

FACTSHEET

THE EQUAL DEFENSE ACT



WHAT IS PUBLIC DEFENSE?

In America, people accused of a crime have a right to a lawyer regardless of their income. Public defenders fulfill this constitutional requirement. They are essential to **due process** and to our concepts of **liberty** and **equal justice**.

Access to quality public defense helps prevent wrongful convictions and ensures all case outcomes are more fair and just. This reduces unnecessary uses of **expensive incarceration**.

"Quality representation not only promotes the rule of law and safeguards constitutional rights, it also saves money by reducing pretrial and post-trial incarceration costs."

- Then-Senator Jeff Sessions (R-AL) and Senator Chris Coons (D-DE), in a 2013 letter to the Judicial Conference of the United States

WHAT IS THE PROBLEM?

The right to counsel has not been realized for thousands of people across America who are represented by dedicated but overburdened attorneys:

- **Excessive workloads** severely limit the time an attorney can spend on a case. This can prevent them from thoroughly investigating the facts, effectively preparing for court, or even being present during critical pretrial stages of the case.
- It can be **unaffordable** for public defenders, who earn relatively low salaries while often carrying crushing student loan debt, to remain in their jobs over the long term. This forces talented attorneys to leave just as they gain the experience they need to be most effective.

THE EQUAL DEFENSE ACT (H.R.1408)

The EQUAL Defense Act is a **highly efficient approach** to addressing these critical issues:

- Developing and implementing evidence-based workload limits will enable attorneys to devote sufficient time to each client. By relying on local data, the bill ensures that any federal support is directly and accurately responsive to the actual need of a jurisdiction.
- Incentivizing pay parity with local prosecutors and expanding the John R. Justice loan repayment assistance program will improve public defender recruitment and retention, while ensuring compensation levels are reasonable for any particular jurisdiction. It also reflects the equal role of public defenders in our adversarial system of justice.

To join NLADA's campaign in support of the EQUAL Defense Act, please e-mail D.Miller@nlada.org.