Appendix E: Surveys

Appendix E of this Article provides readers with the two survey instruments that we used in our study of public defenders in California. Both surveys were approved by the UCLA Institutional Review Board and distributed to survey respondents using Qualtrics software. Part I contains the survey we prepared for the chiefs and lead attorneys of the public defender systems in all fifty-eight California counties. This survey was distributed by the California Public Defenders Association. Part II contains the survey that we prepared for individuals serving as immigration experts in the public defender systems within California. This survey was distributed to respondents by the Immigrant Legal Resource Center. For additional information about the surveys, see Appendices A and B.

I. Survey of Public Defender Chiefs and Leads

Welcome to the Survey of California Public Defender Chiefs on Immigration Issues!

In cooperation with the California Public Defenders Association, the UCLA School of Law is conducting a survey to identify what additional resources and funding are needed so that public defender offices in California can best serve their noncitizen clients. The California Public Defenders Association is asking the Chief of every California public defender organization to support this important research by completing a brief survey. Completing the survey should take only about 20 minutes. Participation in this study is voluntary. In order to protect confidentiality, you will not be identified by name in any future publication and you may withdraw from the study at any time.

If you have any questions, comments, or concerns about the research, you can contact our research team at publicdefendersurvey@law.ucla.edu or the UCLA Human Research Protection Program at participants@research.ucla.edu.

1) What is the name of the California public defender office where you currently work?

2) How long have you served as Chief in your current office?
   a. Less than 10 years
   b. 10-15 years
   c. 15-20 years
   d. More than 20 years
3) How long have you worked at your current office?
   a. Less than 10 years
   b. 10-15 years
   c. 15-20 years
   d. More than 20 years

4) How long have you practiced law in general?
   a. Less than 10 years
   b. 10-15 years
   c. 15-20 years
   d. More than 20 years

5) How many public defenders are currently employed at your office?
   a. Less than 5 public defenders
   b. 5-10 public defenders
   c. 11-30 public defenders
   d. 31-50 public defenders
   e. 51-70 public defenders
   f. 71-90 public defenders
   g. 91-110 public defenders
   h. More than 110 public defenders (please specify with an estimate)

6) Does your office currently handle misdemeanor cases?
   a. Yes
   b. No

7) About how many misdemeanor cases does your office handle per year?
   a. Less than 5,000 misdemeanor cases
   b. 5,000-10,000 misdemeanor cases
   c. 10,001-15,000 misdemeanor cases
   d. 15,001-20,000 misdemeanor cases
   e. 20,001-25,000 misdemeanor cases
   f. More than 25,000 misdemeanor cases (please specify with an estimate)

8) Does your office currently handle felony cases?
   a. Yes
   b. No
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9) About how many felony cases does your office handle per year?
   a. Less than 2,500 felony cases
   b. 2,500-5,000 felony cases
   c. 5,001-7,500 felony cases
   d. 7,501-10,000 felony cases
   e. 10,001-12,500 felony cases
   f. 12,501-15,000 felony cases
   g. More than 15,000 felony cases (please specify with an estimate)

10) Does your office currently handle juvenile cases?
    a. Yes
    b. No

11) About how many juvenile cases does your office handle per year?
    a. Less than 1,500 juvenile cases
    b. 1,500-3,000 juvenile cases
    c. 3,001-4,500 juvenile cases
    d. 4,501-6,000 juvenile cases
    e. 6,001-7,500 juvenile cases
    f. 7,501-9,000 juvenile cases
    g. More than 9,000 juvenile cases (please specify with an estimate)

12) Does your office have a writs and/or appeals unit?
    a. Yes
    b. No

13) About how many writs and/or appeals cases does your office handle per year?
    a. Less than 1,500 appeals
    b. 1,500-3,000 appeals
    c. 3,001-4,500 appeals
    d. 4,501-6,000 appeals
    e. 6,001-7,500 appeals
    f. 7,501-9,000 appeals
    g. More than 9,000 appeals (please specify with an estimate)
14) Does your office currently handle any other categories of cases?
   a. Yes
   b. No

15) Please describe what other categories of cases with an estimate of how many cases per year.

16) Does your office have pay equity in attorney positions with the county prosecutor’s office?
   a. Yes
   b. No

17) Is there a policy in place under which public defenders in your office are instructed to ask whether clients are noncitizens?
   a. Yes
   b. No

18) Describe how public defenders in your office inquire about each client’s immigration status. (For example, some offices include a question about immigration status in a standard intake form used by public defenders. Other offices require all attorneys to photocopy the immigration documents of their clients.)

19) Roughly what percentage of your office’s clients are noncitizens?

20) Does your office identify the specific immigration status of your clients? For example, do you find out if your clients are lawful permanent residents or DACA recipients?
   a. Yes
   b. No

21) Please explain your answer.

22) Among your noncitizen clients, what percentage are lawful permanent residents (LPRs)?

23) Among your noncitizen clients, what percentage are undocumented (i.e., entered without papers or overstayed their visa)?
24) Among your noncitizen clients, what other immigrant categories do you see, and what is the percentage estimate (e.g., DACA 10%, refugee 15%, etc.)?

25) Do you think most public defenders in your office know the potential immigration consequences of most commonly charged crimes?
   a. Yes
   b. No

26) Does your office provide trainings for its public defenders on the immigration consequences of criminal convictions?
   a. Yes
   b. No

27) Are your attorneys required to attend these trainings on the immigration consequences of criminal convictions?
   a. Yes
   b. No
   c. It varies

28) Please explain your answer.

29) Please describe who conducts these trainings on immigration consequences and their frequency, length, and content.

30) Would free trainings or webinars help your attorneys to better represent noncitizen clients?
   a. Yes
   b. No
31) What resources does your office currently use to help answer immigration questions for your clients? Please select all that apply.
   a. Free public online resources designed for defenders
   b. Westlaw, Lexis, or other paid online legal research services
   c. Treatises and legal books
   d. In-house immigration experts
   e. Consultations with private immigration and crimes experts or with expert nonprofit agencies (e.g., the Immigrant Legal Resource Center)
   f. Consultations with private attorneys practicing immigration or criminal law
   g. Other (please specify)

32) If you would like to have access to the resources listed in the answer choices above but do not have access at this time, please explain.

33) Does your office currently have sufficient resources to meet the needs of your noncitizen clients?
   a. Yes
   b. No

34) Please explain your answer.

35) Does your office receive any supplementary funding for working with noncitizen clients from foundations or other private sources?
   a. Yes
   b. No

36) Please specify the funding source.

37) Does your public defender office employ one or more immigration experts? By "immigration experts," we refer to those attorneys who specialize in the intersection of criminal and immigration law. The specific tasks of immigration experts vary from office to office but can include assisting with Padilla advisals, representing noncitizens in immigration court, advising on postconviction relief, as well as other tasks.
   a. Yes
   b. No
38) For approximately how many years has your office employed one or more immigration expert?

39) How many immigration experts currently work at your office?

40) Is this number of immigration experts sufficient to meet your office’s current workload?
   a. Yes
   b. No

41) How many immigration experts would be sufficient to meet your office’s current workload?

42) Are public defenders in your office required to consult with your office’s in-house immigration expert(s) when they have a client with immigration concerns?
   a. Yes
   b. No

43) How often are immigration experts consulted with on the cases of noncitizen clients?
   a. Always
   b. More Often than Not
   c. Sometimes
   d. Almost Never

44) Please explain your answer.

45) When immigration questions arise, is there a specific public defender(s) within your office that informally helps to answer these questions?
   a. Yes
   b. No

46) How many public defenders in your office serve this role of helping when immigration questions arise?

47) Does that public defender(s) have prior experience working in immigration law?
   a. Yes
   b. No
48) Does your office contract with any outside immigration experts or organizations when an immigration question arises?
   a. Yes
   b. No

49) Which of the following does the office contact when an immigration question arises?
   a. The Immigrant Legal Resource Center (ILRC)
   b. A nonprofit organization (other than the ILRC). Please specify the name of the organization.
   c. An immigration attorney in private practice. Please specify the name of the attorney.
   d. Other. Please specify.

50) How long has your office been contacting [insert name of person specified in Q 49] to answer your immigration questions?

51) When are public defenders expected to contact [insert name of person specified in Q 49]? Please select all that apply.
   a. On all cases involving noncitizens
   b. Only for cases involving lawful permanent residents
   c. Only in cases where the attorney is unclear of the immigration consequences associated with the charge
   d. Only when the client requests it
   e. Other. Please explain.

52) Approximately what percent of your public defenders contact [insert name of person specified in Q 49] when immigration questions arise?

53) If not all of your public defenders contact [insert name of person specified in Q 49], why do you think they do not? Please select all that apply.
   a. Plea bargaining happens too fast
   b. They know immigration law and do not need to consult
   c. The budget is limited
   d. They do not know about the service
   e. They do not find [insert name of person specified in Q 49] very helpful
54) For those public defenders that do contact [insert name of person specified in Q 49], how often do you think they reach out for help?
   a. Every day
   b. Once a week
   c. Every other week
   d. Once a month
   e. Every six months
   f. Once a year

55) Does your office have a specific budget allocated for working with [insert name of person specified in Q 49]?

56) Do the needs of your office ever exceed this budget?
   a. Yes
   b. No

57) How do public defenders in your office contact [insert name of person specified in Q 49]? Please select all that apply.
   a. Email
   b. Phone call
   c. Text message
   d. In-person
   e. Electronic database
   f. Other

58) What documents do you send to [insert name of person specified in Q 49] along with your question? Please select all that apply.
   a. Charging documents
   b. Plea agreements
   c. Immigration documents from the client’s immigration file
   d. Other

59) How long, on average, does it take [insert name of person specified in Q 49] to answer an immigration question?
   a. Same day
   b. Next day
   c. Two to five days
   d. One week
   e. More than one week
60) Has your office ever worked with any other attorney or organization to answer any immigration questions?
   a. Yes
   b. No

61) Who did your office previously work with to answer immigration questions? Please select all that apply.
   a. Immigrant Legal Resource Center (ILRC)
   b. A nonprofit organization (other than the ILRC)
   c. An immigration attorney in private practice
   d. Other

62) How long did your office previously work with [insert name of person specified in Q 49]?
   a. Less than six months
   b. Six months to one year
   c. 1-3 years
   d. 4-6 years
   e. 7-10 years
   f. More than 10 years

63) Why did your office stop working with [insert name of person specified in Q 49]?

64) Would your office benefit from additional resources to meet the needs of noncitizen clients?
   a. Yes
   b. No

65) Please explain your answer.
66) What additional resources would allow you to better serve your noncitizen clients? Please select all that apply.
   a. Funding to hire an in-house immigration expert (or additional experts) to advise on cases involving noncitizen clients
   b. Funding to consult with nonprofit organizations such as the Immigrant Legal Resource Center (ILRC)
   c. Funding for immigration law trainings for public defenders in my office
   d. Funding for postconviction relief for noncitizen clients
   e. Funding to provide deportation defense services in immigration court for our clients
   f. Other

67) What are the biggest obstacles to representing your noncitizen clients?

68) Please share any additional thoughts that you would like us to know regarding the representation of noncitizen clients in public defender offices and the resources necessary to effectively represent noncitizen clients.

69) If you would be willing to participate in a brief telephone interview regarding your responses, please provide us with your email address.

II. Survey of Immigration Experts

Welcome to the Immigration Expert Survey of California Public Defender Offices!

In consultation with the Immigrant Legal Resource Center (ILRC), the UCLA School of Law is conducting important research to identify what additional resources and funding are needed so that public defender offices in California can best serve their noncitizen clients. This is the first state-wide survey of “immigration experts” working in public defender offices on this important topic. Your confidential participation in this survey will help us to understand the ways that California public defender offices are meeting the needs of their clients and to measure the additional institutional support that public defenders need to continue and enhance these crucial services.

1) What is the name of the California public defender office where you currently work?
2) How long have you worked at your current office?
   a. Less than 1 year
   b. 1-5 years
   c. 6-10 years
   d. 11-19 years
   e. 20 or more years

3) How long have you practiced law in general?
   a. Less than 10 years
   b. 10-15 years
   c. 15-20 years
   d. More than 20 years

4) Are you currently serving as an immigration expert for a public defender office? By “immigration experts,” we refer to those attorneys who specialize in the intersection of criminal and immigration law. The specific tasks of immigration experts vary from office to office.
   a. Yes
   b. No

5) How long have you served as an immigration expert at your current office?
   a. Less than a year
   b. 1-2 years
   c. 3-4 years
   d. 5-6 years
   e. 6-10 years
   f. 11-15 years
   g. 16-20 years

6) What percentage of your time is currently dedicated to working as your office’s immigration expert?
   a. 100%
   b. 76-99%
   c. 51-75%
   d. 26-50%
   e. 10-25%
   f. Less than 10%
7) Describe your legal training and practice background prior to becoming your office’s immigration expert. For example, some immigration experts have prior experience as immigration practitioners; others served previously as public defenders.

8) If you maintain a position in your office other than that of an immigration expert, what is the title of your position?

9) In your position other than immigration expert, please describe your caseload and job responsibilities.

10) How many immigration experts are employed by your public defender’s office in total? Please include your position in this total.
   a. Full-time
   b. Part-time

11) Are immigration experts in your office paid on the same salary scale as other public defenders in your office?
   a. Yes
   b. No
   c. I do not know

12) Is there a policy in place under which public defenders in your office are instructed to ask whether clients are noncitizens?
   a. Yes
   b. No

13) Describe how public defenders in your office inquire about each client’s immigration status. For example, some offices include a question about immigration status in a standard intake form used by public defenders. Other offices require all attorneys to photocopy the immigration documents of their clients.

14) Roughly what percentage of the cases that your office handles annually involve a noncitizen client?

15) Does your office identify the specific immigration status of your clients? For example, do you find out if your clients are lawful permanent residents or DACA recipients?
   a. Yes
   b. No
16) Please explain your answer.

17) Among your noncitizen clients, what percentage are lawful permanent residents (LPRs)?

18) Among your noncitizen clients, what percentage are undocumented (i.e., entered without papers or overstayed their visa)?

19) Among your noncitizen clients, what other immigrant categories do you see, and what is the percentage estimate (e.g., DACA 10%, refugee 15%, etc.)?

20) Is there a policy in place under which public defenders in your office are instructed to consult with you (or another immigration expert in your office) when they have a client with immigration concerns?
   a. Yes
   b. No

21) How often do the public defenders in your office consult with you (or another immigration expert in your office) when representing a noncitizen client?
   a. Always
   b. More often than not
   c. Sometimes
   d. Almost never

22) How do public defenders in your office contact you? Please select all that apply.
   a. Email
   b. Phone call
   c. Text message
   d. In-person
   e. Electronic database
   f. Other

23) What documents do public defenders send to you along with their question? Please select all that apply.
   a. Charging documents
   b. Plea agreements
   c. Immigration documents from the client’s immigration file
   d. Other
24) How long, on average, does it take you to answer an immigration question from a public defender in your office?
   a. Same day
   b. Next day
   c. Two to five days
   d. One week
   e. More than one week

25) Do most public defenders in your office know the potential immigration consequences of most commonly charged crimes?
   a. Yes
   b. No

26) Does your office provide trainings for its public defenders on immigration issues, including the immigration consequences of criminal convictions?
   a. Yes
   b. No

27) Please explain your answer.

28) Please describe who conducts these trainings on immigration issues and their frequency, length, and content.

29) Are attorneys in your office required to attend these trainings on immigration issues?
   a. Yes
   b. No
   c. It varies

30) Does your office receive supplementary funding to hire in-house immigration experts to advise on cases involving noncitizens from foundations or other private sources?
   a. Yes (please specify the funding source)
   b. No
   c. I do not know
31) What types of support, resources, or trainings does your office provide for your position as an immigration expert? Select all that apply.
   a. Investigators
   b. Social workers
   c. Legal assistants
   d. Legal interns
   e. Paralegal assistance
   f. Secretarial assistance
   g. Educational trainings from an external source
   h. Professional memberships
   i. Other (please specify)

32) What resources do you currently use to analyze immigration consequences and other criminal–immigration issues for your clients? Select all that apply.
   a. Public online resources designed for defenders (i.e., free online webinars, free online guides, etc)
   b. Westlaw, Lexis, or other paid online legal research services
   c. Books
   d. Attend trainings on the intersection between immigration and criminal law
   e. Consultations with expert nonprofit agencies (e.g., the Immigration Legal Resource Center)
   f. Consultations with private immigration attorneys and crime experts outside of your office
   g. Other (please specify)

33) If you would like to have access to the resources listed in the answer choices above but do not have access at this time, please explain.

Padilla Advisals

This section asks about plea advisals pursuant to Padilla v. Kentucky and related caselaw and statutory law. A Padilla plea advisory may include: (1) ascertaining immigration status, prior convictions, and the client’s goals; (2) providing affirmative, accurate advice on how to advise the client regarding the criminal consequences of a plea or trial; and (3) pursuing available dispositions that avoid or mitigate immigration consequences and/or directing trial counsel on how to best do so.
34) In your role as immigration expert, do you assist with Padilla plea advisals?
   a. Yes
   b. No

35) Please describe your role as immigration expert in assisting with Padilla plea advisals. Explain how you work with clients, other attorneys, and staff in the process.

36) How many hours per week do you spend assisting with Padilla plea advisals?
   a. Less than 2 hours
   b. 2-4 hours
   c. 4-8 hours
   d. 8-12 hours
   e. 12-16 hours
   f. 16-20 hours
   g. More than 20 hours (please provide an estimate)

37) On average, how much time do you spend on a single Padilla plea advisal?
   a. Less than 15 minutes
   b. 15-30 minutes
   c. 30 minutes-1 hour
   d. 1-2 hours
   e. 2-3 hours
   f. 3-4 hours
   g. 4-5 hours
   h. More than 5 hours

38) How many Padilla plea advisals do you assist with annually?
   a. Less than 10 cases
   b. 10-50 cases
   c. 51-100 cases
   d. 101-200 cases
   e. 201-400 cases
   f. 401-600 cases
   g. 601-800 cases
   h. 801-1,000 cases
   i. More than 1,000 cases (please provide an estimate)
Direct Representation

This section asks about direct legal representation to public defender clients in immigration court. Direct representation includes (1) removal defense (e.g., representation in immigration court on withholding, cancellation of removal cases, asylum claims) and (2) assistance with affirmative applications (e.g., U visas, T visas, Deferred Action for Childhood Arrivals (DACA)).

39) Does your office provide clients with removal defense services?
   a. Yes
   b. No

40) In your role as an immigration expert, how many removal defense cases do you handle annually?
   a. Less than 10 cases
   b. 10-50 cases
   c. 51-100 cases
   d. 101-170 cases
   e. 171-240 cases
   f. 241-320 cases
   g. 321-400 cases
   h. More than 400 cases (please provide an estimate)

41) On average, how many hours do you spend on a single case of removal defense? Please explain.

42) On average, how many removal defense cases does your office handle annually?
   a. Less than 50 cases
   b. 50-100 cases
   c. 101-200 cases
   d. 201-300 cases
   e. 301-400 cases
   f. 401-500 cases
   g. 501-600 cases
   h. More than 600 cases (please provide an estimate)

43) What percentage of your removal defense clients are detained?
44) Please describe how your office selects clients for removal defense cases and what types of applications for relief you handle.

45) Does your office provide services related to affirmative applications?
   a. Yes
   b. No

46) How many affirmative applications do you assist with annually?
   a. None
   b. Less than 10 applications
   c. 10-50 applications
   d. 51-100 applications
   e. 101-170 applications
   f. 171-240 applications
   g. 241-320 applications
   h. 321-400 applications
   i. More than 400 applications (please provide an estimate)

47) On average, how much time do you spend on a single affirmative application?
   a. Less than 2 hours
   b. 2-4 hours
   c. 4-6 hours
   d. 6-8 hours
   e. 8-10 hours
   f. 10-12 hours
   g. 12-14 hours
   h. More than 14 hours

48) How many affirmative applications does your office handle annually?
   a. Less than 50 applications
   b. 50-100 applications
   c. 101-200 applications
   d. 201-300 applications
   e. 301-400 applications
   f. 401-500 applications
   g. 501-600 applications
   h. More than 600 applications (please provide an estimate)
49) Please describe how your office selects which clients to assist with affirmative applications and what types of applications you handle.

**Postconviction Relief Services**

This section asks about postconviction relief services. Postconviction services may include (1) advisals on postconviction relief and (2) any work contributing to the direct representation in court for those seeking postconviction relief.

50) Does your office provide postconviction services for noncitizen clients?
   a. Yes
   b. No

51) What types of postconviction services do you provide? If you provide direct representation for postconviction relief, please explain what types of cases you handle.

**Immigration Training**

This section asks about your role in training attorneys in your office on immigration topics.

52) On average, please account for the approximate amount of time per year that you spend training staff on immigration topics, including preparation time.
   a. Less than 10 hours
   b. 10-20 hours
   c. 20-40 hours
   d. 40-60 hours
   e. More than 60 hours (please provide an estimate)

53) In your role as an immigration expert, do you spend time training attorneys in your office on immigration topics?
   a. Yes
   b. No
54) Do you spend time on the following activities related to trainings? Select all that apply.
   a. Researching additions and changes in law for the trainings
   b. Creating training materials
   c. Conducting the staff trainings
   d. Other (please specify)

55) Do you spend time developing written resources on immigration topics?
   a. Yes
   b. No

56) On average, please account for the approximate amount of time per year that you dedicate to developing written resources on immigration topics?
   a. Less than 10 hours
   b. 10-20 hours
   c. 20-40 hours
   d. 40-60 hours
   e. More than 60 hours (please provide an estimate)

Other Legal Work

This section asks about other legal work that you may handle as an immigration expert. If applicable, please describe the nature and volume of work that you handle in each category.

57) Do you handle immigration appeals before the BIA or Circuit Courts?

58) Do you engage in litigation around enforcement issues? For example, some offices may challenge the constitutionality of DHS or EOIR practices before the U.S. federal district courts.

59) Do you spend time working on other immigration issues, including, but not limited to, meetings, cross-training with other organizations, and/or community advocacy with local stakeholders?
60) On average, how many hours per year do you dedicate to other immigration issues, including but not limited to, meetings, cross-training with other organizations, and/or community advocacy?
   a. None
   b. Less than 10 hours
   c. 10-20 hours
   d. 20-40 hours
   e. More than 60 hours (please provide an estimate)

61) Are there other types of legal work that immigration experts handle in your office that we have not asked you about?

Recommendations

This section asks about any improvements that can be made to assist you in your role as an immigration expert.

62) Is the number of immigration experts provided at your office sufficient to meet your office's current workload?
   a. Yes
   b. No

63) How many full-time immigration experts do you believe would be sufficient to meet your office’s current workload? (Please include your position in the total.)

64) What additional resources would allow you to better serve your noncitizen clients? Select all that apply.
   a. Employment of more in-house immigration experts to assist in casework
   b. Immigration law trainings for public defenders
   c. Funding for public outreach and educational opportunities
   d. Development of a specialized immigration unit within the office
   e. A mechanism to obtain expert consultations on difficult questions
   f. Additional staff support (investigators, paralegals, legal assistants, social workers)
   g. Further access to online resources
   h. Other (please specify)
65) What are the biggest obstacles to providing quality legal services for your noncitizen clients?

66) Please share any additional thoughts that you would like us to know regarding the role of immigration experts within public defenders offices and the resources necessary to effectively represent noncitizen clients.

67) Please provide the names and email addresses of immigration experts working in your office. We would be happy to invite them to participate in this survey.

68) If you would be willing to participate in a brief telephone interview regarding your responses, please provide us with your email address.