

THE **N** EIGHBORHOOD
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OF **H** ARLEM

1991 Annual Report



Neighborhood Defender Service of Harlem
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Neighborhood Defender Service, Inc. is a not-for-profit corporation and a project of the Vera Institute of Justice, with funding in 1991 from the City and State of New York.

Photography: JIM BELFON / *Photographic Center of Harlem*

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A Note on Sources

All of the statistics reported here are drawn from the NDS databases, unless otherwise noted. These databases are the computer files from which the NDS teams do their work and through which they communicate with one another on a local area computer network. The data are entered by the team members as they work on each case. The administrative assistants check the data each week for missing information or errors in the records. In addition, the 1991 data were checked and corrected at the start of 1992, before this report was prepared.

The "Client Feedback" pieces presented in the margins throughout the report are direct quotations from interviews and written evaluations in which NDS clients and the relatives of clients were asked to give their opinions about the service they received and to offer suggestions for its improvement. The interviews were conducted in December 1991 by college students who were spending a semester as interns at NDS.

Introduction

In the spring of 1990, the Vera Institute of Justice established the Neighborhood Defender Service of Harlem to advance the development of new techniques in the public provision of legal representation to indigent criminal defendants. The aim of the project is to demonstrate that, by restructuring the manner in which legal representation is delivered, public defender organizations can provide better services to their clients and do so in ways that both improve the quality of criminal justice generally and reduce the costs of unnecessary incarceration and delay.

The Neighborhood Defender Service (NDS) provides direct legal representation to indigent clients who live in Harlem. NDS is organized differently from traditional public defenders in three ways: its work is neighborhood-based rather than court-based, with lawyers on call 24 hours a day; it provides representation through teams of lawyers and non-lawyers rather than through individual attorneys; and it defines its representation around the client's problems rather than around a specific criminal case.

Its unique design permits neighborhood residents to retain NDS lawyers without fee as soon as an arrest has been made, or even before, rather than waiting for a court to assign



Outreach.

NDS operates a wide variety of programs of education and outreach to explain its services to Harlem residents. Here, from left to right, Lavern White (administrative assistant), Richard Barba (community worker), and Vaughn Jackson (outreach coordinator), leave the Kennedy Community Center on 134th Street after a presentation.

Building a New Practice.
Attorneys Sybil McPherson and Jonathan Abady, Office Manager Sonia Burguillo, Attorney David Holman, and Counsel for Technology and Appeals Richard Zorza participate in an office-wide discussion of how a team should prepare for a trial.



counsel later in the process. This, in turn, allows NDS to begin its representation and investigation while a client is still in the police station.

The design also permits NDS to represent clients in all cases related to criminal charges, including proceedings in civil courts. A single team may represent a client in two or more criminal cases in different counties, as well as in related family court, housing, or forfeiture proceedings.

Equally important, NDS staff members are available to engage with individuals and organizations throughout their clients' community. NDS staff teach in the schools, collaborate with social service organizations, and participate in a wide range of community activities. This work helps potential clients and their families make use of the services NDS provides, it gives NDS access to community resources in assisting clients with bail proposals and sentencing plans, and it helps the people we meet, especially young people, learn ways to avoid conflict with the law before it happens.

For the public defense sector this year, I propose the establishment of a pilot program to determine the efficacy of providing defense services in the form of team representation. Under this proposed model, a client's needs would be served by a defense team that includes defense attorneys, paralegals and other professionals. This would allow case preparation to begin earlier, leading to faster dispositions and reduced pretrial detention time.

—Governor Cuomo, State of the State Message, January 1990

NDS CHRONOLOGY

- October 1989 *Proposal by the Vera Institute of Justice submitted to the Governor and the Mayor for the creation of a neighborhood-based, team-based defender service.*
- January 1990 *Governor Cuomo proposes the creation of NDS.*
- May 1990 *NY City Board of Estimate approves the first contract between the Vera Institute of Justice and the City to operate NDS.*
- July 1990 *NDS Senior Staff and a skeleton support staff begin work in temporary offices in Harlem, piloting the neighborhood-based, team-based, and client-centered model of representation.*
- October 1990 *The full 60-person staff of NDS begins work and training, and the organization moves into its permanent offices on 125th Street.*
- December 1990 *The training and pilot periods end, and NDS commences full operations.*
- August 1991 *NDS reaches its target caseload.*
- October 1991 *Review of the first year of operations with the team leaders and the NDS National Advisory Board leads to a proposal to restructure the NDS legal teams.*
- December 1991 *NDS implements a revised team structure.*

The first five years of NDS operations have been planned as a demonstration period of *action-research*. Accordingly, many of the operational details of the design are being tested and modified during this period. Modifications are based on the results of continuous research and monitoring of the quality and efficiency of NDS representation, as well as on research by the Vera Institute of Justice into its impact in court and in other parts of the criminal justice system.

This is our first annual report, covering the first full year of operations. The report describes how, during that time, clients came to NDS, how NDS organized its legal teams to represent those clients, what happened to those clients, and what some of them thought of the services they received. The report also describes how NDS changed over the year as we gained experience with our new model of legal representation.

This was an exciting but difficult year. Criminal defense work is always challenging to do well, and we have strived to do it very well; but to do this work in so exposed a setting and so unfamiliar a structure has required truly extraordinary levels of commitment, enthusiasm, maturity, and skill.

*Members of a Team.
Attorney Ray Taseff discusses an investigation with his colleagues.
Also shown are community workers Sheilah Mabry and Richard Barba.*





The Year in Review.

Christopher Stone, NDS executive director, makes a point at a meeting of the advisory board reviewing the project's first year of operations. Also shown are Randolph Stone, member of the advisory board, and Haywood Burns, chair of the Board of Trustees of NDS, Inc.

For NDS team members, the implementation of the NDS model has been both rewarding and exhausting. Visiting precincts in the middle of the night, hunting for apartments for homeless clients, inspecting crime scenes minutes after arrests, finding our way in family and housing courts, and helping teenage clients make provision for their children have all contributed to our discovery of a new kind of attorney-client relationship, and have shaped a powerful new role within criminal defense work for a "community worker."

At the same time, our lawyers have waited for 12 hours in courtrooms for clients to be brought before a judge; they have endured weeks when every night's sleep was disturbed by another call for help. For the first time in many careers, lawyers had to share the heavy responsibility of legal representation with colleagues they barely knew. Add to this picture the mistakes and disagreements that strain the daily administration of any new organization, and you have a glimpse of what a rollercoaster ride we have had this inaugural year.

1. Clients & Cases

The Neighborhood Defender Service of Harlem handled 1685 cases for 1164 clients in 1991. Most clients had only one case with NDS, but almost one-third of our clients had at least two cases in which NDS represented them this year, and one-out-of-ten had three or more such cases.

Our clients were a diverse group, except that almost all (86%) were men. They ranged in age from 13 to 61 years old. The average age was 28, the same as the average age of all people charged with offenses in the Manhattan criminal courts. About three-quarters were African-American (73%). A substantial number were Hispanic (24%), although only five percent of our clients identified Spanish as their primary language. White and other ethnic groups accounted for one and two percent, respectively.

Most of our clients had never been convicted of a felony and they were tied to their communities through family. About one-quarter of our clients (27%) had a previous felony conviction when they first came to NDS. The great majority (79%) were able to put us in touch with a family member with whom they had a close relationship. In both of these



Family Ties.

Attorney Jonathan Abady explains how to retain NDS at the Central Harlem Senior Center. Although senior citizens rarely call on their own behalf, they often call to get help for a son, daughter, or grandchild who has been arrested.



Recreation and Information. Vaughn Jackson describes how to retain NDS to young men playing basketball on a Saturday morning in Harlem. These sessions often last more than half an hour as Vaughn gets peppered with questions about how to handle situations with the police.

respects, the clients who retained NDS do not appear to be very different from those to whom NDS was assigned as counsel at court.

NDS as Retained Counsel

The principal method by which clients can be represented by NDS is by retaining NDS as counsel. Clients do that just as they would retain a private lawyer, except that they do not pay any fee or other costs. The only requirements are that clients are facing a criminal accusation, that they live within the Harlem service area, and that they cannot afford to hire private counsel.

In many instances, potential clients contact NDS before they have been to court for their first appearance in a case. NDS attorneys and community workers are on call 24 hours a day, every day of the year, specifically so that they can commence representation for clients who have just been arrested. Because the ability of NDS staff to begin their work early lies at the core of the design of the service, NDS accepts every request for assistance



"It's very good, because there a lot of times your children are in trouble, or anybody's in trouble, you don't know anything or what to do. But at least if you know you've got someone nearby that you know about, you can come for help. This is great for the neighborhood, really."

—Mother of NDS Client

"This neighborhood is so messed up.... It is best to have it in the neighborhood, cause a lot of times, if they're here, a cop grab you and lock you up, you're going to have to settle there in that precinct, and they [NDS] can get you out of there.... You're not going to find nobody who's going to do no better than they're doing. They're doing just fine. I really appreciate them, too. I call them up, they tell me to come to the office and we'll talk. I go up there, and we sit down and talk."

—NDS Client



Class Act.

Attorney Rick Jones plays a police detective in a role-play with 9th grade students at Martin Luther King Jr. High School. The role-play is part of a ten-class curriculum developed by NDS that helps students remain calm, respectful, and careful when stopped by police officers on the street.

from eligible people who have just been arrested and have not yet been arraigned, except in cases that present a clear conflict of interest.

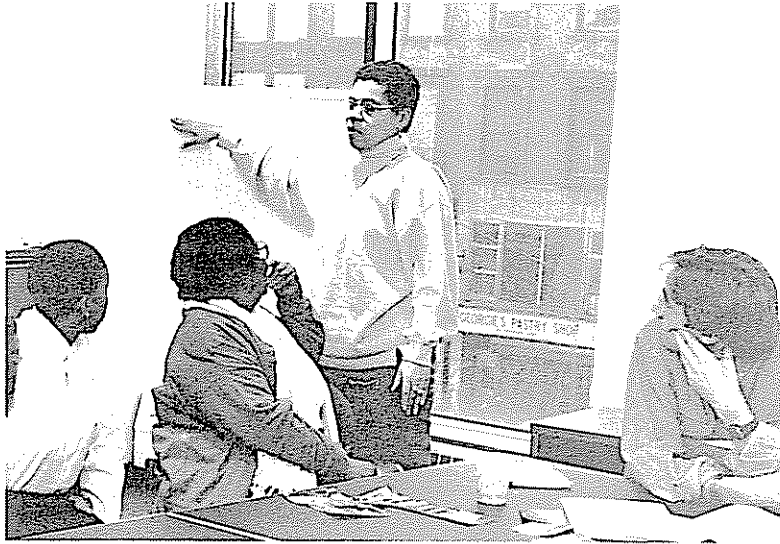
In other cases, potential clients contact NDS after they have been to court and have been assigned counsel from the Legal Aid Society or from the 18-B panel of private attorneys. NDS can enter these cases as retained counsel as well; but, as a practical matter, the older a case is by the time that the defendant contacts NDS, the less value NDS has to the defendant and to government funders. As a result, we have developed a variety of policies and practices to limit the number of cases that we accept after other counsel has been assigned.

Early in 1991, we established a practice, whenever contacted by someone seeking to retain NDS after having been assigned counsel, of encouraging defendants to discuss their concerns with their assigned attorneys. If necessary, NDS attorneys would also contact the assigned lawyers directly to alert them to their clients' concerns. If these steps did not resolve the issue, however, NDS would agree to enter cases that were not yet scheduled for hearings or trial.



Precinct Work.

Attorney David Holman arrives at the 32nd Precinct on 135th Street. NDS team members go to see their clients as soon as possible after an arrest, often visiting the precincts late at night and on weekends.



Brainstorming.

Sheilah Mabry makes a point during one of the Legal Practice Seminars. The seminars, occurring every Tuesday afternoon and open to all staff, are devoted either to the presentation of an individual case or to a discussion of some general part of the practice.

In the summer of 1991, requests of this kind had become so numerous that we restricted ourselves to those cases in which defendants sought our services within 30 days of their arrest and prior to their arraignment on any indictment.

Of the clients who first came to NDS in 1991, about one-third retained NDS themselves, although by the end of the year about half of the new cases were coming from clients who retained NDS. Most of these told us that they knew about NDS from friends or relatives. Others were referred by social service organizations in Harlem, by other lawyers, and other criminal justice agencies. Still others had contacted NDS because they had seen one of our posters or brochures, or had heard a presentation by one of our staff.

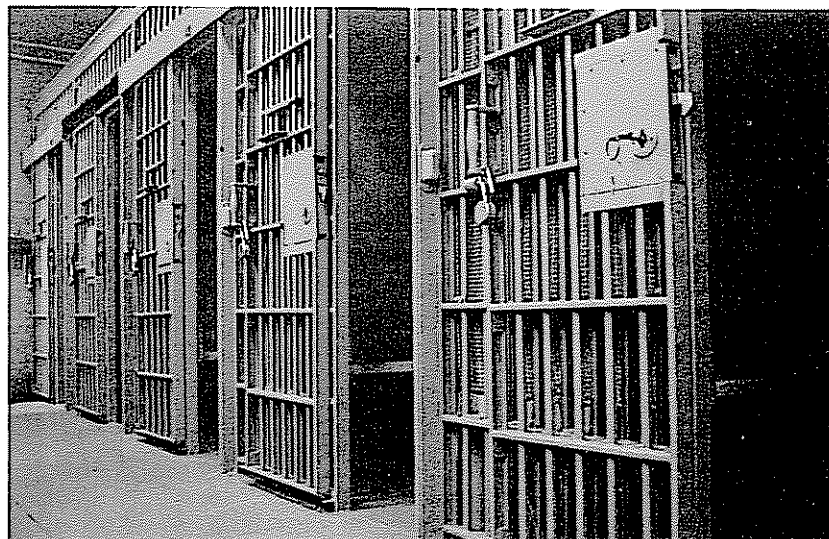
NDS as Assigned Counsel

In addition to representing clients who retain its services, NDS is also assigned by the court to represent some defendants from the Harlem service area who are arraigned in the Manhattan Criminal Court. The mechanism through which NDS received these assign-

Inside the Precinct.

The cells at the 32nd Precinct where NDS first met the clients to whom they were assigned when the program began operations.

Assignments to clients still at the precincts were ended in January, but NDS attorneys still visit clients at the precinct several times each week when clients or their relatives telephone NDS to retain legal services.





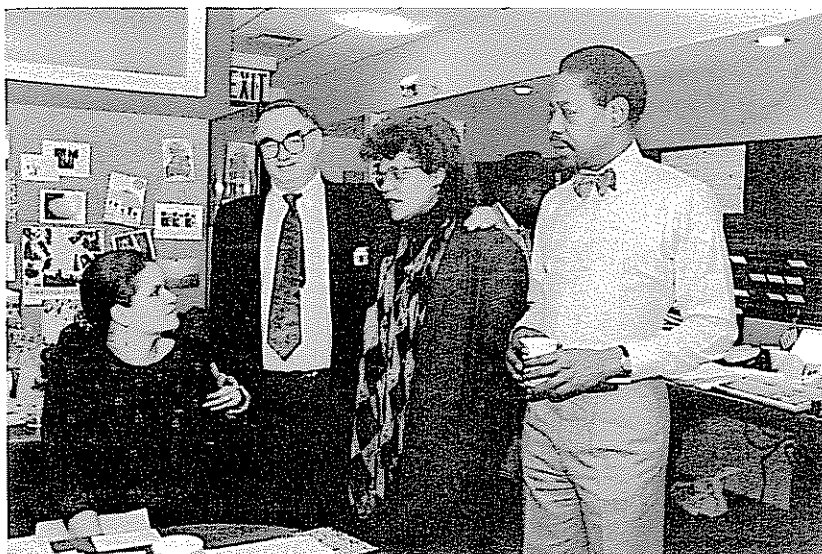
"They're doing the best they can.... The only thing is, I tried to talk to Diana [an NDS attorney], and she said it looks pretty bad. I don't want to hear that. I didn't want to hear that. She told me two or three different times. I asked her, I said 'How's it going?' And she said, 'It's going, but it looks pretty bad.' I said, 'Oh ----, I don't want to hear nothing like that.' But they're there to represent me. And that's it. It's been perfect so far."

—NDS Client

ments was changed several times during the first four months of 1991, and practical difficulties plagued this part of the operation through the fall.

When the year began, NDS was receiving assignments only to clients who lived in Harlem and had been arrested in Harlem. At first, these assignments were made while the defendants were still held in the Harlem police precincts. This permitted NDS to begin work on assigned cases as early as it began work on retained cases, but the *assignment* of NDS to cases at this very early stage was suspended by the City in early January of 1991, only a month after it had begun, because other criminal justice agencies could not adapt quickly enough to the introduction of defense lawyers into so many cases so early.

In February, a second assignment system was implemented that permitted NDS to commence work about 12 hours after an arrest, and about five hours before an arraignment, while defendants were held in cells beneath the courthouse. This system produced a lot of assignments, but it required so many agencies to follow special procedures and NDS attorneys to work such long days that it could not be sustained. In March, it too was abandoned.



Open Plan.
Everything about the practice at NDS is more exposed than in traditional defender offices. Here, Attorney Sybil McPherson talks about her work with advisory board members Marshall Hartman, Shanara Gilbert, and Randolph Stone. Even the desks of the attorneys and community workers are exposed in the open plan office.



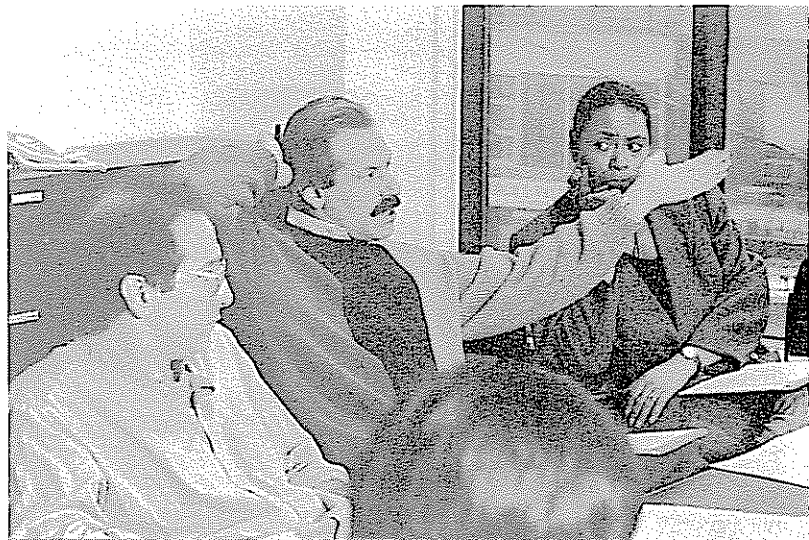
Monitoring Intake.
Rosa Martinez and Jacqueline Aponte examine a report on office intake. The team administrative assistants meet each week with NDS managers to review the previous week's intake and plan for the week ahead.

From March through September, we experimented with two mechanisms through which the court clerks identified defendants who lived in Harlem. One mechanism assigned these cases to NDS attorneys as they were docketed, while the second assigned them as they were ready to be heard. The latter system failed because of the time pressure that had already built up by the time that the cases were assigned; but the assignment of cases at the time of docketing did prove practical and was eventually adopted as the principal system of assignment.

During this same period, NDS staff gathered data from the court and from the Criminal Justice Agency to determine the most productive times for NDS to be available for these assignments. On the basis of this data, a three-day schedule of court assignments was organized and operated through the end of the year, requiring teams to be prepared to work on arraignments from 10:00 am until 10:00 pm on those three days. This work in the arraignment courts is in addition, of course, to the arraignment of clients who retain NDS throughout each week.

Independence.

Lee Ginsberg, member of the advisory board, joins a discussion about ways to protect vigorous advocacy by NDS attorneys as Rick Finkelstein, project director, and Annette Dickerson, project administrator, listen. The independent advisory board, with prominent and experienced practitioners and academics from around the country, plays a crucial role helping to preserve the independence of the legal representation.





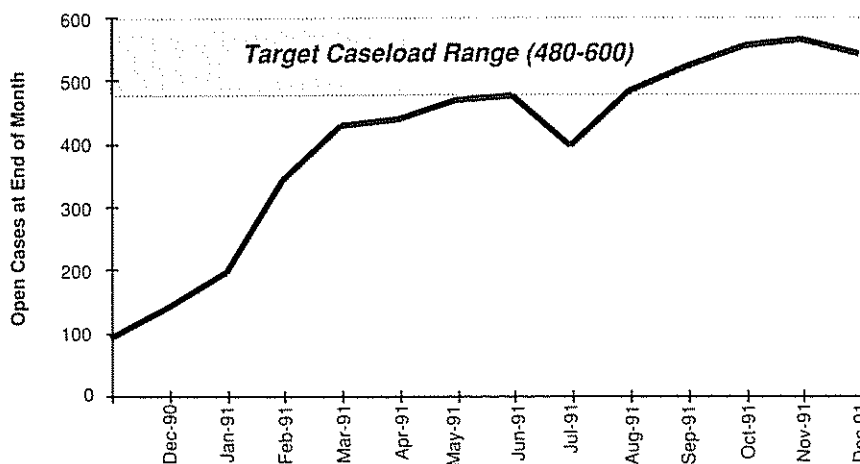
"I know you guys are doing everything you can, but you know how the court system is. You could do everything right and I could still be doing twenty-five to life. I think you guys are doing everything, but I'm still scared."

—NDS Client

Caseload

We had originally hoped that NDS would reach its planned caseload by the end of February 1991. Unfortunately, because of the frequent changes in the system for assigning cases to NDS, this level was not reached until the end of August, although the office came very close to its target in June, before the summer lull caused it to drop temporarily. From September through the end of the year, the caseload remained on target.

The caseload is made up of the full range of criminal cases, from homicide to disorderly conduct. In addition, there are a variety of other cases, including parole and probation violation proceedings, family court proceedings, administrative hearings, and a few civil cases. The severity of the cases that NDS handled in 1991 was slightly greater than a random selection of cases would have been; but the caseload on any individual day was much more severe, because the violations and misdemeanor cases usually do not remain in the caseload for as long as the felonies.

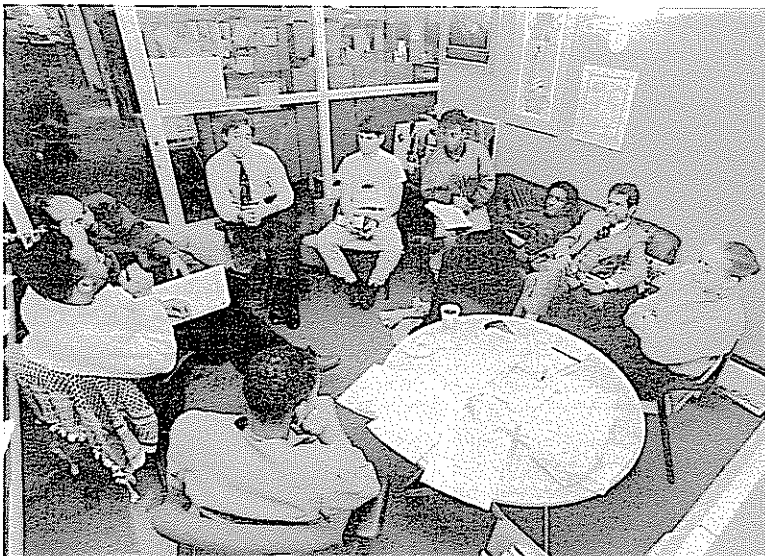


On Target.
NDS reached its target caseload at the end of August, and has remained on target since then.

2. Teamwork

The Neighborhood Defender Service represents each of its clients through a team of lawyers, community workers, and an administrative assistant who handle all aspects of a client's representation from courtroom advocacy to investigation to social service planning.

The teams are the core organizational units of NDS, and they are critical to the practical operation of a neighborhood-based practice. For the lawyers, working in small teams allows one or two attorneys to cover the team's appearances in any particular court, freeing other attorneys to work on cases in the office or in the community. The integration of community workers onto the team provides the attorneys and clients with a unique investigative staff whose members know and understand their cases from the outset. For clients and their families, the team approach ensures that there is always someone accessible in the office who knows them and is able to respond to questions or to developments in their cases. Finally, the teams ensure that each case will get the attention of many minds, each bringing different perspectives and experiences.



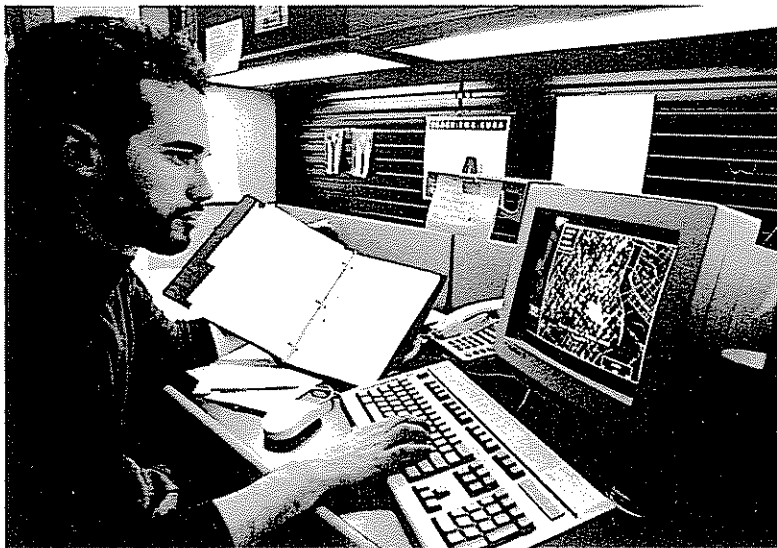
Team Meeting.
Senior Attorney Jill Elijah (above) and the team she leads (left). The teams meet every week to discuss new cases, review cases coming to trial, and organize the work for the week ahead.

Scene of the Crime.
Community Worker Tarik Brown and Intern Oma Holloway photograph a crime scene. Photos taken shortly after a crime can prove invaluable at later court hearings and at trial.



We began the year with a team model that had not been tested. Each team consisted of a senior attorney who served as the team leader, an experienced staff attorney, a newly admitted attorney (or an attorney waiting admission to the bar), two community workers who were expected to handle a variety of investigative, paralegal, and social service tasks, and an administrative assistant. In addition, each team was also host to a college or law student intern. No issue consumed more of our time, attention, or creative thought this year than the proper organization and working of these teams.

Within only a few months, it became clear to us that the team practice enabled us to provide a very high quality service to clients. Team members knew their clients well, and the clients seemed very comfortable with the teams. The diversity of background and experience on the teams enabled the team members to draw on one another in individual cases, and the number of team members allowed the team to respond to developments in a case quickly and effectively, day or night. Although each case had an attorney who was charged with "principal responsibility" for the case, clients and others involved in the cases seemed able to deal satisfactorily with many different team members.



High-Tech.
Community Worker Richard Barba locates an address in East Harlem on the street map that is built into the NDS computer system. Every team member has a PC on his or her desk. The computer system and the application developed by NDS are integral to the daily practice, permitting team members to communicate between meetings, to keep up-to-date on activity in all of their cases, to prepare documents, and—as here—to investigate.



It was my involvement with drugs that introduced us. I was arrested sometime in late June for possession and sale of an illegal drug.... I have been involved with drugs for over 23 years and at that time I was a madman. No matter how much I tried, I couldn't shake the demon of drugs. They [NDS] stuck by me. I then was arrested 8 or 9 days after the first time. That time Jane [an NDS attorney] came to the rescue [at the precinct].... Both times I was dirty with drugs and I got off with a ROR.... They convinced me through counsel what I need to do. I was still going through changes and they still was with me. They helped me through detox and eventually to the program that I'm in now. They spend time with their clients. Treat you like a human being, not like chess pieces like other law firms. Located right in central Harlem where a lot of poverty surrounds them, they stand tall and help people who are willing to help themselves. I owe them my life for everything they are doing for me and my family. They work as a team, in my eyesight. I can't say anything negative about them.... The only thing I ask from them is to keep up the good work.

—Letter from an NDS Client

The teams proved particularly useful in preparing for a client's criminal court arraignment, when the defendant is released or is detained until trial. When clients contact NDS at the time of arrest, the team has almost a full day to interview family, verify a client's employment history, and investigate the strength of the case; but even when NDS gets the case only an hour or two before the client will be arraigned, the lawyer downtown in court will be in communication with the community workers in Harlem who can visit a residence when there is no phone or verify a client's community ties in other ways. In these hurried investigations, the team's administrative assistant in the Harlem office becomes the communication link between the lawyers and the community workers.

The teams also proved invaluable in assisting clients with a range of practical problems whose solution often produced a more constructive result in the criminal case. By taking clients to look at apartments, organizing voluntary drug treatment, representing clients at welfare hearings as lay advocates, and helping clients with their schools or their job searches, the community workers, administrative assistants, and interns on the teams changed the posture of hundreds of cases this year, providing real help to their clients

Home Base.

Conrad Gardner is administrative assistant on a team of four lawyers, two community workers, and an intern. On busy days, the AA is a vital link between attorneys in different courts and community workers in the field. Team AAs also talk with clients, participate in intake, and help to keep the team organized.



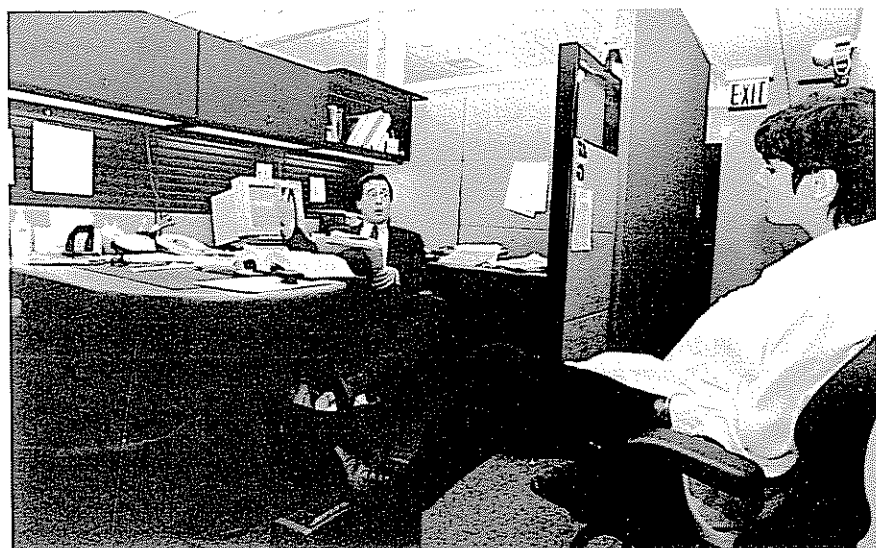


Team Leader.
Senior Attorney Leonard Noisette runs the weekly meeting of his team. The team leaders carry a small load of very serious cases, but they are also trainers, supervisors, and managers of their teams.

while persuading prosecutors and judges to sentence defendants to a variety of residential and non-residential programs rather than incarcerate them.

Nevertheless, the internal management of the teams proved problematic. The three attorneys were meant to be able to be familiar with each other's cases and to cover court appearances for one another. We soon recognized, however, that the length of time that is required to become formally admitted to the bar in New York meant that at least one "staff attorney" on each team was practicing under a special order that required him or her to be accompanied by an admitted attorney. This reduced the flexibility of the teams by one-third for several months.

Even after these attorneys were formally admitted, the demands of managing a team and handling a caseload of serious felonies while providing the new attorneys with the level of training and supervision that we desired meant that the team leaders either were spending so much of their time with the new attorneys that they could not fulfill their other responsibilities, or they could not find the time to work with the new attorneys.



Case Conference.
Senior Attorney Robin Steinberg listens as John Cufi, an attorney on her team, reviews a case.

Renaissance Men.

Community Workers Theo Liebmann and George Lewis confer on a case. The community workers are young, college graduates with commitment and energy. They play the roles of investigator, social service advocate, and paralegal all rolled together. Both Theo and George will be going to law school in the fall of 1992.



Furthermore, the need for training was not confined to the attorneys recently out of law school. Several of the experienced staff attorneys had come to NDS from other jurisdictions or from practice in New York courts other than the criminal courts. The community workers were required to have college degrees and some experience in relevant work, but the role was new and every community worker needed training and guidance. The administrative assistants, as well, needed training in a unique role that required them to manage and support a busy team relying heavily on a computer system that had just been developed.

Each of the teams worked on these issues themselves through the summer and into the fall, while as much training as we could organize was provided on an office-wide basis. In October, we reviewed what we had achieved and where problems remained. In a series of internal memos, the team leaders discussed the time management problems with each other and with the NDS advisory board. "The major difficulty of teaming," one wrote, "is coordinating the work of the different team members and having the necessary oversight to ensure that tasks are being accomplished." As another explained it, "There is, I am sure,

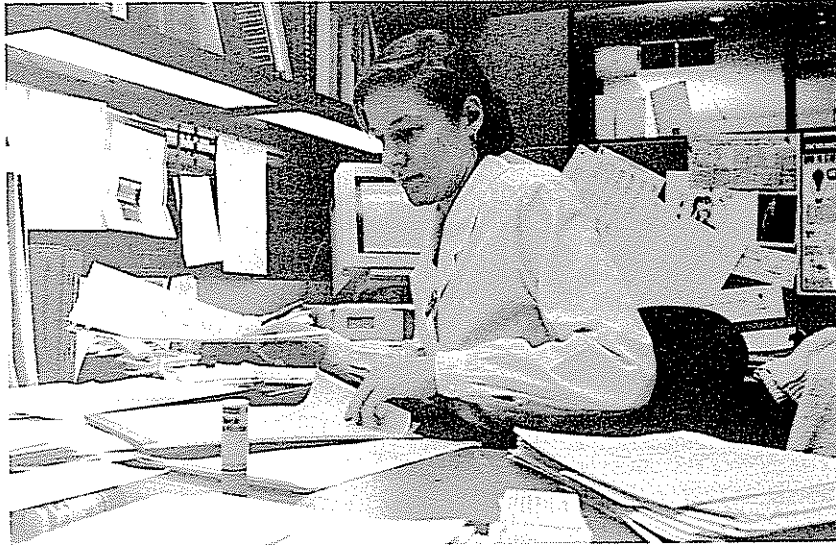


Q: Do you think it's been helpful to have a team working for you, or do you think it would be more helpful if there was one lawyer working all the time on your case?

A: Well, I'd say two lawyers are better than one, anyhow. 'Cause, well, one might have one idea and another one might have another one, and it may work. I think it's best for two of them, and for them to communicate."

—Interview with NDS Client

*Civil Unit.
Attorney Martha Rayner
formed a one-lawyer civil
unit in December, as part
of the team reorganization.
With administrative
assistance from Lavern
White, Martha works with
the teams when their
clients have civil cases
connected to the their
criminal cases.*



some magical balance which exists between individual and collective enterprise. We are still struggling to find it.”

By November, we had concluded that the decision to give each of the team leaders a new attorney to train appeared to be the least efficient use of the skills and time of the team leader. As a result, we reorganized the teams in December to distinguish *training teams*, on which new attorneys will henceforth spend their first two years in the office, from *standard teams*, each of whose attorneys will be able to take principal responsibility for any felony case. The team leader on a training team will have heavy responsibility for training and supervision, and therefore will carry principal responsibility for fewer cases than team leaders on standard teams.

Although the newer attorneys moved onto training teams in December 1991 for their second year of practice, the new team structure will be most fully realized in the fall of 1992, when a new group of attorneys joins the office and forms the first two-year training team.

3. Impact

The Neighborhood Defender Service is an effort to develop a new kind of practice for public defenders that can be adopted—in whole or in part—by others. To do this, we must first implement and refine the neighborhood-based, team-based, and client-centered model of legal representation. Next, we must demonstrate that such a model is able to deliver a more consistent, high quality service to clients, while achieving results that benefit both clients and government funders.

Specifically, we hope to demonstrate that the NDS model supplies more information to judges about defendants and their cases early in the process, so that more defendants can appropriately remain at liberty while awaiting trial. In addition, we hope to show that the NDS model permits cases to be prepared more efficiently and effectively, allowing courts to bring cases to conclusion more quickly (especially when defendants are incarcerated before trial). Finally, we hope to show that the NDS model of representation presents prosecutors and judges with alternatives to incarceration that can be used more often when defendants are convicted and would otherwise be sentenced to jail or prison.

Why Ask Why?

Project Director Rick Finkelstein asks NDS staff members to question their assumptions about how criminal defense work is traditionally done, and to use their time at NDS to gain a greater understanding of their practices.



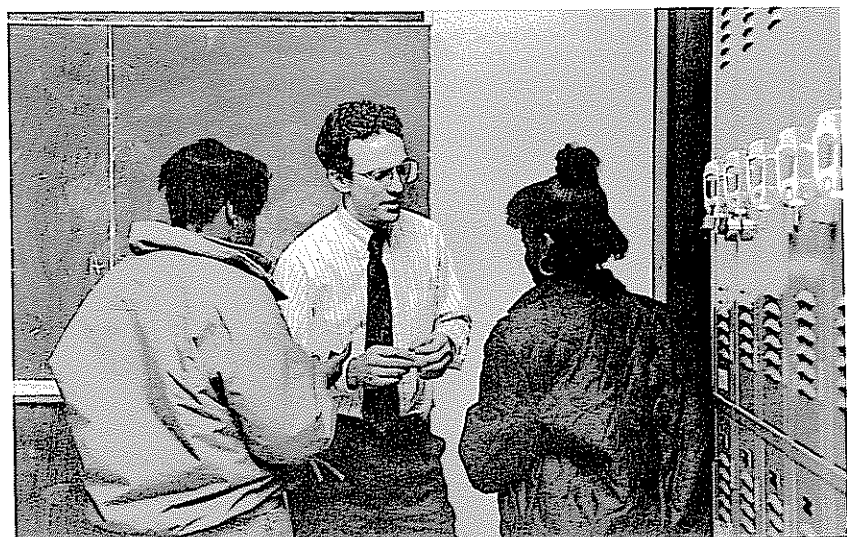


Good Advice.

Professor Charles Ogletree, chair of the NDS National Advisory Board, leads a discussion at a board meeting, while board member Sally Hillsman listens.

The first step is to implement and refine the model, and we have spent this first year of operations doing just that. The process of refinement will continue at least through the five-year demonstration period as we learn more about the practical difficulties that we encounter as well as the positive results that we achieve.

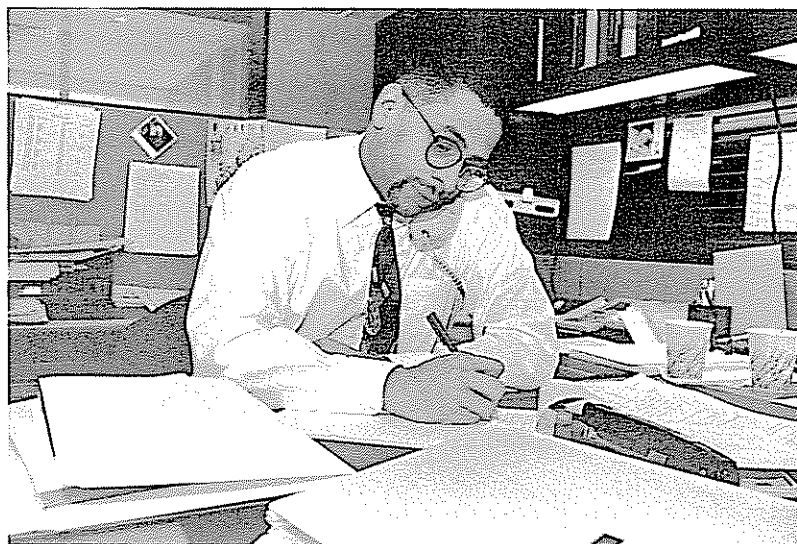
Similarly, the evaluation of the impact of the model on how many defendants are released pretrial, how cases reach conclusion, and what happens at sentencing will be made over the next several years. In each of the first three years of operation, researchers at the Vera Institute of Justice will take a large sample of NDS cases and a matched sample of cases in which NDS did not represent the defendants. The researchers will then use court records and other data to identify any differences in the patterns of pretrial release, resolution of cases, and sentencing between the two samples. By repeating this exercise in each of the first three years of NDS operations, the researchers hope to construct a profile of NDS impact that shows not only how NDS compares with traditionally designed defense services, but also how it changes as the practice matures.



Prepared.

Christopher Stone helps two high school students prepare for a role-play. They will improvise a street encounter with police officers, based on cases that NDS has defended involving high school students who were stopped by police and then arrested in part because of how they reacted.

*Office Duty.
Attorney David
Holman at his desk.
Each day, one team is
on office intake duty,
responsible for
commencing
representation for any
eligible client who
requests services.*



The researchers have drawn their samples for the first year from cases commenced between January and July, 1991. Because the researchers must wait for most of these cases to be concluded in order to analyze the data, the results of this first comparison will not be available until the summer of 1992.

In the meantime, however, we can use data maintained by NDS to provide some description of the results in NDS cases. In a few areas where comparable data is available, we can also make some rough comparisons between results for NDS cases and those for cases in the Manhattan courts generally.

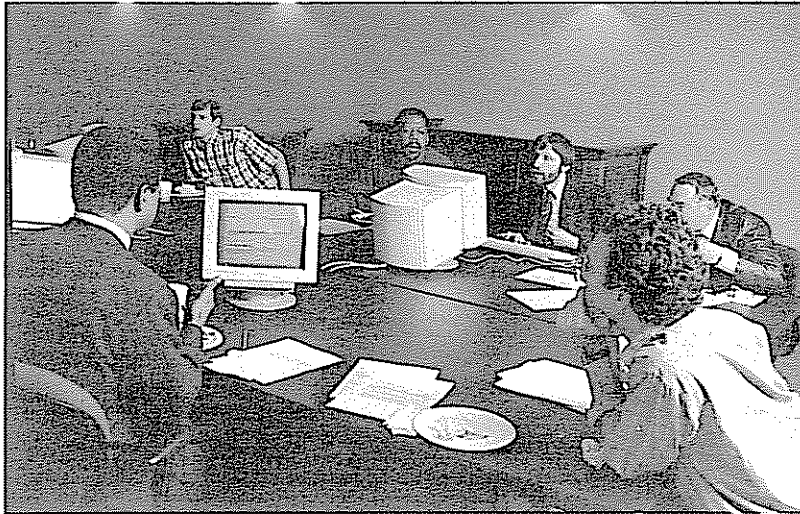
Pretrial Detention

In 1991, most clients whom NDS represented at criminal court arraignments (their first court appearance after arrest), and whose cases were not concluded at arraignment, were released on their own recognizance. Specifically, 56.5 percent of these clients were released on recognizance at their criminal court arraignments, while the equivalent figure



"I think this is great. You come and you find out about the person's family, the life, you know, whatever, what's going on. Which is very good, 'cause that gives you more to go on.... Because I have dealt with [traditionally appointed defense counsel] and both my boys have been in trouble. And I have dealt with them and went through a lot, a lot of headaches. Where we had to get downtown all the time. We had to be here, there.... They don't even bother to call you. They don't even bother to get in touch with you. All they do is, they pick the case up in court. And I think that's wrong because then they really don't know nothing, really. They just looking at the paper. They didn't have no time to question nobody. So when the parents show up, it's like, 'We got to have a little brief talk. I still don't know anything, so if you're trying to tell me something, I don't know it.' This service is great. And really, I'll tell you like this: you really did wonders for my son."

—Mother of NDS Client

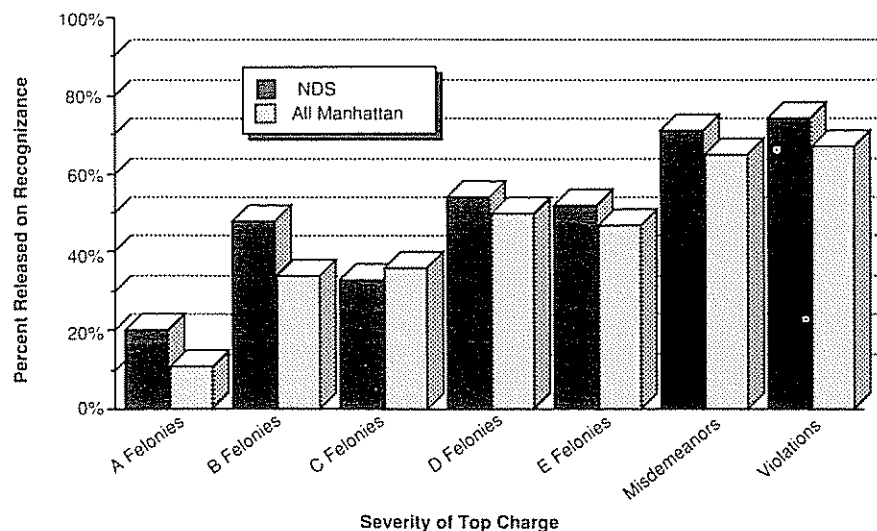


***On Line.**
Richard Zorza demonstrates the NDS computer system to members of the advisory board. Because the system is used by the teams to keep up to date on their work, it permits the project director and researchers to follow the practice on a daily basis.*

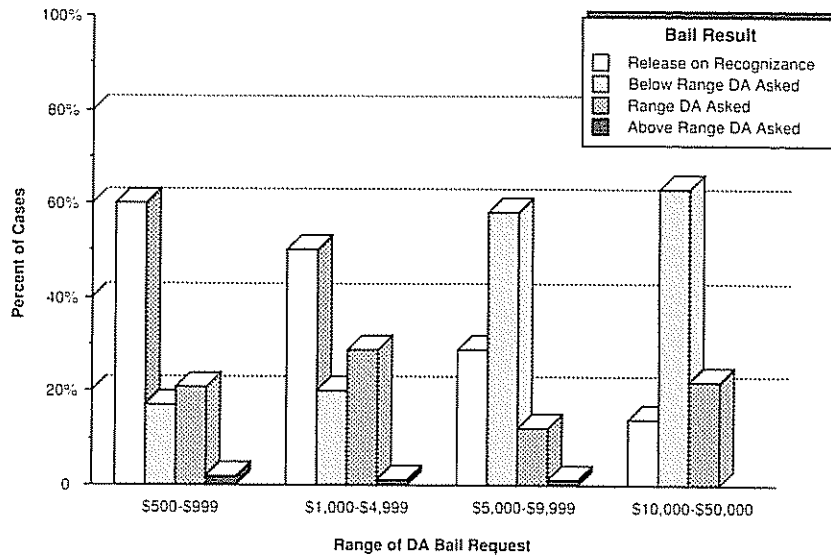
for all such cases in Manhattan in 1991 was 48.6 percent. The higher rate of release on recognizance (ROR) for NDS clients is found in virtually all classes of cases, from the most serious felonies to misdemeanors.

In about half of these cases, NDS can take little credit for the release because the Assistant District Attorneys at the arraignment were not asking the judge to require any bail or to detain the defendants until trial. In the other half of these cases, however, NDS lawyers overcame requests from prosecutors that the judges set bail in amounts ranging from \$100 to \$50,000 and more; and they did so by using information generated by their teams in the minutes and hours before the arraignments. The same kind of advocacy in other cases led judges to set bail in amounts that NDS clients could afford when prosecutors were seeking amounts that would have kept the defendants in jail for months awaiting trial. For example, in NDS cases where the Assistant District Attorney at arraignment was seeking bail in the \$1,000-\$4,999 range, half of the defendants were released on recognizance, and another 20 percent were granted bail below \$1,000.

***More Pretrial Release.**
Judges at Criminal Court arraignment released NDS clients whose cases lasted beyond arraignment more often than they released all such defendants in Manhattan in 1991. The higher rates of release occurred at every level of charge, except C felonies, which account for the smallest number of cases. (Data for Manhattan provided by the New York City Criminal Justice Agency).*



Impact



Reasonable Bail.

In cases where prosecutors sought bail between \$1,000 and \$4,999, 50% of NDS clients were released on recognizance, and another 20% had bail set below \$1,000. Where prosecutors sought bail between \$10,000 and \$50,000, about 15% were released on recognizance, and more than 60% had bail set below \$10,000.

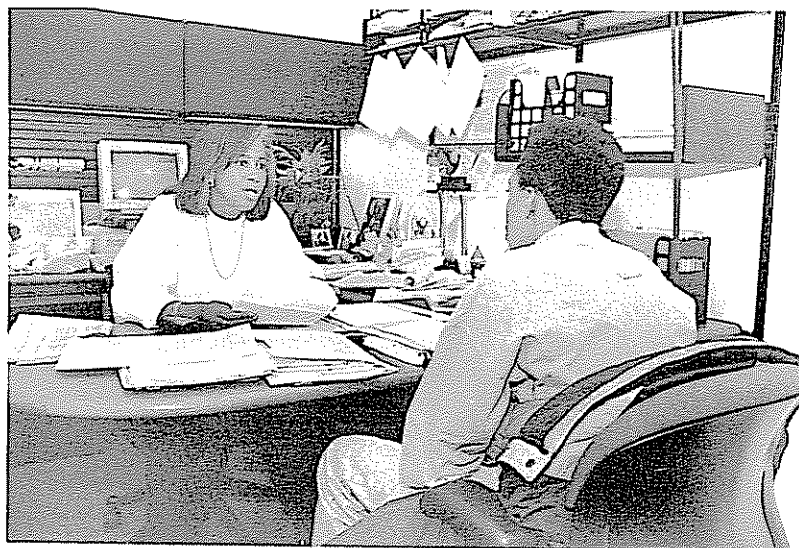
Unfortunately, comparative figures for all Manhattan cases are not yet available for defendants who made bail after arraignment or who were released on recognizance or on bail after a later reconsideration of bail. These statistics should be included, however, as part of the impact evaluation that the Vera Institute of Justice will complete in the summer of 1992.

Dismissals, Pleas, Verdicts, and Sentences

Of the roughly 1,000 criminal cases closed in 1991 in which NDS represented the defendants, 31 percent ended with the court dismissing all charges, 68 percent ended with a guilty plea to one of the charges or to a reduced charge, and only one percent ended with a verdict after trial. Of the cases ending with guilty pleas, 62 percent resulted in the clients receiving sentences of "time served," a conditional discharge, or another sentence that did not involve jail or prison time.

Social Work.

Cathy Plaza, Chief of Social Services for NDS, talks with a client about public assistance. Cathy works with community workers and directly with clients to assist clients with employment, housing, drug treatment, health care, and a range of other supportive services.



Times to Disposition

For all cases closed in 1991 in which NDS provided representation throughout the case, the median time from arrest to final disposition was 120 days. Because this was the first year of full operations, the longest NDS cases have not yet been closed, so this figure may be artificially low. Nevertheless, because it is the median, rather than the average, it would not be changed very much by the inclusion of a few very long cases and it therefore does provide a reliable, preliminary description of how quickly the NDS model permitted cases to be resolved in 1991. Unfortunately, comparable figures are not available for non-NDS cases, so comparative analysis will have to wait for the impact evaluation being prepared by the Vera Institute researchers.

Figures are available reporting the median times from Supreme Court arraignment to final disposition for felonies. These figures are only marginally useful both because they disregard felony cases that were closed when still in the New York City Criminal Court and because they use a highly unreliable data element to distinguish the type of defense counsel. According to these figures, the median times from Supreme Court arraignment to final disposition in 1991 were 218 days for cases with private counsel, 189 days for cases with counsel from the 18-B panel, and 121 days for cases with counsel from the Legal Aid Society. The equivalent figure for NDS cases was 84 days. These figures are not very reliable, but they provide the only comparison on this issue available thus far, and they at least suggest that the NDS model may be succeeding in shortening the time that it takes to bring a case to final disposition.

The number of cases ending with a verdict after trial is low, but this is more a reflection of NDS's recent start than of its practice. The great majority of cases that go to trial in Manhattan remain in the court system for at least six to twelve months before they are tried. Next year's figures for 1992 should therefore provide the first useful indications of how many NDS cases are reaching trial.

Appendix

NDS Officers, Staff, & Advisory Board Members

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Christopher Stone, *Executive Director*
Richard Finkelstein, *Project Director*

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Thalia Elcock-Bowen
Tyreta Foster
Giev Kashkooli
Eva Martinez
Lucinda Mendez
Darin Vest
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* Indicates member of staff who left NDS before the end of 1991

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