



February 5, 2018

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors,

The National Association for Public Defense (NAPD) is committed to advancing the cause of equal justice for accused individuals in public defense delivery systems throughout the United States. With nearly 15,000 members, we are committed to improving public defense through the use of best practices and commitment to the Sixth Amendment.

We are writing to express our support for the 390 LA County Public Defenders who expressed their opposition to the appointment of Hon. Nicole Tinkman as Interim LA County Public Defender in a letter of January 19. We share their concerns about Ms. Tinkman's lack of criminal defense experience, her absence of public defense leadership experience, and her potential conflicts of interest in previous representation of law enforcement entities against civil rights accusations, the very clientele for whom she will now be charged with advocating. We further share their concern that Ms. Tinkman has expressed an intent to bring a team of other similarly inexperienced individuals from County Counsel to assist her in running the office. When a significant majority of public defenders rise up in opposition to an appointment of their leader, it is imperative that they be listened to and respected and that their concerns be received seriously.

NAPD fears that the independence of the public defense function is being compromised during this process. NAPD stands for the principle that the "fair administration of justice requires that representation by lawyers be free from real or perceived inappropriate influence." (NAPD Foundational Principle #2). Many states and locales honor this principle by having the chief public defender appointed by either a Commission or by an executive authority who receives nominations from the Commission. NAPD is concerned that there has been no effort in LA County to ensure the independence of the public defense function through its process of appointing Ms. Tinkman.

NAPD is also concerned by Ms. Tinkman's lack of qualifications and experience to run a large public defense organization, even on an interim basis. She clearly is qualified to be in a management position of a law firm, or in the County Counsel's Office. That is far different than running a complex public defense organization. It is vital that leadership of public defense organizations be filled by persons of the highest quality with unique qualifications. NAPD recently promulgated a position paper affirming that those in public defender leadership should be "committed to

public defense and the principles that underlie the right to effective assistance of counsel (Sixth Amendment principles) as well as the NAPD Foundational Principles... Have an understanding of client-centered representation principles and the values, structures and processes necessary to implement those principles under the particular circumstances presented by the defender's office ...Have a vision for what the office should seek to achieve consistent with client-centered representation...[and] Be a steward of the office consistent with Sixth Amendment principles." (NAPD *Qualifications of those Serving as Public Defense Leadership* (2017)).

A statement issued from Ms. Tinkman demonstrates that she has little appreciation of the role to which she has been appointed. The statement reads as follows: "The challenges that await Ms. Tinkham are not so different from those that face attorneys and judges on a daily basis as they are transferred and expected to excel in new and different assignments." Only someone with no experience in public defense could issue such a statement. Public defenders are unique. They represent persons who are at critical places in their lives. They are poor, they are persons with mental health and addiction issues, and they desperately need high quality legal representation. They face imprisonment and in some instances the threat of execution. Public defense is a calling, and leading likewise is a calling. To say that this is "no different" than that faced by other attorneys in private practice demonstrates a lack of understanding of what this position requires.

NAPD encourages LA County to step back and begin a process that will ensure the highest qualified person is selected to become the next LA County Public Defender. The process by which this occurs is of great importance. NAPD believes that those responsible for choosing the public defense system leadership must be vetted on their qualifications to serve. NAPD has affirmed that authorities "appointing the selecting board or commission should be: Diverse...Committed to high quality public defense...Committed to quality representation standards...Committed to state and national representation standards...Committed to the 6th Amendment...Committed to the ABA Ten Principles,... Committed to the NAPD Foundational Principles...[and] Committed to upholding professional and ethical standards." NAPD stands ready to assist the Board of Supervisors in establishing a selection process that meets these standards.

We encourage you to listen to the outstanding public defender staff and employ a fair process for ensuring a high-quality leader is chosen both on an interim and permanent basis to lead the LA County Public Defender's Office.

Sincerely,



Paul DeWolfe
Chair, NAPD



Ernie Lewis
Executive Director, NAPD

ON BEHALF OF THE NAPD STEERING COMMITTEE

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