

Louisiana State Bar Association Criminal Justice Committee Meeting

Wednesday, October 27, 2021

1:30PM to 3:00PM

MINUTES

Co-Chair Jean Faria, Attorney at Law
Co-Chair Barksdale Hortenstine, Orleans Public Defender
Vice-Chair Norma Dubois, 24th JDC

Attendees:

Leslie Chambers, LA Governor's Office
Sheriff Greg Champagne, St. Charles Parish
Alix Deschamp, Baton Rouge Capital Conflict Office
Hon Jules Edwards (ret.), 15th JDC
Jennifer Eagan, Louisiana Supreme Court
Paul Fleming, Jefferson Parish Public Defender Office
Bobby Freeman, Louisiana District Attorneys Association
Alicia Frison, Orleans Public Defenders Office
Meghan Garvey, Orleans Public Defenders Office
Mithun Kamath, Orleans District Attorney Office
Loren Lampert, Louisiana District Attorneys Association
John Landis, Stone Pigman
Simone Levine, CourtWatch Nola
Katherine Mattes, Tulane Law School
Michael Mitchell, Louisiana Public Defender Board
Mercedes Montagnes, Promise of Justice Initiative
Charles Raymond, Forrest, Cressy & James
Colin Reingold, Promise of Justice Initiative
Hon. Scott Schlegel, 24th JDC
Vanessa Spinazola, Justice and Accountability Center
Kyle Stadlander, Orleans Public Defender
Adrienne Wheeler, Louisiana Appleseed

LA State Bar Association Staff:

Mariarenee Contreras, ATJ Projects Counsel
Amy Duncan, ATJ Training and Projects Counsel
Monte Mollere, Director of Access to Justice

I. Update from the 24th Judicial District Court

Hon. Scott Schlegel provided the following update on the 24th JDC:

Lifted mask mandate. Started back with jury trials. Using hybrid approach, virtual and in-person. Offered to assist other jurisdictions with workflow. All criminal justice forms are fillable online: www.courtonline.us. Launched fifteen uniform court websites. www.geauxtocourt.com. Working on a project to integrate online calendars

for criminal court – launching 30 throughout the state of Louisiana. Costs are low to implement this technology. Senator Morris created E-filing Task Force to hold first meeting in November. Court uses Slack to communicate across agencies to handle issues within 48 hours. All cases are pre-tried virtually. Looking to pass bill for criminal case E-service. QR code includes all information for probationers’ step by step. For online calendaring, Calendly and Acuity scheduling which has built in text reminder were mentioned.

II. Introductions and Mission Statement: 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.

III. Approval of Minutes from April 2021 Meeting

IV. Disaster Response and COVID-19 Updates:

- *Northshore* - Charles Raymond shared that the Northshore has COVID-19 protocols including streamlining criminal case process. Jury trials are beginning.
- *Orleans* - Meghan Garvey mentioned a jury trial starting in Orleans. Municipal has a temporary location for the next two years. Simone Levine provided detailed information regarding the schedule of the Municipal Court. Mithun Kamath mentioned issues getting prospective jurors in due to not responding to summons.
- *St. Charles* – Sheriff Champagne shared that the court system is operating in temporary buildings. The storm caused major devastation. Potential jury trial coming up soon. Jail suffered little damage. Hard lined phone system and cable TV went down. AC, power, and clean water were available.
- *Claiborne* – Alix Deschamp reported difficulty meeting with clients at David Wade Correctional Facility. Loren suggested coordinating with DOC to reach clients in the facility. Visitation and transport have been challenging.
- *Jefferson* – Paul Fleming reported that the damage is significant in the lower part of the parish; however, the court fared, and jury trials have begun. COVID-19 has impacted the court, particularly affecting the jury pool – only three people of color in pool pre-Ida, which is not representative of the population. People are not coming in because of COVID.
- Amy announced volunteer opportunity on Friday, October 29th. There will be a disaster legal clinic at Joe Brown Community Center, 5601 Read BLVD. from 10:00 – 2:00 pm. The event is being sponsored by Southeast Louisiana Legal Service, The New Orleans Pro Bono Project, Louisiana Appleseed, the GNO Louis A. Martinet Society, and the LSBA Young Lawyers Division. The plan is to set up several tables, one table for reach legal issue related to disaster law, and staff them with civil legal aid attorneys and volunteers. Click here to view the sign-up genius and register as a volunteer for the event. Amy to share sign up link: <https://www.signupgenius.com/go/5080b4fa9a728a1fe3-nola>

V. **Project Focus: Mental Health and the Criminal Justice System**

Barksdale Hortenstine

Virtual Summit scheduled January 12-13, 2021

- **Background:** A smaller group has been meeting regularly to plan a Criminal Justice Summit to focus on an initiative that the committee has been working on for two years: Mental Health and the Criminal Justice System. The group includes Committee leadership: Jean, Norma, and me (Barksdale), as well as Katherine Mattes and Jennifer Eagan. The original plan was to host the event in person this month. However, COVID and the Hurricane required pushing the date back. We are proposing March 10-11, 2022, as the date for the summit:
 1. March 10 – 12:00 PM – 4:30PM
 2. March 11 – 8:30 AM – 12:30PM
- **Hybrid Format** – We are hoping to plan an in person and virtual event to accommodate as many people as possible. We are working out the plan and location for how to make this event work best.
- **Agenda** – While we developed an agenda to take place in October, we continue to work on the programming now knowing that this event will be held in person and virtual. A draft agenda has been completed and will be shared soon. We plan to offer breakout sessions for people to meet and discussed issues they are seeing, and the topics presented. Some breakouts will be intra-agency focused while others will inter-agency breakouts.
- **Report** – From these conversations, we hope to develop a report on the points raised during the summit and propose solutions to address the systemic issues. We would like to include model programs – both local and national, curriculum for law school students, and other ways to educate the bar (current and future members) and the courts.
- **Volunteers** – If members of the committee are interested in being a part of this project to help with the planning, the event, and report drafting please let us know either state now during the meeting or email Amy.

VI. **Community Service Program Project Update**

Jennifer Eagan & Hon. Jules Edwards

- The purpose of this project is to address the lack of uniformity in tracking and accounting for probationers who are issued community service with their sentence. Several members have reviewed a draft of the document. The next step is circulation and education. The guide provides general guidelines for a community service supervision program. The court would receive an entity supervising the community service action done and a report from the supervising entity. The local government would receive unpaid labor. The person would receive on-the-job training, make contacts with potential employers, and give back to the community. Best practices are included in one document for people to adopt or not adopt. Part of the impetus for this to create an alternative to fines and fees. Act 313 will go into effect August 2022 for judges to determine a person's ability to pay, which applies to every defendant. This would be an alternative for a probation sentence for those who cannot pay.

Several members expressed their support for the project. New members requested the document be shared for review and input. The committee discussed next steps for getting this into the hands of judges throughout the state. Loren suggested that LDJA President, LDJA policy Committee Chairs, LACDL, DOC, and LDAA meet to discuss the report and determine whether each will adopt. If Committee chooses to endorse, Jean suggested a vote by email. Judge Edwards asked for adoption by the committee members and their organizations during the review. Sign individually and not as a member of the Committee. This will be circulated to all committee members today and ask for edits and endorsements by Nov. 19.

VII. Open Discussion

- Norma Dubois shared [Act No. 61](#) to allow a person with fourth subsequent conviction to get sentence suspended with DAs consent without going into a specialty court. [Act No. 104](#) that provides non-DNA base ground for factual innocence for post-conviction relief. This allows the state to waive procedural objections to an application.
- Mercedes Montagnes raised that the lack of consolidated statewide court systems is preventing justice with heavy costs and inconsistencies. Professor Mattes agreed and said it is barrier to justice. Loren Lampert suggested clarifying and defining this goal/project clearly. He will share with LDAA. LABI came out with a four-part series – Mercedes shared this link: <https://labi.org/wp-content/uploads/2021/10/Accessibility-Through-Technology.pdf>
- Amy Duncan shared a request from the Louisiana Supreme Court Office of Language Access for prosecutors, public defenders, and law enforcement professionals to be interviewed by LASC before November 2 to help build training modules for court staff on language access.

VIII. Next Meeting – January 12, 2021 at noon

IX. Adjourn