

# Local

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## Legal group scolds judges

Nonprofit supports public defender's bid to reduce caseloads

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Knox County's public defender has received a belated boost from a national organization in his bid to prove poor people are getting the legal shaft.

The National Legal Aid & Defender Association, a nonprofit tasked since 1911 with advocating for citizens who cannot afford legal representation in either civil or criminal courts, is accusing Knox County judges of ignoring "uncontested evidence of a dangerously overburdened public defender system in their recent order refusing to allow Public Defender Mark Stephens to pull his staff out of misdemeanor court."

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"We are very disappointed that the judges of Knox County, while finding that lawyers of the public defender's office handled caseloads that exceed national criminal justice standards, refused to remedy the injustice, thus diminishing the value they place on the dignity of each person that appears before the court and the constitutional rights they are sworn to uphold," said Richard C. Goemann, who serves as director of Defender Legal Services for NLADA.

Stephens has for more than a year been trying to convince Knox County sessions court judges that his staff's caseloads — among the highest in the state — had grown



Stephens

to such a level that poor defendants were not receiving the same level of legal services as those who could afford to hire attorneys. He amassed statistics showing that staff members assigned to misdemeanor court had less than an hour to devote to a single case from start to finish.

He suggested as a solution removing his staff from misdemeanor court and reassigning them to handle felony cases. The state, which would be forced to fork over money to pay private attorneys to take on the cases from which Stephens' staff would be removed, resisted the move, arguing it would bankrupt a fund set aside for indigent defense and suggesting Stephens was overstating the gravity

of the problem.

Last week, the county's five sessions court judges ruled against Stephens, conceding his staff's caseload was unwieldy and in violation of legal standards but insisting case numbers were on the decline. Stephens has said he will appeal.

Stephens said he was pleased with NLADA's support and also had received encouragement from the American Bar Association and interest from participants in judicial systems in several other states.

"The fight to secure the constitutional right to counsel for poor people is extremely important," Stephens said. "People all over the country realize what's happening to the right to counsel for poor people, and they don't like it."

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