

PROTECTING THE RIGHT TO COUNSEL UNDER ATTORNEY GENERAL ERIC HOLDER

Fifty years after the U.S. Supreme Court's landmark decision in *Gideon v. Wainwright*, which held that every criminal defendant, regardless of income, is entitled to be represented by counsel, millions of Americans still struggle to access the legal services that they need and deserve. Under the leadership of Attorney General Holder, the department has taken unprecedented steps to ensure that our legal system is accessible, effective and a model of integrity.

Access to Justice Initiative

- In March 2010 Attorney General Holder launched the first ever Access to Justice Initiative (ATJ) to address the access-to-justice crisis in the criminal and civil justice system. ATJ's mission is to help the justice system efficiently deliver outcomes that are fair and accessible to all, irrespective of wealth and status. ATJ's staff works within the department, across federal agencies, and with state, local and tribal justice system stakeholders to increase access to counsel and legal assistance and to improve the justice delivery systems that serve people who are unable to afford lawyers.

Supporting the Right to Counsel in State and Local Courts

- In 2013, the department, in a joint effort by the Civil Rights Division and ATJ, filed a statement of interest in *Wilbur v. City of Mount Vernon*, the first time the department participated in a case concerning a state's provision of the protections guaranteed by the Sixth Amendment to effective assistance of counsel. The filing asked the court to consider workload controls for public defense providers as part of any court ordered remedy and the appointment of an "independent monitor" to ensure compliance. The court found a systematic deprivation of the right to assistance of counsel and issued an injunction that included remedies proposed by the department.
- On Sept. 25, 2014, the department filed a similar statement of interest in *Hurrell Harring v. New York*, continuing its work to ensure the right to counsel for defendants.
- Over the last four years, the department has committed more than \$24 million in grants, initiatives, and direct assistance to support indigent defense work in the state, local and tribal systems around the country.

Educating the Defender Community

- ATJ, the Bureau of Justice Assistance and the National Criminal Justice Association, have conducted a series of [webinars](#) to highlight the department's ongoing work to encourage jurisdictions to bring together all system stakeholders in criminal justice planning conversations, and to showcase strategies for integrating indigent defense and other functions into criminal justice resource planning.

Supporting Defender Services in Tribal Courts

- The department works to support tribal courts in their provision of criminal defense services as they work to implement the enhanced sentencing authority under the Tribal Law and Order Act of 2010 and exercise Special Domestic Violence Criminal Jurisdiction recognized under the Violence Against Women Reauthorization Act of 2013

through specialized trainings and expertise.

- ATJ worked with the Office of Tribal Justice Support (OTJS) within the Bureau of Indian Affairs to launch the *Tribal Court Trial Advocacy Training* program, a three-day trial advocacy course designed to improve the trial skills of judges, public defenders, and prosecutors who appear in tribal courts. Sixteen trainings have been held across the country since 2011 with additional trainings to come. The collaboration has included OTJS, ATJ, Assistant United States Attorneys who practice in Indian Country, the Executive Office for U.S. Attorneys' Native American Issues Coordinator, Assistant Federal Public Defenders, and tribal prosecutors, public defenders and judges.

Strengthening Juvenile Justice.

- In 2013, the Civil Rights Division entered into a groundbreaking and comprehensive agreement to reform the Shelby County, Tennessee, juvenile court system, which failed to provide constitutionally required due process and equal protection to children appearing for delinquency proceedings. Under the agreement, the county has provided funding to establish a juvenile defender unit within the public defender office to represent indigent children. Although the work is not complete, a material reduction in bias has been shown.
- The Civil Rights Division is currently investigating St. Louis Family Courts due process procedures, as well as right to counsel and bias.
- The Civil Rights Division is currently in litigation to address due process and access to counsel issues in the juvenile court system in Meridian, Mississippi.

Indigent Defense Beyond the United States

- The U.S. Government, through the expertise of the Department, strongly supported adoption of the [United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems](#)—the first international principles and guidelines on indigent defense. The United States was one of the co-sponsors of the Principles and Guidelines at the UN Crime Commission where it was first formally introduced, and continued to support it all the way to its adoption by the UN General Assembly on Dec. 20, 2012.