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Families Against Mandatory Minimums

*Stepped down as Chairperson in 2012 and remained on the Board
**Succeeded Ms. Jones as Chairperson
***Succeeded Mr. Kohlman as Vice Chairperson
****Joined the Board in FY 2012
*****Departed from the Board in FY 2012

EXECUTIVE MANAGEMENT IN FY 2012

Director
Avis E. Buchanan

Deputy Director
Peter A. Krauthamer
Rudolph Acree, Jr.

General Counsel
Julia Leighton

Acting Chief
Administrative Officer
Sheila Willis

Chief Financial Officer
Merritt Brown

Acting Chief Financial Officer
Sandra Dorsey

Director of Human Resources
Sherri Beatty-Arthur

Chief Information Technology Officer
Alvin L. Brown

* Resigned to become an Associate Judge for the Superior Court of the District of Columbia in December 2012
** Joined PDS in June 2012
***Retired in December 2011
****Acting as of January 2012
DIRECTOR’S LETTER

In a year of federal government battles over the budget, the debt ceiling, and the “fiscal cliff,” not to mention the proposed solution of imposing severe budget cuts (“sequestration”) in Fiscal Year (FY) 2013 and thereafter, the Public Defender Service for the District of Columbia was still able to accomplish its mission in FY 2012: to provide and promote quality legal representation to adults and children facing a loss of liberty in the District of Columbia. PDS staff refused to let the challenges of the budget climate interfere with remaining focused on providing client-centered representation, achieving significant outcomes for clients, and making improvements in efficiency.

In a very satisfying development, PDS’s work exposing flaws in hair and fiber evidence led to the exoneration of two men, both of whom had spent more than two decades in prison, one due to a murder conviction and the other for a rape conviction. For the last decade, PDS has been a leader in developing expertise in forensic science, including demonstrating the shortcomings of many of the disciplines long relied on to obtain convictions in criminal cases. In the instance of these two exonerations (which followed one PDS obtained three years ago on behalf of a man who had spent almost 30 years in prison after being convicted of murder and rape), PDS was able to obtain the biological evidence in the two cases and conduct independent DNA testing that showed that the “scientific” evidence on which the convictions were based was unreliable and that proved the men were innocent.

PDS challenges unfairness in the District’s criminal justice system in other ways. Also in FY 2012, PDS saved a client from being forced to undergo what the U.S. District Court later determined was unnecessary sex offender treatment as a condition of supervised release in a drug case based on an almost 30-year-old, unproven sex offense allegation. A federal judge agreed that the client’s constitutional due process rights had been violated when the treatment condition was imposed without any process and found that the treatment was a waste of government resources.

In addition to making a difference in clients’ lives, PDS is on track to increase its operational efficiency. The long-term project to upgrade our electronic case management system, “Atticus,” reached key milestones during FY 2012. We completed the design phase of the upgrade and implemented a significant number of the substantial modifications that will allow staff to better track the important developments in their cases, allow management to collect and analyze data to better identify trends and areas for improvement, and give administrative staff the capacity to process business transactions more easily. We are planning for full installation of the new system in FY 2013.

PDS also collaborated with the Superior Court of the District of Columbia in FY 2012 to better serve PDS clients and staff. PDS and the Court created an electronic system for submitting transcript orders, approving them, and delivering the completed transcripts. The change from a paper-based process has reduced the time it takes to obtain a transcript, helped to avoid unintentional duplicate orders, and made billing and payment more accurate and timely.

All the above are examples of the ways in which we provide, in the words of a former PDS director, “better representation than money can buy.” However the disputes over the size and composition of the federal budget are resolved, PDS will not be deterred from fighting for its clients and building on its administrative achievements. We will continue to find a way.

Avis E. Buchanan
Director
MISSION STATEMENT

The Public Defender Service for the District of Columbia (PDS) 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

PDS is a federally funded, independent legal organization governed by an eleven-member Board of Trustees. The organization was created by a federal statute enacted to comply with a constitutional mandate to provide defense counsel to people in criminal and juvenile proceedings who cannot afford to hire an attorney. 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). 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 for the purpose of representing 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

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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*\(^6\) recognized the constitutional right to counsel in criminal cases for people unable to afford their own attorneys in felony matters. Thereafter, in 1967, the Supreme Court *In Re Gault*\(^7\) expanded the responsibilities of public defenders to include providing counsel in juvenile proceedings. These cases fueled the commitment to public defender services, and building on their momentum, LAA leadership crafted the 1970 statute\(^8\) 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 Division (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 controlled caseloads, 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, a special litigation counsel position (now the Special Litigation Division and the Special Counsel to the Director for Legislative Affairs) in 1988/1989, 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

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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. These concerns were recently raised in *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. 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. The FPG also coordinates PDS’s annual Forensic Science Conference. 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. 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.

**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 was recently reflected in comments by the United States Attorney General (U.S. Attorney General), two distinguished awards, and two publications:

At a forum in May 2011, Defending Childhood and Youth: An Approach to Ending the Cycle of Violence, at the Harvard School of Public Health, U.S. Attorney General Eric H. Holder, Jr. acknowledged that PDS is “…the best public defender’s office in the country.”

In the spring of 2011, the Foundation for Criminal Justice, a nonprofit organization that supports the mission of the National 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.

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.

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. As the article observes, PDS is an exception:

The Public Defender Service for the District of Columbia, the only local

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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.11

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.12

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 ‘cookiecutter’ 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.13

In the coming years, PDS will continue its innovative approaches to, and maintain its reputation as a model program in, the delivery of legal services for those who cannot afford attorneys in juvenile delinquency, criminal, and mental health commitment cases.

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11. *Id.* at 26.


13. *Id.* at iii.
OUR LEGAL SERVICES DIVISIONS

PDS and private attorneys 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 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. On a day-to-day basis, PDS attorneys provide advice and training to each other, and they often form small teams to handle particularly 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 are primarily responsible for handling the appellate litigation generated in PDS cases, providing legal advice to CJA attorneys in appellate matters, and responding 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 technical assistance and training to other PDS divisions. The Appellate Division attorneys’ knowledge and experience allow them to assist in complex cases without having to perform long hours of original research each time difficult legal issues arise. The reliance on this division by the Court of Appeals is demonstrated by the Court’s emphatic and repeated requests that PDS expand its staff of appellate specialists to assist the Court in reducing its backlog without compromising on quality.

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. Examples of SLD’s cases include federal civil rights...
lawsuits on behalf of clients challenging the unconstitutional practices of the Metropolitan Police Department, the Court Services and Offender Supervision Agency, and the United States Parole Commission; litigation in the District of Columbia courts concerning the treatment of children in the juvenile justice system; and exonerations of those wrongfully convicted on the basis of flawed forensic evidence. 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 United States Parole Commission (USPC), and in select cases, the Division pursues appeals before the USPC’s National Appeals Board. Division attorneys also 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 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 services to address issues facing children in the delinquency system that often hinder their successful reintegration into the community. CLS has a team of special education attorneys expert in advocacy under the federal Individuals with Disabilities Education Improvement Act (IDEIA), 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 includes attorneys who address other rehabilitative needs of these children and the needs of adult clients by providing representation in civil matters arising out of their criminal charges – civil matters such as those related to housing, child support, and other family court matters. CLS also provides expert consultation for attorneys with clients in the criminal justice system who face immigration consequences as a result of their contact with the criminal justice system.
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 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, accessing and analyzing forensic and digital evidence, and preparing technical and electronic exhibits for trials and hearings. The division provides initial and ongoing training for its investigators and court-certified CJA investigators. It 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 services, 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 electronic retrieval systems.
OTHER PDS PROGRAMS IN SUPPORT OF THE D.C. COURT SYSTEM

CJA INVESTIGATOR TRAINING AND CERTIFICATION

PDS administers a training and certification 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 services, 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 properly prescribed 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.
PDS HISTORY TIMELINE

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 Offender Rehabilitation Project (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.

1967

- United States Supreme Court decision *In Re Gault* champions the right to counsel for juveniles in delinquency proceedings and affords many of the same due process rights as adults, such as the right to timely notification of the charges, the right to confront witnesses, and the right against self-incrimination.

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 Division (now the Defender Services Office) and the Offender Rehabilitation Division (now 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 residents, resident 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 cut backs 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
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 the New Beginnings), and the Receiving Home for Children in Northeast Washington (now the 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 (now the Special Litigation Division and the Special Counsel to the Director for Legislative Affairs) 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 services, 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 training and certificate 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 eyelD.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 notable 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.

At a forum on Defending Childhood and Youth: An Approach to Ending the Cycle of Violence, at Harvard School of Public Health, U.S. Attorney General Eric H. Holder, Jr. acknowledged that PDS is “…the best public defender’s office in the country.”
SIGNIFICANT ACCOMPLISHMENTS IN FY 2012

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 2012:

DNA EXONERATIONS AND FAULTY SCIENCE

PDS’s Special Litigation Division (SLD) built on its December 2009 DNA exoneration of Donald Eugene Gates in an extraordinary fashion. In Mr. Gates’s case, SLD not only proved to a scientific certainty that Mr. Gates was actually innocent of the 1981 rape and murder for which he spent 28 years in prison, it also exposed hair microscopic analysis as a “junk” science that contributed to his wrongful conviction.

In the wake of Mr. Gates’s exoneration, SLD called upon the United States Attorney’s Office for the District of Columbia (USAO) to identify all cases in which FBI hair analysis had been used to win convictions in serious cases to determine if others had suffered Mr. Gates’s fate. While the USAO continued to defend hair analysis and to oppose a review of its cases, SLD identified two former PDS clients – Kirk Odom and Santae Tribble – whose convictions had been based, in part, on hair analysis.

SLD proved that both Mr. Odom, who spent more than 22 years in prison for a violent rape, and Mr. Tribble, who spent more than 27 years in prison for murder, were wrongfully convicted. In Mr. Odom’s case, mitochondrial DNA testing excluded Mr. Odom as the source of the hair found on the victim’s nightgown to a scientific certainty. Nuclear DNA testing excluded Mr. Odom as the source of the bodily fluid left by the perpetrator on the victim’s robe and pillowcases to a scientific certainty. Instead, the bodily fluid has been traced to a convicted sex offender. A Superior Court judge found that “Mr. Odom has been the victim of a grave miscarriage of justice. He is actually innocent of the crimes for which he was convicted.”

In Mr. Tribble’s case, the 1978 murder of a cab driver was committed by a man wearing a stocking mask. A Federal Bureau of Investigations (FBI) agent claimed that a hair in the stocking microscopically matched Mr. Tribble’s hair, a phenomenon said to be very rare. Notwithstanding compelling alibi evidence, Mr. Tribble, who was only 17 years old at the time of the crime, was convicted.

Almost 34 years later, DNA testing obtained by SLD of the hairs in the stocking mask, proved to a scientific certainty that the hairs left by the murderer could not have come from Mr. Tribble. A judge of the Superior Court granted Mr. Tribble’s motion to vacate his convictions and dismiss the indictment with prejudice under the Innocence Protection Act. (Of noteworthy mention, in early FY 2013, Mr. Tribble was formally declared innocent by a Superior Court judge.)
Based on PDS’s exonerations of Mr. Odom and Mr. Tribble, the USAO has reversed itself and has now agreed to conduct an audit of all cases in which the flawed “science” of hair microscopy was used to win convictions. In addition, the U.S. Department of Justice and the FBI have agreed to embark on a nationwide review of all cases in which FBI hair analysis was used to convict, spurred on by PDS’s exonerations of Mr. Gates, Mr. Tribble, and Mr. Odom and by a Washington Post series highlighting the flaws in such evidence and profiling Mr. Tribble and Mr. Odom.14

These two cases have been handled by PDS from the very beginning to this ultimate conclusion. Valuable lessons have been learned. For PDS, the ultimate outcomes in these two unfortunate cases reinforce how PDS painstakingly handles individual cases at the trial level, and will lead to training and policy work to improve the criminal justice system going forward.

SYSTEMIC LITIGATION

As a comparatively small institutional defender, PDS has traditionally handled those cases in which it can have the most impact. Historically, that has included the most serious and costly criminal and delinquency cases. But PDS also used those cases to help it identify litigation that can have a larger impact beyond cases handled by individual PDS lawyers. This year, PDS used highly skilled lawyers to target cases involving constitutional violations that affect large numbers of persons and cause both unfairness and inefficiencies in the criminal justice system.

Sex Offender Treatment

SLD won a resounding victory in federal court in Wills v. U.S. Parole Commission, et al.15 In this case, the U.S. Parole Commission, without giving Mr. Wills a chance to be heard, required as a condition of supervised release in a drug case that he undergo sex offender treatment based on a nearly 30-year-old unproven sex offense allegation. A U.S. District Court judge found that Mr. Wills had been denied his constitutional right to due process when he had been compelled to undergo such treatment without any process at all. The U.S. District Court agreed with PDS that such treatment not only violated Mr. Wills’s rights, but it was also a waste of government resources. The federal judge wrote:

In a time of fiscal austerity and strained resources, meaningful process to determine whether the plaintiff should have been subject to the SOA [sex offender aftercare] would not only have saved the plaintiff from this ordeal, but saved the Parole Commission precious resources expended on Mr. Wills’ unnecessary treatment. Providing procedures in order to more carefully target resources on individuals who need them would be more practical.


15. Case No. 11-cv-001464 (BH).
Civil Forfeiture

SLD also successfully challenged the constitutionality of the District of Columbia’s civil forfeiture statutory scheme in the U.S. District Court. PDS litigated on behalf of four low-income individuals whose cars were seized by the Metropolitan Police Department (MPD). In each of these cases, PDS alleged that due process was violated by the District’s failure to provide a prompt opportunity for car owners to challenge the validity of the seizure of their cars. As a result of this failure to provide a hearing, owners were deprived of their vehicles for months and sometimes years even after their cases were resolved. These delays often resulted in difficulties performing normal day-to-day responsibilities such as providing or accessing child care, attending educational or employment commitments, and being a helpful and productive family member.

In the first case, PDS filed suit alleging a due process violation in the failure to provide a prompt post-deprivation hearing before a neutral arbiter to determine whether probable cause existed to retain the car pending the civil forfeiture proceedings and whether the equities favored the client’s continued use of the car until such proceeding concluded. PDS won the preliminary injunction motion on this issue – the right to a prompt post-deprivation hearing – and the court issued an extensive order critical of the District’s forfeiture scheme.

Three subsequent complaints were then filed on behalf of other low-income individuals whose cars had been seized for forfeiture by MPD without any process. In each case, the District returned the cars after the complaints and motions for preliminary injunctions were filed. In three additional cases, PDS obtained similar relief without filing suit.

PDS anticipates that, in time, the District will make changes to its forfeiture process, eliminating the need for continuing litigation and substantially improving the fairness of the process for every forfeiture case in the District of Columbia.16

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 the event of an adverse trial ruling (or, in a few cases, a challenge from the prosecution). Evidence of the high quality of PDS’s trial work, informed by the Appellate Division’s expertise, and of the high quality of the Appellate Division’s briefs is its remarkable reversal rate of over 25 percent.17

PDS appellate lawyers have won reversals in a significant number of important cases. These victories not only vindicate the rights of deserving individuals under the United

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16. The D.C. Metropolitan Police Department seizes more than 1,400 vehicles a year.
17. The reversal rate for criminal appeals handled by all other attorneys (pro bono, retained, and panel) is under five percent. This data is based on a review of criminal appeals cases since 2005.
States Constitution and District of Columbia law, but because they tend to involve complex questions of law, the resulting published opinions serve as precedent and indispensable guidelines for Superior Court judges, advancing the rule of law in a far greater number of cases. In *United States v. Woodard*, PDS’s appellate attorneys persuaded the D.C. Court of Appeals (Court of Appeals) to reverse its own earlier decision and vacate Mr. Woodard’s convictions in the face of conduct by the prosecutor in his rebuttal argument that was misleading to the jury. The conduct occurred during Mr. Woodard’s retrial on charges of conspiracy to assault a person with a firearm and assault with a dangerous weapon; the first trial involved a co-defendant. The prosecutor, with the intent of bolstering a key government witness’s credibility in the second trial, argued that the witness’s testimony at Mr. Woodard’s first trial that Mr. Woodard was not the shooter was due to the witness’s fear of identifying a shooter face-to-face. In fact, as the prosecutor knew but did not disclose to the jury, at the first trial, the witness had made just such a face-to-face identification of the other defendant as one of the shooters.

An important function of PDS’s Appellate Division is to aid the Court of Appeals as an “amicus curiae,” or “friend of the Court,” by submitting briefs and presenting oral argument in non-PDS cases that raise novel and important questions of law. PDS has done important work in a number of such cases. The Appellate Division has intervened as amicus curiae and filed briefs in two cases (*Antaun Conley v. United States* and *Christopher Barnes & Wilson Jones v. United States*) challenging the constitutionality of D.C. Code § 22-2511, a relatively new statute that makes it a felony merely to be present in a car and then to learn that the car contains an unlawful gun, without requiring any participation in the unlawful venture whatsoever. The appellate lawyer on these cases also testified before the Council of the District of Columbia regarding the constitutional infirmities of a statute that sweeps so broadly without regard to personal guilt. PDS was additionally invited by the Court of Appeals to file amicus curiae briefs in cases dealing with domestic violence prosecutions in the Superior Court under a system subsequently determined to be unconstitutional. Under previous precedent (later overruled), judges believed that domestic violence complainants were authorized to privately criminally prosecute defendants – without any check or interference by a government prosecutor acting in the public interest. PDS succeeded in defeating such a system by litigating the matter all the way up to the Supreme Court. The recent cases solicit PDS’s advice in how to fairly deal with such cases in the future.

The Appellate Division continues at the vanguard of criminal justice in the District of Columbia by providing exemplary representation of individual clients, advancing the development of the law, and training the bench and bar.

### COLLABORATIVE WORK

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.

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 (USAO), the D.C. Metropolitan Police Department, the Pretrial Services Agency (PSA), and the 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 USAO’s charging process and to streamline records-sharing and administrative processes for the criminal justice system as a whole. PDS, as the organization that assists the Superior Court with its appointment of counsel function, is an essential participant in the project. PDS, along with PSA, assisted the project by performing integration testing. PDS was also the first participating entity to receive electronic court case data directly as a result of the collaborative project. This project earned the CJCC and its partner agencies the Excellence in Government Award under the category of Interagency Collaboration.

Drug Court Improvements
PDS, PSA, USAO, the Superior Court, and members of the CJA panel worked together to implement changes based on research to improve the D.C. Superior Court Drug Intervention Program (SCDIP). Research has demonstrated that drug court programs can be effective in reducing criminal recidivism, improving the psycho-social functioning of offenders, and reducing taxpayer costs if the courts employ specific programs targeted at specific populations. An assessment of SCDIP was completed to determine whether the program was employing evidence-based practices. Representatives from all of the agencies attended a week of training assessing the current state of the research on drug courts. As a result, many changes to the District’s program were approved.

A subcommittee that included PDS was formed to implement these changes. These changes are designed to target populations most likely to re-offend without intervention, and to implement a combination of treatment and sanctions that research has shown produces positive outcomes for this population. The result will be a smaller but more targeted group of participants in SCDIP in which all of the participating agencies will invest more time and resources. The changes will reduce the number of cases PDS handles in SCDIP, but they will increase the workload of each case. Once fully implemented, SCDIP will collect data for future research to determine the cost-effectiveness of the program as implemented in the District in the short- and long-term, but the available research suggests this targeted investment will produce both savings and improved results.

Short-term Interventions for Success
PDS’s Parole Division was at the forefront of the United States Parole Commission’s (USPC) guideline reforms and the implementation of a pilot project, Short-term Interventions for Success (SIS). In exchange for client acceptance of responsibility, the SIS program offers a shortened sentence or period of incarceration as the condition for release for administrative violations and minor criminal offenses. The Parole Division provides client representation at the proceedings.
Lengthy incarceration – in some cases over-incarceration – of clients for less serious violations takes a significant toll on families and communities, and it is likely to have no impact on recidivism rates.

SIS was motivated by a JFA Institute study that assessed the current guidelines structure used by the USPC to determine the period of incarceration a person on parole or supervised release will receive if the person is determined to have violated the conditions of release. The study concluded that the guidelines used by the USPC had not been validated for the target population and resulted in over-incarceration. The study also concluded that the USPC could use a three-month or shorter period of incarceration and achieve the same public safety benefits as a twelve-month period of incarceration. PDS expects that the data generated from SIS will support expansion of the program.

Mental Health Sanctions Docket
Due to PDS’s advocacy, the USPC implemented a pilot project for managing people on parole or supervised release who suffer from mental illness. Based on its experience with Superior Court’s Mental Health Court, PDS suggested a new approach to technical violations by individuals with mental illness. In response, the USPC created a docket for Mental Health Sanction Hearings (Mental Health Docket). PDS agreed to provide the legal representation at these hearings. CSOSA agreed to request that some of their supervisees be summoned to appear at these Mental Health Sanction Hearings rather than the more traditional revocation hearings at the D.C. Jail, and the District of Columbia Department of Mental Health (DMH) agreed to participate. The goal of the Mental Health Docket is to target a specific population whose conduct – failing to attend all of the required meetings, failing to attend mental health treatment, and/or failing to attend drug treatment – is not indicative of a public safety threat but instead is a result of the difficulty people with mental illness have making and remembering appointments. Rather than issue an arrest warrant for a supervisee a supervision officer finds not to be in full compliance, the USPC summons the supervisee to a Mental Health Sanction Hearing in the community. At that hearing, all of the parties invested in keeping that individual in compliance with his or her supervision come together to create an individualized supervision plan. The pilot project is nearing the six-month mark, and the results thus far have demonstrated that the individuals targeted by this program can be successful in the community.

Compassionate Release
PDS assists inmates who are terminally ill but unable to apply to the Superior Court for compassionate release. Most terminally ill people serving prison sentences pursuant to the D.C. Code can seek compassionate release from either the Superior Court or the Federal Bureau of Prisons. No statute, however, allowed a terminally ill person serving a determinate D.C. Code misdemeanor sentence to apply for a reduction in sentence. PDS drafted language to close this gap in the law. PDS worked with the USAO and the D.C. Department of Corrections to refine the language of the bill to ensure that the interests and needs of all affected agencies were addressed. The resulting bill was unanimously approved by the Council of the District of Columbia and signed by the Mayor. The bill will allow inmates to die with dignity and in the company of their families.
Community Partnerships
Helping People with Reentry and Employment

PDS held its eighth annual “Community Reentry and Expungement Summit” in the District of Columbia. As with previous Summits, PDS served about 700 people in the community by providing free legal advice as well as direct access to valuable reentry resources. PDS recruited and trained nearly 40 pro bono attorneys from the D.C. Bar along with student law clerks to staff the Summit. PDS also brought together almost 70 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.

Biennial Public Defender Advocacy, Training, and Hiring Conference

Along with six other defender offices from across the country, PDS organized the third biennial Public Defender Advocacy, Training, and Hiring Conference (PATH) dedicated to promoting public defense as a career opportunity among current law students and recent graduates. The conference both assists PDS in its recruiting efforts and advances the President’s goal of improving the nation’s public defense system by encouraging talented lawyers to consider careers as public defenders. This year, more than 200 students and recent graduates attended the conference. A California law school official was so impressed with the program that she is working with PDS to replicate it on the West Coast in the alternate years.

21. The service providers included: Addiction Prevention and Recovery Administration; Adult Education Training Program; Bennett Career Institute; Bread for the City; Byte Back; Capital Area Asset Builders; Coalition for the Homeless; Center for Employment Training (SOME); Center for Leadership and Social Development, Inc.; Consumer Action Network; Community College of the District of Columbia; Coalition for the Homeless; Community Education Group; Court Services and Offender Supervision Agency Vocational Training & Education/Employment; D.C. Central Kitchen; D.C. Department of Disability Services; D.C. Department of Employment Services; D.C. Department of Human Services – Strong Families Program Division; D.C. Department of Mental Health; D.C. Family Court Self Help Center; D.C. Jail Advocacy Project; D.C. Office of the Attorney General – Child Support Services Division; D.C. Rehabilitation Services Administration; Employment for Former Offenders; Dress for Success D.C.; East of the River Family Strengthening Collaborative; Edgewood/Brookland Family Service Collaborative; EXCEL Institute; Far Southeast Family Strengthening Collaborative; FLAME Financial; Good Ground – Good Life, Inc; Greater Mt. Calvary – Cluster B Team; Green Pathway D.C. (Goodwill); Health Services for Children with Special Needs; Housing Counseling Services; Income Maintenance Administration; La Casa Multicultural Center; La Clinica Del Pueblo; Latin American Youth Center Youth Build; Lydia’s House; Mayor’s Office on Returning Citizen Affairs; Mayor’s Office on Latino Affairs; Miller & Long Construction; N Street Village; Neighborhood Legal Services Program; Never Give Up Foundation; New Course Catering; New Endeavors by Women; Oxford Houses; Our Place, D.C.; Prince George’s County, Maryland Economic Development Corp; Prince George’s County, Maryland One-Stop Career Center; Returning Citizens United, Inc.; Samaritan Inns; Serenity, Inc.; Shirly Contracting; Strive, D.C.; Suited for Change; The Reentry Network for Returning Citizens; Transgender Health Empowerment, Inc.; Unity Health Care; U.S. Department of Veterans Affairs Incarcerated Veterans Reentry; U.S. Department of Veterans Affairs Veterans Justice Outreach Initiative; Welcome Home Program; Weatherization Training Program; Wider Opportunities for Women; and Women’s P.U.R.P.O.S.E Empowerment Group.
CONTINUING LEGAL EDUCATION FOR COURT-ASSIGNED ATTORNEYS

To ensure that all eligible 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 free training for hundreds of court-appointed in the District of Columbia.22 Training programs offered in FY 2012 included:

Forensic Science Conference

PDS devoted its annual Forensic Science Conference to educating practitioners about the scientific research on the unreliability of eyewitness identification and the presentation of this information to judges and juries. In June 2012, more than 140 members of the defense bar attended sessions including: the current state of eyewitness identification law; the cross-examination of eyewitnesses and detectives; selecting, preparing, and conducting a direct examination of an eyewitness and an identification expert witness; identifying issues that require expert testimony; finding a qualified expert; and crafting legal arguments in support of the admission of a defense expert’s testimony.23

Deborah T. Creek Criminal Practice Institute24

PDS continued the tradition of presenting its annual Criminal Practice Institute (CPI), a training event that explores new and innovative ways to represent clients. In response to new discovery evidence requirements in Brady,25 that is, information or evidence that is favorable to a criminal defendant’s case and that the prosecution has a duty to disclose, PDS presented the 46th conference Rethinking Pre-Trial Litigation Strategy in the Wake of Recent Brady Developments. Sessions included how and when to make Brady requests, the effective litigation of cooperator plea agreements, and recent developments affecting D.C.’s criminal practice.

Criminal Defender Training Program: Summer Series

Each summer, PDS offers training to members of the CJA panel. This year’s series covered a number of different criminal defense subjects, including Fourth Amendment issues and corollary suppression arguments.

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22. 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, most recently in Mississippi, Missouri, Virginia, New York, and Florida.

23. The overall rating of the Forensic Science Conference by the attendees was 4.62 on a five-point scale, with 94 percent of attendees giving the conference a rating of 4 or better. Comments from attendees included: “excellent presentation, extremely helpful,” “absolutely terrific,” “very useful, gave me tools to better represent my clients,” “everyone well prepared,” and “best ever!”

24. Deborah T. Creek Criminal Practice Institute was named in honor of a former PDS executive assistant who died in a tragic car accident in 1996.

application of the exclusionary rule, best practices for taking written statements, the nuances of *Miranda*,\textsuperscript{26} client immigration issues and their consequences, issues related to representing juvenile clients, the challenges to representing clients with mental health issues, trial presentations using today’s technology, parole revocation issues, and systemic reform litigation in D.C.

**The Cross-Examination College**

PDS held a special two-day cross-examination skill-building workshop for 30 local CJA attorneys with three or less years of experience. The workshop included a lecture on cross-examination and on-your-feet small group exercises led by PDS supervisors.

\textsuperscript{26} The legal principle that a criminal suspect in police custody must be informed of certain constitutional rights before being interrogated.
PDS CHAMPIONS OF LIBERTY IN FY 2012

Sagri (Dave) Acharya, Budget Officer
Angela Acree, Staff Attorney
Rudolph Acree, Jr., Deputy Director
Alvina Adedgbite, Office Manager/Legal Assistant
Arthur Ago, Deputy Chief, Trial
Steve Albers, Supervising Staff Investigator
Linda Allen, Office Manager
Deborah Awolope, Staff Investigator
Jeremy Alper, Staff Attorney
Jonathan Anderson, Staff Attorney
Mona Asiner, Staff Attorney
Donna Barnes, Office Manager
Melanie Barnes, Eligibility Examiner
Emily Barth, Staff Attorney
Sabrina Bazemore, Staff Attorney
Sherri Beatty-Arthur, Director, Human Resources
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
Jahnavi Bhaskar, Staff Investigator
Betsy Biben, Chief, Office of Rehabilitation and Development
Claire Blumenson, Equal Justice Works Fellow
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, Supervising Staff Attorney
Avis E. Buchanan, Director
Julie Burrill, Forensic Scientist
Kristy Butler, Executive Secretary
Jacqueline Cadman, Staff Attorney
Lauren Carlotto, Staff Investigator
Stanley Carr, Contracting Officer
Almo Carter, Staff Attorney
Michael Carter, Staff Attorney
Antonio Changanaqui, Staff Investigator
Genevieve Citrin, Staff Investigator
Gabriel Chikes, Special Administrative Projects
Sara Childress, Eligibility Examiner
Kimberly Clark, Chief, Mental Health Division
Jia Cobb, Supervising Staff Attorney
Reva Conley, Forensic Social Worker
Stephen Cooper, Staff Attorney
Clarence Counts, Staff Investigator
Andrew Crespo, Staff Attorney
Marilyn Cruz, Staff Investigator
Jacqueline Daniels, Financial Management Specialist
Carolyn Datcher, Financial Management Analyst
Amanda David, Staff Attorney
David Knight, Staff Attorney
Jay Kobl, Senior Network Engineer
Tejal Kothari, Staff Attorney
Peter A. Krauthamer, Deputy Director
Margaret Kreitser, Forensic Social Worker
Lawrence Kupers, Supervising Staff Attorney
Isabel Laguzzi, Language Specialist
Jennifer Lanoff, Staff Attorney
Wilna LaPorte, Information Technology Specialist
Colle Latin, Staff Attorney
Natalie Lawson, 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, Supervising Staff Attorney
David Maxted, Staff Attorney
Colleen McCrystal, Staff Attorney
Edward McCurty, Forensic Social Worker
Edward McDermitt, Staff Investigator
Hannah McElhinny, Deputy Trial Chief, Juvenile Section, Trial
Carolyn Mebrtens, Staff Investigator
Jodi Metz, Forensic Social Worker
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
Justine Murry, Staff Attorney
Silvana Naguib, Staff Attorney
Delta Obeng-Anom, Administrative Secretary
Margarita O’Donnell, Staff Attorney
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
Christian Pipe, Supervising Staff Investigator
Judith Pipe, Staff Attorney
Rhonda Pope, Forensic Social Worker
Rachel Primo, Staff Investigator
Marie-Pierre Py, Staff Attorney
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 Rodrigues, 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
Brian Ruffin, 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, Supervising Staff Attorney
Patricia Slater, Supervising Staff Investigator
Carolyn Slenska, Staff Investigator
Jennifer Soble, Staff Attorney
Santha Sonenberg, Supervising Staff Attorney
Somchai Srikittipraphas, Software Engineer
Andrew Stanner, Staff Attorney
Patricia Straw, Eligibility Examiner
Tammy Sun, Staff Attorney
Tammie Szafran, Paralegal Specialist
David Taylor, Staff Attorney
Fleming Terrell, Staff Attorney
Leila Thamer, Staff Attorney
Janice Thomas, Lead Information 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
Andrew Walker, Staff Investigator
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 2012

Carmichael Brasher Tuvell
Certified Public Accountants & Company, P.c

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, 2012 and 2011, 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, 2012 and 2011 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 an 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 an opinion 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 part of obtaining reasonable assurance about whether PDS’s financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws and regulations, noncompliance with which could have a direct and material effect on the determination of financial statement amounts, and certain other laws and regulations 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 tests 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 an 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 6 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 than these specified parties.

CARMICHAEL, BRASHER, TUVELL & COMPANY, PC

Atlanta, Georgia
November 20, 2012
### PUBLIC DEFENDER SERVICE FOR THE DISTRICT OF COLUMBIA

**BALANCE SHEETS**

As of September 30, 2012 and 2011

<table>
<thead>
<tr>
<th></th>
<th>2012</th>
<th>2011</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>$5,939,536</td>
<td>$6,032,250</td>
</tr>
<tr>
<td>Total intragovernmental</td>
<td>5,939,536</td>
<td>6,032,250</td>
</tr>
<tr>
<td>Accounts receivable</td>
<td>5,684</td>
<td>2,009</td>
</tr>
<tr>
<td>General property, plant and equipment, net</td>
<td>2,934,449</td>
<td>1,372,646</td>
</tr>
<tr>
<td><strong>Total assets</strong></td>
<td>$8,879,669</td>
<td>$7,406,905</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>$179,944</td>
<td>$235,565</td>
</tr>
<tr>
<td>Total intragovernmental</td>
<td>179,944</td>
<td>235,565</td>
</tr>
<tr>
<td>Accounts payable</td>
<td>805,688</td>
<td>641,602</td>
</tr>
<tr>
<td>Accrued payroll</td>
<td>480,535</td>
<td>491,120</td>
</tr>
<tr>
<td>Accrued annual leave</td>
<td>1,449,965</td>
<td>1,669,101</td>
</tr>
<tr>
<td>Estimated future FECA liability</td>
<td>1,265,584</td>
<td>1,158,232</td>
</tr>
<tr>
<td><strong>Total liabilities</strong></td>
<td>4,181,716</td>
<td>4,195,620</td>
</tr>
<tr>
<td><strong>Net Position:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unexpended appropriations</td>
<td>4,653,313</td>
<td>4,899,528</td>
</tr>
<tr>
<td>Cumulative results of operations</td>
<td>44,640</td>
<td>(1,688,243)</td>
</tr>
<tr>
<td><strong>Total net position</strong></td>
<td>4,697,953</td>
<td>3,211,285</td>
</tr>
<tr>
<td><strong>Total liabilities and net position</strong></td>
<td>$8,879,669</td>
<td>$7,406,905</td>
</tr>
</tbody>
</table>
## PUBLIC DEFENDER SERVICE FOR THE DISTRICT OF COLUMBIA

### STATEMENTS OF NET COST

For the years ended September 30, 2012 and 2011

<table>
<thead>
<tr>
<th></th>
<th>2012</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Program Cost:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Legal representation services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total gross cost</td>
<td>$ 37,348,320</td>
<td>$ 38,294,685</td>
</tr>
<tr>
<td>Less earned revenue</td>
<td>(2,836)</td>
<td>(4,925)</td>
</tr>
<tr>
<td><strong>Net Cost of Operations</strong></td>
<td>$ 37,345,484</td>
<td>$ 38,289,760</td>
</tr>
</tbody>
</table>