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Justice Deferred: How Federal Court Inequities Restrict Access to Justice for Latino Defendants

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Executive Summary

Federal courts face growing backlogs and resource shortages that restrict access to justice for Latinos and other marginalized communities. These shortages have been particularly heightened due a lack of resources for the judicial branch. Court delays, limited access to legal representation, and inconsistent access to multi-language resources disproportionately deny Latino defendants fair and timely outcomes through case deferrals. These deferrals compromise the constitutional rights to which all individuals in the United States are entitled. This, in turn, undermines the trust we have in our court systems. To address these shortcomings, Congress must invest in additional funding for the judicial system, specifically allocate resources to expand culturally competent court resources, and ensure accountability through Congressional oversight and data collection.

Background

The United States Constitution enumerates the rights to which every person in the country is entitled. This includes the rights for individuals during judicial processes, such as the right to due process, equal protection, and to a speedy and public trial.¹ The Sixth Amendment outlines that all criminal defendants have the right to a speedy and public trial, along with access to counsel for their defense.² The Fourteenth Amendment guarantees equal protection of the laws and due process to ensure fair legal procedures.³ In addition to these constitutional protections, Congress has also enacted legislation to further define these intentions. For example, *The Speedy Trial Act of 1974* outlines specific time limits in which federal and district criminal cases must commence.⁴ Specifically, this act reaffirms protections set forth in the Sixth Amendment in order to prevent undue periods of delay.⁵ Despite these constitutional and legislative protections, judicial backlogs and a lack of resources have increasingly overwhelmed the federal courts, leading to persistent issues for Latinos seeking access to justice.

As of 2025, there are approximately 507,775 pending cases in the U.S. District Courts.⁶ There are also 42 current judicial vacancies across the nation.⁷ With a high number of pending cases, judicial vacancies not only exacerbate the workload for federal judges, but also negatively impact public defenders and necessary support staff for judicial operations. The COVID-19 pandemic further altered operations as many courts turned to alternative procedures to compensate for social distancing.⁸ Although virtual hearings and alternative technologies alleviated some concerns, it presented issues for those without access to high-speed internet or computers when attempting to utilize new tools.⁹ Most notably, courts were unable to ensure technological accommodations to those who may have a disability or limited English-proficiency.¹⁰ This presented an inequity issue as it is the court's responsibility to ensure that procedures are accommodating to all individuals.

The distribution of large case volumes across the relatively small number of federal judges—approximately 840—leaves judgeships with large case demands.¹¹ Persistent funding discrepancies limit the judiciary's ability to fill these vacancies, leaving current judgeships overburdened for the foreseeable future. Public defender programs are also inadequately funded, causing a deficit in legal defense available to defendants. Moreover, for those public

defenders still operating, case demands leave attorneys with little time and resources to fully attend to their clients. For example, attorney caseloads exceed the maximum recommended in nearly three-quarters of public defenders' offices.¹² The growing number of cases paired with the stagnant number of available staff to care for them raises concerns for not only how these cases will be addressed, but for the quality of their adjudication.

Although the negative impact is widespread, these issues disproportionately impact Latino defendants who make up nearly 30 percent of federal inmates,¹³ but only represent 19 percent of the national population.¹⁴ Despite making up a substantial number of defendants, Latinos are not provided with adequate resources for fair participation in the judicial process. Limited language access and other cultural barriers make navigating an already strained system more difficult.¹⁵ As cases continue to grow without intervention, these disparities will continue to widen, leaving defendants and the broader judicial system to face growing inequities.

Problem Analysis

As resource shortages and backlogs increase, the implications have widespread impact for defendants. Delays in trial proceedings, limited access to representation, and inadequate Spanish-language resources combine to create an inequitable system where justice is not only delayed, but defendants' constitutional right to a fair and speedy trial under the Sixth Amendment is infringed.¹⁶

Longer case timeframes have increasingly become the norm rather than the exception. Defendants can wait anywhere from months to years before nearing a resolution in their case. While cases have historically been a time-consuming process, COVID-19 exacerbated this due to the inability of courts to function according to established procedure.¹⁷ In fact, lingering effects of the pandemic contributed to criminal cases taking a median of 10.4 months from the point of filing to ultimately reaching a final outcome.¹⁸ This is a 60 percent increase from 2018, before the pandemic, when the median time for this process was 6.5 months.¹⁹ In addition to taking longer, cases that moved forward virtually during this time were often disorganized or resulted in technical errors that could negatively compromise the quality of the defendant's case.²⁰ These conditions may indirectly impact the decisions of defendants' cases. Defendants may be more inclined to accept plea deals or move forward without the sufficient time or representation just to get the process over with.²¹ In fact, 81 percent of defense attorneys surveyed in 2021 claimed that the plea process had shifted due to the COVID-19 pandemic, leading to more clients accepting plea deals than they believe they otherwise would.²² This group also believed that the pandemic negatively impacted their ability to contact and communicate with their clients, leaving defendants without proper support during their cases.²³

The underfunding of public defenders leaves defendants with limited access to representation. In comparison to funding for prosecutors, public defenders have historically been funded far less despite having more entities to allocate their expenses to.²⁴ Public defender budgets pay for attorneys, investigators, and depending on the office, social workers and civil attorneys.²⁵ Prosecuting offices have less of a burden, as they only pay their attorneys and victim advocates, but receive substantially larger budgets than public defender offices.²⁶ This difference in budgeting leaves public defenders under-resourced despite having larger caseloads. To put this in perspective; over 90 percent of defendants in federal criminal cases are appointed counsel due to their inability to pay for counsel independently.²⁷ This means that a majority of defendants need to be appointed counsel, further exemplifying the demand on public defender systems that appoint counsel for low-income individuals. Due to the federal funding crisis, private court-appointed attorneys operated without pay from July 2025 until the beginning of the next fiscal year (October 1, 2025).²⁸ This conflict has further limited defendants' access to counsel as private court-appointed attorneys alleviate some of the burden from federal defender organizations, but without funding, the weight of the workload falls back onto already underresourced federal defender organizations.²⁹ This budgeting gap leaves defendants with access only to defenders who are willing to work without compensation and it may push their cases onto public defenders who are already exceeding caseloads, which poses a substantial hardship for both parties involved.

Beyond case backlogs and underfunding, limited access to inclusive resources and representation alters outcomes for Latino defendants. The way in which data is stored in the criminal justice system for Latinos is inconsistent and leads to misconceptions that inhibit our understanding of ethnic disparities in this system.³⁰ Certain states have already indicated a reduction in court interpreters over recent years.³¹ In New York, there has been a 23

percent decrease in interpreters statewide between 2019 and 2025.³² Additionally, there appears to be a lack of sufficient data to properly speak to the availability of Spanish-language resources within these groups. Moreover, only 5 percent of all attorneys are Latino³³ despite Latinos making up 19 percent of the United States population, leaving a wide gap in which Latinos are culturally represented in legal spaces.³⁴ Inaccessibility to Spanish-language resources has been a consistent issue in key cases, yet is not adequately monitored to evaluate its accountability.³⁵ In accordance with this, limited Spanish-language resources, such as interpreters or Latino attorneys, limit Latinos' opportunity to fully understand or participate in their hearings, and may lead to incorrect or inconsistent information being utilized in cases. Without sufficient data to track the cultural experience of Latinos in court spaces, we cannot adequately assess the severity of this barrier.

The result of these systemic barriers for Latinos in federal criminal cases ultimately impacts case outcomes and sentencing. Not only are Latinos treated more harshly compared to their similarly-situated white counterparts,³⁶ but attorney caseloads for the Latino population are also associated with significant increases in sentence length.³⁷ Specifically, the Latino population's sentencing length in criminal cases tends to be five months longer than the general sentencing averages for the white population, while controlling for relevant variables.³⁸ These results are reflected in multiple studies, indicating that there is a disproportionate increase in sentencing length for Latinos and other communities of color in comparison to their white counterparts.³⁹ These results support that limited access to justice for the Latino population may contribute to the penalties that they receive for their crimes. As these issues perpetuate in federal courts, we must consider how these inequities fester in the administrative courts as well.

Immigration Courts

Challenges in accessing justice are not just limited to the federal courts. Immigration courts through the Executive Office for Immigration Review (EOIR) are also experiencing a particularly high number of defendants due to the recent administrative shift to the Trump Administration, who has voiced heightened immigration enforcement as a priority.⁴⁰ Backlogs in the immigration courts have more than tripled since 2017, leading to approximately 2 million pending cases in the United States immigration courts.⁴¹ Despite the high case volume, the House Appropriations Subcommittee proposed a \$300 million budget for the Legal Services Corporation for Fiscal Year 2026, which would result in a 46 percent cut from Fiscal Year 2025's appropriation of \$560 million.⁴² These proposed cuts would result in a lack of legal representation available for immigration and other civil cases, which would particularly impact the Latino population. Administrative and policy proposals of this nature risk deepening the disparities that Latinos already face. The combination of increased immigration enforcement, which leads to a higher caseload, and a reduction in funding for court administration infringes on Latinos' ability to access representation.⁴³ This is particularly harmful as noncitizen defendants tend to have higher odds of incarceration than U.S. citizens.⁴⁴

Conclusion and Policy Recommendations

Lack of access to representation and proper resources for Latinos in the federal court system is an inequity that threatens Latinos' constitutional rights. The disproportionate amount of Latinos in criminal cases make this issue particularly concerning for this population. Without intervention, these disparities may continue to widen as cases grow while funding for programs and systems within the judicial branch remain stagnant or face detrimental policies.

To ensure that Latinos' constitutional rights are upheld and ensure that they are represented in federal cases, Congress and its respective entities have avenues to improve these conditions. Some approaches are available through the recommendations listed below, including increased investment, culturally competent resources, and increased Congressional oversight and data collection. The federal courts could consider mitigating the barriers facing Latinos in the courts through policy intervention and collaborative action, which may restore trust in the very promises set forth in our Constitution for those enduring judicial procedures. Bridging these gaps will ensure that justice is no longer deferred, but rather accessible.

Policy Recommendations:

- **Increase funding to the judicial branch.** Congressional appropriations should prioritize allocating funding toward filling judicial vacancies. By reducing vacancies, the distribution of work can be improved so that caseloads are not as demanding. Additionally, additional investment towards public defender programs should include specific funding for staffers and other entities included in running these programs. As previously stated, prosecutorial programs include a similar funding structure that could be used as a reference when determining a new distribution.
- **Guide allocations to ensure cultural competency.** If judicial programs received additional funding, more resources should specifically be allocated towards culturally competent resources, such as language-inclusive alternatives. This may include, but is not limited to: interpreters, multi-language court documents, and sufficient technologies with such accommodations. By specifically directing allocations, Congress can ensure that this inequity is being addressed, rather than just allocating funds broadly.
- **Implement Congressional oversight and data collection.** Congress should collect and publish data on disparities affecting the Latino population, including case processing and sentencing. Agencies such as the Administrative Office of the U.S. Courts and The United States Sentencing Commission should track and publish data including race, ethnicity, language proficiency, and other relevant factors to capture the experience of Latinos in the judicial process. Tracking and publishing data would allow the courts to adequately take into account how the Latino community experiences the court systems in order to mitigate disparities and uphold constitutional protections.

Endnotes

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