



July 27, 2016

Ms. Alyce Manley Spruell
Rosen Harwood, PA
P.O. Box 2727
Tuscaloosa, AL 35403-2727

Dear Ms. Spruell:

The National Association for Public Defense (NAPD) is an organization of public defense professionals, almost 15,000 strong, from every state in the U.S. We are committed to the vigorous enforcement of the right to counsel for persons who cannot afford to pay for an attorney. We also strongly support systems that are built upon the foundation of a robust Sixth Amendment. It is out of this context that we write to you.

NAPD wants Jefferson County and the nation to know what Kira Fonteneau has accomplished.

The national public defense community was delighted when Kira Fonteneau was appointed to create the public defense office in Birmingham. In the hiring of a young, energetic African-American leader to head this office, a ripple of hope went out across Alabama and America that a new day was rising in the Birmingham criminal justice system.

Since her appointment, Ms. Fonteneau has developed a client-centered, community oriented defender office. She used an excellent process when creating the office, visiting some of the top public defense organizations in the country, looking for talent from across the nation, and considering best practices in public defense. She has accomplished a great deal in only three years, including ensuring the provision of a bail hearing within 72 hours of arrest, establishing a free call from the jail to her office, and hiring an immigration attorney in her office, a first in the state. She has prioritized the hiring of high quality attorneys. She has taken steps to ensure that her lawyers were provided training. She served as a trainer of other public defender leaders at both an Executive Leadership Institute and a Managers and Supervisors Institute sponsored by NAPD in 2015 and 2016.

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Moving forward, there are a number of principles that we encourage policy makers to utilize in their decisions. First, we encourage the maintenance of the independence of the indigent defense function. Principle #1 of the American Bar Association's influential *Ten Principles of a Public Defense Delivery System* (2002) is that the public defense function must be independent. That means the chief public defender and attorneys working under her must be free from political pressure, whether from the judiciary, the prosecutor, or from private criminal defense attorneys or others. As you decide what the future looks like for public defense in Jefferson County, NAPD hopes that steps will be taken to ensure that independence of the public defense function is guaranteed.

Second, we encourage you to place the highest priorities on recruiting and training vigorous and effective public defender lawyers. Ensuring that they are paid equally to prosecutors with similar benefits and that their caseloads and workloads are controlled and reasonable will also go a long way towards mitigating the turnover problem that is often endemic to public defender work. Recognizing the importance of diversity in recruiting is particularly important, since public defenders work with a clientele that is often overrepresented by a minority population.

Finally, we hope that the work of community involvement that Ms. Fonteneau developed will be continued. This is a growing recognized best practice across the nation. The more the public defender office is viewed as a place of hope for the community, the better the quality of justice will be.

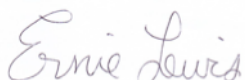
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Thank you for considering these thoughts.

Sincerely,



Mark Stephens
Chair of the NAPD Steering Committee



Ernie Lewis
NAPD Executive Director

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Marsh Rickard & Bryan, PC
800 Shades Creek Pkwy., Suite 600D
Birmingham, AL 35209-4562

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Mr. Prince Darius Chestnut
P.O. Box 628
Selma, AL 36702-0628

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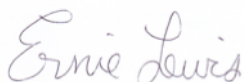
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Honorable Pamela Robinson Higgins
251 S. Lawrence Street
Montgomery, AL 36104-4218

Honorable Higgins:

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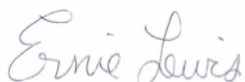
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July 27, 2016

Honorable Joseph Louis Boohaker
10th Judicial Circuit, Civil Division
716 Arrington Blvd. N., Suite 370
Birmingham, AL 35203-0100

Honorable Boohaker:

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July 27, 2016

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Starnes Davis Florie, LLP
P.O. Box 598512
Birmingham, AL 35259-8512

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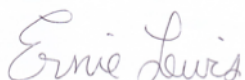
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2100 1st Avenue North, Suite 300
Birmingham, AL 35203-4226

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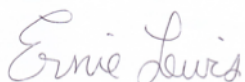
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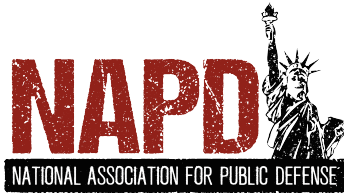
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Rubio Law Firm, PC
438 Carr Avenue, Suite 1
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State Public Defender, Minnesota Board of Public
Defense, Minneapolis, MN

NORMAN LEFSTEIN, Professor of Law/Dean Emeritus, Indiana University Robert H. McKinney School of Law, serves as Special Advisor.





July 27, 2016

Mr. Brett Michael Bloomston
The Bloomston Firm
2151 Highland Avenue South, Suite 310
Birmingham, AL 35205-4021

Dear Mr. Bloomston:

The National Association for Public Defense (NAPD) is an organization of public defense professionals, almost 15,000 strong, from every state in the U.S. We are committed to the vigorous enforcement of the right to counsel for persons who cannot afford to pay for an attorney. We also strongly support systems that are built upon the foundation of a robust Sixth Amendment. It is out of this context that we write to you.

NAPD wants Jefferson County and the nation to know what Kira Fonteneau has accomplished.

The national public defense community was delighted when Kira Fonteneau was appointed to create the public defense office in Birmingham. In the hiring of a young, energetic African-American leader to head this office, a ripple of hope went out across Alabama and America that a new day was rising in the Birmingham criminal justice system.

Since her appointment, Ms. Fonteneau has developed a client-centered, community oriented defender office. She used an excellent process when creating the office, visiting some of the top public defense organizations in the country, looking for talent from across the nation, and considering best practices in public defense. She has accomplished a great deal in only three years, including ensuring the provision of a bail hearing within 72 hours of arrest, establishing a free call from the jail to her office, and hiring an immigration attorney in her office, a first in the state. She has prioritized the hiring of high quality attorneys. She has taken steps to ensure that her lawyers were provided training. She served as a trainer of other public defender leaders at both an Executive Leadership Institute and a Managers and Supervisors Institute sponsored by NAPD in 2015 and 2016.

In the fall of 2015, she was reappointed by the Indigent Defense Advisory Board to another three-year term. In a recent statement, the Indigent Defense Advisory Board indicated that Ms. Fonteneau is "...an excellent attorney, dedicated to providing legal representation to the indigent defendants in the Birmingham Division of this circuit and has done so to the best of her ability."

The national public defense community is proud to recognize the work that Kira Fonteneau has done and the accomplishments she has produced in only three years as the leader of the Community Law Office. She has much to be proud of.

Page 2
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July 27, 2016

NAPD encourages the adherence to national standards when continuing to build the Jefferson County public defender's office. NAPD applauds the State of Alabama and Jefferson County for their creating a public defender office in Jefferson County in 2013. NAPD is hopeful that this progress will continue no matter whether Ms. Fonteneau is reinstated or another leader takes her place.

Moving forward, there are a number of principles that we encourage policy makers to utilize in their decisions. First, we encourage the maintenance of the independence of the indigent defense function. Principle #1 of the American Bar Association's influential *Ten Principles of a Public Defense Delivery System* (2002) is that the public defense function must be independent. That means the chief public defender and attorneys working under her must be free from political pressure, whether from the judiciary, the prosecutor, or from private criminal defense attorneys or others. As you decide what the future looks like for public defense in Jefferson County, NAPD hopes that steps will be taken to ensure that independence of the public defense function is guaranteed.

Second, we encourage you to place the highest priorities on recruiting and training vigorous and effective public defender lawyers. Ensuring that they are paid equally to prosecutors with similar benefits and that their caseloads and workloads are controlled and reasonable will also go a long way towards mitigating the turnover problem that is often endemic to public defender work. Recognizing the importance of diversity in recruiting is particularly important, since public defenders work with a clientele that is often overrepresented by a minority population.

Finally, we hope that the work of community involvement that Ms. Fonteneau developed will be continued. This is a growing recognized best practice across the nation. The more the public defender office is viewed as a place of hope for the community, the better the quality of justice will be.

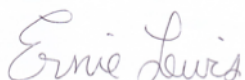
NAPD is ready to provide support to the local advisory board. NAPD wants the local Advisory Board to know that we stand ready to assist in developing standards, mentoring the leader of the office, helping to select a new leader if Ms. Fonteneau is not reinstated, and otherwise working to build on what has already been established in Jefferson County. We encourage a reasoned and wise approach to planning for the future of this office, without rushing to fill the position by an artificial deadline. NAPD has experience in assisting in drawing up qualifications for public defender leaders and recruiting nationally from a broad pool of excellent lawyers. Please let us know if we can be of assistance.

Thank you for considering these thoughts.

Sincerely,



Mark Stephens
Chair of the NAPD Steering Committee



Ernie Lewis
NAPD Executive Director

ON BEHALF OF THE NAPD STEERING COMMITTEE

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