



NEW JERSEY STATE BAR ASSOCIATION

TIMOTHY F. MCGOUGHAN, PRESIDENT
Law Office of Timothy F. McGoughran, LLC
802 West Park Avenue, Suite 222
Ocean, NJ 07712
(732) 660-7115
tmcgoughran@mcgoughranlaw.com

March 11, 2024

The Honorable Cory Booker
One Gateway Center
23rd Floor
Newark, NJ 07102

Dear Senator Booker:

On behalf of the New Jersey State Bar Association, the largest organization of attorneys, judges and legal professionals in New Jersey, I urge you to fully fund the federal public defender program commensurate with the federal indigent defense mandate articulated by the Supreme Court and reject the significant reductions in the program for Fiscal Year 2024. The importance of fully funding the federal public defender program cannot be overstated.

The Supreme Court said “The purpose of the constitutional guaranty of a right to counsel is to protect an accused from conviction resulting from his own ignorance of his legal and constitutional rights, and the guaranty would be nullified by a determination that an accused’s ignorant failure to claim his rights removes the protection of the Constitution.” With approximately 90% of those who face federal charges unable to afford an attorney, but who are Constitutionally entitled to one, this is a mandate that demands full federal funding. Without it, the costs increase exponentially.

To be clear, the federal funding number leaves no room for cuts. Reductions to this line item would only reduce the number of attorneys available to accept federal indigent defense cases and thus produce costly delays for all involved. The domino effect of the impact of these cuts include a delay in hearings for those facing charges; lengthy and potentially unnecessary pretrial detention for those presumed innocent; an increase in the use of “panel attorneys” to represent these individuals.

But there are costs outside of monetary costs that the federal government cannot sustain. Staffing reductions in the federal public defender system put an already overburdened system into a logjam. Panel attorneys are often solo or small-firm attorneys who are willing to accept limited, below-market compensation to represent indigent clients in federal court. But if funding is reduced, this means delays in compensation for private panel attorneys. This could realistically result in the number of attorneys willing to take these cases. Reductions in funding could result in a loss of staff and attorneys willing to take on these matters, putting even more pressure on an overburdened federal public defender program.

The American Bar Association has already identified many of these issues. Of import, the cuts to the federal defenders' budget are also poorly timed. The ABA points to a workforce study in 2022 that showed the office already understaffed by 250 positions. When the current House and Senate marks were published, the defender program voluntarily carried out emergency cost-cutting measures, including the elimination of necessary training and placing a freeze on new hires. On the other hand, the Department of Justice is contemplating increasing the number of prosecutions for various serious offenses to reduce crime and protect law and order nationwide, including increased jurisdiction over matters on Native American land. With these additions being contemplated by the DOJ, it is clear that more – not less - federal public defenders will be necessary to defend the anticipated individuals who are likely going to need representation after charges are filed. Cutting the federal defender budget makes no fiscal sense in the face of these identified issues – especially when the Constitution mandates defending these individuals.

We thank you for your consideration of our request to you. Should you have any questions or need any additional information, please feel free to contact Lisa Chapland at lchapland@njsba.com.

Thank you for your leadership.

Very truly yours,

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March 11, 2024

The Honorable Josh Gottheimer
21-00 NJ 208 S
Suite 240
Fair Lawn, NJ 07410

Dear Representative Gottheimer:

On behalf of the New Jersey State Bar Association, the largest organization of attorneys, judges and legal professionals in New Jersey, I urge you to fully fund the federal public defender program commensurate with the federal indigent defense mandate articulated by the Supreme Court and reject the significant reductions in the program for Fiscal Year 2024. The importance of fully funding the federal public defender program cannot be overstated.

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March 11, 2024

The Honorable Thomas Kean, Jr.
75 Claremont Road, Suite 206
Bernardsville, NJ 07924

Dear Representative Kean:

On behalf of the New Jersey State Bar Association, the largest organization of attorneys, judges and legal professionals in New Jersey, I urge you to fully fund the federal public defender program commensurate with the federal indigent defense mandate articulated by the Supreme Court and reject the significant reductions in the program for Fiscal Year 2024. The importance of fully funding the federal public defender program cannot be overstated.

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March 11, 2024

The Honorable Andy Kim
4573 S. Broad Street
Hamilton, NJ 08620

Dear Representative Kim:

On behalf of the New Jersey State Bar Association, the largest organization of attorneys, judges and legal professionals in New Jersey, I urge you to fully fund the federal public defender program commensurate with the federal indigent defense mandate articulated by the Supreme Court and reject the significant reductions in the program for Fiscal Year 2024. The importance of fully funding the federal public defender program cannot be overstated.

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March 11, 2024

The Honorable Donald Norcross
200 Federal Street, 5th Floor
Camden, NJ 08103

Dear Representative Norcross:

On behalf of the New Jersey State Bar Association, the largest organization of attorneys, judges and legal professionals in New Jersey, I urge you to fully fund the federal public defender program commensurate with the federal indigent defense mandate articulated by the Supreme Court and reject the significant reductions in the program for Fiscal Year 2024. The importance of fully funding the federal public defender program cannot be overstated.

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March 11, 2024

The Honorable Frank Pallone, Jr.
67/69 Church Street
New Brunswick, NJ 08901

Dear Representative Pallone:

On behalf of the New Jersey State Bar Association, the largest organization of attorneys, judges and legal professionals in New Jersey, I urge you to fully fund the federal public defender program commensurate with the federal indigent defense mandate articulated by the Supreme Court and reject the significant reductions in the program for Fiscal Year 2024. The importance of fully funding the federal public defender program cannot be overstated.

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March 11, 2024

The Honorable Bill Pascrell
200 Federal Plaza
Paterson, NJ 07505

Dear Representative Pascrell:

On behalf of the New Jersey State Bar Association, the largest organization of attorneys, judges and legal professionals in New Jersey, I urge you to fully fund the federal public defender program commensurate with the federal indigent defense mandate articulated by the Supreme Court and reject the significant reductions in the program for Fiscal Year 2024. The importance of fully funding the federal public defender program cannot be overstated.

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March 11, 2024

The Honorable Donald M. Payne, Jr.
60 Nelson Place, 14th Floor
LeRoy F. Smith, Jr. Public Safety Building
Newark, NJ 07102

Dear Representative Payne:

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March 11, 2024

The Honorable Robert Menendez, Jr.
257 Cornelison Avenue
Suite 4408
Jersey City, NJ 07302

Dear Representative Menendez:

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March 11, 2024

The Honorable Bob Menendez
210 Hudson Street
Harborside 3, Suite 1000
Jersey City, NJ 07311

Dear Senator Menendez:

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But there are costs outside of monetary costs that the federal government cannot sustain. Staffing reductions in the federal public defender system put an already overburdened system into a logjam. Panel attorneys are often solo or small-firm attorneys who are willing to accept limited, below-market compensation to represent indigent clients in federal court. But if funding is reduced, this means delays in compensation for private panel attorneys. This could realistically result in the number of attorneys willing to take these cases. Reductions in funding could result in a loss of staff and attorneys willing to take on these matters, putting even more pressure on an overburdened federal public defender program.

The American Bar Association has already identified many of these issues. Of import, the cuts to the federal defenders' budget are also poorly timed. The ABA points to a workforce study in 2022 that showed the office already understaffed by 250 positions. When the current House and Senate marks were published, the defender program voluntarily carried out emergency cost-cutting measures, including the elimination of necessary training and placing a freeze on new hires. On the other hand, the Department of Justice is contemplating increasing the number of prosecutions for various serious offenses to reduce crime and protect law and order nationwide, including increased jurisdiction over matters on Native American land. With these additions being contemplated by the DOJ, it is clear that more – not less - federal public defenders will be necessary to defend the anticipated individuals who are likely going to need representation after charges are filed. Cutting the federal defender budget makes no fiscal sense in the face of these identified issues – especially when the Constitution mandates defending these individuals.

We thank you for your consideration of our request to you. Should you have any questions or need any additional information, please feel free to contact Lisa Chapland at lchapland@njsba.com.

Thank you for your leadership.

Very truly yours,

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Timothy F. McGoughran, Esq.
President



NEW JERSEY STATE BAR ASSOCIATION

TIMOTHY F. MCGOUGHAN, PRESIDENT
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802 West Park Avenue, Suite 222
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(732) 660-7115
tmcgoughran@mcgoughranlaw.com

March 11, 2024

The Honorable Mikie Sherrill
357 S. Livingston Avenue
Suite 201
Livingston, NJ 07039

Dear Representative Sherrill:

On behalf of the New Jersey State Bar Association, the largest organization of attorneys, judges and legal professionals in New Jersey, I urge you to fully fund the federal public defender program commensurate with the federal indigent defense mandate articulated by the Supreme Court and reject the significant reductions in the program for Fiscal Year 2024. The importance of fully funding the federal public defender program cannot be overstated.

The Supreme Court said “The purpose of the constitutional guaranty of a right to counsel is to protect an accused from conviction resulting from his own ignorance of his legal and constitutional rights, and the guaranty would be nullified by a determination that an accused’s ignorant failure to claim his rights removes the protection of the Constitution.” With approximately 90% of those who face federal charges unable to afford an attorney, but who are Constitutionally entitled to one, this is a mandate that demands full federal funding. Without it, the costs increase exponentially.

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March 11, 2024

The Honorable Chris Smith
33 Washington Street
P.O. Box 728
Toms River, NJ 08754

Dear Representative Smith:

On behalf of the New Jersey State Bar Association, the largest organization of attorneys, judges and legal professionals in New Jersey, I urge you to fully fund the federal public defender program commensurate with the federal indigent defense mandate articulated by the Supreme Court and reject the significant reductions in the program for Fiscal Year 2024. The importance of fully funding the federal public defender program cannot be overstated.

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tmcgoughan@mcgoughanlaw.com

March 11, 2024

The Honorable Jeff Van Drew
1001 Tilton Road, Suite 101
Northfield, NJ 08225

Dear Representative Van Drew:

On behalf of the New Jersey State Bar Association, the largest organization of attorneys, judges and legal professionals in New Jersey, I urge you to fully fund the federal public defender program commensurate with the federal indigent defense mandate articulated by the Supreme Court and reject the significant reductions in the program for Fiscal Year 2024. The importance of fully funding the federal public defender program cannot be overstated.

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Timothy F. McGoughran, Esq.
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tmcgoughran@mcgoughranlaw.com

March 11, 2024

The Honorable Bonnie Watson Coleman
850 Bear Tavern Road
Suite 201
Ewing, NJ 08628

Dear Representative Watson Coleman:

On behalf of the New Jersey State Bar Association, the largest organization of attorneys, judges and legal professionals in New Jersey, I urge you to fully fund the federal public defender program commensurate with the federal indigent defense mandate articulated by the Supreme Court and reject the significant reductions in the program for Fiscal Year 2024. The importance of fully funding the federal public defender program cannot be overstated.

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