

# FOREWORD

NANCY GIST\*

During the first years of my tenure as director of the Bureau of Justice Assistance, the United States Department of Justice's largest grant-making agency, I had the opportunity to sit in on a session of the Harvard Kennedy School of Government's Executive Session on Prosecution. I was impressed by the exhilarating flow of ideas and the facilitation and synthesis provided by Kennedy School faculty members Mark Moore and Frank Hartman. Although no public defenders were at the table, I saw the potential for a substantial, perhaps seminal, re-thinking of the role of the prosecutor, with a discussion informed by mayors, police chiefs and others actively involved in public safety and law enforcement. I also traveled a great deal over those six years, meeting with mayors, chief judges, public defenders, community corrections workers, district attorneys, law enforcement officials, and community crime prevention activists. I often noted a yellowing document on the shelves in police chiefs' offices, entitled "Perspectives on Policing" which was a product of the Kennedy School Executive Session on Policing sponsored by the Department of Justice's National Institute of Justice from 1985–1991. Police Chiefs nationwide invariably cited the usefulness of these papers in providing early direction and guidance in helping to launch community policing initiatives. Specifically, they cited the papers' usefulness in planning, leading, and transforming a police department.

I began to imagine a Kennedy School Executive Session doing for indigent defense what had been done for policing and prosecution, and rounding out the three legs of the proverbial "stool of justice." Indeed, I thought an Executive Session on Public Defense had the potential to bring innovations to the field comparable in importance to the development of community policing. Attorney General Janet Reno's commitment to improving the quality of indigent defense provided the support to allow us to underwrite an Executive Session. Public defenders, law professors, assigned counsel administrators, police chiefs, prosecutors, and others were selected to participate.<sup>1</sup> I was especially concerned

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1. Members of the Executive Session on Public Defense: William Bratton, President, Bratton Group; Ann Christian, Indigent Defense Services Division, Oregon State Court Administrator's Office; Cait Clarke, Project Manager, Executive Session on Public Defense, Program in Criminal Justice Policy and Management; Beth Davis, Former State Defender and Executive Director, Mississippi Public Defender Commission; Tony Fabelo, Former Executive Director, Texas Criminal Justice Policy Council; Nancy E. Gist, Former Director, Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice; Angela Glover-Blackwell, President, PolicyLink; Daniel Greenberg, President and Attorney-in-Chief, Legal Aid Society of New York; Francis X. Hartmann, Executive Director and Senior Research Fellow, Program in Criminal Justice Policy and Management; Phyllis Hildreth, Deputy Secretary, Maryland Department of Juvenile Justice; Mary Hoban, Chief Social Worker, Office of the Chief Public Defender, State of

that the substantial challenges associated with private assigned counsel systems be fully explored. Although not without difficulties, the sessions yielded substantive and innovative insights. Bob Spangenberg, Charles Ogletree, Ellen Schall, Chris Stone, and especially Cait Clarke, managed the process and added important perspectives from their hands-on experience in the field.

As the series unfolded, many of us were initially frustrated with the pace of the proceedings and unsure about the results. Over time, the level of engagement rose among the participants, and the discussions became more focused. It became important to me that the collective thinking of these sessions be preserved and disseminated for the benefit of others in the field. I envisioned these materials to be major contributions destined to inform the work of public defenders for years to come and to ultimately lead to improvements in the quality of representation provided to indigent criminal defendants.

This special issue of the *N.Y.U. Review of Law and Social Change* makes widely available the insights that evolved through the Executive Session on Public Defense. I am proud to have been able to support this work and am confident that the seeds planted here will be harvested in the future by those across the country who will now have the opportunity to read these papers. I am pleased to know that the ideas developed through the Executive Session process have found life in the work of the National Legal Aid and Defender Association's National Defender Leadership Institute, where these papers and other works are used in trainings for defender managers and continue to be discussed across the public defense community and beyond. Finally, I hope that this work will help move America's indigent defense systems closer to a realization of the promise of *Gideon v. Wainwright* so that the Sixth Amendment protects all Americans, not only those who can afford to pay for counsel.

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Connecticut; Michael P. Judge, Chief Public Defender, County of Los Angeles; John P. Kretzmann, Co-Director, Asset-Based Community Development Institute, Northwestern University; Michael P. Lawlor, State Representative, State of Connecticut General Assembly; Carlos J. Martinez, Chief Assistant Public Defender, Dade County Public Defender's Office; Mark H. Moore, Daniel and Florence V. Guggenheim Professor of Criminal Justice Policy and Management, John F. Kennedy School of Government; James R. Neuhard, Director, Michigan State Appellate Defender's Office; Leonard E. Noisette, Executive Director, Neighborhood Defender Service of Harlem; Charles J. Ogletree, Jr., Jesse Climenko Professor of Law, Harvard Law School; William Ritter, District Attorney, Denver, Colo.; Ellen Schall, Martin Cherkasky Professor of Health Policy and Management and Dean, Robert F. Wagner Graduate School of Public Service, New York University; Bryan Shaha, Office of the Alternate Defense Counsel, Greeley, Colo.; Robert L. Spangenberg, President, Spangenberg Group; Robin Steinberg, Executive Director, Bronx Defenders; Mark Stephens, District Public Defender, Knox County Public Defender's Office; Christopher E. Stone, President and Director, Vera Institute of Justice; Randolph N. Stone, Clinical Professor of Law, University of Chicago Law School; Kim Taylor-Thompson, Professor of Clinical Law, New York University School of Law; Jo-Ann Wallace, Senior Vice President for Programs, National Legal Aid and Defender Association; Henry Weinstein, Legal Affairs Writer, Los Angeles Times. Program in Crim. Just. Pol'y and Mgmt., *Executive Session on Public Defense (ESPD)*, at [http://www.ksg.harvard.edu/criminaljustice/executive\\_sessions/espd.htm](http://www.ksg.harvard.edu/criminaljustice/executive_sessions/espd.htm) (last visited Jan. 20, 2004).