



SCHOOL of PUBLIC AFFAIRS
AMERICAN UNIVERSITY • WASHINGTON, D.C.

Attention: Defense Counsel, Prosecutors, Judges, Coordinators, Treatment Providers, and Others Working with Drug-Involved Defendants Both In and Out of Drug Courts

Topic: Interactive Webinar Series on The Role of Defense Counsel in Drug Courts and in Dealing with Drug-Involved Defendants.

The **BJA Drug Court Technical Assistance Project at American University** is presenting a three-part interactive webinar series that addresses the critical role of defense counsel in drug court programs as well as in representing drug-involved offenders both within and outside of the drug court context. The sessions will deal with a wide range of issues and functions that defense counsel must address on an on-going basis. These include their legal and ethical responsibilities, the protection of constitutional rights, and the need to apply evidence-based and best practices. These obligations continue from arrest, through initial appearance, program entry, and the time of screening for substance use, and they persist further through the stages of treatment and supervision until the ultimate case disposition.

Involvement in the criminal justice process is often traumatic for defendants, and this is especially true where defendants are drug-involved. The prevalence of mental health disorders (including depression, bi-polar, trauma and post-traumatic stress disorders), cognitive and developmental impairments are widespread and should not be understated, especially because of the potential penalties faced, including possible loss of liberty and major collateral consequences. The expertise required in order to provide effective representation relative to these special issues demands a well-informed, proficient and well-trained defense counsel.

This webinar series is designed to address both the day to day challenges defense counsel encounter in representing drug involved defendants as well as their role in drug court programs, both as defense counsel for their clients and as part of the drug court “team” and program representatives. Each of the three sessions will be presented in two parts: an initial presentation of the key issues, including case scenarios that illustrate their application, and questions from attendees, and a follow-up session shortly afterward that focuses on additional case scenarios and questions attendees submit following the first session. Each of the sessions will include an opportunity for attendees to submit questions and comments on critical questions posed.

The **first webinar session**, entitled **Methods to Improve the Skill Level of Defense Counsel Representing Clients Impacted by Substance Use Disorder and Mental Health Issues**, will be presented by **Yvonne Smith Segars, Esq., and Michael L. Perlin, Esq.** on **Tuesday March 8, 2016 from 2:00 – 3:00 PM EST.**



Ms. Segars has more than 30 years of experience as a trial attorney and is currently a Professor at Kean University, in Union, NJ with the College of Business and Public Management, School of Criminal Justice and Public Administration. She teaches on the undergraduate and graduate level. Prior to becoming a professor, Ms. Segars served as New Jersey's State Public Defender from 2002 to June 2011. For nearly a decade she led New Jersey's largest defense organization of over 1,300 employees including approximately 550 staff lawyers and over 600 outside counsel. A pioneer in the drug court movement, Ms. Segars has lectured locally, nationally and internationally on drug courts and other policies related to criminal justice and drug treatment.

Ms. Segars is a former member of Board of Directors for the National Association of Drug Court Professional and served as a core faculty member for the Justice Management Institute and a Fellow for the National Drug Court Institute. She has conducted numerous technical assistance assignments for the BJA Drug Court

Technical Assistance Project at American University, with particular attention to the defense role and adherence to constitutional requirements.



Mr. Perlin is a Professor of Law Emeritus at New York Law School (NYLS), founding director of NYLS's Online Mental Disability Law Program, and founding director of NYLS's International Mental Disability Law Reform Project in its Justice Action Center. He is also the co-founder of Mental Disability Law and Policy Associates. Before becoming a professor, Mr. Perlin was the Deputy Public Defender in charge of the Mercer County Trial Region in New Jersey, and, for eight years, was the director of the Division of Mental Health

Advocacy in the NJ Department of the Public Advocate. He has represented thousands of persons with mental disabilities in individual and class actions at every court level from police court to the US Supreme Court. He has written extensively about problem-solving courts, especially as they relate to issues of therapeutic jurisprudence and the role of dignity in the criminal process.

This session will focus on challenges defense counsel may encounter in representing defendants with mental and cognitive impairments associated with their drug use, particularly those who may not have a clinical diagnosis but have an impairment that may have an impact on their acceptance into the drug court -- or their being overlooked for potential program eligibility -- as well as their ability to comply with program requirements at least initially. In this sense, defense counsel may be serving in the role as “first responder” to these impairments as well as legal counsel.

Subsequent sessions will address a range of critical issues and functions defense counsel will encounter during the course of representation of drug court participants as well as those relating to their role with the drug court team and their role as counsel to the defendant(s) they represent.

Organization of the Session:

The webinar is scheduled for one hour, with the presentation of issues planned for the first 45 minutes and the final 15 minutes devoted to participant questions. At the conclusion of the first session, the presenters will distribute fact patterns that illustrate the application of the principles discussed and which will be discussed during the follow-up session.

The webinar is planned to be interactive with attendees invited to submit their questions in advance as well as during the session. If you are not able to participate in the live session, the slides and recording of the webinar will be made available shortly after the webinar and archived at <http://www.american.edu/spa/jpo/>.

Caroline S. Cooper

Director, BJA Drug Court Technical Assistance Project, American University, Washington D.C.