



Commission on Indigent Legal Services

Presented by

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WHO WE ARE

1. We are non-partisan
2. We only go where we are invited
3. We do not litigate or lobby

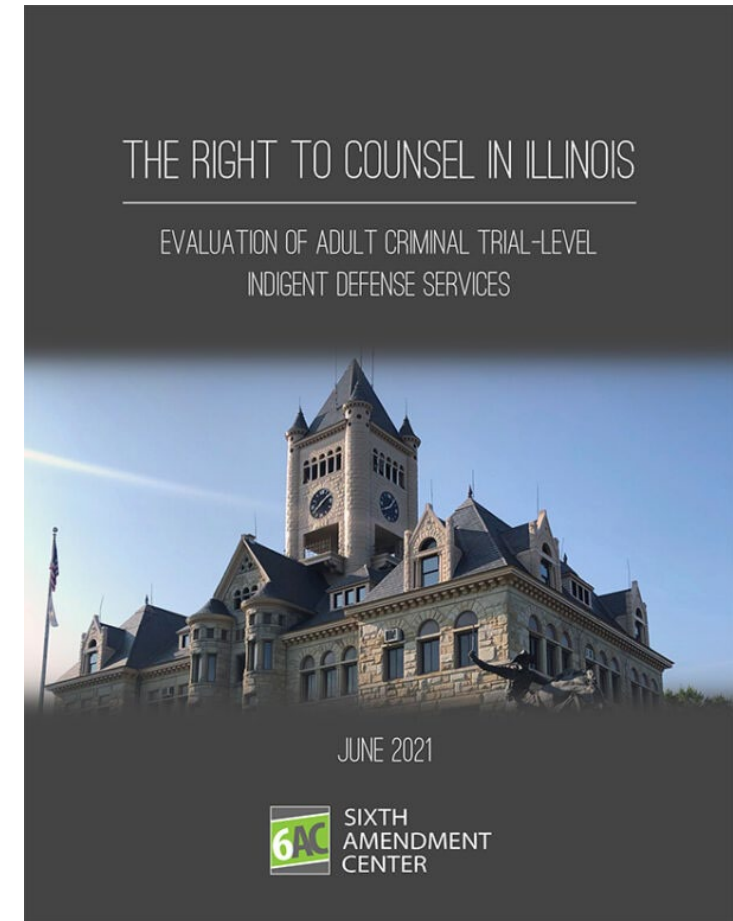
“Of all the rights that an accused person has, the right to be represented by counsel is by far the most pervasive, for it affects his ability to assert any other rights he may have.”

– United States v. Cronin, 466 U.S. 648 (1984).

WHAT WE DO

1. Evaluations
2. Technical assistance

In pointing out indigent defense deficiencies to policymakers, 6AC's goal is to help policymakers decide how best to ensure renovations or rebuilds are structurally sound and meet required laws and standards.





State v. local competing interests

1. 6th Amendment is a **STATE** obligation through the 14th Amendment

“The right of one charged with crime to counsel may not be deemed fundamental and essential to fair trials in some countries, but it is in ours.”

– Gideon v. Wainwright, 372 U.S. 335 (1963).



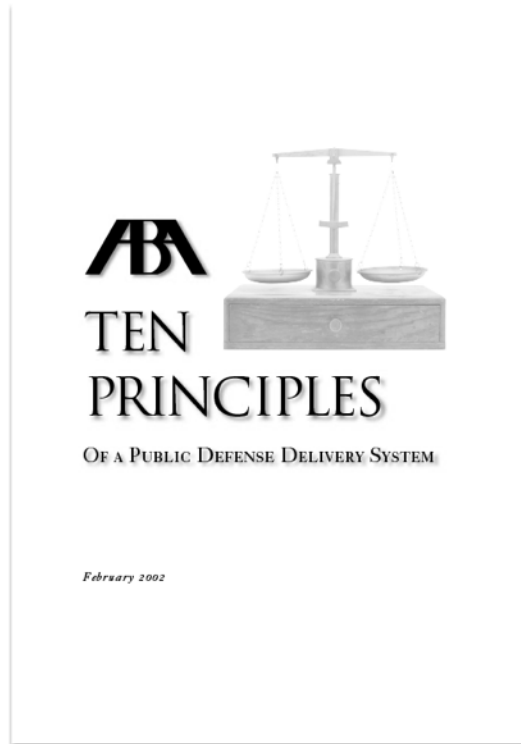
Cronic parameters

1. Early appointment of counsel
2. Qualified & trained lawyers
3. Sufficiency of time & resources
4. Independent oversight

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– United States v. Cronic, 466 U.S. 648 (1984).

The ABA Ten Principles



- ✓ Early appointment of counsel
- ✓ Attorney qualifications, training & supervision
- ✓ Independence of the defense function
- ✓ Sufficiency of time
- ✓ Data collection

Independence of the Defense Function



“[I]ndependence” of appointed counsel to act as an adversary is an “indispensable element of effective representation.” *Ferri v. Ackerman*

States have a “constitutional obligation to respect the professional independence of the public defenders whom it engages.” *Polk County v. Dodson*

“[I]ndependence of counsel” is “constitutionally protected” *Strickland v. Washington*

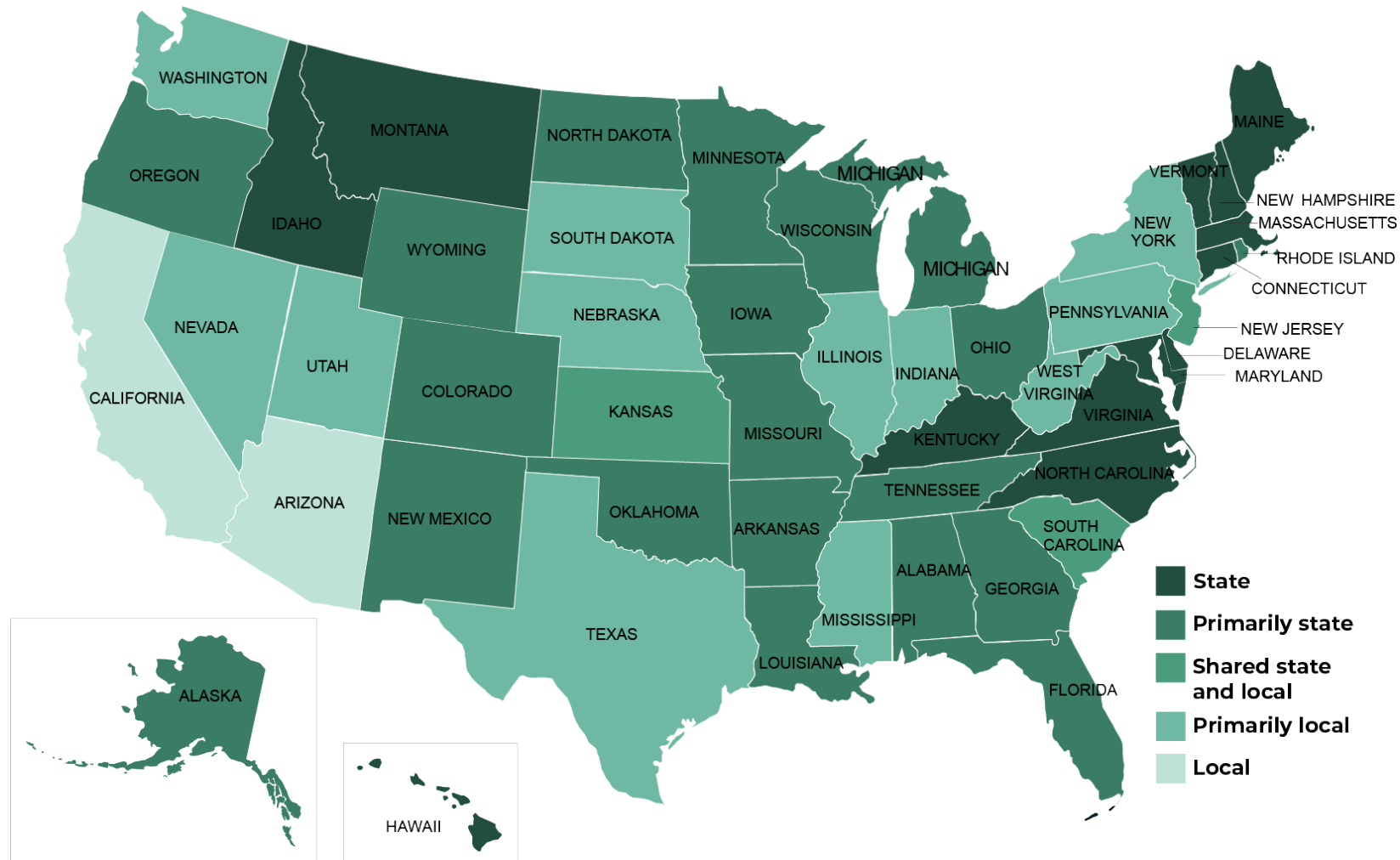


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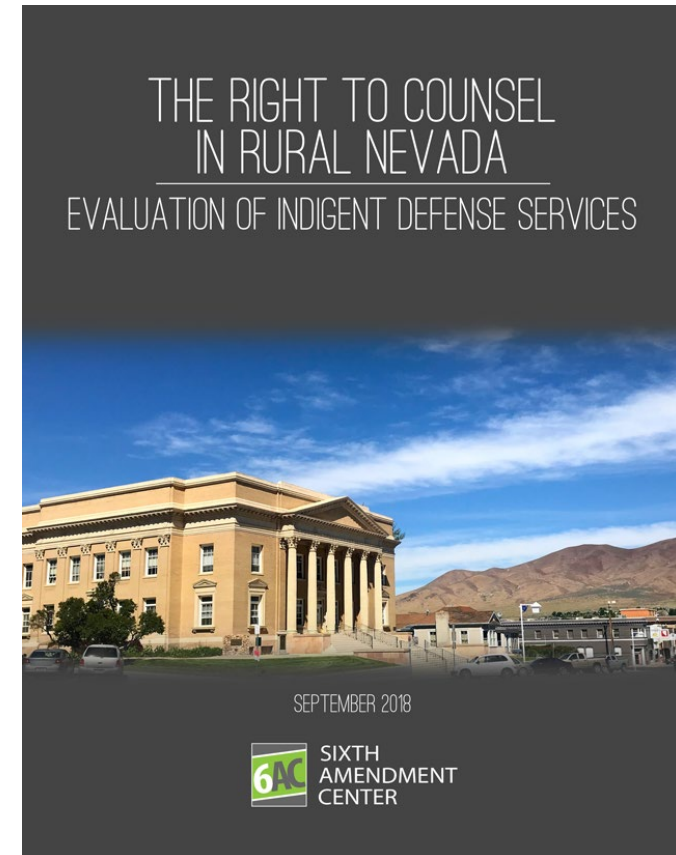
State v. local competing interests

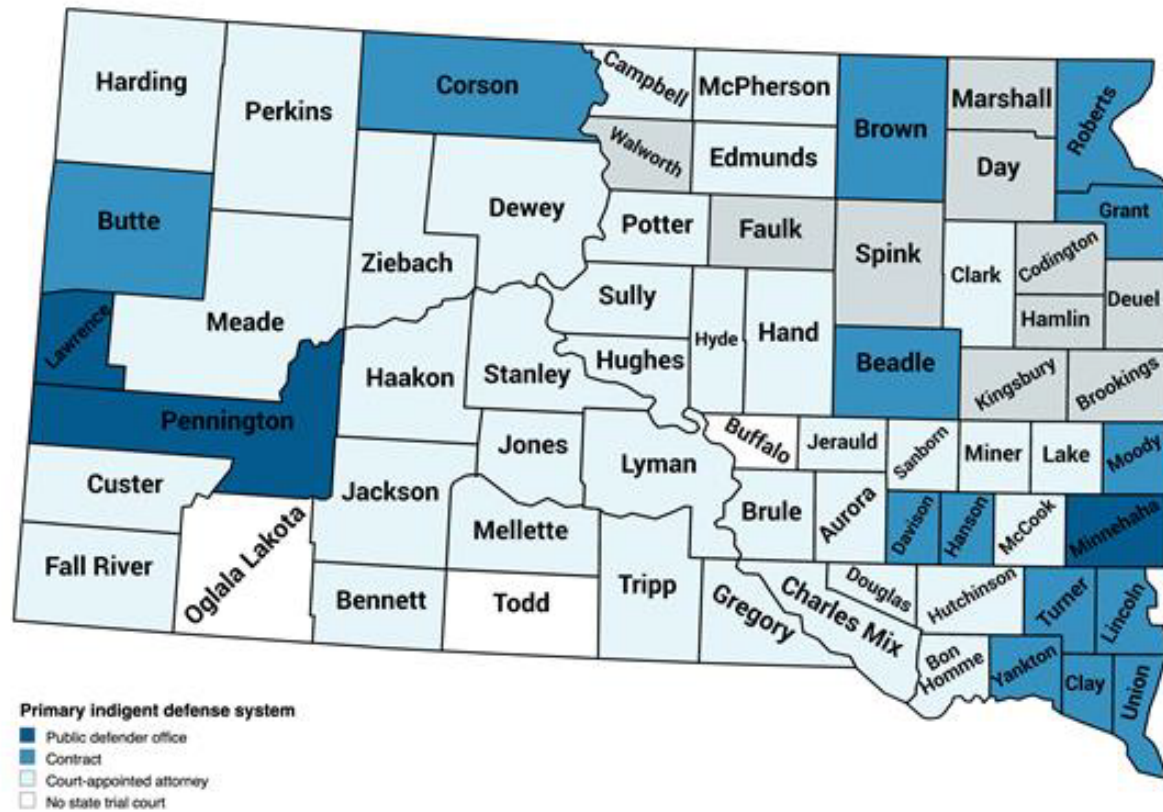
1. 6th Amendment is a **STATE** obligation through the 14th Amendment
2. SCOTUS has never been asked if it is constitutional to push that obligation down to counties
3. State must guarantee that counties can, and in fact do, provide adequate representation



State money to meet standards

1. Counties can opt in to a state-run system
2. Local government indigent defense reimbursement *only if* state standards are met





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