



## VOICE Public Defender's Office Issue Brief Fall 2019

**Right to Counsel:** The Virginia and US constitution guarantee persons a right to competent legal counsel when the stakes are high. In Prince William County, if you are charged with a crime, for which you may be sent to jail, you have the right to have an attorney represent you, whether rich or poor.

**Prince William County:** PWC uses a 'court-appointed' attorney system of legal representation for persons too poor to hire a private attorney (indigent). If the court determines the accused is indigent, the court appoints counsel to represent the accused from a list of attorneys practicing before the court.

**Overloaded and Unfair System:** Court-Appointed attorneys are paid a small fixed fee per case. Many do not specialize in criminal defense and handle large caseloads to compensate for the small fee. This often leads to little more than token/poor representation and poorer outcomes for the accused.

**Virginia Public Defender Offices:** were first established in Virginia in the mid-1970's. Since that time, the system has grown and today there are 25 Public Defender Offices serving 54 jurisdictions throughout the state. Public Defender [PD] offices provide their attorneys with training, supervision and resources at a level that is unavailable to most attorneys in private practice who do court-appointed work.

**Specialization-** PD attorneys are highly specialized with their entire practices devoted to criminal defense.

**Training-** PD attorneys receive constant high-quality training specifically designed for criminal defense, including appellate advocacy and additional training is provided throughout the year on a variety of topics including juvenile representation. Chief Public Defenders are tasked with overseeing in-house training.

**Supervision-** Each PD office has a Chief Public Defender and additional supervising attorneys. These experienced lawyers provide supervision, mentoring, performance management and support. They also provide accountability as clients or family members can contact a supervising attorney if they have questions or concerns. PD offices have Appellate Supervisors to review for quality/technical compliance.

**Resources-** PD offices are staffed with investigators (conduct fact investigations and locate/interview witnesses) and at least one mitigation specialist (assist in developing sentencing mitigation and in locating treatment and other services for clients). PD attorneys have access to online legal research and routinely employ volunteer law student interns who provide additional legal research and writing assistance.

**Establishing a Public Defender Office -** Virginia Code §19.2- 163.04 must be amended to include PWC. The Indigent Defense Commission must be allocated the funds by from the Governor's budget and/or having the PWC state legislators to offer a bill to amend the Code and request funding.

**Projected Costs to Establish a Prince William Office-** The annual cost of establishing and maintaining a public defender office in Prince William County would be approximately \$2.7 million dollars.

**Local Supplements-** PWC may provide local salary supplements to a PD office. Supplements are vital, particularly in NoVA, to attracting and retaining high performing employees. There are currently 3 public defender offices in NoVA (Alexandria, Fairfax and Arlington) that provide salary supplements to their PD offices. Arlington provides a flat 15% salary supplement for each office employee. For the proposed PWC PD office this would equate to a local annual supplement of approximately \$295,000.