

REMARKS

OF

LAURIE ROBINSON
ACTING ASSISTANT ATTORNEY GENERAL
OFFICE OF JUSTICE PROGRAMS

AT THE

AMERICAN COUNCIL OF CHIEF DEFENDERS
CONFERENCE

ON

WEDNESDAY, JUNE 24, 2009
WASHINGTON, DC

- Thank you, Jo Ann (Wallace, President and CEO of NLADA). I want to thank the National Legal Aid and Defenders Association and the American Council of Chief Defenders for inviting us.
- I'd also like to acknowledge my colleague, Mary Lou Leary, who has returned to the Office of Justice Programs as Deputy Assistant Attorney General. Mary Lou was a huge force behind our work on indigent defense under Janet Reno, and I'm very glad that she's back at OJP.
- As the Attorney General said, the Department of Justice has a history of working with the indigent defense community, although unfortunately it went on hiatus over the last several years.
- I think you can see that we now have an Attorney General who is very committed to renewing our partnership.
- I want to take just a few minutes to talk about what got us here today – some of the things we started under Janet Reno and will continue under Eric Holder. Then I'll turn things over to my distinguished OJP colleagues to talk about some of the specific initiatives in each of their bureaus.
- First of all, I just want to reiterate a point the Attorney General made – and that is that we believe that our criminal and juvenile justice systems work ONLY if we provide EVERY DEFENDANT WITH COMPETENT COUNSEL. That was a point that Janet Reno made 10 years ago, and it's a belief that Eric Holder clearly shares as do the rest of us. Coming from two such distinguished career prosecutors, that means something.
- A good defense is good for the system. So how do we ensure that public defenders are a central part of that system?
- Well, one of the ways we do that is by giving public defenders the tools they need to do their jobs effectively.
- This means training. This means technology. It means standards. It means data and research so that we can gain a better understanding of the needs of public defense systems.
- What strikes me the most about the issues around indigent defense is how static they are. And by that, I don't mean that there aren't many public defender offices that are doing a great job and helping to change the way the system works. . . because there are. The report from the Constitution Project showed us that offices across the country are doing some very innovative and creative things to ensure that their clients are well-represented.

- But when it comes to the larger issues – heavy caseloads, inadequate budgets, lack of independence, and a lack of appreciation from political leaders and the public – those issues have been around since before *Gideon*.
- We're aware that many of these problems stem from a lack of political will, and the way to start to change that is by raising awareness and changing attitudes.
- That was one of our goals back when Eric Holder and I were at the Department 10 years ago.
- For example, we funded the National Defender Leadership Project run by the Vera Institute. The purpose of that project was to help public defense leaders build coalitions, marshal resources, and garner support.
- We helped support the Executive Session on Public Defense at Harvard's Kennedy School, where we brought together defense practitioners and others outside of the system to talk about leadership and policy issues.
- We worked with the ABA Juvenile Justice Center to support the National Juvenile Defender Training and Technical Assistance Center. And I just want to mention that we know that the juvenile defense bar faces many challenges BEYOND those facing the criminal defense bar. And I want to thank those of you who are here from the juvenile justice side for being part of this discussion!!
- We also supported a series of publications on a host of indigent defense topics – ranging from technology to caseloads to collaboration.
- And, as the Attorney General mentioned, we supported two national symposia on indigent defense in 1999 and 2000. Those were wonderful, landmark sessions – I remember them well, at the Mayflower Hotel – that Janet Reno attended!
- We want to pick up where we left off. The Attorney General outlined five steps the Department will be taking in the weeks and months ahead. Just to reiterate:
- FIRST, we want to sit down with the leadership of NLADA to talk about some strategies for getting this national conversation back on track.
- SECOND, we want to start meeting with members of the defense bar, including the indigent defense community, to hear directly from you about what your needs are in the field.
- THIRD, we want to make sure that whenever we bring together other criminal and juvenile justice stakeholders – prosecutors, judges, law enforcement officials, victim advocates – that we include the defense bar. This will extend to things like peer review panels, where decisions about funding are discussed.

- FOURTH, we want to make sure that our data reflect all aspects of the indigent defense system. So, for example, we want our proposed Survey of Indigent Defense Services to include assigned counsel and contract attorneys (including those who work pro-bono) – who, as we know, are vital to the system.
- FIFTH, and finally, we’re already beginning to plan for a national conference, which we hope to hold next March.
- This conference will bring together public defenders from every state to address topics such as coalition building, standards development, access to technology, and the judicial role in the appointment of counsel.
- We also plan to have defenders bring a key stakeholder with them – someone from prosecution or the bench or the legislative branch, for example. We did this back in 2000, and it was so successful, we want to do it again.
- We’d like your help in planning for this conference because we want to make sure we’re addressing the issues that are of greatest concern to you.
- And we want it to deliver something that participants can take home with them – an action plan or a message that they can apply to their work.
- Marlene Beckman of my staff will be the lead in this effort, and she’ll call on NLADA and ACCD for guidance and input as we plan this event.
- I think our role at the Department is to help broadcast the conversation that we’re having now to the nation as a whole. As I mentioned before, this is more than just a matter of redirecting resources. It’s a matter of raising awareness and understanding of the issues.
- I just used the loaded word “resources.” Four of my OJP colleagues were kind enough to join me today to talk about what those resources are – at least the resources we have in OJP. Let me introduce each of them, then I’ll let them speak, and then we’ll all be happy to take some questions.
- First, we have Jim Burch, who is Acting Director of our Bureau of Justice Assistance.
- Next is Mike Sinclair, Acting Director of our Bureau of Justice Statistics.
- Then we have Thom Feucht, who is Executive Senior Science Advisor in our National Institute of Justice.
- And last but certainly not least, we have Kathi Grasso, Senior Policy and Legal Advisor from our Office of Juvenile Justice and Delinquency Prevention.

- They're going to talk about what their respective bureaus are doing in the area of public defense. We'll start with Jim. . .and then we'll open it up to questions.

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