

WHEN EVERY SENTENCE IS A POSSIBLE DEATH SENTENCE: PUBLIC DEFENDERS SPEAK FROM THE FRONT LINES ABOUT COVID-19

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EXECUTIVE SUMMARY

Public defenders are tasked with the unenviable job of representing some of the most vulnerable people in society when they are accused of crimes. At the same time, public defenders receive little thanks for protecting the marginalized and instead face insurmountable odds with insufficient resources and limited public support. Premal Dharia, founder and director of the Defender Impact Initiative, said, “Public defenders are on the front lines of the devastation wrought by our system of mass criminalization and they are guided by an unwavering dedication to the very people being devastated.”

As the coronavirus ravages communities, courtrooms, jails, and prisons, public defenders are now indispensable to confronting the epidemic. While not medical professionals, public defenders are the front line, often the only line, between their clients and incarceration. Since jails and prisons have become hotbeds of COVID-19, with infection rates exponentially larger than the general population, public defenders have the added task of not just protecting their clients’ rights, but also, in many cases, their lives. Dan Engelberg, the chief of the trial division for the Orleans Parish Public Defender in Louisiana, aptly characterized the efforts of public defenders nationwide over the last few weeks as “heroic and tireless” as they strive to protect the health, humanity, and lives of their clients.

The Justice Collaborative Institute asked nearly 200 public defenders from across the country how the COVID-19 pandemic has impacted their work and personal lives. The responses are revealing. Nearly half, as of April 2, 2020, reported clients incarcerated in correctional facilities with at least one confirmed case of COVID-19. Over 80%

did not think their local court systems were doing enough to protect the health and safety of their clients. (See Appendix for results from the questionnaire). Their concerns went beyond the spread of disease. Public defenders expressed anger over the perceived lack of empathy for their clients’ health, frustration with the many officials who treat their clients’ rights as disposable, and mental distress over the impact the virus is having on their clients, their loved ones, and themselves.

Taken together, their responses form a powerful argument in support of policies, also popular among voters, to dramatically and urgently reduce jail and prison populations in response to COVID-19. The frontline accounts of public defenders reveal that far too many people in positions of authority continue to undermine public health and safety by processing far too many people daily into the criminal legal system, while at the same time failing to protect the millions of people behind bars. By doing so, they continue to place the lives of millions—people incarcerated at correctional facilities, people who go to work there, and people who live in surrounding communities—at grave risk.

Law enforcement, prosecutors, judges, and politicians should work with public defenders and urgently adopt policies to limit arrests, expand the use of cite and release, end cash bail, dismiss cases instead of needlessly dragging them out, and release as many people as possible from incarceration who do not reasonably pose a risk to public safety. Such steps can all be taken right now and are options public defenders across the country are advocating for, placing their personal health at risk in many cases, to do so.

BACKGROUND

“I’ve never handled capital cases but now I feel like every incarcerated client is potentially a capital case.”

For decades, public defenders have been underfunded, understaffed, and overworked in nearly every jurisdiction. In many states, public defenders have two to three times the recommended workload. Over 80% of criminal defendants in America rely on a public defender, making public defenders the main touchstone for a variety of social, economic, and personal struggles for many people. Jonathan Rapping, the founder of Gideon’s Promise—an organization that seeks to transform indigent defense—remarked that public defenders fight every day for their clients without the resources “necessary to do the job well.”

Now, public defenders are grappling with the dual threats facing their clients: a criminal legal system with little regard for individual circumstances and a life-threatening virus that has found fertile ground in that system. “[W]hile much of the country worried about toilet paper, soap, and hand sanitizer,” wrote Amalia Beckner, a public defender in Harris County, Texas, public defenders “braced for the crisis looming in the criminal justice system.” Jennifer Burrill, a public defender in Santa Fe, New Mexico, told a local reporter, “[W]e are the first responders” in the criminal legal system. Hours earlier, tests had confirmed she was positive for COVID-19.

Public defenders play such a vital role in combating the COVID-19 emergency because they are frequently the loudest, if not often only, voice for the millions of people arrested each year. This is especially true for the 2.3 million

people incarcerated in jails and prisons where a deadly virus like COVID-19 can spread like “wildfire.” These facilities are “so stuffed that it’s become a public-health danger,” wrote Zak Cheney-Rice in New York Magazine, and suffer from an utter lack of proper health care. Basic sanitary products such as hand sanitizer and soap are either forbidden or difficult to access. The social distancing recommended by the CDC as the best way to prevent the spread of COVID-19 is impossible in jails and prisons. Public defenders have taken up the mantle to fight for the life of every person incarcerated in particularly harmful environments.

COVID-19 HAS EXPOSED AMERICA’S UNJUST CRIMINAL LEGAL SYSTEM.

“It should be abundantly clear that the criminal justice system is not about making the community whole or rehabilitation. It’s about punishing people, specifically poor people.”

Public defenders were consistent in agreeing that the COVID-19 pandemic, indifference shown by many towards their clients, and overall lagging response confirmed their beliefs that the current criminal legal system is bloated, locking up too many people with no real benefit. For example, one public defender said that COVID-19 “magnifies all the inadequacies I have spent my career screaming about.” Many public defenders noted that large numbers of people were locked

up before the pandemic with no benefit to public safety. “That the jails released a significant percentage of their population in response to the COVID-19 crisis should make us all question why they were there in the first place,” noted one public defender.

Besides amplifying how far too many people are incarcerated, COVID-19 has also shined a light on the deplorable conditions inside jails and prisons. Prisons and jails are filthy. They lack basic sanitary products. Said one public defender, “[M]ost people don’t care about the conditions of our jails and prisons until something like this, that affects them and their community, happens.”

Many public defenders also described the weight of being responsible for their clients’ lives in a very real way. As one public defender said, the job has become “literally arguing with prosecutors and judges about how my clients’ lives matter.” And they hope that the judges, prosecutors, and law enforcement who actually are agreeing to arrest, prosecute, and incarcerate fewer people remember that they should continue to do the same when the epidemic ends. If we can have fewer people arrested and incarcerated during this epidemic, the same must hold true for when the epidemic ends. One public defender said she looks forward to “reminding judges that it has never been necessary” to lock up so many for so long.

THE PHYSICAL, EMOTIONAL, AND MENTAL TOLL OF BEING A PUBLIC DEFENDER DURING THE COVID-19 CRISIS.

“I feel a sense of hopelessness and powerlessness, as those who hold power are not taking this moment to show grace and compassion, but instead treat our clients and their rights as secondary and disposable.”

When asked, 85% of public defenders responded that they think their work has put them or their family at a heightened risk of developing COVID-19. Yet, they still do the job.

Most were concerned first for their clients and families. One public defender said, “I am just concerned about being exposed and then transmitting the virus to someone I care about. If something were to happen to that person, that would devastate me.” Many others expressed concerns that if they became infected, they would no longer be able to help their clients: “I am most concerned about contracting the virus and becoming very ill. If I am ill, I cannot do anything for my clients.”

For many public defenders, their commitment to the job and their clients precluded social distancing. As one public defender said, “I’ve had to push aside my own concerns about exposure to the virus.” They understood the risks involved. “It’s extremely stressful to know that I am the weak link in my loved one’s self-isolation.” A different public defender expressed a similar sentiment: “I’m worried about my clients,... but I’m also worried about my family. I’m the only person leaving my house and bringing germs back home.”

Besides physical risk, many public defenders were very aware of the mental toll that working during this emergency is having on them. One public defender said, “This job is stressful every day. Adding the worry about catching this [virus] and taking it home to my children is too much. I can’t sleep. I’m not taking care of myself. It’s all too much.”

THEIR CLIENTS LIVES ARE ON THE LINE EVERY DAY.

“I am worried my clients are going to contract the virus and die in jail and it will be on my shoulders because I couldn’t successfully convince the judge to release them.”

Public defender offices across the country, including in D.C., Maryland, Massachusetts, Rhode Island, Kentucky, Georgia, and Missouri, have urged courts, governors, mayors, and other leaders to immediately act to release large numbers of people from jails and prisons. Public defender offices everywhere recognize that no one should be subjected to a possible death sentence from COVID-19. Brendon Woods, the Public Defender for Alameda County, Calif, said, “Until we get a handle on this public health crisis, any jail sentence right now could be a death sentence.”

In addition to seeking systemic relief, public defenders described racing against time to protect their clients’ lives. Most reported spending a significant portion of their time either directly or indirectly dealing with COVID-19’s impact on the criminal legal system, with one public defender saying, “Most of my clients are not concerned about their cases anymore, they’re concerned about their lives.”

They find themselves confronting the growing realization that many judges, prosecutors, and law enforcement officers “do not worry about our clients or value their lives.” Rather, too many prosecutors and judges are prioritizing “business as usual over concern for the vulnerable.” This has added to the toll on their mental health. One public defender remarked, “[M]entally, it is very discouraging to deal with a system that does not have any empathy or compassion for our clients.” Another public defender said, “I’m just angry all of the time” at judges who ignore an order to

treat bond hearings as emergency procedures and prosecutors who reflexively oppose all motions to release.

A public defender admitted to crying alone “in my office before I even got to court” after a local prosecutor opposed every single motion filed to get clients released—even those for people with no criminal history or charged with low-level, non-violent offenses. Another public defender described sending the local district attorney’s office a list of all the people in the jail who had less than sixty days remaining on their sentences. The district attorney, however, responded that he did not think “a single one of those clients ‘deserves’ to be released. . . . Even typing this is making me tear up from anger, frustration, and grief.”

Some public defenders found the stress overwhelming. As one public defender said, “I’m in a vicious cycle of fear, loneliness, and suffocating guilt that I am not doing more.” Another said, “I have never worked this hard and I feel like I can never do enough.”

EFFECTIVE COMMUNICATION WITH CLIENTS IS NEAR IMPOSSIBLE.

“It makes it much harder to humanize our clients when they’re just a face on a video screen.”

Maintain social distancing. Shelter-in-place. Only essential work may continue. All of these orders, required to slow the spread of COVID-19, prevent public defenders from giving their clients adequate representation. Many courts have replaced in-person visits with video or phone

visits, which makes it hard to build trust. It has “proven incredibly difficult” to talk to new clients right now. A public defender said of trying to meet with a new client, “He doesn’t have anyone he trusts to talk to, and I couldn’t be there in person to talk with him and sit with him and see his face and let him see mine.” This public defender added, “I worry about [clients] every single day and feel as if there is nothing I can do.”

Some states and courts, including in [California](#), have responded to the pandemic by eliminating or reducing court proceedings. While that may appear to be sensible it also tosses aside the constitutional rights of people charged with a crime. But the impact on constitutional rights does not appear to have been factored into any decisions. Said one public defender, either dismiss cases and release people, or “honor their constitutional rights. You can’t have it both ways.” But government actions to suspend court proceedings, said one public defender, “strip us of the tools that we often use to assure our clients are not being held in custody longer than they should.” Clients and their families frequently look to their public defender to explain courtroom proceedings and give them a sense of what they might expect at each stage. In many instances, those answers are now unknown, leaving families frantic and distressed. One public defender expressed the sentiment of many by stating: “I have no answers” for clients and families who have questions about court dates, speedy trial rights, or about the dangers of COVID-19 within a facility.

The movement from in-person hearings to video has drastically changed the job of a public defender, and an overwhelming number said they feared courts, jails, and prisons might permanently resort to video hearings and visits after the pandemic ends. A public defender said, “We already struggle to get judges and prosecutors

to view our clients as human beings. I’m afraid that if we become complacent and comfortable with video court, that it may be overused in the future. That will seriously undermine our efforts to have our clients truly seen.”

Similarly, stay-at-home and shelter in place orders for the safety of the community also mean that case work cannot be pursued. “[E]verything is an obstacle and far from best practices,” one defender said. For example, public defenders conduct independent, immediate investigations critical to providing effective representation. With stay-at-home orders, this is impossible. A public defender noted, “I cannot send my investigator to speak to witnesses or pick up records. Instead, my days are now spent begging for legal calls.” The inability to investigate cases and do other necessary case work impacts not just ongoing cases, but also cases set for a future time when courts reopen. One public defender said, “Things are getting forgotten and balls are being dropped,” and many others were deeply concerned with what happens when courts return to regular business. “There will be a tidal wave of work pressure coming” after this crisis, but public defenders will have lost weeks—if not months—in their pursuit to provide effective legal representation.

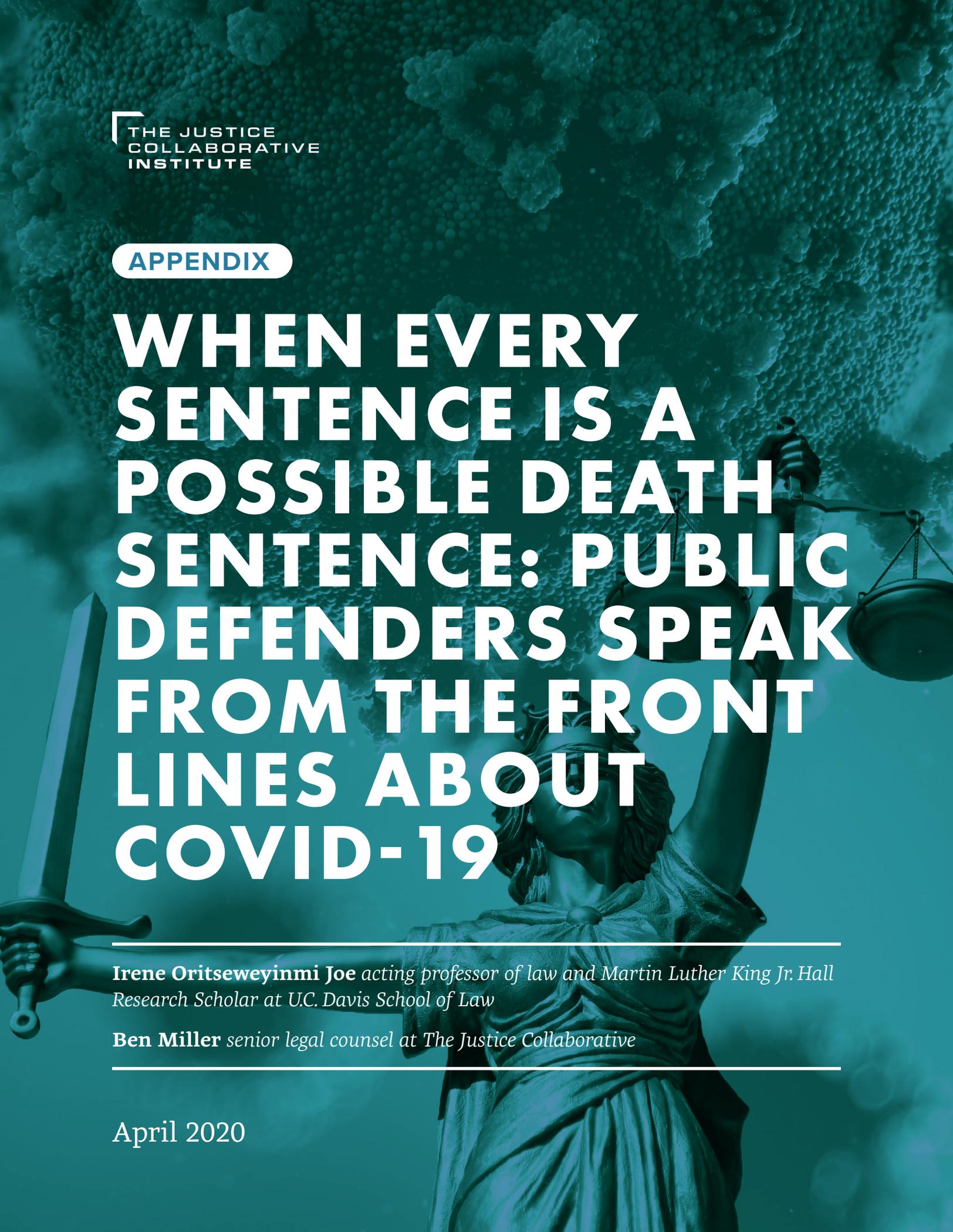
CONCLUSION

The COVID-19 crisis has proven that public defenders are not just on the front lines of the criminal legal system; they are essential for a truly just nation. COVID-19 has shown the commitment and devotion public defenders across this country have to fighting for those who otherwise would not be heard or properly valued—people that are far too easy for others to neglect. A time like this exemplifies why their voices need to be heard by people in positions of power throughout this country. One public defender summed up the role of public defenders now and every day: “We are emergency responders, and we are here for members of our community even when other members of the criminal justice system have turned their backs on us and our clients.”

The takeaway from the consistent message from public defenders is that law enforcement, prosecutors, judges, and politicians must do more to protect both the rights and lives of people accused and convicted of crimes during this crisis. We must slow-down the number of new cases being brought into a system that right now cannot handle them. When public defenders, and all defense attorneys, cannot investigate new cases, cannot effectively meet with clients to establish a meaningful client-attorney relationship, cannot

have their clients brought to court for hearings, and cannot protect their clients’ rights to confrontation and a speedy, fair trial, any notion of justice is an impossibility. And for the people already behind bars, we must speed up efforts to lower the incarcerated populations of the thousands of jails and prisons in this country. But continuing with a “business as usual” approach to how we treat people accused and convicted of crimes will only transform the “public health crisis” from COVID-19 into a “humanitarian crisis.” Public defenders are showing up every day to do their part. They need the other actors in the system to join them.

APPENDIX



WHEN EVERY SENTENCE IS A POSSIBLE DEATH SENTENCE: PUBLIC DEFENDERS SPEAK FROM THE FRONT LINES ABOUT COVID-19

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QUESTIONS¹

Do you think your work as a public defender has placed you or your family at heightened risk of developing COVID-19?.....	4
Do you think your local court system is doing enough to protect the health and safety of your clients?	4
Have prosecutors or judges in any of your cases claimed that any of your clients would be safer in jail or prison due to COVID-19?	4
Do you have clients incarcerated at a facility where that has been an identified case of COVID-19 either in relation to any incarcerated individual or a correctional staff member?	4
Has your ability to communicate with your clients been negatively impacted due to COVID-19?	5
What type of toll, physically and mentally, has being a public defender during the COVID-19 crisis taken on you personally?	5
What inadequacies in the criminal legal system have been revealed either to you, or to the general public, by the COVID-19 crisis?.....	11
How have you had to change how you do your job due to COVID-19?	14
What has been the biggest obstacle to doing your job effectively during the COVID-19 crisis?	16
How have you approached discussing COVID-19 with your clients and its impact on their cases? How much of your time is spent with clients discussing COVID-19 related issues?	19
What are the types of risks to yourself/family that you are most concerned about?	22
What are the types of risks for your clients that you are most concerned about?.....	24
What would you like to see done to best support and improve your ability to provide effective representation during this emergency situation?	28

At all different levels of the criminal legal system, different steps have been taken to try to adjust to the COVID-19 crisis—by police, attorneys, courts, and correctional facilities, etc. Have any of these steps or changes been counterproductive? If yes, which ones and why?..... 31

Are there any steps that have been taken or changes made that you think should be permanent? If yes, which ones and why? 34

Are there any steps that have been taken or changes made that even if you think it may be needed now, you worry will become permanent or cause additional harm to your ability to do your job and your clients? If yes, which ones and why?..... 36

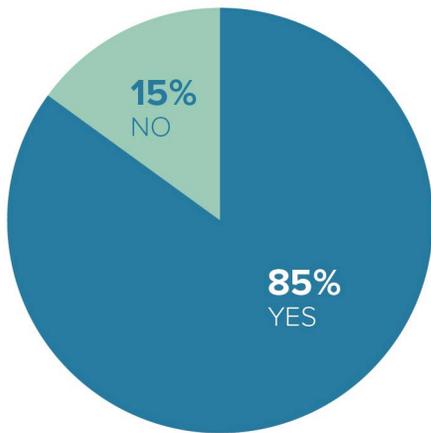
Please provide any additional information that you would like to share about how COVID-19 has impacted your ability to do your job as a public defender..... 39

1. The questionnaire was sent to public defenders from across the country who responded between **Mar. 30-Apr. 2, 2020**. The responses could be provided anonymously and not every question had to be answered for a submission to be accepted. In total, **186 responses were received from 30 different states plus the District of Columbia**. Responses were received from: Alabama; Arizona; Arkansas; California; Colorado; Florida; Georgia; Hawaii; Illinois; Iowa; Kentucky; Louisiana; Maryland; Massachusetts; Michigan; Minnesota; Mississippi; Nebraska; New Jersey; New York; North Carolina; Oklahoma; Ohio; Pennsylvania; Tennessee; Texas; Utah; Virginia; Washington; Washington, DC; West Virginia; Wisconsin. Due to the volume of responses, the appendix includes a sampling of answers. Some answers included in the appendix have been edited for length. To request a complete copy of the responses, please email Ben Miller, ben.miller@thejusticecollaborative.com, and one will be provided.

QUESTIONS AND ANSWERS:

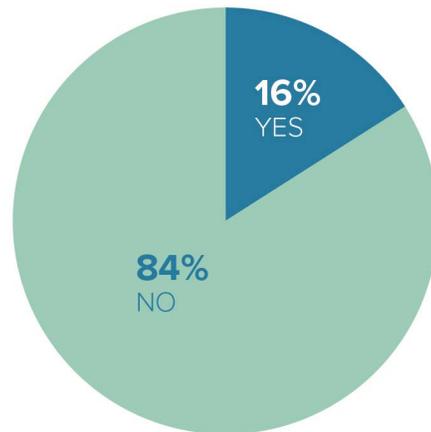
Do you think your work as a public defender has placed you or your family at heightened risk of developing COVID-19? (183 votes)

Yes: 155
No: 28



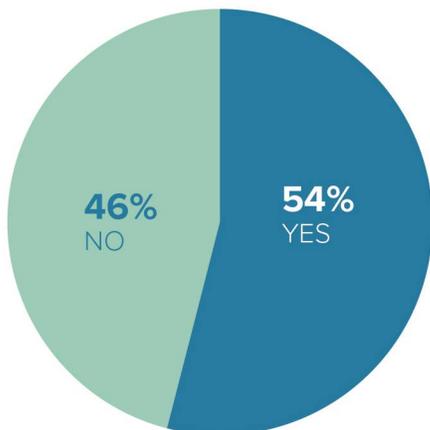
Do you think your local court system is doing enough to protect the health and safety of your clients? (182 votes)

Yes: 30
No: 152



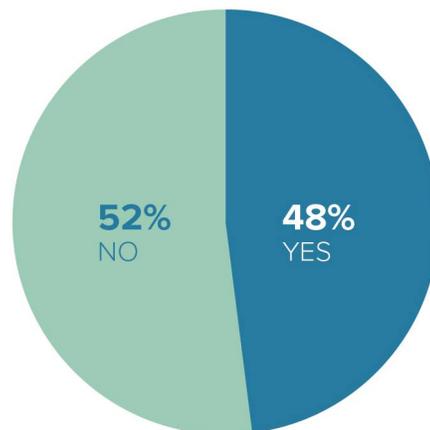
Have prosecutors or judges in any of your cases claimed that any of your clients would be safer in jail or prison due to COVID-19? (182 votes)

Yes: 99
No: 83



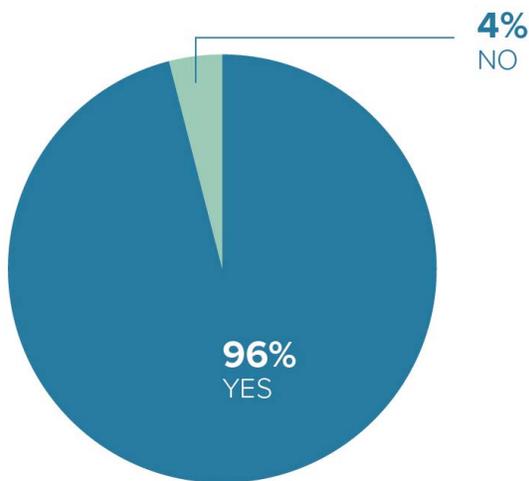
Do you have clients incarcerated at a facility where that has been an identified case of COVID-19 either in relation to any incarcerated individual or a correctional staff member? (178 votes)

Yes: 86
No: 92



Has your ability to communicate with your clients been negatively impacted due to COVID-19? (182 votes)

Yes: 175
No: 7



What type of toll, physically and mentally, has being a public defender during the COVID-19 crisis taken on you personally?

I'm in a vicious cycle of fear, loneliness, and suffocating guilt that I am not doing more. Every day I learn that prosecutors and jail officials are lying about the measures they are taking to protect incarcerated human beings. ... All my clients at the jail are young, without serious medical conditions, and are facing 3-7 years for a violent felony. This means they will never be considered for release unless and until the situation at the jail becomes so dire that the judges have to release them to their waiting and scared families.

The stress of breaking the stay at home orders has been difficult, the inability to move clients' cases forward is difficult because clients are scared and stuck in jail, and the barriers to being able to effectively represent clients are worrisome.

My clients and their families are anxious and scared about their health and lives. This has increased my anxiety and worry for them as well.... My job is literally arguing with prosecutors and judges about how my clients' lives matter. It sucks.

Attorneys are essential and critical to the criminal justice system and the sense of duty is motivating for me.

I am feeling strong and proud/grateful to be a public defender at a time when our clients in particular need zealous representation and at a time when public health outcomes can also be improved when our clients' goals are achieved.

"We find now that we are responsible not only for our clients' liberty, as is the normal responsibility of a public defender, but also for our clients lives. It has raised the intensity and necessity of our job by tenfold, which is even more difficult when state and local officials, as well as prosecutors and correction officials, act indifferent or callous to the very real risks our clients face now while incarcerated, and do not take the drastic or systemic action necessary to reduce such risk. The responsibility for clients lives falls then on their public defender."

On the one hand I am stressed and taxed and emotionally raw but on the other hand, I feel fortunate to be a part of the fight to do something productive and get our clients out of cages. I am fortunate that I am healthy now but I am constantly concerned about getting sick and spreading this illness to others.

I have remained very concerned for and preoccupied with the safety of my clients who are still incarcerated and have to appear in court.

It has been rough. I care about my clients and their health, but it often feels like I'm the only one. Given how reluctant the rest of the legal system is to release folks, it feels like a losing battle. Even more so than usual.

I am much more anxious generally. It has been mentally draining to also worry about how to communicate with clients and whether I'm putting myself at risk by going to the jail.

It's incredibly stressful to know my clients and their families are suffering and once again the system is, at best indifferent, but more likely complicit.

Child care is closed or limited, and it is difficult to do this job without that. Going to work and working from home are both difficult.

I've had to continue visiting clients detained in facilities with confirmed cases of COVID-19. It's incredibly stressful.

Lots of anxiety about the uncertainty of everything and whether I'm doing enough to help my clients.

So much stress and anxiety. Not being able to speak to clients is the worst part.

I cannot adequately answer clients, many of whom are in custody, when they ask when their hearing will be because things are changing almost daily, and nobody has definitive answers. Judges have been reluctant to acknowledge the seriousness of the pandemic and judges and prosecutors were digging their heels in while fighting about things as trivial as an extra 10 days in jail when client had a minor violation of probation after being successful on probation for well over a year. It's been very disheartening to see, in the crisis of a pandemic, with heroes in the medical and food service industries showing us the beautiful spirit of compassion and care for others, prosecutors and judges prioritizing "business as usual" over concern for the vulnerable, and finding no mitigating circumstances for our clients. This directly translates into my personal life where I feel a sense of hopelessness and powerlessness, as those who hold power are not taking this moment to show grace and compassion, but instead treat our clients and their rights as secondary and disposable.... I try to remain hopeful but I am struggling to have faith that America can be decent.

I feel an almost constant sense of guilt—am I doing enough to free my incarcerated clients? Is it wrong that I’ve chosen to suspend my in-person jail visits to protect my clients’ health and my own? Am I less of a public defender because I see PDs from other jurisdictions on social media who seem to be sacrificing more? I also feel guilty that where I have a place to isolate and the privilege that both my partner and I are “essential” salaried workers still drawing an income, my clients generally do not have such a privilege.

I am physically breaking down. My ears are infected, my sinuses infected. My stress level is through the roof. I can’t sleep and I can’t stop thinking about all the what ifs. I’m dealing with “distance learning” for my child. I have a husband who comes home from work (criminal defense/family law attorney) and just wants to watch all the news on Covid-19 so there’s no break from the constant influx.... I am feeling myself hating a job that until this week, I loved. I am cranky, my head hurts constantly. My poor child has been tucking me in at night to “help”. And I am absolutely wrecked over the reactions of those folks entrusted with protecting our community and that they think they are doing so by keeping low level folks locked up in cages during a pandemic. I sent a list of all the folks in our jail who had less than 60 days to serve to the DA. He claimed in a meeting yesterday that he reviewed the list with the jail captain and they don’t think a single one of those clients “deserves” to be released and we are all “safer” from the virus if they’re incarcerated. Even typing this is making me tear up from anger, frustration and grief.

This crisis has been incredibly stressful—both for my own health and the health of my clients. I was expecting that the courts and district attorneys may be more amenable to release of my misdemeanor clients in light of the crisis. I was wrong. Instead, district attorneys continue to oppose all motions for release. They continue to ask for jail sentences that must be served forthwith with no incarceration alternatives. Judges continue to deny our motions even for low-risk clients. I have started to feel like my clients’ lives depend on the success of my release motions, and that I’m the only one up there who cares at all for my clients’ health. I am a new attorney. I was not expecting such high stakes so soon. It is awful.

It’s extremely stressful to know that I am the weak link in my loved one’s self-isolation. I feel the burden of striving to get all new clients out as fast as I can, while also reevaluating cases to identify whose bond should be revisited, and who is serving a sentence that could be modified or furloughed, and then making motions on those cases and trying to convey the same urgency I feel to the prosecutor’s office. The head prosecutor in my jurisdiction did a press conference on 3/27/20 and said “...[W]e are looking every day for people we can safely, reasonably, and responsibly release back into the community.” And yet that head prosecutor’s assistant AGs have opposed every single one of my bond motions—even on those who have no criminal history and/or are charged with low level offenses. This morning I cried in my office before I ever even got to court.

I worry about increased exposure to the illness and passing it onto my family. My ability to do essential activities for my own family is limited because of my fear of spreading the virus to others outside of a work context (for example, since I have so much exposure at work I won't let myself go to the grocery store or do any other social activities because I am having more contact with the public than others). I am also afraid to do things for my own family like buying groceries for my parents who are elderly because I have so much contact and work and do not want to spread to my parents. I worry about my clients in custody indefinitely for crimes they did not commit who might die in custody waiting for their trials. I am concerned about passing it onto other clients and their families who may have at risk individuals at home and unknowingly being a part of why someone gets sick and dies.

Last week I had a phone call with a new client with intellectual disabilities and mental illness who is actively suicidal and doesn't understand why he is in prison. He doesn't have anyone he trusts to talk to and I couldn't be there in person to talk with him and sit with him and see his face and let him see mine.

I'm frustrated it's taken such a colossal event for prosecutors to finally realize that the presumption of innocence is a real thing.

Physically, due to the stress I have had fibromyalgia and migraine flare ups that have been extremely debilitating. Mentally, it is very discouraging to deal with a system that does not have any empathy or compassion for our clients.

[I]t is hard to explain to my clients in custody that I don't know when they will be released because I don't know when the Court system will be up again.

This job is stressful every day. Adding the worry about catching this and taking it home to my children is too much. I can't sleep, I'm not taking care of myself. It's all too much.

This is one of the most exhausting periods of my professional life. Judges & ADAs want to act like business as usual in many ways, but it feels like every application is life or death. Families & clients are understandably terrified and there is very little I can do to make them less fearful about the conditions on Rikers. It is awful.

We have had to accept less rights for our incarcerated clients We are constantly beating our heads into a wall trying to convince DA's and judges to release clients who have been incarcerated for several months and do not fall under the new protections of orders RORing more "new" cases, but that have not addressed the 1000+ folks still in our jails.

It is extremely stressful for a few different reasons. I feel like I am not doing enough, but also feel helpless a lot of the time in the face of both the system and the pandemic. I am especially frustrated that I cannot do much for my clients charged with violent crimes. Talking to their family members is very difficult sometimes. They often make the very valid point that their loved one has not been proven guilty, and now will likely be exposed to this virus.

It feels like I am spending all of my time advising my clients on how to best navigate a public health crisis while incarcerated. The thing is that I am not a medical professional or a doctor. Yet, it is expected that I help my clients with decisions that affect their health. That, in turn, is very stressful for me personally. It feels like I am personally responsible for helping them with conditions that could affect their health.

I often wonder why am I even here if the courts so flagrantly and nonchalantly violate my client's rights and increase their risk of death every day. I feel like I'm treated like an object that has no impact. I am terrified.

I'm just angry all of the time. Some judges have completely ignored our Supreme Court's directive that they need to treat bond hearings as emergency hearings. ... Prosecutors are opposing bond for non-violent offenses and have claimed that clients are safer in the jail than in the community.

Physically, I have worked longer hours and absorbed more stress from panicked incarcerated clients. Mentally, I have felt immense pressure to get clients out of detention as fast as possible, working many more cases simultaneously at a much faster pace than I normally would, and I've had to push aside my own concerns about exposure to the virus.

I am worried my clients are going to contract the virus and die in jail and it will be on my shoulders because I couldn't successfully convince the judge to release them. Sometimes I scream at my poor husband about the injustices and the horrifically offensive shit coming out of the prosecutors' mouths. Sometimes I call my colleagues and cry.

There has been a scramble to get incarcerated clients and former clients ... out of the local jails. Doing this across five county court systems, two local jails, and 5 commonwealth's attorney's offices while also attempting to work remotely as much as possible has been a challenge.

It is very hard to deliver the high standard of representation our clients deserve during this time, when I am unable to communicate with them as efficiently.

It's very, very stressful. The uncertainty of whether the court is running, whether it should be running, what's safe, and what's the right thing to do is a lot to deal with. It's also very, very difficult being pulled between wanting to protect my health and public health, and wanting to be there for my clients.

Enormous—not being able to visit clients at the jail, clients not being present at their court hearings, limitations from working from home, on top of not having child care. There is also the increased concern of increased backlog and prolonged detention for clients waiting for the courts to reopen.

Clients continue to be imprisoned because judges do not believe that public health and safety are considerations for releasing clients from custody.

Stress over impotency to help clients, get them out of custody, or even communicate with them, or even to know of their existence. Fear for those who don't belong in custody, frustration for those who aren't getting access to justice, and pity for their concerned families.

I am constantly worried about my clients and their health and safety. I feel both guilt and hopelessness.

Being chief, I find that the stress is overwhelming dealing with other stakeholders who do not take my concerns seriously. Being both a defense attorney and female makes what I say not taken seriously or listened to at all. It is extremely frightening and stressful.

Distressed that clients are trapped in fatal situation. Emotionally drained. Sad that I'm putting family in danger when going to jail, but cannot dessert client who cannot communicate with me otherwise

It's difficult to connect to clients and to feel like you're fighting for them when you're unable to get in touch with them and you have prosecutors arguing (and judges believing) that your client is somehow safer in jail than in their own home

As a blind person with underlying illness, I am used to being tired—this has gone beyond, though. Stress, fatigue, insomnia, anxiety...the gamut of the PTSD symptoms of which my clients have long complained.

It's horrifying. I believe that if I, or anyone in my family, contracts this horrible disease, it will be my fault as I am the only one leaving the house.

I have never worked this hard and I feel like I can never do enough, I am exhausted and frustrated in dealing with desperate people that I can't help.

I feel like I'm experiencing an identity crisis—it is nearly impossible to do the work I have devoted my life to.

I feel like having a mental breakdown every day.

What inadequacies in the criminal legal system have been revealed either to you, or to the general public, by the COVID-19 crisis?

The general unwillingness to let people out of prison; the fact that prison is the most dangerous place to be when something like this happens

Communication issues, our prosecutors not being progressive, our prosecutors not caring about our clients' health, judges not caring about our clients' health, our clients' rights being the first sacrificed, the court did not value our opinion or seek our opinion on how to deal with this crisis (none were really revealed, we knew all this already)

The whole system is inhumane and devalues the life of people.

This magnifies all the inadequacies I have spent my career screaming about. Incarceration and safety are not correlated

The ability to reconcile constitutional rights with public safety and judicial economy

Its jail or nothing. Our system does not recognize any other form of "accountability". Home Electronic Monitoring out to be the fall back, not jail. And it needs to be provided by the state without cost to the person being monitored.

Stark reality of what is at stake for those who can't afford bail. It's especially bad now, due to the virus. But it has always cost the poor so much. Simply being poor keeps people locked up, costs them their livelihoods, and right now might cost them their lives, too.

Bond is ridiculous and there are alternatives that the courts can use but don't.

Jail conditions are horrible. There are hundreds of people detained pre-trial who don't need to be.

"My court had agreed to release ALL pre-trial bond holds for every case. That tells me if they don't need to be in jail due to the health risk to them, they don't need to be in jail AT ALL because they are not a threat to the community."

[I]t highlights the problems with holding people in jail who are presumed innocent. Why should they, of all people, be exposed to this kind of risk?

Off the top of my head, I think that this situation highlights some of the flaws in a court system that is not unified throughout the State. For example, some judges have significantly curtailed their dockets, while some have remained open.

Poor healthcare in prisons, overcrowding, too many individuals incarcerated who do not pose a threat to society and could easily be released

[I]t's not news to me, but we clearly incarcerate more people than we need to. For our office to get almost 500 inmates released from the jail (non-violent offenders) is unreal. Why were they even there in the first place if during a crisis like this judges and prosecutors have no problem with them being released into the community.

The persistence of money bail, the lack of technology in our system, lack of healthcare and social support for everyone but particularly people with mental illness

Overcrowding, sanitation, inadequacies of medical care, and over incarceration of nonviolent offenses, all with respect to county jails and state prisons. What I've also seen is prosecutors simultaneously give us virus discounts on offers, like going from a 4-year prison offer to time served with probation, while refusing to release those same clients on their own recognizance because they represent some vague, amorphous danger to the community after having been accused of committing a nonviolent property crime.

Judges and prosecutors lack of perspective and understanding and concern

Jail is not safe. Jail cannot keep people or the community safe. The courts do not care.

It's should be abundantly clear that the criminal justice system isn't about making the community whole or rehabilitation. It's about punishing people, specifically poor people. The people with money have options. They can bond out of jail. They can pay for programs like house arrest, work release, or electronic monitoring. But not poor people. They are forced to be sitting ducks, just waiting to catch covid in jail.

Oh, my. Too many things. Level of concern for the lives of clients and for defenders, for one.

No one knows what we go through with the prosecutors. The general public needs to know.

Just reminder to me of the obstinacy of prosecutors, so nothing new, really.

How tough it is to be poor and be in the system

People need to get out of jail at a much higher rate. That the jails released a significant percentage of their population in response to the covid19 crisis should make us all question why they were there in the first place. Being in crisis highlights the injustices of the criminal system that are already there—delays, long incarceration, one sided legal rulings—and places the burden of dealing with them unfairly on our clients and us

Poor people, and those who cannot afford to buy their way out of jail are getting screwed by their government, with no other rationale being that they cannot afford to post bail. People of means have access to a different kind of justice than those without.

I work specifically with people on parole accused of violating conditions of their parole. While regular criminal courts in New York have quickly adapted to the situation, putting in place video arraignments and telephone hearings, to ensure these persons rights are not violated despite everything going on. The same is not true for parole. Parole is a hidden away world, less rights than other defendants originally; but now, seems even harsher without any hearings in place to effectuate their release. Post-conviction individuals face a stigma and less structural recourse in the system, exacerbated and brought to forefront during this time.

The general public realizing that releasing people does not raise crime rates and that some people really don't need to be in prison or jail.

I think it's the same stuff we've been saying for years. Poor people don't have the same rights as wealthy ones.

I think most people don't understand that the vast majority of people in jail, not prison, are those awaiting trial. It was both refreshing and frustrating to see how quickly the DA was willing to let nonviolent offenders out of jail. It was frustrating because normally these clients would sit in jail for weeks or months awaiting trial or a plea offer. Another thing that has been revealed is the issue of overcrowding and filth in the jails and prisons. I feel that most people don't care about the conditions of our jails and prisons until something like this, that affects them and their community, happens.

On some level I'm grateful for this situation, because judges have recognized that they should release, e.g., someone in custody for a technical probation violation, "aggressive" panhandling, shoplifting. I'm looking forward to holding the line and insisting that this be the new norm.

I'm realizing that our attempts to humanize our clients through our advocacy have been unsuccessful. I've found that the judiciary and prosecution do not worry about our clients or value their lives.

A complete lack of empathy by the bench for the clients. The overwhelming impression is that the clients are presumed guilty, so their rights/responsibilities/hardships are insignificant.

Nothing new just revealing the dehumanization that has always been there

A basic lack of empathy from prosecutors and the bench towards clients. Just because you've been accused of a crime, doesn't mean you deserve to possibly receive permanent lung damage.

It's [] been frustrating to see how relatively few avenues there are to get sentenced clients released, even when a public health emergency has transformed their sentence into something fundamentally different (I.e. a death sentence, if COVID-19 complications become serious) than was intended at the time the sentence was imposed.

Pre Trial detention has been what a lot of my friends in the public have noticed. They ask why I would want people out of custody when they were found guilty of a crime and are serving time. I have to explain to them that most of the people in the jail do not fit that profile.

I'm not sure anything was surprising to me, and I'm not sure what the public has learned. If anything, I would hope the lack of concern for the health and well-being of our clients would be seen by more of the public than before, that our system is more about punishment and othering than rehabilitation and seeing the incarcerated as our brothers and sisters.

How have you had to change how you do your job due to COVID-19?

I cannot send my investigator to speak to witnesses or pick up records. My days are now spent begging for legal calls, sending money to clients and families, finding new homes for clients during a pandemic, reading endless articles and research on COVID, and digesting discovery in preparation for trials that very likely may not happen.

I have worked from home and many of the people in my office have as well. This means that I have not been able to collaborate with investigators, legal assistants, and social workers as is necessary to effectively do my job. Things are getting forgotten and balls are being dropped.

I am working almost exclusively from home. I have not seen many of my clients in person in over a week. I've had legal calls with some, but not had any contact with many. I have no answers for families when they have questions about court dates, speedy trial rights, etc.

I've focused my efforts right now on what I can do to get clients released/ change in reporting conditions etc because of COVID 19 which has taken away from substantive case work. Investigation can't get done. I'm only able to talk to clients by phone and not frequently.

This has made it extremely difficult to get copies of charging documents and discovery in a timely fashion, which of course is then compounded by the issue of the impossibility of visiting our clients to discuss their cases.

The priorities have shifted—the main priority right now is getting clients out of custody... [I]n light of the orders by the Chief Justice of the California Supreme Court, the time waiver period has been extended to 60 days. That means I have clients in on very minor conduct, such as being drunk in public, who are denied release on their own recognizance and put in the awful position of accepting an outrageous offer from district attorneys or sitting in custody, where their lives are in very real danger, awaiting a trial in 60 days. This is a coercive dynamic where most clients will forego real defenses to their cases in order to take overblown deals because they need some certainty about when they will be getting out.

I try to connect with my clients as much as I can to let them know that I view them as a fellow human being, but social distancing and the measures I take to protect myself and my clients inherently prevent some of the things usually considered normal. Something as simple as letting a client use my pen when the bailiffs forget to give them one is something I don't do now.... I feel so overwhelmed, and all I can do is tell myself to just keep going.

Not being able to give a client a hug who needs one or even sit close to them.

We are meeting with clients behind plexiglass booths unable to do paperwork, and we are shifting to video guilty pleas for General Sessions misdemeanor cases, which is my worst nightmare in terms of “processing people.”

A lot of arguments/litigation is now done or at least started electronically. I represented a client telephonically when I was sick. All of it seems to put more distance between me and my clients and between my clients and access to court/trial /their families.

“Every day feels increasingly important as infections in our state climb.”

I am spending valuable time trying to call families to advise of the telephonic hearing platform and codes, and then commiserating with them over their (mutual) fears for their kids in detention. More, and more, and more.

I recently had contact with a COVID positive prosecutor so I am under 14 day quarantine, expected to still work. When my quarantine period is over I will go back to work and put myself at risk for exposure.

I am unable to visit clients face to face. We don't have a messaging system so I have to rely on clients calling me. I have had to make my arguments on paper, without the impact of a person for the judge to look at as s/he denies my motion to help my client.

All I do right now is bail motions and continuances. Most of my client contact is limited to dealing with client concerns about the virus, putting off work to a later date, and getting clients to fill out paperwork allowing me to appear for them in court.

My job is more over the phone and impersonal than before. This can really hinder any potential trust I can build with clients and my effectiveness at litigation in front of a judge or prosecutor.

Keep on pushing through the most hopelessness I have ever felt. Feeling completely useless for clients.

What has been the biggest obstacle to doing your job effectively during the COVID-19 crisis?

Client contact. Client meeting are nonexistent. This is important to establish the necessary relationship and client confidence.

The inability to have face-to-face interactions with clients, prosecutors, and courts immediately subsequent to one another.

“Working remotely without childcare, not having in person access to my clients and their families, conducting investigation by phone instead of in person-everything is an obstacle and far from best practices.”

Not having face-to-face contact with my colleagues who have helped me along in my three months with the office.

Communicating with clients. Being on the phone with clients is not the same as going over things in person.

Difficulty communicating with incarcerated clients. The counties I deal with (except for one, where they helpfully arranged a scheduled, nonrecorded call for client in a private location) have been awful at assisting us with reaching our clients. Even if I were currently going to the jails, I have clients with limited English proficiency, and don't believe interpreters are permitted to visit/don't know any who are likely willing to go do a visit with me.

The ability to counsel clients has been undermined by the need to move meetings to the telephone. Sometimes those calls are recorded so candor suffers. All the benefits of in person communication— e.g., reading body language, conveying empathy, drawing charts and lists— are diminished or erased.

Communication with detained clients has been an issue. I can't see my clients in person and confidential video conferencing doesn't seem to exist. There is always a staff member who "isn't listening" but sitting there.

Prosecutors saying one thing to media, and doing another thing in the courtrooms.

Prosecutors who think our client's lives are disposable, and judges who think clients who are homeless or mentally ill do not deserve to be released, due to infantilizing, patronizing or simply not caring about our clients.

The head in the sand reactionary "public safety" folks. A bench that has no backbone and is incredibly conservative. A bench that won't do ANYTHING that might negatively impact their re-election chances. I.e. ordering the release of someone who was previously detained or who is serving a sentence, even if that person is high risk. The willingness to stomp on people's rights now that it can be cloaked in a pandemic.

I fear the absolute negative impact this will have when the "quarantining" ends and the huge backlog that is accumulating breaks through like a tsunami. Cases and problems are stacking up and when we can start functioning at something approaching normal, there will be a great deal of pressure to get cases moved.

I am on a post-conviction assignment and cannot visit clients in prison. For felony and misdemeanor clients in jail, I worry about their safety and cannot add them to any calendars where a judge could entertain a release. I also have to care for my child full-time when working from home.

The new orders by the California Supreme Court extending arraignment time to 7 days, preliminary hearing time to 30 days, and speedy trial rights to 60 days (for misdemeanors) strip us of the tools that we often use to assure our clients are not being in custody longer than they should.

Feeling like I have to encourage clients to waive constitutional so rights, like speedy trial, to continue to ensure safety.

We are playing by a different set of rules week to week. We are constantly having to give in on many things that we have spent years resisting—including court appearances via video. We have no say for our clients unless it falls under the rules set by our judges/DA's office.

Complete confusion from the courts. Some courts are closed, some open, some telephonic, some hearing motions, some hearing nothing. In addition to my normal job, I have to call clerks before filing anything or having any hearing to see how it is going to happen

State attorneys, judges, the sheriff—no one wants to take action to clear space in the jails, but instead point fingers at each other. Also, scheduling video hearings when judges don't really want to hold court at all has been a challenge.

It's difficult to not have any certainty about when court is going to re-open and when clients will be able to deal with their cases. Currently, the cases are just suspended with no end in sight...

Ineffective telephone communication with our jail. Social workers who will not allow for contact between parents and their kids in foster care.

To be honest, the biggest obstacle I face in doing my job effectively is the indifference toward my clients I see from judges and prosecutors.

Not feeling the support of a team in the office, feeling connected to clients, feeling less effective arguing over the phone

A complete lack of empathy from judges and prosecutors. That is tied with their indifference for the lives of the accused.

literally every part of my job—client communication, court advocacy, investigations, have been negatively impacted

Convincing prosecutors and judges how dangerous it is to keep all these clients in custody during this pandemic.

Inability of judges to understand what this means for my clients and inability to communicate with my clients.

Prosecutors who do not get the threat and are still fighting to keep as many people in jail as possible.

Balancing my clients safety with the courts insistence that the show goes on.

How have you approached discussing COVID-19 with your clients and its impact on their cases? How much of your time is spent with clients discussing COVID-19 related issues?

It is the first thing everyone wants to talk about. If they are in jail, they want to know how they can get out because of COVID-19. If they are on bond they want to know how long they'll have to wait until their case can be heard.

My clients are scared. They know they are at risk and that they are not equipped to handle this illness. I discuss this with every single client. It's a large part of our discussions. I try to help them as much as I can, letting them know about resources they may not have heard of. I've definitely taken on even more of a social worker role than normal.

When I couldn't get a legal call, I contacted their families and asked them to conference me in so I could at least check on their health and update them on any motions filed. I would also let them know about my efforts to get a confidential legal call.

I speak to my clients in the jail about the conditions there each time I talk to them. I am trying to spend more time on the phone with incarcerated clients when I can to check their wellbeing. I also spend a lot of time talking to clients and their family members about these issues and all new updates.

I have been speaking with a lot of family members and parents—usually take 3-4 calls per day (now, at the beginning it was more). My approach is to be honest that there is a lot we don't know about what will happen but that I'm still here and still working on their case.

I discuss the potential procedural and constitutional impacts the virus has had on the courts and where their case stands in regard to those matters. Lately, that discussion has been approximately equal to the amount of time substantively discussing their cases.

Acknowledging their very real and understandable fear. explaining any updates that are available, but also recognizing that there are a lot of unknowns right now.

My in custody clients are all incredibly frustrated (understandably so) and many are scared.

Clients are desperate to get out. They are very logically afraid that the virus will come into the jail and they won't have anywhere to go to keep themselves safe. They recognize that they are oftentimes the at-risk population that this virus is most dangerous to— they are people experiencing addiction to drugs, homelessness, and poor if not non-existent healthcare.... Even clients who are factually innocent are taking plea deals to get out of custody and be able to keep themselves safe.

I don't think I've had a single client conversation since 3/11 or 3/12 that didn't involve COVID-19 to some extent. I try to emphasize precautions courts are taking, provide clients with specific information about how standing orders impact their probation/bail conditions, and sincerely encourage clients to do what they need to do to stay safe and healthy. It's surreal talking with incarcerated clients about it—their access to information varies, with some who haven't heard about the pandemic, and some who have heard a fair amount. When I'm lucky enough to get one of my custody guys on the phone, I survey them about the conditions in their facility because my agency is collecting data.

Our county let out over 300 people. Unfortunately, the jail population is down as far as it is going to get I think. The ones still in jail are the ones the judge is not going to let out or reduce bond. Clients and family expect that this will help them and I feel it's helped all of the people it's going to help already. I spent a lot of time — probably at least 5 to 6 hours— the past two weeks trying to contact clients out on bond so I could tell them about their new court dates.

My style is always to be honest and compassionate. If their case was continued because the delay will not prejudice their legal rights and is for the public safety, I tell them. When discussing upcoming court dates I always tell them to notify me if they or someone in their household is ill, and to not come to court if so. For my clients who are incarcerated, I send correspondence explaining that due to COVID 19 it is difficult or not currently possible to meet.

I have tried not to scare clients, because frankly we don't know how bad it will get in our area. Our jail is NOT testing for Covid-19, so it is also difficult to accurately advise clients about whether or not they should be concerned for their own safety. I have spent several hours with clients over the past three weeks advising those whose court dates have been moved 4-8 weeks into the future that we don't know when we can get their case heard in court.

"I am addressing it in every conversation and checking to make sure they are ok."

I've tried to listen and empathize with clients' concerns about the virus and the high risk of remaining in custody. I try to impress upon them my understanding of the importance to be released from custody as quickly as possible while also painting a realistic picture of the landscape of the criminal justice system; the landscape makes effective advocacy for release extremely difficult.

50-60 percent of my daily workday is spent discussing covid-19 with my clients and the impact on their case—either their own health concerns, the impact this pandemic and court system not being able to respond has on their case, the incredible and overwhelming crisis inside the facilities, and how to proceed strategically with covid-19.

Straight-forward honesty. Speedy trial, which is pretty illusory in good times, has specifically been suspended by an administrative order of the Illinois Supreme Court. Since there is nothing we can do about it, I tell them but it is fait accompli so I spend very little time discussing it

Last week I had to explain social distancing (separately) to 9 kids being tried as adults Who all laughed because they're in a facility where they are in a cell with one person 23 or 24 hours out of the day. I've had to explain over and over why courts are shut down and cases are postponed.

Almost the majority of my client communication is surrounding COVID-19. A lot of clients want answers about when the Court will re-open and what will happen when it does. We don't have that information, and the future is unknown, which is especially difficult for my in-custody clients.

As a juvenile defender, it seems that an extreme portion of time is taken up with COVID discussions. These kids are terrified, and getting even more misinformation than usual from their peers.

I represent mostly juveniles and many of them struggle to understand or accept this crisis and why their attorneys are no longer visiting them.

My clients are young and scared; many were detained before the shutdown so they have no idea of what is going on outside. At least half the time is spent talking about virus issues.

I've just tried to be as truthful and upfront as possible. They deserve to know the severity of the situation to contextualize why everything has suddenly changed. Because not a lot is going on with their cases, covid-19 related discussions dominate any client interview.

I discuss COVID-19 with every client I speak to. All of our cases were reset 3 months out—often to the frustration of our clients. I also talk about their worries and fears and lend support and sympathy to all of them. They in turn offer the same to me.

COVID19 is a topic of every discussion. Every client in custody is concerned and wants to discuss what is being done about release. Every client out of custody has experienced their case being continued and wants to discuss the implications.

I spend a lot of time asking clients about the precautions that the jail is or is not taking and conveying to them what I understand to be the best ways to avoid infection (e.g., hand washing, distancing, and not touching their face).

With each client, I make sure to ask them what their understanding of the situation is and then spend time answering questions and explaining how it is impacting the judicial system.

Many of my clients are very, very scared to be in the jail right now. Some are already feeling sick. Some have sick family members at home. Those clients often want reassurance (and healthcare advice that I wish I was more qualified to give), and that can often be 50% or more of our time together.

Most of my clients are not concerned about their cases anymore, they're concerned about their lives.

What are the types of risks to yourself/ family that you are most concerned about?

While I was still physically going to court, jail, and the office, that I would be exposed to the virus and unknowingly expose my family to it.

I am most concerned about contracting the virus and becoming very ill. If I am ill, I cannot do anything for my clients

I'm only worried that if I get sick, I won't be able to work effectively for my client.

"I'm mostly concerned with my clients who are incarcerated catching the virus in the unkempt, unsanitary conditions of the DC jail. I'm also fearful that I might spread the disease, unknowingly, to someone else who is at risk."

My 83 year old mother with diabetes who lives in the basement.

The biggest risk to my family would be if I come in contact with a client or court personnel who has the virus that has no symptoms at a required hearing.

I'm not especially concerned about contracting COVID-19, but I'm trying to do everything to stay optimistic and maintain good mental health.

I am an asthmatic single parent without family in town. If something happens to me, I am very concerned about what would happen to my child.

Contracting COVID-19 and dying, being unable to watch my kids grow up, or be in a position where I will lose my job, and/or we will be forced to leave our home for financial reasons. I get no paid sick/vacation time, so if I do contract the illness, I will be totally without a means of support

I'm afraid I'll bring the virus home to my family. I'm the only person left working so finances are also a huge concern right now.

I am worried I will bring COVID-19 to the jail. My secondary worry is that I will get it from someone in the courthouse and I will infect my infant.

I think this is the end of me being a public defender. I love my job, but my own medical issues have caused me to fear for my life. I think I need to be in a field where that cannot happen.

When the outbreak wasn't being treated seriously I was going to the jails and nobody was testing attorneys or COs. It was like they didn't care if we brought anything in or out with regard to illness

My significant other has asked me to stop going to the jail, which I have for the most part, and I DO NOT want to go to the jail, but there are several instances in which it is unavoidable, and I want to keep my clients informed. I am worried about exposing myself and my family to the virus. I want so badly to stay home and not go to work.

My partner is working from home and is able to keep himself safe. He is very concerned I will bring home COVID-19 and that both of us will fall ill because of my work.

Contracting COVID-19 or passing it off to someone more vulnerable than I am due to being at work. I don't trust the court system and especially the jail system to keep sanitation measures under control.

A client I represented about 10 days prior tested positive. She was handcuffed during the proceeding, and was crying and her nose was running. I remember wiping her nose and tears. We've definitely been exposed to covid-19 already.

I live alone and my family lives in another state, so I'm just worried about myself. But I'm extremely worried about myself because I'm high risk for the virus due to asthma, a history of bronchitis, and an autoimmune disorder.

Clients are extremely at risk due to an inability to socially distance at jail. Being in close contact with such an at risk group daily seems extremely dangerous.

Judges not caring whether we have contact with clients, but protecting themselves with absurd rules that do nothing to stop community spread.

I am extremely afraid for my parents, who are in a high risk group. For myself directly, I worry about money as this crisis stretches on. My partner's company experienced significant layoffs and his pay was reduced. I know our budget is secure through the fiscal year, but I worry what this summer/fall might bring.

I am 100% teleworking so no fears related to contracting COVID-19. But fearful about the looming economic implications and likely budget cuts to indigent defense.

What are the types of risks for your clients that you are most concerned about?

My clients want their cases to move forward and they want to see their kids, and for the kids I represent they want to see their parents.

I am concerned we will see mass deaths in jails and prisons, as well as among our homeless population. Every client I could think of has a preexisting risk factor for complications.

Dying from COVID-19. My clients, on the whole, are older and more medically fragile than the general population. I'm absolutely sure some of my clients will die as a result of the carceral system's disregard for their health and safety during the pandemic.

I am afraid of how many will die. It's not a question of if, I don't think, given their vulnerabilities and numbers.

I'm worried about my clients getting sick in jail and dying without their people knowing what happened and the jail covering it up. Wellpath, the medical care provider contracted with our jail, has been sued multiple times in my jurisdiction for denying care to inmates.

Death on Rikers Island, alone with no appropriate medical care

Any outbreak in jail or prison would be hard to maintain, and I fear what would happen if one occurred in one of my client's facilities.

I am incredibly, incredibly, afraid that COVID-19 will get into the jail. I have suspicions it is already there— three Sheriff officers have already tested positive for the virus in our county and I think it is extremely likely at least one person who came in contact with them is in the jail. I am concerned that my clients who are left in custody on low-level offenses will be subjected to the death penalty because the jail is the perfect breeding ground for the virus and it is simply not prepared to deal with the crisis.

I'm worried it will spread throughout jail and clients will get sick before we can get them out. Especially for clients where the judge has already denied to lift their detainer or bond motion.

They are going to get the virus — it's impossible to self-quarantine in a jail and they have no access to hand sanitizer, masks, gloves, or other PPE. Once they're infected, they likely have no medical help. They can barely get seen for the sniffles, as is. No chance the jail has the resources to handle this—do they even have a SINGLE ventilator? I'd be surprised.

It is impossible to practice social distancing or self-isolation in a crowded jail. We are doing our best to reduce the jail population, but there are still plenty of inmates. I am honestly worried about my clients contracting this disease and dying. I know that the ones remaining in jail are not at high risk, but that does not mean it will not happen. I am also concerned about their mental health.

The inability to disinfect, socially distance and generally protect themselves from the disease. Their life, their movements, their sanitation is not in their control. The situation is dire.

"I am concerned that everyone being held in a jail or incarcerated in a prison is playing Russian roulette with a death sentence every day they stay caged."

Lack of medical resources. If there is a triage situation, is my client going to be considered expendable?

For my incarcerated clients, I worry about the mental and physical toll this will have on them. They will be treated inhumanely, isolated, will most certainly get the virus, and will not have access to proper healthcare. I worry they will die in jail.

As for our clients, I am concerned they will not receive everything the appropriate care and if the facilities are taking ALL of the necessary precautions.

Getting sick with COVID-19 in an environment with poor health care that often neglect regular medical issues our clients have. Also lack of testing can lead to significant spread of the virus.

Clients are terrified of getting sick in jail and not being able to control whether and what kind of medical care they receive.

I am concerned for my incarcerated clients. Our jail has not tested anyone so it is unknown if the virus is currently spreading within the jail. The medical staff isn't very responsive normally so I worry my clients won't get necessary care.

I'm worried they don't have access to the medical care they will need, or proper cleaning supplies. I'm worried about their kids who aren't in school right now, who are maybe home alone while their parents work. I'm worried that they are living in shelters where they can't socially distance. I'm worried that they are still going to soup kitchens and exposing themselves. I'm afraid they will get sick and not seek help because they can't afford to miss work or they don't have insurance. I'm worried about their mental health or sobriety because counselors aren't doing in person meeting anymore. I'm pretty much worried about everything.

Jails are awful places normally, but being badly ill in one is awful. I know they won't get the medical treatment they need if they get covid19 and I know a lot of them are at higher risk for it. I'm also really concerned about their mental health. They're already isolated and now have even less contact. The jails have responded to this threat by putting everyone on lockdown which means they're shut up 23 hours a day.

Aside from the virus itself and the lack of good medical care, I am extremely worried that mental health issues will sky-rocket, along with self-medicating addictions... supported by property crimes to get the money both for the drugs and to help the family pay for basic necessities.

A required court appearance where they would have to leave their homes to come to court.

I am worried that I may inadvertently introduce COVID-19 into the jail. Also, my clients are not going to be able to get a trial for the foreseeable future. This is terrible because I'm worried that innocent people may plead to just get out of jail.

Incarcerated clients, not being able to go to treatment, not receiving good time because limited transports, no drug court, more relapse and arrests, clients losing jobs and limited mental health services

Exposure to covid-19 while incarcerated in a juvenile facility. I also have concern for clients who have food insecurities at home. Many of their parents are most likely out of work because of the stay at home orders.

Lack of access to hygiene products both in and out of custody; lack of housing and food; inability to find work because everything is shut down; lack of access to government support and benefits.

I worry that my clients will die in jail before they even have a chance to fight their cases. Every day my clients tell me there are more and more sick people in the pods. The sinks in their cells don't work. They are still all double-bunked, and no containment measures are being taken by jail staff. Sanitation was appalling in that jail even *before* all of this happened—flooding and black mold everywhere, cleanings almost never, and the health department actually shut down the kitchen and forced them to make all the inmates' meals in a mobile kitchen in a parking lot. They are so beyond unprepared for this.

I'm worried for my elderly and chronically ill clients getting sick. All of my clients are indigent as well so they can't stock up on food and they don't have access to good healthcare, which worries me even more.

Unjustified incarceration, loss of access to witnesses, inability to reach an attorney who meets constitutional standards of competency & preparedness.

I have clients who are sleeping on the floor in the jail because there aren't enough beds.

What would you like to see done to best support and improve your ability to provide effective representation during this emergency situation?

We shouldn't be fighting for lowered bonds on every non-violent offender. We need real bail reform. Also, we need visibility. Everyone is thanking and supporting healthcare workers and emergency responders for working through the pandemic, but the public does its best to forget us, which can be disheartening.

I think the courts should release all pretrial clients and all non-violent offenders. I think the jail should not hold anyone on technical probation violations or warrants. Also, the jail should put into place a way for us to call our clients.

We need to get people out of the jail. Once we deal with that we can try to focus on the real issues. We need more communication for our Sheriff and more cooperation from our court and prosecutors.

I need confidential video conferences with my clients. Only two judges are taking the bench each day. I need the other judges to be looking (without motions because scheduling a motions hearing is taking too long) for ways to review and release incarcerated individuals.

The jails need to establish confidential phone calls and visit areas so we can talk to clients.

I wish we were provided masks, gloves, etc.

I wish we had more protective equipment and better protocols. I know supplies are short everywhere, but hand sanitizer is in low supply. We also need to have a system of clean pens/dirty pens for our clients who need to sign things so we are not passing germs along through our pens, and our office has not issued "best practices" on that kind of thing yet, instead leaving each attorney to figure out how to reduce their and their client's exposure at the same time that attorney is trying to figure out client's best bond motion and case approach. Improved information around video calls to discuss cases with clients would also help. We cannot visit our clients in jail anymore, but limited information about how to set up video or phone calls has been distributed. One of my colleagues tried to do a video call with one of his clients, and saw a jail guard in the background, still in the room—so much for confidentiality.

More information provided to people in custody regarding court procedures during this time. Better health conditions for people in custody so risk of contraction does not feel as intense (big ask). Better support of staff attorneys from supervisors who are on the front lines of this unprecedented and extremely intense time.

California Supreme Court came up with orders curtailing client rights, but no orders protecting them or their attorneys. They have not allowed video appearances for attorneys so we must still attend all of the court dates. They have not allowed us to appear for our clients on felony cases to reduce client and attorney appearances. It is like they did not even consider measures to address the protection of defense attorney and client health and safety; just the jurors and court staff.

I think that the orders by the Chief Justice of the Supreme Court of California must be altered. Impairing speedy trial rights is going to result in more incarceration, and likely incarceration in facilities that are highly threatened by COVID-19. There are already several facilities in California that have been affected. By stripping these clients of their speedy trial rights, they are forced to be in facilities where their lives are literally at risk and where they have no legal recourse to demand their release within a timely manner.

Release kids from prison.

I would like to see all clients (to the most reasonable extent) released from custody and put the whole system on hold for a couple months. I don't think prosecuting a meth pipe case is worth dragging us all in to expose staff and clients to the risk. Perhaps we would still have to run one court for the most serious cases, but filing of misdemeanors just seems unreasonable at this point.

Better communication between everyone and a procedure needs to be put in place so next time something like this happens or something similar so the courts are closed for an extended period of time the transition is easier. And everyone—court staff, judges, productions, clerks, defense attorneys—need to be on board with it.

Give the jail more options for releasing people still serving sentences.

“An actual team approach between prosecutors, judiciary and law enforcement. As opposed to these entities giving lip service to working with us to protect our clients, then dumping all the actual work on us and requiring ridiculous terms and conditions of release in the fraction of the cases where they're willing to agree to release.”

Prosecutors should stop filing minuscule probation violations and Misdemeanor charges. Probation should stop physically referring these youth, who are clearly not risks to the community. Judges should recognize the need for predictability AND opportunity to meet privately with our clients. Just so many things....

Give clients free phone access for the duration of the shelter-in-place so they can freely contact me on my cell, as well as their friends and family.

They need to let everyone out. Failing that, they need to give my clients access to private rooms to have phone conversations with us in, and the jail staff need to actually be cooperative in making sure we can speak to our clients in a timely and confidential fashion after arrest and as often as needed.

I want my clients out of jail. I want cops to stop arresting people for stupid petty shit. I want nonessential court hearings cancelled so were not needlessly forcing people to gather. And I want more resources for the poor and their children. They will be the people most impacted by this epidemic.

Release everyone unless they are facing a life sentence or pseudo life sentence by the number of years the offense carries. But in all honestly anything less than 5 years should be released.

The jails emptied out and pre-trial supervision and hearings put on hold.

#releasethemall!!!

Access to resources. Being able to see what has been effective in other places would be helpful for me. I already have some access to that information via Gideon's Promise, but a comprehensive overview of the different actions taken would be helpful

Education directed at Courts and prosecutors on epidemics in the jail. Education directed at the courts and prosecutors regarding due process, the confrontation clause, etc. etc.

Hazard pay for going into the jails would help. Guidelines for how to go about a court appearance or a jail visit while maintaining precautions would help.

Clearer decision making on the part of the governor, the Supreme Court, and the local judiciary, as well as cooperation from the state attorney's office

The Sherriff should be able to give people bonds no matter if the charges are misdemeanors or felonies. They know what they are dealing with in there.

Everyone needs to immediately be released from incarceration. This is a public health crisis that could very easily turn into a humanitarian crisis.

Instead of eliminating court hearings altogether, we need to find alternative to holding court, such as use of technology.

We need testing ASAP for everyone who wants it.

I honestly don't know at this time. Operating one day at a time is the only thing that has really worked so far.

At all different levels of the criminal legal system, different steps have been taken to try to adjust to the COVID-19 crisis—by police, attorneys, courts, and correctional facilities, etc. Have any of these steps or changes been counterproductive? If yes, which ones and why?

Most of the changes we've encountered appear to make things more convenient for the court—but not for clients.

Our local municipal court has ...asked the prosecuting attorneys to stop subpoenaing alleged victims to pretrials, causing everyone else to show up only to continue the case because no offers could be made without victim participation.

The courts think that we can do video court. While we may be able to address some issues, I know I am not being effective for my clients. I handled a plea over video court yesterday and my client was good with it because it got him out of jail, but there were issues that should have been litigated in those cases. The video courts are terrible and are leading to very unjust outcomes.

Yes—from a criminal defense perspective—we have so many people and organizations trying to help and do good work but sometimes we undermine each other by having different narratives. We need more collaboration as a community.

I think many courts are trying to induce people in their jails to plea so they will get out of the jail—but then they have a conviction and are either sent to prison or have other negative consequences.

Ending the timing rules is just a joke. Either release them, or honor their constitutional rights, you can't have it both ways. Also, it was pretty hilarious that the courts here in Tulare implemented a mandatory meet and confer between PD and DA before we can bring OR/bail/sentence modification motions. Like that will be productive.

I'm worried about the cases that were continued a month or two— we will have too many people in court close together eventually. And not all judges are handling cases as if we have a pandemic.

“Yes. Video court. It has destroyed confidentiality with clients and impacted my relationships with clients.”

Prosecutor's office sending staff home without ways for them to accomplish their work has caused a lag in receiving discovery in my cases

I think they believe they are doing everything they can, except releasing more individuals.

Our judges issued new guidance to the jail/magistrates about which types of charges are eligible for immediate ROR. This is a good step to limiting the expansion of our jail population. Yet, this was not a retroactive measure applying to folks already in jail. For folks in custody preceding this new order, we are being told by judges that if the DA hasn't agreed, the court will not overrule that decision. Our jail switched in person visitation to visitation through glass and two way phone. While this is helpful to limit the exposure to the lawyers/social workers in case a client is infected, it changes our ability to meaningfully engage with our clients.

Video evidentiary hearings. How in the world does that count as confrontation? How do you deal with exhibits, authenticate items, show an exhibit to a witness, have a witness draw a diagram? It is simply one more way to keep the train towards prison running over our clients. Oh and our jail is refusing to use a laptop or tablet but only a tv up high on a wall so how does my client actually see all the little boxes with people's faces in them? And we cannot do either phone visits or video visits but must go into the jail to have a confidential visit.

Actually police, courts and correctional facilities have been pretty good in our jurisdiction. A glaring exception is the Department of Human Services (mental hospital) that is refusing to receive clients from the jail that are unfit and committed to the hospital. These people who cannot be released into the community as they cannot function well without support are languishing in our jail while Mental Health refuses to accept them as the law requires them to do

Yes. Our state Supreme Court issued a standing order encouraging limiting the use of GPS monitoring, because installing the device puts client and probation in very close quarters. [But] [s]uggested limitations on GPS have, in some cases, resulted in incarceration of clients judges were otherwise inclined to release.

There is not enough room here to write about it all. Suspending due process, like they have by executive order in NY, is definitely counterproductive and dangerous. But I think correctional facilities take the cake. Currently at Rikers, their solution to this mess is to "quarantine" anyone who exhibits symptoms of illness—COVID, flu, or otherwise—together, which of course means way more people are going to be infected with all of the above.

The continued disagreement over whether people should or should not be released is not helpful. People cannot socially distance in jail. They are not always allowed to possess soap. They may have to ask for permission to wash their hands. They are forced to congregate in groups much larger than 10. It is dangerous to all of society to continue to keep people incarcerated. And it is also cruel to the people who are there.

Yes—in my jurisdiction, police officers have been issuing citations for drug crimes and lower level crimes. They are doing this so that less people are arrested during the crisis. However, as an office we are now concerned at the volume of cases we will have once this crisis is over. However, our police force does not seem interested in just abandoning low level arrests for a bit.

Yes, the jail is letting people out on ankle monitors. Even people that had court in 2 days and I had a deal worked out and the person would have pled and gotten out. With the ankle monitors, our poor clients are having to pay \$300 a month. Now their court dates are set off a couple of months and they have to pay \$600-900 for the monitor and we had a plea worked out!

Not being able to be near my client during hearings and before hearings makes everything more difficult, it makes it harder for folks to trust, more difficult to communicate to clients in jail, arrests keep happening, people are still held on secured bonds, no transparency in jails, judges minimize risk to inmates

Our statewide effort to coordinate release en masse for certain categories of clients resulted in very few agreements to release with terms and conditions not normally ordered such as electronic monitoring, curfews after the shelter in place orders expire, etc.

Limiting court cases and contact with defendants is going to set some cases really far behind. People are going to be held for weeks, possibly months, without due process. This is going to significantly impact the poorer populations.

I think fines & jail for people failing to social distance is ridiculous. The police are not a solution for all social problems and putting people in greater danger for failing to decrease risk is wildly counterintuitive.

The jail going on lockdown 23 hours a day has only served to further limit defense access while not actually helping to reduce virus spread since everyone is still out together for one hour a day.

Virginia has put a hold on people going from local jails to DOC. This has led to people who are supposed to be going into programs being incarcerated longer because they can't get to them at DOC.

Yes Texas governor Abbott limited personal bonds in Texas to an overly broad group of people which essentially prevents the poor from getting released from jail on minor offenses.²

Our Governor released an order seriously restricting the ability of people to obtain a personal recognizance bond, thereby keeping more people in jail.

That's hard to answer. On the one hand, we need to protect society and mitigate the spread of the virus. On the other hand, our clients are losing their Constitutional rights.

I fear that the policing of folks who are outside when they are being told to “shelter in place” will lead to clients being arrested for homelessness.

Some jails are arguing that people are safer inside. Which is stupid and cruel.

Are there any steps that have been taken or changes made that you think should be permanent? If yes, which ones and why?

I have seen judges be particularly careful about the ways in which they are setting bond during this crisis. I would like to see that in my practice outside of this situation as I frequently see judges set high bonds with no consideration for my clients situations.

A push for pretrial release from jail by default. A push for officers to follow the statute and issue citations, rather than arresting individuals for misdemeanors. General cleanliness and hygiene improvements in shared spaces, e.g. courthouses and jails.

Arrest and detain substantially fewer people. Release more people. Decriminalize much or handle most things by citation rather than arrest. To the extent that during this emergency clients are increasingly allowed to check in with their probation officers by phone or video, that should remain in place. It helps clients avoid the burdens of transportation and missing work. Usually, absent a drug test, a check in is a check in and it does not necessarily have to happen in person.

One thing is I think that all counties should have online dockets that easily accessible so that defense attorneys and clients alike can know what is going on with their case. Many counties in Ohio don't have online dockets or online anything, and are now transitioning that way because lawyers have restricted travel and many courthouses are closed.

2. On April 10, 2020, a Travis County, Texas judge issued a temporary restraining order halting Governor. Abbott's executive order. Abbott's order had been labeled “a barely disguised attack on bail reform efforts.”

I think the greater scrutiny surrounding detention should continue to be permanent. Many youth are being cited and released due to harsher criteria from juvenile hall to book a minor. I think this should be the norm even when the pandemic is no longer such a huge threat.

Fewer removals of kids in dependency court. It has also been helpful for our clients to not have to be present for what we call “pre-trial conferences” which is really just a time when the DAs give us an offer on our files.

[W]e should allow more people who are presumed innocent to not be incarcerated.

We shouldn’t lock up so many people pre-trial or for technical violations while on release.

No detention for non-violent offenders, no warrants for failure to appear.

Extension of the right to a speedy preliminary hearing and jury trial. There should not be any exceptions.

Yes, I think ability to negotiate with prosecutors over phone or email is outstanding, and to resolve many cases with plea authorization. I also believe prosecutors have been more willing to extend release offers to people in solely on technical violations, which is unprecedented and would like to continue post-crisis.

Releasing people from jail. People shouldn’t be held pretrial when they’re presumed innocent. We need to rethink prison as our default answer to any conviction.

More critical thinking about conditions of incarceration and approaches to release for more people to reduce the in custody population.

We attorneys should be more aggressive on bond issues rather than waiting around for clients to hit 15, 30, or 90 days.

The reduction in arrests for “minor” crimes (they’re not minor to our clients lives), the increased willingness to set affordable bail.

“This has crystalized to some the amount of juveniles in detention/placement unnecessarily. Many kids have been released because they really should not have been detained to begin with. This crisis has exposed this pettiness that put kids in danger and immediately didn’t seem worth the risk once a pandemic was involved.”

Fewer arrests on nonviolent offenses and more summons

To the extent law enforcement has been using summonses rather than arrest warrants for minor cases, this should be used more going forward. It would help in keeping the jail population down to a less overcrowded number.

[A]llowing clients to waive presence at routine hearings, such as status updates. Many clients receive bench warrants for failing to appear at minor court dates where they shouldn't have to be anyway.

Yes—being more relaxed about teleworking should be more commonplace for public defenders. We have extremely stressful jobs. And the focus should be on the work—filing motions, meeting with clients, going to court, going to the jail, etc. The focus should not also be on making sure that we're in the office just to be in the office.

Home Electronic Monitoring instead of incarceration as the default form of limiting liberty.

They have given us the ability to call clients at the jail from our homes. While I don't want that to be my *only* way to contact my clients in the future, any additional ways to speak to them are still good.

The availability of confidential, unrecorded, video visits with clients who are in custody.

Are there any steps that have been taken or changes made that even if you think it may be needed now, you worry will become permanent or cause additional harm to your ability to do your job and your clients? If yes, which ones and why?

We already struggle to get judges and prosecutors to view our clients as human beings. I'm afraid that if we become complacent and comfortable with video court, that it may be overused in the future. That will seriously undermine our efforts to have our clients truly seen.

I really fear the government and the court may try to make video hearings—where defendants and respondents don't physically appear in court—a permanent thing. It makes it much harder to humanize our clients when they're just a face on a video screen.

The courts have asked the prosecuting attorneys to stop subpoenaing alleged victims to pretrials to reduce the number of people in the courtroom. As the number of people has been a concern for the courts prior to the virus, I worry that they will continue to pressure the state to continue this practice, making it very difficult to resolve victim cases, delay the process, and bring in more juries without a trial.

[T]he idea that this situation tolls our clients speedy trial rights will [] be counterproductive.

I think that there will be irreparable harm to my clients who are waiting in jail pretrial. They will be denied a speedy trial, they will be denied a trial that has been adequately investigated, and they will be denied effective assistance. I don't think video court will become permanent, but I do worry that we will not be able to do trials for the foreseeable future.

Hearings have been indefinitely postponed and for people with charged violent offenses they are in limbo. The backlog is going to have long lasting effects which will be conflict with what is required for due process

I worry that the governor and administration are going to cut lots of jobs and funding that they previously granted in an attempt to show the public that they are saving money through all of this.

Permanent limitation of contact visits with clients.

If ongoing social distancing is needed to combat COVID, this will have a lasting and profound impact on our clients and reaching resolution of their cases. There is already a horrific backlog and I fear people will be waiting years for trials and dismissals and everything else in between- at a huge cost to their lives, families, communities, and livelihood.

Courts are seeing how much faster they can get through cases if our clients are not brought to the courthouse from the jail and everything is done on video. I am worried that will become the norm. It is very important for our client's rights that he or she be physically present at court hearings.

We let out of jail numerous people on ankle bracelets. These would be people that would not have gotten out any other way. But my fear is that ankle bracelets will become a new norm when this passes for people who would have just been released on their own signature when this crisis fades.

Yes! Court by videoconference, particularly for clients in jail. I'm worried judges will come to like the convenience, and it will further dehumanize our clients as well as make it seem like the status quo is indefinite detention when they don't even leave the jail for hearings.

Yes, the easy "rescheduling" of jury trials and disregard for speedy trial demands. I practice in a rural county with severe winter weather. I think the blanket procedure of rescheduling speedy trials will be followed now for less serious reasons.

Finding good cause for continuances on the states motions, thereby effectively eliminating speedy trial.

I am worried about the increased use of video appearances for jail clients and that this will become permanent. I am concerned about future extensions of speedy trial rights and other constitutional rights in another emergency based on this precedent

I worry that increased use of video appearance will be detrimental to our client in the long run. Certainly the idea that this situation tolls our clients speedy trial rights will also be counterproductive.

Absolutely. I worry about the use of video production to remove our incarcerated clients even further from access to justice

I would not want to see any impediment to being able to visit with my in custody clients.

The DA has been pushing to waive witnesses and defendants at preliminary hearings.

Virtual visits and reducing access to courtrooms.

The acceptability of proceeding with limited information, limited discovery, and minimal interaction; and, the callous indifference to keeping people in dangerous custody without so much as an opportunity to be heard.

I'm worried probation officers will not be sympathetic and violate people during this tough economic time. Clients will be moving around a lot and losing jobs.

Yes, we should be rethinking locking people up on dumb stuff in the first place, waving client's presence and expecting this to be okay in the future.

Please provide any additional information that you would like to share about how COVID-19 has impacted your ability to do your job as a public defender.

I wrote the following email to a PD list serv []: Dear everyone, I know there's a lot to be worried about right now, but today after court I felt like I had a considerable amount to be thankful for. Because cultivating and practicing gratitude can help us "feel more positive emotions, relish good experiences, improve [our] health, deal with adversity, and build strong relationships,"* I thought I would try to write out some of what I am currently grateful for, where it is most immediately applicable to our current situation and the work that we all do. Of course, I only practice in Memphis, Shelby County, Tennessee, and other jurisdictions are certainly not experiencing the current phenomenon in exactly the same manner, but maybe some of this applies somewhere else on this listserv, and maybe sharing this meditation could be of help or of use to someone else.

... Increasing ROR bonds. I'm grateful that, due in large part to our office's tireless advocacy and educational efforts at an institutional level, the judges in our jurisdiction are granting more recognizance bonds. I am hopefully and eagerly committing to holding the line in the future—I look forward to reminding judges then that it has never been necessary nor is it anymore historically normative to hold people in custody on, e.g., a technical probation violation.

Increasing pressure on the state. I am grateful for the leverage that the suspension of in-person appearances will create for out-of-custody client negotiations once those negotiations resume. Because those continued cases will exert an enormous amount of

pressure on the state—a pressure I do not anticipate that it will be able to bear—my colleagues and I are already anticipating negotiating nolle prosequi on hundreds (if not thousands) of cases that should never have been filed, relieving clients of the financial and temporal burdens, e.g., arguably ineffectual “anger management” classes (run by private, for-profit probation companies), that the state would have otherwise tried to impose.

...Prioritizing wellness. I am grateful that my office has been able to implement a version of work-from-home that improves our ability to protect our clients, ourselves, and our community. I am grateful that my office has turned some of its attention to the well-being of its attorneys and staff, and that it is not only supporting but encouraging the use of sick leave (another line that I am hopefully and eagerly committing to holding!). I am also grateful for my colleagues, near and far, who are coming together in a fantastic display of collective action for the betterment of our clients. I am grateful for my community, which is by and large taking public health recommendations seriously and sometimes making great sacrifices to help flatten the curve. I am grateful for the help of the Memphis Community Bail Fund for their help getting my clients out. And I am grateful that I was able to get everyone out today. Best wishes, wash your hands.

I'm grateful for my office's support system and organization, which I believe will prevent any serious negative consequences to our clients.

As a PD, my primary concern is my clients. I feel like I am not accessible or available to meet the needs of my clients.

Our court has effectively shut down all hearings that are not probable cause evidentiary hearings on felony cases, or in custody arraignments. Everything else is in complete and utter limbo which is very tough[.]

Covid only accounts for healthcare workers as being considered at the front lines, so people deliver masks etc to them.... [S]o if constitutional rights are so important and we public defenders are at the forefront ...protect us too. We were given zero PPE / our clients have not been cared for and no one cares about them. They are dying because the courts think that their lives don't matter and it's extremely eye opening.

I had a client last week who was arrested for being drunk in public. He is on several grants of probation. Probation recommended that he stay in custody 120 actual days to 'wait out the virus,' not because his instant charge was serious or called for such a hefty sentence, but because he is experiencing homelessness and mental health issues and gets picked up frequently. Probation felt if he were released he would bring COVID-19 back into the jail because he gets picked up so much. Over my vociferous objection, the court kept him in custody.

"Time has stopped and many of our clients are trapped in cages"

I can't let the opportunity pass without saying that Texas Governor Greg Abbott's March 29 executive order should shock the conscience of every individual, both because of its totally unjustified cruelty and indifference towards those accused of crimes and also because of its tyrannical overreach totally ungrounded in any powers of the executive branch in Texas

Our office was able to work out many consent bonds to get people released. I would love to see someone track the numbers and take data so we can have numbers to support the public defender truth that our clients never needed to be held pretrial.

Stress, stress, stress. Stress in making decisions about who gets out and who stays in. Stress of being inefficient and the coming tsunami of work when this passes and the stress of worrying about health...mine and my family and my staff

I have two kids and no child care. I can only work from home if I find coverage for court. But we are understaffed. We are being asked to do so much more work to get anything done but not being compensated or protected from the virus.

Personally, I would like to see a commission formed when all of this is done in order to create a state wide plan for these types of emergencies (which will happen again no doubt).

Frequent and lengthy jail visits, as well as physical contact between me and my clients were two of my favorite parts of the job. Both are off the table for the foreseeable future.

The juvenile defender community in California has been amazing—lots of sharing of information, motions, expert declarations, etc. Also a lot of general support

I miss the support network of having my coworkers in the office when dealing with frustrating times and conditions for our clients.

Anxiety about what everything will look like in a few months vs. trying to only focus on getting people out of jail now

We are emergency responders, and we are here for members of our community even when other members of the criminal justice system have turned their backs on us and our clients.
