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Contact: [Amber English Coleman](#), 202-894-6141

First Amendment lawsuit filed challenging firing of Philadelphia Deputy Public Defender

WASHINGTON – This week **Civil Rights Corps** (CRC) and **Kairys, Rudovsky, Feinberg, Messing & Lin LLP**, on behalf of former Montgomery County Deputy Public Defender **Keisha Hudson**, sued the County for violating Hudson’s First Amendment rights and her right to independence under Pennsylvania law. [According to the lawsuit](#), the Montgomery County Board of Commissioners wrongfully terminated Hudson after she filed an amicus brief challenging the County’s money bail practices.

“The commissioners didn’t just fire me, they suppressed the voice that advocates for the poor in Montgomery County,” **said Hudson, the plaintiff**. “They’re telling the people of Montgomery County that their defenders aren’t allowed to speak up on their behalf. That their advocates will be silenced — or expelled — and that only state-approved descriptions about what’s really happening can be aired in the courtroom. It isn’t just Montgomery County that’s set up this way—county leaders can fire the public defender statewide, which leads to both direct censorship and self-censorship across Pennsylvania.”

On February 3, 2020, Hudson filed an amicus brief in a 2019 case before the Pennsylvania Supreme Court, arguing that the County’s system of jailing thousands of people pretrial just because they’re poor violated the law, and that it disrupted thousands of lives. On February 26, Montgomery County fired Hudson because she filed the brief.

“Keisha Hudson has spent her life devoted to fighting for the rights of poor people in the criminal system, and for years, she has watched every day as her clients suffer because they cannot afford to pay for their freedom,” **said Charlie Gerstein, attorney for Civil Rights Corps**. “During this global pandemic, one that will be especially perilous for people in our jail and prison system, Keisha Hudson would be filing motions to fight back against the courts’ ongoing failure to remedy a public health emergency in their jails, but she can’t, because the county fired her.”

With Hudson no longer able to represent her would-be clients, County officials are continuing to expose them to a deadly pandemic just because they’re poor. Last Friday, President Judge Thomas Del Ricci of the Court of Common Pleas, in what he described as an effort to "reduce the jail population during this public health crisis," directed judges in Montgomery County to "pause" before imposing money-bail amounts that result in jailing the poor, and to impose those amounts only on those who "need to . . . have their movements restricted for public safety reasons." In other words, rich people who need their movements restricted go free regardless of public safety, but poor people go to jail. With jails as potential centers of contamination in this global crisis, this response is as dangerous as it is unconstitutional.

Hudson seeks judgement compensating her for her firing, ordering that she be reinstated, and guaranteeing that she may operate independently in the future.

This lawsuit is part of CRC's continuing Indigent Defense Initiative, which was launched to fight the persistent denial of the right to counsel across the country, specifically focusing on the problem of defense independence. Millions of legally innocent people every year cannot adequately defend themselves against criminal charges because their lawyers are overburdened, under resourced and plagued by systematic conflicts of interest. The [Indigent Defense Initiative](#) challenges this entrenched unconstitutional system using groundbreaking litigation.

To read the full complaint filed in Hudson v. Montgomery County, [click here](#).

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