

legal beat

By Kathryn Alfisi and Thai Phi Le

Judicial and Bar Conference Examines State of Access to Counsel Post-Gideon

Judges and attorneys from the Washington metropolitan area came together at the 2013 District of Columbia Judicial and Bar Conference on April 19 to discuss the state of access to counsel since the landmark U.S. Supreme Court ruling in *Gideon v. Wainwright*.

Held at the Ronald Reagan Building and International Trade Center, the conference included a variety of programs woven around the theme “Redeeming *Gideon*: Access to Counsel 50 Years Later.” Chief Judge Eric T. Washington of the D.C. Court of Appeals and Chief Judge Lee F. Satterfield of the D.C. Superior Court opened the joint conference with reports on the judiciary; D.C. Bar President Tom Williamson opened with a report on the Bar.

The morning plenary session, “*Gideon* at 50: Taking Stock,” featured five panelists who discussed whether the legal community has been doing its duty to provide quality civil legal services. Angela J. Davis, a professor at American University Washington College of Law, served as moderator, asking pointed questions about judges’ roles in ensuring that court-appointed attorneys are consistently held to high standards and about solutions to reduce bias in the courthouse.

Speakers Rosanne Aviles, supervising attorney at the Legal Aid Society of the District of Columbia; Jonathan A. Rapping, president and founder of *Gideon’s Promise* (formerly the Southern Public Defender Training Center); James Sandman, president of the Legal Services Corporation (LSC) and former D.C. Bar president; and Camille Holmes Wood, director of the Racial Justice Initiative at the National Legal Aid & Defender Association, shared their perspectives and offered possible solutions as providers of civil legal services.

From the criminal side of the issue, Rapping spoke about the slipping standards of access to counsel since *Gideon*, where cash-strapped states believe

News and Notes on the D.C. Bar Legal Community



2013 District of Columbia Judicial and Bar Conference luncheon speaker Stephen Bright, president and senior counsel of the Southern Center for Human Rights, spoke about the injustices criminal defendants face because of the quality of their attorneys despite the landmark *GIDEON v. WAINWRIGHT* ruling 50 years ago that ensured access to counsel for indigent defendants. Seated beside him is Chief Judge Eric T. Washington of the D.C. Court of Appeals.

it’s enough to provide the poor with “incompetent, but constitutionally effective attorneys.” Even in the District of Columbia, with its strong Public Defender Service, there is work to be done, according to Rapping. “I really think for all of us—if we are going to be effective justice advocates in this system, whether we are defense attorneys, prosecutors, judges—we have an obligation to be introspective and to ask ourselves every day, ‘Even in a good system, what can I do today to make things just a little bit better for the people who appear before me?’”

Sandman talked about the “precarious” state of civil legal services in the nation. Some states provide virtually no funding for civil legal services, whereas others are generous. Some LSC-funded programs have begun to set priorities, taking on domestic violence cases only if there is a child involved.

“Imagine making a victim of domestic

violence go into court alone to confront and seek protection from an abuser when the abuser may be represented because the abuser controls the family finances,” Sandman said. “This is the United States of America. How can we let that happen?”

During the luncheon, keynote speaker Stephen Bright, president and senior counsel of the Southern Center for Human Rights, described the culture of “minimal or token representation,” where attorneys meet their clients the day of trial, talk to them for a minute, and immediately enter a guilty plea.

“I’ve seen so many cases where the outcome of the case was determined just like that, by the lawyer who was appointed. Lawyers . . . who didn’t have the ability, the inclination, the competence to represent their clients,” he said.

Bright said people were less likely to commit a crime if they believed the system—from the police all the way to the courts—treated them fairly and with

dignity. But that is not happening in many jurisdictions across the country, he said. "Poor people accused of crimes [are] brought to court in jumpsuits issued at the jail, in handcuffs, in chains, humiliated, marched in lines. Talk about treating people as people, as individuals. These people are getting a clear message. They're not being treated as people. They're being treated as animals," he said. "They're being . . . brought into court in chains like slaves off a slave ship."

Bright finished his speech by urging everyone to look beyond the successes in the District. "Strive for a greater measure of justice here in the District of Columbia. We have not realized equal justice under law. As Justice [William] Brennan used to say, 'This is the lone star of our aspiration.' This is where we want to be as a society," he said.

In the evening, conference participants honored retiring judges and those taking senior status at a judicial reception. In addition, the D.C. Bar Foundation presented Su Sie Ju, supervisor of the Northwest Legal Clinic at Bread for the City, with the 2013 Jerrold Scottt Prize.—*T.L.*