

A Near-Epiphany at the Supreme Court

The justices come close to recognizing the perilous state of the American public-defense system.



Gary Cameron / Reuters

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3/30/2016 2:03 PM ET

In a 5-3 decision in *Luis v. United States* on Wednesday, the U.S. Supreme Court forbade the government from seizing legitimate funds defendants could use to hire a lawyer of their choice. Along the way, the justices came close to asking a more troubling question: Does America's underfunded public-defender system meet the Sixth Amendment's standards for adequate legal counsel?

The case itself had nothing to do with public defenders, at least on the surface. Sila Luis, who brought the appeal before the Court, was indicted for federal health-care fraud to the tune of \$45 million in 2012. Luis had \$2 million in

assets when a federal grand jury indicted her; she said she hoped to use the funds to pay for her legal defense.

But prosecutors sought a court order barring her from using any of her funds—even those wholly unconnected to the crime—in hopes of acquiring them after conviction for restitution and possible criminal penalties. Luis argued that seizing those untainted funds would violate her Sixth Amendment right to seek assistance of counsel of her choice. Lower courts disagreed, so she appealed the order to the Supreme Court, which agreed to hear the case last year.