

Connecticut's Public Defender Services Commission

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January 24, 2024 | 2024-R-0025

Issue

What are the Public Defender Services Commission's responsibilities and duties?

Summary

The legislature created the seven-member Public Defender Services Commission in 1974 (PA 74-317). Its current duties and responsibilities fall into the following three general categories:

1. adopting rules for its internal affairs and for operating the Public Defender Services Division ([PDSD](#)) (e.g., developing income and eligibility guidelines for representation of indigent individuals);
2. appointing the various public defenders and PDSD personnel and addressing other staffing related matters; and
3. annually reporting on the division's operations with recommendations to the chief justice, governor, and General Assembly.

Membership and Appointments

The commission consists of seven members each serving a three-year term. Members receive no compensation but are reimbursed for actual expenses incurred while engaged in their duties.

Table 1 shows the appointing authority for each member. If there is a vacancy, the appointing authority must appoint a member to serve the remainder of the unexpired term.

Table 1: Public Defender Services Commission Members and Appointing Authority

Member	Appointing Authority
Two Superior Court judges or one Superior Court judge and any one of the following: <ul style="list-style-type: none"> • a retired or former Superior Court judge • a retired Circuit Court judge • a retired judge of the Court of Common Pleas 	Chief justice
One member	Senate president pro tempore
One member	House speaker
Two members	House and Senate minority leaders (one each)
Chairperson	Governor

Other than the chairperson, no more than three members may be from the same political party; and at least two of the nonjudicial members must be lawyers. None of the members may be employed or nominated to serve as public defenders or in any other position within the public defender services office ([CGS § 51-289\(a\)-\(e\)](#)).

The commission’s current members are listed [here](#).

Duties and Responsibilities

The commission is an independent body within the Judicial Department for fiscal and budgetary purposes only ([CGS § 51-289\(l\)](#)). Its primary duties and responsibilities can be categorized under rules and operations, PDSB appointments, and staffing and reporting.

Rules and Operations

By law, the commission may adopt rules necessary to conduct its internal affairs and must:

1. carry out the purposes of the public defender services statutes and adopt rules for the PDSB’s operation ([CGS § 51-289\(g\)](#));
2. adopt forms, requirements, and guidelines for determining eligibility and appointment of counsel in family relations or juvenile matters ([CGS § 51-296a](#));
3. develop income and eligibility guidelines for representation of indigent individuals ([CGS §§ 51-297 & 51-289\(g\)](#); see [Guidelines to Indigent Defense](#));
4. provide any facilities, other than those provided in the courts by the Judicial Department, necessary for carrying out public defender services ([CGS § 51-289\(j\)](#)); and

5. establish a compensation plan for PDSO employees comparable to that of the Criminal Justice Division, as it may be amended, including sick leave and vacation time rules ([CGS § 51-289\(k\)](#)).

PDSO Appointments and Staffing

Regarding its appointment- and staffing-related duties, the commission must (1) appoint the chief public defender, deputy chief public defender, public defenders, assistant public defenders, deputy assistant public defenders, and any part-time public defenders it deems necessary; (2) review any suspensions or removals and fill any vacancies; and (3) appoint other PDSO personnel and establish their compensation plan.

Appointments. The law requires the commission to appoint the various public defenders and necessary PDSO personnel. The commission must do the following:

1. appoint a chief and deputy public defender ([CGS § 51-290](#));
2. appoint (a) a public defender for each judicial district and a public defender who must handle appellate matters and provide legal support services to public defender offices, each of whom must serve as public defender in the Superior Court and (b) as many assistant public defenders and deputy assistant public defenders for the Superior Court the court requires ([CGS § 51-293\(a\)\(1\)](#)); and
3. appoint, based on the chief public defender's recommendation, all other personnel necessary for the operation of the PDSO and set their compensation ([CGS § 51-293\(b\)](#)).

Vacancies. The commission must fill any appointment that is vacated before the appointee's term expires.

Part-time. The law authorizes the commission, if it believes it to be in the best interest of providing efficient defender services to the public, to allow one or more public defenders, assistant public defenders, or deputy assistant public defenders to serve on a part-time basis in areas where it determines that part-time services better fulfill the public's and division's needs ([CGS § 51-293\(e\)](#)).

Suspensions. The law authorizes the chief public defender to suspend a public defender, assistant public defender, or deputy assistant public defender for cause without pay for up to 15 working days. At the chief public defender's request, the commission must review the suspension and may reverse it or, after notice and a hearing, continue it beyond 15 days by a majority vote ([CGS § 51-293\(g\)](#)).

Removal. Under the law, the commission, after notice and a hearing, may remove (1) the chief or deputy public defender for good cause and (2) a public defender, assistant public defender, or deputy assistant public defender from office during his or her term. For the latter, the chief public defender may initiate the removal ([CGS § 51-283\(a\)&\(f\)](#)).

Reporting

By February 1, the commission must annually submit the report it receives from the chief public defender on the PDS's operations, along with its recommendations, comments, and conclusions to the chief justice, governor, and Judiciary Committee ([CGS § 51-291](#)).

Scope of Public Defender Services

By law, public defender services must be executed by the chief public defender, the deputy chief public defender, public defenders, assistant public defenders, deputy assistant public defenders, investigators, and other personnel which the commission deems necessary ([CGS § 51-289\(h\)](#)).

Under the law, public defender services include the duties carried out by public defenders in the Superior Court and, before July 1, 1978, the Court of Common Pleas ([CGS § 51-289\(h\)](#)).

In 2011, the legislature eliminated the Commission on Child Protection and transferred its functions, powers, and duties to the Public Defender Services Commission, which included ensuring that children and indigent parents who require legal services and guardians ad litem in child protection, child custody, and child support cases received high quality representation from people knowledgeable and trained in the law applicable to these cases ([PA 11-51, § 1; CGS §§ 51-289\(i\) & -289a](#)).

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