

## Chapter Five

# Clients believe that the amount of time and contact they have with their attorney is insufficient

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The purpose of this survey is to create an opportunity for the clients of public defender providers to offer feedback on the quality of their representation. This survey is part of the Agency's efforts to build its capacity to gather feedback from clients about their experience in order to better ensure the quality of representation to indigent clients.

The survey was advertised and distributed by public defense providers across the state of Oregon and through the aid of community partners, including Youth Rights & Justice, Oregon Youth Authority, jails, adult community corrections, Oregon State Hospital, Sponsors, Inc., Central City Concern, Bridges to Change, and others. The agency met with the Department of Corrections to explore the logistics of increasing the survey distribution but were unable to complete the review process in the time frame of this project.

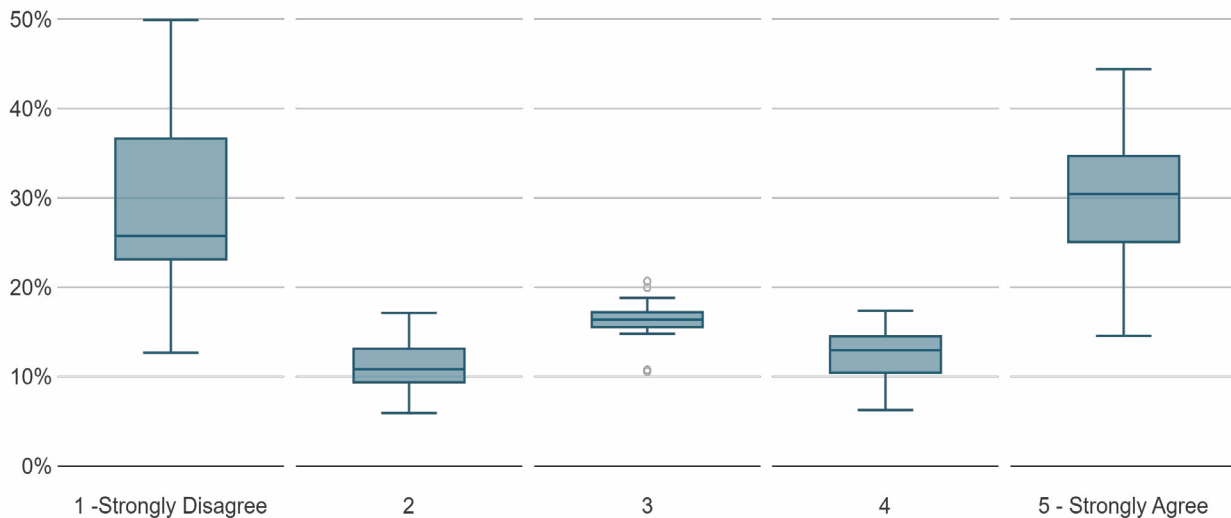
The Agency received a total of 754 completed survey responses and interviewed three individuals with lived experience as a client. These themes represent the feedback we received through both processes.

1. Clients expressed strong feelings regarding the quality of their representation, both negatively and positively. The survey responses regarding the quality of representation followed a bi-modal distribution with responses, responding “strongly agree” or “strongly disagree” for all questions. (Figure 6)

- “Quit taking on so many cases just for money. Show compassion towards clients facing life without and defend them like she should.”
- “My attorney didn’t give me options, he told me what I was doing. I was young and naive and trusted him. I wish he took the time to talk to me, explain things to me in a way that I would have understood.”
- “How do you improve perfection?”
- “I can’t think of one thing he should improve regarding his job. He was kind, consistent, organized and very helpful and did everything as close to perfect as one could ever get.”
- “Nothing, I felt there was the right efforts dedicated to helping me receive a positive outcome”
- “I think my attorney is a good guy already”
- “She was overall a good attorney. I don’t really have complaints.”
- “My new lawyer is amazing, and she came to see me talked my options over w/ me and she is great.”
- “I cannot think of a single thing. He couldn’t have done better. I had the best legal team. Thank you all so very much.”

**Figure 6 – Bimodal distribution of attorney ratings N=721**

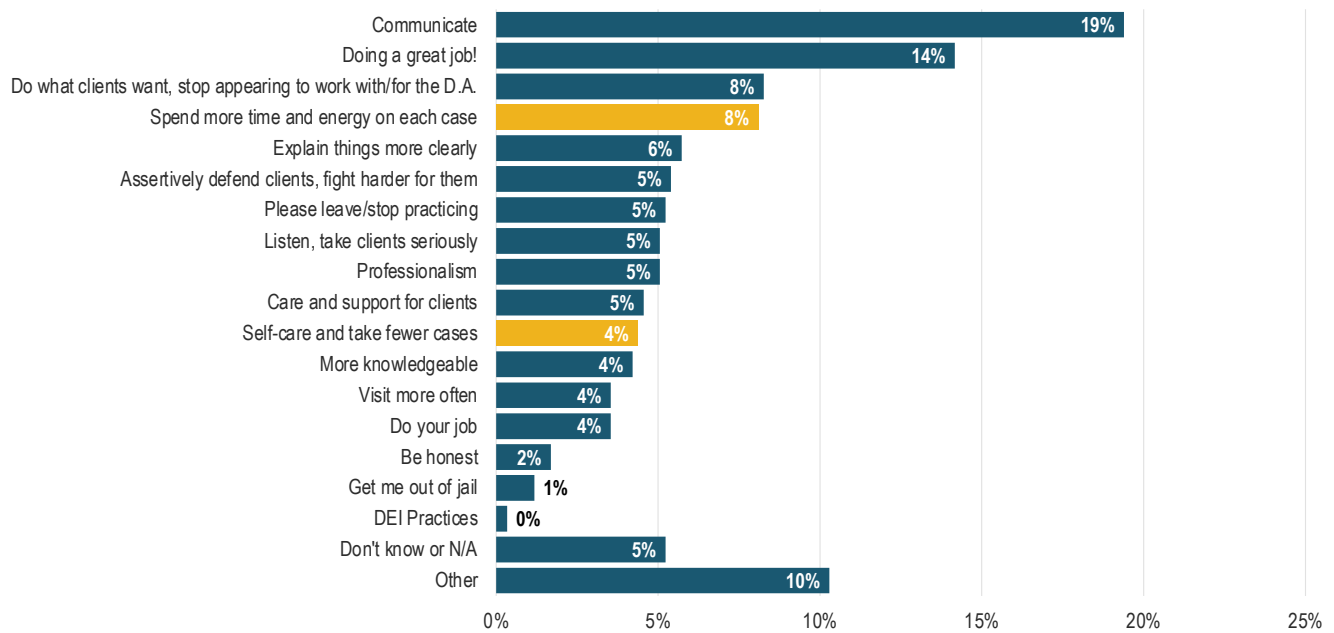
Clients were asked to rate their agreement (on a scale of 1 to 5) with 17 different statements regarding their experience with their attorney. (see Appendix 1.3) This chart summarizes the distribution of the frequency of each score. For example: in each of the 17 statements, between 15-45% of respondents rated it a 5, and the median is 30%.



2. The attorney relationship is profoundly important to clients and clients believe that attorneys may have hundreds of clients' cases they are balancing. Clients acknowledged the time constraints on their attorneys yet would like to have more time to discuss their case and to know that their attorney is listening to their needs and desires. (Figure 7)

- “My current attorney is representing 4 of the 11 guys in my dorm alone and is almost completely unavailable to talk or communicate with.”
- “He needs to be more prepared and do more research on the cases he is assigned to.”
- “Stop looking at your watch when you come in for 15-minute meetings...the ONE time you come to see me in 2 months.”
- “My attorney needs less cases.”
- “Take on less cases so he can concentrate on the cases he has better.”

**Figure 7 – Take a lower caseload and spend more time on my case N=593**  
 What is one thing you think your attorney should do to improve?



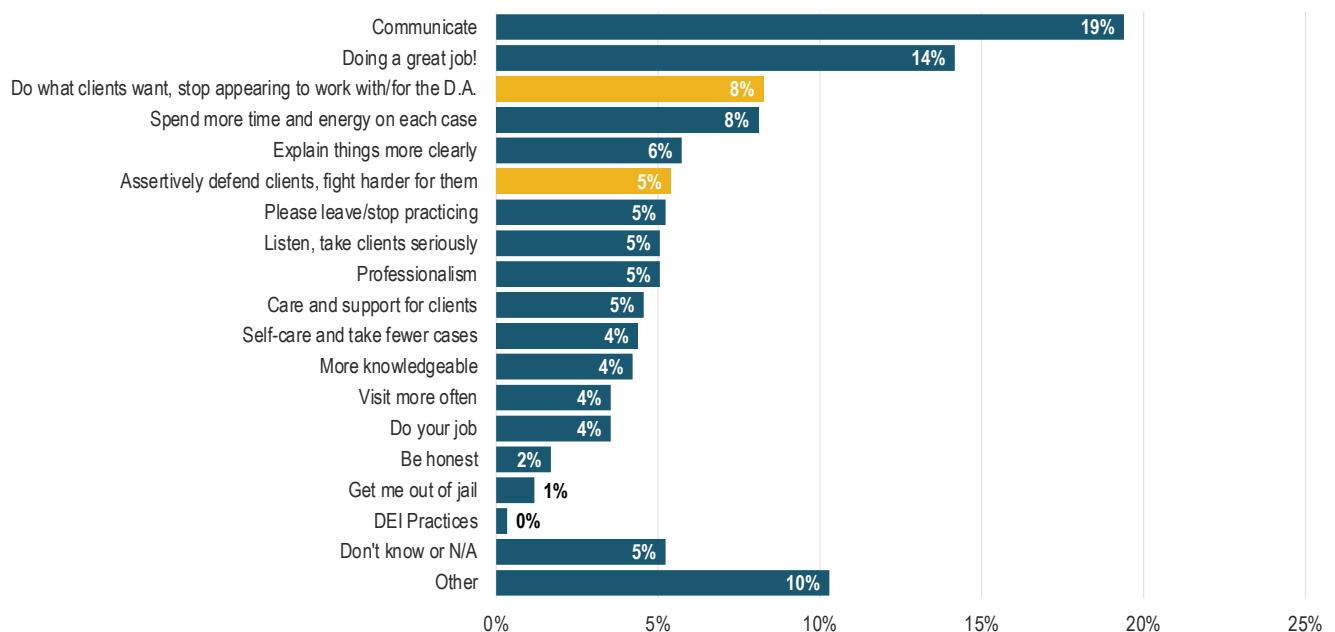


5. Clients expressed concern that public defenders were too closely aligned with the District Attorney's offices. Clients indicated that their attorneys pursued plea agreements too often and suspected that plea bargains were done at the convenience of their attorneys and not in the best interest of their clients. (Figure 9)

- “My attorney needs to communicate, try a defense other than take a deal.”
- “Honestly, they don't care about us they just want us to take a plea deal, so they don't have to work the case.”
- Actually try to defend me and stop trying to make pleas, 95% of Douglas County system is plea deals, what does that tell you?”
- “I think that the attorney shouldn't take more cases than they can handle. My attorney never even saw my discovery. They are too worried about their relationship with the DA and what kind of deal they can get you. What about the innocent?”

**Figure 9 – Regular pursuit of plea agreements affect reputation N=593**

What is one thing you think your attorney should do to improve?



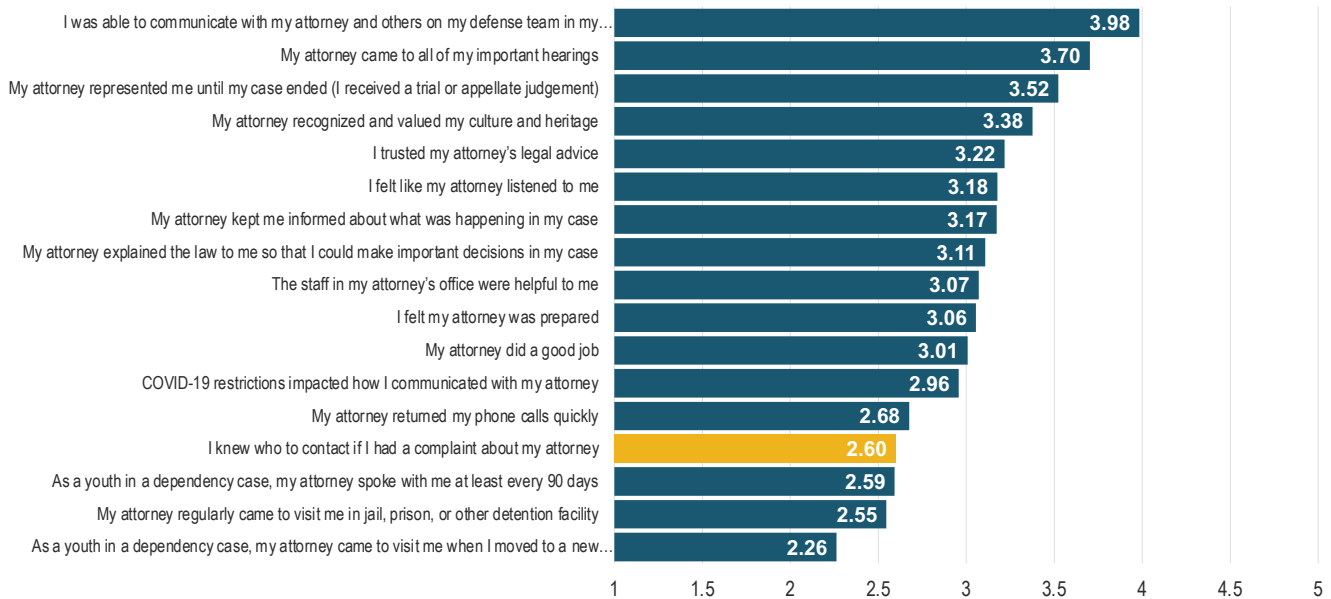
6. Clients wanted additional guidance for judging the quality of their representation. Clients often cited the outcome of their case as the primary mechanism for judging the quality of their representation or expressed confusion about what their attorney could do to improve.

- “I think my attorney might look better in different hair styles.”
- “My attorney should shave his beard.”
- “My attorney needs to dress better to improve.”
- “Win my case. That's all I care about it.”
- “I really don't know.”

7. Clients reported a lack of clarity on who to contact if they had a complaint against their attorney (Figure 10)

- “In 13 months my attorney has done nothing but put off 60 days at a time and show up to see me 15 minutes before a court. I don’t understand why I have a public defender and not “pro bono” with co-counsel since my case is capital/death penalty?”
- “I’ve had two attorneys and I don’t even know what they have to do to actually have a consequence.”

**Figure 10 – Lack of clarity on how to file complaints about attorneys N=721**  
How strongly do you agree or disagree with each of these statements?



**Implications:**

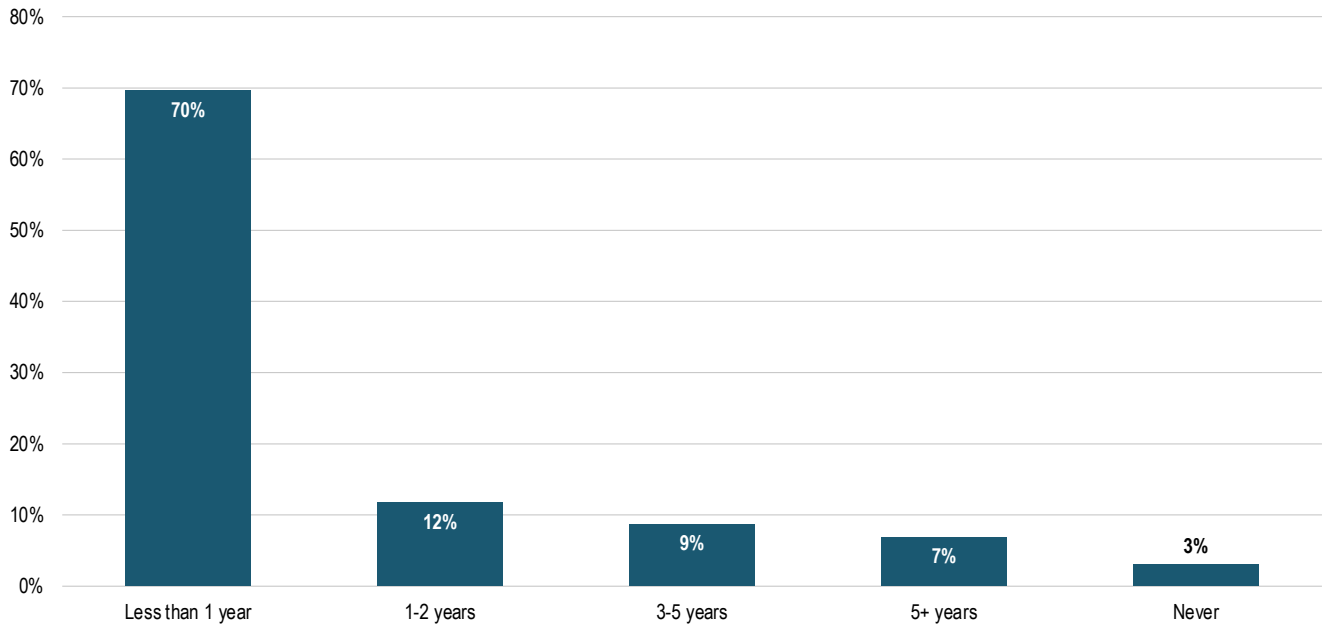
- The agency needs to develop more effective ways of monitoring and improving the quantity and quality of attorney/client communications, particularly around plea negotiations, litigation options, and the attorney's role.
- The agency should focus on educating clients about its role in ensuring quality representation and the options clients have if they have complaints about their attorney.

# Appendix

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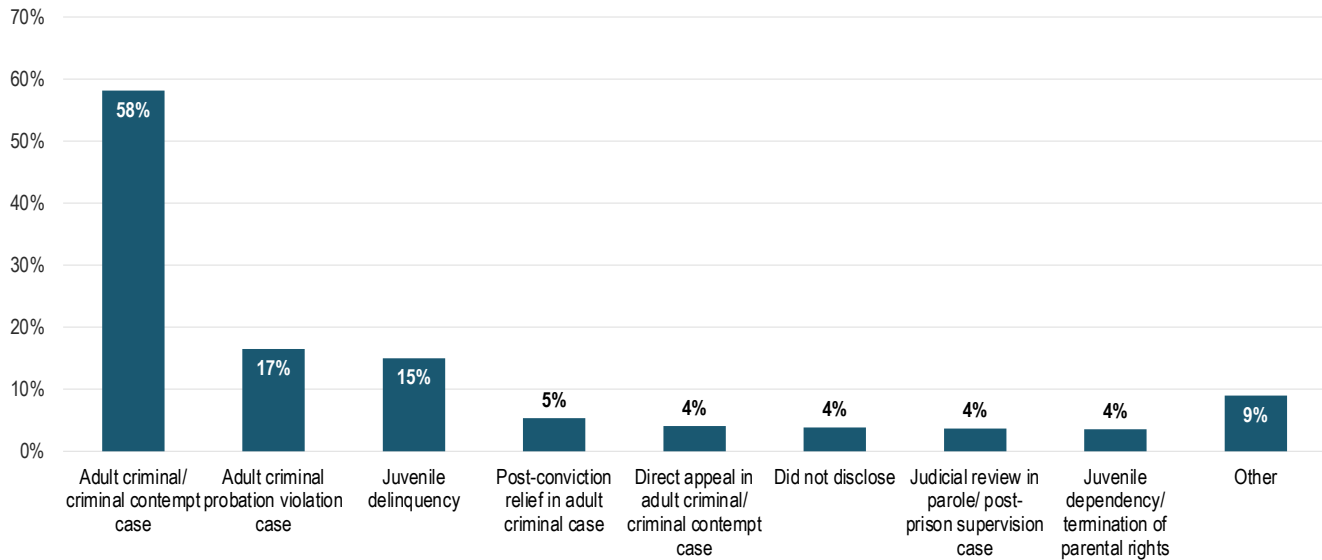
### Appendix 1.1 – Duration since last interaction N=743

How long has it been since you had an interaction with a public defender?



### Appendix 1.2 – Case Type N=733

In my most recent case, I was represented by a public defender in the following type of case.





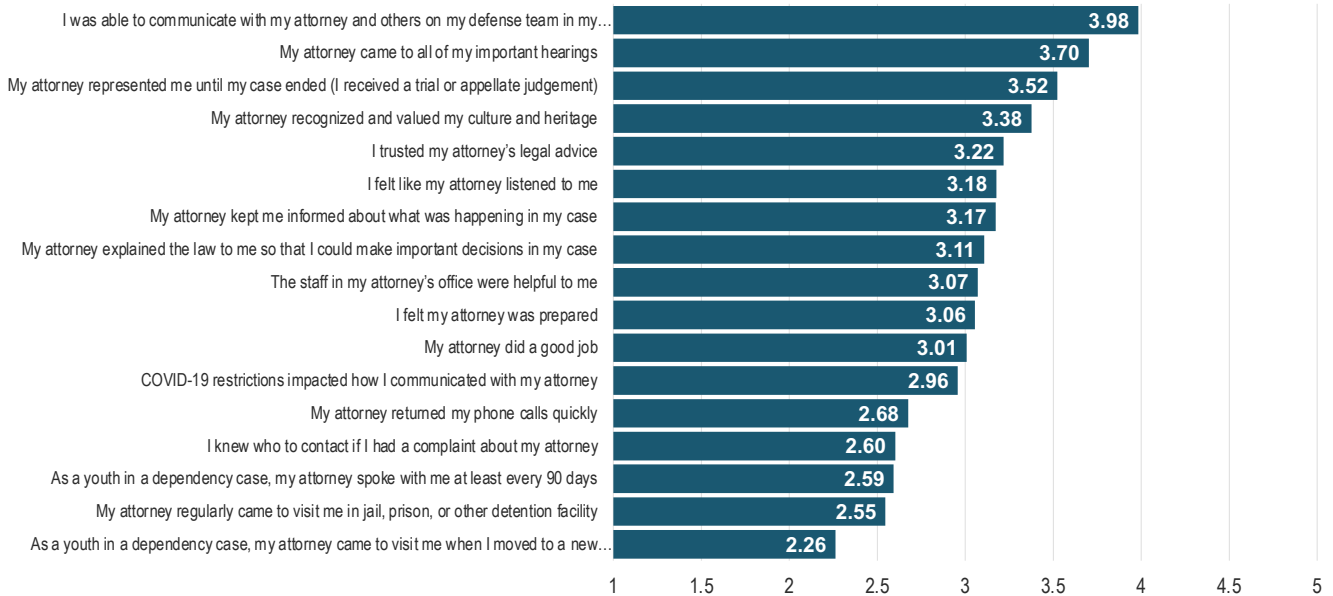
### Appendix 1.2a – All Case Type N=733

In my most recent case, I was represented by a public defender in the following type of case.

	%	Count
Adult criminal/criminal contempt (violation of restraining order) case	58%	426
Adult criminal probation violation case	17%	121
Juvenile delinquency	15%	110
Post-conviction relief in adult criminal case	5%	39
Direct appeal in adult criminal/criminal contempt (violation of restraining order) case	4%	30
Did not disclose	4%	28
Juvenile dependency/termination of parental rights	4%	26
Judicial review in parole/post-prison supervision case	4%	27
Direct appeal in adult criminal probation violation case	2%	18
Civil commitment	2%	15
Direct appeal in post-conviction relief case	2%	13
Direct appeal in juvenile delinquency case	1%	10
Direct appeal in dependency case	1%	5
Post-conviction relief in juvenile delinquency case	1%	5
Direct appeal in civil commitment case	1%	4
Other	1%	6
<b>NET</b>	<b>100%</b>	<b>733</b>

### Appendix 1.3 – Attorney ratings N=721

How strongly do you agree or disagree with each of these statements?



**Appendix 1.4 – Qualities in a good Attorney N=754**  
 What are the top three most important qualities in a good attorney?

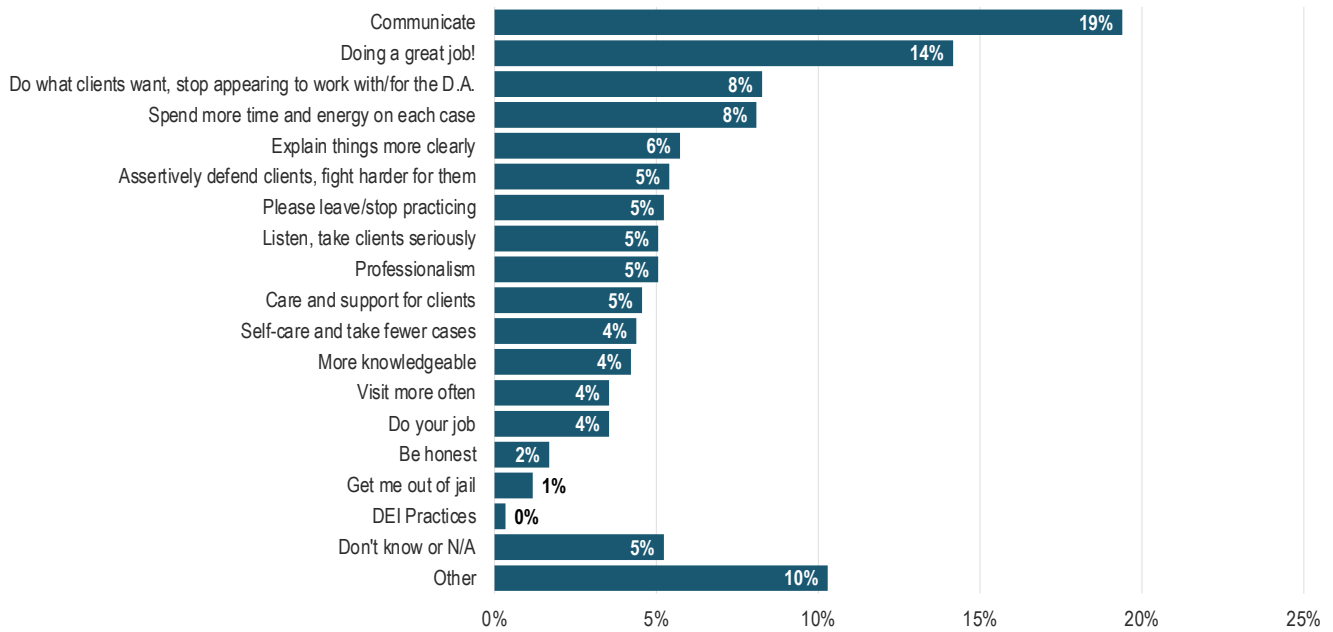


**Figure 1.5 – Describe your Attorney N=754**  
 What are the top three words you would use to describe your attorney?



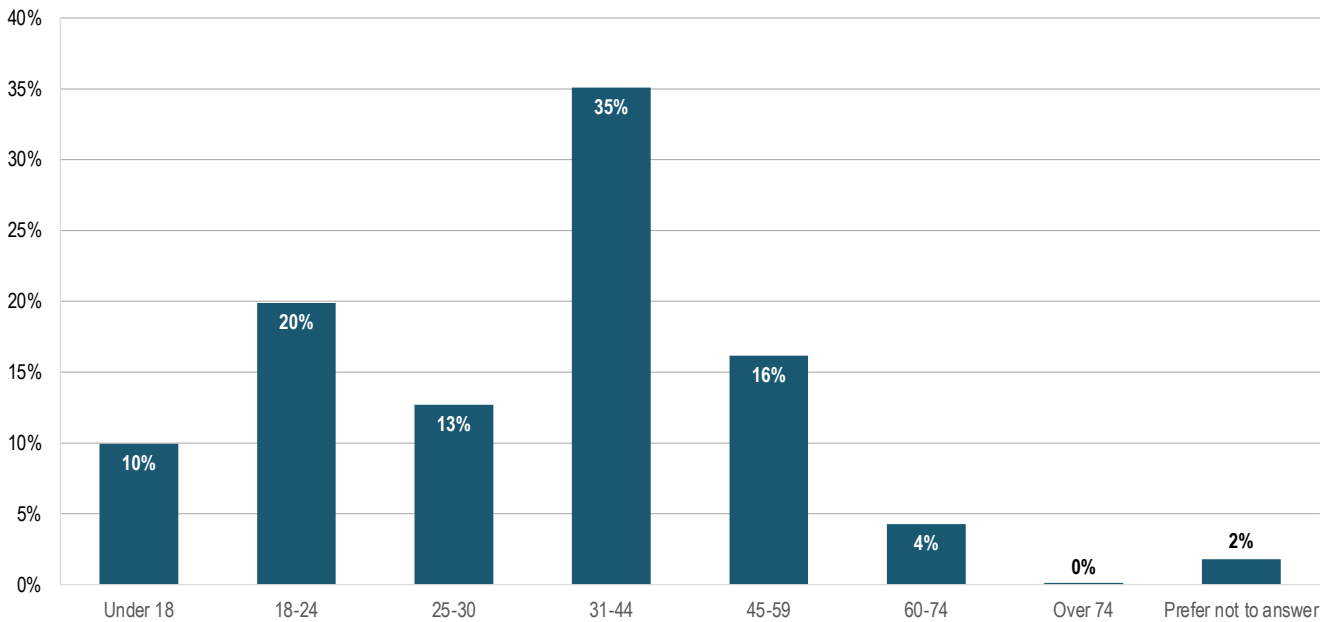
**Appendix 1.6 – Opportunities for Improvement N=593**

What is one thing you think your attorney should do to improve?



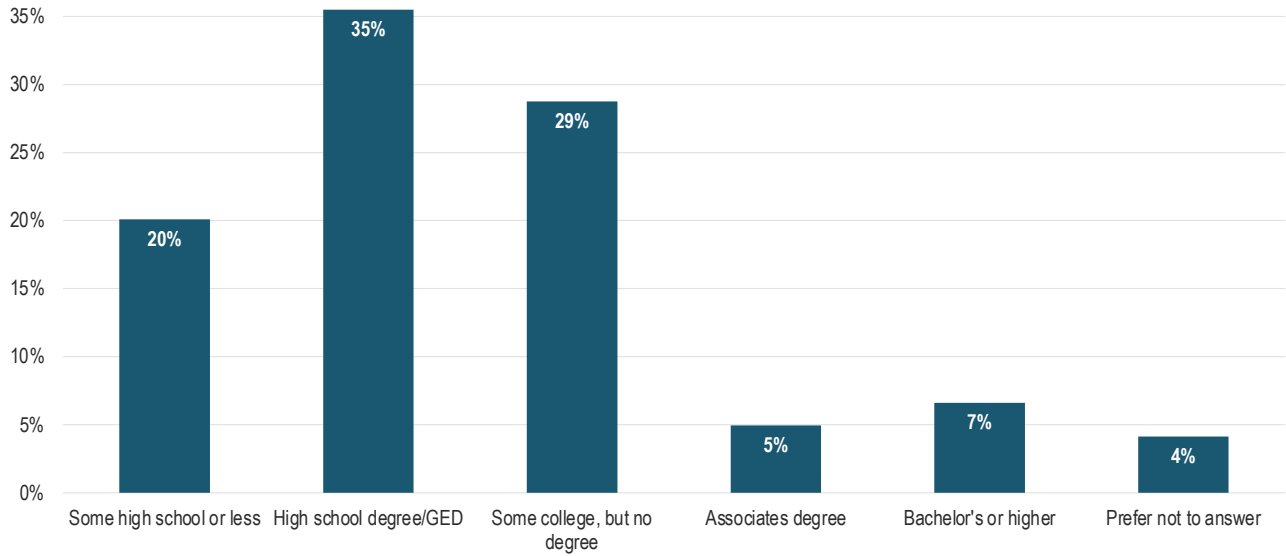
**Appendix 1.7 – Survey Respondents by Age N=724**

What is your age?



### Appendix 1.8 – Survey Respondents by Level of Education N=727

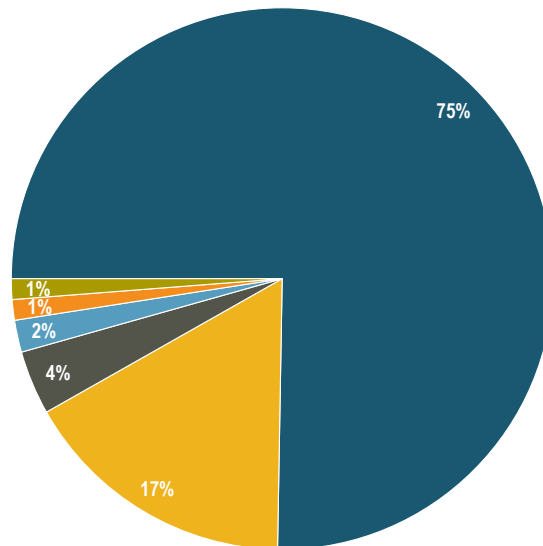
What is your highest level of education?



### Figure 1.9 – Survey Respondents by Gender N=732

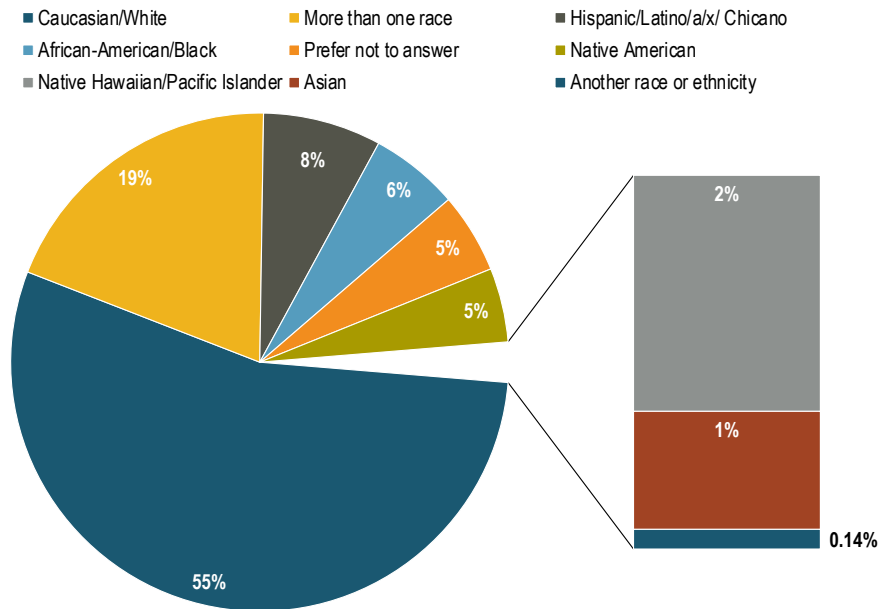
What is your current gender?

■ Man ■ Woman ■ Prefer not to answer ■ Transgender ■ Non-binary ■ A gender not listed here



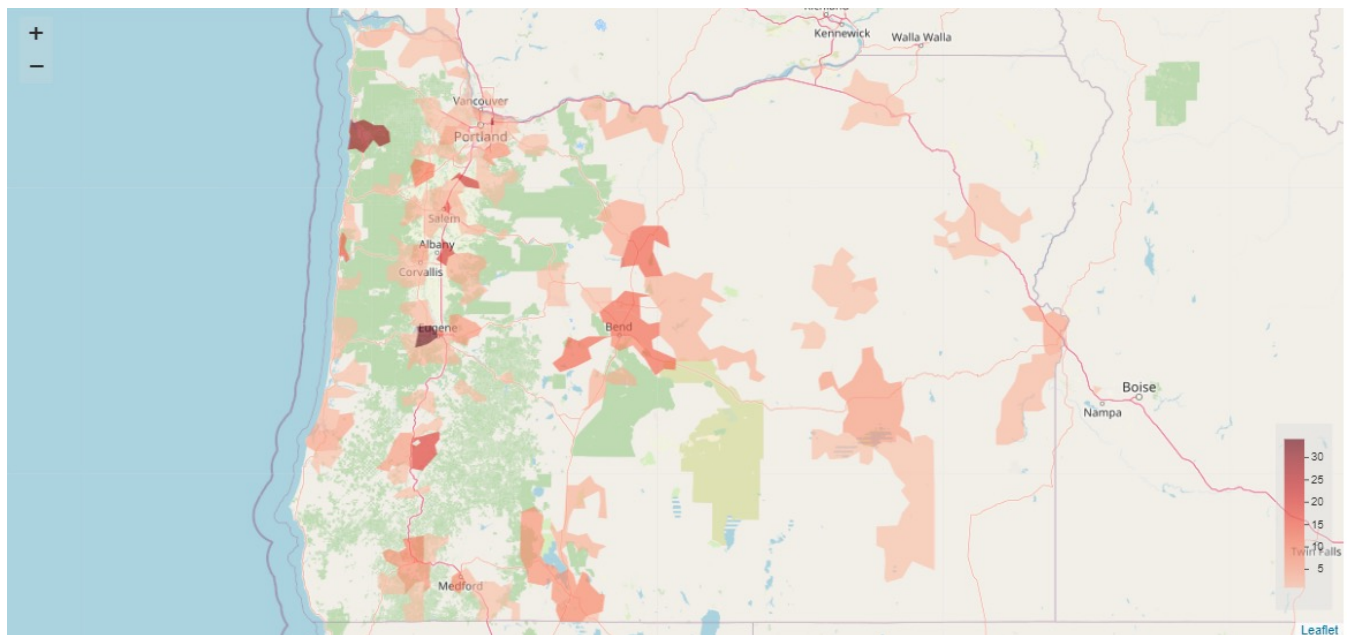
### Appendix 1.10 – Survey Respondents by Race/Ethnicity N=729

What is your racial background?



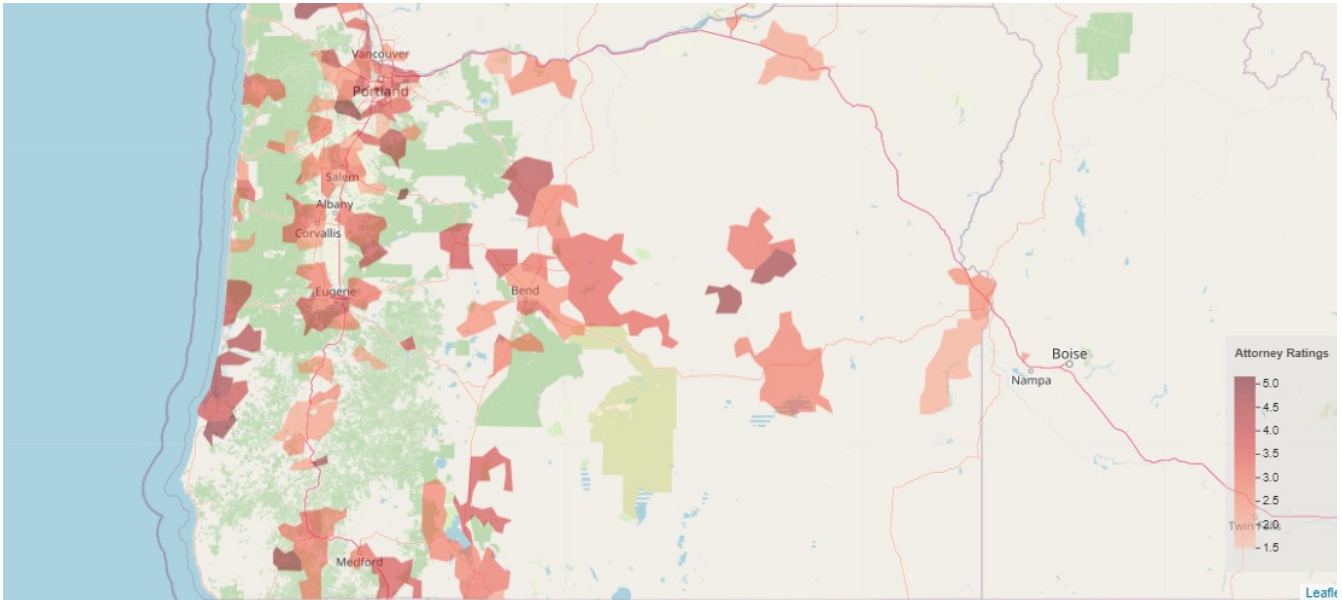
### Appendix 1.11 – Survey Respondents' Zipcodes N=646

What is your ZIP code?



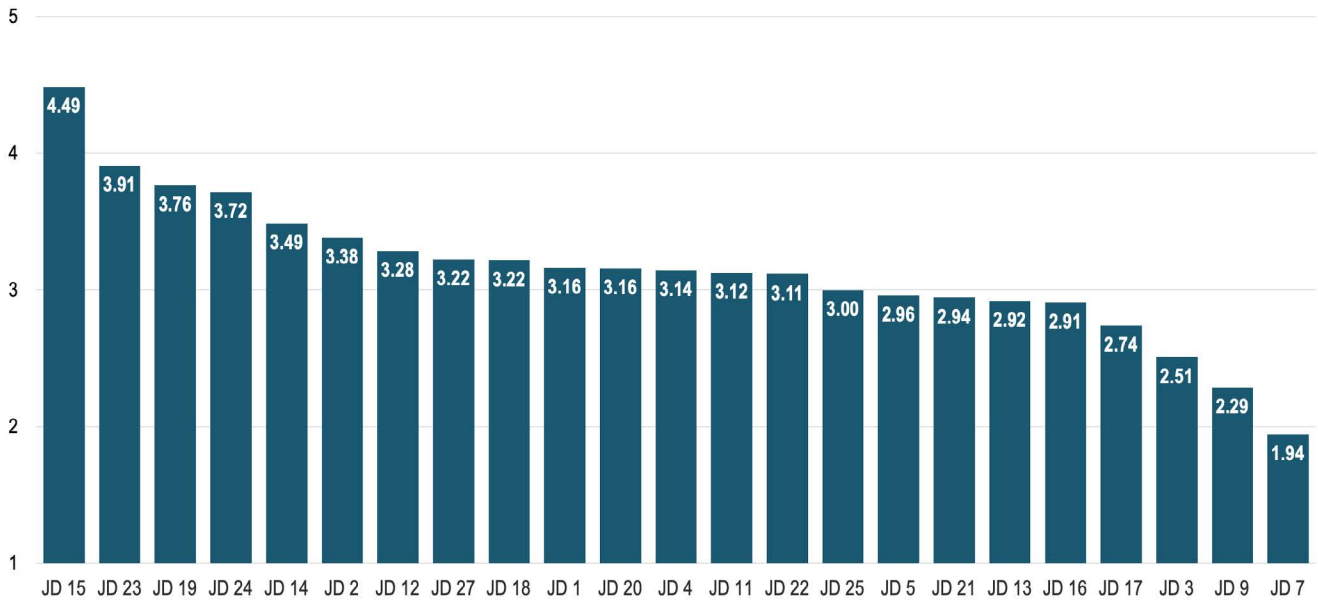
**Appendix 1.12 – Average attorney ratings by zip code N=646**

Clients were asked to rate their agreement with statements regarding their attorney on a scale of 1 to 5, 1 being very negative and 5 being very positive.



**Appendix 1.13 – Average attorney ratings by jurisdiction N=646**

Clients were asked to rate their agreement with statements regarding their attorney on a scale of 1 to 5, 1 being very negative and 5 being very positive.



- |                               |                             |                          |                              |
|-------------------------------|-----------------------------|--------------------------|------------------------------|
| JD 1-Jackson Co.              | Wheeler and Hood River Co.  | JD 14-Josephine Co.      | JD 21-Benton Co.             |
| JD 2- Lane Co.                | JD 8-Baker Co.              | JD 15-Coos and Curry Co. | JD 22-Jefferson and Cook Co. |
| JD 3-Marion Co.               | JD 9- Malheur Co.           | JD 16-Douglas Co.        | JD 23-Linn Co.               |
| JD 4-Multnomah Co.            | JD 10-Union and Wallowa Co. | JD 17-Lincoln Co.        | JD 24-Grant and Harney Co.   |
| JD 5-Clackamas Co.            | JD 11-Deschutes Co.         | JD 18-Clatsop Co.        | JD 25- Yamhill Co.           |
| JD 6-Umatilla and Morrow Co.  | JD 12-Polk Co.              | JD 19-Columbia Co.       | JD26-Lake Co.                |
| JD 7-Sherman, Wasco, Gilliam, | JD 13-Klamath Co.           | JD 20-Washington Co.     | JD 27-Tillamook Co.          |