

Lawsuit Alleges Utah's Violation of Right to a Lawyer

Summary: *Two men facing criminal charges in Washington County, Utah, are suing for better representation.*

Two men who feel inadequately represented are taking on Utah's legal system. [They filed a lawsuit in federal court against the state of Utah and Washington County](#), which questions how adequately they've covered our Sixth Amendment right to counsel, Fox 13 reports.

The Sixth Amendment of the United States Constitution guarantees criminal defendants receive a lawyer whether they can afford it or not. William Cox and Edward Paulus, who both face criminal charges, claim Utah has failed to give them adequate representation.

"Hampered by a lack of experience, excessive workloads, inadequate compensation, the lack of support services, and the absence of meaningful administrative oversight and technical assistance, indigent defense counsel do not or are unable to perform even the most basic tasks necessary to provide adequate representation to their clients under the current funding and supervision system. They do not or are unable to act as an effective adversarial check upon the prosecution function based on these shortcomings," the lawsuit states.

Cox is under trial for allegedly working as a securities agent without a license. Though his trial is set for February, the county failed to renew his public defender's contract, "forcing/coercing" another attorney to take on new contracts, including his.

"The attorney is not prepared to go to trial for Mr. Paulus' case," the suit states, noting he is responsible for 350 cases, and perhaps double that after they add new contracts.

Utah is one of two states that provide no funding for indigent defense. Washington County budgeted \$760,688 for indigent defense, while budgeting \$2,816,540 for prosecution.

This leads to minor cases resulting in long jail time, children being taken from the parents and wrongful imprisonment, the case claims. The delays in trial and unnecessary time spent in a jail has become an issue noticed by others as well.

The Sixth Amendment Center studied Utah's public defense system, and a October 26, 2015, report noted that the Washington County contracts with private lawyer expect each to handle one-sixth the district caseload, whatever the number of cases, and are paid \$4,363 per month. After the overhead costs, that leaves about \$526 per month. Utah indigent defenders receive about \$400 per felony case, spending less than 10 hours per case, while private defense lawyers receive over \$400 per hour.

The study further found that more people accused by misdemeanors in Utah are processed without a lawyer than those who did — 62 percent statewide.

Source: [Fox 13](#)

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