

Federal judge tosses lawsuit over your right to a lawyer

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SALT LAKE CITY — A federal judge has dismissed a potential class action lawsuit filed against Utah over your right to a lawyer.

Six men, backed by the American Civil Liberties Union of Utah, sued the state over its indigent defense system. They accused the state of failing to provide them with adequate legal representation. Under the Sixth Amendment of the U.S. Constitution, you have a right to an attorney if you cannot afford one.

The ACLU has claimed more than 80 percent of Utahns cannot afford a lawyer so they get publicly appointed counsel. A pair of audits of the state's court system was damning in pointing out problems with the indigent defense system. It led to the Utah State Legislature passing changes, including a new commission to address problems.

It was those changes by the legislature that prompted U.S. District Judge David Nuffer to dismiss the case. He also said the ACLU did not challenge how taxpayer money was allocated to counties for indigent defense.

"The declaratory relief Plaintiffs' seek is either mooted by the 2016 amendment, or prematurely determines that the amendment is insufficient to effectuate the changes to the State's indigent defense system Plaintiffs desire," he wrote. "On this record, it is speculative to assume the 2016 amendment will be insufficient, and it is speculative that the State Legislature would take additional action beyond the 2016 amendment if a declaratory judgment were entered."

The ACLU of Utah said Friday night it did not have any immediate comment on the judge's ruling.