

**STATEMENT OF CHAIRMAN DANNY K. DAVIS
SUBCOMMITTEE ON FEDERAL WORKFORCE, POSTAL SERVICE, AND THE
DISTRICT OF COLUMBIA**

H.R. 5551, a bill “To amend title 11, District of Columbia Official Code, to implement the increase provided under the District of Columbia Appropriations Act, 2008, in the amount of funds made available for the compensation of attorneys representing indigent defendants in the District of Columbia courts, and for other purposes.”

EXTENSION OF REMARKS

Thursday, March 06, 2008

Mr./Madame Speaker, a core element of our unique Democracy is the right and requirement that every citizen, regardless of income or socio-economic class be afforded adequate counsel or representation when confronting judicial proceedings. In fact, one of the most important decisions in this area of law was handed down by The U.S. Supreme Court in 1942 when it held that the Sixth Amendment required that governments afford indigent defendants with competent counsel.

Throughout America, legal representation for indigent defendants who have been charged in criminal cases and who are unable to pay for an attorney is most commonly provided by public defender attorneys. The state and federal government, respectively, pay for the public defender agencies to provide indigent defense. Appointed attorneys are required for anyone accused in a criminal case that may result in the likelihood of imprisonment.

An examination of the public defender services in the D.C. courts reveals that attorneys who participate in the District’s Criminal Justice Act (CJA) and Counsel for Child Abuse and Neglect (CCAN) programs are compensated at an hourly rate of \$65 for representing an indigent client. This rate was established in FY 2002 and financed through an un-obligated balance in the Defender Services account. However, attorneys representing indigent defendants in similar matters at the U.S. District Court are paid \$100 an hour. This increasing disparity in compensation makes it increasingly difficult for the D.C. Courts to secure competent representation for the most vulnerable residents. Recent reforms to the CJA and CCAN programs, including revision of the CJA plan and the creation of attorney panels based on a comprehensive review of qualifications and experience, has prompted the D.C. Courts to pursue an increase in compensation for CJA and CCAN attorneys in order to ensure they are attracting the best and the brightest lawyers.

Since the National Capital Revitalization and Self-Government Improvement Act of 1997 grants Congress the authority and oversight over the D.C. Court System and matters pertaining to public defender services, I contend that it is essential that we take the necessary legislative action to ensure that D.C. CJA Attorneys are compensated at a rate equal or close to that of their federal counterparts. This bill would do just that by amending Title 11 of D.C. Code to increase the hourly rate of pay from \$65 to \$80 for D.C. CJA attorneys charged with the important democratic duty of representing the indigent.