

## An inadequate defense

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New York State has a chance to repair a broken public legal defense system that denies poor people their right to effective legal representation. The Assembly should pass a bill that would begin to address this crisis.

The right to a proper defense was laid out in the landmark 1963 case *Gideon v. Wainwright*. Then, the Supreme Court ruled that in criminal prosecutions, a defendant has a right to effective legal counsel and that the state must provide a lawyer for those who cannot afford one. In other words, wealthy defendants with private attorneys are not the only individuals entitled to due process.

Yet decades after that ruling, our public defense system is failing the poor and violating constitutional standards. A 2006 commission on indigent defense services in New York found a litany of issues—among them, public defenders burdened with towering caseloads and without investigatory resources, bare minimum contact between lawyers and defendants, and high rates of guilty pleas versus low rates of contesting charges.

Poor people who stand accused pay the price for an inadequate or incompetent defense. With the poverty rates among Latinos and African-Americans, it is these same communities that are disproportionately affected by a broken system.

A bill in the Assembly would address fundamental problems—the grossly under-funded mandate of public defense and the absence of statewide standards.

The bill would create a commission that would eventually oversee and administer public defense services in the state. The commission would establish a services and standards that meet constitutional mandates and that are fiscally responsible.

A system that penalizes poor people before they even get to have their day in court cannot remain the status quo. We urge the Assembly to approve this bill and the Senate to move quickly, if and when it gets its act together.