

# THE BAY STATE **Banner**

## **And justice for all**

**Through Soros grant, Hub defender aims to improve aid for low-income clients**



*Renay Frankel, a public defender in Roxbury and Dorchester District Courts and in the housing unit at Greater Boston Legal Services, is one of 17 recipients of a 2009 Soros Justice Fellowship, awarded to “outstanding individuals [seeking] to implement innovative projects” to upgrade the criminal justice system. (Sandra Larson photo)*

*By Sandra Larson | July 9, 2009*

As a public defender in Roxbury and Dorchester District Courts and in the housing unit at Greater Boston Legal Services, Renay Frankel saw that people charged with crimes often struggle with other problems, like eviction, unemployment, family issues and loss of welfare benefits.

“We see clients that have been charged with a crime and simultaneously they’re being evicted, because the landlord found out about it,” said the Boston lawyer.

But public defenders, focused only on the criminal case, are often unaware of these “collateral issues,” which may be worsened by a conviction. At the very least, they can make it more difficult for a low-income defendant to comply with court orders, pay fines and fees, and successfully navigate the justice system.

Frankel, 30, wanted to make the system better. Now she has a chance to do it.

In April, she won a 2009 Soros Justice Fellowship for her proposal to create a partnership between criminal and civil legal services in Massachusetts in order to provide more effective legal help to low-income defendants. The fellowship, one of 17 awarded nationwide, comes from the Open Society Institute, a New York-based grantmaking organization with a focus on improving fairness in political and justice systems.

The goal is twofold, Frankel explained in a recent interview at her office in Dudley Square.

“The idea is to provide more holistic representation for clients of the public defender’s office,” she said, “so they get a lot of their needs met, not just the criminal trial needs.

“And the grand theme is to reduce recidivism,” she continued. “We know that for clients involved in the criminal justice system, if they have support in other areas in their lives, it’s going to reduce the frequency with which they come back to the criminal justice system.”

Frankel’s 18-month project, called the Community Justice Collaborative, will be housed at the Roxbury-Dorchester District Court office of the Massachusetts Committee for Public Counsel Services (CPCS), the state agency that oversees public defenders. She will be coordinating the services of CPCS with those of Greater Boston Legal Services (GBLS) and Massachusetts Correctional Legal Services.

A big part of Frankel’s work will be conducting training sessions to help public defenders see the full picture of what’s happening with a client.

A whiteboard in a CPCS conference room is crammed with the kinds of questions defenders should ask about one key issue — housing. “How are you paying rent?” is one question. “Have you received an eviction notice? Are you going to housing court?”

“We have to know to ask the clients those questions,” Frankel said.

She also plays the role of liaison in the budding partnership. Public defenders at her CPCS office will notify her when their clients have urgent needs beyond criminal defense. She can then connect the clients with GBLS for advocacy or legal representation in those matters.

Coordinated legal services sometimes help clients avoid criminal convictions, which can ruin chances for employment, subsidized housing and other benefits. Some convictions are unnecessary, Frankel pointed out.

“People plead guilty all the time to crimes they didn’t commit,” she said. “This is a really big thing that I think a lot of people don’t understand.”

Defendants might do this, she said, “because they know pleading guilty will get them out of jail that day.”

“Or, even though they feel they’re innocent, they’re afraid the evidence could be too strong against them,” she added. “So they can plead now and get probation, or go to trial, [possibly] be found guilty and go to jail.”

Some defendants are not well-equipped to see the consequences of such a decision, she said. But years later, they can be denied jobs or subsidized housing when a Criminal Offender Record Information (CORI) screening reveals a past conviction.

Frankel said that money, even small amounts, and employment — or lack of it — play huge roles as people go through the legal system.

“Sometimes a judge orders that as a term of probation, you have to be employed,” she explained. “That’s a really hard thing when there are no jobs. And then you’re in violation of probation, and you get sent to jail. Or you have to pay probation fees, \$65 a month if you have supervised probation. So you pay that, and then you can’t pay your rent, and then you get evicted for nonpayment — not even because of your criminal case.”

She sighed at the enormity of the problem.

“People are sent to jail because they didn’t pay their probation fees! It’s this cycle that never ends,” she said.

Frankel may have been born to do this work. Both of her parents were involved in the civil rights movement, she said, and she grew up knowing she wanted to solve some big problems — like advocating for low-income people and “the whole dream of eradicating racism and poverty.”

She chose to attend Northeastern University School of Law because of its public interest law offerings, she said.

“When I went to law school, this was the only thing I wanted to do, public interest — and I am doing it,” she said. “And everyone in this office is doing it. They are amazing attorneys, really passionate about what they do. And they care about their clients. We all do. That’s why you do it.”

Eager to share credit, Frankel was quick to point out that she wasn’t the first to dream up the kind of partnership she proposed for the fellowship. Cooperative models do exist, and she wants to emulate them in a way that works for Boston and for Massachusetts, and could eventually become a model for other states.

The Bronx Defenders, a New York City nonprofit in which criminal and civil lawyers work together in the same building to provide coordinated services, is at the forefront of the partnership idea, she said. But their model cannot be exactly duplicated here, she said, since in Massachusetts public defenders are part of a state agency.

Locally, she said, the youth advocacy program at CPCS is a good example, where juvenile cases are served by public defenders, social workers and education lawyers, all working in the same building.

“We’re trying to replicate that in some ways for our clients in the adult world — having a team of advocates to help them be on the right path,” Frankel said.

The current bleak economy makes her project very difficult, Frankel added, citing the staffing cuts that GBLS has had to make and the uncertainty of funding for the partnership after her grant runs out. But conversely, it’s also the right time for it.

“Even though there are fewer resources, there are so many clients that need this now,” she said.

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