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ABA Report Explores Indigent Defense

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Identity Theft, *continued from page 21*

information handling practices-slow down in issuing credit-and verify identity and authenticate-limit access to sensitive info-to those who need to know-have audit trails-and respect privacy," Frank said.

Legally, Frank believes more power needs to be put in the hands of the consumers to protect their identities. "The new [FACT Act] took away a private right of action from many violations of the Fair Credit Reporting Act - we must provide for lawsuits by individuals and attorney generals to enforce the new laws," she said.

Ultimately, Frank believes that government, both state and local, must do more to protect consumers' personal information. "Hold the creditors and companies with information accountable," she said.

In the meantime, consumers will need to watch their personal information and check their credit reports to keep thieves from stealing their identities.

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Report Explores Indigent Defense

By **Katherine Licup**

The American Bar Association's Standing Committee on Legal Aid and Indigent Defendants released a report in February showing funding for indigent defense in America is in a state of crisis.

Gideon's Broken Promise: America's Continuing Quest for Equal Justice was commissioned in 2003 to commemorate the 40th anniversary of the landmark Supreme Court case *Gideon v. Wainwright*, which guaranteed the right to counsel for poor people accused of certain crimes.

The ABA committee held a series of public hearings around the country to determine whether the ruling in *Gideon* is being fully realized. The committee's report makes clear that it is not. The report states that funding for indigent-defense services is inadequate, that lawyers who provide such services often are not properly trained, and that there are times where counsel should be provided to a defendant, but is not. As a result, the report says, many defendants who are innocent are actually convicted, as illustrated by recent cases where convictions have been overturned due to DNA evidence.

In addition to an increase in government funding, the report recommends establishing state oversight committees and disciplinary reporting procedures when lawyers violate their ethical duties to their clients.

Many states, such as Georgia, which has established a statewide public defender system, and Virginia, which has a statewide commission that oversees indigent defense, are taking steps toward mitigating wrongful convictions. However, the report says that even those programs are not funded adequately.

In Illinois, the hearings revealed that the 25-year-old statute governing payment for assigned counsel in a felony case caps reimbursement at \$1,250 - a meager amount that discourages attorney volunteers - and thus the burden of indigent defense is being borne almost entirely by public defenders. Because of the burden on those offices, a defendant frequently is represented by different lawyers at different stages of the case.

The full report is available at www.indigentdefense.org/brokenpromise.

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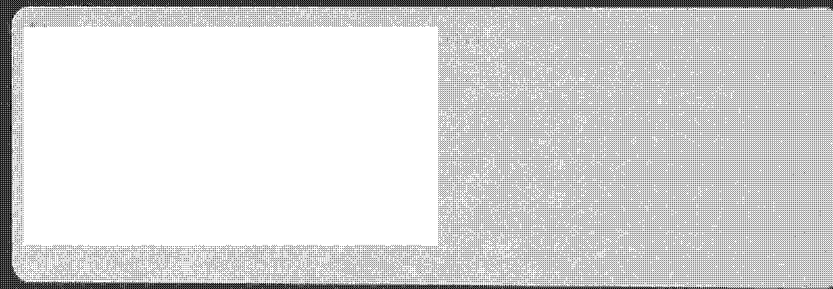
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