



PHILADELPHIA BAR ASSOCIATION

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Via e-mail to Kenyatta.Johnson@Phila.gov

Mr. Kenyatta Johnson
Council President
Philadelphia City Council
City Hall, Room 494
Philadelphia, PA 19107

Re: Support for Defender Association of Philadelphia FY 2025 Budget

Dear Council President Johnson and Members of City Council:

As Chancellor of the Philadelphia Bar Association, I submit this letter in support of the Defender Association of Philadelphia's proposed budget increase request for Fiscal Year 2025.

Indigent defense is a pillar of a functioning legal system and a necessary service to enhance access to justice and preserve the rule of law. The Philadelphia Bar Association has a long-standing history of uplifting these critical values. We know that public defenders reduce wealth-based disparities in the criminal justice system, lead to fairer outcomes for low-income individuals, and contribute to public safety at large.

In our city, the Defender Association of Philadelphia has served as a touchstone of the legal community, providing progressive, innovative, and the highest-quality criminal defense representation to Philadelphians for ninety years. In fact, ever the collective of visionary talent, the Defender Association opened its doors decades before the landmark right-to-counsel decision in *Gideon v. Wainwright*¹.

Earlier this year, we celebrated as the Commonwealth of Pennsylvania dedicated funds to support indigent defense statewide for the very first time. This historic investment, while laudable, is unfortunately gravely insufficient to meet the needs of your constituents: residents of the poorest large city in the nation. However, City Council can make a positive impact through its budget determinations.

The Defender Association's FY 2025 budget proposal is thoughtful, measured, and aligned with industry standards and Mayor Parker's public safety plan. To target attrition, enhance juvenile justice initiatives, and support compliance with ethical and constitutional obligations the Defender Association is requesting an additional \$15

¹ *Gideon v. Wainwright*, 372 U.S. 335, 344 (1963).

million over the Administration's proposed budget which is pending before Council. Sufficient funding for the public defenders helps to ensure a fair and equitable legal process for City residents and enables employees of the Defender Association to be able to do their best work at providing a critical service.

Today, Defender Association attorneys represent over 70% of individuals who are arrested in Philadelphia. In addition to adult and juvenile criminal defense, the Defender Association represents children in dependency matters. There is no question that public defenders are essential to the routine and daily operations of Family Court, Municipal Court, and the Court of Common Pleas, Criminal Division, as well as the consistent, 24/7/365 functioning of arraignment.

In August of 2023, the American Bar Association published the Ten Principles of a Public Defense Delivery System², recommending that every jurisdiction swiftly implement legal and policy changes to comply with the Principles. Principle 2 covers Funding, Structure, and Oversight and states that the compensation for full-time public defenders should be no less than that for full-time prosecutors. Presently, there is a disparity between the salary and benefits for attorneys at the Philadelphia District Attorney's Office and Law Department compared to those at the Defender Association. This obviously creates challenges for recruitment and retention.

Moreover, as you know, the Defender Association workforce does not have equal access to other benefits and thus has added expenses to cover such as office space, building services, technology support and equipment. Moreover, the dedicated staff members of the Defender Association who serve our City are unable to avail themselves of the City pension plan and the SEPTA transit benefit. This disparity is especially stark when considering that prosecutors can draw upon separately funded resources for their investigations, such as police departments, crime labs, and federal grants; whereas the Defender Association directly pays for its own investigative and other services.

In addition to moving toward pay parity, the Defender Association budget proposal is tailored to increase the organization's capacity to provide social services and specialty counsel: two critical aspects of holistic, trauma-informed representation. While lawyering has always been a human service, an increased understanding of social determinants of health and the connections between medical and legal issues has led to the rise of multidisciplinary partnerships in the world of legal aid. In-house social workers and housing navigators are an absolute necessity for any modern law firm servicing clients experiencing poverty.

² American Bar Association. (2023). Ten principles of a public defense delivery system. Chicago, IL: American Bar Association. Retrieved from <https://www.americanbar.org/content/dam/aba/administrative/news/2023/am-res/603.pdf>

Furthermore, the funding requested would help alleviate workloads by enabling the Defender Association to hire more attorneys. A National Public Defense Workload Study³ published last year affirmed the growing consensus that indigent defense is at a breaking point; public defenders are so overworked that it is unsustainable and, possibly, unconstitutional. Pursuant to ABA Principle 3, workloads should never exceed the national workload standards. Yet, currently, Philadelphia public defenders carry more than twice the national caseload standard. As a lawyer trade association, we know that workload control and adequate supervision are not only vital to quality representation, but also to the quality of life and career satisfaction of our membership.

On behalf of the Philadelphia Bar Association, I implore you to support the Defender Association's request for an additional \$15 million in its annual appropriation for Fiscal Year 2025 in full. Finally, I would like to take this opportunity to sincerely thank you for your continued support for the Defender Association and the Philadelphia legal community as a whole.

I appreciate your consideration of this letter and welcome any questions you may have regarding our comments.

Very Truly Yours,



Jennifer Coatsworth
Chancellor

Enclosure:
ABA's Ten Principles of a Public Defense Delivery System

³ Pace, Nicholas M., Malia N. Brink, Cynthia G. Lee, and Stephen F. Hanlon, National Public Defense Workload Study. Santa Monica, CA: RAND Corporation, 2023.
https://www.rand.org/pubs/research_reports/RRA2559-1.html.