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# Community Defenders in the 21<sup>st</sup> Century: Building on a Tradition of Problem-Solving for Clients, Families and Needy Communities

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Criminal justice practitioners and policymakers around the country have shifted their thinking. They now focus on solving specific problems by working collaboratively with communities. Consider the nomenclature used to describe the most recent justice activities: community policing, community watch, community prosecution, community probation, community corrections, and community courts. Collectively, these activities constitute the community justice movement.

The community justice movement aims at increasing collaboration with community members to bolster the work of police, prosecutors, defense lawyers, and the courts. Today, many groups of criminal justice stakeholders seek community input to improve the integrity of the process, protect the innocent, and help individuals solve the underlying problems that entangled them in the criminal process in the first place. These collaborative efforts can improve justice at many levels and help restore broader public confidence in our justice system.

In the midst of community justice activities popular among police and prosecutors, there is one group who has been engaged in problem-solving for individuals and poor communities even in the midst of serious budget constraints and little political support for their role in the system. These are lawyers committed to the cause of providing counsel to the accused who cannot otherwise afford it. These community-oriented defense lawyers broadly interpret the notion of what it means to provide "counsel." They do not measure their success in traditional terms, such as cost per case; nor do they embrace the current bare-bone standard of what constitutes effective assistance of counsel. Instead, they are concerned about the process and impact that the justice system has on their clients' lives, their families and on community life. The purpose of this article then is to raise awareness of the critical role that these defense lawyers for the poor have played – and continue to play – in communities; and to encourage other stakeholders to invite defenders to participate in community-justice policymaking sessions because they bring valuable perspectives to the table.

Too often the work of defense lawyers in community justice activities has gone unrecognized. Indeed, defenders are rarely invited to criminal justice policymaking meetings at the

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local, state, or national level even though defenders of the indigent have quietly initiated many community-oriented justice activities since the 1970s. During the past decade, however, a noticeable change has taken place at the national level. Attorney General Janet Reno deserves much praise for formally recognizing the critical role that defense lawyers play in achieving equal justice for all. She has taken a strong leadership role by setting high standards within the U.S. Department of Justice by acknowledging that the Department must take responsibility for protecting the defense function as well as the prosecution function.

Unlike most of her predecessors, Attorney General Reno has taken courageous steps to include the defense function in several Department of Justice policymaking discussions. The Attorney General has encouraged and supported the formation of the American Council of Chief Defenders (ACCD). The ACCD is the first national leadership body for public defense counsel, which provides the defender community with a platform equal to that of national groups of chiefs of police, prosecutors, and chief justices. Leaders within the Department of Justice have taken affirmative steps to educate and encourage other criminal justice stakeholders to include defenders in policymaking, legislative debates, in problem solving in poor communities, and trying to ensure parity for Federal grant awards. This administration has ensured channels of access at the highest levels for ACCD and others deeply concerned about the quality of defense representation throughout our justice system. Most significantly, Attorney General Reno has constantly encouraged greater collaboration between defenders and police, prosecutors, judges, and corrections officials. Indeed, she was the motivating force behind two historic National Symposia on Indigent Defense organized by the Department of Justice that furthered collaborative programming nationwide.

In February of 1999, the U.S. Department of Justice held its first National Symposium on Indigent Defense entitled "Improving Criminal Justice Systems Through Expanded Strategies and Innovative Collaborations." Attorney General Janet Reno stated that

never before in the history of the U.S. Department of Justice (DOJ) has there been a meeting like this historic national symposium on indigent defense. . . . Indigent defense is an equally essential element of the criminal justice process, one which should be appropriately structured and funded and operating with effective standards. . . . Our system of justice will only work, and will only inspire complete confidence and trust of the people, if we have strong prosecutors, an impartial judiciary, and a strong system of indigent criminal defense.<sup>1</sup>

Those who attended this first conference recognized that indigent defense services providers are an invaluable component of a fair criminal justice system. They also recognized that much more collaborative work must be accomplished to make *Gideon* a reality for all. The second national symposium on indigent defense, "Redefining Leadership for Equal Justice," was held in June of 2000 in Washington, D.C. Over five-hundred participants arrived in teams representing all fifty states. This second symposium revisited themes from the first symposium and raised new challenges facing indigent defense service providers.<sup>2</sup> The challenge, then, is to explore the real meaning of "collaboration" in order to avoid use of empty rhetoric, and to try to identify tangible benefits of this community justice movement.

#### **A. Collaboration is the Crux of Community Justice**

Whether police, prosecutors, or court administrators herald these community justice initiatives, each one is grounded in the idea of increasing collaboration with members of a specific community. A common problem in all of these efforts is the ability to identify the voice and legitimate concerns of a community. How does one identify the community's concerns? Who speaks for a community? Should stakeholders listen to only the most vocal community voices (i.e., the squeaky wheels)? Or, is it better to seek out many voices including customarily 'silent' community voices? Some of these questions have been raised by policymakers, lawyers, and activists as community justice initiatives spread.

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There are no easy answers. To be consistent, however, with democratic principles that underscore our justice system, the best community justice innovators seek out many voices and solicit alternate views before deciding what is best for a community. The defense voice, therefore, can be a source of alternate ideas and provide valuable perspectives on community problems.

Public defense lawyers hold a unique vantage point in the criminal justice system. Particularly in poor communities, public defenders work closely with individual clients, talk to families regularly, and interact with community leaders to seek solutions to problems that impact their client's lives. Defenders have access to singular communication links inside communities that may not be available to police and prosecutors. Any information that defenders provide at the community justice policy-making meetings is subject to attorney-client privilege and ethical constraints.

Nevertheless, defenders' broader and often more creative perspectives on community problems can be invaluable. As prosecutors and police evolve their community justice policies, it is imperative that a public defense representative be invited to collaborate. Building trust among all stakeholders is key to the long-term success of any new justice initiative.

At the very least, the defense voice should be sought-out for early comment upon new strategies or programs. Early inclusion of the public defense voice can prevent costly legal or political challenges down the line. For example, the most successful drug courts were created through system-wide collaborative efforts where public defense lawyers were invited to participate fully (i.e., not asked to rubber-stamp predetermined procedures). In the growing number of specialized courts, defender buy-in is important from the inception; otherwise, collectively, defenders could circumvent these innovations by moving their cases only into traditional justice avenues. Defenders are more prone to counsel their clients to enter a problem-solving court if the defense community has participated fully in the creation and implementation of the institution. Many defenders want to participate in any legitimate

initiative that aims to help individuals, promote safety, and ensure fair justice for those living in socio-economically deprived communities.

## **B. What is Community Justice Collaboration?**

Collaboration means building consensus among groups or individuals who occupy different roles in the criminal justice system and larger society. Consensus building, however, does not mean reaching complete agreement. Rather, it means identifying a problem, agreeing to seek a collective solution to that problem, and coming to terms with differences by respecting the varying roles each party should protect. In successful collaborative efforts, each party makes a commitment to pursue a long-term plan of action to achieve a stated goal or set of goals. This means each party holds the other accountable over the long haul.

Sustained, collaborative teamwork is the most effective strategy to confront difficult social problems plaguing socio-economically deprived communities where the justice system is both needed and mistrusted. Among the most complex issues facing criminal justice stakeholders are racial profiling, sentencing disparities, police brutality, and the disproportionate impact of laws and constant barrage of legal regulations impacting the lives of poor and minority groups. A defense perspective can provide early warnings about deeper systemic problems, which may not be readily apparent to prosecutors, police, or criminal justice administrators.

Specifically, defenders can help prosecutors and judges become aware of biased practices or identify the few 'rotten-apples' before they evolve into full-blown scandals. The defense voice, therefore, should be taken seriously because this perspective provides unique insight into complex issues especially when law enforcement groups convene to fix system-wide problems.

Flexibility is another necessary element of successful collaborations. Solutions to problems often shift over time as conditions change and people learn more about the problems. Some of the most creative collaborations have aligned disparate groups to achieve a common mission. Building networks with traditional allies as well

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as unlikely allies at the local, state, and national levels opens the door for more creative problem-solving in communities. Successful collaborations draw parties together from many different groups who work in creative ways to pursue all types of activities such as public education programs, lobbying for funding, changing inequitable laws and enforcement procedures, or simply making space for community members to raise their concerns about fairness in the justice system.

Collaboration requires openness to creative solutions and allowing people to expand beyond their traditional roles. Defense lawyers, criminal justice stakeholders, and non-profit organizations are becoming much more creative in their collaborative efforts to improve justice. Public defenders and assigned counsel have found unlikely partners to align with on particular issues to achieve legislative and media successes. In local coalition-building efforts, defenders have found that faith-based communities and religious leaders carry considerable influence, and are willing to help develop and implement programs to help their communities. Although each collaborative effort must be tailored to meet the needs of a specific locality, there is shared understanding that different people within the criminal justice system can help to improve access to other services and work together to correct well-known problems that typically envelop a criminal case such as mental illness, addiction, housing or employment problems. A fair and efficient criminal justice system integrates an array of social service operations into both prosecution and defense services.

### **C. Examples of Community Defenders: Building on a Tradition of Problem-Solving for the Accused**

Like their counterparts in the system, public defense service providers have initiated a wide array of community justice activities and community collaborations. These include services that supplement traditional legal representation approaches or extra-legal services. For the past 35 years, public defense lawyers have initiated an array of community education programs, organized community meetings around pressing issues, and tried to build trust by reaching out to

individuals and families in the communities where they work. Although already overburdened by large caseloads and inadequate resources compared to prosecutors, much of this defender activity is initiated by defender volunteers or by defender managers who triage their limited resources because they perceive the long-time benefits (such as reduced recidivism) of providing extra-legal services to their client community.

Some track the community defense movement's beginning to the 1970s with defender support for social service collaboration and community activism. Professor Randy Stone, the director of University of Chicago's Legal Aid Clinic, reminds defenders of past efforts to further community justice and problem-solving initiatives.

The idea then and now is to expand the concept of lawyering to include solving the clients' specific legal problem while also addressing, for example, social service issues and/or community issues such as police brutality, crime prevention through alternatives to incarceration and public education. The idea, in late 80s vernacular, is that the public defender defends the public.<sup>3</sup>

Community defenders engage in traditional legal representation along with social-service support, policymaking and lobbying efforts, and community education or other outreach programs. Defense lawyers who do this work are generally not compensated for these extra-legal services, but engage in it because they know that community collaboration positively impacts individual clients' lives by opening doors, and holding them open, so clients can access services directly aimed at solving problems rarely addressed through traditional case representation. Community engagement provides defenders with access to community resources and updated information.

Public defense lawyers can collaborate without sacrificing their core role as diligent advocates. In fact, community collaboration often enhances the options a lawyer may zealously advocate. Community connections can help attorneys locate diversion alternatives or provide alternative dispositions to advocate before judges. Strong community partnerships can expand

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sentencing options, help steer clients and their families into effective programs, and build stronger support networks to help social service agencies that are under siege in needy communities.

Today, public defense lawyers are thinking even more creatively about their role in the system and expanding the meaning of effective public defense. They forge new partnerships, share information, and strategize about how to engage in multidisciplinary practices (e.g., hiring staff social workers or partnering with health experts). Some have initiated joint projects with police, prosecutors, and corrections officials to address specific problems facing communities such as mental illness or domestic violence. The remainder of this article highlights three different dimensions of community defenders' activities that are integral to today's community justice movement.

#### **D. Community Defenders Today**

Community defenders realize that for many of their clients the criminal case is often the least of their problems. Consequently, community defenders take a broad view of what it means to provide legal counsel. The *Strickland v. Washington*<sup>4</sup> standard that sets the lowest baseline for what constitutes effective assistance of counsel is insulting to many community defenders who regularly engage in zealous advocacy and problem-solving for clients. In addition to traditional case litigation, community defense work can be placed into three general categories of activities: 1) whole client advocacy; 2) policymaking and political lobbying on criminal justice issues; and 3) community outreach and community education. Each dimension of community defense is discussed in turn.

##### **1. Whole-Client Representation or Holistic Advocacy**

For community defenders, providing counsel means much more than investigation, trial preparation, or plea-bargaining. In today's legal climate and limited judicial discretion, effective counsel demands more than presenting case facts in court. The 'whole client' condition is central to effective case resolution, particularly because

most cases never proceed to trial so that sentencing arguments are often the central focus of advocacy work. Thus, many defenders embrace a multi-disciplinary practice where they work regularly with trained social workers who assist in problem solving for the defense at all stages from initial client interviews to securing appropriate sentencing alternatives. A community defender appropriately views a case in the context of a client's life, family situation, and sometimes in terms of community problems. In contemporary idiom, this approach to lawyering is sometimes called holistic advocacy or holistic representation.<sup>5</sup>

Holistic advocacy means that defense lawyers inform prosecutors and judges about the larger context of a case in terms of a client's life, a family, and the surrounding community. Individual representation takes on a new meaning because the emphasis is on the person not the case file. The goal of such contextual advocacy is to use the trauma of a criminal arrest to improve an accused's life conditions and thereby reduce recidivism. A whole-client defense strategy is to first examine the client's internal problems such as personality disorders, mental illness, addiction, learning disabilities or anger management issues. A holistic approach next considers the offender's family situation and tries to identify sources of these problems with the help of other trained professionals. These whole-client counselors address these problems, including abuse and other family dysfunction, to try to prevent future breaches of the law and to smooth the integration back into the community. Ideally, community defenders try to find resources to stabilize a client's life such as effective counseling services, assisting with educational or employment needs, and possibly helping an eligible family access government assistance and community programs.

Successful whole-client counseling programs often rely on community participation, which reinforces the links that legal service providers have to communities. For example, James Henning, Executive Director of the Metropolitan Public Defenders Office in Portland, Oregon, has consistently relied on the services of people in his community to support Portland public defenders in trial preparation, plea negotiations, and at

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sentencing hearings. Liaisons between trial lawyers and social work programs are critical. Non-lawyers in the public defender office identify programs that are effective and build contacts with people in other disciplines. Portland public defenders hire Legal Assistants and Outreach Coordinators from the community to help expand the scope of services and find alternatives in providing defense representation. Mr. Henning states their community-centric philosophy in the following way:

We think that everyone can be a Legal Assistant with the right training and support. We have had newspaper reporters, nuns, bartenders, college professors, high school dropouts and homemakers work in our office as Legal Assistants. . . . We find mentors from local churches to work with our clients, which judges and court administrators find appealing.<sup>6</sup>

Whole client or holistic advocacy only works if community social services and treatment programs are integrated into case representation and long-term, problem-solving strategies.

#### **a. Defenders Anti-Violence Initiatives and Anger Management Programs**

Innovative indigent defense service providers are thinking strategically about ways to improve public safety by reducing recidivism and community victimization. The Miami-Dade County, Florida Public Defender's Office, for example, began an anti-violence initiative (AVI) with defender-community collaborations designed to help clients lead law-abiding lives. The initiative develops diversion programs and sentencing options and expands access to effective treatment. AVI improves public safety and reduces the number of victims by expanding the role of public defenders. The Dade County program is based on a public health model that incorporates social services and treatment programs into client representation. Such an approach restores balance and improves the decision making of an accused and their families.

Anger management courses are increasingly popular in court dispositions. For example, the San Diego Public Defender's office works closely

with St. Vincent de Paul's life skills program to implement alternative sentencing programs that include anger management classes. Anger management and impulse control programs can also be effective for mentally disturbed clients. Working with forensic social workers who conduct basic mental status exams and non-official multi-axial assessments, defenders are able to counsel mentally ill clients more effectively and to find alternative treatment dispositions. They can also help identify potentially violent clients who may harm themselves or others due to the lack of adequate treatment, monitoring, and drug therapy. A client who receives substantial help addressing the core of his or her problems is less likely to be a repeat offender or to commit a more serious offense.

#### **b. Employment Assistance as a Part of Community Defense**

Perhaps the most notable aspect of community defender work is the willingness on the part of defenders to seek the counsel of other professionals to improve the chances of restoring a client to membership in the community. Many public defender offices have improved the employment prospects for their clients by developing and building on their community contacts. The Washington State Defenders, for example, in collaboration with other government representatives, developed a plan to prevent vehicles from being impounded in proceedings where drivers were charged with driving without a license, so that most could eventually earn back their drivers license in order to preserve jobs or seek employment opportunities. At first glance, this may seem like a problem affecting only a few people, but the impoundment issue was disproportionately affecting members of poor communities<sup>7</sup>. With collaborative efforts organized by the public defender's office, the Seattle coalition proposed viable alternatives for defendants, such as diverting cases to community service plans, rather than fining people unable to pay court fines. The program has been quite successful and is receiving national recognition.

Another example of whole client representation occurs when defenders assist clients in dealing with criminal records for minor

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offenses that prevent them from seeking job opportunities. A common problem among thousands of unemployed individuals with prior convictions is that they fear seeking job interviews, or are technically barred from pursuing certain opportunities. In California, the Sonoma County Public Defender office offers the service of defense lawyers to expunge criminal records of former misdemeanants. Public defense lawyers file successful petitions for expungement of prior convictions, which allows clients to check the "no" box on employment applications that inquire about prior convictions. The program has been received well by judges, court administrators, and community members. To date, the Sonoma County Public Defenders have completed over 600 expungement petitions, and a high percentage of these clients have returned to work.

In light of the success of this defender program, the Human Services Department has awarded a grant to assist the program and the Welfare-to-Work program officials have endorsed it. Volunteer public defenders also run a program to help welfare recipients expunge their criminal records or apply for a certificate of rehabilitation to qualify for jobs. These are just a few of the community-based, problem-solving strategies that benefit communities by returning offenders, who have fulfilled their debt to society, as productive members of their communities.

## **2. Defender Collaborations: Public Policy Making and Lobbying on Justice Issues**

A second dimension of community defense is proactive policymaking and lobbying on substantive criminal justice issues. Traditionally, prosecutors have been far more active in lobbying and policy making on criminal justice issues than public defenders. Over the past two decades, however, public defenders and assigned counsel have recognized that the defense perspective needs to be more visible in policy making. Defense service providers increasingly see a role for themselves, particularly in light of past legislative reforms, that have impacted the discretion of judges at sentencing, including mandatory minimums for non-violent offenders,

three-strikes laws, and other policies that have significantly raised incarceration rates nationwide.

Community defenders see it as a matter of parity that legislators and criminal justice policymakers recognize both the defense and prosecution perspective. Increasingly, defenders are testifying at legislative hearings at both state and national levels. In some states, defense lawyers have become valued participants in policy making and public education because they often add different perspectives to justice debates due to their close contact with clients and their families. Defenders often highlight potential procedural or constitutional pitfalls of new laws or policies. Unfortunately, in some legislative arenas the defense perspective is still not valued or even silenced, in the deliberative process.

As state and federal legislation has impacted defenders' clients and case outcomes, more defenders acknowledge that to be effective advocates they need to become proactive speakers and leaders in the political process. The San Diego Public Defender, for example, serves on the Domestic Violence Council and as chair of Council's "Treatment, Evaluation, and Monitoring" committee, a group that has oversight over court-ordered, mandatory domestic violence programs. The San Diego Public Defender's office leads this collaborative effort to evaluate and monitor the success of these community programs. Defense lawyers from the San Diego Public Defender's office also helped draft and implement a new law that provides for GED or equivalency training as part of probation for their clients.

Other defender operations are building local and national networks to share information and to collaborate to monitor policies, laws, and other political activities. The Vera Institute of Justice's National Defender Leadership Project (NDLP) has created a national network of defender managers and academics interested in improving management, communication, and leadership skills in the defender community. The Boston Youth Advocacy Project (YAP) defenders have teamed up with the Children's Law Center of Massachusetts to create the "EdLaw Project" to work more closely with parents, youth workers,

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and other lawyers to improve schools and educational advocacy in Boston. YAP has recently been the catalyst for the founding of the Roxbury Network, which is a network of youth and community development agencies in Roxbury designed to promote issues and monitor legal developments. The YAP staff has coordinated the creation of an educational advocacy coalition, consisting of all of the major educational advocates and trainers of advocates in the Boston area. In short, community defenders see their lawyering role as one that should assist policy makers and law makers directly to improve the criminal system at every level.

### **3. Examples of Defender Activities in the Community**

The third dimension of community defender activities is focused directly on services and programs for their client communities. Public defense lawyers see their role as one that furthers community welfare in a variety of ways. Service activities and education programs are the most popular approaches.

#### **a. Community Education**

Community defenders engage in a wide array of community education programs that can last anywhere from a day to a year-long program. Defenders are teaching in public schools, community centers, senior citizen centers, jails, and local colleges. The San Diego Public Defender's office initiated a community-oriented effort called the 'Literacy Project' that teaches community members how to read. Another form of community education program run by defenders focuses on local college students and professionals from other disciplines who encounter the defenders' clients in the regular course of their profession. In California, for example, the Sonoma County Public Defenders conduct in-house training sessions for the medical staff of a local acute care mental health facility. They instruct on the rights of the mentally ill and proper legal procedures governing involuntary patients. At the same time, other Sonoma Public Defenders volunteer to teach classes in the Administration of Justice Departments at Santa Rosa Junior College or Sonoma State College. These defenders try to bridge the gap between

academic discourse among colleagues and criminal justice in practice. Across the nation, an increasing number of public defenders commit hours of volunteer time teaching courses such as "Street Law" or other law-related education courses in grade schools, high schools, community centers, and senior centers. Many defenders and social workers have enlarged their circle of support by building professional relationships with existing education programs and community employment agencies. Although empirical data measuring the effectiveness of these programs has not been collected, community members and education professionals have responded positively to these defense lawyer initiatives. Both defenders and prosecutors who teach in communities know they will need legislative and financial support to institutionalize these worthwhile educational and employment training programs.

#### **b. Community Outreach**

In community outreach programs, defenders address particularly volatile issues, such as race and class in society and disparities in the criminal justice system. Washington State Defenders, for example, work closely with lawmakers and public policy experts to counter socio-economic disparities and improve race relations through their Racial Disparity Project, instituted by Robert C. Boruchowitz. In 1999, the Defender Association secured a Bureau of Justice Assistance grant to implement recommendations of the Minority and Justice Commission to modify laws, legal practices and policies that may disadvantage some racial groups in their community. The work includes education, both within and outside the defender community, and assistance to defense attorneys on motions that may implicate racial issues, such as profiling. The project has sought input from community groups, judges, prosecutors, police, and private practitioners as well as from defender staff and board members. This defender team is also working closely with the Seattle police and the King County Sheriff to develop data concerning stops and arrests so that the dialogue about race, class, and police relations can be grounded in accurate information. This is one example of defenders who are working for larger systemic

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improvements. Similarly, in a New Orleans housing project, the St. Thomas Community Law Center, lawyers and public defenders work with community members to protect the rights of each resident. They try to improve justice from an anti-racism and community self-determination perspective. Collaborative work with civil and criminal lawyers operating within a network of other community-based service organizations is the key, building relationships of trust between a community and justice system officials who were previously distant or inaccessible. Innovative community prosecutors and community defenders understand that even the poorest communities have many assets and human resources that can help build collaborative programs and improve relations with criminal justice stakeholders.

Community outreach initiated in good faith, that values trust and is consistent over time can impact positively many members of a community and the lives of criminal justice officials. Community defenders report that they find their jobs much more rewarding when they can represent a client in a legal case and also collaborate with other professionals to solve the deeper problems in a client's life or the life of a community.

#### **Conclusion: Defenders Want to Collaborate in Community Justice Initiatives**

Community defender offices are like community prosecution offices in that they both seek to collaborate with community spokespeople to improve justice and the quality of life for community members; but there are significant differences. In the defender world, a client's expressed interests come first. Unlike prosecutors, individual clients are assigned to defense lawyers who will serve as their legal representative in many capacities from bail hearings through post-conviction hearings or record expungement. Public defender relationships with clients, families and the broader community can be long-term and quite complex. Defenders often hear from clients or their families long after the case files have been stored away and prosecutors or judges have moved on to hundreds of other cases. These long term connections in the surrounding community can add stability to a needy community. Defense

lawyers, such as those who work at the Neighborhood Defender Service of Harlem, explain that over the years community members have begun to see the community defender office as a safe-haven where anyone can seek advice or simply express concerns about police conduct, treatment of the mentally ill, fairness in the justice system or voice other community concerns. Defense lawyers who represent those unable to afford counsel have developed special connections to clients, their families, religious leaders, and community members whose voices are often not heard. These connections and intimate knowledge of community problems that cycle through needy communities are important to bring to the community justice policymaking tables. Prosecutors and police alone cannot develop a full sense of a community without trying to understand the other sides' perspective.

Defense counsel who see their role broadly want to collaborate in more community justice initiatives and are capable of finding creative solutions to solve existing problems. As support builds for community prosecution and community policing, community defender initiatives also need support, especially in each of the three categories: whole client representation; policymaking and lobbying on justice issues; and, community education programs. Providing support for each of these three dimensions of community defense is the best way to acknowledge the vital role that zealous defenders play in ensuring fairness at every level of our justice system. In this decade, it has been extraordinary for public defense leaders to be acknowledged formally and to have their collaborative efforts supported at the highest levels of the U.S. Department of Justice.

When the new administration takes office, defenders are hopeful that more collaboration will be encouraged, that defenders will have a leadership role in the community justice movement given their history, and that defenders will be invited to participate fully in criminal justice policymaking with the endorsement of Department of Justice officials. As our system and laws change and new problem-solving courts are created nationwide, it is critical that defenders participate in the deliberative process because a legitimate democratic criminal justice system

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embraces alternative perspectives during times of change, particularly when the goal is to further community justice for the poor. ♦

1. Message from the U.S. Attorney General, Report of the National Symposium on Indigent Defense, "Improving Criminal Justice Systems Through Expanded Strategies and Innovative Collaborations," Feb. 1999, at xiii.
2. National Symposium on Indigent Defense 2000 "Redefining Leadership for Equal Justice," June 29-30, 2000, Washington, D.C. (published conference report forthcoming).
3. Professor Randy Stone, Director of the F. Mandel Legal Aid Clinic at the University of Chicago (quoting remarks at the Executive Session on Public Defense, March 23, 2000, John F. Kennedy School of Government, Cambridge, MA).
4. 466 U.S. 668 (1984).
5. See e.g., Bennett H. Brummer, *Community Partnerships, Holistic Advocacy through a Public Defender Anti-Violence Initiative*, 3 Indigent Defense 1 (National Legal Aid & Defender Association Newsletter), May/June 1999.
6. Telephone Interview with James Henning, Executive Director, Metropolitan Public Defender Office, Portland, Oregon (April 10, 2000).
7. Final Report of the National Symposium on Indigent Defense Systems 2000 "Redefining Leadership for Equal Justice," June 29, 2000 Washington D.C. (*Workshop I: Criminalization of Poverty: Collaborative Strategies to Respond*).

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Ms. Clarke completed her S.J.D. degree at Harvard Law School in the spring of 1998 after spending six months of field research in the South African criminal courts. Prior to arriving at Harvard, she was an Associate Professor of Law at Loyola University School of Law in New Orleans where she taught Criminal Law, Criminal Procedure, and Constitutional Law. While at Loyola, she founded and directed the Loyola Law School Street Law program (a community-based legal literacy program taught by law students in inner-city public schools and in a local prison) and the Louisiana Center for Law-Related Education.

Ms. Clarke has practiced and taught law abroad in various capacities over the past ten years. She studied at Tokyo University and worked in a Japanese law firm. Later, she taught criminal law and constitutional law in Cuernavaca, Mexico; Moscow, Russia; and, Budapest, Hungary.

A native of Washington, D.C., Ms. Clarke was Editor-in-Chief of the Law Review at Catholic University and clerked for the Honorable John A. Terry on the D.C. Court of Appeals. She was an E. Barrett Prettyman Law Fellow and clinical supervisor at Georgetown University Law Center's Criminal Justice Clinic where she also earned her first LL.M. degree and practiced criminal defense work in Maryland. Ms. Clarke researches and publishes in the area of criminal justice, ethics, and the right to counsel for the poor. Her current research project focuses on problem-solving approaches to criminal justice and the criminalization of mental illness.