



THE CENTER FOR
Holistic Defense

A Project of The Bronx Defenders

Holistic Defense Symposium

Summary Report



The Bronx Defenders Justice Campus

May 8 & 9, 2014

Bronx, NY

Overview

Each year since 2010, The Bronx Defenders’ Center for Holistic Defense has chosen promising defender offices from across the country to receive intensive training and technical assistance. The goal of this work, which is supported by a grant from the U.S. Department of Justice’s Bureau of Justice Assistance, is to help these offices adopt a more holistic approach to their practices.¹ While the offices chosen have varied in size, organizational structure, geographic location, and client demographics, they have all shared a common commitment to broadening the scope of what it means to be a public defender office and to serving their clients and their communities in new and innovative ways.

For two days in May 2014, representatives from the fifteen past and current technical assistance sites, along with several other organizations interested in and committed to holistic defense, gathered in New York City at The Bronx Defenders’ Justice Campus for the first annual Holistic Defense Symposium.

The Symposium consisted of panels and group discussions covering all aspects of holistic defense and presented opportunities for participants to learn from each other and share their experiences in adopting holistic defense in their own unique jurisdictions. By the end of the two days, relationships had formed among this incredibly diverse group and a fledgling national network of holistic defender offices emerged. Representatives from the following offices were in attendance:

The Alameda County Public Defender, Oakland, CA
 The Arch City Defenders, St. Louis, MO
 The Clark County Public Defender, Las Vegas, NV
 The Committee for Public Counsel Services, MA
 The East Bay Community Law Center, Berkeley, CA
 The Humboldt County Public Defender, Eureka CA
 The Jefferson County Public Defender – Community Law Office, Birmingham, AL
 The George Kaiser Family Foundation, Tulsa, OK
 The Harris County Public Defender, Houston, TX
 Legal Aid Services of Oklahoma, Tulsa, OK
 Maryland Office of the Public Defender, Baltimore, MD
 The Mecklenburg County Public Defender, Charlotte, NC
 The National Legal Aid & Defender Association, Washington, DC
 The New York State Defender Association, Albany, NY
 The Office of the Public Defender, Atlanta, GA
 The Office of the Chief Public Defender, CT
 The Santa Clara County Public Defender, San Jose, CA
 The Shelby County Public Defender, Memphis, TN
 The Thurston County Office of Assigned Counsel, Olympia, WA
 The Tribal Defender for the Confederated Salish and Kootenai Tribes, Pablo, MT
 The Tulsa County Public Defender, Tulsa, OK
 The Washoe County Public Defender, Reno, NV
 The Wisconsin State Public Defender, WI
 Women in Recovery, Tulsa, OK

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Opening Remarks

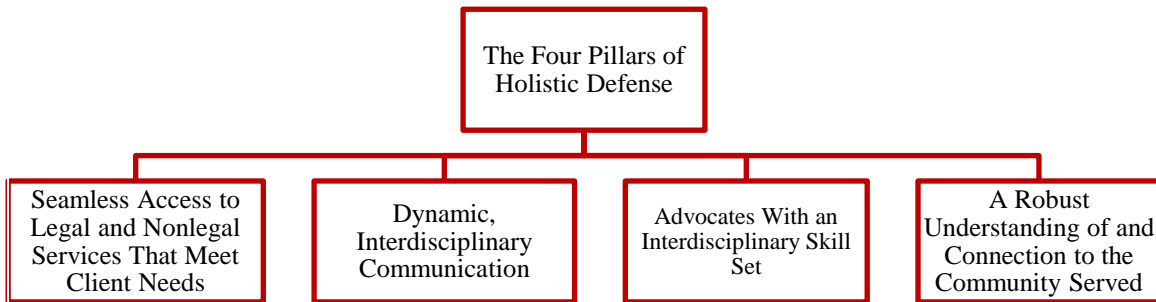
The symposium began with a welcome address by Robin Steinberg, the founder and Executive Director of The Bronx Defenders, who discussed the importance of defining holistic defense as a model. As Steinberg explained, a clear definition of holistic defense is needed so that offices can answer the questions: are we providing better services to our clients through this model, and how does holistic defense impact case outcomes, clients’ lives, and the well-being of their families?

What became clear through Steinberg’s address is that other terms such as “client-centered representation” and “community-oriented defense” represent philosophies and not models. In contrast, holistic defense is a model with discrete elements and a clear definition.

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Steinberg then outlined the four pillars of holistic defense:

- 1) Seamless access to legal and nonlegal services that meet client needs;
- 2) Dynamic, interdisciplinary communication;
- 3) Advocates with an interdisciplinary skill set; and
- 4) A robust understanding of and connection to the community served.



Steinberg further explained why the fourth pillar – community engagement – is so crucial: this pillar helps build support for offices in the community, makes staff members better advocates by keeping them informed regarding what clients’ lives look like and which services they need, and empowers offices to take on larger, systemic issues by keeping their staff abreast of the issues that affect entire communities.

Steinberg then addressed the oft-leveled charge that public defenders – whether holistic or not – are “cogs” in the system. She acknowledged that while public defenders may constitute the “most outsider” part of the legal profession, all lawyers are “insiders,” and thus in some respects “cogs” in the system. Yet there is still some good news: if just one cog is slightly off-kilter in a large machine, the whole system is impacted. In this sense,

public defenders can be cogs in the system while also achieving enormous impact within the system in support of their clients. Holistic defense is a vehicle for pursuing this goal.

Steinberg concluded her remarks by reminding the audience that this gathering – and indeed all of the work of The Center for Holistic Defense – is emphatically not about replicating The Bronx Defenders, but rather about taking the model of holistic defense, understanding its four pillars, and determining what they mean in different offices’ communities. The goal is for each organization to use the holistic defense model to create its own vision for how best to help the clients that it represents.

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The first steps for any office are to take stock of precisely who its clients are, what their needs and struggles are, and what sort of collateral consequences and enmeshed penalties they face.

Panel #1: Seamless Access to Services – Legal Services

Discussion Leaders

Justine Olderman and Kumar Rao, The Bronx Defenders

Mike Tobin and Gina Pruski, Wisconsin State Public Defender

Ann Sherwood, The Tribal Defender for the Confederated Salish and Kootenai Tribes

The first pillar of holistic defense is grounded in an understanding that the issues facing clients and the representation and services that they need extend far beyond their criminal cases. This pillar concerns how to address those needs – either internally by building resources within offices, or externally by building bridges with outside organizations.

How do public defenders create seamless access to services?

First, a public defender office should determine which civil legal needs its clients come into the criminal justice system with and which collateral consequences most often stem from criminal justice involvement in the office’s jurisdiction. Next, the office should focus on how its staff can make sure that those needs are addressed and that those collateral consequences are mitigated.

How should offices gather information about what their clients’ needs are?

To begin, office leadership should speak with advocates within the office about what types of needs their clients come into the system with and what sorts of collateral consequences they face. From there, the office should create a working group of advocates from all disciplines responsible for creating a master list of all conceivable legal issues that could arise for clients. At this point, office leadership can begin to think

about ways to implement those services within the office, while remembering not to simply chase after money; it is unwise for an office to chase a grant to provide a service in-house that its clients do not need. If an office does not employ advocates from multiple disciplines, staff members can talk to advocates in other legal services offices.

Once an office has compiled a list of needs and issues affecting its clients, office leadership can then begin – at a minimum – to conduct trainings for its staff on those topics. These trainings will help attorneys identify various issues and understand when to flag them. Moreover, the experts (either in-house or not) can then help to craft the questions that criminal defense lawyers will need to begin asking clients in order to spot and flag enmeshed penalties. This process leads easily to the creation of an initial interview checklist to be used across the office and with every client.

Determine which civil legal needs your clients come into the criminal justice system with and which collateral consequences most often stem from criminal justice involvement in your jurisdiction.

The Bronx Defenders Arraignment Checklist covers twelve issues and asks specific questions about each issue. In addition to an Arraignment Checklist, The Bronx Defenders created a companion guide to help lawyers understand what to do when a client answers yes to a checklist question. The guide also includes advice concerning what attorneys should tell clients about collateral consequences during initial interviews.



After each interview, all of the information gathered through the checklist is inputted into a case management system. Even when a client is re-arrested, the checklist questions are asked again.

At The Bronx Defenders, attorneys found that even though asking the checklist questions may result in lengthier initial interviews, clients are willing to wait when they have the chance to tell their stories fully to their

lawyers. As an office-wide practice, the checklist ensures uniformity so that clients do not receive different services and representation based on who their lawyers or advocates happen to be.

Case Study: The Wisconsin State Public Defender’s Immigration Task Force

In consultation with The Center for Holistic Defense, the Wisconsin State Public Defender set out to educate its lawyers about the immigration consequences of criminal justice involvement for its non-citizen clients. Realizing that there was no way to

turn every criminal defense lawyer on its staff into an immigration expert, the office instead developed a team of twelve lawyers spread throughout the state who participated in six specialized trainings with an immigration specialist. The team then created a form to be used at intake, modeled after The Bronx Defenders' Arraignment Checklist.

The entire statewide staff then received a day of immigration training, and the twelve immigration experts spread out across the state to help criminal defense attorneys advise their clients in regard to immigration matters.

The office also began to develop a clinical legal program at The University of Wisconsin Law School to further support its efforts to serve its non-citizen clients.

The Wisconsin State Public Defender's experience underscores the importance of external partnerships and of re-thinking and redefining existing roles to create the capacity needed to address clients' legal and non-legal needs.

Case Study: Redefining Roles in Montana

The Tribal Defender for the Confederated Salish and Kootenai Tribes in Pablo, Montana offers a vivid example of the effect that redefining existing office roles can have on the success of adopting holistic defense.

Because the Tribal Defender Office is a small and under-resourced office, it has had to redefine every role in its office in the course of adopting a more holistic approach to its work. In doing so, the office's staff members were able to transform the office into what is in essence a walk-in clinic.



With the help of two computers, some forms, and a civil advocate, the Tribal Defender Office created an on-site *pro se* clinic so that clients can represent themselves in civil matters.

Meanwhile, the office's criminal advocate established a cultural mentoring program that recruits community volunteers to mentor Tribal Defender clients, and also developed a driver's license diversion program that enables clients to reinstate their licenses before prosecutors file criminal charges. Similarly, the organization's office administrator created a program through which the prosecutor's office sends clients' bad checks to her before they file formal charges so that the office administrator can help clients resolve these issues without facing criminal sanctions.

Additionally, the sole civil lawyer at the Tribal Defender Office has expanded her practice to include representing clients in mental health commitments and guardianship proceedings, which are critical needs for the Tribal Defender Office’s clients.

The office has also begun a collaborative project with the University of Montana and the Tribal Health Department through which it hopes to improve clients’ access to healthcare services.

Panel #2: Seamless Access to Services – Non-Legal Services

Discussion Leaders

*Sofia Nivar and Elizabeth Keeney, **The Bronx Defenders**
Kevin Tully and Sharlise Spindle, **Mecklenburg County Public Defender***

The second panel continued the discussion of the first pillar by stressing the need to create seamless access to non-legal services such as social work support. How can public defenders best create seamless access to social work services for their clients? To begin, defender offices should identify which service providers are the best fits for their clients’ communities and then start building relationships with those organizations. When evaluating providers, offices should make sure that clients can access them easily, that clients will feel comfortable working with them, that staff members will speak their clients’ languages, and that the providers will ultimately offer the right services for clients.

The goal is to avoid the all too common practice of simply handing clients pieces of paper with addresses on them, and to instead conduct an individualized assessment of each client to determine which program is the best fit. Defender offices should keep in mind that there is often high turnover among staff at treatment programs, even at the leadership level.

Identify which service providers are the best fits for your clients’ community and then start building relationships with those organizations.

The benefits of developing these types of sustained institutional relationships with service providers are clear. At The Bronx Defenders, when advocates make referrals to social services programs, providers know that Bronx Defenders staff members will stay involved with clients and as a result providers are much more likely to accept the clients that Bronx Defenders advocates refer. The Bronx Defenders frequently invites service providers to its office to give presentations about their programs and answer questions. Developing these relationships helps to prevent crises in the future, as the service providers will call The Bronx Defenders first if there are any problems.

Embedding social workers in a team of holistic advocates positively affects the other advocates on that team as well. Social workers make their colleagues more holistic

because social workers have a professional orientation that is ecological in nature – that is, they see people within the contexts of their environments.

Case Study: A New Social Worker in Mecklenburg County, NC

Mecklenburg County’s experience of bringing a social worker on staff offers many lessons in developing the non-legal aspects of holistic defense. When the Mecklenburg County Public Defender hired its first (and thus far only) social worker, everyone at the office recognized that social work and lawyering are different. Lawyers needed to be educated about what it is that social workers do for clients.

A social worker on a holistic defense team and a social worker working within a treatment court model are different. They are not duplicative in any way. First, treatment courts will not work with all clients. Furthermore, a client in treatment court is not the court’s client and thus not the treatment court social worker’s client. In contrast, social



workers at holistic defender offices are advocates first and foremost. They work with clients and advocate on behalf of clients, all the while keeping community well-being in mind.

For this reason, the mandatory reporting requirements that apply to most social workers do not apply to social workers embedded on a holistic defense team. Rather, the protections of attorney-client privilege that extend to

all members of the defense team cover social workers embedded on a team of holistic legal advocates (for this reason, the closer in physical proximity that social workers are to a defender office’s lawyers, the stronger this argument will be).

Attorneys must make referrals to social workers on their teams. One way to accomplish this is by tracking referrals and including them as an explicit component of lawyers’ annual evaluations.

What is the ideal ratio of social workers to lawyers?

As many as possible! But public defenders can do a lot with just one. The Mecklenburg County Public Defender, for example, started with just one social worker. When the social worker first joined the office, she was not made available to all clients at the office, but rather only to clients who had been repeatedly arrested for low-level misdemeanor offenses. These clients were a concern to the County, which funded her position. After a while, the social worker was made available to all of the Mecklenburg County Public Defender’s clients. The social worker also trained the clerical staff to take on certain roles (e.g. program placement) that did not require social work degrees or licenses.

What should a holistic defender office look for in potential social work candidates?

The short answer is the willingness to be an advocate for clients, meaning a commitment to fight for clients in and out of court, as opposed to advancing the goals of a court or program. When hiring social workers, it is important to have a discussion about what it means to practice social work at a holistic defender office and what it means to be an advocate. Many social workers have little or no experience serving as advocates. Social workers at holistic defender offices are very much advocates for their clients and potential job candidates have to be comfortable with that role.

How should defender offices keep social workers and attorneys from clashing?

In the holistic defense model, clients' priorities are at the center of all decision-making. For this reason, conflicts between social workers and attorneys should not arise, because clients' wishes will always prevail. At the end of the day, social workers and lawyers should collaborate to achieve what their clients want.

How do holistic defenders keep up to date on the current social services provider landscape in their clients' communities?

Holistic defender offices can keep their knowledge of the social services in their jurisdictions current and consistent by utilizing crowd-driven databases, conducting on-going trainings, and inviting providers into their offices to give presentations.

Panel #3: Interdisciplinary Training

Discussion Leaders

Seann Riley, The Bronx Defenders

Natalie Finegar, Maryland Office of the Public Defender

The best way for a defender office to inculcate the principles of holistic defense in its staff is to offer interdisciplinary training for all staff members. By training advocates in an interdisciplinary fashion, offices can expand their advocates' skill sets and also foster understanding and respect across disciplines. Every staff member at The Bronx Defenders receives interdisciplinary training regardless of his or her role, job description, or practice area.

Interdisciplinary training provides advocates with better insight into their clients' lives and challenges, enabling advocates to provide better representation than they would in a traditional defender office.

Interdisciplinary training involves training advocates in each discipline thoroughly in their own fields while also offering foundational training in other disciplines. Interdisciplinary training provides advocates with better insight into their clients' lives and challenges, enabling advocates to provide better representation than they would in a traditional defender office. Interdisciplinary training also results in clients' higher satisfaction with their lawyers since clients feel

validated when they can have conversations with advocates who have a basic understanding of all of the issues that their clients face.

Interdisciplinary training is most important for staff members who are the first to meet with clients. It is critical for these advocates to know the precise questions to ask clients that will help uncover all of the other issues that clients might be facing. Training must be consistent and regular, and should evolve to meet clients' changing needs.

Panel #4: Dynamic, Interdisciplinary Communication – External Communications

Discussion Leaders

*Kumar Rao, Alexandra St. Charles, Scott Levy, and Molly Kovel, **The Bronx Defenders***

*Thomas Harvey and Michael-John Voss, **The Arch City Defenders***

How should public defenders communicate and publicize the work that they do? How can defender offices connect with external partners? How should holistic defenders present the stories of their clients to the outside world?

Public defender offices need to develop communications strategies and think critically about how they present their organizations to the world. An effective communications strategy is crucial for engaging stakeholders and allies and for educating future supporters about defender offices' work.

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The Bronx Defenders has focused on integrating its communications and branding, so that what people see in its physical materials and in its online presence are coordinated and consistent. To determine what The Bronx Defenders' integrated messaging and branding should look like, The Bronx Defenders began by listening and learning from stakeholders. The Bronx Defenders conducted focus groups with staff members during which discussion leaders asked what comes to mind when people think of The Bronx Defenders. Staff members posed this question to current clients as well. The Bronx Defenders then redesigned its logo based on the responses received, and subsequently extended its efforts outward to all other visual materials used by the office.

The Bronx Defenders moved next to its web site with two goals in mind: first, to make the front-end experience of the site effective and useful to visitors; and second, to make sure that the structure of the website was straightforward and intuitive since the office does not have any technical staff in-house to maintain the site. For this reason, it was incredibly important that the site be built on a platform that was easy to use and would allow The Bronx Defenders to easily update its content.

Group Exercise: Rebranding

Prior to the start of the Symposium, the entire group had been asked to bring copies of office materials displaying their letterheads. Each attendee was asked to trade materials with someone else, and then share what came to mind when viewing the other office's letterhead. The ensuing conversation revealed a general consensus that most offices' letterheads in no way reflected the messages that they wanted to convey about their offices.



The exercise concluded with a reminder that rebranding is not simply about visual aesthetics, but also about engaging staff members to move in a new direction and adopt a new mission. Rebranding also fosters

buy-in from staff members by encouraging them to think about what they want their office to stand for.

Case Study: Social Media to Interact with the Press

The Arch City Defenders, like most public defenders, is underfunded and under-resourced. They have turned to social media as a cost-effective way to maximize existing resources and cultivate potential supporters and donors.

If a local reporter publishes a great story about an issue that touches on their work, the Arch City Defenders will reach out to that reporter through social media in order to introduce themselves and talk about their work. In this way, they hope to become a resource for that reporter on that issue in the future. They also use social media as a way to publicly thank partner organizations.

Recently, the Arch City Defenders' efforts to reach out to reporters via social media led to a featured article in a local paper. The article heaped praise on the Arch City Defenders and included an in-depth client story, enabling the office to share the importance of its work with potential supporters and the general public.

When should public defenders have clients speak with the press?

At the initial stage of any interaction with a reporter, public defenders should keep in mind that they can often exercise significant control over the shape of the narrative if they invest time into educating that reporter on the issue. It is important for public defenders to be as prepared as possible early on in the process. Defender offices should also do their best to anticipate stories and prepare for press inquiries in advance.

Especially when working with clients and the press, it is important to make sure that the experience never becomes exploitative of clients. When public defenders are acting as media liaisons for their clients, they are still first and foremost their clients’ lawyers and must always keep their clients’ interests in mind. This mindset is crucial for ensuring that interactions with the media are useful, valuable, and comfortable for clients.

Panel #5: Community Engagement

Discussion Leaders

*Kate Rubin, and Kamau Butcher, **The Bronx Defenders**
Sol Felix, **The Bronx Defenders Organizing Project***

This panel addressed how offices can engage the community in public defense work, use the community as a resource to inform the direction of their work, and understand the ways that their offices can leverage their resources to improve their clients’ communities.

Know Your Rights Trainings

The Bronx Defenders conducts approximately two Know Your Rights trainings each week. The core of The Bronx Defenders’ Know Your Rights curriculum consists of the Three R’s: rights, realities, and responsibilities – participants learn about what their rights are, what the realities of interactions with the police are, and what their responsibilities are for educating themselves, their families, and their communities. The curriculum also goes into detail regarding what language to listen for when police officers speak and what language to use when speaking to police officers.

The core of our Know Your Rights curriculum consists of the Three R’s: rights, realities, and responsibilities.

The key to the trainings is that they do not simply impart this information, but also ask participants to spread the knowledge that they gain.

The Bronx Defenders Organizing Project

The Bronx Defenders Organizing Project raises awareness about issues in the community, travels to Albany to lobby politicians, conducts trainings, and registers people to vote. Sol, a former Bronx Defenders client, spoke about how he became involved in The Bronx Defenders Organizing Project after he was represented by The Bronx Defenders as the result of an arrest and was told about the opportunity to participate in the group.

How do holistic defender offices decide which policy initiatives to pursue?

First, The Bronx Defenders identifies the most egregious issues that are impacting its clients. From there, the office looks at the political landscape and determines whether The Bronx Defenders has the ability effectuate change. Could the office raise awareness and help things in that way? Does The Bronx Defenders have something unique to bring to the table because of its work as a holistic defender office?



The panel concluded with six lessons learned from community engagement work:

- 1) Just showing up builds a lot of good will;
- 2) Community engagement can take infinite forms from an apolitical Thanksgiving dinner to a political town hall meeting, rally, or protest;
- 3) In whatever form, community engagement is important for staff;
- 4) Community engagement takes resources, but it also fosters relationships with community partners and funders;
- 5) Be very clear about what your goals are; and
- 6) Community engagement takes time and patience.

Examples of community engagement work from Symposium participants:

- The Alameda County Public Defender Office’s LYRIC Program;
- The Maryland Public Defender Office’s Know Your Rights Trainings;
- The Arch City Defenders’ outreach presentations to social service organizations;
- The East Bay Community Law Center’s trainings for service providers about how to support their clients who are going through the juvenile justice system;
- The Shelby County Public Defender’s participation in the Project Homeless Connect program;
- The Wisconsin Public Defender Office’s statewide poverty simulation program.

Group Exercise: Brainstorming Community Engagement Projects

The participants then split into small groups and each group was asked to come up with three new community engagement activities. The ideas generated included:

- Marijuana Know Your Rights education program for kids and parents;
- Check the Box initiative to educate employers and clients about when to disclose or ask about prior convictions;

- Mobile Know Your Rights trucks;
- Community barbeques;
- Volunteering at a homeless day service center;
- Homeless court;
- Community advisory board;
- Client bill of rights;
- Leadership training for high school students; and
- Know Your Rights role-playing exercise.



The session concluded with a reminder that whenever holistic defender offices think about new community engagement projects, they must remember to always stay anchored to their core missions as defender offices. Otherwise, these projects may stray too far afield and the offices may end up outside of their areas of expertise.

Panel #6: Building Resources, Fundraising, and Metrics of Success

Discussion Leaders

*Thomas Palatucci and Jesus Perez, **The Bronx Defenders**
Brendon Woods, **The Alameda County Public Defender**
Kira Fonteneau, **The Jefferson County Public Defender**
Molly O'Neal, **The Santa Clara County Public Defender**
Kate Weisburd, **The East Bay Community Law Center**
Daniel Hamburg and Ashok Chandran, **Columbia Law School***

Defender offices do not have to be well resourced to practice holistic defense. Nonetheless, it is important to think through strategies for building resources in defender offices, some of which will cost money and some of which will not.

Politicians and Funders: How to Engage with Them

The Alameda County Public Defender Brendon Woods shared his experiences engaging with state funders, explaining how he had great success using clients' stories to demonstrate to government funders the importance of his office's work. He advised the Symposium participants to have visions for their offices and then sell those visions to their funders. He encouraged them to meet with their funders often, and to make budget presentations memorable by including photos of clients and highlighting their offices' successes and goals.

The Jefferson County Public Defender Kira Fonteneau shared similar advice, stressing that in more politically conservative jurisdictions such as hers, it is important to explain that providing public defenders with adequate resources will result in significant cost-savings down the line. Ms. Fonteneau reminded the audience not to be afraid to tell funders what will happen if public defender offices are not properly funded, exhorting

them to be brave and to draw lines with funders and government agencies when necessary.

Partnering with Outside Groups to Build Resources

Molly O’Neal of the Santa Clara County Public Defender discussed the Santa Clara County’s Reentry Resource Center and the role that her office plays within that organization. The Resource Center was originally funded through state realignment funds, but it has now evolved into a Center that helps anybody coming out of custody. Because the Resource Center is situated directly across the street from the public defender office, it



was a natural fit for collaboration. The Center has an on-site mental health clinic, a mobile medical clinic, vocational training, a food pantry, and a clothes closet. The public defender office has recently been given space to set up an on-site expungement clinic, a great example of how public defenders can create resources for their clients that are not physically housed in public defender offices.

Collaborating with Schools and Universities

Kate Weisburd of The East Bay Community Law Center recounted how her organization works with law students extensively and the benefits of that relationship. As Ms. Weisburd explained, law students bring a fresh sense of outrage with the criminal justice system that forces advocates to constantly answer students’ questions and leads to important conversations about what roles the students and the office can take on in support of their clients. With the right training and supervision, law students can take on a variety of roles and responsibilities. Law students are worth the training and supervision that they require because they are able to coordinate between different service providers and practice groups and can contribute significantly toward advocacy on behalf of clients.

With the right training and supervision, law students can take on a variety of roles and responsibilities.

Advice for how to work effectively with law students:

- Make them part of the team;
- Respond to their emails;
- Teach professionalism;
- Set expectations from the beginning; and
- Manage their workloads so that they do not burn out.

Symposium participants then heard from two current law students about their experiences in the Columbia Law School Holistic Defense Externship at The Bronx Defenders. The students stressed the importance of good mentorship, and recounted how much they enjoyed seeing the passion of the advocates at The Bronx Defenders.

The Symposium participants were reminded that many of the law students who come to The Bronx Defenders through the externship work in civil legal areas that are related to the criminal case but which are difficult to fund. Defender offices should not abandon civil work just because they cannot obtain sufficient funding; these offices should think about bringing in law students to undertake civil legal work on behalf of clients.

Measuring Success

If defender offices cannot measure their successes, funders will not want to support them. However, public defenders should not be afraid – if a defender office measures something and it is a bit of a failure, the office can learn from it. Holistic defenders must measure all aspects of their work.

The Bronx Defenders Client Satisfaction Surveys are an important part of the office’s self-evaluation efforts. When carrying out these types of surveys, it is important to employ consistent sampling, and to never take up more than five minutes of a respondent’s time when conducting the survey over the phone. Former clients are always asked: during the course of your representation, did anyone inform you that you could receive help with other legal or non-legal matters?

Defender offices should be careful not to make surveys overly complicated – interviewers must always be clear about what is being asked. Furthermore, it is important that advocates are not responsible for conducting surveys. Instead, public defenders should have someone external to the office (e.g. interns) call clients.

Case Management System

The Bronx Defenders designed its own holistic case management system after realizing that it needed a case management system that reflected its interdisciplinary practice. The holistic case management system’s custom features include a flagging system that notifies the appropriate advocates on a particular team whenever a client’s legal need is identified and a referral needs to be made.

Additionally, the human resources system at The Bronx Defenders helps keep track of hiring and attrition, especially during times of growth for the office. The system even assesses the appropriate mix of staff, so that office management can know not only how many lawyers they need but also how many social workers, supervisors, and other staff members they should hire.

Panel #7: Recruiting and Hiring

Discussion Leaders

Robin Steinberg, Seann Riley, and Desiree Lassiter, The Bronx Defenders

Holistic defense requires a shift in focus when it comes to recruiting and hiring. It requires the adoption of a new recruitment model, as well as a new way of talking to job applicants about public defense.

When meeting with prospective candidates, holistic defenders should make sure to sit down and have a full conversation with each applicant. Interviewers should not simply ask a series of questions, but should rather try to get to know each candidate and his or her journey to holistic defense. These conversations are crucial for determining whether potential candidates would be good matches for holistic defender offices. Recruiters should not just look for good trial lawyers, but should instead look for people who embrace the model of holistic defense and who can identify how holistic defense reflects the needs of clients. Additionally, offices should model holistic defense through their hiring committees by assembling groups that contain both lawyers and non-lawyers.

Recruiters should not just look for good trial lawyers, but should instead look for people who embrace the model of holistic defense and who can identify how holistic defense reflects the needs of clients.

Because of the interdisciplinary nature of holistic defense, it is important for offices to cast a wide net for prospective candidates. Recruiters must be careful not to shut the door too quickly on any one candidate. Offices should look for candidates from diverse backgrounds, walks of life, prior careers, and past experiences. Individuals with experiences in other fields prior to law school often make for excellent holistic defenders, as they will tend to approach the work with a less legalistic and narrow focus. Offices should not just seek to hire people who have only been public defenders for their entire careers. In the same vein, if a defender office is able to hire several advocates at the same time, it is important to have a diversity of experiences within that group of new hires.

Holistic defender offices must look for candidates who value collaboration. Interviewers should be wary of a candidate who talks solely in terms of trials won and courtroom experience. Instead, interviewers should ask candidates to talk more broadly about interactions they have had with clients. It is important to determine as best as possible how a candidate will react to and work with clients.

Finally, because offices want to attract the best and most committed future holistic defenders, office leadership should be mindful of whom they ask to attend job fairs and speak with prospective candidates. Additionally, defender offices should bring staff members from a variety of fields to recruiting events.

Panel #8: Veteran Staff: Changing Hearts and Minds

Discussion Leaders

*Robin Steinberg, Amy Gallicchio, and Ed McGowan, **The Bronx Defenders***

As offices move toward holistic defense, it is important for them to support their more experienced and traditionally trained lawyers on their own personal transitions to holistic defense.

Everyone likes to win, and everyone likes a satisfied client. Holistic defense helps lawyers pursue both of these goals. When broaching the topic of holistic defense with staff members, holistic defender offices should remember that one of the model's main selling points is that holistic defense often results in better outcomes for clients – even when measured by traditional courtroom metrics. Furthermore, it will be important for offices to demonstrate to the experienced (and perhaps more change-resistant) trial



lawyers on their staff that representing clients holistically often results not only in better case outcomes, but also in greater degrees of satisfaction for clients and – not insignificantly – for lawyers as well.

Defender offices must be careful not to write off their senior staff just because they have been practicing in a traditional manner for a long time. Indeed, there are many long-time public defenders who

would like to practice holistic defense, but who until now simply have not had the opportunity to do so. They may not know exactly how to begin practicing holistic defense, but they recognize all the benefits that doing so would bring to their clients' lives as well as to their own.

As to the issues of staff retention and satisfaction, holistic defense, with its interdisciplinary approach and broader understanding of success, often leads to higher levels of job satisfaction. At the same time, defender offices must always remember that employee retention should not be a goal in and of itself.

On a similar note, because holistic defense encourages and supports innovation and experimentation, defender offices can create pathways to different sorts of responsibilities for staff that will result in increased satisfaction and reduced levels of burnout. When staff members are given the opportunity to take on leadership roles for special projects that mean something to them, their overall levels of job satisfaction will increase.

Final Group Discussion: Sharing Successes and Failures

Discussion Leader

*Robin Steinberg, **The Bronx Defenders***

The symposium concluded with a spirited group discussion about successes and failures along the road to holistic defense. Participants were given the opportunity to share and seek feedback concerning examples from their own experiences with holistic defense initiatives that have been successful, as well as with projects that have proved less fruitful. This large group discussion provided participants with an especially valuable learning experience that leveraged the lessons gained from years of practice in a variety of jurisdictions, and further developed a strong sense of community among the diverse array of holistic defender offices in attendance.



At the end of the group discussion, Robin Steinberg impressed upon the audience the value of gathering in this way to share ideas and experiences, and expressed her hope that the Symposium will represent the beginning of a new community of pioneers who are creating holistic defender offices in their own unique jurisdictions across the country.