

BIDS Well-Being Survey Report

Compiled by Meryl Carver-Allmond

In mid-July 2020, the BIDS Well-Being Committee sent a survey link by email to every employee in the agency (about 189 people). There were 20 questions on the survey, all directed at well-being and retention issues. Employees were given about a week to complete the survey.

Employees answered the survey anonymously. The questions were largely multiple choice, but, where logical, questions gave employees an “other” choice to write in an answer if the pre-selected choices did not fit with their experiences. The multiple choice answers were largely taken from narrative answers to a smaller survey that was given just to the BIDS Well-Being Committee earlier in the summer.

For some questions, employees were allowed to pick as many selections as applied, but for others they were only allowed to pick three selections or one selection in an attempt to identify which issues should be prioritized. One question allowed for narrative answers.

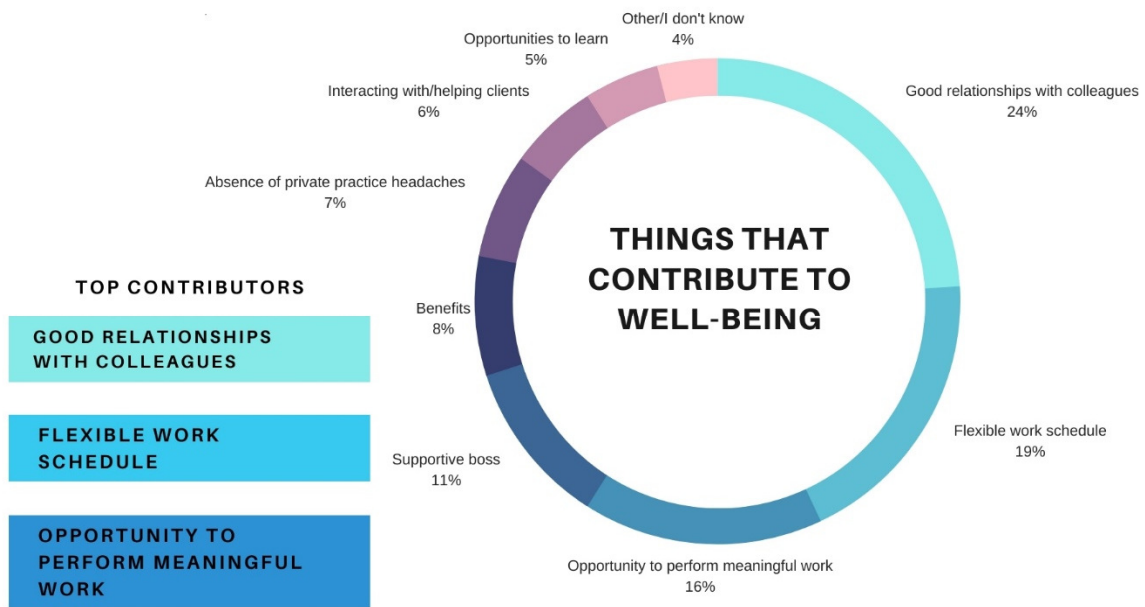
There were 128 responses (about 68% of the agency), including 80 attorneys (62.5% of responses) and 48 support staff (37.5% of responses). This report is a summary of the answers and a few general conclusions that can be drawn from the answers.

POSITIVE IMPACTS ON WELL-BEING

Positive impacts were discussed in two questions. One question was focused on the employee’s personal well-being, and one was focused on impacts on colleagues’ well-being that the employee had observed.

Employees were allowed to choose the three top contributors, which resulted in 755 answers total. The percentages below are percentages of those 755 answers.

Overall, good relationships with colleagues, a flexible work schedule, and the opportunity to perform meaningful work were the top contributors to BIDS employees’ well-being.



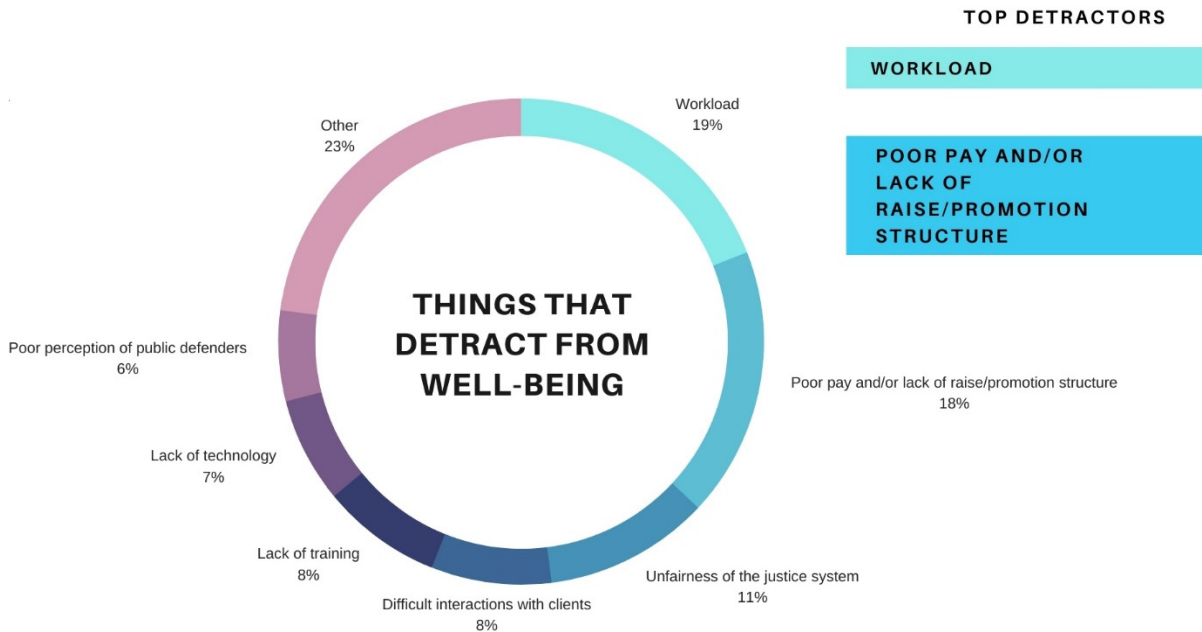
(Note: The question gave “health insurance and retirement” as examples of benefits. It gave “recruiting clients and billing hours” as examples of headaches that private attorneys have that BIDS attorneys do not.)

NEGATIVE IMPACTS ON WELL-BEING

Negative impacts were also discussed in two questions. One question was focused on the employee’s personal well-being, and one was focused on impacts on colleagues’ well-being that the employee had observed. It was specified that employees should set aside any recent changes due to Covid-19 in answering these questions.

Employees were allowed to choose the three top contributors, which resulted in 736 answers total. The percentages below are percentages of those 736 answers.

Overall, workload and “poor pay and/or lack of a raise/promotion structure” were the top two things that survey responders could agree are detracting from BIDS employees’ well-being. However, other than those two categories, there was less agreement on the answers to these two questions, as is detailed below.



The “other” category above comprises listed answers that received less than 5% of the total answers, as well as employees who selected “other” and provided their own answers. The breakdown of the listed answers is as follows:

- An unsupportive boss. (4%)
- Dirty or unmaintained office space. (3%)
- Poor support from staff (if you’re an attorney). (3%)
- Disturbing case subject matter. (2%)
- Poor relationships with colleagues. (2%)
- Poor support from attorneys (if you are support staff). (2%)
- Discrimination or mistreatment. (2%)
- Lack of flexible schedule. (1%)
- Other. (3%)

The “other” answers included things like:

- Complaints about specific co-workers.
- Lack of investigators and other basic tools.
- Unclear expectations and lack of teamwork.
- Inability to adapt to changing technology.
- Bureaucracy in purchasing supplies, reimbursing out of pocket expenses, and hiring new help.

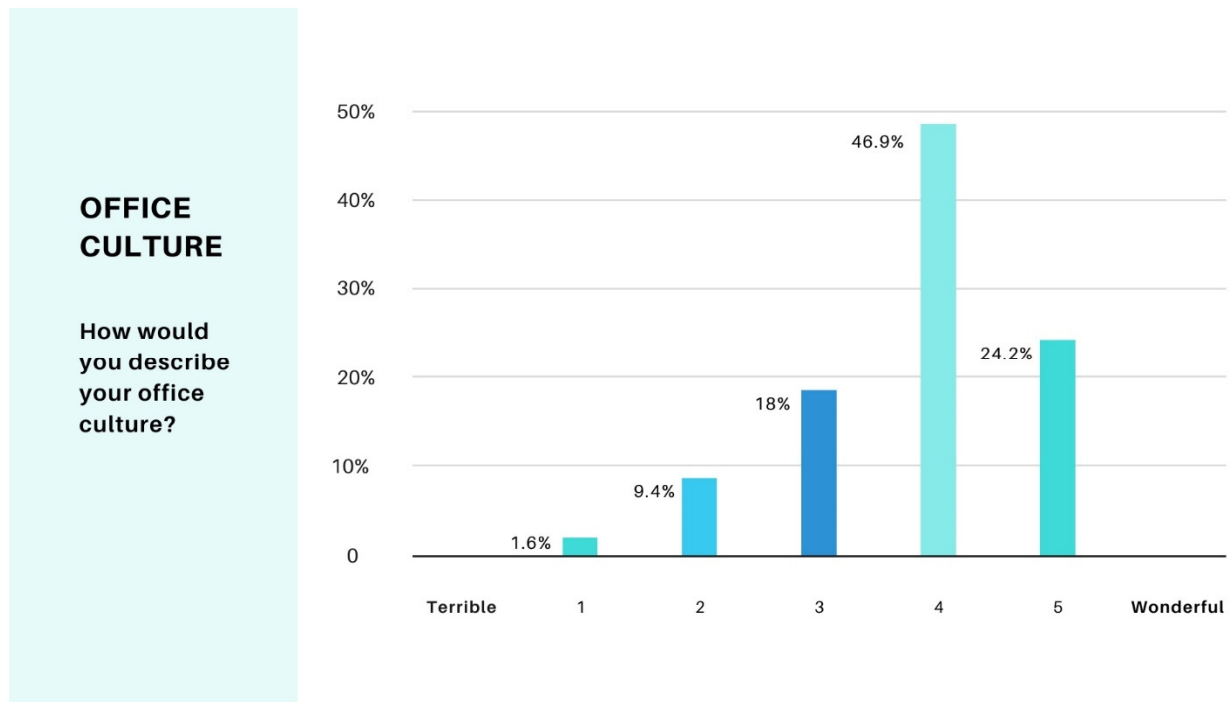
- Lack of storage space or basic amenities like a sink to wash lunch dishes in.
- “Obviously, our schedule is flexible as to when we can come and go. It is inflexible in that the workload is crushing and cannot be amended if one is not feeling well or needs a break. Death march!”

OFFICE CULTURE

Two questions were asked about office culture.

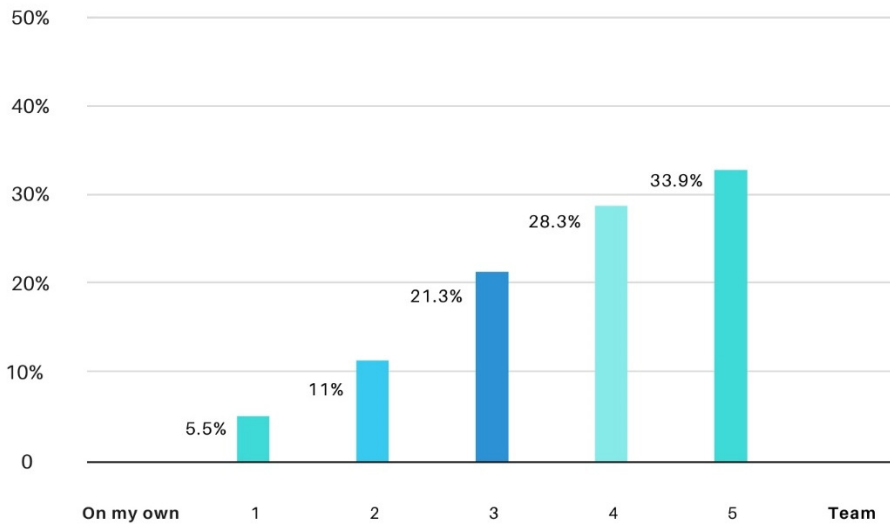
The first asked employees to rate their office culture on a scale of 1-5 (with 1 being “terrible” and 5 being “wonderful”).

Overall, about 71% of BIDS employees scored their office culture positively (as a 4 or 5), while 11% scored their office culture negatively (as a 1 or 2).



The second question asked employees to rate on a scale of 1-5 whether they felt like they were part of a team or on their own (with 1 being “on my own” and 5 being “part of a team”).

On teamwork, about 62% of employees scored their office positively (as a 4 or 5), while almost 17% scored their office negatively (as a 1 or 2).



TEAMWORK

Do you feel like you're part of a team? Or on your own?

SUPPORT FROM LEADERSHIP

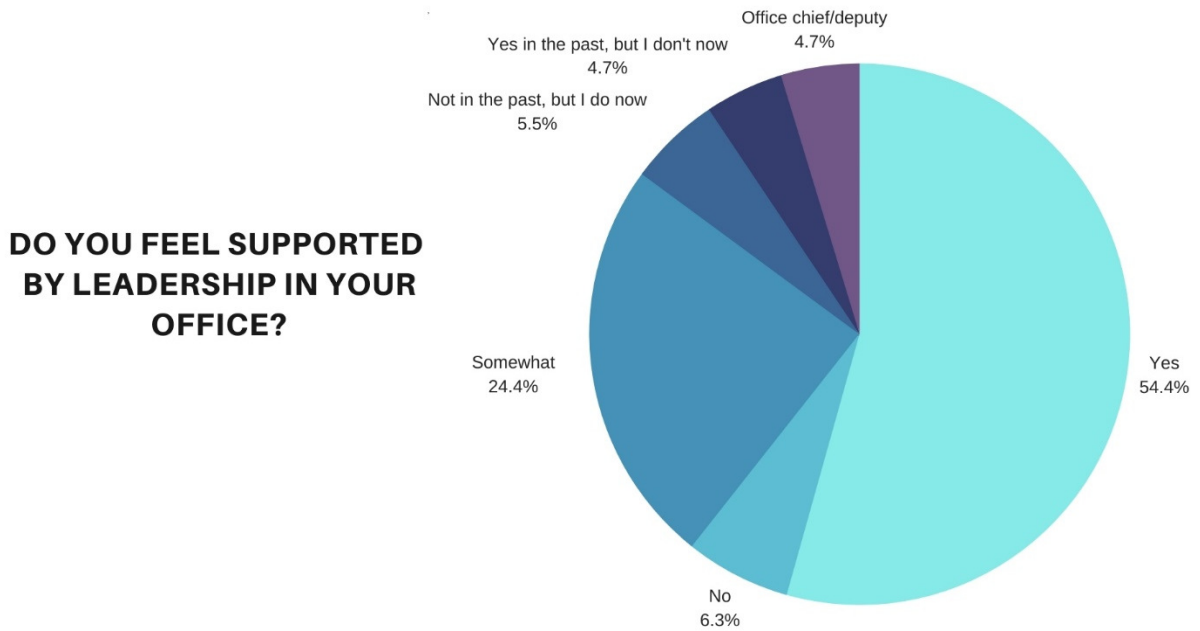
Two questions were asked about whether employees felt supported by leadership.

The first question asked employees if they felt supported by their specific office leaders.

Overall, about 59% of employees currently feel supported by their office leadership, about 24% feel “somewhat” supported, and 11% do not currently feel supported.

Notably, about 10% of employees have felt their level of support from leadership change over their career with BIDS. (No specific time period was specified in the question, nor did the question ask whether the change was due to a change in leadership). About half of that group (5.5%) reported a positive change (i.e., they did not feel supported in the past, but they do now)

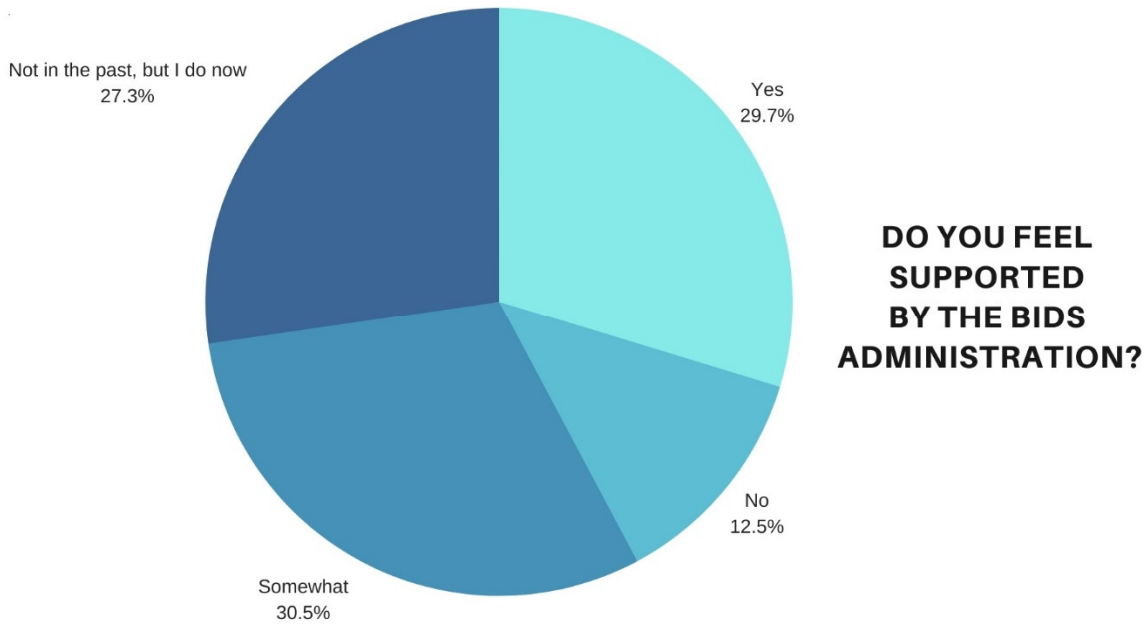
and about half (4.7%) reported a negative change (i.e. they felt supported in the past, but they don't now).



The second question asked employees if they felt supported by the BIDS administration.

Overall, 57% of employees currently feel supported by BIDS administration, about 31% feel “somewhat” supported, and 13% do not currently feel supported.

Notably, about 27% of employees have felt their level of support from BIDS administration change over their career with BIDS. (Again, no specific time period was specified in the question, nor did the question ask whether the change was due to a change in leadership). All of that group reported a positive change (i.e., they did not feel supported in the past, but they do now) and no one reported a negative change.



GENERAL OFFICE SUPPORTS

Two questions were asked about general supports within the employee's office.

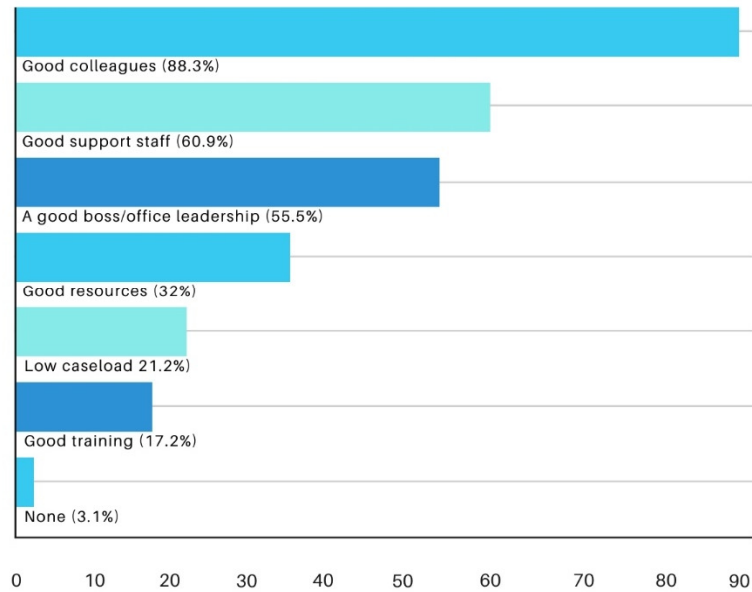
The first question asked employees what supports are present now.

For this question, employees were allowed to check each answer that applied. Percentages reflected are a percentage of the 128 answering employees who selected a given answer.

Overall, about 88% reported having good colleagues, about 61% have good support staff, and about 56% have a good boss or other office leadership.

Current Office Supports

What general supports do you have in your office now?

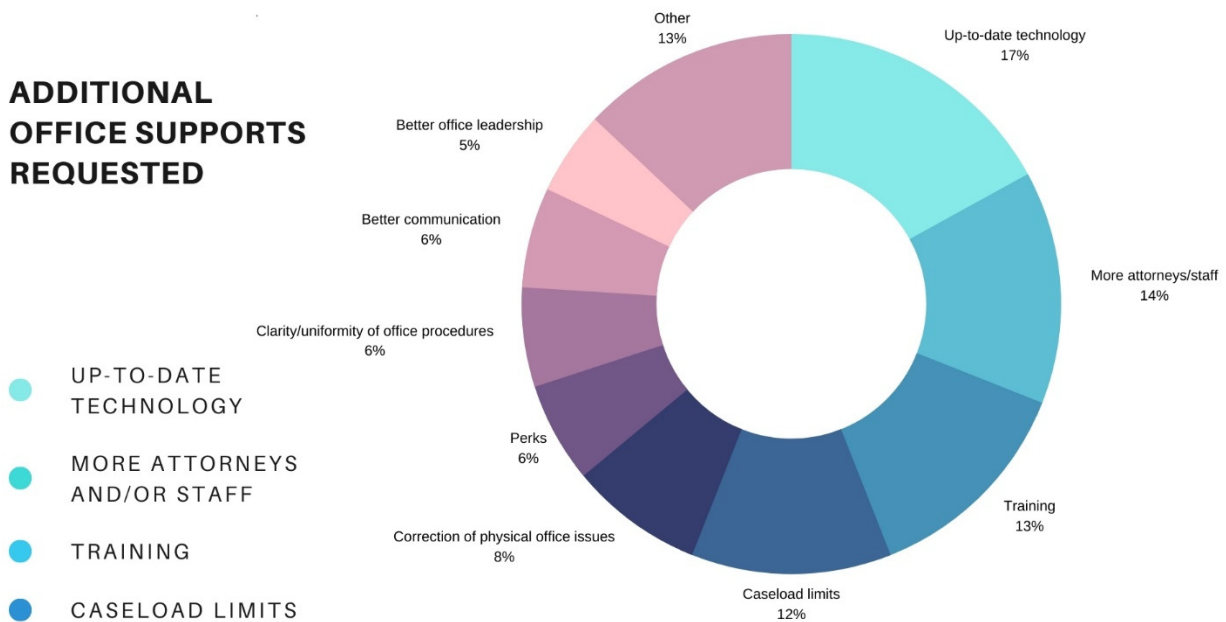


(Note: “Supplies, access to experts, technology, etc.” were listed as examples of good resources. Low caseload specified that it meant “a caseload that is low compared to other offices”. “None” does not reflect answers that were left blank; the employee affirmatively answered “none”. In addition to these answers, 4 people wrote their own answers in the “other” spot, but the answers were too variable to combine them in any logical way.)

The second question in this category asked employees what additional supports they would like to have.

For this question, employees were allowed to choose the three top contributors, which resulted in 362 answers total. The percentages below are percentages of those 362 answers. This question specifically asked employees to set aside concerns related to Covid-19.

ADDITIONAL OFFICE SUPPORTS REQUESTED



(Note: Training included training on “substantive legal issues and/or trauma and stress”. “Gym memberships and massages” were listed as examples of perks. “Poor office furniture or dirty office” were given as examples of correction of physical office issues.)

IMPACT OF COVID-19 ON WELL-BEING

Two questions were asked about impacts on well-being specifically related to Covid-19.

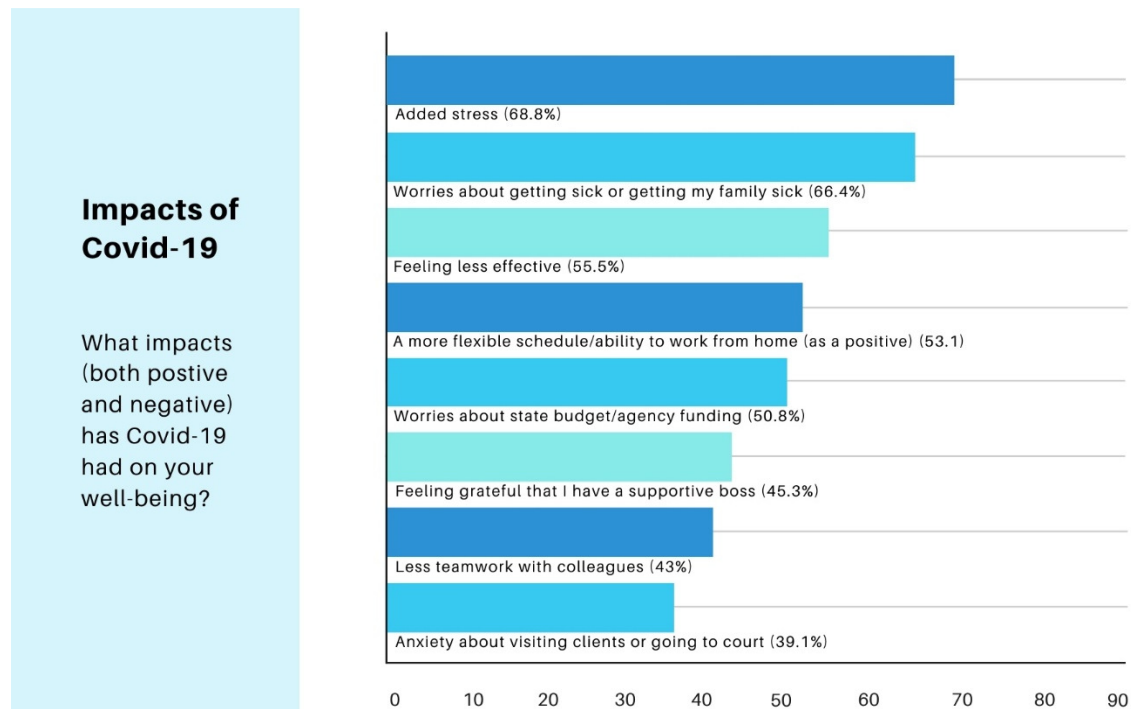
The first asked employees what impact Covid-19 has had on the employee’s well-being.

For this question, employees were allowed to check each answer that applied. Percentages reflected are a percentage of the 128 answering employees who selected a given answer.

Notably, not all impacts of Covid-19 have been negative. For example, some employees reported enjoying a more flexible schedule and the ability to work from home.

The chart below sets out impacts reported by about 40% of responding employees or more. But there were other impacts reported by about 20-30% of

responding employees that also seemed significant. Those are listed below the chart.



Other concerns:

- Worries about an underlying health condition that makes me more prone to Covid-19. (29.7%)
- Worries about clients getting sick. (28.1%)
- More administrative tasks. (23.4%)
- Working more from home (as a negative). (22.7%)
- Childcare issues. (20.3%)
- Higher caseloads. (18%)

The second question in this category asked employees what additional supports they would like to have, specifically in light of Covid-19.

For this question, employees were allowed to choose the three top supports they would like to see, which resulted in 291 answers total. The percentages below are percentages of those 291 answers.

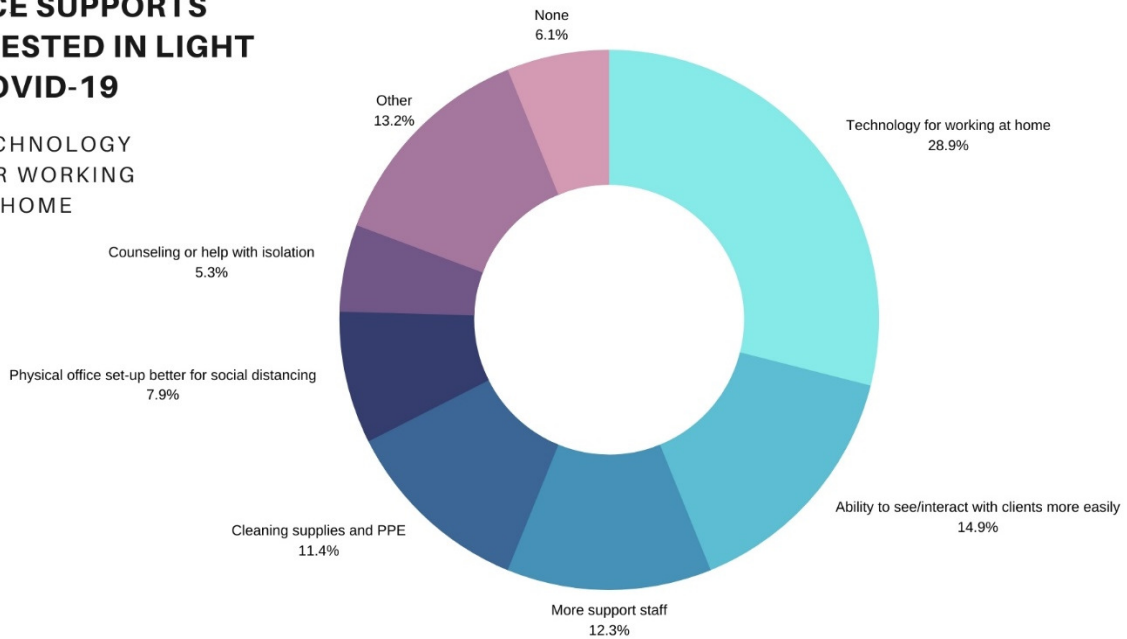
Technology for working at home was listed significantly more than anything else as a support people would like to have in light of Covid-19. It

was requested in about 29% of the answers. (Almost double the next most popular answer, which was better access to clients, at about 15%).

This question also had a significant group of people who wrote in their own requested supports under “other”, as explained below.

OFFICE SUPPORTS REQUESTED IN LIGHT OF COVID-19

● TECHNOLOGY FOR WORKING AT HOME



(Note: Again, “none” does not reflect answers that were left blank; the employee affirmatively answered “none”.)

The “other” answers for this question included things like:

- WiFi, cell phones, and technology to manage calendars remotely.
- More ability to work from home.
- Clarity of expectations and fairness about who gets to work from home. For example, one person said they would like “compensation for being at the office when no one else has to be here”.
- Regular, professional office cleaning.
- Requiring that everyone abide by health guidelines.
- Support for attorneys who don’t feel like courts are protecting them or their clients, rather than making attorneys address issues with courts individually.
- Going office-less, with office space only for support staff and meeting rooms for attorney/client contact.

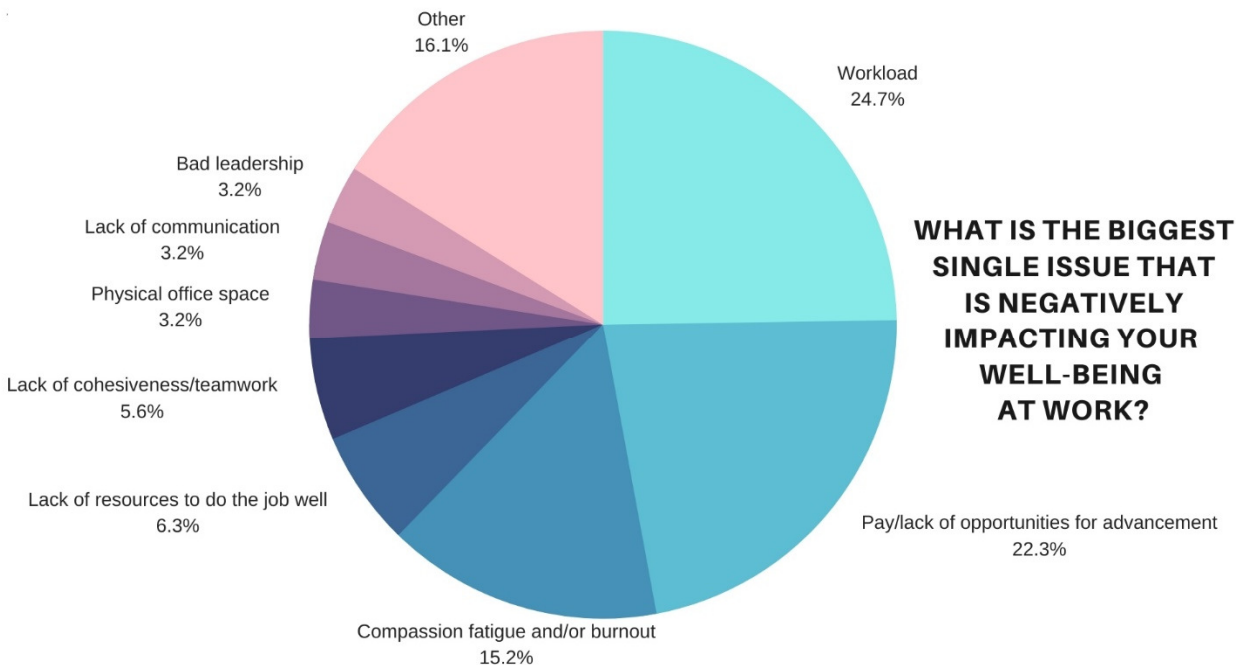
- More CLE’s conducted by webinar.
- Coaching and counseling on how to be effective and boost morale with “COVID brain”; help dealing with stress.

SETTING WELL-BEING PRIORITIES

In an attempt to ask employees to help focus agency priorities, employees were asked two final questions with regard to well-being.

First, they were asked “What is the biggest single issue that is negatively impacting your well-being at work?” They were required to pick only one answer.

Overall, workload (about 25%) and “pay/lack of opportunities for advancement” (about 22%) were employees’ biggest priorities by a significant margin. Only “compassion fatigue and/or burnout” (about 15%) came close. This question also had a significant group of people who wrote in their own biggest issue under “other”, as explained below.



(Note: Lack of resources to do the job well included examples of “office supplies, experts, etc.”.)

The “other” answers for this question included things like:

- Personal procrastination and disorganization.
- Stress about doing the job right and undesirable outcomes.
- Issues with others shirking work.
- Issues with clients.
- Lack of office WiFi.
- Technology.
- Lack of trust in the court system.
- Miscommunication.
- Unfairness about attorneys working from home while support staff can't.
- Lack of flexibility and appreciation for support staff.

Second, employees were asked “What is one low or no-cost thing that could be done immediately that would improve moral in your office?” Employees were allowed to give a narrative answer. Because the answers were voluminous and not easy to categorize, they have been attached to this report as Appendix A.

EMPLOYEE RETENTION

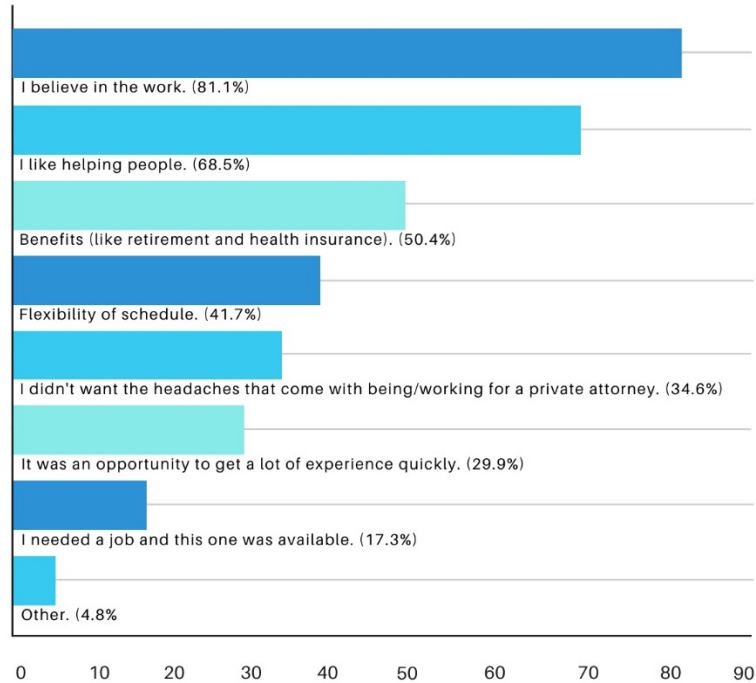
Five questions were asked regarding employee retention issues.

The first question asked why the employee chose to work in a public defender office.

For this question, employees were allowed to check each answer that applied. Percentages reflected are a percentage of the 127 answering employees who selected a given answer.

A large percentage of employees listed either “I believe in the work” or “I like helping people” as reasons they began work in a public defender office (about 80% and 69% respectively). The next most popular answers were benefits like health insurance and retirement (about 50%) and flexibility of schedule (about 42%).

Why did you choose to work in a public defender office?



(Note: “Billing hours and recruiting clients” were given as examples of headaches that come with being a private attorney or working for a private attorney.)

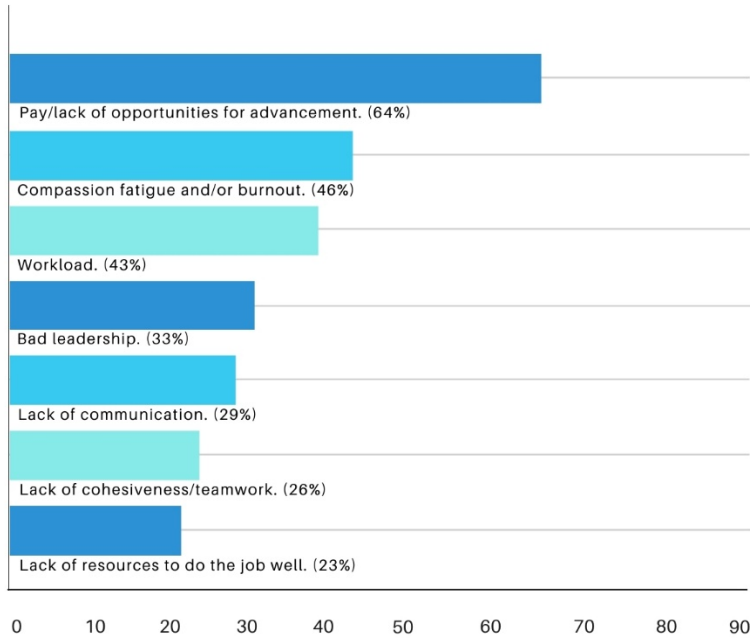
The second and third questions in this category asked employees if they’ve thought about leaving the public defender office in the last year, and, if so, why.

There were 127 responses to this question. *Fifty-five percent* of employees who responded (about 70 employees) reported that they *have* considered leaving the public defender office in the past year. *Forty-five percent* of the employees who responded (about 57 employees) reported that they *have not* considered leaving the public defender office in the past year.

The 70 employees who reported that they had considered leaving were asked the follow-up question: “Why were you considering leaving?” There were 70 responses to this question.

Employees were allowed to check each answer that applied. Percentages reflected are a percentage of the 70 answering employees who selected a given answer. This chart only lists answers that were given by more than 20% of this group. Because the answers that did not meet that threshold seemed significant, as well, they are listed below the chart.

Overall, pay and lack of opportunities for advancement were the biggest factor (64%). Compassion fatigue and/or burnout (46%) and workload (43%) came in a somewhat close second and third.



Why were you thinking about leaving the public defender office?

(Note: “Office supplies, experts, etc.” were listed as examples of lack of resources to do the job well.)

The answers that were given by less than 20% of the answering 70 employees included the following:

- Lack of support from staff (for attorneys). (17%)
- Discrimination or mistreatment. (17%)
- I have other life goals than being a PD. (16%)
- Physical office space. (11%)
- Lack of support from attorneys (for staff). (10%)
- Dissatisfaction with the type of work you are doing or with clients. (3%)
- Retirement. (3%)
- Lack of training. (1%)
- Lack of flexibility and appreciation. (1%)
- “Negative interactions.” (1%)
- Long commute. (1%)
- Other job offers. (1%)

- “The chief is unwilling to address the lack of procedures in place by the court to protect us against Covid.” (1%)

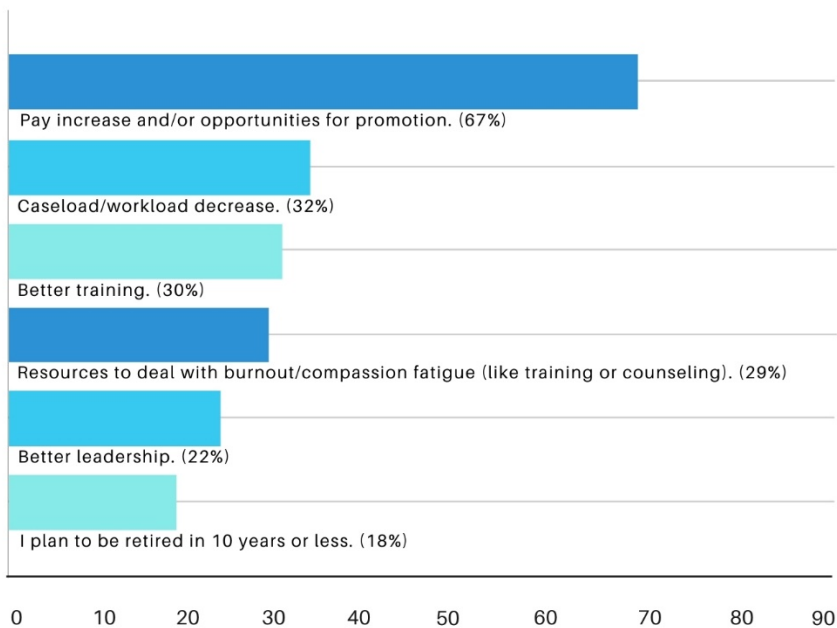
The fourth and fifth questions in this category asked employees if they see themselves working in a Kansas public defender office in 10 years, and, if not, why.

There were 128 responses to this question. *Twenty percent* of employees who responded (about 26 employees) reported that they *do not* see themselves working in a Kansas public defender office in 10 years. *Twenty percent* of employees who responded (about 26 employees) reported that they *do* see themselves working in a Kansas public defender office in 10 years. *Fifty-nine percent* of employees who responded (about 76 employees) reported that they were *unsure* if they see themselves working in a Kansas public defender office in 10 years.

The 102 employees who reported either that they could not see themselves working at a Kansas public defender office in 10 years, or they were unsure, were asked the follow-up question: “What would have to change to make you want to stay?” There were 101 responses to this question.

Employees were allowed to check each answer that applied. Percentages reflected are a percentage of the 101 answering employees who selected a given answer. This chart only lists answers that were given by more than 15% of this group. Because the answers that did not meet that threshold seemed significant, as well, they are listed below the chart.

Overall, “pay increases and/or opportunities for promotion” (67%) was far ahead of anything else in factors that would make employees want to stay. One employee emphasized the point in the “other” section of this question, saying, “I cannot stress this enough: I will stay if there are tangible opportunities for advancement. If not, I’m gone.” Caseload/work decrease (32%), better training (30%), and resources to deal with burnout/compassion fatigue (29%) were all roughly tied for second place.



**What
would
have to
change to
make you
want to
stay?**

The answers that were given by less than 15% of the answering 101 employees included the following:

- Addressing problems like discrimination and mistreatment. (14%)
- There is nothing that would make be able to stay/I have different life goals than being a PD. (8%)
- Better physical office space. (7%)
- Better support/systems for dealing with Covid-19 (in office and with the courts). (2%)
- Availability of part-time attorney positions. (> 1%)
- Ability to move to a different office/type of work (like moving from trial to appellate work). (> 1%)
- Flexibility, perks, and recognition for staff. (> 1%)

CONCLUSIONS

In looking at this report as a whole, several trends and repeated themes come through.

As positives, BIDS employees generally seem to like their colleagues and most feel at least somewhat supported by their leadership. Further,

about *eighty percent* of employees are with the agency because they believe in the work that public defenders do.

Nonetheless, given BIDS retention problems¹, the negative issues cannot be ignored. *Fifty-nine percent* of the employees who responded to this survey are unsure if they will be with BIDS in 10 years; *twenty percent* are sure they won't be. And in the last year alone, *fifty-five percent* of employees who responded to this survey have considered leaving.

These employees are concerned about poor pay. They're concerned about opportunities for personal advancement and training. They're concerned about having the tools and support they need to do their jobs well and safely, particularly in light of Covid-19. None of these concerns are unreasonable.

As one employee said, "I want to do high-quality work. I have too many cases to meet that goal in every case." The Director, the Board of Indigents' Defense Services, and the Legislature should work to address these problems quickly in order to ensure that citizens of Kansas who are accused of crimes receive the quality of defense they are entitled to under our state and federal constitutions.

¹ See, e.g., *One In Four Kansas Public Defenders Quit Last Year, Leaving Agency 'In Crisis'*, KCUR, April 8, 2019 (available at <https://www.kcur.org/post/one-four-kansas-public-defenders-quit-last-year-leaving-agency-crisis>).

APPENDIX A

Narrative answers to the question: “What is one low or no-cost thing that could be done immediately that would improve morale in your office?”

(Redacted slightly where employees were readily identifiable, but otherwise reprinted as direct quotes with all original language and punctuation.)

We are not safe at the court house. We need support from BIDS administration or our chief in dealing with the lack of safety measures in place at the court house. No one is speaking up for us and we have been told that if we don't feel safe to bring it up on our own individually. The judges don't wear masks and tell our clients that they can take their masks off even when they are sitting right by us at counsel table. One idea would be for BIDS to work with the court on finding a place for clients to participate in zoom hearings at the office or court house. Our clients don't have the ability often to conduct zoom hearings at home, if they have a home. Because of this, we are going to court on a daily basis and constantly in fear of exposure to COVID.

I think PDs should develop relationships with PDs in other offices. We are a big, smart group and could expand our reach and brain power if we were talking to each other more regularly and casually. If we ever have in person CLE again, I wonder if scheduling a happy hour afterward would get any interest. I also wonder if we could have a BIDS listserv/forum/slack/discord to talk and brainstorm ideas, without flooding our inboxes. I hope a broader sense of PD community would help morale.

Limiting the amount of high-level cases, OR, rebranding our office to remove "Public" from our titles. For example, Assistant State Defender. It's free. Finally, create some senior level attorney positions in title, even if they

won't receive a raise. We just lost one great attorney because he couldn't even get a title change. That stuff costs no money whatsoever, but was important to him. And I agree.

bringing [NAME] and [NAME] back. I don't know about others but they are always there for me. I also have off grid cases with [NAME] that will be extremely difficult to do myself. That adds to my personal stress that he is not here to guide on those cases. I know others are as experienced but we have both put a lot of work into those cases.

Not just in our office but in general, if people would not mistake unintended consequences for malicious intent, we would all be better off. Don't jump to being outraged or offended so fast. Calm down and try to see the other side as well as yours before your emotions make you blind to reason.

Better communication and support. Morale is really low between battles with the courts over COVID issues/jail-being unable to visit clients/and no air conditioning but still being expected to work in the office when it is 80-90 degrees in our actual offices.

Communication. When things are shaken up at the office, we shouldn't be learning information from the competing agency. Loop us in on whatever means they are getting information from. This keeps happening. For years. It craters office morale every time.

I'm blessed to work in an office where we all go out of our way, at our own expense, to provide things that make our office an attractive, comfortable environment. This includes furnishings, art, decorations, coffee maker, etc.

Have meetings (or emails) with ALL staff in individual offices that have some sort of morale boosting message. A confidence builder. Not corny "motivational speaker" messages. Just something with some sort of information.

Just having a change in mindset amongst the leadership in the office to progress and support the rest of us, especially during difficult times. Things have improved, but there's always room for more change and support.

fire that one employee. Everyone in the office knows who I am talking about even without a name. She is so bad that when I was hired I was warned about her by the chief. That is how bad she is, yet nothing is ever done.

Too many serious cases affects attorney morale. One serious case going to trial would ordinarily justify an defender's annual salary but frequently they have multiples of these type of cases at any time.

Support staff doing more, especially in basic client communication, answering calls when attorneys are busy or out of the office and providing regular basic updates to clients

Make the landlord follow through on maintenance and care of the building. We are constantly finding mouse and bat feces and the smell of the overall office is horrible.

I don't know how expensive paint is, or hiring painters. But people went absolutely crazy when they were able to choose their own colors for their offices.

Knowing the exact duties assigned to support staff - they are unclear in my office, so I don't know what I can get help with and who to go to for help.

Some compassion fatigue for burnout due to workload and COVID concerns, plus lack of seeing co-workers in the office as often as we used to.

Maybe BIDS could tell us WTF is going on? Perhaps that "communication from the top" and "transparency" we were promised could happen?

Leadership actually setting an example and working on CASEWORK instead of pushing the actual casework onto other (lower) attorneys.

Increased communication for all people in office, instead of piecemeal discussions with individuals or small subsets of people.

Having updated and consistent office procedures (ie how support staff and attorneys interact, who does what, how, when, etc)

Food. A box of cookies or a simple lunch (Pizza, Subway) as a thank you for the job our office does day in and out.

Leadership that is present and will speak with/listen to the attorneys that are not in leadership.

Being able to wear jeans when we have a lot of filing and crawling around on a dirty carpet/floor

Reimbursement for out of pocket expenses; less negative treatment from clerical staff in Topeka.

Hard caps on caseload per attorney/mandatory shifting or sharing of cases based on experience.

I want to do high-quality work. I have too many cases to meet that goal in every case.

Every attorney should have a work laptop so that we can more effectively work from home

Agency standardization between offices in regards to staff/attorneys and procedures.

Treat employees as if they are one of your organization's most significant resources

If my chief attorney would do his job for the benefit of his clients and his staff.

shared resources between the offices - motion banks, information on experts, etc.

Opportunities for us to get together as an office and spend some time together

Give more than 1 hour per week flexible time to make up. Preferably 4 hours.

the legal assistant do her job FULL time instead of when she feels like it

The ability to see each other again face to face and in a social setting.

Investigators get no training, when I asked previously I was denied

much better lighting to see without the glare or to see at all !

some sort of virtual water cooler thing -- or an office handbook

Continued contact with Heather Cessna. She is very supportive

Eliminate the delay of getting purchase orders approved.

Better communication/training about office procedures

Compensatory leave for working over 40 hours per week

specific encouragement for each person in the office

besides air conditioning? snacks. lots of snacks.

More reassurance and support from immediate leader.

Leadership giving more feedback about performance

working hours for all employees to be the same

the ability to work remotely more frequently

I think morale is good in the office I am in

Pretty happy with the morale in our office.

Increase PTO earned for the first 1-5 years

more recognition of small accomplishments

more agency-wide recognition of good work

Change to effective leadership and staff.

Better communication with other offices.

Recognition for hard work/ small wins

Office wellness "retreats" / days out

More appreciation for those working.

Change the way cases are assigned

Add flexibility to work from home

Annual costs of living increase.

Being told I am doing a good job

required in-office hours reduced

Caseload caps for DPDU attorneys

More work schedule flexibility.

Do something with management

Have group office meetings.

Sing along to Disney tunes!

legal assistant do her job

monthly office staff lunch

Move to a larger office.

Cleaning of the office

Stronger leadership

An intern or extern

extra vacation time

Decrease workload.

Decrease caseload.

Have my own space

voicemail to text

New investigator

caseload limits

CASELOAD LIMIT!

Webcams for all

Cordless phones

higher salaries

Communication

I don't know.

transparency

i don't know

I don't know

More color

A day off.

Don't know

A printer

not sure

Not sure

Nothing.

Pizza

Wifi

WIFI

WiFi

?

I've had numerous lawyers mention to me how they wish they could work towards becoming CJA Second Chair Program certified while working as a public defender, even if that meant using vacation time to do so. I think the logic of a lot of PDs is that if they were able to become CJA certified, they'd feel much better about the prospect of going out and opening up their own office knowing that they could have a steady flow of federal appointments coming in.
