

O.P. Pollard Retires as Commission Director



Overton P. Pollard, director of the Public Defender Commission, retired in September, after 31 years of service. He is widely credited with the growth and success of the indigent defense system in Virginia.

“O.P. is one of the Virginia bar’s most respected and trusted members, and he is literally the primogenitor of our public defender system. He deserves our thanks and commendation for a job well done during his 30-year tenure as director of the commission,” said VSB Executive Director Thomas A. Edmonds.

A recent resolution by the board of directors of the Virginia Association of Criminal Defense Attorneys commended Pollard for his “dedication to the ideal that indigent defendants deserve not just effective representation, but representation that meets the highest professional standards.”

A native of Ashland, Pollard received his undergraduate and law degrees from Washington & Lee University. After service in the Navy from 1957–1959, Pollard worked for the Travelers Insurance Companies as a claims adjuster until 1967, when he became an assistant attorney general in Virginia. He was a special assistant to the Virginia Supreme Court for two

years, and again worked for the attorney general’s office from 1970–1971, when he entered private practice. At age 39, he was hired by the newly-formed Public Defender Commission as its first executive director in September 1972.

VSB Report Recommended Pilot Programs

Forty years ago, the U. S. Supreme Court ruled that an indigent defendant facing serious criminal prosecution was entitled to be represented by an attorney at public expense. Virginia was providing counsel for serious felonies before the decision, but appointments were often made immediately before trial, and little attention was paid to the question of “adequate” or “effective” representation. The importance of early appointment of counsel had become apparent, especially prior to a preliminary hearing.

Legislative studies in the late ‘60s explored methods of providing counsel for indigents, and in 1970, the VSB Criminal Law Section studied whether public defender offices should be considered.

In 1971, the VSB report recommended creation of a Public Defender Commission to establish “pilot” public defender programs in three areas of the commonwealth.

The 1972 General Assembly voiced its approval of the State Bar study and the Attorney General’s support by enacting legislation creating a Public Defender Commission to establish offices in selective jurisdictions. In November of that year, the first public defender office opened to serve Augusta County and the cities of Staunton and Waynesboro.

Because of his early support and leadership, Pollard was asked to head the new program. Then in private practice, Pollard worked as part-time director of the Public

Defender Commission, becoming its full-time director in 1987.

Expanded to 21 Offices

There are now 21 offices serving 48 jurisdictions. Each office is directed by a full-time public defender who is selected by, and serves at the pleasure of, the Public Defender Commission. Currently, 234 attorneys are employed in the public defender offices and four regional capital defender offices.

Additionally, each office has investigative and secretarial assistance, and 10 offices have sentencing advocates, whose duties include proposals for alternatives to incarceration and preparation of mitigation evidence for persons charged with capital offenses.

Pollard is steadfast in his hope for statewide public defender offices. He says that local bar associations that see a need for one should contact their legislators.

In his 2002 “State of the Judiciary Message,” then Chief Justice Harry L. Carrico said that “. . . a statewide [public defender] system would offer the best possible means of providing a higher level of services for indigent defendants and would be more apt to attract sufficient funding for the provision of such services. And, I suggest that the sooner a statewide system is provided, the better.”

Pollard says that he will remain an “interested spectator” as the system slowly expands in the commonwealth.

“We have always made gradual gains [in the system]—not every year, but we have made progress. Moving slowly is not all bad,” he says.

Pollard has been succeeded in the job by Richard C. Goemann, formerly deputy director of the commission.

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