



NEWS RELEASE

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Adequate Funding Sought for Proper Representation of Indigents in Conflict Cases

KBA Board of Governors Calls for Improvements in the Provision and Compensation of Conflict Counsel for Indigents

FRANKFORT, Ky. (Nov. 22, 2011) – The Kentucky Bar Association (KBA) Board of Governors unanimously adopted a resolution at its November 18th meeting endorsing findings and recommendations that call for Gov. Steven L. Beshear and the Kentucky General Assembly to immediately address and improve the system for the representation of indigents in conflict cases.

The nine recommendations relate to the funding and structure of the system, including allocation of an additional \$5.2 million to implement changes that will bring the system into compliance with the ethical and constitutional requirements of the Kentucky Supreme Court and with the professional standards set out by the American Bar Association.

In September, 2011, **KBA President Margaret E. “Maggie” Keane** appointed a special KBA task force comprised of bar leaders, current and former judges, current and former legislators, a former Commonwealth’s Attorney and public defenders, in response to concerns expressed by many members of the bench and bar regarding chronic problems in cases involving conflicts and the appointment of counsel. The *KBA Task Force on the Provision and Compensation of Conflict Counsel for Indigents* was asked to review those concerns, study the system and make recommendations that would improve the administration of justice in the courts of the Commonwealth of Kentucky.

The report ultimately produced by the task force emphasized that it is especially important to guarantee that there is equal justice for the poor and that due process is ensured by competent, conflict-free counsel. Its findings, which resulted from a comprehensive review of Kentucky’s current system for providing counsel to indigents in conflict cases, indicated significant problems and serious deficiencies. Its recommendations reflect reforms and improvements necessary to correct those issues in keeping with recognized standards and best practices (*See attached Report of the KBA Task Force*).

“Unless the current system for the provision of conflict counsel is addressed and improved, the quality of justice in our courts is going to suffer, and the needs and interests of judges, prosecutors, victims and the indigent accused will be disserved,” said **Dan Goyette**, Chief Public Defender for Louisville and Jefferson County. “Fundamental rules of law and ethics are being compromised due to a lack of resources – qualified counsel is either unavailable or unable to fully and properly handle these cases.”

WILLIAM E. “BILL” JOHNSON, a prominent criminal defense lawyer and member of the Frankfort law firm of Johnson, True & Guarnieri, who chaired the task force, agreed, saying “Both justice and public safety are advanced by the provision and compensation of conflict counsel for indigents. Our recommendations are common sense steps to bring reform to a system that is currently inadequate in its compensation levels. We are also recommending improvements in the structure used to provide conflict counsel.

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Additional funding of \$5.2 million is needed to properly accomplish those objectives. We look forward to presenting these recommendations to the Governor and to legislative leaders.”

KBA President Keane said, “It is axiomatic that counsel provided to indigent defendants must be conflict-free and properly compensated in order for justice to be achieved. As an integrated bar representing all Kentucky lawyers, the Kentucky Bar Association is interested in improving access to qualified lawyers and obtaining just results for all parties in criminal cases. By forming this task force, conducting this study and facilitating discussion of problems and solutions, the KBA hoped to promote professionalism and provision of the funding necessary for a proper conflict representation system. It is our responsibility as lawyers and officers of the court to take a leadership role and work toward that end, and we have resolved to do so.”

Ed Monahan, Public Advocate, said that “the professional initiative demonstrated by KBA President Maggie Keane, combined with the leadership of Bill Johnson, one of the most highly respected lawyers in this state, has resulted in the issuance of important findings and recommendations by a group of distinguished leaders of the bench and bar asked to propose a solution to this chronic problem in our court system. We are grateful to the members of this task force for their comprehensive, authoritative report, and to the KBA Board of Governors for its endorsement and support. The solutions that have been developed and proposed provide the necessary means for compliance with the ethical and constitutional requirements that for too long have been disregarded.”

Members of the KBA Task Force on the Provision and Compensation of Conflict Counsel for Indigents:

JULIA H. ADAMS, Retired Judge, 25TH JUDICIAL CIRCUIT

MICHAEL D. BOWLING, Former Chair, HOUSE JUDICIARY COMMITTEE

JERRY J. COX, Chair, KENTUCKY PUBLIC ADVOCACY COMMISSION

CHARLES E. (BUZZ) ENGLISH, JR., Past-President, KENTUCKY BAR ASSOCIATION

JEFF HOOVER, Minority Floor Leader, KENTUCKY HOUSE OF REPRESENTATIVES

WILLIAM E. JOHNSON, Chair, JOHNSON, TRUE & GUARNIERI

MARGARET E. "MAGGIE" KEANE, President, KENTUCKY BAR ASSOCIATION

W. DOUGLAS MYERS, President-Elect, KENTUCKY BAR ASSOCIATION

LEWIS G. PAISLEY, Retired Judge, 22ND JUDICIAL CIRCUIT

PHILLIP R. PATTON, Circuit Court, 43RD JUDICIAL CIRCUIT

DANIEL T. GOYETTE, Chief Public Defender, LOUISVILLE-JEFFERSON COUNTY PUBLIC DEFENDER CORP.

EDWARD C. MONAHAN, Public Advocate, DEPARTMENT OF PUBLIC ADVOCACY

The Task Force Report and the KBA Board of Governors resolution can be found at www.kybar.org.

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The Kentucky Bar Association, headquartered in Frankfort, is a professional integrated bar association and an agency of the Supreme Court of Kentucky. Its authority to regulate the legal profession in Kentucky, delegated by the Supreme Court of Kentucky through rules, is derived from the Kentucky Constitution.

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