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February 8, 2008

Debra Hankinson, Chair
ABA-SCLAID
American Bar Association
321 North Clark Street
Chicago, IL 60610-4714

Re: American Council of Chief Defenders Caseload Task Force and Resolution

Dear Chair Hankinson:

On August 24, 2007, the American Council of Chief Defenders approved a resolution endorsing a report of ACCD's Caseload Task Force. The resolution and report reaffirmed the validity of public defender caseload limit recommendations first set out in 1973 by the National Advisory Commission (NAC) on Criminal Justice Standards and Goals. The National Association of Criminal Defense Lawyers is a valued partner with ACCD on indigent defense issues. Accordingly, it's useful for us to pass on to you important information about how the Task Force's report and resolution came about.

The ACCD has debated the caseload standards issue continually throughout our existence. ACCD's membership includes chief defenders in systems badly in need of reform. In such systems, numerical caseload standards are critical tools in persuading courts and political authorities to allow chief defenders to control workload so that effective levels of service for all clients is assured.

Our membership also includes chief defenders who control caseloads through the exercise of their professional judgment, as informed by national standards. Because these offices are "independent" as required by the ABA's *Ten Principles of a Public Defense Delivery System*, their chiefs enjoy a collaborative relationship with policy makers who respect the integrity of the public defense system and the need for chief defenders to control their organizations' workload. In many of these jurisdictions, numerical standards have not been necessary to assure an effective level of service.

In the end, "workload" is the real issue. Our ultimate goal must be to ensure that all chief defenders enjoy the independence that allows them to draw on national standards and then utilize their professional judgment to control staff workloads.

The ACCD Task Force report and resolution address the needs of chief defenders in all situations. While validating the NAC numerical standards, the report and resolution permit flexibility for unusual situations, such as where jurisdictions may define a “case” in a manner that differs from the norm. This balanced approach resulted in a high level of consensus among ACCD members, with an overwhelming majority voting in favor of the report and recommendation. Our membership is confident the report and resolution can be used by all chief defenders to achieve our common goal – making the Constitutional right to counsel a reality for all our clients.

On behalf of all our members, we thank the ABA for its continued dedication to improving the quality of indigent defense in the United States. ACCD looks forward to continuing this partnership in the years to come.

Sincerely,

Fern Laethem
Chair, American Council of Chief Defenders