



NLADA
National Legal Aid &
Defender Association

February 2025

Centering Clients in Public Defense Research

Voices from the Directly
Impacted Community



The National Legal Aid & Defender Association (NLADA), founded in 1911, is America's oldest and largest nonprofit association devoted to excellence in the delivery of legal services to those who cannot afford counsel. Among its key strategies, NLADA works to expand the defender community's capacity to utilize research and data through information, training, and technical assistance.

Acknowledgments

This report was created with support from the John D. and Catherine T. MacArthur Foundation as part of the Safety and Justice Challenge, which seeks to reduce over-incarceration by changing the way America thinks about and uses jails. The author wishes to give special thanks to April Frazier Camara, NLADA's President and CEO whose vision and guidance was indispensable to this project. For correspondence, please contact Patricia Foxen at p.foxen@nlada.org.

Table of Contents

Message from NLADA President and CEO	1
Overview of the Project	2
Description of the Listening Session	3
Key Themes	4
THEME #1:	
“Public defenders are limited by the larger injustices of the criminal legal system.”	4
THEME #2:	
“‘It’s like, ‘your voice doesn’t matter’”: Dehumanization and lack of investment	10
THEME #3:	
Collateral consequences: Perpetuating cycles of poverty, violence, and inequity	16
THEME #4:	
Recommendations from the community	20
Conclusion	21



Message from NLADA President and CEO

NLADA seeks to transform indigent defense research by centering the directly impacted community in our work. Traditionally, our research has focused on the defender and other key stakeholders' perspectives. In 2023, NLADA created a new program focused on community-based research designed to incorporate client perspectives into all organizational research, and eventually develop a broader Participatory Action Research Model to support civil legal aid and public defender organizations in improving how we use research to advance equity and justice for the clients we serve.

Through this new program, we are working to develop research in collaboration with the client community that allows clients to play a leadership role in shaping our work. We believe this new focus will bring us closer to realizing a more fair and just legal system—and that, to the contrary, without the critical input of communities such research efforts may contribute to misguided, ineffective, or even damaging programs and policies.

In order to truly advance the goals of equity and justice, we need a major shift in research and the body of evidence used to shape laws, policies, and practices within the criminal legal system. Centering impacted communities within the research that feeds into this work is critical. This paper is one of our first attempts to do research differently. We hope that you will find it helpful to your work of improving the lives of those impacted by the criminal legal system.

Be well,
April Frazier Camara



Overview of the Project

NLADA's Department of Community Research works to ensure that clients and communities take a central place in building the knowledge and understanding necessary to drive equitable systemic change, and to produce tangible community benefits. The following report illustrates an approach through which the Community Research Team seeks to integrate the perspectives and stories of people directly impacted by the criminal legal system into its research program, including the development of client-centered public defense quality indicators.

In early 2024, NLADA was invited by the MacArthur Foundation to explore ways to develop a set of Public Defense Performance Indicators to serve as a companion piece to the Prosecutorial Performance Indicators (PPI's), a project supported by the foundation and developed by criminologists at Florida International University and Loyola University Chicago. The PPI project is part of the Safety and Justice Challenge (SJC), a decade-long investment by MacArthur to substantially decrease the jail population and reduce racial and ethnic disparities in the criminal legal system by supporting a network of practitioners, researchers, community advocates and others working on data-driven, community-informed solutions. A primary outcome of the PPI project was a publicly available dashboard that provides a set of 55 measures designed to assess prosecutorial performance and to serve as an accountability and transparency tool. Following that project, NLADA was asked to explore a similar undertaking for the public defender community. NLADA received this invitation around the same time the organization was reimagining how to design its research model from the perspective of directly impacted communities.

This project presented an ideal opportunity to advance the new community-engaged research approach, given that existing research in the field of public defense—particularly as it pertains to measuring and evaluating quality of services— has focused largely on the perspectives of attorneys and other system stakeholders, to the exclusion of the voices and experiences of directly impacted communities and clients. For example, although excellent work in developing measures of quality indigent defense has been done, seminal efforts have largely privileged systems perspectives. Examples include the American Bar Association's (ABA) *Ten Principles of a Public Defense Delivery System*, the International Legal Foundation's (ILF) *Measuring Justice: Defining and Evaluating Quality for Criminal Legal Aid Providers*, and NLADA's *National Indicators of Quality Indigent Defense*. At the same time, while some academic researchers have produced valuable scholarship on the judicial and ethical importance of integrating client perspectives into criminal justice work, applying this knowledge to improving public defender services has been challenging.

Given this important gap in the research, NLADA decided to take an innovative approach to the exploration of developing new Public Defense Performance Indicators by going first to the directly impacted community to get their guidance on what new standards should encompass. As a preliminary step, NLADA hosted a listening session with clients and community advocates, the results of which are described here. Rather than answering a discrete research question, this document showcases how a qualitative research approach that engages the perspectives and experiences of impacted communities can point to practice and policy solutions that uplift the true goals of client-centered, holistic defense practices. In addition, we hope to illustrate how using this approach can shift the current narrative around public defense to a more humanizing one that includes the deeper stories, perspectives, and recommendations of those who have been at the center of these systems, yet are rarely heard from.



Description of the Listening Session

On January 17, 2024, NLADA conducted a listening session with 11 directly impacted community members, advocates, and leaders (three women and eight men) from around the country to better understand the perceptions and experiences of clients, families and community members around public defense services. Roughly half of the participants were local to the DC region, while the other half hailed from jurisdictions in other states. The listening session was conducted through a hybrid (in-person plus Zoom) format.

While most participants were seasoned advocates working with years of experience in the justice reform sector, a few were recently released community members. The participants represented diverse experiences with the criminal legal system, and a few had been incarcerated for several decades.

Participants were asked to discuss a series of questions around:

- Main challenges and strengths of the public defense system;
- Client-attorney interactions;
- Collateral consequences.

This document summarizes key themes and weaves a larger story that emerged from this two-hour conversation.



Key Themes

Theme #1: “Public defenders are limited by the larger injustices of the criminal legal system.”

Participants both started and ended the listening session by emphasizing their understanding that any discussion of public defense work must be situated within the context of an unjust criminal legal system, as well as a broader societal context of inequities. When asked about the main challenges to the public defender system, they immediately mentioned that the overall system is unfair, stacked against both defendants and their attorneys, and not intended to promote justice or fairness:

“We don’t need to be hopping on public defenders. That’s the only person you can call or talk to often times, not family or nothing. **So they are caught in the middle of like we are. It’s the result of the entire system. All the systems and the shortcomings and inequities are channeled into them.**” – Male, DC.

“Of course we know the prosecutors have more resources. **So the public defender can only do so much with a little bit of resources.** From what I have experienced over the last 55 years, they do a hell of a job with little resources they have.” – Male, DC.

“A lot of problems lead to people breaking the law. There’s two types of crime: crime of need and crime of greed. And when you got folks are robbing and stealing, a lot of times it’s an act of desperation. **So we got to deal with the causation of crime, because I don’t care what we do with the public defenders, they ain’t going to change the judges or the prosecutors or the criminal justice system, you know?**” – Male, DC.



“You go to court with a public defender, and he has 15 or 20 or 30 cases, and you have a murder case which is a monster all by itself that requires a lot of resources and staffing. So you’re fighting an unequal balance just coming in the door.”



Specifically, participants highlighted the systemic lack of resources and high caseloads as primary limitations for public defenders:

“Going to court is like a seven-year-old kid fighting a 250-pound man. They [prosecutors] have access to the FBI, the DEA...all these resources, forensic labs. And **you go to court with a public defender, and he has 15 or 20 or 30 cases, and you have a murder case which is a monster all by itself that requires a lot of resources and staffing. **So you’re fighting an unequal balance just coming in the door.**” – Male, DC.**



Participants then discussed the particular ways in which systemic limitations affect the ability of public defenders to provide quality client-centered services, such as fully investing time and interest in their story, showing compassion, or at a broader level, being able to engage with clients' communities to better understand their lives:

"The public defender, they have a caseload, I mean an over case load, that they can't give the client the proper attention that they need. They don't show any type of compassion. They treat everyone the same." – Female, CA.

"Public defenders don't have any time to go into the community. When are you dealing with 15, 20, 30 cases and there's just not time. You don't see public defenders in the community because they're tired. They got to go home, they got to be with their families. They've been dealing with criminals all day long and the courts in the jail." – Male, DC.

The lack of time and visits with their attorney, participants said, contributes to inadequate and incomplete explanations to clients about their constitutional rights, the legal process, or the strategy for their case, which can lead clients to make uninformed decisions (usually plea bargains) that have lifelong consequences:

"They're not explaining to the clients, you know, constitutional issues because they actually don't have time to do that kind of teaching because they have 20 or 30 clients. Public defenders don't normally explain all the constitutional ramifications of plea bargaining, the process, especially collateral consequences because you take a plea bargain and that's a lifetime mark on you. I mean, you won't get employment, you won't be able to vote, or get a driver's license or anything. And before they even go into the plea bargain, they're not explaining the process or the consequences of taking a plea bargain." – Male, NY.

Participants also named the challenge of clients coming in with a poor understanding of the legal process and foregoing asking for clarification because of shame, feeling silenced, or simply not knowing what questions to ask.

"You need to be able to understand what they're saying to you. So a lawyer meeting someone that's not able to understand the jargon coming out of their mouth in terms of the whole process of going to court and stuff like that, it could be devastating because that person might miss something." – Male, DC.



“A legal visit might be 30 or 40 minutes, so the lawyer might explain it to him best he could, probably not realizing that the person might have a complex with saying, ‘I don’t understand you.’ The lawyer might say, ‘You understand?’ ‘Yeah I understand,’ and he’d go back to the unit and be like, ‘Man, my lawyer was saying something...’” – Male, DC.

These imbalances, said participants, feed into to the abundance of plea bargaining in the criminal legal system, which is seen to benefit the court and the lawyers but rarely helps the clients or serves the larger goals of justice:

“I think there is a culture, an unwritten policy, to persuade a client to take a plea offer because systemically you know it’s unsustainable for everybody to go to trial. The court system would crash. They know this. So that’s why this is they’re incentivized to get these clients to take the plea bargain.” – Male, DC.

“In the federal system, 95% of all trials are plea negotiated. So the public defenders now are negotiators, they come in and negotiate a plea...So there’s no need to spend a lot of time on research and preparing for a case, because with these mandatory sentencing laws, if a guy goes to trial they’ll knock your socks off, so the public defender has got to try to cut you the best deal he can cut and get you as less time as possible.” – Male, DC.

“*I think there is a culture, an unwritten policy, to persuade a client to take a plea offer because systemically you know it’s unsustainable for everybody to go to trial.*”



Participants also discussed how within the resource-constrained context of the larger system, public defenders are also often expected to take on many roles—such as social worker, therapist, and family advocate—beyond legal advocacy.

“A public defender oftentimes is viewed as God. When you’re in prison and that’s the only person you get a visit from sometimes, some of your families don’t come. So this person becomes God. They’re a life savior, a protector, and you put all your personal stuff on top of them, when somebody’s facing life. And the only person that you can hold on to is the public defender.” – Male, DC.

“The public defender needs to understand the people they are dealing with. I don’t think in their training in law, you know they’re not going to those social issues. What we’re looking at today, we’re talking about 12- and 13-year-olds doing armed carjacking, so you better have some therapist training so that you can understand the people that you’re dealing with.”
– Male, DC.

Some participants mentioned that public defenders are often unwilling to take on these multiple roles, in order to focus on strictly legal strategies, outcomes and caseloads. This hesitancy leads to poor quality of care.

“As public defenders, you’re more than attorneys. You’re going to be a social worker, sometimes you can be a surrogate mother, you will be a surrogate father. You have to wear many hats to effectively advocate. And a lot of people are not willing to put on those hats because the bottom line is that [they are] just trying to get a win or...just trying to get the best possible outcome that ultimately leads to you just doing some type of time. But it’s not about the betterment of this client. There’s no real personal investment.” – Male, DC.

Other participants felt that it is unreasonable or unfair to place so many expectations on individual attorneys, and that public defense offices would better be able to meet clients’ legal and social needs by hiring other staff (such as paralegals, social workers, investigators), as well as by partnering with formerly incarcerated community members and advocates for support around re-entry and other issues:



“I also think that it’s their responsibility, whoever runs the public defender offices, the onus is on them when they’re representing people, to do what they need. **I mean the reality is, if you’re trying to do everything, you can’t. Focus on being a lawyer, focus on that, and hire the people that do the other stuff so it frees you up enough to do your job.** Like why don’t you hire some folks who have been impacted by the system, to be a voice for you around certain issues and be supportive to you around certain things? **I don’t think public defender offices should be doing re-entry work. I think they should partner with community organizations who are doing it. I think they should hire formerly incarcerated people who are in the field** going to work, who want to do the work. So it won’t be another excuse about why you’re so busy.” – Male, DC.

Finally, while participants acknowledged that public defenders are generally limited by a larger system, they also mentioned variability of services from place to place.

“I think that it’s important to think about the system as a whole and how it does affect individual lawyers as well. You know, I think that’s important, **but also to understand what a public defender is doing separately and not as just a system.**” – Male, DC.

“If we’re talking about how people be treated coming into an office and the lawyers and the staff, I think that depends on the office. I think that depends on the lawyer.” – Male, DC.



Theme #2: “It’s like, ‘your voice doesn’t matter’”: Dehumanization and lack of investment

A large part of the listening session centered on ways that public defender systems and individual attorneys contribute to a profound sense of dehumanization, disinterest, and erasure of poor clients. Some participants framed this problem as a consequence of public defenders being one of several players in a system that is rigged against defendants, so they are simply not invested in the human and personal aspect of client-centered public defense:

“Because often our public defenders, you see them talking to the prosecutor or the judge like they’re friends. It’s like that system is working together and not necessarily to my benefit. And ideally that’s what it would be, and that’s what public defenders are. They are standing between the person being defended and them spending the rest of their lives in prison, and then that’s a very serious responsibility. It should be personalized: **it’s impossible to take the humanity and the heart out of it and still be effective.**” – Female, FL.

Some participants talked specifically about paternalistic attitudes among public defenders, which result in clients feeling disrespected and unheard. This experience had led some participants to become legal experts while incarcerated so they could advocate for themselves and, in some cases, file their own motions.

“Public defenders often come in as this authoritarian position, like ‘I know the system, and you don’t. So you listen to me, and your opinion is not really relevant.’ Public defenders should listen to what their clients have to say ’cause they know what happened to them, even though they might be unartful in expressing how it happened. **They can tell you what happened if you listen. Then the attorney should deduce what is the best way to defend them.**” – Male, NY.

“But it’s just the arrogance that, you know, they feel like ‘I went to law school. I passed the bar.’ You know. ‘How are you going to argue with me about a point of law you know, and you’re incarcerated?’ But you know, all we [incarcerated people] have is time. You know, especially when you got life without parole and you’re going to die in prison, you know, that’s all you got to do—you know, **go to the law library.**” – Male, DC.



Such paternalism is seen to sometimes severely limit communication with clients, which leads to clients feeling isolated and helpless as attorneys pursue legal strategies that are not rooted in the client's well-being or experience:

"You have someone that's supposed to advocate for you, but I don't think you have the full picture because, like, **you're sitting in a freaking cell while they play this game that's advancing their agenda. I think prosecutors and public defenders do have like a misconstrued definition of justice.**" – Male, DC.

"If you're not conveying to them [clients] that you care, they already feel like they're being inadequately represented. Because people don't care how much you know, they know how much you care." – Male, NY.

"People don't care how much you know, they know how much you care."



“It was just a bunch of adults in a room speaking a language I didn’t understand and making decisions for me.”



One participant discussed how paternalism plays out when minors are tried as adults. As she recounted, upon arrest at age 13, not only was she provided with insufficient information about the consequences of accepting a plea bargain, but her parents’ opinion was also discarded:

“I think something that is often overlooked is ageism when you’re a child. The roles [of public defenders] are a little bit different when they’re dealing with minors in the system, they’re almost like parental figures, and so there has to be compassion in explaining the system to the children so they can make informed decisions. And often we don’t see that happen. I think children are the most marginalized people in the world, from birth up we’re taught to like respect authorities, ‘adults know better,’ to suppress our feelings, especially in our Black community. So **I didn’t feel like the child part of me was acknowledged through the criminal justice process.** I didn’t know the system, I didn’t go to college, I wasn’t a lawyer. And I **deserved for it to be explained to me, but it wasn’t, it was like, ‘We’re going to make this decision for you because we know better because we’re adults.’** So I accepted the plea bargain because my public defender had convinced me to do it, and I took it, not knowing that my parents had said ‘no.’ **Had I had an understanding of what that would look like, I might have made a different decision.** If I had not been told by a lawyer who I thought had my best interests at heart, ‘If you don’t take this plea, you’ll get life,’ and then learned later that I shouldn’t have took the first plea bargain offered to me, or if I had known about mitigating the factors, [then] I might have gone to trial, and probably could have beat it. None of the circumstances of my crime came out. **So it was just a bunch of adults in a room speaking a language I didn’t understand and making decisions for me.**” – Female, FL.

Participants talked specifically about how assumptions and implicit bias around race, class, developmental age or ability, and other forms of prejudice also contribute to dehumanizing and paternalistic treatment:

“It’s about the mindset of the attorney. We already know [what the system] is: the whole criminal justice system is the byproduct of slavery...And I think specifically, when you’re dealing with indigent families, **no matter how well-intended an attorney may be, there are implicit biases that that individual brings when dealing with people. A lot of attorneys think if you’re not formally educated, you’re not the upper echelon or the social economic stratum or whatever, that you’re just dumb, you don’t got common sense. And I think that these biases play a huge role. Because it’s impossible for you to fairly represent the interests of your client when they don’t line up with your agenda just to get the job done.**”

– Male, DC.

One participant explained how unconscious stereotypes based on the intersection of age and race can lead to devaluation of a client’s life. A participant who was sentenced to life without parole at age 18, said:

“Sometimes I’d be in the law legal room at the jail. **And you can hear how the attorney’s talking, you know, to their clients. And these biases are, first of all, they think when you’re Black, the concept of time is different. ‘Oh, you young, you can just do 10 years or something.’ And that’s their mindset. And it’s sad. I feel like it’s impossible for you to really advocate for my cause if you’re not personally willing to intimately know my character, you know?”** – Male, DC.

Participants also discussed racial bias and disparities as problems saturating the whole system—from attorneys’ unconscious bias toward clients, to societal disinvestment in and criminalization of Black and Brown communities, to judges’ biases about Black attorneys:

“I think it’s still about prejudice and racism as well, because you find poor White people who may live in trailer parks, still may be able to obtain good attorneys. **You see a White child on TV, a big case happened, you see all these big, high-class lawyers are coming in, you know, 100 a minute saying, ‘Oh, I’d love to represent the child, I love to represent the child.’ But you see this one little Black girl, little Black boy, you don’t normally see that. They don’t jump on these cases with young Black kids.**” – Male, DC.



“About racial attitudes, that’s kind of the elephant in the room. If you guys remember back in 2015, there’s a 16-year-old kid in Texas that killed four people when he’s intoxicated. The judge ruled he was had affluenza so he was too affluent to be sent to prison and they gave him probation and some rehab stuff. He had killed four people and because he was affluent, they created a whole new term!” – Male, NY.

“You know it is a stigma when you got a public defender, the judge always denigrates or talks down to the court-appointed attorney. **And if it’s a White attorney, they have a little more freedom than a Black attorney, because if you’re Black you can only go to a certain level, because you know that we still have the imbalance with racism and discrimination.** A White lawyer or White public defender can be more aggressive and attack the issue. A Black attorney takes it to a certain point because you know he can’t step over the line.”
– Male, DC.

**“ I think that it reinforces the perception that you’re irrelevant...
Like your voice doesn’t matter.”**



Participants pointed out that these biases deepen the feeling of dehumanization and erasure at every point in the process:

“I think that it reinforces the perception that you’re irrelevant. Like a lot of times, a lot of attorneys, they pressure their clients to not even speak for themselves. You know, they’re just, ‘You just sit there, don’t say nothing.’ Like your voice doesn’t matter. So that reinforces that perception of mind that you’re not worthy of having a voice and your identity, the erasure of your identity is traumatic. You know it. It increases when you come to these carceral environments where you’re just a number or a docket sheet or the judges treat you. The judge don’t know you, his only interaction with as you is as a defendant and he only sees you as what is on your docket sheet. You know, the judge and a lot of attorneys, I think they add to that, because they don’t really give you a platform to really feel confident that you are human enough to be speak, regardless of your background.” – Male, DC.

Finally, participants discussed at length the need for much deeper community engagement among public defenders and their staff to sensitize them to the human and social contexts of their clients’ experience. Several also mentioned the need to create opportunities and processes to engage in mutual education—to help community members better understand, for example, who public defenders are, what judges do, how the legal system works, and why the support and engagement of family members is critical to public defender work.

“It’s not one-sided: sometimes the families aren’t responding when the public defender is reaching out trying to get someone free. And they are overwhelmed, but they’re trying to tell us what can make their job easier or what can make them get more assistance from the community, from the families that will be able to help them with their cases.” – Female, GA.

“One thing that I get from the public defenders a lot when we’re talking with them is that there’s a lot of things they actually do need from the families to be able to have the support to, you know, get bonds or to show that they have family support when they are home. And a lot of times when they reach out to family, families aren’t there to help their incarcerated loved one. So [the public defenders] want to be able to talk about: ‘this is what we need from you.’” – Female, GA.



Theme #3: Collateral consequences: Perpetuating cycles of poverty, violence, and inequity

Participants were asked to speak about the collateral consequences of the unjust and inequitable criminal legal system. They described in vivid detail how the system creates and reinforces a devastating cycle of inequality and suffering at the individual, family and societal level. The system was described as perpetuating a subculture of people denied basic necessities and treated as “sub citizens.” All of these factors contribute to a cyclical pattern of crime and incarceration in communities:

“There are 45,000—depending on who you ask—collateral consequences of having a felony conviction. **The combined impact of those collateral consequences creates a subculture within our society—people who don’t have access to healthcare, to jobs, to transportation, to housing, all the things that are necessary to function as an equal citizen in this society.** So if you’re not an equal citizen, you’re a sub citizen. That’s why you have all these underground economies and stuff because people can’t function in the regular economy. So the impact on our community is far-reaching, way beyond the things we discussing here. **The criminal justice system is the catch basin for all the failed systems in our society.** And everything runs downhill to that system, and **nobody really cares that once you’re in that system, you in there, and it’s hard to get out: it’s just like crabs in the bucket. So the impact is like devastating, devastating.**” – Male, NY.

“When I come out in the street to get a job, I couldn’t get a job because **your criminal record is a lifetime commitment to poverty.** So all these folks breaking laws, committing crime... economics plays an essential role.” – Male, DC.



Participants also discussed the profound economic impact incarceration has on extended families, contributing to further poverty, stress, and fractured families. This impact is often reinforced by debt incurred for court-related fines and fees or other costs associated with the process such as the high cost of maintaining contact with incarcerated family members:

“When you’re looking at how it affects the family, it’s not just that person that is incarcerated. And it may seem like they [family members] don’t care about you when you’re incarcerated, but they’re just trying to survive. And, like, the grandmother has to step in, or the boyfriend or the husband have to step in, and they’re like, ‘I don’t know what to do, I have to work and I have children,’ or the grandmother, ‘I can’t afford these children,’ or you know, God forbid when you got to get CPS [child protective services] involved.” – Female, GA.

“Some people’s phone calls ended up being \$1000-\$1500 a month calling your family, so you know so the impact is huge for family members, and that become(s) a health issues for a lot of family members.” – Male, DC.

“When you’re looking at how it affects the family, it’s not just that person that is incarcerated.”



Several participants cited their own familial experiences of trauma, shame, guilt, lack of trust, and cycles of violence that happen upon re-entry when a system is designed to be punitive rather than healing. They also discussed how these dynamics contribute to a cycle of intergenerational trauma;

“I think of me being taken away as a 16-year-old child. I mean, I was my mother’s oldest child, right? So psychologically, my mother’s got to live with this, go to work, take care of the house and take care of my siblings. It was hard, and it wasn’t till I came home that I got a chance to sit down and ask my mother the impact of my actions. And it was some of the worst things I ever heard. But I gave my mother a chance to really emotionally free herself from things that she held in at her job, in her church, because she felt ashamed, you know that she couldn’t talk about it.” – Male, DC.

“When you have people that come home or don’t have a support system, a lot of times they end up in unhealthy toxic relationships. Our population tends to be victims of domestic violence a lot more than people that are not impacted. And then that creates a generational trauma because then you have children that they are now exposed to other situations with people. That makes the probability of them being a system involved-youth in foster care and BCF [Bureau for Children and Families] or the school to prison pipeline, having the wrong friends, being perpetrators of violence themselves. And these cycles continue.” – Female, FL.

“When someone goes into the system at 15 and they come out of 45 or 60, their needs are different. So when they come out of the system, when they come to an organization, there’s trust issues. They don’t trust individuals that they’re dealing with in those organizations.” – Female, CA.



Some participants discussed how the adversarial nature of the criminal legal system is grounded in punishment rather than healing, which ultimately victimizes everyone involved, including attorneys. In this sense, they described a significant consequence of the existing criminal legal system as its inability to promote true justice and healing within society:

“I think about the mindset of the so-called stakeholders, the prosecutors and the public, of what is justice— because when they hear that word, automatically it equates to a punishment. When in all actuality, no, justice [should be] the restoration of balance. If somebody commits a crime or any type of harm, there’s a disbalance in place. You know, so how do we restore that balance to bring justice?” – Male, DC.

“There’s two different sides of the courtroom, and each side is sitting supporting the other side. And there’s a huge divide between the two. There’s nothing restorative or healing about it. And that’s the biggest problem, because it doesn’t serve anybody...There’s wounds opened, there’s tears flowing, there’s anger and there’s no mechanism for healing. And if that’s missing, the system can’t work...We have to redefine what justice is in order to recreate the will. We have to break the foundation, tear it up because the foundation is wrong and it was designed to villainize and marginalize impoverished people, people considered to be undesirable. It was never meant to be just, and it shouldn’t even be called the justice system because there’s nothing just about it.” – Female, FL.



Theme #4: Recommendations from the community

Finally, participants were asked to reflect on the conversation and list some key actions that could lead to a truly client-centered and community-engaged system—one that aims to build a community-informed, healing-based, racially and culturally equitable model of public defense:

- Develop a guideline or checklist that assesses public defenders' level of engagement with their clients, and that addresses underlying issues such as racial bias, paternalism, and measures of care and interest.
- Increase resources so public defender offices can hire adequate staff, including paralegals, investigators, forensics specialists, expert witnesses, etc.
- Promote holistic models of public defender offices that include hiring directly impacted people and community members, particularly in re-entry programs.
- Pay public defenders and public defender office staff at a level commensurate with the magnitude of their role defending people's constitutional rights.
- Improve the quality of public defense through trainings in racial equity, cultural competence, and social-emotional IQ.
- Create mechanisms to ensure that public defenders adequately explain, and clients fully understand, the life-long ramifications of proposed legal strategies (e.g., plea bargains).
- Improve and measure public defenders' community engagement activity, "so people can see the public defender as an agent of good, not just somebody that they meet once they are incarcerated." Involve not only public defenders, but also prosecutors and the judges in meetings with community representatives, leaders, and business organizations.
- Vastly improve research on collateral consequences, quality of life, and the life trajectory of clients after re-entry.



Conclusion

The qualitative methodology described in this report, while limited to one listening session, seeks to model an approach for conducting client-centered research in the public defense field. The themes and narratives highlighted here touch on issues described in other research areas (e.g., procedural justice, holistic services, psychosocial impacts of the criminal legal system, etc.) pertaining to client experiences. Here, we illustrate how nuanced client perceptions, and the more humanizing approach their narratives offer, might be incorporated into improving service provision and developing quality indicators. The themes recounted here also point to community-led solutions, starting points for shaping the national conversation around public defense, and building a more fair and effective justice system overall. Perhaps one of the most salient findings is participants' recognition that public defenders themselves are limited by structural imbalances in the wider criminal justice system, and that reform must be framed as a collective and systemic project that includes directly impacted communities, public defenders, judges, prosecutors, and other stakeholders.





NLADA

National Legal Aid &
Defender Association

nlada.org

FOLLOW US

