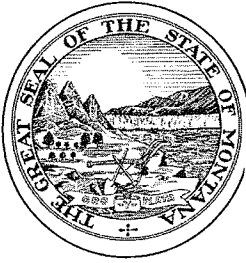


# OFFICE OF THE STATE PUBLIC DEFENDER



STEVE BULLOCK  
GOVERNOR

WILLIAM F. HOOKS  
CHIEF PUBLIC DEFENDER

## STATE OF MONTANA

Phone: (406) 496-6080  
Fax: (406) 496-6098  
www.publicdefender.mt.gov

44 WEST PARK STREET  
BUTTE, MONTANA 59701

June 13, 2013

U.S. Attorney General Eric Holder, Jr.  
Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

c/o: Jenny.Mosier@usdoj.gov

Dear Attorney General Holder:

I write today to ask your support in helping to create a White House Commission on the Fair Administration of Justice for the Indigent Accused. Though serious problems exist throughout America, the difficulties of providing the right to counsel in more rural areas present particular issues. Without a system to ensure that appropriately qualified attorneys are available in rural America, defendants will languish in jail for weeks if not months waiting to talk to an attorney while witness's memories fade and investigative leads go cold. Even then, defendants may find themselves as one of several hundred of defendants whose cases are all being handled by a single attorney all at the same time. And, the attorney oftentimes has financial conflicts that pit his ethical duty to zealously advocate solely in the best interests of a client against his ability to put food on his family's table.

My state, Montana, has known these struggles first hand. In 2002, our county-based systems became the focus of a class action lawsuit by the American Civil Liberties Union. The lawsuit was tabled in 2005 to allow for the Montana Legislature to create a statewide commission to oversee all indigent defense services in the state through the Office of the Public Defender. And, as much as services have improved through more statewide coordination, we still face continued struggles based on underfunding and excessive caseloads. While we received additional funding from the Legislature, we struggle every day to effectively handle the ever-increasing workloads.

Our state has to close the glaring disparity in resources between the agencies investigating and prosecuting criminal charges and dependent/neglect petitions and the public defense system charged with the responsibility of effectively responding in each case. Occasionally, a judge will recognize this disparity. Justice Sotomayor noted, during oral argument in a capital case in January, that "States are always strapped, but I don't know a State who doesn't make some income. They make a choice about where they want that income to go." What decision did the state make in that case? As the Justice noted, "the prosecutors were being paid throughout. They had enough money to investigate, but we're choosing not to pay the defendants."

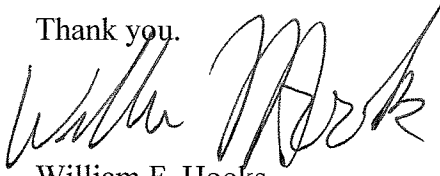
Attorney General Holder

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Please do all in your power to get a White House Commission on the Fair Administration of Justice for the Indigent Accused created and properly funded. We need the support of the nation's top law enforcement officer so that people can understand once and for all that providing a competent lawyer to a poor person is not just a good idea, but it is the law. As the Gideon court noted, "the right to counsel may not be deemed fundamental and essential to fair trials in some countries, but it is in ours."

Thank you.

A handwritten signature in black ink, appearing to read "William F. Hooks". The signature is written in a cursive, somewhat stylized font.

William F. Hooks  
Chief Public Defender

WFH/cd

cc: Deborah.Leff@usdoj.gov