

The Center for Holistic Defense at The Bronx Defenders

The 2010 Holistic Defense for Public Defender Offices Technical Assistance Project

REQUEST FOR PROPOSALS

Overview

The first of its kind, the Center for Holistic Defense at The Bronx Defenders is a resource center for public defender offices seeking to adopt a more holistic model of representation. Holistic defense is an innovative, client-centered and interdisciplinary model of public defense that addresses both the circumstances driving poor people into the criminal justice system as well as the devastating consequences of criminal justice involvement by offering criminal and related civil legal representation, social work support and advocacy in the client community. The Center seeks to support and promote public defender offices, individual advocates, policymakers, and others who seek to redefine the practice of public defense in this way.

The Center for Holistic Defense is a project of The Bronx Defenders, an award-winning public defender office in New York City with a dozen years of experience in providing holistic representation to poor people who have been criminally charged. With funding from the U.S. Department of Justice's Bureau of Justice Assistance, the Center provides public defender organizations with the practical knowledge and resources they need to realize this new vision. In an effort to foster the practice of holistic defense, the Center will select three public defender offices from across the country to receive extensive, hands-on technical assistance in aspects of holistic defense. Both juvenile and adult defender offices are eligible. Successful applicants will be those with a demonstrated commitment to the principles of holistic defense as well as the institutional capacity to realize that commitment.

Recipient offices will be provided with six months of step-by-step guidance and concrete assistance in realizing one or more of the four principles of holistic defense detailed below. Particular attention will be paid to the practical management questions arising from the transition to holistic defense. This technical assistance will include staff trainings and site visits by staff of the Center and the Bronx Defenders as well as possibly by other experts and practitioners. While recognizing that holistic defense is practiced along a spectrum and that those offices chosen to receive technical assistance may only need or desire assistance in certain aspects of holistic defense, the Center will assist recipient offices in evaluating their current practices and in charting a course towards creating an office that fully embodies holistic defense.

What is Holistic Defense?

Holistic Defense is a way of practicing public defense that recognizes that very often the criminal case is not the only issue looming in a client's life and that, therefore, the resolution of the case, however successfully achieved, will not necessarily ensure that a client's goals have been realized or that justice has been achieved. With this insight in mind, holistic defenders seek to represent their clients by addressing issues and needs beyond the criminal case, particularly those that may bear on his involvement in the criminal justice system.

Representing clients holistically leads to better case dispositions as lawyers who have a more comprehensive understanding of their clients are more effective advocates. Moreover, clients who are beginning to address some of the underlying issues in their lives generally fare better both when plea-bargaining and when going to trial, whether they elect to testify or not. Case dispositions are also better where clients are more fully aware of the collateral consequences of their criminal case and are therefore in a better position to make a truly informed choice about how to proceed. Furthermore, clients who are represented holistically 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 the vision of holistic defense means creating public defender offices that have both in-house civil legal practitioners as well as non-legal social work staff all of whom collectively endeavor to address the full range of client needs. To achieve this, holistic defender offices employ the following practices:

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 address 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.

What Sort of Assistance Is Being Offered?

Under this initiative, the Center will select three public defender offices from across the country to receive a six-month course of assistance focusing on particular aspects of holistic defense as identified by the recipient office. As noted above, both juvenile and adult defender offices are eligible and encouraged to apply. Integrating holistic defense into any public defender office is a transformative process and one that often happens incrementally. As such, we expect applicant offices will want to focus their partnership with the Center for Holistic Defense on a discrete area or number of issues where they feel they need the most support and/or can make the greatest change.

Regardless of the focus area identified by the awardees, the Center will also work with each of these offices to build a plan for how to continue the work of further integrating holistic defense into their practices. For some offices, this work will be the launching point of a larger process striving for holistic defense. For others, this will be another step in a process that is already underway. But in all cases, the Center will leverage the experience of The Bronx Defenders and the other offices with which it has worked over the years to tailor a plan and set of recommendations for next steps beyond the six-month technical assistance relationship.

Our aim is to select offices that represent a diverse cross-section of the public defense community in terms of size, geographical location, funding structure, and local criminal justice climate. While the exact type of assistance each office will receive will depend on the precise nature of the request made, examples of the sorts of assistance being contemplated include:

- A comprehensive evaluation of the current office structure and assessment of existing holistic practices, if any;
- Strategy sessions with office heads or senior management to identify realistic goals to be accomplished during the course of the assistance;
- Assistance in assessing client needs;
- A community resource mapping exercise to determine existing resources in the community;
- Assistance in identifying new practice areas based on needs assessment;
- Provision of training in these substantive practice areas;
- Training for staff in cross-disciplinary communication;
- Creation of a team-structured office;

- Introduction of an interdisciplinary model of case conferencing;
- Developing strategies for connecting with and beginning to understand the community served by the office;
- Assistance in developing funding strategies for sustaining a holistic practice;
- Development of performance measures.

How will the recipients be selected?

Applications will be evaluated by peer reviewers based on the following criteria:

- Demonstrated commitment to the principles of holistic defense;
- Institutional support for holistic defense;
- Capacity to make lasting and sustainable changes to the way the office represents its clients.

In the selection of offices to receive technical assistance, geographic diversity, as well as diversity of size and funding structure, will be taken into account.

Proposal Cover Letter

The application cover letter form (Attachment A) includes contact information as well as basic information about an applicant office. Please complete this form and return it with the completed application.

Proposal Narrative

Please structure your proposal according to the sections and questions below, in the order presented.

I. Introduction: Please briefly describe your office and the population it serves. What has driven your office to take steps toward integrating holistic defense into your practice? If you have already begun to make changes in line with holistic defense, please discuss what those changes have been and what success you have experienced already. What are your larger holistic defense goals?

II. Request for Technical Assistance: Where would a partnership with the Center for Holistic Defense be most helpful in furthering your Holistic Defense goals? How *specifically* could the Center assist your office and your team to integrate Holistic Defense into its practice? Please speak to one or more of the principles of Holistic Defense:

1. Seamless access to services that meet clients' legal and social support needs;
2. Dynamic, interdisciplinary communication;
3. Advocates with an interdisciplinary skill set;
4. Robust understanding of, and connection to, the community served.

III. Organizational Capacity: What capacity or assets are already in place to support this work?

- a) What support, if any, do you have for your vision of Holistic Defense from all levels of management at your public defender office? From your funders? From your staff? From your clients? From the court system? From other constituents?
- b) What resources have you dedicated or do you plan to dedicate to this work?
- c) How does your staff already address the interdisciplinary legal and social support needs of your clients?
- d) How do you facilitate dynamic communication about clients among advocates from different disciplines in your office?
- e) How do you currently foster the development of interdisciplinary skills among your staff of lawyers, social workers, and other advocates?
- f) How do you currently engage with the community you serve outside the courtroom?

IV. Evaluation: What do you hope to accomplish during the six month assistance period and how will your progress towards achieving that goal be measured?

Once again, the focus of the technical assistance should be on what is achievable within a six-month period of time. Organizations do not fundamentally transform within six months, nor will any public defender office become a holistic defender within that span of time. However, proposers should conceptualize this period of time as a significant step toward beginning or continuing an ongoing commitment to holistic defense. In the broadest terms, we expect that awardees will more closely embody the principles of holistic defense at the end of the grant period, not that they will “be holistic” by the end.

Instructions for Submitting Proposals

Please send completed proposals to:

Alex Sierck, Project Director
The Center for Holistic Defense
The Bronx Defenders
860 Courtlandt Avenue
Bronx, NY 10451
alexs@bronxdefenders.org

Subject: Technical Assistance RFP

Applications are strongly encouraged in electronic format, but paper applications will also be accepted. For questions about this application, please contact Alex Sierck at alexs@bronxdefenders.org or (718) 838-7878 or (800) 597-7980.

Applications must be received by May 21, 2010.

Attachment A

Proposal Cover Letter

The Center for Holistic Defense at The Bronx Defenders 2010 Holistic Defense for Public Defender Offices Technical Assistance Project

Contact Information

Name of office:

Address of office:

Name of lead contact person, including title:

Phone number:

Fax:

E-mail address of lead contact person:

Office Profile

Size of staff:

Number of staff per job title (i.e. number of investigators, etc):

Average caseload per attorney (felony and misdemeanor) for both supervisors and staff attorneys:

Experience level of legal staff:

Legal staff with 0-3 years of experience:

Legal staff with 3-6 years of experience:

Legal staff with 6-10 years of experience:

Legal staff with 10-15 years of experience:

Legal staff with 15-20 years of experience:

Legal staff with over 20 years of experience:

Size of annual budget:

Total number of cases handled by your office during the last calendar year: