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"How will [a government] be able to avoid a frequent sacrifice of its engagements to immediate necessity? How can it undertake or execute any liberal or enlarged plans of public good?"

THE FEDERALIST NO. 30 (Alexander Hamilton)

Honorable Justices:

I write in support of the proposed changes to the Standards for Indigent Defense. I urge the Court to adopt the standards as proposed by the Council on Public Defense. I left high-technical legal fields to become a public defender because *all* are entitled to a defense not just the fortunate. I work alongside numerous high-achieving, hard-working, intelligent public defenders. As a public defender, I have managed cases that required hundreds, if not thousands of hours of work, due to thousands of pages of discovery and hundreds of gigabytes of electronic files. I understand the amount of work that a complex criminal case demands and that most cases are complex.

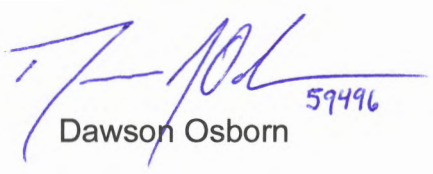
My goal is to provide an excellent defense to every client no matter the charge, but my time in public defense demonstrated that there are simply not enough hours in a day to defend, competently and effectively, the never-ending stream of clients. Public defenders are forced to triage. We are forced to simplify cases to reach resolutions. The current Standards amount to Court-sanctioned ineffective assistance of counsel. Being able to review the complete discovery in a criminal case, to fully investigate, to prepare a defense, and to communicate with all clients should be the bare minimum, not a luxury.

The term "normal accidents" was coined in the 1980s following the Three Mile Island accident. Normal accidents are catastrophes that are expected to occur despite efforts to avoid them where a system is complex, tightly coupled, or has catastrophic potential. Our public defense system satisfies all three of these conditions. The current Standards saddle public defenders with numerous extremely complex cases where, due to the confidentiality requirements of defense work, the attorney must work with and rely on a limited number of similarly overburdened investigators and support staff. The potential for extreme harm is apparent: clients spending unnecessary time in jail wrongfully accused or wrongfully convicted. With the current Standards, these avoidable tragedies become normal. The current Standards undermine the adversarial process and all but guarantee

that human beings will suffer. These human beings are our neighbors, our family members, and our friends. These human beings deserve more than triage and simplification.

Most responses, both for and against the proposed changes, recognize this crisis. However, those against the proposed changes almost unanimously decry the lack of State funding. Their concerns are not unfounded, but their grievances are directed to the wrong branch of government as the Court does not hold the power of the purse. The right to effective assistance of counsel is a guarantee not a contingency. I ask the Court to not sacrifice these Constitutional guarantees for the claimed immediate necessity of funding.

Sincerely,



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