

## Criminal Justice

# ABA Brief Filed in Md. Supports Counsel for Indigents at Bail and Pretrial Release Hearings

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The ABA has filed an amicus brief in Maryland's highest court supporting the appointment of counsel for indigents at bail and pretrial release proceedings.

The Maryland Court of Appeals is considering whether the Sixth Amendment, the state constitution or state statutes require appointment of counsel for indigent defendants before a first court appearance.

The ABA [brief](#) (PDF) in the case cites the "consensus view of the legal profession" embodied in the ABA Standards for Criminal Justice, according to a [press release](#). "For over four decades, the ABA Standards have consistently maintained that counsel should be appointed at the earliest possible stage of criminal proceedings, and certainly no later than the accused's initial appearance before a judicial officer," the brief says.

The brief refers to a 2002 study of bail hearings for 4,000 lower-income defendants accused of nonviolent crimes in Baltimore City. Defendants with lawyers were 2.5 times more likely to be granted release on their own recognizance and four times more likely to get reduced bail. The study was conducted by the Baltimore City Lawyers at Bail Project and the University of Maryland Law School.

Federal courts have been required to appoint counsel for a defendant's first appearance since 1966. In a "modern trend" chronicled by the U.S. Supreme Court in a 2011 decision, 43 states now appoint counsel for indigent defendants either before, at or just after the initial appearance, the ABA brief says.

The case is *DeWolfe v. Richmond*.

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