

The Sun

Court lacks lawyers for defendants
Domestic-violence unit needs public defenders for destitute clients
'There is a justice crisis'
Constitutional rights of accused violated, attorneys charge

by Kate Shatzkin SUN STAFF The Baltimore Sun

November 29, 1996 Page(s): 1B
Edition: FINAL
Section: METRO
Length: 838 words
Index Terms:
MARYLAND

Record Number: BSUN484586

Cases are backing up in a new city domestic-violence court -- designed to speed justice for battered women -- because there are no public defenders to represent indigent suspects.

It has been that way for the past month, since the court opened to give specialized treatment to the burgeoning docket of domestic-violence cases. The goal was to consolidate cases in a courtroom where those involved knew the issue well.

But, instead, say domestic-violence advocates and defense attorneys, even more cases than usual are delayed because no money is available to put public defenders in the courtroom.

Carole Alexander, executive director of the House of Ruth, said that of 500 cases that have gone through the court so far, 150 have been postponed -- in many cases because of the public defender problem.

Every time a battered woman has to return to court to testify against an abuser, Alexander said, is another opportunity for the victim to back out or fail to show up. If the alleged batterer isn't in jail, it's more time she has to fear for her safety before a trial.

"We have an incredibly difficult time persuading victims it's in their self-interest to go ahead and testify," Alexander said. "This situation exacerbates that problem more than double. More like tenfold.

"This is ridiculous," she said. "I don't know what kind of politics is being played."

State Public Defender Stephen E. Harris said that his deputies, who sat in on planning meetings for the court, told Judge Mary Ellen T. Rinehardt, who runs the city District Court, that no money was available for attorneys for the new court -- but that Rinehardt went ahead anyway. Judge Martha F. Rasin, chief of the District Court of Maryland, said Rinehardt had been hopeful that Harris could come up with the staff he needed, but that a series of retirements and resignations shortly before the court began may have made that impossible.

Rinehardt could not be reached for comment Wednesday.

Without the public defenders, judges handling the domestic-violence docket at the Eastside District Court on North Avenue give defendants three options: Go ahead without a lawyer, choose a jury trial in Circuit Court where attorneys are available, or postpone the case.

Deciding on those options without a lawyer violates defendants' constitutional rights, defense attorneys said Wednesday.

"There is a justice crisis of the first order," said Michael A. Millemann, a University of Maryland School of Law professor who runs the school's clinical program. "What's happening in that court is intolerable."

Wednesday morning, husbands, wives, girlfriends and boyfriends were cheek-by-jowl on courtroom benches. Judge Ben C. Clyburn lined up defendants at the side of the room as a prosecutor scanned the crowd for witnesses.

"Hopefully the public defender will get the funds so they can staff this court," the judge told a perplexed defendant, explaining why his trial on two counts of second-degree assault would be postponed until January.

Lawyers for the Public Justice Center, a nonprofit organization, said they were considering legal action to close the court and also might seek dismissal of cases of defendants who have been affected. "They're pushing together this court without considering right to counsel," said lawyer M. Cristina Gutierrez, who is on the center's board of directors. "It certainly concerns us."

Rasin said Wednesday that she had asked Rinehardt to have the cases of defendants who need representation from public defenders assigned to regular criminal courtrooms, where public defenders are working, as soon as possible. After the first of the year, she said, schedules would be juggled so that public defenders would be available to handle those cases four afternoons a week. These are temporary solutions, she said, while more money is sought.

"You can get funding for all kinds of things that have to do with domestic violence, but you can never get funding for the defense attorney," said Rasin. "As with all kinds of cases, the wheels of justice can come to a screeching halt if you don't have access to counsel."

Harris said his inability to fill the courts was real, not a play for more funding for his office. "Do I think this is proper?" he said. "No. We just don't have the staff to put there. We have made it known there is no money in this budget."

Harris said he was continuing to seek funding to put lawyers in the court. He estimated it would cost about \$100,000 to provide two attorneys trained in domestic-violence issues and support staff.

Pub Date: 11/29/96

Copyright 1996, 1997 The Baltimore Sun Company