ETHICS BASED
CLIENT CENTERED
ADVOCACY

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Patients lie to their doctors.

81% of patients said they had lied at one time to their doctors about exercise, food intake, medication and stress reduction.

50% reported they did not speak up about not understanding the doctor.
Why would people lie to someone who is trying to help them?

Fear of judgment.

Fear of shame.
Risking more sickness.

Risking death.

Fear of judgment and shame.

Fear we won’t work hard for them if they tell us everything.
Risking losing the case.

Risking freedom.

Court-appointed clients have even more fears.
Trust.

Client-centered advocacy is the building block of every trial skill.

Client relationships.
N. C. State Bar:

Rule 1.1 Competence
Rule 1.3 Diligence
Rule 1.6 Confidentiality of Information*

1. Know the law.
2. Keep the client informed.
3. Don’t reveal confidential information.*

Client centered advocacy is recognizing that an attorney is ethically bound to use any and all legal means necessary to achieve the best outcome for the client, as expressed by the fully informed client.
Client-centered advocacy at work.

1. Decision time.
2. First client meeting.
3. Confidentiality.

1. The decisions.
“[W]hen counsel and a fully informed criminal defendant reach an absolute impasse as to such tactical decisions, the client’s wishes must control...in accord with the principal-agent nature of the attorney-client relationship.”
The client’s wishes must control...

The nature of the attorney-client relationship is principal-agent.

We represent their expressed interest, not what we think is their best interest.

Client centered.

Not lawyer centered.
"I told my lawyer, ‘man, you work for me.
Object. Object.
This ain’t right.’"

How does it help to win cases by recognizing that the client is the decision maker whose definition of “best outcome” controls?
2. First client meeting.

_Blink: The Power of Thinking Without Thinking_ –
Malcolm Gladwell

“(First) judgments are, first of all, enormously quick: they rely on the thinnest slices of experience...they are also unconscious.”

How to affect the blink.
Meet the client as soon as possible after the event.

In the interview, the attorney talks first.

Explain confidentiality.
Explain the elements. Explain the defenses. Explain the process and what happens next.

If you ask questions about the event, be mindful of how you ask the questions.

Leave them room to come back and correct.
Google, Esquire.
We blink, too.

Confidentiality.

In court. Alone.
I do not have any information that I am able to provide.
Dealing with people we see everyday about a person we may never see again.
Be mindful of how we define a case.
Client-centered advocacy wins cases.

Client-centered advocacy brings more cases.

A case of great client-centered advocacy.
Questions?