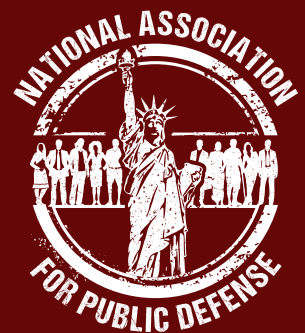




INSISTING
RESISTING
PERSISTING

THE YEAR OF 2017



INSISTING, RESISTING, PERSISTING

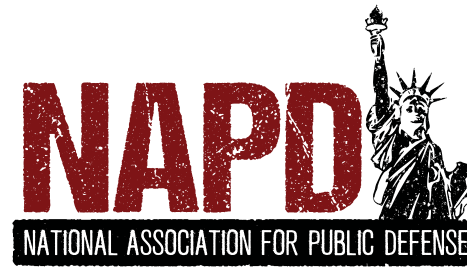


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INTRODUCTION

2017 marked the 4th full year that NAPD has been in existence. There were big milestones; there were small – but meaningful - connections. NAPD picked up another 20 organizational members, swelled to nearly 16,000 members, set a record for webinars offered, added a live Workloads Conference to its annual Executive Leadership Institute, launched a Mentors Program, grew its committees and their activities, lent its support to dozens of jurisdictions in a variety of ways, and continued to foster a national community of public defenders and public defense professionals.

An investigator in Montana got help from an investigator in Florida via the NAPD-investigators list serv. A social worker in Knoxville shared her comprehensive academic review of every single social worker program with NAPD's MyGideon library. In the middle of the night, a line defender in Ketchikan, Alaska found a webinar to help his preparation for trial in the webinar archive. Leaders got shout-outs for advancing reform. A group of communicators began to plan a conference for their unique professional niche. There were robust discussions on the merits of risk assessments. Trainers talked about effectively confronting implicit bias in their offices. More than 100 people blogged for NAPD, writing about their various experiences as defenders, the impact of court rulings, mainstream media's treatment of high profile crimes, achievements, or troubling trends. Increasingly, the media and social science researchers called NAPD for the defender perspective in justice issues.

It all adds up to progress.

On the anniversary of the Gideon decision in 2017, NAPD released its Foundational Principles. This thoughtful effort described the values that NAPD holds and provides focus to our mission. Members put these principles into action every day of the year.

Throughout 2017, NAPD again insisted that public defenders are the experts on public defense issues, and essential participants in a fair and efficient justice system. NAPD resisted strategies used to undermine strong public defense programs and harm our clients, and by extension, communities - particularly communities of color. Finally, NAPD persisted in its efforts to obtain more defender resources, to enjoy the freedom to be zealous advocates, to advance data driven policies, to engage our clients and the client community in the justice movement, and to share the best of what others have done for improvements across the country.



IT ALL ADDS UP TO PROGRESS

WORKLOADS

NAPD continues to focus the tremendous energy around public defender workloads advocacy. In March, the Workload Committee also released a second position paper, *Statement on Reducing Demand For Public Defense: Alternatives to Traditional Prosecution Can Reduce Defender Workload, Save Money, and Reduce Recidivism*. This supplements its 2015 position statement, *Workloads Position Paper*, which called for mandatory permanent timekeeping as an essential component to controlling workloads.

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In April, 60 Minutes aired a full segment on the plight of Louisiana's workloads crisis. This compelling piece interviewed NAPD Vice-Chair Derwyn Bunton, NAPD General Counsel Stephen Hanlon, NAPD member and Tulane Law Professor Pam Metzger, and staff at the Orleans Public Defenders, and demonstrated how excessive workloads obstruct the ability to achieve justice, causing irreparable harm to poor people, and the lawyers who strive to serve them without the tools to seek the truth.

The NAPD Workload Committee grew by a number of members in 2017 and now represents virtually every state involved in workload

counting and analysis, including Idaho, Colorado, New Mexico, Texas, Missouri, Tennessee, Louisiana, Rhode Island, Michigan, Florida, Minnesota, New York, Indiana and Washington.

In November, more than 80 leaders attended the NAPD Workloads Conference at St. Louis School of Law in St. Louis, University. This conference brought together the diversity of workloads research from advocates across the nation in various states of analysis, policy reform and litigation. By all accounts, it was a tremendous success – both for the opportunity for robust information exchange and the chance to create and strengthen supportive networks among leaders battling a collective challenge that is pervasive to almost every public defense program in the country.

Finally, NAPD through its General Counsel and the administration of grant funds, is involved in four ongoing Workloads Studies. Steve Hanlon is Project Director in workload studies ongoing in Louisiana, Colorado, Missouri and Rhode Island.

The Workloads Committee is chaired by Mark Stephens (District Defender, Knox County Public Defenders Community Law Office) and Stephen Hanlon (NAPD General Counsel).



60 MINUTES

“The NAPD, and in particular the Workload Committee, has changed the way we in New Mexico have conceived of the issue of effectiveness of counsel, and how we advocate for greater resources. The exchange of ideas, and the guidance and encouragement from the group, has made possible progress that I couldn't have imagined two years ago.”

Ben Baur

Chief Public Defender, Law Offices of the New Mexico Public Defender

“Ending excessive workloads was the primary organizing principle that drove the formation of the NAPD. Early on, we committed ourselves to develop a critical mass of reliable data and analytics to establish reasonable workload limits. Almost five years later, we are well on our way to accomplishing this important goal.”

Stephen Hanlon

NAPD General Counsel

AMICUS

The NAPD Amicus Committee continued to offer positions on justice issues across the country, in jurisdictions ranging from local, state, and federal courts to the United States Supreme Court. A volunteer committee of public defenders and law professors with backgrounds in public defense reviewed dozens of requests and submitted 21 briefs in 2017, with many of those briefs comprising research and drafting by committee co-chairs, members, and University of Cincinnati NAPD student chapter members. The Committee is grateful for the outstanding work of pro bono counsel who have helped NAPD represent, the unique perspective of public defenders providing the right to counsel to indigent clients.

David Wovrosh,
2L, University of Cincinnati Law School/NAPD
Bearcat Chapter:

“In *McWilliams v. Dunn*, the Supreme Court cited the NAPD’s amicus brief in the majority opinion (*McWilliams v. Dunn*, 137 S. Ct. 1790, 1800 (2017)). It is hard to overstate the excitement that I felt seeing the highest court in the land mention my research. Never in my wildest dreams could I imagine being a part of a Supreme Court decision! As a law student, the opportunity to substantively contribute to the development of law is rare. To have your research cited by the Supreme Court is an accomplishment that defies words. But beyond the excitement and thrill of seeing your work cited, the experience served as a reminder that even a group of passionate and motivated law students can make meaningful contributions to the development of indigent defense law. Working with my law school colleagues on the case, it was comforting to know that the next generation of young lawyers is committed to protecting the rights of indigent defendants, and I am thrilled to be a part of it. NAPD has given me an opportunity that few other students have, and one of the crowning jewels of my young career.”

Lester Finkle
Chief of Staff,
Law Office of the Cook County:

“It is the obligation of lawyers working together in a law office or law firm to avoid conflicts of interest. Illinois courts, however, have never applied the conflicts of interest rules to public defender offices. When the Public Defender of Cook County challenged this difference in the application of the rules of professional conduct, which govern the ethical behavior of all lawyers, NAPD stood by her side. In our appeal to the Illinois Supreme Court, NAPD acted without hesitation in filing an amicus brief that argued that those who are indigent have the same right to conflict-free counsel as those who have money. The appeal is now pending before the Supreme Court of the United States, where we know that NAPD will continue to support us and continue to fight for respect for all public defenders.”

The Amicus Committee is chaired by H. Louis Sirkin (Of Counsel, Santen & Hughes) and Janet Moore (Professor, University of Cincinnati Law School).

TREMENDOUS ENERGY

“

The 11th Circuit vacated and remanded in *Berthiaume v. Smith*! The Court concluded that Mr. Berthiaume’s sexual orientation was inextricably bound up in the issues at trial and the trial court abused its discretion by not allowing him to question the jury about their potential bias and prejudice on the basis of sexual orientation. As you know, our amicus brief made precisely this argument. Thank you again to NAPD for joining the brief! This decision will help ensure jury fairness for LGBT people!

”

Eric Lesh
NStaff Attorney, Lambda Legal

AMIGUS ISSUES & LOCATIONS

The scope of the issues and the diversity of jurisdictions where we lent support.

SWEENEY V. DAYTON : 12/6/2017

THIRD JUDICIAL DISTRICT COURT OF MONTANA (POWELL COUNTY)

Can counsel can be forced to provide evidence against her client?

HENRY V. CITY OF MT. DORA : 11/26/17

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF FLORIDA (OCALA DIVISION)

(1) Does the Court's decision in Heck v. Humphrey bar actions under 42 U.S.C. § 1983 when the writ of habeas corpus was not available as a collateral attack on a state judgment, and (2) Does a juvenile adjudication noting a violation of a criminal statute constitutes a criminal conviction triggering the Heck v. Humphrey bar when state law expressly states that juvenile adjudications are not criminal convictions, and juveniles are not afforded basic constitutional protections required for criminal proceedings?

WALKER V. CITY OF CALHOUN : 11/20/17

NORTHERN DISTRICT OF GEORGIA (DISTRICT 113E)

Is a bail system that detains 40 percent of all those arrested only on misdemeanor charges, many of whom are indigent and cannot pay the amount needed for release on secured money bail, constitutional?

BYRD V. UNITED STATES : 11/20/17

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

Does a driver have a reasonable expectation of privacy in a rental car when he has the renter's permission to drive the car but is not listed as an authorized driver on the rental agreement?

REAMS V. ARKANSAS : 11/6/17

CIRCUIT COURT OF JEFFERSON COUNTY, AKANSAS ELEVENTH JUDICIAL DISTRICT-WEST, SECOND DIVISION

Does the clear absence of effective advocacy at multiple stages of a capital trial by a part-time public defender hobbled by the demands of an onerous workload fall below the constitutionally-mandated thresholds?

CHRISTESON V. ROPER : 10/30/17

U.S. DISTRICT COURT, WESTERN DISTRICT OF MISSOURI (KANSAS CITY)

Does a \$10,000 cap for capital habeas investigation to challenge procedural default of original counsel's failure to timely file original habeas petition constitutes effective denial of counsel and fair hearing?

AKSU V. CALIFORNIA : 10/2/17

SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY OF VENTURA, APPELLATE DIVISION

Is standard of review for alleged Fourth Amendment violation of right to be free from searches without voluntary consent de novo or a mixed question of fact and law?

STEIN V. UNITED STATES : 9/15/17

SOUTHERN DISTRICT OF FL Do prosecutors violate due process whenever they knowingly introduce false testimony, or whether the conduct is excused if the prosecution turns over evidence indicating that the testimony is false?

O'DONNELL V. HARRIS COUNTY : 8/9/17

U.S. DISTRICT COURT, SOUTHERN DISTRICT OF TEXAS (HOUSTON)

Is Harris County's bail system which detains 40% of all misdemeanor defendants, many of whom are indigent and have no ability to pay, constitutional?

BYRD V. US (CIRCUIT CASE) : 6/12/17

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Did the District Court err in concluding that: (1) the police had sufficient grounds to stop Appellant because he drove in the passing lane at or below the speed limit for two tenths of a mile while passing a tractor trailer; (2) the police had a sufficient basis to prolong the roadside detention of him while ostensibly verifying his identity; and (3) the police could search the vehicle because he did not have standing to object?

NEW MEXICO V. LOPEZ : 6/5/17

FIFTH JUDICIAL DISTRICT COURT LEA COUNTY (STATE OF NEW MEXICO)

Does systematic underfunding of the public defense function violate the right to counsel?

TURNER V. UNITED STATES : 6/2/17

U.S. DISTRICT COURT, WESTERN DISTRICT OF TENNESSEE (MEMPHIS)

Is there a right to effective assistance of counsel prior to formal federal indictment?

GRUBBS V. BROWN : 4/17/17

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

Should defendants be held in contempt for violating court order proscribing presence and use of video cameras in Staten Island jail attorney-client conference rooms due to unconstitutional invasion of attorney-client communication and relationship?

BUEHLER V. CITY OF AUSTIN : 4/17/17

WESTERN DISTRICT OF TEXAS, AUSTIN

Does the independent intermediary doctrine shields law enforcement officers from Section 1983 liability for civil rights violations under the Fourth Amendment?

SNEED V. BURRESS : 3/24/17

BULLITT CIRCUIT COURT

Can defense counsel describe complaining witness as a liar in opening statement, where that description is the essence of the defense?

MCWILLIAMS V. DUNN : 3/6/17

UNITED STATES DISTRICT COURT, M.D. ALABAMA, NORTHERN DIVISION

Is defense is entitled to independent expert under Ake v. Oklahoma instead of expert working for both prosecution and defense?

WEAVER V. MASSACHUSETTS : 3/6/17

SUPREME JUDICIAL COURT OF MASSACHUSETTS

Does failure to preserve structural error (open courtroom) require automatic reversal or satisfaction of Strickland ineffective assistance standard?

BERTHAUME V. SMITH : 2/15/17

SOUTHERN DISTRICT OF FL

Are strikes against lesbian and gay jurors unconstitutional under Batson, when (and when not) there is a constitutional requirement to allow voir dire on sexual orientation bias because sexual orientation is "inextricably bound up with the evidence at trial"?

SINCLAIR V. LAUDERDALE COUNTY : 2/15/17

WESTERN DISTRICT OF TENNESSEE AT MEMPHIS

Does a law enforcement official's erroneous interpretation of a criminal statute constitute a reasonable mistake of law and create probable cause to support an arrest despite statute's unambiguous language excluding the accused's conduct from its reach (shielding law enforcement officers from Section 1983 liability for civil rights violations under the Fourth Amendment)?

DOE V. SNYDER : 11/11/16

U.S. DISTRICT COURT, EASTERN DISTRICT OF MICHIGAN (DETROIT)

Does retroactive application of increased sanctions in Michigan's sex offender registration law contravene due process and the ex post facto clause?

CHRISTENSON V. UNITED STATES : 11/7/16

U.S. DISTRICT COURT FOR CENTRAL CA, LOS ANGELES

Does the Sixth Amendment guarantee of a unanimous verdict by an impartial jury (a) preclude a court from removing a juror during deliberations when the record discloses any possibility that the removal request stems from the juror's views on the merits of the case and (b) preclude a court from questioning the jury when faced with allegations of juror misconduct that could be related to the merits? Further, as the plain text provides, does Title III require suppression of all recordings made for the purpose of committing a criminal or tortious act?

PEOPLE OF ILLINOIS V. AMY CAMPANELLI : 2/22/17

CIRCUIT COURT OF COOK COUNTY

Can trial courts deny motions to withdraw based on conflicts of interest?

KEVIN BRIDGEMAN, ET AL. V. DISTRICT ATTORNEY FOR THE SUFFOLK DISTRICT : 10/24/16

SUPREME JUDICIAL COURT OF MA, SUFFOLK

Where rogue forensic analysis tainted the evidence in thousands of low-level drug cases, does due process or the exercise of the Court's superintendence authority require all of those convictions to be dismissed with prejudice or with limited leave to refile within one year upon certification of sufficient untainted evidence to prove guilt beyond a reasonable doubt?

U.S. V. SERRANO-MERCADO : 9/23/16

DISTRICT COURT OF PUERTO RICO, SAN JUAN

Does the government or the defendant bear the burden of proof on appeal for a defaulted claim of sentencing error based on the misclassification of a prior as a crime of violence for purposes of sentence enhancement?

OFFICE OF THE PUBLIC DEFENDER, ELEVENTH JUDICIAL CIRCUIT OF FLORIDA, V. MILENA LAKICEVIC : 8/1/16

CIRCUIT COURT FOR MIAMI-DADE COUNTY

Can a public defender be forced to disclose contact information for former client to civil plaintiffs suing for damages allegedly incurred during incident that led to criminal charges for which public defender represented former client?

STATE V. BEASLEY : 7/11/16

SUMMIT COUNTY, COURT OF COMMON PLEAS

Does counsel's unopposed reconstruction of in-chambers conference with judge

and prosecutor preserve issue of judge's blanket policy to deny no-contest pleas and defendant's objection to entering guilty plea that eliminated right to appeal judge's ruling on motion to suppress?

ELIJAH MANUEL V. CITY OF JOLIET : 5/9/16

NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

Will the Court interpret the Fourth Amendment to permit malicious prosecution claims as a remedy for all of the many harms that result directly from the unreasonable seizure of individuals after the initiation of legal process, but without probable cause?

UNITED STATES V. MICHAEL BRYANT : 3/24/16

U.S. DISTRICT COURT FOR MONTANA, BILLINGS

Despite the constitutional doubts doctrine, the rule of lenity and the Indian law canon, must 18 U.S.C. 117(a) be construed to include even uncounseled convictions in tribal courts?

THOMAS KELSEY V. STATE OF FLORIDA : 1/19/16

FLORIDA FIRST DISTRICT COURT OF APPEAL

What constitutes lengthy term of year sentences for juveniles in Florida?

LUNA TORRES V. LYNCH : 8/25/15

IMMIGRATION & NATURALIZATION SERVICE

Does a state offense constitute an aggravated felony under 8 U.S.C. § 1101(a)(43), on the ground that the state offense is "described in" a specified federal statute, where the federal statute includes an interstate commerce element that the state offense lacks?

NGUYEN V. NORTH DAKOTA : 4/22/15

SUPREME COURT OF NORTH DAKOTA

Do people who live in apartments in locked apart-

ment buildings enjoy the same privacy protections respecting their homes as people who live in single-family dwellings?

RE: OFFICE OF THE HINDS COUNTYLIC DEFENDER : 3/24/15

HINDS CIRCUIT COURT 1ST DISTRICT

Can a trial court judge select which deputy public defenders may appear in his or her courtroom?

BRIGHT V. GALLIA COUNTY : 2/16/15

SOUTHERN DISTRICT OF OHIO AT COLUMBUS

Do public defenders retain First Amendment rights in their motions and pleadings, such that they cannot be terminated from government employment when the court dislikes their arguments and removes them from representing indigent clients?

ANGELICA C. NELSON V. WISCONSIN : 12/15/14

CIRCUIT COURT (EAU CLAIRE COUNTY)

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, is the denial of this right structural error or is it subject to harmless error analysis?

GRASSI V. COLORADO : 10/15/14

U.S. DISTRICT COURT DISTRICT OF COLORADO (DOUGLAS COUNTY)

Does the Fourth Amendment permit 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?

UNITED STATES V. RODRIGUEZ-VEGA : 8/14/14

U.S. DISTRICT COURT FOR SOUTHERN CA, SAN DIEGO

Does proper construction of Padilla v. Kentucky require defense counsel must do more than merely advise noncitizen clients of possible deportation when deportation is virtually certain?

BROWN V. BOWERSOX : 11/17/17

U.S. DISTRICT COURT, WESTERN DISTRICT OF MISSOURI (SPRINGFIELD)

1) Is there a constitutional right to sentencing in a court of law, such that relinquishing absolute sentencing authority to the parole board in a Miller-Montgomery case violates the Fourteenth Amendment's Due Process Clause, and the Sixth Amendment's Right to Counsel, Right to Public Trial, and Right to Jury Clauses? 2) Does the continued imposition of a life without parole prison term, plus ninety consecutive years, for a fifteen-year-old child who did not personally kill, was unarmed during the store robbery, and did not engage in any act of physical violence towards the decedent, violate the Eighth and Fourteenth Amendments' prohibition against cruel and unusual punishment? 3) Does the continued imposition of a life without parole prison term, plus ninety consecutive years, upon a fifteen-year-old child who was following orders of an adult during a robbery that resulted in death, violate the Eighth and Fourteenth Amendments' prohibition against cruel and unusual punishment?

EDUCATION

NAPD had a banner year of training. It held 42 webinars for its members, bringing the total number of webinars in the NAPD Webinar Archive to over 150. These webinars are offered live with Q&A and then archived in video with materials for defenders to watch as their schedules allow.

Faculty is consistently the best in the nation in their areas of expertise, and follow up between faculty and attendees is not uncommon. Many defender offices use these webinars to supplement or provide the foundation to their training programs. The Webinar Archive also contains taped recordings of all plenaries for NAPD's live trainings, and hundreds of hours of trainings shared by other organizational members.

The Death Penalty Subcommittee continued its work in 2017, creating significant litigation and mitigation resources for the benefit of all members of the de-

fense team. This group published a number of blog posts, created dozens of resources for MyGideon, delivered webinars to capital defenders and advocates, and nurtured the capital community to increased communication and collaboration.

In 2017, a group of investigator members within NAPD self-organized to push for live, NAPD-sponsored investigator training. Right on their heels a similar effort originated for social workers. NAPD will host both of these live trainings for more than 200 investigators and social workers in Denver, CO in March 2018.

The Education Committee is chaired by Ed Monahan (former Kentucky Public Advocate) and Bob Hill (Chief Public Defender, Marion County Public Defender's Office) is Vice-Chair.



AREAS OF EXPERTISE

“ Conducting a webinar for NAPD was a lot of fun! Don't let the idea of a webinar daunt you. Jeff sets up a “rehearsal” in advance so you can practice. And for the real deal, he is on the other end working the system. If you enjoy helping our colleagues around the country be better advocates, sign up to teach a webinar! ”

Gina Pruski
Training Director, Wisconsin State Public Defender's Office

WEBINARS & TRAININGS



1. 1/17/17
Investigating and Presenting Mitigation (faculty Shobha L. Mahadev & Juliette M. Yackel)

2. 1/9/17
Help Design a National Survey of Public Defenders (session 1 of 3)

3. 1/23/17
Help Design a National Survey of Public Defenders (Session 2 of 3)

4. 1/24/17
Understanding & Investigating Trauma and Resiliency in Juvenile-Life Cases (faculty Betsy Wilson)

5. 1/25/17
Wrongful Convictions in the United States (faculty Alissa Bjerkhoel)

6. 1/30/17
Help Design a National Survey of Public Defenders (Session 3 of 3)

7. 1/30/17
Risky Business: The Latest of Research and Implementation of Criminogenic Risk and Needs Assessments (faculty Sarah Fritsche & Michela Lowry)

8. 1/31/17
Recreating the Story for the Future: Forgiveness and Remorse, Defense Victim Outreach, Creating Mitigation and Reentry Planning, and Post-Release Follow Up (faculty Lisa Rickert)

9. 2/9/17
The Law of Car Searched (faculty Tejas Bhatt)

10. 2/13/17
Public Defenders and Protests: What Are the Issues for PD Leaders and Staff? (faculty Mary Moriarty, Kevin Tully & Paul DeWolfe)

11. 2/14/17
Defending Non-Citizens in a Changing Landscape: The Impact of Executive Orders on Criminal Defendants (faculty Wendy Wayne & Jennifer Klein)

12. 2/28/17
Strategizing about Resolution without Trial in Capital Cases (faculty Celia Ouellette)

13. 2/28/17
Social Workers in Criminal Defense: Ethical Dilemmas (faculty Sarah Buchanan)

14. 3/1/17
Future Danger, Aggravation, and Other Causes of Hair Loss (faculty Mark Bookman)

15. 3/15/17
The Law of Entry Into and Searches of Homes (faculty Tejas Bhatt)

16. 3/28/17
Representing Protesters and Activists: What You need to Know (faculty Lee Rowland & Jeffery P. Robinson)

17. 3/30/17
Partnering to Resolve Claims and Getting the Resources You Need in Miller Cases (faculty Ann Roan)

18. 3/30/17
Identifying and Responding to Prosecution Themes (faculty Michael Ogul)

19. 3/31/17
Jury Selection: Bringing Racial Injustice into the Conversation with Potential Jurors (faculty Andre Vitale)

4/2/17-4/5/17: EXECUTIVE LEADERSHIP INSTITUTE (Frankfort, KY)

20. 4/12/17
Extending Atkins: Severe Mental Illness and the Death Penalty (faculty Aurelie Tabuteau Mangells)

21. 4/13/17
Litigating Habeas Claims and Getting the Resources You Need in Miller Cases (faculty Ann Roan)

22. 4/14/17
The ABC's of an Emergency Child Placement Hearing (faculty Adam Ballout & Flint Stebbins)

23. 5/5/17
Communicating A Client's Mitigation in the Court of Public Opinion: A Comment on No-Comment (faculty Ed Monahan)

24. 5/23/17
Internet Sleuthing (faculty Jonathan Lyon)

25. 5/24/17
Cell Phone Forensics for Legal Professionals (faculty Lars Daniel)

26. 5/26/17
Developing and Leading Effective Mitigation Teams in Capital and Serious Criminal Cases (faculty Jim Clark and Ed Monahan)

27. 6/13/17
Client Experience and Procedural Justice (faculty Dr. Christopher Campbell, Prof. Janet Moore, Dr. Marla Sandys, & Dr. Heather Pruss)

28. 6/29/17
Digital Forensics for Criminal Defense Attorneys (faculty Dr. Andy Cobb)

29. 6/30/17
Challenging and Working with Expert Witnesses (faculty Andre Vitale)

30. 7/6/17
Digital Forensics 101 (faculty Lars Daniel)

31. 7/13/17
Evaluating Medical Records (faculty Jennifer Rossman)

32. 7/19/17
What Our Work Does to Us: Managing Secondary Trauma Stress (faculty Vicki E. Light, Brad Martin, & Lisa Podemski)

33. 8/14/17
Digital Forensics in Child Pornography Cases (faculty Lars Daniel)

34. 8/30/17
Talking to Jurors about Race: Why Question, When Question, How Question (faculty Mary Moriarty)

35. 9/14/17
The Opioid Epidemic: Public Defenders' Vital Role in Asserting Clients' Rights to Treatment (faculty Sally Friedman, & Charles W. Morgan)

36. 9/15/17
Introduction the Methods and Techniques of the Colorado Method (faculty Matthew Rubenstein)

37. 9/22/17
Establishing and Maintaining a Successful Relationship with a Capital Client (faculty Margaret O'Donnell)

38. 9/26/17
The Lesson Learned Representing Bryan Sheppard in a 2017 Miller Resentencing (faculty Cindy Short, Mary K. Poirier, Dr. Julie Urbanik & Dr. Lori Sexton)

39. 10/17/17
Victim Impact Considerations (faculty Michael Ogul)

40. 10/18/17
How Mindfulness Makes Us Better Advocates (faculty Gina Pruski)

41. 10/20/17
Cell Phone Location and Tracking Evidence (faculty Larry Daniel)

42. 10/25/17
Ending Cash Bail in Maryland (faculty Ethan Frenchman & Brian Saccenti)

43. 10/30/17
Litigating a DNA Case: Developing the Building Blocks to a Successful Defense (faculty Andre Vitale)

11/17/17-11/18/17: WORKLOADS INSTITUTE (St. Louis, MO)

44. 12/15/17
Traumatic Brain Injury (TBI) and the Criminal Justice System: A Review for Legal Professionals (faculty Jerrod Brown)

“ I have personally viewed several of the webinars offered by NAPD and have found them to be informative and helpful. As a Managing Attorney, I regularly remind the attorneys and staff under my supervision of the value these training videos provide and the ease of obtaining them right at your fingertips at your own personal convenience. We have, in fact, viewed several of the videos during our regular staff meetings. It's always good to see Public Defenders from Minnesota presenting. In particular, Mary Moriarty's webinar entitled 'Talking to Jurors about Race' was excellent! ”

Carrie Leone

Managing Attorney, 5th District, Minnesota State Board of Public Defense

SYSTEMS BUILDERS

The Systems Builders Committee works to strengthen the quality of public defense delivery systems throughout the country. The Systems Builders Committee is comprised of current and retired defender leaders, public defender board and/or commission members, and system advocates representing a range of experiences and perspectives on public defense issues.

During 2017, Systems Builders provided informal technical assistance in a number of jurisdictions facing diverse issues and released its formal recommendations for the Regional Public Defender for Capital Cases, which serves the vast majority of Texas' rural counties.

It also weighed in on interference in the selection of public defender leadership from Atlanta, Georgia's Municipal Court to Humboldt County, California. In response to these persistent issues, the Committee published two position papers: "Qualifications of those Selecting Public Defense Leadership" and "Qualifications of those Serving as Public Defense Leadership". These resources provide best-practice, practical advice to systems undergoing leadership change.

In order to strengthen the quality of public defense delivery systems, Systems Builders established a Mentors Program for Executive and Manager Leadership, available to any new or veteran public defense leader who seeks a mentor to address professional and personal challenges in creating or enhancing a client-centered best practice public defense program.

**Dean Beer, Chief Public Defender
Montgomery County Public Defender's Office (PA):**

"Using NAPD's Systems Builders Committee was huge success. As our office transitions from a traditional public defender's office into a more holistic client centered office, not only has the philosophy of the office changed but personnel have changed too. Change is difficult and especially in governmental offices people don't want to change. By having Systems Builders come in, we had people with phenomenal experience look independently how our office runs internally and how it functions within the county system. Not only did they identify problems we did not see, they came up with solutions that we did not think of. They did so with the years of experience to know what should and could be done. One of the scariest things is bringing in outside evaluators. The people that NAPD sent were not only knowledgeable but understanding of the people who work in this office. To a person, everyone felt they were treated with the utmost respect. As a leader I received honest, knowledgeable feedback from great and experienced leaders. Additionally, I knew that the evaluators sent were true Public Defenders, who put the client's needs front and center. I am not sure where else you can find people like that in any

other organization. The report provided great ideas we could implement on our own and those that would need buy-in from other county agencies. It was a roadmap of where we needed to go. Since that report was done we've been able to make some of the changes that were recommended. Additionally, we've used the report with other outside groups that are helping us move the office forward. This was an invaluable experience and one that I would recommend for any public defender's office that is going through either a cultural change or a staff change of significance."

The Systems Builders Committee is chaired by Bill Ward (State Public Defender, Minnesota Board of Public Defense).

“ I have been in my position for about two and a half years, and for much of that time, I have felt isolated in the struggle to move our public defender program forward. This year, though, stricken with envy after having read the systems-builders' assessment of a different public defender organization, I reached out to NAPD for help. It has been one of the best things I have done in this position. While the assessment report is still a work in progress, our office has already benefited from the sage wisdom provided by Ed and Doug, and I have found their guidance, kindness, and support very meaningful. I look forward to being able to rely on the NAPD assessment as a roadmap to greater success. ”

Ben Wolff
NDirector, Office of Capital and Forensic Wrists (TX)



STRENGTHEN THE QUALITY

BJS GRANT

Through 2018, NAPD continued to work on the development of the nation's first ever national survey of public defenders. This data project – funded by the Bureau of Justice Statistics (at the United States Department of Justice), is undertaken with its exceptional project partners the Urban Institute and the Indigent Defense Research Association.

To ensure that this survey remains a defender-driven research project, NAPD took the lead on identifying 10 defenders across the country – representing diverse system types, case specialization and personal demographics. Our expert panel also includes the 'defender-embedded researchers' from the New York Office of Indigent Legal Services, Michigan Indigent Defense Commission, Louisiana Public Defender Board,

North Carolina Office of Indigent Defense Services and Travis County (TX) Criminal Courts, as well as feedback from numerous members of the client community, obtained through the participatory defense hubs supported by Silicon Valley De-Bug.

NAPD and its project partners are thrilled to be concluding this project and presenting to BJS a truly defender driven survey instru-

ment, much enhanced information about system types throughout all of the country's courts of criminal jurisdiction, and a series of recommendations to improve public defender participation and accuracy for a greater portfolio of public defense data.



RESPONSIVENESS TO ISSUES AND OFFICES

In addition to activities mentioned throughout this report, NAPD took the following actions:

JANUARY 6, 2017

NAPD Systems Builders Members Publish Report from On-Site Technical Assistance Visit to the Regional Public Defender Office serving Texas

JANUARY 19, 2017

NAPD Releases Statement on Nomination of Senator Jeff Sessions

MARCH 2, 2017

NAPD Workloads Committee Publishes Statement on Reducing Demand For Public Defense

MARCH 18, 2017

NAPD Publishes Foundational Principles

APRIL 1-4, 2017

NAPD Hosts 4th Executive Leadership Institute for 80 Public Defense Leaders at Kentucky Department of Public Advocacy

APRIL 15, 2017

60 Minutes' Anderson Cooper Features Orleans Public Defenders and NAPD General Counsel

MAY 10, 2017

NAPD Joins NACDL, NLADA, ACCD and Gideon Promise in Joint Statement in Support of the Use of Pretrial Risk Assessments

MAY 30, 2017

NAPD Submits Public Comment re Forensic Science

JUNE 14, 2017

NAPD Urges California Legislature to Support More Accountability of Police through the Public Release of Office Policies

SEPTEMBER 21, 2017

NAPD Publishes Position Paper on 'Qualifications of those Selecting Public Defense Leadership'

SEPTEMBER 29, 2017

NAPD Writes Letter of Support for the Independence of Atlanta's Municipal Court Defender

OCTOBER 26, 2017

NAPD Writes Letter to OSAC Regarding Forensic Science Standards

NOVEMBER 17-18, 2017

NAPD Holds 2017 Workloads Conference in St. Louis, MO

DECEMBER 17, 2017

NAPD Publishes Position Paper on 'Qualifications of those Serving as Public Defense leadership'

“ I have spent time this past year with Humboldt County, California and Sioux Falls, South Dakota. I have travelled and given time to public defenders in Ohio, North Carolina, Pennsylvania and Rhode Island, I have taken calls and offered assistance to Marquette, Michigan and Denver, Colorado, which was accepted. It remains my honor to help out. ”

Fred Friedman
Chair, NAPD Strike Force:

Lawyers	8894
Social Workers	497
Investigators	591
IT	364
Administrative	924
Paralegals	170
Law Professors/Clinicians	55
Students	78
Other	3888

Total membership: 15,461

Percentage of membership directly involved in the delivery of services: 98+

MEMBERSHIP BY PROFESSION

ORGANIZATIONS & LOCATIONS

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 Assoc.

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, W
Washington Defender Assoc.

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

3/20/14: Austin, TX
Texas Fair Defense Project

3/28/14: St. Louis, MO
Missouri State Public Defender
System

4/01/14: Brooklyn, NY
Brooklyn Defender Services

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: 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

1/21/15: Austin, TX
Texas Indigent Defense
Commission

1/27/15: St. Louis, MO
Arch City Defenders

1/27/15: Richmond, VA
Virginia indigent Defense
Commission

2/10/15: Atlanta, GA
Gideon's Promise

2/27/15: Tacoma, WA
Pierce County Office
of Assigned Counsel

4/17/15: Charleston, WV
Public Defender Services

4/21/15: San Antonio, TX
Bexar County Public Defender's
Office

5/15/15: Seattle, WA
King County Department of
Public Defense

7/13/15: Belmont, NY
Allegany County Public
Defenders' Office

8/03/15: Carlisle, PA
Cumberland County
Public Defender Office

8/14/15: San Francisco, CA
San Francisco Public Defender's
Office

8/18/15: Santa Fe, NM
Law Offices of the
New Mexico Public Defender

9/15/15: Clearwater, FL
Office of the Public Defender,
6th Circuit

10/20/15: Portland, OR
Metropolitan Public Defender

11/10/15: Olympia, WA
Thurston County Office
of Assigned Counsel

11/28/15: Edinburg, TX
Texas Rio Grande Legal Aid
- Public Defenders

12/21/2015: Memphis, TN
Just City

11/20/15: Richmond, VA
Virginia Conflict Public
Defenders

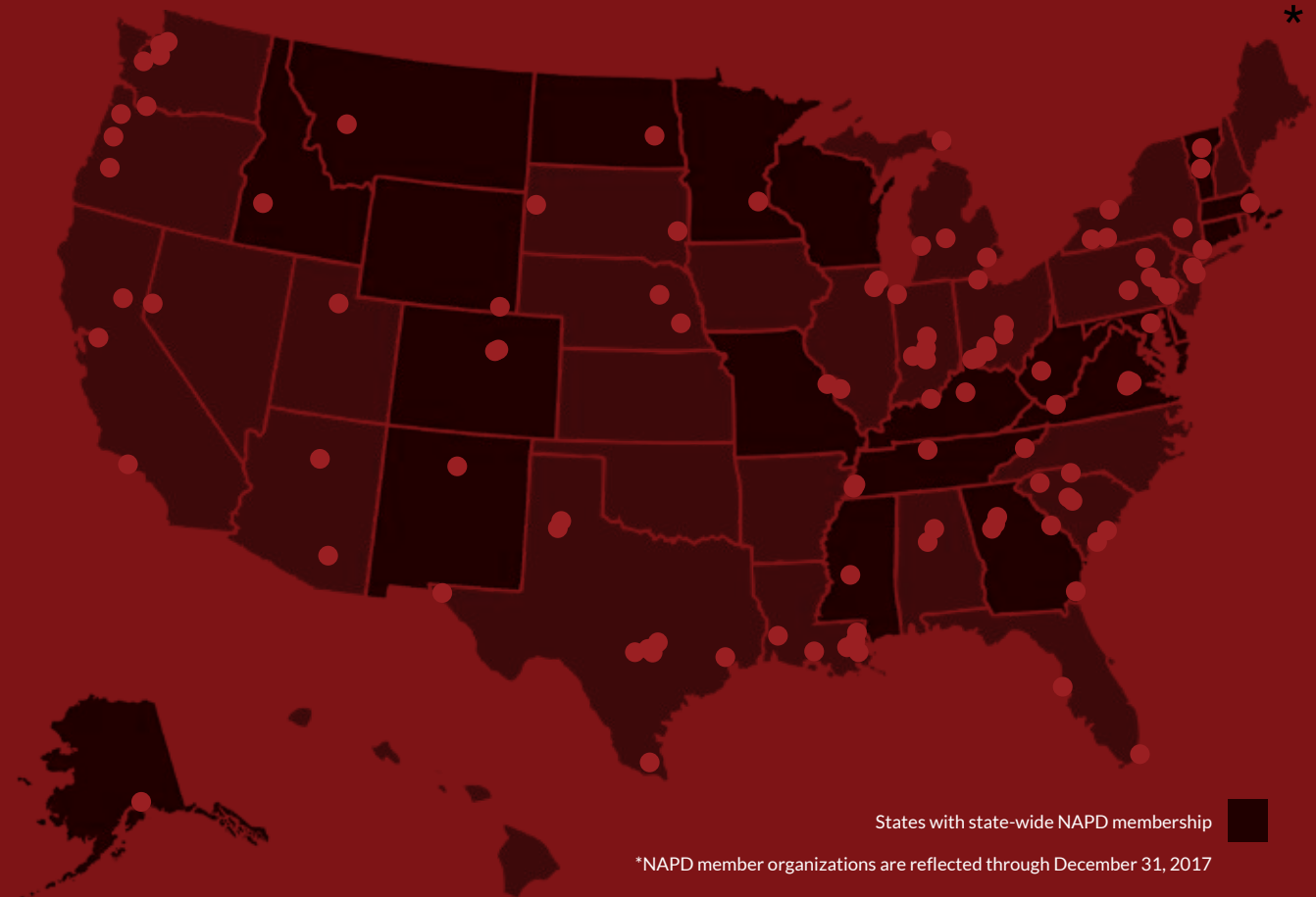
12/23/15: Olean, NY
Cattaraugus Public Defender's
Office

12/30/15: Decatur, GA
DeKalb County Public Defender's

1/28/16: Batavia, OH
Clermont County Public
Defender's Office

2/25/16: Denver, CO
Colorado Alternate Defense
Counsel

3/02/16: Indianapolis, IN
Indiana Public Defender Counsel



3/04/16: Columbus, OH
Ohio Office of the Public
Defender

3/05/16: Tucson, AZ
Loehrs & Associates, LLC

3/06/16: Montpelier, VT
Vermont Office of the Defender
General

3/07/16: Helena, MT
Montana State Public Defender

3/08/16: Deadwood, SD
Lawrence County Public
Defender's office

3/10/16: Philadelphia, PA
Defender's Association of
Philadelphia

3/18/16: Chicago, IL
Law Offices of the Cook County
Public Defender

4/01/16: LaPlace, LA
40th JDC Public Defender's
Office

4/04/16: Anderson, SC
10th Judicial Circuit Public
Defender's Office

4/25/16: Everett, WA
ABC Law Group

5/15/16: Columbia, NE
Platte County Public Defender's
Office

5/16/16: Atlanta, GA
City of Atlanta Office of the
Public Defender

6/06/16: Lubbock, TX
Regional Capital Public Defender

6/09/16: St. Charles, IL
Kane County Public Defender's
Office

9/01/16: Atlanta, GA
Georgia Public Defender Council

9/16/16: Lansing, MI
Michigan Appellate Assigned
Counsel System

3/18/17: Portland, OR
Metropolitan Public Defender

3/18/17: Flagstaff, AZ
Coconino Public Defender's
Office

3/18/17: Salt Lake City, UT
Utah Indigent Defense
Commission

3/18/17: Wilkes-Barre PA
Luzerne County Public
Defender's Office

3/18/17: Roseburg, OR
Umpqua Valley Public Defender's
Office

4/10/17: Olympia, WA
Washington State Office of
Public Defense

5/05/17: Crown Point, IN
Lake County Public Defender's
Office

5/17/17: Toledo, OH
Toledo Legal Aid Society

5/03/17: Sault Ste. Marie
Chippewa County Public
Defender's Office

6/05/17: Wilmington, DE
Office of Defense Services

7/07/17: Salem, OR
Public Defender of Marion
County

7/10/17: Eugene, OR
Public Defender Services
of Lane County

7/15/17: Nashville, TN
Tennessee District Public
Defenders Conference

9/20/17: Austin, TX
Office of Capital and
Forensic Writs

9/21/17: Indianapolis, IN
Indiana Public Defender
Commission

11/03/15: Denver, CO
Denver Office of the
Municipal Public Defender

11/07/17: Lubbock, TX
Lubbock Private Defender's
Office

12/21/17: Nashville, TN
AK Investigations

2017 STEERING COMMITTEE MEMBERS

The NAPD Steering Committee guides the organization, and is comprised of member-leaders who have risen to distinction through their contributions to the organization. Members are:

MARK STEPHENS
CHAIR

Knoxville Public Defender's
Community Law Office
(Knoxville, TN)

PAUL DEWOLFE
VICE-CHAIR,

Maryland Office of the
Public Defender
(Baltimore, MD)

JEFF ADACHI

San Francisco County
Public Defender
(San Francisco, CA)

ALEX BASSOS

Metropolitan Public
Defender
(Portland, OR)

NANCY BENNETT

Committee for Public
Counsel Services
(Boston, MA)

DERWYN BUNTON

Orleans Public Defenders
(New Orleans, LA)

KEIR BRADFORD-GREY

Defender Association of
Philadelphia
(Philadelphia, PA)

AMY CAMPANELLI

Law Office of the Cook
County Public Defender
(Chicago, IL)

DAWN DEANER

Metropolitan Nashville-
Davidson Public Defender
(Nashville, TN)

RICK JONES

Neighborhood Defender
Services
(Harlem, NY)

JUSTINE M. LUONGO

Legal Aid Society
(New York, NY)

CARLOS MARTINEZ

Miami-Dade (11th Circuit)
Public Defender
(Miami, FL)

JANENE MCCABE

Colorado Office of the
Public Defender
(Boulder, CO)

TERI MOORE

Federal Defender,
District of New Jersey
(Trenton, NJ)

ED MONAHAN

(retired)
Department of Public
Advocacy
(Frankfort, KY)

JANET MOORE

University of Cincinnati
Law School
(Cincinnati, OH)

NDUME OLATUSHANI

death row exoneree,
(Nashville, TN)

TAMARA A. STECKLER

Legal Aid Society
(New York, NY)

WILLIAM WARD

Minnesota Board of Public
Defense
(Minneapolis, MN)

TIM YOUNG

Ohio Office of the Public
Defender
(Columbus, OH)

STEPHEN F. HANLON

General Counsel
(Washington, DC)

NORMAN LEFSTEIN

Special Advisor
(Indianapolis, IN)

STAFF

NAPD formed at the end of 2013 without an under-appreciation for public defenders' and public defense professionals' appetite for relevant education and resources, and for community. Despite dramatic growth, we remain a defender-driven organization, with more than 98% of our members directly engaged in public defense service delivery. NAPD is supported by 5 part-time staff, all who also deliver public defense services in local systems. Amanda returned to full-time public defense work in Portland, OR late in 2017 and Jonathan joined NAPD late that year as well.

ERNIE LEWIS

Executive Director
(Frankfort, KY)

HEATHER H. HALL

Development &
Engagement Director
(Terlingua, TX)

AMANDA ALVAREZ THIBEAULT

MyGideon Developer
& National Resource
Coordinator
(San Diego, CA)

JEFF SHERR

Training Director
(Frankfort, KY)

JONATHAN FRILEY

Data Manager
(Charleston, WV)

JONATHAN LYON

National Survey
Investigator
(Chicago, IL)

NAPD's achievements in 2017 are the result of the hard work of its members, who join our ranks and find time to advance our common cause in small pockets of time outside of work, or by choosing to apply NAPD's sharing model to their projects by reaching out and collaborating with a greater segment of the public defender community.

We thank the many pro bono law firms that make our significant amicus work possible. By being partners with NAPD, new relationships and cross-disciplinary learning advance the work of lawyers across diverse areas of expertise, and bring some of the finest minds in the law working outside of public defense to bear on the issues that are most critical to protecting and advancing the rights of poor people accused of crime. This is a significant investment of time and resources, given for free in the interest of justice. We appreciate it very much.

Our work was supported this year with grants from the John and Laura Arnold Foundation, The Advocacy Fund, and the Bureau of Justice Statistics. We thank them.

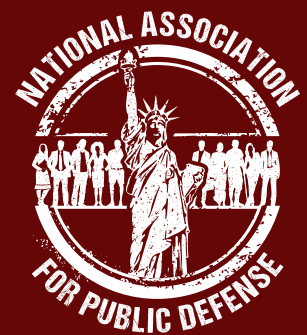
We also received a number of financial donations – some big, some small. In particular, the contributions of Roderick Lee and Katherine Mason, and one from a member-donor requesting to remain anonymous were particularly generous. Each donation advances our mission and is a moving testament to the value our colleagues see in the vision and deliverables of NAPD.

Finally, we thank our many partners across the spectrum who work on an enormous scope of projects. The National Juvenile Defender Center, American Bar Association, Equitas Project, Indigent Defense Research Association, Sixth Amendment Center, and the PreTrial Justice Institute form an incomplete list.

We're stronger together, no doubt, and appreciate all the help. We insist, we resist, and we persist, in gratitude.



THANK YOU



NATIONAL ASSOCIATION FOR PUBLIC DEFENSE

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