

Alabama



Primary Indigent Defense Delivery System: Assigned Counsel/Contract*

Population in 2002: 4,486,508**

**Percentage of State Plus County Expenditures in FY 2002 Attributable to State vs. Counties:
100% from State****

*Source: "Gideon's Broken Promise: America's Continuing Quest for Equal Justice," by the ABA Standing Committee on Legal Aid and Indigent Defendants, at page 5 (December 2004), available at <http://www.indigentdefense.org/brokenpromise/fullreport.pdf>.

**Source: "State and County Expenditures for Indigent Defense Services in Fiscal Year 2002," by The Spangenberg Group (on behalf of the ABA Standing Committee on Legal Aid and Indigent Defendants), at 4 and Table (September 2003), available at <http://www.abanet.org/legalservices/downloads/sclaid/indigentdefense/indigentdefexpend2003.pdf>.

During the 40th anniversary year of the U.S. Supreme Court's decision in *Gideon v. Wainwright*, the American Bar Association's Standing Committee on Legal Aid and Indigent Defendants (ABA SCLAD) in 2003 held a series of public hearings to examine the implementation of the right to counsel in state court proceedings for poor persons accused of crimes. In January 2005, ABA SCLAD published its final report based on the testimony provided at the hearings, entitled "Gideon's Broken Promise: America's Continuing Quest for Equal Justice." This information sheet contains a short summary of the "Problems in Indigent Defense" and "Recent Reform Efforts" in Alabama that were reported by one of the hearing witnesses. For the complete information regarding each of the statements listed below (including references to hearing transcripts, reports, and other supporting materials), please see "Gideon's Broken Promise: America's Continuing Quest for Equal Justice," available at <http://www.indigentdefense.org/brokenpromise>.

Problems in Indigent Defense

The following problems were reported by the hearing witness:

- Problems resulting from funding and resource inadequacies were exacerbated in Alabama during 2003 due to the state's fiscal crisis. Although expenditures for indigent defense increased from fiscal year 2002 to 2003, at the same time state agency budgets were undergoing reductions of 10-18%, constituting a major impediment to any proposed reforms that might require the appropriation of new funds (such as the creation of a new state agency to oversee indigent defense services).
- In nine of Alabama's judicial circuits where contracts for indigent defense services are utilized, the contracts are awarded on primarily on the basis of cost, not quality or other important considerations, in direct contradiction to guidance contained in national indigent defense standards.
- In some of the state's judicial circuits, probation is often revoked because it is conditioned on the payment of fines and costs that many indigent defendants are unable to afford, in violation of relevant Supreme Court decisions.

- Contract defenders in Alabama provide constitutionally inadequate representation by “basically doing nothing” but processing defendants to a guilty plea in as expeditious a manner as possible.
- Young attorneys with little or no experience are just as likely as others to receive court assignments in Alabama, sometimes even for homicide cases.
- A recent survey of 1,867 felony case files from contract defenders in four of the state’s judicial circuits revealed that no motions were filed for funds for experts or investigators in 99.4% of the cases.
- The state’s indigent defense systems are not fully independent from undue political and judicial influence, contrary to guidance contained in national standards.
- Alabama has a very fragmented, mixed, and uneven system that lacks state level oversight and standards (as recommended by national standards) and does not provide uniform, quality representation to the majority of indigent defendants in the state.
- Despite national standards recommending that counsel be provided as soon as feasible after custody begins, many poor persons accused of crime in Alabama are arrested and detained in local jails for several months before finally entering a guilty plea, during which time they know nothing about their cases, not even the identity of their contract defenders.
- There is a lack of data on indigent defense services in Alabama, which is needed to bring to light the many failures existing in particular judicial circuits.
- The attitude of the judiciary is a significant impediment to indigent defense reform in Alabama.

Recent Reform Efforts

The following reform efforts were reported by the hearing witness:

- In 2004, the Alabama State Bar convened a symposium to focus attention on the need for indigent defense reform.