



MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

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Senator Anne Carney, Chair
Representative Matt Moonen, Chair
Committee on Judiciary
100 State House Station, Room 438
Augusta, ME 04333

RE: LD 1535: An Act to Advance Justice in Sentencing by Amending the Laws Governing the Maine Criminal Justice Sentencing Institute and Increasing Funding for Meetings of the Institute

Dear Senator Carney, Representative Moonen, and Members of the Judiciary Committee:

MACDL is submitting this testimony in support of LD 1535, with a proposed amendment.

The defense bar is of course invested in the improvement of sentencing procedures and policies on behalf of our clients and in the interest of justice.

The Membership section of the bill is problematic given that “all District Attorneys and all attorneys within the Criminal Division of the Office of the Attorney General are considered members of the institute.” Defense attorneys, however, are to be considered as members only by invitation of the Chief Justice of the Maine Supreme Judicial Court—not to mention we are listed last in the roll call of categories of membership.

If all prosecutors are members of the institute (not to mention *all* judges), then we need to clarify that an equal number of defense attorneys are also members of the institute—not merely upon invitation by the Chief Justice.

This Committee has heard testimony from the Maine Commission on Indigent Legal Services throughout the session about the need of parity with prosecutors for resourcing. Similarly, we need to be represented equally on institutes such as this one, that will have a profound and lasting impact on the lives of our current and future clients.

Thank you for your consideration, for your attention to this matter, and for allowing me to share this testimony with you all today.

Sincerely,

Tina Heather Nadeau, Esq.
MACDL Executive Director