



NAPD Op-Ed: After *Gideon*: Public Defense's Next Chapter

You've heard it on TV: "You have the right to an attorney. If you cannot afford an attorney, one will be appointed for you." And you've probably heard that that attorney is cut-rate: overworked, underpaid, another broken cog in our assembly-line justice system.

Some of that is true, but it's not the whole story. And public defenders are here to tell the whole story.

It's been sixty years since *Gideon vs. Wainwright*, the case that recognized you have the constitutional right to have an attorney, a public defender, appointed for you in a criminal case. That's because a prosecutor can read a police report, and a judge can read a criminal record, but a public defender needs to tell the rest of the story: who you really are, what really happened, and how context matters.

So who are public defenders, really? Since we work in all different ways, in all of the forgotten corners of the justice system, a simple picture or count isn't possible. But we're used to dealing with complexity.

Yes, we are overworked. At last count, [about three-quarters](#) of local offices exceeded historical caseload guidelines, and [recent studies](#) show those guidelines are far too high for current practice.

Yes, we are underpaid. We're paid less than our colleagues in prosecution or private practice, so our long-term staffing shortages have become a post-pandemic vacancy crisis, with [hundreds of positions](#) sitting open just in New York.

And yes, we are integral to the justice system. We represent [about 80%](#) of the people who are accused of felonies. We can't deny how we've been affected by and perpetuated its routine cruelty and racism.

But, as Equal Justice Initiative founder Bryan Stevenson said, "Each of us is more than the worst thing we've ever done." He was talking about our clients. Public defenders, too, are more than the struggling attorneys you might imagine.

Actually, we're whole teams of people: not just criminal defense lawyers, but legal aid lawyers, investigators, social workers, science and technology experts, researchers, teachers, administrators, and peer advocates. Public defense is based on the idea that one person can't take on a whole system alone, so we've built on our own support and knowledge networks. Our national association was created in 2013, during *Gideon's* 50th anniversary, with that purpose in mind. At the 60th anniversary, I'm a public defense social worker and our association's leader, carrying out that purpose every day.

We're challenging the system proactively and holistically, not just processing the next stack of cases that lands on our desks. Our association's Vice President, Aisha McWeay, is the director of Still She Rises, a Tulsa public defender office that represents mothers and, by connecting them to vital financial and healthcare services, stops the cycles of poverty that bring them and their families back to court. We train public defenders around the country on these techniques.

We're reimagining who we are, not settling even for what *Gideon* envisioned. We're listening to clients tell us what they need. We're rooting out our own racial bias and elevating more diverse leaders. And we're using today's tools to take on today's legal problems, like digital evidence and gender-based criminalization.

Gideon is an important chapter in our story. But there's more to be told.