



FOR IMMEDIATE RELEASE
September 12, 2023

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‘Milestone’ study released on national public defense workload crisis

National Association for Public Defense statement

The National Association for Public Defense (NAPD) celebrates the release of the [National Public Defense Workload Study](#), a project of the RAND Corporation, the National Center for State Courts, the American Bar Association’s Standing Committee on Legal Aid and Indigent Defendants, and Lawyer Stephen F. Hanlon. Though we didn’t write the report, we believe it is a milestone in assessing our public defense crisis.

“Until now, public defenders have relied on standards from 50 years ago to ask for the relief we desperately need. Times have drastically changed, and this new study provides proof of just how serious this Constitutional crisis has become for public defense agencies and their clients and communities across this country,” said NAPD Executive Director Lori James-Townes.

The study finds that effective public defense, as guaranteed by the Constitution, now requires over twice as much time as previously thought: an extremely conservative application of the study’s time recommendations would set a maximum workload of 59 low-level felonies or 150 low-level misdemeanors per attorney, per year, compared to the 1973 standards of 150 felonies or 400 misdemeanors. A more sustainable workload – accounting for time off, training, and office administration – would be lower still.

Workload standards from 1973 simply no longer apply to our era of digital and scientific evidence. This study gives public defenders across the country, including in your community, a tool for evaluating current personnel needs. When compared to local data, the study’s recommendations are likely to show that the demands of mass criminalization far outstrip the supply of available defenders.

Our clients, communities, and defenders suffer harm in a culture addicted to criminalizing and punishing social problems, especially for poor people and people of color. Defenders are exhausted, outraged, and heartbroken from working in an overloaded system that dehumanizes our clients and that devalues us. We are struggling to fill record-high vacancies, even as this study suggests we need to do more.

But this is not a crisis we entered overnight, and we do not expect a quick fix. NAPD will continue to provide national standards, training, and movement-building.

As the professional organization for public defenders, please let us help you cover this important topic. We can provide sound and comment, and help connect you with local, regional, or national public defense stakeholders.

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NAPD is the national professional association for public defense and the leading voice for the myriad efforts to not just protect but improve the provision of the constitutional right to counsel for those who can’t afford it.

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