



## Distinguishing a Legal Practice with Defense Maps

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This memo shares what we call nine game-changing uses of a Defense Map. Here, first, is a brief description of some of the strategies behind, and special features of, the free resource at [DefenseMap.com](https://DefenseMap.com).

The site uses (in both English and Spanish and with versions for adult and juvenile cases) a number of novel strategies to gather, analyze, and organize an unprecedented amount of information from clients.

- a. Mere one-minute referrals to the website launch clients' opportunity to reflect on and share facts in 23 key areas of their lives and cases.
- 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 share more openly (including on deeply personal issues), both because of the unlimited time they may require and because of the greater emotional safety of a private online experience.
- e. Clients' information in these 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 and a survey of areas of personal change the client has shown an interest in.

In short, [DefenseMap.com](https://DefenseMap.com) collects and analyzes many times the information previously available from clients—and frees counsel's time to use that new level of information for the most effective and creative advocacy possible.

The FAQs answer most questions professionals have (including ones about security, PD and other large-office use of the site, the simple steps to referring clients to the site, and more).

**Here, then, are nine 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.*

Each client's information is passed through 40 screens that help to identify special issues and defenses. The Flags page (page 2 of each Defense Map) highlights applicable issues, defenses, and mitigation. A quick look at the [Sample Defense Maps](#) link will acquaint attorneys with the power of these Maps, including the Flags page.

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

This use is actually 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 has multiple opportunities to convey a picture of the client as person rather than merely alleged criminal.

## ***3. Determining when (and how) to involve co-professionals.***

The defense has long needed an efficient way to tell which clients might benefit from a mental health or addiction evaluation. A Defense Map now automatically gives such a screening—and even notes on the Flags page if the client has given a significant number of responses on any of several mood, functioning, or addiction scales.

Defense Maps will also assist counsel in engaging qualified mental health professionals (MHPs) for a variety of vital functions, including (a) forensic consultations, (b) clinical evaluations, (c) direct client counseling or addiction treatment, or (d) some combination of these.

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

If counsel is interested in such a strategy, Defense Maps afford trusted family or friends of the client (people we call “personal allies”) to do a number of powerfully helpful things.

- a. These personal allies can give vital assistance and encouragement to the personal development and improvement clients choose in Section 21 of their Defense Maps.
- b. Counsel (with a client’s permission, of course) can share some or all of a Defense Map to assist these personal allies in the mitigation they write or testify about.
- c. For guidance on how to help, these allies can also be referred to [Thoughts for Supporters of Someone Charged with a Crime](#) (linked to the “Family and Friends” page). And here is a sample letter or email attorneys or allied professionals can send to these allies (who clients will be identifying in their “Index of Supporters” on their Defense Maps): [Sample Attorney Letter to Clients’ Family and Friends](#).

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

Paralegals, secretaries, and other legal staff can be tasked with three important functions.

- a. Staff can be tasked with referring all new clients to it.
- b. For clients with language skills so limited that they require help even beyond the ReadSpeaker audio option and Helpline assistance, paraprofessionals can assist clients in completing their Defense Map.

- c. Paraprofessionals can give all Defense Maps a first read-through and then (i) highlight issues for counsel and upcoming client meetings and (ii) determine if there are portions of the Defense Map calling for the client to return to add more information.
- d. Staff can be tasked with immediately sending supporters the letters or emails mentioned in paragraph 4.c. above—and with developing and summarizing the statements of these potentially vital witnesses.

One important additional word about staff assistance. As shown in an FAQ we have posted, these paraprofessionals can play a vital role in an office's (whether private or public defender) decision to try out [DefenseMap.com](http://DefenseMap.com) and possibly even to lead its implementation it as an automatic resource in all cases.

#### **6. *Creating dynamic mitigation.***

Experience teaches that the most effective defense advocates are 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 describe specific areas of their lives where they would like to make changes—and to describe specific steps they are interested in. The website puts this opportunity after clients' description of personal issues, in other words, at a time when they have freshly considered their lives.

Armed with this, counsel can promote this progress when it matters most—at the beginning of cases. And then use that very real mitigation evidence in almost every aspect of the case.

#### **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.***

Both before and after completing a Defense Map, clients can be constructively engaged by a referral to [DefenseMap.com](http://DefenseMap.com). Consider the benefits of attorney statements like those listed below. (Note: No case will call for all of these. They're offered here as examples of comments likely to promote excellent client collaboration. One or two may be enough.)

As part of the referral:

- a. "I'm asking you to do the work on [DefenseMap.com](http://DefenseMap.com) because I want to do the best job possible on your case."
- b. "This is a chance for you and me to work together for the very best result."

After receiving and reading the Defense Map:

- a. “I was really impressed by how much 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.”<sup>i</sup>

### 9. *Dramatically assisting representation of the incarcerated.*

With the availability of Defense Maps for the incarcerated (both those held pretrial and those serving sentences), see [FAQ #25](#), all these advantages are now available in the representation of incarcerated clients. Neither oppressive defender caseloads, inconvenience, social distancing requirements incident to outbreaks of infection, or anything else can now stand in the way of this superior inmate self-examination and attorney-client communication.

### **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—is key to serving the best interests of counsel as well as clients.

Counsel and members of their staff are always welcome to contact us with suggestions, comments, or questions. Our Helpline and Feedback links are always available for the quickest communication.

We think that as professionals begin using [DefenseMap.com](#), they will find that it makes sense as an automatic resource at the start of all criminal cases—and as a strategy for distinguishing the practices of the most dedicated defense counsel. Our FAQs have thoughts on this possibility, and we welcome your inquiries as well.

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<sup>i</sup> 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](#).