

Fulfilling Promises:

Celebrating the First Decade of Georgia's Public Defender System

by Sara J. Totonchi

"If an obscure Florida convict named Clarence Earl Gideon had not sat down in his prison cell with a pencil and paper to write a letter to the Supreme Court, and if the Court had not taken the trouble to look for merit in that one crude petition . . . the vast machinery of American law would have gone on functioning undisturbed. But Gideon did write that letter, the Court did look into his case . . . and the whole course of American legal history has been changed." – Attorney General Robert F. Kennedy, Speech before the New England Conference on the Defense of Indigent Persons Accused of Crimes, Nov. 1, 1963

On March 18, 1963, the U.S. Supreme Court issued its decision in *Gideon v. Wainwright*, unanimously holding that people facing serious criminal charges have a right to counsel at state expense if they cannot afford to hire an attorney. Since the enactment of *Gideon*, it has become clear that not just the appointment of counsel, but the appointment of *effective* legal assistance for all defendants, is critical to ensure a just and fair criminal justice system.

In 2005, through the work of then-Chief Justice Norman Fletcher and the Supreme Court of Georgia's Commission on Indigent Defense, and with the support of the State Bar of Georgia, Georgia took an important step in fulfilling *Gideon's* promise by implementing a statewide public defender system, the Georgia Public Defender Council (GPDC). On March 4, 2016, the Indigent Defense Committee of the State Bar of Georgia (IDC) hosted an event marking the 10th anniversary of Georgia's statewide public defender system entitled "Fulfilling Promises: The Next Decade of Public Defense in Georgia."



Former Chief Justice Norman Fletcher was the keynote speaker, offering his reflections on how far the public defender system has progressed in the last decade.

Photo by Rachel Stanley, Southern Center for Human Rights

The event, held in the Marjorie and Ralph Knowles Conference Center at the Georgia State University College of Law, reflected on the transformation of indigent defense over the last decade through the creation of the GPDC and its initiatives that have sought to fulfill the promise of *Gideon* across the state of Georgia. It also served as an opportunity to highlight important legislative changes and work that individual public defender offices are engaged in across the state to ensure quality representation for indigent defendants.

“*Gideon’s* promise is about more than just guaranteeing that defendants have a lawyer; it’s a promise of effective and meaningful representation,” said Lauren Sudeall Lucas, a member of the IDC and assistant professor of law and director of the soon-to-be-introduced Center for Access to Justice at Georgia State. “The discussion at ‘Fulfilling Promises’ centered on what Georgia can do and is doing to ensure that promise is being kept.”

Attendees were greeted by GSU Law Dean Steven Kaminshine. State Bar President Robert J. “Bob” Kauffman shared a letter of welcome from Gov. Nathan Deal that commended the IDC for organizing the event. Under the guidance of Gov. Deal, Georgia has become a leader in reforming the criminal justice system. His support for a strong indigent defense system was made clear during the 2016 legislative session. Gov. Deal’s FY17 budget included \$1.7 million in salary increases for GPDC employees as well as, for the first time, funding to create 15 new juvenile defender positions.

Former Chief Justice Norman Fletcher offered reflective and inspiring keynote remarks. He described Georgia’s formerly piecemeal and broken system of providing counsel for poor people accused of crimes, assessed unanimously as a failure by the Chief Justice’s Commission on Indigent Defense. He recounted the mas-



The organizers of "Fulfilling Promises" (left to right) Sara Totonchi, Nicki Vaughan, Lauren Sudeall Lucas and Claudia Saari.



(Left to right) Panelists Russell Gabriel, Atteeyah Hollie, Leisa Johnson and Vernon Pitts respond to questions from audience members.

sive coalition effort that resulted in the passage of the 2003 Indigent Defense Act. He acknowledged that the last 10 years have been a struggle but shared that he is optimistic about the future of the public defender system, largely due to the dedication of individual public defenders across Georgia.

“Our public defenders and assistant public defenders have made great personal sacrifices,” Fletcher said. “They continue to do it because they believe in the system; they believe that equal justice under the law means and requires equal justice for all, not just those who can pay for it.”

At the core of “Fulfilling Promises” was a panel featuring indigent defense experts and advocates moderated by Stone Mountain Circuit Public Defender and IDC member Claudia Saari. The panel weighed in on a range of topics, including the role of public defenders in rural and urban areas, public defender workloads and special concerns with regard to the representation of juveniles.

Panelists included Russell Gabriel, director, Criminal Defense Clinic, University of Georgia School of Law; Atteeyah Hollie, staff attorney, Southern Center for Human Rights; Vernon Pitts,



Photo by Cheryl Karounos, Georgia Public Defender Council

Circuit Public Defenders from across Georgia pose with new GPDC Director, Bryan Tyson. (Front row, left to right) Robert Persse; Bryan Tyson, executive director, GPDC; Brandon Clark; Charlie Brown; David Dunn; Tom Driggers; Claudia Saari, IDC member; Vernon Pitts, IDC member; Renata Newbill-Jallow; and Nicki Vaughan, IDC member. (Back row, left to right) Chris Paul, IDC member; Gary Bowman; Brad Morris; and Leisa Johnson.

Atlanta Circuit Public Defender; and Leisa Johnson, Dougherty Circuit Public Defender.

To close the program, Bryan Tyson, director of GPDC, gave a “State of the State” address. Tyson offered insight regarding the funding status of GPDC. When Gov. Deal took office, GPDC was receiving \$38 million in state funds. In FY16, GPDC’s budget from state funds will be more than \$51 million, 34 percent higher than it was when Gov. Deal took office and the most Georgia has ever spent on indigent defense. Next fiscal year, GPDC’s budget is on track to be more than \$15 million higher than the collections from the Indigent Defense Fund.

To illustrate the quality of indigent defense now versus before GPDC came into effect, Tyson used the example of death penalty cases and the work of the Georgia Capital Defender, one of GPDC’s units. In the decade before GPDC was created in 2005, death-noticed cases ended in a death verdict about 25 percent of the time. Over the last 10 years with our capital defender handling more than 200 cases, those ended in a death verdict only 4 percent of the time.

“In short, you’re far better off being represented by a public defender—because we are the

subject matter experts and we get results for our clients,” said Tyson.

Tyson gave an overview of the priorities of GPDC in the coming years. He discussed the launch of training programs and leadership development initiatives for public defenders across the state.

“We want to zealously represent our clients,” stated Tyson. “We strive to make indigency irrelevant in every courtroom of this state because of that overarching vision: no one should be able to tell whether our client is indigent based on the quality of representation he or she receives.”

“The Indigent Defense Committee is thrilled at the success of this symposium,” said Nicki Vaughan, long-time member of the Indigent Defense Committee. “Having the visionary leaders of the past along with the present leaders, including so many of the circuit public defenders from around the state, enabled the event to take on significance as a milestone in assuring that Georgia is committed to striving to fulfill the promises of *Gideon*.” 



Sara J. Totonchi is the executive director of the Southern Center for Human Rights. She can be reached at stotonchi@schr.org.

Earn up to 6 CLE credits for authoring legal articles and having them published.

Submit articles to:
 Timothy Colletti
Georgia Bar Journal
 104 Marietta St. NW
 Suite 100
 Atlanta, GA 30303

Contact sarahc@gabar.org for more information or visit the Bar’s website, www.gabar.org.

