

United States Senate

WASHINGTON, DC 20510

September 19, 2025

The Judicial Conference of the United States
Administrative Office of the United States Courts
One Columbus Circle, NE
Washington, D.C. 20544

Dear Members of the Judicial Conference of the United States:

I write to express concern that, according to the Federal Criminal Justice Clinic at the University of Chicago, several federal district courts fail to consistently appoint defense counsel for low-income defendants prior to their initial appearance in federal court.¹

According to researchers, ten federal courts consistently deny defendants access to counsel: District of Arizona, Western District of Kentucky, Northern District of West Virginia, Eastern District of Virginia, Northern District of Mississippi, District of the Northern Mariana Islands, and the Northern, Southern, Eastern, and Western Districts of Texas.

By denying defendants timely access to counsel, each of these district courts violate both federal law and the federal rules of criminal procedure. Specifically, 18 U.S.C. § 3006A(c) and FCRP Rule 44 mandate that indigent defendants are to be represented at every stage of legal proceedings from initial appearance through appeal. A committee of this very Judicial Conference acknowledged as much in a March 2024 memorandum urging courts to comply with statutory requirements and ensure proper legal representation for all defendants.² Yet the problem persists.

The consequences of delayed legal representation are significant. In the University of Chicago study, arrestees who received full representation at the initial appearance were detained in 67% of cases. Those who received partial representation were detained in 89% of cases. Where the accused had no lawyer at all at the initial appearance, every single one was detained.³ And the impacts hit minority communities most acutely—92% of unrepresented detainees in the study were people of color.⁴

Ensuring that every person is afforded legal counsel at their first appearance before a federal judge is not only a statutory requirement—it is a foundational protection for our adversarial legal system. Given the gravity of these findings, I urge the Judicial Conference to prioritize this issue as a matter of urgent concern and bring the offending district courts into compliance with federal

¹ Alison Siegler et. al., *Freedom Denied*, University of Chicago Federal Criminal Justice Clinic, (Oct. 2022).

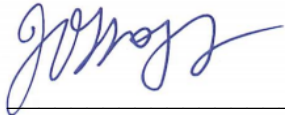
² Judicial Conference of the United States Committee on Defender Services, *Memorandum: Right to Counsel at Initial Appearance*, (Mar. 19, 2024).

³ Siegler *supra* note 1, at 135.

⁴ *Id.* at 113.

law immediately to ensure that no individual is jailed without the benefit of legal representation at the outset of their case.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jon Ossoff", written over a horizontal line.

Jon Ossoff
United States Senator