



CAMPAIGN
FOR JUSTICE

**COMMUNITY CONVERSATION TOOLKIT
PUBLIC DEFENSE: PROTECTING THE RIGHT TO
COUNSEL AND OUR COMMUNITIES**

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Campaign for Justice Community Conversation Toolkit

Public Defense: Protecting the Right to Counsel and Our Communities

Dear Host,

On behalf of the Campaign for Justice, I thank you for serving as a host and facilitator of a community conversation about public defense.

A community conversation is an opportunity for members of your family, circle of friends, neighborhood, place of worship, and/or organization to join together and explore how Michigan's failing public defense system affects their communities.

As you may know, Rep. Robert Constan (D-Dearborn Heights) and Rep. Justin Amash (R-Kentwood) have introduced a public defense reform bill, HB 5676. We need your help to ensure community leaders across the state understand the urgent need for reform and their stake in the outcome. We will provide guidance, staff support, and resources to make sure your outreach efforts are a success.

Hosting and/or facilitating a community conversation is your opportunity to be a leader in the fight for a fair and effective public defense system. Your efforts will go a long way toward ensuring that public defense reform becomes a reality in Michigan.

Sincere thanks,



Laura Sager, Executive Director

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WHAT IS A COMMUNITY CONVERSATION?

Community conversations are an opportunity to engage members of your community in discussions about the importance of public defense in Michigan. The conversation will include topics such as how the current failing system affects their community and the state, current efforts to change the system, and how they can make a contribution to the reform movement!

We are asking you to convene a gathering for about an hour and a half to two hours, anywhere you choose - a living room, coffee shop, meeting room, or other comfortable setting. A place of worship or at an organizational meeting will also work – it's up to you! For best results, a group of between ten and 40 people will give everyone a chance to talk.

We also encourage you to team up with one or two other people to host and facilitate passion for public defense reform along with those who need an opportunity to learn more and get involved. We would love to have local community leaders involved in those conversations and we may be able to help you recruit participants.


GETTING STARTED

1. Recruit one or two other community conversation “co-hosts” to help you host and facilitate!
2. **Plan.** Pick a date, time, and location for the community conversation. The venue should have adequate space, seating, and parking. As soon as you have this information, let us know. You can call the Campaign at (517) 372-3050 or email info@mijustice.org.
3. **Invite.** Create an invitation list that is double the number of people you'd like to attend. Using the sample invitation, personalize your community conversation invitation and send it out to your invitees! If you need help, let us know.
4. **Prepare.** At least a week before the conversation, get in contact with the Campaign for Justice to get materials and an update on the legislative effort that you can share with your guests. If you'd like a campaign staff person to attend, let us know as soon as you start planning. You can call the Campaign at (517) 372-3050 or email info@mijustice.org.
 - a. It is a good idea to plan on providing light refreshments.
 - b. It is very effective to provide writing paper, pre-addressed and stamped envelopes, with names and addresses of local legislators. As the host, you can collect the letters, copy them afterward, and mail in the originals.



5. **Remind.** A few days before the community conversation, we encourage you to call or email your invitees to remind them about the event.
6. **Facilitate and host.** Using the facilitator guide included in this toolkit, start the conversation with your guests. Work to make everyone feel welcome and do your best to ensure everyone participates. Make sure that everyone signs in on the sign-in sheet and that everyone leaves with concrete ways they can be involved in the Campaign. Refer “tough questions” to the Campaign for follow-up.
7. **Share your success.** Let us know how your community conversation went –questions that were asked, stories that were shared, other ideas for outreach, etc. We look forward to hearing all about your success! *Please make a copy of the sign-in sheet and return it to the Campaign.* You can call the Campaign at (517) 372-3050 or email info@mijustice.org.

SAMPLE INVITATION

<i>You're invited! Join a Campaign for Justice Community Conversation</i>	
<i>Public Defense: Protecting the Right to Counsel and Our Communities</i>	
<i>Date:</i>	<i>Time:</i>
<i>Location:</i>	
<i>Please RSVP to:</i>	<i>by:</i>
<i>Michigan's public defense system is failing taxpayers, individuals who must rely on it to protect their constitutional rights, and our communities. Join the conversation with other community members to learn about the problem and how you can make a difference!</i>	
<i>We look forward to seeing you there!</i>	
<i>Sincerely,</i>	
<i>[Host names]</i>	
	



SAMPLE SCHEDULE

1. Brief mix and mingle – 15 minutes

Offer an opportunity for everyone to have refreshments, meet each other and settle in! Make sure that everyone signs in on the sign-in sheet!

2. Welcome and updates – 10 minutes

As the hosts, welcome everyone to the conversation and thank them for attending! Briefly share why you are passionate about public defense reform. Share that this is a project of the Campaign for Justice.

3. Introductions – 15 minutes

Encourage everyone to share their name and why they chose to attend.

4. Facilitate the conversation – 45 minutes

To begin, give a brief (5 minute) update on why our failing public defense system is a problem, who is involved in the Campaign, and the status of legislation.

Use the facilitator guide included in this toolkit to guide the conversation!

5. Action steps – 10 minutes

Hand out sign-up postcards so people can sign up their friends and, if there is time, have everyone write a letter to their legislator!

6. Thank you and closing – 5 minutes

FACILITATOR GUIDE

This is the main portion of the community conversation. Have fun, be creative, and engage your guests in an interactive conversation!

1. Use the fifteen minute introduction time as a time for everyone to learn from one another about why they chose to attend and/or why they support public defense reform.
2. If technology allows, show your guests the Campaign for Justice video. It is short - around seven minutes long, and will give people an overview of the issue. The video can be found at www.YouTube.com/michiganforjustice.
3. **State the goals for the conversation:** “Today, we want to a) share information about the issue of public defense, b) discuss the problem, c) share ideas to address the problem and d) provide and brainstorm more ways to get involved.”
4. **Ground rules:** It is helpful to spend two minutes establishing ground rules for the conversation, such as the following:
 - a. Keep an open mind. Respect one another and the ideas shared.
 - b. Listen. Reminding all participants to truly listen to each other can go a long way in ensuring that everyone feels comfortable and that everyone takes something away from the conversation.
5. **Update:** Give a brief five to six minute update about the Campaign, who is involved, and the status of the reform effort.
 - a. “People from all over Michigan and from all ends of the political spectrum have come together in support of public defense reform. The Campaign for Justice heads a coalition of over fifty organizations – faith groups, civic groups, criminal justice professionals, civil rights and social justice groups, and more.”

FACILITATION TIPS

- *Encourage trust and respect among participants. Encourage openness and honesty. Some ways of doing this are being supportive of participants, thanking people for sharing, and respecting everyone’s different ways of being a part of the group.*
- *Try to be observant of what is happening in the group. Try to key into what is being said, who is saying certain things, silences, underlying reasons for certain statements, etc.*
- *Try to be aware of what is going with yourself during the conversation. Keep in mind that you are also a participant in the conversation and be aware of your own feelings and opinions.*
- *Be aware of body language. Who is listening, who is losing interest, who could potentially be offending someone else?*
- *At times it may be helpful to paraphrase statements and affirm people’s stories and feelings.*
- *Allow space for people who are more reflective or introspective to take time to formulate their thoughts and share. Sometimes it can help to ask “Can we hear from someone who hasn’t yet spoken tonight?” or call on someone you think may have something to say.*
- *Recognize the limits of your role and of the conversation in general. You are not responsible for everything that takes place in your group.*

- b. “The goal is to pass legislation that would ensure adequate state funding of public defense and a system that meets and maintains minimum national standards. House Bill 5676 was introduced in December 9, 2009 by Representatives Constan and Amash.”
 - c. “The Campaign can only be successful with a combination of legislative and lobbying work in Lansing and with grassroots organizing and public education around the state.”
- 6. **The Problem:** Below are some ideas for questions you can ask to draw out conversation about the problem, to follow up on the update shared at the beginning.
 - a. “What do you know about Michigan’s/our local public defense systems?”
 - b. “What concerns do these examples bring to mind? What other examples do you have about how the public defense system functions?”
 - c. If you are finding people are having trouble coming up with examples, pass out the ‘What is the problem?’ cards included in this toolkit and have volunteers read from them. Ask: “What are your reactions after hearing about this example? How does this demonstrate the problem?”
- 7. **Who is harmed by a failing public defense system?** Below are some ideas for questions you can ask to draw out conversation about who is affected.
 - a. Start by telling one or two of the case profile stories: Eddie Joe Lloyd, Larry Pat Souter, Harold Wells, etc.
 - b. “Would someone like to share a story of how they or someone they know have personally been affected by the failures in Michigan’s public defense system?”
 - c. “Who do you think is affected by this problem?” If people are having trouble brainstorming, you can get them started with examples like: everyone in a community when someone is wrongfully incarcerated; taxpayers because of the inefficient system; people that can’t afford an attorney; families broken up when a parent is incarcerated; defense attorneys working in the failing system; etc.
 - d. Ask appropriate follow up questions and encourage others to ask follow up questions as well. Be careful to balance between allowing individuals to share as much as they want to about their stories and observing whether they are becoming uncomfortable.
- 8. What about the cost?
 - a. Give some facts about the cost of NOT reforming the system to generate discussion. The Campaign can give you an update on the status of funding discussions.

9. **Mobilizing our community:** Below are some ideas for questions you can ask to draw out conversation about mobilizing in your local area.
- a. “Who do you know who would be important to have working on this issue? List names and identify contact people.
 - b. “Let’s talk about ways you think the Campaign can spread the message more effectively in this community. What ideas do you have? What will you be willing to do? What special talents do you have that you can contribute to the effort?”
 - c. Will you commit to: (1) writing to your legislator(s) and (2) taking ten postcards to sign up ten friends, colleagues, or community members with the Campaign for Justice in the next three weeks?
 - d. Will you host a community conversation? Would someone you know host an event?

'WHAT IS THE PROBLEM?' CARDS

<p>Attorneys practicing in one Michigan district court wait in line to meet their clients in a unisex bathroom.</p>	<p>In one Michigan county, the district court judge may order the defendant to appear at a pre-trial conference alone, even if an attorney has been requested.</p>
<p>A circuit court in Michigan which does not appoint an attorney for juveniles who are participating in drug court.</p>	<p>In many courts, judges routinely deny requests from defense attorneys for expert witnesses or investigators.</p>
<p>Children are frequently advised to waive counsel, without adequate information about the potential for severe consequences. This takes place before they even meet a defense attorney.</p>	<p>In one urban area's district court, public defense attorneys at one misdemeanor contract firm spend an average of 32 minutes per case.</p>
<p>When judges who give assignments for cases to lawyers also ask those same lawyers for campaign contributions, there is an appearance of impropriety. The defense function should be independent.</p>	<p>Assembly line justice: In Michigan, sometimes a defendant can have an arraignment, a pre-trial hearing, and their sentencing all in one day if they plead guilty.</p>

TALKING POINTS

The U.S. Constitution says you have the right to an attorney if you are accused of a crime, even if you cannot afford one. Effective defense representation is fundamental to a working justice system. **But in Michigan, the system of public defense is failing.** It fails the taxpayers who fund it, fails the families who rely on it to keep them safe, and fails to adequately uphold the constitutional rights of the accused.

Michigan’s current public defense system fails taxpayers:

- Our failing public defense system is inefficient and wasteful.
 - Costly errors and inappropriate sentences mean that **Michigan taxpayers pay millions of dollars in wrongful conviction settlements and unnecessary corrections costs.**
 - Michigan has shifted its constitutional obligation onto the counties. The 83 counties – and their courts – all fund and administer public defense differently. This is an inefficient use of taxpayer dollars.
 - Many counties are responding to fiscal pressures by cutting public defense spending. This leads to even more errors and jeopardizes public safety.

In Michigan, taxpayer dollars are wasted on an inefficient public defense system that does not deliver the public safety or fairness taxpayers should expect.

Michigan’s public defense system fails to protect public safety:

- Wrongful convictions mean that the innocent go to prison while perpetrators of brutal crimes are free. When mistakes are made, public safety is at risk.
- Walter Swift, Ken Wyniemko, and Eddie Joe Lloyd are just three Michigan residents who were convicted of crimes they did not commit. While they languished for years in prison, the real perpetrators remained free to strike again. Individuals like Harold Wells and Karl Vinson are other examples of how the failures of the public defense system affect people like you and me.
- Michigan needs a public defense system that ensures that the right people are appropriately sentenced for the right crime for the right amount of time.

As a result of the failing public defense system in Michigan, we cannot be certain the guilty are going to jail and the innocent are free.



Michigan’s failing public defense system fails the accused:

- The U.S. Constitution guarantees the accused the effective assistance of an attorney. But in Michigan, this right is often being denied.
- The National Legal Aid and Defender Association study of Michigan’s trial-level public defense system (June 2008) found that our state fails to uphold the constitutional right to counsel. The system is inadequately funded and fails to meet nationally recognized standards.
- Michigan has no standards for trial-level public defense services.
 - There is little to no funding for experts or investigators.
 - Individuals often meet their attorneys for just a few minutes before trials.
 - Many attorneys have such unmanageable caseloads that they cannot provide an effective defense.
 - There is no statewide system to train attorneys and ensure they are qualified to handle their cases.

The constitutional rights of all Michiganders, regardless of how much money they have, should be upheld. **No exceptions.**

Now is the time to fix Michigan’s failing public defense system.

Experts have pointed out for decades that Michigan’s system of public defense is broken. Now, we have the information, tools, and team to bring about change.

- *We have the research* –the National Legal Aid and Defender Association’s evaluation of Michigan’s trial-level system, released in June 2008, provides valuable long-needed objective information that supports what many knew anecdotally.
- *We have the tools* – the Campaign for Justice is currently funded by a generous grant from the Atlantic Philanthropies.
- *We have the team* – the coalition has supporters from organizations and leaders across the political spectrum, all fighting for change. The Campaign partners with the State Bar of Michigan, a leader of the reform effort with a long history of commitment to this issue.

Michigan’s people deserve a justice system that works for all.



ACT NOW!

In order to achieve public defense reform in Michigan, there are two action steps we need everyone to do together:

1. CONTACT YOUR LEGISLATOR!

Now is an important time to take this first step and contact your state legislators to tell them one simple message:

"I support public defense reform."

Write a short one-page letter to your state representative and/or senator. Personalize the letter and include your own words about why you support public defense reform. The community conversation host can provide you with contact information for your state legislator, or you can visit www.mijustice.org and click on "Contact Legislators." **OR**

Send a message using our Legislative Action Center. If you prefer not to write a letter, go to www.mijustice.org, click on "Contact Legislators," and in one minute, you can easily send a short email message to your legislator through the Campaign! **OR**

Call your legislator! There is a link to find the phone number for your legislator at www.mijustice.org. Your community conversation host should be able to provide you the phone number at the event.

2. SIGN PEOPLE UP!

Using the Campaign for Justice postcards, sign up ten or more of your family members, friends, or colleagues in the next three weeks. Ask them to show their support for public defense reform in Michigan. It is simple – all they need to do is write down their name and contact information. After collecting and completing all the cards, let the Campaign for Justice know by calling (517) 372-3050 or emailing info@mijustice.org. We can pick them up or you can mail them to us at 403 Seymour, Suite 201, Lansing, MI 48933.

