

The seal of the State of Oregon is a circular emblem. It features a central eagle with wings spread, perched on a shield. The shield contains a plow and a sheaf of wheat. The eagle is surrounded by a wreath. The entire seal is set within a circular border with a blue outer ring and a yellow inner ring. The words "STATE OF OREGON" are written in yellow capital letters along the top of the blue ring, and the year "1859" is written in yellow at the bottom. The seal is semi-transparent and serves as a background for the text.

# **Office of Public Defense Services**

*Best Practices for Oregon Public Defense Providers*

Revised March 16, 2010

## *Preface*

The Quality Assurance Task Force (QATF), an advisory group formed to assist the Executive Director of the Office of Public Defense Services (OPDS) in monitoring and improving the quality of public defense services in Oregon, has identified the policies and practices set forth below as a means to achieve excellence in public defense services. The recommended best practices are an outgrowth of the QATF's principal work of advising the Executive Director of OPDS on the conduct of peer evaluations of public defense providers. The recommendations, which evolve as the peer review process continues to identify policies and practices in use around the state that can be recommended to other providers, is neither a comprehensive description of a successful public defense provider management plan nor a recommendation for an inflexible "one-size-fits-all" plan. Rather, these are current practices that the QATF has identified as contributing to the achievement of excellence in public defense practice.

Unless specified, the practices identified below are recommended for all non-profit public defender offices, consortia and private law firms contracting with the Public Defense Services Commission. Following the summary of best practices below, each practice is set forth with recommendations for implementing the best practices, some of which may be applicable to only one type of provider. A brief commentary about each practice follows the implementation recommendations. While recommended for all providers, it is understood that some recommended practices may not be feasible for all contractors. Such providers should adopt alternative practices that accord with the spirit of the recommended practices.

As noted, the QATF will continue to revise this document as new information and insight is gained from the peer review process and other sources. If you have experience with public defense management and would like to comment on this document or make a recommendation concerning best practices for achieving excellence in public defense, please contact Paul Levy, OPDS General Counsel.

## *Summary of Best Practices*

- I. Client-Centered Practice.** Public defense providers should formally recognize a paramount purpose to ensure zealous, high quality representation for each client. (See page 4 below.)
- II. Board of Directors.** The management of non-profit public defender offices and consortia should be directed and supervised by a board of directors. (See page 5 below.)
- III. Quality Assurance.** Public defense providers should establish practices, written protocols, policies and procedures, and other documents that assure high quality representation by provider attorneys. (See page 8 below.)
- IV. Case Assignment.** Providers should establish, in collaboration with the courts and others, a system for receiving court appointments and assigning counsel that assures high quality representation from a client's first appearance in court to the final disposition of the judicial proceeding. (See page 11 below.)
- V. Information Management.** Public defense providers should implement and manage information technology that effectively supports the mission of the provider. (See page 14 below.)
- VI. Facilities.** Public defense providers should work in office environments that safeguard the health, safety and comfort of attorneys, staff and clients. The environment should support efficient and productive legal work and instill pride and confidence in the work performed there. (See page 15 below.)
- VII. Collaborative Efforts.** Public defense providers should engage in collaborative efforts with judges, prosecutors, the Department of Human Services, community corrections, law enforcement, jail staff and others in the establishment of policies and procedures for local and statewide justice system operations. (See page 16 below.)
- VIII. Civic Engagement.** Public defense providers should recognize the value and support the engagement of public defense attorneys and staff in civic and other activities within the community. (See page 16 below.)

# *Implementation of Best Practices*

## **I. Client-Centered Practice**

Public defense providers should formally recognize a paramount purpose to ensure zealous, high quality representation for each client.

### *Recommendations for implementing this practice:*

1. Public defense providers should adopt a mission statement that announces to attorneys and staff working with the provider, as well as to clients, justice system officials and others, that the provider will act with commitment and dedication to the interest of each client and will zealously advocate on the client's behalf.
2. Public defense providers that operate under articles of incorporation, by-laws or other fundamental documents describing the purpose of the provider, should identify as that purpose the provision of high-quality representation to those persons for whom the provider is appointed to provide representation.
3. Through training, supervision and other management practices, described in other best practices below, public defense providers should ensure that all attorneys and staff working with the provider understand and adhere to their professional and ethical responsibilities to pursue with knowledge and skill whatever lawful and ethical measures are required to vindicate a client's cause.
4. Public Defense providers who represent clients in juvenile court proceedings should recognize the unique challenges of this work, which requires specialized skills and knowledge concerning complex state, federal and international statutory and regulatory schemes, specialized age-appropriate interview skills, familiarity with treatment and placement resources for children and families, awareness of research concerning childhood and adolescent development, and a host of other areas not commonly encountered by attorneys who are trained and practice primarily in criminal law cases. These factors will ordinarily require that those entities providing representation in juvenile court cases develop a specialized focus on these cases and the issues they present in the recruitment, hiring, training and supervision of attorneys and staff.

### *Commentary for this practice:*

A lawyer's most fundamental obligation is to advocate for a client's cause with zeal, skill and devotion.<sup>1</sup> Many values and practical skills are required to fulfill this obligation, but foremost among them are a determined loyalty to the client, timely and effective communication with the client, and the exercise of knowledge and skill on behalf of the client. While the QATF has identified public defense providers across Oregon who seek to fulfill these obvious obligations, it remains a challenge for many and for some providers it is unclear whether the obligations are well understood. Too often, peer review teams are told of attorneys who fail to advocate for a client's cause. The explanations for unsatisfactory attorney performance are varied, but most frequently cited are the desires to please local judges or other officials who insist upon a particular style or method of practice, the acceptance of workloads that interfere with effective representation, and the lack of specialized knowledge and skill required for a particular type or area of practice. In some instances, public defense provider administrators are well aware of these shortcomings and have failed to undertake remedial measures. The Best Practice recommended above should serve as a guidepost for public defense administrators and others for measuring the success of the provider in meeting its most basic obligations.

## **II. Board of Directors**

The management of non-profit public defender offices and consortia should be directed and supervised by a board of directors.

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<sup>1</sup> This obligation derives from both the standards of the profession for public defense providers and the ethical responsibilities of all attorneys. As a matter of practice, "[t]he basic duty defense counsel owes to the administration of justice and as an officer of the court is to serve as the [client's] counselor and advocate with courage and devotion and to render effective, quality representation." *ABA Standards for Criminal Justice, Standard 4-1.2 The Function of Defense Counsel* (3d ed. 1993). The "overarching duty" of counsel is a "vigorous advocacy of the client's cause," guided by "a duty of loyalty" and the employment of the skill and knowledge necessary for a reliable adversarial system of justice. *Strickland v. Washington*, 466 US 668, 688, 104 S. Ct. 2052 (1984). As a matter of professional responsibility applicable to all lawyers, "[a] lawyer should pursue a matter on behalf of a client despite opposition, obstruction or personal inconvenience to the lawyer, and take whatever lawful and ethical measures are required to vindicate a client's cause or endeavor. A lawyer must act with commitment and dedication to the interests of the client and with zeal in advocacy upon the client's behalf." *ABA Model Rules of Professional Conduct, Commentary to Rule 1.3*, ABA Center for Professional Responsibility (2007).

*Recommendations for implementing this practice:*

1. An active and informed board of directors with independent members should oversee the management of public defense providers.
2. At least twenty percent of any board of directors (or at least one member of a five-member board) should be members unaffiliated with the provider and not engaged in providing public defense services.
3. A board should include some members selected to serve by persons unaffiliated with the provider, such as the chair of the local county commissioners and/or the president of the local or state bar association.
4. A board of directors should conduct an annual review of the effectiveness of the public defense provider in achieving its mission of ensuring zealous, high quality representation to each client, by:
  - a. Assessing the performance of the provider's administrator or executive director;
  - b. Gathering information from judges, prosecutors, representatives of other justice system partners and other constituencies that are served or represented by the provider concerning the effectiveness of the provider in achieving its mission; and
  - c. Requiring that specific measures be taken to address any identified deficiencies in the effectiveness of the provider in achieving its mission.
5. A board of directors should be responsible for ensuring the transparency and accuracy of provider financial statements, whether audited or not, and direct any changes in management practices that are necessary for the responsible fiscal management of the provider.
6. Working with the provider administrator or executive director, a board of directors should adopt a fair, rational and responsible compensation plan for those persons providing services for the provider, by:
  - a. For non-profit public defender offices and other law firms, establishing a transparent and fair salary plan that recognizes and rewards meritorious service and additional responsibilities for management or supervisory duties, and that accounts for increases in the cost of living.
  - b. For consortia, fairly apportioning the proceeds from the provider's contract with the PDSC to member attorneys for work actually performed, reserving an agreed upon portion for payment of salaries and other expenses for those employed or serving the consortium in the conduct of its work.

7. Working with the provider administrator or executive director, a board of directors should develop and periodically update an effective strategic plan to identify strategies, goals and objectives for accomplishing the following elements:
  - a. The effective articulation and achievement of the provider's mission;
  - b. Improving the provider's organization;
  - c. Recruiting new attorneys and support staff;
  - d. Achieving a diverse and culturally competent organization that meets the needs of the community in which it operates;
  - e. A plan for the development of skilled administrators and a succession plan for those persons;
  - f. Written policies and procedures for achieving the provider's mission; and
  - g. A protocol for the orientation, training, supervision and evaluation of the attorneys and staff working for or with the provider.
8. A board of directors should provide leadership for policy-makers, media, legislators and other members of the public within the provider's community to articulate the mission of the provider and enhance better understanding and appreciation for the essential role of public defense services.

***Commentary for this practice:***

Even where a board of directors is not a legal requirement for the business structure of a provider, they have provided invaluable assistance to some Oregon public defense providers. Board members who are not directly affiliated with the provider they serve have included bankers and other leaders of the local business community, public relations consultants, civil rights advocates, and attorneys who manage their own civil or criminal defense firms. Members of board of directors can bring to public defense management a wealth of experience in organizational structure and management, and often have expertise in responsible financial management and the effective operation of non-profit and for-profit entities. The QATF has learned of instances where boards have provided valuable assistance in developing protocols for effective provider administration, for addressing conflicts and performance deficiencies within a provider, and for establishing responsible fiscal management of providers. Board members have also helped communicate with local communities and with state legislators concerning the essential service that providers perform and the need for adequate statewide funding for public defense services.

### **III. Quality Assurance**

Public defense providers should establish practices, written protocols, policies and procedures, and other documents that assure high quality representation by provider attorneys.

#### ***Recommendations for implementing this practice:***

1. Providers should establish written expectations for the performance of attorneys and others working with or for provider that require, among other things, adherence to applicable provisions of the provider's contract with the PDSC; to the applicable Oregon State Bar Performance Standards for Counsel in Criminal, Delinquency, Dependency, Civil Commitment and Post-Conviction Cases; to other applicable national standards of justice; and to the Oregon Rules of Professional Conduct.
2. Providers should recruit new attorneys by attending job fairs and similar events sponsored by Oregon law schools and, where appropriate, regional events in Washington, California, and Idaho.
3. Providers should establish protocols and documents for the orientation, training and mentoring of attorneys and others working for or with the provider, which would include the following elements:
  - a. For an orientation protocol, new attorneys and others should receive instruction on:
    - i. The procedures for working within the provider's office or consortium.
    - ii. The structure of the local criminal and/or juvenile justice system, including names and descriptions of the principle participants.
  - b. The training protocol for attorneys should include:
    - i. An overview of the legal and tactical issues that arise in the case types to be assigned to the attorney.
    - ii. A plan for new attorneys to observe more experienced attorneys in the conduct of client interviews, conferences with investigators and experts, negotiations with prosecutors, and in court proceedings, including trials and, where possible, to serve as co-counsel to more experienced attorneys.

- iii. Within the first six months of a new attorney's work with provider, participation in a practical skills training course covering the fundamentals of trial advocacy, including client interviews, working with investigators, identifying legal issues and preparing pretrial motions, jury selection, opening statements, direct and cross-examination, working with experts, closing argument, and sentence advocacy.
  - iv. Within the first year of a new attorney's work with provider, participation in the annual New Lawyers Seminar presented by the Oregon Criminal Defense Lawyers Association (OCDLA) or a similar program.
  - v. A plan for the assignment of cases of greater seriousness and complexity to attorneys as they gain the experience and qualification necessary for greater responsibilities.
  - vi. Support for attorney attendance at additional relevant OCDLA, Oregon State Bar, and other educational programs.
  - vii. Periodic presentation of continuing legal education programs, with attendance open to other local public defense providers, which address recent legal developments and issues of local concern.
- c. The mentoring protocol for attorneys should include:
- i. The designation of knowledgeable and experienced attorneys with an interest in assisting others who will consult with less experienced attorneys about the legal and tactical considerations in the cases assigned to the less experienced attorney.
  - ii. A plan for a knowledgeable and experienced attorney with an interest in assisting others to be available during a new attorney's first court appearances and trials for assistance and guidance, if needed, and to provide constructive feedback.
4. Providers should establish effective supervision of the work performed by attorneys and staff, by:
- a. Designating an experienced and knowledgeable attorney who is responsible for ensuring that the attorney(s) or staff member under supervision perform satisfactorily. A supervisor:
    - i. Acts with the authority of provider management to achieve the mission of the provider to ensure zealous, high quality representation for each client.
    - ii. May receive specialized training in the conduct of effective supervision.

- iii. May receive additional compensation and/or a reduced caseload in recognition of the additional workload involved in providing supervision.
  - b. Providing that a supervisor, who may also be the mentor working with a less experienced attorney, should monitor the performance of those under supervision and have the authority to direct changes or improvement in the performance of those under supervision.
- 5. Providers should perform regular performance reviews of the attorneys and other staff performing work for provider.
  - a. The provider executive director or administrator should be responsible for ensuring fair and equitable evaluations, which may be conducted by designated supervisors.
  - b. Performance reviews should measure performance against organizational and professional standards, and incorporate a self-evaluation and input from colleagues, judges and other appropriate justice system participants.
  - c. Performance reviews should support improved performance, identify objectives and goals for future performance and, where necessary, establish an action plan with specific outcomes.
- 6. Providers should have written policies and procedures establishing a method to remedy performance deficiencies by attorneys and others performing work for provider, which includes the right of provider to end its relationship with attorneys and others who perform unsatisfactorily.
  - a. For non-profit public defender offices and law firms that do not operate under a collective bargaining agreement, providers should make available a method for corrective actions through progressive discipline.
  - b. For consortia, providers should utilize a membership agreement that, among other things, provides for the termination of members who fail to promptly address significant performance deficits.
- 7. Providers should establish a procedure for gathering and analyzing input from clients regarding the quality and responsiveness of the provider's legal services.
- 8. Providers should establish and share with local justice system stakeholders a procedure for receiving, investigating and resolving complaints about the quality of provider's legal services, and should review any complaints concerning provider attorneys received by the Oregon State Bar.

### *Commentary for this practice:*

The Oregon statewide public defense system, with its state-funded, independent, non-partisan commission responsible for all components of public defense services, has been identified as a model for the delivery of cost-effective, quality public defense representation.<sup>2</sup> And, while the Public Defense Services Commission's qualification standards and performance expectations (incorporating the Oregon State Bar performance standards) are essential components of an effective statewide public defense delivery system, they do not, without more, guarantee quality.<sup>3</sup> The Commission's choice of a contract system for fulfilling its statutory and constitutional obligations, as opposed to a statewide public defender agency, puts the principal burden of providing quality representation upon the entities that contract with the Commission to provide the representation.<sup>4</sup> The Commission can attempt to assure quality through the terms of the contracts that it negotiates and through monitoring, oversight, and other enforcement measures, but achieving quality representation requires, in the first instance, that providers recognize and accept their own responsibility to undertake measures to assure it.

Public defender offices, with employees subject to direct supervision and with the potential capacity for comprehensive training programs, may be best positioned to implement and enforce quality assurance controls, and are especially well-suited to introduce new lawyers to public defense practice. The QATF peer reviews have found that most public defender offices recognize their quality assurance obligations and have attempted to implement many of the practices recommended above with varying degrees of success. The QATF has also found, however, that consortia are increasingly embracing quality assurance functions, and have effectively implemented enforceable standards of performance, mentorships, evaluations of members, protocols for taking corrective actions to improve performance, and complaint procedures. Models are available now of consortium membership agreements and other documents designed to assure quality representation. A QATF peer review identified one small consortium in a less populated area of Oregon that successfully integrated, through mentorship and oversight, new members with little prior experience in the work performed by the consortium. In short, providers across Oregon, whether they are public defender offices, consortia or law firms, appear to understand their essential role in assuring quality representation.

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<sup>2</sup> *Justice Denied: America's Continuing Neglect of Our Constitutional Right to Counsel*, Report of the National Right to Counsel Committee, at 166 (April 2009), available at: [www.constitutionproject.org](http://www.constitutionproject.org).

<sup>3</sup> *Id.*

<sup>4</sup> There is no inherent incompatibility between quality representation and a statewide system that relies upon a contract model for delivery of public defense services. In fact, a National Legal Aid and Defender Association study cited the Oregon model as an example of a contract system with safeguards in place that can assure quality representation. *Evaluation of Trial-Level Indigent Defense Representation in Michigan*, National Legal Aid and Defender Association, at 55 (June 2008). The report is available at: [http://www.mynlada.org/michigan/michigan\\_report.pdf](http://www.mynlada.org/michigan/michigan_report.pdf).

## **IV. Case Assignment**

Providers should establish, in collaboration with the courts and others, a system for receiving court appointments and assigning counsel that assures high-quality representation from a client's first appearance in court to the final disposition of the judicial proceeding.

### *Recommendations for implementing this practice:*

1. Providers should ensure that an attorney is present at the first appearance in court of any person who may be entitled to representation by appointed counsel at state expense, including the initial arraignment in criminal cases, and shelter care or preliminary hearings in juvenile delinquency and dependency cases.
2. Providers should ensure that the attorney assigned to represent a client:
  - a. Possesses the qualifications for representation of the involved case-type, and has been approved for appointment, under the Public Defense Services Commission's *Qualification Standards*, by the Office of Public Defense Services.
  - b. Has a current workload that will not interfere with competent and diligent representation, as explained in Oregon State Bar Formal Ethics Opinion 2007-178, *Competence and Diligence: Excessive Workloads of Indigent Defense Providers*.
3. Providers should ensure that the attorney or firm assigned to represent a person is able to do so without conflict of interest, by:
  - a. Working with the courts, district attorney, the juvenile department, the Department of Human Services and others who may be necessary to identify, in advance of the appointment of counsel, the principle parties and witnesses in a case so that the provider may be able to make appropriate conflict-free assignments of counsel.
  - b. Ensuring that discovery is made available to assigned counsel expeditiously, so that assigned counsel can determine as soon as possible that he or she will be able to provide conflict-free representation.
4. Where the attorney present for a person's initial court appearance will not be the attorney assigned to represent that person, providers should ensure that:

- a. The person, whether in or out of custody, is provided with the name of the assigned attorney and a means of contacting the attorney within 24 hours of the first court appearance.
  - b. The assigned attorney is informed of the assignment as soon as practicable after the assignment.
  - c. The person's legal interests are represented, and other immediate questions and concerns appropriately addressed, until an assigned attorney is notified of his or her assignment and assumes responsibility for the person's case.
5. Providers should ensure that assigned counsel adheres to provider's contractual obligations for prompt contact with new clients, and fulfills professional and ethical responsibilities for timely communications and contact with clients who are adults, youth and children.
  6. Where appropriate, providers should ensure that representation is continuously provided by the same attorney initially assigned to represent a person until the final disposition of the judicial proceeding.

***Commentary for this practice:***

The practices recommended above implicate two related concerns: ensuring the presence of an attorney at all court appearances of a person eligible for court-appointed counsel, and ensuring that duties to existing clients will not interfere with appointed counsel's ability to provide quality representation to new clients (and *vice versa*). The presence of an attorney at a client's first court appearance has long been identified as an essential component of quality public defense services.<sup>5</sup> And ordinarily, the same attorney should continuously represent a client from initial assignment through completion of trial level proceedings.<sup>6</sup> Moreover, the managers and administrators of public defense providers who are responsible for making case assignments have a duty to determine that those attorneys assigned to new clients will not have workloads that improperly interfere with the attorney's ethical and professional obligations to provide quality representation to all clients.<sup>7</sup>

There is a record of mixed success with these principles, according to QATF reviews. While the norm in Oregon is to have public defense providers available at initial appearances in criminal cases, there remain some counties, including one with a large population, that are not complying with this essential practice. In juvenile court, especially with dependency cases,

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<sup>5</sup> Resolution concerning *Representation of Indigents at Initial Appearance*, American Bar Association (August 1998), available at: <http://www.abanet.org/legalservices/downloads/sclaid/112d.pdf>.

<sup>6</sup> *The Ten Principles for a Public Defense Delivery System*, Principle 7, American Bar Association (February 2002), available at: <http://www.abanet.org/legalservices/downloads/sclaid/resolution107.pdf>.

<sup>7</sup> Eight Guidelines of Public Defense Related to Excessive Workloads, American Bar Association (August 2009), available at: [http://www.abanet.org/legalservices/sclaid/defender/downloads/eight\\_guidelines\\_of\\_public\\_defense.pdf](http://www.abanet.org/legalservices/sclaid/defender/downloads/eight_guidelines_of_public_defense.pdf).

many counties continue to lack the presence of attorneys at initial shelter hearings, despite the demonstrated benefit of counsel at those proceedings.<sup>8</sup> However, the QATF has found that even in counties with very few public defense providers, arrangements can be made to have public defense providers present at initial appearances, in both criminal and juvenile cases, where the providers, courts, prosecutors and others work cooperatively toward that end.

QATF reviews regularly receive reports that high caseloads appear to interfere with the ability of public defense providers to devote adequate time to client contact and to be properly prepared for all court proceedings. Where appropriate, peer evaluations have reminded public defense administrators of their ethical and contractual obligations to ensure that attorneys providing public defense services are not required to handle excessive workloads. Those obligations are now detailed in the American Bar Association's *Eight Guidelines of Public Defense Related to Excessive Workloads* (August 2009).<sup>9</sup>

## **V. Information Management**

Public defense providers should implement and manage information technology that effectively supports the mission of the provider.

### ***Recommendations for implementing this practice:***

Effective information technology should support the mission of the provider by:

1. Monitoring the number, type and current status of cases assigned to provider attorneys.
2. Supporting the identification of conflicts of interest so that provider may make appropriate case assignments and attorneys can identify those cases that they may not accept or from which they must withdraw.
3. Creating and maintaining calendars.
4. Documenting and evaluating case outcomes.
5. Collecting and reporting case information for satisfaction of contractual obligations with the Office of Public Defense Services.
6. Supporting responsible fiscal management.

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<sup>8</sup> See, *Zealous Advocacy: Shelter Hearings*, Juvenile Rights Project Juvenile Law Reader (December 2007/January 2008), available at: <http://www.jrplaw.org/Documents/JRPReaderV4I56.pdf>.

<sup>9</sup> See *supra* note 6.

### *Commentary for this practice:*

Fulfilling many of the best practices recommended in this document requires the collection and management of qualitative and quantitative statistical information. The available technology for accomplishing this purpose varies greatly in cost and sophistication, and changes often. Thus, no recommendations are made here for specific products or services. The QATF has found that public defense providers of all variety and size have experienced varying levels of success in purchasing “off-the-shelf” products or in custom-designed management information systems. OPDS staff can refer interested providers to those providers who appear to be pleased with the technology and systems they employ. Whatever products and systems are adopted, however, public defense administrators should have access to reliable and current information to make informed decisions on the assignment of cases and to aid in the evaluation of work performed by provider attorneys, in addition to performing other administrative functions that rely upon accurate information about provider activity.

## **VI. Facilities**

Public defense providers should work in office environments that safeguard the health, safety and comfort of attorneys, staff and clients, support efficient and productive legal work, and instill pride and confidence in the work performed there.

### *Recommendations for implementing this practice:*

1. Attorney law offices should allow for confidential conferences with clients and those working on behalf of clients.
2. For attorneys working in consortia who share office space, facilities and support staff should be managed to avoid conflicts of interest, as described in Oregon State Bar Formal Ethics Opinion 2005-50, *Conflicts of Interest, Current Clients: Office Sharers Representing Opposing Parties*.
3. Offices should be equipped with current reference manuals, practice guides and online services necessary to support representation in the types of cases handled by attorneys working there.

### *Commentary for this practice:*

QATF peer review teams have visited attorney offices in both large and small communities in every region of the state. In every community the teams found offices that were comfortable

and appeared appropriate to the work to be performed there and others that were less so. The reality of law practice in many communities, especially in smaller communities where public defense providers may not have the time or opportunity to also engage in the private practice of law, is that attorneys must spend as little as possible on rent and equipment for their offices or meeting places, often sharing space with other attorneys and finding offices in older properties. There is no need or expectation that offices be opulent, but they should be comfortable and safe places for attorneys and their clients and staff. Where attorneys share office space, they must make clear to clients that they maintain separate law practices and take other steps to safeguard client communications, as outlined in the Formal Ethics Opinion referenced above.

## **VII. Collaborative Efforts**

Public defense providers should engage in collaborative efforts with judges, prosecutors, the Department of Human Services, community corrections, law enforcement, jail staff and others in the establishment of policies and procedures for local and statewide justice system operations.

### *Commentary for this practice:*

Regular contacts between public defense providers and other justice system stakeholders, outside the context of individual cases, can benefit the provider, its clients and the justice system as policies and procedures evolve with the information and expertise of respected public defense leaders. These contacts also benefit public defense as system partners gain a better appreciation of the work of public defense providers, and become a valuable source of input for performance assessments of the provider and its attorneys and staff.

## **VIII. Civic Engagement**

Public defense providers should recognize the value and support the engagement of public defense attorneys and staff in civic and other activities within the community

*Commentary for this practice:*

Peer reviews of public defense providers have confirmed that those providing public defense services are real people with everyday lives that reach beyond the office and courtroom.

Providers of public defense services make time in their busy lives to serve in elected positions in their communities, on the boards and as officers of local charitable causes, as teachers in local schools, and in a myriad of other positions that form the fabric of community life. To the extent that associates in these various ventures come to understand the work of public defense providers and “how you can defend those people” and why, the overall cause of public defense and civic understanding is advanced.