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Professor Larry Ritchie's Post

Representing the Indigent

Posted by Larry Ritchie on 09/26/2014 at 10:47 AM

Keeping abreast of the criminal justice and evidence areas of the law can be a time-consuming proposition for a law professor. Of course, I regularly read the *Criminal Law Reporter* and other periodicals. However, being a member of the Criminal Justice Act Panel of Attorneys representing indigents in the U.S. Court of Appeals for the First Circuit is an effective and satisfying way to keep current while also providing a service to the most needy and also, hopefully, to the courts.

As a member of the panel, I occasionally am appointed to represent an indigent convicted of a crime. I communicate with the client, his family, the trial lawyer, and sometimes others; write the brief; and argue the case. Sometimes, I file various motions or a petition for certiorari, or appear at the trial court level on remand. For a law professor, appellate work, unlike a trial, can fit within your schedule (although you may have to reschedule a class to argue a case). Sometimes you win, sometimes you lose, but you always learn—about the law, practice, and advocacy.

Although the occasional creation of a scholarly and successful argument that sometimes advances the law is challenging and satisfying, there is also the greater personal satisfaction of helping an indigent client. While the Criminal Justice Act provides minimal and limited fees to the court-appointed lawyer, much of the work is essentially pro bono. It is certainly not done to supplement income; other alternatives are much more lucrative for the law professor. The court seems to appreciate the assistance provided to them, perhaps without realizing the real value of the experience to the law professor.

Often, the substance of the case may be worked into a classroom presentation, enhancing and heightening the instruction, e.g., a drug case involving incarceration under a sentencing guideline or a statutory mandatory minimum that has been recently changed, or perhaps mistaken advice or actions of trial counsel that potentially raise ineffective assistance of counsel issues, or questionable evidentiary rulings, or constitutional suppression of evidence motions that were denied. Then the students as well as the professor may benefit from the experience.