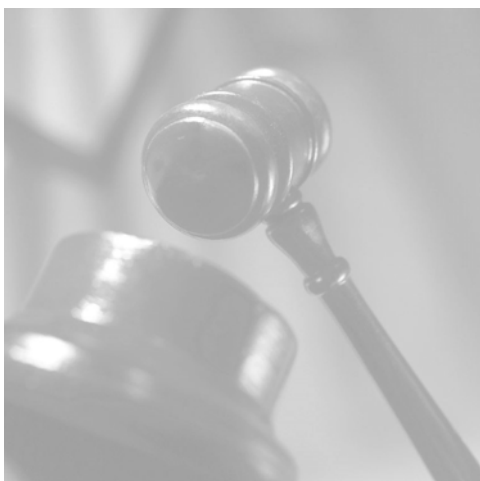




N.C. Office of Indigent Defense Services

The Challenge: Evaluating Indigent Defense



Results from IDS Round Table Discussions

**What Clients, Indigent Defense Attorneys,
Justice System Partners, Law Enforcement,
and the Community Say about
North Carolina's Indigent Defense System**

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The Challenge: Evaluating Indigent Defense

Results from IDS Round Table Discussions: What Clients, Indigent Defense Attorneys, Justice System Partners, Law Enforcement, and the Community Say about North Carolina's Indigent Defense System

Purpose

The North Carolina Office of Indigent Defense Services (IDS) is responsible for providing qualified defense attorneys to North Carolina citizens who are constitutionally or statutorily entitled to legal counsel, but cannot afford legal counsel on their own. It is the constitutional right of every citizen to receive a fair defense in court if they are charged with a crime.¹

IDS is committed to meeting the needs of our clients, the criminal justice system, and the community. IDS is especially cognizant of the fact that we are funded by taxpayer money and, consequently, it is our responsibility to provide quality indigent defense services as efficiently and cost-effectively as possible.

North Carolina stretches 500 miles from east to west and is the 10th most populous state in the United States, with 9.1 million people. North Carolina has 100 counties, which are divided into 43 judicial districts, and the criminal justice system functions differently within each county. North Carolina's indigent defense services are organized around these county-based systems and provide services under either a public defender or court appointed system. As of 2008, 26 counties will have public defender offices, which together will handle approximately 32% of the state's indigent defense caseload. A court-appointed system is one in which private attorneys agree to take indigent defense cases and are appointed by the court to cases on a rotational basis.

To help IDS be more effective, it is important that we have the ability to measure how well the indigent defense system in North Carolina is performing in each county and district. IDS is currently working on a *Systems Evaluation Project* to develop an evaluation tool that will measure indigent defense system performance from year to year. With this information, IDS will be in a better position to maximize our resources and make policy decisions that will ensure North Carolina citizens receive the legal protection they deserve, improve the criminal justice system, and strengthen our communities. For more information on the project review the project work plan provided in Appendix A or visit the project's website at www.ncids.org under the *Systems Eval Project* link.

North Carolina's lack of an evaluation tool is characteristic of indigent defense systems across the United States. While a few indigent defense systems were in the process of developing evaluation tools, IDS was breaking new ground when we initiated the *Systems Evaluation Project*.

¹ In some cases, such as Termination of Parental Rights or Abuse/Neglect/Dependency, a person is statutorily entitled to counsel in civil proceedings.



How Evaluation Will Make a Difference

Developing an evaluation tool is critical to ensuring that North Carolina citizens receive quality services at the smallest possible cost to taxpayers. The evaluation tool will enable IDS to:

- Establish reasonable statewide norms, standards, benchmarks, and goals given our resources
- Identify best practices, especially those that are cost-effective
- Identify areas or regions in the state that are doing well or are in need of attention
- Identify what we do well and what needs improvement
- Measure the impact of policy decisions, both internal and external, on our performance and cost-effectiveness
- Measure the impact of our services on the criminal justice system
- Enhance accountability and improve the quality of indigent defense services
- Further maximize our resources to meet the needs of our clients, the criminal justice system, and the community
- Develop cost projections. For example, North Carolina has a Sentencing and Policy Advisory Commission. When the Legislature proposes new criminal sanctions, it is the Sentencing Commission’s job to project the cost of the sanctions over time. IDS expects our evaluation model to provide us with the same capability.

IDS’s evaluation tool will need to evaluate each of the county-based indigent defense programs and apply equally well to a public-defender system or a court-appointed system. The evaluation tool will employ the same methodology used in other fields to measure system performance, such as economics, health, the environment, and sports, and develop a set of indicators that measure outcomes in key areas. When taken together, these indicators provide a statistical picture that describes how well the system is doing.

NC Indigent Defense System Measures									
	County A	County B	District A	District B	Statewide Average	Region A Average	Region B Average	PD Office A	PD Office B
<i>Element Being Measured</i>									
Indicator A	65.0%	60.0%	55.0%	75.0%	63.8%	60.0%	75.0%	81.0%	72.0%
Indicator B	90.0%	92.0%	89.0%	95.0%	91.5%	90.3%	95.0%	69.0%	68.0%
Indicator C	78.0%	82.0%	83.0%	90.0%	83.3%	81.0%	90.0%	80.0%	70.0%
Indicator D	94.0%	96.0%	98.0%	90.0%	94.5%	96.0%	90.0%	80.0%	67.0%
<i>Element Being Measured</i>									
Indicator A	80.0%	85.0%	89.0%	60.0%	78.5%	84.7%	60.0%	85.0%	71.0%
Indicator B	94.0%	92.0%	90.0%	40.0%	79.0%	92.0%	40.0%	83.0%	73.0%
Indicator C	60.0%	65.0%	50.0%	90.0%	66.3%	58.3%	90.0%	79.0%	62.0%
Average Score	73.8%	72.8%	71.4%	65.0%	70.8%	78.3%	63.7%	82.0%	72.0%

Defining Success: Identifying What the Evaluation Tool Will Measure

Before indigent defense systems can develop an evaluation tool to measure performance, we need to understand what success looks like. What goals do we want to achieve for our clients, the criminal justice system, and the community? What does high quality indigent defense legal representation look like? What outcomes do we expect for our clients and the criminal justice system? How do we measure effectiveness and efficiency? Are we interested only in the immediate outcome of a criminal prosecution or do we also want to look at longer-term client outcomes, such as recidivism?

As a preliminary step to defining North Carolina's indigent defense system goals and outcomes, the Systems Evaluation Project undertook two tasks.

First, IDS hosted a series of focus groups or round table discussions across the state to determine how well our clients, defense attorneys, criminal justice system partners, and communities think the current indigent defense system is working.

Second, IDS conducted in-depth research into: 1) past and current indigent defense practices, 2) new trends and innovative practices in indigent defense, 3) criminal justice research findings, and 4) strategies and approaches to evaluating indigent defense systems.

With a better understanding of the successes and limitations of our current system and armed with the latest research on indigent defense practices, IDS will be positioned to define the North Carolina indigent defense system goals and expectations that will drive the selection of the indicators to be included in the evaluation tool.

Round Table Discussions

Over an eight-month period in 2006, IDS hosted a series of 10 round table discussions across the state asking indigent defense clients, defense attorneys, and our criminal justice partners—including judges, law enforcement, prosecutors, corrections officers, and community organizations—to share their experiences with and perspectives on indigent defense. A total of 189 persons participated in the round table discussions. This report recounts what they had to say.

There were multiple purposes for the round table discussions. First, IDS wanted to collect information about the current successes and limitations of the indigent defense system in order to help us better define clear system goals and objectives. Second, we wanted to take advantage of this opportunity to start building long-term relationships with other criminal justice system actors, including the courts and the prosecution. We also thought this initiative would provide an opportunity for the three sides of the criminal justice system—the court, the prosecution, and the defense—to sit down together and discuss ways to solve common problems and court system inefficiencies to improve the criminal justice system and lower costs. Third, IDS was interested in learning how the indigent defense system impacts other system players and the community. Fourth, we wanted to inform our clients, stakeholders, criminal justice partners, and the community about the existence and purpose of the Systems Evaluation Project.



List of IDS Round Tables

Round Table Discussion	Date	Location
NC Private Investigators	Mar. 16, 2006	Myrtle Beach, SC
NC District and Superior Court Judges	May 5, 2006	School of Government, Chapel Hill, NC
NC Prosecutors	May 5, 2006	School of Government, Chapel Hill, NC
NC Public Defenders	May 18, 2006	2006 Public Defender Conference Wrightsville Beach, NC
Law Enforcement, Bailiffs, Magistrates, Corrections, Clerks of Court, NC Dept. of Crime Control and Public Safety	June 2, 2006	Winston-Salem, NC
Private Criminal Defense Attorneys	June 30, 2006	School of Government, Chapel Hill, NC
Community Organizations: Chamber of Commerce, NC General Assembly, churches, faith-based organizations, educational institutions, and advocacy groups	July 13, 2006	Chapel Hill, NC
Indigent Defense Clients - Women North Piedmont Correctional Center for Women	Aug. 24, 2006	Lexington, NC
Indigent Defense Clients - Men Orange Correctional Center	Sept. 11, 2006	Hillsborough, NC
Indigent Defense Clients - Men & Women TROSA, Inc.	Oct. 5, 2006	Durham, NC

Format of Round Table Discussions

Cindy Bizzel, an experienced professional facilitator and human resources expert from the North Carolina Administrative Office of the Courts, assisted IDS in the design and execution of the round table discussions. Round table discussions generally lasted 3 hours. The number of participants in each round table ranged from 15 to 40. In general, with the exception of the client round tables, the discussions followed a similar format. (See sample agenda in the inset box.) The majority of each round table discussion centered on asking participants to respond to a series of five questions:

- What does the indigent defense system do well for clients?
- What does the indigent defense system not do well for clients?
- What should the indigent defense system do more of for clients?

Round Table Agenda

Welcome, Thank You, & Introductions

Introduction to Systems Evaluation Project & Purpose of Round Table Discussions

Plenary Discussion: Round Table Questions

Small Group Work: In-depth Discussions on Round Table Questions

The Director's Corner: A Dialogue with the IDS Executive Director

Wrapping Up: Thank You and Next Steps

Collection of Handout: Other Issues and Desired Follow-Up Questionnaire

- What can the indigent defense system do to improve the criminal justice system?
- How does having a good indigent defense system benefit society?

All participants initially discussed each question in a plenary session. Participants were then divided into small groups, where they continued to discuss these questions in-depth. Each small group was assigned a facilitator to assist the group and record their thoughts.

The last half hour of the discussion was reserved for a one-on-one dialogue with the IDS Executive Director on any topic of interest to participants. The purpose of the dialogue was to give participants a chance to share any concerns, interests, or questions that were outside the scope of the Systems Evaluation Project. We also hoped the opportunity for direct dialogue with the IDS Director would stimulate the participants' desire to continue working with IDS on criminal justice system issues in the future.

IDS also distributed a form, *Additional Comments or Issues*, to all participants. The form gave participants a chance to inform IDS about any issues they wanted to resolve or discuss further with IDS that they did not want to raise in front of a public audience. The *Additional Comments or Issues* form was collected at the end of each round table and the IDS staff followed up on issues that were raised during regular business hours. A copy of the *Additional Comments or Issues* form can be found in Appendix A. IDS collected over 40 requests from participants for follow-up on issues via these forms. A total of 74 participants completed an Additional Comments or Issues form; 25 (or 34%) of these detailed an issue on which they wanted IDS staff to follow up. Typical examples of the types of issues raised on these forms include:

- Equipment requests for Public Defender Offices
- Client inquiries into jail time credit
- Requests for studies and other information from IDS

Finally, IDS was able to take advantage of the opportunity afforded by the round tables to survey indigent defense attorneys and private investigators on their thoughts about how well the indigent defense system works. The round tables also allowed IDS to survey indigent defense clients about their experiences with receiving indigent defense services. Survey results are included in this report and copies of the survey tool can be found in Appendix B.

Who We Invited

IDS's first step was to identify the various stakeholder groups from whom it was important to solicit input. The next challenge was to combine the various stakeholders into groups that would facilitate thoughtful discussion, while maximizing candor and breadth of outreach. A list of the prospective candidates for the round tables can be found in Appendix C. IDS then proceeded to schedule, recruit, and organize the round tables. Whenever possible, IDS tried to schedule round tables at or around professional conferences.

Organizing the round tables was not without its frustrations and disappointments. IDS was committed to hosting a round table with former indigent defense clients. Originally, we tried to organize a round table at a nearby community center and hoped to attract participants by reaching out to non-profit organizations and advocacy groups that might be in a position to refer potential participants. This approach was unsuccessful. We realized that if we wanted to hear from former clients, we could not ask them to come to us; we would have to go to them. In the end, IDS was very excited to have the opportunity to convene two round table discussions at two correctional institutions: the North Piedmont Correctional Center for Women in Lexington, NC, and the Orange Correctional Center for



men in Hillsborough, NC. We also were able to convene a round table at TROSA, Inc. (Triangle Residential Options for Substance Abuse, Inc.). TROSA is a two-year residential substance abuse recovery program that has been operating since 1994. All three of the round tables with former clients were exceptionally informative and inspirational.

Despite extensive efforts, there were a number of stakeholders from whom IDS was unable to obtain input. Two of our round tables, one for court support staff and one for victims of crime, were cancelled due to an exceptionally low response to our recruitment efforts. IDS was especially disappointed that the unique perspectives and concerns of victims of crime and victim advocacy groups were not represented in the round table discussions.

Round Table Results

Perspectives Brought by Various Stakeholders

Participants brought to the round table discussions their own unique perspectives, work experiences, and long-term aims, which brought a richness and diversity to the discussions that was of great benefit to IDS. Below is a brief description of the overall nature and tenor of each round table discussion.

Clients

IDS visited two correctional facilities, as well as TROSA, a two-year residential substance abuse recovery program that has been operating since 1994. Talking with former clients and hearing their stories was a powerful and inspirational experience. When clients shared what they liked and disliked about their defense attorney, effective communication with their attorneys, or rather the lack of it, was repeatedly mentioned. Many clients felt their attorneys did not successfully advocate for them because the attorneys were in infrequent communication with them and never took the time to get an accurate understanding of what the client wanted from the representation. Similarly, most clients felt they did not have a comprehensive idea of what occurred with their case because they never got a sufficient explanation from their attorneys. We also heard repeated descriptions of promised plea agreements that clients were shocked to find were not honored when they got to court. In addition, clients repeatedly voiced the desire for their attorney to be more helpful in securing access to programs that could assist them with their non-legal problems, such as substance abuse or employment training, and how access to these programs could have made a real difference. IDS found talking directly to clients to be so powerful that a group of new public defenders visited the Orange Correctional Center to meet with some of the participants from our focus group as part of a subsequent training program. IDS's training division is currently exploring how we can make talking with clients a regular part of indigent defense attorney trainings.

Community Organizations

Community participants had a longer-term perspective and wanted indigent defense to find ways to meet clients' long-term needs. They focused on the client's longer-term future and how it impacts the community, as well as the ways in which indigent defense could make more of a difference in their communities. They were concerned with re-entry issues and how to reintegrate ex-offenders back into the community as productive citizens. The Durham Chamber of Commerce, one of the participating organizations in the round table, has started an initiative that focuses on helping individuals who are hard to employ, a large part of which are ex-offenders who have been released back into the community.

Judges

Judges are in court and see good and bad indigent defense representation every day, and they shared their experiences with IDS during the discussion. Judges also brought a court system perspective to the discussions. Many of their concerns focused around the administrative pressures they face having to process large dockets day in and day out, and the ways in which indigent defense could help improve court efficiency. There were repeated concerns expressed about defense lawyers not meeting with their clients prior to court appearances and lawyers who did not appear in court with clients because of conflicting court schedules and other reasons.

Law Enforcement, Corrections, Probation, Clerks, & Public Safety

These participants deal with crime on a daily basis. They understand the issues our clients face, as well as the issues that concern the communities they serve. As a group, they wanted indigent defense to do more to make a long-term difference and to break the cycle of crime in which they see so many clients trapped. Many participants reported that clients regularly end up in the criminal justice system when problems stemming from poverty and low-income circumstances precipitate some sort of crisis, such as being evicted, and then, because there is no one to whom they can turn for help, they end up committing a criminal offense. They see attorneys advocating for the best deal for their clients, which often means probation, but the probationary sentence often ends in revocation and the clients find themselves in more serious trouble because the problems that brought the clients into the system in the first place have not been addressed. According to participants, our clients see their defense attorney as just one more part of an uncaring system that does not help them. Participants were concerned about how often clients are incarcerated for days or weeks before they see their attorney and how often clients never see their attorney in advance of court. They described how it was not unusual to see clients spend more time in jail waiting to see their attorneys than they would have if they had been convicted immediately.

Private Appointed Attorneys

Private defense attorneys were concerned with how to build more professional respect among clients for indigent defense attorneys and lessen the myth that retained attorneys provide better services. In addition, they saw the need for increased funding for indigent defense services. They felt the hourly rates paid to attorneys in indigent cases were already low and had not been raised in over 5 years. They also wanted to see their fees paid more quickly. Private attorneys were also concerned with how they could successfully meet the legal needs of their clients and cope with issues raised by clients' non-legal problems, yet remain within the low price tag expected by the state.

Private Investigators

Private investigators came to the round table with experience watching defense attorneys at work and seeing what happened to clients. They were especially concerned with what private investigators and attorneys needed, in terms of equipment, training, and support, to do a better job for clients. IDS was able to follow up on a number of the issues they raised, including purchasing additional equipment for a number of defender offices and getting a recurring line item in our budget for equipment replacement.



Prosecutors

Like judges, prosecutors are in court and see good and bad indigent defense representation every day. As a group, prosecutors tended to focus on suggestions for ways in which indigent defense could improve court efficiency, especially regarding scheduling conflicts and delays, which they find frustrating and wasteful. Prosecutors also were very concerned about the cost of indigent defense services and were interested in ways indigent defense could handle cases more efficiently and economically.

Public Defenders

Public Defenders focused on describing the barriers and obstacles that prevented them from doing all they wanted for their clients, such as high caseloads and not enough support staff. They were also concerned with system inefficiencies, such as the amount of time they spend waiting in court and how time-consuming jail procedures make it difficult to visit their clients. They were very aware of the revolving door nature of defense work and were interested in how indigent defense could ameliorate the problem of client recidivism.

Round Table Discussion Findings

The tables that begin on the next page are a compilation of all of the issues and concerns raised by participants. The checkmark(s) in individual group columns indicates which group or groups raised each concern. We have taken the liberty of organizing participant comments by topic area. While this approach resulted in some duplication, we felt it was important to honor the intent of the participants who made the comments. There were common themes or concerns raised in all of the round tables, and these are summarized below, however, IDS suggests the reader review the actual comments presented in the tables to get the full richness and breadth of the round table discussions.

Common Themes from Round Table Discussions

One of the most interesting aspects of the round tables was the emergence of common themes that were shared among the participants, despite the many differences between the groups. Judges, defense attorneys, prosecutors, law enforcement, corrections, and former clients often shared the following same concerns about the criminal justice system and the current state of indigent defense.

Not Enough Focus on the Whole Client

Participants felt both the indigent defense system and the legal system as a whole does not focus enough on the client as a whole. Participants felt defense attorneys spend too much effort getting the “best deal,” or the least amount of jail time or other supervision for the client, without fully considering or explaining all the long-term consequences the result will have. They felt defense attorneys and the legal system do not put enough effort into addressing the underlying issues that cause clients to enter the legal system, and that leaving these issues unaddressed results in clients re-offending. They felt defense attorneys do not have enough knowledge about the available community resources, programs, and alternative sentencing options that could make a difference to both the outcome of the case, the client’s future, and the community’s long-term safety. Similarly, participants felt indigent defense often does not address clients’ civil legal problems, which can engender future criminal consequences.

Systems Evaluation Project: Round Table Discussions

Issue or Comment	Private Investigators	Judges	Prosecutors	Public Defenders	Law Enforcement Corrections, Et. Al.	App'd Defense Community	Attorneys	Community Organizations	Clients
What does the indigent defense system do well?									
Provides defense counsel as required by law	X								X
Provides defense counsel at a very reasonable cost	X								
In general, provides competent to excellent counsel to clients	X			X					
Provides defense counsel early on in capital cases	X								
Provides quality counsel in high level cases					X				
Appointment process is done well for all delivery systems, whether state defender offices or private appointed counsel (PAC)	X								
Having the Office of Indigent Defense Services and Public Defender Offices provides clients, attorneys, and other system actors with someone they can contact to work on system issues	X								
Having the Office of Indigent Defense Services has made a system that is more uniform	X		X						
Having the Office of Indigent Defense Services has improved the quality of counsel handling more serious cases, e.g., capital, appeals, etc.							X		
Having the Office of Indigent Defense Services has given attorneys better access to the criminal justice system	X								
Having the Office of Indigent Defense Services has enhanced networking and communication among attorneys, private investigators, etc.	X								
Having the Office of Indigent Defense Services has led to better attorneys are doing a better job	X		X						X
Having the Office of Indigent Defense Services has given attorneys a better view of system needs than they had before	X								
Having the Office of Indigent Defense Services has given clients a place to appeal to when they are having a problem with their appointed attorney	X								
Having the Office of Indigent Defense Services has encouraged more appeals on behalf of client	X								
Having the Office of Indigent Defense Services website is a positive improvement	X								X
The Office of Indigent Defense Services has been a pretty good advocate for indigent defense									X
IDS has done well at getting indigent defense services more attention by the media and the community	X								
IDS has made access to experts excellent									X
IDS has the ability to look at the system in the aggregate and identify related needs of clients, e.g. mental health, homelessness etc.				X					
IDS has worked well with the Legislature to increase funding for indigent defense services									X
IDS asks for community input rather than assuming they know									X
Since IDS attorneys are getting paid more timely									X
The IDS listservs are a good tool for sharing questions									X
Expanding the number of PD offices helps make the system better			X	X					
Public Defender Offices in general provide better quality and more efficient services	X	X	X	X					X
Public Defender Offices provide resources and knowledge to private appointed attorneys				X					
Public Defender Offices provide a collective library of expertise, skills, support that all attorneys draw on				X					
Public Defender Offices are more efficient than appointed and close cases more quickly, have more accountability, provide checks and balances on attorneys, and have better client communication				X					X
Public Defenders provide better service to juveniles									
Clients of PD Offices have a better understanding of what they are pleading to									X
Indigent defense attorneys tend to move cases more quickly through the system than retained attorneys, who unnecessarily delay with unnecessary continuances									X

Systems Evaluation Project: Round Table Discussions

Issue or Comment	Private Investigators	Judges	Prosecutors	Public Defenders	Law Enforcement Corrections, Et. Al.	Appr'd Defense Attorneys	Community Organizations					
What does the indigent defense system not do well or needs to do more of?												
Needed System Improvements												
Ensure competent counsel in areas without a Public Defender Office		X										
Ensure there is a support network for attorneys in areas that do not have a Public Defender Office		X										
Increase the professionalism of field												
IDS needs to provide a centralized list of available experts, programs, and mental health facilities						X						
Setup a statewide resource that would provide social work resources and focus on rehabilitation (like they have in Washington, DC)						X						
Need to systematize pre-trial release						X						
Convey to clients that they are responsible for paying for their attorney						X						
Clients feel that the greater legal system does not work - need to change						X						
Stop police from telling witnesses, etc. not to talk to the defense												
Provide proper equipment and make sure it will do the job it is intended to do, such as digital cameras, voice recorders, tape players, etc.		X										
Work on having better relationships with prosecutors		X										
Should institute an application process: interviews, qualifications												
IDS should advocate for more funding and resources to have better trained staff and more comprehensive services												
Clients should not be forced to wear prison clothing to court												
Give clients a chance to evaluate their attorney. e.g., polls or questionnaires												
Ensure counsel is not denied to clients through waivers, poor indigency screening, etc., especially in District Court where they are more vulnerable to this happening		X										
Provide judges and magistrates with adequate transcript of advisement to right to counsel		X										
Ensure access to expert witnesses is available when needed		X										
Encourage specialization for criminal trial lawyers to make sure there are enough attorneys available to handle all case types, like juvenile, etc.		X										
Need to do a better job of dissuading clients from making frivolous appeals		X										
Attorneys need to have telephone access to clients in jail												
The process involved in visiting clients in jail takes too much time												
Need to educate DAs and judges to the importance and value of alternative sentencing												
Need to have a social worker on staff												
Change the way the courts give preference to retained attorneys, always take them first, they appear to be able to judge shop												
More PR--do some pieces in the media on the service we do for the community												
Management												
Ensure defense counsel disposes of cases efficiently												
Ensure clients are not sitting in jail because their attorney is not working on their case efficiently and/or not resolving their case in a timely manner		X										
Ensuring that, when appropriate, there are appeals in juvenile and TPR (termination of parental rights) cases		X										
Need better guidelines to help attorneys do their work		X										
Make attorneys go to trial on simple cases to gain experience before allowing them to try complex cases		X										
Attorneys should specialize in certain types of cases and stick to those cases to help the system												
Attorneys should contact the DAs office once they are appointed to the case												
Prevent appointed attorneys from using the \$65/hour rate as an excuse for bad performance		X										
Attorney conflicts in cases need to be discovered earlier		X										
How to balance being efficient vs. talking to clients												
Public Defender Offices need to be better managed												
Public Defender Offices should accept calls from clients who are in jail												
There should be caseload maximums to prevent poor quality and/or scheduling conflicts												
Need to receive the paperwork on cases more quickly, so attorneys can start working on the case earlier												
Clients facing more than one charge needs to have one attorney handling all of them or better communications between the attorneys												
Provide access to the tools to make people work more efficiently, such as a case management system, access to databases to help locate people, case law updates, access to DMV database												
Start working on cases earlier												
Provide more guidance on how to fill out fee application forms so they are filled out correctly												

Systems Evaluation Project: Round Table Discussions

Issue or Comment	Private Investigators	Judges	Prosecutors	Public Defenders	Law Enforcement Corrections, Et. Al.	Appr'd Defense Attorneys	Community Organizations	Clients
Accountability				X				
Create accountability where attorney has prove that they have seen their client								
Need to eliminate uneven quality. Good attorneys are consistently good, bad are consistently bad, and bad are treated the same as good	X					X		
Reward good attorneys and penalize bad attorneys	X					X		X
Ensure attorneys, whether appointed or public defender, but especially private, meet minimum requirements for adequate staff, having an office, etc.	X			X				
Develop protocols and criteria that have to be met before being put on the list and annual requirements in order to stay	X							
Set minimum standards to be met before attorneys can handle types of cases, e.g. felonies, juvenile, civil, etc.	X							
Ensure that IDS Performance Standards are met	X					X		
Have a mechanism in place to help clients who are not satisfied with their attorney								X
Clients should have some say in the selection of their attorney								X
More stringent CLE requirements for attorneys if they want to remain on the indigent lists	X							
Client Protection								
Provides competent counsel most of the time but not all of the time		X						
Not doing a good job of protecting clients from incompetent counsel		X						
Some attorneys do not care enough, but are more interested in helping themselves. For example, they string out their cases		X						X
Clients should never have incompetent counsel		X						
Limit the cost clients have to pay when attorneys continue cases just to put in more time and hike up their fees		X						
When judge asks whether client was satisfied with attorney, afraid to speak out in case deal was taken back and if do speak out against nothing happens		X						X
Limit the cost clients have to pay when attorneys continue cases just to put in more time and hike up their fees	X							
IDS needs to make attorneys more accountable		X						
Clients with mental health problems languish in mental hospitals because they cannot find representation		X						
Clients should have someone to represent them on the IDS Commission		X						x
Components of Good Lawyering								
Clients are not seeing their attorney promptly enough because of courts, clerks, and correction						X		
Attorneys need to know more about their clients. Provide them with a questionnaire or checklist of questions to ask	X	X		X	X			X
Train attorneys to look at the client as a whole person				X				
Attorneys need to talk to their clients BEFORE they appear in court		X						X
Ensure attorneys communicate adequately with their clients. For example, not unique to hear about clients in jail for a year or more with only 2 or 3 visits from their		X		X	X			X
Communicate with clients on a level that they can understand						X		X
Clients should be treated professionally with respect								X
Attorneys should meet with client more often				X				
Ensure attorneys meet with clients when they are in jail (they need to visit)		X		X				X
Treat clients with respect, e.g. do not talk down to them						X		X
Clients want more face time with their attorney								X
Follow up with clients and keep them updated on case	X							
Attorneys need to explain court procedures and processes adequately		X				X		X
Attorneys need to also communicate with client's family members, especially if client is in jail		X				X		X
There should be more pressure to be efficient and to do more in each case								X
Attorneys should do investigation before rushing to plea	X			X				
Defense counsel should be going to trial more often rather than always pleading		X						X
Delays hurt clients. Keep attorneys honest about continuances and court scheduling conflicts		X						X
Attorneys need to be adequately prepared, when not prepared at first appearance client remains in jail		X		X				X
Convey to clients that they are responsible for paying for their attorney								X
Have attorney work with probation, it makes a difference to getting alternative sentencing, getting in programs								X
Educate clients about their rights				X				X
More education that their state appointed attorney is not free		X						X
Indigent clients should be treated as well as clients who retain attorneys				X				X
Make sure the client understands what his/her options are								X

Systems Evaluation Project: Round Table Discussions

Issue or Comment	Private Investigators	Judges	Prosecutors	Public Defenders	Law Enforcement Corrections, Et. Al.	App'd Defense Attorneys	Community Organizations	Clients
Components of Good Lawyering Continued								
Attorneys need to inform clients and do more education about the consequences of the plea bargains					X			X
Clients need to be able to trust their attorney; that they understand the case and work for their interests, not the systems, or just processing cases								X
Clients in jail need their attorneys to be advocating for them								X
Inform clients about available community resources (pre-trial, alternative sentencing, after release)			X					X
The longer the delay before they see their attorney the greater the distrust, fear, antagonism is built that attorneys will have to overcome								X
Make sure client has access to pertinent things like mental health evaluations								X
Make it clear to client from the beginning that they are responsible for keeping up with their case (attorney is not Mom)				X				X
Ensure plea bargain agreements are kept, or at least warn them they might not be, rather than the shock of getting much more time than was agreed								X
Getting out on bond is very important, attorneys should work on that					X			
Understand that dealing with poor people and poverty is a handicap								
It is horrible to see your attorney sitting with the DA or judges, don't know if I can trust attorney								X
Use Legal Aid as a model for how to treat clients and gain their trust								X
Taking a Longer Viewpoint: Address Underlying Needs of Client								
Attorneys need to know what services are available to clients. Need an easy way for attorneys to know about community resources and alternative sentencing options, use them, and let clients know about them				X				X
Need to ensure the system addresses the underlying needs, such as mental health or substance abuse, of clients			X					X
Indigent defense services need to have a more holistic approach: understand client and underlying issues and work to resolve them								X
Too much effort on getting "best deal" when this isn't best for client, attorney needs better understanding of system resources					X			
Not enough attention paid to adults and getting them out of the system entirely					X			
Not giving new defendants information on programs that could help with issues bringing them into court					X			
Civil legal problems often lead to criminal problems								
Assist clients after jail release, e.g. connect them to resources in community (jobs, education, health care, transportation)					X			X
Inform clients about available community resources (pre-trial, alternative sentencing, after release)				X				X
More follow up after conviction: answer letters, accept calls				X				
Partner with other agencies when addressing the needs of clients								X
Payment of Attorneys								
Pay people faster								
Pay attorneys more timely, delays make it very difficult to maintain office and discourages new attorneys from handling indigent cases	X							
Clerks need to get fee applications in much more timely								X
Eliminate fee applications. Ask for attorney fees at sentencing and enter this amount in the system, so there is not deviation on the fee application from the amount stated in court		X						
Work to raise fees for indigent defense attorneys and other system actors		X						
Pay better attorneys more, especially since they work more efficiently		X						
Develop a more comprehensive fee application that would make the judge's review less subjective and increase respect								X
Replace hourly rate with a fee schedule								X
Using fee schedules would move cases faster, because there would be no incentive for delay, although the challenge would be to ensure attorneys continue doing quality work		X						
Set different attorney hourly rates for different types of cases. \$65 is too low for some types of cases and too high for others.		X						
Set different attorney hourly rates based on the attorneys experience		X						
Provide more guidance on how to fill out fee application forms so they are filled out correctly								X
Put a shorter time limit on the submission of fee applications. Suggested 2 weeks to allow judges to review without too much time passing.		X						
Implement electronic fee application system		X						
To help judges assess fee applications, require timesheets for all, with standard elements like, number of times visited client in jail, etc.		X						
Judges do not know about the existence of any interim fees		X						X
Judges are in a difficult position when they have to review fees and they are elected		X						
Figure out way to eliminate the need to judges to sign every fee applications		X						
Improve the fee application form by making it clearer and easier to fill out		X						

Systems Evaluation Project: Round Table Discussions

Issue or Comment	Private Investigators	Judges	Prosecutors	Public Defenders	Law Enforcement Corrections, Et. Al.	Appr'd Defense Attorneys	Community Organizations	Clients
Cost of Indigent Defense Services								
Control costs		X						
Monitor the way attorneys set their fees		X						
Ensure that the public and defendants get what they pay for		X						
Ensure that fees attorneys claim in open court in front of their clients are the fees they claim when they submit their fee application		X						
Better oversight and scrutiny of attorney fees on an aggregate basis, e.g., yearly earnings. Looking at an individual case will not reveal over billing or double billing,		X						
Better documentation of fees		X						X
Reduce waiting in court time								X
Control costs by putting a cap or limit to the fees for a case		X						
Prevent excessive billing, even on time sheets		X						
Not fair to honest attorneys when some attorneys over bill		X						
Experiment with alternate methods for delivering and paying for indigent defense services, such as using contracts		X						X
Indigent defense wastes money, especially in capital cases, when they appoint out-of-county attorneys to cases		X						
Determine when expert witnesses, private investigators, and mitigation specialist funds are truly needed		X						
More scrutiny on allowing for expert witnesses, etc. and how much they get paid. Expert Witnessing has become a cottage industry.		X						
Recruitment								
Provide guidelines on indigency screening		X						
Reward clerks for increased recruitment		X						
Work to ensure that clients who are convicted and in jail repay their attorney fees		X						
Public Defenders under-report their hours, which cheats the system. Ensure they report their hours accurately.		X						
Court Scheduling								
Work to change who controls the calendar. It should not be solely in the hands of the DA		X						
Prevent cases from being unnecessarily continued because of attorney scheduling conflicts		X						
Ensure there is adequate distribution of cases among attorneys. When cases get "stacked" to a single attorney, it results in significant court delays		X						
Improve trial scheduling by improving pre-trial communication between DA and Defense to shorten delay before setting case to trial		X						
Attorneys on multiple lists slows down the court because of their scheduling conflicts		X						
New Attorney Recruitment								
See that able lawyers are on capital roster		X						
Ensure there are an adequate number of attorneys available to take indigent cases		X						
Need to attract better attorneys: make indigent work more attractive and rewarding and less aggravating								X
Work to make indigent defense an equal participant in the criminal justice system treated with as much respect as everyone else								X
Build credibility in client community that appointed attorneys are as qualified and competent as retained								X
Rural areas need attorneys who will take indigent cases		X						
Public Defender Offices make for a more efficient system, but in the long-run they are killing the future pool of competent attorneys		X						
Indigency Screening								
Screen for indigency before appointing attorney		X						X
Mechanism in place that would review when there has been a change in financial status		X						
Make sure social security number is provided by client		X						

Systems Evaluation Project: Round Table Discussions

Issue or Comment	Private Investigators	Judges	Prosecutors	Public Defenders	Law Enforcement Corrections, Et. Al.	Appr'd Defense Attorneys Community Organizations	Clients
Training							
Provide more training	X	X		X			
Provide online training	X						
Provide more training for new attorneys							
Help lawyers develop better case management skills. Attorneys in small markets have poor case management skills.		X					X
Provide management training to attorneys.							
Train attorneys on how to use support staff		X					
Prevent indigent defense attorneys from acting out of a "bunker" mentality		X					
Mentor young attorneys, for example compensate young attorneys for observing experienced attorneys in court		X					
Encourage attorneys to get training		X					
Keep judges informed about changing fee application forms, the appointment of out-of-county attorneys, etc.		X					
Provide training on how to behave professionally: punctuality, resolve court conflicts, flexibility, appearing in court when they are supposed to, case management		X					
New generations of attorney come into system with a different mindset: less respect for the law, less communication with their clients, less respect for the system		X					
Institute a one-year apprenticeship before attorney can go to court (like medical internship) or have mentor act as first chair		X					
Provide more local CLEs by getting IDS, judges, and DAs involved in training young attorneys		X					
Give a discount to private appointed attorneys for CLEs							X
Provide orientation for new attorneys		X		X			
Provide an orientation about IDS for new people	X						
Provide computer training	X						
Provide "Professionalism" training: how to resolve court conflicts, punctuality, coming to court, case management training, flexibility		X					
Evaluation							
Conduct on-site visits to observe attorney performance		X					
Need to learn more about your clients, perhaps develop a questionnaire		X					
Need more ways to evaluate indigent defense work		X					
Need a way to evaluate how well attorneys meet performance standards		X					X
Public Defender Offices need a "data" person within their offices		X					X
Track how often and how long clients see their attorneys			X				X
Track how often cases go to trial		X					X
Report the number of appearances in court on the fee applications							
Measure how many days attorneys are in court vs. in the office or out in the field	X						X
Track case outcomes	X						
Should have a statistical profile of clients: what kinds of jobs, earnings, health benefits, life skills (bank acct, literacy, language skills, etc.)							X
Provide reports on recoupment to help system actors know what is going on and what they need to do more of		X					
Attorney Appointment Process							
Too often attorneys outside of the rural area where case is being tried are appointed. Local counsel will have better knowledge of family, jurors, judges in that area		X					
Appoint too many out-of-county attorneys to capital cases		X					
Perception of cronyism with capital appointments		X					
It is a conflict of interest to have Public Defender Offices appoint attorneys to conflict cases		X					
Superior Court judge should appoint the attorney in capital cases		X					
Indigent defense wastes money, especially in capital cases, when they appoint out-of-county attorneys to cases		X					

Systems Evaluation Project: Round Table Discussions

Issue or Comment	Private Investigators	Judges	Prosecutors	Public Defenders	Law Enforcement Corrections, Et. Al.	App'd Defense Attorneys	Community Organizations	Clients
Miscellaneous								
It is not the function of indigent defense services to prevent the societal consequences of being prosecuted, such as losing one's job or custody of children		X						
Address the problem that in the Academy there appear to be two camps: 1) those supportive of indigent defense and 2) not-supportive who feel we work against						X		
Make a greater effort in informing the public about ex-offenders who become successful citizens							X	
A strong indigent defense system educates the community about who they are and what they do								X
Clients tend to think all indigent defense attorneys are public defenders and that they are not as good as retained attorneys					X			
What can the indigent defense system do to improve the criminal justice system?								
Provide guidelines about what are appropriate expert witness fees		X						
Provide reports on recoupment to help system actors know what is going on and what they need to do more of		X						
Work to resolve the problems surrounding the issue of interpreters		X						
Provide interpreters when needed		X						
Work to make DAs treat clients professionally and with respect		X						X
General Assembly needs to decide whether traffic offenses need to be criminalized		X						
IDS needs to be an even better and more vocal advocate for indigent defense		X						X
Work on reducing recidivism		X						
Be more of a spokesperson to the other actors in the criminal justice system to resolve system problems, like excessive waiting in court		X						
County should routinely post bonds under a certain amount, e.g. \$150, because this is significantly cheaper than jail		X						
Do a better job of securing pre-trial release to reduce system costs and ensure continued child support, etc.		X			X			
Raise the competency level of indigent defense attorneys and it will also raise the competency of DAs and ADAs and strengthen the system		X						
The sheer volume of cases is dictating the process and eroding the effectiveness of the system		X						
Help improve communications between all the system actors: judges, DAs, attorneys, clerks, etc.		X						
Poverty is often the biggest obstacle facing clients and indigent defense does not do a good job at getting them help to address this		X						X
Improve pre-trial services that deal with mental health problems, etc. to reduce system costs, improve client outcomes, and reduce recidivism		X	X					
Have more court liaison positions that work with attorneys and jails				X				
Work to improve the criminal justice system		X	X					
Encourage more contact between attorneys and probation officers				X				
Get DAs to give priority to cases where defendant is incarcerated				X				
Get prisons to permit attorneys to give business cards to their client and to accept calls				X				X
Expedite probation violation hearings				X				
Work to make sure there are enough drug treat and family court programs				X				
Ensure system performs legal obligations and constitutional obligations as well as possible				X				
Work to make the criminal justice system a system that results in positive resolutions				X				X
How does having a good indigent defense system benefit society?								
Promotes justice		X	X					
Fosters and promotes respect of the law		X	X					X
Creates respect for system when treated fairly and clients issues are addressed			X					X
Reduces the public's mistrust of the criminal justice system		X	X					X
Can help to dispel the myth that people have to be rich to get a competent defense		X	X					X
Having a healthy indigent defense system leads to improvements in the criminal justice system overall		X	X					
Help build community relations: between community and police and criminal justice system		X	X					
The public would respect the criminal justice system more if indigent defense system was more efficient		X	X					X
Keeps the power of government in check		X	X					
Helps to ensure the state imposes the proper punishment		X	X					
Clears innocent people of suspected wrong-doing		X	X					
Gives a voice to those who wouldn't be heard		X	X					
Identifies those who should go to prison		X	X					
Can reduce the cost of the criminal justice system to society if we work efficiently and move cases through the system in a timely manner		X	X					
Indigent defense system can work with the other criminal justice system actors to make the whole system more effective		X	X					

Systems Evaluation Project: Round Table Discussions

Issue or Comment	Private Investigators	Judges	Prosecutors	Public Defenders	Law Enforcement Corrections, Et. Al.	Appr'd Defense Attorneys	Community Organizations	Clients
How does having a good indigent defense system benefit society? Continued							X	
A successful indigent defense system gives ex-offenders a better chance to re-enter community as productive citizens							X	
Could provide a center point where clients can get hooked up to community resources							X	
A strong system would help clients get the life skills they need to become productive citizens							X	
A good defense system will reduce the number of people entering the criminal justice system and reduce recidivism				X			X	
Helps reduce recidivism								X
Saves tax dollars				X				X
How society treats the lowest and weakest reflects society				X				

System Places Too Many Demands on Defense Attorneys and Other System Actors

Many participants felt the indigent defense system creates attorneys who are over-worked and over-stressed, with clients bearing the brunt of that situation. In addition, when attorneys have caseloads that are too high, attorneys spend most of their time in court and have little time to do investigation and research. Moreover, participants found the criminal justice system as a whole to be overburdened and struggling under severe caseloads. When important decisions are made mainly to keep the system from breaking under a high volume of cases that continues to grow, the quality of the system and the justice it delivers suffers. Participants felt it was important for IDS to work with other court system actors to solve court inefficiencies and remove the bureaucratic barriers and scheduling conflicts that consume attorney and court time and waste taxpayer money.

Lack of Accountability and Uneven Quality

Participants felt indigent defense attorneys lack accountability, especially in areas without a Public Defender Office, and as a result the system suffers from uneven quality. Participants repeatedly commented that defense attorneys are treated the same whether they do a good job or a terrible job. They are paid the same and are appointed to cases at the same rate regardless of their performance. This absence of accountability means there is no mechanism in place to screen out incompetent attorneys. Consequently, poor defense attorneys keep getting assigned cases, clients continue to suffer from inadequate representation, and court system inefficiencies remain unresolved. Participants felt there should be a way to reward good attorneys for their work, which would have the added benefit of attracting better attorneys to do indigent defense work. The uneven quality in lawyering was apparent when listening to many former clients describe their experiences with their attorneys.

Poor Communication with Clients

Participants felt many indigent defense attorneys do not communicate effectively or often enough with their clients. They felt clients did not get enough opportunity to talk with their attorney and, when they did, clients often did not understand what the attorney was saying. Attorneys need to understand their clients better and learn how to talk to them. Participants felt clients are often rushed through the court system, do not understand court procedures or the full consequences of their potential plea bargain, and do not have the legal issues in their case clearly explained to them. Participants felt attorneys do not communicate enough with the families of clients about developments in the case, even when the client is in jail and cannot do so himself. They also felt it is difficult for indigent clients in jail to contact their attorneys, since many attorneys and offices do not accept collect calls. Participants felt attorneys found it difficult to communicate with their clients. High caseloads and time pressures make attorney time scarce and the system often makes visiting clients in jail difficult and time consuming. Moreover, many jails will not allow inmates to receive calls from their attorney. Finally, some participants felt clients are not properly advised on the waiver of counsel and are often rushed through this process for the convenience of the court.

Too Many Delays in Processing Cases

Participants felt there are too many delays in moving cases through the court system and that this hurts clients, defense attorneys, and the criminal justice system as a whole. Delays caused by scheduling conflicts, unprepared defense attorneys and prosecutors, attorney conflicts discovered late in a case, and delayed discovery all waste attorney and court time and cause clients to suffer unnecessarily.



Clients Do Not Have Faith in the Legal System

Participants felt many clients believe the legal system as a whole is not interested in justice or solving the problems (such as substance abuse, mental illness, and poverty) that initially cause clients to become involved with the courts. They also felt clients do not believe indigent defense attorneys provide services equal to retained attorneys and that they would be better off if they could afford to hire their attorney. Participants felt this cynicism toward the legal system was a negative influence on clients and contributed to higher rates of recidivism.

More Training for Employees

Participants felt there should be more training available and required for private attorneys, as well as public defenders and support staff, including more CLE requirements and better orientations for people who are new to indigent work. Participants wanted to see training on a variety of aspects beyond strict legal training, including acting professionally, case management, management in general, and time management.

More Emphasis on Assisting Clients and Preventing Re-offending

Participants felt there should be more attention to client re-entry and assisting clients after they are released from jail, such as connecting them to resources in the community that could assist them with issues like employment, substance abuse, mental illness, health care, and education. Participants suggested the indigent defense system could partner with other agencies to accomplish this. They felt the indigent defense system is in a strategic position to connect clients to the help they need and would ultimately benefit from doing so by reductions in recidivism and future caseloads that would translate into system cost savings.

Survey Results

IDS took advantage of the round table events to conduct a number of surveys, including two surveys of inmates at minimum security correctional facilities, a survey of indigent defense private investigators and public defender staff investigators, and a survey of private appointed counsel and public defenders.

Client Surveys

IDS conducted client surveys at two minimum security correctional facilities: the North Piedmont Correctional Center for Women in Lexington, NC and the Orange Correctional Center for men in Hillsborough, NC. A copy of the written survey can be found in Appendix C. One-hundred and twenty-two women completed the North Piedmont survey and 22 men completed the Orange survey. (There was some confusion at the Orange Correctional Center and inmates thought they were to complete the survey only if they were *not* going to attend the round table discussion, which significantly reduced the number of survey responses IDS received.)

The survey asked three questions about clients' satisfaction with their representation.

- Did you think the attorney did a good job for you?
- Did your attorney treat you with respect?
- Would you want the same attorney to represent you again?

In general, clients were more satisfied with the representation provided by retained attorneys than court appointed attorneys. 52% of clients with retained attorneys thought their attorney did a good job or mostly did a good job compared to 33% of clients with appointed attorneys.

Do You Think the Attorney Did a Good Job For You?							
Location	Attorney Did Good Job	Appointed	Retained	All	% of Total Appointed	% of Total Retained	% of Total
North Piedmont Women's Correction Center	Yes	21	7	28	20%	44%	23%
	Mostly	16	3	19	15%	19%	16%
	Not Really	24	1	25	23%	6%	20%
	No	36		36	35%	0%	30%
	Not Sure	6	2	8	6%	13%	7%
	Unknown*	1	3	6	1%	19%	5%
	Total	104	16	122	100%	100%	100%
Orange Correctional	Yes	1	1	2	7%	14%	9%
	Mostly	2	1	3	13%	14%	14%
	Not Really	1	1	2	7%	14%	9%
	No	8	4	12	53%	57%	55%
	Not Sure	3		3	20%	0%	14%
	Unknown*						
	Total	15	7	22	100%	100%	100%
All	Yes	22	8	30	18%	35%	21%
	Mostly	18	4	22	15%	17%	15%
	Not Really	25	2	27	21%	9%	19%
	No	44	4	48	37%	17%	33%
	Not Sure	9	2	11	8%	9%	8%
	Unknown*	1	3	6	1%	13%	4%
	Total	119	23	144	100%	100%	100%

*Two survey responses did not identify attorney type and 4 others skipped question.

Sixty-nine percent of clients felt their retained attorney treated them with respect either most or all of the time, compared to 51% of clients with appointed attorneys. Moreover, 24% of the clients with appointed attorneys reported they did not see enough of their attorney to answer if they were treated respectfully, compared to 4% of the clients with retained attorneys.

Did Your Attorney Treat You with Respect?							
		Appointed	Retained	All	% of Total Appointed	% of Total Retained	% of Total
North Piedmont Women's Correction Center	Always	28	12	40	27%	75%	33%
	Mostly	27	1	28	26%	6%	23%
	Never	6	0	6	6%	0%	5%
	Never Saw Enough to Say	22	0	22	21%	0%	18%
	Rarely	7	1	8	7%	6%	7%
	Unknown*	2	2	6	2%	13%	5%
	Sometimes	12	0	12	12%	0%	10%
	Total	104	16	122	100%	100%	100%
Orange Correctional	Always	4	3	7	27%	43%	32%
	Mostly	2	0	2	13%	0%	9%
	Never	1	0	1	7%	0%	5%
	Never Saw Enough to Say	6	1	7	40%	14%	32%
	Rarely	0	1	1	0%	14%	5%
	Sometimes	2	2	4	13%	29%	18%
	Total	15	7	22	100%	100%	100%
All	Always	32	15	47	27%	65%	33%
	Mostly	29	1	30	24%	4%	21%
	Never	7	0	7	6%	0%	5%
	Never Saw Enough to Say	28	1	29	24%	4%	20%
	Rarely	7	2	9	6%	9%	6%
	Sometimes	14	2	16	12%	9%	11%
	Unknown*	2	2	6	2%	9%	4%
	Total	119	23	144	100%	100%	100%

*Two survey responses did not identify attorney type and 4 other skipped question.



Finally, 48% of clients would want or maybe would want their retained attorney to represent them again compared to 27% of clients with appointed attorneys.

Would You Want the Same Attorney to Represent You Again?							
		Appointed	Retained	All	% of Total Appointed	% of Total Retained	% of Total
North Piedmont Women's Correction Center	Yes	18	7	25	17%	44%	20%
	Maybe	12	2	14	12%	13%	11%
	No	69	5	74	66%	31%	61%
	Not Sure	5	1	6	5%	6%	5%
	Unknown*	0	1	3	0%	6%	2%
	Total	104	16	122	100%	100%	100%
Orange Correctional	Yes	1	1	2	7%	14%	9%
	Maybe	1	1	2	7%	14%	9%
	No	11	5	16	13%	71%	73%
	Not Sure	2	0	2	100%	0%	9%
	Total	15	7	22	193%	100%	100%
Total	Yes	19	8	27	16%	35%	19%
	Maybe	13	3	16	11%	13%	11%
	No	80	10	90	67%	43%	63%
	Not Sure	7	1	8	6%	4%	6%
	Unknown*	0	1	3	0%	4%	2%
	Total	119	23	144	100%	100%	100%

**Two survey responses did not identify attorney type and 4 other skipped question.*

Clients who thought their attorneys did a good job cited that they were respectful, prepared, explained what was going on, listened to them, and/or generated a good outcome in the case. On the other hand, clients who thought their attorneys did a poor job cited that they were unprepared or inexperienced, did not explain the consequences of their plea, promised a different outcome in the case than they received, and/or appeared to be working for the court or prosecution rather than for them.

We also asked clients whether they thought the court had treated them fairly. Over half of the clients (or 54%) felt that the court had not or had not really treated them fairly.

Do You Think You Were Treated Fairly By the Court?		
	Total	% of Total
Yes	31	22%
Mostly	25	17%
Not Really	27	19%
No	51	35%
Not Sure	8	6%
Unknown	2	1%
Total	144	100%

The survey also asked clients a series of questions about key aspects of their legal representation, including:

- Did you understand what you were charged with and what penalties you faced?
- Did you plead guilty or no contest to any of the charges?
- Did your attorney tell you what your options were, such as pleading or going to trial, etc.?
- Besides going to prison, did your attorney tell you about anything else that could happen to you because of your plea, like not qualifying for public housing or not being able to vote?
- Did your attorney help you with other issues in your life besides your case, like employment, housing, drug/mental health problem, etc.?

Once again, survey results showed clients with retained attorneys often reported better outcomes. Seventy-three percent of clients with retained attorneys understood what they were charged with and what penalties they faced, compared with 68% of clients with appointed attorneys. Eighty-three percent of clients reported that retained attorneys explained their options, compared to 58% of clients with appointed attorneys.

Did your attorney tell you what your options were, such as pleading or going to trial, etc.?							
		Appointed	Retained	All	% of Total Appointed	% of Total Retained	% of Total
North Piedmont Women's Correction Center	Yes	45	11	56	43%	69%	46%
	Mostly	14	2	16	13%	13%	13%
	Not Really	16	0	16	15%	0%	13%
	No	23	2	25	22%	13%	20%
	Not Sure	3	1	4	3%	6%	3%
	Unknown*	3	0	5	3%	0%	4%
	Total	104	16	122	100%	100%	100%
Orange Correctional	Yes	5	6	11	33%	86%	50%
	Mostly	5	0	5	33%	0%	23%
	Not Really	4	1	5	27%	14%	23%
	No	1	0	1	7%	0%	5%
	Not Sure	0	0	0	0%	0%	0%
		Total	15	7	22	100%	100%
Total	Yes	50	17	67	42%	74%	47%
	Mostly	19	2	21	16%	9%	15%
	Not Really	20	1	21	17%	4%	15%
	No	24	2	26	20%	9%	18%
	Not Sure	3	1	4	3%	4%	3%
	Unknown*	3	0	5	3%	0%	3%
	Total	119	23	144	100%	100%	100%

**Two survey responses did not identify attorney type and 3 other skipped question.*

In addition, 39% of clients with retained attorneys reported their attorney explained the consequences of their plea besides potential jail time, compared to 13% of clients with appointed attorneys.

Besides going to prison, did your attorney tell you about anything else that could happen to you because of your plea, like not qualifying for public housing or not being able to vote?							
		Appointed	Retained	All	% of Total Appointed	% of Total Retained	% of Total
North Piedmont Women's Correction Center	Yes	16	8	24	15%	50%	20%
	No	81	8	89	78%	50%	73%
	Not Sure	3	0	3	3%	0%	2%
	Unknown	4	0	6	4%	0%	5%
		Total	104	16	122	100%	100%
Orange Correctional	Yes	0	1	1	0%	14%	5%
	No	15	6	21	100%	86%	95%
		Total	15	7	22	100%	100%
Total	Yes	16	9	25	13%	39%	17%
	No	96	14	110	81%	61%	76%
	Not Sure	3	0	3	3%	0%	2%
	Unknown	4	0	6	3%	0%	4%
		Total	119	23	144	100%	100%

**Two survey responses did not identify attorney type and 4 other skipped question.*



Clients also reported that retained attorneys helped them with other issues, such as counseling, drug and alcohol abuse, and work release programs. In addition, retained attorneys expressed a willingness to continue contact and support after the case was disposed more often than appointed attorneys. Only 16% percent of clients with appointed attorneys reported receiving additional help from their attorney, compared to 48% of clients with retained attorneys.

Did your attorney help you with other issues in your life besides your case, like employment, housing, drug/mental health problem, etc.?							
		Appointed	Retained	All	% of Total Appointed	% of Total Retained	% of Total
North Piedmont Women's Correction Center	Yes	6	4	10	6%	25%	8%
	A Little	6	2	8	6%	13%	7%
	They tried to	2	0	2	2%	0%	2%
	I did not want help	1	2	3	1%	13%	2%
	No	86	7	93	83%	44%	76%
	Unknown	3	1	6	3%	6%	5%
	Total	104	16	122	100%	100%	100%
Orange Correctional	Yes	1	1	2	7%	14%	9%
	No	14	5	19	93%	71%	86%
	Unknown	0	1	1	0%	14%	5%
	Total	15	7	22	100%	100%	100%
Total	Yes	7	5	12	6%	22%	8%
	A Little	6	2	8	5%	9%	6%
	They tried to	2	0	2	2%	0%	1%
	I did not want help	1	2	3	1%	9%	2%
	No	100	12	112	84%	52%	78%
	Unknown	3	2	7	3%	9%	5%
	Total	119	23	144	100%	100%	100%
<i>*Two survey responses did not identify attorney type and 5 other skipped question.</i>							

The survey also asked clients a few questions about their overall court experience.

- What kind of help do you wish the attorney could have given you that he/she did not?
- Did anything positive happen in your life because of the court case and your time in court?
- Is there anything else you want to tell us?

Seventy-six percent of clients reported they would have liked additional help from their attorney. The list below describes the type of help clients wished they had gotten.

- Wished their attorney had better explained court proceedings, their options, and the consequences of their pleas (25).
- Wished their attorney had fought harder for them or been able to get them probation or a lighter sentence (48).
- Wished their attorney had gotten them alternative sentencing options, such as drug treatment or work release programs (8).
- Wished their attorney had gotten them credit for time served (4).
- Wished their attorney had helped with their housing and job issues (3).
- Wished they had had more contact with their attorney (2).

Sixty (or 42%) of clients reported that something positive happened in their lives because of the court case, including the following:

- Got off drugs, stopped abusing alcohol, or entered drug/alcohol abuse treatment program (16).
- Feel as if they have turned their lives around (14).
- Have become closer to their families (7).
- Have received support and solace through religion (6).

The survey also asked clients if anything negative, besides their sentence, had happened because of the court case, such as losing their home, job, or custody of their children. Ninety-six (or 67%) of clients reported a negative outcome because of the court case, including:

- Lost custody of children or care of other family member (54).
- Lost home, car, or other personal property (46).
- Lost employment (18).
- Have become disillusioned and cynical about the justice system (6).

The final question on the survey asked clients if there was anything else they wanted to share with us. Eighty-one (or 56%) of clients shared an additional comment. Most comments pertained to issues already covered earlier in the survey, such as the poor representation they received from their attorney or their unfair treatment by the court system. But other clients raised new issues, including:

- They hoped they would receive help upon their release, such as help with housing, employment, or a drug problem.
- A number of clients wanted to thank their attorney for doing such a good job.
- A number of clients thought the justice system needed to be reformed, for example, lesser penalties for drug cases where there is no violent crime involved or less harsh mandatory sentencing.
- A large number of clients thanked IDS for conducting the survey and giving them a chance to talk about their experiences.

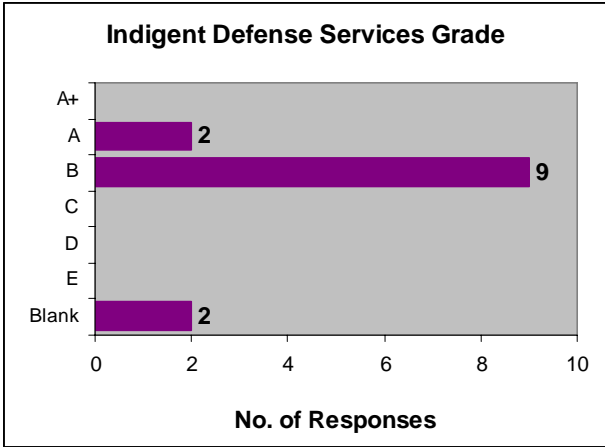
Finally, it is worth noting that IDS had hoped to analyze survey responses by attorney type, including appointed attorney, public defender, or retained counsel, but was unable to do so because of data validity issues. We asked survey respondents to identify whether their court appointed attorney was a public defender or an appointed private lawyer, but it became clear during the round table discussions with clients that many, probably at least half of the clients, did not understand the distinction and assumed that all court appointed attorneys were public defenders.

Indigent Defense Attorney Survey

IDS conducted a survey of North Carolina private appointed counsel and public defenders in May 2006. Unfortunately, survey response was extremely low. IDS received 13 completed surveys from public defenders and no completed surveys from private appointed counsel. A copy of the survey can be found in Appendix C.

The first two survey questions asked attorneys to evaluate how well the indigent defense system was doing.

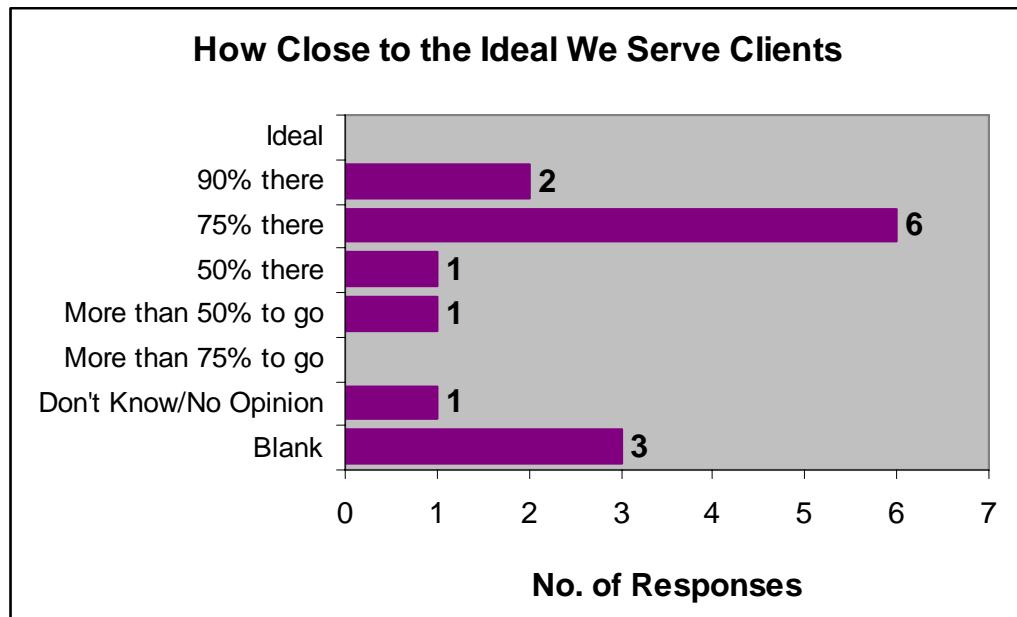
1. *Please grade how well you think indigent defense services are doing.*



Participants also were asked to explain the grade they gave. Their responses show that some participants were grading the Office of Indigent Defense Services (IDS), while others were grading overall indigent defense services. Their comments are included below:

- “If you are talking about this office in particular, the grade would be slightly higher. If I interpret this to be IDS in general, I think they are improving—developing a better rapport with practitioners and trying to provide adequate tools and resources. There is room for IDS to improve, but they are moving in a positive direction.”
- “I gave a 'B' because I think that Indigent Defense Services is doing a very good job. The only reservation I have at this point is the fact that the degree of attention given to non-capital matters needs to increase to the level that is seen in capital matters. Personally, I think there probably needs to be some more oversight and review of the quality of representation in non-capital matters.”
- “IDS presents the concerns of indigent defense attorneys to the legislators and the courts and keeps the attorneys informed of developments which affect them; strives to see that indigents are represented by competent counsel.”
- “Resources and caseloads are getting in the way of really effective and vigorous representation.”

- “My direct experience is limited to the civil commitment arena, but I think the caliber of services is good, but is being slowly eroded by rising caseloads. I also have concerns for the quality of representation provided to mentally ill clients in private hospitals, about which I think we know very little. I frequently hear involuntarily committed indigent clients at the state hospital say that they had no legal representation during their last involuntary commitment to a private hospital.”
2. Overall, how close to the ideal do you think the indigent defense system is in terms of serving our clients?



When asked to explain their response, participants stated the following:

- “The system, as a whole, needs to improve communication among its many parts!”
- “I'd say more like 80 to 85% there, but that was not given as an option.”
- “Still work to be done in ensuring competent counsel.”
- “Again, I think that resources and caseloads are standing in the way of really good representation.”
- “Within the civil commitment field, I see a generally high degree of professionalism and dedication among those who represent mentally ill clients. I see what I perceive to be some procedural disparity between the four state hospitals that concerns me (to the limited degree that I understand it), i.e., contested cases taken to a hearing in the commitment court where the treating psychiatrists are permitted to 'testify' via sworn affidavit without live cross-examination. I think this raises a significant risk that a client will not receive the benefit of a full hearing of all relevant information.”



The remaining survey questions asked attorneys to identify how we could improve the indigent defense system. Survey questions and participant responses were included below:

3. *What would you do differently if you had more time to work on cases?*

- “More personal contact with client, greater ability to talk with others involved in case.”
- “I spend all of the time I need to on my cases—anything less would be unacceptable. However, with unlimited time, I would look for training in specialized areas, such as research on the computer; forensic training; psychological training, etc.”
- “Spend more time with clients. Write them more letters—tell them what is going on. More investigation on my own into each case. The problem is that to do the work justice, you must work 55 plus hours a week and it’s hard when many of us hold down second jobs to pay the bills.”
- “I would try to do more hands-on investigation rather than relying so much on my investigator. I'd probably also want to try to do more in terms of thinking of creative ways to try to dispose of cases before trial.”
- “Be better prepared.”
- “More legal research.”
- “More vigorous motions practice and spend more time with clients before dispositions.”
- “Talk to more potential witnesses; utilize the commitment court to address violations of patient's rights. In fact, I believe that if we started to do this at the four state hospitals, our caseloads and courtroom resource requirements would increase, but the quality of care and protection of patient's rights by hospital administration and staff would dramatically improve.”

4. *What changes in the indigent defense system would better serve our clients?*

- “Each jurisdiction has its own unique problems. I believe better communication works here. We need to find more alternatives to incarceration, whether it be pretrial or post-conviction.”
- “Less paperwork, [although] in all honesty, we have less than many other legal sectors. Better scheduling; we are at the DAs mercy and waste a lot of time sitting in Court. More attorney visitation rooms at the jails. Fewer cases and thus more time to devote to each client.”
- “More lawyers and support staff. Less 'red tape'.”

- “The same amount of oversight in non-capital, non-homicide cases that exists in capital cases. Raise starting salaries for public defenders to try and attract more talent out of the law schools. More emphasis on the true role of defense attorneys to try and move away from the idea that defense attorneys are there only to make sure a client's rights are protected to the model where defense attorneys view their role as being that of an advocate who does what is necessary within the bounds of the law to achieve the best outcome for the client.”
 - “Adequate support staff in PD offices. Maybe more attorneys.”
 - “Removal of incompetent counsel from the appointment list.”
 - “Smaller caseloads and more resources like investigators and secretarial help.”
 - “Substantive peer review; merit-based bonuses or pay raises; monetary compensation more nearly on a par with the private bar. Within civil commitment, more training about Chapter 122C for judges.”
5. *If you could change one thing about the indigent defense system to improve client outcomes, what would you change?*
- “If you are talking about the benefits to clients from going through the process, I would advocate more intervention-type programs be made available, such as drug treatment, specialized training for certain jobs, literacy, etc.”
 - “Fewer cases.”
 - “Improve salaries and get more lawyers.”
 - “Calendaring: Prosecutors still use the calendaring system as a hammer in a lot of districts. They try to use it to load up trials on certain defense attorneys who create trouble for them and they try to rush people to trial so attorneys won't be prepared.”
 - “Would remove counsel already shown to be less than competent from the appointment list.”
 - “More time to devote to cases.”
 - “Anything that served to move it towards becoming a 'destination career' as opposed to a low step on the journey up the ladder to something better.”
6. *What is the most positive result you have seen the indigent defense system have for a client, other than an acquittal?*
- “The presence of a competent lawyer (for the most part) to make certain that the police/district attorney does not take advantage of a client.”
 - “This is very case specific and cannot be answered. Examples: PJC and keeping a drivers license; Probation and not losing a home because going to jail/prison results in loss of the home and everything a person has gathered in his life.”

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- “Providing clients with the type of representation they would receive if they could hire an attorney.”
 - “The reform in discovery law was a quantum leap in being able to prepare cases and making prosecutors more realistic about the potential outcomes of trials.”
 - “Conviction reversed on appeal.”
 - “The vindication (via court-ordered discharge) of a mentally retarded man who no longer met commitment criteria whose doctor, nevertheless, couldn't release him from the hospital due to pressures applied by his peers and administrators (because of liability concerns).”

7. *What is the most negative result you have seen the indigent defense system have for a client?*

- “The limited value system/sense of responsibility that some of them have after going through the process—their belief that they are 'entitled' to something, and, therefore, not being appreciative of the good/hard work that has been done on their behalf.”
- “Case Specific—usually jail or continued substance abuse because no other viable alternatives exist.”
- “Not providing the necessary preparation due to heavy caseloads.”
- “Having a prosecutor stack my trials one behind the other in order to make it difficult for me to be prepared. That happened in 2002 or 2003 (can't quite remember). The prosecutor stacked an ADWIKISI trial, on top of a larceny trial, on top of a multiple count statutory rape, indecent liberties trial, on top of a misdemeanor plea trial all within the same two week session. The result was ok, I won the first three with acquittals, but I was near insanity by the time it was over and it could have been much worse for my clients. Coupled with that, is the fact that I have seen prosecutors force clients to sit in court until their cases are called, resulting in clients losing jobs, money, etc.”
- “Ineffective assistance of counsel.”
- “They can feel like they are just a number.”
- “Disregard for the requirements of Chapter 122C by judges, resulting in substantial periods of hospital confinement for individuals who did not meet commitment criteria.”

8. *What difference, if any, do you see between indigent defense counsel (any type) and retained counsel?*

- “None!”
- “Some judges tend to give harsher punishment and are more likely to deny continuances and/or issue OFAs. A very few DAs seem to give better offers to private retained counsel.”
- “Very little except for lack of time that retained counsel can spend on cases where paid to do so.”

- “As far as actual quality/knowledge/skill, none. As far as perceived quality, a lot. Retained lawyers are always viewed as being far superior to indigent defense counsel when, in fact, I think a lot of times the opposite is true. However, I do know that many retained lawyers get better plea deals and treatment from some prosecutors and judges because they are retained. I have witnessed first hand how a retained attorney will get a better deal from a prosecutor who knows the client is paying vs. an indigent appointed attorney who has a non-paying client.”
- “Retained counsel is better compensated.”
- ”Retained counsel can limit their caseloads when they see/feel things have gotten too hectic.”
- “Generally better training and skill in the indigent defense attorneys than the privately retained counsel, but better pay for the latter.”

Investigator Survey

IDS conducted a survey of North Carolina private investigators and public defender staff investigators at the March 2006 Private Investigators Conference. Thirty-five investigators attended the conference and 27 (or 77%) completed the survey. The survey included a series of questions that asked investigators to evaluate how well the indigent defense system is performing. The remaining survey questions asked investigators what they needed to do their jobs better and what changes in the system were needed to serve clients better. Their responses are presented below.

1. Overall, how much does indigent defense actually help our clients?

A lot	80%
Somewhat	20%
Not much	0%
Neither helps nor hurts	0%
Hurts	0%
Don't know/No opinion	0%

2. Over your tenure as an investigator has indigent defense services improved or worsened?

Greatly improved	80%
Somewhat improved	16%
Same	4%
Somewhat worse	0%
Much worse	0%
Don't know/No opinion	0%

3. If you needed legal counsel, would you want an appointed or retained attorney?

Please note: Responses are not reflective of true opinion. There was confusion about what the question was asking.

Public Defender	80%
Court Appointed	20%
Retained	0%
Don't know/No opinion	0%



4. *What do you need to do your job better? For example, changes in policy or procedures, equipment or software needs, things IDS needs to do better, training needs, or anything else.*

- Access to criminal records, state agency databases, person locators, telephone records, utility bills, NCIC & DCI databases (9)
- Proper, up-to-date equipment: digital cameras, DVD player/burner on computer, recording devices, computers, scanner, color printer, measuring devices, video equipment (9)
- Training: investigation skills, computer skills, software (ACIS, etc.) (6)
- Increases in salary (4)
- Credentials or ID for work in field (4)
- Investigator listserv (3) [*IDS already had an investigator listserv and information about it was distributed at the conference*]
- More investigators to reduce caseloads (3)
- Investigators need to get into the case earlier; time is everything in investigation because evidence and witnesses get lost, destroyed, or disappear (2)
- More timely discovery
- Better management in offices and better use of investigators in offices
- Library or list of experts
- Additional internet tools other than LexisNexis

5. *What is the most positive result you have seen indigent defense have for a client?*

- Revealing facts that free/mitigate for a client or earn them a more favorable disposition (12)
- Conducting a good investigation of a case (3)
- When a client has an experienced attorney handling the case (2)
- Keep prosecution honest
- They build trust with a client
- The capital defender has better control over what experts can be appointed to a case
- Getting help for clients, i.e., substance abuse, mental illness, etc.
- Making all districts uniform in quality, training, and pay
- Working with individuals who truly and genuinely care for their clients
- Attorneys who put money into their client's account and buy/take them things they truly need

6. *What is the most negative result you have seen indigent defense have for a client?*

- Attorneys that do not communicate with their clients (5)
- Attorneys who make pleas to suit their convenience or without full investigation (4)
- Lack of resources to find witnesses which hurts clients (3)
- Attorneys with too heavy a caseload (3)
- When not the best capable attorney handles a case and the impact this has on the entire indigent defense community (2)
- Stigma of being a court appointed attorney and serving as their staff (2)
- Innocent person convicted
- Clients who become repeat clients, they often develop a negative attitude towards attorney
- Clients who are not truthful
- Witnesses who do not want to testify
- Lack of compassion by defense counsel
- Case cost is more important than the case outcome to counsel—staffing decided by number of dispositions

7. *If you could change one thing to make indigent defense better, what would you change?*

- Build ways to investigate cases more quickly (2)
- Reduce attorney caseload (2)
- Increased access to discovery and witnesses (2)
- Have law enforcement work with us more—need to build that relationship (2)
- Faster payment turn-around for investigators (2)
- Spend the time to explain the process to a client
- Increase private investigator and attorney pay and make pay more uniform
- Consistent experience and education for attorneys before they are moved from misdemeanors to felonies
- Better equipment—digital cameras, tape recorders, access to databases
- Educate public that appointed attorneys are excellent attorneys
- End the fiefdoms that are the PD Offices
- Eliminate the new procedures for paying investigators
- Eliminate procedures being developed re: requirements for mitigation specialists



8. *What differences do you see between indigent defense counsel (any type) and a retained attorney, if any?*

- Caseloads are higher for appointed attorneys (4)
- Appointed attorneys have investigators, while many retained do not (2)
- Retained attorneys earn more money
- Retained more concerned with details and do better investigation of the facts
- Appointed counsel is quick to try to get their clients to take a plea, even if they are adamant about being innocent
- Investigators of retained attorneys earn more pay
- Some Public Defenders do not have the incentive to work hard or go beyond the basics
- DA's make better plea offers to retained due to political considerations
- Higher turnover with appointed attorneys
- Appointed attorneys often have more experience than retained, but clients perceive retained as more qualified
- In capital cases, appointed attorneys are hands-down better, retained attorneys often do not have the resources
- Appointed attorneys are at the mercy of trial judges to get funds for experts, etc.

9. *Do you have any other comments you would like to share with us?*

- Very good conference
- Increase pay to investigators or we will lose good investigators
- IDS is a great entity of the criminal justice system
- After 20 years of service pay is still so low, the DA equivalent makes more
- Pay for training expenses in advance rather than reimbursing after the fact

Conclusion

Final Comments

IDS was very pleased with the results of the round tables and felt we more than met our goals. The primary goal was to collect information on the current successes and limitations of the indigent defense system in North Carolina, as well as suggestions for improvement, from stakeholders, criminal justice partners, and the community. The information obtained in the round tables will serve IDS well as we move into the next stage of the Systems Evaluation Project: defining the goals and outcomes that will drive the indigent defense system evaluation tool.

The feedback IDS received from participants suggests that the work of the IDS Commission and staff has had a positive effect on indigent defense in North Carolina. In addition, IDS now has a clearer understanding of our clients' experiences with their attorneys and the indigent defense system.

A secondary purpose of the round tables was to begin a dialogue with our criminal justice partners about ways we can work together to improve the quality and efficiency of the court system and reduce costs. It is obvious from the feedback we have received that judges, prosecutors, and indigent defense share a great deal of common ground and that it is time for the three main actors in the criminal justice system to work together to solve our mutual problems, to the benefit of the court system, taxpayers, and most of all our clients. IDS hopes the round tables have planted this seed and that it will take root.

IDS also wanted to inform clients, stakeholders, criminal justice partners, and the community about the Systems Evaluation Project. IDS was very pleased at the positive reception and interest expressed by participants, as well as their interest in what the other round tables had to say. As a result of the round tables, IDS has a database of 185 individuals and organizations who would like to receive regular updates about the project and any products, such as this report summarizing the round table discussion results. The Systems Evaluation Project also has a website where we post the latest information on the project. To visit the website, go to www.ncids.org and click on the *Systems Eval. Project* link.

IDS also took away from the round tables a long list of suggestions for what IDS could do to improve the indigent defense system and to better support defense attorneys so they may better serve their clients. Suggestions ranged from practical, concrete requests (such as asking IDS to create centralized databases of expert witnesses and community resources, programs, and alternative sentencing options), to multi-agency work (such as working with prosecutors and judges on ways to reduce court wait time and other scheduling conflicts), to broad requests for systemic reform (such as rethinking how indigent defense can best serve the interests of clients, improve the criminal justice system, and better serve the community).



Lessons Learned

Finally, there were some lessons IDS learned during this experience that are worth mentioning because they should assist organizations who are considering undertaking similar projects.

- Talking to clients was a powerful, inspirational, and moving experience. IDS learned there is no substitute for hearing from clients about what happened to them, and we are exploring ways to make regular feedback from clients part of attorney training and evaluation. IDS was able to audiotape the client round tables and is hoping to use excerpts from the tapes in trainings. One of the lessons IDS learned was that it would have been helpful to videotape the round tables.
- One of the many benefits of the round tables was the discovery of unexpected allies. Sometimes perceptions and expectations can be misleading. In particular, IDS was humbled by the understanding and caring attitude of law enforcement, corrections, and probation round table participants toward indigent defense clients.
- The surveys IDS conducted underscored how valuable a tool surveys can be. Moreover, the Internet now offers survey tools and services, such as SurveyMonkey, that make conducting surveys a fraction of the cost and labor they once required.
- Another lesson learned from the experience is that, if we held the round tables again, we would space them out over more time to give us the opportunity to review and digest each groups' responses and use what we learned to inform the next round table. If IDS had had more time between round tables, we would have conducted surveys of other stakeholders as well, such as prosecutors and judges.
- Finally, IDS held a trial round table with IDS Commissioners, staff, and others. We highly recommend conducting a trial run to learn what does and does not work and how best to structure your agenda.

Appendices



Appendix A: Systems Evaluation Project Work Plan



NC Office of Indigent Defense Services

Systems Evaluation Project Work Plan



June 2005



Indigent Defense Systems Evaluation Project Work Plan

The project timeline (see page 2) provides an overview of the tasks involved in the Systems Evaluation Project work plan. The individual tasks in the work plan are described in detail under each heading.

Hire Part-Time Project Coordinator

Hire a part-time project coordinator at 20 hours a week to conduct research; build a data library; coordinate focus group, Advisory Board, and other project meetings; prepare meeting materials; and perform clerical duties as necessary to support the project.

Pursue Funding/Project Partners

Pursue project funding or project partners as time allows. Some examples of funding options include:

- ❖ Funding for optional one day national conferences. Conferences would provide a national forum where indigent defense practitioners and criminal justice social scientists would review and offer feedback on North Carolina's evaluation project during various critical stages of development.
- ❖ Funding for statewide implementation of system measures, including building data-collection apparatus and infrastructure.
- ❖ Funding for pilot test and/or for independent assessment.

National Conference "The Challenge: Evaluating Indigent Defense

Create a one day national forum where indigent defense service practitioners and criminal justice social scientists can discuss approaches and strategies for evaluating indigent defense. Present North Carolina's emerging strategy for evaluating indigent defense and get feedback and suggestions for improvement.

Conference Follow Up

Perform conference follow up tasks, including the following:

- ❖ Publish and distribute summary report on conference proceedings.
- ❖ Create national listserv to serve as an easily accessible forum for discussing issues relating to evaluating indigent defense services as they arise.
- ❖ Follow up with conference participants who are interested in discussing a multi-state collaboration.
- ❖ Follow up on fundraising leads.

North Carolina Indigent Defense Systems Evaluation Project Work Plan

Project Task		Systems Evaluation Project Time Line																							
		Year 1				Year 2				Year 3				Year 4				Year 5				Year 6			
		2005 Q1	2005 Q2	2005 Q3	2005 Q4	2006 Q1	2006 Q2	2006 Q3	2006 Q4	2007 Q1	2007 Q2	2007 Q3	2007 Q4	2008 Q1	2008 Q2	2008 Q3	2008 Q4	2009 Q1	2009 Q2	2009 Q3	2009 Q4	2010 Q1	2010 Q2	2010 Q3	2010 Q4
Hire Part-Time Project Coordinator																									
Pursue Funding/Project Partners																									
National Conference: "The Challenge: Evaluating Indigent Defense"																									
Conference Follow Up																									
Focus Groups/Information Interviews																									
Focus Groups Report																									
In-depth Research																									
Research Report																									
Public Outreach																									
Assemble Working Group																									
Identify What to Evaluate/Measure																									
National Conference to Review Working Group Results (If Funds Are Available)																									
Build Library of Available Data																									
Develop System Measures/Evaluation Tool																									
Secure Pilot Test Site Commitments																									
National Conference to Review Evaluation Instrument (If Funds Are Available)																									
Pilot Test Evaluation Tool																									
Independent Assessment																									
Compare Eval. Tool & Ind. Assmt. Results																									
Develop Statewide Implementation Strategy																									
Public Presentation on Evaluation Tool																									
IDS Commission Feedback & Approval																									
Develop Statewide Implementation Plan																									

Note: This timeline was based on a Research Director position working on the project as time allows and one half-time Project Coordinator position working on the project continuously.



In-depth Research

Perform extensive background research for information to support the work of the IDS Commission and project Advisory Board, including research on:

1. Innovative indigent defense service agency practices.
2. Past and current indigent defense evaluation practices.
3. New trends or findings in criminal justice research that lend insight into defining the roles and goals of indigent defense services in North Carolina.
4. Strategies or approaches on evaluating indigent defense service agencies.

Public Outreach

Develop mechanisms to inform the public about this project and its progress and collect public feedback. The goal is two-fold. First, we want to develop system measures with a broad cross-section of interests represented. By providing opportunities for public input throughout the life of the project, we will improve the quality of the evaluation tool and reduce the chances that it will be received negatively once it is completed.

Secondly, this can be an education and public relations opportunity. We can both serve our project goals and ask law enforcement, prosecution, courts, policymakers, and the public what indigent defense services can do to help the court system operate smoothly, help clients, and make our community work better. It's an opportunity to build stronger relationships with other players in the court system, educate them about the importance and needs of indigent defense work, and demonstrate our sincere interest in making the court system as a whole stronger and using taxpayer money as efficiently as possible.

Public outreach options include.

- Publish public announcements about project to constituents using listservs, the IDS website, and other non-labor-intensive means.
- Build a website for the project, where we will regularly post information about the project and its progress. The website will also include an email address so people can send us feedback about the project.
- Post a running survey using SurveyMonkey to allow people to give the Advisory Board specific feedback on issues of high interest to the Advisory Board or the IDS Commission.
- Periodic public presentations on the project's results to date. We might consider having Advisory Board members give these presentations as an additional way to build the public's trust that the evaluation tool is a collaborative effort aimed at improving indigent defense rather than a tool to further some IDS Commission agenda.



Conduct Focus Groups

Interview representatives of groups or populations that have a unique perspective that would be valuable to the project in a focus group setting. The information collected from the focus groups will be used to help determine what we want the evaluation tool to measure, help identify potential candidates for the Advisory Board, and help staff to prepare materials for Advisory Board discussions. Exhibit A (see following page) illustrates the different breadths of scope the project could encompass.

Library of Available Data

Investigate available data sources from other court system agencies, including data definitions, data fields, data formats, samples of exported data, and hard copy examples of reports built from data. Building the data library will assist in the later development of indicators/measures.

Assemble Project Advisory Board

Establish an *Advisory Board* consisting of a cross-section of the indigent defense community, the criminal justice system, and other segments of the community as desired. The Advisory Board will assist in defining what the evaluation tool should measure and provide feedback on measures as they are developed. Their participation will help assure that we develop an evaluation tool that will be reliable and meaningful and that decisions based on its results will improve indigent defense services.

Secure Pilot Test Site Commitments

Before we implement our set of system measures statewide, we will want to pilot test them on one or more counties. The best scenario would be to test the system measures in two counties. Pilot testing in two disparate counties would allow us to evaluate results more effectively. We need to identify which counties will serve as pilot-test sites as early as possible as it would be advantageous to develop our system measures using data from these two counties.

Identify What We Will Measure: Define Success

The *Advisory Board* will hold a series of meetings to discuss and answer the question *what does a successful indigent defense system look like? What elements will our evaluation instrument measure?* The Advisory Board will convene once a month with interim homework to complete between meetings (readings, proposals, meeting materials, etc.) The work plan assumes the Advisory Board will need a minimum of six meetings approximately 3 hours long.

Exhibit A
System Measures:
Options for Scope of
Evaluation Tool

Community Measures

How well does the indigent defense system do in meeting community goals. Ex.: justice, public safety, treating people fairly

Criminal Justice System Measures

*How well does the indigent defense system do in meeting Criminal Justice System Goals?
Ex.: processing criminal cases, reducing jail overcrowding, public perceptions of justice, etc.*

Indigent Defense System Measures

*How well does the indigent defense system do in meeting its goals?
Ex.: providing quality indigent defense representation, providing training to attorneys, etc.*

Non-PD County Measures

How well do non-PD counties meet indigent defense goals?

PD County Measures

How well do PD counties meet indigent defense goals?

Contract Measures

How well do contracts meet indigent defense goals?



Various National Conferences (optional)

(Conditional on Availability of Funds) Host a one-day conference at strategic points during the project to augment the project's development. Conferences would bring together indigent defense practitioners and criminal justice social scientists from around the nation to review project conclusions, proposals, and products. Conference participants would provide valuable feedback and suggestions for improvement.

Develop System Measures/Evaluation tool

IDS staff and any project partners will begin developing measures as soon as the Advisory Board begins identifying what the evaluation tool should measure and apply the measures to the pilot test sites. Measures that are developed will be brought back to the Advisory Board for feedback and to help maintain motivation and momentum.

The time it takes to develop these measures will depend on the availability of data and the ease with which it can be collected and analyzed.

Pilot Test Evaluation Tool

Before we implement our set of system measures statewide, we will want to pilot test them on one or more counties. The best scenario would be to test the system measures in two counties. Pilot testing in two disparate counties would allow us to evaluate results more effectively.

Independent Assessment of Evaluation Tool

Once the evaluation tool has significant substance, even if it is not completely finished, it should be tested. The evaluation tool will be a set of measures or survey results, etc. that, when taken together, give us a picture of how well indigent defense services are operating in a specific county or public defender's office. The evaluation tool will be pilot tested in two counties. To test the accuracy and reliability of the evaluation tool, we will conduct an on-the-ground assessment of the same two counties by sending in a team of experts to observe and research the operation of indigent defense services in these counties and then compare the results of the evaluation tool to those of the on-the-ground assessment.

Develop Implementation Strategy

Once we have a valid, reliable evaluation tool, we will need to identify data infrastructure needs and develop a statewide implementation plan.

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Public Presentation/ Report on Completed Evaluation Tool

Once we have a valid, reliable evaluation tool, we will make a public presentation or publish a report describing the evaluation tool and how we plan to use it.

IDS Commission Approval and Feedback

The Commission will be kept informed of the project's work plan and results and as we progress, we will obtain Commission approval at key points where appropriate.

Appendix B:

Round Table Forms and Sample Invitation Letters

Round Table Discussion Questions

1. What does the indigent defense system do well for clients?

Example Response

- *Promptly provides counsel to clients after arrest*
- *Provides counsel to everyone entitled to counsel*

2. What does the indigent defense system not do well for clients?

Example Response

- *Does not adequately educate clients about court procedures*
- *Does not address underlying issues that contribute to recidivism*

3. What should the indigent defense system do more of for clients?

Example Response

- *Better trained attorneys*
- *More thinking about what happens to clients after the plea is entered*

4. What can the indigent defense system do to improve the criminal justice system?

Example Response

- *Reduce jail costs by arranging release of appropriate pre-trial detainees*
- *Reduce unnecessary delays in processing a case, for example reducing unnecessary continuances*

5. How does having a good indigent defense system benefit society?

Example Response

- *Ensures innocent clients are not convicted of offenses they did not commit*
- *Ensures even-handed treatment of all accused regardless of income*

**NC Office of Indigent Defense Services
Additional Comments or Issues**

Name: _____

(Please Print)

E-mail: _____

Telephone: _____

Comment or Issue to Resolve:

Please check any that apply:

Please contact me. I would like to set up a meeting to discuss this issue further.

Please keep me informed on this issue.

No further follow up is needed.

Other _____

Subject: Attorney Round Table Rescheduled for June 30th – IDS Wants to Hear Your Opinions

Dear Colleagues:

The North Carolina Office of Indigent Defense Services (IDS) is hopeful you will generously grant us several hours of your time on Friday, June 30th from 10 am to 12 pm for a round table discussion with criminal defense attorneys from across the state. The round table will be held at the School of Government in Chapel Hill.

This is our second attempt to hold a round table discussion with criminal defense attorneys. This round table was originally scheduled for May 11 in Morganton and you may remember receiving a similar invitation in mid-April. Due to very low turnout, we decided to reschedule the round table and move it to a more central location in order to attract greater participation.

IDS is currently involved in a new project to develop objective data-based system measures to assess the quality and performance of North Carolina's indigent defense system on an ongoing basis. IDS believes defining the mission and goals of indigent defense services in North Carolina is the first step to defining what the evaluation tool will measure.

To help IDS define the goals of North Carolina's indigent defense system, IDS is hosting a series of round table discussions across the state and asking defense attorneys and indigent defense clients, as well as our criminal justice partners, including, prosecutors, judges, police officers, corrections officers, victims, and others, to share their experience and perspectives on indigent defense and the criminal justice system with us.

We expect the information from the round tables to be invaluable in helping us clearly define indigent defense goals and ultimately develop data-based system measures that will tell us how well we are meeting the needs of our clients, the criminal justice system, and the community.

We have contacted you because we are hosting a round table discussion specifically for attorneys who provide indigent defense services. The round table will be held on Friday, June 30th from 10 am to 12 pm at the School of Government in Chapel Hill and we hope very much that you will attend.

We look forward to the invaluable contributions your knowledge and experience would bring to the discussion. If you will be able to participate, please RSVP by **June 21, 2006**, so that we can send you directions and parking instructions. To RSVP, please call or send an email to Anna Levinsohn, the Project Coordinator, at 919-560-3380 or Anna.Levinsohn@nccourts.org.

For more information about this project, we have attached a brochure, which describes this initiative in more detail. For information on the project work plan, timeline, and results to date, including a number of articles on new trends in criminal justice and indigent defense, please visit the IDS website at www.ncids.org and click on the "Systems Eval. Project" link. Thank you.

Sincerely,

Malcolm Ray Hunter, Jr.
Executive Director
NC Office of Indigent Defense Services

Margaret Gressens
Research Director
NC Office of Indigent Defense Services

Subject: May 5th Roundtable – IDS Wants to Hear Your Opinions

Dear Assistant District Attorney,

The North Carolina Office of Indigent Defense Services (IDS) is hopeful you will generously grant us several hours of your time on Friday, May 5th from 1 pm to 3 pm for a round table discussion with prosecutors and representatives from the NC Attorney Generals Office from across the state at the School of Government, in Chapel Hill.

IDS is currently involved in a new project to develop objective data-based system measures to assess the quality and performance of North Carolina's indigent defense services on an ongoing basis. IDS believes defining the mission and goals of indigent defense services in North Carolina is the first step to defining what the evaluation tool will measure.

To help IDS define the goals of North Carolina's indigent defense system, IDS is hosting a series of round table discussions across the state and asking our criminal justice partners, including prosecutors, judges, police officers, corrections officers, victims, indigent defense clients, and others, to share their experience and perspectives on indigent defense and the criminal justice system with us.

We expect the information from the round tables to be invaluable in helping us clearly define indigent defense goals and ultimately develop data-based system measures that will tell us how well we are meeting the needs of our clients, the criminal justice system, and the community.

We have contacted you because we are hosting a round table discussion specifically for North Carolina's prosecutors and members of the Attorney General's office on Friday, May 5th from 1 pm to 3 pm at the School of Government in Chapel Hill and hope very much that you will attend.

We look forward to the invaluable contributions your knowledge and experience would bring to the discussion. If you will be able to participate, please let us know by **April 21st**, so that we can secure parking passes for everyone attending. To RSVP, please call or send an email to Anna Levinsohn, the Project Coordinator, at 919-560-3380 or Anna.Levinsohn@nccourts.org.

For more information about this project, including a number of articles on new trends in criminal justice and indigent defense, please visit the IDS website at www.ncids.org and click on the "Systems Evaluation Project" link. Thank you.

Sincerely,

Malcolm Ray Hunter, Jr.
Executive Director
NC Office of Indigent Defense Services

Margaret Gressens
Research Director
NC Office of Indigent Defense Services

Appendix C: Survey Tools

Client Survey

Thank you for your time. The Office of Indigent Defense Services provides defense attorneys for people who are charged with a crime but cannot afford to hire an attorney. We want to make sure every client receives quality representation from their attorney, so we are asking you to tell us what you thought about your attorney and your experience with the court system. **Thank you.**

1. What was the most serious crime you were charged with? _____

2. Did you represent yourself (you did not have an attorney)? Yes No

3. Did you hire an attorney or did the court give you an attorney? Hired Court appointed

4. If the court gave you an attorney, was he/she a Public Defender or Appointed Private Lawyer

5. Do you think the attorney did a good job for you? Yes Mostly Not really No Not sure

6. Did your attorney treat you with respect?
 Always Mostly Sometimes Rarely Never Never saw my attorney enough to say

7. Would you want the same attorney to represent you again? Yes Maybe No Not sure

Can you tell us why or why not?

8. Do you think you were treated fairly by the court? Yes Mostly Not really No Not sure

Can you tell us why or why not?

9. Did you understand what you were charged with and what penalties you faced?
 Yes Mostly Not really No Not sure

10. Did you plead guilty or no contest to any of the charges? Yes No Not sure

11. Did your attorney tell you what your options were, such as pleading or going to trial, etc.?
 Yes Mostly Not really No Not sure

12. Besides going to prison, did your attorney tell you about anything else that could happen to you because of your plea, like not qualifying for public housing or not being able to vote?
 Yes No Not sure

13. Did your attorney help you with other issues in your life besides your case, like employment, housing, drug/mental health problem, etc? Yes A little They tried to No I did not want help

How did they help you?

14. What kind of help do you wish the attorney could have given you that he/she did not?

15. Did anything positive happen in your life because of the court case and your time in court? Yes No

What happened?

16. Besides your sentence, did any other negative things happen to you because of your court case, such as losing your house, losing custody of your children, etc.?

17. Is there anything else you want to tell us?

1. Introduction

Thank you for taking this survey. IDS wants to hear your ideas on how we can improve indigent defense services for our clients. Responses will be aggregated and will not be reported by office or individual. The information you provide will not be used to evaluate any office or attorney. We want to know how we can best help our clients.

Please note this survey must be completed by Monday, May 15th. Thank you.

2. Demographic Information

1. Please check one:

Public Defender Office

Private Practice

3. Question 2

2. On average, what percentage of your practice is indigent work?

Less than 25%

25-50%

50-75%

75-100%

Unknown

4. Question 3

3. Number of years working as a criminal defense attorney:

Less than 2

2-5

6-10

More than 10

5. Question 4

4. On average, what percentage of your time is spent handling each of these types of cases:

	0%	Less than 25%	26-50%	51-75%	76-100%	Don't Know
Adult Superior	jn	jn	jn	jn	jn	jn
Adult District	jn	jn	jn	jn	jn	jn
Juvenile Delinquency	jn	jn	jn	jn	jn	jn
Other Civil	jn	jn	jn	jn	jn	jn
Appellate Cases	jn	jn	jn	jn	jn	jn
Special Counsel	jn	jn	jn	jn	jn	jn
Capital Trial	jn	jn	jn	jn	jn	jn

6. Opinions on Indigent Defense System

5. Over the last 5 years, has the system for providing indigent defense for poor people improved?

(Note: if you have practiced criminal defense less than 5 years, please answer the question based on your experience.)

- Greatly improved
- Somewhat improved
- Stayed the same
- Somewhat worsened
- Is much worse
- Don't know/no opinion

6. Explain:

7. Untitled Page

7. Please grade how well you think indigent defense services are doing.

A+

A

B

C

D

E

8. Explain:

8. Question 7

9. Overall, how close to the ideal do you think the indigent defense system is in terms of serving our clients?

Ideal

90% there

75% there

50% there

more than 50% to go

more than 75% to go

Don't know/no opinion

10. Explain

9. Opinion essays

11. What would you do differently if you had more time to work on cases?

10. Question 10

12. What changes in the indigent defense system would better serve our clients?

11. Question 11

13. If you could change one thing about the indigent defense system to improve client outcomes, what would you change?

12. Question 12

14. What is the most positive result you have seen the indigent defense system have for a client, other than an acquittal?

13. Question 13

15. What is the most negative result you have seen the indigent defense system have for a client?

14. Question 14

16. What difference, if any, do you see between indigent defense counsel (any type) and retained counsel?

15. Question 15

17. Do you have any other comments you would like to share with us?

16. Thank you

The IDS Office and the IDS Commission want to thank you for taking the time to share your experience and insight with us.

For more information about IDS' efforts to evaluate indigent defense see the IDS website at www.ncids.org and click on the Systems Evaluation Project link.

Survey of Investigators

IDS and the SC Commission on Indigent Defense Services want to know what you need to do your job well and hear your ideas on how we can improve indigent defense services for our clients. This is a completely confidential survey. The information you provide will not be used to evaluate any office or attorney. We want to know how we can help you and better help our clients. **Please note that we need your survey response by 12PM Thursday (tomorrow). There is a collection box at the registration table for completed surveys. Thank you.**

General Information

Please check one: North Carolina Investigator South Carolina Investigator

(Please circle one)

1. Number of years working as an investigator: less than 1 | 1 to 2 | 3 to 4 | 5 or more

2. What percentage of your practice is indigent work? <25% | 25-50% | 50-75% | 75-100% | Unknown

3. What percentage of your practice is with a Public Defender and/or Capital Defender Office? <25% | 25-50% | 50-75% | 75-100% | Unknown

Indigent Defense Services

4. What do you need to do your job better? For example, changes in policy or procedures, equipment or software needs, things IDS needs to do better, training needs, or anything else.

5. Overall, how much does indigent defense actually help our clients?

(Please circle one) a lot | somewhat | not much | neither helps nor hurts | hurts | don't know/no opinion

6. Over your tenure as an investigator has indigent defense services improved or worsened?

(Please circle one) improved greatly | improved somewhat | the same | somewhat worse | much worse | don't know/no opinion

(Please turn over)

7. What is the most *positive* result you have seen indigent defense have for a client?

8. What is the most *negative* result you have seen indigent defense have for a client?

9. If you could change one thing to make indigent defense better, what would you change?

10. If you needed legal counsel, would you want an appointed or retained attorney?

(Please circle one) public defender/capital defender | court appointed | retained | don't know/no opinion

11. What differences do you see between indigent defense counsel (any type) and a retained attorney, if any?

12. Do you have any other comments you would like to share with us?

Please drop completed surveys into the collection box at the registration table by Thursday 12 PM.

Appendix D:

Prospective Round Table Candidates

Prospective Candidates for Round Table Discussions

Type of Group	Representative Organizations/Entities	Justification
IDS	1. IDS Commissioners Attorneys providing indigent defense services:	Self-evident. These individuals provide indigent defense legal services. They both work in the system and shape it to a large extent. They have extensive knowledge about what it means to successfully provide quality defense representation.
State Employed Attorneys and NC Prisoner Legal Services	1. Public Defenders 2. Capital Defenders 3. Appellate Defenders 4. Special Counsel 5. NC Prisoner Legal Services (NCPLS)	Retained attorneys work in the court system but are not part of IDS. They see our operations daily but have a different perspective. Many of our clients have immigration issues and the way our system operates impacts their immigration status.
Not State Employed Attorneys	Attorneys not working for IDS but providing defense services: 1. Retained Attorneys 2. Immigration Attorneys 3. Private Appointed Counsel (PAC) 4. CDPL Attorneys	They are the persons most affected by the success or lack of success of the indigent defense system. Moreover, they may have a very different vision of success from an attorney. Clients can tell us the things attorneys do or don't do that make them feel like they are being treated with respect or disrespect.
Clients	1. Former clients 2. Families of clients (former and current) 3. Families Against Mandatory Minimums (FAMM)	Judges will offer a court system perspective about how each of these courts function.
Court System	District Court Judges (no clerks, etc.)	Judges will offer a court system perspective about how each of these courts function.
Court System	Superior Court Judges (no clerks, etc.)	These individuals interact with defense counsel on a regular basis. They can offer information on what makes the justice system as a whole operate smoothly and what indigent defense should be doing to maintain efficient court functioning.
Court System	Specialized Roles within the Court System: 1. Clerks: Chief, courtroom clerk, "file room" clerk 2. Bailiffs 3. Court reporters 4. Magistrates 5. Bondsmen	These individuals interact with defense counsel on a regular basis. They can offer information on what makes the justice system as a whole operate smoothly and what indigent defense should be doing to maintain efficient court functioning.
Court System	Specialized Roles within the Court System: 1. Pretrial Release 2. Sentencing Services 3. Alternative Dispute Resolution (ADR) org.'s AOC 4. Technical Support & Court management	ADR organizations help to resolve cases through non-adversarial, least restrictive, and mutually acceptable settlements.

Prospective Candidates for Round Table Discussions

Type of Group	Representative Organizations/Entities	Justification
Law Enforcement	<p>State Law Enforcement</p> <ol style="list-style-type: none"> 1. State Bureau of Investigation (SBI) 2. Highway Patrol 3. NC Dept. of Crime Control & Public Safety 4. Governor's Crime Commission <p>Local Law Enforcement</p> <ol style="list-style-type: none"> 1. Sheriffs, deputies, jailers 2. Police Departments: Chiefs; officers, jailors, warrant servers 3. Fraternal Order of Police 4. NC Coalition of Police (NCCOPS) 	<p>These individuals have an understanding of our clients and the community's perspectives. Traditionally, they have been viewed, and view us, as adversaries. Discussions can identify areas of agreement, build bridges, and find ways to work together to solve system problems or inefficiencies.</p> <p>See above. They can also share information on how the different indigent service delivery options impact law enforcement resources. For example, having a PD office in a county is said to reduce the demand for jail space and lower county costs.</p>
	<p>Federal Law Enforcement</p> <ol style="list-style-type: none"> 1. FBI 2. ATF 3. INS 4. Dept. of the Treasury 5. Homeland Security 	<p>See above justification for State Law Enforcement. Many federal law enforcement agencies have contact with our clients and are often involved in state prosecutions.</p>
Prosecution	<p>Voluntary Organizations</p> <ol style="list-style-type: none"> 1. Fraternal Order of Police 2. NC Coalition of Police (NCCOPS) 3. Crime Watch 	<p>See above justification for State Law Enforcement.</p>
	<p>State Prosecution: Attorney General</p> <ol style="list-style-type: none"> 1. AG Managers 2. Line AAGs 3. Involuntary commitment prosecutors 4. Investigators (SBI?) 5. Victim/witness advocates 	<p>These individuals can provide state prosecution's perspective of what a successful indigent defense system should be doing. Additionally, they are in court and see good and bad defense every day, and they can share what they see with us.</p>
Prosecution	<p>Local Prosecutorial Agencies</p> <ol style="list-style-type: none"> 1. District Attorneys 2. ADAs 3. Involuntary commitment prosecutors 4. Investigators 5. Victim/witness advocates 6. Calendar Administrators 	<p>See above. Together we can identify areas of inefficiency and areas where we might improve court system efficiency, such as calendaring.</p>
	<p>Voluntary Organizations</p> <ol style="list-style-type: none"> 1. NC Conference of DAs 2. DAGs 3. Involuntary commitment prosecutors 4. Investigators 5. Victim/witness advocates (MUST) 	<p>See above.</p>

Prospective Candidates for Round Table Discussions

Type of Group	Representative Organizations/Entities	Justification
Corrections	<p>Institutions Housing Offenders</p> <ol style="list-style-type: none"> 1. NC Dept. of Correction (Managers) 2. Prison: institution administrators; guards 3. Juvenile detention centers (DJJDP) 4. Youth development centers (DJJDP) 5. Eckerd Wilderness Camps (DJJDP) 6. Jail Administrators (Sheriffs) Get a rep. from a big jail <p>Alternatives to Incarceration</p> <ol style="list-style-type: none"> 1. Probation: State Director; "regular" and intensive officers 2. Parole Board, parole officers 	<p>We can ask them what they are doing for the people we send them. Are they getting people who they think should not be there? Are there things they would do that they cannot do because of resource constraints? What areas can we work on together to improve outcomes for our clients, etc.?</p> <p>They have information about the impact different indigent service delivery options have on correctional facilities and costs. For example, having a PD office in a county is said to reduce the demand for jail space.</p> <p>What types of individuals are getting probation? Is probation a good thing even if all indications are that the client will fail? Are we setting the client up for bigger trouble in the near future?</p> <p>Also, when clients violate they become our clients once again. What kinds of things are clients being violated for? Are there alternate ways of dealing with violation issues that would be less costly than going back to the court system, which is a very expensive way to deal with the problem?</p> <p>What is their perspective on the best way to integrate former offenders back into the community?</p>
Victims' Assistance	<ol style="list-style-type: none"> 1. NC Victim Assistance Network (VAN) 2. NC Council for Women and Domestic Violence Commission 3. Victims Compensation Services 4. Children's advocacy organizations 5. Restorative Justice Group in NC, Jennifer Thompson 6. MADD 	<p>NC passed a victims statute, which created victims assistance programs in local and state prosecution offices. There has also been a victims-centered justice reform movement playing out throughout the country. The role of the victim in our criminal justice system is in a transitional period now. We need their perspective on criminal defense and also this is a chance to build bridges and potential allies. We both are interested in reducing crime and recidivism rates.</p> <p>These groups are active in criminal justice system reform and are potential allies. They have traditionally viewed us as adversaries. Building bridges with them and finding areas of agreement would be beneficial.</p>

Prospective Candidates for Round Table Discussions

Type of Group	Representative Organizations/Entities	Justification
Faith-based Advocacy Groups	<p>Faith-based Organizations who work on justice issues or with our clientele. Progressive (P), Moderate (M), Conservative (C)</p> <ol style="list-style-type: none"> 1. NC Council of Churches: Crim. Justice comm. (P) 2. Interfaith Council (P) 3. Yoke Fellows (M) 4. Southern Baptist Convention (C) 5. Justice Fellowship (C) 6. Prison chaplains 7. Jewish community 8. Islamic community 9. Human Kindness Foundation 10. People of Faith Against the Death Penalty 	<p>These organizations work with our clients. They understand our clients' and the community's broader needs, and are interested in reforming people and society.</p>
Minority Advocacy Groups	<ol style="list-style-type: none"> 1. African-American: NAACP; Urban League 2. Hispanic: El Pueblo; Coalicion de Organizaciones Latino-Americanas (COLA) 3. Native American: NC Commission of Indian Affairs; Triangle Native American Society (TNAS) 4. Lesbian/Gay: Equality NC; Parents, Families & Friends of Lesbians and Gays (PFLAG) 5. Migrant worker: NC Justice and Community Development Center Migrant Legal Assistance Project 6. Hearing Impaired: DHHS – Div. of Services for the Deaf and the Hard of Hearing 7. Homeless: Homeless shelters 	<p>These organizations work to ensure that society treats different groups fairly. The criminal justice system affects people at their most basic civil rights level.</p>
Chief Justices		
Treatment	<p>Treatment Centers/Programs</p> <ol style="list-style-type: none"> 1. Substance Abuse: TROSA, AA, Division of Alcoholism and Chemical Dependency Programs (DACDP) 2. Mental health organizations: (DACDP), DHHS, DSS, State Hospitals 3. Sex Offender Treatment Programs/therapists 4. Alternative Sentencing Programs: Halfway houses 	<p>Most of our clients share common problems that lead to offending: substance abuse problems, mental health problems, poor education, and past experiences with abuse. These individuals can provide information on how to effectively work with our clientele as well as options that are available to help solve their problems.</p>
Business & Taxpayer	<ol style="list-style-type: none"> 1. Business Owners 2. Small Business Association 3. Chamber of Commerce 4. Self-Help Credit Union 5. NC Business Organization (lobbying) <p>Progressive (P), Moderate (M), Conservative (C)</p> <ol style="list-style-type: none"> 1. Citizens 2. Common Sense Foundation (P) 3. John Locke Society (C) 	<p>These individuals and groups are often affected by crime. They can be part of the solution regarding prisoners' reentry into society. They have fiscal expertise that they can apply to analyzing how cost-effectively the system runs (e.g., calendaring).</p> <p>They have an interest not only in punishing criminals and reducing crime but also in converting would-be criminals into productive citizens instead of a continuing drain on tax dollars.</p>

Prospective Candidates for Round Table Discussions

Type of Group	Representative Organizations/Entities	Justification
Government Representatives	<ol style="list-style-type: none"> 1. Mayors 2. City Council 3. County commissioners 4. County Managers' Association 5. Legislators 6. Others? 	<p>They provide resources for the criminal justice system. They are accountable to taxpayers for the resources they give us or see themselves in competition with us for resources. We can find common ground with them, for example lowering county jail costs if there is a public defender in the county.</p>
Education/ Occupation Organizations	<ol style="list-style-type: none"> 1. NCAE 2. Principals 3. School boards 4. PTAs 5. NC Dept. of Public Instruction 6. Job Training & Placement 7. Vocational Rehabilitation 	<p>Poor education is a factor in criminal behavior. Educators have contact with our clients at early and impressionable stages in their lives. School policies have a significant impact on how juvenile delinquency is handled and are knowledgeable regarding what training or assistance is available to troubled teens. Vocational schools and other educational institutions are important to the issue of re-entry into society for offenders.</p>
Federal Justice System	<p>There is a parallel justice system at the Federal level with many of the same components that exist at the state level.</p>	<p>We are raising the issue for discussion. Is it important to obtain a federal perspective from some of or each of these components?</p>

Not Included in Groupings Above

Miscellaneous	<ol style="list-style-type: none"> 1. Press 2. Military bases: Brass, PR liaison 3. Other people with interest in improving system 	<p>Press: Main source of information for public about criminal justice system; they serve a "watchdog" function for government, including the courts. Military: military personnel are often our clients.</p>
Not included elsewhere	<ol style="list-style-type: none"> 1. DJJCP: Juvenile court counselors 2. DJJCP (Juvenile Probation) 3. NC Coalition Against the Death Penalty 	

Prospective Candidates for Round Table Discussions

National Conference Rather Than Focus Group

<p>Innovative Criminal Defender Programs Around the Nation</p>	<ol style="list-style-type: none"> 1. Neighborhood Defender Service of Harlem 2. Public Defender of Washington, D.C. 3. Kentucky Public Defender 4. Georgia Justice Project 5. Others as identified 	<p>They have information on what works and doesn't work as well as alternate vision of what a successful indigent defense service looks like.</p>
<p>Criminal Justice Focused Institutions</p>	<ol style="list-style-type: none"> 1. Vera Institute 2. NLADA 3. NCAPD 4. NITA 5. DJJCP 6. ABA 7. National Institute of Justice 8. NCATL 9. NACDL 10. ACLU 11. Law Schools 	<p>Knowledge of and ideas about what a successful indigent defense system would look like and how we might get there.</p>
<p>Academics/ Research</p>	<ol style="list-style-type: none"> 1. IOG 2. Specific Academic Researchers 3. Norm Lefstein, Indianapolis School of Law 	<p>These individuals don't necessarily have knowledge of the criminal justice system, but can share their technical expertise to achieve project goals.</p>
	<p>Justice Reform</p> <ol style="list-style-type: none"> 1. Carolina Justice Policy Center (CJPC) 2. NC Coalition Against the Death Penalty 3. Spangenberg Group 4. Governor's Crime Commission 5. Innocence Commission 	<p>See above justification for Criminal Justice Focused Institutions.</p>

Appendix E:

IDS Presentation for Round Table Discussions

*North Carolina's Proposal for Data-based Evaluation:
Moving Beyond Traditional Measures*

By

Malcolm Ray Hunter, Jr., IDS Executive Director
Margaret A. Gressens, IDS Research Director

Data-based Evaluation: Moving Beyond Traditional Measures

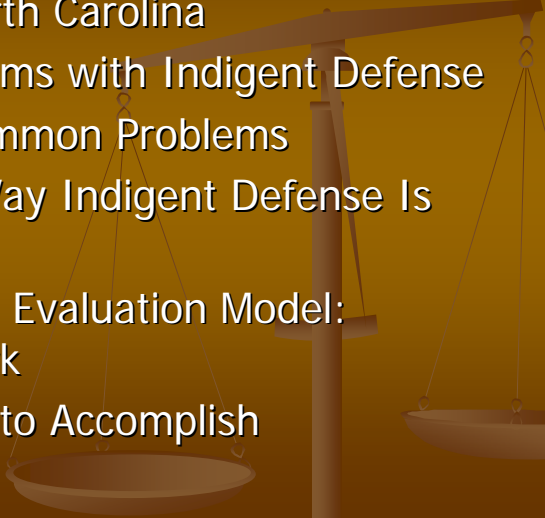


Malcolm Ray Hunter, Jr., Executive Director
Margaret A. Gressens, Director of Research & Analysis

North Carolina Office of Indigent Defense Services

June 30, 2006

What We Will Talk About

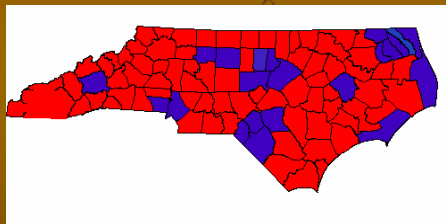
- Facts About North Carolina
 - Common Problems with Indigent Defense
 - Solutions to Common Problems
 - Changing the Way Indigent Defense Is Perceived
 - North Carolina's Evaluation Model:
How It Will Work
 - What We Want to Accomplish
- 

Some Facts About North Carolina

- N.C. is more than 500 miles from east to west.
- N.C. is the 11th most populous state with 8.5 million people.
- The court system (including indigent defense) is state-funded and organized.
- But the criminal justice system functions differently in each of N.C.'s 100 counties.

More About North Carolina

- We have an appointed counsel system in 78 counties representing approximately 60% of the state's population.



- In the remaining counties, indigent people are represented by Public Defender Offices.

Common Problems of Indigent Defense

A faint, stylized illustration of a balance scale is visible in the background of the slide. The scale is tilted, with the right pan being lower than the left pan, suggesting imbalance or unfairness.

- I. Inadequate Funding
- II. Lack of Accountability
- III. Poor Quality

I. Inadequate Funding

A faint, stylized illustration of a balance scale is visible in the background of the slide. The scale is tilted, with the right pan being lower than the left pan, suggesting imbalance or unfairness.

A. Indigent defense is not understood as serving broader community interests.

- Interferes with public safety
- Frustrates and obstructs the court system
- Avoids punishment for wrongdoers

B. Indigent defense is often seen as a program merely benefiting lawyers and, perhaps, criminals.

II. Lack of Accountability

- A. There is a tradition of little or no support for indigent defense during representation, and little or no evaluation afterward.
- B. Inadequate funding results in poor pay for appointed counsel and public defenders, which results in little competition for the work. This, in turn, can lead to lower standards of performance.

III. Poor Quality

- Inadequate funding
 - Not understood to benefit the community
 - Perceived to benefit lawyers and criminals

+

- Lack of Accountability
 - Little or no support and evaluation
 - Poor pay and little competition

=

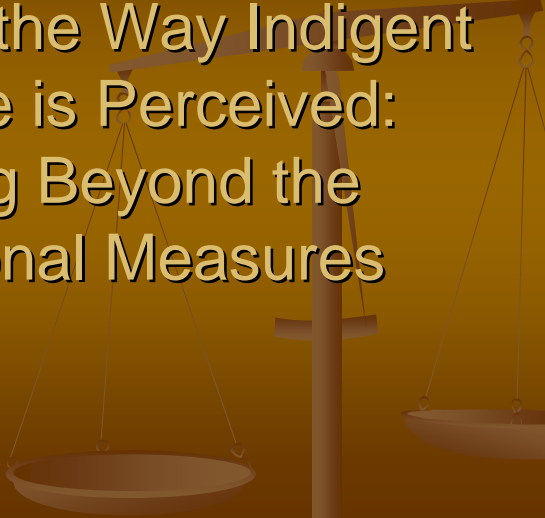
Poor Quality

Solutions to Problems



- **Accountability—**
 - Data-based evaluation of indigent defense services.
 - Needs to be credible to those providing the services, as well as other stakeholders and funding agencies.
 - Power of data to inspire change.
- **Funding—**
 - We need to change the way indigent defense is perceived.

Changing the Way Indigent
Defense is Perceived:
Moving Beyond the
Traditional Measures



Moving Beyond the Traditional Measures

- In addition to traditional indicators of quality indigent defense, we need to measure the positive effects of a quality indigent defense system on the community.

Moving Beyond the Traditional Measures Cont.

- Examples of things that could be measured that are beyond the traditional model are the degree to which:
 - Indigent clients are able to maintain jobs or get jobs;
 - Indigent clients are able to remain a part of their families;
 - Indigent clients with significant underlying problems (such as substance abuse, mental illness, unemployment, lack of education, etc.) have those problems addressed;
 - Indigent clients do not re-offend;

Using Data: Past Successes



- Established Credibility with General Assembly and Governor's Office
- Can Respond to Anecdotal Complaints with Data That Tells The Whole Story
For Example: Charlotte Newspaper Story
- IDS Has Obtained More \$22 Million in Additional Indigent Defense Funding

North Carolina's Evaluation Model



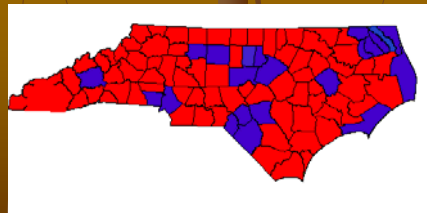
Building a Data-Driven Model

What Do We Want

Ensure Our Clients Receive Quality
Indigent Defense Services as
Cost-Effectively as Possible

North Carolina Indigent Defense Structure

- Different systems in each county
- 100 Counties = 100 Indigent Defense Systems
- Mix of Service Delivery Systems
 - PD Office Counties
 - Private Appointed Counsel
 - Contracts



Evaluation Model Goals



- Data-based: Objective, Credible, Reliable
- In-house Capability
- Affordable – Annual Basis
- Universally Applicable
 - All Types of Service Delivery Systems — PD, PAC, or Contract
 - Rural or Urban
 - Statewide
 - Regional

Evaluation Model Goals



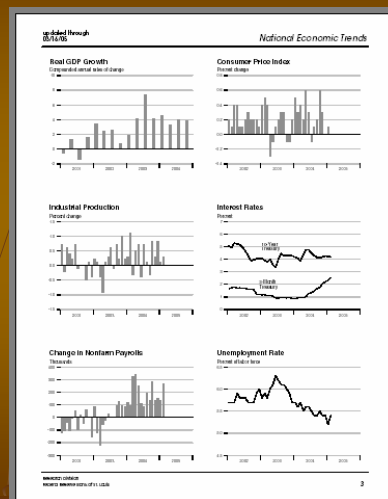
- Credible to Stakeholders and Funders
- Assess the Strengths and Weaknesses of Systems
- Indicate What Improvements Are Needed Within the Systems
- Indicate Where Improvements Within the Systems Need to Be Made
- Enables IDS to Develop Cost Formulas in Response to Policy Changes

How It Will Work

- Employ the Methodology Used in Many Other Fields
 - Economy
 - Health
 - Environment
 - Sports
 - Quality of Life
- Develop a Set of Indicators to Evaluate System Performance, Measuring Outcomes Wherever Possible

Widely Used Methodology

- U.S. Economic Indicators



Widely Used Methodology

■ Sports Indicators

Season Averages							
NAME	GMS	MIN	PTS	REB	AST	TO	A/T
Sean May	31	26.0	16.5	10.7	1.6	2.6	1/1.6
Rashad McCants	27	25.4	15.8	3.0	2.7	1.9	1.4/1
Jawad Williams	31	24.5	14.1	4.0	1.5	1.6	1/1.1
Raymond Felton	30	31.5	12.7	4.0	6.9	3.7	1.9/1
Marvin Williams	30	22.0	11.2	6.4	0.8	1.7	1/2.2
Jackie Manuel	31	21.9	5.9	2.9	1.5	1.2	1.3/1
Melvin Scott	31	16.5	5.3	1.4	1.0	0.7	1.3/1
David Noel	31	16.9	4.4	2.7	1.6	1.0	1.6/1
Reyshawn Terry	28	4.8	2.4	0.8	0.3	0.5	1/2
Jesse Holley	7	1.7	1.6	0.0	0.1	0.3	1/2
Wes Miller	21	4.1	1.0	0.1	0.5	0.3	1.8/1
Quentin Thomas	31	6.9	0.9	0.8	1.3	1.4	1/1.1
Byron Sanders	24	3.0	0.8	1.0	0.3	0.2	1.8/1
C.J. Hooker	22	2.0	0.8	0.5	0.1	0.1	1.5/1
Charlie Everett	19	2.2	0.6	0.3	0.1	0.2	1/2
Brooks Foster	5	1.8	0.2	0.2	0.2	0.2	1/1
Damion Grant	6	2.8	0.0	0.7	0.0	0.8	-
Team Averages	31	-	88.8	40.3	19.3	16.7	1.2/1

Evaluation Results

NC Indigent Defense System Measures							
	County A	County B	County C	County D	Statewide Average	Region A Average	Region B Average
<i>Element Being Measured</i>							
Indicator A	65.0%	60.0%	55.0%	75.0%	63.8%	60.0%	75.0%
Indicator B	90.0%	92.0%	89.0%	95.0%	91.5%	90.3%	95.0%
Indicator C	78.0%	82.0%	83.0%	90.0%	83.3%	81.0%	90.0%
Indicator D	94.0%	96.0%	98.0%	90.0%	94.5%	96.0%	90.0%
<i>Element Being Measured</i>							
Indicator A	80.0%	85.0%	89.0%	60.0%	78.5%	84.7%	60.0%
Indicator B	94.0%	92.0%	90.0%	40.0%	79.0%	92.0%	40.0%
Indicator C	60.0%	65.0%	50.0%	90.0%	66.3%	58.3%	90.0%
Average Score	73.8%	72.8%	71.4%	65.0%	70.8%	78.3%	63.7%

What This Is Not

- System Evaluation is Not About Measuring the Individual Performance of an Attorney
- System Performance is About Measuring How Well the *System* is Helping Our Clients

The Difference

- Attorney Performance is About Measuring
 - Did the Attorney Appear in Court When Scheduled to Appear
 - Did the Attorney Appear in Court Prepared
 - Did the Attorney Complete Required CLEs

System Performance : The Difference



- System Performance is About Measuring Client Outcomes and Other System Outcomes
- It is About Measuring Factors That May Be Outside An Attorneys Individual Control
- It is About Looking at the Aggregate

The Difference: An Example



- A Series of Continuances Costs Our Client His or Her Job because:
 - The DA Keeps Continuing the Case
 - The Client's Attorney Is Scheduled to Be in 2 Court Rooms at the Same Time
- The Client's Attorney May Be Doing Everything Right, But the System Is Hurting Our Clients
- We Want to Know
 - How Often Does This Happen?
 - Is It More of a Problem in One Area Than Another

An Example Continued


NC Indigent Defense System Measures							
	County A	County B	County C	County D	State Avg.	Region A Avg.	Region B Avg.
<i>Procedural Justice: Unintended Consequences Minimized</i>							
% Employed Clients Still Employed at Disposition	90.0%	60.0%	55.0%	75.0%	70.0%	68.3%	75.0%
% Clients w/ Child Custody Retain Child Custody at Disp. (non-abuse cases)	50.0%	54.0%	58.0%	55.0%	54.3%	54.0%	55.0%
% Clients' Families Not Receiving Food Stamps Apply for Food Stamps	30.0%	20.0%	22.0%	19.0%	22.8%	24.0%	19.0%
Average Number of Appearances in Court per District Court Misdemeanor	2	4	7	2	4	4	2
% Clients on Pre-trial Release per District Court Misdemeanor	94.0%	96.0%	98.0%	90.0%	94.5%	96.0%	90.0%
Average Number of Days in Jail Pre-Trial for District Court Misdemeanor	10	3	20	4	9	11	4
<i>Clients Have the Right to Be Kept Informed and Make Informed Choices</i>							
% Clients Who Meet With Their Attorney in Person within 24 Hours	50.0%	55.0%	65.0%	60.0%	57.5%	56.7%	60.0%
% Clients Who Meet With Their Attorney in Person Before Their Trial Date	60.0%	80.0%	65.0%	63.0%	67.0%	68.3%	63.0%
% Clients Who Followed the Advice of Their Attorney	80.0%	85.0%	83.0%	30.0%	69.5%	82.7%	30.0%
Average Score	65.0%	68.4%	68.2%	57.6%	64.8%	69.2%	56.3%

- Establish Reasonable Norms for NC Given Available Resources
- Develop Baseline Benchmarks, Minimums, Standards, Goals
- Identify Best Practices
- Compare Service Delivery Mechanisms — Identify Strengths and Weaknesses of Each
- Identify Areas in the System That Need Research
- Ability to Develop Cost Formulas Useful for Advocacy

The Key

Measuring the Right Things

How We Are Going to Make Sure We Are Measuring the Right Things



First Step: Define the Goals of Indigent Defense Services

Everyone Will Participate



- **Round Table Discussions:** defense counsel, indigent clients, judges, prosecutors, law enforcement, advocacy groups that represent our clients' interests, corrections officers, victims, community members.
- **Project Advisory Board:** Cross-section of the indigent defense community, the criminal justice system, and others as desired to advise us on what we should measure and review indicators as they are developed.
- **National Conferences:** Host a number of one-day national conferences to bring together indigent defense practitioners and criminal justice social scientists to review our evaluation tool as it is developed.

Detailed Information on Systems Evaluation Project

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Go to IDS Website, www.ncids.org

- Detailed Work Plan
- Research Results
- Work Products
- Round Table Discussion Results (July 2006)
- More Information

Your Chance to Tell Us

A faint, stylized image of a balance scale is visible in the background of the slide, centered behind the text.

- What do you think the goals of the system should be?
- How do you think the system fails our clients?
- What more would you do if you spent more time on cases?

North Carolina Project Work Plan

■ The End



