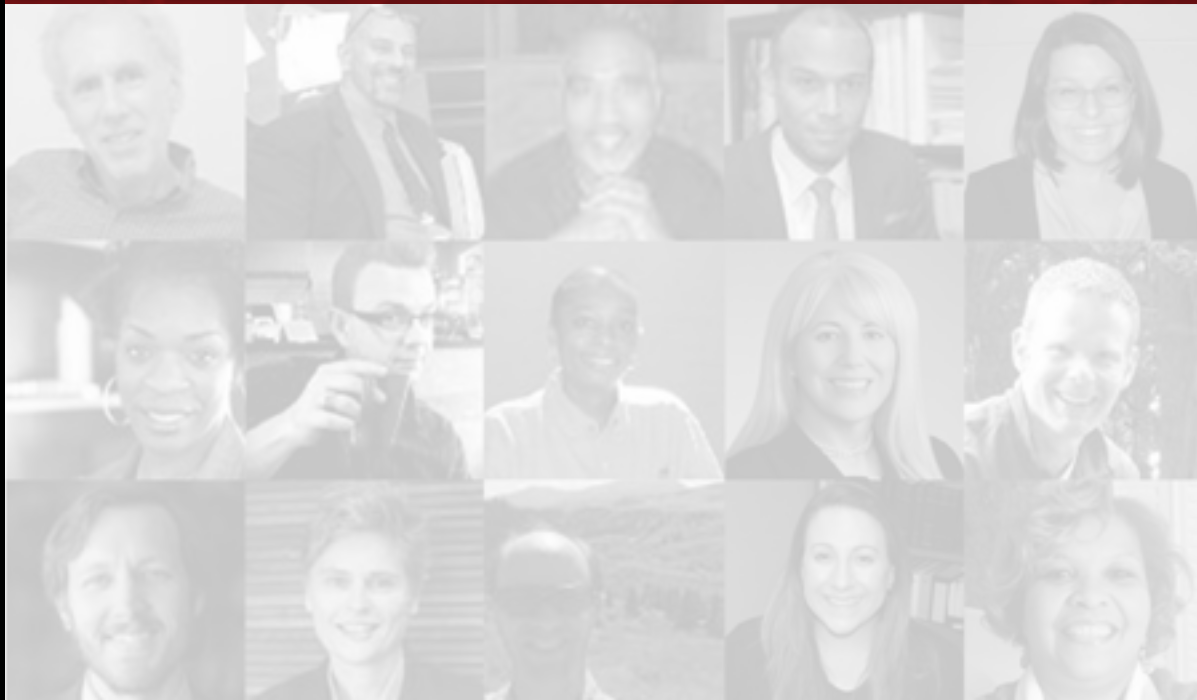




# STRONGER TOGETHER

NATIONAL ASSOCIATION FOR PUBLIC DEFENSE  
2014 ANNUAL REPORT









©Andrew Yi, Thurston County Public Defender, Olympia, WA (photo credit: Alexander Frix, used with permission)

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“When injustice becomes law, resistance becomes duty.”  
- Thomas Jefferson

## THE BEGINNING

Every movement remembers its beginning – that profound moment when an inciting incident puts into motion a chain of events too effective and too authentic to be undone. This moment marks the beginning of the story.

The NAPD movement began with 30 people, most paying their own way from personal funds, meeting in donated space at the University of Dayton, to discuss an idea. It was the end of the year that soberly contemplated the condition of the right to counsel on the 50th anniversary of the Supreme Court's *Gideon* decision.

That meeting convened a group of public defense advocates – not just people who care about justice, but advocates who each day confront the challenge to deliver it to their clients in jails, courts and communities across the country. There was shared pain, collective frustration, common suggestions, and unanimous hope. That afternoon in Dayton, there was space to honestly consider the existing shortcomings of the public defense reform movement and to direct unrestricted imagination to identify what was needed in order to bring justice to a broken system.

The emerging vision was this: a new organization, the National Association for Public Defense (NAPD), would unite all public defense professionals into a community singularly dedicated to public defense improvement, where they could share skills and resources across local systems, for the betterment of all systems.

Based on the enthusiasm at the meeting in Dayton, NAPD launched into existence in late 2013. Dues were set at \$25/person, with reduced rates for whole office memberships and dues caps for large organizations. There was no plan for immediate devel-



© Advocates at the University of Dayton (photo credit National Association for Public Defense)



“We need NAPD because our clients need to know how hard we are fighting for them. And we need to know how strong this community of public defenders is and can be...”

- Jane Fox, NAPD Member, Staff Attorney, Legal Aid Society, Criminal Practice, New York, NY

opment beyond dues; there was no burning desire to establish a brick-and-mortar office; there was no influence in that room other than the experience of advocates in the trenches and their unshakeable faith that public defenders and public defense professionals were ready to lead the charge for change.

A volunteer member built the website, Ernie Lewis became the volunteer Executive Director, committees began to form, the word went out through emails and listservs and word-of-mouth. In the first few weeks, NAPD grew from 30 interested people to 1,500 members from organizations in nine states: Alabama, Colorado, Georgia, Indiana, Kentucky, Nebraska, New York, South Carolina, and Tennessee. When NAPD next convened – in Chicago in February – there were already 3,500 members across 20 organizations, including members in Louisiana, Michigan, Minnesota, North Dakota, Utah, and Washington, and more than a hundred individual members. By the mid-way point in the first year, the numbers had swelled to 6,500. By year’s end, they were pushing 10,000.

“We said we could not celebrate 50 years of underfunding, understaffing, underresourcing. We needed to create an organization to leverage Gideon... We didn’t know the nerve we were hitting.”

- Tim Young, Chair, NAPD Steering Committee, Ohio State Public Defender, as quoted in the National Law Review, May 12, 2015

NAPD’s organizational model is unique, but consonant with public defense culture – inexpensive, virtual, specifically relevant, available on a deadline, and focused exclusively on public defense issues. Instead of depending on staff to deliver a product to the field, NAPD employs a resource-sharing model, making it possible for any member to write, train, request, converse, upload, download, and weigh in on issues where they are experts or need expert help. Beyond systems and beyond leaders, NAPD is designed to serve all members – regardless of position, profession type, or system type.

Across the country, public defenders and public defense professionals face common challenges that are unique to representation of poor people, as well as a deep, unifying commitment to justice in the face of great odds. However, due to the diffuse nature of public defense systems and a lack of resources dedicated specifically for line defenders, assigned counsel, and public defense

investigators, social workers, administrators and other non-attorney staff, advocates and their talents are often isolated in local systems.

No association, listserv or research project had yet identified, much less recruited, the tens of thousands of lawyers, investigators, social workers, administrators, IT staff, researchers and experts throughout the country who are the actual experts on public defense delivery. No one had yet harnessed their talents into a focused and effective community to catalyze much-needed and long-overdue justice reform.

“Within broad but fundamental parameters - like the ABA Ten Principles and client-centered representation best practices - our members share a diversity of resources and needs. The variety of public defense systems and local practice customs can be a challenge for reform, but because NAPD is an association of practitioners, we - as an organization - meet our members where they are, and offer both support and alternatives. This is totally unique and incredibly powerful.”

- Anne Daly, Division Director, Society of Counsel Representing Accused Persons, King County, WA

In Dayton, a microcosm of the public defense community believed: if we build it, they will come. If we ask, they will contribute. If we provide the opportunity to make the system better, they will seize it.

Cynics may have shaken their heads. With no seed money, no staff, and no pre-existing infrastructure, there were enormous obstacles to overcome. Many may have doubted that overworked and under-resourced public defenders would step up to build a national association in time stolen from lunch hours, weekends or the middle of the night. Some might have thought that the best public defense talent in the country was already part of the conversation. Others might have expected that infighting would lead to a slow start, and disillusion the hopeful.

But, no. Those concerns and others have already been proven wrong. In its first annual report, NAPD can celebrate the beginning of an extraordinary story. NAPD’s accomplishments in its very first year are a testament to the tenacity and commitment of the public defense community to have produced as much as it did, for as few resources as it required. They reaffirm the truth that public defense professionals have the will to be part of the solution

to the many individual and systemic injustices that compromise the right to counsel, and that many advocates have implemented effective solutions in local systems that they are excited to share with others. They prove that the barriers that have historically isolated advocates and systems can be dissolved, and that there is enormous value in a national community of advocates singularly focused on public defense delivery.

Public defenders and public defense professionals built NAPD from scratch. In 2014, two part-time staff worked less than a combined 40 hours/week to provide limited administrative support, but every training, every article, every response to a need for communications assistance, every call to engage the Strike Force, every upload to MyGideon, every research request put out on a listserv, all support provided by the IT committee, and every step taken to end excessive workloads was made possible only through the contributions of NAPD members.

“The most powerful thing about NAPD is that it is truly a member-driven organization. From the original few to nearly 10,000 voices now, NAPD is leading a justice movement where the agenda is set by defenders and other advocates with their boots on the ground. NAPD facilitates a personal conversation - among members and between members and leadership - that makes it possible to know what they need and want. NAPD builds momentum around the feeling of connection between defenders and the change they want to create in the systems where they work, for the clients that they serve.”

Tina Luongo, NAPD Impact Committee Co-Chair, Attorney-in-Charge of the Criminal Practice, Legal Aid Society, New York, NY

NAPD is a dynamic place, full of the energy, talent and passion of its members. It grows very day, with new members and new resources offered by local advocates for the benefit of the national community. Over the following pages, you will see the power of the massive intellectual capital of NAPD’s 10,000-member strong community, consolidated through NAPD into tools for change.

The story began a year ago in Dayton, in a moment that came and went. Over the next twelve months, no one could have anticipated NAPD’s storyline. This report is the story of NAPD. This is the story public defenders are writing for themselves, for each other, and for you.



## WORKLOADS AND RESOURCES

Excessive workloads, caused by insufficient public defense resources, are the most serious and urgent threat to the delivery of constitutional defense services for public defender clients in America today.

In virtually every public defender system in the country, resources for public defense are appropriated irrespective of workload, contested by parties with obvious conflicts of interest (judges, prosecutors, Sherriff's and others), and, while woefully inadequate, difficult to quantify due to a lack of reliable data.

© Workload Leadership Institute Attendees (photo credit Lorinda Youngcourt, used with permission)



Workload Leadership Institute 2015: 65 participants from nearly as many jurisdictions work with each other and faculty to refine and implement their plans to end excessive workloads.



# A CULTURAL REVOLUTION TO END EXCESSIVE WORKLOADS

While excessive workloads and its tandem issue of insufficient resources has been identified as the primary problem in public defense systems for more than two decades, the cultural revolution that will resolve this challenge has just arrived.

**“A new generation of indigent defense litigation is in the making. It will demand enormous cultural changes from public defenders to take advantage of this opportunity. They must join the twenty-first century and develop metrics that can justify their need for adequate funding by producing reliable data that can establish that their caseloads are excessive. That’s a huge culture change, but it’s a change that has the potential to give life, meaning, and metrics to Strickland’s elusive performance standard. This is the transition that we are witnessing right now – one being led by NAPD members – and it is a very big deal.”**

- Steve Hanlon, Co-Chair, NAPD Workloads Committee, Professor of Practice, St. Louis University School of Law, St. Louis, MO

Systems around the country, including Missouri and Rhode Island’s statewide system, the Texas Indigent Defense Commission’s statewide sample, and the Miami-Dade Public Defender among others, have all begun to plan, collect and analyze a statistically significant critical mass of reliable data that will establish workload limits, necessitate effective case refusal litigation, radically transform budgeting requests and appropriations, and bring accountability not only to the defense function, but to all the member agencies in the criminal justice system.

During 2014, NAPD co-sponsored the Workload Leadership Institute, bringing more than 60 leaders from around the country to a three-day training in Lexington, KY. NAPD was able to provide scholarships to 22 defender-leaders who were committed to ending excessive workloads in offices that have been historically underserved by national training opportunities. Working with experienced faculty

and in small groups, this conference trained, provided feedback on local reform plans and built a network of support to move forward. NAPD provided follow-up and support for scholarship attendees 50-days and again 100-days after the conference.

The Workload Committee, representing diverse systems and structures from around the country, created and unanimously recommended a Workloads Position Paper that will be considered for NAPD endorsement early in 2015. NAPD believes the time has come for every public defense provider to develop, adopt, and institutionalize meaningful workload standards in its jurisdiction. Believing that a lawyer’s well-spent time is the single most important factor in a client receiving effective and meaningful representation, NAPD’s Workload Position Paper strongly recommends that meaningful evidence-based standards for public defense workloads can best be derived and institutionalized through ongoing, contemporaneous time-keeping by public defense providers. This NAPD position paper will be the first national statement on workloads that requires permanent timekeeping as a condition of meaningful workload evaluation and litigation, and it significantly advances the campaign to end excessive workloads.

NAPD has built numerous resources to support office’s implementation of time-tracking. MyGideon, NAPD’s online resource library, has leadership pages dedicated to workload advocacy, providing accessible information about different methodologies and materials associated with each state’s workload efforts. In November, Mark Stephens, Director of the Knox County Community Law Office (Knoxville, TN) and IT Director Issac Merkle provided a nuts and bolts training for all NAPD members on the specific preparation and opportunity of keeping time in a public defender office. Their session demonstrated how all employees in the Knox County Public Defender’s Community Law Office are tracking their time using defenderData’s time tracking functionality. This resource is archived in MyGideon and will be continuously populated based on member requests and emerging data.

**“I have served as the district public defender in Knox County, Tennessee for 25 years and on two different occasions have engaged in workload litigation; 1991 and again in 2007. Neither time was I successful in part because I lacked the evidenced based data I needed to succeed. In both efforts I was unable to effectively demonstrate to judges and funders how the lawyers in my office spent their time, nor could I demonstrate how much time it should take my lawyers to competently handle a specific case by offense type. In 2014 my staff began tracking their time. Time-tracking provides a demonstrable data set memorializing the time and effort staff give to the clients and their cases. Time tracking provides a data trail that will establish my office as one of the most responsible, transparent, accountable, and reliable agencies in TN state government. Most importantly, time tracking will provide the greatest opportunity to regulate our workloads. I congratulate NAPD for recognizing the value of time tracking and encouraging its members to overcome the historical resistance to time-tracking in order to free ourselves from the burden of excessive workloads that have harmed our clients for decades.”**

- Mark Stephens, NAPD Workload Committee Co-Chair, District Public Defender - Knox County Public Defender’s Community Law Office, Knoxville, TN

NAPD is also continuously consolidating the methodologies of workload assessments – first done in Rhode Island, then improved in Missouri through the work of the American Bar Association and Rubin-Brown, and further refined in Texas so that the cost of conducting workload assessments are affordable for public defender offices. Often the offices facing the most extreme experiences of excessive workloads are the least capable of dedicating resources to quantifying the crisis. While the original RubinBrown assessment in Missouri was projected to cost \$300,000, it was deeply discounted by the firm to ultimately cost \$70,000. But the prototype was established and now, even including improvements from other, later assessments, NAPD is able to offer blueprints for workload assessments that can be administered at much more attainable costs of \$30,000 per office.

While simultaneously evaluating the “supply side” of public defense delivery, NAPD is laying the foundation to use this data address the “demand side,” encouraging lawmakers to remove conduct that has no public safety consequences from criminal codes, shifting them into civil infraction codes instead.

The embrace of time-tracking in public defender offices is not only going to bring workloads for public defenders into compliance with professional and ethical standards, but it will bring pressure for comparable accountability to every member agency in the justice system, and will be a powerful tool to reject expensive and ineffective justice programs, and replace them with efficient, evidence-based alternatives.

Director of Special Litigation Jee Park brings lessons-learned back to colleagues at the Orleans Public Defenders (New Orleans, LA).



© Jee Park, Deputy District Defender, Orleans Public Defenders, New Orleans, LA (photo credit, Lindsey Hortenstine, used with permission)

**“After I returned from the Workload Leadership Institute, NAPD leaders Dennis Keefe and Fred Friedman drove to Sioux Falls, met with our in-coming State Bar President, and then spent the afternoon working with me and my chief deputy strategizing ideas to accomplish our short and long-term goals... It’s often very hard to ask for help. I was grateful for the opportunity to attend the Leadership Institute and I really appreciated having Fred and Dennis come to my office after the training. Just knowing that they were willing to look at the strategies I worked on in my small group and mentor me one-on-one afterwards to put those strategies into action when I got back home was more helpful than anything I ever could have done on my own.”**

- Traci Smith, Chief Public Defender, Minnehaha County, Sioux Falls, SD



# 2014 NAPD WEBINARS

## JANUARY

- 15 **ROBERT BUROCHOWITZ**  
It Really is Possible to Set and Enforce Caseload Limits—How Washington State Did it

## MAY

- 2 **ALEX BASSOS**  
How to Get Judges to Take Competency More Seriously
- 8 **COLETTE TVEDT**  
Selective Enforcement and Racial Profiling
- 9 **LORINDA YOUNGCOURT**  
Small Office Operations: Making Technology Work for You
- 9 **MARY MORIARTY**  
Crawford: A Practitioner's Guide
- 23 **DAVID E. PATTON**  
Spotting and Challenging Prosecutorial Misconduct

## SEPTEMBER

- 18 **ANDRE VITALE**  
Storytelling in Cross
- 19 **MARK LOUDON-BROWN**  
DNA Basics for the Defense – A Primer to Get You Started
- 24 **CANDACE GONZALES**  
Our Clients, Gotta Love Them: Showing Compassion to the Most Difficult Client

## FEBRUARY

- 12 **KEVIN MCCLAIN**  
"Shock and Awe": Internet Secrets and Social Media Intelligence Revealed
- 27 **JEFF ADACHI**  
Checklists for Public Defense

## JUNE

- 10 **DAVID KENYON**  
The Science of Cross Examination
- 11 **MICHELE LAVIGNE**  
Language Impairments
- 27 **ALEX BASSOS**  
Using Mental Illness to Get a Jury to Not Guilty
- 27 **DEJA VISHNY**  
Defending Confession Cases

## OCTOBER

- 17 **NOEL MARTIN**  
Information and Tools to Approach the White Collar Case
- 30 **IRA MICKENBERG**  
Brady - Litigation Strategies

## MARCH

- 13 **BRAD HOLAJTER**  
OneNote for File Organization and Analysis
- 19 **DAN KESSELBRENNER & SEJAL ZOTA**  
Immigration Law for Public Defense
- 21 **DOUG COLBERT**  
Advocacy at First Appearance: Making a Difference for Client's Freedom
- 28 **JEFF ADACHI**  
Managing the Media

## JULY

- 24 **ANDRE VITALE**  
Jury Selection in Sex Cases
- 25 **CHERISE BURDEEN**  
Pretrial Justice 101
- 25 **DERWYN BUNTON**  
That Just Happened: Managing Change and Disruptive Innovation
- 30 **LARRY DANIEL**  
Digital Forensics for Attorneys
- 30 **PAUL DEWOLFE**  
Strategic Planning for Public Defender Offices

## NOVEMBER

- 5 **ELIZABETH LATOURNEAU, MARSHA LEVICK & NICOLE PITTMAN**  
Juvenile Sex Offender Registration Issues
- 12 **MARK STEPHENS & ROGER NOOE**  
Personality Disorders
- 13 **MARK STEPHENS & ISSAC MERKLE**  
Time Tracking
- 13 **ANDREW NORTHUP**  
The Fundamentals of Drug Testing and Why You Should Challenge It
- 20 **BOB BORUCHOWITZ**  
Caseloads: The Washington Experience
- 21 **SCOTT WEST & GRACE M. GIESEL**  
Waiver of Ineffective Assistance of Counsel as a Condition in Plea Agreements

## APRIL

- 11 **ANDRE VITALE**  
Cross-Examination of a Complainant in a Sex Case
- 16 **ANDREW NORTHUP**  
A Primer for Expert Discovery
- 16 **MARY DEFUSCO**  
Prostitution Intervention

## AUGUST

- 18 - 20 **NAPD AND DPA CONFERENCE**  
Workload Litigation Institute
- 26 **JEFF SHERR**  
Productivity - Time and Project Management

## DECEMBER

- 11 **LAURIE KREPOS**  
Less Is More: Using Social Science Research to Mitigate Sentences in Sexual Assault Cases
- 12 **JEFF SHERR**  
Creating A Professional Development Plan Using NAPD Training and Resources
- 19 **JEFF ROBINSON**  
How Do we Deal with Race in the Justice System?

## REAL, RELEVANT EDUCATION RESOURCES

“For many public defenders around the country, especially those working in rural counties or as part-time contract attorneys, relevant training is too expensive, too far away and under-promoted in places that have been historically underserved. Without choices, public defenders sit through CLE on real estate law or administrative code when they really wish that they could access the right training to serve their clients.”

- Jeff Sherr, NAPD Member, Director of Training,  
Kentucky Department of Public Advocacy



In its first year, NAPD offered 43 online webinars for public defenders and public defense professionals. Nearly 2,500 members watched these webinars live, and thousands more watched them in archive, where every webinar is uploaded within 2 hours of being conducted. Trainings were provided by 39 different faculty, among them some of the greatest trainers on public defense issues in the country. The topics were diverse, designed to serve various office sizes, delivery mechanisms, and advocates' professions.

The scope of expertise required of public defenders and non-attorney professionals is incredibly diverse. Being skilled in the many nuances of criminal law would be enormous topic enough, but public defenders are also asked to become experts in specialized practices of law including immigration, housing, education, and applicable non-criminal litigation. In order to effectively represent their clients, defenders must provide accurate and comprehensive counsel on the continuing consequences of a criminal conviction as it affects professional licensing, employment, access to public benefits, residency restrictions, civil enfranchisement and a host of other considerations. Further, the circumstances of many indigent defendants require that their attorneys are also experts in adolescent brain development, mental health, mitigation, forensic science and other topics. Often times, clients present unique circumstances that require public defenders to quickly and competently expand their skill set.

Monroe County (Rochester, NY) Director of Training Andre Vitale provides instruction, materials and ongoing support in his home office, and for the NAPD community.

© Andre Vitale, Special Assistant Public Defender, Monroe County (Rochester, NY)  
Public Defender's Office (courtesy of Andrew Vitale, used with permission)





© Hennepin County (MN) Public Defender's Office (photo credit John Lageson, used with permission)

"As a new-ish defender in a very small office, I registered to participate in the Brady Webinar. The quality of that webinar was impressive- both practical and inspiring. That webinar sold me on the organization and then sparked me to approach Mary Kay (our managing attorney) about the useful resources. The night we joined I stayed up late watching some of the archived webinars - I was hooked. I had actually been having a conversation with our office investigator about OneNote a month or so prior as neither of us knew how to work the program and/or how to have it work for us. The webinar on OneNote for file organization was great and having access to it was so timely- this template for files is something I use now on all of my more complex cases... Having access to these quality resources for \$25 is really nothing short of amazing, and feeling connected to the organization as a whole and defenders throughout the country- this really is a benefit that you cannot put a dollar value on."

- Amanda Mowle, NAPD Member, Staff Attorney, Rutland County Public Defender's Office, Rutland, VT

NAPD provides relevant training to meet the incredible variety of knowledge that public defenders and public defense professionals require. By recruiting the best trainers in the country to train on topics of their expertise, and archiving them in MyGideon (NAPD's public defense library), these trainings are affordable, immediately accessible, and directly on point. Some offices use NAPD webinars as the core of their training program, offering them to advocates throughout their office or state, providing a core curriculum of training. Many sole practitioners find them useful because they are otherwise not offered any training program specific for public defense representation.

Committing to an expensive training that may or may not be useful is a luxury many public defenders cannot afford. NAPD offers its members a low cost, no-travel, always-available way to access the skills trainings that the need from hundreds of hours of available training videos. In many cases, the faculty make themselves available for follow-up and additional mentoring or guidance.

By making training affordable and accessible 24/7 in its virtual library, NAPD trainings foster national networking and provide fail-proof training for defenders, investigators, social workers, administrators and others on topics of supreme relevance, with just the click of a mouse.

NAPD is responsive to requests for training from members and member organizations, supports the development of local education in places just beginning to develop their training programs, and encourages members to upload their internal trainings in MyGideon to make them available to a far broader community. Currently, in addition to NAPD's webinars, there are more than 500 hours of training videos from other systems available to NAPD members.

"In Alaska, budget issues have forced us to cancel our annual state-wide conference, so I can't express how valuable it is to have NAPD. The NAPD webinars, discussions and opportunities to reach out and ask questions are the primary way that we keep on top of current trends and gain deeper appreciation of the law, which is of great benefit both to us and our clients."

- Jay Hochberg, NAPD Member, Supervising Attorney, Ketchikan Public Defender, Agency, Ketchikan, AK

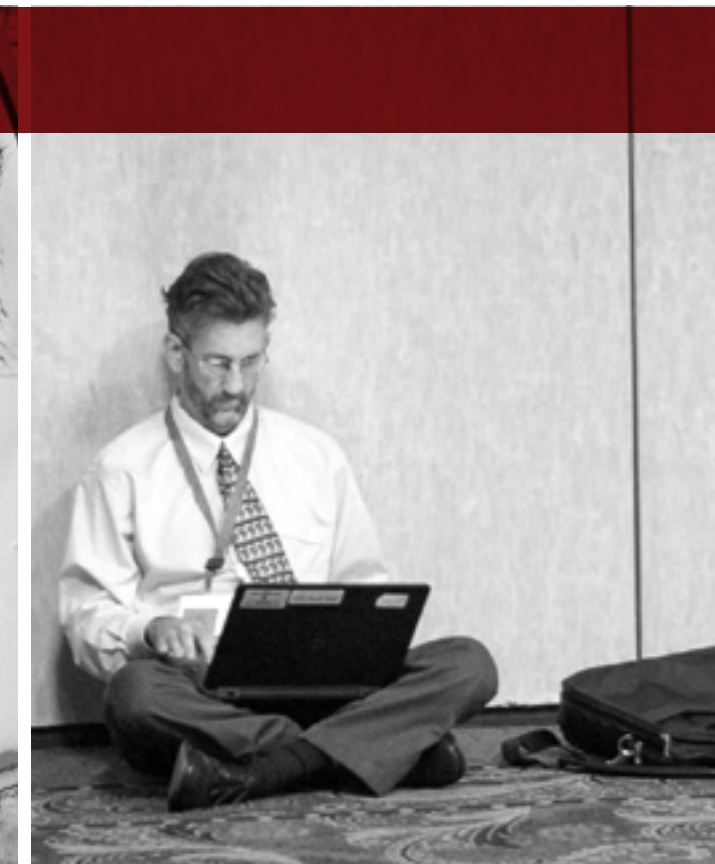
"I spend a ridiculous amount of time in the car, driving all over the state of Wyoming to correctional facilities to visit clients and to litigate in the district courts. NAPD lets me bring articles and trainings with me in podcast form, so I can learn while I drive. I love setting out knowing that I can listen to a topic of interest or hear the training styles of a trainer that I may never meet but greatly respect. When the resources fit the crazy realities of your life so well, you realize that you are part of something where everybody "gets it".

-Tina Olsen, Chief Appellate Defender, Wyoming Office of the State Public Defender



© Vehicle of Justice (photo credit Tina Olsen, used with permission)

Vehicle of Justice: Tina Olsen braves winter in the Rockies as she travels throughout the state to visit her clients and argue in district courts.



© Workload Leadership Institute (photo credit Lorinda Youngcourt, used with permission)

Snatching Time: Jeff Sherr, Director of Training, Kentucky Department of Public Advocacy, works from the office that's available - a patch of floor.



## MYGIDEON DEVELOPMENT



MyGideon (NAPD's public defense library) is a game changer, a community builder and the heart of NAPD. MyGideon is a thousand things at once: webinars, forums, information, manuals, checklists, portals and much more. But in the end, it is a clear demonstration of how much more powerful the public defense community is together than when siloed and separated.

*"Just knowing that you are not fighting these battles alone is so comforting and important emotionally and that is what allows me to keep jumping back in day after day. On top of that, the institutional knowledge that we have in our office is magnified a hundred fold by being a part of NAPD and has been a tremendous resource for our office."*

*- Patrick Corum, NAPD Member, Assistant Director, Salt Lake Legal Defender Association, Salt Lake City, UT*

Over the past year, NAPD built the foundation of this incredibly powerful tool. Members built mini-manuals on topics as far-reaching as fingerprints, immigration and workloads, and have loaded in

ten thousand members. NAPD created intricate and intuitive organizational structures for finding information. The site was leveraged into a living set of materials for the Workload Leadership Institute - and continued to develop during and in response to that conference. Members have uploaded and the MyGideon Committee has organized thousands of resources and documents, making them available to attorneys and other advocates who might otherwise have access to no resources at all. NAPD has given every member editorial access so that they may make their local resources available to the broader community.

MyGideon is a way to pull public defense information together in one secure place so that it benefits the maximum number of public defense professionals. Whether it is webinars, training materials, conversations conducted through the online forums, checklists or examples of case documents, the NAPD community is not lacking for information.

Where the community is lacking is in the organization of information. There is so much available content that it seems to many that organizing it is impossible, but NAPD is up to the task. NAPD's development and ongoing curation of MyGideon will bring intuitive

organization to the thousands of resources that have been offered by NAPD's growing membership. Here are some representative examples of MyGideon work in progress:

- Organizing all public defender research, both completed and ongoing, with RFPs, deliverables, publications and identifying information;
- Organizing all the large capital motion sets within a checklist of possible defense motions;
- Organizing NAPD webinars and articles into the subjects to which they apply;
- Organizing Teresa Norris's case summaries of IAC cases, currently published as a newsletter, into a format that would make them all available and searchable;
- Organizing Maryland's bank of tens of thousands of forensic resources so that they're all easily available to Maryland attorneys and the best national ones are available to any NAPD member;
- Making sure that an attorney from any particular state has access to national documents and documents from their own state, but not overwhelmed by state-level documents from other states;
- Building out a checklist for investigation, with examples of everything from FOIA requests to chaos maps;
- Increasing capacity so that there is a constant stream of law students and volunteers helping build the site;
- Organizing data sets of state-specific procedure so that the data can be manipulated within the site; and,
- Pulling together dozens of capital mitigation manuals, checklists and materials into a single "meta-manual".

Over the course of the next year, NAPD expects that the rough edges and vast caverns within MyGideon will be filled in so that it will look and feel like a massive manual for criminal defense seamlessly tailored to the practice of the state the attorney lives. It's a massive, previously impossible vision that is only possible through the connectedness created by NAPD.

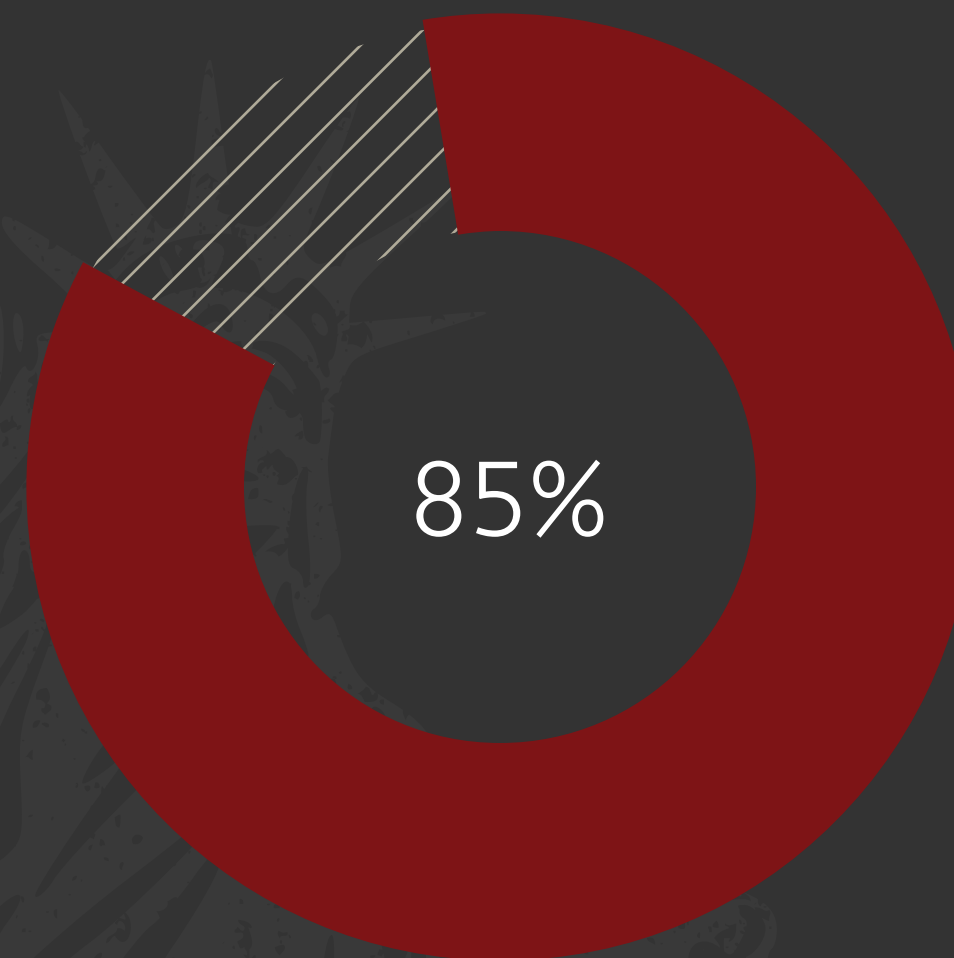
**"We chose to join our organization with NAPD because I wanted my staff to see other criminal practitioners who acknowledge that we must practice at a high level to meet the standard our clients deserve and to give them access to a depth of knowledge greater than we could provide internally."**

*- Kira Fonteneau, NAPD Member, Chief District Defender, Jefferson County Community Law Office, Birmingham, AL*

## THE PULSE OF PUBLIC DEFENSE

NAPD is the pulse of public defense – the direct, unfiltered heartbeat of the right to counsel across the country. As an association of practitioners from a diversity of offices throughout all 50 states, NAPD is universally positioned to collect information about the more than 3,000 public defense systems that provide counsel to eligible clients.

To identify unique and overlapping issues, NAPD members can speak authoritatively on the specifics of hundreds of jurisdictions, many of whom have not been engaged in the national conversation about public defense until now. NAPD is a conduit for members to learn about and from each other, and there are developing mechanisms for members to communicate with researchers, government agencies, academic institutions and advocacy organizations who are working on justice reform but removed from the trenches.



In most jurisdictions, more than 85% of all criminal defendants qualify for public defense services. The relationship between poverty and contact with the criminal justice system is irrefutable. Its impact on poor communities, particularly communities of color, is devastating.

“NAPD’s statement on the shocking and unjust non-indictments in the killings of Michael Brown and Eric Garner gave voice to the struggle that public defenders feel each day as they fight for social and racial justice. NAPD works to ensure the platform advanced by public defenders is part of the national debate on the need for police and government accountability and social change.”

- Jeff Adachi,  
NAPD Steering Committee Member,  
San Francisco Public Defender,  
San Francisco, CA



## ASSISTING RESEARCH EFFORTS



In July 2014, the Bureau of Justice Statistics (BJS) published two reports on state spending on public defense across the United States for the years 2008-2012, using data from the Annual Survey of State Government Finances, a dataset maintained by the Census Bureau. Unfortunately, defenders across the country immediately recognized that some of the data about their own systems were faulty, sometimes dramatically wrong. NAPD members utilized NAPD's communication vehicles to identify incorrect data or flawed methodologies. Within days, NAPD composed a letter to BJS enumerating many of the errors members reported, and

encouraged members to write to them directly. As a result, revised reports were issued in October with improved data. You can view this letter online at: [https://www.ils.ny.gov/files/NAPD\\_Letter\\_BJS%20Report\\_30%20July%202014.pdf](https://www.ils.ny.gov/files/NAPD_Letter_BJS%20Report_30%20July%202014.pdf)

However, even in revised form, NAPD discussion revealed that these reports contain data that are questionable. BJS will convene a meeting of public defense researchers in May of 2015 and has invited several NAPD members to review public defense data collection at the national level.

## INFORMATION EXCHANGE

NAPD prides itself on being a "big tent" organization. Its leadership listserv embraces an expansive definition of leadership and includes lawyers and non-lawyers, supervisors, managers and project directors. Through the leadership listserv NAPD makes it possible for a leader anywhere to survey hundreds of jurisdictions and a wider variety of perspectives on relevant topics, and responsive resources that are then uploaded to MyGideon. Over 2014, the leadership listserv exchanged and collected information about indigency practices, public record laws, budget presentations, strategies to increase non-attorney staffing, mandatory reporting protocols, firearm enhancements, waiver of IAC claims, revenue opportunities, juvenile shackling, memory repression in sexual abuse cases, and much, much more.

For example: In September, the Executive Director of North Carolina Office of Indigent Defense Services asked his colleagues, "I could use some input on finding a case management system. We are a state run public defense system, with 16 public defender offices. Our current case management system is run by our administrative office of the courts, and is aging out. We need to find a new system that will interact with the AOC's court information system, preferably a web-based system. We recently went through a formal procurement process with a RFI and ended up with nothing. Before we go through [that] again we wanted to see if we were missing anything that is already out there; so, if any of you use or know of systems that might work in this setting I would love to hear about it, including the identity of any outside vendor."

NAPD has the luxury to pursue the projects that it wants, which gives it the flexibility to be wholly responsive to member needs without competing interests. NAPD's response to the request above demonstrates the nimbleness of the organization: by year's end NAPD had created a comprehensive comparison chart of six case management systems being used by NAPD member organizations around the country. Each system was analyzed by an IT member supremely familiar with the system, and the Committee encouraged offices in the process of indentifying the best case management system for their office to contact any of the authors about any – or all - of the systems they reviewed. You can see this comparison document online at: [http://www.publicdefenders.us/?q=it\\_committee](http://www.publicdefenders.us/?q=it_committee)

In addition to collecting information about other practices, NAPD disseminated job postings, court rulings, news articles, advocate accolades and office news through the listserv, promoting public defenders and their work throughout the country, and effectively used social media to engage thousands of its members throughout the year.

**“Public defenders must be part of the conversation about public defense. In its first year, NAPD members brought accurate local data to the table and made clear their desire to work with other researchers to be sure that their office budgets, workload, achievements, challenges, staff and clients are understood. The Federal government has recognized this cooperation and we are optimistic that our relationship will continue to grow, giving defenders themselves the chance to be part of creating a much more sophisticated and accurate picture of public defense than has ever been available before.”**

- Andy Davies, NAPD Member, Director of Research,  
New York State Office of Indigent Defense Services,  
Albany, NY



## ETHICS GUIDANCE

NAPD's Ethics Counselors serve members as a resource in the area of legal ethics and professional responsibility, particularly relating to the unique challenges faced by public defenders and assigned counsel in the representation of indigent clients. Throughout the year, the Counselors prepare and recommend NAPD positions on best practices and draft formal ethics opinions for issuance by the NAPD Steering Committee.

On December 8, 2014, NAPD's Ethics Counselors released NAPD's first Formal Ethics Opinion. The opinion addresses the confidentiality of client information when defense team representation includes social workers and other non-lawyer professionals whose licensure is affected by statutory or professional mandatory reporting obligations. NAPD's review of the applicable rules of professional conduct and other pertinent authorities concluded that social workers and other healthcare professionals, as well as other non-lawyer professionals who are members of the client's defense team, may not report child or elder abuse without the express contemporaneous permission of the lawyer for whom they are working on behalf of the client.

Over the next few months, the Counselors are developing ethics training on this topic and highlighting how this opinion can be used to safeguard the licenses of social workers, encourage the cohesion of defense teams, and provide client-centered representation using social workers in defender offices. The opinion was shared widely and can be viewed online at: [http://www.publicdefenders.us/sites/default/files/ethics\\_opinion.pdf](http://www.publicdefenders.us/sites/default/files/ethics_opinion.pdf)



**“The El Paso Public Defender’s Office joined NAPD because of the strength of community provided through the organization and its member agencies. The constantly growing on-line training library, articles, and monthly webinars offer us materials which we could not receive elsewhere and help us to provide our attorneys, staff, investigators, and social workers with tailored training and professional development programs.”**

Bill Cox, NAPD Member,  
First Assistant Public Defender,  
El Paso Public Defender’s Office,  
El Paso, TX

## ARTICLES

During 2014, NAPD members published more than 170 articles. Summaries of court rulings, book reviews, poems, event announcements, personal reflections, lessons learned, reactions to news, developments in the law, and emerging practice strategies are frequent topics covered by article authors.

The articles offered a way for members to shout-out to their fellow members, rant about injustice, celebrate defender legacies, ask questions, seek support and be themselves. NAPD articles can be brief, or academic – there aren't rules, only the opportunity for defenders to reach out and define public defender issues that matter to them. Articles are posted on the NAPD homepage, archived on the website, posted on Facebook, promoted through Twitter and converted into podcasts.

Through the articles, Legal Aid attorney Renate Lunn introduced KY advocate Missy Goodman, providing a video-taped presentation of the “plucky heroine with gumption” challenging a judge with caselaw, keeping cool under pressure, and preserving the record – losing the argument for the day, but winning on appeal and demonstrating the pressure defenders face against unchecked benches. You can read the article and watch the embedded video here: <http://www.publicdefenders.us/?q=node/298>

Greg Mermelstein, Appellate-Post Conviction Director with the Missouri State Public Defender system, reviewed a number of United States Court decisions for the benefit of all, including the decisions in Jennings v. Stephens and Heien v. North Carolina. Broward County, FL Investigator Allen Smith wrote about his experiences using his police career background as a tool for uncovering Brady evidence for the public defender's office. Shane Goranson from the Greenwood, SC Public Defender's Office recalled the afternoon he witnessed the awesome forgiveness between victims and his client. Gina Pruski from the Wisconsin State Public Defender's Office wrote

about the struggle to speak up in the face of racial injustice, identifying personal experiences and the opportunity to do better. Chris Fabricant from the Innocence Project detailed his efforts to change laws that lead to wrongful conviction; Travis Stearns from the Washington Defender Association highlighted shackling, just sentencing and juvenile justice in several articles throughout the year. Jacinta Hall in the Shelby County Public Defender's Office lamented “one of her saddest days” in what became NAPD's most-read article. All articles are online at: <http://www.publicdefenders.us/?q=articles>

*“When I first heard about NAPD and looked into it, I thought, ‘Well, yeah, of course, here’s my \$25.’ It just made so much sense to me. It’s very different from anything else that is out there. I have looked for this at other trainings and in other places, but I have never been in a community just for public defenders, and at NAPD, they’re not just present, but actually running the show and making it work. I go to the website, I read the articles, I explore MyGideon, I watch webinars. Sometimes I read these articles and I realize, “Wow, this just lifted my day considerably”. Or I say, yes, “I know exactly what they’re saying.” It’s a wealth of information and a unified community from all over the country – and we’ve not ever had anything like this before.”*

- William LaBarre, NAPD Member, Attorney, Capital Defense Counsel Division, Jackson, MS

NAPD's focus on articles is a mechanism for NAPD members to use their voices to set the public defense agenda, and to bring their experiences and reflections to the national movement. Every other day throughout 2014, members found meaning in this strategy and launched conversations about issues large and small, but all keenly relevant to their personal fight for justice for their clients.

## SUPPORTING EACH OTHER

NAPD brings the expertise of a large, national association to public defenders and public defense professionals in local jurisdictions requesting help – on matters either universal to defender offices or unique to local circumstances. Using the engagement of members from similar jurisdictions and/or with relevant experience, NAPD facilitates access to members who intuitively understand the urgency and scope of the assistance that is sought. Often, local jurisdictions lack the independence to address issues without external backing, and NAPD’s practitioner-led voice brings credibility to important issues, improving both defense and justice systems. Additionally, NAPD brings national attention to the high quality services and many innovative programs that public defenders and public defender professionals undertake throughout the country.

“It is the best feeling is to seal the record of a client who has a charge(s) that has been preventing them from keeping or getting a job. I have been stopped on the street by former clients thanking me and telling me that after their record was expunged found work. I have had clients actually have tears roll down their cheeks when I tell that that can expunge everything on their record. I am glad that this program is getting more exposure, and hope it encourages other offices to develop programs like this to improve their client’s lives.”

- Rosalind Porter, NAPD Member, Paralegal, Montgomery County (OH) Public Defender’s Office



© Rosalind Porter and Daniella Freeman, Hamilton County (OH) Public Defender’s Fresh Start Program (photo credit Cincinnati Enquirer, used with permission)

Rosalind Porter assists her client Daniella Freeman at a Fresh Start Clinic in Dayton, OH. This program, designed and implemented by the Public Defender’s Office, assists clients with low-level offenses to seal their records, assisting their efforts to find employment.



## MAKING AN IMPACT



© Jeff Adachi Leads Bay Area Protest (courtesy of Jeff Adachi, used with permission)

Black Lives Matter: In response to police killings in Ferguson, Staten Island and Cleveland, San Francisco Public Defender and NAPD Steering Committee member Jeff Adachi leads one of four public defender protests in the Bay area on December 18, 2014.

Throughout 2014, NAPD responded to member offices requesting support. In 2014, the NAPD Impact Committee, in the service of their colleagues and on behalf of NAPD, wrote the following:

- A formal letter to policy makers in Fresno, CA, warning against the impact of inadequate resources and crushing caseloads on attorney performance;
- A formal letter to the Carson City, NV City Manager opposing the county's consideration of flat fee contracts for public defenders;
- A formal letter to New York Governor Andrew Cuomo to encourage his involvement in the constitutional right to counsel issues raised in the Hurrell-Harring lawsuits addressing excessive workload;
- A formal letter to the Supreme Court of Missouri in support of rule changes that would relieve the severe financial penalties that were consigning entire communities in St. Louis to unconstitutional 'Debtor's Prisons';
- A printed Guest Opinion to the St. Louis Post-Dispatch highlighting Ohio and Colorado's efforts to ensure that practices leading to unconstitutional 'debtor's prisons' were corrected;
- A printed Letter to the Editor about the inaccurate reporting and extreme disparity of resources between the prosecutorial and the defense function in Humboldt County, CA;
- To sign on to the 11-point platform in to the #thisstopstoday campaign initiated in New York City after the death of Eric Garner to end police brutality;
- A printed Guest Opinion from NAPD Chair Tim Young and The Constitution Project's Senior Counsel Sarah Turberville to the Denver Post (CO), advocating for constitutional delivery of defense services as James Holmes' defense team was being publicly harassed in the press; and,
- A printed Guest opinion from forensic psychologist Dr. Xavier Amador to the Denver Post, opposing the death penalty for mentally ill clients.

"As local public defenders, we frequently feel that our fight for justice on behalf of the poor and marginalized is waged by us alone. This year, while we have battled for systemic change in the municipal courts to eliminate fees and fines that destroy the lives of the poor, we have seen the value of having a national organization such as NAPD join the fight. NAPD leadership responded to our call and wrote letters of support on behalf of statewide reforms we advocated for. The Supreme Court partially adopted our proposed reforms following the letters of support from NAPD. We couldn't be more grateful to them for responding to our needs and having our backs in this on going fight."

-Thomas Harvey, NAPD Member, Co-Director, Arch City Defenders, St. Louis, MO

By the end of 2014, dismay over police violence and a lack of accountability for the deaths of unarmed black men at the hands of police throughout the country reached a boiling point, both within communities of color and the ranks of public defenders and public defense professionals. In December, NAPD issued a formal statement on the deaths of Michael Brown, Eric Garner and others, addressing the pervasive racism that challenges their access to justice. Calling for reform that only begins with grand jury procedures, NAPD called for change to address the endemic racism that exists at every stage of the criminal process, including over-criminalization, racially selective policing and profiling, and police militarization, while also ending the practice of government and private companies profiting from the assessment of crushing fines and fees, disparate bail and sentencing treatment, and prison policies that devastate entire communities of color, all but ensuring their perpetual subjugation by edict of an unjust system.

"Because of NAPD, I now see the work of a public defender in a national context. I don't think of myself as just an employee of the Legal Aid Society, but as part of a broader movement of people concerned about how criminal justice issues affect poor people. It's empowering to see that my daily victories and defeats are part of a bigger struggle to make sure marginalized groups get the same high quality representation that corporations or wealthy businesspeople get."

- Renate Lunn, NAPD Member, Staff Attorney, Legal Aid Society, Criminal Practice, New York, NY

© Renate Lunn Protests the Death of Eric Garner (courtesy of Renate Lunn, used with permission)



Renate Lunn takes to the streets following the death of Eric Garner at the hands of police, and the subsequent non-indictment of the officers involved.

"People of color facing criminal charges overwhelmingly depend on public defenders for their constitutional right to counsel, and that virtually every single public defender office in the country is so severely underfunded that it is in a state of crisis is but another manifestation of the inherent racism of the American justice system... Our system of justice is broken. It is racially biased to a degree that it is unworthy of public confidence. This lack of confidence is now being experienced on a grand scale in jurisdictions across the country, creating an urgent need to address the many unfair policies that oppress all people of color and every community of color in this country."

- From the NAPD Statement on Michael Brown and Eric Garner, released 12/19/14





# FIGHTING FOR INDEPENDENCE

NAPD created a Strike Force comprised of experienced advocates who support offices, office leaders, or office staff/contractors in diverse situations of a limited or ongoing challenge, or when zealous advocacy causes a risk of sanction due to a lack of independence from the judiciary, the prosecution or funding sources. Upon request, the Strike Force offers mentorship, the exchange of resources, and NAPD support to local jurisdictions in order to ensure independent delivery of effective right to counsel services.

In Sioux Falls, SD, Bloomington, IL, Pittsburgh, PA, Birmingham, AL, and Cincinnati, OH, NAPD members reached out for assistance navigating the political interference that made it difficult to impossible to be the zealous advocates that their clients – and the Constitution - requires.

In Sioux Falls, the county board directed the chief PD to publicly bring requests for expert witnesses to the board who gets its legal advice from the prosecution contrary to statute and Supreme Court decisions. In Bloomington, the chief defender was summarily pressured to resign her position or be fired by the chief judge. In Pittsburgh, a seasoned defense attorney was threatened with criminal charges for protecting the confidentiality of communications with his client. In Birmingham, the judge threatened to restrict public access to the courts and prohibited the chief defender – the defender traditionally assigned to “her” – from delegating these cases to other attorneys in the public defender office. In Cincinnati, the city prosecutor requested and secured a warrant to search the public defender offices from one judge while another judge had the motion to compel the same discovery under advisement.

In Sioux Falls, NAPD brought in experienced chiefs from Minnesota and Nebraska to assist and advise and support and meet with the very helpful president of the state bar association. In Bloomington, NAPD supported the forced to resigned defender by issuing a press release in support of the independence of the defense function (ABA Principle #1) and offering to support the new defender leader in the effort to protect her office from undue interference. In Pittsburgh, the chief judge dismissed the charge against the defender – as a criminal or civil infraction. In Birmingham, the judge recalled her limitation on public access to the courtroom, and now acknowledges that the chief public defender makes case assignments, not the court. In Cincinnati, the city prosecutor abruptly resigned and drew a letter of criticism from the mayor for his conduct.

“When you find yourself in crisis as a defender leader, there is no reason to reach out if 1) the people you are asking to help you are unfamiliar with the complexity of systems that do not enjoy structural protection that make it possible for the defense function to work as it should and 2) the response is not immediate. Difficult situations can become crises in the blink of an eye. For each of the leaders that we helped, I am proud to say that we keenly understood the compromised situation of those advocates, and that we were able to rush to their aid. In each case, NAPD took a principled view toward recommending a resolution that protects the clients and strives for independence from the judicial and prosecution. NAPD made good on its commitment to be an empathetic, in-touch and hyper-responsive organization.”

- Fred Friedman, NAPD Strike Force Chair,  
Former Chief Public Defender,  
6th District, Minnesota Board of Public Defense,  
Duluth, MN

Pittsburgh defenders and criminal defense colleagues stand with Andrew Capone after the judge dismissed the charge of obstruction of justice, brought by a local DA in the attempt to compel Andrew to reveal privileged information about his client.



© Traci Smith and Staff (courtesy of Traci Smith, used with permission)

Ripple Effect: Traci Smith, Chief Public Defender in Minnehaha County (Sioux Falls, SD) mentors her staff.

## FILING AMICUS

In its first year, NAPD created an Amicus Committee in order to support clients and counsel on various justice issues. The Amicus Committee filed three briefs in 2014, joining our unique voice with allied organizations.

You can read all filings online at:  
[http://www.publicdefenders.us/?q=amicus\\_committee](http://www.publicdefenders.us/?q=amicus_committee)

THE COMMITTEE FILED AMICUS IN THE FOLLOWING:

### GRASSI V. COLORADO (U.S. NO. 14-5963)

At issue is whether the Fourth Amendment permits a police officer to conduct a search or seizure when neither that officer, nor any officer in the chain of command, possesses the requisite amount of suspicion necessary to justify the search or seizure under the Fourth Amendment? The Colorado Supreme Court answered the question “yes,” by applying a doctrine that allowed the seizing officer’s knowledge to be pooled with that of other officers with whom he had not spoken and who were not in the chain of command. Many other courts have answered the question “no” on the same or similar facts. These conflicting decisions create confusion in an important area of Fourth Amendment law, an area in which clear rules are most vitally needed. The Court’s corrective intervention is needed to return uniformity and coherence to this important area of the law, and Petitioner’s case (in which the questions presented were fully litigated below) presents an excellent vehicle for doing so. The Court should grant the petition. The amicus brief was filed jointly with the National Association of Criminal Defense Lawyers, and was authored by Jeffrey T. Green and Timothy P. O’Toole.

### UNITED STATES V. RODRIGUEZ-VEGA (DOCKET NO. 13-56415 [9TH CIR.])

Amici argue that a proper construction of *Padilla v. Kentucky*, 559 U.S. 356 (2010) requires defense counsel obligations require more than merely informing noncitizen clients of possible deportation when deportation is virtually certain. Instead, defense counsel must give a strong warning of virtually certain deportation, even if immigration relief is potentially available. Additionally, judicial admonitions are no substitute for advice from counsel regarding deportation consequences. The amicus brief was co-authored by Professor Rebecca Sharpless of the Immigration Clinic of the University of Miami School of Law and Attorney Sejal Zota of the National Immigration Project of the National Lawyers Guild. NAPD joined with the National Association of Criminal Defense Lawyers, the National Immigration Project of the National Lawyers Guild, the Immigrant Defense Project, and the Immigrant Legal Resource Center.

### ANGELICA C. NELSON V. WISCONSIN (U.S. NO. 14-555)

In *Rock v. Arkansas* (483 U.S. 44 [1987]), the United States Supreme Court held that a criminal defendant has a constitutional right under the Fifth, Sixth, and Fourteenth Amendments to “take the witness stand and to testify in his or her own defense.” However, the Court has not yet decided whether the denial of this right is structural error or is subject to harmless error analysis. In this case, before allowing Ms. Nelson to testify, the trial court questioned her about her proposed testimony. The court then refused to allow her to testify finding that she would not be challenging the elements of the crime and that testifying “wouldn’t be a good idea.” On review, the Wisconsin Supreme Court recognized a split of authority on whether such an error is subject to harmless error review, but found that it was. The court then determined that the error in this case was harmless. Ms. Nelson now asks the Court to determine whether the error was structural error or subject to harmless error review. Recognizing that the persistent uncertainty surrounding a defendant’s right to testify improperly complicates defense strategy and threatens to erode respect for the criminal justice system in the eyes of defendants and the public alike, NAPD teamed with the National Association of Criminal Defense Lawyers to file an amicus brief in support of the grant of the writ of certiorari. The brief was written by Bruce E. Yannett, of Debevoise & Plimpton LLP of New York.

## THIS IS THE FUTURE

A little more than a year ago in Dayton, OH, the question of NAPD was an idea in the minds of 30 people. Today, it is a 10,000-member, momentum-gathering movement of nimbleness, creativity, support and collaboration. Its members are singularly focused on public defense, which intellectually and emotionally binds them together.

From the meeting in Dayton and in every meeting thereafter – Committee meetings, strategic planning sessions, outreach visits – NAPD preserves the organizational culture that was lauded in Dayton. NAPD is committed to its model of inclusivity, grassroots engagement and the sharing of real, relevant resources for its members. Its leadership reflects members who have risen to distinction through their contributions.

## NAPD MEMBERSHIP BY PROFESSION



“What NAPD is doing, and the way they are doing it, is right on time for the twenty-first century. This is the future of public defense delivery and public defense reform.”

- Janet Moore,  
NAPD Steering Committee Member,  
Professor of Law,  
University of Cincinnati Law School,  
Cincinnati, OH



“I’m grateful to be with a group of doers, which is everyone I’ve come across so far in my dealings with NAPD. I’ve coordinated lots of trainings and worked to lift lots of new projects off the ground, so I understand firsthand how draining these efforts can be. Doers get lonely when we’re not running in packs... but when we are, prepare to be astonished by how much gets done!”

- Herbert Duzant,  
NAPD MyGideon Committee Member,  
Senior Investigator for the District of  
Nevada, Federal Defender’s Office

NAPD has members from state and federal systems, fully staffed defender offices, assigned counsel systems, from every essential profession that advocates for our clients. Members come from all 50 states - including organizational members in 35 states - logging into NAPD resources and conversations from Ketchikan, Alaska to Miami, Florida, and all points in between. The power of what NAPD has started is extraordinary. Members’ push from the ground, making NAPD an organic association, focused on the most important issues, and informed by the only public defense experts that exist – the advocates themselves.

2015 promises growth for NAPD in many forms. Membership will go up. New leaders will emerge. Resources for the growing group of non-attorney public defense professionals will explode. MyGideon will add and improve thousands of pages of relevant resources.

NAPD’s training will become CLE-eligible in many states. The technology that keeps us in touch and puts the resources that we need at our fingertips will improve.

“NAPD recognizes that the practice of public defense is changing. The model of an attorney alone representing a client is insufficient and already crumbling. Today, with increased emphasis on evidence-based practices, rising recognition of the value of wrap-around defense services, commitment to regular client contact, and far higher demands for forensic investigation, it’s imperative that there be a diversity of advocates working in public defense. Lawyers alone cannot provide the defense needed in our rapidly changing world. Technology, along with the onset of treatment courts, dictates that we need a team of IT staff, social workers, administrators and investigators. NAPD promotes the necessity of team-based defense in order to do the job our clients need, supporting all public defense players.”

- Scott Bell, NAPD Member, Information Technology Manager,  
Missouri State Public Defender System

NAPD will begin to earn its reputation as the primary defender trainer for leaders and supervisors, focusing on leaders in historically underserved systems. Through its Leadership Training at Valparaiso Law School in June 2015 and its Supervisors & Managers Training in April 2016, new and veteran defender leaders will learn the skills that they need to be successful.

NAPD will continue to respond to requests to assist public defender systems seeking new leaderships, undergoing reform, or in need of Board and Commission training. In Tulsa, Chicago, and Philadelphia, where NAPD’s Systems Builders began work in late 2014, new communities of advocates will benefit from the mentorship of public defense leaders and commission members, to ensure that reform implementation creates model defense systems where workload is controlled, representation is client-centered and advocates have resources of emotional, political and intellectual support.

The Idaho State Public Defense Commission has a roster of 262 attorneys across 44 counties in the 11th largest state in the country. Some of those attorneys are full-time defenders in established institutional offices, but about half are part-time, contract solo-practitioners in fairly remote parts of the state. One of our counties is the size of New Jersey and has a total population of 16,000 people. Another county does not have a single practicing attorney registered within its borders. The diverse circumstances of each of our public defenders makes coordination between those attorneys a real challenge. There is no criminal defense bar section in Idaho, and the bar membership in IACDL has always fluctuated. NAPD will provide our members, many who have never practiced elsewhere, a view into the policy, advocacy, and leadership efforts being undertaken around the country. NAPD can unify and bring together our roster attorneys under a single umbrella as the state continues to prefer a diffuse, county-based public defense system.

- Ian Thomson, NAPD Member, Executive Director,  
Idaho State Public Defense Commission

Fines & Fees advocacy emerged as a critical issue for NAPD in 2014. In the year ahead, NAPD members will implement their campaign to address the disastrous consequence that “user fees” and “debtors prisons” have on clients and communities.

More states will implement time-tracking and that data will change everything, from budget presentations to systemic litigation to quality of service assessments for client services.

Perhaps most importantly, as public defense in America continues to be implemented in most jurisdictions through county-based systems with contract and assigned counsel, NAPD will continue to grow an interconnected community fighting for change. The right to counsel has never had the benefit of a grassroots, practitioner-led justice movement despite 50 years having passed since Gideon defined public defenders as the fundamental and essential ingredient in ensuring that poor people have equal access to justice.

In 2015 the community will grow larger and stronger. NAPD will start to seek funds for projects that have the will of the membership behind them. NAPD’s first year defied expectations, and illuminated possibilities far grander, far sooner, than anyone thought possible. We believe, though only one year old, that the 10,000 practitioner-members of NAPD have already created an irrepressible campaign for justice.

“When we hear the message that public defenders are overwhelmed and under-resourced, it conjures up that image seen so often in popular culture - the public defender as ruffled and defeated - an individual to be pitied. But the truth is far from that! In public defender offices across the country, you’ll find smart, determined and resourceful advocates fighting for their clients, everyday. Despite enormous workloads, so many of these tireless professionals provide their clients with the compassion and understanding often lacking in government services to the poor. Public defenders understand that on a personal level, they are standing beside a person during one of the most difficult moments in his life, which requires patience, care and even humor; on a societal level, the public defender must also fight for the system to work as fairly for those living in poverty, as it does for those of means - a daily battle that takes enormous strength and perseverance. I don’t know about you, but I ‘pity the fool’ who underestimates the heart it takes to be a public defender.”

- Lurene Kelley, Ph.D., NAPD Member,  
Special Assistant for Organizational Communication,  
Shelby County Public Defender’s Office, Memphis, TN

BE PART OF THE MOVEMENT

## STRONGER TOGETHER

This incredible first year of achievement was made possible, first and foremost, by our members, who gave their dollars and far more importantly, gave themselves. They are the movement.

We also appreciate the financial support from the Open Society Foundation whose funds allowed us to provide scholarships to our Workload Leadership Institute.

The Charles Hamilton Houston Institute covered all costs associated with the MyGideon platform throughout 2014.

A grant from the Society of Counsel Representing Accused Persons (Seattle, WA), which was awarded in late 2014 for use in 2015, will allow us to invest in technology improvements to serve all members in the coming year.

We are also grateful to the Sanchez Law Firm in Lake Charles, LA for sponsoring the membership dues of the Calcasieu Parish Public Defender's Office in 2014 and 2015, the anonymous donors who sponsored the Arch City Defenders' membership dues, and the numerous small donations that contributed to the cause.

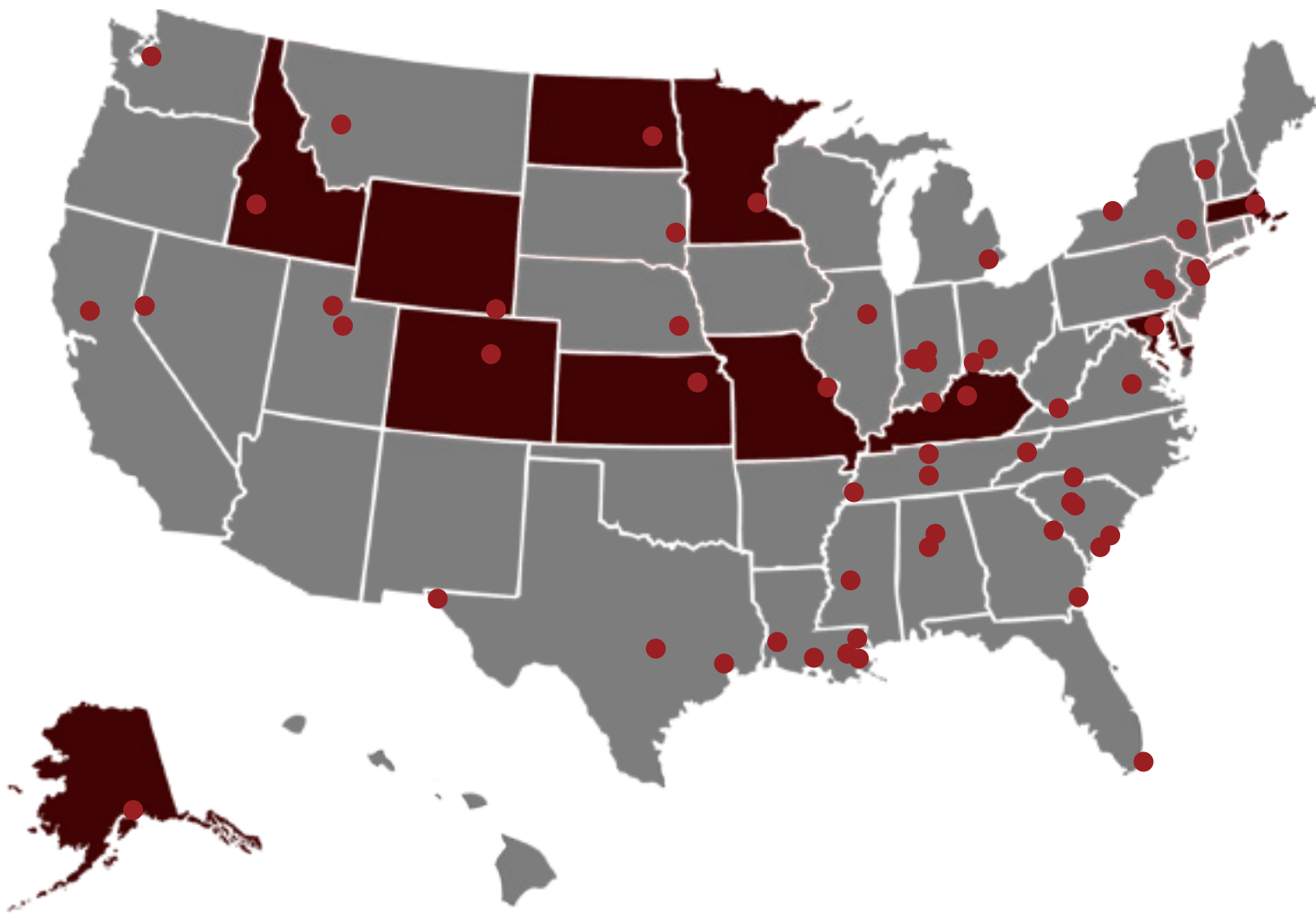
In our lean operation, we are not unlike most public defender organizations. Every penny counts, and we thank you.

**THANK YOU**  
NATIONAL ASSOCIATION FOR PUBLIC DEFENSE





# NAPD'S 2014 RESISTANCE MOVEMENT



States with state-wide NAPD membership



- 11/01/13: Knoxville, TN, **Knox County Community Law Office**
- 12/01/13: Bedford, IN, **Lawrence County Public Defender Agency**
- 12/19/13: Albany, NY, **New York State Defenders Association**
- 1/06/14: Charleston, SC, **9th Circuit Public Defender**
- 1/06/14: Tuscaloosa, AL, **Office of Public Defenders**
- 1/06/14: Augusta, GA, **Augusta Circuit Public Defender Office**
- 1/06/14: Lincoln, NE, **Lancaster County Public Defenders Office**
- 1/07/14: Frankfort, KY, **Kentucky Department of Public Advocacy**
- 1/08/14: Albany, NY, **NYS Office of Indigent Defense Legal Services**
- 1/10/14: Denver, CO, **Colorado State Public Defender**
- 1/24/14: Valley City, ND, **ND Commission on Legal Counsel for Indigents**
- 1/24/14: York, SC, **16th Circuit Public Defenders Office**
- 1/26/14: Seattle, WA, **Washington Defender Association**
- 2/03/14: New York, NY, **Legal Aid Society of New York**
- 2/10/14: Detroit, MI, **State Appellate Defender Office**
- 2/10/14: Nashville, TN, **Public Defender- Metropolitan Nashville & Davidson Co.**
- 2/26/14: New York, NY, **Neighborhood Defender Services of Harlem**
- 2/28/14: New Orleans, LA, **Orleans Public Defenders**
- 2/27/14: Salt Lake City, UT, **Legal Defender Association**
- 2/28/14: St. Paul, MN, **Minnesota Board of Public Defense**
- 3/07/14: Provo, UT, **Utah County Public Defenders**
- 3/20/14: Austin, TX, **Texas Fair Defense Project**
- 3/21/14: Lewisburg, TN, **17th District Public Defender's Office**
- 3/28/14: St. Louis, MO, **Missouri State Public Defender System**
- 4/01/14: Brooklyn, NY, **Brooklyn Defender Services**
- 4/03/14: Bloomington, IL, **McLean County Public Defender's Office**
- 4/04/14: Memphis, TN, **Shelby County Public Defender**
- 4/04/14: Fairfield, CA, **Solano County Public Defender's Office**
- 4/19/14: Miami, FL, **Miami-Dade Public Defender's Office**
- 4/29/14: Anchorage, AK, **Alaska Public Defender Agency**
- 5/28/14: Anchorage, AK, **Alaska Office of Public Advocacy**
- 5/28/14: Lafayette, LA, **15th JDC Public Defenders' Office**
- 6/04/14: Bloomington, IN, **Monroe County Public Defender**
- 6/05/14: Boston, MA, **Committee for Public Counsel Services**
- 6/09/14: Indianapolis, IN, **Marion County Public Defender Agency**
- 6/18/14: Louisville, KY, **Louisville-Jefferson County Public Defender Corp.**
- 6/22/14: Brunswick, GA, **Brunswick Circuit Public Defender's Office**
- 6/27/14: Jackson, MS, **Mississippi Public Defenders Association**
- 6/27/14: Rochester, NY, **Monroe County Public Defender**
- 7/07/14: Topeka, KS, **State Board of Indigents' Defense Services**
- 7/07/14: Norco, LA, **29th JDC Public Defender's Office**
- 7/23/14: Dayton, OH, **Montgomery County Public Defender**
- 8/01/14: Cheyenne, WY, **Office of the State Public Defender**
- 8/04/14: Covington, LA, **22nd JDC Public Defenders' Office**
- 8/05/14: Reno, NV, **Washoe County Public Defender**
- 8/13/14: Sioux Falls, SD, **Minnehaha County Public Defenders' Office**
- 8/19/14: Lake Charles, LA, **14th JDC Public Defenders' Office**
- 9/04/14: Nashville, TN, **Office of the Post-Conviction Defender**
- 9/17/14: Beaufort, SC, **14th Judicial Circuit Public Defenders Office**
- 10/01/14: Baltimore, MD, **Office of the Public Defender**
- 10/07/14: Houston, TX, **Harris County Public Defenders' Office**
- 10/17/14: Cincinnati, OH, **Hamilton County Public Defender**
- 10/30/14: Columbia, SC, **5th Judicial Circuit Public Defender Office**
- 11/14/14: Rutland, VT, **Office of the State Public Defender**
- 12/05/14: Birmingham, AL, **Jefferson County Community Law Office**
- 12/11/14: Sumter, SC, **Third Circuit Public Defender Office**
- 12/17/14: Princeton, WV, **Public Defender Corp. for the 9th Judicial Circuit**
- 12/17/14: Richmond, VA, **Virginia Indigent Defense Commission**
- 12/18/14: Helena, MT, **Office of the Appellate Defender**
- 12/22/14: Jim Thorpe, PA, **Carbon County Public Defender**
- 12/22/14: Boise, ID, **Idaho State Public Defense Commission**
- 12/23/14: El Paso, TX, **El Paso County Public Defender's Office**
- 12/30/14: Norristown, PA, **Montgomery County Public Defender's Office**

AND NEARLY 550 INDIVIDUAL MEMBERS

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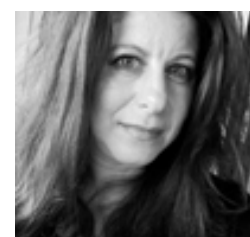
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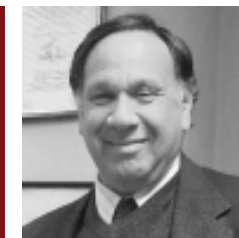
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6th District, Minne-  
sota Board of Public  
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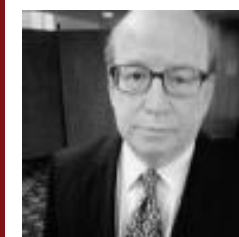
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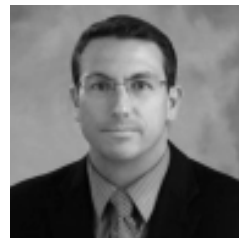
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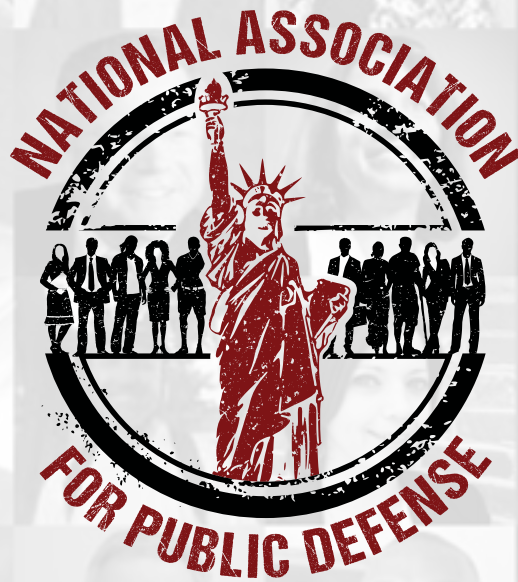
## STAFF



**ERNIE LEWIS**  
Executive Director



**HEATHER H. HALL**  
Development Director



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