

January 15, 2010

The Honorable Eric H. Holder, Jr.
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Attorney General Holder,

I write on behalf of the American Council of Chief Defenders (ACCD), a section of the National Legal Aid & Defender Association, comprised of chief defenders from across the nation dedicated to securing a fair justice system and ensuring high quality legal representation for poor people who face loss of life, freedom or family. We want to express our appreciation for your commitment to improve our country's indigent defense systems. It is only with your leadership and the support of the United States government that all state and local governments will respect and properly fund the constitutional right to counsel so that each of our country's public defense systems will provide attorneys with the time, tools and training to ensure quality defense services for every indigent client.

During your remarks at the ACCD's meeting in June 2009 you indicated your intent to continue the dialogue on the crisis for indigent clients in our criminal justice system. In this spirit of cooperation, we also write to request a meeting with you to discuss the three critical ACCD recommendations described in this letter, and how ACCD can partner with the Department of Justice in making these recommendations and other DOJ criminal justice priorities a reality. It would be highly desirable to announce progress towards the accomplishment of these goals during February's 2010 DOJ National Symposium on Indigent Defense. We hope to find a convenient time for you to meet with me and several members of our leadership sometime later this month or early February 2010.

As chief defenders who strive to provide quality representation and preserve the right to counsel for all, we ask that DOJ collaborate with us toward the accomplishment of three major goals. Achieving these goals is crucial to the Department's ability to institutionalize long term reform of our nation's indigent defense systems. These priorities are: (1) creation of a permanent federal structure that protects and supports the right to counsel; (2) funding of necessary federal resources to support quality public defender services; and (3) provision of high-quality federally funded training for public defense managers, leaders and practitioners. More specifically, the ACCD envisions these goals being accomplished through the following initiatives:

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A PERMANENT FEDERAL STRUCTURE:

- Creation of a Federal Right to Counsel Office to ensure a permanent place in the federal government that safeguards the right to counsel and that provides funding, technical assistance and support, collects data and sets national standards for public defense systems and their clients;
- Promulgation of new laws and policies that will allow the federal government, including DOJ's Civil Rights Division, and individuals to vindicate the right to counsel through litigation;
- Institutionalization of the public defense community's place at the criminal justice policy table when decisions are being proposed and made in Washington, D.C. that carry consequences for our clients; and
- Use of new grants or Department of Justice litigation to persuade jurisdictions to adhere to the *ABA Ten Principles of a Public Defense Delivery System* (February 2002).

NECESSARY FEDERAL RESOURCES:

- Appropriation of federal funding for our nation's public defense systems at the level necessary to handle the additional workload generated by federal funding to prosecution and law enforcement agencies; and
- Institutional DOJ support for full funding of the John R. Justice Prosecutors and Defender Incentive Act of 2008 that is proportionately allocated to indigent defense practitioners and inclusion of the ACCD in developing the John R. Justice Act program.

FEDERALLY FUNDED TRAINING:

- Creation of a National Equal Justice Training Center in which defenders from around the country can receive excellent training for managers, leaders, and practitioners at the same minimal cost as that for prosecutors when they attend the National Advocacy Center (which, according to the National District Attorney Association website, is operated as "a joint venture of the National District Attorneys Association (NDAA) and the U.S. Department of Justice."). High quality regional and local training should also be funded and overseen by the Center.

As you have wisely warned, the window of opportunity for creating real and lasting change is very limited. The Symposium is a welcome first step, but, as you have indicated, it must be part of a larger strategic effort to breathe new life into the constitutional right to counsel. The ACCD

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is committed to working with you in this effort, and we look forward to meeting with you – both prior to and after the Symposium – to create a concrete plan that will ensure fairness and justice for all.

Please contact Marcia Jones in Jo-Ann Wallace's office at 202-452-0620 ext. 211 or via e-mail m.jones@nlada.org to respond. We look forward to working with you.

Sincerely,

A handwritten signature in cursive script that reads "Paulino G. Durán". The signature is written in black ink and is positioned above the printed name and title.

Paulino G. Durán, Chair
American Council of Chief Defenders

cc: Stephanie Baucus, Associate Director, IAPL