

CLO

**COMMUNITY
LAW
OFFICE**

Jefferson County Public Defender

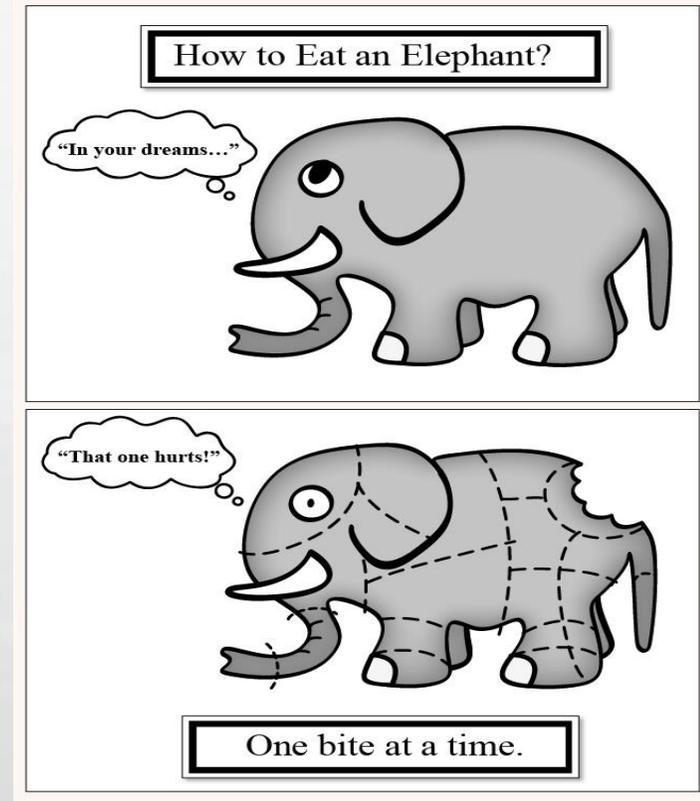
BUILDING BIRMINGHAM

WHAT YOU CAN LEARN FROM A START-UP PUBLIC DEFENDER'S OFFICE



STARTED FROM THE BOTTOM

- **11,000 CASES PER YEAR**
- **AVERAGE INCOME <\$30,000.00 PER YEAR**
- **LARGELY APPOINTED ATTORNEY COUNSEL SYSTEM**
- **FRACTURED, DYSFUNCTIONAL JUDICIARY**
- **OVER-CROWDED JAIL**
- **47% WIN RATE AGAINST THE DA'S OFFICE BEFORE PD'S OFFICE OPENED**
- **SMALL PUBLIC DEFENDER PRESENCE IN THE STATE**
- **LEADER WITH LITTLE CREDIBILITY WITHIN THE LEGAL COMMUNITY**



"Let not your mind run on what you lack as much as on what you have already."

—Marcus Aurelius

WHAT ELSE IS OUT THERE?

- **SURELY SOMEONE ELSE HAS DONE THIS BEFORE, RIGHT?**
 - **WHAT ARE THEY DOING WELL?**
 - **WHAT OPPORTUNITIES ARE BEING MISSED?**
 - **WHAT WILL SELL IN THIS ENVIRONMENT?**



“Nothing has such power to broaden the mind as the ability to investigate systematically and truly all that comes under thy observation in life.”
Marcus Aurelius

DO YOU SMELL THAT?

- **POOR CLIENT SERVICE**
- **CHUMMY, JUDGE CENTERED CRIMINAL DEFENSE PRACTICE**
- **RESISTANCE TO CHANGE**
- **FUNDERS FROM THE FINANCE DEPARTMENT**
- **LAX ADHERENCE TO CONSTITUTIONAL NORMS**
- **BANKRUPT COUNTY GOVERNMENT**
- **EXCLUSION FROM COURT PROCEEDINGS**

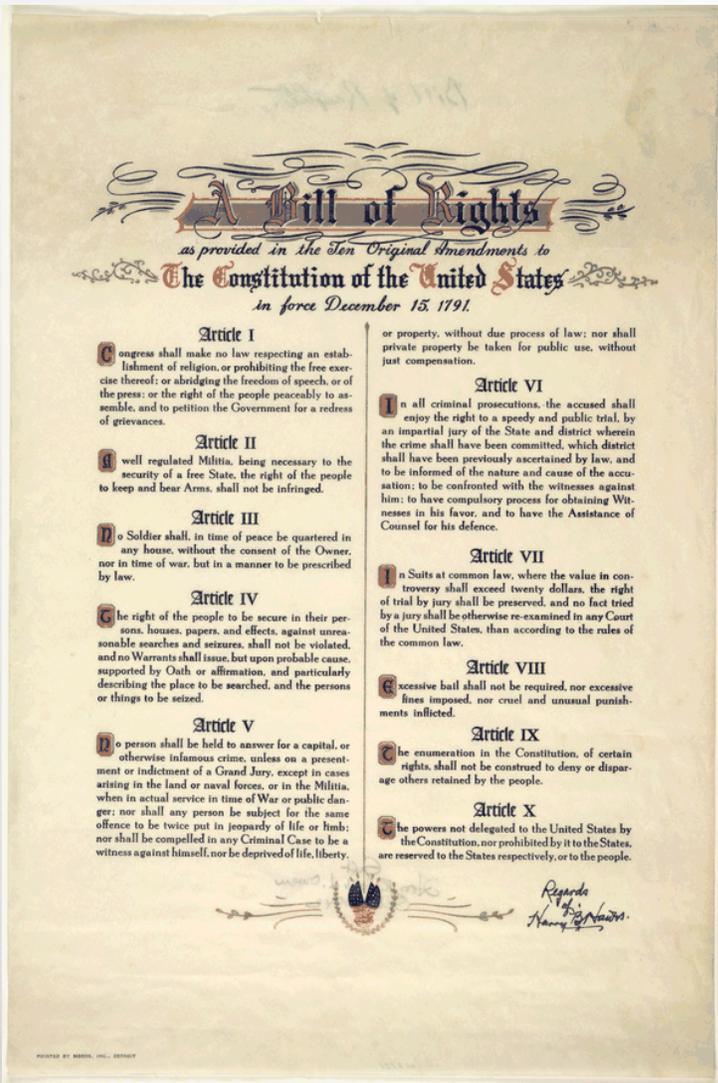


“The object of life is not to be on the side of the majority, but to escape finding oneself in the ranks of the insane.”
—Marcus Aurelius

LET'S NOT FORGET WHY WE ARE HERE

IN ALL CRIMINAL PROSECUTIONS, THE ACCUSED SHALL ENJOY THE RIGHT TO A SPEEDY AND PUBLIC TRIAL, BY AN IMPARTIAL JURY OF THE STATE AND DISTRICT WHEREIN THE CRIME SHALL HAVE BEEN COMMITTED, WHICH DISTRICT SHALL HAVE BEEN PREVIOUSLY ASCERTAINED BY LAW, AND TO BE INFORMED OF THE NATURE AND CAUSE OF THE ACCUSATION; TO BE CONFRONTED WITH THE WITNESSES AGAINST HIM; TO HAVE COMPULSORY PROCESS FOR OBTAINING WITNESSES IN HIS FAVOR, AND TO HAVE THE ASSISTANCE OF COUNSEL FOR HIS DEFENCE.

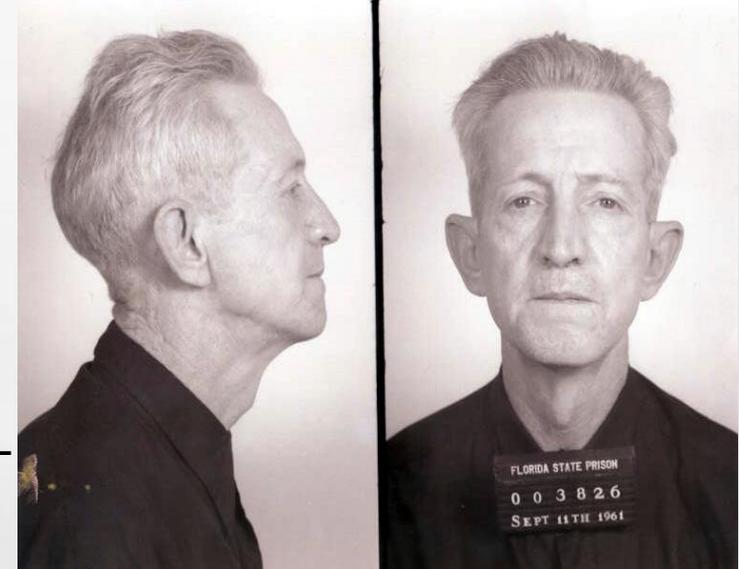
U.S. CONST. AM. 6.



WHAT DOES THE SIXTH AMENDMENT MEAN TO YOU?

TIMELY AND CONFIDENTIAL INPUT FROM THE CLIENT REGARDING SUCH THINGS AS POSSIBLE DEFENSES, THE NEED FOR INVESTIGATION, MENTAL AND PHYSICAL HEALTH ISSUES, IMMIGRATION STATUS, CLIENT GOALS, AND POTENTIAL DISPOSITIONS ARE ESSENTIAL TO AN INFORMED REPRESENTATIONAL RELATIONSHIP. PUBLIC DEFENDERS . . . CANNOT SIMPLY PRESUME THAT THE POLICE OFFICERS AND PROSECUTOR HAVE DONE THEIR JOBS CORRECTLY OR THAT INVESTIGATION WOULD BE FUTILE.

WILBUR V. CITY OF MT. VERNON, 989 F. SUPP. 2D 1122, 1126-27 (W.D. WASH. 2013)



“There is nothing more difficult to take in hand, more perilous to conduct, or more uncertain in its success, than to take the lead in the introduction of a new order of things.” — Niccolo Machiavelli

WHAT DOES THE SIXTH AMENDMENT MEAN TO YOU? CONT....

THE REQUIREMENT OF A PUBLIC TRIAL IS FOR THE BENEFIT OF THE ACCUSED; THAT THE PUBLIC MAY SEE HE IS FAIRLY DEALT WITH AND NOT UNJUSTLY CONDEMNED, AND THAT THE PRESENCE OF INTERESTED SPECTATORS MAY KEEP HIS TRIERS KEENLY ALIVE TO A SENSE OF THEIR RESPONSIBILITY AND TO THE IMPORTANCE OF THEIR FUNCTIONS. . .

WALLER V. GA., 467 U.S. 39, 46 (1984).

WHAT DOES THE SIXTH AMENDMENT MEAN TO YOU? CONT....

WHERE THE RIGHT TO BE ASSISTED BY COUNSEL OF ONE'S CHOICE IS WRONGLY DENIED... IT IS UNNECESSARY TO CONDUCT AN INEFFECTIVENESS OR PREJUDICE INQUIRY TO ESTABLISH A SIXTH AMENDMENT VIOLATION. DEPRIVATION OF THE RIGHT IS "COMPLETE" WHEN THE DEFENDANT IS ERRONEOUSLY PREVENTED FROM BEING REPRESENTED BY THE LAWYER HE WANTS, REGARDLESS OF THE QUALITY OF THE REPRESENTATION HE RECEIVED. TO ARGUE OTHERWISE IS TO CONFUSE THE RIGHT TO COUNSEL OF CHOICE--WHICH IS THE RIGHT TO A PARTICULAR LAWYER REGARDLESS OF COMPARATIVE EFFECTIVENESS--WITH THE RIGHT TO EFFECTIVE COUNSEL--WHICH IMPOSES A BASELINE REQUIREMENT OF COMPETENCE ON WHATEVER LAWYER IS CHOSEN OR APPOINTED.

UNITED STATES V. GONZALEZ-LOPEZ, 548 U.S. 140, 148 (2006).

WHAT DOES THE SIXTH AMENDMENT MEAN TO YOU? CONT....

WE HAVE, FOR PURPOSES OF THE RIGHT TO COUNSEL, PEGGED COMMENCEMENT TO "THE INITIATION OF ADVERSARY JUDICIAL CRIMINAL PROCEEDINGS--WHETHER BY WAY OF FORMAL CHARGE, PRELIMINARY HEARING, INDICTMENT, INFORMATION, OR ARRAIGNMENT," ... THE RULE IS NOT "MERE FORMALISM," BUT A RECOGNITION OF THE POINT AT WHICH "THE GOVERNMENT HAS COMMITTED ITSELF TO PROSECUTE," "THE ADVERSE POSITIONS OF GOVERNMENT AND DEFENDANT HAVE SOLIDIFIED," AND THE ACCUSED "FINDS HIMSELF FACED WITH THE PROSECUTORIAL FORCES OF ORGANIZED SOCIETY, AND IMMERSSED IN THE INTRICACIES OF SUBSTANTIVE AND PROCEDURAL CRIMINAL LAW."

ROTHGERY V. GILLESPIE CTY., 554 U.S. 191, 198 (2008).



"The criminal system is a system of criminals. Sure, their rights are violated. But not all rights are violated."
Hon. Marcus Gordon, Circuit Judge

WE ARE SOMEBODY



- **CLIENT FOCUSED**
- **ENERGETIC**
- **PRINCIPLED**
- **INDEPENDENT**
- **COMMUNITY BASED**
- **POLICY MINDED**

“The moral arc of justice is long but it bends toward justice.” –Bryan Stevenson

BUMPS AND BRUISES

- **CHAIRMAGEDDON**
- **WHO NEEDS PHONES?**
- **MEDIA BLACKOUT**
- **POLITICKING, OR THE LACK THERE OF**
- **THE PRIVATE BAR**
- **RACIAL TENSIONS? IN BIRMINGHAM?**



THIS AIN'T YOUR MAMA'S GOVERNMENT OFFICE

STRUCTURAL DIFFERENCES

- NO OFFICES (WELL, SORT OF)
- INTERDISCIPLINARY TEAMS
- NOT IN A GOVERNMENT BUILDING
- REBRANDED TITLES
- VERTICAL REPRESENTATION



INTEGRATE INTO YOUR COMMUNITY

- **WORK TIME FOR PUBLIC SERVICE**
- **CLO ACADEMY**
- **KNOW YOUR RIGHTS CAMPAIGN**
- **SPEAKING ENGAGEMENTS**
- **ATTORNEY SEMINARS**
- **SOLICITING FEEDBACK**
- **JAIL LINES**
- **PARTICIPATORY DEFENSE**



LET'S DISCUSS



QUESTIONS?

