

655019

SEC. 27

JOSEPH ALLEN, STEVEN AYRES, ASHLEY HURLBURT , RORY KEVIN GATES, JAMES HOWARD, DEMARCUS MORROW, RODNEY WALLER, KEITH ARCEMENT, FREDERICK BELL, GENARO CRUZ GOMEZ, SAM YBARRA, MICHAEL CARTER, AND JAMES PARK, ON BEHALF OF THEMSELVES AND ALL OTHERS SIMILARLY SITUATED,

DOCKET NO.

19th JUDICIAL DISTRICT COURT

EAST BATON ROUGE PARISH

STATE OF LOUISIANA

Plaintiffs,

VS.

JOHN BEL EDWARDS IN HIS OFFICIAL CAPACITY AS GOVERNOR OF THE STATE OF LOUISIANA, ZITA JACKSON ANDRUS, CHRIS L. BOWMAN, FLOZELL DANIELS, JR., THOMAS D. DAVENPORT, JR., PATRICK J. FANNING, W. ROSS FOOTE, KATHERINE E. GILMER, MICHAEL C. GINART, JR., FRANK HOLTHAUS, DONALD W. NORTH, AND MOSES JUNIOR WILLIAMS, IN THEIR OFFICIAL CAPACITIES AS MEMBERS OF THE LOUISIANA PUBLIC DEFENDER BOARD; AND JAMES T. DIXON, JR., IN HIS OFFICIAL CAPACITY AS THE LOUISIANA STATE PUBLIC DEFENDER,

Defendants.

2050  
COST OK \$ 3000

FEB - 6 2017  
CL 6251536  
DEPUTY CLERK OF COURT  
CL 6251531

FILED: \_\_\_\_\_ DEPUTY CLERK

**VERIFIED PETITION FOR CLASS CERTIFICATION AND DECLARATORY AND INJUNCTIVE RELIEF**

Plaintiffs Joseph Allen, Steven Ayres, Ashley Hurlburt, Rory Kevin Gates, James Howard, Demarcus Morrow, Rodney Waller, Keith Arcement, Frederick Bell, Genaro Cruz Gomez, Sam Ybarra, Michael Carter, and James Park file this Verified Petition for Class Certification and Declaratory and Injunctive Relief against Defendant Governor Jon Bel Edwards, State Public Defender James T. Dixon, and the appointed members of the Louisiana Public Defender Board ("LPDB"), all in their official capacities.

EBR3977219

## SUMMARY OF LAWSUIT

1. In this class action lawsuit, Plaintiffs allege that the poor in Louisiana are denied access to effective and meaningful attorney representation when facing criminal charges and, therefore, do not stand “equal before the law.” Plaintiffs support their claim with admissions by the Louisiana Public Defender Board (“LPDB”) and State Public Defender and decades of findings, studies, and investigations by the Louisiana Supreme Court, the United States Department of Justice, social scientists, law professors, and government officials from both sides of the aisle describing the Louisiana public defense system alternatively as “in shambles,” “chronic[ally] underfunded,” “hopelessly underfunded,” “a systematic failure by any measure,” “on the verge of collapse,” “beyond the crisis stage,” “terrible,” and “abysmal.” On December 27, 2016, the Chief Justice of the Louisiana Supreme Court declared an “emergency shortfall” in public defense funding. Most recently, on January 31, 2017, the LPDB described its current “funding stream” as “inadequate, unreliable, and unstable” The same day, United States District Judge James J. Brady declared that it “is clear that the Louisiana legislature is failing miserably at upholding its obligation under *Gideon*. Budget shortages are no excuse to violate the United States Constitution.” Quoting Orleans Parish Criminal District Court Judge Arthur Hunter, Judge Brady went on to say that a criminal defendant’s “constitutional rights are not contingent upon budget demand, waiting lists, and failure of the legislature to adequately fund indigent defense.”

2. Plaintiffs also support their claim with their own stories. Each of them is indigent and facing charges which could, in most cases, lead to their imprisonment for years or decades. Each has had an attorney appointed to represent them in court, but the representation they are receiving fails to meet minimum constitutional or professional ethical standards by any measure. Many have never had a confidential meeting with their attorneys. Some have met their attorneys only in passing. None of the attorneys have spoken with their clients in a meaningful way about their defenses or the strength of the case against their client, identified and secured favorable witnesses and evidence, filed appropriate pretrial motions, or provided a voice for their clients in court. Many of them

