

The Holistic Defense Toolkit



THE CENTER FOR
Holistic Defense
A Project of The Bronx Defenders

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What Is Holistic Defense?

Holistic defense combines aggressive legal advocacy with a broader recognition that for most poor people arrested and charged with a crime, the criminal case is not the only issue with which they struggle. The key insight of holistic defense is that to be truly effective advocates for our clients, we as defenders must broaden the scope of our work to include both the collateral consequences of criminal justice involvement as well as the underlying issues, both legal and non-legal, that have played a part in driving our clients into the criminal justice system in the first place.

As public defenders we are first-hand witnesses to the revolving door that is our criminal justice system and we experience daily the futility of equating a successful legal defense with the achievement of justice. As a result of our formalistic legal training and the narrow roles we are assigned in the spectacle of our criminal justice system, we feel unprepared, unsupported and, as a consequence, thoroughly unable to address the underlying issues in the lives of our clients. While we know that the practice of effective, high-caliber lawyering is necessary if we are ever to secure justice for our clients, our experience teaches us that zealous lawyering alone is insufficient to achieve the vision of justice that motivates so many of us to do this work.

Thus the question becomes whether it is possible to re-imagine the scope of our work in order to become true and lasting agents for change and transformation in the lives of our clients. Holistic defense is a response to this challenge, offering a path out of the depressing thicket in which most traditional public defenders find themselves sooner or later.

Practicing holistic defense also leads to better legal outcomes for our clients. Simply put, case dispositions are better where defense lawyers who have a more comprehensive understanding of their clients. Similarly, clients who are in the process of addressing some of their underlying life issues generally fare better either when plea-bargaining or at trial. Case outcomes are also better (and defense counsel more likely to render effective assistance of counsel) when clients are fully informed of the collateral consequences of their criminal case and therefore are in a better position to make a truly informed choice about how to proceed. Clients of holistic defenders tend to come away from their experience with increased confidence in the criminal justice system. Finally, by stabilizing lives the practice of holistic defense reduces the likelihood of future criminal justice contact.

Realizing this vision means working to create public defender offices that not only have in-house civil advocates but also social workers and others who all work as equal members of the

defense team. Of course, holistic defense is not an either/or proposition and, in fact, will most often be practiced along a spectrum. That is, some offices might be more or less holistic in different ways. Additionally, the specifics of the practice must be tailored to meet the particular needs of communities in which an office is located.

THE FOUR PILLARS OF HOLISTIC DEFENSE

While recognizing that holistic defense is practiced along a spectrum, the following core principles, or pillars, underlie and form the foundation of any successful holistic defense practice:

1. Seamless access to services that meet clients' legal and social support needs.

Holistic defense begins with a commitment to addressing clients' most pressing legal and social support needs. Because the universe of these needs will vary from community to community, a holistic defender office must begin by identifying the full range of client needs. This can be accomplished in part by assessing the needs of the community from which their current and future clients come. For example, some communities struggle with immigration issues whereas others with family law or housing issues. Far from being a one-size-fits-all approach, holistic defense aims to address those issues that most commonly contribute to its clients' involvement in the criminal justice system. Holistic defense also seeks to addresses the effects of criminal justice involvement -- sometimes called collateral consequences, although far too often anything but "collateral".

Beyond simply offering these services, whether in-house, through a series of partnerships with social service agencies, or through a combination of both, holistic defense requires "seamlessness" in the way clients are represented. For a holistic defender, helping a client to access immigration representation, time with a social worker, or assistance with a public assistance application becomes as easy as walking over to another advocate. There is no complex intake or eligibility process to be repeated when guiding a client to other services or advocates, thereby relieving the client of the burden of having to retell her story while enduring yet another exhausting intake process. If there is administrative complexity, it is borne by the holistic defender, not by the client in need of help.

2. Dynamic, interdisciplinary communication.

The holistic defense client will likely have several advocates: a team of criminal defense and civil lawyers, as well as social workers or other social service advocates. What is fundamental to the practice of holistic defense is not so much that there is an interdisciplinary team, but that the team's culture is one of open, frequent, and meaningful communication. Communication in holistic defense is characterized less by hierarchy and referrals and more by a dynamic and interdisciplinary exchange of ideas and information. Holistic defenders are well-informed not just about their clients' criminal cases but also about their clients' progress in their work with their other advocates. Regardless of whether the issue being handled is motion practice in a drug sale case, assistance with a public housing application, or getting treatment for a long-time drug problem, the advocates are always well-informed as to all the other moving

parts of a client's relationship with the office. Just as importantly, each of those advocates – the social worker and the civil legal advocate – are in independent communication with each other – and not just communicating through the criminal defense lawyer. The result is a team of people all of whom are well-informed about a client's needs and progress. The client, in turn, sees himself as being represented by a team of dedicated advocates all of whom are in communication with each other, rather than by a single advocate who grasps only part of the big picture that is the client's life.

3. Advocates with an interdisciplinary skill set.

The bedrock of a holistic defender office is a passionate staff committed to providing the highest-quality representation. But beyond the zealous advocacy of the committed public defender, a holistic defender must be willing to develop and enhance a specific set of skills that is both client-centered and interdisciplinary. While perhaps a first step, this means more than criminal defense lawyers learning about what it is that social workers do. Rather, holistic defense encourages criminal defense lawyers to represent their clients in ways that actually support the social work needs of their clients and, in turn, encourages social workers to work with their clients in ways that support positive legal outcomes for their clients. For example, lawyers may learn how to identify mental illness and social workers may be trained in screening clients for potential immigration issues. In this way, each member of the staff of a holistic defender office ends up with a skill set fundamentally different than that of their colleagues in more traditional settings.

4. A robust understanding of, and connection to, the community served.

At its core, holistic defense entails cultivating a robust understanding of, and connection to, the community served. This practice derives from the realization that the advocate who is better able to relate to her client because she has spent time in his neighborhood and with members of his community will be more likely to provide authentic and effective representation. The lawyer who can leverage this community understanding will be more likely to achieve better legal outcomes. Similarly, the advocate who can speak from experience to a judge in a civil matter or to a counselor or administrator of a social service agency about the client's neighborhood or school will be a more persuasive and effective advocate. On a broader level, community engagement helps the holistic defender office to earn the respect and trust of the community which, among its many benefits, helps build a community-based network of support services for clients, their families, and neighborhoods. Furthermore, enhanced community engagement sheds light on client needs, which guide decisions about how best to allocate resources.

Office Self-Assessment Tool

Designed around the Four Pillars of holistic defense, this self-assessment tool will help to reveal an office's strengths and challenges, and in so doing will provide some guidance for successfully navigating the transition to a more holistic defense practice:

I. Seamless access to services that meet client legal and social support needs.

The public defender represents its clients on their criminal defense cases.	The public defender represents its clients on their criminal defense cases and addresses other legal and social support needs exclusively through referrals to other services. These referrals each require separate intake and eligibility screening processes.	The public defender represents its clients on their criminal defense cases and addresses other legal and social support needs through referrals to other services, perhaps some in-house, self-contained units. Most referrals require separate intake and eligibility screening processes.	The public defender is organized into interdisciplinary teams of advocates who represent clients on not only their criminal defense cases but on a host of other critical legal and social support needs. Access to all services is seamless from the client perspective.
1	2	3	4
Less Holistic			More Holistic

II. Dynamic, interdisciplinary communication.

The criminal defense lawyer is the only advocate working with a client.	The criminal defense lawyer represents a client and refers the client to other advocates as necessary, sharing the reason for referral. The information flows	The criminal defense lawyer represents a client and refers the client to other advocates as necessary, sharing the reason for referral.	The criminal defense lawyer represents a client and refers the client to other advocates as necessary, sharing the reason for referral. The criminal lawyer
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	only from the criminal lawyer to the other advocates.	and the other advocates share information back and forth.	and the other advocates share information back and forth, and the advocates communicate with each other independently.
1	2	3	4
Less Holistic			More Holistic

III. Advocates with an interdisciplinary skill set.

Uni-disciplinary: Public defenders are criminal defense lawyers with traditional legal training.	Multi-disciplinary: Public defenders are a mix of advocates from different disciplines, each with traditional training in his respective field.	Cross-disciplinary: Public defenders are a mix of advocates from different disciplines with an understanding of each other's work and how it fits into the advocacy of clients.	Inter-disciplinary: Public defenders are a mix of advocates from different disciplines who incorporate <i>skills</i> from outside their own disciplines to advance client advocacy.
1	2	3	4
Less Holistic			More Holistic

IV. Robust understanding of and connection to the community served.

Public defenders neither work in nor interact with the client community.	Public defenders are not based in the client community but participate in activities in the community.	Public defenders are based in the client community and participate in discrete and periodic projects and events in the community.	Public defenders are based in and perceived as a resource by the client community. They have regular and permanent systems for working and communicating with the community.
1	2	3	4
Less Holistic			More Holistic

Services Offered by The Center for Holistic Defense

The Center for Holistic Defense is committed to supporting public defender offices as they seek to transform the practice of public defense by adopting a more holistic model of advocacy. To request any of the following services, please call the Project Director at (718) 838-7857 or email alexs@bronxdefenders.org.

The Center provides a range of services:

1. **Site Visits.** The Center arranges site visits at The Bronx Defenders, allowing interested public defenders and others to gain a first-hand view of what holistic defense looks like on the ground.
2. **Training and Professional Development.** Expert practitioners from The Bronx Defenders will lead training sessions at your office for management or staff about a specific aspect of holistic defense.
3. **Technical Assistance.** More involved than simply a single training session, The Center offers technical assistance that currently consists of six months of hands-on in-depth training and support to three offices chosen in response to a nationally publicized Request for Proposals. While the deadline to apply for our inaugural round of in-depth technical assistance has passed, we anticipate being able to offer additional opportunities in the future.
4. **Online access to experts.** The institutional and individual expertise of The Bronx Defenders is available to all who seek to adopt a more holistic model of practice. We encourage any interested member of the indigent defense community – from staff attorneys to students, office heads to activists, social workers to investigators – to e-mail us with any questions you may have about holistic defense, in theory or in practice, and we will do our best to provide you with the answer.

Online Resources Available on Our Website

The Center for Holistic Defense is dedicated to providing concrete and practical resources to public defender organizations and systems who are interested in adopting a more holistic model of practice. A critical tool in this effort is our online library of topic-specific resources that, taken together, provide a comprehensive and detailed roadmap to realizing a more holistic practice.

Written specifically for this website and aimed directly at public defender office heads and senior management, these resources provide practical, accessible, and flexible information about precisely what holistic defense is as well as step-by-step guidance in how to transform an office into one that practices holistically. Incorporating print, downloadable, and multimedia elements, these resources provide not just the theory behind holistic defense, but more importantly, the nuts and bolts answers to practical questions of how best an office can begin to transition to a more holistic practice. These resources are illustrated with various examples of what different aspects of holistic defense look like on the ground and in action.

All of the online resources are organized such that they can be used comprehensively and sequentially, to get a complete overview of holistic defense, or as quick references when a specific question arises about a particular aspect of holistic defense or its implementation. The resources are all clearly organized and cross-referenced for easy navigation. It is our sincere hope that this online library, as well as the larger website, will serve as more than just a resource center but rather will become an online community of public defender office heads, managers, social workers, investigators, staff attorneys, community advocates, law students and others all of whom are united in a shared commitment to holistic defense.

To register and access these Resources, please visit our website,
www.holisticdefense.org, and complete the registration form.