

# Pennsylvania



**Primary Indigent Defense Delivery System: Public Defender\***

**Population in 2002: 12,335,091\*\***

**Percentage of State Plus County Expenditures in FY 2000 Attributable to State vs. Counties:  
100.0% from Counties\*\***

\*Source: "Gideon's Broken Promise: America's Continuing Quest for Equal Justice," by the ABA Standing Committee on Legal Aid and Indigent Defendants, at page 5 (December 2004), available at <http://www.indigentdefense.org/brokenpromise>.

\*\*Source: "State and County Expenditures for Indigent Defense Services in Fiscal Year 2002," by The Spangenberg Group (on behalf of the ABA Standing Committee on Legal Aid and Indigent Defendants), at 4 and Table (September 2003), available at <http://www.abanet.org/legalservices/downloads/sclaid/indigentdefense/indigentdefexpend2003.pdf>.

During the 40<sup>th</sup> 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 SCLAD) 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 SCLAD 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 Pennsylvania that were reported by one of the hearing witnesses, as well as "Recent Reform Efforts" that have occurred in the state. 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

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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. Consequently, the measure of justice received by an indigent defendant may depend more upon location than the actual merits of a case.
- A witness from Pennsylvania testified about a widespread lack of investigative and expert services throughout that state: "We heard examples in a number of Pennsylvania counties where they claimed to have an investigator or two on the staff of the local public defender's office, but when we inquired further about what their duties were, we were told that they were screening clients for indigency eligibility. They had no real investigatory function. The lack of resources also prevents defense counsel from hiring experts. For example, in one county, an attorney could recall only one case in which he had an expert witness. A lawyer in another county told us that, as a pharmacist's son, he felt competent to testify and manage the pathology evidence in a case."

- Notwithstanding the guidance contained in national standards, there is no provision for formal, systematic training of indigent defense attorneys or support staff at either the state or local levels in Pennsylvania.
- A lack of up-to-date and uniform financial eligibility guidelines in Pennsylvania results in many defendants in need of representation never receiving legal services.
- The salaries of district attorneys throughout Pennsylvania are substantially greater than the salaries of public defenders. Further, state funds are provided to train prosecutors, whereas defense lawyers do not receive comparable financial support from the state.
- Rapidly increasing caseloads over the years have not been accompanied by a corresponding increase in staff or resources. In one county, for example, the caseload of the public defender's office was 4,172 cases in 1980, while the same number of attorneys handled an estimated 8,000 cases in 2000.
- Many of the state's public defender offices hire part-time public defenders, and in rural counties, part-time defenders retained pursuant to contracts do not have a formal office or secretary and devote most of their time to paying clients.
- There is a lack of systematic methods for reporting, collecting, and maintaining data on indigent defense systems in the state. Information on caseloads is particularly inadequate; many smaller counties do not even estimate public defender caseloads, and other counties are not able to categorize the data that is gathered according to the type of case.

## **Recent Reform Efforts**

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- The Pennsylvania Supreme Courts appointed a committee to conduct a statewide study of bias in the justice system in which racial, gender, and economic factors were examined and issued a reports with recommendations in 2003, including an in-depth examination of indigent defense problems.
- In addition, the National Association of Criminal Defense Lawyers and the American Civil Liberties Union jointly sponsored a study of indigent defense practices in Venango County, Pennsylvania in 2001.