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**Deputy Director**
Rudolph Acree, Jr.

**General Counsel**
Julia Leighton

**Acting Chief Administrative Officer**
Sheila Willis

**Chief Financial Officer**
Sandra Dorsey*
Leslie Gerald**

**Director of Human Resources**
Sherri Beatty-Arthur

**Chief Information Technology Officer**
Eric Hirst**

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*Acting Chief who retired in FY 2013.

**Joined PDS in FY 2013.

In order of top left to bottom right: Eric Hirst, Sheila Willis, Julia Leighton, Rudolph Acree, Jr., Leslie Gerald, Avis E. Buchanan, and Sherri Beatty-Arthur
ARTICLES in addition to, and amendment of the Constitution of the United States, pursuant to the fifth Article of the original Constitution:

After the first enumeration required by the first Article of the Constitution, there shall be one Representative for every thirty thousand persons, until the number of Representatives shall amount to two hundred, after which the proportion shall be one Representative for every fifty thousand persons.

No law, varying the compensation for services of the senators and representatives, shall take effect until an election of representatives shall have intervened.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

No Soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner prescribed by law.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject, in any criminal case, to be compelled to give in evidence against himself.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause for which he is being charged, and to have the assistance of counsel for his defense.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated.
DIRECTOR’S LETTER

The Public Defender Service for the District of Columbia began providing public defense services in 1960 – three years before the Supreme Court required states to provide counsel in criminal cases to people who can’t afford representation. The 50th anniversary of that 1963 Supreme Court decision, *Gideon v. Wainwright*, is an opportune time to reflect on PDS’s accomplishments over these 53 years and the impact PDS has had on clients in the local District of Columbia court system. From being the first public defender office in the nation to have a social worker on staff, to expanding services for clients to include reentry and special education advocacy, to using PDS’s forensic expertise to obtain three exonerations, PDS demonstrates an ability to respond effectively to clients’ needs and to adopt and develop new strategies for doing so. Since the office’s first year of operation, PDS staff have placed the highest priority on doing their best for PDS clients, and this dedication has made a positive difference for defendants throughout the system. While one can observe wide variations in compliance with the *Gideon* mandate in jurisdictions across the country, PDS has consistently been a model of high quality client service. You can read about PDS’s work in more detail in the following pages.

*Anis E. Buchanan*

Director
WHO WE ARE

The Public Defender Service for the District of Columbia (PDS) is a federally funded, independent organization governed by an eleven-member Board of Trustees. Originally operating as the Legal Aid Agency from 1960 to 1970, PDS was created in 1970 by a federal statute\(^1\) enacted to comply with a constitutional mandate to provide defense counsel to people who cannot afford an attorney.\(^2\) The mission of PDS is to provide and promote quality legal representation to indigent adults and children facing a loss of liberty in the District of Columbia justice system, thereby protecting society’s interest in the fair administration of justice.

In the District of Columbia, public defense services are primarily provided by PDS — the institutional defender — and by a panel of private attorneys, known as Criminal Justice Act (CJA) attorneys, who are screened for membership on the panel and paid on a case-by-case basis by the District of Columbia courts.\(^3\) Because of its better resources, well-regarded training program, and overall higher skill level, 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. The federal public defender system is modeled in most respects on this structure.

PDS represents indigent clients in the majority of the most serious adult felony cases filed in the District of Columbia Superior Court, as well as indigent clients pursuing or defending against criminal appeals, nearly all individuals facing parole revocation under the D.C. Code, and all defendants in the District of Columbia Superior Court requiring representation at Drug Court sanctions hearings. PDS also provides legal representation to people facing involuntary civil commitment in the mental health system, as well as to many of the indigent children in the most serious delinquency cases, including those who have special education needs due to learning disabilities. Further, PDS provides technical assistance to the local criminal justice system, training for CJA and pro bono attorneys, and additional legal services to indigent clients in accordance with PDS’s enabling statute.

Since its creation, PDS has maintained a reputation nationally and in the District of Columbia’s criminal justice system for exceptional advocacy. The strength of PDS has always been the quality of the legal services that the organization delivers. Judges and prosecutors alike acknowledge and respect the excellent advocacy of PDS’s attorneys, as do public defender agencies and criminal justice bars across the nation.

OUR LEGAL SERVICES DIVISIONS

PDS is a model public defense program applying a holistic approach to representation using both general litigation skills and specialty practices to provide complete, quality representation in complex cases. On a day-to-day basis, PDS attorneys provide advice and training to each other, and they often form teams comprised of attorneys from across the different divisions 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 District of Columbia Superior Court (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

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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), 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 D.C. Court of Appeals (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 in order to assist the Court in reducing its backlog without compromising on quality.

Special Litigation Division

The Special Litigation Division (SLD) handles a wide variety of litigation that seeks to vindicate the constitutional and statutory rights of PDS clients and to challenge pervasive unfair criminal justice practices. SLD attorneys practice across division lines, whether civil or criminal, juvenile or adult, or pretrial or post-conviction. They support PDS trial lawyers in the litigation of systemic criminal justice issues, including eyewitness identification, forensic science, and the suppression of exculpatory information by the government. Examples of SLD’s cases include: federal civil rights lawsuits on behalf of clients challenging the unconstitutional practices of the D.C. 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 practice before local and federal trial and appellate courts in the District of Columbia and as amicus in the U.S. Supreme Court.

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: the Juvenile Services Program, the Institutional Services Program, and the Community Reentry Program. 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. 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. 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, and 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

PDS’s legal support services are provided by various professionals within PDS who work closely with attorneys on individual cases or who provide technical assistance throughout the organization.

Investigations Division

The Investigations Division supports the Trial Division as well as other legal divisions of PDS by providing thorough and professional investigative work, including: 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.

Office of Rehabilitation and Development

The 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 in the District of Columbia’s criminal justice system, 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, on a daily basis, conducting financial interviews and asset checks, servicing a 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.

**Administrative Support**

PDS has a number of divisions that provide technical assistance to PDS staff. Though small, these divisions support the overall effective functioning of PDS using both internal expertise and outside contracts for short-term selective expertise. These divisions include Budget and Finance, Human Resources, Information Technology, and Administrative Services. In concert with individual attorneys and the PDS executive staff, these divisions provide such services as procurement of expert services for individual cases, financial accountability, strategies for developing PDS’s human capital and wellness, recruitment, development of an electronic case management system, maintenance of PDS’s IT infrastructure, and copying and supply services.
OTHER PDS PROGRAMS IN SUPPORT OF THE D.C. COURT SYSTEM

The Duty Day Program
PDS provides institutional support to the District of Columbia criminal justice system through the 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. PDS assists District of Columbia Bar members with legal and social service questions and assists the public with legal and social service matters ranging from filing a motion to seal an arrest record, 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.”

Community Reentry and Expungement Summit
Each year, PDS coordinates a Community Reentry and Expungement Summit in the District of Columbia. The Summit assists local residents who have been charged with or convicted of D.C. Code offenses with both legal and social services. Specifically, PDS provides legal information, workshops, and legal consultations on criminal record sealing of parole, civil matters, and federal pardons. In addition, PDS and local service providers offer attendees assistance with job searches and interview skills, and give referrals for reentry assistance, including the Work Opportunity Tax Credit, the Federal Bonding Program, disability benefits, and public housing opportunities.

Training for Court-Appointed Attorneys
PDS continues its commitment to advancing quality defense for those who cannot afford to hire their own attorneys. Annually, PDS produces a “Summer Series” on specialty topics over the course of two months for local attorneys and produces the Criminal Practice Institute Conference. PDS lawyers from each of its legal divisions provide more than fifty hours of training for hundreds of non-PDS attorneys representing indigent clients in the District of Columbia.

CJA Investigators 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

4 In FY 2013, the Summer Series received an average rating of 4.6 on a five-point scale. The lowest rating for a single session was 4.4, and the highest was 5.
5 Due to budget constraints PDS did not present its annual forensic science conference in FY 2013; instead, PDS covered the critical topics in this arena at its 47th Criminal Practice Institute Conference.
6 In addition, PDS staff attorneys, forensic social workers, and investigators are routinely asked to be presenters at trainings sponsored by the District of Columbia courts, the District of Columbia 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.
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 for investigative services pursuant to the Criminal Justice Act.

**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.

**OUR HISTORY AS A MODEL INSTITUTIONAL DEFENDER PROGRAM**

PDS has enjoyed a long history — 53 years — as a model institutional defender organization.

**THE CREATION OF THE LEGAL AID AGENCY**

The organization began operating in 1960 when Congress established the Legal Aid Agency for the District of Columbia (LAA) under the District of Columbia Legal Aid Agency Act¹ 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 had devoted itself in 1955 to promoting the creation of a criminal and civil legal aid entity that would provide “competent and conscientious legal assistance” in a manner that would be “an inspiring example for other communities,” issuing its “Report of the Commission on Legal Aid of the Bar Association of the District of Columbia” in 1958. Then-Chief Judge of the U.S. Court of Appeals E. Barrett Prettyman, using the report, led a group of lawyers who went to the United States Congress and advocated for the establishment of an office that would focus on more serious criminal cases, juvenile delinquency cases, and mental health cases. LAA would break with past practice by being entirely government-funded and would be completely independent from the executive, judicial, and legislative branches of government.

In the August 1961 study, “Legal Counsel for Indigent Defendants in Federal Courts,” the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary stated:

“The enactment by Congress during the 2d session of the 86th Congress of legislation to provide for the creation of a Legal Aid Agency in the District of Columbia to provide free counsel for indigent defendants was the first step by Congress toward the solution of a problem which has long plagued judicial and legal bodies throughout the United States: the provision of adequate legal counsel for penniless defendants in Federal Courts.”

“It is hoped by this subcommittee that the passage of Public Law 86-531 will encourage Congress to take similar action with respect to Federal Courts throughout the United States.”

“The problem of providing adequate legal counsel for indigent defendants within the District of Columbia appears well on the road toward solution since the passage by the 86th Congress of the District of Columbia Legal Aid Act.”

The LAA was also favorably recognized in various legislative proposals that were presented to Congress in the area of legal representation for indigents. In a report of the Attorney General’s Committee on Poverty and the Administration of Criminal Justice dated February 25, 1963, it commended the organization:

“The Committee believes that the program going forward in the nation’s capital represents an important experiment in the provision of adequate representation and that its continued development has significance for the country as a whole. This development will require increased appropriations in order that services may be expanded and that capable legal staff can be retained against the pressure of more lucrative professional opportunities. The Committee therefore recommends that the Department of Justice continue to direct its sympathetic attention to the District of Columbia legal aid program and lend its support to appropriations needed to enhance the quality and quantity of its services.”

The March 1963 issue of the national publication, Federal Probation, stated:

“By Congressional action, the Legal Aid Agency for the District of Columbia was created in 1960. Even though the initial appropriation was small ($75,000 annually), a highly competent director was obtained and the office is performing a remarkable service in the District Court.”

In his testimony on May 13, 1963, before the Senate Committee of the Judiciary on S. 1057, the administration’s proposed Criminal Justice Act of 1963 (S. 1057), Attorney General Robert P. Kennedy had this to say about LAA:

“…In 1960 Congress created the Legal Aid Agency for the District of Columbia, and in its first 2 years, this Agency has won a reputation for skilled and dedicated service to needy defendants. But the agency handles by no means all of the nearly 700 cases assigned annually. A great many private attorneys supplement the agency staff. Representation in appellate cases is handled exclusively by the private bar. The agency thus has given the District of Columbia a combination of a strong central defender office augmented by the individual efforts of numerous volunteer attorneys.”

“With respect to the question of administration the lesson of the District of Columbia is worth considering. The Legal Aid Agency is administered by a private board of trustees appointed by the chief justices of the various local courts. Responsibility thus is vested in an autonomous group of citizens independent of the judiciary, the prosecutor and politics.”

THE ESTABLISHMENT OF PDS

In the spring of 1963, the Supreme Court’s decision in 

Gideon v. Wainwright

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

In Re Gault

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


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 preserves 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 the Criminal Justice Act (CJA).

Thus, the statute approved a mixture of private counsel and public defenders. Such a mixture was endorsed in the 1963 Report of the Attorney General’s Committee on Poverty and the Administration of Criminal Justice:

“The committee believes that...many problems in the administration of criminal justice, both at the Federal and state levels, result from the absence of involvement of most lawyers in the practice of criminal law. An almost indispensable condition to fundamental improvement of American criminal justice is the active and knowledgeable support of the bar as a whole…. The committee is hopeful that a substantial number of districts may elect to divide the burden of representation between a Federal public defender or a legal aid association, on the one hand, and private attorneys, on the other....”

Congress also gave PDS the responsibility for coordinating a system for the appointment of private counsel and for supplying to assigned counsel training and materials on defense representation.

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 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 the Department of Justice 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.

Most recently, PDS’s exceptional advocacy proved the innocence of three men in three different cases who had served more than seventy years combined in prison for offenses they did not commit, ultimately triggering a broad, ongoing federal review of convictions based on hair and fiber evidence dating back decades before 2000 (when prosecutions began to rely on DNA evidence). Only one other exoneration has been identified and successfully litigated in the District of Columbia — and that was 23 years ago.
PDS HISTORY TIMELINE

1960

- The Bar Association of the District of Columbia’s Board of Directors devoted itself to promoting the creation of a criminal and civil legal aid entity that would provide “competent and conscientious legal assistance” in a manner that would be “an inspiring example for other communities,” issuing its “Report of the Commission on Legal Aid of the Bar Association of the District of Columbia” in 1958. Then-Chief Judge of the U.S. Court of Appeals E. Barrett Prettyman, using the report, led a group of lawyers who went to the United States Congress and advocated for the establishment of an office that would focus on more serious criminal cases, juvenile delinquency cases, and mental health cases. LAA would break with past practice by being entirely government-funded and would be completely independent from the executive, judicial, and legislative branches of government.

- 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 counsel for poor people facing imprisonment at the state level.

- 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.

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

- 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.

1967

- 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 U.S. 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 one hundred jail inmates who seek legal advice concerning their grievances. The interviews take place throughout the night and early morning hours of October 11–12.

1974
- During the first Criminal Justice Act (CJA) attorney strike, due to cutbacks in congressional funding, PDS defends its program — a controlled caseload to ensure the highest quality of legal representation — when the Superior Court strongly encourages PDS to take all of the CJA cases. PDS does, however, work closely with the Court to coordinate a large-scale draft of private attorneys to take cases.
- PDS establishes the Correctional Services Program to provide legal services to D.C. prisoners that address criminal law-related problems, institutional administrative matters, and civil matters by referral to organizations (services now provided by the Parole Division and the Institutional Services Program). The program is funded by a grant from the Law Enforcement Assistance Administration, United States Department of Justice.
- PDS is designated an exemplary project and model 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. PDS publishes training and implementation guides.
1976/1977
- PDS moves to 451 Indiana Avenue, N.W. under the leadership of PDS Director J. Patrick Hickey.

1977
- PDS implements the Criminal Law Internship Program (then the Volunteer and Intern Program) to address the problem of increasing demands for investigative services without the prospect of additional funds being allocated for that purpose.

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

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

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

1988
- PDS establishes 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 provide information to assist these individuals and monitor their conditions of incarceration.
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 eyeID.org, a comprehensive defense resource for litigating eyewitness identification cases.

2008

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

2012/13

- PDS proves the innocence of three men in three different cases who had served more than seventy years combined in prison for offenses they did not commit, ultimately triggering a broad, ongoing federal review of convictions based on hair and fiber evidence dating back decades before 2000 (when prosecutions began to rely on DNA evidence). Only one other exoneration has been identified and successfully litigated in the District of Columbia — 23 years ago.

2013

- PDS enters into a memorandum of agreement with the District of Columbia that improves education and transition services for children committed to the custody of the Department of Youth Rehabilitation Services.

- PDS helps draft amendments to the District’s 2006 criminal record sealing law that allow for more people to request the sealing of records of arrests that did not result in convictions.

- PDS helps to obtain legislation that for the first time allows terminally ill people serving determinate misdemeanor sentences to apply for compassionate release. These individuals can now avoid unnecessary incarceration at the end of their lives and spend that time with their families.
HONORING THE 50TH ANNIVERSARY OF GIDEON V. WAINWRIGHT

In the 1963 case of *Gideon v. Wainwright*, the U.S. Supreme Court declared that having an attorney is fundamental and essential to receiving a fair trial in a criminal case. Because of *Gideon*, the Constitution’s Sixth Amendment now guarantees that a lawyer will be appointed to represent any person who is charged with an offense that carries jail time and who cannot afford to hire a defense attorney. *Gideon* overruled *Betts v. Brady*, a Supreme Court 1942 decision in which the Court had denied such representation to indigent defendants in state court except in the rare case in which the defendant could show “special circumstances.”

Highlights of Clarence Earl Gideon’s Remarkable Story


August 30
Gideon Earl Clarence is born in Hannibal, Missouri.
June 3
Gideon is arrested on suspicion of breaking into a poolroom in Panama City, Florida.

August 4
Gideon is denied appointed counsel and, representing himself, is convicted of felony breaking and entering and misdemeanor theft.

August 26
Gideon is sentenced to five years in prison for breaking and entering, a felony, and misdemeanor theft of wine, beer, and coins from a cigarette machine and a jukebox.

January 8
Gideon’s handwritten request for Supreme Court review (petition for a writ of certiorari) arrives at the Supreme Court. It is Gideon’s second petition; the first failed to include a pauper’s affidavit (a legal document stating the defendant is unable to afford a lawyer).

March 8
The Supreme Court orders Florida to respond to the certiorari petition. (The Supreme Court uses certiorari to review most of the cases that it decides to hear.)

April 9
The Florida attorney general files a brief in opposition to the petition.

June 4
The Supreme Court accepts Gideon’s case for review.

June 22
The Supreme Court appoints Abe Fortas to represent Gideon.

January 15
Oral argument (two and one-half hours) is presented in Gideon v. Wainwright.

March 18
Gideon v. Wainwright is decided. The Court holds that assistance of counsel is a fundamental right essential to a fair trial. Gideon’s conviction is reversed.

May 15
The Florida Supreme Court orders a new trial for Gideon.

August 5
Two years after his first trial, Gideon is retried, now represented by Fred Turner, who discredited the State’s key eyewitness. After one hour of deliberation, a jury acquits Gideon.

January 18
Gideon dies of cancer at the age of 61.
How did Gideon write his successful petition to the Supreme Court?

Gideon wrote a handwritten petition to the Supreme Court asserting that, as a poor man, he was entitled to a lawyer just like everybody else.

Professor of Law Bruce Jacob, who argued Florida's case in *Gideon v. Wainwright*, suggests that a fellow prisoner may have assisted Gideon with his petition. Gideon's cellmate was a former lawyer and municipal judge named Joseph A. Peel Jr., who had been convicted of murdering a rival judge and his wife. Jacob suggests that “Peel, Gideon's cellmate, stood over his shoulder as Gideon wrote and told him what to say.” This may explain why the petition did not allege a special circumstance, the requirement for appointed counsel under *Betts v. Brady*, and that the perfect mechanism to enable them to do this would be a petition for habeas alleging no special circumstances, a denial by state courts, and then a petition for certiorari alleging a denial of the right to counsel, but not alleging any special circumstances. Also, a lawyer would have been aware that Gideon lost nothing by “shooting for the moon in this attempt.”

It was the opinion of Michael Rodak, Jr., assistant clerk of the Supreme Court, that Gideon may have had a copy of the Supreme Court's rules because his letter was full of legal jargon.

13. Id. at 216.
Why did the Supreme Court decide to hear Gideon’s case?

Gideon overcame immense odds in convincing the Supreme Court to accept his case. At that time, the Supreme Court each term was receiving more than one thousand petitions *in forma pauperis* (that is, from indigent persons who need not pay filing fees and court costs). It granted only three percent of these *in forma pauperis* petitions, as compared with about thirteen percent of its paid petitions.\(^\text{15}\)

Although no one knows what was discussed by the justices in their closed-door conference when deciding to hear Gideon’s case, one can speculate — based on the Supreme Court’s request that counsel address in their briefs and in oral argument whether the Court should reconsider its holding in *Betts v. Brady*, that the Court already was leaning towards the view that all poor people in criminal cases were entitled to court-appointed counsel, and was seeking a case that would permit it to reach this result.

Fortas selected Abe Krash, then a young lawyer at the firm, to work on Gideon’s case. Krash, a panelist for PDS’s celebration of the 50th anniversary of *Gideon v. Wainwright*, observes that Fortas was a natural choice for the selection, for several reasons. Fortas was very good friends with Justice William Douglas, who was considered a committed civil libertarian; their relationship dated back to the 1930s when Fortas was a law student of then-Professor Douglas at Yale. Fortas also was known to other members of the Supreme Court. The Justices recognized that *Gideon* was to be an important case, and they wanted to engage a prominent and able advocate to present the case on behalf of Gideon.

Krash recalls Fortas calling him into his office to say, “Look, I’ve been appointed by the Supreme Court to write a brief and make the oral argument in the case of *Gideon*. I want you to help me do the research and to help me write the brief.” Krash remembers Fortas saying, “I want to know everything about the right to counsel since the invention of money.”

Why did the Supreme Court appoint Abe Fortas to represent Gideon?

To represent Gideon’s argument that *Betts v. Brady* should be overruled, the Supreme Court selected Abe Fortas of the firm then known as Arnold, Fortas, and Porter. Fortas, who later was himself appointed to the Supreme Court, was considered one of the best lawyers of his generation, as well as one devoted to pro bono work and the public interest.\(^\text{16}\)

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\(^{15}\) Id. at 36.

\(^{16}\) PDS transcript of its celebration of the 50th anniversary *Gideon v. Wainwright* on March 20, 2013.
What did the Supreme Court decide?

On March 18, 1963, the Supreme Court decided, in a unanimous decision written by Justice Black, to overrule Betts v. Brady. It held that “Betts was an anachronism when handed down,” and ... should now be overruled.” Black’s opinion further stated:

“...reason and reflection, require us to recognize that, in our adversary system of criminal justice, any person haled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him. This seems to us to be an obvious truth. ... The right of one charged with crime to counsel may not be deemed fundamental and essential to fair trials in some countries, but it is in ours.17

What did Gideon think of the importance of Gideon?

In a twenty-two page, handwritten letter Gideon wrote for Abe Fortas about his life and circumstances, he closed with the following:

“I do not intend to let anyone take my children away from me and I will fight it every[ ] way I know how. I hope to be able to get my children into a home someplace somehow, until I am able to take care of them myself. I believe all though I am a convict and exconvict that I have the rights to have children the same as any one else, also I have the rights to A.D.C. [aid to dependent children] and vocational training under the social security laws the same as any one else.

Outside of numerous times of arrest some for investigation, others for compromised convictions, all of the foregoing statements have been true and can stand the any kind of investigation. I am not proud of this biography. I hope that it may help you in preparing this case, I am sorry I could not write better I have done the best I could.

I have no illusions about law and courts or the people who are involved in them. I have read the complete history of law ever since the Romans first started writing them down and before of the laws of religions. I believe that each era finds an[ ] improvement in [the] law each year [that] brings something new for the benefit of mankind. Maybe this will be one of those small steps forward, in the past thirty-five years I have seen great advancement in Courts in penal servitude. Thank you for reading all of this. Please try to believe that all I want now from life is the chance for the love of my children the only real love I have ever had.”18

18. Quoted in Lewis, supra, at 81.
This elegant and profound statement — “Each era finds an improvement in for the benefit of mankind” — now appears on Gideon’s gravestone in a Florida cemetery.

Despite this important case and its influence in establishing public defender services around the country, 50 years later, poor people are still denied access to attorneys in criminal proceedings in many jurisdictions. This is so, in part, because assigned counsel’s caseloads are too large to provide quality representation. To learn more about the continued struggle to secure assigned counsel, the challenges faced by public defenders, and the successful stories and program approaches, visit www.gideonat50.org and http://www.americanbar.org/groups/litigation/initiatives/death_penalty.html.
OUR ACCOMPLISHMENTS IN FY 2013

PDS — a model institutional defender organization — continues to maintain its longstanding tradition of providing exceptional representation to clients and helping to ensure that case outcomes are not driven by an individual’s ability to pay for an attorney. The exceptional quality of the advocacy of PDS’s staff and alumni was recently recognized in several instances:

By the proved innocence of three men in three different cases who had served more than seventy years combined in prison for offenses they did not commit, ultimately triggering a broad, ongoing federal review of convictions based on hair and fiber evidence dating back decades before 2000 (when prosecutions began to rely on DNA evidence). The last exoneration in the District of Columbia occurred 23 years ago.

By the consistently high ratings D.C. trial and appellate judges gave PDS when surveyed about the quality of its legal representation;

By the National Legal Aid and Defender Association’s selection of PDS’s Special Litigation Chief, Sandra K. Levick, as one of the two 2013 recipients of the Kutak-Dodds Prize. This prestigious national award is made annually to honor the accomplishments of public defenders, civil legal aid attorneys, assigned counsel, or public interest lawyers who, through the practice of law, have contributed in a significant way to the enhancement of human dignity and the quality of life of those persons who are unable to afford legal representation; and

By the nomination by President Obama of the Honorable Robert L. Wilkins, a former PDS attorney and current judge on the U.S. District Court for D.C., for elevation to the U.S. Court of Appeals for the D.C. Circuit, widely regarded as the second most powerful court in the United States.

The following are some of our other significant accomplishments in FY 2013:

Consistent Delivery of Exceptional Legal Services

PDS conducted its third survey of the D.C. Superior Court (Superior Court) judges who had criminal or juvenile delinquency assignments during the preceding year. The new survey results are consistent with — and even slightly better overall — than those of the first and second surveys, which were conducted in FY 2004 and FY 2008, and which showed that the judges find the Trial Division to be engaging in exceptional advocacy. In the FY 2013 survey, one hundred percent of those responding agreed that PDS staff “are well prepared to defend their clients.” One hundred percent also agreed that PDS staff “are skillful in oral and written advocacy, an improvement over the 97.7 percent recorded in FY 2004. Comments from responding judges include, “I have a very high regard for PDS and its lawyers,” “overall, the quality is extremely high,” “they provide high-quality legal presentation,” and “many of your attorneys are exceptional.”

19. The results reflect primarily, but not only, the performance of the Trial Division, since the survey asks for the judges’ views on PDS staff, not just on PDS attorneys. The judges can observe the performance of PDS investigators and social workers, who occasionally appear in court and whose written materials the judges sometimes review.
### PDS FY 2008 and FY 2013 Judicial Surveys — Superior Court

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<tr>
<th>Statement</th>
<th>Percentage of Responding Superior Court Judges Who Agree With Statement</th>
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<tbody>
<tr>
<td>PDS staff provide and promote quality legal representation to indigent adults and children facing a loss of liberty.</td>
<td>100% 100%</td>
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<tr>
<td>PDS staff are zealous advocates for their clients.</td>
<td>100% 100%</td>
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<tr>
<td>PDS staff are well prepared to defend their clients.</td>
<td>100% 100%</td>
</tr>
<tr>
<td>PDS staff adhere to ethical standards when representing their clients.</td>
<td>89.3% 100%</td>
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<tr>
<td>PDS staff are timely in following court/administrative procedures.</td>
<td>93.1% 100%</td>
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<tr>
<td>PDS staff are current with the latest legal principles.</td>
<td>100% 100%</td>
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<tr>
<td>PDS staff are skillful in dealing with witnesses.</td>
<td>100% 94.1%</td>
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<tr>
<td>PDS staff are skillful in oral advocacy.</td>
<td>100% 100%</td>
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<tr>
<td>PDS staff are skillful in their written advocacy.</td>
<td>100% 100%</td>
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<tr>
<td>PDS’s working relationship with us is professional and respectful.</td>
<td>89.7% 100%</td>
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PDS’s third judicial survey also sought the views of the D.C. Court of Appeals (Court of Appeals) judges. The survey results for the Appellate Division attorneys mirror those for the Trial Division: the appellate judges find the Appellate Division to be a high performing group. As one judge commented, “the general quality of the PDS attorneys appearing before the Court of Appeals is very high indeed.”
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Appellate Dominance
PDS secures reversals at the appellate level at a rate ten times higher than that of the rest of the defense bar (thirty percent versus three percent). In addition, between FY 2010 and FY 2012, PDS reduced the amount of time between the issuance by the Court of Appeals of the notice to file and the filing of a brief by seventeen percent and has reduced the case backlog by sixty-seven percent. PDS’s goal is to eliminate the backlog and reduce the time between the issuance of the notice to file and the filing of a brief to just forty days over the next five years without adversely impacting quality.

The following are a sample of the significant PDS appellate wins in FY 2013:

- **In Kittle v. United States,** the Court of Appeals reversed the client’s conviction because, notwithstanding the common-law rule that jurors may not impeach their verdicts, the fundamental importance of the right to an impartial jury requires that judges have discretion to inquire into a juror’s post-verdict allegation of racial or ethnic bias expressed during deliberations. [Kittle v U.S. 65 A.3d 1144 (D.C. 2013)]

- **In Fortune v. United States,** the Court of Appeals reversed a client’s conviction because the trial court improperly coerced a verdict by telling the jurors they would be deliberating indefinitely in response to their note saying they could not reach a unanimous verdict. [Fortune v U.S. 65 A.3d 75 (D.C. 2013)]

- **In Dorsey v. United States,** the Court of Appeals reversed the client’s conviction because the trial court erroneously admitted a statement from the client after he had been badgered repeatedly by D.C. police detectives despite invoking his right to remain silent until he had consulted with counsel in violation of Edwards v. Arizona. And in **Young v. United States,** the Court of Appeals reversed the client’s conviction leading to a 27-year sentence for drug distribution on the grounds that the non-PDS trial attorney provided ineffective assistance of counsel in failing to consult with a narcotics expert before trial and present expert testimony at trial that would have discredited the government’s key witness. [Dorsey v U.S. 60 A.3d 1171 (D.C. 2013), Young v U.S. 63 A.3d 1033 (D.C. 2013)]

Protecting the Innocent
One of the most rewarding aspects of our work is the opportunity to exhaust every avenue in order to protect our young and innocent clients. An eighteen-year-old client was charged with second degree murder. If not for PDS, the case would have proceeded to trial with a high probability of conviction because the government had multiple witnesses who identified PDS’s client as the perpetrator of the offense. Instead, after hours of investigation located critical videotapes, additional witnesses, and telling phone records and Instagram records, and after careful consultations with outside experts, PDS presented all the evidence its lawyers, experts, and investigators had uncovered to the government. Although PDS and the U.S. Attorney’s Office (USAO) are usually vigorous opponents in the adversary system, in this instance the parties met and shared information, and PDS ultimately convinced the USAO to dismiss the case, setting free an innocent man and saving taxpayers the cost of a lengthy trial.

Resolving a Clerical Error That Almost Resulted in a Client’s Housing Eviction
Through our Duty Day program, PDS must often work swiftly to address the immediate issues confronting our clients. For example, PDS successfully assisted a client who lives in public housing and whose landlord had subjected her to a criminal records check and thought she had a number of criminal cases, including an evictable offense. The client came to PDS’s Duty Day program for help because she knew that
information was wrong. PDS determined that there were a number of people with criminal cases under the same name, so PDS checked the client’s police department identification description (PDID) and found the client had one non-drug conviction that would not jeopardize the client’s housing agreement. Having found an error in the court’s electronic data system, PDS immediately notified the United States Attorney’s Office and the courthouse. The client was less than a week from losing her housing, which would have resulted in homelessness for her children and grandchild. The court immediately fixed the problem, and PDS wrote a letter of explanation with supporting documentation to the landlord. Today, the client is living with her family in her publicly-assisted housing.

**Outstanding Services for Parolees**

The Parole Division consistently obtains for our clients parole revocation sanctions below the U.S. Parole Commission (USPC) guidelines. The Parole Division is the sole source of representation for more than ninety-five percent of parolees and supervised releasees facing revocation proceedings. The division’s lawyers practice before the USPC, which continues to use guidelines to determine the period of incarceration in the event of a revocation — guidelines that its own experts have identified as outdated and likely to result in over-incarceration. As the Short-term Intervention for Success (SIS) pilot program has demonstrated, far shorter sentences can be employed in the face of violations without impacting public safety and at considerable cost savings. PDS represents approximately 1,500 clients annually who are facing revocation. Of those clients, approximately thirty percent proceed to a final revocation hearing. The other seventy percent were offered and accepted either expedited plea offers or incarceration combined with drug treatment, were selected to participate in the SIS program, or were convicted of a new offense and therefore were not eligible for a revocation hearing in this jurisdiction. Revocation hearings are conducted before hearing examiners employed by the USPC, and their decisions are reviewed by U.S. Parole Commissioners. In FY 2013, PDS won reinstatement and release in thirty-five percent of these contested hearings and secured reduced sentences (sentences below the guidelines) in another twenty-nine percent of these cases. Thus, PDS advocacy prevented the over-incarceration of its clients in sixty-four percent of the contested hearings.

One of the Parole Division’s recent cases illustrates how effective representation produces just results for clients and cost-saving outcomes by reducing over-incarceration and promoting reentry. A Court Services and Offender Supervision Agency (CSOSA) court supervision officer (CSO) requested a warrant for the arrest of a client with a hearing impairment less than a month after he was placed on supervised release. The CSO requested the warrant based on the sole allegation that the client had failed to report for supervision because the CSO could not find him at the shelter where he was supposed to be staying. At the time she requested the warrant, the CSO knew that the client was hearing impaired and had no family in the area. The client was arrested several months after the warrant was issued, and PDS entered its appearance on his behalf and obtained an interpreter for him. Although the USPC found after a hearing that the client had violated his release conditions, PDS successfully argued that CSOSA had failed to make the appropriate accommodations for him, and the USPC decided not to revoke his supervised release status. Upon the client’s release, PDS’s Office of Rehabilitation and Development staff, with the help of PDS interns who also have hearing impairments, accompanied the client to meet his new CSO, gave the CSO notice of the client’s need for a certified interpreter for his scheduled office visits and for any communication about the conditions and terms of his supervision, escorted the client to a new shelter and informed the counselors there of the client’s hearing impairment, and introduced him to service providers in his community who support people with hearing impairments.
Quality Services for those with Alleged Mental Health Challenges

PDS’s Mental Health Division wins thirty-nine percent of the contested probable cause hearings, or the first hearing in a proceeding to involuntarily commit a person to the District’s psychiatric hospital. These hearings are presided over by an associate judge of the Superior Court. These initial hearings simply determine whether the government meets the low standard of probable cause before it can proceed to the next stage of the civil commitment process. When PDS prevails at these hearings, clients who would otherwise be tying up hospital resources are released, saving taxpayer funds and making the hospital resources available to those most in need. If a case proceeds past the probable cause hearing, a commission hearing is held to determine whether a client is to be involuntarily committed. These hearings are presided over by a magistrate judge of the Superior Court and two doctors employed by the Superior Court. PDS wins fifty percent of the contested commission hearings. For those clients who are civilly committed, the presumptive release date is one year from the initial commitment. If the D.C. Department of Mental Health wants to continue the commitment for an additional year, it must prevail at a recommitment hearing. Like the commission hearings, this hearing is presided over by a magistrate judge of the Superior Court and two doctors employed by the Superior Court. PDS wins twenty percent of the recommitment hearings and mitigates the outcome in thirty-three percent of these cases by securing outpatient status where the government is seeking inpatient status. The cost of treatment in the community is considerably less expensive than inpatient treatment.

An example of a successful mental health case concerns a client who was placed in foster care when his mother was struggling with drug addiction — she is now a recovering drug addict. Eventually, the client came to live with his mother and grandmother. While the client was living with them, his mother filed a petition for civil commitment against him. The case was headed for a very unpleasant and costly trial. Instead of proceeding to trial, PDS was able to convince the court that this case should be resolved through mediation. Mediation, while commonplace in most civil arenas, was unprecedented in mental health matters in the District of Columbia. But PDS, consulting with all the parties, persuaded the judge to meet with all the parties to work through a fair settlement. As result, the case was dismissed short of a lengthy and costly trial, with the family reunited and receiving services in the community identified by the MHD lawyer.

Justice System Reform Efforts

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 using its experience in individual cases and evidence-based approaches.

Mental Health Sanctions Docket

In FY 2013, the USPC expanded the Mental Health Sanctions Hearing Docket (Mental Health Docket) that began as a pilot project in March 2012. Based on PDS’s experience with the Superior Court’s Mental Health Court, PDS advocated for a new approach by the USPC, arguing that failing to attend all of the required meetings, mental health treatment, and drug treatment is not indicative of a public safety threat, but instead is caused by difficulties faced by people with mental illness in making and remembering appointments. In response, the USPC created the Mental Health Docket. The goal of the Mental Health Docket is to target a specific population whose non-compliant conduct is likely caused by a mental illness.
Rather than issue an arrest warrant for a supervisee, the USPC summons the supervisee to a Mental Health Sanction Hearing in the community. At the hearings, an individualized supervision plan is created with the input of CSOSA, the D.C. Department of Mental Health, and the PDS advocate, and approved by the USPC. Results have shown that with this kind of collaborative approach and commitment to helping people who suffer from mental illness comply with supervision plans, they can be successful in the community. The project has now moved beyond the pilot stage, and the USPC has expanded the hearing calendars to bring in more cases on each docket. PDS continues to be the sole provider of all the legal representation required to support the Mental Health Docket.

**Drug Court Improvements**

In FY 2012, PDS, the D.C. Pretrial Services Agency, the Superior Court, the USAO, and attorneys from the Criminal Justice Act panel worked together to identify and implement changes based on research to improve the 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 defendants, and reducing taxpayer costs if the courts employ specific programs targeted to specific populations.

An assessment of SCDIP was completed to determine whether the program was employing evidence-based practices. During the fall of 2011, 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 produce positive outcomes for this population. As a result, a smaller but more targeted group is now the focus of Drug Court — a population in which all of the participating agencies will invest more time and resources. PDS continues to aid in the implementation of changes to the program that will increase the likelihood of success for participants and ensure that their due process rights are being upheld. The changes have reduced the number of cases PDS handles in Drug Court but have increased the workload of each case. To manage these workload changes and to improve efficiency, PDS switched from rotating attorneys to Drug Court and assigned Drug Court duties to a single PDS attorney who handles all Drug Court representation.

The full complement of changed sanctions and incentives is scheduled to be in place in October 2014. The Drug Court program has been collecting data for future research to determine the cost-effectiveness of the program as implemented in the District of Columbia in the long- and short-term, but the available research suggests that this targeted investment will produce both savings and improved results.

**Criminal Record Sealing**

In response to a request by the D.C. Council, PDS worked with the USAO and the D.C. Office of the Attorney General (OAG) to draft legislation to expand the District’s criminal records sealing law. The first comprehensive record sealing statutory scheme, passed in 2006, contained a number of procedural hurdles and substantive bars to getting before a judge to request discretionary records sealing. PDS worked with the USAO and the OAG to lower the procedural hurdles and eliminate the absolute bars to judicial consideration. Now more people will be able to request that the court seal records of their arrests that did not result in convictions. After the compromise bill passed the Council unanimously, PDS drafted proposed orders for use by the judges, and trained staff at the USAO and at the D.C. Metropolitan Police Department on the changes in the law.
Compassionate Release

PDS assists inmates who are terminally ill but unable to apply to the court for compassionate release. Most terminally ill individuals serving D.C. Code-based prison sentences 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 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 of clients were protected as the needs of all affected agencies were addressed. The resulting bill was unanimously approved by the D.C. Council and signed by the Mayor, and the Act became law in June 2013. The law will not only allow sentenced individuals to die with dignity and in the company of their families, but will save taxpayers the unnecessary costs associated with guarding incapacitated inmates in hospital settings.

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 uses those cases to help it identify litigation that can have a larger impact beyond cases handled by individual PDS lawyers. This year, PDS’s highly skilled lawyers targeted cases involving constitutional violations that affect large numbers of persons and cause both unfairness and inefficiencies in the criminal justice system.

Civil Forfeiture

In FY 2012, PDS’s Special Litigation Division (SLD) successfully challenged the constitutionality of the District of Columbia’s civil forfeiture scheme in the U.S. District Court for the District of Columbia. PDS won a preliminary injunction declaring aspects of the D.C.’s civil forfeiture scheme as likely unconstitutional because the city was seizing and retaining individuals’ cars indefinitely without ever providing them a prompt post-seizure hearing at which the person could test the validity of the seizure and the validity of the continued police retention of the vehicle. The case resulted in the return of the client’s car.

In early FY 2013, through informal negotiations with the OAG, PDS secured the release of approximately fifty vehicles, often to people who needed their cars to get to and from work, school, and medical appointments, and to take care of urgent tasks. However, the practice of civil forfeiture did not change, and the city continued to seize cars in violation of the principles set forth in the U.S. District Court’s FY 2012 ruling. As a result, PDS filed a class action lawsuit in May 2013, on behalf of all owners whose vehicles are being unconstitutionally held by the District of Columbia. At the same time, PDS consulted on legislative efforts to reform the civil forfeiture statute, working with a D.C. Councilmember’s office on her bill to eliminate the unconstitutional aspects of D.C.’s forfeiture practices.

In the wake of both the class action lawsuit and the proposed legislation, the D.C. Council asked PDS to chair a working group to draft consensus comprehensive reform legislation, and D.C. agreed to work with PDS and other stakeholders to draft legislation that overhauls the civil forfeiture scheme for all types of seized property, including cars, money, and homes. As a result of this process and agreements made in litigating the class action lawsuit, PDS was able to help immediately mitigate some of the worst hardships experienced by indigent people who have their property seized, and the city is returning at least an additional 220 cars to their owners. The District of Columbia has also agreed to a wide variety of temporary reforms that dramatically reduce the number of forfeitures and that make the process fairer. It is likely that new legislation will make permanent a number of these reforms that will help thousands of people each year.
Protecting the Educational Rights of Juveniles

PDS filed a complaint regarding education and transition processes on behalf of a class of youths committed to the Department of Youth Rehabilitation Services (DYRS) who are placed at New Beginnings residential or group homes outside of the District of Columbia. The agencies named in the complaint immediately proposed a settlement, which was reached in the form of a memorandum of agreement. The named plaintiff’s education rights had been egregiously ignored for years during his commitment (while he was represented by a CJA lawyer). PDS’s litigation on the plaintiff’s behalf resulted in the client having the extraordinary experience of sitting at a settlement conference where representatives of all the agencies that had failed him — DYRS, D.C. Public Schools, and the Office of the State Superintendent of Education — agreed that they were in the wrong and where they discussed the remedies they would provide for both the client and the class he represents.

The core work of PDS is the representation of individual clients facing a loss of liberty. The accomplishments above all, flow from the work done every day by PDS lawyers, investigators, social workers, and other staff in thousands of matters. The systems for involuntary commitments, parole revocation proceedings, and criminal and juvenile delinquency proceedings are adversarial in nature, and PDS has able adversaries in the District’s Attorney General’s Office and in the United States Attorney’s Office. A fair justice system depends on having all components (judges, prosecution, and defense) fulfill their respective roles. PDS plays a pivotal part in ensuring that all cases, whether they result in plea agreements or trials, involve comprehensive investigation and thorough consultation with the client. For those matters that proceed to trial or to an administrative hearing, PDS litigates each matter to the fullest, ensuring that the proceeding constitutes a full and fair airing of reliable evidence. As it has every year since its inception, in FY 2013, PDS has won many trials, fought a forceful fight in others, and found resolution prior to trial for many clients. Whatever the outcome or the type of case, PDS’s goal for each client was competent, quality representation.

PDS CHAMPIONS OF LIBERTY IN FY 2013

Sagri (Dave) Acharya, Budget Officer
Angela Acree, Staff Attorney
Rudolph Acree, Jr., Deputy Director
Alvina Adegbite, Office Manager/Legal Assistant
Arthur Ago, Deputy Chief, Trial
Steve Albers, Supervising Staff Investigator
Linda Allen, Office Manager
Jeremy Alper, Staff Attorney
Jonathan Anderson, Staff Attorney
Mona Asiner, Staff Attorney
Deborah Awolope, Staff Investigator
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, Senior Software Developer
Liyah Brown, Supervising Staff Attorney

Avis E. Buchanan, Director
Julie Burrell, 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
Gabriel Chikes, Special Administrative Projects
Sara Childress, Eligibility Examiner
Genevieve Citrin, Staff Investigator
Kimberly Clark, Chief, Mental Health Division
Reva Conley, Forensic Social Worker
Andrew Crespo, Staff Attorney
Marilyn Cruz, Staff Investigator
Jacqueline Daniels, Financial Management Specialist
Carolyn Datcher, Financial Management Analyst
Amanda David, Staff Attorney
Matthew Davies, Staff Attorney
Fahcemah Davillier, Supervisory Staff Investigator
Laurie Davis, Staff Attorney
Petruzzelli Days, Eligibility Examiner
Parisa Dehghani-Tafti, Staff Attorney
Gabriel Diaz, Staff Attorney
Sandra Dorsey, Acting Chief Financial Officer
Monica Douglas, Staff Attorney
Jason Downs, Supervising Staff Attorney
Thomas Dybdahl, Supervising Staff Attorney
Catherine Easterly, Staff Attorney
Rashida Edmondson, 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 McCruty, Forensic Social Worker
Edward McDermitt, Staff Investigator
Hannah McElhinny, Deputy Trial Chief, Juvenile Section, Trial
Carolyn Mehrtens, Staff Investigator
Jodi Metz, Forensic Social Worker
Tara Mikhilineni, 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
Ieshaah Murphy, Staff Attorney
Justin Murray, 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, Senior 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

Justice of the United States
Comes now the petitioner, Clarence Earl Gideon, a citizen of the United States of America, in proper person and appearing as his own counsel, who petitions this honorable Court for a Writ of Habeas Corpus, directed to The Supreme Court of the State
Oscar Simons, Staff Attorney
Maneka Sinha, Staff Attorney
Patricia Slater, Supervising Staff Investigator
Carolyn Slenska, Staff Investigator
Santha Sonenberg, Supervising Staff Attorney
Somchai Srikitipraphas, Software Engineer
Andrew Stanner, Staff Attorney
Jeffrey Stein, Staff Attorney
Emily Stirba, Staff Attorney
Patricia Straw, Eligibility Examiner
Tammie Szafrań, Paralegal Specialist
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, Eligibility Examiner
Steve Yu, Human Resources Specialist
FINANCIAL STATEMENT
IN FY 2013
Certified Public Accountants
Independent Auditors’ Report

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

Report on the Financial Statements
We have audited the accompanying financial statements of PDS, which comprise the balance sheets as of September 30, 2013 and 2012, and the related statements of net cost, changes in net position, and budgetary resources for the years then ended, and related notes to the financial statements.

Management’s Responsibility for the Financial Statements
PDS’s management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error. PDS’s management is also responsible for preparing the Management’s Discussion and Analysis (MD&A); and complying with laws and regulations.

Auditor’s Responsibility
Our responsibility is to express an opinion on these financial statements of PDS based on our audit. We conducted our audit 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 Office of Management and Budget (OMB) Bulletin No. 14-02, Audit Requirements for Federal Financial Statements. These 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 involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor’s judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, we considered internal control relevant to the PDS’s preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of PDS’s internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting principles used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.
Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of PDS’s assets, liabilities, and net position of PDS, as of September 30, 2013 and 2012; and the net cost, changes in net position, and budgetary resources for the years then ended in accordance with accounting principles generally accepted in the United States of America.

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 presented for the purposes of additional analysis and is not required part of the financial statements.

The other accompanying information included in the MD&A section of the Performance and Accountability Report is required by the Federal Accounting Standards Advisory Board and OMB Circular A-136, Financial Reporting Requirements. Such other accompanying information is the responsibility of PDS’s management. We have applied certain limited procedures to the other accompanying information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing information and comparing the information for consistency with management’s responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Reporting Required by Government Auditing Standards

In accordance with Government Auditing Standards, we have also issued our report dated December 20, 2013 on our consideration of PDS’s internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards in considering PDS’s internal control over financial reporting and compliance.

This communication is intended solely for the information and use of those charged with governance and management of PDS, others within the organization, OMB, and the Congress of the United States, and is not intended to be and should not be used by anyone other than these specified parties.

CARMICHAEL, BRASHER, TUVELL & COMPANY, P.C.

Atlanta, Georgia
December 20, 2013
CARMICHAEL BRASHER TUVELL & COMPANY, PC

Certified Public Accountants

INDEPENDENT AUDITORS’ REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS

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

We have audited, in accordance with the 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 Office of Management and Budget (OMB) Bulletin No. 14-02, Audit Requirements for Federal Financial Statements, the financial statements of Public Defender Service for the District of Columbia (PDS), which comprise the balance sheets as of September 30, 2013 and 2012, and the related statements of net cost, changes in net position, and budgetary resources for the years then ended, and related notes to the financial statements.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered PDS’s internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of PDS’s internal control. We limited our internal control testing to those controls necessary to achieve the objectives described in OMB Bulletin No. 14-02. We did not test all internal controls relevant to operating objectives as broadly defined by the Federal Managers’ Financial Integrity Act of 1982, such as those controls relevant to ensuring efficient operations. Accordingly, we do not express an opinion on the effectiveness of PDS’s internal control.

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 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. 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.

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 that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.
Compliance and Other Matters

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. 14-02. We limited our tests of compliance to these provisions and we did not test compliance with all laws and regulations applicable to PDS. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our test disclosed no instances of noncompliance or other matters that are required to be reported under Government Auditing Standards or OMB audit guidance.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of PDS’s internal control or on compliance. This report is an integral part of an audit performed in accordance with Government Auditing Standards in considering PDS’s internal control over financial reporting and compliance. Accordingly, this communication is not suitable for any other purpose.

CARMICHAEL, BRASHER, TUVELL & COMPANY, PC.

Atlanta, Georgia
December 20, 2013
## PUBLIC DEFENDER SERVICE FOR THE DISTRICT OF COLUMBIA

### BALANCE SHEETS

As of September 30, 2013 and September 30, 2012

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<th>2012</th>
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<td><strong>Assets:</strong></td>
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<td>Intragovernmental:</td>
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<td>Fund balance with Treasury</td>
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<td>Total intragovernmental</td>
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<td>General property, plant and equipment, net</td>
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<td><strong>Total assets</strong></td>
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<table>
<thead>
<tr>
<th></th>
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</tr>
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<tbody>
<tr>
<td><strong>Liabilities:</strong></td>
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<tr>
<td>Intragovernmental:</td>
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<td>FECA liability</td>
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<td>Estimated future FECA liability</td>
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<td><strong>Total liabilities</strong></td>
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<thead>
<tr>
<th></th>
<th>2013</th>
<th>2012</th>
</tr>
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<tbody>
<tr>
<td><strong>Net Position:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unexpended appropriations</td>
<td>2,758,096</td>
<td>4,653,313</td>
</tr>
<tr>
<td>Cumulative results of operations</td>
<td>460,098</td>
<td>44,640</td>
</tr>
<tr>
<td><strong>Total net position</strong></td>
<td>3,218,194</td>
<td>4,697,953</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>2013</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total liabilities and net position</strong></td>
<td>$7,142,414</td>
<td>$8,879,669</td>
</tr>
</tbody>
</table>
PUBLIC DEFENDER SERVICE FOR THE DISTRICT OF COLUMBIA

STATEMENT OF NET COST
For the years ended September 30, 2013 and September 30, 2012

<table>
<thead>
<tr>
<th></th>
<th>2013</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Program Costs:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Legal representation services:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total gross cost (Note 8)</td>
<td>$37,969,470</td>
<td>$37,348,320</td>
</tr>
<tr>
<td>Less earned revenue (Note 8)</td>
<td>(2,162)</td>
<td>(2,836)</td>
</tr>
<tr>
<td>Net Cost of Operations</td>
<td>$37,967,308</td>
<td>$37,345,484</td>
</tr>
</tbody>
</table>