

Cook County's new public defender seeks more visibility — and money — for his office

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Public defenders are often depicted on TV as bungling, overworked, and uncaring. But that didn't stop Sharone Mitchell Jr. from wanting to join the Cook County public defender's office after graduating from the DePaul University College of Law in 2009. While being a public defender might not seem like glamorous work, he found it fulfilling. "I got the opportunity to go in court and represent people who may have had the worst day of their lives," Mitchell said. "And if we didn't get ourselves involved, that worst decision of their lives would follow them for the rest of their lives."

In March, Mitchell was selected to replace former public defender Amy Campanelli. Mitchell said he wants to use his new position to make the case that a more powerful public defender's office is just as important to structural change in the criminal justice system as ending cash bail or reducing the police department's budget.

The stakes are high. Public defenders play a critical role in the criminal court system by representing clients who can't afford a private attorney — about four out of every five defendants in the Cook County Circuit Court. The vast majority of the public defender's clients are Black and Latinx, reflecting a court system that disproportionately prosecutes people of color.

But the public defender's office has struggled to attain the same level of visibility — and funding — as its opposition across the courtroom: the state's attorney's office. Mitchell said that power and resource imbalance reflects a system that has relied on punishment and incarceration, rather than focusing on fixing the root causes of poverty, crime, and violence.[...]

Like Campanelli, Mitchell said he plans to make the case directly to the public that his office has an important role to play in pushing for criminal justice reform. But he'll also have to fight for increased resources for his office. Cook County spends far more on prosecuting criminal cases than it does on public defense. Over the past decade, the public defender's budget has consistently been around half of the state's attorney's budget. That budget disparity is common in large justice systems, and it means that public defenders have large caseloads and spend less time on each client, which leads to worse outcomes for defendants. A 2020 study from the University of Illinois at Chicago's Institute for Research on Race and Public Policy found that in U.S. counties in which public defenders and support staff have larger caseloads, defendants are more likely to be detained pretrial. In counties with smaller caseloads for support staff, felony defendants received shorter sentences. The lack of adequate resources can also make it difficult for public defenders' offices to retain quality attorneys, said Patrice James, the co-founder of the Black Public Defender Association, a national organization aimed at improving defense for low-income people. "People are no longer being able to sustain themselves in the work,"

Even as Mitchell faces many of the same challenges as his predecessors, he is optimistic about his new role. He sees opportunity in a slew of reform legislation that passed the state legislature this year. The Illinois Congress passed a bill Monday that will allow a new immigration unit in the public defender's office to represent clients facing deportation in immigration court. The majority of people in Chicago immigration court last year did not have an attorney to represent them. This unit will help "expand the scope of the public defender's office," Mitchell said.

Mitchell also hopes to hire more investigators, interpreters, case workers, legal secretaries, paralegals, and administrative assistants to support the attorneys' work and provide "holistic representation," he said. Ultimately his goal is to provide the best representation possible in the courtroom and work with advocates and organizers pushing for systemic change.