

Cool, yet determined

Avis Buchanan is steady force at Public Defender Service

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The National Law Journal

August 15, 2011



D.C. Public Defender Service executive director Avis Buchanan

Photo: Diego M. Radzinski / NLJ

As a staff attorney at the Public Defender Service in Washington in the 1980s, Avis Buchanan had a "silk glove style," according to former colleague Michele Roberts. That gentleness endeared her with judges and jurors, but Roberts grew nervous when Buchanan began working a murder case with a client who was "rough around the edges."

The woman scared Roberts, herself an aggressive litigator. She worried how the mild mannered Buchanan would manage—but "the client loved her."

"She would be agitated and Avis, in her calm style, could talk her down... Watching her interact with the client was somewhat spectacular," said Roberts, now a partner in the Washington office of Skadden, Arps, Slate, Meagher & Flom. "She was not aggressive, but she would not be pushed around."

Buchanan's cool head and true believer's soul have proved to be a potent mix for a woman who is, as of this year, the longest-serving director of the Public Defender Service for the District of Columbia.

A line attorney for more than six years in the 1980s, Buchanan returned to the office in 2002 after a 13-year hiatus. The staff had nearly doubled, and in 1997 Congress brought the office under its oversight, shifting the funding source from local to federal.

In the face of so much change, Buchanan said she saw an opportunity to guard the legacy of the office, widely considered the gold standard nationwide for indigent defense. She took over as director in 2004.

"When you're a public defender, there's a sense of feeling under siege," she said in an interview at her downtown D.C. office, which, she is quick to note, overlooks the home of the U.S. Constitution at the National Archives. "If you feel less isolated...it helps you carry the burden."

Buchanan's long-time mentor, Harvard Law School professor and former Public Defender Service deputy director Charles Ogletree, said Buchanan has been an effective champion of defendants' rights despite growing pushback.

"The law is getting more conservative and prosecution-oriented," he said. "You need somebody who can be a leader in difficult times, and that's very apparent in Avis' case."

GRAVITATIONAL PULL

A native of Washington and later Prince George's County, Md., Buchanan, 53, said the struggle for civil rights has been a "running theme of my existence." A Seventh-day Adventist, Buchanan said her faith led her into public interest law and continues to guide her work. "The idea of helping people, doing for others, that's what I was taught at home and taught at church," she said.

As a student at Harvard Law School in the late 1970s, Buchanan said she gravitated to criminal defense work. Faced with a choice of "locking people up versus keeping people out of jail, I'd rather be keeping people out of jail," she said.

After graduating from law school in 1981, Ogletree recruited her to join the public defender's office in Washington in 1982.

"She was inalterably committed to the best interests of the clients," said Ogletree, who left the office in 1985. "She was always under control...and had this uncanny ability to draw clients who respected her skills, even though they didn't have to pay for it."

After six-and-a-half years, though, Buchanan said, she burned out. In 1989, she joined the Washington Lawyers' Committee for Civil Rights and Urban Affairs, working on employment and public-accommodation discrimination cases. The transition was natural, she said, because she was still protecting "the rights of people who had been wronged."

Roderic Boggs, executive director of the organization, said Buchanan's trial experience proved invaluable, since the organization often brought in young attorneys. "It was great for a first-year associate at a big law firm to know they were going into court with someone who had complete confidence and would get a welcoming word before each judge," Boggs said.

In 2002, the deputy director job opened at the Public Defender Service. Buchanan said she was ready to go back. She enjoyed the work she was doing, she said, but "the entire 13 years, I looked over my shoulder at PDS."

NEW ASSIGNMENT

The Public Defender Service office in 2002 was markedly different from the one Buchanan had left. The staff had increased from around 100 to more than 200. Previously funded through the city, the National Capital Revitalization and Self-Government Improvement Act of 1997 shifted oversight of the office to Congress.

Previous directors had handled cases, but former director Ronald Sullivan said that became impossible. The office "required bigger H.R. departments, bigger procurement departments, and better and more significant managerial duties." As deputy director, Sullivan said, Buchanan made sure that "the organizational structure of the agency went without a hitch."

The Board of Trustees hired Buchanan as director after Sullivan left for Harvard Law School in 2004. David Carroll, director of research at the National Legal Aid & Defender Association, said Buchanan took over an office that had been held up for years as "a beacon to the rest of the country on how to properly implement the Sixth Amendment right to counsel."

The office's independent board insures against outside interference, Carroll said. Caseload pressures are a problem for public defenders nationwide, but he said the Washington office is admired for its ability to put its foot down when attorneys are overloaded. "The attorneys have the time, tools and training to properly defend someone," he said.

As one of the city's lead advocates for criminal defendants' rights, Buchanan has clashed with the U.S. attorney's office on several occasions, especially over discovery. Buchanan, an advocate of amendments to the federal rules governing discovery that would expand the scope of required disclosures, has pointed to examples of *Brady* violations by local prosecutors as evidence change is needed.

U.S. Attorney Ronald Machen said Buchanan and her office have unfairly highlighted isolated incidents out of the tens of thousands of cases his office handles each year. Still, Machen said that the historically icy relationship between the two offices has warmed under Buchanan.

"She's done a great job leading that office...My interactions with her have been extremely positive," he said. "I pick up the phone, I call her, she can call me."

Buchanan has also butted heads with local public safety officials over the years on legislation, such as stricter reporting requirements for convicted sex offenders. But she also works with them, recently on a safe surrender program for individuals with

outstanding warrants. Washington's Deputy Mayor for Public Safety and Justice, Paul Quander, sits with Buchanan and Machen on the city's Criminal Justice Coordinating Council.

"She's committed, but she also knows that there's a way to get things done," Quander said. "You can get things done in a collaborative manner sometimes more effectively than a louder approach."

Former top public defenders have gone on to lucrative private practice partnerships, academia and judgeships, but Buchanan said she has no plans to leave.

Roberts, a former trustee of the Public Defender Service's board, said the board's No. 1 criteria for directors is a commitment to the mission. Buchanan is a "perfect fit," Roberts said, because public service is "in her DNA."

Future plans for the office include technological upgrades — the case management system is 10 years old, for example — and a continued focus on recruiting legal talent. "I'd like to stay if I feel I'm doing good here," she said.

"I think I'm not disturbed by momentary disruptions or bumps, or detours, because PDS has this extensive history," Buchanan said. "We will work with what we have. As long as the right people are in place, we'll achieve what we need to achieve."

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