

FOR IMMEDIATE RELEASE
Aug. 22, 2016

Contact: Mae C. Quinn (MJC) 314-254-8540
Janet Moore (NAPD) 513-600-4757

**MACARTHUR JUSTICE CENTER, NATIONAL ASSOCIATION OF PUBLIC DEFENSE,
AND OTHER NATIONAL BAR ASSOCIATIONS URGE AN END
TO CONSTRUCTIVE DENIAL OF COUNSEL IN CAPITAL CASES**

The nation's three leading criminal defense associations and a premier non-profit civil rights law firm are urging the Eighth Circuit Court of Appeals in St. Louis to overturn a federal district court's arbitrary denial of funding that has resulted in deprivation of meaningful assistance of counsel for a mentally impaired death row inmate.

The Roderick and Solange MacArthur Justice Center at St. Louis joined with the National Association for Public Defense, the National Association of Criminal Defense Lawyers, and the National Legal Aid and Defender Association, to file an amicus brief on Friday in *Christeson v. Roper*, No. 16-2730. Mark Christeson is a severely mentally impaired Missouri death row prisoner whose case has never seen federal review because his previous court appointed lawyers abandoned the case. Mr. Christeson came within hours of execution in 2014, when the United States Supreme Court intervened and sent the case back to the district court to appoint new counsel. Although the district court appointed new attorneys, it refused to grant adequate funding for them to fully investigate and present a defense on Mr. Christeson's behalf.

The defender organizations, represented by the MacArthur Justice Center, have argued the court's refusal to adequately fund the case amounted to constructive denial of counsel. After ordering counsel to submit a budget, the court, without providing rationale, entered an order denying counsel all but 6% of the requested funds. Critically, this denial foreclosed counsel's ability to develop and present medical and mental health expert evidence to show Mr. Christeson was unable to assert his own rights when his prior lawyers abandoned him.

Mae Quinn, Director of the MacArthur Justice Center at St. Louis, noted: "Such denial of resources is sadly consistent with the culture and ongoing challenges faced by the Missouri criminal and juvenile defense bar. The public defender system ranks 49th in the country for funding, recently sued to obtain money withheld by the executive branch, and out of desperation actually conscripted the Governor, as a member of the bar, to serve as an appointed defender on a state court case."

Janet Moore, a Professor of Law at the University of Cincinnati School of Law, and Co-Chair of the National Association of Public Defense's Amicus Committee, explained: "For attorneys tasked with representing indigent capital defendants in federal habeas proceedings, such practices have created an untenable system, where counsel are unable to satisfy constitutional and ethical demands." Moore further warned, "The court's order threatens the integrity of the legal system and discourages competent counsel from taking on these important cases."

#

The Roderick and Solange MacArthur Justice Center at St. Louis. The Roderick and Solange MacArthur Justice Center at St. Louis is a non-profit, public interest law firm that advocates criminal justice system reform. Launched this summer, the St. Louis office is the newest for MacArthur Justice, which has attorneys in Chicago (at the Northwestern Pritzker School of Law), New Orleans, and at the University of Mississippi Law School. The Roderick and Solange MacArthur Justice Center was founded in 1985 by the family of J. Roderick MacArthur to advocate for human rights and social justice through litigation. It has led battles against myriad civil rights injustices, including modern debtors-prison practices, police misconduct, inadequate representation in criminal and juvenile cases, and wrongful convictions.

For more on MJC-STL, go to: <http://stl.macarthurjusticecenter.org/index.html> or call **Mae Quinn, Director, MacArthur in Justice Center at St. Louis: 314-254-8541.**

National Association for Public Defense. The National Association for Public Defense (NAPD) is an association of more than 14,000 professionals who deliver the right to counsel throughout all U.S. states and territories. NAPD members include attorneys, investigators, social workers, administrators and other support staff who are responsible for executing the constitutional right to effective assistance of counsel, including regularly researching and providing advice to clients in death penalty cases. NAPD members advocate in jails, in courtrooms, and communities and are experts in not only theoretical best practices, but also in the practical, day-to-day delivery of services. NAPD's collective expertise represents state, county, and local systems through full-time, contract, and assigned counsel delivery mechanisms, dedicated juvenile, capital and appellate offices, and through a diversity of traditional and holistic practice models. NAPD provides webinar-based and other training to its members, including training on the utmost importance of protecting the right to counsel in all phases of capital litigation.

For more on NAPD, go to: <http://www.publicdefenders.us> or call **Janet Moore, Amicus Committee, National Association of Public Defense, 513-600-4757.**