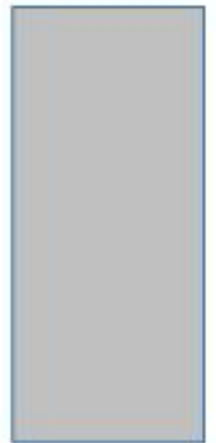


Maylinn Smith, Alexander Blewett III School of Law, University of Montana
Ann Miller, Confederated Salish and Kootenai Tribal Defenders

HOLISTIC REPRESENTATION

A MODEL FOR EFFECTIVE PUBLIC DEFENSE



HOLISTIC REPRESENTATION CAN BENEFIT JUSTICE SYSTEMS

- Identify and address underlying issues contributing to involvement in justice systems
- Identify and address collateral consequences to criminal charges that leads to continual cycling through justice systems: loss of driver's and professional license; loss of public housing; loss of employment; inability to complete sentencing conditions including payment of fines and fees
- Eliminate silo approach to legal representation
- Employs a horizontal rather than vertical approach to problem solving
- For a prosecution perspective on the need for change in the criminal justice system to a more holistic model see [**Ted Talks: Adam Foss, A prosecutor's vision for a better justice system**](#)

ADAPTING THE MODEL OF HOLISTIC REPRESENTATION



Four Pillars as Defined by the Bronx

- Seamless access to services that meet legal and social support needs
- Dynamic, interdisciplinary communication
- Advocates with an interdisciplinary skill set
- A robust understanding of, and connection to, the community served.

CSKT Tribal Defenders



- We use existing resources and a team approach to provide seamless access to social and legal services
- We use staff meetings to facilitate interdisciplinary communication and collaboration
- Collaborative efforts among staff promote advocates with interdisciplinary skill sets
- We formed a community clinic to understand and connect to the community

HOLISTIC REPRESENTATION AT THE TRIBAL DEFENDERS

- Walk-in clinic
- Pro se assistance
- Assistance with collateral consequences: eviction assistance, driver's license restoration
- Cultural mentoring
- Community outreach and education
- Community service
- Mediation
- Diversions
- Flathead Reservation Reentry Program



FLATHEAD RESERVATION REENTRY PROGRAM

- Reentry Intake and Assessment Tool
 - Risk and needs assessment
 - Identify trauma response and cultural needs
 - Piloting the RIAT at DOC, measuring against the MORRA
- Mental Health Services
 - Assessment
 - Psycho-educational groups
- Case Management
 - Assistance to find housing and reduce barriers
 - Assistance with transportation
 - Access to social and financial services
 - Access to employment
- Legal Services
 - Sentencing consultation
 - Parole assistance
 - PSI
 - Registration



TDO offers a team approach to client centered services

COLLABORATIONS

- Tribal police
- OPD
- Bronx Defenders
- University of Montana
 - Social work
 - Clinical psychology
 - Law school
 - Indian Law Clinic
 - Mediation Clinic
- Montana DOC
- Montana State Legislature
 - HB 89, MCA Section 47-1-126



DOC Director Michael meeting with 2019 TDO open house attendees

OUTCOMES

- 2009-2012 of 67 clients served by TDO's mental health program: 80% had 3 or fewer subsequent offenses and 48% had 0 new offenses.
- 2011-2014 of 54 clients served by TDO's cultural mentoring program 35 have not reoffended.
- 2011-2019 207 clients obtained valid driver's licenses with assistance from TDO's license restoration program
- As of November, 2018: of 319 FRRP clients served 42% became employed, 41% obtained Medicaid, 25% obtained stable housing. Recidivism rate (criminal convictions and technical violations) was 38.5%

LOUISE BURKE CENTER FOR HOLISTIC REPRESENTATION

- Indigent defense in Montana: A time of crisis and transition
- Target population for 5 year pilot project: Native Americans involved in the criminal justice system and subject to collateral consequences
- Getting started
 - Build upon existing studies: OPD Task Force, Montana Sentencing Commission and the Council of State Governments, Flathead Reservation Reentry Program, University of Montana, Social Work Department – study on native women in prison, Missoula County Jail Diversion, and MUIHC
 - In collaboration with MUIHC, conduct a community assessment that identifies needs and resources

CORE SERVICES

- Criminal Defense – beginning with misdemeanors
- Representation begins at, or before, initial appearance
- Civil Advocacy in collateral issues: representation of parents in cps, housing, implied consent petitions, restraining orders
- Driver's License restoration
- Diversions advocacy: create diversion programs and advocate in treatment courts
- Social work case management to assist clients to access services and provide mitigation information
- Psychology for assessment and treatment
- Cultural mentoring and culturally relevant services
- Community outreach
- Research

COLLABORATIONS THAT SUPPORT CLIENT SERVICES

- Missoula Urban Indian Health Center
- Supportive Housing
- CSKT Tribal Defenders/FRRP
- OPD
- Missoula Urban Indian Health Center
- Law School Clinics
 - Indian Law
 - Mediation
 - Veterans
 - Consumer Protection
- Poverello
- Partnership for Reintegration
- Montana Legal Services
- Treatment courts
- Mental Health providers
- Tribal cultural committees or groups

APPLYING CONCEPTS THAT WORK

- Holistic representation promotes positive life outcomes that, in turn, lead to client success
- Holistic representation promotes procedural due process, a sense that the justice proceedings have been fair, regardless of the outcome
- Holistic representation is adaptable to any program: it requires an understanding of client needs, meaningful engagement with the community served, an interdisciplinary approach, and adapting to change

CONTACT

Maylinn Smith

Co-Director Margery Hunter Brown Indian Law Clinic
Alexander Blewett III School of Law, University of Montana
32 Campus Dr.

Missoula, MT 59812

(406)243-5351

maylinn.smith@umontana.edu

Ann Miller

Tribal Defenders

Confederated Salish and Kootenai Tribes

P.O. Box 278

Pablo, MT 59855

(406) 675-2700 ext. 1125

ann.miller@cslt.org