



July 28, 2020

The Honorable Lindsey Graham
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

The Honorable Richard Shelby
Chairman
Committee on Appropriations
United States Senate
Washington, D.C. 20510

The Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

The Honorable Patrick Leahy
Vice Chairman
Committee on Appropriations
United States Senate
Washington, D.C. 20510

Re: COVID-19 Supplemental Funding for Public Defenders

Dear Chairman Graham, Chairman Shelby, Ranking Member Feinstein, & Vice Chairman Leahy:

As members of the corporate legal community dedicated to the principle of equal justice under the law, we write in support of federal assistance for public defenders to meet the challenges of COVID-19. Public defenders safeguard the constitutional rights of low-income people in the criminal justice system, which is critical to upholding the rule of law. As leaders of the legal departments of some of America's largest corporations, we rely on the strength and resilience of the justice system to perform our business and attract investment in the economy. We also recognize the vital role that public defenders play in protecting the rights of our workforce. Indeed, public defense ensures that innocent people are not wrongfully convicted.

The rule of law is not only necessary to create predictability in the way laws govern our business operations; it also ensures that the communities we serve are prosperous. A fair justice system protects the civil liberties of all individuals – including our consumers and employees – and ensures public safety. This has come into stark relief in recent days as we work to better recognize the racial disparities that pervade the criminal justice system and disproportionately harm Black and Brown communities. These racial disparities create even more disparities downstream, including the diminished opportunities for individuals with criminal records to obtain employment.

Access to counsel is a cornerstone of ensuring equal justice under the law. Moreover, public defenders are critical to stemming racial disparities in the justice system, which are being recognized now more than ever. Their current efforts to reduce the spread of the virus by challenging unnecessary incarceration plays an important role in interrupting the intersection between racial disparities in the criminal justice system and the health disparities that are exacerbating the pandemic's impact on communities of color. Not only do they safeguard against racial injustice in individual cases, public defenders' daily experience on the frontlines of

justice makes them effective advocates for systemic change by bringing into focus racial bias by a system actor or a system-wide practice.

But the public defender system remains vastly under resourced, undermining the administration of justice, weakening the public's trust and confidence in the system and eroding faith in the rule of law. This also damages the communities that our businesses serve and from which we draw our workforce. Lack of access to quality representation is a significant contributor to the overuse of incarceration, which removes millions of people from their families and jobs unnecessarily, sometimes even before the start of trial, let alone before a conviction. The resulting negative educational, health, and employment consequences that destabilize families and individuals also harm our ability to rely on a predictable workforce.

To counter these negative effects, we need a strong public defender system in our country. Public defenders are vital to the functioning of our justice system and safeguard the rights of our workforce, especially those who come from communities of color. They represent over 80% of all accused individuals and perform a key function in our nation's front-line pandemic response. Defenders are working tirelessly to reduce the spread of the virus by decreasing unnecessary incarceration in overcrowded jails with inadequate sanitary and social distancing measures. They are identifying and advocating for clients who can be appropriately released pre-trial or paroled early in order to protect their health and that of jail and prison professionals. In many instances, attorneys and other defense professionals continue to appear in court and maintain contact with their clients under perilous circumstances.

Dedicated federal assistance to public defenders is needed to ensure their safety as frontline justice workers. As Congress responds to the COVID-19 crisis to help our communities recover while taking a serious look at the racial imbalance in our justice system, we ask that the needs of the public defender community and the clients they serve be remembered.

Sincerely,

Max Laun

Vice President & General Counsel (Retired)
Arconic
*Chair, NLADA Corporate Advisory
Committee*

Marcus V. Brown

Executive Vice President & General Counsel
Entergy Corporation

Frank Jimenez

Executive Vice President & General Counsel
Raytheon Technologies Corporation

Deborah Majoras

Chief Legal Officer & Secretary
Procter & Gamble

Jennifer Zachary

Executive Vice President & General Counsel
Merck & Co., Inc.

David Zapolsky

Senior Vice President, General Counsel, &
Secretary
Amazon.com, Inc

cc: The Honorable Mitch McConnell, Majority Leader, U.S. Senate

The Honorable Charles Schumer, Minority Leader, U.S. Senate

The Honorable Jerry Moran, Chairman, Appropriations Subcommittee on Commerce,
Justice, Science and Related Agencies, U.S. Senate

The Honorable Jeanne Shaheen, Ranking Member, Appropriations Subcommittee on
Commerce, Justice, Science and Related Agencies, U.S. Senate