Trials: Section 1983 Damages Claim for Ineffective Assistance of Counsel Implies That Underlying Conviction Was Improper and is Barred by *Heck v. Humphrey*

Williams v. Weber County, No. 13-3104 (10th Cir. Apr. 15, 2014).

The Tenth Circuit has upheld the dismissal of Section 1983 claims raised by five criminal defendants against Weber County, Utah and County Commissioners based on allegedly ineffective assistance of counsel provided by County-appointed lawyers.

The County had entered into fixed-price contracts with local attorneys to provide counsel to indigent defendants. After being told by their counsel that they had no case, each of the five defendants pleaded guilty and was convicted. They then sued for deprivation of their right to counsel under the Sixth Amendment, alleging that the County and Commissioners had under-funded the appointed-counsel program and had failed to train or supervise the lawyers.

HELD: The Tenth Circuit upheld the lower court's dismissal, based on *Heck v. Humphrey*, 512 U.S. 477 (1994).

DISCUSSION: Under *Heck*, a Section 1983 claim may not be brought by a state prisoner where success on the Section 1983 claim would necessarily imply the invalidity of the underlying conviction—unless that conviction has already been invalidated or overturned on other grounds.

Here, if the court were to find that the appellants were entitled to damages because they had been deprived of effective assistance of counsel when entering guilty pleas, it would necessarily imply that their underlying criminal convictions had been improperly obtained.

Appellants argued that they were only challenging the *procedures* involved in the indigent-defense program, not the outcome. Although the Supreme Court has allowed a number of Section 1983 claims to proceed where the issue was truly procedural, in this case the so-called "procedural" infirmities—lack of contact with the criminal defendants, lack of researching their cases, and so on—directly implicated the underlying guilty pleas and convictions. Although the appellants pointed to a number of precedents allegedly supporting their position, all were distinguishable. In a recent Western District of Washington case, the Section 1983 case for ineffective assistance of counsel had been allowed to proceed because it was brought before any verdict had been rendered. In another case, the relief sought was a declaratory judgment that counsel's assistance was ineffective, and did not involve damages.

http://law.justia.com/cases/federal/appellate-courts/ca10/13-4104/13-4104-2014-04-15.html (last accessed May 1, 2014).