

# Client Satisfaction and Procedural Justice

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# Client Satisfaction & Critical Components

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- Difficulties in representation = Poor quality? – The problem
- Approaching clients with an evidence base – Possible solution
  - Procedural justice and client satisfaction
    - Empirical evidence on legitimacy – Tale of two studies
- Why does this matter?
- What do we do with this?

# Public Defense: Critical Representation

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“[P]rosecutors, when they rise in court, represent the people of the United States. But so do defense lawyers—one at a time.”

*Kaley v. United States*, 134 S. Ct. 1090, 1114 (2013)  
(Roberts, C.J., dissenting).

# Difficulties of Representation

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- Decades of deficits in resources/guidance
  - Poor pay
  - High caseloads
  - Intersection of crime, race, and poverty
  - Nonexistent or weak job expectations

*Misconception: “Public Pretenders” work for same government prosecuting them*

# “Public Pretender” = De-legitimization

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- “So what? All I need are the case details.”
- Defenders are the face of equal protection and justice
  - “Public pretender” → Protections & justice meaningless
  - Delegitimization → Authority loses credibility and power
    - Meaning: Courts and consequences mean less and less



# Moving Forward with Evidence Base

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- Collecting data → Informing practice
- Courts research is slowly catching up
  - Procedural justice
  - Client-centered approaches
    - Identifying “Quality” representation



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    - **Fair distribution of outcomes**
      - Nondiscriminatory decisions
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**LEGITIMACY**

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Breakdown in representation performance and relationship with client

# Unnoticed, Untapped, and Underappreciated: Clients' Perceptions of their Public Defenders

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# Correlates of Satisfaction among Clients of a Public Defender Agency

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Department of Criminal Justice

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Department of Criminal Justice



# Empirical evidence – Hamilton County

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- Campbell and Moore et al. (2015) – Hamilton County, OH (Cincinnati)
  - Best predictors of client satisfaction → **client-centered measures**
    - Asked client's opinion
    - Listened
    - Look into prosecutor's evidence
    - Used time efficiently and focused on case
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- Supported in findings from other cities and states

**Communicate**  
**Investigate**  
**Advocate**



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## Client-Centered Measures

Embody clear emphasis on  
*client* over  
case specifics and outcome

**Communicate**  
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# Empirical evidence – Hamilton County

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Campbell & Moore et al.(2015) – Some clients lacked positive perceptions

**“I feel like I was sold. I was sold to the judge. We didn’t really sit down and talk about the case or nothing. Next thing I know when I came to court – ‘sign this,’ which says no contest.”**

# Empirical evidence – Hamilton County

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Campbell & Moore et al.(2015) – Some clients lacked positive perceptions

“The next time you see him you’re standing **in front of the judge and he’s telling you to ‘sign this.’** ‘What is this?’ **He’ll whisper to you, ‘I already talked to the judge, we gonna...’** I’m signing away my life. Because I don’t know. **How *would* you know that if you don’t have any dialogue with your public defender** about what’s really going on and what’s in your best interest for you to do with this thing?”

# Empirical evidence – Hamilton County

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Campbell & Moore et al.(2015) – Intersection of race and class

**“I’m standing in front of a Caucasian guy looking at me, basing my life on that record. That thing that he got there. Not looking at the circumstances, the situation that put you there, and they know it, but they’re not willing to look at it.”**

# Empirical evidence – Hamilton County

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Campbell & Moore et al.(2015) – Intersection of race and class

“I understand I don’t have the money to pay for this lawyer, and the state’s payin’ it, but **I still deserve to be treated like anybody else**, like he said, black, white, rich, yellow, it doesn’t matter, you know what I mean? **Fair is fair.**”

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- **Most were satisfied** with PD (52%)
  - Those unsatisfied likely not because of inadequate PDs
- **Attributed to work/caseloads and lack of resources**
  - Identified by...
    1. Two different organizations – Ohio Sup. Ct. Task Force and NLADA
    2. Clients
      - Directly blamed high caseloads and poor pay PD must deal with

# Empirical evidence – Hamilton County

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Campbell & Moore et al.(2015) – Clients understand difficulties

**“If you got a public defender that, I think it’s a lot about money. Well he’s not making as much money, he’s got a case load that’s ridiculous, he doesn’t have the time and I think it comes down to time. They don’t have the time to put into an individual.”**



# Empirical evidence – Hamilton County

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Campbell & Moore et al.(2015) – Clients understand difficulties

“**There’s not enough of ’em to go around** to all the guys that can’t afford attorneys so they’re using one public defender for a whole pile of people. That’s why I say **he’s got a bunch of cases** he gotta do because they’re just ain’t enough because everybody can’t afford a lawyer.”

# Further empirical evidence - Indiana

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- Sandys & Pruss (2017) – Correlates of Satisfaction among PD Clients
- Key methodological differences:
  - 1) Pre-/Post-adjudication interviews while incarcerated
  - 2) Rural context (small workgroup & tight-knit local community)
- Key findings of the study:
  - 1) Clients were more satisfied than not
  - 2) Client satisfaction correlate with **communicate, investigate, advocate**

# Further empirical evidence - Indiana

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- Sandys & Pruss (2017) – “**Ideal defender**”
- Communicate: “Want to know what is happening, when my dates are, when I have to be in court, when I get out. Want outside communication. No confusion.”
- Investigate: “Understanding and committed to what's in my best interests instead of just doing what he has to [do] to get it over with.”
- Advocate: “They should fight for me, not the county. They wouldn't do exactly what judge wants...”

# Client-Centered Representation

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- For many, client input = unnecessary
  - Assume: Doesn't directly influence case outcome
    - Little evidence in support
      - Legitimacy and cooperation gained/lost on manner
      - Congruent trust & development
      - Cooperation studies - Reduce conflict and fair/reliable outcomes

Avoid the “Public Pretender” image

# Client-centered representation

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How would you feel if your doctor(physician):

- Prescribed you medicine before you explain your problem?
- Didn't explain why they are giving you the medication?
- Would you recommend this doctor to your friends?
- Would you trust them enough to take the medication that you have been prescribed?
- How does this doctor compare to public defenders and the criminal justice system?
- Have you ever had a similar experience?

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    - Decreases over/underuse of medical resources



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  - Bedside manner
    - Decreased diagnosis bias and error rates
    - Est. “Patient’s Bill of Rights” – guide healthcare expectations

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    - Satisfied clients may be...
      - Less likely to seek **appeal** and/or formally **complain**
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- Potential **savings** for state/taxpayer and **reduced recidivism**

# Reducing recidivism by addressing needs

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      4. Living situation
      5. Friends/Associates
      6. Alcohol/Drug
      7. Mental Health
      8. Attitudes

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***Adequate resources + PD willingness = Address prior to social/fiscal cost***



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- Communicate – **what** you're doing, **what** will happen, and **why**
- Investigate – *make it known*
- Advocate – *make it known*
- Address possible criminogenic needs (e.g., drug or mental health)
- Perceptions **can** be changed (e.g., social media study)

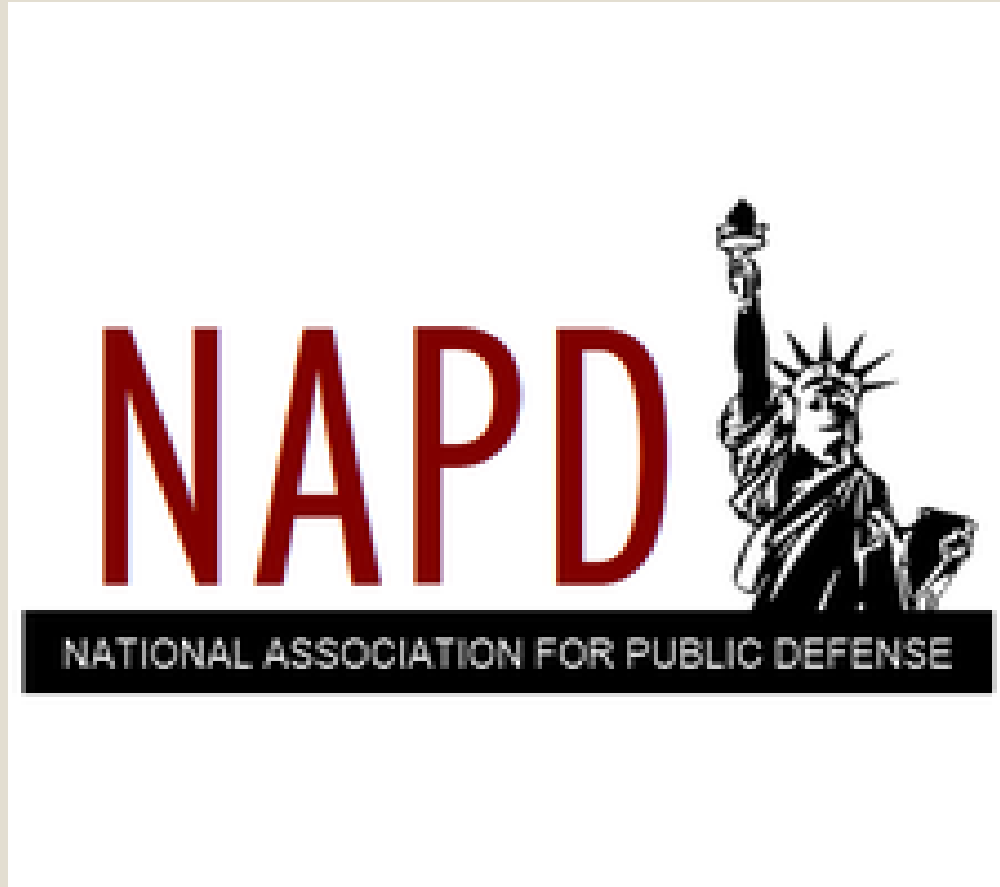
# Next steps

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- Use either of our measures – for professional development or general assessment
- Ask for help in administering the questionnaire or report of findings
- Not every collaboration with a researcher has to result in a published article
- Connect with **IDRA** to brainstorm research projects and find partners  
(Indigent Defense Research Association - [janet.moore@uc.edu](mailto:janet.moore@uc.edu)  
or [Andrew.Davies@ils.ny.gov](mailto:Andrew.Davies@ils.ny.gov))



# Resources:



# RIGHT TO COUNSEL

**If you are arrested and might go to jail or prison, you have the right to get help from a lawyer. You also have the right to talk to a lawyer before you talk to anyone else about your case.**

## **YOUR LAWYER SHOULD:**

**LISTEN TO YOU** about what you want to happen in your case and who or what might help

**TALK TO YOU** about what is happening in your case and how you can get in touch

**KNOW THE LAW** and be able to tell you why it matters in your case

**LOOK FOR INFORMATION** that can help you, including information police and prosecutors might have

**HELP YOU** get the best possible result in your case by:

- Trying to get you released if you are in jail before trial
- Trying to keep illegal evidence out of court
- Preparing for trial
- Arguing for the best plea and sentence possible

**YOU CAN ASK YOUR LAWYER TO DO THESE THINGS FOR YOU OR TO EXPLAIN WHY THEY ARE NOT BEING DONE**

# Contact Information

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Contact anyone of us:

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