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Criminal Justice Task Force Releases Recommendations

Expertise of Judges, Prosecutors, Public Defenders and Defense Attorneys Shapes Balanced Proposal

JEFFERSON CITY, MO – The Missouri Bar Criminal Justice Task Force today shared its recommendations for how the state can assure an effective criminal justice system for the people of Missouri. Missouri Bar President Pat Starke of Blue Springs formed the task force which is charged with developing legislative recommendations to implement a long-term solution to provide adequate resources for indigent criminal defense.

“The people of Missouri deserve an effective criminal justice system where prosecutors and public defenders have adequate resources,” said Starke. “I appreciate the work of this task force because it brings together the perspectives that are representative of the criminal justice system as a whole. Their recommendations incorporate the experiences and expertise of judges, prosecutors, public defenders and defense attorneys and represent a balanced proposal for the legislature to consider.”

The Criminal Justice Task Force is chaired by recently retired Judge Charles Atwell and comprised of Cat Kelly, director of the Missouri State Public Defender System; Eric Zahnd, president of the Missouri Association of Prosecuting Attorneys; Jeff Eastman, president of the Missouri Association of Criminal Defense Lawyers; and Ray Williams, private counsel and member of The Missouri Bar Board of Governors. The panel has been considering ideas since late last year and issued the following recommendations, which were approved by The Missouri Bar’s executive committee:

- 1) Abrogate unilateral certification of offices by the Missouri State Public Defender, while allowing District (or Circuit) Public Defender to seek judicial relief of caseload through presiding judge
- 2) Limit Public Defender representation in probation and parole violation/revocation cases to those cases where representation is constitutionally required
- 3) Limit Public Defender involvement in 1st- and 2nd-level conflict cases through contract counsel
- 4) Enact statutory change to State Legal Expense Fund to include coverage for contract and appointed counsel in criminal matters, or otherwise provide malpractice protection for appointed counsel
- 5) Utilize a central collection agency for all criminal justice debt, including restitution, court fees, jail fees, public defender liens, and all other debt defendants owe due to their involvement in the criminal justice system
- 6) Allow courts to take monthly payments on cash or 10% deposit bonds for payment of private counsel and funding of the Public Defender System
- 7) Explore efficiency of representation of indigent defendants by contract counsel consistent with the requirements of the 6th Amendment of the U.S. Constitution and Article I, Section 18(a) of

statutory language for these matters, and also to consider and review other criminal justice issues, including needs of part-time prosecutors

Most of the recommendations require statutory changes. Legislation addressing the state's criminal justice system has already been introduced this session. Starke said he's glad this important issue has the attention of the state's policy leaders and believes the task force's recommendations can help lead to a promising legislative solution.

The Missouri Bar is a statewide organization that is dedicated to improving the legal profession, the law and the administration of justice for all Missourians. Created in 1944 by order of the Supreme Court of Missouri, it serves all 30,000 of Missouri's practicing attorneys. To achieve its mission, The Missouri Bar provides a wide range of services and resources to its members, as well as the media, educators and the citizens of Missouri. To learn more about The Missouri Bar, visit www.mobar.org.

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