

HOW OVERWORKED AND UNDERPAID PUBLIC DEFENDERS

CONTRIBUTE TO AN UNFAIR JUSTICE SYSTEM

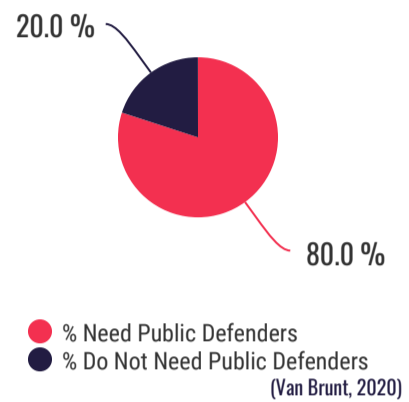
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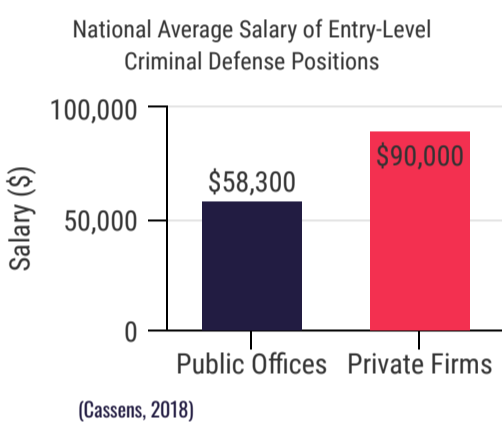
PUBLIC DEFENDERS: WHO THEY ARE AND WHAT THEY DO

Public defenders are an integral part of the United States Justice System. They are appointed by the courts to represent those who cannot afford an attorney. The language of the Constitution states that all criminal defendants have the right to an "assistance of counsel" ("Sixth") meaning all are allowed an attorney, but those who could not afford legal aid would have to forego it. The 1963 landmark Supreme Court case *Gideon v. Wainwright* (Freedman, 2005) changed precedent and entitled every defendant to an attorney, meaning the government would provide them with counsel if they could not do so for themselves.

PERCENTAGE BREAKDOWN OF CRIMINAL DEFENDANTS' NEED FOR PUBLIC DEFENDERS



THE STATE OF COURT APPOINTED ATTORNEYS



The majority of public defenders are funded at a local level, through state or county budgets. Most public defenders work for a public defender office, however it is not uncommon in rural areas for public defenders to be individually appointed (Federal, 2020). Public defender offices are severely understaffed and underfunded and **public defenders make a significantly lower salary than private attorneys** (Nunn 1995). They also have a much heavier caseload, sometimes reaching hundreds of cases per week.

PUTTING A SPOTLIGHT ON THE PROBLEM

There are serious ramifications for the lack of resources in the public defender system. Those already disadvantaged by the justice system are particularly vulnerable to issues that come with an understaffed and underfunded public defender system. **People of color and the poor are more likely to need public defenders and are therefore subjected disproportionately to representation that can be inadequate** (Laughland, 2016).



THE PROBLEM: WHAT'S BROKEN



Understaffed offices lead to an overburdened caseload for lawyers, and contributes to an excessive use of plea bargaining. Plea bargaining allows public defenders to lighten their caseload and spend more time on other cases they feel require more attention. Plea bargaining is not inherently problematic, but can be used as a way to get through cases faster oftentimes resulting in a defendant pleading guilty to a crime they did not commit or receiving a heavier sentence than what they would have if they had gone to trial (Lynch 2011).

MYTHS AND MISCONCEPTIONS: KNOW WHAT YOU DONT KNOW

Many people are not aware there are major lapses in funding and resources for public defenders. Reforming public defender systems is often not a priority for lawmakers who are hesitant to take a firm stance on criminal justice reform. There is also a severe deficiency in research on this issue, contributing to a lack of public attention (Fabelo, 2001).



RAMMIFICATIONS

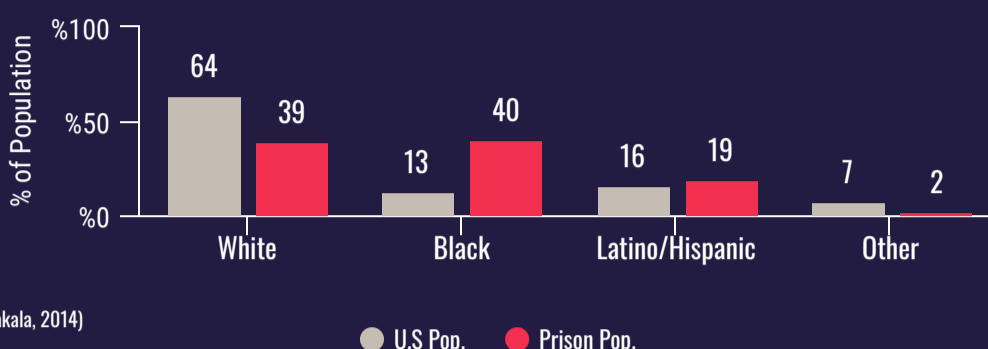
The poor and people of color are already institutionally marginalized, and since they make up the majority of people who use public defense services they face additional hardships like unfair trials, long wait times, and pressure to use plea bargains.

Public defenders want to represent their clients to the best of their ability but lack the resources, support, and time to do so.

A public defender in Florida reported a caseload of 500 felonies and 2,225 misdemeanors. (Van Brunt, 2015)



% Incarcerated vs. % of US Population by Race



(Sakala, 2014)

● U.S. Pop. ● Prison Pop.



THE PROBLEM: HOW TO FIX IT

A seemingly simple and important aspect of the solution for the unjust nature of an understaffed and underfunded public defender system is to **allocate more funding and resources to the states to use in their public defender offices (Ogletree, 1995)**. This could be achieved through grants or loans from the federal government. An increase in funding would allow offices to give their attorneys more resources to properly research each case. It would also allow the offices to hire more attorneys for a competitive salary that would lighten their caseloads, and allow them to spend more time per case. This would take the burden off of attorneys and allow them to represent their clients to the best of their ability.

“In all criminal prosecutions, the accused shall enjoy the right... to have the assistance of counsel for his defense.” -The Sixth Amendment of the United States Constitution

This issue also needs to be addressed by the public. Many politicians are weary of supporting measures to improve the public defender system, as it could make them appear “soft” on crime. However, if the public was properly informed through public service campaigns and media coverage on the injustices occurring due to the dysfunctional public defender system they could use the power of their vote to pressure their policy-makers in to making public defense reform a priority. **Structural reform is necessary if this problem is to be properly remedied.**

THINKING TO THE FUTURE: WHAT COULD CHANGE?

If these adjustments were implemented and this issue was discussed, it would be a powerful step in reforming the very broken justice system that does not function properly for millions of Americans. A defendant should not have to plead guilty to a crime they did not commit because their lawyer does not have enough time to review their case. An attorney should not be underpaid and overworked just because they work in public defense rather than private.



A JUST SYSTEM

CRIMINAL JUSTICE REFORM CAN START **HERE.**

DEFENDANTS AND THEIR DEFENSE DESERVE THE FUNDING AND RESOURCES NECESSARY TO UPHOLD A **FAIR AND JUST JUDICIAL SYSTEM.**

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