



PENNSYLVANIANS
FOR MODERN COURTS

PMCAction

**Testimony for the Senate Judiciary Committee on Senate Bill 979
Concerning Funding for Indigent Defense Training**

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Thank you for the opportunity to provide comments on this important initiative to provide state funding for the training of public defenders. Pennsylvanians for Modern Courts (PMC)¹ and PMCAction² believe that well-trained public defenders – as well as prosecutors -- are crucial to ensuring that our justice system truly delivers justice.

Pennsylvania is currently the only state that does not provide some level of state funding for public defender offices. While public defender offices do receive federal funds, these funds are insufficient to adequately fund the public defender system, including training, and are designed to be supplemented with state funding. Unfortunately, the current system of funding places the entire burden on the counties, many of which are struggling.

State-funded, comprehensive, multi-day, ongoing training, such as that proposed in SB 979, is important because it provides skills and information to public defenders not easily available elsewhere; it is a vital step toward fulfilling the promise of the United States Supreme Court's landmark ruling in *Gideon v. Wainwright*.

Most importantly from our perspective, state-funded public defender training is a crucial step toward improving the administration of justice in Pennsylvania and ensuring that everyone who has contact with the criminal justice system comes away with confidence in the system, regardless of the outcome.

¹ Pennsylvanians for Modern Courts is a statewide, nonprofit, nonpartisan organization that works to ensure that all Pennsylvanians can come to our courts for justice with confidence that the most qualified, fair and impartial judges will preside over their cases. PMC functions as a court watchdog, identifying and speaking out on issues that impact the public's confidence in our courts.

² PMCAction is a statewide nonpartisan, nonprofit organization that lobbies for court reform initiatives and educates the public and legislators about the need to reform the Commonwealth's judicial system through the adoption of various reforms.

Well trained public defenders and district attorneys also help the criminal justice system run smoothly by ensuring that motions are made at the proper time and in the proper format, objections are raised appropriately, continuances are limited, and mistakes are reduced that lead to costly and time-consuming appeals. While efficiency should not be the only concern, fewer resources spent on unnecessary continuances and mistakes means more resources are available to be used elsewhere.

Currently, public defenders do not receive state-funded specialized or standardized training on the specific skills they need to excel at their jobs. In contrast, prosecutors do receive this type of training through the state-funded Pennsylvania District Attorney's Association. While Continuing Legal Education (CLE) classes can help fill some of these gaps, these classes are costly, limited in time and scope. A CLE format is not conducive to the kind of practical "how-to" classes that are essential to learn the intricacies of indigent defense work.

2014 marks the 51st year after *Gideon v. Wainwright*. Although progress has been made toward fulfilling the promise that no loss of liberty can occur without access to competent counsel, much work remains to be done. Public defenders nationally and in Pennsylvania face enormous pressures to move clients quickly through the criminal justice system. Lack of specialized training too often leaves public defenders under-prepared to provide adequate and competent representation. A public defender's job involves heavy caseloads, long hours, difficult clients and low pay. Insufficient training compounds their burden.

PMC and PMCAction encourage Judiciary Committee members to consider the importance of indigent defense as well as strong prosecutor offices as you work to promote the most just criminal justice system that all Pennsylvanians deserve.

Thank you again for holding today's hearing on this important issue and for considering our comments.