

CRAFTING A PUBLIC DEFENSE CAREER: AN
INTERVIEW WITH ASSISTANT FEDERAL DEFENDER
AMANDA DAVID

MOLLY LAUTERBACK

This is the fourth in a series of interviews with attorneys who are pursuing social change through their work. This conversation took place between Molly Lauterback, an editor and board member of the N.Y.U. Review of Law & Social Change, and Amanda David.[∞]

Molly Lauterback: As a longtime public defender and co-founder of the Suspension Representation Project (“SRP”) at New York University School of Law, it seems like you came to law school knowing you wanted to do public defense. What inspired that choice? At what point did you decide that this is the type of work you wanted to do?

Amanda David: I did come to law school knowing I wanted to do public defense work. I think I have known since high school that I wanted to be a public defender, although I don’t know that I ever articulated it quite that way. I grew up in East Flatbush in Brooklyn and saw folks I cared about go through the criminal justice system, saw the over-policing of my neighborhood, and became frustrated with the obvious racial disparities in school disciplinary policies. By college I was invested in criminal justice reform and sought out related classes and internships. I had the chance to intern at Legal Aid in Queens in the criminal defense division and also to do policy work surrounding mass incarceration in Washington D.C. I think both of those experiences solidified my desire to be a public defender. After my first year of law school I worked at Advocates for Children (“AFC”) and became passionate about special education law, especially since I had spent most of my college career working with students with disabilities. I had a great experience at AFC and, in particular, got an up-close view of the intersection between the juvenile justice system and education law. When Randi [Levine] and Holly [McIntush] came to me with the idea to get law students involved in representing New York City students at suspension hearings I was very excited about the opportunity, and I am so amazed at how much SRP has grown. Doing advocacy through SRP, doing clinics

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with Randy Hertz and Tony Thompson, and taking classes with Bryan Stevenson—all of those law school experiences made me feel that the passion I had developed to do this work was informed with some knowledge about how it should be done.

Molly: This is definitely not an easy field of law—the hours are long and the emotional toll is significant. How do you take care of yourself while being a public defender?

Amanda: Burn-out is a real thing, and I think that when I first started I thought it was sort of theoretical. For me it's not so much the hours that I see triggering it, but the emotional toll. Our clients' lives are obviously immensely important to us, and I think it is impossible, if you are truly doing the work the way it should be done, to emotionally disconnect from what they are going through. You meet them at an absolutely intense moment in their lives when they are filled with fear, anger, disappointment, loneliness—a range of emotions—and you, a complete stranger, are asking them to trust you and reveal incredibly personal information quickly and in a setting where they really have no incentive to feel comfortable doing so. So when they do put their trust in you and you don't get the desired result, it can be incredibly difficult emotionally as you watch them struggle with that loss. What has sustained me, and continues to, is my colleagues. It is true that carving out space to do other things (e.g. go to the gym, read, spend time with family and friends) absolutely helps. But for those times when I've lost a trial or come back from a hearing that went the wrong way, it is usually the support from other public defenders that helps the most. I absolutely think that taking time off is important. However, I don't think taking time off would sustain me if I didn't have the support and counsel of other people who get this work—who do this work well and have a sense of outrage and passion that continues to inspire me.

Molly: What unique challenges do you face as a young woman of color in a courtroom that is dominated by older white males? How have you learned to navigate all of those dynamics? Can you give an example of a time when this was most challenging?

Amanda: Initially, the main challenge I had was getting clients to believe that I was an actual lawyer. Many clients, understandably, have a clear vision of a lawyer as an older white male. There were occasions when I would win a trial for a client and he or she would thank me and say: "You are going to be a great lawyer some day!" There is also an impression that public defenders are not real lawyers. I think that, particularly as a young lawyer, it is extremely important not to bluff or pretend to know information that you do not know. It is also extremely important to ask questions and use the resources available to you. Embracing the idiom that "there are no stupid questions" was one of the biggest lessons I have learned. When someone's life is in your hands, you have to get rid of that part of your ego. Building a knowledge base, being reliable (e.g. not breaking promises), being available, and showing that I'm a zealous advocate—all have helped diffuse notions that my youth, or the fact that I am a Black woman, made me a bad lawyer. So I actually think the most challenging moments have been with my clients, trying to establish trust and

gaining their confidence. I had one client, an older gentleman, who was adamant that I could not represent him because I looked like I could still be in high school. It was not until after he saw me argue on his behalf in court that he felt comfortable with me being his lawyer.

In the courtroom, I also think it is about demonstrating your capability and not buying into stereotypes or allowing them to dictate the way you represent your client. I think I was very fortunate in that I started off practicing at an office and in a jurisdiction where the court was very much used to having young Black females appear before them and where some of the most highly regarded attorneys were young people of color. And even when I changed jurisdictions, the fact that my foundation was that experience has helped immensely in feeling comfortable even in a different environment.

Molly: A lot of times, clients come to you with issues beyond their criminal charge such as lack of housing, employment problems, and immigration questions. What role does holistic advocacy play in the federal public defender office?

Amanda: It is so important, I think, to keep in mind as a lawyer that just because our main focus is a client's criminal matter, that might not be their main focus and also how it impacts all these other areas of their lives. I have almost never had a client who did not have questions about housing, school, employment, immigration, child custody, or other areas incredibly important to them and their loved ones. Being holistic means that you address those issues in a meaningful way. Keeping in mind that what you are doing in a criminal case impacts those areas is important and so is finding clients answers to those questions. We are very fortunate to have social workers who do an amazing job of working with our clients to help address these issues, connect them with resources, and help develop reentry plans and treatment plans. I think working with the social workers, paralegals (who have a lot of direct contact with our clients and help them and their families navigate through bureaucratic tape), immigration attorneys, and our investigators, as a team, is what allows holistic representation to happen. Keeping everyone on the team informed about developments and brainstorming solutions to problems that arise is immensely helpful to addressing a client's needs beyond their criminal case.

Molly: Since starting your work as a public defender, there has been a lot of talk in the political arena about reducing mass incarceration, fixing drug sentencing disparities, ending discriminatory policing, and increasing the role of alternative courts. How has this played out on the ground? If there has been a noticeable shift towards alternative adjudications and sentences, do you think this has actually benefited your clients?

Amanda: I think that it continues to depend on the judge that an individual client ends up in front of. Certainly, the judges who have always had an eye towards righting the draconian sentencing policies through their judgments are grabbing hold to the discussions and are interested in the articles and statistics that are making their way through the political arena. But other judges are simply not doing that. The restructuring of the federal sentencing guidelines to fix disparities has had an impact

on clients as judges consult the guidelines before making their decisions. I am curious to see how more prominent discussion about discriminatory policing will play out in juries. To the extent that folks were not aware of or ignored these issues, the reality that the intersection between race and the criminal justice system is a relevant and extremely important civil rights issue seems to be hitting more and more people. I think talking about these issues, keeping it at the forefront of current events, and making folks aware of what is actually going on in the system is so important for reform and for our individual clients when they are judged by twelve strangers.