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Ohio Public Defender
Chair, NAPD

Mark Stephens
Knox Co TN Public Defender
Vice-Chair, NAPD

Ed Monahan
Kentucky Public Advocate

Anne Daly
Society of Counsel Representing
Accused Persons, Executive
Director

Nancy Bennett
Deputy Chief Counsel for the
Private Counsel Division of the
Committee for Public Counsel
Services, MA

Cathy R. Kelly
Missouri Public Defender

Jeff Adachi
San Francisco City and County
Public Defender

Rick Jones
Neighborhood Defender Service
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Derwyn Bunton
Chief District Defender for
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Bob Burke
Indigent Defense Training
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*National Association for
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NAPD



NATIONAL ASSOCIATION FOR PUBLIC DEFENSE

Public defenders and assigned counsel throughout the nation

October 8, 2013

Fresno County Board of Supervisors
2281 Tulare Street, Room 301
Fresno, CA 93721-2198

ATTN: Bernice Seidel, Clerk

Re: Fresno County Public Defender's Office

Dear Fresno County Board of Supervisors:

My name is Tim Young and I write to you in my capacity as Chair of the National Association for Public Defense (NAPD). The National Association for Public Defense is a national association of public defenders and other related disciplines engaged in the work of public defense. The men and women of NAPD practice in states all across the country and have dedicated their professional lives to promote and preserve the constitutional right to counsel.

I write to you, speaking on behalf of the men and women of NAPD, to voice our strong support for the Fresno County Public Defender's Office. Among other things, we have read the P.A.C.E letter and other letters and have conducted interviews of persons on the ground in Fresno. We have familiarized ourselves with the history involving the Fresno County Public Defender's Office as it relates to previous attempts to control caseloads. It is our strong belief that under the current situation, clients whose constitutional right to counsel is being provided by the dedicated men and women who work in the Fresno County Public Defender's Office are having that right compromised as a result of excessive caseloads and the deteriorating infra-structure of the office. The Fresno County Public Defender's Office is laboring under significant deficiencies with regard to the most necessary and essential systemic safeguards including:

- Professional independence of the defense function;
- Adequate caseload controls;
- Meaningful access to investigative services and other expert services;
- Adequate administrative support;
- Attorney qualification standards;

- Attorney performance standards; and,
- Meaningful training.

In our opinion, the absence of these essential foundational underpinnings is preventing the attorneys in that Office from meeting the legal and ethical obligations owed to their clients. Through no fault of their own, the deficient performance of the lawyers in the Fresno County Public Defender's Office is the direct result of the County's failure to provide the necessary resources and tools to allow staff to perform their jobs; including the ability to make the necessary decisions to protect the constitutional rights of their clients without outside interference.

We strongly urge the Fresno County Board of Supervisors to look to and be guided by the American Bar Association's (ABA) *Ten Principles of a Public Defense Delivery System*.¹ In February 2002, the American Bar Association (ABA), House of Delegates adopted the *Ten Principles of a Public Defense Delivery System*, noting that the *Principles* "constitute the fundamental criteria necessary to design a system that provides effective, efficient, high quality, ethical, conflict-free legal representation for criminal defendants who are unable to afford an attorney." In 2012, United States Attorney General Eric Holder, stated that the ABA "literally set the standard" for indigent defense systems with the promulgation of the *Ten Principles* and called the *Ten Principles* the basic "building blocks" for overcoming right to counsel deficiencies.

We have read the letter presented to the Board of Supervisors by David Carroll of the Sixth Amendment Center. We concur in his thorough assessment of the situation and would urge you to give serious consideration to the points raised in Mr. Carroll's letter. The provision of effective and competent representation of the poor is a core responsibility of government. This responsibility should not be abdicated by failing to properly fund the Public Defender's office or by privatizing these services. NAPD urges you to immediately provide sufficient resources to address the excessive caseload problem that exists and to implement sufficient systemic safeguards - consistent with the ABA's Ten Principles - to allow the men and women of that Office to fulfill their legal and ethical obligations owed to their clients. NAPD stands ready to assist the Fresno County Board of Supervisors in any way you may deem appropriate.

Sincerely,



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¹ American Bar Association. *Ten Principles of a Public Defense Delivery System*. February 2002. Available at: http://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_sclaid_def_tenprinciplesbooklet_authcheckdam.pdf