**Moral Injury in Public Defense**

**3rd International Moral Injury in Occupational Settings Conference: “Reconnection and Repair”**

**Tuesday 9th May 2023**

**Mobilising Organizational Change: Building Influence and Partnerships**

**Jenny Andrews and Jeff Sherr**

**Strategies to Reduce Moral Injury in Public Defense**

**Training on moral injury**

* Training for line defenders, leaders and trainers on language or moral injury
* Training and resources on reports and research: primary stressors are systemic NOT lack of individual resilience
* Close the gap model: build skills and acknowledge obstacles. Teach aspiration and acknowledge reality.

**Specific skill building in using language to interrupt internalizing individual feelings of failure**

* Identify and keep focus on systemic obstacles (when watching court, providing training)
* Offer language to interrupt internalizing feelings of individual failure
* Coaching leaders

**Re-examining Language Around Identity**

* “I am a public defender. It’s who I am.”

**Create Supportive Processing and Learning Spaces**

* Very grassroots, not top-down

**Create Guidance for Public Defense Organizations**

* NAPD Principles of Sustainability
* Practical tools, integrated in training programs, with a toolkit

**Resources:**

[Those Who Love the Fight](https://moralinjury.podbean.com/e/those-who-love-the-fight-l-episode-12-sherr-andrews/), Moral Matters Podcast (48 min podcast): In this episode, Jenny Andrews, a public defender in Santa Barbara, CA, and Jeff Sherr, the Training Director for the National Association for Public Defense talk about why the language of moral injury matters for public defenders. Systemic obstacles preventing "gold standard" representation is a familiar frustration. Burdened by excessive caseloads, endless hours of work, and with their client's freedom on the line, many public defenders are struggling to stay in the profession. Why? Just like healthcare workers, public defenders are experiencing moral injury.

[Gideon v. Wainwright Was a Landmark Decision, But Women Invented the Idea of the Public Defender.](https://www.teenvogue.com/story/gideon-v-wainwright-supreme-court?utm_medium=social&utm_brand=tv&mbid=social_twitter&utm_social-type=owned&utm_source=twitter) In this op-ed, a former public defender recognizes the crucial role women played in creating the role of the public defender. BY EMILY GALVIN ALMANZA, MARCH 17, 2023. *Most people think public defense was invented by 9 men on the Supreme Court 60 years ago. They’re wrong. Public defense was invented by women 130 years ago.*

['Right to an attorney' only goes so far](https://www.usatoday.com/story/opinion/2023/03/17/public-defenders-legal-aid-improve-justice-system/11464733002/). Our war on crime leaves injustice in its wake. Americans' right to legal counsel protects all of us against the government's power to lock us away, confiscate our possessions and deny us the ability to earn a living. By April Frazier Camara, Lori James-Townes and Lisa Monet Wayne. 3/17/23

[Criminal defendants’ right to counsel still shortchanged in much of California](https://www.latimes.com/opinion/story/2023-03-17/editorial-right-to-defense-counsel), By LA TIMES EDITORIAL BOARD, MARCH 17, 2023 5 AM PT

[Opinion: California still fails to uphold defendants’ right to counsel](https://www.mercurynews.com/2023/03/15/opinion-california-still-fails-to-uphold-defendants-right-to-counsel/): Sixty years ago, the U.S. Supreme Court ruled in Gideon v. Wainwright that indigent people are entitled to a free lawyer. By BRENDON WOODS and YOEL HAILE. March 15, 2023.

[The State of the Nation on Gideon’s 60th Anniversary](https://sixthamendment.org/the-state-of-the-nation-on-gideons-60th-anniversary/), Posted on March 14, 2023 by David Carroll and Aditi Goel. *Pleading the Sixth: The fear of government unduly taking away one’s liberty led the United States Supreme Court to unanimously declare it an “obvious truth” that no indigent person can be assured a fair trial against the “machinery” of law enforcement without a lawyer. “The right of one charged with crime to counsel may not be deemed fundamental and essential to fair trials in some countries,” the Court announced on March 18, 1963 in Gideon v. Wainwright, “but it is in ours.” Sixty years later, 6AC reflects on where the nation stands in fulfilling Gideon’s promise.*

[ABA Well-Being Toolkit](https://www.americanbar.org/content/dam/aba/administrative/lawyer_assistance/ls_colap_well-being_toolkit_for_lawyers_legal_employers.pdf)

When [Every Sentence is a Possible Death Sentence: Public Defenders Speak From The Front Lines About Covid-19](https://law.ucdavis.edu/faculty/joe/files/When-Every-Sentence-is-a-Possible-Death-Sentence---Report-on-Public-Defenders-During-the-Covid-19-Pandemic-.pdf)

[The Toll of Trauma](https://youtu.be/uQgyhldvWDc): 2011 Study of Wisconsin Public Defenders (5 min)

[Public Defenseless Podcast on Stress and Trauma](https://www.publicdefenseless.com/episodes/szmxb4mrlx2c9j6-4jlsw-34txx-jg8d2-nakkr-dyt4t-r8354-hkytz) (71 min podcast)

[The Relentless Mental Toll of Public Defense,](https://slate.com/technology/2023/01/public-defender-mental-health-trauma.html)

Downloadable resources at [besustained.org/worksheets](https://besustained.org/worksheets)

**Jenny Andrews:** A child of counterculture, raised off the grid by back-to-the-land hippies on the Lost Coast in Northern California, Jenny Andrews is a graduate of Cornell University and Harvard Law School. She started her career as a public defender in Oakland, California in 1996, but left after seven years, after experiencing burnout and moral injury, and didn’t practice law for three years. She returned to public defense work in 2007, and continued working as a public defender in Sonoma County and Santa Barbara County until 2022, in a wide variety of positions, including: Forensic Resource Counsel, Felony Team Leader, Director of Training and Senior Deputy. For 23 years, she worked on the front lines of criminal trial courts and has consistently litigated cases, including misdemeanor, felony, juvenile, civil commitment (mentally disordered offender and sexually violent predator), mental competency, homicide, and multi-jurisdiction (and multi-jury) trials. She has carried specialized caseloads of complex, forensic and capital litigation. In 2022, she became the Director of Training at the Indigent Defense Improvement Division of the Office of the State Public Defender, a new statewide effort to support and train indigent defenders in California. She teaches on the faculty of Gideon’s Promise, the National Association for Public Defense, the National Legal Aid and Defender Association, the National Criminal Defense College, the Trial Advocacy Workshop at Harvard Law School, and the California Public Defenders Association. She has taught in public defense training programs in Alabama, Georgia, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Montana, New Jersey, New York, South Carolina, Tennessee, and in public defense offices throughout California. She has designed and presented training for public defenders working at all levels, from intern to leadership and from basic trial skills to capital litigation, as well as in specialized areas such as challenging forensic evidence and sustaining well-being. She has conceptualized and launched a Felony Team Unit, a Pre-Arraignment Unit, and Be Well Wednesday, a weekly wellness meet-up with experiential practices for public defenders. In 2018, she launched BeSustained.org, a training and resource hub to support the well-being of public defenders. She has been a certified yoga teacher since 2004 and is a longtime student of yoga and mindfulness practices. She believes in advocating for systemic support of public defenders, building spaces for public defenders to support each other, and prioritizing personal practices that support our well-being. Her personal wellness practices include sailing, hiking, yoga, and tending a rural apple farm. Her systemic wellness practices include Be Well Wednesdays, creating and teaching NAPD’s online courses Sustaining and Supporting Well-Being in Public Defense, and speaking, engaging, and writing often on the topic of supporting well-being for public defenders.

**Jeff Sherr** is the Training Director for the National Association for Public Defense producing hundreds of webinars for public defense professionals across the nation. Prior to that he was the Manager of the Education and Strategic Planning Branch of the Kentucky Department of Public Advocacy. Jeff started with the DPA in1994, starting first as a law clerk, then working with the Juvenile Post Dispositional Unit, then in the trial division with the Stanford Field Office, and now in Frankfort with the education staff. Jeff graduated from the University of Kentucky College of Law in 1995. Jeff has been a faculty member for Gideon's Promise, the National Criminal Defense College, Clarence Darrow Death Penalty College, Harvard Trial Advocacy Workshop, Bronx Defender Academy, and other state litigation institutes. In addition to regularly training public defender litigators and trainers, Jeff trains public defender leaders nationally and for many individual defender states and offices. Jeff also has an extensive background in theatre having studied with the National Shakespeare Conservatory and the University of Kansas. Jeff performs regularly with Central Kentucky Improv in Lexington, Kentucky and at Improv Festivals across the country.