



Welcome to our new ACCD Newsletter developed and produced by our ACCD National Voice Committee under the leadership of Chair Jana Heyd, Society of Counsel, Seattle, Washington and Co-Chair Mark Stephens, District Public Defender, Knoxville, Tennessee.

From Chair Ed Monahan

The American Council of Chief Defenders is a strong force nationally. We will be stronger this year. Our 2011 theme is “Rising Up,” connecting, balancing the scales and protecting America’s right to counsel. We know from our work in our jurisdictions that “The role of a leader is to help people face reality and to mobilize them to make change.” (Ronald Heifitz, *Leadership Without Easy Answers*, 1994). The advances in neuroscience reveal that the highest performing brains are those that excel at making connections. We know from our experience that those who excel at creating and nurturing relationships in their personal and professional lives succeed at higher rates than others who work alone or who are disconnected. Connections create a whole greater than the sum of the parts. The mystery and power of an emergent, complex system such as the brain makes possible the imagination, abstract reasoning, and human culture itself. Connections are enhanced in a healthy, nutrient-rich environment. In the brain that means good food and safe places for the developing person. In communities the nutrients are enacted values animated by a higher purpose, lived out by colleagues who support, challenge, and inspire by building coalitions, engaging communities and in communicating. That is the focus of ACCD in 2011.

Our Executive Leadership and Staff

As you know, we have a strong, resilient, visionary ACCD Executive Committee who are intent on making 2011 a good year for defenders:

- Ed Monahan, Kentucky, ACCD Chair, Chair of the ACCD Pretrial Release Workgroup
- Tim Young, Ohio, ACCD Vice-Chair, Chair of the new ACCD Membership Committee, liaison to ABA-SCLAID
- Jean Faria, Louisiana, new Chair of the Systems Development and Reform Committee
- John Stuart, Minnesota, new Chair Leadership and Development Committee
- Michael Tobin, Wisconsin, Chair, Best Practices Committee
- Jana Heyd, Washington, Chair National Voice Committee
- Doug Wilson, Colorado, at-large
- Gary Windom, California, at-large
- Avis Buchanan, Washington D. C., at-large, USDOJ liaison
- Paulino Duran, Sacramento, California, immediate past ACCD Chair
- Nancy Bennett, Massachusetts, Chief Deputy, at-large
- Mark Stephens, Tennessee, National Voice Committee Co-Chair, at-large

Our staff include:

- Ed Burnette
Vice President of Defender Legal Services
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2011 ACCD priorities

Defender Chiefs are not potted plants. We are intent on meeting our challenges and creating a better future. Our vision for the year includes these significant priorities:

1. Advance ACCD and ABA-SCLAID communication and collaboration;
2. Balance the scales to protect America's right to counsel;
3. Creation of a permanent federal structure that protects and supports the right to counsel;
4. Funding of necessary federal resources to support quality public defender services;
5. Provision of high-quality federally funded training for public defense managers, leaders and practitioners;
6. Improving the representation of defendants on pretrial release, immigration, mental health issues and the application of evidence-based

practices.

7. Policy statements on pretrial release and immigration and collateral consequences.

Join a Committee

We are only as strong as the members who are active. We have many involved. Some, however, have yet to sign up for a Committee. We all know that Committees are where our work is really done. We know we will only be as good as the strategic work done by our Committees under the leadership of the Chairs and Vice-Chairs. If you have yet to participate in a Committee, please contact the Chair and indicate your willingness. Most Committees meet once per month by phone.

Here are the Committee Leaders and their contact information, along with the focus of the Committee:

Systems Development and Reform Committee

supports development and reform of public defense systems

Jean Faria, Louisiana, Chair
JFaria@lpdb.la.gov
(225) 219-9305

Leadership and Development Committee

provides Leadership Education for Defender Chiefs

John Stuart, Minnesota, Chair
john.stuart@pubdef.state.mn.us
(612) 373-2728

Best Practices Committee

promotes best practices in leadership, management, and the administration of justice

Michael Tobin, Wisconsin, Chair
TobinM@opd.wi.gov
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National Voice Committee

speaks as a national voice for public defense

Jana Heyd, Washington, Chair
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ACCD Strategic Plan 2011

Organizations that succeed beyond expectations have a well thought out strategic approach to achieving goals, considering the challenges ahead. We have goals. Challenges abound. To get what we need in this environment we need a plan and a strategy. The ACCD Executive Committee updated the strategic plan at the January 2011 meeting. Here is our strategy for 2011:

- I. Leadership Development and Training Committee: To provide training and other tools to develop leadership skills within the public defense community
 1. Develop leadership education for both the NLADA Annual Meeting and ACCD Meetings,
 2. Identify and raise leadership and training issues in the defender community
 3. Seek funding and develop VERA Institute quality national defender leadership program (John Stuart has agreed to take the lead) in 2011 and have program produced in 2012
 4. Gauge leadership and training needs of chief defenders and, when warranted, collaborate with National Alliance of Indigent Defense Educators (formerly Defender Trainers Section) and/or NDLI to develop programs to meet the needs
 5. Develop education on right to counsel issues, including misdemeanor representation
 6. Develop web-based distance education where warranted. On Nov 22, 2010 Karl Doss and Phyllis Subin for the NLADA Trainers Section were asked to develop and produce a free Webinar for defender practitioners on pretrial release (with Lindsey Carlson); immigration (with Benita Jain); mental health (with Steve Bush); Karl will convene these groups.
7. Explore use of a list-serv, Facebook, Blog, NDLI group method of expanding leadership communication
- II. National Voice Committee: To speak as a national voice for public defense. Create a process for the chief's voice to rise, to educate the public, and to build access to national media, by developing and implementing a communications plan/process.
 1. NLADA staff, with Executive Committee guidance, to generate draft communications plan.
 2. Be responsive to indigent defense crisis by drafting support letters, op-eds, and reform letters to stakeholders
 3. Respond to all Gideon alerts
 4. Publish all communications
 5. Provide support to the Balancing the Scales campaign
 6. Link the public affairs voice with the legislative voice
 7. Achieve through development and implementation of communications and legislative strategies/plan
 8. Focus on one legislative goal annually (2011 – Balancing the Scales Campaign)
 9. Compile ABA 10 Principles, ABA 8 principles on Caseloads, and other system documents and distribute to stakeholders.
 10. Legislative strategy development led by staff on current legislative issues
 11. Maintain attention/focus on current legislative issues of interest to chief defenders
 12. Develop annual legislative agenda and work with national allies (i.e.,

NACDL's State Legislative Network, ACLU affiliates, FAMM, etc.) to promote that agenda

III. Best Practices in Leadership and Management Committee: To promote best practices in leadership, management, and the administration of justice. For 2011, the committee will concentrate on the second and third major topics below:

1. Define best practices regarding indigent defense

Goal: Identify and assemble all applicable standards regarding indigent defense systems/practices into one document.

1. Determine whether there are existing standards.
2. Find out how we access existing standards.
3. Sort programs, policies & practices.
4. Prepare a document listing the best practices of indigent defense programs.

2. Collateral Consequences: Padilla

1. Coordinate with immigration experts
2. Prepare a document listing the best practices to address collateral consequences

3. Electronic Document Retention

1. Coordinate with IT experts
2. Collect electronic document retention policies and practices within the legal community
3. Prepare a document listing the best practices to address electronic document retention and destruction

4. PreTrial Release

1. Coordinate with National Pre-Trial Release Policies Program
2. Draft best practices document regarding pre-trial release representation and best system practices for pre-trial release policies.

IV. Systems Development and Reform Committee: To support development and reform of public defense systems.

Identify and create resource list describing services that ACCD members can offer in the reform process to:

1. counsel and mentor chiefs who are leading or enduring reform efforts
2. support communications that furthers reform efforts.

Develop a workable definition of "emerging systems"

As emerging systems become known to committee members whether through personal contact, media description, or otherwise, committee will document the jurisdiction and determine the appropriateness of committee assistance.

V. Membership Committee: To encourage and grow membership...

1. Email all known chief PDs about benefits of ACCD – encourage them to 'Rise Up'
2. Follow up with emails about important PD issues to keep members and non-members informed – eg, John R. Justice grant; Attorney General Holder comments; Balancing the Scales campaign
3. Send informational packet to all new chief PD's as they begin service and follow up with a phone call.

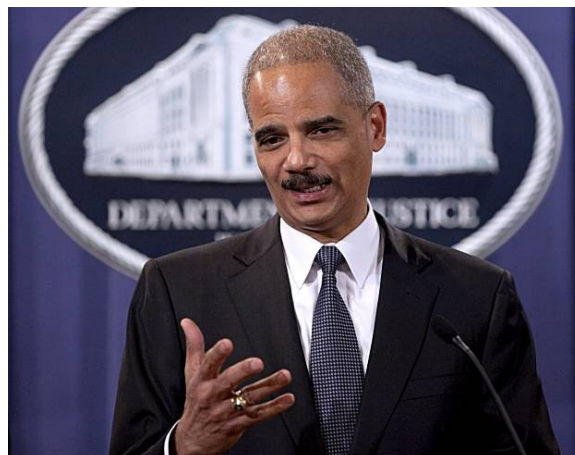
4. Reform the membership costs addressing the issues raised by David Carroll – Needs NLADA input and approval.
5. If non-members sign up by an early bird date they can attend the Spring meeting for member cost.
6. Free trial (3 months) of listserv access
7. Compile ABA's 10 Principles, Caseload Standards, and other foundational documents and distribute to all chief PD's – coordinate with National Voice and Best Practices
8. Create 'brand' message around "Rise Up" theme.
9. Create short inspirational video of chiefs speaking about the benefits of the ACCD and what the ACCD means to each (can be done at the Spring meeting) – post on website – email link to chiefs.
10. Survey chiefs using survey monkey about membership.
11. Advertise/promote successes – letters from National Voice, responses to Gideon Alerts.
12. Create social networking pages
13. Overhaul the website – needs to be done in conjunction with the NLADA site, not just ACCD.

A plan propels our work strategically throughout the year, allowing us to accomplish more at a higher level. If you have suggestions for improvements to this plan, please contact the Committee Chairs.

ACCD Calls on Holder for Leadership

In view of the one year anniversary of the 2010 US Department of Justice Indigent

Defense Symposium and the one year anniversary of ACCD's January 15, 2010, letter to Attorney General Eric Holder setting out our national defender priorities, ACCD has sent a second letter to the US Attorney General expressing our analysis of national defender issues and our need for continued progress on them with the Attorney General's leadership. ACCD is seeking a meeting with the Attorney General to advance our interests.



U.S. Attorney General Eric Holder

The 2010 and 2011 ACCD letters sent to Attorney General Holder are on the ACCD web page at:

http://www.nlada.org/Defender/Defender_ACCD/Defender_ACCD_Home

ACCD Promotes Pretrial Release Improvements

Free Pretrial Release Training Available

Lindsey Carlson, General Counsel, Pretrial Justice Institute (PJI) did a one hour ACCD webinar on March 15, 2011. She reviewed the national standards and policies on pretrial release and how public defenders can lead their offices and courts into compliance with these standards. The webinar was recorded and is available free for viewing on the ACCD web page at:

http://www.nlada.org/Defender/Defender_ACCD/Defender_ACCD_Home

Lawyers at First Appearance Make a Difference

Douglas L. Colbert, Ray Paternoster, and Shawn Bushway did a project and made the following findings in their article *Do Attorneys Really Matter? The Empirical and Legal Case for the Right of Counsel at Bail*, 23 *Cardozo L. Rev.* 1719 (2002) found at:

http://digitalcommons.law.umaryland.edu/fac_pubs/291/

Results showed that defendants with lawyers at bail were: 2 ½ times more likely to be released on recognizance; 4 ½ times more likely to have the amount of bail significantly reduced; served less time in jail (median reduction from 9 days jailed to 2); and had longer bail hearings.

Defendants with lawyers were more satisfied with outcomes and were more likely to feel they'd been treated fairly.

Rehnquist on Pretrial Release

"In our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception." Chief Justice Rehnquist, *United States v. Salerno*, 481 U.S. 739, 755 (1986).

Legislative Updates and Gideon Alerts

"The right of one charged with crime to counsel may not be deemed fundamental and essential to fair trials in some countries, but it is in ours." - *Gideon v. Wainwright* (1963)

U.S. Senate: On September 27, 2010, Senate Judiciary Chair Patrick Leahy (VT) filed legislation to impact the nation's indigent defense crisis. Is empowering DOJ to sue jurisdictions over failed public defense systems while enticing states to do better the right recipe to ensure the Sixth Amendment right to counsel? Read more at <http://bit.ly/aGCbwZ> or contact David Carroll, NLADA, (202) 329-1318. To join the GIDEON ALERTS network, please send an e-mail to d.carroll@nlada.org.

Calendar of Events

§ ACCD 2011 Spring Meeting, San Jose, California, Thursday and Friday April 7-8, 2011. We will have presentations on the work of the ABA –SCLAID and USDOJ. Our education will focus on rising up to balance the scales protecting America's right to counsel by advancing our skills in our jurisdictions and nationally. We focus on three critical skills: coalition building and community engagement and communication presented by David Carroll, NLADA, Peter Loge, Milo Public Affairs LLC, Washington D. C. and others. We will have an extensive Roundtable where we will communicate our successes and challenges. It is a good opportunity to learn and network.

§ NLADA 2011 Annual Conference and 100 Year Anniversary, Washington D.C., Wednesday – Saturday, December 7-10, 2011. During this program, ACCD will meet.

§ ABA Indigent Defense Summit Saturday February 4, 2012 in New Orleans, Louisiana

§ 2012 – Cincinnati, ACCD Annual Meeting

Give ACCD Your Critical Feedback

We Chief Defenders are many and diverse. We have many perspectives. Multiple perspectives provide organizations an edge in meeting the complexity of the problems it faces. For ACCD to meet its potential, we need your feedback, especially your critical thoughts because we all know that "Feedback is the breakfast of champions." (Stephen Covey). Please let us know what you would like to see in this Newsletter and what are thinking about the work of ACCD.

ACCD Vision Statement

The American Council of Chief Defenders is a national community of public defense leaders dedicated to securing a fair justice system and ensuring high quality legal representation for people facing loss of life, freedom or family.

ACCD Mission

The Mission of the American Council of Chief Defenders is to provide tools, strategies, mutual support, training and information to chief defenders; to speak as a national voice for public defense; to promote best practices in the leadership, management, and administration of justice; and to support development and reform of public defense systems.

Special Thanks

Our thanks to Issac Merkle, IT Director, Knox County Public Defenders Community Law Office, for his technological support in developing this newsletter.