

OPINION

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Jersey's legal landmark

Prodded by a landmark U.S. Supreme Court decision, *Gideon vs. Wainwright*, which said poor people were entitled to criminal defense lawyers even if they couldn't pay, New Jersey embarked on an experiment 40 years ago this month that led it to establish the first centralized, state-wide Public Defender's Office.

Four decades later, the office has grown to 511 lawyers operating on a \$90 million annual budget. Unlike public defenders in other states, who are generally funded on a countywide basis, the office here is part of state government and has a stable stream of support. The centralized structure allows lawyers to share research, staff and legal strategies. And attorneys are paid on a par with county prosecutors, a move that has kept the turnover rate low and provided the office with a cadre of seasoned lawyers.

The funding allows the Public Defender's Office to hire experts and use new technology to mount aggressive and creative defenses. Nowhere is that more apparent than in death penalty cases. Using jury consultants to help pick juries, psychiatrists and other experts to put together a defense, its capital unit has handled

close to 600 cases — virtually every death penalty case brought in the state since the death penalty was reinstated in 1982 — and it has yet to see a client executed.

Equally as important, its lawyers have successfully argued cases that expanded the rights of the accused, convincing judges to confer benefits, not recognized by federal courts, on defendants in this state. That is particularly the case in search-and-seizure law.

While being fearless in its pursuit of justice, the Public Defender's Office has been nearly as resolute in trying to recoup legal fees after bringing a case. Each year it gets back \$4 million from income tax refunds, property tax rebates or proceeds from the sale of real estate owned by people it defended.

Often the work of the Public Defender's Office is unpopular, particularly in cases in which its clients have committed heinous crimes. Yet the office must be applauded for providing efficient and effective representation. In doing so, it has set a standard of which New Jerseyans can be proud.