During the 40th anniversary year of the U.S. Supreme Court’s decision in *Gideon v. Wainwright*, the American Bar Association’s Standing Committee on Legal Aid and Indigent Defendants (ABA SCLAID) in 2003 held a series of public hearings to examine the implementation of the right to counsel in state court proceedings for poor persons accused of crimes. In January 2005, ABA SCLAID published its final report based on the testimony provided at the hearings, entitled “*Gideon’s Broken Promise: America’s Continuing Quest for Equal Justice.*” This information sheet contains a short summary of the “Problems in Indigent Defense” in Nebraska that were reported by one of the hearing witnesses. For the complete information regarding each of the statements listed below (including references to hearing transcripts, reports, and other supporting materials), please see “*Gideon’s Broken Promise: America’s Continuing Quest for Equal Justice,*” available at http://www.indigentdefense.org/brokenpromise.

**Problems in Indigent Defense**

The following problems were reported by the hearing witness:

- Varying levels of local funding for indigent defense have led to disparities in the quality of representation throughout the state of Nebraska. Further, a lack of statewide oversight and structure also contributes to the hodgepodge of local indigent defense systems that are unsupervised and vary greatly in their effectiveness. Consequently, the measure of justice received by an indigent defendant may depend more upon location than the actual merits of a case.

- Oftentimes, caseloads in Nebraska far exceed national standards, making it impossible for even the most industrious of attorneys to deliver effective representation in all cases. In one county, the elected chief public defender and deputy public defender handled 1,200 cases during the year, including felonies, misdemeanors, child support contempt cases, and juvenile cases of all types. After being assigned to a capital case, the chief defender asked the county board five times for additional lawyers and funding, yet was refused each time. Ultimately, the chief defender and his deputy began filing motions to withdraw from all new cases in which the office was being appointed. Although judges were supportive and began assigning cases to private attorneys, the chief defender was threatened with a recall election, as well as criminal charges for malfeasance in office.