

FEDERAL PUBLIC DEFENDER

Western District of Tennessee

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February 9, 2016

The Honorable Katherine Cardone
Chair, AD HOC Committee to Review Criminal Justice Act Program
Thurgood Marshall Federal Judiciary Building
One Columbus Circle, N.E.
Washington, DC 20544

RE: Testimony of Doris Randle-Holt,
Federal Defender, Western District of Tennessee

Dear Judge Cardone:

Thank you so much for the invitation to speak at the Criminal Justice Act Hearings in Birmingham, Alabama. I joined the office as an Assistant Federal Defender in October of 1989 and as its first African American Attorney. In 2006, I accepted the position as the Office's first First Assistant Federal Public Defender, in which I was assigned the most difficult and complex cases, including death eligible cases. As the First Assistant, I mentored attorneys seeking admittance to the Criminal Justice Act panel. Subsequently, in April 2013, I became the Federal Public Defender.

A. Background of the Federal Public Defender Office for the Western District of Tennessee.

The Office of the Federal Defender in the Western District of Tennessee was established in 1974. The District span is twenty-two (22) counties.

The Western District of Tennessee consists of two divisions; the Western Division at Memphis, Tennessee and the Eastern Division at Jackson, Tennessee. There are staffed offices in both locations, with a total staff of 23, of which 10 are trial attorneys and 2 are research and writing attorneys.

Our office handles a substantial number of firearm, drugs, child pornography and Hobbs Act Robbery cases.

2. Equal Employment and Diversity efforts in the Federal Defender Organizations.

The Defender Organizations are extremely conscious and concerned with diversity within our organizations. In the Western District of Tennessee we have made substantial strides in the area of diversity since my appointment. Today, we have 4 African American Attorneys, 1 Korean American Attorney, and 5 Caucasian Attorneys, of which 4 are female.

It is clearly understood in my district that a diverse work force serving a diverse community is a “win win” solution for all. It is important to successful management of clients and successful results in a trial, where the attorneys exhibit a comfortability in working in a diverse environment.

In the Western District of Tennessee the Western Division at Memphis, Tennessee is host to approximately 75% African American population; and the Eastern Division at Jackson, Tennessee is host to a population that its majority is Caucasian. Therefore, the training on the importance of a diverse workforce should continue until every Defender and Community Defender Organization personnel is representative of the people it serves.

3. Judicial Involvement in the Appointment, Compensation and Management of panel Attorneys and Investigators, Experts and other service providers.

Since the establishment of the Federal Public Defender Office in the Western District of Tennessee, the district court has managed the panel of Criminal Justice Act Attorneys. After my appointment, discussions with members of the panel revealed that it is the panel’s preference that the Defender Office not manage the panel. In the past, the panel members did not have confidence that there would be fairness in the distribution of cases, and fairness as to who would have the privilege of being on the panel. Panel members also believed that having the Defender administer/manage the panel creates a serious conflict of interest.

Therefore, in the Western District of Tennessee, the Defender is a member of the Criminal Justice Act Committee that decides which attorneys are admitted to the panel. The Defender provides mentoring to prospective members, and training seminars for members. The panel is managed by a committee consisting of a District Court Judge, a Magistrate Judge, the Federal Public Defender, and two panel attorneys.

This system of management appears to be working in this district. The panel attorneys have not conveyed any complaints as to compensation, investigation or experts.

10. The Timeliness of the Appointment of Counsel.

In the Western District of Tennessee, Counsel is appointed during a citizen's initial appearance, counsel from the Federal Defender Office (Duty Attorney) is present. The Defense makes the request to be present at pretrial interviews.

Often times, pretrial services will have interviewed the citizen with regards to bond release prior to the appointment of counsel. Pretrial Services has agreed that it will not ask questions that related to the citizen's pending case. However, the United States still use the honest statements of the citizen against them at sentencing. For example, if the question is answered yes, as whether the citizen uses drugs. His response has been used against him at sentencing as to why he should receive a sentence of incarceration in the instant conviction.

As a fundamental notion of Justice, the citizen should be appointed counsel prior to any questioning by a governmental agency, in which his response can later be used to his detriment.

11. The provision of service or funds to financially eligible arrested but unconvicted persons for noncustodial transportation and subsistence expense (including food and lodging) prior to, during, and after a judicial proceeding.

The provision of services for transportation to court is provided without fail, however, the funds are inadequate in that the indigent defendant is left without a way to return to his home State after attending Court in the Western District of Tennessee. Moreover, the relevant statute 18 U.S.C. § 4285 does not provide for lodging and subsistence during court proceedings.

Therefore, I submit a resounding No, that transportation back home, lodging and subsistence during court proceedings are not sufficient and certainly impacts justice for poor clients.

12. The availability of reliable data to evaluate the overall cost and effectiveness of the Federal Defender Program.

The Office of the Federal Defender for the Western District of Tennessee participated in the Work Measurement Study of 2014. The Work Measurement Study measured the duties of the office's entire workforce. I believe there is sufficient data to evaluate the overall cost and effectiveness of the defender program.

14. The Availability and Effectiveness of training services provided to Federal Defender and Panel Attorneys.

This Defender has found the availability and effectiveness of the training provided to defender organizations and panel attorneys to be adequately sufficient.

The training components provided by the Defender Services Training Division are presented by some of the top professionals in their field of study, including law

professors, trial attorneys, and service providers. Hence, I have found the availability and effectiveness of the training provided by the Defender Services Office Training Division to be adequate and sufficiently helpful.

In addition, each Defender sponsors training seminars to enhance the skills of the Assistant Defenders and CJA panel attorneys.

Again, thank you for the invitation.

Sincerely,

/s/ Doris Randle-Holt
Federal Defender, Western District of Tennessee