

Defender Council Agenda

JUNE 14, 2017 AT 1:00 P.M.

TELECONFERENCE NUMBER: 866-352-0426 CODE: 356-747-8167

1. Roll Call April Frazier Camara
2. Review of Meeting Minutes Committee
3. Remarks from the Chair Keir Bradford-Grey
4. Section Reports
 - a. National Alliance of Indigent Defense Educators Gina Pruski
 - b. National Alliance of Sentencing Advocates & Mitigation Specialists- Betsy Biben
5. Committee Reports
 - a. Standards & Best Practices Claire Buetow
 - b. Systems Development Jonathan Sacks
 - c. National Voice Brendon Woods/Stam Germain
6. NLADA Staff Reports
 - a. President's Report
 - b. Grant Projects
 - i. MacArthur Foundation Safety and Justice Challenge
 - ii. Bureau of Justice Assistance Smart Defense Initiative Expansion
 - iii. Open Society Foundations Defender Research
 - c. Policy Advocacy
 - d. Upcoming Trainings, Conferences, and Dinners
 - i. NLADA Exemplar Award Dinner, June 20, Washington, DC
 - ii. Defender Research Consortium, September 11-12, Las Vegas, NV
 - iii. SJC Defender Leadership Summit, September 13-14, Las Vegas, NV
 - iv. National Defender Leadership Institute, New Leadership: September 15-17, Las Vegas, NV
7. Other Business
8. Close

Defender Council Report

JUNE 14, 2017

STRATEGY 1. STRENGTHEN CIVIL LEGAL AID AND PUBLIC DEFENSE SYSTEMS TO THRIVE IN THE CHANGING LANDSCAPE (BY DELIVERING HIGH QUALITY INFORMATION, TRAINING, TOOLS AND TECHNICAL ASSISTANCE (“ITTTA”) “ON THE GROUND”)

Objective 1.a. Develop/Finalize New Business Models for Training and Conferences and Technical Assistance Consistent with Current Trends and Practices.

Training and Conferences

Safety and Justice Challenge Spring Meeting

NLADA staff attended the Safety and Justice Challenge spring meeting in Denver, Colorado on May 7-9, 2017. This meeting brought together various stakeholders involved from the partner, core, and innovation sites from throughout the country. NLADA facilitated a discussion group for defenders and community supervision stakeholders, which was very successful. We were also pleased to learn at the spring meeting that the MacArthur Foundation featured the NLADA Defender Communication Toolkit “Rethinking Jails: Reframing Public Defense” on the new SJC Exchange web portal. MacArthur also highlighted the toolkit during the meeting with strategic allies as a good model for replication.

Holistic Defense and Leadership Conferences

DLS delivered the Holistic Defense and Leadership Conferences on June 7-9 in Baltimore, MD. This year, NLADA brought together defenders, social workers, and community activists for three days of training, networking, and strategizing at the Holistic Defense and Leadership Conferences.

June 7: The National Alliance of Sentencing Advocates and Mitigation Specialists (NASAMS) Conference offered an opportunity for social workers and mitigation specialists who work on holistic defense teams to receive cutting edge training from experienced and nationally recognized experts. CEUs were provided.

June 7: The American Council of Chief Defenders (ACCD) Conference convened 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. This training was open to chiefs and deputy chiefs of diverse indigent defense programs, including public defender offices, assigned counsel systems, and contract systems. CLE were provided.

June 8-9: The Community Oriented Defender (COD) Network Conference was the annual gathering of community defenders and activists and offered intensive training, networking, and

unique learning opportunities aimed at energizing and strengthening holistic defense team work. CLE and CEU were provided.

We encouraged the defender community to take advantage of these three trainings that were be offered all in one location. As a result of this convenient format, the training series reached full registration at least 2 weeks prior to the conferences.

A more complete report on the conference outcomes will be included in the next board report.

Objective 1.h. Empower Defenders to Provide High Quality Defense that is Client-Centered, Community-Oriented, & Research-Informed

Smart Defense Initiative: Training and Technical Assistance

NLADA is the national Training and Technical Assistance (TTA) provider for the Smart Defense Initiative of the U.S. Department of Justice, Bureau of Justice Assistance (BJA). NLADA partners with the National Criminal Justice Association (NCJA) on this project. As part of BJA's broader "Smart Suite" of grant programs, Smart Defense pairs public defense practitioners with researchers to develop data-driven strategies for monitoring and improving the quality of public defense systems. Since 2015, NLADA has provided intensive, ongoing TTA to projects in five sites: Alameda County, California; Kentucky; New York City; Texas; and Wisconsin. In 2016, NLADA began providing TTA to a sixth Smart Defense site, Contra Costa, California. Also in 2016, NLADA expanded its TTA role to include a number of other projects that are designed to make data-driven improvements to public defense systems. More information about the Smart Defense Initiative is available on its website, and in a bi-monthly online newsletter, both published by NLADA.

Marea Beeman, Director of Defender Research Initiatives, is the project lead for Smart Defense training and technical assistance. Staff Attorney Claire Buetow and Jack Cutrone, Senior Policy Advisor at NCJA, are the other core members of the Smart Defense TTA team. April Frazier Camara provides TTA to Smart Defense Contra Costa. Emily Flanagan provides TTA on federal resources.

Inter-site Summit

On May 15-16, 2017, NLADA hosted the second annual Smart Defense Inter-site Summit at the U.S. Department of Justice, Office of Justice Programs headquarters in Washington, DC. The Summit brought together defenders and researchers from all six sites to share updates on their projects, discuss challenges, and plan next steps. The five original Smart Defense are now nearing the end of their two-year projects, and reported tremendous results. Highlights include:

- A comprehensive needs assessment of New York City's assigned counsel plan, and funding request for a case management system
- A web portal for data and analysis from Texas' 254 counties
- A transformed data system for integrating Wisconsin court data and public defense data, to empower attorneys and managers with fast, in-depth reports on their work

A more detailed report on the sites' presentations will be included in the June Smart Defense newsletter. The Summit was also a valuable forum to discuss what has worked, and not, for the

sites in developing researcher-practitioner partnerships, contending with local politics, and ensuring sustainable funding. Over the next year, NLADA will translate their findings, tools, and lessons learned into models for public defense systems around the country.

Federal Funding TTA

The Inter-site Summit also served as an introduction of Emily Flanagan, NLADA's new Senior Program Associate, to the defender community. At the Summit, Emily shared advice on continuing and deepening the site's work with alternative grant funding sources. Her next presentation will take place at the Community-Oriented Defender Network Conference.

Site Visits

In May, the NLADA TTA team conducted intensive site visits in two Smart Defense sites, Contra Costa and Kentucky. In Contra Costa, the team visited courthouses and met with key stakeholders (police, a district attorney embedded in the police department, court clerks, a judge, and community reentry services providers) to learn about the county's current misdemeanor citation practice and to begin problem-solving about case delays and barriers to effective defender representation. The TTA team also worked with the practitioners to define goals and methods for data collection. In Kentucky, the TTA team attended the second annual conflict counsel training, which was designed around the Smart Defense project team's research findings about conflict counsel's training needs. The TTA team also met with public defense officials and conflict counsel to work on political and practical barriers to the project's success.

During May, Marea Beeman also conducted a site visit in Westchester County, New York, where NLADA will implement and test its private assigned counsel mentoring model. This program has been commended by the Chief Judge of New York. Westchester is one of three sites where this model will be piloted.

STRATEGY 2. PROMOTE POLICIES THAT ADVANCE JUSTICE FOR LOW INCOME COMMUNITIES

Objective 2.b. Establish NLADA Annual/Biennial Policy Priorities and Develop Tools and Training to Increase the Ability of Public Defense and Civil Legal Aid Communities to Influence Criminal and Racial Justice Reform at the National, State, and Local Levels

The Policy Team is led by Don Saunders, Vice President, Civil Legal Services, and includes Jo-Ann Wallace, David Miller, and Claire Buetow. In 2017, David was promoted to Manager of Policy Initiatives for both Civil and Defender Legal Services. Claire is the Defender Legal Services lead on policy projects.

Defender Policy Agenda

In May, NLADA promoted the following public defense policy objectives:

- **Strengthening the Integrity of Public Defense Systems – Public Service Loan Forgiveness and John R. Justice.** NLADA belongs to coalitions that advocate for student loan assistance for legal aid lawyers, public defenders, and their staff. In May, NLADA

called on its members to contact their representatives to sustain funding for the John R. Justice loan repayment assistance program for public defenders and prosecutors. With the support of NLADA members, a letter to this effect was ultimately signed by 27 senators. Also in May, NLADA kept its members informed of proposed changes to the Public Service Loan Forgiveness (PSLF) that would make the program weaker for future borrowers, undermining their ability to take lower-paying employment in legal services non-profits and government agencies. NLADA works with its partners on legislative, litigation, and public education strategy around PSLF.

- **Amplifying the Public Defender Voice on Criminal Justice Policy – Pretrial Justice – Elimination of Bail/Risk Assessments.** In May, NLADA signed on to a statement from the national defense bar in support of risk assessments as an alternative to the racially and economically discriminatory practice of money bail. The coalition recommended key checks on the fairness of risk assessments, including the ongoing participation of public defenders in shaping policy and reviewing their accuracy.
- **Amplifying the Public Defender Voice on Criminal Justice Policy – Pretrial Justice – Counsel at Pretrial; Video Visitation in Prisons and Jails.** The Standards and Best Practices Committee of the Defender Council is currently drafting a statement on the need for the in-person appearance of counsel at first appearance before a judicial officer.
- **Securing Sufficient Resources for Public Defense – Federal Money.** NLADA has been monitoring news from the Office of Management and Budget and from the Department of Justice regarding federal funding for criminal justice and public defense. In May, NLADA attended a budget briefing at the Office of Justice Programs, the grant-making body of DOJ.

Right to Counsel National Campaign

The Bureau of Justice's (BJA) Right to Counsel Campaign began in 2015 and seeks to educate justice system and policy stakeholders, as well as the general public, of the value of indigent defense in a free society. The Campaign is unique in supporting and showcasing non-defenders (judges, corrections officials, etc.) as advocates for a robust right to counsel. In May, NLADA continued preparing for two focus groups scheduled for July, with members of National Association of Counties and National Association for Court Management, through which it will learn more about these criminal justice sectors' attitudes on the right to counsel, and test messaging developed by a public relations firm. These and other focus groups will inform a messaging toolkit for all stakeholders who have a role in upholding the right to counsel.

REPORT ON OTHER WORK

The Defender team currently has funding applications under consideration to fund a new approach to training related to the Sixth Amendment, strategic planning for non-defender stakeholders, and an expansion of existing Smart Defense programming. Successfully securing these funds would transform the work and staffing of Defender Legal Services.

Defender Council Agenda

APRIL 11, 2017 AT 3:00 P.M.

TELECONFERENCE

1. Roll Call
 - a. Avis Buchanan
 - b. Betsy Biben
2. Review of Meeting Minutes
 - a. Minutes approved
 - b. Betsy – correction requested. At last meeting, council agreed to increase NASAMS fee by 5 dollars
 - c. Avis recalls being present, to be added to last meeting's minutes
3. Remarks from the Chair
 - a. Continuing efforts to improve pre-trial reform and eliminate cash bail in California
 - b. Immigration Concerns is of great concern in Defense Community
 - c. Submitted resignation – last day **June 16th**
4. Section Reports
 - a. NAIDE (Gina)
 - i. Talking with April and Claire to get more involved in the annual conference; would love to be involved in selecting the sessions
 - ii. Develop content for SJC Defender Leadership Summit
 - iii. Help with National Defender Leadership Institute
 - iv. Membership side of things: trying to recruit more members
 - v. January – Appellate Defender Training took place (led by Travis), went really well
 - b. NASAMS (Betsy)
 - i. Preparing for June 7th conference
 1. Hoping that Chiefs will send staff
 2. April – Agenda for NASAMS and COD to be on website by next week
 3. NASAMS conference will provide an entire year of Continuing Ed Requirements for social workers who attend
 4. Kentucky just expanded with another 15 social workers
5. Committee Reports
 - a. Standards and Best Practices (Nancy)
 - i. Complimented Claire on her counsel at first appearance input

- ii. Claire to give SBP outline this week
- iii. Claire seeks any suggestions to be shared with her and with Standards
- iv. Letter from SBP regarding NLADA website standards – Standards on NLADA website haven't been update for a long time. Need to update any out-of-date standards
 - 1. Motion for NLADA staff to make this a priority for discussion in the coming weeks and months
 - a. Seconded by Betsy
 - b. Unanimously passed

6. NLADA Staff Reports

a. President's Report

- i. Welcome Emily Flanagan – working to increase federal resources for public defense and with civil when appropriate
- ii. Elections: Board of Directors recommended changes to the by-laws
- iii. Impact Defender Council – maintain status quo in many situations, no elections last year
 - 1. Leadership Development Committee will be meeting shortly to look at new process for elections for hopefully an earlier election
 - a. Hope to develop an ongoing pipeline and to allow a little more flexibility for board appointments
 - b. New bylaws take effect April 20th**
 - i. Changes policy groups name to "Council"

iv. United States Department of Justice Meeting

- 1. Education is the goal
 - a. Get a meeting and keep meetings going
- 2. Avis – only 5 groups were present – DOJ encouraged a smaller group
- 3. Conference call tomorrow (4/11) to discuss gaining more conservative or libertarian voices in the meetings

b. Grant Projects

- i. MacArthur Foundation Safety and Justice Challenge
 - 1. Renewal Funding received for an additional 2 years to continue doing communications work and hosting a Defender Leadership Summit
 - 2. Collaboration from Prosecutors and Defenders
 - 3. Communications Toolkit
- ii. BJA – **Time constraints – Didn't discuss**
- iii. Open Society – **Time constraints – Didn't discuss**

c. Policy Advocacy

- i. Claire – Policy strategy between David, Don, Claire, and Jo-Ann
 - 1. Pick core issues to focus on
 - 2. Requests feedback, if any

- d. Trainings, Conferences, and Dinners – **Time constraints – Didn't discuss**
 - i. NASAMS/ACCD/COD conferences
 - ii. NLADA Exemplar Award Dinner
 - iii. Defender Research Consortium
 - iv. SJC Defender Leadership Summit
 - v. National Defender Leadership Institute
- 7. Other business
 - a. Request from PJI
 - i. looking to defenders for a statement because of pushback from African American community questioning risk assessment and bail reform efforts
 - ii. Discussion
 - 1. April forwarded the draft and suggested everyone edit the statement and send back
 - 2. Issue tabled and follow-up to take place via email
- 8. Close