

Access to Justice Act of 2022 (Senators Ossoff, Durbin, Warnock)

Background:

The Sixth Amendment guarantees the right to assistance of counsel. In the landmark 1963 case of *Gideon v. Wainwright*, the Supreme Court held that the Sixth Amendment right to counsel requires that every person facing a potential loss of liberty in a criminal prosecution be provided with effective representation at every critical stage of the proceeding. In other words, people accused of crimes are entitled to competent counsel regardless of their ability to pay.

A year later, in 1964, Congress passed the Criminal Justice Act (18 U.S.C. 3006), which established a system for appointing and compensating legal representation for accused persons who are financially unable to retain counsel in federal criminal proceedings. The bill was amended in 1970 to allow judicial districts to establish federal defender organizations at the discretion of local federal judges.

Today, 91 out of 94 judicial districts have federal public defender offices¹ or community defender organizations.² The three districts that lack either a federal defender office or organization are the Southern District of Georgia, the Eastern District of Kentucky, and the Northern Mariana Islands.

A recent [New Yorker article](#), “Is This the Worst Place to be Poor and Charged with a Federal Crime?” highlighted the shortcomings of indigent counsel in the Southern District of Georgia resulting from the lack of federal defender offices or organizations.³ The article also notes how the Judicial Conference, the federal courts policymaking body, supports having federal defenders in every district.⁴

Access to Justice Act of 2022:

- The Access to Justice Act requires every judicial district to have a federal public defender office or organization to help ensure indigent defendants are able to access their Sixth Amendment right to effective assistance of counsel.

Endorsers:

- Federal Public & Community Defenders
- National Association of Criminal Defense Lawyers (NACDL)
- Georgia Association of Criminal Defense Lawyers (GACDL)
- Federal Law Enforcement Officers Association (FLEOA)

¹ Federal public defender offices are federal entities run by a chief federal public defender who is appointed to a four-year term by the court of appeals of the circuit in which the organization is located.

² Community defender organizations are non-profit defense counsel organizations that receive grants from the federal judiciary and operate under boards of directors.

³ <https://www.newyorker.com/news/us-journal/is-this-the-worst-place-to-be-poor-and-charged-with-a-federal-crime>

⁴ <https://www.fjc.gov/content/348390/recommendation-adoptions-judicial-conference>

- Gideon's Promise
- National District Attorneys Association (NDAA)
- Southern Center on Human Rights
- FAMM
- Prison Fellowship