

KENTUCKY BAR ASSOCIATION

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RESOLUTION IN SUPPORT OF THE REPORT OF THE KBA TASK FORCE ON THE PROVISION AND COMPENSATION OF CONFLICT COUNSEL FOR INDIGENTS

WHEREAS, the right to legal representation is at the foundation of our justice system and is a core value of the Kentucky Bar Association, and, further, that it is especially important to guarantee conflict-free, properly compensated counsel for all persons regardless of their economic or social condition in order for justice to be achieved;

WHEREAS, failure to provide effective assistance of counsel in compliance with the state and federal constitutions and applicable case law risks costly appeals and retrials due to unjust, unreliable verdicts and, worse, the wrongful conviction of innocent defendants and the consequent failure to apprehend and punish the actual perpetrators of crimes;

WHEREAS, Kentucky's current system for providing counsel in conflict cases does not meet the minimum requirements of national professional standards, and it is in dire need of reform, as well as increased resources and financial support, so that competent, well-trained attorneys are available and have the ability and means to handle such cases;

WHEREAS, the quality of justice in our courts will suffer, and the needs and interests of judges, prosecutors, victims and the indigent accused will be jeopardized unless the present system for the provision and compensation of conflict counsel is addressed and improved; and

WHEREAS, the members of the Kentucky Bar Association have a significant professional responsibility to work to advance equal access to justice, especially for the poor, and the Findings and Recommendations of the *KBA Task Force on the Provision and Compensation of Conflict Counsel for Indigents* reflect necessary reforms and improvements that are in keeping with recognized standards, best practices and our professional responsibility as lawyers;

THEREFORE, NOW BE IT RESOLVED,

that the Board of Governors of the Kentucky Bar Association adopts and endorses the Findings and Recommendations of the *KBA Task Force on the Provision and Compensation of Conflict Counsel for Indigents*, and urges the Governor and General Assembly to review said findings and provide the resources necessary to implement said recommendations in order to improve the administration of justice in our courts, promote a properly functioning public defense system, and ensure justice for all.

Dated this 18th day of November, 2011.

A handwritten signature in cursive script, appearing to read "M E Keane". The signature is written in black ink and is positioned above the printed name.

MARGARET E. KEANE, PRESIDENT
KENTUCKY BAR ASSOCIATION