

COLLABORATIVE DEFENSE

AN ADAPTABLE MODEL OF SERVICE

Since 2018, Partners for Justice (PFJ) has been refining a system to change the practice of criminal defense. Through our collaboration with dozens of defense offices and agencies along with our practical experiences, we learned how to address the needs of both clients and lawyers across a wide range of localities. Using this unique knowledge and expertise, we set out to create a highly-adaptable approach to expanding defense services - the *Collaborative Defense* model.

Collaborative Defense uniquely emphasizes meeting defense providers where they are, acknowledging that there are many paths to expansive representation and adapting to each unique jurisdiction and practitioner's circumstances. Instead of prescribing rigid rules, collaborative defense encourages making services available by whatever means ensures feasible, streamlined access for clients. Defense providers do not need to provide all services in-house - rather, they can serve as service navigators, with relationships with outside agencies to meet client needs.

The model enables any defense provider to take on an expansive set of services for their clients. [Ample research](#) on the legal system has shown that when people's needs are met—particularly their needs for income, housing, and access to medicine—they are substantially less likely to be re-arrested. Up to 90% of low-income defense clients are struggling with at least one of these needs. Collaborative providers have proven able to address these clients' service needs, on average, in 70% of cases. This is a huge step towards greater public safety, and it's a step any defender or agency can take *right now*. Through embracing the spectrum of collaborative practice, defense providers can leverage what is available today while also moving toward better client service delivery tomorrow.

VALUE PROPOSITION

The baseline promise of the model is better outcomes inside and outside the courtroom. Faithfulness to the elements of Collaborative Defense improves criminal case outcomes, resulting in higher percentages of charges dismissed at arraignments, reduced rates of guilty pleas, reduced likelihood of incarceration, and shorter terms of incarceration. Beyond the criminal case, collaborative practice helps clients recover from criminal legal system contact and address root causes that may have driven system involvement in the first place.

The success that low-income families derive from services through their defense provider, of course, have a second benefit: people who are doing well in the community have a greater chance of avoiding incarceration. Collaborative practice emphasizes telling the story of these families and these services in court. The result is powerful decarceration: in a study of misdemeanor and felony cases in Delaware where collaborative defense teams provided written "mitigation," telling the full story of a client and their progress, clients [avoided incarceration 87% of the time](#). Since 2018, we estimate these collaborative defense practices have **eliminated over 5,000 years of incarceration**.

Positive impacts are not limited to the client. Along with the pervasive challenge of high workloads, defense providers experience key contributors to burnout such as lack of control, working within

fundamentally inequitable systems, and lack of recognition. By offering defense providers another avenue to create wins for their clients, Collaborative Defense can reduce the likelihood of burnout and increase satisfaction among defense providers.

SIX ELEMENTS OF PRACTICE

As a versatile framework, Collaborative Defense focuses on helping service providers move along a continuum of practice in each of six dimensions:

- **Have Vision:** The provider has a vision and values that are aligned with the principles of collaborative practice. This includes broadly publicizing the mission so that staff and clients are aware of the office's goals and understand how they transform representation.
- **Ask the Right Questions:** The provider routinely screens for enmeshed penalties and social service needs, and conveys that information to collaborators, both internal and external. Clients are asked a minimum set of questions, designed to elicit their needs and goals outside the criminal legal case.
- **Empower the Client:** Clients are treated with respect and the provider acts in service of clients' expressed goals and priorities. The provider makes themselves available to client questions and centers the client's needs in and outside their criminal legal case.
- **Connect with Social Services:** Clients are systematically assisted in accessing community-based social services, such as housing, employment, public benefits, substance use treatment, and mental health treatment. This includes having an active resource guide or maintaining community connections that allow the provider to connect clients to services.
- **Access Legal Expertise:** Clients have access to internal or external civil, family, and immigration legal expertise to address issues caused by criminal legal system involvement. Maintaining relationships with legal aid providers, pro bono networks, and pro se providers establishes a referral network for providers to help clients address these needs.
- **Change the Narrative:** The provider systematically creates and documents persuasive mitigation on clients' personal histories and the provider's collaborative work. This critical tool is routinely utilized to impact criminal case outcomes in all types of criminal cases.

HOW TO BEGIN

For most defense providers, the value of Collaborative Defense is not in question. Rather, it is to ask: What steps can you take to more effectively serve clients, win cases, and improve satisfaction? What non-legal needs do you hear most often from my clients and what mechanisms can be utilized to meet them? What initiatives can you implement without additional resources? What is one goal you can start building towards today?

Collaborative Defense is about progress, not perfection and you are the expert on your practice and your community. You are best positioned to envision sustainable improvements and the journey will not look the same for every practitioner. And if you want help digging deeper to answer these questions, PFJ's capacity building team may be available to support you along the continuum of practice. You can contact PFJ at galvin@partnersforjustice.org.