

The Case for Holistic Defense

A talk with Robin Steinberg

I. What is holistic defense

- Holistic defense model
 - Also known as community oriented defense or integrated service representation.
 - Public defenders work in interdisciplinary teams to address the client's criminal case and other underlying circumstances unique to the client that may contribute to or be affected the criminal case. The teams work to address underlying issues that may contribute to the client's involvement in crime, such as drug addiction, unemployment, homelessness, or mental illness. The teams also look at potential collateral consequences of the criminal case, such as potential evictions, effects on immigration status, child custody, and employment status.
 - Interdisciplinary teams may consist of the public defenders, support staff, social workers, mental health professionals, investigators and other advocates. Depending on the needs of the client, may also include job developers, youth program administrators, and community organizers. The teams take a collaborative and long-term approach to advocacy.
- Addressing a need
 - The traditional model of public defense focuses on defending the criminal case at hand and not necessarily addressing the other needs of the client.
 - Because the underlying circumstances and collateral consequences of the criminal case are not addressed, many can become repeat offenders.
- Concerns about holistic defense
 - Critics point to ethical concerns that a public defender will have to weigh the client's best social interest against the criminal case. Or that it may conflict with a lawyer's obligation of zealous advocacy of the criminal case.
 - Public defenders are already overworked and under-resourced. There is a concern that already stretched resources will be dispatched to hire social workers and other advocates rather than more public defenders.

II. Holistic defense in practice

- Holistic defense has been adopted in many communities in the past two decades.
 - Since its inception in 1997, The Bronx Defenders have operated under a holistic defense model. Considered the first public defense organization to

- operate under such a model. Under its model, four pillars form the foundation of holistic defense:¹
- Seamless access to legal and support services
 - Dynamic interdisciplinary communication
 - Interdisciplinary skill set
 - Connection to community
- Still She Rises in Tulsa, Oklahoma, is a public defender office dedicated to providing holistic defense representation of mothers in the community.²
- Holistic defense in practice
 - The goals of holistic defense are to address the criminal case and collateral consequences, address underlying needs, and prevent a cycle of coming into contact with the criminal justice system.
 - In the various models of holistic representation, the teams benefit from enhanced information sharing about the client, the client's needs, and the community it serves.
 - A RAND and UPenn Law study showed that holistic defense reduces the likelihood and length of a jail sentence and increases the use of non-incarceration sentencing alternatives.³

Additional Resources:

- The Bronx Defenders Holistic defense model:
<https://www.bronxdefenders.org/holistic-defense/>
- Brennan Center for Justice Report. Community-Oriented Defense: Start Now:
<https://www.brennancenter.org/publication/community-oriented-defense-start-now>

¹ The Bronx Defenders Holistic defense model: <https://www.bronxdefenders.org/holistic-defense/>

² Still She Rises website: <https://www.stillsherises.org/>

³ James Anderson, Maya Buenaventura, and Paul Heaton, "The Effects of Holistic Defense on Criminal Justice Outcomes," Harvard Law Review, Vol. 132, No. 3, January 2019, pp. 819–893:
<https://harvardlawreview.org/2019/01/the-effects-of-holistic-defense-on-criminal-justice-outcomes/>