



February 22, 2018

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The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Re: Appointment of Public Defender

Dear Supervisors:

On behalf of the National Association of Criminal Defense Lawyers (NACDL), I write to express concerns regarding the process used for selecting leadership for the Los Angeles County Public Defender Office. Public defense offices are entrusted with upholding the Sixth Amendment right to counsel for disadvantaged populations, a singular responsibility that requires leadership with specific experience and skills. Hiring decisions that do not reflect the constitutional mission and role of public defenders in the criminal justice system do not serve the public good.

As NACDL recently outlined in the enclosed resolution, those chosen to lead public defense organizations “must possess the skills that allow them to be effective, zealous advocates for the defense function as well as for the client’s entrusted to their organization’s care.” They must be capable of serving as a check on government abuses and a challenger to judicial and legislative decisions which impact the defense function, the defender office or the clients the office represents. In particular, NACDL policy calls for public defense leadership with a demonstrated commitment to and experience in:

- High quality, effective, and zealous advocacy on behalf of public defense clients;
- Confronting, addressing, and working to eliminate racial disparity and bias in the criminal justice system;
- Promoting and supporting high standards in individual advocacy on behalf of clients and/or for the operation of public defense systems; and
- Advocating for the public defense function within the relevant governance structure to secure necessary funding, staffing, resources, and organizational independence.

Deficiencies in any of these areas can impede a public defense leader in carrying out the office's responsibilities, undermine community and staff trust, and weaken the adversarial system.

Based on our review, it appears the Board's recent decision to install Nicole Davis Tinkham fails to satisfy the above criteria. The selection of an individual who both lacks any experience in criminal defense, and whose most recent employment included the representation of law enforcement officers who were accused of abusing some of the very same population she is now entrusted to protect, is cause for concern. It is hoped that a permanent Public Defender will be selected forthwith and that the individual selected will possess the requisite skills, experience, and values that will assure those accused receive the zealous and effective representation that the Constitution requires. Should the search for a qualified permanent Public Defender require additional time, the Board should install a more qualified interim Public Defender without delay.

NACDL calls upon the Board to act quickly in recruiting and hiring a Public Defender who has a demonstrated commitment to and experience in delivering high quality, effective, and zealous advocacy on behalf of public defense clients, the criteria this Board itself so eloquently set forth in its position announcement last year. We further strongly urge the Board to assure that the person placed in this leadership role be given the independence needed to assure that she or he works to support the needs of the Los Angeles County Public Defender's Office, its staff, and the clients entrusted to their care.

Sincerely,

A handwritten signature in black ink, appearing to read 'Drew Findling', written over a light blue horizontal line.

Drew Findling
President Elect

Enc.