

ORLEANS PUBLIC DEFENDERS

STORIES

from  
the

**FRONT**

2012 annual report

Lauren Boudreaux, Staff Attorney



Leon Roche, Staff Attorney



Anna Fecker, Staff Attorney



360,000  
New Orleans  
population\*

26%  
living below  
poverty\*

over 80%  
defendants in  
criminal justice  
system who are  
indigent\*\*

97  
OPD staffers  
fighting for  
change

“Anyone who has ever struggled with poverty knows how extremely expensive it is to be poor.”  
– James Baldwin

\*2011 census

\*\*Louisiana Supreme Court Annual Report

## From the Chief

As public defenders, we often compare our work to fighting a war – a war to guarantee the Constitutional right to counsel for every poor person in Orleans Parish. Each day the Orleans Public Defenders Office (OPD) is on the front lines, doing battle in that war. In 2012, OPD faced one of its toughest battles. Budget shortfalls, layoffs, restrictions of services and increasing caseloads tested our commitment and made us question what we fight for.

In February 2012, OPD was forced to lay off 27 employees. In all, OPD lost 24% of its total staff, and our legal staff was reduced by 27% despite increasing caseloads. This was an incredible blow to an office already overburdened and overworked.

The private bar offered tremendous support to OPD. Our corporate law firm partners created the Pro Bono Consortium, led by Mark Cunningham, a partner at the law firm of Jones Walker.



More than 20,000 times last year,  
OPD stepped up and said,  
**“Prove it.”**

This group of 23 attorneys from 17 firms stepped up and offered their services when OPD was unable to represent everyone in need. Together with other individual members of the defense bar, the Consortium handled 88 cases and represented 72 clients. It is no exaggeration to say OPD would not have made it through 2012 without their support.

The challenges of 2012 brought out the best in our community and our office. The incredible staff at OPD supported each other and maintained a commitment and determination to fight even under the most adverse circumstances. Everyone pitched in, took on extra work and worked even longer hours than usual to ensure OPD would live to fight another day.

Martin Luther King, Jr. once said “The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy.” In the face of challenge and controversy, OPD continued to battle – for our clients and our community. More than 20,000 times last year, OPD stepped up and said, “Prove it.” As the annual report illustrates, OPD is blessed to work with (and for) many amazing people. In 2012, OPD illustrated over and over again why our clients deserve fairness, respect and a second chance.

While the battles of 2012 are behind us, the war continues. For this annual report, we asked our staff, clients and the community to tell us why they keep fighting.

Derwyn Bunton  
Chief District Defender  
Orleans Parish

Lindsay Samuel, Chanel Long, Cecilia Ndounda, Staff Attorneys



Benny Amon, Client Advocate



Milan Smith, BreakOUT! member and OPD client

“Injustice **anywhere** is a threat to justice **everywhere.**”  
-Martin Luther King, Jr.

BreakOUT! is a community organization fighting the criminalization of LGBTQ youth directly impacted by the criminal justice system in New Orleans.

Emily Zolynsky and Elizabeth Derrick  
Staff Investigators

Over **1,300\***  
times investigators  
hit the streets  
searching for the  
**truth**



\*OPD investigation request logs

# 2012 in Review

## what we fight for...

What is it we fight for? For many that was a simple question. Others had to give it more thought. Why do we do what we do? 2012 forced many of us to answer that question.

2012 began with great challenges and gut-wrenching decisions. Due to unpredictable and unstable funding, OPD faced an enormous budget shortfall. We were forced to implement our full restriction of services plan, including drastic cuts to services and massive staff layoffs. The Conflict Division was subsequently eliminated and all Conflict Panel contract employees cut.

However, with the start of our new fiscal year in July came the restoration of services and the return of conflict representation with the Conflict Division and the reformed Conflict Panel. OPD also launched an in-house Capital Division. Municipal Court was outfitted with full-time dedicated attorneys and while they maintain extremely high caseloads, clients no longer feel their only option is to plea guilty and pay the fine. We are thrilled to be able to provide improved representation for all of our eligible clients.

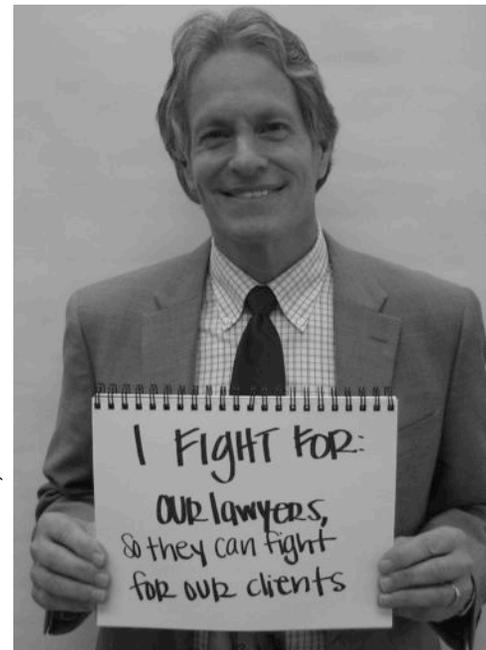
OPD continued the fight for greater attorney access to incarcerated clients. OPD sued the Sheriff, ultimately achieving victory. We continue to fight with Traffic Court. In July, the Louisiana Public Defender Board filed a lawsuit against Traffic Court for nonpayment of millions of public defense dollars from 2007 to 2012.

This year, OPD recognized one of the stalwart fighters in public defense, Clyde Merritt, with the inaugural "Clyde Merritt" award. Clyde was a perennial figure at Tulane and Broad for 49 years, 37 of them in public defense. His fight and dedication to the cause of indigent defense was an inspiration to our office.

Although we slowed our growth this year, we welcomed a class of five new attorneys in the fall. We also expanded the reach of our community-oriented defense practice with the addition of a supervising licensed social worker. Our social work and pretrial divisions joined forces to become the Client Services Division, advocating for clients in and out of court.

Funding remains our biggest hurdle and the year ended with challenges once again as our appropriation from the city was cut by a third. But while budgets and staffing are not at optimum levels and caseloads are ever-increasing, we continue to fight to provide our clients with the zealous representation they are entitled to - because that's who we are; and that's what we do.

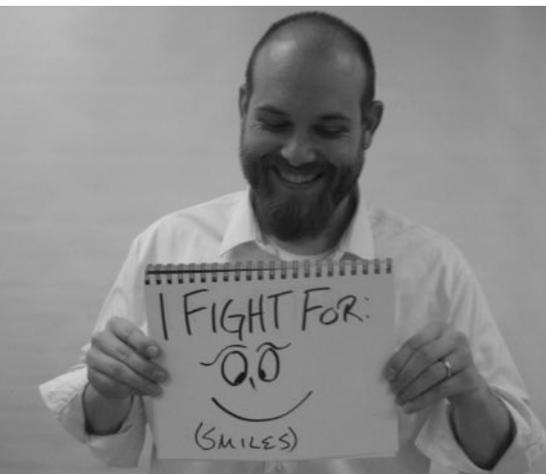
Kendall Green, Chief of Trials



We are the fighters against injustice, the champions for change and the voices for the voiceless. We stand beside those who have no one to stand with them. And we fight when no one else will.

## 10 wins of 2012

- Awarded a Soros Open Society Foundations campaign grant to reform public defense funding statewide.
- Although reduced, OPD retained its city appropriation during a volatile budget season.
- Victory in our lawsuit against the Sheriff for attorney access to incarcerated clients. While still being monitored by the judge, changes happened and clients are able to have better access to their attorneys.
- Edward Singleton is acquitted in Municipal Court due to the dedication of his attorney Cecilia Ndonga. Now with full-time attorneys and client advocates, Mr. Singleton was one of many successes for clients in Municipal Court.
- 135 clients have been removed from the sex offender registry due to the passage of LA Act 402. The act allows those with SCAN convictions to no longer register.
- Chief Defender Derwyn Bunton awarded CityBusiness Leadership in Law.
- Client Advocate Nathan Fennell and Communications Director Lindsey Hortenstine testified before Louisiana Public Service Commission on the excessive prison phone rates. The reform bill passed saving OPD, clients and their families thousands of dollars.
- State-funded evaluation of OPD praises our program and services to our clients.
- Creation and presentation of the inaugural Clyde Merritt Award to Clyde Merritt for his dedication and fight for indigent defense.
- OPD worked with members of our state delegation to pass House Bills 718, 325 and 434 guaranteeing OPD and public defenders statewide more funding.



Barksdale Hortenstine, Jr., Supervising Attorney



Jill Pasquarella, Staff Attorney

**James** is an incredible success story - one Staff Attorney Jill Pasquarella loves to tell. James made a wrong decision and wanted to take responsibility, correct his wrong choice and redirect his life. He worked hard to complete his probation, even excelled, and is looking to the future - a happy and successful future.



Matt Robnett, Supervising Attorney and Scott Sherman, Staff Attorney



Ashleigh Georgia, Staff Attorney



Ashley Demouy, Court Support



Robert Tucker, Intern



Christiny Miller, Intern



Joe Thorp, Staff Attorney

Justice should be a reality, not a dream, for all New Orleanians.



## Emily Winborn

“All of us that were put in [the database] had our names slandered for something we weren’t. I wish I could turn back time, but I can’t. I can only learn from my mistakes and move forward. This gives me an opportunity for a fresh start.”

Kim Diemer, Special Litigation Client Advocate and her client Emily Winborn

In 2008, Emily went to trial with staff attorney Lauren Boudreaux on a Solicitation Crimes Against Nature (SCAN) charge. She faced a minimum of 20 years in jail if convicted. While the jury ultimately found her guilty, the judge was sympathetic as she knew Emily’s story and that she suffers from a variety of health issues.

Emily was given credit for time served and the judge helped her enter the rehabilitation and support program at Lazarus House. Since being given that opportunity, Emily kept moving forward towards a better life. But a life that still held the stigma of her conviction.

In 2012, Louisiana passed Act 402 ending the requirement for those with SCAN convictions to register as sex offenders. Kim Diemer took on the project of assisting those in Orleans Parish with terminating their registration.

Emily’s first SCAN arrest was 22 years ago, the same year Kim was born. Despite the difference in age these two formed a great bond. “It’s impossible not to form a relationship with her,” Kim says.

In October Kim and Emily began the exhaustive process of ending Emily’s registration requirement having returned to the five different

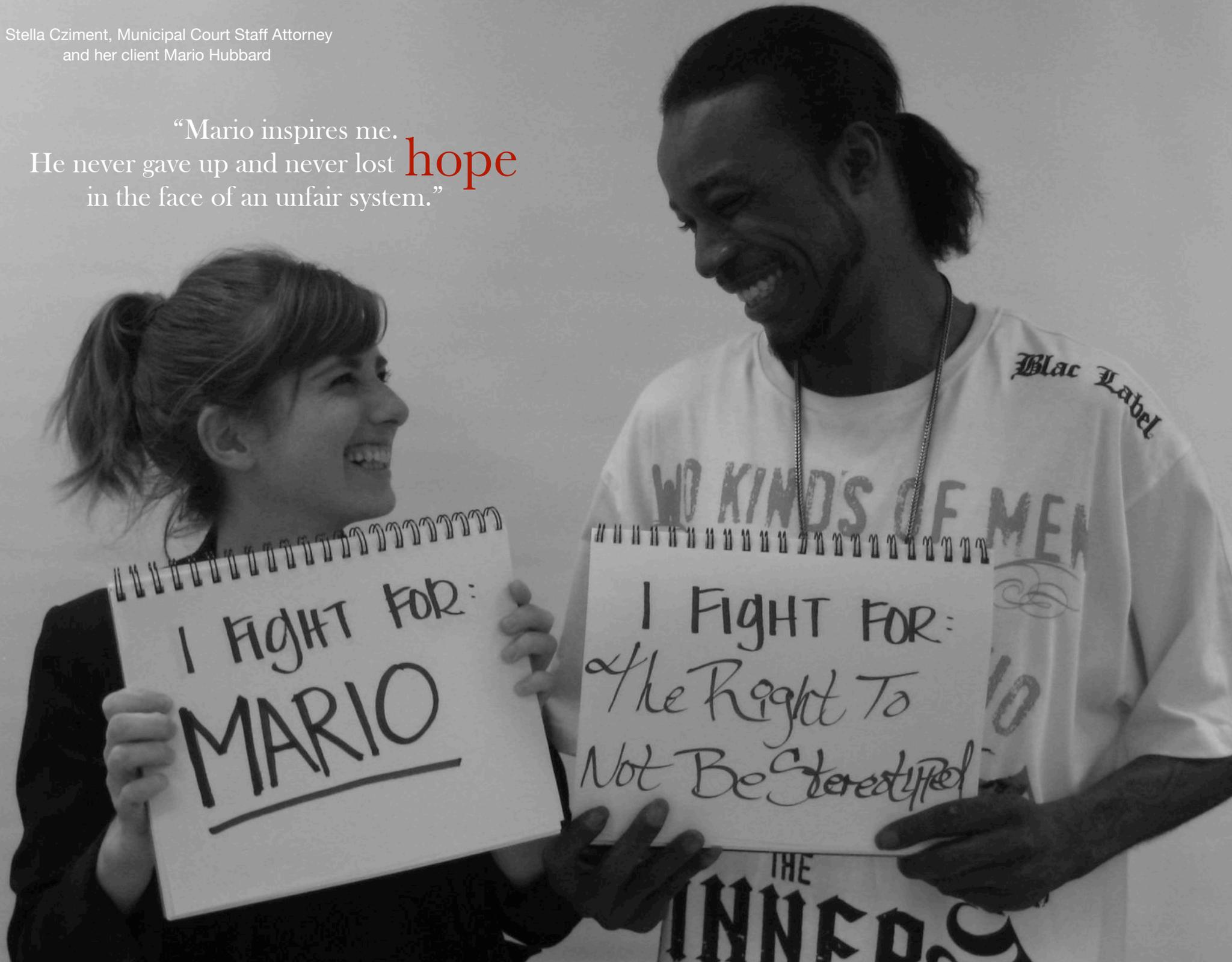
courtrooms of Emily’s convictions. Emily was patient and understanding throughout the entire process.

Her motions were granted and all of her registration duties are now terminated and Emily is looking to the future and the opportunities that await. Her joy and sincere desire to change after so many years is a testament to her resiliency.

Along with Emily, Kim has helped more than 130 others file the necessary motions and paperwork for a clean slate.

Stella Cziment, Municipal Court Staff Attorney  
and her client Mario Hubbard

“Mario inspires me.  
He never gave up and never lost **hope**  
in the face of an unfair system.”



## The Pro Bono Story help when you need it...

As the Restriction of Services began, we had no idea how we would provide conflict representation. Thankfully, Mark Cunningham at Jones Walker approached our office with a plan. He reached out to several law firms and created the Pro Bono Consortium.

The Consortium provided pro bono legal services to OPD conflict clients, in effect becoming our Conflict Division and panel for the duration of the Restriction of Services. In addition to the Consortium, several individual attorneys offered help and much-needed representation.

We always knew our staff would step up at a moments notice but to have the private bar stand by our side was heartening.



Kirk Gasperecz of Adams and Reese

46  
attorneys

88  
cases

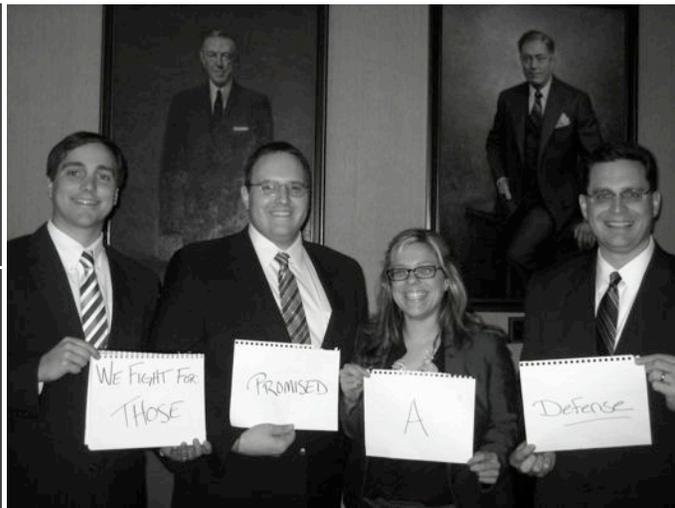
In 2012 we got by with a little help from our friends:

Phillip Antis, Kristin Beckman, David Bienvenu, Kevin Boshea, Lon Burns, Dante Butler, John Butler, Nandi Campbell, Gregg Carter, Stephanie Cosse, James Courtenay, Jay Daniels, April Davenport, Sherry Dolan, Nina English, Tonya Faia, John Fuller, Kirk Gasperecz, John Glas, Samantha Griffin, Stephen Haedicke, Bruce Hamilton, Stephen Hanemann, Marne Jones, Naomi Kim, Heather LaSalle, Stephanie Lemoine, Raymond Lewis, Kelly Loisel, Eric Malveau, Don Massey, Pamela Metzger, Stavros Panagouloupoulos, Amalfi Parker, Kenneth Polite, John Radziewicz, Eddie Rantz, Martin Regan, Aaron Reuter, Keith Sanchez, Marta-Ann Schnabel, Thomas Shlosman, Stephen Smith, Kelly Theard, Trisha Ward, Holly Weisman, Chris Williams, Jason Williams, Justin Wood. Adams and Reese, LLP; Baker, Donelson, Bearman, Caldwell & Berkowitz, PC; Barrasso, Usdin, Kupperman, Freeman & Sarver, LLC; Chaffe McCall, LLP; Deutsch, Kerrigan & Stiles; Flanagan Partners, LLP; Gainsburgh, Benjamin, David, Meunier & Warshauer, LLC; Gordon, Arata, McCollom, Duplantis & Egan, LLC; Jones, Walker, Waechter, Poitevent, Carrere & Denegre, LLP; Kean, Miller, Hawthorne, D'Armond, McCowan & Jarman, LLP; Liskow & Lewis; McGlinchy Stafford, PLLC; O'Bryon & Schnabel, APLC; Phelps Dunbar, LLP; Proskauer Rose, LLP; Simon, Peragine, Smith & Redfearn, LLP; Stone, Pigman, Walther, Wittman, LLC.

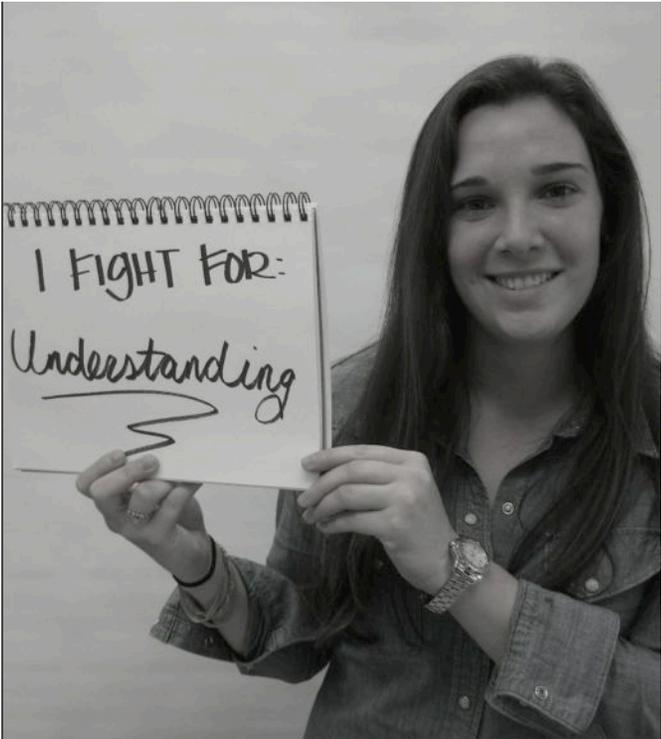
17  
firms

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72  
clients



Raymond Lewis, James Courtenay, Kelly Theard and Jerry Glas of Deutsch, Kerrigan & Stiles



Eladio Valdez, Staff Investigator  
Emily Voshell, Staff Attorney  
Mairread Kennelly, Client Advocate

Jim Brite, IT  
Cody Klaila, Court Support  
Taryn Blume, Staff Investigator

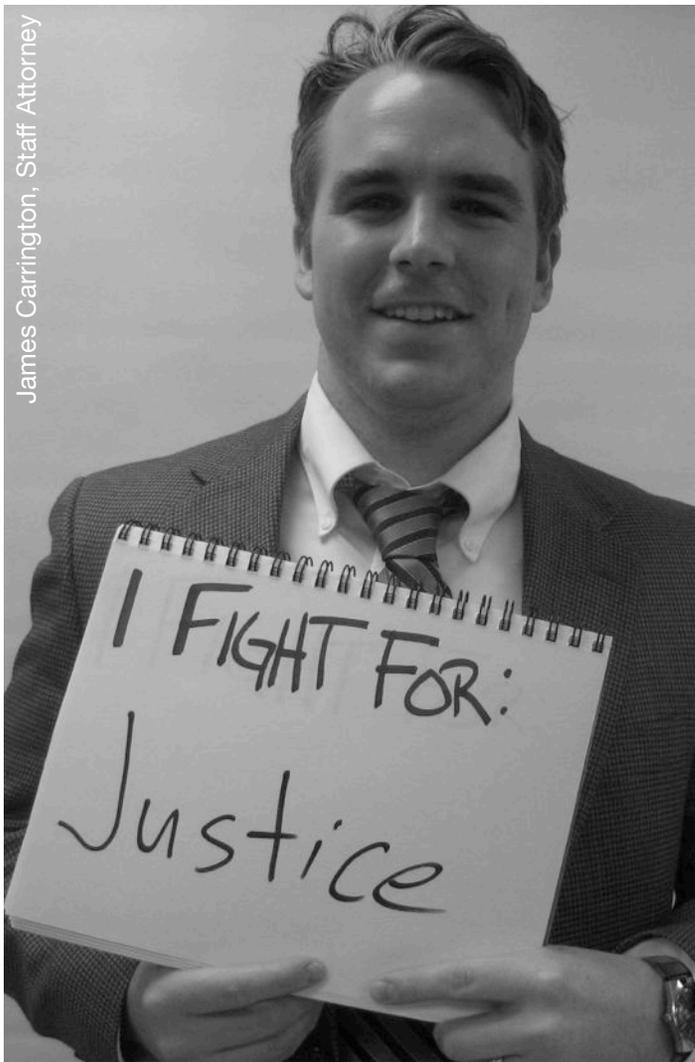




Kenneth Hardin, Staff Attorney

**Thank you** for the time and attention you gave in handling the case of my son. My family will forever be grateful for having you on this case.  
– OPD client's family

James Carrington, Staff Attorney

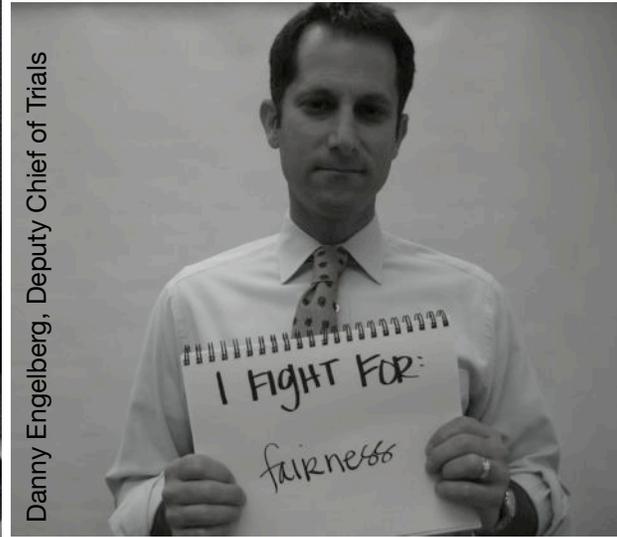


We fight for those who have no one to stand beside them. For those that haven't been given a fair shot. And for those that deserve a second chance.

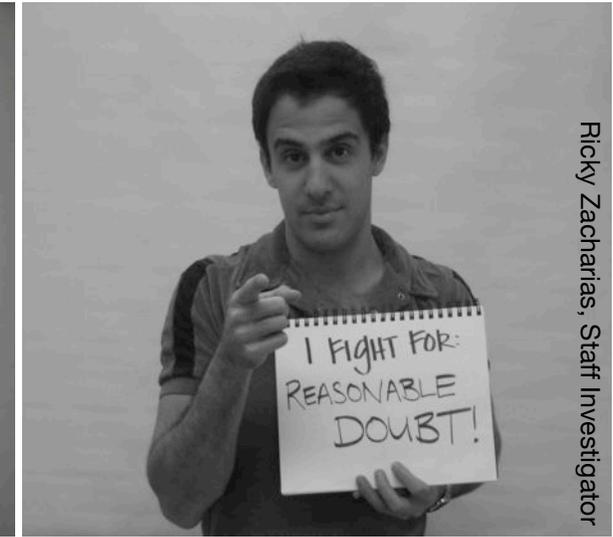
Adrienne Cousins, Municipal Attorney and Claire Gutekanst, Client Advocate



Danny Engelberg, Deputy Chief of Trials



Ricky Zacharias, Staff Investigator



## Trial Stats OPD by the numbers

**19,206\***  
cases closed  
in 2012

**27%+**  
decrease in staff  
attorneys

**100%\***  
increase in  
LWOP cases  
\*Life without Parole

**8%\***  
increase in  
felony cases

**56+**  
zealous  
attorneys



Melody Chang and Virginia Ryan, Client Advocates

Colostomy bags? Yes, colostomy bags.

As part of our community-oriented defense practices, we advocate for our clients outside of the legal system. We offer our clients social work support, medical advocacy and advocacy in the community. We work with our clients pre-trial, during trial and post-trial, as well as in jail and out of jail. And we work to assist the jail in providing clients with standard medical care while incarcerated. Medical advocates play a key role in holistic representation but are hard to find in most public defense offices.

One recent medical advocacy project was our effort to secure adequate colostomy bags for our incarcerated clients. This particular issue was greater than any of us expected. Due to

## Medical Advocacy rights for clients in jail

often violent injuries, many of our clients are dependent on colostomy bags and many were not receiving adequate supplies - far less than was humane, in fact.

Many anxious clients reached out to us in fear of not having the supplies they needed on a daily basis. We went to work to get these clients the care they needed. The project turned into a two year effort. After much communication with the jail staff about ensuring clients' access to enough colostomy bags - including offering to personally buy them for our clients - we are finally able to obtain our clients' personal colostomy bags outside of jail.

Colostomy bags are a striking example underlining the need for our medical advocacy work and shows the challenges we and our clients face. A shortage of colostomy bags puts clients at risk to live in inhumane and unhygienic conditions.

Medical care, as well as mental health care, are a basic human right and unfortunately an all-too overlooked problem. No person, whether guilty or innocent, and whatever the charge, should be denied this basic right.

# Client Services expands community-oriented defense

PreTrial Services and Social Work combined forces this year as Client Services, added a supervising LCSW social worker and expanded the reach of our community-oriented defense practice. The clients served and lives touched by this group are the heart of why we fight.

- 507 - medical and mental health advocacy ensuring proper care and medication
- 262 - non-medical follow-up for benefits, probation assistance and more
- 267 - client referrals for social services
- 284 - over-detention and time calculation assistance

53 - assistance with non-English speaking clients for language access to the legal system

15 - sex offense registration assistance

81 - mitigation and biopsychosocial assessments

1,469 - total clients served through direct assistance

over 13,000

- immediate post-arrest assistance contacting families with arrest information, charges, bonds and support

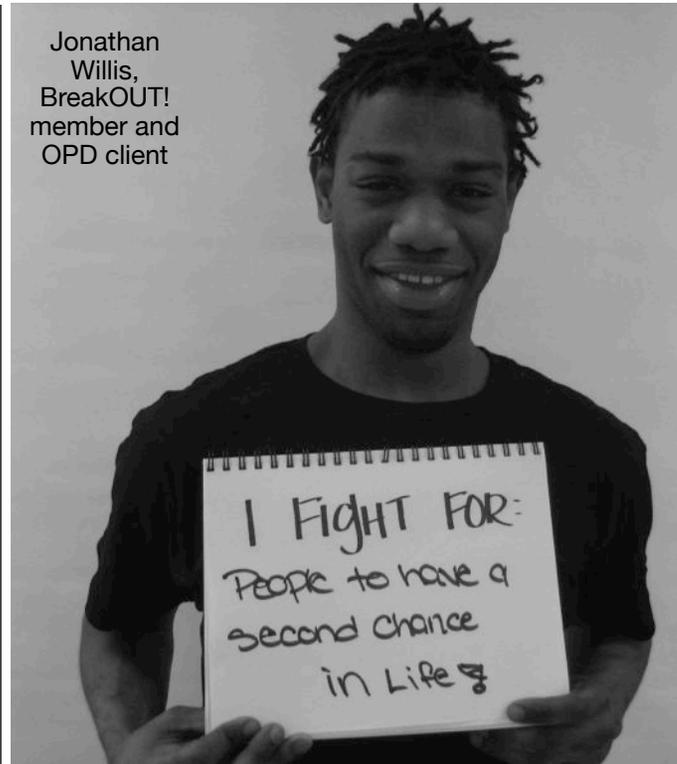
\*All data from 2012 OPD CSD service request log



Ginger Parsons, LCSW Supervising Social Worker



Jonathan Willis, BreakOUT! member and OPD client



Abigail Reikow, Social Worker

156\*  
times we fought to keep  
**families**  
together





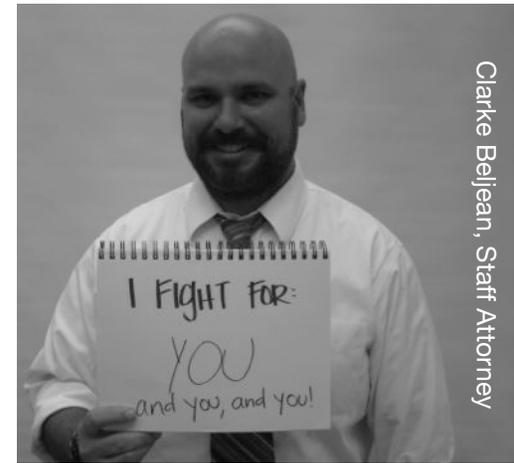
Virginia Ryan, Client Advocate, and her client Rachel Smith

**Rachel** had endless stipulations ordered upon her release including weekly check-ins with her probation officer, weekly drug tests at the courthouse, GED classes, weekly parenting classes and regular appointments with a social worker and psychiatrist. Although Rachel was rightfully granted custody of her one-year old son, his full-time care made these requirements difficult.

Virginia helped ensure Rachel made all her appointments each week and called often to see how she and her son were doing.

After several status hearings, Virginia spoke with the probation officer who agreed Rachel had been successful in her requirements and no longer needed to meet weekly.

Rachel is able to better care for her son and secured a great job. None of which would have been possible without the help and support of Virginia.



Clark Beljean, Staff Attorney



Donna Weidenhaft, Staff Attorney



Nicole Heisser, Supervising Investigator

I don't see an orange jumpsuit  
- I see a human being who has  
**rights** and  
**needs** and  
**feelings**  
- just like you and me.



I FIGHT FOR:  
rights that no one  
should ever have to  
fight for.

Antoinette Price and Client Advocate Sarah Porzucki



“Don’t think that every day is a good day. I have rough days. Sarah encourages me. She is my motivator.”

Antoinette Price has been in and out of Municipal Court since 2002 and using drugs and alcohol since she was 16 years old. In 2012 she returned. This time she met John Flemming, the Municipal Court Client Advocate. When John initially interviewed Antoinette she didn’t admit her long drug addiction. John reached out to Antoinette’s family who told him about her addiction.

John met with Antoinette a few times and talked with her about rehabilitation with Odyssey House. According to Antoinette, she just wanted out of jail and back on the streets. But John convinced her to give it a try - give herself a try. That was in July. Antoinette is now 8 months sober. Antoinette told us, “If it wasn’t for my sister talking to John, I wouldn’t be here today. What we set out to do, it’s working.”

In December, Antoinette met Client Advocate Sarah Porzucki who now works closely with Antoinette helping her with everyday issues and listening when Antoinette needs support. Antoinette is now working a steady job, is active in her church, and is working to help others with drug-related issues. “John and Sarah are a part of my recovery and I want to continue to show them how well I’m doing and make them proud.”

### Antoinette Price

“John and Sarah aren’t here to judge me. They are here to motivate me.”

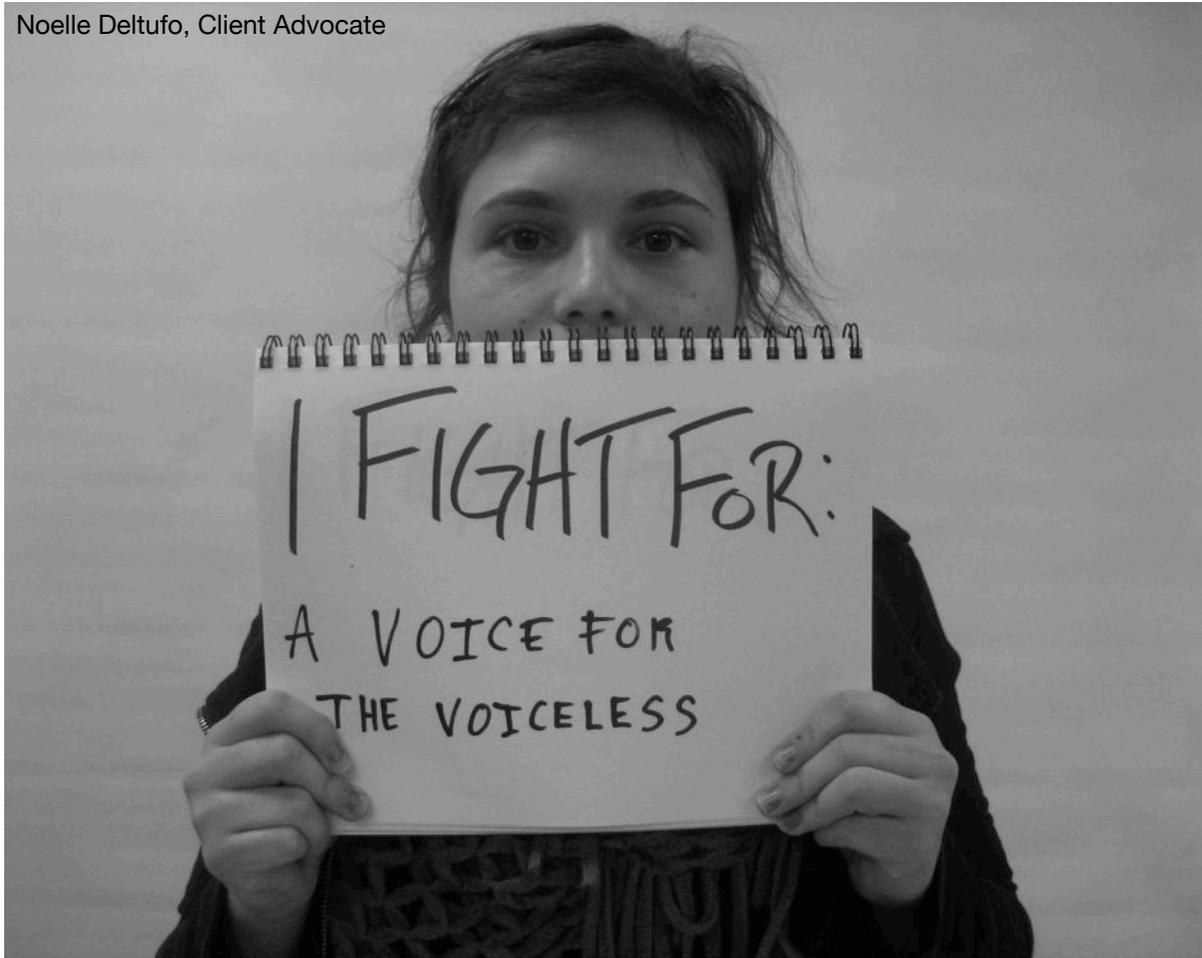


John Flemming, Municipal Court Client Advocate

In all criminal prosecutions, the accused shall enjoy the **right** to have the assistance of counsel for his **defense**.

U.S. Constitution Amendment VI

Noelle Deltufo, Client Advocate



Colin Reingold, Special Litigation Attorney  
Amanda Fraser, Supervising Attorney and Carlotta Lepingwell, Staff Attorney  
Chasity Redman, Court Support  
Russell Barsksdale and Ariel Test, Staff Attorneys

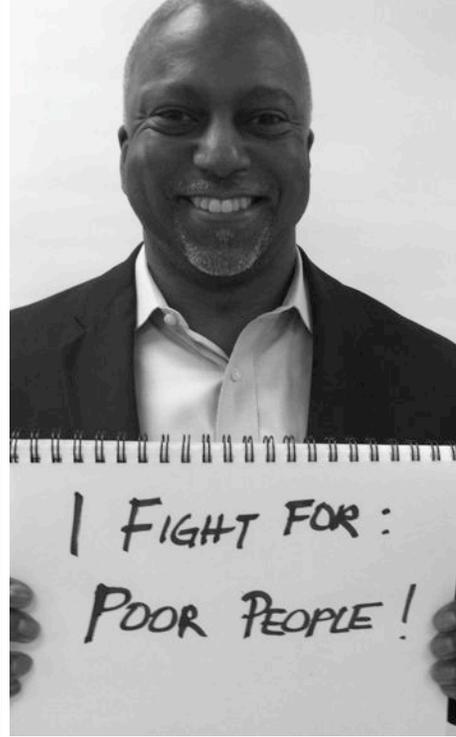
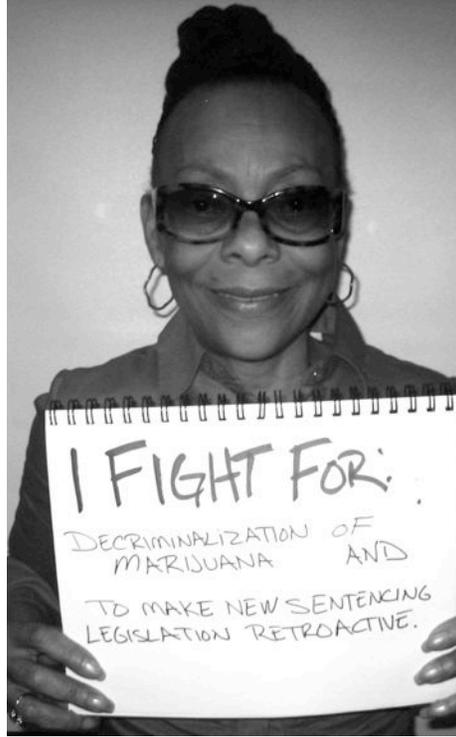


Seth Wayne  
and  
Mary Murphy,  
Staff Attorneys

“It’s going on two years... when you put a **man** in a box for so long and treat him like an animal, his sanity starts to get unbalanced, but I’m **resilient**. I’m labeled as a statistic but I’m still a **human** that has **compassion**.”

-- OPD client Jamine Felton

Janice Isaac, Court Support  
Andrew Lee, Staff Attorney  
Michael Bradley, Special Counsel



John Cornfield, Intern  
Emily Zolynsky, Staff Investigator  
Meredith Angelson, Staff Attorney

We believe in the strength of our  
**community.**



Zach Carpenter and Alex Liu, Staff Attorneys

# CY2012 Revenues and Expenditures

## the dollars and cents that make OPD run

### REVENUE

<b>State Revenue</b> ( <i>District Assistance Funds</i> )	\$2,130,806
<b>City Revenue (CEA)</b>	\$1,179,028
City of New Orleans / ARRA Grant	\$104,699
<b>TOTAL STATE/CITY REVENUE</b>	<b>\$3,414,533</b>
<b>Court &amp; Bond Revenue</b>	
Traffic Court	\$1,618,237
Traffic Cameras	\$686,865
Seat Belt Violations ( <i>Effective 8/1/12</i> )	\$67,536
Municipal Court	\$168,798
Juvenile Court	\$1,520
Criminal District Court	\$45,094
Condition of Probation	\$7,793
Bail Bond Revenue	\$182,527
Criminal Bond Fees	\$7,586
<b>TOTAL COURT &amp; BOND REVENUE</b>	<b>\$2,785,955</b>
<b>Other Income</b>	
Application Fees	\$6,423
<b>Grants / Fellowships</b>	
Open Society Institute	\$195,250
New Orleans Police & Justice Foundation	\$58,747
Equal Justice Works / SPDTC PDC Fellows	\$49,219
<b>TOTAL OTHER INCOME</b>	<b>\$309,639</b>
<b>TOTAL REVENUE</b>	<b>\$6,510,127</b>

### EXPENDITURES

Salaries	\$4,148,901
Hospitalization Insurance	\$420,999
Payroll Taxes	\$325,211
Accrued Leave	\$59,520
Workers' Compensation	\$13,103
Malpractice Insurance	\$71,502
Auto/Physical Liability Insurance	\$8,057
Audit/Accounting Expense	\$27,856
Contract Clerical	\$4,162
Expert Witness	\$43,726
Capital Representation	\$109,178
Conflict Representation	\$295,197
Juvenile Representation	\$254,000
Building Lease/Rent	\$279,000
Office Repair and Maintenance	\$5,654
IT/Technical Support	\$68,700
Equipment Lease/Rent	\$8,426
Telephone/Postage/Internet	\$76,268
Office Supplies	\$41,946
Travel/Lodging/Per Diem/Mileage	\$35,367
Dues and Seminars - Training	\$43,281
Law Library/Journals/Subscriptions	\$27,044
Other Operating Expenses	\$141,487
<b>TOTAL EXPENDITURES</b>	<b>\$6,508,583</b>

<b>TOTAL 2012 REVENUE</b>	<b>\$6,510,127</b>
<b>TOTAL 2012 EXPENDITURES</b>	<b>\$6,508,583</b>
<b>NET INCOME (LOSS)</b>	<b>\$1,544</b>

# What do YOU fight for? and how you can get involved

Reach out to your representatives in **support** of OPD and public defense in New Orleans and statewide.

Become a **volunteer**.

Sign up for our **newsletter** to stay abreast of news and action alerts.

**Donate!** Your tax-deductible donation helps fund our indigent defense programs. What would your donation look like? An expert witness for a trial, another investigator to help put together a winning case, more social workers to fulfill the goal of helping our clients and their families lead successful lives.

Support our community partners. It takes a village to make **New Orleans** a happy, healthy, successful place for all our citizens, not just the ones financially able.

Visit our website for information on **OPD**, community resources, criminal justice system links and more.

[www.opdla.org](http://www.opdla.org)

Follow   Connect

Megan Faunce  
Special Projects Administrator



Thank you to all those who shared their stories and their reasons for fighting. Thanks to Megan and Lindsey for documenting.



Lindsey Hortenstine  
Director of Media and Communications



Orleans Public Defenders  
2601 Tulane Avenue, Suite 700  
New Orleans, LA 70119  
(504) 821-8101  
[www.opdla.org](http://www.opdla.org)

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