

IDAHO ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

I A C D L

STANDING TALL FOR THE ACCUSED

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An Open Letter To The Kootenai County Commissioners

We are the Executive Committee of the Idaho Association of Criminal Defense Lawyers, an organization with more than 300 members statewide. One of the objectives of our organization is to promote the proper administration of justice, to foster, maintain, and encourage the integrity and independence of the judicial system and the expertise of the defense lawyer in criminal cases. This letter is written to encourage you to preserve the integrity and expertise of the Kootenai County Public Defender's Office by reconsidering your decision to end the appointment of John Adams prior to having a professional and comprehensive study completed of the office.

Individuals familiar with both Mr. Adams and his office have noted that the decision to end his tenure as the Kootenai County Public Defender is "disastrous," "shameful," and "catastrophic." We too must add our voices to those who recognize that it is the people of Kootenai County that will lose if your decision stands.

Kootenai County's willingness to have a comprehensive evaluation of the public defender program is encouraging. It is the public defender's obligation to raise the hue and the cry when he sees the government overreaching. In a majority of cases, when the government marshals its vast resources against its own citizens, it is the public defender that stands between the government and the individual to protect that person's constitutional rights, and to make the state meet its burdens before taking away precious life or liberty. Thus, ensuring that the citizens of Kootenai County have a strong and effective public defender's office is critical to likewise ensuring the county's citizens' constitutional rights are protected.

However, the Commission's decision to end Mr. Adams' tenure as the Kootenai County Public Defender appears to have been prematurely made. It appears to presuppose the outcome of any comprehensive evaluation would be a recommendation for new management of the office, or to disband the office and move to an assigned counsel system.

Following a prior comprehensive evaluation, in a report issued only three years ago, the National Legal Aid and Defender's Association identified the Kootenai County Public Defender's Office as the most client-centered, and ranked the office, under John's leadership, as best in the state.

Notably, one of the problems that was actually identified with the office was the Commission's political influence over the defense function. The ABA's Ten Principles of a Public Defense Delivery System, the most widely accepted and used national standards for public defense, lists independence of the defense function as its first principle. In its 2010 report, the NLADA found "the only thing protecting the office from undue political influence is the strong personalities of its chief and deputy chief public defenders." While this professional organization found John's personality and leadership to be valuable, the Commission has disregarded that finding, instead focusing upon his unwillingness to follow the Commission's "directives."

With Mr. Adams' predetermined termination, it appears that the Commission's influence over the office has increased, rather than decreased, since the last professional evaluation. This moves Kootenai County further from a public defender system meeting basic, recognized standards of professionalism. It is the people of Kootenai County who are harmed by this.

Finally, it must be noted that the State of Idaho itself is working towards a comprehensive evaluation of the public defender system throughout the state. The Idaho legislature is currently considering a joint resolution to create a legislative interim committee to, during the next year, review Idaho's system and to make recommendations for change in the 2014 legislative session. Thus, choosing this time to terminate an experienced, well respected, effective, and seasoned public defender seems imprudent at best.

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The Executive Committee of the Idaho Association of Criminal Defense Lawyers urges the Commission to reconsider its decision to end Mr. Adams' tenure as the Kootenai County Public Defender prior to having a comprehensive and professional study completed of the office.

Sincerely,



Michael Bartlett



Sara Thomas



Thomas Monaghan