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LA public defenders need a qualified leader

Clara Shortridge Foltz must be spinning in her grave realizing that the Board of Supervisors in 1913 was far more enlightened than the current cast of characters in 2018.



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Clara Shortridge Foltz, circa 1900

It is astonishing and confounding that the Los Angeles County Board of Supervisors has failed miserably to identify a fully qualified experienced manager and leader in the field of defense of children and adults who are accused in criminal cases to be the public defender of Los Angeles County.

The history leading to the establishment of the office should be instructive. In the early 1900s, Clara Shortridge Foltz was a woman raising four children whose husband abandoned her and his four children. She immediately realized the needs of her family and the necessity for her to upgrade her job employment skills in order to support her family. She set about to study the law under the tutelage of a highly experienced attorney. That was not an uncommon method of legal scholarship in those days. She completed her studies and immediately took and passed the California Bar exam. However, when she went to court the judge questioned her qualifications to represent her client due to the simple fact she was a woman. She was required by the Judge to take the bar examination a second time which she immediately passed. The same outrageous misogynistic response occurred in the appellate court when she appeared on behalf of another client. Once again she passed the bar for a third time.

During the course of her practice she observed many people who lacked sufficient funds to retain counsel who were unrepresented or underrepresented in criminal cases. So she attended the American Bar Association Annual Meeting in Chicago and presented her concept for a public defender system in criminal cases. It was not summarily adopted so she returned to California and presented it to the Los Angeles County Board of Supervisors who recognized its value and promise and adopted it in 1913. The next year the very first public defender's office in the world opened in Los Angeles County.

The office has become the oldest and largest public defender in the nation. At first it handled only felony cases such as those in which the death penalty or other felony charges were alleged. Later it began incorporating misdemeanor cases in which county jail sentences of up to one year per charge were alleged. In the meantime, the city of Los Angeles had established a public defender for misdemeanor charges alleged to have occurred within the Los Angeles city boundaries. In the 1950s, the city public defender was folded into the Los Angeles County public defender. Soon thereafter, the county public defender began representing children alleged to have committed crimes or were otherwise under the jurisdiction of the juvenile court.

The Los Angeles County public defender had become by far the largest most diverse full service public defender office in the land. The American Civil Liberties Union had become very concerned about the huge number of people on death row in the state of California. After performing research, the ACLU determined that the Los Angeles County public defender was distinguished by the large number of clients who were originally charged in death cases yet very few were ever convicted and sentenced to death. The ACLU came to Los Angeles and conducted hearings which confirmed this research and were used to make recommendations about standards of practice in such cases.

The Los Angeles County public defender was instrumental in the founding of the American Council of Chief Defenders which provides training for managers of public defender's offices nationwide. It is absolutely essential that chief defenders fully comprehend the discrete needs, knowledge, skills and expert witness testimony of each case or type of case in the office. Any contention to the contrary is preposterous and ill informed. The Los Angeles public defender has led the legislative advocacy in Sacramento and Washington, D.C. for many years. Most notably, the L.A. office led a successful effort to obtain student loan repayment assistance to assure a diverse flow of applicants to prosecutors and defenders offices of many who otherwise would be unable to pay off their student debt load and have a living wage at the end of the day.

When the attorney general of the United States became concerned about the quality of representation by the defense in criminal cases in the nation he asked his staff if they could identify a public defender's office that was performing at a high level that he might visit. They unanimously selected the LA County public defender. So on a day when the courts were not in session but the deputy public defenders were at work, then-Attorney General Eric Holder visited the L.A. office. He spent over an hour in a one-on-one colloquy in the office of the chief defender and then devoted several hours in meeting with a select group of 25 members of the office in the law library of the public defender's office at the Criminal Courts Building discussing methods and procedures of effectively delivering high-quality service to the clients of the public defender.

The foregoing is why it is so disappointing that the County Board of Supervisors demonstrated such utter disregard for the clients and staff of the public defender as to appoint someone to lead the office for at least six months who has never operated as a lawyer defending a child or adult in a criminal case. It only exacerbates the situation by sending in a team of people who are apparently similarly unqualified. This decision should be reversed and an honest and serious attempt to select a highly qualified candidate with the appropriate experience on a permanent basis should occur. Anything else is a slap in the face to the communities that this board is supposed to be serving.

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