

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

Tuesday, January 21, 2020 – Noon  
Louisiana State Bar Association  
601 St. Charles Ave., New Orleans LA 70130

*Attendees:*

Graham Bosworth, Attorney at Law, Chair  
Stephanie Beough, Louisiana Appleseed  
Claire Bergeron Edwards, Attorney at Law  
Richard Bourke, Louisiana Capital Assistance Center  
Christopher Cox, Jefferson Parish District Attorney's Office  
Jennifer Eagan, Louisiana Supreme Court  
Hon. Jules D. Edwards III, 15<sup>th</sup> JDC  
Jean Faria, Louisiana Public Defender Board  
Meghan Garvey, Orleans Public Defender  
Mithun Kamath, Jewish Federation of New Orleans  
Veronica Lam Bard, Court Watch NOLA  
Simone Levine, Court Watch NOLA  
Jee Yeong Park, Innocence Project New Orleans  
Charles Raymond, Forrest Cressy and James, LLC  
Vanessa Spinazola, Justice and Accountability Center  
Adrienne Wheeler, Louisiana Appleseed  
Jon Wool, Vera Institute

*Staff:*

Amy Duncan, ATJ Training and Projects Counsel  
Jordan Maier, ATJ Assistant  
Monte Mollere, ATJ Director

**I. Welcome and Introductions**

**II. Approval of Meeting Minutes:** Graham Bosworth reviewed the minutes and they were adopted as written.

**III. Reporting Out:**

- a. **Community Courts/Community Service Subcommittee:** Subcommittee co-chairs Jennifer Eagan and Judge Edwards presented a draft of "Louisiana Community Service Alternatives to Incarceration: Policy, Law and Sample Agreements" to the general committee for comment. The report gives guidance for local governments and courts on how to structure and implement a publicly supervised community service work program. The report attempts to create a standard of implementation and case management to ensure that community service is effectively carried out. Judge Edwards noted that positive performance measures still need to be added to the sample

reporting form included in the report. Other comments are listed below:

- i. Jon Wool suggested and others agreed that providing a “[n]on-paid labor force for local government and community projects” should not be listed as a goal of community service programs. The group agreed that unpaid labor could be a collateral benefit that would entice municipalities to participate, but should not be considered the essential purpose of the program.
  - ii. Vanessa cited a report by UCLA Law which analyzed community service and found that the same obstacles which prevent people from being able to pay fines also frequently prevent them from being able to successfully complete community service. The study also notes that those ordered to perform community service do not receive certain labor protections. She suggested that more research is needed. She agreed to circulate the Center for Court Innovation survey on community service to courts in Louisiana. Vanessa will share the UCLA report and Center for Court Innovation survey with committee members.
  - iii. Judge Edwards pointed out that many judges feel disempowered, without tools at their disposal for effective sentencing. Additionally, he noted that they often have no access to information about the defendant’s financial situation when determining a sentence, and thus have no way to know what may or may not be feasible. Richard Bourke added that public defenders also do not have the means to gather and present this information, and defendants may accept plea deals whose requirements they know they cannot meet, simply for fear of going to jail if they reject it. They agreed that the courts need an instrument to assess the defendant’s finances.
  - iv. Jon Wool stated a concern that sentencing alternatives such as community service are not always used as a substitute for jail time/fines and fees, but used in addition to.
  - v. Next steps: feedback on the report should be submitted by Friday, January 31 on a Google doc which will be circulated after the meeting. The subcommittee will meet afterwards to discuss; all committee members are welcome to attend. The committee has not yet determined who to submit the report to – whether to seek adoption through the LSBA House of Delegates, seek support from the Louisiana Supreme Court, or make directly available to local courts and municipalities as a resource.
- b. **Legal Needs and Re-Entry** (Honorable Jules Edwards, 15<sup>th</sup> JDC): Judge Edwards reported on the LAPRI legal subcommittee’s meeting, where they discussed solutions to the issues of detainers and letters of incarceration. People incarcerated learn late in their release process that a detainer, preventing them from being released on their target date, exists. This can result in being held in excess of their sentence while the detainer is addressed. Additionally, the group is working on a standardized letter of incarceration, which would confirm that the person was incarcerated and would be useful for calculating time served. Since their last meeting, the subcommittee drafted a form Letter of Incarceration and sketched out a possible mechanism for resolving detainers. These will be reviewed at their next meeting through the work of the LA Access to Justice Commission’s Building Bridges Committee

c. **Mental Health Subcommittee:** The mental health subcommittee developed 8 recommendations regarding mental health and the criminal justice system as a result of last year's summit. The subcommittee intended to bring these recommendations before the LSBA House of Delegates at their midyear meeting on January 18. However, Jean Faria shared that the meeting instead centered on a motion to repeal the entirety of HOD's policies. This motion came out of a concern for the wave of lawsuits nationwide against mandatory bars and the question of whether the HOD can create policy. The motion was defeated after heated debate, but there was no opportunity for new resolutions to be introduced. Jean suggested that there may be room to move forward in the future on the mental health training portion of their recommendations. Jennifer noted that the training with Dr. Sarah DeLand at the Rural Judges Conference went quite well, and was a particularly great opportunity for judges from single-judge districts who usually have court obligations that prevent them from attending trainings. Jennifer also noted that the Supreme Court Counsel of Specialty Courts may also be a resource for furthering mental health objectives. Amy suggested focusing on law schools as an audience for training and programming. The subcommittee will discuss next steps at their next meeting. Amy will put out a doodle poll to schedule.

IV. **Training** - Jennifer Eagan suggested that the forensic science training for judges that Jarrett Ambeau had proposed last meeting should be included at the Join Summer School program in June. Jean Faria offered to work with her to put together a proposal. Amy Duncan forwarded Jarrett's PowerPoint on the subject to Jennifer and Jean.

V. **Open Discussion**

a. **Pro Bono Awards:** Jordan Maier reminded the group that nominations for the 2020 Pro Bono Awards are open through February 7. Nominations can be submitted online at <https://www.lsba.org/ProBono/ProBonoAwards.aspx>. Committee members are highly encouraged to nominate attorneys, legal professionals, and firms who have done outstanding pro bono work in the past year.

VI. **Next meeting** – April 21, 2020

VII. **Adjourn**