



GIDEON'S ARMY

GIDEON'S ARMY AT WORK

A Film-based Toolkit to Help Advocates Advance Indigent Defense

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Dear Viewer,

Thank you so much for your interest in using *Gideon's Army* to raise awareness around the issue of indigent defense. We know that this dialogue and ensuing action will be the catalyst for constructive change. When I first learned that 80% of people who enter the criminal justice system are poor and rely on undertrained, underpaid and overworked public defenders, I wanted to know more about how these lawyers committed to doing justice could possibly work under these circumstances.

I made *Gideon's Army* to share the stories of young lawyers like Travis Williams, Brandy Alexander and June Hardwick—public defenders who are part of Gideon's Promise, a group of dedicated lawyers in the Deep South who work to challenge the inequities of a criminal justice system that is strained to its breaking point. Their struggle to uphold their clients' rights against all odds should be a reminder to us all of the fragility of our justice system. I wanted to tell the story of *Gideon's Army* to shed light on the stakes: What is the cost of a broken criminal justice system? It could be your freedom, or the freedom of someone you love.

Gideon's Army premiered to a national audience on July 1, 2013, during HBO's summer documentary series. Thanks to the support of partnering organizations including Gideon's Promise, the American Civil Liberties Union, as well as various law schools, colleges and universities, the film has been screened in dozens of cities—it may be that yours will soon be added to this growing list. I hope that the stories of these young lawyers and Gideon's Promise, the pioneering program that brought them together, will be used as a rallying point for entire communities to call attention to the injustices lurking within American courts. I'm proud that the film was mentioned by United States Attorney General Eric Holder to illustrate the need for system-wide changes—changes he boldly announced at the AFI DOCS premiere of *Gideon's Army* in June 2013.

As you plan the important work you'll do in your community around the issue of indigent defense, please stay in touch with us and share your progress. My team and I are eager to learn from your success and help shine a light on your good work.

Thank you so much for your efforts, passion and dedication.

Sincerely,



Dawn Porter | Director/Producer | Trilogy Films

ABOUT GIDEON'S ARMY

Gideon's Army follows the personal stories of Travis Williams, Brandy Alexander and June Hardwick, three young public defenders who are part of a group of idealistic lawyers in the Deep South, as they challenge assumptions that drive an already strained criminal justice system to its breaking point. The defenders are backed by Gideon's Promise (formerly the Southern Public Defender Training Center) and its dedicated leader, Jonathan "Rap" Rapping, as they struggle against long hours, low pay and staggering caseloads so common that even the most committed defenders often give up in their first year. Over 50 years after the landmark Supreme Court ruling *Gideon vs. Wainwright* that established the right to counsel, these courageous lawyers question whether they can revolutionize the way Americans think about public defense and truly make "justice for all" a reality.

An official selection in the prestigious US Documentary Competition at the 2013 Sundance Film Festival, *Gideon's Army* was awarded the Editing Award. *Gideon's Army* premiered on HBO in the summer of 2013.

USING FILM TO SPARK DIALOGUE & INSPIRE ACTION

What a Film Can Do

Good, character-driven films can help audiences connect personal stories to policies, statistics and research. Because of their highly theoretical nature, policies, statistics and research can be difficult to understand. By putting a human face to complicated issues, we enhance the capacity to illuminate perspectives that lead to the kinds of conversations and actions that can support meaningful change. Of course, no film can do this alone. Building or strengthening the relationships that lead to lasting change takes time. And it takes an Ecosystem of players who each have a stake in solving pressing social issues—such as a broken public defense system—to come together. By bringing unique strengths and perspectives, each player can help to advance their efforts in a complimentary and coordinated way. State-based public defender associations, advocacy groups and other organizations like the American Civil Liberties Union (ACLU) are critical members of this local and national Ecosystem of Change. Each individual and organization is in a unique position to use this resource to advance indigent defense.



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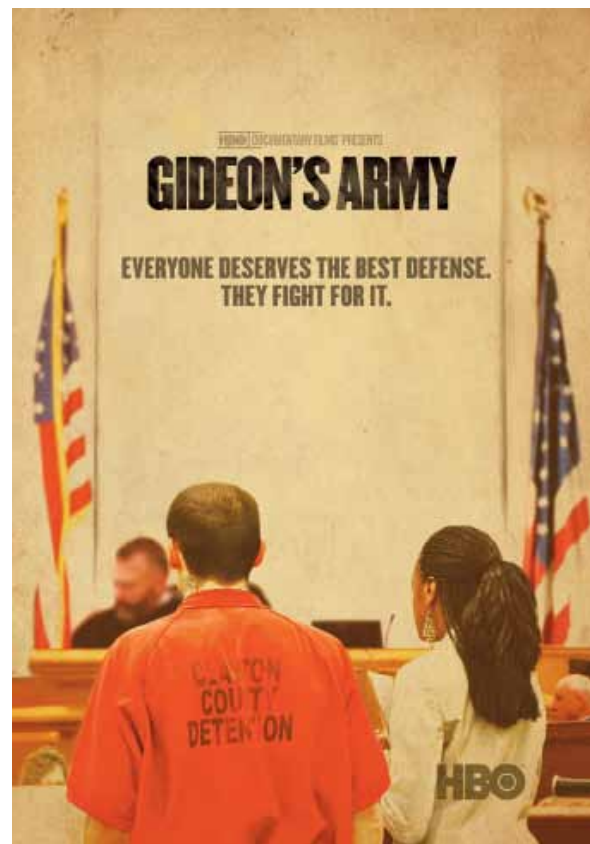
Where *Gideon's Army* Fits In

In the US criminal justice system every person is presumed innocent until proven guilty, but few fully understand what it takes to uphold this ideal. Fewer still realize this responsibility falls squarely on the shoulders of public defenders and court appointed defense attorneys who take on clients that do not have the resources to hire a private lawyer. 80% of all criminal defendants, in fact, do not have the resources to hire a private lawyer. Sadly, every day, thousands of people in the US are denied the chance to be properly defended in courtrooms across the country as a result of limited access to resources, funding restrictions and a staggering number of caseloads for public defenders (double the American Bar Association's recommended 150 felony cases per year). **There is a dire need for communities to work together and build better public defense systems nationwide.** The issue of reform is a complicated one. Across the country, jurisdictions vary widely in terms of how their public defense systems are set up. Lawyers and advocates have a difficult time breaking this down in a way that community members can understand. This represents a core part of the problem in delivering equal justice to all Americans. Fortunately, the narrative power of *Gideon's Army* can help!

Gideon's Army has the capacity to help local advocacy groups illustrate the stakes and set the stage for more open conversations that can engage different audiences and stakeholders. *Gideon's Army* can be used to invigorate public programs and activities designed to build a broader understanding of the issue. It can also be used in smaller gatherings focused on new stakeholders and donors to help lift up community voices and raise visibility around public defense reform. It can also be used in-house to help enhance legal trainings (see pg. 4 in the “Planning Your Event” section for more ideas). Depending on your needs, the emotional power of *Gideon's Army* can help you leverage collective action. Nonetheless, it is important to remember that the screening is only one small piece of a greater plan. To have the greatest impact, your screening should be folded into ongoing, local efforts to improve public defense and customized according to your jurisdiction's needs—this Toolkit is designed to help you do just that.

How to Use This Toolkit

The *Gideon's Army at Work Toolkit* is designed to help support advocates like you take maximum advantage of this powerful story and connect to target audiences. As noted above, a high-impact screening can be intimate, with a few high-level decision makers, or a high-profile public event with an audience of well over 300 community members—or it can be both! Inside this Toolkit you'll find a series of step-by-step prompts to help create a deliberate and careful plan.



- **Planning Your Event (pg. 4)** contains prompts to help you narrow in on the issues in your community and determine where *Gideon's Army* fits in. For those who have not planned a screening event before, it also offers a series of event design and audience engagement tips to help you translate those issues into a plan that is strategic and tailored to your key audiences and objectives.
- **Facilitation Tips (pg. 9)** offers basic tips for those who have not led a post-screening discussion before. Those seasoned in event planning and facilitation will find some of the tips and advice in these sections to be relatively basic, so feel free to skip around and pick and choose from what's most useful to you.
- **Discussion Prompts (pg. 9)** is organized in a way that allows you to pick and choose the prompts that are best suited to your needs and the level of your audiences' understanding of the issues.
- **Consider Your Next Steps (pg. 12)** lists a few sample options for local or national actions to help guide your thinking, but remember that there is no silver bullet solution. **The most effective local actions will be different from one jurisdiction to the next.** We've even included a case study (pg. 8) to give you a window into what a successful *Gideon's Army* screening can look like.
- **Additional Resources (pg. 14)** provides a listing of organizations and tools that can be of value to advocates, public defenders and/or concerned community members.
- **Logistics Checklist (pg. 16)** helps you keep track of some of the more basic event planning needs, one step at a time.
- Finally, throughout, you'll find a **series of inserts that offer facts about public defense** that may be of use to you or your post-screening discussion.

People across the country are doing critical work every day to build a public defense system that provides justice for all, regardless of financial means. *Gideon's Army* is here to help!

PLANNING YOUR EVENT

Whether you want to use *Gideon's Army* to illustrate problems, help catalyze commitments to reform efforts amongst key leaders in indigent defense, help build consensus about which reforms should be prioritized moving forward, highlight agreed-upon reforms for broader audiences, or anything in between, the sections below are intended to help. This Toolkit is designed to allow you to take stock of what you know, zero in on what you need, and develop the most useful objective and plan for your screening. Remember, although isolated film events can be impactful, the best and most effective screening events are tied to existing campaigns, programs and organization/coalition goals that have a life well beyond the scope of the screening itself. So, depending on what you hope to accomplish, to come up with a truly effective and strategic event, planning may require multiple meetings with key stakeholders/partners.

Localize It

As the issues can vary from one state to the next (or one context to the next), figuring out exactly what changes need to be made to improve your public defense system locally can be very complicated. If you don't already know how to focus your efforts on improving public defense for your area, the first step should be to seek out partners who can help—local legal professional associations are a good place to start. In the meantime, here is a quick set of prompts to help prime your thinking before you get into the nitty-gritty planning of your screening.

- **Key issues:** What aspects (characters, scenes) of the *Gideon's Army* story resonate with your experience locally? Are there local key issues that the film does not address? What are those?
- **Key reforms:** What reforms are needed in your local community, regional jurisdiction and/or state? Can you prioritize them? Are there specific stakeholders and decision makers integral to reform efforts that you can identify?
- **Key barriers:** What are the barriers to needed reforms? For example:
 - o Are there particular judges or prosecutors that are getting in the way?
 - o Are there misleading communication frames that obscure the facts?
 - o Is "public defense" in your community another word for "contract lawyers" or "appointed counsel," thus presenting advocacy and organizing challenges?
 - o Is public defender job security a consideration?
 - o Are public defenders in support of your work?
 - o Are other priorities, such as unemployment, failing schools and public health programs diverting attention and resources away from public defense reform?
 - o Does your jurisdiction have adequate funding for public defense?
 - o How is your public defenders' system funded? By the legislature? Are certain conflicts of interest or other political considerations a factor?
- **Key drivers:** Who or what is driving public defense and incarceration policy in your area (county government, the state legislator, the governor, local rules and regulations)? Is this happening at the state or county level?
- **Key partners:** What is currently being done to improve our public defense in your area and who is leading the charge? Which groups or organizations are positioned to help you effectively connect the dots between the story, the local issues, and needed reforms? Who is missing?

DID YOU KNOW?

According to the US Department of Justice, "student loan debt is consistently cited as the overwhelming reason why attorneys decline or leave positions as prosecutors and public defenders." Many drop out of the system altogether, joining their counterparts with more resources and higher salaries at commercial law firms. Co-sponsoring your event with student loan debt forgiveness programs and advocacy groups could be a creative way to expand your reach beyond the usual suspects. To learn more, visit blogs.justice.gov/main/archives/2189

Design It

Based on your responses to the questions above and consultations with your key partners, you're ready to begin designing your event. The following items are intended to help you take the next step and plan a screening event that can meet your needs.

1. Define your audience and objectives. Now that you've defined how public defense concerns show up in your community, take a moment to reflect on what you'd like to see happen as a result of your event and what specific audiences you will need to engage in order to accomplish your goals. Some of your goals may include:

- More or broader public support for specific policy changes such as pushing the Department of Justice to require that states publish accurate guidelines for use of federal funding as an accountability measure.
Possible target audience: ACLU members
- The launch of an investigation into cases where local public defense has not been independent from political pressure.
Possible target audience: county commissioners, state officials or community members (depending on how far along the effort is)
- Ensuring basic public defense standards through training programs.
Possible target audience: legal students and professors
- The implementation and enforcement of the American Bar Association's *Ten Principles of a Public Defense Delivery System*.
Possible target audience: The National Consortium on Racial and Ethnic Fairness in the Courts
- Securing adequate funding and resources for public defenders, including access to training, legal research, investigators, experts or scientific testing.
Possible target audience: National Council of State Governments, Justice Center
- Decreasing the number of caseloads for defenders who are left with no time to speak to their clients or investigate the case.
Possible target audience: labor unions (if applicable in your area)
- Building awareness and a community-wide conversation about the public defense system's failures.
Possible target audience: churchgoers, neighborhood groups, ACLU members
- Increasing the number of organizations that prioritize public defense reform in their jurisdictions.
Possible target audience: heads of community revitalization programs and foundations
- Commitments from decision makers to eliminate the number of defendants who receive no counsel at all.
Possible target audience: civic leaders and policymakers

Matching up the right audiences with your desired outcome is key to designing a successful, impact-oriented event. Be sure to consider where your community is in the spectrum of change and use this to set realistic goals.

DID YOU KNOW?

Do not underestimate the value of simply raising awareness about the indigent defense crisis. According to the Sixth Amendment Center, for decades criminal justice policy decisions, in most places, have been made under the assumption that the right to counsel is an obligation that has already been fulfilled. However, counties and municipalities in most states have not yet addressed the problems plaguing indigent defense because their policymakers cannot see them for themselves.



Photo courtesy of Trilogy Films

2. Choose a structure and format that match your objectives and audience.

There are several ways you can use *Gideon's Army* to support lasting change. Some objectives will necessitate a one-off public screening and town hall discussion while others may require a series of smaller VIP screenings and discussions with policy and other decision makers over a more extended period of time. Here is a short, non-exhaustive list of possible event formats:

- **Community Screening with Q&A:** As the centerpiece of an event to raise public awareness, launch a new program or build demand for specific policy asks.
- **Panel Discussion:** To kick off a discussion that features local leaders, makes local connections and highlights needed reforms.
- **Town Hall:** To set the stage for a town hall event that lifts up the stories of individuals who have experienced injustices due to the current state of public defense and build public will for reform.
- **Training Resource:** To be used as a professional development tool within programs for law students, professors and/or other professionals.
- **Communications Tool:** As a resource to help engage 'beyond the choir' audiences and effectively communicate problems/remedies that are difficult for non-lawyers to grasp.
- **Webinar:** To kick off a webinar discussion that connects local actions to national efforts and supports coalition building.

Engage Them

You have a preliminary plan, but you can't do it alone. The following items are critical steps to ensure your event draws the audiences that matter the most to you.

1. Co-sponsor your event with organizations that address overlapping concerns, particularly if they have access to your target audiences or if they can help you broaden your reach beyond the usual suspects. Consider the film's storyline and the Ecosystem of players who have a stake in improving public defense. Are there sectors, groups or organizations you've overlooked that bring a unique perspective or new value? From grassroots organizers who are advocating for healthcare reforms that lower the amount of people charged with a felony (see ACLU report "Healthcare Not Handcuffs" in the Resources section on pg. 15 for more details), to faith and restorative justice groups that have a stake in the well-being of individual members of their community, there are many intersection of these issues so consider your own community and be sure you're making plan that reaches 'beyond the choir.'

2. You'll want to consider your framing due to the patchwork nature of the public defense system: there is no silver bullet way to frame these issues. So you'll need to consider how best to connect the story to your community and audience. Your partners will be able to help you think through the options but be sure to also ask members of your target audience to weigh in. Not only do they offer the most valuable insights, getting them involved early will help to build valuable trust. Be careful not to assume that all members of a particular group share the same experiences and feelings about the issues you'll discuss.

CONSIDER ASKING THESE KEY STAKEHOLDERS TO CO-SPONSOR YOUR EVENT

(compiled by Spitfire Strategies)

POLITICAL

Governors' offices
State attorneys general
US representatives and senators
Chairs of relevant committees

LEGAL

Public defender offices/ACCD
Legal professional organizations:
(ABA, NACDL, NLADA)
Select law schools

POLICY*

National Association of Counties
Justice & Public Safety Committee
US Conference of Mayors
Standing Committee on Criminal & Social Justice
National Council of State Governments Justice Center

JUDICIARY

National Assoc. of Women Judges
National Conference of Chief Judges
The National Center for State Courts
Center for Court Innovation
The National Consortium on Racial and Ethnic Fairness in the Courts

ADVOCACY

Center for Community Change
Iraq & Afghanistan Vets of America
Right on Crime
NAACP
Color of Change/Colorlines
National Council of La Raza
Families Against Mandatory Minimums
Innocence Project
Vera Institute of Justice

*The most useful stakeholders will be at the local and state levels

3. Watch the film ahead of time, particularly if you'll be leading the discussion. The film may trigger some "hot button" issues or you may disagree with certain comments, so take time to reflect on the film before the screening so you can come up with some strategies and talking points that can help you keep the conversation moving and productive.

4. Think about your audience and their needs as you begin your event planning logistics. Ensure the people you need to have at your event can physically be there. Consider the following:

- a. Location and transportation issues
- b. The timing of your event (including religious and other holidays)
- c. Possible child care needs

A few other considerations:

- Also, go over your agenda to make sure you have thought through details before the day of the event. For example, is it important that everyone has an opportunity to speak? If so (and the group is large), you may want to break everyone into small groups (6-8 people) or pairs. Do you need to decide ahead of time how those groupings will be determined? Will people divide by family, age, gender, or task, or will it be random (e.g., by counting off or by rows)? Or perhaps attendance should be limited? If you are hosting a dialogue, is the room set up so that people can see and hear one another easily? Do you need more than one facilitator?
- Ensure you are being considerate of your audiences' dietary restrictions if you serve refreshments. For example, if you want to engage people of the Muslim faith, an event that serves pork hot dogs is not appropriate—your partners can help you think through these details.

There is a Logistics Checklist on pg. 16 that can help you think through some of the more basic but necessary event planning details starting 8-12 weeks out.

AT THE EVENT

Below are a few things to consider before and after you've screened the film.

Before the screening. You've passed one of the biggest hurdles: getting your target audience into the room. Your goal now is to make sure the event is meeting your expectations and fulfilling your goals.

- a. **Be clear about the purpose of the screening:** Explain why it is you brought everyone together, why the issue is relevant locally and what you hope they'll take away from it. It may also be worthwhile to go over the agenda at the beginning of the screening.
- b. **Devote some time for introductions:** Consider your audience, the size and what you're hoping to accomplish. You may even consider leading a welcoming activity if you think building rapport and familiarity is important. This may also be a good time to establish some basic guidelines for the post-screening conversation. We've provided a few on pg. 9 to get you started. Also remember that if your audience is too large, a welcoming activity may not be appropriate; providing nametags may be a good alternative.



Photo courtesy of Trilogy Films

DID YOU KNOW?

Part of the solution to the ongoing indigent defense crisis is simply to reduce the overall numbers of people processed through the formal criminal justice system—especially those who commit non-violent crimes—at great taxpayer expense. The foundational standards of criminal justice are a critical piece to the puzzle. Learn more by visiting: sixthamendment.org/category/foundationalstandards

After the screening. You've done it! Now is your chance to take your screening to the next level.

- Take a minute to reflect: The few moments right after the lights go up are really potent ones so you'll want to make the most of them. Before you do anything else, give your audience the opportunity to offer their personal reactions to what they saw. Let people speak from their hearts first, before you dive into the deeper questions. Start with one or two of the "Getting the Conversation Started" questions on pg. 10 of this guide. It may also be useful to remind everyone of the ground rules of the discussion sometime early on so keep that in mind.
- Be sure to connect the story to the local context: The discussion prompts below can help you to make those connections. It is also useful to have someone talk specifically about how these problems manifest in your county or state.
- Plan to leave enough time for next steps: You did a lot of work to get your audience to your event, so don't let them leave without a clear understanding of how they can each contribute to lasting change. Consider crafting a specific call to action (signatures, phone calls targeting specific legislators, etc.) or other mobilization opportunity. See the suggestions below on pg. 12. And don't forget to collect names and contact information so that you can stay in touch.
- Know how to direct people to the appropriate resources: Having a list of organizations and websites that audience members can turn to for questions is a great way to field questions in an efficient way. See the back of this guide for suggestions. You could also create a handout with information about the problem(s) in your area and how your public defender system is structured.

CASE STUDY: IDAHO

ACLU of Idaho saw in *Gideon's Army* an opportunity to help elevate the conversation about the need for public defense reform in Idaho. They decided to use the film in a series of targeted ways. They used clips to engage a select group of legislators, judges, public defenders and other stakeholders early on to build a deliberate plan to educate their local membership and government officials about the issues raised in the film. "You can't underestimate how important it is to educate the public and stakeholders about the problems . . . and the need for immediate reform," explained Leo Morales of the local ACLU, "that's the critical first step in galvanizing and organizing for change here."



The ACLU of Idaho's efforts culminated in a free public screening and panel discussion at a popular theatre in downtown Boise. The event attracted an audience of about 300 community members, public officials and the state public defender. "We so often feel isolated and alone in our struggle for human rights . . . for equal treatment and basic rule of law and due process for our clients," explained one north Idaho public defender. "It is indeed gratifying to know that we are not alone."

The public event was such a success that the ACLU decided to conduct a screening tour with the next stop at a local law school about six hours away and ending at the Idaho Human Rights Center in a north Idaho city where they brought on a local retired judge and the local public defender to conduct a post-screening Q&A. They supported the tour with a 30-minute Idaho public television interview with filmmaker Dawn Porter to broaden viewership across the state. The television interview aired right before the national screening of *Gideon's Army*.

Commenting on the effect of the tour on their work, Morales explained, "It was critical for policy makers and other key stakeholders to see first-hand the commitment of public defenders and the shortcomings of a system that is on a crash course with the constitutional requirement of the Sixth Amendment to effective counsel." In the end, the real-life stories at the center of *Gideon's Army* helped the ACLU of Idaho to refocus the conversation about reform in a compelling way.

FACILITATION TIPS

The skill of a facilitator can make or break an effective discussion no matter what the format of your event is—panel, Q&A or dialogue. You'll want to keep the conversation moving in the right direction, but remember to also give it room to breathe. Here are a few things to keep in mind to help you:

- **Press pause if the conversation gets heated.** Discussions centered around injustice and inequity can trigger intense feelings in ourselves as well as in others. It is your job to help ensure the conversation is productive and supportive of your objectives without asking people to hide their feelings of discomfort, disagreement or frustration. If the conversation gets heated, take a moment to acknowledge the experiences in the room that make this an important and emotional discussion and remind participants of the purpose of the conversation. Then, begin again.
- **Establish guidelines.** As noted above, depending on your audience and goals for the post-screening discussion, it may be a good idea to establish some guidelines to help create a safe space for a more productive conversation. For example, the conversation could get heated between families of those who have been incarcerated and policymakers who don't understand the stakes during a post-screening discussion. For basic Q&A's or panel discussions, it may also be wise to keep guidelines in mind for use as needed. Below are some commonly used discussion guidelines that you can use as a starting point.

Basic Guidelines for Sensitive Discussions

- Make space for everyone to speak, especially those who don't usually feel comfortable doing so.
 - Allow people to "pass"—they do not have to speak.
 - Keep everything said in the group, within the group; confidentiality may be important to some participants.
 - One person speaks at a time. The conversation will only work if people can hear each other! So be sure to listen to others without interrupting.
 - Use "I" statements (instead of "Everyone thinks," "We all know . . .") to avoid putting words in other people's mouths.
 - Practice active listening: pay attention not only to what the speakers are saying but also to the feelings behind them and to what may be most important for them.
 - Seek clarification if you don't understand something someone else is saying.
 - Don't expect others to know everything about your experiences or the topic at hand.
 - Encourage curiosity: no question is stupid!
 - Suspend your judgment.
 - Stay positive. It's hard to open up in a group. Make sure you support others in your group by focusing on the positive.
- **Stick to the Agenda.** Start on time, end on time. You have an agenda for a reason and when you start to deviate from it, people get anxious and lose focus.

DISCUSSION PROMPTS

This section contains questions to help you begin the conversation on the right foot and encourage your audience dig deeper into the top five biggest issues facing public defenders today (see insert to the right). These prompts are designed to help connect audiences with their community's and jurisdiction's specific needs. Some of these questions will be too obvious for more senior leadership and others perhaps a bit too complicated for a more general public. So pick and choose the ones that are most relevant to your audience and keep in mind the themes you need to cover to support your event's objectives. We recommend that every post-screening discussion starts with the "Getting the Conversation Started" questions so be sure to consider them first.

Five primary challenges that public defense continues to face, as outlined by The National Legal Aid and Defenders Association (NLADA), include:

- 1) No counsel at all
- 2) Excessive caseloads
- 3) Lack of enforceable standards
- 4) Underfunding
- 5) Lack of independence

Getting the Conversation Started

1. What is your immediate response after watching *Gideon's Army*?
2. Was there a specific person or moment that stood out to you? Why?
3. Were you aware of the flaws in our system of public defense? What is your personal reaction to learning this and/or how did you personally relate to the story?
4. What, if anything, does the film make you want to DO?

Digging Deeper

For all audiences:

- When defending his client, Public Defender Travis Williams explains that the beauty of the US system is that it is set up to give people the presumption of innocence. "You want to take my freedom?" he asks the jury. "You got to do it right. And if you don't: acquit." What do Travis' priorities appear to be and do you think they are commonly held? Please explain.
- Travis places a high value on freedom. Do you think he has as fair a shot at defending the freedom of his clients as other lawyers might? Why or why not?
- Public Defender June Hardwick interviews a client who admitted to cocaine possession in 2004 because she was advised to do so by a public defender. In the end, this admission did not work in her favor. Senior Public Defender Brett William explains that the reality of the system is that it's designed to force defendants to plead guilty to something and it punishes their failure to comply. June's client risks losing her house and all the tools for the mechanic business she has been building over the last 15 years. Do you think you might ever plead guilty to doing something, even if you were not guilty? Why or why not? What are some of the factors that might lead you to make a decision like that?
- All of the defendants who appear in *Gideon's Army* are struggling financially. In one scene, Brandy succeeding in getting one of her clients into a pre-trial diversion program, which would allow the charges to be dismissed, but the family cannot come up with the \$3,000 necessary to get him out of jail and into the program. Instead he's forced to choose between a trial and a plea deal. What are some of the other ways that financial hardship appears to hinder justice in public defense? Please explain.
- Brandy and June both talk about individuals they struggle to defend because of the personal conflicts they feel. But Travis reminds them not to focus on the redeeming quality of the individual but on the redeeming quality of the case. What do you think he means and why is this an important distinction to him? Please explain.
- According to the ABA national standards, public defense caseloads should not exceed 150 felony cases a year per attorney but Public Defender Brandy Alexander represents 180 at a time. How do you think this might affect her ability to support her clients? What are the effects of such high caseloads on the system overall?



Photo courtesy of Trilogy Films

DOES YOUR AUDIENCE KNOW?

There are three basic models for the delivery of defense services:

- 1) The staffed public defender model, with employees on salary.
- 2) The assigned counsel model, where individual private attorneys are appointed to provide defense services, either from an ad hoc list maintained by the courts or through some more systematic organization of services.
- 3) The contract model, where individual attorneys or firms contract to provide some or all of a jurisdiction's indigent defense services.

Today, the majority of indigent defense in the United States is provided through a public defender model, particularly in larger urban jurisdictions.

- The pressures that Brandy, June and Travis are under have a tremendous impact on their personal lives. All face substantial student loan debts. Travis literally carries the names of the cases he has lost on his back. Brandy is so overworked her hair has begun to fall out and she collapsed in court after hearing that one of her clients had a plan to murder her. June ended up quitting her job because she couldn't support her son and herself on her salary. Despite all of this, all three remain passionate about what they do. Why do you think this is the case? Please explain.
- In one scene at the annual fundraiser for the Southern Public Defenders Training Center (SPLDC), now called Gideon's Promise, Congressman and Civil Rights Leader John Lewis explains that he went to jail 40 times during the sixties and it was lawyers who rescued him and defended him every time. Why is this important to him? What is the work of Gideon's Promise so important to all the public defenders who attend the trainings? Please explain.

For newcomers to the issues:

- At the beginning of the film, we learn that in 1961 Clarence Earl Gideon was arrested for a minor theft from a pool hall. He could not afford an attorney and was convicted after trying to represent himself in court. This case eventually led to the Supreme Court decision that the right to counsel in a criminal case is fundamental. Based on what you saw, do you think America's system of public defense, as it currently stands, is upholding this right? Why or why not?
- The stakes are high for Branden Mullen and Demontes Regary Wright: both face 10 years minimum prison sentences for robbery charges but neither can afford to hire a lawyer. Travis worries about the very real consequences this will have on Branden, who he fears may not come out of a sentence like that alive. Public Defender Brandy Alexander, must work hard to remind the jury that Demontes is not guilty if there is *any* reasonable doubt. What do you think would happen to Brandon and Demontes if they did not have such passionate and capable public defenders? What are some of the factors that play into possible guilty verdicts that both Travis and Brandy are fighting against?
- In one scene, Travis has to trick the prosecutor into testing the prints from the Mullen case to get it to court because he can't afford to do it himself. Do you think it is possible to serve a just sentence when there are such extreme disparities in access to training, legal research, investigators, experts and/or scientific testing between prosecutors and public defenders? Why or why not?

For more seasoned audiences:

- In a series of scenes, we see the pressure that defendants like Brandon are under to plead guilty. Defendants are often pressured into waiving their constitutional right to counsel to get a "deal" that is only available if they plead guilty immediately. The consequences are often life altering. For Brandon, the choice will mean he waives the right that protects him from illegal search and seizure and affects his right to vote, obtain a driver's license and more. If the stakes are this high and the issue is widespread, what keeps it from being a top priority in this community? Please explain.
- How do the issues faced by the three public defenders in *Gideon's Army* compare to the issues in your jurisdiction? What are the similarities and what are the differences? Please explain.

DOES YOUR AUDIENCE KNOW?

"Tough on crime" criminal justice policies like mandatory minimum sentences and "three strikes you're out" laws enacted in the 1980s and 1990s have led to a quadrupling of the country's prison population since 1980, with the South accounting for nearly half of that increase.

Although individuals in every state are entitled to counsel, the quality of representation varies widely across the country. Some public defense counsel get adequate training; many receive none at all; some have access to experts and investigators, many do not. Some jurisdictions match lawyers' qualifications to the complexity of the case; many do not. The main reason for disparities in counsel is the lack of national standardization. Best practices such as the American Bar Association's *Ten Principles of a Public Defense Delivery System* are being implemented in some states and completely ignored in others. The results are court rulings that have more to do with the jurisdiction in which defendants are charged than the facts of their cases.

Additional topics for discussion might include:

- The economic security of public defenders (i.e. ensuring they earn a living wage and/or are able to pay back their student loans)
- The availability of resources that enable public defenders to effectively serve their clients (i.e. ability to work with an investigator and/or receive expert assistance)
- What it means to uphold the Constitution (i.e. responses to the allegation, “How can you defend these people?” and/or “What is the cost of defense, the cost of taking liberty?”)
- The collateral consequences of convictions (i.e. the loss of the right to vote, of one’s job, and/or of school loans/grants)
- The role that client poverty plays (i.e. cost of pre-trial diversion, ankle bracelet, etc.)
- The effect of the choice between a trial or a plea (including force pleas)

CONSIDER YOUR NEXT STEPS

The fact that more than 50 years have passed since the passage of *Gideon vs. Wainwright* and still so many people do not receive the proper defense they are rightfully due reveals an urgent need to make sure that qualified defense counsel is in place in every American courtroom, in every case necessary. With a strong public defense system prepared to guard our right to counsel, we can be confident that trials are fair, pleas are accurate and verdicts are correct. Here are some things you can do on the national and local level to secure that right for all:

- Focus on the reforms that will be most meaningful for your jurisdiction, but no more than three. You don’t want to overwhelm your audience. You also want to be sure they leave with a clear understanding of how they can contribute to productive change.
- Be sure that your next steps are relevant to the different kinds of people in your audience and their level of engagement and knowledge of the issues, from concerned community members to legal advocates.

Local (County and/or State)

- Be sure to identify one to two clear asks that support the objectives you identified in the “Planning Your Event” section on pg. 5 to ensure your audience understands exactly what they can do to support your efforts to improve public defense in your community.
- Tell audience members they can read *Chasing Gideon* and find a local event to discuss the book. They can even organize a meeting or event themselves! They can learn more at www.Gideonat50.org.
- Tell audience members they can host a Tugg screening of *Gideon’s Army*. They can learn more at www.gideonsarmythefilm.com/screen-in-your-community.
- Form a small working group to meet with state or county level officials to discuss the issues affecting your jurisdiction.
- Identify a key stakeholder to publish a guest opinion in your local newspaper. This could raise the level of education to broader community.
- Work with your communications and legal department to do guest editorial board visits to discuss the issue plaguing your public defender system.
- Purchase copies of the *Gideon’s Army* DVD and send them to your legislators or key targeted stakeholders.

National

- Ask your audience to demand that the federal government hold states accountable for delivering on the right to counsel. Ask the Department of Justice to:
 - Establish comparable federal funding for state public defense and prosecution functions within the Byrne Justice Assistance Grant program and other criminal justice grants;
 - Guarantee public defense a seat at the table in State Administering Agency (SAA) decision making related to federal grants;
 - Require states to track essential data on public defense as part of their grant reporting requirements; and
 - Support changes to federal law that ask states to establish public defense systems independent of executive or judicial control, and empower the Department of Justice to sue states that fail to meet their Sixth Amendment obligation to provide effective counsel.
- Ask public defenders, law students and advocates to join NLADA's (National Legal Aid & Defender Association) Balance the Scales initiative, which seeks to establish a fair justice system in America through a national coalition that is committed to advocating for federal government reform and federal responsibility to improve indigent defense nationwide around the following principles: fairness, transparency, efficiency, uniformity, and collaboration. To learn more, visit www.balancethescales.org.
- Ask community members to sign up to learn more about ACLU actions related to criminal justice reform at aclu.org/action.

Other

- Ask your audience to support Gideon's Promise (formerly the Southern Public Defenders Training Center) so they can train more high-quality public defenders. They can learn how at www.gideonspromise.org/how-you-can-help.
- Ask public defenders to consider participating in a professional development training through NLADA or Gideon's Promise. See the Resources section of this Toolkit on pg. 14 for a few suggestions.
- Ask relevant audience members to join the NLADA and the American Constitution Society Right to Counsel Data Collection Pilot Project designed to harness the energy and talents of our nation's law school students to help answer some basic questions about how each jurisdiction goes about providing right to counsel services and gather the information necessary to address the deep-rooted issues in public defense, at acslaw.org/Indigent_Defense_Observation_Project.
- Tell your audience they can learn more about the film at www.gideonsarmythefilm.com.
- Encourage audience members to join the campaign at www.Gideonat50.org.

Photo courtesy of Trilogy Films

ADDITIONAL RESOURCES

The Gideon at 50 Website. A project of Trilogy Films, The New Press, The National Legal Aid Defender Association, The Constitution Project and the Ford Foundation, the site lists a host of resources for people working to improve our country's public defense system, including:

- **Public Defense Communications Toolkit**, by Spitfire Strategies, at www.gideonat50.org/wp-content/uploads/2013/05/Spitfire-Strategies-Public-Defense-Communications-Toolkit-2013-FINAL.pdf
- **Chasing Gideon Lesson Plan**, by Street Law, Inc., at www.streetlaw.org/en/newsroom/Article/415/Chasing_Gideon_Lesson_Plan
- **Reports and studies**, including one by the Brennan Center for Justice, at www.brennancenter.org/publication/gideon-50-three-reforms-revive-right-counsel#scribd
- **A national map** where you can learn more about public defense systems in your state and a self-assessment tool to evaluate whether it meets the American Bar Association's (ABA) Ten Principles. You can access it directly at www.gideonat50.org/in-your-state
- **An overview of key reform efforts underway around the country**, which you can access directly at www.gideonat50.org/the-issue/reform-in-the-states
- **A listing experts on of the nation's foremost public defense**, available at www.gideonat50.org/experts

To access these resources and more, visit www.gideonat50.org/the-issue/advocacy-tools.

The National Legal Aid Defender Association. The NLADA website hosts a wealth of information and resources about public defense, including:

- **Right to Counsel Resource Kit**, available at www.nlada.org/Defender/Defender_Kit/NCRC.
- **A listing of indigent defense agencies** by state, available at www.nlada.org/NLADA/Links/Links_Home#links_IndigentDefense.
- **The American Bar Association's Ten Principles of a Public Defense Delivery System**, which represents a widely-recognized set of standards for advocates to rally around.
- **American Council of Chief Defenders** is a national community of public defense leaders dedicated to securing a fair justice system and ensuring high quality legal representation for people facing loss of life, freedom or family. To learn more and join, visit www.nlada.org/Defender/Defender_ACCD/Defender_ACCD_Home.

To access these resources, trainings and more, visit www.nlada.org.

The Defending Immigrants Partnership. This project provides defense practitioners with the knowledge to vigorously represent non-citizen clients through the provision of information, training events and print and web resources. The partnership is a collaborative effort of NLADA, the Immigrant Legal Resource Center, the New York State Defender Association, and the National Immigration Project of the National Lawyers Guild. Visit www.defendingimmigrants.org.

Gideon's Promise. This program featured in *Gideon's Army*, formerly known as the Southern Public Defender Training Center, provides support for public defenders. To learn more about how you can get involved, visit www.gideonspromise.org/how-you-can-help, or contact Roshonda Carter at roshonda@gideonspromise.org.

The Brennan Center for Justice. The Center, located at NYU School of Law, is a nonpartisan law and policy institute that seeks to improve our systems of democracy and justice. Some resources they provide include:

- **Community-Oriented Defender Network**, which helps participating defenders engage in training to expand services, and engage with legislators, policy makers and media in pursuit of policy reform in their communities, particularly in the area of racial justice. To learn more, visit www.brennancenter.org/analysis/community-oriented-defender-network.
- **The Statement of Principles for Community-Oriented Defense**, which outlines the goals of this program, is available at www.brennancenter.org/analysis/community-oriented-defender-cod-statement-principles.

The Constitution Project. This project brings together policy experts and legal practitioners from across the political spectrum to foster consensus-based solutions to the most difficult constitutional challenges of our time. Their website provides access to reports, recommendations, advocacy efforts, and Amicus Briefs.

Visit www.constitutionproject.org/issues/criminal-justice-reform/right-to-effective-counsel.

Equal Justice Initiative. This initiative provides legal representation to indigent defendants and prisoners who have been denied fair and just treatment in the legal system. Their website includes a timeline of racial injustice, multimedia, reports and fact sheets, particularly as they relate to Alabama. To learn more, visit www.eji.org.

National Association of Criminal Defense Lawyers. This association is committed to ensuring quality representation for all accused individuals. They help reform inadequate state and local indigent defense systems through technical assistance, public education, advocacy and litigation. For a listing of state-based initiatives, standards and guidelines among the other resources they provide, visit www.nacdl.org/indigentdefense.

Sixth Amendment Center. This center is a Massachusetts-based organization that seeks to ensure no person faces potential time in jail without first having the aid of a lawyer with the time, ability and resources to present an effective defense, as required under the United States Constitution. They do so by measuring public defense systems against established national and local standards of justice. To learn more, visit www.sixthamendment.org.

American Civil Liberties Union. The ACLU is an advocacy organization that has affiliates in every state, Puerto Rico, and Washington DC with national and state-based staff that can be contacted about engaging in public defense reform efforts, ranging from public education, legislative and other policy advocacy, and litigation. They publish a series of reports that make connections between issues. One of their reports is titled: *Healthcare Not Handcuffs: Putting the Affordable Care Act to Work for Criminal Justice and Drug Law Reform*. To read it and other publications, visit the report page at www.aclu.org.

LOGISTICS CHECKLIST

Hosting a screening of *Gideon's Army* is easy if you plan ahead. Not all the points below will be relevant to you if you're only hosting a small dialogue. But many are worth keeping in mind, no matter how small your event. Take a look!

Event design and partnerships – at least 8-12 weeks ahead

- ☐ Recruit local partners to identify a shared vision for the event, broaden its reach and help define partner roles (such as publicity, panelist coordination and reception planning).
- ☐ Determine the event design and corresponding speakers, panelists, performers and/or a moderator (if applicable).

Preliminary logistical planning – 6-8 weeks ahead

- ☐ Book the venue and date for your screening. Be sure to confirm all the basics:
 - Is the screen big enough for your audience?
 - Does the venue have a projector and adequate speaker system?
 - If you'll be setting up a panel or reception, are there enough mics, tables and chairs?
- ☐ Create your flyer, email blast and press release.
- ☐ Draft event agenda and run through it with partners to gather their feedback and make adjustments.

Logistical planning and initial outreach – 3-4 weeks ahead

- ☐ Get the word out electronically (Facebook, Twitter, etc.). Make sure to include a contact, your website and RSVP information (if applicable).
- ☐ Contact community calendars and online event sites about your event.
- ☐ Check all of your equipment with the DVD you'll be using for your event. If you plan to stream from the web, be sure your connection is strong enough and remember to load the page well before you begin to ensure the video doesn't freeze.
- ☐ Secure food for reception (if applicable).

More logistical planning – 2 weeks prior

- ☐ Post your flyer in high-traffic areas. Be strategic: publicize in areas that your target audiences frequent.
- ☐ Confirm all details with event staff (caterer, venue, IT, etc.) and finalize agenda.

Media outreach – 10 days prior

- ☐ Follow up with press who expressed an interest in covering the story. Remind them what makes your event unique and important for the community.

Final planning – several days prior

- ☐ Test screen your event equipment one last time to make sure there aren't any glitches.
- ☐ Send a reminder email blast.
- ☐ Make copies of handouts to distribute at the event. Consider action steps that you could highlight. Print out a sign-up sheet.

At the event itself

- ☐ Gather panelists together at least 30 minutes before the event to answer last minute questions.
- ☐ As people arrive, ask them to sign up to receive updates from your organization.
- ☐ Have a timekeeper so that panelists/speakers remain within their assigned time.
- ☐ Announce your call to action or point to the materials available for attendees to follow up.
- ☐ Invite audience members to learn more about the film and campaign at www.gideonsarmythefilm.com, www.hbo.com/documentaries/gideons-army/index.html and www.gideonat50.org.
- ☐ Take photos!

After your screening

- ☐ Follow up with audience members and invite them to future meetings and events.
- ☐ Upload your event photos and connect with new fans on the Gideon's Army social media platforms.

CREDITS

Major Funding

Ford Foundation

www.fordfoundation.org

Gideon's Army

Dawn Porter, Director/Producer

Trilogy Films

www.trilogy-films.com

Communications

Spitfire Strategies

www.spitfirestrategies.com

Engagement Strategy

Active Voice

www.activevoice.net

Toolkit Reviewers

American Civil Liberties Union (ACLU)

www.aclu.org

Tanya Greene, National ACLU Advocacy and Policy Counsel

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