

Louisiana State Bar Association Criminal Justice Committee Meeting

Wednesday, December 16, 2020

Members Present:

Jarret Ambeau, Attorney at Law
Claire Bergeron Edwards, Attorney at Law
Graham Bosworth, Attorney at Law
Richard Bourke, Louisiana Capital Assistance Center
Chris Cox, Attorney at Law
Adam Crepelle, Attorney at Law
Norma DuBois, Jefferson Parish District Attorney's Office
Jennifer Eagan, Louisiana Supreme Court
Judge Jules Edwards, (ret.) 15th Judicial District Court
Paul Fleming, Attorney at Law
Conor Gaffney, Southern Poverty Law Center
Meghan Garvey, Orleans Public Defenders
Scherri Guidry, 15th JDC Public Defender
Mithun Kamath, Jewish Federation of Greater New Orleans
Veronica Lam Bard, Court Watch NOLA
Quintillis Lawrence, Ossie Brown
Simone Levine, Court Watch NOLA
Janet Madison, Todd Clemons
Michael Mitchell, 19th JDC Public Defender
Jared Nelson, Liskow & Lewis
Jee Park, Innocence Project New Orleans
Charles Raymond, Forrest Cressy and James
Leslie Ricard, Attorney at Law
William Snowden, Vera Institute
Vanessa Spinazola, Justice and Accountability Center of Louisiana
Madalyn Wasilczuk, Louisiana State University
Jon Wool, formerly Vera Institute

Guests:

Monica Doss, Rapides Parish District Attorney's Office
Barksdale Hortenstine, Orleans Public Defenders
Julia Spear, Louisiana Supreme Court

Louisiana State Bar Association Staff:

Amy Duncan, Access to Justice Training & Projects Counsel
Jordan Maier, Access to Justice Administrative Assistant
Monte Mollere, Access to Justice Director

I. Welcome and Introductions – Jean Faria welcomed the group. A quorum was present.

II. Minutes review and approval from last meeting – The minutes were approved as written.

III. Results of priority project votes – After the last meeting, a survey was distributed to members to vote on the Committee’s priorities for the 2020-2021 Bar Year. Five projects were proposed. Committee members voted as follows:

Project Rankings:

1. Alternative Stable Funding Source for the Criminal Justice System
2. Mental Health Project
3. Bail System Report
4. Community Supervision Report
5. Pretrial Detention and Speedy Law

Next, members were asked to rank the activities they would like to take to address these issues. The members voted as follows:

Activity Rankings

1. Bar Publication
2. Bar Resolution Proposal
3. Cross-trainings
4. White Paper/Report
5. Education through CLE
6. Survey Distribution

- a. **Funding Criminal Justice Subcommittee** – 16 members volunteered to join the Funding Criminal Justice Subcommittee, who is focusing on ways to move the criminal justice system from reliance on an unstable self-generated funding to a stable funding model. The group met November 19 and drafted a resolution supporting the work of the Louisiana Commission on Justice System Funding.

The committee general body discussed how to word the following phrase in the report – “collecting data and information to determine the amount needed to adequately fund the criminal justice system” – in a way that acknowledges that the goal is to fund a functioning system but not expand the system.

Judges Jules Edwards moved to adopt the resolution as written. Vanessa Spinazola and Simone Levine opposed for the record. The remaining members of the committee voted to adopt the resolution. The resolution will be submitted to the House of Delegates for adoption by the LSBA.

- i. **Louisiana Commission on Justice System Funding** – Julia Spear, Deputy Judicial Administrator of Research and Development at the Louisiana Supreme Court, presented developments in the area of court funding.

Julia staffs the Judicial Council, which reviews requests for new court fees and sits on the Louisiana Commission on Justice System Funding. The legislature convened the Louisiana Commission on Justice System Funding to determine how otherwise to fund the courts in response to 2017 JRI Criminal Justice package. This Commission uncovered a lack of data and oversight of cash flow. The Commission's work resulted in Act 87 of 2019, which mandated uniform reporting in several categories, including pre- and post-adjudication money, for all stakeholders in criminal justice system. Act 87 is slated to take effect December 31, 2020 and should give a more complete picture of criminal justice system funding and expenditures by agency.

While the Commission waits on data from Act 87 to come in, it has divided into working groups to 1) define which functions of the court are "essential" and must be funded with money that is not self-generated; 2) identify statutes that can be changed to reduce the reliance on self-generated funds; and 3) review how to divide the money once data is obtained.

Julia noted that all Commission meetings are public and they welcome participation, especially from anyone who may have experience with what other states are doing. Those who are interested can reach her at jspear@lasc.org.

- b. **Bail Report Committee** – 10 volunteers for the Bail Report Committee met in September. LDAA indicated that they would submit the report to their Board to review by January 20, 2021.
- c. **Mental Health Project** – (11 volunteers) The Mental Health Association for Greater Baton Rouge, which is now undertaking statewide training for frontline mental health workers, has offered for the Committee to create programming for their conference in April 12-13, 2021. Vanessa suggested a training on the use of solitary confinement in prison and its effects on mental health.
 - i. Next steps: subcommittee will meet to discuss training proposals.

IV. Next Meeting – Friday, February 12, 2021 at 3PM