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***PROCEEDINGS OF THE NEW
ENGLAND DEFENDER CONFERENCE***

A Summary Report

by Paul C. Reardon and
James Vorenberg

The Obligation to Provide Counsel

by Arthur E. Sutherland

Methods of Providing Defense

by Whitney North Seymour

New England Defender Systems

by Arnold S. Trebach

Adequacy of Lawyers in Criminal Practice

by J. Edward Lumbard

Department of Justice and the Indigent

by Robert F. Kennedy

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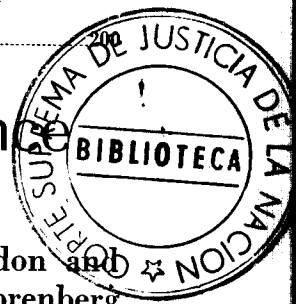
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The New England Defender Conference
 A Summary Report

by Paul C. Reardon and James Vorenberg



ON October 31 and November 1, 1963, more than 100 persons from the six New England states gathered at the Harvard Law School for "The New England Conference on the Defense of Indigent Persons Accused of Crime". The New England Law Institute and the National Legal Aid and Defender Association sponsored the conference for the purpose of bringing together a group specially qualified by knowledge and interest to analyze the problems of providing representation to the indigent. The purpose of this report is briefly to describe the important points which were considered during the conference, to indicate those areas where the participants seemed to reach agreement and those where there was disagreement, and to summarize specific suggestions for action which resulted from the deliberations.

The addresses which follow this summary appear in the order of their presentation. Together with the transcript of the final general discussion they constitute the proceedings of the conference. Because of limitation of space, all of this material has been abridged.

A. Scope of Legal Obligation To Provide Counsel

There was considerable discussion concerning the reach of recent United States Supreme

Court decisions, particularly *Gideon v. Wainwright*, 372 U.S. 335 (1963), and an attempt to analyze the requirements imposed by law of the various New England states. It was recognized that detailed and definitive answers from the courts will come only over a period of years. A number of panelists and participants expressed the belief that the course of judicial decisions will be influenced by efforts of the bar and the legislatures to provide effective representation where fairness and common sense demand it, and that courts will not lightly invalidate systems which are the result of such efforts. It was therefore urged that each state review and, where necessary, revise its systems now without waiting for the courts to spell out the minimum standards.

(1) When Should Counsel be Provided?

It early became clear that it was impossible to separate this problem from the broader question of the relative rights of the accused and the prosecution before trial. For example, it is by no means clear today at what point a suspect who can afford a lawyer has a right to interpose that lawyer between himself and police interrogation.¹ Nor is it clear when and

1. See, e.g. *Lee v. United States*, 322 F. 2d 770 (5th Cir. 1963)