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Western District of Louisiana
Shreveport Division

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Chief Judge Drell was unable to appear personally before this committee, and I am honored that he asked me to appear on behalf of the Western District of Louisiana.

The Western District of Louisiana is served by two primary CJA panels: one in Shreveport and one in Lafayette. There are panels in Monroe, Alexandria, and Lake Charles, but those panels are smaller in size and membership is more fluid.

I reached out to judges, prosecutors, public defenders, and panel members throughout the district to obtain feedback on the topics identified by the committee and any other areas of concern. Generally speaking, all respondents are satisfied with the current status and operation of our CJA program.

No system is perfect, and we know there is room for improvement. We also know the harsh realities of funding and the greater needs of the border districts. But in the spirit of assisting the committee in fulfilling its goals, I offer the following suggestions and observations.

The committee heard testimony yesterday from our Chief FPD, Rebecca Hudsmith. She serves two districts: The Western District of Louisiana and the Middle District (Baton Rouge). The Middle District has four district judges and two magistrate judges. The Western District has nine district judges (including one vacancy) and six magistrate judges spread out among five divisions. That makes our FPD responsible for criminal defense in the courtrooms of 21 federal judges. In addition to her administrative responsibilities, our FPD maintains her own caseload of appeals and serves as co-counsel or advisor in several capital habeas matters. Given the geographic spread of the two districts, the Middle District should be provided with its own Chief FPD.

There is only one AFPD in North Louisiana. She is very, very good. But she is responsible for cases pending in Shreveport, Monroe (1.5 hours away), and previously, Alexandria (2 hours away). She is assisted by one Research and Writing Attorney who is not allowed to make appearances in court. When the AFPD's cases get close to trial, especially if they are somewhat complex, it becomes difficult for her to schedule other matters, visit other clients in the jails, etc. Another AFPD should be hired who can represent defendants in court proceedings in Shreveport, Monroe, and Alexandria.

Some panel members are reluctant to accept an appointment in more complex cases out of fear that their vouchers will be reduced by the presiding judge. This is more rumor than fact. There are one or two lawyers in every division whose bills are routinely higher than normal. Their competency and their commitment to their clients are unquestioned. But they feel compelled to listen to every minute of every recorded call to see if there is any reference to their client. They file unnecessary boilerplate discovery motions. They bill for legal research in even the most rudimentary cases. Their fees are often two or three times the fees of counsel for similarly situated co-defendants. Those vouchers should be cut. But by how much? How do judges know how many trips to the jail are too many? (One of our jails is an hour each way from the courthouse.) Perhaps our court could require panel attorneys who anticipate exceeding the statutory maximums to notify the court *in camera* at or around the time of the motion deadline. Doing so could help avoid sticker shock to the judges at the conclusion of the case and alleviate the anxiety of the panel attorneys.

We have about 19 lawyers on the CJA panel in Shreveport who routinely accept our appointments. Normally, this is sufficient. But when Operation Delego—the largest child porn prosecution in the United States—was brought in our court, we had great difficulty in securing separate counsel for all of the 50+ defendants arrested (so far). The case involves an internet bulletin board that actively promoted the violent sexual abuse of children and infants. Some panel members refused the appointments. Fortunately, panel lawyers in the Eastern District of Texas answered our call for help. We waived the usual requirements for local counsel and the pro hac vice filing fee. And all of the defendants were provided with competent representation.

Maintaining diversity among the panel attorneys is a real challenge. In Shreveport, there is only one African American who routinely accepts appointments. There are only three women who routinely accept appointments. None of the lawyers speak Spanish. The panels in Monroe, Alexandria, Lafayette, and Lake Charles face these same issues. We are planning a free training session geared to lawyers who are less experienced in federal criminal defense. We are also experimenting with an informal misdemeanor panel to help lawyers gain experience in handling matters in our court.

It is increasingly common for defendants to file bar complaints against their appointed attorneys at the conclusion of the case. These complaints, which are usually frivolous, have a chilling effect on panel attorneys. The state bar requires that attorneys respond to the complaints. Doing so consumes hours of the attorneys' time. Complaints against an AFPD or panel attorney should be re-directed by the state bar to the presiding judge for a determination of whether a response is necessary and for a speedy resolution. And upon approval from the presiding judge, panel attorneys should be compensated for their time in responding to complaints that are dismissed as frivolous.

I hope these observations are helpful.