In the famous 1963 case of Gideon vs. Wainwright, the Supreme Court unanimously held that the state must provide lawyers for those charged with serious crimes who cannot afford them. The court recognized that "lawyers in criminal courts are necessities, not luxuries" and that a fair trial was impossible without counsel for the defense.

Gideon marked the culmination of a long legal struggle that had its origins in California when the first female lawyer in the state proposed establishing the position of public defender. Seventy years earlier, Clara Foltz had called for a state officer equivalent to the public prosecutor in status and resources, whose job would be equally important - perhaps more important because the public defender would protect the innocent, the highest function of the law.

San Francisco had one of the first such offices in the state, and in the nation. But today its mission is threatened by Mayor Gavin Newsom's proposed 25 percent budget cut.

Led with equal parts wisdom and courage by Jeff Adachi, that office employs 93 lawyers and 70 members of a support staff who represent 24,000 indigent defendants every year. Its annual budget of $23.2 million is just 3 percent of San Francisco's $786 million allocation to the Office of Public Protection and is less than what the San Francisco Police Department earns annually in overtime pay.

It is the Office of the District Attorney ($32.6 million), the Probation Department ($43.9 million), and the Police and Sheriff's departments ($469.5 million) that receive the lion's share of this money.

The proposed cut would mean that Adachi would be forced to fire one-third of his staff, leaving 6,000 indigent defendants without representation. Although the mayor has proposed a similar cut for the district attorney's office, the impact will be far less severe. The district attorney's office has a budget a third again as large to start with, and has access to substantial funds from state and federal grants.

Even before the proposed budget cut, the mission of public defenders was imperiled in California, just as it is in the rest of the country.

Numerous studies have shown that most public defenders' offices are seriously under-funded and that many thousands of innocent people are serving long sentences without benefit of counsel. We have yet to achieve the goal of equal justice for the rich and the poor in our criminal courts.
Just a few months ago, the latest of these reports was issued from a prestigious independent study group. In "Justice Denied: America's Continuing Neglect of Our Constitutional Right to Counsel," the report found: "In the country's current fiscal crisis, indigent defense funding may be further curtailed, and the risk of convicting innocent persons will be greater than ever." (tcpjusticedenied.org)

At 10 a.m. Wednesday, a one-day Justice Summit, open to everyone, will be convened in San Francisco in Koret Auditorium, 100 Larkin St., to educate the public, policymakers, and government officials about the critical role that public defenders play in our criminal justice system.

We will be there to voice our opposition to the proposed budget cut and to support the campaign to ensure that the constitutional right to counsel remains a reality in San Francisco. Please join us. The vital services provided by the Office of the Public Defender must not be curtailed.

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http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2009/05/04/EDHF17CUEK.DTL

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