

Effective Assistance of Counsel

By Chansi R. Powell, JD '10

I HAVE ALWAYS SUPPORTED the tenet, “you commit the crime, you do the time.” It was thus with mixed feelings that I began my spring 2010 externship at the Federal Public Defender’s Office for the Eastern District of Missouri.

I feared that in cases where I helped defend persons who had admittedly committed crimes, I would implicitly condone “bad” behavior by either reducing their possible sentences or by eliminating the possibility of their going to jail altogether. As a result, although I had a growing interest in criminal law, my goals for my three-month externship—though sincere—were fairly boilerplate: to improve my legal research and writing skills and to learn more about sentencing law and policy in the United States.

My supervising attorney gave me some interesting writing assignments that allowed me to put my legal research skills to good use. I also attended various stages of court proceedings, from initial appearances to sentencings, that gave me a better grasp of sentencing law and policy issues within the federal judicial system.

I ultimately achieved my core goals throughout the externship, but I left the externship more enlightened than I had ever anticipated. This enlightenment arose because, in addition to the research, writing, and court appearances, I had many intimate meetings with clients in preparation for court. Along with my supervising attorney, I met clients ranging from those with serious mental health issues to those who had drug and alcohol addictions.

I often read these clients’ files before meeting them. Those files detailed their criminal histories, which usually started at the juvenile stage and were occasionally coupled with a family history

of some type of abuse. In reading my clients’ files prior to meeting them, I found the clients—some of whom were career criminals—became humanized for me. This, in turn, increased my desire to ensure that they had a proper defense—one that, when possible, took into account their backgrounds.

Initially, this sentiment concerned me deeply because I was hesitant to overly humanize someone who had admittedly committed a crime. I came to learn throughout the externship, however, that in order to adequately provide legal representation, attorneys must learn and then present their client’s relevant history.

I now believe that humanization of the client is an often inevitable, and perhaps necessary, result of this learning process—one that helps ensure a good attorney will do his or her job properly. In accepting and embracing this notion, I understood truly that everyone does indeed deserve the right to an ample defense.

AS HARD AS THAT IDEA may be for some to accept, I believe that in order for the American legal system to function effectively and fairly, this tenet must hold true regardless of who a client may be or what crime he or she may have committed. While I still believe that if “you commit the crime, you do the time,” I understand better now that crime and punishment may not be as clear-cut as some might like.

In the end, I am truly pleased I had the opportunity to participate in the externship with the Federal Public Defender’s Office. Under the excellent direction of my supervising attorney and legal field placement coordinator, Professor Michael Kobay, I was able to seek their professional guidance in working through many of these issues.

While I also improved my research and writing skill set, the externship more importantly forced me to step outside of my comfort zone. I was compelled to broaden my somewhat narrow value system and take to heart that where the client is concerned, personal judgments and values have no place. What matters instead is my legal duty to provide effective assistance of counsel to the client—whoever he or she may be. ||||

Chansi Powell, JD '10, learned invaluable lessons about client advocacy through her externship with the Federal Public Defender’s Office.



MARY BURKUS



Former clinic extern Chansi Powell, JD '10, is currently working for the Democratic Election Standards Project in Atlanta, Georgia.

Under the expert direction of Michael Kobay, professor of practice and director of the Trial & Advocacy Program, the Lawyering Practice Externship was recently created to expand the number of students who engage in various phases of lawyering practice while working with field supervisors in government law offices or legal departments of tax-exempt charitable organizations.