

# DEFENDING THE DEFENDERS

**T**ODAY, A commission appointed by Governor Romney and the Legislature will start investigating a statewide shortage of lawyers willing to represent indigent clients.

The commission should propose systemwide reforms that increase the pool of lawyers available to represent poor clients and maximize their effectiveness.

The problem has festered for years. Budget cuts have reduced the number of public defenders. And low hourly rates have driven away private lawyers. A breakdown occurred in August when a judge in Hampden County released defendants for whom the state could not find lawyers. The court had ruled that holding them would have violated their rights.

The Committee for Public Counsel Services, which coordinates the work of these lawyers, has been pressing for pay raises. The Legislature has responded with a \$7.50 increase, so hourly rates now range from \$37.50 for district court cases to \$61.50 for murder cases.

But the pay increase is only a Band-Aid.

Higher salaries for private lawyers are essential: Hourly rates should start at \$60 to be comparable to the pay in other states. Public defenders must also have manageable case-loads; otherwise they can't devote adequate time and resources to each case. Clients would end up with legal scarecrows who only appear effective.

The commission should pay close attention to eligibility rules for free counsel. The state also needs to crack down on defendants who hide assets to qualify for free representation.

As this committee does its work, the courts should also investigate. A case before the Supreme Judicial Court wisely calls for a special master whose findings could benefit the courts and clients, from criminal defendants to children in custody cases who have virtually no voice.

This issue has been miscast as a threat public safety threat and as a case of lawyers behaving badly. In fact, it is a matter of better defending people's constitutional rights.