



D I S T R I C T O F C O L U M B I A B A R
Criminal Law and Individual Rights Section

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**PROPOSED LETTER TO THE HOUSE AND SENATE CONFERENCE
COMMITTEE ON THE FY 2001 DEPARTMENTS OF COMMERCE,
JUSTICE AND STATE APPROPRIATIONS BILL IN SUPPORT OF
ADEQUATE FUNDING FOR PANEL ATTORNEYS REPRESENTING
INDIGENT DEFENDANTS UNDER THE CRIMINAL JUSTICE ACT**

Sections EventLine
202-626-3455

Steering Committee
Paul F. Enzinna, Co-Chair
Philip T. Inglima, Co-Chair
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Tanya S. Chutkan
Steven M. Dettelbach
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*D.C. Bar Assistant Executive
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and Finance*

Carol Ann Cunningham
D.C. Bar Sections Manager

You have been appointed to the Conference Committee to resolve the differences between the House and Senate versions of the FY 2001 Commerce, Justice, State appropriations bill. On behalf of the Criminal Law and Individual Rights Section of the District of Columbia Bar, we write to urge you and your colleagues to provide adequate funding to implement an hourly increase – to a uniform \$75 per hour, in-court and out – for panel attorneys representing indigent defendants under the Criminal Justice Act. In most districts, these attorneys are currently paid \$70/hour in- court and \$50/hour out-of-court. The Judiciary's proposal would pay \$75/hour in- or out-of-court. On behalf of the Criminal Law and Individual Rights Section of the District of Columbia Bar, we write to urge you and your colleagues to vote in favor of this necessary increase.

A significant proportion of all criminal defendants are indigent, and rely on court-appointed counsel. Inadequate funding for such counsel poses a serious threat to these defendants' right to counsel, and to the proper functioning of our criminal justice system.

Many attorneys simply can no longer afford to accept CJA appointments. Last year's \$5 per hour increase in CJA funding was only the second increase to the rate in 15 years. As a result, even with last year's increase, the CJA rate is more than 30% below what it would be had the rate simply kept pace with the cost-of-living since 1984. Even with last year's increase, current rates often do not cover modest overhead expenses.

The funds needed for the proposed increase comprise a minuscule portion of the Federal budget, but those funds are necessary to preserve the legitimacy of our criminal justice system. As the Attorney General has stated, that legitimacy "depends on our efforts to ensure the fairness of the system for everyone, regardless of wealth." The current level of funding not only threatens the rights of indigent criminal defendants, but also leads to unnecessary delays and retrials based on claims of ineffective assistance of counsel.

For all of the foregoing reasons, we strongly urge you to support the proposed increase in CJA rates, to \$75/hour, in- or out-of-court.

*The views expressed herein represent only those of the Criminal Law and
Individual Rights Section of the District of Columbia Bar and not those of the
D.C. Bar or of its Board of Governors.*



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October 11, 2000

- Hon. Ted Stevens
- Hon. Ben Nighthorse Campbell
- Hon. Pete Domenici
- Hon. Kay Bailey Hutchinson
- Hon. Mitch McConnell
- Hon. Ernest Hollings
- Hon. Daniel Inouye
- Hon. Frank Lautenberg
- Hon. Patrick J. Leahy
- Hon. Barbara Mikulski

- Hon. Harold Rogers
- Hon. Jim Kolbe
- Hon. Tom Latham
- Hon. Dan Miller
- Hon. Ralph Regula
- Hon. Charles Taylor
- Hon. Zach Wamp
- Hon. Jose Serrano
- Hon. Julian Dixon
- Hon. Alan Mollohan
- Hon. Lucille Roybal-Allard

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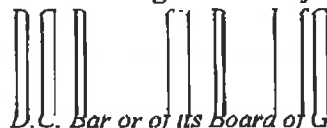
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Respectfully submitted,

Philip T. Inghima
Co-Chair

Paul F. Enzinna
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