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## National Association of Criminal Defense Lawyers

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**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  
Director  
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.  
Chief Judge  
United States Court of Appeals for the Fourth Circuit  
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The Honorable John D. Bates  
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