EXEMPLARY DEFENSE:
A STUDY OF THREE GROUNDBREAKING PROJECTS IN PUBLIC DEFENSE

A Report Compiled for the ABA Standing Committee on Legal Aid and Indigent Defendants
Made Possible Through the Support of the American Bar Endowment
ABA STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS

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ACKNOWLEDGEMENTS

The Exemplary Defense Project was made possible through an Opportunity Grant from the American Bar Endowment (ABE). The American Bar Association Standing Committee on Legal Aid and Indigent Defendants (SCLAID) is grateful to ABE for its support and for recognizing the importance of promoting innovations in public defense.

ABA SCLAID is also grateful to all those who have worked on this important project: Former SCLAID staff attorney, Geoffrey Burkhart, and former Chief Counsel for SCLAID, Terry Brooks, who were instrumental in designing and securing funding for this Project; Professor Norman Lefstein, the longtime Special Advisor to SCLAID on public defense, who advised this project from start to finish; Jim Bethke, former Chair of the Indigent Defense Advisor Group, and Hon. Cheri Beasley, Associate Justice of the North Carolina Supreme Court, a member of SCLAID, who conducted site visits to subject projects; and Professor Lauren Sudeall Lucas, who advised ABA SCLAID during the nomination and selection process. Special thanks to Malia Brink, SCLAID’s Associate Counsel for Public Defense, who led the implementation of this project from the nomination phase through the drafting of this report.

Finally, ten public defense projects were each nominated for recognition as an Exemplary Defense Project. They spanned the country from New York to California, representing jurisdictions of every size and public defense providers of every type. Every one of the nominated projects is worthy of acknowledgment. ABA SCLAID is grateful for their work and appreciative of all those who took the time to nominate a project or program.

Theodore A. Howard
Chair, American Bar Association Standing Committee on Legal Aid and Indigent Defendants
# EXEMPLARY DEFENSE: A STUDY OF THREE GROUNDBREAKING PROJECTS IN PUBLIC DEFENSE

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INTRODUCTION

Conversations about public defense in America almost always surround the crisis—the excessive caseloads, underfunding, attorney turnover, and other problems that have plagued public defense for decades. This attention to the negative overshadows the exceptional and innovative work being done by public defense providers. The American Bar Association Standing Committee on Legal Aid and Indigent Defendants (ABA SCLAID) created the Exemplary Defense Project to acknowledge, encourage, and celebrate exceptional public defense.

The Exemplary Defense Project identifies, studies, and reports on inventive programs in public defense. By documenting and publishing details on the formation and operation of these positive projects, the Exemplary Defense Project seeks to encourage and assist other public defense providers in replicating the work of the recognized projects and pursuing their own innovations.

Programs were selected through a nomination process. Following a detailed review of the nominated programs, ABA SCLAID selected three for recognition:

- The Decarceration Project of The Legal Aid Society in New York City, New York.
- The Future Appointed Counsel Training (FACT) Program in Harris County, Texas; and
- The Independent Juvenile Defender Program in Los Angeles, California.

This report provides details on each of these Exemplary Defense Projects and identifies key elements critical to their success. The information contained in the report came from nomination materials, annual reports, and other materials produced by the projects. In addition, ABA SCLAID personnel conducted site visits to each of the selected projects. On these site visits, ABA teams met with staff, lawyers, judges, and court administrators about the projects and their impact. When possible, site visit teams also observed project attorneys in court and spoke with current or past clients.

The report is divided into three sections, one section for each program. Each section contains the history of the program, details of its operation, information on replicability and the contract information for the program. Additionally, each section contains an Appendix including key documents to assist other jurisdictions in creating or improving similar programs. Each of the programs selected are willing to assist other jurisdictions in replication efforts.
The Decarceration Project

Introduction
The Decarceration Project of The Legal Aid Society of New York was formed in June 2016 with the goal of reducing unnecessary pretrial incarceration by obtaining pretrial release for clients as soon as possible through direct advocacy, impact litigation and pushing for legislative reform. In March 2017, the Project began a pilot project in the Manhattan office that eventually led to the Project’s expansion.

Data showed that roughly 75 percent of the individuals incarcerated in New York City jails—over 7,000 people—are in jail awaiting trial. These detained individuals are disproportionately people of color: 55 percent of those detained are Black and 34 percent are Latino—and only 7 percent are white. Further, research demonstrates that clients who are detained pretrial are significantly more likely to be convicted than those released. The leadership of The Legal Aid Society believed that if obtaining pretrial release correlated to better outcomes, then more resources should be invested into obtaining clients’ release.

The core premise of the Decarceration Project is that bail advocacy must be immediate and interdisciplinary to be effective. When left to trial lawyers who have many competing priorities, the issue of bail was under-litigated, and, as a result, clients were remaining in jail. As Tina Luongo, Attorney-in-Charge of Criminal Practice at The Legal Aid Society, put it, “Having specialized bail attorneys lets us remove conflicting time issues from the equation.”

The initial pilot project provided a small team of bail specialists—two attorneys, a social worker, and a part-time paralegal, to one of The Legal Aid Society’s trial teams in their Manhattan office. The specialists were available to assist the approximately twenty-five trial attorneys on the team and ensure that bail factors were fully researched and presented. At times, this involved reviewing and supplementing the trial attorneys’ work. Other times, the Decarceration Project attorneys would step in to litigate the bail issues in a particular case. The goal of the pilot was to determine whether devoting additional litigation capacity at the bail determination stage would lessen pretrial detention.

In our criminal justice system, the presumption of innocence can be vitiated by bail. Once you are locked up, too often a guilty plea is the key to getting out.

Irwin Shaw, Attorney-in-Charge, Manhattan Office, The Legal Aid Society of New York
During the six-month pilot stage, the Decarceration Project assisted 141 clients. They were successful in getting clients released on their own recognizance, advocating for alternatives to money bail, or getting the amount of bail reduced in roughly 20 percent of the cases. They were also able to arrange the client’s release in an additional 33 percent of the cases.

### Pilot Project Bail Challenges & Release Outcomes

<table>
<thead>
<tr>
<th>Outcome</th>
<th>ROR following Motion to Change Bail</th>
<th>ROR – Prosecution failed to meet burden for detention</th>
<th>Posted Bail</th>
<th>Detained</th>
<th>Total</th>
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<td>ROR Granted</td>
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<td></td>
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<tr>
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<td>35</td>
<td>66</td>
<td></td>
<td>113</td>
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<tr>
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<td>12</td>
<td>42</td>
<td>74</td>
<td>141</td>
</tr>
</tbody>
</table>

Following the success of the pilot project, The Legal Aid Society sought to expand the Decarceration Project to all five boroughs. After obtaining funding from the Mayor’s Office of Criminal Justice, the Decarceration Project is now operating throughout New York City.

### Staffing

The Decarceration Project now has a full-time devoted attorney in each of the five boroughs of New York City. In Manhattan, for example, the one project attorney works with six trial teams, or roughly 150 trial attorneys. In addition, the Decarceration Project has three attorneys whose work spans across the five boroughs. One serves as project director, directing the project’s advocacy work and litigating writs and appeals. The second is an experienced attorney who is available as a resource to the borough-based project attorneys and litigates writs and appeals. The third attorney staffs a specialty project within the Decarceration Project—the Women’s Project—which focuses on obtaining pretrial release for women and is a collaboration between The Legal Aid Society and several others. The Decarceration Project is also staffed by borough-based social workers, two paralegals, several legal interns, and a data analyst.

The borough-based project attorneys are not new hires. They are experienced attorneys working within The Legal Aid Society who accept the position on a rotation basis—essentially as a one-year specialty assignment. According to Luongo, this...
rotation system has several benefits. First, it provides a training and development opportunity for experienced Legal Aid lawyers. These types of opportunities combat burn out, and help The Legal Aid Society retain mid-level attorneys. Second, as fellow public defenders, rotating attorneys are able to avoid much of the skepticism that could arise concerning intervention into the cases of other defenders. The attorneys are known in the office, so when they offer to assist or review a case, those offers are not as likely to be misinterpreted as criticism by other trial attorneys. Additionally, when the rotating attorneys return to their divisions following the rotation, they return with comprehensive knowledge of the benefits of focused litigation on pretrial release. These returning lawyers not only provide better bail advocacy to their clients, but also emphasize this work within that trial division. In this way, the rotation system helps drive culture change throughout the organization.

The current Decarceration Project attorney in the Manhattan office, Alma Magana, is a good example of how the rotation system can work. She has worked at The Legal Aid Society her entire legal career, having spent three years in the parole revocation division, one year as a specialist on immigration issues, and seven years in the trial division. During observation, it was obvious that all the lawyers in the office knew her, understood her role and trusted her. Several stopped her to ask questions about cases or situations during our observation. She also asserted that having served as a Decarceration Project attorney would change how she approaches trial work when her rotation is over.

Each borough, except for Staten Island, also has a designated social worker focused exclusively on Decarceration Project work to assist the attorneys and their clients. The social worker concentrates on those issues most likely to impact bail decisions, including establishing family and community ties, connecting the client to services, and presenting medical and employment histories. In Staten Island, which is the smallest of the five boroughs, the project uses the office’s team of three social workers. Oftentimes, the social worker can work directly with trial lawyers to help prepare appropriate bail applications, allowing the project attorneys to focus on other cases and broadening the impact of the project.

Working with Trial Teams
The Decarceration Project could not be effective without the support of the trial lawyers in the office. Intervening in a case, particularly early in the process, could be viewed as interrupting or damaging the lawyer-client relationship at a fragile stage. It was, therefore, essential to convince trial lawyers that the project would assist and did not in any way imply their ineffectiveness.
Kalief Browder and a friend were on their way home from a party when they were stopped by the police, who were responding to a call about the theft of a backpack. Despite not finding any of the stolen materials during a search of his person, Browder was arrested and charged with robbery and assault. At his arraignment, bail was set at $3,000, but his family could not pay either the bail or the percentage required for a bondsman. He was detained pretrial in Rikers Island.

Browder refused to plead guilty to get out, continually maintaining his innocence. His trial was repeatedly delayed, and he spent just shy of three years in jail pretrial, much of it in solitary confinement. He attempted suicide in prison at least three times. He was eventually released when prosecutors acknowledged that they could not sustain a case against him.

Following his release, Browder passed the G.E.D exam and enrolled in college, but the impact of his time in prison remained. He suffered from depression and attempted suicide several other times. He died of suicide on June 6, 2015.

Browder’s case drew attention to both the overuse of solitary confinement and excessive pretrial detention. New York City has agreed to cease locking prisoners under age 21 in solitary confinement, and New York City Mayor Bill de Blasio has pledged to close Rikers Island. Bail reform efforts, however, have failed to come to fruition. New York Governor Andrew Cuomo introduced a criminal justice reform package that included the elimination of cash bail for misdemeanor and nonviolent felony cases, but the legislature did not pass the measure before adjourning for the year in June 2018.
The success of the project also depends upon trial team lawyers referring cases and/or asking for help. While project staff can review detention lists and identify those who remain in detention after a bail hearing, the system is far more efficient when the trial lawyers assist in drawing attention to appropriate cases before an initial bail package is filed. With this cooperation, the project can advocate for release at the earliest assessment, rather than having to try to seek a revision of a previously set bail amount.

Training was important to building trust in the program. The trial lawyers with access to the project were trained on the project’s goals and strategies, as well as the resources that would be available to them. They were also trained on the data that led to the formation of the project—specifically, that clients jailed on bail they cannot pay are 34 percent more likely to plead guilty. The training emphasized cooperation and coordination. Project attorneys are available to assist the trial lawyers, who had far better knowledge of the client and his/her case, but also have the time to focus exclusively on obtaining the client’s release.

The training also emphasized that the bail system in New York City is complex. The Attorney-in-Charge, Manhattan Office, Irwin Shaw, noted that there are nine mechanisms to obtain release under the New York bail statute, but most of them are never used. When trial attorneys learn about all of these release mechanisms they have never tried, and possibly have never even heard of, they quickly come to accept and appreciate the assistance offered by the Decarceration Project.

During the ABA SCLAID site observation in Manhattan, we watched an example of this play out in court. The client had been set a bail of $30,000. The family went to a bail bondsman, who had initially agreed to provide secured bail but then backed out. The family had raised the 10 percent security, but could not find a bondsman. The Decarceration Project attorney appeared in court to argue that the court should use a mechanism, available in the statute, called a partially secured surety bond. The court would accept the security amount (10 percent) and the family would be liable for the rest if the defendant failed to appear. The judge was open to this, but it was clear that this mechanism was seldom if ever used. The judge stated that he had not used the mechanism before, and the clerk was unsure what paperwork was required or how to put it in the system. The District Attorney was opposed and requested additional conditions if this mechanism was going to be used. The Decarceration Project attorney argued against any additional conditions, emphasizing that the bail amount was not changing. The judge postponed the hearing for a day to consider these issues, but eventually agreed to allow the use of the mechanism with no additional conditions.
Early Intervention
Former public defender Marie Ndiaye noted that the "prosecution’s decision to ask for bail sets into motion a series of critical events that can have a devastating effect on someone’s life." Whether they obtain release or are detained "sets the tone for the rest of the criminal prosecution. Those who are held in pretrial detention are more likely to plead guilty, usually just to end their confinement on Rikers Island."

In addition to impacting case outcomes, every day in jail negatively affects clients and their families, making reintegration more difficult. Another day in jail may be a day that a child does not see her father or mother. It may be day that a child spends in foster care. One more day in jail may be the day the employer decides to fire the client, or the day lost income means the client’s family cannot pay rent that month.

The Decarceration Project is focused on every single one of these days for each client. To meet this goal, the project staff endeavors to review the detention lists regularly and identify clients who remain in jail after their arraignment. This review process helps ensure that nobody falls through the cracks. Project attorneys can then reach out directly to the trial lawyers for those detained individuals and offer assistance.

Litigation
Litigation is the primary tool by which the Decarceration Project seeks to effect change. The project’s litigation strategy is straightforward: "Litigate early and often." In other words, litigate and keep litigating until the client is out. The first step, for most clients, is the preparation of a bail application. Rather than presenting a pro forma or stock package, the additional attention of the project’s attorneys, social workers, paralegals, and other staff allow them to present bail applications that include detailed information on the client’s life, financial circumstances, and, when applicable, program and housing recommendations.

Bail decisions that do not permit release can be immediately challenged using a writ of habeas corpus and, if necessary, the case can be appealed to the appellate courts. By taking writs and appeals, the Decarceration Project is seeking to create

Just for being in jail, I could have lost everything: my job, my money, my housing, all before anything even happened in the case. I couldn’t have even paid my rent from jail. I feel like things wouldn’t have ended as well if I was in jail.

Decarceration Project client whose case was ultimately dismissed
strong precedent that will force trial judges to closely evaluate any case of pretrial detention.

The most important ruling obtained thus far came when the project appealed the unusual case of a client who had his bail raised, resulting in detention. The client had been released but, at a hearing with the client present, the judge raised bail and detained the client again. Upon hearing that he would be detained, the client attempted to swallow some pills in his possession. The project filed a writ regarding the raised bail and was successful. The District Attorney then brought a new indictment against the client for tampering with evidence (swallowing pills) prior to being taken into custody. The judge set bail in the new case at $15,000 secured surety bond or cash. The client could not acquire the necessary bond and was detained. The project filed a writ challenging the bail in the new case. The court upheld the amount of the bail at $15,000 but ruled that the client should be able to provide a partially secured bond at 3 percent. In other words, if the client could deposit $450 with the court, he could obtain release.

In ruling that the client should have access to the alternative release mechanism, the court noted that judges must consider changing views and evidence regarding pretrial detention:

We, as a society, are coming to realize that our extensive reliance on pretrial detention through a bail system which often determines whether a defendant can remain at liberty based primarily on how much money he has is morally problematic, unduly expensive and counterproductive to both the goal of efficiency and the principles of due process. … We must recognize that when we confine a defendant to Rikers Island for an indefinite period of time, we’re imposing great cost. We’re imposing a financial burden on the taxpayers of the City of New York. We’re imposing tremendous pain on the defendant. We’re causing great suffering for the defendant’s family and likely impairing the positive family relationships which may lessen a defendant’s propensity to offend again. And we’re making it much more difficult for the defendant to be cloaked in the presumption of innocence, not just as an abstract principle, but in reality.4

Our judicial system is centered on the presumption of innocence and we are fighting to make sure that this bedrock principle is guaranteed to everyone, not just those who can afford their freedom.

Tina Luongo, Attorney-In-Charge of Criminal Defense Practice at The Legal Aid Society.
The court went on to conclude that pretrial detention was not necessary in this case to ensure the defendant’s appearance in court. As a result, a mechanism that actually allowed the defendant to obtain release was warranted.

Last year, working with the law firm Davis Polk as pro bono counsel, the Decarceration Project organized a mass action, filing writs of habeas corpus on behalf of a number of clients. The project has also filed several appeals. In these cases, the project not only raises arguments particular to the client, but also challenges the use of money bail on equal protection grounds and argues that the statute violates due process by failing to require a hearing on ability to pay. While the project has been successful in obtaining favorable outcomes for clients, no judge has addressed the merits of their constitutional claims. At the time of our observation, they had several other appeals pending, including one in federal court. The project’s goal is to obtain additional rulings recognizing that monetary bail should not be used to prevent pretrial release. Rather, pretrial detention should be used in very limited circumstances and may only be ordered following an evidentiary hearing and findings on the record that the defendant meets the appropriate standard.

**Women’s Project:** The goal of the Women’s Project is to secure the release of women detained pretrial on Rikers Island. It is housed within the Decarceration Project and is a collaboration between Fedcap, the New York County District Attorney, The Legal Aid Society, Neighborhood Defender Service of Harlem, the New York County Defender Services, the Open Society Foundation, and the Robin Hood Foundation. The project seeks to “provide the supports necessary to diminishing any risk of flight—leaving women better positioned to renew applications for pre-trial release.” The initiative provides each woman with coordinated care and services, including housing placements, assistance in obtaining public benefits, medical assessments and care, employment training and job placement assistance, financial literacy training, and self-advocacy training.

**Training**

To increase its impact, the Decarceration Project conducts trainings both within The Legal Aid Society and with outside defense attorneys. These trainings seek to share the strategies that the project has found effective and encourage other defense attorneys to pay increased attention to bail advocacy. These trainings focus on the use of alternatives to bail already available...
in the bail statute and stress that, with minimal effort, client bail outcomes can be dramatically improved.

A recent study by the Vera Institute of Justice asked the question: “What would happen if partially secured and unsecured bonds were used more often?” The study followed 99 cases in New York City in which alternative forms of bail were set and analyzed their outcomes. While there was no established control group, they were able to compare these outcomes against the generalized outcomes collected by the New York Criminal Justice Agency. The use of alternative forms of bail, most commonly partially secured bail, resulted in more defendants being released pretrial, but did not raise rates of failure to appear or re-offense as compared to the generalized outcome data.

Advocacy

The goals of the Decarceration Project are to help individual clients and ultimately change the bail system in New York. The project works as part of several coalitions to affect positive reform. They have been active in the effort to close Rikers Island, efforts to end mass incarceration, including #FREEnewyork, and efforts to bail out individuals who remained detained because they cannot pay bail.

While efforts to reform the cash bail system in New York have not come to fruition yet, the project has already had an impact on criminal justice system operations. For decades, the system seemed stacked against obtaining pretrial release. Shaw noted that bail was regularly required in many misdemeanor cases. Shaw also asserted that judges often seemed to assess what a client could pay only to ensure that bail was set above that amount. As former New York Court of Appeals Chief Judge Jonathan Lippman observed recently in an article in *The Atlantic*, judges are risk adverse. They do not want to risk the association that can occur if someone makes bail and then reoffends. “Whether directly or subliminally, the judge doesn’t like to see his name on the front page of a tabloid: ‘Judge release so-and-so,’ and they do some great damage to public safety.”

By pushing back against pretrial detention, the Decarceration Project has helped to drive changes in the ways both prosecutors and judges use their discretion. District Attorneys are more willing to explore alternatives and less likely to push for bail in lower level cases. They are also more likely to look at the specifics of a case
when making bail recommendations, rather than basing the recommendation on charges alone. The judges similarly appear more open to considering the alternatives presented and reducing bail when someone is detained on a minor charge. One judge recently noted in court, "At our recent summary judicial training, we received instructions on the issues arising in alternative forms of bail, like the partially secured appearance bond I am setting today."9

Each of these small changes means more individuals are able to obtain release pending trial. Knowing that bail decisions are likely to be reviewed and that The Legal Aid Society is devoting time and effort to challenging ongoing detention has already improved the bail determination process.

**Replicability**

The Decarceration Project was designed to address the concern that line defenders were not devoting appropriate resources to the bail stage because of competing workload demands. "The basic premise of the Project’s direct advocacy/litigation strategy should hold true everywhere," Project Director Joshua Norkin noted. "You can better utilize scarce resources by devoting them to the very beginning of the case given the out-sized impact pretrial incarceration has on case outcomes." While another provider may not be able to devote a full-time attorney and social worker to this work, finding a way, within your office or organization, to set aside some specialized time for reviewing and more fully addressing the bail stage may well improve outcomes. Decarceration Project attorney Magana noted that a specialized person is not critical, "the critical piece is the knowledge and some way of distributing it to all trial lawyers." Once a project attorney has been successful, they do not continue to take the same kind of case again. When the same type of issue arises, they use their experience and knowledge to help the trial lawyer. "You need to allow someone in the office to do the research and try things, and then, when they understand how to be successful, they become a resource and teach others how to do it," Magana said. Norkin noted that whatever the methodology, the impact is clear: "For offices that tend to backload investigations and social workers, for trials and pre-pleading memorandum, … this project shows that realigning those resources might better serve our clients."

**Documents**

The Decarceration Project has developed tools to help trial lawyers, clients and families better advocate for release. The program is sharing these tools here to allow other public defense providers to adapt them or generate similar tools for their jurisdictions:
Appendix 1A: Bail Checklist
Appendix 1B: Sample Bail Letter

Contact Information for the Decarceration Project:
The Decarceration Project
The Legal Aid Society of New York
199 Water Street
New York, NY 10038
decarceratenyc@legal-aid.org
http://unlockjustice.org/

Endnotes
3 Id. at 4.
5 See, e.g. Standard 10-1.6, ABA Standards for Criminal Justice, Pretrial Release (3rd Ed. 2002) (“These Standards limit the circumstances under which pretrial detention may be authorized and provide procedural safeguards to govern pretrial detention proceedings. They establish specific criteria and procedures for effecting the pretrial detention of certain defendants after the court determines that these defendants pose a substantial risk of flight, or threat to the safety of the community, victims or witnesses or to the integrity of the justice process. The status of detained defendants should be monitored and their eligibility for release should be reviewed throughout the adjudication period.”).
7 Id. at 16-20.
01A Sample Bail Checklist

DECARCERATION PROJECT

BAIL CHECKLIST

Client Name: ________________________ Ind. or Docket #: ________________________

Establishing Reputation & Character

☐ Letters from Neighbors  ☐ Documented Volunteer or Charity Work
☐ Letters from Friends & Family  ☐ Military or Service Records
☐ Letters from Religious Institutions  ☐ Driver’s License or Other Form of ID*

*ID is helpful for anybody who is part of the bail package

Documenting Mental & Physical Conditions

☐ Medical Records  ☐ Medicaid or Medicare Records
☐ Letters Documenting Treatment or Illness*

*Examples include: Letters from Doctors, Nurses, Psychiatsists, Psychologists, Physical Therapists, etc.
Note: Be sure to obtain any necessary releases at arraignments

Documenting Employment

☐ Official Work Schedule  ☐ Letter of Good Standing from Employer
☐ W2 or Pay Stubs  ☐ Licenses (e.g. Security, Nursing, etc.)
☐ Union Membership Card  ☐ Employer or Work ID
☐ Time Sheets

Note: Please keep in mind that contacting an employer without first consulting with the client could jeopardize the client’s employment

Education & School Enrollment

☐ Proof of Enrollment  ☐ Transcripts or Report Cards
☐ School Issued ID  ☐ Financial Aid Applications or Awards
☐ Scholarships & Awards  ☐ Extracurricular Activities (Club Memberships, Athletics, etc.)
☐ Work Study Jobs or Internships
☐ Letters from Teachers, Counselors or Social Workers

A project of the Legal Aid Society of New York
Program Involvement

☐ Drug or Alcohol Treatment  ☐ Length of Time in Program
☐ Certificate of Completion  ☐ Letter from Provider or Social Worker
☐ Work Force Program

Showing Financial Resources

☐ Checking or Savings Account  ☐ SNAP, TANF, WIC or HEAP Benefits
☐ Car Title or Blue Book  ☐ Subsidized Housing Records
☐ SSI or SSD  ☐ Spousal Support Payments
☐ Pay Stubs  ☐ Child Support Payments
☐ Property Deed plus Official Assessment of Property Value

Note: These documents aren’t only for clients, but for any family or person willing to put up bail because anyone can act as a surety.

Community Ties

☐ Letters From Anyone Local Who Knows Client and Can Speak Positively
☐ Letter from Children’s Caregiver that Client Participates Child’s Life
☐ Marriage/Domestic Partnership License
☐ Custody Agreement
☐ Copy of Lease, or Letter From Managing Agent, Super, NYCHA, etc.
☐ Guarantor Letter (if apartment is not under client’s name/credit)
☐ Rent Stubs or Receipts
☐ Electric, Telephone, Cable, Cell Phone Bills Statements or Receipts
☐ Community Membership Cards: Library, Clubs, Associations, etc.
☐ Voter Registration Card
☐ DMV Abstract
☐ NYC Birth Certificate
To attorneys using this alternative bail application:
All fillable areas are marked with [**], including the borough AIC name here. →
Please ctrl+M for **, [ and ] to make sure you have replaced all required Fields and deleted those markers.

Your request will depend on your client’s circumstances. The biggest consideration is whether the client or loved ones have cash now or not.
If they have cash now, a partially secured bond is appropriate. But if they do not, or if they may have a source of income later, an unsecured bond is appropriate. More information is on LASNet under Bail Practice Advisories and Alternative Forms of Bail, and a quick explainer graphic is below. This letter can also be used to support a request for Supervised Release with a few tweaks to the language. Please consult Decarceration Project staff with any questions. Be sure to delete this page before filing!

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<thead>
<tr>
<th>Type of Bail</th>
<th>Who Pays</th>
<th>What is Required</th>
<th>$500 Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>Partially Secured Appearance Bond</td>
<td>Obligor is client (principal)</td>
<td>Bond is secured by a deposit of money not to exceed 10% of total amount of bond</td>
<td>Client alone puts down $50</td>
</tr>
<tr>
<td>Unsecured Surety Bond</td>
<td>Obligor(s) are one or more sureties, or one or more sureties and the principal (client)</td>
<td>Bond is secured by signatures guaranteeing return to court and agreeing to be responsible for full amount of bond in case of nonappearance, but not secured by any deposit or lien upon property</td>
<td>People other than the client (and possibly client) agree that they will pay $500 if client does not appear.</td>
</tr>
<tr>
<td>Unsecured Appearance Bond</td>
<td>Obligor is client (principal)</td>
<td>Bond is secured by defendant’s signature guaranteeing return to court and agreeing to be responsible for full amount of bond in case of nonappearance, but not secured by any deposit or lien upon property</td>
<td>Client alone agrees that s/he will pay $500 if s/he does not appear.</td>
</tr>
<tr>
<td>Credit card or similar device</td>
<td>Anyone can pay bail (serve as obligor), including client (who is called the principal)</td>
<td>Full amount must be posted by credit card or similar device and court may assess a “reasonable administrative fee”</td>
<td>Currently unavailable because OCA has not set the “reasonable administrative fee.”</td>
</tr>
<tr>
<td>Cash</td>
<td>Anyone can pay bail (serve as obligor), including client (who is called the principal)</td>
<td>Full amount in cash must be posted</td>
<td>Client and/or others pay $500 each</td>
</tr>
<tr>
<td>Insurance Company Bond</td>
<td>Insurance Company is surety-obligor and must be an insurance company licensed by the superintendent of insurance to engage in the business of executing bail bonds</td>
<td>Insurance Company covers entire face of bond and requires percentage of bond, signatures, and fees from those posting via Insurance Company</td>
<td>Client and/or others pay a percentage of the $500 (percentage varies from company to company and from case to case), agrees to pay the full amount if the client does not appear, and pays up to 8% of the bond amount in fees</td>
</tr>
<tr>
<td>Secured Surety Bond</td>
<td>Obligor(s) are one or more sureties, or one or more sureties and the principal (client)</td>
<td>Bond is fully secured by (1) personal property valued equal to or greater than bond, or (2) real property with a value of at least twice the amount of bond</td>
<td>People other than the client (and possibly client) put up car, jewelry, stocks, etc. worth at least $500 or a house/and worth at least $1,000</td>
</tr>
<tr>
<td>Secured Appearance Bond</td>
<td>Obligor is principal (client)</td>
<td>Bond is fully secured by (1) personal property valued equal to or greater than bond, or (2) real property with a value of at least twice the amount of bond</td>
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</tr>
<tr>
<td>Partially Secured Surety Bond</td>
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<td>Bond is secured by a deposit of money not to exceed 10% of total amount of bond</td>
<td>People other than the client (and possibly client) put down $50</td>
</tr>
</tbody>
</table>
Honorable [**Judge Name]
[**Criminal or Supreme] Court, [**County] County
[**Address]
[**City], New York [**Zip]

Re: [**client name], [**docket or indictment number]

Judge [**name]:

I write to request that this court fix a [**unsecured/partially secured] bond in the amount of [**amount] in the above-captioned case. [**client name] is currently incarcerated on [**current bail amount and form], an amount and form that [**he/she] cannot afford. However, as explained in detail below, [**client name] [**for a partially secured bond: can afford to post $[**amount], which is enough to secure a $[**10x amount in first blank partially secured bond] [**for an unsecured bond: will receive $[**future expected income] from [**source] on [**date], and an unsecured bond in the amount of $[**amount] will ensure [**client name]'s return to court]. This bond will ensure that [**client name] will return to court while also taking into account [**his/her] financial circumstances, as the Criminal Procedure Law and the federal and state constitutions require.

[**choose relevant definition:] A partially secured bond is defined in CPL 500.10(18) as a bail bond secured by a deposit of a sum of money of up to ten percent of the bond amount.

**OR An unsecured bond is defined in CPL 500.10(19) as a bond not secured by money, but rather by a promise to pay, executed in court, in the event of non-appearance in court.

Research shows that people released on partially secured or unsecured bonds return to court at extremely high rates—especially those charged with violent felonies. The Vera Institute performed a 2017 study that followed 99 people who were released on partially or unsecured bonds, and during the three-month study period only 12% of them missed any court dates, and only three missed court and did not return in the three-month period.1 [**this study is on LASnet—feel free to attach a copy.] Notably, people released on these “alternative” bonds who

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were charged with violent felonies returned to court at a rate of 100%—none of them missed a single court date. Likewise, the Criminal Justice Agency (“CJA”) found that “the size of the bail was not an important factor” in whether most people return to court or not, which suggests that it is the fact of a securing order, rather than the amount, that ensures court appearance. Of people who posted bail whom CJA labeled a high risk of flight, only 7% missed court and did not return within 30 days. This indicates that many people will return to court without excessive bail requirements. The efficacy of these “alternative” forms and the strong evidence that most people will return to court without high bail demonstrates that the current bail in this case—which is unequivocally out of [**client’s] reach—simply is not necessary to ensure [**his/her] return to court. [**note that these same arguments apply to a request for release under supervision—it is the fact of intervention at all, not the severity of it, that increases return rates. So someone who is under any kind of supervision is likely to come to court. Contact Decarceration Project staff for more info on SR.]

Procedural History

[**relevant arrest, arraignment, bail decisions, and case history details. Include efforts by client and loved ones to collect bail money, experiences with bondsman charging illegal fees or being difficult, and any previous arguments for bail that you’ve made.]

[**Client Name] Does Not Demonstrate a Risk of Flight.

In New York, bail may only be set if it is “necessary” to prevent flight and ensure return to court. CPL 510.30(2)(a); Matter of Sardino v. State Comm’n on Judicial Conduct, 58 N.Y. 2d 286, 289 (1983). In a jurisdiction likes ours, where the only purpose of bail is to ensure the accused’s return to court, bail must be set “in a sum designed to ensure [that] goal, and no more.” United States v. Salerno, 481 U.S. 739 (1987). The facts of this case demonstrate that [**client name] does not present a risk of flight. To the extent this court disagrees, a [**amount and form of bond you are requesting] is sufficient to mitigate that risk and ensure [**client name]’s return to court.

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3 N.Y. City Criminal Justice Agency, Mary T. Phillips, PhD, A Decade of Bail Research, Aug. 2012, 97-98.
4 Id. at 99.
CPL 510.30 lays out the factors a court must consider in setting bail. They include:

(i) The principal’s character, reputation, habits and mental condition;
(ii) His employment and financial resources;
(iii) His family ties and the length of his residence if any in the community;
(iv) His criminal record if any;
(v) His record of previous adjudication as a juvenile delinquent . . . or a youthful offender;
(vi) His previous record if any in responding to court appearances when required or with respect to flight to avoid criminal prosecution; . . .
(viii) . . . the weight of the evidence against him in the pending criminal action and any other factor indicating probability or improbability of conviction; . . .
(ix) . . . the sentence which may be or has been imposed upon conviction.

[**Discuss all relevant information tending to show client is not a risk of flight: community ties, family relationships and obligations, employment, education, church affiliations, social support network—be creative and illustrate why your client isn’t going anywhere. Use CPL 510.30 as your guide—bring out good points in each factor and neutralize bad ones, like criminal record and warrant history—are they old warrants? Came back right away? Things have changed in client’s life to make it easier for him to return to court now?].

This Court Should Set a [**Partially/Unsecured Bond] in the Amount of $__________.

The proposed [**partially secured/unsecured] bond will ensure [**client]’s return to court—and will prevent [**his/her] prolonged and unnecessary pretrial incarceration on unconstitutionally excessive bail. CPL 510.30(2)(a)(ii) already requires this court to consider [**client]’s financial circumstances in setting bail. In addition, a growing number of federal and state courts are finding that equal protection and due process require a bail-setting court to consider an accused’s ability to pay. See Abdi v. Nielsen, 1:17-cv-00721-EAW (W.D.N.Y., Feb. 9, 2018) (immigration judges must consider a detainee’s ability to pay bail); In re Humphrey, 228

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5 [https://images.law.com/contrib/content/uploads/documents/292/Asylum-bond-decision-.pdf]
Cal.Rptr.3d 513, 528 (Cal. Ct. of Appeal, 1st Dist., Div. 2, Jan. 25, 2018) ("The liberty interest of the defendant, who is presumed innocent, is even greater" than a probationer’s); People ex rel. Desgranges o/b/o Kunkeli v. Anderson, Decision and Order, Index No. 90/2018 (Sup. Ct., Dutchess Cnty., Jan. 31, 2018 (Rosa, J.)) (finding due process and equal protection violations when bail-setting court failed to consider an individual’s ability to pay.)

These cases cite a line of Supreme Court jurisprudence striking down statutes that subjected probationers to jail for non-payment of fines when their wealthier counterparts could avoid incarceration because they had money. Bearden v. Georgia, 461 U.S. 660, 661-62 (1983) (finding equal protection and due process violations when an indigent defendant’s probation is revoked for failure to pay a fine without determining that the defendant had not made sufficient efforts to pay or that alternative forms of punishment did not exist); Tate v. Short, 401 U.S. 395, 297-98 (1971) (holding that incarcerating an indigent individual to satisfy outstanding fines owed for offenses punishable only by a fine constituted unconstitutional discrimination that “subjected [him] to imprisonment solely because of his indigency”); Williams v. Illinois, 399 U.S. 235, 244 (1970) (holding that “once the State has defined the outer limits of incarceration necessary to satisfy its penological interests and policies, it may not then subject a certain class of convicted defendants to a period of imprisonment beyond the statutory maximum solely by reason of their indigency”). The prohibition on wealth-based detention must apply with even greater force in the pretrial context, when the accused is presumed innocent and has a fundamental right to liberty—a “right that is recognized in the constitutional sense as carrying a preferred status and so is entitled to special protection.” See People ex rel. Wayburn v. Schupf, 39 N.Y.2d 682, 686-87 (1976)

A careful consideration of [**client]’s financial circumstances and ability to pay demonstrates that the proposed bond is appropriate to satisfy the state’s interest in ensuring return to court without overly infringing on [**client]’s fundamental right to pretrial liberty.

[**here summarize everyone’s finances: client, proposed sureties, and even community ties who CANNOT put up money if it’s relevant or persuasive. Include things like monthly income, monthly expenditures, loan repayments, medical bills, support of dependents, everything you can think of. Very helpful to attach documentation: bank statements, W2’s, SSI or SSD letters, pay

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checks, etc.]

Put simply, [**client] and [**his/her] family cannot afford to lose [**full amount of bond], which means that client and [**his/her] loved ones have every motivation to ensure [**he/she] returns to court if released on the proposed bond. That is the sole purpose of bail in New York, and therefore the court should set the proposed bond.

**Conclusion**

Counsel is requesting that this court modify the bail to include a $______ [**partially secured/unsecured] bond. If bail were to remain at the same conditions, it is likely that [**client] will not be able to post bail and will remain incarcerated for the duration of [**his/her] case for the sole reason that [**he/she] does not have the money to buy [**his/her] liberty. If released, [**client will live here, work here, do this or that—quick summary of what their life will be like]—all factors demonstrating that [**he/she] will come back to court as required.

Respectfully Submitted,

[**attorney name
Phone number
Email]

c: Assistant District Attorney
Office of the [**County] County District Attorney
[**address]
New York, New York
Future Assigned Counsel Training (FACT) program

Introduction
Harris County, Texas (Houston) established its first public defender’s office in 2010. Prior to 2010, the right to counsel in criminal cases was provided exclusively by private appointed counsel attorneys on lists created by the courts. To qualify to receive appointments, even at the misdemeanor level, a lawyer must have at least three years of experience in criminal practice and tried at least five criminal cases to verdict or served as second chair in ten cases tried to verdict.\(^1\)

These requirements presented a significant hurdle to practicing in Harris County, particularly for young lawyers wanting to specialize in indigent criminal defense.\(^2\) A law school graduate who wished to get on the appointed counsel list would either have to set up a solo practice and work exclusively for paying clients for at least three years until obtaining the requisite experience to apply, or identify an established criminal defense lawyer willing to hire the graduate and who would provide, for at least three years, sufficient second chair opportunities or opportunities to try paying cases to qualify for the list. Both options pose immense financial challenges. Rarely were young lawyers able to start their careers as a criminal defense lawyer in Harris County. Rather, it was former prosecutors who were most commonly able to meet the standards and successfully apply for court-appointed work in Houston.

The formation of the Harris County Public Defender Office (HCPD) did not resolve this problem, but rather helped to bring it to light. Even after the HCPD was operational, most criminal court appointments (over 90 percent) were and are still assigned to private lawyers. The public defender office was flooded with applicants for its entry level attorney positions and noticed how many dedicated young lawyers wanted to pursue a public defense career in Houston, but could not unless hired by the HCPD. The stringent requirements to join the court appointment list made it virtually impossible for these attorneys to serve as court-appointed counsel. At the same time, concerns were being raised about the quality of defense practice among some on the appointment list.

In 2013, the Council of State Governments published a study looking at comparative outcomes between the public defender office and court-appointed counsel.\(^3\) “Outcomes were computed comparing HCPD attorneys’ case outcomes with those of the assigned counsel in the misdemeanor and felony systems, with matched sets of clients by demographics, offense level, criminal history[.]”\(^4\) The study found “with a few exceptions, public defender attorneys delivered better defense results than assigned counsel attorneys.”\(^5\) For example, in felony trial cases, HCPD attorneys

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“outperformed appointed attorneys with every measure as they achieved a greater proportion of dismissals, deferred sentences, and acquittals, and a smaller proportion of clients found guilty.” As HCPD hired young lawyers and trained them to be public defenders, the study raised questions about whether the stringent requirements to join the court-appointed counsel list actually improved the quality of representation received by indigent defendants.

Recognizing that its office could only accept a small percentage of the indigent defense cases in Harris County, HCPD began to look for ways to help improve assigned counsel performance. It designed the Future Assigned Counsel Training (FACT) program to help dedicated young lawyers access appropriate training to work as assigned counsel. FACT program participants learn how to represent criminal defendants in court-appointed cases. According to Chief Public Defender Alex Bunin, “[t]hey are taught how to build and maintain a practice, to ethically represent clients, and to zealously defend them.” FACT participants also help and support each other as they endeavor to build their criminal defense practices.

The FACT program has now graduated two classes (twenty lawyers). All but one completed the program. The third cohort is in its second year. In 2016, the Harris County Criminal Courts amended their rules to make completion of the FACT program a basis for qualifying for the misdemeanor court appointment list. Several of the FACT program graduates are now qualified and accepting court appointments in Harris County.

Public defenders can’t do it alone. There are conflict cases, multi-defendant cases and overflow. As public defenders we have a duty to make sure all indigent clients receive competent, qualified counsel. We must work together with court-appointed counsel to create a strong system that serves all defendants.

Alex Bunin, Chief Public Defender, Harris County, Texas

The first FACT class was selected in 2013. HCPD advertised the opportunity and young lawyers were required to apply and explain why they wanted to serve as court-appointed counsel in criminal cases. HCPD received forty applications for ten program spaces. Applicants had to be recent law school graduates (within three years of graduation). Each candidate was interviewed by HCPD and required to commit to representing indigent criminal defendants in Harris County upon completing the program.

The FACT program has now graduated two classes (twenty lawyers). All but one completed the program. The third cohort is in its second year. In 2016, the Harris County Criminal Courts amended their rules to make completion of the FACT program a basis for qualifying for the misdemeanor court appointment list. Several of the FACT program graduates are now qualified and accepting court appointments in Harris County.
FACT Training with Gideon’s Promise

FACT lawyers attend Gideon’s Promise, a renowned public defender training program that begins with a two-week intensive program taught by some of the best and most prominent current and former public defender from across the country. This initial fourteen days focus not only on defense lawyering, but also the ethics and values fundamental to work as an indigent defense lawyer. According to Jonathan Rapping, president of Gideon’s Promise, the training “also instills a spirit in the lawyers to push back against the many systemic pressures that so often drive public defenders to quit or become resigned to a substandard level of justice.” Gideon’s Promise calls these two critical sets of public defense abilities “the heart-set and the skill-set.”

Following the two-week intensive program, Gideon’s Promise training continues for three years. Classes meet every six months for a long weekend of training. Importantly to the FACT participants, the Gideon’s Promise training focuses on client-centered representation through storytelling. Many of the participants noted the importance of this training in their practice. One said, “Gideon’s Promise gives you a real sense of community and support.” Another noted, “This community helps you continue to try to do the best for your clients.” A FACT participant explained, “Sometimes you hear, ‘You know, you don’t have to do that.’ I can fall back on any number of lawyers who will tell me, ‘Yes, you do.’”

Each Gideon’s Promise attendee is matched with a faculty a mentor. These mentors provide personalized support, someone the attendee can call on for guidance who can talk through tough situations. Attendees also have access to an online community, which they can use to share stories and resources, as well as ask questions.

The FACT program lawyers from Harris County are the first lawyers ever to attend Gideon’s Promise who are not from a full-time public defender office. Rapping reports that the FACT lawyers from Houston “have been among the hardest workers in the program.” He describes them as enthusiastic and reports that many have been leaders in their respective classes.

FACT Training and Mentoring Program

When the FACT lawyers return to Houston from their initial intensive training, they receive additional training on the criminal justice system in Harris County, including how the local courts operate and the Texas performance guidelines.

Mentoring is also a critical component of the FACT program locally. While the Gideon’s Promise training program offers the mentorship of its exceptional faculty,
those faculty members are not on the ground in Harris County. When FACT program lawyers return to Harris County after their initial intensive training with Gideon’s Promise, they are paired with experienced local criminal defense lawyer, who will also serve as a mentor.

All participants are also given a list of tasks to complete over their first year in the program with the assistance of their mentor. The tasks cover not only observing or participating in all aspects of a criminal case, but also discussion of aspects of practice unique to Harris County and aspects of law practice management. Some of the tasks on the list include:

- Discuss “unwritten” customary rules of civility and etiquette among lawyers and judges in Harris County.
- Clerk’s Office: Go to the clerk’s office and pull a file, discuss procedures and resources available on the 3rd floor.
- Become familiar with the mentor’s law office, including explanations about how the office is managed.

Considerable care was taken in selecting mentors to participate in the FACT program. As Bunin noted, “Being a good lawyer does not make you a good mentor.” Mentors need to be invested in cultivating the next generation of court-appointed counsel. They must be willing to devote their time and resources to this cultivation. And they must be reliable. Bunin noted that each potential mentor was asked about their own experiences being mentored and serving as a mentor, as well as about their criminal defense and law practice experience.

One FACT mentor described the role as “taking the zeal and enthusiasm and helping to translate it into the street fighting skills needed to do criminal defense work.” In addition to help translating skills into trial practice, the local mentors help the FACT participants navigate the logistics of having their own law practices. They provide advice on aspects of how to open and run their businesses, including establishing a partnership, addressing tax issues, and obtaining malpractice insurance. They also provide advice on all aspects of the court appointment process, including how to get on the list, how to obtain appointments, how to fill out vouchers, and how to make sure you get paid. Many FACT participants commented on how critical this assistance

I was incredibly blessed to have exceptional lawyers in my life who mentored me. We have a responsibility to the profession to make sure those who come behind us have that same mentorship.

Patrick F. McCann, FACT Mentor
was to them because it is information that only court-appointed attorneys have.

The FACT mentor relationships extend far beyond the initial pairing. The FACT program is an entire community. FACT lawyers and mentors meet regularly at monthly lunch sessions. They use these sessions to present issues or problems they are facing and brainstorm solutions. These sessions also help to expand the professional networks of the participants. Through these regular sessions, FACT participants and mentors get to know the participants and mentors in other classes. They are able to find a multitude of individuals with diverse experiences whose common goal is to cultivate a professional court-appointed defense bar.

One FACT participant spoke passionately about the importance of the local mentors:

Suddenly, I went from being a person who knew zero lawyers to a person who had the cell numbers of some of the most influential criminal defense attorneys in Houston programmed into my phone. I shared coffee and cocktails and inside jokes and war stories with people who I had only hoped I might shake hands with one day, and they really cared about me and about the small list of clients I was developing. Many of the relationships I had with those mentors have blossomed now, four years later, into full-fledged friendships that have benefitted me in my personal life in addition to my professional life.

During our observation trip, the ABA team attended one of the monthly FACT sessions, along with seventeen FACT participants and three mentors. One mentor noted that this was actually a small meeting because the damage from Hurricane Harvey had altered the court settings in a way that made it more difficult for the entire group to gather.

At the session we observed, FACT program participants exchanged information regarding their progress toward getting on appointed counsel lists in Harris County and neighboring counties. They discussed difficult cases and got advice from each other and from the mentors. They discussed scheduling issues and whether one attorney could cover an appearance for another. Two of the FACT lawyers had obtained office space together and offered other attorneys the opportunity to rent space in or adjacent to their suite. They mentioned working on a plan to eventually share a paralegal/assistant. It was clear from the interactions that FACT participants, whether from the most recent class or from 2013, felt empowered to raise any...
issue they were confronting. Everyone in the room was there to help everyone else succeed.

The FACT program also helps participants understand and enter the wider criminal defense community in Harris County. Participants are informed of and encouraged to attend trainings put on by the Harris County Criminal Lawyers Association (HCCLA) and the Texas Criminal Defense Lawyers Association (TCDLA). FACT endeavors not only to create an insular supportive community for its participants, but also enable them to create as wide a network of support as possible.

Quantifying the Effect of the Program
Participants in the FACT program are required to take a test covering basic criminal law practice at the start of the program. They complete the same test at the conclusion. The test helps to prepare the participants to take and pass the certification test required before an attorney may join the court-appointed counsel list in Harris County. The results of the successive tests show significant improvement among FACT participants as a result of program participation.

Funding
HCPD obtained initial funding to start the FACT program from the U.S. Department of Justice Bureau of Justice Assistance. This grant supported two classes (2013 and 2014) of ten lawyers each. Due to lack of funding, a third FACT class did not begin until 2017 when funding was secured from the Houston Endowment. Recently, the Texas Indigent Defense Commission awarded HCPD a grant to expand the FACT Program statewide. The new program will allow twenty-five new lawyers to access FACT’s combination of Gideon’s Promise and localized training and mentoring. Additionally, the new program will allow the twenty-five mentors selected to participate in a Gideon’s Promise train-the-trainers program.

The Impact of the FACT Program
All of the FACT program attorneys from the original 2013 class are engaged in indigent defense work. Several of the FACT program attorneys are now taking court-appointed cases in Harris County and elsewhere, including Fort Bend and Galveston. Several others are now public defenders in Harris County and elsewhere, including New Mexico.

Beyond just the individuals directly involved, the FACT program has helped foster a sense of community and cooperation among the criminal defense bar. When the HCPD was formed in 2010, many criminal defense lawyers were skeptical or even hostile to the office. They were concerned that HCPD would reduce the number
of court appointments and, eventually, force many of the court-appointed lawyers out of criminal defense. In demonstrating a desire to support and improve quality among court-appointed lawyers, the FACT program has helped resolve lingering resentments or concerns. Increasingly court-appointed lawyers view HCPD as a resource and ally, rather than competition. One private practice criminal defense lawyer who has served as a FACT mentor said, “The public defender is now not only an accepted part of the landscape, but a welcome partner with the defense bar.”

The increase in support between and among the HCPD and court-appointed lawyers became obvious when, in June 2018, the HCPD, and particularly the Chief Public Defender, were questioned regarding their role in supporting efforts to reform aspects of the criminal justice process in Harris County.19 When politicians suggested the Chief Public Defender had overstepped his role, the entire criminal defense bar, including court-appointed counsel, came to his defense. The matter quickly passed, but it demonstrated that the criminal defense community in Harris County speaks with one voice.

**Replicability**

The key aspects of the FACT Program—training, mentoring, and promoting interaction between institutional defenders and court-appointed counsel—can be replicated everywhere. A mentorship program, for example, can be achieved by looking to pair young criminal defense attorneys with more experienced attorneys, and giving all of these participants more opportunities for interaction. In locations where joining the court appointment list is less onerous, this can be done by pairing each person added to the list with a more experienced member of the list.

Any jurisdiction can similarly seek to increase and improve the interaction and support between institutional public defenders and court-appointed lawyers or other public defense providers. This can be as simple as the institutional defenders inviting other defenders to trainings or briefings on recent developments, establishing regular social events that are promoted on both public defender and court-appointed counsel email lists, or holding regular meetings among the groups to discuss issues of concern in the jurisdiction.

**FACT alumni demonstrate the value of the program every day with their zealous and effective representation of the accused. I refer cases to FACT alumni often, and my trust in them is repaid by the exceptional work they do.**

*Mark W. Barnett, criminal defense lawyer, Harris County, Texas*
A jurisdiction can also place greater emphasis on training new members of the appointed counsel lists. Access to Gideon’s Promise is incredibly valuable, and we would encourage its use if feasible. If funding for Gideon’s Promise is not available, a jurisdiction could begin by reviewing their training program to emphasize a client-centered defense mindset that should be common to all those providing indigent defense services. Public defenders can then invite individuals wishing to serve as court-appointed counsel, particularly new list members, to their in-house training programs. Defenders could go further and work with the courts to make the defenders’ initial training programs for new lawyers mandatory for new members of the court-appointed counsel list. Putting new criminal defense lawyers of both types in the room together during this initial training phase would help forge community bonds across the defense bar and reinforce the common defense culture that should help maintain this bond.

“We have to keep looking for ways to interact and work together, rather than remain in silos,” said Bunin. “It helps us avoid competitive squabbles and keeps the focus where it should be: on fighting for indigent defendants.”

Documents

The FACT program has agreed to share some of its materials, in the hope that they will help others to develop a successful training and mentoring program:

Appendix 2A: 2017 FACT Application
Appendix 2B: FACT Task List

Contact Information for the FACT Program

Harris County Public Defender’s Office
1301 Franklin St.
Suite 100
Houston, TX 77002
(713) 368-0016

Endnotes


2 See id. at 9 (“These requirements are thought to be the most stringent of any county in the state.”).

4 Id. at 29.

5 Id.

6 Id. at 32.


8 A copy of this Task List is appended to this report as Appendix 2B.


Future Appointed Counsel Training Program
Request for Applications

Applications Due: Monday, April 3, 2017, by 5pm (Central)

The Harris County Public Defender’s Office is pleased to announce that we are now accepting applications for FACT: Class of 2017. Thanks to the generosity of the Houston Endowment and in partnership with Gideon’s Promise, ten new attorneys will be awarded FACT Program scholarships valued at over $20,000 per person.

The Future Appointed Counsel Training Program (FACT) provides three years of education and support for new lawyers to become outstanding indigent defense attorneys. The goal is to produce highly-skilled, caring professionals to represent indigent defendants in Harris County courts.

FACT Program membership includes full paid tuition¹ and guaranteed enrollment in the Gideon’s Promise Core 101 Program:² An elite three-year training program for new and aspiring indigent defense attorneys. As seen on HBO’s award-winning documentary “Gideon’s Army,” the organization arms indigent defenders with the skills and tools necessary to challenge the culture of simply processing defendants through the system.

Members of the FACT Program will also receive comprehensive local training, mentorship, and support from attorneys at the Harris County Public Defender’s Office, trusted members of the private criminal defense bar, and Gideon’s Promise / FACT Program alumni.

¹ Expenses for travel, lodging, and food are included for out-of-state trainings.
² To learn more, visit gideonspromise.org/programs/core-101 and on NPR goo.gl/S8iBwm
Applicant Qualifications
Applicants must meet the following qualifications by July 29, 2017:

- Graduated from an accredited law school;
- Completed or passed the Texas Bar Examination; and,
- If licensed, be in good standing and licensed as an attorney for no more than 3 years.

Program Requirements:
FACT membership requires the following commitments:

- Attend the Gideon’s Promise Summer Institute: July 29- August 12, 2017 at an out-of-state location to be announced (full attendance mandatory with no exceptions).
- Attend Gideon’s Promise three-day-long, out-of-state Summer and Winter Sessions: January and July of 2018 and 2019; and January of 2020 (Graduation)
- Participate in monthly FACT meetings at the Harris County Public Defender’s Office.
- Attend local CLE presentations and events, as directed by program administrators.
- Meet regularly with local mentors, as directed by program administrators.
- Actively seek to attain the minimum attorney qualifications for appointment to represent indigent people in Harris County misdemeanor courts and submit an application for court approval once the qualifications are met, or as directed by program administrators.

Application Requirements:
Applicants should submit the following materials as part of their application packet:

- Application form (see next page)
- Resume (max 3 pages)
- Unofficial transcript
- Photo of yourself
- Writing sample (max 10 pages) (Personal Statement preferred)
- Two letters of recommendation
- Other exhibits that may be helpful to show work or achievements are optional and must not be voluminous.
Applicants for the 2013 class should mail or email their application packet by April 1, 2013, 5pm (Central) to:

Harris County Public Defender's Office
c/o Scott Ehlers
1201 Franklin, 13th Floor
Houston, TX 77002

Email: scott.ehlers@pdo.hctx.net

**Interviews and Final Decisions**

Interviews with final candidates are expected to take place in mid-to-late April. Final decisions on accepted applicants for the class of 2013 will be made by mid-May.

**Orientation**

A brief orientation for the class of 2013 will occur in early June.

**For additional information or questions contact:**

Scott Ehlers
Legal and Policy Analyst
Harris County Public Defender’s Office
Ph: 713.274.6705
Email: scott.ehlers@pdo.hctx.net

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**Future Appointed Counsel Training Program**

**Application Form**

**Applications Due:** Monday, April 1, 2013, by 5pm (Central)

**Applicant Data**

Name ____________________________
Preferred first name _________________________________________________________________

Home Address ___________________________________________________________________

City ___________________________ State _______________ Zip ________________

Phone _________________________ E-mail _______________________________________

Do you require special accommodations? (Wheelchair accessibility, hearing impaired, etc.?):

________________________________________________________________________________

________________________________________________________________________________

How did you learn about the FACT Program? __________________________________________

________________________________________________________________________________

________________________________________________________________________________

Have you participated in other training programs and, if so, which ones? ____________________

________________________________________________________________________________

________________________________________________________________________________

**Employment**

Present employer _________________________________________________________________

Length of time with employer _____________________________________________________

Employer Address ________________________________________________________________

City _______________________________ State ___________ Zip ________________

Phone _____________________________ E-mail ______________________________________

Title ___________________________________________________

List previous employment for the last three years with beginning and ending dates:

________________________________________________________________________________

________________________________________________________________________________

________________________________________________________________________________
Education
The PDO selects indigent defense counsel with diverse educational backgrounds for the FACT Program. Please list all schools attended beginning with your undergraduate degree. Include military training, trade or technical school, GED completion, college, law and any other graduate degrees. In addition, please list any future educational goals.

COLLEGE
Name ________________________________________ Location _____________________________
Years completed ________________________ Major & Degree ______________________________

LAW SCHOOL
Name ________________________________________ Location _____________________________
Years completed ________________________ Major & Degree ______________________________

OTHER EDUCATIONAL INSTITUTIONS
Name ________________________________________ Location _____________________________
Years completed ________________________ Major & Degree ______________________________

Essay Questions
Starting below and continuing on the next page, you will be asked to elaborate on skills, passions and dedication related to public interest and/or indigent defense exhibited in past activities and/or experiences. (You may answer the following by writing or typing in the space provided, or you may use a separate sheet of paper.)

1. What skills do you want to develop or improve?
__________________________________________________________________________________
__________________________________________________________________________________
__________________________________________________________________________________
__________________________________________________________________________________
__________________________________________________________________________________

2. What issues are you most passionate about?
__________________________________________________________________________________
__________________________________________________________________________________
__________________________________________________________________________________
3. What do you envision yourself doing in the future? How will participation in the FACT Program help you achieve that?

__________________________________________________________________________________
__________________________________________________________________________________
__________________________________________________________________________________
__________________________________________________________________________________
__________________________________________________________________________________
__________________________________________________________________________________

4. Describe an experience in your life that influenced your desire to defend the indigent? (Examples include, but are not limited to, a specific experience or set of experiences, a teacher or mentor who influenced you, an internship, etc.)

__________________________________________________________________________________
__________________________________________________________________________________
__________________________________________________________________________________
__________________________________________________________________________________
__________________________________________________________________________________
__________________________________________________________________________________

5. What do you consider to be your greatest achievement, and how did you accomplish it?

__________________________________________________________________________________
__________________________________________________________________________________
__________________________________________________________________________________
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__________________________________________________________________________________

6. Why do you want to practice in Harris County, Texas?

__________________________________________________________________________________
__________________________________________________________________________________
__________________________________________________________________________________
__________________________________________________________________________________
__________________________________________________________________________________
__________________________________________________________________________________

7. What would you hope to achieve from being a part of the FACT Program?

__________________________________________________________________________________
__________________________________________________________________________________
__________________________________________________________________________________
__________________________________________________________________________________
__________________________________________________________________________________

Checklist
Before you send in your application, make sure it is accompanied by the items listed below:

___ Completed application, signed, and attachments
___ Resume (max. 3 pages)
If you have any questions about this application, please contact Scott Ehlers at the PDO (contact info below).

Certification (sign and return to the PDO)
By signing below, you are certifying that all information in this application is true and that you understand this program requires a three year commitment and attendance in each training session only excusable by an emergency.

Applicant Signature ________________________________ Date ____________________

Completed applications and questions should be directed to:

Harris County Public Defender’s Office
c/o Scott Ehlers
1201 Franklin, 13th Floor
Houston, TX 77002

Email: scott.ehlers@pdo.hctx.net
Ph: 713.274.6705
# Future Appointed Counsel Training (FACT) Program

## FACT Curriculum Worksheet

**FACTer Name**

### Sec. 1. Introduction to the Legal Community

<table>
<thead>
<tr>
<th>Activity</th>
<th>Date</th>
<th>Mentee/Mentor Initials</th>
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</thead>
<tbody>
<tr>
<td>Meet at a mentor’s law office to get acquainted and discuss the mentoring plan. The mentor should introduce the new lawyer to other members of the mentor’s law firm and law office personnel.</td>
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<tr>
<td>Discuss the various bar associations (HCCLA, TCDLA, NACDL, HBA, etc.) that the mentee should consider joining and the advantages of joining each. Attend a meeting of an organized bar association together.</td>
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<tr>
<td>Escort the new lawyer to the local courthouse(s), particularly those courts the new lawyer will primarily be appearing, and to the extent appropriate, introduce the mentee to members of the judiciary, court personnel, and clerks.</td>
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### Sec. 2. Rules of Professional Conduct, Standards of Professionalism and Civility, and the Role of Counsel

<table>
<thead>
<tr>
<th>Activity</th>
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</thead>
<tbody>
<tr>
<td>Discuss “unwritten” customary rules of civility and etiquette among lawyers and judges in Harris County.</td>
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</tbody>
</table>
Review the Texas Lawyer’s Creed and the Texas Disciplinary Rules of Professional Conduct, particularly those having specific application to defense lawyers, prosecutors, and judges.

Discuss ethical issues that arise with some regularity in criminal defense. Discuss ways to resolve the issues, referring to experience as well as the Texas Disciplinary Rules of Professional Conduct.

Discuss the appropriate way to handle situations where the new lawyer believes another lawyer has committed an ethical violation; the obligation to report misconduct; and the appropriate way to handle a situation where the new lawyer has been asked by another lawyer to do something that is unethical or unprofessional.

Review and discuss Appendix A, Section I, pertaining to role, duties, and obligations of defense counsel.

Sec. 3. Initial Case Procedures

<table>
<thead>
<tr>
<th>Activity</th>
<th>Date</th>
<th>Mentee/Mentor Initials</th>
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</thead>
<tbody>
<tr>
<td>Review and discuss Appendix A, Section II, pertaining to client interviews, initial appearance, competence, and grand jury.</td>
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<tr>
<td>Visit a client in jail, review the procedures at different facilities and contingencies like bringing a translator, expert, or a computer.</td>
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<tr>
<td>Competency: Discuss signs of incompetence to stand trial and mental illness, and procedures to follow. Review a file of a client where competency was an issue and how the case was handled.</td>
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<tr>
<td>New client meeting: Observe a first meeting with a new or potential client.</td>
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<tr>
<td>Client Contract: Review the written contract and fee agreements. Discuss associated ethical issues.</td>
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<tr>
<td>Pretrial Bond: Discuss standard bond amounts, “no bond” scenarios and strategies, and how to request a bond reduction.</td>
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<tr>
<td>Bondsman: Discuss how to work with a bondsman and if practical, introduce the mentee to a trusted bondsman.</td>
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<tr>
<td>Bond Hearing: Observe or participate in a bond hearing.</td>
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</tbody>
</table>
Grand Jury Packet: Review a grand jury packet and discuss the procedures for preparation and presentation. Assist in preparing a grand jury packet.

Sec. 4. Case Preparation

<table>
<thead>
<tr>
<th>Activity</th>
<th>Date</th>
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</thead>
<tbody>
<tr>
<td>Review and discuss Appendix A, Section III, pertaining to investigation, discovery and theory of the case.</td>
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<tr>
<td>Internet Resources: Review frequently used websites like the district clerk, criminal background databases, and legal research.</td>
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<tr>
<td>Clerk’s Office: Go to the clerk’s office and pull a file, discuss procedures and resources available on the 3rd floor.</td>
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<tr>
<td>Analyze different pending criminal cases and the entire clerk’s and DA’s files. Look up each relevant statute and discuss the elements of the offenses. Analyze the indictment language. Go over the offense report. Review potential jury charges to guide analysis.</td>
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<tr>
<td>Investigator: Discuss when and how to get an investigator and who to use.</td>
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<tr>
<td>Participate in the interviewing of a witness.</td>
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<tr>
<td>Crime Scene Viewing: Visit at least two crime scenes, with an investigator or lawyer, with regard to an active case.</td>
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<tr>
<td>Translators: Discuss how to obtain and use translators in court and client meetings.</td>
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<tr>
<td>Expert Witness: Discuss the engagement and use of an expert witness.</td>
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<tr>
<td>Public Information Act: Review a PIA request and discuss commonly sought information and procedures.</td>
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<td>Review how to draft, file, and serve subpoenas and what to expect / best practices</td>
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Sec. 5. Pretrial Motions

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<tr>
<th>Activity</th>
<th>Date</th>
<th>Mentee/Mentor Initials</th>
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</thead>
<tbody>
<tr>
<td>Review and discuss Appendix A, Section IV, pertaining to types of pretrial motions and procedures for filing and arguing them.</td>
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</table>
Pretrial Motions: Learn and review common motions, including how to draft and when to file.

Learn how to reset a case and discuss variations in procedure and schedules in different courts.

Participate in a pretrial motion hearing.

Observe or participate in a hearing on a motion to suppress.

Sec. 6. Plea Negotiations

<table>
<thead>
<tr>
<th>Activity</th>
<th>Date</th>
<th>Mentee/Mentor Initials</th>
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</thead>
<tbody>
<tr>
<td>Review and discuss Appendix A, Section V, regarding the plea negotiation process, the decision to enter a guilty plea, ramifications, procedures, and alternative resolutions.</td>
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<tr>
<td>Plea Offers: Discuss what to expect in a plea offer, including standard offers on different types of cases. Observe or participate in a plea negotiation.</td>
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<tr>
<td>Plea Papers: Learn how to complete the papers and go over them with the client and prepare him or her for the plea.</td>
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<tr>
<td>Alternative Resolutions: Discuss options like “special expenses,” Battering Intervention and Prevention Program (BIPP and dismiss), and Class C reductions.</td>
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<tr>
<td>Discuss the role of the CLO and probation officer and how to use them as a resource</td>
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<tr>
<td>Become familiar with Drug Court, Mental Health Court, Veteran’s Court and any other specialty dockets.</td>
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<tr>
<td>Pretrial Diversion: Become familiar with when and how to apply for pretrial diversion programs.</td>
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<tr>
<td>Collateral Consequences: Discuss the various collateral consequences of a plea, deferred adjudication, and conviction.</td>
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</table>
### Sec. 7. Trial

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<th>Activity</th>
<th>Date</th>
<th>Mentee/Mentor Initials</th>
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<tbody>
<tr>
<td>Review and discuss Appendix A, Section VI, regarding jury selection,</td>
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<tr>
<td>opening statements, cross examination, presenting a defense, closing</td>
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<td>arguments, and jury instruction.</td>
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<tr>
<td>Sit second chair in at least three trials.</td>
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<tr>
<td>Observe or participate in jury selection.</td>
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<tr>
<td>Observe or participate in opening statements.</td>
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<tr>
<td>Observe or participate in a cross-examination.</td>
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<tr>
<td>Observe or participate in a direct examination of a testifying client.</td>
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<tr>
<td>Observe or participate in a charge conference.</td>
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<tr>
<td>Observe or participate in a closing argument.</td>
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The Los Angeles Independent Juvenile Defender Program

Introduction
The Los Angeles Independent Juvenile Defender Program (IJDP) was formed in 2017. The IJDP’s mission is to provide clients with the highest quality legal representation in the juvenile justice system. The IJDP is a managed assigned counsel program that trains, appoints and assists lawyers representing juvenile clients in delinquency proceedings. The program also provides attorneys and clients with support services, including writ and appellate assistance, entitlement litigation help, forensic and mental health evaluation and services, and investigative assistance.

Development of the Program
The juvenile justice system in Los Angeles was long criticized for its treatment of youthful offenders. In 2006, the U.S. Department of Justice (DOJ) began an investigation of the county’s “probation camps” after receiving a number of reports of abuse.¹ A settlement agreement followed, and the camps were monitored by the DOJ from 2009-2015.² This scrutiny of one aspect of the juvenile justice system exposed concerns about other aspects of the system. For example, in 2016 the county took steps to strictly limit the use of solitary confinement for juveniles.³

During this period of reform, the Los Angeles County Board of Supervisors authorized and funded a study of the County’s juvenile indigent defense system.⁴ The report was conducted by the Warren Institute on Law and Social Policy at the University of California at Berkeley (the Warren Institute Report) and completed in 2016. It noted that in juvenile cases, defendants can be assigned a public defender or, in the case of conflicts or multiple defendants, a private assigned attorney.⁵ Private assigned counsel were paid approximately $350 per case on a flat fee basis.⁶ Additionally, private assigned counsel lacked the resources of their public defender counterparts. “Public defenders have on-staff social workers, investigators, resource attorneys, appellate attorneys, an immigration attorney, and administrative support. The county does not provide these resources free of charge to panel attorneys, who instead must pay for these resources from their flat fee.”⁷

The Warren Institute Report found that “L.A. was the only large California county that pays attorneys representing youths a flat per-case fee—rather than an hourly rate, salary, or fee based on the type of case—and does not give them access to investigators.”⁸ Flat fee payments of this type create an incentive to do as little work as possible on a case because no matter how much work the lawyers do, they will get paid the same amount. For this reason, national standards have counseled against the use of such fee structures for decades.⁹
During this same period, Los Angeles County was also hearing from other sources that the panel attorney system was failing juvenile defendants. For example, an empirical study of juvenile defense conducted by local academics reviewed data from 2,800 juvenile delinquency cases and compared the representation provided by public defenders to the representation provided by panel attorneys. The study showed that panel attorneys were "are less active, and that youth represented by [those attorneys] are convicted of more serious offenses and are subject to more severe dispositions."11

In response to this information, in October 2016 the Board of Supervisors passed the Juvenile Indigent Defense Systems Reform Motion. The Motion recognized that "unlike adult defense, juvenile defense attorneys fulfill a dual role: they must defend their clients against the allegations and must advocate for their clients' broader care, treatment and guidance both before and after the disposition of criminal charges."13 Pursuant to this motion, the County of Los Angeles entered into a partnership with the Los Angeles County Bar Association to create a new appointed counsel program, and the Independent Juvenile Defender Program was formed.

**The IJDP Approach**

The Los Angeles County Bar Association (LACBA) was a natural partner in revamping the juvenile assigned counsel program. LACBA already housed the adult assigned counsel program, which, as observed in the Warren Institute Report, paid lawyers hourly and provided oversight. The IJDP was designed to go even further and provide holistic representation through an assigned counsel program. IJDP does this by training and administering panel attorneys in a way that encourages client-centered representation, but also by providing support services that assist panel attorneys in obtaining the best outcomes for their clients.

**Administration of the Attorney Panels**

The LACBA hired Cyn Yamashiro to direct the new program. It was a bold choice that demonstrated a real intent to follow-through on the county’s resolution to reform not only the fee structure, but also the representation mindset of the panel attorney system. Yamashiro had been a longstanding critic of the panel system and the primary author of the study that concluding that youth represented by panel attorneys received worse outcomes than youth represented by public defenders. In his prior position as Director at the Center for Juvenile Law and Policy at Loyola Law School, Yamashiro had trained students in a client-centered holistic practice model. His stated intent in taking the position was to affect a dramatic cultural shift in the panel attorney program. He wanted to instill expectations of zealous advocacy and full implementation of all ancillary services necessary to help the program’s juvenile client population. Over and over again during the ABA site visit, our site team saw
evidence of this shift. IJDP attorneys repeatedly emphasized a focus on improving outcomes for clients: not just court outcomes, but overall outcomes.

Once formed, the IJDP would not guarantee former panel attorneys continued appointments. Rather, they were given six months to reapply to the panel. At the same time, IJDP began recruiting former public defenders and experience criminal defense attorneys with a demonstrated interest in, and commitment to, representing youth. To serve on a panel, attorneys filled out a written application and went through an interview process. A copy of the written application is attached here as Appendix 3A.

To create a greater sense of community, IJDP changed the organization structure of the lawyer panels. In the past, contracts with panel attorneys were administered for each courthouse. The IJDP sought to disrupt the degree to which the identification and loyalty of the panel attorneys centered around an individual courthouse by structuring the panels by geographic area, with each of the four areas containing at least two courthouses. This restructuring helped to foster a greater sense of a defense-focused community among all IJDPanel attorneys. A program coordinator oversees the panel for each quadrant.

IJDP also made a concerted decision to make the panel lists smaller. Most IJD Panel attorneys also serve on the adult panels and the bulk of their work is in adult criminal court. IJDP wanted to make sure that, although they could not be exclusively juvenile specialists, the lawyers on the IJDP panel would have enough juvenile work to warrant developing a real specialty. They would be motivated to understand the unique aspects of and commit to providing juvenile defense services. The number of attorneys per quadrant is now approximately ten to fifteen.

In selecting IJDP panel members, Yamashiro emphasized a willingness to go to trial. His prior study of the juvenile defender system had scrutinized attorney actions and case outcomes in juvenile cases. It showed that panel attorneys were far less likely to file motions, advocate for release from custody, and engage expert witnesses. These failings correlated to worse outcomes for the juveniles represented by panel attorneys. To be successful, attorneys needed not just to care about their clients, but to vigorously litigate on their behalf.

Many of the attorneys serving on panels before the IJDP was formed were not selected for the IJDP program. “It was a painful process,” Yamashiro acknowledges.
An attorney who accepted appointments before IJDP and was accepted to an IJDP panel agreed, “it was struggle to accept. But I was persuaded when I saw the metrics. The work is done better now.”

**Attorney Support Resources**

IJDP wanted to select better individual lawyers and to create a community of lawyers dedicated to exceptional juvenile defense. The attorneys have training sessions together, participate in online forums, and share a brief bank. Additionally, the support staff at IJDP, including the program managers, resource attorney, and appellate attorney, constantly seek to reinforce the notion of community. The ABA team saw the success of this aspect of the program during the site visit. Panel attorneys clearly know each other, and they are open and willing to share both successes and struggles. “IJDP created a sense of a team,” said one attorney.

**Training**

IJDP requires panel attorneys to take twelve hours of training per year that is relevant to juvenile delinquency cases. IJDP offers topical trainings to its panel attorneys, including, for example, trainings on handling transfer cases, developing the client’s story, immigration impacts in juvenile delinquency cases, and using experts in delinquency cases. In-house trainings are offered at least quarterly and some are mandatory. Additionally, the director and staff attorneys host a brown bag lunch every other week during which IJDP attorneys brainstorm cases, raise issues, and seek any needed assistance.

**Online Resources**

IJDP has a comprehensive online support system for its panel attorneys. Attorneys can access topical forums, research materials, white papers, and a brief bank. The forums are interactive and searchable. Each of the panel attorneys can post questions or create new threads. The research materials and brief bank are curated to ensure a high level of quality. Additionally, IJDP sends the panel attorneys regular information on recent relevant appellate decisions, as well as a bi-monthly newsletter noting trainings and events, and trends in juvenile delinquency practice.

**Attorney Forms**

When a case is assigned to a panel attorney, the attorney must complete an Intake Form and submit it to the IJDP program manager for that quadrant within forty-eight hours. The intake form, which is attached as Appendix 3B, requires the attorney to gather key information about the client, including parent/guardian information, language spoken, whether the child has any contact with the Department of Children and Family Services (DCFS), is detained, has any other open cases, and/or is currently on probation. The form not only ensures that the attorney speaks to the child and
family soon after appointment, but also prompts the attorney to consider key legal
questions early in the case.

At the conclusion of the case, the attorney is required to fill out a Case Resolution
Form, attached to this report as Appendix 3C. This form requires the attorney to report
on the case disposition in detail, as well as key aspects of the case litigation. For
example, the attorney must report whether the services of an investigator or social
worker were used, whether the resource attorney or writs attorney were consulted,
whether motions were filed, and whether contested hearings were conducted.

**Investigator Services**
The IJDP has its own chief investigator on staff. A former police officer with more than
twenty years of experience, the staff investigator provides direct services in some,
complicated cases, but does not have the capacity to work on all IJDP cases. Shortly
after the formation of the program, the staff investigator sought to improve the list of
juvenile investigators available from the court. The program put out an advertisement
concerning the need for investigators for appointment and collected applications.
The applications were reviewed by the staff investigator and strong candidates were
forwarded to the court for consideration for the juvenile investigator list. The court
has final discretion over which investigators are included on the panel.

When an IJDP attorney wants to request investigator assistance, the attorney fills out
a referral form. The form describes the case and the services needed. A program
manager reviews the form and matches the attorney with an investigator approved by
the staff investigator and on the list of court-approved juvenile investigators. Matching
considerations include the current caseload of the investigators, the geographic
area involved, and languages spoken. The program places a high emphasis on quick
appointment. If the chosen investigator does not respond to the request for services
by the next day, the program will seek to match the attorney to a different investigator.
The attorney must then seek approval from the court for appointment.

The process for seeking assistance from the courts has improved. Lawyers can now
file a simple notice of motion, which can be submitted at arraignment, to receive
up to $500 in services.

**Psychology and Social Work Services/Experts**
The IJDP has a psychologist on staff with extensive experience in evaluations, testing
and providing testimony. She assists the panel attorneys in answering questions
the attorneys have about clients, most of whom have significant school and social
service records. She conducts screenings to identify clients with adverse childhood
experiences and assess for trauma, developmental delays, prenatal exposure issues.
brain injury, and communication issues. The goals of these assessments building a mitigation case, identifying additional expert needs, and assisting in obtaining appropriate rehabilitative services for the client.

The staff psychologist cannot directly assist all IJDP clients. As with investigative services, IJDP has cultivated a list of qualified social workers and psychologists to whom cases can be referred. Requests for assistance that cannot be handled directly are matched with an appropriate social worker or psychologist, and the attorney must then seek approval from the court for appointment.

The IJDP also helps attorneys obtain expert services in juvenile delinquency cases, whenever appropriate. Whether forensic experts related to the underlying facts of the case, or mitigation experts with appropriate expertise based on assessments of the client, IJDP encourages its attorneys to seek funds for any essential expert and assists attorneys in demonstrating need to the court.

Resource Attorney
IJDP hired a resource attorney to provide support and directly litigate issues around denials of services. The resource attorney helps to ensure that all IJDP clients receive the educational and support services to which they are entitled while in custody. He also works with the panel attorneys on placement and continuum of care issues.

The resource attorney provides three levels of assistance—general consultation, in-depth advice on specific issues, and direct representation on cases that raise novel educational and placement issues. At present, the resource attorney is working to have fetal alcohol issues properly recognized, diagnosed and acknowledged by the regional center. The resource attorney cultivates partnerships that support IJDP efforts to ensure services. For example, he is working with the Learning Rights Law Center to better advocate for educational rights.

The resource attorney has extensive juvenile public defense experience, and also helps to evaluate panel attorneys, including attending hearings to observe and assess IJDP attorneys in court.

Appellate Support
The IJDP provides a centralized source of current appellate case reports relevant to juvenile delinquency cases. The on-staff appellate attorney is available to help IJDP attorneys identify issues ripe for pre-trial writs or direct appeal through on-demand consultation, collaboration, and training. “I help brainstorm and provide advice on how to handle issues that arise and how to set an issue up for an appeal or writ.” said Marketa Sims, who has served as the Writs and Appeals Attorney at IJDP since May
Make sure you know:
• what your child is being charged with
• what the consequences are if your child admits to the charges or the judge decides the charges against your child are true
• what all the options are for your child

Make sure you ask:
• what information you can provide to help the lawyer with the case
• what information you can provide that may help your child benefit from services and programs instead of detention, like probation or alternative programs instead of detention.

The IJDP Client Experience
IJDP attorneys are encouraged to engage clients and their families and support their active participation in the child’s defense. To obtain the best outcome for a client, the lawyer must know the client’s goals and ambitions, not just his or her case. With this in mind, IJDP prioritizes client communication and seeks to ensure that all clients and their families feel that they have been heard.

Client and Family Resources
Each family is given a client resource packet that provides an orientation to the juvenile court system and family support information. The client resource packet encourages the family to proactively inform the defense lawyer about all aspects of the child’s life that may be relevant to the case, including the child’s school record, after school activities, job history, learning disabilities, mental health issues, history of alcohol or drug use, special educational needs, and history of traumatic events. It further urges families to provide counsel with a list of all key people in the child’s life including relatives, coaches, mentors, teachers, with whom the child spends time. It also advises families to ask the child’s lawyers a lot of questions and ensure that they understand everything happening in the case.

The packet encourages clients and families to advocate for their best defense by making sure the lawyer not only addresses the factual issues in the case, but also the particular issues of the client. It makes
clear that clients and families should understand every part of the court process and, if they do not, it is the obligation of the defense lawyer to fully explain that process.

**What Clients Say About IJDP**

The ABA team was permitted to contact three IJDP clients whose cases had fully resolved. In two of the cases we were able to speak with both the client and a parent. In the third case, we were only able to speak with the parent because the client remained detained. All of the parents and clients with whom we spoke believed that the IJDP lawyer cared deeply about the client and had done their absolute best in the case.

In the case of E, the mother reported that she had little hope when her daughter was charged. Based on what she had seen in her community, she believed that the judicial system’s attitude toward minors was to lock them up for as long as possible. “It’s not about if you [are] innocent or not, it’s about if someone points a finger at you,” said E’s mom.

The IJDP lawyer who was assigned her daughter’s case turned her around. He met with the mother, visited the scene of the event, and walked her through all the allegations of what had happened and when. Together they discovered that the account could not possibly be correct given the physical dimensions of the scene, and sought out video evidence that might prove it. The lawyer presented the information to the District Attorney and the case was eventually dismissed.

The lawyer’s advocacy extended beyond disproving the charges. E was scheduled to graduate from high school while detained in custody and awaiting trial. The attorney advocated for her to be released briefly to attend graduation. He “fought for my daughter like we were paying him $50,000 for the case,” said E’s mom. She contrasts this with the experience of other families she met. “Parents talk about how quickly these kids can be given so much time. Parents are clueless and they sit there like they don’t have a voice.” The IJDP lawyer helped her figure out how best to help her daughter.

E noted that this was not her first case or her first time in juvenile hall. It “was the first time I had a lawyer who seemed to really care,” E said. Now that she is released, E reports that she is still in contact with her lawyer and that he still checks in on her through texts and they met for lunch once or twice. E is now in college.

D’s mother told a similar story. Her son was fighting a serious felony charge. The attorney helped her understand the case and encouraged her to become involved. “I teamed up with him and we worked together on the case. I talked to him a lot.”
were several co-defendants and the mom believed that her son’s lawyer was the best on the case. She never had trouble reaching him. When she called he always picked up or called back quickly. They gathered evidence that her son was not involved and, eventually, the case was dismissed.

Another client, A, was charged with murder and detained pretrial. Her lawyer not only helped her address her case, but also made sure she got prenatal care while in Juvenile Hall. The client described it this way:

I was confused the first few days in jail. I did not understand what I was there for. The cops tried to explain at the station, but I didn’t really understand it. I was already four months pregnant at the time. The night before court, the lawyer came to see me and explained everything. Then I went to court the next day and she was there. I had to go to court about nine or ten times before the case was dismissed. At first the court days were close together and then started being a month apart. The lawyer always made sure I understood. She came to visit me before each court date and explained what was going on and everything that would happen.

A’s grandmother reported that the lawyer also spoke with her frequently to make sure she understood. “I wish I had money to pay her,” the grandmother said of A’s IJDP lawyer. “She was excellent. She fought for my baby, and she never turned down one of my phone calls … she did everything. I have nothing bad to say about her.” Eventually the lawyer was able to show that the witnesses had not seen A, and the case was dismissed.

Data Collection and Demonstrating Impact
The IJDP is dedicated to demonstrating the impact their efforts are having, not only through client and family testimonials, but also through data. As noted above, for each case, the IJDP collects: (1) an Intake Form; (2) Referral Forms; and (3) a Case Resolution Form. These forms allow the IJDP to track the extent to which attorneys are engaged in motions and trial work and how often they request resources, such as investigators and experts. The forms also provide detailed dispositional information, including whether the attorney engages in dispositional bargaining, and whether he or she is able to help a client avoid direct or collateral consequences.

The analysis of the first six months of this data is promising. Compared to data collected on panel attorneys in 2008, IJDP attorneys are far more active and have achieved better outcomes for their clients:

• The rate of cases that have an expert appointed has increased 350 percent.
• The percent of clients sent to juvenile camps has decreased by 6 percent.
• The percentage of cases in which a contested detention hearing was held tripled from 3.1 percent to 10 percent.
• Almost one quarter of IJDP cases had at least one contested hearing.

The IJDP also wants to understand, in as many cases as possible, how their advocacy is experienced by their clients. They developed a Client Survey that is distributed to each client and family at the conclusion of the case. The Survey encourages every client to share their experience—giving them an opportunity to both praise and criticize the program and its lawyers. A copy of this Client Survey Form is attached as Appendix 3D.

Overcoming Challenges
Cultural change does not come without resistance, and the introduction of the IJDP has not been without detractors. Many of the judges were fond of the panel lawyers previously assigned to their courtrooms. They are also experiencing the programmatic change through a different lens, and have raised some concerns.

The ABA team met with the judges in the Inglewood courthouse. They raised, among other things, these issues:

• Previous attorneys were dismissed unfairly;
• IJDP attorneys are asking for experts and other outside resources too often;
• IJDP lawyers do not communicate well with the court and the judges do not receive notice when for example, one attorney will be covering a hearing for another; and
• Having the lawyers cover multiple courthouses is leading to too many continuances.

Some of these concerns are truly the prerogative of the defense program, but others warrant attention. For example, the number of continuances can directly impact the client experience, and the IJDP should seek to avoid unnecessary delays. One way IJDP could consider addressing this concern would be to add a question regarding continuances to the Case Resolution form.

Many of the concerns raised appear to be the natural growing pains of a new program. Communication will no doubt improve and, importantly, the court staff and judges will come to know the new attorneys better, making communication easier and more effective. Critically, the IJDP is willing to listen and to make improvements that will benefit the clients and their families.

Replicability
IJDP demonstrates that by creating a community of client-centered advocacy and the maximizing shared resources, a defense culture can be dramatically altered. Any
Creating Community: A key aspect of the IJDP program is that the attorneys feel a commitment to one another. This sense of support is cultivated by IJDP because they know that it gives each attorney greater strength. “You can do so much more when you know someone has your back,” one of the IJDP attorneys commented.

Importantly, the sense of community created by IJDP is purpose-driven. Everyone involved with the IJDP is devoted to the same, single goal: providing exceptional defense services to youth accused of crimes. This goal not only helps to bring the community together, but also helps drive how attorneys use the community support. As Directing Attorney Yamashiro explained to us, the group helps encourage and empower each other to do the right thing for clients. If a judge denies an expert, a lawyer who depends on that judge for appointments may be hesitant to challenge that decision. IJDP lawyers have no disincentive to challenge any court’s adverse decision. In fact, IJDP lawyers are supported by camaraderie with colleagues, shared knowledge and the collective satisfaction of effectively offering creative, litigious advocacy to fight harder for their clients.

Any program can work to create a strong sense of community among lawyers by encouraging greater interaction and targeting that interaction to reinforce the goal of excellent defense. Don’t have a happy hour on Fridays so people can complain about work. Instead, have a standing brown bag lunch or breakfast early in the week so that attorneys can brainstorm how to address the tough situations ahead. Have a newsletter that, in addition to featuring appellate decisions, includes a recent victory or good outcome and how the lawyer brought it about.

Resources: The accessibility of ancillary resources is another essential aspect of the IJDP program. Mary Ann Scali, Executive Director of the National Juvenile Defender Center noted, “Across the nation there are few systems that provide adequate support … to ensure successful outcomes for clients who are represented by court appointed counsel.” The program emphasizes the use of investigators, social workers, psychologists and other key experts to better understand clients, tell their stories and achieve better results. Having in-house experts is important. They get to know the attorneys and are part of the organization’s culture. It is equally important, however, to maximize the in-house experts by devoting their time to cultivating other experts in the same area with whom the IJDP lawyers can consult.

Assessment: IJDP takes steps to assess its representation of youth in concrete ways. Their use of simple forms at intake and resolution, as well as a client survey
to gather key data about impact are replicable by any defense program. NJDC’s Scali stressed the importance of this data gathering noting that, in addition to helping IJDP demonstrate its value, “[t]his assessment system allows the IJDP program to tailor services and training, in order to continually improve the program’s performance and client outcomes.”

The IJDP has agreed to share some of the forms integral to its assessment program to assist other defender projects in replicating aspects of their commitment to excellent advocacy and data collection:

Appendix 3A: IJDP Attorney Application
Appendix 3B: IJDP Intake Form
Appendix 3C: IJDP Case Resolution Form
Appendix 3D: IJDP Client Survey

Contact Information for the Independent Juvenile Defender Program:

Independent Juvenile Defender Program
Los Angeles County Bar Association
1055 West 7th Street, Suite 2700
Los Angeles, CA 90017
213-896-6429
www.lacba.org

Endnotes


2 Id.


5 Id. at 3-4.

6 Id. at 5.

7 Id. at 19.


9 American Bar Association Standards for Criminal Justice, Providing Defense Services, 5-2.4 (1992) (“Assigned counsel should receive prompt compensation at a reasonable hourly rate and should be reimbursed for their reasonable out-of-pocket expenses. Assigned counsel should be compensated for all hours necessary to provide...“).
quality legal representation.


11 Id. at 1.


13 Reform Motion, supra n. 12, at 2.

14 Warren Institute Report, supra n. 4, at 9-10.

15 See Kids, Counsel and Costs, supra n. 10, at 26-29.

16 See id. at 29-30 (Juvenile defendants represented by panel attorneys were “thirty four percent more likely to end up at a higher disposition after their case [was] resolved.”).


18 Id. at 19-20.

19 Id. at 20.

20 Id.
New form submission

_Juvenile Defender Application_
Submitted on 25 September 2018, via IP 99.191.36.203 by Anonymous

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<td>Date Began Criminal Defense Practice</td>
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<td>Are you a LACBA member?</td>
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Have you been the subject of discipline by the State Bar of California or by the Bar of any other state?

If yes, please include a detailed description of the nature, date, and result of the disciplinary proceeding.

I agree to waive confidentiality for the sole purpose of enabling the State Bar of California to notify the Los Angeles County Bar Association’s Independent Juvenile Defender Program of the status of any disciplinary proceeding pending against me.

References: List three attorneys and three judges (with current telephone numbers) as references. Please indicate the nature of your relationship with each.

Please list all the criminal defense jury trials you have completed in the last 10 years, starting with the most serious. Be sure to include the court, the case number, the charges and the date. You may be asked to provide proof in the form of court minute orders when the application is being reviewed for possible membership on the Independent Juvenile Defender Panel.

Please list the 10 most serious juvenile adjudications or Edsel P. hearings you have litigated. (Be sure to include the nature of the hearing, trial, etc., the court, the case number, the charges, and the date) Please indicate whether you called any witnesses and the outcome of the proceeding. You may be asked to provide proof in the form of Court minute orders when the application is being reviewed for possible membership on the Independent Juvenile Defender Panel.

Please list all juvenile trials and adult jury trials you have conducted in the last year. (Be sure to include the nature of the hearing, trial, etc., the court, the case number, the charges, and the date) Please indicate whether you called any witnesses and the outcome of the proceeding. You may be asked to provide proof in the form of Court minute orders when the application is being reviewed for possible membership on the Independent Juvenile Defender Panel.

Please list all motions to suppress in adult or juvenile court you have litigated in the past year. (Be sure to include the nature of the hearing, trial, etc., the court, the case number, the charges, and the date) Please
indicate whether you called any witnesses and the outcome of the proceeding. You may be asked to provide proof in the form of Court minute orders when the application is being reviewed for possible membership on the Independent Juvenile Defender Panel.

If you have any other attributes and/or experiences which you feel make you a better criminal defense lawyer or you feel the office of the Independent Juvenile Defender should be aware of in evaluating you, please provide such information here:

Please note, applicants must have completed twelve (12) hours of relevant State Bar approved Continuing Legal Education (CLE) annually and must continue to do so while a member of the Independent Juvenile Defender Panel. A minimum of twelve (12) hours annually must be in the field of criminal law or juvenile delinquency, preferably a combination of both. At least nine (9) hours must be classroom-participation (no tapes or other self-study accepted). However, up to three (3) participatory hours will be acceptable (tapes or other self-study. You will be asked to provide proof of completion when the application is being reviewed for possible membership on the Independent Juvenile Defender Panel.

If you are invited to participate on the Independent Juvenile Defender Panel, you must be compliant with the requirements of AB 703 and California Rules of Court, rule 5.664 prior to accepting any appointments by the court.

Membership in the Los Angeles County Bar Association or other bar association is not a precondition to service on an Independent Juvenile Defender Panel. If requested, all Applicants will be required to furnish a detailed history of their background and experience in criminal law for the purpose of classification by the Independent Juvenile Defender Committee.

**Resume:** Please attach a resume including your education and prior work experience. Please include dates.

Click "Select" to choose a resume file from your computer. It will then be uploaded when you click "Submit" below.

**OPTIONAL:** Attach additional document here.

Click "select" to choose an additional file from your computer. It will then be uploaded when you click "Submit" below.
03B Intake Form

CLIENT INTAKE SHEET

Attorney Name: __________________________

Duty Date: ________ / Non-Duty Pick-Up Date: __________

Case #: ____________ Court: ____________ Court Dept. #: ____________

EMAIL TO:
North
Bethany Judson
(213) 888-6472
bjudson@lacba.org

South
Tracy Andrade
(213) 896-6565
 tandrade@lacba.org

East
Shanice Hawthorne
(213) 833-6706
shawthorne@lacba.org

West
Sarah Fiskiri
(213) 896-6430
sfiskiri@lacba.org

Client Information

Name: __________________________ AKA/Booked as: __________________________

DOB: ________ / AGE: ____ Gender: [ ] M [ ] F Race/ Ethnic Origin: Other

Minor’s Place of Birth (City, Country): __________________________

☐ Whether or not your client is a potential candidate, please check this box affirming that you have considered their eligibility for SIJS and that this is sufficiently documented in their file.

Contact Information

Client Phone Number: (____) __________________________

Address/ Placement Location: __________________________

Name of Parent/ Legal Guardian/ DCFS Placement: __________________________

Please indicate this person’s relationship to client: __________________________

Parent/ Guardian/ Placement Phone Number: (____) __________________________

Interpreter Required? (Including Parents): [ ] Yes [ ] No Preferred Language: __________________________

Petition Information

Petition Status: [ ] New [ ] Active Petition Type: [ ] Detained [ ] Non-Detained

Petition Date: ____________ Next Hearing Date: ____________ Next Hearing Type: __________________________
### Case Information

Was this an instance of witness representation?  
If yes, you may skip the Detention Status and Charges sections.  
- [ ] Yes  
- [ ] No

WIC 450/ AB12/212 appointment?  
If yes, you may skip the Detention Status section.  
- [ ] Yes  
- [ ] No

Were you appointed post-disposition?  
- [ ] Yes  
- [ ] No

Is this a 601 status offense?  
- [ ] Yes  
- [ ] No

Is your client facing a transfer motion to adult court?  
- [ ] Yes  
- [ ] No

Is this a Prop 57 return case?  
- [ ] Yes  
- [ ] No

Was there any DCFS or Dependency Court Involvement?  
If yes,  
- [ ] Yes  
- [ ] No

Name/ Contact of Social Worker: ____________________________________________________  
Name/ Contact of Dependency Court Attorney: __________________________________________

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Max Exposure: ______________________

### Detention Status

My client is currently detained:  
If no, please enter NA for the following fields.  
- [ ] Yes  
- [ ] No

If Detained After Arraignment:  
- [ ] House Arrest (CDP)  
- [ ] Juvenile Hall/ Camp  
- [ ] Jail  
- [ ] Other: ______________

Detention Location: ________________________________  
Please provide full name.

Dennis “H” Hearing Date: __________  
William “M” Hearing Date: __________  
Other: __________
### Co-Minor Information

If there was no co-minor involvement, please enter NA.

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<tr>
<th>Names of Co-Minor(s):</th>
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<th>Co-Attorney for Co-Minors:</th>
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### Other Open Petitions/ Probation

If there are no other open petitions, please enter NA.

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Attorney: ___________________________  Probation Officer: ___________________________

Next Court Date: _____________________  Court/ Judge: ___________________________

### Notes
## CASE RESOLUTION FORM

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<td>Court: ________________________________</td>
<td>Department: ________________________</td>
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<tr>
<td>Judicial Officer: ______________________</td>
<td>Petition Date: _____________________</td>
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### Ancillary Resources Used:
- [ ] Investigator
- [ ] Social Worker
- [ ] Writ Attorney
- [ ] Resource Attorney

### Expert Witnesses Appointed:

### Charges in Petition:

| __________________________ |
|____________________________|
|____________________________|
|____________________________|

### Charges Sustained:

| __________________________ |
|____________________________|
|____________________________|
|____________________________|

### MAX: ____________________

### Basis of Charges Sustained:
- [ ] Admission
- [ ] Adjudication

- [ ] If your client admitted the charges, check this box if you have sufficiently documented your rationale for admission as opposed to adjudicating the matter.
Disposition at time of Admission/Resolution:

- 654
- 725
- 790
- HOP

Suitable Placement
CCP Term: ________________
DJF Term: ________________
Dismissed

Contested Hearings Conducted:

- William M.
  Witnesses Called: ______________________________

- Dennis H.
  Witnesses Called: ______________________________

- Motion to Suppress
  Witnesses Called: ______________________________

- Adjudication
  Witnesses Called: ______________________________

- Disposition
  Witnesses Called: ______________________________

Other: ________________

Disposition at time of Admission/Resolution:

- Yes
- No

Did you file a notice of appeal?

- Yes
- No

No Contested Issue of Law or Fact
Written Motions Filed

☐ 700.1 (WIC analog to PC 1538.5)

Other: __________________________

Oral Motions Argued

☐ 701.1

Other: __________________________

How many times did you meet with the client outside of court appearances? __________

Please indicate any notable effort put into the case, not covered elsewhere on this form:
SURVEY: DID YOUR LAWYER DO A GOOD JOB?

For the purposes of this survey, attempts are made to survey all clients and/or their parent/guardian regardless of the level of interaction the youth has with the IJDP attorney. This interaction can range from hours in an initial court appearance to years of representation throughout court, probation, placement, and/or parole processes. Within two weeks of the day that a Case Resolution form is submitted, an IJDP Program Coordinator will attempt to contact and administer this survey to the client and the client’s parent/guardian.

No identifying information is recorded on the form. Completed surveys are entered into a database that contains no identifying information. Incentives to participate in this survey include an opportunity to provide feedback that could impact IJDP’s future development and the way in which it responds to its clients’ needs as well as the possibility of benefitting future youth that will receive IJDP services. No financial or material incentives are provided for participating in the survey.

Note: Do not ask for the attorney’s name. Try to verify that you both are talking about the same lawyer by using the court to narrow it down and asking the participant to talk about the lawyer who represented them on the most instances.

GREETING:
My name is _________; I’m calling from the Independent Juvenile Defender Program – the office that recently represented your son/daughter. We are just checking in to see how things went.

1. What did you think of your attorney?
   a. Open-ended response

2. Did your attorney give you a client resource packet when you first met them?
   a. y/n

3. Did you ever meet with your attorney on a day other than the day(s) you appeared in court together?
   a. y/n
Thank you so much for your time. I have a few more questions for you regarding how you feel about your interactions with your attorney. Please give your attorney an A, B, C, D, or F grade depending on how you feel they did.

4. What grade would you give to your attorney regarding their communications with you?
   a. Did he/she call you back and/or take time out to speak with you prior to your court appearances?

5. What grade would you give your attorney for how well they listened to you?
   a. Was he/she a good listener? Did your attorney give you an opportunity to share your side?
   b. Were there times when you felt like your attorney didn’t listen very well or ignored you?

6. What grade would you give your attorney for their level of politeness and respectfulness towards you and your family?

7. What grade would you give your attorney for how well they “explained your case and the court process?”

8. What grade would you give your attorney for “fighting for what you wanted?”

9. Overall, what grade would you give your attorney?

10. Do you have any other comments you’d like to share? For example, things your lawyer did very well or things your lawyer could have done better?

For Parents:
11. Can I contact your child to administer this survey?

12. At what number may I reach them?

Thank you so much for taking the time to speak with me today. Your responses are very valuable in the development of our program and will benefit all future youth who receive our services. At this point, do you have any questions for me? Would you like me to provide you with the contact information for our office?

Program Coordinator Comments: