



NLADA

National Legal Aid &
Defender Association

nlada.org

Defender Update

October/November 2015

Reflections on Community

by Leah Garabedian, Defender Counsel

As my plane took off from New Orleans just last week, I was struck by all that I had learned and experienced throughout the 2015 NLADA Annual Conference, and indeed throughout my work here at NLADA. It is truly remarkable to be part of our community of civil, defender, and client advocates and humbling to see the incredible impact of our community across the country every day. The Annual Conference provided an opportunity to take a step back from the day-to-day intensity to engage, connect, and learn about innovative and powerful strategies for Advancing Justice Together.

Justice advocates from diverse geographical, educational, and experiential backgrounds shared their knowledge and stories, both of which fuel the fire of progress. As we all look to build on information and ideas from the Conference, let us not forget that we are a community. Even when separated by miles, we must seek out each other, and NLADA stands ready to keep you connected and supported. When advocating for those too often marginalized by society and government, we



Defender Conference Schedule

January 21-24, 2016

Appellate Defender Training

New Orleans, LA

*Space for this this
conference is limited and
sells out quickly.*

[Register today!](#)

March 10-12, 2016

Life in the Balance

Houston, TX

*Mark your calendars for
this bi-annual conference,
not to be missed!*

must remember to reach out to our equal justice guardians, for we are stronger together.

A strong community depends on developing the next generation of justice advocates. To that end, NLADA is proud to have hosted four exceptional, undergraduate interns this fall. Nicole Carmen, Annemarie Guare, Courtney Knippen, and Victoria Pierce have been invaluable assets to NLADA, especially in planning and executing the Annual Conference. This Defender Update was developed by these future justice leaders, who reflect in the following pieces on some of what they have learned.

Thank you, NLADA Community, for being so generous with your time and talents as we all work together toward equal justice.

All goodness to you,
Leah

P.S. For more information on the 2015 NLADA Annual Conference, you can review the conference program and [presentation materials via Dropbox](#).

Justice After Katrina

By Nicole Carman, NLADA Undergraduate Associate

Ten years ago, Hurricane Katrina ripped through New Orleans, destroying the levees and leaving the city devastated. The city, its people, businesses, and government were forced to rebuild from nearly nothing - a true call to action for equal justice organizations and advocates. This year, NLADA's Annual Conference was held in New Orleans as a tribute to the progress that public defense work has seen in the wake of one of the most destructive natural disasters of our time. At the conference, the New Orleans Public Defender office was honored for its efforts in bringing justice to the people facing the criminal system who cannot afford counsel.

Before Katrina, Orleans Parish did not have a full-time public defender's office. Louisiana is home to the highest incarceration rate in the world, with arguably some of the harshest sentencing guidelines in the United States. The spotlight on the storm's aftermath brought attention to Louisiana's dire need for a public defender's office and legal services for the most vulnerable and economically disadvantaged. Katrina flattened the gulf region, but also exposed a criminal justice system that had been broken long before. As part of efforts to bring about reform, the public defender office was funded.

An increase in federal funds and resources expanded the capacity of public defenders and supporting staff to take on the challenges of the overworked system, in which more than 80% of defendants seek the assistance of public defenders. The Department of

Justice assessed the needs of the New Orleans Public Defender office in 2009, reporting that a budget of \$8.2 million was necessary to support the needs of clients. However, reform can only go as far as the funding does, and the disparities between funds given to prosecutors and those given to public defenders is immense.

Currently, the public defender system in place operates on a \$6 million budget. Caseloads remain far above the national average, leaving public defenders vastly overworked and under-resourced. These disparities directly tie in to the obvious inequalities of the justice system as a whole. Though New Orleans saw a dramatic decrease in the African American population after Katrina, African Americans still account for over 80% of the incarcerated population. Over half of the black men in New Orleans are absent from the workforce, trapped in the intertwined cycles of poverty and incarceration. Katrina served as a catalyst to bring about justice reform in New Orleans, and ten years later, there is so much injustice that remains. Equal justice advocates are still fighting every day to improve the lives of all in the unique and beautiful Crescent City.

Defender Spotlight: Alec Karakatsanis

By Courtney Knippen, NLADA Undergraduate Associate

NLADA was honored by the the presence of inspiring speakers during the Annual Meeting of the Members to kick off the conference. The Honorable Lora Livingston, presiding judge of the 261st District Court in Texas, acted as the moderator for an impressive panel of advocates, including Alex Gulotta, Executive Director of Bay Area Legal Aid; Alec Karakatsanis, Co-Founder of Equal Justice Under Law; Judy Perry Martinez, Chair of the American Bar Association Commission on the Future of Legal Services; John Mauldin, Chief Public Defender of the 13th Judicial Circuit, South Carolina; and Chuck Wynder, Jr., Missioner for Social Justice & Advocacy Engagement of the Episcopal Church.

Defender visionary, [Alec Karakatsanis](#), presented his mission to end money bail and debtors' prisons. Mr. Karakatsanis' words rang true to our audience: that incarcerating individuals has been normalized in America. He demonstrated his point by using the word "caged" in lieu of terms such as "incarcerated" or "imprisoned" that dilute the gravity of what is happening when we place human beings behind steel bars and barbed wire.

Louisiana, the site of this year's conference, is home to the most caged individuals not just in the United States but worldwide. Even more unnerving is that around 500,000, human beings are caged simply because they are too poor to pay for their release. Pretrial detention is thus determined by socioeconomic status, which devastates the most vulnerable individuals, families, and communities.

[Equal Justice Under Law](#) (EJUL) is aggressively, and successfully, attacking these unlawful, inhumane practices. In January 2015, money bail systems were challenged by Karakatsanis on behalf of Christy Dawn Varden, in federal court in Alabama. In support of EJUL's petition in *Varden v. City of Clanton*, the Department of Justice (DOJ) filed a powerful [Statement of Interest of the United States](#). Consequently, the City of Clanton reformed their money bail system. As a result of efforts spearheaded by EJUL and allies such as the [Arch City Defenders](#), cities in Alabama, Missouri, Mississippi, and Louisiana have reformed money bail practices for new arrestees.

Karakatsanis and his organization have also fought for basic human and civil rights by working to shut down modern day debtors' prisons. In September 2015, EJUL filed a major action lawsuit in New Orleans for systematic violations. Caging impoverished people, to reinforce a system that depends on convictions and high bonds, is blatantly

illegal but has persisted because of the vulnerable population it targets. Similar missions are being launched [in Missouri, with Arch City Defenders](#), Mississippi, and Alabama. Furthermore, the EJUL team is fighting abusive probation practices, the government's war on drugs, a militarized police force and Alabama's sex offender registry. NLADA would like to thank Equal Justice Under Law, Arch City Defenders, and all justice supporters for their work to protect and ensure excellence in the delivery of legal services.

Proposed Revolutions in Juvenile Justice

By Victoria Pierce, NLADA Undergraduate Associate

The Governor of Connecticut, Dannel P. Malloy, recently proposed several innovations for [Connecticut's criminal justice efforts](#), including raising the juvenile justice system's determination of adulthood from age 18 to 24. Connecticut previously implemented a *Raise the Age* program, which in 2012 changed the age of adulthood to from age 16 to 18. They have also found other success in their criminal justice reform efforts, specifically that reported crime is the lowest it has been in 48 years, with a 20% drop in prison population, and a 75% reduction in the prison population for those under 18.

Given the state's record of successful reforms, Gov. Malloy proposes that lawmakers in the 2016 legislative session raise the age of adulthood to expand the jurisdiction of Connecticut's juvenile justice system. Citing the need to end the cycle of crime and poverty, Gov. Malloy calls for a first-in-the-nation reform that would change the way the criminal justice system treats young adults under 25. The governor also calls for the reform of the bail bond systems so individuals will not be locked up based on their income.

According to Gov. Malloy, "If we are to acknowledge that we know a one-size-fits-all approach to criminal justice hasn't worked, that permanent punishment hasn't worked, then let's think about changing the artificial barriers we've imposed to get it right."

These proposed reforms, endorsed by the U.S. Department of Justice and following national best practices, would also influence the way public defenders approach juveniles and young adults, potentially bridging the justice gap by giving a real [second chance to those youth who are not yet mature](#) enough to be called adult.

Rhode Island Legal Services' Holistic Legal Aid Networks Project

By AnneMarie Guare, NLADA Undergraduate Associate

At NLADA's Annual Conference in New Orleans, Robert Barge, executive director of Rhode Island Legal Services (RILS), led a panel discussion on their development of the Holistic Legal Assistance Network (HLAN). HLAN, created in 2013 with funding from the Kresge Foundation, is dedicated to helping clients move from poverty to financial stability through a holistic approach to legal services. They aim to give their clients a single point of entry to obtain civil legal services and any other resources that they may need, such as adult education, financial counseling, mental health resources, and social workers.

Mr. Barge was joined by his colleague, Nora Salomon, as well as Sandy McAlister Ambrozy of the Kresge Foundation, to discuss the importance and the implementation of HLAN. Ms. Salomon stressed in particular the importance of having an anti-poverty mission statement. Many legal services agencies' mission statements do not specifically

reference poverty issues, and as Alan Houseman pointed out in 2014, the dichotomy between the goals of legal services to reduce poverty and expand access to justice is simply false; the two are not mutually exclusive. By identifying reduction of poverty as a goal in addition to expanding access to justice, attorneys can ensure long-term solutions for their clients. Indeed, Ms. Ambrozy of the Kresge Foundation stressed the importance of the support of private funding in implementing holistic projects, because these projects are client-centered. They will help to move clients out of crises on a permanent basis, as opposed to the temporary solutions that result from utilizing traditional models. The model used at RILS emphasizes the outcome, rather than the output. The importance lies in the benefits for the client, not the amount of work that goes into each case. HLAN utilizes an in-house social worker, as well as many other interdisciplinary partners, including immigration assistance, domestic violence counseling, employment training, adult education, and financial management. Holistic advocacy projects require the dedication of time and determination of staff, but the resulting successes provide a compelling argument for investing the time and resources.

How successful has HLAN been? Ken Smith of the Resource for Great Programs was also present to answer that question. He was contracted by RILS to do an independent study of the successes of HLAN's efforts. Over two years, Mr. Smith studied ten HLAN clients, and he found that all ten clients' situations were substantially improved after HLAN had closed their cases. The degrees of success varied when studied quantitatively, but there was undeniably a one hundred percent rate of improved economic stability.

Expanding to Civil-Defender Collaboration

It is no secret that low-income clients and clients of color often fall into a gap between criminal and civil legal aid, a gap that is very difficult for lawyers on either side to cross. Once they pass through the criminal justice system, they have extremely limited access to many civil legal aid resources, such as education, immigration, and housing. Conversely, the limited access to these services that disproportionately affect low-income people and people of color can also serve as the catalyst for entry into the criminal justice system. In essence, involvement in the criminal justice system can bring about [collateral effects](#) that prevent former prisoners from reentering society.

There are many steps to be taken on both sides of the aisle, but civil legal aid programs in particular should consider establishing a formal arrangement with local defense providers in their region in order to create a streamlined referral process. Closing the gap between civil and defender aid is an essential step to furthering programs like HLAN and achieving true holistic legal advocacy. These collaborations will require careful planning and implementation, but as has been established, holistic services are crucial to serve clients, especially those who are disenfranchised.

RILS has always been a pioneer for holistic legal services. They were one of the first legal aid agencies in the country to establish a medical-legal partnership. As HLAN develops, there is an increased potential that the services will expand to include a civil-defender collaboration.

New Defender Initiative: NLADA to Provide Technical Assistance to 5 DOJ Smart Defense Sites

NLADA was recently selected as the training and technical assistance provider to the five sites picked for the Department of Justice's [Smart Defense](#) Initiative. Smart Defense, the latest grant program in the [Bureau of Justice Assistance's "Smart Suite."](#)

will provide funding and training over 2 years for innovative, evidence-based projects that improve the quality of indigent defense. The 5 sites and their projects are:

- [Alameda County Public Defender](#) (CA), *Implementation of a Comprehensive Pre-Arrest Services Program*, to improve pre-trial advocacy;
- [Kentucky Department of Public Advocacy](#), *Conflict System Improvement Initiative*, to promote excellence in representation by conflict counsel;
- [New York City Mayor's Office of Criminal Justice](#), *Improving Assigned Counsel Plan Administration and Oversight*, focusing on private counsel representing the indigent under NY Code Article 18-b;
- [Texas Indigent Defense Commission](#), *A Data Driven Communication Strategy for the Improvement of Indigent Defense in Texas*; and
- [Wisconsin State Public Defenders](#), *Reporting, Analysis and Mining Project (RAMP)*, to implement advanced data collection and evidence-based decision making.

NLADA's role, with support from our partners at the [National Criminal Justice Association](#), is to work with the defender sites, individually and as a group, to offer our premiere technical assistance and community-building resources. We are excited to get started working with the people and ideas that will shape the future of indigent defense.

Around the Capitol

Criminal Justice Reform on the Hill, in the White House

Recently, the [Sentencing Reform and Corrections Act](#) was reported by the Senate Judiciary Committee, moving it to the Senate as a whole for consideration. The bill has been praised as a rare instance of meaningful, bi-partisan legislation as well as a shift back toward discretionary sentencing and away from the war on drugs. As a bi-partisan compromise bill, its policies are carefully balanced. On the sentencing side, for example, it reduces the mandatory minimums for certain drug offenses while it raises the maximum sentences for certain violent offenses. On the corrections side, the Bureau of Prisons is required to provide evidence-based recidivism reduction programming and to reduce the use of juvenile solitary confinement.

President Obama has also been addressing criminal justice reform in trips across the country this month, speaking about drug abuse in West Virginia, meeting with the International Association of Chiefs of Police in Chicago, and discussing the racial and economic dimensions of crime at a panel in Washington, DC. Meanwhile, the Department of Justice announced the release of 6,000 prisoners who had been convicted non-violent drug offenses under harsh sentencing schemes.

We have been listening carefully to the messages policymakers have been sending, both in broad public statements and in smaller meetings of stakeholders. We applaud our national leaders' efforts to make sentencing and corrections for non-violent drug offenders more sensible and more just. We also know that mass incarceration is not a problem that can be fixed until [violent crime](#) is radically reconsidered. And no matter the policy reform, we know that indigent defense attorneys must be equal partners in the justice system in order for it to make a real impact. Defenders are the ones who insist that changes in law become changes in practice, and who argue most passionately, every day, against destructive policies of imprisonment.

SEARCH Congressional Briefing: "Information Sharing: The Key to Effective Criminal Justice Reform"

On October 21, SEARCH, the National Consortium for Justice Information and Statistics, held a congressional briefing on a [white paper](#) that they released earlier this year on the topic of information sharing and its importance for smart reinvestment in the justice system.

As they explained, the promise of increased alternatives to imprisonment also promises increased responsibility to parole officers, treatment facilities and social workers. Reinvesting in information sharing systems allows these programs to work more effectively with their growing population of clients. Avoiding repeat assessments, drug tests and paper work lightens the load and saves valuable resources. In addition, such databases can assess overall effectiveness and importance of many of these programs, in turning facilitating data-driven decisions. SEARCH highlighted the [Open Justice Broker Consortium](#) as such a successful system.


3DaysCount Launch

On October 22, the Pretrial Justice Institute held a launch party for its new 3DaysCount initiative. The speakers explained, based on both data analysis and personal experience, how much of a difference three days in jail can make on someone's job, family, and ultimate criminal sentence. The goal of the national campaign is to therefore take a commonsense approach to pretrial detention by replacing cash bail with risk assessments in 20 states by 2020. 3DaysCount and its partners will meet that goal by improving state statutes and court rules; changing state constitutions; implementing statewide evidence-based tools; and litigating.

The campaign is looking for leaders in state government and stakeholder groups to sign up to be one of the 20 states. Visit their [website](#) for more information.

In Case You Missed @NLADA on Twitter...

 [Are states protecting poor defendants' rights? @ajam examines how states hold up to Sixth Amendment scrutiny](#)

 [The bipartisan support for ending the war on drugs would not actually end mass incarceration via @washingtonpost](#)

 [New technology will help Cook County public defenders manage their caseloads and store information securely](#)

Founded in 1911, NLADA is America's oldest and largest non-profit association devoted to ensuring excellence in the delivery of legal services to those who cannot afford counsel. For 100 years, NLADA has pioneered access to justice at the national, state and local level through the creation of many of the first public

defense systems in the country, creation of the concept of a national center to protect the right to counsel, development of nationally applicable standards for legal representation, and groundbreaking legal legislation. NLADA serves as the collective voice for our country's civil legal aid and public defender services and provides advocacy, training, and technical assistance.



For more information, visit www.nlada.org.



[Forward this email](#)



This email was sent to c.ponce@nlada.org by l.garabedian@nlada.org | [Update Profile/Email Address](#) | Rapid removal with [SafeUnsubscribe™](#) | [About our service provider](#).



National Legal Aid & Defender Association | 1901 Pennsylvania Ave. NW | Suite 500 | Washington | DC | 20006