

## Appendix A: Competency to Plead Guilty Survey

**Attorney Perspectives on Competence to Plead Guilty**

Do you practice criminal defense?

- Yes, and I am a public defender
- Yes, and I practice criminal defense law in the private sector
- No, I am a prosecuting attorney
- No, I do not practice criminal law

In what state do you primarily practice?

How many years have you practiced criminal defense law?

How many juvenile clients have you represented in juvenile court?

- 0
- 1
- 2-10
- 11-20
- 21-50
- 51-100
- 101-200
- 201-300
- 301-500
- More than 500

Approximately what \*percentage\* of your cases have resulted in your juvenile client entering an admission/pleading guilty in juvenile court?

How many adult clients have you represented in criminal court?

- 0
- 1
- 2-10
- 11-20
- 21-50
- 51-100
- 101-200
- 201-300
- 301-500
- More than 500

Approximately what \*percentage\* of your cases have resulted in your adult client pleading guilty in criminal court?

Have you ever raised the issue of a juvenile client's competence to plead guilty in juvenile court?

- Yes
- No

How many times have you raised the issue of a juvenile client's competence to plead guilty in juvenile court?

On what grounds have you argued that one or more juvenile clients were not competent to plead guilty in juvenile court?

	Ever served as basis for argument	Most common basis for argument
Client did not have factual understanding of relevant issues	<input type="checkbox"/>	<input type="checkbox"/>
Client did not have rational understanding of relevant issues	<input type="checkbox"/>	<input type="checkbox"/>
Client could not adequately assist counsel	<input type="checkbox"/>	<input type="checkbox"/>
Client did not appreciate the consequences of making a plea	<input type="checkbox"/>	<input type="checkbox"/>
Client could not plead guilty in a knowing/intelligent manner	<input type="checkbox"/>	<input type="checkbox"/>
Client could not plead guilty in a voluntary manner	<input type="checkbox"/>	<input type="checkbox"/>
Client suffered from a mental illness that affected competency	<input type="checkbox"/>	<input type="checkbox"/>
Client had substance abuse issues that affected competency	<input type="checkbox"/>	<input type="checkbox"/>
Client had cognitive/intellectual disabilities, such as mental retardation or traumatic brain injury	<input type="checkbox"/>	<input type="checkbox"/>
Client's young age affected competency	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify):	<input type="checkbox"/>	<input type="checkbox"/>

Have you ever had doubts about one or more juvenile clients' competence to plead guilty in juvenile court, without actually raising the issue?

- Yes
- No

What made you have doubts about one or more juvenile clients' competence to plead guilty in juvenile court?

	Ever made you have doubts	Most common reason for doubts
Client did not have factual understanding of relevant issues	<input type="checkbox"/>	<input type="checkbox"/>
Client did not have rational understanding of relevant issues	<input type="checkbox"/>	<input type="checkbox"/>
Client could not adequately assist counsel	<input type="checkbox"/>	<input type="checkbox"/>
Client did not appreciate the consequences of making a plea	<input type="checkbox"/>	<input type="checkbox"/>
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Client had cognitive/intellectual disabilities, such as mental retardation or traumatic brain injury	<input type="checkbox"/>	<input type="checkbox"/>
Client's young age affected competency	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify):	<input type="checkbox"/>	<input type="checkbox"/>

Given your doubts, what were the reasons you decided against challenging one or more juvenile clients' competence to enter guilty pleas in juvenile court?

	Ever a reason for not raising the issue	Most common reason for not raising the issue
Although the client demonstrated some deficiencies, I did not feel they rose to the level of incompetence	<input type="checkbox"/>	<input type="checkbox"/>
I believed my client would receive a better plea agreement if I did not raise the issue	<input type="checkbox"/>	<input type="checkbox"/>
I was concerned that raising the issue would lengthen my client's detention	<input type="checkbox"/>	<input type="checkbox"/>
I was concerned that raising the issue would delay my client's case from being resolved in a timely manner	<input type="checkbox"/>	<input type="checkbox"/>
I wanted to maintain a friendly atmosphere in the courtroom	<input type="checkbox"/>	<input type="checkbox"/>
I was unsure of the procedure for raising such an issue	<input type="checkbox"/>	<input type="checkbox"/>
I was unsure about what makes an individual competent	<input type="checkbox"/>	<input type="checkbox"/>
I had insufficient time to prepare the argument because of a full caseload	<input type="checkbox"/>	<input type="checkbox"/>
I had insufficient time to prepare the argument because of an approaching hearing date	<input type="checkbox"/>	<input type="checkbox"/>
I had insufficient financial resources to prepare such an argument	<input type="checkbox"/>	<input type="checkbox"/>
Although I believed my client was incompetent to plead guilty, I did not think the argument would be successful	<input type="checkbox"/>	<input type="checkbox"/>
I felt it would be more effective to plead not guilty, and later argue that the client was incompetent to stand trial	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify):	<input type="checkbox"/>	<input type="checkbox"/>

Although you've never actually challenged a juvenile client's competence to plead guilty, did you ever have doubts about one or more juvenile clients' competence to plead guilty in juvenile court?

- Yes
- No

What made you have doubts about one or more juvenile clients' competence to plead guilty in juvenile court?

	Ever made you have doubts	Most common reason for doubts
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Other (please specify):	<input type="checkbox"/>	<input type="checkbox"/>

Have you ever raised the issue of an adult client's competence to plead guilty in criminal court?

- Yes
- No

How many times have you raised the issue of an adult client's competence to plead guilty in criminal court?

On what grounds have you argued that one or more adult clients were not competent to plead guilty in criminal court?

	Ever served as basis for argument	Most common basis for argument
Client did not have factual understanding of relevant issues	<input type="checkbox"/>	<input type="checkbox"/>
Client did not have rational understanding of relevant issues	<input type="checkbox"/>	<input type="checkbox"/>
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Given your doubts, what were the reasons you decided against challenging one or more adult clients' competence to enter guilty pleas in criminal court? (Check all that apply)

	Ever a reason for not raising the issue	Most common reason for not raising the issue
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I believed my client would receive a better plea agreement if I did not raise the issue	<input type="checkbox"/>	<input type="checkbox"/>
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Other (please specify):	<input type="checkbox"/>	<input type="checkbox"/>

Gender:

- Male
- Female

Age:

Race:

- Black or African American
- White
- Asian
- Native Hawaiian or Pacific Islander
- American Indian or Alaskan Native
- Bi- or multi-racial (please specify): \_\_\_\_\_
- Other (please specify): \_\_\_\_\_

Ethnicity:

- Hispanic or Latino
- Not Hispanic or Latino

We are interested in how attorneys think about and manage juvenile and adult defendants' competence to plead guilty. Is there anything you believe would be helpful for us to know or consider?