



Helen Stolinas, Esq., President
Bradford County Public Defender Office
301 Main Street
Towanda, PA 18848
570-265-4293

Harry Cancelmi, Esq., Treasurer
Greene County Public Defender Office
93 E. High Street, County Office Bldg, Rm 82
Waynesburg, PA 15370
724-852-5271

David R. Crowley, Esq., Secretary
Centre County Public Defender Office
Court House
Bellefonte, PA 16823
814-355-6798

Testimony of Helen Stolinas before Senate Judiciary Committee Regarding SB 979, April 1, 2014

Good morning. I would like to thank Senator Greenleaf and the committee for inviting me to speak on this important bill. I am Helen Stolinas, President of the Public Defender Association of Pennsylvania and the Chief Public Defender of Bradford County, Pennsylvania.

Our mission statement:

The Public Defender Association of Pennsylvania is a statewide community of public defenders dedicated to securing a fair justice system and ensuring high quality legal representation for people facing loss of life, freedom or family.

Its mission is to provide tools, strategies, mutual support, training and information to Public Defender Offices in Pennsylvania; to be the voice of public defense in Pennsylvania; and to promote best practices in the leadership, management, and administration of justice in Pennsylvania.

The Board of Directors of the Public Defender Association of Pennsylvania has identified several areas in which additional financial resources from the Commonwealth would provide much needed assistance to Public Defender offices to improve the quality of representation of poor people accused with a crime. I am pleased to take this opportunity to address one of those needs as it relates to our organization- the training and education of the lawyers in the Public Defenders offices in the 67 counties of Pennsylvania.

Following significant discussion and debate, the board of directors of the Public Defender Association has voted to support the creation of Center For Effective Indigent Representation, as

training is one of the many essential resources necessary for the provision of the zealous representation demanded by the United States and Pennsylvania Constitutions.

Over the last 12 years, in association with Penn State School of Law, the Public Defender Association trained over 400 attorneys in trial and appellate skills through grants from PCCD. We are appreciative of the opportunity to provide this training, but the resources of this organization, which is run by Public Defenders, for Public Defenders, do not allow us to reach more attorneys or significantly expand the types of training we are able to offer. Essentially, the funding for the program comes from PCCD but attorneys within the Association, who also maintain a caseload and administrative duties, assume the extra responsibility of organizing and running the training in conjunction with the Penn State Dickinson School of Law in Carlisle. On occasion, we have been able to provide appellate training and support capital defense training, but resources of time and money are sparse. There are many areas in which training is needed but the Public Defender's Association, as it is currently funded, is unable to fulfill that roll. For that reason, we are supportive of SB 979 and what it can provide in terms of training.

Here are some areas in which training funded by the Commonwealth would improve the representation of the poor who are accused of a crime:

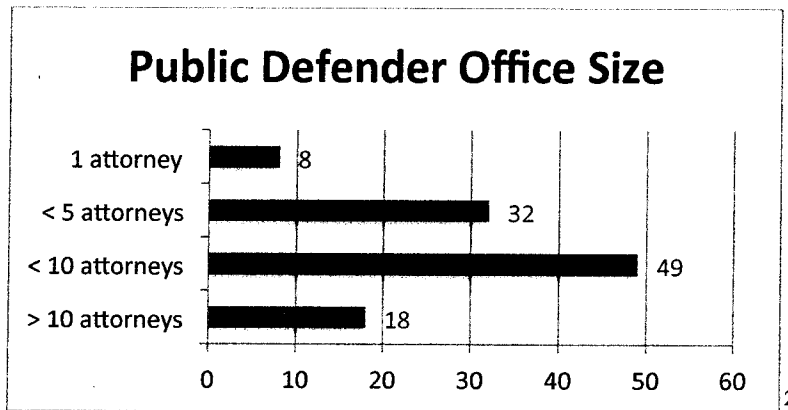
I. The law changes along with **advances in science and technology**. Public Defenders, as well as District Attorneys and private attorneys, must remain abreast of these developments, as they impact criminal cases on a regular basis. It is our ethical duty to have the knowledge and training needed to defend our clients before the court when their cases involve complex scientific and technological evidence.

II. There are Public Defender offices in need of **leadership training**. Many Chief Public Defenders and Assistant Chief Public Defenders lack significant experience in running an office and managing personnel. Such training, as is provided to newly elected District Attorneys and Judges, would greatly assist in the efficient and quality provision of indigent defense representation.

III. **Capital cases** require special training and experience. The courts of this nation have set standards for the defense of those poor people on trial for their life at an extremely high level. Counties do not receive money directly from the Federal or State governments to represent the poor at jury trial in capital cases; rather in a great majority of cases the county taxpayer must pay when the prosecution seeks death. Sometimes that burden is significant. Yesterday, for example, was the 10th anniversary of the homicide of two sheriff's deputies in Bradford County. Because of the various conflicts of interest in that case, attorneys from the Attorney General's office prosecuted the accused, and counsel was appointed to represent the accused. A senior judge was assigned. It cost the taxpayers of Bradford County over \$500,000 to try that case.¹ While this bill does not address the very real crisis in funding capital defense, it is a step in the right direction because it will provide training that individual counties and the Public Defenders Association are currently not resourced sufficiently to provide.

¹ Source: The Daily Review, December 3, 2006, Commissioners Put Projects out to Bid

Since a majority of county Public Defender offices have less than ten attorneys, who may be full or part-time, those offices must rely on active participation in training provided by other organizations. This training, while valuable, may not be designed to meet the needs of criminal defense lawyers for poor people. The Center for Effective Indigent Representation would make continuing education and training accessible to every county in the Commonwealth, not just those with offices large enough to have one or more staff members who provide training to public defenders.



Additionally, because of the geographic size of Pennsylvania and the full schedules of the attorneys in Public Defender Offices, utilization of online resources will make the Center's services more accessible to all 67 counties in the Commonwealth.

Another area identified in the Joint State Government report is the disparity with prosecution resources. In terms of financial support, the District Attorneys Association has resources that dwarf those available for those lawyers who defend the poor. While provision of training through the Center will not completely address this disparity, it is a step in the right direction.

Examples of that disparity are seen in the areas of the dues structure and training budgets of the District Attorney's Association and the Public Defender's Association. With the current funding for adult defense, PCCD has granted funding that amounts to approximately \$625 per county per year. Even this year, as the Public Defender's Association has been approved for an additional training, if we receive a total grant of \$80,000, the average is \$1200.00 per county, while the District Attorneys have a budget that averages in excess of \$13,000 per county, based on the figures from the Joint State Governmental Commission Report.

² Source: Women in the Profession 17th Annual Report Card, Pennsylvania Bar Association 2011
<http://www.pabar.org/pdf/2011PBAWipReportCard.pdf>

resources that some counties provide to Public Defenders. We urge the legislature to require that counties not be permitted to decrease budgetary resources for public defenders as a result of this legislation.

This bill addresses just one area in which the Commonwealth can increase the quality of defense representation of the poor. The Board of the Public Defender Association voted to support this bill because it is a step in the right direction and consistent with our mission statement.

However, even when the Center is created, Public Defender Offices and the Public Defenders Association will need additional resources from the Commonwealth. This modest request for funding of the Center is but one area in which the Commonwealth can begin to fulfill its responsibilities under the Constitutions of the United States and Pennsylvania, to provide fair trials to poor people accused of crime.