

Lawyers: Needy Suspects Need Help

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(Photo: AP)

QUOTE

More than 150 people who were convicted in 31 states and the District of Columbia served a total of 1,800 years in prison for crimes they did not commit. All were exonerated due to DNA evidence.

(CBS/AP) Thousands of suspects unable to afford lawyers are wrongly convicted each year because they are pressured to accept guilty pleas or have incompetent attorneys, the American Bar Association says in a report.

The study by a committee of the nation's largest lawyers' group says that legal representation of indigents is in "a state of crisis." These defendants are at constant risk of wrongful conviction and unjust punishment, including the death penalty, according to the study being released Friday.

"The fundamental right to a lawyer that Americans assume apply to everyone accused of criminal conduct effectively does not exist in practice for countless people across the United States," the study states. "All too often, defendants plead guilty, even if they are innocent, without really understanding their legal rights."

"There are more prosecutions, the prosecutions are more complicated, there aren't enough judges to handle the load and legal costs are higher than ever and when you combine those factors you get this problem," said **CBSNews.com Legal Analyst Andrew Cohen**. "It's bad and it is getting worse."

The ABA committee wants Congress and local governments to spend more money and create oversight groups to guard against shoddy legal representation. Judges also are asked to be more vigilant in ensuring defendants have competent counsel.

"Everyone agrees that this problem is real -- the question is what to do about it," **Cohen said**. "And the reality is that with state budgets already tight politicians aren't exactly looking for ways to help out criminal suspects first."

It has been more than 40 years since the Supreme Court ruled the government must provide legal counsel to indigent defendants who are charged with serious crimes.

The report comes one week after President Bush called for more training for lawyers who represent accused killers and greater use of DNA testing. That proposal is not on the agenda at the ABA winter meeting in Salt Lake City, which runs through Tuesday.

The ABA study points to people like Brandon Moon of Kansas City, Mo., who served nearly 17 years for the rape of an El Paso, Texas, woman before DNA tests determined he was not responsible; and Ryan Matthews, a Louisiana man who sat on death row for five years before he was exonerated.

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The report also pointed to negligent or otherwise unprepared lawyers, leading to faulty convictions or more serious punishment. No formal training existed for lawyers for the indigent in Louisiana, Montana, Nevada, New Mexico, New York, Pennsylvania and Texas, which puts more people to death than any other state.

In the majority of states surveyed, money for prosecutors outpaced public defenders. For example, California allocates defense counsel an average of \$60.90 for every \$100 the prosecution receives.

In the South, the report cited a problem of "meet 'em and plead 'em lawyers" where lawyers in states such as Alabama, Mississippi, Louisiana and Georgia often negotiate a plea agreement the first day they meet their clients.

In Texas, Rhode Island and elsewhere, legal experts reported instances where indigent clients languished in jail for months without access to a lawyer or were improperly urged by prosecutors to accept plea deals without a lawyer present.

The report recommends that:

- states provide money for public defenders that is on par with prosecutors.
- states establish oversight organizations to police potential abuses such as forced plea agreements or otherwise negligent or inadequate counsel.
- lawyers refuse new cases if workloads are so excessive that it would substantially impair their defense preparation.
- judges report prosecutors who seek to obtain waivers of counsel and guilty pleas that are not voluntary and on the record.

The study was based on research and testimony gathered from 22 states. The states are: Alabama, California, Georgia, Illinois, Indiana, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Montana, Nebraska, Nevada, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, South Dakota, Texas, Virginia and Washington.