

THE CONSTITUTION PROJECT



Safeguarding Liberty, Justice & the Rule of Law

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Budget Deal 'Stops the Bleeding' in Federal Defender Program, But More Funding Needed

WASHINGTON, D.C. -- The budget deal approved by Congress and signed by the president late Wednesday will provide enough money to prevent devastating funding cuts to the federal defender program but not enough to restore adequate staffing levels or prevent further furloughs in many offices across the country, according to The Constitution Project, a bipartisan legal watchdog group that has been working to restore full funding for federal defenders offices.

The legislation reopening the government provides an extra \$26 million over Fiscal Year 2013 funding levels for attorneys who represent indigent defendants charged with a federal crime. Much of that extra money will need to be used to cover delayed payments for legal services already performed by court-appointed contract attorneys.

"While we are grateful budget negotiators recognized the need to stop the bleeding in the public defenders offices, Congress will need to provide much higher levels of funding when they pass a budget if they want to allow federal defenders to carry out their constitutionally required duties," said Virginia Sloan, president of The Constitution Project.

"This is only a stop gap measure to prevent further cuts, but it will not allow federal defenders to return to pre-sequestration staffing levels," she said.

Sequestration resulted in a nearly 10 percent cut in the federal public defender budget for FY2013 that has resulted in layoffs and up to 20 days of furloughs in many federal defender offices. In addition, federal courts reduced the rates offered to court-appointed private attorneys and delayed payments to them. In a number of states, federal courts have been forced to delay criminal cases because of public defender furloughs and layoffs.

"Full funding of federal defenders is necessary to prevent a ripple effect that will further clog judicial dockets, undermine the efficiency of a federal defender system and deny lower-income defendants their constitutional right to counsel," Sloan said.

Although the continuing resolution includes funding for the whole year, federal agencies might shut down again unless lawmakers reach an agreement on spending levels before January 15.

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[About The Constitution Project](#)

Created out of the belief that we must cast aside the labels that divide us in order to keep our democracy strong, The Constitution Project (TCP) brings together policy experts and legal practitioners from across the political spectrum to foster consensus-based solutions to the most difficult constitutional challenges of our

time. TCP seeks to reform the nation's broken criminal justice system and to strengthen the rule of law through scholarship, advocacy, policy reform and public education initiatives. Established in 1997, TCP is based in Washington, D.C.



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