Peter Joy addressed “Rationing Justice” at his installation as the Henry Hitchcock Professor of Law on March 22, 2011. Joy, who also serves as the law school’s vice dean, stressed that our system of justice “rations lawyers,” where quality access to justice is often only available to those who can afford it. Joy discussed the general problem of too few lawyers for the poor, but focused his address on the crisis in public defense due to the problem of excessive caseloads for state public defenders.

“We can’t have any confidence in what courts do in terms of guilt or innocence unless we have confidence in the quality of legal representation that individuals are receiving,” he said. “I dream of the day when a public defender, who is held to the same ethics rules as every other lawyer, can do what every other lawyer can do, which is to say to the court ‘Your honor, I just can’t handle this case right now because I am overworked and I need more time.’ … And the judges and courts will actually listen.”

Joy cited low spending and extremely high caseloads in Missouri and other state public defender offices, creating a “depressingly bad situation” where public defenders have caseloads far in excess of the number recommended for the accused to receive effective, ethical representation. He also explained how the issue of quality of representation relates to the 6th Amendment, the Ineffective Assistance of Counsel Standard, and ethical obligations of public defenders. Joy advocated for assigning to the prosecutor the burden of proof that the public defender can provide effective assistance of counsel in a given case when the public defender’s caseload has exceeded recommended limits. After citing egregious instances of inadequate representation, he also stressed the need for a higher standard for what is considered effective assistance of counsel.

Joy is well known for his work in clinical legal education, legal ethics, and trial practice. Co-director of the Criminal Justice Clinic, he has written extensively and presented nationally and internationally on clinical legal education, legal ethics, lawyer and judicial professionalism, and access to justice issues. Past director of the law school’s Trial & Advocacy Program, he is a recipient of the Association of American Law Schools’ (AALS) Pincus Award for outstanding contributions to clinical legal education. He currently is a member of the ABA Section of Legal Education and Admissions to the Bar’s Accreditation Committee; chair of the AALS Professional Responsibility Section; former chair of the AALS Section on Clinical Legal Education; a board member of the Society of American Law Teachers; and former president of the Clinical Legal Education Association. Joy also serves on the Board of Editors of the Clinical Law Review and is a contributing editor to ABA Criminal Justice where he co-authors an ethics column.

Rodney J. Uphoff, the Elwood Thomas Missouri Endowed Professor of Law, University of Missouri, and Charles D. Weisselberg, the Shannon C. Turner Professor of Law, University of California, Berkeley, introduced Joy during the installation ceremony. Kent Syverud, dean and the Ethan A.H. Shepley University Professor, and Edward Macias, Washington University provost, also gave remarks.

“Peter is a great teacher and scholar who is a leader in American legal education,” Syverud said. “I am grateful for his selfless work to improve virtually every aspect of our school, from our curriculum to our clinics to our trial advocacy program to our ethics instruction.”

The Hitchcock professorship is named for Henry Hitchcock, a founder of the law school and the school’s first and third dean. Great-grandson of American revolutionary Ethan Allen, Hitchcock was a leading lawyer in St. Louis who acquired a national reputation as a jurist. He was one of 15 founders of the American Bar Association, the first president of the Missouri Bar, president of the St. Louis Bar, and president of the Missouri Civil Service Reform Association.

Levin Installed as Orthwein Professor

Vice Dean Peter Joy succeeds Ronald Levin as the Henry Hitchcock Professor of Law. Levin, who joined the law faculty in 1979, was installed as the William R. Orthwein Distinguished Professor of Law on April 1, 2011. He will be featured in the fall edition of the Washington University Law Magazine.