

March 18, 2022

Senator Dick Durbin  
Chairman  
Committee on the Judiciary  
United States Senate  
Washington, D.C. 20510

The Honorable Jerrold Nadler  
Chairman  
House Committee on the Judiciary  
U.S. House of Representatives  
Washington, DC 20515

Senator Chuck Grassley  
Ranking Member  
Committee on the Judiciary  
United States Senate  
Washington, D.C. 20510

The Honorable Jim Jordan  
Ranking Member  
House Committee on the Judiciary  
U.S. House of Representatives  
Washington, DC 20515

**Re: EQUAL Defense Act of 2021**

Dear Chairman Durbin, Chairman Nadler, Ranking Member Grassley, & Ranking Member Jordan:

As members of the corporate legal community dedicated to the principle of equal justice under the law, we write in support of the Ensuring Quality Access to Legal Defense (EQUAL Defense) Act of 2021, which would invest \$250 million each year to reduce public defender workloads and create pay parity between defenders and prosecutors. 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 workers. 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 customers and employees – and ensures public safety. This has come into stark relief over the last year 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. For example, their ongoing efforts to reduce the spread of the

COVID-19 virus by challenging unnecessary incarceration play 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 public defenders safeguard against racial injustice in individual cases, their daily frontline experiences also make them effective advocates for systemic change by bringing into focus racial bias by a system actor or 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 critical to the functioning of our justice system and safeguard the rights of workers, 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. When these systems are well-supported, they protect due process and help prevent unjust case outcomes. In turn, this reduces unnecessary use of expensive incarceration.

The EQUAL Defense Act would bring our country closer to meeting its constitutional promise of the right to counsel. We ask that as Congress works to strengthen our justice systems and the rule of law, that you provide this urgently needed support for public defenders and the communities they serve.

Sincerely,

cc: The Honorable Charles Schumer, Majority Leader, U.S. Senate  
The Honorable Mitch McConnell, Minority Leader, U.S. Senate  
The Honorable Nancy Pelosi, Speaker, U.S. House of Representatives  
The Honorable Kevin McCarthy, Minority Leader, U.S. House of Representatives