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## ACLU Files Class-Action Lawsuit Against Pittsburgh Public Defenders for Failing to Counsel the Poor (9/18/1996)

### FOR IMMEDIATE RELEASE

PITTSBURGH -- In a major case seeking to protect the constitutional rights of poor criminal defendants, the American Civil Liberties Union and its Pittsburgh chapter today filed a class-action lawsuit against Allegheny County for failing to provide adequate legal representation to its indigent clients.

The class-action suit charges that Allegheny County, which covers Pittsburgh and surrounding towns, has let its Public Defender program deteriorate to the point where defendants are being deprived of their basic right to counsel guaranteed by the Constitution's Sixth and Fourteenth Amendments, as well as by the state's constitution and laws.

The case is being filed at a time when public defender systems nationwide are seeing their budgets slashed amid a general hostility toward the rights of poor Americans, according to the ACLU. The budget for Allegheny County public defenders, for example, was slashed by about one-third in 1996.

"The right to effective counsel is at the heart of our criminal justice system," said Vic Walczak, director of the Pittsburgh chapter of the ACLU. "That right means more than having a warm body sit next to you. It means having a lawyer who has the time and the resources to properly defend you."

According to the complaint filed in Allegheny County Court of Common Pleas, public defenders have seen their caseloads skyrocket to unmanageable levels, the number of trained staff dwindle, support staff and basic resources diminished, and long-standing systemic problems exacerbated.

The ACLU's complaint cites several dozen deficiencies ranging from the inability of public defenders to meet with clients at critical stages of their case, to the total absence of law books, fax machines and copiers at some facilities. It is not unusual for a criminal defendants to go before a judge having only

**Criminal Justice:**  
 The Bill of Rights protect all Americans, including suspects, defendants, offenders and prisoners, from governmental abuse of power. The 4th, 5th, 6th, 8th and 14th Amendments guarantee against unreasonable search and seizure, and the right to reasonable bail, due process of law and to be free from cruel and unusual treatment. These rights are indispensable to a free society and something the ACLU advocates for in the court system.



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met with their public defender for a few minutes.

The complaint also cites a large disparity between the amount of money spent on public defenders and the county's prosecutorial services. The District Attorney's office, which sustained budget cuts of only 2.2 percent in 1996, had a budget approximately three times the size of the public defender program.

"The legal system works only when the scales of justice are balanced," said Robin Dahlberg, staff attorney with the national ACLU. "But in Allegheny County, the scales are tipped heavily in the prosecution's favor. Indigent criminal defendants should be able to exercise the same constitutional right to effective counsel that are guaranteed to all Americans."

The lawsuit is being brought on behalf of three indigent defendants, including a mentally disabled homeless man and a juvenile girl, but will cover everyone affected by the county's failure to provide adequate counsel. The five defendants named in the lawsuit are the Allegheny County Salary Board; County Commissioners Lawrence Dunn, Bob Crammer and Michael Dawida; and chief Public Defender Kevin Sasinoski.

Around the country, public defender programs are also seeing burgeoning caseloads and shrinking budgets, leading many legal and criminal justice observers, including the American Bar Association, to call the situation a national "crisis of extraordinary proportions."

According to some of the latest numbers released by the Bureau of Justice Statistics, the average cost for each indigent defense case nationwide during 1986 hovered below \$250 -- barely enough to cover the cost of blood tests, let alone expert witnesses, legal research or attorney fees.

In some states, including Connecticut, Illinois, Indiana, Minnesota and Mississippi, the public defender system is so inadequate that the state has been sued. In Connecticut, which is also the subject of an ACLU class-action challenge, the average caseload per attorney is three times higher than the recommended standards. (The only other class-action challenge of this kind is being brought in Fulton County, Georgia.)

The rights of poor Americans also sustained a devastating hit this April when Congress slashed funding for the Legal Services Corporation by one-third. In addition the agency, which delivers legal services to the poor nationwide, may no

longer bring class-action lawsuits or participate in welfare reform litigation.

"By bringing this case, we are hoping not only to address the problems of the Allegheny County public defender program," Walczak said. "We want to send a message to other states and localities that they must honor their constitutional obligations, even to poor people."

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