

# Sen. Durbin, Welch, Urge Federal Judiciary Action To Avoid Public Defenders Shortfall

March 5 2024 2:23 PM



WASHINGTON – U.S. Senate Majority Whip Dick Durbin (D-IL), Chair of the Senate Judiciary Committee and a member of the Senate Appropriations Committee, U.S. Senator Peter Welch (D-VT), and every Senate Judiciary Democrat sent a letter to the Administrative Office of the U.S. Courts urging the office to give appropriate consideration to the funding of the Federal Public Defender program in the Office’s upcoming budget request for Fiscal Year (FY) 2025. The letter comes as Federal Defenders face a budget shortfall in the FY24 budget cycle [caused](#) by the Administrative Office’s accounting decisions.

“Federal Public and Community Defenders are fundamental to the fair and efficient functioning of federal courts across the country. Nearly nine in 10 individuals charged with a federal crime cannot afford legal representation and thus are constitutionally entitled to appointed counsel. Preserving the public defender workforce is essential to our justice system. Because the Constitution requires courts to appoint counsel for individuals who cannot afford a lawyer, if there are fewer public defenders available, courts must refer more cases to private attorneys on the Criminal Justice Act panel. Although panel attorneys are dedicated to the public defense function, sending excess cases to the panel often incurs higher costs to the taxpayer,” wrote the Senators.

“We write to you to request the Administrative Office of the U.S. Courts and the Judicial Conference ensure that the decisions that led to the FY24 budget requests are not repeated for FY25. We urge you to give appropriate weight to funding for Defender Services in your budgetary request that will, at a bare minimum, provide enough resources to ensure federal public defender programs are fully staffed throughout FY25,” the Senators concluded.

In addition to Durbin and Welch, the letter was signed by every Senate Judiciary Committee Democrat: U.S. Senators Sheldon Whitehouse (D-RI), Amy Klobuchar (D-MN), Chris Coons (D-DE), Richard Blumenthal (D-CT), Mazie Hirono (D-HI), Cory Booker (D-NJ), Alex Padilla (D-CA), Jon Ossoff (D-GA), and Laphonza Butler (D-CA). Additionally, the letter was signed by U.S. Senators Tim Kaine (D-VA), Ron Wyden (D-OR), Brian Schatz (D-HI), Elizabeth Warren (D-MA), Tammy Duckworth (D-IL), and Michael Bennet (D-CO).