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SETTLEMENT REACHED IN ACLU'S CLASS-ACTION LAWSUIT ALLEGING INADEQUACY OF CT PUBLIC DEFENDER SYSTEM



July 7, 1999

FOR IMMEDIATE RELEASE

HARTFORD -- The American Civil Liberties Union and its Connecticut affiliate today announced the resolution of its class-action lawsuit against the State of Connecticut for failing to provide the public defender system with sufficient funding.

Under this historic settlement, the staff of the public defender system will increase, the rates of compensation paid to special public defenders will double, and the public defender system will substantially enhance the training, supervision and monitoring of its attorneys. Because of these changes, which will become final upon approval by the Connecticut Superior Court, the ACLU agreed to withdraw its lawsuit.

Ann Parrent, a staff attorney with the Connecticut Civil Liberties Union, hailed the settlement as an example of advocates and state officials working together effectively toward the goal of ensuring a fair criminal justice system.

"We applaud the Connecticut Legislature and the Governor for recognizing the severity of the problem and taking the necessary steps to remedy it," Parrent said. "Once we agreed on the scope of the problem, we put our heads together to focus on how the system could be improved and came up with a plan that meets all of our objectives."

The ACLU's lawsuit, filed in January 1995, alleged that the underfunding of the defender system

had caused attorney caseloads to skyrocket, which, in turn, prevented individual public defenders from providing their clients with adequate legal representation. The ACLU claimed that poor defendants were thus deprived of their basic right to counsel guaranteed by the Constitution's Sixth and Fourteenth Amendments, as well as by the state's constitution and laws.

In late 1997, the state began to make a number of significant improvements to the system, most notably:

- **Between 1997 and 1999, the state legislature increased funding for the indigent defense system, allowing the office to hire approximately 80 new attorneys and support staff, computerize its operations and increase attorney training.**
- **For the first time in more than 15 years, state officials agreed to raise the compensation rates of special public defenders. Beginning on July 1, 1999, non-contract special public defenders who handle felonies will receive \$40 per hour for out-of-court work, as opposed to \$20 per hour under the previous pay scale.**
- **On June 15, 1999, the Public Defender Commission announced a host of new policies that include setting caseload goals, creating new practice standards, establishing a year-long training program for new attorneys, and enhancing attorney evaluation.**

As a result of these improvements, attorney caseloads declined by approximately 40%. In response, the ACLU agreed to withdraw its lawsuit -- the first withdrawal of this kind based on legislative action to increase funding.

The defendants named in the lawsuit were the Governor of Connecticut, John Rowland; and the members of the Public Defender Services Commission.

"The ability of Connecticut defendants to get a fair hearing before the law has been advanced through the cooperative efforts of all those involved," said Joseph S. Grabarz, Jr., Executive Director of the CCLU.

The case was filed at a time when public defender systems nationwide were seeing their budgets slashed amid a general hostility toward the rights of the poor, a situation the American Bar Association characterized as "national crisis of extraordinary proportions."

The settlement in Connecticut marks the second such outcome of an ACLU class-action lawsuit against a public defender system. Last May, on the eve of a courtroom trial, the ACLU and its Pittsburgh chapter announced a settlement in its lawsuit against Allegheny County, Pennsylvania for failing to provide adequate counsel to its indigent clients.

"Today's settlement sets an example for other states facing a crisis in indigent defense," said Robin Dahlberg, a national ACLU staff attorney. "Where the political will is there, the constitutional rights of poor defendants can be protected."

In the course of the litigation in Connecticut, Dahlberg said, the ACLU reviewed troubled public defender offices in Oklahoma, Texas, Mississippi, Alabama, Virginia and Louisiana.

"The ACLU will continue to evaluate public defender systems and act to ensure that states honor their constitutional obligations to poor people," she said.

The case is *Rivera v. Rowland*. The trial team included national ACLU lawyers Dahlberg, Reginald Shuford and Mark Lopez and CCLU lawyers Parrent and Philip Tegeler.

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