

# **LEHIGH COUNTY OFFICE OF THE PUBLIC DEFENDER**

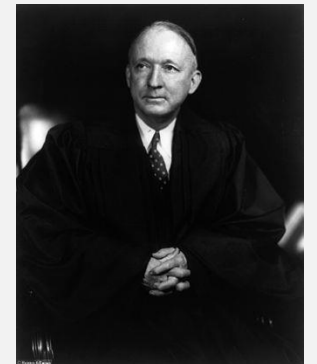
CHIEF PUBLIC DEFENDER: KIMBERLY F. MAKOUL, ESQ.



# HISTORY OF THE PUBLIC DEFENDER

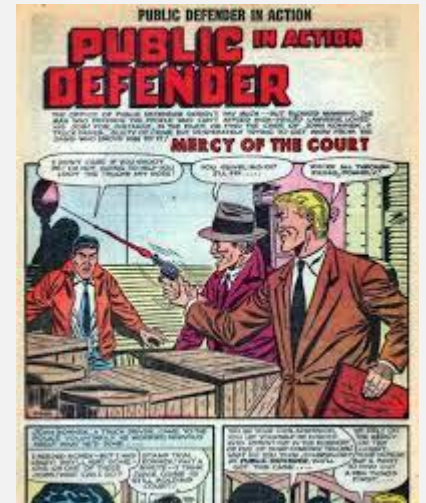


- Gideon v. Wainwright; 372 U.S. 335, 83 S.Ct. 792, 9 L.Ed.2d 799 (1963)
  - Clarence Earl Gideon was charged in a Florida state court with having broken and entered a poolroom with intent to commit a misdemeanor. This is a noncapital felony under Florida law. The defendant had appeared in court without funds and without counsel and had asked the court to appoint counsel for him. This was denied because the law of Florida permitted appointment of counsel for indigent defendants only in capital cases. Gideon conducted his own defense, was convicted, and was sentenced to prison. Subsequently he applied for a writ of habeas corpus on the ground that the trial court's refusal to appoint counsel denied him rights under the Constitution. The state supreme court denied all relief.
  - Justice Black, who wrote the unanimous opinion of the court stated "reason and reflection require us to recognize that in our adversary system of criminal justice, any person haled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him." He further wrote "Our state and national constitutions and laws have laid great emphasis on procedural and substantive safeguards designed to assure fair trials before impartial tribunals in which every defendant stands equal before the law. This noble idea can not be realized if the poor man charged with crime has to face his accusers without a lawyer to assist him."



# HISTORY OF LEHIGH COUNTY PUBLIC DEFENDER

- In response to the ruling in Gideon, the Lehigh County Bar Association, working with the courts, formed a system of “Voluntary Defenders.” Voluntary defenders were a group of the newest members of the bar, usually recent law school graduates, who were required to be in criminal court to receive court appointments to represent individuals who needed counsel but could not afford to hire a private attorney. The attorneys were not paid for their services.
- Many times the lawyers were appointed the day of the trial and had inadequate time to prepare.
- Subsequently, the county decided to form a Public Defender Office, who had the responsibility of representing all indigent people charged with offenses in Lehigh County.



# ABOUT THE LEHIGH COUNTY PUBLIC DEFENDER



- The Public Defender endeavors to protect the rights of our clients by providing, holistic, vigorous, compassionate and ethical legal representation to individuals who can not afford to pay for an attorney. Our highly trained and motivated staff of licensed attorneys, investigators and client advocates are committed to excellence and progressive representation at the cutting edge of Pennsylvania criminal practice.
- We represent eligible individuals in all misdemeanors and felonies, excluding ARD eligible Driving Under the Influence charges. We also will represent juveniles in delinquency matters, as well as individuals charged with Driving with a Suspended license-DUI related, involuntary mental health commitments, and any other matter where representation is constitutionally required. Our office strives to meet the needs of our clients and to protect their civil liberties under both the United States and the Pennsylvania Constitutions.



# HOLISTIC DEFENSE MODEL

- “Holistic defense model is based on the idea that to be truly effective advocates for their clients, defenders must adopt a broader understanding of the scope of their work. To this end, defenders must address not only the immediate case at hand but also the enmeshed, or collateral, legal consequences of criminal justice involvement (such as loss of employment, public housing, custody of one's children, and immigration status) and the underlying life circumstances and nonlegal issues that so often play a role in driving clients into the criminal justice system in the first place (such as drug addiction, mental illness, or family or housing instability). “ Rand Corporation, **Holistic Representation, An Innovative Approach to Defending Poor Clients Can Reduce Incarceration and Save Taxpayer Dollars — Without Harm to Public Safety** , James M. Anderson, Maya Buenaventura, Paul Heaton
- The Lehigh County Public Defender has 2 Client Advocates (social workers) as well as 2 Investigators. We have also expanded areas of representation to insure individuals have representation as early as possible in the process.

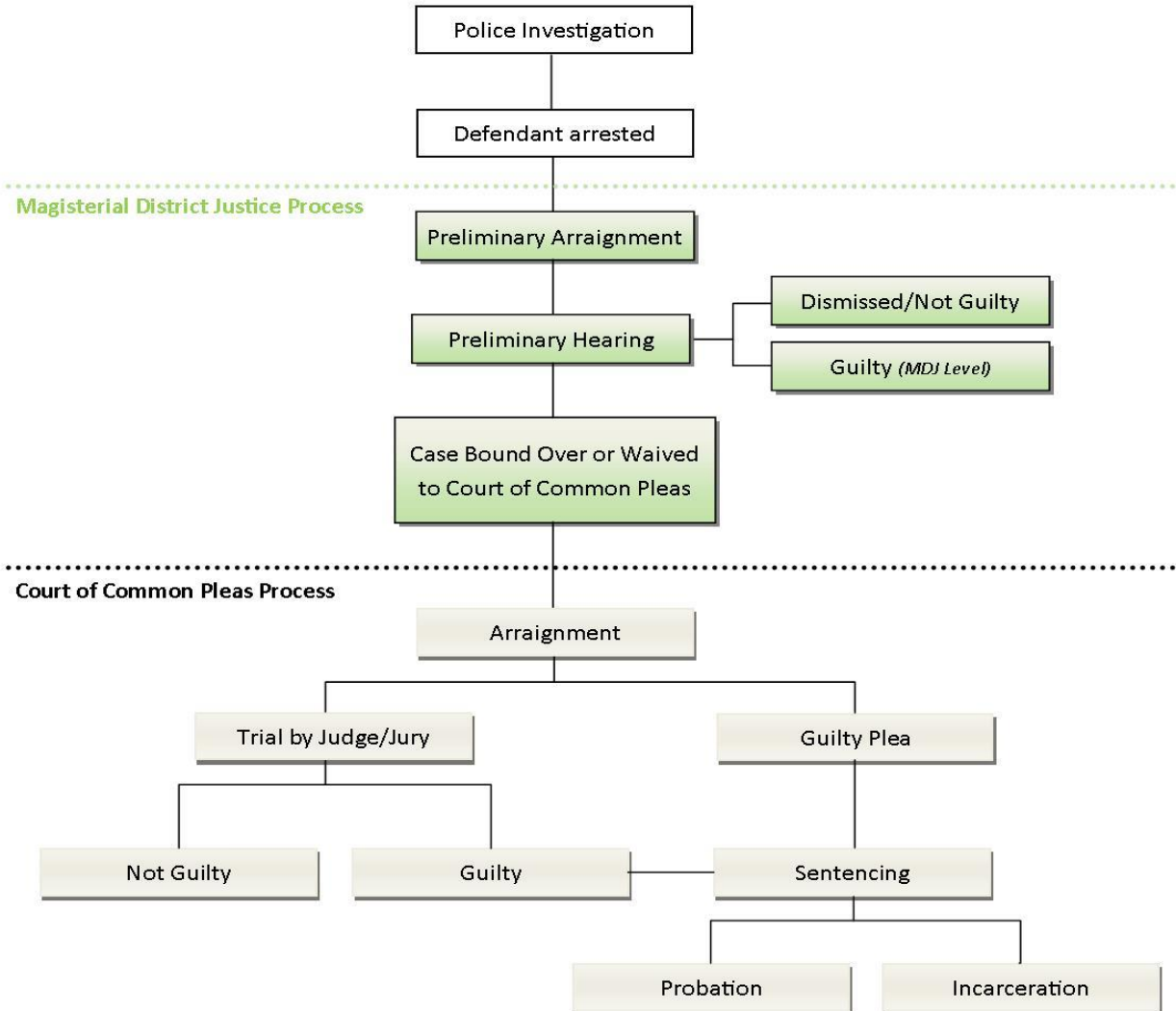


# HOW DO I GET A PUBLIC DEFENDER

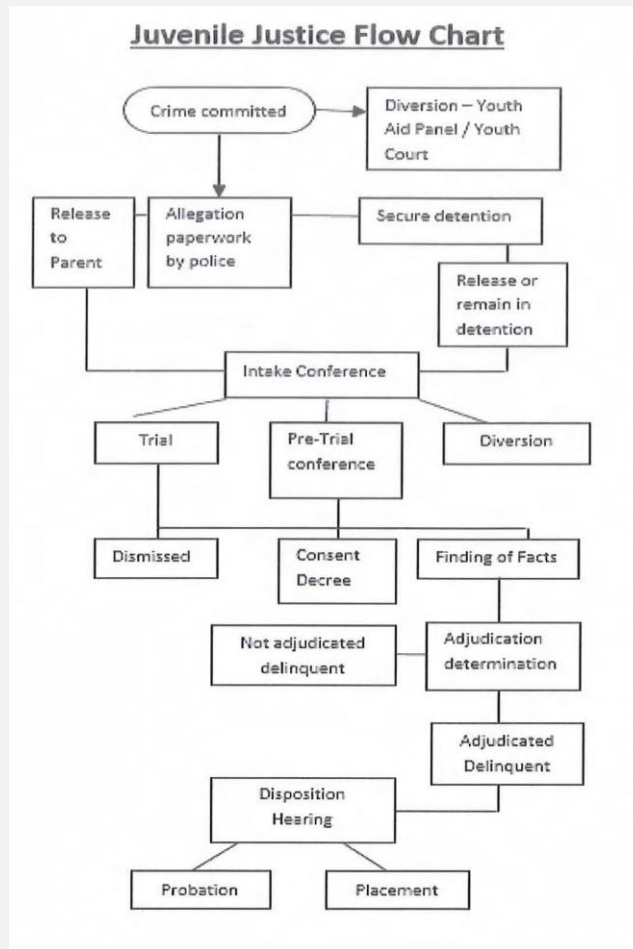
- Go to our website and complete the fillable application. <https://www.lehighcounty.org/Departments/Public-Defender>. You can also get an application from our office (6<sup>th</sup> floor the Lehigh County Courthouse) or any magisterial district justice's office. (On line application coming soon!)
- Email, fax submit online or drop off your application at our drop box located in the lobby of the courthouse..
- If a person is incarcerated then they must make a request for a public defender during the intake process or through their case manager and their request will be electronically sent to our office.
- You will be notified in 5-7 day regarding your approval status.
- Telephone number: 610-782-3157

# ADULT CRIMINAL JUSTICE SYSTEM IN PENNSYLVANIA

Criminal Justice Process Chart



# JUVENILE JUSTICE SYSTEM IN PENNSYLVANIA





## FREQUENT QUESTIONS

- Are public defenders real lawyers? *Yes, Public Defenders are licensed attorneys who practice only criminal law. They have all graduated from law school and passed the rigorous requirements of the Commonwealth of Pennsylvania to practice law in the state.*
- Do I have to pay for representation? *No. The Public Defender is responsible for furnishing legal counsel for any person who, for lack of sufficient funds, is unable to obtain legal counsel.*
- What if I am denied representation? *If you are denied you may call the bar association lawyer referral service at 610-433-7094. If you are denied but your financial situation has changed we recommend that you come back to the office to reapply for our services.*