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Introduction and Welcome

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INTRODUCTION AND WELCOME

*Gerald F. Uelmen, Conference Director*

On behalf of the California Attorneys for Criminal Justice, the American Bar Association, California Bar Association and the Bar Associations of Los Angeles County, San Francisco and Sacramento County, I would like to welcome you to the Conference on Financing the Right to Counsel in California.

Of course, we are here to discuss a very profound issue; not just an issue of interest to scholars and lawyers and judges, but an issue which wars have been fought over and people have died for. That issue, of course, is money.

We are hoping to learn in today's conference what we are getting for the amount we are paying for the right to counsel in California. In announcing the conference, we informed you that last year we spent $175 million. That is not all of it.

Certainly the donated services were a substantial part of what we are spending in California. We are going to learn whether we are getting enough to meet the standard we want to set for ourselves, how we can maximize the return on your investment and whether we need to spend more.

My name is Jerry Uelmen. I am the Conference Director. And at this time I would like to call on Burke Critchfield, who is the President of the State Bar of California, to say a few words as well.

**Burke M. Critchfield**

Thank you, Jerry. And good morning to all of you. I am delighted to welcome you to today's Conference on Financing the Right to Counsel in California. This is an issue that clearly demands our vigorous atten-

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* Professor of Law, Loyola Law School, Los Angeles, California. Former Assistant United States Attorney for the Central District of California and past President of California Attorneys for Criminal Justice, Professor Uelmen is currently a trustee of the Los Angeles County Bar Association. Professor Uelmen served as amicus counsel in *Yarbrough v. Superior Court*, and his Article on the *Yarbrough* decision is printed in this issue. See Uelmen, Simmering on the "Backburner": The Challenge of *Yarbrough*, 19 Loy. L.A.L. Rev. 285 (1985).

** President, State Bar of California (1984-85). Prior to his election to the Board of Governors of the State Bar, Mr. Critchfield was a member of the State Bar Conference of Delegates for fourteen years. He has served as President of the Alameda County Bar Association, the Livermore-Alameda Valley Bar Association, the Alameda County Law Library Board of Trustees and the Livermore Chamber of Commerce.
tion. Unless we act, individual lawyers may continue to be asked to resolve a question of who pays on an ad hoc case-by-case basis.

Lawyers should not be put in this position, and neither should the indigent defendant who has a constitutional guarantee to competent legal services.

I have spoken out on numerous occasions on the inappropriateness, in my view, of requiring individual attorneys to assume financial responsibility for providing capable defense to indigent defendants in civil cases.

The State Bar has made it one of its legislative priorities to remedy the Yarbrough decision. It is simply inconsistent to suggest that indigent defendants are entitled to legal representation in certain civil matters, but fail to provide the funding necessary to insure that representation is adequate.

I believe it is unfair to ask the legal profession to shoulder the burden alone. I am equally concerned about the apparent trend towards underfinancing criminal defense services for indigent defendants.

If the State Bar sits back and permits the erosion of the accused's constitutional right to counsel, we will have serious damage done to our system of justice.

Today's conference brings together judges, bar leaders, practitioners and scholars to discuss the constitutional imperatives, the California response and national perspectives and ideas for the challenge ahead. This meeting is timely and of critical importance. I am honored to be here and I look forward to the day's discussion.

Thank you all for coming.