Answering Gideon’s Call Outside the Courtroom: 
Policy Reform Strategies to Protect the Right to Counsel

Re: Gideon v. Cochran
No. 1011, October Term, 1961
Formerly No. 890 Misc. October Term, 1961

I do desire the Court to appoint a competent attorney to represent me in this Court. Because I do not know the procedure nor do I have the ability to do so. I make this formal request to the Supreme Court of the United States to appoint me a attorney.

Very Truly yours,
Clarence Earl Gideon

A Symposium on the 50th Anniversary of Gideon v. Wainwright

MARCH 18, 2013
AMERICAN UNIVERSITY
Special Acknowledgements

The Gideon’s 50th Anniversary Symposium is supported by grants from

Bureau of Justice Assistance, US Department of Justice
and the

Ford Foundation

We thank the following Deans and staff for their invaluable contributions to organizing this Symposium:

American University
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Dean Barbara Romzek, School of Publics Affairs
Associate Dean Meg Weekes, Interim Chair, Department of Justice, Law and Society, School of Public Affairs
Carl Cook, Senior Academic Counselor, School of Public Affairs
Heather Smith, Office Coordinator, Justice Programs Office, School of Public Affairs
Tiffany Wen, Student Intern, Department of Justice Law and Society, School of Public Affairs

National Legal Aid & Defender Association
Jo-Ann Wallace, President & CEO
Maria Soto, Senior Vice President, Operations
Ed Burnette, Vice President, Defender Legal Services
Cait Clarke, Director, Strategic Initiatives
Mark Houldin, Defender Counsel
Stacy Green, Meetings and Events Manager
Jessica Ko, Meeting and Events Assistant

Partners:
Gideon’s 50th Anniversary Symposium

Answering Gideon’s Call Outside the Courtroom: Collaborative Policy Reform Strategies to Protect the Sixth Amendment Right to Counsel and Ensure A Fair and Equitable Justice System

Monday, March 18, 2013
American University
Founders Hall, School of International Service
Main Campus
Washington, D.C.

“If an obscure Florida convict named Clarence Earl Gideon had not sat down in his prison cell to write a letter to the Supreme Court . . . the vast machinery of American law would have gone on functioning undisturbed. But Gideon did write that letter, the Court did look into his case . . . and the whole course of American legal history has been changed.”
—Robert F. Kennedy

Why a Gideon Symposium Focused on Policy Reform?

On March 18, 1963, the United States Supreme Court decided Gideon v. Wainwright, which established the right to counsel for those who could not afford to hire an attorney. The Supreme Court stated that counsel is critical to fair process; however, each state was left to determine the structure for providing this Sixth Amendment Constitutional right.

For decades, both the American University and NLADA’s Legal Services Division have worked inside state justice systems to improve effectiveness and fairness. Our work on the ground has reinforced the realization that there is much work to be done outside the courtroom to protect the Sixth Amendment, and to ensure public defense providers are partners with prosecutors and others in crafting and implementing justice system policies. It has been a challenge to achieve a balance allocation of available resources. In too many state and county courts the delivery of timely and adequate indigent defense services is ad hoc and severely deficient.

It is this situation that the Symposium is designed to address — to jumpstart recognition of the collaborative leadership role that public defender leaders must play in co-creating justice systems. The Symposium is a gathering of leaders from different sectors who will work collaboratively to identify a policy and law reform agenda that focuses not just on the “indigent defense crisis” but on the “justice system crisis.” Participants will be asked to identify the key strategies that should be incorporated into future policy and law reform efforts to achieve balance and effectiveness for both indigent defense representation and for state justice systems as a whole.
The Mission Statement of the School of Public Affairs is to analyze issues and tackle complex challenges in public service. We aspire not only to transmit knowledge to the next generation but to create new knowledge that influences public policy. Whether you are just starting out or are midcareer, we provide the intellectual foundation and practical skills you need to distinguish yourself and succeed professionally—anywhere in the world.

The mission of the Justice Programs Office (JPO) of the American University School of Public Affairs is to apply the tools of scholarship, and professionalism, and "best practices" to the design and management of public programs, with particular attention to policy development and the administration of justice at the local, state, and federal levels of government. To carry out this mission, the JPO engages in training, technical assistance and research programs and provides information and publication dissemination services to government officials and the public at-large.

To secure equal justice by supporting excellence in the delivery of civil legal aid and indigent defense services.

The Mission of the American Council of Chief Defenders is to provide tools, strategies, mutual support, training and information to chief defenders; to speak as a national voice for public defense; to promote best practices in the leadership, management, and administration of justice; and to support development and reform of public defense systems.

In 1896, American University Washington College of Law became the first law school in the country founded by women. More than 100 years since its founding, this law school community is grounded in the values of equality, diversity, and intellectual rigor. The law school’s nationally and internationally recognized programs (in clinical legal education, trial advocacy, international law, and intellectual property to name a few) and dedicated faculty provide its 1700 JD, LL.M., and SJD students with the critical skills and values to have an immediate impact as students and as graduates, in Washington, DC and around the world. For more information, visit wcl.american.edu.
AGENDA

8:00 a.m.  COFFEE AND CONTINENTAL BREAKFAST WILL BE SERVED

8:30 – 9:00 a.m.  WELCOME:
Caroline Cooper, Research Professor And Director, Justice Programs Office, AU School Of Public Affairs
Dean Barbara Romzek, AU School of Public Affairs
Dean Claudio Grossman, AU Washington College of Law
Tim Young, Ohio Public Defender, Chair, American Council of Chief Defenders
Jo-Ann Wallace, President & CEO, National Legal Aid & Defender Association

9:00 – 9:15 a.m.  INTRODUCTIONS AND GOALS OF THE SYMPOSIUM
Cait Clarke, Director of Strategic Initiatives, NLADA

9:15 – 9:45 a.m.  HISTORICAL PERSPECTIVE OF GIDEON V. WAINWRIGHT
Abe Krash, Esquire, Retired Partner, Arnold & Porter, LLP
*Mr. Krash assisted Abe Fortas in representing Clarence Earl Gideon before the United States Supreme Court in 1963.

9:45 – 10:15 a.m.  ASSESSING GIDEON: BRIEF OVERVIEW OF INDIGENT DEFENSE TODAY
Cait Clarke and Mark Houldin, NLADA

10:15 – 10:30 a.m.  BREAK

10:30 – 10:45 a.m.  PUBLIC POLICY PRIMER: WHAT DO WE MEAN WHEN WE SPEAK OF PUBLIC POLICY?
Professor Robert Durant, Interim Department Chair
Department of Public Administration and Policy, American University

10:45 – 11:15 A.M.  PUBLIC POLICY IN ACTION: LEADERSHIP AND THE VALUE OF COLLABORATION
Professor Robert Tobias, Distinguished Practitioner in Residence
Department of Public Administration and Policy, American University

11:15 a.m. – NOON  COLLABORATIVE SUCCESS STORY: EVIDENCE-BASED POLICY AND LEGISLATIVE REFORM IN SOUTH CAROLINA
Senator Gerald Malloy, South Carolina Senate Judiciary Committee Representative,
South Carolina Commission on Indigent Defense
Patton Adams, Executive Director, South Carolina Commission on Indigent Defense
Harry Dest, Chairman, South Carolina Commission on Indigent Defense

NOON  WORKING LUNCH BEGINS

12:30 – 12:45 p.m.  COLLABORATION, POLICY REFORM AND THE RIGHT TO COUNSEL
Jamin Raskin, Professor of Law
Director, Law and Government Program, Washington College of Law
American University

12:45 – 1:30 P.M.  DISCUSSION AT LUNCH TABLES

1:30 – 2:00 p.m.  THE FREEDOM FUND: A PARTNERSHIP OF UNLIKELY ALLIES
Robin Steinberg, Executive Director, The Bronx Defenders

2:00 – 3:00 p.m.  BREAK-OUT SESSIONS (FACILITATED)

3:00 – 3:15 p.m.  BREAK

3:15 – 4:00 p.m.  BUILDING A SHARED AGENDA AND ACTION STEPS

4:00 p.m.  ADJOURN
Discussants/Speakers

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Discussant Bios

Patton Adams

Mr. Adams has been the Executive Director since January, 2005. A native of Columbia and a 1968 graduate of the University of South Carolina School of Law, he maintained an active private law practice in Columbia for over 28 years. Prior to joining the agency Mr. Adams served as the vice president for government relations and general counsel for a major hospital industry trade association. He is a 1965 graduate of Washington & Lee University, Lexington, Virginia, and served as an officer in the U.S. Army Ordnance Corps. He is a Vietnam veteran and recipient of a Bronze Star. Mr. Adams served as Mayor of Columbia from 1986-1990 and was an at-large member of its City Council from 1976-1986. In 1986 he was appointed the Civilian Aide to the Secretary of the Army for South Carolina, and has served continuously in that position. In 2001 he was extended Emeritus status and his appointment was designated for his lifetime. He is a recipient of the state’s Order of the Palmetto, presented by Governor Carroll A. Campbell, Jr.; the National Distinguished Service Award presented by the Association of United States Army; and the 1987 Municipal Association of South Carolina’s Distinguished Service Award. He has served as a member of the Board of Advisors of the Charleston School of Law since July, 2007. He is active in numerous civic and professional activities and currently serves as a member of the Defender Policy Group of the National Legal Aid & Defender Association, and the South Carolina Bar Criminal Law Section Council; past chairman of the South Carolina Youth Advocate Program, a non-profit placement agency for high risk youth and their families; Chairman of the City of Columbia Government Restructure Study Commission; and a member of the South Carolina Veterans Memorial Park Commission.

Avis E. Buchanan

Avis E. Buchanan is the director of the Public Defender Service for the District of Columbia (PDS), which provides defense and related legal and non-legal services to indigent people charged with crimes in the local District of Columbia courts. After graduating from Michigan State University, then Harvard Law School, she worked as a law clerk for the Honorable Theodore J. McMillian of the U.S. Court of Appeals for the Eighth Circuit. In 1982, she joined PDS as a staff attorney, doing criminal defense work for six and a half years. For the next 13 years, Ms. Buchanan served as staff attorney, Director of the Equal Employment Opportunity Project, and then Director of Litigation at the Washington Lawyers’ Committee for Civil Rights and Urban Affairs; she was primarily responsible for litigating individual and class action employment and public accommodations cases in various federal and local courts. Ms. Buchanan rejoined PDS in 2002 as the deputy director. In 2004, she was selected to serve as PDS’s director.

Jim Bueermann

Jim Bueermann is the president of the Police Foundation, a national, nonpartisan, nonprofit organization dedicated to supporting innovation and improvement in policing through its research, technical assistance, training, professional services, and communication programs. As president, Bueermann directs all foundation operations and is a voting member of the board of directors. Jim Bueermann worked for the Redlands Police Department for 33 years, serving in every unit within the department. He was appointed chief of police and director of Housing, Recreation and Senior Services in 1998. He retired in June 2011. As chief, he developed a holistic approach to community policing and problem solving that consolidated housing and recreation services into the police department and was based on risk and protective factor research into adolescent problem prevention. This strategy was recognized as one of the country’s 25 most innovative programs in the 2000 Innovations in American Government program sponsored by Harvard’s Kennedy School. Jim was the first police chief to be inducted as an honorary fellow in the Academy of Experimental Criminology and into the halls of fame at George Mason University’s Center for Evidence Based Crime Policy and the School of Behavioral Science at California State University, San Bernardino. He is on policing advisory boards at Cambridge University, George Mason University, John Jay College, and the Council for State Governments and works extensively in the field of evidence-based policing, innovative technologies, and prisoner reentry. Prior to coming to the Police Foundation, he was an executive fellow with the US Department of Justice’s National Institute of Justice and a senior fellow at George Mason University. He is a graduate of California State University, San Bernardino, the University of Redlands, the FBI National Academy, and the California Command College.

Kevin S. Burke

Kevin Burke, a Minneapolis trial judge since 1984, is one of the most recognized leaders within the American judiciary and is president of the American Judges Association. He served four terms as chief judge of the Hennepin County (Minn.) District Court, a 62-judge court, where he instituted social-science studies examining—and reforms improving—procedural fairness. Burke coauthored the American Judges Association’s white paper on procedural fairness in 2007. In 2012 he coauthored the American Judges Association’s white paper, Minding the Court: Enhancing the Decision Making Process. Burke received the William H. Rehnquist Award from the National Center for State Courts in 2003; an award presented annually to the state judge who most exemplifies the highest level of judicial excellence, integrity, fairness, and professional ethics. He has received many other awards, including Trial Judge of the Year by the Minnesota chapter of the American Board of Trial Advocates in 2005; Public Official of the Year by Governing magazine in 2004; the Distinguished Service Award from the National Center for State Courts in 2002; and the Director’s Community Leadership Award from the Federal Bureau of Investigation in 1997. The magazine Politics in Minnesota named him one of the most influential lawyers in the history of the State of Minnesota. Judge Burke presently serves on the Board of the Institute for the Advancement of the American Legal System (IAALS). In the past he has served on the boards of directors for the National Center for State Courts and the American Judicature Society, and is the immediate past president of the American Judges Association. He has spoken in 38 states, Abu Dhabi, Egypt, Canada, Ireland, India, and Mexico about issues of judicial leadership, court administration and procedural fairness. Judge Burke teaches at two law schools; he teaches trial practice at the University of Minnesota Law School and criminal procedure at the University of St. Thomas Law School.

Ed Burnette

Ed Burnette has been the vice president of defender legal services of the National Legal Aid & Defender Association since January 2010. Prior to that, Burnette completed his term as chief executive and chief attorney of the Law Office of the Cook County Public Defender in March
Discussant Bios

2009 and was on the staff of that office since 1987. He served as public defender for six years and 15 years prior with the United States Marine Corps. His military positions included head legal assistance attorney, chief prosecution attorney, trial defense counsel for the Office of the Staff Judge Advocate and appellate defense counsel for the Navy.

Melania Clark
Melania Clark is a Senior Counsel for the Access to Justice Initiative at the US Department of Justice where she helps implement the Initiative's efforts on indigent defense reform and improving access to civil legal services for people unable to afford a lawyer. Ms. Clark is also co-chair of the Employment Barriers Subcommittee of the Federal Interagency Reentry Council. Prior to joining the Access to Justice Initiative, Ms. Clark directed the Community Oriented Defender Network and worked on legislative and policy reform to increase access to legal representation for low-income individuals in high-stakes civil cases, including in foreclosure proceedings, at the Brennan Center for Justice at NYU School of Law. Ms. Clark is a former John J. Gibbons Fellow in Public Interest and Constitutional Law and a Skadden Fellow at the NAACP Legal Defense and Education Fund. Ms. Clark also was an associate at Paul, Weiss, Rifkind and Garrison and clerked for Judge Joseph A. Greenway, Jr., then of the US District Court for the District of New Jersey. She received her J.D. from Harvard Law School and her B.A. from Brown University.

Cait Clarke
Cait Clarke is the Director of Strategic Initiatives at the National Legal Aid & Defender Association (NLADA) in Washington D.C. Prior to her rejoining the NLADA team, she directed fellowships and Federal Programs at Equal Justice Works from 2007-2011, which supported 80 AmeriCorps Legal Fellows and around 700 law students in the Summer Corps program. In partnership with the Southern Public Defender Training Center Ms. Clarke was the co-director, with Jon Rappaport, in the 2011 launch of Public Defender Corps, a federally-funded initiative placing outstanding lawyers inside public defender offices to provide client-centered advocacy. Ms. Clarke has had over 25 years of experience in the law, teaching, training, and consulting on the law and legal policy issues particularly focused on access to counsel. Ms. Clarke was the founding director of the National Defender Leadership Institute at NLADA, which develops leadership capacity and management skills. Ms. Clarke served as a principal and the legal education specialist with Watershed Associates, a Washington, D.C.-based firm specializing in negotiation training globally. She recently co-authored a book, Dare to Ask! A Woman's Guidebook to Successful Negotiating (Mulberry St. Press, 2010). As the director of Clarke Consulting she provided leadership and management consulting to nonprofit organizations (public defense and legal aid), associations, government agencies and corporations nationwide.

Caroline S. Cooper
Caroline Cooper is Director of the Justice Programs Office of the School of Public Affairs at American University in Washington D.C. and a Research Faculty member of the School of Public Affairs. She is a graduate of Smith College, Howard University (M.A.) and the Washington College of Law at American University. For a number of years, she has been involved with the provision of technical assistance, evaluation, and training services to courts and other adjudication system agencies engaged in judicial improvement efforts. She has also been a practicing attorney, an assistant public defender, and has written numerous publications addressing a variety of judicial system issues relating to the management of criminal, civil, juvenile and family matters.

Sarina Cox
Sarina Cox is a Staff Attorney with the ABA Criminal Justice Section (CJS) and directs both the CJS State Policy Implementation Project and the CJS Achieving an Impartial Jury Project. She works closely with various Section Committees and Task Forces, including the Juvenile Justice Committee, the Comprehensive Defense Representation Task Force and the Corrections Committee, among others, to coordinate outreach activities, develop balanced policy recommendations and draft project specific grant proposals.

Harry Dest
Harry Dest is the Circuit Public Defender for the Sixteenth Circuit Public Defender Office. In 2007 he was sworn in as the first Circuit Public Defender in South Carolina under the new statewide Public Defender system. He has served in that capacity since December of 2007. He has been with the York County Public Defender Office for 23 years. He is licensed to practice law in both North and South Carolina. He is currently a member of the South Carolina Criminal Defense Lawyers Association and the National Criminal Defense Lawyers Association. In his 23 years as a Public Defender in South Carolina he has handled numerous high profile cases. He has appeared on Court TV, the Oprah Winfrey Show and CNN's Larry King Live. In 1995, he was appointed by Governor David Beasley to serve as a commissioner on the South Carolina Commission on Indigent Defense. In 1996, he was appointed chairman of that commission by Governor Jim Hodges. In July of 2003, he was reappointed by Governor Mark Sanford to serve as chairman on the Commission of Indigent Defense. In July of 2011, he was reappointed by Governor Nikki Haley to serve as the Chairman of the Commission until 2014.

William F. Dressel
Judge Bill Dressel is President of The National Judicial College in Reno, Nevada since November of 2000. Judge Dressel received his license to practice law in the state of Colorado in 1966, where he continued in private practice, specializing in trial practice until 1978. In July of 1978 he was appointed as a judge to the 8th Judicial District of the state of Colorado and retained through 2000 in four general elections. He is the principal author of the Trial Management Standards adopted by the American Bar Association House of Delegates in 1992 and has taught for the University of Denver Law School. Judge Dressel received a B.A. from Cornell College, Mt Vernon, Iowa, and his J.D. from the University of Denver College of Law. He was the 1998 recipient of the Justice Management Institute's Ernest C. Friesen Award of Excellence, presented in recognition of his vision, leadership, and sustained commitment to the achievement of excellence in the administration of justice.
Discussant Bios

Robert F. Durant
Professor Durant’s teaching and research focus is executive branch politics, public management, policy implementation, environmental policy, and administrative reform. He is Associate Editor for Administrative Research for Public Administration Review. He has received seven book awards, two best article awards, and the prestigious Charles H. Levine Memorial Award for excellence in research, teaching, and service to the wider community. In addition, he has won seven teaching awards including the 2007 Outstanding Teaching Award in the School of Public Affairs and the Leslie A. Whittington Excellence in Teaching Award from the National Association of Schools of Public Affairs and Administration. He is also on the editorial boards of ten disciplinary journals, was a Fulbright Scholar in Thailand in 2002, and is an elected fellow in the National Academy of Public Administration. In 2011, he was named AU Scholar-Teacher of the Year. In 2012, he received the Dwight Waldo Award for outstanding contributions to the literature of public administration over an extended career.

Christopher Durocher
Christopher Durocher is Government Affairs Counsel for the Criminal Justice Program at The Constitution Project. His work focuses on reforming federal criminal justice policy, including death penalty, right to counsel, criminal discovery, habeas corpus law, and securing federal funding for programs critical to increasing the fairness of federal and state criminal justice systems. Before joining the Constitution Project, Christopher worked as litigation associate for Mayer Brown LLP and as senior associate at the Alexandria, VA-based law firm of Obadal, Filler, MacLeod & Klein, PLC, where he represented its clients before the U.S. Congress and various federal agencies. Christopher is a graduate of Holy Cross College and Boston University School of Law.

Kay Farley
Kay Farley is the Executive Director of the Government Relations Office for the National Center for State Courts (NCSC). She is responsible for monitoring and analyzing Congressional and Federal government agency activity that would impact state court operations, with particular emphasis on children and family related issues. Ms. Farley is also responsible for informing state court leaders of national activities and assisting in the development and articulation of policy for the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA). Ms. Farley serves as liaison for the NCSC, CCJ, and COSCA with Congress and Federal government agencies related to children and family policy. Additionally, Ms. Farley staffs the CCJ/COSCA Government Affairs Committee and the CCJ/COSCA Courts, Children, and the Families Committee.

Thomas Giovanni
Thomas Giovanni is Counsel to the Justice Program at the Brennan Center. He has expertise in criminal justice, criminal procedure and trial practice, public defense, and pretrial proceedings. His work focuses on eliminating unnecessary incarceration, reducing racial disparities in the justice system, and improving public defense services. He is also Director of the Community-Oriented Defender Network, a network housed in the Brennan Center’s Justice Program, composed of defender offices across the country dedicated to using their skills to improve the lives of clients and the communities in which they live. Before coming to the Brennan Center, Thomas was a public defender for a decade at the Neighborhood Defender Service of Harlem. Thomas has collaborated extensively with clinical law programs at Cardozo and Fordham and served as guest lecturer and field placement supervisor for the NYU School of Law’s Criminal and Community Defense Clinic.

Each year, he also serves as a Coach at the New York State Defender’s Association Basic Trial Skills Program, an intensive trial advocacy training for criminal defense attorneys. Thomas has been featured on The Rachel Maddow Show, PBS’s Need to Know, and NY1’s Inside City Hall. He holds a B.A. (1994) from Morehouse College, a Historically Black College, and a J.D. from Georgetown University Law Center (1998).

Jon Gould
Jon Gould is a professor in the Department of Justice, Law and Society and at Washington College of Law at American University, where he is also director of the Washington Institute for Public and International Affairs Research. A lawyer and social scientist, Professor Gould combines empirical research with policy advocacy to advance government reform and administration. His work focuses on civil rights and liberties, justice policy, and legal change, helping to make academic research relevant and accessible to policymakers. He has published on the subjects of wrongful convictions, hate speech, police conformance with the Constitution, and judicial treatment of race and gender. His first book, Speak No Evil: The Triumph of Hate Speech Regulation was a co-winner of the 2006 Herbert Jacob award for the best book in law and society. His second book, The Innocence Commission: Preventing Wrongful Convictions and Restoring the Criminal Justice System, was named an Outstanding Academic Title for 2008 by the American Library Association. Prior to joining AU, Professor Gould was associate professor and director of the Center for Justice, Law and Society at George Mason. He has practiced law with the Washington, D.C. office of Mayer, Brown & Platt, helped to direct programming for the International Human Rights Law Institute; and worked on the national staffs of two presidential campaigns.

John Gross
John Gross is Indigent Defense Counsel for the National Association of Criminal Defense Lawyers and an Adjunct Associate Professor of Law at American University, Washington College of Law where he teaches Criminal Procedure and Evidence. Prior to joining NACDL, Mr. Gross was the Acting Director of the Syracuse University College of Law Criminal Defense Clinic. He began his career as a staff attorney with the Legal Aid Society, Manhattan Criminal Defense Division and is a graduate of Hofstra University College of Law.

Claudio Grossman
Claudio Grossman is professor of law and dean of American University Washington College of Law and the Raymond Geraldson Scholar for International and Humanitarian Law. He is the chair of the United Nations Committee against Torture, where he has served as a committee member since 2003. Previously, Grossman served as a member of the Inter-American Commission on Human Rights (1993-2001), its
Discussant Bios

President (1996-97, and 2001), its special rapporteur on the rights of indigenous populations (2000-2001), and its first special rapporteur on women’s rights (1996-2000). Grossman has authored books and articles on international law, human rights, and the law of international organizations, and has received numerous awards for his contributions to these fields including the 2010 Henry W. Edgerton Civil Liberties Award from the American Civil Liberties Union of the National Capital Area in recognition of exceptional lifetime achievements related to the advancement and defense of human rights and civil liberties, and the Lifetime Leadership Award from the Hispanic National Bar Foundation in 2012.

Jeremy Halle
Jeremy Halle coordinates federal advocacy efforts for The Sentencing Project, which works to promote a fairer and more effective criminal justice system. His portfolio covers a range of federal issues, including incarceration, racial disparities, juvenile justice, and sentencing policy. Previously, Halle served for almost four years on Capitol Hill, where he was legislative counsel to Rep. Lloyd Doggett of Texas. Halle played a leading role in advancing legislation, which was signed into law by President Obama, to protect lawyer trust accounts that fund legal aid. Halle has maintained a deep interest in criminal justice policy since making regular visits as a college student to prisoners outside Abilene, Texas. After college, he worked as a case manager for the homeless in Dallas and served for two years as a Peace Corps Volunteer in Armenia.

Steve Hanlon
Mr. Hanlon has been practicing law for 46 years. He has a long history of handling public interest and civil rights cases, including systemic challenges to indigent defense systems. In 1989, he founded the Community Services Team (CST) at Holland & Knight and served as Partner in Charge of the CST until he retired from Holland & Knight on December 31, 2012. While he was at Holland & Knight the CST was the largest full-time private practice pro bono department in the nation. Holland & Knight received the American Bar Association’s Pro Bono Publico Award (1997) and the American Lawyer described Holland & Knight as a “pro bono champion.” In 2006, Mr. Hanlon received the Chesterfield Smith Award from Holland & Knight, the firm’s highest recognition given to a firm partner. He is currently the Chair of the American Bar Association’s Indigent Defense Advisory Group for the Standing Committee on Legal Aid and Indigent Defendants.

Pamela Harris
Pamela Q. Harris has held the Court Administrator position for the Circuit Court for Montgomery County, Maryland since 1989. Ms. Harris is committed to infusing evaluation-based practices into every aspect of court administration so that quality initiatives achieve intended results while meeting the needs of the Court’s personnel and clientele. Ms. Harris has completed the Court Executive Development Program of the National Center for State Courts’ Institute for Court Management and is certified as a Fellow. She has taught national programs on ethics, leadership, differentiated case management, and is certified as ICM faculty for case flow management. She also has worked extensively in the field of differentiated case management and court administration both nationally and internationally. Previously she served as Chair of the NACM Conference Development Committee, Chair of the Code of Conduct Committee, Chair of the Membership Committee, and Chair of the State Associations Subcommittee and served on the Publications Committee and the Joint International subcommittee which helped establish the International Association of Court Administration (IACA). She also served on the Professional Development Advisory Committee (PDAC) which developed the NACM Core Competencies and Curriculum Guidelines. She has been active internationally with rule of law initiatives and was elected to serve on the Board of the Russian American Rule of Law Consortium (RAROLC) from 2005-2011. She worked for more than a decade promoting the rule of law and improving the capacity of local Russian legal institutions to implement reform. She also serves on the Board of the Maryland International Coordinating Council, Inc. (MICCI) and the Maryland Sister States Program Legal Affairs Committee within the office of the Maryland Secretary of State.

Clara Hernandez
M. Clara Hernandez has been the Chief Public Defender for El Paso County since 1995. She is a member of TCDA, NCCLA, ABA and NLADA; has served on the NLADA Board and Defender Policy Group, and is a founding member of the American Council of Chief Defenders. With 34 lawyers, her office handles approximately 50 percent of El Paso County’s indigent defense caseload. The El Paso County Public Defender is home to the first Mental Health and Capital units in the State.

Mark Houldin
Mark Houldin serves as Defender Counsel at the National Legal Aid & Defender Association (NLADA), working on systemic reforms to improve the quality and funding of indigent defense and supporting the work of member defenders. Mr. Houldin worked as a public defender for six years prior to joining NLADA, gaining significant experience in litigation, policy analysis and advocacy, and the supervision and training of new attorneys. He also has experience working on qualitative social science research at the University of Pennsylvania. Mr. Houldin graduated from Temple University Beasley School of Law in 2006 and received his undergraduate degree in Criminal Justice from the American University School of Public Affairs.

Glenn F. Ivey
Glenn F. Ivey is the former State’s Attorney for Prince George’s County. He is currently in private practice, focusing on white collar criminal defense, Congressional and grand jury investigations, civil litigation, crisis management counseling and internal corporate investigations. He has extensive experience as a lobbyist at the federal, state and local levels for business interests, including Fortune 500 companies. Mr. Ivey is a veteran of Capitol Hill. He served as counsel during the Senate Whitewater investigations, as chief counsel to the U.S. Senate Democratic Leader, as counsel to the U.S. Senate Banking Committee and as a senior legislative aide to a Congressman who is now the House Judiciary Committee’s ranking Democrat. Since entering private practice, Mr. Ivey has advised and represented major clients on legislative and policy
matters including energy, Internet privacy and taxation. He has also written testimony for and prepared witnesses to appear before Congress. Mr. Ivey also has advised and represented clients on a range of matters before the Maryland General Assembly and Prince George's County officials. During his tenure as chairman of Maryland Public Services Commission, he oversaw aspects of the deregulation of the state's telecommunications and electric generation industries. After leaving the Commission, he represented major clients on energy and communications matters on Capitol Hill and in Annapolis. He recently conducted a service reliability review of a major utility in the Washington metropolitan area.

Spurgeon Kennedy
Spurgeon Kennedy is Vice President of the National Association of Pretrial Services Agencies. NAPSA is the national professional association for the pretrial release and pretrial diversion fields and is committed to promoting pretrial justice through the development and support of pretrial services agencies nationwide. NAPSA's goals include advancing evidence-based assessment and supervision strategies to encourage safe and effective nonfinancial pretrial release options, serving as a national forum for ideas and issues in the area of pretrial services, and promoting research and development in the pretrial release and diversion fields.

Abe Krash
Abe Krash received a law degree from the University of Chicago in 1949 and was a graduate fellow at the Yale Law School. He has been a visiting lecturer at Yale Law School and is presently Visiting Professor from Practice at the Georgetown University Law Center where he teaches Constitutional Law. Mr. Krash is the author of numerous articles on topics relating to constitutional law, antitrust and trade regulation, criminal law, and federal civil procedure. He was for many years head of the Arnold & Porter antitrust practice group, and he was President of the Friends of the Law Library of Congress. Mr. Krash was counsel for many major companies, including among others Miller Brewing Company, Kraft General Foods, Philip Morris, Lever Brothers, and Monsanto, in all kinds of proceedings. Abe Krash assisted Abe Fortas in representing Clarence Earl Gideon before the Supreme Court in 1963.

Gerald Malloy
Gerald Malloy is a Democratic member of the South Carolina Senate, representing the 29th District since 2002. He received his B.S. and J.D. from the University of South Carolina in 1964 and 1968 respectively. Malloy has received numerous honors over the last decade including the Home Rule Award by South Carolina Association of Counties; the South Carolina Library Association Friend of the Libraries; induction into the National Honor Roll for the National Library Association; the South Carolina Public Defender Association Legislative of the Year Award; and recognition for his support of the Teen After School Centers (TASC) Program by the South Carolina Department of Juvenile Justice. In 2008, the South Carolina Commission on Indigent Defense presented Malloy with its Distinguished Service Award. Named the Gerald Malloy Distinguished Service Award it is now awarded annually. Malloy has also received the South Carolina Fraternal Order of Police Legislator of the Year Award and the South Carolina Association of Criminal Defense Lawyers Legislator of the Year Award.

John Mauldin
Mr. Mauldin is Chief Public Defender for the 13th Judicial Circuit in South Carolina. He is a graduate of Wofford College - 1970 and Emory University School of Law - 1973. He serves on the adjunct faculty of Emory Law School and the University of San Francisco Law School teaching trial techniques through their NITA programs. After two years as an Assistant Public Defender for Greenville County, he was in private law practice for 16 years prior to being appointed Chief Public Defender for Greenville County in 1992. He was appointed Chief Public Defender for the 13th Judicial Circuit in South Carolina effective April 1, 2008. He served as Chairman of the South Carolina Commission on Indigent Defense from 1993-1995, having been appointed by Governor Carroll Campbell. Mr. Mauldin has participated as a lecturer/trainer in death penalty training programs across the country. In 2006, Mr. Mauldin was honored by the S.C. Public Defender Association as the South Carolina Lawyer of the Year. Mr. Mauldin is a member of the National Association of Criminal Defense Lawyers, the South Carolina Association of Criminal Defense Lawyers and the South Carolina Association for Justice. He currently serves on the Board of Directors of the National Legal Aid & Defender Association in Washington, DC. Mr. Mauldin is a Master in the S.C. Upstate Inn of Court and is listed in Who's Who In America.

Edward C. Monahan
Ed Monahan is Kentucky Public Advocate of the Department of Public Advocacy, Kentucky's statewide public defender program representing 161,000 clients in Kentucky's 120 counties at trial and post-trial. He is a member of the American Council of Chief Defenders (ACCD), the nation's chief defenders, and a member of its Executive Committee (2008-present), chaired its Leadership and Education Committee (2008-2010) and chaired its Executive Committee (2010-2012). He chaired ACCD's Pretrial Release Workgroup. He served as a member of the American Bar Association Task Force on the Preservation of the Justice System (2011-2012). Monahan is a member of the National Association of Criminal Defense Lawyers and co-chairs its Subcommittee on Pretrial Release Advocacy. He is a charter board member of the Kentucky Association of Criminal Defense Lawyers (1986-present), was its president (2011) and chairs its Education Committee (2011-present), is past chair of the Kentucky Bar Association's (KBA) Criminal Law Section, was a member of the KBA Ethics Committee (2000-2007, 2008-2011). His publications include Who is Killing the Sixth Amendment?, ABA Criminal Justice (1991); Coping with Excessive Workload, co-authored with James J. Clark, Ph.D., in ABA Ethical Problems Facing the Criminal Defense Lawyer: Practical Answers to Tough Questions (1993). The Death Penalty in Kentucky: the System is Broken, KBA Bench and Bar (November 2003) coauthored with Ernie Lewis. Monahan was co-counsel in Gall v. Parker, 231 F.3d 265 (6th Cir. 2000) and Kordenbrock v. Scroggy, 919 F.2d 1091 (6th Cir. 1990) (en banc) both decisions found the death sentences unconstitutional. Monahan was counsel in Blalou v. Commonwealth, 891 S.W.2d 383 (Ky. 1995) (constitutional right to mental health expert).
Discussant Bios

Timothy J. Murray
Timothy J. Murray is Executive Director of the Pretrial Justice Institute and has worked as a criminal justice practitioner at the local, state and federal levels. His extensive pretrial services experience includes management and executive positions with the Washington DC and Miami-Dade County's pretrial services systems. While in Miami he was the principle architect and administrator of the nation's first Drug Court. He went on to serve with the US Department of Justice as first Director of the Drug Court Program Office. Following that appointment, he held the positions of Director of Policy and Planning and Director of Program Development at the Bureau of Justice Assistance. He completed his federal service as part of the start-up team for the Transportation Security Administration, now part of the US Department of Homeland Security. He has provided technical assistance to numerous programs and organizations, nationally and internationally. He is a lifetime member of the National Association of Pretrial Services Agencies and is the proud recipient of the Association's most prestigious honor, the Ennis J. Olgiatti Award.

Mark Neil
Mark Neil is the Senior Attorney for the National District Attorneys Association (NDAA). In this position Mr. Neil is responsible for conducting or participating in training conferences and seminars around the country, providing technical assistance to prosecutors and law enforcement officers, and representing prosecutors at national meetings. Prior to coming to NDAA, he was with the West Virginia Prosecuting Attorneys Institute. A graduate of Vanderbilt University and the West Virginia University College of Law, he was a practicing attorney in West Virginia for over 24 years, 17 of which were as an Assistant Prosecuting attorney handling both felony and misdemeanor cases. Additionally, in December 2006, Mr. Neil was named the NHTSA Prosecutor Fellow by the National Association of Prosecutor Coordinators. In this capacity, he served as a resource to prosecutors, the National Highway Traffic Safety Administration, and the criminal justice community nationwide. Mr. Neil has been a faculty member at the National Advocacy Center, as well as state and national courses across the country. He served as faculty for the West Virginia State Police Academy and was formerly an adjunct professor at Mountain State University, a position held for 13 years, teaching in the areas of criminal law and procedure. He is a frequent lecturer and presenter on various topics to prosecutors, police and other criminal justice professionals.

Jamin Raskin
Jamin Raskin is a professor of Constitutional Law, the First Amendment, and Legislative Process and founding Director of the Program on Law and Government (with the late Tom Sargentich). Professor Raskin also worked with Professor Steve Wermiel to found the acclaimed Marshall-Brennan Constitutional Literacy Project, which began at WCL but has spread across the country to more than 20 different law schools; the Project has sent many thousands of law students nationwide into public high schools to teach high school students a semester-long course about the Constitution and Bill of Rights. The bestselling author of Overruling Democracy: The Supreme Court versus the American People and We the Student: Supreme Court Cases for and About Students, Raskin is also a State Senator in Maryland, where he represents Silver Spring and Takoma Park and serves on the Senate Judicial Proceedings Committee and chairs the Special Committee on Ethics Reform. He has been described as the Senate’s “constitutional authority” (Washington Post), the “whiz kid of the General Assembly” (Silver Spring Voice) and “one of Maryland’s Top Ten Most Effective Senators” (Maryland Gazette of Politics and Business). He has successfully introduced and championed numerous nationally significant and landmark pieces of legislation, including the first National Popular Vote law in America, the first Benefit Corporation law in America, marriage equality, the Maryland Farm-to-Schools Act, felon re-enfranchisement, the lowering of the state voter registration age to 16, and giving 17-year olds the right to vote in primary elections. Working with WCL externs who join him for Maryland’s 90-day legislative session, Raskin has seen more than 50 of his bills pass into law.

Norman Reimer
Norman L. Reimer is the Executive Director of the National Association of Criminal Defense Lawyers (NACDL). NACDL is the preeminent organization in the United States advancing the mission of the nation’s criminal defense bar to ensure justice and due process for all and to advocate for rational and humane criminal justice policies. As executive director, Norman Reimer leads a professional staff based in Washington, D.C., serving NACDL’s approximately 10,000 direct members and 90 local, state and international affiliate organizations with up to 40,000 members.

Jenny Roberts
Jenny Roberts, Professor of Law, co-directs the Criminal Justice Clinic and teaches Advanced Criminal Procedure: Plea Bargaining. Her research focuses on the right to counsel, misdemeanors and the lower criminal courts, collateral consequences of criminal convictions, and indigent defense. Her articles have been cited by the U.S. Supreme Court, a number of state high and lower federal courts, and in numerous briefs to the Supreme Court and other courts. She recently co-authored Collateral Consequences of Criminal Convictions: Law, policy and practice (West 2013). Professor Roberts is co-Vice President of the Clinical Legal Education Association, the nation’s largest association of law teachers. She currently serves as the Reporter for the National Association of Criminal Defense Lawyers (NACDL), Task Force on Restoration of Rights and Status after Conviction, which is holding a series of regional hearings and will issue a report about how legal mechanisms for relief from the collateral consequences of criminal convictions are actually working in state and federal systems. She sits on the board of the Mid-Atlantic Innocence Project and is a member of the Academic Advisory Board for the NACDL’s “Getting Scholarship Into Courts Project.” Professor Roberts previously taught at Syracuse University and in NYU’s Lawyering program. Prior to teaching, she was a Senior Research Fellow at the NYU Institute of Law School’s Center for Research in Crime & Justice, a public defender in Manhattan, and a law clerk in the Southern District of New York.

Ann Sherwood
Ann Sherwood has been an attorney with the Defenders Office of the Confederated Salish and Kootenai Tribes for sixteen years. She has been the managing attorney for the past seven years and maintains a criminal caseload. During her tenure, the office has implemented an
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Assistance. Ms. Sherwood has been instrumental in utilizing traditional resolutions for criminal charges. In 2011, the Defenders Office received an award for technical assistance from the Center for Holistic Defense sponsored by the Bronx Public Defenders Office in New York. She currently serves on the Public Defender Commission for the State of Montana.

Barbara Romzek
Dean of the School of Public Affairs at American University, Dr. Barbara Romzek is recognized for her expertise in the area of public management and accountability with emphases on government reform, contracting, and network service delivery. Her research has encompassed complex work settings, including NASA, Congress, and the Air Force, as well as state agencies, local governments, and nonprofit agencies. Building upon her research on formal accountability, her recent work focuses on informal accountability in collaborative network settings. Dr. Romzek, a Fellow of the National Academy of Public Administration, has received research awards from the American Society for Public Administration and the American Political Science Association. She has served on the governing boards for the Academy of Management, American Political Science Association, Midwest Political Science Association, and the National Association of Schools of Public Affairs and Administration; she currently serves on the Board of the Public Management Research Association. Prior to joining American University she held various academic leadership positions at the University of Kansas, including department chairperson, associate dean for social and behavioral sciences, interim dean of arts and sciences, and interim senior vice provost.

David Slayton
The Administrative Director is a statutorily created position charged with implementing Texas Government Code Chapter 72 and directing the operations of the Office of Court Administration. In addition to these duties, the Administrative Director serves as the executive director of the Texas Judicial Council, statutorily created to continuously study the organization, rules, procedures and practice, work accomplished, results and uniformity of the discretionary powers of the state courts and methods for their improvement. The Administrative Director is appointed by the Supreme Court and serves under the direction and supervision of the Chief Justice and the Supreme Court. David Slayton has served as the Administrative Director since May 7, 2012. He has been employed by the Judicial Branch in various roles since 1998, serving as Director of Court Administration for Lubbock County (2004-2012), Deputy Clerk and Court Services Supervisor for the U.S. District Court in Dallas (2004-2004) and Court Coordinator for the 99th District Court in Lubbock County (1999-2001). Slayton is a graduate of Texas Tech University (B.A) and Troy University (M.P.A) and is a Fellow of the Institute for Court Management. Slayton currently serves on the Board of the National Association for Court Management and is expected to become President of that association in July 2013.

Andrew Sonner
Andrew L. Sonner retired as a judge on Maryland’s Court of Special Appeals after serving eight years on the bench. He had previously served as State’s Attorney for Montgomery County (MD) from 1971 to 1996. He chaired the Maryland State Commission on Criminal Sentencing Policy and the Maryland State Drug and Alcohol Abuse Council and was on the Board of Directors of Maryland’s State’s Attorneys’ Association. He was a member of the Advisory Committee on the National Consortium on Violence Research and won numerous awards, including Distinguished Alumni (American University School of Law), the Certificate of Merit from the Governor of Maryland for contributions to victims rights and services, the Wasserstein Public Interest Fellowship Award from Harvard University School of Law, and the J. Joseph Curran Award from the Maryland State Bar Association. He has been an advocate for evidence-based practice in all aspects of criminal justice policy and implementation since long before “evidence-based practice” had a name.

Rebin Steinberg
Rebin Steinberg is the founder and executive director of The Bronx Defenders, a non-profit public defender office serving residents of the south Bronx in the criminal justice system. She has been honored by NLADA, the NY State Bar Association and the NY State Defenders Association, and is a frequent speaker and trainer about public defense management and holistic lawyering across the country and internationally.

Robert Tobias
Robert Tobias teaches courses in public management, leadership, facilitation and team development, conflict management and alternative dispute resolution, and managing labor management relations. In addition, he is the Director of the Institute for the Study of Public Policy Implementation which brings together members of Congress, political appointees, career federal executives, union leaders, consultants, and academics for the purpose of resolving difficult public policy implementation issues. President Clinton nominated him for a five-year term as a member of the Internal Revenue Service Oversight Board. Tobias was selected by Thomas Ridge, secretary, Department of Homeland Security, and Kay Coles James, director, Office of Personnel Management to the Human Resource Management System Senior Review Advisory Committee. In addition, Comptroller General David Walker appointed Tobias to the congressionally created Commercial Activities Panel. Tobias is a frequent contributor to Federal Times, Government Employees Relations Report, and Government Executive magazine on current federal sector public policy implementation issues.

Joseph A. Trotter, Jr.
Joseph Trotter, an attorney, is a Research Professor on the faculty of American University’s School of Public Affairs, and is the founder, in 1989, and assistant director of SPA’s Justice Programs Office. He received a BS in International Relations from the Georgetown University School of Foreign Service and his Juris Doctor degree from the Washington College of Law at American University. Mr. Trotter’s professional activity has concentrated on the area of change management in the criminal justice system, and within that field, he specializes in the interagency and community relations of courts.
Discussant Bios

Jo-Ann Wallace
Jo-Ann Wallace is the president and CEO of the National Legal Aid & Defender Association (NLADA). She was previously NLADA senior vice president for Programs, responsible for oversight of both the civil legal aid and indigent defense program agendas. From 1994-2000, Ms. Wallace served as director of the Public Defender Service for the District of Columbia (PDS), widely regarded as the nation’s model defense agency. Before her appointment to director, Ms. Wallace served the agency in a number of capacities: deputy chief of the Appellate Division; coordinator of the Juvenile Services Program; and as a staff attorney representing both juveniles and adults in trial and appellate litigation. Ms. Wallace chaired the National Blue Ribbon Advisory Panel on Defender Services, a joint project with the United States Department of Justice (DOJ), 1995-96. She is a founder of the American Council of the American Council of Chief Defenders (ACCD), a leadership council of the top defender executives from across the United States. Ms. Wallace has served as a member of the American Bar Association Criminal Justice Standards Committee. Regarded as an expert on criminal justice and indigent defense issues, she has served as a consultant to the DOJ, local government entities and indigent defense programs.

Curtis Watkins
Curtis Watkins currently serves as the Director of the Phelps Stokes’ National Homecomers Academy. The mission of the National Homecomers Academy is to assist with bringing specific principles to reentry by which each Homecomers (individuals who are returning from prison) would undergo a journey of personal transformation, development, learning and service that would build on their strengths, create the strong, nurturing peer networks needed to succeed, and rebuild family and community networks of mutual support. Watkins is often a featured speaker on issues related to youth development, violence prevention, and community development, having appeared before congressional committees and city agencies, as well as on television interviews. Additionally, he was selected as a 2007-2008 Nonprofit Roundtable Fellows. In 1998, Watkins founded a nonprofit organization LifeSTARTS Youth & Family Services (formerly known as East Capitol Center for Change). In 2001, President George W. Bush selected the organization to highlight that we were “changing lives from the inside out.”

Jason Williamson
Prior to joining the ACLU, Williamson served as a litigation associate at the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP in New York and began his legal career in New Orleans, first as a staff attorney for the Juvenile Justice Project of Louisiana and later as a defense attorney and founding member of Juvenile Regional Services, Williamson received his J.D. from New York University School of Law and Bachelor’s degree from Harvard University.

Tim Young
Tim Young has been the Ohio Public Defender since January 1, 2008 after serving as a county public defender for 14 years. He has led reform efforts for indigent defense in Ohio, and he started the Ohio Wrongful Conviction Project, a non-DNA exoneration project. Tim is presently Chair of the American Council of Chief Defenders. He also serves on the Committee on the Appointment of Counsel for Indigent Defendants in Capital Cases, Task Force to Study the Administration of Ohio’s Death Penalty, Task Force on Funding of Ohio Courts, and the Ohio Sentencing Commission. He has tried numerous cases throughout his career ranging from misdemeanors to homicide cases. Tim received his B.A. and his J.D. from the University of Dayton. He has devoted his career to serving the indigent population of our society.
REFERENCE/BACKGROUND MATERIALS

SUMMARY

Note: Documents referenced in No. 1 are attached in hard copy. Documents referenced in Nos. 2 – 5 are provided electronically on the accompanying USB drive.


Pleadings, Historical Documents:
Case Abstract
Opinion (Excerpt) with link to full opinion
Link to Oral Argument
Pleadings

2. Key Pre and Post Gideon Cases Relating to the Right to Counsel

November 7, 1932: Powell v. Alabama, 287 U.S. 45 [established right to counsel in capital cases]

The case involved nine black men tried for raping two young white women. The defendants were only given access to their lawyers immediately prior to the trial, leaving little or no time to plan the defense. The ruling was appealed on the grounds that, among other issues, the group was not provided adequate legal counsel. The Alabama Supreme Court ruled 6-1 that the trial was fair (the strongly dissenting opinion was from Chief Justice Anderson). This ruling was then appealed to the U.S. Supreme Court which reversed and remanded the decision of the Alabama Supreme Court, holding that due process had been violated. The ruling was based on three main arguments: "(1) They were not given a fair, impartial and deliberate trial; (2) They were denied the right of counsel, with the accustomed incidents of consultation and opportunity for trial; and (3) They were tried before juries from which qualified members of their own race were systematically excluded."


March 18, 1963: Douglas v. California, 372 U.S. 353 [established right to counsel on appeal for indigent defendants]

Case involved an indigent convicted defendant who requested the appointment of counsel for the first appeal as a matter of statutory right. California’s system was to appoint counsel for indigent cases only when an independent investigation of the record determined merit. Supreme Court held that where the merits of the one and only appeal an indigent has as of right were decided without benefit of counsel in a state criminal case, there has been a discrimination between the rich and the poor which violates the Fourteenth Amendment.


March 1, 1966: Miranda v. Arizona, 384 U.S. 436. [extends right to counsel to custodial interrogation]
The Court held that prosecutors could not use statements stemming from custodial interrogation of defendants unless they demonstrated the use of procedural safeguards "effective to secure the privilege against self-incrimination." The Court noted that "the modern practice of in-custody interrogation is psychologically rather than physically oriented" and that "the blood of the accused is not the only hallmark of an unconstitutional inquisition." The Court specifically outlined the necessary aspects of police warnings to suspects, including warnings of the right to remain silent and the right to have counsel present during interrogations.


**May 15, 1967:**  **In Re Gault,** 387 U.S. 1 [extends right to counsel to juveniles]

The Court held that proceedings for juveniles had to comply with the requirements of the Fourteenth Amendment which included adequate notice of charges, notification of both the parents and the child of the juvenile’s right to counsel, opportunity for confrontation and cross-examination at the hearings, and adequate safeguards against self-incrimination. The Court found that the procedures used in Gault’s case met none of these requirements.


**June 22, 1970:**  **Coleman v. Alabama,** 399 U.S. 1 [extends right to counsel to "critical stages", including preliminary hearing]

The court held that the preliminary hearing is a "critical stage" of the prosecution, therefore requiring constitutionally that counsel be furnished.

http://supreme.justia.com/cases/federal/us/399/1/.

**February 28, 1972:**  **Argersinger v. Hamlin,** 407 U.S. 25 [extends right to counsel to misdemeanors involving possible imprisonment]

The unanimous Court extended that right to counsel established in Gideon under the Sixth and Fourteenth Amendments to indigent defendants charged with misdemeanors who faced the possibility of a jail sentence. Justice Douglas’s plurality opinion described the intricacies involved in misdemeanor charges and the danger that unrepresented defendants may fall victim to "assembly-line justice." Thus, in order to guarantee fairness in trials involving potential jail time, no matter how petty the charge, the Court found that the state was obligated to provide the accused with counsel.


**May 20, 2002:**  **Shelton v. Alabama,** 535 U.S. 654 [clarifies that right to counsel in a misdemeanor cases extends to all cases in which there is a possibility of imprisonment, including where a sentence of imprisonment is imposed and suspended]

In a 5-4 opinion delivered by Justice Ruth Bader Ginsburg, the Court held, according to Argersinger, that a suspended sentence that may "end up in the actual deprivation of a person’s liberty" may not be imposed unless the defendant was accorded "the guiding hand of counsel" in the prosecution for the crime charged. The Court reasoned that, because in this case the invocation of the suspended incarceration would constitute a prison term imposed for the assault offense of which defendant was convicted without the assistance of counsel, the Constitution required the provision of counsel. Justice Antonin Scalia, with whom Chief Justice William H. Rehnquist and Justices Anthony M. Kennedy and Clarence Thomas joined, dissented. Justice Scalia argued that the Court’s prior decisions emphasized actual imprisonment as the touchstone of entitlement to appointed counsel.


**June 23, 2008:**  **Rothgery v. Gillespie County,** 554 U.S. 191 [extends right to counsel to initial appearance proceedings whether or not a prosecutor is involved in the appearance]

In an 8-1 ruling, the Court held that a criminal defendant’s initial appearance before a judge marks the beginning of the proceedings against him and triggers the defendant’s Sixth Amendment right to counsel whether or not a prosecutor is aware of or involved in that appearance. This right to counsel applies whenever a defendant learns of the charges against him and has his liberty subject to restriction. The opinion was penned by Justice David Souter. Justice Clarence Thomas wrote the only dissent, arguing that the phrase “criminal prosecution” as used in the Sixth Amendment should not include a defendant’s initial appearance in the absence of a prosecutor. Chief Justice John G. Roberts, joined by Justice Antonin Scalia, chose to write a concurring opinion pointing out the validity of Thomas’ argument but reasoning that Court precedent required him to agree with the majority. Justice Samuel Alito also filed a concurring opinion, stating that Rothgery’s right to counsel certainly arose at the time of his appearance but reserving judgment on whether the County’s actions infringed on that right in this case.


**3. BACKGROUND/REFERENCE MATERIALS**


Bennett H. Brummer. The Banality of Excessive Defender Workload: Managing the Systemic Obstruction of Justice. 22 St. Thomas L. Rev. 104 (Fall 2009)

Jim Bueermann. Rethinking Broken Window. The Police Foundation on NPR. The Kojo Nnamdi Show on WAMU 88.5, D.C.’s NPR station. [The discussion is about new research that challenges the impact on crime reduction of tactics used in NYC and elsewhere over the last two decades.]

Link to the article that was the catalyst for the show.
http://www.theatlanticcities.com/politics/2013/02/was-nypd-really-responsible-new-yorks-famous-dropcrime/4616/

Link to live recording: http://thekojonnamdishow.org/audio-player.


4. POWERPOINT PRESENTATIONS AND INFORMATION RELATING TO ATTENDEES’ ORGANIZATIONS

- Powerpoints

  Cait Clarke and Mark Houldin: Assessing Gideon – Brief Overview of Indigent Defense Today

  Robert Durant: Conditions for Effective Policy Implementation

- Other

Confederated Salish and Kootenai Tribes of the Flathead Nation. Mission Statement and Description of Tribal Defenders Office.

5. INFORMATION: PARTNERING ORGANIZATIONS

- Mission Statements
- Justice Programs Office, School of Public Affairs, American University: Brochure
- Fact Sheet: School of Public Affairs, American University
- Fact Sheet: Washington College of Law, American University
- Fact Sheet: American Council of Chief Defenders
- Fact Sheet: National Legal Aid and Defender Association
Dear Sir:

I received your letter of the 4th of June, informing me that the Supreme Court of the United States has granted me leave to proceed in forma pauperis and the petition for a writ of certiorari.

Re: Gideon v. Cochran

No. 1011. October Term, 1961

Formerly No. 890 Misc. October Term, 1961

I do desire the Court to appoint a competent attorney to represent me in this Court. Because I do not know the procedure nor do I have the ability to do so, I make this formal request to the Supreme Court of the United States to appoint me an attorney.

Very truly yours,

[Signature]

Clarence Earl Gideon

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