



September 1, 2021

Dear President Biden, Vice President Harris, and Attorney General Garland,

On May 18, 2021, President Biden signed a Memorandum reestablishing the White House Interagency Roundtable (LAIR) and requiring the Attorney General to submit a plan within 120 days to expand access-to-justice initiatives at the Department of Justice (DOJ).

The public defense community applauds President Biden—a former public defender—for helping to ensure access to legal services for all Americans. We write to pledge our support for the Administration’s efforts and to offer three recommendations for improving public defense.

(1) Focus on both civil legal aid and public defense.

Federal access-to-justice initiatives should give equal weight to public defense and civil legal aid. The stakes in criminal cases—life, liberty, and livelihood—are high. Half of Americans have seen a family member incarcerated, and 3 in 4 incarcerated Americans rely on public defense. Beyond incarceration, criminal conviction carries consequences for housing, education, healthcare, voting, and more. Given the gravity and pervasiveness of criminal conviction, federal access-to-justice initiatives should focus on public defense and civil legal aid in equal measure.

(2) Restore the DOJ Office for Access for Justice and launch a Public Defense Division.

Second, the DOJ Office for Access to Justice (A2J) should be restored, and its mandate expanded. During the Obama presidency, A2J had a profound impact on public defense through amicus briefs and statements of interest. But the Office can do more. The DOJ should create and staff a Public Defense Division within A2J to execute the following initiatives:

- Directly funding state-level public defense operations
- Incentivizing public defense improvement through targeted grant funding
- Investigating patterns and practices that violate the Sixth Amendment
- Collecting public defense data in cooperation with BJS
- Convening national leaders to strategize public defense improvement
- Launching the National Council on Public Defense
- Funding training, webinars, and toolkits for public defender offices

- (3) Launch an interagency roundtable focused on public defense.

During the Obama presidency, LAIR was a catalyst for advancing civil legal aid and connecting legal providers with a broad range of federal agencies to increase funding, resources, and visibility. We applaud your commitment to LAIR and recommend launching a similar initiative to support public defense in the United States.

Congratulations on an excellent first step toward advancing access to justice. The Biden Administration is poised to truly transform American public defense. The National Association for Public Defense (NAPD) stands ready to work with the Administration to advance access to justice.

Sincerely,



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