



## NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

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*Washington, D.C.* – Today, in Helena, Montana, legislators, activists, and litigators have gathered to celebrate the passage of legislative reform to overhaul the indigent defense system in that state. The National Association of Criminal Defense Lawyers calls on Louisiana and Michigan to follow Montana's lead and take the necessary steps to ensure that poor people charged with crimes receive the assistance of competent, appropriately-resourced lawyers.

"Montana is the latest of a number of states to undertake comprehensive indigent defense reform," said Malia Brink, NACDL Indigent Defense Counsel. "These states have recognized that providing quality defense services for the poor protects the innocent and ensures the fair operation of the criminal justice system. By not enacting reform, Louisiana and Michigan are getting left behind."

The Montana law is the first in the nation crafted with the intent of addressing the "Ten Principles of a Public Defense Delivery System" adopted by the American Bar Association in 2002. Passed in the wake of a class action lawsuit filed by the American Civil Liberties Union, the new law, entitled The Montana Public Defender Act, creates a statewide system to defend the state's poor.

At the time they filed their legal challenge, the ACLU alleged that the state's county-based indigent defense programs were so poorly funded and administered that the lawyers employed by those programs could not provide constitutionally adequate representation for their clients. "A year ago, indigent people accused of crimes in Montana were in a dire situation with the doors of legal recourse being repeatedly slammed in their faces. Thankfully, for them today is a new day," said Vincent Warren, a senior staff attorney with the ACLU.

Louisiana's and Michigan's systems are similarly deficient.

"The county indigent defense systems are grossly under-funded and understaffed," said Kary Moss, Executive Director of the ACLU of Michigan. "We have begun working with a number of organizations to investigate the county systems and it is clear that most have no attorney performance or workload standards, and that there is almost no oversight."

In the spring of 2004, NACDL, together with the National Legal Aid and Defender Association, released a report detailing "the significant extent to which Louisiana has failed to protect the rights of people of insufficient means faced with the potential loss of liberty in criminal proceedings." The report concluded that Louisiana fails to meet 9.5 of the ABA's 10 Principles of a Public Defense Delivery System.<sup>1</sup>

"We cannot have a fair system unless the scales of justice are balanced. By allowing inadequate defense systems to remain in place, Louisiana has increased the risk that innocent people will be convicted, while guilty people go free," Brink said. "Louisiana and Michigan must take quick action to reform their indigent defense systems, including putting in place workload and performance standards, and creating independent oversight and accountability."

For further information about the Montana legislation, [click here](#). In addition to Montana, North Dakota and Georgia have recently passed indigent defense reform legislation.

<sup>1</sup> To view the full report on the NACDL Web site, [click here](#).

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