



The American Council of Chief Defenders is a national community of criminal defense leaders

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January 13, 2012

Tom Pribula
Luzerne County Interim Manager
Luzerne County Courthouse
200 N River Street
Wilkes-Barre, PA 18711

Luzerne County Council Members

Re: Luzerne County Public Defender's Office

Dear Interim Manager and County Council,

The American Council of Chief Defenders (ACCD) is a national organization comprised of the chief defenders of state and county public defense agencies. The ACCD monitors, supports and mentors chief public defenders and indigent defense programs throughout the United States. The ACCD has been made aware of efforts by the Luzerne County Public Defenders' Office to address what the Chief Public Defender, Mr. Al Flora, Jr., believes are excessive caseloads maintained by his staff and inadequate resources provided by the Luzerne County Council that are preventing lawyers in his office from providing constitutionally effective legal representation to clients in accordance with constitutional and professional standards. Members of the ACCD National Voice Committee and the ACCD Executive Committee have engaged in discussions with Chief Public Defender Al Flora, Jr. and others with regard to critical issues regarding caseload/workload and resources at the Luzerne County Public Defender's Office. The ACCD shares the concerns of Mr. Flora, Jr. because it appears that the caseloads for the lawyers in this office exceed national maximum caseload standards. We are aware as well that the Joint State Government Commission's Task Force and Advisory Committee on Services to Indigent Criminal Defendant's reached the same conclusion when it reported that the Luzerne County Public Defender Office operates under excessive caseloads, inadequate funding, and inadequate training and supervision for its assistant public defenders.

In order to ensure that public defender offices provide legal representation to their clients that comply with constitutional and professional standards, the ACCD has counseled chief public defenders to look to and be guided by existing standards including the American Bar Association's (ABA's) Standards for Criminal Justice--The Defense Function, as well as the ABA's 10 Principles of Public Defense Delivery Systems (principles that have been endorsed by the Wilkes-Barre Law and Library Association and the Philadelphia Bar Association). In addition, the ACCD acknowledges longstanding national caseload standards including The National Advisory Commission (NAC) on Criminal Justice Standards and Goals, specifically, Standard 13.12--"Workload of Public Defenders" established in 1973, as well as more recent caseload standards established by the National Legal Aid and Defender Association (NLADA), "Standards for Defender Services Part IV.1" and our own American Council of Chief Defenders (ACCD) caseload standards. A review of the Luzerne Public Defender Office's existing caseload suggests that staff caseloads exceed all national caseload maximum annual caseload standards. Faced with this reality, the ACCD believes that Mr. Flora, Jr., is ethically required to consider remedies-- including refusing new case appointments, and/or withdrawing from existing cases-- in order to allow his attorneys to provide the level of representation required by ethical standards and by the United States and Pennsylvania constitutions.

While acknowledging that these uncertain and difficult economic times present serious challenges for county managers and councils, the ACCD nevertheless urges you to provide the necessary resources to the Luzerne Public Defender's Office to allow them to provide the legal services that meet constitutional and professional standards.

The American Council of Chief Defenders thank you for your consideration.

Sincerely,

Chair
American Council of Chief Defenders