



**GACDL ENDORSEMENT of DEFENDER OFFICE CREATION in
THE UNITED STATES DISTRICT COURT for
THE SOUTHERN DISTRICT OF GEORGIA**

Urging the creation of a Federal Public Defender Office (FPDO) or Community Defender Office (CDO) in the United States District Court for the Southern District of Georgia (SDGA).

WHEREAS, the Georgia Association of Criminal Defense Lawyers' purpose includes promoting the proper administration of criminal justice; fostering, maintaining, and encouraging the integrity, independence, and expertise of defense lawyers in criminal cases; protecting individual rights; and the improvement of criminal law, its practice, and procedures; and

WHEREAS, in November of 2017, the Judicial Conference of the United States published a review of the Indigent Defense System established by the Criminal Justice Act of 1964 (CJA), [18 U.S.C. § 3006A](#). That review, *The Cardone Report*, was commissioned by Chief Justice Roberts in 2015 and overseen by the Honorable Kathleen Cardone, a federal district judge in the Western District of Texas. *The Cardone Report* made several important findings and recommendations related to Indigent Defense and the Sixth Amendment's guaranteed right to effective assistance of counsel; and

WHEREAS, there are 82 defender offices operating in 91 of the 94 federal districts. Only three districts do not have a defender office — the Southern District of Georgia, the Eastern District of Kentucky, and the District of the Northern Mariana Islands. The CJA empowers district courts to determine whether a district will have a defender office and, if so, whether it will be a CDO or a FPDO. The court also has authority to close an office or convert it to either a FPDO or CDO with approval from the circuit's judicial council.¹ Congress funds federal public defender offices (CDOs and FPDOs) through the Defender Services Division of the Administrative Office of the United States Courts, pursuant to the CJA; and

WHEREAS, defender offices enhance the quality of representation by modeling best practices and demonstrating the importance of access to resources. Defender offices can also improve the private attorney CJA panel by assisting in its management, answering questions from panel attorneys, supplying guidance regarding the use of service providers, and providing training for panel attorneys. By contrast, in districts without defender organizations, quality suffers; and

WHEREAS, *The Cardone Report* concluded that every sizable district should have a defender office and issued an Interim Recommendation which was formally adopted by the Judicial Conference in 2019:

11. A federal public or community defender should be established in every district which has 200 or more appointments each year. If a district does not have a sufficient number of cases, then a defender

¹ *Cardone Report* at pp. 166-67.

office adjacent to the district should be considered for co-designation to provide representation in that district.² ; and

WHEREAS, although the SDGA appoints counsel in approximately 400 to 500 cases each year (well over the 200 criminal case criteria), it has no defender office.

NOW, THEREFORE, BE IT RESOLVED BY THE GEORGIA ASSOCIATION OF CRIMINAL DEFENSE LAWYERS, in the interest of providing quality representation for all indigent persons charged with federal crimes in the SDGA, the Georgia Association of Criminal Defense Lawyers hereby recommends, suggests, encourages, and requests that a defender office (either a CDO or FPDO) be established in the SDGA with all due speed.

² *Cardone Report* at p. XXXVII