

Kansas public defenders asking for higher pay

Zena Taher, October 23, ksn.com

WICHITA, Kan. (KSNW) — Public defenders in Kansas say they're dealing with large caseloads and low pay, which is leading to high turnover and a request for more funding.

The Kansas State Board of Indigents' Defense Services is asking the state for \$11 million to pay public defenders more and hire more staff.

KSN News spoke with several public defenders, who said they're handling dozens of cases at a time, around 50 or 60.

"I don't think that you can thoroughly prepare to defend somebody in court unless you spend a significant amount of time reading their case, understanding their case, filing subpoenas to get more information on a case," said Jorge M. De Hoyos, public defender at the Sedgwick County Public Defender Office. "This is not something you can do, just check in and check out."

As someone who's "all in" on the job, De Hoyos said he regularly clocks 10 to 15 hours of overtime a week, working evenings, and weekends.

"I live at this office right now," De Hoyos said.

It's a sentiment echoed by several public defenders, including De Hoyos' higher-up.

"A lot of times, the only quiet time we have to work on cases is on the weekend and in the evenings," said Sarah Sweet-McKinnon, Chief Public Defender at the Sedgwick County Public Defender Office.

She said her office has 13 attorneys, half of what it should. Only a third of those are experienced enough to handle higher caseloads.

"We are currently recruiting," Sweet-McKinnon said. "One of the biggest issues we run into is the pay disparity between public defenders and prosecutors."

Public defenders, to be exact, make 28% less than prosecutors. This fact has also blocked recruiting for the Sedgwick County Conflicts Office.

"I had a guy interview," said Brad Sylvester, Chief Attorney at the Sedgwick County Conflicts Office. "He was academically strong, but he was like, 'I can get a job making a lot more money across the street,' and so I knew that was gonna be a problem, and it was." De Hoyos said he could charge up to eight times what he currently gets an hour in private practice.

"I'm able to do this because I'm still young and childless," De Hoyos said. "But as I want to develop a family, as I want to grow my side of things and the joy I get out of my life, I can't keep up this pace forever. I can't."

Executive Director of the Board of Indigents' Defense Services Heather Cessna said trial-level offices statewide are short of nearly 700 full-time employees.

They have less than half the staff they should have, including attorneys, legal assistants and investigators. The caseload for attorney positions is heavy, and the pay is low compared to prosecutors and the private sector.

The state board has previously requested more funding for its public defenders, but this time, it is narrowing down its request to make it more likely to pass instead of lumping it in with other funding requests.

"I'm frequently having conversations with prosecutors about assisting us and supporting our requests for these items," Cessna said.

Cessna said having prosecutors' support helps legislators understand it's not just public defenders' offices who need good defense, it's also prosecutors who need a defense on the other side of every case. It's constitutionally required.

Cessna said a number of criminal cases are being dismissed because of a lack of defense. If the state can't live up to its constitutional requirements, it could be sued. She said the goal is to prevent conditions from escalating to that point.