



May 19, 2025

The Honorable Buffy Wicks
Chair, Assembly Appropriations Committee
1021 O St., Ste. 8140
Sacramento, CA 95814

RE: AB 690 (Schultz) Fair Representation Act- SUPPORT

Dear Chair Wicks:

I write on behalf of the National Association of Criminal Defense Lawyers (NACDL) to voice our support for Assemblymember Nick Schultz's Fair Representation Act (AB 690), a bill that would promote public safety by helping to ensure the state of California and its localities meet their constitutional obligation to provide effective representation to those facing criminal charges.

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, U.S. military defense counsel, law professors, and judges dedicated to advancing the proper, fair, and efficient administration of justice.¹

¹ NACDL has issued numerous reports examining public defense systems in states such as [Florida](#), [Louisiana](#), [South Carolina](#), and [Texas](#) as well as an examination of the Federal Indigent Defense System ([Federal Indigent Defense 2015: The Independence Imperative](#)). NACDL has also served as amicus on filings related to the provision of public defense services in state and local courts including [Hurrell-Harring v. State of New York](#), [Tucker v. Idaho](#), [Kuren v. Luzerne County](#), and currently serve as co-counsel in [litigation in Wisconsin](#) addressing the state's inability to timely provide lawyers to eligible defendants ([Antrell Thomas, et al. v. Anthony Evers](#), 2022CV001027 (Brown Cir.)).

When public defense is properly funded, adequately staffed, and independently run, communities are stronger and safer. Effective public defense serves as a check on government abuse, promotes accurate case outcomes, connects individuals to needed services, and restores faith in government institutions.

By ending flat fee contracting and ensuring reasonable compensation for attorneys, AB 690 would ensure public defense providers are not forced to sacrifice the vigorous defense the Constitution requires in order to process cases quickly; to choose between their client's needs and their own livelihood.

Today in some parts of California, defenders are asked to either bear the costs of a meaningful defense by paying for things like investigations and experts out of their own limited contract funds or forgo those vital services. By requiring distinct funds to pay for mitigation specialists, social workers, investigators, and other experts, AB 690 helps equip the defense with necessary tools to protect the accused's constitutional rights when faced with the state's vast resources and legion of police officers, lab analysts, and support staff.

Our criminal legal system should pursue justice, not efficiency. By ensuring that contract counsel have manageable caseloads and adequate time to provide a meaningful defense, AB 690 will help move our legal system closer to this aim.

Currently in California, the level of representation one receives depends on where they are arrested. In some places, they can access a well-resourced, fully staffed, properly funded public defense system and an attorney who can zealously investigate, evaluate, and present their case. They will be able to meet with their lawyer, ask questions, discuss options, plan strategy, and present the best possible defense. In other places, an accused person may be appointed a lawyer who only has time to whisper a plea offer into their ear as they stand before a judge. A lawyer with a limitless caseload will have neither the time, resources, nor incentives to do more than point to the places on a form that their client should put their name to sign away their freedom and their future. AB 690 puts an end to this injustice by geography.

The state is responsible for providing zealous representation to all Californians facing criminal charges, an obligation it cannot fulfill if it allows localities to auction off defense representation to the lowest bidder.

Flat fee contracts often cost communities more than they save. A [2021 study in North Carolina](#) revealed that compared to those paid an hourly rate, cases handled by flat fee contractors had

- Markedly less attorney-client contact over the course of the case.
- An 11% higher conviction rate.
- A nearly 40% increase in jail sentences received.

We know there are committed lawyers who are tireless advocates for their clients even when paid flat fees. But public safety requires communities to trust their government. If they perceive

that the state puts savings over effective representation, they lose confidence in the legal system.

California's current system prioritizes cost over constitutional rights. AB 690 would help restore balance so that defenders can protect against government abuse and overreach, prevent wrongful convictions, connect people to services that reduce recidivism, promote fair trials, and inspire public confidence. California needs to close the justice gap and grant every person in the state the same constitutional protections.

NACDL supports AB 690 because everyone deserves a fair defense.

A handwritten signature in blue ink, appearing to read "L. Wayne", with a stylized, flowing script.

Lisa M. Wayne, Esq., Executive Director,
National Association of Criminal Defense Lawyers