

LOUISIANA STANDARDS ON INDIGENT DEFENSE

CHAPTER 12

STANDARDS RELATING TO WORKLOAD FOR COUNSEL PROVIDING DEFENSE SERVICES TO INDIGENTS

Purpose and Scope of Standards. These standards provide recommended and aspirational guidelines for the consideration and use by district indigent defender boards in providing quality services to their indigent clients. The immediate attainment of these standards by a district indigent defender board is not a mandatory requirement for participation in the financial assistance programs of the Louisiana Indigent Defender Board. However, a district indigent defender board's assent to these standards, as goals to be immediately worked toward and to be achieved over time, is a requirement for such participation.

These standards are intended to supplement and in no way abrogate the Rules of Professional Conduct. Nor are these standards in any way intended to confer upon indigent defendants substantive rights beyond those recognized by the federal and state constitutions and enactments of the legislature.

These standards are intended to be used as a guide to professional conduct and performance. They are not intended to be used as criteria for the judicial evaluation of alleged misconduct of defense counsel to determine the validity of a conviction. They may or may not be relevant in such judicial evaluation, depending upon all the circumstances.

Part I. General Principles. The following standards shall guide district indigent defender boards in implementing and maintaining workload standards for staff, contract, and appointive counsel representing indigent clients.

Standard 12-1.1. Professional Obligations. Attorney workloads should be monitored and managed so that workloads, by reason of their excessive size, do not interfere with the rendering of quality representation or lead to the breach of professional obligations.

Standard 12-1.2. Determination of Workload. In determining maximum workload, district indigent defender boards and individual attorneys should consider, among other factors, quality of representation, speed of turnover of cases, percentage of cases tried, extent of support services available, court procedures, and involvement in complex litigation. Special consideration should be given to the workload created by representation in capital cases.

Part II. Caseload Standards. The following caseload ranges are intended to reflect maximum annual caseload limitations which district indigent defender boards and individual attorneys should strive over time to achieve. The range allows district indigent defender offices and individual attorneys to make specific assessments of workload.

Standard 12-2.1. Caseload Limitations. Considering the assessment of overall workload in keeping with the criteria above, the caseload of a staff, contract, or appointive counsel representing indigent defendants should not exceed the following ranges:

Capital Cases	3-5
Charges Carrying Automatic Life	15-25
Non-Capital Felonies	150-200
Misdemeanors	400-450
Traffic	400-450
Juvenile	200-250
Mental Health	200-250
Other Trial Cases	200-250
Capital Appeals	3-5
Non-Capital Felony Appeals	40-50

Standard 12-2.2. Caseload Calculations. For purposes of this standard, the term *case* means a single charge or set of charges concerning a defendant in one court in one proceeding. An appeal or other action for postjudgment review by a higher court is a separate case.