

**CONFERENCE OF CHIEF JUSTICES
CONFERENCE OF STATE COURT ADMINISTRATORS**

Resolution 2

In Support of Establishment of the National Center for the Right to Counsel

WHEREAS, the United States Supreme Court held in the case of *Gideon v. Wainwright*, 372 U.S. 335 (1963) that persons accused of crimes, but unable to afford legal representation, have a Sixth Amendment right to counsel provided by the state; and

WHEREAS, while progress has been made in the fifty years since this landmark ruling, state and local governments continue to struggle to adequately fund legal representation for indigent criminal defendants; and

WHEREAS, a 2012 Government Accountability Office report found that only one tenth of one percent of the over \$500 million federal funding provided to state and local criminal justice systems each year goes to representing indigent criminal defendants; and

WHEREAS, the federal government has failed to adequately support state and local efforts to uphold the constitutional right to counsel guaranteed for all persons accused of a crime; and

WHEREAS, public defense systems across the country lack the funding and resources that are needed to provide adequate representation of indigent defendants; and

WHEREAS, legislation has been introduced in Congress that would establish a private, nonprofit National Center for the Right to Counsel, that would provide: (1) financial support to supplement, but not supplant, state and local funding for public defense systems that provide legal assistance to indigent criminal defendants; and (2) financial and substantive support for training programs and technical assistance to improve the delivery of legal services to indigent criminal defendants; and

WHEREAS, the National Center for the Right to Counsel, as envisioned in the National Center for the Right to Counsel Act (H.R. 3407), would provide essential funding and support to state and local public defense systems;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators urge Congress to enact legislation, such as H.R. 3407, to assist state and local governments to comply with the constitutional right to counsel for indigent criminal defendants.

Adopted as proposed by the CCJ/COSCA Criminal Justice Committee and the CCJ/COSCA Access, Fairness and Public Trust Committee at the CCJ 2014 Annual Meeting.