



# Survey of Public Defenders (SPD) Pilot Report

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The Bureau of Justice Statistics (BJS) conducted the Census of Public Defender Offices in 2007 and the National Survey of Indigent Defense Systems as a survey in 1999 and a census in 2013. These collections examined public defense at the office level. After considering the results of these efforts, BJS determined that some questions about the provision of public defense, including questions about caseloads, clients, and access to resources, should also be captured directly from attorneys. The Survey of Public Defenders (SPD) is a new data collection effort by BJS that aims to meet that need. In 2019, BJS began work to develop the SPD with the Urban Institute, NORC at the University of Chicago, the National Association for Public Defense (NAPD), and consultant Andrew Davies.<sup>1</sup>

## Development of the SPD

The SPD public defender instrument was developed based on work done as part of the Survey of Publicly Appointed Defense Attorneys: Design Study (SPADADS) award.<sup>2</sup> The SPADADS final report describes the development of the survey instrument, cognitive test results, and the challenges of defining and identifying the universe and sampling of publicly appointed defense attorneys. While SPADADS focused broadly on publicly appointed defense attorneys, including assigned counsel, contract attorneys, and public defenders, the SPD restricts respondents to public defenders.

<sup>1</sup>Hereafter, BJS and these contractors will be referred to as “the project team.”

<sup>2</sup>Previously named the 2016 BJS Survey of Public Defenders: A Design Study (SPDDS), this work was conducted under Award No. 2016-R2-CX-K032.

For purposes of the SPD, public defenders are defined as those who:

- work in offices with a physical address or are registered as a 501(c)(3) organization, with W2 wage-earning employee attorneys,<sup>3</sup> and
- provide public defense representation for adults or juveniles accused of a crime or delinquency or persons accused in a state or local trial court of violating conditions of a sentence (e.g., escaping from confinement or violation of probation).

BJS designed a pilot test for the SPD with three main goals: assess the viability of a dual-frame sampling plan, test response rates for the office-level and public defender-level surveys, and test response rates correlated with outreach strategies. This report provides an overview of the pilot test, key findings, and recommendations for the full-scale data collection.

## Pilot sampling frame and sample design

One main finding from SPADADS, as well as from previous BJS surveys of public defense providers, was that states varied in how they organized the public defense function. Some states had statewide public defense offices capable of providing a list of all public defenders employed in the state. Other states did not have statewide public defender offices but could provide a list of public defenders through an oversight organization, such as

<sup>3</sup>Offices that had only independent contractor attorneys (1099s) were out of scope for this data collection.

the Texas Indigent Defense Commission. Some states that did not have a statewide public defense organization were not capable of readily assembling a list of all public defenders in the state. At the time of the pilot study design, 31 states and the District of Columbia had public defense systems capable of producing complete rosters and 18 states did not.<sup>4</sup> Without a complete universe, a sample for the survey could not be efficiently selected from a single nationwide roster of public defenders. Doing so would have required contacting all state-level public defense offices and all public defense offices in the 18 states where statewide rosters did not exist. The SPADADS recommendation was to divide the states into two frames: (1) states able to provide statewide rosters and (2) states unable to do so at the time of data collection (table 1).

For each frame, a two-stage sampling design for the pilot study was developed but differed based on frame as described below. One-third of the sampled public defenders (n=100) were selected from frame 1 and two-thirds from frame 2 (n=201).

<sup>4</sup>At the time of this project, Maine provided defense through appointed attorneys and did not have any public defense offices or public defenders.

### Frame 1: States with a list of all public defenders in the state

For frame 1, the first stage of sampling occurred at the state level by selecting a representative sample from the 31 states and the District of Columbia that could produce a statewide roster. The project team stratified frame 1 into two groups based on expected public defender volume, using population size as a proxy:

1. High volume: 10 states (Florida, Maryland, Massachusetts, Missouri, New Jersey, North Carolina, Tennessee, Texas, Virginia, Wisconsin) with a population size of 5.5 million or more.
2. Low volume: 21 states (Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, Hawaii, Idaho, Iowa, Louisiana, Minnesota, Montana, New Hampshire, New Mexico, North Dakota, Oklahoma, Rhode Island, South Carolina, Vermont, West Virginia, Wyoming) and the District of Columbia with a population size of less than 5.5 million.

The project team randomly selected three high-volume (Missouri, New Jersey, and Virginia) and two low-volume (Minnesota and Montana) states from frame 1. In the second stage, 100 public defenders (60 from high-volume states and 40 from low-volume states) were randomly selected from the five statewide rosters.

**TABLE 1**  
**National provision of public defense, by sampling frame**

Frame	States	Resident population in 2021
Frame 1 (able to produce a list of all public defenders in the state)	Alabama, Alaska, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Florida, Hawaii, Idaho, Iowa, Louisiana, Maryland, Massachusetts, Minnesota, Missouri, Montana, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Oklahoma, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Wyoming	167,550,645
Frame 2 (unable to produce a list of all public defenders in the state)	Arizona, California, Georgia, Illinois, Indiana, Kansas, Kentucky, Michigan, Mississippi, Nebraska, Nevada, New York, Ohio, Oregon, Pennsylvania, South Dakota, Utah, Washington	163,103,671

Note: At the time of this project, Maine (estimated population of 1,377,238 in 2021) provided defense through appointed attorneys and did not have any public defense offices or public defenders.

Source: U.S. Census Bureau, Vintage 2022. Annual Estimates of the Resident Population for the United States, Regions, States, District of Columbia, and Puerto Rico: April 1, 2020–July 1, 2022.

## Frame 2: States without a list of all public defenders in the state

For frame 2, the first stage of sampling involved the definition, stratification, and selection of primary sampling units (PSUs), also referred to as jurisdictions in this report. A PSU was defined as a county or cluster of bordering counties. Within the 18 states without rosters, there were 1,466 PSUs made up of 1,334 counties and 132 county clusters. The 1,466 PSUs were stratified by population size (table 2). In strata 1-3, all PSUs were made up of single counties.<sup>5</sup> In stratum 4, the smaller counties were grouped into county clusters when a single county did not have a large enough population to generate enough attorneys from which to sample. For this sample, all counties were single, except for one county cluster consisting of two counties in stratum 4. A total of 26 PSUs were sampled across the four strata, proportional to the population served.

In the second stage, 201 public defenders were randomly selected from the 26 PSUs.<sup>6</sup> The number of public defense attorneys selected from each stratum was roughly based on the size of the population served. For example, in stratum 1, there were 40 jurisdictions representing 40% of the total population for frame 2, and the project team sampled 8 jurisdictions.

<sup>5</sup>Some states provided public defense by region or judicial district. If a single county was drawn that was part of a multicounty region or judicial district, the additional counties were included as being covered by the office. This did not occur for the pilot test.

<sup>6</sup>The project team targeted 300 as the sample size for the pilot test, with the goal of roughly equal groups in the control and treatment groups. This resulted in 201 attorneys being drawn from frame 2, to balance the group sizes.

## Survey instruments

For both frames 1 and 2, two surveys were administered: an office-level survey and a public defender-level survey. The office survey collected information on all defenders in the sampled state or jurisdiction (e.g., demographics and work status of all public defenders) (appendix A). In addition, offices were asked to provide a roster of public defenders with each public defender's name, email address, phone number, mailing address, sex, race and ethnicity, and full- or part-time status. Demographic and work status information was requested to allow for the possibility of oversampling some subgroups and to properly account for potential differences between the responses of full-time and part-time attorneys in the analysis (e.g., not counting reported caseloads of part-time attorneys the same as full-time attorneys). The office survey was distributed about 2 months prior to administering the public defender survey.

The public defender survey was developed based on work done under SPADADS and administered using information from the rosters collected during the office survey. The public defender survey asked respondents approximately 60 closed and open-ended questions capturing their experiences as public defenders (appendix B). The survey included five key areas identified during the SPADADS expert panel:

1. public defender work experiences (e.g., hours, place of employment, and typical activities)
2. caseload
3. most recent case activities
4. working conditions (e.g., benefits, support staff, self-reported stress)
5. demographics (e.g., age, sex, race and ethnicity, salary, and student loan debt balance).

**TABLE 2**  
Number of PSUs and public defenders sampled in frame 2, by population stratum

Population stratum	Population range of PSUs	Number of PSUs/ jurisdictions	Percent of population (frame)	Number of PSUs/ jurisdictions sampled for pilot	Public defenders sampled per PSU/ jurisdiction	Total public defenders sampled
Total	~	1,466	100%	26	~	201
1	1,000,000 or more	40	40	8	12	96
2	440,000–999,999	60	20	4	12	48
3	158,000–439,999	150	18	5	6	30
4	157,999 or fewer	1,216	22	9	3	27

Note: PSU denotes primary sampling unit.

~Not applicable.

Source: Bureau of Justice Statistics, Survey of Public Defenders Pilot Test.

A new section was added to the SPD public defender survey that accommodated the shift in work practices during the COVID-19 pandemic. This section asked respondents whether they were employed as a public defender before March 2020, and if so, how their work had changed since that time. The additional COVID-19 questions contextualized the remaining survey, acknowledging that questions on topics like client communication or appearance in court could seem insensitive in the context of the shift away from in-person requirements for court hearings during the pandemic.

### Office survey administration

The project team distributed the office survey to the five state offices in frame 1 and the 26 local offices in frame 2 via Qualtrics, a secure online web portal. The survey first asked whether the office was a government agency or not-for-profit organization to confirm that it met the definition for inclusion in the sampling frame. At the office level, four of the five (80%) sampled states from frame 1 and 24 of the 26 jurisdictions (92%) from frame 2 responded, reducing the sample from 301 to 264 public defenders.

In addition to requesting the rosters, the office survey requested the total number of new cases opened by case type. Offices varied in their ability to report this information. Overall, half of the offices were able to provide counts or estimates of new cases opened in 2020. Two of the four states provided this information in frame 1, and 12 of the 24 offices provided the information in frame 2.

### Roster details

Depending on several factors, the project team addressed nonresponse during roster compilation by either (1) using NAPD's membership lists, after securing permission from jurisdictional leaders and asking leaders to verify the information, or (2) replacing nonresponding jurisdictions.<sup>7</sup>

In some instances, jurisdictions or states were resampled. The decision to resample rather than drop states or jurisdictions was based on timing. In instances where an office or state refused to participate or was otherwise out of scope early in the project, the office or state was replaced. However, in instances where outreach had occurred and substantial time had elapsed, offices were not replaced. This decision was made to maintain reliability in testing the effectiveness of outreach strategies during the public defender survey administration. Resampling after substantial time elapsed would have required either nonuniform amounts of time between outreaches or multiple outreach schedules. In frame 2, one county refused to participate and was replaced with another county in the same stratum. Two counties did not meet the definition of a public defender office (e.g., the public defenders were 1099 contract employees and not W-2 wage earners) and were replaced with counties from the same strata. One frame 1 state could not be replaced due to the nature of the staff's work (i.e., Guardian Ad Litem attorneys and not criminal public defenders), and two frame 2 jurisdictions could not be replaced due to persistent nonresponse.

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<sup>7</sup>With permission from the jurisdictions, NAPD compiled roster information for one state in frame 1 and six counties in frame 2. The one state and six counties approved the rosters compiled by NAPD.

In the sampled statewide systems, all four states that participated had the capability to provide rosters, while frame 2 jurisdictions experienced greater challenges producing public defender rosters. Within both frames, there were also certain items included in the roster request (e.g., contact information and attorney demographics) that were often incomplete or missing (table 3). None of the four states in frame 1 and 7 of the 24 jurisdictions in frame 2 provided complete roster information. Response rates may have been affected by the timing of the survey: The office survey was administered in Summer 2021, as attorneys were returning after COVID-19 to a more traditional work environment with case backlogs, which may have affected the ability of offices to respond to the detailed roster request.

## Public defender survey administration

The public defender survey was administered over a 14-week period, from August to November 2021. The pilot test used an online survey portal with the option to download, complete, and submit a PDF copy of the survey. The team sent phone or email reminders to nonrespondents during weeks 2 to 12 and paper copies of the survey to nonrespondents in week 10.

The project team also conducted an experiment with the eligible attorney sample (N=264) to test the impact of different outreach and endorsement strategies. Public defenders were randomly assigned to one of three experimental groups: the control group (n=85), treatment group 1 (TG1; n=99), and treatment group 2 (TG2; n=80). Table 4 shows the number of states, jurisdictions, and public defenders in each group.

**TABLE 3**  
**Frames 1 and 2 roster completeness**

State or jurisdiction	Total number of states or jurisdictions	Public defender email address	Public defender mailing address	Public defender phone number	Public defender sex	Public defender race/ethnicity	Public defender employment status (FT/PT)	Total number of public defenders
Total	28	28	21	19	8	7	9	2,717
States	4	4	3	2	0	0	0	1,389
Jurisdiction stratum 1: counties	7	7	3	2	0	0	0	726
Jurisdiction stratum 2: counties	4	4	3	3	1	0	1	423
Jurisdiction stratum 3: counties	5	5	5	5	2	2	3	91
Jurisdiction stratum 4: 7 counties and 1 county cluster	8	8	7	7	5	5	5	88

Note: FT means full-time, PT means part-time.

Source: Bureau of Justice Statistics, Survey of Public Defenders Pilot Test.

**TABLE 4**  
**Number of states, jurisdictions, and public defenders in the control and treatment groups**

	Total	Control	Treatment group 1	Treatment group 2
Number of sampled units	28	9	11	8
Frame 1	4	1	2	1
Frame 2	24	8	9	7
Number of public defenders	264	85	99	80
Frame 1	79	20	39	20
Frame 2	185	65	60	60

Source: Bureau of Justice Statistics, Survey of Public Defenders Pilot Test.

The control group received an emailed letter outlining the purpose of the study, a letter of support from public defense organizations, and personalized access to the online survey.<sup>8</sup> TG1 received the same content as the control group, but also received an endorsement email from the leader of their office (e.g., chief public defender of the state or the jurisdiction) encouraging respondents to participate. TG2 received the same content as the control group and a letter of support for the survey from a public defender client advocacy organization. Appendix C includes examples of the letters sent to the control and treatment groups.

Debriefing interviews were conducted with 11 public defenders, including 5 respondents (3 from frame 1 and 2 from frame 2) who responded more than 1 month after initial contact and 6 nonrespondents (4 from frame 1 and 2 from frame 2). Interviews with late respondents collected information on the survey instrument, motivations for taking the survey, and recommendations for how to improve motivation among public defenders to complete the survey in full. Interviews with nonrespondents collected information on reasons the attorneys chose not to complete the survey and recommendations for how to improve response motivation among attorneys in the future.

### Response rates by frame

For the public defender survey, 11 respondents were screened out as ineligible, leaving 253 eligible respondents. The overall response rate for the public defender survey was 73%, with 185 public defenders in the sample completing the survey.

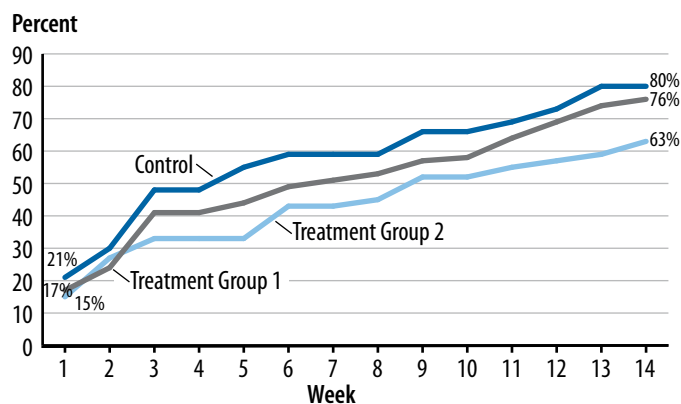
<sup>8</sup>This outreach strategy is standard for most BJS surveys.

At the public defender level, the response rate was 72% for frame 1 and 74% for frame 2. The null hypothesis was that the response rate would be equal between frames 1 and 2. A two-sided chi-square test showed no significant difference in the response rates between frames 1 and 2. This shows that response from each frame was not impacted by the roster being pulled from a statewide or local source.

### Response rates by experimental group

The control group consisted of 80 public defenders, TG1 included 98 public defenders, and TG2 included 75 public defenders. The survey response rate was 80% in the control group, 76% in TG1, and 63% in TG2 (figure 1). Using a two-sided chi-square test, differences in response rates were statistically significant between the control group and TG2 at the .05 level using Fisher’s Exact Test ( $p=.05$ ), but not between the control group and TG1 or between TG1 and TG2.

**FIGURE 1**  
Survey response rates, by experimental group



Source: Bureau of Justice Statistics, Survey of Public Defenders Pilot Test.



## Item nonresponse

The project team analyzed the public defender survey data, calculating item missingness, out-of-range values, and other anomalies. The overall data quality of responses for most of the survey questions had rates of missingness between 0% and 5%. Of the 96 survey items, 10 had a level of missingness above 5% (table 5).

## Results of debriefing interviews

**Late respondents.** All late respondents interviewed indicated that they understood the purpose of the survey, found it easy to take, thought the length was appropriate, and did not find anything hard or confusing about the survey questions or responses. When asked why they did not take the survey right away, all but one attorney indicated that they responded late because of work obligations. The respondents said the follow-up emails and phone calls motivated them to complete the survey, along with hope that the information would benefit public defense.

When asked how to motivate attorneys to complete the survey, the most common recommendation was to provide an incentive. Further, the attorneys were hopeful that the SPD data could improve reform efforts in public defense. Interviewees recommended emphasizing the importance of collecting data to bridge the gap between workload and compensation. They also suggested stressing how findings could help elicit appreciation of the public defense field.

**Nonrespondents.** Four of the six nonrespondents indicated that they were busy with work when they received the survey. One person said they chose not to complete the survey because they did not think that they could accurately assess their work as a public defender due to the influence the COVID-19 pandemic had on their work. Another person had not received the survey. Notably, all nonrespondents who were interviewed requested another opportunity to complete the survey. When asked how to motivate attorneys to participate in the study moving forward, half suggested providing a gift card or other incentive.

## Supplemental research: roster completion

After the pilot test concluded, BJS funded additional research to better understand what data offices had regarding their attorneys, how difficult it was to compile information, and whether reimbursing offices for the work needed to generate rosters would help them provide more detailed rosters.

Semi-structured interviews were conducted with leaders or representatives from the nine public defenders offices included in the pilot study that chose not to participate or that were not able to provide complete lists of attorneys. Eight of the offices were in frame 2, and one office was in frame 1. Office sizes ranged from 12 to 460 staff, with between 6 and 243 attorneys.

**TABLE 5**  
**Public defender survey items with greater than 5% missingness**

Item number	Question	Eligible responses	Percent missing
5	What is the biggest challenge you face representing your clients during the COVID-19 pandemic?	165	7.3%
19.a	Number of adult misdemeanors open right now?	185	6.5
19.b	Number of adult felonies open right now?	185	5.4
19.d	Number of adult post-conviction cases open right now?	185	5.4
19.e	Number of adult probation or parole violations open right now?	185	9.7
30.b	Did the most recent case you closed involve allegations of sex offenses (rape, sexual assault, etc.)?	185	5.2
30.c	Did the most recent case you closed involve allegations of property offenses (burglary, larceny, etc.)?	185	5.2
30.f	Did the most recent case you closed involve allegations of serious driving offenses (DUI, driving with license revoked, etc.)?	155	5.2
47.k	Consequence for client from your most recent case closed: Sentenced to custody	155	5.8
47.l	Consequence for client from your most recent case closed: Sentenced to probation	155	7.1

Source: Bureau of Justice Statistics, Survey of Public Defenders Pilot Test.

Results from the interviews revealed a mix of attorney demographic collection practices. The statewide public defender office indicated that its human resources office collects race and ethnicity data on applications and may be able to generate a report. Six systems in frame 2 either did not internally collect or did not know if another county agency collected or reported demographic data for employees.

All nine leaders indicated that only one person within their program had access to contact information and any available demographic information. Eight of the nine offices reported that collecting roster information would take as few as 2 and no more than 30 minutes. One office could not determine how long it would take to provide the information.

Roughly half of the office leaders reported any difficulty collecting attorney rosters, identifying problems with demographic data, confusion about what demographic data were available, a need to consult with unions before releasing personal information, and the inability to provide a direct phone number for each public defender. Aside from contacting the appropriate person, there were no suggestions for improving roster compilation.

BJS also sought to understand whether providing reimbursement to public defender offices for time spent compiling attorney rosters would increase office participation in the SPD and improve the accuracy and quality of the rosters. When asked about reimbursement, two offices indicated that they had a policy of charging for data requests but did not implement or handle the collection of fees. Furthermore, because the burden of generating the roster information was low, they did not think they would be able to charge for the service, indicating that reimbursement would probably not improve roster compilation or quality. The remaining offices either did not have a policy or did not know if they had a policy.

## Recommendations for the national implementation of the SPD

Based on the data collected, knowledge gained, and lessons learned from the pilot study, several recommendations should be considered when fully implementing the SPD data collection nationwide. These recommendations focus on sampling design, survey instrument modifications, roster development, respondent recruitment, and survey administration.

### Sampling design

The SPD pilot tested a two-stage sampling design using a dual frame. This pilot test demonstrated that this design is a viable strategy for sampling this population. A dual-frame sampling strategy is an efficient way to achieve full coverage of the population of public defenders in the United States and is consistent with BJS's goal of creating a nationally representative survey.

The pilot sample revealed instances where individuals selected were not eligible to complete the survey. These instances included inactive employees (due to retirement, long-term leave, or resignation), individuals who were not attorneys, attorneys who had not been assigned a case in the last year (often due to a management role and not carrying a caseload), and attorneys assigned to a class of cases that were outside the scope of this study (e.g., municipal cases or family law cases). A nationwide survey of public defenders should plan a sample size that adjusts for ineligible respondents, quickly outdated rosters, and the general trend in lagging survey response rates. Additionally, the sample distribution across the two frames of states where statewide rosters can and cannot be developed should reflect the overall population distribution in the two frames.



## Survey instrument modifications

**Roster collection.** Seven of the public defender offices in frame 2 and none of the statewide public defender offices included in this pilot study were able to provide a complete roster that included all contact and demographic information for each public defender. Less than one-third of offices were able to provide data on attorney race or ethnicity, sex, or full- or part-time status. Based on this finding and information from the nine supplemental interviews, the roster should not request individual attorney race/ethnicity or sex information.

**Public defender survey.** The following changes should be made to the public defender survey as a result of the SPD pilot test and survey data:

- Remove the five additional COVID-19 questions. The abatement of pandemic conditions since the pilot has resulted in a “new normal” in most jurisdictions.
- Restrict answers that require numbers to only allow numerical responses.
- Add coded response options informed by free-text responses to “other.”
- Use the newly expanded White House Sexual Orientation and Gender Identity Best Practices for sex or gender questions.<sup>9</sup>

## Roster development

Based on the interviews with offices that did not participate in the pilot, reimbursing offices to produce rosters does not appear to be an effective means of increasing office participation. Due to the high rates of turnover in public defense, the project team recommends that the time between collection and survey administration be brief. The pilot results suggest that partnering with national public defense organizations offers an alternate route to obtaining rosters for offices that have difficulty compiling their own list of attorneys.

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<sup>9</sup><https://www.whitehouse.gov/wp-content/uploads/2023/01/SOGI-Best-Practices.pdf>.

## Respondent recruitment

Recruiting attorneys to complete a survey is a key challenge to the success of a national survey of public defenders. Debriefing interviews with nonrespondents suggest that incentives may encourage some public defenders to complete the survey, but additional research is needed on the effectiveness of incentives with this population. To encourage participation in the full survey, BJS will consider using incentives to increase the response rate.

## Survey administration

An additional finding that emerged from nonrespondents was that they would have completed the survey if more time had been allotted to complete the survey or if an incentive had been offered. BJS will administer a full SPD with a field period of sufficient length to ensure adequate response.

Finally, in the pilot test, approximately 9% of respondents mailed in paper responses. Though most respondents completed the survey electronically, offering multiple modes of survey administration allows greater flexibility to participants and can bolster response rates.

## Next steps

Prior to sampling the PSUs, the project team dedicated considerable time to updating the frame from the 2007 Census of Public Defender Offices (CPDO). While the ad hoc frame was sufficient for the SPD pilot, an updated comprehensive frame is needed to field the full implementation. Therefore, BJS will conduct the second CPDO in 2025 and use the results as the frame for the full implementation of the SPD.

# Appendix A: Office Survey

## Appendix A: Office Survey

Please answer the following three questions for your office and complete the attached roster.

### Question 1:

**Public defender offices come in various types. Which of the following best describes your office?**

- A state government agency
- A local (e.g. county or municipal) government agency
- A nonprofit organization
- Something else, please specify: \_\_\_\_\_

### Question 2:

**Please report the total number of new cases opened in 2020 in your office in the following categories.**

- A felony, misdemeanor or juvenile delinquency case is defined as a charge or set of charges against a single defendant.
- When defendants face one or more charges in the same case, the highest charge determines whether the case is classified as a misdemeanor or a felony.
- An appellate case is defined as a single appeal in a single appellate court.
- A post-conviction case is defined as any case taking place after the resolution of a trial case other than an appeal.

*Please either indicate the number of cases, or select 'N/A' if your office does not handle that type of case.*

Capital cases	<input type="checkbox"/>	N/A
Adult misdemeanors	<input type="checkbox"/>	N/A
Adult felonies	<input type="checkbox"/>	N/A
Adult appellate cases	<input type="checkbox"/>	N/A
Adult post-conviction cases	<input type="checkbox"/>	N/A
Juvenile delinquency	<input type="checkbox"/>	N/A
Juvenile appellate cases	<input type="checkbox"/>	N/A
Juvenile post-disposition cases	<input type="checkbox"/>	N/A

We would like to collect a roster of all the attorneys in your offices who are assigned to represent criminal defendants. We will use this list to randomly select some attorneys to receive a survey about their work experience. This list will only be used for statistical purposes and will be kept confidential.

**Please list attorney personnel on staff as of January 1, 2021.**

- Please do not count contract attorneys, but only W-2 eligible attorneys.
- Please do not count any non-attorney employees.
- Please include both part- and full-time employees.

## Appendix A: Office Survey

### Public Defender Roster

	Attorney Last Name	Attorney First Name	Attorney Email Address	Attorney Phone Number	Mailing Address	City	State	Zip code	Sex	Race/Ethnicity	Full-time or Part-time
1											
2											
3											
4											
5											
6											
7											
8											
9											
10											
11											
12											
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# Appendix B: Public Defender Survey

## Appendix B: Public Defender Survey



U.S. DEPARTMENT OF JUSTICE  
BUREAU OF JUSTICE STATISTICS

OMB No. 1121-0339  
(Expiration Date: 4/30/22)

# Survey of Public Defenders

ENTER THE CONTACT INFORMATION OF THE PERSON FILLING OUT THIS FORM

Name:		Title:
Address:		
City:	State:	Zip Code:
Telephone:		E-mail Address:

### Informed Consent

**Description and Purpose of the Survey of Public Defenders Pilot Test (SPD):** SPD collects data on public defense providers and public defenders across the United States. You have been randomly selected from your office, which was selected from the population of public defense offices across the country.

**Sponsor:** The survey is sponsored by the U.S. Department of Justice's Bureau of Justice Statistics (BJS). Urban Institute, a not-for-profit research organization, is conducting the study on the behalf of BJS.

**Procedures:** The survey may be completed online, faxed, or mailed back in a prepaid envelope. It is estimated to take about 25 minutes to complete, on average.

**Financial Considerations:** There is no monetary incentive for completing the survey.

**Voluntary Participation:** Your participation is completely voluntary. You can refuse to answer any and all questions.

**Privacy and Confidentiality:** The Bureau of Justice Statistics (BJS) is authorized to conduct this data collection under 34 U.S.C § 10132. BJS will protect and maintain the confidentiality of your personally identifiable information (PII) to the fullest extent under federal law. BJS, its employees, and its contractors will only use the information you provide for statistical or research purposes pursuant to 34 U.S.C. § 10134, and will not disclose your information in identifiable form to anyone outside of the BJS project team without your consent. All PII collected under BJS's authority is protected under the confidentiality provisions of 34 U.S.C. § 10231. Any person who violates these provisions may be punished by a fine of up to \$10,000 in addition to any other penalties imposed by law. Further, per the Cybersecurity Enhancement Act of 2015 (6 U.S.C. § 151), federal information systems are protected from malicious activities through cybersecurity screening of transmitted data. For more information on how BJS and its contractors will use and protect your information, go to <https://bjs.ojp.gov/bjs-data-quality-guidelines>.

**Possible Benefits and Risks:** There are no direct benefits to you for participating in the survey. The potential exists for loss of privacy, though our procedures are designed to protect and secure your information.

**Further Questions:** If you have any questions about the survey now or in the future you can contact Libby Doyle at the Urban Institute by telephone at 1-866-317-7339 or by email at [defendersurvey@urban.org](mailto:defendersurvey@urban.org).

**Statement of Consent:** I have read the description of this survey provided above and I understand it. I have been informed of the risks and benefits involved, and all my questions have been answered to my satisfaction. Furthermore, I have been assured that any future questions that I may have will also be answered. I freely and voluntarily agree to participate in SPD.

By completing the survey, I am indicating my agreement to participate in SPD.



## Appendix B: Public Defender Survey

This survey was created prior to the COVID-19 pandemic. We understand that your work in public defense may have been disrupted by the pandemic, but we ask that you please answer the survey questions as best you can. A set of supplemental questions that focus specifically on how COVID-19 has affected your work were added that appear prior to the main survey.

Thank you for your participation, which is crucial to capturing important information about the work that public defenders do.

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### Burden Statement

Federal agencies may not conduct or sponsor an information collection, and a person is not required to respond to a collection of information, unless it displays a current valid OMB Control Number. Public reporting burden for this collection of information is estimated to average 25 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate, or any other aspects of this collection of information, including suggestions for reducing this burden, to the Director, Bureau of Justice Statistics, 810 Seventh Street NW, Washington, DC 20531.

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

### Screener Question 1:

In the last year, have you represented any of the following types of people in any state or local court as a public defender? We include attorneys working for nonprofit organizations providing defense representation, as well as those employed by public defender offices, in our definition of ‘public defender’.

		Yes	No
a.	An adult or juvenile person accused of a crime or delinquency	<input type="checkbox"/>	<input type="checkbox"/>
b.	An adult or juvenile person accused in a trial court of violating conditions of a sentence (e.g., violation of probation)	<input type="checkbox"/>	<input type="checkbox"/>

**[If responses are all ‘No’]: You answered ‘No’ to both questions above, you don’t need to continue. Thank you for your time!**

**[If at least one response is ‘Yes’, continue to next question.]**

### Screener Question 2:

In your capacity as a public defender, are you an employee of a state or local government agency, or of a nonprofit organization?

- I am an employee of a state government agency
- I am an employee of a local (e.g., county or municipal) government agency
- I am an employee of a nonprofit organization
- Something else, please specify: \_\_\_\_\_

## Appendix B: Public Defender Survey

### SUPPLEMENTAL COVID QUESTIONS

Before we get started with the main survey, we have some questions about how your work may have changed due to the COVID-19 pandemic. We recognize the tremendous impact the pandemic has had. Your answers to these questions will help us to place your other answers in context. Thank you for your responses!

1. Were you working as a public defender in March 2020?

- Yes, I was working in my current job as a public defender
- Yes, I was working in a different job, but also as a public defender
- No, I was working in a different job → **SKIP to 6**
- No, I was not working in any job → **SKIP to 6**
- Other, please specify: \_\_\_\_\_

2. Since March 2020, have you:

		Yes	No
a.	Been required to reduce your working hours	<input type="checkbox"/>	<input type="checkbox"/>
b.	Been furloughed	<input type="checkbox"/>	<input type="checkbox"/>
c.	Taken a leave of absence	<input type="checkbox"/>	<input type="checkbox"/>

3. Since March 2020, how has the frequency of client communication changed in each of the following categories?  
*Please consider home-incarcerated clients as 'non-incarcerated' for the purposes of this question.*

		N/A – I have never communicated with this type of client in this way	Occurs less often now than before the pandemic	Occurs the same amount now as before the pandemic	Occurs more often now than before the pandemic
a.	Telephone calls with incarcerated clients	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b.	Mail or email with incarcerated clients	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c.	Videoconference calls with incarcerated clients	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d.	In person meetings with incarcerated clients	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e.	Telephone calls with non-incarcerated clients	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f.	Mail or email with non-incarcerated clients	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g.	Videoconference calls with non-incarcerated clients	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h.	In person meetings with non-incarcerated clients	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i.	Communicating with clients for whom English is their second language	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Appendix B: Public Defender Survey

4. How have the following activities changed since March 2020?

		N/A - I have never engaged in this activity	Occurs less often now than before the pandemic	Occurs the same amount now as before the pandemic	Occurs more often now than before the pandemic
a.	Conduct client intake (by phone)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b.	Retain an expert witness even if he or she did not testify	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c.	Seek advice from a supervisor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d.	Seek a reduction in bail	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e.	Seek written records (for example, school or medical records)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f.	Use the services of an investigator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g.	Use the services of a social worker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h.	Visit the alleged crime scene	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i.	Attend in-person training	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j.	Attend online training	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k.	Interview any potential witnesses other than the client, experts, or prosecution witnesses	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l.	Request and conduct investigative field work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j.	Obtaining translator services for clients for whom English is a second language	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

5. What is the biggest challenge you face representing your clients during the COVID-19 pandemic?

## Appendix B: Public Defender Survey

### YOUR WORK AS A PUBLIC DEFENDER

**Please tell us about your work as a public defender.** *Please note we are only concerned with your work as a public defender in criminal matters. The following questions are not intended to refer to work on non-criminal (e.g., dependency) matters, even where those matters concern indigent clients.*

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

WRITE IN: \_\_\_\_\_

7. In what year did you first work as a public defender?

WRITE IN: \_\_\_\_\_

8. In what year did you begin your present job as a public defender?

WRITE IN: \_\_\_\_\_

9. In the last seven days, about how many hours did you work as a public defender, even if it was not typical?

*You may estimate the number. Please exclude time spent on non-criminal (e.g., dependency) matters, even where those matters concern indigent clients. Include any evenings or weekends worked and round to the nearest hour.*

WRITE IN: \_\_\_\_\_

10. In the last seven days, how many hours did you spend in the following activities while working as a public defender, even if it was not typical? You may estimate the numbers. *Please exclude time spent on non-criminal (e.g., dependency) matters, even where those matters concern indigent clients.* The answers to this question must total your answer to number 9.

		Hours	None
a.	In court, in front of judge (including video court)	<input type="checkbox"/>	<input type="checkbox"/>
b.	In court, other activities (including video court)	<input type="checkbox"/>	<input type="checkbox"/>
c.	Out of court, meeting with client	<input type="checkbox"/>	<input type="checkbox"/>
d.	Out of court, meeting with prosecutors or probation officers	<input type="checkbox"/>	<input type="checkbox"/>
e.	Out of court, at jail or prison	<input type="checkbox"/>	<input type="checkbox"/>
f.	Out of court, other case-related activities (e.g., interviewing witnesses, investigating, office work)	<input type="checkbox"/>	<input type="checkbox"/>
g.	Management, supervision, or administrative oversight	<input type="checkbox"/>	<input type="checkbox"/>
h.	In training	<input type="checkbox"/>	<input type="checkbox"/>
i.	Traveling (including traveling to/from court, or jail)	<input type="checkbox"/>	<input type="checkbox"/>
	<b>Total</b>	<input type="checkbox"/>	<input type="checkbox"/>

11. In the last seven days, about how many additional hours did you work **other than** as a public defender, even if it was not typical? *Include work as an attorney, including work on non-criminal matters concerning indigent clients. Also include work in any other capacity where you were compensated. Include any evenings or weekends worked and round to the nearest hour.*

WRITE IN: \_\_\_\_\_

## Appendix B: Public Defender Survey

### We would like to know how you are employed as a public defender.

12. As a public defender, are you currently required to do any of the following? Select 'Required' or 'Not required'. If you do not know, select 'I don't know'.

		Required	Not required	I don't know
a.	Meet with someone responsible for monitoring your work at least once a month	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b.	Have a written performance review at least once a year	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c.	Satisfy requirements beyond possession of a law license.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d.	Take specific training prior to handling <b>any cases</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e.	Take additional training prior to handling <b>more serious or complex cases</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

13. As a public defender, are you prohibited from taking cases on private retainer?

- Yes, I am prohibited from taking cases on private retainer
- No, I am not prohibited from taking cases on private retainer.

14. In the last year, have you supervised or managed other public defenders?

- Yes
- No

15. In the past year, have you received any training in the following areas?

		Have taken	Have not taken
a.	Adolescent development	<input type="checkbox"/>	<input type="checkbox"/>
b.	Appellate practice	<input type="checkbox"/>	<input type="checkbox"/>
c.	Bail/Bond advocacy	<input type="checkbox"/>	<input type="checkbox"/>
d.	Communicating effectively with your client	<input type="checkbox"/>	<input type="checkbox"/>
e.	Digital evidence	<input type="checkbox"/>	<input type="checkbox"/>
f.	Education law	<input type="checkbox"/>	<input type="checkbox"/>
g.	Ethics	<input type="checkbox"/>	<input type="checkbox"/>
h.	Forensic evidence	<input type="checkbox"/>	<input type="checkbox"/>
i.	Immigration law	<input type="checkbox"/>	<input type="checkbox"/>
j.	Implicit racial bias	<input type="checkbox"/>	<input type="checkbox"/>
k.	Jury selection	<input type="checkbox"/>	<input type="checkbox"/>
l.	Legal/legislative changes	<input type="checkbox"/>	<input type="checkbox"/>
m.	Opening/closing arguments	<input type="checkbox"/>	<input type="checkbox"/>
n.	Plea negotiation	<input type="checkbox"/>	<input type="checkbox"/>
o.	Representing juvenile clients	<input type="checkbox"/>	<input type="checkbox"/>
p.	Representing persons with mental illness	<input type="checkbox"/>	<input type="checkbox"/>

## Appendix B: Public Defender Survey

16. Thinking about your work as a public defender in the last year, how often were you assigned to represent clients for entire cases? By 'entire cases' we mean cases in trial courts beginning with the first hearing that could result in the client's pretrial detention, and ending in disposition.

- Always entire cases
- Often entire cases
- Sometimes entire cases
- Seldom entire cases
- Never entire cases
- Does not apply, do not do trial court representation

17. How often are you able to speak confidentially with your public defender clients in the following locations, including by video or telephone?

		Always	Often	Sometimes	Seldom	Never
a.	Court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b.	Jail or prison	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c.	Your office	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

18. Are your public defender clients who are incarcerated able to contact you without charge in any of the following ways? Check 'Yes' or 'No' for each.

		Yes	No	I don't know
a.	Calling a toll-free number from their place of incarceration	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b.	Making collect calls from their place of incarceration	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c.	Video conferencing from their place of incarceration	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d.	By email from their place of incarceration	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e.	Any other way, please specify: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### YOUR PUBLIC DEFENDER CASELOAD

This section is about the types and numbers of public defender cases that you handle.

<input type="checkbox"/>	A felony, misdemeanor or juvenile delinquency case is defined as a charge or set of charges against a single defendant.
<input type="checkbox"/>	When defendants face one or more charges in the same case, the highest charge determines whether the case is classified as a misdemeanor or a felony.
<input type="checkbox"/>	Probation or parole violation cases should be counted separately from the category of the underlying case.
<input type="checkbox"/>	An appellate case is defined as a single appeal in a single appellate court.
<input type="checkbox"/>	A post-conviction case is defined as any case taking place after the resolution of a trial case other than an appeal.



## Appendix B: Public Defender Survey

19. How many public defender cases in the following categories do you have **open right now**, even if it is not typical? *You may estimate the numbers. Enter '0' if you do not have any current open cases in a category. Select 'N/A' if you do not handle that case type.*

		Cases open right now	N/A
a.	Adult Misdemeanors		<input type="checkbox"/>
b.	Adult Felonies		<input type="checkbox"/>
c.	Adult appellate		<input type="checkbox"/>
d.	Adult post-conviction		<input type="checkbox"/>
e.	Adult probation or parole violation		<input type="checkbox"/>
f.	Juvenile delinquency		<input type="checkbox"/>
g.	Juvenile appellate		<input type="checkbox"/>
h.	Juvenile post-conviction		<input type="checkbox"/>
i.	Juvenile probation or parole violation		<input type="checkbox"/>

20. How many **new** public defender cases in the following categories did you take **in the last seven days**, even if it was not typical? *You may estimate the numbers. Enter '0' if you have not opened any cases in the last 7 days in a category. Select 'N/A' if you do not handle that case type.*

		Cases opened last 7 days	N/A
a.	Adult Misdemeanors	<input type="checkbox"/>	<input type="checkbox"/>
b.	Adult Felonies	<input type="checkbox"/>	<input type="checkbox"/>
c.	Adult appellate	<input type="checkbox"/>	<input type="checkbox"/>
d.	Adult post-conviction	<input type="checkbox"/>	<input type="checkbox"/>
e.	Adult probation or parole violation cases	<input type="checkbox"/>	<input type="checkbox"/>
f.	Juvenile delinquency	<input type="checkbox"/>	<input type="checkbox"/>
g.	Juvenile appellate	<input type="checkbox"/>	<input type="checkbox"/>
h.	Juvenile post-conviction	<input type="checkbox"/>	<input type="checkbox"/>
i.	Juvenile probation or parole violation	<input type="checkbox"/>	<input type="checkbox"/>

21. Are you presently providing representation as a public defender in any case in the following categories? *Select 'N/A' if you do not handle that case type.*

		Yes	No	N/A
a.	Client facing capital charges	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b.	Client in specialty court or docket (e.g., drug, homeless, veterans, mental health, domestic violence court or docket)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c.	Client accused of failure to pay a fine or fee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Appendix B: Public Defender Survey

22. Are your caseloads as a public defender capped by any law, rule, or other policy?

- Yes
- No → **SKIP to 24**

23. Is the law, rule, or other policy capping your caseloads enforced?

- Always
- Sometimes
- Never

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

- Yes
- No → **SKIP to 27**
- I don't know

25. In the past year, did you ever request to decline a case assignment on the basis that you already had too many cases?

- Yes
- No → **SKIP to 27**

26. In the past year, did you ever successfully decline a case assignment on the basis that you already had too many cases?

- Yes
- No

## WORKING WITH CLIENTS AS A PUBLIC DEFENDER

**This section asks about the most recent entire case that you closed as a public defender in a criminal trial court within the last year.**

*A closed case is defined as a charge or set of charges against a single defendant disposed on a single day. By 'entire case', we mean the period from the first hearing that could result in pretrial detention to disposition. Please do not consider probation and parole violation cases to be 'entire cases'.*

27. As a public defender, have you closed at least one case within the last year where you represented the client in criminal trial court for the entire case?

- Yes
- No → **SKIP to 48**

**Think of the most recent entire case that you closed as a public defender in a criminal trial court when answering the questions in this section.**

**It is important for statistical purposes that you tell us about your most recent case, even if it was not typical.**

**Please do not include details that could allow us to identify the participants.**

## Appendix B: Public Defender Survey

28. Was this case a “typical” case for you?

- Yes  
 No

*Please describe why or why not. (This question is open-ended.)*

29. What type of case was it?

- Adult misdemeanor  
 Adult felony  
 Juvenile delinquency  
 Something else, please specify: \_\_\_\_\_ → **SKIP to 48**

30. Did this case involve any of the following types of allegations, whether at the misdemeanor or felony level?

*Select 'Yes' or 'No' for each option.*

		Yes	No	I don't know
a.	Violent offenses such as murder, robbery, assault (excluding sex offenses below).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b.	Sex offenses such as rape, sexual assault, sexual conduct with a minor, indecent exposure.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c.	Property offenses such as burglary, arson, larceny, motor vehicle theft.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d.	Drug offenses such as possession, use, sale or furnishing of a drug or intoxicating substance or drug paraphernalia prohibited by law	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e.	Weapons offenses such as possession, carrying, use, sale or manufacture of weapons prohibited by law	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f.	Serious driving offenses such as driving under the influence of alcohol, driving with license revoked, driving resulting in an accident/injury, reckless driving (excluding motor vehicle theft).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g.	Domestic and family violence offenses	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h.	Other, please specify: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Appendix B: Public Defender Survey

31. Which, if any, of the following types of evidence existed in the case, to the best of your knowledge?

		Yes	No	I don't know
a.	Ballistics evidence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b.	Blood test evidence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c.	Cell phone evidence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d.	DNA evidence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e.	Electronic/computer forensic evidence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f.	Eyewitness evidence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g.	Fingerprint evidence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h.	Police dashcam or body camera evidence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i.	Social media evidence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j.	Video evidence other than police dashcam or body camera evidence (e.g., CCTV)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k.	Other, please specify: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

32. Was the client Spanish, Hispanic, or Latino?

- Yes
- No
- I don't know

33. What was the client's race? *Mark all that apply.*

- White
- Black or African American
- American Indian or Alaska Native
- Asian
- Native Hawaiian or other Pacific Islander
- I don't know

34. What was the client's sex? *Check one.*

- Male
- Female
- I don't know

35. Was English the client's first language?

- Yes
- No
- I don't know

## Appendix B: Public Defender Survey

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

- Under 13 years
- 13-14
- 15-17
- 18-24
- 25-34
- 35-49
- 50-64
- 65 and older
- I don't know

37. How long was the interaction with your client the first time that you met him or her?

- Under 5 minutes
- 5-14 minutes
- 15-29 minutes
- 30-59 minutes
- An hour or more
- I don't know

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

- Yes
- No
- Not applicable
- I don't know

39. Please indicate below whether you made any of the following types of motions in the case. *Select 'Yes' or 'No' for each option.*

		Yes, motion made	No motion made
a.	Pretrial motion (including motions filed routinely, e.g., for discovery or bond)	<input type="checkbox"/>	<input type="checkbox"/>
b.	Motion <i>in limine</i>	<input type="checkbox"/>	<input type="checkbox"/>
c.	Post-trial motion	<input type="checkbox"/>	<input type="checkbox"/>

## Appendix B: Public Defender Survey

40. Did you or a member of the defense team do any of the following? *Select 'Yes' or 'No' for each option.*

		Yes	No	N/A
a.	Interview any potential witnesses other than the client, experts, or prosecution witnesses	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b.	Retain an expert witness even if he or she did not testify	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c.	Seek advice from a supervisor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d.	Seek a reduction in bail	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e.	Seek written records (for example, school or medical records)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f.	Use the services of an investigator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g.	Use the services of a social worker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h.	Visit the alleged crime scene	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

41. Was the client incarcerated pretrial, even if only briefly?

- Yes, incarcerated entire pretrial period
- Yes, incarcerated initially but released for remainder of pretrial period
- Yes, incarcerated initially then released, and incarcerated again (e.g., for pretrial violation or new arrest)
- No
- I don't know

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

		Yes	No	N/A
a.	Defense was provided with discovery material	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b.	Client was diverted to a drug or alcohol treatment program	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c.	Client was diverted to a mental health treatment program	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d.	Client's case was referred to a problem-solving court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e.	Case went to trial	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

- WRITE IN: \_\_\_\_\_
- I don't know

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

- WRITE IN: \_\_\_\_\_
- I don't know



## Appendix B: Public Defender Survey

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

- WRITE IN: \_\_\_\_\_  days       weeks       months
- I don't know

46. How was the case closed?

- The client pled guilty to the top charge
- The client pled guilty to a lesser charge
- The client was convicted at trial of the top charge
- The client was convicted at trial of a lesser charge
- The client was found not guilty at trial
- The case was dismissed
- Something else, please specify: \_\_\_\_\_
- I don't know

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

		Yes	No	I don't know
a.	Detainer lodged by Immigration and Customs Enforcement (ICE)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b.	Driving license suspended/revoked	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c.	Employment license suspended/revoked	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d.	Fines and/or fees imposed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e.	Gun license suspended/revoked	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f.	Order of protection imposed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g.	Referral to child welfare agency	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h.	Restitution imposed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i.	Required to register as a sex offender	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j.	Sentenced to community service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k.	Sentenced to custody	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l.	Sentenced to probation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
m.	Other, please specify: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Appendix B: Public Defender Survey

### WORKING CONDITIONS

The questions in this section ask about the benefits, compensation and other conditions of your work as a public defender.

48. Does your work as a public defender include the following benefits? Select 'Yes' or 'No' for each benefit. If you do not know if the benefit is included, select 'I don't know'.

		Yes	No	I don't know
a.	Financial support for attending training programs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b.	Financial support for membership in professional organizations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c.	Financial support for travel expenses associated with work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d.	Health insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e.	Paid sick days	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f.	Paid family medical leave, including paid parental leave	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g.	Paid vacation days	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h.	Retirement benefits	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i.	Student loan repayment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j.	Other, please specify: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

49. Does your work as a public defender provide you with the following resources? If a resource is provided but you choose not to use it, please check 'Yes'.

		Yes	No	I don't know
a.	A cell phone, or cell phone subsidy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b.	A computer or a laptop	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c.	Access to a mitigation specialist	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d.	Access to a social worker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e.	Access to an investigator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f.	Access to experts in forensic sciences	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g.	Access to experts in computer technology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h.	Access to media equipment, e.g., video playback equipment, cameras	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i.	Access to printing facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j.	Access to LexisNexis, WestLaw, or other legal search engine	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k.	Administrative staff assistance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l.	Office space	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Appendix B: Public Defender Survey

50. In the last year, has being a public defender gotten in the way of your home or family life?

- Yes, always
- Yes, often
- Yes, sometimes
- Yes, rarely
- No, never

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

		Yes	No
a.	Conduct training of attorneys or other professionals	<input type="checkbox"/>	<input type="checkbox"/>
b.	Make media appearances	<input type="checkbox"/>	<input type="checkbox"/>
c.	Represent public defenders in bar association activities	<input type="checkbox"/>	<input type="checkbox"/>
d.	Represent public defenders in any other context (e.g., civic groups, community centers)	<input type="checkbox"/>	<input type="checkbox"/>
e.	Speak in classes at a school, law school, or college	<input type="checkbox"/>	<input type="checkbox"/>
f.	Write for publications (e.g., law journals, newspapers, magazines)	<input type="checkbox"/>	<input type="checkbox"/>

52. If the decision were up to you, approximately how much longer would you like to continue doing public defender work?

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

### YOUR DEMOGRAPHICS

53. What is your age?

- 24 or younger
- 25-34
- 35-49
- 50-64
- 65 or older

54. Are you Spanish, Hispanic, or Latino?

- Yes
- No

## Appendix B: Public Defender Survey

55. What is your race? *Mark all that apply.*

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

56. What is your sex? *Check one.*

- Male
- Female

57. What amount, if any, do you currently owe in student loan debt? *Check one.*

- I do not have any student loan debt
- \$1 - \$24,999
- \$25,000 - \$49,999
- \$50,000 - \$74,999
- \$75,000 - \$99,999
- \$100,000 - \$124,999
- \$125,000 - \$149,999
- \$150,000 - \$174,999
- \$175,000 - \$199,999
- Over \$200,000
- Prefer not to answer

58. What is your current salary, before taxes, from your work as a public defender?

- Nothing
- \$1 - \$19,999
- \$20,000 - \$39,999
- \$40,000 - \$59,999
- \$60,000 - \$79,999
- \$80,000 - \$99,999
- \$100,000 or more
- Prefer not to answer

## Appendix B: Public Defender Survey

59. What is the most rewarding thing about working as a public defender?

60. What is the biggest challenge to working as a public defender?

61. Is there anything else you think we should know about your work as a public defender?

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

Yes! I'd be happy to talk to you about my experience with this survey.

If so, please let us know your preferred means of phone or email contact below. Thanks again.

WRITE IN: \_\_\_\_\_

**THANK YOU!**

**Appendix C:  
Outreach for Control,  
Treatment Group 1, and  
Treatment Group 2, by Week**

## Appendix C: Outreach for Control, Treatment Group 1, and Treatment Group 2, by Week

### [A] Week 1: Control, TG1, and TG2: Initial/Introduction Outreach

Dear [insert name],

We are writing to you today to ask for your participation in the pilot study of the first-ever national survey of public defenders conducted by the Bureau of Justice Statistics.

**You can complete the survey by clicking here: [insert link]**

Until now, all public defense surveys have asked questions of systems, not defenders. We are thrilled to be the team to develop this survey and implement this shift so that this huge cache of public defense data will be informed by you – the public defense expert.

This survey was developed by public defenders (with input from the client community) for public defenders. It will take about 20 minutes of your time. You won't need to look anything up and all questions should be easy to answer. The questions are about the things you do every day: your activities; the resources available to you (training, staff, technology, etc.); the challenges/rewards/compensation/benefits that go with the work; basic demographics; and, the advocacy needs of your clients.

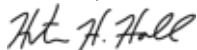
**We know that you are busy, but we can't get meaningful data without your participation! We hope that you will complete this survey to advance appreciation of your important work, inspire criminal justice reform, and support the day- in, day-out work that you do on behalf of your clients.**

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

**Thank you for the services that you provide to your clients on a daily basis!**

We have attached some additional information about this project. Also, please do not hesitate to reach out with any questions at [defendersurvey@urban.org](mailto:defendersurvey@urban.org).

Sincerely and on behalf of our project team,



Heather Hall  
Engagement Director, NAPD

PS – If you would prefer a paper survey, we are happy to mail one, just reply to request!

## Appendix C: Outreach for Control, Treatment Group 1, and Treatment Group 2, by Week

### [B] Week 1: Control, TG1, and TG2: Letter of Support from Organizations

Dear [insert name],

We are writing to you today to encourage you to participate in the pilot study of a first-of-its-kind national survey of public defenders (SPD).

Information about public defenders is critically needed to:

- 1) Accurately understand the work that you do;
- 2) Leverage meaningful conversations about the value of the services that you provide, and;
- 3) Identify funding, resource, and other reform needs to support your work.

The data generated will define the diversity and overlap of professional experiences of public defenders and the services that are provided to clients, as well as inform research and policy discussions in the following areas:

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

**Together, this information will advance understanding of your work, inspire improvements in justice systems around the country, and support the work that you do on behalf of your clients.**

Though the missions and memberships of the organizations listed below are diverse, we are universally excited about the information that you can offer to build a national understanding of public defense and inform conversations about public defense reform and funding needs.

**Thank you for the services that you provide and for participating in this survey! We are grateful for the many ways that it will allow us to more effectively advocate for improvements for lawyers representing indigent adults and juvenile individuals across the country.**

Sincerely,

Gideon's Promise

National Association of Criminal Defense Lawyers

National Legal Aid & Defender Association





## Appendix C: Outreach for Control, Treatment Group 1, and Treatment Group 2, by Week

### [C] Week 2: Control, TG1, and TG2: Follow-up Outreach

Dear [insert name],

About a week ago, we sent you a letter about a Survey of Public Defenders (SPD) pilot test, sponsored by the U.S. Department of Justice, Bureau of Justice Statistics.

**Please complete the survey in the next two weeks. You can complete the survey by clicking here: [insert link]**

Your response is extremely valuable to our effort to pilot the first-ever national survey of public defenders, and we want to ensure that we reflect your unique experiences in this survey.

Your participation in this survey is voluntary and confidential. Your responses will not be shared with anyone outside of our research team, and you can refuse to answer questions or stop the survey at any time.

We have attached some additional information about this project. If you have any questions about how to complete or submit this survey, please e-mail [defendersurvey@urban.org](mailto:defendersurvey@urban.org) or call us toll-free at [insert phone number]. Thank you in advance for your participation in this important pilot study.

Sincerely,

## Appendix C: Outreach for Control, Treatment Group 1, and Treatment Group 2, by Week

### [D] Week 3: Control, TG1, and TG2: Follow-up Outreach

Dear [insert name],

Two weeks ago, we emailed you about participating in the pilot study of the first-ever National Survey of Public Defenders, sponsored by the U.S. Department of Justice, Bureau of Justice Statistics.

**You may complete the survey by following this link: [link to survey]**

If you would prefer a paper survey to be mailed to you, please email [defendersurvey@urban.org](mailto:defendersurvey@urban.org) to request one.

We ask that you please complete the survey by [insert date/7 days]. Your response is extremely valuable because the federal government has never before funded research for public defense that surveys defenders themselves. We want to ensure that we reflect your unique experiences in this survey. The survey should take you 20 minutes or less to complete, won't require you to look anything up, and asks highly relevant questions about your daily work.

Your participation in this survey is voluntary and confidential. Your responses will not be shared with anyone outside of our research team, and you can refuse to answer questions or stop the survey at any time.

We have also attached some additional information about this project if you are interested.

Sincerely,

## Appendix C: Outreach for Control, Treatment Group 1, and Treatment Group 2, by Week

### [E] Week 3: TG2 only: Letter of Support from Chiefs/Head of Office

Defenders (assume this would be sent office wide),

Several attorneys in this office were randomly selected to participate in a first-of-its-kind “Survey of Public Defenders” from around the country. To preserve the methodology of the selection, I don’t know who received it, but if you received the survey from (ID THE EMAIL HERE), I am writing to ask you to complete it as soon as you can. Please check your email if you’re not sure.

Until now there has been no effort to collect information from defenders about the work that they do on the scale this survey contemplates. Our office, as well as public defense systems around the country, is eager for the data it will yield. It is critically important that our work is described by those of us actually doing that work. Just like in court, we are the voice of our clients and we are the experts on the successes and failures of our criminal justice system.

The survey was developed by your public defender colleagues. It should take less than 20 minutes of your time and can be done online (or you can request a hard copy if you prefer). You won’t need to look anything up and all questions should be easy to answer. Be assured that your responses will remain totally confidential. Your name and contact information will never be associated with the answers you submit – not to me or anyone - and any research or reports that are produced will not be traceable back to you.

I am grateful that the Bureau of Justice Statistics has resourced a survey that gives you the opportunity to describe your work and its challenges, and I urge you to complete the survey at your earliest convenience so that we can collectively benefit from the data it yields.

I believe that this survey will paint the most accurate picture of public defense in America that exists to date, and I cannot wait to see what it looks like. I’m glad our office was selected and I appreciate you submitting your response if you were asked to take the survey.

Thanks,  
Office Head

## Appendix C: Outreach for Control, Treatment Group 1, and Treatment Group 2, by Week

### [F] Week 3: TG3 only: Letter of Support from Justice-Involved Organization

Dear Defender,

Voice of the Ex-Offender (VOTE) is a growing network of currently incarcerated people, formerly incarcerated people (FIP) and their loved ones. We strategically develop formerly incarcerated leaders to be the champions of our reforms through community education, civic engagement, and policy advocacy.

We are the people who know the trauma of incarceration firsthand. We have a first-hand view of our criminal justice system and a personal perspective on the state of public defense. The most important thing we know about you as a public defender is that you're busy. Trust us, we know. And having had lawyers fight (or sometimes, be too overwhelmed to fight) for our liberty by working on our cases, we wouldn't ask you to take time away from your clients unless it was important.

We believe that our criminal justice system is broken and one of the ways it is broken is because of the challenges facing public defenders. We are writing to encourage you to participate in the government's first ever survey for public defenders around the country because it gives you the opportunity to describe your work, the value of the services you provide, and the resources that you and your clients need. It is a big deal that the government is taking this request for information straight to the lawyers on the front line. We have our experiences, but we want to see more data on public defense, and use this data to work together to address the significant problems in the criminal justice system.

We are happy that this survey is directly in your hands because you are the expert in public defense. This is a rare opportunity to describe your work and be part creating an accurate picture of what public defense in this country really looks like.

The survey was developed by your public defender colleagues and in conjunction with impacted communities in participatory defense hubs around the country so it asks the right questions. It should take less than 20 minutes of your time and involves no research – you know this stuff! Your responses will remain totally confidential and your answers can never be traced back to you or your office.

On behalf of people who have lived through the criminal justice system, we hope you'll take the time to share your experience to inform a broader understanding of how the ideals of the right to counsel and access to justice actually play out in courtrooms, jails and communities across America.

Sincerely,

Will Harrell  
Senior Policy Counsel  
Voice of the Experienced (VOTE) New Orleans, LA

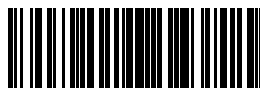


The Bureau of Justice Statistics of the U.S. Department of Justice is the principal federal agency responsible for measuring crime, criminal victimization, criminal offenders, victims of crime, correlates of crime, and the operation of criminal and civil justice systems at the federal, state, tribal, and local levels. BJS collects, analyzes, and disseminates reliable statistics on crime and justice systems in the United States, supports improvements to state and local criminal justice information systems, and participates with national and international organizations to develop and recommend national standards for justice statistics. Kevin M. Scott, PhD, is the acting director.

This report was written by Bill Adams, MPP, Jeanette Hussemann, PhD, Heather H. Hall, Jon Lyon, Andrew Davies, PhD, Kevin M. Scott, PhD, and Suzanne M. Strong, PhD. Erica Grasmick contributed to and verified the report.

Kathryn A. Sweeney, PhD, edited the report. Jeffrey Link produced the report.

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