



Suffolk Lawyers for Justice

November 2008

Letter from the Chair

To all Panel Members:

Suffolk Lawyers for Justice is committed to improving the delivery of criminal defense services to our indigent clients. As practitioners, we know that communicating with clients – particularly those who are in custody – is paramount to providing quality representation.

Visiting an incarcerated client promptly after appointment can establish a framework for building a defense. Attorneys should ensure that clients understand the full scope of the charges they are facing. We may need to gather valuable information about witnesses to be located or family members to be contacted about posting bail. In some circumstances, the most important service provided by court-appointed counsel is identifying the mental health and medical needs of our clients. Incarceration can lead to feelings of hopelessness, and we must recognize and immediately address expressions of suicidal ideation.



John Salsberg
Chair, SLJ Board of Directors

If a prompt change of plea is in the client's best interest, it should be discussed in person prior to the next court appearance, rather than in the court lock-up for the first time. Clients cannot make informed decisions based on meaningful advice if the only conversations they have with their lawyers takes place in a holding cell.

Because of the importance of visiting incarcerated clients, CPCS has established guidelines requiring that "under no circumstances should an initial visit to a new in-custody client be delayed more than one week from the date of assignment." (See *complete policy on next page.*) It has nevertheless come to the attention of SLJ's Board of Directors that some panel attorneys are not complying with this obligation. After much consideration, the Board recently voted to implement a new protocol that imposes penalties for not visiting incarcerated clients promptly. The policy is set forth below and is effective immediately. Please read it carefully, as attorneys who do not comply could lose duty days or suffer additional consequences. This SLJ policy does not substitute for the CPCS guideline.

On behalf of the SLJ board, I hope you will understand our motivation in establishing this policy and in enforcing all attorney performance standards. It is our responsibility – and our privilege – to protect the best interests of our clients. We depend on your continuing hard work, expertise, and cooperation to deliver high caliber legal services to our clientele. The Board extends its appreciation for all SLJ attorneys do in their zeal to provide quality representation for indigent defendants in Suffolk county.

Welcome to new SLJ members!

The following attorneys joined our panel in 2008:

Kerri Bryce Abrams	Jeffrey Chapdelaine	Stephen Gomes	Leonard Milligan
Kerlyne Alexis-Pinkins	Bobby Constantino	Annette Hill Green	Audrey Murillo
Barbara Algarin	Royston Delaney	Melvin Heard	Richard Noone
Benneth Amadi	Vikas Dhar	Jessica Hedges	Wadner Oge
Thomas Amoroso	Del DeMiranda	Amy Kropke	Ogor Okoye
Catherine Welsch Anderson	Chris Donahue	Brian Lenfest	Hilary Price
Danielle Andreasi	Margaret Fox	Rob LeRoy	Kenneth Resnik
Nelson Azocar	William Galvin	John MacLachlan	Stephen Roche
Mark Booker	Richard Gedeon	Amanda Martin	Stephen Scalli
Michael Callanan	Chris Goddu	Jennifer McCloskey	David Sokol
		John McLaughlin	Joe Taiwo
		Jeffrey Miller	Patrick Troy

Client Visitation Policies

SLJ policy:

A panel lawyer must meet with clients outside of court. If a client is incarcerated and cannot attend the office of the lawyer, a meeting must be made by the lawyer within seven days of appointment, but in any event prior to the first scheduled court appearance. Failure to visit an incarcerated client from the date of appointment to the first scheduled court appearance will, absent compelling reasons, result in the lawyer not receiving assigned duty days for three months. After the first court date, clients should be seen on a reasonable basis. The definition of "reasonable basis" varies from client to client. If such failure to visit incarcerated clients occurs more than once, the Evaluation Committee may take whatever actions it deems appropriate, including, but not limited to expulsion from the panel.

A panel lawyer must actively make himself/herself available to meet with clients. In-courthouse meetings do not suffice. If the lawyer fails to make himself/herself available for meeting with non-incarcerated clients, absent compelling reasons, the lawyer will not be given assigned duty days for three months. If such failure to meet with clients occurs more than once, the Evaluation Committee may take whatever actions it deems appropriate, including but not limited to expulsion from the panel.



CPCS policy:

Counsel must arrange for prompt and timely consultation with the client, in person, in an appropriate and private setting. When counsel is assigned to represent a new client and the client is held in custody (e.g. in jail, house of correction, prison or other place of commitment for alcohol/drug or mental health evaluation), counsel should visit the client within three business days of receiving the assignment. In those instances when it will not be possible for counsel to see a new in-custody client within three business days of assignment, the attorney must: (1) write to the client within three business days of receiving the assignment and advise the client that s/he has been assigned to the representation and also inform the client of the date upon which counsel will visit the client; and (2) if appropriate, provide the client with a copy of discovery received in the case. Under no circumstances should an initial visit to a new in-custody client be delayed more than one week from the date of assignment.



Staff Profile: John Barry, Scheduling Coordinator

By Davis Bruce



If you are like most SLJ attorneys, you have received a call from John Barry asking you to "volunteer" to fill in for a duty attorney who cancelled at the last minute. We all know John as the Scheduling Coordinator who is always willing to help, who remains upbeat despite an often thankless job. But most of us have not had the pleasure of getting to know

John outside of this role, so we are unaware of the background that led him to SLJ.

John - or "JD", as some call him - was raised in the Hyde Park neighborhood of Readville and still lives there today. He attended Boston Latin School, where his friends were from many different ethnicities and backgrounds. "I learned very early that people are basically the same underneath their exterior looks," says John. Exposure to diversity motivated him to look for a job where he could "give something back to the community, to the city."

From 1997-2002, he gave back by supervising youths in the City of Boston's summer job program. He went on to attend the University of Massachusetts at Amherst, graduating in 2007. While an undergraduate, John interned with the Massachusetts Commission Against Discrimination and worked as a member of the Judicial Youth Corps in Suffolk Superior Court.

John enjoys "working with people, assisting them in any way possible" whether it means

mentoring kids or calling an attorney for an incarcerated client. He calls SLJ "a fantastic program" and describes it as "a place that makes sure the underdogs of society get the fairness and decent treatment that they deserve."

John also loves criminal law and hopes to be a criminal trial attorney someday down the road. He spends his spare time these days studying for the LSAT and applying to law schools for admission next year. He hopes to stay in the Boston area and buy a house soon.

With his intimate knowledge of the city and court system, John Barry brings a lot to the job of Scheduling Coordinator. SLJ attorneys are lucky to have him working with us - and should keep that in mind the next time John calls looking for a replacement on short notice. Thanks John!

Davis Bruce practices in West Roxbury.



Resource Attorneys Needed!



With dozens of newly admitted members, the SLJ panel approaches 400 attorneys. Many are new to the practice of law, and with only three staff attorneys SLJ relies on Resource Attorneys to mentor them.

Resource Attorneys are experienced panel who provide guidance and assistance to other members. CPCS compensates this work at \$60/hour for up to ten hours per quarter per mentee. Resource attorneys must be certified for Superior Court or Youthful Offender cases.

If you are interested in mentoring new members as a Resource Attorney, please contact Mary Lu at 617-348-0088.



Year in Review

By Mary Lu Mendonca

2008 has been a busy year for SLJ's staff and Board of Directors. After Marc Chamblee's departure last year, I was hired as the new Executive Director in January. As many of you know, Marc continues to work with us on the Roxbury and Charlestown panels.

In February, Board Member Professor Hilary Farber (Northeastern) testified before the Boston City Council and published a *Boston Globe* editorial about

the potential dangers of the BPD's planned "Safe Homes" program. April saw several CLE courses on topics such as trial skills (co-sponsored by Middlesex Defense Attorneys), DNA, and recent developments in the law. Look for another training on mental health issues before the year ends.

Many of our members attended the CPCS conference in May, where Staff Attorney Larry Tipton was recognized with the Duggan Award for

Outstanding Service. The summer ended sadly, however, when long-time member Debbie Gibb left the Board in July. Debbie, who formerly worked as SLJ's Program Director, left her position with the Boston Bar Association to move to Austria.

Board member Nancy Hurley was busy in October, organizing the Dorchester Bar Association's annual conference. And Board member Professor David Siegel (NESL) worked tirelessly with members of our Law Reform

Committee to file amicus briefs with the SJC on questions of criminal law. We submitted one earlier this month in Comm. v. Gomes and expect to file another next month in Comm. v. Lyles.

As in the past, SLJ will host a holiday party to close out the year. Join us on Thursday, December 18 from 6-9pm at Nine Zero (90 Tremont Street, Boston). Thanks to our staff, board, and panel attorneys for making 2008 a success. We look forward to hearing your thoughts about how SLJ can do even better in 2009.

Tips from a Supervising Attorney: Client Communication

By Jill Klowden

As we have all heard, the biggest source of BBO complaints is lack of client visits or poor communication in general. This is also true for complaints received by SLJ. One way to stay out of hot water is to visit your client.....early and often.

Both SLJ and CPCS expect us to visit our clients as soon as possible. For incarcerated clients, this means *as soon as possible*. If you plan to leave for vacation soon after a scheduled duty date, you should not accept custody cases and should consider finding a replacement. Clients are entitled to a bail review promptly—often within twenty four hours.

Sitting down face-to-face with a client is also the best way to develop open lines of communication. Clients who have been battered by the system, or by

life itself, often will not trust us enough to share information. It is up to attorneys to develop relationships that come across to a jury or judge, and that enable clients to trust and accept our guidance. Letters and telephone calls are important, but nothing can substitute for in-person communication.

Some attorneys have good luck with office visits from clients who are not incarcerated, while others attorneys say they can rarely get a client to visit them. Those who seem to have the highest rate of client visits to their professional office space are those who immediately write and then call the client after the initial appointment.

Be proactive! Seek an office visit rather than waiting for

your client to call you. As practitioners, many aspects of our cases are beyond our control: the client who is unsatisfied with an outcome, or one who is a perennial complainer. We *can* control whether we visit and communicate with our clients.

So visit your clients, write to them, pay attention to them, and encourage them to come and see you. It will pay off in better trust, better relationships, better outcomes, less stress, and fewer complaints. And frankly, you will be less likely to have to spend time working with me and my fellow staff attorneys and esteemed colleagues, Aviva Jeruchim and Larry Tipton, as we investigate client complaints.



TIP: Attorneys who have the best luck in being reached by their clients by telephone are those who establish "office hours". For example, I accept collect calls on Tuesdays and Thursdays between 3pm and 6pm and Saturday mornings from 9 - 12. There may be times that I cannot be at the my office telephone during those hours, but if I try, it increases the chances of being reached. -JK

Jill Klowden is Supervising Attorney for Chelsea, Roxbury, and West Roxbury

November 2008



The mission of Suffolk Lawyers for Justice is to ensure that poor people, both children and adults, accused of crimes in Suffolk County, receive competent and zealous representation.

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For helpful materials such as:

- recent cases and criminal law updates
 - sample forms and motions
- materials from past CLE courses
 - court duty schedules
 - no-case duty day form
- policies for panel attorneys
- Loislaw subscription information
- directory of attorney information

Visit us on the web!

www.sljinc.org

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