



# City of Philadelphia

City Council  
Chief Clerk's Office  
402 City Hall  
Philadelphia, PA 19107

## Legislation Text

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March 6, 2014

### **TO THE PRESIDENT AND MEMBERS OF THE COUNCIL OF THE CITY OF PHILADELPHIA:**

For the reasons set forth herein, I hereby return to your Honorable Body without signature Bill No. 130851, which passed on February 20, 2014.

This Bill would authorize the placement on the May 20, 2014 ballot a proposed Charter amendment to require that Council approve City contracts of a year or less, in excess of \$100,000, for providing legal representation to indigent persons.

I and my Administration believe it is crucial that conflict counsel and other indigent legal services funded by the City are of the highest quality, and meet the standards set not only by our Constitution, but by our consciences and our intrinsic sense of justice. As I stated directly to the sponsor recently, I stand ready to partner with Council in ensuring that we meet these high standards.

I can appreciate that the expressed intention behind this Bill is to ensure that legal representation provided to indigent persons is equal to the task of vindicating their rights in our court system, an issue of Constitutional importance. In recent months, Council has made clear its desire to ensure the quality of certain legal services provided to indigent persons. This concern is understandable; no less than the Bill of Rights and our City's foundational values of freedom and justice are implicated.

Nevertheless, there is a fundamental mismatch between the proposed Charter amendment's plainly-stated intention of ensuring quality legal representation, and what the proposed amendment actually does.

This amendment requires an ordinance authorizing a very specific type of contract. It would do nothing else. It contains no standard or mechanism for actually ensuring any level of quality in the services provided under such a contract. But with or without the requirement of an ordinance, Council is able to obtain data, hold hearings, and undertake a vigorous inquiry into the quality of legal services provided to indigent persons.

Council's existing tools are well-established and effective. It is unclear how this proposal will achieve its stated goal. Let me be very clear though. My Administration will do everything necessary to ensure quality legal representation, with or without this proposed amendment to the Charter. My Administration's willingness, and the willingness of any future Administration, to partner with Council in this important charge is and should be the same, regardless of whether this Charter amendment becomes law.

Accordingly, I hereby return this Bill without my signature.

Respectfully,  
MICHAEL A. NUTTER