

## **Resolution 18 Competent Counsel and DNA Testing**

WHEREAS, there is increased concern that innocent individuals have been wrongfully convicted of crimes as a result of inadequate legal representation; and

WHEREAS, the use of DNA testing (when available) may enhance the ability to establish the guilt or innocence of a criminal defendant; and

WHEREAS, the provision of competent legal representation and the use of scientific evidence in state courts is first and foremost a state responsibility; and

WHEREAS, legislative proposals recently introduced in Congress would seriously intrude upon the responsibilities of state courts both to provide for competent legal representation and to provide for the use of scientific evidence in state court proceedings;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices reaffirms both its interest in working cooperatively with the federal government to develop and implement informed procedures for the provision of competent legal representation in capital cases and its commitment to each state's provision of a broad-based, system-wide planning program to ensure the timely appointment of competent counsel, with resources adequate to represent defendants in all cases and particularly in capital cases at each stage of such proceedings; and

BE IT FURTHER RESOLVED that the Conference reaffirms its interest in working cooperatively with the federal government to develop and implement informed procedures for the collection, storage and use of DNA and other scientific testing and materials in all appropriate criminal proceedings; and

BE IT FURTHER RESOLVED that the Conference urges that any legislative proposals regarding the provision of legal services avoid contravening principles of federalism and inappropriate federal involvement in state court proceedings; and

BE IT FURTHER RESOLVED that the Conference urges that any legislative proposals regarding the provision of DNA testing avoid contravening principles of federalism and inappropriate federal involvement in state court proceedings; and

BE IT FURTHER RESOLVED, that the Conference urges the National Center for State Courts to compile information concerning effective practices in those states that have developed adequate procedures for the appointment of counsel in capital cases; and

BE IT FURTHER RESOLVED that the Conference urges that any grant program authorized by legislation to support the establishment and implementation of competency standards for counsel in capital cases identify state courts of last resort as the appropriate entity to receive such grants; and

BE IT FURTHER RESOLVED that the Conference urges the National Center to study promptly the means by which the state courts can enhance the development and implementation of informed procedures for the use of DNA testing in appropriate criminal proceedings.

*Adopted as proposed by the State-Federal Relations Committee of the Conference of Chief Justices in Baltimore, Maryland at the 24<sup>th</sup> Midyear Meeting on January 25, 2001.*