Centennial Celebration
May 19, 2017

University of Memphis
Cecil C. Humphreys
School of Law
Private Acts of 1917

CHAPTER NO. 69.
SENATE BILL NO. 187

A BILL to be entitled, “An Act to create the office of Public Defender in counties of this State having a population of not less than One Hundred and Ninety Thousand according to the Federal Census of 1910 or any subsequent Federal Census; to provide for the election of said Public Defender; to define his duties and powers and to provide for the amount of his salary and the payment thereof; and to provide for the appointment of assistants to said Public Defender.”

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That there is hereby created the office of Public Defender in the counties of this State having a population of not less than one hundred and ninety thousand according to the Federal Census of 1910, or any subsequent Federal Census.

... 

SECTION 3 (a). Be it further enacted, That upon request by the defendant, or upon order of the Court, it shall be the duty of the Public Defender to defend, without expense, and to represent generally, all persons who are without means to employ counsel, who have been indicted, by the grand jury or charged with the commission of any crime and he shall, also, upon request, give counsel and advice to such persons in and about any charge against them upon which he is conducting the defense, and he shall prosecute all appeals to a higher Court or Courts of any person who has been convicted upon such charge, where, in his opinion there is error in the conviction had, and such appeal will, or might reasonably be expected to result in the reversal or modifications of the judgment of conviction.

SECTION 3 (b). He shall have the power to employ such deputies, assistants, stenographers, interpreters and clerks as shall be necessary for the proper conduct of the business of his office, subject to the approval of the County Commission, in such of said counties as may have County Commissions created by law, and if none, then the County Court, each of whom shall receive such salary or compensation as shall be fixed by the County Courts; all expenses herein referred to shall be a charge upon the county in which such Public Defender is employed.

... 

SECTION 4. Be it further enacted, That this Act shall take effect immediately from and after its passage, the public welfare demanding it.

SECTION 5. Be it further enacted, That all laws and parts of laws in conflict with this Act, be and the same are hereby repealed.

Passed: February 28, 1917.

W.R. CRABTREE,
Speaker of the Senate

CLYDE SHROPSHIRE,
Speaker of the House of Representatives.

Approved March 1, 2017.

TOM C. RYE,
Governor.
Colleagues:

Today, we commemorate the centennial year of our office, and gather to acknowledge those who struggle to keep the promise that every person facing loss of liberty has the right to an effective attorney. We honor those who have served before us, but I also celebrate you—the lawyers and legal professionals who will step forward 40,000 times this year to provide independant, ethical, zealous defense here in Shelby County.

All Americans believe in the idea of justice. But too often, justice is viewed as an outcome—an arrest, a conviction, a sentence. You—the lawyers, the investigators, the administrative staff, the social workers, the law clerks, the mitigation specialists—you know that justice isn’t about outcome. It’s about the daily struggle to ensure that that fundamental fairness is protected, and that every person facing a loss of liberty is treated with dignity and respect.

In Memphis, we have been struggling with the idea of justice for a long time. It was certainly a radical idea in 1917 when Memphian and Tennessee State Senator Samuel O. Bates introduced legislation that created the first public defender office east of the Mississippi River, and only the third in the nation, right here in Shelby County. Nearly 50 years later, Memphian native Abe Fortas stepped before the U.S. Supreme Court and argued that there can be no fair trial unless the defendant has an attorney. The Court unanimously agreed, and on March 18, 1963, declared the right to counsel fundamental to fairness.

Shelby County got it right nearly 100 years ago when visionary leaders embraced the radical idea that people facing incarceration deserved the help of an attorney, regardless of ability to pay—and they got it right decades before the U.S. Supreme Court demanded the same for all Americans in Gideon v. Wainright in 1963.

Memphian Abe Fortas got it right, too, and may have said it best. In 1966, by then an associate Supreme Court Justice, he wrote in Kent v. U.S. “The right to counsel is not a formality. It is not a grudging gesture to ritualistic requirement. It is the essence of justice.”

Be proud this community helped pioneer the right to counsel. And as we begin our second century of public defense, we should again dedicate ourselves to the struggle to make the radical idea of justice in Memphis a reality.

It is my honor and pleasure to serve with you.

Sincerely,

Stephen Bush
Shelby County Public Defender
The Shelby County Public Defender's office has been at the forefront of establishing public defense as a necessity for justice in the United States. The National Association for Public Defense is pleased that the Shelby County Public Defender was there at the beginning of our organization three years ago. Your office was and is a founding partner in our shared efforts to address the systemic failure to provide the constitutional right to counsel in the U.S. NAPD is proud to claim every professional in your office as part of a cohesive and irrepressible community of our more than 15,000 members—all committed to bringing justice to our broken communities. I commend you on your celebration of 100 years of service, and applaud your successful efforts to position your law firm as a provider of right to counsel service for a new generation of service. I am particularly proud of your efforts to improve the independence of your structure, and commend your continuing investment in recruiting and training a new generation of public defense professionals. Celebrate well!

Ernie Lewis, Executive Director
National Association for Public Defense

Congratulations to all public defenders in Shelby County on your centennial anniversary! Gideon's Promise is proud to claim you as an anchor partner in our shared efforts to transform the culture of public defense. We are grateful for your unwavering commitment to the values-based training and mentorship that now sustains an army of next generation lawyers with the skills, passion, and support to make real the promise of Gideon v. Wainwright.

Jon Rapping, Founder/President
Gideon's Promise

The National Juvenile Defender Center commends the lawyers and professional staff of the Shelby County Public Defender's office for embracing juvenile defense as a specialized practice of law and for transforming juvenile defense representation in Shelby County. We applaud your unwavering commitment to ensuring every child in Shelby County does indeed have the guiding hand of counsel that is essential to fundamental fairness in juvenile delinquency proceedings. It has been our pleasure to provide technical assistance and training to support your efforts to establish the new juvenile defender unit in your office, as well as the Children's Defense Clinic at the law school. Congratulations on your 100th anniversary. NJDC is proud to stand with you to ensure that both the civil rights and due process rights of children are upheld by effective juvenile defenders in Shelby County.

Mary Ann Scali, Executive Director
National Juvenile Defender Center

The National Association of Criminal Defense Lawyers, "Liberty's Last Champion," salutes the Shelby County Public Defender on the occasion of its Centennial anniversary: 100 years in service to the public and the right to counsel.

Norman Reimer, Executive Director
National Association of Criminal Defense Lawyers
The Shelby County Public Defender
Centennial Celebration

Welcome
Dean and Professor Peter V. Letsou

Introduction
Shelby County Public Defender Stephen Bush

1917
Short Film by Prodigi Arts

Remarks
Shelby County Mayor Mark H. Luttrell, Jr.

Proclamation
House Joint Resolution No. 177

Keynote
The Honorable A C Wharton, Jr.

Oaths
Tennessee Supreme Court Justice Holly Kirby

Closing
Stephen Bush

I do solemnly swear or affirm that I will support, obey, and defend the
Constitution of the United States, the Constitution of the State of Tennessee,
and the charter of the County of Shelby, and that I will faithfully discharge
the duties of my profession to the best of my ability.
STATE OF TENNESSEE

HOUSE OF REPRESENTATIVES

House Joint Resolution No. 177

By Representatives Akbari, Camper, Coley, Cooper, DeBerry, Hardaway, Lollar, Miller, Parkinson, Thompson, Towns, Turner, Mark White, Alexander, Beck, Harry Brooks, Kevin Brooks Byrd, Calfee, Carr, Carter, Casada, Clemmons, Crawford, Curcio, Daniel, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Goins, Gravitt, Halford, Hawk, Hazlewood, Hicks, Matthew Hill, Timothy Hill, Holscclaw, Howell, Husley, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lambeth, Littleton, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Mitchell, Pitts, Powell, Powers, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Cameron Sexton, Jerry Sexton, Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Swann, Terry, Tillis, Travis, Van Huss, Weaver, Dawn White, Whitson, Windle, Wirgau, Zachary, and Madam Speaker Harwell and Senator Norris

A Resolution to commemorate the Centennial of the Shelby County Public Defender.

Whereas, since the founding of this state in 1796, the Tennessee Constitution, echoing the United States Constitution, has enshrined in its Declaration of Rights the right to counsel in all criminal prosecutions; and

Whereas, in 1917, in recognition that many criminally accused could not afford to exercise their constitutional right to counsel, the General Assembly provided access to justice in this state by passing Chapter 69 of the Private Acts of 1917 and thereby creating a Public Defender to represent those accused of crimes in Shelby County who could not afford to retain an attorney; and

Whereas, in establishing the Shelby County Public Defender, the General Assembly passed legislation championed by State Senator Samuel O. Bates, a Memphis attorney who realized the need for public defense after the acquittal of his client Robert Davis, a black man wrongfully accused of killing a white woman in Dyer County in 1915; and

Whereas, in establishing the Shelby County Public Defender as the first public defense system in the Eastern United States, the State of Tennessee pioneered the idea that every person facing deprivation of liberty has a right to an attorney regardless of ability to pay; and

Whereas, on March 1, 1917, Lawrence J. Monteverde was appointed the first Shelby County Public Defender, inaugurating a century of leadership committed to fundamental fairness in the justice system, and inspiring advocacy for the constitutional right to counsel all the way to the United States Supreme Court; and

Whereas, in 1963, Abraham “Abe” Fortas, a native of Memphis and a future associate justice of the United States Supreme Court, argued successfully before that Court in the landmark case Gideon v. Wainwright that the constitutional right to counsel required states to provide attorneys to those charged with felonies who could not afford to retain counsel; and
Whereas, for the last century, before and after the United States Supreme Court’s unanimous decision in Gideon v. Wainwright, the attorneys and professional staff of the Shelby County Public Defender have zealously, independently, and ethically advocated for clients unable to retain counsel but facing deprivation of life, liberty, and income; and

Whereas, the Shelby County Public Defender remains dedicated to providing the highest standard of representation to clients, including advocating for innovative and collaborative community solutions; and

Whereas, the Shelby County Public Defender has innovated community-based crime prevention and reduction programs including Building for the Future, School House Adjustment, and the Jericho Project, a nationally recognized jail diversion strategy for clients living with serious mental illness; and

Whereas, the Shelby County Public Defender continues to innovate while representing clients in Shelby County’s specialty Mental Health, Veterans, Drug, Domestic Violence, and Environmental courts; and

Whereas, the Shelby County Public Defender is a founding partner of the National Association for Public Defense, an organization engaging public defense professionals in advocacy surrounding the constitutional right to counsel; and

Whereas, the Shelby County Public Defender is a partner office of Gideon’s Promise, the premier public defender training organization in the United States; and

Whereas, in 2013, as part of a historic agreement between the Department of Justice, Shelby County, and Shelby County Juvenile Court, the Shelby County Public Defender launched a specialized Juvenile Defender Unit, anchoring systemic reforms in Shelby County’s juvenile justice system through zealous, independent, and ethical advocacy for children; and

Whereas, in 2014, in collaboration with the National Juvenile Defender Center, the Shelby County Public Defender promulgated the first attorney practice standards for Tennessee in the highly specialized practice of law that is juvenile defense; and

Whereas, in 2016, in partnership with the Cecil H. Humphreys School of Law at the University of Memphis, the Shelby County Public Defender instituted the first specialized juvenile defense clinical education program in this state; and

Whereas, today, the Shelby County Public Defender, led by the tenth Public Defender Stephen Bush, is the largest criminal defense law firm in Tennessee with 140 lawyers and professionals representing more than 30,000 people each year; and

Whereas, it is wholly fitting that we recognize the Shelby County Public Defender for its foundational and continuing role in representing any person in Shelby County facing deprivation of life, liberty, or income who cannot afford to retain an attorney, and thereby ensuring not only individual justice but the integrity of the legal system; now, therefore,

Be It Resolved By The House Of Representatives Of The One Hundred Tenth General Assembly Of The State Of Tennessee, The Senate Concurring, that we honor and commend the Shelby County Public Defender’s Office upon the commemoration of its Centennial, and extend to the members of this office our deepest gratitude for their hard work and dedicated service to the citizens of Shelby County.

ADOPTED: March 13, 2017
The Law Offices of
The Shelby County Public Defender

Cliff Abeles • Scottie Adams • Mark Alston • Phyllis Aluko • Cathy Anderson • Debra Antoine • Donna Armstard • Ben Baker • C.J. Barnes • Elizabeth Benson • Anna Benson Hamilton • Gabriel Borders • Tony Brayton • Sherrye Brown • Stephen Bush Travis Butler • Catherine Byrd • Mitchell Campbell • Gregg Carman • Jenny Case Isabel Cervantes • Sam Christian • John Cliff • Nick Cloud • Jay Coleman • Marsha Davis • Barbara Deans • David Dennard • Melody Dernocoeur • Leigh Dickey Elbert Edwards • Eric Elms • Rob Felkner • Lee Filderman • Daniel Flatt • Kelly Foxx Courtney Francik • Rachael Geiser • Rob Gipson • Rob Gowen • Alfred Gray • Serena Gray • Jack Green • Jim Hale • Sara Haley • Jacinta Hall • Robert Hall • J.T. Harris Phil Harvey • Rosie Hobson • Will Howell • Keva Irvin-Edwards • Simone Jackson Michael Johnson • Sharla Johnson • William Johnson • Elisabeth Jones • Chelsea Kapes Luckere Kelley • Kathy Kent • Joyce King • Angela Kirby • Barry Kuhn • Lisa Kutch Suzanne Lamb • Mary Lee • Tom Leith • Latisha Levers • Shawana Lewers • Nigel Lewis • Laura Locke • Alex Lynch • Michele Lynn • Lashonda Marshall • Tucker Marshburn • Chris Martin • Amy Mayne • Christy McCroy • Patricia McGhee Carnita McKeithen • Sanjeev Memula • Lawrence Morton • Leslie Mozingo • Kindle Nance • Katherine Oberembut • Vincent Ores • Nelle Pallme • Glenda Pearson Paul Pera • Lakevia Perry • Quan Poole • Teresa Powers • Andrea Prater • Kelly Pretzer • Daphne Rankin • Kevin Rardin • Katherine Ratton • James Rayford Andy Reid • Kaycee Roberts • William Robilio • Patrina Robinson • Richard Rough Benjamin Rush • Stephanie Russell • Laurie Sansbury • Abbey Santirojprapai Chris Santirojprapai • Erim Sarinoglu • Harry Sayle • Glori Shettes • Patrice Shield Barbara Sidelnik • Cathy Silverstein • Angela Smith • Apuya Spruill • Josh Stanton Kendra Stokes-Jones • Julia Stowers • Andrew Sullivan • Carolyn Sutherland • Fred Tappan • Terrance Tatum • Kirsten Townsend • Kamilah Turner • Mack-Arthur Turner Neil Umsted • Kena Vassar • Brent Walker • Kay Walker • Barbara Walls-Pierce Brett Werenski • Bill Whitsittjr • Baron Wilkes • Joann Wilkins • Tom Williams Glover Wright • William Yonkowski • John Zastrow