

Binghamton University

## The Open Repository @ Binghamton (The ORB)

---

Research Days Posters 2023

Division of Research

---

2023

### Navigating Systemic Limitations on Public Defense

Abigail Rothleder

*Binghamton University--SUNY*

Robert Rose

*Binghamton University--SUNY*

Follow this and additional works at: [https://orb.binghamton.edu/research\\_days\\_posters\\_2023](https://orb.binghamton.edu/research_days_posters_2023)

---

#### Recommended Citation

Rothleder, Abigail and Rose, Robert, "Navigating Systemic Limitations on Public Defense" (2023).  
*Research Days Posters 2023*. 87.

[https://orb.binghamton.edu/research\\_days\\_posters\\_2023/87](https://orb.binghamton.edu/research_days_posters_2023/87)

This Book is brought to you for free and open access by the Division of Research at The Open Repository @ Binghamton (The ORB). It has been accepted for inclusion in Research Days Posters 2023 by an authorized administrator of The Open Repository @ Binghamton (The ORB). For more information, please contact [ORB@binghamton.edu](mailto:ORB@binghamton.edu).

# Navigating Systemic Limitations on Public Defense

**BINGHAMTON**  
UNIVERSITY  
STATE UNIVERSITY OF NEW YORK

Why Problems In Indigent Defense Systems Cannot Be Ignored

By Abby Rothleder and Robert Rose

Works Cited and Acknowledgements



## I. What Impact Do Systemic Limitations Have on the Effectiveness of the Public Defender's Office? II. How Does the Public Defender's Office Navigate Such Limitations?

### Methodology

- Scholarly Review of Ongoing Debates
  - Lauren Sudeall Lucas, "Effectively Ineffective: The Failure of Courts to Address Underfunded Indigent Defense Systems," *Harvard Law Review*, 2005.
  - William Leahy, "The Right to Counsel in the State of New York: How Reform Was Achieved After Decades of Failure." *Indiana Law Review*, 2018.
- First-Hand Experience in the Broome County Public Defender's Office

### Human Rights of the Constitution

**"nor shall any state deprive any person of life, liberty, or property, without due process of law."**  
- 14th Amendment to the U.S. Constitution

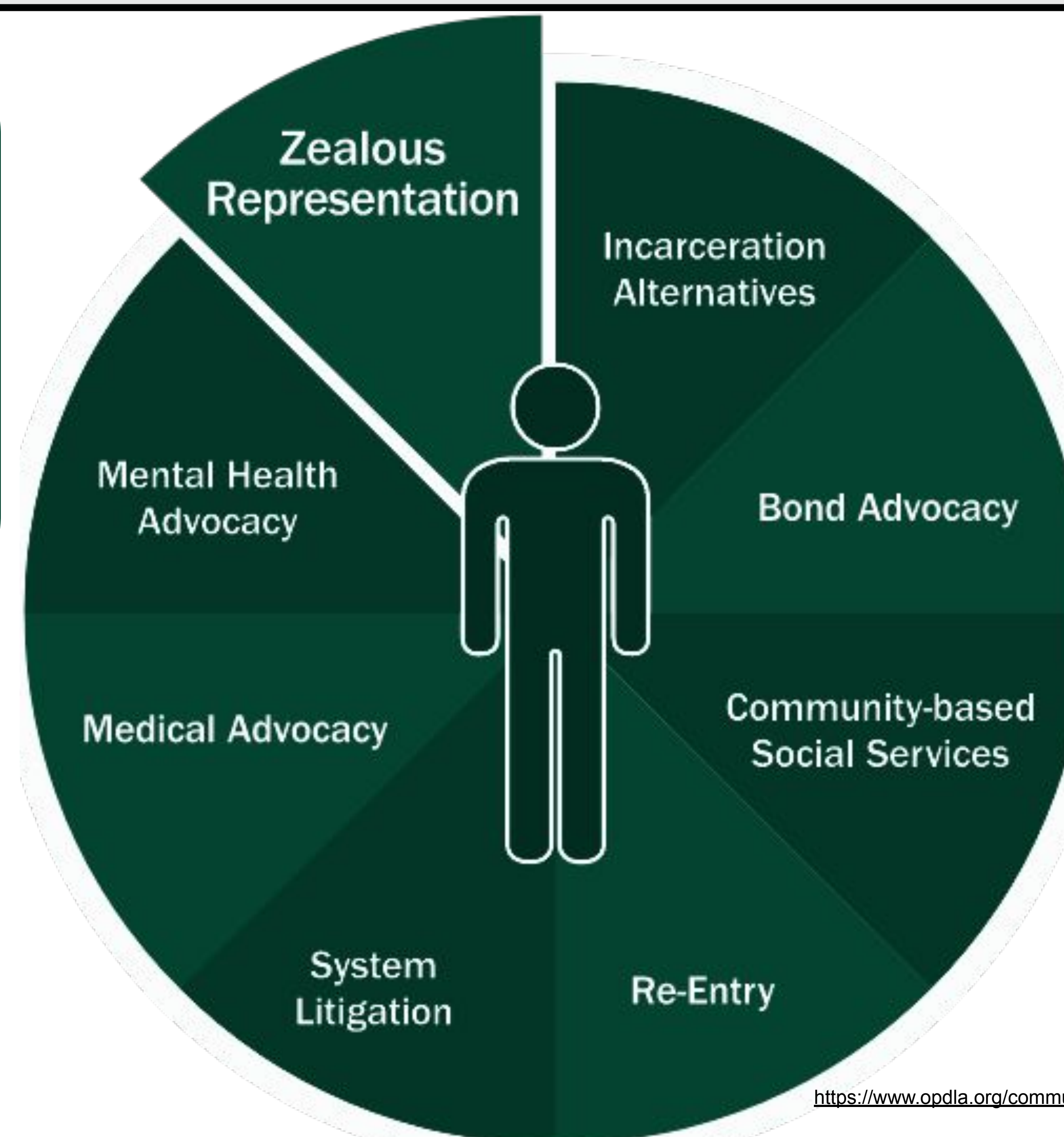
→ Indigent defense systems are key to protecting **human rights** for *all* people within the United States

### Legal Framework

**"The right of one charged with crime to counsel may not be deemed fundamental and essential to fair trials in some countries, but it is in ours."**

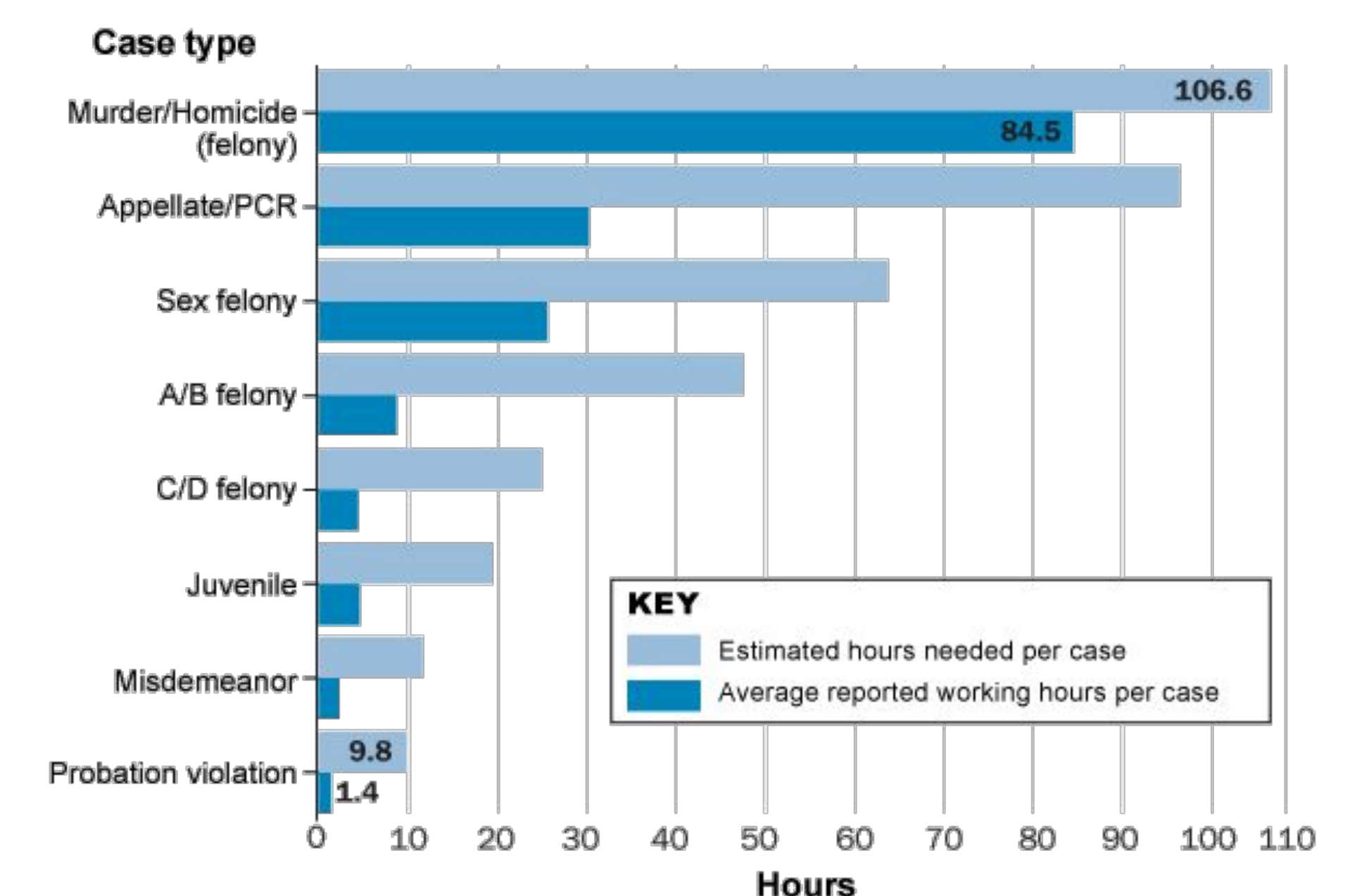
- Justice Hugo Black, *Gideon v. Wainwright* (1963).

- County Law 18-b created a county-based public defender system in New York State following the *Gideon* decision
- Executive Law Article 30 § 832(3f) provides state funding for public defender offices
- *Strickland v. Washington* (1984) established a two-pronged test to determine effective assistance of counsel



<https://www.opdla.org/community-defense>

### Hours per Case



Source: AMERICAN BAR ASSOCIATION

### Research Limitations

- We were unable to obtain concrete evidence of the success of our proposed solutions due to their inherently subjective nature
- Our identification system for limitations on public defense is intentionally vague to account for the vast amount of factors that impact the success of public defense
- Our research into specific components of public defense was hindered due to the short time frame in which we worked

### Conclusions

- The simultaneous use of triage and holistic defense has the potential to strengthen the public defense system as a whole
  - Triage: parole hearings
  - Holistic: DVSJA
- Flexibility in the law will allow offenders the best possible chance of rehabilitation and reentering society

### Limitations on Public Defense

