

Ensuring Quality Access to Legal (EQUAL) Defense Act

Endorsing Organizations: National Legal Aid & Defender Association (NLADA), National Association of Criminal Defense Lawyers (NACDL), Project On Government Oversight, Gideon's Promise, and National Association for Public Defense (NAPD)

The right to counsel is fundamental to our justice system and to democracy. *In Gideon v. Wainwright*, the Supreme Court enshrined that every individual charged with a crime who cannot afford a lawyer has a right under the Sixth Amendment to be provided a defense attorney.

Despite the recognition of this fundamental right to public defense, state and local governments have struggled to uphold the Sixth Amendment right to counsel. Public defenders representing indigent people in the criminal justice system are overwhelmed with massive caseloads, lack access to adequate resources, technology, and training programs, and are not paid commensurate with their responsibilities. For example, [a study](#) of Oregon's public defense system by the American Bar Association found that it is short nearly 1,300 attorneys. Shortages of public defenders means higher caseloads, longer hours, and even more insufficient compensation for these attorneys who help protect a fundamental right.

People charged with crimes across the country are often left to navigate the complexities of the criminal justice system without counsel because of the underinvestment in the public defense system. Congress has a responsibility to the American people and to the Constitution to uphold every American's constitutional right to counsel by providing necessary funding for public defenders. Improving access to counsel nationally could also save federal, state, and local governments billions of dollars by limiting excessive, unnecessary incarceration costs.

To help confront this challenge and make sure everyone is afforded their right to counsel, the Ensuring Quality Access to Legal (EQUAL) Defense Act would establish grant funding to close the gap in federal investments for public defense. This bill would:

- Create a \$250 million grant program to help fund public defense, including establishing:
 - Workload limits for full-time public defenders;
 - Pay parity between public defenders and prosecutors within five years; and
 - Annual data on public defender workloads, including the number of hours worked per month and the percentage of hours worked per month on a range of tasks.
- Provide \$5 million for non-profit and government organizations to provide comprehensive training for public defenders;
- Require Byrne-JAG recipients to provide data on the extent to which the state is providing public defenders for indigent people in the criminal justice system; and
- Reauthorize the student loan program, increase the overall authorization amount from \$25 million to \$75 million, and increase per borrower repayment limits.