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It's Public Defender, not Public Pretender

In searching for a new chief public defender, the L.A. Board of Supervisors should only consider candidates with substantial experience in holistic indigent defense.



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The opinions here are her own and not necessarily those of UC Irvine School of Law or UCI.

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When I was a public defender, my clients would often ask me, "Are you just a public pretender? How can I trust you?"

I understood my clients' distrust. The state -- through the pursuit of "tough on crime" politics and policies, "broken windows" policing methods, and overzealous prosecutions -- had disproportionately targeted and wreaked havoc on indigent communities of color, from which my clients overwhelmingly came. And we public defenders were, in simple terms, also an arm of the state. I told my clients that I would fight for them and zealously pursue their best interests. Until I had earned my client's trust through my performance, however, one the most powerful assurances I could give them was to point to our office leadership and their abiding commitment to fairness, equality and the rigorous defense of all our clients' constitutional rights.

The career trajectory and track record of the chief public defender must serve as a shining example of his or her deep commitment to quality indigent defense. As the Los Angeles County Board of Supervisors searches for a new chief public defender for the Los Angeles County public defender's office, it must be cognizant of this.

A career in public defense is an indispensable requirement for the role of chief public defender for a number of reasons. First, through effectively representing indigent clients in his or her own practice, a chief public defender understands the many needs and challenges clients face. These needs range from social services designed to address substance abuse and mental health issues, to proactively addressing the severe civil legal consequences that can stem from criminal convictions. In particular, noncitizen clients face what often is the most devastating punishment of all: deportation. A leader must be keenly aware of the unique and often life changing role public defenders play for their clients.

Second, a chief public defender's experience gives faith that public defenders will have the tools necessary to effectively represent their clients. Public defenders should know their chief will go to bat for the office and advocate for the resources, staffing, and support necessary to provide the highest-quality representation to all clients and to serve as a powerful check on the prosecution.

Third, the chief public defender's track record is equally important to the culture of the office. The chief should motivate, mentor and encourage public defenders to never compromise or take short cuts on behalf of clients. As a public defender, it is important to know that your leader has your back, and more importantly, the clients' backs. Standing up in a courtroom as the client's only legal advocate facing judges and prosecutors is often challenging. The ability and confidence to make the right choice for the client and to fight against the pressures to take shortcuts comes not only from a commitment to provide effective representation, but also from the knowledge that your leader will fully support your decision. A track record that reflects a deep commitment to quality indigent defense is integral.

Now, with some distance and the ability to analyze public defender offices across the country, I know that having a leader with significant experience providing quality indigent defense is essential to developing a strong public defender office. Effective, visionary and transformative leadership is crucial to bolstering any institution's morale, ensuring its culture is healthy and always seeking to improve, and bringing about necessary reforms and growth. This management principle is even more important in public defender offices, which strive daily with limited resources to be the checks and balances against the lopsided power of the government, in a system that often appears rigged against clients. To be effective in this role, the chief must have experience in the trenches as a public defender. The chief's professional track record certainly cannot reflect a history of split allegiances or suggest that he or she lacks the commitment to protect the rights of marginalized communities.

The Los Angeles County Board of Supervisors must understand that Los Angeles needs someone who has intimate knowledge -- acquired only after years of public defense experience -- of what is required to zealously and competently represent the best interests of indigent clients. Ideally, the new chief public defender should have an accomplished track record leading an office with a holistic defense model. Through innovative leadership in holistic defense, as well as a demonstrated commitment to *Gideon's* promise of equal justice under law, the new chief must inspire staff to go above and beyond for all their clients.

Furthermore, without indigent defense experience, a new chief would be unable to identify the office's strengths and priority needs necessary to ensure that the office provides the highest quality representation possible. Such a chief would be unable to "hit the ground running" on key criminal defense issues of the utmost importance to indigent clients. The depth of knowledge and experience necessary to be effective is particularly important today when our criminal justice system is at a critical crossroads, both in Los Angeles and beyond, and must address urgent issues around immigration, bail reform, homelessness, child welfare, mental health, juvenile justice, and more.

In short, the new chief must have the experience, understanding, and vision to proactively and meaningfully shape policies relating to the criminal justice system and its intersection with poverty, race, and immigration. The new leader of the public defender's office must zealously advocate for what the office requires to provide the highest quality representation to all its clients.

The Board of Supervisors should only consider candidates with substantial experience in holistic indigent defense. Candidates applying for the job who do not have experience in public defense, let alone criminal defense, would show poor judgment, demonstrating that they do not even comprehend the skills necessary to effectively serve in the position. Such candidates would be nothing more than Public Pretenders.

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