

IN MEMORIAM: Marshall J. Hartman

Marshall J. Hartman, who was a transformational force in the development of organized public defense services for the indigent accused, passed away on September 20, 2021, in Chicago, Illinois at age 87.

After graduation from the University of Chicago Law School and service as an officer in the Army, Hartman began his legal career with the Illinois Cook County Public Defender Office in 1963—the year *Gideon v. Wainwright* applied the Sixth Amendment right to counsel to state criminal prosecutions. At that time only 3% of the counties in the nation had organized public defender offices.

In the 1970's Hartman served as National Director of Defender Services for the National Legal Aid & Defender Association (NLADA) where he obtained a grant to conduct a nation-wide study of indigent defense services. The results, published as *THE OTHER FACE OF JUSTICE*, documented the glaring inadequacies of the unorganized ad hoc systems for appointing counsel that had sprung up after *Gideon*.

Hartman worked tirelessly to establish national standards for organized public defense systems to ensure adequate resources, manageable caseloads, proper training, and independence from political and judicial pressure. Many of his proposals were adopted by the National Advisory Commission on Criminal Justice Standards and Goals in 1973 and later formed the basis for the ABA's TEN PRINCIPLES OF A PUBLIC DEFENSE DELIVERY SYSTEM, approved by the House of Delegates in 2002.

Hartman also spearheaded a campaign to secure federal assistance for state and local governments, arguing that constitutionally mandated defense services were an essential component of the criminal justice system, worthy of federal aid the same as the police and prosecution. Due to his persistent and persuasive efforts, including his testimony before the House Judiciary Committee, legislation was passed authorizing federal funding for the improvement of state indigent defense services.

Hartman was also recognized as one of the nation's foremost experts in defender office management. As Executive Director of the Criminal Defense Consortium, he obtained a demonstration grant to establish six neighborhood defender offices throughout the city of Chicago and, in collaboration with area law schools, created a model defense delivery system. He later served as Chief Defender of Lake County, turning it into an award-winning office and returned to Chicago to serve as Director of the Capital Litigation Division of the Illinois Office of State Appellate Defender, providing post-conviction assistance to death row inmates until his retirement in 2002, after the Governor of Illinois commuted all death sentences.

Hartman taught criminal procedure at Chicago-Kent College of Law, published numerous scholarly articles, co-authored a book on criminal procedure and was involved in bringing several important cases to the U.S. Supreme Court, including *In Re Gault*, which established the right to counsel for juveniles. Throughout his career

he helped set up organized defender systems in scores of counties across the country. He received the Reginal Heber Smith Award and numerous other awards for a life's work dedicated to improving our criminal justice system's ability to provide equal justice.