

Working With The Community, For The Community

The Citizens Advisory Committee
Charlottesville, Virginia

Public defender offices around the country are often overworked, underpaid, and feel isolated and alone in the fight for justice. Many would love to have a group of supporters from outside their public defender office who stand alongside them and working with them. Charlottesville/Albemarle Chief Public Defender Jim Hingeley has cultivated such a group. In 1998, he developed a Citizens Advisory Committee for his office, and has been amazed at the support and assistance he has received from the community. "If you want to reach out to the community, you might be surprised to find the community will really embrace you," says Jim.

A Town Demands Equal Justice

The creation of the Citizens Advisory Committee (CAC) is due in part to the unusual history of the Charlottesville-Albemarle Public Defender office. Instead of local lawyers or judges taking the initiative to create an office, the community, inspired by a local newspaper story, demanded a public defender office.

The Charlottesville Daily Progress published a newspaper series by Bob Gibson titled "Separate Justice". The series described how African-American defendants receive harsher sentences than other defendants convicted for similar crimes. One part of the series focused on the need for a public defense office. The story detailed how Virginia

then paid court-appointed attorneys the lowest rates in the country and how these attorneys did not have the resources to present an adequate defense. The story demonstrated these facts by showing that the accused represented by court-appointed attorneys received sentences three times as long as other defendants.

The award-winning series garnered much attention in Charlottesville, and fostered discussions about the problems with the criminal justice system. "Many people were surprised to learn about these sentencing disparities," says author Bob Gibson. "Charlottesville doesn't like to consider itself behind the times in terms of justice."

At the same time, community leaders began to organize on the issue. Drewary Brown, a beloved community leader who passed away in 1998, and Grace Tinsley, a current member of the

"If you want to reach out to the community, you might be surprised to find the community will really embrace you."

Chief Public Defender Jim Hingeley

Citizens Advisory Committee, spearheaded the campaign to open a public defender office. Drewary, Grace and others spoke with local

judges, the Democratic Party and the bar association. "We let the bar association know we knew that there were good court-appointed attorneys, but we were attacking a system that had no accountability," explains Grace.

The citizens group contacted local Virginia delegate Mitch Van Yahres and won him to their cause. They held a meeting with a subcommittee of the Virginia General Assembly to discuss

the situation in Charlottesville. In 1994, Mitch Van Yahres introduced a bill to create a public defender office for Charlottesville and Albemarle County.

The legislature passed the bill, but then Governor George Allen vetoed the bill. The next year, Mitch Van Yahres introduced the bill again, and again Governor Allen vetoed it. Governor Allen vetoed the bill every year. "It became an annual event," says Bob Gibson. "Every year, the community wanted the public defender office even more than the year before," says Jim. "The notion of the public defender office became very popular, and the governor became very unpopular."

Virginia elected James Gilmore governor in 1998, and he signed into existence the Office of the Charlottesville-Albemarle County Public Defender. H.B. 742, 1998 Sess. (Va.

1998). Jim Hingeley, then a public defender in Lynchburg, Virginia, was hired as the chief public defender.

From the start, Jim knew he had to do something for which he knew no examples: create a committee where the community could interact with the public defender's office. "In view of the history, I wanted to involve the community with the public defender office," says Jim.

Creating the Citizens Advisory Committee

To foster this community involvement, Jim created the Citizens Advisory Committee for the Charlottesville-Albemarle Public Defender Office. Grace Tinsley says the

community also desired this connection to the public defender office. "We knew right off that having an office without someone to advocate for it would not bring forth the results we wanted," she explains. Jim worked to structure the committee in order to build awareness, understanding, and eventually support for the public defender office.

Deciding who will appoint representatives to the committee allows the public defender office to choose which relationships the office wants to strengthen. "I wanted to get the local governing boards involved, and give them a stake, because our public defender office receives no local funding," says Jim. Thus, the Charlottesville City Council and Albemarle County government each select one committee member. The Thomas Jefferson Area Community

Criminal Justice Board also selects a representative so that the committee benefits from the expertise of a criminal justice

planner. Because the Virginia legislature controls so much of the public defender office's fate, Jim asked the local legislative delegates to appoint one member. The public defender appoints a fifth member.

For the first four years of its existence, the Citizens Advisory Committee consisted of these five members, but last June the committee expanded to include one representative from the local NAACP. Jim explains the committee always wanted to grow and expand to a non-governmental organization, but also needed to be cautious about the size of the committee as to not become unwieldy. Ultimately,

*"Charlottesville doesn't like
to consider itself behind the
times in terms of justice."*

Daily Progress Reporter Bob Gibson

all of these entities were surprised and pleased at the idea of being included. Each of the groups agreed to set up an appointment process to select a representative. Each member presents an annual report to the organization he or she represents, helping to create a climate for dialogue. "Sharing information is one of the key aspects of the CAC," says Grace Tinsley. Jim adds, "When we ask for help in meeting a need, it won't be like we just popped up."

The costs of the Citizens Advisory Committee are kept to a minimum. The town supplies a meeting room, and the members provide their own brown bag lunches during their lunchtime meetings. Jim says the time he spends with the committee is time he would have to be spending talking to local legislators and the community regardless of the existence of the CAC. With the Citizens Advisory Committee, Jim says that the value of this time is amplified, because community members advocate and spread the word about the office with Jim.

The CAC also works not to be a burden on the public defender office. Committee chairman Rauzelle Smith says that the committee realizes that the office is overworked and that the committee works at the request of the public

defender. The members of the committee agree that the time and energy they spend is well worth the important purpose the CAC serves.

The CAC spent the first few meetings to get organized and build the right foundation for other projects. They developed a set of simple by-laws,

which is appropriate for an advisory committee. The by-laws outline the purpose of the committee and the basic procedural rules. One important clause in the by-laws states the lawyers are ineligible to serve on the committee. Jim stresses the two main reasons for this rule. First, the public defender already has many opportunities to be connected to law organizations. Also, Jim thought that lawyers tended to be insiders and he wanted citizens who were representative of the community. Grace Tinsley says that a Citizens Advisory Committee like this should be made solely of non-lawyer community members. She explains, "Those are the people that are heard the least, and affected the most."

Working for Results

After spending some time building a consensus, the Committee acted on the issues they had identified as priorities. First, the CAC tackled the problem that the public defender office was significantly understaffed. When the office opened, there were only four attorneys, one secretary, one investigator and one sentencing advocate. The CAC

worked with local legislator Mitch Van Yahres to request special funding outside of the general request for public defender funding throughout the

state. Because of the CAC, Mitch Van Yahres was able to say that citizens wanted this funding, and it was not an administrative request for more money. Their efforts paid off, because with this grant, the office was able to add three more attorneys and another secretary.

"The community values our work, and wants to give us the tools to accomplish it."

Chief Public Defender Jim Hingeley

Every year, the CAC reviews the proposed budget for the public defender office and supports the general request for funding. Jim says the support of the Citizens Advisory Committee emphasizes the value of the office. "We need to get across the message that we are an important part of the system. We're not just state employees asking for more money. The community values our work, and wants to give us the tools to accomplish it."

The difficulty of recruiting and maintaining minority lawyers also concerns the committee. The CAC wants to plant seeds in the minds of law students that a public defense career is a good place for service. To this end, the CAC organized a forum targeted to minority

students at the University of Virginia Law School.

Committee members testified to the importance of public defenders, and students could see that the public defender office offered a service that the community highly valued.

Speaking With the Public

"Our role is not only to advocate for the public defender, but one of our duties is to keep the public informed about issues that involve their clientele," says Grace. The Citizens Advisory Committee has sponsored public forums in order to accomplish this goal. In 2000, the Virginia Advisory Committee to the United States Commission on Civil Rights issued a report titled "Unequal Justice: African Americans in the Virginia Criminal Justice System" (available at www.usccr.gov). The report detailed the ways that the Virginia

criminal justice system treats minorities unfairly, and the Committee hosted a forum to encourage public discussion to discuss these issues.

"We had a terrific event on a shoestring budget," says Jim. The Virginia Advisory Committee to the United States Commission on Civil Rights came to Charlottesville for a daytime meeting. That night, the CAC hosted a public forum with the civil rights committee at a local high school auditorium. There was a huge turnout, representing the full cross-section of the community, including judges, law enforcement officers, regular citizens and opinion leaders. The community discussed the issues such as racial profiling, the adequacy of court-

appointed counsel, and restoration of voting rights for convicted

felons. Community member James Fortune spoke passionately about this last topic, of which many members of the audience were previously unaware. "There was no way you could have left the building without wanting to help him," says Rauzelle.

Many people in the community wanted to help, and the CAC could respond. Jim says the public forums are almost organic, naturally growing out of the community's interests. In October 2001, the CAC hosted a forum focusing on the restoration of ex-felons' voting rights, based on the strong interest of community members. The panel included delegate Brian Moran, the chair of the Crime Commission Task Force on Restoration of Voting Rights. "We now have a direct link to the body that will have an impact," says Jim. The timing of the forum also made an impact, as the

"Sharing information is one of the key aspects of the CAC."

Citizens Advisory Committee Member Grace Tinsley

CAC scheduled the forum right before the governor's election. Jim says the forum caused the issue to play a role in the election. As a result of these efforts, the newly elected governor has restored voting rights to more ex-felons than recent governors have during their entire term.

Until the cumbersome restrictions to voter rights restoration are removed, members of the Citizens Advisory Committee are doing whatever they can to help. Rauzelle has been working personally with ex-felons to navigate the difficult path of voting rights restoration. He helps the ex-felons complete the fifteen page application, gather the reference letters and complete the various paperwork necessary to restoring their rights. Rauzelle says it is labor-intensive, but the value of the Citizens Advisory Committee is not only in the forums and the meetings, but also in what the members do between the meetings.

"The assumption that public defense is going to be inferior to private counsel is being dispelled because of the services provided by the public defender office and the Citizens Advisory Committee," says Rauzelle Smith. Virginia legislators are taking notice. The Virginia General Assembly requested that the Virginia State Crime

Commission study both the quality and cost-effectiveness of Virginia public defender offices, when compared with court-appointed attorneys. H.J.R. 178 2000 Sess. (Va. 2000). The report concluded that "Public Defenders get their clients better sentences than Court Appointed Attorneys on average... [and] are less expensive on a per case and per charge basis than are Court Appointed Counsel." Indigent Defense, House Doc. 32, p. 38 (Va. 2002).

It has been a long fight for the Charlottesville and Albemarle

communities, but it is a fight they are winning. The Public Defender Office has earned

the respect of many local judges and the community as a whole. Grace Tinsley concludes, "We have proved ourselves right."

"We have proved ourselves right."

Citizens Advisory Committee Member Grace Tinsley

National Defender Leadership Institute



Cait Clarke, Director

Story Written By Toby Fey

