During this holiday season, as we all take time to reflect on the many things we have to be thankful for, we should not forget our fellow disadvantaged citizens who have unmet civil and criminal legal needs. As I write this article, I have just returned from the Acadiana Outreach Center where I have provided free notary services as part of the Lafayette Volunteer Lawyers’ HELP program. (See more information below.)

For those of you who have performed similar services, I am sure you will agree that it leaves an impression on you long after you have left the shelter and it causes you to appreciate all of the many things that we lawyers have to be thankful for during this special time of the year.

Pro bono is defined by Black’s Law Dictionary (6th Edition) as “for the good; used to describe work or services (e.g., legal services) done or performed free of charge.” Now more than ever before, there is a great need for all of us to perform pro bono work, both in the areas of criminal and civil law. Louisiana Rule of Professional Conduct 6.1 provides “a lawyer should aspire to render at least fifty hours of pro bono publico legal services per year.” While the rule does not make pro bono or “for the good” mandatory, we should all strive to perform this minimum level of pro bono publico, not only for the good of the public but also for our own satisfaction as well as for the welfare of the justice system.

Although hundreds of Louisiana attorneys have volunteered since the hurricanes to work at the FEMA Disaster Recovery Centers, return calls generated through the Legal Assistance Call Center Hotline and provide legal services at the homeless shelters, the need for these services dictates that volunteers must number in the thousands not the hundreds. For this reason, I urge all Louisiana attorneys to engage in some form of pro bono activity to assist our disadvantaged fellow citizens who do not have adequate access or representation in our justice system.

One of the greatest challenges facing the Louisiana legal system as we start to rebuild and repopulate the areas devastated by the hurricanes is protecting the constitutional rights of indigent defendants and providing them access to adequate legal representation. This is one of our basic constitutional rights, and one that all lawyers should seek to protect and defend.

Ironically, just two weeks before Hurricane Katrina devastated the Gulf Coast, Act 343 of the Louisiana Legislature’s 2005 regular session became law. The Act increases the size of the Indigent Defense Assistance Board and requires regular annual reports from each district board. The size of the board was increased from nine to 15 members, with four of the new members appointed by the Governor and two members appointed by Louisiana Supreme Court Chief Justice Pascal F. Calogero, Jr. The six new members have been appointed and the Board held its first meeting on Dec. 14, 2005.

Act 343, which creates a uniform funding mechanism across the state of $35 per criminal case for all criminal matters filed (except parking tickets), also creates reporting requirements for the local indigent defense boards. It is just the first step in solving the problem of indigent defense representation in Louisiana. One of the intrinsic problems with the current method of funding indigent defense representation in Louisiana is that the majority of the funds are generated locally through fines “from the ground up;” thus, with few criminal cases filed or traffic tickets issued in hurricane-devastated parishes, there will be little or no funding for indigent defense.

One of the first actions taken by the newly constituted Louisiana Indigent Defense Assistance Board was to continue funding the Indigent Defense Task Force, chaired by Senator Lydia Jackson, so that it can continue to study the
problem and hopefully develop recommendations for additional funding sources for indigent defense representation.

In the area of civil pro bono publico, one of the bright spots in Louisiana is the HELP program. The program provides legal services for the homeless and was founded and administered in New Orleans by former Louisiana State Bar Association President, Judge Jay C. Zainey. Prior to the hurricanes, Judge Zainey worked with the Lafayette Volunteer Lawyers program to set up a HELP program in Lafayette.

Since the hurricanes, the definition of homeless has expanded and the ranks of the homeless have increased dramatically, thus greatly increasing the need for legal assistance for the "hurricane homeless" in Louisiana. If you are looking for a way to perform meaningful pro bono work, the HELP program and the Legal Assistance Call Center are two worthwhile endeavors that can use your assistance.

Funding for Access to Justice initiatives and civil pro bono needs has always been and continues to be a serious issue in our state. In 2004 for the first time ever, the Legislature appropriated $300,000 for Civil Access Justice to be distributed among the Legal Service Corporation providers in the state. In 2005, the appropriation was increased to $460,000 during the regular session, but was subject to elimination during the recent special session were it not for the intervention of Attorney General Charles C. Foti, Jr. and Louisiana Supreme Court Justice Catherine D. Kimball who both worked with the Governor’s office to maintain funding at $350,000. Without the support of Attorney General Foti and Justice Kimball, this Access to Justice funding would have been eliminated from the budget at a time when those services are most needed by the new "hurricane homeless" population in Louisiana.

Finally, I would like to go on record and publicly thank Attorney General Foti for his invaluable assistance to the LSBA over the past several months. His office, along with Justices Chet D. Traylor and Kimball, arranged for me and LSBA staff members Billy King, Richard Lemmler and Denise Tingstrom to be escorted by State Trooper Reuben Berry, Jr. to retrieve the file and e-mail servers at the Bar Center one week after Hurricane Katrina devastated New Orleans. This allowed the LSBA staff and operations to return to some semblance of normalcy during what was a very chaotic period for the LSBA. Attorney General Foti also met with Jean-Marie Burguburu, the Batonnier of the Paris Bar, and arranged for his escort into Orleans and St. Bernard parishes during his visit to Louisiana on Sept. 17 so he could view firsthand the havoc wreaked by Hurricane Katrina. It was during that meeting, and later that day during the tour of New Orleans, that two of the photographs on these pages were taken.

So for the good of the profession, the public and yourself, I encourage each of you to increase your pro bono activities and work with the LSBA in rebuilding the civil and criminal justice systems in south Louisiana.