



Kasim Reed, Mayor
City of Atlanta
55 Trinity Avenue SW
Suite 2500
Atlanta, GA 30303

September 29, 2017

RE: Ensuring justice in our adversarial system requires the independent delivery of public defender services

Dear Mayor Reed,

Our criminal justice system is founded on the value that just outcomes for citizens whose liberty is at risk is best achieved through an adversarial system.

For the results of this adversarial system to have the confidence of the public, public defenders must advocate for their clients to the fullest benefit of the client's cause. To achieve this responsibility, public defender leaders and their staff must be free from judicial and political interference when making decisions concerning the representation of clients and when advocating for criminal justice policies in their clients' interests. Independent professional advocacy, among other things, requires defenders to advocate vigorously for the pretrial release of clients, to oppose forcefully the incarceration of a client for the failure to pay a fine or fee without the constitutional process and determination of the ability to pay and consideration of alternatives to incarceration, and to seek energetically the appointment of counsel to those who qualify.

The National Association for Public Defense (NAPD) urges you to ensure the independent delivery of public defense services in Atlanta and NAPD opposes the removal of Chief Defender Rosalie Joy for her independent advocacy on behalf of clients.

The national standards are clear. The first principle of the ABA *Ten Principles of a Public Defense Delivery System* (2002) is that "The public defense function, including the selection, funding, and payment of defense counsel, is independent." To have independent advocacy, the Chief Defender, not the judiciary, must determine which attorney provides the representation of the individual client. The ABA Principles "constitute the fundamental criteria necessary to design a system that provides effective, efficient, high quality, ethical, conflict-free legal representation for criminal defendants who are unable to afford an attorney."

The National Association for Public Defense is committed to advancing the cause of equal justice for accused individuals in public defense delivery systems throughout the United States. We are a national association of more than 16,000 public

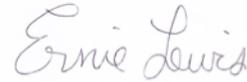
defenders and public defense professionals, including the staff of 110 organizations, 18 of which are statewide programs. Our purpose is to address the systemic failure to provide the constitutional right to counsel and to collaborate with diverse partners for solutions that bring meaningful access to justice for poor people.

Ensuring justice in our adversarial system in a way that has the confidence of the public requires the independent delivery of public defender services. Your decision will determine whether clients in Atlanta receive the independent advocacy our Constitution, ethical rules and national standards require.

Sincerely,



Mark Stephens
Chair, NAPD Steering Committee



Ernie Lewis
Executive Director, NAPD

ON BEHALF OF THE NAPD STEERING COMMITTEE

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