Enhancing Caseflow Management to Ensure Effective Assistance of Counsel

National Association for Court Management
2019 Annual Conference
July 22, 2019
3:00 – 4:00 PM
Introductions

• Genevieve Citrin Ray, Senior Policy Advisor, Justice Programs Office, American University
• Yolanda L. Lewis, District Court Administrator, Fulton County Superior Court, Atlanta Judicial Circuit
Agenda

- Project background
- Project goals
- Challenges
- Solutions
- Case Study: Fulton County, Georgia
- Group Conversation
- Next Steps
Project Background
Right to Counsel National Campaign

• A public awareness initiative that uses value-based communication tactics to inform policymakers, criminal justice stakeholders, and the public about the importance of carrying out the Sixth Amendment’s right to counsel, the ways in which this right is not being implemented, the roles everyone from law enforcement officers to prosecutors to judges and court managers can play in ensuring the constitutional right to counsel is upheld, and how to reform the public defense system with low-cost or no-cost policy solutions.

• **Mission:** to inform and engage policymakers, criminal justice stakeholders, and the community on the importance of meaningfully carrying out the Sixth Amendment right to counsel.

• **Collective Vision:** a fair and equitable criminal justice system requires representation by skilled defense counsel with adequate resources at every stage of the criminal process.
R2C National Campaign Goals

1. Raise public awareness nationally of the importance of providing skilled public defense services to criminal defendants who cannot afford a lawyer.

2. Spearhead broad-based initiatives by policymakers in multiple sectors, both within and outside of the criminal justice system to take appropriate action.

3. Develop a strategic vision of the role of public defense that policymakers and criminal justice leaders integrate in the operational conduct and planning of the functions of their respective agencies.
Project Goals
Project Goals

• Explore the tension between caseflow management and ensuring the constitutional right to counsel;

• Consider how court administrators and judges can work together to take a leadership role in this space; and

• Identify action items that court managers, judges, and their local justice system partners can employ to ease this tension, thereby enhancing caseflow management to ensure effective assistance of counsel.
Strategy

1. Establish multidisciplinary advisory board
2. Hold in-person meeting
3. Produce and share management document
Advisory Board

Co-Chair
Genevieve Citrin Ray
Senior Policy Advisor
Justice Programs Office, American University
citrin@american.edu

Co-Chair
Scott Griffith
Director of Research and Court Services
Texas Office of Court Administration
National Association for Court Management (NACM)
scott.griffith@txcourts.gov

Kim Ball, Esq.
Director
Justice Programs Office, American University
kimball@american.edu

Justin Bingham
City Prosecutor of Spokane, Washington
Association of Prosecution Attorneys (APA)
jbingham@spokanecity.org

Keir Bradford-Grey
Chief Defender
Defender Association of Philadelphia
Black Public Defenders Association (BPDA)
KBGrey@philadefender.org

Paul DeWolfe
Public Defender of Maryland
National Association for Public Defense (NAPD)
pdewolfe@opd.state.md.us

Gordon (Gordy) Griller
Executive Director
The National Association for Presiding Judges and Court Executive Officers (NAPCO)
ggriller@ncsc.org

Keith Lamar
Deputy District Attorney
Fulton County, Georgia
National Black Prosecutors Association (NBPA)
keith.lamar@fultoncountyga.gov

Patti Tobias
Principal Consultant
National Center for State Courts (NCSC)
ptobias@ncsc.org

Judge Gayle Williams-Beyers
South Euclid Municipal Court Judge
American Judges Association (AJA)
judgegwb@secourt.org

Robin Wosje
Senior Program Manager
Justice Management Institute (JMI)
robinw@jmijustice.org
In-person Meeting

• 7 court manager/judge teams

• Goal was to collectively discuss why a conflict exists, practical challenges that accompany this, and brainstorm solutions

• Begin to think about caseflow management and the right to counsel as complementary
Management Document

• Recap meeting

• List challenges, solutions, and action items

• Goal: provide a framework for other court teams to enhance caseflow management to ensure effective assistance of counsel

• Coming soon. Stay tuned!
Challenges
Challenges

• Large caseloads (for the court and defense attorneys)
• Numerous hearings
• Number of continuances
• Delays in discovery
• Wait time and order cases are called
• Needing to be in multiple places at the same time and lack of coordination
Court Administrators

1. Resources
2. Culture and lack of information
3. Coordination and leadership
Judges

1. Performance metrics
2. Discovery delays
3. Calendars
Solutions
Solutions

• Meaningful and fewer hearings
• Early appointment of counsel and counsel at first appearance
• Requiring quick release of discovery and e-discovery
• Assessing and changing metrics used to measure success
• Increased communication and coordination
• Court-wide case management plan
• Regular cross-discipline policy/practice meetings
• More and different trainings
Court Administrators

1. Joint trainings
2. Reframing case management
3. Court administrator as facilitator
Judges

1. Recognize necessary delay
2. Timely discovery and e-discovery
3. Different start times for cases
Fulton County, Georgia
Group Conversation
Takeaways
Caseflow management and ensuring the right to counsel can both be accomplished without compromising one another.

Court administrators play an active role in both along with judges.

Accomplished by reframing caseflow management and adjusting our mindset.
Next Steps
Questions?
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Justice Programs Office
American University

Right to Counsel National Campaign

@AU_JPO

@right2counsel

Contact us

Phone: 202-885-2875

Email: citrin@american.edu

Address:
Justice Programs Office
Suite 508
4801 Massachusetts Avenue NW
Washington, DC 20016-8159