

## ACCD Meeting News

The next ACCD meeting will be held during NLADA's Annual Conference in Miami, Florida on Saturday, November 10, 2001 from 9:30 a.m. – 1:00 p.m. One of the main discussion topics will be "Expanding Our Ability to Promote Fairness: Developing Our National Voice."

The Executive Committee has discussed the schedule for 2002 ACCD meetings and planning is underway. Next year meetings will be held in February, in conjunction with a National Defender Leadership Institute (NDLI) training conference, and in November, in conjunction with the 2002 NLADA Annual Conference in Milwaukee, Wisconsin. The February meeting will be held in Washington, D.C. in order to schedule ACCD member visits to discuss indigent defense concerns with key congressional representatives. If you are interested in being part of the ACCD congressional delegation please contact Jo-Ann Wallace. We are currently seeking bids for the February and May meeting locations and hope to have specific dates and locations available in early fall.

## Committee News

The *Emerging Systems Committee* is working with NLADA and the Criminal Courts Technical Assistance Project (CCTAP) to design a survey on technical assistance in order to assess the current and most pressing needs of the field. Please look for a survey to "cross



## The Word From Washington

**Attorney General Ashcroft** declined the ACCD invitation to meet in August. Citing a "very full schedule," Justice Department staff said the ACCD should try again in the upcoming year. NLADA staff will be meeting with DOJ officials to discuss potential timing for a future invitation.

## Legislative Update

- **Federal funding for local prosecutors:** In August, NLADA wrote to Sen. Joseph Lieberman (D-CT) and Sen. John McCain (R-AZ) about a bill they have sponsored to authorize \$150 million for local gun-crime prosecutors (section 202 of S. 890) to urge that legislative proposals to fund local gun-crime prosecutions be opened up to indigent defense as well.
- **Diversion of mentally ill:** This \$400 million grant program to help the states divert mentally ill defendants out of the criminal justice system has not yet been introduced as of this writing. Sen. Mike Dewine (R-OH), a member of the Judiciary Committee has indicated that he will introduce it.
- **Student loan repayment assistance legislation:** In an effort to jump-start the legislation – Senate Bill 1112, introduced by Sen. Dick Durbin (D-IL) – NLADA has been talking with the National Criminal Justice Association (NCJA), an umbrella organization of chief executives of all types of criminal justice agencies. NCJA has agreed to convene a leadership meeting of both prosecutors and public defenders to work on the issue.

The goal of the meeting is to bring together representatives of ACCD/NLADA and the National District Attorneys Association (NDAA) to design legislation and a legislative strategy which serves all of our interests, and for NCJA to play an active role in the lobbying. NCJA brings a systemic perspective and a perceived objectivity to the effort.

*Thanks to Ron Coulter for attending a NCJA conference as an NLADA/ACCD representative and furthering partnership opportunities with both prosecutors and law enforcement.*
- **Innocence Protection Act:** Though this legislation is now cosponsored by half of the House, it is currently stalled – perhaps irretrievably – due to bipartisan opposition in the Senate Judiciary Committee. Sen. Orrin Hatch (R-UT) and Sen. Diane Feinstein (D-CA) oppose two aspects of the concept of national indigent defense standards for death penalty cases: that they would be written by a national commission with carte blanche, and that the method of enforcement involves cutting off unrelated federal grant streams to states which do not comply. NLADA and other interested organizations are trying to address these objections.

your desk this fall." Your prompt response will significantly aid planning for providing technical assistance.

The **Outreach Committee** worked on materials describing the ACCD that will be sent to every identified indigent defense chief executive as part of a new packet of NLADA materials this fall.

## Kudos to

- **Nick Chiarkas, Ellen Berz and the Wisconsin Public Defenders** for fending off a potential 5 percent budget cut. Their efforts resulted in bi-partisan supported legislation that actually contains an increase in the number of attorney positions

## Support Your

### Colleagues Under Siege

- After fighting the "good fight" as head of the Vermont defender system for eight years, **Defender General Robert Appel** has just been notified that the Governor will not reappoint him. Vermont newspapers report that Robert's zealous advocacy to obtain resources and other initiatives to support and improve Vermont's indigent defense system had many times put him at odds with the state's chief executive.

## Bid Farewell to

- **New Hampshire State Public Defender Michael Skibbie.** After a well-deserved vacation you can find Mike at the University of New Hampshire, where he will continue to work on indigent defense and criminal justice topics, among other issues.

# National Defender Leadership Institute (NDLI) to kick off Training in May

A project of NLADA and the National Collaboration on Indigent Defense (NICD), NDLI will build upon the works of the successful Vera Institute for Justice National Defender Leadership Project, the Executive Sessions on Public Defense at Harvard University's Kennedy School of Government and NLADA's Leadership and Management Training – as well as innovative and tested leadership and management training from other disciplines – to build a permanent Institute to train, develop and support indigent defense leaders. The first training event will be held in May 2002.

**Welcome Catherine (Cait) Clarke.** On July 1, Cait began working with NLADA as the new NDLI Director. Cait joins NDLI from Harvard, where she was a lecturer and research associate in the Kennedy School of Government's Program in Criminal Justice Policy and Management. For three years she was the project manager of the Executive Session on Public Defense (ESPD), a joint research project by the Bureau of Justice Assistance, Harvard Law School and the Kennedy School's Criminal Justice Program, which identified creative ways to improve public defense systems. As an E. Barrett Prettyman Law Fellow, Cait represented indigent clients in the District of Columbia Court system and supervised students in Georgetown University Law Center's Criminal Justice Clinic. Cait served on the NDLI Advisory Committee, which worked on the report that created the Institute. She is currently based in San Francisco.

## NLADA Evaluation Leads to Increased Resources for Riverside PDO

In a follow-up review of an evaluation conducted last year, NLADA issued a report in July that applauded the Riverside Public Defender Office's progress in correcting earlier deficiencies. After quoting the report's finding of "major and beneficial changes in the office's operations," the *Los Angeles Daily Journal* cited some of the problems described in the earlier report as including, among other things, inadequate attorneys to permit staffing arraignments, and staff that were "overworked, underpaid and under supervised." Gary Windom, who took over as the Public Defender while the initial report was being conducted, has said the two NLADA evaluations have been enormously beneficial in preparing budget presentations to increase resources, and as a blueprint for management reform when he took over the office. According to Gary, "After the first report we got increases on par with the prosecutor's office. After the second report we surpassed them." For general information about NLADA's evaluation, visit [www.nlada.org](http://www.nlada.org).

## Conference of Chief Justices Issues Resolution Opposing "any attempt by Congress to impose on state courts standards related to the competence of counsel"

As the Innocent Protection Act is winding its way through Congress the Conference of Chief Justices has issued a resolution on "DNA Testing and Competent Counsel." While reaffirming "interest in working cooperatively with the federal government to adequately fund defender programs in capital cases," the Resolution opposes a key provision of the act calling for uniform standards. Premised on concerns about "contravening principles of federalism and inappropriate federal involvement in state court proceedings," the Resolution also "opposes provision creating any new federal cause of action that would compromise the independence of the state judiciary."