughout Louisiana’s state courts** (*Mercedes Montagnes*) – PJI represented over 1000 clients in non-unanimous jury cases in jurisdictions across the state. They found that each court operates with different filing protocols and document retrieval – and the court filing systems do not speak to one another. Mercedes would like to study and propose a way to unify the court system in Louisiana. By having one system, Mercedes proposes that cost savings and efficiency would be gained by attorneys and clerks across the state. Loren and members mentioned that there are three or four different groups currently studying this. A member used Missouri as an example of a working unified court system.

Jean proposed collaborating with Loren and Vanessa to find out who is doing this work already. Those mentioned included the Commission on Justice System Funding, a representative with the Supreme Court and the LASC Technology Commission. The question was asked whether the current focus narrows in on how a unified court system will specifically affect the criminal docket and how it can be accomplished. It was proposed that the LSBA be a channel for bringing the different groups together. The Jefferson Parish Clerk of Court was mentioned as a model e-filing system. A member asked if the Committee could support the efforts already in motion to get to unified court system at some point.

- b. **Improving Forensic Science Services** *Jarrett Ambeau* gave the attached presentation providing an overview of State Forensic Commissions and functions, the need for these groups and education, and the complexity of forensic science. There was consensus among the members that there is a need for training for all three sides of the criminal justice system (defenders, prosecutors, and judges). Some states across the country are establishing independent crime labs that assist the defense and the state. A proposal that this state should do the same thing. A survey from Jarrett on the types of Commissions that exist will be distributed. According to one member, defense attorneys need to receive this training, specifically to know that if the proper notice is not filed then the crime lab will not come to court, which makes it difficult to challenge forensic results.
- c. **Funding sources for criminal justice organizations** (*Charles Raymond*) Looking for alternative sources and means for various criminal justice stakeholders and agencies.

Charlie suggested crowdfunding as an idea to get away from public funding. The Committee agreed that this issue is already being looked at in depth and a proposal to “stay out of it” was mentioned. Jean requested an update from Adrienne, Vanessa, Loren and any others involved to talk about what happened with the groups that have been working on this issue. The Committee asked that this be included as an agenda item update for the next meeting rather than an initiative for the Committee this year.

- d. **Alternative assistance for criminal justice stakeholders working with individuals involved in non-violent crime** (*Charles Raymond*) such as assistance from social workers. Proposing to put a resource together showing what other jurisdictions are doing that can serve as a model for municipalities in-state.

**Next steps:** Requesting those who proposed initiatives provide action steps/items that this Committee can take on for the projects presented. Once those action steps are provided, a survey will be developed and shared with members to vote on the project to work on this year.

- V. **Discussion Items** (*Norma Dubois*) This item provides an opportunity for members to raise any topics relevant to committee members for discussion.
  - a. [2022 Act 219](#) **Determination of substantial financial hardship to the defendant**  
Angela Waltman mentioned successful use of the new law - her client was not assessed with fines because of the new law.
  - b. **Criminal Justice Law Section CLE and membership opportunity** (*Jean Faria*) CLE on experts, vetting, laying foundation, expert testimony, and more scheduled October 28 at the 4<sup>th</sup> Circuit. Capacity is 50 people, open to YLD and CLS. Non-members pay \$50 to attend.

VI. **Next Meeting** – Monday, December 12, 2022, at 2pm

VII. **Adjourn**