

Louisiana State Bar Association Criminal Justice Committee Meeting Minutes

Tuesday, September 10, 2019 – Noon
LSBA Bar Center, 601 St. Charles Ave., New Orleans, LA 70130

Attendees

Hon. Jules D. Edwards III, 15th JDC
Hon. Nicole D. Sheppard, Orleans Civil District Court
Mithun Kamath, Jewish Federation of New Orleans
Jarrett Ambeau, Attorney at Law
Stephanie Beaugh, Louisiana Appleseed
Graham Bosworth, Attorney at Law, (Chair)
Richard Bourke, Louisiana Capital Assistance Center
Andrew Casanave, Calcasieu Parish Public Defender's Office
Leslie Ricard Chambers, Governor's Office
Christopher Cox, Jefferson Parish District Attorney's Office
Jennifer Eagan, Louisiana Supreme Court
Jean Faria, Louisiana Public Defender Board
Paul Fleming, Attorney at Law
Conor Gaffney, Southern Poverty Law Center
Barksdale Hortenstine, Orleans Public Defenders
Loren Lampert, Louisiana District Attorneys Association
Charlie Raymond, Attorney at Law
Will Snowden, Vera Institute
Shannon Swaim, 24th JDC District Attorney's Office
Madalyn Wasileczuk, Louisiana State University
Sherry Watters, O'Bryon & Schnabel

LSBA Staff

Monte Mollere
Amy Duncan
Jordan Maier

AGENDA

- I. Approval of Meeting Minutes** (Graham Bosworth) – Adopted minutes as written.
- II. Recap of 2018-2019 Criminal Justice Committee Goals** (Graham Bosworth):
 - a. **Report on the LA Bail System:** <https://www.lsba.org/CJC/CJCReports.aspx>
The report on LA Bail System is complete and available on the Criminal Justice Committee's webpage under reports. While the recommendations in the report were not adopted by the LSBA, the report can be used as informational. The comprehensive report includes the current state of pretrial practices in bail setting, both nationally and in Louisiana; the history of the use of bail in the United States; Louisiana laws and practices pertaining to bail; the changing landscape of bail; human impact stories; and more.

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Members of the subcommittee who authored the report include Veronica Bard, Court Watch NOLA; Graham Bosworth, Attorney at Law; Paul Hurd, Paul Loy Hurd, APLC; Meghan Garvey, Orleans Public Defenders Office; Simone Levine, Court Watch NOLA; Mercedes Montagnes, Promise of Justice Initiative; Jonathan Varnado, Vera Institute of Justice; Adrienne Wheeler, Louisiana Appleseed; and Jon Wool, Vera Institute of Justice.

Additionally, special thanks to Paige Buckley, J.D. candidate at Villanova University Charles Widger School of Law, for her legal research and writing contribution, and to Mithun Kamath at the Jewish Federation of Greater New Orleans for his copyediting contributions.

b. Criminal Justice Summit on Mental Health and the Criminal Justice System

In April 26, 2019, the Committee hosted a Summit on mental illness in the criminal justice system. The all-day event in Baton Rouge brought more than 50 criminal justice leaders and mental health advocates together to discuss how to ensure that people with mental illness get the health services they need rather than being criminalized. The Summit was made possible by Summit planning subcommittee members Jean Faria (chair), Loren Lampert, Richard Bourke, Barksdale Hortenstine, Kerry Lentini, and Jennifer Eagan.

c. Mission Statement Amendment:

In 2016, the Committee's mission statement was revised to better reflect the expansion of the Committee's work and membership. This revision was recently approved by the House of Delegates. It reads:

- i. 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. 2019-2020 Criminal Justice Committee Initiatives: In August, the Committee requested proposals for initiatives to be adopted in the 2019-202 Bar Year. The Committee chose to move forward with the two proposals listed below. The following guidelines were considered for each proposal:

- 1) The initiative can be accomplished (or significant progress can be made) within the current bar year.
- 2) A concrete outcome or result from the initiative is clear and attainable within the given timeframe.
- 3) The initiative relates to a criminal justice issue that can serve as a theme for this year's summit.

a. Proposal based on the Outcomes from the April 2019 Summit:

- i. The Summit participants presented their report based on the April 2019 Summit. The report included 7 recommendations submitted for the larger committee's review:*

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1. **Develop CLE accreditation courses** that train legal professionals in understanding mental illness and communicating with persons suffering from mental illness
 2. **Generate a practice guide** for legal practitioners in the criminal justice system to better understand and effectively communicate with persons suffering from mental illness.
 3. **Form a standing committee or subcommittee** that includes stakeholders from the mental health community to provide advice and act as a resource in developing policy, training and CLE accreditation with respect to persons suffering from mental illnesses.
 - a. Barksdale noted that several such groups already exist in the community: the Behavioral Health Counsel of the Mayor's Office; the Louisiana Mental Health Coalition, formed in last year and led by Volunteers of America; and the AOT Working Group.
 4. **Provide specific recommendations to the judicial college for course content** that may better assist judges in understanding mental illness and serving in cases involving persons suffering from mental illness.
 5. **Provide recommendations to Louisiana law schools about the need to increase practical training** for law students in understanding mental illness and representing clients suffering from a mental illness.
 6. **Recommend Crisis Intervention Team (CIT) training** as part of the required training by the Louisiana Commission on Law Enforcement for police academy certification.
 7. **Support development and expansion of Assisted Out-Patient Treatment Courts and training** to help judges, lawyers, and court staff recognize signs of mental illness and opportunities for intervention.
- ii. Richard Bourke clarified that recommendations 1, 2, and 3 could be acted upon internally, while 4, 5, and 6 ask the LSBA to make those recommendations to the relevant bodies. LSBA staff will work with committee members to determine whether the recommendations can be addressed expeditiously. Jean Faria also suggested the possibility of drafting an article for the Bar Journal on the issue of mental health and the criminal justice system.
 - iii. The Committee ultimately decided to form a mental health subcommittee (recommendation 3) to write a final report/practice guide based on the outcomes from the April 2019 Summit (recommendation 2) and develop a CLE (recommendation 1). The committee will be chaired by Jean Faria and will include Judge Sheppard, Barksdale Hortenstine, Richard Bourke, Jennifer Eagan, and Loren Lampert.
- b. Proposal regarding Community Courts and Alternatives to Incarceration**
- i. Jennifer Eagan and Hon. Jules Edwards noted the ongoing issues that the courts face in effectively managing compliance with sentences that are alternatives to incarceration. They proposed creating a subcommittee to research and write a report on effective community court alternatives to incarceration.

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1. Loren Lampert noted the relevance of pretrial diversion programs in moving intervention closer to the beginning of the court process. He also noted that the report might find pushback from other prosecutors.
 2. Jean Faria noted issues with rehabilitation offerings occurring during work hours, conflicting with other responsibilities
 3. The report should address other states' successful practices.
- ii. The Committee elected to accept the above proposal. The subcommittee will be chaired by Jennifer Eagan who will ask Judge Edwards to co-chair, and will include Judge Sheppard, Loren Lampert, Sherry Watters, Charlie Raymond, and Paul Fleming (Claire Edwards who is not on the Committee, but would like to participate asked to be involved in this initiative).
- IV.** The next meeting will be held at noon on Tuesday, November 12, 2019 in Baton Rouge. Amy follow up with Loren Lampert for meeting space at 19th JDC
- V.** Adjourn