



# DUE PROCESS IS A CORNERSTONE OF OUR JUSTICE SYSTEM

## VALUE

Due process - fair access to lawyers and courts when accused of a crime - is a cornerstone of our justice system, as well as a basic human right. We all know that this right is not dependent on a person's ability to pay; everyone has the same constitutional right to competent representation when their liberty is threatened. This idea is central to the notion that our justice system is fair to all and blind to individual differences in economic status, race, and others aspects of our identities.

## PROBLEM

But we continue to ignore the national crisis happening around indigent defense. Far too many defendants are deprived of their right to fair jury representation, provided with overburdened public defenders, and hampered by structural biases in the system. In many courthouses throughout the country, defendants who lack resources either receive no representation at all, or are represented by attorneys juggling hundreds of caseloads. Neither scenario provides the level of representation that our Constitution requires.

## SOLUTION

National and local bodies of government should adopt comprehensive strategies to address the indigent defense crisis in this country, both by ensuring adequate representation for all defendants and making the system easier to navigate.

## ACTION

Urge policymakers to pass legislation that requires a universal cap on criminal defense counsel caseloads; and increases payments to attorneys on the indigent defense panel by increasing the attorney compensation rate to create incentives for attorneys to allocate adequate time and preparation for these cases.