

LETTER TO A PUBLIC INTEREST ATTORNEY

LETTER TO A YOUNG JUVENILE DEFENDER

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I am a juvenile defender. In my career, I have held several positions – legal and non-legal – where I have worked with the poorest among us in the public interest. I taught high school and coordinated volunteers at a program for teens who were involved in the juvenile justice system. I defended clients who are the poorest among us – children and adults deemed indigent – as public defender in Washington D.C. Most recently, I supervise law students in Los Angeles who are learning to defend their child clients against allegations in juvenile delinquency court. This letter is to all fledgling public interest attorneys, and especially to those who may consider the work of representing children and defending all those accused of crimes. Far too often, no matter where they live, one thing is constant – poor children of color encounter dependency, delinquency, and school systems which serve to oppress, rather than uplift, the children they should serve. Those children grow up to be adults who are entangled in the criminal justice system. Society far too easily has adopted a response to criminal justice issues that relies upon a system of locking people up. America’s reflective reliance on incarceration is inhumane and ineffective.

I love what I do. I believe in it to my core. I entered into the legal profession because I believed that the law is a means to achieve social justice and that giving my legal expertise to clients could empower them, even a little bit; I still believe. Representing poor adults and children accused of crimes is both inspiring and depleting. The most common source of inspiration has been my clients. To see their resilience and determination in the midst of oppression and unfairness humbles and awes. Witnessing tragedy in my clients’ lives has at times devastated me. Fighting for my clients to be seen as human beings of value in a system that does not treat them with dignity has crushed my spirit at times. When you have the privilege of fighting for the dignity of the poorest of the poor among us, you will experience unparalleled joy, real engagement with the struggles and triumphs of humanity, and immense personal and

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professional satisfaction. Amidst it all, you must do your best for each and every client and sustain yourself in the work.

These are the lessons I have learned and am still learning:

- (1) Be humble in your career. Adopt a learning mindset. Remember that you may learn from everyone around you – your clients, law students, lawyers with twenty years of experience, and lawyers with two days of experience. Be open to seeing how someone else does something you feel like you do really well and see if you can learn a new trick. Be open to feedback. An open mind will not only make you a better lawyer for each of your clients to come, it will make you a better person. You can always improve. It does not mean that you were a failure before; it means you are getting better every day. Be creative.
- (2) Never forget the privilege of representing a client. I consider it an honor to represent a poor person who has no choice in her/his representation. I try never to lose sight of how amazing it is to begin representing someone who has no reason to trust me at all, to then be able to fight for that person, and, by fighting and advocating, to build trust. I believe in the power of connection. Whether or not you can win a legal battle for a client in court, there is a powerful positive force conveyed to your client and her/his family when they believe they have had a staunch advocate who truly cares about her/his personhood. When you represent a client accused of crimes, you have the unique opportunity to be the only person in the criminal or juvenile system who knows about your client as more than just her/his crime. You have the incredible privilege of being able to tell a prosecutor who sees only a possession of a gun charge that your client witnessed a drive by shooting before getting a gun, and that s/he rescued a Chihuahua named Honey.
- (3) Strive for excellence in your craft. The heart-set and soul-set required to do the hard work of representing poor people against a crushing criminal justice machine is a pre-requisite to the work. Just as fundamental is the pursuit and achievement of excellence in your practice. Your clients deserve nothing but the best. There are stereotypes of lawyers who are lazy, have no qualifications, and could not get another job to save their lives. You must be excellent for your clients. They deserve it. Learn what you can from trainings, from colleagues, and from leaders in your field. Seek mentors and seek to always be learning. Take pride in mastering the craft of trial advocacy, client interviewing, and investigation. These take practice and commitment.
- (4) Hold on to your heart, spirit, and optimism. This work is very personal. Be in touch with your personal motivations. This may help you to have the most

compelling interviews with potential public interest employers, it will help you when the work is challenging, and it will help you to dig deep to convince a judge or jury to see your client as a human being. For me, the simple adage, “but for the grace of god go I” captures what connects me and drives me in this work – that I am the same as my clients and they are the same as me, and that if I were to live life in their shoes, I have no idea how I would have responded or where I would be. I am a product of my particular life experiences.

- (5) Take care of yourself. Sleep. Meditate. Star-gaze. Read poetry. Exercise. Enjoy your family and friends. Commune with nature. Vicarious trauma is a real thing that lawyers experience. It is a stressful job, especially when you care about the people you represent and their lives are full of unfairness and tragedy. Be kind and gentle with yourself. Take care of yourself so that you can take care of your clients.

- (6) Have a community. Cultivate and invest in a community of like-minded public interest comrades, be they lawyers, community organizers, or folks who volunteer their time for causes in which you commonly believe. These are your people. I am reminded of the famous Margaret Meade quote: “Never doubt that a thoughtful group of committed citizens can change the world. Indeed, it is the only thing that ever has.” I believe that the intersection of child welfare, access to education, immigration, and indigent defense are critical civil rights movements today. For me, my community is broad in experience and geography. I am close with generations of public defenders from the Public Defender Service (“PDS”) in Washington, D.C., former students, people I worked with as a twenty-one year old teacher, and the army of foot soldiers who are public defenders all over the country united in a client-centered practice through the training of a group called Gideon’s Promise.² I am close with environmental lawyers, policy advocates, and doctors – anyone who supports fairness and dignity for human beings who have suffered lack of opportunity and resources due to poverty, ostracization, and oppression. These are friends of my soul, and when I am disheartened they are just a phone call away. Nurture your own supporters amongst your friends and family by talking about your work. Let your people be supportive of your cause and of you as a person. You will be amazed that even the most staunchly socially conservative person you know can often identify with the human struggle your clients face and with your fight to preserve their humanity in a strident system.

² See generally, <http://gideonspromise.org/> (last visited April 5, 2015), Jonathan Rapping, National Crisis, National Neglect: Realizing Justice Through Transformative Change, 13 *University of Pennsylvania Journal of Law and Social Change*, (2009- 2010), Jonathan Rapping, The Revolution Will Be Televised: Popular Culture and the American Criminal Justice Narrative, 41 *Criminal and Civil Confinement* 5 (2015).

You will have bad days. You will need people who can just “be” with you and who can give you a pep talk.

- (7) Talk to everyone you can about your work. Look for common ground with all those who have some power to help your clients. Take the opportunity to speak with other system players when you have the time and the patience to do so. As a public defender in Washington D.C. I would listen to the U.S. Marshalls who complained about how inefficient defenders from my office were when their cases were called for the client’s initial appearance. We always argued for our client’s release from detention no matter the case and no matter the circumstance. Always. It was not just the U.S. Marshalls who complained; all the folks in that courtroom would complain that we took so long because we argued unnecessarily on behalf of clients we knew would be detained no matter how much we fought. I explained to many of the U.S. Marshalls who served as bailiffs in that courtroom that my job was to fight for every client regardless of courtroom efficiency. Though I sympathized that they wanted things to move smoothly, I wasn’t there to make the system run efficiently, I was there to fight for someone who had no one to fight for her/him. I used to say that I wanted to be the person you would want in your loved one’s corner were s/he to find him/herself in the position of my client.
- (8) Find a way to be engaged with your work on a larger level than the day-to-day. This may not be something easy to do, but it will help you if you can remain connected to the larger goal and purpose of your work with a community of advocates. For me, the connection I have to Gideon’s Promise feeds my sense of purpose. When I hear about an attorney in Memphis fighting when the prosecution withholds Brady evidence – evidence which can exonerate a client – or when an attorney in New Orleans argues to have his child client held in a juvenile facility (rather than one for adults) and wins, I feel a part of the greater civil rights movement and I am renewed in my sense of purpose and commitment.
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- (9) Define success on your own terms. As a defender, the most important moment for me has come at the end of a trial and before the verdict. It is when the client turns to you and says, “thanks for fighting for me, for finding that witness, for asking those questions of the police officer.” This is not to say that every client will be thankful at that moment or that you should ever expect your client to be. I have been amazed at the number of clients who have been so very thankful and it always astonishes me that someone fighting for his/her life can have the grace to

³ Brady v. Maryland, 373 U.S. 83 (1963) (referring to exculpatory evidence).

thank me for what little I could do to fight on his/her behalf. Do not measure your success by the victories at trial. Very often the largest victories have nothing at all to do with trial. The best victories are captured in the moment when a reluctant client opens up to you or you persuade a judge to sentence your client to probation instead of prison. Be open and appreciative of those moments.

- (10) Give back – be a mentor to the next generation. I am constantly inspired by my students. Their heart, passion, and energy for justice remind me that new generations of champions are joining the fight every day. It is an honor for me to be able to recommend my students for positions as public interest lawyers. I feel like I am giving a gift to the world and to their prospective employer when I can share a talented and energetic young lawyer with an organization in need. You will someday feel the same way. Be on the lookout for folks who are ripe for inspiration and who are true believers. Give them your time and encouragement. Help them as others have helped you.

