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**Abstract:**

This report was produced by the Urban Institute, Indigent Defense Research Association, and National Association for Public Defense for the Bureau of Justice Statistics (BJS) under award number 2016-R2-CX-K032. BJS had funded design work for a survey of attorneys providing criminal defense to indigent defendants under a solicitation called the Survey of Public Defenders: A Design Study. The project was later renamed to accurately reflect the potential respondents. This report describes the development work and cognitive testing for the survey instrument and addresses the challenges of identifying the appropriate universe, sampling, and nonresponse issues. It is based on work completed between 2016 and 2018.

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## **SURVEY OF PUBLICLY APPOINTED DEFENSE ATTORNEYS: DESIGN STUDY**

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**About the Urban Institute:** The non-profit Urban Institute is dedicated to elevating the debate on social and economic policy. For nearly five decades, Urban scholars have conducted research and offered evidence-based solutions that improve lives and strengthen communities across a rapidly urbanizing world. Their objective research helps expand opportunities for all, reduce hardship among the most vulnerable, and strengthen the effectiveness of the public sector.



**About the National Association for Public Defense:** The National Association for Public Defense (NAPD) promotes strong criminal justice systems, policies and practices ensuring effective public defense, system reform that increases fairness for indigent clients, and education and support of public defenders and public defender leaders. Through affordable dues, relevant benefits, and accessible real-life expertise, NAPD currently serves more than 18,000 practitioner-members across the country. Membership includes 130 organizational members and representatives in more than 500 jurisdictions, including all system types. On a daily basis, NAPD members across all 50 states share their education materials, outreach plans, communications, technical assistance, amicus or litigation resources, policy positions, leadership skills, and research and analysis methods to leverage the tools for change for the persons in the places that need them most.



**About the Indigent Defense Research Association:** The Indigent Defense Research Association (IDRA) is an independent, virtual community of defenders, researchers, teachers, and policy analysts committed to the production and dissemination of high-quality empirical research in the field of public defense. It seeks to promote the use of research and the scientific method to improve understanding of public defense services. Research is a powerful tool to investigate issues that are of concern to those delivering and receiving defense services, and IDRA believes in placing the tools of research into the hands of those persons themselves. IDRA believes public defense can play a crucial role in the preservation of the rule of law and core constitutional principles—including equal protection, due process, and the right to counsel—and that neglect of defense services risks injustice and harm. IDRA is committed to the responsible allocation of resources for research, using its work to bring about needed policy change, and bringing improvement to defense services for the benefit of the persons that they serve.

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## I. Introduction

In 2016, the Bureau of Justice Statistics (BJS) funded the Urban Institute (Urban), National Association for Public Defense (NAPD), and members of the Indigent Defense Research Association (IDRA) to implement the Survey of Public Defenders: A Design Study (SPDDS) (**appendix A**). The SPDDS aims to design and test a new data collection effort to increase knowledge about publicly appointed defense attorneys that provide legal services to adults and juveniles charged with criminal offenses. Following consultations with an expert panel, and pursuant to the requirement to define the intended respondents of the survey, we requested and received approval to change the project title to the Survey of Publicly Appointed Defense Attorneys (SPADA).

SPADA is the first federally funded survey aimed at publicly appointed defense attorneys, rather than the systems in which they work. It is intended for distribution to a nationally representative sample of lawyers providing representation in state courts to accused persons unable to afford counsel. It asks about the kinds of cases and work they do, their working conditions, available support services, and their demographics. Data on publicly appointed defense attorneys allows BJS to address research questions that administrative data alone cannot. The findings will help characterize the field's diversity in personnel and prevailing working practices, facilitate investigation of service quality, and provide context for discussions concerning improvement to the field.

### *Research Questions for Publicly Appointed Defense Attorneys*

Publicly appointed defense attorneys play an essential role in the criminal justice system by providing constitutionally mandated legal representation to individuals charged with offenses that involve a potential loss of liberty and who are unable to afford the services of an attorney. According to the limited published data, more than 15,000 attorneys provide public defense

services in more than 6 million cases annually across the United States.<sup>1</sup> Publicly appointed defense attorney services vary considerably by state and locality, however, and are frequently criticized as underfunded, poorly regulated, and structurally ineffective.<sup>2</sup>

Research and data regarding the impact of public defense funding, system design, and the availability of support staff on the quality of attorney representation are limited. A nationally representative survey of attorneys providing publicly appointed defense services in the United States has never been conducted. Consequently, we know little about the work of publicly appointed defense attorneys. We have no basis with which to answer questions about the quality of representation they provide or whether their work represents good value for clients or taxpayers. Although these services are mandated pursuant to Sixth Amendment jurisprudence, we do not know whether they meet constitutional standards.

BJS has led several national data collection efforts on public defense systems. Administered in 1981, the agency's first national survey provided a foundation for collecting comprehensive system-level data on public defense, which has been replicated in subsequent BJS studies in 1986, 1999, 2007, and 2013. Earlier efforts were constrained to certain geographic areas (1999) or provider types (2007), while the most recent effort (2013) sought to describe the field of publicly appointed defense attorneys in full, including all provider types in all jurisdictions across the United States. In each of these studies, BJS collected data about basic defense characteristics, including the amount of money spent on defense, structure of systems of defense,

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<sup>1</sup>This number refers only to public defenders or salaried attorneys working on staff in public defender offices. Including attorneys who are not staffed public defenders but at times accept assignments to represent indigent persons would inflate this number considerably. The Sixth Amendment Center has estimated that around two-thirds of the nation's counties have no public defender system and all publicly appointed defense services are accomplished by some other method. Consequently, the National Association for Public Defense estimates that the number of U.S. publicly appointed defense attorneys may exceed 100,000. See Farole, Jr., D. J., & Langston, L. (2010). *County-based and local public defender offices, 2007* (NCJ 231175). Bureau of Justice Statistics. <https://www.bjs.gov/content/pub/pdf/clpdo07.pdf>

<sup>2</sup>Davies, A. L. B., & Worden, A. P. (2009). State politics and the right to counsel: A comparative analysis. *Law & Society Review*, 43(1), 187-220. <https://doi.org/10.1111/j.1540-5893.2009.00363.x>; Davies, A. L. B., & Worden, A. P. (2017). Local governance and redistributive policy: Explaining local funding for public defense. *Law & Society Review*, 51(2), 313-345. <https://doi.org/10.1111/lasr.12266>; National Right to Counsel Committee. (2009). *Justice denied: America's continuing neglect of our constitutional right to counsel*. The Constitution Project. <https://constitutionproject.org/wp-content/uploads/2012/10/139.pdf>



and office caseload.<sup>3</sup> These studies paint a nuanced picture of how the field of public defense has evolved over time, documenting the shift away from assigned counsel models to institutionalized models, growth of public defense systems, and considerable diversity in the funding and management of public defense attorneys in the United States.<sup>4</sup>

Organizations have previously surveyed publicly appointed defense attorneys, but not with a nationally representative sample of respondents. Seminal work in this area began in the 1970s with qualitative research on the perspectives and experiences of publicly appointed defense attorneys; culture of courts and public defense offices; and plea bargaining, sentencing, and case processing.<sup>5</sup> More recent survey research has gathered data on job satisfaction, compensation, relationships to clients, decisions to try cases, feelings of role conflict, views on system reform,

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<sup>3</sup>DeFrances, C. J., & Litras, M. F. X. (2000). *Indigent defense services in large counties, 1999* (NCJ 184932). Bureau of Justice Statistics. <https://www.bjs.gov/content/pub/pdf/idslc99.pdf>; Farole, Jr., D. J., & Langston, L. (2010). *County-based and local public defender offices, 2007* (NCJ 231175). <https://www.bjs.gov/content/pub/pdf/clpdo07.pdf>; Bureau of Justice Statistics. (1984). *Criminal defense systems: A national survey* (NCJ 94630). <https://www.bjs.gov/content/pub/pdf/cds-ns.pdf>; Wolf Harlow, C. (2000). *Defense counsel in criminal cases* (NCJ 179023). Bureau of Justice Statistics. <https://www.bjs.gov/content/pub/pdf/dccc.pdf>; and Bureau of Justice Statistics. (1988). *Criminal defense for the poor, 1986* (NCJ 112919). <https://www.bjs.gov/content/pub/pdf/cdp86.pdf>

<sup>4</sup>Bureau of Justice Statistics data can tell a longitudinal story. See Worden, A. P., & Davies, A. L. B. (2009). Protecting due process in a punitive era: An analysis of changes in providing counsel to the poor. *Studies in Law, Politics, and Society*, 47, 71-113. [https://doi.org/10.1108/S1059-4337\(2009\)0000047006](https://doi.org/10.1108/S1059-4337(2009)0000047006)

<sup>5</sup>Heumann, M. (1981). *Plea bargaining: The experiences of prosecutors, judges, and defense attorneys*. University of Chicago Press; Feeley, M. (1979). *The process is the punishment: Handling cases in a lower criminal court*. Russell Sage Foundation; Nardulli, P. F. (1978). *The courtroom elite: An organizational perspective on criminal justice*. Ballinger Publishing Company; Flemming, R. B., Nardulli, P. F., & Eisenstein, J. (1992). *The craft of justice: Politics and work in criminal court communities*. University of Pennsylvania Press; Heumann, M. (1975). A note on plea bargaining and case pressure. *Law & Society Review*, 9(3), 515-528. <https://doi.org/10.2307/3053170>; and Nardulli, P. F., Flemming, R. B., & Eisenstein, J. (1985). Criminal courts and bureaucratic justice: Concessions and consensus in the guilty plea process. *The Journal of Criminal Law and Criminology*, 76(4), 1103-1131. <https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=6505&context=jclc>

standards compliance, and research agendas.<sup>6</sup> This work has shown the value of surveying defenders directly, but it generally suffers from small sample sizes, non-representative sampling procedures, low response rates, and limitations in substantive scope.

SPADA will address key research questions about the state of publicly appointed defense services nationwide. Principally, data gathered by SPADA will answer who these attorneys are, what types of work they do, and what resources are available to them. SPADA data could facilitate research examining key policy questions, particularly the quality of attorneys' work. By including different types of publicly appointed defense attorneys through stratified sampling techniques, SPADA data presents the first opportunity for comparisons of system type.

Given the scarcity of information about public defense attorneys, the limitations of system-level research, and diversity in the structure and context of public defense work, SPADA aims to meet three objectives. First, the survey will address deficiencies in knowledge about the work and characteristics of publicly appointed defense attorneys in the United States. Second, the survey will collect information on issues that are important to stakeholders in the work of publicly

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<sup>6</sup>On job satisfaction, see: Cohen, D. (1995). *The development and utilization of a work orientation typology for the study of public defender job satisfaction* [Unpublished doctoral dissertation]. University of Albany State University of New York; Brooks, R. (2012). *Job-satisfaction among court appointed attorneys* [Unpublished master's thesis]. Texas State University-San Marcos; Krieger, L. S., & Sheldon, K. M. (2015). What makes lawyers happy? A data-driven prescription to redefine professional success. *The George Washington Law Review*, 83(2), 554-627. <https://ir.law.fsu.edu/cgi/viewcontent.cgi?article=1093&context=articles>; and Dinovitzer, R., & Garth, B. G. (2007). Lawyer satisfaction in the process of structuring legal careers. *Law & Society Review*, 41(1), 1-50. <https://doi.org/10.1111/j.1540-5893.2007.00290.x>. On compensation, see: National Association for Law Placement. (2018). *2018 public service attorney salary report*; and Sheldon, K. M., & Krieger, L. S. (2014). Service job lawyers are happier than money job lawyers, despite their lower income. *The Journal of Positive Psychology*, 9(3), 219-226. <https://doi.org/10.1080/17439760.2014.888583>. On attorney-client relationships, see: Aalberts, R. J., Boyt, T., & Seidman, L. H. (2002). Public defender's conundrum: Signaling professionalism and quality in the absence of price. *San Diego Law Review*, 39, 525-550. [https://heinonline.org/HOL/Page?handle=hein.journals/sanlr39&div=19&g\\_sent=1&casa\\_token=&collection=journals](https://heinonline.org/HOL/Page?handle=hein.journals/sanlr39&div=19&g_sent=1&casa_token=&collection=journals). On decisions to try cases, see: Emmelman, D. S. (2003). *Justice for the poor*. Ashgate. On role conflict, see: Corbin, A. M. (2018). *Dilemma of duties: The conflicted role of juvenile defenders*. Southern Illinois University Press. On views of system reform, see: Butcher, A. K., & Moore, M. K. (1997). *An insiders' view of a broken system: Defense attorney perspectives on the status of indigent criminal defense in Texas* [Paper presentation]. 1997 Southwestern Political Science Association Conference, New Orleans, LA, United States. On standards compliance, see: Cooper, C. S. (2015). The ABA "ten principles of a public defense delivery system": How close are we to being able to put them into practice? *Albany Law Review*, 78(3), 1193-1213. [http://www.albanylawreview.org/Articles/Vol78\\_3/78.3.1193%20Cooper.PDF](http://www.albanylawreview.org/Articles/Vol78_3/78.3.1193%20Cooper.PDF). On research agendas, see: Moore, J., & Davies, A. L. B. (2017). Knowing defense. *Ohio State Journal of Criminal Law*, 14(2), 345-371. [https://kb.osu.edu/bitstream/handle/1811/80802/OSJCL\\_V14N2\\_345.pdf](https://kb.osu.edu/bitstream/handle/1811/80802/OSJCL_V14N2_345.pdf)

appointed defense attorneys, including attorneys, their clients, and researchers. Third, the survey will provide a foundation for future research on publicly appointed defense attorneys.

## II. Expert Panel Consultation

BJS developed SPADA in collaboration with an expert panel of 17 diverse practitioners, researchers, administrators, and advocates in the field of public defense (**table 1**). The panel of experts ensured that the survey instrument reflected research needs of the field and accounted for the diversity that exists in the publicly appointed defense attorney field.

<i>Expert</i>	<i>Affiliation</i>
<b>Cathy Bennett</b>	Massachusetts Committee for Public Services (Boston, MA), Director of Training for Assigned Counsel (retired)
<b>Eli Braun</b>	Maryland Office of the Public Defender, Post-Conviction Lawyer (Baltimore, MD)
<b>Jacinda Dariotis *</b>	University of Cincinnati Evaluation Services Center (Cincinnati, OH), Director
<b>Margaret Gressens *</b>	North Carolina Office of Indigent Defense Services (Durham, NC), Director of Research
<b>Raj Jayadev</b>	Silicon Valley De-Bug (San Jose, CA), Founder and Director
<b>Mark Houldin</b>	Defender Association of Philadelphia (Philadelphia, PA), Policy Director
<b>Meg Ledyard *</b>	Travis County Criminal Courts (Austin, TX), Policy Analyst
<b>Heather Lewis</b>	Community Action Development Commission (Norristown, PA), Director of Resource Development
<b>Janet Moore</b>	University of Cincinnati College of Law (Cincinnati, OH), Professor
<b>Daryl Rodrigues</b>	King County Department of Public Defense (Seattle, WA), Supervising Attorney; Thurston County Office of Assigned Counsel (Olympia, WA), former Chief Defender
<b>Toussaint C. Romain</b>	Meckleburg County Public Defender (Charlotte, NC), Assistant Public Defender
<b>Jonah Siegel *</b>	Michigan Indigent Defense Commission (Lansing, MI), Research Director
<b>Tamara A. Steckler</b>	Juvenile Rights Practice at the New York Legal Aid Society (New York, NY), Attorney-in-Charge
<b>Erik Stilling *</b>	Louisiana Public Defender Board (Baton Rouge, LA), Information and Technology Management Officer
<b>Colette Tvedt</b>	Private Practitioner (Denver, CO); National Association of Criminal Defense Lawyers (Washington, DC), former Director of Public Defense Training and Reform
<b>Wendy White</b>	Coconino County (Flagstaff, AZ), Public Defense Contractor (appeals)
<b>Brendon Woods</b>	Alameda County Public Defender (Oakland, CA), Chief Defender

\* Indicates panelist was member of sub-group that met monthly via telephone to discuss progress.

We facilitated two in-person meetings during the course of the study to ensure that the expert panel informed the survey instrument, recruitment, and administration strategies. The first

meeting focused on defining the sample of attorneys who would receive the surveys and identifying emerging issues in public defense to guide survey question development. The second meeting focused on crafting survey questions and recruitment materials, identifying barriers to surveying publicly appointed defense attorneys, and creating strategies to increase response rates. A subgroup of the expert panel also convened monthly for project status updates.

### III. Survey Development

SPADA was developed in accordance with BJS requirements as stated in the initial solicitation and informed by direct outreach and guidance received from interested experts and stakeholders. The questions contained within the survey were formed in collaboration with the expert panel and through input from publicly appointed defense attorneys and their clients' families (facilitated by the Albert Cobarrubias Justice Project (ACJP)).

#### *Defining the Universe*

BJS's initial solicitation sought to define the universe of possible SPADA respondents. In prior BJS work, publicly appointed defense attorneys have been subcategorized (e.g., public defenders, assigned counsel, and contract attorneys) and at times studied separately.<sup>7</sup> Notwithstanding their diversity, publicly appointed defense attorneys in the United States defend the constitutional rights of accused persons facing potential loss of liberty. Accordingly, we did not constrain the universe of publicly appointed defense attorneys to include only attorneys operating in certain systems or on certain cases. After discussion with the expert

*Definitions of publicly appointed defense attorney types used in prior BJS surveys.*

**Public defender** – A salaried staff of full-time or part-time attorneys that render criminal indigent defense services through a public or private nonprofit organization, or as direct government paid employees.

**Assigned counsel** – An attorney appointed from a list of private bar members who accept cases on a judge-by-judge, court-by-court, or case-by-case basis. This may include an administrative component and a set of rules and guidelines governing the appointment and processing of cases handled by the private bar members.

**Contract** – Non-salaried individual private attorneys, bar associations, law firms, consortiums or groups of attorneys, or nonprofit corporations that contract with a funding source to provide court-appointed representation in a jurisdiction. This does not include public defender programs primarily funded by an awarded contract.

<sup>7</sup>DeFrances, C. J., & Litras, M. F. X. (2000). *Indigent defense services in large counties, 1999* (NCJ 184932). Bureau of Justice Statistics. <https://www.bjs.gov/content/pub/pdf/idslc99.pdf>. Definitions on page 2 of this report are reproduced in text box.

panel, a publicly appointed defense attorney was defined as “any attorney who has directly engaged in the representation of any adult or juvenile person accused or convicted of crime, delinquency, or violation of parole or probation in any state or local court pursuant to a public appointment in the last year.”

This definition excludes attorneys representing clients in cases other than in criminal courts. In 39 states, for example, parents accused of abuse or neglect in civil court have a categorical right to publicly appointed counsel.<sup>8</sup> Attorneys representing non-criminal cases are outside the scope of the definition. The phrase “directly engaged” also excludes attorneys who are engaged in the supervision or management of publicly appointed defense attorneys but who have not directly engaged in representation of clients themselves within the last year. Attorneys working exclusively in federal courts are excluded due to a distinct jurisdictional map and because other surveys of this population yield potentially overlapping data. Last, we chose to exclude from our sampling universe any defender systems organized in geographic units smaller than counties, such as municipal court defender services.

### ***Emerging Issues and Questions to Guide Research on Public Defense***

BJS’s initial solicitation required that the survey include questions in four specific domains (**table 2**). The solicitation also requested that the project team consult with an expert panel to develop any additional content areas SPADA would cover and to design questions appropriately. Recognizing that publicly appointed defense attorneys were likely to have limited time to complete the survey, and that survey non-response is a growing problem,<sup>9</sup> we consulted attorneys and representatives of the clients whom they serve to identify the most salient issues and questions SPADA should cover.

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<sup>8</sup>See <http://civilrighttocounsel.org/map>.

<sup>9</sup>Survey trend research indicates an alarming increase in non-response since the 1960s and across all sectors, including government, academic, media, and business. See Groves, R. M., Dillman, D. A., Eltinge, J. L., & Little, R. J. A. (Eds.). (2002). *Survey nonresponse*. Wiley.

**Table 2. Four Domains Required by BJS for Inclusion in Survey Questions**

<i>Theme</i>	<i>Description</i>
<b>Attorney Experience and Training</b>	Attorney demographics, qualifications, and training
<b>Attorney Workload and Use of Support Staff</b>	Number and types of current open cases, access to support staff and the type of support staff used, time spent in various case-related activities
<b>Client and Case Attributes</b>	Client demographics; case attributes, complexity, and outcomes; post-disposition involvement
<b>Quality of Representation</b>	Case processing stage of initial contact with clients, types of clients services, types of services provided to clients

We adopted four approaches to brainstorming additional issues that SPADA should cover. First, members of the project team and expert panel were invited to write ideas for questions and submit them, resulting in 219 suggested questions. Second, we conducted three voluntary hour-long online Group-Level Assessment (GLA) brainstorming sessions with public defense attorneys.<sup>10</sup> Invitations to participate were sent to all 15,000 NAPD members and 200 IDRA members. Invitations were also disseminated by the American Bar Association, National Legal Aid & Defender Association, National Association of Criminal Defense Lawyers, and National Juvenile Defender Center. These sessions generated an additional 321 suggested questions. Third, through our partnership with ACJP, an organization that assists families of persons entangled in the justice system, we asked groups of family members what questions they would like to ask publicly appointed defense attorneys, generating 53 suggested questions. Fourth, attorneys who were interested in contributing their ideas but were unable to attend the GLA sessions were directed to an online form where they could submit suggestions for additional issues SPADA should cover. This survey generated a further 123 suggested questions. In total, we received 716 candidate questions using these four approaches. We coded the suggestions inductively into categories before omitting any categories that overlapped with areas BJS required to be covered. This left us with a list of emerging themes (**table 3**).

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<sup>10</sup>These were held on January 9, 23 and 30, 2017. Group-Level Assessment is a participant-centered method used to elicit and evaluate perspectives in a group setting. See Vaughan, L. M., & Lohmueller, M. (2014). Calling all stakeholders: Group-Level Assessment (GLA) – A qualitative and participatory method for large groups. *Evaluation Review*, 38(4), 336-355. <https://doi.org/10.1177/0193841X14544903>

**Table 3. Emerging Themes and Issues in Publicly Appointed Defense Work**

<i>Theme</i>	<i>Description</i>
<b>Attorney characteristics</b>	Attorney motivations, health and financial well-being, and career plans
<b>Attorney work</b>	The amount of time spent with clients; access to and use of investigators, expert witnesses, social workers, and translators
<b>Organization of attorney work</b>	Types of defense organizations, management, and supervision structures; attorney recruitment, burnout and turnover; pay structures, office culture, and reputation; involvement in local politics, policymaking, and national networks
<b>Attorney resources</b>	Funding, access to training, support staff, and data management systems
<b>External factors/influencers of attorney work</b>	How cases and clients are screened and assigned; impact of politics and media; political independence; impact of police, courts and corrections on defense

We limited questions to matters that could be clearly defined and objectively observed. We generally avoided questions that solicited attorneys’ perceptions, judgments, or opinions. We excluded other questions that asked attorneys about matters for which they might not have reliable knowledge, such as local law enforcement, correctional practices, or how the defense function was organized. The initial instrument contained five sections prefaced by a screener question to eliminate respondents who were not publicly appointed defense attorneys (**table 4**).

**Table 4. SPADA Instrument Summary**

<i>Section</i>	<i>Topics covered</i>
<b>Work as a publicly appointed defense attorney</b>	What years the attorney passed the bar and began working as a publicly appointed defense attorney; number of hours worked in the last 7 days and how that time was spent; whether they work for a defense organization, are a solo practitioner, or something else; the availability and completion of training; supervisory responsibilities for other publicly appointed defense attorneys; horizontal or vertical representation; and ability to communicate confidentially with clients.
<b>Publicly appointed caseload</b>	Number and types of cases opened in the last week and open right now; and ability to decline additional cases if the attorney is overloaded.
<b>Working with clients in publicly appointed cases</b>	Nature of charges and evidence against the client in their most recently closed trial court case; clients’ demographics, services provided to the client, including meeting with them and investigating in the case; and key case events and outcomes.
<b>Working conditions</b>	Access to employment benefits or resources such as access to support staff or equipment; work-related stress; and participation in community activities.
<b>Attorney demographics</b>	Sex; race; Hispanic origin; age; income; amount of student loan debt, if any.

***Cognitive Test***

The project team, expert panel, and BJS reviewed and refined the draft survey instrument before administering it to eight publicly appointed defense attorneys in a cognitive pilot test. The cognitive test aimed to test respondents’ comprehension of the survey questions, receive recommendations to modify or eliminate confusing questions, and determine the utility of the survey recruitment materials. The cognitive test determined to what degree attorneys working in diverse situations and locations could understand the survey questions and whether attorneys found completing the survey a positive experience.

Respondents to the cognitive test were recruited via direct outreach by Heather Hall at NAPD and represented diversity across delivery type, system type, and geography. Organization leaders across four sites (El Paso, Mississippi, West Virginia, and the Alternate Defense Counsel for Colorado) originally provided letters of support to assist with tasks of the project. We asked these leaders to identify two attorneys who met specified criteria (e.g., were responsible for handling specific types of cases such as juvenile, adult, felony, or misdemeanor), and who would be willing to both complete the survey and participate in a debriefing interview with the project team. **Table 5** provides information on the eight attorneys who were recruited to complete the survey and participate in a debriefing interview.

**Table 5. Cognitive Test Respondents**

	<i>Sex</i>		<i>Position</i>	<i>System Type</i>			<i>Case Type</i>			
	Male	Female	Supervisor	Assigned Counsel	Contract	Public Defender Office	Adult	Juvenile	Felony	Mis demeanor
<b>R1</b>	X				X		X		X	
<b>R2</b>	X				X		X	X	X	X
<b>R3</b>		X			X			X		
<b>R4</b>		X	X			X		X		
<b>R5</b>	X			X			X		X	X
<b>R6</b>	X		X			X	X		X	X
<b>R7</b>		X	X			X	X		X	X
<b>R8</b>	X					X	X		X	X

The cognitive test was implemented with these attorneys over a period of 5 weeks, beginning on January 16<sup>th</sup>, 2018, when the survey (**appendix B**) and a recruitment letter (**appendix C**) were shared with all attorneys via email. The survey was administered via Qualtrics, an online survey tool that respondents could access via computer or cell phone; all respondents received an



individualized link to complete the survey online. Once the attorneys completed the survey, we conducted a 1-hour debriefing interview, which included a review of the recruitment letter, survey instructions, question clarity, response choices provided, overall ease of providing information, and terminology used for each question. We also discussed the length of time needed to complete the survey, difficulty in providing information, and preferred mode of completing the survey (**appendix D**). In addition to this formal discussion, the survey instrument included four open-ended questions at the end, which allowed respondents to share their thoughts and provide immediate feedback. These questions included: 1) How long did the survey take you to complete? 2) What were the most important questions? 3) Which questions were most difficult to answer? and 4) Is there anything you think that we should change about the survey? The survey was also administered to the project consultants and expert panel, ten of whom completed the survey and provided feedback.

The time required for the cognitive test respondents to complete the survey ranged from 14 minutes to 30 minutes (**table 6**). All respondents to the cognitive test completed the survey in one sitting via a personal computer (versus a cell phone) and recommended that the survey be offered online as the primary mode of administration. Seven of the eight respondents indicated that email is the best way to reach them and the most effective mode to communicate with attorneys. All respondents indicated that they found the survey to be low burden and the instructions clear. They also indicated that they found the questions included in the survey to be applicable to their work, regardless of the type of delivery system or model they worked within.

Two primary issues raised through the debriefing interviews concerned questions that ask respondents to report on time spent on case activities (i.e., “In the last seven days, about how much time do you estimate you spent in the following activities while working as a publicly appointed defense attorney?”) and the instructions in Section III to answer questions based on “the last publicly appointed case that you closed in a trial court in the last year.” Specifically, the respondents found questions that request reports of time spent to be the most difficult and/or took the longest to complete, either because they did not formally track the information requested or because it required them to reference a calendar to make accurate estimates.

<b>R1</b>	20 minutes
<b>R2</b>	17 minutes
<b>R3</b>	16 minutes
<b>R4</b>	15 minutes
<b>R5</b>	25 minutes
<b>R6</b>	14 minutes
<b>R7</b>	20 minutes
<b>R8</b>	30 minutes

Four respondents expressed concern about reporting on “the last publicly appointed case that you closed in a trial court in the last year.” Specifically, they indicated that their last case and outcome “is not representation of [their] caseload as a whole” and, therefore, answered the questions contained within this section based on a case that was not their last case. When averaged across all respondents of a national survey, responses to the questions contained within this section should represent a “typical” case for publicly appointed defense attorneys. For this reason, we include this statement in the final survey instrument: “It is important for statistical purposes that you tell us about your last case, even if it was not typical.” (See **appendix J** for the survey instrument.)

Notably, one cognitive respondent and one expert panel member indicated that the questions included in the survey that ask about the attorney’s “sex” and the client’s sex are offensive. One respondent indicated that they would “close the survey if they only saw the two current choices,” male or female. In response, the questions should state “What was the client’s gender” and “What is your gender?” Response options should include at least an “other” or “gender not listed” question, in addition to male and female.<sup>11</sup>

Five of the eight respondents read the recruitment letter that was shared along with the survey. Among these respondents, all indicated that they found the letter to be clearly written and helpful. One cognitive test respondent and one member of the expert panel said the letter was too long.

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<sup>11</sup> The final survey included in this report does not include edits to questions about client and attorneys sex. While we advocated for these changes to be made, BJS would not approve them.

#### IV. Data Collection

The diversity of the public defense field poses challenges to identifying and obtaining nationally representative data on attorney attributes and experiences. Identifying the full universe of publicly appointed defense attorneys and designing a sampling strategy that ensures the inclusion of attorneys across diverse organizations, specializations, and delivery models are two key barriers to obtaining nationally representative data on publicly appointed attorneys.

##### *Universe Development*

Twenty-eight states and the District of Columbia have a centralized statewide indigent defense system (Frame 1), and 22 states have a decentralized indigent defense system, for which the provision of public defense is organized at the local level (Frame 2) (**table 7**). States with centralized indigent defense systems can generate lists of publicly appointed defense attorneys. However, we do not know the completeness of the lists and the quality of data for public defenders, including attorney names and contact information. States with decentralized indigent defense systems do not have the ability to provide statewide lists of publicly appointed defense attorneys.

<b>Centralized</b>	Alaska, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Hawaii, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Missouri, Montana, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Oregon, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, Wisconsin, Wyoming
<b>Decentralized</b>	Alabama, Arizona, California, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Mississippi, Nebraska, Nevada, New York, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Washington

To assess the feasibility of obtaining high-quality lists of publicly appointed defense attorneys from states with decentralized systems of public defense, we formed 1,466 Primary Sampling Units (PSUs) across the 22 states according to the local-level organization of public defense provision. NAPD gathered information on local-level organization of public defense via direct outreach with public defense leaders in each state. In 18 of the 22 states, the PSUs are defined exclusively as counties (n=1,334). In the remaining four states (Georgia, Florida, Kansas, and

Tennessee), the PSUs are defined as clusters of counties (n=132) representing the organization of the criminal justice system.<sup>12</sup>

We used population size and urbanicity to stratify the 1,466 PSUs into four groups. The inclusion of urbanicity as a stratification factor was based on the hypothesis that rural PSUs may be the least able to compile lists of publicly appointed defense attorneys because: (1) multiple counties may cluster together to provide indigent defense, which would require coordination across counties to produce lists; (2) they are more likely to be understaffed; and (3) they may lack the funding for computerized case management systems.

Group 1 consisted of the top 40 PSUs in terms of population size, which collectively accounted for 40% of the total population across the 22 states with decentralized systems of indigent defense. Population group 2 consisted of 60 PSUs, which collectively accounted for 20% of the total population. Population group 3 consisted of 150 PSUs, which collectively accounted for 18% of the total population. Population group 4 consisted of 1,216 PSUs that collectively made up 22% of the total population across the 22 states with decentralized systems of indigent defense. Notably, the first three population groups contained only urban PSUs (per U.S. Census Bureau designations), while the fourth population group contained both urban and rural areas (table 8).

<b>Population group</b>	<b>Population range</b>	<b>Number of PSUs</b>	<b>Percent of PSUs</b>	<b>Percent of population</b>	<b>PSUs sampled</b>	<b>Percent of PSUs sampled</b>	<b>Margin of error</b>
<b>1</b>	1,000,000 or more	40	3%	40%	30	75%	9.06%
<b>2</b>	440,000–999,999	60	4	20	15	25	22.10
<b>3</b>	158,000–439,999	150	10	18	13	9	26.06
<b>4</b>	157,999 or fewer	1,216	83	22	16	1	24.35
<b>Total</b>		1,466			74		

Note: The margin of error was calculated assuming a sample proportion of 50% (of contacted PSUs able to generate rosters) with a 95% confidence interval. Since the margin of error decreases as the sample proportion approaches zero or 1, using a sample proportion of 50% to calculate the margin of error yields the maximum margin of error based on this pilot test.

<sup>12</sup> We did not seek attorney lists from defender systems organized in geographic units smaller than counties (e.g. some municipal court systems).

After stratifying the PSUs by population size and urbanicity, we randomly selected 74 PSUs to test whether local leaders can compile and provide rosters or if other methods of sampling are necessary. In 58 of the 74 PSUs, we contacted leaders via phone to gather information on the ability to generate a list of attorneys who represented indigent clients in criminal, delinquency, or post-conviction cases in state courts during the past year. We asked leaders about the required contacts and level of effort required to generate a list (**appendix H**). In 16 of the 74 PSUs, we asked PSU leaders to compile and deliver the list so we could review for completeness (**table 9**). Data elements requested from each of the 16 PSUs included the attorneys’ names, email addresses, phone numbers, and physical mailing addresses.

**Table 9. PSUs Sampled, by Population Group**

Population group	Population range	Total PSUs sampled	PSU lists requested
1	1,000,000 or more	30	3
2	440,000–999,999	15	3
3	158,000–439,999	13	3
4	157,999 or fewer	16	7
<b>Total</b>		74	16

Frame 2 testing of the 74 randomly selected PSUs began on August 1, 2018, and ran through October 19, 2018. Outreach was handled principally by Heather Hall and Jon Lyon of NAPD, both of whom have strong ties to the defender community. An OMB-approved script was relied on for each call, and all information collected was entered into a database. In places where there was a known public defender office, or a public defender office could be identified, the first interview was conducted with a member of the leadership team (e.g., the Chief Public Defender). In places where no known public defender office could be identified, the courts were contacted as the first source. In places where the courts were nonresponsive, the bar was then consulted for better orientation. In sum, approximately 175 hours were dedicated to the feasibility test, and over 140 interviews were conducted, with over 225 total contacts made.

Thirteen of the 16 PSUs for which lists of publicly appointed defense attorneys were requested were able to share lists of attorneys, with contact information, including name, email, phone, and physical address information. Two PSUs shared some attorney information but were not able to compile a full list by the end of the feasibility test, primarily because additional time was needed to coordinate across courts to compile a complete list of attorneys. One provider in one PSU

declined to share any information about their roster, resulting in an incomplete list (other providers provided lists).

Sixty-nine of the 74 PSUs contacted via phone indicated that they would be able to compile a full list of attorneys, if requested. This included all but one of the 58 PSUs that were not required to actually produce attorney rosters. In 14 PSUs, there was an exclusive entity that could produce the list, and in 60 PSUs, multiple sources would need to be contacted to produce the list. Among multi-source PSUs, the average number of sources was 3.2. Sources contacted for the Frame 2 test indicated that an emailed, written request would assist their ability to compile the correct information. Once a request was received, most indicated that the burden was minimal and a list could be produced within one week or less. Sources within four PSUs articulated a need for confidentiality agreements to release contact information before releasing contact information in addition to attorney names.

Eight PSUs had one or more providers who indicated that they could produce a list of attorneys who were eligible for appointment in the last year but would not be able to compile a list of attorneys who closed a case in the past year. Two public defender offices reported that they could not provide current address, phone, or email information for attorneys who were not presently working in their office but who had closed a case in the last year. Presumably, this information could be obtained through the state or local bar association, so long as the source can provide the attorney name and the attorney has not moved out of state and/or discontinued bar membership.

There were 6 PSUs that voluntarily identified a law school clinic as representing individuals deemed indigent and facing criminal charges. More PSUs may have a law clinic representing indigent defendants, but the possibility of law school clinics receiving appointments without a relationship with a public defense program was not anticipated, and the question did not allow for it to be meaningfully interrogated in all cases. Due to some confusion about whether these appointments were “public” or not (clients are indigent, but perhaps no public money is expended for their defense), and absent an OMB-approved script to further interrogate the nature of the arrangement, case type, scope, attorney of record, and other information, this source remains uninvestigated for all PSUs. Finally, some statewide appellate providers indicated that it was difficult to identify a list of attorneys who handled appeals arising out of a single jurisdiction

because of the organization of appellate courts and the appellate defense program. At least two appellate providers indicated that they needed a better definition of “closed a case” to more confidently comply with the request. Another provider questioned whether it was accurate to classify appellate providers from a certain jurisdiction since, by rule, all appellate cases transfer out of district court jurisdiction into appellate court jurisdiction. **Table 10** provides an overview of information collected in the states included in the Frame 2 feasibility test; **appendix I** provides more detailed information about each PSU.

Notably, 39 of the 74 randomly selected PSUs had public defense providers with an organizational membership in NAPD, and an additional 12 PSUs had an NAPD member in a leadership position as a public defense provider. In sum, NAPD had a working relationship with at least one provider of publicly appointed counsel services in more than 2/3 of the sampled PSUs. Undoubtedly, NAPDs knowledge of the organizational/structural factors unique to each state and sources within the system significantly assisted in making contacts, procuring accurate information, being cognizant of organizational/structural factors unique to each state, and being oriented to the other sources within the system.

<b>Table 10. Frame 2 Feasibility Test Findings, by State</b>	
<b>State</b>	<b>Findings</b>
<b>Alabama</b>	Statewide public defense program does have complete attorney lists in almost all jurisdictions.
<b>Arizona</b>	Strong statewide association, but county-based system.
<b>California</b>	Statewide appeals program; relies on the county bar association to manage assigned counsel lists through local rule; and care must be taken to ask specifically about attorneys on “Harris” cases, as they may or may not be included in a Bar-certified list or considered publicly appointed (though they may be publicly paid).
<b>Florida</b>	Public information state; every jurisdiction in Florida has four sources; and, law school clinics notwithstanding, the assigned counsel list is centralized in state government for all jurisdictions.
<b>Georgia</b>	Certain circuits have county-administered misdemeanor courts that may contract with the circuit defender or with attorneys outside of that program and can be identified by the court.
<b>Idaho</b>	No PSU sampled.
<b>Illinois</b>	Statewide appeals program.
<b>Indiana</b>	Two statewide programs of oversight (a Public Defense Council and a Public Defense Commission) who do no direct representation. Still, they have variable data on county programs depending on their public defense structure. Public defender structure is highly variable across counties, and all representation is county by county.

<b>Kansas</b>	Statewide program to handle felony cases and conflict cases; juvenile and misdemeanor cases handled at the county level through a variety of mechanisms (court or court administrator, primarily if not exclusively); appeals are handled locally in these cases; there is no separate appeals office in Kansas for felonies.
<b>Michigan</b>	Currently undergoing significant reform with increasing state-level oversight and data collection. Feasibility conclusions may not apply at a future date.
<b>Mississippi</b>	County-based; extensive diversity across jurisdictions as related to delivery type and roster access; state public defender has limited access to attorney rosters.
<b>Nebraska</b>	County-based; extensive diversity across jurisdictions as related to delivery type and roster access.
<b>Nevada</b>	County-based; extensive diversity across jurisdictions as related to delivery type and roster access.
<b>New York</b>	There are high-population jurisdictions where public defender organization does not comport with county geographic boundaries. There is a statewide program for juveniles (not including NYC), and raise the age law will change allocation of cases significantly.
<b>Ohio</b>	In most jurisdictions it is difficult to segregate publicly appointed lawyers from municipal courts; felonies may (or may not) originate in these courts. Ohio is now inputting centralized data in a CMS and hopes to have a centralized list of all attorneys within 5 years.
<b>Oklahoma</b>	With the exception of two counties, all public defense is centralized through the state office, the Oklahoma Indigent Defense System (OIDS).
<b>Pennsylvania</b>	Lacks state oversight and state financial contribution, so every PSU has a list that is autonomous to the jurisdiction.
<b>South Dakota</b>	No PSU sampled.
<b>Tennessee</b>	No PSU sampled.
<b>Texas</b>	Every county-based jurisdiction has attorney names and bar numbers and can increasingly finesse that reporting with formal request to the Texas Indigent Defense Commission (TIDC), and full contact information is available (in most cases) through an online directory search of the Texas Bar Association.
<b>Utah</b>	Newly created Indigent Defense Commissions are beginning to compile a statewide roster of all providers (by county). There are only two public defender offices in the state (serving three counties) and no statewide program of any type. Attorneys working in every Justice Court in Utah should be included in roster compilation.
<b>Washington</b>	Statewide appeals program.

### ***Sampling Strategy***

Implementation of a national survey of publicly appointed defense attorneys should ensure representativeness across multiple sampling domains. Key domains include: (1) defender type (public defenders, assigned counsel, and contract defenders); (2) centralized and decentralized systems of public defense; (3) urbanicity; (4) size of indigent defense system (number of publicly appointed defense attorneys in jurisdictions, or volume proxies such as population); and (5) geographic region. BJS requires precision across these sampling domains and an effective



sampling strategy to ensure that the sample drawn represents publicly appointed defense attorneys in the United States.

During the course of this project, we considered different sampling approaches that varied across several important design elements, including clustering, frame development, coverage, and stratification. In particular, we weighed the advantages and trade-offs of element sampling versus a two-stage cluster design (PSU-cluster approach). Element sampling requires assembling a national roster of all publicly appointed defense attorneys in the United States, which would be extremely costly and time-consuming to compile. On the other hand, once assembled, this national list would account for the full universe of publicly appointed defense attorneys in the country, permitting a nationally representative sample to be drawn. Unfortunately, this singular approach proved infeasible given that only 28 states and the District of Columbia can provide centralized lists, leaving the balance to be collected jurisdiction-by-jurisdiction.

The two-stage cluster approach (sampling PSU jurisdictions at stage 1 and publicly appointed defense attorneys at stage 2) is much more manageable and less costly to implement. However, this approach also has some drawbacks. It will yield a sample with less statistical precision than element sampling for the same sample size due to intra-class correlation introduced by sampling multiple attorneys from the same PSU. To the extent that responses to the survey from multiple attorneys selected from the same PSU are similar, intra-class correlation will increase. And the higher the intra-class correlation, the lower the statistical precision will be for resulting survey estimates.

Given the division in the way public defense is provided in this country, where 28 states and the District of Columbia operate centralized indigent defense systems at the state level and the other 22 states organize public defense provision at the local jurisdictional level (by counties or county-clusters), we recommend a hybrid approach: a dual-frame design that employs element sampling in the centralized states and PSU-cluster sampling in the remaining states where element sampling is not feasible. We recommend this design as the best sampling strategy for implementing SPADA survey data collection at the national level (see tables 7-9). Under this approach, the two sampling frames are independently sampled using different methods, where frame 1 includes publicly appointed defense attorneys in the centralized states and frame 2 is

comprised of publicly appointed defense attorneys in jurisdictions from the non-centralized states. The states in frame 1 account for about one-third of the U.S. population (and, we expect, one-third of publicly appointed defense attorneys in the country) while the states in frame 2 account for two-thirds of the U.S. population (and presumably, two-thirds of publicly appointed defense attorneys), according to 2010 census data.

We recommend incorporating additional stratification (as discussed earlier) into the design of both frames to ensure that the important sampling domains identified above are appropriately represented. The extent of coverage of the publicly appointed defense attorney population must also be considered in the sample design. Some BJS survey populations for past data collections have been concentrated in urban areas, and the same approach could be taken for this survey. But such designs result in less than full coverage of the population of interest. There are cost and efficiency tradeoffs as well as statistical tradeoffs to consider when deciding between full national coverage, urban-only coverage, and other options when implementing a survey. Given BJS's overarching goal of national representativeness for this survey data collection, we recommend a sampling strategy that oversamples highly populated urban areas somewhat while still sampling and representing rural areas. This preserves full coverage of the full population of publicly appointed defense attorneys. We recommend this approach because SPADA will be the first-ever survey of publicly appointed defense attorneys in the United States and it would be of policy interest to compare population profiles of urban and rural public defense attorneys. It may well be that subsequent iterations of SPADA should intentionally incur some nominal level of noncoverage to increase cost efficiency without meaningfully biasing results. However, this cannot be known without some empirical investigation.

## Sampling Frame 1

Through our research and outreach efforts to state leaders, we learned that the 28 states and the District of Columbia that have centralized indigent defense systems (sampling frame 1) could provide complete statewide rosters of all active publicly appointed defense attorneys. However, we did not actually attempt to obtain statewide lists from any of these states for this project. The first step in implementing our recommended sampling strategy for frame 1 would be to obtain the full statewide lists of all publicly appointed defense attorneys (including public defenders, assigned counsel, and contract attorneys) in each of the 28 states and the District of Columbia. We recommend that these statewide rosters incorporate several data elements, including the attorney's name, business address, phone number, and email address, at a minimum. If possible, we recommend that the list also include the county and type of public defense attorney (public defender, assigned counsel, or contract attorney), for stratification purposes.

The frame 1 sample could be stratified by state, and then element sampling could be conducted for each state in proportion to the state's proportion of the total frame 1 attorney listings (population). Because statewide rosters will collectively contain the entire universe of publicly appointed defense attorneys in the frame, a proportionate random sample drawn in this way would be representative of all publicly appointed defense attorneys in the frame. That is, if a given state has 10 percent of all public defense attorneys in frame 1, then it would be allocated 10 percent of the frame 1 sample. Note that the frame 1 sample can and should be further stratified by other characteristics within states (as available), such as population group and urbanicity (urban or rural). Using U.S. Census data, the county information provided in the statewide rosters could be used to assign publicly appointed defense attorneys on the list to population groups and urban/rural designations at the county level. If defender type were also included in the lists, it would constitute an additional stratification characteristic. A stratified sample drawn from these strata would ensure that, for each state, public defense attorneys from both urban and rural areas would be included in the sample, as would attorneys from highly populated counties and less-populated counties, and that all types of public defense attorneys (public defender, assigned counsel, or contract attorney) would be represented. The resulting sample would be highly representative of publicly appointed defense attorneys in frame 1.

## Sampling Frame 2

Twenty-two states with decentralized indigent defense systems that operate at the local level comprise sampling frame 2 (see table 4). The project team formed 1,466 PSUs across these 22 states, made up of 1,334 counties (from 18 states) and 132 county-clusters (from 4 states), which is how public defense provision is organized in these states. We used four groupings of population size, with the urban/rural dichotomy appearing only in population stratum 4 (table 11).

**Table 11. Frame 2 PSU Stratification, by Population Coverage and Sampling Options**

Population group	Population range	Number of PSUs	Percent of PSUs	Percent of population	(Option A) Number of PSUs sampled	(Option A) Percent of PSUs sampled	(Option B) Number of PSUs sampled	(Option B) Percent of PSUs sampled
1	1,000,000 or more	40	3%	40%	40	100%	30	75%
2	440,000–999,999	60	4	20	60	100	30	50
3	158,000–439,999	150	10	18	75	50	50	33
4	157,999 or fewer	1,216	83	22	125 (81 Rural/ 44 Urban)	9	40 (26 Rural/ 14 Urban)	3
Total		1,466	100	100	300	20	150	10

Our recommended sampling strategy for frame 2 employs a stratified two-stage cluster sample design. The first stage requires selecting a random sample of PSUs, stratified by population and urbanicity, while the second stage entails drawing a random sample of public defense attorneys from each of the PSUs selected in stage 1. We highlight two potential options for the stage 1 sampling of PSUs (“Option A” and “Option B” in table 7); there are, of course, other options that could be considered. To ensure representativeness and maximize coverage, our preferred approach (Option A) purposefully selects the top 100 PSUs in terms of population size (i.e., all the PSUs in population groups 1 and 2). From a coverage perspective, it is wise to target resources toward these 100 PSUs since they account for 60% of the population in the frame (and presumably 60% of the publicly appointed defense attorneys in the frame). Our approach then calls for randomly selecting half (75) of the 150 PSUs in population group 3 (which accounts for another 18% of the population) and randomly selecting 125 PSUs from population group 4. The 125 PSUs selected from the fourth population group would be divided into 65% (n=81) rural PSUs and 35% (n=44) urban PSUs to reflect the urban and rural distribution (796/420) of the 1,216 PSUs in population group 4. Even though population group 4 accounts for 22% of the

population in the frame, this population stratum has the greatest number of PSUs (n=1,216) and needs adequate representation.

Option A sampling approach calls for sampling 300 PSUs, which requires a significant investment of resources. For each PSU selected, it will be necessary to contact public defense leaders in that PSU to obtain a full roster of all publicly appointed defense attorneys in the PSU. We recognize that this approach will involve substantial outreach efforts and time to assemble rosters for 300 PSUs. However, this investment of time and resources maximizes coverage and representativeness of frame 2, particularly for the top two population groups (from which all PSUs are selected), which account for 60% of the publicly appointed defense attorneys in the frame. Once full rosters of the 300 PSUs selected are obtained, a random sample of publicly appointed defense attorneys would be drawn from each of these PSUs to receive the survey.

We have included a second option (Option B) for the frame 2 sampling that requires fewer resources and samples fewer PSUs. Option B calls for sampling 150 PSUs, distributed according to the four population groups shown in table 7. Under this option, 30 of the 40 PSUs from population group 1 (75%) are selected, while half of the 60 PSUs in population group 2 are sampled, and one-third of the 150 PSUs in population group 3 are selected. Finally, 40 PSUs (3%) are selected from the fourth population group and divided into 26 rural and 14 urban PSUs, to reflect the distribution on urbanicity for all PSUs in the frame. This sample would also be representative of the frame, but estimates would have less precision than the first sampling option described above. However, if resources and time are limited or must be minimized, this alternative plan may be a more attractive option. After the rosters of the 150 PSUs selected are obtained, the next step would be to draw a random sample of publicly appointed defense attorneys from each of these PSUs to receive the survey.

Our preferred recommendation (Option A) of including 300 PSUs in the sampling plan balances the goals of maximizing coverage and precision (of survey estimates) with cost and time considerations. In the absence of any cost constraints whatsoever, obtaining rosters for all 1,466 PSUs in frame 2 would be ideal from both a coverage and precision standpoint. However, the time and effort required to assemble lists from all 1,466 PSUs would be excessive, so this approach is not practical. Recognizing that BJS will have a finite budget for survey implementation, our plan calls for the selection of 300 PSUs, which cover the majority of

publicly appointed defense attorneys in the frame and comprise 20% of all PSUs in the frame. Ultimately, the decision of how many PSUs to include in the design will be determined in consultation with BJS, based on balancing coverage and statistical precision requirements with cost considerations and budget constraints.

### Developing Sample Size Recommendations

To develop sample size recommendations, it is necessary to fix several critical design parameters, including:

- the allocation of the sample to the dual-frame strata (proportionate versus disproportionate);
- the number of stage 1 jurisdictions (i.e., clusters or “PSUs”) sampled in frame 2;
- the average number of completed surveys per sampled jurisdiction in the frame 2 sample;
- the intra-class correlation within jurisdictions associated with the statistic being measured (for frame 2);
- some sense of the relative per-unit costs associated with frame 1 versus the frame 2 sample, as well as the overall available funding (since resources are never unlimited) for survey implementation;
- the total population of publicly appointed defense attorneys in the United States; and
- the overall level of statistical precision and subgroup precision that is acceptable to BJS.

Once these design parameters are known, it will be possible to develop sample size recommendations to meet established goals. The total population of publicly appointed defense attorneys in the United States is an important parameter for determining an appropriate sample size. The size of the population will factor into the determination of a sample size that will ensure that the sample drawn will be large enough to ensure national representativeness. However, since this universe is unknown, it must be estimated. Published data from BJS indicated that there are more than 15,000 public defenders in the United States (although this number does not include other types of attorneys who provide public defense, such as appointed counsel and contract attorneys). The National Association for Public Defense has estimated that the true population of publicly appointed defense attorneys in the United States could exceed 100,000 (see footnote 1), so 100,000 may be an appropriate number to use for sample size considerations. The final determination of the estimated total population of public defense attorneys in the United States should be made in consultation with BJS. This estimated universe (full population) in conjunction with the overall level of statistical precision deemed acceptable

to BJS should be used to help determine appropriate sample size recommendations for implementing this survey at the national level. Toward that end, if BJS decides to fund the full implementation of the survey at the national level, we would recommend a design enhancement to the dual-frame design that adopts two-phase sampling, as described below.

**Phase 1 Sampling:** Under this first phase, or pilot test, small samples of publicly appointed defense attorneys would be drawn from stratum 1 (frame 1) and stratum 2 (frame 2). Though these samples will be modest in size, they will be large enough to create per-unit costs per frame as well as estimate intra-class correlation for the second frame. For frame 1, we recommend obtaining statewide rosters from 4 states and then drawing a random sample of 30 public defense attorneys from each state. Because the expert panel and cognitive respondents indicated that an incentive may increase response rates, we also recommend investigating whether attorneys can accept incentives, and if so, providing half of the sample with an incentive (e.g., a \$20 gift card). This would provide valuable information about response rates, the average level of effort/costs of administering the survey, and the impact of incentives on response rates. For frame 2, we recommend selecting a random sample of 30 jurisdictions (PSUs), and contacting jurisdictional leaders to obtain complete rosters of all publicly appointed defense attorneys in these jurisdictions. From each of the 30 PSUs selected, a random sample of 5 publicly appointed defense attorneys would be drawn to receive the survey. From this frame 2 sample, average per-unit costs could be measured and intra-class correlation could be estimated. The costs for providing incentives to respondents could be built into average per-unit costs if incentives are found to have a significant impact on response rates and a decision is made to use them in the full implementation of the survey. Frame 1 per-unit costs would also be measured.

The relative costs of frame 1 versus frame 2 will need to be considered carefully. Frame 1 will incur the costs of soliciting and processing lists from 28 states and the District of Columbia. The frame 2 sample will incur costs associated with a much larger number of lists to secure a reasonable level of statistical precision. The lists from frame 2 are expected to be highly variable as well as generally lower in quality than the state lists for frame 1. We conclude that the costs associated with soliciting, compensating jurisdictions for processing (when needed), and sampling lists of publicly appointed defense attorneys in the frame 2 two-stage sample will produce a relative per-unit (i.e., completed survey) cost that is several orders of magnitude higher than that for frame 1.

**Phase 2 Sampling:** Use the findings of frame 1 and 2 costs and frame 2 intra-class correlations from the sample of 30 jurisdictions described above under Phase 1 to develop an optimal allocation sample. Optimum allocation is a disproportionate stratified sampling technique that maximizes statistical precision for fixed costs. The issue here is how much of the sample to allocate to the frame 1 and frame 2 samples relative to proportionate allocation.

We have not included specific recommendations for sample sizes in this report, since several important design parameters that are necessary for determining appropriate sample sizes are still unknown. Therefore, it is premature to include any sample size recommendations at this stage. However, if implemented, our proposed two-phase dual frame design described above would provide the necessary information regarding critical design parameters that are prerequisites for developing valid sample size recommendations through optimum allocation techniques.

## **V. Recommendations**

Based on the work performed in this study and the insights gained through the expert panel, the survey development and cognitive test, and the Frame 2 feasibility test and sample development, we offer the following recommendations for the administration of a national survey of publicly appointed defense attorneys.



### ***Respondent recruitment***

Recruiting attorneys to complete a survey is a key challenge to the success of a national survey of publicly appointed defense attorneys. Survey burnout combined with overwhelming caseloads and legal commitments may reduce motivation among publicly appointed defense attorneys to participate in a survey. Defenders may perceive that their participation will be unlikely to alleviate the problems they face in their work. Additionally, the length of time between data collection and publication, and issues with the quality of SPADA data, may reduce interest in and perceived impact of BJS surveys among defenders.

To ensure the success of a national survey, we offer three recommendations. First, we recommend that future funding support a pilot test of survey administration and response. Due to time and resource constraints of this study, we were not able to implement a pilot test of the survey. However, this is a necessary step to ensuring high response rates. The pilot test should include a test of the impact of survey mode on response rates. Feedback received from the expert panel and findings of the cognitive test suggests that administering the survey online is the easiest mode for attorneys. However, a pilot test should include other modes, including a combination of pdf-fillable, and paper options to understand which mode or combination of modes achieves the highest responses. We also recommend investigating the feasibility of offering incentives to attorneys in an effort to increase response rates. Both the expert panel and cognitive respondents suggested that a \$20 gift card to Starbucks may increase their likelihood of completing the survey. However, it is not known whether attorneys working across diverse delivery systems can accept a monetary incentive to complete a survey of publicly appointed defense attorneys and, if not, whether other non-monetary incentives could be offered to increase response rates.

Second, we recommend collaborating with local and national public defense leaders and other organizations (national public defender, advocacy, local bar associations, National Association of Criminal Defense Lawyers affiliates) to advertise the survey. Finally, we recommend that a national public defense organization, such as NAPD, play a prominent role in the study to assist with messaging and attorney buy-in. Furthermore, the success of the Frame 2 feasibility test in this study relied on NAPDs connection to leaders in the field of public defense, their

understanding of defense system organizations and structures, and their ability to knowledgeably speak with system leaders and sources.

### ***Developing the Sampling Frame***

This study included a feasibility test to inform our understanding of whether lists of publicly appointed defense attorneys can be obtained from states with decentralized systems. We recommend that a similar feasibility test be conducted with Frame 1 to determine whether lists of publicly appointed defense attorneys can be obtained from states with centralized systems of indigent defense. We also recommend that the survey be administered with publicly appointed defense attorneys in the five U.S. territories—Guam, Northern Mariana Islands, Puerto Rico, United States Virgin Islands, and American Samoa. Initial outreach to the territories indicates that at least 2 can produce full lists of publicly appointed defense attorneys. Furthermore, the survey of publicly appointed defense attorneys is not currently designed to collect data from publicly appointed defense attorneys who specialize in civil or child welfare cases or attorneys who work in municipal courts. We would recommend that future resources consider the benefits of designing a survey specific to these attorneys, as well as attorneys who provide legal representation on appellate and post-conviction cases.

### ***Survey instrument***

In its current form, the survey asks about attorneys' last closed case in an effort to gather representative data from publicly appointed defense attorneys across the United States. However, this approach generated some concern with respondents to the pilot test and limits the ability to collect data on cases in which a trial occurred or a case in which extended legal representation was required. Future work should consider the benefits of designing a survey to capture data on these cases. Also, per BJS's directive, the survey is currently limited to binary sex questions to gather demographic information on attorneys and the clients that they serve, which may alienate and offend survey respondents. Future surveys with publicly appointed defense attorneys should include gender-inclusive language and survey questions.

## Appendix A. Cognitive Test Survey Instrument



## Introduction

The Bureau of Justice Statistics is piloting this survey of publicly appointed defense attorneys to learn more about the legal representation you provide to people accused of crime and who are deemed financially eligible to receive attorney services at no charge. We are contacting you because we understand that you have worked as a publicly appointed defense attorney in your state at some point in the past year .

A publicly appointed defense attorney is any attorney that has directly engaged in the representation of any adult or juvenile person accused or convicted of crime, delinquency , or violation of parole or probation in any state or local court pursuant to a public appointment in the last year .

This survey will ask questions about your background, the kinds of cases you take as a publicly appointed defense attorney , the services you provide to your publicly appointed clients, and other matters. You can stop at any time and skip any questions that you don't want to answer . There are 52 questions.

The following question helps us to confirm that this survey is right for you.

In the last year, have you been appointed to represent any of the following people in any state or local court at public expense?

	Yes	No
An adult or juvenile person accused of a crime or delinquency	<input type="radio"/>	<input type="radio"/>
An adult or juvenile person accused of violating conditions of a sentence (e.g. violation of probation or parole)	<input type="radio"/>	<input type="radio"/>
An adult or juvenile person appealing a conviction, or seeking other post-disposition advocacy or post-conviction relief	<input type="radio"/>	<input type="radio"/>

Please make a note of the time!

We are interested in how long it takes you to complete this survey. We expect it to take around twenty to twenty-five minutes, but we will ask you how long it took at the end. Thanks!

## I. YOUR WORK AS A PUBLICLY APPOINTED DEFENSE ATTORNEY

I. YOUR WORK AS A PUBLICLY APPOINTED DEFENSE ATTORNEY: Please tell us about your work as a publicly appointed defense attorney.

Q1. In what year did you pass the bar? If you've passed the bar in multiple states, please tell us the year you passed for the first time.

Q2. In what year did you first work as a publicly appointed defense attorney?

Q3. In the last seven days, about how many hours did you work as a publicly appointed attorney, even if it was atypical? (Include any evenings or weekends worked)

Q4. In the last seven days, about how much time do you estimate you spent in the following activities while working as a publicly appointed defense attorney?

	Hours	Minutes	None
In court, in front of a judge	<input type="text"/>	<input type="text"/>	<input type="radio"/>
In court, other activities	<input type="text"/>	<input type="text"/>	<input type="radio"/>
Out of court, negotiating with prosecutors or probation officers	<input type="text"/>	<input type="text"/>	<input type="radio"/>
Out of court, at jail or prison	<input type="text"/>	<input type="text"/>	<input type="radio"/>
Out of court, other client communication	<input type="text"/>	<input type="text"/>	<input type="radio"/>
Out of court, other activities (e.g. interviewing witnesses, investigating, office work)	<input type="text"/>	<input type="text"/>	<input type="radio"/>
In training	<input type="text"/>	<input type="text"/>	<input type="radio"/>
Other (Please specify) <input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="radio"/>

Q5. In the last seven days, about how many hours did you work other than as a publicly appointed attorney, even if it was atypical? (Include any evenings or weekends worked)

Q6. Which of the following currently apply to you in your work as a publicly appointed defense attorney? Select yes or no for each option.

Yes

No

	Yes	No
I am an employee of a government agency	<input type="radio"/>	<input type="radio"/>
I am an employee of an organization other than a government agency such as a law firm or private nonprofit organization	<input type="radio"/>	<input type="radio"/>
I have a contract to take cases	<input type="radio"/>	<input type="radio"/>
I am a private attorney appointed on a case-by-case basis by judges or magistrates	<input type="radio"/>	<input type="radio"/>
Something else (Please specify) <input style="width: 100px; height: 20px;" type="text"/>	<input type="radio"/>	<input type="radio"/>

Q7. Are you currently required to do any of the following to work as a publicly appointed defense attorney?

	Required	Not required	I don't know
Have a written performance review at least once a year	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Meet with someone responsible for monitoring my work at least once a month	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Take specific training prior to handling any cases	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Take additional training prior to handling more serious or complex cases	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q8. Are you currently limited in your ability to take on cases on private retainer as a condition of your work as a publicly appointed defense attorney?

- Yes, I am prohibited from taking cases on private retainer
- Yes, I am limited in my ability to take cases on private retainer but not prohibited from doing so
- No, I am not limited in my ability to take cases on private retainer

Q9. Thinking about your work as a publicly appointed defense attorney in the last year, have you generally been assigned to represent clients for their entire case, or for shorter periods (e.g. a single appearance)?

- Always entire cases
- Mostly entire cases
- Sometimes entire cases
- Seldom or never entire cases

Q10. In the last year, have you supervised or managed other publicly appointed defense attorneys?

- Yes
- No

Q11. Are you able to speak confidentially with clients in your publicly appointed cases in the following locations?

	Always	Sometimes	Never
Court	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Jail or prison	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Your office	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q12. Are incarcerated clients in your publicly appointed cases able to contact you without charge in any of the following ways? Select yes or no for each option.

	Yes	No
Calling a toll-free number	<input type="radio"/>	<input type="radio"/>
Making collect calls	<input type="radio"/>	<input type="radio"/>
Video conferencing	<input type="radio"/>	<input type="radio"/>
Any other way (Please specify)	<input type="radio"/>	<input type="radio"/>
<input type="text"/>		



Q13. In the past year, have training programs in the following areas been made available to you?

	Available, have taken	Available, have not taken	Not available	I don't know
Adolescent development	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Bail/Bond advocacy	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Communicating effectively with your client	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Education law	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Forensic evidence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Immigration law	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Implicit racial bias	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Jury selection	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Opening/Closing arguments	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Plea negotiation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Representing juvenile clients	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Representing persons with mental illness	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

## II. YOUR PUBLICLY APPOINTED CASELOAD

II. YOUR PUBLICLY APPOINTED CASELOAD: This section is about the types and numbers of publicly appointed cases that you handle.

- A felony, misdemeanor or juvenile delinquency case is defined as a charge or set of charges against a single defendant.
- An appellate case is defined as a single appeal in a single appellate court.
- A post-conviction case is defined as any case taking place after the resolution of a trial case other than an appeal.

Q14. How many new publicly appointed cases in the following categories did you take in the last seven days, even if it wasn't typical? You may estimate the numbers. If you did not receive any cases, enter 0. If you do not handle that case type, select N/A.

	New cases last week	N/A
Adult misdemeanors	<input type="text"/>	<input type="radio"/>
Adult felonies	<input type="text"/>	<input type="radio"/>
Adult appeals	<input type="text"/>	<input type="radio"/>
Adult post-conviction	<input type="text"/>	<input type="radio"/>
Juvenile delinquency	<input type="text"/>	<input type="radio"/>
Juvenile appeals	<input type="text"/>	<input type="radio"/>
Juvenile post-conviction	<input type="text"/>	<input type="radio"/>

Q15. How many publicly appointed cases in the following categories do you have open right now, even if it isn't typical? You may estimate the numbers. If you do not have any current open cases, enter 0. If you do not handle that case type, select N/A.

	Cases open right now	N/A
Adult misdemeanors	<input type="text"/>	<input type="radio"/>
Adult felonies	<input type="text"/>	<input type="radio"/>
Adult appeals	<input type="text"/>	<input type="radio"/>
Adult post-conviction	<input type="text"/>	<input type="radio"/>
Juvenile delinquency	<input type="text"/>	<input type="radio"/>
Juvenile appeals	<input type="text"/>	<input type="radio"/>
Juvenile post-conviction	<input type="text"/>	<input type="radio"/>

Q16. Are you presently providing representation as a publicly appointed attorney in any case in the following categories? If you do not handle that case type, select N/A.

	Yes	No	N/A
Client facing capital charges	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

	Yes	No	N/A
Client in specialty court (e.g., drug, homeless, veterans, mental health, domestic violence)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Failure to pay a fine	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Violation of probation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q17. Are you currently able to request to decline case assignments on the basis that you already have too many cases?

- Yes
- No
- Other (e.g., state law limits cases, office has strict policy) please specify:
- I don't know

Q18. In the past year, have you tried to decline a case assignment on the basis that you already had too many cases?

- Yes
- No
- N/A

Q19. In the past year, were you able to decline a case assignment on the basis that you already had too many cases?

- Yes
- No
- N/A

### III. WORKING WITH CLIENTS IN PUBLICLY APPOINTED CASES

III. WORKING WITH CLIENTS IN PUBLICLY APPOINTED CASES. This section asks about the last publicly appointed case that you closed in a trial court in the last year. A closed case is defined as the last case in which you provided representation in which a court issued a final disposition.

Q20. Have you closed at least one case in a trial court within the last year?

- Yes
- No

Think of the most recent publicly appointed case that you closed when answering the questions in this section. We do not want to know anything about this case which could allow us to identify the participants.

Q21. What type of case was the most recent case that you closed in a trial court as a publicly appointed defense attorney?

- Adult misdemeanor
- Adult felony
- Adult appeal
- Adult post-conviction
- Juvenile delinquency
- Juvenile appeal
- Juvenile post-conviction
- Something else (Please specify)

Q22. Did this case involve any of the following types of allegations? Select yes or no for each option.

Yes

No

	Yes	No
Violent offenses (e.g. rape, murder, assault, robbery)	<input type="radio"/>	<input type="radio"/>
Property offenses (e.g. arson, burglary, larceny, theft of a motor vehicle)	<input type="radio"/>	<input type="radio"/>
Drug offenses	<input type="radio"/>	<input type="radio"/>
Sex offenses	<input type="radio"/>	<input type="radio"/>
Weapons offenses	<input type="radio"/>	<input type="radio"/>

Q23. Which, if any, of the following types of evidence were used in the case?

	Yes	No	I don't know
Ballistics evidence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Blood test evidence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
DNA evidence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Electronic/computer forensic evidence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Eyewitness evidence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Fingerprint evidence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other (Please specify)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<input type="text"/>			

Q24. Was the client of Hispanic or Latino origin?

- Hispanic or Latino
- Not Hispanic or Latino
- I don't know

Q25. What was the client's race? Select one or more

- American Indian or Alaska Native
- Asian
- Black or African American
- Native Hawaiian or Other Pacific Islander

- White
- I don't know

Q26. What was the client's sex?

- Female
- Male
- I don't know

Q27. Was English the client's first language?

- Yes
- No
- I don't know

Q28. What was the client's age when the case was closed?

- Under 13
- 13-15
- 16-17
- 18-19
- 20-21
- 22-24
- 25-29
- 30-34
- 35-39
- 40-44
- 45-49
- 50-54
- 55-59
- Over 60

I don't know

Q29. What was the length of your first meeting with the client?

- Under 5 minutes
- 5-14 minutes
- 15-29 minutes
- 30-59 minutes
- An hour or more

Q30. Did you represent this client at his or her first court appearance in this case?

- Yes
- No
- N/A

Q31. Please indicate below whether you made any of the following types of motion in the case, and what happened with those motions.

	No motion made	Motion made and denied	Motion made and granted
A motion to suppress evidence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
A motion for reduction in bail or bond	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
A motion to dismiss the case	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q32. Did you or a member of the defense team do any of the following?

	Yes	No	I don't know
Visit the alleged crime scene	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Interview in person any potential witnesses other than the client or prosecution witnesses	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

	Yes	No	I don't know
Seek written records (for example, school or medical records)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Seek advice from a colleague or supervisor	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Use the services of an investigator	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Use the services of a social worker	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Consult with an expert witness, other than a prosecution witness, even if he or she did not testify	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q33. Was the client incarcerated pretrial?

- Yes, incarcerated entire pretrial period
- Yes, incarcerated but released pretrial
- Yes, incarcerated then released and incarcerated again for pretrial violation
- No
- I don't know

Q34. Did any of the following happened during the case?

	Yes	No	I don't know	N/A
Case went to trial	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Defense was provided with discovery material	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Client was diverted to a drug, alcohol, or mental health treatment program	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q35. How many times, in total, did you communicate with the client in person, by phone or in writing prior to the resolution of the case? You may estimate the number.



Q36. How many times, in total, did you communicate with the prosecutor in person, by phone or in writing prior to the resolution of the case? You may estimate the number.

Q37. How long, in total, were you assigned to the case? You may estimate the time.

Years

Months

Days

Q38. How was the case closed?

- The client was convicted of the top charge against him or her
- The client was convicted of a lesser charge
- The client was found not guilty
- The case was dismissed
- Something else (Please specify)

Q39. Which, if any, of the following consequences resulted from this case for this client? Select yes or no for each option. If you do not know, select I don't know.

	Yes	No	I don't know
Sentenced to custody	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sentenced to probation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sentenced to community service	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Fines and/or fees imposed	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Restitution imposed	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Driving license suspended/revoked	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Order of protection imposed	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Required to register as a sex offender	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

	Yes	No	I don't know
Detainer lodged by Immigration and Customs Enforcement (ICE)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Employment license suspended/revoked	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Gun license suspended/revoked	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

#### IV. WORKING CONDITIONS

IV. WORKING CONDITIONS: The questions in this section ask about the benefits, compensation and other conditions of your work as a publicly appointed defense attorney.

Q40. Does your work as a publicly appointed defense attorney include the following benefits? Select yes or no for each benefit. If you do not know if the benefit is included, select I don't know.

	Yes	No	I don't know
Financial support for attending training programs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Financial support for membership in professional organizations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Financial support for travel expenses associated with the work	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Health insurance	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Paid sick days	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Paid family/medical leave (e.g. maternity leave)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Paid vacation days	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Retirement benefits	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Student loan forgiveness	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q41. Does your work as a publicly appointed defense attorney provide you with the following resources? If a resource is provided but you choose not to use it, please check 'yes'.

	Yes	No
Office space	<input type="radio"/>	<input type="radio"/>
Administrative staff assistance	<input type="radio"/>	<input type="radio"/>
A cell phone, or cell phone subsidy	<input type="radio"/>	<input type="radio"/>
A computer or a laptop	<input type="radio"/>	<input type="radio"/>
Access to WestLaw, LexisNexis or other legal search engine	<input type="radio"/>	<input type="radio"/>
Access to media equipment, e.g. video cameras	<input type="radio"/>	<input type="radio"/>
Access to printing facilities	<input type="radio"/>	<input type="radio"/>
Access to an investigator	<input type="radio"/>	<input type="radio"/>
Access to a social worker	<input type="radio"/>	<input type="radio"/>

Q42. In the last year, how often have you thought about your publicly appointed defense attorney work when you are not working?

- Never
- Rarely
- Sometimes
- Frequently

Q43. In the last year, how often has being a publicly appointed defense attorney interfered with your home or family life?

- Never
- Rarely
- Sometimes
- Frequently

Q44. If the decision were up to you, approximately how much longer would you like to continue doing publicly appointed defense attorney work?

- I am already looking for another position
- Less than a year
- 1-2 years
- 3-5 years
- More than 5 years

Q45. Which of the following do you do on at least an annual basis?

	Yes	No
Represent publicly appointed defense attorneys in bar association activities	<input type="radio"/>	<input type="radio"/>
Represent publicly appointed defense attorneys in any other context (e.g. civic groups)	<input type="radio"/>	<input type="radio"/>
Conduct training of attorneys or other professionals	<input type="radio"/>	<input type="radio"/>
Teach classes at a school or college	<input type="radio"/>	<input type="radio"/>
Write for publications (e.g., law journals, newspapers, magazines)	<input type="radio"/>	<input type="radio"/>
Make media appearances	<input type="radio"/>	<input type="radio"/>

## V. YOUR DEMOGRAPHICS

V. YOUR DEMOGRAPHICS: We have some questions about you. This information will only be used to describe who participated in this survey.

Q46. What is your age?

- Under 20
- 20-24
- 25-29
- 30-34

- 35-39
- 40-44
- 45-49
- 50-54
- 55-59
- 60-64
- 65-69
- 70-74
- Over 75

Q47. Are you of Hispanic or Latino origin?

- Hispanic or Latino
- Not Hispanic or Latino

Q48. What is your race? Check all that apply

- American Indian or Alaska Native
- Asian
- Black or African American
- Native Hawaiian or Other Pacific Islander
- White
- Other (Please specify)

Q49. What is your sex?

- Female
- Male

Q50. What amount, if any, do you owe in student loan debt?

- I do not have any student loan debt

- \$1 - \$24,999
- \$25,000 - \$49,999
- \$50,000 - \$74,999
- \$75,000 - \$99,999
- \$100,000 - \$124,999
- \$125,000 - \$149,999
- \$150,000 - \$174,999
- \$175,000 - \$199,999
- Over \$200,000

Q51. Which of the following best describes how you are paid in your role as a publicly appointed defense attorney?

- Paid a salary
- Paid per hour
- Paid per case
- Paid per court appearance
- Paid for a set number of cases
- Paid some other way (Please specify)

Q52. How much, if anything, did you earn in 2017, before tax, from your work as a publicly appointed defense attorney?

- Nothing
- \$1 - \$1,999
- \$2,000 - \$4,999
- \$5,000 - \$9,999
- \$10,000 - \$19,999
- \$20,000 - \$29,999
- \$30,000 - \$39,999
- \$40,000 - \$49,999
- \$50,000 - \$59,999

- \$60,000 - \$69,999
- \$70,000 - \$79,999
- \$80,000 - \$99,999
- \$100,000 or more

Thank you for taking the time to complete this survey! Please continue to provide feedback on your survey experiences.

Follow up

FQ1. How long did this survey take to complete? Enter hour, minutes (check if estimate)

		Estimate
Hours	<input type="text"/>	<input type="radio"/>
Minutes	<input type="text"/>	<input type="radio"/>

FQ2. What were the most important questions?

FQ3. Which questions were the most difficult to answer?

FQ4. Is there anything you think we should change about the survey?

FQ5. Would you be willing to discuss your experience taking this survey further with the research team?

- Yes
- No

FQ6. Please provide phone and email address and indicate which method is preferred.

		Preferred
Phone	<input type="text"/>	<input type="radio"/>
Email	<input type="text"/>	<input type="radio"/>

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**Appendix B. Cognitive Test Recruitment Letter**

Dear XXX,

We are writing to you today to ask for your assistance in a first-of-its-kind effort to survey publicly appointed criminal defense attorneys around the country about their work, clients and resources.

**We know that you are busy, but we can't get meaningful data without your participation! We hope that you will complete this survey to advance national understanding of this important work, make improvements in justice systems around the country, and assist the work that you do on behalf of your clients.**

To date there has been *no* federally funded efforts to collect information from publicly appointed defense attorneys. This information is critically needed to: 1) Accurately describe the work that you do; 2) Meaningfully leverage conversations about the value of the services that you provide to your clients and the criminal justice system, and, 3) Identify funding, resource, and other reform needs to support your work.

More specifically, the data generated will define the diversity and/or overlap of professional experiences of publicly appointed defense attorneys and the services that are provided to clients, as well as inform research and policy discussions in the following areas:

- Attorney compensation
- Access to investigators and social workers
- Public defense oversight
- Barriers to providing defense services to indigent clients
- Attorney workloads
- Client needs
- Access to training opportunities
- Professional-personal challenges

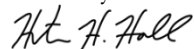
We created this survey with the help of public defenders, panel attorneys and private appointed counsel across the country who are appointed to represent indigent people accused of crimes. This survey reflects the effort to collect what they believe is the most relevant information about public defense. Your responses, and those of your colleagues across the country, will allow an incredible scope of information to be collected and published at the national level for the first time.

Filling out the survey should take less than 20 minutes of your time. You won't need to look anything up and all questions should be easy to answer. The questions are about the things you do every day – your work, your background, the resources available to you, and the advocacy needs of your clients.

Your response will remain totally confidential. Your name and contact information will never be associated with the answers you submit, and any research or reports that are produced will not be traceable back to you.

**Thank you for the services that you provide to your clients on a daily basis, and for your support of this important, first-ever research effort on the legal representation of people unable to afford a lawyer.** Please do not hesitate to reach out with any questions at [heather@publicdefenders.us](mailto:heather@publicdefenders.us) or at 504-301-6956.

Sincerely and on behalf of our project team,



Heather Hall  
Development & Engagement Director, NAPD

## Appendix C. Cognitive Test Debriefing Interview Protocol

## SURVEY OF PUBLICLY APPOINTED DEFENSE ATTORNEYS

### *Cognitive Test Phone Script (Debriefing Interview)*

Hello, my name is \_\_\_\_\_ and I'm calling from Urban Institute/NAPD/IDRA about the survey for publicly appointed defense attorneys that you recently completed.

Is this still a good time to talk? *[If not, reschedule while on the phone!]*

Great, so let me walk you through the basic process of how the debriefing will work. We'll go through the survey questions, and for each I'll ask you a couple of questions about the clarity of the question, the response choices and your overall ease at providing the information. We will also talk about how long the survey took to complete and review your responses to the feedback questions on the survey. We have your responses in front of us, but we will not share your responses with anyone, and no one will know that you completed this survey. Your responses today will only be used to revise the survey to make it better.

Do you have any questions before we proceed?

**For each question, probe for:**

Anything that was unclear or confusing in the wording or any terminology that needed to be better defined.

Any response options that were unclear, confusing, overlapping, or missing.

**SCREENING QUESTION:**



The Bureau of Justice Statistics is piloting this survey of publicly appointed defense attorneys to learn more about the legal representation provided to people accused of crime who can't afford a lawyer. We have contacted you because we understand you have worked as a publicly appointed defense attorney in your state at some point in the past year.

A publicly appointed defense attorney is any attorney that has been directly engaged in the representation of any adult or juvenile person accused or convicted of crime, delinquency, or violation of parole or probation in any state or local court pursuant to a public appointment in the last year.

The survey will ask questions about your background, the kinds of cases you take as a publicly appointed defense attorney, the services you provide to your publicly appointed clients, and other matters. You can stop at any time and if there is a question you don't want to answer, you can skip it. There are 52 questions.

The following question helps us to confirm this survey is right for you.

In the last year, have you been appointed to represented any of the following in any state or local court at public expense?

		Yes	No
a.	An adult or juvenile person accused of a crime or delinquency		
b.	An adult or juvenile person accused of violating conditions of a sentence (e.g. violation of probation or parole)		
c.	An adult or juvenile person appealing a conviction, or seeking other post-disposition advocacy or post-conviction relief		



SURVEY INSTRUMENT

**I. YOUR WORK AS A PUBLICLY APPOINTED DEFENSE ATTORNEY:** Please tell us about your work as a publicly appointed defense attorney.

Q1. In what year did you pass the bar? *If you've passed the bar in multiple states, please tell us the year you passed for the first time.*

Clarity?	
Response options?	
Ability to provide?	

Q2. In what year did you first work as a publicly appointed defense attorney?

Clarity?	
Response options?	
Ability to provide?	

Q3. In the last seven days, about how many hours did you work as a publicly appointed attorney, even if it was atypical? (Include any evenings or weekends worked)

Clarity?	
Response options?	
Ability to provide?	

Q4. In the last seven days, about how much time do you estimate you spent in the following activities while working as a publicly appointed defense attorney?



Clarity?	
Response options?	
Ability to provide?	

Q5. In the last seven days, about how many hours did you work *other than* as a publicly appointed attorney, even if it was atypical? (Include any evenings or weekends worked)

Clarity?	
Response options?	
Ability to provide?	

Q6. Which of the following currently apply to you in your work as a publicly appointed defense attorney? Select yes or no for each answer.

Clarity?	
Response options?	
Ability to provide?	

Q7. Are you currently required to do any of the following to work as a publicly appointed defense attorney?

Clarity?	
Response options?	
Ability to provide?	



Q8. Are you currently limited in your ability to take on cases on private retainer as a condition of your work as a publicly appointed defense attorney?

Clarity?	
Response options?	
Ability to provide?	

Q9. Thinking about your work as a publicly appointed defense attorney in the last year, have you generally been assigned to represent clients for their entire case, or for shorter periods (e.g. a single appearance)?

Clarity?	
Response options?	
Ability to provide?	

Q10. In the last year, have you supervised or managed other publicly appointed defense attorneys?

Clarity?	
Response options?	
Ability to provide?	

Q11. Can you able to speak confidentially with clients in your publicly appointed cases in the following locations:

Clarity?	
Response options?	





Ability to provide?	
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Q12. Are incarcerated clients in your publicly appointed cases able to contact you without charge in any of the following ways? *Select Yes or No for each option.*

Clarity?	
Response options?	
Ability to provide?	

Q13. In the past year, have training programs in the following areas been made available to you?

Clarity?	
Response options?	
Ability to provide?	

**II. YOUR PUBLICLY APPOINTED CASELOAD:** This section is about the types and numbers of publicly appointed cases that you handle.

- A felony, misdemeanor or juvenile delinquency case is defined as a charge or set of charges against a single defendant.
- An appellate case is defined as a single appeal in a single appellate court.
- A post-conviction case is defined as any case taking place after the resolution of a trial case other than an appeal.

Q14. How many new publicly appointed cases in the following categories did you take *in the last seven days*, even if it wasn't typical? *You may estimate the numbers. If you did not receive any cases, enter 0. If you do not handle that case type, select N/A.*

Clarity?	
----------	--



Response options?	
Ability to provide?	

Q15. How many publicly appointed cases in the following categories do you have *open right now*, even if it isn't typical? *You may estimate the numbers. If you do not have any current open cases, enter 0. If you do not handle that case type, select N/A.*

Clarity?	
Response options?	
Ability to provide?	

Q16. Are you presently providing representation as a publicly appointed attorney in any case in the following categories? *If you do not handle that case type, select N/A.*

Clarity?	
Response options?	
Ability to provide?	

Q17. Are you currently able to request to decline case assignments on the basis that you already have too many cases?

Clarity?	
Response options?	
Ability to provide?	



Q18. In the past year, have you tried to decline a case assignment on the basis that you already had too many cases?

Clarity?	
Response options?	
Ability to provide?	

Q19. In the past year, were you able to decline a case assignment on the basis that you already had too many cases?

Clarity?	
Response options?	
Ability to provide?	

---

**III. WORKING WITH CLIENTS IN PUBLICLY APPOINTED CASES.** This section asks about the last publicly appointed case that you closed in a trial court in the last year. A closed case is defined as the last case in which you provided representation in which a court issued a final disposition. If you have not closed a publicly appointed case in a trial court within the last year, please skip to Question 40 below.

Q20. Have you closed at least one case in a trial court within the last year?

Clarity?	
Response options?	
Ability to provide?	



**Think of the most recent publicly appointed case that you closed when answering the questions in this section. We do not want to know anything about this case which could allow us to identify the participants.**

Q21. What type of case was the most recent case that you closed in a trial court as a publicly appointed defense attorney?

Clarity?	
Response options?	
Ability to provide?	

Q22. Did this case involve any of the following types of allegations? *Select yes or no for each option.*

Clarity?	
Response options?	
Ability to provide?	

Q23. Which, if any, of the following types of evidence were used in the case?

Clarity?	
Response options?	
Ability to provide?	

Q24. Was the client of Hispanic or Latino origin?



Clarity?	
Response options?	
Ability to provide?	

Q25. What was the client's race?

Clarity?	
Response options?	
Ability to provide?	

Q26. What was the client's sex?

Clarity?	
Response options?	
Ability to provide?	

Q27. Was English the client's first language?

Clarity?	
Response options?	
Ability to provide?	

Q28. What was the client's age when the case was closed?



Clarity?	
Response options?	
Ability to provide?	

Q29. What was the length of your first meeting with the client?

Clarity?	
Response options?	
Ability to provide?	

Q30. Did you represent this client at his or her first court appearance in this case?

Clarity?	
Response options?	
Ability to provide?	

Q31. Please indicate below whether you made any of the following types of motion in the case, and what happened with those motions.

Clarity?	
Response options?	
Ability to provide?	



Q32. Did you or a member of the defense team do any of the following?

Clarity?	
Response options?	
Ability to provide?	

Q33. Was the client incarcerated pretrial?

Clarity?	
Response options?	
Ability to provide?	

Q34. Did any of the following happened during the case?

Clarity?	
Response options?	
Ability to provide?	

Q35. How many times, in total, did you communicate with the client in person, by phone or in writing prior to the resolution of the case? You may estimate the number.

Clarity?	
----------	--



Response options?	
Ability to provide?	

Q36. How many times, in total, did you communicate with the prosecutor in person, by phone or in writing prior to the resolution of the case? *You may estimate the number.*

Clarity?	
Response options?	
Ability to provide?	

Q37. How long, in total, were you assigned to the case? You may estimate the time.

Years

Months

Days

Clarity?	
Response options?	
Ability to provide?	

Q38. How was the case closed?

Clarity?	
----------	--






Q39. Which, if any, of the following consequences resulted from this case for this client? *Select yes or no for each option. If you do not know, select I don't know.*

Clarity?	
Response options?	
Ability to provide?	

**IV. WORKING CONDITIONS:** *The questions in this section ask about the benefits, compensation and other conditions of your work as a publicly appointed defense attorney.*

Q40. Does your work as a publicly appointed defense attorney include the following benefits? *Select yes or no for each benefit. If you do not know if the benefit is included, select I don't know.*

Clarity?	
Response options?	
Ability to provide?	

Q41. Does your work as a publicly appointed defense attorney provide you with the following resources? *If a resource is provided but you choose not to use it, please check 'yes'.*

Clarity?	
----------	--



Response options?	
Ability to provide?	

Q42. In the last year, how often have you thought about your publicly appointed defense attorney work when you are not working?

Clarity?	
Response options?	
Ability to provide?	

Q43. In the last year, how often has being a publicly appointed defense attorney interfered with your home or family life?

Clarity?	
Response options?	
Ability to provide?	

Q44. If the decision were up to you, approximately how much longer would you like to continue doing publicly appointed defense attorney work?

Clarity?	
Response options?	
Ability to provide?	

Q45. Which of the following do you do on at least an annual basis?



Clarity?	
Response options?	
Ability to provide?	

**V. YOUR DEMOGRAPHICS:** We have some questions about you. This information will only be used to describe who participated in this survey.

Q46. What is your age?

Clarity?	
Response options?	
Ability to provide?	

Q47. Are you of Hispanic or Latino origin?

Clarity?	
Response options?	
Ability to provide?	

Q48. What is your race?

Clarity?	
Response options?	



Ability to provide?	
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Q49. What is your sex?

Clarity?	
Response options?	
Ability to provide?	

Q50. What amount, if any, do you owe in student loan debt?

Clarity?	
Response options?	
Ability to provide?	

Q51. Which of the following best describes how you are paid in your role as a publicly appointed defense attorney?

Clarity?	
Response options?	
Ability to provide?	

Q52. How much, if anything, did you earn in 2017, before tax, from your work as a publicly appointed defense attorney?

Clarity?	
----------	--



Response options?	
Ability to provide?	

**GENERAL QUESTIONS:**

- How long did the survey take you to complete?
- Did you take the survey on your personal computer or on your phone?
- Did you complete the survey in one sitting?
- Did you find the survey to be burdensome?
- Was the level of effort to complete the survey appropriate for the questions the survey asked?
- Which question were difficult to complete or took the longest, and why?
- Were there any questions that were not appropriate or not applicable to you?
- Are there any additional questions that do not currently appear on the survey that you would recommend including? If so, why?
- Are there any other improvement survey that you would recommend that we make?
- In your opinion, how long should we give defender to complete the survey before following up?
- In your opinion, what mode of communication would be most effective in remind you to complete the survey?
- In your opinion, what mode of the survey would be best/easiest to complete?
- Did you read the introductory/recruitment letter?
- If yes, did you find it to be helpful?
- If yes, did you find it to be too long?
- Was it difficult to complete the survey?



## Appendix D. Recruitment Script

*INITIAL CONTACT SCRIPTS*

*Initial email to primary PSU leader:*

Hello (name/title),

My name is Heather Hall from the National Association for Public Defense [If Heather already knows contact, this will be more personalized]. We are doing outreach funded by the Bureau of Justice Statistics – which is part of the U.S. Department of Justice – as part of planning for a national survey of public defense counsel – that is, lawyers appointed to represent indigent defendants in criminal cases in state courts. We are trying to determine who would maintain lists or rosters of those attorneys who represent indigent clients in criminal, delinquency, or post-conviction cases in state courts.

Please let me know if you are able to discuss this list, or if you know of anyone else in your jurisdiction who is able to discuss the ability to provide a complete roster of those attorneys in [your jurisdiction or insert county name]. If you know of multiple people who would need to be contacted, that would also greatly help our effort.

Please respond back by [DATE] with any time that is good to have quick conversation by phone. Thank you for your assistance in this important project.

Sincerely,  
Heather Hall  
(contact information)

*Initial phone (if no email contact information is available) to primary PSU leader:*

Hello, may I speak to (name)?

My name is Heather Hall and I am calling from the National Association for Public Defense [If Heather already knows contact, this will be more personalized]. We are doing outreach funded by the Bureau of Justice Statistics – which is part of the U.S. Department of Justice – as part of planning for a national survey of public defense counsel – that is, lawyers appointed to represent indigent defendants in criminal cases in state courts. We are trying to determine who would maintain lists or rosters of those attorneys who represent indigent clients in criminal, delinquency, or post-conviction cases in state courts.

Would you be able to generate a list of all attorneys who represent indigent clients in (your jurisdiction/county name)?

Yes  
No

Do you know of any other people in (your jurisdiction/county name) that would be able to provide part or all of that list?

Record names and contact information

I'd like to set up a time that is more convenient to discuss the effort needed to generate that roster. What would be a convenient date and time for you in the next 2-3 weeks?  
Record date/time.

Thank you!

*Initial voicemail (if no email contact information is available and contact is not available) to primary PSU leader.*

Hello (name), my name is Heather Hall and I am calling from the National Association for Public Defense [If Heather already knows contact, this will be more personalized]. We are doing outreach funded by the Bureau of Justice Statistics – which is part of the U.S. Department of Justice – as part of planning for a national survey of public defense counsel – that is, lawyers appointed to represent indigent defendants in criminal cases in state courts. We are trying to determine who would maintain lists or rosters of those attorneys who represent indigent clients in criminal, delinquency, or post-conviction cases in state courts.

If you could call me back at XXX-XXX-XXXX or email me at (email address), I'd like to set up a time to discuss your ability to generate such a roster, or if you know of others I would need to contact to compile that list. Once again, my name is Heather Hall and you can reach me at XXX-XXX-XXXX or (email address). Thank you!

*The initial contacts (email, phone and voicemail) to the primary PSU leader will also serve as the initial contacts for any persons identified by the primary PSU leader.*

#### *SCHEDULED INTERVIEW CONTACT*

*\*Note: there is some intended overlap with the initial contact – since we expect some time to pass, people may remember additional persons necessary to generate the lists that they did not mention in the initial contact.*

*Phone:*

Hello. My name is \_\_\_\_\_ and I am calling from [The Urban Institute OR National Association for Public Defense]. As a quick reminder, we are doing outreach funded by the Bureau of Justice Statistics – which is part of the U.S. Department of Justice – as part of planning for a national survey of public defense counsel – that is, lawyers appointed to representing indigent defendants in criminal cases in state court. Please note that this outreach does not relate to municipal court lawyers, in case your jurisdiction has municipal or city courts. I have just a few questions about the feasibility and burden of identifying all lawyers appointed to represent indigent defendants' cases in your jurisdiction over the last year. This shouldn't take longer than 20 minutes.

Questions about the Contact (note date, time, PSU and duration of call):

First, I just want to accurately record some information about you and your jurisdiction.



Q1: What is your name and job title?

Q2: Where do you work?

Q3: Is this position with the courts, local government, a public defender program or some other entity?

Q4: Can you confirm the court jurisdiction that you serve?

Questions about the PSU:

Q5: Is there a public defender office in this jurisdiction?

- Yes
- No
- Unknown

Q6: Is there a conflict public defender office in this jurisdiction?

- Yes
- No
- Unknown

Q7: Do contractors perform any representation of indigent defendants accused of crime in state court?

- Yes
- No (skip to Q8)
- Unknown (skip to Q8)

Q7a: If yes, are contracts executed with individuals or firms?

- Individuals
- Firms

Q8: Does your jurisdiction have an assigned counsel program? If so, is it a centrally managed program?

- Yes – Centrally Managed
- Yes – Not centrally managed
- No

- Unknown

Q9: Does any law school, bar association or other provider perform any representation for indigent defendants accused of crime in state court, even in unique circumstances or pro bono?

- Yes (describe provider)
- No
- Unknown

Questions unique to the Contact:

Now, I'd like to talk about your ability to generate a roster of attorneys.

Q10: Do you have access to a complete, accurate list of all attorneys representing indigent clients in criminal cases, delinquency cases, or post-conviction/appellate cases in state court in your jurisdiction over a period of one year?

- Yes
- No (skip to Q12)
- Can provide partial list (skip to Q12)
- Unknown (include option for notes, as we may be talking to someone who does not have access, but s/he knows that her colleague/superior does)

Q11a: How would you generate that list?

- A centralized case management system managed by a public defender entity
- A centralized case management system managed by the courts
- A review of contracts
- A review of voucher payments
- A compilation of lists of attorneys as assigned/managed by different courts
- Other (please describe)
- N/A

Q11b: How long would it take you to generate this list? Please designate both the hours for the task, and the window of time you would need if asked to actually produce it.

\_\_\_\_\_ Hours to produce list

\_\_\_\_\_ Hours/days/weeks to produce list

If respondent answered Q11b, skip to closing or to Q16 if PSU is one of the 16 PSUs selected to provide list.

Q12: Can you provide a part of that list?

- Yes
- No (skip to Closing or Q16 if PSU is one of the 16 PSUs selected to provide the list)
- N/A

(if yes to Q12):

Q13: And can you provide a list of sources who have other portions of that list and what departments they work in? (government, courts, public defender office, assigned counsel administrator, etc.)?

1. Name of source / department of source (describe)
2. Name of source / department of source (describe)
3. Name of source / department of source (describe)
4. Name of source / department of source (describe)
5. (N/A)

Q14: Do you know with certainty that the list of sources (provided in Q13) is either complete or incomplete?

- Yes-Complete
- Yes-Incomplete
- No
- N/A

Q15: Is there any type of case, or type of provider that would present a particular challenge in the quest to create a complete, accurate list of all attorneys representing indigent clients in criminal cases in state court in your jurisdiction over a period of one year? For example, could you create a complete and accurate list for **all but**....?

1. (describe)
2. (describe)
3. (describe)

[IF PSU is one of the 16 selected to provide a list, continue to Q16. If not, state the below]

Closing: We truly thank you for your time and cooperation. You have really helped our project!

Q16. [ONLY FOR THE 16 PSUs SELECTED TO PROVIDE LISTS] We are interested in the information your jurisdiction would be able to generate for a roster. Based on what you've told us, that [you are able to provide a complete and accurate list / you and X others are able to provide a list], we would like to request that you prepare a list of publicly appointed defense attorneys that were active in your jurisdiction in the past year. Can we confirm that you are able to do that?

- Yes
- No (record any objections)

What would be needed in order for you to be able to provide us with a list?

[Record needed items – MOU, Release, etc]

[Indicate that Heather Hall from National Association for Public Defense (NAPD) will coordinate the needed item(s) and give contact information]

Q17. We are requesting the following data elements in your list:

- Attorney name
- Attorney email address
- Attorney phone number
- Attorney physical mailing address

[If providing list]: Thank you for your work and effort. About how long will you need to prepare and deliver the list? [Record date of expected delivery]. We are offering several methods of delivery. We have a secure file transfer option, or you can encrypt the file, email it, and send the password in a separate email. Which would you prefer?

Email

File transfer

Describe the process for the selected option.

Closing: We truly thank you for your time and cooperation. You have really helped our project!

## **Appendix E. Cognitive Test Feedback – Publicly Appointed Defense Attorneys**

**DSPADA PILOT TESTING DEBRIEFING RESPONSES  
A. SURVEY INSTRUMENT**

**Screener Question: In the last year, have you been appointed to represent any of the following people in any state or local court at public expense?**

Respondent ID	Clarity	Response Options	Ability to Provide
C2		Other types of appointments may include parental representation or capital defense.	

**I. YOUR WORK AS A PUBLICLY APPOINTED DEFENSE ATTORNEY**

**Question 1. In what year did you pass the bar? *If you've passed the bar in multiple states, please tell us the year you passed for the first time.***

**Question 2. In what year did you first work as a publicly appointed defense attorney**

**Question 3. In the last seven days, about how many hours did you work as a publicly appointed attorney, even if it was atypical? (Include any evenings or weekends worked)**

Respondent ID	Clarity	Response Options	Ability to Provide
C2			For someone who is part-time, the answer to this question may not be an accurate representation of an average week.
C3	The last 7 days were from Wednesday-Tuesday, so this is not a typical week. Perhaps you should ask about the most recent "work week" (i.e., Monday-Sunday)?		

**Question 4. In the last seven days, about how much time do you estimate you spent in the following activities while working as a publicly appointed defense attorney?**

Respondent ID	Clarity	Response Options	Ability to Provide
C1			Difficult to answer because respondent didn't have a regular schedule with a caseload of serious felonies.
C2			Would have to reference calendar to answer accurately.
C3	The last 7 days were from Wednesday-Tuesday, so not a typical week.		The last 7 days are not always going to reflect a typical week. In any given week, you



	Perhaps you should ask about the most recent “work week” (i.e., Monday-Sunday)?		could be in trial for the whole week. I would recommend broadening the time period from the “last 7 days” to the last month, or a “typical month”.
C4		Would add “time spent traveling” because often courthouses and jails are far from each other.	
C6			Time consuming to ensure answers were accurate.
C7			Difficult to estimate how much time spent on various activities during a week, rather than just on a typical day.
C8			Able to do it off the top of their head, but would be easy to pull up as well, because attorneys in this state keep hours even though they are salaried.

**Question 5. In the last seven days, about how many hours did you work *other than* as a publicly appointed attorney, even if it was atypical? (Include any evenings or weekends worked)**

**Question 6. Which of the following currently apply to you in your work as a publicly appointed defense attorney? Select yes or no for each answer.**

Respondent ID	Clarity	Response Options	Ability to Provide
C1	Selected “yes” to the items that applied, but didn’t select “no” for those that didn’t, because it wasn’t clear that the respondent was supposed to answer “yes” or “no” for each item.		
C2		Respondent is technically paid by a government agency (the county), but wouldn’t consider themselves an “employee of a government agency”	
C3			If a respondent checks ‘yes’ to being both a contract attorney and a private attorney, you should ask what

			is the percentage breakdown of their cases (court-appointed vs. private).
C7	Only marked “yes” for relevant statements, but left the other statements blank rather than filling out “no”, because didn’t notice in instructions to select yes or no for each statement.		

**Question 7. Are you currently required to do any of the following to work as a publicly appointed defense attorney?**

Respondent ID	Clarity	Response Options	Ability to Provide
C3		In regard to the first row, we don’t have yearly performance ratings but we do have evaluations of our performance every 3 years (so I checked “not required” for the yearly performance review question)	
C6		Unsure whether “specific training” refers to in-house training or CLE training.	

**Question 8. Are you currently limited in your ability to take on cases on private retainer as a condition of your work as a publicly appointed defense attorney?**

Respondent ID	Clarity	Response Options	Ability to Provide
C2	Rephrase to be “have you accepted a retainer on a case you were initially appointed on?”		
C3			Instead of asking this question (or in addition to it), I suggest asking what percentage of the attorney’s cases are count-appointed – to get at whether the attorney is mostly a public defense attorney or mostly a private attorney.

**Question 9. Thinking about your work as a publicly appointed defense attorney in the last year, have you generally been assigned to represent clients for their entire case, or for shorter periods (e.g. a single appearance)?**

**Question 10. In the last year, have you supervised or managed other publicly appointed defense attorneys?**





**Question 11. Can you able to speak confidentially with clients in your publicly appointed cases in the following locations:**

Respondent ID	Clarity	Response Options	Ability to Provide
C2			Answers can vary by the court or jail/prison.

**Question 12. Are incarcerated clients in your publicly appointed cases able to contact you without charge in any of the following ways? [Check Yes or No for each]**

Respondent ID	Clarity	Response Options	Ability to Provide
C1			There is a distinction between juvenile and adult, as all juvenile clients can call for free but adult clients can't.
C4		Add "calling from the law library or medical/psych department"	
C5		Most often go to the jail to see clients in person.	

**Question 13. In the past year, have training programs in the following areas been made available to you?**

Respondent ID	Clarity	Response Options	Ability to Provide
C2			Difficult to remember for sure without consulting materials, as each of the training programs was probably available at some point.
C3			Add two more types of training to the list: 1) training about "youth in adult court", and 2) appellate practice.
C4		Add "mitigation" and "veterans' issues" training.	
C7		Add "capital murder" training – in this state, attorneys have to get certified to represent defendants in capital cases.	
C8		Add trainings on "changes within the law" – the most helpful session at yearly statewide conference is on what has changed in the last year in terms of case law and statutes. Add "ethics" training as well.	

**II. YOUR PUBLICLY APPOINTED CASELOAD:**

**Question 14. How many new publicly appointed cases in the following categories did you take *in the last seven days*, even if it wasn't typical? You may estimate the numbers. If you did not receive any cases, enter 0. If you do not handle that case type, select N/A.**

Respondent ID	Clarity	Response Options	Ability to Provide
C2			Had to reference email to see what appointments they received in the past 7 days.
C3			This question needs better time period – the “last seven days” is not a broad enough period. Instead, ask about the last 30 days.
C4		Add “adult capital”	
C6			Tough to answer because there is no system to track this information. Respondent had to answer based on what they remember seeing in their email inbox.
C7			Difficult to answer, because varies widely by week depending on what’s happening in justice court.

**Question 15. How many publicly appointed cases in the following categories do you have *open right now*, even if it isn't typical? You may estimate the numbers. If you do not have any current open cases, enter 0. If you do not handle that case type, select N/A.**

Respondent ID	Clarity	Response Options	Ability to Provide
C3		“Youth in adult court” should be added as a category.	
C5			Had to go back in online portal to look up number of cases open.
C8			Get a report each month, so was able to refer to it to find the specific numbers of cases. However, could approximate these numbers fairly easily without referring to records.

**Question 16. Are you presently providing representation as a publicly appointed attorney in any case in the following categories? If you do not handle that case type, select N/A.**

**Question 17. Are you currently able to request to decline case assignments on the basis that you already have too many cases?**



**Question 18. In the past year, have you tried to decline a case assignment on the basis that you already had too many cases?**

Respondent ID	Clarity	Response Options	Ability to Provide
C2		Add a response option for other reasons to decline a case besides large caseload.	

**Question 19. In the past year, were you able to decline a case assignment on the basis that you already had too many cases?**

**III. WORKING WITH CLIENTS IN PUBLICLY APPOINTED CASES.**

**Question 20. Have you closed at least one case in a trial court within the last year?**

Respondent ID	Clarity	Response Options	Ability to Provide
C5	Wasn't sure whether this question was referring to a trial, plead, resolved, or closed case.		
C6	Confusion about what wouldn't be considered a "trial court." Suggested rewording as whether the respondent has handled a case after charges.		
C8	Misunderstood the question to mean closing a case that went to trial. Has closed many other cases, but just not in trial. The question could be worded differently, as "closing cases and having a final disposition" rather than referring to the "trial court".		

**Question 21. What type of case was the most recent case that you closed in a trial court as a publicly appointed defense attorney?**

Respondent ID	Clarity	Response Options	Ability to Provide
C3		"Youth in adult court" should be added as a category.	

**Question 22. Did this case involve any of the following types of allegations? Select yes or no for each option.**



Respondent ID	Clarity	Response Options	Ability to Provide
C2		Recommended changing “violent offenses” and “property offenses” to “offenses against a person” and “offenses against property”, because not all offenses against a person are “violent.”	
C7	Wasn’t clear to the respondent that this question was about the most recently closed case. They checked all response categories because they thought it was about their caseload overall.		

**Question 23. Which, if any, of the following types of evidence were used in the case?**

Respondent ID	Clarity	Response Options	Ability to Provide
C2	Suggested bolding “select yes or no for each question.”		

**Question 24. Was the client of Hispanic or Latino origin?**

**Question 25. What was the client’s race?**

Respondent ID	Clarity	Response Options	Ability to Provide
C1	Knows that these are standard race categories, but the respondent’s Hispanic client wouldn’t call himself “white.”		
C3		Need to add an “other” category – I have clients that are from Africa, so they are African, not African American.	
C6	Answered based on outside assumption that Hispanic/Latino folks are considered “white”, but didn’t know if other respondents would know that.		

**Question 26. What was the client’s sex?**



**Question 27. Was English the client’s first language?**

**Question 28. What was the client’s age when the case was closed?**

**Question 29. What was the length of your first meeting with the client?**

Respondent ID	Clarity	Response Options	Ability to Provide
C1	There is a difference between a “first meeting” and “first time you met a client.” Respondent suggested making this distinction clearer.		

**Question 30. Did you represent this client at his or her first court appearance in this case?**

Respondent ID	Clarity	Response Options	Ability to Provide
C2			Couldn’t recall specifically how much time was spent with this client, so estimated based on typical serious felony case.

**Question 31. Please indicate below whether you made any of the following types of motion in the case, and what happened with those motions.**

Respondent ID	Clarity	Response Options	Ability to Provide
C1		Attorneys usually file many motions. Respondent was unsure why this question only asked about the three listed.	
C2	For juveniles, there is a difference between motions made and motions filed (verbal versus written).	Response options aren’t exhaustive and seem random.	
C3	This question seems a little weird – why do you only ask about 3 types of motions?	There are so many other motions. Why are you asking about only these three motions? These may not represent all the motions that you typically file in cases.	
C4	Rephrase as “did you take a motion to a hearing?”	There are many more motions than those listed, however these are the main ones.	



C5			Had to look back in case file to remember motions made.
C6		Motion to dismiss doesn't exist in this respondent's state.	

**Question 32. Did you or a member of the defense team do any of the following?**

Respondent ID	Clarity	Response Options	Ability to Provide
C3			I didn't use a social worker in my most recent cases, so I checked "no", but typically I use a social worker on most of my cases.

**Question 33. Was the client incarcerated pretrial?**

**Question 34. Did any of the following happened during the case?**

**Question 35. How many times, in total, did you communicate with the client in person, by phone or in writing prior to the resolution of the case? You may estimate the number.**

**Question 36. How many times, in total, did you communicate with the prosecutor in person, by phone or in writing prior to the resolution of the case? You may estimate the number.**

Respondent ID	Clarity	Response Options	Ability to Provide
C1			Difficult to get an accurate number. To go back and look
C4			Difficult to answer because communicate in so many different ways with prosecutors (e.g. text, call, email, informal encounter, etc.)

**Question 37. How long, in total, were you assigned to the case? You may estimate the time.**

Respondent ID	Clarity	Response Options	Ability to Provide
C5			Estimated based on majority of misdemeanor cases.

**Question 38. How was the case closed?**

Respondent ID	Clarity	Response Options	Ability to Provide
C6			Worried that this case outcome is not representative of caseload as a whole.



**Question 39. Which, if any, of the following consequences resulted from this case for this client? Select yes or no for each option. If you do not know, select I don't know.**

Respondent ID	Clarity	Response Options	Ability to Provide
C2		Add "victim impact classes" and "driving school."	
C4		Add "pretrial diversion" and "exclusion from applying for benefits"	

**IV. WORKING CONDITIONS**

**Question 40. Does your work as a publicly appointed defense attorney include the following benefits? Select yes or no for each benefit. If you do not know if the benefit is included, select I don't know.**

Respondent ID	Clarity	Response Options	Ability to Provide
C2		Add response about pay structure based on experience level.	

**Question 41. Does your work as a publicly appointed defense attorney provide you with the following resources? (If a resource is provided but you choose not to use it, please check 'yes'.)**

Respondent ID	Clarity	Response Options	Ability to Provide
C1		Add "I don't know" response category, because some needs for resources never come up, so the respondent wouldn't know if they were available.	
C3			Perhaps divide this question into what resources are provided to you by agencies (for attorneys working in public defender offices) versus what resources you must obtain/pay for yourself (for contractors).
C4		Add "mitigation specialists", which are different than social workers.	
C5	Unclear, because as a private attorney has access to these resources, but not provided by the court for publicly appointed work.		



**Question 42. In the last year, how often have you thought about your publicly appointed defense attorney work when you are not working?**

Respondent ID	Clarity	Response Options	Ability to Provide
C3	If you are a public defender, your work IS YOUR LIFE. When you're in, you're all in!	I can't imagine anybody filling out this survey checking any response other than "Frequently" – it just goes with the territory.	

**Question 43. In the last year, how often has being a publicly appointed defense attorney interfered with your home or family life?**

**Question 44. If the decision were up to you, approximately how much longer would you like to continue doing publicly appointed defense attorney work?**

**Question 45. Which of the following do you do on at least an annual basis?**

Respondent ID	Clarity	Response Options	Ability to Provide
C1	Wasn't sure whether volunteer teaching experiences counted as "teach classes at a school or college."		
C8		Ask about membership in other attorney-oriented groups besides the bar association. Also could ask whether the respondent is a leader in these groups, or just participating.	

**V. YOUR DEMOGRAPHICS:**

**Question 46. What is your age?**

**Question 47. Are you of Hispanic or Latino origin?**

**Question 48. What is your race?**

**Question 49. What is your sex? [Select one]**

Respondent ID	Clarity	Response Options	Ability to Provide
C1		These response options are very binary, there should be more gender categories.	

**Question 50. What amount, if any, do you owe in student loan debt? [Check one]**





**Question 51. Which of the following best describes how you are paid in your role as a publicly appointed defense attorney?**

Respondent ID	Clarity	Response Options	Ability to Provide
C2		Should be “mark all that apply”, because attorneys can be paid in different ways in different counties.	
C8		Could ask a follow up question if people select “paid hourly” or “paid by case” – what is the hourly rate or what is the case rate?	

**OPEN-ENDED SURVEY FEEDBACK**

*These questions were included at the end of the survey to collect data on initial assessments/thoughts about respondent survey experiences.*

**How long did this survey take you to completed? Enter hour, minutes (check if estimate).**

Respondent ID	
C1	20 minutes
C2	17 minutes
C3	16 minutes
C4	15 minutes
C5	25 minutes
C6	14 minutes
C7	20 minutes
C8	30 minutes

**What were the most important questions?**

Respondent ID	
C1	The importance of the questions and answers depends on whether the respondent is a contract attorney or state public defender.
C2	Questions regarding training
C3	What resources the respondent has access to and which resources they used in their last closed case.
C4	Time worked vs compensation, resources available for defenders.
C5	N/A
C6	Interference with private life, thinking about work outside of the work setting

**Which questions were the most difficult to answer?**

Respondent ID	
C1	How much time is spent on various tasks
C2	None were difficult, but respondent had to consult calendar to find which case was most recently closed in a trial court
C3	How many cases open and how much time spent doing different tasks
C4	Times visited with prosecutor



C5	Whether attorneys are required to take appointed cases
C6	Distribution of work hours between various tasks
C7	How much time is spent per week on various activities
C8	Numbers of certain types of cases open

**Is there anything you think that we should change about the survey?**

Respondent ID	
C1	No, as long as results are tallied separately for contract v state public defender.
C2	No
C3	No
C4	Distinguish whether the respondent is in a specialized division, because they may have lower caseloads but more work per case
C5	Ask questions to understand whether respondents in private law firms are encouraged to take appointed cases, and whether there are financial incentives to take appointed vs other types of cases.
C6	Could ask about typical case rather than last adjudicated case
C7	No
C8	No



## Appendix F. Cognitive Test Feedback – Expert Panel

**DSPADA PILOT TESTING DEBRIEFING RESPONSES  
A. SURVEY INSTRUMENT**

**Survey Introduction**

Respondent ID	
EP3	<p>Respondent suggests deleting the statement “at no charge” in the sentence “and who are deemed financially eligible to receive attorney services at no charge” because in some states clients have to reimburse the state for attorney costs if convicted.</p> <p>Respondents suggests adding a sentence or two about the purpose or two of the survey and provides the following example: “The information collected in this survey will provide important information about the state of indigent defense services across the U.S. and will be used to improve those services where possible.”</p> <p>The respondent also suggests to maybe specifically talk about the data being collected on caseloads and how it could be used to advocate for improved funding for indigent defense services.</p>

**Screener Question: In the last year, have you been appointed to represent any of the following people in any state or local court at public expense?**

**I. YOUR WORK AS A PUBLICLY APPOINTED DEFENSE ATTORNEY**

**Question 1. In what year did you pass the bar? *If you’ve passed the bar in multiple states, please tell us the year you passed for the first time.***

**Question 2. In what year did you first work as a publicly appointed defense attorney?**

**Question 3. In the last seven days, about how many hours did you work as a publicly appointed attorney, even if it was atypical? (Include any evenings or weekends worked)**

**Question 4. In the last seven days, about how much time do you estimate you spent in the following activities while working as a publicly appointed defense attorney?**

Respondent ID	Clarity	Response Options	Ability to Provide
EP3	Fine	The respondent wonders whether it would be possible to include a “Total” counter that sums up hours and minutes – this would be helpful when trying to estimate work across the categories.	Fine



**Question 5. In the last seven days, about how many hours did you work *other than* as a publicly appointed attorney, even if it was atypical? (Include any evenings or weekends worked)**

Respondent ID	Clarity	Response Options	Ability to Provide
EP3	The respondent did not understand what information the question was asking for - does "work other than" a public defender include just paid work, or volunteer work, or community service?	Fine	Fine
EP6	The respondent did not understand whether we were interested in work related to lawyering or other non-related work.	Fine	Fine
EP10	The respondent did not understand whether the question was asking only about legal work or all other forms of work.	Fine	Fine
EP5	The respondent did not understand what this question was trying to measure.	Fine	Fine

**Question 6. Which of the following currently apply to you in your work as a publicly appointed defense attorney? Select yes or no for each answer.**

**Question 7. Are you currently required to do any of the following to work as a publicly appointed defense attorney?**

**Question 8. Are you currently limited in your ability to take on cases on private retainer as a condition of your work as a publicly appointed defense attorney?**

**Question 9. Thinking about your work as a publicly appointed defense attorney in the last year, have you generally been assigned to represent clients for their entire case, or for shorter periods (e.g. a single appearance)?**

Respondent ID	Clarity	Response Options	Ability to Provide
EP1	See Response Options	Respondent says, "I represent clients through the post-conviction state, even if it takes multiple hearings. So, I answered "always." But, I can see	Fine



		another post-conviction lawyers saying, “well, I didn’t represent the defendant at trial, so “no.” Consider adding a sentence like: “If you represent the client through the entire appeal or post-conviction proceeding, then choose “always.”	
EP10	Consider rewording as, “or for shorter periods of time or events.”	Fine	Fine

**Question 10. In the last year, have you supervised or managed other publicly appointed defense attorneys?**

**Question 11. Can you able to speak confidentially with clients in your publicly appointed cases in the following locations:**

**Question 12. Are incarcerated clients in your publicly appointed cases able to contact you without charge in any of the following ways? [Check Yes or No for each]**

**Question 13. In the past year, have training programs in the following areas been made available to you?**

Respondent ID	Clarity	Response Options	Ability to Provide
EP4	Respondent does not know how helpful responses to this question will be: a) They don’t understand what “made available” means. b) This question seems to be designed to address the question of whether defenders are adequately trained. Principle 6 of the ABA Principles state that “[d]efense counsel’s ability, training, and experience match the complexity of the case. Counsel should never be assigned a case that counsel lacks the experience	Fine	Fine

	<p>or training to handle competently, and counsel is obligated to refuse appointment if unable to provide ethical, high quality representation.”</p> <p>Respondent wonders whether a better question is whether someone is required to undergo training on substantive law and/or procedure before handling a case in the following areas.</p>		
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**II. YOUR PUBLICLY APPOINTED CASELOAD:**

**Question 14. How many new publicly appointed cases in the following categories did you take *in the last seven days*, even if it wasn't typical? You may estimate the numbers. If you did not receive any cases, enter 0. If you do not handle that case type, select N/A.**

**Question 15. How many publicly appointed cases in the following categories do you have *open right now*, even if it isn't typical? You may estimate the numbers. If you do not have any current open cases, enter 0. If you do not handle that case type, select N/A.**

Respondent ID	Clarity	Response Options	Ability to Provide
EP1	<p>Respondent says: “I wrote “68”. Those are my cases for which I have not gone to a hearing yet. But I have gone to a hearing in 9 additional cases. I am awaiting decisions in those cases. Are those cases “open”? I mean, they're not closed. But I'm no longer doing any work on them. I'm just waiting for a judge to decide. Appellate lawyer would have the same issue in answer this question.</p>	Fine	Fine



**Question 16. Are you presently providing representation as a publicly appointed attorney in any case in the following categories? If you do not handle that case type, select N/A.**

**Question 17. Are you currently able to request to decline case assignments on the basis that you already have too many cases?**

**Question 18. In the past year, have you tried to decline a case assignment on the basis that you already had too many cases?**

Respondent ID	Clarity	Response Options	Ability to Provide
EP4	Fine	Consider: - Yes - No, because I didn't think I had too many cases - No, another reason  Respond says: "I am interested to know how many attorneys through they had too many cases to provide effective representation. If we exclude those who don't ask because they are fine with their caseload, they rest will give us that answer."	Fine

**Question 19. In the past year, were you able to decline a case assignment on the basis that you already had too many cases?**

Respondent ID	Clarity	Response Options	Ability to Provide
EP2	Consider changing the word "able" to "granted", e.g. was your request granted	Fine	Fine

**III. WORKING WITH CLIENTS IN PUBLICLY APPOINTED CASES.**

**Question 20. Have you closed at least one case in a trial court within the last year?**

**Question 21. What type of case was the most recent case that you closed in a trial court as a publicly appointed defense attorney?**

**Question 22. Did this case involve any of the following types of allegations? Select yes or no for each option.**





**Question 23. Which, if any, of the following types of evidence were used in the case?**

**Question 24. Was the client of Hispanic or Latino origin?**

**Question 25. What was the client’s race?**

**Question 26. What was the client’s sex?**

Respondent ID	Clarity	Response Options	Ability to Provide
EP10	Question should read as “What was the client’s gender?”	Response options should read as: (a) Man (b) Woman (c) Transgender (d) Non-binary/genderqueer/agender (e) Gender not listed  At the very least, the responses should include a choice that says “gender not listed.” <i>Respondent noted that they would close the survey if they only saw the two current choices.</i>	--

**Question 27. Was English the client’s first language?**

**Question 28. What was the client’s age when the case was closed?**

**Question 29. What was the length of your first meeting with the client?**

**Question 30. Did you represent this client at his or her first court appearance in this case?**

**Question 31. Please indicate below whether you made any of the following types of motion in the case, and what happened with those motions.**

Respondent ID	Clarity	Response Options	Ability to Provide
EP4	Fine	Consider include Motions in Limine (such as to preclude evidence) and other motions.	Fine

**Question 32. Did you or a member of the defense team do any of the following?**

**Question 33. Was the client incarcerated pretrial?**

Respondent ID	Clarity	Response Options	Ability to Provide
EP6	The respondent wonders if we should be asking	Fine	Fine

	how long the client was incarcerated pretrial – what if the client was incarcerated pretrial, but was released within the first 24 hours?		
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**Question 34. Did any of the following happened during the case?**

**Question 35. How many times, in total, did you communicate with the client in person, by phone or in writing prior to the resolution of the case? You may estimate the number.**

**Question 36. How many times, in total, did you communicate with the prosecutor in person, by phone or in writing prior to the resolution of the case? You may estimate the number.**

**Question 37. How long, in total, were you assigned to the case? You may estimate the time.**

**Question 38. How was the case closed?**

**Question 39. Which, if any, of the following consequences resulted from this case for this client? Select yes or no for each option. If you do not know, select I don't know.**

**IV. WORKING CONDITIONS**

**Question 40. Does your work as a publicly appointed defense attorney include the following benefits? Select yes or no for each benefit. If you do not know if the benefit is included, select I don't know.**

Respondent ID	Clarity	Response Options	Ability to Provide
EP1	Regarding student loan forgiveness, respondent says: "My employer does not give me money, but because it's a government agency, ill one day be eligible for federal loan forgiveness. So, I answered "yes." But, someone could think: Well, the office of the public defender does not pay my loans, so "no." So, consider calling it: "eligible for eventual student loan forgiveness."	Fine	Fine

**Question 41. Does your work as a publicly appointed defense attorney provide you with the following resources? (If a resource is provided but you choose not to use it, please check 'yes'.)**



**Question 42. In the last year, how often have you thought about your publicly appointed defense attorney work when you are not working?**

Respondent ID	Clarity	Response Options	Ability to Provide
EP2	Fine	Consider adding "daily" as a response option for those who do not work as a defender on a daily basis	Fine

**Question 43. In the last year, how often has being a publicly appointed defense attorney interfered with your home or family life?**

**Question 44. If the decision were up to you, approximately how much longer would you like to continue doing publicly appointed defense attorney work?**

Respondent ID	Clarity	Response Options	Ability to Provide
EP2	Reconsider the "If it were up to you" phrase. Maybe rewrite it as "how much longer do you see yourself in the role of a publicly appointed attorney."	Fine	Fine

**Question 45. Which of the following do you do on at least an annual basis?**

Respondent ID	Clarity	Response Options	Ability to Provide
EP7	Respondent indicates that the don't know what it means to "represent" PDs in bar activities	Fine	Fine

**VI. YOUR DEMOGRAPHICS:**

**Question 46. What is your age?**

**Question 47. Are you of Hispanic or Latino origin?**

**Question 48. What is your race?**

**Question 49. What is your sex? [Select one]**

Respondent ID	Clarity	Response Options	Ability to Provide
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EP10	Question should read as “What was the client’s gender?”	Response options should read as: (a) Man (b) Woman (c) Transgender (d) Non-binary/genderqueer/agender (e) Gender not listed  At the very least, the responses should include a choice that says “gender not listed.”	--
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**Question 50. What amount, if any, do you owe in student loan debt? [Check one]**

**Question 51. Which of the following best describes how you are paid in your role as a publicly appointed defense attorney?**

Respondent ID	Clarity	Response Options	Ability to Provide
EP6	Fine	Respondents should be able to pick more than one response, as some defenders are paid hourly or by appearance or other activities, depending on their role and/or who they are working for.	Fine

**OPEN-ENDED SURVEY FEEDBACK\***

*These questions were included at the end of the survey to collect data on initial assessments/thoughts about respondent survey experiences.*

**How long did this survey take you to complete? Enter hour, minutes (check if estimate).**

Respondent ID	
EP1	17 minutes
EP3	25 minutes
EP5	< 25 minutes
EP4	15 minutes
EP6	15 minutes
EP7	8 minutes
EP8	12 minutes
EP9	20 minutes

**What were the most important questions?**

Respondent ID	

EP1	Number of cases, interference with family life, how long I will last in the job
EP7	Whether I could decline cases
EP8	Work life balance
EP9	Student loans, attorney support, trial work

**Which questions were the most difficult to answer?**

Respondent ID	
EP1	It was difficult to give details about the case that I closed most recently – not because I didn't remember, but this isn't representative of my work in general! But I stuck to it.
EP3	Allocating time across categories for a week
EP7	Question re representing people facing cap charges - if on appeal or in post-conviction this would be facing execution
EP8	Q18 - No option for "No, because my management never assigns me too many cases"
EP9	Number of hours spent in the last 7 days

**Is there anything you think that we should change about the survey?**

Respondent ID	
EP3	Ask some questions about the quality of indigent defense being provided and whether substantial improvement is necessary to see that justice is being served. Attorneys in my area have switched to a flat fee payment system and I know many attorneys are just taking the first plea offered than doing any more work. Truth is they cannot afford to be based on the flat fee amount paid.
EP3	The respondent indicates that the letter is wonderful. It is short and easy to read; they couldn't think of anything to include that was not already included. Specific comment include: <ol style="list-style-type: none"> <li>1. Did not understand the following sentence in the 4<sup>th</sup> paragraph: "More specifically, the data generated will define the diversity and/or overlap of professional experiences of publicly appointed defense attorneys and the services that are provided to clients..."</li> <li>2. Consider reordering the bullets in the following order to "bring items of greatest importance to attorneys to the top": <ul style="list-style-type: none"> <li>Attorney compensation</li> <li>Attorney workloads</li> <li>Professional-personal challenges</li> <li>Barriers to providing defense services...</li> <li>Client needs</li> <li>Access to training opportunities</li> <li>Access to investigators and social workers</li> <li>Public defense oversight</li> </ul> </li> </ol>
EP8	The respondent indicates that the introductory letter is great, but too dense. It has too many words. Respondent indicates that the introductory letter should be something that the defender can scan within 2-3 seconds. This respondent is in favor of opening the letter with a statement that says: "Information about line defenders' work, their resources and their client needs is best obtained from the source. There is no better person to get this information from than you. This information will help us to accurately assess the status of: [insert "large box with 2-3 bullet points]"

	End with: "This will take you 20 minutes and the results will arm chief defenders nationwide to..." and then put all other further information on the other side of the page.
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## Appendix G. Cognitive Test Findings, Recommendations, and Survey Edits

**Unanswered survey questions.** Questions were completed as appropriate by each of the 8 respondents except for those specified in Table 2. The most common questions left unanswered were Questions 6a – 6e, Questions 12a – 12d, Questions 22a – 22e, Questions 23a – 23f, and Questions 31a – 31c, questions that request respondents to indicate yes or no for each response. Across many questions in the survey, respondents indicated “yes” as applicable, but often did not indicate “no” when a response was not applicable.

- *We recommend consideration of ‘check all that apply’ rubric in appropriate situations where respondents are not required to check a response to items which do not apply to them, and where the validity and interpretation of the data collected would not be threatened.*

<b>Unanswered Survey Questions</b>	<b>Respondent</b>
<b> Screener_B (An adult or juvenile person accused of violating conditions of a sentence)</b>	C1
<b> Screener_C (An adult or juvenile person appealing a conviction or seeking post-disposition advocacy or post-conviction relief)</b>	C7
<b> Q4_G (In training)</b>	C4
<b> Q6_B (I am an employee of an organization other than a government agency such as a law firm or private nonprofit organization)</b>	C2, C4, C7
<b> Q6_C (I have a contract to take cases)</b>	C2, C4, C7
<b> Q6_D (I am a private attorney appointed on a case-by-case basis by judges or magistrates)</b>	C1, C4, C7
<b> Q12_B (Making collect calls)</b>	C7
<b> Q12_C (Video conferencing)</b>	C7
<b> Q22_A (Violent offenses)</b>	C2, C6
<b> Q22_B (Property offenses)</b>	C3, C4, C6
<b> Q22_C (Drug offenses)</b>	C1, C2, C3, C4
<b> Q22_D (Sex offenses)</b>	C1, C2, C3, C4, C6
<b> Q22_E (Weapons offenses)</b>	C2, C4, C6
<b> Q23_A (Ballistics evidence)</b>	C2, C6
<b> Q23_B (Blood test evidence)</b>	C2, C6
<b> Q23_C (DNA evidence)</b>	C2, C6
<b> Q23_D (Electronic evidence)</b>	C2, C6
<b> Q23_F (Fingerprint evidence)</b>	C2, C6
<b> Q31_A (Motion to suppress)</b>	C2, C5
<b> Q31_B (Motion for reduction in bail/bond)</b>	C2, C5



Q31_C (Motion to dismiss)	C4
Q39_A (Sentenced to custody)	C3

**Survey question 4:**

- We recommend modifying the question to state: “In the last seven days, about how much time do you estimate you spent in the following activities while working as a publicly appointed defense attorney, even if it was atypical.
- We recommend removing “Minutes” and “None” as response options.
- We also recommend adding “Travel time” as a response option.

**Survey question 5:**

- We recommend emphasizing the words “**other than**” in the survey question.

**Survey question 6:**

- We recommend modifying the first response option to state: “I am an employee of a state or local government agency”.

**Survey question 7:**

- We recommend adding the following response option: “Satisfy a certification or other formal standard in order to accept appointments for certain or all case types”.

**Survey question 8:**

- We recommend modifying the question to state: “Are you currently prohibited from taking cases on private retainer as a condition of your work as a publicly appointed defense attorney?”
- We recommend modifying the response options to include only: “Yes” and “No”

**Survey question 9:**

- We recommend adding the following directions to the question: “Appellate and post-conviction proceedings are considered separate cases. If you generally represent clients through entire appeal or post-conviction proceedings, select ‘Always entire case’.”

**Survey question 13:**

- We recommend adding in the following response categories: “Legal ethics”, “Legal/legislative changes”, “Youth in adult court”, “Mitigation”, “Appellate practice”, “Capital Murder”, and “Veterans’ issues”.

**Survey question 14:**

- We recommend adding in the following response category: “Youth in adult court”
- We also recommend reversing the order that questions 14 and 15 are asked, such that this question follows question 15.

**Survey question 15:**

- We recommend adding in the following response category: “Youth in adult court”
- We also recommend asking this question prior to question 14.

**Section III introduction:**

- *We recommend modifying the first sentence to state: “This section asks about the last publicly appointed case that you in closed in the last year.”*

**Survey question 20:**

- *We recommend modifying the question to state: “Have you closed at least one case within the last year?”*

**Survey question 21:**

- *We recommend inserting the following statement in the directions that proceed this question: “It is important for statistical purposes that you tell us about your last case, even if it was not typical”.*
- *We recommend modifying the question to state: “What type of case was the most recent case that you closed as a publicly appointed defense attorney.”*
- *We recommend using this question to trigger a skip pattern: if respondents indicate their most recent case was an appellate or post-conviction case, they will skip to Section IV. Only respondents indicating their most recent closed case was a trial court case will complete the rest of Section III.*

**Survey question 22:**

- *We recommend the first two responses to states “Offense against a person (e.g. rape, murder, assault, robbery)” and “Offense against property (e.g., arson, burglary, larceny, theft of a motor vehicle”.*

**Survey question 23:**

- *We recommend adding the response option “Law enforcement testimony”.*

**Survey question 24:**

- *We recommend reversing the order that questions 24 and 25 are asked, such that this question follows question 25.*

**Survey question 25:**

- *We recommend adding the response option “Other”.*
- *We also recommend asking this question prior to question 24.*

**Survey question 26:**

- *We recommend adding the response option “Other”.*

**Survey question 29:**

- *We recommend modifying the question to state: “How long was the interaction with your client the first time that you met them?”*

**Survey question 31:**

- *We recommend modifying the question to state: “Please indicate below whether you made any of the following types of motion in the case.”*

- We recommend modifying the response categories to include: “Pretrial motion”, “Motion in limine”, and “Post-trial motion”.
- We recommend modifying the response options to include: “Yes, motion made” and “No motion made”.

		Yes, motion made	No motion made
a.	Pretrial motion		
b.	Motion <i>in limine</i>		
c.	Post-trial motion		

**Survey question 32:**

- We recommend adding the following directions to the question: “Select yes or no for each option”

**Survey question 39:**

- We recommend adding in the following response categories: “Victim impact classes”, “Driving school”, “Pretrial Diversion,” and “Excluded from applying to benefits”, and “Other (Please specify)”.

**Survey question 40:**

- We recommend modifying the last response option to state: “Eligible for student loan forgiveness.”
- We recommend adding the following response categories: “Bar/licensing expenses” and “Cost of living adjustments and/or regular salary increases.”

**Survey question 41:**

- We recommend adding in the following response categories: “Electronic case management system”, “Mitigation specialist”, and “Other (Please specify)”.
- We also recommend adding in a “Don’t know” response option.

**Survey question 45:**

- We recommend modifying the fourth response option to state: “Teach classes at a school, law school, or college.”
- We recommend adding the following response categories: “Participate in events that engage communities of appointed clients” and “Other (Please specify).”

**Survey question 47:**

- We recommend reversing the order that questions 47 and 48 are asked, such that this question follows question 47.

**Survey question 48:**

- We recommend adding the response option “Other”.
- We also recommend asking this question prior to question 47.

**Survey question 49:**

- *We recommend adding the response option “Other”.*

**Survey question 51:**

- *We recommend adding the following directions to the question: “Select yes or no for each option”*
- *We recommend adding the following response options: “Yes” and “No”*

		Yes	No
a.	Paid a salary		
b.	Paid per hour		
c.	Paid per case		
d.	Paid per court appearance		
e.	Paid for a set number of cases		
f.	Paid some other way (Please specify)		

## Appendix H. Frame 2 Feasibility Test Outreach and Interview Protocol

## INITIAL CONTACT SCRIPTS

*Initial email to primary PSU leader:*

Hello (name/title),

My name is Heather Hall from the National Association for Public Defense [If Heather already knows contact, this will be more personalized]. We are doing outreach funded by the Bureau of Justice Statistics – which is part of the U.S. Department of Justice – as part of planning for a national survey of public defense counsel – that is, lawyers appointed to represent indigent defendants in criminal cases in state courts. We are trying to determine who would maintain lists or rosters of those attorneys who represent indigent clients in criminal, delinquency, or post-conviction cases in state courts.

Please let me know if you are able to discuss this list, or if you know of anyone else in your jurisdiction who is able to discuss the ability to provide a complete roster of those attorneys in [your jurisdiction or insert county name]. If you know of multiple people who would need to be contacted, that would also greatly help our effort.

Please respond back by [DATE] with any time that is good to have quick conversation by phone. Thank you for your assistance in this important project.

Sincerely,  
Heather Hall  
(contact information)

*Initial phone (if no email contact information is available) to primary PSU leader:*

Hello, may I speak to (name)?

My name is Heather Hall and I am calling from the National Association for Public Defense [If Heather already knows contact, this will be more personalized]. We are doing outreach funded by the Bureau of Justice Statistics – which is part of the U.S. Department of Justice – as part of planning for a national survey of public defense counsel – that is, lawyers appointed to represent indigent defendants in criminal cases in state courts. We are trying to determine who would maintain lists or rosters of those attorneys who represent indigent clients in criminal, delinquency, or post-conviction cases in state courts.

Would you be able to generate a list of all attorneys who represent indigent clients in (your jurisdiction/county name)?

Yes  
No

Do you know of any other people in (your jurisdiction/county name) that would be able to provide part or all of that list?

Record names and contact information

I'd like to set up a time that is more convenient to discuss the effort needed to generate that roster. What would be a convenient date and time for you in the next 2-3 weeks?

Record date/time.

*Initial voicemail (if no email contact information is available and contact is not available) to primary PSU leader.*

Hello (name), my name is Heather Hall and I am calling from the National Association for Public Defense [If Heather already knows contact, this will be more personalized]. We are doing outreach funded by the Bureau of Justice Statistics – which is part of the U.S. Department of Justice – as part of planning for a national survey of public defense counsel – that is, lawyers appointed to represent indigent defendants in criminal cases in state courts. We are trying to determine who would maintain lists or rosters of those attorneys who represent indigent clients in criminal, delinquency, or post-conviction cases in state courts.

If you could call me back at XXX-XXX-XXXX or email me at (email address), I'd like to set up a time to discuss your ability to generate such a roster, or if you know of others I would need to contact to compile that list. Once again, my name is Heather Hall and you can reach me at XXX-XXX-XXXX or (email address). Thank you!

*The initial contacts (email, phone and voicemail) to the primary PSU leader will also serve as the initial contacts for any persons identified by the primary PSU leader.*

#### **SCHEDULED INTERVIEW CONTACT**

*\*Note: there is some intended overlap with the initial contact – since we expect some time to pass, people may remember additional persons necessary to generate the lists that they did not mention in the initial contact.*

*Phone:*

Hello. My name is \_\_\_\_\_ and I am calling from [The Urban Institute OR National Association for Public Defense]. As a quick reminder, we are doing outreach funded by the Bureau of Justice Statistics – which is part of the U.S. Department of Justice – as part of planning for a national survey of public defense counsel – that is, lawyers appointed to representing indigent defendants in criminal cases in state court. Please note that this outreach does not relate to municipal court lawyers, in case your jurisdiction has municipal or city courts. I have just a few questions about the feasibility and burden of identifying all lawyers appointed to represent indigent defendants' cases in your jurisdiction over the last year. This shouldn't take longer than 20 minutes.

Questions about the Contact (note date, time, PSU and duration of call):

First, I just want to accurately record some information about you and your jurisdiction.

Q1: What is your name and job title?

Q2: Where do you work?

Q3: Is this position with the courts, local government, a public defender program or some other entity?

Q4: Can you confirm the court jurisdiction that you serve?

Questions about the PSU:

Q5: Is there a public defender office in this jurisdiction?

- Yes
- No
- Unknown

Q6: Is there a conflict public defender office in this jurisdiction?

- Yes
- No
- Unknown

Q7: Do contractors perform any representation of indigent defendants accused of crime in state court?

- Yes
- No (skip to Q8)
- Unknown (skip to Q8)

Q7a: If yes, are contracts executed with individuals or firms?

- Individuals
- Firms

Q8: Does your jurisdiction have an assigned counsel program? If so, is it a centrally managed program?

- Yes – Centrally Managed
- Yes – Not centrally managed
- No
- Unknown

Q9: Does any law school, bar association or other provider perform any representation for indigent defendants accused of crime in state court, even in unique circumstances or pro bono?

- Yes (describe provider)
- No
- Unknown

Questions unique to the Contact:

Now, I'd like to talk about your ability to generate a roster of attorneys.

Q10: Do you have access to a complete, accurate list of all attorneys representing indigent clients in criminal cases, delinquency cases, or post-conviction/appellate cases in state court in your jurisdiction over a period of one year?

- Yes



- No (skip to Q12)
- Can provide partial list (skip to Q12)
- Unknown (include option for notes, as we may be talking to someone who does not have access, but s/he knows that her colleague/superior does)

Q11a: How would you generate that list?

- A centralized case management system managed by a public defender entity
- A centralized case management system managed by the courts
- A review of contracts
- A review of voucher payments
- A compilation of lists of attorneys as assigned/managed by different courts
- Other (please describe)
- N/A

Q11b: How long would it take you to generate this list? Please designate both the hours for the task, and the window of time you would need if asked to actually produce it.

\_\_\_\_\_ Hours to produce list

\_\_\_\_\_ Hours/days/weeks to produce list

If respondent answered Q11b, skip to closing or to Q16 if PSU is one of the 16 PSUs selected to provide list.

Q12: Can you provide a part of that list?

- Yes
- No (skip to Closing or Q16 if PSU is one of the 16 PSUs selected to provide the list)
- N/A

(if yes to Q12):

Q13: And can you provide a list of sources who have other portions of that list and what departments they work in? (government, courts, public defender office, assigned counsel administrator, etc.)?

1. Name of source / department of source (describe)
2. Name of source / department of source (describe)
3. Name of source / department of source (describe)
4. Name of source / department of source (describe)
5. (N/A)

Q14: Do you know with certainty that the list of sources (provided in Q13) is either complete or incomplete?

- Yes-Complete
- Yes-Incomplete

- No
- N/A

Q15: Is there any type of case, or type of provider that would present a particular challenge in the quest to create a complete, accurate list of all attorneys representing indigent clients in criminal cases in state court in your jurisdiction over a period of one year? For example, could you create a complete and accurate list for **all but**....?

1. (describe)
2. (describe)
3. (describe)

[IF PSU is one of the 16 selected to provide a list, continue to Q16. If not, state the below]

Closing: We truly thank you for your time and cooperation. You have really helped our project!

Q16. [ONLY FOR THE 16 PSUs SELECTED TO PROVIDE LISTS] We are interested in the information your jurisdiction would be able to generate for a roster. Based on what you've told us, that [you are able to provide a complete and accurate list / you and X others are able to provide a list], we would like to request that you prepare a list of publicly appointed defense attorneys that were active in your jurisdiction in the past year. Can we confirm that you are able to do that?

- Yes or No (record any objections)

What would be needed in order for you to be able to provide us with a list?

[Record needed items – MOU, Release, etc.]

[Indicate that Heather Hall from National Association for Public Defense (NAPD) will coordinate the needed item(s) and give contact information]

Q17. We are requesting the following data elements in your list:

- Attorney name
- Attorney email address
- Attorney phone number
- Attorney physical mailing address

[If providing list]: Thank you for your work and effort. About how long will you need to prepare and deliver the list? [Record date of expected delivery]. We are offering several methods of delivery. We have a secure file transfer option, or you can encrypt the file, email it, and send the password in a separate email. Which would you prefer?

Email or File transfer: Describe the process for the selected option.

Closing: We truly thank you for your time and cooperation. You have really helped our project!

## **Appendix I. Frame 2 Feasibility Test Summary**

PSU ID	State	Population Group	Total Contacts Made	Total Interviews Completed	Total Sources	Public Defender Office (PDO)?	Alternate/ Other PDO?	Court Managed Assigned Counsel (AC) List(s)?	Other AC List (Bar or Other)?	Contractor's?	Contract Program?	Statewide Program/ Type?	Law Clinic?	Number of Attorneys	Obstacles
1	Alabama	3	2	2	1	Yes	No	No	Yes	Yes	Yes	Yes	No	N/A	None
2	Alabama	3	2	2	1	Yes	Unknown	No	Yes	Yes	Yes	Yes	No	N/A	None
3	Arizona	2	2	2	2	Yes	Yes	No	No	Yes	No	Yes	No	N/A	None
4	California	1	5	5	7	Yes	Yes	Yes	Yes	Unknown	Unknown	Yes- Appeals	Unknown	N/A	Appellate Office may not release contact info. LA County Office has interim leader, did not want to do interview at this time
5	California	1	3	3	3	Yes	Yes (in office with PDO)	Yes- Harris Cases	Yes-Bar	Unknown	Unknown	Yes- Appeals	Unknown	N/A	PDO may not release emails, could not penetrate Orange County Court System, likely automated and organized
6	California	1	6	2	6	Yes	No	No	No	Yes	Unknown	Yes- Appeals	Unknown	N/A	Contractors and subcontractors, check for Harris appointments
7	California	1	2	1	2	Yes	Yes	No	No	Yes	Yes	Unknown	No	N/A	Conflict Firm did not return calls
8	California	1	3	3	3	Yes	Yes	Yes - habeas cases only, Harris cases	Yes	Unknown	Unknown	Yes- Appeals	Yes (1)	N/A	Explicitly ask about "Harris" appointments
9	California	1	3	2	3	Yes	Yes (in office with PDO)	Yes- Harris Cases	Yes-Bar	Unknown	Unknown	Yes- Appeals	Unknown	N/A	None
10	California	2	3	2	2	Yes	No	Yes - for conflicts and Harris cases and PD has access	No	No	No	Yes- Appeals	No	176-COMLETE	Appellate Office Policy is not to give out contact info
11	California	2	5	2	5	Yes	No	No	No	Yes	Unknown	Yes- Appeals	Unknown	N/A	Contractors and subcontractors, check for Harris appointments
12	California	2	3	3	3	Yes	No	No	Yes-Bar	No	No	Yes- Appeals	Unknown	N/A	Bar holds Harris appointments in a file to make sure there are no "frequent flyers" so they have this list too - other Bar programs may be the same, need to ask

PSU ID	State	Population Group	Total Contacts Made	Total Interviews Completed	Total Sources	Public Defender Office (PDO)?	Alternate/ Other PDO?	Court Assigned Counsel (AC) List(s)?	Other AC List (Bar or Other)?	Contractor(s)?	Contract Program?	Statewide Program/ Type?	Law Clinic?	Number of Attorneys	Obstacles
13	California	3	5	3	5	Yes	Yes - two	No	No	No	No	Yes	No	N/A	There is no list that judges pick from per se, judges appoint and the county pays, so the county holds the list but they have to manually count invoices, this would be a pretty substantial burden for them, but one source does do all the vouchers... it might capture some lawyer experts who aren't counsel of record... that would have to be cross checked on every case. Tedious.
14	Florida	1	4	4	4	Yes	Yes- Regional Conflict and Capital	Yes	No	Unknown	No	Yes- AC List	No	381- COMPLETE	None
15	Florida	1	4	4	4	Yes	Yes- Regional Conflict and Capital	Yes	No	Unknown	No	Yes- AC List	No	N/A	None
16	Florida	1	4	4	4	Yes	Yes- Regional Conflict and Capital	Yes	No	Unknown	No	Yes- AC List	No	N/A	None
17	Florida	1	4	4	4	Yes	Yes- Regional Conflict and Capital	Yes	No	Unknown	No	Yes- AC List	No	N/A	None
18	Florida	1	4	4	4	Yes	Yes- Regional Conflict and Capital	Yes	No	Unknown	No	Yes- AC List	No	N/A	None
19	Florida	1	4	4	4	Yes	Yes- Regional Conflict and Capital	Yes	No	Unknown	No	Yes- AC List	No	N/A	None
20	Florida	1	4	4	4	Yes	Yes- Regional Conflict and Capital	Yes	No	Unknown	No	Yes- AC List	No	N/A	None
21	Florida	1	4	3	4	Yes	Yes- Regional Conflict and Capital	Yes	No	Unknown	No	Yes- AC List	No	N/A	None
22	Florida	2	4	3	4	Yes	Yes- Regional Conflict and Capital	Yes	No	Unknown	No	Yes- AC List	No	N/A	None
23	Georgia	3	4	2	4	Yes	No	Yes but PD has access	No	Yes	Unknown	Yes - local PDO has access to state attorney database	No	IN PROGRESS - 52 and counting	4 of the 5 counties have independent misdemeanor courts, 1 contracts with the PDO

PSU ID	State	Population Group	Total Contacts Made	Total Interviews Completed	Total Sources	Public Defender Office (PDO)?	Alternate/ Other PDO?	Court Assigned Counsel (AC) List(s)?	Other AC List (Bar or Other)?	Contractor?*	Contract Program?	Statewide Program/ Type?	Law Clinic?	Number of Attorneys	Obstacles
24	Illinois	1	17	4	12+ - unknown	Yes	Yes	Yes	Yes	No	No	Yes- Appeals	Yes	N/A	Multiple law schools clinics, separate clinics and pro bono orgs
25	Illinois	2	1	1	2	Yes	Yes	No	No	Yes	Unknown	No	No	N/A	None
26	Illinois	2	2	2	2	Yes	No (firewall for conflicts in office)	No	No	Yes (in PDO)	No	Yes- Appeals	Unknown	N/A	None
27	Illinois	3	2	2	2	Yes	No	No	No	Yes (in PDO)	No	Yes- Appeals	No	114- COMPLETE	PDO wouldn't give out emails, Bar doesn't provide
28	Indiana	2	1	1	1	Yes	No (firewall for conflicts in office)	No	No	No	No	No	Yes (2)	N/A	Law Clinic Needs to be explored
29	Indiana	4	2	2	2	Yes	No	No	No	Yes	No	Yes - procures capital counsel if needed	No	6- COMPLETE	None
30	Indiana	4	1	1	1	No	No	Yes	No	Unknown	Unknown	No	Unknown	N/A	Court must report appointments to state PD oversight entity, State PDO more receptive to providing
31	Kansas	4	2	2	2	Yes	No	Yes - for conflicts and inverte	No	Unknown	No	Yes- Felonies	No	46- COMPLETE	None
32	Michigan	1	3	3	3	Yes	Yes	Yes	No	Yes	Yes	Yes	No	N/A	None
33	Michigan	4	2	2	1	No	Yes	Unknown	Unknown	Yes	Yes	Yes	No	N/A	None
34	Mississippi	3	3	3	3	Yes	Yes	Yes	No	No	No	Yes	No	N/A	None
35	Mississippi	4	2	2	2	No	No	Yes	No	Yes	No	No	No	N/A	None
36	Mississippi	4	2	2	2	No	No	No	No	Yes	No	No	No	N/A	None
37	Nebbraska	3	1	3	1	Yes	Yes	No	Yes	No	Yes	No	No	N/A	None
38	Nebbraska	4	2	2	2	Yes	No	No	No	Yes	No	No	No	N/A	None
39	Nevada	1	4	4	4	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	N/A	None
40	New York	1	4	4	4	Yes	Yes	No	Yes	Unknown	Yes	No	Unknown	N/A	None
41	New York	1	4	3	4	Yes	Yes	No	Yes	Unknown	Yes	No	Unknown	N/A	None
42	New York	1	6	5	6	Yes	Yes	No	Yes	Unknown	Yes	No	Unknown	N/A	None

PSU ID	State	Population Group	Total Contacts Made	Total Interviews Completed	Total Sources	Public Defender Office (PDO)?	Alternate/ Other PDO?	Court Assigned Counsel (AC) List(s)?	Other AC List (Bar or Other)?	Contractor(s)?	Contract Program?	Statewide Program/ Type?	Law Clinic?	Number of Attorneys	Obstacles
43	New York	1	2	1	2	Yes	No	No	Yes	Unknown	Unknown	Yes - Family Court, Mental Hygiene (some fall under criminal statutes)	Unknown	N/A	None
44	New York	1	4	3	4	Yes	Yes	No	Yes	Unknown	Yes	No	Unknown	N/A	None
45	New York	1	3	3	3	Yes	No	No	Yes	Unknown	Unknown	Yes - Attorneys for Children	Yes	N/A	Law Clinic not explored, Raise the Age policy change will affect sources
46	New York	2	2	2	2	Yes	Yes	No	Yes	Yes	Yes	No	No	N/A	None
47	New York	3	2	2	2	Yes	Yes	No	No	No	No	No	No	N/A	None, but Raise the Age will affect future lists
48	Ohio	1	5	5	17	Yes	No	Yes	No	Unknown	No	Yes - Appeals, some conflicts, some capital	No	IN PROGRESS - 266 and counting	Municipal Court(s) are not centrally managed and there are 13 of them
49	Ohio	1	5	3	5	Yes	No	Yes	Yes	Unknown	Unknown	Yes - Appeals	Unknown	N/A	Courts may not have a centralized list (unclear from interviews), municipal list must be consulted because cases originate there before being bound over to other courts, Bar referral service additional to court list, may be multiple municipal courts
50	Ohio	2	3	3	3	Yes (misd only)	No	No	Yes-Bar	Unknown	Unknown	Yes - Appeals, some conflicts, some capital	Unknown	N/A	Might be small deviations between appointments and certifications but we are getting the more generous list so not losing anyone, may be multiple municipal courts
51	Ohio	2	3	2	3	Yes	No	No	Yes	Unknown	Unknown	Yes - Appeals, some conflicts, some capital	No	N/A	Bar manages lists but judges select from list - not everyone on list may get appointments, appointment lists for Common Pleas, Juvenile and Municipal Court kept separately, municipal list must be consulted because cases originate there before being bound over to other courts, may be multiple municipal courts

PSU ID	State	Population Group	Total Contacts Made	Total Interviews Completed	Total Sources	Public Defender Office (PDO)?	Alternate/ Other PDO?	Court Assigned Counsel (AC) List(s)?	Other AC List (Bar or Other)?	Contractor(s)?	Contract Program?	Statewide Program/ Type?	Law Clinic?	Number of Attorneys	Obstacles
52	Ohio	3	3	4	4	Yes	No	Yes	No	No	No	Yes- Appeals, some conflicts, some capital	No	IN PROGRESS - and counting	Tedious compilation from fee reimbursements, may not be complete list due to multiple municipal courts
53	Ohio	3	2	2	11	Yes	No	Yes	No	Unknown	Unknown	Yes- Appeals, some conflicts, some capital	No	N/A	Was not able to get in touch with all courts, contacted courts cooperative
54	Ohio	4	2	3	3	Yes	No	Yes	No	Yes	Yes	Yes- Appeals	Unknown	N/A	May be multiple municipal courts
55	Ohio	4	5	6	5	Yes	No	Yes	No	Yes (in PDO)	Unknown	Yes- Appeals, some conflicts, some capital	Unknown	N/A	PD was non-responsive, may be multiple municipal courts
56	Oklahoma	2	2	2	2	Yes	No	Yes - PD has access	No	No	No	Yes	No	59- COMPLETE	None
57	Oklahoma	4	2	2	2	No	No	No	State Public Defender	Yes	Yes	Yes	No	6- COMPLETE	None
58	Oklahoma	4	3	3	3	No	No	No	No	Yes	Unknown	Yes- all staffing	No	N/A	None
59	Pennsylvania	1	3	3	3	Yes	Yes	Yes	No	Yes	Unknown	No	No	N/A	None
60	Pennsylvania	2	2	2	2	Yes	No	Yes	Yes-Bar	Unknown	No	No	No	117- COMPLETE	None
61	Pennsylvania	2	2	2	2	Yes	Yes	Yes	Yes	Yes	Yes	No	No	N/A	None
62	Pennsylvania	3	2	2	2	Yes	No	Yes	No	Yes	No	No	Unknown	N/A	Homicide attorneys go into an overflow category where judges appoint, but because of a recent surge of homicide charges, the contract attorneys for homicide cases are overwhelmed (there are two lawyers) and now they are just appointing lawyers with no contract
63	Texas	1	3	3	3	Yes	No	Yes	Yes-TTDC	Unknown	No	No (TTDC collects data only)	No	595- COMPLETE	All lawyer names for every TX jurisdiction available but not email (TX Bar website provides email in most cases)
64	Texas	1	1	1	1	Unknown	Unknown	Yes	Unknown	Unknown	Unknown	No (TTDC collects data only)	No	N/A	All lawyer names for every TX jurisdiction available but not email (TX Bar website provides email in most cases)



PSU ID	State	Population Group	Total Contacts Made	Total Interviews Completed	Total Sources	Public Defender Office (PDO)?	Alternate/ Other PDO?	Court Assigned Counsel (AC) List(s)?	Other AC List (Bar or Other)?	Contractor(s)?	Contract Program?	Statewide Program/ Type?	Law Clinic?	Number of Attorneys	Obstacles
65	Texas	2	1	1	1	Unknown	Unknown	Yes	Unknown	Unknown	Unknown	No (TIDC collects data only)	No	N/A	All lawyer names for every TX jurisdiction available but not email (TX Bar website provides email in most cases)
66	Texas	3	1	1	1	Unknown	Unknown	Yes	Unknown	Unknown	Unknown	No (TIDC collects data only)	No	N/A	All lawyer names for every TX jurisdiction available but not email (TX Bar website provides email in most cases)
67	Texas	4	1	1	1	Unknown	Unknown	Yes	Unknown	Unknown	Unknown	No (TIDC collects data only)	No	30-COMPLITE	All lawyer names for every TX jurisdiction available but not email (TX Bar website provides email in most cases)
68	Texas	4	1	1	1	Unknown	Unknown	Yes	Unknown	Unknown	Unknown	No (TIDC collects data only)	No	10-COMPLITE	All lawyer names for every TX jurisdiction available but not email (TX Bar website provides email in most cases)
69	Texas	4	1	1	1	Unknown	Unknown	Yes	Unknown	Unknown	Unknown	No (TIDC collects data only)	No	N/A	All lawyer names for every TX jurisdiction available but not email (TX Bar website provides email in most cases)
70	Utah	1	1	2	1	Yes	No (firewall conflicts in office)	No	No	No	Yes	No	No	N/A	None
71	Utah	4	3	2	2	No	No	Yes	No	Yes	Unknown	No	No	7-COMPLITE	None
72	Washington	1	2	2	2	Yes	No (firewall conflicts in office)	No	No	No	No	Yes- Appeals	Yes	N/A	None
73	Washington	3	2	2	2	Unknown	No	No	No	Unknown	Unknown	Yes- Appeals	Unknown	N/A	None
74	Washington	4	1	2	1	No	No	No	No	Yes	Yes	Yes	No	21-COMPLITE	None

## **Appendix J. Final Survey of Publicly Appointed Defense Attorneys**

**The Bureau of Justice Statistics is piloting this survey of publicly appointed defense attorneys to learn more about the legal representation you provide to people accused of crime and who are deemed financially eligible to receive attorney services at no charge.**

**For the purposes of this survey, a publicly appointed defense attorney is any attorney that has directly engaged in the representation of any adult or juvenile person accused or convicted of crime, delinquency, or violation of parole or probation in any state or local court pursuant to a public appointment in the last year. We are contacting you because we think you are a publicly appointed defense attorney.**

**This survey will ask questions about your background, the kinds of cases you take as a publicly appointed defense attorney, the services you provide to your publicly appointed clients, and other matters. You can stop at any time and skip any questions that you don't want to answer. The survey will take approximately twenty minutes.**

**The following question helps us to confirm that this survey is right for you.**

In the last year, have you been appointed to represent any of the following people in any state or local court at public expense?

		<b>Yes</b>	<b>No</b>
<b>a.</b>	An adult or juvenile person accused of a crime or delinquency		
<b>b.</b>	An adult or juvenile person accused of violating conditions of a sentence (e.g., violation of probation or parole)		
<b>c.</b>	An adult or juvenile person appealing a conviction, or seeking other post-disposition advocacy or post-conviction relief		

**[SUBMIT button]**

**[If responses are all 'no']: You answered 'no' to all three questions above, you don't need to continue. Thank you for your time!**

**[If one response is 'yes', continue to next screen.]**

**I. YOUR WORK AS A PUBLICLY APPOINTED DEFENSE ATTORNEY:** Please tell us about your work as a publicly appointed defense attorney.

1. In what year did you pass the bar? *If you've passed the bar in multiple states, please tell us the year you passed for the first time.* \_\_\_\_ **[drop down, year]**
2. In what year did you first work as a publicly appointed defense attorney? \_\_\_\_ **[drop down, year]**

**We would like to know how many hours in the last 7 days you spent working as a publicly appointed defense attorney, and how many hours on other work. For the questions below, please estimate your time and round to the nearest hour.**

3. In the last seven days, about how many hours did you work as a publicly appointed defense attorney, even if it was not typical? (Include any evenings or weekends worked) \_\_\_\_\_ **[drop down, options are 0-100+]**
4. In the last seven days, about how many hours did you work *other than* as a publicly appointed defense attorney, even if it was not typical? (Include any evenings or weekends worked) \_\_\_\_\_ **[drop down, options are 0-100+]**
5. In the last seven days, how many hours have you spent in the following activities while working as a publicly appointed defense attorney, even if it was not typical?

		<b>Hours</b>	<b>None</b>
<b>a.</b>	In court, in front of judge		[ ]
<b>b.</b>	In court, other activities		[ ]
<b>c.</b>	Out of court, negotiating with prosecutors or probation officers		[ ]
<b>d.</b>	Out of court, at jail or prison		[ ]
<b>e.</b>	Out of court, other client communication		[ ]
<b>f.</b>	Out of court, other activities (e.g., interviewing witnesses, investigating, office work)		[ ]
<b>g.</b>	In training		[ ]
<b>h.</b>	Travel time		[ ]

**We would like to know whether you work for an organization or agency in your capacity as a publicly appointed defense attorney.**

6. In your capacity as a publicly appointed defense attorney, are you an employee of a state or local government agency?

		<b>Check one</b>
<b>a.</b>	Yes [Go to question 7]	
<b>b.</b>	No [Go to question 8]	

7. Approximately how many attorneys are employed at the agency? \_\_\_\_\_ [drop down, options are 0-100+]

8. In your capacity as a publicly appointed defense attorney, do you work as a sole practitioner? *A sole practitioner is a lawyer who practices independently, in a law firm that may include non-lawyer support personnel but does not include any other lawyers.*

		<b>Check one</b>
<b>a.</b>	Yes [Go to question 11]	
<b>b.</b>	No [Go to question 9]	

9. In your capacity as a publicly appointed defense attorney, are you an employee of an organization such as a law firm or nonprofit organization?

		<b>Check one</b>
<b>a.</b>	Yes [Go to question 10]	
<b>b.</b>	No [Go to question 11]	

10. Approximately how many attorneys are employed at the firm or nonprofit organization? \_\_\_\_\_ [drop down, options are 0-100+]

11. As a publicly appointed defense attorney, are you currently required to do any of the following? *Select 'Required' or 'Not required.' If you do not know, select 'I don't know.'*

		<b>Required</b>	<b>Not required</b>	<b>I don't know</b>
<b>a.</b>	Have a written performance review at least once a year			
<b>b.</b>	Meet with someone responsible for monitoring my work at least once a month			

<b>c.</b>	Satisfy a certification requirement or other formal standard			
<b>d.</b>	Take specific training prior to handling <i>any cases</i>			
<b>e.</b>	Take additional training prior to handling <i>more serious or complex cases</i>			

12. As a publicly appointed defense attorney, are you currently able to take cases on private retainer?

		<b>Check one</b>
<b>a.</b>	Yes, I can take cases on private retainer	
<b>b.</b>	No, I am limited in my ability to take cases on private retainer but not prohibited from doing so	
<b>c.</b>	No, I am prohibited from taking cases on private retainer.	

13. In the last year, have you supervised or managed other publicly appointed defense attorneys?

		<b>Check one</b>
<b>a.</b>	Yes	
<b>b.</b>	No	

14. In the last year, have training programs in the following areas been made available to you?

		<b>Available, have taken</b>	<b>Available, have not taken</b>	<b>Not available</b>	<b>I don't know</b>
<b>a.</b>	Adolescent development				
<b>b.</b>	Appellate practice				
<b>c.</b>	Bail/bond advocacy				
<b>d.</b>	Communicating effectively with your client				
<b>e.</b>	Education law				
<b>f.</b>	Ethics				
<b>g.</b>	Forensic evidence				
<b>h.</b>	Immigration law				
<b>i.</b>	Implicit racial bias				

<b>j.</b>	Jury selection				
<b>k.</b>	Legal/legislative changes				
<b>l.</b>	Opening/closing arguments				
<b>m.</b>	Plea negotiation				
<b>n.</b>	Representing juvenile clients				
<b>o.</b>	Representing persons with mental illness				

15. Thinking about your work as a publicly appointed defense attorney in the last year, how often were you assigned to represent clients for an entire case? *For the purpose of this question, we consider appellate and post-conviction cases to be ‘entire cases.’*

		<b>Check one</b>
<b>a.</b>	Always or often entire cases	
<b>b.</b>	Sometimes entire cases	
<b>c.</b>	Seldom or never entire cases	

16. How often are you able to speak confidentially with clients in your publicly appointed cases in the following locations:

		<b>Always or often</b>	<b>Sometimes</b>	<b>Seldom or never</b>
<b>a.</b>	Court?			
<b>b.</b>	Jail or prison?			
<b>c.</b>	Your office?			

17. Are incarcerated clients in your publicly appointed cases able to contact you without charge in any of the following ways? **[Check Yes or No for each]**

		<b>Yes</b>	<b>No</b>
<b>a.</b>	Calling a toll-free number		
<b>b.</b>	Making collect calls		
<b>c.</b>	Video conferencing		
<b>d.</b>	Any other way, please specify _____		

**II. YOUR PUBLICLY APPOINTED CASELOAD:** This section is about the types and numbers of publicly appointed cases that you handle.

- A felony, misdemeanor or juvenile delinquency case is defined as a charge or set of charges against a single defendant.
- An appellate case is defined as a single appeal in a single appellate court.
- A post-conviction case is defined as any case taking place after the resolution of a trial case other than an appeal.

18. How many publicly appointed cases in the following categories do you have *open right now*, even if it is not typical? You may estimate the numbers. If you do not have any current open cases, enter 0. If you do not handle that case type, select N/A.

		<b>Cases open right now</b>	<b>N/A</b>
<b>a.</b>	Adult misdemeanors		[ ]
<b>b.</b>	Adult felonies		[ ]
<b>c.</b>	Adult appeals		[ ]
<b>d.</b>	Adult post-conviction		[ ]
<b>e.</b>	Juvenile delinquency		[ ]
<b>f.</b>	Juvenile appeals		[ ]
<b>g.</b>	Juvenile post-conviction		[ ]

19. How many new publicly appointed cases in the following categories did you take *in the last seven days*, even if it was not typical? You may estimate the numbers. If you did not receive any cases, enter 0. If you do not handle that case type, select N/A.

		<b>Cases opened last 7 days</b>	<b>N/A</b>
<b>a.</b>	Adult misdemeanors		[ ]
<b>b.</b>	Adult felonies		[ ]
<b>c.</b>	Adult appeals		[ ]
<b>d.</b>	Adult post-conviction		[ ]
<b>e.</b>	Juvenile delinquency		[ ]
<b>f.</b>	Juvenile appeals		[ ]
<b>g.</b>	Juvenile post-conviction		[ ]



20. Are you presently providing representation as a publicly appointed attorney in any case in the following categories? If you do not handle that case type, select N/A.

		Yes	No	N/A
a.	Client facing capital charges			
b.	Client in specialty court (e.g., drug, homeless, veterans, mental health, domestic violence)			
c.	Failure to pay a fine			
d.	Violation of probation			

21. Are you currently able to request to decline case assignments on the basis that you already have too many cases?

		Check one
a.	Yes	
b.	No	
c.	I don't know	

22. In the past year, have you requested to decline a case assignment on the basis that you already had too many cases?

		Check one
a.	Yes	
b.	No [Skip to Q.24]	
c.	N/A	

23. In the past year, were you able to decline a case assignment on the basis that you already had too many cases?

		Check one
a.	Yes	
b.	No	
c.	N/A	

24. Are your caseloads as a publicly appointed defense attorney capped by law, rule, or other policy?

		Check one
a.	Yes	
b.	No	

**III. WORKING WITH CLIENTS IN PUBLICLY APPOINTED CASES.** This section asks about the last publicly appointed case that you closed in the last year. A closed case is defined as the last case in which you provided representation in which a court issued a final disposition. If you have not closed a publicly appointed case in a trial court within the last year, please skip to Question 45 below.

25. As a publicly appointed defense attorney, have you closed at least one case within the last year?

		Check one
a.	Yes [Go to question 26]	
b.	No [Go to question 45]	

*Think of the most recent case that you closed as a publicly appointed defense attorney when answering the questions in this section. It is important for statistical purposes that you tell us about your last case, even if it was not typical. We do not want to know anything about this case that could allow us to identify the participants.*

26. As a publicly appointed defense attorney, what type of case was the most recent case that you closed, even if it was not typical?

		Check one
a.	Adult misdemeanor [Go to question 27]	
b.	Adult felony [Go to question 27]	
c.	Adult appeal [Go to question 45]	
d.	Adult post-conviction [Go to question 45]	
e.	Juvenile delinquency [Go to question 27]	
f.	Juvenile appeal [Go to question 45]	

<b>g.</b>	Juvenile post-conviction [ <b>Go to question 45</b> ]	
<b>h.</b>	Something else (Specify: _____) [ <b>Go to question 45</b> ]	

27. Did this case involve any of the following types of allegations? Select yes or no for each option.

		<b>Yes</b>	<b>No</b>
<b>a.</b>	Offense against a person (e.g., rape, murder, assault, robbery)		
<b>b.</b>	Property offenses (e.g., arson, burglary, larceny, theft of a motor vehicle)		
<b>c.</b>	Drug offenses (e.g., possession, use, sale, or furnishing of a drug or intoxicating substance or drug paraphernalia prohibited by law)		
<b>d.</b>	Sex offenses (e.g., rape, sexual assault, sexual conduct with a minor, indecent exposure)		
<b>e.</b>	Weapons offenses (e.g., possession, carrying, use, sales or manufacture of weapons prohibited by law)		

28. Which, if any, of the following types of evidence were used in the case?

		<b>Yes</b>	<b>No</b>	<b>I don't know</b>
<b>a.</b>	Ballistics evidence			
<b>b.</b>	Blood test evidence			
<b>c.</b>	DNA evidence			
<b>d.</b>	Electronic/computer forensic evidence			
<b>e.</b>	Eyewitness evidence			
<b>f.</b>	Fingerprint evidence			
<b>g.</b>	Other, please specify: _____			

29. Was the client of Hispanic or Latino origin? (*Choose one*)

		<b>Check one</b>
<b>a.</b>	Hispanic or Latino	
<b>b.</b>	Not Hispanic or Latino	
<b>c.</b>	I don't know	

30. What was the client's race? (*Choose one or more*)

<b>a.</b>	American Indian or Alaska Native	
<b>b.</b>	Asian	
<b>c.</b>	Black or African American	
<b>d.</b>	Native Hawaiian or Other Pacific Islander	
<b>e.</b>	White	
<b>f.</b>	I don't know	

31. What was the client's sex?

		<b>Check one</b>
<b>a.</b>	Female	
<b>b.</b>	Male	

32. Was English the client's first language?

		<b>Check one</b>
<b>a.</b>	Yes	
<b>b.</b>	No	
<b>c.</b>	I don't know	

33. What was the client's age when the case was closed?

		<b>Check one</b>
<b>a.</b>	Under 13	
<b>b.</b>	13-15	
<b>c.</b>	16-17	
<b>d.</b>	18-19	
<b>e.</b>	20-21	
<b>f.</b>	22-24	

<b>g.</b>	25-29	
<b>h.</b>	30-34	
<b>i.</b>	35-39	
<b>j.</b>	40-44	
<b>k.</b>	45-49	
<b>l.</b>	50-54	
<b>m.</b>	55-59	
<b>n.</b>	Over 60	
<b>o.</b>	I don't know	

34. How long was the interaction with your client the first time that you met them?

		<b>Check one</b>
<b>a.</b>	Under 5 minutes	
<b>b.</b>	5-14 minutes	
<b>c.</b>	15-29 minutes	
<b>d.</b>	30-59 minutes	
<b>e.</b>	An hour or more	

35. Did you represent this client at his or her first court appearance in this case?

		<b>Check one</b>
<b>a.</b>	Yes	
<b>b.</b>	No	
<b>c.</b>	Not applicable	

36. Please indicate below whether you made any of the following types of motions in the case.

		<b>Yes, motion made</b>	<b>No motion made</b>
<b>a.</b>	Pretrial motion		
<b>b.</b>	Motion <i>in limine</i>		

c.	Post-trial motion		
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37. Did you or a member of the defense team do any of the following? [*Select 'Yes' or 'No' for each option*]

		Yes	No	I don't know
a.	Visit the alleged crime scene			
b.	Interview in person any potential witnesses other than the client or prosecution witnesses			
c.	Seek written records (e.g., school or medical records)			
d.	Seek advice from a colleague or supervisor			
e.	Use the services of an investigator			
f.	Use the services of a social worker			
g.	Consult with an expert witness, other than a prosecution witness, even if he or she did not testify			

38. Was the client incarcerated pretrial?

		Check one
a.	Yes, incarcerated entire pretrial period	
b.	Yes, incarcerated but released for remainder of pretrial period	
c.	Yes, incarcerated then released, and incarcerated again for pretrial violation	
d.	No	
e.	I don't know	

39. Did any of the following happen during the case?

		Yes	No	I don't know	N/A
a.	Case went to trial				
b.	Defense was provided with discovery material				
c.	Client was diverted to a drug, alcohol, or mental health treatment program				

40. How many times, in total, did you communicate with the client in person, by phone, or in writing prior to the resolution of the case? You may estimate the number.

**[drop down]**

41. How many times, in total, did you communicate with the prosecutor in person, by phone, or in writing prior to the resolution of the case? You may estimate the number.

**[drop down]**

42. How long, in total, were you assigned to the case? You may estimate the time.

**[drop down]** Years

**[drop down]** Months

**[drop down]** Days

43. How was the case closed?

		<b>Check one</b>
<b>a.</b>	The client pleaded guilty to the top charge against them	
<b>b.</b>	The client pleaded guilty to a lesser charge	
<b>c.</b>	The client was convicted at trial of the top charge against them	
<b>d.</b>	The client was convicted at trial of a lesser charge	
<b>e.</b>	The client was found not guilty at trial	
<b>f.</b>	The case was dismissed	
<b>g.</b>	Something else, please specify: _____	

44. Which, if any, of the following consequences resulted from this case for this client?  
Select yes or no for each option. If you do not know, select I don't know.

		<b>Yes</b>	<b>No</b>	<b>I don't know</b>
<b>a.</b>	Sentenced to community service			
<b>b.</b>	Sentenced to custody			
<b>c.</b>	Sentenced to probation			
<b>d.</b>	Detainer lodged by Immigration and Customs Enforcement (ICE)			
<b>e.</b>	Driver's license suspended/revoked			
<b>f.</b>	Employment license suspended/revoked			
<b>g.</b>	Fines and/or fees imposed			
<b>h.</b>	Gun license suspended/revoked			

<b>i.</b>	Order of protection imposed			
<b>j.</b>	Restitution imposed			
<b>k.</b>	Required to register as a sex offender			
<b>l.</b>	Other (Please specify: _____)			

**IV. WORKING CONDITIONS:** The questions in this section ask about the benefits, compensation, and other conditions of your work as a publicly appointed defense attorney.

45. Does your work as a publicly appointed defense attorney include the following benefits? Select yes or no for each benefit. If you do not know if the benefit is included, select I don't know.

		<b>Yes</b>	<b>No</b>	<b>I don't know</b>
<b>a.</b>	Eligible for student loan forgiveness			
<b>b.</b>	Financial support for attending training programs			
<b>c.</b>	Financial support for membership in professional organizations			
<b>d.</b>	Financial support for travel expenses associated with the work			
<b>e.</b>	Health insurance			
<b>f.</b>	Paid sick days			
<b>g.</b>	Paid family/medical leave (e.g., maternity leave)			
<b>h.</b>	Paid vacation days			
<b>i.</b>	Retirement benefits			

46. Does your work as a publicly appointed defense attorney provide you with the following resources? If a resource is provided but you choose not to use it, please check 'yes.'

		<b>Yes</b>	<b>No</b>	<b>I don't know</b>
<b>a.</b>	A cell phone or cell phone subsidy			
<b>b.</b>	A computer or a laptop			
<b>c.</b>	Access to a mitigation specialist			
<b>d.</b>	Access to a social worker			



<b>e.</b>	Access to an investigator			
<b>f.</b>	Access to media equipment, e.g., video cameras			
<b>g.</b>	Access to printing facilities			
<b>h.</b>	Access to Westlaw, LexisNexis, or other legal search engine			
<b>i.</b>	Administrative staff assistance			
<b>j.</b>	Office space			

47. In the last year, how often have you thought about your publicly appointed defense attorney work when you are not working?

		<b>Check one</b>
<b>a.</b>	Always or often	
<b>b.</b>	Sometimes	
<b>c.</b>	Seldom or never	

48. In the last year, how often has being a publicly appointed defense attorney interfered with your home or family life?

		<b>Check one</b>
<b>a.</b>	Always or often	
<b>b.</b>	Sometimes	
<b>c.</b>	Rarely or never	

49. If the decision were up to you, approximately how much longer would you like to continue doing publicly appointed defense attorney work?

		<b>Check one</b>
<b>a.</b>	I am already looking for another position	
<b>b.</b>	Less than a year	
<b>c.</b>	1-2 years	
<b>d.</b>	3-5 years	
<b>e.</b>	More than 5 years	

50. On at least an annual basis, do you do any of the following? *Please select 'Yes' or 'No' for each option.*

		Yes	No
a.	Conduct training of attorneys or other professionals		
b.	Make media appearances		
c.	Represent publicly appointed defense attorneys in bar association activities		
d.	Represent publicly appointed defense attorneys in any other context (e.g., civic groups)		
e.	Teach classes at a school, law school, or college		
f.	Write for publications (e.g., law journals, newspapers, magazines)		

**V. YOUR DEMOGRAPHICS:** We have some questions about you. This information will only be used to describe who participated in this survey.

51. What is your age?

		Check one
a.	Under 20	
b.	20-24	
c.	25-29	
d.	30-34	
e.	35-39	
f.	40-44	
g.	45-49	
h.	50-54	
i.	55-59	
j.	60-64	
k.	65-69	
l.	70-74	
m.	Over 75	

52. Are you of Hispanic or Latino origin? *Choose one.*

		<b>Check one</b>
<b>a.</b>	Hispanic or Latino	
<b>b.</b>	Not Hispanic or Latino	

53. What is your race? *Choose one or more.*

<b>a.</b>	American Indian or Alaska Native	
<b>b.</b>	Asian	
<b>c.</b>	Black or African American	
<b>d.</b>	Native Hawaiian or Other Pacific Islander	
<b>e.</b>	White	

54. What is your sex?

		<b>Check one</b>
<b>a.</b>	Female	
<b>b.</b>	Male	

55. What amount, if any, do you owe in student loan debt? [**Check one**]

		<b>Check one</b>
<b>a.</b>	I do not have any student loan debt	
<b>b.</b>	\$1 - \$24,999	
<b>c.</b>	\$25,000 - \$49,999	
<b>d.</b>	\$50,000 - \$74,999	
<b>e.</b>	\$75,000 - \$99,999	
<b>f.</b>	\$100,000 - \$124,999	
<b>g.</b>	\$125,000 - \$149,999	

<b>h.</b>	\$150,000 - \$174,999	
<b>i.</b>	\$175,000 - \$199,999	
<b>j.</b>	Over \$200,000	

56. Which of the following *best describes* how you are paid in your role as a publicly appointed defense attorney?

		<b>Check one</b>
<b>a.</b>	Paid a salary	
<b>b.</b>	Paid per hour	
<b>c.</b>	Paid per case	
<b>d.</b>	Paid per court appearance	
<b>e.</b>	Paid for a set number of cases	
<b>f.</b>	Paid some other way, please specify: _____	

57. How much, if anything, did you earn in 2017, before taxes, from your work as a publicly appointed defense attorney?

		<b>Check one</b>
<b>a.</b>	Nothing	
<b>b.</b>	\$1 - \$1,999	
<b>c.</b>	\$2,000 - \$4,999	
<b>d.</b>	\$5,000 - \$9,999	
<b>e.</b>	\$10,000 - \$19,999	
<b>f.</b>	\$20,000 - \$29,999	
<b>g.</b>	\$30,000 - \$39,999	
<b>h.</b>	\$40,000 - \$49,999	
<b>i.</b>	\$50,000 - \$59,999	
<b>j.</b>	\$60,000 - \$69,999	

<b>k.</b>	\$70,000 - \$79,999	
<b>l.</b>	\$80,000 - \$99,999	
<b>m.</b>	\$100,000 or more	

**THANK YOU!**

**[For participants offered incentive only]:** As promised, we'd like to send you a gift card for \$20. The email address we have on file for you is [insert email here]. Can we send the card there? If not, let us know your preferred email in the box below:

**Open-ended text box: [ \_\_\_\_\_ ] (constrain answers to valid email address only)**

One last thing! Would you be willing to speak with us about your experience taking this survey? If so, please let us know by checking the box below.

**Yes! I'd be happy to talk to you about my experience with this survey [\_\_\_]**

**[If box checked]:** The email address we have on file for you is [insert email here]. Is that a good way to contact you? If not, please let us know your preferred means of phone or email contact in the box below. Thanks again.

**Open-ended text box: [ \_\_\_\_\_ ]**