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TO: CPCS Staff and Committee Members

FROM: William J. Leahy

DATE: November 5, 2009

RE: ANNOUNCEMENT OF MY RETIREMENT AT THE END OF JULY, 2010

I want to inform all my CPCS friends, colleagues and Committee members of my intention to retire from CPCS at the close of business on Friday, July 30, 2010. As of that date I will have served as chief counsel for more than nineteen years, and will have been a public defender for almost thirty-six years. The period between this announcement and my retirement date will facilitate a smooth leadership transition by giving the Committee sufficient time to advertise, recruit and hire the best possible candidate to be my successor as chief counsel. It will also enable me to continue leading CPCS through this entire fiscal year, the conclusion of the FY11 budget process, and the completion of the 2009-2010 legislative session. Finally, it allows time for me to communicate very closely with my successor, once he or she is chosen, so that nothing will be lost as CPCS moves forward as it must and as it will.

I would like to emphasize that there will be not a shred of "lame-duckness" about my last nine months of CPCS service. During this period, I will be working every day to lead us through the fiscal crisis which threatens our operations in the current fiscal year, to advocate for sufficient funding for the effective assistance of counsel in the FY11 appropriation, to complete the three Reports to the Legislature which our budget requires us to submit by February 1, 2010, and to continue charting our future long-term course. I intend to get around the state to our local offices during the coming months to sharpen my appreciation of all our activities, and assist my successor as best I can. Naturally, I will be an ardent lifelong supporter of CPCS beginning on July 31, 2010.

It has been very hard for me to reach this decision and to make this announcement. Ever since Gerry Schaefer and Scott Harshbarger hired me as one of many brash, zealous and unproven young public defenders in the seventies (one shouldn't name names, but how can I

not mention Bruce Bono, Judith Lindahl, Geoff Packard, Jeff Palmer and Richie Hayes?); ever since I was trained by the incomparable Brownlow M. Speer as part of the Mass. Defenders Committee class of 1974 (Bruce Ferg, Wendy Kaplan, Bob Cordy, Paul Kenney, Greg Phillips, Roxana Marchosky and Charlie Johnson) and realized that no agency which retained the services of such a brilliant lawyer and moral man could be anything less than first-rate; ever since I saw Arnie Rosenfeld replace Scott in 1975 and help lead MDC through its metamorphosis into the Committee for Public Counsel Services, I have been invested in the work and the welfare of this agency in such a powerful way that it becomes hard to imagine a career elsewhere. Yet there comes a time in some people's lives when the need for a new professional challenge asserts itself strongly enough that it can't be denied, and that time has come for me. Through my work with the National Legal Aid and Defender Association and the American Council of Chief Defenders, my involvement with the American Law Institute and my teaching at Brandeis, I have seen the possibility of new career challenges which, even though none could match the satisfaction of leading this great cause and this great agency, I have increasingly felt a need to explore. I do not know where the fulfillment of this need will take me, but I am confident that it will offer me a fresh opportunity to preserve and expand the rule of law, the right to counsel and the principle of equal justice for all.

This is not the time to give a "State of the Agency" assessment, though I assure you that my assessment of CPCS is overwhelmingly positive. Simply put, I could not choose to leave if I were not convinced that CPCS enjoys an abundance of talent and experience which will enable us to carry on our work without any diminution whatsoever. Nor is it the time, yet, to indulge in extensive reflection or expressions of gratitude, of which there are so many to offer. Rather, it is the time for me to roll up my sleeves as you roll yours up every day, and continue working to maintain the respect we have achieved, and secure the funding which we need in order to continue to fulfill our mission. Two weeks ago, we awarded our Clarence Earl Gideon Award to the Chairmen of the Joint Committee on Ways and Means, Charles Murphy and Steven Panagiotakos, for their steadfast support for the right to counsel in a time of fiscal crisis. Ten days ago, I met with our Budget Subcommittee to finalize the FY11 CPCS budget proposal which we will present to the full Committee this month. Last week, after consultation with our Committee, I submitted a detailed response to a formal request by the Secretary of Administration and Finance that CPCS give back seven per cent of its FY10 appropriation as a "voluntary" 9C contribution toward offsetting the Commonwealth's most recent revenue shortfall. In that response, I reminded the Secretary of the Constitutional obligation which underlies our representation, and which must be given special consideration before appropriation reductions are requested or imposed. We all know that this is a perilous fiscal time; please be assured that my attention and that of the entire management team will be focused upon protecting the right to counsel to the very best of our ability.

I'll have a lot more to say later on. Let me just express today my appreciation to every CPCS staff person and Committee member, all of whom are my colleagues and so many of whom are my friends. Let me also express my opinion that we should be very proud that we have worked together so skillfully to ensure that every indigent client in every case receives the *effective* Assistance of Counsel, not some pale pretense. The continuation of this magnificent accomplishment--and when I say continuation, I do mean to include its continuous improvement--is our greatest challenge; a challenge I have no doubt we will fulfill.

Thank you for giving me the chance to work with such inspiring people on behalf of such an inspiring cause for so long, and to continue doing so in the months ahead.