

# An Update For and About The AMERICAN COUNCIL of CHIEF DEFENDERS EXECUTIVE

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## Summary

August 2002

### ACCD MEETING NEWS

## September Meeting To Focus on Quality, Resources and Reform

It is not too late to register for the next ACCD meeting, which will be held in Austin, Texas from September 17 - 19, 2002 at the Omni Hotel. Go to [www.nlada.org/training](http://www.nlada.org/training) to get a copy of the registration form.

As always, the Texas meeting is designed to maximize the sharing of information and ideas among indigent defense leaders from across the country with the goal of peer-to-peer help in running and improving your program and increasing defender impact on local and national criminal justice policies and practices. For the first time, several different events will overlap with the ACCD meeting, including a National Defender Leadership conference and the "Forum on Cost-Effective Indigent Defense Systems in Texas." Thus there will be even more than the usual opportunities to learn from the collective experience of other leaders; to hear about trends that are sweeping the country so you can be prepared for them before they arrive in your jurisdiction; and to get important news and information on potential funding sources and recent events at the national and local levels.

Topics for the Austin meeting will include: providing misdemeanor representation after the United States Supreme Court decision in *Shelton*; obtaining resources during these difficult fiscal times for state and local jurisdictions; private bar-public

defender collaborations to increase funding and improve representation; community initiatives that can help your office; and planning for next year's *Gideon* anniversary and congressional trips to Washington. You will have an opportunity to shape an exciting new program through which defenders will be able to receive training and support from some of the nation's leading experts on immigration law as it applies to your clients.

You will hear about a new Council of State Governments report that contains model policies and practices for dealing with persons with mental illnesses in the criminal justice system and get information on a potential new Department of Justice (DOJ) grant program that would be available for defenders to fund innovative programs. And you will learn what DOJ

*continued on page 2*

### NDLI Debuts Its Second Core Leadership Training Event

## "New Leadership: A Defender Conference on Building Leadership and Political Outreach Skills" Begins September 18 in Austin, Texas

The second conference offered by the National Defender Leadership Institute (NDLI) is about to take place in Austin, TX from September 18 to 21. The faculty has designed a very unique leadership training experience for defender and assigned counsel leaders. Like the successful "Nuts & Bolts of Leadership and Management" conference, this training will not consist of panels of 'talking head' presenters. This is going to be an entertaining, highly interactive and valuable leadership training program. Defender participants will be asked to move around, take simple "tests" to help identify leadership

strengths, coach one another in small groups, and then write their own action plan on something they wish to change or improve in their inside their offices or in their community.

The number of participants for this training will be significantly smaller than Nuts & Bolts so that each participant will have plenty of attention as they develop their individual leadership skills and construct their plan of action to make the strongest impact at home. Each participant will be assigned to a Core Learning Team with one faculty facilitator where they

*continued on page 2*



The American Council of Chief Defender (ACCD) is dedicated to securing a fair justice system by advocating sound public policy and ensuring quality legal representation of indigent people facing a loss of liberty or accused of a crime. The ACCD is a section of the NLADA. ACCD membership is open to chief and deputy chief defenders of state, county, local and federal defender systems and programs in all 50 states, the District of Columbia, Puerto Rico, American Samoa and the Virgin Islands.

## ACCD Meeting News

*continued from page 1*

and the Council are up to in the area of “Reentry” (of clients into the community from prison).

### Get help on a “Leadership Challenge!”

The Austin meeting will feature a new opportunity for chiefs to get help from peers on issues that you are facing currently. In the past, brainstorming sessions were organized at the meetings on topics that people presented when they arrived. Participants in the September meetings also have an opportunity to submit a topic that they would like assistance with in advance of the meeting. Adapted from the highly successful format utilized in the “Nuts & Bolts of Leadership and Management” conference, a “Leadership Challenge” focuses small-group attention on a particular problem or initiative that you are struggling with presently. It’s not too late to submit your Challenge. You can get a copy of the form from the NLADA web site or by contacting Steve Stall (s.stall@nlada.org.)

**The toolkits are coming!** Meeting participants will be the first to receive the new NLADA “Indigent Defense Communications Toolkits.” Based upon research that began in 2000, the toolkits have resources specially designed to help you communicate more effectively with the media, community members and legislators to secure their support for the work you do. The toolkits contain items such as a sample letter to the editor, press advisory, “op ed,” letters to policy-makers and community leaders. It has short, accessible pieces on “Writing and Placing Op-Eds” and other tools that have been found to be particularly instructive, yet easy for busy people to read and replicate. One particularly exciting feature of the toolkit is a “postcard” which contains a powerful public education message about the importance of public defense. The “postcard” will be provided on a CD that will allow you to imprint the card with your organization’s contact information, and instructions on how to reproduce the card for your own dis-

tribution. Toolkits will be distributed for free at the Austin meetings and the NLADA Annual Conference. After initial supplies are depleted they will be available to NLADA members at cost.

**Focus on Texas:** ACCD members voted to hold a meeting in Austin this year to take advantage of members’ collective experience to support Texas’ indigent defense reform efforts. The ACCD’s Executive and Emerging Systems Committees have helped to shape a series of panel presentations aimed on various types of models for providing quality representation. The “Forum on Providing Cost-Effective

Indigent Defense in Texas” will begin Tuesday morning in the State Bar building, a short walk from the Omni Hotel. (The ACCD meeting begins in the afternoon.) Panels will focus on urban defender programs, assigned counsel and contract programs and providing indigent defense in rural areas. Please contact Jo-Ann Wallace (tel. (202) 452-0620, ext. 206) if you would like to participate on one of the panels or for more information on the free forum.

(Editor’s note: Legislation passed in Texas last year that created state oversight of indigent defense for the first time. Guided by a newly appointed “Task Force” each county is required to develop a plan for providing indigent defense that meets certain standards.)

## NDLI Debuts Its Second Core Leadership Training Event

*continued from page 1*

will work through each person’s “Strategic Challenge.” The Strategic Challenge is a written document that each leader composes beforehand. Each participant will identify their strongest leadership traits, identify people who can assist them inside their office, and learn techniques to facilitate relationship building among staff and outside organizations.

Conflict management techniques and facilitation skills will be emphasized with the goal of improving participants’ “political” outreach skills inside and outside of their offices. Participants will have the opportunity on the last day to learn how to build unlikely cross-sector alliances; how defenders can explore new advocacy frontiers through regularized community interaction; and how to advance clients’ causes using messaging and storytelling.

By the end of the program, New Leadership participants will be able to:

- identify and articulate their personal leadership strengths;
- motivate, energize and build networks inside their office to further a shared vision;
- identify current challenges and apply effective leadership practices within their organization;
- build strategic alliances and relationships outside their offices;
- develop strategies to build and maintain these relationships; and
- write an action plan for building unlikely alliances to engage the attention and respect of other agencies in the criminal justice system and community-at-large.

The faculty, several of whom are professional trainers in innovative organizational practices, communication techniques and conflict management training, will be available to meet with participants throughout the training. Listening, sharing ideas, and providing constructive advice to team members or other defender participants will also be a significant portion of the learning experience. Change is in store for all of us working in indigent defense. Defenders need to take the lead in directing how this change will play out in each community, so send managers, send a deputy, and send yourself to next month’s “New Leadership” training in Austin!

## THE WORD FROM WASHINGTON

### ACCD's February Congressional Visits Spur Action on Loan Forgiveness and Other Legislation

Legislation authorizing student loan forgiveness for public defenders is on its way to the floor of the U.S. Senate, thanks to ACCD advocacy. The measure would allow loan forgiveness for public defenders (defined to include full-time attorneys in a nonprofit defender organization operating under a contract with a state or local jurisdiction), for both Stafford and Perkins loans. The loan forgiveness provisions were contained in the Innocence Protection Act, which provides federal grants to states to improve their capital defense systems and defines a constitutional right to post-conviction DNA testing.

Loan forgiveness figured prominently in the ACCD's February conference in Washington DC, in which one entire day was devoted to congressional visits. Illinois State Appellate Defender Ted Gottfried and Cook County Public Defender Rita Fry met with Senator Dick Durbin, who had already introduced legislation equalizing public defenders with prosecutors for Perkins loan forgiveness, and persuaded him to introduce broader legislation allowing both prosecutors and public defenders access to forgiveness of their student loans under the Stafford program (the type most commonly used for law school). It was Durbin's amendment, drafted in consultation with NLADA staff, which was approved in the Innocence Protection Act by a 12-7 vote in the Senate Judiciary Committee on July 19.

For Stafford loans, an attorney who commits to serve at least three years as a public defender (or a prosecutor) would be able to receive up to \$6,000 per year in forgiveness, up to a total of \$40,000 per attorney. For Perkins loans, the bill would equalize public

## ACCD COMMITTEE NEWS

### Legislative Committee is Mobilized

Following Senate Judiciary Committee action on loan forgiveness and the Innocence Protection Act, the Grassroots Legislative Network of ACCD/NLADA has leapt into action. The nation was divided into six regions, with a volunteer regional coordinator designated for each. The regional coordinators have fanned out to recruit state-level coordinators in each state in the region, whose job is to mobilize grassroots contacts with key Members of Congress in support of both the loan forgiveness measure and the Innocence Protection Act. NLADA prepared briefing papers and sample letters to Congress, which were sent to state coordinators and posted on NLADA's Web site. Large numbers of congressional contacts have been reported during Congress's extended August recess, when legislators are in their home districts and particularly accessible and receptive to constituent input. If you would like to volunteer to be a state coordinator please contact the appropriate regional coordinator or Scott Wallace ((202) 454-0620, extension 212 or s.wallace@nlada.org.) Contact information for the regional coordinators is on NLADA's Web site at www.nlada.org.

### Problem Solving Courts Committee Gets New Chair

Lisa Schreisberdorf, public defender director in Brooklyn, has taken over as the chairperson for the ACCD's Problem Solving Courts Committee. The previous committee chair was Cynthia Jones, who recently took off her "chief's hat" as the Director of the Public Defender Service for D.C. to teach at American University School of Law. As a member of the Problem Solving Courts Committee Lisa worked with Cynthia, NLADA staff and others to create the ACCD's "Ten Tenets of Fair and Effective Problem Solving Courts," a document written to address defenders' growing concerns about unfairness in the operation of drug courts and other so-called "specialty" courts. Chiefs have used the "Ten Tenets" to fight for fairer courts and to promote defender inclusion in the planning of such courts. The Tenets have also been incorporated into proposed congressional legislation that would provide grant money to promote model programs in the states for dealing with persons with mental illness in the criminal justice system.

If you have ideas about new projects for the committee or would like to join as a member contact Lisa Schreisberdorf at (718) 254-0700 or Jo-Ann Wallace at NLADA ((202) 452-0620, extension 206 or j.wallace@nlada.org).

**Welcome new chiefs:** Over the past twelve months a number of new chiefs have taken over defender programs: Congratulations to: **Marcus Cooper**, new at the helm of the Clark County Public Defender Office in Las Vegas, Nevada; **Chris Keating**, who now leads the New Hampshire Public Defender system; **Lamar Mills**, head of the Northwest Defenders Association in Washington; **Ron Sullivan**, now directing the Public Defender Service for Washington, DC; **Jon Tonaki**, new chief in Hawaii, and to **Mathew Valerio**, Defender General for Vermont. Welcome to the chief defender network!

**Kudos to** Philadelphia chief defender and past NLADA Board Chair **Ellen Greenlee**, for receiving the Philadelphia Bar Association's prestigious Sandra Day O'Connor Award for her career-long commitment to support women in the bar. Ellen is the first award winner who is not a member of the state or federal judiciary and who is not from the large-law-firm world \*\*\* **Marshall Hartman**, former Director of NLADA's Defender Division and Vice Chair of NLADA's Defender Policy Group, now Director of the Capital Litigation Division in the Illinois State Appellate Defender Office, for receiving the coveted 2002 Thomas H. Morsch Public Service Award from the Chicago Bar Foundation \*\*\* **Overton Pollard**, **Richard Goemann** and others in Virginia for their successful work in support of a legislative call for a statewide indigent defense study \*\*\* **Christie Hedman**, **Bob Boruchowitz** and other Washington folks for successful passage of legisla-

## GET AUDITED

## San Bernardino PD Office Gains Staff, Budget Through Management Audit

**A**CCD Co-chair John Stuart, Minnesota's Chief Public Defender, wrote an article in NLADA's *Indigent Defense* a few years back, called "Common [Dollars and] Sense: Seventeen Strategies for Good Relations With Indigent Defense Funders." Tip number 17 was "Get Audited: Being audited is painful, but it leads to a list of improvements that can be made in a defender agency, things the defender might not have thought of. Doing the improvements lets a defender brag to the funders about management efficiencies, running a tight ship, and so forth."

Just such a management audit of the Public Defender Office in San

Bernardino, California, by NLADA in late 2001 has had a significant positive impact on both budget and attorney staffing, according to Chief Public Defender John Roth. After the audit, which recommended increases in attorney staffing and changes in management structures, attorney head count rose from 85 to 107. Roth projects full staffing will require another six attorneys, plus support staff to go with the first 22 attorneys. The Office's budget rose approximately \$5 million, from \$12 million before the audit to \$17 million after.

Roth and the office's Administrative Deputy, Ray Salvador, credit the NLADA audit with making county

officials "aware of the needs of the Public Defender Office." Despite major budget woes in California in 2002 (counties rely significantly on state reimbursement for criminal justice expenditures), Roth and Salvador note that while their office budget remained flat for 2002, other county agencies fared far worse, losing both budget and positions.

Using management reforms suggested in the NLADA audit, they note that the cost efficiency of the county's indigent defense expenditures has increased significantly, particularly compared to the costs of assigned counsel and private contract lawyers.

## The Word From Washington

*continued from page 1*

defenders (defined the same as for Stafford loans) with the forgiveness benefit already available to prosecutors and law enforcement personnel - i.e., 100 percent repayment in return for five years of service.

The bill now awaits action by both the full Senate and the House Judiciary Committee when Congress returns from its Labor Day recess. More information is on the NLADA Web site, at [www.nlada.org/Defender](http://www.nlada.org/Defender).

At its February conference, ACCD members sought to educate Members of Congress on a variety of other issues organized around the theme of "Balanced Resources/Balanced Justice" for prosecution and indigent defense, with additional favorable results. The issue of training parity, presented by Congress spending tens of millions of dollars to build and run a national training college for prosecutors, is expected to be addressed in H.R. 2215, a bill authorizing operations for the Department of Justice. The bill has

passed both Houses of Congress and is in House/Senate conference, where an agreement has been reached to add a provision authorizing grants for training public defense providers as well as prosecutors. The bill is currently stalled over unrelated issues.

On another issue on which ACCD advocacy focused — the White House's proposed termination of the \$500 million Byrne Grant program, from which state and local defenders have obtained more than \$80 million in the last decade, to be replaced with a smaller program with more limited purpose areas — it now appears that the proposal has died in Congress. Defenders were joined by police and prosecutors in urging continuation of the Byrne program.

All participating ACCD members agreed that the congressional visits should be a yearly ACCD event. Planning for next year's meeting will be one of the topics discussed in the Austin ACCD meeting.

## ACCD Committee News

*continued from page 1*

tion reducing several (including some drug) offenses \*\*\* **Jim Wade**, federal public defender in Pennsylvania for following through on some of the information presented at the State-Federal Defender conference on "Quality Lawyering" to create a new social work position in his office \*\*\* **Michael Judge** for successfully interesting a Hollywood producer to create a TV pilot showcasing the great work that public defenders do \*\*\* and to **all of the Chiefs who traveled to D.C. in February to educate Congress about the need for "Balanced Justice."** The visits had a tremendously positive legislative impact and the word is that "Hill folk" were still talking the next day about the fact that "the Defenders were there!"  
 Editor's Note: Please share your news with your colleagues by sending an email to: [ExecutiveSummary@nlada.org](mailto:ExecutiveSummary@nlada.org).

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