

Put the public, not politics, first in selecting a public defender



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The current public defender selection process is critically flawed, lacks community support and disregards the lessons of history. Ignoring the past, the Republican majority in the Monroe County Legislature used a secretive, politically driven process to interview only three applicants.

Furthermore, the interviews, conducted by the GOP members of the legislature's Public Safety Committee in closed session Saturday lasted on average just 45 minutes each. This is hardly enough time to adequately discuss with each candidate their qualifications and vision for the Public Defender's Office, let alone choose a candidate.

When a report was issued in the 1970s detailing incompetence in the Monroe County Public Defender's Office, the County Legislature asked the Monroe County Bar Association for help with the selection process. The community had been outraged by the scathing report that revealed rampant incompetence. The report indicated the public defender at the time had a reputation for being influenced by political connections, crippling the office's effectiveness.

Under the U.S. Constitution, every person is guaranteed the right to a legal defense without regard to socioeconomic status. Our public defender is charged with fulfilling this obligation. County legislators, in filling the public defender position, owe our first responsibility to the people we serve by appointing the best-qualified person for the job.

Although the legislature must make the final decision, a responsibility that has never been contested, it is wise to consider



CHRISTINA DICKEN staff photographer

State Assemblyman David Gantt, D-Rochester, front, and Raymond Scott are handcuffed inside the Monroe County legislative chambers Saturday. They, along with Minister Franklin Florence, were arrested for refusing to leave the chambers where an early-morning meeting had convened to interview candidates for county public defender. They were charged with disorderly conduct.

recommendations from those most intimately knowledgeable about the areas of justice served by the defender's office and who are not affected by partisan politics. In fulfilling our responsibility to the people, we must have a transparent process insulated from shortsighted political agendas.

When the legislature last selected our public defender, it followed these tenets by asking the Bar Association to select a screening committee from the legal and nonprofit community to review some 35 applications submitted from a broad-based search. The association convened this independent committee — whose members represented an inclusive and expansive cross-section of the community — to carry out this duty. From that transparent, merit-based screening process, three highly qualified individuals were recommended back to the legislature. This special commit-

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The Monroe County Legislature is slated to vote on the appointment of a new public defender at its meeting tonight starting at 6 p.m. at the Monroe County Office Building, 39 W. Main St.

tee did not include any voting members of the legislature.

For several months, there have been persistent, disturbing rumors indicating the Republican majority had a preordained choice for public defender. Last week, allegations surfaced of similar Republican political pressure to pick a favored candidate as the next Monroe Community College president. Unfortunately, the majority's attempts to stifle public debate by repeatedly holding unnecessary, closed-door meetings will only serve to reinforce the perception that political affiliations, not qualifications, drive the ap-

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pointment process.

We must exercise all due diligence to ensure political considerations play no role in the selection of our public defender. That is why this community has been demanding that we return to the transparent, merit-based selection process that successfully produced Ed Nowak, our county's public defender for the past three decades. The Democratic Caucus sincerely hopes the majority will come to see that our community deserves a seat at the table and end this politically driven, flawed process that violates the public's trust. □

Bronson, D-Rochester, represents the 24th District in the Monroe County Legislature.