

FISCAL ANALYSIS OF NON-UNANIMOUS VERDICT REVIEW PANEL

LOCAL GOVERNMENT SERVICES

**A Report in Response to
House Resolution 243 of the
2025 Regular Session**

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December 22, 2025

**THE HONORABLE PHILLIP DEVILLIER
SPEAKER OF THE HOUSE OF REPRESENTATIVES**

Dear Speaker DeVillier:

In accordance with House Resolution (HR) No. 243 of the 2025 Regular Session, I am pleased to submit this report from the Office of the Legislative Auditor. This report provides a fiscal analysis of establishing and operating a sentencing review panel within the Department of Public Safety and Corrections for non-unanimous jury verdicts.

HR 243 directs our office to determine the potential costs associated with the proposed panel, including expenses for personnel, operations, and data analysis. In the following pages, you will find our analysis of these potential costs, based on the specific provisions outlined in the resolution.

This report is intended to provide objective financial information to assist the Legislature in its deliberations. We believe this analysis will be a helpful tool for making an informed decision regarding the establishment of a sentencing review panel.

My staff and I are available to discuss the findings of this report with you and other members of the Legislature at your convenience.

I hope this report will benefit you in your legislative decision-making process.

Respectfully submitted,



Michael J. "Mike" Waguespack, CPA
Louisiana Legislative Auditor

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HR 243 REG SESS 2025



INTRODUCTION

Basis for Reporting

House Resolution 243 of the 2025 Regular Session directed the Louisiana Legislative Auditor to analyze and determine the potential fiscal impact of establishing and operating a sentencing review panel within the Louisiana Department of Public Safety and Corrections. The purpose of this proposed panel would be to review convictions that resulted from non-unanimous jury verdicts prior to the legal requirement for unanimity (i.e., prior to January 1, 2019). This resolution requires the Louisiana Legislative Auditor to report its findings to the Speaker of the House by December 31, 2025.

Our report presents a fiscal analysis based on the specific components outlined in the resolution, including potential costs for personnel, operations, and data analysis. To prepare this analysis, our office consulted with the following individuals and organizations:

- Louisiana Department of Public Safety and Corrections
- Louisiana Division of Administration
- Louisiana Department of State Civil Service
- Department of Justice, Office of the Attorney General
- Louisiana Supreme Court
- Louisiana State Public Defender's Office
- East Baton Rouge Parish Clerk of Court
- Louisiana District Attorneys Association
- Louisiana Clerks of Court Association
- The Promise of Justice Initiative

SUMMARY OF ESTIMATED FISCAL IMPACT

Based on our analysis, the total fiscal impact of establishing the sentencing review panel will largely depend on the staffing model chosen. The table below presents the estimated fiscal impact for one work year based on two primary staffing scenarios [hiring full-time staff or hiring While Actually Employed (WAE) staff] and includes quantifiable operational expenses. Costs for certain additional related items such as data retrieval were not included, as they are indeterminable. These costs will depend on the volume of cases reviewed, the nature of the required review, and the specific needs of the panel.

In addition, the table below presents a third option, contracting for external legal services. This third model appears to be the most expensive staffing model. The partial low-end estimate for only the attorneys and paralegals under this model exceeds \$2.5 million annually.

TABLE 1: SUMMARY OF COSTS

Cost Category	Low Estimate	Average Estimate	High Estimate
Staffing Option A ¹ (Full-Time Employees)	\$833,000	\$1,336,650	\$1,840,300
Staffing Option B ¹ (WAE - No Benefits)	574,500	921,850	1,269,200
Plus: Operational Expenses ² (IT & Software)	45,888	53,412	60,936
Total (with Full-Time Staff)	\$878,888	\$1,390,062	\$1,901,236
Total (with WAE Staff)	\$620,388	\$975,262	\$1,330,136
Staffing Option C ¹ (Contracting for External Legal Services)	\$2,516,800	\$3,608,800	\$4,700,800

¹ Detailed staffing expense assumptions and calculations are provided in Section 1, beginning on page 4 of this report.

² Operational expenses are identical for Options A and B. Detailed operation expense assumptions and calculations are provided in Section 2 on page 6 of this report.

DETAILED ESTIMATED FISCAL IMPACT

This section provides a detailed breakdown of the estimated costs to establish and operate the sentencing review panel for the one-year mandated timeframe, as specified in HR 243. This section is comprised of (1) Salaries for 12 Panel Members; (2) Operational Expenses; and (3) Additional Related Costs.

(1) Salaries for 12 Panel Members

We analyzed three primary options for staffing the panel:

- A. Hiring full-time staff**
- B. Hiring While Actually Employed (WAE) staff**
- C. Contracting for external legal services**

Note: Due to uncertainties regarding the number of cases to be reviewed (various sources have reported 800 to 1,600 potential cases); the exact nature of the work to be performed; and potential difficulties in staffing a temporary panel, we were unable to provide an exact cost estimate for the proposed panel. However, in order to illustrate potential costs, we calculated staffing costs based on the **assumption that each panel member will work a standard 2,080-hour year in order to complete the review.**

Option A: Hiring Full-Time Staff

This option assumes all 12 panel members are hired as state employees. Based on pay grade information provided by Louisiana State Civil Service, the estimated annual cost for salaries and benefits ranges from **\$833,000 to \$1,840,300**, with an **average estimated cost of \$1,336,650**. This includes a **45% allocation for employee benefits**.

TABLE 2: COST OF HIRING FULL-TIME STAFF

Position	Count	Annual Salary Range	Midpoint
Attorney Supervisor	1	\$69,000 to \$135,400	\$102,200
Attorney	5	246,000 to 632,700	439,350
Data Analyst	1	60,300 to 118,300	89,300
Investigator	1	46,000 to 90,200	68,100
Paralegal	2	80,300 to 157,600	118,950
Administrative Staff	1	40,100 to 78,800	59,450
Administrative Staff	1	32,800 to 56,200	44,500
Subtotal (Salaries)	12	\$574,500 to \$1,269,200	\$921,850
Estimated Benefits (45%)		\$258,500 to \$571,100	\$414,800
Total Estimated Cost	12	\$833,000 to \$1,840,300	\$1,336,650

Option B: Hiring While Actually Employed (WAE) Staff

This option assumes all 12 panel members are hired using WAE appointments³. Based on information from Louisiana State Civil Service, WAE staff are subject to the same pay grades as full-time employees but are not eligible for state benefits. Based on pay grade information provided by Louisiana State Civil Service, the estimated annual cost for WAE salaries ranges from **\$574,500 to \$1,269,200**, with an **average estimated cost of \$921,850**.

TABLE 3: COST OF HIRING WAE STAFF⁴

Position	Count	Annual Salary Range	Midpoint
Attorney Supervisor	1	\$69,000 to \$135,400	\$102,200
Attorney	5	246,000 to \$632,700	439,350
Data Analyst	1	60,300 to \$118,300	89,300
Investigator	1	46,000 to \$90,200	68,100
Paralegal	2	80,300 to \$157,600	118,950
Administrative Staff	1	40,100 to \$78,800	59,450
Administrative Staff	1	32,800 to \$56,200	44,500
Total (Salaries)	12	\$574,500 to \$1,269,200	\$921,850

Note: Under state civil service rules, WAE appointees are generally restricted to a maximum of 1,245 work hours within a 12-month period without Louisiana State Civil Service approval, which is equivalent to approximately 60% of a standard full-time position. Consequently, if the duties outlined in HR 243 require a full-time workload from each panel member (2,080 per year per member), this hourly limitation would either necessitate a turnover in personnel mid-term or approval from Louisiana State Civil Service for additional hours to complete the required work.

Option C: Contracting for External Legal Services

This option assumes the Department contracts with external law firms and professional service providers to perform the duties outlined in HR 243. The most reliable data for this scenario comes from the **Department of Justice, Office of the Attorney General**, which provided approved maximum rates for attorneys and paralegals.

Total cost for all 12 positions cannot be fully determined due to a lack of data regarding contractor rates for all positions. However, based on the estimated annual cost for contracting only the six attorneys and two paralegals, costs range from **\$2,516,800 to \$4,700,800** with an **average estimated cost of \$3,608,800**.

³ Louisiana *Civil Service Rule 23.6* states, in part, that a classified WAE appointment is a temporary appointment of an employee to fill a position in the classified service for a limited period of time and hours in order to address filling the position in a regular manner, or to address an emergency or work overload situation. While these positions may be filled by anyone, they are most often filled by new employees or retirees.

⁴ WAE appointees receive the same hourly pay rates as full-time staff, but they are not eligible for employee benefits. Therefore, the costs presented for this staffing option reflect only the salary portion of hiring staff.

TABLE 4: COST OF CONTRACTING FOR SERVICES

Position	Count	Annual Fee Range	Midpoint
Attorney (\$175/hr. to \$350/hr.)	6	\$2,184,000 to \$4,368,000	\$3,276,000
Paralegal (\$80/hr.)	2	332,800	332,800
Total (Legal Services Only)	8	\$2,516,800 to \$4,700,800	\$3,608,800

(2) Operational Expenses

This section outlines the estimated costs for equipment, software, and other resources necessary for the panel's day-to-day operations.

Note: For the purposes of this report, it is assumed that any operational needs not specifically listed in this section (e.g., office space, utilities, furniture) can be absorbed by the Department of Public Safety and Corrections using its existing resources. Therefore, no additional costs have been estimated for these items.

Information Technology (IT) Equipment

The IT-related equipment for this panel is estimated to cost **\$30,720**. This estimate covers the cost of providing each of the 12 panel members with a laptop and the necessary accessories for their work.

TABLE 5: COST OF IT EQUIPMENT

Item	Cost per Unit	Quantity	Total Estimated Cost
Laptop Computer (with 5-year warranty)	\$2,000	12	\$24,000
Dual Monitors	\$310	12	3,720
Docking Station	\$200	12	2,400
External Keyboard & Mouse	\$50	12	600
Total Estimated IT Equipment Cost			\$30,720

Note: The Department of Public Safety and Corrections may be able to acquire this equipment at a reduced cost through interagency transfers or state surplus programs.

Software Licensing

The software for this panel is estimated to cost between **\$15,168 and \$30,216**, with an **average estimated cost of \$22,692**. This estimate covers essential software for legal research; word processing and data analysis; and document management for all 12 panel members for one year.

TABLE 6: COST OF SOFTWARE LICENSING

Item	Basis of Estimate	Annual Estimated Cost Range
Legal Research Platform	Based on pricing for six attorney licenses for a legal research platform (plan for governments)	\$6,048 to \$21,096
Productivity Suite	\$480 per license for 12 users	5,760
PDF Software	\$280 per license for 12 users	3,360
Total Estimated Software Cost		\$15,168 to \$30,216

Note: The cost for the legal research platform is presented as a range due to uncertainty in final pricing. Costs will fluctuate based on types of plans purchased.

(3) Additional Related Costs

This section addresses expenses related to the panel's core mandate of reviewing case files and sentencing data for offenses prior to January 1, 2019, and making conclusions regarding pardon or commutation eligibility. The primary costs associated with HR 243 are expected to be personnel costs (Section 1). However, additional costs may be incurred for such items as the retrieval of official records, travel, and professional service fees.

Record Retrieval Fees

The panel may incur costs from various parish Clerks of Court for obtaining records related to the cases being reviewed. News articles and legislative testimony indicate that between approximately **800 and 1,600 individuals may be eligible to have their cases reviewed by the panel**. While Louisiana statutes allow clerks to charge fees for the production of documents, a reliable total cost for record retrieval could not be determined due to unknown factors, including the total number of cases to be reviewed and the amount of documentation needed for the review of each case.

Travel Costs for Panel Members

The panel may incur travel costs for its members. An estimate for these costs **could not be determined** as they are dependent upon unknown factors, including: the total number of trips required for obtaining records and case investigation and interviews; the destinations for travel, which will determine the mode of transportation and associated costs (e.g., mileage reimbursement, airfare); and the duration of each trip, which dictates total costs for lodging and per diem expenses.

Expert Consultation Fees

The panel may require specialized expert services to address complex legal or data analysis issues. An estimate for these fees **could not be determined** as they are dependent on unknown, case-specific needs, such as the number of cases with complex technical issues that require external expertise.