



Distinguishing a Legal Practice with Defense Maps

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We obviously write a great deal about heroically steadfast defense attorneys, including how they function in a system that falls badly short of the “balance of forces” ostensibly guaranteed by *Wardius v. Oregon*, 412 U.S. 470, 93 S.Ct. 2208, 37 L.Ed.2d 82 (1973).

This memo shares what we call eight game-changing uses of Defense Maps, a resource we think can aid under-resourced defense attorneys in their uniquely important constitutional function.

Here, first, is a brief description of some of the strategies behind, and special features of, the free resource at DefenseMap.com.

The site uses (in both English and Spanish and with versions for adult and juvenile cases) a number of novel strategies to assist clients in sharing vital information.

- a. Mere one-minute referrals to the website launch clients’ opportunity to reflect on and share facts in 22 key areas of their lives and cases—all canvassed by up to 850 questions.
- b. Adult cases are guided automatically into one of 5 tracks: (i) new, (ii) appeal or postconviction, (iii) sentence relief, (iv) parole/probation revocation, or (v) expungement. Juveniles in delinquency cases are automatically guided to their own version.
- c. No attorney time is consumed during clients’ work, which is assisted by the website’s innovative ease of use, ReadSpeaker option, and Helpline assistance.
- d. Clients can reflect at any desired length and share privately and candidly, including on deeply personal issues.
- e. Clients’ information on these 22 wide-ranging topics is analyzed through over 40 screens to detect important (and often easily missed) issues, defenses, and mitigation.
- f. Each Defense Map comes carefully organized to give both counsel and client a concise picture of this key backstory, including features like a Flags Page of special issues, defenses, and mitigation.

Here, then, are eight quick game-changing uses attorneys and their staffs can make of a Defense Map.

1. *Using the Flags Page to spot special issues, defenses, and mitigation.*

The combination of (a) breadth of inquiry, (b) opportunities for private reflection and responses, (c) 40+ screens to identify special issues, defenses, and mitigation, and (d) highlighting of all of that on a Flags Page makes this an entirely different kind of aid. A quick look at the [Sample Defense Maps](#) link will acquaint all professionals concerned about the new assistance these Maps can be to committed defense attorneys.

2. *Modeling a contagiously favorable view of your client.*

This use can actually be largely self-effectuating.

Seasoned attorneys know that it is almost impossible for anyone (including prosecutors, judges, jurors, probation officers, and the public) to take a greater interest in a client than does defense counsel. With a Defense Map, counsel can find multiple opportunities to convey a picture of the client as person rather than merely alleged criminal.

3. *Having an early picture of the co-professionals necessary to an optimal defense.*

Dedicated defense attorneys have long hoped for help in making early detections of when expert assistance is called for. Defense Maps now automatically give such a screening—and even note on the Flags Page when clients have given a significant number of responses on any of several mood, functioning, or addiction scales.

Defense Maps also assist in early determinations of when expert assistance is required on other topics, including ones bearing on both innocence and mitigation.

4. *Enlisting important help from trusted family or friends.*

Defense Maps can afford clients' trusted family and friends the opportunity to offer several kinds of powerful assistance, including (a) in evidence of actual innocence, (b) in mitigation, and (c) in many clients' wish to improve their lives. See, for example, [Thoughts for Supporters of Someone Charged with a Crime](#) and [Sample Attorney Letter to Clients' Family and Friends](#) (both linked to the "Family and Friends" page of the website).

5. *Enabling staff to assist cases in unprecedented ways.*

It is no secret that many defense attorneys, especially overburdened public defenders, are saddled with almost cruel caseloads. We offer ten suggestions for how Defense Maps can allow paralegals, secretaries, and other legal staff to help defense attorneys in markedly elevated ways. See [The Promising Role of a Staff Member in Implementing Defense Maps](#).

6. *Creating dynamic mitigation.*

One of the most inspiring things about outstanding defense attorneys is how they seem never content with the hand they are dealt. And this seems especially true in the matter of the personal progress a client can make as the case winds its way to a legal conclusion, something we call *dynamic mitigation*.

Section 21 of Defense Maps gives clients the chance to patiently consider and describe areas of their lives where they would like to make changes—and exactly what they think the steps to those changes could be.

Armed with this, counsel can both encourage and advise that progress and make powerful use of the results in almost every aspect of the case. And once again, Defense Maps allow these opportunities to be discovered and undertaken when they can do the most good—early in cases.

7. *Rebutting biased and incomplete pretrial risk assessments.*

An optional pretrial release section gathers information on up to 14 factors showing a client’s trustworthiness for pretrial release—and concisely displays these on a pretrial release page.

8. *Supercharging attorney-client relationships.*

A common reaction from defense attorneys upon first using Defense Maps is how clients express thanks after completing their Maps.

We think professionals’ statements like the following can also help nurturance of the attorney-client collaboration. (Note: No case will call for all of these. They’re offered here as examples of comments likely to promote excellent client collaboration. A few may be enough, and all attorneys should use what feels right to them.)

As part of the referral:

- a. [from an attorney] “I’m asking you to do the work on [DefenseMap.com](https://www.defensemap.com) because I want to do the best job possible on your case”; “This is a chance for you and me to work together for the very best result”; “Completing this work is the best thing you can do to help our work together.”
- b. [from a staff member] “Ms. Hunter really works to get the best result for every client, which is why she wants all clients to do the work on [DefenseMap.com](https://www.defensemap.com)”; “This is a new tool that’s helping a lot of clients and their attorneys to get the best results possible”; “I’ve even gone through it, and I think you will like it as much as I did.”

After receiving and reading the Defense Map:

- a. “Thanks for all the time and effort you put into your Map work.”
- b. “I was really interested in what you had to say about [insert]. Could you tell me more about that?”
- c. “As I read your Map, I couldn’t help but be impressed by how many difficulties you’ve overcome. Things like [samples]. What do you think your strengths are that have helped you do as well as you have?”
- d. “I really think you can be proud about [insert].”

- e. “I saw you were interested in changes in [mention, or even read, what the client wrote in Section 21 on changes he’d be interested in making]. I was so glad to read that. Can you tell me more about that?”
- f. “I’m glad to be able to work with you on this.”ⁱ

Conclusion

Experience teaches that the ability to command the conversation with prosecutors, juries, probation staff, and courts—and to move that conversation beyond the regrettably judgmental strictures of so much modern criminal law—can be key to success.

We are pleased to see the number of professionals who began by using [DefenseMap.com](https://www.defensemap.com) in a few cases and then made it an automatic resource at the start of all cases—all due to the ways the Maps can help achieve better results.

We want to be of any help possible to you and to continue improving this resource, so we enthusiastically welcome any communications from you through our [Helpline](#) and [Feedback](#) links.

ⁱ Some readers will recognize these types of questions as coming from the field of Appreciative Inquiry, a powerful communication model that has allowed organizations to maximize creativity and productivity. Find more information online at: [Appreciative Inquiry](#).