



QUALIFICATIONS OF THOSE SELECTING PUBLIC DEFENSE LEADERSHIP

*a position paper developed by the NAPD Systems Builders Committee;
approved by the NAPD Steering Committee on September 21, 2017*

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.

In adopting its Foundational Principles, NAPD recognized that there are varying delivery systems in place and understands that all jurisdictions must be unified by the Principles to ensure that we deliver effective, diligent and competent representation. Direction in how staff in any delivery system is to effectively and responsibly fulfill its obligations must come from top level leadership. The responsibility of selecting quality leadership in a jurisdiction that does not elect its public defender should fall on a board or commission in order to guarantee the independence of the public defense function.

NAPD believes that those responsible for choosing the public defense system leadership must be vetted on their qualifications to serve. The 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
- Committed to upholding professional and ethical standards

The authorities appointing the selecting board or commission should not be:

- An adversary of the public defender's office or its clients, including but not limited to individuals associated with:
 - law enforcement
 - prosecution
 - parole
 - probation
 - corrections – including local jail administrators and the department of corrections
 - active judges
- An individual with a perceived or actual conflict of interest In delivery systems in which attorneys or staff contract with a county board or commission to provide legal representation, the same qualifications should be utilized for the contracting authorities.