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Reforming The Public Defender System – OpEd

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By Abigail Ruppert

You have the right to an attorney. If you cannot afford an attorney, one will be provided for you. These are basic rights that are provided to you under the [6th Amendment](#) of the United States Constitution. If you are in need of an attorney, the one that will be provided to you will most likely be a public defender.

Public defenders are lawyers employed by the government to provide legal representation to those who cannot afford it. They hold a very important role in the legal system because they ensure equity for people and help them during a pivotal moment in their lives.

Considering that life is unpredictable, one never knows if their friends and family might end up charged with a crime after a simple mistake or misunderstanding. According to the American Civil

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Liberties Union, "An estimate of one in three Americans will be arrested by the age of 23."

If you were arrested, the first thing that you would likely do is call a lawyer. However, if you do not have the funding for a lawyer and need a public defender, you have to take a different route to obtain legal representation. You have to wait until your first court date, and during that time, you then request a public defender. You will only be granted a public defender if your charge could result in jail time and if your income aligns with the poverty guidelines of the

jurisdiction that you are in.

Public defenders provide legal representation for people who cannot afford representation. They provide fairness in the judicial system for people who are facing charges but cannot afford a lawyer.

According to the United States Department of Justice, "Approximately 66% of felony federal defendants and 82% of felony defendants in large state courts were represented by public defenders or assigned **counsel**." This means more than half of the people who are in jail awaiting trial are relying on these services to provide them legal representation. However, despite the number of people that need public defenders, defenders' offices tend to be understaffed, leading to these services being overwhelmed.

Search for The New York Times reported on one public defender and the number of cases that he was responsible for. They stated that "Mr. Talaska would have needed almost 10,000 hours, or five work-years, to handle the 194 active felony cases he had as of that April day, not to mention the dozens more he would be assigned that **year**."

The amount of cases assigned to these defense lawyers makes it so that they cannot spend sufficient time on each case. It is said that a public defender in New Orleans will only spend around seven **minutes** on the average defendant's case,

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which is not enough time to be able to properly represent someone or learn enough about their case to make them the best arguments in the case.

There is no simple solution to this criminal defense funding problem and no simple way to solve it. The ideal outcome would involve regulations requiring that public defenders only be assigned a certain number of cases at a time so people will be given a chance to be properly represented. However, it would be difficult to limit the number of defendants' cases because there are so many indigent defendants and public defenders are in such high demand so it is best to take an approach of trying to encourage more aspiring lawyers to join the public defense field.

Currently, there is a program that allows for debt to be forgiven for those who enter jobs that are public service roles. One of those roles includes Public Defenders, but **Forbes** states that in 2021, 98% of applicants were rejected from the program for eligibility reasons. Furthermore, the program does not apply for private loans, which a number of people take out due to public loans not covering all of the expenses. This makes it so those who were interested in joining a public defense role may change their career path due to needing to pay off debt. Although the program has good intentions, there are flaws that make it not accessible for everyone.

Another major issue with the program is that for forgiveness, it takes 10 years and 120 minimum **payments**, which many people do not want to hold debt for that long, when they can just get a higher-paying job to pay the debt off faster. One solution would be to allow **partial** forgiveness so people do not have to commit to 10 years of work in a public service role. Allowing partial

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forgiveness after 5 years may attract more people towards a public service role since they have to commit less of their time.

According to [Harvard Law Review](#), the simple increase of funding towards these public defense systems would improve the number of law students who would want to enter these fields and even increase the school's encouragement for students to join public defense offices. By increasing the number of public defenders, it will decrease the improper representations and intense caseloads, making the system fairer.

Overall, public defenders serve an extremely important role in society, but often they are not able to do their best in that role because they are overwhelmed by the number of cases they handle simultaneously. This issue significantly impacts equity for indigent defendants and has real-life impacts for the accused.

Abigail Ruppert

Abigail Ruppert is a student at the University of Virginia and currently an Intern at the High Atlas Foundation in Marrakech, Morocco.

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