

DEVELOPMENT
OF
AN IN-SERVICE TRAINING PROGRAM
FOR
THE OFFICE OF THE DEFENDER GENERAL
STATE OF VERMONT

28951

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I. INTRODUCTION.

(A) Description of Consultancy

This consultancy, conducted by the National Center for Defense Management, arose out of a request for technical assistance from the Defender General of Vermont which was approved by the Vermont Governor's Commission on the Administration of Justice, (The State Planning Agency), the Courts Specialist for LEAA Region I, and the LEAA project monitor for the Center. Copies of the correspondence involved are found in Appendix 5 of this report.

The Defender General has requested assistance in developing a permanent in-service training program for his public defender staff.

(B) Description of the Vermont Defender General's Office and Public Defender Systems

(1) Relevant Geographical and Organizational Factors

The Defender General's Office and its public defender system (the whole constituting a state organization) is located in nine offices scattered throughout the state. Locations, staffing, and distances by road from the organization's headquarters in the state capital at Montpelier are as follows:

<u>Office Locations</u>	<u>Number of Attorneys</u>	<u>Distance By Road From Montpelier</u>
St. Albans	1	63
Burlington	3	38
St. Johnsbury	1	39
Montpelier	9	0

<u>Office Locations</u>	<u>Number of Attorneys</u>	<u>Distance By Road From Montpelier</u>
Middlebury	1	52
White River Junction	1	54
Rutland	2	66
Bennington	1	122
Brattleboro	1	115

Vermont is about 150 miles north-to-south and roughly eighty miles in width at its widest point; while neither the state's overall size nor the distances from outlying offices to Montpelier's may suggest major travel-time problems, the hilly nature of the terrain does add slightly to travel times, a factor which must be considered in determining training program sites (especially those for one-day sessions).

As of the time of writing this report, there are twenty attorneys (including the Defender General himself) working in this system.

(2) Categories Of Cases Handled

Based on FY 1973 office case statistics (the pattern of which, we were informed, is essentially the same today) it appears that almost three-quarters of the cases opened fall into eight general categories, giving the state's defenders' attorneys an ascertainable "profile" of their work which makes feasible a training program geared to their particular needs.

These categories are as follows:

<u>Category</u>	<u>% of FY 1973 Caseload</u>
Assaultive Conduct	7.1%
Disorderly Conduct & Breach of Peace	7.4%

<u>Category</u>	<u>% of FY 1973 Caseload</u>
Breaking & Entering & Burglary	8.8%
Driving While Intoxicated	8.1%
Forgery & Fraud	7.5%
Larceny	9.2%
Drug Offenses	6.8%
Juvenile	18.9%
Total	<hr/> 73.8%

Enough murder cases (5) and arson cases (11) were encountered for the need for some degree of forensic sciences training to be obvious. Detailed statistics may be found in Appendix 2.

(C) Summary of Recommendations

That a grant application be submitted requesting funding for a permanent, on-going in-service training program which would possess the following features.

(1) The program should call for the creation of the position of training attorney (part-time) in the Defender General's office (or available to it).

(2) That the training attorney be experienced and skilled in the practice of criminal defense law, and undergo specialized training in modern educational methods.

(3) That the grant application provide for (or that there be readily available) video cameras and play-back equipment for demonstration and practice sessions in trial advocacy and for the showing of taped training programs.

(4) That, in addition to the conducting of training sessions both for beginning attorneys and for experienced attorneys, the training attorney participate in the design and maintenance of a legal materials system, prepare a trial manual and a strategy book, and be available to confer with and assist trial staff with difficult problems and cases.

II. STATEMENT OF PROBLEM

In 1974, an evaluation-technical assistance team funded under LEAA Contract number J-LEAA-043-72 reported that:

"Because of the lack of experience of most of the staff attorneys, a comprehensive training program should be established. Although the Defender General shall supervise the training of all public defenders, and may establish a training course (See 13 V.S.A. §5253(c)) the staff attorneys received little or no training from the Administrative Office. The training program should encompass all the employees of the office. A monthly newsletter and periodic seminars would be helpful." ("Evaluation of Public Defender Services in Vermont and Analysis of Administrative Operations of the Defender General's Office", American University Criminal Courts Technical Assistance Project (Consultant: National Legal Aid & Defender Association), October, 1974, hereinafter referred to as 1974 AU-NLADA Report, at page 21.

While attendance at out-of-state training programs by defender attorneys has been provided for, and in-state seminars have been organized (see, for example comments in "Criminal Justice Training and Education in Vermont", by the Criminal Justice Training and Education Study Committee, January, 1975, pp 28-29, 65-66, 119, 131), these educational experiences, valuable because of their informative nature and broadening effect, have largely involved use of the lecture format (which is not an effective method of improving an attorney's professional performance, see V, METHODS AND PROCEDURES, below) and have not substantively focused on Vermont criminal law practice and procedures. Reinterview of a number of staff in June, 1975, tended to reaffirm needs for training in a number of areas, including investigation, resource location, forensic science, the attorney-client

relationship, jury selection, trial advocacy, representation in plea bargaining and at sentencing, and small law office administration (most defender staff are located in scattered, one, two and three attorney offices.) Updated centralized "banks" of motions, briefs and legal materials need to be developed in an organized manner (there are suggestions of staff engaging in duplicative research and technique development), and it is questionable whether many of the attorneys presently employed would be capable of affording fully competent representation without substantial assistance in the occasional "major case" which will inevitably arise in any system from time to time. In short, while the attorney staff are observed to be of professionally high caliber, they need that kind of training which can substitute for actual experience, e.g., "demonstration and performance" training as an addition to the general education and legal skill development which they presently receive.

At present, we were informed, defender training does not lie within the purview of (and therefore does not receive the active support of) the Vermont Criminal Justice Training Council; whether this should or should not be the case is not properly part of this report, but coordinated, systematic criminal practice training in the state could produce cost-effective professional results and present more dynamic solutions to legal training problems than is presently the case.

III. PRIORITIES AND ALTERNATIVES

In the "Vermont Comprehensive Plan for Criminal Justice - 1975", the Governor's Commission on the Administration of Justice notes at page 96 that

"Criminal Justice Training is not now using specified training objectives together with evaluation methods which can indicate whether those objectives are being met."

At page 102, ("ADJUDICATION: GOALS AND OBJECTIVES"), there is identified

". . . Goal III To insure a public defender system committed to the diligent and competent representation to (sic) all eligible persons accused of crime."

At page 104 ("ADJUDICATION: PROBLEMS AND NEEDS") there is identified

"Problem V There is inadequate training of defense personnel."

"Need 1. Improvement of the duration, frequency, and content of training sessions for defense personnel."

Factual data concerning the severity of this problem are set forth in "II STATEMENT OF PROBLEM" above and in the 1974 AU-NLADA report referred to therein. With respect to the scope of this project, in relation to the scope of the problem addressed, the following is pertinent; this project contemplates major changes not only in the quantity of training to be delivered but the quality and methodology thereof (see IV GOALS AND OBJECTIVES and V METHODS AND PROCEDURES, below) in which the problem-solving approach to training, which redirects the performance skills of defense attorneys (as distinguished from that kind of training which simply conveys necessary information

to them for later use) is utilized. Accordingly, it is anticipated that "PROBLEM V, Need 1" will be effectively addressed in a fashion in which is not now being accomplished.

IV. GOALS AND OBJECTIVES

(A) General Goals

The general objective is to provide an in-house training program which will be coordinated and planned, long-range, so that public defenders will provide efficient, competent representation for persons qualifying for representation.

(B) Specific Goals

To achieve the general objective, the following three specific goals must be achieved.

(1) Time and Expertise in Training

The augmentation with a training attorney will result in a substantial increase in training effectiveness over the present system as follows:

(a) Time available (over that now expended) for one attorney to plan a program will increase effectiveness of that program as a result of such planning; this will include formation of, and progress toward long range objectives.

(b) The training attorney can be educated in instructional techniques and acquire expertise in using demonstrations, performance exercises, problem solving sessions, video techniques, etc., thus increasing the effectiveness of the time of each attorney devoted to training.

(c) The training attorney can acquire expertise in trial techniques, and in knowledge in scientific and other non-legal fields, which can be passed on to other attorneys; the training attorney will be the focal point for distribution of new ideas that are necessary to overcome the experience of novice public defenders

with a heavy caseload which must be handled without sufficient time for individual research and reading.

(d) The need for a particular person to function as training attorney (albeit on less than a fulltime basis) cannot be overstressed; attempts to "divide" this function between a substantial number of staff can only result, your consultants believe, in a high degree of probability that the entire program will fail. One person must constitute the central repository of training and legal materials information. Only one person would be required to undergo specialized outside training in modern teaching methods. One person can properly design the substantive teaching curriculum; a "committee" can not do this effectively where "demonstration and practice" are added to the long accepted but less relevant lecture method.

2) The Legal Materials System

Establishing and maintaining a Legal Materials System would substantially increase both the effectiveness and efficiency of public defenders since:

(a) There is now duplicative research within the statewide public defender system; there is no way for an attorney to know that the very problem he is now researching has not recently been researched by a fellow public defender.

(b) A uniform system of organizing materials throughout all the offices of the public defenders and a central place through which to funnel materials would keep defenders current on materials, without each defender duplicating this effort.

(c) Public Defenders with the law readily available for citation to the court would reduce the use of judges' time and prevent errors necessitating new trials, etc.

(3) The Legal Skill Development Program

This teaching program objective would be to substantially increase attorney competency in overcoming the current dearth of legal skills, for example:

(a) Lawyers are not even minimally trained in our law schools to be competent trial attorneys thus necessitating a basic course in trial advocacy.

(b) Well planned in-house sessions are most efficient in developing skills which will prepare the novice public defender to demonstrate current knowledge in law and other developments.

(c) Attorneys trained in advocacy substantially reduce the time necessary for the trial of cases and increase the probability of justice being properly done.

(C) Indirect Objectives

(1) Court Efficiency

The following indirect benefits should flow from the above:

Each of the above objectives would increase both effectiveness and efficiency of the attorneys involved; as the competency of the attorneys increases, the efficiency of the procedures will be increased. Public Defenders would perform more quickly and efficiently, thus making the courts more efficient.

(2) Reduction of Crime

Resolution of the crime problem by reducing the amount of delay pending trial would contribute to rehabilitation; a greater

feeling of confidence in appointed counsel increases the feeling on defendant's part that the system is fair, a necessary foundation for rehabilitation. (See Caspar, "Criminal Justice - The Consumer's Perspective", Nat. Institute of Law Enforcement and Criminal Justice, U.S. Gov't. Printing Office, Washington, D.C., No. 2700-0143, pp 36-38).

V. METHODS AND PROCEDURES

(A) Sequence of Events

The sequence of events expected to occur during the project is as follows:

- (1) Appointment of training attorney.
- (2) Training of training attorney in educational methods and in advanced trial techniques.
- (3) Setting up long range educational objectives and programs.
- (4) Conducting basic training classes.
- (5) Establishing and maintaining a uniform method for organizing legal materials and seeing that it is instituted statewide.
- (6) Completion of a trial manual; distribution to all attorneys.
- (7) Completion of a strategy book; distribution to all attorneys.
- (8) Individual conferences with attorneys on legal and advocacy problems.
- (9) "One-on-one" trying of cases with more inexperienced attorneys.
- (10) Conducting bi-monthly seminars which are more advanced.

(B) General Approach

Carefully choose, and use, the best methods available to provide training; distribute and use necessary materials.

(C) Specific Approaches

(1) The Training Attorney

(a) The training attorney should be a highly qualified trial attorney with an interest in acquiring as much knowledge as

possible on the subject; he should have a further interest in teaching, using the most efficient and advanced educational methods.

(b) In training the training attorney, maximum use should be made of outside resources in learning educational methods and in learning from the experience of other training attorneys; a course in the training of attorneys should be utilized if one becomes available (as it may well, if supplemental funding for the National Center for Defense Management is approved for this purpose).

(2) The Legal Materials System

The training attorney must:

(a) Choose a method for organizing materials which is best suited for the trial attorney. An outline of a possible organization of materials is attached as appendix 1; it consists of structured training reference files, a training management plan and a suggested training schedule for a typical seminar.

(b) Write a trial manual containing legal material on points often arising during court procedures, including trials; organize such material in the manual in accordance with the method chosen under paragraph (a) immediately above.

(c) Write or obtain outlines on strategy considerations to be applied in various phases of trials and make up a strategy book consisting of these outlines.

(d) Expand the materials system by setting up files in each public defender office to contain materials (organized under the system chosen under paragraph (2) (a) above) beyond those in the trial manual and strategy book (but short of the materials in the central file discussed in the next paragraph) based on what is needed in the individual offices.

(e) Set up a central materials file that contains materials contained in the systems set up under paragraph (d) above and additional materials not necessary in every office but which should be available on call.

(f) Set up basic policy for keeping regional offices up to date with current legal materials and updates.

(3) The Teaching Process

(a) Kind of training needed.

Interviews conducted supports the conclusion of the Vermont Comprehensive Plan for Criminal Justice by the Governor's Commission on the Administration of Justice, on page 104, that there "is inadequate training of defense personnel" and that there is need for "improvement of the duration, frequency, and content of training sessions for defense personnel."

(b) Useful training techniques

The training attorney should make use of the full array of training techniques including demonstration exercises, individual conferences, lectures, and trying cases with the more inexperienced attorneys.

(c) Training formats

(i) Basic training sessions

It is highly recommended that there be a one-week, two-week, or longer training seminar for those public defenders who are relatively inexperienced. It should be a combination of demonstrations, lectures and exercises with the emphasis on the attorney-performance exercises. This should be for six or less student-attorneys for each session and organized by situations they face as

attorneys.

(ii) Bi-Monthly sessions

Advanced seminars on specific topics should be available with additional TV exercises at each session.

(iii) TV exercises

Any opportunity should be utilized for allowing attorneys to conduct exercises in voir dire, cross-examination, closing arguments, etc. with video equipment and critique from the training attorney or other experienced attorney.

(d) Additional teaching opportunities

(i) One-on-one trials

It is most useful for the inexperienced attorney to second-chair (with the training attorney) a case with no participatory responsibility but being involved in formal discussion (including witness examination preparation) of all strategic and legal moves and the reasons therefor. For the next case, the roles are reversed to permit the new attorney to have sole responsibility for the case, with critiques occurring during recesses.

(ii) Individual Conferences

It is of considerable educational value to have the training attorney available to discuss specific situations such as motions, cross-examinations, etc. with the newer attorney.

VI. ASSESSMENT METHODS

An important component of any assessment is a structured performance-oriented design which builds on the previous learning experience of the student. The novice public defender will have recently completed a series of educational and professional milestones consisting of:

- (A) Selection for law school
- (B) Survival of the educational rigor of law school
- (C) Successful completion of examinations leading to bar admission
- (D) Selection for a position as a public defender.

Accordingly, an assessment structure for the public defender training program should be established which will measure the effectiveness of such a program - with the view that this program is an extension of the milestones alluded to above. The structure should focus on what a novice public defender will be able to do, or do better, at the conclusion of a basic training program, which he could not do, or did less well, prior to such training; specificity must be paramount.

A further extension, requiring assessment, is the progression to "Darrowian Heights". Seminars designed to allow such talent to spring forth must objectify the intermediate steps to such an august final goal. Although performance objectives are more suitable, the esoteric nature of such seminars may limit the objectifying to qualitative expression.

Pending such aforementioned design, informal program evaluation conferences should be held; as a minimum, they should be attended by the Defender General and training attorney. Attendance by other

experienced attorneys would be desirable but not mandatory. Preparation for attendance at such conferences must include discussion with judges before whom the public defenders practice. Additionally, the comments of attorneys must be solicited through end-of-course critique forms (which are preponderantly structured, as opposed to free-response oriented).

As the curriculum development planning develops, there should be staged reduction in the time consuming conferences with commensurate increase in data oriented management.

VII. FINANCIAL SUMMARY

(NOTE: Aside from a mandatory requirement for an experienced training attorney and certain elements which are basic to the program, the following proposed budget should be viewed as flexible; for that reason, a commentary follows the details of the proposed budget.)

(A) Budget Detail

(1) Salaries and Wages

(a) Training Attorney (26 weeks)	\$ 8,500.00
(b) Secretary (26 weeks)	3,500.00
(c) Employee Benefits (7.63%)	<u>915.00</u>
Sub-total	\$12,915.00

(2) Consultants

(a) Out-of-State (8 at \$135.00)	\$ 1,080.00
Sub-total	\$ 1,080.00

(3) Travel, Transportation & Subsistence

(a) Consultant Travel (8 at \$200.00)	\$ 1,600.00
(b) Consultant Subsistence (8 at \$35.00)	280.00
(c) Technical Assistance Travel	
1. Two trips at \$500.00	1,000.00
2. Ten days at \$35.00	350.00
3. Mileage	<u>200.00</u>
Sub-total	\$ 3,430.00

(4) Office Supplies

(a) General	\$ 350.00
(b) Video Tapes	<u>\$ 380.00</u>
Sub-total	\$ 730.00

(5) Office Space

(a) 300 square feet at \$6 per square foot	\$ 1,800.00
Sub-total	\$ 1,800.00

(6) <u>Equipment</u> (See Detail)	\$ 4,272.00
Sub-total	\$ 4,272.00
(7) <u>Indirect Costs</u> (5% of salaries)	\$ 600.00
Sub-total	\$ 600.00
(8) <u>Other</u> (Evaluation)	\$ 2,000.00
Sub-total	\$ 2,000.00
TOTAL	\$26,827.00

(B) Budget Commentary

(1) Salaries and Wages

(a) Training Attorney: Five methods of filling this position might be:

1. Employ the services of a public defender already on the staff and hire a private attorney to accomplish his trial duties while he is performing the training attorney tasks.
2. Share the position with the State's Attorneys, each set of offices receiving the services for half of the training attorney's time.
3. Employ a private attorney to perform these services for six man-months.
4. Share the services with adjacent states each year.
5. Employ a relief public defender trial attorney and training attorney; six months for each service
6. Recommendation:

Having explored all of these options, it is the opinion of your consultants that at present (1) (Employment of an

existing staff member with a relief. (private) attorney hired to replace him in the courtroom part-time) is the most feasible way to fill this need. (2), (4) & (5) may be feasible in years to come.

(b) Secretary: Should the newly established position of Business Manager provide sufficiently increased office productivity, this position may be unnecessary.

(c) Phased Reduction: Upon completion of training tasks for the first six month period, future funding should only be required for one-third of a man-year.

(2) Consultants: Omitted

(3) Travel, Transportation and Subsistence

Consideration should be given to cost of housing students attending consulting presentation; the same consideration should be given to persons performing technical assistance.

(4) Office Supplies

Includes minimal printing and duplicating costs.

(5) Office Space

Rate (\$6.00 per square foot) should be reduced.

(6) Equipment

(a) General equipment costs (\$2691.00) were calculated by using the Business Manager equipment schedule and deducting the Calculator (\$500.00).

(b) A basic video package might be available as follows (a detailed description of models and packages is at appendix 3).

1. Camera	\$ 475.00
2. Video Tape Recorder	995.00
3. Display Unit (19")	340.00
4. Tripod	50.00

Sub-total \$1860.00

Rounded and discounted - Less 15% disc. 279.00

Sub-total \$ 1581.00

(c) Equipment Sub-total
(\$2691.00 + \$1581.00) \$ 4272.00

(d) Video tapes: (See Office Supplies)

1. Three thirty minute tapes at
\$20.00 \$ 60.00

2. Eight one hour tapes at
\$40.00 \$ 320.00

Video Tape Sub-total \$ 380.00

VIII. ACKNOWLEDGEMENTS

The National Center for Defense Management wishes to gratefully acknowledge the assistance of Mr. Robert West, Defender General of the State of Vermont, Mr. Maurice D. Geiger, Courts Specialist LEAA Region I and Mr. Michael Krell, Executive Director, Governor's Commission on the Administration of Justice for the State of Vermont, in completing this project. The contribution of the staff members listed in appendix 4 is also greatly appreciated.



APPENDIX 1
PROGRAM OUTLINES

OVERVIEW

The following program outlines are offered as an example of how a training attorney might organize his materials to provide structured training reference files, a training management plan, and a suggested training schedule for a typical seminar.

Section A provides a suggested approach to the organization of training reference files; beginning with a topical index, it is followed by an expanded series of detail files for each topic.

Section B contains information which a training attorney might use to draw up a training plan to assist him in effectively planning and executing a training program, using productive instructional technology.

Section C displays a training schedule for a public defender seminar which might assist the training attorney in making efficient use of available training time.

SECTION A TO APPENDIX 1
MAJOR TOPICS AND SERIES NOS.

- 1 EVIDENCE
- 20 PRE-TRIAL MATTERS
- 25 ARREST, SEARCH AND SEIZURE
- 30 STATEMENTS
- 35 IDENTIFICATION
- 40 CRIMES
- 45 DEFENSES
- 50 TRIAL
- 60 POST TRIAL MATTERS
- 65 APPEALS
- 80 STRATEGY
- 85 NON-LEGAL MATERIALS
- 90 MISCELLANEOUS

1 EVIDENCE

- 100 GENERAL PROVISIONS
- 200 JUDICIAL NOTICE
- 300 PRESUMPTIONS
- 400 RELEVANCY AND ITS LIMITS
- 500 PRIVILEGES
- 600 WITNESSES
- 700 OPINIONS AND EXPERT TESTIMONY
- 800 HEARSAY
- 900 AUTHENTICATION AND IDENTIFICATION
- 1000 CONTENTS OF WRITINGS, RECORDINGS AND PHOTOGRAPHS
- 1100 MISCELLANEOUS RULES

20 PRE-TRIAL MATTERS

- 2000 PRE-TRIAL MATTERS -- GENERAL
- 2005 INDIGENCY DETERMINATION
- 2010 BAIL
- 2015 CONFLICT OF INTEREST
- 2020 CONSTITUTIONALITY OF STATUTE
- 2025 STATUTORY INTERPRETATION
- 2030 SUFFICIENCY OF INFORMATION (CHARGE)
- 2035 PRELIMINARY HEARING
- 2040 DISCOVERY
- 2045 MOTIONS -- GENERAL
- 2050 MOTION TO DISMISS -- DOUBLE JEOPARDY
- 2051 MOTION TO DISMISS -- NO SPEEDY TRIAL
- 2052 MOTION TO DISMISS -- NO SPEEDY PROCESS
- 2053 MOTION TO DISMISS -- DESTRUCTION OF EVIDENCE
- 2070 MOTION CHANGE OF VENUE
- 2075 MOTION FOR SEVERANCE
- 2080 MOTION FOR CONSOLIDATION

25 ARREST, SEARCH AND SEIZURE

(NEIGHBOR'S OUTLINE)

30 STATEMENTS

- 3000 STATEMENTS -- GENERAL
- 3005 RIGHT TO HEARING
- 3010 INVOLUNTARY
- 3015 ESCOBEDO
- 3020 PRODUCT OF ILLEGAL ARREST
- 3025 RULE 5
- 3030 INADEQUATE WARNING OF RIGHTS
- 3035 NO PROPER WAIVER OF RIGHTS
- 3040 JUVENILES AND INCOMPETENTS
- 3045 USE FOR IMPEACHMENT
- 3050 DERIVATIVE EVIDENCE

35 IDENTIFICATION

- 3500 IDENTIFICATION -- GENERAL
- 3505 RIGHT TO HEARING
- 3510 SUPPRESSION -- RIGHT TO COUNSEL
- 3515 SUPPRESSION -- DUE PROCESS
- 3520 STRATEGY
- 3525 INSTRUCTIONS

40 CRIMES

4000 CRIMES -- GENERAL
4005 CIRCUMSTANTIAL CASES
4008 FIGHT CASES
4010 SEX CASES
4012 ARSON
4014 ASSAULTS
4016 ATTEMPTS
4018 BURGLARY
4020 CHECK, FRAUD BY
4022 COMPLICITY
4024 CONSPIRACY
4026 CREDIT CARD FRAUD
4028 DEVIATE SEXUAL INTERCOURSE BY FORCE
4030 DEVIATE SEXUAL INTERCOURSE BY IMPOSITION
4032 DRIVING UNDER INFLUENCE
4034 DRIVING UNDER SUSPENSION
4036 FORGERY
4038 GROSS SEXUAL IMPOSITION
4040 HABITUAL CRIMINAL
4045 HOMICIDE
4050 JUVENILE DELINQUENCY
4060 KIDNAPPING

40 CRIMES (CONT'D)

- 4062 NARCOTICS AND DRUGS
- 4070 PERJURY
- 4072 RAPE
- 4074 RESISTING ARREST
- 4076 ROBBERY
- 4078 SEXUAL ASSAULT ON CHILD
- 4080 THEFT
- 4085 TRESPASS

45 DEFENSES

- 4500 DEFENSES -- GENERAL
- 4505 ALIBI
- 4510 ENTRAPMENT
- 4515 INSANITY
- 4520 INTOXICATION -- DRUGS
- 4525 LACK OF SPECIFIC INTENT
- 4530 SELF DEFENSE

50 TRIAL

- 5000 TRIAL -- GENERAL
- 5005 PRELIMINARY MATTERS
- 5010 VOIR DIRE
- 5015 OPENING STATEMENT
- 5020 MOTIONS DURING TRIAL
- 5025 MOTION JUDGMENT OF ACQUITTAL
- 5030 DEFENDANT'S CASE
- 5035 INSTRUCTIONS
- 5040 CLOSING ARGUMENT
- 5045 CONDUCT OF JUDGE
- 5050 CONDUCT OF PROSECUTOR
- 5055 CONDUCT OF DEFENSE ATTORNEY
- 5060 CONDUCT OF OTHERS
- 5065 MISTRIAL
- 5070 MAKING A RECORD
- 5075 MISCELLANEOUS

60 POST-TRIAL MATTERS

- 6000 POST-TRIAL MATTERS -- GENERAL
- 6005 MOTION NEW TRIAL
- 6010 NEWLY DISCOVERED EVIDENCE
- 6015 PROBATION, SENTENCING, ETC.
- 6020 POST CONVICTION REMEDIES

65 APPEALS

- 6500 APPEALS -- GENERAL

80 STRATEGY

- 8000 STRATEGY -- GENERAL
- 8005 GENERAL STRATEGY
- 8010 PRELIMINARY HEARING
- 8015 VOIR DIRE
- 8020 OPENING STATEMENT
- 8025 OBJECTIONS
- 8030 CROSS-EXAMINATION
- 8035 DEFENDANT'S CASE
- 8040 CLOSING ARGUMENT

85 NON-LEGAL MATERIALS

- 8500 NON-LEGAL MATERIALS -- GENERAL
- 8505 GENERAL INVESTIGATIVE AND SCIENTIFIC TECHNIQUES
- 8510 BALLISTICS
- 8515 BLOOD ALCOHOL
- 8520 BLOOD GROUPING
- 8525 FINGERPRINTS
- 8530 HANDWRITING
- 8535 NARCOTIC & DRUG IDENTIFICATION
- 8540 PATHOLOGY
- 8545 POLYGRAPH
- 8550 PSYCHIATRY

SECTION B TO APPENDIX 1
TRAINING PROGRAMS FOR PUBLIC DEFENDERS

Various alternatives are useful depending on needs and resources available.

Training Program Features

1. Legal Materials System

- Statutes
- Rules
- Strategy Book
- Trial Manual
- Legal Memo File
- ABA Standards
- Instruction File

NOTE: There should be a uniform system for organization of materials and way to keep it current.

2. Have a Training Director

If not full time appoint others under him to be in charge of specific parts.

3. Training Program

- Lectures
- Demonstrations
- Exercises
- Conferences
- In Court One on One

The following are considerations in setting up a training program:

1. Lectures are of limited value. They are useful in first acquainting student-attorneys with the concepts involved, but are passive in nature and need demonstrations, exercises, etc. to make it stick.
2. Demonstrations are useful in making what is said in lectures more concrete.

3. Exercises by the students should occupy the bulk of training time. These should consist of the student conducting voir dire, opening statements, cross-examinations, closing arguments, etc. Experienced attorneys should be present to critique.
4. Use of video recording equipment for the exercises is most useful. Students do not visualize what a critiquer is talking about until he sees it himself.
5. Experience has shown that if video equipment is only available for part of the exercises it is best to use it at the beginning.
6. During lectures it works well to have two attorneys with differing approaches so student-attorneys get the differing views and know that no one way is necessarily the best.
7. Having an experienced attorney available for discussions with an inexperienced attorney over a period of time provides practical application of the advice to actual problems faced by the student-attorney making the advice more concrete and instilling greater confidence.
8. It is highly recommended that there be a one-week, two-week, or longer training seminar for those who are relatively inexperienced. It should be a combination of lectures, demonstrations, and exercises with the emphasis on the attorney-participation exercises. A program of such a seminar is attached. It is suggested that the following apply to these longer seminars:
 - a) Six or less student-attorneys.
 - b) Emphasis on trial techniques and strategy rather than on law.
 - c) Have a variety of speakers.
 - d) Distribute materials and have them use materials during seminar.
 - e) Organize by situations they will face as lawyers.
 - f) Use role-playing. Have people play the role of a witness or as jurors, etc., and go through all the actions; don't just talk about it.
 - g) Recognize time allows about five exercises in one-half day.
 - h) Try to end each session on a high note.
9. One-on-one trials. It is useful for the student-attorney to second-chair a case with no participatory responsibility but being informed of all strategic and legal moves and the reasons therefore. For the next case, the experienced attorney should sit in the back (not at counsel table) and be available for discussing strategy and for critiquing.

10. Objection Exercises. Very useful for teaching courtroom technique and evidence. Start with a list of evidentiary points to be illustrated. Have a witness, preferably an attorney. Work with the witness to put together a case presenting the evidentiary points. No script is needed and it works well. Exhibits are needed. An attorney plays prosecutor and fails to lay the proper foundations, etc. The witness is non-responsive, testifies to hearsay, etc. just the way witnesses really do. The student-attorneys take turns doing the objecting (15 minutes each). The objections are technical objections - the attorney is to object if it is objectionable and strategy of objecting has no part. During the proceeding, if useful, or at the end of each student-attorney's performance critique and discuss the evidentiary points involved.
11. The objective of the total program should be to teach the mechanics needed by the trial attorney but more importantly to provide depth in different areas that normally comes only with experience.

SECTION C TO APPENDIX I

PUBLIC DEFENDER SEMINAR

November 18, 1974

November 18

9:00 - 9:20 What makes an attorney effective?
9:20 - 9:40 General principles of advocacy
9:40 - 10:00 The trial notebook, brainstorming and the trial plan

10:20 - 10:35 Coffee break

10:35 - 12:00 Exercises with TV - Voir Dire

12:00 - 1:30 Lunch

1:30 - 4:30 Exercises with TV - Voir Dire, Opening Statements
and Cross-Examination

November 19

9:00 - 4:30 Exercises with TV - Direct Examination, Cross-Examination
and Closing Arguments

November 20

9:00 - 9:20 Developing depth in your case
9:20 - 10:20 The identification case

10:20 - 10:35 Break

10:35 - 11:20 The driving under influence case
11:20 - 11:40 The circumstantial case
11:40 - 12:00 The credibility case

12:00 - 1:30 Lunch

1:30 - 2:15 Sex offenses
2:15 - 3:00 Experts

3:00 - 3:15 Break

3:15 - 4:15 Assault cases
4:15 - 4:30 Questions and answers

PUBLIC DEFENDER SEMINAR

November 21

- 9:00 - 10:20 Motion Practice
- 10:20 - 10:35 Break
- 10:35 - 12:00 Exercises - Cross-Examination
- 12:00 - 1:30 Lunch
- 1:30 - 4:30 Exercises - Cross-Examination

November 22

- 9:00 - 12:00 Exercises - Closing Argument
- 12:00 - 1:30 Lunch
- 1:30 - 4:30 Review, Questions and Answers and Exercises as needed

APPENDIX 2
CASE STATISTICS

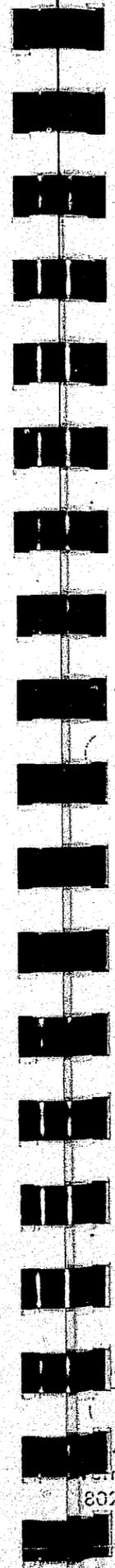
Charges

No. of
Cases



Charge	No. of Cases
Careless and Negligent Driving	63
Careless and Negligent Use of Firearm	1
Change of Bail Conditions	1
Concealing an Escapee	1
Concealing Stolen Property	26
Contempt	5
Contributing to Delinquency	2
Criminal Trespass	3
Cruelty to Animals	3
Cultivating and Manufacturing Marijuana	3
Dangerous and Reckless Behavior	1
Deer Out of Season	175
Destruction of Property	29
Disorderly Conduct	130
Dispensing Drugs	1
Driving to Endanger	17
Driving Under License Suspension	45
Driving While Intoxicated	192
Driving Without A License	4
Embezzlement	4
Escape	35
Extortion	2

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 GENERAL
 Montpelier,
 Vermont 05602
 802 • 828-3163



False Fire Alarm	3
False Impersonation	5
False Information	5
False Prescription	1
Fishing Without A License	1
Forgery	30
Forgery of Drug Prescription	2
Fraud	146
Fugitive from Justice	35
Furnishing to a Minor	9
Grand Larceny	117
Hitch-hiking	2
Inquest	1
Intoxication	1
Juvenile	451
Kidnapping	8
Larceny	1
Larceny From A Person	8
Leaving the Scene of an Accident	23
Lewd and Lascivious	21
Littering	4

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Maintaining a Junkyard	1
Malicious Killing of Cattle	1
Malicious Mischief	7
Manufacturing Marijuana	2
Murder	5
Non-Support	7
Obscene Language	1
Obscene Phone Call	7
Operating Without the Owner's Consent	42
Passing Counterfeit Bills	1
Perjury	1
Petit Larceny	93
Plates Not Assigned	1
Possession of Burglary Tools	1
Possession of Malt Beverages	4
Possession of Regulated Drugs	125
Possession of Stolen Property	25
Rape	10
Receiving Stolen Property	21
Reckless Endangerment of Another Person	1
Robbery	1

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 Vermont 05602
 828-3163

CONTINUED

1 OF 2

Sale of Regulated Drugs	31
Simple Assault	78
Speeding	4
Statutory Rape	1
Stealing	1
Threatening Phone Calls	1
Trespass	3
Unlawful Mischief	14
Unlawful Trespass	1
Vagrancy	3
Violation Law of the Road	4
Violation of Probation	39
	<hr/>
	2,381

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 DEFENDER
 GENERAL
 [REDACTED] ontasler,
 [REDACTED] ormont 05502
 [REDACTED] 02 - 828-3169

APPEALS	34
HABEAS CORPUS	17
MISCELLANEOUS	4
MOTION FOR SENTENCE REDUCTION	1
MOTION TO VACATE	2
PETITION FOR REVIEW	7
POST CONVICTION RELIEF	10
POST SENTENCE REVIEW	3
	—
	78

Office of the
DEFENDER
GENERAL
Montpelier,
Vermont 05602
Phone - 828-3169



APPENDIX 3
VIDEO EQUIPMENT
DETAIL SCHEDULE

VIDEO EQUIPMENT DETAIL SCHEDULE

I. The following suggested purchase information was furnished by H.B. Educational Systems Inc., New Haven, Connecticut (203; 777-5301) (Referred by Mr. Lefevre, Vermont State Purchasing Office) and by GNF Telesystems, Corp., Box 456, Shelburne, Vermont (985-2922) (Referred by Mr. Christopher McClure, Office of Educational Support, University of Vermont, Room 235, Rowell Building, Burlington, Vermont, (656-2292)). Prices do not include 15% discount.

(A) H.B. Educational Systems Inc.

- | | |
|---|-----------|
| (1) Panasonic low light camera, model WV 250* | \$ 475.00 |
| (2) Panasonic Video-tape recorder, model NV 3020 | 995.00 |
| (3) Tripod
(Various attachments may raise price to \$200.00) | 50.00 |
| (4) Panasonic 19 inch receiver, model TR 195V | 340.00 |
| (5) Panasonic editing machine (1/2 inch)
Model NV 3130 | 1800.00 |
| (6) Bradford TV cart | 100.00 |
| (7) Shure mixer (includes TV meter) | 180.00 |
| (8) Electro-voice lavalier microphones | 65.00 |
| (9) Scotch video tape, one hour, type 361-1/2 2400 | 20.00 |
| (10) Portopack videotape kit | 1860.00 |

*listed for illustrative purposes; other cameras, using ambient light, are adequate.

(B) GNF Telesystems

- (1) Portable color convertible
(a) Sony AV 8400/AVC 3450 or Panasonic NV 3085/WV 3085
Combination camera and video tape recorder (VTR).

(b) AC Converter and battery charger, Panasonic NV-B48 approximate price \$110.00.

(c) RF Converter, permits play back on any TV set, Panasonic NV-U415/6, approximate price \$100.00.

(d) Lightweight tripod, Panasonic VP-4, approximate price \$55.00.

(e) Automobile battery adaptor, Panasonic NV-C28, approximate price \$25.00.

(f) Carrying case for Panasonic camera/VTR, model PC-100, approximate price \$100.00.

(g) Nineteen inch monitor, Sony model CVM-194U/ Panasonic TR-195V, approximate price \$340.00.

(h) Extension cables - approximate cost \$100.00

(i) Omni-directional microphone with desk and floor stand - approximately \$50.00.

(2) Studio Only (AC power, basic one camera system)

(a) Panasonic WV-341 P viewfinder camera, approximate cost \$650.00.

(b) VTR Panasonic Model NV 3020 series or Sony 3600 series, approximate cost \$1000.00.

(c) Omni-directional microphone, see (1) (i), above.

(d) Monitor, see (1) (g) above.

(e) RF Converter, see (1) (c) above.

(f) 48 inch high TV stand, approximate cost \$80.00.

(g) Heavy duty tripod and dolly, approximate cost \$280.00.

(3) Auxiliary equipment

(a) Second VTR with electronic editing capability such as the Sony 3650 or Panasonic NV 3020SD, approximate cost \$1250.00.

(b) Nine inch VTR monitor to assist editing process, such as Panasonic model TR-910V or Sony Model CVM-9500, approximate cost \$220.00.

(c) Three or more lavalier microphones, such as the Sony ECM-50 at approximately \$85.00 each.

(d) Audio-Mixer, Shure, with connectors and cables - \$150.00

(e) Special effects generator such as Panasonic Model WJ-545P - \$1100.00.

(f) Triple five inch monitor, such as the Panasonic model WV-763 - \$750.00.

(g) Cabinet console to house Audio-Mixer, Special Effects Generator and triple monitor - \$250.00

II. The following rental information was furnished by GNF Telesystems inc. (same as above). Prices do not include delivery or pick-up.

(A) Austere package:

(1) Per day	\$ 100.00
(2) Per week	300.00
(3) Per month	900.00

Rental fee can be 100% applied to purchase prices within 30 days; 50% within 60 days.

(B) Improved package

(1) Per day	140.00
(2) Per week	420.00
(3) Per month	1260.00

Includes operational training.

III. The following information was obtained from local sources, concerning the loan availability of video equipment.

(A) Vermont Department of Libraries (Mr. Marcy, 828-3261)

(1) Sony AV 3400/AVC3400 (combination camera/TV recorder, 45 minute battery.

(2) Panasonic Model TR 513 receiver/monitor.

(3) Overhead (Vu-graph) transparency projectors and screens.

(B) Vermont Department of Education (AV Secretary, 828-3124)

(1) Sony portopack Rover I.

(2) Panasonic deck and monitor (loan availability may be withdrawn, decision pending).

(C) Vermont Department of Employment Security (Mr. David Learned, 229-0311, ext. 36)

(1) AV 3600

(2) TC 630 (further details to be telephonically furnished Office of Defender General for inclusion in final report)

(D) Lyndon State College (Walter Hasenfees, Mr. Ballou 626-3335, ext. 303, Lyndonville, Vermont)

Equipment not loaned. Has performed video services for State's Attorney Office once in past as skill development for students.

(E) Vermont Police Academy (Lt. Poljacik, Mr. Taft - 483-6228, Pittsford, Vermont).

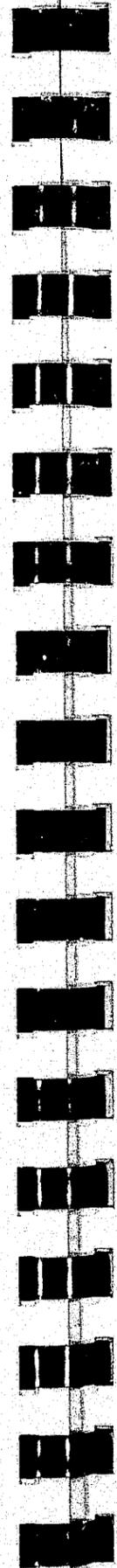
(1) Sony 3/4 inch tape, camera, model AVC 3200.

(2) U-matic video tape (3/4 inch) recorder Model V01600.

(3) Program production console, Model TPPC - 1.

(4) RF adapter for use of standard TV set.

Academy prefers two weeks' notice to reserve equipment. users must demonstrate operational qualifications. Equipment is stationary and must be used at the Academy studio.



APPENDIX 4
PERSONS INTERVIEWED

APPENDIX 4

PERSONS INTERVIEWED/CONTACTED

Robert Edward West
Defender General of
the State of Vermont
43 State Street
Montpelier, Vermont 05602

Jeffrey Amestoy
Legal Counsel,
Governor's Commission on
the Administration of Justice
149 State Street
Montpelier, Vermont 05602

Paul S. Berch
Public Defender
District XI (Windham)
Post Office Box 697
40 High Street
Brattleboro, Vermont 05301

Robert E. Farrar
Public Defender
District V (Franklin/Grand
Isle/Lamoille)
State Office Building
45 Kingman Street
St. Albans, Vermont 05478

James R. Flett
Correctional Facilities Defender
43 State Street
Montpelier, Vermont 05602

Dale Gray
States' Attorney of
Caledonia County and
President, Vermont States'
Attorneys' Association
83 Eastern Ave.
St. Johnsbury, Vermont 05819

Michael Krell
Executive Director
Governor's Commission on
the Administration of Justice
149 State Street,
Montpelier, Vermont 05602

Gregory McKenzie
Deputy Attorney General
Pavilion Building
State Street
Montpelier, Vermont 05602

James M. Ritvo
Deputy Public Defender
District VIII/IX (Washington/Orange)
43 State Street
Montpelier, Vermont 05602

David B. Smith, Jr.
Public Defender
District IV (Chittenden)
Post Office Box 572
39 Pearl Street
Burlington, Vermont 05401

Jerry W. Wark
Public Defender
District VIII/IX (Washington/Orange)
43 State Street
Montpelier, Vermont 05602



APPENDIX 5
TECHNICAL ASSISTANCE
REQUEST CORRESPONDENCE

ROBERT EDWARD WEST
DEFENDER GENERAL

43 STATE STREET
MONTPELIER, VERMONT 05602
TEL. 802-828-3168



STATE OF VERMONT
OFFICE OF THE DEFENDER GENERAL

RECEIVED

MAY 9 1975

GOVERNOR'S
JUSTICE COMMISSION

May 8, 1975

Michael Krell, Executive Director
Governor's Commission on the Administration of Justice
142 State Street
Montpelier, Vermont 05602

RE: Training

Dear Mr. Krell:

I would appreciate it if you could please arrange for technical assistance from the Law Enforcement Assistance Administration to assist me in developing a permanent in service training program for my public defender staff.

I would appreciate it if you could please approve this request, and I understand that you would then forward the request to regional LEAA in Boston and they to national LEAA in Washington for approval and assignment.

I now have twenty lawyers employed in nine offices located throughout the state of Vermont. Originally, we provided training by sending each public defender to some national training seminar elsewhere in the United States such as the National College of Criminal Defense Lawyers and Public Defenders and the Northwestern University Public Defender Short Course. There have been a number of drawbacks to heavy reliance on sole use of this kind of training. The cost of these programs is great because of the high cost of transportation, meals and lodging incurred in connection with attendance at one of these seminars. Attendance at one of these seminars takes a public defender away from his office for an extended period of time. This creates problems with office coverage now since most of the offices have only the one or two lawyers. Since public defenders are employed throughout the year and since these training seminars are generally held only in the summer, training is not always available when the public defender is first employed.

Michael Krell
May 8, 1975
Page Two

Within the past year we have started supplementing attendance at national training seminars with training seminars held here in the state. These seminars have been of substantial assistance but we are still not in a position to provide training to every public defender when he is first employed. Also, we have found that it takes a substantial amount of time to prepare a good training seminar, and we have found that no one in this office has the necessary time to devote to in service training.

As a result of our experience of the past three years, therefore, we feel that it would be highly desirable to develop a permanent in service training program for our public defender staff here in the state of Vermont. I would appreciate it if LEAA could provide technical assistance to evaluate whether this need does indeed exist and if so how it could be provided. You and I have both discussed this with William R. Higham, Esq., Director of the National Legal Aid and Defender Association's National Center for Defense Management. I would hope that the LEAA would request the National Center for Defense Management to provide this technical assistance. Mr. Higham is peculiarly qualified to perform this technical assistance for us. He is a former public defender of Contra Costa County California and last year he was one of the technical assistance team who performed an excellent management study of our program. He has more recently visited Vermont to assist in presenting one of our training seminars. As a result of his knowledge of other aspects of our program and his general knowledge of our training needs, he is an excellent position to provide technical assistance in this area in a relatively quick, efficient manner.

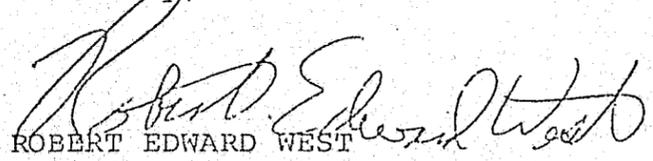
I feel that we need an evaluation of our in service training needs and a program for providing it, and I feel that because of his knowledge of our program, Mr. Higham would be able to do this. He has indicated that he could be available to do this during the week of June 1.

Since I am anxious to proceed as expeditiously as possible, I would certainly appreciate it if you could please expedite this request to Boston and urge them to do the same with national LEAA so that I could be provided this technical assistance during the week of June 1. Since our need is so great to have well trained public defenders, I have personally placed a high priority on attempting to improve our training program.

Michael Krell
May 8, 1975
Page Three

Thank you very much for your cooperation.

Sincerely,


ROBERT EDWARD WEST
Defender General

REW/pa

1-75-53

MAS P. SALMON
RNOR

J H. DOWNS
RMAN

MICHAEL KRELL
EXECUTIVE DIRECTOR

ROBERT J. GRAY
DEPUTY DIRECTOR



STATE OF VERMONT
GOVERNOR'S COMMISSION ON THE
ADMINISTRATION OF JUSTICE
149 STATE STREET
MONTPELIER, VERMONT 05602
TELEPHONE (AREA CODE 802) 828-2351

RECEIVED

NEW ENGLAND REGION
BOSTON, MASS. 02109

May 21, 1975

Mr. Charles Sorrentino
Director, Technical Assistance Division
LEAA - U.S. Department of Justice
147 Milk Street, Suite 800
Boston, Massachusetts 02109

Dear Mr. Sorrentino:

Enclosed please find a request for technical assistance from Robert West, Esq., Defender General of Vermont. Mr. West is particularly anxious that the assistance be provided during the week of June 1st and, therefore, asks that the request be processed as expeditiously as possible.

Sincerely,

Jeffrey Amestoy
JEFFREY AMESTOY
Legal Counsel

JA/fcp
Enclosure
cc: Michael Sheehan, Vermont State Representative, LEAA

NATIONAL CENTER FOR DEFENSE MANAGEMENT	
JUN 3 1975	
ROUTE TO:	FOR:
OFFICE TO:	FOR:
ADMINISTRATIVE TO:	FOR:

UNITED STATES GOVERNMENT

Memorandum

DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

TO : Greg Brady, Courts Specialist
Office of National Priority Programs

DATE: May 29, 1975

FROM : *MDG*
Maurice D. Geiger, Courts Specialist
Region I, Boston

SUBJECT: Attached Request for Technical Assistance-Vermont

The attached request from the Vermont SPA is forwarded per my telephone conversation with you Wednesday, May 28. As I indicated, because of the tight time schedule, we have approved, via letter, the recommendation that the National Center for Defense Management provide this assistance.

Attachments

*6/1 Approved.
Gregory C. Brady
Project Monitor*

NATIONAL CENTER FOR DEFENSE MANAGEMENT	
JUN 3 1975	
ROUTE TO:	FOR:
THRU TO:	FOR:
COPIES TO:	FOR:

APPENDIX 6
OVERVIEW OF NATIONAL
CENTER FOR DEFENSE
MANAGEMENT AND STAFF/
CONSULTANT RESUMES

OVERVIEW OF THE NATIONAL CENTER FOR DEFENSE MANAGEMENT

The National Center for Defense Management was created to improve the efficiency of delivery of defense services to the indigent criminal accused. The need for such an organization was dictated by the rapidity and scope of decisions enlarging the right of the accused to representation, causing unstructured remedial solutions without consideration for paced organizational development and appropriate management controls.

To correct these deficiencies, the Center has been charged with the responsibility of accomplishing the following objectives:

- 1.) Provide evaluation of existing defense delivery systems;
- 2.) Provide technical assistance to improve efficiency of such systems;
- 3.) Conduct management training seminars for the management of defense offices;
- 4.) Provide technical assistance to communities who wish to establish new systems for the defense of the indigent accused;
- 5.) Establish a permanent national briefbank which can be utilized by all defenders and assigned counsel to eliminate duplicative research; and
- 6.) Produce publications oriented towards defender management goals.

PERSONAL RESUME

WILLIAM R. HIGHAM

6/19/75

PERSONAL BIOGRAPHY

Born August 28, 1926, in New York, New York. Lived in Capetown, South Africa, from age 5 to 18. Came to U.S. (Oregon) in 1945 and to California in 1949. Practiced law in Walnut Creek, California from 1956-1958. Served as Deputy District Attorney for Contra Costa County, California, from 1958-1966. Practiced law in Pittsburg, California, for six months prior to being appointed Contra Costa County's first Public Defender on November 1, 1966.

EDUCATION

High School: Diocesan College, Capetown, South Africa (graduated 1944).
College: Oregon State University (1945-1949)
Bachelor of Science in General Science
Law School: Hastings College of Law (University of California) (1949-1952)
Bachelor of Laws

RELEVANT POSITIONS HELD

Director, National Center for Defense Management, 2100 M Street, N.W., Washington, D.C. (12/4/74 to present)
Public Defender of Contra Costa County, California (November 1, 1966 to December 2, 1974).
President, California Public Defenders Association (September 29, 1972 to May 3, 1974; previously served terms as First Vice President (1971-1972) Second Vice President (1970-1971) and Secretary Treasurer (1969-1970).
Chairman, Defender Committee of National Legal Aid and Defender Association (November 3, 1973 to November 15, 1974).
Member, Executive Committee, NLADA (November, 1973 to November 1974).
Member, Board of Directors, Western Regional Defender Association (April, 1972 to December 1, 1974).
Member, Board of Directors of Criminal Justice Agency of Contra Costa County, California (LEAA-CCCJ Regional Planning Board (1971 to 1974).

Personal Resume
William R. Higham
6/19/72
page two

RELEVANT POSITIONS HELD cont'd.

Member, Board of Directors, Contra Costa County Mental Health Association
(1971 - 1973).

Democratic State Central Committee, California (1968-1970).

Deputy-In-Charge, Richmond Branch, Office of the District Attorney,
Contra Costa County, California (1964-1966).

BAR ADMISSIONS

State Bar of California
U.S.D.C. - Northern District of California
Ninth Circuit Court of Appeal
U.S. Supreme Court

CONSULTANCIES

Courts Task Force, National Advisory Commission on Criminal Justice
Standards and Goals - 1972 (thru NLADA, co-authored a draft of proposed
defender standards).

Alaska Public Defender Agency, 1973 (LEAA Contract No. J-LEAA-043-72)

Massachusetts Defenders Committee, 1973 (Forensic Defense Photography)

Vermont Defender General, 1974 (LEAA Contract No. J-LEAA-043-72)

ORGANIZATIONAL MEMBERSHIPS

American Bar Association
California Public Defenders Association (1969-1974)
California State Bar Association
Contra Costa County Bar Association (1966 - 1974)
Mount Diablo Bar Association (1966 0 1974)
National Legal Aid and Defender Association
Richmond Bar Association (1966 - 1974)
Western Regional Defender Association

Personal Resume
William R. Higham
6/19/72
page three

MILITARY SERVICE

U.S. Navy (World War II)

AWARDS

Reginald Heber Smith Award (National Legal Aid and Defender
Association, November 16, 1974).

PERSONAL RESUME

PRESCOTT EATON

6/18/75

Personal Biography

Born January 29, 1930, in Seattle Washington. Lived in Seattle, Washington to age 23. Entered U.S. Army October 2, 1953 and served until voluntary retirement June 1, 1975 as a Lieutenant Colonel. Served in positions of responsibility at military installations throughout the United States, in Greenland, Europe, Vietnam and Laos.

Education

High School: Shawnigan Lake, British Columbia (graduated 1949)

College: Washington State College (1949-1951)
 University of Washington (1951-1953)
 Bachelor of Arts in Anthropology
 Eastern Washington State College (1965-1967)
 Master of Science in Psychology

Relevant Positions Held

Associate Director, Management Programs, National Center for Defense Management, 2100 M Street, N.W., Washington, D.C. (4/21/75 to present)

Assistant Comptroller, Military District of Washington, Washington, D.C. (June 7, 1974 to April 20, 1975)

Executive Officer, Support Element, Defense Attache Office, Vientiane, Laos (January 16, 1974 to June 6, 1974)

Executive Assistant (Secretary of the General Staff), Commander, U.S. Army Criminal Investigation Command (April 15, 1973 to December 15, 1973)

Graduate Faculty Member, U.S. Army Command and General Staff College, Fort Leavenworth, Kansas (June 6, 1970 to May 15, 1972)

Professional Training

Automatic Data Processing Theory/Applications (Jan-June, 1970/October, 1970)

Operations Research/Systems Analysis Executive Course (November - December, 1973)

Personal Resume
Prescott Eaton
6/18/75
page two

Professional Training cont'd.

Application of Behavioral Science Models for Management, U.S. Department
of Agriculture Graduate School (October, 1974)

Organizational Memberships

American Psychological Association
American Society of Military Comptrollers
Association of Legal Administrators
Psi Chi (Psychology Honorary)

Awards

Legion of Merit, Bronze Star,
Meritorious Service Medal, Air
Medal, Army Commendation Medal (three awards)

RESUME

STEPHEN C. RENCH

- 1952 Graduated with B.A. in Economics from University of Kansas.
- 1954 - 1956 Officer in Air Force holding management positions and studying management both formally and informally.
- 1959 Graduated with J.D. from Georgetown University Law Center.
- 1959 Admitted to Colorado Bar.
- 1959 - 1960 Law Clerk to Judge Orie Phillips of United States Court of Appeals Tenth Circuit and to Judge Alfred Arraj of United States District Court.
- 1961 - 1963 Private practice with firm of Tippit and Haskell.
- 1964 - 1965 Clerk of Probate Court under Judge Brofman, reorganizing the entire administrative structure of the court.
- 1964 - 1965 Member of Denver Bar Association Committee which set up Public Defender System adopted by City and County of Denver.
- 1966 - 1973 Deputy Public Defender defending all types of cases in addition to having administrative responsibilities.
- Lecturer at numerous seminars, law school classes, etc., specializing in trial strategy.
- 1974 Lecturer on Cross-Examination at National Convention of National Legal Aid and Defender Association.
- 1974 - 1975 Lecturer and on resident faculty of seminars of National College of Criminal Defense Lawyers and Public Defenders
- 1973 - 1975 National Institute of Trial Advocacy instructor and lecturer each year. Also worked with others in setting up NITA section training program.

RESUME
STEPHEN C. RENCH
Page 2

1974 - 1975

Consulted with Public Defenders and helped set up training programs in Nevada, New Mexico, Georgia, etc.

1973 - present

Full time Training Director of Colorado's Statewide Public Defender System.

1973 - present

As Training Director planned and ran numerous training programs, including:

Eight regional training seminars.

Statewide seminar on Cross-Examination.

Six training classes of one-week or two-week duration involving lectures, demonstrations, considerable participation in voir dire, cross-examination, closing argument and other exercises by class members with use of video tape equipment and critiques.

Numerous one-on-one training sessions involving participating in trials, critiquing public defenders in trial or in preparing for trial.

Preparation and completion of loose-leaf book of materials on trial strategy and near completion of a trial manual emphasizing Colorado law.

Organization from a trial lawyers standpoint of a system for organizing legal materials including law, strategy, and technical matters (ballistics, etc.), for use throughout the Colorado Public Defender System.

Setting up lending library of books on famous cases and lawyers and a tape library.

NOTE: The Colorado Public Defender training program is under an LEAA grant and there has been considerable experimentation with different training methods and programs as mandated by the grant.

END

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