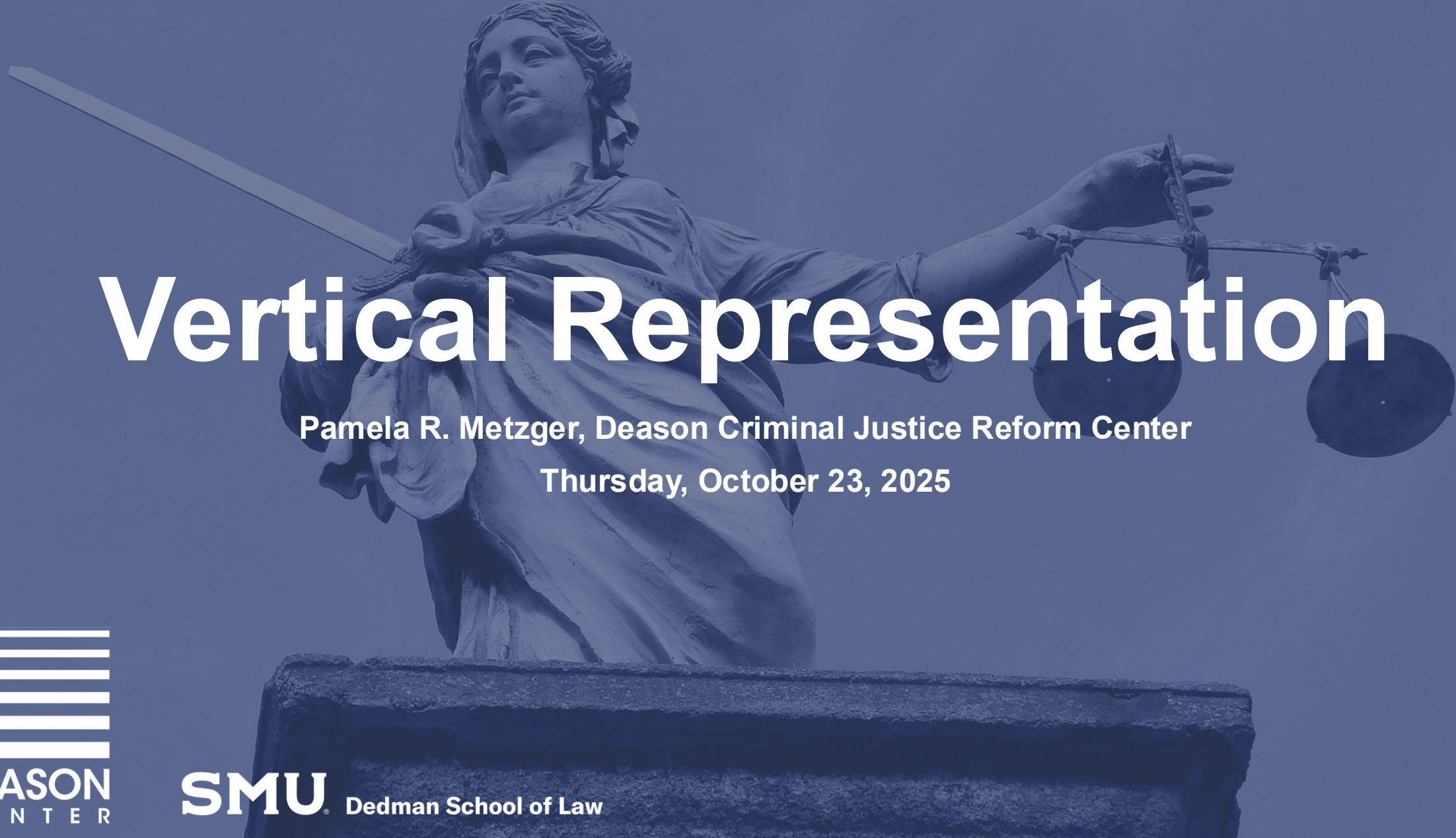


A blue-tinted background image of a statue of Lady Justice, blindfolded and holding a sword and scales of justice.

Vertical Representation

Pamela R. Metzger, Deason Criminal Justice Reform Center

Thursday, October 23, 2025



SMU Dedman School of Law



Right to Counsel



STAR Justice



Prosecutorial Discretion



Vertical Representation

- What?

- Why?

- How?

Vertical Representation

- What?

- Why?

- How?



**What
is vertical representation?**

What is Vertical Representation

Vertical representation: a system of assigning the same attorney to represent a defendant from initial appearance through resolution.

What is Continuous Representation

Continuous representation: the systemic practice of providing a defendant representation at every stage of the criminal process.

Mississippi Rule 7.2(c)

“Counsel representing a defendant **at any stage** shall continue to represent that defendant in all further proceedings in the case, including filing a notice of appeal, unless counsel is allowed to withdraw for good cause as approved by the court and new counsel is retained or appointed (unless the right to counsel has been properly waived pursuant to Rule 7).”

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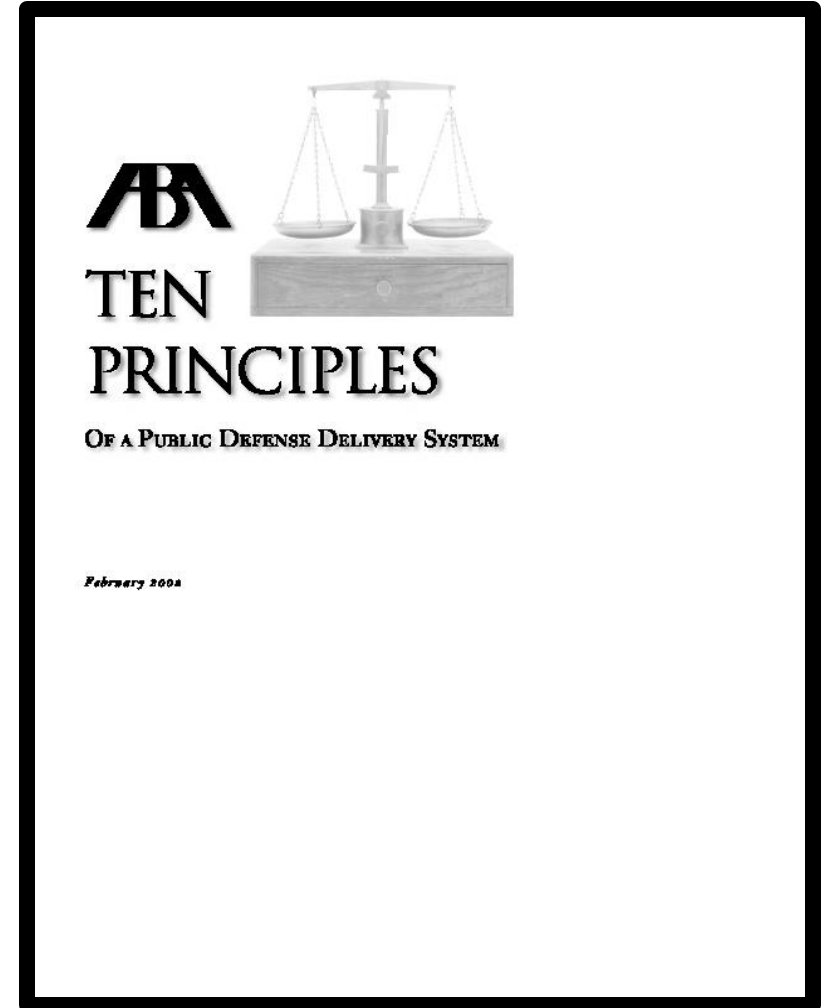
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Duty of Continuing Representation 7.2(c)

1. Counsel shall represent the defendant
2. In all further proceedings
3. Withdrawal requires
 - a. Good cause, and
 - b. Court approval, and
 - c. Entry of new counsel
 - d. OR waiver of right to counsel

Vertical Representation is a National Standard

- Originally adopted in 2002
- Practical guide for:
 - Policymakers
 - Public defenders
 - Defense community



Essential to defense system that is:

- High-quality
- Ethical
- Effective

Vertical Representation is a National Standard

2023 Revision

- Reflects modern practice
- Changes in public defense



Principle 8: Vertical Representation

To develop and maintain a relationship of trust, the same defense lawyer should continuously represent the client from assignment through disposition and sentencing in the trial court, which is known as "vertical" representation.

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**Why practice
vertical representation?**

Why Practice Vertical Representation

Question: What is the common alternative?

Answer:

- Horizontal representation
- Aka “stage” or “sequential” representation

What is Horizontal Representation

Horizontal representation: a system in which attorneys are assigned to limited scope representation of individual defendants at specific stages of the criminal process, or in specific courtrooms.

Why Practice Vertical Representation

Challenges in horizontal representation

- Reduced relationship
- Loss of information
- Fulfilling perception of assembly-line justice
- Narrowed vision of case
- Duplication of efforts
- Missed opportunities

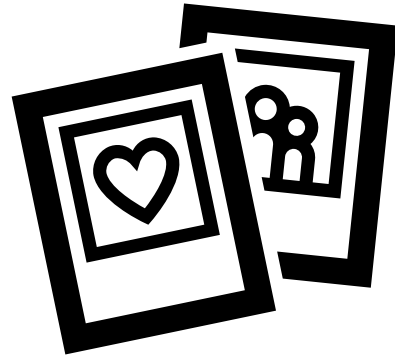
Why Practice Vertical Representation?

- Lawyer-as-hero



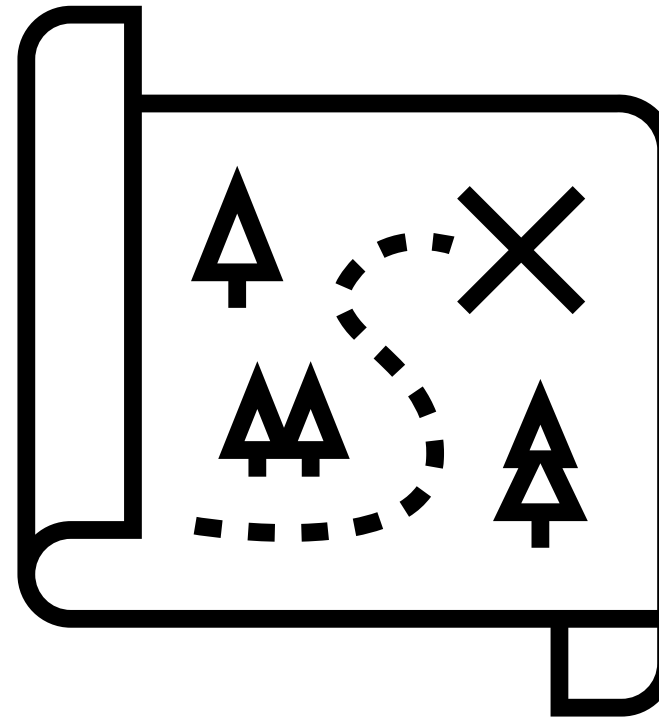
Why Practice Vertical Representation?

Good lawyering requires deep trust



Why Practice Vertical Representation?

Good lawyering requires whole-case thinking



Why Practice Vertical Representation?

Courts acknowledge importance of vertical representation:

- **State court rules on continuity**
- **State court decisions on non-interference**

Why Practice Vertical Representation?

Justice Kennedy on horizontal representation

“[U]nless each attorney scrupulously acts to insure that all who participate in the case are informed of every aspect of that attorney’s representation, there is some danger that a defendant may be deprived of effective legal assistance.”

Greenfield v. Gunn, 556 F.2d 935, 939



**How to practice
vertical representation?**

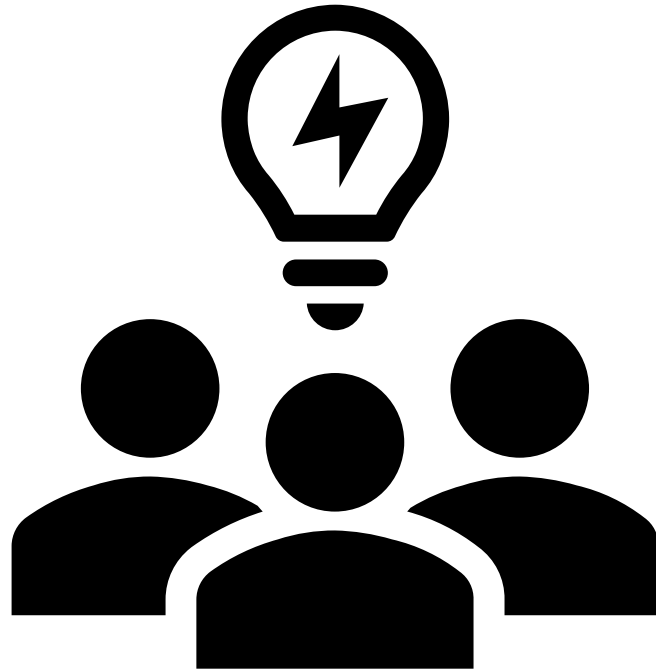
Obstacles to Vertical Representation

- **Court-based defender contracts**
- **Too many courts**
- **Conflicting court calendars**
- **Long drive times**

Vertical Representation as a Continuum

- One lawyer, one client
- Best lawyer, one client
- Team of lawyers, one client

Brainstorming



We can help...

DeasonJusticeCenter@smu.edu





Questions??

