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THE DISTRICT OF COLUMBIA BAR

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D.C. Bar Executive Director

Carol Ann Cunningham
Sections Manager

TO: Board of Governors
Section Chairpersons
(Designated to Receive Public Statements)

FROM: Carol Ann Cunningham CAC

DATE: April 24, 1992

SUBJECT: EMERGENCY PUBLIC STATEMENT regarding Proposed Defense Practice Standards by the Section on Criminal Law and Individual Rights

<u>48-hour expedited consideration requested on behalf of the Criminal Law and Individual Rights Section</u>

Enclosed please find for your immediate review a one-page public statement prepared by the Criminal Law and Individual Rights Section. If you wish to have this matter placed on the next Board of Governors' agenda on May 12, please call me by 5:00 p.m. on Tuesday, April 28. I can be reached at (202) 331-4364.

Please note that according to the Guidelines regarding public statements (pp. 38-49) your telephone call "must be supplemented by a written objection lodged within seven days of the oral objection."

Enclosures

cc: James Robertson, Esq.
Jamie S. Gorelick, Esq.
Linda E. Perle, Esq.
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Katherine A. Mazzaferri, Esq.

COMMENTS OF THE SECTION ON CRIMINAL LAW AND INDIVIDUAL RIGHTS OF THE DISTRICT OF COLUMBIA BAR REGARDING PROPOSED "DEFENSE PRACTICE STANDARDS"

Submitted To:

SUPERIOR COURT BOARD OF JUDGES
CJA COMMITTEE
THE HONORABLE STEFFEN W. GRAAE, CHAIR

Grace M. Lopes, Co-chair
Blair G. Brown, Co-chair
Laurie B. Davis
Charles M. Rust-Tierney
Ellen M. Barry
Rhonda R. Winston
Clifford T. Keenan

Steering Committee of the
Section On Criminal Law And
Individual Rights Of The
District Of Columbia Bar

April 29, 1992

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STANDARD DISCLAIMER

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

Comments of the Section On Criminal Law and Individual Rights of the District Of Columbia Bar Regarding "Proposed Defense Practice Standards" Submitted To Superior Court Board Of Judges

The Criminal Law and Individual Rights Section endorses the proposed defense practice standards published in the March 3, 1992 edition of the Daily Washington Law Reporter. The standards represent a long overdue and appropriate attempt to regulate the quality of representation provided by criminal defense attorneys who practice in the Superior Court.

The Section recommends that the proposed standards be expanded by adding an introductory section. The introduction should include a statement of purpose, describe the enforcement mechanism that will be applicable to violations, and emphasize that the standards represent the minimum obligations incumbent upon defense counsel who provide representation in Criminal Justice Act cases. The fact that the standards do not constitute an exhaustive listing of counsel's obligations, and that tasks that are not specifically enumerated will not be viewed as unnecessary or inappropriate, should be explicitly stated in the introductory section. A procedure should be specified for evaluation and modification of the standards in light of issues that arise during their implementation as well as changes in the applicable law.

The judiciary has an obligation to ensure that criminal defendants are provided with quality representation, regardless of whether counsel is retained or appointed pursuant to the Criminal Justice Act. Accordingly, the Section recommends that a substantial effort be made to publish these standards to all attorneys who provide representation in criminal matters before the Superior Court. Further, we recommend the development of comparable standards for all classes of cases in which counsel may be appointed pursuant to the Criminal Justice Act, including juvenile and mental health matters.

The Section applauds the CJA Committee's efforts. We would be delighted to provide the Committee with any assistance that may be appropriate with regard to this matter.

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