

May 23, 2024

Connecticut State Division of Public Defender Services Commission  
55 Farmington Avenue, 8th Floor  
Hartford, Connecticut 06105  
Via email: [richard.palmer@connapp.jud.ct.gov](mailto:richard.palmer@connapp.jud.ct.gov)

Re: Chief Public Defender TaShun Bowden-Lewis

Dear Commission,

We are writing on behalf of the National Legal Aid & Defender Association (NLADA) and the National Association for Public Defense (NAPD) regarding the Commission's reprimand of and disciplinary proceedings against Chief Defender TaShun Bowden-Lewis. We support a national community of public defense leaders, civil legal aid leaders, and directly impacted client leaders dedicated to securing a fair justice system and ensuring high-quality legal representation for those who cannot afford counsel.

We advocate for access to counsel, defender independence, and racial equity within public defense. We write to you not to take a position on personnel decisions or comment on the veracity of the allegations made against Chief Bowden-Lewis, but instead to urge the Commission to act in a manner that is consistent with the American Bar Association's Ten Principles of a Public Defense Delivery System ("ABA Ten Principles"), specifically concerning independence. We hope our national perspective on indigent defense issues will help you make critical decisions about the public defense system in Connecticut.

Defender independence is critical to the functioning of any public defense system. Indeed, independence is the first principle of the ABA Ten Principles, which states in part that

Public Defense Providers and their lawyers should be independent of political influence and subject to judicial authority and review only in the same manner and to the same extent as retained counsel and the prosecuting agency and its lawyers . . . . Neither the chief defender nor staff should be removed absent a showing of good cause.<sup>1</sup>

In keeping with this principle, Connecticut law created the Commission to provide oversight for the public defense function. The duties of the Chief Defender are clearly defined to uphold the principle of independence. According to Connecticut law, the Chief Public Defender shall "administer, coordinate and control the operations of public defender services and be responsible for the overall supervision and direction of all personnel, offices, divisions, and facilities of the Division of Public Defender Services."<sup>2</sup> The Commission's Letter of Reprimand accused Chief Bowden-Lewis of taking various actions in her role as the office leader. If we assume that the allegations against her for a "disproportionate focus and emphasis on certain goals for the Division, including 'rebranding' the division and establishing an external affairs unit and a reentry unit"<sup>3</sup> are true, such actions are nevertheless well within the scope of authority for a Chief Defender based on the ABA Ten Principles. A Chief Defender must be free of interference and allowed to set the vision and goals for their agency, and the Commission should not interfere with such authority.

Recent efforts by the Commission to limit Chief Bowden-Lewis's authority to make personnel decisions and control the operations of public defender services are inconsistent with ABA principles and national standards. Chief Defenders must be free to set the vision for their agency and serve as the leader of

their organization. Since Chief Bowden-Lewis assumed office, many of the disputes between her and the Commission have concerned implementing her leadership vision to diversify the agency and promote community engagement. Despite the authority vested in her position, Chief Bowden-Lewis has been unable to exercise her independence to implement her vision for the agency.

Principle 1 of the ABA Ten Principles notes that the selection of a chief defender and their lawyers and staff “should prioritize diversity and inclusion to ensure that public defense staff are as diverse as the community they serve.”<sup>4</sup> In Connecticut, Black people comprise 10% of the general population but 43% of the incarcerated population,<sup>5</sup> and Black people are 9.9 times more likely to be incarcerated than White people.<sup>6</sup> Despite this disparity, in Connecticut’s public defender offices, less than 10% of the professional workforce is Black.<sup>7</sup> Chief Bowden-Lewis’s effort to promote racial equity, inclusion, and community engagement should be applauded by the Commission, not used as a basis for discipline.

Chief Bowden-Lewis was appointed as the first Black woman to hold this position in July 2022. Her historic appointment speaks to progress and the long history of racial equity challenges within the State of Connecticut. As you evaluate this matter, the Commission must be aware of both explicit and implicit biases that impact the evaluation of leaders of color – especially the first leaders to hold such positions. Research shows that leaders of color, especially women of color, in leadership roles are unfairly held to higher standards than their white counterparts. Specifically, Black women in leadership typically must contend with expectations that are underpinned by racialized and gendered stereotypes.<sup>8</sup> The public description of Chief Bowden-Lewis as “unapproachable and aggressive” is consistent with implicit bias and microaggressions. As the Commission deliberates, we hope they take this opportunity to examine the role that implicit and explicit racial bias may have played in this matter and take steps to address it.

Connecticut has served as a national model for public defense independence, and we hope that the Commission will act in a manner to preserve that standing in the national community. The present threat of erosion of defender independence in Connecticut is part of a current disturbing national trend. In the states of Louisiana, Oregon, Minnesota, and Pennsylvania, we have witnessed officials misuse their power by assaulting defender independence. This Commission is currently at risk of adding itself to this infamous group.

We stand ready to provide the Commission with any assistance needed to further inform your decision. We urge the Commission to take a course of action that preserves defender independence and promotes equity and inclusion consistent with the ABA Ten Principles.

Sincerely,



April Frazier Camara  
President & CEO  
National Legal Aid & Defender Association



Lori James-Townes  
Executive Director  
National Association for Public Defense

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<sup>1</sup> AM. BAR ASS'N, ABA TEN PRINCIPLES OF A PUBLIC DEFENSE DELIVERY SYSTEM 3 (2023), [https://www.americanbar.org/content/dam/aba/administrative/legal\\_aid\\_indigent\\_defendants/ls-sclaid-ten-princ-pd-web.pdf](https://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls-sclaid-ten-princ-pd-web.pdf).

<sup>2</sup> Conn. Gen. Stat. § 51-291(4).

<sup>3</sup> Letter of Reprimand to TaShun Bowden-Lewis at 1 (Oct. 3, 2023), [https://portal.ct.gov/-/media/ocpd/commission\\_pdf/commission-2024/notice-and-letter-served---tashun-bowden-lewis.pdf](https://portal.ct.gov/-/media/ocpd/commission_pdf/commission-2024/notice-and-letter-served---tashun-bowden-lewis.pdf).

<sup>4</sup> AM. BAR ASS'N, ABA TEN PRINCIPLES OF A PUBLIC DEFENSE DELIVERY SYSTEM 3 (2023), [https://www.americanbar.org/content/dam/aba/administrative/legal\\_aid\\_indigent\\_defendants/ls-sclaid-ten-princ-pd-web.pdf](https://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls-sclaid-ten-princ-pd-web.pdf).

<sup>5</sup> *Connecticut Profile*, PRISON POLICY INITIATIVE (last visited April 24, 2024), <https://www.prisonpolicy.org/profiles/CT.html>.

<sup>6</sup> Leah Wang, *Updated Data and Charts: Incarceration Stats by Race, Ethnicity, and Gender for All 50 States and D.C.*, PRISON POLICY INITIATIVE (Sep. 27, 2023), [https://www.prisonpolicy.org/blog/2023/09/27/updated\\_race\\_data](https://www.prisonpolicy.org/blog/2023/09/27/updated_race_data).

<sup>7</sup> See CONN. DIV. OF PUB. DEF. SERVS., THE ANNUAL REPORT OF THE CHIEF PUBLIC DEFENDER 2023 at 7, <https://portal.ct.gov/-/media/ocpd/publications/annual-reports/ocpd-annual-report-2023.pdf>.

<sup>8</sup> See, e.g., Ashleigh Shelby Rosette, Christy Zhou Koval, Anyi Ma & Robert Livingston, *Race Matters for Women Leaders: Intersectional Effects on Agentic Deficiencies and Penalties*, 27 LEADERSHIP Q. 429 (2016), <https://www.sciencedirect.com/science/article/abs/pii/S1048984316000096>; Jioni A. Lewis & Helen A. Neville, *Construction and Initial Validation of the Gendered Racial Microaggressions Scale for Black Women*, 62 J. COUNSELING PSYCH. 289 (2015), <https://psycnet.apa.org/record/2015-15500-004>; Aisha M.B. Holder, Margo A. Jackson & Joseph G. Ponterotto, *Racial Microaggression Experiences and Coping Strategies of Black Women in Corporate Leadership*, 2 QUALITATIVE PSYCH. 164 (2015), <https://psycnet.apa.org/record/2015-30581-001>.