

# STATE CAN'T SCRIMP ON PUBLIC DEFENDERS

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The state's public defender offices are one of the best bargains in state government. It costs Florida taxpayers less than \$200 per case to have indigent criminal defendants represented, and the quality of that representation is generally rated as quite good. Just try and hire a criminal defense attorney for that amount.

Unfortunately, the Florida Public Defender Association says the 20 elected public defender offices around the state are facing critical budget shortfalls due to cuts already made by the Legislature and further cuts that may be coming.

In the **Pinellas-Pasco Public Defender's Office**, for example, \$328,000 was cut from the 2007-2008 fiscal year budget during the October special session. On top of that, 1 percent of its appropriated funds have been held back every quarter. (The governor, House speaker and Senate president implemented this hold-back for state operations as a way to prepare for further revenue shortfalls.)

**Pinellas-Pasco Public Defender Bob Dillinger** says that all told, his office is looking at about \$1 million hit out of a \$16 million budget, if those held-back funds are not returned. And that means laying off employees or furloughing people for long periods.

"Ninety-four percent of the state-budgeted money goes for salaries and benefits," **Dillinger** says. If more cuts occur to this year's budget, as are expected during the coming Legislative session, he might have to stop staffing certain offices. **Dillinger** has already laid that out as a contingency plan.

There are some expenses in state government that can be put off, and there are there are essential functions that have to continue. Providing defendants an attorney is a constitutional duty. The state risks crippling prosecutions if the public defender offices don't have the manpower to represent those accused.

Already, public defender caseloads around the state have reached well beyond that recommended by professional legal associations. Just look at what has gone on over time. In 1975, public defenders handled 134 cases for each funded position. Now that number stands at 306. When attorneys are asked to do too much, they breach their ethical duty to provide effective counsel and at some point have to stop accepting more cases.

The governor should release the money that has been held back from the public defender budgets, and the leadership in Tallahassee should exempt these offices from further budget cuts. When times are tough it makes sense to set priorities and fund the necessities rather than resort to simplistic across-the-board cuts. Paying the full freight for our public defender system is one of those necessities.