



March 17, 2025

Senator Anne Carney, Chair  
Representative Amy Kuhn, Chair  
Maine Judiciary Committee  
State House, Room 438  
Augusta, ME 04333  
Via email to: [susan.pinette@legislature.maine.gov](mailto:susan.pinette@legislature.maine.gov)

RE: LD 1101: An Act to Address the Limited Availability of Counsel in Courts to Represent Indigent Parties in Matters Affecting Their Fundamental Rights

Dear Senator Carney, Representative Kuhn, and members of the Judiciary Committee:

On behalf of the National Association of Criminal Defense Lawyers (NACDL), I write to express our opposition to LD 1101 which proposes changes that would undermine independence, reverse the recent advances Maine has made to improve its public defense delivery system, and fails to address the factors at the heart of the state's current challenges in meeting the constitution's right to counsel. Though we recognize the urgent need to address the backlog of cases and ensure access to legal representation, lowering standards for public defenders and reversion to judicial appointments of counsel are not the solution.

NACDL is a non-profit voluntary professional bar association that promotes a society in which all individuals receive fair, rational, and humane treatment within the criminal legal system. To that end, NACDL seeks to identify and reform systemic flaws and inequities and ensure that its members and others in the criminal defense system are fully equipped to serve all accused persons at the highest level. Founded in 1958, NACDL's more than 10,000 direct members -- and 90 state and local affiliate organizations representing thousands more -- include private criminal defense lawyers, public defenders, active U.S. military defense counsel, law professors, and judges dedicated to advancing the proper, fair, and efficient administration of justice.

NACDL has issued numerous reports examining public defense systems in states such as Florida ([3 Minute Justice](#)), Louisiana ([State of Crisis](#)), South Carolina ([Summary Injustice](#) and [Rush to Judgment](#)), and Texas ([Evaluating Defense Counsel Use of Investigators](#)). NACDL national reports include the three-part [Gideon at 50](#) series and an examination of the Federal Indigent Defense System ([Federal Indigent Defense 2015: The Independence Imperative](#)). NACDL has also served as amicus on numerous filings related to the provision of public defense services in state and local courts

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including [Hurrell-Harring v. State of New York](#), [Tucker v. Idaho](#), [Kuren v. Luzerne County](#) (PA), and [Lee v. Wisconsin](#) and currently serve as co-counsel in [litigation in Wisconsin](#)<sup>1</sup> addressing the state's inability to timely provide public defense lawyers to eligible defendants.

For more than three years, NACDL has worked in Maine, providing training and technical assistance to the Maine Commission on Public Defense Services (MCPDS). Our public defense team has regularly attended MCPDS meetings and has observed court proceedings and engaged with defenders, prosecutors, and judges across the state to learn more about the system's strengths and challenges.<sup>2</sup> In October 2023, NACDL conducted a free, five-day in-person training in Portland for the state's criminal defense bar. Additionally, in March 2023, we hosted a two-day, interactive skills training in Bangor to serve newer attorneys practicing in Maine's more rural regions.

With over 60 years of national advocacy, investigation, training, and public defense reform experience, NACDL firmly believes that LD 1101 will not address Maine's constitutional obligation to provide the right to counsel. Instead, it will exacerbate existing challenges and undermine recent progress.

## INTRODUCTION

The right to counsel is a fundamental pillar of our system of justice. It ensures that the government is held to its burden of proof, the community is protected from its overreach and maintains the critical balance between state power and individual rights. Indeed,

*[o]f all the rights that an accused person has, the right to be represented by counsel is by far the most pervasive, for it affects his ability to assert any other rights he may have.*<sup>3</sup>

For decades, Maine's public defense system was chronically underfunded and inadequately supported, undermining the delivery of constitutionally effective representation. While there is little doubt many attorneys in the state were providing outstanding representation, those attorneys succeeded *in spite of* the system they were working in, rather than *because of* it. The lack of infrastructure, oversight, and standards, coupled with a lack of adequate funding left the delivery of public defense very uneven. Whether it was attorneys overwhelmed by their caseloads; under compensated by the state's stagnant, low compensation rates; or insufficiently trained to handle the complexities of modern criminal defense practices – there were significant institutional shortcomings that left those being represented by court appointed counsel, as well as the community as a whole, in jeopardy.

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<sup>1</sup> [Antrell Thomas, et al. v. Anthony Evers](#), 2022CV001027 (Brown Cir., filed Aug. 23, 2022).

<sup>2</sup> In person court observations and meetings were conducted in Machias, Lincoln, Presque Isle, Caribou, and Bangor in the summer of 2022.

<sup>3</sup> [United States v. Cronin](#), 466 U.S. 648, 654 (1984).

On the heels of the 2019 report by the Sixth Amendment Center<sup>4</sup> and the 2020 assessment by Maine’s Office of Program Evaluation and Government Accountability<sup>5</sup> the state made investments in public defense—including increased court-appointed counsel fees, enhanced staffing for the Maine Commission on Public Defense Services (MCPDS), increased resources to support training, loan forgiveness programs, and the establishment of public defender offices—critical steps toward addressing the longstanding structural deficiencies both reports identified. However, the effects of these long-standing problems cannot be resolved overnight. The reform initiatives are still in their early stages, and LD 1101 would all but abandon these efforts before they have had a real chance to take full effect.

The inability to provide timely access to counsel is a matter of grave concern to every part of the criminal legal system. Without lawyers to provide representation cases remain unresolved--victims are left waiting; defendants face fear and uncertainty with no one to help them navigate the process; court dockets become backlogged; and people lose confidence in the accuracy of case outcomes as witnesses and evidence for both sides vanish or degrade over time. More fundamentally, these delays cause every segment of the community to lose trust in their government and its institutions.

However, addressing this crisis cannot mean lowering or eliminating standards so that the court system can say there was a lawyer standing next to the accused in court. It cannot be resolved by capitulating to those who prefer a reversion back to the practices that failed the state and its citizens in the past; and it cannot be done by implementing procedures that undermine public defense independence and jeopardize the defense’s role in the adversarial process. Yet that is precisely what LD 1101 does.

By directing that whenever there is no MCPDS rostered or employed attorney available, the court may appoint anyone as counsel so long as the judge opines that individual is “qualified” and “willing” to handle the matter,<sup>6</sup> LD 1101 removes all requirements relating to standards for representation, limitations on caseloads, requirements for training and experience, and agreements to abide by billing and monitoring provisions, while simultaneously guaranteeing those lawyers the right to receive the same compensation as those on the MCPDS rosters. In so doing, this legislation flouts the essential function of the right to counsel. The Constitution does not demand simply the appearance of representation, instead it requires the active, capable engagement of an advocate for the accused. As the Supreme Court recognized, “[the right to the effective assistance of counsel is thus the right of the accused to require the prosecution's case to survive the](#)

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<sup>4</sup> [The Right to Counsel in Maine: Evaluation of Services Provided by the Maine Commission on Indigent Legal Services](#), Sixth Amendment Center, 2019.

<sup>5</sup> [Maine Commission on Indigent Legal Services \(MCILS\) – An evaluation of MCILS’s structure of oversight and the adequacy of its systems and procedures to administer payments and expenditures](#). OPEGA, Nov. 2020.

<sup>6</sup> And as long as that person has not been disqualified by MCPDS.

crucible of meaningful adversarial testing.”<sup>7</sup> By allowing courts to appoint any willing lawyer with little to no regard to experience, training, or caseload limitations, this bill reduces the right to counsel to a mere formality rather than the robust defense the Constitution demands.

## **PUBLIC DEFENSE INDEPENDENCE**

At the heart of the right to counsel is the commitment to ensuring that such counsel operates as an independent adversary to the government. Every individual facing a loss of their freedom is guaranteed access to a zealous, skilled, and committed advocate whose job is to ensure their rights are fully protected and their position is effectively presented. It is the defense attorney who ensures the state does not abuse or exceed its power; who protects everyone’s constitutional rights; who holds the state to its burden to prove a person’s guilt beyond a reasonable doubt; and who helps ensure that sentences are fair and opportunities for rehabilitation and reform are provided.

This requires defense attorneys have the freedom to push back against not only the actions of the state and its prosecutors, but also the courts and their judges. Independence of the defense function is the cornerstone of a healthy, functional, and constitutional criminal legal system. For this reason, the American Bar Association placed independence first in its “Ten Principles of a Public Defense Delivery System” (ABA 10 Principles):

*Principle 1: Public Defense Providers and their lawyers should be independent of political influence and subject to judicial authority and review only in the same manner and to the same extent as retained counsel and the prosecuting agency and lawyers.*<sup>8</sup>

LD 1101 places parts of Maine’s public defense system squarely back in the hands of the judiciary, empowering judges to make their own determinations of who is appointed to a particular case. This is troubling in several regards.

First, the legislation indicates that the court-selected counsel would be “qualified to represent the person” in the pending matter but is silent on how such a determination is to be made. With no requirements for standards, experience, or training, judges will be left to individually decide whether they believe a particular attorney is “qualified” for a particular case. This means one judge may deem a particular lawyer qualified to handle a homicide while another may limit that same lawyer to property offenses.

While many of Maine’s judges have experience with criminal law, very few have expertise in criminal defense. The overwhelming majority are former prosecutors and attorneys general, and while there is an area of shared knowledge between these roles, they are specialized and unique, requiring different skills and expertise. Moreover,

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<sup>7</sup>*Cronic*, 466 U.S. at 656.

<sup>8</sup> [ABA Ten Principles of a Public Defense Delivery System](#), Principle 1: Independence. (Nov. 9, 2023).

judges generally have no way of knowing whether an attorney has the needed and current training on critical practice areas.

Second, requiring that a privately appointed attorney be “willing” to accept appointment ignores the inherent power imbalance between judges and the lawyers who practice before them. Attorneys may feel pressured to accept cases for fear of jeopardizing their professional standing with the court. That attorney will be appearing before the same judge on other cases and asking them to make rulings favorable to other clients. They will not want the court to see them as being uncooperative.

Courts are entrusted with a high degree of discretion, and while we would expect judges not to be influenced in their decision-making by whether an attorney accepts a court appointment, the attorney’s perception it *could* cause them to acquiesce. As a result, while the attorney may lack the time, resources, interest, or expertise to take on a court appointed criminal case, they will be reluctant to decline when the judge asks.

Third, allowing courts to recruit and appoint counsel to specific cases also creates an *appearance* of an unjust system. Even when the judge and lawyer involved in a case are unencumbered by the conflicts described above, the process of the judge overseeing a case while also selecting the lawyer who will represent the defendant has the appearance of impropriety. For the individual defendant and the larger community, the fact that the attorney is selected by the court --and then is paid as a result of that selection-- creates the appearance that the attorney is financially beholden to the court. It is irrelevant to the individual defendant or the community that the payment is actually made by MCPDS. The fact remains that the lawyer who is to advocate for the defendant was chosen because the judge hearing the case decided that lawyer was “qualified.”

This could become especially problematic in post-conviction cases, in which a defendant may be challenging the adequacy of his representation. In such cases the same judge who selected, and in essence, vouched for the lawyer’s skill, will be asked to rule on the ineffective assistance of counsel claim. There will be both an appearance of and an actual conflict of interest, undermining a critical check on attorney performance and constitutional standards.

Finally, the process proposed in the legislation leaves both lawyers and defendants without protections. There is nothing in the current legislation that provides any measure of accountability and transparency, leaving attorneys, defendants, and the community in the dark regarding the basis for the judge’s decisions. Courts will be completely free to select whatever attorney they choose, making the system ripe for abuses. Moreover, this will have a chilling effect on complaints about the quality of representation as defendants will be required to raise their complaint with the very person who selected this lawyer and who will be deciding the defendant’s case.

It is for all these reasons that the ABA has stated, “[t]he selection of lawyers for specific cases should not be made by the judiciary or elected officials but should be arranged for

by the administrators of the defender, assigned-counsel and contract-for-service programs.”<sup>9</sup>

An independent defense system tempers the power and resources of the state and shields individual citizens from government overreach. As the American Legislative Exchange Council (ALEC) has highlighted, “effective and independent defenders can shine a light on government overreach and abuses of power, . . . protect the innocent from wrongful convictions, facilitate treatment, services and other outcomes that reduce recidivism, and help ensure fair trials.”<sup>10</sup>

*“[T]o ensure the defense may fulfill its role in the adversarial system, the defense should be insulated from undue influence, involvement, and control by actors whose interests are directly or indirectly adverse to the attorney-client relationship.”<sup>11</sup>*

Collectively these practices compromise the independence of the defense function, taint the criminal legal system with conflicts of interest, and undermine adversarial testing and the fair administration of law. Public defense systems and the attorneys working in those systems must not even *appear* to be beholden to judges. Their legal and ethical duty must be wholly and solely centered on loyalty to their client.

## **BYPASSING STANDARDS**

LD 1101 also bypasses the standards put in place by MCPDS to ensure constitutionally effective representation. It prioritizes the mere presence of an attorney over ensuring that the representation meets constitutional standards and inspires public confidence in case outcomes.

Whereas attorneys participating in the MCPDS regime agree to abide by provisions designed to ensure the lawyers appointed to a case have enough time and skill to provide zealous and effective representation, those selected by the court under this legislation would be exempt from these safeguards. While MCPDS monitors an attorney’s caseloads to ensure they have the time and expertise needed to provide a robust defense, those appointed by the court will face no such controls. This means some defendants will get lawyers who are fully equipped to handle their case while others will get lawyers who may be incentivized to cut corners, or who may lack the experience and expertise to properly advise and advocate for them. As the ABA has stated,

*“A Public Defense Provider’s plan for the assignment of lawyers should ensure that the experience, training, and supervision of the lawyer matches the complexity of the case. Public Defense Providers should regularly supervise and systematically evaluate their lawyers to*

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<sup>9</sup> [ABA Standards for Criminal Justice: Providing Defense Services](#), Standard 5-1.3(a) (3rd edition, 1992).

<sup>10</sup> ALEC [Resolution in Support of Public Defense](#), Approved Sept. 3, 2019.

<sup>11</sup> *Id.*

*ensure the delivery of effective and competent representation . . . Lawyers and staff should be **required to attend continuing education programs or other training to enhance their knowledge and skills.***<sup>12</sup>

Rather than lowering standards, Maine should focus on sustaining the reforms that attract and retain skilled defense attorneys while maintaining accountability and quality. MCPDS' current caseload and qualification standards are not overly onerous or out of step with national norms. Those wishing to take most misdemeanor and lower-level felony cases need only have a valid law license, a phone number and email address, and complete a 2-day, on demand training course. For those wishing to take more serious or complicated cases, they must have minimal additional requirements or prior experience to ensure that they are able to provide the level of effective representation the constitution requires. Moreover, MCPDS' standards include a waiver process, allowing for a high level of flexibility, maximizing opportunities for capable and interested individuals to provide representation.

MCPDS data shows that waivers are generally granted with an eye towards providing every opportunity possible for attorneys to participate on the rosters. Records indicate that of the nearly 100 waivers requested between November 2021 and July 2024, only 4 were denied. In 3 of those instances the denial was only partial, with the attorney being placed on some of the rosters they requested.

There are reports that some individuals who might otherwise be qualified to join the rosters have chosen not to do so, not because they no longer wish to do court appointed work, but because they feel "disrespected" by having to apply.<sup>13</sup> The complaints of a disgruntled few should not be a reason to eliminate the use of standards. Having basic standards protects the lawyers, the clients they represent, the state, and the community. It promotes a culture of professionalism, encouraging those who provide court appointed representation to see their work as important and valued and sending a message that the legal system recognizes the level of expertise required. This, along with the commensurate increase in the assigned counsel rate, in turn actually encourages lawyers to take on court appointments. MCPDS's data bears this out as well, as the number of attorneys applying to join the roster or agreeing to take on specialized cases has risen significantly over the past year.

## **ADDRESSING THE BACKLOG**

As noted earlier, the current backlog of cases is deeply concerning, but the causes are not rooted in the defense bar. Public defense systems nationwide are struggling to find lawyers due to a number of factors including declining law school enrollments, rising law school debt, and the long-term effects of underfunding. Decades of overloading and

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<sup>12</sup> [ABA Ten Principles of a Public Defense Delivery System](#), Principle 7: Experience, Training, and Supervision. (Nov. 9, 2023) (emphasis added).

<sup>13</sup> See e.g. "[Gov. Mills doubles down on urging Maine's public defense agency to relax rules.](#)" by Emily Allen, Portland Press Herald, Jan. 29, 2025.

marginalizing the work of public defense lawyers has caused many to leave or forgo entering the profession. For Maine, added challenges arise due to the state's graying bar and overall population, leaving it with fewer and fewer new lawyers to take their places.

Other legal system professionals in Maine and across the country<sup>14</sup> are facing similar challenges for similar reasons. Recent reports by law enforcement agencies<sup>15</sup> and prosecutors<sup>16</sup> in Maine have detailed a complex, interconnected array of issues including:

- Current staffing shortages
- Recent/looming large-scale retirements
- Increases in the demands of the mission
- Work taking longer because it has grown more complex and specialized
- Burn out and negative impacts on well-being
- Poor compensation
- Lack of respect for the job

To address some of these issues as they relate to providing counsel, Maine has made a substantial investment in its public defense infrastructure of the past few years. The increase in the state's assigned counsel rates to \$150/hour is significant and should not be ignored, but it must be viewed against the backdrop of long-term stagnation of a very low rate.

From 1998 to 2015, the assigned counsel rate in Maine was \$50 per hour. In 2016 it was raised to \$60 per hour, however, that rate actually represented **a 20% decrease** in value, as, adjusted for inflation; attorneys would have needed to receive \$73.30 per hour just to keep pace with the \$50/hour rate set in 1998.<sup>17</sup>

As the rate remained stagnant, defenders taking court appointments continued to lose more money, with \$50/hour in 1998 being the equivalent of \$80.94 in 2021.<sup>18</sup> In fact the 2021 increase to \$80/hour was the first time in more than 20 years that court appointed counsel was earning at a similar rate to what they had made in 1998. That near parity was lost immediately, as by 2023, the equivalent compensation rate should have been

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<sup>14</sup> "[Prosecutors Wanted: District Attorneys struggle to recruit and retain lawyers](#)," by Disha Raychaudhuri and Karen Sloan, Reuters, Apr. 13, 2022;

<sup>15</sup> See e.g., "[Washington County law enforcement faces unrepresented pressures](#)," by Lora Whelan, The Maine Monitor, June 10, 2023; "[Maine law enforcement agencies struggle to get new recruits in the door](#)," by John Terhune, Portland Press Herald, Jan. 7, 2024; "[Maine Police Departments Struggle to Fill Open Positions. Lawmakers Hope to Change That](#)," by Mal Meyer, WGMA, Jan. 29, 2024; "[Staffing shortage blamed for lack of prosecutions of crime in western Maine](#)," by Adam Bartow, WMTW, Aug. 16, 2024; "[Record Overtime Spending Continues with Maine State Police](#)," by Callie Ferguson, Bangor Daily News, Nov. 25, 2024;

<sup>16</sup> See e.g. [Testimony of Robert C. Granger](#), DA for Prosecutorial District 7 in support of LD 186 (2023).

<sup>17</sup> See Bureau of Labor Statistics Inflation Calculator, [https://www.bls.gov/data/inflation\\_calculator.htm](https://www.bls.gov/data/inflation_calculator.htm). Note all calculations based on rate as of January of the calculated year in order to ensure consistency.

<sup>18</sup> *Id.*



\$92.56 per hour. Accounting for inflation over time, an attorney who remained on the court appointed list from 1998 to 2023 saw their effective income *fall* by roughly 18%.

Year	Current Hourly Rate	\$50/hr. Adjusted for Inflation	Lost compensation for every 400 hrs. worked <sup>19</sup>
1998	\$50	\$50.00	\$0
1999	\$50	\$50.84	\$336
2000	\$50	\$52.23	\$892
2001	\$50	\$54.18	\$1,672
2002	\$50	\$54.80	\$1,920
2003	\$50	\$56.22	\$2,488
2004	\$50	\$57.30	\$2,920
2005	\$50	\$59.00	\$3,600
2006	\$50	\$61.36	\$4,544
2007	\$50	\$62.63	\$5,052
2008	\$50	\$65.31	\$6,124
2009	\$50	\$65.33	\$6,132
2010	\$50	\$67.04	\$6,816
2011	\$50	\$68.14	\$7,256
2012	\$50	\$70.13	\$8,052
2013	\$50	\$71.25	\$8,500
2014	\$50	\$72.38	\$8,952
2015	\$50	\$72.31	\$8,924
2016	\$60	\$73.30	\$5,320
2017	\$60	\$75.14	\$6,056
2018	\$60	\$76.69	\$6,676
2019	\$60	\$77.88	\$7,152
2020	\$60	\$79.82	\$7,928
2021	\$80	\$80.84	\$336
2022	\$80	\$86.99	\$2,796
2023	\$80	\$92.56	\$5,024
<b>TOTAL</b>			<b>\$125,468</b>

Given that until recently the state relied completely on private attorneys to provide court appointed representation, there were certainly attorneys who were devoting 1000 hours or more each year to public defense representation. For such attorneys, their *lost* income *due to the stagnating rates* was **more than \$300,000**, never mind the additional

<sup>19</sup> “Lost Compensation” is based on the difference between the hourly rate being paid at the time and the \$50/hr. rate as adjusted for inflation in that same year. All calculations are using the hourly rate for January of each year.

loss owing to the artificially low court appointed rate relative to an attorney's traditional hourly rate.

It is not difficult to fathom that these attorneys, who over time continued to gain more and more skill, but who saw their effective pay fall each and every year, would turn away from this work and that such compensation would discourage others from joining the field. While many currently are decrying the private bar for not shouldering more of the load, the fact is many of these lawyers for decades subsidized the state's obligation to provide counsel by willingly accepting less and less pay to do this critical work.

It was just a year ago, in March 2024, that these attorneys saw their first true raise, when the state increased its compensation to \$150 per hour.<sup>20</sup> This recent increase is helping retain many experienced lawyers and is attracting more to join the rosters, but creating new criminal defense lawyers is not instantaneous. Like other specialized skills, from medicine to policing, it takes time for individuals to complete their education and gain the experience needed to work in this field.

Another major step forward has been Maine's investment in its first institutional public defender offices, a significant commitment that should not be overlooked. From securing office space to recruiting, hiring, and training its lawyers -- it takes time to make such offices fully functional under any circumstances, and the challenge for Maine is especially great. Unlike most other states, Maine has no models to copy, no blueprints to follow. Having had no state public defender offices to learn from, these offices are largely building the plane while trying to fly it -- trying to figure out case assignment practices and file management policies, while also meeting with clients, filing motions, and trying cases. It is critical now that these offices have the time, political support, and independence needed to build a solid foundation for the future.

The investments the state has made in the past several years speaks deeply of its renewed commitment to fulfilling the constitutional right to counsel, but none of these fixes are magic wands that can instantaneously solve the backlog. The current records show there are thousands more cases today than there were in 2019. Thus, while it is extremely troubling that hundreds of individuals are currently awaiting attorneys, the increased investment in public defense, its infrastructure, and the attorneys providing representation is clearly paying dividends. Raising compensation, developing institutional defender offices, and setting standards that encourage excellence and pride in the defender community are having a significant impact.

When examining the backlog of cases, it is important to remember defenders do not control the number of the cases brought into the court system. They can only respond to the decisions of other system actors. They do not control the nature or types of charges

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<sup>20</sup> Note, as the hourly rate has not been increased for 2025, those attorneys are already, effectively, earning less this year than then did in 2024. LD 1101 projects that the assigned counsel rate will continue to remain the same through 2027, which would likely mean these attorneys will continue to earn less and less over the next several years.

being brought. They do not control the level of case complexity, amount of evidence gathered, investigation techniques used, or the penalties sought. The data appears to suggest that there is an increase in the severity of the cases, with the most significant increases occurring in the parts of the state least equipped to respond – the rural communities. Long-term solutions to these problems require a myriad of changes from increasing the number of law students and the number of lawyers interested in practicing in rural communities, to redressing the substantial debt new lawyers face and reducing the number of cases (and social problems) the legal system is asked to address.

## CONCLUSION

Every person who is facing the loss of their liberty has a constitutional right to effective, zealous representation. Maine's struggle to secure enough attorneys to meet the current backlog of cases requires prompt attention, but lowering or eliminating standards for representation does not solve the problem. Rather it merely exchanges one constitutional failing for another.

Our nation's criminal legal system is founded upon the principle that an adversarial system will best ensure just outcomes.

"The very premise of our adversary system of criminal justice is that partisan advocacy on both sides of a case will best promote the ultimate objective that the guilty be convicted and the innocent go free."<sup>21</sup>

The right to counsel requires an attorney be present, but also that they have the time, training, skill, and resources to provide zealous representation; to serve as a meaningful adversary to the state; to be a check on government overreach and abuses; to protect the innocent from wrongful conviction; to facilitate treatment, services, and other outcomes that reduce recidivism; and to help ensure fair trials and case outcomes that inspire community confidence.

Maine has worked hard over the past several years to improve its delivery of public defense services and protect the right to counsel. LD 1101 will effectively undermine all of this progress and further exacerbate the constitutional crisis the state is facing. For these reasons NACDL urges you to continue to invest in the current reforms, maintain public defense independence, and grow community confidence in its legal system by voting NO on LD 1101.

Sincerely,

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<sup>21</sup> [U.S. v. Chronic](#), 466 U.S. 648, 655 (1984) quoting [Herrin v. NY](#), 422 U.S. 853, 862 (1975).