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*National Association for
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NAPD



NATIONAL ASSOCIATION FOR PUBLIC DEFENSE

Public defenders and assigned counsel throughout the nation

October 29, 2013

Congressman Ted Deutch
1024 Longworth House Office Building
Washington, DC 20515

Dear Congressman Deutch,

The National Association for Public Defense (NAPD) is a national association of public defenders and other related disciplines engaged in the work of public defense. NAPD represents men and women from all over the country who have dedicated their professional lives to promote and preserve the constitutional right to counsel. We write as an organization to endorse your proposal for a *National Center for the Right to Counsel*. Fifty years ago, the case of *Gideon v. Wainwright*, 372 U.S. 335 (1963) was decided. But, the reality is that today we cannot celebrate 50 years of the right to effective assistance of counsel.

Today, there is an overwhelming consensus that our nation has failed to meet *Gideon's* mandate. It is striking that such a powerful statement of a fundamental and essential constitutional right by the Supreme Court of the United States has been met with so little meaningful political response by the Executive or Legislative branches of our national government over 50 years. Your legislation takes a major step in redressing this lack of response.

The Center you propose is exactly what NAPD endorses; a focused effort to improve public defense systems everywhere and to bring real reform to indigent defense in our nation.

Until your proposal, there has been little to no affirmative federal legislation to assist states in their obligation to provide counsel to those who cannot afford to hire a lawyer. In addition, there has been minimal federal funding.

The creation of the National Center for the Right to Counsel which will be responsible for providing financial support for public defense systems, providing financial and substantive support for training programs, and providing technical assistance that aim to improve the delivery of legal services to indigent defendants would be historic.

Public defense systems across this nation are in desperate need for additional funding, training, and technical assistance. The Center addresses these needs and can truly effectuate the American Bar Association's (ABA) *Ten Principles of a Public Defense Delivery System* which form the fundamental criteria necessary to design a system that provides effective, efficient, high quality, ethical, conflict-free legal representation for criminal defendants who are unable to afford an attorney.¹ United States Attorney General Eric Holder, stated that the ABA "literally set the standard" for indigent defense systems with the promulgation of the *Ten Principles* and called the *Ten Principles* the basic "building blocks" for overcoming right to counsel deficiencies.

Perhaps most significant is the oversight that the Center will provide. States and local governments have, for 50 years, largely failed to meet the Constitutional mandate of *Gideon*. By creating a system that has an oversight board, regional backup centers, and state advisory councils, all staffed by individuals who demonstrate a commitment to working with and advocating for the population in need of representation, this legislation can provide standards that every state must meet. In addition, this structure can measure the performance of each state and provide assistance and guidance where most needed.

With the exception of the recent work of the Attorney General of the United States and the Access to Justice Office, there has been little or no federal commitment to indigent defense. This Center would be the first meaningful post-*Gideon* legislative action. It would be historic. A national center for indigent defense services, as proposed, is so badly needed.

House Judiciary Chairman Bob Goodlatte stated that "[c]onfidence in our system of justice will be weakened if we cannot assure that the government's evidence will be put to the test by able advocates," and Senate Judiciary Chairman Patrick Leahy stated that "in a free society, the government that seeks to convict someone must also assume the cost of providing an effective defense." The Center would give meaning to these words.

Today, we speak as a national group that represents public defenders and assigned counsel throughout the nation. We speak with and for the leaders of public defense programs across the nation, whose needs have been neglected by a failure of any meaningful federal action.

We speak with one voice: *The time to create a National Center for the Right to Counsel is now.*

Sincerely,



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¹ American Bar Association. *Ten Principles of a Public Defense Delivery System*. February 2002. Available at: http://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_sclaid_def_tenprinciplesbooklet.authcheckdam.pdf