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Triadic Advocacy Work

Summer Rachel Jackson,^{a,*} Katherine Cissel Kellogg^b

^aHarvard Business School, Cambridge, Massachusetts 02163; ^bMassachusetts Institute of Technology, Sloan School of Management, Cambridge, Massachusetts 02142

*Corresponding author

Contact: sjackson@hbs.edu,  <https://orcid.org/0000-0003-1485-0287> (SRJ); kkellogg@mit.edu,  <https://orcid.org/0000-0003-4372-3498> (KCK)

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Abstract. Scholars of street-level bureaucracy and institutional research focus primarily on the relationships between advocates and their larger bureaucratic and social systems, assuming that advocates have little need to satisfy their beneficiaries. We find otherwise in our two-year ethnographic study of public defenders advocating for disadvantaged clients in interactions with district attorneys. In our analysis of 82 advocacy opportunities, we demonstrate that, when existing bureaucratic and social systems put beneficiaries at a disadvantage, advocates may be concerned about managing fraught relationships with their beneficiaries in addition to navigating barriers within the bureaucratic and social systems. We further show a tension between the two; ironically, engaging in advocacy work on behalf of beneficiaries can lead to beneficiary mistrust. As a result, advocates engage in *triadic advocacy work*—managing impressions with their beneficiaries while also influencing powerful actors within the system on behalf of these same beneficiaries. Understanding the process by which advocates navigate this tension is critical to understanding beneficiary outcomes. By reconceptualizing advocacy work as a triadic process among advocate, bureaucratic system, and beneficiary rather than as a dyadic process between advocate and bureaucratic system, this paper develops new theory about how advocates can attempt to garner benefits that advance the rights and opportunities of the disadvantaged.



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Public service organizations advance social welfare, equity, and justice by enabling disadvantaged members of society to gain needed benefits. Yet advocates such as welfare caseworkers (e.g., Binder 2007, Dias and Maynard-Moody 2007), crisis counselors (Zilber 2002, 2013), public school teachers (Maynard Moody and Musheno 2003, Currie et al. 2009b, Hallett 2010), labor inspectors (e.g., Piore 2011), microfinance loan officers (Battilana and Dorado 2010, Canales 2014), and health-care providers serving traditionally disadvantaged populations (Currie et al. 2009a, 2010; Heaphy 2013; Lockett et al. 2014; Lawrence and Dover 2015) face numerous barriers to advocacy, including inadequate resources, constraining rules, and resistance from powerful actors both within and outside their organizations (e.g., Lipsky 1980, Heimer and Staffen 1998, Martin et al. 2009). Two primary research streams on advocacy work—the literatures on street-level bureaucracy and institutional work—help identify how advocates can navigate such barriers within their bureaucratic and social systems to

garner benefits for the disadvantaged. However, it presumes that advocates have little need to navigate barriers with *their own* beneficiaries, that is, those who benefit from their advocacy work (see Hupe et al. 2015, Amis et al. 2017, Hampel et al. 2017 for recent reviews). This is a surprising oversight.

Although the dynamics between advocates and beneficiaries are not theorized, empirical data show that advocates in public service organizations often realize that their interactions with beneficiaries may be tense. Advocates may be concerned that beneficiaries do not trust them or the system they represent. For example, Canales (2011) relates that microfinance loan officers are aware that their low-income clients might see them as coopted by organization managers. DiBenigno (2018) reports that behavioral health officers are concerned that soldiers with mental health issues might view them as working on behalf of higher power Army commanders rather than working on behalf of the soldiers. Kellogg (2014) shows that

community health workers navigate these tensions as they attempt to help people of color and other disadvantaged group members who distrust the medical establishment.

Neglecting interactions between advocates and beneficiaries is a significant omission in the advocacy work literature that may be due to methodological limitations. Nearly all studies of advocacy employ the advocate or advocacy organization rather than the advocacy opportunity as the unit of analysis. To advance knowledge of advocacy work, we analyze 82 advocacy opportunities in which public defenders (PDs; lawyers employed at public expense in a criminal case to represent a defendant who is unable to afford legal assistance) advocate (or not) for disadvantaged clients in interactions with more powerful prosecutors, namely, district attorneys (DAs; lawyers who conduct the case against the defendant in a criminal court).

As expected, within the 82 advocacy opportunities, advocates manage barriers related to the larger bureaucratic and social system. In addition, our analysis shows that, because the existing system fundamentally disadvantages their beneficiaries, advocates worry that their beneficiaries do not trust them or the entire system in which they are embedded. Furthermore, advocates believe that the more intensive their attempts to advocate, the more doubt their efforts might generate.

Given this tension, advocates engage in what we call *triadic advocacy work*—assessing and managing barriers not only vis-à-vis their bureaucratic and social systems, but also vis-à-vis their own beneficiaries. By reconceptualizing advocacy work as a triadic process among the advocate, bureaucratic system, and beneficiary rather than as a dyadic process between the advocate and the bureaucratic system, the present paper develops new theory on how advocates can help disadvantaged group members gain access to available benefits and improve their quality of life.

Current Literature on Advocacy Work

Existing studies on advocacy work essentially take interactions between advocates and beneficiaries for granted, focusing on advocates' role as the interface between the bureaucracy and the beneficiary. This is manifest throughout advocacy work research, which focuses primarily on advocates and their reasons for acting in one way or another within the system. By depicting advocacy work as a *dyadic* process between advocates and targets, advocacy scholars omit a key component that is crucial to understanding beneficiary outcomes: the work that takes place between advocates and their beneficiaries. Before describing our research setting, we first review current literature on advocacy work, which details dyadic barriers, facilitators, and advocacy practices (between advocates and

targets) associated with garnering benefits for beneficiaries. Next, we bring in insights from the literature on negotiations on behalf of others to explain triadic advocacy work (among advocate, target, and beneficiary), which we observe PDs engage in as they assess and manage barriers to advocacy not only vis-à-vis their bureaucratic and social systems, but also vis-à-vis their own beneficiaries.

Dyadic Barriers to Advocacy

The current literature on street-level bureaucracy and institutional work shows that advocates must navigate key barriers related to their bureaucratic and social systems as they advocate for their beneficiaries. First, advocates frequently operate with inadequate resources (e.g., Lipsky 1980, 2010), and in many situations, available services are insufficient to meet serious needs (e.g., Mair and Marti 2009, Mair et al. 2012). Inadequate resources often lead to high caseloads and limited information, and advocates frequently make rapid decisions that diminish their ability to respond to beneficiaries' needs (e.g., Emerson 1991, Dias and Maynard-Moody 2007, Brodtkin 2011). For example, Radoynovska (2018) details how advocates providing services to homeless and at-risk adults make difficult decisions regarding how, to whom, and for what purposes scarce resources are allocated to disadvantaged individuals and families. Similarly, Horton (2006) demonstrates how advocates in a U.S. mental health clinic serving a low-income and predominantly Latino immigrant patient population faces cost containment practices that limited advocates' ability to meet the needs of uninsured patients.

Second, advocates often face constraining rules and logics (e.g., Heimer 1992, 1999; Canales 2011, 2014) that provide incomplete or contradictory prescriptions for action (e.g., Edelman 1992, Howard-Grenville 2005). For example, although advocates are employed for the explicit purpose of representing disadvantaged beneficiaries, they often have goals that conflict with the goals of their managers or peers in other parts of the organization (e.g., advocacy and accommodation versus efficiency and standardization; Canales 2011, 2014; Battilana et al. 2015). In addition, rules sometimes fail to capture relevant variation. For example, precise job descriptions are often too narrow because they fail to account for the full range of variation in customers and clients (Silbey and Bittner 1982). In such cases, following a rule may result in counterproductive, unfair, or unethical results (e.g., Heimer 1992, Silbey et al. 2009, Radoynovska 2018).

Third, advocates often meet resistance from powerful actors within their bureaucratic and social systems (e.g., Maguire et al. 2004, Martin et al. 2009, Lawrence and Dover 2015). Specifically, powerful professionals may resist advocacy to protect their professional identities and high-status positions in the organizational

hierarchy (e.g., Martin et al. 2009, Currie et al. 2012). For example, Heimer (1999) demonstrates how advocates attempting to help low-income individuals and families using neonatal intensive care are concerned about powerful doctors overruling them because the doctors have greater knowledge of how to get problems onto the agenda and propose solutions persuasively. Moreover, Currie and Spyridonidis (2016) show how advocates in community practices, such as chronic heart failure nurse consultants, are often concerned about resistance from powerful professionals, such as doctors, in cases in which the advocates' actions or proposed actions threaten the powerful professionals' logics.

Dyadic Facilitators of Advocacy

Advocates may leverage the characteristics of these systems—occupational identities and logics and organizational structures—to facilitate their advocacy. Occupational identities and logics are reinforced through training (e.g., Canales 2019), socialization (e.g., Brehm and Gates 1997), and peer accountability structures (Marinetti 2011) and can facilitate advocates' ability to engage in advocacy. For example, identities such as citizen agents (resourceful users of discretion) provide advocates with guidelines that encourage their advocacy attempts (Maynard-Moody and Musheno 2003) and help advocates judge whether their beneficiaries are worthy of advocacy (e.g., Canales 2011, 2014; Kellogg 2014). Moreover, hybrid occupational logics—such as the combination of banking and social development logics in microfinance organizations (Battilana and Dorado 2010), social welfare and commercial logics in work integration social enterprises (e.g., Pache and Santos 2013, Battilana et al. 2015, Smith and Besharov 2019), or professional and managerial logics in urban schools (Currie et al. 2009b, Hallett 2010)—enable multiple interpretations of occupational issues (e.g., Bechky 2011, McPherson and Sauder 2013, Zilber 2013) and shield advocates from the prescriptions of dominant logics in their own systems, allowing them to retain autonomy (Martin et al. 2017).

Organizational features, including managers who provide support and guidance rather than exercising hierarchical control, are helpful for advocacy. For example, Evans (2010) demonstrates how middle managers of UK social workers helped them prioritize patients' needs despite higher level managerial pressure to focus on cost control. In addition, providing organizational space for advocates to share their tacit knowledge (Piore 2011, Rowe 2012), negotiate between “spirit of the law” advocates and “letter of the law” rule enforcers (Canales 2014; see also Battilana et al. 2015), and allow for experimentation (e.g., Kellogg 2009; Wiedner et al. 2017, 2020) may increase advocates' ability to garner benefits for disadvantaged beneficiaries.

Dyadic Advocacy Practices

Advocates use dyadic advocacy practices, such as creatively using the system's own rules and logics (e.g., Silbey and Bittner 1982, Maynard-Moody and Musheno 2000, Durose 2009, Markström et al. 2009) or informal influence tactics with other actors inside their organizations (e.g., Canales 2014, Battilana et al. 2015). In studies of drug court (McPherson and Sauder 2013) and transitional housing (Binder 2007) as well as of rape crisis center volunteers (Zilber 2002, 2013) and nurses for chronic heart failure patients (Currie and Spyridonidis 2016), researchers show how advocates reinterpret the established logic of the bureaucracy and powerful authorities to advance the interests of those they serve. Heaphy (2013) documents how patient advocates in Veterans Affairs hospitals creatively use the system's own rules to help veterans access necessary resources. Canales (2011) finds that loan officers use the occupational logic of managing uncertainty to reinterpret existing policies and intentionally deviate from previous protocols to extend financial credit to a broader spectrum of clientele. And Huising and Silbey (2011) describe how advocates engage in “sociological citizenship” (see also Silbey et al. 2009; Silbey 2011) by not only knowing the organization's systems, rules, and procedures, but also having the experience, tools, and understanding to interpret them in the appropriate spirit and identify pragmatic accommodations (see also Coslovsky 2011, Canales 2014, Salvato and Rerup 2018).

Studies also show how advocates can influence more powerful actors using informal influence tactics, such as offering information, helping the work flow more smoothly, providing emotional labor, and performing scutwork. For example, Canales (2014) and Battilana et al. (2015) show how advocates in microfinance organizations and work integration social enterprises offer information to powerful organization members focused on economic productivity to gain resources for disadvantaged beneficiaries. Wiedner et al. (2017) demonstrate how advocates working on behalf of behavioral health patients help the work flow smoothly for powerful doctors by doing whatever is required to ensure that daily operations are not interrupted. Heimer and Stevens (1997) detail how social workers protect doctors from emotionally challenging encounters to advocate for members of disadvantaged groups. And Huising (2015) shows how advocates do scutwork for powerful influence targets to advocate for less powerful beneficiaries.

Insights from Triadic Negotiations

In sum, the current literature on street-level bureaucracy and institutional work elaborates a dyadic process of how advocates in public service organizations attempt to gain benefits for their disadvantaged beneficiaries by navigating barriers in their bureaucratic and social systems. This literature focuses almost

solely on the advocates and their reasons for acting in a certain way within their systems (e.g., Brodtkin 2012, Johannessen 2019).

We find, instead, that advocacy work is triadic; advocates assess and manage not only dynamics and actors related to their bureaucratic and social systems, but also their beneficiaries. To explain our findings, we turn to insights from studies in the negotiations literature, specifically negotiating on behalf of others (e.g., McKersie 1999, Kochan et al. 2011). These studies suggest that negotiations become more complicated when they are triadic—involving agent, target, and constituent—rather than dyadic—between only agent and target. Two dilemmas that agents face in triadic negotiations are relevant to the argument in the present paper.

First, particular concerns arise when agents (in our setting, PDs) have dual-loyalty conflict: loyalty to the constituent and the negotiating partner or employment organization (Wall 1975, Ben-Yoav and Pruitt 1984, Cutcher-Gershenfeld and Watkins 1999, Kurtzberg et al. 2005). Dual-loyalty conflict arises when agents depend on their organization for their livelihood and career rather than on the constituents they are representing (e.g., Piore 2011). Agents risk conforming to the organization's demands and dismissing constituents' needs when interests diverge (e.g., Blumberg 1967, Eisenstein and Jacob 1977). This may lead constituents to feel that agents are not sufficiently independent, that agents may feel more responsible to the organization than to their constituents, thereby neglecting their advocacy duties (e.g., Uphoff 1992, Laurent 2012).

Second, agents negotiating with targets on behalf of constituents face a dilemma around the optics of such negotiations (e.g., Cutcher-Gershenfeld and Watkins 1999). Every negotiation requires the agent to be effective in creating and claiming value. To do so, an agent may adopt a nonconfrontational style with a target. For example, an agent may make conciliatory gestures, such as engaging in visits (Mitchell 2000) and ceremonies (Liebes and Katz 1997) and using amicable language (Kampf 2019) or other expressive tactics (Kolb 1983), to convince a target that the agent's constituents are interested in creating mutual value. Ironically, the agent may be constrained in effectively creating and claiming value because of the optics of such conciliatory gestures. Specifically, agents' superior access to what takes place at the negotiating table may paradoxically prove to be a problem (e.g., Walton and McKersie 1991, McKersie 1999): they cannot convey the full nuance of what happens at the table to those they represent (constituents can often see but not hear interactions between agents and targets). The more intensive these conciliatory gestures to create value become, the greater the likelihood they generate doubt in constituents (e.g., Kolb 1983, Cutcher-Gershenfeld and Watkins 1999, Kochan et al. 2011).

In sum, the literature on triadic negotiations highlights two issues that may lead agents to be concerned about constituents' perceptions of cooptation by higher power targets: agent dependence on the target and the problematic optics of interactions between agents and targets. To our knowledge, none of these previous studies has theorized about how constituents being members of disadvantaged groups may also affect triadic negotiations. Thus, our data on PDs advocating for disadvantaged clients in interactions with more powerful DAs allows us to extend the literature on triadic negotiations even as we draw on it to help us interpret our findings.

We find the triadic perspective helpful in our empirical examination of the advocacy work in which PDs engage on behalf of their disadvantaged clients. Our analysis allows us to make three theoretical contributions to the literature on advocacy work. First, we reveal that advocacy work is fundamentally triadic. When beneficiaries are fundamentally disadvantaged by existing systems, advocates may need to engage in triadic advocacy work—managing impressions with mistrustful beneficiaries in addition to attempting advocacy with powerful actors within their system on behalf of these beneficiaries—to garner benefits for beneficiaries successfully. Second, we contribute the insight of *triadic barriers to advocacy*. Advocates may worry about how their efforts are perceived by beneficiaries because of advocate's dependence on the system, the problematic optics of interactions between advocates and more powerful targets, and the history of discrimination for many disadvantaged group members. Third, we contribute the insight of *triadic facilitators of advocacy*. Because advocates may be concerned that beneficiaries do not trust them or the entire system of which they are a part, advocates need to manage their beneficiaries' impressions before attempting advocacy with powerful actors. Thus, organizational spaces for the advocate to meet with the beneficiary (what we call preemptive spaces) or community spaces in which the advocate can demonstrate loyalty to the beneficiary's community (what we call community loyalty activities) are important.

In the following, we describe our research setting and design. We then explicate the triadic advocacy work in which PDs engaged to advocate for their disadvantaged clients with powerful DAs. We conclude by discussing the implications of triadic advocacy work for understanding how advocates may work more effectively to secure important benefits for disadvantaged group members.

Methods

Using an inductive approach, we analyze 82 advocacy opportunities to understand the process by which PDs attempt (or not) to advocate with DAs on behalf

of their disadvantaged clients. In our setting, both dyadic barriers to advocacy (insufficient resources, constraining rules and logics, and the presence of powerful actors with competing interests) and facilitators of advocacy (supportive occupational logics, helpful organizational managers, and organizational spaces for negotiation) are similar across advocacy opportunities given the design of the U.S. criminal court system. Even so, PDs do not always attempt to advocate with DAs on behalf of their disadvantaged clients. Thus, studying the 82 advocacy opportunities allows us to see, in high relief, the beneficiary-related barriers to, facilitators of, and practices of advocacy that are likely occurring but less visible in other settings. Advocates' back-and-forth process of engaging in triadic advocacy work—among advocate, system, and beneficiary—is our analytical focus.

Research Setting

In the United States, a PD is an attorney-at-law that the courts appoint and the government provides to represent and advise those who cannot afford to hire a private defense attorney. Public defenders are supported by public funding but are ethically bound to be independent and not take direction from the government regarding accepting or handling cases.

We study PDs across six offices in a PD agency of a New England state. The PDs work in three main practice areas (juvenile, children and family, and adult criminal). They conduct their work in PD offices and courtrooms with prosecutors (DAs) as they represent clients throughout the phases of criminal cases, including arraignment, bail reviews, pretrial conferences, motions hearings, trials, and sentencing hearings.

Potential Client Benefits Garnered Through PD Advocacy Work

Legal scholars explain how PD advocacy work with DAs is essential and can lead to important benefits for clients, including plea deals, admission to diversion or treatment programs, and reduced bail (Lichtenstein 1984, Taylor-Thompson 1999, Moore et al. 2004, Sandefur 2015). The legal literature notes that a PD's ideal scenario is to advocate with DAs in every instance to garner maximum benefits for the client (e.g., having the case dismissed). Instead, PDs construct their advocacy attempts for benefits to be *obtainable* from the DA (Taylor-Thompson 1996, Moore et al. 2004, Rapping 2012). Overall, this literature describes four major categories of benefits that PDs hope to garner for their clients through advocacy with DAs (see Table 1). These benefits map onto the different phases of criminal cases: (1) scheduling and status updates (scheduling phase), (2) setting bail (arraignment and bail review phases), (3) dismissal of charges that carry mandatory minimum sentences (pretrial hearing phase), and (4) striking plea

deals (plea-bargaining phase). We provide more detail on PD advocacy during each of these phases.

First, PDs often work to garner client benefits related to scheduling issues (Griffin and Caplow 2011, Laurent 2012). Sometimes, PDs want to delay a client's next court date because they hope to get a different judge, one they deem perhaps as "more reasonable." In other situations, PDs want to change the case's timing to retain or dissuade witness participation. Public defenders also may advocate to have the case called later in the docket to allow a client more time to arrive in court to prevent issuance of a warrant for the client's arrest for failure to appear. District attorneys may be willing to accept PD advocacy attempts around scheduling if the PDs allow the DAs to accommodate their own schedules or accomplish their own goals around assigned judges and witness participation.

Second, PDs advocate for affordable bail so that clients can live with their families during the proceedings (Clair and Winter 2016). As one PD in our study said, "Being out on bail [pause], it changes everything for the client. They're able to make decisions more freely. They're contributing to society. They're with their family." Public defenders may also advocate for clients to be allowed to work while being monitored by GPS or visit family members beyond the prescribed GPS boundary. For clients who are not considered flight risks, accommodating such requests can allow DAs to save the justice system money spent on housing clients and transporting them from the jail to the courthouse.

Third, PDs can advocate to prevent a mandatory minimum sentencing requirement if the client is found guilty (Taylor-Thompson 1996, Primus 2016). Mandatory minimum sentencing requirements force a judge to hand down a minimum prison sentence for certain crimes, such as drug possession. Originally, these laws were passed to ensure that certain criminals served long prison sentences; however, critics of the system highlight that these laws often unfairly target low-level offenders (Clair and Winter 2016). Public defenders can get a charge removed that carries a mandatory minimum sentence by getting DAs to agree to "break down the charges." District attorneys might agree if the case is an "untriable" case in the eyes of the DA, for example, because of insufficient evidence.

Finally, PDs may engage in advocacy work related to gaining a fair and reasonable plea deal for the client based on the PD's assessment of the value of the case (Gertz 1980, Lichtenstein 1984). A plea deal involves the defendant pleading guilty in exchange for a lesser charge or a reduced sentence. The value of the case is determined by the PD and the DA based on available evidence, credible witnesses, the severity of the alleged crime, and their assessment of how they think a jury would view the case if it were to go to trial. Accommodating PD requests around plea deals can

Table 1. PDs’ Opportunities for Advocacy on Behalf of Clients by Phase of Criminal Case

Opportunity for advocacy in each phase of the case	Potential benefits to the client	Potential benefits to the bureaucratic system
Scheduling		
PD wants client’s presence waived for the next court appearance	<ul style="list-style-type: none"> Client doesn’t have to take time off work, arrange transportation, or appear in court 	<ul style="list-style-type: none"> DA could save the court system money on transportation
PD wants case called sooner or later in the docket order	<ul style="list-style-type: none"> Client doesn’t have a default warrant issued for failure to appear Client able to return to work or family responsibilities 	<ul style="list-style-type: none"> DA could accommodate their own schedule
PD wants next court date scheduled	<ul style="list-style-type: none"> Change timing of case to retain or dissuade witness participation Gain new evidence or prevent the DA from gaining new evidence 	<ul style="list-style-type: none"> DA would have parallel reasons
Arrest/bail reviews		
PD wants affordable bail amount set	<ul style="list-style-type: none"> Client maintains familial and community connections during court proceedings 	<ul style="list-style-type: none"> DA could save on housing and transportation costs for defendants who are not a flight risk
PD wants GPS monitoring in lieu of custody	<ul style="list-style-type: none"> Client maintains familial and community connections during court proceedings 	<ul style="list-style-type: none"> DA could mitigate flight risk concerns DA could save on housing and transportation for the defendant
PD wants work hour concession or GPS boundaries for house arrest conditions	<ul style="list-style-type: none"> Client maintains familial and community connections during court proceedings Client maintains ability to meet financial obligations and responsibilities during court proceedings 	<ul style="list-style-type: none"> DA could mitigate flight risk concerns DA could demonstrate defendant’s ability for reform
Pretrial hearings		
PD wants DA to break down the charges	<ul style="list-style-type: none"> Prevent mandatory minimum sentencing requirement if client is found guilty 	<ul style="list-style-type: none"> DA could transform an untrialable case (with current charges and available evidence) into a trialable case DA could reduce the charges to a trialable case
PD wants to file motions to dismiss the charges or suppress evidence	<ul style="list-style-type: none"> Client doesn’t have a criminal charge Client has reduced criminal charges 	<ul style="list-style-type: none"> DA could transform an untrialable case (with current charges and available evidence) into a trialable case
Plea bargaining		
PD wants a lobby date scheduled within the first two court appearances to meet with the DA about potential plea deal terms	<ul style="list-style-type: none"> Client obtains a sneak preview of the sentencing the client would face if the client pleaded guilty without having to make a plea deal decision at that time 	<ul style="list-style-type: none"> DA could quickly resolve a criminal case within the first two court appearances DA could save time for cases in which sufficient evidence exists and the charges warrant the court’s time DA could transform an untrialable case into a case in which the PD and DA agree on the revised value of the case
PD wants a plea deal	<ul style="list-style-type: none"> Client receives a reduced criminal charge and/or reduced criminal sentence 	<ul style="list-style-type: none"> DA could transform an untrialable case into a case in which the PD and DA agree on the revised value of the case

allow DAs to close cases in situations in which they agree with PDs on the value of the case.

Advocacy Work Outcomes: PD Advocacy Attempts with the DA. Whereas our ultimate outcome of interest is whether advocates successfully garner available benefits for beneficiaries, the more proximate outcome that we examine in our study is whether PDs attempt to advocate with DAs on behalf of their clients. We chose to examine this more proximate outcome because PD advocacy attempts (or not) are when client outcomes

are actually decided. Because PDs construct their advocacy attempts to be obtainable from the DA, when PDs do attempt to advocate, they succeed to an extremely high degree. Therefore, the key difference in terms of garnering benefits for the client (or not) depends on whether the PD attempts (or not) to advocate.

Scholars of advocacy work describe two types of advocacy attempts relevant to our setting: (1) creatively using the system’s own rules and logics (e.g., McPherson and Sauder 2013, Currie and Spyridonidis 2016) and (2) using informal influence tactics with

powerful actors—offering information, providing emotional labor, helping the work flow smoothly, or performing scutwork (e.g., Heimer and Stevens 1997). We measured whether PDs attempt advocacy (or not) with DAs by measuring whether they use one or both of these two types of advocacy practices.

Ethnographic Data Collection

We used ethnographic data-collection methods to observe, in real-time, the advocacy work that PDs perform. For the first six months of our two-year ethnographic study, we focused on understanding the daily work of PDs. The first author shadowed PDs in the three main practice areas of the PD agency (juvenile, children and family, and adult criminal) across six offices and attended the six-week new public defender orientation and training. During these six months, the first author spent two days a week observing PD office and courtroom work involving client representation throughout the phases of criminal cases, including arraignment, bail reviews, pretrial conferences, motion hearings, trials, and sentencing hearings. She took detailed notes and typed them up at the end of each day. During this time, she informally interviewed those she shadowed to get their interpretations of the work and the challenges associated with it. She also conducted 53 formal, semi-structured interviews with PDs, trainers, and managers about the work of PDs and what they believe it means to be a “good” public defender.

For the next 18 months, the first author observed PDs during 58 two- to three-and-a-half-hour sessions in which she accompanied PDs in the courtroom as they went about their work related to different phases of criminal cases. For each client case observed, we spoke with the PD and recorded the phase of the case, the benefit the PD hoped to garner for the client through advocacy with the DA, and the PD’s rationale for whether to attempt to advocate with the DA on behalf of the client. From these conversations, we generated a list of potential PD opportunities for advocacy with the DA in scheduling, arraignment, bail review, and pretrial. We then shared this list with PDs for their input and validation. We used the list to measure the number of potential opportunities for the PD to attempt advocacy with the DA during each observation session. We call these potential PD–DA exchanges “advocacy opportunities.”

The first author observed 82 advocacy opportunities throughout the course of the study. For each of the 82 opportunities she observed, she took detailed field notes describing the PDs’ interactions with DAs and clients and the PDs’ interpretations of these interactions. For each opportunity, the first author recorded the PD’s assessment process, PD interactions with the DA and the client, and whether the PD actually attempted to advocate with the DA on behalf of the

client. We measured whether PDs attempted advocacy (or not) with DAs by measuring whether PDs attempted to garner benefits by creatively using the system’s rules and logics or by using informal influence tactics, such as offering information, offering emotional labor, helping the work flow smoothly, or performing scutwork. The first author used in situ interviews during each observation session to test our emerging understanding of how advocates inside public service organizations attempt to gain benefits for disadvantaged group members.

Inductive Data Analysis

We observed that PDs attempted to advocate with DAs in some advocacy opportunities and not in others. To understand this dynamic, we read two primary research streams on advocacy work in detail—the literature on street-level bureaucracy and on institutional work—regarding how advocates within public service organizations attempt to gain benefits for disadvantaged group members. Based on our observations and our reading, we became interested in the process by which PDs attempt to garner benefits (or not) for disadvantaged clients. We took an inductive approach to understand this, reading through our field notes, interview transcripts, and memos and focusing on data related to advocacy work.

Our analysis of PDs’ attempts to advocate (or not) with DAs across the 82 opportunities reveals that scholars must move beyond examining only system-related barriers to, facilitators of, and practices of advocacy to explain the advocacy work process. We found that, in addition to understanding how PDs navigate barriers in their systems, we must also understand the work that the PDs do to assess and manage conflicting, unequal, and fraught relationships with their clients. Using Excel, we analyzed data from each of the 82 advocacy opportunities. We coded the phase of the case; the desired legal strategy; the desired beneficial outcome for the client; PD-, DA-, and client-specific details; PD–client interaction data, including the PD’s concerns with client perceptions and how PDs engaged in beneficiary-directed advocacy work to manage these concerns; and whether and how the PD attempted system-related advocacy work with the DA. Analytic induction (Katz 2001) was a useful methodology for theorizing this social process as it allowed for the constant comparison of opportunities in our data set in which PDs attempted advocacy with DAs (or not) with our expectations from the literature’s understanding of how advocacy occurs.

We designed our first round of coding to generate an understanding of the factors PDs considered in assessing whether to attempt advocacy with the DA during a particular opportunity. For each of our 82 opportunities, we coded our data for whether the PD attempted to advocate with the DA on behalf of the

client and what factors the PD considered in making this decision. This round of coding yielded both general information on system- and beneficiary-related factors that PDs consider when deciding whether to attempt advocacy with DAs and specific information on which factors the PD considered for each of the 82 opportunities.

We compared and contrasted the opportunities in which PDs attempted advocacy with DAs with the opportunities in which they did not. Contradictory data—opportunities that did not involve PDs attempting advocacy with DAs—were crucial in this process because they challenged the emerging process model and informed its continuous refinement. For example, when it appeared that two opportunities had similar barriers to and facilitators of advocacy but resulted in different outcomes, we returned to the data linked to each of the codes, compared these, and when necessary generated more refined codes.

We designed our second round of coding to generate a process model of how PDs attempted to advocate with DAs on clients' behalf. For each of our 82 opportunities, we coded our data to generate a sequence of PD assessments of and interactions with the DA and the client. By tracking all of the codes attached to each opportunity, we examined the codes' temporal order and frequency as well as the relationships among them to develop a rough theory of how advocacy occurs. This round of coding yielded both general information about the process that PDs experience as they attempt to advocate (or not) with DAs on behalf of clients as well as specific information about the process the PD experienced in each of the 82 opportunities.

Figure 1 illustrates the theoretical model we generated of triadic advocacy work. We initially created a process flowchart depicting a linear process for each of our 82 opportunities (Figure 2). However, we noted that the process the PDs experienced as they advocated with DAs (or not) on the client's behalf involved back-and-forth interactions between the PD and the DA on the one hand and the PD and the client on the other. For this reason, our theoretical model (Figure 1) more specifically depicts the process of triadic advocacy work whereby advocates manage impressions with mistrustful beneficiaries in addition to undertaking advocacy with powerful actors within their system on behalf of these beneficiaries.

Triadic Advocacy Work

Our inductive analysis shows that PDs engage in triadic advocacy work—they assess and manage barriers to advocacy not only vis-à-vis their social and bureaucratic systems, but also vis-à-vis their own beneficiaries. In our study, we find that system-related barriers, facilitators, and practices of advocacy are consistent with the advocacy work literature's expectations of

how advocates attempt to garner benefits for disadvantaged beneficiaries. Importantly, however, among the 82 opportunities we observed, PDs' attempts to advocate with DAs on behalf of their disadvantaged clients (or not) can be explained by system-related factors in only 12 of the opportunities. Therefore, the full process in which PDs engaged as they attempted (or not) to garner benefits for disadvantaged clients differed from what the literature led us to expect. To understand the other 70 opportunities, we must also understand beneficiary-related barriers, facilitators, and practices of advocacy as shown on the right side of Figure 1. The advocate moves iteratively down both sides of the triad—carefully assessing and managing competing tensions between advocacy with the DA and client-directed advocacy—before attempting any type of advocacy (or not).

Because system-related advocacy is well understood in the current literature, we only briefly describe the system-related factors that PDs assess as they consider whether to attempt advocacy with DAs. We next provide more detailed descriptions of the beneficiary-related advocacy work in which PDs engage. We find that, when PDs feel they have managed the beneficiary-related tensions successfully using beneficiary-directed advocacy practices, they are likely to attempt advocacy with the DA. We end by explaining two opportunities in detail to demonstrate the back-and-forth character of the triadic advocacy work process.

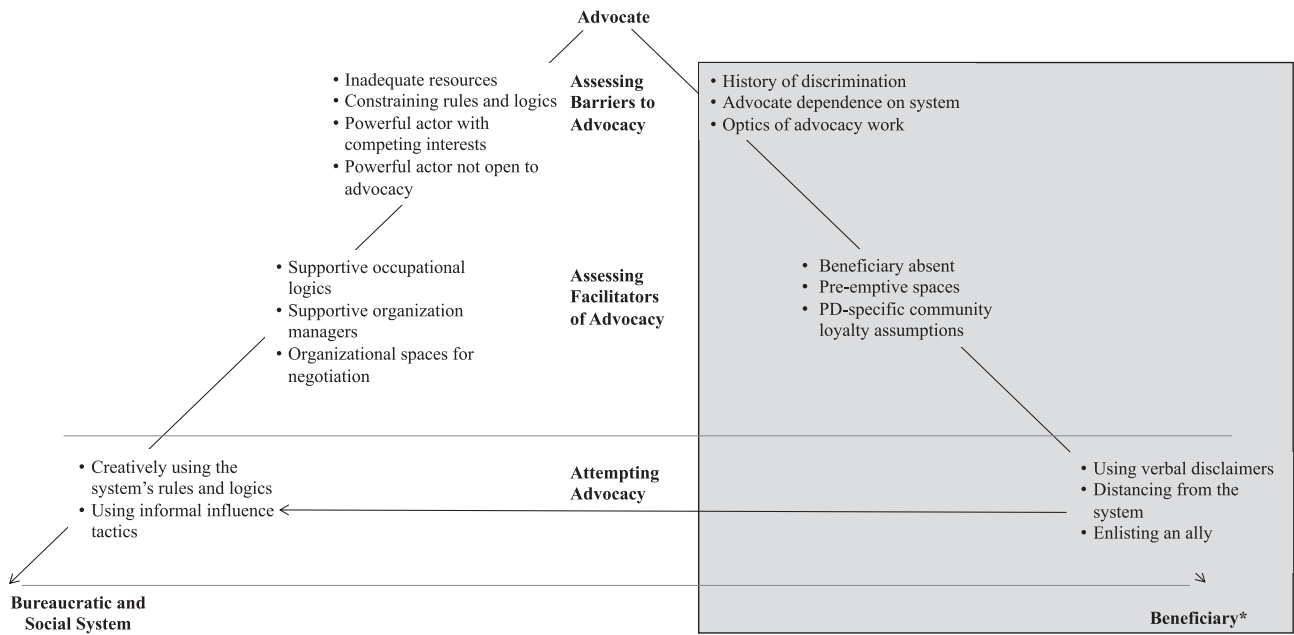
System-Related Advocacy

System-Related Barriers

PDs faced system-related barriers to advocacy, including inadequate resources, constraining rules and logics, and powerful actors with competing interests, in all 82 opportunities. Public defenders also faced powerful DAs; indeed, in 12 of the 82 opportunities, PDs judged DAs as adverse to advocacy, which led PDs to refrain from attempting advocacy (see Figure 2).

The inadequate resources PDs faced in all opportunities included insufficient time to meet with clients and a lack of funding to support clients. Public defenders handled high caseloads of approximately five client cases per two- to three-hour observation session. They lamented that they had “no time,” and were “consistently underfunded.” One said, “We have the burden of serving all our clients, and we can't control the valve. We can't turn off demand [for PD representation].” Public defenders also faced constraining rules and logics. For example, formal and legal policies—such as mandatory minimums and early dispositions—restricted PDs' ability to use discretion in determining a legal strategy for their clients. A final system-related barrier, consistent across opportunities, was the participation of powerful

Figure 1. Triadic Advocacy Work



Note. The shaded box represents new theory developed; the unshaded portion represents what prior literature has found.

actors with competing interests. District attorneys are more powerful than PDs because DAs are aligned with the executive branch of government and have access to internal investigators, expert witnesses, and forensic labs within their prosecutorial budget (e.g., Bechky 2019, 2021). The PDs in our study, however, were aligned with the judicial branch and needed to get court approval before contracting out the services of private investigators, expert witnesses, and forensic laboratory work to gain technical knowledge.

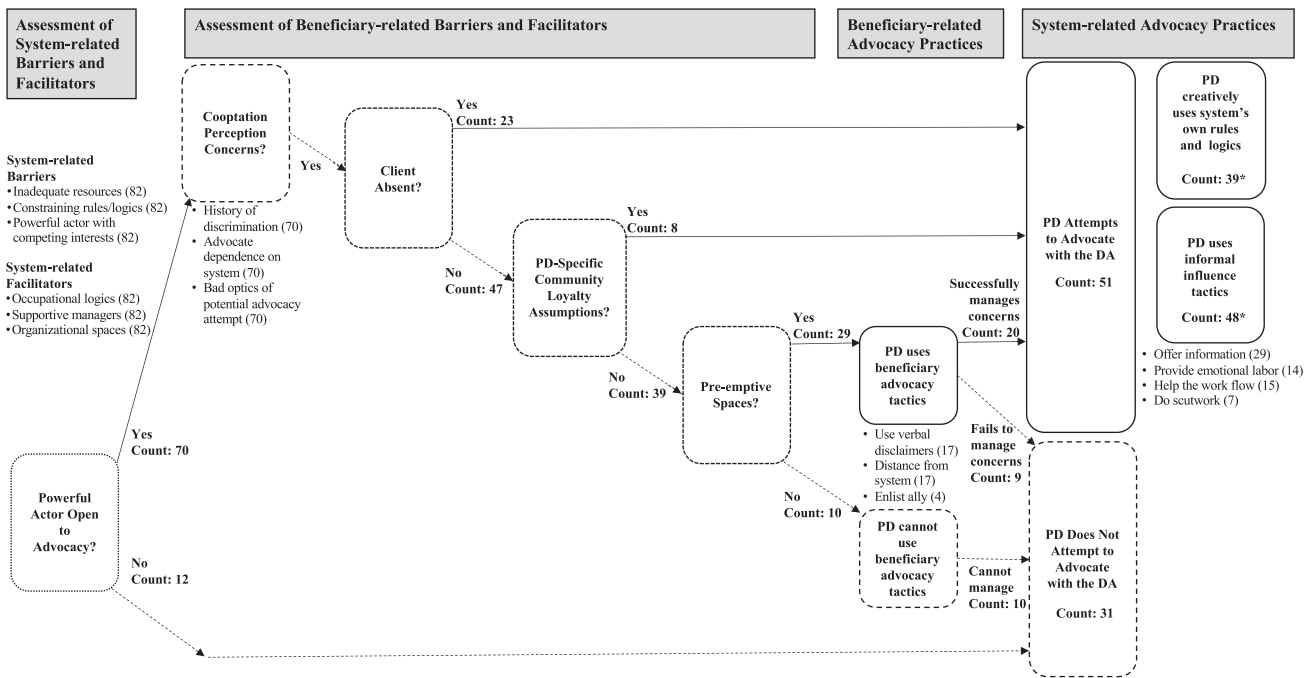
The key system-related barrier that varied across the 82 opportunities was that some DAs were judged as adverse to PD advocacy. One PD explained, “Some DAs really believe that [our clients] are bad people.” Similarly, another PD related, “[This DA is] legit. He won’t prosecute charges he thinks are unjust. He’s good. He’s one of the good ones.” In another example, we observed that the PD wanted to advocate with the DA to offer the client probation, but the PD refrained from doing so because he sensed the DA lacked openness to advocacy. From our field notes: “Originally, I had thought about [advocating to the DA to support] a pretrial dismissal with probation (dismissing the case and having the client serve probation instead). But now my client has picked up another charge while in custody ... [The DA] won’t want to give my client a good deal on the remaining charges ... She believes she’s on God’s side and that people who have been charged with criminal offenses should have God’s fury wrought upon them.”

System-Related Facilitators

Several system-related factors facilitated PD advocacy in all 82 of our opportunities: supportive occupational logics, supportive organization managers, and organizational spaces for negotiation between PDs and DAs. Regarding supportive occupational logics, all PDs in our study went through the same new PD occupational training that built upon their law school education. It is designed to teach PDs the important occupational logic of “zealous advocacy,” that is, advocating for clients by fighting against opposing parties who are stronger and better financed. One trainer noted (from our field notes), “The truth of [our criminal] justice system [is] that it is built against poor people. It punishes people of color at alarmingly disproportionate rates—it completely devastates the lives of our clients. People talk about the criminal justice system being broken. I believe it’s not broken at all. It’s doing exactly what it’s designed to do, with remarkable efficiency. Because you’ve [become a PD], it’s on you to change it.”

The ultimate goal of the zealous advocacy occupational logic is to ensure that every PD assesses the client as worthy of advocacy; indeed, this is what we observed during our field work. Although PDs sometimes noted their personal feelings about a client, they told us that part of being a PD meant overlooking physical attributes (race, gender, age, etc.) or dispositional attributes (cooperativeness, helpfulness, etc.) when deciding whether to advocate with the DA on behalf of a client. For example, in one case we observed, the PD remarked that, even

Figure 2. Analysis of Triadic Advocacy Work in 82 Advocacy Opportunities



Note. PDs sometimes attempt to advocate by both creatively using the system's own rules and logics and using several informal influence tactics.

though he found the client “annoying,” he would still attempt, of course, to advocate with the DA to allow the client to receive rehabilitation services rather than a criminal sentence.

Supportive organization managers aid PDs in pursuing the logic of zealous advocacy. Each office we studied had an attorney-in-charge (AIC), who supported PD advocacy attempts with DAs by reviewing PDs’ case-loads, helping generate legal strategies, and role-playing courtroom actors (e.g., DAs and judges) to help PDs prepare for court. The AIC also served as a supervisor and mentor when PDs needed assistance troubleshooting particular cases or managing specific clients.

Finally, PDs had access to organizational spaces to negotiate with DAs. For example, all courtrooms in our study had biweekly bench/bar meetings that brought together PDs, DAs, and judges to take a macroview of cases on the docket and discuss potential charges and sentencing recommendations. Each courtroom session also featured downtime, an off-the-record period between cases when PDs and DAs could discuss cases with one another.

In sum, the system-related barriers and facilitators of advocacy were present consistently in all 82 of the opportunities we observed. Notably, these system-related barriers and facilitators of advocacy can explain our outcome of interest (advocacy attempted) in only 12 cases. In these 12 cases, PDs refrained from attempting advocacy with DAs because they judged that the

particular DAs were not open to advocacy (see Figure 2). Thus, in order to understand how and when advocates attempt to garner benefits on behalf of their disadvantaged beneficiaries, we must also consider beneficiary-related advocacy work. Although it is likely that the kinds of beneficiary-related advocacy work we observed are present in other settings, our specific setting allowed us to observe these dynamics in high relief.

Beneficiary-Related Advocacy Work

We found that, in addition to navigating system-related factors within their bureaucratic and social systems, PDs needed to navigate conflicting, unequal, and fraught relationships with beneficiaries (see the right side of Figure 1). To explain PDs’ attempts (or not) to advocate with the DA on behalf of their disadvantaged clients in 70 of the 82 opportunities we observed (see Figure 2), it is necessary to understand beneficiary-related barriers, facilitators, and practices of advocacy.

Why PDs Engage in Beneficiary-Related Advocacy Work

In the present study, PDs wanted to establish a trusting relationship with their clients and were concerned about managing this relationship for two reasons. First, a mistrustful relationship with the client can impede the PD’s ability to gain important information. Second, a trusting relationship with the client can help persuade the client to accept the PD’s recommendations.

Managing Beneficiary-Related Barriers to Access Information. Public defenders note that when a client trusts that the PD is advocating on the client's behalf rather than being coopted by the DA, the client often provides more extensive information. This allows the PD to investigate the alleged crime more thoroughly, properly assess the value of the case, and determine a strategy for building the client's legal defense. One PD related, "Earning the client's trust has enabled me to gather everything I need to know to be able to meaningfully assist [him]." For example, in one bail review case we observed during our field work, the PD wanted to establish that his client did not have the extensive criminal record that the DA was alleging the client had. The PD needed to gain more information from the client in order to establish this:

The PD says to me, "What we have here is a classic case of mistaken identity, where a defendant in Nebraska [who is from Guatemala] has the same name as my client [who is from Puerto Rico]. The DA is alleging they're the same person."

The PD shares how the client trusted that the PD was trying to further the client's interests. So, the client allowed the PD to work with the client's sister to obtain the client's necessary personal information to contact the authorities in Nebraska to get photos of the other defendant. The PD was then able to contact U.S. Immigration and Customs Enforcement (ICE) to verify that his client is a legal U.S. citizen.

The PD says that, even though the client gave the PD the okay to contact his sister, "[At first], I think [the sister] thought I was trying to steal [the client's] identity or report [him] to ICE. [But I asked the client to explain the situation to her], and since [the client] spoke to her, it's been a lot easier."

Managing Beneficiary-Related Barriers for Acceptance of Recommendations. Public defenders also note that, when clients trust that the PD is advocating on their behalf rather than being coopted by the DA, the client is often willing to accept the PD's recommended legal strategy. One PD shared, "Many [criminal] attorneys will say that the legal strategy is at the attorney's discretion ... but [our approach of] client-centered representation makes this difficult ... At the end of the day, it's the client's decision [so the PD needs to persuade the client to accept the PD's recommendation]." For example, we observed a scheduling and status update case in which the PD attempted to persuade the client to accept the PD's recommended strategy for getting the client temporarily released from jail to witness his twins' birth:

The PD says to the client, "So I'm thinking, we go in there [to the status update] on a united front with [the probation officer]. That, whatever he says, we

agree with so that we can get you the passes [to be at the hospital for the birth of your twins]. What do you think?" The client agrees, and the PD continues, "I just want you to understand why we're not going to fight [anything the PO recommends]. Remember, it's still at [the PO's] discretion whether he gives you the passes. So, you have to be 'on point,' and mind your P's and Q's."

During the proceedings, the client agreed with the PO. Later, the PD told me that the client was willing to follow the PD's recommended legal strategy because he trusted the PD.

We found that a PD's ability to manage and maintain a trusting relationship with clients is complicated by an inherent, and ironic, tension: engaging in advocacy work within the system on behalf of beneficiaries can lead to mistrust on the part of the very beneficiaries for whom the PDs are advocating.

How PDs Advocate with DAs

When they decide to attempt advocacy with DAs, PDs engage in two types of system-related advocacy practices: (1) creatively using the system's own rules and logics and (2) using informal tactics (bottom left of Figure 1; see Table 2 for detailed examples of PD advocacy attempts with DAs). Public defenders use the criminal justice system's own rules or logics rather than the PD's occupational rules and logics to garner benefits for their disadvantaged clients. For example, to request a benefit for the client, such as waiving the client's presence during the next courtroom proceeding, PDs sometimes use the system's efficiency logic rather than using the PD's professional logic of emphasizing the client's community ties.

Using informal influence tactics involves offering information, providing emotional labor, helping the work flow smoothly, or performing scutwork. Offering information to the DA helps the DA complete required tasks more easily. We observed PDs offer information to DAs about the PD's planned legal strategies, mitigating circumstances in their clients' lives, and updates on the status of PD colleagues' cases. Public defenders also advocate with DAs by helping the work flow smoothly—doing whatever is required to ensure that the DA's daily operations are not interrupted. We observed PDs help the work flow smoothly by not objecting to minor delays or changes in court proceedings. Public defenders engage in emotional labor for DAs by protecting the DAs from emotionally challenging encounters. We observed PDs engaging in small talk during courtroom downtime and promoting a positive workplace environment for the DAs. Finally, PDs offer scutwork to DAs that allows DAs to protect or enhance their status.

Table 2. Additional Examples of PD Advocacy Attempts with DAs

PD advocacy attempts with DA

Creatively using the system's own rules and logics with the DA

- Creatively using the system's own rules: A PD explained, "It was my client's second offense, which had a mandatory jail sentence. But the DA agreed to break down the charges and get rid of the charge that carried the minimum sentence. It was an untriable case in their eyes. In my experience, I can get DAs to break down charges for four reasons [by using the system's own rules to press back against the rule of a mandatory jail sentence. These rules are] (1) insufficient evidence; (2) economy—there aren't enough resources to try all cases; (3) the process is the punishment—my client was already in jail for 10 months because he couldn't make bail, so my client has already suffered enough; and (4) the client demonstrated reform. Once my client was able to make bail, for two years, he was clean and didn't pick up any additional charges."
 - Creatively using the system's own logics (from field notes): PD is arguing for a reduced bail for the client. The client has significant ties to the community as he went to the local high school and has been employed with the same employer for a number of years. If found guilty, he faces a maximum sentence of 10 years. The case is called, and the PD makes an argument in front of the judge for her requested bail, not by using a community logic (PD logic), but by affirming the client's high likelihood of appearing in court and emphasizing that the requested bail amount is what the family can afford (system logics). The DA does not object to the reduced bail, and the client is released to his home for the full duration of the case proceedings.
-

Using informal influence tactics with the DA

- Offering information: In one case we observed, the PD offered information to the DA when the PD explained that the PD's expert witness would eventually need to take the DA's time to file a motion for discovery (a legal request that requires the DA to share with the PD all evidentiary documents in the DA's possession). The PD gave the DA a heads up about this so that the DA could factor it into his work planning. The PD then tried to garner a beneficial outcome for her client by proposing a date for trial that would give the PD's expert witness time to prepare; the PD smiled at the DA and asked, "So are you free then or not so much?" The DA laughed and checked his phone, making a face like he was always busy but would check. Although the PD used this practice of offering information to the DA to garner benefits for the client, the optics of the PD giving the DA information and of the PD and DA laughing together had the potential to look like cooptation to the client.
- Helping the work flow smoothly: The PD in one case we observed told us that she allowed a minor change to the probation (about "staying away from drugs and alcohol") because she wanted the DA to give her client a good plea deal: "This plea would be very good for my client." The PD noted that objecting to the addition of the probation term of staying away from drugs and alcohol was a small concession as part of the larger good deal for client. The PD could have been concerned that her client saw that she did not object, but the PD was not concerned.
- Engaging in emotional labor: In one case we observed, the PD referred to the DA during courtroom proceedings as "sister." Referring to the DA as "brother" or "sister" is a procedural nicety in the PD profession that sets a positive tone for the DAs. But the PD said that this ritual could lead the client to focus on the fact that the PD and the DA are "all part of the same system."
- Performing scutwork: In one case we observed, the PD met the client in one of the courtroom meeting rooms before the case was called. The PD said to the client, "I'm hesitant to move quickly on this case because the DA is asking, 'What can we do here?' which usually means pay a fine or serve a reduced sentence." The client indicated that he had some money he could put toward a fine, and the PD shouted, "Don't waste your money on this crap! You have a baby coming!"

The PD instead suggested to the client that he could do community service. The PD admitted that this may be difficult to arrange because the client is hard of hearing, and the DA may worry about liability issues associated with the client doing community service as a result. Still, the PD went to the DA and offered community service as a resolution. The DA was open to the suggestion but, as the PD suspected, was worried about the liability of having a hard-of-hearing defendant participating in their usual community service options (e.g., collecting trash along busy roads). The PD offered to research other options, and the DA said to get back to him with options. The PD spoke to the clerk and the head of corrections, who were both working in the courtroom that day, to find a safer community service option (PD doing scutwork). Later, during the courtroom proceedings, the judge asked the PD and the DA how the case would be resolved, and the DA offered community service instead of a fine or jail time.

And yet a PD's ability to engage in these system-related advocacy practices is complicated by the PD's conflicting, unequal, and fraught relationship with the client. In one illustrative example we observed of a drug possession case, the PD was concerned with how the client might perceive her advocacy work if she attempted to informally influence the DA before the case was called. From our field notes,

The PD has a client who is charged with drug possession. The PD would like to advocate with the DA for reduced bail. The PD says that she could do this by [making the work flow smoothly for the DA by]

conceding to a continuance (delay in court proceedings) to allow the DA to obtain a drug certification (chemical test verifying the type of drugs confiscated during the arrest).

However, the PD says that the client already doesn't trust her: "He doesn't trust that he's getting good [legal] representation [from me]... He's had bad experiences with public defenders before."

She says that she wanted to help build trust with the client by telling him ahead of time her plan for negotiating with the DA but wasn't able to: "I tried to meet

with [client] at the jail facility last night [to talk about my planned strategy for court today], but [it wasn't possible]."

Because the PD was not able to meet with the client beforehand to go over her plan for reduced bail, she did not attempt to advocate with the DA by making the work flow smoothly for the DA before the proceedings began. During the proceedings, when the PD formally requested from the judge a reduced bail for the client, the DA objected, and the request for a reduced bail was denied.

As this example depicts, even when a PD assesses that the DA is open to advocacy, the PD is still constrained in the ability to advocate on behalf of a disadvantaged client because of beneficiary-related factors (right side of Figure 1). We describe in detail each of these beneficiary-related factors that make advocacy a triadic process.

Beneficiary-Related Barriers to Advocacy

Public defenders want to manage and maintain a trusting relationship with their client to obtain more extensive information and secure the client's cooperation on the PDs' planned advocacy strategies and legal recommendations. And yet PDs are keenly aware that their advocacy attempts with DAs can look like cooptation in the client's eyes because of (1) clients' history of discrimination, (2) PDs' dependence on the criminal justice system for their livelihood, and 3) problematic optics of the PDs' advocacy tactics with DAs. Public defenders faced these barriers in 70 of the 82 opportunities we observed in which the PDs judged the DA might be open to advocacy. What varied in these opportunities was not the barriers that the PDs faced, but the facilitators present in each opportunity. We explain the barriers that were consistent across all 70 opportunities and then turn to the facilitators in each opportunity. Ultimately, PDs assessed the beneficiary-related barriers and facilitators of triadic advocacy work before engaging in beneficiary-related advocacy practices (Figure 1).

Beneficiary History with Discrimination. Public defenders explain that a primary barrier influencing their ability to advocate on behalf of their disadvantaged clients is the clients' history with discrimination. All PD clients are indigent (as required to qualify for free PD legal assistance), and they are often racial minorities. Public defenders note that, because prejudice and discrimination are a social reality for many members of disadvantaged groups, their clients develop a suspicion of all dominant group members' motives and behaviors. One PD explained, "We are the voices for our clients. We are working in a system that is stacked against them, not only for what they did and

where they come from, but also because of what they look like."

Public defenders note that a client's prior history with discrimination or negative interactions with the criminal justice system might lead the client to perceive that the PD is coopted by the DA. Specifically, PDs are concerned that clients expect advocates appointed by the state (PDs) to be incompetent, prejudiced, or covertly serving the existing social system's interests. For example, one PD shared how clients might think that, because the system that had appointed PDs to represent the clients had traditionally discriminated against these same clients, PDs were not as competent as other lawyers: "Sometimes clients think we're not highly skilled. That we couldn't get a better job ... Our representation in pop culture isn't good either. A lot of shows about PDs show us as being hard-drinking, not very good at our jobs. I had a client who was like, 'Wow! [Your legal representation] was really good! You can go on to good things. You can become a real lawyer. Become a pay lawyer.' [Laughs] I just told him, 'I'm already doing what I love.'"

Another PD shared how some of her clients viewed her advocacy work as covertly serving the interests of the existing social system: "Clients can feel when you're fishing for information, and it doesn't feel good. That could be the way the police talk to them or the Department of Children and Families ... Your [arraignment conversation with your client] should be really concrete in order to avoid misinterpretation; there could be the automatic assumption that you're lying to them and manipulating them."

Advocate Dependence on the System. Public defenders also assess that their disadvantaged clients might be concerned that the PD feels more responsible to the organization that employs them (the government) than to their constituents (the clients). As one PD in our study put it, "Some [clients] automatically think you are part of the government." Many PDs point out how they are *appointed* to advocate on behalf of clients; the client does not choose them. As such, PDs assess that clients might think that PDs are neglecting their advocacy duties because PDs depend on the government rather than on the clients they are representing for their livelihoods and careers. One PD explained, "Some clients will say, 'Well, you work for the state; you're on the same side [as the DA]; you break bread together.' Some clients feel they have no shot because they're represented by a PD. They think because they're getting a free lawyer, we're not going to work as hard. They think, 'If I just had \$5,000 [to afford a private attorney], I'd get my kids back.'"

Another PD shared, "I don't know what it's like with private attorneys [who are employed by the

client, not the government, in terms of being able to disagree with the client] because sometimes the client will ask me to do something that's crazy. A legal strategy that's completely illogical, hard to sell, absurd. And that makes my work difficult because I don't want [the client] to think that I'm fighting them [and not on their side]. I want to fight their approach, not them."

In one of the pretrial cases we observed, the PD told us she wanted to try to advocate with the DA for a plea deal with a reduced sentence. However, she would not attempt this because her client viewed her as more dependent on the government than on the client:

[PD] says that she does not plan to advocate to the DA for a reduced sentence plea deal today because she is concerned with how her client would view this.

"My client has been questioning all of my advice. He doesn't trust that I'm working for him [instead of for the government]. I hate those situations. I don't mind if the client doesn't agree with my advice, but then they should ask for someone else. And [client] did tell me he was 'hiring' [looking for a private attorney]."

I asked why the client would look for a private attorney, rather than retaining his current PD, and the PD said, "There's a perception that... our bosses tell us to [save time and money for the government and] just plea everyone out (a plea bargain is an arrangement between PD and DA whereby the client pleads guilty to a lesser charge in exchange for a more lenient sentence or an agreement to drop other charges)."

Problematic Optics of Advocacy Tactics. Finally, PDs assess what they call "negative optics" of advocating with DAs on behalf of clients. Public defenders told us that they often need to adopt a nonconfrontational style with DAs and make conciliatory gestures, such as using amicable language or other expressive tactics to garner benefits on behalf of their disadvantaged clients. One PD shared, "If the client wants to plead guilty to a charge, the only way to get around the mandatory minimum is if the DA agrees. So we have to be reasonable with [DAs] and particularly nice." Ironically, PDs say that they are often constrained in their ability to effectively create and claim value for their clients because of the optics of such conciliatory gestures. A PD cannot convey the full nuance of what happens in her interaction with the DA to those she represents (that is, clients can often see but not hear the interactions between PDs and DAs). The more intensive these conciliatory gestures to create value are, the greater the likelihood they generate doubt in clients. For example, one PD explained, "[My clients] say things to me like, 'What are you doing with the

DA? How could you talk to that 'f'ing so and so?' ... I don't want my clients to think that I'm in collusion with the DA."

Public defenders are concerned about these optics of their advocacy tactics in part because clients have a limited purview into the courtroom. In some advocacy opportunities we observed, clients were in state custody during the case proceedings and were, therefore, physically separated from their PDs in the courtroom by a holding area—a wooden box with a bench and window that looked out into the courtroom. In other opportunities, clients were in the audience area. In both situations, the clients could see their PDs' interactions with the DA but could not hear what occurred during downtime. As a result, PDs could not convey the full nuance of what was happening to their clients. Public defenders told us that the more intensive their efforts to help their clients by using a conciliatory advocacy style with the DA, the greater the likelihood of generating doubt in the client. A PD shared, "[It's] difficult, because our clients think we're up to shenanigans working with the DAs." Additional examples of beneficiary-related barriers are outlined in Table 3.

Beneficiary-Related Facilitators of Advocacy

Despite these beneficiary-related barriers to advocacy, PDs attempted to advocate with the DA on behalf of their disadvantaged clients in 51 of the 70 opportunities we observed in which PDs judged the DA as potentially open to advocacy (Figure 2). What varied in these opportunities was the facilitators that were present (see right side of Figure 1 for an overview of facilitators of advocacy).

Three beneficiary-related facilitators shape PD advocacy attempts by helping PDs navigate their relationships with beneficiaries: (1) the beneficiary's absence versus presence in the courtroom, (2) preemptive spaces in which PDs could meet with clients before proceedings began, and (3) PD-specific community loyalty assumptions. Such loyalties are based on PDs' preemptively participating in community activities that allow them to demonstrate their commitment to client communities before engaging in influence tactics with powerful DAs that their clients could negatively misinterpret.

Beneficiary Absence. In 23 of the 70 opportunities we observed, we found that the client being absent from the courtroom facilitated PD advocacy attempts particularly when the PDs judged a specific DA as potentially open to advocacy. In these 23 opportunities, PDs noted that they felt comfortable attempting to advocate with the DA on behalf of their disadvantaged client specifically because the client was absent. In general, clients are absent for two reasons. First, if clients are out on bail (and living at home during the

Table 3. Additional Examples of Beneficiary-Related Barriers to Advocacy

Beneficiary-related barriers to advocacy
Beneficiary's history with discrimination
<ul style="list-style-type: none"> • PD: "It takes 1+ years to resolve superior court cases, and by then, your client trusts you [pause] as long as [your client doesn't see you as] selling them out ... Some clients have trust issues ... because of prior negative experiences with the criminal justice system." • PD: "When [a plea deal] is extended by the DA, I have an ethical responsibility to tell my client. I like to tell my client about this requirement in the beginning [before we even have an offer] because otherwise the client thinks you're just trying to sell them out [when you bring it up later]." • PD: "When you're a client in a criminal case, you have no power whatsoever, and you rightly feel that everyone is out to get you."
Advocate's dependence on the system
<ul style="list-style-type: none"> • PD: "For better or worse, we are members of the criminal justice system. I can understand how a client might see me as someone who's part of the system trying to lock them up." • From field notes, A trainer leads new PDs through barriers to forming a trusting relationship with the client. She shows a slide titled, "Common Hurdles to Our Relationship: The Client's View of Us" and then leads the group through the following points: <ul style="list-style-type: none"> • "We are part of the system." The trainer explains, "[Our clients] assume that because they're not paying us and because we're being provided by the system, that we're part of the system, and therefore, we are not there for them." • "We don't care about them." The trainer explains, "Because after all, we were just appointed (by the system) to protect them. We didn't pick them, they didn't pick us, so we don't care about them."
Optics of advocate's influence tactics
<ul style="list-style-type: none"> • PD: "You never get a second chance to make a first impression. Think about the impression we'll make on our client when our client sees us interacting with DAs and other court people. For example, [think about the impression you make] if your client ... sees you schmoozing with the DA." • PD: "It can be productive for your client to be friendly with the DA, but you don't want your client to think you're not fighting for them."

proceedings), clients can ask their PDs to request that the court waive their presence for employment and family responsibilities. Second, if clients are in state custody (being held in jail during the proceedings), the state does not bring clients into the courtroom for certain phases of the case (e.g., preconference meetings). One PD explained that he felt freer to attempt advocacy with the DA by engaging in emotional labor (our term) with the DA when the client was absent: "[Sometimes the client isn't in the courtroom. But when the client is present], I try to be conscious of my interactions with the DA when I know the client can see ... I have to restrain myself from being funny with the DA when the client is present. I don't want [the client] to think I'm being jovial with the DA while [the client's] liberty is at stake."

Preemptive Spaces. In 39 of the 70 opportunities in which PDs judged specific DAs as potentially open to advocacy, PDs' advocacy attempts were shaped by the availability (or not) of what we call preemptive spaces. Preemptive spaces are spaces such as courtroom conference rooms, the lockup facility adjacent to the courtroom, or even empty hallways that allow PDs to meet with the client before the proceedings. Such spaces are important to successful advocacy because they allow advocates to manage their beneficiaries' impressions before engaging in influence

tactics with more powerful targets that the beneficiaries could interpret negatively.

Unfortunately, PDs cannot secure preemptive spaces in all of the instances in which they need to manage clients' cooptation perceptions. At times, the courtroom proceedings are overscheduled, or other defendants are present with the PD's client in the lockup. In short, the PD cannot secure private space with the client before the proceedings. In those instances, we observed that the PD did not try to manage the client's impressions and only quickly reviewed essential information with the client, such as the courtroom agenda and timeline before the case was called. In one arraignment opportunity (first court appearance to be charged), the PD explained to us that she wanted to offer information to the DA to start a plea-bargaining process to get a reduced sentence for her client. She went on to say that she would not attempt to do this today because she would not have the occasion to preemptively manage the negative optics with the client:

The PD tells me that the client is likely feeling disoriented and frustrated because he moved last night from one jail facility to another. [PD and I] had passed by the lockup facility [adjacent to the courtroom] and had seen that it was full of other defendants.

The PD explains she wanted to talk to the client about offering information to the DA to negotiate a potential

plea deal. But she does not want to share this plan with the client because it would require discussing the sensitive details of the case in front of the other defendants in the lockup facility. Instead, the PD says that she will just briefly talk to the client in the courtroom before the proceedings to tell the client, more generally, about how the proceedings will go today. She won't attempt to offer information to the DA to persuade the DA to consider a potential plea deal. Offering this information to the DA would look bad to the client, who would be able to see but not hear the interaction.

PD-Specific Community Loyalty Assumptions. A third beneficiary-related facilitator we observed was what we call “PD-specific community loyalty assumptions.” There were eight opportunities in our data set in which we observed the PD attempt advocacy with the DA in front of the client without first attempting to manage cooptation risk with the client. This was surprising. We learned that a subset of PDs do not feel the need to preemptively manage their clients’ potential cooptation concerns. These PDs previously volunteered in the clients’ communities outside of work for organizations such as Habitat for Humanity, Boys and Girls Clubs of America, mock trial, high school job fairs, and local soup kitchens. Given that PDs often remarked how underpaid and overworked they were, we found this level of community engagement striking. When we asked PDs about this volunteer work, they noted that engaging in the community helped them feel trusted and improved their image and reputation in the community. For example, one PD who actively volunteered said, “If our clients know [our office through volunteer work], that will lead to better relations, and they’ll trust us more. PDs have a reputation as public pretenders, people who can’t get a real job, people who aren’t smart enough... it’s essential we have a reputation in the community. It helps [the work] when they [the clients] know about us.” Another PD who had participated in community loyalty activities said, “[The activities] help our office’s reputation. We get to see them [community members] on a different level, and they get to see us outside of being lawyers. They get to know that we don’t just see them as criminals.”

Although the specific client with whom the PD works may not be aware of the PD’s engagement in community activities, engaging in these activities leads the PDs to assess that they have proven their loyalty to the community and, thus, have some reputational credit with their client. In each of the eight opportunities in which a PD attempted advocacy with the DA in front of the client without attempting to manage the risk of cooptation, the PD had participated in community activities and, thus, felt protected. In one opportunity we observed, the

PD had previously engaged in community activities but did not meet with the client to go over his planned advocacy attempt with the DA despite the availability of an open conference room. Instead, the PD went straight to advocating with the DA in front of the client:

The PD’s client is charged with pulling a fire alarm in a public building. The client wants the PD to negotiate probation terms. The case is called, and the DA opens by stating he wants to resolve the case. The PD quickly jumps into the conversation [to help the DA’s work flow smoothly], saying, “And I would like to help with resolving this case.” The PD then advocates that the client’s probation terms include a required “fire safety class” offered through the local fire department. The PD has already determined which local fire department the client can attend and established upcoming course vacancies [doing scutwork for the DA]. The DA agrees with these terms, and a date is set on the calendar for the client to present his certificate of completion (to satisfy his probation terms).

The PD’s informal influence practices of making the work flow smoothly for the DA and doing scutwork had the potential to look like cooptation to the client. But the PD was unconcerned. He noted, “If you have a reputation of working with [community members] to do good things, [clients] believe in you and give you a chance to do it.” Additional examples of beneficiary-related facilitators are outlined in Table 4.

Beneficiary-Related Advocacy Practices

Even though PD system-related advocacy attempts with the DA are the outcome of interest in this study, we find that PDs often cannot attempt such efforts (bottom left of Figure 1) without first engaging in beneficiary-related advocacy practices (bottom right of Figure 1) to preemptively manage clients’ impressions. Specifically, we observed PDs engaging in three kinds of beneficiary-related advocacy practices: (1) using verbal disclaimers, (2) distancing themselves from the system, and (3) enlisting an ally.

Using Verbal Disclaimers. Public defenders often use verbal disclaimers with clients before attempting advocacy with DAs to try to shape the optics of the PDs’ advocacy. Verbal disclaimers are defensive statements used in advance of discrepant behaviors to help prevent the emergence of problematic meanings. One PD explained, “I tell [the client], I’m going to talk to and joke with the DA... I have to deal with these people every single day. It doesn’t mean I’m not putting your interests first.” For example, we observed a PD meet in a preemptive space with a client, telling her that she knew the DA would ask for more time to prepare the case. The PD explained to the client that she would not object to the DA’s request because she

Table 4. Additional Examples of Beneficiary-Related Facilitators of Advocacy

Beneficiary-related facilitators of advocacy
Beneficiary absent
<ul style="list-style-type: none"> From field notes, [PD] explains that it's easier for her to talk with the DA when the client isn't in the courtroom. [PD] says that, when the client is present, the client's view into the courtroom from the holding area can negatively affect the impression that she makes with the client. PD: "With the client in the courtroom, I'm less [frequently acting like I'm] 'pals' with the DA."
Preemptive spaces
<ul style="list-style-type: none"> PD: "With every client, I always have to tell them, I'm going to talk to and joke with the DA, the court officers, the clerk, the judge. I have to deal with these people every single day. It doesn't mean I'm not putting your interests first ... But sometimes I don't have the opportunity to meet with them ... [When] there's no place for me to meet with the client ahead of time, that makes it (advocacy) a lot harder." From field notes, [PD] says that she would have liked to meet with the client before the proceedings to preview what she planned to do ... [That would have allowed her to] make sure that the client didn't get the wrong idea about her [working closely with] the DA.
Community loyalty activities and assumptions
<ul style="list-style-type: none"> PD who has participated in community loyalty activities: "Because people know [our office], they know ... I'm working for them. Every one of [the community members] is going to say, 'Who is that [in court]?' [And they'll recognize it's our office] and say, 'That's the best lawyer ...!'" PD who has participated in community loyalty activities: "Most of us don't go into public service to be rich. We have given, almost literally, the shirts off our backs [to our clients] ... [The community activities we do] are part of this ... [Our clients] just know that we'll help them."

could use it as leverage to get the client released home on bail. From our field notes:

The PD is meeting with the client down in lockup. The PD informs the client, "The DA is going to ask for a continuance. He's not ready [to present evidence for the probable cause hearing]. I'm going to say to him, 'You agree to let my client out [on bail on personal recognizance], and I'll agree to whatever [future probable cause] date you want.' The judge is going to grant [the DA] the continuance either way, [so I won't be giving up anything by agreeing to whatever future probable cause date the DA wants], but this way, we get you out [and home]."

Distancing Themselves from the System. We also frequently observed PDs using distancing tactics to reinforce their claim that they are not covertly serving the interests of a system in which their clients are fundamentally disadvantaged. For example, we saw PDs align themselves with their client (rather than with the system) by commenting, "Before we walk the plank ..." or "Let's go walk the plank" during meetings in preemptive spaces. In one probable cause hearing we observed (a proceeding after a criminal complaint has been filed by the DA to determine whether there is enough evidence to support the initial criminal charges), the PD distanced himself from the system in an interaction with a client by denigrating the DA for not following court protocol. From field notes,

The client is out on bail and in court for a probable cause hearing. The DA needs to present a drug certification for the case to move forward, but the drug certification is still not ready. During a court break, the PD meets with the client in a courtroom meeting room and explains that she plans to use this opening

to ask the DA for reduced bail. [PD] says to the client: "The DA is trying to pull some procedural funny business ... I'm going to ask for a reduced bail [from \$5,000 to \$2,500] because, otherwise, this entire process looks slanted against you."

Enlisting an Ally. Finally, PDs sometimes enlist an ally in their interactions with clients in preemptive spaces to counteract PD concerns that the client views PD advocacy as cooptation. Public defenders bring in other actors the client trusts, such as social workers, youth workers, trusted probation officers (POs), and other community representatives to help demonstrate to a client that the PD is making certain recommendations because the PD is advocating for the client rather than serving the interests of the system.

In one example, the PD told us that she knew the DA would ask for more time to prepare the case. As in the advocacy opportunity just described, the PD wanted to allow the DA's request because she could use it as leverage to get the client's bail terms amended. Here, however, the PD knew the client was concerned about how long the case was taking and thought that the case should be dropped because the DA was having difficulty finding witnesses. The PD told us that asking for a continuance was not grounds for dismissal, but she was concerned that her client did not trust her or the system of which she was a part. The PD asked a social worker who had previously helped the client to meet with the PD and the client together. From field notes,

The PD and social worker meet with the client in a courtroom meeting room. The client says to the PD, "Why isn't this case dismissed?! It's been 100 days!" The PD replies that such a delay is not the standard for

having a case dismissed. The client replies, “But no face, no case,” meaning the DA does not have any witnesses who will testify. The PD looks to the social worker and replies, “I know. I know you keep saying that because no witnesses have shown up in court yet. But the only day they’re required to show up is the trial date. Not these other court dates.” As the PD is explaining this to the client, the social worker is nodding in agreement.

The PD explains that because a codefendant has a new lawyer, the case will be delayed even further, but the PD has a legal strategy for the next steps. Given the delays in the case, and the client’s good standing in the court (by showing up to every court date), the PD is going to ask the DA to amend the client’s bail terms to personal recognizance, which would return the \$500 cash bail to the client.

Additional examples of these beneficiary-related advocacy practices are outlined in Table 5.

Back and Forth Between Beneficiary- and System-Related Advocacy

Now that we have described each of the key elements of Figure 1, we explain two opportunities in detail to

demonstrate the back-and-forth character of the PDs’ triadic advocacy work process (Figures 3 and 4). In the first opportunity, the PD attempted to advocate with the DA on behalf of the client; in the second opportunity, the PD did not. In both opportunities, the PD engaged in a back-and-forth process of triadic advocacy work, managing client impressions on the one hand and the need to influence the DA on behalf of the client on the other.

In the first example, depicted in Figure 3, the client was charged with assault and battery on public transportation, and the PD hoped to advocate with the DA to dismiss one of the charges and allow the client to do community service instead of serving a criminal sentence. The PD expressed that he knew the DA would ask for a continuance because the DA forgot to file the paperwork required to get the prosecution’s witnesses to court that day to support the charges. To attempt to advocate with the DA to dismiss one of the charges for the client’s benefit, the PD said he would help the DA’s work flow smoothly by not objecting to the continuance.

As a precursor, the PD assessed the DA as open to advocacy. “This DA isn’t that bad to work with. My

Table 5. Additional Examples of Beneficiary-Related Advocacy Practices

Beneficiary-related advocacy practices

Using verbal disclaimers

- From field notes, The PD is meeting with the client in lockup. She explains the argument she’s going to make for bail as well as what is going to happen in court. She explains the logic of the upcoming case and explains why she is putting off scheduling a future court date for the moment. She says to the client, “You’re going to think I’m lazy and not doing anything. But just know, I’m *not* lazy, and *(still)* I’m not doing anything.” She explains that this delay tactic may be helpful to the client in the event of a trial.
- From field notes, The PD says to the client, “You might have seen me chatting around the court ... You find out a lot in the margins, find out about people’s moods and attitudes (which can be helpful in determining an advocacy strategy).”

Distancing themselves from the system

- From field notes, The PD is meeting with the client in the lockup adjacent to the courtroom. He shows the client a document. The PD says, “This is a federal [criminal] record. It’s not very organized. Or easy to read. Of course, why should we expect the federal courts to be any more organized than our courts?!”
- From field notes, The PD is meeting with the client in a courthouse conference room and going over the intake form [new client] with the client. The court officer comes into the conference room and says, “Are you ready for trial? The judge is ready to hear the case.” The PD asks for 90 more seconds to ask the client a few more questions. The court officer leaves, and the PD says to the client, “I would rather take the time now to gather the information [from you], rather than being rushed. A lot of the time, [the court] tries to rush you, and people do a half-assed job.”

Enlisting an ally

- From field notes, The PD has a client who violated his probation by smoking marijuana. The PD met with the PO to find out what the client’s options were for remedying the violation, and the PO outlined some potential community service options. The PD asked the PO to meet with her and the client so that, together, they could present the community service options to the client. We’re in the hallway, and the PO is here now. The client is reluctant to agree because the process is demoralizing—he would have to wear a bright-colored vest and collect trash along the side of the highway. The PD and PO both express, “We know it’s a silly exercise, but this will help improve your image in front of the court.” The client agrees to additional community service.
 - From field notes, The PD is assigned a new client and is able to talk with the client’s social worker to get up to speed on the case and the client’s life. The PD says to the social worker, “It sounds like [the client] was honest with you [about his drug addiction struggles].” The social worker replies, “Oh yeah, we have a good relationship back and forth. He has a job [now], I’m very proud of him.” The PD asks the social worker to stay when the PD meets the client for the first time. The client arrives to the courthouse conference room and the PD greets the client with the social worker. In an earlier interaction with his PO, the client had agreed to admit to a probation violation and go into custody. However, the PD wants to try a different approach that would keep the client out of custody. The PD says, “I know we’re ... already on a train [of agreeing to a probation violation], but I think I can get us ... on a better train.” The PD looks at the social worker briefly and then continues, “I have to say this now. I would be remiss if I didn’t say this. I can’t in good conscience let you agree to those terms [you set with your PO].”
-

Figure 3. Specific Example of Triadic Advocacy Work in Which the PD Attempted to Advocate with the DA

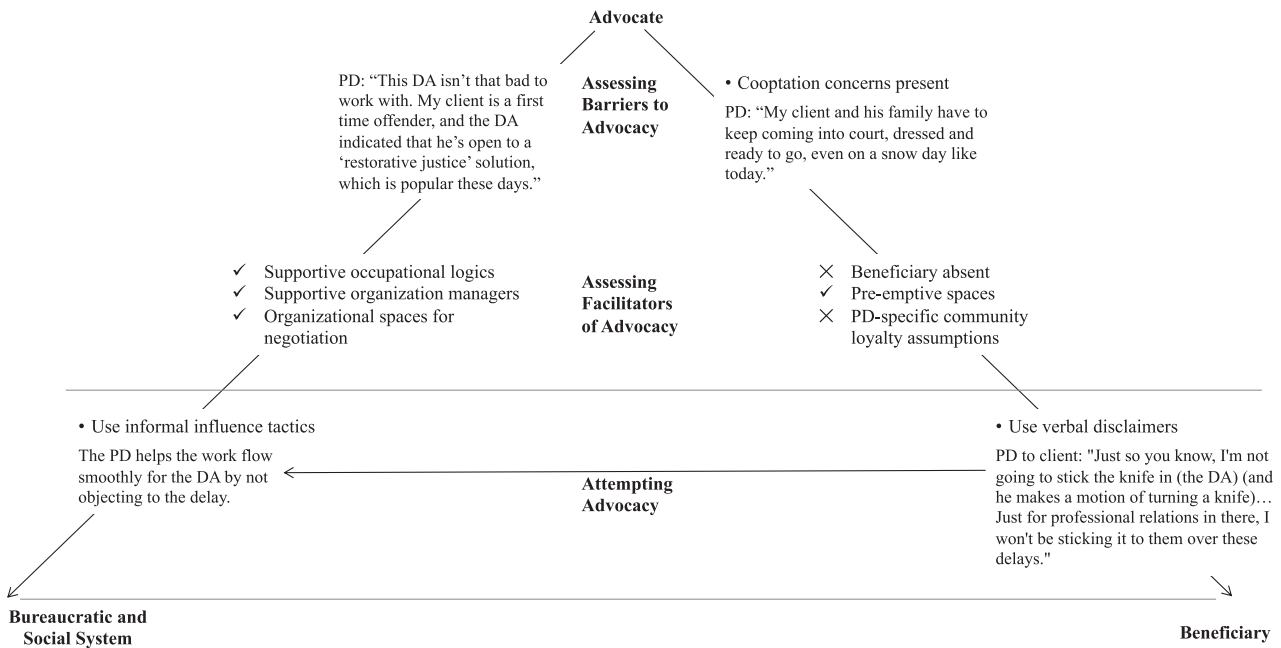
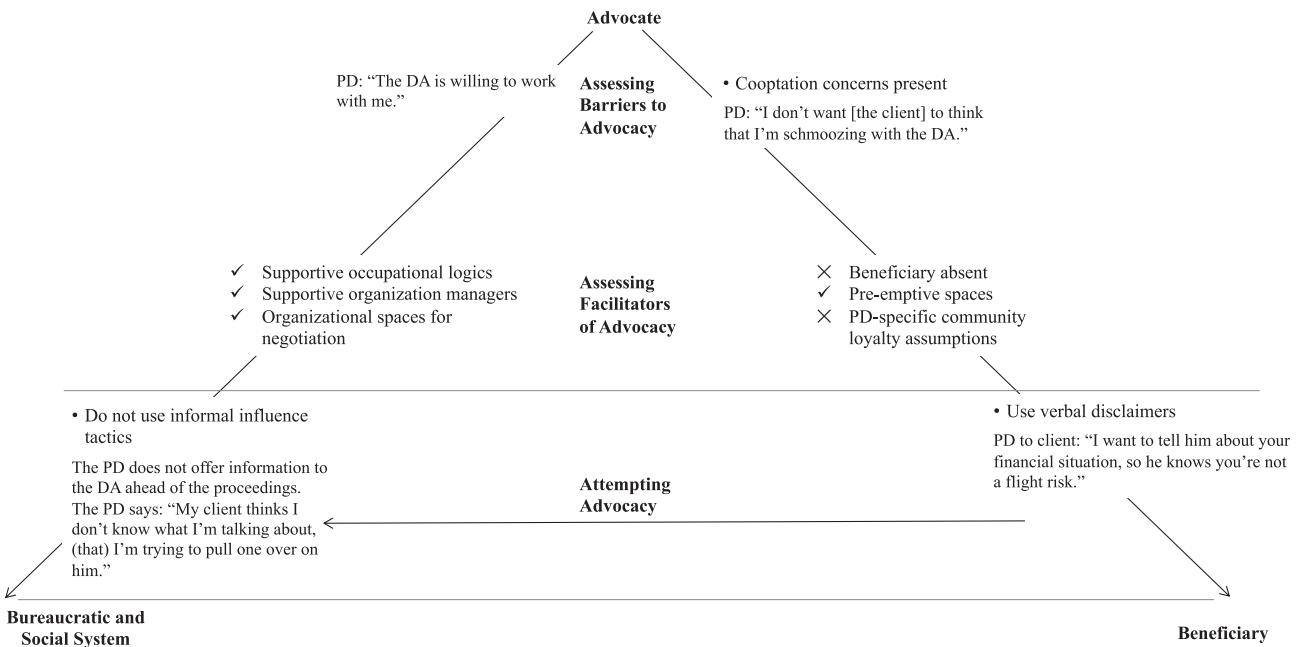


Figure 4. Specific Example of Triadic Advocacy Work in Which the PD Did Not Attempt to Advocate with the DA



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client is a first-time offender, and the DA indicated that he's open to a 'restorative justice' solution, which is popular these days." Yet the PD also assessed three sources of potential cooptation that the client could perceive. The PD related that he was concerned with several issues. First, the client was a first-time offender with no personal experience with the criminal justice system. The client came from an immigrant community, however, so he was likely mistrustful of the system because of a history of discrimination. Second, the client did not trust that the PD was sincerely trying to help him. Multiple delays had plagued the case, and the PD had not been able to accommodate the client's family obligations (PD dependence on the system). Finally, the client could view the PD agreeing to another delay in the case as evidence that the DA had coopted the PD—the delay appeared to favor the DA and the DA's schedule over the client's needs (negative optics of an informal influence tactic).

The client would be in the courtroom for the proceedings; therefore, the PD had "to think about how agreeing to a continuance is going to look to [the client]." The PD related to us, "My client and his family have to keep coming into court, dressed and ready to go, even on a snow day like today." There was a courtroom meeting room (preemptive space) available in which the PD could meet with the client before the proceedings. The PD engaged in beneficiary-related advocacy work (verbal disclaimers) to manage the client's impressions before attempting to informally influence the DA:

PD is meeting with the client in a courtroom meeting room before the case is called. PD says, "We're surfing, we're riding the wave. We're playing the clock... [The DA] is claiming the police weren't properly summoned [to be in court today]. Just so you know, I'm not going to stick the knife in [the DA] [he makes a motion of turning a knife]...just for professional relations in there, I won't be sticking it to him over these delays." The PD says that he hopes that this will lead the DA to accept a benefit to the client around the motion to dismiss one of the charges.

During the court proceedings, the judge asks if the hearing for the motion to dismiss is ready to go forward. The DA hesitates and explains how his office failed to summon the police officers to testify against the motion to dismiss. The PD does not object to the delay. The judge agrees to the DA's request to delay the hearing to another date. The client and his family will have to appear in court again.

After the hearing, the PD submits to the record his legal argument for a motion to dismiss the charges against his client. The DA does not object.

Later, the PD tells me, "The DA had to be in a defensive posture, wanting to appear cooperative [after the

PD did not object to the additional delay in the case]. Now [the legal grounds for the motion to dismiss the charge] constitutes a formal record of evidence, it's not just my opinion or legal argument."

In this first advocacy opportunity, after engaging in a back-and-forth process—managing impressions with the client on the one hand and the need to influence the DA on behalf of the client on the other—the PD ultimately attempted to advocate with the DA on behalf of the client.

In the second advocacy opportunity, the PD ultimately did not attempt advocacy with the DA. In this second opportunity, a financial crimes case depicted in Figure 4, the PD hoped to advocate with the DA to get the client a reduced cash bail with a GPS monitor. To do this, the PD said he would like to provide information to the DA about the client's financial situation (offering information). Because the client had few financial resources, it would be difficult for the client to flee the country and finance a new life.

The PD assessed the DA as open to advocacy, saying, "The DA is willing to work with me..." Yet the PD also assessed three sources of potential cooptation that the client could perceive. The PD related that he was concerned with several issues. First, the client was a repeat offender, therefore, he had personal experience with the criminal justice system and was already mistrustful (history of discrimination). Second, the client did not trust that the PD was sincerely trying to help the client because the case had been plagued by delays (PD dependence on the system). Third, the PD offering information to the DA could lead the client to perceive that the PD was "schmoozing with the DA" because it would require the PD to interact closely with the DA before the case was called.

The client would be present in the courtroom for the proceedings and so would see the PD interacting with the DA. A private room was available in the lockup area (preemptive space) in which the PD could meet with the client before the proceedings. The PD engaged in beneficiary-related advocacy work (verbal disclaimers) to manage the client's impressions before attempting to informally influence the DA. The PD told the client, "I want to tell her about your financial situation, so she knows you're not a flight risk."

However, the PD left the meeting feeling as if his client still did not trust him. As such, the PD did not attempt to informally influence the DA by offering information about the client's financial circumstances. When we later asked the PD why he had not attempted to advocate with the DA, the PD explained, "My client thinks I don't know what I'm talking about, [that] I'm trying to pull one over on him." We regularly observed examples of PDs engaged in this

triadic advocacy work as they attempted to manage both impressions with their clients on the one hand and their need to influence the DAs within their system on behalf of these clients on the other.

Discussion

Triadic Advocacy Work

Prior research on advocacy work focuses primarily on the dyadic relationship between advocates and their larger bureaucratic and social systems and assumes that advocates have little need to satisfy their own beneficiaries. Our analysis shows otherwise. In the present paper, we demonstrate how the concept of triadic advocacy work adds an important nuance to the current literature's understanding of advocacy inside public service organizations on behalf of extremely disadvantaged members of society. Here, we expand our discussion of the concept of triadic advocacy work to explore how it can inform our understanding of advocacy work in private organizations, in organizational fields, and in public service organizations as well as our understanding of advocacy work on behalf of both less disadvantaged and extremely disadvantaged group members.

Ironically, advocates' engaging in advocacy work within the system on behalf of beneficiaries can lead to mistrust on the part of the very beneficiaries the advocates are assisting. Understanding how advocates navigate this tension is vital to understanding beneficiary outcomes. Three key theoretical implications follow from our model.

Barriers to Advocacy: Cooptation Concerns

Much research on advocacy work depicts that well-intentioned advocates are often thwarted in pursuing benefits for disadvantaged group members because of system-related barriers to advocacy, such as inadequate resources (e.g., Lipsky 1980, 2010; Mair and Marti 2009; Mair et al. 2012), constraining rules and logics (e.g., Heimer 1992, 1999; Canales 2011, 2014), and powerful actors who resist advocacy overtures (e.g., Martin et al. 2009, Currie et al. 2012, Currie and Spyridonidis 2016). Nevertheless, despite extensive and granular depictions of system-related barriers, the extant literature assumes that advocates have little need to navigate barriers related to their own beneficiaries (see Hupe et al. 2015, Amis et al. 2017, Hampel et al. 2017 for recent reviews). Sometimes, the literature implicitly assumes that relationships between advocates and beneficiaries are collaborative or that beneficiaries have the chance to speak with their advocates; other times, this literature explicitly suggests that advocates have "nothing to lose by failing to satisfy clients" (Lipsky 1980, p. 55).

Our study suggests otherwise. We show that, in situations in which advocates engage in advocacy on behalf of disadvantaged beneficiaries, advocates may limit themselves out of worry about how their efforts will be perceived by beneficiaries. Advocates' concerns arise from three sources: (1) the advocate's dependence on the system, (2) the problematic optics of interactions between advocates and more powerful targets, and (3) the history of discrimination for many disadvantaged group members.

Cooptation Concerns Related to Advocate Dependence on the System.

We find that, because advocates depend on the organizations that employ them for their livelihoods and careers—rather than on the beneficiaries for whom they are advocating—they may be concerned about appearing insufficiently independent from the system. This concern about appearing to be coopted in the eyes of disadvantaged groups may explain the tension between advocates and beneficiaries reported by Canales (2011) about microfinance loan officers, DiBenigno (2018) about army behavioral health officers, Kellogg (2014) about inner-city community health workers, and Scully and Segal (2002) about employee activists.

This same concern may arise in instances of issue selling (Ashford 1998, Ashford et al. 1998). In addition to issue sellers' concerns with how top management targets of their influence might perceive them and their efforts (e.g., Dutton et al. 2002, Howard-Grenville 2007, Ashford and Detert 2015), our study suggests that issue selling advocates may moderate their efforts out of concern that their *beneficiaries* view them as insufficiently independent economically to be trustworthy.

Cooptation Concerns Related to the Optics Between Advocates and Targets.

In prior studies of social enterprises (Pache and Santos 2010, Battilana et al. 2015), personnel officers (Dobbin and Kelly 2007, Dobbin et al. 2015, Dobbin and Kalev 2019), and social workers (Heimer and Stevens 1997), the authors attribute advocates' failed advocacy attempts in part to advocates' lower resources or authority than their higher power targets. Our study suggests that advocates' lack of success may also stem from advocates limiting their own advocacy attempts because of problematic optics.

Our findings even raise the possibility that lower power occupational group members may themselves limit their use of upward influence tactics, such as offering information (e.g., Silbey et al. 2009, Truelove and Kellogg 2016), helping the daily work flow smoothly (Perlow 2003, Wiedner et al. 2017), providing emotional labor (Wiedner and Mantere 2018), and offering scutwork to higher power occupational

group members (Kellogg 2014, Huising 2015). Alongside resistance from higher power groups, the lower power groups may soft pedal their own efforts out of concern that such tactics might negatively affect the impressions of valued third parties on whose behalf the lower power occupation members are attempting influence.

Cooptation Concerns Related to a History of Discrimination. A third beneficiary-related barrier to advocacy stems from beneficiaries' history of discrimination. Because prejudice and discrimination are a social reality, many beneficiaries have become suspicious of dominant group members' motives and behaviors, including those of their advocates. Thus, advocates may worry that their beneficiaries assume the system has nominated advocates who are incompetent, prejudiced, or covertly serving dominant society member interests.

We highlight advocates' concerns about the potential mistrust of beneficiaries because a history of discrimination for many disadvantaged group members helps us better understand prior advocacy work studies such as those of Maynard-Moody and Musheno (2003), Currie and Spyridonidis (2016), and Brodtkin (2011). In these studies, the authors attribute advocates' occasional lack of success in part to the absence of occupational logics or organizational structures that support advocacy. Our study demonstrates that advocates' lack of success may also stem from advocates' limiting their advocacy attempts because of the beneficiary-related barrier of a history of discrimination. Specifically, police officers, teachers, and counselors in Maynard-Moody and Musheno's (2003) street-level bureaucracies, chronic heart failure nurses in Currie and Spyridonidis' (2016) community practices, and caseworkers in Brodtkin's (2011) welfare agency may have limited their advocacy attempts in part because advocates are concerned that using the system's own logics to advocate with targets leads their own beneficiaries to assume that the system nominates advocates who are prejudiced against beneficiaries or covertly serving dominant society member interests.

This cooptation concern related to a history of discrimination contributes to our understanding of negotiating on behalf of others as well as to our understanding of street-level bureaucracy and institutional work. Scholars of negotiating on behalf of others show that agents may be constrained in their ability to create and claim value for their side effectively because of the optics of conciliatory gestures required for advocacy (e.g., Kolb 1983, Cutcher-Gershenfeld and Watkins 1999, Kochan et al. 2011). Our findings extend this literature by suggesting that agents may be particularly concerned about these

problematic optics when constituents are members of a disadvantaged group. We show that, because prejudice and discrimination are a social reality, agents may be concerned that disadvantaged constituents have developed a suspicion of all dominant group members' motives and behaviors.

Preemptive Spaces and Community Loyalty

We also contribute the insight of triadic rather than dyadic facilitators of advocacy. Our findings complement scholarship on street-level bureaucracy and institutional work, which reveal how advocacy is enabled by factors such as occupational logics and negotiation spaces that facilitate advocates' agency vis-à-vis their larger bureaucratic and social system (Evans 2010, McPherson and Sauder 2013, Canales 2014, Battilana et al. 2015, Martin et al. 2017). Our study demonstrates the importance of two factors that facilitate advocates' work relative to beneficiaries, preemptive spaces and community loyalty activities and assumptions. Both of these facilitators allow advocates to manage the impressions of their beneficiaries before engaging in influence tactics with powerful targets.

Preemptive Spaces. We demonstrate that preemptive spaces can be critical to advocacy attempts because they allow advocates to manage potentially fraught relationships with beneficiaries. Highlighting the importance of preemptive spaces helps us better explain prior advocacy work studies, such as those of Canales (2014), Battilana et al. (2015), Piore (2011), and Rowe (2012). In these studies, the authors highlight the importance of organizational spaces that allow for interactions among advocates; these spaces permit advocates to share their tacit knowledge (Piore 2011, Rowe 2012) or to negotiate disagreements between spirit-of-the-law advocates and letter-of-the-law rule enforcer advocates (Canales 2014, Battilana et al. 2015). The authors suggest that the absence of such organizational knowledge-sharing and negotiation spaces helps explain cases of less successful advocacy. Our study suggests that another type of space is comparably crucial: space for interactions *between* advocates and their beneficiaries. We show that these preemptive spaces allow advocates to manage beneficiaries' impressions before engaging in influence tactics with more powerful targets that the beneficiaries could negatively misinterpret. The organization we studied and many other public service organizations, such as community health centers, welfare offices, daycare centers, emergency rooms, food pantries, halfway houses, and employment centers, are often characterized by a lack of such readily available preemptive spaces.

In addition to being useful to scholars of advocacy work, our insight about the importance of preemptive

spaces could be useful for scholars who study the importance of free spaces in organizational and institutional change. These scholars suggest that organizational spaces that allow for interaction among less powerful group members apart from everyday activity can support change by facilitating the questioning of traditional activities and developing new activities (e.g., Kellogg 2009; Zietsma and Lawrence 2010; Howard-Grenville et al. 2011; Bucher and Langley 2016; Wiedner et al. 2017, 2020). Our findings highlight how a different kind of space—a preemptive space—can be useful. We demonstrate that preemptive spaces allow for interaction between advocates and beneficiaries apart from everyday activity and support change by facilitating advocates' preemptive management of beneficiaries' potential negative impressions. Preemptive impression management can allow advocates to later feel comfortable engaging in actions on behalf of beneficiaries that have the potential to be read as advocates' cooptation by dominant group members.

Community Loyalty Activities and Assumptions. We also demonstrate the importance of advocates building credibility with beneficiaries by engaging in what we call community loyalty activities: activities that allow actors to demonstrate their commitment to third-party audiences before engaging in influence tactics with more powerful targets that beneficiaries could negatively misinterpret. We find that participating in community loyalty activities can facilitate advocates' willingness to attempt advocacy within their bureaucratic and social systems. When advocates believe that they have demonstrated loyalty to their beneficiaries' communities, they may feel freer to engage in influence behaviors that have the potential to look like cooptation to their disadvantaged beneficiaries.

Prior studies point to the importance of community-based advocacy work (e.g., Tracey et al. 2011, Mair et al. 2012, Lawrence and Dover 2015, Smith and Besharov 2019). However, studies such as these ignore a possible additional purpose of such work: that advocates may engage in community loyalty activities to help them address conflicting, unequal, and fraught relationships with their beneficiaries. We demonstrate that the need for advocates to engage in such community loyalty activities may make it doubly difficult for advocates to navigate their work. Not only must advocates manage with few resources and the constraining rules of the system, but they must also navigate and bridge the more significant societal gap of inequality in winning the trust of their beneficiaries. This need is so critical that advocates may start trying to bridge that gap by doing community work. By doing so, they demonstrate sufficient loyalty to the beneficiary community and potentially ward off negative interpretations of their

system-directed advocacy work. Engaging in community loyalty activities can enable advocates to feel covered to engage in advocacy work that the beneficiary could interpret negatively. Even though particular beneficiaries may not be aware of their advocate's community work, engaging in this community work may serve to reassure advocates themselves that they have some reputational credit that they can spend.

Our insight about the importance of community loyalty activities could be useful for scholars who study the importance of communities in institutional entrepreneurship (see Marquis et al. 2011, Jennings et al. 2013 for reviews) in addition to scholars of advocacy work. These studies significantly reference the need for institutional entrepreneurs to manage community stakeholders who control important resources (e.g., Dorado and Ventresca 2013, Howard-Grenville et al. 2013, Marti et al. 2013, Phillips et al. 2013). Our study suggests that behavior that deviates from one or another party's expectations—akin to institutional entrepreneurs'—may benefit from preemptive efforts to explain those impending deviations.

Beneficiary- and System-Related Advocacy Practices

Finally, we contribute a model of triadic rather than dyadic advocacy practices. Scholars show that advocates can attempt advocacy within their bureaucratic and social systems by using rules and logics creatively (e.g., McPherson and Sauder 2013, Currie and Spyridonidis 2016) and using informal influence tactics with more powerful actors (e.g., Lawrence et al. 2009, Canales 2014). This current literature focuses on advocacy as a dyadic exchange between advocates and their organizations (or between advocates and powerful actors within these organizations) and takes interactions between advocates and beneficiaries for granted or treats them as a simple structural fact. As such, the literature largely overlooks the possibility that interactions between advocates and their beneficiaries may also affect whether and how advocates attempt to gain benefits for their beneficiaries.

We demonstrate that, in situations in which beneficiaries come from disadvantaged groups, advocates are likely to engage in beneficiary-related advocacy practices. To prevent disadvantaged beneficiaries from negatively interpreting advocate interactions with powerful actors within the bureaucratic system as cooptation, advocates may attempt to manage the beneficiaries' impressions by using three key practices: verbal disclaimers, distancing themselves from the system, and enlisting allies.

Using Verbal Disclaimers. We find that advocates may use verbal disclaimers with beneficiaries, explaining in advance the reasoning behind their planned

interactions with powerful actors and in situations in which beneficiaries could negatively misinterpret these planned interactions. Advocates may hope that verbal disclaimers help minimize the negative optics associated with advocacy attempts, such as offering information, providing emotional labor, helping the work flow smoothly, or performing scutwork for more powerful targets.

Highlighting the advocacy practice of using verbal disclaimers helps us better explain prior advocacy work studies such as those of McPherson and Sauder (2013), Zilber (2002, 2013), and Martin et al. (2017). These authors describe how advocates use the system's own logics with others inside their larger bureaucratic and social system organizations to help garner benefits for drug court clients, rape crisis victims, and patients at risk for inherited cancer. Our study suggests that, before using the system's own logics in their advocacy efforts, these advocates may have needed to use verbal disclaimers to manage the impressions of their own beneficiaries. Indeed, using the system's own logics with more powerful targets, beneficiaries could have otherwise negatively misinterpreted these actions as indicating cooptation.

PDs Distancing Themselves from the System. Another way that advocates may engage in beneficiary-related advocacy is by distancing themselves from the system, denigrating the system's rules or disparaging powerful actors working on the system's behalf. They may do this to demonstrate that they are not covertly serving the interests of a system in which their beneficiaries are disadvantaged.

Drawing attention to the advocacy practice of distancing themselves from the system helps us better explain prior advocacy work studies such as those of Heaphy (2013) and Heimer (1999). In these studies, the authors describe how advocates use the system's own rules with others inside their larger bureaucratic and social systems to help veterans, workers engaged in potentially hazardous work, and parents of babies in the NICU to access necessary resources. Our study suggests that, before leveraging the system's own rules in their advocacy efforts, these advocates may need to use verbal disclaimers to manage their beneficiaries' impressions because their planned actions could have otherwise been negatively misinterpreted.

Enlisting Allies. Finally, advocates may enlist allies—other actors whom the beneficiary trusts—to help advocates convince beneficiaries that a particular recommendation serves the beneficiary's interests even if it might appear otherwise. Bringing to light the advocacy practice of enlisting allies helps us round out prior studies of advocacy work, such as those of Ashford (1998), Ashford et al. (1998), Scully and Segal

(2002), and DiBenigno (2018). The authors of these prior studies relate that advocates enlisted powerful allies—top managers or army commanders—to help them gain resources for their advocacy work. We demonstrate that, in addition to enlisting allies, such as powerful managers, to help access resources, advocates may enlist a different set of allies to persuade their beneficiaries that their advocates are not coopted by higher power actors within the system.

Verbal disclaimers and distancing may serve a similar function for advocates as allies. Together, they serve as the other side of the coin to the methods advocates use to advance beneficiary interests within bureaucracies and with powerful authorities. These beneficiary-facing tactics license the advocacy tactics in the minds of advocates and provide them a sense of cover in the eyes of beneficiaries.

Boundary Conditions and Future Research

We expect that triadic advocacy work is most important in two organizational and institutional contexts that should be kept in mind when drawing on the concepts from this study. First, we are likely to see triadic advocacy work in situations in which advocates need to gain information from beneficiaries or persuade beneficiaries to accept their recommendations for an advocacy strategy. Second, we are likely to see triadic advocacy work in situations in which the advocates' work with powerful actors within their larger bureaucratic and social system is visible to their disadvantaged beneficiaries. Here, advocates are likely to be concerned about their beneficiaries' perceptions of cooptation by higher power actors.

It is likely that the kinds of influence dynamics we observed are present in other settings, and our setting allowed us to observe these dynamics in high relief. We faced two constraints, however, by studying advocacy in the context of public defense. First, the organization did not allow us to ask clients about their impressions of their PD or PD interactions with DAs because of concerns about clients' vulnerability. Second, we were forbidden from asking DAs about their interactions with PDs and their views of PD system-related advocacy because of attorney–client privilege. Although our lack of data on perceptions of powerful targets and disadvantaged beneficiaries are limitations, we believe that our work provides a good first step in highlighting the triadic character of advocacy on behalf of disadvantaged group members. This vital insight is missing from the current literature, and we hope that our study motivates the continued exploration of this insight in future work conducted in different settings.

In summary, whereas scholars elaborate upon the work that advocates do within their bureaucratic and

social systems to garner benefits for disadvantaged group members, our study elaborates the triadic—rather than dyadic—work that advocates may use to accomplish their goals. In situations in which the current system puts beneficiaries at a disadvantage, advocates may be concerned about perceptions of cooptation because of issues related to a history of discrimination for marginalized group members, advocate dependence on the system, and the problematic optics of interactions between advocates and more powerful actors within the system.

Advocacy work is critical to promoting societal values of welfare and equity and increasing human dignity for marginalized members of society, including the poor, immigrants, people of color, women, and unemployed workers. Yet advocates often fail to deliver on their promises for these populations in need. Paradoxically, advocates may worry that engaging in advocacy work within the system on behalf of beneficiaries may lead to mistrust on the part of the beneficiaries for whom they are advocating. As a result, advocates may engage in a back-and-forth process of triadic advocacy work. By understanding the concept of triadic advocacy work and the ways in which advocates manage fraught relationships with their beneficiaries while also navigating barriers within bureaucratic and social systems, we can better advance the rights and life chances of the historically disadvantaged.

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Summer Rachel Jackson is an assistant professor of organizational behavior at Harvard Business School. Her research uses ethnographic methods to study organizational inequality, social hierarchies, and related topics in the sociology of work and occupations. She earned her PhD in management from the economic sociology group at the Massachusetts Institute of Technology Sloan School of Management.

Katherine Cissel Kellogg is the David J. McGrath Jr. (1959) Professor of Management and Innovation at the Massachusetts Institute of Technology Sloan School of Management. She uses comparative ethnographic methods to study the changing nature of work and occupations and institutional change inside of professional organizations in response to external pressures.