



Public Defender Reforms Vital to State Justice System

JEFFERSON CITY — A solution to reconcile the current crisis that exists within the public defender system in Missouri due to a backlog of cases and shortage of resources is advancing through the General Assembly, with its passage very vital to ensuring a more expedient administration of justice in our state.

Earlier this month, the Senate resoundingly approved [Senate Bill 37](#), which seeks to establish maximum caseload limits for public defenders and to allow the Public Defender Commission to contract cases to private attorneys or place defendants on a waiting list for a state attorney when that public defender caseload threshold is met. Before the public defender system was created in 1989, all indigent defendants were represented by contract attorneys.

Senate Bill 37 would create more flexibility and efficiency in the public defender system and would protect Missouri from the possible outcome of a pending U.S. Supreme Court case. Currently, the U.S. Supreme Court is considering a case in which it may deem that a person's right to a speedy trial — as guaranteed by the Constitution — is denied if that state's public defender system is lacking adequate resources to move a case to trial. If this happens, we could see droves of criminal defendants released back into our communities without ever going to trial. This would be a frightening prospect for all law-abiding citizens.

Another component of Senate Bill 37 seeks to remove the requirement that public defenders represent some people facing lesser charges. In fiscal year 2008, the state's public defender system — consisting of about 500 attorneys — provided legal counsel in more than 26,000 misdemeanor cases — many of which did not result in jail time for defendants.

The current staffing shortage in the public defender system is preventing the guilty from being incarcerated in a timely manner, preventing the innocent from being swiftly exonerated, and causing the victims of crimes to continue to endure the distress of that crime for far too long. With the Missouri state budget now under immense pressure, we must await a better budget year to significantly increase funding for the public defender system. However, we can make vital reforms to the system's structure now to ensure our state meets the obligations of justice for its citizens. I am pleased my colleagues in the Senate recognized the importance of this bill and took the necessary action and I urge members of the House, where the bill is now being considered, to do the same.

If you have comments or questions about this week's column or any other matter involving state government, please do not hesitate to contact me. You can reach my office by phone at (866) 271-2844.

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