

BACKGROUND INFORMATION ABOUT THE ALLEGHENY COUNTY BAR ASSOCIATION

The Allegheny County Bar Association (ACBA) is a professional organization with more than 6,500 member lawyers, judges, magisterial district judges, legal administrators, and paralegals. The ACBA was chartered in 1870 for the purpose of the "elevation of the character, superintendence of the general interests and cultivation of a fraternal feeling among the members of the profession of law."

Each year, the bar association conducts various projects that touch many aspects of the community and the legal profession. Our members form the substance that makes our association work, and hold together a wide range of interests and projects. Our members work to improve the profession, the community in which they live, and the administration of justice in society.

On December 16, 2008, the ACBA Board of Governors adopted the following Mission Statement: "The Allegheny County Bar Association is an organization of legal professionals committed to serving its members by: providing education, advocacy and professional services; promoting equality and diversity among its membership; fostering collegiality; advancing the public image of the profession and the highest standards of professional ethics; supporting and advocating for a fair and effective judicial system that is accessible to every individual regardless of economic status; and exercising leadership on a local, state, and national level so as to further these goals."

**RESOLUTION OF THE ALLEGHENY COUNTY BAR ASSOCIATION IN SUPPORT
OF SB 979, LEGISLATION THAT ESTABLISHES A PENNSYLVANIA CENTER FOR
EFFECTIVE INDIGENT DEFENSE LEGAL REPRESENTATION**

WHEREAS, fifty years ago the United States Supreme Court handed down *Gideon v. Wainwright*, 372 U.S. 335 (1963), the case which declared that any adult arrested for a crime has a Constitutional right to effective assistance of counsel, free of charge, pursuant to the sixth and fourteenth amendments.

WHEREAS, *Gideon's* mandate for effective assistance of counsel has since been extended to include juveniles in delinquency proceedings, direct appeals, misdemeanor offenses, and other critical stages of prosecution.

WHEREAS, Pennsylvania is the only state that does not provide statewide funding for indigent defense.

WHEREAS, in December of 2011, the Task Force and Advisory Committee on Services to Indigent Criminal Defendants, part of the bi-partisan Joint State Government Commission, concluded that, "Pennsylvania fails to meet its constitutional duty to provide effective legal defense for indigent defendants in criminal cases," and that, "(l)ack of state support has undermined the effectiveness of indigent defense in much of Pennsylvania."

WHEREAS, that same report concluded that "to have a system that meets the constitutional demands of basic justice," Pennsylvania "must strive to develop and implement" the Ten Principles of a Public Defense Delivery System developed and adopted by the American Bar Association (hereinafter "ABA Ten Principles").

WHEREAS, emblematic of its longstanding support for increasing access to justice for all, in 2012 the Allegheny County Bar Association also passed a resolution adopting and endorsing the ABA Ten Principles.

WHEREAS, the ABA Ten Principles call for "state funding and a statewide structure responsible for ensuring uniform quality statewide" of indigent defense, for training commensurate with the complexity of any criminal defense casework, and for parity of resources among prosecutors and public defenders.

WHEREAS, the Pennsylvania District Attorneys Association receives its funding from the sixty-seven counties in Pennsylvania and such funding is used, in part, to train prosecutors across the Commonwealth.

WHEREAS, SB 979 would create and initially fund a Center for Effective Indigent Defense Legal Representation (hereinafter, "the Center"), primarily charged with providing statewide training for public defenders and other criminal defense attorneys appointed to represent indigent defendants.

NOW, THEREFORE, BE IT RESOLVED that the Allegheny County Bar Association supports Senate Bill 979, Printers No. 1136, establishing and funding the Pennsylvania Center for Effective Indigent Defense Legal Representation; as well as ongoing statewide funding for the Center; and,

BE IT FURTHER RESOLVED that the President and/or the President's designee(s) are authorized to communicate the Allegheny County Bar Association's position on Senate Bill 979, Printer's No. 1136, and any similar legislation to the Governor, the General Assembly, the media and the public and to take such other action as necessary to effectuate this resolution.

October 1, 2013

**RESOLUTION OF THE ALLEGHENY COUNTY BAR
ASSOCIATION IN SUPPORT OF THE AMERICAN BAR ASSOCIATION TEN
PRINCIPLES OF A PUBLIC DEFENSE DELIVERY SYSTEM**

RESOLVED, that the Board of Governors adopts the resolution of the ACBA Criminal Litigation Section endorse the American Bar Association Ten Principles of a Public Defense Delivery System as the best practices standard and formal criteria for the systemic delivery of indigent defense legal representation services in Allegheny County; and supporting the proposition that the Allegheny County Public Defender's Office be independent and be adequately funded by Allegheny County, and the Commonwealth of Pennsylvania as required by law, and other sources with the independent ability to perform fundraising without dissolution of funding from the appropriate government agencies.

February 7, 2012

**RESOLUTION OF THE CRIMINAL LITIGATION SECTION OF THE
ALLEGHENY COUNTY BAR ASSOCIATION IN SUPPORT OF THE AMERICAN BAR
ASSOCIATION TEN PRINCIPLES OF A PUBLIC DEFENSE DELIVERY SYSTEM**

WHEREAS, the right to effective assistance of counsel is a constitutionally protected right under the United States and Pennsylvania Constitutions and as set forth in the United States Supreme Court case of *Gideon v. Wainwright*; and,

WHEREAS, the American Bar Association has adopted Ten Principles of a Public Defense Delivery System, the tenets of which set the standard for indigent criminal defense representation; and,

WHEREAS, there is a need to ensure the continued availability of the Allegheny County Public Defender's Office to render constitutionally mandated indigent defense; and,

WHEREAS, the Allegheny County Public Defender's Office must be independent in its daily functions, including but not limited to, training, personnel matters, management and control over appropriated funding.

NOW BE IT RESOLVED, that the Board of Governors of the Allegheny County Bar Association adopt a resolution endorsing the American Bar Association Ten Principles of a Public Delivery System as the best practices standard and formal criteria for the systemic delivery of indigent defense legal representation services in Allegheny County; and supporting the proposition that the Allegheny County Public Defender's Office be independent and be adequately funded by Allegheny County, and the Commonwealth of Pennsylvania as required by law, and other sources with the independent ability to

perform fundraising without diminution of funding from the appropriate government agencies;

NOW BE IT FURTHER RESOLVED, that Board of Governors of the Allegheny County Bar Association take whatever steps are deemed necessary to communicate this resolution, including communication of these positions to the public.

January 24, 2012