

THE NATIONAL CENTER FOR THE RIGHT TO COUNSEL ACT (H.R. 2063, 114th Congress)

Introduced by Congressman Ted Deutch (FL-21)

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In *Gideon v. Wainwright*, the Supreme Court held that Americans accused of crimes but unable to afford legal representation have a Sixth Amendment right to counsel provided by the state, writing that “any person haled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him.” Yet in the 50 years since this landmark ruling, state and local governments have struggled to adequately provide representation to indigent criminal defendants, with public defense systems across the country too often deprived of the funding, resources, and time that is needed. The federal government has also failed to adequately support state and local efforts to uphold the constitutional right to counsel guaranteed by all Americans. A 2012 report from the Government Accountability Office found that while the federal government provides over \$500 million each year to state and local criminal justice systems, only one tenth of 1 percent actually goes to representing the indigent.

The National Center for the Right to Counsel Act would establish a private, nonprofit corporation that aims to supplement, not supplant, current state and local systems of indigent defense. The National Center for the Right to Counsel will provide financial support for public defense systems and for training programs that aim to improve the delivery of legal services to indigent criminal defendants. The Center will also engage in research; training and technical assistance; and serve as a clearinghouse for information relating to the delivery of indigent defense services. In addition, the Center will create and maintain an online database that will be available publicly online and include contact information for all public defense systems in every state.

The bill requires that no less than 10 percent of federal funding made available for the Justice Department’s Byrne JAG grant program will be provided to the Center. The Center will be composed of 9 voting Board members appointed to 5 year terms by the President and confirmed by the Senate. These Board members will have significant experience in the criminal justice system; demonstrate a commitment to quality indigent defense representation; and demonstrate a commitment to working with and advocating for the population served by the Center.

The National Center for the Right to Counsel Act will also create geographically-based Regional Backup Centers charged with providing public defenders access to qualified investigators and sentencing mitigation specialists. These Regional Backup Centers will also inform public defender systems of grants made available and provide assistance and guidance during the application process. Regional backup centers will facilitate critical information sharing between states in specific geographic regions and provide technical assistance on available grants for public defender systems.

Under the bill, the Chief Justice of each state, two US Senators or Representatives of States without Senators, and the Governor will appoint a 9-member State Advisory Council for such state. The members of the Council will be selected from a list of recommendations made by the State bar association in collaboration with the Department of Justice’s Access to Justice Initiative. The State Advisory Council will be the eyes and ears for the Center to report on the quality of representation in the state and to ensure that indigent defense services in each state are in compliance with the Act.

Support for the National Center
for the Right to Counsel Act

National Association of Counties

American Bar Association

Conference of Chief Justices/
Conference of State Court
Administrators

National Legal Aid & Defender
Association

National Association for Public
Defense

National Association of Criminal
Defense Lawyers

The Constitution Project