



April 29, 2016

The Honorable Ander Crenshaw  
Chairman  
Subcommittee on Financial Services and General  
Government  
Committee on Appropriations  
H-305 The Capitol  
Washington, D.C. 20515

The Honorable José Serrano  
Ranking Member  
Subcommittee on Financial Services and General  
Government  
Committee on Appropriations  
1016 Longworth HOB  
Washington, D.C. 20515

Re: FY2017 funding for federal indigent defense

Dear Chairman Crenshaw and Ranking Member Serrano:

The National Association of Criminal Defense Lawyers (NACDL) is writing in support of the appropriations request led by Representatives John Conyers, Sheila Jackson Lee, and Bobby Scott and signed by 17 Members for an increase of \$25 million above the President's FY2017 request and last year's enacted level for federal indigent defense. Specifically, the additional funding is necessary for the hiring of shared nationwide social worker, information technology and investigative support; and restoration to the authorized rate level for private attorneys appointed to federal criminal cases under the Criminal Justice Act ("CJA").

The National Association of Criminal Defense Lawyers is the preeminent organization advancing the mission of the criminal defense bar to ensure justice and due process for persons accused of crime or wrongdoing. A professional bar association founded in 1958, NACDL's approximately 9,000 direct members in 28 countries - and 90 state, provincial and local affiliate organizations totaling up to 40,000 attorneys - include private criminal defense lawyers, public defenders, military defense counsel, law professors and judges committed to preserving fairness and promoting a rational and humane criminal justice system.

As indicated in the letter from Chairman Conyers and his colleagues, Federal Public and Community Defenders, as well as the private attorneys assigned under the Criminal Justice Act ("CJA") require additional resources to (1) hire nationwide social worker support to ensure that federal offenders receive

the substance abuse, mental health, employment, and housing support they require during the pendency of their cases and during re-entry; and (2) hire nationwide information technology litigation and investigative support to investigate and manage the increasingly complex and voluminous evidence that has become commonplace in federal cases. Additionally, the hourly rate for court-appointed CJA private attorneys still lags behind the authorized amount, discouraging participation by experienced attorneys and jeopardizing the quality of federal indigent defense.

Providing these resources on the front-end serves several goals that will help enhance justice, public safety and judicial efficiency:

1. Social work is a critical component of criminal defense. Hiring nationwide social worker support to be shared by Federal Public and Community Defenders and the court-appointed attorneys will ensure that defendants receive housing, employment and other services necessary for successful adjustment to pre-trial release, probation, and/or supervised release, thus reducing the costs associated with noncompliance. Social workers play a critical role in helping defendants eliminate from their lives the issues that drove them into the justice system in the first place, helping to reduce recidivism and justice system costs.
2. Hiring nationwide information technology and investigative support to be shared by Federal Public and Community Defenders and court-appointed attorneys is another cost-efficient improvement to the federal system. Justice systems work most efficiently when all participants operate with parity in staffing and technological resources. Enhanced investigative services would help diminish the information imbalance between and public defenders and prosecutors, increasing the number of cases disposed of by plea or dismissal early in the process and without costly litigation. Technology likewise improves the quality and efficiency of representation, and enhances the capability of lawyers to evaluate their work.
3. Restoring the hourly rate to its congressionally statutorily authorized levels for court-appointed private attorneys improves judicial efficiency and better safeguards the constitutional adequacy of representation by ensuring that experienced counsel remain on the list of attorneys willing to accept appointment under the Criminal Justice Act.

We urge you to provide this much-needed funding to help achieve better outcomes both in and out of the courtroom.

Sincerely,

A handwritten signature in black ink, appearing to read "Gerry Morris". The signature is fluid and cursive, with a large initial "G" and "M".

Gerry Morris

President