A Graduate Student's Guide to Getting Involved in **Indigent Defense Research**

KIRSTIN A. MORGAN, MA & REVEKA V. SHTEYNBERG, MA

SCHOOL OF CRIMINAL JUSTICE, UNIVERSITY AT ALBANY

AUGUST 18, 2016

PRESENTED BY
THE NATIONAL LEGAL AID & DEFENDER ASSOCIATION

WITH SUPPORT FROM
THE OPEN SOCIETY FOUNDATIONS

Introductions

NLADA
National Legal Aid &
Defender Association

Kirstin A. Morgan, M.A.

Reveka V. Shteynberg, M.A.

Agenda

- What is Indigent Defense?
- Secondary Data vs. Primary Data
- Steps for Primary Data Collection
- General Advice & Conclusion
- Q&A

What do we mean by indigent defense?

- Criminal defense for defendants unable to financially obtain their own attorney

- Public defender, conflict defender, assigned counsel, contract system, etc.
  - Each jurisdiction will usually have 2-3 to allow for conflicts

- County vs. state run systems
  - Decisions on funding and eligibility are at issue

- Centralized offices may provide easier access to large quantities of data
  - But the potential of assigned counsel based systems to provide research opportunities should not be overlooked

Secondary Data

- Data collected, cleaned, and shared by another party
  - Analysis ready vs. additional dataset prep needed

- Rarely used for indigent defense research because data is practically nonexistent
  - Few grants for indigent defense research
  - No standardized government collection

- May need merging of additional data from other sources – Caution!

Secondary Data – limitations

- Some questions you will need answered before you can claim a full understanding of the data, and thus any analysis you run
  - How was the data collected?
  - From what sources?
  - Any issues or concerns with data validity and/or reliability?

- Local context – what are you missing?
  - Politics, court culture, quirks of local justice
  - All of these inform understanding of the data

- Be careful using secondary data to make generalizations

Primary Data

- Data collected, cleaned, and prepared for analysis by the collector(s)
- Larger investment of time and resources
- What you gain
  - Experience in data collection
  - Get to know raw data and local storage methods
  - Complete understanding of data limitations
  - Design best data collection instruments and measures to research question(s)
  - Local context – "justice is all local"
- Can merge primary and secondary data

Steps for Primary Data Collection

- What follows is a step-by-step guide for graduate students who wish to research indigent defense issues via primary data collection
- These steps are based on our experiences in graduate school and primary data collection on various projects
- Goal is to provide broad overview on how to start a research project that involves primary data collection, quantitative or qualitative

Step 1: Find a Faculty Mentor(s)

NLADA
National Legal Aid & Defender Association

- Identify 1 or 2 faculty members in your department or institution who do research on indigent defense or courts
  - Be mindful of who you choose to work with

- Meet with them
  - Create a reading list (may change over time)
  - Discuss your interests & research experience
  - Do they have time and willingness to work with you?
  - Ask about any ongoing projects
  - Discuss independent study possibilities

Step 2: Research Question Generation

NLADA
National Legal Aid & Defender Association

- Start out by creating a list of research questions
  - Don’t worry about viability at this point
  - Keeping a research journal is a great way to keep track of any and all research questions and ideas you generate
- Next, create a smaller list of viable research questions
  - Do you have or can you get the resources needed? (i.e. funding, time, access, etc.)
- Research your institution’s IRB protocol
  - For sensitive data, approval will take time
  - May require letter of support from site/provider

Step 3: Identify Projects/Sites

- Your faculty mentor can help vet research questions and identify potential sites
  - Discuss the project and site (i.e. provider) with your faculty mentor(s) because often one will define the other
- Be prepared with multiple research questions, to fit to available sites
  - Recognize that the information you seek may not always be available, and if it is, it may not be in an easily downloadable format – be prepared!
- "See a need, fill a need"
  - Program evaluation
  - General statistics
  - Specific questions

Step 3: Identify Project/Sites - Funding

NLADA
National Legal Aid & Defender Association

- Don’t attempt a project you wouldn’t do without funding anyways
  - But you will likely need some money to complete a project

- Options
  - Work on faculty led grant
  - Work for a state or government agency – Caution!
  - Work for yourself – get grants/scholarships

- Advice for self-funding
  - Not necessary to get a large sum – be creative!
  - Be mindful of time and effort that needs to go into each application submission
  - Get advice and sample materials from faculty mentor(s) and other graduate student(s)
  - If you don’t get funding the first time, reapply!

Step 4: Contacting Site(s)

- Do NOT make cold calls
  - Have your mentor or another person introduce you to the provider
- Your relationship with the provider is incredibly important
  - Will decide if/how you access data
  - Will influence access for future researchers
- Stick to a brief overview of your project and set up an in person meeting

Step 5: Meeting with Providers

- Be mindful of their time and the meeting space
  - Dress appropriately
  - Know local court culture and politics – avoid sensitive topics
- Concise, clear presentation of your research project
  - Ask questions about their data storage and what each site has in terms of data
  - What is the willingness of attorneys and staff to participate in interviews
  - Be clear that you are an unbiased researcher with no stake in what the data shows
- Ask what you can provide for them in the way of analyses
  - “See a need, fill a need”
- Set up second meeting to go over details

Step 6: Data Collection Instrument

- May not need if data is electronic and easily downloadable
  - Do not assume this is true – prepare instrument for hand coding
- If doing interviews or observations, prepare instrument and practice using it
- Design instruments to be easy to use, while gathering all info you need for your project
  - Data entry and cleaning will be infinitely easier if you limit variable category options
- Ideally can use instrument on computer or on paper

Step 7: Meeting with Providers (Round 2)

- Come prepared with data collection instrument(s)
  - Include specific variables/questions and general categories
- Be ready to start collecting data, but be mindful of space and time constraints
  - Plan on collecting data from a small sampling of cases/interviews
- Discuss protocol for scheduling future data collection trips

Step 8: Data Collection

- Be prepared to revise data collection instruments to improve efficiency and manageability, and based on data availability
  - Revisions are essential to successful data collection!
- Empty spaces on instrument are okay
  - Try to get everything you can, but accept that much data may be unavailable
- Continue to talk with providers
  - May learn information pertinent to data collection

Step 9: Analysis and Reports

- Don't put off cleaning data

- As soon as possible, prepare preliminary reports for provider(s)
  - If you made a promise to deliver a report within a certain time frame, stick to it!

- Be wary of disseminating preliminary analyses beyond the provider

- Take care to clean data and create variables as the provider needs them
  - Can always create variables for your own needs too
  - If you are making all or part of the data public, be mindful of this format when creating your dataset – work smarter, not harder!

General Advice

- Get skills! Research training cannot be overvalued
- Small projects can still get you tons of data
- Don’t assume anything (e.g. sites, authorship, secondary data)
- Be respectful of the spaces you are in to collect data
- Relationships are everything
- Be mindful of your faculty mentor’s time and boundaries
- You don’t know as much as you think you do, and you know more than you realize
- Ask for help and advice – don’t need to reinvent the wheel!

Q&A

- Questions?

- If you have further questions, please feel free to contact us at:
  - Kirstin A. Morgan: kmorgan@albany.edu
  - Reveka V. Shteynberg: rshteynberg@albany.edu