

# **Louisiana State Bar Association Criminal Justice Committee Meeting**

Tuesday, September 1, 2020  
11:00AM to 12:30PM

## Attendees:

Graham Bosworth, Attorney at Law  
Derwyn Del Bunton, Orleans Public Defenders  
Chris Cox, Attorney at Law  
Adam Crepelle, Attorney at Law  
Kristina Douglas, Attorney at Law  
Jennifer Eagan, Louisiana Supreme Court  
Claire Edwards, Attorney at Law  
Jean Faria, Attorney at Law  
Paul Fleming, Fleming Law Firm  
Connor Gaffney, Southern Poverty Law Center  
Meghan Garvey, Attorney at Law  
Barksdale Hortenstine, Orleans Public Defenders  
Mithun Kamath, Attorney at Law  
Veronica Lam Bard, Court Watch NOLA  
Loren Lampert, Louisiana District Attorneys Association  
Simone Levine, Court Watch NOLA  
Janet Madison, Todd Clemons & Associates  
Michael Mitchell, 19<sup>th</sup> JDC Public Defender  
Jared Nelson, Liskow & Lewis, APLC  
Will Snowden, Vera Institute  
Vanessa Spinazola, Justice and Accountability Center  
Madalyn Wasilczuk, Louisiana State University  
Sherry Watters, O'Bryon & Schnabel, APLC  
Jon Wool, Attorney at Law

## Leadership Class:

Iriane Lee  
Kristin Lee

## Staff:

Stephanie Beaugh  
Amy Duncan  
Jordan Maier  
Monte Mollere

## Minutes

### **1. Welcome and Introductions**

- a. Co-chairs for the 2020-2021 Bar Year are Jean Faria and Graham Bosworth
- b. Welcome to new members Janet Madison, Jared Nelson, Scherri Guidry, and Kristina Douglas.
- c. Leadership class members Iriane Lee, Kristin Lee, and Jared Nelson (also a member of the Committee) joined the meeting.

### **2. Review/Approval of Minutes** – The 4/21/20 meeting minutes were approved.

### **3. 2020-2021 Initiatives Discussion:** The Committee discussed existing initiatives as well as new proposals which the group may take up this year.

#### **a. Previous Projects:**

#### **i. Community Supervision Report (2020)**

Background: A subcommittee led by Jennifer Eagan and Judge Jules Edwards drafted a report on best practices for increasing capacity for community service programs and proposes a sample model program to be used uniformly across the state as an alternative to incarceration. It includes sample forms and contracts for courts and municipalities. The report was under final review by committee volunteers when the project was stalled by COVID-19.

Moving Forward: Jennifer proposed moving forward with the report. Though it was close to being finalized, committee members noted that it would need to be amended now to include COVID-19 considerations.

Loren noted that there will likely be support for this report, as community service has long been a nebulous “black hole” with little framework for accountability from stakeholders on all sides. The project is potentially well-poised as it has backing from judges, and the criminal justice system is already undergoing change regarding fines, fees, and alternatives to incarceration.

Collaborators: Jennifer Eagan, Judge Jules Edwards, Jean Faria, Vanessa Spinazola, Jon Wool, Loren Lampert.

#### **ii. Mental Health Report (2019)**

Background: The Mental Health Subcommittee used the findings of the April 2019 Criminal Justice Summit on mental health to create a report and recommendations. The Committee discussed next steps with the report and ways to continue this work.

Moving Forward: Jean Faria suggested looking for opportunities to connect with mental health professionals in putting together mental health training for judges and attorneys. For example, the Mental Health Association for Greater Baton Rouge is hosting a conference for social workers and mental health professionals and has offered to include a track for legal professionals, which could be a good opportunity.

In terms of developing trainings, Meghan Garvey suggested bringing in experts from different fields and locations to share their experience with what has worked.

The mental health report is still in draft form, so a first step for the subcommittee might be simply finalizing the document and determining an avenue for sharing it. Amy to recirculate the draft to members.

### **iii. Bail System Report (2018)**

Background: A subcommittee researched and wrote a report that outlined the current state of the bail system in Louisiana, including practices for setting bail and aspirations for Louisiana that pretrial detention and release be based on risk and public safety.

The report received pushback and a resolution presented to the HOD did not go to a vote. The report was adopted by the LSBA as informational. The report has been used by its creators but has not had the wider impact intended.

Moving Forward: Given the work that went into the report and the new developments in federal cases, several committee members expressed an interest in determining how the report might be developed for further use.

Members discussed the push and pull between a) wanting to take up a noncontroversial project that all sides can get behind in order to make significant headway, and b) diving into difficult yet important topics even if no consensus is guaranteed. Meghan Garvey suggested that the committee might integrate forums for discussion into the development process, to identify points of disagreement early on rather than at the end of a project. As an example, Jean suggested the Bail Report findings may be brought to the LDAA for more in-depth discussion.

Collaborators: Graham Bosworth, Meghan Garvey, Veronica Lam Bard, Simone Levine, Jon Wool, Loren Lampert, and Jean Faria.

## **b. New Proposals**

### **i. District Attorney/Public Defender User Pay System**

Proposal: Will Snowden suggested the Committee look at the user pay system which funds district attorney and public defense offices. The Louisiana Public Defender Board annual report and recent activism by Derwyn Bunton have highlighted how this funding system, whereby most funding functionally comes from traffic tickets, causes these two public services to be highly destabilized by disasters such as hurricanes and the pandemic. Loren Lampert noted that there would likely be momentum during this legislative session to find alternative funding methods.

Collaborators: Will Snowden, Derwyn Del Bunton, Loren Lampert

### **ii. Speedy Trial**

Proposal: Meghan Garvey proposed that the Committee research issues in obtaining a speedy trial in Louisiana, such as people considered innocent under the law nevertheless spend weeks in pretrial incarceration while waiting for administrative work on their case to be completed. She argued that the legally innocent should not bear the burden of bureaucratic delays. Loren agreed, noting that delays are often due to the prosecutor's inability to compel law enforcement to produce materials needed.

Moving Forward: Meghan offered to distribute a survey on acceptable pretrial windows. Loren requested that the survey include companion legislation mandating law enforcement to procure necessary materials to the prosecutor within a specified time frame.

Collaborators: Meghan Garvey, Claire Edwards, Loren Lampert, Janet Madison

4. **Proposal Selection Process/Survey** – Based on the discussion, Amy will create and distribute a survey by the end of the week to determine interest and volunteers.

5. **Other Discussion Items** –

a. **Hurricane Laura**

- i. Meghan shared a [fundraiser](#) benefiting criminal/public defense attorneys rebuilding in Lake Charles.
- ii. Monte reported that the Disaster Response Subcommittee of the ATJ Committee is working with legal aid and pro bono organizations to create trainings on FEMA benefits. Davida Finger with the Loyola Law Clinic also has experience in this area.
- iii. Louisiana Appleseed has just revised the [volunteer disaster manual](#) which includes FEMA issues.

6. Next Meeting – Wednesday, December 9, 2020 at 11AM.