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**Examining the Effectiveness of
Indigent Defense Team Services:
A Multisite Evaluation of Holistic Defense in Practice**

Project Summary

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National Center for State Courts

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Examining the Effectiveness of Indigent Defense Team Services: A Multisite Evaluation of Holistic Defense in Practice

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TABLE OF CONTENTS

ACKNOWLEDGMENTS	3
EXECUTIVE SUMMARY.....	6
INTRODUCTION.....	10
About the Current Study	11
DEVELOPING A PROGRAM THEORY OF HOLISTIC DEFENSE	12
Holistic Defense Activities	13
Holistic Defense Ways of Working	14
PROCESS EVALUATION: SUMMARY OF FINDINGS.....	16
Site Locations.....	16
Caseload and Staffing Comparisons	17
Surveys of Holistic Defense Practices	18
Engagement in Holistic Activities	19
Engagement in Holistic Ways of Working	27
Cases Receiving Holistic Treatment.....	31
Prioritization of Different Case Types for Holistic Treatment	32
HOLISTIC DEFENSE FROM THE CLIENT PERSPECTIVE: SUMMARY OF FINDINGS	33
Introduction & Methods.....	33
Client Experiences with Holistic Activities	33
Client Experiences with Holistic Ways of Working.....	35
IMPACT EVALUATION: SUMMARY OF FINDINGS	37
Analytic Strategy	38
Results.....	39
CONCLUSIONS AND LESSONS	46
Key Findings.....	46
Unanswered Questions and Limitations	49
SCHOLARLY PRODUCTS	51
REFERENCES	52

LIST OF TABLES

TABLE 1: COMPARISON OF POPULATION AND INCOME STATISTICS BY SITE.....	16
TABLE 2: COMPARISON OF CASELOADS AND PER-ATTORNEY CASELOADS	17
TABLE 3: COMPARISON OF ATTORNEY, INVESTIGATOR, AND SOCIAL WORKER STAFFING.....	18
TABLE 4: NUMBER OF HOLISTIC DEFENSE PRACTICE SURVEY RESPONSES.....	19
TABLE 5: HIGH-QUALITY DEFENSE, SURVEY RESPONSES	21
TABLE 6: DESCRIPTION OF SOCIAL WORKER ROLE IN THE THREE SITES.....	22
TABLE 7: SOCIAL SERVICES, SURVEY RESPONSES	23
TABLE 8: COLLATERAL CONSEQUENCES, SURVEY RESPONSES	25
TABLE 9: TEAMWORK, SURVEY RESPONSES	29
TABLE 10: PERCENTAGE OF CASES REFERRED TO SOCIAL WORKER IN THE THREE SITES	31
TABLE 11: BACKGROUND AND DEMOGRAPHICS OF CLIENTS INTERVIEWED IN MINNESOTA	33
TABLE 12: CASE TYPE TOTALS AND OVERALL ATTORNEY PROPORTION IN MINNESOTA COUNTIES	37
TABLE 13: PROPORTION OF CASELOADS BY ATTORNEY TYPE.....	38
TABLE 14: COMPLIANCE WITH CASE DISPOSITION TIME STANDARDS.....	40
TABLE 15: DAYS TO APPOINTMENT OF COUNSEL.....	41
TABLE 16: DAYS TO INITIAL APPEARANCE	41
TABLE 17: AVERAGE NUMBER OF HEARINGS PER CASE DISPOSITION.....	42
TABLE 18: AVERAGE NUMBER OF CONTINUANCES PER CASE DISPOSITION.....	42
TABLE 19: MANNER OF DISPOSITION.....	43
TABLE 20: TRIAL OUTCOMES BY ATTORNEY TYPE.....	43
TABLE 21: CHARGE REDUCTION RATE BY ATTORNEY TYPE	43
TABLE 22: COMPARING EXPECTED PRISON SENTENCES BY ATTORNEY TYPE.....	45

EXECUTIVE SUMMARY

Since *Gideon v. Wainwright*, the provision of an attorney to a criminal defendant is an accepted constitutional right. The past 50 years has witnessed the ongoing development by defense practitioners of what it means to “provide the effective assistance of counsel” through strong legal advocacy. More recently, many practitioners contend that in addition to the defense attorney, professional support services, such as social workers, paralegals, and criminal investigators, are critical to effective assistance of counsel in indigent defense cases. Investment by defender offices in resources and skills beyond traditional legal expertise promises to bring positive returns not just for clients, but for the criminal justice system and taxpayers as well. The umbrella of what we will call the holistic defense model covers the most developed concepts and practices of an integrated defense team. Proponents of holistic defense claim a wide range of enhanced client outcomes including more favorable court dispositions and successful treatment for recurring needs (e.g., addiction, joblessness, mental illness) as well as associated public benefits such as reduced recidivism and less reliance on costly incarceration. As positive as these meritorious claims may be, the current dearth of rigorous evaluative research means they remain unverified.

Overview of Study Design and Methods

Study Goals. The National Center for State Courts (NCSC) evaluated the implementation of holistic defense practices at three public defender offices: the Department of Public Advocacy in Bowling Green, Kentucky; the Hennepin County Public Defender in Minneapolis, Minnesota; and the Rhode Island Public Defender in Providence County, Rhode Island. The primary objectives of the project were to examine (1) how indigent defense providers have implemented the principles of holistic defense in practice, (2) how holistic defense practices vary among providers, (3) what factors have facilitated or impeded implementation of holistic defense practices, and (4) to analyze, drawing on client-level data, the influence that holistic defense practices have on case outcomes for holistic defense clients as compared to traditional public defense.

Methods. In all offices, on-site interviews were performed with attorneys, judges, social workers, investigators, and others with knowledge of practices at the site. Following the interviews, a survey of attitudes toward holistic defense and perception of practices at the site was administered. Only limited data on cases and outcomes was available from each of the public defender offices, restricting the scope of empirical analyses conducted. However, in Hennepin and two adjacent Minnesota counties, administrative data was provided by the

Minnesota Supreme Court and Minnesota Sentencing Commission that allowed for a comprehensive analysis comparing client outcomes among holistic public defense, traditional public defense, and private counsel. In addition, client interviews were conducted to compare client perspective on the quality of representation between the holistic model of representation in Hennepin County and more traditional public defense in neighboring Ramsey County.

Organizing Framework. The project’s guiding theory of holistic defense consists of five “holistic activities” (i.e., high-quality, client-centered representation in the criminal case; meeting clients’ social service needs; consideration of collateral consequences; community programs; and systemic advocacy) and three holistic “ways of working” (i.e., a defense team; enhanced information; and community connections). This theoretical framework clarifies the objectives of holistic defense and was used to organize findings from the on-site interviews, surveys, client interviews and available data. The program theory is documented in the first publication resulting from this project entitled *The Measure of Good Lawyering: Holistic Defense in Practice* (Lee, Ostrom and Kleiman, 2015).

Products. Beyond this project summary, results from the evaluation are presented in (1) three separate site-specific process articles, (2) a fourth article drawing comparisons across sites, including results from the web-based survey on holistic defense practices gathered from public defenders, social workers, investigators, judges, and prosecutors, (3) an article evaluating holistic defense from the client perspective, and (4) an article providing an in-depth impact analysis of client outcomes in three Minnesota counties. Appropriate publication outlets are being sought.

Overview of Results

Holistic Activities. Each site engaged in at least some of the holistic activities. However, the extent of engagement, and the specific activities, differed across sites. Interviewees at each of the sites responded favorably about the quality of public defense services in the case at hand, although at Bowling Green it was noted that high caseloads affect the quality of defense services. All sites had at least one social worker (or similar position) on staff, although the number of social workers, duties and tasks performed by the social workers, and even the terminology varied. At Hennepin County and Bowling Green, social workers focused primarily on mitigation of sanctions in felony cases. At Rhode Island, social workers served in a more general role as a liaison between clients and social service providers, while also performing some mitigation in felony and misdemeanor cases. Social workers were involved in a relatively small percentage of cases at each site, ranging from about two percent (Bowling Green and Hennepin County) to 26 percent (Rhode Island).

Holistic Ways of Working. A team-based approach to representation was most prevalent at Hennepin County, where social workers, investigators, and attorneys worked closely together and perceived themselves to be part of a “defense team.” Teamwork was also present at Rhode Island, although not to the same extent as at Hennepin County. At Bowling Green, social workers, investigators, and attorneys worked in proximity to one another, but there was less teamwork and the social worker and investigator rarely worked on the same cases. Enhanced information was obtained and used at each of the sites. This information was obtained primarily through interviews conducted by social workers or investigators, or through the administration of client questionnaires (either by attorneys or social workers). Interviewees described this information being used to shape the defense during the case to mitigate sentences, to identify referrals to social services, and to identify collateral consequences.

Holistic Defense from the Client Perspective. Clients who had received services from the Hennepin County Public Defender’s office were interviewed. For comparison, interviews were also conducted with clients who had received services from the Ramsey County Public Defender’s office, which has a more traditional approach. Although the clients’ experiences in both sites were varied, the findings, on balance, show that clients in Hennepin County were more likely to report that involvement by a defense team (e.g., attorneys and social workers) increases client satisfaction, the sense of procedural justice, and, in some cases, improved case outcomes. The most stated reason was the presence of dispositional advisors (social workers) in Hennepin County who enhanced client experience and led to clients having both their legal and social service needs met to a greater degree.

Examining Case Outcomes for Holistic Public Defenders. The impact evaluation focused on outcomes and processing characteristics of felony cases handled by the Hennepin County Public Defender Office. The primary analysis examines felony cases handled by holistic public defenders in the Hennepin County District Court and compares results with those obtained by privately retained attorneys in Hennepin County and public defenders who practice a more traditional form of defense in the adjacent counties of Ramsey (second most populous county) and Anoka (the fourth most populous county).¹ The evidence gained from an examination of felony case resolution in the three Minnesota counties show that both holistic and traditional public defenders are more successful than privately retained counsel in terms of the efficiency of case processing practices. This is an important new finding as only minimal attention has been

¹ Although defense in Ramsey and Anoka counties is more traditional than in Hennepin, this is not to say that holistic defense practices are absent. Holistic practices may be present in these counties, but have not been adopted to the same extent as in Hennepin.

paid in the literature as to how cost-effectiveness and efficiency of system case processing practices vary by type of attorney. The enhanced efficiency gained by holistic and traditional public defenders does not come at the expense of the clients. Results of the analysis show that public defenders, both holistic and traditional, are as successful as privately retained attorneys in achieving favorable outcomes for their clients. With respect to sentencing, no difference in sentencing outcome was found when comparing Hennepin holistic defense v. traditional public defense in Ramsey/Anoka. However, in Hennepin County, attorney type was found to make a difference in whether an offender is incarcerated and for how long within the framework established by the sentencing guidelines. Multivariate analysis shows that clients represented by Hennepin Holistic Defenders receive an expected prison sentence approximately four months shorter than for clients of private attorneys, controlling for other conditions such as offense severity, criminal history, other sentencing factors, and demographics. Although the current results find few differences between the outcomes obtained by holistic public defenders and traditional public defenders, one important consideration is that many positive aspects of holistic defense serve to provide more authentic and effective representation as an end in itself. That is, holistic defense provides a truer means to effective assistance of counsel regardless of case outcome.

Conclusions

Holistic defense functions differently at each of the three sites. Although there are some commonalities – for example, all sites have at least one social worker and investigator on staff – the variations are more notable. Significant variations include: (i) the proportion of cases receiving holistic defense; (ii) the focus of holistic services on a sub-set of case types; and (iii) differences in social worker roles and responsibilities. This is not to say that one site is more holistic or performs holistic defense “better” than another site. The holistic practices at each site appear to work to defendants’ benefit, and each of the sites has adapted their holistic practices as they observe what works and what does not work. However, efforts to document success related to the impact of holistic defense specifically and public defense more generally is severely hampered by the absence of administrative data. Largely due to lack of funding, all three offices have struggled to implement case management systems capable of collecting and tracking case and client information. Relatedly, the chief barrier to the expansion of holistic defense services, encountered at all three sites, is a lack of funding for additional attorneys, social workers, and investigators. In general, staff and leadership expressed the sentiment that additional resources would enable attorneys to spend more time on cases and allow social workers and investigators to be involved in a higher percentage of cases.

INTRODUCTION

In *Gideon v. Wainwright* (1963), the United States Supreme Court recognized a constitutional right to government-provided counsel for indigent criminal defendants. In many states that right led to the creation of public defender offices, with full- or part-time, salaried public-sector attorneys who handle the majority of felony and misdemeanor cases filed in state trial courts. As these systems mature, questions persist over how public defenders should best use their limited resources. In addressing the continuing debate over the quality of legal assistance to indigent clients, the public defense community has not been idle in advancing what it means to provide effective assistance of counsel. Under the emerging model of holistic defense, the defense attorney is one member of an interdisciplinary team of social workers, investigators, paralegals, and other support staff that provides a comprehensive strategy for addressing the defendant's legal needs, as well as any underlying social needs that may have contributed to the defendant's criminal justice system involvement. Holistic defense, also known as community-oriented defense or problem-solving lawyering, is currently the fullest articulation of what constitutes effective criminal defense services. At its core, holistic defense is high-quality, client-centered criminal defense representation. Moreover, the practice of holistic defense extends beyond that of traditional criminal defense in several ways, such as an increased focus on collateral consequences, community involvement, and advocating for systemic change.

To improve upon the limited knowledge of holistic defense in practice, researchers from the National Center for State Courts (NCSC) worked with three public defender offices that have moved to implement holistic defense:

- Department of Public Advocacy in Bowling Green, Kentucky
- Hennepin County Public Defender in Minneapolis, Minnesota
- Rhode Island Public Defender in Providence, Rhode Island.

The primary objectives of the multisite evaluation were to develop an understanding of the state of implementation of holistic defense practices, the extent to which implementation at each site fits the NCSC's program theory of holistic defense (Lee, Ostrom, and Kleiman, 2015), and the impact of holistic defense practice on client outcomes. Specifically, this evaluation investigated how the offices operate, how their practices align with the program theory, how the offices differ from one another, what obstacles they encountered, and what successes they achieved.

About the Current Study

Public defenders, social workers, investigators, judges, prosecutors, and community stakeholders were interviewed at each site. Drawing on this qualitative interview data, first-hand observations, limited quantitative data, and other available resources (e.g., annual reports), three site-specific process articles were drafted, describing the way each site's practices align with the program theory of holistic defense. Each process report article concludes with several summary observations of the site's practices and commentary on the notable or unique features of each site. Following the site visits, web-based surveys were distributed to all members of each public defender office as well as to all judges and prosecutors in the jurisdiction to gather a broad assessment of criminal defense practice. A fourth article offers a comparison of observed differences in holistic defense practices across the sites and summarizes findings from the surveys in each site.

Client interviews were performed at the Minnesota site with clients who had received services from the Hennepin County Public Defender, which has adopted a holistic approach, and clients who had received services from the Ramsey County Public Defender, which uses a more traditional approach. Implications from these client interviews are presented in an article on holistic defense from the client perspective. Case-level data on outcomes and processing characteristics of felony cases was obtained from the Minnesota Supreme Court and Minnesota Sentencing Commission. The quantitative data was used to develop an article that examines how felony cases handled by holistic public defenders in Hennepin County compared with results gained by privately retained counsel in Hennepin County and public defenders who practice a more traditional form of defense in the adjacent counties of Ramsey and Anoka.

After summarizing the program theory of holistic defense, this Project Summary offers an overview of findings from the process reports, client interviews, and empirical analysis comparing the efficiency of case processing practices and quality of case outcomes among holistic public defenders, traditional public defenders and privately retained counsel in three Minnesota counties.

DEVELOPING A PROGRAM THEORY OF HOLISTIC DEFENSE

In recent decades, public defenders across the country have begun striving for, and practicing, holistic defense (Giovanni, 2012). A growing body of articles, reports, websites, and other resources present anecdotes, normative information, and theoretical commentary with respect to holistic defense, and several organizations have created models of or have defined what holistic defense means (Bronx Defenders, 2018; Savner and Clark, 2010; and American Bar Association, 2012). The traditional standard for effective assistance of counsel “is not to improve the quality of legal representation” (*Strickland v. Washington*, 1984), but instead ensure that criminal defense meets certain basic requirements so that a defendant is not disadvantaged. In contrast, holistic defense is defined in positive terms by identifying certain activities that public defenders should engage in to provide quality criminal defense.

Existing definitions of holistic defense offer guidance on what is involved in implementing holistic practices. The NCSC has developed a program theory for holistic defense that draws upon and synthesizes these prior definitions, including the Bronx Defenders’ Four Pillars of Holistic Defense, the Brennan Center for Justice’s Ten Principles of Community Oriented Defense, and the American Bar Association (ABA) Task Force on Comprehensive Defense Representation’s Six Cornerstones of Comprehensive Representation (Lee, Ostrom, and Kleiman, 2015). The program theory acts as a conceptual framework for evaluating the implementation of holistic defense in practice. It brings together acknowledged program goals to clarify both consistency and variation in how real-world public defender offices have enacted holistic defense processes and practices. In so doing, the theory identifies the key program components and specifies activities that a holistic defense provider performs (a “theory of action”), and how those activities are intended to bring about identified goals (a “theory of change”).

The theory of action identifies five activities that support and fortify successful implementation of holistic defense services:

1. High-quality, client-centered representation in the criminal case
2. Meeting clients’ social service needs
3. Enhanced consideration of collateral consequences and other legal issues
4. Community programs
5. Systemic advocacy

In addition to these activities, the program theory identifies three “ways of working” that are common characteristics of holistic defense providers and assist attorneys in delivering holistic defense:

1. A defense team
2. Enhanced information about the client and the case
3. Community connections

Holistic Defense Activities

The following definitions summarize the five holistic defense activities and how they are expected to contribute to the client’s representation. The first three activities focus on the individual client, while the latter two relate to efforts at the community level.

High-quality, client-centered representation in the criminal case:

Holistic defenders strive not just to meet, but to exceed minimum constitutional assurances of quality. Whether through developing or participating in innovative programs, engaging in the other holistic activities, or good old-fashioned lawyering, holistic defenders work to achieve a case result that is favorable and desirable to the client. While a strong focus on the client’s criminal case is central to holistic defense, holistic practice expands attention to include factors in the client’s background and environment that may contribute to their criminal justice system involvement.

Meeting clients’ social service needs:

Beyond attention to the criminal charge itself, holistic defense aims to connect clients with services and treatment providers that address their underlying needs. Addressing the client’s needs aims to mitigate the effects of any social issues, reduce the likelihood of recidivism, and promote possible sentencing alternatives.

Enhanced consideration of collateral consequences and other legal issues:

Collateral consequences are the subsequent effects of a criminal charge and/or conviction. Consequences may be personal (e.g., child custody, immigration status, driver’s license), professional (e.g., employment, certifications), or financial (e.g., social assistance, student scholarships). Holistic defense aims to mitigate or avoid collateral consequences by actively connecting clients with appropriate social resources, providing legal defense that communicates these factors to the court as relevant outcomes of the case, and/or assisting clients

in minimizing the consequences' effects (e.g., expungement of criminal records or driver's license reinstatement).

Community programs:

Community outreach and support is an important element of holistic defense, as clients are part of the surrounding community. Educational programs and social gatherings build trust with the community and provide opportunities for communication between citizens and the public defender's office.

Systemic advocacy:

Holistic defense advocates for improvements to the criminal justice system at the state, local, or national level through public awareness, statutory reform efforts, partnerships and coalitions. Areas for improvement include social disparities among defendants, and funding for programs that enhance access to justice for indigent defendants, among others.

Holistic Defense Ways of Working

The following definitions describe the three ways of working in holistic defense and how they are expected to contribute to the client's representation.

A defense team:

A multidisciplinary team is essential to holistic defense practice, as social, medical, and other issues should be identified and addressed by experts in areas outside of law. While public defense attorneys are chiefly responsible for the case's legal defense, other specialists such as social workers, investigators, and paralegals may be used to collect and expertly synthesize information that may enhance the client's defense. The multidisciplinary defense team is the cornerstone of holistic defense practice.

Enhanced information about the client and the case:

Holistic defense incorporates a broader range of resources to address aspects of the client's case, considering legal and contextual issues that may inform defense approaches and sentencing alternatives. Holistic defenders gather and, when appropriate, use enhanced information about the client beyond what is typically gathered for a legal defense. Developing mitigation strategies for collateral consequences also relies on this enhanced information.

Community connections:

Connecting to the broader community promotes greater understanding of the collateral issues that clients may encounter, identifies resources available to meet their needs, and builds trust with citizens and service providers. Proximity to clients' neighborhoods promotes accessibility to the office, easier identification of service providers or resources within their area, and familiarity with the current issues that may contribute to a client's criminal justice system involvement. Public trust and community outreach are bolstered by maintaining connections with local providers and hosting neighborhood events.

PROCESS EVALUATION: SUMMARY OF FINDINGS

This summary offers an overview of the findings from each site and comparisons across sites, with a focus on differences in the implementation of holistic defense practices among the three sites. The site-specific articles describe in detail the practices of each holistic defense program drawing on information from site interviews, first-hand observations, and surveys with staff and other court stakeholders.

Site Locations

Downtown Minneapolis, Minnesota, home to the Hennepin County Public Defender's office (HCPD), is significantly more urban than either Providence, Rhode Island or Bowling Green, Kentucky. As shown in **Table 1**, HCPD serves a catchment area more than double that of the Providence Office of the Rhode Island Public Defender (RIPD) and more than six times that of the Bowling Green Trial Office of the Kentucky Department of Public Advocacy (BGDPA). All three sites have poverty rates significantly higher than the national rate of 12 percent.

Table 1: Comparison of Population and Income Statistics by Site*

Site	Population of City (total catchment area)	City Median Household Income	City Poverty Rate (total catchment area)
Bowling Green, KY	67,067 (192,243)	\$37,183	28.5% (18.5%**)
Hennepin County, MN	422,331 (1,252,024)	\$67,989	21.3% (10.9%)
Providence, RI	180,393 (686,269)	\$50,637	28.2% (15.8%***)

*Statistics were obtained from U.S. Census Bureau and are 2017 estimates based on 2010 Census Data.

** Warren County

*** Providence County

Each of the offices is centrally located in a downtown building, away from residential areas, but near other judicial and social services resources. The offices themselves are also varied. RIPD is the sole occupant of a three-story building in downtown Providence. HCPD and BGDPA, on the other hand, each occupy a portion of a larger building. HCPD is located on

several floors of a tall building in downtown Minneapolis, and BGDPA is located on the third floor of a modern justice center that also houses Warren County’s trial courts.²

Caseload and Staffing Comparisons

As shown in **Table 2**, HCPD handles more than twice as many cases as RIPD, and about seven times as many cases as BGDPA. Notably, HCPD’s caseload contains a higher proportion of misdemeanors (80%) than either of the other two sites; in Bowling Green misdemeanors comprise only 63 percent of BGDPA’s caseload.

With 120 attorneys, HCPD has significantly more attorney resources than either of the other two sites, which is also reflected in the caseload-per-attorney statistic below. On average, an attorney at the BGDPA handles 475 cases per year, more than twice that of their counterpart at HCPD. High caseloads were repeatedly mentioned during interviews with BGDPA as a barrier preventing attorneys from treating more cases holistically.

Table 2: Comparison of Caseloads and Per-Attorney Caseloads*

Site	Caseload			Cases per Attorney**		
	Misdemeanors	Felonies	Total	Misdemeanors	Felonies	Total
Bowling Green, KY	2,978 (63%)	1,767 (37%)	4,745	298	177	475
Hennepin County, MN	20,891 (80%)	5,288 (20%)	26,179	209	53	262
Providence, RI	9,568 (71%)	3,988 (29%)	13,556	204	85	289

*Caseload data for Hennepin County exclude adult probation violations, juvenile delinquency, specialty courts, conflict cases and family court matters. These case types totaled about 9,700 cases in 2018.

**Calculated based on total number of attorneys as shown in Table 3.

In addition to attorneys, each of the offices has social workers and investigators on staff. As shown in **Table 3**, Hennepin County employs more social workers and investigators than the other sites, with a total of 11 and 14, respectively. However, when placed in the context of the number of attorneys being supported by each social worker or each investigator, the ratios are close: 10 to 1 and 10 to 1 for Bowling Green, 9 to 1 and 10 to 1 for HCPD³, and 7 to 1 and 7 to 1

² Each office may have attorneys stationed at other locations (e.g. courthouses). HCPD also provides representation from two satellite offices located in the suburbs.

³ HCPD employs about 120 attorneys overall and this number is used to calculate the attorney to investigator and social worker ratios. Approximately 100 attorneys handle adult criminal cases and this number is used to calculate felony and misdemeanor cases per attorney in Table 2.

for RIPD, respectively. These numbers do not capture the intensity of work, however. As will be seen, social workers in particular are used in very different ways across the three sites.

Table 3: Comparison of Attorney, Investigator, and Social Worker Staffing

<u>Site</u>	<u>Attorneys</u>	<u>Investigators</u>	<u>Social workers</u>
Bowling Green, KY	10	1	2*
Hennepin County, MN	100	14	12**
Providence, RI	47	7	7

*BGDPA uses the term “Alternative Sentencing Worker” (abbreviated “ASW”). Also, Bowling Green moved to 2 ASWs in fall of 2018.

**HCPD uses the term “Dispositional Advisor.” Also, starting in 2018, HCPD has a social worker (not called a “dispositional advisor”) present at arraignment hearings.

Surveys of Holistic Defense Practices

A set of surveys were developed to provide a structured assessment of attitudes toward holistic defense in practice. These surveys were designed to provide a broad perspective on the definition and practice of holistic defense (based on the program theory), allowing input from a greater number of participants than could be reached through the semi-structured interviews and focus groups. Attorneys, social workers, investigators, judges, and prosecutors at each of the sites completed an online survey⁴ and were asked to rate their level of agreement with statements relating to holistic practices at the site on a scale of 1 to 5 (1 being strongly disagree, 5 being strongly agree). Statements related to holistic defense activities and ways of working took the form of items such as, “I am able to promptly investigate the facts and circumstances of my cases.” The judge and prosecutor surveys were in a similar format but worded to focus on public defenders such as: “Public Defender attorneys promptly investigate the facts and circumstances of their cases” and limited to 20 statements. Responses were converted to a 100-point scale⁵ and interpreted as follows:

100-86: Strong Agreement; 85-76: Agreement; 75-66: Slight Agreement
 65-56: Slight Disagreement; 55-46: Disagreement; 45-20: Strong Disagreement

The number of survey responses are shown in **Table 4**.

⁴ The survey completed by judges and prosecutors contained only a subset of the items on the public defender and social worker survey. Therefore, some results will not include responses from judges and prosecutors.

⁵ Conversion to a 100-point scale was accomplished by multiplying individual responses by 20. This conversion and the interpretive scale were developed to highlight variation in responses, which tended to be clustered between neutral (60) and agree (80).

Table 4: Number of Holistic Defense Practice Survey Responses

	Kentucky	Hennepin	Rhode Island	Overall
Public Defenders	63	38	25	126
Social Workers/Investigators*	33	9	7	49
Judges**	53	12	8	73
Prosecutors***		33	15	48

* Survey responses for social workers and investigators were combined in each jurisdiction into a single category referred to as Social Workers as few significant differences were found among the two group responses. In Kentucky, the web-based survey was administered to public defenders and ASWs statewide due to there being only one social worker within the Bowling Green trial office.

**In Rhode Island, the Superior Court judges opted out of participating in the survey and, consequently, survey results reflect only the views of District Court judges. In Hennepin, surveys were only distributed to judges who primarily hear criminal cases. In Kentucky, the survey was distributed to judges in all jurisdictions having ASWs.

***In Kentucky, the Commonwealth’s and County Attorneys Associations both opted out of participating in the survey and, consequently, no survey results were obtained for Kentucky prosecutors.

Engagement in Holistic Activities

High-Quality, Client-Centered Defense

Each of the three holistic agencies engages in programmatic practices that enhance the quality of representation overall and the extent to which representation is centered around the client’s goals and input. At BGDPA, using alternative sentencing plans is one way in which the office exceeds constitutional minimums both in terms of quality and being client-centered, although plans are only proposed or accepted in a portion of cases. Plans are typically developed by a social worker, called an “Alternative Sentencing Worker” or “ASW,” with client participation and are only presented if the client approves of the sentence proposed by the plan. In cases where alternative sentencing plans are not used, representation at BGDPA is more traditional than at Hennepin or Rhode Island. This is, in large part, due to the high per-attorney caseload in Bowling Green, which attorneys perceived as being a barrier to providing holistic defense.

In Hennepin County, high-quality, client-centered representation takes several forms, including: (1) using dispositional advisors to provide enhanced information and mitigating evidence at sentencing, (2) lower per-attorney caseloads enabling attorneys to spend more time with each case, and (3) a team of investigators being present to assist attorneys with preparing their defense.

Early involvement in cases is one of the hallmarks of quality defense at RIPD. Rhode Island’s unique Defender Community Advocacy Program (“DCAP”) provides clients with advice from an experienced attorney at their first arraignment hearing prior to entering any plea. A social worker is also on-call for DCAP cases. Communicating with the client at this early stage, both by an attorney and a social worker, helps the defense to be client-centered and effective. Although social workers in Rhode Island provide mitigating evidence at sentencing in major felony cases, they fill a broader role as community services liaisons and their focus is less exclusive to sentencing than at BGDPA and HCPD.

Survey respondents from Hennepin County and Rhode Island expressed a higher level of agreement with statements relating to high-quality defense than did respondents from Bowling Green (**Table 5**).⁶ For example, public defenders in Hennepin (82 on the 100-point scale) and Rhode Island (82) generally agreed with the statement “I am able to promptly investigate the facts and circumstances of my case,” whereas public defenders in Bowling Green (63) expressed some disagreement with this statement. Similarly, public defenders from Bowling Green strongly disagreed (37) with the statement “My workload is sufficiently controlled to permit me to provide quality representation.” Although public defenders from Hennepin and Rhode Island also expressed some disagreement with this statement, their responses were notably higher (62 and 64 respectively, indicating more agreement) than their counterparts in Bowling Green.

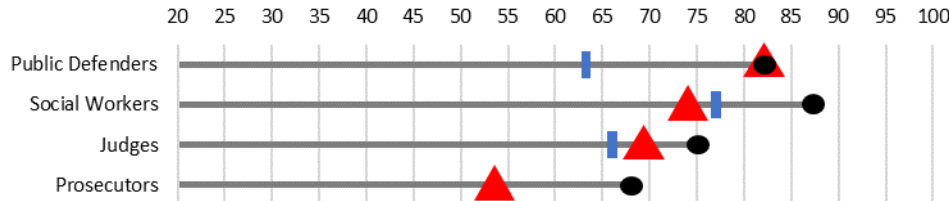
Interestingly, social workers/investigators, and judges from Kentucky expressed stronger agreement with the survey items than did public defenders, indicating that these groups may have a more positive impression of defense services provided. This pattern was not present at the other locations, with the exception that judges and prosecutors at all three sites expressed much more agreement than did attorneys with the statement that “Defense counsel is included as an equal partner in the local justice system.”

⁶ Judges and prosecutors were asked to answer a similar subset of survey items, though in some instances, the survey items were slightly re-worded to ensure responses focused on public defender practices. For example, public defenders, investigators, and social workers were asked to assess the statement: “I am able to promptly investigate the facts and circumstances of my cases,” while judges and prosecutors were asked to assess: “Public defender attorneys promptly investigate the facts and circumstances of their cases.” All instances of changes in phrasing are noted parenthetically following the wording of the survey item assessed by public defenders, investigators, and social workers.

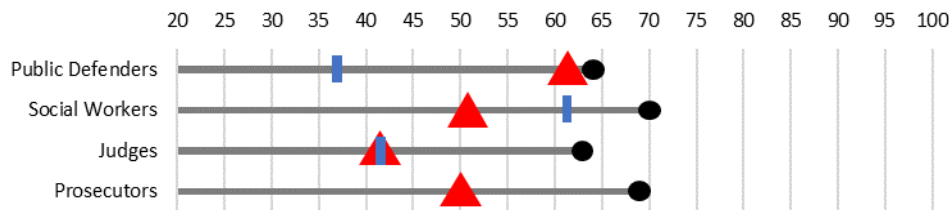
Table 5: High-Quality Defense, Survey Responses

■ Kentucky ▲ Hennepin ● Rhode Island

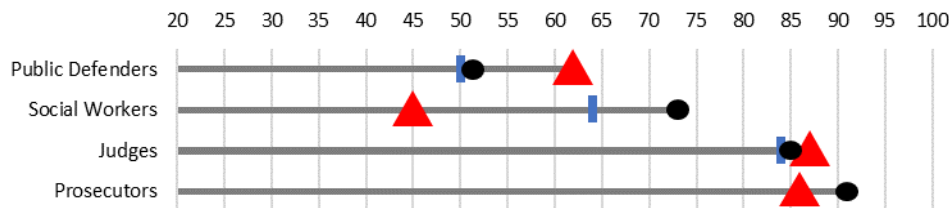
I am able to promptly investigate the facts and circumstances of my cases. (Public defender attorneys are able to promptly investigate...)



My workload is sufficiently controlled to permit me to provide quality representation. (Public defender attorney workload is sufficiently controlled...)



Defense counsel is included as an equal partner in the local justice system.



Meeting Clients’ Social Services Needs

Each of the three sites has social workers on staff who work to meet clients’ social service needs. Although the term “social worker” is used at Rhode Island, Bowling Green refers to relevant staff as “alternative sentencing workers,” (ASW) and Hennepin County uses the term “dispositional advisors.”⁷ This distinction in nomenclature is important as staff serving in these roles are not required to hold social worker licensure or have a degree in social work. Most

⁷ There is on-going discussion at HCPD regarding whether to move away from the term “dispositional advisors” and refer to social worker staff instead as “mitigation specialists.”

dispositional advisors and ASWs, however, do have a master’s degree in social work or a related discipline.

The different terminology used to refer to social worker staff also reflects variations in the roles performed by social workers at the different sites. For example, social workers at Bowling Green engage primarily in developing formal and informal alternative sentencing plans addressing social service needs, hence the term “alternative sentencing workers.” Similarly, social workers at HCPD advocate for alternative sentences, although their work is not exclusive to sentencing. At Rhode Island, social workers perform a more generalist role. **Table 6** summarizes the roles of social workers at each of the sites.

Table 6: Description of Social Worker Role in the Three Sites

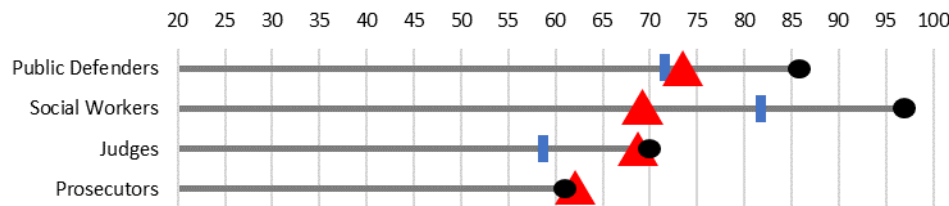
Site	Position name	Description of Role
Bowling Green, KY	Alternative sentencing workers (ASWs)	ASWs meet with clients who have social service needs and develop alternative sentencing plans pursuant to which a social service need are addressed (e.g. substance abuse treatment, housing) as a condition of sentencing and in lieu of some or all jail time. ASWs are responsible for developing community connections and being knowledgeable about social service resources for the purpose of creating sentencing plans.
Hennepin County, MN	Dispositional advisors	Dispositional advisors provide mitigating evidence at sentencing in the form of written or video sentencing memoranda, work to develop alternative sentencing options, serve as a mental health consultant for attorneys, and conduct interviews with clients’ friends and families to gather information that can be used to advocate for mitigation or alternative sentencing. They also connect clients to social service resources in the community.
Rhode Island	Social workers	Social workers assess clients’ social service needs and refer clients to community social service resources. Present mitigating evidence in certain felony cases.

Survey response underscored observations from the sites regarding provision of social services. As shown in **Table 7**, all attorneys expressed at least some agreement with the statement “I have sufficient support from a social worker or sentencing advocate to investigate each client’s social, medical, and educational history.” However, attorneys from Rhode Island responded more favorably (86) to this statement than HCPD and Bowling Green (73 and 72, respectively). Notably, Rhode Island has a lower attorney to social worker ratio than the other sites. Prosecutors and judges rated defense agency public defenders, social workers, and investigators less favorably than staff rated themselves.

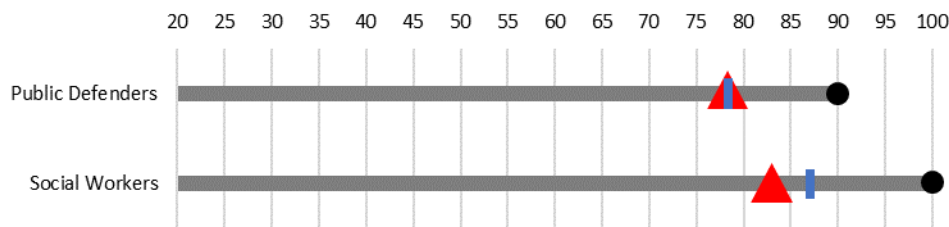
Table 7: Social Services, Survey Responses

■ Kentucky ▲ Hennepin ● Rhode Island

I have sufficient support from a social worker or sentencing advocate to investigate each client’s social, medical, and educational history. (Public defense attorneys and professional staff effectively address defendants’ other legal needs (e.g., immigration issues, child custody, drug treatment)).



I have sufficient support from a social worker or sentencing advocate to match clients with treatment programs or other alternatives to incarceration.



Enhanced Consideration of Collateral Consequences and Other Legal Issues

Holistic defense seeks to address the collateral consequences of an arrest or conviction, including issues such as immigration status, employment, asset forfeiture, child custody, driving privileges, social assistance, and student scholarships. Hennepin County was the only site at which in-house staff have expertise on immigration matters. Since 2010, Hennepin County has employed a full-time immigration attorney whose chief role is to assist the other public defenders in cases in which a client may suffer an immigration-related consequence, if they are convicted.⁸ All foreign-born clients complete an immigration intake interview, after which the information is screened and analyzed by an immigration attorney. Sometimes the immigration attorney serves as co-counsel for the case, which involves presenting oral argument and meeting with the prosecutor, judge, and witnesses. In other instances, the immigration attorney provides an opinion or a memorandum regarding possible immigration-related consequences to the public defender serving as lead counsel in a case. HCPD does not engage in direct immigration work

⁸ During the course of this project, HCPD shifted to having an immigration attorney on contract, essentially in a consultant capacity for the public defenders, rather than as in-house staff.

(e.g., filing immigration papers), and refers clients with immigration status issues to a third-party legal aid organization.

In addition to immigration, Hennepin County represents clients in certain other civil matters, such as asset forfeiture, implied consent hearings for driving while intoxicated (DWI) violations, and admission to a driving diversion program to have their driver's licenses reinstated.⁹ Although public defenders at Bowling Green and Rhode Island advise clients with respect to possible consequences in these areas, representation at these sites is more confined to the case at hand. One exception is that both Rhode Island and Bowling Green work with clients to achieve expungement of previous criminal records.¹⁰

Survey results indicated that staff at Rhode Island may engage more in representation with respect to collateral consequences than was evident from the site visits. As shown in **Table 8**, respondents from Hennepin responded most favorably (66) to the statement “My office is well-equipped to identify clients’ potential collateral civil penalties (e.g., immigration issues, public housing issues) and bring them to my attention.” Respondents from Kentucky responded least favorably to the same statement (58), with Rhode Island being in between (62).

Although Kentucky public defenders did not perceive themselves to be particularly well-equipped to deal with collateral issues, possibly due to time restrictions, they did express that they understood collateral civil penalties. Hennepin public defenders expressed less agreement than the other two sites with respect to whether they understood collateral civil penalties; however, this may be the result of labor specialization at Hennepin (e.g., having a specialized immigration attorney). Members of the Rhode Island defense team responded with strong agreement regarding providing assistance to clients with expungement, whereas members of the Hennepin defense team responded more favorably (albeit with some disagreement) than the other jurisdictions regarding assistance with respect to restoring driving privileges.

Notably, with respect to statements pertaining to whether public defense offices are well-equipped to deal with collateral matters and understood such matters, judges and prosecutors rated public defenders and social workers/investigators more positively (in many instances much more positively) than staff rated themselves.

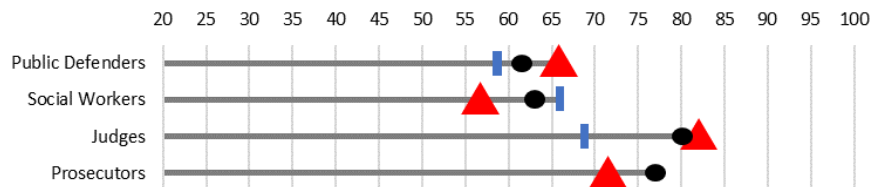
⁹ In Hennepin County, the driving diversion program is part of the resolution to a driving-related offense, and is not a separate civil appearance.

¹⁰ The main administrative office of the DPA in Frankfort provides programming related to expungement, and has created a collateral consequences manual that is available for attorneys to use as a resource. A recent development is that the Frankfort office has hired an attorney with immigration experience who is available as a resource.

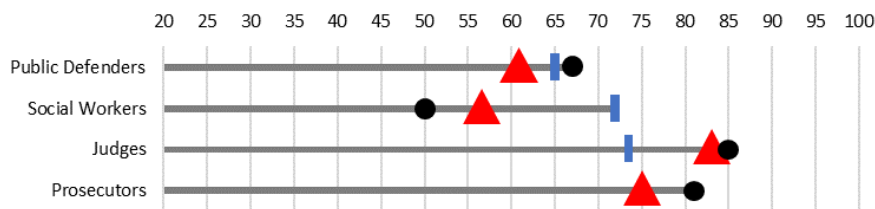
Table 8: Collateral Consequences, Survey Responses

■ Kentucky
 ▲ Hennepin
 ● Rhode Island

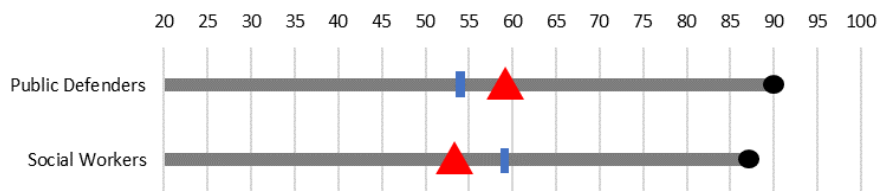
My office is well-equipped to identify clients’ potential collateral civil penalties (e.g., immigration issues, public housing issues) and bring them to my attention. (Public defender attorneys have a good understanding of the status of potential collateral civil penalties facing their clients).



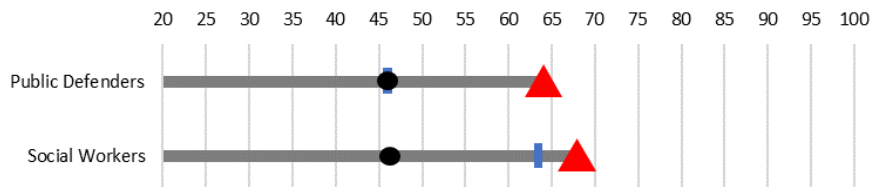
I always have a good understanding of the status of other potential collateral civil penalties my client faces (e.g., immigration, child support). (Public Defender attorneys have a good understanding of...).



My office actively seeks expungement for the client when possible.



My office actively assists clients with the restoration of driving privileges.



Community Programs

Of the three sites, only Hennepin County and Rhode Island engage substantially in community programming. Although Bowling Green has many connections within the community, it does not provide programming. Public defenders and social workers/investigators in Kentucky expressed a desire to reach out more to the community and engage in this activity.

Programming at Hennepin County fits broadly into two categories: (1) educational programming or (2) programming that is simply designed to build trust. Examples of the former are Hennepin County's participation in the local Citizens' Academy, community outreach programming to immigrant communities about driver's licenses, warrant forgiveness day, and speaking at community meetings such as local Rotary clubs.

At Rhode Island, community programming is typically educational in nature and is primarily performed by the community liaison, who speaks about topics such as expungement or court fines and fees and has developed and distributes literature regarding these and similar topics.

Systemic Advocacy

Holistic defense programs advocate for adequate funding and improvements in the criminal justice system in a variety of ways. Although all sites engage in legislative advocacy, there is significant variation between sites in terms of the purpose of advocacy and the forums in which advocacy occurs. At both Kentucky and Rhode Island, advocacy largely occurs as part of the statewide public defender's office (rather than at the regional office level). Advocacy at Hennepin is in-house (although some advocacy also occurs at the central statewide office), which is to some extent a byproduct of public defense in Minnesota being more decentralized than in Kentucky and Rhode Island.

Because Bowling Green is a regional office located about two hours from the capital of Kentucky, very little advocacy occurs at Bowling Green. Rather, advocacy is performed by the Frankfort main administrative office. For example, leadership within the Frankfort office are active participants in criminal justice reform organizations at both local and statewide levels. In general, advocacy related to holistic defense in Kentucky is performed by relating holistic services to cost-savings. The Kentucky Department of Public Advocacy (DPA) has successfully increased the number of ASWs by demonstrating that alternative sentencing plans reduce jail time served, thereby saving costs. The DPA has partnered with staff from the University of Kentucky to study the work performed by the ASWs and to quantify savings (Cape and Walker, 2017).

Rhode Island is unique among the sites in that it has a dedicated legislative liaison who advocates on the statewide public defender's behalf. The legislative liaison lobbies the Rhode Island General Assembly and advocates with respect to legislation that has criminal justice implications, including RIPD's own legislative package. Additionally, RIPD's community outreach liaison advocates for legislation at the local level, gathering grassroots or organizational support.

Systemic advocacy at Hennepin County is, at the same time, more national and more local than the other sites. At the national level, HCPD leadership participated in a national focus group in 2012 on indigent defense reform that culminated in a report to the United States Attorney General. HCPD is also active in seeking out national grants. Locally, the Chief Public Defender serves on the Behavioral Health Task Force, which develops alternatives for persons with mental health issues to prevent them from becoming involved in the criminal justice system. One such alternative is the creation of a Behavioral Health Center where law enforcement can refer people with mental health issues rather than arrest them. Hennepin has also been active in advocating for programs such as (1) an eReminders system to reduce failure to appear rates, (2) a grant-funded program called Hitch Health which provides clients with free rides to meet with their public defender and attend their court date, (3) a co-responder project where social workers respond with police to calls where there may be a mental health issue, and (4) a restorative court program, where a social worker is present at first appearances in misdemeanor cases to provide clients access to social services right away (participation in social services can result in a dismissal or better resolution).

Engagement in Holistic Ways of Working

A Defense Team

Hennepin County was particularly notable for its team-based approach to representation. Defense counsel are organized into teams based on the type of cases they typically handle. Within those teams, defense counsel work closely alongside dispositional advisors, paralegals, and investigators, and described engaging in informal group strategy sessions, or "pit reviews," to brainstorm a particular aspect of a case, and more formal group case reviews to "completely brainstorm" every aspect of a case. Hennepin public defenders felt the team-based approach was helpful and affected their treatment of cases. Non-attorney staff (e.g., dispositional advisors) also perceived their role as being part of a defense team and as helping to develop the overall case strategy based on information they obtained from the client and their expertise. One barrier to

teamwork at Hennepin is that dispositional advisors are situated on a different floor than public defenders.¹¹

Similar to Hennepin, staff at RIPD also described working together closely as a multidisciplinary team where attorneys, social workers, and investigators were able to effectively communicate directly and work together to defend the case. Some social workers work in close proximity with attorneys, which was described as creating efficiencies. Unlike Hennepin where dispositional advisors and investigators often worked closely together, social workers and investigators in Rhode Island described working on the same cases, but not necessarily being aware of what tasks each other were performing.

At Bowling Green, teamwork is more limited, due in part to staffing limitations. Only certain case types are eligible for referral to the ASW and these are often different cases than those the investigator works. Although all attorneys expressed appreciation and respect for the ASW, only some attorneys worked closely with the ASW and others described having little contact with the ASW.

As shown in **Table 9**, staff from all three agencies generally agreed with statements pertaining to teamwork. Although differences between jurisdictions were slight, attorneys from Rhode Island expressed strong agreement (93) with the statement “My office actively seeks to engage social workers, civil legal advocates, investigators, and others to address the needs of clients.” whereas those from Hennepin and Kentucky agreed to a lesser extent (85 and 77, respectively). Social workers at all three jurisdictions expressed nearly identical levels of agreement with this statement.

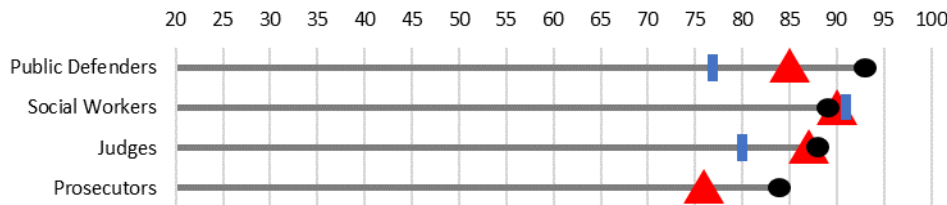
When asked whether social workers and investigators participate as “active members of the legal team,” attorneys in all three jurisdictions agreed or strongly agreed. Social workers and investigators in Hennepin and Rhode Island, however, rated their involvement somewhat less favorably than did attorneys.

¹¹ In 2019, this barrier was removed due to the placement of dispositional advisors on specific teams.

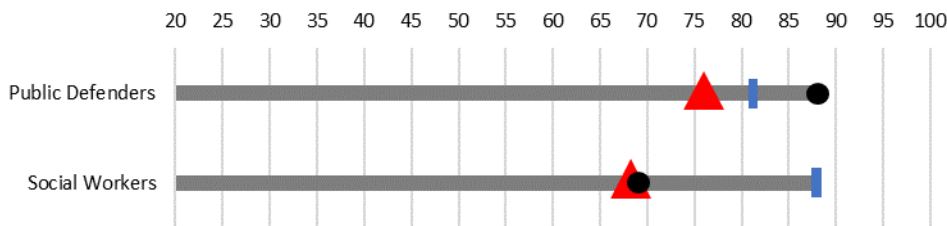
Table 9: Teamwork, Survey Responses

■ Kentucky
 ▲ Hennepin
 ● Rhode Island

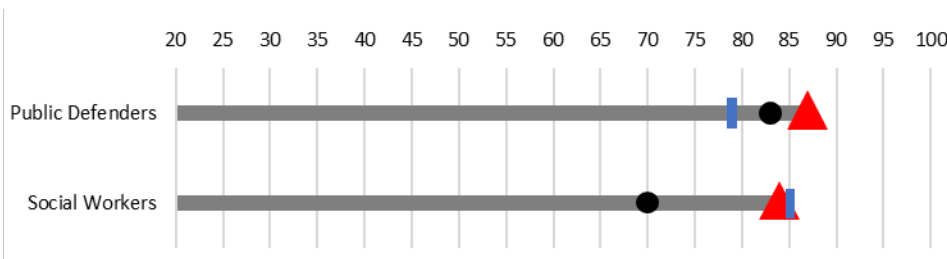
My office actively seeks to engage social workers, civil legal advocates, investigators and others to address the needs of clients. (The Public Defender use of an interdisciplinary defense team of attorneys working with social workers and investigators benefits the criminal justice system.)



In my office, social workers participate in client representation as active members of the legal team.



In my office, investigators participate in client representation as active members of the legal team.



Enhanced Information About the Client and the Case

All the sites obtain and use enhanced information in at least some cases (see *supra* regarding different case types in which holistic defense practices are used). In general, enhanced information is obtained in cases where a social worker or investigator becomes involved, as the social worker or investigator typically meets with and interviews the client, either in conjunction with the attorney or separately.

In Hennepin County, dispositional advisors draft written sentencing memoranda based on extensive client interviews, their family members, friends, and other witnesses. In some

instances, these memoranda incorporate video footage of interviews. The sentencing memoranda, and the extensive information obtained during the interviews, are then used to advocate for mitigation or alternative sentencing. Investigators also obtain enhanced information, but this information typically relates to the facts of the case rather than to the client's background. Both dispositional advisors and investigators share relevant information with the attorney so that the attorney is aware of the information and can use it to develop a strategy and better advocate for the client.

Social workers and investigators functioned similarly at Rhode Island and Bowling Green, although information was typically not obtained from as many sources (e.g., friends, family members, probation officers, and others) as at Hennepin County. At Bowling Green, the ASW has an intake meeting with clients and has them complete an extensive questionnaire with information about many aspects of their life, including their immigration status, education, employment, legal history, housing, health history, mental health history, and substance abuse history. When appropriate, this information is used to create an alternative sentencing plan to present to the court. Similarly, social workers at Rhode Island conduct a client intake interview and have the client complete a questionnaire. Rhode Island does not create formal written sentencing plans, although information is used as part of Rhode Island's DCAP program to advocate for alternative sentences. At both Rhode Island and Bowling Green, questionnaires are added to the client file and the social worker shares relevant information with the attorney.

Community Connections

Community connections play an important role at all three sites, primarily so that staff at the public defender's office are aware of available community resources (e.g., housing, mental health treatment, or substance abuse treatment) and can connect clients with those resources. At Hennepin County, dispositional advisors are primarily responsible for developing the connections with community resources, although one significant connection is having a staff member "on loan" from the County Department of Human Services and Public Health who is knowledgeable about the food assistance, housing, and other programs that agency administers. The Public Defender also engages in substantial efforts related to establishing connections with other local agencies and persons connected to the criminal justice system.

At Bowling Green, connections are created and maintained primarily by the ASW, although ASWs across the state collaborate to share information and create a database about service providers.

Rhode Island was the only site with a dedicated community liaison staff member, who fills a broad role, but who is responsible for, among other things, creating and maintaining connections with the community.

Cases Receiving Holistic Treatment

One notable finding from this evaluation is that even among these holistic defense practitioners, a relatively small number of cases and clients receive services from a defense team. **Table 10** shows the percentage of cases referred to the staff social workers at each site. Twenty-six percent of RIPD cases are referred to a social worker, whereas only two percent of cases in Bowling Green and Hennepin County are referred to an ASW or dispositional advisor. It is important to recognize that social workers at each of the sites perform different roles, and that the nature of these roles affects the referral data. For example, social workers at RIPD serve a broad role in that one of their functions is to assess clients’ needs and to refer clients to appropriate services within the community. By contrast, Bowling Green’s ASW serves a more limited role, tasked with drafting alternative sentencing plans as requested by attorneys in specific cases.¹² Drafting a sentencing plan takes significantly more time than referring a client to a community service. Similarly, HCPD’s dispositional advisors draft detailed mitigation reports, although like RIPD they also refer clients to community services.

Table 10: Percentage of Cases Referred to Social Worker in the Three Sites

Site	Percent of Cases			Method Used to Determine
	Felony	Misdemeanor	Overall	
Bowling Green, KY	5%	0.3%	2%	Percentage of cases in which an Alternative Sentencing Worker proposes a sentencing plan
Hennepin County, MN	12%	1%	4%	Internal referral data for case referrals to Dispositional Advisors
Providence, RI	34%	24%	26%	Internal referral data for case referrals to Social Workers

It is worth noting that caseload and referral data from each site is imperfect, and that recordkeeping differs among the sites. In many instances, referral generates a formal record or data entry in a case management system; however, it is likely that some cases are referred to social workers or investigators without generating any formal record. For example, a public defender may interview a client who has housing needs and call or text message to ask a social

¹² ASWs refer clients to social services in prioritized case types in conjunction with the creation or implementation of an alternative sentencing plan.

worker to put that client in touch with the city’s public housing department. Such a task may generate no formal record, particularly if it is easily accomplished and does not take significant time. By contrast, a public defender asking a social worker to draft a formal sentencing plan or mitigation report and to present that report at a hearing is generating significantly more work. Said differently, although case referral rates may indicate how many cases a social worker or investigator is involved in, these rates do not capture the extent of that involvement.

Prioritization of Different Case Types for Holistic Treatment

Each of the sites intentionally prioritizes certain case types for holistic treatment. At several of the sites, prioritization has changed over time in response to observing effectiveness or reflecting on feedback from judges, legislators, or other stakeholders. In Kentucky, the Department of Public Advocacy has published a “priority list” of certain case types that may be referred to an ASW. In general, these are cases that are significant enough for a possible jail sentence, but not so severe that a jail sentence is inevitable. Probation hearings are prioritized because ASWs have been able to effectively advocate that a client should be released on probation provided they satisfy certain conditions, such as enroll in a substance abuse treatment program. By intentionally using ASWs in this manner, the Department of Public Advocacy has been able to demonstrate cost-savings achieved as a result of holistic services, and use this information to advocate for funding to hire additional ASWs.

Hennepin has shifted from having social workers who serve in a more general role as a liaison to service providers, to having dispositional advisors that provide enhanced client information and sentencing recommendations to attorneys and, in some instances, directly to judges at sentencing hearings. Although Hennepin and Bowling Green both prioritize felony cases, Hennepin does not specifically prioritize probation hearings.

Hennepin and RIPD both prioritize arraignment hearings and have a social worker present at arraignment. RIPD prioritizes using social workers as part of its Defender Community Advocacy Program (“DCAP”) program, in which an attorney and social worker are present at arraignment to advise the client how to plead and argue bail. Social service needs are identified at this early stage and service referrals (e.g., substance abuse treatment) may be part of a bail agreement. Although using social workers at RIPD was more prevalent in DCAP cases than in non-DCAP cases, RIPD social workers are available for referral in any case. Starting in 2018, HCPD also has a social worker (not called a “dispositional advisor”) present at arraignment hearings.

HOLISTIC DEFENSE FROM THE CLIENT PERSPECTIVE: SUMMARY OF FINDINGS

Introduction & Methods

The NCSC contracted with Utilization-Focused Evaluation to conduct interviews with recent clients of public defenders in two counties in Minnesota – Hennepin and Ramsey. While Hennepin County has adopted many of the holistic activities and ways of working, Ramsey County maintains a more traditional approach. In total, 36 clients were interviewed: 16 clients of Ramsey County Public Defenders and 20 of Hennepin County Public Defenders. Of these 36 interviews, 21 were former clients who are currently in-custody in a correctional facility (workhouse or prison) and the remaining 15 were out-of-custody or on probation. All but two clients were United States citizens, seven identified as female, and the rest identified as male. The racial breakdown of interviewees included 21 African American, six multi-racial, four White, three Asian, and two Native American clients. Client ages ranged from 18 to 68 years of age, with an average age being 36-years-old. Only one client had served in the military.

Table 11: Background and Demographics of Clients Interviewed in Minnesota

County	Number of clients interviewed	Custody Status		Criminal History		Race					Gender		Age
		In-Custody	Out-of-Custody	Yes	No	African American	Native American	Asian	Multi-Racial	White	Male	Female	
Hennepin	20	13	7	15	5	14	1		2	3	17	3	20-59
Ramsey	16	8	8	14	2	7	1	3	4	1	12	4	18-68

Interviews were analyzed to identify the presence of three holistic activities (high-quality, client-centered legal representation in the criminal case, mitigation of collateral consequences, and attention to clients’ social service needs) and three holistic ways of working (team-based approach, enhanced information, and community connections).

Client Experiences with Holistic Activities

High-Quality, Client-Centered Representation

The client interviews explored the extent to which they felt listened to by their legal team, how well they understood their options, the extent to which they could share their story with their lawyer, the degree to which their legal and life goals were prioritized, and the level of trust present in the client-lawyer relationship. Across both counties, the number of clients who

described client-centered interactions with their lawyer or legal-team was about the same as those who did not describe client-centered experiences. There were also a handful of clients in both counties who experienced some elements of a client-centered relationship, but other aspects of the relationship were much weaker.

Clients who were able to discuss their legal goals with their lawyer were likely to have those specific goals prioritized or met. Clients who felt their lawyer did what they could or went above and beyond for them were more likely to trust their legal team and have a strong client-centered relationship. These clients were also more likely to view their experience as positive, even if the outcome of the case was not favorable. In contrast, not having an opportunity to share their story was a strong determinant in a weak client-centered relationship. Additionally, those who perceived a degree of disrespect with their lawyer's communication etiquette, or expressed disappointment or frustration with the efforts and defense strategies of their lawyer, often lacked trust in their legal team and were also likely to experience limited or weak client-centered relationships with their lawyer.

Overall, the interview results do not suggest that clients in Hennepin County have a more competent or client-centered experience than those in Ramsey County. Rather, the quality of legal representation varied greatly among clients from both counties.

Collateral Consequences and Other Legal Issues

When looking across client experiences in the two counties, there was slightly more attention to collateral consequences in Hennepin County, but also a higher number of cases where lawyers failed to mitigate collateral consequences. Fewer clients in Ramsey County seemed aware of any collateral consequences of their criminal cases.

The higher number of clients whose collateral consequences were mitigated in Hennepin County is largely due to the involvement of dispositional advisors; however, there were also several cases where no dispositional advisor was involved and the consequences were still minimized. It is also worth noting that, while several clients in both counties described their lawyers as having successfully negotiated reduced penalties, few clients discussed how this was related specifically to conversations about the impact of the penalties on their personal lives.

Collateral consequences were mitigated more often when lawyers listened to their client's story and brought that to court (health issues, etc.). Still, there were several cases where clients did share information about their background that revealed potential collateral consequences, but their lawyer did nothing to address them (e.g., losing driving privileges, having to go to jail before treatment), or failed to bring that information to court in a way preferred by the client.

Meeting Clients' Social Service Needs

When comparing client responses across the two counties, there was more attention paid to the social service needs of clients in Hennepin County than in Ramsey County. The distinction between Ramsey and Hennepin seems to be due, as with collateral consequences, to the presence of dispositional advisors in Hennepin County who were directly responsible for discussing issues and making referrals. Yet there were also several cases of lawyers discussing these issues even in the absence of a dispositional advisor. This highlights that an important aspect of the holistic defense model is showing clients that social service support is even a possibility, something they could ask for (vs. those who thought it was outside the scope of the public defender's job).

Interestingly, in Ramsey County there seemed to be more of an aversion on the part of some clients to having their social service needs discussed. Many clients just wanted to get the legal process over with and did not see it as part of the lawyer's job to discuss other issues. This makes it difficult to discern whether the lack of referrals in Ramsey County was driven by the clients' lack of desire for it or the defense team's lack of attention towards it. Yet there were a few clients who it seems would have appreciated and benefitted from the presence of a dispositional advisor and a more holistic approach in Ramsey County.

Client Experiences with Holistic Ways of Working

Team-Based Approach

During the interviews, clients were asked whether they met with anyone other than their lawyer. Significantly more clients in Hennepin County mentioned interacting with someone other than their lawyer during their case, and in most cases, this was a dispositional advisor. The presence of dispositional advisors in Hennepin County seemed to enhance clients' experiences and outcomes in all but two cases. In these cases, the clients noted a lack of follow-through from the team (lawyers or disposition advisors leaving mid-case) had a negative impact on their experience and outcomes. In Ramsey County, only five clients had someone other than their lawyer working on their case and none explicitly mentioned the involvement of a social worker.

Enhanced Information

A goal of holistic lawyering is to gather enhanced information about a client's life for the legal team to mitigate collateral consequences and address social service needs. While most of the clients interviewed in both counties indicated that they shared some personal information with their lawyers, more clients in Hennepin County received services or support for their personal lives as a result of sharing that information. Again, this seems largely due to the

presence of dispositional advisors working on many of those cases. Still, the majority of clients interviewed indicated that the enhanced information collected by the defense teams was used in court to benefit their legal outcomes more than to address their personal lives more broadly. Some clients in each county also did not feel comfortable sharing personal information with their lawyer, while others did not feel that it was something with which their lawyers should be concerned.

Community Connections

In this area, the interviews focused on the extent to which clients felt their lawyers understood them and their backgrounds, which speaks to the cultural competence of the lawyers. This type of connection is important to enhance the level of trust a client feels towards their lawyer, as well as to enable lawyers to address any collateral or social service needs the client might have. Interestingly, despite not having adopted the holistic model of defense, more Ramsey County clients seemed to feel that their lawyer understood them and their background. Despite more clients in Ramsey County feeling their lawyers understood them, the three strongest cases of community connections were in Hennepin County and were far deeper than any described in Ramsey County. While the understanding of background and lived experiences yielded a greater number of community connections in Ramsey County, the shared identities of race and age appeared to foster greater depth of connection for the clients in Hennepin County. It is also worth noting that clients identified a difference between lawyers understanding their lived experience and having empathy based on that understanding. There were also a large number of clients in both counties who simply did not feel any sense of connection or compassion from their lawyers.

IMPACT EVALUATION: SUMMARY OF FINDINGS

The impact evaluation focuses on outcomes of felony cases handled by the Hennepin County Public Defender Office. The primary analysis examines felony cases handled by holistic public defenders in the Hennepin County District Court and compares results with those obtained by (1) privately retained attorneys in Hennepin County and (2) public defenders who practice a more traditional form of defense in the adjacent counties of Ramsey (second most populous) and Anoka (the fourth most populous).

Proponents of holistic defense see it not only as an advance over traditional public defense, but also comparable in quality to the services provided by privately retained counsel. However, the absence of strong evidence plagues the claims for each type of defense counsel, whether the outcomes are positive or negative.

The analysis is based on administrative data provided by the Minnesota Supreme Court and the Minnesota Sentencing Commission, comprising all felony cases disposed during calendar year 2016. **Table 12** shows the number of 2016 felony dispositions that were handled by each jurisdiction, along with proportions of attorneys handling those cases. The total caseload disposed by each court is presented with a breakdown by case type. Public defenders handled the greatest portion of felony cases in these courts, with privately retained counsel representing less than one-third (30%) of felonies. Proportions of cases handled by public defenders were different between jurisdictions, with the largest proportion in Ramsey County and the smallest in Hennepin County.

Table 12: Case Type Totals and Overall Attorney Proportion in Minnesota Counties

Site	Homicide	Person	Property	Drugs	Other Felony	Total	Percent	
							Private Attorney	Public Defender ¹
Hennepin	74	1,952	1,255	1,644	556	5,481	33	67
Anoka	7	464	357	616	92	1,536	28	72
Ramsey	22	603	425	366	175	1,591	24	76
Total	103	3,019	2,037	2,626	823	8,608	30	70

¹Statistically significant difference between jurisdictions (difference of means, p<.05).

Case type composition by representation type for each jurisdiction is shown in **Table 13**. In general, public defenders handled a greater share of person (e.g., 39% for public defenders in

Hennepin v. 29% for private counsel in Hennepin) and property crimes, and private attorneys were concentrated in drug cases.

Table 13: Proportion of Caseloads by Attorney Type

Site	Homicide		Person		Property		Drugs		Other Felony	
	Public Defender	Private Attorney	Public Defender	Private Attorney	Public Defender	Private Attorney	Public Defender	Private Attorney	Public Defender	Private Attorney
Hennepin	1%	2%	39%	29%	23%	23%	27%	36%	10%	10%
Anoka	1	1	29	33	25	18	41	39	4	10
Ramsey	1	3	40	32	29	19	21	29	9	16
Percent of Total Caseload	1%		35%		24%		31%		10%	

Bold indicates statistically significant difference between attorney types (difference of means, $p < .05$).

Analytic Strategy

The analysis uses an outcome orientation to compare performance between attorney types (public defender compared to private attorney), a distinct concern to clients as well as other interested parties such as funding authorities and the public. The analytic strategy is to identify measurable outcomes that allow the performance of attorneys to be evaluated in light of what the office of public defense hopes to achieve, the extent to which it is meeting its goals, and to whom the benefits accrue. While quality representation for individual clients is at the forefront, public defense offices also have a duty to demonstrate effective stewardship and effective use of taxpayer-funded resources. One belief is that the practice of holistic defense provides a deeper understanding of the client background, current situation, and the desired direction in which the case should be taken. If so, this enhanced awareness may translate into more effective use of scarce defender resources and more favorable outcomes for the client.

Previous research identifies at least three aspects of defense attorney work conditions that potentially impact performance as well as differentiate public defenders from privately retained counsel. To be successful, defense counsel must balance the imperatives of (1) working within the larger criminal justice system; (2) managing their workload efficiently; and (3) effectively resolving the cases of individual clients. Effectively navigating this complex work environment requires recognizing and paying attention to both broader criminal justice system goals and narrower client interests. Consequently, examining defense attorney performance requires distinguishing outcome measures related both to the efficiency of case processing practices and to the quality of client outcomes.

Efficiency of Case Processing

Acknowledging the importance of managing resources emphasizes assessing whether clients have timely access to defense services, determining the number of hearings essential to effective case resolution, and ensuring cases are resolved in a timeframe least harmful to the client. Specifically, case processing efficiency is addressed in five ways: (1) overall time to disposition; (2) time from filing to appointment of counsel; (3) time from filing to initial appearance; (4) number of hearings held per disposition; and (5) number of continuances per disposition. Case processing efficiency by public defenders also benefits the criminal justice system more generally in its efforts to provide fair, timely, predictable and cost-effective use of taxpayer money.

Quality of Client Outcomes

Many within the public defense community argue that the most important indicators of attorney performance relate to the quality of case outcomes. This study examines the success of alternative types of criminal defense in achieving favorable outcomes for clients in five ways: (1) dismissal rate; (2) acquittal rate at trial; (3) charge reduction rate; (4) if convicted, likelihood of receiving a prison sentence; and (5) if convicted and sentenced to prison, the length of expected prison sentence. For individuals convicted of a felony offense, the analysis requires taking into explicit account the mechanics of the sentencing process to determine any independent role for type of defense attorney in the decision to incarcerate and, if so, for how long. In the current study, new ground is broken by looking at sentencing outcomes controlling for type of defense counsel in tandem with the employment of a state sentencing guideline system. The Minnesota sentencing guidelines use a structured method to score the conviction offense and offender prior record to place each convicted person on the sentencing grid and determine the recommended sentence type and length. This analytic strategy also provides a means to investigate whether any evidence exists of racial, gender, ethnic or age disparities.

Results

Efficiency of Case Processing

The evidence gained from an examination of felony case resolution in three Minnesota counties show that holistic and traditional public defenders are more successful than privately retained counsel in terms of the efficiency of case processing practices. This is an important new finding as only minimal attention has been paid in the literature as to how cost-effectiveness and efficiency of system case processing practices vary by type of attorney.

Both holistic and traditional public defenders resolved their cases in more timely fashion than privately retained counsel, in relation to time standards developed to balance concerns of quality and timeliness (**Table 14**). For example, public defenders in Hennepin resolved 85% of their cases within 365 days, while Hennepin private attorneys resolved 78% of their cases within 365 days. Greater compliance with time standards is deemed positive because prolonged litigation can harm clients, especially if incarcerated, and increase the cost and burden of the accused to defend themselves.

Table 14: Compliance with Case Disposition Time Standards*

Model Time Standards	Hennepin		Anoka		Ramsey	
	Private Attorney	Public Defender	Private Attorney	Public Defender	Private Attorney	Public Defender
90 days	19%	28%	12%	16%	12%	21%
180 days	43	56	31	48	47	64
365 days	78	85	76	84	84	90
Mean	253	201	296	249	256	190
Median	201	154	232	187	188	139

Bold indicates statistically significant difference between attorney types (difference of means, $p < .05$).

*For felony cases, the Model Time Standards recommend 75% of cases disposed within 90 days, 90% of cases within 180 days, and 98% of cases within 365 days (NCSC, 2011).

The analysis finds no difference in the time to appointment between public defenders and private counsel in Hennepin and Ramsey counties. In both these jurisdictions, clients benefited from early access to legal counsel with more than one-half being provided attorneys within 72 hours (**Table 15**). For example, in Hennepin, 59% of clients represented by public defenders and 61% of clients represented by private counsel had representation within 72 hours of the filing of charges with the court. Timely appointment of counsel also meant the majority of public defender clients in Hennepin and Ramsey were represented at initial appearance, their first hearing before a judge. In fact, a significantly higher proportion of clients represented by public defenders as compared to private counsel in Hennepin (60% v. 54%) and Ramsey (55% v. 47%) counties had their initial appearance conducted within 72 hours (**Table 16**).

Table 15: Days to Appointment of Counsel

	Hennepin		Anoka		Ramsey	
	Private Attorney	Public Defender	Private Attorney	Public Defender	Private Attorney	Public Defender
Mean	32	46	35	70	24	37
Median	3	3	1	27	3	4
Percent within 72 hours	61%	59%	43%	34%	55%	50%

Bold indicates statistically significant difference between attorney types (difference of means, $p < .05$).

Table 16: Days to Initial Appearance

	Hennepin		Anoka		Ramsey	
	Private Attorney	Public Defender	Private Attorney	Public Defender	Private Attorney	Public Defender
Mean	27	23	27	54	30	32
Median	3	3	27	26	5	3
Percent within 72 hours	54%	60%	43%	41%	47%	55%

Bold indicates statistically significant difference between attorney types (difference of means, $p < .05$).

Diligent defense counsel seek to limit the number of court hearings to only those necessary to reach the best outcome for their client. Unwarranted hearings prolong the case, misuse court resources, inconvenience clients, and waste valuable attorney time. The analysis shows that in all three jurisdictions there were significantly fewer hearings in cases involving public defenders than those in which private counsel were retained (**Table 17**).¹³ For example, in Hennepin, public defenders averaged 5.6 hearings per disposition, while private counsel averaged 7.1 hearings per disposition. Related to fewer hearings, public defenders also had significantly fewer continuances than private counsel. While continuances can benefit the defense in certain situations, such as allowing time for the full exchange of discovery, the use of continuances to, for example, cover up inadequate preparation slows the process and wastes resources. Data from these courts show public defenders average about one fewer continuance per case than privately retained counsel (**Table 18**). Overall, in the three sites, public defenders

¹³ The occurrence of fewer hearings could be viewed as a negative phenomenon if, for example, fewer hearings resulted from public defenders failing to zealously file and argue meritorious motions. However, when viewed in conjunction with data showing that there is little difference in case outcomes between public defenders and private counsel, the occurrence of fewer hearings indicates that public defenders are more efficient without detriment to the quality of representation.

averaged 1.6 continuances per disposition and private counsel averaged 2.4 continuances per disposition.

Table 17: Average Number of Hearings per Case Disposition

Site	Hearings		Total
	Private Attorney	Public Defender	
Hennepin	7.1	5.6	6.1
Anoka	6.5	5.8	6.0
Ramsey	7.0	5.6	5.9
Average	7.0	5.6	6.0

Bold indicates statistically significant difference between attorney types (difference of means, $p < .05$).

Table 18: Average Number of Continuances per Case Disposition

Site	Continuances		Total
	Private Attorney	Public Defender	
Hennepin	2.3	1.5	1.8
Anoka	1.7	0.9	1.2
Ramsey	3.3	2.3	2.5
Average	2.4	1.6	1.8

Bold indicates statistically significant difference between attorney types (difference of means, $p < .05$).

Quality of Client Outcomes

The enhanced efficiency gained by holistic and traditional public defenders does not come at the expense of the clients. Public defenders, both holistic and traditional, are as successful as privately retained attorneys in achieving favorable outcomes for their clients.

One basic goal of the defense attorney is to minimize the possibility of criminal sanctions. The lower the conviction rate for a given type of defense attorney, the more successful they are in gaining favorable outcomes. The most favorable outcome for a client is the dismissal of the case. At 17%, Hennepin holistic defenders had the highest level of dismissals, a rate significantly higher than Hennepin privately retained counsel (13%). There is no difference in dismissal rates between attorney types in Ramsey and Anoka (**Table 19**).

Table 19: Manner of Disposition

Site	Tried		Pled Guilty		Dismissed		Other	
	Private Attorney	Public Defender	Private Attorney	Public Defender	Private Attorney	Public Defender	Private Attorney	Public Defender
Hennepin	18%	15%	50%	57%	13%	17%	19%	12%
Anoka	4	2	69	71	15	15	12	11
Ramsey	12	3	63	75	14	15	11	8
Total	12%		61%		15%		13%	

Bold indicates statistically significant difference between attorney types (difference of means, $p < .05$).

In terms of trial outcomes, there is no statistically significant difference in the conviction or acquittal rates among different types of attorneys (**Table 20**).

Table 20: Trial Outcomes by Attorney Type

Site	Conviction		Acquittal		Dismissal	
	Private Attorney	Public Defender	Private Attorney	Public Defender	Private Attorney	Public Defender
Hennepin	73%	71%	11%	7%	15%	20%
Anoka	82	57	6	22	6	22
Ramsey	82	73	13	14	2	14

Because most defendants are convicted, an important outcome sought by most clients is a reduction in the seriousness of charge at conviction (**Table 21**). While relatively few cases involved charge reductions, results across all three jurisdictions show privately retained attorneys were significantly more successful in gaining charge reductions (14% of clients overall) than public defenders (11% of clients overall).

Table 21: Charge Reduction Rate by Attorney Type

Site	Felony	
	Private Attorney	Public Defender
Hennepin	13%	10%
Anoka	25	17
Ramsey	11	7
Total	14	11

Bold indicates statistically significant difference between attorney types (difference of means, $p < .05$).

For convicted clients, the analysis focused on the two stages of the sentencing process: (1) the judicial decision of whether to impose a prison sentence and, if so, (2) the length of the prison sentence¹⁴. Statistical models were designed to capture the “moving parts” of the Minnesota sentencing system, including offense severity score, criminal history score and presence of an upward or downward departure. In addition, the analysis used separate variables to control for the impact of age, race, sex, court location, and plea bargaining. Finally, separate variables for attorney type were used to capture the impact of alternative types of defense counsel.

No difference in sentencing outcome was found when comparing Hennepin holistic defense v. traditional public defense in Ramsey/Anoka. However, in Hennepin County, attorney type was found to make a difference in whether an offender is incarcerated and for how long within the framework established by the sentencing guidelines. Clients represented by Hennepin holistic defenders had an 11% *greater* chance of receiving a prison sentence than clients represented by Hennepin privately retained counsel, all else equal. However, the results also show that for clients sentenced to prison, those represented by Hennepin holistic defenders receive a sentence that is 7.3% *shorter* than those represented by Hennepin private counsel. This raises the question of how to gauge the overall impact of attorney type in Hennepin County. To reconcile these divergent effects, the expected prison sentence for every case was calculated by multiplying the estimated probability of receiving a prison sentence by the estimated prison sentence received if a prison sentence is expected (**Table 22**). The results show that clients represented by Hennepin Holistic Defenders receive an expected prison sentence approximately four months *shorter* than for clients of private attorneys, controlling for other conditions such as offense severity, criminal history, other sentencing factors, and demographics.

¹⁴ An accurate assessment of sentencing outcomes requires that the dependent variables be appropriately defined for the two sentencing stages. The first of these uses a categorical variable for the prison/no prison decision where 1 indicates the individual receives a prison sentence and 0 means a non-prison sentence, such as jail, fine or probation. In the second stage, the natural logarithm of the imposed sentence is used to assess the magnitude of the prison sentence. The analysis employed the one-step maximum likelihood version of the Heckman type estimation algorithm with robust standard errors.

Table 22: Comparing Expected Prison Sentences by Attorney Type

	Hennepin Private Attorney	Hennepin Holistic Defender	Expected Difference
Expected prison sentence	16.1	11.9	4.2*

* indicates statistically significant difference between attorney types (difference of means, $p < .05$).

The evidence gained from an examination of felony dispositions in the three jurisdictions is that public defenders are at least as successful as privately retained counsel.

CONCLUSIONS AND LESSONS

Key Findings

Holistic defense offices are asked to pursue a wide range of goals as a truer means to effective assistance of counsel. In recent decades, public defenders across the country have begun striving for and practicing holistic defense. The traditional standard for effective assistance of counsel “is not to improve the quality of legal representation” (*Strickland v. Washington*, 1984), but instead ensure that criminal defense meets certain basic requirements so that a defendant is not disadvantaged. In contrast, holistic defense is defined in positive terms by identifying certain activities that public defenders should engage in to provide quality criminal defense. The program theory identifies five holistic activities and three ways of working that bring together acknowledged program goals to clarify both the consistency and variation in how real-world public defender offices have enacted holistic defense processes and practices.

How holistic defense providers define holistic defense is consistent. When asked to define what holistic defense means to them, public defenders expressed mixed appreciation for the name itself. Some attorneys and professional team members were more familiar with and preferred other terms such as “client-centered defense” or “problem-solving lawyering” to describe what they do. Beyond terminology, defense team members acknowledge the importance of all features identified in the program theory yet tend to emphasize certain aspects of the holistic activities and ways of working when describing their conception of holistic defense in practice. Defense team members, particularly in the offices of the Hennepin County Public Defender (HCPD) and the Rhode Island Public Defender (RIPD), offered definitions that focused, in whole or in part, on the client-centered nature of holistic defense. Although the exact phrasing varied, many respondents noted that holistic defense requires looking at the client as a “whole” person to determine “how best to tell their story,” rather than only looking at the issues necessary to defend the criminal case. In addition, staff in all three offices viewed identifying and addressing the client’s underlying social service needs as central to helping resolve “as many of the client’s needs as possible,” seeing the “big picture,” getting past “looking at their criminal charges in a vacuum,” and working to reach a “global resolution of issues.” Another common theme was the importance of teamwork in providing high quality service to clients. Many attorneys and professional staff responded that holistic defense means being part of a “defense team,” with attorneys, social workers, investigators, and other staff members being part of the team.

Social workers and investigators are only used in certain cases. Overall, only a relatively small share of cases receive attention from a defense team. Although there is no clear

metric that determines precisely when holistic services are provided in a case, referrals to social workers and investigators can be used as a proxy to determine cases in which holistic services are used. Each of the three offices provided some data with respect to the internal referral of cases: 26 percent of RIPD cases are referred to a social worker, whereas two percent of cases in Bowling Green and Hennepin County were referred to an ASW or dispositional advisor. It is important to recognize that social workers at each of the sites perform different roles, and that the nature of these roles affects the referral data. Some attorneys were quick to point out that other elements of holistic defense, such as community connections, systemic advocacy, and high-quality representation are likely to be present and to positively affect defense services even if there is not direct involvement by all members of the defense team.

Use of a defense team improves client experience and creates efficiencies. The defense team comprises several key staff members who fill specialized roles, which creates efficiencies for the attorneys and the office in general. Working in a multidisciplinary team allows each member to focus on their areas of expertise to serve the best interest of the client. Using social workers and investigators to assemble detailed information about client's histories and needs frees attorneys to focus more fully on their representation in the case at hand. In addition, the client interviews suggest that having a defense team with different skillsets working on the case helps overcome the client's perception that they are represented by a "public pretender" and serves to generate trust and facilitate communication between the client and attorney.

Resource limitations shape implementation of holistic defense practices. Few public defender offices are well funded, and this is no less true for offices that are working to implement holistic defense activities and ways of working. Leaders in all three offices stress that limited funding is the primary factor affecting their ability to more fully embrace the practice of holistic defense. This reality leads each office to prioritize particular attributes of holistic defense that best meet their local needs, political environment, and funding opportunities. For example, the Kentucky Department of Public Advocacy (DPA) has used a public policy justification for funding the ASW program by showing that alternative sentencing plans identify clients likely to succeed through diversion and treatment and thus reduce incarceration costs. While client lives are no doubt improved, the Kentucky legislature was persuaded by the cost saving from reduced incarceration to expand the number of ASWs from eight statewide in 2014 to 53 in 2018. The Bowling Green office of the Department of Public Advocacy, and DPA as a whole, provide an excellent example of how a defense agency can implement certain holistic attributes even though it cannot implement the full spectrum of holistic defense activities due to funding, staffing, and other constraints.

The client perspective adds value. An important way to assess the work of public defenders is by asking clients about their experience. Overall, the client interviews suggest the holistic model is applied inconsistently in Hennepin County, with only some clients acknowledging robust holistic support. However, the clients who did interact with a defense team tended to voice more positive experiences and, in some cases, improved case outcomes. Even for those clients who did not receive the outcome they hoped, there is evidence that they valued the interaction, felt they were better able to tell their story, and came away with a more positive view of the quality of their representation. Research on procedural fairness (also referred to as procedural justice) indicates the importance to litigants of fair procedures above favorable outcomes. In particular, litigants value having a voice during their interaction with the court system and being treated with respect and care (*See, e.g.,* Burke and Leben, 2007). Holistic defense embodies similar principles, as public defenders, social workers, and investigators obtain increased information about clients and work to help clients by addressing their criminogenic needs. In the interviews, the most important distinguishing feature between Hennepin and Ramsey Counties was the presence of dispositional advisors in Hennepin County cases, which often enhanced client experience and led to clients having both their legal and social service needs met more fully.

Public defenders outperform private counsel in terms of case processing efficiency. The evidence gained from an examination of felony case resolution in Minnesota show that holistic and traditional public defenders are more successful than privately retained counsel in terms of the efficiency of case processing practices. This result has important implications. First, timely case processing is associated with a reduced demand for additional court hearings that also lower the likelihood for an out-of-custody client to miss a scheduled court appearance and become the potential recipient of a bench warrant. For in-custody defendants, more expeditious case processing decreases the time a client must spend in jail awaiting disposition of their case. Second, the timeliness exhibited by public defenders presents a picture that diverges from the popular image that overworked public defenders are unable to effectively schedule their work, prepare for court hearings, and satisfy time requirements. This point of view is not supported by the data for holistic and traditional public defenders in this study. In terms of managing scheduled court appearances and approximating time standards, public defenders perform better than privately retained attorneys. Third, timely attention to cases frames the issue of effective representation in a new light. Instead of engaging in a philosophical debate over whether timeliness in criminal case processing is inherently good or bad, it is possible to assess empirically whether the efficient handling of cases is made at the expense of clients. The achievement of timeliness needs to be viewed side-by-side with information on the outcomes for clients.

Public defenders are as successful as private counsel in achieving quality outcomes for their clients. The enhanced efficiency gained by holistic and traditional public defenders in Minnesota does not come at the expense of their clients. Public defenders, both holistic and traditional, are as successful as privately retained attorneys in achieving favorable outcomes for their clients. The conviction rates, dismissal rates, acquittal rates at trial, charge reduction rates, incarceration rates, and length of prison sentences for their clients are similar to the outcomes associated with privately retained counsel, with few substantive differences. These results suggest that policymakers and the criminal justice community are not required to choose between the efficiency of case processing practices and the quality of case outcomes when it comes to providers of criminal defense. Evidence indicates that as far as public defenders are concerned, both goals can be achieved. The fact that these goals are not necessarily in conflict means that the task confronting public defenders is to organize a public defense system responsive to community needs and circumstances that achieves both goals. While this task is neither easy nor obvious, the lesson to be learned is that public defenders have an opportunity to design a system where both case processing efficiency and quality outcomes are attained.

Unanswered Questions and Limitations

Challenges to empirical evaluation of the effectiveness of holistic defense remain. An important limitation in the current study is the ability to differentiate how the model of holistic public defense compares with the traditional model of public defense in terms of attorney performance and client outcomes. In theory, holistic defense asks public defenders to do more for their clients than merely satisfy minimal constitutional requirements. At its core, holistic defense strives for high-quality, client-centered criminal defense representation that goes beyond the traditional defense model in several ways, such as an increased focus on collateral consequences, social service needs, and development of tailored treatment plans in cases where drugs or alcohol are implicated. One potential benefit of this enhanced scope of service is to achieve more favorable client outcomes. So, what are we to make of the current results from the three Minnesota counties that find few differences between the outcomes obtained by holistic public defenders and traditional public defenders? One interpretation, supported by the evidence, is that the quality of public defense is high in all three jurisdictions examined. Another consideration is that many positive aspects of holistic defense serve to provide more authentic and effective representation as an end in itself. That is, holistic defense provides a truer means to effective assistance of counsel regardless of case outcome. As is the case with many aspects of public defender performance, the information does not exist, for example, to measure whether holistic defenders are better than traditional defenders at identifying potential collateral consequences, making the appropriate level of investigation into the facts of the case and the client's circumstances, and ensuring the client has the information necessary to make an

informed decision regarding the case and proposed course of defense. The current research identifies many strengths of public defense in the sites examined and raises new questions for our understanding of holistic defense in practice. With growing interest in empirical research on indigent defense and the factors that distinguish alternative models of defense representation, the time is right for holistic defenders to gather empirical evidence on an expanded set of processes and outcomes showing how holistic practice can play an integral role in continuing to improve the delivery of indigent defense services in the United States.

Administrative data remains unavailable. An ongoing and fundamental limitation to exploring the impact of holistic defense specifically and public defense more generally is the absence of administrative data. Largely due to lack of funding, all three offices have struggled to implement automated case management systems capable of collecting and tracking case and client information. This problem is common throughout the public defense community. As a result, the scope of possible empirical studies is highly restricted.

The value of assessing public defense performance needs to be embraced more fully. Measurable outcomes allow for the performance of holistic and traditional public defenders to be evaluated in light of what the office of public defense hopes to achieve, the extent to which it is meeting its goals, and for whom the benefits accrue. One belief is that the practice of holistic defense provides a deeper understanding of the client background, current situation, and the desired direction in which the case should be taken. If so, this enhanced awareness may translate into more effective use of scarce defender resources and more favorable outcomes for the client. Exploring this possibility requires data on system and client outcomes translatable into performance metrics that are feasible and supported by management information systems. From the public defense perspective, the most comprehensive treatment of recommended system performance measures is provided by the North Carolina Office of Indigent Defense Services (NCIDS) through the North Carolina Systems Evaluation Project (Gressens and Atkinson, 2012).

SCHOLARLY PRODUCTS

One article has been published.

Lee, Cynthia, Brian Ostrom, and Matthew Kleiman. 2015. *The Measure of Good Lawyering: Evaluating Holistic Defense in Practice*. 78 ALBANY L. REV. 1215.

There are several additional scholarly products that have been completed and are anticipated coming out of this evaluation.

Process Evaluation Articles

- A Program Theory for Evaluating the Process of Implementing Holistic Defense
- Multisite Evaluation of Holistic Defense Agencies: Hennepin County Public Defender's Office
- Multisite Evaluation of Holistic Defense Agencies: Kentucky Department of Public Advocacy, Bowling Green Office
- Multisite Evaluation of Holistic Defense Agencies: Rhode Island Public Defender
- A Comparative Process Evaluation of the Implementation of Holistic Defense

Client Perspective Article

- Holistic Defense from the Client Perspective

Impact Evaluation Article

- Comparing Outcomes for Holistic Public Defense with Traditional Public Defense and Private Counsel in Three Minnesota Counties

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