



## Procuring Defense Maps for Public Defenders

October 27, 2021

Front-line prosecutors are automatically handed their basic files: charges, police reports, lab and expert reports, witness and exhibit lists, and more. We think public defenders must enjoy the corollary benefit of having a Defense Map without having to personally instruct clients on the need for them and the steps to complete one, answer questions about the process, or prompt clients who are slow in complying.

Here is an outline of an office system that could accomplish this.

- A. **Assigning a staff person to lead.** We think an experienced staff person should be appointed to head the effort at procuring these automatic Defense Maps.<sup>1</sup> This can be a supervising attorney, paralegal, legal assistant, mitigation specialist, retired attorney volunteer, or other professional enthusiastic about this possibility. We use here a placeholder title of “Attorney-Client Liaison,” or ACL. Among other things, the ACL can be the contact person with the staff of Defense Map (which is ready to help).

While [FAQs #1 and #2](#) show how attorneys and other professionals can quickly (even in less than 10 minute) learn the basics to get Maps, we think this ACL should have a more comprehensive understanding of [DefenseMap.com](#) and the possibilities in an office plan. We’d recommend the ACL’s acquaintanceship with the following, all of which are available on the [Posts](#) link.

1. [Sample Maps](#)
2. [Quick Facts About DefenseMap.com](#)
3. [A Comprehensive Introduction to DefenseMap.com](#)
4. [2½-Minute Interview with Attorney Jeff Kimmell](#)
5. [Distinguishing a Legal Practice with Defense Maps](#)
6. [Client Handout: 5 Things You Can Do to Help Your Defense](#)
7. [The Constitutional Case for Incarcerated Persons’ Access to DefenseMap.com](#)
8. [Implementing DefenseMap.com in a Jail, Prison, or Other Secure Facility](#)
9. [Sample Motion for Incarcerated Clients’ Access to DefenseMap.com](#)

The ACL could invite all defenders and other staff to take between 10 minutes and an hour on [FAQs #1 and #2](#) to learn about [DefenseMap.com](#) and open professional accounts. Each defender can then decide whether to ask for Defense Maps in all cases.

We think a good plan could focus initially on clients on bond or other release. As shown in links 7-9 above, we believe incarcerated persons should definitely have access to [DefenseMap.com](#), but it seems success should start with these “at-liberty clients.” And with access to inmates to follow in short order.

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<sup>1</sup> This memo speaks of a single Attorney-Client Liaison (ACL), but a large PD office might select a group of persons to discharge these functions.

B. **A plan for current at-liberty clients.** These clients (even ones whose cases have been pending for some time) can actually offer defenders an excellent introduction to [DefenseMap.com](http://DefenseMap.com). For these clients, we think the following steps can be used.

1. The office could arrange for the ACL to receive each interested defender's list of these clients' (i) first names, (ii) last names, and (iii) email addresses—the entirety of what's required to make referrals from the ACL's professional account. See [FAQ #2](#).
2. Because of the need to emphasize the confidentiality of this opportunity, we think participating attorneys should advise their clients both by phone and by email that they will be receiving an emailed referral from the DefenseMap.com system.
  - a. The phone conversation (or voicemail if the client isn't reached) could be to this simple effect.

*There's a new defense tool that our office is using to help do the best job possible for our clients. It's called DefenseMap.com. I just want to let you know that our office's Attorney-Client Liaison (Christina Miller) will be emailing you an invitation to use that website. There will be a link in the invitation that will take you right to the site.*

*You can use any smartphone or Internet-connected computer to complete the work. Most clients seem to be able to finish in 2 or 3 hours, but take as much time as you need. Keep your Username and Password so you can log on and off as much as you need to finish. I hope you can finish this work in the next day or so. If you have any questions, you can email Ms. Miller or call her at xxx-xxx-xxxx.*

*Thanks very much.*

- b. Follow-up email.

*Subject line: Referring you to use DefenseMap.com.*

*Body of email:*

*Mr. Anderson:*

*As I mentioned on the phone, very soon you should be receiving an email message that our office's Attorney-Client Liaison (Ms. Christine Miller) is sending you from the confidential defense tool DefenseMap.com. This is a new tool we are using in our representation of clients to help do the best job possible for them.*

*You'll see in that message a link you can use to get to this work and complete it on any Internet-connected computer or smartphone. The work on this confidential site usually takes 2 or 3 hours, but you can put in as much time as*

*you want. Please keep a copy of your username and password so you can log on and off as much as you want.*

*I hope you'll try to finish this work in the next day or so. And when you do finish, you'll see a link on the Conclusion Page to automatically get your Map to Ms. Miller's account. Just click on that link—and if you're asked there for an email address to get your Map to us, just enter her email:  
**CMiller@ClaireCountyPD.org.***

*I'll review your Defense Map, and I encourage you to do so, too. You can even log back on to give more information.*

*If you have any questions about DefenseMap.com, I encourage you to email Ms. Miller or call her at xxx-xxx-xxxx.*

*Thanks very much.*

*Jason Stephenson  
Attorney at Law  
Claire County Public Defender Office*

3. The ACL can then make the easy referral from her professional account. Again, all the ACL requires is the first name, last name, and email address for each client.
4. The ACL will receive an email each time one of these Maps is either completed or updated. The Maps (and any changes to them) will automatically be on the ACL's professional account with [DefenseMap.com](http://DefenseMap.com). From that account, the ACL will be able to place the Map on any other professionals' accounts (obviously including the assigned defender's account), and all professionals will receive instant email notifications of the availability of the Maps on their accounts and any modifications made to them by clients.
5. The ACL can track the completion of Maps and follow up with clients who've not finished theirs within, say, a week.
6. The office can adopt any practices it wishes regarding who might read and comment on these Defense Maps (mitigation specialists, paralegals, etc.). We think this can be a vital part of helping defenders in their work, and we are happy to trade ideas with PD offices on this and any other processes here.

C. **A plan for new at-liberty clients at the time the office is appointed.**

1. The ACL can lead this effort as well, with a goal of getting new clients to [DefenseMap.com](http://DefenseMap.com) as early as possible, preferably through a referral at the time of the PD office's appointment and in a discussion just outside court.
2. We think the two self-explanatory attached documents here can achieve most of this task.
  - I. *Draft Information Checklist at Appointment of the Public Defender Office.* Some version of this self-explanatory Checklist can be filled out at the first encounter between a new client and the staff member of the PD office. As shown in paragraph 9 of the Checklist, the staff member could even make the online referral to [DefenseMap.com](http://DefenseMap.com) while meeting with the client (it takes less than a minute).
  - II. *Client Handout: 5 Things You Can Do to Help Your Defense.* Obviously this is a draft only, and individual offices will want to develop their own versions of this handout. Depending on what the logistics and level of staff availability will permit, it could even help that this document be read with the client at that first encounter. Boxes are used on the left to suggest checking them off as items are covered. We think one copy should be given to the client, and one "checked and initialed" copy could be put in the file.
3. In 48-72 hours, the ACL or other staff person could check to see which clients had completed Maps and linked them to the ACL's professional account. Clients not completing a Map could be contacted to remind them and prompt completion. (In some cases, clients may have completed a Map but not linked it to the ACL's professional account, in which case the ACL could talk them through the simple steps of logging back on and completing that linkage from paragraph C on the Conclusion Page.)
4. Similar to what was stated in the last paragraph on the prior page, offices could have in place a procedure for having a staff person (mitigation specialist, social worker, paralegal, etc.) read over each Map and prepare a memo of suggestions for the defender.

**D. A plan for incarcerated clients.**

The charitable foundation behind [DefenseMap.com](https://www.defensemap.com) has partnered with the leadership at the St. Joseph County Jail in South Bend, Indiana on a successful pilot program now allowing inmates to complete Defense Maps on low-cost Chromebooks programmed to reach only this resource. Inmate Maps are arriving on attorney accounts within a day or two of an attorney request for clients to use the resource.

An excellent start on a plan for extending this opportunity to your incarcerated clients can include contacting the participants in that pilot project via the [Helpline](https://www.defensemap.com/help) of [DefenseMap.com](https://www.defensemap.com). It can also help to see [Simple Instructions on Chromebooks Implementing DefenseMap.com in Jails and Prisons](#).

Appendices III and IV to this article show sample notices to inmates about this opportunity.

**Important final note:** The Defense Map Team is available to give any requested help to your office. Feel free to contact us at any time, preferably through our [Helpline](https://www.defensemap.com/help).

Once these plans are in place, the office may want to consider the articles accessible from the [Posts](#) link regarding receiving Defense Maps from incarcerated persons.

Best wishes in your office's efforts.

**Appendix I: Draft Information Checklist  
at Appointment of the Public Defender Office<sup>2</sup>**

1. Client first name:	
2. Client last name:	
3. Email address:	
4. Case number and charge:	
5. Release circumstances (detained, on bond, etc.)	
6. Age and date of birth:	
7. Physical address:	
8. Telephone number(s):	
9. DefenseMap.com referral made through ACL's prof. account (Yes/No)	
10. First appointment made ? (Yes, date/No):	
11. Client needs help with a Defense Map? (Yes/No) (If Yes, please explain. Computer access? Computer use? Language?)	
12. Client agrees to complete and post a Defense Map within 48 hours? (Yes/No)	
13. Client given "5 Things You Can Do to Help Your Defense"? (Yes/No)	

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<sup>2</sup> These are not necessarily all the preliminary questions a PD program may ask on first receiving an appointment. We offer these because Questions 1, 2, and 8-11 are the key ones for making an immediate referral from the "Refer a client" link on a professional account.

## Attachment II: 5 Things You Can Do to Help Your Defense

Client: \_\_\_\_\_ Attorney/staff person:

\_\_\_\_\_ Date: \_\_\_\_\_

Here are 5 very important things you can do to help your case.

- Stay connected.** Make we always have your current address, email, and phone numbers.
- Know who to speak with—and who NOT to speak with.** Your relationship with us is private and confidential, so be open and honest. But don't speak with anyone else about your case unless you and your attorney agree you should.
- Be responsible.** People with charges can either help or hurt themselves by the way they live during their cases. Avoid any arrests or any contact with witnesses. Use your good judgment (and your **Defense Map**) to make the best decisions possible.
- As soon as possible—today or tomorrow, if possible—complete the work on [DefenseMap.com](#).** This free confidential tool gives clients much better chances to work with their attorneys for the best results possible.
  1. This work usually takes 2-3 hours. You can use any Internet-connected computer or tablet or any smart phone, and you can log on and off as much as you want.
  2. You can open your account (a) from the link in the email we may have the website send to you or (b) at the Register/Log In link on the homepage.
  3. When you are finished, you'll be taken to a Conclusion Page—and from there, please use the simple link in Paragraph C to put your Map on our Account. If the website asks you for an email address for us, just enter this: [email address of attorney or staff person]. (Please also call or email [name and contact] immediately to say you finished.)
  4. It's a good idea to print out and read your **Defense Map** (a) to prepare for your next meeting and (b) to see if you want to log back on to add more information.
  5. Keep your **Defense Map** private/confidential—it is only for you and our office!
- Let me know if you have any questions today or in the future.**

Attorney-Client Liaison or other staff person [Email, telephone, and date]

### III: Notice Regarding DefenseMap.com at the Claire County Jail<sup>3</sup>

Updated October 27, 2021

If your attorney requests it, our facility gives inmates access [DefenseMap.com](https://www.defensemap.com) to assist them in their legal cases. You can ask your attorney to let our staff know he or she wants you to complete a Defense Map.

The following information may help guide you.

1. Having your attorney's (or other professional's) email address before you start: Whoever sent you to use DefenseMap.com (your attorney, a law office staff member, etc.) should have given you an email address for automatically putting your Defense Map on his or her account. So, please have that email address with you when you start.
2. Directions from your attorney: Follow any directions you receive from your attorney.
3. Confidentiality: You'll need to pick a **username** and **password** (each at least 8 characters) to protect the confidentiality/privacy of your work. Either memorize these—or write these down and keep them private. When finished, be sure to click on “Exit session” or “End session.” Your Defense Map is a confidential attorney-client communication, so don't share it with anyone unless you and your attorney agree you should.
4. Completeness: Most questions require answers, and these will be marked with a red star.\* But for others you can decide if you want to give an answer. Obviously, the more information you give, the more complete your Defense Map may be.
5. Getting your Map to your attorney: When you finish, you'll be taken to the Conclusion Page. (This is also the Page you'll see if you ever log back on finishing all questions.) To automatically and confidentially get your Map to your attorney, click on the link in Paragraph C that says Put your Map on an Account. Then simply enter your attorney's email address and click “Send.” Your attorney will instantly have your Map.
6. Printing your Map: The jail may provide a printer allowing you to print your Map from the Conclusion Page. If you use this option, obviously keep your Map confidential.

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<sup>3</sup> These draft instructions are written with jails and other pretrial detention facilities in mind: that is, facilities primarily holding persons who are represented by counsel on charges where they are presumed innocent and have not been determined guilty by a trial or plea. The language here assumes a jail policy of making [DefenseMap.com](https://www.defensemap.com) available only to inmates whose attorneys or public defender programs request that they use it.



## IV: Notice Regarding DefenseMap.com at the Morguson Valley Prison<sup>4</sup>

Updated October 27, 2021

The prison is making the confidential tool [DefenseMap.com](https://www.defensemap.com) available to inmates. This resource can help inmates gather information (for themselves and their attorneys) on topics like (a) postconviction/habeas petitions, (b) parole and sentence reduction petitions, and (c) other legal relief. If you are interested, let one of the Level I or II counselors know of your wish to complete a Defense Map.

The following information may help guide you.

1. Having your attorney's (or other professional's) email address before you start: If you have an attorney, you'll be able to place your completed Map on your attorney's account with [DefenseMap.com](https://www.defensemap.com). You will need your attorney's email address, so be sure to have that email address with you when you start.
2. Directions from your attorney: Follow any directions you receive from your attorney.
3. Confidentiality: You'll need to pick a **username** and **password** (each at least 8 characters) to protect the confidentiality/privacy of your work. Either memorize these—or write these down and keep them private. When finished, be sure to click on “Exit session” or “End session.” Your Defense Map is a confidential attorney-client communication, so don't share it with anyone unless you and your attorney agree you should.
4. Completeness: Most questions require answers, and these will be marked with a red star.\* But for others you can decide if you want to give an answer. Obviously, the more information you give, the more complete your Defense Map may be.
5. Getting your Map to your attorney: When you finish, you'll be taken to the Conclusion Page. (This is also the Page you'll see if you ever log back on finishing all questions.) To automatically and confidentially get your Map to your attorney, click on the link in Paragraph C that says Put your Map on an Account. Then simply enter your attorney's email address and click “Send.” Your attorney will instantly have your Map.
6. Printing your Map: The prison may provide a printer allowing you to print your Map from the Conclusion Page. If you use this option, obviously keep your Defense Map confidential.

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<sup>4</sup> These draft instructions are written with prisons (rather than jails) in mind: that is, facilities primarily holding persons who are serving sentences on criminal convictions and who often do not have legal representation. Unlike in the “jail version” of this notice, there is no requirement of an attorney request for a client to use [DefenseMap.com](https://www.defensemap.com).