



NLADA

National Legal Aid &
Defender Association

nlada.org

Advocacy to Combat Inequitable and Unconstitutional Imposition and Enforcement of Court Fines and Fees

OCTOBER 5, 2016

Today's Speakers

Lisa Foster

Director, U.S. Department of Justice
Office for Access to Justice

Karla Camac Carlisle

Staff Attorney
Northwest Justice Project

Angela Cioffi

Legal Director
JustChildren, Legal Aid Justice Center

Alex Kornya

Assistant Litigation Director
Iowa Legal Aid

Jani Maselli Wood

Assistant Public Defender
Harris County Public Defender's Office,
Texas

Robin C. Murphy

Chief Counsel, Civil Programs
NLADA

Lisa Foster

Director, U.S. Department of Justice
Office for Access to Justice



U.S. Department of Justice



U.S. Department of Justice Office for Access to Justice (ATJ)

JUSTICE NEWS

Department of Justice
Office of Public Affairs

SHARE 

FOR IMMEDIATE RELEASE

Monday, March 14, 2016

Justice Department Announces Resources to Assist State and Local Reform of Fine and Fee Practices

The Department of Justice today announced a package of resources to assist state and local efforts to reform harmful and unlawful practices in certain jurisdictions related to the assessment and enforcement of fines and fees. The resources are meant to support the ongoing work of state judges, court administrators, policymakers and advocates in ensuring equal justice for all people, regardless of financial circumstance.

“The consequences of the criminalization of poverty are not only harmful – they are far-reaching,” said Attorney General Loretta E. Lynch. “They not only affect an individual’s ability to support their family, but also contribute to an erosion of our faith in government. One of my top priorities as Attorney General is to help repair community trust where it has frayed, and a key part of that effort includes ensuring that our legal system serves every American faithfully and fairly, regardless of their economic status.”

The package, which was sent to state chief justices and state court administrators throughout the country, includes the following elements:

- **Dear Colleague Letter** from the Civil Rights Division and the Office for Access to Justice to provide greater clarity to state and local courts regarding their legal obligations with respect to the enforcement of court fines and fees. The letter addresses some of the most common practices that run afoul of the U.S. Constitution and/or other federal laws, such as incarcerating individuals for nonpayment without determining their ability to pay. The letter also discusses the importance of due process protections such as notice and, in appropriate cases, the right to counsel; the need to avoid unconstitutional bail practices; and due process concerns raised by certain private probation arrangements.



U.S. Department of Justice

Civil Rights Division

Office for Access to Justice

Washington, D.C. 20530

March 14, 2016

Dear Colleague:

The Department of Justice (“the Department”) is committed to assisting state and local courts in their efforts to ensure equal justice and due process for all those who come before them. In December 2015, the Department convened a diverse group of stakeholders—judges, court administrators, lawmakers, prosecutors, defense attorneys, advocates, and impacted individuals—to discuss the assessment and enforcement of fines and fees in state and local courts. While the convening made plain that unlawful and harmful practices exist in certain jurisdictions throughout the country, it also highlighted a number of reform efforts underway by state leaders, judicial officers, and advocates, and underscored the commitment of all the participants to continue addressing these critical issues. At the meeting, participants and Department officials also discussed ways in which the Department could assist courts in their efforts to make needed changes. Among other recommendations, participants called on the Department to provide greater clarity to state and local courts regarding their legal obligations with respect to fines and fees and to share best practices. Accordingly, this letter is intended to address some of the most common practices that run afoul of the United States Constitution and/or other federal laws and to assist court leadership in ensuring that courts at every level of the justice system operate fairly and lawfully, as well as to suggest alternative practices that can address legitimate public safety needs while also protecting the rights of participants in the justice system.

Investigation of the Ferguson Police Department

TABLE OF CONTENTS

I. REPORT SUMMARY	1
II. BACKGROUND.....	6
III. FERGUSON LAW ENFORCEMENT EFFORTS ARE FOCUSED ON GENERATING REVENUE.....	9
IV. FERGUSON LAW ENFORCEMENT PRACTICES VIOLATE THE LAW AND UNDERMINE COMMUNITY TRUST, ESPECIALLY AMONG AFRICAN AMERICANS	15
A. Ferguson’s Police Practices.....	15
1. FPD Engages in a Pattern of Unconstitutional Stops and Arrests in Violation of the Fourth Amendment.....	16
2. FPD Engages in a Pattern of First Amendment Violations	24
3. FPD Engages in a Pattern of Excessive Force in Violation of the Fourth Amendment.....	28
B. Ferguson’s Municipal Court Practices	42
1. Court Practices Impose Substantial and Unnecessary Barriers to the Challenge or Resolution of Municipal Code Violations.....	43
2. The Court Imposes Unduly Harsh Penalties for Missed Payments or Appearances.....	54
C. Ferguson Law Enforcement Practices Disproportionately Harm Ferguson’s African-American Residents and Are Driven in Part by Racial Bias	62
1. Ferguson’s Law Enforcement Actions Impose a Disparate Impact on African Americans that Violates Federal Law.....	63
2. Ferguson’s Law Enforcement Practices Are Motivated in Part by Discriminatory Intent in Violation of the Fourteenth Amendment and Other Federal Laws.....	70
D. Ferguson Law Enforcement Practices Erode Community Trust, Especially Among Ferguson’s African-American Residents, and Make Policing Less Effective, More Difficult, and Less Safe	79
1. Ferguson’s Unlawful Police and Court Practices Have Led to Distrust and Resentment Among Many in Ferguson	79
2. FPD’s Exercise of Discretion, Even When Lawful, Often Undermines Community Trust and Public Safety.....	81
3. FPD’s Failure to Respond to Complaints of Officer Misconduct Further Erodes Community Trust.....	82
4. FPD’s Lack of Community Engagement Increases the Likelihood of Discriminatory Policing and Damages Public Trust.....	86

i

United States Department of Justice
Civil Rights Division



March 4, 2015

Angela Ciolfi
Legal Director
JustChildren, Legal Aid Justice Center



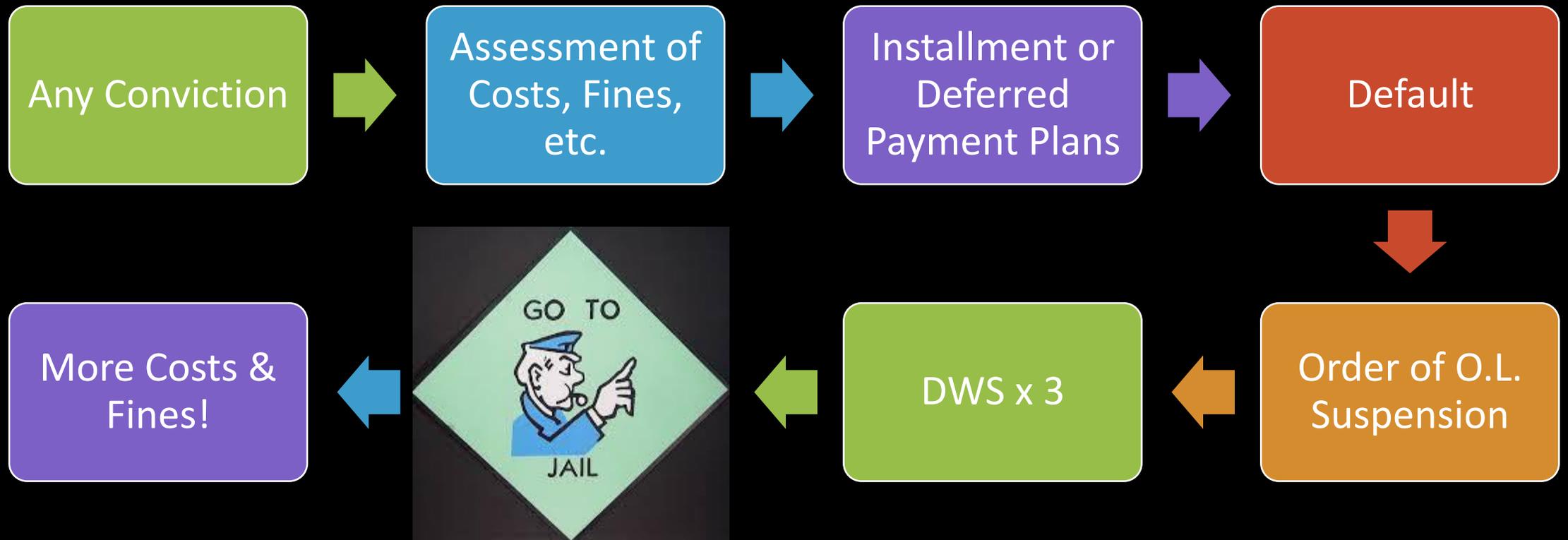
1 in 6 Virginia Drivers

Has their license suspended for non-payment of court costs



and, therefore, cannot drive to work, medical appointments, the grocery store, church, their children's schools, etc.

From Driver's Seat to Detention



A woman with long, dark, wavy hair and black-rimmed glasses is smiling slightly. She is wearing a black button-down shirt. The background shows a residential setting with a light-colored house, dark shutters, and a dark car parked in a gravel driveway. The scene is outdoors with trees and foliage in the background.

Kimberly walked 11 miles each way to the courthouse to ask for a payment plan, only to be told she had to pay the full \$1,200 she owed in order to get her license back.

Legislative & Administrative Advocacy

2015 Amendment to Code § 19.2-354 (HB1506)

Courts must:

- reduce payment plan terms to writing
- post these terms in the court clerk's office
- make these terms available on the court's website, if available

Judicial Council Guidelines (May 2015)

New JCV Guidelines recommend assessing ability to pay

Court policies are compiled online:

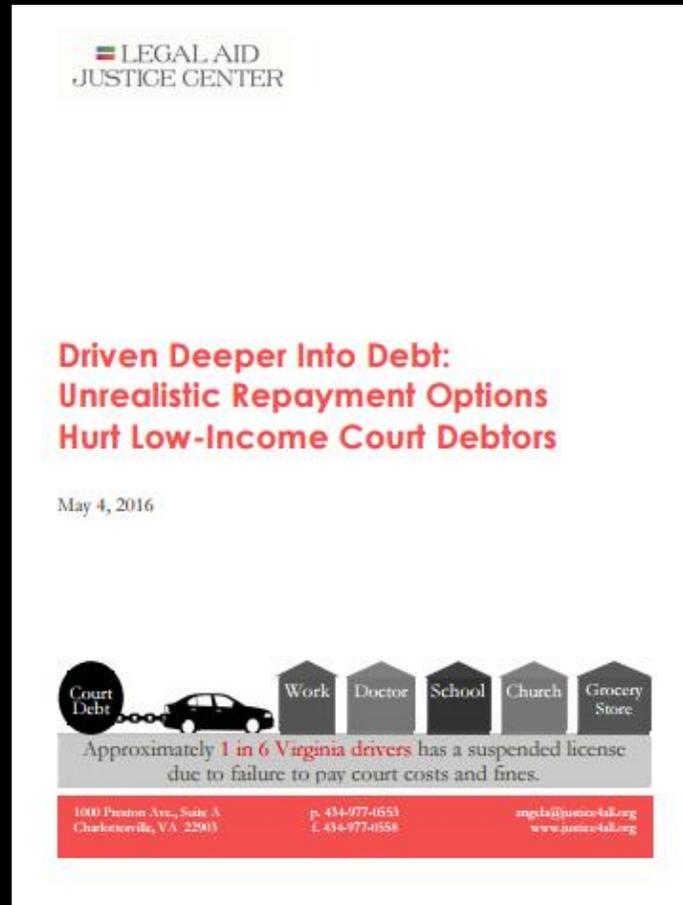
http://www.courts.state.va.us/online/ppp_fines_costs/home.html

LAJC Review (April 2016)

Analysis of 105 GDC policies reveals that most courts disregarded JCV Guidelines.

2016 legislation requires court policies to be consistent with the Rules of the Supreme Court (which don't yet exist).

Report: Grading Virginia Courts



- Ability to Pay **F**
- Debts Owed to Other Courts **F**
- Community Service Opportunities **F**
- Down Payments **F**
- 2nd or Subsequent Payment Plans **C₊**

Stinnie v. Holcomb

Lawsuit challenges Va.'s right to suspend driver's license 

2 minutes left



FOX 5
5:31 90°

ONE OFFICER HAS BEEN SHOT AND KILLED, ANOTHER INJURED; SUSPECT IS IN CUSTODY **NATIONAL** CURRENTS



“Faced with a tide of people unable to pay escalating fees, courts have responded in the least helpful manner possible: By regularly suspending driver’s licenses.”

--Omar Epps in *The Huffington Post*

More Information

<http://www.justice4all.org/drive>

 LEGAL AID
JUSTICE CENTER

Robin C. Murphy
Chief Counsel, Civil Programs
National Legal Aid & Defender Association



Guidance for LSC Funded Programs Re: Court Debt Collection

Three Key Regulations

- 45 C.F.R. §1613 - Restrictions on legal assistance with respect to criminal proceedings
- 45 C.F.R. §1615 – Restrictions on actions collaterally attacking criminal convictions;
- 45 C.F.R. §1637 - Representation of prisoners;

Keep in Mind

- LSC eligibility criteria, 45 C.F.R 1611, 1626
- Priorities in use of Resources, 45 C.F.R. 1620

Four Questions

1. Does your advocacy constitute representation in a criminal proceeding set out in 45 C.F.R. 1613?
2. Does the representation entail a collateral attack on a criminal conviction as defined in 45 C.F.R. 1615?
3. Is this representation of a client who falls within the definition of a prisoner in 45 C.F.R 1637?
4. If the client falls within the definition of a prisoner in 45 C.F.R 1637, does the representation fall with the two categories of prohibited representation (1) civil litigation or (2) an administrative proceeding challenging the conditions of the client's incarceration?

Is your advocacy representation in a criminal proceeding as defined in 1613?

“Criminal proceeding” means the adversary judicial process prosecuted by a public officer and initiated by a formal complaint, information, or indictment charging a person with an offense denominated “criminal” by applicable law and punishable by death, imprisonment, or a jail sentence.

45 C.F.R. 1613.2

LSC guidance states that a criminal proceeding is one: “which is intended to determine the client’s guilt or innocence of the offense charged in the complaint, information or indictment.”

LSC External Opinions dated June 2, 1981 and May 17, 1993

Examples of Advocacy Not Prohibited by 1613

- Post-conviction proceedings, such as probation revocation, court debt remission hearings, garnishments, suspension of licenses or registrations, or modification of a court fine payment schedule.
- Matters defined by a state as criminal proceedings that are solely punishable by fines and no possibility of incarceration.
- Petitions for expungement and representation.
- Civil contempt relief
- Juvenile matters

Other Exceptions

- Court appointments
- Criminal representation in Indian tribal courts

Is this an action that collaterally attacks a criminal conviction?

45 C.F.R. 1615.2 of the LSC regulations prohibits legal assistance using LSC or private funds:

“(a) in an action in the nature of habeas corpus collaterally attacking a criminal conviction if the action ... or

(b) alleges that the conviction is invalid because of any alleged acts or failures to act by an officer of a court or a law enforcement official.”

Does the client fall within the definition of prisoner as defined in 1637?

The key definitions used by LSC in its regulation on representation of prisoners in 45 C.F.R. §1637.2 include:

“Incarcerated means the involuntary physical restraint of a person who has been arrested for or convicted of a crime.”

“Federal, State or local prison means any penal facility maintained under government authority.”

LSC Definition of Prisoner Does Not Include:

- Probationer or Parolee
- Person on house arrest
- Person on work release living in a group home or at home with a monitor
- Intermittent release is determined on case by case basis
- _Advocates may, in certain circumstances, continue representation if an individual is incarcerated after representation begins

Is representation within the two categories prohibited by 1637?

1637.3 prohibits only two types of representation of incarcerated individuals:

- civil litigation and
- representation in administrative proceedings challenging the conditions of the prisoner's incarceration

Permitted:

- Advice and counsel and brief services
- Legal Information
- Administrative proceedings that do not challenge a client's conditions of incarceration

Alex Kornya
Assistant Litigation Director
Iowa Legal Aid





Iowa Legal Aid

“We live in a society where the distribution of legal assistance, like the distribution of all goods and services, is generally regulated by the dynamics of private enterprise.”

Fuller v. Oregon, 417 U.S. 40, 53 (1974)

Why should LSC firms do this work?

- Court debt is a contributing factor for evictions, utility shutoffs, foreclosures, etc.
- Court debt is largely collected by civil methods
- “Ability to pay” determinations informed by civil law corollaries
- Right to counsel not guaranteed for many court debt related procedures
- Direct services needed to make policy and complex litigation gains meaningful
- Experiential, granular understanding of the details of the problem
- Essential for removing barriers to breaking the cycle of poverty

Iowa Legal Aid & Court Debt

- Recognition of the application of debtor's exemptions in court debt collection (2010).
- Enforcing the right to quash hearings on administrative garnishments for court debt (2010).
- Removal of childcare subsidy payments from administrative offset of court debt (2011).
- Removal of "two year rule" in Court Rules Chapter 26 (2013).
- Remission of large amounts of illegally assessed indigent defense fees in five counties (2013 – 2016).
- Recognition that juvenile & civil indigent defense recoupment and court costs are dischargeable in bankruptcy (2013-2014)

Iowa Legal Aid & Court Debt

- Enforcement of the right for ability to pay hearings in juvenile cases (2014)
- Statewide discontinuance of the practice of holding vehicle registrations for failure to pay indigent defense fees (2016).
- Commentary on an MOU between the Iowa County Attorney Association and the Iowa Judicial Branch, leading to significant contractual limitations in situations where a prosecutor may pursue incarceration for failure to pay (2016)
- Recognition that expungement cannot be denied for failure to pay court appointed attorney fee reimbursement (2016).
- Enforcement of fair debt collection law against private parties involved in collection of court debt, such as bail bondsmen and private collection agencies. (Ongoing)

Court Debt Cases an LSC firm can do

- Incarceration for contempt of court or probation revocation for non-payment / FTA (possible 1637 issues)
- Judicial garnishment hearings
- Administrative garnishment procedures
- Administrative challenges to set-off of benefits & tax refunds
- Procedures for reinstatement of drivers licenses, professional licenses, and vehicle registrations
- Fee remission hearings
- Fleeing felon SSD/SSI cessation or eligibility

Court Debt Cases an LSC firm can do

- Plaintiff claims under FDCPA, state debt collection codes, and other consumer protection laws against private actors like collection agencies and bondsmen
- Plaintiff claims under ECOA against relevant actors
- Constitutional challenges made via 1983, or in the context of other cases (i.e. challenging prepayment of fees in expungement or restoration of rights cases)
- Bankruptcy proceedings involving court debt, including enforcement of discharge and automatic stay violations
- Within LSC restrictions, policy advocacy (administrative rulemaking, court rules, with proper invitation, etc.)

Important fundamental concept #1

TYPE OF DEBT MATTERS

Terminology such as “fines” and “fees” is carelessly used, not just by laypeople but also by lawyers, policymakers, and judges

The type and purpose of the debt is extremely important to determine the applicable legal theories

- NATURE OF CASE: Civil vs. criminal vs. juvenile
- PURPOSE: Fines (punitive) vs. restitution (punitive-compensatory) vs. indigent defense fees (compensatory) vs. collection fees (???)
- IMPACTS WHOM: Theoretically, everyone pays fines & restitution, but only indigents pay certain costs

Important fundamental concept #2

EQUAL PROTECTION

Tate v. Short, 401 U.S. 395 (1971). Automatic conversion of fines to prison time for those unable to pay EP violation.

James v. Strange, 407 U.S. 128 (1972). Indigent defense recoupment statute failing to accord same protections given to civil judgment debtors void on EP grounds.

Fuller v. Oregon, 417 U.S. 40 (1974). Statute with certain protections offering rough parity with civil judgment debtors upheld. In many states, interpreted to require reasonable ability to pay analysis before imposition and / or collection attempts.

Karla Camac Carlisle
Staff Attorney
Northwest Justice Project



Wakefield

Issues:

- 1. Remission Standards**
- 2. Proper analysis of Ms. Wakefield's financial situation**
- 3. Anti-attachment provisions of the SSA – Section 407**
- 4. Findings of fact supported by substantial evidence**

History

- **Outstanding Warrants**
- **Writ of Habeas Corpus**
- **“Fine Review Hearing”**
 - > **Filed Memorandums of law prior to the hearing**
 - > **Prepared Ms. Wakefield - declarations**
 - > **Expert Witness – declarations**

Helpful Results

- ◉ **SS income is protected – similar protections for state benefits.**
- ◉ **Apply the statutory standard for remission – manifest hardship**
- ◉ **Poverty analysis – GR 34**

Jani Maselli Wood
Assistant Public Defender
Harris County Public Defender's Office, Texas



Challenging Court Costs



Just do it.

Harris County Public Defender's Office



∞ Holistic Defense

- ∞ Holistic defense is a **client-centered** and interdisciplinary model of public defense that addresses the circumstances driving poor people into the criminal justice system and the consequences of that involvement by offering comprehensive legal representation, social work support, and advocacy for the client.



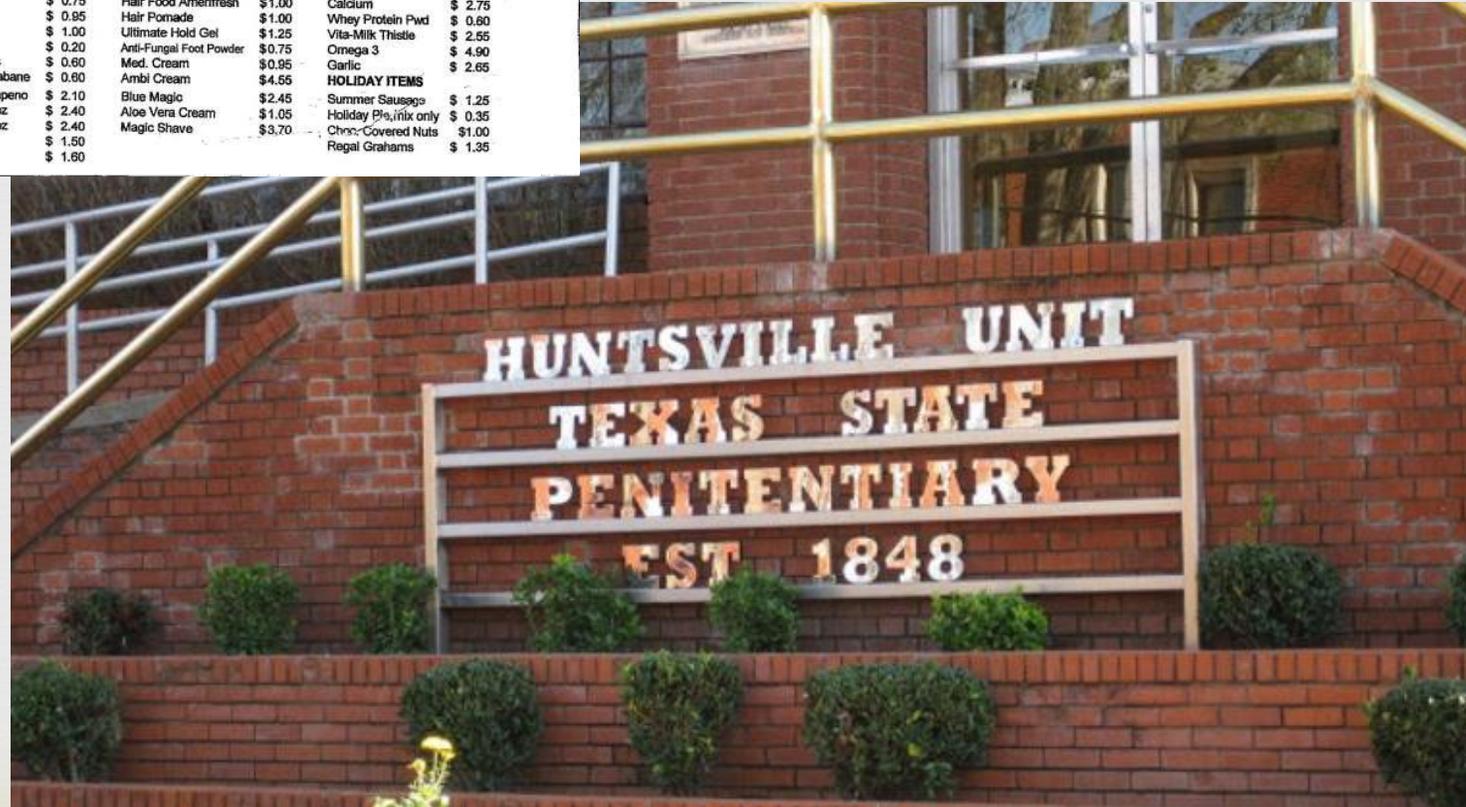
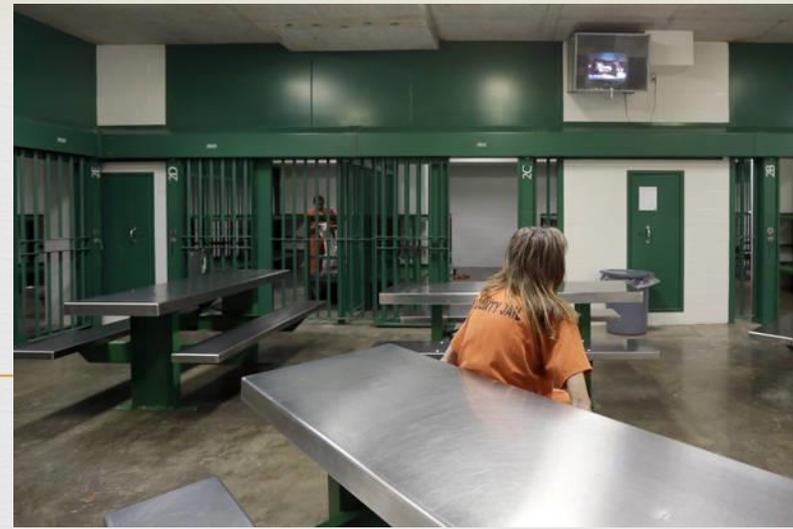
Courts are a revenue center



- ⌘ Court costs provided \$431,793,084 to the State in revenue to the State of Texas in Fiscal Year 2010.
- ⌘ But the Legislature budgeted only \$335,128,621 for the judicial branch.

UNIT COMMISSARY PRICE LIST

Assorted Drinks		Candys		Dry Goods		Miscellaneous	
Cool Off 20pack only	\$ 1.25	Tootise Pops 5pk	\$ 0.60	Ramon Soups	\$ 0.25	Chap-st	\$ 0.70
Tea, box only	\$ 2.50	Chick-O-Stick	\$ 0.12	Rice	\$ 0.95	Lip-ex Medicated	\$ 0.55
Name Brand Soda	\$ 0.40	Butterscotch Candy	\$ 0.75	Oatmeal -Inst, Varitey	\$ 1.60	Cough Drops	\$ 0.80
Bottled Water	\$ 0.20	Fruitylicious hard candy	\$ 1.00	Refried Beans pouch	\$ 0.95	Q-Tips	\$ 0.55
Hot Chocolate Bag	\$ 2.40	Mint Sticks Reg/Fruit.	\$ 0.10	Potatoes,chs,herb	\$ 0.95	Commissary Bag	\$ 2.50
Columbian Coffee	\$ 2.75	Candy Bars	\$ 0.55	Frosted Mini Wheats	\$ 2.50	Lg. Bowl	\$ 0.80
Plantation Coffee	\$ 1.30	Pasquel Candy	\$ 1.60	Cookies		Mug	\$ 0.95
Cappuccino	\$ 0.25	Hot Shots	\$ 1.00	Dutch Made CC/macrom	\$ 0.95	Detergent	\$ 1.95
V-8 Reg/Spiccy	\$ 0.85	Peanut Butter logs	\$ 0.80	Cookies of the Week	\$ 1.00	Spoon	\$ 0.35
Grapefruit	\$ 0.60	Orange Slices	\$ 0.75	Vanilla Wafer	\$ 1.30	Soap Dish	\$ 0.35
Orange Pineapple Juice	\$ 0.60	Meat Product Pouches		Oatmeal Creams	\$ 1.40	Photo Album	\$ 1.65
Orange Juice	\$ 0.60	Sardines Smoke/Hot	\$ 0.65	Nutty Wafer Bar	\$ 1.25	Lock	\$ 10.50
Kiwi Straw. Juice	\$ 0.60	Beef Pot Roast	\$ 1.00	Moon Pies	\$ 0.35	Legal Wallet	\$ 1.00
Generic Sodas	\$ 0.25	Chili wth Beans	\$ 1.00	Cereal Bars 12pack	\$ 2.55	Reading Glasses	\$ 2.85
Vault Soda	\$ 0.40	Chili no Beans	\$ 1.05	Fig Bar (New)	\$ 0.25	I.D. Holder w/clip	\$ 0.40
Chips & Snacks		Tuna	\$ 1.15	Bread & Pastries		Dominoes	\$ 5.25
Lg. Corn Chips	\$ 1.60	Mackerel	\$ 0.75	Bread	\$ 1.40	Chess Set	\$ 7.75
Tortilla Chips	\$ 1.50	Spam Regular	\$ 1.00	Wheat Bread	\$ 1.40	Nail Clippers	\$ 0.25
Chips/cheese/nacho/plain	\$ 0.55	Vienna Sausage Chicken	\$ 1.20	Pastries	\$ 0.65	Shaving Mirror	\$ 7.00
Party Mix	\$ 1.30	Beef Tips	\$ 2.75	Flour Tortillas	\$ 0.70	Ear Plugs	\$ 0.15
Pork Skins	\$ 0.65	BBQ Shredded Beef	\$ 2.50	Grooming		Flossers	\$ 1.20
Cheese Popcorn	\$ 0.80	Dressings		Shave Soap	\$ 0.30	Mouthwash	\$ 1.10
Tom's Salsa Verde Chip	\$ 1.25	Salad Dressing	\$ 1.40	After shave Lotion	\$ 0.50	Razors	\$ 2.20
Jalapeno or BBQ Chip	\$ 1.40	Sandwich Spread	\$ 1.55	Hair Brush	\$ 0.55	RAZORS can not be sold to Ad-Seq. Offenders	
Hot Fries	\$ 0.25	Mustard	\$ 1.10	Petroleum Jelly	\$ 0.75	Vitamins	
Cracker Sandwich pnb/che	\$ 0.15	Ketchup	\$ 1.55	Brushless Shave 5oz	\$ 0.50	Amino Protein	\$ 4.00
Salines	\$ 0.27	BBQ Sauce	\$ 1.30	Baby Oil	\$ 0.50	Daily W/iron	\$ 1.80
Honey Grahams	\$ 1.75	Strawberry Pres.	\$ 1.65	Baby Powder	\$ 0.65	Vitamin C	\$ 1.75
Round or Club Crackers	\$ 1.75	Grape Jelly	\$ 1.40	Medicated Powder	\$ 1.70	Vitamin E	\$ 2.15
Baked Potato Chip	\$ 1.50	Peanut Butter	\$ 1.85	Amerifresh Conditioner	\$ 0.90	Calcium	\$ 2.75
Cheese Nips Box	\$ 2.10	Condiments		Cocoa Butter Lotion	\$ 0.95	Whey Protein Pwd	\$ 0.60
Peanuts Salted or Hot	\$ 0.40	Bean Dip	\$ 0.75	Hair Food Amerifresh	\$ 1.00	Wils-Milk Thistle	\$ 2.55
Carmel Corn/Fiddle Faddle	\$ 1.00	Sweet Magic	\$ 0.95	Hair Pomade	\$ 1.00	Omega 3	\$ 4.90
Cheese Puffs	\$ 1.55	Powdered Milk	\$ 1.00	Ultimate Hold Gel	\$ 1.25	Garlic	\$ 2.65
Sunflower Seeds	\$ 1.70	Jalapenos	\$ 0.20	Anti-Fungal Foot Powder	\$ 0.75	HOLIDAY ITEMS	
Caribbean Crunch	\$ 0.90	Pickles or Hot Pickles	\$ 0.60	Med. Cream	\$ 0.95	Summer Sausage	\$ 1.25
Enervizer Trail Mix	\$ 0.40	Hot Sauce Reg/Jal/Habane	\$ 0.60	Ambi Cream	\$ 4.55	Holiday Pbs, milk only	\$ 0.35
Ice Cream		Squeeze Cheese Jalapeno	\$ 2.10	Blue Magic	\$ 2.45	Chrns: Covered Nuts	\$ 1.00
Pints Regular/No-Sugar	\$ 1.75	Salsa-Medium 15oz	\$ 2.40	Aloe Vera Cream	\$ 1.05	Regal Grahams	\$ 1.35
Fudge Bomb	\$ 0.40	Chili Con Queso 15oz	\$ 2.40	Magic Shave	\$ 3.70		
Nutzo	\$ 0.35	Salt & Pepper	\$ 1.50				
Crunch Bar	\$ 0.40	Butter	\$ 1.60				



First



☞ What are you attacking?

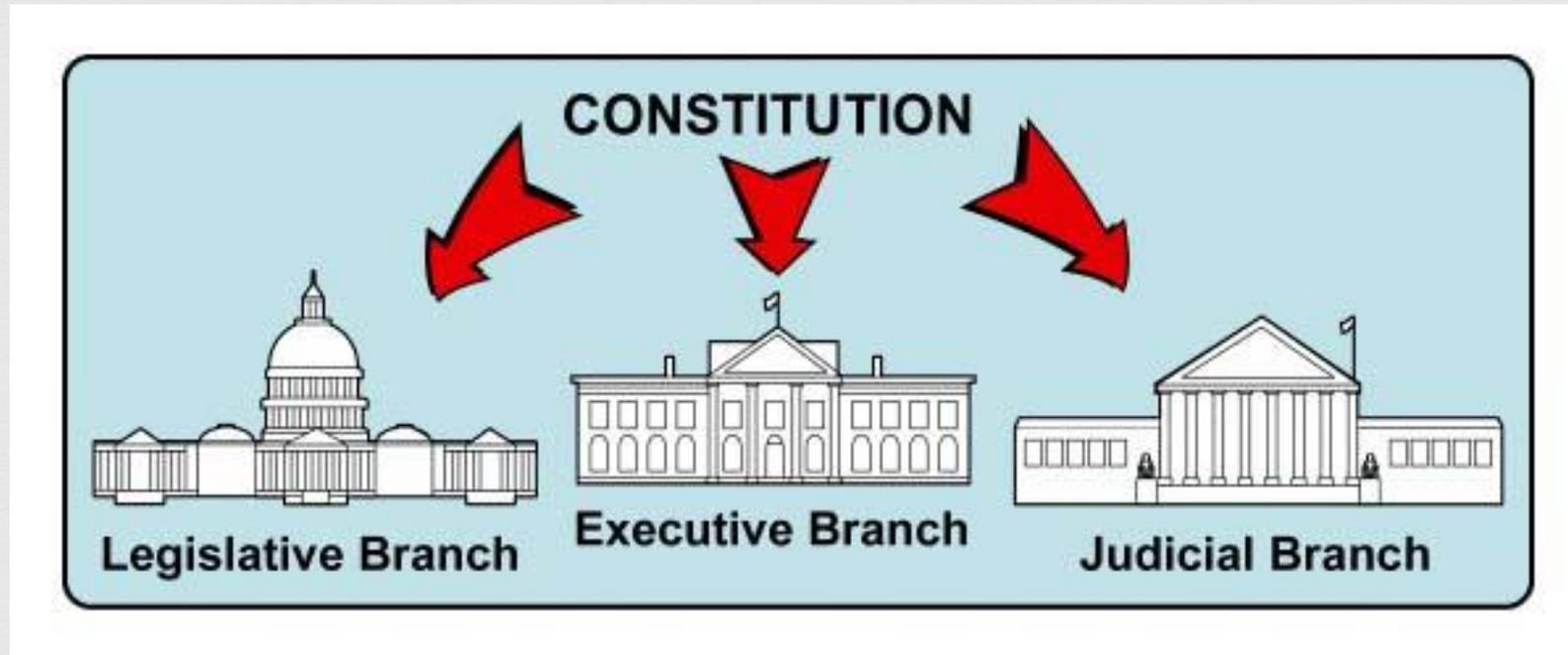


What is the cost?



What is the cost – and what is it used for?

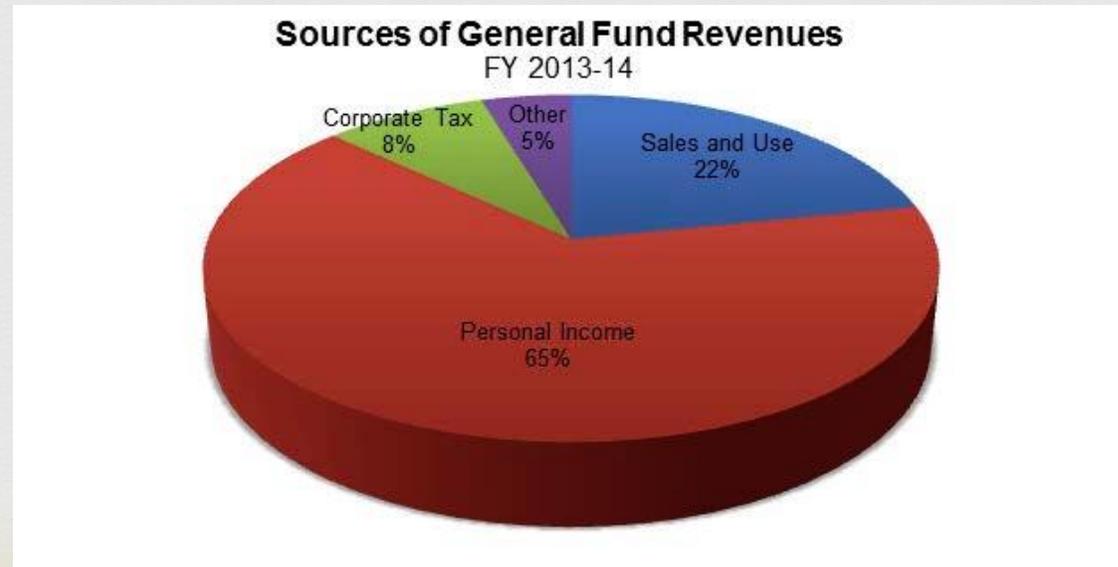
Follow the Money



General Revenue Fund



☞ Funds received at the state and local levels of government that may be utilized for any purposes. These unallocated funds are acquired through business and property taxation.



Power to Tax



The Legislature.



Collects taxes



☞ The Executive Branch

Tax Collectors



☞ [C]lerks of court should not be made tax collectors for our state, nor should the threshold to our justice system be used as a toll booth to collect money for random programs created by the legislature. –

☞ Supreme Court of Louisiana

Creativity



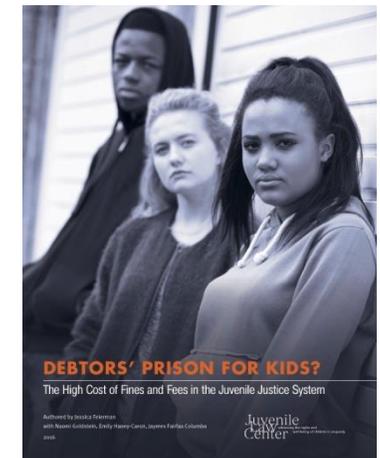
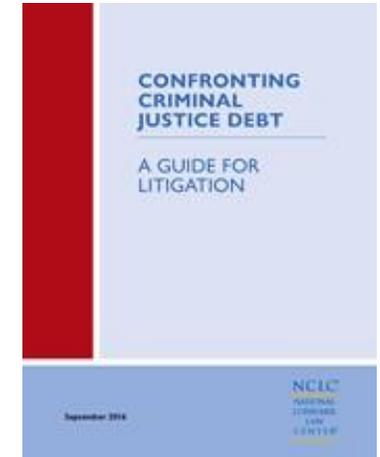
- ❧ Separation of powers
- ❧ Takings Clause
- ❧ Double Jeopardy
- ❧ Excessive fines

Q & A Session



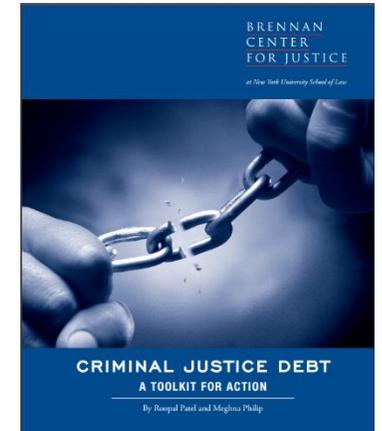
Resources

- **Confronting Criminal Justice Debt: A Comprehensive Project for Reform (September 2016)**
 - www.nclc.org/issues/confronting-criminal-justice-debt.html
- **Juvenile Law Center: Debtor's Prison for Kids (August 2016)**
 - <http://debtorsprison.jlc.org/documents/JLC-Debtors-Prison.pdf>
- **NLADA Guidance for LSC Programs Re: Court Debt (July 2016)**
 - Please contact Arielle Altman at a.altman@nlada.org for a copy
- **DOJ Resource Guide: Reforming the Assessment and Enforcement of Fines and Fees (2016)**
 - <http://ojp.gov/docs/finesfeesresguide.pdf>



Resources

- DOJ “Dear Colleague” Letter (2014)
 - www.justice.gov/crt/file/832461/download
- Brennan Center: Criminal Justice Debt: A Toolkit for Action (2012)
 - www.brennancenter.org/sites/default/files/legacy/publications/Criminal%20Justice%20Debt%20Background%20for%20web.pdf
- COSCA: Courts Are Not Revenue Centers (2011)
 - <https://csgjusticecenter.org/wp-content/uploads/2013/07/2011-12-COSCA-report.pdf>
- Brennan Center: Criminal Justice Debt: A Barrier to Re-entry (2010)
 - www.brennancenter.org/sites/default/files/legacy/Fees%20and%20Fines%20FINAL.pdf



Presenter Bios & Contacts





Lisa Foster

Director, U.S. Department of Justice , Office for Access to Justice

Lisa.Foster3@usdoj.gov

Lisa Foster is the Director of the Office for Access to Justice at the United States Department of Justice. Before joining the Justice Department, she served for ten years as a California Superior Court Judge in San Diego where she presided over criminal, civil and family law departments. Foster was the Presiding Judge of the San Diego Court's Appellate Division, the Assistant Presiding Judge of the Family Division, and served as a member of the Judicial Council Appellate Advisory Committee.

After serving as a law clerk to the Honorable Mariana R. Pfaelzer of the Central District of California, Foster began her legal career as a Staff Attorney at the Center for Law in the Public Interest in Los Angeles and later joined the Legal Aid Foundation of Los Angeles. She also served as the Executive Director of California Common Cause and was Of Counsel to the law firm of Phillips & Cohen, representing whistleblowers under the federal and California False Claims Acts. Foster also taught courses on sex discrimination, federal courts and election law as an Adjunct Professor at the University of San Diego School of Law. Foster received a B.A. in American Studies from Stanford University and J.D., magna cum laude, from Harvard Law School.



Karla Camac Carlisle

Staff Attorney, Northwest Justice Project in Pasco, Washington

KarlaC@nwjustice.org

After graduating law school in 2006, Karla began her legal career in Portland, Oregon working with a family law firm. In 2007, she moved to Eastern Washington where she began working with the Northwest Justice Project in 2007. The Northwest Justice Project is a publicly funded legal aid program in Washington State. Each year NJP provides critical civil legal assistance and representation to thousands of low-income people in cases affecting basic human needs such as family safety and security, housing preservation, protection of income, access to health care, education and other basic needs. Karla's practice at NJP focuses on family, housing, and consumer law.



Angela Ciolfi

Legal Director, JustChildren, Legal Aid Justice Center

Angela@justice4all.org

Angela Ciolfi is the Legal Director of JustChildren, a program of the Legal Aid Justice Center that focuses on improving Virginia's public education, juvenile justice, and foster care systems. Her work for the program earned her the Oliver White Hill Award from the Virginia State Bar in 2003 and the Child Advocacy Award from the American Bar Association's Young Lawyers Division in 2010. In addition to her work with JustChildren, Angela has worked with the LAJC team on a comprehensive litigation and advocacy strategy to address fundamental unfairness embedded in Virginia's system of collecting criminal justice debt from indigent defendants, particularly focusing on counterproductive policies such as driver's license suspension that impose additional barriers to successful reentry.



Alex Kornya

Assistant Litigation Director, Iowa Legal Aid

AKornya@iowalaw.org

Alex Kornya is the Assistant Litigation Director at Iowa Legal Aid. Prior to this, he was a staff attorney for Iowa Legal Aid, advocating primarily in the areas of consumer protection, tax, and housing. Since 2009, he has advocated for the rights of low-income people facing the burden of criminal justice debt, developing and raising various constitutional and consumer protection theories and achieving systemic change through direct individual services. He has made several significant contributions to advocacy in this area, on both local and national levels.



Jani Maselli Wood

Assistant Public Defender

Harris County Public Defender's Office, Texas

Jani.Maselli@pdo.hctx.net

Jani Maselli Wood is an assistant public defender in Harris County, Texas. She previously had a private practice focused primarily upon federal capital habeas work. She was a staff attorney for the Honorable Charles F. Baird at the Texas Court of Criminal Appeals. She has been an adjunct professor at the University of Houston Law Center since 1999. She is board certified in criminal appellate law.



Robin C. Murphy

Chief Counsel, Civil Programs, NLADA

R.Murphy@nlada.org

Robin has committed her career to advocacy on behalf of underserved individuals and groups to protect and promote their legal rights. As NLADA's Chief Counsel she provides legal advice to NLADA's Civil Legal Services Division and civil membership - private non-profit legal advocacy programs throughout the nation. She advocates with the Legal Services Corporation (LSC) and their Board of Directors for LSC regulations, policies, procedures and oversight that maximize LSC funded programs' ability to effectively provide high quality legal services in their client communities.

Prior to joining NLADA, Robin enforced federal civil rights laws as a supervisory attorney at the US Department of Education Office for Civil Rights. In addition, she has spent over twenty years practicing at non-profit legal advocacy and government organizations throughout the country engaging in litigation, policy and legislative advocacy to protect and promote the legal rights of individuals unable to afford counsel primarily serving individuals with disabilities, children and survivors of domestic violence.

Q & A Session



Thank you!

