



**The Fortune Society**  
David Rothenberg Center for Public Policy  
*Building People, Not Prisons*

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### **Memorandum in Support of A.8793/S.6002 The Public Defense Act of 2009**

**The Fortune Society supports the passage of bill A.8793/S.6002, The Public Defense Act of 2009, as well as the establishment of the Independent Public Defense Commission proposed within this bill.** Under bill A.8793/S.6002, the Commission is charged with developing policies, procedures and standards for the delivery of public defense services. It will also have the ability to enforce those standards statewide and put an end to the inequities that exist from county to county, effectively causing the process of eligibility for public defense services to be much more fluid, consistent and accurate. Proper defense services permit individuals to begin their paths to reintegration from within an organized and informed system that recognizes their needs and more efficiently support successful reentry.

The Public Defense Act of 2009 (A.8793/S.6002) mandates that public defense services must be overseen by an independent governing body that avoids fiscal, professional, and political conflicts of interest. This independence is significant because the nominees for the 13-member commission will be selected from various pools which include the Judiciary, the majority and minority leaders of the two legislative houses, and non-profit entities such as bar associations that have expertise in the justice system. This structure, along with the requirement for the Commission to protect clients' confidential records, will help pave the way to a fairer criminal justice system.

The Fortune Society has a long and active history of collaborating with advocates, experts in the field and government entities to develop sound reentry programming and services, as well as alternatives to incarceration. This is a policy that not only reduces taxpayer costs significantly, it also saves lives. The phase-in period provided in this bill will similarly allow the state to withstand the current economic downturn by not increasing expenditure (initial funding for the Commission is to come from the existing Indigent Legal Services Fund). This will avoid any delays in the implementation of this momentous public defense reform.

The Fortune Society supports The Public Defense Act of 2009 (A.8793/S.6002).