
National Association of Criminal Defense Lawyers



Norman L. Reimer
Executive Director

August 13, 2013

VIA EMAIL

The Honorable John G. Roberts, Jr.
Chief Justice of the United States
Supreme Court of the United States
One First Street N.E.
Washington, DC 20543

Dear Chief Justice Roberts:

I write to you in your capacity as the presiding officer of the Judicial Conference of the United States on behalf of the National Association of Criminal Defense Lawyers (NACDL) and the undersigned executive directors or presidents of 26 affiliate associations from 25 states and the Commonwealth of Puerto Rico. NACDL represents more than 9,300 criminal defense lawyers, and the undersigned affiliates collectively represent more than 19,480 criminal defense lawyers, all of whom recognize that the right to counsel is a fundamental American right. These members include thousands of attorneys who serve either in federal defender offices or on Criminal Justice Act (CJA) panels, as well as many others who believe that access to qualified and properly-resourced counsel is essential to safeguard the rights of the indigent accused. We write to convey our profound concern about the impact of funding cuts on federal indigent defense services, specifically their impact on the thousands of accused persons who depend upon appointed counsel to secure their Sixth Amendment rights.

We understand the hardships imposed upon the judiciary as a whole as a result of the sequestration and the Budget Control Act. Our organizations have long stood with the judiciary in its perpetual struggle to secure the funding required to ensure an independent judiciary and the support services that are crucial to the nation's

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system of justice, and we will continue to do so. We have a special concern, however, when it comes to Sixth Amendment rights. The requirement that an indigent accused be provided with counsel and essential ancillary services is a vital component of our adversarial criminal justice system, and an important guarantor of fairness, reliability and justice. Although it has been widely acknowledged that the indigent defense systems throughout the country are in a state of crisis, that has not been the case with respect to the federal indigent defense system. In contrast to many state systems, in which inadequately resourced counsel has resulted in ineffective assistance of counsel and wrongful convictions, the federal indigent defense system has consistently provided indigent defendants with access to well-qualified counsel.

The federal indigent defense system that was established by the Criminal Justice Act of 1964 has been an adequately resourced hybrid system of indigent defense that has, since its inception, included well-qualified federal defenders augmented by panels of equally well-qualified private attorneys. This system has been held up as a model for those who seek to reform state indigent defense systems. But now, that system is in grave danger of being irrevocably degraded. The cuts that have already been imposed have been devastating to federal defender organizations and have undercut their capacity to perform essential functions required by the Sixth Amendment. Those cuts have also impacted panel attorneys in many districts, as a result of the reduction in training and support provided by the Office of Defender Services training branch and federal defender organizations.

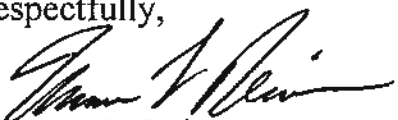
As crucial decisions are made with respect to budget allocations for Fiscal Year 2014, we urge you to take whatever steps may be necessary to avoid further cuts to federal defender offices. At the same time, we strongly urge you to avoid imposing any cut in the hourly rate of compensation for CJA panel representation. The current rates were achieved after years of struggle and outstanding leadership by the Judicial Conference, federal defender organizations and panel attorneys. Any reduction in that rate will be extremely difficult to reverse and will render it more difficult to attract and retain qualified attorneys to represent the indigent accused.

We are sensitive to the current challenges, and we know there can be no real solution until Congress acts to restore the funding that is essential to support the

nation's justice system. We are prepared to work tirelessly with you to achieve that goal. But until then, we strongly urge the Judicial Conference to take whatever temporary measures may be necessary in order to maintain the quality of representation provided under the federal indigent defense system while avoiding any further cuts to federal defenders or any reduction in the panel compensation rate.

Thank you for your consideration and attention to our concerns.

Respectfully,



Norman L. Reimer, Executive Director

National Association of Criminal Defense Lawyers

On behalf of NACDL and:

Amber L. Ladner, President
Alabama Criminal Defense Lawyers
Association
650+ members

Andrew Lambert, President
Alaska Association of Criminal
Defense Lawyers
110 members

Ellen Salvesen, Executive Director
Arizona Attorneys for Criminal
Justice
400 members

Gail Jones, Executive Director
California Attorneys for Criminal
Justice
1,500 members

Dan Schoen, Executive Director
Colorado Criminal Defense Bar
900 members

Kathryn L. Bradley, Executive
Director
Florida Association of Criminal
Defense Lawyers
2,000+ members

Marcia Shein, President
Georgia Association of Criminal
Defense Lawyers
1,700 members

Debi Presher, Executive Director
Idaho Association of Criminal
Defense Lawyers
300 members

Angela Ramage-Wolf, Executive
Director
Illinois Association of Criminal
Defense Lawyers
500 members

Paula Brummel, Executive Director
Minnesota Association of Criminal
Defense Lawyers
200+ members

Randy Scherr, Executive Director
Missouri Association of Criminal
Defense Lawyers

Robert Arroyo, President
Nevada Attorneys for Criminal
Justice
150 members

Katherine Cooper, Executive Director
New Hampshire Association Of
Criminal Defense Lawyers
265 members

Barbara Mandel, President
New Mexico Criminal Defense
Lawyers Association
525+ members

Jennifer Ciulla Van Ort, Executive
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New York State Association of
Criminal Defense Lawyers
630+ members

Susan Carr, Executive Director
Ohio Association of Criminal Defense
Lawyers
680+ members

John Potter, Executive Director
Oregon Criminal Defense Lawyers
Association
1,300 members

Debra H. McGovern, Executive
Director
Pennsylvania Association of Criminal
Defense Lawyers
865 members

Jose Luis Novas-Debien, President
Puerto Rico Association of Criminal
Defense Lawyers
115 members

Kitty Sutton, Executive Director
South Carolina Association of
Criminal Defense Lawyers
400 members

Suanne Bone, Executive Director
Tennessee Association of Criminal
Defense Lawyers
1,000 members

Joseph A. Martinez, Executive
Director
Texas Criminal Defense Lawyers
Association
3,150+ members

Kent R. Hart, Executive Director
Utah Association of Criminal Defense
Lawyers
500 members

Kathy Finnie, Executive Director
Vermont Association of Criminal
Defense Lawyers
90 members

K. Danielle Payne, Executive Director
Virginia Association of Criminal
Defense Lawyers
550 members

Teresa Mathis, Executive Director
Washington Association of Criminal
Defense Lawyers
1,000+ members

CC:

The Honorable William B. Traxler, Jr.
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