

February 27, 2020

The Honorable Ted Deutch
U.S. House of Representatives
Washington, DC 20515

Re: ABA support for H.R. 2868, the Ensuring Quality Access to Legal (EQUAL) Defense Act

Dear Representative Deutch:

On behalf of the American Bar Association (ABA), which is the largest voluntary association of attorneys and legal professionals in the world, I write to commend your leadership in promoting greater public access to justice by introducing H.R. 2868, the Ensuring Quality Access to Legal (EQUAL) Defense Act. If enacted, your bill would go far to protect the rights of defendants in criminal cases to due process and a fair trial under the Fifth, Sixth, and Fourteenth Amendments; increase indigent defense representation in local and tribal public defense systems; and provide needed relief to the men and women who provide public defense services every day.

It is fundamental to our system of justice that all persons accused of a crime have access to the effective assistance of counsel regardless of their ability to pay. Public defenders not only reduce the chance that someone may be wrongly convicted or incarcerated, but they can reduce recidivism by helping their clients resolve problems that led to their becoming involved in the criminal justice system in the first place. To be effective, however, public defenders must be on an equitable playing field with prosecutors. To help explain what this means, we adopted the [*ABA Ten Principles of a Public Defense Delivery System*](#).

These ten principles provide practical direction in developing or administering a public defense system. For example, the principles state that public defense attorneys must be free from untenably heavy caseloads (Principle 5), they should be properly resourced and compensated on a par with the prosecution (Principle 8), and they should have access to meaningful continuing legal education (Principle 9). Your bill would help to advance these important principles, thus substantially improving access to justice.

Additionally, because accumulated student debt often prevents new law graduates from accepting jobs in lower-paying public service positions, the ABA has long supported loan forgiveness and repayment assistance programs to help prosecutor and public defense employers attract and retain the right talent. While new law graduates have choices about where they work, communities do not have discretion in whether they will provide prosecution and public defense functions. To support these service providers, your bill would extend and increase funding for the John R. Justice Prosecutors and Defenders Program—a program we strongly support.

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The ABA looks forward to working with you in support of this important legislation to help ensure its consideration and enactment this Congress. If you have any questions, please contact Ken Goldsmith, Senior Legislative Counsel, in our Governmental Affairs Office at kenneth.goldsmith@americanbar.org or (202) 662-1789.

Sincerely,

A handwritten signature in black ink, appearing to read "Judy", with a stylized flourish extending to the right.

Judy Perry Martinez