

Dear Friends,

You may have recently received an email stating that the Public Defender's office was not accepting cases assigned to the Community Justice Center (CJC) because of "budget cuts." I am writing to clarify that the primary reason we are not accepting cases sent to the CJC is because the Mayor's office, which initiated the court, failed to provide attorney staffing that it originally promised.

During the planning stages of CJC, the Mayor assured the Public Defender's office funding for two attorneys. Two weeks before CJC was scheduled to open in March, we were told that the promised attorney positions would not be provided. I had no attorneys available to staff the court. So, from March to July, managing attorney Simin Shamji and I have staffed the court despite receiving no additional staffing.

I continuously expressed my concern that the new court's budget, like those of other specialty courts, needed to include funding for indigent defense. The CJC's \$2.5 million budget includes \$240,000 for office rent, \$515,000 for five Sheriff's deputies, \$600,000 to build a holding cell, funding for court personnel, but no funding for defense counsel.

While it is true that our office has suffered severe budget cuts, it is not true that we are withdrawing from CJC only because of these cuts. We are withdrawing from CJC because the Mayor's office, in establishing the court, made no provision for indigent defense.

The proposal that the new court should be staffed by attorneys working for free raises questions as to the state's obligation to fund the constitutional right to counsel. Other states, such as Texas, have tried to institute *pro bono* representation of indigents with poor results. Many of the cases referred to CJC require intensive representation and investigation, in addition to the social service component of the work. Some cases we have handled required as many as 10-12 appearances.

I have always supported the need to properly compensate panel attorneys for their work. In my view, creating a "free" panel to represent indigent people will eventually lead to a second-class system of justice for the poor.

Please feel free to contact me directly if you have any questions. I can be reached at (415) 553-1677. Thank you.

Very truly yours,

Jeff Adachi  
Public Defender