



A Resource Guide to *The Ten Principles*

The [Ten Principles of a Public Defense Delivery System](#), formally adopted by the American Bar Association (ABA), lay out the hallmarks of effective public defense. The Principles are guideposts to inform programmatic work based on standards established through professional consensus and field experience. Nationally accepted standards that promote excellence in defense services are crucial to meeting the challenges facing public defense and to “limiting arbitrary disparities in the quality of representation based solely on the location in which a prosecution is brought.”¹

Defenders from across the nation regularly express the need for more information about adhering to the Ten Principles and learning more about performance standards, data collection, and measures to promote excellence in public defense. We do not cover each Principle, but specifically address those Principles that are the foundation of [the BJA Smart Defense Initiative](#), as well as those frequently cited by defenders as important and challenging to address. Since various issues cut across different principles, the alphabetical item organization hopefully makes the guide easy to navigate.

This Resource Guide provides a roadmap of information, tools, training, and technical assistance available to help the public defense community provide high quality representation for all of our clients. Topics highlighted include:

[Assigned & Contract Counsel](#) • [Early Entry of Counsel](#) • [Workloads & Caseloads](#)
[Defender Funding](#) • [Continuing Education: Collateral Consequences,](#)
[Community Oriented Defense, Immigration, & Mental Health](#) • [Standards & Guidelines](#)
[Data Collection, Performance Measurement, & Evaluation](#)
[Tools: Case Management Systems & Checklists](#) • [Information Sharing: Listservs, Media, & Newsletters](#)

¹ Office of Justice Programs, Bureau of Justice Assistance. (2000). National Symposium on Indigent Defense 2000 Final Report: Redefining Leadership for Equal Justice. 14. Retrieved at <https://www.ncjrs.gov/pdffiles1/Digitization/187491NCJRS.pdf>

Assigned & Contract Counsel²

Principle 1: The public defense function, including the selection, funding, and payment of defense counsel, is independent.

- [Alternative Strategies for Public Defenders and Assigned Counsel](#) (2001) – Papers from the Executive Session on Public Defense
- [Appellate Practice & Procedure for SPD-Appointed Counsel](#) (2014) – Wisconsin State Public Defender
- [Contracting for Indigent Defense Services](#) (2000) – BJA Indigent Defense Series, Report #3
- [Guidelines for Negotiating and Awarding Governmental Contracts for Criminal Defense Services](#) (1984) – NLADA
- [Implementation of the ABA’s Ten Principles in Assigned-Counsel Systems](#) (2010) – ACCD
- [Massachusetts Committee for Public Counsel Services \(CPCS\) Assigned Counsel Manuals and Forms](#)
- [Model Contract for Public Defense Services](#) (2000) – NLADA
- [San Mateo CA Private Defender Program Annual Report](#) (FY 2013-2014)
- [San Mateo CA Private Defender Program](#) (2014-2015) – Overview
- [Standards for the Administration of Assigned Counsel Systems](#) (1989) – NLADA
- [Travis County TX Managed Assigned Counsel Program](#) (2015) – Webinar presented by NLADA

Early Entry of Counsel

Principle 3: Clients are screened for eligibility, and defense counsel is assigned and notified of appointment, as soon as feasible after clients’ arrest, detention, or request for counsel.

- [Assessing Pretrial Risk without a Defendant Interview](#) (2013) – Laura and John Arnold Foundation
- [Bail/Pretrial Release Resources](#) – Federal Defender Services
- [Do Attorneys Really Matter? - The Empirical and Legal Case for the Right of Counsel at Bail](#) (2001) – Cardozo Law Review – Douglas Colbert, Ray Paternoster, and Shawn Bushway

² The majority of indigent defense representation in the U.S. criminal system involves contract or private assigned counsel. When such contracts or assignments are made through the court, and not an independent commission or public defender office, there is insufficient independence to ensure an attorney is free from external influence that could, even unconsciously, negatively impact the client.

- [Don't I Need A Lawyer? Pretrial Justice and the Right to Counsel at First Judicial Bail Hearing](#) (2015) – The Constitution Project's National Right to Counsel Committee
- [Early Appointment of Counsel - The Law, Implementation, & Benefits](#) (2014) – Pretrial Justice Institute and the 6th Amendment Center
- [Incarceration's Front Door: The Misuse of Jails in America](#) (2015) – Vera Institute of Justice Center on Sentencing and Corrections
- [Kentucky Pretrial Release Manual](#) (2013) – Kentucky Department of Public Advocacy
- [Money as a Criminal Justice Stakeholder: The Judge's Decision to Release or Detain a Defendant Pretrial](#) (2014) – National Institute of Corrections
- [North Carolina Defender Manual – Volume One – Pretrial](#) (2013)
- [Policy Statement on Fair and Effective Pretrial Practices](#) (2011) – ACCD
- [Pretrial Release Checklist – First Appearances](#) (2015) – Miami-Dade County Public Defender
- [Risk & Needs Assessments: What Defenders and Chief Defenders Need to Know](#) (2015) – ACCD-NLADA
- [Unsecured Bonds: The As Effective and Most Efficient Pretrial Release Option](#) (2013) – Pretrial Justice Institute (PJI)
- [Unsecured Bonds - Fact Sheet](#) (2013) – PJI

Workloads & Caseloads

Principle 5: Defense counsel's workload is controlled to permit the rendering of quality representation.

- [Case Weights for Federal Defender Organizations](#) (2011) – RAND Corporation Technical Report
- [Ethical Obligations of Lawyers who Represent Indigent Criminal Defendants When Excessive Caseloads Interfere With Competent and Diligent Representation](#) (2006) – ABA Formal Opinion
 - [Eight Guidelines of Public Defense Related to Excessive Workloads](#) (2009)– ABA
- [Guidelines for Indigent Defense Caseloads - A Report to the Texas Indigent Defense Commission \(TIDC\)](#) (2015) – Texas A&M University Public Policy Research Institute
- [Keeping Defender Workloads Manageable](#) (2001) – Bureau of Justice Assistance (BJA) Monograph, Indigent Defense Series #4
- [Knox County, TN Public Defender Caseloads](#) (2008) – Hearing Transcript

- [Securing Reasonable Caseloads: Ethics and Law in Public Defense](#) (2011) – ABA Standing Committee on Legal Aid and Indigent Defense – Norman Lefstein
- [Statement on Workloads and Caseloads](#) (2011) – American Council of Chief Defenders (ACCD)
 - [Caseload Task Force and Resolution](#) (2008) – ACCD letter to Chair of ABA Standing Committee on Legal Aid and Indigent Defense (SCLAID)
 - [Excessive Caseload Advocacy Letter](#) (2012)
- [The Missouri Project: A Study of the Missouri Public Defender System and Attorney Workload Standards \(2014\)](#) (2014) – Rubin Brown on behalf of ABA Standing Committee on Legal Aid and Indigent Defense (SCLAID)
- [Tracking Attorney Time for Caseload Controls](#) (2013) – Lancaster Public Defender Report to the (TIDC) Weighted Caseload Study Panel

Defender Funding

Principle 8: There is parity between defense counsel and the prosecution with respect to resources and defense counsel is included as an equal partner in the justice system.

- Budget Advocacy in the 21st Century (2015) – BJA Technical Assistance Webinar Series
 - Session 1: [Cultivating Relationships](#), with follow-up [Q&A](#)
 - Session 2: [Data Collection & Analysis for Budget Advocacy](#)
 - Session 3: [Persuasive Budget Advocacy](#)
- [Common Dollars and Sense - Strategies for Good Relations with Indigent Defense Funders](#) (1998) – NLADA's *Indigent Defense* journal – John Stuart
- [Courts and Indigent Defense Providers Resource Guide](#) (2013) – Access to Justice
- [Defender Funding Webinars](#) – Access to Justice Initiative (ATJ) of the DOJ, in collaboration with the National Criminal Justice Association (NCJA) and the Bureau of Justice Assistance (BJA), presented this webinar series to highlight state and federal resources available to the public defense community, including the Byrne Justice Assistance Grant (Byrne JAG), and educate defenders on strategies become grantees.
 - [Strengthening Indigent Defense: Understanding State and Federal Resources](#) (2013)
 - [Expanding Stakeholder Involvement: Promoting Inclusive System Planning](#) (2013)
 - [Strengthening Court Systems: Understanding State and Federal Resources](#) (2013)
 - [Reframing Public Defense](#) (2014)
- [Gideon Project Communications Toolkit for Defenders](#) (2009) – [Spitfire Strategies](#)

Continuing Education

Principle 9: Defense counsel is provided with and required to attend continuing legal education.

Defenders have asked for webinars and additional educational materials that address the pressing needs of the client population, discuss legal developments for public defense, and help defenders incorporate innovative and promising practices to improve client case and life outcomes. Quality representation requires knowledge of a variety of issue areas. Recent events, contemporary to the 2015 creation of this publication, necessitate that defenders are educated on the following areas: collateral consequences, community-oriented and holistic defense, immigration, and mental health.

Collateral Consequences

- [Collateral Consequences Resource Center](#) – Non-profit run website with legal news and commentary, practice and advocacy resources, and information about how to obtain relief from collateral consequences in different jurisdictions.
- [In Search of a Job: Criminal Records as Barriers to Employment](#) (2012) – National Institute of Justice Journal – Amy Solomon
- [National Inventory on the Collateral Consequences of Conviction](#) –online database presenting the National Institute of Justice’s (NIJ) collection and study of collateral consequences in all U.S. jurisdictions combined with the ABA Criminal Justice Section’s research and analysis.
 - [Beyond the Sentence – Understanding Collateral Consequences](#) (2013) – This article provides background on the NIJ-funded database, an interactive resource on federal and state collateral consequences.

Community-Oriented & Holistic Defense

- [Community Oriented Defense, Stronger Public Defenders](#) (2010) – Brennan Center’s Access to Justice Project
- [Make them Hear You: Participatory Defense and the Struggle for Criminal Justice Reform](#) (2015) – Albany Law Review – Janet Moore, Marla Sandys, and Raj Jayadev
- [Redefining Public Defense](#) (2013) – a short documentary on The Bronx Defenders – Moyers & Company
- [Making Our Case: Utilizing Performance Measurement to Promote Holistic Advocacy and Community-Oriented Defense](#) (2008) – NLADA
- [Ten Principles of Community Oriented Defense](#)
- [Holistic Defense and the New Public Defense Paradigm](#) (2013) – Washington & Lee Law Review – Robin Steinberg

- [Innovations in Public Defense: Using a Multidisciplinary Approach to Improve Justice System Outcomes](#) (2012) – Webinar presenters Robin Steinberg, The Bronx Defenders, and Ed Monahan, Kentucky Department of Public Advocacy

Immigration

- [Immigration Consequences Resources](#) – Federal Defender Service
- [Immigration Defense for Defense Counsel](#) (2003) – NLADA Defending Immigrants Partnership
- [National Immigrant Justice Center - Attorney Resources](#) – www.immigrantjustice.org
- [National Immigration Project of the National Lawyers Guild - Legal Resources](#) – Links & Other Resources
- [The Padilla Advisory – The Duty of Criminal Defense Counsel to Advise Clients of Immigration Consequences](#) (2010) – Webinar presented by Defending Immigrants Partnership

Mental Health

- [Addressing the Intersection Between Behavioral Health and the Criminal Justice System](#) (2013) – Webinar presented by NCJA
- [Improving Representation for Clients with Mental Disorders](#) (2014) – Webinar presented by NLADA and the Council of State Governments (CSG)
- [Individuals with Mental Illnesses in the Criminal Justice System: Addressing Both Criminogenic Risks and Mental Health Needs](#) (2009) – Webinar presented by CSG
- [Mental Health Resources](#) – Federal Defender Services
- [Traumatic Brain Injury in the Criminal Justice Population](#) (2014) – Webinar presented by CSG
- [Trauma Services in Criminal Justice Settings: What, Why & How](#) (2010) – Webinar presented by CSG
- [Women Engaged in the Criminal Justice System](#) (2012) – Webinar presented by CSG

Standards³ & Guidelines

Principle 10: Defense counsel is supervised and systematically reviewed for quality and efficiency according to nationally and locally adopted standards.⁴

- [Compendium of Standards for Indigent Defense Systems](#) (2000) – U.S. Department of Justice
- [Criminal Justice Standards for the Defense Function](#) (2015) – ABA
[Criminal Justice Standards for the Prosecution Function](#) (2015) – ABA
- [Defender Training & Development Standards](#) (1997) – NLADA
- [Guidelines for Legal Defense Systems in the United States](#) (1976) – NLADA
- [Implementation and Impact of Indigent Defense Standards](#) (2003) – NLADA
- [National Juvenile Defense Standards](#) (2013) – National Juvenile Defender Center (NJDC)
- [Performance Guidelines for Criminal Defense Representation](#) (1995) – NLADA
- [Standards & Evaluation Design for Appellate Defender Offices](#) (1980) – NLADA
- [Standards for the Appointment & Performance of Counsel in Death Penalty Cases](#) (1987) – NLADA
- [Ten Core Principles for Providing Quality Delinquency Representation Through Public Defense Delivery Systems](#) (2008) – National Juvenile Defender Center (NJDC) & NLADA
- [Uniform Law Commissioners’ Model Public Defender Act](#) (1970)

Data Collection, Performance Measures, & Evaluation

In order to apply Principle 10 and review quality and efficiency of representation, it is necessary to capture data and establish performance measures against which systems may be evaluated.

- [Basic Data Every Defender Program Needs to Track](#) (2014) – NLADA Toolkit
- [Building In-House Research Capacity](#) (2013) – NLADA Toolkit
- [Evaluation Design for the Offices of the Public Defender](#) (1976) – NLADA

³ NLADA Standards and Guidelines linked here are unannotated. The annotated NLADA Standards and Guidelines, including commentary and additional references, are [available here from NLADA](#).

⁴ As articulated in their 2003 educational piece, [Litigation and Training Performance Standards: Making them Work for Clients and You!](#), defender leaders Phyllis Subin and Ed Monahan articulate the important reasons why defenders should read and use the NLDA Performance Guidelines and other national standards. “As an educational, supervisory, policy, persuasive and political tool, using national standards of practice makes sense for all of us and for our clients. ‘Zealous and quality representation’ is neither a fantasy nor a dream. Standards help make that goal a reality.”

- [North Carolina Systems Evaluation Project \(NCSEP\) Performance Measures Guide – Evaluating Indigent Defense](#) (2012) – North Carolina Office of Indigent Defense Services (NCIDS)
- [Policies & Benchmarks for Defender Offices, Appendix D to Evaluation of the Public Defender Office: Clark County, Nevada](#) (2003) – NLADA

Tools

Meeting standards of quality in any profession requires the use of tools. Below are some tools defenders have requested to help them meet the Ten Principles and implement the standards and guidelines for quality representation.

Case Management Systems

- [2014 ACCD Annual Conference Program Book](#) - Case Management Systems presented:
 - [defender DATA® – JusticeWorks™](#)
 - [JustWare | Defender – New Dawn](#)
 - [Legal Files](#)
 - [PioneerTech](#)
 - [The American Defender – LegalEdge Software](#)
- [Case Management Systems for Assigned Counsel and Public Defenders – South Carolina Example](#) – NLADA Basic Data Toolkit, p.20-21 & Appendix B
- [Defender Guidebook to Technology Integration in Criminal Justice Information Systems](#) (2000) – NLADA & Criminal Courts Technical Assistance Project

Checklists

- [Arraignment Checklist](#) – [Checklist Attorney Guide](#) –The Bronx Defenders
- [Criminal Appeals Checklist](#) – [Immigration Interview Checklist](#) – Wisconsin State Public Defense
- [Interview Checklist for Bond Hearing](#) – North Carolina Defender Manual, Vol. 1: Pretrial
- [Jericho Attorney Checklist](#) – Shelby County TN Public Defender
- [Pretrial Release Checklist - First Appearances](#) – Miami-Dade Public Defender
- [Using Checklists to Improve Case Outcomes](#) – San Francisco Public Defender

Information Sharing

Information sharing among defenders is key to promoting innovative practices and building grassroots defender advocacy. For public defense leaders, cross-jurisdictional collaboration aids in addressing the unique challenges of managing and mentoring defenders, while also running what is essentially a non-profit law firm. While not an exhaustive list by any means, below are some outlets that we at NLADA Defender Legal Services utilize and which are relevant to the defender community. These resources can help you connect to your peers and engage in communications across social media to stay informed.

Listservs

- Community-Oriented Defender (COD) Network Google Group – an active listserv open to any committed to community-oriented defense, which includes attorneys, social workers, investigators, mental health practitioners, and community members. Email CODNetwork@gmail.com to join.
- [NACDL Connect](#) – member-to-member communications platform, for NACDL members only
- NLADA Listservs – member-to-member communications, facilitated by NLADA Defender Legal Services staff, and open to members of the respective NLADA sections:
 - [American Council of Chief Defenders](#) listserv
 - [National Alliance of Sentencing Advocates & Mitigation Specialists](#) listserv
 - [National Alliance of Indigent Defense Educators](#) listserv
- [The Right to Counsel \(RTC\) Interactive Listserve](#) – supported by BJA and hosted by [American University's Justice Programs Office](#)

Media

- Twitter
 - **Defenders:** @NACDL, @NAPD2013, @NLADA
 - **Equal Justice:** @ACSLaw, @ACLU, @BrennanCenter, @NAACP, @OSFJustice, @VeraInstitute
 - **Community-Oriented Defense:** @ACJProject, @NASAMSTweets, @NLADA_Leah
 - **Criminal Justice Reform:** @6thAMD, @ConPro, @JusticePolicy, @Piper, @Pretrial, @PublicSafety @safety_justice, @SentencingProj
- Justice System News
 - [The Crime Report](#) – @thecrimereport
 - [Democracy Now](#) – @democracynow
 - [HuffPost Criminal Justice System](#) – @HuffPostCrime
 - [The Marshall Project](#) – @MarshallProj
 - [Vox](#) – @voxdotcom

Newsletters

- Defender Update – Email [Claire Buetow](#) to join the NLADA Defender Legal Services mailing list and receive our periodic publications. You can also share news on the right to counsel, criminal justice, or related topics by offering articles or op-eds that NLADA may publish in the Update.
- Indigent Defense News – Email [Geoff Burkhardt](#) with indigent defense news or if you would like to receive this newsletter, also available on the website of the [American Bar Association Standing Committee on Legal Aid and Indigent Defendants](#).
- Justice Roundtable E-Blast – Hosted by [Open Society Foundations](#), the Justice Roundtable is a diverse coalition of over 100 national organizations working for justice reform. Email [Jasmine Mickens](#) to sign up for the E-blast.
- [Pretrial Justice Institute](#) Newsletter – Sign up [here](#) to receive a monthly email from PJI with great information on news and publications related to advancing safe, fair, and effective pretrial justice practices and policies.

NLADA Information, Training, & Technical Assistance

For decades, NLADA has provided information, training, and technical assistance (ITTA) to defender offices and public defense systems on a wide variety of issues, including our work to establish the first public defender offices throughout the country post-*Gideon*. The NLADA team is made up of dynamic, diverse justice advocates. Justice Standards, Evaluation, and Research Initiative (JSERI) Director, [Marea Beeman](#), brings immense experience in conducting public defense evaluation and technical assistance as the Vice-President of the Spangenberg Group. As a former public defender in Missouri and Senior Policy Associate with the Pew Charitable Trusts, [Leah Garabedian](#), Defender Counsel, offers the dual perspective of practitioner and policy maker. Law & Policy Fellow, [Claire Buetow](#), augments our team with her exceptional legal research and writing skills and her ability to provide deep statutory and policy analysis, as well as lend strategic planning support.

The NLADA Defender team provides Defenders with strategic solutions on a range of areas, including:

- Program & Systems Evaluations
- Data Collection & Research Development
- Communications Planning
- Strategic Planning & Problem Solving
- Policy Advocacy & Lobbying Consultation

For more information about how our NLADA Defender team can provide information, training, and technical assistance to help your public defense organization, contact our team by emailing [Marea Beeman](#), NLADA Director of the Justice Standards Evaluation and Research Initiative (JSERI).