

## Justice's welcome push to improve legal counsel for poor defendants

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THEY ARE common stories by now: The court-appointed defense lawyer who falls asleep during a client's murder trial. The beleaguered big-city public defender who barely has a chance to scan a client's file as she rushes from courtroom to courtroom, laboring under a crushing caseload.

Ever since the [Supreme Court's decision](#) in *Gideon v. Wainwright*, poor defendants have had the right to appointed counsel if they could not afford to hire a lawyer on their own. But in the 47 years since that landmark ruling, the promise of justice has in many ways been gutted by indifference and financial neglect. Prosecutors, who butt heads with defense lawyers every day, are often the first to acknowledge that the justice system cannot function -- and that legitimate convictions are imperiled -- if those who may lose their freedom do not enjoy robust representation .

So it is welcome news that the nation's chief law enforcement officer, [Attorney General Eric H. Holder Jr., has launched an initiative to improve legal services to poor defendants across the country](#). A mark of Mr. Holder's seriousness is the hiring of Laurence H. Tribe, a Harvard law school professor, in the new role of senior counsel for "access to justice."

Mr. Tribe need not start from scratch . The [National Right to Counsel Committee](#), which is part of the nonprofit Constitution Project, produced an [excellent report in 2009 detailing the failings of the indigent defense system](#). The group offered some [20 recommendations on how legal services for the poor could be improved](#). Among them: creation of statewide independent public defenders offices and establishment of statewide oversight commissions to ensure defendants in all parts of the state are competently represented.

Money is always an issue. Public defender offices are generally poorly funded, and lawyers are paid meager wages that often pale in comparison to the salaries earned by prosecutors. This gap must be narrowed to attract and retain talented lawyers. The Justice Department cannot force such changes on the states, but it can provide incentives to states that adopt best practices and it can help states improve the quality of indigent defense through training and other means.