



SANTA CRUZ COUNTY OFFICE OF THE
PUBLIC DEFENDER
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**“A Right in Name Only”
Public defenders wear black April 23 to protest underfunding**

SANTA CRUZ COUNTY — Chief Public Defender Heather Rogers is joining public defenders across California and the nation in calling on community members to wear black on April 23 in solidarity with public defense and the constitutional right to counsel.

“Recent national and California workload studies confirm what public defenders have long known—meaningful representation requires far more time per case than the system provides,” Rogers said. “Behind every case is a person with intertwined legal and human needs that demand skill, expertise, and time. When caseloads become unmanageable, the right to counsel becomes a right in name only.”

The April 23 day of action highlights a growing crisis across California. Public defender offices are being asked to do more with less—handling rising caseloads driven in part by new felony filings under measures like Proposition 36—without the staffing needed to keep pace.

Across the state, the consequences are becoming visible. In San Francisco, Public Defender Mano Raju was held in contempt and fined \$26,000 after declining to accept new cases one day a week due to excessive caseloads. That order has since been stayed pending appeal.

“You don’t fix a crisis by penalizing the people who identify it,” Rogers said. “You fix it by addressing the conditions that created it. When public defenders raise workload

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concerns, we are not stepping back—we are sounding the alarm. We are ethically obligated to do so when we no longer have the resources to meet our constitutional duty. If not us, then who? This is not defiance. It is our job.”

The right to counsel is guaranteed by the Sixth Amendment to the U.S. Constitution. In *Gideon v. Wainwright*, the U.S. Supreme Court held that states must provide attorneys to people who cannot afford them.

But that promise remains underfunded. California is one of the only states that does not provide stable, ongoing state funding for trial-level public defense. Local counties are left to shoulder the full cost of a constitutional mandate—even as case complexity, legal requirements, and filing rates increase.

Recent state efforts, including the *California Public Defense Workloads and Staffing Study*, commissioned by the Legislature pursuant to AB 625, acknowledge the problem. The study found that “excessive workloads burden most California attorneys providing trial-level adult public defense services” and that “there are simply not enough public defense attorneys to handle California’s large volume of cases and clients.” As a result, too many cases are not adequately investigated, too many people do not understand the status of their cases, and too many cases languish before resolution, impacting not only the accused, but also victims.

“Relying on counties to fund public defense is not sustainable,” Rogers said. “This is a state obligation. It requires sustained, statewide investment. California has studied the issue. The data is clear. The question now is whether the state will act.”

Public defenders are calling on state leaders to establish a dedicated, ongoing funding stream for trial-level public defense, comparable to the state’s investment in prosecution and law enforcement. Without it, counties will continue to face impossible choices—stretching limited resources, delaying cases, and risking constitutional violations.

“*Gideon* promised a lawyer,” Rogers said. “But a lawyer without time, support, or resources cannot provide meaningful representation. If the state is serious about public safety, fairness, and constitutional rights, it must invest in the systems that make those values real.”

“What’s happening in San Francisco is not unexpected,” Rogers said. “It is the predictable result of decades of underfunding. Without sufficient resources, the right to counsel breaks down—wrongful convictions, unnecessary incarceration, and

delayed justice follow. Our communities are less safe when the system is out of balance.”

Community members can show support by wearing black on April 23 and sharing why the right to counsel matters using #cruzdefender.

Photo Caption:

Public defenders from across California appear in court in support of San Francisco Public Defender Mano Raju. Pictured (left to right): Alameda Chief Brendon Woods, Contra Costa Chief Ellen McDonnell, Yolo Chief Tracie Olson, Sonoma Chief Brian Morris; Santa Cruz Chief Heather Rogers, San Joaquin Chief Judyanne Vallado, Sacramento Chief Amanda Benson. Marin Chief David Sutton and Napa Chief Kris Keeley are not pictured.

Photo courtesy of the San Francisco Public Defender’s Office.