



NEWS RELEASE

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Adequate Funding for Conflict Representation of Indigents Sought

KBA Task Force on the Provision and Compensation of Conflict Counsel for Indigents Makes Recommendations

FRANKFORT, Kentucky – A special KBA Task Force comprised of current and former judges, current and former legislators, bar leaders, and public defenders is seeking to obtain proper funding for the representation of indigents in conflict cases in order to comply with the ethical and constitutional requirements of the Kentucky Supreme Court and with the professional standards set out by the American Bar Association.

The purpose of the *KBA Task Force on the Provision and Compensation of Conflict Counsel for Indigents* is to improve the administration of justice in the courts of the Commonwealth of Kentucky. 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. The Findings are the result of a comprehensive review of Kentucky's current system for providing counsel to indigents in conflict cases, and the Recommendations reflect necessary reforms and improvements that are in keeping with recognized standards and best practices.

“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,” observed **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 are 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 and said, “Both justice and public safety are advanced by the provision and compensation of conflict counsel for indigents. Our Recommendations are commonsense 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. Additional funding of \$5.2 million is needed to bring the provision of counsel into compliance with national standards of practice. We look forward to presenting these recommendations to the Governor and to legislative leaders.”

The President of the Kentucky Bar Association, **Margaret E. “Maggie” Keane** of Louisville, who appointed the Task Force in response to concerns expressed by many members of the bench and bar, 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 hopes to promote professionalism and provision of the funding necessary for a proper conflict representation system. If we ignore this ongoing problem, we shirk our responsibilities as lawyers and officers of the court.”

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 -- the definitive solutions they developed and have 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 Report of the Task Force is found at: _____

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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