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Sheila Willis  

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Chief Information Technology Officer  
Alvin L. Brown
DIRECTOR’S LETTER

Fiscal Year 2011 was a very special year for the Public Defender Service for the District of Columbia because we celebrated our 50th anniversary. PDS staff and alumni spent a weekend in November 2010 reminiscing, getting reacquainted, and paying tribute to an organization that has long been a leader in the public defender community. One of the weekend’s highlights was the presentation by the Southern Center for Human Rights of the Frederick Douglass Human Rights Award to PDS in recognition of PDS’s outstanding client service. The award, given by an organization founded by a PDS alumnus whose mission is similar to PDS’s, served as affirmation of the choice PDS has made during 50 years of criminal defense work to put clients first, to strive for excellence, and to protect PDS’s independence.

PDS received recognition throughout the year from others as well. The Foundation for Criminal Justice of the National Association of Criminal Defense Lawyers presented its Guardian of Liberty Award to PDS for its 50 years as “the gold standard by which all other indigent defender programs have been measured.” During an appearance at Harvard University’s School of Public Health, the Attorney General of the United States described PDS as the best public defender in the country. In addition, an unprecedented eight PDS attorney staff and alumni were nominated or sworn in to vacancies on the United States District Court for D.C., the D.C. Court of Appeals, and the D.C. Superior Court. This follows the previous fiscal year’s selection of four other attorney staff and alumni for judicial and magistrate judge vacancies on the D.C. Superior Court.

PDS still operates pursuant to the same basic model as it did from 1960 (the year PDS was established as the Legal Aid Agency) to 1970 (when PDS acquired its current name) and thereafter. PDS hires smart, talented, and creative staff; provides intensive training and supervision; and sets high expectations for performance. This approach has allowed PDS to develop and maintain a reputation for excellence and to have consistent success in improving outcomes for adults accused in the District’s criminal justice system and for children accused in the city’s juvenile delinquency system.
For example, during FY 2011, PDS argued a case before the United States Supreme Court that challenged the government’s allowance of private enforcement of criminal contempt actions; organized PDS’s seventh Community Reentry and Expungement Summit; obtained a reversal of a conviction after the government failed to comply with its constitutional obligation to disclose exculpatory evidence to the defense; and arranged for residential treatment and community-based therapeutic treatment for a child with psychological disorders in the delinquency system. You’ll read more about these accomplishments and others in this annual report, but in each instance, PDS worked strenuously to improve conditions for our clients and increase the number of positive options available to them.

And we must pay tribute to PDS’s unsung heroes: the administrative and professional staff who make sure that PDS is operating efficiently and effectively; who do investigation, sentencing mitigation, and eligibility interviews; who provide direct service to staff through IT support, legal research, office support, supplies delivery, copies production, and facilities management; who translate, assist with communicating with clients, and promote PDS; who account for the money PDS spends to help clients and other defenders; who track personnel changes and manage benefit programs; and who perform many other tasks that advance PDS’s mission. They seldom receive the same accolades or recognition that the attorneys do for their work on cases, but these staff members are essential to PDS’s success. You can’t find a case involving a tremendous amount of hard work or a case with a good result for a client without seeing evidence of the influence of the administrative and professional staff.

This level of commitment from everyone at PDS comes from an intense connection to PDS’s work. In a survey of PDS employees that was completed in FY 2011, more than 80 percent of respondents reported strong agreement with the statements, “The mission of PDS is clear to me,” “I know how my work relates to PDS’s goals and priorities,” “The work I do is important,” and “I am proud to work at PDS.”

I, too, am proud to work at PDS — very proud. PDS attracts employees who want to be the best at what they do and who have the competence and determination to achieve that goal. Whether fighting to clear someone’s record; to obtain an acquittal; or to eliminate or reduce a client’s chances of incarceration, PDS staff persevere. At the 50-year mark, PDS is still dedicated to providing “better representation than money can buy.”

Avis E. Buchanan
Director
MISSION STATEMENT
The Public Defender Service for the District of Columbia provides and promotes quality legal representation to indigent adults and children facing a loss of liberty in the District of Columbia and thereby protects society’s interest in the fair administration of justice.

WHO WE ARE
The Public Defender Service for the District of Columbia (PDS) is a federally funded, independent legal organization governed by an eleven-member Board of Trustees. The organization was created by a federal statute1 enacted to comply with a constitutional mandate to provide defense counsel to poor people in criminal2 and juvenile3 proceedings. In the District of Columbia, PDS is authorized to provide representation for up to sixty percent of people who are annually determined to be financially unable to obtain adequate representation. Those not represented by PDS are represented by private attorneys compensated by the Criminal Justice Act (CJA).4 PDS generally handles the more serious, more complex, resource-intensive, and time-consuming criminal cases and juvenile delinquency cases. PDS attorneys also handle criminal appeals, almost all D.C. parole revocation hearings, and most Superior Court Drug Intervention Program (Drug Court) sanction hearings, and represent people facing involuntary commitment in the mental health system, children with special education needs facing delinquency charges, and clients in civil proceedings whose issues were triggered by their criminal charges or their incarceration. In addition, PDS provides technical assistance to the local criminal justice system, offers training for PDS staff and other defense attorneys and investigators who represent those who cannot afford counsel, and develops innovative approaches to representation. PDS routinely provides representation in the D.C. Superior Court (Superior Court) and the D.C. Court of Appeals (Court of Appeals) and, at times, represents clients in the United States District Court for D.C. (U.S. District Court), the United States Court of Appeals for the D.C. Circuit (U.S. Court of Appeals), and the United States Supreme Court (Supreme Court).

OUR HISTORY AS A MODEL PROGRAM

The organization began in 1960 when Congress established the Legal Aid Agency for the District of Columbia (LAA) under the District of Columbia Legal Aid Agency Act\(^5\) for the purpose of representing poor people who could not afford an attorney in criminal, juvenile, and mental health proceedings. The Bar Association of the District of Columbia’s Board of Directors devoted itself in 1955 to promoting the creation of a criminal and civil legal aid entity that would provide “competent and conscientious legal assistance” in a manner that would be “an inspiring example for other communities,” issuing its “Report of the Commission on Legal Aid of the Bar Association of the District of Columbia” in 1958. Then-Chief Judge of the U.S. Court of Appeals E. Barrett Prettyman, using the report, led a group of lawyers who went to the United States Congress and advocated for the establishment of an office that would focus on more serious criminal cases, juvenile delinquency cases, and mental health cases. LAA would break with past practice by being entirely government-funded and would be completely independent from the executive, judicial, and legislative branches of government.

In 1963, the Supreme Court’s decision in *Gideon v. Wainwright* recognized the constitutional right to counsel in criminal cases for poor people unable to afford their own attorneys and fueled the commitment for public defender services. Building on that momentum, LAA leadership crafted the 1970 statute\(^6\) that established the District of Columbia Public Defender Service (PDS), broadened the mandate to include the Appointment of Counsel Program (now the Defender Services Office) and the Offender Rehabilitation Program (now the Office of Rehabilitation and Development), and secured the apolitical role of the PDS Board of Trustees, which preserved PDS’s autonomy. PDS’s basic purpose remained the same as that of its predecessor: to represent those unable to afford counsel in criminal, juvenile, and mental health commitment proceedings, but with a mandate to provide representation for up to sixty percent of the persons who are annually determined to be financially unable to obtain adequate representation. Those not represented by PDS are represented by private attorneys compensated through Criminal Justice Act (CJA).

PDS’s exceptional advocacy and proven success through individualized and continuous client representation, comprehensive training, non-legal resources, effective management and administrative systems, involvement with the private and court-appointed defense systems, and law reform resulted in the designation in 1974 of PDS as an “exemplary project” and model for other jurisdictions by the Law Enforcement Assistance Administration of the U.S. Department of Justice (DOJ).

Innovation in the delivery of legal services continued with the implementation of PDS’s Correctional Services Program (services now provided by the Parole Division and the Institutional Services Program) in 1974, the Volunteer and Intern Program (now the Criminal Law

Internship Program) in 1977, the Juvenile Services Program in 1982, the Community Defender Program (now the Community Defender Division) in 2000, and the Civil Legal Services Unit (now the Civil Legal Services Division) in 2001.

PDS also established its Forensic Practice Group (FPG) in 2001 in response to its concerns that no current scientific method ensures the accuracy and reliability of many of the tools used to investigate and prove criminal cases and that across the nation, inconsistent practices are applied regarding such critical matters as who collects the evidence, how it is processed, and how it is interpreted — concerns PDS has raised about such evidence as ballistics, fingerprints, blood stain patterns, handwriting analysis, and eyewitness identification. The FPG is composed of senior staff attorneys and forensic science fellows, who discuss the science of investigative practices, the accuracy and reliability of the resulting evidence, and the issues surrounding this science as it affects PDS’s legal practice and clients. In 2002, PDS applied for and received funding from the Bureau of Justice Assistance of DOJ to coordinate the first forensic science conference for public defenders. (Other invitees have at times included the local judiciary and criminal justice practitioners.) The conference proved so useful to the practice of criminal defense representation in the D.C. court system that PDS decided to organize it annually. Conference themes have included crime scene investigations, fingerprints and ballistics, DNA evidence, eyewitness testimony, and cross-examination on forensic science evidence in light of Strengthening Forensic Science in the United States: A Path Forward (2009), a report commissioned by Congress, prepared by the National Research Council, and published by the National Academy of Sciences, that questions the “science” behind many standard investigative practices within local, state, and federal law enforcement agencies across the country.

PDS continues to make advances in its legal strategies, its technical capabilities in forensic science and eyewitness identification, and its information technology, including its investigative tools, case management system, website, and web-based recruiting system.

**WHY PDS IS AN EXEMPLARY PROGRAM TODAY**

Over the course of its history, PDS has maintained its reputation as a model for the delivery of public defender services. This perspective is supported by two recent publications:

The National Legal Aid and Defender Association’s 2008 report, *PDS: A Model of Client-Centered Representation*, identifies PDS as “a beacon of hope” and acknowledges: The client-centered Public Defender Service for the District of Columbia (PDS)...is the voice of the voiceless in the criminal courts of our nation’s capital. Qualified, well-trained attorneys meet early
and often with clients to help them make informed decisions about their pending charges and remain the client’s counsel — when feasible — throughout the life of the case. Attorney performance is closely supervised and management systems are in place to limit case intake when adjustment of workload is necessary to maintain quality representation. Case decisions are based solely on the interests of the client — without undue political or judicial influence. The independence of PDS’ non-partisan Board of Trustees has allowed for a long line of superior leadership, assuring that recruitment from America’s top law schools continues year after year. PDS’ active participation in system-wide criminal justice initiatives and the support and assistance it provides to the courts, appointed attorneys and the community produce benefits far beyond the requirements of individual cases.7

If the nation is ever to overcome its failings to ensure equal access to justice in its myriad of state and local criminal courts, then the PDS experience is one to be emulated. There is no single ‘cookie-cutter’ delivery model (public defenders, assigned counsel, or contract defenders) that guarantees adequate representation. What the PDS experience demonstrates, however, is that whatever the model, independent functioning and consistently enforced workload controls are the touchstones of quality representation for people with low incomes who are accused of committing a crime. Moreover, PDS’s history suggests that those two factors inure not only to the benefit of individual clients, but [have] also allowed PDS to become a strong partner in the administration of justice in the District of Columbia and in the D.C. community at large.8

The September 2009 issue of Washington Lawyer, a magazine published by the District of Columbia Bar, includes a cover article, Gideon: Right to Counsel, describing how poorly the right to counsel has been implemented in the United States.9 As the article observes, PDS is an exception:

The Public Defender Service for the District of Columbia, the only local defender office funded by Congress, is considered the gold standard for the rest of the country. It is one of the only offices in the United States that consistently meets nationally recognized standards for indigent defense, including safeguards to protect its lawyers from judicial or political pressures, a commitment to providing investigative services, and a one-of-a-kind caseload management system that ensures lawyers never have so many clients that they cannot ethically represent each of them.10

More recently, in the fall of 2010, the Southern Center for Human Rights honored PDS with the 14th Annual Frederick Douglass Award for PDS’s 50 years of service and the demonstration of what it means to champion the rights of the underserved. In the spring of 2011, the Foundation for Criminal Justice, a nonprofit that supports the mission of the National

8. Id. at iii.
10. Id. at 26.
The Public Defender Service for the District of Columbia

Champions of Liberty

Association of Criminal Defense Lawyers, gave the Foundation’s first-ever Guardian of Liberty Award to PDS for its efforts to promote positive law reform through vigorous defense in criminal cases and for the adoption of the highest standards for the representation of the indigent. Furthermore, in May 2011, at a forum, Defending Childhood and Youth: An Approach to Ending the Cycle of Violence, at Harvard School of Public Health, Attorney General Eric H. Holder, Jr. acknowledged that PDS is “…the best public defender’s office in the country.”

In the coming years, PDS intends to continue its innovative approaches to, and maintain its reputation as a model program in, the legal representation of poor people in criminal cases.

OUR LEGAL SERVICES DIVISIONS

PDS and private attorneys, both appointed by the District of Columbia courts pursuant to the Criminal Justice Act (CJA), provide constitutionally mandated legal representation to indigent people facing a loss of liberty in the District of Columbia. PDS handles a majority of the most difficult, complicated criminal cases, while private (CJA) attorneys handle the majority of the less serious felony, misdemeanor, and regulatory offenses. PDS is a model program applying a holistic approach to representation and using both general litigation skills and specialty practices to provide complete, quality representation in its complex cases.

TRIAL DIVISION

Staff attorneys in the Trial Division zealously represent adults in criminal proceedings and children in delinquency matters in the Superior Court. Attorneys are assigned to specific levels of cases based on experience and performance. As a result of intensive supervision and ongoing training, attorneys generally transition over the course of several years from litigating juvenile delinquency matters to litigating the most serious adult offenses. The most seasoned attorneys in the Trial Division handle complex and resource-intensive adult cases, such as cases involving DNA evidence, expert testimony, multiple count indictments, and novel or complex legal matters. This group of highly trained litigators provides representation in the majority of the most serious adult felony cases filed in the Superior Court each year. Less senior Trial Division staff attorneys handle the most difficult or resource-intensive delinquency cases (for example, cases involving children with serious mental illnesses or learning disabilities or serious charges) and handle some general felony cases and a limited number of misdemeanor cases. Trial Division staff attorneys also provide representation in a range of other legal matters through PDS’s Duty Day Program and in Drug Court.

APPELLATE DIVISION
The attorneys in the Appellate Division handle the appellate litigation generated in PDS cases, provide legal advice to CJA attorneys who require assistance in appellate matters, and respond to requests from the Court of Appeals for briefs in non-PDS cases involving novel or complex legal issues. Another important function of the Appellate Division is to provide a wide range of legal assistance and training to other PDS divisions.

SPECIAL LITIGATION DIVISION
The Special Litigation Division (SLD) handles a broad variety of litigation that seeks to vindicate the constitutional rights of PDS clients, to ensure equal justice to all D.C. defendants, and to reform unfair systemic criminal justice practices. An example of such litigation is the Jerry M., et al. v. District of Columbia lawsuit brought on behalf of the children committed to the care of the District of Columbia following delinquency proceedings. SLD attorneys also support PDS trial lawyers in the litigation of systemic criminal justice issues, including eyewitness identification issues, forensic science issues, and issues pertaining to the suppression of exculpatory information by the government. SLD attorneys have represented clients in every major court in the District of Columbia — the Superior Court and Court of Appeals in the local system, and the U.S. District Court, the U.S. Court of Appeals, and the Supreme Court in the federal system.

PAROLE DIVISION
The Parole Division provides representation to nearly all individuals sentenced under the D.C. Code facing revocation before the U.S. Parole Commission (USPC) or pursuing appeals before the USPC’s National Appeals Board. In addition, this division provides legal assistance to D.C. residents of Federal Bureau of Prisons facilities throughout the country who write letters requesting counseling regarding parole eligibility matters and other related issues. Division attorneys train and certify pro bono attorneys from area law firms and train and supervise law students in criminal justice clinics who represent clients before the USPC.

MENTAL HEALTH DIVISION
Attorneys in the Mental Health Division (MHD) represent clients with involuntary civil commitment cases in Superior Court. PDS is initially appointed when a person is detained in a mental hospital upon allegations that the person is a danger to self or others as a result of mental illness. MHD lawyers also represent persons in post-commitment proceedings, including commitment reviews and outpatient revocation hearings; in involuntary commitment proceedings of persons found incompetent to stand trial because of mental illness or intellectual disabilities; and in matters relating to individuals found not guilty by reason of insanity in Superior Court or U.S. District Court cases. The lawyers in this division also provide information to the D.C. Council on proposed mental health

12. Case No.1519-86 (IFP).
and intellectual disabilities legislation, conduct training on the rights of people with mental illness involved in civil commitment actions, and provide legal assistance to CJA lawyers appointed by the court to handle involuntary civil commitment cases.

CIVIL LEGAL SERVICES DIVISION
The Civil Legal Services Division (CLS) provides wraparound services addressing issues facing children in the delinquency system that often hinder their successful reintegration into the community. CLS has a team of special education attorneys who are experts in advocacy under the federal Individuals with Disabilities Education Improvement Act, which mandates special accommodations in public schools for children who cannot be adequately educated in a traditional classroom setting due to learning disabilities or other physical or intellectual challenges. In addition, CLS addresses other rehabilitative needs of these children and the needs of adult clients by providing representation in civil matters arising out of the clients’ criminal charges, such as those related to public benefits entitlement, housing, child support, and health care services. CLS also provides expert consultation for attorneys with clients in the criminal justice system who face immigration consequences.

COMMUNITY DEFENDER DIVISION
The Community Defender Division provides services through three programs: (1) the Juvenile Services Program represents children at institutional disciplinary hearings at the District’s youth detention centers and works with community organizations to develop reentry programs that address the special needs of children; (2) the Institutional Services Program serves as the PDS liaison to residents of Federal Bureau of Prisons facilities, providing information to assist individuals sentenced under the D.C. Code, monitoring their conditions of incarceration, and calculating their service computation dates; and (3) the Community Reentry Program responds to the legal and social services needs of individuals newly released from incarceration or confinement by assisting them in making a successful transition back into the community. The Program gives special consideration to newly released individuals who are not served by the Court Services and Offender Supervision Agency (CSOSA). Each program is enhanced through the work of law students.

OUR LEGAL SUPPORT SERVICES DIVISIONS
Legal Support Services is composed of various professionals within PDS who work closely with attorneys on individual cases: the Investigations Division; the Office of Rehabilitation and Development (ORD); the Defender Services Office (DSO); and the paralegal, language, and library services staff. Investigators ensure that each case is thoroughly investigated prior to a decision to accept a plea offer or proceed to trial. Forensic social workers in ORD provide presentencing assistance to address mitigation...
issues and to provide program alternatives for appropriate clients. DSO coordinates the appointment of lawyers to eligible clients. Other legal support services staff include a multilingual language specialist who facilitates communication with non-English speaking clients, a librarian who manages PDS's specialized collection of legal resources and electronic access to research, and two paralegals who work on cases and projects.

INVESTIGATIONS DIVISION
The Investigations Division supports the Trial Division as well as other legal divisions of PDS by providing thorough and professional investigative work, which includes locating witnesses, conducting field interviews, taking written statements, serving subpoenas, collecting police reports, copying court and administrative files, and preparing technical exhibits for trials and hearings. The staff also provide initial and ongoing training to court-certified CJA investigators. The division also manages the Criminal Law Internship Program, which offers hands-on investigator internship opportunities for college and law students and provides additional support to the trial attorneys.

OFFICE OF REHABILITATION AND DEVELOPMENT
ORD is composed of forensic social workers and forensic professional counselors who are sentencing specialists. The staff work with PDS and CJA clients who present a broad range of emotional, social, psychiatric, and substance abuse-related problems. The staff provide psychosocial assessments, individualized treatment plans, and sentencing recommendations on behalf of these clients to the Superior Court. Because ORD staff are well versed in all of the D.C. area rehabilitative programs (for example, drug treatment, job training, education programs, and parenting classes), they are frequently asked to provide consultation for judges, CJA lawyers, and others in the criminal justice system. ORD produces annually a comprehensive Directory of Resources for Adults: Community and Confinement Access Guide and, biennially, a Directory of Youth Resources: Community and Confinement Access Guide that list a wide range of services available to adults and children in the criminal and juvenile justice systems. Many organizations and government officials’ offices request and receive copies of these directories for use with their clients and constituents.

DEFENDER SERVICES OFFICE
By statute, PDS is required to provide technical assistance to the Superior Court in administering the Criminal Justice Act. The Defender Services Office (DSO) executes this function by determining the eligibility for court-appointed counsel of almost every arrested child and adult and by coordinating the availability of CJA attorneys, law school students, pro bono attorneys, and PDS attorneys six days a week (Monday through Saturday), including holidays. The eligibility determination process entails conducting financial interviews and asset checks on a daily basis, servicing a daily call-in line for appointments, and finding appropriate counsel.
when an insufficient number of attorneys call in to receive cases. Because the court appoints defense counsel prior to an arrestee’s initial court appearance, the work of DSO is vital to the overall functioning of the Superior Court’s criminal charging process. In addition, the office provides assistance to lawyers and the public by notifying attorneys of their clients’ re-arrest and parole matters; providing logistical information to adult defendants, juvenile respondents, and their families; and responding to general inquiries about court operations.

PARALEGAL, LANGUAGE, AND LIBRARY SERVICES
The paralegals and language assistant offer a range of critical services to PDS, its clients, and the D.C. legal community. Paralegal services include answering inmate mail; assisting attorneys with telephone and walk-in requests for assistance regarding legal, social, parole, and mental health matters (Duty Day); updating the Criminal Practice Institute manual; and providing paralegal assistance to the legal divisions. Language services include the translation and interpretation of client and attorney communications, court documents, and investigative statements into Spanish, French, Portuguese, and some Vietnamese. Additionally, language services are provided to clients and their families for communication about jail visitation schedules and policies and referrals to a variety of educational, medical, vocational, and legal community resources. The library offers research, reference, and related services for the attorneys, social workers, investigators, and administrative and technical staff to advance the mission of PDS, using a variety of automated retrieval systems.

OTHER PDS PROGRAMS IN SUPPORT OF THE D.C. COURT SYSTEM

CJA INVESTIGATOR CERTIFICATION AND TRAINING
PDS administers a certification and training program for CJA investigators. Instituted in 2001, the program requires prospective CJA investigators to submit an application; pass a nationwide background check conducted by the Superior Court; and successfully complete a twenty-hour in-class training course, with additional fieldwork, homework, and exams, in order to be certified by the court as eligible to receive payment pursuant to CJA for investigative services.

THE DUTY DAY PROGRAM
PDS provides institutional support to the D.C. criminal justice system through its Duty Day Program. Every business day, PDS staff are assigned to the Duty Day Program to respond to telephone and walk-in requests for assistance regarding legal, social, parole, and mental health matters. Services include assisting D.C. Bar members with legal and social service questions and assisting the public with legal and social service matters,
ranging from filing a motion to seal an arrest record to representing persons in grand jury matters, assisting individuals responding to outstanding arrest warrants, and recommending drug treatment programs. Where PDS cannot provide assistance, it provides referrals for outside services. Some Duty Day matters result in trials and complex appellate litigation.

DRUG COURT REPRESENTATION
After their first year of practice, many Trial Division attorneys are assigned to represent individuals participating in the Drug Court Program. Drug Court participants are sanctioned immediately (one to three nights in jail, courtroom detention, or more intensive drug treatment) for testing positive for a controlled substance. Because most sanctions involve a deprivation of liberty, PDS attorneys assist participants in mounting legal challenges to the evidence of the positive drug test result (for example, a false positive test resulting from the use of prescription medication). PDS provides this representation largely for clients represented by CJA attorneys who cannot be present on short notice for these immediate “challenge hearings.”

PRO BONO ATTORNEY SCREENING
The Superior Court requires that pro bono attorneys be screened and approved based on their qualifications for appointments in criminal cases. To facilitate the availability of pro bono attorneys, PDS performs the screening for the Superior Court. PDS has also assisted a number of local law firms in developing and conducting training programs for associates interested in participating in the pro bono program.
Avis Buchanan, Ronald Sullivan, Jo-Ann Wallace, Judge Cheryl Long, Patrick Hickey, Angela Jordan Davis, Cynthia Jones, Kim Taylor Thompson, Francis Carter, and Norman Lefstein

THE
PUBLIC
DEFENDER
SERVICE
for the District of Columbia

Champions of Liberty
PDS HISTORY TIME LINE

1960

¶ Congress establishes the Legal Aid Agency for the District of Columbia (LAA) under the District of Columbia Legal Aid Act. The purpose of LAA is to represent indigent persons who cannot afford counsel in criminal, juvenile, and mental health commitment proceedings. LAA is located at the United States District Court for D.C. at 333 Constitution Avenue, N.W.

¶ First director of LAA is Charles B. Murray.

¶ First chairperson of the Board of Trustees is W. Cameron Burton.

1963

¶ United States Supreme Court decision in Gideon v. Wainwright champions the right to due process of the law, a fundamental principle of fairness in all legal matters, and expands the right to counsel for poor people facing imprisonment at the state level.

1964

¶ LAA implements the Rehabilitation Project (later called the Offender Rehabilitation Division and now the Office of Rehabilitation and Development), a pilot project funded by the National Legal Aid and Defender Association. It is the first systemic effort in the nation to help public defenders develop rehabilitative services for their clients. The project incorporates the specialized skills of a social scientist (now a forensic social worker) to investigate and write presentencing reports and refer clients to social and health services.
1965

¶ American Civil Liberties Union of the National Capital Area presents the Oliver Wendell Holmes Award to LAA for providing quality legal representation to poor people in the District of Columbia.

1968

¶ During the riots that broke out in Washington, D.C. following the assassination of Martin Luther King, Jr., LAA lawyers provide continuous (24-hour) legal representation from Friday night, April 5 through Monday night, April 8.

¶ Edward A. McCabe becomes the first vice chairperson of the Board of Trustees.

¶ Barbara Babcock becomes the first female director of LAA.

¶ LAA establishes its intensive training program to prepare lawyers for the courtroom and the responsibilities of a defender. It also introduces the practice of hiring a class of trial lawyers annually.

1969

¶ Movement to reorganize the D.C. court system and establish PDS begins.

1970

¶ The District of Columbia Public Defender Service (PDS) is established as the successor to LAA under the leadership of Barbara Babcock and Norman Lefstein, who together crafted the 1970 statute that broadened the mandate to include the Appointment of Counsel Program and the Office of Rehabilitation and Development, and secured the apolitical role of the Board of Trustees that preserves PDS’s autonomy.

1971

¶ PDS becomes “effective” and moves to 601 Indiana Avenue, N.W. under the leadership of Barbara Babcock.

¶ Following the May Day arrests of about 1,000 anti-war demonstrators who threatened to close down the Capitol and marched at rush hour on the grounds of various government buildings, PDS attorneys on motorcycles find the demonstrators locked in the Robert F. Kennedy football stadium. PDS files a petition for habeas corpus, and, following a moonlit hearing, makes the case for immediate release of the defendants. Over the next few days, PDS defends individual demonstrators in need of legal services.
1972

During the D.C. Jail disturbance, when the director of the D.C. Department of Corrections and several correctional officers are held hostage for 24 hours by D.C. Jail inmates, inmate representatives are brought to a late-night emergency hearing held by the U.S. District Court Judge William B. Bryant, before whom litigation challenging conditions at the jail is pending. At the judge’s request, PDS attorneys and some members of the private bar interview more than 100 jail inmates who seek legal advice concerning their grievances. The interviews take place throughout the night and early morning hours of October 11–12.

1974

During the first Criminal Justice Act (CJA) attorney strike, due to cutbacks in congressional funding, PDS defends its program — a controlled caseload to ensure the highest quality of legal representation — when the Superior Court strongly encourages PDS to take all of the CJA cases. PDS does, however, work closely with the Court to coordinate a large-scale draft of private attorneys to take cases.

PDS establishes the Correctional Services Program to provide legal services to D.C. prisoners that address criminal law related problems, institutional administrative matters, and civil matters by referral to organizations (services now provided by the Parole Division and the Institutional Services Program). The program is funded by a grant from the Law Enforcement Assistance Administration, United States Department of Justice.

PDS is designated an exemplary project and model (training and implementation guides are published) for other jurisdictions by the Law Enforcement Assistance Administration of the United States Department of Justice resulting from PDS’s exceptional advocacy and proven success through individualized and continuous client representation, comprehensive training, non-legal resources, effective management and administrative systems, involvement with the private and court-appointed defense system, and law reform.

1976/1977

PDS moves to 451 Indiana Avenue, N.W. under the leadership of PDS Director J. Patrick Hickey.
1977
¶ PDS implements the Criminal Law Internship Program (then the Volunteer and Intern Program) to address the problem of increasing demands for investigative services without the prospect of additional funds being allocated for that purpose.

1979
¶ Francis Carter becomes the first African-American director of PDS.

1981/1982
¶ Despite PDS and Superior Court Trial Lawyers Association (SCTLA) efforts to increase the miserly hourly rates for CJA attorneys in court, most CJA attorneys eventually go on strike. During the strike, PDS steps in to handle the heavy caseload while also convincing local law firms to provide pro bono representation. PDS provides those firms with training to support their efforts. Eventually, PDS becomes overloaded with cases and, with support from its independent Board of Trustees, notifies the Court that it will no longer handle the overflow of CJA cases. Taking this action forces the D.C. government to settle matters by introducing rate increase legislation for CJA lawyers.

1982
¶ PDS establishes the Juvenile Services Program pursuant to authorization by the D.C. Council to provide assistance to children who are detained or committed at the District of Columbia Children’s Center in Laurel, Maryland (now New Beginnings), and the Receiving Home for Children in Northeast Washington (now Youth Services Center).

1983
¶ A Washington Post article cites the Criminal Law Internship Program (then the Student Internship Program) as one of the finest pre-law experiences available.

1984
¶ Under pressure by the judiciary and the PDS Board of Trustees to quickly recruit more lawyers of color, PDS undertakes a concerted and thoughtful effort to increase the number of lawyers of color it hires.
1985

¶ PDS files the Jerry M. lawsuit, aspects of which are ongoing today, successfully challenging the District of Columbia’s failure to provide adequate care and rehabilitation services for detained and committed children.

¶ Cheryl Long becomes the first female African-American director of PDS and of a public defender office.

1988

¶ PDS creates the Prisoners Rights Program (now the Institutional Services Program), a program to serve as the PDS liaison to individuals convicted of D.C. Code offenses and held in correctional facilities, and to provide information to assist these individuals and monitor their conditions of incarceration.

1988/1989

¶ PDS establishes a special litigation counsel position to monitor and offer comments on proposed legislation at the D.C. Council and in Congress, court rules, sentencing guidelines, and Department of Justice policies, and to handle the Jerry M. class action; other civil, habeas, and related matters; and unconventional appeals.

¶ PDS successfully lobbies for pay parity for its lawyers to ensure its salary schedule is on par with their counterparts at the United States Attorney’s Office.

1990

¶ PDS adopts the use of Trial Practice Groups to provide continuing legal education and formal case analysis opportunities for attorneys.

¶ PDS begins to take a broader look at indigent defense on the national level, recognizing that as a premier provider of public defender services, it has an obligation to participate in the national dialogue about crime and criminal defense.

1997/1998

¶ With PDS Director Jo-Ann Wallace’s management, PDS is established as a federally funded, independent legal organization governed by an eleven-member Board of Trustees, preserving all programmatic aspects of the model public defender system under the National Capital Revitalization and Self-Government Improvement Act of 1997 and its 1998 amendments.
1999

¶ PDS moves to 633 Indiana Avenue, N.W. under the leadership of PDS Director Jo-Ann Wallace.

¶ PDS implements a “team defense” model for the holistic representation of juvenile clients, having trial lawyers collaborate with forensic social workers, special education attorneys, and public benefits specialists.

¶ PDS establishes the Community Defender Office (now the Community Defender Division, which includes the Juvenile Services Program, the Institutional Services Program, and the Community Reentry Program) to provide information, referrals, and quality legal services for committed youth and adults who are in the post-adjudication stage of a criminal case in the District of Columbia’s justice system.

2001

¶ The number of cases involving forensic science is increasing in the District of Columbia and across the nation, and court-appointed defense attorneys need to become skilled in using this science in the courtroom — a daunting challenge given the degree of technical difficulty inherent in scientific matters. As a result, PDS establishes the PDS Forensic Practice Group, a dedicated group of PDS lawyers who learn and train on matters of forensic science in the courtroom.

¶ PDS expands its Duty Day Program, a program to respond to telephone and walk-in requests for assistance by the public and criminal justice practitioners regarding legal matters, to include social, parole, and mental health matters, thereby involving the staff and expertise of its legal and legal support services divisions.

¶ PDS creates its own case tracking software, Atticus, that provides comprehensive case management functionality, allowing case-related information on each client to be shared across the organization.

¶ PDS administers a court-instituted certification and training program for Criminal Justice Act investigators.

¶ PDS establishes the Civil Legal Services Unit (now the Civil Legal Services Division [CLS]) to assist children and adults with legal issues related to special education, public benefits, and immigration. CLS provides wraparound services addressing issues facing children in the delinquency system that often hinder their successful reintegration into the community. Services include special education advocacy for children in the public school system who cannot be adequately educated in a traditional classroom setting due to learning disabilities or other physical or intellectual challenges, and other rehabilitative needs of these children. CLS also addresses the needs of adult clients by providing representation in civil matters arising out of their criminal charges. In addition, CLS
offers expert consultation for attorneys with clients in the criminal justice system who face immigration consequences.

2002

¶ PDS launches a custom-developed, comprehensive database-driven website that contains information about the organization; training, internships, law clerkships, and employment opportunities; as well as legal issues relevant to the local criminal justice community.

¶ PDS works with the Superior Court to establish a continuing legal education program for CJA lawyers.

2003

¶ The Legal Aid Society of the District of Columbia awards its Servant of Justice Award to PDS for its faithful dedication and remarkable achievement in ensuring that all persons have equal and meaningful access to justice in the District of Columbia.

¶ In celebration of the 40th Anniversary of *Gideon v. Wainwright*, PDS and the PDS Alumni Association sponsor an essay competition for public senior high school students in the District of Columbia.

¶ PDS establishes the first annual forensic science conference geared toward the court-appointed defense community. The conference is funded by a grant from the Bureau of Justice Assistance, Department of Justice.

¶ PDS opens its state-of-the-art Defender Training Center equipped with an electronic moot courtroom for legal training and trial preparation purposes.

2004

¶ PDS works with the Family Court to create practice standards for panel lawyers representing children charged with acts of delinquency and offers a training certification series for attorneys interested in admission to the juvenile CJA court-appointed panel.

2005

¶ Implemented initially as a grant-funded pilot project in 2003, PDS establishes a forensic science fellowship position to assist lawyers with forensic expertise, research, and analysis.

¶ PDS establishes its annual Expungement Summit (now the Community Reentry and Expungement Summit) to assist local residents who have
been charged with or convicted of D.C. Code offenses and who seek legal information, reentry support services, the sealing of arrest records, and the expungement of convictions.

2006
¶ PDS collaborates with the Innocence Project, the National Legal Aid and Defender Association, and the National Association of Criminal Defense Lawyers to create eyeID.org, a comprehensive defense resource for litigating eyewitness identification cases.

2008
¶ To address the increasing need to use and analyze technology during the investigative phase of a criminal case and for the preparation and presentation of evidence and exhibits for display in the courtroom, PDS incorporates investigative protocols and tools in its practice. These tools include social and business online resources, digital forensics extraction, trial presentation software, and an upgraded media room for reviewing and analyzing electronic evidence.

¶ PDS leads a collaborative effort to develop the *Public Defender Advocacy, Training, and Hiring (PATH) Conference*, a biennial conference dedicated to promoting interest in a career in public defense among law students and recent graduates.

¶ The National Legal Aid and Defender Association issues the report *PDS: A Model of Client-Centered Representation*, which highlights the PDS program as a “beacon of hope” for its client-centered representation. The report refers to the skilled attorneys who meet early and often with their clients to help them make informed decisions about their pending charges and who remain their clients’ counsel, when appropriate, throughout the life of the case. Other important features include PDS’s political and judicial independence and its workload limitations.

2009
¶ A pilot mental health legal specialist position is established in the Trial Division to address the serious mental health issues in clients’ criminal and delinquency cases.

2010
¶ PDS establishes a two-year juvenile justice fellowship position that offers training and practical experience in juvenile delinquency cases, exposure to juvenile justice policy issues, and the opportunity to mentor the succeeding class of new PDS attorneys representing juvenile clients.
The Southern Center for Human Rights presents its 14th Annual Frederick Douglass Award to PDS for its 50 years of service and its demonstration of what it means to champion the rights of the underserved.

2011

The Foundation for Criminal Justice, a nonprofit that supports the mission of the National Association for Criminal Defense Lawyers, honors PDS with its first-ever Guardian of Liberty Award for PDS’s efforts to promote positive law reform through vigorous defense in criminal cases and by the promotion of the highest standards for the representation of the indigent.
LAAN AND PDS ATTORNEYS

1960–1969

(Legal Aid Agency for the District of Columbia)

Barbara Babcock
Bruce Beaudin
Gary Bellow
Addison Bowman
John Briley
James Cassidy
Paul Chernoff
Theodore Christensen
Marilyn Cohen
James Drew
Paul Driscoll
James Duggan
Thomas Farquhar
Jon Feldman
Stuart Greenfeig
Harvey Grossman
Thomas Hammond
Thomas Henley
Richard Hibey
Charles Hickey
J. Patrick Hickey
William Hill
Kirby Howlett

Phillip Hubbart
Thomas Jones
Julius Johnson
Alan Kay
Paul Kramer
George Lamb
Joshua Lane
Norman Lefstein
James Lyons
Robert Maynard
Paul Miller
James Offutt
William O’Hara
Edward O’Neill
John Perazich
Roark Reed
Donald Robinson
Richard Rougeau
Lawrence Schwartz
Paul Semple
Paul Sherbachow
Stuart Stiller
Carl Taylor
Alto Vincent
Wilbert Whitsett
Samuel Wilhite

Edwin Williams
Morris Wolfe
Kenneth Wood

1970

Jonathan Axelrod
Ronna Lee Beck
James Brown
Marilyn Cohen
William Dow
Robert Golten
J. Patrick Hickey
Gail Higgins Fogarty
Peter Hoagland
Susan King
Jane Lamb
Karen Moore
Caroline Nickerson
Charles Rosenbleeet
William Taylor, III
Ricardo Urbina
Michael Wald
Robert Weinberg
Frederick Weisbege
Stephen Zalkind
Matthew Zwerling
1971
George Alexis
Sarah Brown
Mervin Cherrin
Carrie Fair
Mark Foster
Doris Freedman
Harry Fulton
Miles Gersh
Marian Halley
Freddie Hicks
Alexander Humphrey, IV
Marilyn Martin
Arlene Mendelson
Truman Morrison
Constance O’Bryant
Gordon Starks
Silas Wasserstrom
Patricia Wynn

1972
James Barnes
Nan Bases
Douglas Dodge
Michael Fayad
Jeffery Freund
Thomas Guidoboni
David Haberman
Paul Hoeber
Linda Huber
Bruce McHale
Michael Rankin
Warren Nighswander
Herbert Silverberg

1973
Robert Boraks
Addison Bowman
Linda Davis
W. Gary Kohlman
Mildred Matesich
Frank Petramalo
William Schaffer
Louis Seidman
Francis Smith

1974
James Bensfield
Barbara Corprew
Harriet Davis
Geoffrey Gitner
Richard Greenlee
Alan Greenwald
Richard Hand
William Herman
Robert Muse
Barry Nakell
Ellis Ratner

1975
Surell Brady
Elizabeth Branda
Anthony Fitch
Katherine Kravitz
William Mertens
Margaret Miller
Vito Potenza
Steven Tulberg
Michael Waitzkin

1976
Evelyn Bracey
Stephen Bright
William Dowdy
Allen Farber
Mady Gilson
Stephen Glickman
Leslie Harris
Ladd Leavens
Mary McCarthy
Linda Miller
Robert Mosteller
Richard Rosen
Susan Shaffer

1977
Henry Asbill
Maxine Auerbach
Joseph Brawner
A. Franklin Burgess
Ross Dicker
Deborah Hazen
Elizabeth Herman
Linda Jacobson
Celebrating Fifty Years of Exceptional Legal Advocacy and Related Services

Donald Wheeler Jones
Timothy Junkin
Marina Justice
Andrew Lipps

1978
Barbara Bergman
Mark Carlin
Stephanie Duncan-Peters
David Garza
James Klein
Ellen Kreitzberg
James Kunen
Mary McCarthy
James McComas
Judith Mroczka
Charles Ogletree
Susan Schneider
Mary Lou Soller
Laura Strudwick
Douglas Wood

1979
Randy Bellows
Arthur Leavens
Jennifer Lyman
Barbara Miller
Rhonda Reid Winston
Allie Sheffield
William Traylor

1980
Karen Christensen
Barbara Elkin
Peter Fuchs
Shanara Gilbert
Randy Hertz
Michele Roberts
Holly Skolnick
Dennis Sweet

1981
Kevin Chavous
Isabelle Gunning
Henderson Hill
Scott Howe
Paul Leder
Penelope Marshall
Reita Pendry
Corinne Schultz
Kim Taylor Thompson

1982
Avis E. Buchanan
Laurie Davis
David DeBruin
John Dwyer
Angela Jordan Davis
Diane Shust
Christopher Stone

1983
Blair Brown
Maureen Cannon
Syrie Davis
Samuel Delgado
Bernard Grimm
Peter Krauthamer
Shawn Moore
Mark Rochon
Santha Sonenberg
Randolph Stone
Leslie Thornton

1984
Jamie Gardner
David Handzo
Neal Kravitz
Joy Kruse
Calvin Moore
David Norman
Alexis Pearce
Cynthia Robbins
Elizabeth Taylor
Deborah Trevino

1985
Bruce Clark
Samia Fam
Ronald Horton
Leonardo Knight
Gail Laster
Milton Lee
Michael Ryan
Jonathan Stern
Blaise Supler
Quay Wallace Walker

1986
John Chamble
David Cicilline
Stephanie Harrison
Page Kennedy
David Reiser
Brenda Smith
Sharon Styles Anderson
Jo-Ann Wallace

1987
Lisa Greenman
Mary Kennedy
Thomas Mason
Kenneth Nunn
Renee Raymond

1988
Roy Conn
Gretchen Franklin
Anthony Haughton
Robert Hauhart
Rosemary Herbert
Robert Hurley
Anita Josey-Herring
Angela Kiper
Allen Levy

John Mott
Hiram Puig-Lugo
Carol Steiker
Janet Vecchia
Lesley Zork

1989
David Bos
Claudia Crichlow
Aminata Ipyana
Hastings Jones
Julia Leighton
Shirlimarie McAroy-Gray
Tamar Meekins
Stephen Singer
Stephen Thomas

1990
Matt Alpern
Jacqueline Baillargeon
Allan Brenner
Linda Elliott
Jaclyn Frankfurt
Elaine Gordon
Eli Gottesdiener
Omodare Jupiter
Eduardo Juarez
Sandra Levick
David Merchant
Olinda Moyd
Jon Norris
Sandra Roland
Laura Rose
Charles Tierney
Derek Sells
Christopher Swaby
Pamela Thomas Gray
Robert Wilkins
Vincent Wilkins
Antoinette Young

1991
Tanya Chutkan
Steven Donziger
Janet Hoeffel
Jan Holland
Paul Holland
Tana Lin
Anthony Matthews
Patricia Newton
Tracey Whittaker

1992
Rudolph Acree
Molly Armstrong
Stephanie Garriga
Laura Hankins
Deborah Harris
Cynthia Jones
Karl Racine
Claire Theresa Roth
1993
Catherine Bender
Cynthia Goode
Sadiq Reza

1994
Julia Bollini
James Forman, Jr.
Sheryl Jones
Christian Lamar
Joseph Metcalfe
Rosalyn Overstreet-Gonzalez
Jennifer Pyle
Anna Rodriques
Judith Smith
Samuel Starks
Carlos Vanegas

1995
Lourdes Ayala
David Benowitz
Julie Brain
Yasmin Cader
Mercer Givhan
Colleen McCrystal
Kenneth Page
Jonathan Rapping
Ronald Sullivan Jr.
Janice Washington

1996
Jeff Berman
Ottrell Ferrell
Jennifer Lanoff
Ira Mickenberg
Josh Moore
Wendy Short
David Singleton

1997
Robert Ames
Kassius Benson
Kali Bracey
Monique Daniel
Todd Edelman
Sarah Gannett
Kristin Henning
Kelli Neptune
Edward Ungvarsky
Andrew Wise

1998
Arthur Ago
Michelle Bonner
Kimberly Clark
Lisa Greenman
Marlon Griffith
Gladys Joseph
Karen Pita Loor
Carl Macpherson
Christine Markel
Clarence Powell
Brian Roberts
Jeffrey Riebel
Olga Torres
Santha Sonenberg
Jennifer Wicks

1999
Dehlia Aghadiuno
Errol Arthur
Corinne Beckwith
Tucker Carrington
Almo Carter
Jennifer DiToro
Thomas Dybdahl
Anthony Haughton
Nina Isaacson
Aya Gruber
Hannah McElhinny
Elizabeth Nevins
Lloyd Nolan
Amy Racunas
Maribeth Raffinan
Mary Grace Rook
Andrea Roth
Melissa Sandoval
Giovanna Shay
John Tan
Sherry Trafford
Yolanda Vasquez
Sherron Walters
Gwendolyn Washington
Simone Wennik
Yvonne Williams

2000
Angela Acree
Joseph Cassidy
Alison Flaum
Christopher Flood
Lisa Guffey
Laura Hankins
Brandi Harden
Madalyn Harvey
Matthew Kadushin
Julia Leighton
Matthew Lombard
Christopher McKee
Erin Murphy
Timothy O’Toole
Heather Pinckney
Michael Starr
Leila Thamer

2002
Violeta Chapin
Jennifer Daskal
Vincent Haskell
Vida Johnson
Hunter Labovitz
Cortney Lollar
Anthony Matthews
Amit Mehta
Sara Nathanson
Eugene Ohm
John Plomitsakos
Kelly Salzmann
Jamie Rodriguez
Michael Satin
Edward Shacklee
Molly Schmidt-Nowara
Robin Walker

2003
Lauren Bernstein
Daisy Bygrave
Samantha Buckingham
Stephen Cooper
Todd Cox
Joanna Day
Premal Dharia

2004
Jeremy Alper
Mona Asiner
Natalie Brocklebank
Gustavo Gutierrez
Maria Hawilo
Lawrence Kupers
Tracy Lloyd
Matthew Mazur
Dana Page
Deborah Ritter
Kia Sears
Tiffany Sizemore
Hadley Truettner
Anna VanCleave
James Whitehead

Jennifer DiToro
Catharine Easterly
Andrew Ferguson
Rahwa Gebre-Egziabher
Trevor Gardner
Eve Hanan
Tracey Hayes
Eric Klein
Jennifer Leaman
Janet Mitchell
Elizabeth Mullin
Oscar Simons
Jason Tulley
Celebrating Fifty Years of Exceptional Legal Advocacy and Related Services

2005
Philip Andonian
Liyah Brown
Joseph Caleb
Winsome Gayle
Lee Goebes
Len Kamdang
Kristen Nelson
Rashida Ogletree
Chiquisha Robinson
Shilpa Satoskar
Katerina Semyonova
Alice Wang
Mikel M. Weidman
Natalie Lawson
Justin Lee
Judith Pipe
Jennifer Soble

2006
Sean Brebbia
Jia Cobb
Parisa Dehghani-Tafti
Grey Gardner
Quo Judkins
Christopher Kemmitt
Chris Roberts

2007
Jessica Brand
Jason Downs
Rashida Edmondson
April Frazier
Sloan Johnston

2008
Michael Bonner
Amanda David
Yasmin Davis
Craig Hickein
Benjamin Hiltzheimer
Elizabeth Logemann
Christine Monta
Katherine Philpott

2009
Matthew Davies
Gabriel Diaz
Monica Douglas
Benjamin Keep
David Knight
David Maxted
Marie-Pierre Py
Stefanie Schneider
Yolanda Sheffield
Maneka Sinha
Andrew Stanner
Tammy Sun
Fleming Terrell
Jennifer Wertheim

2010
Nancy Glass
Mani Golzari
Alexander Karakatsanis
Tejal Kothari
Tara Mikkilineni
Silvana Naguib
Maro Robbins
David Taylor
Dominique Winters
Judge Cheryl Long, Norman Leftstein, Ronald Sullivan, Avis Buchanan, Angela Jordan Davis, Patrick Hickey, Kim Taylor Thompson, Francis Carter, and Jo-Ann Wallace
FIFTIETH PDS ANNIVERSARY CELEBRATION

The Public Defender Service for the District of Columbia (PDS), formerly known as the Legal Aid Agency for the District of Columbia, celebrated fifty years of exceptional legal advocacy and related services with its past, current, and future Champions of Liberty at a series of events held from Thursday, November 18 through Sunday, November 21, 2010. The celebration began on Thursday with the presentation to PDS of the Southern Center for Human Rights (SCHR) 2010 Frederick Douglass Award at the SCHR’s annual awards dinner. On Friday, staff and alumni attended a late-afternoon tour of PDS’s former home in the “451 Indiana Avenue” building (now home to the D.C. Court of Appeals), followed by a reception. The festivities continued with a Saturday night gala at the National Education Association building, and concluded with a Sunday brunch at B. Smith’s in Union Station.

In the awards program prepared by SCHR, PDS Director Avis E. Buchanan acknowledged:

PDS’s reputation for quality advocacy has only grown stronger over the past 50 years. Despite sometimes long odds, it has achieved acquittals in major cases, obtained significant changes in criminal law at the appellate level, avoided oppressive civil commitment on behalf of people with mental illnesses, protected the interests of individuals serving prison sentences or facing parole revocation, and achieved legislative changes to benefit people involved in the criminal justice system.

PDS looks forward to the next 50 years of zealous advocacy, quality representation, and innovation. PDS thanks the Southern Center for Human Rights for honoring both PDS and the LAA with the Frederick Douglass Human Rights Award for their 50 years of service. PDS is especially grateful because the Center, where so many PDS alumni and staff have also worked, is itself a model of zealous advocacy and shares the same spirit that inspires PDS.

The celebration would not have been possible without PDS alumnus Charles Ogletree and his vision, unflagging moral support, financial contributions, and dedication to PDS, along with the financial contributions received from PDS alumni Gary Kohlman, Robert Muse, Michele Roberts, Dennis Sweet, and William Taylor. PDS must also acknowledge alumni Francis Carter, Mary Kennedy, and Andrew Ferguson and PDS Board members Mark MacDougall and Leslie Kiernan who donated funds to allow PDS staff to attend the Saturday night gala.
SOUTHERN CENTER FOR HUMAN RIGHTS
FREDERICK DOUGLASS AWARDS DINNER
NOVEMBER 18, 2010
Group Photo at SC4R Dinner

Blair Brown, Henderson Hill, and David Reiser

Judge Rhonda Reid Winston and Constance O’Bryant

Peter Krauthamer, Avis Buchanan, Robert Wilkins, and Judge John Mott
SIGNIFICANT ACCOMPLISHMENTS IN FY 2011

On a daily basis, the Public Defender Service for the District of Columbia (PDS) performs a multitude of legal, investigative, social, and administrative tasks and services in support of its clients. Additionally, PDS staff regularly respond to requests from colleagues, Criminal Justice Act (CJA) attorneys, and defender offices around the country for assistance, pleadings, and other materials, some of which are developed by PDS’s specialty practice groups. Following are examples of PDS’s daily efforts and notable accomplishments in FY 2011.

ADVANCING CRIMINAL LAW

Since even before the establishment of the District of Columbia court system in 1970, PDS’s Appellate Division has been at the forefront of appellate litigation in criminal cases. PDS’s appellate cases have had an impact on the District’s criminal justice system, as the decisions that result often establish or clarify legal standards in criminal and juvenile delinquency cases. Most good appellate cases start with the trial attorney’s creation of a carefully preserved record during the trial. The Trial Division and the Appellate Division interact on a regular basis to help trial lawyers correctly establish the case record in anticipation of an adverse trial ruling (or, in a few cases, a challenge from the prosecution). Evidence of PDS’s quality trial work, informed by the Appellate Division’s expertise, and of the quality of the Appellate Division’s briefs is its remarkable reversal rate of 25 percent.13 The following cases are representative of PDS’s trial skills and appellate litigation.

PROPER EXERCISE OF THE AUTHORITY TO PROSECUTE

In FY 2010, PDS described the Appellate Division’s successful petition to the United States Supreme Court (Supreme Court) to grant certiorari in Robertson v. United States ex rel. Watson.14 The case challenged a D.C.
Court of Appeals (Court of Appeals) decision holding that a criminal prosecution, specifically a prosecution for criminal contempt, can be brought in the name of and on behalf of a private citizen rather than in the name of and on behalf of the government, i.e., the United States. At the time the Supreme Court agreed to hear the case, it understood the United States to be endorsing the idea that Congress could make the prosecution of federal criminal cases a matter in which private individuals supplant the traditional role of the executive branch and subject other individuals to criminal prosecution in order to avenge private grievances.

After PDS filed its brief on the merits on behalf of petitioner Robertson, the United States changed its litigating position. While the Solicitor General urged the Supreme Court to uphold the judgment against Mr. Robertson on the basis of other issues in the case, she endorsed PDS’s central thesis and told the Court that “prosecution of criminal contempt, just like prosecution for ordinary crimes, is an exercise of sovereign, not private power.”

This dramatic change of position radically altered the national significance of the case, and two months after oral argument, the Court dismissed the writ of certiorari as improvidently granted. Chief Justice Roberts, joined by three justices, dissented from the decision to dismiss with a forceful vindication of PDS’s position. Chief Justice Roberts wrote, “Our entire criminal justice system is premised on the notion that criminal prosecution pits the government against the governed, not one citizen against another. The ruling below is a startling repudiation of that basic understanding.”

In the subsequent proceedings before the Court of Appeals in FY 2011, the Court adopted PDS’s position that the prosecutions must be “brought in the name and pursuant to the sovereign power of the United States.” PDS’s Trial Division, in consultation with the Appellate Division, is currently litigating the implementation of the Court of Appeals decision at the trial level in the Superior Court.

ENSURING PROPER JUDICIAL CONDUCT

In In re M.C., PDS persuaded the Court of Appeals to order the recusal of a Superior Court judge because of improper ex parte communications received by the judge. Like Robertson, this case began with effective trial-level litigation. The trial judge was presiding over the trial on charges relating to a shooting incident in which one of the complainants had a pending delinquency case of his own. The trial judge received two ex parte email messages from the Superior Court judge in the separate case that contained information about that complainant that potentially bolstered his credibility as a prosecution witness in the case. The PDS trial lawyer learned of the disclosure when the email messages were inadvertently attached to an unrelated court order. After seeing the email exchange between the two judges, the PDS trial lawyer filed a motion asking that the trial judge recuse herself from presiding over the trial. The judge denied
the motion, conducted the trial, and convicted the client. PDS’s Appellate Division raised the issue on appeal, and the Court of Appeals held that the Code of Judicial Conduct for the District of Columbia Courts required recusal where there was an appearance of lack of impartiality related to a pending judicial proceeding, reversed the adjudication, and remanded the case for retrial before a different judge.

CHALLENGING FAULTY SCIENTIFIC PRACTICES
Another area in which PDS has been at the forefront in the District of Columbia is pressing the trial courts to accept the growing body of scientific research challenging the accuracy and reliability of eyewitness identification. At the trial level, PDS’s Special Litigation Division has developed model pleadings urging the admission of expert testimony to explain to juries what scientific research reveals about the process of eyewitness identification and why this evidence has been the source of so many wrongful convictions. PDS has also provided training locally and participated in training nationally to educate lawyers about the growing body of research. This year, PDS took that expertise to the Court of Appeals, obtaining a reversal in *Russell v. United States*, a case in which the Court of Appeals held that the trial court abused its discretion in precluding Mr. Russell from presenting expert testimony concerning the reliability and accuracy of eyewitness testimony in a trial on armed robbery, armed carjacking, and other charges. Concluding that recent developments in the scientific community and in District case law required more in-depth consideration of the factors affecting admissibility than had been given, the Court reversed the conviction and remanded the case to the trial court. With the *Russell* decision, PDS has updated its model pleadings and continues to litigate for an expansion of the use of experts in eyewitness identification cases at the trial level.

MAINTAINING THE INTEGRITY OF THE D.C. CRIMINAL JUSTICE SYSTEM
Every year, PDS’s Appellate Division litigates at least one *Brady* issue. These cases, involving the question of whether the prosecution failed to make a timely disclosure of exculpatory information to the defense, are essential to maintaining fairness. PDS litigated *Miller v. United States*, a case in which the government suppressed for more than a year grand jury testimony that the shooter was left-handed, when the defendant was right-handed and a prosecution witness, who had been on the scene and was now claiming that the PDS client was the shooter, was left-handed. When arguing the case, the government claimed that this “potentially exculpatory” information was not “material.” In response to the government’s assertion about its *Brady* obligation, the Court of Appeals wrote: “In a claim that is remarkable for its breadth, the government asserts in a footnote to its brief that the prosecution ‘was not obligated to disclose this information at all’ because *Brady* requires disclosure only

of information that is both favorable to the defense and material to the outcome.”²¹ The Court of Appeals then explained that the government’s argument is foreclosed by Boyd — an earlier PDS case — where the Court explained that the government’s “duty of disclosure exists even if it later appears that reversal is not required.”²² In other words, the government has a duty to disclose exculpatory information even if it later turns out that the information was not material.

**CURBING BIAS CROSS-EXAMINATION**

In a published opinion, *McClary v. United States*,²³ the Court of Appeals upheld a PDS client’s conviction and rejected PDS’s contention that the trial court had impermissibly interfered with the right to cross-examine for bias. In a startling and far-reaching ruling, the Court held that once the trial court allowed cross-examination of one reason a government witness might curry favor with the government, it did not have to allow cross-examination about another such reason. In this instance, the Court of Appeals granted PDS’s petition for rehearing and reversed itself on this important constitutional question, this time concluding in a published opinion that the trial court committed constitutional error in restricting cross-examination for bias.²⁴

**CASE ACCOMPLISHMENTS**

The core work of PDS is the representation of individual clients facing a loss of liberty.²⁵ The systems for involuntary commitments, parole revocation proceedings, and criminal and juvenile delinquency proceedings are adversarial in nature, and PDS has able adversaries in the D.C. Attorney General’s Office and the United States Attorney’s Office. A fair justice system depends on having all components (judges, prosecution, and defense) fulfill their respective roles. PDS plays a pivotal part in ensuring that all cases, whether they result in plea agreements or trials, involve comprehensive investigation and thorough consultation with the client. For those matters that proceed to trial or to an administrative hearing, PDS litigates each matter to the fullest, ensuring that the proceeding constitutes a full and fair airing of reliable evidence. As it has every year since its inception, in FY 2011, PDS won many trials, fought a forceful fight in others, and found resolution prior to trial for many clients. Whatever the outcome, PDS’s goal for each client was competent, quality representation. The following cases, absent identifying information where required by the ethical rules or confidentiality statutes, are a small sample of how competent, quality representation can change lives.
PROTECTING THE INNOCENT FROM WRONGFUL CONVICTION
In two separate homicide cases, the government sought and secured an indictment for first degree murder and related charges against two individuals. If not for PDS, both of these cases would have proceeded to trial with a high probability of conviction. Instead, after hundreds of hours of investigation (during which PDS investigators located and spoke with dozens of witnesses), after more than 100 hours of attorney time (during which PDS lawyers litigated discovery issues securing cell phone records, 911 records, and other documentation in the possession of the government), and after hours spent analyzing the evidence obtained with outside experts, PDS presented the evidence its lawyers, experts, and investigators had uncovered to the government. In each case, PDS convinced the government that it had charged and indicted the wrong person. Each case was dismissed within weeks of the start of trial.

PROTECTING THE WELFARE OF VULNERABLE CLIENTS
In this case, a client’s deportation was at risk. A young immigrant, previously the victim of sex trafficking, found herself wrongly implicated in criminal conduct with her friend. Prior to this incident, she did not have a criminal record. With time passing and the threat of deportation looming, the client’s PDS trial attorney and PDS immigration attorney worked quickly to achieve a misdemeanor plea agreement without deportation. Shortly thereafter, the client received her alien permanent residency.

CHALLENGING FINGERPRINT ANALYSIS AND TESTIMONY
PDS litigated a three-day Frye hearing on the admissibility of the methodology and conclusions of fingerprint comparison in light of the National Academy of Sciences 2009 report: Strengthening Forensic Science: A Path Forward. After extensive pre- and post-hearing briefing, the judge found that the methodology was admissible as generally acceptable, but that the conclusions the fingerprints examiners had been providing went too far in saying a fingerprint from a crime scene “matched an individual to the exclusion of all other people on the planet.” The court reached a middle ground between the parties as to the language the examiners would be allowed to use in testifying: that the fingerprint from the crime scene and the client’s fingerprint “match to a reasonable degree of certainty in the fingerprint field.” This case and the similar issues decided in the firearms and toolmark contexts that PDS litigated in Superior Court provided a thoughtful response by the bench to the recent developments in forensic science. This litigation and ruling also provided a model for others around the country grappling with the new developments in forensic pattern matching.

PROTECTING CLIENT RIGHTS AT REVOCATION HEARINGS
Once someone is in the criminal justice system, he or she often faces heightened suspicion. Such heightened suspicion can lead to costly over-incarceration that has no public safety value if advocates fail to...
investigate. PDS’s Parole Division lawyers are exceptional advocates who test government evidence and locate favorable witnesses often overlooked by the government in parole proceedings. In one such case, a client faced a parole revocation hearing because his court supervision officer (CSO), who had known the client for less than a week, became convinced that the client was the person he saw in a news report about a local bank robbery that included a video segment showing the robber wearing dark sunglasses and a black jacket. The CSO called the police, issued a parole warrant, and sought to have the client’s parole revoked with a sentence of an additional six years imposed. At the revocation hearing, his PDS attorney demonstrated that the police never linked the client to the robbery and presented the favorable testimony of the bank teller. The United States Parole Commissioners, upon review of PDS counsel’s arguments at the hearing, rejected the recommendation for revocation and an additional six-year sentence, and the client was released.

PROTECTING CONSTITUTIONAL RIGHTS

Heightened suspicion can lead to draconian conditions of release serving no public safety purpose but with the potential to destroy families. A client was sentenced in Florida for sexual misconduct that had occurred 15 years earlier. The Florida judge who sentenced the client and was familiar with the facts and circumstances of the case specifically ordered that the client not be placed in sex offender treatment. Nonetheless, when the client moved to Washington, D.C. and his probation was transferred to the Court Services and Offender Supervision Agency (CSOSA), CSOSA barred contact between him and his three children as part of “sex offender treatment.” Represented by PDS’s Special Litigation Division, the client sought relief in federal court. Agreeing with PDS, the court enjoined all restrictions on the client’s contacts with his children, allowing him free and unfettered access for the first time in six months. She ruled that the no contact with his own children condition of probation imposed by CSOSA on the client as part of its sex offender treatment “appears to violate the plaintiff’s constitutional rights as protected by the substantive component of the Due Process Clause.” The judge went on to find that the client suffered irreparable harm and that an injunction was in the public interest.

In a somewhat similar case, while assisting a client who was turning himself in on an outstanding warrant, PDS learned that the client had a probation condition restricting his association with minors, and that CSOSA, who was overseeing his probation, was enforcing the condition to forbid the client from making contact of any sort with his young son. CSOSA had forced the client to move out of the home that he shared with his son and his girlfriend (the child’s mother) and would not tell him when he would again be able to see his son. PDS’s Special Litigation Division filed a motion arguing that the restriction on the client’s association with his son was unconstitutional. The judge lifted the restriction and allowed the client to move back home — reuniting a family.
PROTECTING CLIENT INTERESTS IN CIVIL MATTERS
Sometimes even a finding by a trial court that a person has been wrongly charged and that her record must be sealed cannot protect her from the negative impact of being caught up in the criminal justice system. A client’s arrest for possession of a firearm was ordered sealed by a Superior Court judge after the presentation of compelling evidence of her actual innocence. However, alerted to the initial charge as a result of a police search of her residence, the D.C. Housing Authority (DCHA) sought to terminate her housing voucher. The DCHA argued that the sealed arrest record was admissible in the administrative proceeding and could serve as a basis for terminating the client’s voucher. PDS’s Civil Legal Services Division persuaded both the administrative law judge and, on appeal, the DCHA’s executive director that the Superior Court’s rulings should be honored, preventing an innocent woman from losing her housing based on a wrongful arrest.

HOLISTIC REPRESENTATION
One client had already faced significant hardships by the time PDS began to represent him. Abandoned by his mother at birth and neglected by a subsequent caretaker, the client had a myriad of psychological disorders. But, through the involvement of a team of PDS professionals who could address his delinquency case, his educational issues, and his mental health issues and develop an effective rehabilitation plan, the client is now a gainfully employed high school graduate. PDS’s representation began in 2010 but did not end when he was sentenced in his juvenile delinquency case. Instead, PDS followed the client through his successes and his struggles on probation. During the client’s probation, PDS first identified appropriate residential treatment. Upon the client’s completion of the residential program, PDS then identified community-based educational and therapeutic service and volunteer opportunities that ultimately led to his emergence as an employed adult, fully reintegrated into the community.

Appropriate schooling is often the key to the successful rehabilitation of children. PDS’s special education attorneys have helped hundreds of children get the educational services they need to succeed. Some, like the client mentioned above, need multiple services over a longer period of time. Others simply need to be placed in the right school to change from a disruptive student to an honor roll student with applications pending at local community colleges within a year. But without special education attorneys who can match a child’s needs with the available alternatives, children like these will simply flounder in their educational placements, unable to achieve their actual potential. The work of PDS’s special education attorneys avoids these unproductive placements, saving the community from the long-term costs associated with the failure to complete high school.
HELPING CLIENTS ON THEIR JOURNEY TOWARD SELF-IMPROVEMENT

PDS’s Directory of Adult Services: Community and Confinement Access Guide, produced by PDS’s Office of Rehabilitation and Development, provides information on programs such as local employment and vocational training, education, housing, mental health and substance abuse treatment, and legal assistance, among others. The Directory has helped countless residents in their efforts to improve their lives during or following their involvement in the criminal justice system. One such case was mentioned in the Washington Post,27 concerning a man who, like so many others, returned to the District after 25 years of imprisonment without a home or job prospects and with limited family connections. As the article states, “After years in a cell dreaming of freedom, they’re often unprepared for it. Many have minimal education and work experience and are shackled by drug addiction and mental illness. Those who are capable of searching for a job need to find a boss who will overlook their crimes.” In addition, the article mentions that “…U.S. Attorney General Eric H. Holder, Jr. has said repeatedly that job training and substance abuse programs for returning prisoners can improve public safety and reduce spending on prisons.” As part of this man’s journey toward self improvement, he familiarized himself with PDS’s Directory, and, as of mid-December 2011, he was living in a housing program and working part-time for a non-profit.

COLLABORATING WITH THE CRIMINAL JUSTICE COMMUNITY

Although widely known for zealously participating in the adversarial process of the criminal justice system, PDS also works closely with criminal justice agencies and the courts to make the justice system function more efficiently and fairly. In addition, PDS is always seeking to engage new partners in programs to increase services to PDS clients and improve indigent defense.

D.C. SAFE SURRENDER PROGRAM

PDS again participated in the D.C. Safe Surrender Program, the repetition of a program initiated in 2007, authorized by Congress, and led by the U.S. Marshals Service, that allows individuals with non-violent felony and misdemeanor bench warrants to surrender themselves in exchange for receiving favorable consideration. Eight hundred fifty-six people — far more than expected — came to turn themselves in, making the program a resounding success. The U.S. Marshals Service reduced the risk of harm associated with searching for and arresting individuals with outstanding warrants, and the individuals themselves could resolve their cases. PDS represented almost every individual who came to the D.C. Superior Court on one of the three Saturdays devoted to the program.

One gentleman came all the way from Nevada to resolve his outstanding warrant. In addition, several people with warrants in more serious cases turned themselves in despite knowing that they would almost certainly be detained.

ENCOURAGING BEST PRACTICES FOR FORENSIC LABORATORY
PDS provided expertise to the District of Columbia Council in crafting legislation to establish the operating principles for the District’s first-ever forensic science lab. Historically, public state and local crime laboratories have been housed in local police departments under the supervision of non-scientists and beholden to law enforcement. Recently passed legislation in the District of Columbia has created the first independent public forensic laboratory. The laboratory will have a Science Board made up of independent forensic scientists and traditional scientists with expertise in scientific research, statistics, and quality assurance. This groundbreaking legislation adopts many of the recommendations of the 2009 National Academy of Sciences Report, *Strengthening Forensic Science: A Path Forward*, and may serve to make the District’s laboratory a national model.

COMMUNITY PARTNERSHIPS TO HELP PEOPLE WITH CRIMINAL HISTORIES REENTER THEIR COMMUNITIES
PDS held its seventh “Community Reentry and Expungement Summit” in the District of Columbia. The Summit served more than 700 people in the community by providing free legal advice and access to valuable reentry resources. In addition, an appreciable number of parents, siblings, and spouses of incarcerated persons as well as members of the defense bar and representatives from community-based programs attended who were looking for meaningful resources with which to assist their respective loved ones or clients. PDS recruited and trained nearly 50 pro bono attorneys from the D.C. Bar along with student law clerks to staff the Summit. The goals of the Summit were to provide assistance to individuals with old arrest records or minor convictions in sealing eligible records and to make available reentry support services for persons not eligible for record sealing. Realizing that most in attendance would likely not be eligible for record sealing and therefore would need additional support, PDS brought together more than 50 service providers for this year’s Summit. Attendees received assistance with job searches, interview skills, civil legal services, parole consultations, and referrals for reentry assistance, including the Work Opportunity Tax Credit, the Federal Bonding Program, disability benefits, and public housing opportunities. The day ended with a training session primarily targeted to criminal justice professionals (defense attorneys, civil legal services practitioners, and aspiring public interest lawyers) that focused on the recent changes in the juvenile confidentiality statutes in the District of Columbia. The training provided guidance to more than 70 people who attended regarding how to identify and mitigate the collateral consequences associated with juvenile arrests and court involvement.
LEGISLATION
PDS is working on a multi-year District of Columbia Council-initiated project with the U.S. Attorney’s Office, the District’s Office of the Attorney General, academics, and the Sentencing and Criminal Code Revision Commission to update the city’s criminal code. This year, the group concentrated on the code’s structure of fines, which were inconsistent from one criminal charge to another and sometimes disproportionate to the offense. Legislation proposed by the Commission’s working group is now pending before the Council that would enact a comprehensive, rational fine structure that has more of a correlation with the associated incarceration penalties.

CASE INITIATION PROJECT
As a member of the District’s Criminal Justice Coordinating Council (CJCC), PDS is a partner with the U.S. Attorney’s Office, the D.C. Metropolitan Police Department, the Pretrial Services Agency, and the D.C. Superior Court in a project to change the charging process from a paper system to an electronic one. The new system is designed to reduce the need for in-person involvement by police officers in the U.S. Attorney’s Office’s charging process and streamline records-sharing and administrative processes for the criminal justice system as a whole. PDS, as the organization that assists the court with its appointment of counsel function, is an essential participant in the project.

NATIONAL TRAINING PROGRAM FOR PUBLIC DEFENDERS
The Department of Justice Bureau of Justice Assistance provided a grant in FY 2010 to the American Bar Association, the National Association of Criminal Defense Lawyers, and George Mason University to host training sessions for supervisors and staff attorneys in four regions of the country and to develop a training curriculum to be used at the training sessions and beyond. The goal of this project is to improve indigent defense representation across the country. The project is led by an advisory group, including a representative from PDS. All the members of the group are national experts in the field or lead nationally recognized programs. The first training session, which included sessions on presenting and defending against forensic evidence, was held in FY 2011 in Indiana; the trainers included current and former PDS attorneys.

STUDENT LOAN REPAYMENT PROGRAM
After several years of effort, the public defender community persuaded Congress to pass the John R. Justice Act, which provides student loan repayment assistance for state and federal public defenders and state and local prosecutors who agree to remain employed as public defenders or prosecutors for at least three years. PDS played a leadership role in the creation of District’s program guidelines and requirements. The program was implemented in FY 2011.
ELECTRONIC TRANSCRIPT ORDERS
PDS is working with the D.C. Superior Court to establish an electronic transcript order and delivery system. As an institution that uses transcripts on a regular and frequent basis, both for trial and appellate cases, PDS will increase its efficiency by being able to order transcripts, track the ordering process, and accept delivery of transcripts electronically.

ADVANCING TECHNOLOGY AT PDS
Technology is an integral part of any organization’s infrastructure. As the budget allows, PDS continues to improve its existing technologies and incorporate new tools that help to facilitate its mission.

CASE MANAGEMENT SYSTEM
PDS completed the design phase of a multi-year project to update its case management system. Also, PDS completed the conversion of the software platform the system operates on from a no-longer-supported software product to the more current .Net platform. This platform change will allow PDS to leverage the latest technologies to include new functions, such as document management, that are currently found in similar case management systems.

When PDS embarked on its case management system’s creation eleven years ago, it did not envision requiring the system to serve as a data warehouse. The upgrades taking place will, when completed, allow PDS to acquire, analyze, and evaluate division-specific information; manage trial expenses such as experts, transcripts, and case-related travel; and use the information and trends gleaned from the data to identify the most effective and cost-efficient practices and train and assign staff accordingly. When the upgrade is completed, PDS expects to identify trends that impact the workload of each legal division, allowing PDS to make proactive staffing changes within PDS and to hire in anticipation of changes in the workload. PDS also expects to use aggregate outcome data from each of its practice areas to more accurately track performance and to compare PDS’s performance over time with that of other defender institutions and other defender systems to identify best practices.

“TECH GROUP”
With the continued and advancing use of technology in the courtroom, PDS has established a “tech group” composed of key investigators and administrative staff to assist PDS attorneys and investigators with the technology needed to investigate complex high tech cases and to create dynamic presentations for use in court. Today, PDS uses PowerPoint and Trial Director, presentation software that can synchronize components of transcripts, documents, videos, and audios into one effective presentation before the court.
CONTINUING LEGAL EDUCATION FOR COURT-APPOINTED ATTORNEYS

To ensure that all indigent people facing a loss of liberty receive quality legal representation regardless of whether they are represented by PDS or a private attorney appointed by the local courts, PDS offers several free continuing legal education opportunities for court-appointed attorneys. Annually, PDS provides more than fifty hours of training for hundreds of non-PDS attorneys representing indigent clients in the District of Columbia.28

FORENSIC SCIENCE CONFERENCE

PDS devoted its annual forensic practice conference to teaching practitioners about forensic DNA evidence. In June 2011, more than 100 members of the defense bar attended *Decoding DNA: The Fundamentals of DNA Defense*, hosted by the law firm of Arnold & Porter LLP. In an effort to improve the quality of legal representation provided to criminal defendants in Superior Court, PDS arranged for a mix of local experts and nationally renowned speakers to address a wide variety of topics, including: the basic biology of DNA, rights under the District’s Innocence Protection Act, legal issues in DNA testing, issues in DNA sample mixture and statistics, judicial blood orders, laboratory consumption of biological material, DNA evidence collection, and the value of independent testing. Aside from imparting a great deal of information on this complex topic, including some on a CD containing several practice aids, the conference succeeded in establishing important ties to subject matter experts whom PDS plans to consult in the future.29

CRIMINAL PRACTICE INSTITUTE

PDS continued the tradition of presenting its annual Deborah T. Creek 30 Criminal Practice Institute (CPI), a training event that explores new and innovative ways to represent clients. Incorporating the theme of forensic science in the wake of the National Academy of Sciences report, *Strengthening Forensic Science: A Path Forward*, regarding the lack of “science” behind many standard investigative practices within local, state, and federal law enforcement agencies across the United States, in November 2011, PDS presented the 46th Annual Deborah T. Creek CPI on *Challenging the Law Enforcement Expert in Gun and Drug Cases: Cross-Examining the Unscientific Opinion*. Sessions focused on cross-examining experts and challenging evidence, exposing law enforcement failure to recover evidence, and practicing mock cross-examination of experts.

CRIMINAL DEFENDER TRAINING PROGRAM: SUMMER SERIES

Each summer, PDS offers free training to members of the CJA panel. This year’s series covered a number of different criminal defense subjects, including the litigation of gun and drug charges and assault and sex charges, trial skills, forensic science, collateral civil consequences, sentencing advocacy, ethics, juvenile matters, immigrant defense, parole matters, and important appellate and Supreme Court decisions.

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28. In addition, PDS staff attorneys, forensic social workers, and investigators are routinely asked to be presenters at training sponsored by the District of Columbia courts, the D.C. Bar, and various defender organizations locally and nationally. Through these programs, PDS provides assistance to local counsel and to defender offices around the country.

29. Attendees rated this year’s conference as “outstanding,” “important stuff,” “excellent,” “extremely informative,” “very understandable,” “terrific, straightforward,” and “applicable in numerous ways to matters apart from DNA.”

30. Deborah T. Creek CPI was named in honor of a former PDS executive assistant who died in a tragic car accident in 1996.
TRAINING FOR COURT-APPOINTED ATTORNEYS IN JUVENILE COURT

For the past several years, PDS has significantly increased the number of training opportunities it provides to court-appointed attorneys who practice in juvenile court and individuals appointed by the court to handle special education cases. In 2004, the Court adopted attorney practice standards for attorneys who represent juveniles charged with delinquency or status offenses. The standards mandate initial training requirements for new panel members and annual continuing legal education requirements. PDS provides initial training for newly appointed juvenile panel attorneys that includes a three-day lecture and workshop program and a tour of the secure juvenile facilities. Furthermore, PDS has produced two training videos, *The Fundamentals of Trial Advocacy* by PDS training director Michael Satin and *Suppression of Statements in Delinquency Proceedings* by PDS Alumnus Professor Randy Hertz of the New York University School of Law. These videos are available on the PDS website.

In 2009, the Family Court adopted practice standards for special education panel attorneys. PDS coordinates a two-day initial training program for new special education panel attorneys and provides ongoing training opportunities for special education panel members.

JUDICIAL INVESTITURES IN FY 2011:

- Todd Edelman (Class of 1997) was sworn in as an associate judge of the D.C. Superior Court
- Maribeth Raffinan (Class of 1999) was sworn in as an associate judge of the D.C. Superior Court
- Robert Wilkins (Class of 1990) was sworn in as a district judge of the United States District Court for D.C.

ASSOCIATE JUDGES NOMINATED BY PRESIDENT BARACK OBAMA IN FY 2011:

- Corinne Beckwith (Class of 1999) to the D.C. Court of Appeals
- Jennifer DiToro (Class of 1999) to the D.C. Superior Court
- Catharine Easterly (Class of 2003) to the D.C. Court of Appeals
- Peter Krauthamer (Deputy Director and Class of 1983) to the D.C. Superior Court
- Yvonne Williams (Class of 1999) to the D.C. Superior Court
PDS CHAMPIONS OF LIBERTY IN FY 2011

Sagri (Dave) Acharya, Budget Officer
Angela Acree, Staff Attorney
Alvina Adegbite, Office Manager
Arthur Ago, Deputy Chief, Trial
Steve Albers, Supervising Staff Investigator
Linda Allen, Office Manager
Jeremy Alper, Staff Attorney
Jonathan Anderson, Staff Attorney
Philip Andonian, Staff Attorney
Mona Asiner, Staff Attorney
Donna Barnes, Office Manager
Melanie Barnes, Eligibility Examiner
Sabrina Bazemore, Staff Attorney
Corinne Beckwith, Supervising Staff Attorney
Lauren Bernstein, Staff Attorney
James D. Berry, Jr., Chief, Community Defender
John Bess, Sentencing Resource Coordinator
Jessica Bettencourt, Program Assistant
Betsy Biben, Chief, Office of Rehabilitation and Development
Brianna Bond, Staff Investigator
Michael Bonner, Staff Attorney
Jacqueline Boyce, Supply Services Coordinator
John Boyles, Facilities and Security Specialist
Jessica Brand, Staff Attorney
Sean Brebbia, Staff Attorney
Alvin Brown, Chief Information Officer
Liyah Brown, Staff Attorney
Merritt Brown, Chief Financial Officer
Avis E. Buchanan, Director
Julia Burrill, Forensic Scientist
Kristy Butler, Executive Secretary
Lauren Carlotto, Staff Investigator
Stanley Carr, Contracting Officer
Almo Carter, Staff Attorney
Solomon Chi, Senior Network Engineer
Gabriel Chikes, Special Administrative Projects
Sara Childress, Eligibility Examiner
Kimberly Clark, Staff Attorney
Jia Cobb, Supervising Staff Attorney
Josephine Cohen, Forensic Social Worker
Reva Conley, Forensic Social Worker
Peter Cooper, Staff Attorney
Stephen Cooper, Staff Attorney
Clarence Counts, Staff Investigator
Jacqueline Daniels, Financial Management Specialist
Carolyn Datcher, Financial Management Analyst
Amanda David, Staff Attorney
Matthew Davies, Staff Attorney
Faheemah Davillier, Supervisory Staff Investigator
Laurie Davis, Staff Attorney
Petruzelli Days, Eligibility Examiner
Parisa Dehghani-Tafti, Staff Attorney
Pремal Dharia, Supervising Staff Attorney
Gabriel Diaz, Staff Attorney
Sandra Dorsey, Accounting Officer
Monica Douglas, Staff Attorney
Jason Downs, Staff Attorney
Thomas Dybdahl, Supervising Staff Attorney
Catharine Easterly, Staff Attorney
Rashida Edmondson, Staff Attorney
Michelle Eidell, Staff Investigator
Lakecia Evans, Office Manager
Nicole Evers, Forensic Social Worker
Samia Fam, Deputy Chief, Appellate
Douglas Farmer, Information Technology Specialist
Cynthia Fauntleroy, Administrative Assistant
Janet Fennell, Staff Investigator
Jason Ferguson, Supply Technician
Andrea Fishman, Staff Investigator
Jaclyn Frankfurt, Deputy Chief, Appellate
Richard Franklin, Supply Technician
April Frazier, Reentry Program Coordinator
Terry Freeman, Human Resources Specialist
Harry Fulton, Chief, Mental Health
Grey Gardner, Staff Attorney
Nicholas Gerschman, Staff Investigator
Lee Goebes, Staff Attorney
Christopher Graham-Egbo, Staff Investigator
Richard Greenlee, Staff Attorney
Gustavo Gutierrez, Staff Attorney
Kimberly Hall, Information Technology Specialist
Laura Hankins, Special Counsel to the Director
Matthew Hanna, Staff Investigator
Glenetta Merchant Harris, Paralegal Specialist
Stephanie Harrison, Staff Attorney
Madalyn Harvey, Supervising Staff Attorney
Vincent Haskell, Staff Attorney
Tanya Hatton, Special Projects Manager
Maria Hawilo, Supervising Staff Attorney
Suann Hecht, Forensic Social Worker
Craig Hickein, Staff Attorney
Benjamin Hiltzheimer, Staff Attorney
Seana Holland, Staff Investigator
Alison Horn, Staff Investigator
Ronald Horton, Staff Attorney
Kirsten Hubschmann, Paralegal
Nina Isaacson, Staff Attorney
Karen Jackson, Chief, Investigations
Sloan Johnston, Staff Attorney
Sheryl Jones, Staff Attorney
Quo Judkins, Staff Attorney
Alexander Karakatsanis, Staff Attorney
Benjamin Keep, Staff Attorney (Forensic Fellow)
Christopher Kemmitt, Staff Attorney
Andrea Kenoff, Forensic Social Worker
Patrick Kirby, Staff Investigator
Daphne Kirksey-Clark, Forensic Social Worker
James Klein, Chief, Appellate
David Knight, Staff Attorney
Jay Kohl, Senior Network Engineer
Tejal Kothari, Staff Attorney
Peter A. Krauthamer, Deputy Director
Margaret Kreitzer, Forensic Social Worker
Lawrence Kupers, Supervising Staff Attorney
Isabel Laguzzi, Language Specialist
Jennifer Lanoff, Staff Attorney
Wilna Laporte, Information Technology Specialist
Natalie Lawson, Staff Attorney
Justin Lee, Staff Attorney
Julia Leighton, General Counsel
Cynthia Lester, Program Assistant
Sandra Levick, Chief, Special Litigation
Kirston Lloyd, Eligibility Examiner
Elizabeth Logemann, Staff Attorney
Jeanette Long, Lead Eligibility Examiner
Clinique Marshall, Forensic Social Worker
Anthony Matthews, Staff Attorney
David Maxted, Staff Attorney
Shirlimarie McAroy-Gray, Staff Attorney
Colleen McCrystal, Staff Attorney
Hannah McElhinny, Deputy Trial Chief, Juvenile Section, Trial
Tara Mikkilineni, Staff Attorney
Michael Milner, Administrative Services Assistant
Meka Milton, Administrative Assistant
Janet Mitchell, Chief, Trial
Christine Monta, Staff Attorney
Sheila Moore, Office Manager
Laura Moorer, Law Librarian
Lakia Moses, Eligibility Examiner

Olinda Moyd, Chief, Parole
Catherine Mullin, Program Assistant
Elizabeth Mullin, Staff Attorney
Silvana Naguib, Staff Attorney
David Norman, Mental Health Specialist
Delta Obeng-Anom, Administrative Secretary
Eugene Ohm, Supervising Staff Attorney
Rosalyn Overstreet-Gonzalez, Staff Attorney
Dana Page, Staff Attorney
Gina Paniagua, Staff Investigator
Lisa Partlow, Legal Assistant
Tifney Perry, Eligibility Examiner
Kate Philpott, Staff Attorney (Forensic Science)
Christian Pipe, Supervising Staff Investigator
Judith Pipe, Staff Attorney
Rhonda Pope, Forensic Social Worker
Rachel Primo, Staff Investigator
Marie-Pierre Py, Staff Attorney
Maribeth Raffinan, Supervising Staff Attorney
Mohan Rajani, Computer Specialist
Renee Raymond, Supervising Staff Attorney
Miles Redden, Staff Investigator
Tia Richardson, Deputy Chief, Defender Services
Maro Robbins, Staff Attorney
Brian Roberts, Institutional Services Program Coordinator
Chris Roberts, Staff Attorney
Alex Robinson, Forensic Social Worker
Chiquisha Robinson, Staff Attorney
Herbert Robinson, Chief, Defender Services
Jamie Rodriguez, Juvenile Services Program Coordinator
Anna Rodriques, Staff Attorney
Laura Rose, Mental Health Specialist
Wanda Rose, Forensic Social Worker
Geoffrey Ross, Staff Investigator
Claire Roth, Special Counsel to the Director
Timothy Ruch, Lead Staff Investigator
Michael Rucker, Staff Investigator
Tania Ruiz, Software Developer
Danielle Rundle, Staff Investigator
Tracey Saade, Staff Investigator
Michael Satin, Training Director
Shilpa Satoskar, Staff Attorney
Stefanie Schneider, Staff Attorney
Eric Scott, Staff Investigator
Paula Scott, Chief, Civil Legal Services
Kia Sears, Supervising Staff Attorney
Jeffrey Sedlacek, Senior Network Engineer
Katerina Semyonova, Supervising Staff Attorney
Edward Shacklee, Staff Attorney
Yolanda Sheffield, Staff Attorney
Oscar Simons, Staff Attorney
Maneka Sinha, Staff Attorney
Tiffany Sizemore, Staff Attorney
Patricia Slater, Supervising Staff Investigator
Carolyn Slenska, Staff Investigator
Jennifer Soble, Staff Attorney
Santha Sonenberg, Supervising Staff Attorney
Andrew Stanner, Staff Attorney
Patricia Straw, Eligibility Examiner
Tammy Sun, Staff Attorney
Tammie Szafran, Paralegal

David Taylor, Staff Attorney
Fleming Terrell, Staff Attorney
Leila Thamer, Staff Attorney
Janice Thomas, Receptionist
Jennifer Thomas, Legal Recruiting Manager
Sherry Trafford, Staff Attorney
Hadley Truettner, Staff Attorney
Jason Tulley, Special Counsel to the Director
Paul Turkevich, Staff Investigator
Martha Villa, Human Resources Specialist
Alice Wang, Supervising Staff Attorney
Gwendolyn Washington, Staff Attorney
Mikel M. Weidman, Staff Attorney
Brendan Wells, Deputy Chief, Investigations
Michael Wells, Information Technology Specialist
Jennifer Wertheim, Staff Attorney
James Whitehead, Staff Attorney
Reginald Williamson, Staff Attorney
Sheila Willis, Acting Chief Administrative Officer
Nakisha Winston, Staff Attorney
Dominique Winters, Staff Attorney
Michelle Young, Administrative Secretary
Sarah Young, Staff Investigator
Steve Yu, Human Resources Specialist
Jason Zencka, Staff Investigator
FINANCIAL STATEMENT FOR FY 2011
CARMICHAEL BRASHER TUVELL & COMPANY, PC

INDEPENDENT AUDITORS’ REPORT

To Board of Trustees
Public Defender Service for the District of Columbia

We have audited the accompanying balance sheets of the Public Defender Service for the District of Columbia (PDS), as of September 30, 2011 and 2010, and the related statements of net cost, changes in net position, and budgetary resources for the fiscal years then ended. These financial statements are the responsibility of PDS’s management. Our responsibility is to express an opinion on these financial statements based on our audit.

The objectives of the audit are to express an opinion on the fair presentation of PDS’s financial statements, obtain an understanding of PDS’s internal control, and test compliance with laws and regulations that could have a direct and material effect on the financial statements.

We conducted our audits in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States and OMB Bulletin No. 07-04, Audit Requirements for Federal Financial Statements. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

OPINION ON FINANCIAL STATEMENTS
In our opinion, the financial statements referred to above present fairly, in all material respects, the assets, liabilities, and net position of PDS, as of September 30, 2011 and 2010 and the net cost, changes in net position and budgetary resources for the years then ended in conformity with accounting principles generally accepted in the United States of America.

REPORT ON INTERNAL CONTROL
In planning and performing our audit, we considered PDS’s internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statements. We limited our internal control testing to those controls necessary to achieve the objectives described in OMB Bulletin No. 07-04, Audit Requirements for Federal Financial Statements, but not for the purpose of expressing and opinion on the effectiveness of PDS’s internal control over financial reporting. We did not test all internal controls relevant to operating objectives as broadly defined by the Federal Managers’ Financial Integrity Act of 1982 (FMFIA). Because of inherent limitations in internal control, misstatements due to error or fraud, losses, or noncompliance may nevertheless occur and not be detected. Accordingly, we do not provide an opinion on the effectiveness of PDS’s internal control over financial reporting.
A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance. A material weakness is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the organization's financial statements will not be prevented, or detected and corrected on a timely basis.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over financial reporting that might be deficiencies, significant deficiencies, or material weaknesses. We did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses, as defined above. However, we identified certain other matters in internal control that came to our attention during our audit which we communicated to management and those charged with governance.

As required by OMB Bulletin No. 07-04, with respect to internal control related to performance measures determined by management to be key and reported in the Management Discussion and Analysis section of the Performance and Accountability Report, we obtained an understanding of the design of significant internal controls relating to the existence and completeness assertions, and determined whether these internal controls had been placed in operation. Our procedures were not designed to provide assurance on internal control over reported performance measures, and accordingly, we do not provide on such controls.

REPORT ON COMPLIANCE WITH LAWS AND REGULATIONS

The management of PDS is responsible for complying with laws and regulations applicable to them. As a part of obtaining reasonable assurance about whether PDS's financial statements are free of material misstatement, we performed test of its compliance with certain provisions of laws and regulations, noncompliance with which could have direct and material effect on the determination of financial statement amounts, and certain other laws and regulation specified in OMB Bulletin No. 07-04, including the requirements referred to in the Federal Financial Management Improvement Act of 1996 (FFMIA). We limited our tests of compliance to these provisions and we did not test compliance with all laws and regulations applicable to PDS.

The results of our test of compliance with the laws and regulations discussed in the preceding paragraph disclosed no instances of noncompliance with laws and regulations that are required to be reported
under Government Auditing Standards or OMB audit guidance. We caution that noncompliance may occur and not be detected by these tests and that such testing may not be sufficient for other purposes.

Providing and opinion on compliance with laws and regulations was not an objective of our audit and accordingly, we do not express such an opinion.

OTHER ACCOMPANYING INFORMATION
Our audit was conducted for the purpose of forming an opinion on the financial statements of PDS taken as a whole. The accompanying financial information is not a required part of the financial statements.

The management’s discussion and analysis on pages 1 through 5 are not a required part of the basic financial statements but are supplementary information required by the Federal Accounting Standards Advisory Board and OMB Circular A-136, Financial Reporting Requirements. We have applied limited procedures, which consisted principally of inquiries of management regarding the methods of measurement and presentation of the supplementary information. We did not audit the other accompanying information and do not express an opinion or any other form of assurance on it.

This report is intended solely for the information and use of those charged with governance and the management of PDS, the Board of Trustees, Office of Management and Budget, the Congress of the United States, Chief Judges of the Federal Courts in the District of Columbia and the District of Columbia Courts, and is not intended to be and should not be used by anyone other that these specified parties.

CARMICHAEL, BRASHER, TUVELL & COMPANY, PC

Atlanta, Georgia
November 21, 2011
## PUBLIC DEFENDER SERVICE FOR THE DISTRICT OF COLUMBIA

### BALANCE SHEETS

**AS OF SEPTEMBER 30, 2011 AND 2010**

<table>
<thead>
<tr>
<th></th>
<th>2011</th>
<th>2010</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Assets:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Intragovernmental:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fund balance with Treasury</td>
<td>$ 6,032,250</td>
<td>$ 7,041,793</td>
</tr>
<tr>
<td>Total intragovernmental</td>
<td>6,032,250</td>
<td>7,041,793</td>
</tr>
<tr>
<td>Accounts receivable</td>
<td>2,009</td>
<td>7,456</td>
</tr>
<tr>
<td>General property, plant and equipment, net</td>
<td>1,372,646</td>
<td>375,112</td>
</tr>
<tr>
<td><strong>Total assets</strong></td>
<td>$ 7,406,905</td>
<td>$ 7,424,361</td>
</tr>
<tr>
<td><strong>Liabilities:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Intragovernmental:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FECA liability</td>
<td>$ 235,565</td>
<td>$ 136,619</td>
</tr>
<tr>
<td><strong>Total liabilities</strong></td>
<td>235,565</td>
<td>136,619</td>
</tr>
<tr>
<td>Accounts payable</td>
<td>641,602</td>
<td>424,230</td>
</tr>
<tr>
<td>Accrued payroll</td>
<td>491,120</td>
<td>1,503,334</td>
</tr>
<tr>
<td>Accrued annual leave</td>
<td>1,669,101</td>
<td>1,749,301</td>
</tr>
<tr>
<td>Estimated future FECA liability</td>
<td>1,158,232</td>
<td>675,473</td>
</tr>
<tr>
<td><strong>Total liabilities</strong></td>
<td>4,195,620</td>
<td>4,488,957</td>
</tr>
<tr>
<td><strong>Net Position:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unexpended appropriations</td>
<td>4,899,528</td>
<td>5,220,586</td>
</tr>
<tr>
<td>Cumulative results of operations</td>
<td>(1,688,243)</td>
<td>(2,285,182)</td>
</tr>
<tr>
<td><strong>Total net position</strong></td>
<td>3,211,285</td>
<td>2,935,404</td>
</tr>
<tr>
<td><strong>Total liabilities and net position</strong></td>
<td>$ 7,406,905</td>
<td>$ 7,424,361</td>
</tr>
</tbody>
</table>