

**Statement of Lisa B. Freeland  
On Behalf of the Federal and Community Defenders  
Public Hearing before the Criminal Justice Act Ad Hoc Committee  
November 17, 2015**

My name is Lisa B. Freeland and I am the Federal Public Defender for Western District of Pennsylvania. I would like to thank the CJA Ad Hoc Committee for the opportunity to testify regarding training on behalf of the Federal Public and Community Defenders.

I have been the Federal Public Defender for a little over 10 years, and currently serve as a member of the Federal Defender Training Expert Panel, the Capital Habeas Training Expert Panel, and the Sentencing Guidelines Committee, and as the chair of the Death Penalty Working Group. I have been on the planning committees of numerous capital and non-capital training programs for attorneys, investigators and paralegals. I have also served as faculty at the Orientation Seminar for Assistant Federal Defenders, the Capital Habeas Unit Conference, the Advanced Federal Defender Training Seminar and Appellate Writing Workshop, among others both inside and out of the Federal Defender Program. I've taught a broad range of topics, though most often speak about sentencing, procedural issues in habeas, appellate advocacy and diversity.

Most recently, I was involved in planning a joint capital/non-capital training program called Perspectives on Racial and Ethnic Bias for Capital and Non-Capital Defense Lawyers. The conference was sponsored by the Habeas Assistance and Training Project and held at the New York offices of the Legal Defense and Educational Fund in September 2015. The 80 participants were handpicked and included staff from Federal Defender traditional and capital habeas units, the Federal Defender Resource Counsel projects and Criminal Justice Act ("CJA") attorneys. The faculty was made up of leading scholars and practitioners and the presentations addressed a wide range of topics, including Implicit Bias, Talking about Race, Racial Bias in Hiring and Employment Setting, Criminal History and Biased Policing, Race and Aggravation, Race and Mitigation (Intellectual Disability, Mental Illness and Micro-aggressions), Gathering and Using Empirical Evidence, Jury Composition, *Batson*, and Selective Prosecution and Enforcement. Small breakout group discussions followed most topic, and a representative from each group reported the highlights of those discussions on the last day of the conference.

The program was the first of its kind in the defender program. Based on what we learned, heard and observed, it was clear that we need additional training on the implications and impact of bias. Not only will we offer the above-described program again – perhaps to a somewhat larger group – the chief defenders who

attended left with a renewed commitment to ensuring that every defender-sponsored training program include sessions on issues related to race, ethnicity and the impact of bias as they pertain to hiring and retention and/or the representation of our clients. Program planners must also strive to engage a diverse group of presenters.

The Defender Services Office (“DSO”) Training Branch recently hired a new chief for the Training Branch who is likewise committed to ensuring that both defender staff and CJA attorneys receive adequate training in this critical area. She was involved in planning another program, offered for the first time in Fiscal Year 15, entitled Race in the Federal Criminal Court: Strategies in Pursuit of Justice. The program was designed to educate CJA attorneys about the many ways race impacts the administration of justice in federal court and provide them with strategies to combat racial injustice in the criminal justice system. Although the program was originally open only to CJA attorneys, space permitted a modest number of federal staff to attend.

On a local level, I plan to include sessions like those referenced here in the training programs we provide for the CJA panel and to insist that my staff attend programs designed to address these issues. Through training we can hope to gain a better understanding of how bias operates and how impacts not only outcomes for our clients, but our interactions with clients, colleagues and others in the system. Such training should be considered essential for effective advocacy and offered to (and required of) every attorney appointed under the CJA.