



AMERICAN COLLEGE OF TRIAL LAWYERS

FOR IMMEDIATE RELEASE

Statement Respecting Funding of Federal Defender and Criminal Justice Act Services

NEWPORT BEACH, CALIFORNIA (November 26, 2025) – The federal criminal defense system is in the midst of a funding crisis that has not abated with the government's reopening. The American College of Trial Lawyers urges Congress to address this continuing constitutional emergency.

Over ninety percent of people charged with crimes in federal court cannot afford to hire an attorney. The Sixth Amendment guarantees them the right to court-appointed counsel. This right is protected through the Criminal Justice Act ("CJA"), which establishes a hybrid system of federal criminal defense, consisting of Federal Defender Offices and private CJA attorneys. The funding crisis began with a Fiscal Year 2025 full year continuing resolution (Oct. 2024 through Sept. 2025) that maintained funding at the FY 2024 level, which left the CJA system without the resources it needed. Funding all or part of 2026 with a continuing resolution, as Congress recently did, only exacerbates the CJA funding crisis, with severe adverse consequences for the entire CJA system.

Federal Defender offices, already significantly understaffed, have been under a hiring freeze for two years, with extremely limited ability to fill vacant positions and with no end in sight. The situation for panel attorneys is even more dire. As of early July, the courts ran out of funds to pay the CJA panel attorneys and service providers – investigators, paralegals, interpreters, psychiatrists, and other essential experts – who accept court-appointed cases. For over four months, the CJA lawyers and others working for their clients were not compensated for their work in FY 2025. If these private attorneys and service providers cannot rely on being promptly paid for their work, many will choose to no longer do it. That will have a serious impact on the effective operation of our federal courts, on the ability of accused individuals to receive a full and fair defense, and ultimately on the ability of the federal government to enforce its laws.

Regrettably, the Continuing Appropriations Act of 2025 signed on November 12, 2025 funds defender services for FY 2026, including the CJA, in an amount less than the judiciary requested. This funding will expire in just two months, placing the financial burden again on the defense community. Even if renewed for the full fiscal year, the sum appropriated guarantees that the courts will run out of money to pay panel attorneys and service providers again in FY26, likely even earlier this year given the need to first pay off FY 2025 arrears.



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A meaningful response to this crisis will require sufficient funding to allow Federal Defender offices to fill vacant positions, and to provide compensation for CJA attorneys and service providers for their work in 2025 and 2026. They cannot provide the services promised by the Sixth Amendment if they are not adequately funded. The government needs to be a reliable partner.

For the vast majority of people facing federal charges, the existence of the Sixth Amendment right to counsel depends on court-appointed counsel. Underfunded, the right to counsel itself is threatened. The College urges Congress to take immediate steps to fund FY 2026 in an amount that allows Federal Defender offices to fill positions long vacant, covers the payment for services rendered in FY 2025, provides adequate CJA funding for FY 2026, and assures that those criminally prosecuted by the federal government will in the future receive the effective assistance of counsel guaranteed by the Sixth Amendment.

About The American College of Trial Lawyers

The American College of Trial Lawyers comprises the best of the trial bar from the United States, Canada and Puerto Rico and is widely considered to be the premier professional trial organization in North America. Founded in 1950, the College is an invitation only fellowship. The College thoroughly investigates each nominee for admission and selects only those who have demonstrated the very highest standards of trial advocacy, ethical conduct, integrity, professionalism and collegiality. The College maintains and seeks to improve the standards of trial practice, professionalism, ethics, and the administration of justice through education and public statements on important legal issues relating to its mission. The College strongly supports the independence of the judiciary, trial by jury, respect for the rule of law, access to justice, and fair and just representation of all parties to legal proceedings.

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