

ACCD Meeting News: Chiefs Convene in Santa Fe

More than 75 indigent defense chiefs, including over 30 first time participants, met in Santa Fe at a gathering hosted by NLADA and the New Mexico Public Defender Department on April 17 – 18, 2001.

Discussions with Criminal Justice Leaders

Prior to the meeting the ACCD Executive Committee members embraced a practice of reaching out to the chief justice, district attorney and other local criminal justice leaders each time an ACCD meeting is held as part of a commitment to foster ongoing dialogues around justice issues of mutual concern.

In Santa Fe, discussions were held with:

Chief Justice Patricio Salerno accepted the invitation to give a luncheon address on April 17, in which he spoke to the Chiefs about the importance and significance of protections within their state constitutions. The Justice urged them to be vigilant to protections that go beyond those afforded under federal constitutional law.

Former Governor Toney Anaya joined participants the next morning to talk about the progress made concerning New Mexico legislative proposals to

implement drug policies that are more supportive of treatment and prevention. Governor Anaya worked closely with current governor Johnson to shepherd Governor Johnson's reform package through the legislature.

That same day, **Santa Fe District Attorney, and National District Attorneys Association member, Henry Valdez** joined the Executive Committee for lunch. Mr. Valdez engaged in an informal discussion with Executive Committee members on loan forgiveness and other administrative matters impacting both the prosecution and the defense.

Other highlights of the meetings included discussions of:

Networking and "Peer-to-Peer" Technical Assistance

As has become the tradition at ACCD meetings, the Chiefs kicked off the gathering by sharing information with each other about successful initiatives they had recently undertaken, and talked about the current challenges facing them and their programs. Topics for breakout sections were selected from these "hot topics." To facilitate networking and consulting in the future, it was agreed that members' "successes" would be captured in writing and distributed so that

colleagues will know whom to call if they are seeking information or advice on a specific topic that has been addressed by chiefs in other jurisdictions. In addition, members decided to facilitate peer-to-peer consulting by starting a contact list that contains areas of expertise about which individual members are willing to receive calls and other communications. (The Emerging Systems Committee has also started a "Mentor Site" contact list, which contains a list of chiefs who have volunteered to host ACCD members onsite at their offices to demonstrate and discuss a variety of topics pertaining to setting up or running a variety of programs or initiatives. Both lists will be available through the new NLADA Web site in the fall of this year.)

National and Local Legislative Initiatives

Wayne Smith, Executive Director of the Justice Project, and Peter Loge, Director of the Project's Death Penalty initiatives, traveled from D.C. to talk with the chiefs about legislative reforms, particularly the roles they could play in supporting passage of the Innocence Protection Act. The Justice Project is playing a leading role concerning the Act that is currently





pending in Congress.

This legislation (S. 486/H.R. 912), which was introduced by Senators Patrick Leahy (D-VT), Gordon Smith (R-OR) and Susan Collins (R-ME), and Representatives Bill Delahunt (D-MA) and Ray LaHood (R-IL), addresses several of the most important issues facing our capital punishment system. First, it provides access to DNA testing (in capital and non-capital cases); and second, it encourages states to establish meaningful, enforceable defense counsel standards in capital cases. The complete legislation can be found at <http://justice.policy.net/cjreform/ipa> on the Web page of The Justice Project, www.TheJusticeProject.org.

The bill has more than 200 cosponsors in the House. Senator Leahy, Chairman of the Senate Judiciary Committee, held a hearing on the legislation on June 27. The Innocence Protection Act has been endorsed by NLADA, has the support of current and former prosecutors and Department of Justice officials, has been endorsed by numerous groups concerned with criminal justice issues, and newspapers including the *New York Times*, the *Washington Post* and others. If you have questions about the legislation, or to formally endorse the Innocence Protection Act, call Peter Loge at The Justice Project at (202) 638-5855.

Meeting participants also shared information about the status of loan forgiveness for public defenders around the states. Several states have legislation pending, including Illinois, Kentucky and Washington.

National Indigent Defense Collaboration:

Representatives from several national organizations working in collaboration with NLADA on initiatives to strengthen support for local indigent defense providers traveled to Santa Fe to talk to the chiefs about their work both separately and in partnership with the entities. The Collaboration mission is “[to] ensure that there is a high quality, well funded indigent defense system in every jurisdiction in the United States, and that these systems are able to maintain quality and appropriate funding as conditions and needs change.”

Organizations represented and participating in the Santa Fe meeting included the American Bar Association, the Brennan Center for Justice at NYU School of Law, the Executive Sessions on Public Defense (ESPD) at Harvard University’s Kennedy School of Government, the National Association of Criminal Defense Lawyer and the Spangenberg Group.

(Editor’s note: More information on Collaboration initiatives and access to each participating organization’s Web sites will be available by fall through NLADA’s new site.)

Strategic Communications Support:

The Public Affairs Committee, chaired by Michael Judge, met to focus on strategies for providing support to defenders to help raise the visibility of defender issues in the media and other arenas. Projects under development include the creation of a bank of volunteer and professional consultants, who would be available to provide rapid support to defenders through a “Communications Strike Force.” With

the assistance of Justine Lewis, from the Anderson School of Management and faculty member for Vera’s National Defender Leadership Project, the group is developing protocols and training agendas for this first of many projects aimed at educating the public about the importance of the role of defense counsel, and other issues of fairness and reform of the criminal justice system.

In addition to the full group discussions, participants broke into **small brainstorming groups** to do some work on various topics, including the creation of a grassroots legislative network, design of a database on indigent defense systems, and how to address the increasing trend toward outcome measures and performance based budgeting. During the report back on performance based budgeting the entire group endorsed the recommendations of the small group, including holding training sessions and establishing a special area on NLADA’s Web site to collect and make available information on the work being done in this area.

ACCD Committee News

At the end of the Santa Fe meeting members expressed strong views that the ACCD should continue to look at and address ways to deal with racial disparities in the criminal justice system. For example, John Powell, from the University of Minnesota, met with ACCD members in Minnesota last spring to share information that he is collecting about actions being taken across the country on this issue and to discuss

steps chiefs could take in their respective jurisdictions.

Diversity Committee Chairperson Gary Windom has taken up that charge. Gary has begun making calls to each of the Committee members to get their views on ways the group might address racial disparity issues, and on other projects the Committee should be undertaking. After Gary has had a chance to speak with each member, a proposed agenda will be circulated and a teleconference call will be scheduled for August. If you would like to join the Committee, or if you just have ideas, areas of need or other thoughts to share please contact Gary (GWindom@co.riverside.ca.us or (909) 955-6015) or Jo-Ann Wallace (j.Wallace@nlada.org or (202) 452-0620, extension 206).

We are recruiting members for the **Problem Solving Courts Committee**. In light of the momentum gathering in the "Re-Entry" Initiatives, including a significant sum in the Bush Administration's budget request for FY 2002, the Committee would like to focus on what is happening in the Re-Entry Courts, among other issues. Please contact Cynthia Jones (cjones@pdsdc.org or (202) 626-8370) or Jo-Ann if you want to get involved.

*If you have information you would like to share with your colleagues in the next Executive Summary please contact us at:
summary@nlada.org.*

Washington News

- **Attorney General John Ashcroft** has been invited to attend the next ACCD meeting. In a letter sent by the Executive Committee, mid to late August was suggested as potential timing for such a meeting. The Attorney General declined the invitation, but his office suggested that the invitation be resubmitted next year. The Attorney General spoke to the National District Attorneys Association in May. (See letter, page 4.)

NCSC Seeking Consultants for Project on Indigent Defense in Nigeria

The National Center for State Courts (NCSC) is putting together a proposal for a five-year rule of law program in Nigeria, to be funded by the British government. NCSC is currently working with the judiciary of Nigeria on a more limited one-year rule of law assistance project funded by USAID. They are hoping to build on their experience in Nigeria by assembling a team of top-level, short-term consultants to work on the British project. One specific area of activity will be work on indigent defense.

NCSC is currently in the process of compiling a list of proposed consultants. Should their proposal be selected, the consultants would be asked to travel to Nigeria 4-6 times over a period of 18 months. Each trip would be for a period of up to 3 weeks.

If you are interested in serving as a consultant on this project please forward your resume to Jo-Ann Wallace, j.wallace@nlada.org.

Kudos to...

- **Larry Landis, and the Indiana Public Defender Council** for work on a successful legislative strategy doing away with mandatory minimums for all drug offenses. The Indiana legislation also provides numerous other options previously unavailable to individuals charged with distribution offenses including, among other things, prosecuting youth charged with such offenses in juvenile (instead of criminal) court and access to community treatment instead of prosecution and incarceration.
- **Jim Neuhard, Marty Tieber and the Michigan State Appellate Defenders** for their leading role in the successful launch of the Cooley Law School Innocence Project. Organized by Tieber, 160 leading criminal defense practitioners statewide have formed a panel to take on projects.
- **Los Angeles Public Defender Michael Judge and other California Defenders** who worked toward the successful passage of loan forgiveness legislation for public defenders. The legislation also broadens retirement options in an effort to aid retention efforts.

Support your Colleagues *Under Siege*...

The budget ax has moved to California. Defenders there are fighting to fend off a statewide 5.3% cut, brought about by costs associated with California's current energy crisis.

June 6, 2001

The Honorable John Ashcroft
Attorney General
United States Department of Justice
Tenth and Constitution Avenues, N.W.
Washington, D.C. 20530

Dear General Ashcroft:

We are writing to invite you to address the American Council of Chief Defenders (ACCD) and join us in a discussion about criminal justice system improvements which might advance the protection of the innocent, racial fairness, the quality of indigent defense, and ultimately, public trust and confidence in the integrity of the criminal justice system.

The ACCD is a leadership council of the National Legal Aid and Defender Association (NLADA), consisting of chief executives of indigent defense systems throughout the United States and its territories. The ACCD is dedicated to securing fair justice systems by advocating sound public policy and ensuring quality legal representation of people who are facing a loss of liberty or accused of a crime who cannot afford to retain counsel. Like the leadership roles of the Conference of Chief Justices (CCJ) and the National District Attorneys Association (NDAA), the ACCD consists of the leaders of key criminal justice institutions that seek to effectively apply billions of taxpayer dollars to the processing of criminal cases.

The ACCD is committed to an on-going dialogue among criminal justice leaders; such communication benefits the administration of justice systems by fostering cooperation and coordination that maximizes finite resources, and enhances fairness, effectiveness and accountability. ACCD members held several meetings with your predecessor, Attorney General Reno, including meeting jointly with her and leadership from the NDAA and CCJ. Indeed, while the formation of the leadership council has increased such meetings in recent years, NLADA defender leaders have participated in on-going dialogues with United States Attorneys General and senior DOJ officials since the 1960's. The ACCD also invites local criminal justice leaders to join us when we meet in their jurisdictions. Most recently, we met with the New Mexico Chief Justice, the Santa Fe District Attorney and the former New Mexico governor at our April meeting in Santa Fe, New Mexico.

We deeply appreciate the leadership role you played in implementing improvements in indigent defense in Missouri that were unequalled before or since. Missouri has truly led the nation in realizing the benefits of statewide indigent defense programs. We look forward to discussing ways to foster such improvements in the rest of the country, and equally importantly, to contributing to justice system improvements which enhance fairness and public safety.

We are tentatively planning to convene in Washington D.C. in August this year, but would work with your staff to select a mutually acceptable date. If you prefer, members of our Executive Committee would be happy to meet with you in Washington, D.C. first. In either event, we would be honored to have you join us, and look forward to your reply.

Sincerely,

Rita Fry
Cook County Public Defender

John Stuart
Minnesota State Public Defender
Co-Chairs, ACCD Executive Committee

Michael P. Judge
Los Angeles County Public Defender
Chair, ACCD Public Affairs Committee