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September 28, 2005

The Honorable Mark R. Warner
Governor of Virginia
Patrick Henry Building, 3rd Floor
1111 East Broad Street
Richmond, VA 23219

Dear Governor Warner:

I am writing about what I trust will be one of the Commonwealth's highest priorities as you construct the budget you will propose for the next biennium, improving Virginia's indigent criminal defense system and in the process our criminal justice system. As you know, Virginia ranks **last** among all 50 states in the court-appointed counsel fees paid to those who assist the Commonwealth in discharging its constitutional obligation to provide a defense for indigent persons charged with crimes. It is the height of irony that the Commonwealth, the birthplace of individual liberties and constitutional rights in this great country, would have such a distinction. Moreover, Virginia's public defender system is also woefully under funded and is experiencing great difficulty in meeting its responsibilities to its clients also among Virginia's impoverished.

These serious deficiencies in our indigent criminal defense system have been the subject of extensive treatment in the media, both in news accounts and on the editorial pages. Left unaddressed, these deficiencies not only will continue to jeopardize full and adequate representation for Virginia's indigents charged with crimes but also more importantly reinforces the notion that justice in Virginia is not for all but only for those who can afford it. Such a notion will invariably undermine confidence in our judicial institutions, our system of justice and eventually the rule of law. The bar believes the time is at hand for the Commonwealth to make increased funding for the indigent criminal defense system the highest priority.

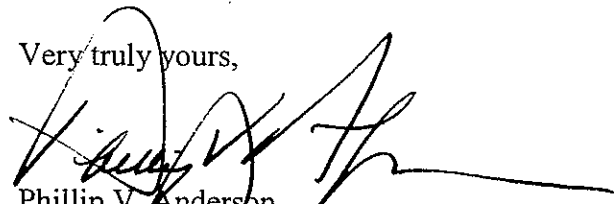
Last year the bar's Indigent Defense Task Force studied these serious problems and made recommendations for improvements, which were unanimously adopted by the Council of the Virginia State Bar. We would be happy to provide you or your staff a copy of the report and recommendations of the Task Force as approved by the bar's governing body.

I urge you and Secretary Bennett, as you prepare your budget for the 2006-2008 biennium, to include significant additional resources for both the fund from which the Supreme Court of Virginia pays court-appointed counsel fees and the Commonwealth's public defender system as administered by the Virginia Indigent Defense Commission. Both the Supreme Court of Virginia and the Indigent Defense Commission have submitted requests for significant increases in funding. These increases will not totally eliminate the funding deficiencies but are major steps forward. On behalf of the Virginia State Bar I implore you to make this one of your highest budget priorities and include in your proposed budget the funds requested by both the Court and the Commission.

Representatives of the Virginia State Bar have met with Mr. Crouch and Ms. Denslow of your staff, and I believe they understand the vital importance of this matter. The Virginia State Bar officers and staff are at your disposal to respond to any questions or to offer any information or insights that may be of further assistance to you as you prepare the biennial budget.

On behalf of all of Virginia's lawyers and those concerned about the defense of Virginia's indigents in criminal proceeding, I would like to thank you in advance for your careful consideration of this request.

Very truly yours,



Phillip V. Anderson
President

PVA/vb/kap

- c: Honorable Leroy Rountree Hassell, Sr., Chief Justice, Supreme Court of Virginia
Robert P. Crouch, Jr., Esq.
Ms. Suzette P. Denslow
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