

ACDLA News Conference
May 25, 2005
State Capitol Steps, Montgomery, AL

Good Morning.

My name is Jim Roberts and I am the President of the Alabama Criminal Defense Lawyers Association, a statewide organization of nearly 600 of Alabama's criminal and juvenile defense lawyers. I am here today to discuss with you the crisis our system of indigent defense is facing and our hopes for a solution.

It is our goal to help lawyers in this state provide quality legal representation to everyone we represent. However, we currently face our most serious challenge to the quality of legal representation provided to those in our society who are least able to speak for themselves -- children and the poor.

The funding for our indigent defense system has been reduced by roughly 30% since February 1, 2005 when the Attorney General's Office issued an opinion that certain expenses incurred by

lawyers in the representation of the poor are not due to be paid. Since that time, our system has been under funded. Without adequate funding, quality representation wanes, and with it, the efficiency of our system. Our already burdened juvenile, criminal and family courts are beginning to show the effects of this reduced funding and the crisis continues to worsen.

Our country's justice system is the finest in the world. But that system is predicated on the idea that everyone, even the least of us, is entitled to a defense. Recently, one of our members concluded a tour of duty in Iraq where, as a reservist and a criminal defense lawyer, he was charged with helping to establish a similar criminal justice system in a country where concepts such as "the right to counsel" and "innocent until proven guilty" are as foreign as our language. These concepts are not foreign to us, but rather we hold them dear. Yet, as the overall quality of defense in this state worsens due to this crisis, we lose competent and committed lawyers. We fail to live up to the standards conceived by our forefathers.

This crisis affects more than poor adults accused of a crime. Roughly 25% of the monies

spent on indigent defense pay for lawyers to represent children in juvenile dependency and delinquency cases. As this crisis affects the quality of representation afforded to our children, we fail to live up to the standards we conceived as a society.

As quality representation diminishes, we face the danger of the guilty going unpunished, the innocent being convicted, and our children being lost and left behind. As the efficiency of our system declines, we face the reality of increased appeals, increased claims of ineffective assistance of counsel, and increased need for re-trials. As the number of competent attorneys willing to represent the poor and the children decreases, we face overcrowded court dockets, overcrowded jails and overextended delays in justice for victims and defendants, parents and children.

[Introduction of Speakers]

Maryanne Melko Prince

Ms. Prince is a Montgomery attorney who handles a number of cases that this impacts.

Joseph Daniel

Mr. Daniel is a Florence attorney who handles a number of cases this impacts.

Honorable Joel Laird

Judge Laird is Circuit Judge for the 7th District Court in Anniston and works over the criminal court.

[Thank Speakers]

When our State Lawmakers return to ontgomery for the Special Session, our Association will be asking them to put and end to this crisis and to stop the coming chaos. ACDLA will have a bill introduced in both the House and Senate that will reinstate the payments of those expenses incurred by lawyers in the representation of the poor that have been withheld since February 1, 2005. These funds have already been approved in our previous state budget, but now, are simply being withheld.

This bill is a temporary fix. It is designed to put an end to this crisis now, while allowing us the

opportunity to work toward our goal of insuring adequate funding and accountability.

We have pledged to the Legislature, the Administrative Office of Courts, the Attorney General's Office, and the State Bar Association our desire to work on a long-term solution to insuring adequate funding and accountability.

We pledge the same to the citizens of Alabama today.

Our system is in crisis. Chaos is coming.

We need the help of everyone who holds dear the principles of justice on which our country was founded to help us end this crisis now and to work toward a future of stability.

Thank You. [Take Questions]