

**ATTACHMENTS – SURVEY OF PUBLICLY APPOINTED DEFENSE ATTORNEYS,
PILOT TEST**

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ATTACHMENT A. STATES ABLE TO PROVIDE LISTS (FRAME 1)

1. Alaska
2. Arkansas
3. Colorado
4. Connecticut
5. Delaware
6. District of Columbia
7. Hawaii
8. Iowa
9. Kentucky
10. Louisiana
11. Maine
12. Maryland
13. Massachusetts
14. Minnesota
15. Missouri
16. Montana
17. New Hampshire
18. New Jersey
19. New Mexico
20. North Carolina
21. North Dakota
22. Oregon
23. Rhode Island
24. South Carolina
25. Vermont
26. Virginia
27. West Virginia
28. Wisconsin
29. Wyoming

ATTACHMENT B. STATES NOT ABLE TO PROVIDE LISTS (FRAME 2)

1. Alabama
2. Arizona
3. California
4. Florida
5. Georgia
6. Idaho
7. Illinois
8. Indiana
9. Kansas
10. Michigan
11. Mississippi
12. Nebraska
13. Nevada
14. New York
15. Ohio
16. Oklahoma
17. Pennsylvania
18. South Dakota
19. Tennessee
20. Texas
21. Utah
22. Washington

ATTACHMENT C. FRAME 2 EMAIL AND PHONE SCRIPTS

INITIAL CONTACT SCRIPTS

Initial email to primary PSU leader:

Hello (name/title),

My name is Heather Hall from the National Association for Public Defense [If Heather already knows contact, this will be more personalized]. We are doing outreach funded by the Bureau of Justice Statistics – which is part of the U.S. Department of Justice – as part of planning for a national survey of public defense counsel – that is, lawyers appointed to represent indigent defendants in criminal cases in state courts. We are trying to determine who would maintain lists or rosters of those attorneys who represent indigent clients in criminal, delinquency, or post-conviction cases in state courts.

Please let me know if you are able to discuss this list, or if you know of anyone else in your jurisdiction who is able to discuss the ability to provide a complete roster of those attorneys in [your jurisdiction or insert county name]. If you know of multiple people who would need to be contacted, that would also greatly help our effort.

Please respond back by [DATE] with any time that is good to have quick conversation by phone. Thank you for your assistance in this important project.

Sincerely,
Heather Hall
(contact information)

Initial phone (if no email contact information is available) to primary PSU leader:

Hello, may I speak to (name)?

My name is Heather Hall and I am calling from the National Association for Public Defense [If Heather already knows contact, this will be more personalized]. We are doing outreach funded by the Bureau of Justice Statistics – which is part of the U.S. Department of Justice – as part of planning for a national survey of public defense counsel – that is, lawyers appointed to represent indigent defendants in criminal cases in state courts. We are trying to determine who would maintain lists or rosters of those attorneys who represent indigent clients in criminal, delinquency, or post-conviction cases in state courts.

Would you be able to generate a list of all attorneys who represent indigent clients in (your jurisdiction/county name)?

Yes
No

Do you know of any other people in (your jurisdiction/county name) that would be able to provide part or all of that list?

Record names and contact information

I'd like to set up a time that is more convenient to discuss the effort needed to generate that roster. What would be a convenient date and time for you in the next 2-3 weeks?

Record date/time.

Thank you!

Initial voicemail (if no email contact information is available and contact is not available) to primary PSU leader.

Hello (name), my name is Heather Hall and I am calling from the National Association for Public Defense [If Heather already knows contact, this will be more personalized]. We are doing outreach funded by the Bureau of Justice Statistics – which is part of the U.S. Department of Justice – as part of planning for a national survey of public defense counsel – that is, lawyers appointed to represent indigent defendants in criminal cases in state courts. We are trying to determine who would maintain lists or rosters of those attorneys who represent indigent clients in criminal, delinquency, or post-conviction cases in state courts.

If you could call me back at XXX-XXX-XXXX or email me at (email address), I'd like to set up a time to discuss your ability to generate such a roster, or if you know of others I would need to contact to compile that list. Once again, my name is Heather Hall and you can reach me at XXX-XXX-XXXX or (email address). Thank you!

The initial contacts (email, phone and voicemail) to the primary PSU leader will also serve as the initial contacts for any persons identified by the primary PSU leader.

SCHEDULED INTERVIEW CONTACT

**Note: there is some intended overlap with the initial contact – since we expect some time to pass, people may remember additional persons necessary to generate the lists that they did not mention in the initial contact.*

Phone:

Hello. My name is _____ and I am calling from [The Urban Institute OR National Association for Public Defense]. As a quick reminder, we are doing outreach funded by the Bureau of Justice Statistics – which is part of the U.S. Department of Justice – as part of planning for a national survey of public defense counsel – that is, lawyers appointed to representing indigent defendants in criminal cases in state court. Please note that this outreach does not relate to municipal court lawyers, in case your jurisdiction has municipal or city courts. I have just a few questions about the feasibility and burden of identifying all lawyers appointed to represent indigent defendants' cases in your jurisdiction over the last year. This shouldn't take longer than 20 minutes.

Questions about the Contact (note date, time, PSU and duration of call):

First, I just want to accurately record some information about you and your jurisdiction.

Q1: What is your name and job title?

Q2: Where do you work?

Q3: Is this position with the courts, local government, a public defender program or some other entity?

Q4: Can you confirm the court jurisdiction that you serve?

Questions about the PSU:

Q5: Is there a public defender office in this jurisdiction?

- Yes
- No
- Unknown

Q6: Is there a conflict public defender office in this jurisdiction?

- Yes
- No
- Unknown

Q7: Do contractors perform any representation of indigent defendants accused of crime in state court?

- Yes
- No (skip to Q8)
- Unknown (skip to Q8)

Q7a: If yes, are contracts executed with individuals or firms?

- Individuals
- Firms

Q8: Does your jurisdiction have an assigned counsel program? If so, is it a centrally managed program?

- Yes – Centrally Managed
- Yes – Not centrally managed
- No
- Unknown

Q9: Does any law school, bar association or other provider perform any representation for indigent defendants accused of crime in state court, even in unique circumstances or pro bono?

- Yes (describe provider)
- No
- Unknown

Questions unique to the Contact:

Now, I'd like to talk about your ability to generate a roster of attorneys.

Q10: Do you have access to a complete, accurate list of all attorneys representing indigent clients in criminal cases, delinquency cases, or post-conviction/appellate cases in state court in your jurisdiction over a period of one year?

- Yes
- No (skip to Q12)
- Can provide partial list (skip to Q12)
- Unknown (include option for notes, as we may be talking to someone who does not have access, but s/he knows that her colleague/superior does)

Q11a: How would you generate that list?

- A centralized case management system managed by a public defender entity
- A centralized case management system managed by the courts
- A review of contracts
- A review of voucher payments
- A compilation of lists of attorneys as assigned/managed by different courts
- Other (please describe)
- N/A

Q11b: How long would it take you to generate this list? Please designate both the hours for the task, and the window of time you would need if asked to actually produce it.

_____ Hours to produce list

_____ Hours/days/weeks to produce list

If respondent answered Q11b, skip to closing or to Q16 if PSU is one of the 16 PSUs selected to provide list.

Q12: Can you provide a part of that list?

- Yes
- No (skip to Closing or Q16 if PSU is one of the 16 PSUs selected to provide the list)
- N/A

(if yes to Q12):

Q13: And can you provide a list of sources who have other portions of that list and what departments they work in? (government, courts, public defender office, assigned counsel administrator, etc.)?

1. Name of source / department of source (describe)
2. Name of source / department of source (describe)
3. Name of source / department of source (describe)
4. Name of source / department of source (describe)
5. (N/A)

Q14: Do you know with certainty that the list of sources (provided in Q13) is either complete or incomplete?

- Yes-Complete
- Yes-Incomplete
- No
- N/A

Q15: Is there any type of case, or type of provider that would present a particular challenge in the quest to create a complete, accurate list of all attorneys representing indigent clients in criminal cases in state court in your jurisdiction over a period of one year? For example, could you create a complete and accurate list for **all but**....?

1. (describe)
2. (describe)
3. (describe)

[IF PSU is one of the 16 selected to provide a list, continue to Q16. If not, state the below]

Closing: We truly thank you for your time and cooperation. You have really helped our project!

Q16. [ONLY FOR THE 16 PSUs SELECTED TO PROVIDE LISTS] We are interested in the information your jurisdiction would be able to generate for a roster. Based on what you've told us, that [you are able to provide a complete and accurate list / you and X others are able to provide a list], we would like to request that you prepare a list of publicly appointed defense attorneys that were active in your jurisdiction in the past year. Can we confirm that you are able to do that?

- Yes
- No (record any objections)

What would be needed in order for you to be able to provide us with a list?

[Record needed items – MOU, Release, etc]

[Indicate that Heather Hall from National Association for Public Defense (NAPD) will coordinate the needed item(s) and give contact information]

Q17. We are requesting the following data elements in your list:

- Attorney name
- Attorney email address
- Attorney phone number
- Attorney physical mailing address

[If providing list]: Thank you for your work and effort. About how long will you need to prepare and deliver the list? [Record date of expected delivery]. We are offering several methods of delivery. We have a secure file transfer option, or you can encrypt the file, email it, and send the password in a separate email. Which would you prefer?

Email

File transfer

Describe the process for the selected option.

Closing: We truly thank you for your time and cooperation. You have really helped our project!

ATTACHMENT D. DATA ELEMENTS REQUESTED OF THE 16 PSUs

The following data elements will be requested of the 16 PSUs selected to provide rosters of publicly appointed defense attorneys:

1. Attorney name
2. Attorney email address
3. Attorney phone number
4. Attorney mailing address

The attorneys listed will not be contacted in any way. This lists will be assessed in terms of the completeness of the lists (e.g., are all items provided for all attorneys).

ATTACHMENT E. IRB APPROVAL



INSTITUTIONAL REVIEW BOARD NOTICE OF APPROVAL
(Federalwide Assurance Number #0189)

PROJECT DIRECTOR: Jeanette Hussemann

TITLE: "Survey of Public Defenders: A Design Study – Phase II"

SPONSOR AGENCY: DOJ **PROTOCOL DATE:** Dec '16, Jun '17; Dec '17; Apr '18

UI PROJECT NUMBER: 09331-000-00 **PROPOSAL NUMBER:** N/A

NATURE OF REVIEW:
(Check One) **FULL** _____ **EXPEDITED** X _____

MEETING DATE: N/A


- TYPE OF APPROVAL**
- PRELIMINARY
 - PRETEST/PILOT TEST. SCHEDULE NEXT REVIEW PRIOR TO FULL IMPLEMENTATION
 - FULL IMPLEMENTATION
 - RENEWAL
 - AMENDMENT: Phase II activities.**

Please note the following requirements:

PROBLEMS OR ADVERSE REACTIONS: If any problems in treatment of human subjects or unexpected adverse reactions to include a breach of data security occur as a result of this study, you must notify the IRB Chairperson immediately. (See the IRB website for further information on reporting)

CHANGES IN PROTOCOL: If there are significant changes in procedures or study protocol, you must notify the IRB Chairperson before they are implemented.

RENEWAL: You are required to apply for renewal of approval at least annually for as long as the study is active. Your next review date should be on or before 4/4/19.


IRB Administrator and Member
Everett I. Madden
Copy: Project Director

April 5, 2018
Date

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Revision Date: January 14, 2015