

Statement of Miami-Dade Public Defender Carlos J. Martinez on today's Supreme Court of Florida decision

May 23, 2013

"We are elated with today's ruling by the Supreme Court of Florida.

The Court today followed its own precedent established over the course of 30 years. This decision lifts the spirits of attorneys everywhere who, due to crippling caseloads, have been confronted with the difficult decision of picking and choosing which client gets legally competent and diligent representation and which do not.

The Court left no doubt that it is the judiciary's role to safeguard individual liberty and equal justice under law, and to ensure that our courtrooms do not become factories of injustice and inequity.

As Public Defender, I have a solemn obligation to provide competent, effective representation to every individual we are appointed to represent. Having a competent lawyer with adequate time and resources to defend the indigent is at the heart of the constitutional right to an effective attorney. That is why my predecessor and I sought relief. The Florida Supreme Court agrees.

The residents of Miami-Dade County, my office, our clients and the taxpayers owe a debt of gratitude to the Hogan Lovells law firm, and in particular Parker Thomson, for representing me, my predecessor and the office for free during this protracted litigation. They are the model for corporate responsibility and generosity serving the public good and honoring our most cherished principle of equal justice under the law.

It is quite fitting that the Court's decision comes as we commemorate the 50<sup>th</sup> anniversary of the US Supreme Court decision in Gideon, a Florida case that guaranteed every indigent defendant the right to an attorney to defend against an accusation.

In 2008, our attorneys were handling almost 500 felony cases a year, too many cases to diligently and effectively represent each client. My predecessor, Bennett Brummer, asked several judges to temporarily stop giving us new felony appointments. After a lengthy hearing featuring uncontroverted evidence, the Honorable Stan Blake granted the request. However, the State Attorney's office appealed and our local appellate court overturned the judge's decision. From 2008, when we filed the initial petition

asking for help, to the present, my office has continued to represent every client the courts have appointed us to represent.

In 2009, I filed yet another request to relieve one of my attorneys from the burden of simultaneously handling more than 150 felonies at one time. The Honorable John Thornton granted our request. Today, the Supreme Court of Florida validated the decisions made by Judges Blake and Thornton, and reversed the two Third District Court of Appeal decisions.

During the financial crisis, we have done our best to protect every client. Relying on our continuing cooperation with Miami-Dade County and judges, and our decades-long practice of constantly re-evaluating and improving processes and incorporating technology, we were able to mitigate, but not eliminate, the adverse impact on the clients. Private law firms and lawyers volunteered and handled approximately 200 misdemeanor cases and about three dozen felonies during the past three years. However, relying on volunteers is not a viable, long-term solution to comply with the constitutional requirement of competent, effective representation.

Despite the reduction in arrests for low-level offenses from the extremely high levels in 2008-2009, the number of open cases our attorneys are working on has remained fairly constant. With Miami-Dade County's financial assistance, we purchased video equipment for the jails which enabled our attorneys to communicate with clients via video connection, thereby improving our efficiency by avoiding wasteful, hour-long drives to jail facilities. This has also helped us to better comply with our ethical responsibilities to every client.

Our workload is still high and it is more complex too. While our attorneys are actually getting more work done on cases now than in 2008 or 2009, we have additional constitutional obligations stemming from recent U.S. Supreme Court decisions –we must provide precise immigration advice, assure effective assistance in plea negotiations and represent minors previously sentenced to life in prison without parole in new sentencing proceedings.

We are evaluating our next steps. The Supreme Court has directed the trial judge to readdress both cases in light of the current circumstances. We will review our current workload, provide the courts with necessary information and make appropriate recommendations that will assure our ability to provide diligent and professional representation of our clients."