

Concept Paper

PEACE
LIBERTY PUBLIC DEFENDER 6th Judicial District
JUSTICE



Community
LAW OFFICE

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* HISTORY

Thirty-seven years ago, life changed for poor people accused of crimes in this country. In *Gideon v. Wainwright*, the United States Supreme Court decided that poor people who have been accused of a crime have a right to counsel. *Gideon* extended that right to the states.

The most common example of how state's provide these legal services is through a public defender system, although other systems: assigned counsel; contract; and volunteer, exist. Whatever the systemic structure, attorneys providing these services are required to provide effective, quality representation to the person accused. The American Bar Association Standards for Criminal Justice, the Defense Function, describe the scope of the attorney's professional responsibilities to the client. However, in the "traditional" public defender office, an attorney's responsibilities do not extend beyond the legal accusation. Acknowledging or designing a strategy to address the client's legal needs, while assisting the client in his or her efforts to develop and improve their self-sufficiency and productivity, is a strategy that is broader in scope than what is "traditionally" considered an attorney's professional responsibility.

* CONCEPT

The Community Law Office (CLO) is a holistic representation model that includes criminal and civil legal services, supplemented by social services, sentencing and business venture components. Attorneys in the CLO will see their roles as extending beyond the courtroom. In the "traditional public defender model," the attorneys would lack collateral social services and sentencing component support. Absent that support, it is an overwhelming task for an attorney to take into consideration not only the legal aspects of their client's case, but the social, environmental and mental health issues faced by their client. Years of experience have taught us, however, that it is those very social, environmental and mental health issues that often drive a client to offend and become involved in the criminal justice system. The CLO approach emphasizes comprehensive representation through provision of services and linkage with community agencies, the effect of which, we believe, will prevent criminal activity, reduce recidivism, and enable individuals to move toward maximum self sufficiency where they contribute, in a meaningful way, to their communities.

The CLO model is designed to achieve five (5) primary goals:

1. To prevent crime
2. To reduce recidivism
3. To empower clients to live a fuller, more meaningful, independent life
4. To increase community involvement in the criminal justice system
5. To demonstrate an innovative, effective service model

In achieving those five (5) primary goals, the CLO model will produce three (3) secondary cost benefits:

1. Reduce judicial administration costs by decreasing the number of people offending and, consequently, decreasing the number of cases initiated in the jurisdiction
2. Reduce institutional costs associated with pre and post trial detention of individuals accused/convicted of criminal violations
3. Reduce institutional costs associated with crime prevention and detection as the number and frequency of offenders and offenses are reduced



INNOVATION

Crime and recidivism are problems for communities throughout the nation. Individuals served by Public Defenders are the lower socio-economic members of our community and are at high risk for involvement in the criminal justice system. Identified risk factors include family crisis, a lack of education, employment, living, and problem solving skills. Additional risk factors are the lack of resources, housing, transportation, childcare, and support systems. Even when services are available, service fragmentation - insufficient coordination among services and service providers - poses a serious risk factor for involvement in the criminal justice system.

The CLO provides a unique opportunity to ensure comprehensive services. The attorney-client relationship involves a higher level of trust than the client has experienced and as such is a vehicle for enabling greater client self-responsibility in committing to services. The CLO will provide intensive assessments, case management, and support services such as classes in budget management, life skills, parenting, GED, employment skills, and family life education. This program will provide a creative, intellectual, and physical outlet for clients. Recreational programs, art and music programs, educational/tutoring assistance, vocational assistance and training, and mentoring programs will fill the void in community services presently available for clients. By involving clients in the assessment of their needs, they gain a voice; for those accustomed to being voiceless and forced to accept programs dictated to them, this empowerment is liberating. The clients' personal investment in their development plan is why they will work to make it succeed.



PARTNERSHIPS

In its 1996 publication *The Real War on Crime*, the National Criminal Justice Commission (NCJC) reported that, "the majority of the people filling our prisons come from impoverished backgrounds and lack a formal education." If criminal activity and recidivism are to be reduced, the Community Law Office must develop a program that strengthens individuals, families and communities. In order to do so, partnerships must be made with family members, the business community and the social service agencies that make up the community. As Carl Upchurch, author of *Convicted in the Womb* wrote, "[c]learly, the people most intimately involved in the problems of a community can best determine the solution needed to deal with them." NCJC recommends community representation in any plan for reducing criminal activity and recidivism. These include, but are not limited to; businesses, churches, social service agencies, educational institutions, vocational schools, criminal justice agencies, government agencies and other public defender offices.

The CLO intensive case management and support services will be supplemented by community partnerships. The CLO will establish community linkages with agencies offering housing, education, mental health/alcohol and drug services, training, employment, and other services. Other key linkages will be with the business community, schools, and government agencies. Linkages with schools will be directed at keeping the client in school when possible, and stimulating the desire to learn and grow. As appropriate, the CLO will advocate for school policies or programs that will have positive impacts on clients.

By working together, social service agencies and the Community Law Office will be able to develop treatment, training and prevention strategies for a larger number of individuals. These joint efforts will reduce duplication of services. The Community Law Office believes that mental illness and drug addiction should be treated as health issues and not criminal justice issues. Inter-agency partners will work together to advocate for services that address both issues. No individual, child or adult, should be denied services.

Government agencies play a significant role in working to achieve the common goals; reduction in criminal activity and recidivism, healthy families, and safer communities. The Community Law Office working with the District Attorney General's Office can design treatment and training programs for first-time offenders to reduce the likelihood those individuals will re-offend.

While formal community partnerships target linkages with community agencies, the CLO will also focus on partnerships with families. Families will be involved through counseling, family life education, life skills training and recreation.

*** COMMUNITY LAW OFFICE ORGANIZATIONAL STRUCTURE**

LEGAL COMPONENT [CRIMINAL]

The Office will house a legal component that will provide criminal defense representation to indigent persons charged with a crime where the court has entered an order appointing the Public Defender's Office. The Legal Component [Criminal] will consist of lawyers, investigators, computer staff, secretarial and clerical support staff, legal clerks and paralegals. At the trial level, direct client representation will occur in the General Sessions Courts, Criminal Courts, and Juvenile Court. At the Appellate level, direct client representation will occur in the Court of Criminal Appeals and the Tennessee Supreme Court and could extend to the United States Supreme Court. Clients of the office may be charged with a full range of offenses from public nuisance crimes to capital murder.

LEGAL COMPONENT [CIVIL]

The Office will maintain a civil legal service component to assist clients with legal issues that are civil in nature. This component of the CLO will work in conjunction with the local bar association making referrals to member lawyers for representation involving issues of on-the-job injuries, social security claims, immigration issues, restoration of individual rights, domestic relations cases, housing, and bankruptcy, as well as providing some direct legal representation to clients.

SOCIAL SERVICES COMPONENT

The CLO will house a social component consisting of five full-time employees: Manager/Program Director, Certified Mental Health Counselor, Youth Counselor, Vocational Counselor/Job Coach, and Assessment Counselor. Volunteers will be recruited from local universities/colleges, agencies, and churches.

Client Needs Assessment

The Social Service Component of the CLO will offer a comprehensive psychosocial evaluation for those clients that wish to participate. These assessments will be performed using one or a combination of tools: Client Centered Questionnaire (what primary need(s) is/are not currently being met and what does the client see as his/her primary problem(s)). Social History, LSI-R, and, when indicated, a psychological evaluation.

A team, made-up of all appropriate staff from the CLO Social Component, the client and the client's attorney will collaborate to design a plan of action.

The CLO Social Component's plan of action will first address the client's primary needs. The plan will assess the client's present situation with regard to housing; food, treatment, education, employment, transportation and clothing. The plan of action will include a course of action to provide stability in those basic need areas. Clients will be aided in obtaining valid identification (i.e. Social Security Card, Valid Driver's License, and Birth Certificate), forms of identification a client needs to obtain employment or apply for community assistance.

Treatment/Prevention

In addition to determining a client's primary needs, the client's plan of action will determine if the client has issues relating to alcohol and/or drug usage, mental health, education, and/or vocational training.

Alcohol & Drug:

Individuals with drug and/or alcohol problems will be referred to established community agencies. It is understood that In-Patient services are limited in our community. Efforts will be made by the CLO to secure funding for such programs in the future (see community planning).

Mental Health:

The CLO will employ a licensed counselor to assess clients, provide crisis intervention and make necessary referrals to mental health agencies. Individuals in need of medication will be assisted in obtaining any prescribed medication. In addition, the following empowerment groups will be provided on a weekly basis at the CLO: Parenting; Anger Management; and Domestic Violence.

Education:

Clients, both youth and adults, may work on their education level at the CLO. Tutoring and a quiet place to study will be provided immediately after school through the evening Monday through Thursday. Staff will recruit volunteer tutors. Eligible clients will be assisted in securing grants for continuing education and will be monitored by a counselor or mentor to encourage and assist the student while in school. Classes will also be provided to set goals and steps developed to reach each goal. Reading will be promoted in all programs at the Office. Book groups will be established for all age groups and will meet at least monthly. Participants will be taught and encouraged to use the public library. A used bookstore will be established to enable clients to swap and/or purchase books.

Vocational:

A vocational counselor will work with employers and clients to identify the client's vocational skills and to provide a match between need and skills. Workshops on Job Readiness, Job Placement and Job Retention will be provided. Referrals will be made to vocational programs already in the community when applicable.

Family Life Education:

The CLO will provide a range of classes and activities focused on family functioning. Parenting classes, parent-child activities, cooking-shopping, and social-recreation activities will be led by staff or community volunteers. These class-activities are especially valuable opportunities to involve volunteers from different segments of the community. Such activity increases the clients "sense of community", an important factor in reducing criminal activity and recidivism.

Leisure Time:

Individuals, especially youth, who have no appropriate leisure time activities are at risk to use drugs and participate in other illegal activities. Programs involving organized sports activities; games; book clubs; music and art, as well as quarterly social activities such as pot luck dinners, concerts, and art exhibits, hobby classes (crocheting, gardening, painting) all will be a part of the CLO curriculum offered by CLO staff and volunteers from the community. Office summer events for children will include visits from local law enforcement, fire department, sports figures and trips to local attractions (zoo, Basketball Hall of Fame, Tennessee Smokies Baseball) to provide an enjoyable and educational experience.

Community Service

Clients may volunteer to participate in various organized community enhancement programs. Staff, volunteers, and clients will work together on special community projects. This involvement not only helps others, but also gives the client a sense of belonging. The Office will have its own recycling program with proceeds going to local charities.

SENTENCING COMPONENT

The CLO will house a sentencing component. This component will develop an appropriate pre-dispositional plan for the client that addresses the client's custodial status and minimize the risk that he/she will re-offend. At the same time, the sentencing component will work with the social services component to include in this pre-dispositional plan a course of action that addresses the client's immediate needs, including alcohol and drug treatment and/or mental health treatment. In addition to the pre-dispositional plan, the sentencing component will work with the client and the attorney to develop a sentencing proposal that will offer the court an alternative to incarceration that addresses the needs of the client, the court, and society.

BUSINESS VENTURES COMPONENT

Clients of the Community Law Office have established spending patterns. Familiar with those spending patterns, a recognized segment of our business community encourages and competes for business from our clients. To date, those relationships have been too often limited to situations where our clients are consumers in retail transactions.

The Community Law Office will engage our local business community through contacts, such as the Knox Area Chamber Partnership, local labor unions, and individual business owners. The CLO will work with these businesses in an effort to encourage creative competition for our

clients' labor skills, in addition to their consumer dollars and to expand the historic contribution our clients have made to our local business community and our local economy.

The Community Law Office wants to assist our clients as they work toward achieving financial self-sufficiency. The Community Law Office will assist the client to disconnect from dependence on entitlement programs through for-profit business initiatives in an effort to promote client financial independence. Attempts will be made to fund these for-profit business initiatives through venture philanthropy organizations. Further, these for profit business initiatives will reinvest a percentage of their profits back into the Community Law Office to help finance other Office-sponsored business initiatives.

In addition, the CLO will attempt to work with federal, state and local governments to identify business venture partners in the government sector.

* EVALUATION

The Community Law Office proposal includes an evaluation component focused on both process and outcomes. The evaluation will be conducted by independent researchers through partnership with the University of Tennessee. The process evaluation will address program model, client characteristics, service patterns and utilization, program implementation and barriers to service. The outcome evaluation will focus on success in meeting goals and objectives, especially, did the program reduce first time criminal activity and recidivism, cost-benefit analysis and levels of self sufficiency achieved. The evaluation will address what service strategies were effective with specific clients.

* REPLICATION

The Community Law Office concept can be replicated. The evaluation of the CLO will offer detailed information about program development, implementation and operation. The Community Law Center will develop Program Descriptions for all activities being offered and maintain activity logs. These include objectives and a detailed description of each program.

* FUNDING

The Community Law Office as designed, will operate utilizing a mix of public funds, government grants, private foundation funds, private investment capital and profits from CLO business initiatives.

NOTES

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